

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, FEBRUARY 25, 2020, 6:30 P.M.

Members: Peggy Sellman- Chairman
Steve Kehoe – Vice Chair
Michaela Franklin
Matthew Garner
Jeff Kirkman
Bret Miller
Tom Turner
Norm Holm, Director
Rodney Ashby – Principal Planner
Kristi Watkins – Senior Planner
Doug Critchfield – Senior Planner
Daniel Badger – City Engineer

Absent: Adam Hutchings
Ron Van Auker, Jr

Madam Chair Sellman called the meeting to order at 6:35 p.m.

Approval of Minutes: Garner motioned, and Kehoe seconded to approve the Minutes of the February 11, 2020 Planning and Zoning Commission meeting. Motion carried.

Report on Council Actions. Councilor Haverfield reported on the City Council meeting of February 18, 2020: 1) Authorized public hearing for the Annexation request for 15 parcels of land with a recommendation from the Planning and Zoning Commission of Light Industrial – City Council will have that public hearing and noted City Council would also look into the possibility of Heavy Industrial zoning with limitations, and advised the City Council want to create opportunities for the people in Nampa; 2) Discussion of signalized intersection or roundabout at Lake Lowell Ave and S Midland Blvd – City Council determined for a signalized intersection; 3) L.I.D. 168 was created – a voluntary L.I.D; 4) Annexation and IL and BC zoning for a project on the north side of E Cherry Ln and east of N Midland Blvd.

Madam Chair Sellman proceeded to the Business Items on the agenda.

Business Item No. 1:

Subdivision Plat Final Approval for Southern Ridge Subdivision No. 8 on the northside of E. Locust Lane between Southside Blvd. and S. Happy Valley Rd. (Located in the S ½ of Section 1, T2N, R2W, BM – 37 dwelling units on 13.81 acres for 2.67 dwelling units per gross acre) for Kent Brown representing HDP Southern Ridge Properties LLC (SPF 121-19). ACTION ITEM.

Senior Planner Watkins:

- Watkins stated the proposed development was located north of Locust Ln and east of Southside Blvd, inside the City limits with an RS-6 zoning designation.
- The subject development, noted Watkins, was bordered on the north, east and west sides by City zoned RS-6 properties that include the other phases of the Southern Ridge development, and on the south side by Canyon County and City zoned residential properties.
- The Preliminary Plat was approved in March of 2014 and phases 1 through 5 of the subdivision have been recorded between 2016 and 2018, Phase 6 was approved in July of 2019 and Phase 7 approved February 11, 2020 by the Planning Commission.
- Phase No 8, continued Watkins, proposes 38 single family residential lots and 6 common lots on 13.81 acres.
- The proposed development is located inside Nampa City limits and zoned RS-6 and conforms to the approved Preliminary Plat layout and the applicable Subdivision and Zoning standards for the City of Nampa.
- No other comments were received after the Staff Report.

- Staff feels it would be appropriate for the Commission to recommend approval of the Final Plat for Southern Ridge Subdivision No. 8 to City Council with the recommended conditions of approval.

Kirkman motioned and Garner seconded to approve the Final Plat for Southern Ridge Subdivision No. 8 on the north side of E Locust Lane between Southside Blvd and S Happy Valley Rd, for 37 dwelling units on 13.381 acres, for Kent Brown representing HDP Southern Ridge Properties, LLC, subject to:

1. Comply 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 the approved preliminary plat of/for Southern Ridge Subdivision.
2. Submit a Land Use Change application and License Agreement application to Nampa Meridian Irrigation.
3. Re-label Pelican Ridge, S. Pelican Ridge Ave.
4. The Developer's Surveyor shall address all Final Plan comments prior to City Engineer signature or the plat.
5. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Southern Ridge #8_1st Review Letter_20200207" letter from the Nampa Engineering Division, dated 02/07/2020 prior to construction drawing approval.
6. The Developer and their Engineer and Contractor shall adhere to the "Construction Duty and Responsibility Policy", Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall also sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.
7. Drainage shall be retained on site in accordance with approved plans. Inspection and certification of work shall be by a City of Nampa Engineering Inspector.
8. Obtain ROW and Erosion Control Permits from the City of Nampa.
9. Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed Project plat development notes.

Motion carried.

Business Item No. 2:

Subdivision Plat Final Approval for Aberdeen Springs Subdivision in a RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of E. Amity Avenue adjacent and east of Mihan Lane (63 single family detached lots on 17.46 acres for 3.6 dwelling units per gross acre – A portion of the E ½ of the SW ¼ of Section 25, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho (SPF 122-19). ACTION ITEM.

Senior Planner Watkins:

- Watkins stated the applicants were requesting Final Plat approval for Aberdeen Springs Subdivision, located north of E Amity Ave and west of S Grays Ln, inside the City limits with an RS-6 zoning designation.
- The project is bordered on the north and west sides by City zoned RS-6 and RS-22 properties, on the south by Canyon County, and on the east by enclaved and City zoned residential properties.
- Watkins noted the subject property had various applications submitted and withdrawn over the years.
- In October of 2017 it was approved for Annexation and RS-6 zoning, with a Development Agreement for Aberdeen Springs.
- In October of 2019 the Preliminary Plat for Aberdeen Springs was approved by the Planning and Zoning Commission.
- The development, stated Watkins, proposes 63 single family residential lots and 7 common lots on 17.46 acres.
- The proposed Aberdeen Springs Subdivision is located within Nampa City limits and is zoned RS-6.
- The proposed Final Plat conforms to the approved Preliminary Plat layout and the applicable Subdivision and Zoning standards for the City of Nampa.
- No other comments were received after the Staff Report was finalized.
- Staff feels it would be appropriate for the Planning Commission to recommend approval of the Final Plat for Aberdeen Springs to City Council with the recommended conditions of approval.

Garner motioned and Franklin seconded to recommend to City Council approval of the Aberdeen Springs Subdivision Final Plat, located on the north side of E Amity Avenue, adjacent and east of Mihan Lane for 63 single family detached lots on 17.46 acres, for Kent Brown representing Trilogy Idaho, subject to:

1. Comply 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 the approved preliminary plat of/for Aberdeen Springs Subdivision.
2. Obtain a Right-of-Way & Erosion Control permits.
3. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
4. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Aberdeen Springs Subdivision – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division prior to construction drawing approval.
5. The Developer and their Engineer and Contractor shall adhere to the "Construction Duty and Responsibility Policy", Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.
6. Developer shall submit plans to the Nampa-Meridian Irrigation District for review and provide documentation of their approval to the Nampa Engineering Division prior to Construction Drawing approval. A copy of the executed license agreement if required shall be submitted to the Nampa Engineering Division prior to City Engineer signature of the plat.
7. Developer shall provide documentation from the Irrigation District that all irrigation assessments for the property have been paid in full prior to City Engineer signature of the plat.
8. For all lots located within the Indian Creek 100-year floodplain, pre-construction and post-construction elevation certificates shall be submitted at time of Building Permit to the Nampa Floodplain Administrator, or the Developer shall file a Letter of Map Amendment with FEMA to remove the affected lots from the floodplain prior to Building Permit submittal.
9. Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed Project plat development notes.

Motion carried.

Business Item No. 3:

Subdivision Plat Final Approval for Lost River Townhomes No. 1 on the north side of E. Cherry Lane east of Can-Ada Road (57 Single-Family Attached Townhome lots and 5 Four-plex lots - A 5.98 acre parcel of land being a portion of Government Lot 7 and a portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM) for KM Engineering, LLP representing Nampa North LLC (SPF 123-20). ACTION ITEM.

