



**BOISE CITY PLANNING & ZONING COMMISSION
HEARING MINUTES
March 8, 2021**

I. CALL TO ORDER

PRESENT: Squyres (Remote), Blanchard (Remote), Mohr (Remote),
Gillespie (Remote), Finfrock (Remote), Stead,
Schafer (Remote), Danley

ABSENT:

II. MINUTES ACCEPTANCE

1. Planning and Zoning Commission Minutes – February 1, 2021
2. Planning and Zoning Commission Minutes – February 8, 2021

III. CONSENT AGENDA

3. **CAR21-00004 / Penelope Constantikes**
2007 S Saturn Way
Rezone of 7.17 acres from C-1D (Neighborhood Commercial with Design Review) to C-3D (Service Commercial with Design Review).
David Moser

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob Schafer, Co-Chair
SECONDER:	Ashley Squyres, Commissioner
AYES:	Squyres, Blanchard, Mohr, Gillespie, Finfrock, Stead, Schafer, Danley
	UNANIMOUS APPROVAL TO PLACE ON CONSENT
	ALL IN FAVOR, MOTION CARRIED

CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE:)
 CAR21-00004 / PENELOPE CONSTANTIKES)
 2007 South Saturn Way)
)
 _____)

TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, MARCH 8, 2021

COMMISSIONERS PRESENT:

MEREDITH STEAD, CHAIR

BOB SCHAFFER, CO-CHAIR

ASHLEY SQUYRES

CHRISTOPHER BLANCHARD

JENNIFER MOHR

MILT GILLESPIE

JANELLE FINFROCK

CHRIS DANLEY

TRANSCRIBED BY:

VICTORIA HILLES

1 (Begin transcription at 0:33:21 of audio
2 file.)

3 INTRODUCTION

4 CHAIRMAN STEAD: The other item for
5 consideration on the consent agenda is Item No. 3.
6 This is CAR21-4, Penelope Constantikes, at 2007 South
7 Saturn Way. This is a rezone of 7.79 acres.

8 Is the applicant present?

9 And are you in agreement with the terms
10 and conditions of the staff report?

11 Great. Let the record show that they are.

12 NEIGHBORHOOD ASSOCIATION

13 N/A

14 PUBLIC TESTIMONY

15 CHAIRMAN STEAD: Is there anybody present
16 tonight that would like to testify in opposition of
17 this item tonight?

18 Please virtually raise your hand.

19 Okay. Seeing -- oh, there is a hand up.

20 Ryan, we're going to go ahead and un-mute
21 you.

22 Are you here to testify in opposition of
23 Item No. 3?

24 RYAN ZUMALT: Sorry, Madam. Hold on. I'm just
25 pulling that up. I'm -- 3...

1 CHAIRMAN STEAD: It's the -- it's CAR21-4 at
2 2007 South Saturn Way, the rezone.

3 RYAN ZUMALT: The rezone, yes, for -- oh, Saturn
4 Way. No. I'm sorry.

5 I'm waiting for Allumbaugh and Springtree.

6 CHAIRMAN STEAD: Okay. Okay. So seeing no
7 opposition to the item.

8 We will place Item 3 on the consent
9 agenda.

10 REBUTTAL

11 N/A

12 MOTIONS

13 CHAIRMAN STEAD: And the Chair will entertain a
14 motion.

15 CO-CHAIRMAN SCHAFER: Madam Chair.

16 CHAIRMAN STEAD: Commissioner Schafer.

17 CO-CHAIRMAN SCHAFER: I move to approve Item
18 No. 3 on the consent agenda.

19 CHAIRMAN STEAD: And the minutes.

20 CO-CHAIRMAN SCHAFER: And the minutes from our
21 previous meeting.

22 COMMISSIONER SQUYRES: Second.

23 CHAIRMAN STEAD: Great. We had a second from
24 Commissioner Squyres.

25 ///

1 ROLL CALL

2 CHAIRMAN STEAD: Will the clerk please call the
3 vote.

4 THE CLERK: Stead.

5 CHAIRMAN STEAD: Aye.

6 THE CLERK: Schafer.

7 CO-CHAIRMAN SCHAFFER: Aye.

8 THE CLERK: Squyres.

9 COMMISSIONER SQUYRES: Aye.

10 THE CLERK: Blanchard.

11 COMMISSIONER BLANCHARD: Aye.

12 THE CLERK: Mohr.

13 Oh, Mohr, I think you're muted.

14 COMMISSIONER MOHR: Aye.

15 THE CLERK: Gillespie.

16 COMMISSIONER GILLESPIE: Aye.

17 THE CLERK: Finfrock.

18 COMMISSIONER FINFROCK: Aye.

19 THE CLERK: Danley.

20 COMMISSIONER DANLEY: Aye.

21 THE CLERK: All in favor. Motion carries.

22 (End transcription at 0:35:46 of audio
23 file.)

24 -oOo-

25

IV. NEW BUSINESS

1. **CAR21-00001 / Marianne Dick**
DEFERRED FROM MARCH 1, 2021

121 S Springtree Ln

Rezone of 1.75 acres from R-2 (Medium Density Residential – 14.5 units/acre) to R-3D (Multi-Family Residential with Design Review – 43.5 units/acre). *Ethan Mansfield*

PUD21-00003 / The Architects Office, PLLC

DEFERRED FROM MARCH 1, 2021

121 S Springtree Ln

Conditional use permit for a planned residential development comprised of 39 multi-family units on 1.75 acres in a proposed R-3D (Multi-Family Residential with Design Review – 43.5 units/acre) zone. A request to exceed the maximum allowed parking is included. *Ethan Mansfield*

RESULT:	APPROVED (PUD21-00003) AND RECOMMENDED APPROVAL (CAR21-00001) [UNANIMOUS]
MOVER:	Milt Gillespie, Commissioner
SECONDER:	Ashley Squyres, Commissioner
AYES:	Squyres, Blanchard, Mohr, Gillespie, Finfrock, Stead, Schafer, Danley ALL IN FAVOR, MOTION CARRIED

1 CITY OF BOISE PLANNING AND ZONING COMMISSION

2

3 IN RE:)

4 CAR21-00001 / MARIANNE DICK)

5 and)

6 PUD21-00003 / THE ARCHITECTS OFFICE, PLLC)

7 121 South Springtree Lane)

8 _____)

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10

11 TRANSCRIPT OF RECORDED PUBLIC HEARING

12 MONDAY, MARCH 8, 2021

13

14 COMMISSIONERS PRESENT:

15 MEREDITH STEAD, CHAIR

16 BOB SCHAFFER, CO-CHAIR

17 ASHLEY SQUYRES

18 CHRISTOPHER BLANCHARD

19 JENNIFER MOHR

20 MILT GILLESPIE

21 JANELLE FINFROCK

22 CHRIS DANLEY

23

24 TRANSCRIBED BY:

25 VICTORIA HILLES

26

1 (Begin transcription at 0:36:33 of audio
2 file.)

3 INTRODUCTION

4 CHAIRMAN STEAD: Okay. So now we're on to Item
5 No. 1. This is CAR21-1 for Marianne Dick. This is a
6 deferred project from March 1st, 2021 -- also includes
7 PUD21-3, The Architects Office, at 121 South
8 Springtree Lane, a rezone of 1.75 acres and a
9 conditional-use permit for a planned residential
10 development.

11 We'll start with staff.

12 Mr. Mansfield, please.

13 ETHAN MANSFIELD: Oh, sorry about that,
14 everybody.

15 Thanks, Madam Chair, Commissioners.

16 The next item before you this evening is a
17 request to rezone about 1-and-3-quarters acres from
18 Medium Density Residential with Design Review Overlay
19 to High Density Residential with Design Review Overlay
20 to accommodate a 42-unit planned residential
21 development located at 121 South Springtree Lane.

22 The applicant is also requesting to exceed
23 the maximum allowed parking by 8 spaces for a total of
24 61 parking spaces.

25 The development is located on the
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1 southeast corner of Franklin Road and Allumbaugh Way
2 and is surrounded by residential and medical office
3 uses. The Boise Towne Square Regional Activity Center
4 is less than 1 mile to the west.

5 The rezone is consistent with the
6 Comprehensive Plan, as the site is designated Mixed
7 Use on the Land Use Map, and numerous goals and
8 principles support dense development along major,
9 arterial roadways near transit and existing services.

10 It is also in the best interest of the
11 general welfare, as the additional multi-family units
12 will undoubtedly relieve competitive pressure on the
13 existing multi-family housing stock, moderating the
14 increase in rental prices caused by a lack of supply.

15 Finally the rezone preserves compatibility
16 with the surrounding area by providing a predictable
17 transition between Franklin Road and the
18 medium-density, residential development to the south.

19 Because of the site's unique location and
20 the fact that a PUD of any greater intensity would
21 require approval of the Planning and Zoning
22 Commission, the planning team suggests that a
23 development agreement is unnecessary in this
24 situation.

25 The development also complies with the
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1 Planned Unit Development Standards. Access is
2 provided via Springtree Lane, a private drive located
3 along the eastern border of the site. This allows
4 buildings to be constructed along major street
5 frontages with parking located interior to the site.

6 Pedestrian circulation through the site
7 will be provided through a network of 7-foot-wide
8 pathways. Compliance with the city-wide Design
9 Standards will be ensured through a Design Review
10 permit.

11 A significant number of
12 late-correspondence items expressing opposition to the
13 project was received by the planning team. You'll
14 probably hear testimony tonight regarding increased
15 traffic woes and increased demand for parking and
16 that this proposal includes too many units.

17 In light of these comments, it is worth
18 considering a few elements of the proposal. First,
19 the Ada County Highway District indicated that the
20 traffic generated by this proposal would not be unduly
21 burdensome to the transportation network. The
22 development is located on the northern edge of the
23 neighborhood along an arterial roadway -- not within
24 the neighborhood itself. It is also bordered on
25 nearly four sides by roadways.

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1 Both the applicant and many commenters
2 recognize that on-street parking is relatively
3 nonexistent surrounding the site. To remedy the
4 potential negative impacts to the surrounding
5 properties regarding parking, the planning team is
6 recommending an allowance to exceed the maximum
7 parking by 8 spaces for a total of 61 spaces or about
8 1-and-a-half spaces per unit.

9 In addition many of the comments suggested
10 that an office use would be more suitable in this
11 location. However a 2001 rezone that established the
12 surrounding development south of Franklin Road
13 designated this site as R-2D, suggesting that this
14 site was slated for residential development from its
15 inception.

16 Finally it is important to remember that
17 the City cannot and does not enforce agreements
18 between private parties.

19 The planning team maintains a
20 recommendation of approval for CAR21-01 and PUD21-03.
21 As a reminder, the Commission makes the final decision
22 on the PUD and a recommendation to City Council on the
23 rezone.

24 Thank you. And I'll stand for any
25 questions.

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1 CHAIRMAN STEAD: Thank you, Ethan.

2 Next we'll hear from the applicant. We
3 will start with 10 minutes.

4 Just give us a moment to switch over the
5 technology here.

6 MARIANNE PAYNE: 10 minutes.

7 CHAIRMAN STEAD: Okay. It looks like we have
8 John Price ready to go.

9 Please start with your name and address.

10 JOHN PRICE: [Unintelligible].

11 MARIANNE PAYNE: Oh, this is Marianne Payne, and
12 John Price is here attending the meeting with me as
13 well.

14 CHAIRMAN STEAD: Perfect. Whoever is going to
15 kick it off, just start with your name and address.
16 And then if you switch speakers, do the name and
17 address again, please.

