

**NAMPA PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
TUESDAY, JUNE 14, 2016, 6:30 P.M.**

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| Members: | Chad Gunstream- Vice Chairman | Peggy Sellman |
| | Steve Kehoe | Norm Holm, Director |
| | Sheila Keim | Robert Hobbs, Assistant Director |
| | Harold Kropp | Tom Points, City Engineer |
| | Kevin Myers | |
| Absent: | Lance McGrath, Chairman | Victor Rodriguez |
| | Bret Miller | |

Vice Chairman Gunstream called the meeting to order at 6:50 p.m.

Approval of Minutes. Keim motioned and Sellman seconded to approve the Minutes of the May 24, 2016 Planning and Zoning Commission meeting. Motion carried.

Report on Council Actions. City Council member Haverfield reported: There were 7 annexation and zoning requests on the City Council Agenda for June 6th; Approval of the rezoning to IH and IL for the Wastewater Treatment Plant for the City; Approval of the Right-Of-Way Vacation for an area at the northeast corner of the intersection of Lake Lowell Ave and S Midland Blvd – with that Vacated right-of-way going back to the property owner; and, City Council authorized Phase 1 of the Midway Sports Park.

Vice Chairman Gunstream proceeded to the business item on the agenda.

Extension of Preliminary Plat Approval for Timberlake Subdivision in an RS 8.5 zoning district, at the NE corner of Ustick Road and Madison Road. (A portion of the SE ¼ Section 34 T4N R2W BM – 42 single family detached dwellings on 16.26 acres, 2.58 dwellings per acre) for Property Associates, LLC (SUB 643-15) Request to extend 04/14/2015 approval which expires on 10/14/2016 to 10/14/2017.

Hobbs advised the Preliminary Plat for Timberlake Subdivision had been approved on April 14, 2015. The applicants stated they were requesting an extension because of the City's anticipated new Latecomer's Policy.

Kropp motioned and Myers seconded to approve the extension of the Preliminary Plat for Timberlake Subdivision from 10/14/2016 to 10/14/2017, subject to all previous conditions. Motion carried.

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

Conditional Use Permit for a 13 Two-Unit Townhomes in an RS-6 (Single Family Residential – 6000 sq ft) zoning district at 0 W Greenhurst Rd on the north side of W Greenhurst Rd, west of 12th Ave Rd. (A 2.97 acre parcel in Section 33 T3N R2W BM SE ¼ Tax 13354 in SE ¼), for Jerry Gunstream representing ProVision Development Group LLC (CUP 00032-16).

Vice Chairman Gunstream proceeded to public hearing.

Jerry Gunstream of 2006 S Sandcrest Lp, Nampa – representing ProVision Development Group, LLC:

- One of the objectives for ProVision Development, stated Mr Gunstream, was to build residential communities for seniors, with exceptional quality.
- There were many types of townhome projects available, added Mr Gunstream, but the proposed project would be an age restricted townhome community for those individuals 55 years of age and older.
- Mr Gunstream discussed the fact the baby boomer generation was growing very rapidly. Therefore, ProVision Development was trying to be on the leading edge of providing housing alternatives and opportunities for that particular segment of the market.
- Both nationally and locally, continued Mr Gunstream, there was a tremendous undersupply of smaller homes of great quality.
- One of the objectives of the Greenhurst Village project, stated Mr Gunstream, was to provide quality with small, individual townhomes, 1200 to 1500 sq ft in size. All the grounds would be maintained through a Homeowners' Association with strict CC&Rs.
- According to Mr Gunstream, they had met with the majority of homeowners within the immediate area, including conversations with the Nampa School District and the Trinity Health and Rehabilitation facility.
- Mr Gunstream stated three issues came out of those conversations. The first issue was with Mr Thompson, owner of the property to the east -- regarding the flood irrigation provided to his property and the properties further east through a 4 inch line tied into the pressurized irrigation system that comes into the subject property. Mr Gunstream stated he had informed Mr Thompson the applicants understand it would be a requirement to make sure Mr Thompson's property, and the properties to the east, would have direct access to the irrigation line.
- The second issue, stated Mr Gunstream, was on the west border of the subject property, Mr Randy Gathagan and his family have a fence and power pole encroachment on the subject property, however, added Mr Gunstream, he was confident they would be able to work out a solution.
- Mr Gunstream stated the one issue that had been raised by everybody was the concern regarding traffic congestion. W Greenhurst Rd was a very busy street, especially during the times when school was in session. The proposed development would be close to an ideal solution - because of the age restriction for the residents of the development, there would be fewer cars and trips each day.
- **Kehoe** stated his concerns regarding an over 55 restriction for residents because of the school across the street.
- **Mr Gunstream** replied there could be a lot of different opinions regarding the 55 and over age restriction for the development and the fact the school was across the street. Mr Gunstream considered some residents would enjoy the fact their grandchildren could easily visit if they attended the school across the street.

