

**NAMPA PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
TUESDAY, SEPTMBER 27, 2016, 6:30 P.M.**

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

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

**Approval of Minutes. Kehoe motioned and Rodriguez seconded to approve the Minutes of the September 13, 2016 Planning and Zoning Commission meeting. Motion carried.**

**Report on Council Actions.** No City Council members present to report on City Council actions.  
**Rodriguez** inquired the outcome of the requested Annexation and BC, IL and RS-18 zoning for properties located at 1122, 1214 and 1216 Southside Blvd. **Holm** replied the application had not gone to City Council because the applicants had withdrawn their request and would probably be resubmitting with a different plan.

**There were no Business Items on the Agenda.**

**Vice Chairman Gunstream** proceeded to the Public Hearing items on the agenda at 7:00 p.m.

**Item No. 1**

**Modification of Annexation/Zoning Development Agreement between Retail Property Acquisition, LLC and the City of Nampa recorded 07/14/1998 as Inst. No. 9826075 amending Commitment Number 4a reducing the required off-street parking ratio of 1 space per 200 sq ft to 1 space per 250 sq ft of net floor area for property located at 2100 12<sup>th</sup> Ave Rd. (A 31.51 acre portion of the SW ¼ Section 24 T3N R2W BM), for Wal-Mart Real Estate Business Trust (DAMO 006-16).**

**Vice Chairman Gunstream** proceeded to public hearing.

**Hethe Clark of Spink Butler, LLP, 251 E Front St, Ste 200, Boise – representing the applicant:**

- Mr Clark noted the application before the Commission had been the subject of a Development Agreement originally approved in 1998.
- The applicants were now asking for a minor tweak to that Development Agreement in order to allow them to move forward with the new Fuel Center proposed for the northwest corner of the subject property.
- The proposed Fuel Center, advised Mr Clark, would have 10 fuel dispensers, as well as a 1400 sq ft kiosk.
- Mr Clark added that WalMart would be installing several of the Fuel Stations across the State in order to upgrade a number of the supercenters.
- A Fuel Center, noted Mr Clark, was a permitted use in the BC zoning district and the Building and Site Design Review application had already been submitted to the Planning Department.

- The only modification to the Development Agreement, advised Mr Clark, was to Section 4a of the Development Agreement which currently required one (1) parking space per 200 sq ft of retail area in the building.
- The applicants were now requesting the Development Agreement be amended to current Nampa City Code standards of one (1) parking space per 250 sq ft of retail area, which would provide the required number of parking spaces at 815, and with the proposed Fuel Station site plan, there would still be 881 parking spaces – greater than the number currently required by Section 22 (Parking Section) of the Zoning Ordinance.
- According to Mr Clark, the proposed amendment to Section 4a of the Development Agreement would then read: “a. Off-street parking shall be provided at the ratio required per Section 10-22-6 Nampa City Code.”

**Assistant Planning Director Hobbs:**

- Hobbs reviewed the background of Development Agreements for Rezones and Annexations.
- In order to modify the two party Contract/Development Agreement, it was necessary for both parties to come to a resolution. The City, added Hobbs, was not obligated to modify the Development Agreement associated with the project.
- Staff, advised Hobbs, found no concerns regarding amending the parking requirements in the Development Agreement as proposed by the Applicant, which would be in care and keeping with current parking standards within the City of Nampa Zoning Ordinance, and would actually exceed the number of parking spaces that the current Code requires.
- The proposed Fuel Station layout, stated Hobbs, was not finalized at the present time.
- Hobbs reviewed the Staff Report and recommended conditions of approval.
- **Rodriguez** inquired the location of the proposed Fuel Station.
- **Hobbs** replied the Fuel Center would be located south of the A & W Restaurant.

**Vice Chairman Gunstream** proceeded to public testimony.  
No public comment forthcoming.

**Sellman motioned and Rodriguez seconded to close public hearing. Motion carried.**

- **Myers** considered the application would be in line with the current City Code for parking requirements.