Senior Planner Watkins:

- Watkins stated the subject development was located north of E Cherry Ln and east of Idaho Center Blvd, located inside Nampa City limits and zoned GB-2.
- The project is bordered on the north and south sides by City zoned RS-8.5 properties, on the east side by RS-12 zoned property and on the west side by Canyon County properties.
- Annexation and zoning to RS-8.5, and the original Development Agreement was approved in December of 2005.
- A Rezone request for a small portion of the subject property to be re-zoned to GB-2, a Development Agreement Modification and a Preliminary Plat for the Lost River Subdivision was approved in December of 2017.
- Another Development Agreement Modification and Preliminary Plat was approved for the Lost River Townhome portion in October of 2019.
- The proposed development proposes 62 residential lots and 4 common lots on 5.98 acres. It is a multi-family attached unit development, so there will be 77 total dwelling units, comprising 57 single family attached units and 20 dwelling units within 5 four-plex buildings.

- The proposed development is located within Nampa City limits and zoned GB-2, conforms to the approved Preliminary Plat layout, and the applicable Subdivision and Zoning standards for the City of Nampa.
- No other comments were received after completion of the Staff Report.
- Staff, added Watkins, feels it would be appropriate for the Commission to recommend approval of the Final Plat for Lost River Townhomes Subdivision No. 1 to City Council subject to the conditions listed in the Staff Report.
- **Garner** inquired how the proposed Final Plat was in compliance regarding the 5 lots on the southwest side of the development.
- **Watkins** stated the applicants did come back some increased setbacks on the southern border, butting up against the residential property, as recommended by the Planning Commission. The applicants also added some enhanced landscaping, noted Watkins.

Miller motioned and Garner seconded to recommend to City Council approval of the Lost River Townhomes No. 1 Subdivision Final Plat, located on the north side of E Cherry Lane, east of Canada Rd, for 57 single family attached townhome lots and 5 four-plex lots on 5.98 acres, for KM engineering, LLP representing Nampa North, LLC, subject to:

1. **Comply 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 the approved preliminary plat of/for Lost River Townhomes Subdivision.**
2. **Obtain a Right-of-Way & Erosion Control permits.**
3. **Show the Phyllis Canal and associated easements on the final plat.**
4. **Obtain permission for any encroachments into the easement for the Phyllis Canal from Pioneer Irrigation District.**
5. **Obtain permission for any encroachments into the easement for the Ten Mile Drain from Nampa & Meridian Irrigation District.**
6. **The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
7. **Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Lost River Townhomes #1_1st Review Letter_20200214” letter from the Nampa Engineering Division, dated 02/14/2020 prior to construction drawing approval.**
8. **The Developer and their Engineer and Contractor(s) shall adhere to the “Construction Duty and Responsibility Policy”, Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall also sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.**
9. **Drainage shall be retained on site in accordance with approved plans. Inspection and certification of work shall be by the Engineer of Record.**
10. **A shared use and maintenance agreement shall be provided, if needed, for the private access road, shared drainage facilities and all other private shared facilities.**
11. **Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed Project plat development notes.**

Motion carried.

Business Item No. 4:

Subdivision Plat Final Approval for Stella’s Point No. 2 on the north side of Lake Lowell Ave. east of Midway Rd. (A portion of the East Half of the SW Quarter of Section 30, T3N, R2W, BM – 56 Single Family Residential lots on 23.71 acres or 2.65 lots/ gross acre) for JUB Engineers representing KNT Investments (SPF 124-20). ACTION ITEM.

Senior Planner Critchfield:

- The applicants, advised Critchfield were requesting Final Plat Approval for Stella’s Point Subdivision No. 2, located on the north side of Lake Lowell Ave, east of Midway Rd.
- To the north, added Critchfield are RS-7 zoned properties, to the south are Canyon County properties and RS-22 zoned land. To the east are Canyon County properties and RS-6 zoned City properties, and to the west are County lands.

- The Annexation and RS-8.5 zoning was recorded on March 11, 2018 and the Preliminary Plat was approved, January 8, 2019.
- Stella's Point No. 1 Subdivision, reported Critchfield, was recorded on September 24, 2019.
- The development comprises 23.71 acres with 56 buildable lots and 7 common lots, is within Nampa City limits with an RS-8.5 zoning designation.
- Staff finds, stated Critchfield, that Stella's Point No. 2, conforms to the approved Preliminary Plat for Stella's Point and conforms to the applicable RS-8.5 Zoning Code and Subdivision standards.
- Staff, added Critchfield, feels it would be appropriate for the Commission to recommend approval of the Final Plat for Stella's Point No. 2 Subdivision to City Council subject to the conditions listed in the Staff Report.

Kehoe motioned and Garner seconded to recommend to City Council approval for Stella's Point Subdivision No. 2 Final Plat located on the north side of Lake Lowell Ave, east of Midway Rd, 56 single family residential lots on 23.71 acres for JUB Engineers representing KNT Investments, subject to:

1. **Comply 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 the approved preliminary plat of/for Stella's Point Subdivision.**
 2. **The Developer shall deed and dedicate lot 27 to the City of Nampa for the Edwards Pathway as indicated on the Nampa Bicycle and Pedestrian master plan 2020; and the Developer shall install the pathway per standards also indicated in the master plan; and that the Developer shall build the sidewalk along Lake Lowell Avenue to a minimum width of 10' to act as the side path indicated in the Nampa Bicycle and Pedestrian master plan.**
 3. **The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
 4. **Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Stella's Point Subdivision No. 2 – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division prior to construction drawing approval.**
 5. **The Developer and their Engineer and Contractor shall adhere to the "Construction Duty and Responsibility Policy", Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.**
 6. **Developer shall submit plans to the Boise Project Board of Control and/or Nampa-Meridian Irrigation District for review and provide documentation of their approval to the Nampa Engineering Division prior to Construction Drawing approval. A copy of the executed license agreement if required shall be submitted to the Nampa Engineering Division prior to City Engineer signature of the plat.**
 7. **Developer shall provide documentation from the Irrigation District that all irrigation assessments for the property have been paid in full prior to City Engineer signature of the plat**
 8. **The Stella's Point pressure irrigation pump station shall be operational and accepted by the City prior to City Engineer signature of the plat.**
 9. **Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed Project plat development notes**
- Motion carried.**

Business Item No. 5:

Request for 1-year Extension of Subdivision Final Plat Approval for Sunny Ridge at White Hawk Subdivision at the southwest corner of E. Greenhurst Rd. and Sunny Ridge Rd. (18 Fourplex lots and 1 duplex lot on 8.36 acres for 8.85 dwelling units/gross acre - A portion of Lots 2 and 3 of Asselin's Subdivision, situated in Government Lot 3 of Section 3, T2N, R2W, BM) for Hawkins Companies (SPF 081-18). 3/4/19 CC approval expires 3/4/20 extension requested to 3/4/21 - ACTION ITEM

Senior Planner Watkins:

- The applicants, reported Watkins, have requested their first one-year extension of the Final Plat of Sunny Ridge at White Hawk, until March 4, 2021.
- The project is located southwest of the intersection of Greenhurst Rd and Sunny Ridge Rd.
- The Annexation and zoning to RD, and the original Development Agreement and Preliminary Plat were approved in February of 2006.
- The Development Agreement was modified, and the new Preliminary Plat was approved to reflect the current layout, in January of 2018. The Final Plat was then approved in March of 2019.
- In the meantime, the project has changed ownership and the new owners are requesting a one-year extension to March of 2021 to give them time to construct the project and record the plat.

Kirkman motioned and Kehoe seconded to approve the 1-year extension of Sunny Ridge at White Hawk Subdivision Final Plat, located at the southwest corner of E Greenhurst Rd and Sunny ridge Rd, for 18 fourplex lots and 1 duplex lot on 8.36 acres, for Hawkins Companies, subject to:

1. **The Final Plat Extension approval for Sunny Ridge at White Hawk Subdivision is subject to all previous conditions of approval.**
2. **The extension approval is now valid through March 4, 2021, prior to which time a Final Plat phase must be approved by the City and recorded at the office of the Canyon County Recorder.**

Motion carried.

