



**BOISE CITY PLANNING & ZONING COMMISSION
HEARING MINUTES
AUGUST 5, 2019**

I. CALL TO ORDER

PRESENT: Ansotegui, Stevens, Stead, Finrock, Bratnober, Schafer
ABSENT: Gillespie

II. CONSENT AGENDA

4. **SOS19-00012 / Idaho Survey Group**

2019 S. Cleveland St.

Waiver to the Subdivision Ordinance requirement to construct curb, gutter and sidewalk as part of a Minor Land Division in an R-1C (Single Family Residential) zone. *Brent Moore*

5. **SOS19-00010 / Aaron Doughty**

4920 W. Hill Rd.

Waiver to the Subdivision Ordinance requirement to construct curb, gutter and sidewalk as part of a Minor Land Division in an R-1C (Single Family Residential) zone. *David Moser*

6. **CUP19-00037 / One Stone, Inc.**

1151 W. Miller St.

Conditional use permit modification to change a condition of approval to allow the continued use of a temporary parking lot on 0.82 acres in a R-ODD (Residential Office with Downtown Design Review) zone. *David Moser*

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tamara Ansotegui, Co-Chair
SECONDER:	Janelle Finrock, Commissioner
AYES:	Ansotegui, Stevens, Stead, Finrock, Bratnober, Schafer
ABSENT:	Milt Gillespie

III. NEW BUSINESS

1. **CAR19-00013 / Park Pointe Development, Inc.**

2316 N. 36th St. / Rezone of one acre from R-1C (Single Family Residential – 8 units/acre) to R-2D (Medium Density Residential with Design Review – 14.5 units/acre) located at 2316 N. 36th Street.
Brent Moore

Brent Moore (City of Boise): Madam Chair, Commissioners. Before you plan residential development comprised of 12 detached single-family homes on 1 acre located at 2316 N. 36th Street. The property is located on the northeast corner of 36th Street and Anderson Street, approximately 600 feet north of State Street. Here's a closer view of the site. The Albertson's grocery store is located to the south. There's an office and a dog kennel across 36th Street to the west, a single-family home and a veterinary clinic to the north, and single-family homes to the east.

The applicant requests a rezone of property from R-1C which allows up to 8 units/acre to R-2D which allows up to 14.5 units/acre. The planning team finds the R-2 zone would be compatible with surrounding zoning by providing a transition between the R-1C zone properties to the north and the east, and the more intensive commercial and office zones to the south and southwest.

The increased density is supported by the site's location along an arterial roadway, and its proximity to existing and future transit routes. It is also less than a quarter mile from Sunset Park, Veterans Park, and Taft Elementary. A grocery store and a variety of commercial uses are also within walking distance of the site. Here is the site plan. All of the homes will front on to Anderson Street with parking to the rear, access from a private alley.

Each home will include a two-car garage, and room for up to 12 on-street spaces will be available adjacent to the site along Anderson Street. Here's the landscape plan. That includes street trees which will be planted along the adjacent roadways. Sidewalk currently exists along 36th Street, and a condition of approval will require it be installed along Anderson Street.

Here are perspectives of the homes. Three different models are proposed ranging in size from approximately 1,500 to 2,000 sq. ft. Each unit will include a covered porch, and private interior courtyard between the garage and the main living area. Several variances have been requested which I will address first, while the

staff report mentions a request for the alley to encroach into the side setbacks. The applicant has since indicated to staff that they are willing to comply with staff's recommendation to meet these setbacks.

Variances to the front and rear setbacks are proposed which the planning team is partially supportive of as the shallow depth of the lot is found to be a hardship to developing this site in a manner which would meet the City's parking requirements. The proposed 5-foot encroachment of the homes into the front setback would not negatively impact surrounding properties as there is an 8-foot ACHD right-of-way to the south which would result in homes being approximately 18 feet from Anderson Street.

While a 3-foot rear yard setback is proposed, the planning team recommends a setback of 5 feet be required in order to provide a better buffer to the properties to the north and allow adequate room for landscaping. A 5-foot setback will still allow room for the proposed building footprints and 22-foot wide alley.

Lastly, a variance is requested to allow an 8-foot tall fence along a portion of the north property line in order to screen an adjacent building. However, the planning team recommends denial of this variance as an 8-foot fence would detract from the residential character of the area. And due to there being other means available to screen the building, such as through the planting of trees or shrubs.

So, in conclusion, the planning team recommends approval of the application as conditioned in the staff report. As a reminder, the Commission will make a final decision on the planned unit development and variances, and a recommendation to City Council on the rezone and subdivision.

Madam Chair Stevens: Thank you, Brent. I do know that the applicant is present. She was kind enough to give me a little sticky note, because I always butcher her name every time she comes. So Ms. Constantikes is going to come, I think, and present on behalf of the applicant tonight.

Applicant Testimony:

Penelope Constantikes (Riley Planning Services): Thank you, Madam Chair, Commissioners. Penelope Constantikes, PO Box 405, Boise, ID 83701 representing the applicant this evening. Staff has done a great job at discussing the project and illuminating the benefits. We've got all kinds of services close by. We've got transit

nearby. So it's a great location to put this kind of a development in, we're very excited about it.

As staff has indicated, we have reviewed the staff report and we're in agreement with the staff report with the exception of a couple of the variances. So I'm going to show you some images. This first image is just an illustration of the vicinity of the site. There's a lot of discussion in the staff report about impacts to the property to the north. And I just wanted to illuminate that parcel. It's actually only got one address.

There was a record of survey recorded for this parcel to split off the front residential portion in 1996, but the City of Boise did not approve lot split. So for all intents and purposes that parcel is just one commercial parcel zoned R-1C. The GIS system doesn't show any approval of any lot splits. And opening these up I do apologize, it's so awkward.

The next item is a snapshot of the GIS system, and it shows the white structure in the middle which is the vet hospital. And that's a CMU wall that's approximately 12-feet tall, plus it's got some equipment sitting on top of it. And you can see that the building actually encroaches into the site. And it's not quite as visible, but if you look to the right you can see that the fence also intrudes or encroaches into the subject site. I'll get to that a little bit later. It's right where my little hand is there, if you can see that.

The buildings on the property line and then trends onto the site as it moves eastwards. The fence is close to the property line on the east end of the building, but by the time it reaches our northeast corner it's about 2 1/2-feet into our site. So that's something we've had to deal with.

This is an image of the vet hospital and the yard where the animals exercise. There's a 6-foot chain link fence. And then on the top is another 2 feet of extension that's at a 45-degree angle, it's probably to keep the dogs from climbing. Also, maybe to keep people out because it's hard to navigate a fence like that.

Next, I'm going to show you an illustration that staff put together for what this 8-foot fence would look like. I apologize, I'll get to this one - so this a little sketch that I made. And we're proposing to do a 6-foot fence on the east side and the west side of the site along the north boundary, with an 8-foot fence in front of the CMU wall.

In order to be a good neighbor, we thought that we would make the wall accessible to our neighbor to the north, so we've shifted the fence out into the site about 5 feet so that he can get to his building and he can get to the roof if he needs to. On the right-hand side, I've got some notes there that the fence is 2 1/2 to 3 feet into our site at that point in time. We're proposing to build a 6-foot fence there. And then on the west side we're also proposing to do a 6-foot fence with a landscape buffer which will match the streetscape that's required along 36th Street.

