



**BOISE CITY PLANNING & ZONING COMMISSION
HEARING MINUTES
JUNE 10, 2019**

I. CALL TO ORDER

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

II. MINUTES ACCEPTANCE

III. CONSENT

Planning and Zoning Commission Hearing Minutes / May 13, 2019

Planning and Zoning Commission Hearing Minutes / May 6, 2019

4. **SOS19-00006 / Victory II, Inc.**
12014 W. Victory Road / Waiver to the Subdivision Ordinance to construct curb, gutter and sidewalk as part of a Minor Land Division in an R-1C (Single Family Residential) zone. David Moser
7. **CUP19-00026 / Bishop Kelly High School**
7009 W Franklin Rd. / Conditional use permit for a height exception to replace six 40' light poles with four 60' light poles in an A-1 (Open Lands, Park) zone. Leon Letson
8. **CVA19-00015 / The Architects Office**
950 W State St. / Variance to encroach into the rear setback for the replacement of an exterior stairway on 1.05 acres in a L-OD (Limited Office with Design Review) zone. Karla Nelson
9. **CUP19-00020 / Horizon Tower**
12668 W Fairview Ave. / Conditional use permit for a wireless communication facility that includes a 70' tall monopole on 1.59 acres in a C-2D (General Commercial with Design Review) zone. Karla Nelson

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

IV. DEFERRAL

1. **CUP19-00023 / City of Boise**

Conditional use permit for a height exception associated with the construction of a parking garage located at 3201 W Airport Way in a C-3D (Service Commercial with Design Review) zone. Karla Nelson

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| RESULT: | TABLED [UNANIMOUS] | Next: 7/1/2019 6:00 PM |
| MOVER: | Janelle Finfrock, Commissioner | |
| SECONDER: | Jim Bratnober, Commissioner | |
| AYES: | Tamara Ansotegui, Milt Gillespie, Janelle Finfrock, Jim Bratnober | |
| ABSENT: | Jennifer Stevens, Meredith Stead | |

5. **CAR19-00010 / John Hasler**

11570 W Victory Rd. / Rezone of 1.15 acres from A-1 (Open Lands, Park) to R-1C (Single Family Residential – 8 units/acre). David Moser

David Moser: Before I get started I'd like to let you know that the applicant was unfortunately called away for an emergency with the family and they had to leave.

I'd be more than willing to go through my presentation and we can hear the concerns from the neighbor, but if there are any questions directed towards them then we'd probably want to defer it to a date certain.

Vice-Chair Ansotegui: Counsel, do you have any recommendations whether to defer this to another time? Counsel indicates it is at our discretion. Is the neighbor able to come back? Do we have another date?

David Moser: We could go through the presentation and then see if you have any questions and hear what the neighbor's testimony is.

Commissioner Gillespie: I agree. If we hear from the City and hear from anyone who'd like to testify and then, if we feel like after that set of information, we can defer at that point.

David Moser: The applicant is asking to rezone 1.15 acres from A-1 to R-1C Single Family Residential. The site is located at 11570 W. Victory Road.

A Development Agreement (DA) was not included with this rezone because the rezone is consistent with the development patterns of the surrounding neighborhood. In addition, it is the applicant's intent to divide the land into three parcels. This land division would create three parcels that are consistent with the R-1A zone as far as size and width. The property is also located, as you can see from the aerial photograph, directly along Victory Road. It is right at the corner of Canonero Way and Victory and bounded by Peconic to the north. The subject property is located, as noted, at the northwest corner of the intersection of Victory and Canonero and is surrounded by a single-family residential neighborhood generally consisting of R-1A, R-1B and R-1C. Adjacent to the north is primarily large-lot residential R-1A Zoning. With the higher densities as you can see on the rezone map of R-1C the property is located along Victory.

The Suburban Land Use designation allows for open land A-1 zones, A-2 and Office L-O, N-O. However, these are not consistent with the surrounding area. Although the single-family residential zone, the R-1A, R-1B and R-1C are. I would note the single-family residential for the R-1A and the R-1B are generally not consistent with the development patterns of the surrounding area. This area was generally built and built-out within Ada County. The zoning at that time was generally R-2 and this map shows that there was a PUD for a majority of the property directly surrounding it from 1979 that allowed for R-1C setbacks and density. As such, staff believes the R-1C is more consistent and compatible with the surrounding area. Also, this property is directly adjacent to Victory which is an arterial roadway.

The applicant proposes a land division. The reason they are requesting this is to create three parcels. You can tell these parcels are ranging in size from 13,000 to 19,000 square feet and from 100 feet wide to 120 feet wide. Because it is over an acre in size these are consistent with the R-1A zoning. They are requesting the R-1C for setback purposes which is consistent with the area.

In summary, the project does comply with all the required findings as per code. There are a number of comprehensive plan policies to support this and it is in the best interest of the public convenience and it is consistent and compatible with the surrounding area. Even

the Suburban Land Use designation anticipates lot sizes from 7,000 to 11,000 square feet which would easily be accommodated with the rezone they are requesting. As such, we recommend approval of the rezone and ask the Commission to make a recommendation to City Council.

Vice-Chair Ansotegui: No neighborhood association is present.

PUBLIC TESTIMONY

Joe Stenkamp (11733 Peconic Drive): I'm approximate to the development and I'm against the applicant's rezone of the property from A-1 to R-1C. Basically, the intent does not necessarily equal the execution. The R-1C has threat potential of high-density development of eight units per acre. This is not in line with your published Southwest Boise Area policy as that could be too severe of a density change from one unit an acre to eight units an acre. With the Southwest Boise policies, basically the goals and policy for neighborhood character focus on attributes and activities that contribute to the overall semi-rural character and livability of the Southwest neighborhoods. That area off Canonero and Victory had been recently subdivided and neighborhood density has increased. I believe that the R-1C Zone is way too aggressive as per potential increased density and that either R-1A or possibly R-1B is more suitable to the area and falls in line with his three-lot potential development. That is just intent on his part. I'm not directly opposed to the development of three lots and I think it fits in well. However, owners of property should be able and allowed to profit off their land, but not at the expense of others who previously bought into the Southwest area concept which would result in an inverse condemnation. I'm concerned there is nothing to prevent the applicant from scrapping the three-lot design in favor of higher density and smaller lot development. I would hope that you, as a Commission, enforce his conceptual plan with a maximum of three units on this lot for further development. Changed to R-1A or an R-1B would prevent that overdevelopment potential of eight lots per unit or acre. Again, he has great intentions, but that doesn't equal execution and that's the concern I have.

Commissioner Gillespie: Given the nature of this gentleman's objections and the discussion of the intent of the applicant, who now is not here, I would like to move that we defer this until a future date where the applicant can be here to discuss this situation in more detail. I feel like in proceeding right now we've got half a tank of gas.

Commissioner Bratnober: Seconded the motion.

David Moser: I would recommend July 1, 2019.

Commissioner Gillespie: I would add July 1, 2019 to my motion.

Commissioner Bratnober: Seconded.

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| RESULT: | TABLED [UNANIMOUS] | Next: 7/1/2019 6:00 PM |
| MOVER: | Milt Gillespie, Commissioner | |
| SECONDER: | Jim Bratnober, Commissioner | |
| AYES: | Tamara Ansotegui, Milt Gillespie, Janelle Finrock, Jim Bratnober | |
| ABSENT: | Jennifer Stevens, Meredith Stead | |

V. NEW BUSINESS

2. **PUD19-00016 / Westminster II, LLC**

1617 N 24th St / A conditional use permit for a planned residential development comprised of 8 single family homes and 5 condominium units on 1.86 acres in a R-1CH (Single Family Residential with Historic Overlay) zone. Céline Acord

2a. **SUB19-00027 / Pritchett Booth Subdivision**

1617 N 24th St / Preliminary Plat for a residential subdivision comprised of 9 buildable lots on 1.86 acres in a R-1CH (Single Family Residential with Historic District Overlay) zone. Céline Acord

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Milt Gillespie, Commissioner |
| SECONDER: | Janelle Finrock, Commissioner |
| AYES: | Tamara Ansotegui, Milt Gillespie, Janelle Finrock, Jim Bratnober |
| ABSENT: | Jennifer Stevens, Meredith Stead |

3 & 3a. **PUD19-00011 & CVA19-00011 / WHPacific, Inc**

3600 W Americana Terrace / Conditional use permit for a residential planned development comprised of 5 structures with 304 dwelling units and a height exception on 7.4 acres in a C-3D (Service Commercial with Design Review) zone. A variance to encroach into the Boise River System Greenbelt Setback is included in this request. David Moser

3b. **CFH19-00013 / WHPacific, Inc**

3600 W Americana Terrace / Boise river system permit for a residential planned development comprised of 5 structures with 304 dwelling units on approximately 7.4 acres of Class A and C lands in a C-3D (Service Commercial with Design Review) zone. David Moser

David Moser (City of Boise): Madam Chair, members of the commission. The applicant is requesting a conditional use and a river system permit for a residential planned development comprised of five structures with 304 dwelling units on 7.4 acres located at 3600 W Americana Terrace and it is in a C-3D zone. A height exception of variance to encroach into the Boise River Greenbelt setback is included with this application.

As you can see from the aerial photograph in front of you, the subject property is isolated from the rest of the downtown area. It is adjacent to the Kathryn Albertson park to the south and Settler's irrigation canal runs along the southern border and to the north is the Greenbelt and the Boise River. To the east is a rehabilitation facility, offices, there's Americana Boulevard and then Ann Morrison Park is on the other side of Americana. To the west is the I-184 Connector which this does not have access to.

The main amenity for the project is the Greenbelt abutting the site to the north and its close proximity to the downtown. Also, the nearest residential neighborhood, which is about 700 to 900 feet away, to the south on the other side of Kathryn Albertson Park.

Just for a quick overview of the project, the project is, as mentioned, comprised of five structures with 304 dwelling units with about 5,600 square feet of commercial space on 7.4 acres. As you can see from the general site plan here, the dwelling units are comprised of one and two bedrooms, so there's 134 one bedrooms and 167 two bedrooms. The overall density of the project is 41 units per acre and the max dense for the zone is 43.5. The buildings are six stories in height and the max heights of the buildings, which is to the top of their architectural pertinences, would range between 73 to 81 feet. The height of the zone is 45, thus the height exception.

They're providing 455 parking spaces, and 400 are required. The majority of the parking spaces will be structured parking on the first two floors of each of the structures. A 26-foot wide service drive extends east-west through the site. It will maintain an appearance of a street with parking along one side and will have a detached sidewalk with landscape buffers on both sides of the street. Basically, it will extend through the site and on the west side there's

another turn around that allows vehicles to head back out. The amenities include a swimming pool, sundecks, and community rooms in each of the buildings. I would also note that the pedestrian plazas between buildings A and buildings B are oriented to the pedestrian plazas and facing out to the Greenbelt. The commercial space is generally located in building A right here and is oriented towards the Greenbelt as well and it is intended to engage the Greenbelt. There is another plaza here between buildings C and D which is similar.

Also, the variance is being requested because the upper floors of buildings A and B encroach into the Greenbelt setback. As for that variance, the variances requested for those upper floors of building A and B, which encroach about one to seven feet into the Greenbelt setback, the Greenbelt setback is measured 70 feet from the high-water mark of the river and the planning team cannot support the variance because it can find no hardship justifying it.

The property is 7.4 acres in size and comprised of new construction. As such, adjustments to the project could be made so that the projects comply with these setbacks, being that this is all new construction and a vacant parcel. In addition, given the intensity of the use, the Greenbelt setback should be maintained in order to protect the riparian habitat abutting the river.

To address the building heights, five of the buildings will exceed the height of the C3 zone, which as mentioned is 45 feet. As you can see, the max heights of the buildings listed for each one, for A, B, C, D are listed here. And they do range between 73 to 81 feet. The three tallest buildings, E and D, are located along the southern property line and A is adjacent to the rehabilitation center.

Given the context of the site and the desire for larger urban building forms, the heights are compatible with the surrounding area. There's no sensitive land use in the general vicinity where the height would create excessive private concerns. In fact, the majority of the property is adjacent to public parks. In addition, the Parks and Recreation Department and the Parks Commission reviewed the project and approved it, which includes the height of the buildings, adjacent to both the parks and the Greenbelt.

To further expand upon this, this map shows the building heights and the general area surrounding it. The areas marked in light blue are buildings within the vicinity that are two to three stories in height and there are buildings of similar height within or along the Greenbelt within the general area and in the downtown core

marked in red. These buildings are four to five stories in height and are basically on the east side of Ann Morrison Park.

The site plan also notes where the nearest neighbors are to the south on the other side of Kathryn Albertsons, which is roughly 700 to 800 or 900 feet, depending on where you measure the line. I would note that the Kathryn Albertson Park separates them and there are many mature trees within that park itself.

