



**BOISE CITY PLANNING & ZONING COMMISSION  
HEARING MINUTES  
April 5, 2021**

I. CALL TO ORDER

PRESENT: Squyres, (Remote), Blanchard (Remote), Mohr, Gillespie,  
Stead (In Person)  
ABSENT: Finfrock, Danley

II. CONSENT AGENDA

A. **PUD16-00040 / Taylor Jene Homes Inc  
TIME EXTENSION**

1575 S Clear Creek Drive

Request for a two-year time extension for a conditional use permit for a 12-unit planned residential development comprised of three four-plex buildings within the N-OD (Neighborhood Office with Design Review) zone. *Celine Acord*

<b>RESULT:</b>	<b>APPROVED Items A, 2 &amp; 7 and RECOMMENDED APPROVAL (CAR21-00005) [UNANIMOUS]</b>
<b>MOVER:</b>	Milt Gillespie, Commissioner
<b>SECONDER:</b>	Bob Schafer, Co-Chair
<b>AYES:</b>	Squyres, Blanchard, Mohr, Gillespie, Stead, Schafer
<b>ABSENT:</b>	Janelle Finfrock, Chris Danley
	<b>UNANIMOUS APPROVAL TO PLACE ON CONSENT ALL IN FAVOR, MOTION CARRIED</b>

PUD16-00040 - 1575 S Clear Creek Dr

CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: )  
PUD16-00040 / TAYLOR JENE HOMES INC )  
1575 South Clear Creek Drive )  
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TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, APRIL 5, 2021

COMMISSIONERS PRESENT:

MEREDITH STEAD, CHAIR

BOB SCHAFFER, CO-CHAIR

ASHLEY SQUYRES

CHRISTOPHER BLANCHARD

JENNIFER MOHR

MILT GILLESPIE

TRANSCRIBED BY:

VICTORIA HILLES

Audio Transcription - Hearing - April 5, 2021  
PUD16-00040 - 1575 S Clear Creek Dr

1 (Begin transcription at 0:47:41 of audio  
2 file.)

3 INTRODUCTION

4 CHAIRMAN STEAD: Okay. Without objection I  
5 will place Item A -- this is PUD16-40 for Taylor Jene  
6 Homes -- on the consent agenda. This is a time  
7 extension for 1575 South Clear Creek Drive, a request  
8 for a two-year time extension on a conditional use  
9 permit for a 12-unit planned residential development.

10 NEIGHBORHOOD ASSOCIATION

11 N/A

12 PUBLIC TESTIMONY

13 N/A

14 REBUTTAL

15 N/A

16 MOTIONS

17 N/A

18 ROLL CALL

19 N/A

20 (End transcription at 0:48:04 of audio file.)

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2. **CAR21-00005 / South Beck & Baird**

580 N Cole Rd

Modification to a Development Agreement for permitted uses and site layout on 2.13 acres in a C-2D/DA (General Commercial with Design Review and Development Agreement) zone. *Céline Acord*

**PUD20-00050 / South Beck & Baird**

580 N Cole Rd

Conditional use permit for a planned mixed use development comprised of 136 multi-family units, 21,760 square feet of self-storage and 1,000 square feet of retail space on 2.13 acres in a C-2D/DA (General Commercial with Design Review and Development Agreement) zone. A height exception is also included. *Céline Acord*

<b>RESULT:</b>	<b>APPROVED Items A, 2 &amp; 7 and RECOMMENDED APPROVAL (CAR21-00005) [UNANIMOUS]</b>
<b>MOVER:</b>	Milt Gillespie, Commissioner
<b>SECONDER:</b>	Bob Schafer, Co-Chair
<b>AYES:</b>	Squyres, Blanchard, Mohr, Gillespie, Stead, Schafer
<b>ABSENT:</b>	Janelle Finfrock, Chris Danley
	<b>UNANIMOUS APPROVAL TO PLACE ON CONSENT ALL IN FAVOR, MOTION CARRIED</b>

CAR21-00005, PUD20-00050 - 580 N Cole Rd

CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: )  
CAR21-00005 / SOUTH BECK & BAIRD )  
and )  
PUD20-00050 / SOUTH BECK & BAIRD )  
580 North Cole Road )  
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BOB SCHAFER, CO-CHAIR

ASHLEY SQUYRES

CHRISTOPHER BLANCHARD

JENNIFER MOHR

MILT GILLESPIE

TRANSCRIBED BY:

VICTORIA HILLES

Audio Transcription - Hearing - April 5, 2021  
CAR21-00005, PUD20-00050 - 580 N Cole Rd

1 (Begin transcription at 0:48:05 of audio  
2 file.)

3 INTRODUCTION

4 CHAIRMAN STEAD: The next item for  
5 consideration on the consent agenda is Item No. 2.  
6 This is CAR21-5, South Beck & Baird, at 580 North Cole  
7 Road -- this is a modification to a development  
8 agreement for permitted uses and site layout -- and  
9 PUD20-50 for South Beck & Baird, a conditional use  
10 permit for a planned mixed use development.

11 Is the applicant present?

12 I see that they are.

13 And are you in agreement with the terms and  
14 conditions of the staff report?

15 Let the record note that they are.

16 NEIGHBORHOOD ASSOCIATION

17 N/A

18 PUBLIC TESTIMONY

19 CHAIRMAN STEAD: And is there anybody present  
20 tonight that was wishing to testify in opposition of  
21 this item tonight?

22 Please virtually raise your hand if you're  
23 online or raise your hand if you're here in person.

24 Okay. Seeing none.

25 Then we'll place Item 2 on the consent agenda.

Audio Transcription - Hearing - April 5, 2021  
CAR21-00005, PUD20-00050 - 580 N Cole Rd

1 REBUTTAL

2 N/A

3 MOTIONS

4 N/A

5 ROLL CALL

6 N/A

7 (End transcription at 0:48:57 of audio file.)

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7. **CVA21-00004 / FlexSpace LLC**

665 N Mitchell St

Variance to encroach into the northern setback to construct a self-service storage facility on 0.68 acres in a M-1D (Light Industrial with Design Review) zone. *Delanie Garlick*

**RESULT:** **APPROVED Items A, 2 & 7 and RECOMMENDED APPROVAL (CAR21-00005) [UNANIMOUS]**

**MOVER:** Milt Gillespie, Commissioner

**SECONDER:** Bob Schafer, Co-Chair

**AYES:** Squyres, Blanchard, Mohr, Gillespie, Stead, Schafer

**ABSENT:** Janelle Finrock, Chris Danley

**UNANIMOUS APPROVAL TO PLACE ON CONSENT  
ALL IN FAVOR, MOTION CARRIED**

CVA21-00004 - 665 N Mitchell St

CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: )  
CVA21-00004 / FLEXSPACE LLC )  
665 North Mitchell Street )  
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CHRISTOPHER BLANCHARD

JENNIFER MOHR

MILT GILLESPIE

TRANSCRIBED BY:

VICTORIA HILLES

Audio Transcription - Hearing - April 5, 2021  
CVA21-00004 - 665 N Mitchell St

1 (Begin transcription at 0:48:58 of audio  
2 file.)

3 INTRODUCTION

4 CHAIRMAN STEAD: The last item for  
5 consideration of the consent agenda is Item No. 7.  
6 This is CVA21-4, FlexSpace, LLC, at 665 North Mitchell  
7 Street, a variance to encroach on the northern  
8 setback.

9 Is the applicant present tonight?

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

12 Let the record reflect that they are.

13 NEIGHBORHOOD ASSOCIATION

14 N/A

15 PUBLIC TESTIMONY

16 CHAIRMAN STEAD: Is there anybody present  
17 tonight that is wishing to testify in opposition of  
18 Item No. 7 tonight?

19 Please virtually raise your hand or in person.

20 Okay. Seeing none.

21 We will place Item 7 on the consent agenda.

22 REBUTTAL

23 N/A

24 MOTIONS

25 CHAIRMAN STEAD: And the Chair will entertain

Audio Transcription - Hearing - April 5, 2021  
CVA21-00004 - 665 N Mitchell St

1 a motion.

2 COMMISSIONER GILLESPIE: Madam Chair.

3 CHAIRMAN STEAD: Commissioner Gillespie.

4 COMMISSIONER GILLESPIE: Madam Chair, I move  
5 we approve the consent agenda consisting of Items A,  
6 2, and 7 along with all the related terms and  
7 conditions in the staff report.

8 CO-CHAIRMAN SCHAFFER: Second.

9 CHAIRMAN STEAD: Second from Commissioner  
10 Schafer.

11 ROLL CALL

12 CHAIRMAN STEAD: If there are no questions,  
13 then will the clerk please call the vote.

14 THE CLERK: Stead.

15 CHAIRMAN STEAD: Aye.

16 THE CLERK: Schafer.

17 CO-CHAIRMAN SCHAFFER: Aye.

18 THE CLERK: Squyres.

19 COMMISSIONER SQUYRES: Aye.

20 THE CLERK: Blanchard.

21 COMMISSIONER BLANCHARD: Aye.

22 THE CLERK: Mohr.

23 COMMISSIONER MOHR: Aye.

24 THE CLERK: Gillespie.

25 COMMISSIONER GILLESPIE: Aye.

Audio Transcription - Hearing - April 5, 2021  
CVA21-00004 - 665 N Mitchell St

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THE CLERK: All in favor. Motion carries.  
(End transcription at 0:50:12 of audio file.)

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III. NEW BUSINESS

1. **CVA20-00059 / David Baker, Aim Sign Company**

101 S Capitol Boulevard

Variance to exceed the maximum background area for proposed wall signs in a C-5DDC (Central Business with Downtown Design Review and Capitol Boulevard Special Design District) zone.

*Katelyn Menuge*

<b>RESULT:</b>	<b>DENIED [5 TO 1]</b>
<b>MOVER:</b>	Milt Gillespie, Commissioner
<b>SECONDER:</b>	Ashley Squyres, Commissioner
<b>AYES:</b>	Squyres, Mohr, Gillespie, Stead, Schafer
<b>NAYS:</b>	Christopher Blanchard
<b>ABSENT:</b>	Janelle Finrock, Chris Danley
	<b>MAJORITY IN FAVOR, MOTION CARRIED</b>

CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: )  
CVA20-00059 / DAVID BAKER, AIM SIGN )  
COMPANY )  
101 South Capitol Boulevard )  
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TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, APRIL 5, 2021

COMMISSIONERS PRESENT:

MEREDITH STEAD, CHAIR

BOB SCHAFER, CO-CHAIR

ASHLEY SQUYRES

CHRISTOPHER BLANCHARD

JENNIFER MOHR

MILT GILLESPIE

TRANSCRIBED BY:

VICTORIA HILLES

1 (Begin transcription at 0:50:13 of audio  
2 file.)

3 INTRODUCTION

4 CHAIRMAN STEAD: First up is Item No. 1. This  
5 is CVA20-59 for David Baker, Aim Sign Company, at 101  
6 South Capitol Boulevard. This is a variance to exceed  
7 the maximum background area.

8 And we'll start with staff.

9 Please go ahead.

10 KATELYN MENUGE: Thank you, Madam Chairman. I'm  
11 Katelyn Menuge with the Design Review Division.

12 CÉLINE ACORD: Madam Chair, Katelyn, sorry. For  
13 a second -- Michael [phonetic], who's our IT  
14 person -- I can't share the screen for some reason.

15 COMMISSIONER GILLESPIE: [Unintelligible].  
16 Would you say your name again?

17 KATELYN MENUGE: Yes, I'm Katelyn Menuge.

18 COMMISSIONER GILLESPIE: Katelyn, is this your  
19 first go-around with this gang?

20 CHAIRMAN STEAD: No way.

21 KATELYN MENUGE: I think it's my third.

22 COMMISSIONER GILLESPIE: Well, that's just what  
23 happens when you work with the elderly. It's always a  
24 first time for me.

25 KATELYN MENUGE: That's good.

1 CHAIRMAN STEAD: Well, it's been a long time  
2 since we've all seen each other's faces.

3 COMMISSIONER GILLESPIE: Exactly.

4 KATELYN MENUGE: Yeah.

5 CHAIRMAN STEAD: It's hard to keep track. We've  
6 been rotating on the Commission just two Commissioners  
7 at a time for many months, so it's nice to now  
8 have --

9 COMMISSIONER GILLESPIE: Thank you for covering  
10 for me --

11 CHAIRMAN STEAD: Yeah. You got it, Milt.

12 COMMISSIONER GILLESPIE: -- Chairman.

13 So are we still waiting?

14 CÉLINE ACORD: Yes. Yeah.

15 COMMISSIONER GILLESPIE: Okay. Well, let's see.

16 CHAIRMAN STEAD: [Unintelligible] for us.

17 CÉLINE ACORD: He's working on it. I want to  
18 just try this way. [Unintelligible] myself, but I  
19 wouldn't think it would make a difference.

20 CHAIRMAN STEAD: I could reread that line about  
21 "Thank you for your patience as we all navigate  
22 through the technology."

23 CÉLINE ACORD: I'll just go onto Outlook and  
24 through Zoom here. [Unintelligible]. See if you can  
25 [unintelligible] rather than wait. It shouldn't

1 matter; right?

2 We've never had this happen before.

3 Join with video. Join without video.

4 Okay. [Unintelligible] and then share screen. Yes?

5 Okay. We'll make it work.

6 KATELYN MENUGE: All right. I think we're good  
7 to go.

8 Okay. So this is a request for a sign  
9 variance to exceed the maximum background area in the  
10 Capitol Boulevard Special Design Overlay District, and  
11 the process for these is the Design Review Committee  
12 forwards a recommendation to the Planning and Zoning  
13 Commission, who makes the decision.

14 So for simplicity, I'm going to refer to  
15 the Main Street side as north and Capitol Boulevard as  
16 the east and so on.

17 The subject property is located on the  
18 southwest corner of North Capitol Boulevard and West  
19 Main street at 101 South Capitol Boulevard. The  
20 applicant is proposing to remove the existing wall  
21 sign facing south and install two new wall signs.

22 According to our records, the existing  
23 sign was approved at 329 square feet in 1998 and was  
24 approved because it was smaller than the existing sign  
25 on the building at that time.

1           The proposed signs are each 570 square  
2 feet for a total of 1,140 square feet, which exceeds  
3 the max 65 square feet allowed in the Capitol  
4 Boulevard Overlay.

5           The proposed sign design is updated to  
6 align with the company's current branding and has a  
7 linear format instead of the current stacked design.  
8 The U.S. Bank letters are 10 feet tall, the red logo  
9 cabinet is 13 feet tall, and the sign is approximately  
10 52 feet wide. Both the current sign and the proposed  
11 signs are illuminated.

12           The Capitol Boulevard Special Design  
13 District essentially extends one block on either side  
14 of Capitol Boulevard. There are additional sign  
15 criteria within the overlay to ensure signage does not  
16 detract from the Capitol Boulevard District Overlay.  
17 So one wall sign up to 65 square feet is allowed for  
18 each street frontage.

19           This would allow one 65-square-foot  
20 building wall sign on Main Street and one along  
21 Capitol Boulevard, but the applicant is proposing each  
22 wall sign to be 570 square feet with one facing the  
23 southeast at an angle to Capitol Boulevard and the  
24 other facing southwest towards the Grove Plaza.

25           The applicant has identified their

1 hardship or exceptional circumstance for the variance  
2 request to be the large size of the building and the  
3 need for building identification and visibility. The  
4 applicant has provided some photos showing limited  
5 visibility from the east and west.

6 So currently from Front and 6th the  
7 existing sign is visible, but the proposed sign would  
8 be more visible.

9 And then also from Myrtle and 11th you can  
10 barely see the existing sign, but the proposed sign  
11 would be facing more directly towards this  
12 intersection.

13 The Design Review Committee and staff did  
14 not find that -- the larger size of the building to be  
15 unique to this building, as many large buildings were  
16 existing at the time of the 65-square-foot max sign  
17 area. Similarly, most building signs have areas of  
18 limited visibility downtown, and the applicant has not  
19 demonstrated a hardship unique to this site.

20 The existing sign is also visible when  
21 traveling down the corridor from the Boise Depot into  
22 downtown and already exceeds the current sign area  
23 maximum.

24 The Design Review Committee and staff also  
25 found that approval of the variance to allow larger

1 signs would conflict with the Comprehensive Plan by  
2 taking away the pedestrian environment and taking away  
3 from the preserved view down the Capitol Boulevard  
4 corridor.

5 So the Design Review Committee has  
6 forwarded a recommendation of denial of the sign  
7 variance, and staff also recommends the Commission  
8 deny the request. The applicant did not identify a  
9 hardship or an exceptional circumstance that cannot be  
10 readily applied to other properties in the district.  
11 And the request conflicts with the goals of Blueprint  
12 Boise.

13 We have not received any written public  
14 testimony on this item. I do have the variance  
15 criteria that I can put up if needed, and I believe I  
16 can stand for questions. And I believe David Baker  
17 with the applicant team is also present.

18 CHAIRMAN STEAD: Thank you. Great.

19 We will next move to the applicant, David  
20 Baker.

21 In person or online?

22 KATELYN MENUGE: I'm not sure.

23 CHAIRMAN STEAD: Okay.

24 David Baker, I don't see you here. So if  
25 you're online, please virtually raise your hand.

1 I do see -- okay. Aim Sign Company.

2 Great. We're -- we'll get -- just give us  
3 a moment.

4 Okay. When you're ready, please go ahead  
5 and un-mute. Start with your name and address, and  
6 you'll have up to ten minutes. You're also welcome to  
7 turn your video on if you'd like to.

8 DAVID BAKER: David Baker. 1976 South Century  
9 Way in Boise. And I'm just going to share my screen  
10 here real quick.

11 So just to give you an idea of what 65  
12 square foot is, it's about the size of the A on the  
13 existing sign.

14 And so from the standpoint of the bank,  
15 they're concerned about the competitive nature of  
16 having a smaller sign in relation to bank buildings  
17 just a block away.

18 CHAIRMAN STEAD: Mr. Baker, sorry. We're not  
19 seeing your screen. I just wanted to mention --

20 DAVID BAKER: Oh.

21 CHAIRMAN STEAD: -- that if you thought you were  
22 sharing it.

23 DAVID BAKER: Can I just --

24 CHAIRMAN STEAD: There it is.

25 DAVID BAKER: Is that any better?

1 CHAIRMAN STEAD: Yes.

2 DAVID BAKER: Okay.

3 CHAIRMAN STEAD: 100-percent better.

4 DAVID BAKER: So, yeah. So this is the existing  
5 U.S. Bank sign on the elevation that we're proposing  
6 to remove.

7 And then, as you can see, the A in "U.S.  
8 Bank" is about 65 square foot.

9 And then showing some of the competing  
10 signs in the area the bank has concerns with. The  
11 tower here -- the Zions Bank sign is approximately 600  
12 square feet; and the First Interstate bank sign, this  
13 one here is about 250 square feet.

