I. CALL TO ORDER

PRESENT: Stevens, Gillespie, Stead, Finfrock, Bratnober
ABSENT: Schafer (Excused), Ansotegui

II. CONSENT AGENDA

A. CUP17-00023 / Boise State University
1204 W. Beacon Street, 1400 W. Beacon Street, & 1120 S. Grant Avenue / Time Extension for conditional use permit for three temporary surface parking lots within the U (University District) zone.
Brent Moore

4. CUP19-00023 / City of Boise
Conditional use permit for a height exception associated with the construction of a parking garage located at 3201 W Airport Way in a C-3D (Service Commercial with Design Review) zone. Karla Nelson

5. ZOA19-00003 / City of Boise
150 N. Capitol Blvd / Amendment to the Development Code regarding the purpose and intent of the Design Review Committee (Section 11-02-04) and Design Review Specific Procedures (Section 11-03-04.12). Josh Wilson

6. PUD19-00020 / Riley Planning Services
2203 and 2223 S. Federal Way / Modification of a previously approved planned residential development comprised of 8 townhomes on 0.68 acres in a L-OD (Limited Office with Design Review) zone. A parking reduction is also included. David Moser

SUB19-00030 / Riedel Subdivision
2203 and 2223 S. Federal Way / Preliminary and Final Plat for a residential subdivision comprised of 1 common and 8 buildable lots on 0.68 acres in a L-OD (Limited Office with Design Review) zone. David Moser
7. **CVA19-00023 / Infrastructure Partners**  
750 E. Logan Street / Variance to encroach the side setback for an electrical equipment shelter associated with an existing wireless communication facility in a C-2/DA (General Commercial with a Development Agreement) zone. *David Moser*

8. **CUP19-00033 / Habitat Veterinary Hospital**  
3103 E. Barber Valley Dr. / Conditional use permit to exceed the parking maximum on 0.9 acres in a SP-02 (Barber Valley Specific Plan) zone. *Leon Letson*

9. **CVA19-00022 / Cara Chessler**  
870 N. 30th Street / Variance to encroach into the side setbacks for an accessory structure over 1,000 square feet on 0.06 acres in an R-2 (Medium Density Residential) zone. *Leon Letson*

11. **CUP19-00032 / Cole Valley Christian School**  
8775 W. Ustick Rd. / Conditional use permit modification to increase the size of a large child care center to 80 children in a R-1C (Single Family Residential) zone. *Karla Nelson*

12. **CUP19-00036 / Boise School District**  
3555 N. Milwaukee St. / Conditional use permit to construct an approximately 53,750 square foot elementary school on 9.98 acres in an A-1 (Open Lands, Park) zone. *Karla Nelson*

13. **SOS19-00007 / Leap Charities**  
9958 W. Shields Ave. / Waiver to the Subdivision Ordinance to construct curb and gutter as part of a Minor Land Division in an R-1C (Single Family Residential) zone. *Karla Nelson*

| **RESULT:** | APPROVED [5 TO 0] |
| **MOVER:** | Meredith Stead, Commissioner |
| **SECONDER:** | Jim Bratnober, Commissioner |
| **AYES:** | Stevens, Gillespie, Stead, Finfrock, Bratnober |
| **ABSENT:** | Tamara Ansotegui |
| **AWAY:** | Bob Schafer |
III. DEFERRALS

1. **CZC19-00120 / Lisa Cheney**
   CZC19-00120 / 3118 W Edson Terrace / Appeal of the Planning Director’s determination that a parcel located at 3118 W. Edson Terrace in an R-1C (Single Family Residential) zone is buildable. Brent Moore

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Next: 8/12/2019 6:00 PM

IV. NEW BUSINESS

3. **CAR19-00010 / John Hasler**
   11570 W Victory Rd. / Rezone of 1.15 acres from A-1 (Open Lands, Park) to R-1C (Single Family Residential – 8 units/acre). David Moser

David Moser (City of Boise): On June 10th the Planning & Zoning Commission hearing the applicant initially requested a rezone of a 1.15-acre site from A-1 to R-1C. The subject property is located at 11570 W. Victory Road. However, at that hearing the applicant had to leave unexpectedly and the application was deferred after the Planning Team made its presentation and neighborhood testimony. After the hearing the applicant was willing to adjust the rezone request to the R-1B zone instead of the R-1C Zone to accommodate the neighbor’s concerns. The neighbor’s concerns were that the requested R-1C was too dense and not compatible with the surrounding neighborhood. In addition, the neighbor also submitted written testimony which you should have received as late correspondence. This late correspondence stating that the R-1B Zone is not compatible with the surrounding area.

Since this application was already presented to the Commission last month I will to keep my presentation short. As you can see from the aerial photograph in front of you the site is located along Victory Road and surrounded by residential neighborhoods which were developed in Ada County. This includes a higher-density residential neighborhood which is similar to R-1C standards to the east and to the north of the site. I would note, the townhouse development to the north of the site. In addition, to the west of the site are large lot
residential developments which were developed in the County as well.

This map reinforces what I was talking about recently. As you can see from the Land Use Map, the land use designation for the overall area is suburban and the area highlighted is a neighborhood adjacent to the site that was developed with a conditional use permit in the County that allowed for very similar setbacks and density as the R-1C zone. On the zoning map, I would like to note that adjacent to the site and to the west along Victory Road there are R-1C zoned parcels. As you can see to the north most of that overall area consists of larger lot development and it was developed in the County with an R-2 zoning.

The applicant intends to divide the property into three parcels as seen here which is consistent with the lot size and width of the surrounding neighborhood. I would note that these lot sizes range from 19,000 to 13,000 square feet in size with widths around 100 feet to a little bit over 100 feet for this development which is definitely consistent with the surrounding established R-2 zoning from the County or R-1A to the north and west.

With the requested R-1B they theoretically could get with the subdivision, four lots. The lots would then range for the R-1B between 11,713 square feet so they are still pretty large lots with an average width of about 75 feet. Even with the potential four lot subdivision they are in the proposed R-1B zone. That is still consistent with the surrounding residential neighborhood to the west and the northwest.

In summary, with the revised R-1B zoning the project still complies with all the required findings as per code for a rezone and the Planning Team recommends approval.

Madam Chair Stevens: The applicant is not present. Is there anyone here in the audience that wants to testify tonight on this item and we do not have anyone on the signup sheet. With that I will close this portion of the public hearing. Sorry, are there any questions for staff? I have one question for staff. I want to make sure because the packet that we have does still say R-1C, but your presentation was specifically related to R-1B.
David Moser (City of Boise): That is correct. I kept the original request because that was what was originally requested at the time. It has been changed to R-1B.

Madam Chair Stevens: Thank You, any other questions for staff?

