I. CALL TO ORDER

PRESENT: Ansotegui, Stevens, Gillespie, Stead, Finfrock, Bratnober
ABSENT: Paschke

II. MINUTES ACCEPTANCE

1. Planning and Zoning Commission Minutes - Mar 4, 2019 6:00 PM
2. Planning and Zoning Commission Minutes - Mar 11, 2019 6:00 PM

III. CREATION OF CONSENT AGENDA

IV. NEW BUSINESS

A. SUB19-00011 / Summersweet Storage Condominiums
   2140 E. Summersweet Drive / Preliminary and Final Plat comprised of
   108 condominium storage units and 2 common lots on 6.52 acres
   located in a M-1D (Light Industrial with Design Review) zone. Jeff
   Lowe
   Consent

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

B. SUB19-00013 / Dallas Harris Estates Townhomes Subdivision No. 10
   4560 E. Warm Springs Avenue / Preliminary Plat for a residential
   subdivision comprised of 68 buildable lots on 12.96 acres located
   within the SP-01 (Harris Ranch Specific Plan) zone. Brent Moore
   Consent
### C. SUB19-00014 / Dallas Harris Estates Townhomes Subdivision No. 11

3006 S. Wise Way / Preliminary Plat for a residential subdivision comprised of 11 buildable lots and 1 common lot on 1.13 acres located within the SP-01 (Harris Ranch Specific Plan) zone. Brent Moore

- **RESULT:** APPROVED [UNANIMOUS]
- **MOVER:** Milt Gillespie, Commissioner
- **SECONDER:** Meredith Stead, Commissioner
- **AYES:** Ansotegui, Stevens, Gillespie, Stead, Finfrock, Bratnober
- **ABSENT:** Claire Paschke

### D. CVA19-00007 / Idaho Electric Signs / REQUEST FOR RECONSIDERATION

8321 W. Overland Road / Variance to exceed the maximum area for a wall sign for an existing medical office located in an L-OD (Limited Office with Design Review) zone. Nicolette Womack

- **RESULT:** APPROVED [UNANIMOUS]
- **MOVER:** Milt Gillespie, Commissioner
- **SECONDER:** Meredith Stead, Commissioner
- **AYES:** Ansotegui, Stevens, Gillespie, Stead, Finfrock, Bratnober
- **ABSENT:** Claire Paschke

### 1. PUD19-00004 / B&A Engineers, Inc.

2705, 2709 & 2711 N Cole Road / Conditional use permit for a residential planned development comprised of 12 single family dwelling on 1.58 acres located in an R-1C (Single Family Residential) zone. David Moser

- **RESULT:** TABLED [UNANIMOUS]  
  *Next: 5/6/2019 6:00 PM*
- **MOVER:** Milt Gillespie, Commissioner
- **SECONDER:** Meredith Stead, Commissioner
- **AYES:** Ansotegui, Stevens, Gillespie, Stead, Finfrock, Bratnober
- **ABSENT:** Claire Paschke
1a. SUB19-00006 / Cole Commons Subdivision
2705, 2709 & 2711 N Cole Road / Preliminary plat for a residential subdivision comprised of 12 buildable and 4 common lots on 1.58 acres located in an R-1C (Single Family Residential) zone. David Moser

Consent

| RESULT: | TABLED [UNANIMOUS] | MOVER: | Milt Gillespie, Commissioner |
| SECONDER: | | Meredith Stead, Commissioner |
| AYES: | Ansotegui, Stevens, Gillespie, Stead, Finfrock, Bratnober |
| ABSENT: | Claire Paschke |

Next: 5/6/2019 6:00 PM

2. CUP19-00007 / Small World Learning Center
3815 W. State Street / Conditional use permit to expand an existing large child care center for up to 60 children located on .24 acres in a C-2D (General Commercial with Design Review) zone. Nicolette Womack

Consent

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

3. PUD19-00006 / Richard Haas
111 N. Bruce Avenue / Conditional use permit for a residential planned development comprised of two single-family dwellings located on 0.17 acres in a R-2H (Medium Density with Historic District Overlay) zone. Jeff Lowe

Consent

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

4. PUD19-00010 / Schultz Development
10222 W. Ustick Road / Conditional use modification for a residential planned development comprised of a 12-unit multi-family building on 0.65 acres located within the L-OD (Limited Office with Design Review) and R-1C (Single Family Residential) zones. Brent Moore
Brent Moore (City of Boise): Madam Chair, commissioners. Before you is a conditional use modification for a planned residential development comprised of 12 multi-family units on 0.65 acres at 10222 W. Ustick Road within the L-OD and R-1C zones. The property is located along the north side of Ustick Road, approximately 1000 feet east of Five Mile Road.

In 2002, the Planning and Zoning Commission approved a conditional use permit which included the subject property, the 34 residential dwellings to the north, and three commercial buildings to the west. All of the lots have since been developed with the exception of the subject property which was designated as the site of a future office building. The applicant now proposes to modify the conditional use permit in order to allow a multi-family building on the property.

While the original permit called for the office building to not exceed 6000 square feet, the applicant proposes a 12,990 square foot building which would include 12 apartments. Here is the site plan from the original conditional use permit which called for the building to be placed along Ustick Road with the parking lot behind. And here is the applicant’s originally submitted site plan on the left, and the revised plan submitted April 3rd on the right.

The primary change involves relocating the dumpster from the northern parking isle to the southern parking isle in order to meet the backup requirements for solid waste. This change resulted in the parking lot being reduced from 20 to 18 spaces which still exceeds the 16 spaces required by code. While the proposed building will be larger than originally planned, its placement along Ustick Road with parking to the rear will comply with the original conceptual plan for the site.

As detailed in the Staff Report, the proposed development meets all the heights, setback, and density requirements of the zone. Here is the landscape plan. Street trees currently exist along Ustick Road, adjacent to the site. And a mixture of trees and shrubs will be provided around the perimeter of the site and the building. Sidewalk will be provided across the entrance of the building, and from the entrance to the sidewalk along Ustick Road.

As the property is within a design review overlay district, the landscaping will be reviewed in more detail through a separate design review application. Here are the proposed elevations. The building will be three-stories tall, and will include twelve 1083 square foot apartments. Each unit will include two bedrooms and a private outdoor deck or patio.

And here’s a perspective of the building from the north. It will include a varied roofline, a modulated facade to break up its massing. And a variety of exterior building materials are proposed, including cement siding, Hardie board, and cultured stone. The building design and materials will be reviewed in more detail through a separate design review application.
The planning team finds the proposed use will not negatively impact surrounding properties as the site abuts the storm water detention basin to the east, and commercial buildings to the west. The building will be located over 100 feet from the residential neighborhood to the north. And the parking area will be buffered by an approximately 25-foot wide landscape buffer.

Traffic associated with the use will have minimal impacts on the adjacent residential properties as no roadway connection exists between the site and the neighborhood to the north. There is a pedestrian connection from the residential neighborhood to the commercial properties to the south, but there is no auto access.

The planning team finds the use to be compatible with the area as there are several goals and principles within the comprehensive plan which support higher density residential development at this location, due to its being located within a quarter mile of transit service along Five Mile Road, and its being located along an arterial roadway along which future transit service is anticipated by Valley Regional Transit service within their ValleyConnect 2.0 Plan.

The site is also located less than 1000 feet east of the Five Mile Road/Ustick Road intersection, which is designated as a neighborhood activity center within the comprehensive plan. And it contains a grocery store and drugstore, restaurants, and a variety of other office and commercial uses within walking distance of the site.

In conclusion, the planning team is recommending approval of the application and this concludes my presentation.

Madam Chair Stevens: Thank you Brent. Is the applicant present? If you would care to step forward and give us your presentation.

APPLICANT

Matt Schultz (8421 S. Ten Mile): Good evening, Commissioners. Matt Schultz, 8421 S. Ten Mile in Meridian, on behalf of DT Investments who is looking to proceed with this development if we can get the conditional use permit and modification approved for the site.

Brent did a good job of covering the big and small view of the site in terms of the age of it. It’s been sitting as a lot in an approved and built subdivision for 16, 17 years now. My client wish to evaluate it with the City Staff as to what could work besides office and multi-family is an allowed use with the conditional use permit to proceed.

I know it meets all of the code. There’s no variance request that we do agree with Staff Report and the staff’s conditions of approval. We hired a new design architect, Breckon Design, for the landscaping; and also CK Engineering for the civil engineering. Even though it’s a little site, we put in so much effort in these little ones as we do the big ones in terms of all the
details of making sure we meet, and exceed if possible. We’d like to have more parking if we could.

The geometry of this site, and 12 units is what we need and want on this to move forward. It is three stories. We did lose two spaces moving from the north to the south to meet the backup distance requirement for the waste storage. However, Brent did point out to me a couple of days ago that there’s an island right next to the building that could be converted to a parking space now that that length of those parking stall block, if you will, has been reduced.

So what we’re asking for is we’ll put that one back in the final iteration, so we’d actually have 19. There was 20 submitted, went to 18. There was actually 19 there which is an oversight on our part when the site plan got revised that we could get one back in front of the building.

We know we have probably at least half the audience here for me - I know, we had a neighborhood meeting that was very well attended. Twenty-five or 30 people I know they’re concerned about traffic, people parking on the road. There’s commercial business owners as well as some single and duplex owners, attached owners back behind us.

Like Brent said, there is no traffic or vehicular connection, there’s actually a breakaway wood fence there on that drive. The emergency access can get through, but there’s still pedestrian access maintained. We’re not going to touch that. We’re going to leave that as is. And obviously, any level of parking that you provide a multi-family adjacent to other uses there needs to be heavy-handed enforcement through the management company on how many cars each person can have and where they park.

And it’s going to probably be an ongoing thing, no matter how many stalls you have in an apartment complex. We will redo the current business owner’s association, too, they would like us to be excluded which is fine. In terms of they’re not responsible to fix our parking lot and vice versa. As well as the cross access will be maintained, because we both share that entrance off Ustick.

However, as far as in that agreement it will spell out no parking on the business owners from the residential owners. And all the parking would be constrained to our site. We’ve got a good buffer on the north, about 24, 25 feet - so the parking lot, even though we are three stories, it is over 100 feet from the residential to the building. And we’ve got a good buffer - about 35-foot buffer from the back of the curb to the building on Ustick. So it’s not right up against the road, it’s set back about 35 feet from the curb.

Even though it is three stories, I don’t think it’s going to be overwhelming in that location. With that, like I said, we agree with staff’s conditions of approval and we would stand for any comments, questions, and rebuttal. Thanks.
Madam Chair Stevens: Thank you, Mr. Schultz. Does the commission have any questions for the applicant or for staff, at this time?

Commissioner Gillespie: Madam Chairman.

Madam Chair Stevens: Commissioner Gillespie.

Commissioner Gillespie: Brent, in the project report it talks about two zones, an L-OD and an R-1C. Can you just show on the map the configuration of those - that’s it right there.

Brent Moore (City of Boise): Madam Chair, Commissioners, it was rezoned in 2002 as part of that conditional use permit. Not sure what happened on the lines, but part of it is an R-1C, but it does meet the setbacks of both the zones.

Commissioner Gillespie: That’s what I wanted - then my next question is does the proposal meet the strictest requirements of either zone? Do you know what I’m saying, so it does fit?

Brent Moore (City of Boise): Madam Chair, Commissioners, that’s correct. It meets all the zoning setback requirements of both zones.

Commissioner Gillespie: Madam Chairman.

Madam Chair Stevens: Commissioner.

Commissioner Gillespie: And the applicant’s not asking for any parking variances, or height variances, or any other kinds of - I guess variances isn’t the right word, but they meet all the other standards of the zone as well?

Brent Moore (City of Boise): That’s correct. They meet the height standard of the zone, and they exceed the parking requirement by two. And as the applicant mentioned, this parking island in the southern parking isle, it’s not required by code. Now that this parking isle’s only 90 feet wide, so that could easily be converted to another parking space.

Commissioner Gillespie: Madam Chairman.

Madam Chair Stevens: Commissioner Gillespie.

Commissioner Gillespie: Just a last question then - I have to reload, thank you.