Business Item No. 6:

Request for a 6-month Extension of Conditional Use Permit for a Recreational Vehicle Park – 126 spaces on 8.22 acres or 357,913 sq ft located in a part of the SW ¼ Section 15 T3N R2W BM, in an IL-RS (Industrial Park-Single Family Residential) Zoning District at 304 E Carol Street, for Paul Hilbig, Zoke, LLC (CUP-00148-2019) Request to extend 08/29/2019 approval which expires 02/28/2020 to 08/28/2020.

Principal Planner Ashby:

- Ashby indicated an e-mail before the Commission from the applicant submitted today regarding why they are requesting the extension of the C-U-P.
- Primarily, added Ashby, they had to work with Pioneer Irrigation as well as the Army Corp of Engineers to pipe the waterway through the property to make the land usable. It has taken a lot of time for those agencies to get back to the applicant, and they now desire to proceed.
- The applicants originally stated their purpose was to offer a 126-unit Recreational Vehicle development, located at the southeast corner of I-84 and just east of Northside Blvd.
- The reason originally stated for the extension request, added Ashby, was the fact they were still working with the Army Corps of Engineers, and the fact that plans were not finalized.
- According to the applicants, stated Ashby, once they were given approval for the C-U-P on August 29, 2019, they spent quite a bit of money on the process, and were concerned that what they had invested into the project would be lost if the Conditional Use Permit was not extended.
- Ashby reviewed the recent RV Park applications that had been reviewed, and advised: the proposed RV Park near Star Rd and Ustick withdrew their application from the City and will proceed through the County; the Broadmore RV Park, on the west side of Northside Blvd; and the Black Butte RV Park which was denied an extension by the Planning Commission.
- Ashby indicated the location of the proposed RV Park at 304 E Carol St, in an area designated as Business Park in the Comprehensive Plan Future Land Use Map, bordered by Heavy Industrial, General Commercial and Public Land designations.
- Leah's Landing, an existing RV Park, stated Ashby, was located on the south side of I-84, to the east of the subject property.
- The applicants stated they would be providing: larger lots than the minimum required for RV Parks; additional parking spots; a clubhouse with facilities, and landscaping, and added they would have to pipe the ditch going through the property. Ashby indicated the open spaces proposed for the RV park.
- The Preliminary and Final RV Park plans, stated Ashby, would still need to come before the Commission for approval.
- The Conditional use Permit, continued Ashby, expires after 6 months if the applicant does not request an extension.

- Ashby reviewed the impact on services provided by the City that are not covered by the revenue received from property taxes for particular land uses. Nampa Police Department indicated they have a greater volume of calls for RV Parks than for traditional single-family permanent housing.
- Engineering Division did not express concerns regarding public utilities that would be covered by fees but expressed concern regarding the impact to roadways.
- Ashby reported the RV Parks would be lower paying property tax parcels than other types of development, yet have a higher density than residential family dwellings, and therefore require more services, and a greater impact on the roadway system.
- The Building Department noted RV Parks are assessed very low impact fees, and they would not offset the Streets, Fire, Police capital needs the residents use in relatively high volumes. The RV Parks are subsidized by other commercial and residential developments.
- The Building Code states a Recreational Vehicle cannot stay longer than 6 months in an RV Park, or it violates the Building Code. RVs are not built for long term stays regarding snow loads or electrical capacity. The facilities inside the RV for heating and air conditioning are not meant to be constantly in use for month after month, or year after year. Sheds and other accessory structures are not allowed for RVs in RV Parks according to the Building Code, because RVs are technically temporary uses.
- City leadership, stated Ashby, also had concerns about the appearance of the community right off the freeway, and does an RV Park represent a vibrant community that is growing jobs and is aesthetically pleasing.
- Ashby reviewed the Fiscal Analysis done by Galena Consulting and it came down to the fact that if the park operates like a traditional RV Parks in Nampa with long term stays then it would be a negative for the City.
- If the RV Park operates as a short term stay then it was a positive, but a small positive.
- Galena Consulting also did an analysis of commercial and manufacturing on the same parcel and found for commercial it would be approximately 10 times the revenue, and for manufacturing about 11 times the revenue the City would receive compared to an RV Park operating on a short term basis.
- Ashby listed the Police Department figures for 2019 with 309 calls from the 3 existing RV Parks.
- According to Ashby, there had been some interest in eliminating the ability for additional RV Parks to locate in Nampa at all.
- Staff recommendation, stated Ashby, was to deny the extension of the Conditional Use Permit for the proposed RV Park at 304 E Carol St.
- In response to a question from **Kehoe**, **Ashby** stated the City Council would be reviewing the idea of eliminating the RV Park land use from Chapter 10-3-2 – Land Use Chart. It would allow existing RV Parks to continue.
- Discussion followed regarding the possibility of increasing the revenue from RV Parks with only short-term stays.
- **Kehoe** advised the Nampa Police Department has a volunteer unit that could investigate the length of stay in RV Parks.
- **Ashby** noted the option for the applicants to work into their business plan a method of how to make sure there is a turnover, and no long-term stays.
- The applicant, stated **Kehoe**, had indicated they had spent close to \$100,000 in preparation work for the proposed RV Park and questioned what could be done with the land to recover that outlay.
- **Ashby** noted the other RV Park previously denied for extension now have plans to possibly come in with an industrial park, and additional shell buildings.
- **Kirkman** suggested the applicant would have had to do the work required by the Army Corps of Engineers and the Pioneer Irrigation District no matter what type of business was going in.
- **Garner** considered a condition could be placed on the extension of the RV Park, to amend their business plan to make it a short term stay facility.
- **Garner** added it was only 6 months ago the Planning Commission gave approval for the Conditional Use Permit for an RV Park and now the rug was being pulled out from underneath them - after the applicants put money into the project. Garner did not think that was good practice for the City or the Commission.
- Garner suggested it would be better to send the applicants forward with some guidance regarding presenting a business plan.
- **Turner** concurred with Garner's comments.
- Discussion followed on how the calls for service from NPD could be mitigated.
- **Ashby** advised if the Conditional Use Permit was extended, it could be revoked if the RV Park was not in compliance.

Garner motioned and Turner seconded to approve the 6-month extension of the Conditional Use Permit to August 28, 2020 for a Recreational Vehicle Park to be located at 304 E Carol Street, for 126 spaces on 8.22 acres, for Paul Hilbig, Zoke, LLC. Subject to:

- 1. The applicant to submit a good faith Business Plan indicating how they will control and limit the length of stay for the residents, to comply with City of Nampa regulations. With the understanding that a violation of those regulations would mean the revocation of the Conditional Use Permit**

Motion carried with Garner, Kehoe, Miller, Turner in favor, and Franklin and Kirkman opposed.

Madam Chair Sellman proceeded to the Public Hearing items on the Agenda at 7:15 p.m.

Public Hearing Item No. 1:

Annexation and Zoning to RS4 (Single Family Residential - 4,000 sq. ft.) at 922 and 946 W. Maryland Avenue (A 1.66 acre parcel of land being a portion of the SW ¼ of Section 33, T3N, R2W, BM) and Subdivision Plat Preliminary Approval for Anchor Point Subdivision – 9 Single Family Residential Lots on 1.66 acres or 5.42 dwelling units/gross acre) for Sayer Eckhardt-Anchor Homes LLC (ANN 161-19 and SPP 052-19). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing

Kurt Smith with Intermountain Engineering, 2587 Southside Blvd, Melba – representing the applicant.

