

**NAMPA PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
TUESDAY, FEBRUARY 9, 2016, 6:30 P.M.**

Members: Lance McGrath, Chairman
Chad Gunstream- Vice Chairman
Steve Kehoe
Sheila Keim
Harold Kropp
Bret Miller

Kevin Myers
Victor Rodriguez
Peggy Sellman
Robert Hobbs, Assistant Director
Daniel Badger, Staff Engineer

Absent: Norm Holm, Director

Chairman McGrath called the meeting to order at 6:49 p.m.

Chairman McGrath welcomed Bret Miller as a new member of the Planning and Zoning Commission, taking Aaron Randell's position after his resignation from the Commission.

Approval of Minutes. Keim motioned and Rodriguez seconded to approve the Minutes of the January 26, 2016 Planning and Zoning Commission meeting.

Report on Council Actions. **Chairman McGrath** introduced City Council member Randy Haverfield as the new City Council/Planning and Zoning Commission liaison. **Councilor Haverfield** emphasized he would be available if any of the Planning and Zoning Commission members had questions and added he would welcome any questions or e-mails and would be happy to respond.

There were no business items on the agenda.

Chairman McGrath proceeded to the public hearing items on the agenda at 7:00 p.m.

Chairman McGrath noted the application had been withdrawn by the applicant: Rezone from RS-8.5 to RA at 11370 Smith Ave. (A 9.576 acre portion of the NE 1/4 of Section 9 T3N R2W BM), for Jose M Hernandez (REZ 2112-16).

Rezone from DH to DV and Conditional Use Permit for an Auto Alignment Shop for Rubens Auto Body, a Storage Building for Owyhee Sheet Metal, and Off Street Parking for the Old Nampa Library Building at 8 10th Ave S, 16 10th Ave S, 1012 1st St S, and 1014 1st St S. (A .962 acre or 41,905 sq ft portion of the SE ¼ of Section 22 T3N R2W BM), for Mike Mussell (REZ 2121-16 and CUP 2122-16)

Chairman McGrath proceeded to public hearing.

Mike Mussell of Mussell Construction, Inc, 320 11th Ave S, Nampa - the applicant:

- Mr Mussell noted he was representing himself and the other property owners involved with the application.
- Mr Mussell stated the properties were located on the corner of 10th Ave S and Front Street.
- The property, added Mr Mussell was currently zoned DH (Downtown Historic) and the applicants were requesting a Rezone to DV (Downtown Village) along with approval of a Conditional Use Permit.

- Mr Mussell noted the future plans for the old library building at the southwest corner of 11th Ave S and 1st St S and suggested parking arrangements need to be considered, along with improvements to the surrounding properties.
- Mr Mussell stated he had joined together with the owners of the west half of Block 5 of Nampa Original Townsite Subdivision, to form a plan.
- According to Mr Mussell, the proposed master plan for the proposed renovation would include the revamp of the subject properties, help with the revitalization of the Nampa downtown area, along with the future renovation of the old library.
- Mr Mussell reviewed the Master Plan with the Commission, including the parking area, with the area north of the parking lot to be indoor storage for Owyhee Sheet Metal, and the new alignment shop for Ruben's Auto Body on the corner of 10th Ave S and Front St.
- Mr Mussell added the property owners hoped to partner with the City to help add quality to the downtown Nampa area. The curb, gutter and sidewalks, advised Mr Mussell were in poor condition at the present time and noted the applicants may need help with those improvements.
- Mr Mussell indicated photos showing the current condition of the sidewalks, curbs and gutters.
- The present zoning, suggested Mr Mussell, did not create the needed buffer from the seed company right into the Downtown Historic District. Mr Mussell reported some of the Code restrictions in the DH zone made it difficult to do anything with the subject properties.
- **McGrath** inquired about the tri-color building elevations shown by Mr Mussell.
- **Mr Mussell** stated he was just trying to present some ideas for the proposed project – with stucco and windows and all the access off the back side of the building – the parking would be at the front on the corner of 10th Ave S and 1st St S, behind that would be the inside storage area for Owyhee Sheet Metal, and behind that would be the alignment shop.
- From a distance they would look like buildings that had been rehabilitated, added Mr Mussell.
- Mr Mussell considered it would make sense to fade into the Downtown Historic District with the rezone to DV and the proposed project.
- Mr Mussell added the applicants would follow any conditions required with the Conditional Use Permit approval.
- Mr Mussell noted the pictures of the curbs, gutters and sidewalks on the west side of 11th Ave S and 1st St S and considered the condition of those curbs, gutters and sidewalks was not acceptable for the City of Nampa.
- According to Mr Mussell, he did not want to put \$2 million into the old library building and have the current conditions across the street remain.
- Mr Mussell reported over \$1 million would go into the renovation of the subject half block area that would create many jobs.
- **Gunstream** questioned if the proposed parking lot would be private and **Mr Mussell** stated the parking area would be for employees and customers, and the intent would be to also obtain additional parking in the vicinity.
- In response to a question from **Gunstream**, **Mr Mussell** stated the proposed parking area would meet City Code and would have vehicles coming out on to 10th Ave S or the alleyway.