Madam Chair Stevens: No problem. I won’t constrain you.

Commissioner Stead: Madam Chair.

Madam Chair Stevens: Commissioner Stead.
Commissioner Stead: Brent, can you speak a little bit to the shared driveway and any new traffic that will put onto Ustick, or can the permissions of that be rescinded at any time? What does that look like?

Brent Moore (City of Boise): Madam Chair, Commissioner Stead, this shared service drive, it is existing. It was planned as part of the original conditional use permit. The planning team is requiring a cross access and maintenance agreement be recorded by the applicant to show this property will help with the maintenance of the roadway. But there is no access again to the north, so all future residents of the apartment complex would exit to Ustick Road.

Commissioner Stead: Thank you.

Commissioner Gillespie: Madam Chairman, I recall.

Madam Chair Stevens: Commissioner Gillespie.

Commissioner Gillespie: What is the detention upon detaining for? All the surrounding properties or -

Brent Moore (City of Boise): Storm water - I believe it’s for -

Commissioner Gillespie: Is it ACHD’s or does it belong -

Matt Schultz (8421 S. Ten Mile): Yes.

Commissioner Gillespie: Thank you.

Madam Chair Stevens: Just for the record, because that might not have been clear, Mr. Schultz answered that it is in fact an ACHD retention plan.

Matt Schultz (8421 S. Ten Mile): Excuse me, if I could, when they widened Ustick Road - when they do these widening projects they always go find an adjacent lot and put in a nice big pond for all the storm drainage, and that’s what they did here.

Commissioner Gillespie: Thank you.

Madam Chair Stevens: Thank you. Other questions for staff or the applicant at this time? Brent, I have one for you. I just want to clarify, with regard to the original CUP that was approved in 2002 - is there any difference in the setback of the original parking as it was laid out and approved in 2002 versus what we’re seeing in front of us today, since the location of the parking of that original was exactly in the same place, generally?

Brent Moore (City of Boise): The original conditional use permit just required a ten foot landscape buffer from this office and commercial
properties on the northern property line. As to what ten foot was all that was required, and the applicant’s proposing about a 25-foot wide buffer.

Madam Chair Stevens: So right now it’s approved with only - I mean it is approved and entitled, has it lapsed though - the CUP that was approved in 2002?
Brent Moore (City of Boise): No, it’s still in effect.

Madam Chair Stevens: So it’s entitled as we speak today to only provide a ten foot setback, correct, for that parking?
Brent Moore (City of Boise): That’s correct.

Madam Chair Stevens: Any other questions for staff? Thank you very much. Is there any representative here from the West Valley Neighborhood Association that is here to speak on that organization’s behalf? If you could step forward, state your name and address to the record. And would ten minutes be sufficient for you?
Steven Luke (9637 Campton Drive): How many minutes did the applicant take?
Madam Chair Stevens: He took less than five.
Steven Luke (9637 Campton Drive): I could probably handle this in ten minutes.

NEIGHBORHOOD ASSOCIATION

West Valley Neighborhood Association

Steven Luke (9637 Campton Drive): My name is Steven Luke. I’m a board member of the West Valley Neighborhood Association. My address is 9637 Campton Drive in Boise. Here’s just a little bit of background. I previously served on the Planning and Zoning Commission for ten years, and so am quite familiar with the process. I also served for 12 years as president of the West Valley Neighborhood Association. I am currently a board member.

One of the things that we’ve been a little concerned about in West Valley is the fact that the City has not really taken a lot of consideration of the neighborhood planning efforts that have taken place. As an example, and they did make a minor reference to it, but the community center plan which controls this area, this part of the city comprehensive plan was approved by the City and by the Highway District in 2002 after five years of work by city staff and the neighborhood and an expenditure of $65,000.

A lot of work went into this document. And one of the first things - and I should note for the record that our board voted on Friday at a specially called neighborhood board meeting to oppose this project. The primary reason in looking at the community center plan, the staff does make reference to it in two places. They make reference to a Land Use Objective 7.3, and we find that the staff erred in finding that the development complies with Land Use Objective 7.3.
The 7.3 says encourage development is compatible with existing uses in a variety of architecture and structural types. We recognize that architecture is not a serious problem here, but when we talk about compatibility, our neighborhood encompasses six square miles plus maybe another quarter mile of pieces that have been amended to our neighborhood.

And in doing a survey of the land use and the building types within this six square miles, there are only two buildings that are more than two stories high. One is the MorningStar retirement development on Five Mile approximately at the intersection with Chinden Boulevard, not at all similar to this location. The other one is down on Fairview near Shamrock, and basically it’s a part of a commercial development where there was a planned auto dealership at one time.

There have been a number of different developments in the Steelwood area, and that project is three stories - either three or four. But other than that, there are no buildings taller than two stories. In fact, all of the commercial development within this activity area is all one story. The other major concern we had was that they didn’t even read far enough into the plan to reference the Community Design Objective 3.1.

And this again deals with the fact that there are no other three story buildings in the area. And the objective says that except in the conventional neighborhood commercial development, and that’s the area that encompasses the shopping center and the Walgreens right at the intersection. This is actually area F. Limit architecture to scales and types compatible with the surrounding residential and historic commercial structures.

Again, all the historic commercial structures are one story, all of the residential is one story in the immediate area. We have two large developments that are two stories - one is the apartment complex just south of Ustick and west of Five Mile. I think it’s Park West, but I can’t remember for sure right now the name of it. And the other one is just north of the shopping center, and that’s the subsidized housing complex that’s on a triangular piece of land. Those are the only two that are even two stories. We don’t have any objection to two stories, but we feel putting a three-story building into this area totally surrounded by one story is incompatible. We also have a concern about the parking which has been raised earlier.

Being a professional traffic engineer and aware of traffic generation models, it’s quite apparent that if you have 12 apartments that are two-bedroom apartments, the odds are that unless the management company charges extra in order to park your car and therefore controls the amount of parking there, all likelihood is you’re going to have a lot of people that are in a two-bedroom apartment, even if there’s only two people, in this day and age they are most likely to have two vehicles.
We can’t count on the fact that someday, maybe, West Valley Transit is going to stand a line up Ustick Road. I’ve been rooting for it and I mentioned it to the mayor periodically as he builds his light rail line. We’d like to restore the light rail line that used to run on Ustick all the way to Meridian and Nampa. But we’re not holding our breath for it.

And then if anyone had visitors, I’m not sure how the management company’s going to control where the visitors are going to park. In a lot of places there’s not sufficient parking, but there is parking on the surrounding streets. In this particular development, the way this is laid out, there are no surrounding streets on which visitors could park and walk to the development. Ustick obviously has no parking. The planned development to the north doesn’t have parking that’s available to this development.

And the owners of the two offices have already made it clear that they’re not willing to enter into a cross parking agreement. There would be some benefits to both if that happened, but they don’t want to and no one can force them to do it at this point. So we just have a real concern about what’s going to happen with parking. Thank you.

Madam Chair Stevens: Thank you very much, Mr. Luke. The first person tonight on the sign-up sheet is Rachel Rychener. If you could start with your name and address for the record, please. And we’ll put the clock at three minutes.

Rachel Rychener (10278 W. Milclay Street): Rachel Rychener, 10278 W. Milclay Street which is in the same neighborhood with 10222 W. Ustick Road over here. I am opposed to a three-storied 12-unit apartment building on that property. I urge you to consider my reasons. One, it would be squeezing too many people and their vehicles into too small a space.

Two, there will be one driveway with access to Ustick. When traffic on Ustick backs up as people are in a hurry to get to work, they will cut through the business parking lot which is private property. They’ll cut through here, around here on the roundabout and get out to Five Mile. thus avoiding a very busy intersection of Five Mile and Ustick.

Three, this route is through my neighborhood. It is a quiet neighborhood not designed for through traffic. When residents of the apartment see how easy it is, they will routinely use it and it would be a safety hazard. Four, we have small children, numerous elderly, disabled, and two blind residents. Our mailboxes are centrally located on the roundabout, necessitating daily trips to pick up mail by 34 households. Four homes are situated with driveways on the roundabout which makes it difficult to back out.

Five, within the last five years at least three pedestrians have been struck, two fatally, while in light-protected crosswalks on Ustick between Mitchell and Five Mile. Six, a three-storied building will not fit visually in the neighborhood. There are no other three-storied buildings within sight. The only three-storied buildings in the entire West Valley Neighborhood
Association are MorningStar Senior Living at Five Mile and Chinden, Salmon Creek Retirement Community at Cloverdale and McMillan, and a few apartments near Fairview and Cloverdale.

Seven, even with the revised site plan to accommodate trash trucks, the space is very tight and may compromise existing infrastructure in the commercial complex. It is my hope that the profits of a few people will not take precedence over an entire neighborhood of more than 50 residents and five businesses who would be left to deal with the unpleasant aspects of squeezing too many people into too small a space.

I have been told not to expect that our objections will be taken seriously, and that this is a rubber stamp process. However, I chose to be optimistic. Please listen to your fellow citizens and deny the application as written. If our objective is to help Boise achieve its goal of becoming the most livable city in the country this is not the way to do it. Thank you.

Madam Chair Stevens: Thank you, Mrs. Rychener. Next up on the sheet is Sheryl Henley, followed by Phyllis Osborn.

Sheryl Henley (10335 W. Milclay Street): Good evening. My name is Sheryl Henley, and my address is 10335 W. Milclay Street in Boise. As a resident of Nokomis Pointe subdivision I am here to speak regarding my concerns for the impact imposed on our properties by the proposed development of 10222 Ustick Road.

This development will be creating additional traffic in an area that is already a high traffic intersection at Ustick Road and Five Mile. There is not enough space for good circulation of vehicles from the proposed apartments on to Ustick. During heavy traffic hours vehicles get backed up in any direction. There are currently a number of closed access and egress points with the businesses on each corner which are hazardous to pedestrians or bike riders.

In addition to more traffic, adequate parking space is a major concern. The existing proposal is not tenable. An alternate consideration of eight units would be a sustainable option providing adequate parking of two spaces per unit, not one and a half. Most working couples or shared tenants have and need two cars. Additionally tenants will have visitors, and this proposal should not depend on using the business parking spaces or neighboring streets for the overflow.

Then, how many future renters would want the inconvenience of an apartment that does not allow for enough parking spaces? Vying for the extra five half spaces will be a constant problem. I understand now per this evening that that would be six, but that still is not enough.

There is an existing single-story patio home right next to that fence which would be negatively impacted by the noise, exhaust, and lights from that parking area, possibly affecting its value. The developer could consider a smaller number of units, i.e., two level with more space for an adequate
noise buffer and more landscaping area, or an office complex similar to the existing one.

Something that would better fit in with the other units in the neighborhood. I urge your consideration of these issues. Thank you.

Madam Chair Stevens: Thank you. Next up is Phyllis Osborn, followed by William Klevenberg.

Phyllis Osborn (3362 N Gawaine Place): My name is Phyllis Osborn. I reside at 3362 N. Gawaine Place in Nokomis Pointe. I am reading for one of my neighbors who couldn’t be here but had intended to speak. My name is Teresa Jones, 3347 N. Gawaine Place. Since my concerns have already been made a part of the record, I wish to share with you the concerns of my Nokomis Pointe neighbors who have spoken to me regarding the proposed development but cannot attend this meeting.

The primary concern voiced has been that the lot in question is not currently zoned R-3, but is zoned L-OD. When myself and my neighbors invested in our neighborhood we were led to believe the empty lot would be an extension of the current business park, and would follow the CC&Rs of the business park. No one has an issue with that sort of development.

But instead we are asked to accept a three-story building with maximum occupation for the acreage that will not adhere to those documents, and will not complement the existing buildings and the neighborhood aesthetics. As a side note, there are no other three-story buildings in or around our neighborhood on the Ustick corridor. Many believe the proposed building is simply too large for the space available.

We wonder what effect such a building near to our neighborhood will have on our property values. A related concern is the number of parking spaces provided for the proposed development. I understand that 18 spaces will be made available for the 12 units proposed. The question that arises frequently is if the occupants have dual jobs and incomes, where the other six cars will be parked? And we have to assume the occupants will have friends and family who will be guests, so where will they park?

