MEMORANDUM

To: Planning & Zoning Commission
From: Robert Hobbs
Date: July 19, 2016
Re: **Business Item No. 3**; Request for modification of approval conditions of Conditional Use Permit no. 2179-16 that authorized an "Auto Repair Business" (hereinafter the "Project") to be constructed on land addressed as 3321 12th Avenue Road (further identified as Lot 1, Block 1 of Covert Subdivision No. 2 comprising some 1.23 acres of a portion of Section 04, T3N, R2W, Boise Meridian, Canyon County, Nampa, Idaho) and located in a Community Business (BC) Zone (hereinafter the "Property"); for, and in behalf of James and Michele Connelly as Applicants/Developers

Commissioners, following your approval of the above referenced Conditional Use Permit (CUP) request, the Applicants have submitted for your consideration an update to their efforts to satisfy your permit conditions, as well as a request that you modify some of the same. A copy of their brief letter to you is hereto attached along with a revised concept site plan.

Please recall that the conditions of approval related to the Project included the following:

1. "The Auto Repair building shall not exceed 30' in height; and,

2. Applicants shall provide a solid eight foot (8') high block wall to frame the Property on its north, west and south sides. (Tilt-up concrete may be authorized by the Commission upon request and approval via a business item review); and,

3. Applicants shall work with neighbors in the Covert Subdivision to create a backyard landscaping plan that appeals to the same. (Please note that regardless of the outcome of any such discussions, the City indicated that we would require a code and Development Agreement compliant landscape plan as a condition of receiving a Building Permit for the Project.)"

Since the Commission hearing that vetted the Project proposal in April, the Applicants have revised their plans somewhat. At present, they wish to build a structure under 30' in height, of smaller area dimension than originally proposed, place the proposed car repair building in a more Property centered position, eliminate the

garage bay doors up and down both long sides of the building and instead use garage bay doors only at the end of the building. As Staff we do not perceive a need for formal action for those kinds of changes as they are in care and keeping with testimony rendered at the hearing, would be less impacting on adjoining properties and do not violate the conditions of the Commission.

It is in relation to Conditions 2 & 3 that this matter is brought back to the Commission for renewed attention.

Condition two (2) contemplates a solid barrier around the Property for both view and, particularly, sound mitigation. According to the Applicants, the approximate bid price to erect a solid, eight foot (8') high CMU or tilt-up style concrete wall around the north, west and south sides of the Property, where once some years ago a $ 45,000 effort is now a $ 200, 000 cost per the bid(s) they have received back. Further, an apparent lack of consensus surrounding the wall exists among neighbors whose properties adjoining the Property.

As indicated by the Applicants, one neighbor would prefer "a twenty foot (20') wall", another would prefer no wall [at least one that does not block their view of the mountains, and the others neighbors have not been helpful in providing feedback]. While the wall was not a negotiable item with the neighbors, given the circumstances attendant this matter, the Applicants would like to be sensitive to them as well as their own pocketbook.

Accordingly, at this time the Applicants are currently proposing a 6-8' vinyl fence around the site in care and keeping with the original Development Agreement (Ord. 4137) assigned to the Property that specified a screen but not CMU etc. (The Applicants considered a combination wall and fence at one time but have since moved in the direction of pure fencing all around the Property as a proposal back to the Commission. And, while they say they struggled to find walls like what they once proposed [later made an approval condition], Staff pointed out such walls exist locally. For example, such lie between Home Depot and the Eaglecrest Subdivision, between D&B Supply and Cedar Park Estates Subdivision, and, around Evergreen Mobile Home Park.)

Condition number three (3) of the Applicants' issued CUP requires the Applicants to "work with neighbors to create a backyard landscaping plan" for the Project. To date, the Applicants have, per their comments, tried to work with neighbors to contrive such a plan, with about the same success as they had discussing the fence issue with them (e.g., one gentleman apparently is not concerned about landscaping adjacent his yard to the north of the Property provided his arborvitaes are not damaged in any way, another party has been unresponsive to the Applicants' attempts at communication, another too incoherent to talk to and another who had some other idea about what

should be done). Staff has conveyed our requirement that, at a minimum, on the Property, behind whatever fence is emplaced and on the Applicants' side of that fence, some planter islands should be installed with trees in them – see attached concept plan callouts.

The Commission is tasked with recognizing the Applicants' current building concept and positioning plan, determining whether their wall or fence plan is okay and if so, formally modifying your approval condition number two (2), and, deciding if the landscape proposal is acceptable. It should be noted that landscaping will of course also be required along the frontage of the Property. The Applicants would prefer that this matter be handled as a business item only; however, the Commission may choose to convene a public hearing to vet the issues at hand. Nampa City Code § 10-25-15 states as follows concerning the requested modification:

> "C. Modifications: Modifications to approval conditions once imposed by the commission may and shall only be modified/changed by order of the commission unless the commission's decision(s) on a modification request is appealed to the city council. The commission may revoke or modify a CUP condition (or even add new ones if deemed important), as a business item on its regular meeting agenda if acting upon request as applied for by a true representative of the CUP holder(s).
>
> Modifications to approval conditions once imposed by the city council acting as an appeal review board shall only be modified/changed by order of the council.
>
> Conditional use permits that were issued on proposals that were once controversial or whose conditions are perceived to be potentially controversial if modified may necessitate convening a public hearing to entertain any proposal to modify their conditions. Any decision to hold a public hearing to review proposed modification(s) to a CUP's condition(s) shall be made by the planning director.
>
> 1. Changes to uses and/or structures that were originally approved or allowed as CUPs that meet any of the following criteria shall also require commission approval (or council approval if they approved the original CUP request) to be allowed:
>
> a. A modification to a specifically approved or required open

space area or amount (excepting those made a part of a subdivision plat or PUD); and/or

b. A change in elevation(s) of one or more structures where the elevation was once specifically required to be in a certain form or was proposed and accepted to be in a particular style or height; and/or

c. A change in the site layout of a project including relocation of pads, streets, structures, or parking areas when such were specifically approved or required as part of an earlier CUP approval; and/or

d. A request to delete one or more conditions of approval originally imposed on a CUP project. Excepting, however, any proposal to modify conditions associated with a CUP that was the subject of a formal appeal during its review process may only be processed as a public hearing item.