14 Now, granted, these two examples are  
15 outside of the Capitol Boulevard Overlay District.  
16 However the size of the U.S. Bank building indicates  
17 that it will be visible generally away from just the  
18 Capitol Boulevard corridor.

19 As you can also see from the approach from  
20 the connector, the difference between the presence of  
21 the Zions Bank building here on the left versus what  
22 the U.S. Bank building has on the right circled in  
23 red.

24 And so if we're unable to approve  
25 the -- both signs, we would like to see if there's any

1 possibility of approving a larger sign on the  
2 elevation circled in red here and what the  
3 Commission's thoughts are in regard to that.

4 And that'll conclude my comments here for  
5 now.

6 CHAIRMAN STEAD: Great. Thank you.

7 NEIGHBORHOOD ASSOCIATION

8 CHAIRMAN STEAD: Before we move to questions, I  
9 would ask for a representative from the Downtown  
10 Neighborhood Association, if we have anybody present.

11 I don't think so, but if anybody's online  
12 to represent the Downtown Neighborhood Association,  
13 please virtually raise your hand.

14 Okay. Seeing none.

15 Then we will move on to questions from the  
16 Commission for the applicant or for staff.

17 COMMISSIONER GILLESPIE: Madam Chairman.

18 CHAIRMAN STEAD: Commissioner Gillespie.

19 COMMISSIONER GILLESPIE: This is a question for  
20 the applicant.

21 Mr. Applicant, can you give your name  
22 again?

23 DAVID BAKER: David Baker.

24 COMMISSIONER GILLESPIE: Thank you, Mr. Baker.

25 So my question for you is -- in your

1 letter of application you said that "buildings of this  
2 size were not considered when calculating the wall  
3 sign allowance for this zone."

4 What leads you to believe that's true?

5 DAVID BAKER: Well, so the sign that's proposed  
6 at 570 square feet is -- represents about 3 percent of  
7 that entire elevation on that corner of the U.S. Bank  
8 building.

9 Other signs -- and I gave some  
10 examples -- can go up to 15 percent of their wall  
11 area.

12 COMMISSIONER GILLESPIE: So -- Madam Chairman.

13 CHAIRMAN STEAD: Commissioner Gillespie.

14 COMMISSIONER GILLESPIE: So I'm just wondering  
15 if -- in the legislative debate at City Council about  
16 when this particular ordinance was written, if your  
17 statement means you don't think they were cognizant of  
18 the size of your building when they wrote this piece  
19 of City Code.

20 DAVID BAKER: I'm not sure that the  
21 cityscape -- I don't have a photo of 1998. However I  
22 do know this. The U.S. Bank building has been around  
23 for quite some time. I'm not sure of the timeline of  
24 other high-rise signage. The more recent examples I  
25 gave were installed within the last few years however.

1 COMMISSIONER GILLESPIE: Thank you.

2 COMMISSIONER BLANCHARD: Madam Chair.

3 CHAIRMAN STEAD: Commissioner Blanchard and then  
4 we'll go to Commissioner Schafer.

5 COMMISSIONER BLANCHARD: A question for staff  
6 really quickly.

7 What would we have to find in the  
8 variance? What do we have to find to grant a variance  
9 on this?

10 KATELYN MENUGE: Madam Chair, Commissioner  
11 Blanchard, I could share my screen and bring up the  
12 variance criteria.

13 COMMISSIONER GILLESPIE: Chris, I think the  
14 short answer is some sort of hardship, and she's about  
15 to put up that language.

16 KATELYN MENUGE: So, Commissioner Blanchard, the  
17 approval criteria are mostly the same as any other  
18 variance. So we do have the hardship or exceptional  
19 circumstance, granting of the variance will not be in  
20 conflict with the Comprehensive Plan, and then  
21 granting the variance will not be materially  
22 detrimental to the public health, safety, or welfare.

23 And then we also have additional approval  
24 criteria for a variance that says, "A variance cannot  
25 be applied to a sign that is prohibited."

1           So this type of sign is not a prohibited  
2 sign. A wall sign is an allowed sign if it meets the  
3 dimensional requirements and placement requirements.

4           And then nonconforming signs in the  
5 vicinity surrounding the subject site cannot be used  
6 to justify a special circumstance.

7           COMMISSIONER BLANCHARD: Perfect. Thank you.

8           CHAIRMAN STEAD: Commissioner Schafer, did you  
9 have a question?

10          CO-CHAIRMAN SCHAFFER: Thank you, Madam Chair.

11           Yeah, following up on Milt's questioning  
12 for staff here.

13           Katelyn, can you walk us through the  
14 history of the Capitol Boulevard Overlay District?  
15 When was that enacted?

16          KATELYN MENUGE: Madam Chair, Commissioner  
17 Schafer, I believe that -- so the design -- the  
18 Capitol Boulevard Special Design Overlay District was  
19 created in 1998, and I believe that's about the same  
20 time that 65 square-foot requirement came to be that  
21 was listed in those documents.

22           I believe there's been several buildings  
23 constructed before that. The U.S. Bank building was  
24 previously other banks before it was U.S. Bank. And  
25 they received a height exception in 1976, and I

1 believe it was -- they probably finished construction  
2 around 1978.

3 CO-CHAIRMAN SCHAFFER: Okay. Thank you.

4 CHAIRMAN STEAD: Okay. Seeing no further  
5 questions from the Commission.

6 PUBLIC TESTIMONY

7 CHAIRMAN STEAD: And we don't have anybody  
8 signed up in advance.

9 Is there anybody online or in person that  
10 would like to testify on this item tonight?

11 Please come on up or virtually raise your  
12 hand.

13 And then still seeing none.

14 REBUTTAL

15 CHAIRMAN STEAD: We'll move to a rebuttal from  
16 the applicant, if you'd like to take that time, though  
17 there wasn't any opposition necessarily from the  
18 public.

19 Mr. Baker, would you like to use your  
20 five-minute rebuttal time?

21 DAVID BAKER: No, I think I've covered  
22 everything prior, so I'll defer that.

23 CHAIRMAN STEAD: Great. Thank you.

24 MOTIONS

25 CHAIRMAN STEAD: And we will now close this

1 portion of the hearing, and the item is before the  
2 Commission.

3 COMMISSIONER GILLESPIE: Madam Chairman.

4 CHAIRMAN STEAD: Commissioner Gillespie.

5 COMMISSIONER GILLESPIE: Thank you.

6 I move that we deny CVA20-59 for the  
7 reasons stated in the staff report.

8 COMMISSIONER SQUYRES: Second.

9 CHAIRMAN STEAD: We have a second from  
10 Commissioner Squyres.

11 Is there discussion, Commissioner  
12 Gillespie?

13 COMMISSIONER GILLESPIE: Madam Chairman. Yeah.  
14 I mean, I think the Code is very, very clear; and at  
15 over 500 feet versus 65, the difference is pretty  
16 large.

17 I think we should accept the  
18 recommendation of the Design Review Committee. I  
19 think if you read the Design Review Committee report,  
20 they suggested that there's some middle ground that  
21 they would be willing to consider.

22 So I would encourage the applicant to go  
23 back to that -- you know, work with the City staff and  
24 Design Review to find that middle ground and to see if  
25 they -- that middle ground is better than what they

1 have now.

2 And I'm, at a personal level, sort of  
3 sympathetic to what U.S. Bank would like to do, but I  
4 think the Code and the Comp Plan are pretty clear that  
5 that's not what the Council intended when they wrote  
6 these statutes and developed the Comp Plan.

7 So that's where I'm at.

8 COMMISSIONER SQUYRES: Madam Chair.

9 CHAIRMAN STEAD: Commissioner Squyres.

10 COMMISSIONER SQUYRES: Thank you. I completely  
11 agree with Milt's assessment. There's just truly no  
12 exceptional hardship here. And to point to those  
13 other banks and their signs -- they're simply not in  
14 the Capitol Boulevard Overlay District. To me, that  
15 is not a valid argument to make.

16 I do believe there's some wiggle room.

17 One of the questions that I was pondering  
18 is, you know, if the applicant were to come in at the  
19 existing square footage, which is clearly still over  
20 the requirements -- however is there a way to make the  
21 sign pop within that same square footage?

22 That would be something that I would be  
23 open to considering. However I just -- the argument  
24 does not make the findings, and I am fully supportive  
25 of the denial.

1 Thank you.

2 COMMISSIONER BLANCHARD: Madam Chair.

3 CHAIRMAN STEAD: Commissioner Blanchard.

4 COMMISSIONER BLANCHARD: I will not be  
5 supporting the motion. I believe that there is an  
6 exceptional circumstance here in that the U.S. Bank  
7 building has -- is in a particular place where there  
8 are all these compounding things with zoning and the  
9 Comp Plan and then within the Capitol Boulevard matrix  
10 there.

11 We're very shortly going to have an ICCU  
12 building that is the same size -- or actually  
13 larger -- to the east that everyone has just approved  
14 that's likely going to have larger signage. The Zions  
15 Bank building already has larger signage.

16 There's just -- there's no -- there's  
17 nothing that would -- that this sign would contribute  
18 to visual clutter, so -- and I think very likely,  
19 since this one was one of the first buildings that was  
20 put up -- large buildings in downtown -- I think it  
21 was the first high-rise.

22 I would argue that Council probably,  
23 likely, really didn't know what they were doing when  
24 they approved this or wrote the sign -- I think the  
25 sign code is probably outdated and is something that

1 needs to be revised in the zoning process right now to  
2 account for the high-rises.

3 I mean, there's still people today who  
4 don't believe that Boise's growing. And frankly, when  
5 this building was built, no one ever thought Boise  
6 would be this size. And so to think that we actually,  
7 probably had a good handle on what high-rise signage  
8 regulation should look like -- I find that to be  
9 doubtful.

10 So I will not be supporting this.

11 COMMISSIONER GILLESPIE: Madam Chairman.

12 CHAIRMAN STEAD: Commissioner Gillespie.

13 COMMISSIONER GILLESPIE: Yeah, I'd just like to  
14 respond to Chris's argument. It's an argument that,  
15 at least in some sense, I agree with.

16 I think the question for the City and us  
17 is what's the proper way to modify the ordinance.  
18 And, to me, the proper way to modify the ordinance is  
19 not to grant a variance when there clearly isn't a  
20 variance as designed in the Code. It's just we don't  
21 like the ordinance.

22 So the right thing to happen here is for  
23 City Council to go back and rewrite that ordinance and  
24 change the 65 number or the 15 number because granting  
25 a hardship when there isn't -- clearly isn't a

1 hardship is, to me, a problematic way to do things.  
2 In other words, legislation by variance, I don't  
3 think, is, in the long-run, the effective way to go  
4 here.

5 Thank you.

6 CO-CHAIRMAN SCHAFFER: Madam Chair.

7 CHAIRMAN STEAD: Commissioner Schafer.

8 CO-CHAIRMAN SCHAFFER: I'm going to be supporting  
9 the motion. I agree with the comments from Milt and  
10 Ashley thus far.

11 I think the key here is the fact the  
12 building is located in the Capitol Overlay District.  
13 The building was existing when that overlay district  
14 was created. I can guarantee they discussed that  
15 building and the potential impacts of that overlay  
16 when they created the district. So I agree with  
17 Milt's comments that there was a reason it was written  
18 as such. And I don't see any hardship being on  
19 display here this evening. So therefore I'm in  
20 agreement with the motion and will be supporting it.

21 That said, actually -- real quick too. I  
22 am open to finding the middle ground. You know, I do  
23 agree that 65 is probably too small, so there is some  
24 middle ground there. I agree that the applicant could  
25 take another stab at it with Design Review and City

1 staff. I think that we could find a middle ground  
2 that's at least closer to the intent of the overlay  
3 district.

4 Thanks.

5 CHAIRMAN STEAD: Okay. I guess I will just add  
6 that I'm also going to support the motion, and I agree  
7 with Commissioner Gillespie.

8 You know, we're not here to decide which  
9 Code to implement and which Code not to implement.  
10 There is a specific overlay district on that building,  
11 which does make a different case than some of the  
12 buildings even nearby. So for that reason, I will be  
13 supporting the motion.

14 ROLL CALL

15 CHAIRMAN STEAD: Will the clerk please call the  
16 vote.

17 THE CLERK: Stead.

18 CHAIRMAN STEAD: Aye.

19 THE CLERK: Schafer.

20 CO-CHAIRMAN SCHAFFER: Aye.

21 THE CLERK: Squyres.

22 COMMISSIONER SQUYRES: Aye.

23 THE CLERK: Blanchard.

24 COMMISSIONER BLANCHARD: Nay.

25 THE CLERK: Mohr.

1 COMMISSIONER MOHR: Aye.

2 THE CLERK: Gillespie.

3 COMMISSIONER GILLESPIE: Aye.

4 THE CLERK: Motion carries. Five in favor. One  
5 opposed.

6 (End transcription at 1:14:21 of audio  
7 file.)

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3. **CFH20-00130 / Rodney Evans + Partners, PLLC**  
5802 W Hill Rd  
Category III hillside development permit for grading associated with a proposed subdivision on 4.02 acres in a R-1C (Single Family Residential) zone. *David Moser*

**SUB20-00062 / Hayes Silvers Subdivision**

5802 W Hill Rd  
Preliminary Plat for a residential subdivision for 8 buildable and 3 common lots on 4.02 acres in a R-1C (Single Family Residential) zone. *David Moser*

<b>RESULT:</b>	<b>APPROVED (CFH20-00130) and RECOMMENDED APPROVAL (SUB20-00062) [UNANIMOUS]</b>
<b>MOVER:</b>	Bob Schafer, Co-Chair
<b>SECONDER:</b>	Jennifer Mohr, Commissioner
<b>AYES:</b>	Squyres, Blanchard, Mohr, Gillespie, Stead, Schafer
<b>ABSENT:</b>	Janelle Finfrock, Chris Danley
	<b>ALL IN FAVOR, MOTION CARRIED</b>
<b>NOTE:</b>	Commissioner Squyres left the hearing after the vote on this application.

CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: )  
CFH20-00130 / RODNEY EVANS + )  
PARTNERS, PLLC )  
and )  
SUB20-00062 / HAYES SILVERS )  
SUBDIVISION )  
5802 West Hill Road )  
\_\_\_\_\_ )

TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, APRIL 5, 2021

COMMISSIONERS PRESENT:

MEREDITH STEAD, CHAIR

BOB SCHAFFER, CO-CHAIR

ASHLEY SQUYRES

CHRISTOPHER BLANCHARD

JENNIFER MOHR

MILT GILLESPIE

TRANSCRIBED BY:

VICTORIA HILLES

1 (Begin transcription at 1:14:22 of audio  
2 file.)

3 INTRODUCTION

4 CHAIRMAN STEAD: Moving on to Item No. 3. This  
5 is CFH20-130 for Rodney Evans + Partners, PLLC, at  
6 5802 West Hill Road. Also, this is SUB20-62 for Hayes  
7 Silvers Subdivision. We've got a Category III  
8 hillside development permit as well as a preliminary  
9 plat for a residential subdivision.

10 And we'll start with staff.

11 Please go ahead, Mr. Moser.

12 DAVID MOSER: Thank you, Madam Chair, Members of  
13 the Commission.

14 Before you is a Category III hillside  
15 development permit for the grading associated with a  
16 permit for a residential subdivision on 4.02 acres  
17 located at 5802 West Hill Road in an R-1C, single  
18 family residential, eight-units-an-acre zone. A  
19 preliminary plat comprised of eight buildable and  
20 three common lots is also proposed. The property is  
21 located east of Pierce Park Lane along the north side  
22 of Hill Road.

23 The property is zoned R-1C and could  
24 potentially allow up to 32 units an acre based on the  
25 zoning. However, based on the physical and the Fire

1 Department constraints of this hillside property, the  
2 applicant is only proposing a total of eight buildable  
3 lots, which will be developed with single-family,  
4 detached homes.

5           Here's the subdivision plat. There are  
6 two open-space, common lots, here shown in green. The  
7 lots will be accessed from a private street, which  
8 will also be held within a common lot maintained by  
9 the HOA. To prevent additional curb cuts,  
10 cross-access will be maintained for the adjacent  
11 properties fronting Hill Road.

12           The site plan details a five-foot,  
13 attached sidewalk in front of the buildable lots along  
14 the east side of the private road leading  
15 up -- leading to Hill Road.

16           The existing topography for the subject  
17 property is relatively flat near Hill Road. Steeper  
18 slopes, up to 40 percent, are found in the northern  
19 portions of the property. Yet there is a level area  
20 where the home currently sits which could be utilized  
21 for construction of the new homes for the  
22 northern -- or which would be utilized for the  
23 construction of the new homes for the northern lots.

24           The proposed grading for the entire site  
25 will amount to approximately 299 cubic yards or

1 30 -- 20 to 30 truck trips of excess material, which  
2 will be removed from the property -- from the subject  
3 property. Grading for the lower lots will be minimal.

4 Public Works determined that the proposal  
5 meets the technical requirements of the Hillside  
6 Ordinance.

7 We have received comments from the  
8 hillside coordinator, which is here -- who is also  
9 here tonight, and -- this evening to address the  
10 hillside concerns.

11 And the Fire requirements for the  
12 residential -- will require residential sprinklers in  
13 compliance with the Wildland Urban Interface  
14 standards. The applicant will be extending sewer and  
15 water services to the site.

16 Two letters were received from the  
17 neighbors in advance of this hearing, raising a  
18 variety of concerns including grading, runoff, water  
19 and environmental impacts, economic impacts, and  
20 property value impacts, and concerns with the  
21 intensity of the development proposed.

22 Despite these concerns raised by the  
23 neighbors, the planning team finds the development  
24 adheres to the requirements of the Hillside  
25 Development Ordinance and recommends approval. The

1 Commission will make final determination on the  
2 hillside application and then recommend to City  
3 Council on the subdivision.

4 Thank you.

5 CHAIRMAN STEAD: Thank you.

6 We'll next hear from the applicant.

7 Welcome, Mr. Semple. Please start with  
8 your name and address, and we'll start with ten  
9 minutes.

10 BEN SEMPLE: Good evening. Ben Semple with  
11 Rodney Evans + Partners. 1014 South La Pointe Street,  
12 Suite 3, Boise, 83706.

13 I want to thank David for his  
14 presentation. I think he did a great job  
15 encapsulating what the proposal has within it.

16 Again this is for the Hayes Silvers  
17 Subdivision and the associated grading proposing eight  
18 single-family lots on 4.02 acres in a current R-1C  
19 zone that would allow up to eight units per acre.  
20 This is also within a Suburban Land Use designation in  
21 the Comprehensive Plan.