- Mr Smith explained the proposed development would be an infill project fronting S Midland Blvd and Maryland Ave.
- The City, added Mr Smith, was requiring a significant amount of right-of-way dedication for S Midland Blvd, plus the 25 ft landscape strip, and also some dedication of right-of-way on Maryland Ave. Therefore, the applicants have asked for an R-4 zoning designation.
- Most of the lots would meet the RS-6 zoning requirements of 6,000 sq ft minimum lot size, but the lots adjacent to S Midland Blvd would be a little smaller.
- According to Mr Smith, they have reviewed the Staff Report and have only one concern regarding the Parks Department requirement for a 10 ft wide sidewalk along S Midland Blvd. Mr Smith stated that seemed excessive as there does not appear to be no other 10 ft sidewalks along Midland Blvd at this time.
- Mr Smith stated the developers would be happy to put in a 5 ft sidewalk.

Senior Planner Watkins:

- Watkins reported the applicants were requesting a recommendation to City Council for the Annexation and RS-4 zoning for the property located at 946 W Maryland Ave; and for approval of the Preliminary Plat for the Anchor Point Subdivision on that property.
- The property was an enclaved property currently outside of the City limits, in Canyon County, bordered on the north south and east sides by Canyon County residential properties, and on the west side by RS-7 City zoned properties in Sands Point Subdivision.
- The subject property was eligible for annexation, and the proposed zoning and development conforms to the Nampa Comprehensive Plan Future Land Use designation of Medium Density Residential – allowing 4 to 9 dwelling units per acre. The proposed development indicates 5.29 dwelling units per acre, within the allowed density.
- City utilities are available to the subject property.
- Detached housing units are proposed for the development, reported Watkins.
- Watkins stated the Preliminary Plat proposes 9 buildable lots, 6 fronting and taking access from Maryland Ave and 3 lots would take access from a common/private drive.
- Watkins reviewed the Preliminary Plat and advised the smallest standard buildable lot proposed, would be 5,585 sq ft. All lots meet the required lot width and depth. The project is deemed compliant.
- The Engineering Division, continued Watkins, would be requiring right-of-way dedication of 50 ft from the Section line on S Midland Blvd, 28 ft from the Section line on Maryland Ave, and would also require the developer to provide a 25 ft chamfer on the S Midland Blvd and Maryland Ave intersection.
- According to Watkins, a revised Landscape Plan has been requested to move the trees back from Maryland Ave, so they are not directly underneath the existing power lines, or, the option of replacing with smaller trees.

- Watkins reviewed the safe routes to school for Iowa Elementary and South Middle School - both deemed walkable, and Skyview High School - not considered to be walkable.
- Comments were received from the Nampa Parks Department, City Forester, the Building Department and the Engineering Division. Watkins advised those comments included requirements for the 10 ft sidewalks along S Midland Blvd, moving or replacing trees, and the standard building and frontage improvements from the Building and Engineering Departments.
- According to Watkins, the Bicycle and Pedestrian Master Plan was adopted in November 2019, and within that Plan were a number of regional or urban connectors. In the Lake Lowell Access Plan, there were also regional and urban connectors designated on the east/west routes out of Nampa towards Lake Lowell.
- Watkins explained the reasoning for the 10 ft side-path had been to join the connectors for travel towards the lake and keeping people out of the traffic on Midland Blvd.
- Going forward, stated Watkins, a Corridor Study was in the plans for Midland Blvd to fit everything into the restricted right-of-way, with one of those options being widening a lot of the 5 ft sidewalks to 10 ft side-paths to keep bicyclists separated from the traffic.
- Watkins reviewed the Staff Report and recommended conditions of approval.
- Staff added Watkins supports the Annexation and RS-4 zoning designation, and approval for the proposed Preliminary Plat.
- In response to a question from **Kehoe**, **Watkins** replied the subdivisions and residential properties fronting Midland Blvd at the present time only have 5 ft sidewalks because that was the standard prior to the November 2019 Bicycle and Pedestrian Master Plan.
- **Watkins** replied to a question from **Garner** and stated that as properties develop along Midland Blvd, and all over town, the City can implement the new sidewalk requirements – which have to start somewhere.

Madam Chair Sellman proceeded to public testimony.

Sawyer Eckhardt, 10963 W Alliance St, Boise – applicant – in favor but did not wish to speak.

James Potter of 3029 N Maple Grove Rd, Boise – in favor but did not wish to speak.

Joshua Connell of 1897 W Tumble Creek, Meridian – in favor.

- Mr Connell stated he was attending the meeting on behalf of his grandparents that live about ¼ mile from the subject development, and Pat Whiting and Bernadette Woodruff that live right off Horton St. They are for the project because they have seen the area develop and apartments go up, and they would much rather see a single-family development than an apartment complex.

Jonathan Miller of 1806 Henry’s Fork, Meridian - in favor but did not wish to speak.

David Solotky of 900 W Maryland Ave – opposed.

- Mr Solotky stated they were just to the east of the proposed development.
- Mr Solotky voiced concern regarding the impact to the existing residents living on W Maryland Ave with the construction and underground work. The adjacent properties were all on well and septic, the water table was not very deep, and the construction would be pushing rodents on to the adjacent properties.
- Mr Solotky also inquired about the requirement for the removal of trees and questioned if that would also apply to the adjacent properties to the east.
- According to Mr Solotky, there was already a lot of traffic up and down W Maryland and he did not want to see another 9 vehicles from the proposed development driving 35 mph plus.

Alberto Rosales of 910 W Maryland Ave, Nampa

- Mr Rosales stated his property was next door to the subject property proposed for development.
- Mr Rosales voiced concern regarding what would happen with his power pole located next door on the subject property.
- According to Mr Rosales, he had heard the developers would be digging in his driveway, and he wanted the developers to respect his property line.

Jorge Perez 1822 S Midland Blvd, Nampa

- Mr Perez stated his property was located adjacent to the north side of the subject property.

- According to Mr Perez, his irrigation water was underground and went into the subject property. Mr Perez cited concerns regarding what would happen to his irrigation water.

Kurt Smith:

- Mr Smith considered staff was premature regarding requiring a 10 ft sidewalk as the corridor study had not been done as yet and questioned if the plan could be amended.
- According to Mr Smith, there may be some issues with the neighboring property to the east and considered the contractors would have to keep the neighboring property owner’s access open. Mr Smith acknowledged the developers’ contractors would not be able to dig outside the subject property or in the City right-of-way. All the construction, added Mr Smith, would remain inside the subject property.
- Mr Smith stated it appeared they would have to relocate the power pole and there may be a short time when the neighboring property may be out of power when they make the disconnect and reconnect.
- According to Mr Smith, the well on the subject property would be abandoned and the proposed new lots would be placed on City water. There would actually be less water being pulled from the area.
- The irrigation water would have to be piped through the subject property and State law would also require the developers to grab the irrigation where it comes on to the subject property and pipe it to the historic exit point.
- The irrigation water will be rerouted through the subject property through pipes, added Mr Smith.
- According to Mr Smith, there will be a lot of reconstruction on W Maryland Ave, to make it a nice road.
- Mr Smith stated the landscape plan submitted indicated trees at the front, and it now appeared those trees would interfere with the power lines. They will now revise the landscape plan as directed, but they would not be removing any trees on neighboring properties.

City Engineer Badger:

- **Badger** responded to a question from **Garner** and stated W Maryland Ave was an existing two-lane road developed in the County and it had subsequently been annexed into the City, but no other improvements had been done.
- The curb, gutter and sidewalk along the subject property will be the first City style improvements to be seen on W Maryland Ave.
- Once the proposed development was completed, added Badger, a speed analysis and study could be accomplished to determine whether or not the 35-mph speed limit was appropriate for that area. Typically, residential City streets have a 20-mph speed limit, and the 35-mph speed limit may be a carryover from when it was in the County.
- A speed analysis and study, added Badger, were usually undertaken upon requests from the residents.
- **Kehoe** inquired about deferrals for sidewalks for a period of time until surrounding properties are built up, and inquired if that would occur with the subject property.
- **Badger** replied that deferrals are not done with subdivisions unless they are Impact Area subdivisions, outside of the City limits
- According to Badger, as other properties along Midland Blvd develop, they would also be required to place the same 10 ft sidewalk.