Assistant Planning Director Hobbs:

- Hobbs noted the two actions before the Commission were the rezone request and the Conditional Use Permit for the subject properties.
- Hobbs indicated some photos of the subject properties and surrounding area.
- Hobbs reviewed the Staff Report and recommended conditions of approval.
- Hobbs discussed the 2005 Rezone of the Downtown area into Downtown Historic, Downtown Business and Downtown Village and questioned if the subject properties would be considered historic.
- Hobbs discussed the land use differences between the DH and DV zoning districts, as well as the design review and setback differences.
- According to Hobbs, the concept plan was favorable and an improvement to the surrounding area
- **Kehoe** inquired who was responsible for the maintenance of the curbs, gutters and sidewalks.
- **Badger** advised that per City Code, the property owner had the responsibility for the maintenance of the curb, gutter and sidewalk. In the past, added Badger, the property owners had requested the opportunity to fix some of the curb, gutter and sidewalk, however, due to the DH standards at the time with the brick pavers, etc, they were not able to accomplish that without transitioning to the full streetscape plan.
- The Nampa Streetscape Plan, added Hobbs, had recently been virtually nullified by City Council.

- The curb, gutter and sidewalk improvements for the proposed project, continued Hobbs, would probably be by the applicants, unless the City was able to come forward with some kind of assistance.

Chairman McGrath proceeded to public testimony.

Jeremy Hefner of 1216 Ruth Lane, Nampa – in favor:

- Mr Hefner stated he grew up in Nampa and had recently purchased Ruben’s Body Shop and had been managing the business with Ruben over the past year and a half.
- According to Mr Hefner, they had seen the need to expand and grow as the City expanded and grew and wanted to be a part of that growth.
- With the help of Mussell Construction, continued Mr Hefner, the property owners could all work together and create more jobs and make the downtown area a lot nicer, a lot better, and a lot more usable for everybody.
- Mr Hefner added the Rezone and Conditional Use Permit approval would help them grow as a small business, as well as keeping things local.

Mike Mussell:

- Mr Mussell stated he had talked to some of the City Council members and they had recommended he bring the curb, gutter and sidewalk issue as a separate case before the City Council and there may be the possibility of either some help from the City, or a partnership.

Ruben Gaona of 211 10th Ave S, Nampa – in favor:

- Mr Gaona stated he concurred with Mr Hefner and Mr Mussell.

Jerry Dickerson of 3615 S Raintree Dr, Nampa – in favor:

- Mr Dickerson concurred with the previous speakers.

Morgan Treasure of 9 12th Ave S, Nampa – opposed:

- Ms Treasure stated she was representing the Downtown Nampa Community Association.
- According to Ms Treasure, the Downtown Nampa Community Association had recently put a lot of energy in building back some excitement in Downtown Nampa, getting people interested, bringing investors in.
- Ms Treasure stated the DNCA considered the application before the Commission was premature because the entire plan appeared to be predicated on the plans for the old library going through, and at the present time that was all still in negotiation.
- Ms Treasure referred to the visit by Kevin Daniels with the Main Street Program, a nationally recognized downtown revitalization program.
- According to Ms Treasure, the DNCA took Mr Daniels on a tour of downtown and one of the first things he said was to get rid of all of the parking lots, because parking lots kill downtown and downtown vitality.
- Therefore, added Ms Treasure, the plan involving a parking lot with Front St frontage was concerning especially with the development of the old library – because it was a great historic building.
- **Kehoe** considered the applicants were submitting a project that would improve the downtown area and questioned it should be denied because a parking garage would be preferential.
- **Ms Treasure** responded and stated that parking lots would reduce the available land for 2 and 3 story business buildings.
- The concern, added Ms Treasure, was that allowing a use (parking lot) to come in that would then take that very valuable space that could be used for a number of business and second story residential use.
- **Keim** inquired how many members comprised the Downtown Nampa Community Association.
- **Ms Treasure** stated the DNCA was a non-profit for participation by the entire community, including the Main Street America Project, which came from Historical Preservation at the Federal level.
- The other organization involved, stated Ms Treasure, was the BID (Business Improvement District).
- **Keim** suggested the proposed buffer project transitioning into the downtown core would be beneficial.
- **Ms Treasure** replied that although a buffer was a good thing, the concern was regarding the fact the use would be for automobile alignment. The building renderings, added Ms Treasure, indicated a single story building, not two story buildings and was not in line with a historical looking building.
- Ms Treasure considered if the subject properties were rezoned to DV then that could not be undone and it would impact the future.