Now several agencies did comment on the project, the fire department stated that they could support the project if the following conditions are met. First is that the Greenbelt should be widened with the use of grasscrete to 20 feet. The existing Greenbelt adjacent to the site is 12 feet wide and comprised of concrete and this would be expanded with an additional eight feet of grasscrete which would be located on the south side of the Greenbelt adjacent to the development to provide that 20 feet that the fire department is looking for.

Fire sprinklers coverage will be required for all the balconies and a bridge shall be installed from the roundabout to Kathryn Albertson Park to the parking lot and the bridge shall be 12 feet wide. This bridge will be designated for bike and pedestrians and will be bollard off except for in case of emergency, the bollards would be removed and allow for the resident's emergency egress from the site. But beyond emergency egress, it will be bollard off and restricted to only pedestrian and bicycle.

Settlers Irrigation does maintain a 30-foot easement adjacent to the southern border of the site. To address their concerns, the planning team recommended a condition of approval that required the applicant provide a letter of satisfaction from the irrigation company in regard to the easement prior to issuing the grading permit. So basically, allows the irrigation and the developer to work out these issues and no building permit or grading permit will be issued until we get a letter of satisfaction from the irrigation company.

Finally, ACHD commission did approve the project with conditions and the applicant provided a traffic impact study saying there is capacity on the adjacent roadways to support it. This shows the emergency circulation through the site. As you can see, emergency vehicles would come in off Americana Terrace, travel up the service drive, hit the roundabout at the west end and it would be bollard off for emergency access only, so they can access the Greenbelt on the north side which would be expanded with a

grasscrete, and then ultimately they could come back around and use the parking lot in front of the rehabilitation center to get back to the road.

I would also note that the bridge I was talking about, the pedestrian bridge, would be built right there to the Kathryn Albertsons parking lot and I did delineate out where that 30-foot easement is approximately for the irrigation company in the yellow. Now the planning team did receive a number of neighborhood comments in opposition to the project expressing concerns regarding the building heights. The concerns of the building heights were generally that they would block the views of the Foothills and the Boise skyline from the neighbors on the nearest residential neighborhood to the south up along the rim of the Bench. The neighbors did provide a number of drawings and perspectives showing how the projects would impact their views, which were included in the packet.

Also, it was mentioned that the project could impact the Kathryn Albertson park which is a nature park. I would note that the Parks Department and the Parks Commission reviewed this and approved both the project's design. As for traffic, I mentioned previously the ACHD commission approved the project with conditions. ACHD and the traffic impact study provided by the applicant noted that there is capacity on the adjacent roadway to support the project.

Just a note for the record that according to the traffic impact study, the traffic along Americana Terrace would be a little over 3,000 vehicle trips per day. This is a local commercial roadway which can support up to 7,500 so there is definitely capacity on that road and Americana.

Now to address some of the neighbors' concerns regarding the view perspective, this shows out the three locations that these perspectives were designed from that the applicant submitted and they generally, for each of the perspectives, they do show that the buildings are visible above the treeline but they do not block the view of the foothills and as for number three, they do show that the Boise skyline is off in the distance and the buildings do not block those as well. This is primarily because of the distance separation between the project and the adjacent neighborhood.

In conclusion, the planning team recommends approval of the PUD and the river system and denial of the variance, thank you.

Madam Chair Ansotegui: Thank you. Now we'll hear from the applicant.

APPLICANT

Jane Suggs | WHPacific, Inc. 2141 W. Airport Way, Suite 104: Good evening commissioners, my name is Jane Suggs and I am with WHPacific, 2141 Airport Way in Boise and I'm representing Trapper's Island and we may need 20 minutes to make our presentation.

Madam Chair Ansotegui: That's fine. Thank you.

Jane Suggs (WH Pacific, Inc. 2141 W. Airport Way, Suite 104): I am very pleased to be here to present Trapper's Island to you tonight. I'm going to pull up one slide before we get started. Sorry. Alright. I just want us all to look at that beautiful picture.

Again, I'm very pleased to be here to present Trapper's Island to you tonight. This is a residential end fill community that meets the goals and objectives for land development and housing in Boise. It is the reuse of a previously developed land, it's close to downtown Boise, it's accessed via an arterial street, Americana Boulevard, and it's adjacent to the Greenbelt and the river and it includes commercial retail space that is supported by the residents and by the public.

We very much appreciate the staff recommendation of approval of Trapper's Island. And I think David did a really good job of going through the details of the project. He has confirmed that we meet all the findings for the PUD in a C3 zone, including the height exception and that we meet the findings for a Boise River System permit.

Before I discuss the project in any more detail, I'm going to turn things over to Andrew Wheeler with the DG Group here locally. Andrew and the DG team have extensive experience in designing first class condominium communities throughout the west. Andrew is going to walk us through the site and the design of the buildings and touch on the renderings that very accurately model the buildings from several viewpoints. And afterwards I'm going to talk to you about a few more details, so Andrew, take it away.

Andrew Wheeler (Architect / 2923 N Arthur Circle): Thank you planning commission for the opportunity to present Trapper's Island. Which, should I point this one? Alright. This is a mixed-use condominium community that is intended to provide much needed

housing for the city of Boise as well as combat urban sprawl by providing a higher density use closer to the downtown core and the existing transit system. It is aligned to the city of Boise's development goals of higher density, more walkable, more bikeable community with the Greenbelt and the close proximity to the downtown core.

So, in taking a look at the site, here's the site here, west of the downtown. River to the north, Boise River, and to the south we have Kathryn Albertson park and to the east we have Americana Boulevard and then I-84 and the Connector to the west. So, for those not familiar with the site, here's an aerial. This is looking southeast and up here are the houses on the rim. Here's the existing physical rehabilitation clinic and the existing Greenbelt and the existing trestle bridge and the connector runs about right here.

Another image looking east. This really shows how the site sets in between the river and the park and we have the canal here, the park to the south, the Greenbelt right adjacent to the river and the downtown view so you really get a feel of the uniqueness of this property compared to most properties this size near the downtown. Looking in the site, standing in the site, you see it's heavily vegetated on most all sides. This is looking at the park onto the south and it's a relatively flat site. This is a view looking east on the Greenbelt.

Let me just walk you real quick through the process that led us to the current design. We look at a lot of different things from views to sun, wind, light, public versus private spaces, and circulation. And I'll share a couple of those images with you today. In this one we're looking at activation of the Greenbelt and public and private space, so we know we want to pull people from the Greenbelt into the site, meaning that that frontage of space tends to be more of a public type of use. And then to the south we have the Settlers Canal, the big trees, the park, it's a much more private residential type use. These are tools that we started to design from. Next slide.

This one is showing circulation. We have a fixed entry point on the east that dead ends to our site right here, an existing roundabout. It bifurcates the site down the road or down the middle. What this is illustrating is just in general to keep traffic on the front side, the east side of the site not pull it through, so we can reduce the amount of cars that are coming through and provide a more walkable, bikeable area.

As we start to mass out the buildings and look at building form, it was important that we bring the urban fabric into the site by not blocking it off completely with building a wall, so the public can engage and activate that Greenbelt to nodes of activities in these plazas, commercial uses, things of that nature. Again, this one is showing intensity of uses, helping influence where commercial spaces are. As we evolve the design, this is looking at sun, wind, and light and making sure that we have southern facing patios and podium, level three podiums that will provide warmth in the winter, deicing and better daylight for residents.

Then here we are at the current design, this is the site plan that we presented earlier. Here is the existing physical rehabilitation clinic. We have five buildings: A, B, C, D, and E. So, building A, this is our more commercial use. Right here we have about 5,000 square feet of leasable commercial space which is intended to be a coffee shop, bistro, restaurant, something along those nature with patio seating along the Greenbelt, again activating that space and pulling people into the site.

Here is an adjacent parking field that is dedicated solely for that commercial use. And we also have parking all along the north side here for that use as well, which is not counted towards our parking that we're required to provide for the residents. Building B and E we have ground floor units here facing the plaza and then here on the entry to mask the parking structure, to provide a more residential feel. And then at building - on the west side of building B we have a bike repair shop adjacent to the west plaza and we'd also put poles in the ground near the Greenbelt with bike tools and other amenities like that to encourage cycling. We have several or ample bike storage throughout the whole site, both lockable private and public bike storage.

At building D on the ground floor, we have a community space that could be used by the residents to have gatherings or events adjacent to our pool area. And then on the second level we have a fitness facility open to all residents overlooking that southwestern amenity space. As we look at that amenity space, here's that building, that room at building D that can be rented out and we have two pools, a main pool, a shallower pool with a sun deck, as well as a swim up bar and a fire seating area and a hot tub and seating area on the east side of the pool here.

Over here we have open lawn area used for Frisbee golf or thrown football, whatever people want to use it for, that use. And then we have an enclosed pet relief area for those residents that have

animals. And we also have pet relief areas throughout each building in the project. In looking at the landscape plan, this is showing a top down view, so here you're seeing the level three podium deck. Here, here, and here all south facing. And then here at building D. And then we also have, it's probably difficult to see from a distance, but we have these level seven and level six rooftop decks that we'll see a little bit clearer in a moment throughout the building.

So here are views of downtown, views of the park, ample views from that high elevation. In looking at the architectural form and the architectural language based on that public and private separation and based on the city code of having multiple housing types in one project over a four and a half acre site, we decided to go with a more modern contemporary look along the Greenbelt for buildings A, B, and C and a more traditional look at building D and E, providing a more traditional look at the private side to the park of Kathryn Albertson.

Materials on the project are synthetic, horizontal wood siding, stone, shake siding, under paneling, wood paneling at the undersides of the decks, urban bronze metal, stucco, and glass railing. So here is a view of looking at the entrance. This is on the east side and this would be our signage, water feature, to that effect. Here's the physical rehabilitation center. This is building E. You can see the difference of the modern versus the traditional.

Here is a view of building A looking west. This is the Greenbelt here, the rehab center here. Then a view of building D, that's that community space that could be used by residents and then here we have the view looking east, building C, building B, and building A and you can see here the rhythm that we've created by their biofiltration landscape that we're treating stormwater with as well as doing vine trellis screening to mask the parking structure and provide a better rhythm and greenspace on that, soften it up.

Here is that main plaza space, building A on the right and building B on the left and this is our business center for residents as well as lobby and then the zoomed in view of that same plaza. Here is where we would have that use of a coffee shop or a bistro or something to that effect and not only would there be seating here, that casual seating but we have more formal seating on the other side on the Greenbelt side to provide that.

Zoomed out view looking at building A, again that plaza area and adjacent parking field that would provide parking for the public as

well as parking on the north side. Here is a view looking at the pool. You can see our rooftop decks up here at building C, we have one here at building B and then a level seven deck here at building D and then our level two fitness facility that overlooks the pool amenities.

This is a view of building C looking south, the pool area right over here and then all the buildings we have barbecue areas, seating areas, a lot of amenities for the residents to interact on all different levels and the ground floor on the third level and on the sixth and seventh level throughout the project. Here is the view looking east. This is Building B and Building A, and this is that same plaza, again you can see how we're pulling people into that space, activating the Greenbelt, and you have building C down here on the far right.

Then here we have an aerial view looking east with the project in that photograph that we looked at earlier showing how that sits in the site in the context. So as David mentioned earlier, we are sensitive to neighbors and how this is going to impact views, so we really wanted to do a lot of studies to see what that impact is so here you can see the downtown, capital building, Banner Bank, Wells Fargo, some notable buildings. We did three images, one, two, and three and so if we go into those images, again, this image for reference, here are the houses that we're looking at so one is here, two is here, and three is about right in here.

This is image one. We did both a panorama and a zoomed in because it's difficult to see in the panorama and you can see that our project ends about right here and then here is where the downtown view starts so in image one, we're very far away from any blocking views of the downtown or the foothills.

This is image two, similar scenario. We're about right here or right there and the downtown starts about here, so again we're well away from any blocking the views of downtown buildings and again don't block the foothill views, Then, image three which even at the far west end we still have most of the downtown view open and the foothills once again are visible.

So, to understand this even better, trying to do line of sight diagrams, we had our engineering team go out and survey the existing trees at Kathryn Albertsons Park to understand the real heights of those. This represents what that survey showed. You can see that we definitely, you can see the top of the buildings as David mentioned, but we are heavily screened by all the lush landscaping in the foreground.

Similarly, looking at Kathryn Albertson Park, there's concern that this building might be over towering Kathryn Albertson Park and so we did some studies to see what that looks like. You can see, it's probably hard to see from there but from this person to our building is about 200 feet and that's about 115 feet of dense landscaping just there. So just being 200 feet away initially is going to diminish the size of those buildings. In these images, anywhere along here if you're under 14 feet in height, you're looking at dense brush that you can't see through and the only places you can see through it is the areas where we have gaps in between the trees.

