

**NAMPA PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
TUESDAY, APRIL 26, 2016, 6:30 P.M.**

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

Kevin Myers
Peggy Sellman
Norm Holm, Director
Robert Hobbs, Assistant Director
Daniel Badger, Staff Engineer
Christopher Daly, Planner

Absent: Victor Rodriguez

Chairman McGrath called the meeting to order at 6:52 p.m.

Approval of Minutes. Gunstream motioned and Sellman seconded to approve the Minutes of the April 12, 2016 Planning and Zoning Commission meeting. Motion carried.

Report on Council Actions. Councilman Haverfield reported on City Council actions during the City Council meeting of April 18, 2016: 1) Reconsideration of City Council denial of Annexation and Zoning to RS-7 for the 190.36 acres for the Silver Star Subdivision area on Star Rd for Star Development, Inc – City Council did approve with revised RS-18, RS-12 and RS-8.5 zoning submitted by applicant, and the number of lots proposed for Silver Star Subdivision reduced to 234 lots: 2) Annexation and Zoning to RS-6 for 2208 Sunny Ridge Rd for Nathan Pyles – approved; 3) Annexation and zoning to RMH for 4.536 acres for a 99 bed Skilled Nursing Facility at 820 and a portion of 1002 N Happy Valley Rd for Zoke, LLC – approved.

Chairman McGrath proceeded to the business item on the agenda.

Final Plat Approval for Madison Industrial Park in an IL (Light Industrial) zoning district at 16563 Madison Rd. (10 Industrial Lots on 8.85 acres, 1.13 industrial lots per acre – A part of the NW ¼ Section 10 T3N R2W BM), for Mason & Stanfield, Inc, representing James Brunel (SUB 674-16).

Assistant Planning and Zoning Director Hobbs:

- Hobbs reviewed the Staff Report and stated Staff found that in all material respects the plat to be in care and keeping with Nampa's Subdivision Ordinance, as well as the IL zoning district.
- Hobbs reviewed the recommended conditions of approval for the final plat.

Gunstream motioned to recommend to City Council approval of the Final Plat for Madison Industrial Park located in an IL zoning district at 16563 Madison Rd, subject to:

1. **Compliance with all City department/division or outside agency requirements pertinent to this matter. This is to include any extant but applicable conditions from prior approvals for this Subdivision as iterated in correspondence on file with the City pertaining to Madison Industrial Subdivision (in its preliminary review).**
2. **Specifically (prior to plat signature), compliance with requirements/conditions listed in the following item(s) of correspondence (unless waived and/or later amended by the agency providing the comments):**
 - a) **Compliance with requirements listed in the January 5, 2016 e-mail printout from the Nampa Engineering Division (GIS Section), authored by Amanda Morse.**
 - b) **Compliance with the requirement listed in the April 01, 2016 e-mail printout from the Nampa Forestry Department, authored by Tanya Gaona.**

3. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the Development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the development in accordance with Fire Department policy or International Fire Code requirements as applicable.
4. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat.
5. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.

Motion carried.

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

Rezone from Un-zoned to IL for 62.25 acres at 100, 212, 300, 310, 360, and 0 W Railroad Street. (A 61.71 acre portion of Section 16 T3N R2W BM; and a .54 acre portion of Lot 1 of Westview Nampa Idaho, north and east of the Union Pacific railroad and situated in Section 21 T3N R2W BM), for Daniel Badger representing City of Nampa Public Works (REZ 2173-16).

Chairman McGrath proceeded to public hearing.

Daniel Badger – Staff Engineer:

- Badger referred to the subject parcels owned by the City of Nampa that were utilized for various uses: the Wastewater Treatment Plant – originally installed in the 1960's; The Street Department Yard; the Fire Training Center; and the Nampa Rod and Gun Club that leases a portion of the ground from the City.
- When the Zoning Code was originally adopted in the 1970's, continued Badger, those parcels were not given any zoning and were left un-zoned.
- Badger noted with the golf course being redeveloped, and other things going on in the area, the Public Works Department felt it was appropriate to now zone the subject parcels.
- According to Badger, although IL zoning was applied for the entire area, after looking a little bit closer, it was now requested the Commission recommend to City Council the portions occupied by the Wastewater Plant should be considered for IH (Heavy Industrial) zoning as it was felt that IH zoning would be more appropriate for the Wastewater Treatment area, due to the smells and odors from the plant.

Planning Director Holm:

- Holm concurred with the statements from Badger regarding the recommended IH zoning designation for the Wastewater Treatment Plant area.
- Holm reviewed the Staff Report.

Chairman McGrath proceeded to public testimony.