Commissioner Gillespie moved that the Commission recommend to City Council the approval of CAR19-00010 at R-1B.

Commissioner Finfrock seconded the motion.

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

10. CUP19-00031 / Covenant Presbyterian Church
4848 N Five Mile Rd / Conditional use permit for an electronic message display sign in R-1C (Single Family Residential) zone. Karla Nelson

RESULT: APPROVED [5 TO 0]
MOVER: Jim Bratnober, Commissioner
SECONDER: Janelle Finfrock, Commissioner
AYES: Stevens, Gillespie, Stead, Finfrock, Bratnober
ABSENT: Tamara Ansotegui
AWAY: Bob Schafer

2. PUD19-00017 / Ethan Helmer
Conditional use permit for a planned residential development comprised of 46 multi-family units on 3.1 acres located at 5571 N Eagle Rd in an L-OD (Limited Office with Design Review) zone. Brent Moore

Brent Moore (City of Boise): The property is located on the west side of Eagle Road approximately a third mile north of McMillan Road. This is a closer view of the property. There are single-family homes to the south and west of the site. These lots directly to the west have been developed with single-family homes. To the north is vacant land zoned for residential and offices uses with office buildings across Eagle Road to the east.
Audra Lane is a private road and restricted to right-in/right-out access only onto Eagle Road. There is a pedestrian pathway connecting Audra Lane to the neighborhood to the west.

Shown is the site plan. 46, two-bedroom dwellings are proposed along with 90 parking spaces which exceeds by 27 the number required by code. As detailed in the staff report, the development as conditioned meets all of the height, setback and density requirements of the existing zone.

Shown is the landscape plan. A variety of trees will be planted around the perimeter and throughout the interior of the site and a condition will require eight street trees along Eagle Road. As the property is within a Design Review Overlay district further enhancements to the landscape plan will be required through the associated design review application. Sidewalk will be provided along Audra Lane and throughout the interior of the site. A condition of approval will require the existing sidewalk on Eagle Road be widened to 10 feet to comply with the Eagle Road corridor multi-use pathway improvements plan.

Shown are elevations. There are varied rooflines, modulated façades and a variety of building materials are proposed to break up the massing of the buildings. Here is a perspective. All of the units will be two stories tall and will include two bedrooms and 1,064 square feet of living space as well as a back patio and covered porch. The design of the buildings will be reviewed in more detail through the associated design review application where further enhancements will be required.

Here is an image showing how the development will relate to the surrounding area. While it includes a higher density than the neighborhoods to the south and west the site design will ensure it is adequately buffered and all vehicle access will be restricted to Eagle Road. The associated traffic will not impact the adjacent residential streets. The proposed density is also supported by the site’s location along an arterial roadway along which future transit is proposed by Valley Regional Transit. The site is also less than a quarter mile from a 38-acre City park to the south and just over a half mile from the Chinden Boulevard/Eagle Road Community Activity Center to the north.

Several residents have expressed opposition to the project with the primary concerns listed on the screen.
Traffic
ITD found Eagle to have capacity to serve the development and approved it with a condition requiring the right-turn lane onto Audra Lane be improved.

Parking
The project exceeds by 27 the number required by code and provides nearly two spaces per unit. As all of the units will be limited to two bedrooms it is unlikely that all of the units will have two cars. As such, the likelihood of parking on adjacent residential streets should be minimal.

Pedestrian Path
Many residents have requested the pedestrian path to the west be closed to discourage overflow parking in the neighborhood to the west. However, as discussed, the planning team finds adequate parking will be provided and there are several goals and policies in the Comprehensive Plan regarding pedestrian access and connectivity which speak against its closure. Closing the path would result in a detour of approximately a third of a mile for those travelling between the two developments.

Project Compatibility
Concerns were raised regarding the compatibility with the CC&R’s of the Roxy Place Subdivision #2 which it is a part. However, as the City does not regulate or enforce private CC&R’s, if any have been recorded which would impact the project, it would be the responsibility of the association to enforce them.

In conclusion the planning team recommends approval of the application.

Applicant Testimony

Bob Unger (ULC Management / Developer Ethan Helmer’s Representative): Mr. Helmer would have liked to have been here, but he is in the process of moving from Tennessee to the Boise Valley, so he could not be here.

We have reviewed the staff report and the conditions of approval. We concur with the staff report and agree with the conditions of approval that staff has prepared. A couple of points I’d like to make.
On the southern and western boundaries, we propose 20-foot setbacks which is five feet more than the required 15-foot setbacks and we’re also proposing a denser tree planting along those two boundaries to provide for a visual barrier.

As staff said, we have requested probably the maximum parking that we’re allowed for this project which is almost two parking spaces per unit.

During our neighborhood meeting, these were some of the items we felt we needed to work with the neighborhood on to try and mitigate some of their concerns.

At this point we would ask for your approval and stand for any questions you might have.

Madam Chair Stevens: There is no registered neighborhood association to weigh in on this, so we’ll go directly to questions.

Commissioner Gillespie: Brent, I’m confused. Is this pathway, the one we’re discussing, part of this property or owned by the applicant?

Brent Moore: That pathway is located on a common lot that is owned and maintained by the homeowner’s association of the Roxy Place Subdivision. This property is within the boundaries of that subdivision.

Commissioner Gillespie: What is the current plat restriction on that walkway?

Brent Moore: The original condition of that subdivision back in 2005, City Council approved a condition requiring a pathway be constructed between the residential portion of the subdivision and these lots to the east. It was a condition by the City Council to put that pathway there.

Commissioner Gillespie: Generally speaking, what was the rationale for that condition and what is the City’s understanding of why that was done?

Brent Moore: I would assume Council added that because it is the City’s general goal. The Comprehensive Plan speaks in several
places about connecting pedestrians as much as they can. Potentially...there was office originally proposed at this location, so I guess the idea was that the pedestrians could walk to those uses without having to walk around the block.

**Commissioner Gillespie:** The point of contention from some in the public is that they'd like to close this walkway, but I'm having trouble understanding how this particular applicant...that walkway isn't included in this permit and it's not on this property. The restriction on the plat was created by the City Council and the applicant had nothing to do with it. I'm struggling to understand. What's the City's thought on even our ability to condition this permit on a change in that plat status for the path?

**Brent Moore:** You are correct. The pathway isn’t on this property. It is on a HOA common lot. That would be potentially a question for legal. The applicant couldn’t be required to anything since it is not on their property, but the HOA would like the ability to close it as a result of this development.

**Commissioner Gillespie:** Has the HOA...they would need to approach the City to amend the plat. I assume there is procedure to do that. Has the HOA done that?

**Brent Moore:** This is a unique situation as there was not a plat note requiring this pathway. It was just a condition of approval for a subdivision, but yes, an application for modification would be required to close that.