Our neighborhood is small and designed with very little on-street parking for our own visitors. We are uncertain how we will cope if the overflow from the development begins to utilize our streets. Some are worried about how the pump house for the whole Nokomis Pointe complex will be accessed for repair and maintenance. Occasionally we do require a large equipment access to the pump for cleaning and repairs.

Since the pump house opens next to the proposed building, and that space looks to be pretty small, the concern is that there might not be enough room for heavy equipment access as was allowed for if the front portion of the lot were parking as it is for the rest of the office complex.

There’s also concern that the landscaping for the project may require
more water than our aging pump system can supply. Again, the amount of water projected for the parcel was for the existing grass and trees along Ustick, and incidental shrubs and plants around the building as can be seen in the rest of the office complex with the majority of the acreage expected to be in parking and the building itself.

Madam Chair Stevens: I'm sorry. I'm going to have to ask you to stop there. Your time is up, ma'am. Thank you very much. Next up is William Klevenberg. And after that is Rhonda Jalbert.

William Klevenberg (10332 W. Ustick Road): My name is William Klevenberg. I own the commercial building at 10332 W. Ustick. And many of our concerns have been aired by some of the residential homeowners already. But as a commercial owner in this area for the last nine years, and maintaining the grounds of the building, and actually witnessing our tenants and their issues, the parking issues, etc., the reference to cross-parking agreement.

As already stated, we are absolutely against it, we are not going to allow parking. Because we already fill up our lots with our tenants. We have a chiropractor, a financial advisor, my technology company, and a church. And so anywhere form 6:00 AM to 8:00 or 9:00 PM at night the lots can surge to be completely full down to a few cars here and there.

As also stated there is zero overflow. There are three street parking spaces right outside my personal office, and typically we get overflow from the subdivision as some of those houses have now turned into rentals and people have three or four cars, and they’re overflowing. I’ve had to have countless cars towed out of my lot over the last few years to leave places for our tenants that are paying their good rent.

I’ll speak a little bit about the maintenance. I know from the commercial association, we’re still finalizing that. We’ve had very little conversations around how that’s going to work with the shared access - the parking lot thing. Every day we watch cars zooming through our lot to cut across to the side street to go out, as they stated through the residential neighborhood. I actually put a camera up and started counting cars from 5:00 to 7:00 PM.

And it varies day by day, but it’s a ridiculous amount. Adding the additional 16 to 20 cars for the apartment complex, there’s going to be no way that we can keep them from driving across through our lots. It’s going to be an issue. And the overflow parking, I think it’s going to be nonstop contention.

We have our common areas - we have the sidewalk that runs through the back that’s shared so that the residential tenants can walk through it. We end up with issues around vandalism, attempted break-ins, and adding just more people to that area is a little bit of a concern to us. It’s going to be really hard to draw a line between this property and our property with the use types.
Just because there’s a sidewalk that runs right through there, and if we say okay, that’s our private property that we’ve allowed access to previously, but now we’re going to cut it off. I mean are we going to start gating sidewalks and gating our parking lots? And it puts a lot of onus on us to try to - how we’re going to manage that. And manage the maintenance costs that we’re going to incur from that.

**Madam Chair Stevens:** Next up is Rhonda Jalbert.

**Rhonda Jalbert (90 Evergreen Drive):** Rhonda Jalbert, 90 Evergreen Drive, Boise Idaho. I am another one of the property owners. What I wanted to talk about tonight was the covenants, conditions and restrictions. And those currently do run with the land. So the property use restrictions talks about this, and it talks about the conditional use permit in that basically that anything that is going to happen needs to run through the Architectural Control Committee.

And nothing has happened to date to follow that. So there are building restrictions so no buildings will be erected, altered, or placed on the lot other than those that have been approved by the City of Boise and have been approved by the Architectural Control Committee.

One of the restrictions also is antennas and satellite dishes. And as we all know, everybody has Dish or DirecTV. So every time somebody wants to put up an antenna, they’re going to have to submit to the Architectural Control committee. So the Architectural Control Committee is there to protect the quality and the value of the properties. We all signed the covenants when we purchased our property in order to ensure that we are maintaining the quality and value of our properties.

The approvals they need to submit before they are commencing, that they need to submit what they are going to do. No formal submissions have been received to date. We did have a preliminary meeting on January 25th where we received an 8½ by 11 of what the elevations looking, and even those have changed. We have not received the formal site plan that has been revised.

And so basically we are requesting that they follow the CC&Rs and that that be followed and approved by the Architectural Control Committee before it be submitted to this body. Next.

So in the CUP, it states that there’ll be three buildings associated with the exception area, which is my building, Bill’s building, and then the other one. And it says that the office building shall not exceed 6,000 square feet. And this is double that.

Next. So what I’m requesting is that this application be tabled in order for the CC&Rs to - for the applicant to follow the CC&Rs, submit to us, and then let the architectural control committee of the Commercial Owners Association review and approve and then submit to this group. Thank you.
Madam Chair Stevens: Thank you, Ms. Jalbert. Next up, Andrew Hayworth

Andrew Hayworth (10342 W. Mill Clave): All right. My name is Andrew Hayworth. I live at 10342. West Mill Clave. As Rachel mentioned, I'm actually one of the houses that's on the roundabout. So, I have to pull out right into the roundabout. I'm not going to address a lot of the stuff because obviously I've got the same concerns as everybody that it's three stories and it doesn't fit in. Obviously, the parking.

I mean, even Mr. Schultz admitted that, basically he knows there's not enough parking and they want more. Easy fix to that is less apartments. Clearly, the same amount of spaces with less apartment would mean more parking for all those residents. My two biggest concerns, especially being that I live on the roundabout, is the traffic.

Multiple people have mentioned the drive thru. You can basically get from Ustick Road to five mile without having to go to the stoplight. On a regular basis, especially 5:30, 6:00, traffic is backed up past Aster basically past this business park on Ustick waiting for the light to get through.

So I already know even people that live in this - or that work in this business park that bypass that stoplight by going through the roundabout in both directions. And very oftentimes don't actually legally use the roundabout, they basically drive up left. Instead of driving through the roundabout correctly, they basically just hook a left turn.

Obviously, my concern with some of the numbers of very elderly residents and blind people and all of that stuff, is that on a regular basis, I have to stop myself walking across. I walk my dogs as much as I can. Like Rachel mentioned, we have to go get our mail, at least once a month, if not more. I have to stop myself in a crosswalk if somebody is illegally turning through that intersection because as you guys know, most people aren't paying attention.

And there's no reason for me to believe that - we'll just say 18 cars, probably more than that, in that apartment complex. Once they find out they don't have to pull out onto Ustick, if they want to go to Albertsons, it's going to be a nonstop parade through that roundabout. My guess would be the same amount of people are going to be illegally using it, which just means a more and more amount of people driving through that roundabout in a way that sooner or later is going to cause a collision much like some of the collisions and fatalities that we've had on Ustick Road. The last thing I want to happen is to have that happen in the roundabout in front of my house with one of my neighbors walking their dog or something along those lines.

My second complaint or concern is kind of a weird one. But actually, it has to do with dogs. Like I mentioned, a lot of the people in our neighborhood have dogs. I'm sure you guys are aware that Boise is - the amount of people that have dogs in town and the amount of people that
have multiple dogs is exceedingly high. So the fact that you can walk into that neighborhood in both directions and that they don’t have any place to walk dogs means all of my neighbors’ yards are going to be up for grabs.

I won’t go back in my experience with jobs enforcing those regulations. But let’s just say it’s pretty hard to catch somebody doing it. And if you’re the homeowner, especially in those first three houses, you’re going to have to be on a pretty constant vigil to stop people from leaving messes in your yard.

**Madam Chair Stevens:** Thank you very much. Okay. That’s the end of the signup sheet. Is there anybody else in the audience tonight who would like to testify on this issue? Okay. If you have not been on the signup sheet, you can go ahead and come forward. One at a time, obviously.

There should be a little white pad of paper there. And I’ll need you to fill that out before you leave. But after you testify, please, so that we can keep things moving. And just hand that up to one of us here on the podium or whatever we call this thing. So, go ahead. Step forward and start with your name and address please.

**Allison Olson | Speaking on behalf of her mom (3292 N. Gawaine Place):**
Hi. My name is Ali Olson. I am a resident of Nokomis Pointe. I’m speaking on behalf of the homeowner, my mom, who cannot be here this evening. But she wanted me to come and express her concerns as well as my concerns about this proposed development.

I’m not going to reiterate all of the concerns that were raised by my neighbors. The traffic is a huge one that I hadn’t really even thought of the through street until just now. But that is a very obvious through street that I think a lot of people are going to take advantage of if they have that opportunity. And that is concerning because if you’re stuck in traffic, you’re in a rush, you’re trying to cut through, you’re not paying attention to someone early in the morning, late at night walking around, especially with the time change and how dark it gets in the morning. It just poses a lot of risks that I think needs to be taken into consideration.

And at the end of the day, it is the homeowners that have to deal with the burdens of this proposed development. And there’s really no saying if it is going to be burdensome to them or not. The developers aren’t the ones that have to live with it. They’re not the ones that have to live with the traffic, the noise, the security and safety of it. The safety is another one of my concerns. People living in our backyard that we really don’t know.

We have a good close relationship with our neighbors in Nokomis Pointe. And having random people move into our backyard walking their dogs could be a potential security issue for the homeowners as well as the businesses. And seeing as how there’s a lot of elderly children, disabled people that live in our neighborhood, that poses another security concern.
So I would like to give some suggestions and recommendations if this were to be permitted. I think the smaller number of units is a great option, especially because it would kind of solve some of the parking issues. I'm younger. I know for a fact a lot of my friends live in college or in apartment housing, not all college, and they park wherever they want to park. There's no stopping them from going into the neighbors' units and parking in front of their houses.

So with that, I think that maybe some fences would be good or a gate blocking, maybe either through street or maybe that pedestrian street that has a code combo on it or something like that to prevent the amount of people that could come through, unless they knew what the combination was. And unfortunately, that's not the best aesthetic thing or what the homeowners may want to deal with. But at least that may provide some security for them and reduce traffic.

And the other thing might be background checks for the people that are coming into our neighborhood, like make sure that these people are safe. And these people are people that we want to be living around too. As this is so close to our neighborhood, I think that we should have a fair say in who gets to move into our neighborhood.

Yeah, I think that's closing. I know I'm running out of time. But thank you guys for hearing this. And thank you guys for being here on a Wednesday night.

Madam Chair Stevens: Thank you. Is there anybody else in the audience who would care to testify but is not on the signup sheet? Okay. Seeing none, we'll go ahead and go back to Mr. Schultz. And you'll have five minutes for rebuttal. And Ms. Nelson, please be sure to turn that into us. Thank you.

APPLICANT REBUTTAL


Thanks for all the comments and neighbors showing up in this great process. We have planned development and everybody's voices get to get heard and we get an opposing views. And I understand their concerns. However, personally, there's the 8 and 12 and 2 and 3 stories for me isn't like good, bad. I mean that's not the [inaudible 00:55:36]. That's not what we're saying.

We think three stories works well there. And we think 12 verses 8 is zero, or almost zero impact in terms of the large scale developments they do all over the place. And how much traffic does their subdivision generate versus ours, four or five times more. But we get penalized because we're coming in last.
So that is a public road through there. I'm not saying we're encouraging people to drive through there. But it is a public ACHD road. By no means is it maxed out. As far as walking off the pedestrian gate, I don't really have an issue with that. We're not counting on people being able to walk through there if that's the way people want to go.

But as far as the three story and the three story in the 12 units were - it's not an option for us. We hope you evaluate it for a code. That it meets code and your code is good. We'll leave that there for that that part of it.

As far as the buffering to the single story home, I don't think it could get any better in terms of the 25-foot landscape and 100-foot away. I mean, honestly, the only reason probably that building wants to go on the front is there is a diagonal underground gas line that runs through there. So it kind of pushes the building forward. You couldn't put it in the back because there's a gas line easement. But it actually goes through Nokomis as well, but all the houses just kind of miss it as it goes through there. So it diagonals through our parking lot. So that's why it goes to the front, which I think helps an inclination to put it towards the back, but it does put it there.