18 MARIANNE PAYNE: Well, this is Marianne Payne.
19 My address is 6105 West Franklin Road in Boise.

20 What's happening?

21 CHAIRMAN STEAD: Whenever you're ready.

22 MARIANNE PAYNE: Okay. So I am the developer of
23 the project. I've been developing multi-family
24 projects for 25 years. I take great pride in my
25 projects. It's just me. I take the project from

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1 finding the land, to working with the City,
2 collaborating with the neighbors -- oh, there I am.

3 JOHN PRICE: There you are.

4 MARIANNE PAYNE: There we go.

5 Sorry. We're -- our technology isn't
6 great.

7 And I'm involved in the project
8 every -- my philosophy is to be involved in every step
9 of the development. I work with the architect, I am
10 in every construction meeting, I work with the
11 neighborhood, I work all the way through to, you know,
12 tenanting the project, and my goal is I hold my
13 projects long term.

14 I've really enjoyed working with the City
15 of Boise. They are terrific in understanding and
16 directing me to present projects and have successful
17 projects with our collaboration.

18 I found the site and approached the
19 seller. My agent approached the seller to tell him I
20 wanted to build multifamily, which they were aware of
21 when they sold it to me. And they're also part of the
22 association. This was an additional piece of land
23 that they had.

24 And I went to the City and talked to them
25 about what was possible here, which they strongly

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1 encouraged me to change and go for R-3 zoning. R-3
2 zoning would actually allow us to build -- we think
3 it's 69 units and a four-story building. We felt that
4 was not the direction we wanted to head.

5 We liked -- I'm also building a similar
6 product to this just a couple blocks away that's
7 actually under construction right now. It was
8 approved last year at Planning and Zoning. Once
9 again, it has been a successful project with getting
10 collaboration with the neighborhood.

11 We did hold a neighborhood meeting.
12 Unfortunately I had no response from the neighbors on
13 the last project. In all my years of development,
14 it's always been of great value to -- actually we were
15 able to, on my Maple Grove project, go back and
16 really, you know, make sure everyone was happy, and
17 it's great.

18 It's a great way to build a project, have
19 everyone really happy. That's my intent. I want to
20 build a good project that supports the City's need for
21 housing and is an addition to the neighborhood.

22 It's a market-rate project that has -- as
23 Ethan said, it's an ideal location with residential,
24 retail. You know, the mall is close by, and the
25 connector is -- and easy access to the connector.

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1 Ada County Highway District really felt
2 that this was not an impact to the neighborhood. The
3 trip count is like two trip counts in the
4 height -- it's two -- no, it's seven times less than
5 medical. So Ada County Highway District is fully
6 supportive of the project and doesn't feel it would be
7 an impact on the neighborhood.

8 We are proposing a 42-unit building that
9 is 24 two-bedroom/two-bath, 18 one-bedroom/one-bath.
10 We have 61 parking spaces, which is, as they said,
11 more than what the City requires, and it's kind of
12 more than they wanted me to have, but I'm happy to
13 have them. So thank you for that.

14 And I'm happy to answer any questions or
15 explain anything that would help you better understand
16 the project.

17 CHAIRMAN STEAD: Great. Thank you.

18 NEIGHBORHOOD ASSOCIATION

19 CHAIRMAN STEAD: Next we would hear from the
20 neighborhood association, which is Borah Neighborhood
21 Association.

22 Do we have anybody present representing
23 the Borah Neighborhood Association?

24 Please virtually raise your hand.

25 Okay. Seeing none.

26

1 Then we will move on to questions from the
2 Commission for staff or the applicant.

3 COMMISSIONER DANLEY: Madam Chair.

4 CHAIRMAN STEAD: Commissioner Blanchard?

5 COMMISSIONER DANLEY: Nope.

6 CHAIRMAN STEAD: No?

7 COMMISSIONER DANLEY: Right next to you.

8 CHAIRMAN STEAD: Thanks. The other Chris.

9 COMMISSIONER DANLEY: Thank you.

10 Mr. Mansfield, a question I have for you
11 is in the correspondence that we received from many of
12 the folks living in proximity there was something that
13 came to my attention -- and I was hoping that maybe
14 you could touch on it or maybe the applicant
15 can -- something about a maintenance agreement that
16 has to do with the facility nearby and that sort of
17 thing.

18 And I was wondering -- there was some
19 general concern that was demonstrated in some of the
20 comments, and I was wondering if there's some
21 familiarity with that. What's being done about it?

22 How does exactly that affect this
23 particular project?

24 ETHAN MANSFIELD: Certainly, Madam Chair,
25 Commissioner Danley. I'm happy to touch on that a

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1 little bit, and then I'll let Marianne and John weigh
2 in on this as well.

3 I'm showing here, if you can see the
4 screen, some notes from the Englefield Green
5 Subdivision No. 1. And it does describe that the
6 private road is granted with an undivided interest to
7 Lots 1 through 5, Block 2, as well as the owners'
8 association for access to Lots 1 through 7, Block 2.
9 This subject site is Lot 1 through 5, Block 2.

10 So I think the assumption is that there
11 will be a maintenance agreement worked out between the
12 applicant and the Vibra Hospital next door. But
13 this -- well, I'll leave it at that and let Marianne
14 jump in.

15 MARIANNE PAYNE: Yes. Here -- John's
16 actually -- oh, John's just hiding. He's hiding from
17 you. Sorry.

18 JOHN PRICE: Yeah, I think Ethan --

19 CHAIRMAN STEAD: Sorry. Could you please start
20 with your name and address, just for the record.

21 JOHN PRICE: I'm sorry. John Price. The
22 Architects Office. 499 West Main, Boise, Idaho.

23 I think Ethan explained it. Basically
24 Springtree Lane is a private lane kind of along the
25 east side of this parcel, and that private lane is

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1 shared amongst those lots that he described, Lots 1
2 through 5, which is this project, and then Lots -- I
3 suppose it'd be 6 and 7 to the east, which acts as the
4 hospital on the east side.

5 So obviously that private drive, the
6 maintenance of that would need to be shared with the
7 lots that use that for access, so that's not an issue.

8 CHAIRMAN STEAD: Okay. Seeing --

9 COMMISSIONER GILLESPIE: Madam Chairman.

10 CO-CHAIRMAN SCHAFER: Madam -- yeah.

11 CHAIRMAN STEAD: Oh, yes. What just happened?

12 Sorry. Was that --

13 COMMISSIONER GILLESPIE: Oh.

14 CHAIRMAN STEAD: -- Commissioner Gillespie? Did
15 we just lose him?

16 COMMISSIONER GILLESPIE: Yeah. No, I'm here.

17 CHAIRMAN STEAD: Okay, Commissioner Gillespie.

18 Please go ahead.

19 COMMISSIONER GILLESPIE: Thank you.

20 So this is a question for the applicant or
21 staff.

22 So is it the City's understanding and is
23 it everybody's position that this maintenance
24 agreement would be incorporated into a -- either a
25 private agreement outside of the City's general
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1 responsibilities or into the CC&Rs of this subdivision
2 or like how does that -- how does the applicant
3 propose sort of -- what's the next steps on the
4 maintenance agreement for Springtree Drive [sic]?

5 Thank you.

6 JOHN PRICE: Yeah. This is John Price again,
7 and I'm not sure that a technical answer to that
8 question -- my assumption is that that should already
9 be addressed in the owners' association, that that
10 drive was always intended to serve a number of lots.

11 So somehow that must be -- if that is not
12 already addressed in the owners' association, it will
13 be something that we can add to the owners'
14 association agreement, but that should already be part
15 of the owners' association agreement.

16 COMMISSIONER GILLESPIE: Thank you.

17 CO-CHAIRMAN SCHAFER: Madam Chair.

18 CHAIRMAN STEAD: Commissioner Schafer.

19 CO-CHAIRMAN SCHAFER: Question for staff.

20 And, Ethan, I apologize. I was listening
21 and reading at the same time when we were discussing
22 the parking situation in the proposal.

23 You know, at first blush I don't -- I'm
24 not opposed to the additional parking, but I certainly
25 feel like the site is maybe -- like some of the
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1 amenities might be suffering from the additional
2 parking. We might be losing some green space at the
3 property.

4 You know, there's quite a few units. I
5 mean, we've got some two-bedroom units, so I think
6 it's safe to assume we're going to have some kids at
7 some point living in one of these units.

8 I guess if you could just kind of walk us
9 back through how we got to a situation where we're
10 proposing additional parking than what's required.
11 And if you had -- if you could speak a little bit to,
12 you know, the amenities that are proposed in the
13 package.

14 ETHAN MANSFIELD: Absolutely, Commissioner
15 Stead -- or Madam Chair, Commissioner Schafer.

16 Yeah, so the amenities proposed include a
17 dog yard here and then some garden beds here as well
18 as -- you know, it is in close proximity to the Boise
19 Towne Square Regional Activity Center. So they have
20 their two amenities and then also kind of additional,
21 locational amenities, if you will.

22 So I think that -- does that answer your
23 question or do you want me to talk a little bit more
24 about the parking reduction piece of it as well?

25 CO-CHAIRMAN SCHAFFER: Well, I guess if you could

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1 speak a little bit to the parking reduction or
2 why -- you know, why we feel like it might be needed
3 to add parking -- more -- beyond what's just the
4 typical requirement.

5 You know, it seems to me that's sort of
6 contrary to the positives of this being located on
7 transit routes and that sort of thing; you know?

8 And there's plenty of bike parking.
9 They're meeting all those typical requirements. It
10 just -- again, it seems to me that we maybe don't need
11 to have additional parking.

12 ETHAN MANSFIELD: Yes, Commissioner Stead -- or
13 Madam Chair, Commissioner Schafer, yeah. You know,
14 you make a good point. The reasoning behind the
15 support of the request to exceed the parking
16 maximum -- the applicant made an excellent point when
17 they pointed out that there's really no on-street
18 parking available at all surrounding the development.

19 And so, you know, in order to reduce
20 negative impacts on surrounding development, which I
21 think -- you know, you'll probably hear some testimony
22 tonight discussing how, you know, they -- neighbors
23 don't want parking -- on-street parking to blow up the
24 surrounding neighborhood. You know, that's one reason
25 I felt that it was appropriate to support a

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1 parking -- a request to exceed the parking maximum.

2 Another reason is that, you know,
3 one-and-a-half parking spaces per unit is not actually
4 out of the ordinary for the number of vehicles in this
5 area. I mentioned this in my report. And, you know,
6 I believe -- I'm looking at it right now. It looks
7 like -- I'm scrolling through my report.

8 But essentially it's like -- if I remember
9 correctly, it's between 1.4 vehicles per household and
10 1.8 vehicles per household is the average for both the
11 West Bench and Central Bench neighborhood
12 associations.

13 I kind of looked through all of
14 the -- those Neighborhood Activity Centers -- or the
15 Activity Center Almanac there, and that was the
16 average number of parking -- or average number of cars
17 per household.

18 So I felt that one-and-a-half
19 would -- kind of jives with that, and any lower
20 would -- might actually bring it below the average
21 number of vehicles per household, which would then
22 imply that they're parking elsewhere offsite.

23 CO-CHAIRMAN SCHAFFER: Got you. Okay. No, I
24 appreciate that, Ethan. That's -- yeah, that's good
25 insight. So thank you.

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1 ETHAN MANSFIELD: You bet.

2 COMMISSIONER MOHR: Madam Chair.

3 CHAIRMAN STEAD: Commissioner Mohr.

4 COMMISSIONER MOHR: So I have a question
5 about -- on the Sewer District comments. There was a
6 comment that the development exceeds allowed sewer
7 density for the area. Do you know if there's -- are
8 there any sort of ramifications of that?

9 And I guess this is a question for staff.

10 ETHAN MANSFIELD: Commissioner -- Madam Chair
11 and Commissioner Mohr, I'll actually let the applicant
12 take this one. I did touch base with them regarding
13 that comment, and John did inform me and Marianne
14 informed me that that was something that they were
15 prepared to work out with the Sewer District.