2. Modifications to approval conditions may be allowed provided that the evidence presented to the commission/council is such to establish that:

a. The requested modification, once executed (if it would affect them at all) will/would not adversely impact them more than benefit them, or not affect them at all; and

b. The site whereupon the modification/expansion is to occur is large enough to accommodate the proposal and still provide adequate space for all required yards (setbacks), open spaces, pathways, walls and fences, parking, signature, required landscaping and other required site elements/features (e.g., fire hydrant, light poles, power poles, pumping or lift station, roads, etc.).

c. The proposed change will not cause the use(s)/structure(s) approved under a CUP to become nonconforming with the Nampa comprehensive plan or the zoning ordinance.

d. The proposed change, if it complies with all conditions imposed as modified will not substantially impact the roadway upon which the property with the change(s) fronts/accesses." (Ord. 2140; amd. Ord. 3113; Ord. 3247, 8-4-2003)

Attachments:

- Applicants' letter of request (page/Exhibit 6)
- Applicants' prior concept site/building floor plan (page/Exhibit 7)
- Applicants' revised/new concept site/building floor plan (page/Exhibit 8)
- April 26, 2016 Commission hearing minutes (pages/Exhibits 9-14)
- Copies of aerial and street view digital images (pages/Exhibits 15-20)

We Robert Cooper and James Connelly would like to present final location of Building and amend concrete wall.
No correspondence from most neighbors - to work out landscaping provisions.
Would like to utilize present Development Agreement provided by the city