The developer would like to use that horizontal slat fence design which is attractive, and it will be aesthetically - cover or match - it will match the proposed more modern style of townhouses that we're proposing. One of the benefits of this is that it's easy to change the height of it. Staff has indicated that they have a lot of concerns with an 8-foot fence. I would suggest that there's a 20-foot wide section on Anderson Street where you can actually look into the site and see a fence.

So at that distance probably, differentiating between the 6-foot fence and an 8-foot fence is not something the normal viewer would be able to do. And when we need to change the fence's height, we can remove slats and cut the posts. So the idea is we'd like to do an 8-foot fence now to obscure the wall. When the parcel to the north of us redevelops, we can change the height of the fence and make it 6 feet, and then it will match the rest of the stretch.

Again, that 5-foot offset from the property line adjacent to the wall - that's the vet hospital, will give him access if he needs to maintain his building, paint it, or get to the roof because there is equipment sitting on top of that roof. And we thought we'd be a good neighbor.

On the eastern section, since the existing exercise yard fence intrudes into the site any fence constructed along that section of the parcel will need to be at least 3 feet off the property line. That will leave the 2 1/2 feet that it intrudes into the site, plus another 6 inches, because you can't just put a fence right next to another fence.

So the arithmetic for that section - so we've got 22 feet right now on our site plan for an alley. If we add 5, because we're shifting the front of the buildings forward towards Anderson Street, we have 27 feet. But if we subtract 3 feet, because that's what we have to do with the fence because of the encroachment, we're left with 24

feet. And there's a sewer manhole down at that end of the alley, and it just seems better to keep the cars away from the fence, especially since they're right next to the exercise yard. So we'd like to not do a landscape buffer along that section of the fence line.

Now, on the western side of the site, we are amenable to putting in a 3-foot wide landscape buffer which will connect the streetscape that we've already got planned for the site. The only part of the site that really is going to be visible from the public street is that 20-foot swath, where if you stop right at the drive aisle - the access to the alley and look to your right, you'd be able to see a small section of fence. But along 36th Street things will be more visible.

So doing a landscape buffer in that location is a great idea. There won't be anything about the back side of the site that will be visible anywhere except at the alley access into the site and along 36th Street. So we'd like to keep that 2 feet for extra backing area, as opposed to putting landscape in. It won't be visible to anyone.

I guess with that I'd like to talk about the criteria for the approval of variances. And then I'd be happy to answer any questions you have. Boise City Code indicates that the approval criteria for variance applications include that there is either a hardship associated with the site, or there are exceptional circumstances related to the intended use. It's not generally applicable in the district.

I think that the encroachment of the building and the fence from the property owner next door represents an exceptional circumstance and a hardship that we're willing to accommodate rather than asking the property owner to the north to pull up his fence and pull it back onto his property line. If he did that, he'd have to shut down his animal exercise yard for at least a couple of days. I'm assuming those posts are set in concrete.

So rather than ask the neighbor to the north to go to the trouble of moving what he can, we're happy to accommodate. I don't believe that granting the variance would be in conflict with the comprehensive plan. Again, the developer would be willing to change the height of the fence, perhaps move the fence and add landscaping at such time as the property on the north redevelops. But at this point in time, the fence that I have shown here is an attractive fence, it adds an aesthetic to the site that would not be if you just did a standard cedar fence with vertical slats or vertical pieces.

And I don't believe that there'll be any material detriment to the public health, safety, and welfare with having a short section of 8-foot high fence. It represents about 14% of the total width of the site from east to west. So we're not asking for a lot, just a short section to do what we can to mitigate the view of that vet hospital, at least while it's there.

With that I'd be happy to answer any questions you have.

Madam Chair Stevens: Thank you. This is when we'll have any questions for either staff or the applicant. Commissioners.

Commissioner Ansoategui: Madam Chair.

Madam Chair Stevens: Commissioner Ansoategui.

Commissioner Ansoategui: I have two questions, first, a clarification, if you would. The only variance that we're really looking at now is the 8-foot fence versus a 6-foot fence.

Penelope Constantikes (Riley Planning Services): Madam Chair, Commissioners. It's a little awkward because of the encroachments, we're kind of asking for a variance for the setback along the north property line where we have to, because of the encroachment of the building and the fence. So they're tied together, it's not a total variance across the entire width of the site but a portion of it. And we would like to downsize that landscape buffer on the west property section to 3 feet.

Commissioner Ansoategui: Forgive me for being a little slow, so we are looking at both bringing that fence in a little bit, and you want the 8-foot for that section?

Penelope Constantikes (Riley Planning Services): Madam Chair, Commissioners. That's correct.

Commissioner Ansoategui: Thank you. I have a question for City. Brent, just quickly why would you not consider the encroaching building a hardship?

Brent Moore (City of Boise): Madam Chair, Commissioner Ansoategui. With 8-foot fences, it's very rare that the planning team would ever allow an 8-foot fence in a residential zone. We just feel landscaping is a better way to buffer buildings from other properties. So we just felt there are other ways to screen this building.

Commissioner Ansotegui: But the question is about the encroachment into the site. So is the City okay with bringing the fence in to 3 feet, I believe, rather than 5 feet?

Brent Moore (City of Boise): Madam Chair, Commissioner Ansotegui. That would be up to the Commission. Our main concern is the 5-foot setback from the alley to the north property line as far as the exact fence location.

Commissioner Ansotegui: Alright, thank you.

Madam Chair Stevens: I'll go ahead and ask a question. I'm a little confused frankly by the packet. Because I feel your letter showed some elevations that don't seem to match what the plans are. You seem to know what I'm talking about because you're nodding your head. Can you clarify what we're looking at here?

Penelope Constantikes (Riley Planning Services): Yes, ma'am. Originally, we proposed a cottage-style development with some parking associated with a few of the structures, and then parking separate. Neighborhood Works has done some projects like this. And we were trying to be innovative and create a community of cottages, but we ran into some problems with Staff agreeing with the project design. So we changed our site design and changed the structures.

Madam Chair Stevens: So do you have any updated elevations, because that was pretty - I mean, I see what we have in front of us. But, in terms of - I mean, it's quite different. So the initial concept is just out the window and no more cottages, and now it's just this very modern - a bunch of, for lack of a better term, row houses one after the other with the parking in the back. And that's what we're really looking at tonight, not those elevations with the cottages.

Penelope Constantikes (Riley Planning Services): Yes, ma'am. We tried hard to save the cottage idea, but it just wasn't going to work out with the constraints that Staff had. So we pulled back and redesigned.

Madam Chair Stevens: Thank you. Other questions for Staff or the applicant?

Commissioner Bratnober: Madam Chair.

Madam Chair Stevens: Commissioner Bratnober.

Commissioner Bratnober: Just to come back to our question that Commissioner Ansotegui asked, is the encroachment of the vet hospital not a sufficient hardship to justify going with a 3-foot setback versus a five?

Brent Moore (City of Boise): Madam Chair, Commissioner Bratnober. The setbacks for the alley, again, just from the alley to the property line - the exact encroachment, it's up to the Commission to determine if that's a hardship. The planning team felt landscaping would be a better way to buffer this building. It is common in a lot of parts in the city for buildings to be on property lines. The planning team would much rather see landscaping than taller fences.

Commissioner Bratnober: Thank you.

Madam Chair Stevens: Brent, I'll ask a follow up on that. I think in your report you wrote that the only time you permit - or the City typically permits 8-foot fences is in commercial districts, right? And so here we have a commercial building in a residential zone, did the team give any thought to that or any consideration?