As far as parking is concerned, it's not as much as we'd like. But it's as much as - it's over what Boise requires. And we're going to, like I said, they're going to be allowed one. Some incentives may be paying for an alternate one. But I wouldn't even allow that. And that's what I'm suggesting my client do in that the extras are for overflow. And it's going to be highly enforced. But that's the way it has to be in - in fact, my understanding is in the city, you guys don't want too much extra parking in these multifamily sometimes. So the fine line, you walk. As to how much you provide in this case, we're providing as much as we can, which in this case is 19 for the record.

As far as the security issue of background checks, we'll do the same level as required for retail level rental agreements that everybody does. This is not low income housing. It's expensive to live in Boise these days. And this is going to be retail level. What does that mean? Is that 12, 13, 1,400 dollars a month? Probably.

These units are as big as those attached units north of us. Those are about 1100 square feet, 1200 square foot attached single family units. Ours are about 1100 square feet that just happened to be in an apartment building, three story building. So as far as the size of the units are equivalent to the size of the homes, of course, they have a garage and they have a yard, which we don't.

But as far as the living space, they're almost the same. So we just want to put our best foot forward here, I was a little surprised by the assertion that last I heard in talking to the Business Owners Association we were going to withdraw from the CC&Rs. I would say that's a civil matter. We would ask for your approval tonight. And we're going to work through that moving forward with your approval, hopefully, to work through those issues as far
as architectural control that they want to exert over us and we're willing to comply with.

However, we’d like to not delay this decision. And I would like to ask you to decide and we move forward with them on that civil matter to be a condition of approval that we present the Cross Access Easement and the other documents required for the CC&Rs and HOA that are normally required before a plat or as a permit assigned with any other subdivision. The City does provide some oversight over that usually.

So with that, we think we got a good project in front of you. We’ve got a stash recommendation for approval. And although there’s not a lot of three stories in the five square mile area, we don’t think this is a bad three story. It’s not overwhelming in this particular location. And with that we’d stand for your approval. Thanks.

**Madam Chair Stevens:** Thank you, Mr. Schultz. With that, we’ll go ahead and close the public portion of the hearing and open it up to the Commissioners to make a motion.

**Commissioner Ansotegui:** Madam Chair.

**Madam Chair Stevens:** Commissioner Ansotegui.

**Commissioner Ansotegui:** I move to approve PUD19-00010.

**Madam Chair Stevens:** Okay. We have a motion by Commissioner Ansotegui. Is there a second?

**Commissioner Gillespie:** Second.

**Madam Chair Stevens:** Second by Commissioner Gillespie. Is there discussion?

**Commissioner Ansotegui:** Madam Chair.

**Madam Chair Stevens:** Commissioner Ansotegui.

**Commissioner Ansotegui:** Primarily, this project is compliant with code as it stands in terms of the height of the building. That would be allowed whether it’s a PUD or residential use or office use. It works within the parking requirements for residential unit multifamily in here with - it has 16 when 18 are required. Is that correct? And it also complies with the setback.

So in terms of code, this project meets all of the requirements. In terms of the comprehensive plan, the criteria that were given for discussion and decision, it’s consistent with a comprehensive plan in terms of providing housing in this area.
It does not in any way confer special privilege on the developer in this case. I think there are some things that were mentioned by Mr. Luke, for example. I think he referenced neighborhood plan, land use objective 7.3. In terms of compatibility, it is a compatible use. There are residential uses behind.

We also see a mix of use that provides a multifamily housing nearby what appear to be duplexes and single family housing. So it provides a variety of housing in this area. It's compatible with the commercial use that's next to it.

The three stories, if we look at mass and volume of this, it is higher than what you've seen. It's within, like we mentioned before, it's compliant. But it also has, if we think about mass and volume, it's tall. But there's lots of area around it. That's not going to change. And because it's pushed up against the road, it defines the road a bit.

Again, this will go in front also of the design review in terms of architectural style and landscaping. So, we are not the last voice on that.

**Madam Chair Stevens:** Great. Thank you, Commissioner Ansotegui. Commissioner Gillespie.

**Commissioner Gillespie:** So I'll be supporting the motion as well. I think it's pretty clear that the project has proposed fits squarely in the code. And usually, when we see these types of things, we actually have little exceptions of setbacks or height. This one is clean, which is very nice on its face.

With respect to the CC&Rs issue, so this is a common point of confusion for folks. So the CC&Rs are a private contractual agreement. And generally speaking, the Commission cannot and does not consider them. So you may have a cause for action specifically related to your architectural review committee. But that's not properly before us tonight.

And generally speaking, my understanding and James will correct me if I'm wrong, is that you would need to provide or initiate some civil action to apply the CC&Rs. In this case, the approval for the building. So, that really isn't before us tonight with respect to this permit. So for all those reasons, I'll be supporting the motion.

**Madam Chair Stevens:** Thank you, Commissioner Gillespie. Commissioner Bratnober - oh no, sorry, James.

**James Smith (City of Boise):** Yeah. I'll just add to Commissioner Gillespie's comments. And if this is not in line with the intent of the deliberations, that's okay. But I'll just add that the CC&Rs are not binding this Commission. So to the extent, whether or not they're considered as relevant or not, they certainly do not bind this Commission. So I'll just add that comment.
Madam Chair Stevens: Thank you very much, Counsel. Are there any other comments by the Commissioners?

Commissioner Bratnober: Madam Chair.

Madam Chair Stevens: Commissioner Bratnober.

Commissioner Bratnober: The CC&R thing does concern me. Although, obviously, it sounds like we're not bound by it. But it seems like that's another area where potentially getting some kind of congruence between the neighborhood, the businesses and the development could have been done and perhaps made this a little - well, make the outcome a little smoother for all concerned.

Madam Chair Stevens: Thank you. Any other comments from Commissioners?

Commissioner Gillespie: Madam Chairman.

Madam Chair Stevens: Commissioner Gillespie.

Commissioner Gillespie: So I would point out that there is a reference in the recommended site specific conditions of approval. Number four says that the Cross Access and Maintenance Agreement shall be recorded for the service drive. So we are requiring the applicant to resolve essentially a private matter with respect to the cross access agreement for the drive. I'm not sure if that fits into the CC&R discussion or how it fits. But at least we are looking hard at that piece of it.

Madam Chair Stevens: I want to add a few things as Commissioner Stevens. I know that our staff report, I will be supporting the motion. I'll start by saying that. And I know the staff report referenced Objective 7.1 from the West Valley Community Plan. But I think it bears reading into the record because I wanted to pull that up and make sure that the parcel that we’re talking about did in fact lie in Section F which it does of that plan.

And I think to Mr. Luke’s point, this was a plan that was in fact vetted very seriously by the community. That's with us tonight, and many of your neighbors and it says specifically for this area through the use of planned developments and development agreements, encourage a mix of medium density residential, institutional, and neighborhood office commercial uses in Section F.

So, that does bind us. That's in our comp plan. That's been adopted. And it was it was created by the neighborhood within which this parcel sits. So I think that's really important for us to recognize.

I also just want to speak quickly to the, I think, it was Ms. Nelson who asked for background checks. And we can't require that sort of thing. First of all, it'd go against the Fair Housing Act, and many other things. So, that's not the kind of condition that the City of Boise can put on a property particularly when that property is not the neighborhood’s property. That doesn't belong to the people who live next door to it.
So, I just want to make that clear for the record. So, if there are no other comments, will the clerk please call the roll?

Clerk: Ansotegui.
Commissioner Ansotegui: Aye.
Clerk: Finfrock.
Commissioner Finfrock: Aye.
Clerk: Stevens.
Madam Chair Stevens: Aye.
Clerk: Gillespie.
Commissioner Gillespie: Aye.
Clerk: Bratnober.
Commissioner Bratnober: Aye.
Clerk: Stead.
Commissioner Stead: Aye.
Clerk: All in favor, motion carries.
Madam Chair Stevens: Thank you.

RESULT:
MOVER: Tamara Ansotegui, Co-Chair
SECONDER: Milt Gillespie, Commissioner
AYES: Ansotegui, Stevens, Gillespie, Stead, Finfrock, Bratnober
ABSENT: Claire Paschke

5.  CAR19-00001 / WHPacific, Inc.
211 W. Highland Street / Development agreement associated with a rezone of 0.99 acres from R-1C (Single Family Residential – 8 units/acre) to R-1M (Town Lot Residential – 17 units/acre). Brent Moore

Brent Moore (City of Boise): Madam Chair, Commissioners. Before you is a development agreement associated with the rezone of a property located at 211 West Highland Street. The property is located on a southeast corner of Highland Street and Londoner Avenue, approximately a quarter mile west of Parkcenter Boulevard. On March 11, the Planning and Zoning Commission approved a conditional use permit for a planned residential development on the site comprised of 14 townhomes, and recommended approval of the associated preliminary plat [inaudible 01:08:59] the City Council. The Commission also recommended approval of the proposed rezone of the property from R-1C to R-1MD with a condition that a development agreement be included, limiting the site to a total of 14 dwelling units.

As city code requires development agreements to be noticed and heard by the planning and zoning commission prior to advancing to City Council, the item is before you tonight. So, the applicant has agreed to the Commission’s condition and has submitted a draft development agreement limiting the property to a total of 14 dwelling units. As the planned unit development and preliminary plat have already been decided upon by the Commission, all that is before you tonight is the development agreement.
So, in conclusion, the planning team is recommending approval of the development agreement, as it is found to be in compliance with the condition of approval required by the Commission at the March 11th hearing. And this concludes my presentation.

**Madam Chair Stevens:** Thank you, Brent. Is the applicant present tonight? Great. If you could step forward please and give us any additional commentary that you might have, we would appreciate it.

**APPLICANT**

**Jane Suggs | WHPacific (2141 W. Airport Way):** Good evening, Commissioners. Thank you for having this item in front of you today. I'm Jane Suggs at WHPacific representing the Greenheads End Subdivision. I really don't have a lot to add to Brent's report. We have provided the development agreement that was requested during the approval. We have requested and you did approve a recommendation to City Council to rezone the property to R-1M which does meet the comprehensive plan. And as Brent mentioned, as a reminder at the March 11 meeting, you recommended the City Council approved the rezone and the preliminary plat and in fact that you did approve the PUD with 14 units at the meeting on March 11th. I actually can answer any questions you have about that now or after the neighborhood folks speak.

**NO NEIGHBORHOOD ASSOCIATION**

**NO PUBLIC TESTIMONY**

**Madam Chair Stevens:** Great. Thank you so much. Okay, this is the time we have for - Miss Suggs. If you don't mind staying up there just in case there are questions. Yeah. Or you can sit as long as you don't go too far. Are there any questions for staff or the applicant at this time?

**Commissioner Ansotegui:** Madam Chair?

**Madam Chair Stevens:** Commissioner Ansotegui.

**Commissioner Ansotegui:** Thank you. A question for staff quickly. First, Brent, would you mind putting the zoning map back up? Thank you. Okay. That's what I wanted to see. R-1MD, 17 units per acre. We're putting 14 in. Okay. Thank you.

**Madam Chair Stevens:** Any other questions, or clarifications? Okay. Is there a representative here from the southeast neighborhood association? Okay, we don't have anybody on the signup sheet to testify. Is there anybody here who wants to testify on item number five? Okay, so unless Miss Suggs wants to add anything, which she's indicating for the record that she does not, we'll go ahead and close the public portion of the hearing and move toward a decision.

**Commissioner Gillespie:** Madam Chair?

**Madam Chair Stevens:** Commissioner Gillespie.

**Commissioner Gillespie:** I move that we approve or recommend approval to City Council of CAR19-00001 with all the terms and conditions in the staff report.

**Madam Chair Stevens:** Is there a second?

**Commissioner Ansotegui:** Second.

**Madam Chair Stevens:** We have a motion by Commissioner Gillespie, a second by Commissioner Ansotegui. Any further discussion? Okay. Will the clerk please call the roll?