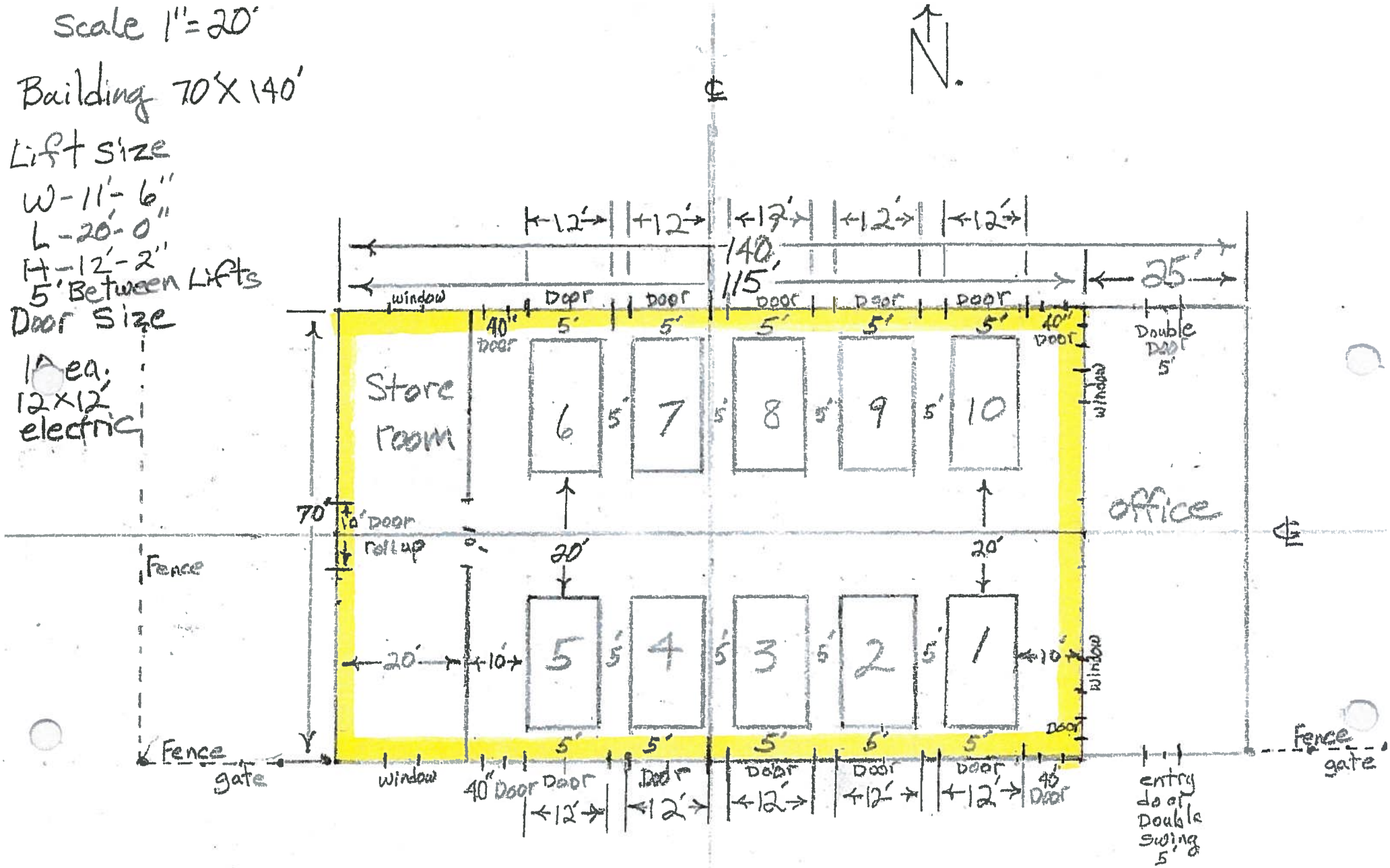
R.W. Cooper
James Connelly

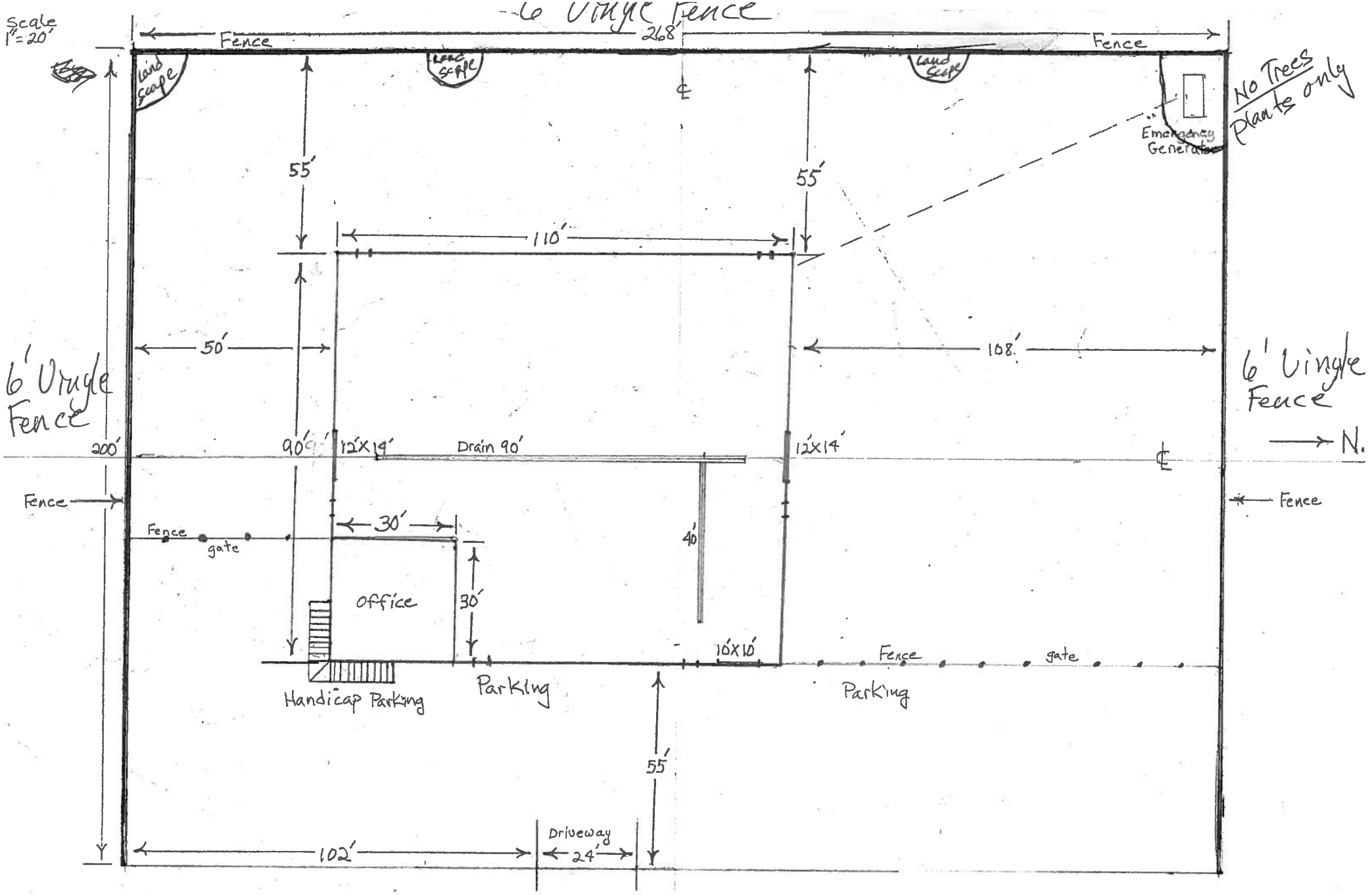
Scale 1" = 20'

Building 70' X 140'

Lift size
W - 11' - 6"
L - 20' - 0"
H - 12' - 2"
5' Between Lifts

Door Size
10 ea;
12 x 12'
electric




6' Vinyl Fence
Scale 1"=20'
Fence
268'
Fence
Land Scape
Land Scape
Land Scape
No Trees Plants only
Emergency Generator
55'
55'
110'
50'
108'
6' Vinyl Fence
6' Vinyl Fence
200'
90'
12'X14'
Drain 90'
12'X14'
N.
Fence
Fence
30'
Fence gate
40'
Office
30'
10'X10'
Fence
gate
Handicap Parking
Parking
Parking
55'
Driveway
24'
102'

5. **The following condition to be clarified and verified with the Building Department: "The Building Department will require a Building Permit and Architectural plans showing where the children will be cared for. They will need to know how many children under 2 ½ years of age; will need exit doors to the exterior from each room where children are being care for; and all portions of the home being used for daycare will need to meet the requirements of the ICC A117.1-2009 for accessibility".**
6. **All requirements of the Nampa Building, Fire and Engineering Departments regarding Home occupation Daycare use shall be satisfied as per State Law prior to occupancy.**
7. **The size of any advertising signs shall not exceed that allowed for Home Occupations of two (2) sq ft.**
8. **The Conditional Use Permit shall be granted only to Marcia Cardenas, dba Itzel's Daycare, for 77 S Kelli Loop only, and shall not be transferable to any other operator or location.**

Motion carried.

Conditional Use Permit for an Automotive Repair Shop in a BC (Community Business) zoning district at 3321 12th Ave Rd. (A 1.23 acre portion in the SE 1/4 Section 4 T3N R2W BM, Covert Subdivision No. 2, Lot 1, Block 1) for James and Michele Connelly (CUP 2179-16)

Chairman McGrath proceeded to public hearing.

James Connelly of 11690 Orchard Ave, Nampa – applicant:
Robert Cooper of 12388 Lone Star Rd, Nampa – applicant:

- **Mr Cooper** stated the proposal was for an auto repair shop at the 3321 12th Ave Rd location.
- According to Mr Cooper he had been in the private automobile repair business for 30 years but had not been open to the public.
- Mr Cooper stated he had also operated behind Fire Department No. 1 for 15 years. Mr Cooper added it had been his dream to open up a larger shop and provide a better service to the community.