So to show what that would look like, this is what a picture of our building put into those images and it was a little difficult to find views where we could see enough building to have a meaningful image because again, you see these treetops are more or less above our building as we are stepped back almost 200 feet and one thing to note, within Kathryn Albertsons Park, primarily users are supposed to stay on the pathway which is right adjacent to these so you would almost never even have this view of this far back of a perspective, you'd be up against that brush. So, with that I'd like to play a quick video, just to fly through the project and then -

You can see here we have patios, these are actually two-story townhomes along building E. This is the entrance into building A as you come looking east. And here we have pavers that are treating our onsite stormwater. Here's that plaza at building A and B, A on the right. This is on the north side looking from the Greenbelt south. There's that restaurant area and our decks, we angled those to provide better views for the people in those plaza areas, better views. Here we provided some more water feature to mask the - to provide some white noise to mask the noise of the connector.

You can see here what the view would be like along the Greenbelt and that landscaping biofiltration system. Level three amenities at each of the buildings with these open courtyards, a lot of resident interaction and there's a lot of opportunities for an urban life. And with that I'll let Jane back to the podium.

Jane Suggs: In three minutes, I'll be quick. So, you can see that this is an extraordinary development and an equally incredible location, and this property is the perfect location for the style and the density of Trapper's Island. This is actually what I think about when I think about livability in Boise. The Comprehensive Plan designates this property as mixed use and the density of this development is necessary to provide that mixed-use component.

We've worked with our market professionals and determined that the success of the public plaza that will include a coffee shop, a bistro, requires the design as proposed. I wanted to let you know, and you probably already know, that recently City Council approved the Shoreline Urban Renewal District. Trapper's Island is the largest undeveloped parcel in the shoreline URD. This project has been designed to meet the goals of the Shoreline District. We've actually estimated the impact of Trapper's Island on the tax revenue for the Urban Renewal District and we found out that this development alone will fund a large majority of the proposed infrastructure projects planned for the Shoreline District based on that increase in tax revenue from the existing to the proposed project.

With the current design and density of Trapper's Island, the CCDC and City of Boise will reach their goals and with the expected tax revenue funding infrastructure in the district. So, in two minutes I'm going to ask you to talk about the conditions of approval. You received a letter from me in response to the staff report that outlined our request for just some minor tweaks to the conditions of approval. We do agree with the fire department conditions by the way. I think somewhere in your staff report it did explain that we were one time thinking that 12 feet was too big, but we think that's perfect, I've walked down the Greenbelt and found 12-foot-wide bridges that are really heavily used and they're perfect.

We agree with ACHD's staff report. We are asking that one of the conditions of approval, number three, be adjusted to show that our max height is 79 feet and I know there is a drawing in there that shows 81 but we want to drop max height to 79. Now you'll remember that according to your code, the height of a building is different depending on the roofline, so we have coping heights, we have midline, pitched roof heights, so we have basically an average height of our buildings based on your definition of heights at about 73 feet. We have elements, sometimes like just one element which is an elevator shaft going to 79 feet.

We are requesting a little tweak to condition number four which is working with Settlers Irrigation and we're asking that to be revised since it only impacts buildings D and E and we would like to add the language that the grading and building permits for condition number four that we add some language to that to say grading and building permits for Buildings D and E so that we - you have a requirement that we get started in 24 months and we know we can do that but we will likely start with A, B and C so that would help us

out continuing that negotiation and working with Settlers and any redesign of our plans.

We also believe that the variance request for the encroachment into the 70-foot setback on the river is justified. The 70-foot setback usually goes along our property boundary but there are a couple places where it actually comes into the property. These balconies that we're talking about on the second and third floor don't go beyond our property boundary, they just go beyond that 70-foot setback. The purpose of that setback, as David explained, was to preserve and protect wildlife habitat and I'll say that we will be protecting habitat. Thank you.

Madam Chair Ansotegui: Thank you. We'll hear from the neighborhood association and then we'll have questions for you and staff. Is there someone here tonight from the Downtown Neighborhood Association who wishes to testify? Okay, seeing none, commissioners do you have questions for staff or for the applicant?

Commissioner Gillespie: Madam Chairman. Quick question for Miss Suggs, could you talk a little bit about the nature of the proposed commercial use, how many businesses, what type to the extent that you know? So, we understand it's 5,600 square feet, but how many discrete businesses are we talking about?

Jane Suggs: We know that a coffee shop/small thing could be one and that could only be maybe 1800 feet or so. We're looking at possibly a bistro sandwich place that could also serve wine in the evening, so that might be another place. We don't have it all specified, we have talked about the opportunity that there might actually be some, a large business area. I think this is going to be very popular with folks that work out of their home, but they don't want you to come up to the condo to have business, so there would be a business area, we have a small business area. It could be a little larger.

But we're talking basically a bistro area, and a coffee shop, maybe a little wine bar for our residents. Kind of a perfect like Lucianos on steroids maybe or we would like something like that. Something that would be very helpful. In building B, we were talking about, we haven't engaged a bike repair station, but we would like something like that that would be very usable to people along the Greenbelt.

Commissioner Gillespie: So, Miss Suggs, so Mr. Wheeler said that, I believe it was him who said that the success of the mixed-use

concept depends on the density and the density in turn depends on the height and the height is a major exception. So, could you talk about why he said that and what facts or analysis backs that statement up?

Jane Suggs: Yes, Commissioner Gillespie and Chairman Ansotegui. I think I said that actually. We believe that it takes a certain number of units to actually support that kind of commercial development. We've talked to the market professionals and you'll hear from others possibly that there might, oh let's reduce a floor or two and half the number of units, and that just means that the level of onsite amenities for our residents will go way down and also it will be very hard to support a coffee shop bistro without the number of residents there. We really are depending on having those 300 plus units there to make sure that those commercial uses are viable there. We just can't depend on daily traffic on the Greenbelt to support a restaurant. I think you have to have the density of homes around it and I know Lucianos might be one of the examples of that.

Commissioner Bratnober: Question for staff, one of the things in the late correspondence that came through was a comparison with River's Edge Apartments, and I think the original CUP for that was 59 to 63 feet tall, but the Idaho Supreme Court rejected that. Do we know where that apartment complex finally came out in terms of height because that's a comparison that's being used here?

David Moser (City of Boise): Madam Chair, member of the commission, that structure is five stories high and I believe it is actually at 63. We adjusted the code to allow for it.

Commissioner Gillespie: I have a question for the City related to the site, so as we all know by now, the zoning height limitation is 45 feet and they want to go to 80, that's a pretty big jump. Can you summarize why the City is okay with that and your three-point summary of why you think we should support that sizable height exception?

David Moser (City of Boise): Mr. Chair, members of the commission, I think the primary reason is that it's the intensity and the type of use that we like to see along the Greenbelt in this location requires that urban form. The comprehensive plan, the River Street master plan, and even the Shoreline URD call out for intense mixed-use development in this location, and to get that it has to be vertical. Therefore, you need the height exception. It is a high, going 80 feet to that architectural pertinence is definitely up there but it's the planning team's opinion and believes that that is an appropriate

height in this area. Also, there are, given the adjacent uses that the residential is at, substantial distance and separated by the park at this point it will not impact the views of any of the adjacent properties in the area or cause adverse impacts.

Commissioner Gillespie: Just to switch gears, so the applicant in her letter requested that we amend condition four, which was the condition related to the Settlers Irrigation agreement and basically only make D and E contingent on that. What is the city's thinking on that request versus waiting and getting it all done before we start integrating?

David Moser (City of Boise): Madam Chair, members of the commission, the City's thinking on this is that we like the condition as is. Amending just those two buildings doesn't take into consideration the other amenities that are also within the setback that would have to be adjusted for and plus if the site design itself changed, then those buildings could be relocated, or the names could be changed. But that being said, the condition was crafted so that it was...I think it states that with respect to the easement. I understand their concerns that we don't want Settlers commenting on the buildings adjacent to the Greenbelt that's not in their easement or that would affect them so that's why I put that terminology with respect to the easement.

Commissioner Gillespie: And is the City okay with adjusting the max height to show 79 feet in condition three as they requested?

David Moser (City of Boise): Yes, the City is okay with that, it is actually lowering the building height from 81.

Commissioner Finrock: This question is for staff. Why didn't we try to rezone this piece of property to a zone with a higher density or higher height requirement?

David Moser (City of Boise): Madam Chair, members of the commission, that was definitely a part of the discussion initially. The thought was that regardless a height exception would have been required at the heights they're asking no matter what. Even at the RO zone, which allows I think up to 65 or something of that nature. But they would still be requesting a height exception. It may not have seemed quite as extreme as what they're requesting with the C-3 but the process would have been the same and the rezone would have then added another application onto this that we didn't think was necessary.

Commissioner Bratnober: So, I'm not sure whether this is a question for you David or for the applicant but got two different panoramas that we're looking at and they're substantially different. I think one of them is on page 478 supplied by those in opposition and then the one you presented here. I'm having trouble reconciling these two because they are substantially different. Any comments on those? And I guess the same question's going to go for opposition as well?

Jane Suggs: Commissioner Bratnober, and Chairman. I can't comment on the oppositions because I don't believe that they were - they are correct. I believe that ours are correct. I can actually ask Andrew or someone from our team to talk about how we actually had a line of site to something to provide a datum to allow us to know what a 70-foot line would look like that's in real life. Not just something that's on a picture so we used that. We used a 70-foot tall balloon that went up, and we measured it, so we know exactly what it looks like from those different views instead of just trying to impose the building.

We also surveyed the trees, so we know how tall the trees are from the site. We have a survey team that does that, so we feel very confident that...there we go, a red balloon showing you 70 feet, and we're just above that. We think that is a much more accurate depiction of what you will actually see from the site. Again, when you look at it right now, you're zooming in. You've got to be actually much closer to the site in the air than anybody would ever be unless they were looking at it from a drone. So that is actually a zoom-in of what the site would look like. This one with the 70 foot. We are several hundred feet away from the closest resident. So, does that help any at all? I can't address those, and we'll let the opposition talk about that.

Commissioner Bratnober: Just out of curiosity, if you went at five floors, what impact would that have on the resident's numbers? Because that seems to be what River's Edge is at.

Jane Suggs: It reduces the number of residents by 25-percent so we have 25-percent fewer and we don't have the same quality of project that we have. And we don't necessarily have the same amount of commercial development. We would have to rethink our entire market there.

This was very well thought out. We've been working on this, as you can tell from Andrew's drawings in working with our market professionals. We've been working on this for several - well, over a year to come up with the number and the design. So, we think that

this is something that really is an important part of, as David said, creating that urban fabric.

And on that height, the Parks Commission knows about the height, and they approve that, both on the park side, and on the Greenbelt side. The Parks Commission took this up at one of their meetings, and we have a letter from the Parks Commission on that.

Commissioner Bratnober: Thank you.

Madam Chair Ansotegui: I have one quick question for staff. Does the improvement on the Greenbelt required by the fire department, does that affect the River permit in any way?

David Moser: Madam Chair, members of the Commission, the improvement on the Greenbelt's actually on City land so it won't affect the River System permit because it's on a separate parcel.

Madam Chair Ansotegui: Thank you. Further questions, commissioners? Alright. Let's go to the sign-up sheet. First up we have David Smith. Mr. Smith, hello.

PUBLIC TESTIMONY

David Smith (1010 N Houston Road, Boise 83706): Vehemently opposed to the height variance that is requested. We live right there on the Rim. I walk down into that park all the time. It is essentially my backyard. I walk that Greenbelt all the time. We moved into the neighborhood in 1985 when the park was a horse pasture. It had a donkey in it.

The railway spur line was a railway spur line. The famous bridge that's down there was built in 1923. The intersection of the bridge, the Greenbelt Settlers Canal, and the park at Albertsons is the nicest place in the city currently. I just have to say that I'm incredibly impressed at the disingenuity of the developer's presentation to you, and I ask you all please to query directly the results of a wide-angle picture, which is not the same thing as your own eye toward the view.

The other thing that's disingenuous is saying, "Well, here it is at 70 feet." But they're asking for 80. And I guess they believe they can pull the wool over your eyes. I cannot understand the City, which made this a walking park, no bicycles, or wheeled vehicles are allowed at Albertsons' Park to recommend a pedestrian footpath for bicycles into the parking area.

I can't understand the City signing off on this saying that this thing will not affect Albertsons' Park. That was a free gift by Mrs. Albertson and Joe Albertson to our city. Neighbors gave trees from their yards that were dug up, and put down there, and in the 30 years, they have grown like you wouldn't believe.