**Clerk:** Ansotegui?

**Commissioner Ansotegui:** Aye.
Clerk: Finfrock?
Commissioner Finfrock: Aye.
Clerk: Stevens?
Madam Chair Stevens: Aye.
Clerk: Gillespie?
Commissioner Gillespie: Aye.
Clerk: Bratnober?
Commissioner Bratnober: Aye.
Clerk: Stead?
Commissioner Stead: Aye.
Clerk: All in favor. Motion carries.
Madam Chair Stevens: Thank you.

RESULT: APPROVED [UNANIMOUS]
MOVER: Milt Gillespie, Commissioner
SECONDER: Tamara Ansotegui, Co-Chair
AYES: Ansotegui, Stevens, Gillespie, Stead, Finfrock, Bratnober
ABSENT: Claire Paschke

6. PUD18-00044 & CVA18-00074 / JLJ, Inc.
5357 N. Collister Drive / Conditional use permit for a planned residential development comprised of 10 detached single family homes on 6.07 acres in an R-1A (Single Family Residential) zone. Also included are variances for an 8' retaining wall in the front setback and a reduction to rear setbacks from 30' to 15' along the eastern boundary of the development. Leon Letson

Denied

RESULT: DENIED [2 TO 4]
MOVER: Meredith Stead, Commissioner
SECONDER: Jim Bratnober, Commissioner
AYES: Milt Gillespie, Janelle Finfrock
NAYS: Tamara Ansotegui, Jennifer Stevens, Meredith Stead, Jim Bratnober
ABSENT: Claire Paschke

6a. CFH18-00107 / JLJ, Inc.
5357 N. Collister Drive / Hillside development permit for the grading associated with a residential subdivision comprised of 10 buildable and 3 common lots on 6.07 acres in an R-1A (Single Family Residential) zone. Leon Letson

Denied
RESULT: DENIED [3 TO 3]
MOVER: Meredith Stead, Commissioner
SECONDER: Jim Bratnober, Commissioner
AYES: Milt Gillespie, Janelle Finfrock, Jim Bratnober
NAYS: Tamara Ansotegui, Jennifer Stevens, Meredith Stead
ABSENT: Claire Paschke

6b. **SUB18-00058 / Polecalt Gulch Lofts**
5357 N. Collister Drive / Preliminary plat for a residential subdivision comprised of 10 buildable and 3 common lots on 6.07 acres in an R-1A (Single Family Residential) zone. Leon Letson

**Leon Letson (City of Boise):** Good evening, Madam Chair and members of the commission. The items before you are a 10-unit planned residential development with an associated hillside development permit variance and preliminary plat. This item was deferred on February 4th with request from the commission that additional information be provided on number of aspects of the project.

For the benefit of the commission, particularly those who are not in attendance at the last hearing, I will provide a brief overview of the project. The subject property is located at 5357 North Collister Drive in an R-1A zone, primary uses in the surrounding area include single family homes on various sized lots and the Polecalt Gulch Reserve. The requested planned residential development is for 10 single family homes, including the existing home on site, which will be renovated as a part of this project. Buildable lots range in size from 1/6 of an acre to one quarter of an acre. Through the planned residential development, reduced lot sizes and setbacks internal to the development have been requested. In addition to leading more than 50% of the site and publicly accessible open space, the applicant also proposes to construct a public trail connection to Polecalt Gulch Reserve and utilize energy efficient design and drought tolerant landscaping for the development.

The public trail connection proposed will involve the exchange of two small parcels with the city. In addition to supporting the establishment of the public trail connection, this exchange is necessary to allow the developer to construct the access to their development which has been centered between Quail Ridge Drive and Outlook Avenue in accordance with ACHD’s driveway and intersection spacing standards. The exchange of these parcels requires approval from City Council.

Regarding the hillside development permit, Public Works has stated the project can be approved based on the initial engineering analysis submitted to the City. The majority of grading proposed will be for the private street, retaining walls, and utilities. Each individual lot will require a staff level hillside development permit prior to grading and construction.

Concerning the requested variances, a 9’ 9” inch retaining wall is necessary along the western boundary of the development for the proposed private street and to accommodate the grade necessary for emergency access. This wall will only be visible from within the development regarding the reduced setbacks along the eastern boundary of the project. This is driven by the unique shape of the site. All
homes will sit a minimum of 20 feet from Collister Drive, the northern two lots will sit more than 40 feet away.
The subdivision consists of 10 buildable lots and three common lots. The development will be served by a private street where sidewalks are provided adjacent to homes. All reviewing agencies approve the project with standard conditions. ACHD is requiring the installation of curb, gutter, and sidewalk from the entrance of the development to Outlook Avenue to the south. Parks and Rec and Ridge to Rivers are supportive of the new trail connection to Polecat Gulch Reserve and the dedication of the large non-buildable parcel to the north.
So now that we've reviewed the proposed projects, I'll touch on the requests and concerns made by the Commission at the last hearing. These include compatibility to surrounding uses, proposed stormwater pond in the northern portion of the development and overall site drainage, and the layout of the development in terms of the alignment of the private street, lot sizes, and retaining walls.
Regarding compatibility, single family homes on various sized lots are located to the east, south, and west of the subject property. The Polecat Gulch Reserve is located to the north. The size of the lots associated with the single family homes range from 1/10 of an acre to 1/2 of an acre. Lot sizes associated with the applicant’s proposal range from 1/6 of an acre to 1/4 of an acre.
Concerning the proposed stormwater pond, the applicant’s proposal is in line with other developments in the area that have used a similar technique of managing stormwater and site drainage. Pictured here is Boulder Heights Subdivision located in East Boise. The blue areas represent multiple pond areas throughout the development, some of which are located at grades above adjacent residential properties. As stated before at our last hearing, Public Works will provide an in-depth review of this aspect of the project during the construction document phase of the planning. If the applicant opts not to utilize a pond as stated in the letter, there are other alternatives that could also be utilized. Again, these two would be subject to an in-depth review by our Public Works department prior to any signature of the plan.
Concerning the layout of the development, the planning team has explained throughout this presentation how the proposed density and lot size of this project is compatible with the surrounding neighborhood. The private street has also been designed to comply with emergency access requirements as detailed in the materials provided to you from the project engineer.
Finally, the 9’ 9” retaining wall is also necessary to accommodate this roadway and provides screening to residents to the west in terms of their visibility and traffic headlights from vehicles coming down that street.
The planning team remains supportive to the project and recommends the commission approve the planned residential development, hillside development permit, and the variance. A recommendation of approval to the City Council for the subdivision should also be granted. Thank you.

**Madam Chair Stevens:** Thanks, Leon. We'll try not to make you talk too much. I didn't realize you were so sick. Is the applicant present? Yeah, if you could come forward and give us your presentation. Thank you so much. Give Leon a break.
James Jewett (8640 W. Atwater Drive): Yeah. James Jewett 8640 West Atwater Drive in Garden City.

I think Leon, even with his lack of voice has explained quite well what has transpired and where we’re at with this. In my letter, I did state that if the pond has a lot of issues with the commission, I’ll remove it. I think it has its merits. But it’s not a deal breaker for me. It’s more of an amenity that serves many purposes. So I’ll adhere to whatever desire the commission has on the pond.

As far as the road design, I have my engineer here present and he can answer any technical questions as far as how we had to design this road. But really, we’re limited to a lot of factors in height and grade and fire department. And I think the real tragedy here was - happened on this partial years ago when no substreet was provided from the property to the west. Had a substreet been provided from the west, then a different pattern where the road could have easily been designed. But the fact that we only had one way to get in, we have to go a certain distance west, north, and then back to the east to gain the elevation necessary to maintain the fire department's requirements.

And as far as lot density and lot size, Leon again explained the overall compatibility with the surrounding neighbors. But specifically on this site, I could lose half these lots and the road would stay exactly the way it is. It just can’t go anywhere else. Physically, I can’t go anywhere else. So it’s not the amount of lots, the size of lots that’s driving the road design, it’s really how I get up that hill in a safe and orderly manner. And so that’s really, I think, addresses most of the commission’s concerned from the previous hearing. And again, my engineer is here to answer any more technical questions. And with that, I would give my time to him or stand for any questions.

Madam Chair Stevens: Thank you so much, Mr. Jewett. Are there any questions for the applicant or for staff this evening?

Commissioner Gillespie: Madam Chairman?

Madam Chair Stevens: Commissioner Gillespie.

Commissioner Gillespie: So I’m just - I just want to clarify one thing. So does the proposal before us specify whether there’s a retention pond at the north end of the site, or whether the water is piped under the development into the ACHD drain? Or does it leave it ambiguous and up to essentially the applicant and the city engineer to make that final determination?

Leon Letson (City of Boise): Madam Chair, Commissioner Gillespie, it would certainly be something that could be worked out between Public Works and the applicant during the construction document phase. The Commission certainly could provide a condition saying, “No pond.” But currently, there’s no condition in our staff report or recommended conditions of approval that call out how that storm drainage facility needs to look. Largely because as the applicant has explained, this is a - they have a conceptual idea of how this works. But you actually have to work through the engineering to make sure that it’s all possible. And so, we would like to provide that flexibility to allow that to happen.

Madam Chair Stevens: Any further questions? Commissioner Finfrock.
**Commissioner Finfrock:** Yes, I had a question for the city. It's my understanding. And again, this is not my area of expertise at all. But if you increase the road, it decreases the slope. But what the applicant was saying was that no matter how - even if they decrease the number of lots, they would not be able to - the road would never be able to equal the slope if - at least as it's required by the fire department. Is that correct?

**Leon Letson (City of Boise):** Madam Chair, Commissioner Finfrock, the applicant and his engineer might be able to give you a more technical answer. But, yes, that is. Basically, the layout provided here is how you can effectively enter the site and exit the site. And whether or not you combine all of the top lots into one lot and all the bottom lots into two or three lots, the road is going to look the same as far as I've been - as far as I understand it in the discussions we've had with the engineering team and the fire department.

**Commissioner Finfrock:** Okay. Thank you.

**Madam Chair Stevens:** Any other questions for staff or the applicant? This is your chance. Anyone? Okay. Thank you. And I just want to say, Mr. Jewett. Thank you for providing all the drawings of the road from the engineer. It was actually extremely helpful for me in understanding it.

**James Jewett (8640 W. Atwater Drive):** You're welcome.

**Madam Chair Stevens:** I wanted to say that. Okay. The first person on the signup sheet. Oh, sorry, we've got to go with Neighborhood Association. And that's Collister Neighborhood Association. Is there a representative from that body here tonight? I see none.

NO NEIGHBORHOOD ASSOCIATION
PUBLIC TESTIMONY
So, we will in fact go to the signup sheet then. And the first person on the signup sheet is Milt Coffman.

**Milt Coffman (5471 N. Collister Drive):** Good evening. My name is Milt Coffman. I live at 5471 Collister. And unfortunately, I live right down from that subdivision. Questions I have is threefold. One, looking at his pictures, it looks like he's going to have two-story houses which destroys my site view because I have a deck that looks straight south and two stories, my site view will be second story of his houses, which I don't like.

Second question I have is this is going to be a private road. And in the winter time, unless the homeowners have somebody out there early in the morning plowing it, they're going to be sliding into Collister, which is the disaster already with Quail Ridge bicyclist and the homeowners at Collister. That needs to be addressed.

The third thing is when I talked to them last year, they were going to put some retaining walls along Collister. I don't see anything in their presentations that shows retaining walls where the railroad ties are now - which are falling apart and leaking into Collister.

And I realize the select point is not your purview. But way back when, when a developer was going to develop Polecat Gulch, which fell apart, ACHD was going to require a stoplight at Collister and Hill. Well, with this subdivision and others going in, that has got to be addressed. But for some reason, ACHD has declined to do anything about it. And the Collister and Hill is becoming very congested, especially during the evening and morning commute. And that's it. Thank you.
Madam Chair Stevens: Thank you so much, Mr. Coffman. Next on the sheet is Tim Quick followed by Bonnie Gentil.

