



PLANNING & ZONING DEPARTMENT

Before the Planning & Zoning Commission Meeting of 14 JUNE 2016 Public Hearing No. 1

Analyst: Robert Hobbs

Applicant(s)/Engineer(s):

Provision Development Group with Jerry Gunstream as representative

File(s): CUP 00032-16

Requested Action Approval(s) and Location:

1. Conditional Use Permit Approval:

To authorize construction of 13 two-unit townhomes (hereinafter the "Project")...

Pertaining to:

Property [land] on the north side of W. Greenhurst Road west of 12th Avenue Rd. (a 2.97 acre parcel in the SE ¼ of Section 33, T3N, R2W, BM) in a RS 6 Zone (hereinafter the "Property")...

CONDITIONAL USE CONCLUSIONS OF LAW

Relevant **Conclusions of Law** for a/**this** Conditional Use Permit hearing item:

- A. That the location, size, design and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.**
- B. That the location, design and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.**
- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

COMMENTARY

Cities and counties in this country have for the past 100 or so years adopted and then administered zoning laws. Such laws, colloquially termed “codes”, are designed, in part, to help ensure orderly community population and structural growth, predictability of development rules, the upholding of property values, protection of the public’s health, safety and welfare, fair regulation of land use, and so forth. The level of detail of any such code, and, its aptitude in balancing the vested rights of individual property owners with those of their neighbors, varies from jurisdiction to jurisdiction.

Idaho, in the 1970s, adopted a set of laws to generally govern land use and development in the state. Said laws are collectively titled the “Local Land Use Planning Act” (I.C. 67-6501 et al). At the time of adoption, it was provided that cities and counties could choose to enact their own set of zoning laws and empower planning and/or zoning commissions to make certain land use related decisions. Nampa adopted a zoning ordinance many years ago and both renewed and revamped its ordinance in 1971. Since that time, varying amendments to the same have been passed into law. Commensurate with other zoning ordinances, Nampa identifies a number of possible land use types and establishes the permissibility of those uses within given land use districts (zones) that overlay the community. Uses thus may be deemed as permitted/allowed by right, not allowed/prohibited, or, allowed upon issuance of a “Conditional Use Permit” (N.C.C. § 10-25).

Conditional Use Permits (CUPs) are a common implement used by zoning codes and authorities to facilitate review of a given (or proposed) land use in a proposed location to ascertain the use’s perceived [future] compatibility with neighboring land uses as considered from a variety of viewpoints and based upon a number of determined facts. Conditional Use Permits commonly invoke some form of formal review by a city or county, often requiring at least one public hearing. Nampa requires a public hearing to review those land uses that require Conditional Use approval (N.C.C. § 10-25-14).

A hearing allows vetting of any concerns of the public, the governing jurisdiction’s departments, or that of outside agencies. Such a hearing is used in part to discover land use related impacts that may stem from the proposed use and, if necessary, to levy any reasonable mitigations perceived necessary to keep the proposed use and the environment around in harmonious co-existence.

The current application seeks to obtain authorization to construct 13 two-unit townhouses on the Property with requisite site and street frontage improvements thereto. Prior due diligence by another developer a few years ago contemplated the idea of emplacing 4-plexes on the Property. A conceptual site plan and photos of structures like unto what the Applicant intends to build are attached to this report. If the CUP is approved, it is expected that the Applicant will file for plat approval to create the land divisions necessary to establish a townhouse type real property ownership pattern on/across the Property. The roadway inside the development, given the single-family zoning that bears on the Property, will have to be a public right-of-way (the Project is not proposed as a planned unit development.)

The proposed Project lies adjacent to single-family residential on its eastern and western sides, across Greenhurst from a junior high school, abutting and south of an assisted living center, and near a residential subdivision and Walgreens and other

commercial (to the east at the intersection of Greenhurst and 12th Avenue Road. The City's Comprehensive Plan entertains the use as proposed. Utility and emergency services are available to the Property.