- **Miller** noted a lot of the buildings downtown were currently sitting empty.
- According to **Ms Treasure**, there was a problem finding retail frontage for businesses and projections indicated there were a few big projects happening followed by expansion and build out.
- **Miller** considered if the subject area was cleaned up he would be encouraged as a future business owner to see the City was improving the area and things would be getting better in downtown Nampa.
- **Miller** questioned if the subject properties would ever change unless the current owners could proceed with their proposed project.
- **Ms Treasure** noted there was no more downtown space available because the area was restricted by the Downtown boundaries.
- **Rodriguez** referred to Kevin Daniels, a worldwide multi-million dollar developer originally from Nampa.
- According to Rodriguez, when Mr Daniels toured downtown Nampa he had stated economic development was never going to get ahead because of: the traffic flow, and empty parking lots.
- What he also said, added Rodriguez, was the existing zones restrict what development could occur downtown.
- Rodriguez noted there were now businesses owners that were willing to expand and beautify the subject properties that need to be cleaned up.
- **Ms Treasure** reiterated that retail uses with a building of more than one story would be the type of development needed for downtown and not something that would take up a lot of space with parking.
- **Keim** considered the proposed project would be a nice transition.

Assistant Planning Director Hobbs:

- Hobbs advised no correspondence had been received from the Economic Development Department regarding the preservation and supervision of the downtown set of zones.
- In 2005, stated Hobbs, the downtown zones were implemented, with the idea of creating a much larger downtown core with a campus like environment and with a historic area.
- Since that time, continued Hobbs, there had been just about no redevelopment, and the City Council recently discussed deleting the building height minimum standard for the Downtown Business area.
- Hobbs suggested the entire downtown core needs to be revisited.
- According to Hobbs, the Zoning Code revisions had been started but had not been finalized and discussed the principles of the Form Based Code.
- Those revisions, explained Hobbs, would have to be approved by City Council after input by different groups.
- Hobbs considered if the current applications before the Commission were to be approved it would be a step in the direction of improvement.

Mr Mussell:

- Mr Mussell stated a business had to be reviewed in terms of what pays the bills, and what is good for the community. Mr Mussell added he did not know of any business that could survive without available parking.
- Mr Mussell explained the property owners for the proposed project were asking for a transition from seed companies and industrial railroad properties to the proposed project which would be approved under a Conditional Use Permit, thereby giving control over the proposal.
- Mr Mussell reiterated the property owners were asking for something that was presentable and something that would create jobs, and also made sense because it would be a buffer between the DH and adjacent DV zoning districts.
- Mr Mussell emphasized he was all about fixing that half block on the west side of 10th Ave S and the north side of 1st St S. The other property owners involved in the proposed project, added Mr Mussell, were also all about the downtown Nampa area and bringing jobs in.
- **Chairman McGrath** inquired if the applicants would have a problem with the increased setbacks in the DV zoning district.
- **Mr Mussell** replied he would have no problem with the DV zone setbacks.
- Discussion followed on the building height and façade.
- Mr Mussell noted some of the issues with the DH district requirements which included no fences, no screens and considered many business/property owners' hands were tied with what they could do.
- In response to a question from **Myers**, **Mr Mussell** stated the existing building on that half block would be removed.

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

- **Kehoe** stated he was definitely all in favor of beautifying downtown and considered the proposed project would do more for the City than if the City waited 20 years.
- **Myers** considered 11th Ave S was more of a natural boundary between the DH and DV zoning districts.
- Myers added he did not see a problem with the auto alignment shop on that half block and did not foresee that area being a retail corridor.
- **Gunstream** noted the subject half block was right next to the railroad, and next to the 11th Ave entry and suggested it would improve the area.
- **Rodriguez** stated he was in favor of the application to Rezone and the Conditional Use Permit application.
- **Chairman McGrath** inquired if Mr Mussell would be willing to enter into a Development Agreement.
- **Mr Mussell** stated he would be willing to listen to anything but did want it to be fair to all parties involved.