Assistant Planning Director Hobbs:

- Hobbs reviewed the Staff Report, conclusions of law, and recommended conditions of approval.
- Hobbs indicated the aerial view of the subject property and Concept Plan for the proposed development.
- Hobbs noted building elevations submitted by the applicant from similar projects that would be consistent with the proposed development.
- Hobbs indicated the Memorandum from the Engineering Division, dated May 25, 2016, authored by Jim Brooks, stating the Engineering Division does not oppose the granting of the C-U-P, subject to the conditions listed.
- Utilities and emergency service, added Hobbs, would be available to the project site.
- If there was a need, continued Hobbs, the Engineering Division could require a Traffic Impact Study.

Vice Chairman Gunstream proceeded to public testimony.

Michael J Thompson 212 W Greenhurst Rd, Nampa:

- One of the concerns he would like the Planning Commission to take into consideration, stated Mr Thompson, was the fact the irrigation issue was an unsolved problem at the present time.
- Mr Thompson requested that approval of the Conditional Use Permit should be conditional upon a solution being finalized regarding the irrigation issue.
- Mr Thompson emphasized the irrigation water was very important for his pasture and the neighbors' pastures.
- According to Mr Thompson, he obtained that irrigation water from the Nampa Meridian Irrigation District.
- Mr Thompson questioned the location of the townhomes, because it appeared they would be right on the property line and inquired if there would be a building setback.

- According to Mr Thompson, it appeared the proposed project would be a nice development.
- Mr Thompson noted Greenhurst Rd was a very busy road for children to cross if they were coming from the school.

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

- Mr Gunstream emphasized the Preliminary Plat will be developed according to all setback requirements, and the applicants would not be asking for any exceptions in terms of setbacks.
- Mr Gunstream advised they would be willing to accept Conditional Use Permit approval subject to extension of the 4 inch irrigation line to the properties to the east.
- Mr Gunstream indicated photos of similar townhome projects, and stated they had hired Robin Gates of Boise as the project architect and advised she had successfully done several quality townhome/condominium projects in Boise.
- **Keim** inquired if any of the townhomes would have shared driveways or would they all have individual driveways.
- **Mr Gunstream** stated that due to fire apparatus access a shared driveway may be necessary for a couple of the townhouses on the end.
- **Kehoe** stated he would be in agreement for adding the condition of approval regarding access to the irrigation line for the adjacent properties.
- **Myers** considered the proposed development would be a good fit for the location.

Myers motioned and Kehoe seconded to approve the Conditional Use Permit for 13 two unit townhomes on land located on 2.97 acres on the north side of W Greenhurst Rd, (R3217901000) in the SE ¼ of Section 33 T3N R2W, within an RS-6 zoning district for ProVision Development Group, LLC, Jerry Gunstream representing, subject to:

1. **Owner/Applicant shall comply with all applicable requirements [including obtaining proper permits and platting approval] as may be imposed by City departments or outside agencies appropriately involved in the review of the request (e.g. Nampa Fire, Building, Planning and Zoning and Engineering Departments, etc) as the CUP approval does not, and shall not, have effect of abrogating requirements from those agencies.**
2. **The Conditional Use Permit sanctions only the Concept Plan, including sample building elevations (depicted by photos of comparable designs), reviewed and approved by the City; Applicant shall develop the townhouse structures associated with the Conditional Use Permit approval in accordance with said approved concept plans/photo elevation samples.**
3. **Owner/Applicant shall comply with requirements listed in the May 25, 2016 memorandum from the Nampa Engineering Division authored by Jim Brooks.**
4. **Owner/Applicant shall emplace landscaping and requisite paving around the townhouse structures such that no bare areas of ground left to dirt and weeds shall be present on the Property post construction of the buildings made a part of the Project.**
5. **Applicant/Owner shall emplace a six (6) ft zoning compliance solid screen fence between the Property and all the adjoining properties on the west, north and east of the Property.**
6. **Any irrigation service (e.g. ditch, etc) that [currently] provides purveyance of water through the Property shall be maintained through development of the Property. This does not mean that, from the City's perspective, that any such facility may not be altered (after obtaining any needed authorization), just that the purveyance of water service must be preserved as required by State law.**

Motion carried.