Garner motioned and Kirkman seconded to close public hearing. Motion carried.

- **Garner** agreed the 10 ft pathway would have to start somewhere and in that area of S Midland Blvd. There was a lot of undeveloped land along the east side of S Midland Blvd and considered there would be more 10 ft wide pathways along that road in the future.

Kehoe motioned and Miller seconded to recommend to City Council approval of the Annexation and RS-4 zoning district for 922 and 946 W Maryland Ave, for 1.66 acres, for Sayer Eckhardt-Anchor Homes, LLC, subject to:

Generally: The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:

1. **Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings; and,**
2. **Submit revised landscape plans; and,**
3. **Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.**

4. Frontage road improvements along S Midland Blvd and E Maryland Ave shall be provided in accordance with Nampa City Code Section 9-3-1.
5. The following public right-of-way shall be dedicated as a condition of annexation:
 - a. S Midland Blvd – 50’ from Section Line.
 - b. W Maryland Ave – 28’ from Section Line.
 - c. Provide 25’ chamfer at the Midland/Maryland intersection.
6. All lot access shall come from W Maryland Ave. Access will not be allowed from S Midland Blvd.
7. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
8. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.
9. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Final sewer depth shall accommodate future extension to serve property between Maryland Ave and the Herron Lateral.
10. Prior to filing for a final plat approval for any portion of the Project, the 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 plan set that shall be remitted to the City.
11. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.

Motion carried.

Kehoe motioned and Miller seconded to approve the Preliminary Plat for Anchor Point Subdivision, located at 922 and 946 W Maryland Ave, for 9 single family lots on 1.66 acres for Sayer Eckhardt-Anchor Homes, LLC, subject to

1. Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings; and,
2. Submit revised landscape plans; and,
3. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
4. Frontage road improvements along S Midland Blvd and E Maryland Ave shall be provided in accordance with Nampa City Code Section 9-3-1.
5. The following public right-of-way shall be dedicated as a condition of annexation:
 - a. S Midland Blvd – 50’ from Section Line.
 - b. W Maryland Ave – 28’ from Section Line.
 - c. Provide 25’ chamfer at the Midland/Maryland intersection.
6. All lot access shall come from W Maryland Ave. Access will not be allowed from S Midland Blvd.
7. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
8. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

9. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Final sewer depth shall accommodate future extension to serve property between Maryland Ave and the Herron Lateral.
 10. Prior to filing for a final plat approval for any portion of the Project, the 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 plan set that shall be remitted to the City.
 11. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.
- Motion carried.

Public Hearing No. 2:

Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RMH (Multiple-Family Residential) at 916 E. Colorado Ave., 915 E. Bird Ave. and 908 and 912 S. Elder St. (Parcels R11455011, R11455010, R11451012, R11451013 totally an approximate 2.53 acre portion of the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, Idaho) for Randy Haverfield, Architecture Northwest P.A. representing Ron Kennedy for Colorado Avenue Apartments (ZMA 116-19). ACTION ITEM.

Planning Commission Garner was recused from the meeting.

Madam Chair Sellman proceeded to public hearing.

Randy Haverfield, Architects Northwest, 224 16th Ave S, Nampa – representing the applicant:

- Mr Haverfield advised the applicant had requested Rezoning of the subject property from RS-6 to RMH. According to Mr Haverfield, the two parcels between S Fern St and S Elder St, on the north side of E Colorado Ave were designated as High Density Residential on the Comprehensive Plan, and the parcels on the east side of S Elder St, north of E Colorado Ave were designated Medium Density Residential.
- Mr Haverfield noted quite a bit had been happening near the Northwest Nazarene University and noted that student housing had been lacking and the proposed development would provide an opportunity for off-campus student residential dwellings and would also be a great infill project.
- According to Mr Haverfield, the old Nazarene Tabernacle had been located on that property for quite a long time and had been removed a few years ago.
- The application before the Commission was an attempt to get the zoning take care of.
- Mr Haverfield advised there had been a greater demand for student housing and even some commercial services in the vicinity that led to an area of mixed land uses.
- According to Mr Haverfield, there were five different zoning districts in the immediate area of the subject property.
- Mr Haverfield suggested the High Density Residential Comprehensive Plan designation for the two parcels between S Fern St and S Elder St received that designation as a recognition of the need for student housing and infill development.
- Mr Haverfield noted the staff findings determined the proposed project fit the description for in-fill development.
- Mr Haverfield noted the portion of S Elder St between the parcels had been vacated, however, the easement was still there for utilities, and no buildings could be built over the easement.
- Mr Haverfield reported that no plans had been developed at the present time and the applicants were only requesting the rezone from RS-6 to RMH.
- The entrance on to S Elder St from E Colorado Ave, advised Mr Haverfield, would have to be removed and sidewalk and the landscaping easement put in its place. The setback from E Colorado Ave would be 20 ft and a minimum of 10 ft from S Fern St. There would be nice landscaping, a building setback and parking for 2 parking spaces per dwelling unit, plus an ADA parking space for every 25 parking spaces.
- According to Mr Haverfield, the developer indicated the intent to design something that would be very similar to what is found in and around the BSU campus. and would cater to the University and other patrons. Amenities would also be provided on the property.
- Mr Haverfield stated there would be a sensitivity to the existing residential development to the north and west. Directly to the south was a new apartment complex developed through HUD financing.

- Mr Haverfield emphasized there would be no access on to the subject parcels off E Colorado Ave, and there would have to be a secondary access point either from S Fern St or E Bird Ave on the north side.
- It was also the intent of the developer to join all the parcels into one as far as ownership and development within the RMH zoning designation.
- A sidewalk would be provided around the perimeter of the property, along with the landscaping.
- According to Mr Haverfield, there was nothing to present as far as the planned building development, only the rezoning to RMH.

Principal Planner Ashby:

- Ashby confirmed the application before the Commission was for a Rezone from RS-6 to RMH.
- Ashby referred to the Code stating the Rezone to RMH should be reasonably necessary, in the interest of the public, and should agree with the adopted Comprehensive Plan for the neighborhood.
- Ashby indicated some slides of the area, including NNU and the Brandt Center, Amity Ave and the subject property.
- In the past, the Nazarene Tabernacle had been located on the subject property, stated Ashby, and had since been removed.
- Ashby noted the NNU campus had expanded and the re-route of Amity Ave.
- Ashby indicated the Medium Density Residential Comprehensive Plan designation for the parcels on the east side of the former S Elder St and the two parcels designated as High Density Residential on the north side of E Colorado Ave and added that the High Density Residential designation would be stretchable to the parcels on the east side of S Elder Ave.
- Ashby indicated the current RS-6 zoning for the area, with RMH zoning to the south and RML zoning to the northwest.
- Utilities would all be available to the subject property and noted the utility easement to be retained within the Vacated portion of S Elder St.
- According to Ashby, the emergency services are notified of any proposed density increase, which would make for an increase in need for police services. Ashby added he had spoken with the Nampa Police Department and they are more favorable to infill development when they already service the area.
- Ashby reviewed the Staff Report and recommended conditions of approval.
- **Kehoe** noted with the proposed apartments going on to the subject property there would be tax revenue to the City.

Madam Chair Sellman proceeded to public testimony.