- Mr Cooper stated he and Mr Connelly had an ambition to fund through the auto repair shop, and open up as part of the business, an indigent car care program for people in the community that could not afford to have their cars repaired. Mr Connelly had approached him with the idea, continued Mr Cooper, and applications would be taken in and it would be determined if the applicants would qualify as indigent, as well as take a drug test and if they passed the cars would be fixed for them.
- Mr Cooper stated his present facility on Lone Star Rd was too busy and there was no way something like that could be brought on board, and that was when Mr Connelly had suggested a new facility.
- In response to a question from **Chairman McGrath, Mr Cooper** stated his previous location was 920 2nd St S, right behind the Fire Department, and had since been turned into a parking lot.
- **Mr Connelly** noted young women that were pregnant, or had young children, could have their cars worked on for free. Additionally, stated Mr Connelly, they would be donating cars to young women that have young children, need a vehicle, and were drug free.
- **Kehoe** noted the indigents and young women requiring their automobiles to be repaired would not be living near the proposed auto repair shop and questioned why the facility would not be located further downtown.
- **Mr Cooper** advised he was downtown for 15 years and had his shop broken into, equipment and cars stolen during that time, and homeless people using the restroom, along with vandalism.
- Mr Cooper stated he already had clientele that would frequent the proposed auto repair shop.
- According to Mr Cooper, they would acquire a new tow truck which would allow them to do free pick-up and delivery service for their indigent customers' automobiles.
- **Myers** inquired if the architecture and plans for the building were available.
- **Mr Connelly** indicated a preliminary drawing and explained they did not have specific plans available as yet.
- According to Mr Connelly, they had not received notification of the meeting from the Planning Department and only found out they were on tonight's agenda yesterday.
- **Mr Cooper** stated the proposed facility would be an 8 bay auto repair building. The 70 ft x 140 ft building would run east to west, facing south, with a fence all around to contain the cars. Also, there would be either a privacy block wall or fence for a noise barrier along the property line.
- **Mr Connelly** stated the outside stairway would be deleted as they had two stairways inside.