Conditional Use Permit for an Auto Repair/Body Shop in a BC (Community Business) zoning district at 2302 W Karcher Rd. (A .896 acre parcel in the SW ¼ Section 8 T3N R2W BM, Midway Subdivision, Tax 1-B-1 in Block 25 less road), the former Karcher Ranch Market Property, for Jeff and Shelly Henderson (CUP 00033-16).

Vice Chairman Gunstream proceeded to public hearing.

Bret Bartron of Neudesign Architecture –representing the applicants:

- Mr Bartron noted the subject parcel was already zoned BC, and the applicants would like to have an auto body repair shop on the property.
- Mr Bartron considered the proposed auto body repair would be an acceptable use as residential properties were further to the west.
- The business hours would be from 7:30 a.m. to 5:30 p.m.
- **Keim** inquired if the applicants would be using the existing Karcher Ranch Market building or would there be a new structure.
- **Mr Bartron** replied they would be remodeling and using the existing building.
- **Kehoe** inquired if the subject property included the land all the way to Sundance Rd and **Mr Bartron** replied it did. **Kehoe** noted the food vendors that were also located on the property. **Mr Bartron** advised those vendors had agreements with the previous owners and would continue locating on the property.

Assistant Planning Director Hobbs:

- Hobbs reviewed the Staff Report and recommended conditions of approval.
- The subject property, continued Hobbs, had typically been the focus for retail activity, including the Karcher Ranch Market, along with accessory uses on the property.
- The proposed auto body/repair business, reported Hobbs, required approval of a Conditional Use Permit.
- Hobbs stated there would also be some requirements for landscaping and paving.
- Hobbs indicated an aerial view of the property, showing the storage units to the north, which the current owner of the Karcher Ranch Market owned and would be retaining a cross access agreement. Hobbs noted the church located to the southwest of the subject property, the Maverik and the car wash to the west, apartments to the south, and commercial to the east.
- Hobbs reviewed photos of the subject property.
- The Comprehensive Plan, added Hobbs, indicated the area designated as Commercial.
- Hobbs pointed out the proposed layout of the subject building after the remodeling and change to an auto repair/body shop, and reported it would also be required to meet the Design Review Code.
- **Kehoe** requested information regarding the auxiliary food trucks and coffee shops on the subject property.
- **Hobbs** replied those auxiliary uses were required to obtain Temporary Use Permits.
- Hobbs reported it was his understanding the intent was to focus the auxiliary uses on the west side of the property, along Sundance Rd, separate from the storage yard which would be screened from view.
- Discussion followed on the fact the center turn lane on W Karcher Rd did not allow for left turns into the subject property.

Vice Chairman Gunstream proceeded to public testimony.

Don Barnhill of Box 1, Murphy – the current property owner.

- According to Mr Barnhill, the change to the center lane not allowing a left turn into the Karcher Ranch Market property had dealt them a death blow.
- Mr Barnhill considered the proposed business would create far more revenue than he had as the owner of Karcher Ranch market at the present time.
- Mr Barnhill reiterated he was in favor of the Conditional Use Permit for the auto repair/body shop. Mr Barnhill added he would retain the storage units to the north, located on a separate parcel.
- According to Mr Barnhill, there was no access from the west in to Sundance Rd.

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

- **Kehoe** stated he was sorry to see Karcher Ranch Market go, however, he was aware there was a problem with entering the property as soon as the left turn access was eliminated.

Kropp motioned and Kehoe seconded to approve the Conditional Use Permit for 2302 W Karcher Rd for an auto repair/body shop for Jeff and Shelly Henderson subject to:

1. **Owner/operator/Applicant(s)/Project shall comply with all applicable development code requirements as may be imposed by City agencies appropriately involved in the review of this 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 Conditional Use Permit approval does not, and shall not, have the effect of abrogating requirements from those agencies.**

2. **Owner/Operator/Applicant(s)/Project shall apply for a Staff level Design Review Permit [refer to Title X, Chapter 16, Section 11 of the Nampa City Code to understand the regulations associated therewith] and then a Building Permit through the City to authorize construction and alteration to the existing building on the Property.**
3. **Owner/Operator/Applicant(s)/Project shall comply with and abide by the following:**
 - a) **Requirements listed in the May 24, 2016 memorandum from the Nampa Engineering Division authored by Jim Brooks.**
 - b) **Relevant requirements listed in the June 6, 2016 letter from Pioneer Irrigation District authored by Mark Zirschky.**

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 11697 W Crested Butte Ave. (A .142 acre portion of the SW ¼ Section 7 T3N R2W BM, Crestwood Estates 1, Lot 4, Block 1), for Jessica Tuttle and Angelia Sill, dba Little Foot Daycare (CUP 00035-16)

Vice Chairman Gunstream proceeded to public hearing.