22 The R-1C that would allow up to eight  
23 units an acre would equate to 32 units. Our proposal  
24 with eight units would be 1.99 units an acre is what  
25 that breaks down to, which is below the R-1A density

1 allowance of 2.1 units per acre.

2           The lots -- all lot sizes exceed the R-1C  
3 zone minimum and R-1B and R-1A in some cases. This is  
4 a lower density than Belmar 2, which is to the west of  
5 here, which is in with -- within an R-1B zone.

6           Only eight buildable lots will be  
7 developed with the other open space, common lots being  
8 dedicated in perpetuity to the subdivision and  
9 maintained by the HOA. They will not be redeveloped.  
10 That will be within the CC&Rs of the subdivision.

11           The development of the property, we feel,  
12 is predictable, as this was zoned R-1C and has been  
13 since it was annexed and zoned in 2016 from the R-6  
14 County designation to R-1C. This is the same as  
15 multiple properties to the west, north, and east,  
16 which were all annexed at the same time. They all  
17 came in at R-1C, which leads -- along with the  
18 Suburban Land Use designation of the Comp Plan that  
19 this area would be redeveloped.

20           It does fall within an area that -- of the  
21 anticipated change in the Comp Plan. There is some  
22 redevelopment that was slated to occur in this area.

23           The Suburban Land Use in the Comprehensive  
24 Plan allows for density ranges of three to five units  
25 an acre, so we are below that.

1           The layout and the design of this site was  
2 due to the topography, which is challenging in some  
3 areas. We do feel that we've addressed that very well  
4 with the grading. We are leaving the northern portion  
5 of it that David touched on that has some pretty steep  
6 slopes virtually untouched, other than some armored  
7 conveyance swales that will be installed to intercept  
8 drainage coming from offsite, directed to an onsite  
9 drainage facility, thereby reducing runoff even  
10 compared to predevelopment runoff.

11           It'll also help intercept any eroded soils  
12 as the road goes into cut at about the bottom of the  
13 lots just south of that T turnaround. I believe  
14 they're Lots 5 and 6, as designated on the preliminary  
15 plat. We will be intercepting that with some inlets  
16 and a piped system in order to direct it to a  
17 subsurface seepage bed in the flatter portions of the  
18 site so there will be no drainage that leaves the  
19 site.

20           There may be some incidental water that  
21 comes off of nongraded, natural areas that currently  
22 does run to the same locations. If we identify some  
23 areas that do need additional drainage consideration,  
24 we're, you know, open to installing some additional  
25 catches.

1 All roof drainage will be directed to that  
2 same system through a piped system, again effectively  
3 reducing or eliminating runoff from the site. The  
4 private road that will be built will also have a  
5 dedicated infiltration system put in there, so water  
6 that's coming down through the flag and about to hit  
7 Hill Road will get intercepted and, again, put into a  
8 subsurface system.

9 This has all been reviewed by  
10 getotech -- the geotechnical engineers, Atlas,  
11 formerly Materials Testing and Inspection, from here  
12 in Boise. They handle multiple Foothills  
13 developments.

14 The civil engineering firm that was  
15 selected also has done very large-scale development  
16 projects including Hidden Springs, Cartwright Ranch.  
17 So they are well versed in dealing with challenging  
18 hillsides and are very comfortable with their  
19 engineering practices, as are we.

20 The home lots will be graded as part of  
21 the subdivision process to accommodate flat, 2-percent  
22 driveways that also allows for a staging area during  
23 home construction. The homes will be -- the future  
24 homes, while they have not been designed yet, it is a  
25 known thing that these will be built to accommodate

1 the slopes.

2 They will not flatten them like you see in  
3 some of the other subdivisions where they create a  
4 terrace effect. Most of these will be set into the  
5 hillside, have sort of a daylight situation with their  
6 driveways and then a walkup.

7 And in addition to the Category III  
8 hillside development process that the subdivision goes  
9 through, each individual lot will have to go through a  
10 Category II hillside development application process  
11 to further vet that design and the grading of the  
12 individual lots to ensure that they comply with all  
13 the hillside development requirements, including the  
14 WUI setbacks, as determined by the Fire Department, as  
15 well as stormwater, grading, and erosion protection.

16 As I talked about, the limited disturbance  
17 on the upper portion of these lots will allow for the  
18 Foothills feeling to be maintained, the vegetation to  
19 remain. And then the minimal grading to create  
20 armored conveyances will be placed with the angular  
21 riprap to help slow water down, eliminate erosion  
22 potential, and eventually just blend back into the  
23 Foothills environment that's up there.

24 The developer and owner of this property  
25 lived at this property. It's his family's property so

1 he's well aware of the slopes, the vegetation,  
2 wildlife that's on the site.

3 And touching on the vegetation, there are  
4 some trees that were planted when his family built the  
5 house on the lot. They were planted around the home.  
6 Those are the trees that will be removed.

7 The ones at the lower end fall within the  
8 common lot that is effectively not graded, other than  
9 the area right next to the entry road. So those trees  
10 will be maintained. I know there are some concerns  
11 about wildlife utilizing those as well as a remnant  
12 tree from an old orchard that may have some historical  
13 significance. I discussed that with the owner and  
14 developer and those are going to remain. If that  
15 needs to be inventoried, it's definitely open for  
16 that.

17 Retaining walls will be installed as part  
18 of the subdivision. Improvements in order to create  
19 the turnaround at the top as well as to accommodate  
20 the cut of the road as you get towards the top,  
21 effectively this screens the properties to the west  
22 from any headlights coming out of the turnaround at  
23 the top. That wall's about 6 feet tall. We don't  
24 want -- it will not exceed 6 feet, as that would be  
25 within the site setback.

1           Let's see.

2           As David stated as well, the project does  
3 comply with the Category III Development -- Hillside  
4 Development Guidelines. We had a hillside grading  
5 workshop a few weeks ago, and that was lightly  
6 attended by some neighbors, but we did work through  
7 some of the grading issues with the City staff as well  
8 as the Fire Department to make sure that we're  
9 complying with all of their regulations.

10           One of the things that David touched on  
11 briefly is the fact that we are extending water and  
12 sewer as part of this project.

13           Right now there is not a water main in  
14 Hill Road east of Belmar 2 or northwest of about  
15 Outlook Street [sic] to the east on Hill Road. So  
16 there's about a mile there, where there's no water  
17 main. This project will extend a water main  
18 1,400 feet from the west all the way across the  
19 frontage of this property, thereby effectively  
20 providing for additional water service.

21           Most of these lots in this area or  
22 adjacent to it operate on wells and septic. So this  
23 will bring water to an area that has not had a water  
24 main, that is at the cost of the developer, and  
25 they're extending the sewer from the easternmost

1 portion of Hill Road of the lot in front of them  
2 through an easement and up the flag into the property  
3 to provide municipal sewer that could theoretically be  
4 connected into by properties to the west, but it would  
5 be challenging to get across there.

6 But I just wanted to bring that up because  
7 we are installing sewer in an area that I know has  
8 been problematic with septic and wells. There is some  
9 discussion about the subdivision that's immediately to  
10 the west having occurred in the county at some point  
11 in time in the past without ever requiring fire  
12 protection or water main extensions or anything like  
13 that.

14 So we feel like this, you know, along with  
15 the water main for potable service also would provide  
16 for fire hydrants in the area. All the buildings will  
17 be sprinkled as well as meeting all the other WUI  
18 requirements for setbacks.

19 I think that touches on the majority of  
20 the items that I wanted to, and ultimately we feel  
21 like the development is a great, lower-density  
22 development of this property. It provides for  
23 additional housing, but it also provides for the  
24 protection of hillside areas and the Foothills zone  
25 that it falls within.

1                   With that, I stand for questions.

2                   CHAIRMAN STEAD: Thank you, Mr. Semple.

3 NEIGHBORHOOD ASSOCIATION

4                   CHAIRMAN STEAD: Before we get to questions, I  
5 will ask if there is anybody present to represent the  
6 Collister Neighborhood Association.

7                   Do we have anybody online?

8                   Please virtually raise your hand -- or in  
9 attendance tonight.

10                  Okay. Not seeing anybody.

11                  Then we will go to questions from the  
12 Commission for staff or the applicant.

13                  CO-CHAIRMAN SCHAFFER: Madam Chair.

14                  CHAIRMAN STEAD: Commissioner Schafer.

15                  CO-CHAIRMAN SCHAFFER: I have a question for the  
16 applicant.

17                  Ben, nice job on your presentation.

18                  Just real quick. Fairly early on you  
19 mentioned some offsite runoff that you're contending  
20 with on the property. Is that just natural, offsite,  
21 you know, Foothills runoff or is there actually  
22 like -- you know, is there like a drainage  
23 structure -- like drain runoff into your property?

24                  BEN SEMPLE: Madam Chair, Commissioner Schafer,  
25 it's just the natural runoff that comes off the

1 hillside above. There's not a draw or anything that  
2 leads into this area. We're just accommodating, per  
3 the hillside requirements, anything that runs onto the  
4 property from off it.

5 CO-CHAIRMAN SCHAFER: Okay. Great. Thank you.

6 That's all I had.

7 COMMISSIONER GILLESPIE: Madam Chairman.

8 CHAIRMAN STEAD: Commissioner Gillespie.

9 COMMISSIONER GILLESPIE: This is to both you  
10 guys.

11 Do we have a picture of the subdivision  
12 layout, the schematic with the topo lines with  
13 something about like where the building pads will be  
14 so like -- so I can get a sense of how the houses are  
15 situated, particularly on Lot 7, 6, and 5?

16 So those are the top three lots.

17 Let's just wait a minute and see if he has  
18 one because there's one in the -- there's a staff  
19 report that looks like it.

20 That was the one that you had on  
21 originally, I think, Dave, that had the vertical  
22 scales -- the --

23 DAVID MOSER: Yes.

24 COMMISSIONER GILLESPIE: -- but it didn't show  
25 the -- it didn't show like where the building

1 envelopes are on those upper lots.

2 Hold on just a second.

3 DAVID MOSER: The original one I had up in the  
4 presentation, I realized, was the original proposal.  
5 This is the one with the eight lots.

6 [Unintelligible].

7 COMMISSIONER GILLESPIE: Can you make that so we  
8 can actually see it?

9 DAVID MOSER: Sure, I can zoom in.

10 BEN SEMPLE: And, Madam Chair --

11 COMMISSIONER GILLESPIE: Yep. Can you slide  
12 that? Yeah. Yeah. Yeah.

13 So, Ben, can you -- oh, sorry. Go ahead.

14 BEN SEMPLE: Yeah, Madam Chair, Commissioner  
15 Gillespie. That turnaround falls actually below or  
16 south of the existing home.

17 You can see sort of that flat area in the  
18 middle of Lot 6. That's the current driveway to the  
19 existing home. So the driveways for the new homes  
20 would be -- if you're looking on that screen to the  
21 right of those topo lines, there's a 2-percent  
22 driveway there.

23 So the home would get built into that  
24 slope that is created, essentially where the existing  
25 home is right now. And then you'd have a daylight

1 basement to the south, and then your home above there.

2 So the impact of those building envelopes  
3 really goes to the backside of what is existing out  
4 there right now, and then anything north of that would  
5 be protected without any grading activities or  
6 footprint.

7 And if we need to restrict to building  
8 envelopes within there -- [unintelligible].

9 COMMISSIONER GILLESPIE: David, could you slide  
10 the picture to the -- other way.

11 So you see that diagonal? It looks like a  
12 swale --

13 BEN SEMPLE: Yeah, that's a --

14 COMMISSIONER GILLESPIE: -- through there.

15 So tell me where -- are all the -- the  
16 houses are all going to be much, much closer to the  
17 road -- aren't they? -- way to the front?

18 BEN SEMPLE: Madam Chair, Commissioner  
19 Gillespie, that is true.

20 Where you see the lot numbers, the 5, 6,  
21 7 --

22 COMMISSIONER GILLESPIE: Yeah.

23 BEN SEMPLE: -- that would be about the extent  
24 of the rear of those homes. That diagonal swale is an  
25 armored conveyance that we're installing to intercept

1 the drainage.

2 And then where it discharges, about where  
3 you see that little label that says TOW/BOW --

4 COMMISSIONER GILLESPIE: Yeah. Yeah.

5 BEN SEMPLE: -- there's an inlet right there.

6 COMMISSIONER GILLESPIE: That goes in --

7 BEN SEMPLE: That area right there is actually  
8 about 5 feet. With the cut, it's about 2 to 5 feet  
9 below the grade of the adjacent lot, and there will be  
10 a direct inlet there to intercept the drainage. So  
11 that kind of flat, open, white area that's just above  
12 that is the space where the homes would fall.

13 COMMISSIONER GILLESPIE: Madam Chairman.

14 CHAIRMAN STEAD: Commissioner Gillespie.

15 COMMISSIONER GILLESPIE: Just a second set of  
16 questions on -- like where is the WUI, 30-foot  
17 dimension? Is it basically between each of the lots  
18 and then -- I can't -- like I'm a little bit confused  
19 as to -- so 6 -- like you see that dashed line that's  
20 essentially a rectangle?

21 That's not a lot line; what is it?

22 Because the lot goes all the way back to  
23 the property line; doesn't it?

24 DAVID MOSER: Yeah.

25 BEN SEMPLE: Madam Chair, Commissioner

1 Gillespie, that represents just the required setbacks  
2 of the site based on how --

3 COMMISSIONER GILLESPIE: With the WUI number in  
4 it?

5 BEN SEMPLE: With the WUI. Yes, sir.

6 COMMISSIONER GILLESPIE: Okay.

7 BEN SEMPLE: Yeah. But there's 30 feet. That  
8 dashed line -- on each one we have a 30-foot setback  
9 from all perimeters, north, east, and west on this  
10 project. We actually provided that on the southern  
11 property boundary as well, just to help protect  
12 that --

13 COMMISSIONER GILLESPIE: So that's the WUI  
14 number; right?

15 BEN SEMPLE: -- common space.

16 Yes.

17 COMMISSIONER GILLESPIE: The 30-foot?

18 BEN SEMPLE: Yes.

19 COMMISSIONER GILLESPIE: Okay. Thank you.

20 Thank you.

21 CHAIRMAN STEAD: Okay. Seeing no more questions  
22 from the Commission.

23 PUBLIC TESTIMONY

24 CHAIRMAN STEAD: We will next move to public  
25 testimony.

1           So if we have anybody in person that would  
2 like to testify on this, please come on up to the  
3 podium. And if we have anybody online that would like  
4 to testify, please virtually raise your hand.

5           We'll start first with -- in Chambers  
6 here.

7           So please go ahead, sir. Start with your  
8 name and address, and you'll have three minutes.

9           ADAM ALEXANDER: Good evening. My name is Adam  
10 Alexander [phonetic]. 6101 North Plano. This  
11 proposed development is immediately adjacent to my  
12 west property line.

13           And one of the more interesting things  
14 is -- suddenly over just the past couple of months,  
15 I've been getting all of these notices about  
16 developments that are exactly in the same area -- not  
17 just this one, but the lots below, the lots south of  
18 Hill Road, and some other ones, and it's too much to  
19 deal with.

20           I've lived in Boise for 40 years within a  
21 mile of this location, and I've lived there for  
22 12 years. And it's stunning to me how you can  
23 envision putting that many homes into this small area.

24           I think Cooper and his dad lived there and  
25 have been wonderful neighbors, but logically I would

1 see maybe one or two homes in there -- no more.

2 And then the same applies for -- you know,  
3 you're talking about two herds of deer that are about  
4 36-head that come through there every night. And I  
5 can tell you there's not a square foot of my property  
6 that isn't hoof prints. That's how many are coming  
7 through there, and they go down to the Farmer's Canal.  
8 So when you put all of this in, you block it all off  
9 with fencing or whatever, you know, what happens?

10 It's a fire area. This was bought at  
11 the County about -- what? -- 12 years ago, and as a  
12 County property, there's a lot of restrictions and  
13 there's a lot of difficulties. The soil is not your  
14 friend. And as Cooper knows, this sand is a son of a  
15 gun to deal with. I've got issues with  
16 it -- okay? -- just straight on, and I've learned to  
17 try and live with it, but good luck.

18 It's a wonderful, technical presentation,  
19 but I hadn't even heard about this thing until a month  
20 ago. So I just listened to all of this. You can't  
21 fight City Hall and you can't fight development, but  
22 at the same time I would urge the Council to look very  
23 carefully at what's going on here.

24 CHAIRMAN STEAD: Thank you, Mr. Alexander.

25 We'll next move to online testimony. I

1 think Tory Jamison is the next one up.

2 Please go ahead and un-mute when you're  
3 ready. You can start your video too if you'd prefer.  
4 Start with your name and address, and you'll have  
5 three minutes.

6 LAURA JAMISON: Hi. My name is Laura Jamison.  
7 Address is 5887 West Lamplighter Lane, Boise, 83703.  
8 I am the property immediately to the west that has the  
9 longest property line along this proposed subdivision.

10 I'm going to mention that we did not get  
11 notification that there was a grading meeting out on  
12 the lot, otherwise we would have attended.

13 Our biggest concern is that the turnaround  
14 is at an elevation that is equivalent to our lot that  
15 is in line with the side of our house. The retaining  
16 wall that goes along the edge of that area does  
17 not -- it ends before the turnaround, as far as I can  
18 tell and per information that I received from  
19 [unintelligible] last week.

20 And we are within 30, 35 feet of the lot  
21 line. So we are going to be taking headlights from  
22 the bulk of the anticipated 72 trip -- car trips that  
23 are in this community, which is a 700-percent increase  
24 from what we have now, which is 9.

25 TORY JAMISON: [Unintelligible] erosion too.



1           Please again start with your name and  
2 address, and you'll also have three minutes.

3           TORY JAMISON: So my name's Tory Jamison. I  
4 live at 5887 West Lamplighter Lane, Boise, Idaho  
5 83703. And I share the concerns -- the exact same  
6 concerns with the neighbor to the east.

7           This isn't regular dirt. It's basically  
8 sand/mud hill, based on the report from the -- I  
9 forget the name of the company that did the report,  
10 but it constantly overflows our walls. So we have  
11 barrier walls as well to hold -- we have about a  
12 6-foot wall, and we're constantly trying to keep it  
13 from overspilling with debris that's just running down  
14 the hill naturally.

15           If you go and dig out the upper lots 5, 6,  
16 and 7, I'm afraid of what's going to happen to the  
17 integrity of the whole hill. It's not unprecedented.  
18 It's been entire, you know, subdivisions that are  
19 sliding down a hill, and I just don't want it to be  
20 one of those. I'm not claiming to be an expert on,  
21 you know, the topography of the dirt around here, but  
22 I share the same concerns as the neighbor to the east.