Michael Fuss – City of Nampa Public Works Director, 411 3rd St S, Nampa:

- Fuss advised there was no intent to change the uses occurring at the Wastewater Plant and adjacent City parcels.
- Fuss considered it was in the best interest of the community as a whole to potentially look at the Wastewater Treatment Plant as Heavy Industrial – taking into consideration what was going on at the Wastewater Treatment Plant. Not only smells, added Fuss, but the fact it was a 24 hour operation, with alarms going off in the middle of the night, shipments from septic tank operators at all hours, and it was considered to be an operation that would be different to the other uses on the adjacent City of Nampa parcels -- which were basically daytime operations.

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

Gunstream motioned and Kehoe seconded to recommend to City Council Rezoning from Un-zoned to IL (Light Industrial) and IH (Heavy Industrial) for 62.25 acres at 100, 212, 300, 310, 360, and 0 W Railroad Street. (A 61.71 acre portion of Section 16 T3N R2W BM; and a .54 acre portion of Lot 1 of

Westview Nampa Idaho, north and east of the Union Pacific Railroad and situated in Section 21 T3N R2W BM), for Daniel Badger representing City of Nampa Public Works (REZ 2173-16).
Motion carried.

Conditional Use Permit for a Home Occupation Day Care for up to 12 children in an RS-6 (Single Family Residential – 6000 sq ft) zoning district at 77 S Kelli Loop. (A .256 acre portion of the NW ¼ of Section 26 T3N R2W BM, Sunrise Meadows, Lot 10, Block 1) for Marcia Cardenas dba Itzel’s Daycare (CUP 2177-16)

Chairman McGrath proceeded to public hearing.

Marcia Cardenas of 77 S Kelli Loop, Nampa – the applicant:

- Ms Cardenas stated that last year she started a daycare for 6 children and now wanted to expand to a Home Occupation Daycare for 12 children.
- **Chairman McGrath** inquired how long Ms Cardenas had been operating a daycare and **Ms Cardenas** replied she had been operating the daycare for one year.
- In response to a question from **Chairman McGrath**, **Ms Cardenas** stated she currently had licensing with the State and Idaho Starz.
- **Chairman McGrath** inquired the hours of operation for the daycare and **Ms Cardenas** stated her hours were from 7:00 a.m. to 7:00 p.m.

Planning Director Holm:

- Holm stated the application was a standard Home Occupation daycare for up to 12 children.
- The property, added Holm, was a .256 acre parcel, zoned RS-6, and a Home Occupation for up to 12 children was permitted with Conditional Use Permit approval.
- Holm referred to the e-mail from the Building Department indicating plans would have to be submitted to the Building Department for approval for the daycare to show the exits/doors for each room the children would be cared for.
- According to Holm, no communications had been received from any property owners in the area regarding the proposed Home Occupation Daycare.
- Holm reviewed the Staff Report and recommended conditions of approval.
- Discussion followed regarding the e-mail from the Building Department stating a Building Permit would be required and the conditions of the Building Code relative to the daycare regarding exit doors, and accessibility would have to be met.
- Commission members noted Home Occupation Daycares had not previously been required to meet the same standards as commercial daycares.
- **Hobbs** stated those requirements would be discussed and verified with the Building Department tomorrow.

Chairman McGrath proceeded to public testimony.

Manuel Krun of 16879 Ten Ln, Nampa, in favor but did not wish to speak.

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

Chairman McGrath noted the property had passed the Nampa Fire Department inspection.

Keim motioned and Kehoe seconded to approve the Home Occupation Daycare for up to 12 children for Marcia Cardenas at 77 S Kelli Loop, subject to:

1. **The operator obtains and maintains licensing with the Idaho State Department of Health and Welfare.**
2. **The use as a Home Occupation Daycare does not substantially change the character of the home and be clearly secondary to use of the home as a residence.**
3. **The outdoor play area and landscaping shall be maintained in a neat and orderly manner.**
4. **The outdoor play area shall be continuously fenced in order to retain children from wandering out of the area.**

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 from 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:

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, Fire Department,**

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 C-U-P approval does not, and shall not, have the effect of abrogating requirements from those agencies/departments.
Motion carried.

Conditional Use Permit for a Home Occupation Day Care for up to 12 children in an RS-6 (Single Family Residential – 6000 sq ft) zoning district at 2524 E Iowa Ave. (A .356 acre portion of the SE ¼ of Section 35 T3N R2W BM, Lot 1, Block 2) for Brandi King dba Lullaby Corner Daycare (CUP 2180-16)

Chairman McGrath proceeded to public hearing.