I need to leave you with one anecdote. I was going to leave you with two. Victor Borge came to town in the 1990s. You all know Victor Borge as a famous classical musical. Gave a great show. Wonderful comedian. Was descended upon by the media when he came. And they asked him, "What do you think of our lovely city, Mr. Borge?" And he said, "Oh, Boise's a lovely city. I just have one question for you. Why'd you stick the capital building behind the bank?"

Please do not stick Mrs. Albertson's Park, and that railroad bridge underneath this monstrosity. Thank you.

Madam Chair Ansotegui: Thank you, Mr. Smith. And no clapping please. Thank you. Next up we have Terry King.

Terry King (TKLA, 3023 E. Copper Point Drive, Meridian, ID): We're going to switch order if that's okay.

Madam Chair Ansotegui: Who's coming up then, Mark Butler? Thank you. Hello, Mr. Butler.

Mark Butler (1675 E Bishop Way): Hello Madam Chair, members of the Commission. My clients are Joe Scott and Jamie Scott. They own homes at 800 North Houston, and 920 North Houston.

I'm not here to focus on views being blocked from a particular resident, or residents. As Mr. Moser pointed out, there are no view easements from these particular residents. I'm here to point out what I believe would be an inconsistency with your findings if you approve this particular project.

Could you pause my time, so I can find the document on this computer? Briefly, I'm a land-use planner. I have 30 years of experience. I usually tell people that it doesn't mean I know anything. It just means I'm old. I will point out that I was on Eagle City Council for four years, and one of the projects that came through was represented really well with some nice graphics. And many of us in the community regret the fact that the council approved it because of the height and bulk.

So, I just caution that, as you see their graphics compared to ours, and see a drastic difference, we'll have our people come up and explain the science of what was done to create this. That I think you would be remiss in assuming that what was presented by the applicant is fact, and in the future, regret what you'll see in this sea of trees.

So, to point out to the Conditions of Approval, time goes by fast. I wanted to point out Condition Number of Approval A., the location is compatible to other uses in the general neighborhood. The proposed use, if it complies with all conditions imposed, will not adversely affect other properties of the vicinity. And I don't think you can make these findings, just my opinion.

So, I'm going to briefly go through these. This is the area. You can see the park to the south, the property to the north. I'm going to focus on the immediate vicinity. The vicinity. What buildings are there? That building you're talking about is over on the other side of Ann Morrison Park.

What's there, as you're driving into the main road, is a two-story building, a three-story building, a one-story building, this is looking into the property. This is the property from Crescent Rim. There's a sea of trees there. You can see the two-story building. Imagine six stories with terraces above higher than that.

This is an aerial view that we did. We flew a drone at 71 feet, and Terry King will explain that. It views the area from the flagpole at the Cottonwood Suites to the Hope Church-First Baptist steeple. This is in your packet. It shows the buildings. We enhanced the look of the buildings with white. You can see they muted them with tree colors, which is better for them, of course. And we're only doing this to show you the difference.

This shows a height at 81 feet, and at the bottom, 45 feet. And now we're going to focus in on three sections. This is the section to the left, 81 feet to the top, we flew the drone at 71 feet looking from the Rim. The other line is the 45 feet.

This is the second section, the third section. This is the aerial view again, eight seconds left. It's my opinion, the location is not compatible to other uses in that neighborhood. The proposed use will adversely affect other properties in the vicinity. Thank you very much.

Madam Chair Ansotegui: Thank you, Mr. Butler. Mr. King.

Terry King (TKLA, 3023 E. Copper Point Drive, Meridian, ID): Thank you. We were asked to assess the impact, the visual impact from 800 Houston Drive. We went out to the site, did a preliminary study, and that is this study in front of us, that we fly the drone, took images with a still camera, just very quickly, to see what the impact would be on the view from that particular location.

You can see the circles show where the drone is visible. We put this together, and everyone decided that we needed to study this further, that this is going to impact the views. We did a refined impact study, meaning we went down with a tripod that has a panoramic head on it, took images, and video of the site, and with drone and without drone.

This established a site line at 71 feet. When we first went down there, we flew the drone up at 78, you go to about the top of some of the trees in the back, so we dropped it down to 71, which actually ends up being the plate height for Building A, I believe, on one of the levels. We know where the building is relative to the site.

We flew the drone and established a site line for us visually to put together a package. We built their buildings from their submittal package of April 2nd. We came in, put together their elevations, and used their site plan, we used the Google Earth imaging, we established two key visual reference points, the flagpole at the Cottonwood, and the steeple at the Hope Church. We had an elevation of 60 inches when we took our camera view, we built the model on SketchUp, put it in at 63 inches. The exact same location.

In SketchUp, we built these cylinders that are exactly the locations of the flagpole and the steeple. This established our reference lines here, we go to the next one, that is the structure as we see it. So, with the drone flight, we were able to assess the trees in the foreground, and the background. And because this is a high-resolution camera that we used, we were able to take the texture of the image itself, and - go to the next one - yeah, that's it, go.

The texture of the image itself, we were able to come in and draw a line of the existing trees that are in the foreground versus the trees in the background. And that is what is established from that view, so you do have less visual impact from Happy Drive down to Houston. It increases because the tree height reduces in height. This is an enlarged - just so you can visually see the 45-foot line, the drone flight is 71, and the 81 foot-line. Keep going. Let's go to the next one.

We have some match lines, we can go to the next one. This is a comparison study with what is proposed versus what would be approved, if it was allowed to go to the 45-foot height. Yep, that's it.

Madam Chair Ansotegui: Thank you, Mr. King. Next up, Terry Copple.

Terry Copple (199 N Capitol Boulevard): Thank you very much, Madam Chair, members of the Commission. I want to focus in on basically the legal grounds of why this application should be rejected because of the height. My clients...

Madam Chair Ansotegui: Excuse me, Mr. Copple.

Terry Copple: I'm appearing here on behalf of Joe Scott and Jamie Scott, who live at 800 and 920 North Houston Drive.

Madam Chair Ansotegui: Thank you, sir.

Terry Copple: What I wanted to do was to focus in on why it is legally under the PUD criteria that you're enforcing, why this application should not be approved.

The very first requirement for the approval of the PUD, which gives you the authority to grant these exceptions, which as you know, are very much variances from the other legal requirements that might otherwise be applicable. The very first requirement under the ordinance is, the location must be compatible to other uses in the general neighborhood.

The definition of a neighborhood is an area surrounded by a particular area. This area that we're talking about is extremely unique. As staff has pointed out, it's isolated, and it's on an island. In fact, you have the Boise River, you have the 12-foot Greenbelt, then you have this parcel, then you have the Settlers Canal, which is another water feature, and then you have the Kathryn Albertson Park.

So, you have an integrated area that is totally natural, very green, and unique for the City of Boise, as the way Kathryn Albertson Park was designed to be. So that is the neighborhood. When you look at the neighborhood, what you see is when you go up Americana Terrace, you see the one-story building, the two-story building, and the third-story building. And that, of course, complies with the

zoning for that area, which is the C-3. The C-3 has that 45-foot limitation.

By this application, they're seeking to double the height what would otherwise be permitted without even a rezone, of course. Now the reason, when the application was first filed, that there was not deep concern by anybody was because the rendering that was shown, and it's in your original packet, shows the roof line of this project to be at the tree line, which is about 45, 50 feet. As we asked Mr. King to analyze it to see if that was accurate, otherwise we'd have no problems, that's when he came back and said, "This is not accurate. That picture is coming from a totally different area, and makes it look like it's conforming with the tree line, but it's not." That spurred us on to then go on with this opposition.

We also went back into the files and saw that the same applicant proposed a project back in 2007 with 100 units that did have three stories, 45, 50 feet, looked acceptable, beautiful project, of course it stopped in '07 and '08 when the recession hit. But now, of course, they're asking for three times more units than what they were originally asking back at the time in 2007. So, we think on that ground alone, it should be rejected.

Madam Chair Ansotegui: Thank you. Thank you, Mr. Copple. Alright, Melissa Cleland?

Melissa Cleland (204 N. 22nd Street): | Hello. Melissa Cleland, 204 North 22nd, Boise, Idaho 83702. I have owned my home in the west end near Whitewater Park for almost 10 years and have probably been a Boise resident for 19 years. I'm also currently under contract to purchase a townhome on an upcoming project on 27th and Stewart, also in downtown.

As a professional who travels to a variety of cities on a frequent basis, seeing and experiencing Boise's growth first-hand has been really exciting. I love being able to walk out my door to have the Greenbelt, multiple parks, and dining options nearby, which has enabled me to enjoy the City's amenities.

I think having a mix of housing options, including dining and meeting locations in walkable areas of town is great for Boise. It allows us all to be able to enjoy some of our most valuable assets. Thanks.

Madam Chair Ansotegui: Thank you very much. Nathan Powell.

Nathan Powell (2109 N Liberty Street): Good evening. I'm opposed to the height of this building. I ride my bike to work. I work at Ballet Idaho, as Milt Gillespie knows. He's a great supporter of the arts, and he's a supporter of aesthetics within the community. And I just want to state how important it is that we keep our public spaces for everyone in this community accessible, and beautiful. So, we have a beautiful river and a beautiful Greenbelt system, and the Kathryn Albertson Park, which I think are all attributes to the city that we should maintain.

And I just want to continue explaining and making the point that these heights that this project is going for is going to severely impact the general aesthetic of that particular region. I ride my bike through that Greenbelt area on my way to work, and it's lovely, and it's gorgeous, and beautiful. And I really think that the impact of the park, that it's going to have on the park, especially in the wintertime, this is something that no one has brought up yet before is that in the winter, the leaves come off the trees.

And so, if you have a park right next to the canal, and then you're seeing these buildings in the wintertime, if you're walking through Kathryn Albertson's Park, you're going to see these buildings extremely clearly. It doesn't matter how high the balloon is that they're talking about. I think it's really important that we understand that we have rules for a reason in the city. And the zoning for this particular project is at 45 feet, and I think that's an acceptable height for this project. And I believe that we should respect that and respect the rules. Thank you.

Madam Chair Ansotegui: Mr. Powell. And finally, Rich Ohara.

Rich Ohara (167 E. Fall Drive): I was riding my bicycle down the Greenbelt yesterday and ran across the notice sign for the public hearing. I'm not aware of all the ordinances and precedents. I can only appeal to your moral sense of what's right or wrong.

This land has special value, and a special appeal because of its location next to the Greenbelt, and these parks. And so, I think the users of those public amenities need to be considered here. The Greenbelt is an asset, and it was developed over 50 years with a lot of effort, and a lot of public investment to get us to the stage where we are today. The developer offers no enhancements, that I heard, to that amenity or to the parks. Instead, they want to use it. And so, I think it's very important that the strict rule be applied. The existing ordinances, and they're asking for the height, and the setback variances to allow them to have a greater density.

I don't buy at all the idea that you need a greater density in order to have a coffee shop, and a bistro, and some kind of meeting space. I think that's really stretching it. This is certainly not a mixed use, which I think you should be considering. Maybe that's not even possible here, given the economic conditions. But 6,000 square feet wouldn't qualify for mixed use compared to 300 dwelling units.

This height variance will allow six to seven stories of buildings, and you've heard of those impacts, instead of the four. Granting six or seven stories as a variance, I think would be an extremely poor precedent. That will mean that developments in these zoning areas are going to, as a rule, be that high. Because once you establish that kind of precedent, and there's no compelling reason to do so, everybody else is going to come in and say, "Yeah, that's what I want. An 80-story building."

So, all buildings in those zonings are going to be over size. You heard from staff that the Greenbelt setback should not be allowed. I agree with that. It's really a miniscule part of this whole development here. But it's really the height variance, which is the key developers presented nothing to say why 304 units are necessary here. We heard the really important notice that in fact they once came and asked for much less, a third, and two-thirds less. Anyway, that's all I have to say. Thank you for your time today.

Madam Chair Ansotegui: Thank you, Mr. Ohara. That's it for the sign-up sheet. Is there anyone who would like to step up and speak? Come on up.

Barbara Martin-Sparrow (3030 E. Boise Avenue): I have the handout for Jane, and for...

Madam Chair Ansotegui: I'm sorry, we can't accept any handouts at this point because it needs to be part of the public record, and everybody needs to have a chance to have seen it prior to coming in. Thank you.

There should be a piece of paper there for you to write your name and address. And if you could do that when you're finished speaking, and hand it to us, we would appreciate it.

Barbara Martin-Sparrow: Rules have changed. I didn't know about the handout, I'm sorry. I've been working on planning and development issues from some 30 years serving on the Boise River System Ordinance in the 90s, improving Surprise Valley, Raptor

Ridge, Wood Duck Island, and I have dealt with oil development and Jane Suggs several times.