23           That's all I have to say.

24           CHAIRMAN STEAD: Thank you.

25           Is there anybody else that would like to

1 testify on this item tonight?

2 Please virtually raise your hand or come  
3 on up to the podium.

4 Okay. Seeing -- oh, we do have one hand  
5 up.

6 Just give us a moment while we -- okay.  
7 Cooper, go ahead and please un-mute when you're ready.  
8 Start with your name and address, and you'll have  
9 three minutes. You're also welcome to turn on your  
10 video if you'd like to.

11 COOPER KALISEK: Hi, all. My name's Cooper  
12 Kalisek. I live at 1723 West Eastman in Boise Idaho  
13 and just moved from 4600 North Ginzel out on the  
14 property of 5802 Hill Road as well.

15 I am empathetic of the community's  
16 comments on the soil and the unique conditions that  
17 living on a hillside proposes. I have three-and-half  
18 acres up on Ginzel, three-and-a-half acres up off of  
19 Cartwright, of course this four-acre parcel that we're  
20 discussing.

21 And, you know, I would like to add that,  
22 having lived there most of my life since I was 17 and  
23 as an adult lived on a hillside, it does bring very  
24 unique challenges. And this is why we've put the team  
25 together that I know the Commission is familiar with

1 and professionals in, you know, each area required to  
2 execute on a subdivision development of this type.

3 One of the main focuses of this project  
4 was to make sure that we provided a low density as to  
5 keep from having larger density subdivision put in  
6 down the road. And having grown up there, we're very  
7 cognizant of all of the, you know, wildlife, the deer,  
8 everything that's cool about living on a hillside.

9 The build team of -- that's working on  
10 this project is also what I would consider some of the  
11 premier hillside, you know, builders. And we're very  
12 familiar with these projects and have limited who's  
13 able to -- well, are planning on limiting who's able  
14 to build in this project as to prevent any issues that  
15 have been raised. King Building & Remodeling. Jon  
16 King. Noah Richter has a lot reserved. We have done  
17 projects like these on multiple occasions and, yeah,  
18 we've designed it appropriately.

19 But I appreciate everybody, you know,  
20 taking their time to bring their comments forward.

21 During the hillside workshop, we discussed  
22 ways to mitigate any of the headlights and disruption  
23 to the neighbors. And I would just like to assure  
24 everybody that, as a born-and-raised guy from Idaho  
25 and somebody who's lived on a hillside for much of

1 that time, that we're aware of the challenges that  
2 face us and are well equipped with the appropriate  
3 professionals to get this project executed with  
4 minimal impacts to the hillside.

5 And that's all I have.

6 CHAIRMAN STEAD: Okay. Great.

7 Do we have anybody else that would like to  
8 testify on this item tonight?

9 Please virtually raise your hand.

10 Okay. Great. Seeing none.

11 REBUTTAL

12 CHAIRMAN STEAD: We'll move back to the  
13 applicant for a five-minute rebuttal.

14 BEN SEMPLE: Madam Chair, Members of the  
15 Commission. Ben Semple. 1014 South La Pointe Street,  
16 Suite 3.

17 Yeah. Thanks, Cooper, for adding that in  
18 there.

19 And I just want to echo what he said. We  
20 did -- I read through the neighbor letters. I know  
21 that Laura, one of the neighbors, did attend the  
22 grading workshop that was online. We did it virtually  
23 down here. We did have a discussion during that  
24 workshop regarding the headlights at that turnaround.  
25 Initially our plan did have that turnaround a little

1 further up the hill to where it probably would have  
2 been exposed a little bit more, where cars are turning  
3 around.

4 With the new design, it actually drops  
5 that road below the level of the property line by  
6 about 5 to 6 feet. So a combination of the wall plus  
7 our buffer there that'll allow for some additional  
8 landscaping. And then we'll work during construction  
9 to identify any other areas that might have an impact  
10 from cars turning around there.

11 It's really just those three lots at top  
12 that are going to use that turnaround anyway. The  
13 lower lots have their own driveways that they can back  
14 out of and kind of -- won't have to utilize the  
15 turnaround at the top.

16 With erosion, yeah. The, you know,  
17 geotechnical engineer has reviewed our preliminary  
18 grading plan. They did not have any concerns. They  
19 issued a letter that said that they felt that this  
20 development was appropriate for this site and that  
21 this site could support that development.

22 Touching on the fire safety, that's  
23 obviously a huge thing in the Foothills, very  
24 cognizant of that, complying with all the WUI, setback  
25 requirements.

1           And we are having an independent fire  
2 safety plan developed at the request of the Fire  
3 Department to ensure that there are -- is adequate  
4 fire protection -- not only through the individual  
5 sprinkling of the homes, but installed fire hydrants  
6 that will allow service to the homes and the  
7 surrounding area immediately adjacent and then making  
8 sure people can get in and out without any issues  
9 during any potential fire, which obviously we hope  
10 does not happen.

11           So I just want to reinforce again, too,  
12 we're doing eight single-family homes. Granted, a  
13 4-acre property on the hillside wouldn't technically  
14 support 32 with the location, but we do feel that this  
15 is very appropriate in terms of lot size and design.

16           And with that, I would stand for any  
17 additional questions.

18           CHAIRMAN STEAD: Thank you, Mr. Semple.

19           MOTIONS

20           CHAIRMAN STEAD: With that, we'll actually close  
21 this portion of the hearing, and the item is before  
22 the Commission.

23           CO-CHAIRMAN SCHAFFER: Madam Chair.

24           CHAIRMAN STEAD: Commissioner Schaffer.

25           CO-CHAIRMAN SCHAFFER: I'm going to

1 recommend -- I'm sorry. I'm going to recommend  
2 approval of SUB20-62 and approve CFH20-130 with all  
3 the terms and conditions as written in the staff  
4 report.

5 COMMISSIONER MOHR: Second.

6 COMMISSIONER BLANCHARD: Second.

7 CHAIRMAN STEAD: I heard a second from  
8 Commissioner Mohr.

9 Is there any discussion?

10 CO-CHAIRMAN SCHAFFER: Madam Chair.

11 CHAIRMAN STEAD: Commissioner Schaffer.

12 CO-CHAIRMAN SCHAFFER: Yeah. Thank you.

13 Thanks to the applicant and to everyone  
14 who spoke tonight on this item.

15 I'll be pretty brief here. You know, I  
16 think the applicant has done a nice job finding a  
17 density that works with the site itself. I think  
18 that's obviously the driver here, the hillsides and  
19 the existing conditions of the property.

20 When you take a step back and you look at  
21 the surrounding area, you know, the property has  
22 existing homes to the -- to both sides, to the east  
23 and to the west. And obviously, you know, the house  
24 that's there now will be removed.

25 But there's development on, you know,

1 three of the four sides of the property. And when  
2 you're talking about infill, I'd much rather see these  
3 eight lots placed here, you know, adjacent -- in close  
4 proximity to Hill Road rather than, you know, in a new  
5 subdivision placed further up into the Foothills or in  
6 a new subdivision higher up, where -- yeah, even  
7 greater challenges of construction.

8 I think the staff report did a nice job of  
9 covering all the bases. You know, this is the first  
10 in a series of reviews that these properties will go  
11 through with the City to make sure that they're built,  
12 constructed in compliance with the ordinances and, you  
13 know, are suitable for the hillside, so I feel  
14 comfortable knowing that there's going to be  
15 additional reviews.

16 Having said that, you know, I think  
17 they've done a nice job fitting the properties onto  
18 the site. They're going to additional expense to add  
19 sidewalks along the private drive so we have nice  
20 connectivity. They're extending water and sewer  
21 services to the property, which is a tremendous  
22 expense as well, and also, in my mind, helps alleviate  
23 some of the concerns over fire, fire hazards around  
24 the area.

25 So again I think they're doing as thorough

1 (Begin transcription at 2:59:12 of audio  
2 file.)

3 INTRODUCTION

4 CHAIRMAN STEAD: Okay. Moving on to Item No. 5.  
5 This is SOS21-3 for ISG Consulting, PC, at 5404 West  
6 Targee Street. This is a waiver to the Subdivision  
7 Ordinance requirement to construct curb, gutter, and  
8 sidewalk.

9 We'll first hear from staff.

10 Please go ahead, Ms. Rain.

11 CRYSTAL RAIN: All right. Madam Chair and  
12 Members of the Commission, this item before you is a  
13 waiver to --

14 CÉLINE ACORD: Crystal.

15 CRYSTAL RAIN: Oh.

16 CÉLINE ACORD: Can you share your screen in  
17 Zoom?

18 CRYSTAL RAIN: Did I not do it?

19 CÉLINE ACORD: I know. Tech difficulties.

20 CRYSTAL RAIN: All right. Take two.

21 Should I --

22 CÉLINE ACORD: I'm not sure. I think we should  
23 wait while --

24 CHAIRMAN STEAD: He -- yeah, he's just filling  
25 up his water. He'll -- he's right here. Yeah.

1 CÉLINE ACORD: Yep.

2 CHAIRMAN STEAD: I think --

3 COMMISSIONER GILLESPIE: What?

4 CÉLINE ACORD: Anybody want a score update?

5 COMMISSIONER GILLESPIE: No.

6 CÉLINE ACORD: Oh, sorry. That's not --

7 COMMISSIONER GILLESPIE: [Unintelligible].

8 CÉLINE ACORD: Oh, sorry.

9 CHAIRMAN STEAD: Go ahead, Ms. Rain.

10 CRYSTAL RAIN: Thank you, Madam Chair and  
11 Members of the Commission. Take three.

12 This item before you is a waiver to the  
13 Subdivision Ordinance requirement to construct curb,  
14 gutter, and sidewalk on an unimproved right-of-way as  
15 part of a Minor Land Division on 0.78 acres located at  
16 5404 West Targee Street in an R-1C (Single-Family  
17 Residential) zone.

18 This right-of-way is part of the Ada  
19 County Highway District's Phillippi Street, Malad  
20 Street, to Overland Road project. And this project  
21 was originally scoped to include curb, gutter, and  
22 attached sidewalk on both sides of Phillippi Street  
23 from Malad to Overland.

24 However submitted letters from ACHD and  
25 Marathon Petroleum Pipe Line indicate that, during the

1 development process, it became apparent that the  
2 proposed design would significantly impact the pipe  
3 line which runs along both sides of Phillippi through  
4 the entire length of the project area.

5 As such, the scope of the project was  
6 modified to include attached sidewalk, curb, and  
7 gutter on the east side of Phillippi only. The  
8 applicant identified this omission of west street side  
9 improvements from the ACHD project as grounds for the  
10 waiver.

11 However neither letter nor subsequent  
12 correspondence have specifically stated that no  
13 improvements would be allowed in this location, just  
14 that improvements as originally proposed in this part  
15 of the larger ACHD project would not be appropriate  
16 along the west side of the street as a whole.

17 Commenting agencies have confirmed that  
18 only attached sidewalks with rolled curb and gutter  
19 were reviewed for the road project and indicated  
20 they're willing to discuss alternative designs.

21 Further street improvements including both  
22 attached and detached sidewalk, rolled-in vertical  
23 curb, and gutter can be found in multiple locations  
24 where the pipe line exists, even as close as 70 feet  
25 to the south adjacent to Phillippi Park. Thus, the

1 planning team was unable to identify sufficient  
2 evidence specifically prohibiting improvements in this  
3 location.

4           Nevertheless, the waiver criteria asks us  
5 to question what is reasonable. While curb and gutter  
6 specifically may be possible, it would require  
7 significant engineering and design work from the  
8 applicant. And if the agency responsible for the  
9 right-of-way has chosen to exclude these improvements  
10 from a current project, the planning team finds laying  
11 the responsibility on an individual applicant  
12 unreasonable.

13           The same however cannot be said for  
14 sidewalks. And in fact in continuing discussions, the  
15 applicant has indicated willingness to construct a  
16 detached sidewalk onsite outside of the right-of-way  
17 and Marathon Pipe Line easement. Detached sidewalks  
18 were not reviewed as part of the ACHD project and  
19 exist directly across the street. A detached sidewalk  
20 could be constructed with similar impact as the access  
21 driveway that's proposed to cross the pipe line.

22           Finally, Phillippi Street from the subject  
23 site to Overland Road runs through some of the last  
24 remaining large lots in the Central Bench. It's  
25 important to set the precedent for including

1 pedestrian infrastructure as infill and redevelopment  
2 continues along the remaining stretches of Phillippi,  
3 both for current and future connectivity in the  
4 neighborhood.

5 In conclusion, the planning team  
6 recommends approval of the waiver to install curb and  
7 gutter, but denies the request to waive sidewalk. The  
8 Commission makes the final decision.

9 Thank you. And I'll be happy to answer  
10 any questions.

11 CHAIRMAN STEAD: Thank you, Ms. Rain.

12 Next we'll hear from the applicant.

13 CRIS WILLIAMS: Hello.

14 CHAIRMAN STEAD: Go ahead. Yep. Hi.

15 CRIS WILLIAMS: Hi.

16 CHAIRMAN STEAD: Go ahead. And you can turn on  
17 your video if you'd prefer. We'll start with ten  
18 minutes. Please start with your name and address  
19 please.

20 CRIS WILLIAMS: I'm not sure how -- oh, here we  
21 go.

22 CHAIRMAN STEAD: Maybe no video, but that's  
23 okay.

24 Oh, there you are.

25 CRIS WILLIAMS: I'm working on it.

1                   Cris Williams. 2226 East Solitude Court  
2 in Boise. I'm the applicant.

3                   And what Crystal is proposing here, we  
4 feel, is a win-win for both parties. My structural  
5 engineer went to ACHD to request that we could connect  
6 to their storm drain system as they were rebuilding it  
7 down Phillippi Street. And what we received back from  
8 ACHD was, "You cannot build a sidewalk." And that  
9 e-mail is in the documentation in the PDS.

10                   "You need to request a waiver because a  
11 sidewalk, curb, and gutter can't be built on the west  
12 side."

13                   I received my initial letter from ACHD on  
14 the roadway improvement in 2012. Then in 2018 they'd  
15 put it off for a while. But, from what I understand,  
16 what happened was they'd worked with Marathon Pipe  
17 Line's engineers for five years trying to establish a  
18 way to get this sidewalk on the west side of the  
19 street.

20                   The pipe line on the west side of the  
21 street is approximately 11 feet in size -- 11 -- it  
22 varies -- 11 to 13 feet inside the right-of-way on the  
23 west side. On the east side it's approximately 16 to  
24 18 feet. So what they determined was they would put  
25 the sidewalk on the -- and most of the improvements

1 with an amended cross-section for the road on the east  
2 side.

3 The pipe line on the east side, they've  
4 [unintelligible] both sides on the pipe lines since  
5 they've started the construction process in  
6 mid-February. The pipe line on the east side is a  
7 minimum of 3 feet deep, 18 feet off of right-of-way.

8 On the west side it's 11 to 13 feet,  
9 approximately 18 to 24 inches below top of asphalt.  
10 When you look at the cross-section of where curb and  
11 gutter go, it basically -- the edge of gutter sits  
12 almost right on top of the pipe line.

13 And we didn't have an issue with this  
14 until we spoke to Marathon. When we spoke to Marathon  
15 we found out that this pipe line that was installed in  
16 the '50s, it's an 8-inch pipe line. We assumed it was  
17 a 30 to 50 -- 60 psi pipe line. It's a 1,500 psi pipe  
18 line 18 inches under asphalt.

19 If you look at Marathon's easement  
20 development specifications, they require on  
21 right-of-ways that that should be a minimum of 48  
22 inches below asphalt, and even based on that you  
23 cannot drive a 15,000-pound vehicle over the top of  
24 it. You can't even cross it at a 90-degree angle  
25 without putting beams down to cross it.

1           The only way they allow you to cross it at  
2 48 inches with that heavy of a vehicle is if it's  
3 tracked like at [unintelligible] so it bridges the  
4 width of the pipe line.

5           So what we felt made sense for the project  
6 was -- let's get away from this pipe line. We have a  
7 big public safety issue. Let's get away from the pipe  
8 line and get the side -- do a separated sidewalk and  
9 stay away -- do what ACHD recommended, and that is  
10 stay away from that pipe line. And Marathon, in their  
11 letter, said, "You can't do anything."

12           If you look at what happened south on  
13 Phillippi Park, when they marked the pipe line it's  
14 approximately 5 feet off of curb and gutter. So I'm  
15 not sure if they moved it or what they did, but it's  
16 not up against the property line like it is on my  
17 property.

18           So basically to dig it -- what ACHD  
19 did -- what they came up with on the east side is  
20 still a 9-inch dig, which puts on -- even if you did  
21 that, it puts you right on top of that pipe line.

22           You cannot dig -- according to Idaho State  
23 Law, from what Marathon's development specifications  
24 say, you can't put any equipment within 2 feet  
25 horizontally or vertically on that pipe line. So they

1 can't even strip that asphalt out without doing it  
2 manually.

3 In working with Crystal, she had a  
4 legitimate question: How can you build a  
5 sidewalk -- or a driveway across that and not build a  
6 sidewalk?

7 And that made sense to us. And we didn't  
8 understand why until we got the development  
9 specifications from Marathon Pipe Line. The reason  
10 the driveway is allowed is because it crosses at a  
11 90-degree angle. Even with that, we've got to work  
12 with Marathon and their engineers on our design to  
13 even get that driveway across there.

14 We think and my engineer feels, and I  
15 agree with him, that we can get 11 feet away -- this  
16 separated sidewalk with an easement going across my  
17 property and stay 11 feet away from that pipe line and  
18 get it constructed and end up with a sidewalk on the  
19 west side of the project, even though ACHD didn't do  
20 that after working on it for five years. We think we  
21 can get it done. And so we support staff's  
22 recommendation.

23 We just want to stay away from that pipe  
24 line because 1,500 psi on an 8-inch fuel line is  
25 a -- that thing blows and it's -- there's a problem.

1 And we don't want to have a problem. We want to keep  
2 everybody safe and produce a nice project, and that's  
3 about where we stand on it.

4 So we are in support of staff. We do not  
5 want to be near that pipe line with anything.

6 So I'm open for questions.

7 CHAIRMAN STEAD: Thank you.

8 NEIGHBORHOOD ASSOCIATION

9 CHAIRMAN STEAD: Before we get to questions, I  
10 will just check to see -- do we have any  
11 representative from the Hillcrest Neighborhood  
12 Association present either online or in person?

13 Please virtually raise your hand if you're  
14 online.

15 Okay. Seeing none.

16 Then we will move on to questions from the  
17 Commission for applicant or the staff.

18 CHAIRMAN STEAD: Okay. Seeing --

19 CO-CHAIRMAN SCHAFER: Hold on, Madam Chair.  
20 Sorry.

21 CHAIRMAN STEAD: Commissioner Schafer, sorry.

22 CO-CHAIRMAN SCHAFER: I was slow on the draw to  
23 my mute button -- my un-mute button.

24 [Unintelligible] here, so let's  
25 just -- I'm going to get started.