Tim Quick (5364 N. Goldie Place): Tim Quick, 5364 North Goldie Place. Thank you, Madam Chair. Thank you, commissioners. We own the home directly west and adjacent to the proposed private road. And as I said last time these applications were reviewed in front of this Commission. I’m not opposed to the development of the lower buildable portion of this lot. But I’m opposed to the project design for the current proposal, specifically the location of the new private road running adjacent to my property line. During the February 4th review, commissioners also expressed this concern for the design resulting in a deferral to April 1st. The applicant missed the deadline for the hearing on April 1st and was granted an additional one week for deferral to tonight.

And then finally, just six days ago, the revised application was submitted with no time for public notice to be sent to the impacted properties within a 300-foot radius for comment. The application is only revised in that it now contains a written promise to redesign the stormwater collection system and submit that design for review by Public Works at a later date. At the inclusion of one letter, two engineering firms describing the challenging nature of the property and their difficulty in planning and connecting all of the lots included in the applicant’s proposal. Neither of these responses addresses the recommendations to consider a redesign to reduce impact, including exploring alternatives with fewer homes and larger lot sizes as recommended by council comments per the meeting in February 4th minutes. But rather, they state that a more elegant solution to chopping up this property to accommodate the request of the applicant’s 13 lots cannot be found.

If you look at the topography maps provided by the applicant, you see that the road coming out of Collister is around a 5 percent grade, I think. The TOEFL lines run east to west. The steepest grade is the grade that runs up my property line at 10 percent. You could move that road 20 feet to the east and achieve the same elevation gain at the same distance without increasing the slope of the road. You would have to potentially eliminate the middle two lots. But that is not the only location that you could slash a road with a 10-foot retaining wall to achieve that allegation game.

With regards to requirements being met, when considering approval of the CUP, we have item number three that states the site should be large enough to accommodate proposed use in all yards, pathways, walls as required by code, which this one does not. In the report, the proposed use if it complies with all conditions proposed will not adversely affect other property in the vicinity. By the applicant’s own testimony during the last meeting where he indicated that I was the most impacted by the design. The fact that I’m most impacted implies that the rest of my neighbors are also impacted.

We request that these applications be denied on the basis that they do not conform to the development standards or meet the requirements for granting of the CUP. This would relieve the applicant of the timelines he’s demonstrated difficulty in complying with and allow him to apply the constructive feedback of two commission reviews and the public testimony and redesign for submittal that does justice to the site's
potential, or give someone else the opportunity to design a project that aims to provide added value to the community as opposed to one that seeks only to maximize personal profit at the expense of his or her neighbors. Thank you.

**Madam Chair Stevens:** Thank you, Mr. Quick. Bonnie Gentil followed by Patricia Mercado.

**Bonnie Gentil (5853 N. Collister Drive):** Good evening, Commissioners. My name is Bonnie Gentil. I live at 5853, North Collister Drive. My home is located on the upper western side of North Collister Drive, which means I’m affected both by the proposed development, which will in my opinion, be an eyesore on the entrance to our community.

I think that the structures are incongruent with the environment and the existing homes. I’m also concerned about - and I came here tonight really to state my opposition to the trail connection that is proposed between the housing development and the Polecat Gulch Reserve trailhead, which is at the end of North Collister Drive.

I understand that Mr. Jewett has proposed as an amenity to his Polecat lofts, a trail which would connect the lofts to the trailhead at the end of Collister Drive. Since I live on the western side of Collister Drive, this directly affects me. I’ve looked at the map of the proposed trail. And it passes close to the property of the homes that are on West Collister Drive.

I appreciate that Mr. Jewett and the City consider that they have good intentions and this project as being a positive thing for our neighborhood, and I’m speaking of the trail. However, in my opinion, we don’t need another trail leading up to the Gulch, which even worse passes close to our homes in the backyards of us living on the west side. The proposed trail pass is very close to some of the homes. Walkers, bikers, dogs will be within site and within hearing of our backyards.

Most of us purchased homes here because of the privacy of backyards that give directly onto the Polecat Gulch Reserve. We will have disruption and loss of privacy in both our front and backyards now if this trail is approved. Collister Drive, the character of it has changed since August of 2014 when the trailhead was put in at the end of the street. We have a lot more traffic. This trail has become enormously popular, especially with mountain bikers.

We have a lot more traffic, especially on weekends and the warm summer months. The traffic brings noise and pollution to our canyon. Our canyon is a little bit closed in. It’s narrow, so the sound resonates and we hear everything.

I’ve lived in this neighborhood since 2001. And since 2014 when they opened the trailhead, we’ve noticed the disruption in the wildlife that we see. We don’t see nearly the amount of deer and coyotes that we used to see. So, I don’t think that we need another trail that’s going to disrupt also the people that live on the west side of North Collister Road. I think I’ll stop there. And thank you for listening to me.

**Madam Chair Stevens:** Thank you, Miss Gentil. Patricia Mercado followed by Michael Horner.

**Patricia Mercado (5333 N. Goldie Place):** Good evening. Patricia Mercado, 5333 North Goldie Place. I don’t know where to start anymore. There’s so many things wrapping around.
One of the things I noticed in the report, the fire department on page 85, there were two items that were of concern. One of them noted that lot six and seven are too shallow for the 30-foot defensible space for wildfire prevention. And the other one says that lots 9 and 10 are inaccessible to the fire department equipment because of the grading.

I'm curious as to how these are going to be addressed and when. And I don't know if they can be addressed in the current layout. Again, I'm still a little concerned of the stormwater. They talked about a little bit on page 77. But we talked about this pond. But what is the real plan for overall and during construction. We've got 100-year floodplain that comes into this property that plays a part as it does with the two houses to the west on Outlook. All three of these lots are in the floodplain.

And as the neighbors on that side, we're concerned about what's going to happen there. I didn't see any real response to that in the report. On page 70, they talk about the soil reports and something called collapsible soil, which I had never seen before or I probably didn’t have time to read it all. But if the collapsible soil is discovered on site, how much are we changing where the road is? Or if you can't mitigate it, remediate it. How does this affect the plans?

Or how is this going to have to be moved or removed? I don't really know how that's - I'm not sure how that works. Again, people talking about the road. It is what it is what I'm hearing. I'm not so sure about that. I'm not really convinced. But fewer houses, different - moving around, there has to be something.

We do have a challenge with this place because there's a lot of unbuildable and the grade is a problem. So it's tough. But when we're talking about the road and the houses, what about visitors and parking? Where do they go? They're going to have to come down on to Outlook and Goldie, which is where we all live because you can't park in Collister. There's too much.

The other thing is time, the disturbance during construction. A lot of us were right next to this property. We live there. We work from home. How long is this thing going to take? What's the worst case, best case scenario? You’ve got to build the road. You’ve got to do all these things. And then how long is it going to take for the developer to develop 10 homes by himself?

I don't know. The road that they're building over on Forsythia to redo that plot, that place is flat. It's taken a year to build that. Yeah, it's bigger. But it has, I think, less challenges than this. So we are concerned about the time and the disturbance to the neighborhood. I mean it says it's 112 truck loads with trailers worth of materials that has to be removed from the site before they can do all the building. How long does that take? How noisy is that? Thank you.

**Madam Chair Stevens:** Thank you very much. Next up Michael Horner, followed by Shannon Ross.

**Michael Horner (5333 N. Goldie Place):** Michael Horner, 5333 North Goldie Place. My main objection to this project is the landscape of it where the top property is a very steep grade. And it's the beginning of the Foothills. And it's a very beautiful area right now.

And from what I understand, we want to take 112 commercial truckloads of soil out of that hill, which is known to be very Sandy, silty soil. And how is
that going to affect the rest of the neighbors which are directly below that as far as possibility of landslides or further damage caused by that.
I have no objection to this project. If we were to make maybe a couple less houses so that we don't have to dig directly into the hillside, which is going to be - it's going to be a horrible eyesore and something that would fit the neighborhood better. I would have no problem with that. But the way it stands, this just is too much. Thank you.

**Madam Chair Stevens:** Thank you. Shannon Ross, followed by Jeffrey Kelly.

**Shannon Ross (5340 N. Goldie Place):** Good evening. My name is Shannon Ross. I'm at 5340 North Goldie place. And this property backs up to our property. And my major concerns are the traffic, fire, flood, and the soil issues. As far as the traffic impact is concerned, Collister is already a very busy road. It's busy because of the people who live up there with Quail Ridge, and also the Collister residents as well as people who go to the trailhead.

Right now in the corner that I live on, which is on the corner of Goldie, Outlook and Collister and this development, people park already on Outlook in order to take their bikes up to the trailhead and such. That is a complete blind spot. With the development of 10 homes coming in there as far as if they are family homes, have children, that's where the bus picks them up, you can't see anything on that corner. There's a crosswalk there. And it's completely blind from the south side going up Collister.

Adding this development, is there going to be an HOA? How are they going to take care of the streets? I know it's a private development. But what are they going to do with the snow come wintertime? And then what are they going to do with the gravel come springtime when it goes down into Collister and causes a traffic hazard on Collister Road?

Another concern with the traffic impact is I believe that they should do another traffic count on Hill Road. Hill Road backs clear up during busy time to Hillside Junior High. The count in 2017 was like 2,300 cars in the day traveling through there. This is going to add an impact to that.

I believe that it would be - I know that the developer stated that there wouldn't be a change in the road as far as if they made the lots bigger. But if they move the lots down and eliminated the homes that are on that pitch, you wouldn't have to make the road go up that far. It could be moved over. You could have homes that are developed in aesthetically to the other homes in that development that don't go so far up the hill.

Flood mitigation. I know that that the east, southeast side of that property does sit in a FEMA flood zone because it travels through our house and we sit in that flood zone. So regarding this catch pond that they're talking about, I feel like there is nothing that is in place and there should be something in place regarding fire and flood before a development is approved, especially fire. When we're sitting in a fire wise section, the Foothills needs to have a fire wise plan.

And it also since it's sitting in a FEMA flood plan, should have a flood plan before the development is approved, as well as the collapsible soil. If there's soil issues and they start developing, we find this out later. And there's already been damage done to this property. What happens then?
And my recommendation would just be to build fewer homes in that area. I'm not opposed at all to the development. I just don't think they should put 10 homes in there. Thank you.

**Madam Chair Stevens:** Thank you. Jeffrey Kelly, followed by Angela Hurley.

**Jeffrey Kelly (1160 W. El Pelar Drive):** My name is Jeff Kelly. I'm at 1160 West El Pelar. And my big concern here is with the submitted revised application, which is six days with no public notice for the impacted properties. And where the only design revision was a promise to look at the retention pond, it just doesn’t seem adequate knowing the neighborhood and understanding the concerns everybody has with the floodplains and the properties there.

I'm not a resident of the neighborhood. But I spent a lot of time over there with friends. And as a Boise city resident, I'm concerned that the Commission would consider a promise as adequate for application.

The other concern was the design of the road and the consideration of the number of homes within the property itself. And then another person addressed the snow removal, the shape of the road and the 90 degree bends in the road. To me, it looks like the cars could not only slide onto Collister, but also into the properties adjacent to the west and to downslope. So, I think that should be addressed by the Commission as well. I think that's all my time. Thank you.

**Madam Chair Stevens:** Thank you. Last on the signup sheet is Angela Hurley. And then we'll open it up to anybody else who would like to give testimony tonight.

**Angela Hurley (5470 N. Collister Drive):** Thank you, Madam Chair and commissioners. My name is Angela Hurley. My husband Mark and I live at 5470 North Collister Drive. And I appreciate the work the developers put into the proposal but we still have the following concerns.

And due to the size of the proposal, a traffic study was not required. A traffic study for a nearby development on Forsythia and Hill, which was referred to earlier, showed that Hill Road was already over capacity at peak traffic times. And I think it's important to recognize the importance of all these smaller developments and the impact they have on the bigger picture. I think that we need to look at them as a whole and have a plan to address the infrastructure issues before proceeding with approving additional development.

I'm concerned the proposed entrance to the new development is located between the entrance to the Quail Ridge Subdivision and where Outlook and the entrance to the Briarhill Subdivision meets. And it may be the best place, but to me it's not a good place. It will add a complexity to the section of road that already has very limited visibility. And there's just a lot of stuff going on there.