Angelia Sill of 86 S Main, Star – co-applicant:

Jessica Tuttle of 11697 W Crested Butte Ave, Nampa – co-applicant:

- Ms Sill stated she currently had a Conditional Use Permit for the property established since 2010.
- The current application, continued Ms Sill, was to add Jessica Tuttle on to the Conditional Use Permit for the Home Occupation Daycare for up to 12 children
- According to Ms Sill, they were not violating the Homeowners' Association CC&Rs and stated the subject daycare did not come under the section referring to the CC&Rs forbidding any use of a home for the purpose of manufacturing operation or a retail business. The Department of Health and Welfare classifies the daycare as a, "Child Care Group Center", so it was not classified as a business per se.
- Ms Sill added there were no signs on the property and it was just a private daycare.
- Ms Sill stated they currently operate a 24 hour daycare so do not have a huge amount of traffic, just one person at a time dropping off or picking up.
- **Ms Tuttle** stated the parents were not there for more than 15 minutes at a time, and emphasized the daycare had never been responsible for blocking traffic.
- Usually, added Ms Tuttle, the parents park right in front of her home, or the driveway, and they do not park in front of neighboring properties.
- In response to a question from **Vice Chairman Gunstream, Ms Tuttle**, stated the license was in her name, however, Ms Sill was her landlord, and they were required to amend the Conditional Use Permit in order to renew her license for this year.
- **Keim** noted a letter had been submitted to the Commission stating there was a bylaw that had been adopted to the CC&Rs stating "No building in this Subdivision may be used for any commercial business purposes, manufacturing operations or as a retail business"....."Home Offices are allowed, however, a Day Care does not fall into the classification of a home office". The letter dated February 16, 2012 went on to say, added Keim, that the Board of Directors had adopted a "Resolution of the Board of Directors regarding In-Home Daycares".
- **Ms Tuttle** stated they had received approval for the C-U-P for a Home occupation Daycare prior to that date.
- **Ms Sill** discussed the time line of the letters received from the Homeowners' Association.
- **Myers** considered the Planning Commission can approve the Conditional Use Permit, however, the City has no control over the actions of the Homeowners' Association as they could still enforce their CC&Rs.
- **Keim** noted the Commission had received a letter dated June 8, 2016, from the Crestwood Neighborhood Association, notifying Ms Sill that operating a daycare within the Crestwood subdivision was not permitted.
- **Ms Tuttle** stated they were currently operating the daycare off the original C-U-P, approving Ms Sill for the Home Occupation Daycare for up to 12 children.
- In response to a question from **Kehoe, Ms Sill** stated she started the daycare in 2010 when she first received approval for the Conditional Use Permit, dated October 26, 2010.

- Discussion followed on the amendments and dates of amendment of the CC&Rs by the Homeowners Association for Crestwood Estates Subdivision.

Planning Director Holm:

- Holm noted that under the City statutes a Home Occupation Daycare is not considered a commercial use.
- In response to a question from **Kehoe, Holm** advised the Homeowners' Association was well aware of the City regulations.
- It would be up to the Homeowners' Association, continued Holm, to impose any enforcement of the CC&Rs.
- From the City standpoint, added Holm, Ms Sill was granted a C-U-P for a legal Home Occupation use.
- Holm reported all the residents within 300 ft of the subject property had been notified of the public hearing regarding the Home Occupation daycare.
- Holm stated he was under the impression that Ms Sill and Ms Tuttle were joint-operators of the daycare, however, it now appeared the new applicant Jessica Tuttle was the primary operator on the property, and Angelia Sill no longer lives on the property, so it would be considered a Home Occupation for the renter – Jessica Tuttle.
- The original C-U-P, stated Holm, was in Angelia Sill's name, and now Jessica Tuttle would have the C-U-P in her name, which would be a new issuance of the Conditional Use Permit, as the occupant of the residence.
- Holm advised no complaints had been received from any residents within the Crestwood Estates Subdivision.
- The letter from the Homeowners Association, dated June 8, 2016, was received from the Crestwood Estates Neighborhood Association, stated Holm.
- Holm stated he received a letter today, with no name or address, stating concerns with the granting of the C-U-P for a daycare, and the fact a daycare was a home business.

Vice Chairman Gunstream proceeded to public testimony.