Brent Moore (City of Boise): Madam Chair. It's based on the zone, the fence site. Because they're both zoned residential they would be limited to 6 feet. That property to the north has the potential to redevelop residentially in the future, so we kept that in consideration. There could be homes there possibly in the future.

Madam Chair Stevens: Have we as a commission, or any other commission, put that sort of a condition on something like you can have the 8 foot until it redevelops as residential? Does the City really have any way to track that?

Brent Moore (City of Boise): Madam Chair. It could be difficult to track a plan. It would just have to be familiar with this application at the time that other property developed.

Madam Chair Stevens: Thank you.

Penelope Constantikes (Riley Planning Services): Madam Chair.

Madam Chair Stevens: Yes, Ms. Constantikes.

Penelope Constantikes (Riley Planning Services): Just a couple of comments, if I can, if I'm not out of school here. I appreciate Staff's interest in landscaping, but arborvitae is one of the common columnar plants that you would use to obscure things. But they are very slow growing. It would take 20 years. I did some research today, it would take up to 20 years for those plants to be tall enough to even partially obscure the building.

And then with regard to the temporary 8-foot fence, change it to 6-foot fence when the property in the north develops, I would assume that if they received an application for the property to the north that Staff would actually go back and review the application to the project to the south. And at that point in time they would identify the temporary nature of the fence. Plus, as I indicated, we'd be happy to do a development agreement that specifies that that fence height needs to change at such time as the property redevelops. So, just a couple of comments.

Madam Chair Stevens: Thank you. Are there other questions for Staff or the applicant? Commissioner Bratnober.

Commissioner Bratnober: This one is for the applicant. My question is, does an 8-foot fence totally obscure that? What is the goal with the 8-foot fence, let me just ask it that way?

Penelope Constantikes (Riley Planning Services): Madam Chair, Commissioner. It seemed like a reasonable height, a little bit more than 6 feet. I think anything less than 14 feet wouldn't totally obscure, but we're just trying to make the product and the development attractive and pleasing not only for the people that live there but for people that are driving by. It does help obscure the building. It just seems more attractive and more aesthetically pleasing for residential neighborhoods than a white CMU building with equipment sitting on top of it. So we just tried to find a balance.

Commissioner Bratnober: Thank you.

Madam Chair Stevens: Other questions? Thank you very much.

Penelope Constantikes (Riley Planning Services): Thank you.

Madam Chair Stevens: We have one person on the signup sheet, that's Mr. James Tully. Would you care to testify? Come on up and state your name and address for the record, please. And you'll get three minutes.

Public Testimony:

James Tully (Ewing Animal Hospital): James Tully, Ewing Animal Hospital, 2813 N. 36th Street. Well, just to get right to the point is this is totally different than the first plans we saw. So I'm absorbing what's going on here now. I don't think we have a problem with an 8-foot fence. I don't think we have a problem with the reduced setback. The building's been there a very long time. I think it was originally built in the early 60s, it was enlarged in the late 60s, early 70s before we had satellite images of property lines.

We definitely don't want to pull up our fence at our cost. We wouldn't be opposed to moving the fence to the proper place if they wanted to pay for that. An 8-foot fence isn't going to obscure the building. And the equipment on top, you're still going to see that even with an 8-foot fence. I don't think we have any objections to the 8-foot fence.

One of the things I'm down here today for was the cottages were going to be right up on that property line before. And as you could see in that property line there's a lot of vegetation. And there's a couple of old trees. Another thing you could see in some of those other pictures is that the property they want to develop is full of weeds. That's been an ongoing battle for this building for 40 years. So putting a 3-foot easement with no type of practical landscape there, I see this 3-foot area just getting full of weeds and bushes and garbage, like it is now. We would like to see a more - I guess I'd say a better way of doing this so it stays clean and neat, and isn't an eyesore.

One of the concerns we had with the cottages was all those old trees up on the property line and digging into the ground destroying the root bases of those old trees. And really at this point we weren't sure if those old trees are our trees or their trees. I'm in the construction business and every time I've seen a foundation put up into these root bases, the trees die within a year or two. Whose obligation is it to take down these trees? I just see that best for them to come down now.

I don't know, like I said this is a totally different site plan now. I actually like this one better.

Madam Chair Stevens: The time is up. Thank you very much. Is there anybody else in the audience who would like to testify tonight on this application? Hearing none, we'll go ahead and give you five minutes for rebuttal.

Penelope Constantikes (Riley Planning Services): Madam Chair, Commissioners. First of all, I need to clarify the fence for the vet's exercise yard intrudes into this site 2 1/2 feet. We are not proposing to create a 3-foot wide no man's land. We're proposing to put the fence for our project on the east side of the CMU building, about 6 inches away from the chain link fence or as close as we can get it. We don't want to come off the property line, but we have to because there's a fence there already on our property or the subject site.

So we're not proposing a no man's land to fill up with weeds. We're just proposing to put our fence next to their fence which will end up being 3 feet into the property. The weeds - I stopped by and left some materials with the vet, Dr. Wethered, in the beginning, and he asked about the weeds and the developer had the site mowed. So we'll take care of that. I just want to be real clear, we're not proposing to create any no man's land.

The 8-foot fence section will be 5 feet south of the property line, basically. The building intrudes a little bit. But about 5 feet south of the north property line is where we're proposing to put the 8-foot fence just adjacent to the white section of the building, maybe a foot or two overlap just to obscure it. That area can have gravel in it, it can be maintained. But we'd like to be a good neighbor and make sure that the vet can get to the back side of his building to paint or maintain it, and easy access to the roof, better than trying to get to it from the front, I think.

And then on the western portion of the third - basically, the western third of the site, we're proposing to build a 6-foot fence on the property line with a 3-foot wide landscape buffer. So it is really complicated, it's a little bit confusing. So there's three different scenarios for three different sections of the north property line. Again, we're coming off of the north property line along the eastern section because we have to.

Unless - I don't know what it would cost to move a fence, it would be two or three days, \$5 or 6000, maybe more. I have no idea. But they won't be able to use that as an exercise yard for their guests, because there won't be a fence there. They'll have to pull up the fence, remove the concrete, post sleeves, and shift everything. It seems like an unreasonable request to make, so we're happy to work with our neighbor to the north.

I'm hoping that provides some clarification. And, again, just to reiterate, a development agreement citing that the 8-foot fence is temporary until such time as the parcel develops to the north, at which time the fence will be lowered to 6-feet and shifted into the property line if that's what we need to do. We're happy to do that, but right now we have this wall and it's not very aesthetic so we're trying to find a way to handle it in an appropriate and neighborly way. Thank you.

Madam Chair Stevens: Thank you very much. That closes the public portion of the hearing. I see Mr. Moore coming up.

Brent Moore (City of Boise): Just a point of order there, there isn't a development agreement currently associated with this application, so just be aware that if the Commission does require a DA that would require this meeting to be re-noticed another time.

Madam Chair Stevens: Thank you very much for that point. So with that we'll close the public portion of the hearing. And what is the Commission's pleasure?

Commissioner Bratnober: Madam Chair.

Madam Chair Stevens: Commissioner Bratnober.

Commissioner Bratnober: I move we approve items 1, 1A, and 1B with the current variances in place.

Madam Chair Stevens: I just want to have a point of clarification. So items - some of these - so 1 and 1A we need to recommend approval.