Myers motioned and Gunstream seconded to recommend to City Council the Rezone from DH (Downtown Historic) to DV (Downtown Village) for 8 10th Ave S, 15 10th Ave S, 1012 1st St S and 1014 1st St S subject to:

1. **The Applicant(s) as Owner(s)/Developer(s) [shall] enter into a Development Agreement with the city of Nampa. The Agreement shall contain such conditions, terms restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant(s)' requests. Inclusively, the Agreement shall contain any/the concept development plans proposed by virtue of the application [Project] submittal as accepted, or accepted with required changes, by the City's Council.**

Motion carried.

Myers motioned and Gunstream seconded to approve the Conditional Use Permit (upon finalization of the Rezone to RD) for 8 10th Ave S, 15 10th Ave S, 1012 1st St S and 1014 1st St S, subject to:

1. **Owner(s)/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits] as may be imposed by City departments or outside agencies appropriately involved in the review of the request (e.g. Nampa Fire, Building, Planning and Zoning and Engineering Departments, etc) as the Conditional Use Permit approval does not, and shall not, have the effect of abrogating requirements from those agencies.**
2. **The Conditional Use Permit sanctions only the general acceptability of the use and the affiliated concept site plan reviewed and approved by the City in the location identified by City reporting as the Property. Accordingly, the Applicant shall develop/construct the auto body repair shop, storage building and parking lot as authorized by the Conditional Use Permit approval in accordance with the City's Design Review and Commercial Building Permit Review processes' conditions (as based in Zoning, Building, Engineering, and Fire Codes and standards adopted by the City of Nampa).**

Motion carried.

Conditional Use Permit for a Bar in a BC zoning district at 102 and 106 11th Ave N. (A .493 acre or 21,475 sq ft portion of the SE ¼ of Section 22 T3N R2W BM being Lots 7, 8 and 13, Block 83 in Griffith & Kings and Duffes Additions) for John M Wickersham (CUP 2124-16).

Chairman McGrath proceeded to public hearing.

John Wickersham of 102 11th Ave N, Nampa – the applicant:

- Mr Wickersham stated the property had previously been the old Mona Lisa Restaurant building.
- According to Mr Wickersham when he purchased the building in January of 2013 he put in a lot more money than had been anticipated in order to bring it up to City Code.
- At the present time, continued Mr Wickersham, was a restaurant that meets City standards.

- Previously, stated Mr Wickersham, he also had a Vapor Shop that did not work well so it was decided to put a couple of pool tables in that area to expand the square footage of the bar.
- Mr Wickersham noted the new alcohol license holder for the restaurant/bar.
- According to Mr Wickersham, he would be leasing out the restaurant/bar area because he ran the bar for two years and it did not work out for him.
- **Kehoe** inquired if Mr Wickersham still operated the motorcycle repair shop from the premises.
- **Mr Wickersham** stated he was still operating the motorcycle repair shop out of the premises and considered that approximately 45 percent of the building would be leased for the restaurant/bar business.

Assistant Planning Director Hobbs:

- Hobbs reviewed the Staff Report.
- Hobbs indicated the City of Nampa Land Use Chart in the Zoning Ordinance, and noted a bar as a primary use of the premises required a Conditional Use Permit.
- Hobbs noted the aerial view and the parking for the subject property.
- **Kehoe** inquired if the Nampa Police Department had been contacted regarding any issues with the subject property.
- **Myers** noted that with a renewal request for the Alcohol License the Police Department would be notified.

Chairman McGrath proceeded to public testimony.

Mr Wickersham:

- According to Mr Wickersham, the Fire Department uses the top of his building for training.
- Mr Wickersham stated he knew of only three incidents where the police were called, other than five calls from when the alarm had gone off or someone was trying to break in.
- Mr Wickersham emphasized there had never been a fight in his bar.
- The initial idea for the business, stated Mr Wickersham, was for a motorcycle quick lube where a customer would come in, get their bike serviced immediately and have a sandwich and beverage while they were there.

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

- **Rodriguez** stated he had been in Mr Wickersham's bar when he worked with the Nampa Police Department and considered it to be a good business.

Gunstream motioned and Keim seconded to approve the Conditional Use Permit for use of an existing building as a bar/tavern in a BC zoning district at 102 and 106 11th Avenue North, for John W Wickersham, subject to:

1. **Owner/operator/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits and making requisite site improvements] as may be imposed by City agencies appropriately involved in the review of the request (e.g. Nampa City Clerk, Police, Fire, Building, Planning and Zoning and Engineering Departments, etc) as well as State or Federal agencies/departments that may be involved in this matter as the Conditional Use Permit approval does not and shall not have the effect of abrogating requirements from those agencies/departments.**
2. **The Conditional use Permit for the bar use shall be valid for 102 and 106 11th Avenue North only, and for as long as John Wickersham owns the property.**

Motion carried.

Meeting adjourned at 8:15 p.m.



Norman L Holm, Planning Director

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