I'm planning the usual lack of respect and concern for the Boise River, its setbacks, ordinances, the wildlife, and the Boise Greenbelt and park system, and Trappers Island, as I've experienced before with this company. And I'm glad somebody finally pointed out that they were not showing the Trestle Bridge.

There is actually two parts of a Greenbelt. The Trestle Bridge coming from the north, and the one that goes along the development. This is a request for the Boise System variance. Any Class A land that would be replaced would be needed to have a new section put in that was actually Class A land. Now, we went to the park, Albertson's Park, there were no signs in the parking lot about this event going on tonight.

There were ones at the developer's land, but there were none in the actual parking lot. We are not seeing less vegetation in the pictures, and I do want you to remember this bridge on the end because it is a very important one driving down the Greenbelt - I'm sorry, the Connector. And it frames the mountains, and it shows all the forest. It's like you've gone back in time to when they built that bridge showing over that section of the Boise Valley.

Also, like these people have said, the land shows that, from where their Rim is, it shows that - a land that was long ago, it's a sea of trees. You don't have a great big tall building in the middle. The Borah Neighborhood Association went to City Council on challenging the [inaudible 01:30:00] green several years ago because they had a six-story building that they wanted to build, and we won. They did not want the Rim people of the Borah Neighborhood Association to be looking out at this particular piece of building. This high restriction is very important because of that. Two tall buildings to ruin this land, and the people's chance to sell the houses in the same way.

The views are historic, like you said, and this park was planned by the Boise people by bringing in the trees like the previous man said. Velma Morrison asked for a variance to better see the river. So, did the [inaudible 01:30:51], and I believe the Cottonwood Grove. And other builders will be asking for variances on land- if we deny this variance into the Greenbelt, they will not be asking for it. We will not grant it. Thank you.

Madam Chair Ansotegui: Thank you very much. Is there anyone else who would like to testify? Thank you.

Roger Sparrow (3030 E. Boise Avenue): With my wife, we worked with the neighbors of Wood Duck, and one of our biggest concerns were over their pets. Because a lot of times they run off leash, and with the wildlife of the park right next door, there's going to be a problem with animals interacting with dogs and cats. So that's one of the big problems I see there.

Also, run off from the roads. They said that they were going to use bricking to mitigate the runoff. But I think that you're going to see a lot more runoff from lawns, and herbicides, pesticides that are going to cause damage to the area that is most valuable for that.

And also, in the past, we've had some issues with flooding in that area because of high river waters, and it could be a condition in the future. And so, I'd like you to consider those. Thank you.

Madam Chair Ansotegui: Thank you, Mr. Sparrow. Would you please be sure to fill out that sheet of paper? Thanks. Anybody else like to speak tonight? No one? Alright. With that, applicant has five minutes for rebuttal.

Commissioner Gillespie: You can pass those up here when you're done. Anybody who has those sheets, just give them to me.

Applicant Rebuttal

Andrew Wheeler (Architect / 2923 N Arthur Circle): In rebuttal to the topic of the height, and to clarify on how we obtained the image, and put our building in it as accurately as we could, this is currently an image with no building in it at all. So, if you recall the image that was presented with the white building had quite an undulation of giant pockets missing in the green, to where you can see, there is foliage currently. And we don't see that in this current image.

In regard to the color, the building is more of a natural tone. It wasn't intended to be green to blend into the landscape at all. But is intended to be a more natural feeling, given the location of the site.

In order to find datum, as I mentioned earlier, we used a red balloon that we took out on site to get a 70-foot baseline. And then we used our elevations. So, you can see here - let me zoom in a little bit. Right. So, this, it's hard to see, but this finished floor of our

level seven deck is 66' 5", and we have about a 3' 6" railing. So that puts this top of railing just about 70 feet.

Now if you recall, and I can't pull up their images, but if the top of that railing is at 70 feet right here, and then here's the top of our roof, they were showing that 71-foot line about the level six floor, with a whole bunch of building above it. So, when you look at this image - well, it's hard to see. So, you can see right here, that this is the top of that railing. It's about 70 feet.

So, we are open to a third-party verification, if that's needed to make sure that we're accurately showing it. But we feel confident in, we're showing the accurate height.

And to reiterate the benefits of the Greenbelt, we are active in the Greenbelt, lot of bike parking, public spaces for the - anyone to enjoy, as well as the commercial spaces that are intended at Building A, and the bike repair shop. And we show that there's a lot of activation of the Greenbelt.

Jane Suggs: Just a couple more comments. But first let's talk a little bit about the park. The park is owned and maintained by the City of Boise. We have worked with the parks department, and we've talked to the parks commission, and they have approved the location, and the height of the buildings on the park, on Kathryn Albertson Park, and on the Greenbelt.

One of the things that a couple of people have talked about is, how important it is to keep public spaces public. That is a public park, and it's a public park for all of Boise. Not just the people who live above it, and not just the people who live beside it. It's a public park for everyone. And it is a very nice amenity that we think will be a very good thing for Trappers Island residents. But Trappers Island, residents will also be a good thing for the park right now, that is suffering from some people who probably should not be there, not only on the Trappers property, but on the park property. And the more eyeballs in that area will make that space much safer.

There is compatibility. Residential is compatible to residential. I think it's very clear in the findings that were made by the city staff, and by our letter of intent that it is compatibility, and we are compatible. We did originally come in with a rezone. Not as an application, but as a pre-application meeting to rezone, so that you would be looking at a 65 to a 79-foot change. But we were recommended by the staff not to do that, that it would be much

simpler and easier for us just to ask for a height exception. They happen all the time according to the staff.

This development is providing an amenity to the Greenbelt. It provides a space for people to come along and stop. It's just like the Greenbelt, and very clearly outlined in the City's goals, and in the Shoreline Urban Renewal District that was adopted by the City, that this is exactly the type of activation that they'd like to see on the Greenbelt.

There are no Class A lands being impacted by this project. As Miss Sparrow says, it's all Class C lands. There is no habitat on the property. In fact, by doing our landscaping and trees, we will actually add to that.

And let me finish up by saying, we very respectfully request that you approve Trappers Island, the PUD, the Boise River System permit, and the variance for the balconies with the revisions to Condition Number Three to 79 feet, and Condition Number Four, I believe, to add that note to deal with Buildings D and E. Thank you very much.

Madam Chair Ansotegui: And thank you. With that, the public testimony is closed, and the matter is before the Commission. The Chair will entertain a motion of Project PUD 19-00011, CVA 19-00011, and the River Permit CFH 19-00013. I believe we are the deciding body on all of those.

Commissioner Bratnober: I would like to move that we approve PUD 19-00011, CFH 19-00013, and deny CVA 19-00011, and deny the height exception.

Madam Chair Ansotegui: Thank you, Commissioner Bratnober. Is there a second?

Commissioner Gillespie: So, can I request clarification on what the denying, the height exception in, presumably, in the PUD means?

Madam Chair Ansotegui: Commissioner Bratnober.

Commissioner Bratnober: Thank you. That basically the 79 to 81 foot-height exception needs to be reconsidered and changed. They need to go lower.

Commissioner Gillespie: I'm having a little trouble figuring out how, just legislatively, we do that. May I ask the Commissioner Bratnober, did you have a specific number in mind that you would like?

Commissioner Bratnober: Thank you, Commissioner Gillespie. I think the Rivers Edge, and the fact that that was litigated, that probably sets the standard. It has a lot of similarities in that it's in the general area it does overlook a park. And I think that is a good guideline for this developer to use. And I believe that Mr. Moser said that was 63 feet.

Madam Chair Ansotegui: Commissioner Bratnober, could you please restate the motion including the height that you're looking for?

Commissioner Bratnober: Thank you. And I'm not sure I'm doing the height thing exactly properly doing it in the protocol. But I move we approve PUD 19-00011, CFH 19-00013, deny CVA 19-00011, and deny the height exception.

Commissioner Gillespie: So just to clarify, perhaps what you would like to do is add a new condition that says the maximum height can be 63 feet. Because the height exception just denying it, would get them all the way back to 45. So, are you proposing to add a condition that limits the height to 63 feet?

Commissioner Bratnober: Thank you, Commissioner Gillespie. That's exactly right.

Madam Chair Ansotegui: Commissioner Bratnober, I'm going to ask one more time to - could you please repeat that. And are you including any of the conditions that were proposed by the applicant, including, there was one about number three? Which, of course, that would change because you're changing the height. But also, number four regarding Settlers Canal.

Commissioner Bratnober: I believe we need to have those conditions. I'm not sure exactly how to structure the motion, but to pass with those conditions.

Madam Chair Ansotegui: Just a moment please. Council, are we following protocol here? Are we in good shape with this? Yes. Thank you. Do we have a second?

Commissioner Gillespie: Second.

Commissioner Gillespie: So, might I ask the motion maker to include in his motion, adjusting Condition Three to show a max height of 63 feet consistent with what he has proposed as his new condition. And then that we are not amending Condition Four,

which was the Settlers Irrigation Canal exception, and I think that that's it. Is that correct?

Commissioner Bratnober: Yeah. That is.

Commissioner Gillespie: My second is still seconded.

Madam Chair Ansotegui: Thank you, Commissioner Gillespie. We have a motion by Commissioner Bratnober, and a second by Commissioner Gillespie. Is there any discussion?

DISCUSSION

Commissioner Gillespie: Madam Chairman.

Madam Chair Ansotegui: Commissioner Gillespie.

Commissioner Gillespie: So first of all, I want to say to Jane and the team, Miss Suggs, excuse me, and the team. I really like the development, and I like the mixed use, and I certainly like the density. I do think, for me, the problem is just the difference between the C-3 45 and 81.

So, I have pretty consistently over many years, not liked it when we just go way over the height exceptions in PUDs and I just think we have setback and height restrictions to control the bulk of buildings, and the placement, and if the City wants to change that, we need to change the language in the C-3 definition, etcetera.

I do, however, support basically some compromise. I think Commissioner Bratnober's 63 feet is a great suggestion. I think I would also point out to the people in opposition, just a little, and the lawyers know this, they talked about it. There is no provision in city law, state law, or federal law for view protection. And this hearing perfectly illustrates why because it is notoriously difficult to create objective facts around a view.

There are HOAs in cities in California that have destroyed themselves arguing about views, HOAs, trees, chimneys, antennas, and this is why. Because it's not an objective fact of life. It's very hard to establish what is and isn't an acceptable view. Views change over time. So, for example, if those trees grow that we're talking about, that changes the view. How does that impact this? Nothing stays the same with respect to views in our community. So that's why we don't have view laws in the city or at the state.

So, I do have a problem with the argument, the whole view argument, and Mr. Butler said it right off the bat, this isn't a view argument, then we spent 30 minutes arguing about the damn view. So okay, I got it.

But I do feel strongly that the C-3 45's a real number, and it has real meaning. I think we have that number there not just for view considerations. Takes into effect massing, and size. So, I'd like us to stick a little bit closer to it. But I hope we can find a way to move ahead with the 63-foot building, and get what you want, and it's a good place for this kind of development. So that's what I got.

Madam Chair Ansotegui: Further discussion?

Commissioner Bratnober: I agree with Commissioner Gillespie. I think the development itself looks very nice. I think you're providing a great space for a lot of people to live.

Again, absent of view, my concern mainly centers around consistency with the area. And in the letter of rebuttal in the package given by the developer and representative, it did reference Rivers Edge. And I think that's a good guideline to go on. We do have to make some height exceptions, but that's probably about as far as we can go. So, thank you.

Madam Chair Ansotegui: Anything else, Commissioners?

Commissioner Finfrock: Madam Chair. I think I would echo my fellow Commissioners here. I do think that it's stretching it to push anything beyond maybe even the 63, I believe is what he said, in the C-3 zone. I think to ask us to almost double that, or even push it to 79, is just maybe a little too much. Especially, for the adjacent surrounding properties.

Madam Chair Ansotegui: Thank you very much. I will add that I agree with my fellow Commissioners on this one, and just to support the denial of the variance based on the findings in the staff report. Anything further? Alright.

Before us, we have a motion to approve PUD 19-00011, adjusting Condition Number Three to be consistent with 63 feet, to approve CFH 19-00013, and to deny CVA 19-00011.

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

6. **CAR19-00011 / El-Ada Community Action Partnership**
2004 N 28th St. / Rezone of 0.55 acres from R-1C (Single Family Residential – 8 units/acre) to R-1M (Town Lot Residential – 17 units/acre). Leon Letson
- 6a. **PUD19-00018 / El-Ada Community Action Partnership**
2004 N 28 St. / Conditional use permit for a planned residential development comprised of 4 single family dwellings and 2 duplex dwellings in a proposed R-1M (Residential Town Lot – 17 units/acre) zone. Leon Letson

Leon Letson (City of Boise): The items before you include a rezone from R-1C to R-1M with a development agreement, and an 8-unit planned unit development located at 2004 North 28th Street.