I'm concerned about providing a walking trail to connect to the Polecat Gulch trails without providing off-street parking. If people can access those trails, they're going to park on Collister and hike up. And that will add more to that already busy place where all those streets are coming in. They do that now. They park on the right hand side going up and just go up the hill.

So while the designs of the developers homes are incredibly cool and they're beautiful, and I think he does a really neat job of blending his work
with the landscape. I think 10 homes in that small parcel, it doesn’t really blend with the rest of the neighborhood or the feel of the neighborhood. And I really don’t envy you and your role in balancing demand for more housing and the needs of improving the infrastructure to improve that. But due to the concerns that all of us have mentioned, I just hope that you’ll agree. It might not be the best we can do for this particular parcel of land and the proposed development. That’s all. Thank you.

Madam Chair Stevens: Thank you very much. Excuse me. So that’s the end of the signup sheet. Is there anybody else in the audience tonight who’d like to testify? Okay. So, go ahead and come on up. And there is a - oh, okay. That’s okay. Well, we’ll get you. I promise. So if you could be sure to fill out a white slip that’s sitting there. After you get done testifying and hand it up here, we would appreciate it because that way we’ll be on the record.

Emily Ray (5999 N. Collister Drive): I’m Emily Ray, and I live at 5999 North Collister. So I’m on the top of the road on the west side the developer’s proposing the new trail. While I understand the concerns about the subdivision itself, my main issue is with this trail. It’s basically a spur. And the only people it’s going to give advantage to are the people that are living in this new subdivision. And potentially people who are going to come and park on the road, as people have mentioned, an increase traffic and other issues we already have down at the bottom of Collister.

It’s just basically a redundant trail. It’s not that hard to drive maybe another 30 seconds, to a minute, or walk up Collister and access a perfectly good parking lot that already exists and a trailhead. That being said, there are a lot of deer that are on this ridge that they’re proposing the trail. They cruise back and forth all the time. We see them constantly. That amount of animals has been reduced and this trail is going to reduce them even more.

Another concern is where the hikers are going to park or bikers down at the additional spur. As I said, it’s going to increase that. Polecat trail already produces a lot of foot traffic in front of our house. Dogs running off the leash up the street, people and bikers in the middle of the road not watching out for kids in the road. We don’t need another trail behind our houses. It’s going to encroach on the privacy that we bought our home for. We’ve looked a long hard time before we found somewhere we could actually feel comfortable living with not having a bunch of people behind us.

This trail is going to be looking directly down into our yard. The trail is going to dump out right where we come out where our home is. We already have people coming from Polecat peering over our fence with their dogs off the leash barking, disturbing our general privacy. I understand that trail is there and that’s public land, but to have another planned trail right behind our house, to me is just - it’s not acceptable. It’s very disconcerting. And additionally, security issues with people hiking behind the homes and able to see down in our yards. I mean you can see right down into homes and yards from up there. And they’re already - another issue to me is fire danger up there. You’re adding more people, which is going to increase another potential fire danger with people hiking off the trail. They’re going to have their dogs off leash out there running up and down the hillside.
And in the long run, I feel like this trail is probably, at least for this side of the road, going to lower our property values. But that truthfully is - that will be a result. But I'm just more concerned about having this trail and encroaching on our lifestyle that we chose to live in this place for in beautiful Boise.

**Madam Chair Stevens:** Thank you so much.

**Emily Ray (5999 N. Collister Drive):** Thank you. I appreciate your time.

**Madam Chair Stevens:** Absolutely. Please don't forget to do a white sheet. You can go ahead and take it back to your seat and just hand it in when you're done. Okay, Sir, your turn. Make sure that that's pulled up. Thank you so much.

**Jon Sorenson (5376 Goldie Place):** My name is Jon Sorenson. I live at 5376 Goldie. I'm just west of this development.

A justification for platting of 13 lots and 10 homesites has not been presented by the applicant. The two lots cover six acres of R-1A zoned at two units per acre. But 3.3 acres of that six to be preserved in a non-buildable common lot have slopes ranging between 20 and 50 percent. According to the applicant's letter from Focus Engineering, slopes in excess of 25 percent are not considered buildable by Hillside Development standards without significant burden of proof on the applicant's part demonstrating the ability to safely build sound homesites with defensible spaces and emergency access.

This leaves little more than two and a half acres considered buildable. The bottom portion of which is in a floodplain. If the applicant had started with five or six home sites and then incrementally added to the density in the design as site conditions allowed in exchange for preservation of the open space until running up against the wall, literally in this case, where the designs no longer conform to the development standards or what's required to be met when considering a conditional use permit. This may have resulted in less home sites but a plan more worthy of approval.

I live in this neighborhood and I'm just not convinced that they've done enough innovation with their road to the extent where they want to just pack more home sites into it. And you brought up the point, I've heard the grading. You could do a little bit more with this road. But you'd be losing sites. And I think that's part of the reason.

I also agree with everybody. Everybody in this neighborhood uses that Polecat trail. Giving us access closer sounds good. But it's really, with all due respect, it's worthless. Everything that everyone has said about that trail is true. It would infringe on the wildlife. It's going to infringe on people's privacy. And there's a trailhead a mile up the road. There's risk. There's no point in it other than it looks good that you offer this thing. Thank you for listening.

**Madam Chair Stevens:** Thank you Mr. Sorenson. Please do fill out a sheet so you're on the record. Is there anybody else in the audience tonight who would like to testify? Okay. It's okay. There'll be time for everybody.

**Ryan Lagerstrom (5613 N. Collister Drive):** Hello. Good evening. My name is Ryan Lagerstrom, and I live at 5613 North Collister Drive. I have a few issues. Kind of three here to highlight is the lot size. When they were first talking about the different lot sizes, 1/6 of an acre, I don't think there is another single family resident that is that small. The townhomes around Briarhill 1 are that small. But not a single family residence.
The road access. The current residents at that single family home on that lot can’t even make it up that street in the wintertime. They have changed their cars and they can’t even get up that hill. So finding a better way to look at that road, engineer that road, if need be, would be a good use of time.

The big issue again, I think we keep bringing it up, is that trailhead. It is going to run alongside a lot of the property owners on that side of the house. Correct me if I’m wrong, but the City of Boise purchased that land to protect a wild onion. So it doesn’t make a whole lot of sense to encourage more people to trample on that land and potentially harm that onion.

City of Boise loves promoting the outdoors. So, the residents love it. But we all know they do not do a good job following directions when the trails are muddy. And so, that’s going to create a lot of erosion, which could in turn come down on to the houses below that new trail head. So, I think those are just my major concerns.

**Madam Chair Stevens:** Thank you so much. Be sure to take a little white sheet. Great. I do know we have at least one more hand. Okay.

**Jarred Ray (5999 N. Collister Drive):** My name is Jared Ray. I am at 5999 North Collister. So my wife, Emily, spoke. We’re at the top of the top of the street. I think all the concerns that I have have been addressed, but I’m just going to reiterate them.

The outlet from Quail Ridge right now comes out and people hang out halfway in the street. There’s almost an accident every day. Adding another trail-head right there is just going to get more people parking on the street right there. I don’t think this view gives justice to how dangerous that is right there - that it’s actually a hill that comes up and over. So there is potential for more traffic, more accidents there.

Also missing from the plans are the proposed trail-heads - as everybody is referring to it. What was shown in the plans earlier is just like a little stub-trail. It does actually look like they’re proposing it go all the way along the ridgeline, so that was from the City of Boise from Mr. Gordon. So I believe it hasn’t been included in this plan purposeful or not. I know it’s just a proposed trail plan, but it’s a pretty key part of the plan I think.

And again, not providing parking to a new trail-head when there’s already a trail-head up top does not make sense at all. Again, major corridor for deer, there’s tons of birds of prey bag in there. Kestrels - there’s tons of nesting back in there that I think is going to get disruptive by something like that. And the onion - that was definitely an issue when the proposed subdivision on the ridgeline was brought up that got shut down years ago.

And I agree, there wasn’t a lot of time for - after these revisions were made for anybody to really get any feedback in. So, the reason a lot of these people are here is we sent out an email to our HOA and got some people here, but there wasn’t a lot of advanced notice. We were here last time - so I think that was a little bit of misdirection there. So that’s all I have. Thanks.

**Madam Chair Stevens:** Thank you Mr. Ray. You took a white sheet? Good. Okay.

**Kyle Osborn (5913 N. Collister Drive):** Hello, thank you for time this evening. My name is Kyle Osborn. I live on 5913 North Collister Drive. So,
towards the upper portion of it on the west side. I do share the same feelings much of my neighbors have shared with you today, but my biggest opposition is having the trail behind my household. Many of us purchased these properties with the idea of the privacy and the intrinsic value that the natural landscape provides. And I feel like this trail would be taking away from that as the existing trail has already diminished the wildlife that was there prior to it. The traffic on Hill and Collister is already an issue and this would just be adding to it. Parking is a concern. Safe parking, for sure - especially down lower in that blind area. I feel like that trail system was recently put in and there’s more things that the money could be going towards, like a bathroom on the far side where it connects with Cartwright]. Having an area that lacks - or another trail system that lacks a bathroom I think would be problematic. Privacy is a big issue. I think that most of the residences now have really adapted to the natural landscape. You see very few hard barriers like fences and shrub rows and things of that nature. And by having people looking directly into our yards, it’s going to create the feeling of potentially needing to create that privacy, which in turn brings a potential of more invasive species. There was already an effort to clear these invasive species roughly five years ago when they brought the goats in to clear all that. And I feel like the landscape hasn’t recovered yet from that. I have to remove several wheelbarrows of sandy dirty that’s already sliding down on a regular basis. And overall I don’t feel like it’s adding to the value of the neighborhood and what Boise has worked so hard to protect. Thank you for your time.


Sarah Wampold (5985 N. Collister Drive): My name is Sarah Wampold -

Madam Chair Stevens: If you could please bring that down - especially because it’s raining so hard, that it’s actually louder up here than normal.

Sarah Wampold (5985 N. Collister Drive): Sarah Wampold. 5985 N. Collister. And I just wanted to echo what everyone else has been saying about the trail mostly. My big concern is the traffic down at the Quail Ridge outlet there. Like Jared said, there’s almost collisions every day and it’s hard to imagine where people would park if they’re trying to access this trail. And for someone on the west side that would be impacted with the trail directly behind my house, I worry a lot about privacy, security, impact on the wildlife, and then the fire risk as well. So looking at the risks of benefits of building that trail, I think the risks of all those things we mentioned versus the benefits of just having that access and being able to tell the new people moving in that they get this trail where they can just go up the hill a little bit to access it - I think it’s an important thing to think about. Just echoing what everybody else said.

Madam Chair Stevens: Thank you. Okay. Anybody else want to testify tonight? Okay. I don’t see any other hands. So make sure that everybody that did testify that wasn’t on the signup sheet, please pass those slips forward. And we’ll now give five minutes for rebuttal time to Mr. Jewett.

APPLICANT REBUTTAL

James Jewett (8640 W. Atwater Drive): Thank you. I’ll try to take the ones that were talked about the most, and then if I need - my engineer can answer more technical questions.
The trail connection - so what our proposal was and what our discussions have been with parks is a trail connection. Not a trail-head. This is not a destination where people will come, park, and access the trail system. It’s for the local residents. It’s the people on Outlook. The people on Quail Ridge. As an alternative to getting to the trail-head - rather than driving up Collister all the way to the end. So it’s pedestrian only.

And the other thing is that we’ve worked hard with Parks to make sure they are very cognizant of the privacy of those people on Collister. So they are putting the trail-head quite high. And I think Leon can probably tell you that they’ve worked really hard to figure out a way to get up the hill on my property before they start to cross over on Collister so that it was so high up, that it would not affect anybody’s privacy.

So, again I’m only proposing the connection. They are going to build that trail system - the Parks Department and I know that they are cognizant of Collister and I think they’re just looking for an alternative for all these other residents south of this connection that could walk to it instead of having to drive or walk even further up the road to get to the existing trail-head.