16 And so I kind of let that -- let them work
17 that out between the two of them. So I'll let John
18 take it from here or Marianne.

19 MARIANNE PAYNE: This is Marianne Payne.
20 I -- and I spoke with the Sewer District, and it's a
21 financial ramification basically.

22 They -- and of course I asked them how
23 much. I needed to quantify that. But they just
24 charge you additionally, so they kind of have
25 a -- it's like your power bill. If you stay at the

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1 normal rate, you pay -- you're, you know, at that
2 tier. And then once you exceed that, there's an
3 additional charge.

4 So I think it's \$250 a unit. It's just
5 their-- it's their time to hook it up, and it's -- and
6 service it. So you pay an additional fee in addition
7 to -- and then obviously you pay per unit to hook into
8 it. They just wanted to notify me that there would be
9 an additional charge.

10 COMMISSIONER MOHR: Oh, got it. Thank you.

11 CHAIRMAN STEAD: Okay. Seeing no more
12 questions.

13 PUBLIC TESTIMONY

14 CHAIRMAN STEAD: We'll now move to public
15 testimony.

16 If you are online and would like to
17 testify on this item, please virtually raise your hand
18 so we can get a queue going.

19 We do have one person in the chamber here,
20 so I'm going to invite her up to kick us off first,
21 and then we'll turn to anybody online with their
22 virtually -- hand raised.

23 Please pull that microphone down to fit
24 you, and you can start with your name and address
25 please. And you'll have three minutes.

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1 PAT ENTWISTLE: My name is Pat Entwistle. My
2 address is 433 South Whisperwood Way in Boise, Idaho,
3 and I am president of the Englefield Green Homeowners'
4 Association.

5 Apparently it was my error. When I read
6 the instructions I thought that I would have more than
7 three minutes, and I understand I don't have more than
8 three minutes, so I'm going to ashcan what I planned
9 to say and try to address some of the concerns I
10 heard.

11 I think after my testimony, if you want, I
12 can answer some questions about the maintenance
13 agreement because it's totally not what everybody
14 thinks it is. The HOA has some responsibility for
15 common area maintenance, and we have a maintenance
16 agreement that was established in 2007 along with a
17 CC&Rs for this property.

18 The CC&Rs and the maintenance agreement
19 both set this property aside as a medical park. All
20 of the homeowners, the 84 homeowners in Englefield
21 Green, bought our homes with the understanding that
22 that was going to be set aside for that purpose. And
23 we're extremely disappointed that now there's going to
24 be 42 family homes plunked down in the middle of that.
25 We have some major concerns.

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1 It's a shockingly inappropriate spot for
2 family housing. It's surrounded by a hospital, a
3 therapy place, an assisted living, a memory care, and
4 our 84-home retirement community. We were surprised
5 to learn that the residential density for this project
6 was justified by comparing it with Grace Assisted
7 Living instead of with our retirement community.

8 And I'm sure you don't need me to explain
9 that that's like comparing apples and oranges. Those
10 people don't drive, they don't create any traffic,
11 they don't have children, and they don't impact us in
12 any way.

13 Traffic is another concern. ACHD did
14 their traffic counts during a time when school was not
15 in session and/or we had a pandemic going, so there
16 was very little traffic. I suggest they redo their
17 traffic count during a time when school is in session
18 and then try to get in the roundabout when Bishop
19 Kelly High School and Borah High School all let out at
20 the same time.

21 And that the -- that apartment complex is
22 going to dump out right onto Whisperwood Way, just
23 yards -- just feet from where that roundabout is, and
24 I don't know how the traffic is going to be managed
25 there. People are going to be turning left out of
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1 there and will be going down Whisperwood Way and
2 impacting our community dramatically.

3 No parking. Our covenants do not allow
4 parking in the street. Our residents aren't allowed
5 to park there except on very short-term basis.

6 Another problem we see is that there's no
7 play area for the kids. And I'm a mother, a
8 grandmother, and a great grandmother, and I could tell
9 you exactly what's going to happen.

10 THE CLERK: Time.

11 PAT ENTWISTLE: The mothers are going to
12 say, "Okay. Sure. You can ride your bike, you can
13 ride your bike down Whisperwood Way and stay on the
14 sidewalk."

15 CHAIRMAN STEAD: Thank you, ma'am.
16 Unfortunately that's the end of the three minutes.

17 PAT ENTWISTLE: Oh, boy.

18 CHAIRMAN STEAD: Thank you. We appreciate you
19 coming out.

20 PAT ENTWISTLE: Can I leave these -- the
21 full --

22 CHAIRMAN STEAD: I can't take them, but there
23 is -- it is an open record. So I encourage you to
24 send them to the project manager, Ethan Mansfield, who
25 works for the City. And he can add them to the record

26

1 when it goes to City Council.

2 PAT ENTWISTLE: Okay. Thank you.

3 CHAIRMAN STEAD: Thank you.

4 I'm not seeing any hands raised online. I
5 will do one last call.

6 There's one. Great.

7 Anybody else that would like to speak on
8 this item tonight?

9 Please virtually raise your hand.

10 We can next move -- let's see. Yeah,
11 we'll go to Ryan and then Kevin.

12 Just give us a moment while we switch over
13 the technology.

14 Ryan, please start with your name and
15 address, and you'll have three minutes.

16 RYAN ZUMALT: My name is Ryan Zumalt. I'm the
17 CEO of Vibra Hospital, and my address is 6651 West
18 Franklin Street.

19 My concern for the hospital is the
20 increased traffic in the area. And we -- being an
21 acute hospital, we do have ambulances that need to
22 come and go at different times, whether it's emergent
23 or not.

24 As the homeowners association president
25 stated that during times of Bishop Kelly letting out
26

1 and the two high schools, it is very impacted, trying
2 to get out onto Franklin Drive [sic]. And that could
3 delay an emergent response to any one of our patients.

4 That's one concern.

5 The next concern runs -- is during the
6 construction the repairs and damages of Springtree
7 Lane -- for that being addressed during that time.

8 And then the last one that sits there
9 is -- I understand for the housing -- the needs to be
10 addressed in the Boise community with the developer
11 and placing more housing in here. I just wanted the
12 developer to be made aware also that there are private
13 landowner contracts that restrict the use of that land
14 aside from the City's zoning.

15 And that's all I have.

16 The homeowners' association started to
17 address the maintenance of that road -- of Springtree
18 Lane. As we go forward, however that maintenance
19 looks, we can work with the developer on that if this
20 proceeds forward.

21 CHAIRMAN STEAD: Great. Thank you.

22 Next we'll hear from Kevin Ahern.

23 And again just give us a moment while we
24 switch it over.

25 And if there's anybody else online that
26

1 would like to testify tonight, please virtually raise
2 that hand.

3 Kevin, go ahead and un-mute when you're
4 ready, and please start with your name and address.
5 You'll have three minutes.

6 BARBARA AHERN: Hi. This is actually Barbara
7 Ahern. 593 South Archstone Way in Boise.

8 My concerns in addition to the
9 traffic -- and I can testify that you cannot get out
10 of our neighborhood when the schools let out or are
11 going in. The traffic will increase on Allumbaugh
12 when people are heading to Curtis. And people already
13 far exceed the speed limit, thinking it's very fun to
14 go through the roundabouts at the fastest speed that
15 they can.

16 Someone almost ran over some kids last
17 night that were trying to get down the road. They
18 were far exceeding the speed limit. I know the police
19 have been out, but they never -- they sit across the
20 way on Franklin, across Franklin on Allumbaugh. They
21 are never down our way, but that's not going to help
22 anyway.

23 My other concern is the building itself.
24 It in no way reflects the area of the hospital or the
25 daycare or those buildings down there. It's like a
26

1 sore thumb, looking at that design. If it has to be,
2 I believe you need to come up with a better design or
3 something that looks -- that fits in. It looks like
4 second-rate housing.

5 So -- but that -- those are my concerns.

6 Thank you.

7 CHAIRMAN STEAD: Thank you.

8 I don't see any other hands raised, so
9 I'll do one last call.

10 Virtually raise your hand if you're
11 interested in speaking on this item tonight.

12 Okay. So seeing none.

13 REBUTTAL

14 CHAIRMAN STEAD: We'll next move to rebuttal
15 from the applicant.

16 Again if -- please just start with your
17 name, whichever of you will speak or if both of you
18 would like to. You'll have five minutes whenever
19 you're ready.

20 JOHN PRICE: The rebuttal.

21 MARIANNE PAYNE: I think we've covered
22 everything. And I'm -- I don't know. Do we have --

23 JOHN PRICE: No, I don't think we can really say
24 anything else than what Marianne originally said.

25 So...

26

1 CHAIRMAN STEAD: Okay. Thank you. Great.

2 MOTIONS

3 CHAIRMAN STEAD: Well, we'll now close this
4 portion of the hearing and render a decision.

5 The item is before the Commission.

6 Commissioner Gillespie.

7 COMMISSIONER GILLESPIE: Madam Chairman, I move
8 that we recommend approval of CAR21-1 and approve
9 PUD21-3 for the reasons contained in the staff report.

10 COMMISSIONER SQUYRES: Second.

11 CHAIRMAN STEAD: Great. We have a second from
12 Commissioner Squyres.

13 Is there discussion?

14 Do you want to kick it off, Commissioner
15 Gillespie?

16 COMMISSIONER GILLESPIE: Yeah. Thank you, Madam
17 Chairman.

18 So first of all, let me just start at the
19 top of the notes I took as we heard comments.

20 So indeed the HOA, the CC&Rs, they may or
21 they may not restrict that use. Generally speaking,
22 hearing all sides of that, I'm confident that that
23 issue can get resolved in the legal system between the
24 people who are party to that HOA agreement. And I
25 don't know that it's before us today to rely on that

26

1 to deny this use.

2 Clearly the City has a very strong
3 interest in allowing this use at this location. It's
4 on a major road. It's a very large -- you know, it's
5 a good-sized parcel. It's close to all the things we
6 want density to be close to. And in every other way,
7 the development fits with the dimensional standards of
8 the zone that they would like, so I'm comfortable with
9 that.

10 With respect to the traffic, I mean, we
11 have the evidence in the record from ACHD that this
12 development will, at peak, put 17 extra cars into the
13 traffic system. That was ACHD's opinion that
14 this -- they would still be able to meet their service
15 levels.

16 I don't know how to account for when they
17 did that and whether or not they considered the
18 traffic from the surrounding high schools. I'd be
19 interested in other people's opinion on that. But it
20 seems to me if we wanted to defer and ask ACHD to do
21 that again, we would frankly run the risk of ACHD
22 saying, "No thanks. We already did it once," as is
23 their way. But I'll be interested to hear what people
24 think of that issue.

25 I appreciated Mr. Zumalt's testimony from
26

1 the hospital. Again he was concerned about traffic
2 and about emergency-vehicle access during those peak
3 periods, but those peak periods are already occurring
4 because of the high schools and their flow. And I
5 just don't -- based on their -- the data from ACHD,
6 they're basically saying it's going to add 17 cars in
7 an hour.

8 So that's 17 cars spread out
9 across -- what? -- 60 minutes. You know, that's like
10 a car every five minutes that gets added to the
11 roundabout, assuming that's the way they all go. I
12 just don't think that this is a big load on the
13 traffic system.

14 The repairs and maintenance for Springtree
15 Lane. Again it sounds to me like the applicant's
16 happy to work with the HOA and the hospital to resolve
17 those issues. I just can't imagine that those are
18 going to be a serious problem.

19 The final person who testified was
20 concerned about the speed through the roundabout.
21 Again I think that's more related to the demographics
22 of that high-school traffic and less about this
23 particular development. And I don't think adding 17
24 cars at p.m. peak is going to have an effect much one
25 way or the other on that issue.