The subject property is located on 28th Street between Dewey Street and Gavin Street. The subject property also has access to Dewey Street and 27th Street. Surrounding uses in the neighborhood consist of single-family homes and duplexes; six single-family homes exist on site today.

The project includes a rezone to R-1M with a development agreement. The subject property is designated compact within Blueprint Boise, which supports the requested rezone. The purpose of the development agreement is to limit the project to a total of eight dwelling units as well as identify the location and design for parking. A section of the development agreement includes a plan for expanding parking in the event the property to the southwest redevelops in the future. The property owners have met to discuss this opportunity and are in agreement about the details. Important to note that that project would require, similar to this, a planned unit development application.

All reviewing agencies and departments approve the project with standard conditions and there were no comments received prior to

the public hearing. In conclusion, the planning team recommends the commission recommend approval to City Council for the rezone and development agreement and approve the planned unit development.

Madam Chair Ansotegui: Thank you. Now we will hear from the applicant.

Applicant Testimony

Tim Lopez (Directory of El-Ada Community Action Partnership):

Good evening ladies and gentlemen of the commission, my name is Tim Lopez and I am the director of El-Ada Community Action Partnership. We're a private nonprofit organization that is headquartered at 701 E 44th Street in Garden City, Idaho. El-Ada acquired the subject property that Leon presented to you I want to say in year 2001, 2002. The property was about - that currently has the three duplex structures on it, are already - they were already 50 years old when the agency acquired those. Again, I want to say it was in about 2001, 2002. The purchase of the property predated me.

But back at that time, they were 50 years old. Fast forward, we're soon to be in 2020 and the units that exist there now are going to be about 70 years old. The agency decided here a while back, we just in good consciousness could not continue to put good money up to bad trying to make those units habitable and it certainly wasn't fair to the occupants that still reside in those units to live in deteriorating conditions.

What El-Ada decided to do was try to source financing, which we were fortunate to receive a preliminary commitment on to put the eight units out there that Leon has presented to you. Essentially, we're going from three existing structures, which comprises the three duplex units, to eight structures, excuse me six structures that will be four single family units and two duplexes.

The property is a half-acre parcel and we believe that the plan that we've worked in tandem with Indie Dwell, who happens to be our developer on this property, has been put together in very good taste, it's very compatible with the site there. We're not over developing there. We believe that it's a significant improvement to the neighborhood to be able to put those units there. It would give us a chance to provide decent affordable units to the occupants of those units that will probably continue to occupy those units after we site the new ones there.

It will do nothing but beautify the neighborhood there. It will be a pretty significant contribution to that particular part of town and we're hoping that the commission, as well as hopefully if this is fortunate enough to be forwarded to city council, that each body approves the rezone request and the PUD request. I don't think I really need to add much more than what Leon presented unless you have any questions.

Madam Chair Ansotegui: We may have questions in just a moment. Is there a representative from the North End Neighborhood Association? Okay, seeing none, commissioners, do you have any questions for the applicant or staff? Oh, excuse me. We are looking for a representative of the North End Neighborhood Association. You'll have a moment to talk.

Commissioner Gillespie: Question for the applicant, if I did my math correctly at this late hour for me, you have eight units there now and you're going to replace them with eight units is that right?

Tim Lopez: No, that's incorrect, sir. Currently there are three duplexes.

Commissioner Gillespie: So, six?

Tim Lopez: Six units now, those six units have been in existence darn near 70 years. We are proposing to replace those by sitting eight new units on the site. Those units will be steel framed modular units, there will be a total of six buildings altogether, four single family units and then two duplexes.

Commissioner Gillespie: So, there's a net expansion of this type of housing in your proposal?

Tim Lopez: Yes.

Commissioner Gillespie: That's been a big deal to this commission recently.

Tim Lopez: Is that in a good way or a bad way?

Commissioner Gillespie: This is the good way. Excuse me Madam Chairman.

Madam Chair Ansotegui: Are there any other questions for staff or for the applicant? Hearing none, we'll move onto the signup sheet, thank you very much. We have two folks on the signup sheet, first up we have Larry O'Leary.

Public Testimony

Larry O'Leary: I don't hear a thing you say on that speaker system. I think you're going to pass this man's -

Madam Chair Ansotegui: Just a moment sir, could you please state your name and address for the record?

Larry O'Leary (2610 Irene Street): Larry O'Leary, 2610 Irene Street. My son and I own 2.75 acres across the street from the gentleman. I think you're going to pass it. Our question is when you do pass it, do we have the same option on our property?

Madam Chair Ansotegui: We're taking statements right now.

Larry O'Leary: (Inaudible).

Madam Chair Ansotegui: We won't be answering questions at this moment, but you can ask the planning folks afterward.

Larry O'Leary: (Inaudible) there?

Madam Chair Ansotegui: No. You can ask the planning folks afterward. Would you like to testify?

Audience Member: No.

Madam Chair Ansotegui: Okay, hold on.

Audience Member: He's got questions, but (inaudible) understand that you can't answer him right now.

Madam Chair Ansotegui: You can ask the planning folks after the hearing.

Larry O'Leary: This panel can't tell me?

Madam Chair Ansotegui: No, we're not answering questions at this point.

Larry O'Leary: Okay, we hope he makes it, but we would like to have the option of doing the same.

Madam Chair Ansotegui: Okay, thank you very much.

Larry O'Leary: If we don't have the option of doing the same, I hope you break his neck.

Madam Chair Ansotegui: Thank you, Mr. O'Leary. Next up we have Tom Durrant. Oh, Mr. O'Leary, could you please sign the sheet of paper that's at the desk? Oh no, he's on the signup sheet, forget it, I'm sorry. It's past my bedtime too. Mr. Durrant.

Tom Durrant (2016 N. 27th Street): My neighbors and I are not objecting to this project, what we are objecting to full blast is access. They want to make the access onto 27th Street which is extremely narrow when there currently is road coming off 28th Street that the garbage people use, all the cars in and out use that, all the service people use that road.

Tom Mulvaney that owns that property on the corner has also agreed to give them additional access from his property. It seems ridiculous for us to have access right in front of our house. I have to do a three-point turn to get out of my driveway, how are you going to turn a garbage truck around and back it in there? That's what my neighbors and I completely object to. Access should be through 28th Street, that's the only logical, only makes sense. Right now, that's how it's currently done. It's a full two lanes plus parking on both sides. You can't park on 27th Street where we live. Do you have any questions for me?

Madam Chair Ansotegui: No, thank you. Thank you very much Mr. Durrant. That's the end of the signup sheet, is there anyone here tonight who has not signed up who would like to speak? Thank you.

Zachary Higgson (2013 N. 27th Street): Sorry, I know it's late and everybody wants to get going so I'll keep it short and sweet.

Madam Chair Ansotegui: No problem, would you please state your name and address for the record and also sign that sheet of paper and bring it up to us?

Zachary Higgson (2013 N. 27th Street): I live next to Tom. I would just second that. The reason I bought the house there was because it's a cult de sac, I have a very young daughter, I have an eight-year-old son, so it's very safe area. And I think it would be remiss to have

the access off of 27th, not only for safety issues but it just doesn't seem to make a lot of sense, especially when there's access already off of 28th. We would respectfully request that any access off 27th be denied, and that the access stay off of 28th. Thank you very much.

Madam Chair Ansotegui: Thank you very much, anybody else who would like to speak? Testify tonight? Alright. The applicant now has five minutes for rebuttal.

Applicant Rebuttal

Tim Lopez (Directory of El-Ada Community Action Partnership): I will say that El-Ada has always enjoyed the reputation of being good neighbors, and we're always interested in working to the extent that we can with all of the neighbors in that particular area. I will say that we'd like to say that we're certainly going to try to please everybody and if we thought we could do that, we certainly would.

I will say that your planning and development department staff put us through some pretty good rigors, they had concerns about parking as well. We made multiple adjustments pursuant to that and of course we were also cognizant of the ACHD report that articulated a lot of those issues as well. If there is anything else that we could possibly do that wouldn't compromise the project and worked for everybody, we would attempt to do that. And we have attempted to the extent that we can thus far, if there is any additional ways that we can do that and not create additional cost burden on us and keep the project viable, we would be amenable to that.

But as I've said, your planning and development staff did put us through the rigors pretty good and particularly on parking. We thought we came up with a design that was pretty beneficial to everybody, so you know, we would like to be good neighbors with Mr. Durrant and we will fully intend to continue to do that. I hope that we can work together as neighbors there. We're going to be neighbors for a long time to come.

Public Portion Closed

Madam Chair Ansotegui: Thank you very much. Alright the public testimony is closed, and the matter is before the commission. We are making a recommendation to city council for CAR19-00011 and we are the deciding body on PUD19-0018.

COMMISSIONER FINFROCK MOVED TO APPROVE CAR19-00011 AND APPROVAL OF PUD19-00008 WITH TERMS AND CONDITIONS CONTAINED IN THE PROJECT REPORT.

COMMISSIONER GILLISPIE SECONDED.

Madam Chair Ansotegui: Is there any discussion?

Commissioner Gillespie: The only thing that really gives me pause is the gentleman's issue of access off 27th. I don't have a lot of facts before me. I do know that 27th is a public street and ACHD has approved this access, the City has approved the access, it works well with the site plan, and I can't think of any formal rule or reason to deny access off 27th and force a redesign of the project. If that happened, the approval of the PUD doesn't preclude that from happening in subsequent rounds. It is still in the cards, but I, at this point, don't want to defer or hold up this PUD because it is taking lawful access off a public street.

Madam Chair Ansotegui: It is before us to vote on CAR19-00011 to recommend approval to City Council and to approve PUD19-00018.

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

4 & 4a. **PUD19-00014 & CVA19-00018 / Conger Management Group**
2101 E Boise Ave. / Conditional use permit for a planned residential development comprised of 14 single family dwellings on 1.91 acres in an R-1C (Single Family Residential) zone. A variance to reduce the perimeter setbacks along the west and south property lines is also included. Nicolette Womack

4b. **SUB19-00024 / Latigo Place Subdivision**
2101 E Boise Ave. / Preliminary Plat for a residential subdivision comprised of 1 common and 14 buildable lots on 1.91 acres in an R-1C (Single Family Residential) zone. Nicolette Womack

Nicolette Womack (City of Boise): This is a request for a planned residential development and a preliminary plat for 14 single family homes on 1.91 acres. A variance to reduce the perimeter setbacks along the west and south property lines was originally included and advertised as such. The variance request has been withdrawn.

The property is located at 2101 E. Boise Avenue in an R-1C zone. Bown Crossing is a three-minute walk from the site and within a five-minute walk you can reach the library at Bown Crossing and the Greenbelt. The existing site is currently vacant. However, it is bordered on the west and south sides by existing subdivisions. The design includes 14 homes all fronting a 24-foot-wide private driveway, which runs along the eastern side of the parcel and ends with a hammerhead turnaround.

Due to the limited width of the private drive, on street parking will be restricted for fire access. Seven-foot attached sidewalks, curb, and gutter exist along Boise Avenue and five-foot attached sidewalks will continue along the west side of the private drive. Without rezoning the property, up to 15 units would have been allowed with the existing R-1C zoning. Interior dimensional reductions include three-foot side yard setbacks and reduced lot widths.

The planning team supports these requests as the site's long and narrow configurations restricts the usable building envelopes and granting of these variances would not adversely impact the existing adjacent properties. As the variance request was withdrawn, a recommended condition of approval requires 15-foot setbacks along the west and south property lines allowing like yard setbacks between this new development and the existing subdivisions to the south and west.

Neighborhood concerns have been received and are included within the project report packet and late correspondence. The concerns are listed here, and I'll address each individually. Regarding concerns of the potential removal of irrigation water access, no agencies have expressed concerns with the proposal and any alterations on existing irrigation lines would require the approval of the New York Irrigation district.

Regarding compatible setbacks, the planning team agrees like yard setbacks should be required and the applicant has withdrawn the variance request. Regarding the perimeter fencing concerns, some neighbors have expressed concerns regarding the number of fences and material being proposed. In response, a recommended condition of approval will require six-foot-tall solid fencing around the perimeter portion of the site that currently lacks it.

Regarding concerns for retaining the existing trees, our recommended condition of approval requires retaining and protecting all desirable trees as determined by Boise Community Forestry.