- **Mr Cooper** advised the building would definitely be fire protected.

Assistant Planning Director Hobbs:

- Hobbs noted (as a correction) there was no existing building on the site as erroneously stated in the Staff Report.
- The Conditional Use Permit, continued Hobbs, should be reviewed regarding compatibility of the proposed use with the surrounding properties.
- Hobbs reviewed the Staff Report and recommended conditions of approval.
- According to Hobbs, the subject property had been annexed into the City of Nampa and zoned BC, along with a Development Agreement, in 2014. Hobbs noted the Conditions of Approval within the Development Agreement attached to Ordinance 4137.
- Additionally, stated Hobbs, the proposed building would require Building and Site Design Standards review by the BSDS Committee if the building comprised 5,000 sq ft or more, due to the fact the property was located within a BC zoning district. The Committee, added Hobbs, would look at whether the proposed building was in care and keeping with the BSDS standards, the materials and colors, and the amount of fenestration, base, or cornice type work, etc. Condition No. 9 in the Development Agreement conditions of approval, continued Hobbs, required a 6 ft tall site obscuring fence and landscape buffer. However, the applicants have proposed some kind of solid wall. A 6 ft to 8 ft wall or fence would be permitted, stated Hobbs, between their property and the adjacent property owners.
- Hobbs advised the notification of the public hearing was sent out to the owner of the subject property and surrounding property owners within 300 ft. That information was obtained from the County Assessor's Office. Therefore, the current owner received notice of the meeting, however, the applicants did not.
- **Kehoe** inquired the location of the closest auto repair business to the subject property.
- Discussion followed on auto repair businesses located within the County and the City of Nampa.

Chairman McGrath proceeded to public testimony.

KayLin Browning of 301 Palmer Dr, Nampa:

- Ms Browning stated she lived just 300 ft from the proposed auto repair business.
- Ms Browning added she was really unsure about the proposed auto repair.
- According to Ms Browning, she and her husband bought their property a couple of years ago, and one of the reasons they bought the home was because her husband had undergone heart surgery and sleeps during the day. The proposed business would become a health issue for them because mechanic shops are not quiet – and that caused them a lot of concern.
- Ms Browning stated she had been advised her property value would drop due to the auto repair business.
- Ms Browning emphasized she lived in a neighborhood with other homes that were not on 12th Ave Rd, and the proposed type of business did not belong in a quiet neighborhood where children play.
- Ms Browning reiterated her concerns regarding the noise, the pollution and how the proposed building looks, forcing a change in her older, established neighborhood.
- In response to a question from **Chairman McGrath, Ms Browning** stated they purchased their home in 2013, prior to the annexation and BC zoning of the subject property.

Darrell Dice of 103 Palmer, Nampa:

- Mr Dice stated the property he owned was adjacent on the north to the subject property.
- One of his biggest concerns, stated Mr Dice, was the fact the subject property had been regraded and the runoff water runs right into his property, and 2 years ago he had 3 inch river running through his shop.
- Mr Dice requested that whatever goes on to the subject property it should be regraded so the water runs back to where it is supposed to and not in to his property.
- Additionally, stated Mr Dice, he had 30 ft arborvitaes on his back property line and was concerned those trees would be damaged or killed while the work was being done on the subject property.
- Mr Dice stated he had lived on his property since 1993.

Jean Boehlke of 106 Sunrise Rim Rd, Nampa – concurred with the previous comments but did not wish to speak.

Thomas Ashley of 111 Palmer Dr, and also co-owner of 205 Palmer and 212 Valley View Rd, Nampa:

- Mr Ashley stated all three of his parcels border the subject property.
- Mr Ashley stated he was extremely concerned about the orientation of the proposed building on the subject parcel because the bays on the north side of the building would back right up to the back yard of their 5000 sq ft house.
- According to Mr Ashley, the subdivision had some very nice homes and the proposed auto repair business would not improve property values whatsoever.
- Mr Ashley voiced concern regarding noise levels, hours of operation and whether or not there would be a solid sound barrier or fencing around the entire parcel. There are eight parcels, with eight individual residences immediately bordering the parcel, added Mr Ashley.
- There are other auto repair businesses in the vicinity stated Mr Ashley, not located in a residential area. The subject property, continued Mr Ashley was annexed and zoned BC in 2014.
- When the property was annexed and zoned to BC, stated Mr Ashley, the residents were of the understanding it would be light commercial, for offices or retail space, not the proposed type of business.

Jeff Crawford of 73 S Peppermint Dr, Nampa – in favor:

- Mr Crawford considered the proposed auto repair business would be a good thing – and was something the community needed.
- Mr Crawford considered the applicants would meet all the requirements regarding the proposed business in relation to the neighboring properties, and the community would prosper from the automobile repair business.
- Mr Crawford stated he had known Mr Cooper for a long time and the auto repair business would be a good thing.

Jerry Gunstream of 2006 S Sand Crest Lp, Nampa – opposed:

- Mr Gunstream stated he was representing the owners of the 4+ acres directly across from the subject property, Randy Steed and Scott Raymes.
- Mr Gunstream indicated the letter from Randy Steed and Scott Raymes, detailing the reasons for their strong opposition to the proposed automobile repair business.
- Mr Gunstream reiterated their overall concern regarding the particular proposed use in the particular location was not appropriate.
- The subject property, continued Mr Gunstream, was surrounded by residential properties.
- According to Mr Gunstream, Mr Steed and Mr Raymes had owned the Vista Ridge property for a number of years, and they have specifically declined, because of the surrounding neighborhoods, to allow the type of use proposed by the applicants.
- The CC&Rs for Vista Ridge Subdivision, stated Mr Gunstream, specifically did not allow an automobile repair shop on their property.
- The biggest reason for their opposition, reported Mr Gunstream, was the type of building, and cars on site, would not fit in the area and possibly become unsightly in the future.
- If the Commission feels the automobile repair business would be an appropriate use, added Mr Gunstream, it was hoped some kind of strong design standards would be implemented.
- Mr Gunstream referred to notation of a possible Deferral Agreement in the Engineering Division memo and stated Mr Steed and Mr Raymes totally disagreed with that, because the developer of the subject property should be held to the same standards as any other developer regarding developing the frontage.