ABBREVIATED FINDINGS

1. Surrounding Zoning/Land Uses: Refer to attached Vicinity Map; immediate, area surrounding and adjoining the Property has a mix of property sizes, zoning and land use types. The Property is residentially zoned (i.e., Single-Family Residential [RS 6]); and,
2. Staff has provided the Commission with all of the information we have regarding the application according to what was submitted; and,
3. The intended use is proposed to be a 13 building two-unit townhouse project on the Property; and,
4. Two-unit townhouse style buildings require Conditional Use approval in order to be constructed in a/the RS 6 Zone; and,
5. The Applicant of this action has submitted a Conditional Use Permit (CUP) Application to seek approval of a townhouse development on the Property; and,
6. The City has deemed the CUP Application complete and received in the same for processing, review and decision; and,
7. The Engineering Division does not oppose the request and has provided requirements in the event the CUP for the same is approved; and,
8. Code Enforcement does not oppose the request; and,
9. Planning and Zoning Staff do not oppose the request; and,
10. No comments from the public have been received to date regarding this matter; and,
11. The proposed Project lies adjacent to a single-family residential zoning area at/on its eastern and western sides, lies across Greenhurst from a junior high school, abuts at its northern property line an assisted living center, is also east a pair of single-family detached residential subdivisions and west of a Walgreens store and other commercial businesses (around the intersection of Greenhurst and 12th Avenue Road; and,
12. The proposed Project lies in an area designated by the City's Comprehensive Plan Future Land Use Map as being slated for, or acknowledging the pre-existing presence of, a "Medium Density Residential" setting. The Property also abuts a "High Density Residential" setting which may also be applied to, or overlaid upon, the Property. Both "settings" support the proposed project in terms of building type and proposed dwelling unit density...

RECOMMENDED CONDITIONS OF APPROVAL

Should the Commission vote to approve the requested Conditional Use, Staff would then recommend that the Commission consider imposing the following Condition(s) of Approval on the Project/Applicant:

Generally:

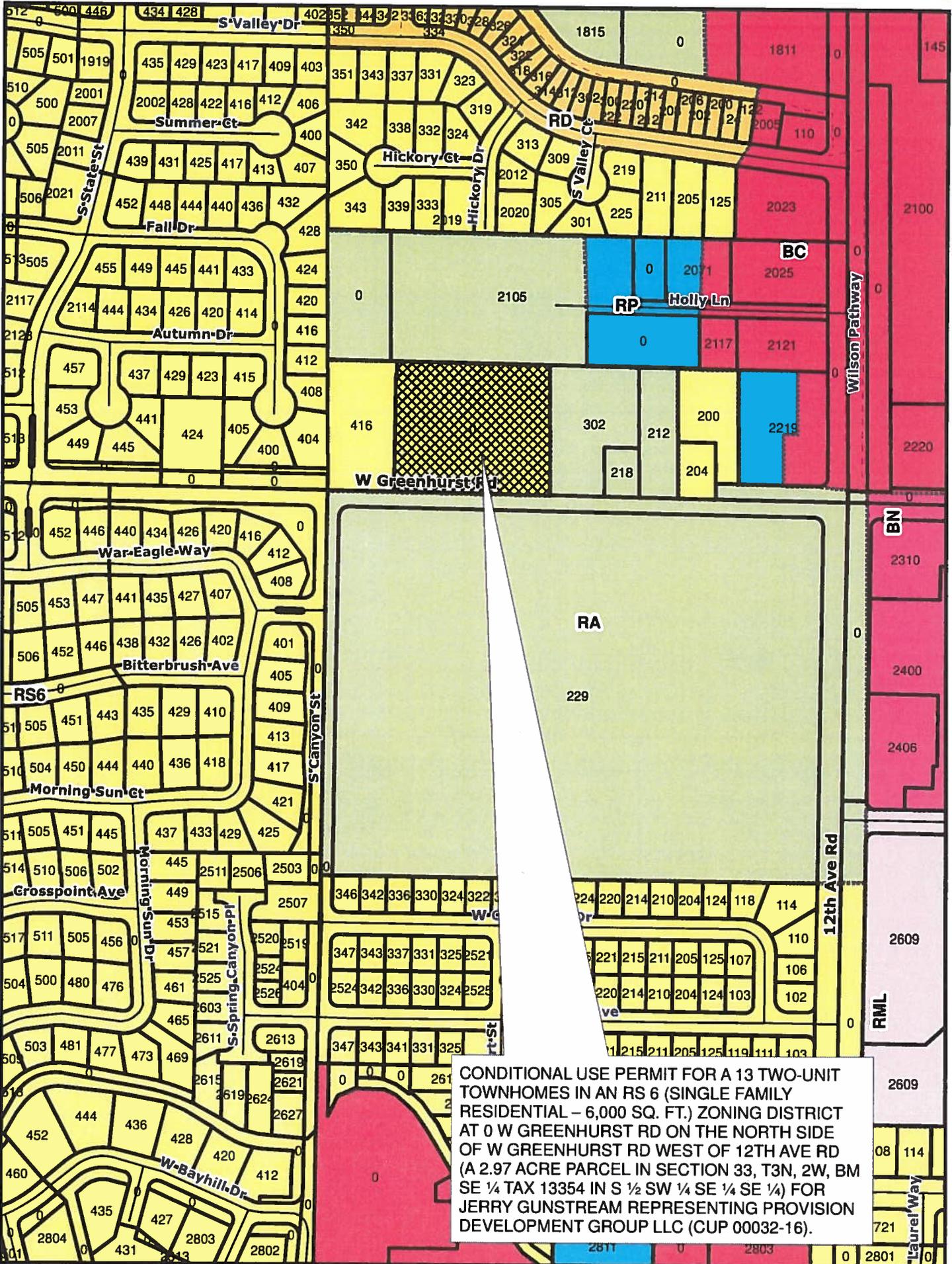
1. Owner/Applicant shall comply with all applicable requirements [including obtaining proper permits and platting approval] as may be imposed by City departments or outside agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments, etc.) as the CUP approval does not, and shall not, have the affect of abrogating requirements from those agencies...