Regarding the site access concerns received, it is important we also evaluate future connectivity in the area during the review. Although the public road is generally preferred, the private road was acceptable to ACHD as a public road would further restrict the building envelopes of the project. There are no opportunities to connect the proposed street to any other roadways as detailed in the late correspondence, ACHD is recommending a temporary full access to Boise Avenue. This is because there is nowhere on site that the project can meet their successive driveway or driveway location policy. Both policies require 330 feet separation from the intersection or another driveway. As shown here in yellow, the western edge of the site is only 320 feet from the intersection of Bown Way and Boise Avenue and only 140 feet from the existing driveway to the east. Granting temporary full access means that ACHD will monitor this access and may place future restrictions on the access should they become warranted. This will protect the public health, safety, and welfare of the neighborhood.

Further, the planning team finds the ACHD staff report and recommended conditions of approval adequately address future connectivity and access concerns. Locating the private driveway along the eastern edge of the parcel allows future cross access should the parcels to the east redevelop. ACHD could potentially deny future request for direct access to Boise Avenue as cross access is provided through this project.

The recommended conditions of approval also reserve the potential of converting this private road to a public road. Should the parcels to the east redevelop, additional ACHD analysis will be required and may warrant restricting this access to right and right out with a median. This phased approach allows redevelopment to occur without losing future connectivity in the area.

Regarding bicycle and bicycle lane concerns, each unit includes two off street parking spaces and two guest parking spaces within the associated driveway apron of the home. It is correct that on street parking for the private road will be restricted due to the narrow width of the road. However, on street parking is already restricted on Boise Avenue as shown in the photo here. A typical education and enforcement methods for no parking areas will be required in order to ensure cars do not park along Boise Avenue,

should the issue arise. A recommended condition of approval will be that installation of additional signage and pavement markings for the bike lane on Boise Avenue be installed with ACHD's approval.

Overall with the modified recommended conditions of approval, the proposed development will be compatible with the area and consistent with the standards for approval. As such, the planning team recommends approval of the PUD and subdivision with conditions and the commission may deny, approve, or approve part of the request and place additional conditions of approval if desired. Thank you.

Madam Chair Ansotegui: The applicant has up to 30 minutes, how's 10 Mr. Conger?

Applicant Testimony

Jim Conger (Applicant / 4824 W. Fairview Avenue): Let's do it in six. Staff definitely gave a good front entry of our location. It's an infill location on Boise Avenue. It's really in the perfect location with its proximity to a lot of the best things that Boise has to offer. With them pulling it up, you'll notice and as you saw previously, we're next to Bown Crossing and all its retail uses. We're next door to Riverside Elementary School, the Boise City Bown Library, all of it again, three, four minutes away, five if you're going slow. And to top it off, we're next to the Boise City Greenbelt and the amazing trail system in the Foothills. And all of this and we're a seven, maybe six-minute drive to downtown Boise.

As you can see, with our closeness to many amenities and being located on this arterial, this is the perfect infill location for our homes, to have more homes for our Boise residents. Touch briefly on the private street, it isn't anything abnormal. That is a 27-foot wide typical street built to ACHD standards. It is not a substandard or anything of that nature. It does have parking, it is actually restricted to parking one side of course with 27-foot.

Again, the real reason if you look at our site plan, we came in originally and had a road adjacent to the existing neighbors not to have homes backing up to them, but with our pre meetings with the city of Boise and the Ada County Highway District, they required us to move our private street as you see today on basically the right hand side of our property, smartly so. However, because...and then we have a condition by the highway district and the City to have that public access even though it's a private street.

So, when that property to the east or to the right of us develops at some point, it will utilize this existing roadway system, so it is done purposefully by both agencies. We changed it in a second because quite embarrassed that we didn't think of it that way. It made sense requiring us with that cross access to the neighbor in the future.

Go to slide three for me. We're in agreement with the staff report. We have one modification regarding the east boundary line fence so yes, the city has a condition that says six-foot-tall fence on all boundaries, basically. We are saying, hey, we're fine with that condition on the west, south and portion of the east boundary. As you see here, in the red area, we will do the six-foot fence, that is also what our neighbor that has a house, that's the only place really Mr. Winn can speak later, he has one in the back that's heavily vegetated.

But up towards the front, we want that to be split rail and open vision. There's an open horse pasture on the way out the front. As you can see in the bottom left hand, our neighbors will be coming in and out of this private street looking at the foothills, looking at Bown Crossing, all the trees that are coming up from the canal across the street, driving down a six foot sterile tall wall when there's not even a neighbor on that side of the street and that whole front portion as you can see to the left of our site plan here.

So, what we're asking is...slide four for me. It's a great infill project, we are in the right place on an arterial, we're next to Bown Crossing, it's the right place to put 14 more homes in Boise on this infill piece. We respectfully request that you move to approve this project, in accordance with the staff report even those late conditions with the ACHD striping of the bike lane which is already striped, but we can work with ACHD and see if there's something else.

In accordance with the staff report, with a modified site-specific condition number five that just simply states that we're fine with the six-foot-high fencing along the west, south portion and portions of the east but just don't make us drive against a six-foot-tall wall all the way to Boise Avenue. With that, I'll stand for any questions. I appreciate your time.

Madam Chair Ansotegui: Thank you, Mr. Conger. Hold tight for just a moment. Let's see if the Southeast Neighborhood Association - is there anyone here representing the Southeast Neighborhood

Association who would like to testify this evening? Seeing none, commissioners, do you have questions for the applicant or for staff?

Commissioner Gillespie: Ms. Womack you heard the applicant ask us to relax the solid fencing requirement on the east property line, what is the City's view on that?

Nicolette Womack (City of Boise): We wrote the recommended condition of approval as we felt best. But that was within consideration from neighbors who might feel otherwise tonight. Overall, in terms of having a solid fence, that makes sure that if a person drives down the private road, then their headlights aren't funneling into the adjacent property, should only one home redevelop over there.

Madam Chair Ansotegui: Commissioners, any further questions for the applicant or for staff?

Commissioner Bratnober: There were some concerns raised regarding irrigation water that is present and maintaining access for neighbors, can you address that please?

Jim Conger (Applicant): The irrigation water, we have the project board of control is in charge of that area and jurisdiction. We have a letter from them. We have to adhere not only to city codes as we go into the next phase which would be our final plat and construction plans, we would have to adhere with city codes and then any direction or requirements by the irrigation district requirements.

What I believe has happened in this area over the last 20 or so years is there's been several folks not so much adjacent but further down that have lost access to irrigation. We have some irrigation water that comes to us from our neighbor to the east that we would like the open fence with because of his horse pasture, but past that, we don't even have a discharge point. So, we will adhere to whatever city codes are and the irrigation district itself. I believe I cannot solve issues of 20 years ago if someone lost their path to water.

Commissioner Bratnober: Am I to understand then that the irrigation terminates on this property, is that correct? There is no outflow from there? Is that what you said?

Jim Conger (Applicant): That is correct. That is our understanding. If project board of control has something different when we do submit construction plans to project board of control, if something

comes up at that time that's different, we will address it. But those will have to be submitted to them and either approved with nothing or approved with a distribution through. But the water doesn't carry on through to our knowledge and our engineer's knowledge and we've owned the property for almost a year now.

Commissioner Finfrock: This question is for staff, I believe there's a water right associated with this property. And if they create an easement or if they go into an agreement regarding the easement, does it allow for some of that water to continuously flow to the property or how does that work?

Nicolette Womack (City of Boise): There are water rights associated with the property as there are with a lot of properties. However, we really do lean on the expertise of the irrigation districts to state whether or not the access to that water will be available. Neither of the districts within this area expressed concerns. And any changes post this approval, potentially, would require their review again.

Commissioner Bratnober: Madam Chair.

Madam Chair Ansotegui: Commissioner Bratnober.

Commissioner Bratnober: The question would be are you planning to use pressurized irrigation water on this site, or is it going to be city water?

Jim Conger (Applicant): We have submitted a request for a waiver to not use irrigation with your Public Works department. There is not a reliable or a quantity of water that comes down. If you look at this parcel on Google Earth, it is definitely a little bit dry and a little lacking in the volume of water that would be required to run a system. With development, we'd definitely use less water than previous uses if they're agriculture or things of that nature which this wasn't really a big agricultural piece. But there are not enough water rights to support a system.

Commissioner Bratnober: Thank you.

Madam Chair Ansotegui: Further questions for staff or for the applicant? Hearing none we'll move onto the public testimony. On the signup sheet we start with Steve Dunlap. Mr. Dunlap, we'll start your three minutes as soon as you've got things up and rolling.

Public Testimony

Steve Dunlap (2342 E. Independence Drive): Tonight, I'd like to address my concerns about the traffic flow in and out of this subdivision. Latigo Subdivision will include a private road South Yorktown Way. In their review of this traffic, Ada County Highway Department says this area of Boise Avenue carries over 7500 vehicle trips per day. And Latigo Subdivision is expected to contribute 123 trips per day. And the application for Latigo Subdivision does not meet the current standards for access, either complete access or even right-turn only access.

This road is too close to a major intersection, but the ADA County Highway Department staff recommends that the policies be temporarily modified to not require right-in/right-out access. I am very concerned about this. I believe that people exiting the property, some of them will be making a left turn across the bicycle path, the traffic lane, and the turn lane to proceed west on Boise Avenue. And particularly concerning is for traffic coming down Boise Avenue from the east wanting to make a turn into Latigo Subdivision.

They will need to wait until that left turn lane is clear, so they can cross it and then go ahead and cross the traffic lane and the bike lane and enter the subdivision. And in some cases, you can see where the car is on the picture on that westbound lane. They may have to stop and wait for that traffic to clear, blocking the westbound traffic on Boise Avenue until that occurs. I believe this is going to create a very dangerous condition at this area.

I would ask that you consider/prioritize the safety of the 7,500 people using Boise Avenue now, over the convenience of the 123 people who will be using it in and out of Latigo Subdivision. I would ask that you add the condition that this must be right-turn only for entrance and egress. That's all, thank you very much.

Madam Chair Ansotegui: Thank you, Mr. Dunlap. Next up we have Rick Winn.

Rick Winn (2107 E. Boise Avenue): We live out the southeast corner of the property line. We've been at our location for about 33 years - 2002 our septic tank and our field drain went out, so we had the City come out and they okayed ...or the Health Department okayed a new drain field for us. But suggested that we tie it in to the city sewer which is 440 feet away.

They looked at the property next to us and said well, looks like it's going to be developed later on, so we'll let you tie into it at that time. I've talked to the contractors and they've agreed for a sewer stub for our property. And I would just like to get that on record, if the development is approved, to be able to tie onto the city sewer.

Madam Chair Ansotegui: For the record Mr. Perez is no longer here. Ed Villamor. Mr. Villamor, Kim would you like to testify afterwards?

Ed Villamor (3268 S. Maze Avenue): We have property just west of the development. Not only am I opposing the loss of view, but also to non-conformance with the existing adjacent neighborhoods. When Harris Ranch was developed as we all know, that was a large swath of land that was going to be developed for residential, commercial, and public use. Now it appears Harris Ranch is coming to my backyard.

I am opposing the number of dwellings in the area - the density of homes. I am opposing the 15-foot recess from the back-property line to the dwelling, because the adjacent property is approximately 20, 25 feet. In addition, the space between housing on Maze Avenue is somewhere between 10 to 15 feet, and the new development is requesting 3-foot fence lines, 6 foot, I believe, apart from housing. Obviously, you see the morning sun that rises from the east, overshadowing of course, is going to be affected.

My line of sight that I've lost is directly affected. But it's just not in conformance with the adjacent neighborhoods. The density is too dense. I request a reduction of housing, and a recess from the west property line to an approximate 20 feet in adherence to the adjacent properties. In addition, the majority of the houses on Maze Avenue are single-story dwellings. There's a few speckled two floors on the neighborhood and I think three on that west line.

Obviously with the 14 homes there adjacent, are all going to be two-story housing which is inconsistent with the long-established history of that neighborhood. Thank you very much.

Alan Mondada (2702 E. Gloucester Street): I originally came here to talk about the 12-foot variance, they've pulled that back, I'm happy. Fifteen feet is still a little bit difficult. I think I'm probably about 12 to 14 feet away from you. Imagine a 22-foot wall with a three-foot variance from house to fence line, there's effectively no path to see through these houses. It will be a 20-foot wall of two-story houses along this road.

If you look at just standard garbage, recycle, and compost bins, they're on average about 3-foot wide so if you have a 3-foot distance between a house and a fence you won't be able to push those carts to the back yard. And if you can't get them back there, you'll probably take up a quarter of your back yard just with the three compost, garbage, and recycle bins that you have with the house. It's a very, very dense grouping of homes.

If you look at the Maze Subdivision, there are nine homes along that fence line. They're requesting 14, so adding five homes along that side is a very, very tight squeeze. I understand the desire to have a large grouping of homes in small areas, it's just very difficult if you have a house in that area looking at that high of a wall right behind your house. And it's not just a wall, it's a wall with windows looking down on you. Thank you.