**Commissioner Gillespie:** But this particular applicant, for this permit, would not be the party making that application. Is that correct?

**Brent Moore:** That is correct.

**Madam Chair Stevens:** The path we’re talking about is the one that connects to Audra Lane?

**Brent Moore:** That’s correct.

**Commissioner Bratnober:** Which is Lot 12? Is that the one that entirely encompasses?

**Brent Moore:** Yes.
Madam Chair Stevens: I have a question about the roads. Looking to the west where that pathway connects…Canyon Creek, Talon Creek and Ebetts…are those all private streets and Forbes?

Brent Moore: Those are public rights-of-way.

Madam Chair Stevens: They are all public roads.

Brent Moore: That’s correct.

Madam Chair Stevens: So, what is the private road?

Brent Moore: Audra Lane is a private road.

Madam Chair Stevens: That’s the only one that is private?

Brent Moore: Yes, the rest of these are public roadways.

Commissioner Gillespie: I’m looking at the staff report. The proposal complies with all setback and height requirements. Am I reading that correctly?

Brent Moore: That’s correct as conditioned.

Commissioner Gillespie: And the proposal does have all the required parking spaces? The only exception so far is the bike spaces, but a condition of approval, which I understand the applicant has agreed to, will move that number up to 46? The applicant before us is not asking for any exceptions to the underlying zone?

Brent Moore: That is correct.

Bob Unger: One other comment from the developer, Mr. Helmer, has indicated to myself and the HOA that he would support their efforts to close that pathway.

Madam Chair Stevens: There was a lot of concern in our late correspondence related to a lot of changes to the application that have happened on a regular basis. I was hoping you could address some of that and in particular maybe you could comment on how common it is to have little tweaks here and there. The corollary question of that is, have there been any significant changes that in your mind would have changed Idaho Transportation Department’s
(ITD) or other agencies opinions on this and if so, what is the process for changing those? I threw a lot out at you and I’ll go ahead and come back if I need to.

**Brent Moore:** It is common for applicants to submit revised site plans throughout the process. This item was originally deferred due to the planning team requesting changes to the plan to bring it into conformance with our multi-family design standards. The initial redesign was at the request of the planning team, but it is very common for planning a development such as this to go through two or three revisions sometimes as they communicate with staff and the planning team to get to a place where the planning team could support it. As far as changes, the number of units hasn’t changed, the number of bedrooms hasn’t changed, so as far as ITD it would be basically the same to them as it is the same number of bedrooms and dwellings. No significant changes were made just to the interior circulation in the site. This project will go to design review, so it will require design review approval as well. All the agencies will have another opportunity to comment on that revised plan which is ultimately approved by the Commission.

**Madam Chair Stevens:** We have a maximum parking code. Have you done any calculations on what the max would be here?

**Brent Moore:** The code allows up to one and a half times the required parking before a parking exception is needed. This project is proposing 90 spaces. If they were to propose over 95 they would need to request a Condition Use Permit (CUP) to exceed our parking maximum.

**Public Testimony**

**Paige Grooms (14023 W. Canyon Creek Street):** I’m a resident/homeowner at Roxy Place. I would like to make a couple of point mostly in opposition to the staff report recommendation to keep the pathway open. I think Roxy’s HOA is the sole owner of Lot 12 where the pathway that we’re talking about goes from the proposed development into our neighborhood. The recommendations by the City regarding the pathway do not seem relevant to support the citywide vision statements in the comp plan. The path leads to Roxy Place and there is not desired destination for any of the residents of the complex. The park, as he reported, lies directly down Eagle Road rather than through our neighborhood would be a closer route to the public park. Retail is south and north
on Eagle Road that sits directly next to the development. There are no public buildings west of the pathway. There are no schools, there are no churches and no health care facilities and, no other social service types of environment or community groups. We’re talking a development that is sitting on Eagle Road and use of Eagle Road north and south to access any of those types of things that they need.

**Chris Grote (14279 W. Battenberg Drive):** I live in Bristol Heights. Thank you, members of the Boise Planning & Zoning Commission for this opportunity to provide feedback on PUD19-00017. While I recognize the growing demand for housing I object on the following grounds:

1. The proposed buildings lack common character with our low-density residential neighborhoods which are immediately adjacent. One example of common character is the lack of adequate usable open space.

2. Adding high density residential on Eagle Road will add traffic and U-turns to what is already highly congested route. Low density residential and low-density commercial are more appropriate for this area. Perhaps some of you drive Eagle Road for your commute. This is your opportunity to stop something that will make things worse and hold out for something that will make things better. I don’t know about you, but I have to drive 10 miles to Overland for a haircut and if we use this space as originally zoned low-density commercial businesses would provide more nearly destination for residents to drive to or use that convenient walking path that will reduce traffic throughout the rest of the City.

**Larry Ice (14048 W. Talon Creek Drive):** I'm Vice-President of the Roxy Place Homeowner’s Association. I would like to summarize and try to go into all the detail from all the letters we’ve had before. Do we think this is an appropriate use of the land? Probably…it should be. We need low income housing and we need different price points, but this particular project isn’t working out for us because we share that Common Lot 12.

By CC&R's we share the use and enjoyment of it and we should share the responsibility for paying for it, developing it and maintaining it.
To date, Ether Helmer and the developer refuse to negotiate or come to any kind of agreement with Roxy Place. In my last conversation with Ethan Helmer, he said, and he actually did remove a playground he had on a site plan because it intends to the private playground in Roxy Place without compensation. That path offers easy access to parking within the subdivision.

Those are the two main points and that's why we want to close that path. To restrict the parking which lowers our quality of life, decreases safety on our streets, increases traffic back there as people come. I understand that he is next to the maximum for parking spaces, but there is oversize parking. Anybody that is a landscaper and driving a big vehicle or anything has to go somewhere else to park. That's what we're trying to do and that's why we've come to an agreement with the developer, the owner and everybody involved that owns part of Lot 12 agrees that we should close that lot.

Mr. Gillespie asked about the history of that. This entire subdivision was owned by one family and they divided up parcels to the heirs and thought it would be a great idea to have a path, so the residential people could come into the commercial area and use the retail that is there. There is no retail there now. It is just private property. There is no benefit at all to the Roxy Place homeowners for what is going in there. We have no business in that apartment complex at all. What they are doing is taking advantage of the good things we offer in our neighborhood without compensation and without any reciprocal use for Roxy Place homeowners.

**Roy Ward (14053 W. Canyon Creek Drive):** Since we’re the lucky ones tonight I hope sincerely that Roxy Place can get a little lucky tonight. The development has not acted in good faith with our homeowner's association.