Brandi King of 2524 E Iowa Ave, Nampa – the applicant:

- Ms King stated she had been an LPN for 20 years, and before that she had run a daycare in Nebraska.
- At the present time, added Ms King, she was not watching any children because she wanted to make sure everything was legal before starting to care for children.
- The Fire Marshall had been out to her property, continued Ms King, and she had been working with the State regarding State licensing and the Health Inspector.
- Ms King stated she lived right across the street from Greenhurst Elementary School.
- Ms King explained she had decided to change careers after 20 years of nursing because she was the full guardian to a little 8 year old boy and had no luck finding a licensed daycare in that particular area that met her standards.
- Running the Home Occupation Daycare would give her the opportunity to stay home with her 8 year old boy, explained Ms King.
- Discussion followed regarding the requirements put forth by the Building Department regarding exit doors for each room the children would be in.
- Ms King stated she was not aware of those requirements, but had talked to the Fire Marshall regarding the rooms in her house and had been advised all rooms in her home met the Fire standards except for the master bedroom.
- **Kehoe** noted the new Building Department regulations would have to be clarified and verified.
- **Myers** inquired if the yard was fenced and Ms King stated the yard was totally fenced.

Planning Director Holm:

- Holm reviewed the Staff Report and recommended conditions of approval and noted the same condition could be placed on the subject application as placed on the earlier Home Occupation Daycare regarding confirming with the Building Department regarding the requirements for exit doors to the exterior from each room.
- According to Holm, no communications had been received from any property owners or residents in the area.
- Holm noted the close proximity of Greenhurst Elementary School to the subject property.
- **Kehoe** inquired what size sign would be permitted for the Home Occupation Daycare.
- **Holm** replied that a Home Occupation allows a 2 sq ft sign.

Chairman McGrath proceeded to public testimony.

Sandra Newton of 2604 E Iowa Ave, Nampa – undecided:

- Ms Newton noted it was a nice neighborhood for kids.
- The biggest concern, continued Ms Newton, was the drain ditch in the back. Even though the applicant had her property fenced, children will climb over fences.
- The other concern, stated Ms Newton, was the real problem at the intersection of E Iowa Ave and Goldenrod Dr, approximately 50 percent of people constantly run the stop sign on a daily basis. The concern would be with parents and kids getting out of their cars and cars just zipping through the stop sign -- right in front of the school.
- Ms Newton also questioned the fact that one person would be caring for 12 children, because that would be a lot of children for one person to keep an eye on.
- Ms Newton reiterated she liked her neighbor, Ms King, and wanted to get along with her.
- Ms Newton also questioned if the applicant would have any outside playground equipment for the children.

- **Keim** inquired if there was a crossing guard for the school on duty and **Ms Newton** replied they were only there for a very short time.

Brandi King:

- Ms King responded that she had not yet purchased any playground equipment because she wanted to make sure everything required had been done. The intent, added Ms King, was to put swing sets up and she had all kinds of things lined up for the back yard.
- Ms King advised she had operated a daycare in Nebraska for 8 years.
- According to Ms King, there was a 6 ft wood fence between her property and the ditch at the back, as well as shrubs on the inside of the fence and the children would have to go through the shrubs and over the trees to get over the fence.
- Ms King emphasized all of the gates to the property were locked.
- Ms King stated she had been working with the school in trying to get law enforcement to help with those ignoring the stop sign, however, there had been a police car out twice a day and people only stop while police were present.
- Ms King explained she did have a 3 car driveway and was planning on having the children dropped off in her driveway and not in the street, and noted the driveway was on the side furthest from Goldenrod Dr.
- The children, added Ms King, would not be in the front yard, but would be in the fully fenced backyard.
- Regarding caring for 12 children, Ms King noted that was what the State of Idaho permitted, and the exact number would be determined by the age of the children.

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

Keim motioned and Kropp seconded to approve the Conditional Use Permit for a Home Occupation Daycare for up to 12 children in an RS-6 zoning district at 2524 E Iowa Ave, for Brandi King, dba Lullaby Corner Daycare (CUP 2180-16) subject to:

1. **The operator obtains and maintains licensing with the State of Idaho Department of Health & Welfare.**
2. **The use as a Home Occupation Daycare does not substantially change the character of the home and be clearly secondary to use of the home as a residence.**
3. **The outdoor play area and landscaping shall be maintained in a neat and orderly manner.**
4. **The outdoor play area shall be continuously fenced in order to retain children from wandering out of the area.**
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. **The size of any advertising signs shall not exceed that allowed for Home Occupations of 2 sq ft.**
7. **The Conditional Use Permit shall be granted only to Brandi King, dba Lullaby Corner Daycare, for 2524 E Iowa Ave only, and shall not be transferable to any other operator or location.**

Motion carried.

Meeting adjourned at 8:58 p.m.



Norman L Holm, Planning Director

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