Madam Chair Ansotegui: Karen Raines. You will not be testifying? And then finally, is it Mark Butler?

Mark Butler (1675 E. Bishop Way, Eagle, ID): This might block my view...I'm just kidding. I'm here representing Simon Bell, he owns the two acres directly to the east. He owns the pastureland which is fronting Boise Avenue. Simon is in favor of the project. I told him I wouldn't represent him if he wasn't. I think it's a well-done project. A lot of people are looking for these smaller lots with less maintenance. And very familiar with Mr. Conger's developments and these are going to be well-designed two-story homes. Mr. Bell had some issues to be dealt with, and [Laren Bailey's 02:43:21] been great. We got them all resolved.

The only reason why I am in front of you is to represent him, tell you he supports the project, and ask you please to allow his privacy fence to remain. He likes the idea of the 3-rail fence in the front as shown on the graphic that they presented along the horse pasture. He likes that. He supports it. But along the side of his house he would like his privacy fence to be replaced, so that modification to condition number nine as Mr. Conger represented, that's right in line with my client's desires. Thank you.

Madam Chair Ansotegui: Thank you, Mr. Butler. That's it for the signup sheet. Is there anyone here who would like to testify?

Bob Young (3345 Maze Avenue): I just object to be objecting. I was really objecting to the variance, I guess that's okay, but we don't have red balloons and drones and pictures to show you, but that is

going to be a wall all down Maze. And that will be blocking my moonrise that I like to see on the mountain. And I'm sorry to see that go. I haven't seen any pictures of what he's actually proposing the building to look like.

I would object to windows on our side of the street where they will be looking down on us, as he says. We don't have trees there. I would hope that they would have kept the irrigation too. It's a little insincere in what he says that it's never been irrigated, because in my 40 years living there that pasture has always been lush green, way more so than Simon's pasture that's there now and quite dry.

(inaudible...)Otherwise I just like my name on to know more, and I'd like to see more of what the buildings are going to look like, because that will be a solid wall that we see driving all the way down Maze, when that goes in. Thank you.

Madam Chair Ansotegui: Anybody else this evening?

David Perez (3246 S. Maze Avenue): I'd like to express my concern about just the density of all the houses located there. Mr. Conger had expressed some concern about a 6-foot fence line that would obstruct the view of drivers for this particular subdivision. I would also like to express my concern about a 25-foot wall with approximately 6-foot spacing in between.

I do understand that these structures are separated at the bare minimum of NFPA fire protection guidelines which are updated every two years. I would like to see those guidelines NFPA changed to address certain issues of urban interface fire that we've seen. I'm not here to speak in a capacity as a wild land firefighter or anything of the such, but I know this, in common terminology as far as aviation uses, houses and subdivisions are just another fire type or a fire fuel model.

I'm not opposed to the plan. I think they're going to come up with a tasteful subdivision, well-designed and well-thought out, that takes into consideration the surrounding area, but not this many houses. I'd like to see an increased space between each of them, and I think just aesthetically and design-wise that would help alleviate some of my neighborhood's concerns and alleviate some of ACHD's concerns about the on-flow of traffic onto Boise Avenue. Thank you.

Madam Chair Ansotegui: You are in fact David Perez who's on the signup sheet, correct?

David Perez (3246 S. Maze Avenue): Yeah, I was working on my outline.

Madam Chair Ansotegui: Thanks. Anybody else like to speak this evening? Seeing none, applicant has five minutes for rebuttal.

APPLICANT REBUTTAL

Jim Conger (Applicant): I have been taking notes and will go down through them and see how I do on a couple of things that we can address. First and foremost, Mr. Winn and his sewer service - from day one, him and his wife have been nothing but a great neighbor in our first meeting all the way to our last meeting. Whatever Mr. Winn wants he pretty much gets.

We've already committed to his sewer service, so that's no problem and I think would be a Public Works requirement anyhow. But absolutely the smart thing to do. Probably the same with Mr. Bell (Simon) as well. As far as two stories, if I just go to an interface with the neighborhood, I don't think we're quite on the same page. We have numerous - probably more than half of the homes on our west boundary are two stories, very close to the fence. A lot of them are the 15 foot so that's why we went and pulled our variance of 12 to 15, the City just definitely came to us and said, "Hey, there's some 15's across the fence from you, we can't get behind it."

The more we analyzed that we couldn't get behind our own 12-foot request. Looking...hit the next slide for me...this is again west boundary. I am still on the west boundary at the front ones. I go from - there's a few outbuildings that are on the fence. There's a barn type structure on the fence. There are two stories. Now the first two story is near Boise Avenue, it only has one window coming out of it. And go one more slide of two stories, this will be the entire south boundary basically is both two stories looking at it. There is no one person looking down on another.

There is without a doubt, a handful of single-level homes, or even more than a handful, but I don't think it's more than five on that boundary. As far as interface with existing neighbors, we've got all the respect in the world for the concern. They've had an open pasture behind the majority of their homes for a long time, and that's now changing. Coming full circle back to really the number of homes in this amazing location, the comp plan that the City of Boise has in place supports what we are doing from a number of homes standpoint.

Being next to the Bown Crossing retail...I am an East Boise guy, I lived at the end of Boise Avenue, and I drive it. I mean we are all very blessed on that side of town without the traffic. I get 15 more homes is 15 more homes, but at the end of the day this is a great place for Boise to have a few more homes. My builder is Black Rock Homes, which from an architectural standpoint every element of their house is purposefully designed from access, the trash cans.

We do a lot of this product between here and Meridian. We only work in the two cities, and we have one project in Eagle. But we are very attuned to this kind of number of homes in one location. From that standpoint, we feel very comfortable. We are not selling this to seven different builders that will try to figure out how to come in there and hodge-podge something together.

I think moving from Mr. Winn, the two stories, and compatibility, the amazing infill location that we are next to Bown Crossing, and the school, and the Greenbelt, and the Foothills, and the seven-minute drive to Downtown...that's why I live on that side of town, everything's amazing. I applaud every neighbor that's been up here because we all live on this side of town for a reason.

I guess in closing I come back to our slide number four, and we'll give you a handout as well in case it disappears. But we stand behind the city's condition of this 6-foot fence on the west boundary and the south boundary. You heard Mr. Butler talk about his client is fine with this condition so if this condition could just read the six-foot...I mean, we also have Mr. Winn and Mr. Bell and our neighbors driving up. Their private lane is just basically next to our private lane. Having this six-foot tall fence for both of them serves no purpose. There's no headlight issue here. If we could get the condition to read as we have on the board, with that I would stand for any questions, and I appreciate everybody's time.

Madam Chair Ansotegui: Thank you, Mr. Conger. With that the public testimony is closed.

PUBLIC PORTION CLOSED

COMMISSIONER FINROCK MOVED TO APPROVE PUD19-00014 & SUB19-00024 WITH THE TERMS AND CONDITIONS CONTAINED IN THE PROJECT REPORT WITH THE MODIFICATION OF NUMBER 5. OF THE RECOMMENDED CONDITIONS OF APPROVAL ALLOWING FOR A MODIFICATION IN FENCE HEIGHT.

Commissioner Gillespie: Clarification to the motion maker. The modification with respect to Condition 5. wasn't fence height, it was solid fence versus open fencing on the east side.

Commissioner Finrock: With the modification of the solid fencing on the east side.

Commissioner Bratnober: I would like to verify before seconding? We are saying that in effect we're allowing the split rail fence on the east side? Is that correct?

Commissioner Finrock: That is correct.

Commissioner Bratnober seconded the motion.

Madam Chair Ansotegui: We have a motion to approve PUD19-00014 and recommended approval for SUB19-00024 with modified terms of Condition 5 with a second by Commissioner Bratnober.

Commissioner Gillespie: I'm concerned about one thing and there might be an easy fix. I'll see what you all think. If you look at that picture there are ten lot lines where two houses come together along that east property line and this is what those folks are talking about where that is a six-foot gap in the otherwise continuous string of 12 houses. If you count all the internal ones there are ten of them so the two houses on the far right of our picture this issue isn't relevant to them because they are turned the other way. Those are six-foot gaps...each one of those ten spaces or ten lot lines. That is because there is three on each side, right? The setback is three and three. The code says it should be five and five in an R-1C. If we said, okay you can do this Mr. Conger, but we need to keep that five-foot internal setback and it would make those gaps 10 feet wide instead of six feet wide and it would, I think, alleviate what I think is a major concern about building a fairly long...what is it 12 structures, 40 feet each? That is a 240 wall less 10 times six, so it is 180-foot of mass. Now to do that he'd have to take out one lot because they are about 40 feet each and if you do the math you've got ten segments to fix and you need four feet to fix it. You need to go to two 5-foot setbacks, instead of two 3's. I guess we should talk about the 14 number is not sacrosanct. If we required that one of the houses along the east side be eliminated and that the setbacks along the 10 I'm talking about then be moved to 10 feet...I'd be willing to support that idea, but I'd be interested in your views.

Commissioner Bratnober: I think I agree because the testimony here has been consistent from the neighborhood. If we can remove one of those lots and expand that it would mitigate a lot of the problems. I'm also very concerned about the traffic and the left turns. I'm not sure why that is not called out by Ada County. I may just have a misunderstanding and be a little bit too concerned about it, but it seems fairly straight forward to put right-turn only or one of those curb level medians in the left turn bay centerline there.

Commissioner Gillespie: I too was thinking a lot about the traffic as we heard Mr. Dunlap's testimony. The problem I have is ACHD took a hard look at that and they basically said, let's try it and see what happens. That may not have been the decision I made if I had been an ACHD Commissioner, but I don't want to run for that. That's a terrible job. I'm sort of agnostic on it. It's hard for us up here with the data we have to get into that detailed level of traffic planning. Basically, the problem here is the applicant gets access for this property. It's very hard to say you can't access the road. The reason why it's all messed up down there in terms of access is because of all the cul-de-sacs that got built so there is no grid system. There is no way to get across to the bottom of this property. It is just because we didn't build the right grid system when we developed that area 50 years ago, so it seems a little harsh on the applicant to say, well you can't develop it. The question is the right-in, right-out.

Commissioner Bratnober: To make sure I'm understanding it, the right-in, right-out still allows access.

Commissioner Gillespie: It does, yeah.

Commissioner Bratnober: I guess that is the main thing. I want to make sure it is on the record that this is a concern and I think ACHD might want to take another look at how they manage that flow.

Commissioner Gillespie: As I understand it, ACHD is concerned and the staff report makes it clear that they are going to have to go back and look at this. If they get stacking like he is talking about on the left turns waiting to clear the other left turn lane and they get people stopping on Boise Avenue on green lights because that guy can't turn left, they are going to do something. That is a problem. I'm a little surprised they didn't require right-in, right-out myself.

Madam Chair Ansotegui: We have a motion on the table. Commissioner Finrock would you like to modify your motion to agree with Commissioner Gillespie or should we take a vote on it?

Commissioner Finrock: At this point, maybe take a vote.

Madam Chair Ansotegui: There is a motion on the table to approve PUD19-00014 with modified Condition 5 and approve SUB19-00024.

Roll Call

Commissioner Bratnober: Aye

Madam Chair Ansotegui: Nay

Commissioner Finrock: Aye

Commissioner Gillespie: Nay

Motion dies due to lack of majority.

COMMISSIONER GILLESPIE MOVED TO APPROVE PUD19-00014 AND SUB19-00024 WITH THE FOLLOWING CONDITIONS OR CHANGES AND STAFF CAN COME BACK TO US WITH A REASON STATEMENT OR THE DISCUSSION. ONE, WE LIMIT THE NUMBER OF HOUSES TO 13 AND USE THE EXTRA FRONTAGE TO MEET THE ZONE STANDARD FIVE-FOOT INTERIOR SIDE YARD SETBACKS AND WE MAKE THE AMENDMENT TO CONDITION 5, THE FENCE CHANGES AS DISCUSSED.

COMMISSIONER BRATNOBER SECONDED THE MOTION.

Madam Chair Ansotegui: We have a motion by Commissioner Gillespie to approve PUD19-00014 but limit the houses to 13 and there were other things in there too.

Commissioner Gillespie: Use the additional space to meet the five-foot zone interior side yard setback.

Madam Chair Ansotegui: To use the additional space to meet the interior setback of five-feet and a second by Commissioner Bratnober.

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| RESULT: | APPROVED [3 TO 1] |
| MOVER: | Milt Gillespie, Commissioner |
| SECONDER: | Jim Bratnober, Commissioner |
| AYES: | Tamara Ansotegui, Milt Gillespie, Jim Bratnober |
| NAYS: | Janelle Finrock |
| ABSENT: | Jennifer Stevens, Meredith Stead |

VI. ADJOURNMENT