26

1 As for the way the building looks, you
2 know, the City has a limited amount of work we can do
3 on that. It's already got a Design Review overlay, so
4 we will be applying at the City level all of the
5 design-level overlay massaging and management that we
6 can. And that's kind of what -- how our Code deals
7 with that particular issue.

8 So for all those reasons, I strongly
9 support adding density at this location. I think it's
10 the -- a right place to do this.

11 Thank you very much.

12 CHAIRMAN STEAD: Thank you.

13 COMMISSIONER SQUYRES: Madam --

14 CHAIRMAN STEAD: Commissioner Squyres, I just
15 saw you un-mute.

16 COMMISSIONER SQUYRES: I don't have a whole lot
17 to add, but I strongly concur with Commissioner
18 Gillespie. I think this is a good transition between
19 uses. Those of us in Land Use planning understand how
20 all of this works, and I think this is spot-on what we
21 would like to see in this location.

22 There was a concern regarding height, but
23 the height in the current zone, R-2, is the same at
24 35 feet, so that's really a nonissue in my opinion.

25 I do believe that there should be some
26

1 additional spaces. I support that just due to the
2 fact that there is no on-street parking in the area.
3 And also, you know, while there are local amenities
4 nearby, there's not a lot of places to actually walk
5 to. So I think those additional eight spaces are
6 definitely needed.

7 Again this will go to Design Review, so I
8 don't have any concerns regarding the looks at this
9 point.

10 And regarding the question that
11 Commissioner Gillespie brought up about ACHD, just
12 having gone through this process recently, I do
13 believe they're going to look at the -- they looked at
14 the historical data for the area as well, and I'm sure
15 that was taken into consideration.

16 And -- I just appreciate staff and the
17 developer for working together to come up with a great
18 project for this area.

19 Thank you.

20 COMMISSIONER DANLEY: Madam Chair.

21 CHAIRMAN STEAD: Commissioner Danley.

22 COMMISSIONER DANLEY: I will be voting to
23 support the motion that was made by Commissioner
24 Gillespie. I agree that the project overall is a
25 pretty solid one.

26

1 Look is subjective, and that's to be
2 determined.

3 When it comes to the traffic, there's
4 something to consider here. If it was a medical
5 building, traffic would be generated. That's a fact.
6 And it would actually -- in my opinion, it probably
7 would be worse.

8 And the reason why is because medical
9 complexes would more than likely actually sort of
10 operate in conjunction with the school operation,
11 whereas residential will be leaving the general area
12 as school children are coming into the high school.
13 So you have an opposite flow direction, and the same
14 thing in the afternoon.

15 Furthermore the fact that it's
16 residential likely is -- is that there's more transit
17 generation than maybe the medical complex, which would
18 further mitigate the traffic issues. So I would
19 definitely think that just generally because of the
20 land use itself, it's going to be a very different
21 product than with the medical complex, as it relates
22 to traffic in this particular instance.

23 My biggest concern, I think that
24 the -- the applicant and the homeowners association,
25 they definitely need to figure out this maintenance
26

1 agreement and make sure that that is all tidied up,
2 and -- but that's on them. That's not a City issue,
3 per se.

4 My other recommendation -- not necessarily
5 part of the staff -- not a part of the recommendation,
6 but to the applicant itself. One of the concerns is
7 that there is not a dedicated area with respect to
8 children for playing and stuff like that. You do have
9 a park, a space that's dedicated specifically for
10 dog-park usage. You may want to reconsider that
11 because it's probably going to be a bit of a conflict.

12 One other thing I do want to point out,
13 and I think it's a positive, is the fact that you are
14 supporting single-bedroom units. That's something
15 that the City has not seen a lot of, and it's
16 something that's definitely needed. We don't have
17 very much. Most of the applications that have been
18 coming before the City have been two bedrooms or more.

19 And the fact is that maybe some of the
20 staff that works in the neighboring uses, specifically
21 with the elderly care -- this is exactly the kind of a
22 place that they could live.

23 So I would be supporting the motion for
24 all those reasons.

25 COMMISSIONER BLANCHARD: Madam Chair.

26

1 CHAIRMAN STEAD: Commissioner Blanchard.

2 COMMISSIONER BLANCHARD: I just want to chime in
3 really quick on the note about not having any
4 playground equipment or anything like that. But you
5 know, you've got Borah Park just around the corner,
6 which everybody seemed to ignore, which is this
7 massive facility with a swimming pool and classes
8 during the summer and all this playground equipment
9 and then Borah High School and all these amenities
10 that are just, I mean, a couple of blocks away.

11 And I mean, you know, most people don't live
12 anywhere near those kind of amenities, so this is a
13 great thing. I don't think the on-premise amenities
14 are a big deal whatsoever. I think that most people
15 in the world would count themselves lucky to be so
16 close to such amenities.

17 CO-CHAIRMAN SCHAFFER: Madam Chair.

18 CHAIRMAN STEAD: Commissioner Schaffer.

19 CO-CHAIRMAN SCHAFFER: I'm going to be supporting
20 the motion. I agree with most of the comments that
21 have been mentioned previously ahead of me here.

22 I appreciate the layout of the site. And
23 the buildings front on the streets, and I -- and the
24 parking is sort of central, internal to the site. So
25 I appreciate the thought process that was given to the

26

1 property itself.

2 I sort of started the ball rolling on the
3 discussion about amenities, so I'll sound off on that.
4 I'm going to agree with Commissioner -- with Chris
5 about the fact that we probably should -- I think
6 there should be some thought given to some sort of
7 amenity to the kids that will be living on the
8 facility.

9 Admittedly I know that Borah Park is
10 around the corner. I think, though, that in this
11 case, you want to give some sort of amenity, even if
12 it's just a little bit more lawn or open space to give
13 to kids, you know, a little space to run around on the
14 property.

15 Otherwise I think, you know, the project
16 looks real good, and I'm in support of it.

17 CHAIRMAN STEAD: Okay. Seeing no more
18 discussion.

19 We have a motion to recommend approval for
20 Item No. 1. This is CAR21-1 and to approve PUD21-3.

21 ROLL CALL

22 CHAIRMAN STEAD: Will the clerk please call the
23 vote.

24 THE CLERK: Stead.

25 CHAIRMAN STEAD: Aye.

26

1 THE CLERK: Schafer.

2 CO-CHAIRMAN SCHAFFER: Aye.

3 THE CLERK: Squyres.

4 COMMISSIONER SQUYRES: Aye.

5 THE CLERK: Blanchard.

6 COMMISSIONER BLANCHARD: Aye.

7 THE CLERK: Mohr.

8 COMMISSIONER MOHR: Aye.

9 THE CLERK: Gillespie.

10 COMMISSIONER GILLESPIE: Aye.

11 THE CLERK: Finfrock.

12 COMMISSIONER FINFROCK: Aye.

13 THE CLERK: Danley.

14 COMMISSIONER DANLEY: Aye.

15 THE CLERK: All in favor. Motion carries.

16 (End transcription at 1:16:41 of audio
17 file.)

18 -o0o-

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2. **CAR20-00021 / Tuthill Properties LLC**

3153 N Hawthorne Dr

Rezone of 0.65 acres from R-1AS (Single Family residential with Sycamore Neighborhood Overlay) to R-1CS/DA (Single Family Residential with Sycamore Neighborhood Overlay and Development Agreement). *David Moser*

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]
MOVER:	Christopher S Blanchard, Commissioner
SECONDER:	Milt Gillespie, Commissioner
AYES:	Squyres, Blanchard, Mohr, Gillespie, Finfrock, Stead, Schafer, Danley
	ALL IN FAVOR, MOTION CARRIED

1 CITY OF BOISE PLANNING AND ZONING COMMISSION

2

3 IN RE:)

4 CAR20-00021 / TUTHILL PROPERTIES LLC)

5 3153 North Hawthorne Drive)

6)

7 _____)

8

9

10 TRANSCRIPT OF RECORDED PUBLIC HEARING

11 MONDAY, MARCH 8, 2021

12

13

14 COMMISSIONERS PRESENT:

15 MEREDITH STEAD, CHAIR

16 BOB SCHAFFER, CO-CHAIR

17 ASHLEY SQUYRES

18 CHRISTOPHER BLANCHARD

19 JENNIFER MOHR

20 MILT GILLESPIE

21 JANELLE FINFROCK

22 CHRIS DANLEY

23

24 TRANSCRIBED BY:

25 VICTORIA HILLES

26

1 (Begin transcription at 1:16:42 of audio
2 file.)

3 INTRODUCTION

4 CHAIRMAN STEAD: Okay. Next item is Item No. 2.
5 This is CAR20-21 for Tuthill Properties, LLC, at 3153
6 North Hawthorne Drive. This is a rezone of
7 0.97 acres.

8 We'll start with staff.

9 And when you're ready please, Mr. Moser,
10 who is in house with us, which is very exciting. We
11 haven't had an in-house staff presentation in a while.

12 DAVID MOSER: Thank you. Madam Chair, Members
13 of the Commission, the applicant is requesting a
14 rezone of a subject property 0.65 acres in size from
15 R-1AS -- which is single-family residential, 2.1 units
16 per acre, in the Sycamore Overlay -- to R-1CS -- which
17 is single-family residential, eight units an acre, in
18 the Sycamore Neighborhood Overlay with a Development
19 Agreement, which limits the density back down
20 to 4.8 units.

21 The site is located at the northwest
22 corner of Taft Street and Hawthorne Drive, which
23 are a local and collector roadway, and it is
24 situated within the Sycamore Neighborhood Plan and
25 within the Sycamore Overlay. Please note that the

26

1 Sycamore Overlay will be included as part of the
2 proposed rezone, which is the S on the
3 actual zoning designation.

4 The property is currently occupied by two
5 single-family residential houses, and the area
6 surrounding it is primarily residential in nature and
7 there is a church adjacent to the west.

8 There is an Activity Center located at the
9 intersection of Collister and State Street about a
10 quarter-mile to the west, and State Street itself is
11 about an eighth-of-a-mile to the south.

12 The subject property is located within the
13 Suburban Land Use designation, which is similar to the
14 areas adjacent to the east, to the west, and to the
15 south, and it supports the proposed R-1C zone. As
16 such, the rezone is consistent with the goals of the
17 Comprehensive Plan and the Land Use designation.

18 The subject property is also located
19 within the Sycamore Neighborhood Plan, which was
20 adopted in 1998, and the general intent of the plan
21 was to protect the rural character of the
22 neighborhood. This Land Use Map that you see here was
23 taken from that neighborhood plan. As you can see,
24 the interior lots in the neighborhood, were intended to be
25

1 low-density or two units an acre.

2 However the boundary properties along Taft
3 and Catalpa were meant to have higher densities of
4 four units an acre, which is why the development
5 agreement was included with this rezone, limiting the
6 density to 4.8, which is the density of the R-1B zone.
7 That's why the 4.8 units was selected because it's
8 the R-1B zoning.

9 With the DA and the density limit of
10 4.8 units, the subject property could support a
11 maximum of three units, and there are already two
12 houses onsite.

13 The reason for the rezone request is to
14 adjust the property lines between the two parcels, and
15 for the north property owner to sell a portion of
16 their lot to the property owner to the south.

17 As you can see on the diagram, this here
18 is the current configuration. So Lot 1 is an
19 odd, L-shaped parcel. It fronts onto Hawthorne and
20 then it has this L shape that goes all the way back
21 down to Taft. And then there's Lot 2. Both of these
22 are part of the project and the subject property.

23 Essentially they are requesting us to
24 do a property-line adjustment, move this line up to
25 here, create two standard, rectangular lots.