If you look at all the vegetation and so forth that they are going to put through there they are going to need irrigation water. Unless they are going to use culinary water because culinary water is so expensive. Irrigation water works best. We own the pump and the lines for the irrigation water and if someone is going to use the irrigation water they need to use the pump. The pump is quite expensive, and we don’t have any type of financial agreement with the applicant that will be able to let us share the expenses that might come from the use of the water.
In Ada and Canyon County the average vehicles per household is three. Now these accounts...those vehicles could also be side-by-sides, motorcycles and so forth. Imagine you had a house and your neighbor sold the land and now he is going to be parking in part of your new home. You won’t like it. The solution is to allow us to close that Lot 12 and please allow us before you allow this conditional use permit that there is a written, signed agreement between Roxy Place Homeowners Association and the applicant on how we’re going to handle the use of Lot 12 if we can’t close that fence line.

How are he or they going to participate with us financially on the equipment and lines that have to be maintained. Without that before the conditional use permit we have no leverage that we can say, “Hey, we need to do that”. We do get comments like we’ll work it out and please don’t worry, but those type of promises really don’t work. We need the financial agreements signed before.

Tonya Cobbs (5502 N. Ebbetts Avenue): Declined to speak.

Wayne Cobbs (5502 N. Ebbetts Avenue): I moved here about four years ago so I’m like a lot of people here tonight. I was not an original owner. Although when my wife and I moved here we looked at a number of places and chose Roxy Place mainly because of the neighborhood and the people that were there. Fantastic neighborhood, very little street parking because everyone has either a three or four-car garage and three spaces off-street that can be used for parking.

The big issue here seems to me is that this pedestrian access that would have been nice to have if this property had not been rezoned because when we moved here we were told by the real estate agent that it was zoned for medical or commercial use. We have no problem with that. There is usually adequate parking and their operating hours are not a problem or an issue.

I’m afraid with the poor access and exit onto Eagle that is going to have to be used for this project that many people who are going to need to go north on Eagle to Chinden or come downtown here for work they are not going to want to have to exit south on Eagle Avenue. It is a very busy street and traffic backs up both in the morning and in the evenings. I’m afraid those people are going to almost be forced to park outside of their complex in our
neighborhood, so they can get to Bristol Heights Road where there is a signal light and they can turn left.

It is almost as if once the zoning was changed it seemed the dynamic of the entire situation changed. I hope you folks will consider that in your decision.

Carmen Griggs (14102 W. Talon Creek Drive): I, like many other people who have spoken I have concerns about the traffic. It is a once access in there. Eagle Road is incredibly busy and with the prior plan they tried to get a larger apartment plan in there and the state required them to do a traffic flow study. If they have more than 50 units, they have to do a traffic flow study and it costs a lot, so they backed out. These guys are keeping it right under that limit. There is still a vacant lot next to it. Who’s to say somebody else isn’t going to come in with another plan to build 48 units there and still stay under that 50 unit. You have to do U-turns to get into that and all southbound traffic will have to do a U-turn northbound to get into that subdivision. It’s not safe. We have a lot of high-density residential units already on Eagle Road. None of them have a one-in and out point. They have multiple points to go in and out of those units.

The submitted plan they are showing tonight I thought it was a requirement by law that they show us what they are going to be building to the homeowners and they showed us one, but it is nothing really like what this is now. The first ones all had garages and all that kind of stuff. I don’t see anything like that on these plans and they are very different. It doesn’t make me feel very trustful of this developer. I’ve looked him up on-line and he has a C grading for business mostly because of complaints of maintenance. He doesn’t take care of the properties.

Again, that pedestrian access through Lot 12 like Roy (Ward) just said it was developed originally for that process. It was to have access into commercial/professional business space. There is no reason to have it open because there is not any of that stuff there any longer. That apartment complex will have plenty of access to McDevitt Park is just right down the road and there is really no reason to have it open.

I hope that you consider all of those things when you come to your conclusions.
Charlie Griggs (14102 W. Talon Creek Drive): Declined to speak.

Kyle Johnson (14452 W. Elmspring Street): I’m against this new construction of these homes partly because these houses don’t really fit into the continuity of the surrounding neighborhoods on Chinden and North Eagle. They are single-family homes and there is a lot of space in the yards in the neighborhood. Especially in Bristol Heights where there are many parks and things like that. I don’t think the space in here is as big as the surrounding neighborhoods, so it won’t fit as well.

I do have quite a few safety concerns due to the overflow parking that will inevitably will happen in the Roxy Place neighborhood to the west of it and maybe even in Bristol Heights as well which poses a serious issue to a lot of the kids. There is a large population of younger families especially in Bristol Heights where many cars parked along the sides of the roads could pose an issue to more traffic.

I do think there is already enough high-density housing along North Eagle. Particularly the south across from the village. There are several apartment complexes coming in and that is already changing the venue mix so that causes me to question the new development here.

I know there was a lot of mentioned as far as the U-turns. I would like to add I know a lot of families who regularly commute from Bristol Heights into Hobble Creek across from North Eagle Road. There is that YMCA across North Eagle that a lot of kids I know cross over and then the schools and everything. A lot of pedestrian on North Eagle with more U-turns. I feel that causes a potential hazard. Those are my concerns.

Amy Johnson (14452 W. Elmspring Street): I live in Bristol Heights. That was my son. This is a representation of a family and family concerns. This is my first time ever witnessing...pardon my anxiety. I do feel strongly safety concern wise and that has been heard a few times tonight, but the right-turn only access into a high-density community in the midst of neighborhoods like Hobble Creek, Bristol Heights, Roxy, and Austin Creek...the U-turn access. This proposition would have people commuting north on North Eagle doing a U-turn onto South Eagle, so they can turn right into their development. Many times a day...most likely what looks fine on paper living there I can tell you there is a strong danger with turning right out of Bristol
Heights to go south on Eagle and having U-turn traffic. I can tell you it is a matter of time before we have an ugly incident there and this will further stress that intersection. That is their access to their neighborhood, that U-turn is not going away. I, myself, have been in the situation of turning right out of Bristol Heights and you don’t know if the left turn lane off North Eagle is our neighbors turning into Bristol Heights or if they’re doing a U-turn onto South Eagle. You don’t know until you’re already pulled out into traffic and I can tell you high speeds on Eagle is a serious thing that you’re pulling out into and we’ve seen some ugly accidents already there. 45 homes might seem a drop in the bucket for traffic, but that is their only access to their home and they will be using that U-turn lane. I have children that drive and myself, I drive and a lot of my neighbors drive so I have a concern for my neighbors and safety.

I also don’t feel that high-density apartments in the midst of single-family residential neighborhoods is something that is needed. I don’t feel it fits in the continuity of that quite area that we live in. I thank you for hearing my concern.