Marianne Beck of 912 E Bird Ave, Nampa - Undecided

- Ms Beck stated she was neither for nor against the requested rezone to RMH but did have questions.
- Ms Beck noted if the subject property was rezoned to RMH, the neighboring property owners would not know what high density was envisioned, how many apartments.
- It is difficult to know if it should be rezoned or not added Ms Beck, because all the properties on E Bird and Fern St and S Elder St were single family dwellings. The majority of those homes are single story, added Ms Beck, and only one was 2 story.
- The senior apartment complex on the south side of E Colorado Ave, advised Ms Beck, was 3 stories and 50 units, with a house next door that has been dwarfed by the apartments.
- If it was unknown how many apartments would be on the subject property, then there was the possibility of two or three 3 story apartments on that site.
- There would be a lot of traffic in and out of such a large apartment complex, stated Ms Beck.
- If it were to be student housing, that would mean a lot of 18 to 22-year-old students in amongst a largely 50 plus neighborhood.

Fred Burton of 819 S Elder St, Nampa – Opposed:

- Mr Burton stated he simply did not know what was being proposed for construction on the subject property, and therefore, it was difficult to know if he was for or against.
- There was a previous plan in about 2007, and at that time all the neighbors spoke against it, except the owner of the property and the developer.
- Included in that first development, was the loss of access between E Bird Ave and E Colorado Ave when S Elder St was vacated. None of the surrounding residents were happy about that, added Mr Burton.

- Mr Burton considered the proposed project would make it more difficult to access their homes, as well as emergency vehicles lacking access.
- According to Mr Burton, some time after 2007 he was in conversation with the City Parks and Recreation Dept and they were very interested in turning those parcels into a park, similar to the east side park. There was significant interest in that concept, unfortunately, the Parks and Recreation Dept were not able to come to a financial agreement with the owners.
- Liberty Park was not within walkable distance for the residents in the subject area.
- Possible three-story apartment structures considered Mr Burton would be very difficult to live with for the existing adjacent residents. Smaller lot sizes with single story dwellings would not be an issue, or duplexes, added Mr Burton. However, a complex of 3 story apartment buildings would really destroy the sense of neighborhood currently existing.
- Mr Burton requested the Planning Commission recommend denial for such a large-scale development.

Lori Sanchez of 823 S Diamond St, Nampa:

- Ms Sanchez stated they own a property at 823 Diamond St and a couple of other properties in that vicinity.
- Ms Sanchez inquired if Elder St had already been Vacated and was advised it had been Vacated. Ms Sanchez added the street was still there and she sees people using it.
- Badger advised S Elder St had been Vacated in 2007, however, construction did not take place at that time on the subject property.
- Ms Sanchez inquired the traffic plan for the area – with the addition of the proposed apartments.

Chris Hayes of Chris Hayes Construction, 348 W Cub St, Meridian – in favor but did not wish to speak.

Doug Kowallis of 3019 Innis St, Boise – in favor but did not wish to speak.

Mark Olsen of 1008 S Elder St – Opposed:

- Mr Olsen indicated the 50-apartment senior complex on the south side of E Colorado Ave and questioned if an additional 50-unit apartment development would be going into the south of the existing complex.
- Mr Olsen noted it was already difficult in peak traffic hours to make a left turn on to E Colorado Ave.
- Mr Olsen stated a two-story duplex had been built right in front of his home with windows looking right into his front room. His fence had been destroyed twice, stated Mr Olsen, his water line broken three times, and the weeds and goat-heads were blown on to his property with a leaf blower and damaged his air conditioner.
- According to Mr Olsen, the porta potties were brought in during the summer and the smell saturated his home and contents.
- Mr Olsen stated he was praying the proposed apartments would not be a two-story mess inflicted upon the neighbors.

Bryan Beaty of 904 S Elder St – opposed:

- Mr Beaty considered he would be the most affected by the apartments as his property was right next door to the subject property.
- A multiple level apartment complex was a concern, added Mr Beaty, due to the fact he had 3 little girls and those apartments would be able to look down into his yard and his three daughters.
- Mr Beaty stated he was more in favor of a single level development, but a two- or three-story apartment structure would be a serious concern to him.

Willard Bradburn of 903 S Fern St, Nampa:

- Mr Bradburn stated he had lived in the Kurtz Addition, and the immediate area all his life.
- According to Mr Bradburn, the traffic comes down Fern St very fast from the main road and he had almost been hit a number of times coming out of his driveway.
- Mr Bradburn stated he was a retired firefighter and when the two roads were put in around the college it created all kinds of traffic. A lot of the traffic now cuts right down S Fern St, and with S Elder St closed, there would be twice as much.
- According to Mr Bradburn, he was very concerned about what type of buildings would be constructed and he definitely did not want to see any more 3 story buildings.

Lindsay Beaty of 904 S Elder St Opposed:

- Ms Beaty stated she was the wife of Bryan Beaty and mother of their 3 little girls.
- Ms Beaty noted their property was next door to the subject property.
- According to Ms Beaty, it was her understanding the majority of student housing was required to be on campus, and the rules were pretty strict.
- Ms Beaty inquired, realistically, how many students actually would be from NNU, or was there the potential for NNU students living there, but there might be more other people.
- The reason she and her husband decided to stay and live in Nampa, added Ms Beaty, was because of the community and the area they lived in – it was a cute little neighborhood.
- Growth is inevitable, stated Ms Beaty, however, there was a graceful way of growth so that everyone benefits, and not an industrial size apartment building with an explosion of population in such a condensed area that would affect so many people.

Joanne Willis of 11250 W Royal Ridge Ct, Nampa:

- Ms Willis stated she and her husband lived in the subject neighborhood for over 40 years and raised their family there.
- Ms Willis indicated she did not have a challenge of any kind but did inquire when S Elder St was vacated.
- According to Ms Willis, the mere aspect of college student housing should not be a reason to approve the Rezone for the proposed apartments. NNU has their own Master Plan, added Ms Willis, their own residential corridor they are planning, and are very strict about living on or off campus.

Mr Haverfield:

- The student housing aspect of the proposed apartments was only an opportunity for students if they want to live off campus. During the freshman Year, added Mr Haverfield, the students are required to live on campus, however, Sophomore through Senior Years the students can live where they want to be.
- More than likely, added Mr Haverfield, it would be a mix of individuals, whether they are 55 and older or younger, as it would not be a designated facility.
- Mr Haverfield advised he was well aware of the NNU Master Plan and there would be more student housing coming that would be placed on campus.
- Mr Haverfield stated he had not been asked to design any buildings as yet because the applicant desired to confirm the correct zoning designation would be provided on the subject property.
- The idea of infill explained Mr Haverfield, would be for the development to be in close proximity to emergency services, utilities, and the existing streets.
- According to Mr Haverfield, there would be no units looking down into back yards, the major part of the development would be on the piece of ground that was bounded on the north, south, east and west with roadways.
- Mr Haverfield advised they would be generating some images and concept information on the proposed buildings to share with the neighbors.
- As the community grows, the proposed project would solve some of the housing needs with an infill project and would also help the tax base.

City Engineer Badger:

- Badger reported the right-of-way for S Elder St adjacent the subject properties was Vacated in 2007 via a public hearing, at the same time as the plat for College Place Subdivision – that did not materialize. The neighbors within 300 ft of S Elder St at that time were notified.
- According to Badger, depending on the final unit count for the apartments, the applicants would be required to perform a Traffic Impact Study if it meets the number of units requiring a TIS.
- There have been traffic improvements, continued Badger, construction on the signalization at S Holly St and E Colorado Ave will happen this year.
- Access for EMS and NFD, continued Badger, would continue with the current street grid system. Badger reported there would be no new accesses on to E Colorado Ave, all access would be from E Bird Ave and S Fern St.
- According to Badger, there would be an apartment complex going in south of the senior apartments on the south side of E Colorado Ave. That new apartment complex was approved in 2017 for multiple buildings.