Commissioner Bratnober: Correct.

Madam Chair Stevens: I just want to make sure that your motion is to recommend the pieces that are recommended to City Council, and the other pieces are for approval that can be appealed from here.

Commissioner Bratnober: Correct.

Madam Chair Stevens: Is there a second?

Commissioner Stead: Second.

Madam Chair Stevens: Commissioner Stead seconded the motion. Discussion.

Commissioner Bratnober: Madam Chair.

Madam Chair Stevens: Commissioner Bratnober.

Commissioner Bratnober: All of the variances proposed definitely would have some improvement, but it seems to me that with respect, particularly if you start talking about the 8-foot fence, it's not going to have a significant effect - as the applicant said it was a 14-foot fence looking at this that would really make an impact. From the landscape buffer perspective, I think what the City is proposing here is right on, and it's an additional 2 feet. I don't see a sufficient hardship there to justify changing those variances.

Madam Chair Stevens: Just so I'm clear on the motion, this is a motion to adopt the Staff Report as written, correct? And the seconder understands it that way as well? Further discussion?

Commissioner Stead: Madam Chair.

Madam Chair Stevens: Commissioner Stead.

Commissioner Stead: If the Commission has understood in discussing the 3-foot versus 5-foot variance I'd be interested in hearing that discussion. But I also support the 6-foot fence instead of the 8-foot fence or using landscape buffer instead of the 8-foot fence.

Madam Chair Stevens: Does anybody want to weigh in on that? I'll give you my thoughts. I'll support the motion as it's currently in front of us. The reason is that while the applicant might be willing to change the fence later from 8 feet to 6 feet, or even move the whole thing, she said later that seems - we should probably be doing the right thing now. And I trust that staff has looked at enough of these applications that they know what hardship is and what qualifies.

And so I support Commissioner Bratnober's motion and think that we should keep it as is. And if the problem is with the fence on the property side, that's a private party issue and they need to deal with that. Those are my thoughts. Is there further discussion?

There's a motion on the table, could we call the roll, please.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jim Bratnober, Commissioner
SECONDER:	Meredith Stead, Commissioner
AYES:	Ansotegui, Stevens, Stead, Finfrock, Bratnober, Schafer
ABSENT:	Milt Gillespie

PUD19-00019 & CVA19-00024

2316 N. 36th St. / Conditional use permit for a planned residential development comprised of 12 attached townhomes on one acre located at 2316 N. 36th Street in a proposed R-2D (Medium Density Residential with Design Review) zone. Variances to reduce perimeter building and parking setbacks, and to exceed the maximum fence height are also included. *Brent Moore*

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jim Bratnober, Commissioner
SECONDER:	Meredith Stead, Commissioner
AYES:	Ansotegui, Stevens, Stead, Finfrock, Bratnober, Schafer
ABSENT:	Milt Gillespie

SUB19-00029 / Pennington Place

2316 N. 36th St. / Preliminary and Final Plat for a residential subdivision comprised of 12 buildable lots and 3 common lots on 1 acre in a proposed R-2D (Medium Density with Design Review) zone. *Brent Moore*

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jim Bratnober, Commissioner
SECONDER:	Meredith Stead, Commissioner
AYES:	Ansotegui, Stevens, Stead, Finfrock, Bratnober, Schafer
ABSENT:	Milt Gillespie

2. **PUD19-00021 & CVA19-00028 / Michael Wood**

850 S. Latah St. / Conditional use permit for a planned residential development comprised of 6 multi-family units on 0.29 acres in a L-OD (Limited Office with Design Review) zone. Also included is a variance to reduce the front, rear, and side setbacks. *Leon Letson*

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Janelle Finfrock, Commissioner
SECONDER:	Jim Bratnober, Commissioner
AYES:	Ansotegui, Stevens, Stead, Finfrock, Bratnober, Schafer
ABSENT:	Milt Gillespie

3. **PUD19-00022 / Great Western Capital LLC**

2416 S. Grant Ave. / Conditional use permit for a planned residential development comprised of 1 existing single-family home and 8 attached townhomes on 0.9 acres in an R-1C (Single Family Residential) and C-4D (Planned Commercial with Design Review) zones. *Leon Letson*

Madam Chair Stevens: Okay, finally tonight we'll hear item number 3, also Mr. Letson, this is SUB19-00035 at 2416 S. Grant Avenue, and this is for a preliminary plat.

Leon Letson (City of Boise): Madam Chair and Members of the Commission. The items before you include a 9-unit single-family PUD, and a preliminary plat for 9 single-family home lots, 8 garage lots, and 1 common lot for property located at 2416 S. Grant Avenue in R-1C and C-4D zones.

Located on the east side of Grant Avenue between Ivywild Street and Melrose Street, the subject property is currently occupied with a single-family home which will be renovated. Surrounding uses include single-family homes to the north, east, and west. To the south there's a large manufactured home park. Within close proximity are several retail and neighborhood serving uses along Broadway Avenue corridor.

The applicant's proposal includes the development of 9 single-family homes, including 1 single-family detached home that is existing and 8 new townhomes. All parking for the townhomes will be accessed from the alley. The access lane from Grant Avenue will provide access to parking for the existing single-family home, as well as for emergency vehicles for the townhomes.

The majority of this will be surfaced with grass treat or some similar surface to be more pedestrian-friendly in nature, given its limited use by vehicles. The density of the project is well under what is allowed in the combined R-1C and C-4D zones.

All reviewing agencies and departments approved the project with standard conditions. And to date no comments were received from the public - I did mention that one comment was submitted after our deadline, and I did encourage those individuals to come and speak or read their testimony into the record. And so, if they're here tonight they hopefully do that.

In conclusion, the planning team recommends approval of the project. A recommendation of approval for the subdivision is required for City Council and the approval of the PUD can occur here tonight unless appealed. With the attached conditions of approval and the following modification we did receive notification today from Drainage District No. 3 that they submitted a letter that was not included in the packet and they would like that reference to be in the action letter for this project.

That concludes my presentation.

Madam Chair Stevens: Thank you. The Drainage District No. 3 comments are the ones that sitting - if I'm not mistaken, in a memo on the desk tonight, for all of us?

Leon Letson (City of Boise): Yes.

Madam Chair Stevens: Do I need to mark that as an exhibit, or is that incorporated in the record as it is?

Leon Letson (City of Boise): Go ahead and mark it as an exhibit.

Madam Chair Stevens: We'll go ahead and mark that as exhibit 1 then. Is the applicant present? Do you care to step forward please and give us your presentation?

Applicant Testimony:

Sherman Leibow: Madam Chair and Commissioners, thank you for considering this matter and for your stewardship of the community. My name is Sherman Leibow. My address is PO Box 9733, Boise, Idaho 83707. I am the developer of the proposed community. I'd like to also thank the staff, particularly Leon Letson, for the guidance they have provided through this process. We've had numerous consultations with various staff members to make sure we get this thing right.

Also, I saw a number of the neighbors we met at the neighborhood meeting. I want to thank them for caring enough about their community and our community to get involved in this process. Thank you. Also presenting with me tonight is Mickey Reynolds with Heart in home realty. He is the broker agent on this project. And Jon Breckon of Breckon Land Design, and he's the civil and landscape engineer. And we'll keep our presentation as brief as possible.

Just a little bit about myself, I've been a Boise resident for more than two decades. This community has been great to me and my family. I've raised two daughters here, they've attended public school here and they're fine young women.