26

1 Basically Lot 1 would sell that portion of their
2 parcel along Hawthorne Drive to the southern parcel.

3 The rezone is required because they cannot
4 achieve this proposed property-line adjustment within
5 the current R-1A zone or even with the next residential zoning,
6 which would be R-1B. Therefore, the R-1C is requested
7 because of the setbacks and lots size requirements.

8 This existing detached,
9 accessory structure would have to meet all the
10 required setbacks from the new, adjusted property
11 line, which it cannot do in the R-1A or R-1B because
12 it required a 30-foot rear setback. So they're requesting
13 the R-1C, which is 15 feet rear setback.

14 Also there's the lot dimensional
15 requirements of both lot size and width, and the only
16 way they can achieve that is through the R-1C zone.

17 So this is an example or a table that
18 shows these requirements. These are the different zones, R-1B
19 through R-1C, and their different lot size and width
20 requirements and then the proposed Lots 1 and 2 below.

21 So as you can see, the two proposed lots
22 easily comply with the minimum lot size dimensions
23 for the R-1B zone. However, Lot 1 cannot meet the R-1B
24 or R-1A standard for lot widths and it only complies with

25

1 the R-1C, which is why they're requesting it.

2 The planning team did receive several
3 letters of opposition from the neighborhood. And in
4 general terms the neighbor's concerns are that the
5 rezone is not compatible with the goals or the intent
6 of the neighborhood plan or the associated overlay.

7 However, I would note that the Sycamore
8 Plan anticipates, as already discussed, higher
9 densities along the south and north boundaries of the
10 neighborhood, which is why the DA was included to
11 limit the density to that 4.8 units per acre so it's
12 more consistent with the overall plan.

13 In conclusion, the planning team finds
14 that the rezone has met all the required
15 findings for the rezone, and therefore
16 the planning team recommends approval.

17 Just a note. The Commission makes
18 recommendation on rezones to City Council.

19 Thank you.

20 CHAIRMAN STEAD: Thank you, Mr. Moser.

21 Next we'll move to hear from the
22 applicant.

23 I see Mr. Tuthill there.

24 Please start with your name and address,
25 and we'll start with 10 minutes.

26

1 DAVE TUTHILL: Okay. Thanks, Chairman and
2 Members of the P&Z Committee. I appreciate the
3 opportunity to present this proposal tonight.

4 First of all, my name is Dave -- David R.
5 Tuthill, Jr. My address is 2918 North El Rancho
6 Place, Boise, Idaho 83704. My wife Mary Ann and I are
7 the owners of Tuthill Properties, LLC, and we're the
8 owners of the property on Hawthorne.

9 We bought this property maybe eight years
10 ago. And really the lot that we're talking about,
11 which borders Taft and Hawthorne, really is
12 just -- has been weeds ever since we bought the lot.
13 We think there's a better use for that.

14 And to make a long story short, the
15 neighbor on Taft wishes to acquire that lot to make
16 his lot bigger. And it's not property that is really
17 useful to our Hawthorne property, so that's -- hence
18 we're requesting this lot-line change to take two
19 properties -- one is an L-shaped, awkward -- doesn't
20 really make much sense -- and a small lot.

21 And from that we would get two rectangular
22 properties, the one -- the rectangular property to the
23 north on Hawthorne is enough property for that home,
24 and the one to the south, which would be on Taft, will
25 be a much longer -- much larger and better-sized

26

1 property.

2 Thank you for the screen there.

3 By the way, David Moser and the team have
4 done a great job so I sure appreciate their assistance
5 on this. I'm not going to say much more. I think
6 David described it.

7 I would say that there was one question in
8 one of the letters regarding this from one of the
9 neighbors, regarding the irrigation system.

10 And a letter was sent in by Mike Harrison.
11 He's the manager of the Boise City Canal Company, and
12 he acknowledged that there is an irrigation line that
13 runs on the east side of Lot 1 all the way down to
14 Taft. We don't have water rights in it, but the line
15 does run there.

16 And then that -- it has a junction with an
17 east-west line that runs on -- kind of a feeder
18 line that runs on the north side of Taft Street. This
19 lot-line adjustment really has no impact on the water
20 system.

21 But if any development in the future is
22 proposed -- and we're not proposing any at this point
23 beyond the lot-line adjustment, but if any is
24 proposed, those would have to take into consideration
25 those irrigation lines, which makes perfect sense.

26

1 So -- and that letter's part of the file
2 that I believe that you have in your packet.

3 And with that, I -- Chairman and Council,
4 I'll stand for questions.

5 CHAIRMAN STEAD: Thank you. Thanks,
6 Mr. Tuthill.

7 NEIGHBORHOOD ASSOCIATION

8 CHAIRMAN STEAD: Okay. So next we listen to the
9 Collister Neighborhood Association. I don't see her
10 on though.

11 If we have a representative from the
12 Collister Neighborhood Association, please virtually
13 raise your hand.

14 Okay. Seeing none.

15 We will now move to questions from the
16 Commission for staff or for the applicant.

17 Commissioner Gillespie.

18 COMMISSIONER GILLESPIE: This is a question for
19 Mr. Moser.

20 First of all, welcome back. Good to see
21 you.

22 DAVID MOSER: Thank you.

23 COMMISSIONER GILLESPIE: So we're rezoning both
24 the properties. What is shown on the left is Lot 1
25 and Lot 2; is that correct?

26

1 DAVID MOSER: Madam Chair, Members of the
2 Commission, that is correct.

3 COMMISSIONER GILLESPIE: And then -- but the
4 lot-line adjustment that's shown on the right of the
5 screen now is not before us -- or before the City?

6 DAVID MOSER: Madam Chair, Members of the
7 Commission, that is correct.

8 COMMISSIONER GILLESPIE: Okay. So all we're
9 Really looking at -- the permit tonight simply applies to the
10 zoning that we're going to apply to these two lots as
11 shown on the left in that configuration, and so the
12 development agreement that you're asking for covers
13 both of these lots; is that correct?

14 DAVID MOSER: Madam Chair, Members of the
15 Commission, that is correct.

16 COMMISSIONER GILLESPIE: So when they go to do a
17 lot-line adjustment, do they have -- does that trigger
18 a necessary amendment or administrative revision of
19 the DA? Is it like automatic? You get what I'm
20 saying?

21 Like -- because we're going to
22 approve -- or the Council's going to approve a DA for
23 the lots as -- on the left, but then if they want to
24 do that lot-line adjustment as shown on the right, do
25 they have to go back and amend the DA or does the DA

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1 sort of ride with it?

2 DAVID MOSER: Madam Chair, Members of the
3 Commission, they would not have to come back and amend
4 the DA. There's really no conceptual plan,
5 per se, attached to this. The DA just limits the
6 density to 4.8 units an acre.

7 And then it does have another stipulation
8 about if future development were to occur then access
9 would have to take off of Hawthorne and not Taft.
10 But, no, it would not have to be amended.

11 COMMISSIONER GILLESPIE: So it limits the
12 cumulative density of both the lots?

13 DAVID MOSER: Correct.

14 COMMISSIONER GILLESPIE: Okay. I'm just trying
15 to -- I've never seen that, so I'm trying to wrap my
16 head around it. It's a little bit interesting.

17 I'll stop there and let other folks have a
18 crack.

19 COMMISSIONER DANLEY: Madam Chair.

20 CHAIRMAN STEAD: Commissioner Danley.

21 COMMISSIONER DANLEY: So, Mr. Moser, just to
22 make sure I'm clear and anybody else who may otherwise
23 not be. We have a property -- two properties
24 essentially that are currently zoned R-1A. The

25

1 applicant is requesting to go to R-1C.

2 It is our staff belief that because of the
3 Land Use Map as well as how the Sycamore
4 Plan -- Neighborhood Plan reads that that rezone
5 should be allowed. We have a development agreement
6 that would be in place.

7 And because of the new zoning
8 and -- combined with the acreage of the two
9 properties, the maximum number of units permitted
10 would be three, but two are already there, which
11 means -- if I'm doing my math right -- essentially
12 what could be constructed is a maximum of one unit; is
13 that correct?

14 DAVID MOSER: Madam Chair, Members of the
15 Commission, that is correct.

16 COMMISSIONER DANLEY: Thank you.

17 COMMISSIONER FINFROCK: Madam Chair.

18 CHAIRMAN STEAD: Oh, Commissioner Finfrock.

19 COMMISSIONER FINFROCK: A question for David.

20 So is the R-1C allowed in the Sycamore
21 Overlay?

22 DAVID MOSER: Madam Chair, members of --

23 DAVE TUTHILL: [Unintelligible].

24 DAVID MOSER: The Sycamore Neighborhood Plan
25 does not specify the zone or it does not give any

26

1 restrictions or prohibitions on zones other than
2 the Land Use plan saying two units in the
3 center; four on the outside, but it does not prohibit
4 the R-1C.

5 And the Suburban Land Use designation
6 supports it, but there is a DA attached to that to
7 make it more consistent with the plan.

8 COMMISSIONER FINFROCK: Okay. Thank you.

9 CHAIRMAN STEAD: Thank you. I realize we have
10 two Davids on the call now, so I appreciate
11 Mr. Tuthill being prepared to chime in for that one if
12 need be.

13 Any further questions?

14 COMMISSIONER GILLESPIE: I do -- I have.

15 COMMISSIONER MOHR: Oh.

16 CHAIRMAN STEAD: Sure. Let's go to Commissioner
17 Mohr, and then we'll loop back to Commissioner
18 Gillespie.

19 COMMISSIONER MOHR: Sure. So the -- a lot of
20 comments referenced a 1989 rezone, and I know -- not
21 to put you on the spot about that one, but do you know
22 anything about that?

23 Was that -- I don't see any information
24 where that included a DA that would limit the density,
25 which makes me think that it would have been just
26

1 those eight units per acre, which would be a higher
2 density and therefore why it might have been denied at
3 that time.

4 Is that kind of aligning with the records
5 that might be available about something like that?

6 DAVID MOSER: Madam Chair, Members of the
7 Commission, I'm not familiar with a 1989 rezone. That
8 would actually even predate the Sycamore Neighborhood
9 Plan itself, I couldn't find a
10 record -- any type of record for that matter.

11 COMMISSIONER MOHR: All right. Thank you.

12 COMMISSIONER BLANCHARD: Madam Chair.

13 CHAIRMAN STEAD: Gillespie -- oh, sorry. I
14 promised Commissioner Gillespie, and then we'll move
15 back to Commissioner Blanchard.

16 COMMISSIONER GILLESPIE: Thank you, Meredith.
17 This is a question for David and the applicant.

18 So, David, is -- and you referenced this,
19 as to why they might want R-3 -- or I mean -- not
20 R-3 -- R-1C, and I was a little bit confused by that.

21 So is R-1C what will -- if they want to
22 enable them at some point to split Lot 2 again or
23 like -- what was that part about what R-1C will allow
24 them to do dimensionally that R-1B would not?

25 DAVID MOSER: Madam Chair, Members of the
26

1 Commission, the R-1C zone would allow them to actually
2 facilitate the property-line adjustment as seen here.

3 Otherwise, the existing R-1A zone on the
4 lot widths and the size are too big to actually allow
5 for a property-line adjustment for -- and allow the
6 two property owners to basically exchange properties,
7 because then you'd be creating parcels that would not
8 be consistent with the zone and its requirements. And
9 the same would apply for the R-1B.

10 Particularly the R-1B requires
11 75-foot-wide lots. And if they proceed forward with
12 this record of survey as proposed, they would be
13 creating a 61-foot-wide lot, which is too small, and
14 we couldn't approve any record of survey because it's
15 not complying with the base zone.