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

- **Kirkman** noted it was unknown at this time exactly what would be constructed and what it would look like.
- **Badger** advised once the zoning is applied to the subject property, if it was an allowable use and meets the Code, there would be no other public hearing, unless there was a platting request or a Variance to the Code.
- **Miller** stated that was the concern of the neighbors, if the property was rezoned to RMH, and then the property went up for sale, something else completely different could go in that was allowed in the RMH zoning district but right next to single level single family homes.
- **Ashby** suggested if there were concerns regarding potential uses on the property, a Development Agreement could be required that would list stipulations on the development of the property.
- According to Ashby, there would have to be a certain number of parking spaces in order to comply with Code which in turn would limit the number of dwelling units that could be placed on the property.
- The RMH zoning, added Ashby, was the highest density residential zoning district in the City of Nampa.
- The two parcels between S Fern St and S Elder St, reiterated Ashby, were designated High Density Residential on the Comprehensive Plan Future Land Use map.
- Discussion followed on the Development Agreement process. The Development Agreement would go with the property if the subject property were to be sold, reported Ashby.
- **Miller** voiced concern with the possibility of a four-story building right next to the single level residential homes.

Miller motioned and Kehoe seconded to recommend to City Council approval of a Zoning Map Amendment from RS-6 to RMH for 915 E Bird and 908 and 912 S Elder (7 parcels total) for approximate 2.53 acres for Randy Haverfield, representing Ron Kennedy for Colorado Avenue Apartments, subject to:

1. **Execution of a Development Agreement stating specifically all structures on the subject property will be limited to two (2) stories in height from ground level.**
2. **Engineering Division will require at the time of development that easement(s) be dedicated to the City of Nampa for the maintenance of existing sewer, water and pressure irrigation main lines in the Vacated former section of S Elder Street right-of-way.**

Motion carried.

Planning and Zoning Commissioner Garner was un-recused from the meeting.

Public Hearing Item No. 3:

Subdivision Short Plat Approval for Charlotte Meadows Subdivision at 76 S. Grays Lane (A part of the SW ¼ of the NE ¼ of Section 25, T3N, R2W, BM, Nampa, Canyon County, Idaho - 4 Single Family Residential Lots on 1.5 acres for average of .375 dwelling units/gross acre) for John and Mary Ostyn (SPS 028-19). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Mary Ostyn of 76 S Grays Ln – the applicant:

- Ms Ostyn stated she and her husband John, live on 1 ½ acres at 76 S Grays Ln and were asking to split one lot into four lots, for an increase of 3 houses on the subject property.
- The plan, added Ms Ostyn, was to preserve the old farmhouse on the site and the 3 new lots would be in the empty pasture.
- According to Ms Ostyn, the average lot size would be .375 acre, which conforms to the lot size requirements for the current RS-6 zoning.
- It would be an infill project, continued Ms Ostyn, and utilities are existing on Park Ridge Dr and Grays Ln, as does sidewalk and curbing.
- Ms Ostyn stated they have reviewed the Staff Report for their project and plan to comply with all the conditions of approval but will need a continuance of the public hearing to meet all the requested Engineering Division details for the survey.

Jerry Jensen of 4121 E Indigo, Nampa

- Mr Jensen stated his property was within the Park Meadows Subdivision, immediately to the east of the subject property.
- According to Mr Jensen, the subject property was on the north side of one of the entrances to the Park Ridge Meadows Subdivision, and the Homeowners Association maintains the park strip at the entrance.

- Mr Jensen advised the sidewalks that butt up against the subject property were paid for by Park Ridge Meadows, as a condition of approval for the subdivision.
- Mr Jensen explained the vested interest in maintaining the entry to Park Ridge Meadows Subdivision.
- **Mr Jensen** responded to a question from **Garner**, and stated it was his understanding the vinyl rail fence along the subject property was also paid for by Park Ridge Meadows, and therefore, Park Ridge Meadows had an interest in the property and would like to work with the property owners regarding the subject development.
- In response to a question from **Kirkman**, **Mr Jensen** stated he was the Secretary Treasurer of the Park Ridge Meadows Homeowners Association.
- **Turner** questioned if the proposed short plat was approved would all three of the proposed lots be able to turn left.
- **Ashby** noted the Engineering Division had commented that the proposed subdivision would have to have access to/from the easterly portion of the parcel with a common driveway to all three of the proposed lots.
- Once all the information was received from the applicant, continued Ashby it would be analyzed, and a recommendation made.
- **Badger** noted the entry island was owned by the Park Ridge Meadows Homeowners Association and if the applicants wanted to place a 20 ft gap in the island to allow for left turns into a driveway, the HOA would have to approve that and dedicate that portion as right-of-way, and the developer would then have to pay for construction of the island separation.

Jim Langford of 92 Grays Ln:

- M Langford stated his property was located on the south side of E Park Ridge Dr.
- In response to a question from **Mr Langford**, **Madam Chair Sellman** replied the proposed development would not be a part of the Park Ridge Meadows HOA.

Mollie Lankford of 92 S Grays Ln, Nampa – Undecided but did not wish to speak.

Tom Sneegas of 4217 E Iris Ct, Nampa – Undecided but did not wish to speak.

Bob Harmon of 3924 E Park ridge Dr, Nampa – Undecided but did not wish to speak.

**Garner motioned and Miller seconded to continue the public hearing to the April 14, 2020 Planning and Zoning Commission meeting.
Motion carried.**

Public Hearing Item No. 4:

Annexation and Zoning to RS22 (Single Family Residential - 22,000 sq. ft.) on the west side of N. Kings Rd. adjacent and north of 39 N. Kings Rd. at 0 N. Kings Rd. (A 2.43-acre parcel in Plat A Tax 04145 in Lot 37 in the SE ¼, SE ¼, Section 33, T3N, R2W, BM, Nampa, Canyon County, Idaho) for a parcel split for 2 new dwellings for Jay Walker representing Miguel Ballesteros (ANN 164-20). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Jay Walker of all Terra Consulting, 849 E State St, Ste 104, Eagle – representing the applicant Mr Ballesteros:

- Mr Walker stated he represented the Ballesteros family and they are seeking annexation and zoning to RS-22, for the property located on the west side of N Kings Rd, north of E Victory Rd, and adjacent and north of 39 N Kings Rd. - Canyon County Parcel R1428556D00, comprising 2.43 acres.
- The property was currently zoned R-1 in Canyon County.
- The family, added Mr Walker, wants to dedicate the necessary right-of-way to N Kings Rd as a condition of approval, and have the opportunity to build two residential homes on the subject property.
- The subject parcel was within the City of Nampa Impact Area, in the pathway of annexation, and consistent with the City of Nampa Comprehensive Plan Future Land Use Map.
- Mr Walker indicated some views to the north, south, east and the subject property.
- According to Mr Walker, the subject property was not located near any City water or sewer lines.
- The requested RS-22 zoning would fit in with surrounding properties.

- Access to the property would come off N Kings Rd and noted there was the capacity for the nearby school to accept the two proposed residences.

Planning Director Holm:

- Holm indicated the 2.43-acre parcel, with a Comprehensive Plan Future Land Use Map designation of Medium Density Residential, and proposed zoning of RS-22.
- The subject property, continued Holm, was surrounded by primarily rural residential single-family type uses and under-utilized Agricultural land. Endeavor Elementary school property was located adjacent to the west and to the south and zoned RS-22. Nampa Airport, zoned IL, was located to the northeast.
- The City utilities were not in close proximity to the subject property at the present time, added Holm.
- **Kehoe** inquired how the subject parcel would be split to incorporate the two proposed homes.
- Holm reviewed the Staff Report and recommended conditions of approval.

Madam Chair Sellman proceeded to public testimony.

Russell Messner of 39 N Kings Rd, Nampa – Opposed:

- Mr Messner stated his property at 39 N Kings Rd was located immediately south of the subject parcel.
- Mr Messner noted the proposed zoning would be RS-22, more or less the same and they were not requesting City sewer or water.
- Mr Messner inquired about access to the two proposed lots and indicated the split lot to the south of his property, with an access road clear back to the school property.
- According to Mr Messner, the well for his property was located on the subject property and the applicants were using that water for watering their animals and questioned what would happen to his well when the applicants do the underground work for their homes, wells and septic systems.
- Mr Messner discussed the well situation and added he did not know if the subject parcel was on the Shared Well Agreement.