Dennis Harling (5985 N. Parchment Place): I live in Bristol heights and about 50 feet from the intersection of Bristol Heights and Eagle. I’ll give you an example of the U-turn problem. I was stopped at the intersection and I was going to turn south (right) from Bristol Heights onto Eagle. There is a sign posted that said you need to yield to the U-turn folks if they are going to turn...going northbound they are going to turn around and go southbound to yield. I was watching the car in that lane and they did not indicate that they were going to turn. The traffic cleared, and you have to look all the way down north to Chinden to see if it’s clear because that is a speedway. 55 miles per hour is the posted limited and that is the minimum speed limit on that road. That car didn’t indicate they were going to turn so I started my righthand turn and they decided to go. I thought they were heading left, but they decided to pull a U-turn. I had ample time to stop and I stopped, but because it is a racetrack and you have hit the gas quick to get on there or you’re going to get run over. The guy behind him didn’t so I got hit in the back end. No damage or injury, but that’s the situation we’re going to aggravate by causing more U-turns.

Jim Leichliter (5982 N. Tapestry Way): I live in the Bristol Heights Subdivision and I am a retired traffic engineer. The condition that is being set up by the right-in/right-out and the U-turns necessitated at Tapestry Way that have been the subject of the last two people is
going to create an accident. I feel that they put this down to a smaller number and the property to the north of it will develop high-density also and the conflicts will be even higher.

**Rod Squibb (5442 W. Forbes Avenue):** What I have here on the screen is Heron Village. This is one that Mr. Unger helped develop. It had 1.92 parking spots per unit. That’s 108 units, 207 parking spots as you can see in the pictures of it. I’ve got pictures I took at 6:00 in the morning and I took pictures heading down the street of Heron and on the right-hand side of the picture is Heron Village. There were 28 cars parked in the street in the morning. I went at night about 12 hours later and a lot of these cars are the exact same cars parked on the street that go into Heron Village. This is from the other side of the street and a lot of these cars like I said, are the exact same cars parked in the exact same spot 12 hours later. This is what is going to happen to Roxy Place Subdivision which is a private subdivision if you leave access to Lot 12 open. You’re going to have people parking and our subdivision is going to look like this. My wife and I are early to bed, early to rise. We’re in bed at 9:00. We don’t want people outside our doors opening their doors, closing their doors and leaving at all hours of the night. Not saying that’s going to happen, but it could. They say they want to make Boise the most livable city, but someone outside your door coming and going as they please all night long is not making Boise the most livable city. I’ve also posted some reviews from Heron Place about how bad the parking was and not enough parking. I know you received a packet. It is something that I see, and we need to close Lot 12. It is a private subdivision. We can’t go and park in Audra Commons. We can’t go and park over there. We’ll get towed. If they can park in our street there is nothing we can do about it, so we want to keep it closed. I’m going to run out of time. I just want access to Lot 12 closed off, so we don’t have people parking in our street. It is a private subdivision and public road.

**Madam Chair Stevens:** This was in the packet, so you know. It came in our late correspondence. No worries.

**Linda Sanz (5538 N. Forbes Avenue):** I would respectfully request all of the proposed apartment complex iterations not be approved. It has been confusing to have one development plan presented at the neighborhood meeting and then several completely different plans posted on the P&Z website. If we did not check the website daily, we would not have known any changes were made. The process is out of balance. Favor seems to be weighting heavily on
the side of the developer. Let’s look at the situation as a three-legged stool. One leg is the City, the second is the developer and the remaining leg is the Roxy Plan homeowners. The City wants more apartments. The developer wants to make as much money as possible by excluding retail from the plan, putting in high-density apartments with limited parking, not sitting down with Roxy Place HOA and committing to share costs with the pump, existing park and common Lot 12. Is the City willing to deviate from the Blue Print Boise Plan and waive the retail and low density plans which were in place when the Roxy Place homeowners purchased their homes to allow high-density apartments, inadequate parking and no retail?

The developer has been allowed to replace the first proposed development plan that was rejected and now a new plan without starting the process again and presenting it to the neighbors. With all the consideration granted to the developer we can see that the three-legged stool has only two legs being supported. The City and the developer. All of the problems associated with this project will fall on the unsupported leg, the Roxy Place homeowners. If Roxy Place remains the unsupported leg, all the parking issues, additional wear and tear on our park and pump and costs will fall on us. We’re 46 homes. Adding 46 apartments will give each homeowner an apartment to subsidize via increased costs on our HOA dues, streets clogged with additional cars from the apartment and a lessened quality of life. Property taxes are on the rise. Many of our homeowners are retired and cannot bear the cost of a tax increase plus the costs that will come from this imbalance. Please support the Roxy Place Homeowners and keep with the existing neighborhood plan.

**Amber Squibb (5442 N. Forbes Avenue): Declined to speak.**

**Fred Sanz (5538 N. Forbes Avenue):** I’m here to request the 46-unit apartment application be denied. The project does not meet the Blue Print Boise specifications for the property. The proposed project has been completely changed several times make it impossible for the public to understand exactly what is being proposed. Which plan has the fire department, waste management and other agencies review for approval. We can’t know for sure. With all the confusion regarding this project I respectfully ask the application be denied until the developer comes up with an application in line with the Blue Print Boise. Apartments or homes that are low density with retail space and adequate parking and a stable design. All plans submitted up front
and presented to the neighborhoods, so all can understand the project. Thank you very much for your time.

**Toni Behne (5416 N. Forbes Avenue):** My property touches that property on the west side of the west/south corner. I am concerned about the parking on North Forbes Avenue if the walkway is left open. It is for a couple different reasons and not just because I don’t want cars on my street. I live behind anyway and behind another house. When we put out our trash...today was our trash day we have six cans...the person who lives in front of me and then mine and it takes up half of the front of their property, plus we have mailboxes right there. If we park to close to the mailbox the mail person won’t leave the mail because they are not going to get out of their vehicles especially if it’s snowy and icy. Also, with the trash if there are cars parked there we can’t put our cans out or maybe we could on the street in front of the cars but then they couldn’t get out because of the trash cans being there. Even if you okay the apartments which I hope you don’t, that fence needs to be closed so we don’t have that problem. They are not the people that live in the apartments. They’re not going to worry about where they park just as long as they can find a spot. They are not going to worry if they are in front of a mailbox and if they are not moving their car when we need to get our bins out there it will make it difficult for essential stuff. Daily and weekly things.