I've provided many jobs in the community through a successful business of 14 years and counting. I'm active in several nonprofits as a board member and a fundraiser. And I'm telling you this because I want to say that Boise's been good to me, and I want to do what I've taught my daughters to do is make a place better than it was when you got here. And so, I'm trying to do my part.

In terms of housing, and we've heard about it a little bit tonight, obviously everybody knows we have a housing shortage in our quickly growing community. And even more so a severe shortage of affordable housing. And we're trying to do our little part to help that. We want to do something positive for the community and the neighborhood, and for future homeowners - many of which I think will be first time home buyers should this development be approved.

Just a little more about our plans. We want to provide affordable, attractive, livable housing and homes that people will be thrilled to own and live in. We want to make minimal impact on the neighborhood. We understand that the combined parcels could have been - or are zoned to have up to 18 units, but we chose to do only 8 in consideration of what we thought would best fit the neighborhood and the character of the neighborhood.

Everything within our plans fits the City of Boise guidelines, and we're requesting no variances. We make sure of this through numerous meetings with the city planners. It's designed with attractive landscaping and earth tone colors. And we know that one of the main concerns among the neighbors is parking. And I wanted to underscore that we're providing ample parking, including two-car garages with some additional spaces. And we're providing more parking than is required by the City.

The neighborhood itself will have a generous common area with a playset and a picnic area, and we think will be ideal for young families. I have some slides here I just want to bring up quickly. Also, I want to mention that per the City's requirements, and we agree, we will be paving the alleyway and adding curbing and gutters where appropriate.

Now there is an existing home, and this is a shot taken from the backyard. There's an existing home that is on the property, and it was a packaged deal, the land was for sale with that home plus this big vacant lot, that's almost an acre, behind it. This house has sat empty and in a bit of a state of disrepair for a long time. You can see looking from the backyard, the fence is collapsing. The photo doesn't really show it, but the paint on the house is starting to fail. There are some things that need to be done to beautify this house, but it has good bones. We're going to make that a nice house for somebody.

As far as the land we want to improve, it's currently overgrown with weeds and it's actively being used basically as a dumping ground.

Madam Chair Stevens: I need you to keep into the microphone, if you don't mind, just for the record.

Sherman Leibow: Thank you. So, the land - there's a couple of more photos here. It's being used as a dumping ground. It's overgrown with weeds, and it's a safety and fire hazard. There's a higher and better use for this land, and we think that is to provide much needed affordable housing. And we think we've come up with the appropriate plan for that. And, again, a word to the neighbors, I appreciate your presence here and your concern for your neighborhood.

I want to give you my word that our intentions are to add value to the neighborhood by helping to beautify and improve it which will in turn raise all of our property values. I'm not some out-of-state entity wanting to capitalize on Boise's rapid growth, I'm your neighbor in the community. I care about Boise and its future as much as you do.

Thank you, and I'll turn it over to Mickey Reynolds.

Mickey Reynolds: Good evening, Madam Chair and Commissioners. I'd like to read to you -

Madam Chair Stevens: You need to start with your name and address.

Mickey Reynolds: I'm Mickey Reynolds. I live at 530 E. Warm Springs Avenue. Boise, Idaho 83712. We are honored to share with you our plans and vision for - we had to rename it to Inverness Court - and Inverness Court is a PUD which includes one existing home and 8 attached townhomes with 8 detached two-car garages in

Southeast Boise. It is located at 2416 S. Grant Avenue, Boise, Idaho 83706. Currently, 0.34 acres of this parcel is designated C-4 for potential density of 14 units. And 0.55 acres is R-1C for density of 4 units.

To the north are tall skinny homes which were developed in 2017 and 2018. To the west and east are single-family homes. To the south is a large mobile home park. Inverness Court fits within the surrounding neighborhood by maintaining a single-family community feel by creating 8 new single-family townhomes, as well as refurbishing a dilapidated house.

Each of the townhomes will be 1443 sq. ft. with 3 bedrooms and 2 baths. This supports Boise's goal for new neighborhoods to both incorporate the best features of the city's existing neighborhoods, and to be integrated into the surrounding community. The 2 detached parking units will provide 2 parking spots per townhome, which will include storage for each unit. The total size of each garage building is 680 sq. ft., so that each garage is 420 sq. ft.

The community features: Inverness Court includes a commons in the center which will include raised garden beds, bike parking, an outdoor barbecue, gazebo, and tables and benches. And this supports Boise's vision for preserving opportunities for urban agriculture and enhancing natural resources, as well as encouraging community interaction and quality of life.

Energy efficiency: [Ivywild Court 01:25:05] will be built to Idaho Power incentives. To qualify for the Idaho Power incentives, we will be building 20% more efficiently than current energy codes. Amenities will include Energy Star appliances, added insulation, better insulated windows, etc. Construction will be completed by Perryman Construction who is currently being awarded for meeting Idaho Power incentives. This meets Boise's vision for encouraging the use of environmentally friendly development, practices, and promoting energy conservation.

Location and transportation meeting Boise's vision for compact growth. Inverness Court meets Boise's vision and region's goals of promoting more responsible growth by identifying opportunities for infill and redevelopment within established parts of the City and encouraging a more compact pattern of new growth throughout the AOCl.

Further, Inverness Court will support southeast needs for increased housing, given that southeast is home to two of Boise's biggest employers, Micron and Albertsons. And that as of Boise's most recent blueprint, jobs in the southeast are projected to increase by more than 30% by 2025, increasing from 21,707 in 2007 to 28,350 in 2025.

Further, our vision for Inverness Court is to support Boise's need for housing at prices people with local jobs can still afford. Easy access to Broadway, bus routes to the airport and downtown, three blocks away from the nearest bus stop makes this an excellent location for increased density, meeting the City's needs for valuing livability and land use and transportation. Thank you.

Madam Chair Stevens: Thank you. Is that all that - oh, I guess not.

Jon Breckon: Jon Breckon, Breckon Land Design, 6651 Glenwood St. I think they pretty well covered it. I don't have a lot to add. I will reiterate that we are meeting all agency requirements as far as setbacks, parking. And the property is zoned to allow for a higher density, however we are not maximizing the site. I think it's a good fit for a very challenging site as far as access. And we'll also provide more than ample parking.

Madam Chair Stevens: Thank you, Mr. Breckon. This is time for questions. Do the Commissioners have any questions for either staff or the applicant? Everybody's off the hook. We'll go ahead and go straight to the signup sheet. First one on the signup sheet is Jules Adams, followed by Matthew Parks. And if you guys could come forward a little bit to just expedite things, and as I call you it's like being in the dugout you'll come up next. So, it's Matthew Parks and then Don maybe True...can't read the handwriting. Mr. Adams.

Public Testimony:

Jules Adams: My name is Jules Adams, and I live at 1111 West Melrose Street. That's one of the four houses that's on the corner of the alleyway that they're proposing to have these units' access. There's no frontage street. There's no street for these units to access their homes. They're proposing that they turn the alley on this south side of Melrose into the frontage street - into a street, basically.

So, these people will not only be using the alleyway for parking, but they'll be using it for pizza delivery, mail delivery, garbage truck pickup - all kinds of deliveries. Could be turned into basically a street. Now, when I first moved here 22 years ago into Boise, it was seven houses on that street that joined the alley. And now there's

11 houses on that street, and eight of those 11 use that alleyway for parking at this time.