Specifically:

2. The Conditional Use Permit sanctions only the concept plan, including sample building elevations (depicted by photos of comparable designs), reviewed and approved by the City; Applicant shall develop the townhouse structures associated with the Conditional Use Permit approval in accordance with said approved concept plans/photo elevation samples; and,
3. Owner/Applicant shall comply with requirements listed in the May 25, 2016 memorandum from the Nampa Engineering Division authored by Jim Brooks (2 pages – copy hereto attached); and,
4. Owner/Applicant shall emplace landscaping and requisite paving around the townhouse structures such that no bare areas of ground left to dirt and weeds shall be present on the Property post construction of the buildings; and,
5. Applicant/Owner shall emplace a six foot (6') solid screen code zoning compliant fence between the Property and all the adjoining properties on the west, north and east of the Property; and,
6. <Any other conditions imposed by the Commission or by City departments or outside agencies in relation to the/this CUP request...>

ATTACHMENTS

- Zoning and location Vicinity Map (page/Exhibit 5)
- Copy of Applicant's Project narrative (page/Exhibit 6)
- Copy of Google aerial photo image of Property and surrounds (page/Exhibit 7)
- Copies of Applicant supplied concept site plan and comparable building photos (pages/Exhibits 8-10)
- Copy of aerial photo of Property showing comprehensive plan settings' overlay (page/Exhibit 11)
- Copy of CUP application (page/Exhibit 12)
- Copies of agency/department/citizenry correspondence (pages/Exhibits 13+)



CONDITIONAL USE PERMIT FOR A 13 TWO-UNIT TOWNHOMES IN AN RS 6 (SINGLE FAMILY RESIDENTIAL - 6,000 SQ. FT.) ZONING DISTRICT AT 0 W GREENHURST RD WEST OF 12TH AVE RD (A 2.97 ACRE PARCEL IN SECTION 33, T3N, 2W, BM SE ¼ TAX 13354 IN S ½ SW ¼ SE ¼ SE ¼) FOR JERRY GUNSTREAM REPRESENTING PROVISION DEVELOPMENT GROUP LLC (CUP 00032-16).