**Myers motioned and Kehoe seconded to recommend to City Council to Modify the Annexation/Zoning Development Agreement between Retail Property Acquisition, LLC and the City of Nampa recorded 07/14/1998 as Inst. No. 9826075 amending commitment Number 4a, reducing the required off-street parking ratio of 1 space per 200 sq ft to 1 space per 250 sq ft of net floor area for 2100 12<sup>th</sup> Ave Rd, for Wal-Mart Real Estate Business Trust, subject to:**

1. **The applicant, as Owner/Developer, [shall] enter into a Modified Development Agreement with the City of Nampa. The Agreement(s) 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 request.**

**Motion carried.**

**Item No. 2.**

**Vice Chairman Gunstream advised Item No. 2 had been removed from the Agenda, at the request of the applicant: CUP043-16 C-U-P for Non-Commercial Kennel for 3 dogs at 2107 W Moose Creek Dr, for Robin Grissom.**

**Item No. 3.**

**Conditional Use Permit for a Dwelling Combined with an Online Floral Sales Business in a BC (Community Business) zoning district at 432 Caldwell Blvd. (A .948 acre portion of the SW ¼ Section 16 T3N R2W BM, Home Subdivision, Tax 32-A, Block 6), for Michelle Hemenway (CUP 044-16).**

**Vice Chairman Gunstream** proceeded to public hearing.

**Michelle Hemenway of 1609 E Beech, Caldwell – the applicant:**

- Ms Hemenway explained her intent was to take over the building at 432 Caldwell Blvd and live there and operate an on-line floral business in the back of the building.
- According to Ms Hemenway, she currently had a shop at 2404 Cleveland Blvd, Caldwell. Ms Hemenway added that she wanted to move the business to the 432 Caldwell Blvd address.
- Ms Hemenway advised that she wanted to combine her business and her home into one building.
- The business, continued Ms Hemenway, would be primarily on line, with 99 percent of their orders being wire service. Occasionally, stated Ms Hemenway, there would be a walk in customer.

**Planning Director Holm:**

- Holm advised the application was for a dwelling combined with a business in the BC zoning district.
- The existing dwelling on the property, added Holm, had previously been used as a child daycare.
- Holm explained the Conditional Use Permit application was for the dwelling combined with a business, as the property was already zoned BC, therefore a business was a permitted use.
- The access to the property would be from the current access from Caldwell Blvd, added Holm.
- Holm reviewed the Staff Report and recommended conditions of approval.
- Staff, added Holm, recommended approval of the Conditional Use Permit, subject to the recommended conditions of approval.
- According to Holm, there was a large vacant area to the north of the lot that has weed issues, and noted the property owner had been given a Notice to improve the weed situation.
- The Code Enforcement Division, reported Holm, recommended that if the C-U-P were to be granted, then the issuance of the C-U-P should not actually be given until the property is cleaned up.

**Ms Hemenway:**

- Ms Hemenway stated they did not know about the weed issue on the property, however, they have full intentions to clean up the entire property. She and her husband want to live there and have a nice front, side and back yard and make it all grass.

**Kelly Hemenway of 1609 E Beech St, Caldwell.**

- In response to a question from **Vice Chairman Gunstream, Mr Hemenway** advised they did have a 5 year lease/option to purchase the property, and after 5 years they will either have purchased the property or find another property.

**Holm:**

- Holm noted once the applicants proceed on with a full scale commercial operation and the structure was no longer used as a dwelling, then the Conditional Use Permit for a dwelling combined with a business would not be required.

**Vice Chairman Gunstream** proceeded to public testimony.

No public comment forthcoming.

**Rodriguez motioned and Sellman seconded to close public hearing. Motion carried.**

**Rodriguez motioned and Myers seconded to approve the Conditional Use Permit for a Dwelling Combined with an Online Floral Sales Business at 432 Caldwell Blvd for Michelle Hemenway, subject to:**

1. All City Code requirements of the Nampa Planning, Building, Engineering and Fire Department as well as applicable State or Federal agencies regarding use of the property for a dwelling with a floral sales business shall be satisfied prior to occupancy.
  2. The northerly vacant area of the property shall be cleared of weeds as requested by City Code Enforcement, prior to Thursday, October 13, 2016. Issuance of the Conditional Use Permit shall be withheld until the property is cleared.
  3. The Conditional Use Permit shall be issued only for a Dwelling Combined with a Floral Sales business.
  4. The Conditional Use Permit shall be granted only to the applicant, Michelle Hemenway, for perpetuity, for 432 Caldwell Blvd only, and shall not be transferable to any other operator or location.
- Motion carried.**

Meeting adjourned at 7:20 p.m.



Norman L Holm, Planning Director

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