1 Question for staff.

2 Crystal, I'm always for sidewalks, but  
3 given the pipe line situation, is this truly going to  
4 be a sidewalk to nowhere?

5 I mean, what are the chances there's going  
6 to be sidewalks north of this property in the future,  
7 just given the complexity with the gas pipe line?

8 CRYSTAL RAIN: Madam Chair, Commissioner  
9 Schafer, that's an excellent question. I just -- the  
10 waiver says, you know, it has to -- pardon me.

11 You have to show that there is a hardship  
12 there. And conversations with the commenting agencies  
13 told me that there were other possibilities. It  
14 just -- they'd never explored anything besides, like I  
15 said, the attached sidewalk and rolled curb and  
16 gutter. They couldn't give me a "No, this is  
17 impossible."

18 And so based on the approval criteria, I  
19 feel that there are options and that's -- yeah.

20 CO-CHAIRMAN SCHAFFER: Okay. Can I throw one  
21 more at you?

22 Madam Chair, is that okay?

23 CHAIRMAN STEAD: Please, Commissioner Schafer.

24 CO-CHAIRMAN SCHAFFER: So when I look at this  
25 then, we have, you know, sidewalks to the

1 south -- right? -- onto Phillippi, sidewalks onto  
2 every corner of Phillippi and Targee.

3 So when I look at this, it seems to me the  
4 better place to have people cross Phillippi is at  
5 Targee, where you have sidewalks at every corner  
6 rather than constructing, you know, a sidewalk on this  
7 property on Phillippi that would terminate, you know,  
8 at nothing.

9 So, you know, that's just my thought  
10 process here. I mean, can you speak to that?

11 I just -- I fear that, you know, you're  
12 putting a sidewalk in that is only connected for the  
13 length of this lot and then you're going to  
14 have -- you're letting people just off onto nothing;  
15 right?

16 Then they're just in the right-of-way, and  
17 they're left to either walk on the shoulder or then  
18 try and cross Phillippi mid-block where there's not a  
19 crosswalk to get to a sidewalk.

20 Can you help me work through that?

21 Is that generally accurate, do you think?

22 CRYSTAL RAIN: Madam Chair, Commissioner  
23 Schafer, I'm not sure I exactly follow, but I can  
24 speak a little bit more to why the planning team has  
25 decided that this won't necessarily be a sidewalk to

1 nowhere essentially.

2 As stated in the report and a little bit  
3 tonight, these lots north of this site are going to  
4 redevelop soon. And we've seen, you know, from the  
5 commenting agencies that they are open to detached  
6 sidewalk. They think it's possible. It just needs to  
7 go through another review.

8 And so I think setting a precedent for  
9 waiving this would be more detrimental than to have a  
10 sidewalk to nowhere.

11 COMMISSIONER GILLESPIE: Madam Chairman.

12 CHAIRMAN STEAD: Commissioner Gillespie.

13 COMMISSIONER GILLESPIE: Crystal, isn't there  
14 also a huge benefit, having a sidewalk that gets  
15 pedestrians away from a busy intersection without  
16 having to walk in the fricken street?

17 So even though it may be that that  
18 northern leg doesn't develop, just giving people 50 or  
19 100 feet of sidewalk that keeps them out of the street  
20 before an intersection, doesn't the City consider that  
21 to be a good in and of itself?

22 CRYSTAL RAIN: Madam Chair, Commissioner  
23 Gillespie, I believe so.

24 COMMISSIONER GILLESPIE: Thank you.

25 CO-CHAIRMAN SCHAFER: Just -- Madam Chair.

1 CHAIRMAN STEAD: Commissioner Schafer.

2 CO-CHAIRMAN SCHAFFER: I guess my point there,  
3 Milt, was that if you're going to -- if you're going  
4 to have to cross the street to get to a sidewalk, it's  
5 better to do it at the intersection where there's more  
6 visibility; right?

7 That's where the crosswalks are. You  
8 generally try not to have people just jaywalking, in  
9 this case, right across Phillippi if they want to get  
10 to the sidewalk on the east side of Phillippi.

11 Does that make sense?

12 COMMISSIONER GILLESPIE: Madam Chairman.

13 CHAIRMAN STEAD: Commissioner Gillespie.

14 COMMISSIONER GILLESPIE: I'm baffled by your  
15 point. The sidewalk is at an intersection.

16 CO-CHAIRMAN SCHAFFER: No, I'm talking about the  
17 north side --

18 COMMISSIONER GILLESPIE: It's right across from  
19 Phillippi Park.

20 CO-CHAIRMAN SCHAFFER: -- [unintelligible]  
21 terminating.

22 COMMISSIONER GILLESPIE: They walk north on that  
23 intersection -- the sidewalk by Phillippi Park, cross  
24 the street onto this new sidewalk, unless I'm --

25 CHAIRMAN STEAD: Okay.

1 Commissioner Schafer, do you want to  
2 respond to that?

3 CO-CHAIRMAN SCHAFFER: I think we're just --

4 CHAIRMAN STEAD: Okay.

5 CO-CHAIRMAN SCHAFFER: -- not connecting at the  
6 moment, and that's just -- it's fine, you know?

7 CHAIRMAN STEAD: [Unintelligible].

8 CO-CHAIRMAN SCHAFFER: We'll chalk it up to  
9 Covid --

10 CHAIRMAN STEAD: Great.

11 CO-CHAIRMAN SCHAFFER: -- and me not being in  
12 person. How about that?

13 CHAIRMAN STEAD: Any other questions?

14 Okay. Great.

15 PUBLIC TESTIMONY

16 CHAIRMAN STEAD: So next we'll go to public  
17 testimony.

18 If we have anybody in person, please come  
19 right on up to the podium.

20 If we have anybody online, please  
21 virtually raise your hand.

22 Okay. I'm not seeing anybody.

23 I did have -- oh, Gretchen. It looks like  
24 she is online here -- or no, that's the next item.  
25 Sorry. Getting ahead of myself here. Item No. 5.

1 I don't see anybody signed up in advance,  
2 and I'm not seeing anybody online.

3 REBUTTAL

4 CHAIRMAN STEAD: So next we would be moving to a  
5 five-minute rebuttal from the applicant.

6 There wasn't really opposition, but do  
7 you -- would you like to use that time, Mr. Williams?

8 CRIS WILLIAMS: We're not opposed to the  
9 sidewalk. That's all I've got.

10 We're in agreement with Crystal. We're on  
11 the same page. We're not opposed to it.

12 We are opposed to putting a curb and  
13 gutter. Well, we don't think it's even physically  
14 possible with the pipe line there at 2-foot depth.

15 So -- but yeah, we're not opposed to the  
16 sidewalk at all; we support that.

17 CHAIRMAN STEAD: Thank you, Mr. Williams.

18 MOTIONS

19 CHAIRMAN STEAD: Okay. Great. With that, this  
20 item is now before the Commission and the public  
21 portion is closed, and I will entertain a motion.

22 COMMISSIONER GILLESPIE: Madam Chairman.

23 CHAIRMAN STEAD: Commissioner Gillespie.

24 COMMISSIONER GILLESPIE: I move that we  
25 partially approve and partially deny SOS21-3 as

1 written in the staff report.

2 COMMISSIONER MOHR: Second.

3 CHAIRMAN STEAD: Great. We have a second from  
4 Commissioner Mohr.

5 Is there discussion, Commissioner  
6 Gillespie?

7 COMMISSIONER GILLESPIE: I have nothing to add.

8 CHAIRMAN STEAD: Great.

9 Anybody else have discussion to add?

10 Okay. Seeing none.

11 ROLL CALL

12 CHAIRMAN STEAD: Will the clerk please call the  
13 vote.

14 THE CLERK: Stead.

15 CHAIRMAN STEAD: Aye.

16 THE CLERK: Schafer.

17 CO-CHAIRMAN SCHAFFER: Aye.

18 THE CLERK: Blanchard.

19 COMMISSIONER BLANCHARD: Aye.

20 THE CLERK: Mohr.

21 COMMISSIONER MOHR: Aye.

22 THE CLERK: Gillespie.

23 COMMISSIONER GILLESPIE: Aye.

24 THE CLERK: All in favor. Motion carries.

25 (End transcription at 3:18:11 of audio

1 file.)

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6. **CUP21-00006 / Heidi & Brian Ramos**

4191 W State St

Conditional use permit for a food truck park with alcohol sales on 0.48 acres in a C-2D (General Commercial with Design Review) zone. *Ethan Mansfield*

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Christopher Blanchard, Commissioner
<b>SECONDER:</b>	Bob Schafer, Co-Chair
<b>AYES:</b>	Blanchard, Mohr, Gillespie, Stead, Schafer
<b>ABSENT:</b>	Janelle Finfrock, Chris Danley, Ashley Squyres
	<b>ALL IN FAVOR, MOTION CARRIED</b>

CITY OF BOISE PLANNING AND ZONING COMMISSION

IN RE: )  
CUP21-00006 / HEIDI & BRIAN RAMOS )  
4191 West State Street )  
 )  
 )  
 )  
\_\_\_\_\_ )

TRANSCRIPT OF RECORDED PUBLIC HEARING

MONDAY, APRIL 5, 2021

COMMISSIONERS PRESENT:

MEREDITH STEAD, CHAIR

BOB SCHAFFER, CO-CHAIR

CHRISTOPHER BLANCHARD

JENNIFER MOHR

MILT GILLESPIE

TRANSCRIBED BY:

VICTORIA HILLES

1 (Begin transcription at 3:18:12 of audio  
2 file.)

3 INTRODUCTION

4 CHAIRMAN STEAD: Okay. Moving on to Item No. 6.  
5 This is CUP --

6 CRIS WILLIAMS: Thank you.

7 CHAIRMAN STEAD: Oh, thank you, Mr. Williams.

8 This is CUP21-6 for Heidi and Brian Ramos  
9 at 4191 West State Street. This is a conditional use  
10 permit for a food truck park with alcohol sales.

11 First we'll hear from staff when you're  
12 ready, Mr. Mansfield.

13 ETHAN MANSFIELD: Just give me a second to share  
14 my screen.

15 Good evening, Madam Chair, Commissioners.  
16 The next item before you is a request for a  
17 conditional use permit to operate a food truck with a  
18 beer and wine bar on about half an acre located at  
19 4191 West State Street in a C-2D (General Commercial  
20 with Design Review) zone.

21 The applicant is proposing to convert the  
22 existing 1,800-square-foot building into a beer and  
23 wine bar and approve the existing rental equipment lot  
24 into an outdoor seating and food truck parking area.  
25 A visitor parking area will be provided in the rear of

1 the lot.

2 The site is surrounded by a diverse mix of  
3 uses including multi-family residential, mobile home  
4 parks, single-family residential, retail, personal  
5 services, and office uses.

6 Notably, ACHD requires that 19 feet of  
7 right-of-way be dedicated to accommodate the widening  
8 of State Street to seven lanes, which is included in  
9 the agency's five-year work plan. A condition of  
10 approval requires a license agreement with ACHD for  
11 any improvements made within the new right-of-way.

12 If ACHD approves a license agreement for  
13 the use, the proposed site plan with bicycle parking  
14 and a fifth food truck could be allowed. If a license  
15 agreement is not obtainable, the applicant can still  
16 operate with four food trucks and a new bicycle  
17 parking area to be determined during the Design Review  
18 phase. Eventually -- regardless, the fifth food truck  
19 and bike parking as shown on the plan will need to be  
20 removed to accommodate the widening of State Street.

21 While numerous comments on social media  
22 praise the arrival of this concept, we received one  
23 comment of opposition, which details concerns  
24 about "crime, panhandling, and vagrancy" associated  
25 with the proposed food truck park and bar.

1           The planning team respectfully disagrees  
2 with this assessment and instead views the project as  
3 a unique, revitalizing force along a very important  
4 gateway corridor into the city.

5           With the recommended conditions of  
6 approval, the proposal meets the approval criteria for  
7 a conditional use permit. The use is compatible with  
8 the surrounding neighborhood as many similar uses are  
9 found within a few blocks of the site.

10           With the right-of-way dedication, the use  
11 will not place an undue burden on public  
12 infrastructure, and the site will still be large  
13 enough to accommodate the proposed use.

14           Finally, as outlined in the staff report,  
15 the site is designed to minimize impact to the  
16 surrounding properties, and the use is supported by  
17 the Comprehensive Plan. As such, the planning team  
18 recommends approval of CUP21-06 with the terms and  
19 conditions listed in the staff report.

20           Thank you. And I'll stand for any  
21 questions.

22           CHAIRMAN STEAD: Thank you, Mr. Mansfield.

23           Next we'll hear from the applicant.

24           Is that you guys?

25           Please come on up. Please start with your

1 name and address, and we'll start with ten minutes.

2 HEIDI RAMOS: Can I take off my mask and talk  
3 or no?

4 CHAIRMAN STEAD: No. I'm sorry. We're not  
5 allowed to remove masks. But go ahead and pull that  
6 down to fit you.

7 Yeah. There you go.

8 HEIDI RAMOS: Okay. I'll take off my glasses so  
9 they don't steam up.

10 Okay. So my name is Heidi Ramos. My  
11 husband's Brian Ramos. We live at 1861 South Rustic  
12 Mill in Boise. However we have worked down in the  
13 Veterans Park neighborhood for 13 years at our current  
14 business at 4602 West State Street, and we really love  
15 the neighborhood.

16 We're super excited to bring this new,  
17 unique concept to this area. We think it's going to  
18 be something that really lifts the entire neighborhood  
19 up. We see this concept in other cities, such as Bend  
20 and Portland, and other major cities too, like Austin  
21 and Phoenix, Arizona.

22 Our concept will have, as Ethan  
23 said -- and thank you so much for the write-up, Ethan.  
24 That was wonderful.

25 It has an indoor-outdoor concept for

1 eating and five food trucks, possibly four with the  
2 impact of ACHD. We see the entire lot being something  
3 of a backyard environment, almost like a pocket park  
4 on a busy street that currently doesn't have anything  
5 like that except for around the Greenbelt.

6 We think this will be something that is  
7 valued in the neighborhood and also valued to people  
8 who are seeking out a more unique dining experience.  
9 Or perhaps you can go and get a really great hamburger  
10 or your spouse or eating partner can get Thai food.  
11 And all are done to the best of each truck's  
12 capability, which, if you've ever ate at a food truck  
13 before, you know is pretty good.

14 Oh, I wanted to read a comment.

15 So this concept is new to Boise. We have  
16 seen other food truck pop-ups, but this would be  
17 different because it would be more of a permanent  
18 location for five permanent food trucks. They would  
19 have a minimum of a six-month lease, so we don't have  
20 the in-and-out or unpredictability of, you know,  
21 "Who's going to be there? I don't know. Let's just  
22 go and find out."

23 We're going to have, hopefully, five  
24 different ethnic choices so people know what to always  
25 expect.

1           And why we feel this works -- we feel this  
2 really works well because, like I said, when people  
3 know what to expect, they come there for the  
4 environment rather than having something that just  
5 pops up on the weekend with different food trucks that  
6 they're not familiar with.

7           The City of Portland worked with the Urban  
8 Vitality Group in their city. An Oregon business  
9 article, "Rolling in a New Direction," wrote -- on  
10 September 27th, 2019 says "The City of Portland Bureau  
11 of Planning recently published a study that was  
12 conducted with the Urban Vitality Group to study the  
13 effects of food carts on neighborhood livability and  
14 street vitality.

15           "Based on survey results, inventories and  
16 interviews with business owners in four food-cart pods  
17 around the city, the group found that food carts have  
18 a positive impact on both neighborhood life and street  
19 vitality as they provide affordable dining options,  
20 social interaction and convenience."

21           Also, Ethan mentioned the positive  
22 feedback that we have received. There have been two  
23 articles written about this concept since we signed up  
24 for our CUP, one being by BoiseDev, in which it  
25 received 140 likes with 22 hearts, and the other one

1 being by the Idaho Statesman, which received over  
2 2,500 likes.

3 And some of the positive comments -- if  
4 you'll just indulge me for a second, Lynn Galey  
5 [phonetic] says, "Yes, please, P&Z. What fun this  
6 will be."

7 So -- and then other people who say, "I  
8 live in the area. I would love to go."

9 And from the Statesman, a Barry Balu  
10 [phonetic] says, "Finally."

11 I think this is something that would  
12 really serve the public and Boise well, and I really  
13 look forward to bringing this concept to 4191 West  
14 State Street.

15 CHAIRMAN STEAD: Thank you, Ms. Ramos.

16 COMMISSIONER GILLESPIE: Good job.

17 CHAIRMAN STEAD: Great.

18 NEIGHBORHOOD ASSOCIATION

19 CHAIRMAN STEAD: Before we go to questions from  
20 the Commission, I will check to see -- do we have a  
21 representative from the Veterans Park Neighborhood  
22 Association?

23 If you're online, please virtually raise  
24 your hand.

25 Okay. And seeing none.



1 surrounding area and sort of point out to us where the  
2 surrounding residences are?

3 ETHAN MANSFIELD: So, Madam Chair, Commissioner  
4 Gillespie, you've got Valor Pointe is across Fargo.  
5 Most importantly, probably, is the duplex kind of to  
6 the southwest.

7 COMMISSIONER GILLESPIE: Can you point to that?

8 ETHAN MANSFIELD: That would be right here.

9 COMMISSIONER GILLESPIE: Uh-huh.

10 ETHAN MANSFIELD: And then, you know, it's  
11 unclear what exactly is happening along these --

12 COMMISSIONER GILLESPIE: Okay. There's not --

13 ETHAN MANSFIELD: -- this situation.

14 COMMISSIONER GILLESPIE: It doesn't look like  
15 single-family housing.

16 ETHAN MANSFIELD: This is a Big Smoke.

17 COMMISSIONER GILLESPIE: Okay.

18 ETHAN MANSFIELD: So there's certainly some  
19 retail.

20 COMMISSIONER GILLESPIE: Okay.

21 ETHAN MANSFIELD: We're unsure about the state  
22 as to housing though.

23 COMMISSIONER GILLESPIE: Okay. And then kitty  
24 corner Fargo it looks like a house.

25 ETHAN MANSFIELD: Back here?

1 COMMISSIONER GILLESPIE: Yeah.

2 ETHAN MANSFIELD: Yeah, that's correct.

3 COMMISSIONER GILLESPIE: Okay. So you're not  
4 providing any site-specific restrictions on hours?

5 ETHAN MANSFIELD: The staff recommendations do  
6 not include that. However you, as the Commissioners,  
7 are more than welcome to impose those conditions.