Jaimie Tiller of 210 Valley View Rd, Nampa – opposed:

- Ms Tiller stated they purchased their home in 1983 and considered her beautiful residential home was located in a beautiful neighborhood.
- As a homeowner, added Ms Tiller, an automotive business with power compressor tools going 7 days a week was not what she had in mind for a residential home.
- Ms Tiller stated she was looking forward to retirement and she spent a lot of her time in the back yard.
- The proposed automotive repair business would affect her life and her family's life.
- Ms Tiller considered her property value would suffer if the automotive repair business were to locate on the subject property, and she did not want to sit in her back yard looking at a two story auto repair shop.

Jake Tiller of 210 Valley View Dr, Nampa – opposed.

- Mr Tiller stated he had grown up in the home at 210 Valley View Dr.

- Mr Tiller considered it was a beautiful neighborhood with lots of families and a park just down the road.
- The adjacent property owners, suggested Mr Tiller, had purchased the homes within Covert Subdivision to raise families, and now an auto repair shop was proposed for the subject property.
- Mr Tiller stated he admired the integrity of the applicants for the intention of their auto repair shop but placing it in a quiet residential neighborhood was not the best location.

Chuck Grigsby of 204 Valley View Rd, Nampa:

- Mr Grigsby voiced concern regarding the noise and the smell from the auto repair shop.
- Mr Grigsby considered there were no other auto repair shops in the middle of a neighborhood.
- According to Mr Grigsby, the applicants seemed unclear regarding the specifics for a fence or wall around their property.
- Mr Grigsby also voiced concern regarding the noise from air tools.
- Mr Grigsby concurred with the comments and concerns from earlier speakers who owned properties in the Covert Subdivision.

Mr Cooper:

- Mr Cooper stated discussions had already taken place with the City regarding the requirement of a wall for soundproofing.
- Regarding Mr Dice's arborvitae, Mr Cooper stated the back of their building would be more than 40 ft from the property line and the size of the lot was 268 ft x 200 ft.
- Mr Cooper stated there was not a lot of choice of where to put the proposed building to make reasonable room for parking.
- According to Mr Cooper, he was not trying to block the mountain views from the property directly to the west, however, there was one home to the west where the business would block their views.
- The other auto repair facilities in the area would make good working partners, stated Mr Cooper.
- Mr Cooper considered the water retention would not be an issue on to Mr Dice's property and the auto shop building would be 40 ft from Mr Dice's property line.
- According to Mr Cooper, sewer was not connected to the subject property at this time. Mr Cooper noted there was a well on the subject property.
- Mr Cooper explained they had talked to South West District Health Department regarding a septic system on the subject property, with the best location probably just west of 12th Ave Rd in the approach to the driveway, in order to keep separation between the well and the septic system.
- Mr Cooper emphasized the subject property had already been zoned Commercial and would get some kind of development, and a 24 hour gas station would be permitted.
- According to Mr Cooper, an auto repair shop on the subject property would not increase any traffic within the subdivision as there was no ingress or egress from the subdivision into the subject property.
- Mr Cooper stated he was in current negotiations with Mr Steed and Mr Raymes regarding purchasing one of the commercial lots across the street in the Vista Ridge Subdivision, in order to put in a NAPA Auto Parts store.
- Regarding the noise from air tools, continued Mr Cooper, he had not used air tools in his shop for over 5 years – there are electric tools now that are a lot stronger and a lot better.
- Mr Cooper considered a $1.5 million non-aluminum building would not bring the values down for the adjacent properties.
- The indigent people they would be helping, stated Mr Cooper, were not bad people, it just meant they had fallen upon hard times.
- Mr Cooper listed the businesses and people he had worked with to fix their vehicles and stated he had thousands upon thousands of customers.
- **Mr Connelly** noted the bay doors would not be up when the vehicles were being worked on.
- According to **Mr Cooper,** the auto repair shop would be heated and air conditioned and the doors would only be open to pull a vehicle in or out, no work performed outside of the building, and no junk cars on the property.
- **Mr Connelly** reiterated the cars would not be visible as they would be behind either a tilt-up or block wall up to 8 ft tall.

Kehoe motioned and Gunstream seconded to close public hearing. Motion carried.

- **Keim** inquired how long the Deferral for frontage improvements would be for.

- **Badger** explained the Code required those improvements but allows for Deferral under certain circumstances – some of those would be staff level decisions in residential areas, others require City Council action.
- Badger noted the Deferral for the subject property would require City Council action. Badger advised 12th Ave Rd was an ITD roadway and ITD generally do not like to see a widened road width going to a narrowed road width. Because there was not a traffic need for the frontage improvements at the present time, they had therefore, looked favorably upon a Deferral request.
- Badger advised there was no set time frame on the Deferral Agreement but the agreement could be called in at any point.
- Discussion followed on the issues involved with a Deferral Agreement.
- **Myers** stated he was torn on the subject application and noted it had previously been annexed into the City with Commercial zoning. Myers suggested there were a lot of other commercial uses that would not require a Conditional Use Permit.
- The applicants, added Myers knew their business extremely well and were willing to do all the necessary improvements, with a solid wall all around.
- **Chairman McGrath** stated the key question would be how the proposed business would prevent the existing residents from using their property as they see fit.
- **Gunstream** considered with the advancement in tools and technology and the willingness of the applicants to put forth some money it would make a facility that would become a pride and joy. Gunstream noted the proposed wall, along with landscaping, would diminish the noise.
- **Keim** stated she was sure it was a really good project but was having doubts about it being a fit in the Covert Subdivision neighborhood.
- **Kropp** considered the landscaping and trees around the edge would help the noise.
- Kropp stated he did have concerns regarding the height of the building and questioned why the building had to be 2 stories high.
- **Hobbs** explained the BC zoning district did not have a restriction on the height of a building, however, the Commission could place a restriction on the height via the Conditional Use Permit.
- Hobbs reported the original Development Agreement attached to the Annexation Ordinance did have a condition regarding at least a 6 ft tall fence and landscape buffer to mitigate the impacts of any proposed business to the adjoining residential properties.
- Hobbs suggested some trees and plantings along the wall at judiciously placed locations would help satisfy the Development Agreement.
- **Kehoe** noted the building elevation shown by the applicant had a stair on the outside of the building which meant there could be offices on the second floor. Kehoe suggested it would be less expensive to build the auto repair shop only as high as needed and then extend the building a little bit out to have the offices attached to the auto repair shop, and the height could then be restricted to a one level building.
- **Mr Cooper** advised the upstairs area would be for employees and they would be open to removing the second floor. Mr Cooper considered they would have plenty of room on the side to add the office/employee area.
- Mr Cooper noted they were, in fact, trying to capitalize on the view by adding the upper level.
- **Gunstream** inquired what the necessary height of the auto repair shop would be in order to have sufficient room for the car lifts, etc.
- **Mr Cooper** noted the ceiling height had to be 14 ft, and a 4/12 pitch would place the peak of the roof at 20 ft or higher.