So now with these eight additional units going to be using the alley for, not only just parking, but also for additional things like delivery, mail, garbage truck pickup. It's going to increase the traffic tremendously. I remember in the neighborhood meeting association we mentioned all this to the developers. That wasn't just parking issues that was brought up as a concern, it was also the safety of children in the neighborhood with all the increased traffic. And I agree with them if they do it properly, they can make the property more valuable. With the way they propose it, it's going to decrease our property value because that alleyway's going to be turned into a street. Our houses are going to be situated between two different streets. There's going to be 11 houses on there that's going to have their property value impacted negatively because of this proposed setup.

They could, if they wanted to, buy that Ivywild Park - that street for Ivywild, that strip of land there next to the mobile home park and turn that into the street way there for the units. They told us at the neighborhood meeting they offered to buy the land, but they didn't like the price the owner was willing to sell it for.

If they extended Ivywild back out to the street like it was before, they could have frontage access there and it would make it a nice development I think. With Ivywild not turned into a street, the only way those homeowners are going to have access to their house and all the other amenities is going to be through the alleyway.

We had to put up a security camera on our backyard to film that corner, because when they built those other four units in 2018, like you said, we had our fences run into and knocked down by people using the alleyway to come down there. In one month, we recorded over 500 cars going down the alleyway. With eight more units, not only just for their parking, but also for their deliveries and their mail and their garbage, we figure we're going to have about another 2000 cars a month going down the alleyway.

It's quite a negative impact on our peace. We've been there for 22 years. I own and sell properties in Boise that I rent out to people at affordable rates. I disagree with they're saying \$300,000 per unit is not going to be too much affordable.

Madam Chair Stevens: Thank you. Before we go to the next person, I'd like to ask staff a question. I know I'm going out of order here, it's against all the rules, whatever, but I think because we had no written testimony from the neighbors, it was a little hard to anticipate what kind of concerns that they were going to have. Mr. Adams, you may sit down. We're done with you - I didn't mean that in that way. I just meant you may sit. But I hadn't, honestly, noticed that the frontage was not actually a street. Can you give us staff's thoughts on that?

Leon Letson: Yes, Madam Chair. As we mentioned earlier, it's a unique property. Ivywild Street used to extend - or at least the right-of-way used to extend along the south side of this property as far as I can tell. And I think the applicant might confirm this, sometime in the 80s to 90s Ivywild Street in this section was vacated. And both sides of that street picked up the property. So, the manufactured home park to the south picked up theirs, yet they never moved the fence line. And then this property to the north picked up theirs as well.

So, in order to achieve access for the project, the private drive shown here - and that's predominantly for emergency vehicle access. It will have bollards at the edge of the driveway where you see the existing house, and I'll do my best to highlight those. This is where the bollard area will stop. So, what it really came down to here is if you look at the north end, the east end, we don't have homes with front-on driveways and alley access.

We prefer vehicles to use alleys and people to use the front of the home to walk and access front doors and different things like that. This is somewhat of a deconstructed version of that. But in terms of impact, these garages are about 20 to 25 feet wide, very similar to what you'd see with a sub-centered lot development, which is all over this area. Interestingly enough, these parcels here - this square and this rectangle actually consists of 8 underlying substandard lots of 25 feet wide.

If Ivywild Street existed today this group could come in and develop 8 substandard homes on 25-foot wide lots and could do it with Design Review committee approval alone. So, what they've really done is taken what the original property rights were of this site and have dealt with this unique access requirement - or access issue, I guess.

The Fire Department has approved the use and construction of that access lane to serve the development. But in reality, we won't see many vehicles coming down Ivywild Street to enter or exit the site. What we'll see is something that you would find in the North End, which is everyone drives to their garage in the alley and walks into the back of their home. And now they'll have this courtyard area in the center of the two ponds of homes, similar to what we would have on a street in the North End where everyone steps out on their front porch and looks at their neighbor's other front porch. It's just a little bit different. I don't know if that answers your question.

Madam Chair Stevens: That actually helps. Does anybody want to follow up on that? Thank you. And I realize - or I actually didn't realize, but legal pointed out that I failed to ask if there was a registered neighborhood association representative here to testify on this project? With all that, next up is Matthew Parks followed by Don or Dan True, and then Mary - sorry, the writing's tough to read.

Matthew Parks (802 W. Bannock Street, Suite 110, Boise, Idaho 83702): I think you hit on the issues that I wanted to bring up which is mainly that this property doesn't really have a traditional frontage. Actually, I think while it was a unique way to create the required frontage and the access way, really what you've done is create a problem with an alley that was never designed to accommodate the amount of traffic and width that you're going to need to get in and out of the alleyway for, not only cars, but also for -

I was surprised that the sanitation department said, yeah, no problem, we'll go down this 14-foot wide alley with fences right up to it and we won't have a problem at all. I think that is going to be a problem. And I think the one thing that also isn't addressed in the comments that is of paramount concern to the people that live in this neighborhood is the amount of cars that are going to be coming in and out of this alley without a clear vision triangle.

You're in a residential neighborhood with no sidewalks, with children on the streets. There's actually, across from the alleyway there's a basketball hoop which now these people are going to have to move because they're not going to be able to keep the street that they had. So, the impact on the surrounding neighborhood is very concerning to the neighbors.

The access drive, I think that's a good - again, another solution to the problem I have is how are you going to get the Fire Department in there? While I think the comment was that it was going to be mostly used for an access drive, it is actually, exclusively supposed

to be for the access drive. There is some parking, maybe for the existing home, that is going to be removed because you're going to take their driveway out. And you have to increase the sidewalk and increase the right of way to accommodate that sidewalk. So, they're going to lose their driveway.

So, they're going to have to go in through this accessway and park into their driveway from this emergency accessway. But I think in addition to that, the emergency accessway is going to be used by people who live in the neighborhood to park. Because while there's garage parking, I think in reality what you're going to have here is people struggling to find a place to park.

As far as project density goes, I think, again, you've got an interesting mix here. You've got an R-1C and a commercial zone here, 4-D. And most of it is residential. So, while the density - I think they're relying a lot on the tiny sliver of the portion of the property that allows higher density. Really what they're asking you to do is treat the entire site like that. And, again, if you look at this site, the existing home there really is what gives you that benefit of having additional density, because that is zoned R-1C.

But, really, if you took that out this project would not pass muster, and I think that's a problem here. The final thing I'd like to say is that the street access off of Denver Avenue is not considered, and the improvements that need to be made as well.

Madam Chair Stevens: Thank you. Don? Dan? Next, Mary. Also left. They might be the same last name. Amber Croff.

Amber Croff (1214 Melrose Street): As you can see the main access to this property will be Melrose and Denver. And, currently, since the property where we live has been in our family since the 1960s, so we've seen the growth in this area and the impact it's had, especially the past 5, 10 years with all the infill projects. And my biggest concern with only having access through Melrose to this property is the safety.

There's only a small section for the new row homes of sidewalks, and the walking path is the street. And we have many elderly people, people who walk their dogs, our children play in the street. And we've had to fight for a stop sign at Melrose and Grant Street because of the speed people go. Even though it's a dead-end street, people just fly down, and it doesn't get monitored by the City. We don't see cops monitoring this area, so it's a concern to us

to add that extra traffic to Melrose and Grant area without an actual street to this project.