Traffic and the access on Collister. Quail Ridge - I come out of that quite frequently and if you look at it, and you can imagine pulling out, it’s an abrupt edge looking back left and right. Mine is just the opposite. You come out and the fan is this way versus this way. So it’s actually is a much better connection than Quail Ridge’s is. So I understand everybody’s concern about Quail Ridge. People do have to nose out to see. That’s just not the case on my exit.

My exit is very true vision left and right. So I don’t think that’s really that much of an issue. Wildlife, one of the reasons I proposed the pond was try to help wildlife with some source of water, so they wouldn’t have to necessarily have to come down onto Collister and make its way to the river or whatever water source they can find south.

I’ve been doing this kind of work - I give away my age too much - for 40-some years. And I think of myself as a very creative individual and I have looked, I have penciled, I have scribbled alternative ways to make the road different. And if you look at my proposal, it does involve actually trading land with the City to get this access to work. And I’m proposing that because I believe it’s the best solution.

My neighbor, Tim, is correct. I do believe he is the most affected by what I am doing. That doesn’t mean I’m adversely affecting him, it’s just he is the most affected. He is directly to my west. I have mitigated as much as I could the impact on him by, one, bringing the road up specifically coming to the west between his property and the property to the west so that no headlines would hit his house. And then making a deviation in the road to the east as we went up the hill to again, move the road away from his property instead of having it right on his property. And the two [inaudible 2:11:05] returns were an attempt to slow traffic by having them come down, stop, make a turn - slows traffic down, which keeps the road noise.

When we had our neighborhood meeting here, we had a very large turnout. I would say probably five, six-fold what you see here and ten-fold from our previous hearing we had here turnover. And these were all the questions and I addressed a lot of those questions. We lost some of the lots based on that neighborhood meeting and I think some of the concerns
about wildlife and me putting the pond in addresses - or came from that meeting.
This is troubled property to develop because of what it’s been handicapped with. It has Collister on the east and it has no other sub-
street provided to it. You can see the designs that we’ve provided as trying to do different alternatives. There just simply isn’t a way to get the
distance and road. So you go east, west so many times - I can zig-zag and get more distance, but at the end of the day, there was one comment - I
could lose the lots on top of the house. Well, I have to get to the lots already. So once I’m there, then that isn’t the issue.
There was a specific question about I didn’t meet the WUI buffer. I don’t know what lots you’re referring to other than the existing lot with the
house. We do not - it’s currently at an 18-foot setback. That exists currently.
And I don’t know where we stand on that, Leon. You may be able to talk about that one, but all the other lots meet the standard. We’ve met all
those requirements. With that, I’ll stand for questions.
Madam Chair Stevens: No more questions, but thank you very much Mr. Jewett. With that, we’ll go ahead and close the public portion of the
hearing. What is the commission’s pleasure?
Commissioner Gillespie: Madam Chairman?
Madam Chair Stevens: Commissioner Gillespie.
Commissioner Gillespie: I recommend that we approve or recommend approval as appropriate of all the items - 6, 6A, and 6B with the terms and
conditions in the staff report.
Madam Chair Stevens: Okay, we have a motion by Commissioner Gillespie to approve. Is there a second?
Commissioner Finfrock: I second.
Madam Chair Stevens: Okay, second by Commissioner Finfrock.
Discussion. Commissioner Gillespie?
Commissioner Gillespie: Madam Chairman, thank you. So, gosh. It’s a lot.
I agree with the engineering conclusion that the road design as-is is substantially the only one. Moving it five feet or a few feet this way and
that, of course is always possible, but I don’t think that any other - I think the design is basically very close to what can only work.
With the respect to the storm water, I’m okay allowing the city engineering staff and the applicant’s engineering people to work
together to look at that soil. That’s the normal procedure the City goes through after this kind of approval - to do the detailed engineering work,
and to figure out what the soils are like, and to figure out all of the cuts and fills, and where this storm-water will go. That’s how it works every
single time we approve this type of a project. And we do that with some regularity.
With respect to the fire - that was an interesting point and the Boise City Fire Department did in a letter dated December 6th address the fire-
safety issues. And basically again, just like the engineering, this thing can’t
go forward until Ron Johnson signs off all the WUI plans in detail. All of the
fire truck turnaround plans in detail. All of the setbacks. So all of that is
contained in Mr. Johnson’s December 6th approval letter.
With respect to traffic, ACHD is saying this is not going to have a significant impact on traffic on Collister. And they say that it currently meets their
service objectives. I agree with the applicant and the City that the lot size,
and the buildings, and the building location, and the general look is compatible with the area. These are single-family homes. There are single-family homes scattered all over this hillside.

You can’t be the last person in the pool. Right? When all of your homes were approved, it was probably a bunch of folks who said, “Oh. We can’t do that.” We just can’t shut down the swimming pool or close the barn door after folks are in. And this project meets all of the code standards and it fits with the comprehensive plan.

Finally, and this is new. I’ve never heard before people opposed to careful thinking about a trail, so that was new. And we can discuss that, but my understanding is that this is just the applicant’s proposal to put in this sub-trail. I think the applicant and the City working with you all - they don’t have to do it. They’re not required by code to do it. And it’s not necessarily a big part of the subdivision plat, so that can be changed.

Now where the City builds whatever connector trail is for those folks on Collister - and I can understand why you don’t want that trail running right next to your backyard. We all understand that, but it’s the City’s land. They have a lot of discretion as to where they put it, if they put it at all. And this permit does not bind or guarantee any action by the City with respect to where that trail on their land goes. That’s for Dave Rodgers and the guys at Parks and Rec.

And they have a procedure - a public hearing procedure for the placement of that trail. Just in some ways, perhaps similar to this procedure. So the trail issue - with respect especially to the part of it on the public land to the north and east. This permit doesn’t bind the City in any way to where that trail goes. So I think Madam Chairman I’ve been through a lot. I’ll stop and let other people talk.

**Madam Chair Stevens:** Great. Is there further discussion?

**Commissioner Bratnober:** Madam Chair?

**Madam Chair Stevens:** Commissioner Bratnober.

**Commissioner Bratnober:** In listening to the discussion, I hear a lot of, “Well this is the best we can do with what’s going on here and how the lot is shaped and that sort of thing.” I still have some concerns with some of the points in the materials as well as the discussion around the grade, fire access, and some of the flood aspects. So I’m concerned. I don’t think I’ll be voting in favor of this.

It feels to me like we’re trying to make the best out of something that is already quite difficult. It’s been through a number of changes in order to get to even this point and it feels like it’s not quite cooked.

**Madam Chair Stevens:** I’ll go ahead and weigh in too. I also will not be supporting the motion and I’ll try to put some code language into my reasoning.

Like Commissioner Bratnober, I also agree that there are way too many concerns about this and too many things that don’t fit in the box to make me comfortable with approving it. So we’ll start with the Fire Department. The letter that was referred to both by the public as well as by Commissioner Gillespie, specifies that lots six and seven don’t provide the 30-foot defensible space and also that there’s not enough - that the grading makes it so that accessing lots nine and ten would be a problem. Now, while it’s true that the staff report requires compliance with all of the agency demands that are in our packet, including that one, that’s one
thing that I would like to see frankly dealt with before I make an approval of this plan. Okay, so that's the first thing. The second thing also relates to the soil, and I'll get to the Hillside Development point in a second. But unlike Commissioner Gillespie, I don't agree that it's common for us to wait - or that our agencies deal with many of these things further down the road. I understand what he's saying. I know that sometimes that does happen, but we don't often get letters that are lets see - oh, eight, ten, pages long from the - let's see. From the Public Works I think is what is it is. Yes, Public Works Engineering with underlined sentences that say, "No copy of the agreement with the ACHD has been submitted to date and will be required regarding the storm-flows." And that underlined, "No testing of the collapsible soil potential severity or depth was provided to the City for the preliminary review."

Again, those are two things that - and if you look at the Hillside Development ordinance, which I will come to in a second, those are the kind of things that for this sort of development on a property like this, need to be dealt with before we get to the point that we're sitting at right now in my opinion. So I'm going to go ahead and get to the issues related to the CUP, as well as the variance, as well as the Hillside Development so that it's the clear in the record why I won't be supporting the motion. With regard to the CUP, we're asked to find several things. Number three is that the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls, fences, parking, loading, landscaping, and such other features are required by this code. We know that the site is not large enough to do that without a variance because a variance is a part of this application, so I don't find that we meet that part of the CUP findings.

In addition number four requires us to find that the proposed use, if it complies with all conditions imposed, will not adversely affect other property in the vicinity, which I don't agree that this particular application meets. If you go to the variance findings that we're required to examine, number three states that, "Granting of the variance will not be a material detrimental to the public health, safety, or welfare, or injurious to the property or improvements of other property owners or" - and this is important - "the quiet enjoyment thereof."

I know this neighborhood as well - not as well as the people who live there certainly, but I am very familiar with the intersection we're talking about. I'm very familiar with Polecat Gulch and this is a dangerous spot, and until we get some of that dealt with, I don't believe that we can grant this kind of application and this kind of variance at this particular spot. Finally, and maybe most importantly, because it wraps all these things I've already mentioned together, is the findings we're required to find for the Hillside Development. Number two for the Hillside Development approval, we need to find that the proposed development, again if it complies with all conditions, will not adversely affect other property in the vicinity and I don't believe that's the case here - that this application meets that. Number three - that the land itself - and this is what wraps in all the comments that I've already made - that the land itself is capable of the volume and type of development proposed as determined by the geological, hydrological, and soils engineering analysis. I'm not confident
that we’ve gotten there yet with this application, so I’m not comfortable with that.
And then under the same set of findings - number four - the project does not create a potential hazard of flooding, soil instability, fire, erosion, etc. And clearly we do not have evidence in front of us that makes me feel comfortable that this project meets that finding. So for those reasons, I will not support the motion that’s in front of us right now. Are there any other comments? Now that I’ve made a very long speech -

**Commissioner Stead:** Madam Chair?

**Madam Chair Stevens:** Commissioner Stead.

**Commissioner Stead:** I will also not be supporting the motion. When we heard this item last month, we weren’t comfortable with the development for the stated reasons by Chairwoman Stevens. Item two of the staff report background says that we were hoping to see alternatives to the proposed layout of the development, including lot size, arrangement, retaining walls, and the meandering nature of the private street. I think we haven’t seen the assurance and changes that we were hoping to put our concerns to rest.

**Madam Chair Stevens:** Okay, are there other comments by other commissioners? Okay, if there are none, will the clerk please call the roll? I guess we’ll see where this goes.

**Clerk:** Ansotegui?

**Commissioner Ansotegui:** No.

**Clerk:** Finfrock?

**Commissioner Finfrock:** Yes.

**Clerk:** Stevens?

**Madam Chair Stevens:** No.

**Clerk:** Gillespie?

**Commissioner Gillespie:** Yes.

**Clerk:** Bratnober?

**Commissioner Bratnober:** No.

**Clerk:** Stead?

**Commissioner Stead:** No.

**Clerk:** Four opposed, two in favor. Motion does not carry.

**Madam Chair Stevens:** Okay, does any other commissioner care to make a motion? I am not capable. I am not able to make motions.

**Commissioner Stead:** Madam Chair?

**Madam Chair Stevens:** Yes, Commissioner Stead.

**Commissioner Stead:** I move to deny recommendation or as appropriate for PUD18-00044 and CVA18-00074 on the following items - CFH18-00107 and SUB18-00058.

**Madam Chair Stevens:** Okay, we have a motion by Commissioner Stead. Is there a second?

**Commissioner Bratnober:** Second.

**Madam Chair Stevens:** Second by Commissioner Bratnober. Anybody else want to make comments? Okay, will the clerk please the call the roll? Again, this is for denial.

**Clerk:** Ansotegui?

**Commissioner Ansotegui:** Aye.

**Clerk:** Finfrock?

**Commissioner Finfrock:** No.
Clerk: Stevens?
Commissioner Stevens: Aye.
Clerk: Gillespie?
Commissioner Gillespie: No.
Clerk: Bratnober?
Commissioner Bratnober: Aye.
Clerk: Stead?
Commissioner Stead: Aye.
Clerk: Four in favor, two opposed. Motion carries.
Madam Chair Stevens: Thank you very much. We are adjourned.

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V. **ADJOURNMENT**