Gunstream motioned and Kehoe seconded to grant the Conditional Use Permit for an automotive Repair Shop in a BC zoning district at 3321 12th Ave Rd, for James and Michele Connelly subject to:

1. **Owner/operator/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits] as may be imposed by City agencies appropriately involved in the review of the request (e.g. Nampa Fire, Building, Planning and Zoning and Engineering Departments, etc) as well as outside agencies that may be involved in this matter as the C-U-P approval does not and shall not have the effect of abrogating requirements form those agencies.**
2. **Applicants shall apply for a Building Permit through the City and abide by the conditions associated therewith as imposed by the City and its departments/divisions, to include, but not limited to compliance with the following requirements:**
   a) **Applicant shall comply with requirements listed in the April 13, 2016 memorandum from the Nampa Engineering Division authored by Jim Brooks.**

3. **Building height not to exceed thirty (30) ft to the peak.**
4. **The applicants to construct perimeter solid wall structure of eight (8) ft in height.**
5. **Landscaping shall be placed with input from, and working with, the adjacent neighbors and the Vista Ridge development across 12th Ave Rd.**

Motion carried with Gunstream, Miller, Myers and Kehoe in favor and Keim, Kropp and Sellman opposed.

Conditional Use Permit for an Equipment Rental Business in a BC (Community Business) zoning district at 2324 Caldwell Blvd. (A 2.641 acre portion of the SW ¼ of Section 8 T3N R2W, Midway Acres, Tax 96395 in Lots 6 & 7), for Jon Chatfield representing Nick Barry (CUP 2181-16)

Jon Chatfield, Architect, of 1911 Montclair, Boise – representing the applicant:
Andy Barry of 2514 E 3707 N, Twin Falls:

- Mr Chatfield reviewed the history of the subject property and noted the last use was Norco Medical Supply.
- Mr Chatfield considered Norco to be a very similar use to Barry Rental in several ways – Norco had rented and distributed equipment out of the facility.
- Norco also used the yard and loading docks for vehicle parking and distribution of their equipment, added Mr Chatfield.
- The front portion of the building had been used as a retail use for customers to come in and pick up that equipment.
- Barry's Rentals would be very similar, explained Mr Chatfield and there would be no changes to the yard or the exterior of the building, with the exception of some painting.
- Mr Chatfield reiterated the proposed use would be very similar to the previous use and the character of the building fits in well within the neighborhood.
- **Mr Barry** stated his parents started a rental business in 1973, he went in to the business in 1984 and took over the business in 1987, and he and his wife have run the business there ever since.
- The 2324 Caldwell Blvd property, stated Mr Barry, would be their fourth location and the intent was to invest in the community and considered it would be a great location for them.
- Mr Barry stated their business would be similar to Tates Rentals, but noted Barry Rentals would also sell some equipment and service what they sell.
- **Kehoe** suggested Norco rented wheelchairs, crutches, and oxygen cylinders, but did not rent anything as complex or heavy as proposed by Barry Rentals.
- **Mr Chatfield** stated the use would be similar in the fact that customers would come and rent equipment of varying degrees and then leaving the facility, and vehicles would be parking overnight in the back.
- **Mr Barry** noted Norco had also sold and rented welding and oxygen equipment.

Christopher Daly – Planner:

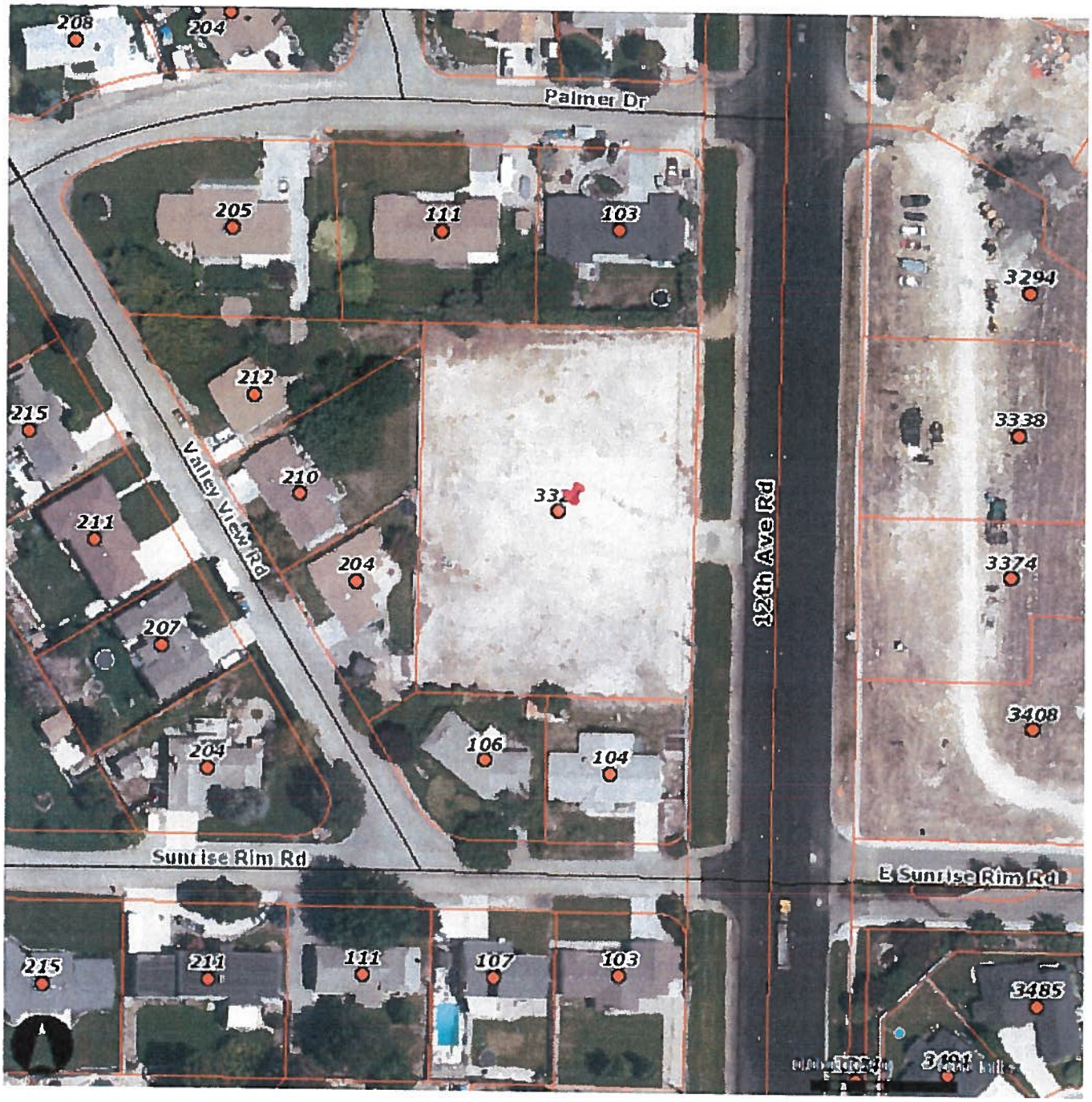
- Daly noted the surrounding zoning of Commercial and Light Industrial, along with some parcels that were enclaved and still under County jurisdiction.
- Daly noted the applicant had been advised at the Conceptual Plan Review that the proposed use would be an approved use in the area due to the fact that technically, Norco had been an equipment rental business.
- However, the size and complexity of the equipment being rented does make a difference and therefore requires the Conditional Use Permit.
- There was some existing landscaping in the front, advised Daly and it would be the Staff recommendation to require one parking planter.