8 COMMISSIONER GILLESPIE: Madam Chairman.

9 CHAIRMAN STEAD: Commissioner Gillespie.

10 COMMISSIONER GILLESPIE: Heidi, what's your  
11 feeling on the hours of operation that you think are  
12 appropriate for this site?

13 HEIDI RAMOS: We have discussed that the food  
14 trucks will stop operation probably around 8:00 p.m.,  
15 9:00 p.m., and that the bar would stay open to 10:00,  
16 to 11:00 p.m. we don't intend to be an all-night type  
17 of environment. We see our facility being a more  
18 family-based environment.

19 Also, for noise mitigation we are  
20 installing power, sewer, and water to the trucks.  
21 There will be no running of generators.

22 COMMISSIONER GILLESPIE: Generators?

23 HEIDI RAMOS: Mm-hmm. And so people might hear  
24 other people having a good time, laughing, and  
25 talking, as they would in any other neighborhood

1 environment.

2 COMMISSIONER GILLESPIE: So I'll just let other  
3 Commissioners -- we can think about it, but I would  
4 like to hear people's ideas on should we restrict the  
5 hours of operation to, you know, no later than 10:00  
6 or 11:00 or midnight, and sort of what are the pros  
7 and cons of that.

8 Madam Chairman, I have one other sort of  
9 related question.

10 CHAIRMAN STEAD: Commissioner Gillespie.

11 COMMISSIONER GILLESPIE: Can you -- the City or  
12 the applicant, can you discuss your lighting -- the  
13 lighting plan and what you're thinking about in order  
14 to sort of keep the light on the site and not -- I  
15 know you're on State Street, but I am cognizant that,  
16 you know, to the south and west of you there are  
17 residential users.

18 HEIDI RAMOS: We intend to use string lights  
19 within the park just going above the -- because -- do  
20 we have a map of what the -- what it will look like  
21 with the site plan?

22 You can see that -- so yeah. So you can  
23 see that there's three food truck carts along Fargo.

24 And also, I don't know if it was  
25 mentioned, but we will be having a full fence -- a

1 does render a final decision, and I'm available for  
2 any questions.

3 Thank you.

4 CHAIRMAN STEAD: Thank you, Ms. Garlick. Great  
5 job.

6 Next we'll move to hear from the  
7 applicant.

8 Oh, perfect. In here. Pretty great.

9 Come on up. Please start with your name  
10 and address, and we'll start with ten minutes.

11 TRAVIS BURROWS: Great. Travis Burrows. 3718  
12 North Pepperwood Drive, Boise. I am the owner -- one  
13 of the owners of the lots there.

14 And just to clarify real quick. We're  
15 proposing these more as the garage, condo-style-type  
16 facility that could be purchased or just leased. We  
17 haven't gotten into the marketing analysis there yet.

18 And definitely want to support mixed use.  
19 We don't want it strictly to be storage; we want some  
20 flexibility there. We have received interest from the  
21 tenants in the buildings to the south. They would  
22 like to utilize some of that space.

23 Several of them have some units in the  
24 surrounding storage and would like to consolidate or  
25 expand their facilities a little bit, one -- including

1 like -- the cabinet shop typically would have a box  
2 truck, as their manufacturing is located outside of  
3 the city limits, and so they typically park their  
4 large box truck there, waiting for the project to  
5 commence.

6           And so I don't believe I have anything to  
7 add at this point. We did receive the concerns from  
8 the neighbors, and, you know, hope to, you know, work  
9 through that with them. The drainage, of course,  
10 being the first issue.

11           Since then it was, you know, a  
12 snowmageddon-type issue that created a lot of  
13 flooding, and since that has happened -- unfortunately  
14 we inherited that when we purchased the property, but  
15 definitely willing to work through all of that.

16           We have since cleaned the subsurface  
17 drainage, had them jetted. In fact, one of them had  
18 tree roots growing. That's been repaired.

19           And I stand for any other questions just  
20 now.

21           CHAIRMAN STEAD: Thank you. Great.

22           NEIGHBORHOOD ASSOCIATION

23           CHAIRMAN STEAD: Well, first I'll just double  
24 check to see if we have a representative from the West  
25 Valley Neighborhood Association.

1                   Please virtually raise your hand if you're  
2 online for that.

3                   Okay. Seeing none.

4                   Then we'll move to questions from the  
5 Commission for staff or for the applicant.

6                   COMMISSIONER MOHR: Madam Chair.

7                   CHAIRMAN STEAD: Commissioner Mohr.

8                   COMMISSIONER MOHR: I just have a quick  
9 clarification on the use.

10                   So it's labeled "storage" but it has a  
11 restroom in the back, and I know that doesn't seem  
12 typical. Could you explain kind of the vision for  
13 that?

14                   DELANIE GARLICK: Madam Chair, Commissioner  
15 Mohr, I'm happy to address that.

16                   So with this particular use, in the C-2  
17 zone district it is allowed for general commercial.  
18 This specific conditional use permit is sort of  
19 categorized under a self-service storage use.  
20 Unfortunately our Code does not have a specific "flex  
21 space" defined use.

22                   In moving forward -- as the individual  
23 tenants do take -- whether they lease or own, those  
24 uses will be looked at to make sure they conform with  
25 that C-2 zoning.

1 COMMISSIONER MOHR: Madam Chair.

2 CHAIRMAN STEAD: Commissioner Mohr.

3 COMMISSIONER MOHR: So just a quick follow-up.

4 So for -- if a future use has a parking  
5 intensity, I guess, that's higher than the storage use  
6 now, is there enough parking to kind of accommodate  
7 some disparity in some of those -- with that strip of  
8 parking removed?

9 DELANIE GARLICK: Yeah, Madam Chair,  
10 Commissioner Mohr. Yeah. I believe with the parking,  
11 the way that it was originally allotted was that the  
12 subdivision was quite overparked. With the existing  
13 use -- or with the proposed use as self-service  
14 storage, that only requires four parking spaces. As  
15 proposed, they are providing 40 spaces.

16 So with that in mind, we believe that  
17 would be plenty of additional parking to accommodate  
18 future uses if they were not to go forward with  
19 storage.

20 COMMISSIONER MOHR: Thank you.

21 CHAIRMAN STEAD: Okay. Seeing no further  
22 questions.

23 COMMISSIONER GILLESPIE: Madam --

24 CHAIRMAN STEAD: Commissioner Gillespie.

25 COMMISSIONER GILLESPIE: -- Madam, can you hold

1 on one second?

2 CHAIRMAN STEAD: Yes.

3 COMMISSIONER GILLESPIE: I'm just trying to  
4 reload.

5 CHAIRMAN STEAD: I'd love to. Yeah, let's just  
6 give everybody a minute.

7 COMMISSIONER GILLESPIE: So can you -- Delanie,  
8 can you go to the purple, white one that sort of is in  
9 your presentation -- in the staff report that shows  
10 the proposed building?

11 It looks like this.

12 CHAIRMAN STEAD: I was going to say if she knows  
13 what the purple, white thing is --

14 COMMISSIONER GILLESPIE: This one.

15 CHAIRMAN STEAD: -- I'd be really amazed.

16 COMMISSIONER GILLESPIE: I'm just a little  
17 confused about --

18 DELANIE GARLICK: Okay. Here we go.

19 COMMISSIONER GILLESPIE: -- something.

20 CHAIRMAN STEAD: Yeah, I think, Milt, it's this  
21 one.

22 COMMISSIONER GILLESPIE: That's it.

23 So I see these eight bays right across the  
24 south face of the building.

25 DELANIE GARLICK: Yes.

1           COMMISSIONER GILLESPIE: They're the -- and then  
2 I see -- but how far back do these go? I mean, is it  
3 all one giant building?

4                   Like what's -- and then if you go to the  
5 next page it shows -- no, not that one. This one.

6                   Yeah, that one.

7                   What's -- so is it one -- so there's eight  
8 across the front and then two that come in from the  
9 side and they're really long. So the two on the north  
10 side are much, much bigger than the eight on the  
11 bottom; is that right?

12           TRAVIS BURROWS: Honestly this is to be  
13 presented as a shell building currently. The  
14 conditional use is for the storage use in the zone.  
15 And this would allow for flexibility if a tenant  
16 wanted more than one unit or if they wanted the unit  
17 to go further back. We would allow that flexibility.

18                   The idea of the two along the  
19 back -- again I had mentioned that the tenants in the  
20 front buildings -- one of them was a shooter's bench,  
21 and he works with boy scouts and was interested in an  
22 indoor air-rifle shooting range. So it was -- and  
23 then --

24           COMMISSIONER GILLESPIE: He wants a long one.

25           TRAVIS BURROWS: That was the idea. It could be

1 broken up, you know, if he --

2 COMMISSIONER GILLESPIE: So --

3 TRAVIS BURROWS: -- doesn't go that way.

4 COMMISSIONER GILLESPIE: So you don't know  
5 exactly how many units there will be in this building?

6 TRAVIS BURROWS: There is a lot of flexibility  
7 with that, yes.

8 COMMISSIONER GILLESPIE: Okay.

9 Madam Chairman.

10 CHAIRMAN STEAD: Commissioner Gillespie.

11 COMMISSIONER GILLESPIE: So does this permit  
12 prevent them from, say, operating a retail or  
13 wholesale business in this -- from these units?

14 DELANIE GARLICK: Madam Chair, Commissioner  
15 Gillespie, the conditional use permit is addressing  
16 the self-service storage. However within the C-2  
17 zone, we would allow a variety of general, commercial  
18 uses that would be reviewed and approved. Certain  
19 uses may require additional, administrative approval.  
20 Certain uses may trigger additional entitlement with  
21 conditional use permits.

22 COMMISSIONER GILLESPIE: Okay. Madam Chairman.

23 CHAIRMAN STEAD: Commissioner Gillespie.

24 COMMISSIONER GILLESPIE: So I guess what I'm  
25 getting at for the City is that the concern

1 that -- okay.

2 What happens if one of these bays turns  
3 into, say, an automotive parts distributor, and all of  
4 a sudden there's all this traffic and then all this  
5 parking to access what is, in fact, a retail business,  
6 and our parking requirement is based off self-storage?

7 So I guess I'm a little confused about the  
8 use restrictions that are going to be in place,  
9 particularly as they relate to the adequacy of the  
10 parking. Does that make sense?

11 So can you help me with like -- how do we  
12 know that, you know, the guy opening the shooting  
13 gallery isn't going to have 30 cars show up to shoot?

14 Like could he -- where would that violate  
15 the use of the CUP?

16 DELANIE GARLICK: Yeah, Madam Chair,  
17 Commissioner Gillespie. The particular use,  
18 we -- like I mention, is overparked; it's providing 40  
19 spaces. As the individual tenant spaces fill up, we  
20 will assess the site for adequate parking. Certain  
21 uses may not be adequate, although may be allowed in a  
22 C-2 zone based on the site specifics.

23 COMMISSIONER GILLESPIE: I'm still -- I'm  
24 still -- Madam Chairman.

25 CHAIRMAN STEAD: Commissioner Gillespie.

1 COMMISSIONER GILLESPIE: I'm still confused.

2 So I get that there's a whole bunch of  
3 uses allowed in the C-2 zone, but we're doing a CUP  
4 for this use; right?

5 So doesn't this -- does the CUP -- or can  
6 we add it as a condition to restrict the use?

7 DELANIE GARLICK: [Unintelligible] Céline.

8 COMMISSIONER GILLESPIE: I'm just struggling  
9 with --

10 DELANIE GARLICK: Yeah.

11 COMMISSIONER GILLESPIE: You get it? Because  
12 this is only relevant because of the traffic and  
13 parking consideration; right?

14 So that's why we're having this  
15 discussion.

16 CÉLINE ACORD: Madam Chair, Commissioners, I  
17 believe -- I mean, the thing to remember is that the  
18 flex space that they're requesting is not defined in  
19 our Code, and that includes the parking. So  
20 technically any of those uses could come in and we  
21 would have to evaluate them each individually with the  
22 parking that would be set up onsite at that time.

23 So if something more intense came in and  
24 the parking wasn't there or the traffic wasn't there,  
25 it would be a conditional use permit potentially, and

1 we would have to evaluate it at that time.

2 So an auto use, a minor one, is allowed  
3 within the C-2.

4 It certainly does mean if there's a  
5 successful business and you have more traffic, that  
6 that could happen, but the site is overparked at this  
7 time. And so, even by removing those parking spaces,  
8 there is still adequate parking.

9 We can't, you know, know exactly what uses  
10 will always be in these spots for the future, but  
11 because it's a flex space, storage was the best way to  
12 encapsulate that, even without the higher parking  
13 requirements that we would normally see from other  
14 uses.

15 COMMISSIONER GILLESPIE: Thank you.

16 CHAIRMAN STEAD: Any other questions from the  
17 Commission?

18 Okay. Great. Seeing none.

19 PUBLIC TESTIMONY

20 CHAIRMAN STEAD: We'll now go to public  
21 testimony.

22 So if you are online to testify tonight,  
23 please virtually raise your hand, and we can -- we'll  
24 start -- yeah, go ahead.

25 Come on up again, start with your name and

1 address again, and you'll have three minutes again.

2 HEATHER SCOTT: My name is Heather Scott. I  
3 live in and manage the Idaho Self Storage location at  
4 10908 West Fairview Avenue, Boise, 83713.

5 I don't know if it's possible. I have  
6 some photos I'd like to share with --

7 CHAIRMAN STEAD: We unfortunately can't accept  
8 things after that late correspondence date.

9 HEATHER SCOTT: All right. So some of them were  
10 a part of an e-mail. I've been e-mailing with  
11 Delanie, and I've spoken with Travis. I'm  
12 representing the ownership of Idaho Self Storage.

13 So we have two primary concerns. The  
14 first, as mentioned, is the subgrade drainage. This  
15 property, prior to the sale of this lot, has flooded  
16 my facility at least four times. One of them  
17 penetrated the entire rear of the facility, submerging  
18 one building in about 6 inches of water.

19 The services that they've referenced to  
20 the subgrade drainage -- if you could bring up one of  
21 the aerial maps, it shows -- you can see where  
22 two -- there's two, 1,000-gallon drain vaults for the  
23 entire rear of the existing parking lot. All of the  
24 rainwater coming off the existing two lots for the  
25 subdivision -- not this one. The --

1 CHAIRMAN STEAD: Yeah.

2 HEATHER SCOTT: -- the aerials.

3 All of the rainwater coming off the rear  
4 of the existing two buildings and the entire parking  
5 lot drains to two [unintelligible] that you can see in  
6 the corners of their lot. They've been serviced.  
7 That's true, but they've flooded my property since  
8 then.

9 We've had a lot of problems with erosion  
10 control. We're requesting that part of the  
11 conditional use be a requirement that these drains are  
12 appropriately engineered and evaluated, and that the  
13 retaining walls that we've made requests are put in  
14 place because their material is no longer staying on  
15 their property.

16 It's -- we've put in a drainage system  
17 after their flood. The -- it goes all the way along  
18 the perimeter of our two properties on the east and  
19 north sides, and their material is now filling in all  
20 our drain beds.

21 The other consideration that we have  
22 outside of drainage, one of the points -- this project  
23 was planned on their rainwater runoff from this  
24 15,000-square-foot building tying into those existing  
25 drains. So we have extreme concerns that the owner

1 who sold it knew of these drainage issues. And I  
2 don't know how it was put forth that they could tie in  
3 more water to an already failing system, but that's  
4 not something that we're comfortable with, moving  
5 forward.

6 The parking and traffic is also something  
7 that we have a lot of concern about. Although it may  
8 appear on paper as if it's overbuilt, as a neighbor I  
9 am here to tell you it is not built overparked.

10 That parking lot is consistently full from  
11 the tenants in the existing retail strip mall.  
12 There's also been a drive-thru that was approved sort  
13 of in the midst of their project that now kind of goes  
14 in front of --

15 THE CLERK: Time.

16 CHAIRMAN STEAD: Thank you so much.  
17 Unfortunately that's the end of the time.

18 Do we have anybody else?

19 I see one other person online.

20 If you'd like to testify, please go ahead  
21 and virtually raise your hand.

22 Okay. Seeing none.

23 REBUTTAL

24 CHAIRMAN STEAD: Then we will allow the  
25 applicant for a five-minute rebuttal, if you'd like to

1 use that time.

2 TRAVIS BURROWS: Thank you.

3 As I stated before, we definitely intend  
4 to retain all of the water on our site. And as was  
5 stated in here, there was a condition, I believe,  
6 with -- Nampa and Meridian Irrigation District had  
7 addressed that as well.

8 And in addition to their comments, I  
9 believe they had referred to having an engineer  
10 evaluate the existing drainage. And, you know, we  
11 definitely intend to comply with, you know, all the  
12 City Codes and keeping the rainwater on our site.

13 So...

14 CHAIRMAN STEAD: Thank you.

15 TRAVIS BURROWS: That's all I have. Thanks.

16 CHAIRMAN STEAD: Great. Okay.

17 MOTIONS

18 CHAIRMAN STEAD: At this point we'll close the  
19 public portion of the hearing, and the item is now  
20 before the Commission.

21 COMMISSIONER GILLESPIE: Madam Chairman.

22 CHAIRMAN STEAD: Commissioner Gillespie.

23 COMMISSIONER GILLESPIE: I move that we -- I'm  
24 going to try this. I'm obviously uncomfortable with  
25 the City's ambiguity on the use. C-2, you can do just

1 about anything.

2 I move that we approve CUP21-5 with the  
3 following amendment to packet page 484, top of the  
4 page, the sentence that begins with "Any future  
5 tenant --" that sentence as it reads now says, "Any  
6 future tenant will have to adhere to the allowed uses  
7 within the C-2 zone district and may be subject to  
8 future entitlement processes."

9 I would like to delete the word "and may"  
10 and substitute the word "and must" because I think the  
11 City -- if someone's going to put a different use in  
12 one of those things, it's not self-storage. So if  
13 it's not self-storage, I think they should have to go  
14 back to the City and then the City needs to approve  
15 that use because that use could affect the parking and  
16 the other people on the property.

17 So that's -- anyway. That's my motion.

18 CO-CHAIRMAN SCHAFER: I will second.

19 CHAIRMAN STEAD: Great. We have a second from  
20 Commissioner Schafer.

21 Is there further discussion?

22 COMMISSIONER GILLESPIE: Well, Madam Chairman,  
23 I --

24 CHAIRMAN STEAD: Commissioner Gillespie.

25 COMMISSIONER GILLESPIE: I think my

1 dissatisfaction is clear with -- you know, we have  
2 public testimony about concerns about parking. We're  
3 entitling this building to go in.