I think a solution would be to open up Ivywild Street and really take that into consideration, because - as you can see it was designed for that. And what we're finding is with all this new infill that traffic and parking has greatly changed the whole feel of the neighborhood. And opening Ivywild would be a solution to congestion. Exiting Melrose to turn onto Broadway is a problem.

You can sit between five cars trying to turn left onto Broadway. There isn't a turn lane onto Broadway. You have to go into a center lane to the bank - everybody uses it because it's the only way to go north on Broadway. So, we just see it as a real threat to our neighborhood, the safety of this addition. Thank you for your time.

Madam Chair Stevens: Thank you. Brenton Croff followed by Patricia Houlie.

Brenton Croff (1214 W. Melrose Street): I appreciate your time. My issues are also the same. The major thing is the safety for our kids. Every time my kids are outside playing I'm always nervous, because we've got some college kids and other people that just are very negligent when it comes to driving.

It's a 20-mph speed zone, I swear some of them are 40 and we never see police there monitoring it and everything. So, we're always on edge when our kids are out there playing. You add 8-unit townhouses plus the existing home with at least 16 and probably more than 20 cars there, because even though they're providing two guest parking lots with 8 units, you know there's going to be more than just two guests at any one time.

It's a safety hazard. We have some people in the community who are physically handicapped. They have to get out regularly for their health - to improve their health conditions, because of strokes and other things they've had. There's no sidewalk for them to walk on, so then they have to be on the street. Well, if they're on the street and all this increased traffic when there's no sidewalks then they're at risk when they're just trying to take care of their health.

We're not against - if Ivywild would be completed, it would make sense. But if they don't, access through Denver and Grant are not sufficient for large vehicles. I've driven large vehicles myself, it's a tough corner to make. And even some full-size Ford trucks, 250s and stuff, they sometimes have to make multiple attempts just to get

down that alleyway because of how tight it is. It's not sufficient to make that alley the only access point.

We're also noticing since these developments have happened in our neighborhood, some people in the neighborhood have complained that the utilities are starting to get more stressed, water pressure has gone down. We've had some outages and things that we haven't experienced before. So, I think the infrastructure there for public utilities is not really adequate for the growth either, it appears to be.

And I want to mention one thing as I went throughout the neighborhood, and I was talking to all the neighbors within the immediate area, and I have a petition here of about 30 people who have signed. Put their name, their address, and signed it saying that they are also concerned about this development. They are concerned about the only access, so that's 30 which there's probably more people that are concerned about it, because I know there's a few people I wasn't able to get their signature, and I know they're against it.

But there the whole neighborhood is really worried about this thing happening. They also mentioned they want to provide affordable housing, well they plan on pricing these townhomes at \$275,000 per unit. Now, how many first-time homebuyers can afford \$270,000 for a home? In San Francisco that's affordable. But with the wages what they are here in Idaho, I don't see how that's affordable. Thank you.

Madam Chair Stevens: Thank you. Patricia.

Patricia Houlie (2416 Scarlet Street, Boise, Idaho 83706): Good afternoon. I'm going to say everything they said, but basically our resident area is ancient. It's been there before Methuselah was born. It's older than dirt. There is only one way out of our area, because it has a circular - you can go in circles all you want, but you can't get off the street.

The only off-street is from Melrose and Targee to get onto Broadway. And within the increase of the residential, a lot of business, lots of traffic, it's just not safe out there. It's hard to get across anywhere, let alone the pedestrians walking on the sidewalks that are on Broadway. We have no sidewalks, we have very few sidewalks. The only sidewalks are the ones that were built from the builders in the past. And the junk in the back, that's from the builders. They dumped all that crap back there when they were

knocking down houses and clearing the land to put their own buildings on.

We do appreciate - we'd like to have more affordable living, but not there. It's just not possible, because we do not have another exit. It's dangerous and hazardous to all of us. If we have to have an emergency situation, like fire or ambulance, and fire trucks with the ambulance, police cars - being able to turn and park and go places. And we all know we have places where we can park, but we have company. There's no place for them. Not with what's proposed now. And the streets get crowded. Now, how are you going to get out and through there? It's not good.

In the front Grant has just that one street that you go down and it's short and it's a dead end. You have to go all the way around to get out, or even to turn around if you want to turn around. Denver is a dead street. There's no place out. You can get in, but you can't get out. And our alleyways are for us to be able to try to divert traffic a little better for getting out. And they're very narrow, they're not wide at all. If you're going to widen them then you won't have room for your building.

That's me. I thank you. And if you want written stuff, I have that for you too. Thank you for your time.

Madam Chair Stevens: No, we'll go ahead and just use your verbal. Thank you. That's it for the signup sheet tonight. IS there anybody else tonight who wants to testify who's not on the signup sheet? If so, go ahead and step forward. Since you're not on the signup sheet I just need you to fill out one of the little white slips of paper. And go ahead, get started.

Jean Espil (2455 S. Denver Avenue): Thank you, Madam Commissioner. As the previous testimony, she's right, the access to Denver is only from Melrose. It does not continue back out to Broadway. It dead ends there at the end of my residence. So, what I would like to say is I purchased my house three years ago. And having a big vacant lot in the back where kids are playing, but they're playing on old concrete with rickety skateboards and nails and boards around, and I see a safety issue there.

It's full of weeds, I see a fire hazard there because there's not a real good way of maintaining it. I'd like to see more development. Yeah, it is tight. That alleyway is rather narrow, but having nothing there other than overgrown weeds, trash. Right next to my property it wouldn't take much to throw open the little mangate behind my

house. I've got tools and things like that. I'd like to see it developed into something that we can be proud of. And not only help our community but bring in more people who are concerned about the safety of our neighborhood.

By and large, I believe people are good people. And having that developed with good families who are honest, hardworking folk who would take care of their home, rather than just let it become a dilapidated vacant lot would seem to me to be a better use of the land. Thank you very much, and I appreciate your time.

As a testament to Great Western Homes, I've known Sherman for probably five years. I ran with him with the running group here in town. I've been to some of his fundraisers for Life Kitchen and things like that. He really truly cares about the community. And I believe in my heart that he really wants to see something better and develop something better for this community. I really don't believe that his heart is in a place for just making money and getting out. He actually cares. Thank you very much for your time, and I hope to see you soon. Thank you.

Madam Chair Stevens: Thank you. And when you get done filling that out, just go ahead and hand it up to anybody up here. Anybody else who wants to testify tonight? Go ahead and step forward. If there's anybody else, if you could please come forward and sit towards the front here, so we can just expedite.

Sydney Leyton (1210 W. Melrose Street, Boise, Idaho 83706). I just want to note, and I'll be brief, but last year they built three new row houses. One of the biggest complaints when they were building those row houses was the concern of parking. On Targee, on Melrose, the biggest complaints was well, the streets already get full, so trying to encourage that developer to think about the parking situation more. So, the thought of adding eight more houses makes that even a bigger concern.

I live on Melrose, I see that street every single day. When everyone gets home it's completely full. It goes from probably a two-lane road to a one-car street because it is so full. I think the development and the proposal and the pictures it looks great, but my concern is the actual roadways. If Ivywild was taken over then I think it would be a fantastic addition to the neighborhood. Thanks.

Madam Chair Stevens: Thank you, Sydney. Please do fill that out and give it to us so that you are a party of record. Anybody else?

Patricia Houlie: Can I say one more thing?

Madam Chair Stevens: No, I'm sorry your three minutes are up. With that we'll go ahead and give the developer their five minutes of rebuttal.