**Fred Dwight (5529 N. Ebbetts Avenue):** We are part of the Roxy Place HOA. I’m not a great extemporaneous speaker. I’m not going to be facetious even though it may sound facetious. I learned two things tonight. I forgot one of them and that is the pump that is owned by Roxy Place. We paid $15,000 plus to put in new innards in that irrigation pump. I own the pathway and I’m going to close the gate. Now I can get probably everybody to sign with me because I am a shareholder of that pathway since I am a Roxy Place owner and I’ve paid my dues. I’m sure the other people who are out here right now who are in Roxy Place will like to sign and become a shareholder also. I’m going to close the gate since I own it and I’ll get other people to sign up with me. We should not allow this complex to be built. It has to be a low-density complex. For example, medical buildings and that type of thing. You’ve heard all the examples. I’m very serious about owning that pathway.

**Wayde Campbell (5424 N. Forbes Avenue):** Declined to speak.
Alice Campbell (5424 N. Forbes Avenue): There are a couple of points. I also noticed a multi-plex. The one I was noticing was Prelude Apartments on McMillan and they obviously don’t have enough parking because they are also parking on the dirt right off McMillan sideroads and opposite an empty lot. Many of the residents that live in Prelude have to park on the street. Another potential problem with these apartments is because of low wages and high rents there is a potential that you’re going to get four adults in those apartments so they can afford to live out so that mean four cars. There is not enough parking for them. Another question more so than anything is Andra is a private road. Who is going to maintain that road? It will have so much traffic on it. Will it be Roxy Subdivision?

Madam Chair Stevens: We are not in a position to answer your questions, but if you want to ask that question...

Alice Campbell: It is a question since it is a private road somebody is going to have to maintain it with the extra traffic and it could fall on Roxy Subdivision since it is part of us as well. Those are my concerns.

Anne Mahood (5408 N. Forbes Avenue): Declined to speak.

Jane Taylor (5408 N. Forbes Avenue): Declined to speak.

Lori Nate (5484 N. Ebbetts Avenue): I live in the Roxy Place Subdivision. I want to say ditto pretty much to everything that everybody said. My new concern is that I work at the Boise State University Meridian Center at the south end of Eagle Road. I go out Sedona every morning and come back on Sedona every night. That is the street just south of Audra Lane. Right now, in the morning if I don’t go before 7:30 I’m waiting for a good five minutes to turn right onto Eagle to go southbound. You add even 46 cars, one car per unit that is going to backup into the subdivision or cause people to go back up to Bristol Heights to the light and cause more issues there. We have bus stops through Bristol Heights and you’re going to have kids walking out to get on the bus with increased traffic there. Yes, we would like to close the pathway and we know that we have not yet put that application in. We were waiting to see what the approval was and if we were going to change the zoning on this or not. My biggest concern is that traffic on Eagle Road.
Tom Nate (5484 N. Ebbetts Avenue): I live in the Roxy Place Subdivision. I would go on record supporting everything that has been said by our homeowner’s association and the neighbors. Especially if you look at Mr. and Mrs. Sanz comments. I think they put it very concisely as to where those concerns set. I would add to the traffic concerns. A lot have talked about the U-turns on Eagle Road if they are northbound and having to make a U-turn coming southbound. You’re going to have that same issue on McMillan Road for the southbound traffic that needs to make a U-turn to go northbound. You’ve got a park on one side of that street and you’ve got an elementary school on the other side of that corner on McMillan. The other one that is going to be severely impacted as my wife just mentioned before me is Sedona Road. You’ll have that southbound traffic on Eagle coming into Sedona. The difference in space between the Audra Lane right turn to go southbound on Eagle to Sedona is a couple of hundred meters. Again, with traffic coming at 55 miles per hour now you’ve got two access points for high-traffic hours, morning work and evening work happening in there.

I would encourage the Commission to hold to the original plan of where we wanted low density office space in there. Everybody in Roxy Place would be agreeable to that type of development and it makes sense with that open access plan the City wanted. Short of that going to a high-density or even a mid-density development like the apartment complexes it is shifting the cost and the burden of maintaining those individuals and the surrounding streets to the homeowner’s association. That is one of the main reasons we want that access closed and not part of the open city plan because it doesn’t serve the original purpose of giving access to office space or other common public space. Everything that you have coming west is private homes, so it doesn’t serve on that end and it doesn’t serve the Eagle Road either. If we put mid to high-density apartments in there, there is no need for crossover. The only thing it does is encourage those apartment owners to come in and use our facilities that paid for by homeowner association dollars or to use our streets which causes more safety issues for us.

As it has been mentioned parking isn’t going to be sufficient. The road right behind is going to be easy access to the apartments. When you look at mail delivery and trash pickup you put more cars on the street and that means it pushes those cans out into the road. These roadways weren’t designed with enough width to
accommodate four plus wide. You’ve got a safety risk and traffic all the way around.

Joe Lague (14435 W. Guinness Drive): I am president of and here representing the Bristol Heights Neighborhood Association. At 544 residents, Bristol Heights Subdivision is the single largest and most populated in the entire square mile block.

At present we are enduring progress and development efforts on three of our four flanks. Apartments and storage units to the south. Chinden expansion and right-of-way acquisition of our common area to the north and Three Corners Ranch to the west. If Idaho Transportation Department (ITD) were to now begin the inevitable expansion of Eagle Road to six-lanes on our east, we’d have progress on all four flanks.

On May 13th the Bristol Heights Neighborhood Association convened a special meeting of its members and adopted a resolution. I will summarize that resolution for you. The members present overwhelming resolved general opposition to the apartment complex. My remarks effectively represent the mandate of 98-percent of the owners with 544 homes within Bristol Heights.

You all see management has developed a track record of announcing neighborhood meetings repeatedly with near minimum notice and then presenting a hastily prepared project plan to attending residents. What then followed the March 20th meeting was a series of significant revision submissions to the City. During this past June the revisions were submitted in what appeared to be a haphazard and disorganized manner. This was confusing at best to attempt to follow. Perhaps what is most troubling is the track record lead to many of us legitimately questioning the integrity of the developer’s representative. Accordingly, some of us found it necessary to review the events particularly recorded media of the March 20th neighborhood meeting. There were instances at that meeting where it appeared that either the project was simply:

1. Not ready for primetime discussion with neighbors or
2. The developer woefully unprepared to address questions or
3. The veracity of his representation and responses was suspect

In retrospect, it was evident from Mr. Unger’s own statements that the neighborhood meeting had been scheduled to meet a submission deadline.
I will summarize some of the comments I have for this, but I’ll say one thing. We have a trust issue. In the applicant’s April 30, 2019, letter to the Commission, Mr. Unger writes, “We are requesting a waiver of the requirement of retail uses on the eastern portion of the property abutting Eagle Road. We discussed this with the neighbors at our neighborhood meeting and they were adamantly opposed to any retail development”. No such discussion at that meeting reached such consensus.