4           It's the -- the CUP clearly says, "This is  
5 a self-storage building." That's the use and all the  
6 parking requirements are driven off that. But then  
7 later we say, "Well, they might put in something else  
8 and we might take a look at it," and I just want the  
9 City to take a look at it, even if it's  
10 administratively, because I think the parking issue  
11 and all these other issues are germane to the other  
12 people occupying the site and the adjacent.

13           CHAIRMAN STEAD: Is there further discussion?

14           CÉLINE ACORD: Madam Chair, Commissioner  
15 Gillespie, I'd just like to clarify on what the  
16 condition you would like for this use to be. That  
17 anything other than self-storage goes through a  
18 conditional use permit or it's administratively  
19 reviewed?

20           COMMISSIONER GILLESPIE: Well, Madam Chairman.

21           CHAIRMAN STEAD: Commissioner Gillespie.

22           COMMISSIONER GILLESPIE: So I'm not sure exactly  
23 how to formulate. I'm happy -- I presume we have  
24 rules on, you know, if people want to go with a  
25 different use than what the CUP says, and I --you

1 know, the CUP we're approving says, "This is a  
2 self-storage building."

3 If it's not used for self-storage, then they  
4 need to go through the process to either amend the CUP  
5 or get whatever permission the City thinks it wants to  
6 have.

7 I mean, I'm open to your suggestion on how  
8 exactly to frame it. I don't want to create a huge  
9 public hearing, but I think an administrative review  
10 at a minimum is what I'm looking for.

11 COMMISSIONER MOHR: Madam Chair.

12 CHAIRMAN STEAD: Commissioner Mohr.

13 COMMISSIONER MOHR: Just to add on to this.

14 So for a new tenant to go into a  
15 particular space, presumably, this use would be under  
16 analysis just to get their certificate of occupancy  
17 prior to moving into a space; is that correct?

18 TRAVIS BURROWS: It would be [unintelligible].

19 CHAIRMAN STEAD: Sorry. We can't take  
20 questions. We can't --

21 COMMISSIONER MOHR: Yes, that's a clarification  
22 question --

23 COMMISSIONER GILLESPIE: I don't know.

24 COMMISSIONER MOHR: -- for Céline.

25 CÉLINE ACORD: Commissioner Mohr, can you repeat

1 that? Sorry.

2 COMMISSIONER MOHR: So for new tenants to go  
3 into a building, presumably they would need -- their  
4 use would go under analysis during the certificate of  
5 occupancy process?

6 CÉLINE ACORD: That is correct.

7 COMMISSIONER MOHR: So --

8 CÉLINE ACORD: And the Planning Department -- or  
9 the planning team is part of that review to make sure  
10 that those uses are allowed within the C-2 zone.

11 COMMISSIONER GILLESPIE: But -- Madam Chairman.

12 CHAIRMAN STEAD: Commissioner Gillespie.

13 COMMISSIONER GILLESPIE: But my issue isn't to  
14 make sure that it's allowed in the C-2 zone. There's  
15 a bunch of stuff that's allowed in the C-2 zone that I  
16 don't think necessarily should go in here.

17 CHAIRMAN STEAD: I -- yeah.

18 COMMISSIONER GILLESPIE: Like very  
19 parking-intensive uses like a bar is allowed in the  
20 C -- I don't know. I don't have the uses.

21 CHAIRMAN STEAD: Yeah.

22 COMMISSIONER GILLESPIE: But a bar is allowed in  
23 a C-2 zone.

24 If somebody gets one of these spaces and  
25 says, "I'd like to throw in a bar, "and this guy in

1 front of -- the, you know, honored applicant,  
2 says, "Sure, throw in a bar," all of a sudden you've  
3 got 30 people showing up.

4 Now I wouldn't personally go to a bar in a  
5 storage unit, but kids today. I don't know.

6 CHAIRMAN STEAD: You never know.

7 COMMISSIONER GILLESPIE: But you get my point;  
8 right? It's not just that it's allowed in C-2, it's  
9 that it fits with the --

10 CHAIRMAN STEAD: Yeah.

11 COMMISSIONER GILLESPIE: -- conditions of the  
12 property we're looking at.

13 CHAIRMAN STEAD: Yeah, I actually agree with  
14 Commissioner Gillespie that it would be -- I mean, now  
15 the trick is just trying to come up with how we need  
16 to phrase it.

17 COMMISSIONER GILLESPIE: The other thing -- or  
18 the other -- Madam Chair.

19 CHAIRMAN STEAD: Commissioner Gillespie.

20 COMMISSIONER GILLESPIE: One thing, we could  
21 just say, "Look. The CUP is for a self-storage unit  
22 and that's what this CUP is for. If you want to do  
23 anything else, you need to come back and amend or  
24 modify the CUP."

25 CHAIRMAN STEAD: Yeah, I mean, because part of

1 me feels like -- I mean, this is just further  
2 discussion, but part of me feels like if -- you  
3 know, if we're not sure of what the use is yet, then  
4 perhaps it's too early in this process to be approving  
5 a use that is still yet to be determined.

6 So I'll -- I -- so I, as well, am  
7 comfortable approving -- I support the motion because  
8 I am comfortable approving the use that is before us,  
9 but it's hard to --

10 COMMISSIONER GILLESPIE: Madam Chairman, how  
11 about this idea?

12 CHAIRMAN STEAD: Commissioner Gillespie.

13 COMMISSIONER GILLESPIE: I just had this idea.

14 CHAIRMAN STEAD: Okay.

15 COMMISSIONER GILLESPIE: We basically say, in a  
16 sense, there's an amount of parking on the site;  
17 right? And as these uses go into this space, they use  
18 up that bank of parking per the  
19 Code -- right? -- because every use has a parking  
20 requirement and the City has to make that parking  
21 assessment for all these uses.

22 But at the point where they go over --

23 CHAIRMAN STEAD: Then they have to --

24 COMMISSIONER GILLESPIE: -- the parking  
25 assessment, then they have to come back and modify the

1 CUP.

2 I'm just looking for some way to link to  
3 the problem of parking, you know, which we have on the  
4 record, to all these uses.

5 Like how do we calculate the use  
6 requirement -- the parking minimum?

7 CÉLINE ACORD: Madam Chair, Commissioners, I  
8 believe that is a good tangent that you could go  
9 through, and rather than -- I hate to use the word  
10 "deferral --" but rather than approve or deny,  
11 potentially a deferral would make sense. We could  
12 defer this to next week or to next month, depending on  
13 what the applicant is agreeable to, to find out that  
14 number and to come back --

15 COMMISSIONER GILLESPIE: Can we defer  
16 to -- Madam Chairman.

17 CHAIRMAN STEAD: Commissioner Gillespie.

18 COMMISSIONER GILLESPIE: I wondered if you could  
19 inquire -- so let me just say I'm okay with a deferral  
20 real quick because I'm okay with the building and, you  
21 know, da, da, da, da, da. It's just this issue.

22 So could we defer until next week?

23 Are you okay with that and --

24 CHAIRMAN STEAD: I know that next week is a  
25 super packed schedule. I read about it.

1           Is next -- yeah, I don't know. You guys  
2 tell me.

3           We can -- I mean, next week works for me  
4 if that's okay with you guys.

5           COMMISSIONER BLANCHARD: Well, Madam Chair,  
6 point of order.

7           CHAIRMAN STEAD: Yes, Commissioner Blanchard.

8           COMMISSIONER BLANCHARD: Just reading back on  
9 the same page that Commissioner Gillespie referenced,  
10 page 484, and it specifically says, "The applicant is  
11 requesting a conditional use permit to develop an  
12 approximately 15,940-square-foot, self-service storage  
13 building."

14           So in my mind, unless I'm wrong, that's  
15 what we are approving. And kind of all this talk  
16 about, well, what different kinds of things  
17 might -- C-2 uses might be put in this -- we're  
18 approving a self-storage building.

19           COMMISSIONER GILLESPIE: Madam Chairman.

20           CHAIRMAN STEAD: Commissioner Gillespie.

21           COMMISSIONER BLANCHARD: [Unintelligible].

22           COMMISSIONER GILLESPIE: So what Chris might be  
23 suggesting is we delete the sentence, "Any future  
24 tenant will have to adhere to the allowed uses within  
25 the C-2 zone."

1                   Like if you delete that sentence, it's  
2 just -- it's a self-storage unit.

3                   I'm thinking we need to defer.

4           CHAIRMAN STEAD: I --

5           COMMISSIONER MOHR: Madam Chair.

6           CHAIRMAN STEAD: Commissioner Mohr.

7           COMMISSIONER MOHR: Just another kind of point  
8 of view.

9                   So I think the intent of the  
10 parking -- the excessive parking for this site would  
11 be, as tenants go in, you have -- you know, first  
12 tenant goes in and they take five spaces and you have  
13 35 left, then you have 30 left, and so on and so  
14 forth.

15                   So if you get to the last space and you  
16 only have one parking space left per Code, you can't  
17 put in a large restaurant or something like that. So  
18 it would kind of restrict itself in that way, unless  
19 you go for a variance or some other application to  
20 allow that.

21           COMMISSIONER GILLESPIE: And I -- Madam  
22 Chairman.

23                   And I'm just wondering how that process  
24 works. Like who's actually doing the  
25 parking -- keeping the parking bank account, so to

1 speak?

2 You know, how does that work?

3 And I'm happy -- you know, I'm happy to  
4 defer because it's hard to negotiate this stuff --

5 CHAIRMAN STEAD: Yeah.

6 COMMISSIONER GILLESPIE: -- at 9:40 at night.

7 CHAIRMAN STEAD: Let's -- would one -- is one  
8 week -- I know that we have a motion on the table that  
9 is not to defer right now, so we'll get to that motion  
10 in a moment.

11 But what would you prefer, Céline, if we  
12 were --

13 CÉLINE ACORD: Madam Chair --

14 CHAIRMAN STEAD: -- to defer?

15 CÉLINE ACORD: -- we can do one week or  
16 one month. I would maybe want to just touch base with  
17 the applicant to see if he's available in one week or  
18 one month. I do think one week would be adequate.

19 COMMISSIONER GILLESPIE: I do too.

20 CHAIRMAN STEAD: Are you available next Monday?

21 TRAVIS BURROWS: Well, I'd prefer to offer a  
22 simple explanation if I have an opportunity.

23 CÉLINE ACORD: Madam Chair, just a point of  
24 order. Maybe we should just open the public hearing  
25 again --

1 COMMISSIONER GILLESPIE: [Unintelligible].

2 CÉLINE ACORD: -- because there's only two of  
3 us.

4 CHAIRMAN STEAD: Yeah.

5 CÉLINE ACORD: There are two folks here tonight.

6 CHAIRMAN STEAD: Okay.

7 CÉLINE ACORD: But just so it's clean, and  
8 then --

9 CHAIRMAN STEAD: Okay.

10 CÉLINE ACORD: -- we can get more questions and  
11 answers on the table.

12 CHAIRMAN STEAD: Can we vote this motion first  
13 that's still on the table and then go back to public  
14 testimony, just to -- again just to keep it clear so  
15 we don't have this open motion on the table still?

16 Okay. So the motion on the table is to  
17 approve CUP21-5, but change the word to -- change the  
18 word "may" to "must" on page 484.

19 COMMISSIONER GILLESPIE: Madam Chairman.

20 CHAIRMAN STEAD: Commissioner Gillespie.

21 COMMISSIONER GILLESPIE: With the permission of  
22 the seconder, I withdraw my motion.

23 CHAIRMAN STEAD: Okay.

24 CO-CHAIRMAN SCHAFER: I wholeheartedly second  
25 that.

1 CHAIRMAN STEAD: Okay.

2 COMMISSIONER GILLESPIE: Okay.

3 CHAIRMAN STEAD: Bob Schafer -- Commissioner  
4 Schafer withdraws his second and Commissioner  
5 Gillespie withdraws his motion. Great. No --

6 COMMISSIONER GILLESPIE: You could say, "Without  
7 objection from the rest of the Commission."

8 CHAIRMAN STEAD: Without objection from the rest  
9 of the Commission.

10 COMMISSIONER GILLESPIE: Now we're back.

11 CHAIRMAN STEAD: Great. Please.

12 CÉLINE ACORD: So, Madam Chair, I would just  
13 note that the public hearing would be opened again so  
14 we can go through Q and A --

15 CHAIRMAN STEAD: Okay. So --

16 CÉLINE ACORD: Because it -- right now  
17 [unintelligible] --

18 CHAIRMAN STEAD: Right. So after Q and A then  
19 we'd have to go back to public testimony?

20 CÉLINE ACORD: If we want to have this open  
21 dialogue, I think having a Q and A session with the  
22 applicant would make sense --

23 CHAIRMAN STEAD: Yeah.

24 CÉLINE ACORD: -- and then allow for additional  
25 public testimony.

1 CHAIRMAN STEAD: Okay.

2 CÉLINE ACORD: Then close the public hearing,  
3 allow you to deliberate, and make a motion and vote.

4 CHAIRMAN STEAD: Yeah. Great.

5 CÉLINE ACORD: And maybe we don't need to defer.

6 CHAIRMAN STEAD: Okay. Okay. Great. So we'll  
7 start with Q and A from the Commission.

8 So Commissioner Gillespie, do you have a  
9 Q?

10 COMMISSIONER GILLESPIE: I have a question for  
11 both the City -- what would the City like to do?

12 What does the City feel is the most  
13 expeditious way to manage this permit?

14 CÉLINE ACORD: Madam Chair, Commissioners, I  
15 believe -- I apologize. I'm not as familiar with the  
16 permit as Delanie is.

17 I think the questions that we should ask  
18 the applicant and Delanie are how many parking spaces  
19 are allowed -- allotted for this particular building.  
20 If you did want to go down the shared parking  
21 agreement route, we could get that on the record and  
22 make that a condition of approval.

23 You certainly -- it is at your discretion  
24 to say that only self-storage is allowed here, and any  
25 other use, even if it is allowed in the C-2, would be

1 a conditional use. You can be more restrictive in  
2 that sense.

3 CHAIRMAN STEAD: Okay. I'll ask a question  
4 then --

5 COMMISSIONER GILLESPIE: Thank you.

6 CHAIRMAN STEAD: -- to the applicant to allow  
7 you your moment of explanation.

8 How -- you have heard what we're all  
9 struggling with. How would you -- what do you suggest  
10 as a solution to preventing businesses that we are not  
11 approving to be utilized there and to be overparked?

12 TRAVIS BURROWS: Yeah, certainly. Thank you.

13 Just to back up real quick. The first  
14 motion, honestly, would have been very close to what  
15 we were hoping for. Inherently in the permitting  
16 process, the shell building itself is one application.  
17 Any tenant going in would be a separate tenant  
18 improvement application through the Building  
19 Department, Design Review, all of that as well. So  
20 that would -- through that process, would trigger the  
21 analysis of the parking.

22 And myself -- being in the business and  
23 the industry, I did do a study on the parking as it  
24 was previously existing. We've gone through several  
25 renditions of this project. We've owned it almost two

1 years now -- not quite. I'm off on that.

2 But it's definitely been a process trying  
3 to get that balance. And we feel that this, you know,  
4 as stated by staff, is definitely overparked.

5 And, you know, we're definitely sensitive  
6 to the parking, and we -- you know, we want to meet  
7 Code and regulations, and as the owner of the  
8 building, we would have control of that and would do  
9 everything in our power to make that -- obviously it  
10 wouldn't be approved if, you know, the City staff did  
11 not agree that, you know, we met the parking  
12 requirements and all that.

13 So -- and just to back up even further.  
14 The first line of my letter of explanation is just the  
15 proposed conditional use application of the request to  
16 allow the self-storage use in the C-2 zone -- not that  
17 this building will be strictly self storage. It is  
18 only to allow that in addition to everything else that  
19 is in the -- already approved in the C-2 zone.

20 So I don't know if that was a  
21 clarification --

22 CHAIRMAN STEAD: Well --

23 TRAVIS BURROWS: -- that needs to be addressed.

24 [Unintelligible] staff's report itself or -- it was  
25 definitely not the intent for this to be strictly self

1 storage.

2 CHAIRMAN STEAD: I think that's the problem that  
3 we're struggling with, is that, you know, the -- it's  
4 hard for us to approve a CUP when we don't know what  
5 the use will be.

6 COMMISSIONER GILLESPIE: Madam Chairman.

7 CHAIRMAN STEAD: Commissioner Gillespie.

8 COMMISSIONER GILLESPIE: So, Delanie, on  
9 page 481 you have a chart on parking, and the first  
10 row is "Total Parking Spaces." "Required Parking For  
11 CUP: 4;" "Existing: 64;" and "Proposed Parking For  
12 CUP: 40."

13 Can you take us through how you calculated  
14 "4," "64," and "40" in that first line?

15 DELANIE GARLICK: Yeah, Madam Chair,  
16 Commissioner Gillespie, I'll be happy to do that. I'm  
17 going to go ahead and share my screen.

18 So with the conditional use permit -- I  
19 think I'll first kind of touch on -- there was a  
20 struggle with how do we do a conditional use permit on  
21 a flex space when we do not have a definition of "flex  
22 space" in our Code.

23 With the applicant, with the design of the  
24 building, we've proposed tenants being somewhat  
25 storage, maybe foreseeing other uses down the road.

1 We saw "self-service storage" as the most appropriate  
2 fit for the proposal.

3 With that being said, self-service storage  
4 only requires four parking spaces --

5 COMMISSIONER GILLESPIE: Madam Chairman.

6 So, Delanie, so it's basically --

7 CHAIRMAN STEAD: Commissioner Gillespie.

8 COMMISSIONER GILLESPIE: It's  
9 basically -- what? -- one parking space for two and a  
10 half storage units because there's ten storage units;  
11 right?

12 DELANIE GARLICK: Madam Chair, Commissioner  
13 Gillespie, the way our parking Code reads, it's four  
14 spaces per facility.

15 COMMISSIONER GILLESPIE: Oh,  
16 four per -- so -- okay.

17 DELANIE GARLICK: Correct.

18 COMMISSIONER GILLESPIE: Cool.

19 DELANIE GARLICK: So not based on a square  
20 footage or tenant count, just strictly based on the  
21 facility.

22 COMMISSIONER GILLESPIE: Okay.

23 DELANIE GARLICK: So the four spaces is what's  
24 designated for that use. Looking at the existing  
25 parking, leaving 40 spaces felt adequate for future,

1 anticipated uses that may go here.

2 As the applicant noted, the kind of ways  
3 we have in place to track this or analyze each  
4 individual tenant space is through our building permit  
5 process, which includes tenant improvement. Any  
6 changes to the exterior would also trigger a Design  
7 Review. So with the individual tenant improvements,  
8 Planning would have an opportunity to assess that use,  
9 assess the current site for adequate parking.