Rebuttal:

Sherman Liebow: Madam Chairman and Commissioners, bear with us because we all have different areas of expertise.

Madam Chair Stevens: If you could, since it's going to be a little more complicated than normally, if you could make sure to state your name and address for the record as clear, before you each speak.

Sherman Liebow (Great Western Capital dba Great Western Homes, PO Box 9733, Boise, Idaho 83707): I'll just first address a couple of things but leave the others to this gentleman. In terms of that it's not really even an easement, but where Ivywild is not available - and I believe what I'm going to say is correcting what Mr. Letson said, is that that whole 20-foot width was actually given over to the owner of the trailer park to the south.

We contacted him numerous times. He basically said if he was willing to sell it he would want \$300,000 for it, and he was firm in that. And the guy is 91 years old, owns several of those mobile home parks and doesn't really need the money, but just didn't want to budge on it. And so, we abandoned that in favor of the plan that we currently have before you. We would have loved if that was available too, but it's not and it won't be.

As far as parking, again I know that's a concern. As per the written plan, we're providing more parking than required. Additionally, our driveways are deep enough where guests - unless they're pulling a trailer or something, guests and visitors and delivery people will be able to park on the driveways behind the garages. So, we don't see any kind of significant burden on street parking.

And then also a correction on the alley width, it's not 14 feet wide as one of the testifiers stated, it is wider, and I will defer to Mr. Breckon on that. We are not losing the driveway on the house, we're just moving the driveway. And with that I will turn it over to Mr. Reynolds. Thank you.

Madam Chair Stevens: And your name is just fine.

Mickey Reynolds: Mickey Reynolds. I just wanted to note that price is based on market. And from our perspective a 3-bedroom, 2-bath, 1400 sq. ft. home in the Valley is much higher priced than what we're proposing and what we're wanting to offer the community. I don't know if most people understand that things are based upon development and there's cost to that. And there's cost to having curb and gutter, and street frontage, and bringing sewer in. And so, we are doing our best to maintain an affordable product that is feasible and is beautiful to the community. And with that I'll pass over to Jon.

Jon Breckon (Breckon Land Designs, 6651 Glenwood): A couple of things, one we are not only meeting all of the development requirements but trying to exceed those where possible. There were a number of comments regarding access, sidewalks. We will be providing sidewalk improvement along the Grant frontage. We will be improving the alleyway. These are all per ACHD requirements and their Staff Report.

We have also made efforts and revised the design to allow for turning radiuses at the garages and exceeding the parking requirements. Utilities, we have gone through and checked with the City, the Fire Department. We'll be meeting fire flow requirements, and all of the standard development requirements for all the agencies - safety, and in the end, this will be an asset and provide a safer alternative to what is existing right now which is weeds and undeveloped land. That's all I had.

Madam Chair Stevens: You don't have to take the full five minutes.

Jon Breckon: That's all I have, thank you.

Mickey Reynolds: This is Mickey Reynolds again, I just wanted to note that we were not the developers of those single-family homes that they were upset about. We are going to do things a lot differently. We have a very professional, competent man that we've hired who does huge projects all over the Valley. So, I want them to know that.

Madam Chair Stevens: Thank you, Mr. Reynolds. With that we'll go ahead and close the public portion of the hearing. What is the Commission's pleasure? Are there any motions we want to start with?

Motions:

Commissioner Ansotegui: Madam Chair.

Madam Chair Stevens: Commissioner Ansotegui.

Commissioner Ansotegui: Point of clarification first, we are the final in the PUD and a recommendation on this SUB?

Madam Chair Stevens: Yes, I believe that's right.

Commissioner Ansotegui: I move to approve PUD 19-00022 and recommend approval of SUB 19-00035 that includes all the terms and conditions of the Staff Report, including the letter from Drainage District No. 3 dated July 15, 2019.

Commissioner Finrock: Second.

Madam Chair Stevens: We have a motion by Commissioner Ansotegui, a second by Commissioner Finrock. Discussion, Commissioner Ansotegui.

Commissioner Ansotegui: Thank you. I will refer to the Staff Report. The staff has done a good job of showing that this is compatible with other uses in the neighborhood. It adds to the mix of housing. There is no undue burden on transportation or other public services. It's noted that we have not received any kind of - the agencies haven't really pointed out too much.

With regard to the alleyway, on page 40 of the Staff Report the ACHD does have conditions to the alley. I will note also as Mr. Letson pointed out that most alleyways in the North End and East End all have the similarly dense, very close loaded alleys on both sides. And I suspect that you didn't hear anything from Solid Waste is because they all pick up your garbage probably in the alleyway as it is. So, I suspect –

[Interruption from audience]

Excuse me. Nevertheless, we didn't hear anything from them about that.

Madam Chair Stevens: Excuse me, the audience has got to stop that. That is not appropriate. You've had your time and now it's the Commissioner's time. So please stop, or I'm going to have to ask you to leave.

Commissioner Ansotegui: Thank you.

Madam Chair Stevens: Excuse me, Patricia.

Commissioner Ansotegui: Thank you. At any rate ACHD acknowledges the alley issue and has conditions regarding that. It completely complies with the comprehensive plan. And for those reasons I move to approve the project.

Madam Chair Stevens: Further discussion.

Commissioner Finrock: Madam Chair.

Madam Chair Stevens: Commissioner Finrock.

Commissioner Finrock: I also wanted to point out that the site's specific conditions of approval in the agencies report also says that they're going to construct a shared 20-foot wide driveway, so they are increasing that driveway. I know that it was referenced as being a 14-foot wide driveway, and so it does look like they're going to widen that and make it a little bit more convenient for those getting in and out of that private road.

Madam Chair Stevens: Further discussion by the Commission. I just wanted to clarify one thing in addition to the things my fellow Commissioners pointed out, there's also a requirement for the applicant to pave the entire alley, which I think is a pretty significant one, and to dedicate additional right of way. I think those are really critical points, and those are both requirements by ACHD. Furthermore, not only did we not get complaints or no's from the agencies that were discussed, like fire and garbage, Solid Waste. But they actually wrote letters in approval and provided requirements for the applicant that the City will be holding them to. So, I'll be supporting the motion as it is for those reasons. Anything further? Will the clerk please call the roll?

Roll Call

Commissioner Stead: Aye.

Commissioner Schaeffer: Aye.

Commissioner Bratnober: Aye.

Madam Chair Stevens: Aye.

Commissioner Finrock: Aye.

Commissioner Ansotegui: Aye.

All in favor, motion carries.

Madam Chair Stevens: Thank you. And with that the meeting tonight is adjourned.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tamara Ansotegui, Co-Chair
SECONDER:	Janelle Finrock, Commissioner
AYES:	Ansotegui, Stevens, Stead, Finrock, Bratnober, Schafer
ABSENT:	Milt Gillespie

SUB19-00035 / Ivywild Court

2416 S. Grant Ave. / Preliminary Plat for a residential subdivision comprised of 1 common and 9 buildable lots on 0.9 acres in an R-1C (Single Family Residential) and C-4D (Planned Commercial with Design Review) zones. *Leon Letson*

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tamara Ansotegui, Co-Chair
SECONDER:	Janelle Finrock, Commissioner
AYES:	Ansotegui, Stevens, Stead, Finrock, Bratnober, Schafer
ABSENT:	Milt Gillespie

IV. ADJOURNMENT