MEMORANDUM

DATE: May 17, 2016
TO: Nampa Planning & Zoning Commission
FROM: ProVison Development Group LLC/Jerry Gunstream
SUBJECT: CUP – Project Description for Greenhurst Village

ProVison Development Group is seeking approval of a Conditional Use Permit to develop a 2.97 acre site on W. Greenhurst Road with an upscale townhome community for active adults age 55 and older. The current zoning of RS6 requires a CUP for townhomes. If the CUP is approved, applicant will proceed to obtain all other necessary approvals including a Subdivision Plat.

Based on a lot size of at least 6,000 square feet for each building, we have created a very preliminary concept plan that illustrates a total of 13 buildings for 26 living units. These homes will be smaller in size, between 1,250 to 1,500 square feet, but with high quality design characteristics and quality materials both inside and out. The homes will be one and two story in height, a minimum of two-bedrooms and two-bathrooms, and either a two car or oversized one car garage. Boise Architect Robin Gates will be the project architect. Floorplans and building designs have not yet been drawn for this project, but some photographs of two of her townhome projects in Boise are attached.

A perimeter 6' fence will be installed on all sides of the property. The 400' of frontage along Greenhurst Road will be improved with curb, gutter and sidewalk and an elevated 4' grassed berm with mature trees and shrubs. All landscaped areas within the project, including the frontage, will be maintained through very strict CC&R's and a Homeowners Association.

The property is adjacent to residential homes, a commercial assisted living and rehabilitation facility, and across the street from South Middle School. The location is ideal for the targeted homeowner because of its central location and the fact that it is within walking distance of Walmart, Walgreens, and Albertsons and less than one-half mile of additional services that include eating establishments, medical facilities, and the Nampa Recreation and Senior Center.

ENCLOSURES:

- CUP Application
- Affidavit of Legal Interest
- Purchase and Sale Agreement
- Legal Description
- Plat Map
- Sample Building Design Photographs
- Aerial Image
- Concept Drawing



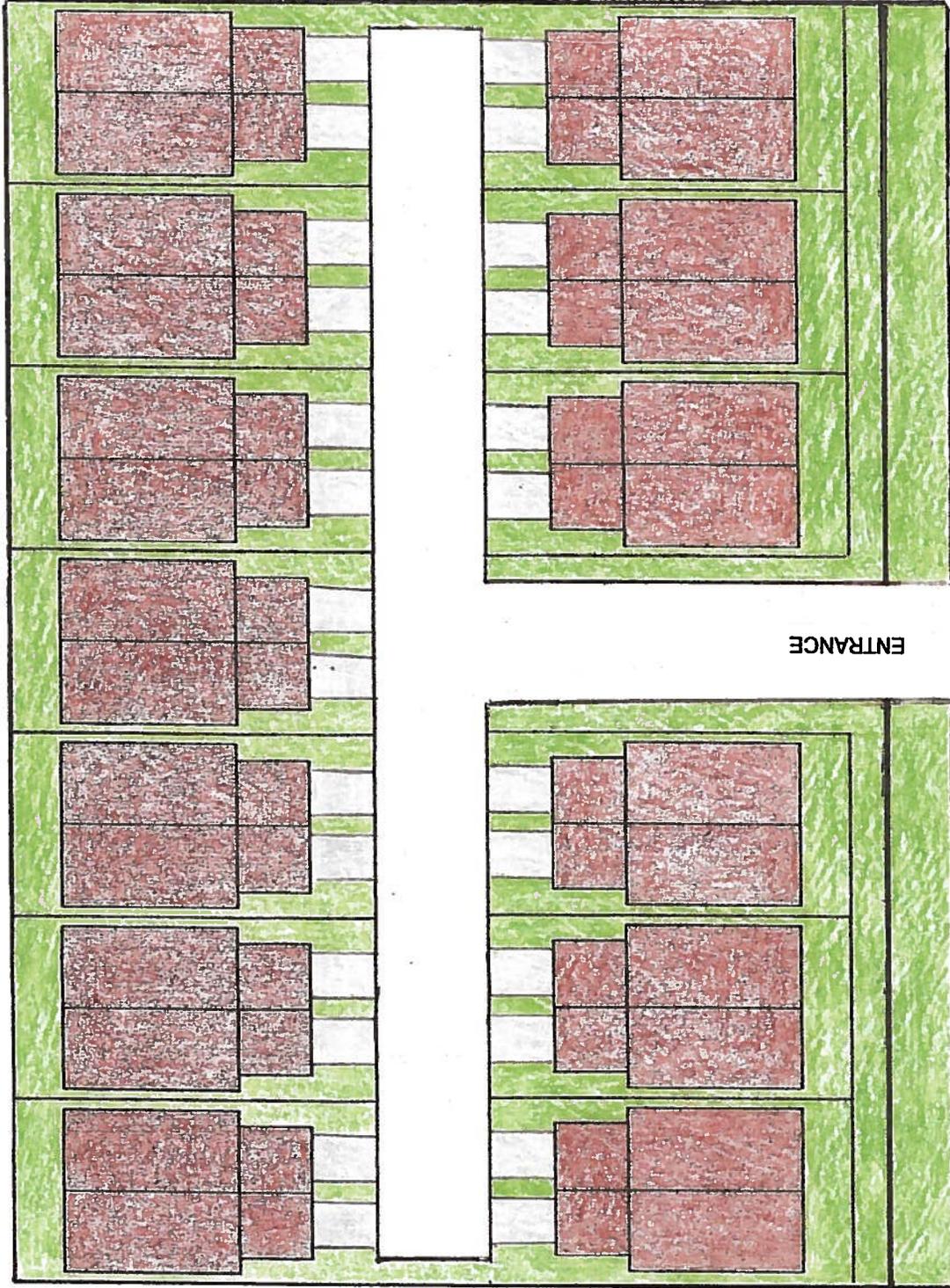
Imagery Date: 4/1/2016 -43°32'51.30" N 116°34'30.55" W elev 2502 ft eye alt 4509 ft