16 COMMISSIONER GILLESPIE: Right. So -- one more
17 question, Madam Chairman.

18 CHAIRMAN STEAD: Commissioner Gillespie.

19 COMMISSIONER GILLESPIE: So is Lot 1, as it's
20 currently configured in that L-shape, is that
21 compatible -- and the house on it, is that compatible
22 currently with the R-1A zone?

23 I mean, the setbacks to the north look
24 pretty tight.

25 DAVID MOSER: Madam Chair, Members of the
26

1 Commission, the existing lot and house are
2 grandfathered --

3 COMMISSIONER GILLESPIE: No. I understand that,
4 but it's --

5 DAVID MOSER: -- the current configuration -- so
6 you're correct. The house placement I
7 don't believe meets the current 10-foot side yard
8 setbacks the R-1A zone

9 COMMISSIONER GILLESPIE: So --

10 DAVID MOSER: ...or the 30-foot rear yard
11 setback for the south buildings in the back --

12 COMMISSIONER GILLESPIE: Right.

13 DAVID MOSER: [Unintelligible].

14 COMMISSIONER GILLESPIE: So Lot 1 is right now a
15 non-conforming zone -- right? -- and therefore, you
16 know, it was probably put there way before the R-1A
17 zone was invented, but -- so it's already
18 non-conforming.

19 DAVID MOSER: That is correct.

20 COMMISSIONER GILLESPIE: Okay. Thank you.
21 Whew.

22 CHAIRMAN STEAD: Commissioner Blanchard, I think
23 you're up next.

24 COMMISSIONER BLANCHARD: Wow. Yeah, this is
25 getting really wiggy really quick, and it's probably a

26

1 lot of much to do about nothing, but so -- at the end
2 of the day, what we're going to do is rezone this
3 whole thing here. And Lot 2 -- the newly proposed Lot
4 2, they're going to be able to come in and just get an
5 ADU or something by right on that property without
6 doing any kind of a lot split after
7 this -- correct? -- I mean, which would be -- we could
8 do in any R-1; right?

9 DAVID MOSER: That is correct.

10 Madam Chair, Members of the Commission,
11 any single-family house in any of the R-1 zones within
12 Boise could apply for an ADU as long as it complies with
13 code and be approved, provided it meets the basic standards.
14 ADUs are accessory to the allowed use of a
15 single-family house.

16 COMMISSIONER BLANCHARD: All right. Thank you,
17 David.

18 CHAIRMAN STEAD: Okay. Any last questions?

19 COMMISSIONER DANLEY: Madam Chair.

20 CHAIRMAN STEAD: Commissioner Danley.

21 COMMISSIONER DANLEY: Sorry.

22 Just to restate what you just said,
23 because I think that's important to note, what you're
24 saying is that as currently configured Lot 1 could
25 certainly go ahead because of -- by right, apply for
26

1 an ADU and be granted. And if a rezone of these two
2 properties occurs, Lot 2 could then later on down the
3 line, by right, apply for an ADU and be granted, both
4 of which because of the current -- because of the R-1
5 zoning?

6 DAVID MOSER: Madam Chair, Members -- Madam
7 Chair, Members of the Commission, that is correct.

8 COMMISSIONER DANLEY: Okay. Thank you.

9 CHAIRMAN STEAD: Okay. Seeing no further
10 questions from the Commission.

11 PUBLIC TESTIMONY

12 CHAIRMAN STEAD: We'll next move on to public
13 testimony.

14 Anybody that's interested in testifying on
15 this item, please virtually raise your hand so we can
16 get a queue going.

17 And before we switch to that, I'm going to
18 just take a quick, five-minute break, and we'll come
19 back at about 11 or 12 minutes after and see you back
20 here for the public testimony in five minutes.

21

22 (Recess taken from 1:35:59 to 1:41:34 of
23 audio file.)

24

25 CHAIRMAN STEAD: Okay. Welcome back. Thank

26

1 you.

2 We're going to actually -- I see some
3 hands raised, which is awesome. Please keep putting
4 them up if you would like to testify on this item
5 tonight.

6 We're going to get started actually with
7 the call-in phone number. So it's the number ending
8 in 6998.

9 Once you un-mute, you'll be ready to go.
10 Please start with your name and address.

11 I see Richard did un-mute.

12 Do we have that caller still on the line,
13 a phone number ending in 6998?

14 RICHARD FRITZLEY: Sorry. I'm not 6998 if
15 you're -- your screen said to ask me to un-mute.

16 CHAIRMAN STEAD: Okay. Let's start with you
17 then. You're here. Thank you, Richard.

18 Please start with your name and address,
19 and you'll have three minutes.

20 RICHARD FRITZLEY: My name's Richard Fritzley.
21 I live at 3807 North Hawthorne Drive, so I'm just up
22 the street from the proposed property.

23 On the surface I'm not opposed to a strict
24 lot-line adjustment, but I am adamantly opposed to a
25 rezone and don't really know if I buy the reasons for
26

1 doing the rezone.

2 I have a few questions I'd like the
3 Commission to consider -- is if both property owners
4 are doing this just to transfer the property, why
5 isn't the owner of Property 2 here tonight to testify
6 about that and say he's in agreement and wants that
7 property?

8 Is there a purchase agreement between the
9 two property owners that's going to move forward and
10 stay there?

11 And third, does a development agreement
12 really protect the neighborhood against long-term
13 further subdivision of that property and the higher
14 densities going in?

15 A different Commission might feel
16 differently about allowing higher density.

17 I bought this property I live in 20 years
18 ago specifically for the Sycamore Neighborhood
19 Overlay. Further development on the edges at a higher
20 density is just not in conformance with what we want.

21 The one thing I would agree with that
22 Mr. Tuthill said is that lot has been a
23 nothing-but-weed mess for eight years, and we'd
24 certainly welcome a neighbor that's somebody who would
25 take care of the property.

26

1 So if the Lot 2 owner would get that and
2 take care of it, that would be nice. But I, like many
3 other of my neighbors that live on the street and live
4 in the neighborhood, have serious concerns about the
5 rezone and the long-term ramifications of that.

6 And that's all I have.

7 CHAIRMAN STEAD: Thank you.

8 Okay. We'll try again with the phone
9 number. I did see somebody un-mute, so if that -- if
10 that's your number ending in 6998, you're un-muted
11 now.

12 Please start with your name and address,
13 and you'll have three minutes.

14 UNIDENTIFIED SPEAKER: Oh, I have nothing to
15 say. I'm sorry. It was my mistake to un-mute.

16 Thank you.

17 CHAIRMAN STEAD: Oh, okay. Thank you.

18 Okay. We'll next move then to Greg Stock.

19 Just give us a moment here to get the
20 technology switched over.

21 Okay, Greg. Go ahead and un-mute please,
22 and start with your name and address. You'll have
23 three minutes.

24 GREG STOCK: Oh, hi there. Greg Stock here.

25 I'm at 3400 on Sycamore Drive.

26

1 And it sounds very reasonable, what's
2 proposed, but I, too, have some concerns about the
3 long-term implications, both for attempted rezones by
4 others in the neighborhood or at the fringes of the
5 neighborhood for the future of high-density
6 development that might occur because of the rezone.

7 Because he -- as the first commenter
8 stated, it seems like if there were a simple transfer,
9 that maybe a rezone would not be required because
10 there isn't that narrow -- the strip isn't overtly
11 narrow if it were acquired by the other homeowner.

12 So my main concern is just for the
13 long-term implication of what the impact would be on
14 others who might want to try and rezone and do higher
15 density, because we, too, have purchased a house in
16 this area because of the low-density and are concerned
17 about the erosion of that restriction over time. And
18 so I'd like some -- any -- if the Commission could
19 comment about that because it really is a concern.

20 And I, too, have noticed that lot has just
21 been an empty lot, and so if it were transferred to
22 the new, potential owner and it was -- stayed as one
23 unit and was maintained, then that wouldn't be a
24 problem, but the larger implications are a concern.

25 Thank you.

26

1 CHAIRMAN STEAD: Thank you, Mr. Stock.

2 We'll next hear from Hillary Takahashi.

3 Please un-mute when you're ready, and
4 start with your name and address. You'll have three
5 minutes.

6 HILLARY TAKAHASHI: Hi. My name's Hillary
7 Takahashi. I live at 3821 North Hawthorne.

8 Before I get started, quickly, I just
9 wanted to talk about what Mr. Moser said for the area
10 being rezoned as 0.6-something acres, yet all the
11 signage and everything else says 0.97 acres.

12 If you go to the Ada County Assessor,
13 those two lots combined would be 28,000 square feet,
14 just over. So I'm not sure where the number
15 discrepancy is happening, and that's something that we
16 should ask and find out about.

17 But on to the next thing.

18 I have a peripheral lot within the
19 Sycamore Neighborhood Plan. And here the plan is
20 absolutely clear: It is a four-unit-per-acre,
21 peripheral lot and two-units-per-acre, interior lot.
22 The neighborhood's comfortable with that.

23 Many people here moved here for that, and
24 we're all willing to gather and come together for
25 that. What we are not comfortable with is an R-1C
26

1 designation of eight units per acre with a development
2 agreement to keep it at four.

3 Much of the R-1C justification used were
4 lots that aren't even in the Sycamore Plan, let alone
5 in the Collister neighborhood. You'd have to find
6 justification within the plan, both written and
7 geographic, and you'd be hard pressed to do so.

8 As somebody else already mentioned, this
9 area was denied a rezone in 1989. There is a file
10 that you can have -- get for that. I did pull it.
11 I'm not going to go into details here.

12 The shared water system's another pillar
13 within the Sycamore Plan. The Boise City Canal has
14 already been in contact, sharing their concerns
15 regarding setbacks, rights-of-way, as well as pipe
16 maintenance.

17 At the time of the Sycamore Plan, ACHD had
18 approved sidewalks for Taft. What happened?

19 With two houses breaking ground in May
20 behind the church and the potential for future houses,
21 what has been the involvement with ACHD?

22 Has there been any traffic study or
23 planned road/pedestrian improvements?

24 It is an unsafe road for pedestrians and
25 cars along Taft, especially between Hawthorne and
26

1 Sycamore.

2 About a week before the neighborhood
3 became aware of the proposed rezone, we started the
4 process of organizing in order to affirm the Sycamore
5 Plan. This is a priority of the -- as the proposed
6 [unintelligible] of Planning and Zoning will become
7 available for public comments. There are just over 40
8 households now organized, and the group is growing.

9 In speaking with them and for myself, we
10 believe there are other options for the parties
11 involved to achieve their goals and stay true to the
12 Sycamore Plan.

13 The shed being in violation, there are
14 other ways to ask for a variance or approval to
15 maintain the shed there. We just feel like a rezone
16 to R-1C with a developmental agreement is not the
17 correct option for us at this time.

18 Thank you.

19 CHAIRMAN STEAD: Thank you.

20 I wonder -- Mr. Moser, can you address
21 that lot discrepancy in the size?

22 DAVID MOSER: Yes, very quickly. Madam Chair,
23 Members of the Commission, the 0.97-acre -- acreage
24 being rezoned actually includes the right-of-way
25 adjacent to the site. So the site's actually 0.65,

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1 but the larger number is because we have to include
2 the rezone that has -- that gets -- or the
3 right-of-way that does get rezoned as well.

4 CHAIRMAN STEAD: Great. Thank you for that.

5 Okay. Next we're going to hear from
6 Douglas Drinka.

7 Please start with your name and address.

8 And also I just see a couple other hands
9 raised. So if there's anybody else that would like to
10 testify tonight, please be sure to raise those hands.

11 Go ahead, Douglas. You are up with your
12 three minutes, please.

13 DOUGLAS DRINKA: Thank you, Madam Chair and
14 Members of the Commission.

15 My name's Douglas Drinka. 3808 Hawthorne
16 Drive at the end of the street.

17 I just wanted to say quickly that I echo
18 Hillary's concern that R-1C is not the right zoning
19 for this plot of land.