Competing demands. This project attempts to address numerous competing and conflicting demands. Unfortunately, it appears to meet most, if not all, inadequately. While Mr. Moore has made a valiant effort to address many of the oppositions on a case-by-case basis the cumulative impact to the cons makes this development unacceptable as recommended by staff. Planners report 146 pages. 94 of those pages were resident testimony and not one of those pages expressed general support.

In summary we just ask that you vote this in denial and give us an opportunity to work with the developer further.

Jennifer Froever (5274 N. Candlestick Avenue): I live in the Candlestick Park Subdivision which is the subdivision directly south of the lot. Madam Chair, we ask that you and the Commission vote no on this development. I agree with the multiple safety concerns that have been brought up especially with the turning right out of Sedona Street which is my way onto Eagle Road. Late at night it is difficult to tell what cars are in the far lane or the close lane and if you have that added traffic from Audra Lane coming out it will make that more difficult and I fear a big safety concern.

I have the same concerns that were just brought up with Mr. Unger’s forthcomings. At the neighborhood meeting he presented a plan which he said was already revised. So, what he showed us on the first plan was already a revision off something that he had done. He said at that meeting, that something like 25-percent of the mailers that he sent out to notify people of the meeting had been sent back to him. As you can see in the packet you see pictures of the proposed development and they have garage doors, but that is one of the significant changes that has happened. There are no more garages on the property. I would think that waste disposal, trash services is something that would be a significant change to the original plan.
In the packet there is discussion about it being within a half-mile of two parks and a middle school. One of those parks and the middle school is across Eagle Road so they are not easily accessible by children. The middle school is in fact not the middle school that we are zoned for. It makes it look as if this is a prime place to put housing, but it is not necessarily because it is not as easily accessible as it looks.

**Tristan Froever (5274 N. Candlestick Avenue):** As my wife mentioned, Candlestick Park is directly south of the proposed development. The entrance in and out of our subdivision is Sedona which is the street directly south and we are forced to make that south hand turn onto Eagle Road. In the morning when I leave, as mentioned before, it is quite difficult to get out. We are dependent frequently on Bristol Height’s light to break gaps for us to get through. Having 40 more vehicles directly to the north heading south which is the only direction you can go would compete with those gaps and make it very, very difficult for us to get out during rush hour.

In terms of parking, I know this has been mentioned, we have McDevitt Park which is directly south of us as well and that is supposed to have adequate parking, but we still have people that park in our subdivision just for access there because there are access points. Even if there is adequate parking it doesn’t mean that people are going to park within the subdivisions to access this development. I would encourage a low-density development as it was originally zoned for.

**Ralph Neumann (14112 W. Canyon Creek Street):** Declined to speak.

**Dustin Carlson (5496 N. Forbes Avenue):** I want to say I agree with everything my neighbors have said tonight. I would like to say that I request you deny this. We’re not being unreasonable. We would just like something that fits more in with our area.

**Cindy Thomas (5485 N. Ebbetts Avenue):** I’m a resident of Roxy Place and I am parallel to Forbes. I also have concerns about the safety of this proposed plan. I travel often south on Eagle Road coming from Chinden into Sedona and past Bristol Heights. If I’m turning right into the Bristol Height’s drive I have nearly been rear ended many times as people are coming up that hill at 55 miles per
hours or faster. There is no right-turn out lane. It is very difficult for those cars to see you with your right signal on. That will be the same for Audra Lane as well with higher traffic. I have concern with issues there.

I have concerns like others have shared about sufficient parking and people parking on the streets in our neighborhood and concerns about the trash and mail services.

I also have concerns about the pathway for safety reasons. I propose that that pathway be closed because I agree with what was stated early that when the City Council previously proposed that that be open to get to commercial that commercial is no longer there.

I’m concerned about the high-density in and out of Audra Lane for safety. I can’t imagine that if another proposal were to come in north of Audra Lane...I cannot imagine 180 cars safely being able to come in and out, right-in/right-out only. That is my fear that something will be passed and then again developed in the future and it won’t make it safe for our traffic on Eagle Road. I bought my house over 14 years ago and at that point Eagle Road did not have a median and we could do left turns. Now on Chinden we won’t be able to have...we’ll be right-in/right-out only. That is a concern for me living in this area.

I thank you for your consideration.

**Kimberlie Blasius (5432 N. Forbes Avenue):** I live right behind where this project is going to start. I have to say I’m really concerned. I have the same concerns that everyone else does here tonight, but I did want to share a little story that is completely off the subject here. My husband and I leased a home in this subdivision and we loved it so much I think I make eight proposals to the owner of my property. We wanted to purchase it and we wanted to live in that subdivision so badly. It is a quiet neighborhood. Prices ranges, or property values are anywhere from $350,000 to $450,000. Unfortunately, I think because of this project every other day I’m seeing a home go up for sale. My husband and I instead of talking about owning our dream home we’re now talking about moving. It is because of this project and the traffic. I work two miles from my home and it takes me 20 minutes to get to my property which is crazy. You add these additional projects and the traffic on road is going to be ridiculous. I wanted to share that with you. Thank you
for listening to all of us. I hope you deny this project. At the very least, close off that fence so we don't have the overflow parking and the extra opportunity for crime and other things. Thank you.

Applicant Rebuttal

Bob Unger: I hope I can do this in five minutes. There has been some confusion pertaining to the neighborhood meeting that we had. Yes, our original plan did show units with garages. That is what the major change was to the plan and requested by staff in that we could not have garages that were predominately in the front of the structures. That was the change and we've never changed the number of units within the project. This is what we've represented to the neighbors at the neighborhood meeting. We've made efforts to communicate and cooperate with the HOA.

I know there were concerns about our participating in the irrigation systems. We met with the developer and discussed this with Mr. Ice. They wanted him to sign a financial agreement prior to going to hearing so that they would support the project. I don't know about you all, but I think that is kind of blackmail to some extent. The developer is willing to work the HOA's and participate in all of the maintenance.

Outburst in audience.

Madam Chair Stevens: Sir, I'm either going to ask you to leave or you are going to sit down. I have security here and he can take you out. It is not your time to speak now. You had your three minutes. Mr. Unger please continue.

Bob Unger: The developer certainly is willing to participate and as late as Friday...I spoke with him on Friday and he said if the pathway is not closed he has offered to participate in the development of the undeveloped part of Lot 12. He stands behind that and he says he will do that.

As far as the traffic, I think ITD has no issues with that. I think there has been also some additional confusion. There was a development for the entire property there, five plus acres that I originally represented the developer. That development did not go through. In fact, I removed myself as a representative for those gentlemen and that project. I am solely representing Mr. Helmer on this project. The 47 units is the best we could do with the buildings we had. We didn’t even talk to ITD on how many units was going to trigger or not trigger a traffic study. The 46 units is what we have.
As far as the other property remaining to the north of this project I have been told by another developer that he plans on putting storage facilities there and not any kind of high-density residential development.