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PRELIMINARY CONCEPT PLAN

ProVision Development Group

Nampa, Idaho



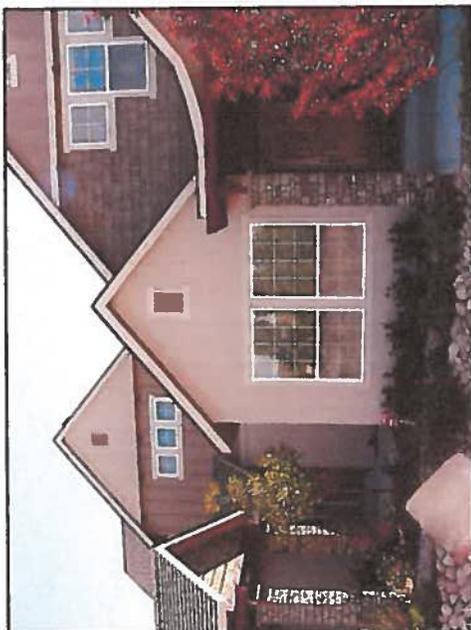
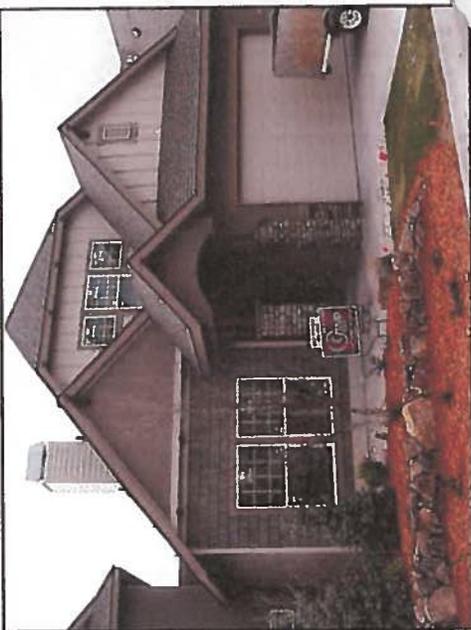
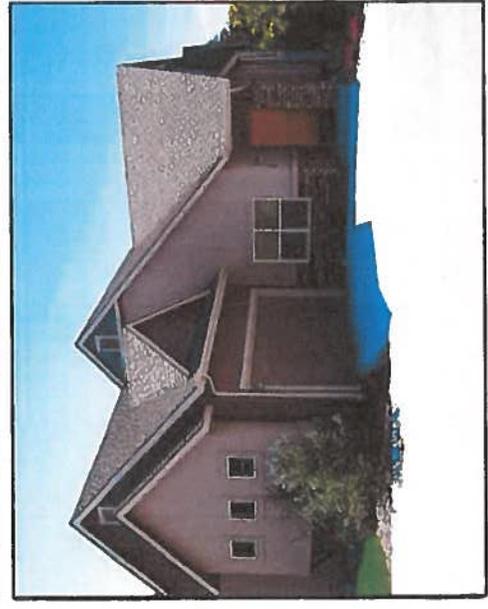
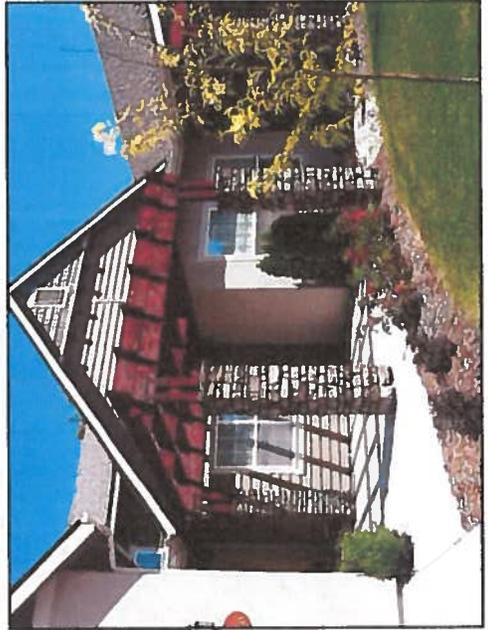
PARCEL:
-396' wide
-328' deep

LOTS:
-55'-5" x 110'

TOWNHOMES:
-1250-1500 sf

Perimeter Fence

W. Greenhurst Road







Application for Conditional Use Permit

City of Nampa, Idaho

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6/14 FZ
ROBERT

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by the appropriate fee of \$234.00 (1 acre or less) or \$463.00 (more than 1 acre).

Name of Applicant/Representative: PROVISION DEVELOPMENT Group LLC / JERRY GUNSTREAM Phone: 208-870-4584

Address: 1123 12TH AVE RD #415 City: Nampa State: ID Zip Code: 83686

Applicant's interest in property: (circle one) Own Rent Other BUYER OF PROPERTY

Owner Name: DAVID & ELIZABETH FETZER Phone: -

Address: 3210 S. KOKOMO DR City: NAMPA State: ID Zip Code: 83686

Address of subject property: TBD - UNDEVELOPED 2.97 acres WEST OF 12TH ON GREENHURST

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement

Subject Property Information
(Please provide the following REQUIRED DOCUMENTATION to complete the CUP):

Original Legal description of property AND a legible WORD formatted document. (Must have for final recording)
Old or illegible title documents will need to be retyped in a WORD formatted document

OR, Subdivision _____ Lot _____ Block _____ Book _____ Page _____

A sketch drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas, preliminary or final building plans and building elevations, together with any other information considered pertinent to the determination of this matter.

Project Description

State (or attach a letter stating) the reason for the proposed Conditional Use Permit: SEE ATTACHED

Length of time requested for the Conditional Use Permit: _____ Months and/or PERMANENT Years.

Date conditional use is expected to begin after permit is granted: 10 / 1 / 2016
Please note: Conditional use permits expire if not used within six (6) months after granting.

Dated this 16th day of MAY, 2016


Signature of applicant

Notice to Applicant

This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a public hearing on the application and it shall be granted or denied. Notice of public hearing must be published in the Idaho Press-Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearing and should be present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission it shall not become effective until after an elapsed period of 15 days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council. You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be sent a document which constitutes an official "Conditional Use Permit". This document will enumerate the conditions attached to the issuance of the permit and state the consequences of failure to comply.