10 If they didn't meet parking, their options  
11 would be to come in for a variance to the parking or  
12 to, you know, change the use or come through with a  
13 conditional use permit to address a specific use that  
14 would not fit the current site layout.

15 COMMISSIONER GILLESPIE: It's -- and so the "64"  
16 is what happens if you count up all the parking on  
17 Lot 2 and Lot 3?

18 DELANIE GARLICK: Correct. "64" spaces is what  
19 currently exists, and it's between Lot 2 and Lot 3.

20 COMMISSIONER GILLESPIE: Uh-huh.

21 DELANIE GARLICK: Once -- you know, the proposed  
22 structure would eliminate the parking directly south  
23 of the building pad --

24 COMMISSIONER GILLESPIE: Right.

25 DELANIE GARLICK: -- and then we have four

1 spaces. One is to accommodate ADA for loading and  
2 unloading and then also terminal landscape planters as  
3 requested by Design Review.

4 COMMISSIONER GILLESPIE: So that takes out the  
5 "24," and so that's how you get the "40?"

6 DELANIE GARLICK: Correct.

7 COMMISSIONER GILLESPIE: Madam Chairman.

8 CHAIRMAN STEAD: Commissioner Gillespie.

9 COMMISSIONER GILLESPIE: So by your calculation,  
10 we have a bank of parking of 36 spaces that can be  
11 spent, so to speak, or that are available?

12 DELANIE GARLICK: Madam Chair, Commissioner  
13 Gillespie, that would be correct --

14 COMMISSIONER GILLESPIE: Okay.

15 DELANIE GARLICK: -- if we're considering four  
16 spaces designated for the storage use --

17 COMMISSIONER GILLESPIE: Right.

18 DELANIE GARLICK: -- and then future uses would  
19 have 36 available.

20 COMMISSIONER GILLESPIE: Thank you.

21 CÉLINE ACORD: Madam Chair, Commissioners, I  
22 might just add, since we've opened this up and we're  
23 going to have a heck of a time tonight, that the  
24 building proposed is for storage -- it has those four  
25 spaces -- and that any other tenants, as things move

1 in and out of this space, are only allowed to share  
2 those 40 spaces.

3 And so to -- I believe it's a condition  
4 of -- a recommended condition of approval to have a  
5 shared parking agreement that this building is only  
6 allowed those 40 spaces.

7 And so as tenants come in and out, that  
8 agreement would need to be adhered to with all  
9 tenants, whether it's one taking up three spaces or  
10 three taking up three spaces.

11 COMMISSIONER GILLESPIE: Madam Chairman.

12 CHAIRMAN STEAD: Commissioner Gillespie.

13 COMMISSIONER GILLESPIE: So, Céline, are you  
14 saying that the shared parking agreement is shared  
15 between Lots 2 and 3, but not between 1 and 4?

16 TRAVIS BURROWS: No, that's not correct.

17 COMMISSIONER GILLESPIE: So what is shared about  
18 the parking agreement, I guess?

19 CÉLINE ACORD: Madam Chair -- or Commissioner  
20 Gillespie, I mean the entire subdivision has a shared  
21 parking agreement --

22 CHAIRMAN STEAD: So that each unit is sharing  
23 all the parking --

24 COMMISSIONER GILLESPIE: Oh.

25 CHAIRMAN STEAD: -- with all the other units.

1 CÉLINE ACORD: -- with the overall entire site.

2 But Lot 2 and 3, specifically on their lots --

3 COMMISSIONER GILLESPIE: Right.

4 CÉLINE ACORD: -- have the 40.

5 The -- it is a condition of approval that  
6 that shared parking agreement needs to be updated, but  
7 it could be further dialed in for this specific  
8 building of only the 40 spaces.

9 COMMISSIONER GILLESPIE: Oh, I see what you're  
10 saying.

11 CÉLINE ACORD: Does that --

12 COMMISSIONER GILLESPIE: [Unintelligible] the  
13 most.

14 CÉLINE ACORD: Does that make sense?

15 COMMISSIONER GILLESPIE: Sort of. Okay.

16 CHAIRMAN STEAD: Okay. Do we have any other  
17 questions from the Commission before we move on to  
18 public testimony?

19 CÉLINE ACORD: The applicant may want to chime  
20 in after my --

21 TRAVIS BURROWS: No, I just wanted to echo. It  
22 is -- the entire parking lot is already designated as  
23 a cross-access -- cross easement. The entire parking  
24 lot is an easement itself, which is in the process of  
25 being modified currently to eliminate that row of

1 parking out front, which -- we already have  
2 applications in for that. We have easement  
3 modification -- you know, going through all the  
4 correct channels to address all of this as well.

5 So...

6 COMMISSIONER BLANCHARD: Madam Chair.

7 CHAIRMAN STEAD: Commissioner Blanchard.

8 COMMISSIONER BLANCHARD: Question for staff.

9 Well, this kind of thing happens all the  
10 time, where somebody puts up like a  
11 100,000-square-foot building and then they don't know  
12 what tenant's going to go in there. And so you could  
13 demise 25,000 square feet for one tenant and then  
14 you've got 75,000 for another tenant.

15 And, you know, it could be simple like you  
16 just got some kind of a distribution business with  
17 three employees on one side. But then, yeah, what  
18 happens when there's 200 employees on the other side  
19 in a small-time manufacturing business or something?

20 So I mean, we're doing this all across the  
21 valley. So I don't -- I'm not -- what happens? What  
22 is happening already to make that happen?

23 I mean, this seems like a question that's  
24 been answered before.

25 DELANIE GARLICK: Yeah, Madam Chair and

1 Commissioner Blanchard. I believe you're correct in  
2 that we do have a variety of, you know, large  
3 buildings and maybe a mixed-use area. And at the  
4 time, those uses may have come in with a conditional  
5 use permit, and over time those tenants may leave and  
6 new tenants take those places.

7 Oftentimes what triggers us to take a look  
8 at -- do an analysis on a new use in an existing  
9 structure is something like a tenant improvement  
10 application, a new sign, sign permits that come in.  
11 We'll also look at the use for that, you know, change  
12 in tenant. Also, Design Review is another way that  
13 those items get assessed as tenants change over time.

14 COMMISSIONER BLANCHARD: Thank you.

15 CHAIRMAN STEAD: Okay. Commission, we're good?

16 Okay. Great.

17 PUBLIC TESTIMONY

18 CHAIRMAN STEAD: Then we'll move on to public  
19 testimony.

20 You're welcome to a whole new three  
21 minutes. Please start again with your name and  
22 address.

23 HEATHER SCOTT: Heather Scott. 10908 West  
24 Fairview Avenue.

25 So I'd like to reference -- there was a

1 letter submitted, it looks like, March 30th that  
2 was -- the owner of the first two lots, the strip  
3 mall, who sold to these gentlemen, has now turned and  
4 he is also requesting you oppose this project because  
5 of the traffic concerns.

6 The photo that we've all been looking at,  
7 those are the vehicles parked from the people  
8 occupying the first two phases of the strip mall. So  
9 there are some serious parking concerns.

10 I have an excessive number of vehicles,  
11 multiple every day, that make U-turns in my driveway  
12 and parking lot because they missed the entrance  
13 coming into the frontage off of Fairview into this.  
14 Now we have a drive-thru and now we have a big  
15 problem.

16 This -- although I love the idea of this  
17 flex space storage, I think it's a great usage, it  
18 will take more than four parking spaces. It is -- I'm  
19 sorry, but more -- no more than a technicality that  
20 they're trying to put this under a "self-storage"  
21 thing that needs four when you know that the tenants  
22 going in and out of those eight bays have the  
23 potential for a great more usage of storage plus the  
24 deliveries issues that was brought up in the letter by  
25 Tim Opp.

1 Another thing that I'm struggling to  
2 understand -- and perhaps I may be amiss on this, but  
3 the reference of a self-service storage facility would  
4 lend itself to be more of a residential-like usage.  
5 And our Self Storage Act, the 55-23-01,  
6 defines -- self-storage facility means "Any real  
7 property used for renting or leasing individual  
8 storage space and which the lessee themselves store or  
9 remove their own personal property on a self-service  
10 basis."

11 It's not intended for retail. It's not  
12 intended for business. I feel like there is a huge  
13 risk of tenant usage in this kind of an application  
14 missing something like tenant improvement.

15 If they just leave it as a  
16 [unintelligible] warehouse and they don't do anything  
17 to it, they could still be running an air-conditioning  
18 business out of it, which I've had tenants do in my  
19 storage facility next to them. And I have six to ten  
20 trucks for any one of those operators that have a lot  
21 of traffic between their clientele plus deliveries.

22 I think that this is a great option, but  
23 the traffic and parking issue isn't being addressed  
24 appropriately, and there is such a big loophole being  
25 left here that it could be catastrophic for what this

1 traffic implication does to the existing flow of  
2 traffic on this project and how it would affect  
3 Fairview also.

4 I don't know how to close that gap, but I  
5 think, Commissioner Gillespie, what you're bringing up  
6 is very valid and this is very alarming to see left  
7 open to this level.

8 CHAIRMAN STEAD: Thank you. Okay.

9 Is there anybody else that would like to  
10 testify on this item tonight?

11 If you are online, please virtually raise  
12 your hand.

13 We still have somebody online.

14 HEATHER SCOTT: That'd be my owner, Rick.

15 CHAIRMAN STEAD: I don't know. "Erik," it looks  
16 like.

17 CO-CHAIRMAN SCHAFER: Hey, we're online too.  
18 Come on.

19 CHAIRMAN STEAD: Okay. Great.

20 REBUTTAL

21 CHAIRMAN STEAD: Well, so at this point we would  
22 then go back to a five-minute rebuttal from the  
23 applicant, if you would like to take that time.

24 TRAVIS BURROWS: I guess -- excuse me. Thanks  
25 again.

1           To clarify, the conditional use is only to  
2 allow the self-storage use in this zone, as it is a  
3 conditional use for the C-2Z zone -- or C-2D zone.

4           I guess the long and short is we would not  
5 necessarily need to even apply for a conditional use  
6 for this, you know, nearly 16,000-square-foot  
7 building. We could still eliminate the parking and  
8 would still have to go through the same process for  
9 each tenant, tenant improvement, and could still come  
10 back for a storage use. So we were trying to kind of  
11 head everything off at the pass.

12           And again with -- you know, as has been  
13 noted several times in the meeting this evening,  
14 there's a lot of folks moving to the valley, looking  
15 for storage, maybe not just the self-storage type, but  
16 perhaps somewhere they could park an RV, have access  
17 to a restroom, perhaps work on a vehicle of their own,  
18 which can still happen in the  
19 self-storage -- self-service, storage-type use.

20           And again -- back to my first point that,  
21 you know, we're just trying to cover all of our bases  
22 and -- with the intent not to cause any issues with  
23 parking. You know, we understand the City guidelines  
24 and parking requirements. We would hope to create a  
25 good balance.

1           Again it was overparked as it was, even if  
2 we stuck with the two smaller lots, there would be a  
3 considerable amount of parking available still that  
4 would just -- I believe has gone to waste.

5           And to refer back to the aerial images,  
6 the folks parking in the back, which would actually be  
7 on Lots 2 and 3, those are the staff or employees of  
8 the buildings up front.

9           So we -- if we were to honestly go through  
10 and dictate who could park where, there would be no  
11 one parked in the back there with the exception of the  
12 tenants of those -- and if -- you know, going back to  
13 those images, there was only half -- it was only half  
14 full of cars in those front two parking lots.

15           So I -- again any new tenant would have to  
16 go through the process for the tenant improvement. If  
17 we make any modifications to the building, it's a  
18 Design Review. Those are two applications we already,  
19 you know, are fully aware of.

20           We haven't submitted for our building  
21 permit yet. The intent -- once we do get to that  
22 point, we would hope to have a few of these spaces  
23 already spoken for and would have more of an idea at  
24 that point what uses would be going in there.

25           And again just in whether it is a retail

1 space or, you know, an office space, there's still  
2 allotted storage in there, whether it's, you know, for  
3 their products, whatever the case is, but  
4 this -- again just trying to cover all of our bases.

5           The garage, condo-style, it seems to be a  
6 little bit more popular. There's several going out  
7 along Federal Way, where they do include a restroom  
8 and, in fact, a loft and a kitchenette in there.

9           We're not going to that extent. The  
10 restrooms are definitely not locked in at this moment.  
11 It's a shell building, and, you know, we definitely  
12 intend to bring any new tenant through the correct  
13 process, and that would include all of the parking,  
14 you know, subsurface drainage.

15           You know, we definitely want to comply  
16 with everything and keep our happy -- our neighbors  
17 happy as well.

18           CHAIRMAN STEAD: Thank you.

19 MOTIONS

20           CHAIRMAN STEAD: Okay. Great. With that, we  
21 will again close the public portion of the hearing,  
22 and the item is before the Commission.

23           COMMISSIONER GILLESPIE: Do you really want me  
24 to?

25           Chris, are you going to make a motion or

1 would you want me to?

2 COMMISSIONER BLANCHARD: I am happy. I'm just  
3 not sure if we're quite on the same page, Milt, but my  
4 motion would just be that we approve CUP -- am I on  
5 the right one? -- CUP21-005.

6 COMMISSIONER MOHR: Second.

7 CHAIRMAN STEAD: We have a second from  
8 Commissioner Mohr.

9 So we have a motion to approve from  
10 Commissioner Blanchard and a second from Commissioner  
11 Mohr.

12 Is there discussion?

13 COMMISSIONER MOHR: Madam Chair.

14 CHAIRMAN STEAD: Commissioner Mohr.

15 COMMISSIONER MOHR: Just to clarify, my second  
16 is with the terms and conditions listed in the staff  
17 report for the reasons in the staff report.

18 CHAIRMAN STEAD: Yes, thank you.

19 COMMISSIONER GILLESPIE: Madam Chairman.

20 CHAIRMAN STEAD: Commissioner Gillespie.

21 COMMISSIONER GILLESPIE: So I can't support the  
22 motion as it stands, and -- because I'm just confused  
23 about the City's position on what use are we putting  
24 in there.

25 If the sentence "Any future tenant will

1 have to adhere to the allowed uses within the C-2 zone  
2 district and may be subject to future -- " "may be  
3 subject to future entitlement processes," if that  
4 sentence wasn't there and this read just like a  
5 straight, self-storage unit CUP and we weren't having  
6 this existential ambiguity, I would support the  
7 motion, but I think that sentence introduces this  
8 strange, existential ambiguity.

9 CHAIRMAN STEAD: Yeah.

10 COMMISSIONER GILLESPIE: I'll be opposing it as  
11 it is.

12 CHAIRMAN STEAD: Okay. Is there further  
13 discussion?

14 COMMISSIONER BLANCHARD: Madam Chair.

15 CHAIRMAN STEAD: Commissioner Blanchard.

16 COMMISSIONER BLANCHARD: As the maker of the  
17 motion here -- after everything we went through here,  
18 I think the bottom-line question -- what we're being  
19 asked to approve is -- with the applicant is -- "Hey.  
20 Can I put a self-storage unit here?"

21 So this is what he's asking for. So it's  
22 like -- okay. Yeah. Sure, we'll -- either we're  
23 going to agree to that or we're not going to agree to  
24 that.

25 And just to go back to one of the earlier

1 things Commissioner Gillespie had said in relation to  
2 the development over here on Grover like -- well, Hey.  
3 They could sell the property tomorrow and then this  
4 would all be moot.

5 Well, that's, you know, goes here too.  
6 It's like -- okay. Will these guys turn  
7 around -- they're not going to get their self-storage  
8 unit or they are going to get it, but it could be sold  
9 and just developed as a normal C-2.

10 So I don't know. I think, at the end of  
11 the day after all the discussion, there's plenty of  
12 safeguards in place here. The City's going to have  
13 eyes on this. I think we're probably anticipating too  
14 many potential pitfalls.

15 It's a relatively small piece of property.  
16 It's only 15,000 square feet. That's a tiny piece of  
17 industrial space by any standard. So I think we're  
18 probably, really anticipating too many potential, bad  
19 things to happen when it's really a pretty simple  
20 development.

21 COMMISSIONER MOHR: Madam Chair.

22 CHAIRMAN STEAD: Commissioner Mohr.

23 COMMISSIONER MOHR: Just to kind of go along  
24 with that as well.

25 You know, what we're looking at is a

1 conditional use for a self-storage facility, and  
2 denying it because of potential uses, I have a hard  
3 time with.

4           And on top of the fact that this -- any  
5 tenant that goes through this -- and I think where  
6 "may" comes into play -- in that sentence that  
7 Commissioner Gillespie is referencing, any tenant that  
8 comes through this will be reviewed by Planning,  
9 whether it's through the tenant improvement process or  
10 through the certificate of occupancy if they don't  
11 have to improve. It will be reviewed.

12           But with "may," if it's a self-storage  
13 facility, it's an allowed use per the conditional use  
14 permit. So I think that's kind of where that "may,"  
15 in my interpretation, comes in, is -- if you have a  
16 self-storage facility tenant going in there, their  
17 approvals would be different than if you had a retail  
18 tenant going in there or something like that.

19           COMMISSIONER GILLESPIE: Time to call the vote.

20           CHAIRMAN STEAD: Is there any further  
21 discussion?

22           Commissioner Schafer, we're looking at  
23 you.

24           CO-CHAIRMAN SCHAFFER: Sorry. I'm a little slow  
25 on the uptake right now.

1                   Yeah, I think I'm coming down with  
2 Commissioners Blanchard and Mohr. I think that -- I  
3 think through the tenant improvement and Design Review  
4 process, you know, these lots -- these parking spaces  
5 will be allocated as those tenants take up spaces, so  
6 I think that there are safeguards as Commissioner  
7 Blanchard mentioned.

8                   So I mean -- Yeah, that's where I'm coming  
9 down right now. I've kind of been -- I've been  
10 vacillating, but that's generally where I'm at right  
11 now with it.

12                  CHAIRMAN STEAD: Okay. Great.

13                   I am not going to support the motion for  
14 the reasons that we've all been through.

15 ROLL CALL

16                  CHAIRMAN STEAD: But I'm going to go ahead and  
17 ask the clerk to please call the vote.

18                  THE CLERK: Stead.

19                  CHAIRMAN STEAD: No.

20                  THE CLERK: Schafer.

21                  CO-CHAIRMAN SCHAFFER: Yes.

22                  THE CLERK: Blanchard.

23                  COMMISSIONER BLANCHARD: Aye.

24                  THE CLERK: Mohr.

25                  COMMISSIONER MOHR: Aye.

1 THE CLERK: Gillespie.

2 COMMISSIONER GILLESPIE: No.

3 THE CLERK: Motion carries. Three in favor; two  
4 opposed.

5 (End transcription at 4:52:47 of audio  
6 file.)

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