Chairman McGrath proceeded to public hearing.
No public comment forthcoming.

Keim motioned and Sellman seconded to close public hearing. Motion carried.

Kropp motioned and Keim seconded to approve the Conditional Use Permit for an Equipment Rental Business in a BC zoning district at 2324 Caldwell Blvd, for Jon Chatfield representing Nick Barry (CUP 2181-16), subject to:

15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Sunrise Rim Rd
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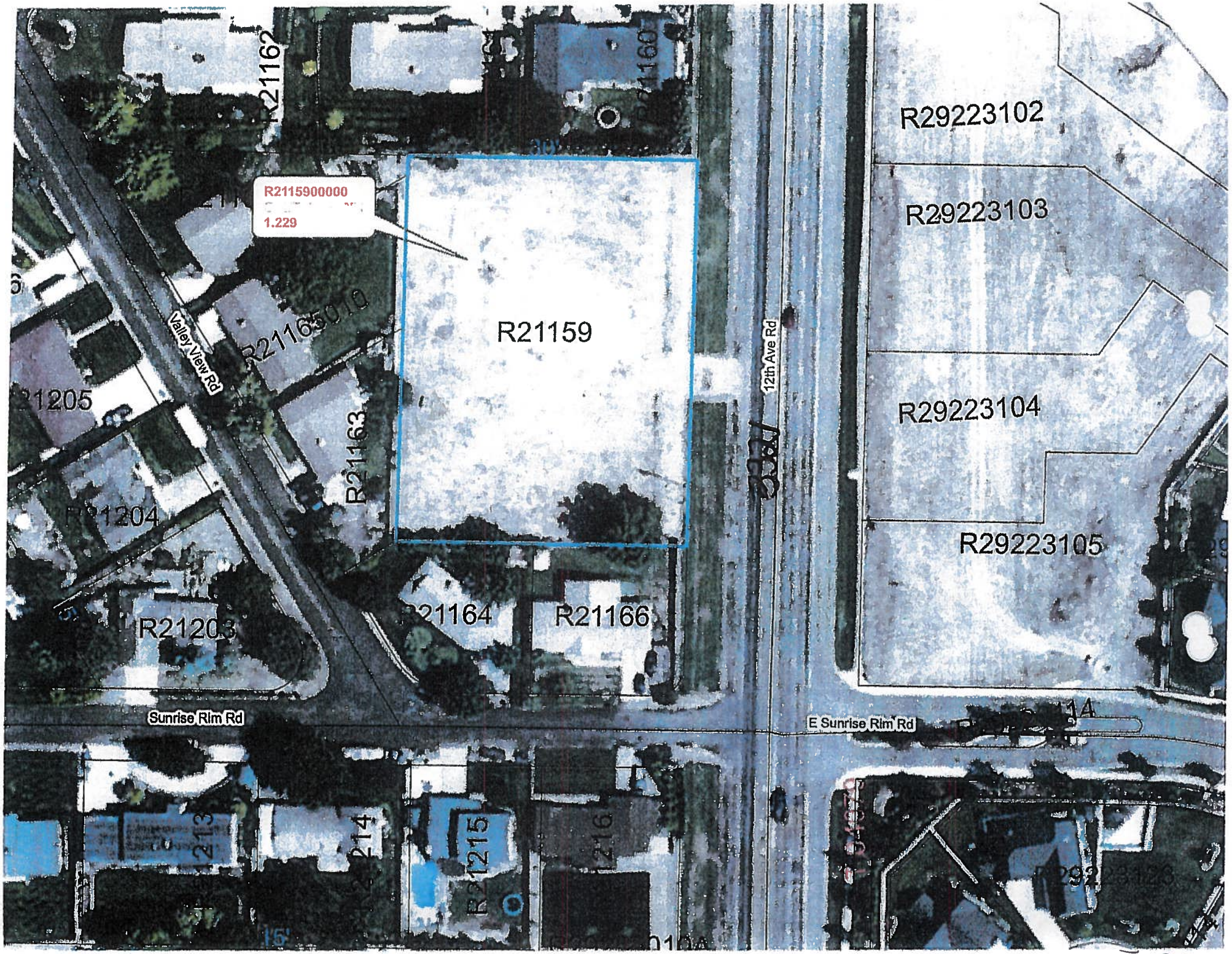
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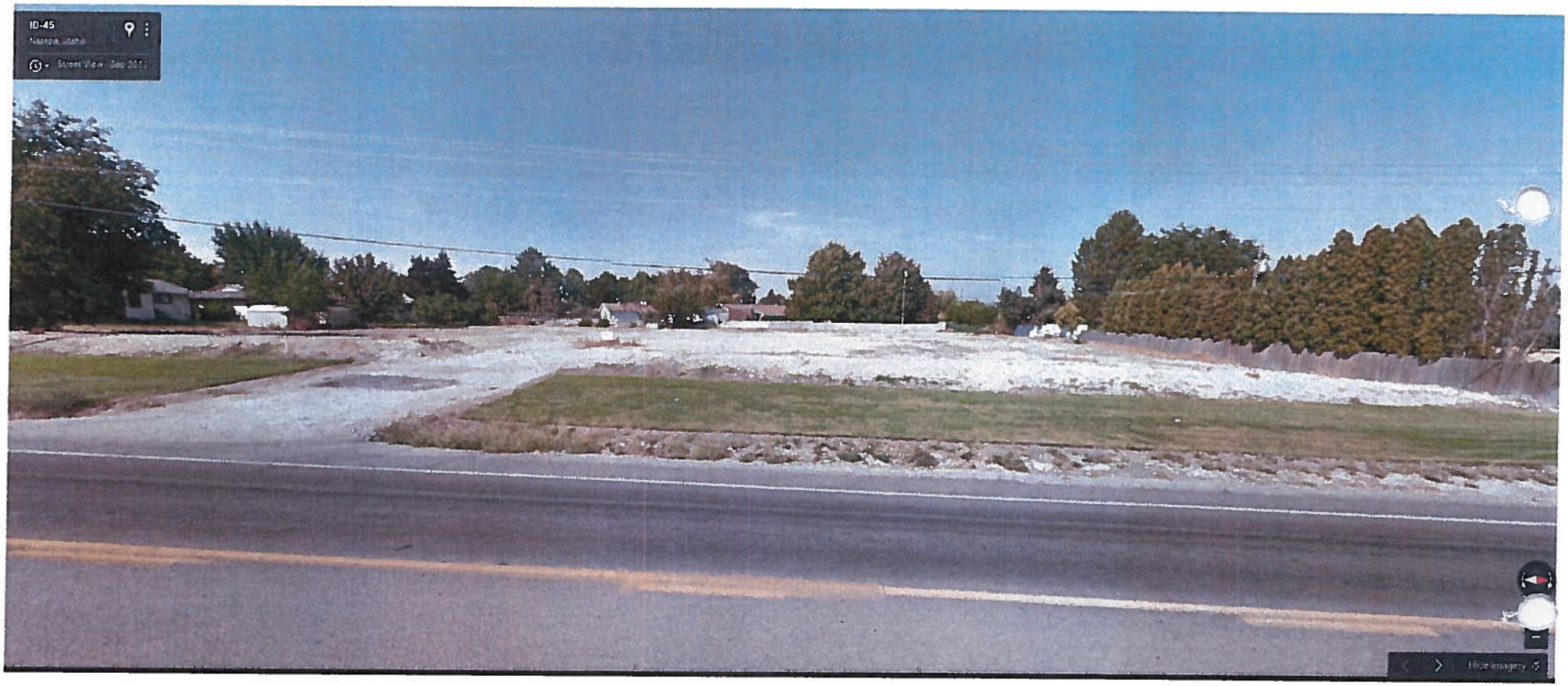
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Street View - Sep 2011
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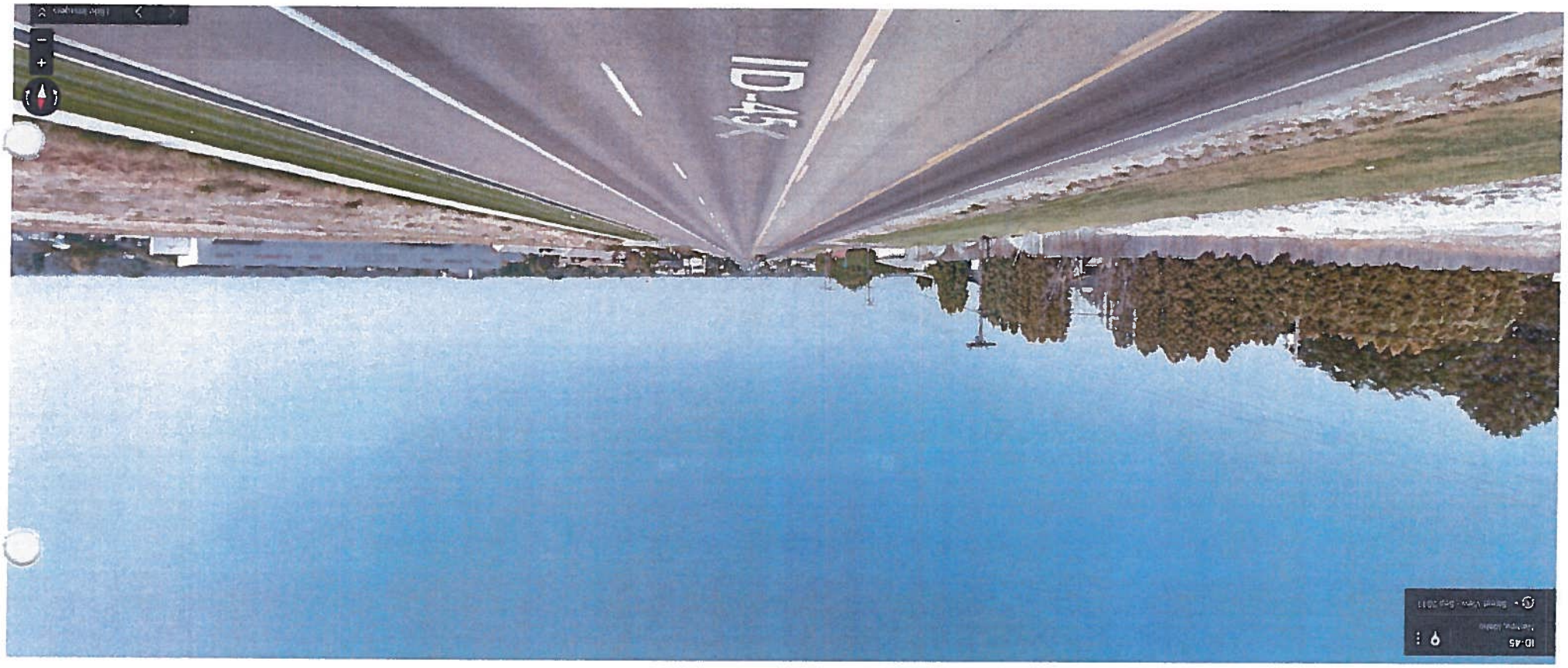
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Street View - Sep 2011
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