Lance Miller of 11757 W Crested Butte Ave, Nampa – in favor:

- Mr Miller stated he lived 5 houses down from the subject property.
- Mr Miller stated he had not noticed any increase in traffic from the daycare on the subject property, or complaints.
- Mr Miller addressed the Amendment to the CC&Rs: There were 260 homes in the Crestwood Estates Subdivision. To amend the CC&Rs, it required a 61 percent vote.
- Mr Miller stated he had been to every Crestwood Estates Neighborhood Association Board meeting, and every meeting in the last ten years, and he had never heard of the Amendment to the CC&Rs regarding In-Home Daycares being brought up for a vote by the property owners.
- Mr Miller emphasized he was a property owner, but had never been notified of any vote.
- Additionally, stated Mr Miller, he had Power of Attorney on the property located next to the daycare, owned by his brother, and neither of them had been notified of any kind of vote regarding the stated Amendment to the CC&Rs.

Elizabeth Ruiz of 14229 Yucaipa St, Caldwell – in favor:

- Ms Ruiz stated she had been taking her children to Jessica for about 3 ½ years.
- Ms Ruiz added her son had a lot of problems and he had improved greatly with Jessica.
- It would be sad for her family, stated Ms Ruiz, if the C-U-P was denied.

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

- In response to a question from **Holm, Ms Tuttle** stated her name should be on the Conditional Use Permit because the State of Idaho Certification, and Daycare License, was in her name.
- **Keim** had questions regarding how the Amendment to the Crestwood Neighborhood Association passed, regarding In-Home Daycares, and did it get a majority vote.

Keim motioned and Sellman seconded to approve the Conditional Use Permit for the Home Occupation Daycare for up to 12 children for Jessica Tuttle at 11697 W Crested Butte Ave, subject to:

1. The operator obtains and maintains licensing with the State of Idaho Department of Health and Welfare.
 2. The use as a Home Occupation Daycare does not substantially change the character of the home, and shall 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. All requirements of the Nampa Building, Fire and Engineering Departments regarding daycare use shall be satisfied, as per State Law, prior to occupancy.
 6. The size of any advertising signs shall not exceed that allowed for Home Occupations, of two (2) sq ft.
 7. The Conditional Use Permit be granted to Jessica Tuttle, dba Little Foot Daycare, and shall not be transferable to any other operator or location.
- Motion carried with Keim, Kropp, Myers and Sellman in favor and Kehoe abstaining.

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 2630 Sweet Dr. (A .141 acre portion of the NE ¼ Section 26 T3N R2W BM Sugar Manor No. 6, Lot 43, Block 8), for Darya Kravtsova (CUP 00036-16)

Vice Chairman Gunstream proceeded to public hearing.

The applicant was not present.

Planning Director Holm:

- Holm advised the application was for a new Home Occupation Daycare for up to 12 children.
- The lot, added Holm, comprised 6,150 sq ft in Sugar Manor No. 6.
- The operator of the daycare, noted Holm, rented the subject property.
- Holm reviewed the Staff Report and recommended conditions of approval.
- According to Holm, no comments had been received regarding the application.
- In response to a question from **Kehoe, Holm** stated he did not know the size of the house.
- **Kehoe** inquired – regarding the floor plan of the home, if there would be room for 12 daycare children.
- The floor plan, noted **Holm**, indicated three bedrooms and two bathrooms.
- In response to a question from **Kehoe, Holm** advised the Nampa Fire Department had signed off on June 1st for the Home Occupation Daycare for up to 12 children for the subject property, and the applicant.
- **Holm** noted the maximum would be 12 children at any one time, and there may not be that many children on site all the time.

Vice Chairman Gunstream proceeded to public testimony.

There were no comments forthcoming.

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

Discussion followed on the fact the applicant was not present.

Kropp motioned and Keim seconded to approve the Home Occupation Daycare for a Conditional Use Permit for up to 12 children at 2630 Sweet Drive, for Darya Kravtsova, subject to:

1. The operator obtains and maintains licensing with the State of Idaho Department of Health and Welfare.
2. The use as a Home Occupation Daycare does not substantially change the character of the home and shall 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. All requirements of the Nampa Building, Fire, and Engineering Departments regarding daycare use shall be satisfied as per State law, prior to occupancy.

6. The size of any advertising signs shall not exceed that allowed for Home Occupations, of two (2) sq ft.
7. The Conditional Use Permit be granted to Darya Kravtsova, for 2630 Sweet Dr only, and shall not be transferable to any other operator or location.
8. Motion carried.

Meeting adjourned at 7:53 p.m.



Norman L Holm, Planning Director

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