I believe one of the gentlemen, once again, we’re talking different projects. The one at Heron Village that Rod Squibb discussed was a development that I represented someone on over 10 years ago and that developer sold the property and somebody else developed it. We had no control over what happened on that project and that was in Meridian. You can’t compare that project with this project. This project is Mr. Helmer’s first project in the area. He is not a big developer. He is small guy, and this is his retirement, this development. He may consider doing more small developments in the future, but he is moving here to do this development and to retire.

Commission Deliberations

Commissioner Gillespie moved to approve PUD19-00017 for the reasons stated in the staff report.

Commissioner Stead seconded the motion.

Commissioner Gillespie: With respect to just the facts again, we need all the setbacks, we need all the height restrictions, it meets all the zone requirements, it is residential housing in a residential neighborhood. It is about 15 dwelling units per acre versus probably eight in this surrounding neighborhood. There are some more high-density developments in the general vicinity, so I think it is certainly compatible. The proposal substantially exceeds the parking requirements and indeed if we added anymore parking they’d have to come back and ask for an exception to the parking requirements.

With respect to the path, I agree with the City’s analysis that that path is strongly supported by the Comprehensive Plan. It was added by the City Council to the Subdivision Plat in 2005. If that is going to get changed that is a separate application. I’m not even sure if it is here before us tonight to close or open that path, but in any event, I agree with the City’s analysis that the path is well supported. I would point out that if you walk west on that path and then south down Forbes there is access to the park. Both at the bottom of Forbes and at the southwest corner of Comisky so to the point that there is no reason for the path I find substantial reason for
the path which by the way was also testified to by a neighbor who said, folks park in that subdivision to get into the park from that side. All of the residents of the subdivision and the new residents perhaps in this apartment would substantially benefit from that path and the ability to access the park without having to walk out on Eagle Road. I fundamentally disagree with the neighborhood objection to that path. Again, even if one wanted to close the path, that is a totally separate process from the one we’re discussion tonight.

With respect to traffic, ITD has required a right-in/right-out and they’ve required substantial redesign in the original plan. Those requirements are embedded in the condition by the City, so I don’t have any specific evidence...I don’t have a reason to deny this based just because Eagle Road traffic is bad.

Secondly, if the neighborhood wants to restrict on-street parking on public streets in their neighborhood there are permits that they can go and try and get. We can try and do that, but all of those streets are public streets. They are not private streets. I again, I don’t believe that is a good reason to deny this application or to close that path. That’s my thinking tonight.

**Commissioner Stead:** I agree with Commissioner Gillespie in the development meets all density, parking and setback requirements of the code which is, why I would support the motion.

**Commissioner Bratnober:** I agree in terms of meeting the numbers that this is in line. One of the things...it seems like there are a lot of moving parts that we’ve been hearing about in terms of the changes going on. I want to make sure I’m understanding them.

For instance, one of the things that was brought out was trash. The sketch we had up before looked like it showed a spot for a dumpster. I’m not sure what the plan is there, but something doesn’t jive there or else I’m reading too much into that.

The thing about the garages was kind of a surprise. I am interested...there is a requirement for covered parking for some of those spaces and I want to understand just how that is going to happen without garages, carports or whatever is going on there.

The issues with the path. It is clear to me that those are going to have to be worked in a different venue if this was carved out by the City. That is going to have to handled separately. It is on the homeowner’s association to do that.
It seems that there is an issue when you start talking about irrigation, pumps and things like that. Again, that is not a topic to my knowledge for this group of people...for the Commission, but it seems like there is some work that probably needs to go through there.

It would seem to me there’s got to be a fair amount more discussion. I don’t think it holds this up, but the developer needs to take the initiative to sit down with the homeowners in a well-advertised session to start to figure these things out. There’s enough up in the air here that it causes me a great deal of concern.

**Commissioner Gillespie:** Commissioner Bratnober, this is kind of common. We’ve heard testimony from the City that there were no major changes and the City also did point out that this goes through design review until all of the other commenting agencies will re-comment and all of their recommendations including the trash folks will have their say on the final design.

**Commissioner Finfrock:** I would like to add to the other Commissioner’s statements. One of the issues I had also and I think it was brought up by the public comment is that when it comes to amenities it would be nice to see some of these higher-density builds put in parks or some type of more child friendly locations and I can see the concern where they’re going to enter other subdivisions and use those parks because you have a 46-unit facility, but we’re limited in what we can ask for with our amenities. It is defined by the Boise Code. When the developer provides the various amenities, we’re really restricted in what we can enforce when it comes to exactly what those will be.

**Madam Chair Stevens:** I’m going to add a couple of things here and I’m going to support the motion. I agree with everything that Commissioner Gillespie said. I’m going to be a little more flowery or touchy-feely about it. There is a tendency, unfortunately, for people, and we hear it all the time, to not want apartment buildings near their houses.

We have a situation here where I’ve been studying these maps and it is really hard for me to believe that that many people are going to park in this subdivision. I’ve looked at how people get in and out and it is very secluded back there, so I’ll start with that. Even with the photo that is up on our screen...this aerial photo...I count three cars parked on the public streets...maybe four. I don’t really see that parked cars on the street is much of a problem. Every house here seems to have a two-car garage and I think one of the people
who testified said that there are even three-car garages. Again, these are public streets. I live in the North End and people are parked all over the North End streets. That is what public streets are for. They are for moving traffic and they are for parking so that we can access amenities.

I completely agree with Commissioner Gillespie about the path accessing the sidewalks so that there is a safe pedestrian pathway down to the park that is close by. I think that is a strong amenity.

I want to read from the Code regarding the neighborhood meeting requirement. This comes on Page 18 of the Boise Development Code, 11.03.03 under procedures. This is step 2 neighborhood meetings, “Must be held not more than six months nor less than five days prior to submission of the application”. As far as I can tell what has happened with the developer has met the letter of that. Unfortunately, we’ve been setting here, some of us, for long enough to know that the better and the more the developer works with the neighbors the better these meetings go. I would urge you (Bob Unger) next time around to do a little more of that. We don’t like sitting up here and hearing this kind of contention. These are people who are going to have neighbors if this in fact get approved tonight in your piece or your client’s piece of property. It would be nice if we instilled some sort of neighborliness between the people who live next door and the people who are going to live on this property. That’s what I think Boisians want. We don’t have these things in our code as a box for you to check. We have these things in the code to facilitate that kind of neighborliness. I would urge you if you continue to develop in this City to do a better job of that.

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

V. ADJOURNMENT