20 I believe that most of the neighbors here
21 who are speaking, who have sent feedback would be fine
22 with an R-1B zoning for this. That's what's called
23 for in both the Sycamore Overlay and the neighborhood
24 plan for that area.

25 I noted that Mr. Moser mentioned that

26

1 there's nothing in the plan that speaks specifically
2 to zoning, and that's true. R-1A, R-1B isn't called
3 out. However what is called out is that all
4 development should occur on large lots of 10,000
5 square feet or more. That's very explicit in the
6 neighborhood plan and in the overlay, and that aligns
7 most closely with R-1B as opposed to R-1C.

8 Again I echo Hillary in saying that, with
9 the DA attached, I recognize that this ends up feeling
10 like an R-1B, but it doesn't look like an R-1B. And
11 so going forward into the future where a lot of
12 developers are interested in these large plots of
13 land, this just doesn't set a good precedent.

14 As Mr. Gillespie said, "I've never seen
15 that." That's concerning to me, in terms of the Board
16 not seeing this sort of framework used before. To me,
17 that doesn't set the right precedent.

18 CHAIRMAN STEAD: Thank you.

19 Next we'll hear from Clay Ellestad.

20 Please start with your name and address,
21 and you'll have three minutes.

22 CLAY ELLESTAD: ...Chair -- good evening, Madam
23 Chair and Commissioners. My name is Clay Ellestad.
24 3500 Sycamore Drive, 83703.

25 I live in the Sycamore Overlay district,
26

1 the kind of large lots, the R-1As. And I just wanted
2 to say that I'm opposed to this lot rezone.

3 This zone -- this zoning change has been
4 tried in the past. You referred back to 1989 -- zone
5 cited by folks, and that was the genesis of the
6 Sycamore Overlay, the push to get this whole area
7 incorporated into the large-lot -- that 1989, from my
8 understanding, was why it was done that way.

9 So again this was tried in '89 and then
10 again it was tried in February of 2018, April of 2020,
11 and now here we are in, you know, March of 2021. It's
12 the same players and the same kind of goals here.

13 I do want to say, you know, the zoning
14 doesn't -- won't change the fact that there's a weedy
15 lot down there. It will be -- regardless of your
16 decision.

17 Let's see. And so it's been denied.

18 I'm just kind of running through my notes
19 here.

20 The other point I wanted to make -- that I
21 didn't see any notice of a neighborhood meeting, and
22 there's no records in the Collister Neighborhood
23 Association of any meeting for this lot rezone to be
24 discussed with the neighbors, so that's maybe why no
25 one was on the phone with the Collister Neighborhood
26

1 Association.

2 I know there are meeting minutes from the
3 April rezone, but that was larger than six months ago.
4 I don't know how many months ago that was -- eight
5 months ago?

6 So I don't think there was a neighborhood
7 meeting to discuss this.

8 And I do want to say my reading of the
9 Sycamore Neighborhood Plan, you know, cited by Mr.
10 Moser, comes to a different conclusion. You know, he
11 cites that proposed higher density on the edges of the
12 Sycamore Neighborhood Plan. That wasn't codified in
13 the Zoning Ordinance that the City adopted with the
14 R-1A, but what was shown in the neighborhood plan was
15 that we want the large lots, and the rezoning was not
16 appropriate for this area.

17 That's kind of all I have right now.

18 I appreciate your time. Thank you.

19 CHAIRMAN STEAD: Thank you.

20 Next we'll hear from Piper Field.

21 Again, three minutes. And please start
22 with your name and address.

23 PIPER FIELD: My name is Piper Field, and my
24 husband and I live at 3112 North Sycamore Drive, right
25 near Taft. We're in the perimeter of the Sycamore

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1 Neighborhood Plan.

2 We submitted our comments, too, opposing
3 this application, but I just wanted to add a couple of
4 things.

5 When I spoke to Mr. Moser last week, he
6 was very helpful in getting back to me, and I really
7 appreciate that.

8 I told him our main concern is that the
9 Council grants this application to rezone the two lots
10 to R-1C. Even though there is a development agreement
11 attached that limits the construction, the door is
12 open for the next applicant who wants to develop a
13 property in this area to apply for R-1C zoning change.

14 And since my conversation with Mr. Moser
15 last week, the property next door on the corner of
16 Taft and Sycamore has gone on the market. I'm really
17 concerned that if you approve this application that
18 you will be seeing the next application to -- for
19 rezoning to R-1C, so the lot can be subdivided. So I
20 really urge you to consider the precedent you set.

21 I am in agreement with the prior speakers,
22 regarding the Sycamore Neighborhood Plan, the
23 Collister Neighborhood Plan, the Northwest
24 Neighborhood -- in terms of the Boise Blueprint, I
25 don't think that this way of trying to follow the

26

1 Sycamore Plan from 1998 -- and we moved here before
2 that. We've been here 27 years -- that -- to a
3 density of four units per acre on the perimeter. I
4 don't believe this solution fits.

5 I'm also confused because I thought that
6 when I spoke with Mr. Moser last week, he said that
7 the same result could be achieved by rezoning the
8 properties to R-1B and then the applicant taking two
9 additional steps, which, to me, seems a much more
10 reasonable solution and more fitting with the
11 intention and the vision of this plan, which -- when
12 the City annexed the neighborhood in 1974 and the
13 commitment was to keep it R-1A, large lots, urban
14 agriculture -- and I think that is really the vision
15 and intention of this area.

16 So I'm -- I'd like to hear
17 the clarification on that.

18 Why can't it be R-1B?

19 And what other variances or applications
20 would need to be -- or permits would need to go -- to
21 be approved in order for this solution to be made to
22 this corner lot without rezoning to R-1C?

23 So I don't need to go on anymore.

24 I just want to say that when we moved here
25 27 years ago, it was because of the overlay. And we

26

1 didn't intend to increase density. We weren't part of
2 that plan in 1998.

3 We have fruit trees, nut trees, six
4 varieties of grapes. We have no intention of
5 subdividing or trying to build any more additional
6 units on our property.

7 And we hope that you really think about
8 this carefully before you decide about whether to
9 approve this application.

10 Thank you.

11 CHAIRMAN STEAD: Thank you.

12 Okay. Do we have anybody else that would
13 like to speak on this item tonight?

14 Please virtually raise your hand.

15 Okay. One more up. It looks like that
16 would be the last one though.

17 So, Tracy Crites, please start with your
18 name and address, and you'll have three minutes.

19 TRACY CRITES: Hi. Yes. My name is Tracy
20 Crites, and we live at 3516 North Hawthorne Drive.

21 And I believe that we are in agreement
22 with our other neighbors that have spoken tonight that
23 this isn't fitting with the overlay plan and also the
24 reason that we live in this neighborhood and the
25 reason that we have actively protected the
26

1 development.

2 And I definitely think that this sets a
3 precedent. So if there's a different way to --

4 CHAIRMAN STEAD: Oh, Tracy. It looks like you
5 just muted. If you could un-mute and pick up again.

6 TRACY CRITES: Oh, sorry about that.

7 Yeah. So I was just saying that we're in
8 agreement with our neighbors, that we don't feel like
9 this is fitting with the overlay plan and the reasons
10 that we live and protect this neighborhood against
11 development.

12 And I definitely just wanted to echo the
13 concern and the precedence that this would set.

14 So thank you very much.

15 CHAIRMAN STEAD: Thank you.

16 Next we'll hear from Ernest.

17 Please go ahead and un-mute and start with
18 your name and address, and then right into your three
19 minutes.

20 Ernest Puopolo, it looks --

21 ERNEST PUOPOLO: [Unintelligible].

22 CHAIRMAN STEAD: Oh.

23 ERNEST PUOPOLO: I just --

24 CHAIRMAN STEAD: Okay.

25 ERNEST PUOPOLO: Yeah. I just un-muted.

26

1 Can you hear me?

2 CHAIRMAN STEAD: Yes, we can. Yeah.

3 Please start with your name and address,
4 and then three minutes.

5 ERNEST PUOPOLO: Yeah. It's 38 -- what is
6 it? -- 3816 North Hawthorne Drive.

7 While I agree with most of my neighbors,
8 I've been here since -- I bought this lot in 1977 and
9 built a home on it myself in 1985, and I -- before I
10 bought this lot, I noticed down the street, just north
11 of Lot 2 and 1 there are two duplexes. And Mr. Able
12 Azer [phonetic] snuck those in.

13 He -- somehow he got the -- you
14 guys -- not you personally, but the City to agree to
15 put those in, and they weren't supposed to be in
16 there. And so we always worried about that happening
17 some other place.

18 And I talked to James Molinaro. He was
19 going to buy this from Tuthill, and
20 Mr. Tuthill -- Dave's sitting right there. And I told
21 James I would not oppose this, but now after hearing
22 my neighbors, why can't it be R-1B?

23 Why can't they two get together, move that
24 lot line, and leave it so James can't sell his lot
25 and -- one -- and put four units in there?

26

1 And one of the concerns I have is that the
2 City can -- you, the Commissioners, allowed four
3 units, and there are shotgun houses on Silver Street.
4 You allowed four duplexes down there.

5 And when you drive down Silver Street in
6 the morning -- it's a short street right
7 there -- right by this property that runs from Taft to
8 State Street. You can't drive down that if another
9 car's coming up the other way because all these
10 people, they might have one parking space, you know?
11 And so they're all on the street in the morning. It's
12 full of cars so you cannot go down that street without
13 somehow getting into somebody's -- trying to get into
14 a driveway. I'd hate to see this happening.

15 And I don't see why Tuthill can't get with
16 James and sell that as an R-1B so we're guaranteed
17 that James won't be all -- or he won't sell his house
18 along with his lot eventually, because James said he
19 couldn't afford to build on that lot right now.

20 So if James is not lying to me or he
21 doesn't sell his property, that's fine. But people
22 change. Things change.

23 Mr. Tuthill, are you lying?

24 Why do you need it to change?

25 Why can't you leave it R-1B,

26

1 just -- or have it R-1B?

2 Answer that question.

3 I don't see why the zoning has to be
4 changed. I told James I wouldn't oppose it, but after
5 hearing all my neighbors, I do now oppose it.

6 And you know, I've been living here
7 47 years on this property, and it's big. All my
8 neighbors have nice, big properties, and I want it to
9 remain that way.

10 And we vote for you people, so we would
11 like -- all our neighbors -- I've talked to all of
12 them. They do not want that changed. They want it
13 R-1B.

14 So thank you. I'm finished.

15 CHAIRMAN STEAD: Thank you.

16 We're actually just volunteers. We
17 weren't voted here, but thank you for the -- thank you
18 for the feedback. Just to clarify our position.

19 That was the end of our hands risen.

20 REBUTTAL

21 CHAIRMAN STEAD: So at this point, we will close
22 the public portion of the hearing, and the item is now
23 before the Commission -- oh, I'm so sorry. Wait. We
24 have to go to rebuttal first.

25 Sorry. We're going to go to the

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1 applicant.

2 You'll have five minutes for rebuttal.

3 Please again just start with your name, Mr. Tuthill.

4 DAVE TUTHILL: Okay. Thank you, Madam Chairman,
5 Members of the Commission. And -- my name's Dave
6 Tuthill. And I took some notes during the public
7 comments, and I'll address those issues.

8 First of all, why is the other person not
9 on the line, James Molinaro?

10 Well, we do have a sales agreement. I
11 agreed to work with the City to see if we can get this
12 change. And so I -- I'm the front person on this. I
13 do have an agreement with Mr. Molinaro.