For Office Use Only:
File Number: CUP 32 -2016 Project Name: Greenhurst Village Project

Memorandum

To: Planning and Zoning
Cc: Daniel Badger, P.E., L.S., Staff Engineer
Cc: Michael Fuss, P. E., Nampa City Public Works Director
From: Jim Brooks – Engineering Division
Date: May 25, 2016
Rev: June 6, 2016
Re: CUP – Adult 55 and older Townhome Community
Applicant: ProVison Development Group/Jerry Gunstream
Address: TBD-W. Greenhurst Road (adjacent to 416 W. Greenhurst Road)
CUP00032-16 for the June 14, 2016 P & Z Meeting

The Engineering Division does not oppose the granting of this conditional use permit with the following conditions:

- Comply with all necessary regulations and conditions as set forth by the Planning and Zoning Commission.
- At time of development of the site, development agreement required, the developer shall extend all public utilities to and through the site in accord with current City Policy and Master Plans. In addition, the developer will also be required to dedicated right-of-way for Greenhurst Road to the City and emplace all necessary and required frontage improvements along West Greenhurst Road. This will include, but not be limited to-
 - Greenhurst Road Dedication – 40-feet (40')
 - Sewer- May require extension of sewer main through site in order to serve units. Developer will be required to provide easements as necessary.
 - Water - May require extension of water main through site to serve units, and construction of additional on-site fire hydrants. Developer will be required to provide easements as necessary.

- Pressure Irrigation – As necessary to serve green areas and landscaping. Easements may be required if public main is extended into development to serve individual lots.
- Curb, gutter, and sidewalk along entire frontage.
- Landscaping as required along Greenhurst Road.
- Storm drainage-both on and off-site
- Gravity Irrigation-Either continued delivery to, or wastewater from adjacent properties
- Pavement widening and striping as required
 - Excavation to subgrade, gravel base, Asphalt paving, etc. per N-822 at a minimum
- Provide a NFD approved access and turn-around

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Sylvia Mackrill

From: Greg Goodman
Sent: Monday, May 23, 2016 10:10 AM
To: Sylvia Mackrill
Subject: RE: CUP for Greenhurst Village Project/Jerry Gunstream CUP 00032-16

Property is currently in compliance.

From: Soyla Reyna
Sent: Monday, May 23, 2016 8:07 AM
To: Greg Goodman
Subject: FW: CUP for Greenhurst Village Project/Jerry Gunstream CUP 00032-16

Former owner(seller) David A. and Elizabeth Fetzer

Purchaser-ProVison Development Group LLC
Jerry Gunstream Managing Partner

From: Shellie Lopez
Sent: Thursday, May 19, 2016 10:16 AM
To: Amanda Morse; Beth Ineck; Brent Hoskins; Carl Miller; Craig Tarter; Daniel Badger; Don Barr; Eric Skoglund; Jennifer Yost; Jim Brooks; Michael Fuss; Neil Jones; Patrick Sullivan; Ray Rice; Robin Collins; Soyla Reyna; Sylvia Mackrill; Tina Fuller; Tom Laws; Vickie Holbrook
Subject: CUP for Greenhurst Village Project/Jerry Gunstream CUP 00032-16

CUP 00032-16:

ProVison Development Group LLC/Jerry Gunstream has requested a Conditional Use Permit to develop on 0 W. Greenhurst Road (A 2.97 acre portion of Section 33, 3N, 2W, SE, TX 13354 in S1/2 SW, SE, SE). This property is located within a RS-6 (Single Family Residential - 6000 sq ft minimum lot size) zoning district.

The applicant is requesting the CUP to develop an upscale townhome community for active adults age 55 and older. If the CUP is approved, the applicant will proceed to obtain all other necessary approvals including a Subdivision Plat. The applicant will go before the Planning & Zoning Commission as a public hearing item on the June 14, 2016 agenda.

Please find attached the CUP 00032-16 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than June 01, 2016.

Thank you & have a great day!