14 Secondly, there's a desire to have no
15 additional development. I understand that. But the
16 Sycamore Plan, the 1998 plan, does have a different
17 density on the northern edge and on the southern edge,
18 as Mr. Moser explained and showed the picture. So
19 that was the plan since 1998, and what we're doing is
20 in accordance with that plan.

21 Third, there's no desire for an R-1C.
22 There's been a lot of discussion to limit to R-1BS.
23 And the reason that we're going to R-1C is because of
24 the distances. It would require some waivers
25 that -- staff felt that this would be a better way to
26

1 go. So this technique that we're using is consistent
2 with the recommendations of the Boise City planning
3 staff.

4 Next, there was a question about -- there
5 are no other -- I heard a lady say that it didn't seem
6 like there are any other R-1Cs in the area. And
7 across the street to the south of -- on the south side
8 all along Taft Street, those are all R-1C. So it's
9 not hugely different to have some R-1Cs.

10 There was a mention made of a new planning
11 development underway. They want to redo the plan, but
12 the plan in existence right now is the one that we're
13 going by. And this is the neighborhood plan, Sycamore
14 Neighborhood Plan, so this is consistent with that.

15 The meeting notices went out in December
16 for a January 6th meeting. I held an online meeting.
17 Nobody showed up, but I sent out all the notices that
18 the City provided me labels for, so that meeting was
19 held online on the evening of January 6th,
20 and -- which is -- I guess the previous applicant
21 tonight didn't have any people show at her meeting
22 either.

23 And finally, because this overlay has
24 existed since 1998, I think this technique of making
25 this lot split works. And if the development
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1 agreement has no clout, and that's the -- seems to be
2 the worry of the citizens in the area, then why have a
3 development agreement?

4 This was proposed by the City planning
5 staff. It seems to work, limits this. It provides
6 for the variances that are needed. And if it has no
7 value, why would there be such a thing?

8 So that's my rebuttal, Madam Chairman and
9 Members of the P&Z Commission.

10 Thank you.

11 CHAIRMAN STEAD: Thank you, Mr. Tuthill.

12 MOTIONS

13 CHAIRMAN STEAD: So now we are closing the
14 public portion of the hearing, and the item is before
15 the Commission.

16 COMMISSIONER GILLESPIE: I made my motion for
17 the -- tonight so -- for tonight so I'll leave it to
18 my [unintelligible] while hard-working colleagues.

19 CHAIRMAN STEAD: I'll wait.

20 COMMISSIONER BLANCHARD: Madam Chair.

21 CHAIRMAN STEAD: Commissioner Blanchard.

22 COMMISSIONER BLANCHARD: I move that we approve
23 the motion recommended by staff as written.

24 COMMISSIONER GILLESPIE: Second.

25 CHAIRMAN STEAD: Great. We have a second from
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1 Commissioner Gillespie.

2 Would you like to start the discussion,
3 Commissioner Blanchard?

4 COMMISSIONER BLANCHARD: Thank you, Madam Chair.

5 Look, I just kind of want to elevate this
6 up to the macro level here, just so that we can all be
7 clear. I think from the great questioning from
8 Commissioner Gillespie and Commissioner Danley -- is
9 that at the end of the day like here's what we're
10 being asked to decide is who is going to get to build
11 on that lot; right? I mean, that's all that this is.

12 And that is frankly completely outside of
13 the purview of P&Z. It's like either Party A who owns
14 this lot is going to build on it or Party B who owns
15 this lot is going to build on it.

16 And so like change is going to happen.
17 And so one way or another, this is going to get built.

18 I don't see any concerns with high
19 density, what they call high density in that region.
20 It's just not -- it's not a place that's really going
21 to be for that or appropriate for that. So I mean, I
22 think, you know, what you end up out there with is
23 like a -- is a single-family home of some size, and I
24 think that's why the R-1C is requested.

25 And frankly, you know, lot splits at any
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1 other time are -- these are just administrative
2 things, where you come in to the counter and you ask
3 for a one-time lot split. So really that we're going
4 this far, where this actually had to come to P&Z, is
5 actually kind of amazing, I think.

6 And again these -- I heard three dates
7 tonight that I wrote down. One was 1974, when I was
8 six years old; another was 1989, which was 32 years
9 ago; and another was 1998, which was 22 years ago.

10 And like we're -- you know, this is like
11 saying that we should leave this the way it was in
12 1974 or saying, you know, we should all be
13 happy -- you know, why don't we just still have Gerald
14 Ford as president or something?

15 And look, we're in an entirely different
16 reality than we were from any of those dates; right?
17 And I think to have this level of frustration with the
18 potential that a single-family home will be built on
19 that site is frankly pretty incredible.

20 The last thing I want to comment on, and
21 unfortunately I had to comment on this in the last
22 thing, is that it is completely vicious to me and, I
23 think, never appropriate for somebody to come in and
24 call one of their neighbors a liar or to insinuate
25 that somebody here on the Commission is doing anything
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1 other than public good. And I think there's no place
2 for that.

3 So for all these reasons and what is
4 declared in the staff report, I'm voting to support
5 this.

6 CHAIRMAN STEAD: Thank you, Commissioner
7 Blanchard.

8 Commissioner Gillespie.

9 COMMISSIONER GILLESPIE: Thank you, Commissioner
10 Stead.

11 So I'd like to thank Chris for the motion.

12 And just a couple of things. I think that
13 really -- the interesting question -- right? -- is why
14 not R-1B?

15 And I'll bet you when this goes up to
16 Council, people are going to have a better answer than
17 they have tonight for that question, because it's a
18 really good question.

19 And I think the short answer is because
20 right now that Lot 1 and maybe even the house on Lot 2
21 don't meet the dimensional setbacks, standards, or
22 the -- of the zones.

23 And so I believe -- and I haven't
24 looked -- I haven't had time during the
25 hearing -- that City Code prevents us from doing a
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1 lot-line adjustment if the resulting lots are not
2 conforming with the zone; right?

3 In other words, being non-conforming sort
4 of freezes us unless we can figure out a zone so that
5 they begin conforming, and then we can split and make
6 this lot-line adjustment as proposed. I think that's
7 what's happening.

8 I hope City staff to the Council is a
9 little bit more clear on exactly what isn't conforming
10 and why and when that happened. So there's some
11 history there.

12 I agree with Chris that the big picture is
13 we're going to do all this, and it's going to
14 enable -- at some point down the road, it's possible
15 that one more house gets added to this set of
16 properties.

17 Again what's before us now is not that
18 decision. It's just this zone and this DA, but we're
19 kind of being asked to sort of look ahead and forecast
20 or think about, you know, would -- does the DA protect
21 this against the worst of uses of R-1C. And in this
22 case it limits us to one more dwelling unit going on
23 this combination of properties.

24 I'm okay with that happening. I agree
25 with the City staff and the applicant on their

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1 interpretation of the Sycamore Plan in the Sycamore
2 Overlay. So for all those reasons, I would support
3 the motion to recommend approval.

4 CHAIRMAN STEAD: Thank you, Commissioner
5 Gillespie.

6 Commissioner Mohr.

7 COMMISSIONER MOHR: I just wanted to -- I
8 support the motion as well. And I just wanted to
9 touch on a couple of comments that kind of came up in
10 the public testimony, mainly in setting a precedent
11 for R-1C zoning along this side.

12 But I think I would disagree with that. I
13 would think that with the development agreement we're
14 setting a precedent that -- four units per acre no
15 matter what, whether it's R-1B or R-1C is, what we're
16 looking for along there. So despite its being R-1C
17 versus R-1B, I think the precedent's being set that
18 the density is what matters in this case.

19 I know there were some other comments
20 about the size of the lots based on information in our
21 packets. It looks like -- even though it is
22 zoned -- it is a rezone for R-1C, those lots are still
23 over 10,000 square feet.

24 And for all of those reasons, I think I'm
25 perfectly comfortable supporting this motion with the

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1 DA and the R-1C zone.

2 COMMISSIONER GILLESPIE: Madam Chairman.

3 CHAIRMAN STEAD: Commissioner Gillespie.

4 COMMISSIONER GILLESPIE: Just -- with your
5 permission, one -- just -- I'd like to make one last
6 comment on this issue of precedent.

7 CHAIRMAN STEAD: Please.

8 COMMISSIONER GILLESPIE: If -- would -- and it's
9 my second time talking on this, so I'd like your
10 permission.

11 CHAIRMAN STEAD: Yes. Please go ahead,
12 Commissioner Gillespie.

13 COMMISSIONER GILLESPIE: So just as a procedural
14 matter, we're constrained to just look at this
15 application and judge it according to the Code and the
16 relevant Comp Plan. That's true for any application
17 before us. So we are not constrained to look back at
18 other decisions on other properties. In fact if we
19 did, that would be very problematic.

20 So we are constrained to make the -- and
21 so I'm talking to the neighborhood that were worried
22 about precedent. It does not. We are constrained, in
23 fact, to look at just what is in this public record,
24 and that is true for every single application before
25 the City.

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1 So I just wanted to clarify this issue of
2 precedent. So it's an important way that the Planning
3 and Zoning Commission, indeed the City Council, in
4 these permitting procedures is not the same as a court
5 of law and their use of precedent.

6 CHAIRMAN STEAD: Yeah, thank you for that. That
7 was actually on my radar too, and I agree with that.

8 I mean, and I think there was a comment
9 made about, you know, a different Commission might
10 make a different decision, and that's absolutely
11 right. We do the best that we can with the evidence
12 we have and the Code that we're given to make the best
13 decision based on that evidence.

14 Any last comments on this?

15 CO-CHAIRMAN SCHAFER: Madam Chair.

16 CHAIRMAN STEAD: Commissioner Schafer.

17 CO-CHAIRMAN SCHAFER: Oh, I'm sorry. I realized
18 my camera's off. Sorry. And I'm now calling from
19 Mars apparently.

20 Just real quick too -- I wanted just to
21 speak to a couple of the comments about traffic,
22 roads. There was also some comments about the
23 irrigation deliveries on the properties. And I just
24 wanted to assure -- ensure to all the folks that are
25 attending that, you know, those things are

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1 always -- are looked at when there's a development
2 application before the Commission or before Design
3 Review.

4 So the time -- it's not the time right now
5 necessarily to consider traffic studies and accesses
6 and whatnot. That's all addressed when there's an
7 actual development application before the City.

8 And in regards to the irrigation delivery,
9 those are legally required to remain in place. So
10 whatever application comes before the City, those will
11 have to be maintained. So the deliveries are always
12 maintained, and that's a legal requirement.

13 So that was the only other thing on my
14 list I wanted to clarify for the record.

15 CHAIRMAN STEAD: Okay. Seeing no more
16 testimony.

17 We have a recommendation for approval for
18 CAR20-21 at 3153 North Hawthorne Drive.

19 ROLL CALL

20 CHAIRMAN STEAD: Will the clerk please call the
21 vote.

22 THE CLERK: Stead.

23 CHAIRMAN STEAD: Aye.

24 THE CLERK: Schafer.

25 CO-CHAIRMAN SCHAFFER: Aye.

26

1 THE CLERK: Squyres.
2 COMMISSIONER SQUYRES: Aye.
3 THE CLERK: Blanchard.
4 COMMISSIONER BLANCHARD: Aye.
5 THE CLERK: Mohr. Mohr.
6 COMMISSIONER MOHR: Aye.
7 THE CLERK: Gillespie.
8 COMMISSIONER GILLESPIE: Aye.
9 THE CLERK: Finfrock.
10 COMMISSIONER FINFROCK: Aye.
11 THE CLERK: Danley.
12 COMMISSIONER DANLEY: Aye.
13 THE CLERK: All in favor. Motion carries.

14 (End transcription at 2:16:38 of audio
15 file.)

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V. ADJOURNMENT