Karl Mallott of 33 N Kings Road, Nampa – Undecided:

- Mr Mallott inquired how the applicants would get their water.
- Mr Mallott also questioned what the applicants would use for right-of-way access to the proposed two parcels.

Mr Walker:

- Mr. Walker reported the applicants were dedicating the additional right-of-way for N Kings Rd as required by the Engineering Division.
- There will be a shared common driveway along the narrow portion at the front of the subject parcel - going west from N Kings Rd to where the two parcels will be split from the back portion.
- The property owners, continued Mr Walker, plan to cap whatever water was coming on to their property and either do a shared well agreement with a common casing for the two proposed parcels, or an individual well for each parcel at required depths. They will also have individual septic systems.

Garner motioned and Kirkman seconded to close public hearing. Motion carried.

Kirkman motioned and Franklin seconded to recommend to City Council Annexation and Zoning to RS-22 for 0 N Kings Rd (Canyon County Parcel No. R14285556D0) on the west side of N Kings Rd, north of E Victory Rd, subject to:

1. **The City Streets Division has undergone a recent transportation planning effort for the Kings Road and Victory Road corridors. Recommendations have come back to change the classification of Kings Road from a Collector to a Minor Arterial. As a result, the Engineering Division requests dedication of ROW along Kings Road to be 50' from Section Line to align with this recommendation.**
2. **Any future development of the site will require the placement of sidewalk per City standards along entire N Kings Rd frontage. To be coordinated with Engineering Division. Nampa School District also requested sidewalks be required.**
3. **City utilities are not currently available to this site. Any future development of the site will require connection to City utilities. These City utilities will need to be brought from their present location to and through the property.**

- a. Water — presently located at the intersection of N Kings Rd & E Victory Rd.
 - b. Pressure Irrigation — presently located approximately 330' west of the intersection of N Kings Rd & E Victory Rd.
 - c. Sewer— presently located approximately 520' north of the site in N Kings Rd.
4. This property is located completely within the 500-year floodplain of Mason Creek, and while this does not necessarily place any additional requirements from Engineering Division regarding site development, it is worth noting here
Motion carried.

Public Hearing Item No. 5:

Annexation and Zoning to IL (Light Industrial) adjacent and east of 3502 E. Victory Rd. on the north side of E. Victory Rd. at 0 N Picard Lane for split for future light industrial use (A 10.17-acre parcel situated as Tax 19043 in the SW ½ SE ¼, Section 24, T3N, R2W, BM, Nampa, Canyon County, Idaho) for William Bauscher (ANN 165-20). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Cheryl Heath of 676 N Keagan Way, Meridian – representing the applicant:

- Ms Heath stated she and her husband currently lease and operate a small business on a portion of the subject property.
- Ms Heath noted the Staff Report had addressed all the issues.
- The applicants, added Ms Heath, were requesting annexation and Light Industrial zoning for approximately 10 acres of land, located north of E Victory Rd and south of the Nampa Airport.
- The subject property is contiguous to the City Limits, stated Ms Heath, on the north and southwest corner.
- City utilities are currently available to the site, including water, sewer and pressurized irrigation.
- Ms Heath considered the requested Light Industrial zoning would be appropriate because Light Industrial was an approved zone for land designated as an Employment Center on the Comprehensive Plan Future Land Use Map.
- The proposed IL zoning would also be compatible with other uses in the area.
- Ms Heath discussed their future plans for the subject property: to seek a one-time lot split to divide into two 5 acre pieces. Ms Heath reported their business, Heath's Specialty Pre-Cast would purchase the north 5 acres and Mr Bauscher would purchase the south 5 acres.
- According to Ms Heath, the plan was to continue operating the pre-cast business and they planned to expand and add more employees.
- Ms Heath noted the requirement for sidewalks in the recommended conditions of approval.
- In response to a question from **Kehoe, Ms Heath** advised the property to the north was an old farm and the owner was in the process of removing those buildings. The northernmost parcel had been previously annexed and zoned IL.
- The pre-cast business was located in a building to the south of that parcel.

Planning Director Holm:

- Holm reported the subject property comprised 10.17 acres and the applicant proposed to do an administrative lot split into two 5-acre parcels.
- The surrounding land uses were industrial to the north, rural residential to the south, vacant and undeveloped enclaved land to the east, to the west County agricultural zoned land.
- The subject property was located within the Employment Center designation on the current Comprehensive Plan Future Land Use Map, and Industrial on the proposed Comprehensive Plan Future Land Use Map.
- The proposed zoning, added Holm, would be Light Industrial, with existing Light Industrial zoning to the north.
- Utilities, reported Holm, were readily available to the property, and access to the property would be from E Victory Rd.
- Holm reviewed the Staff Report and recommended conditions of approval – including the condition that any future development of the site will require the placement of sidewalk per City standards along entire E Victory Rd frontage – to be coordinated with the City Engineering Division.
- According to Holm, the area south of the Airport would be located within the Airport Overlay District and may be subject to an Aviation Easement.

Madam Chair Sellman proceeded to public testimony.

Jason Heath of 676 N Keagan Way, Meridian – in favor but did not wish to speak.

Bill Bauscher of 1100 S Grayling Ave, Meridian – in favor but did not wish to speak.

Nicole Kendall of 1384 Linderwood Dr, Meridian – Real Estate Agent for the applicants - in favor.

- Ms Kendall noted the proposed conditions of approval included a requirement to include a sidewalk and when discussing with staff it was noted that on either side of E Victory Rd there were no sidewalks in place and they were given to believe it would not be necessary to construct a sidewalk.
- **Badger** reported City Code does require that any property developing adjacent to an unimproved roadway shall emplace sidewalks, or curb, gutter and sidewalk depending on the classification of roadway.
- Victory Rd, continued Badger, was a roadway that would require the applicants to only place sidewalk – not road widening, curb, gutter and sidewalk.
- With no sidewalks adjacent to that parcel, added Badger, they can request a Deferral of those improvements, which would then require them at some future date when the City requires those improvements, those improvements would then have to be constructed.
- A Deferral, continued Badger, would require approval through City Council and City Council makes the decision whether to grant that Deferral or not.
- Badger stated the applicants could make the request for Deferral at the same time the subject Annexation and zoning would go before City Council.

Miller motioned and Turner seconded to close public hearing. Motion carried.

Kirkman motioned and Garner seconded to recommend to City Council Annexation and IL zoning for 0 N Picard Ln, on the north side of E Victory Rd, east of 3502 E Victory Rd, 10.17 acres, for William Bauscher, subject to:

1. Upon annexation into the City, public right of way along E Victory Rd frontage will need to be dedicated. Right of way width to be 40' from section line.
2. Any future development of the site will require the placement of sidewalk per City standards along entire E Victory Rd frontage. Coordinate this with Engineering Division.
3. City utilities are currently available to this site. Any future development of the site will require connection to and/or extension of City utilities to and through the site.
 - a. Water is currently available via 12" main line in E Victory Rd.
 - b. Sewer is currently available via both a 21" & 8" main line in N Cajun Ln.
 - c. Pressure irrigation is located at the intersection of E Victory Ln & S Grays Ln.
4. Any future development will require the improvement and widening of N Cajun Ln to allow for two-way traffic and provide emergency access as required for the site.
5. Approximately 50% of this property contains portions of Mason Creek floodway and floodplain, with most of this area being in the 100-year floodplain. Any site development will therefore need to consider these areas of the site as part of the design process.
6. The property is located south of the Nampa Municipal Airport and may be located within the Airport Overlay District. The property may be subject to an existing Aviation Easement established in 1975 and as Instrument No. 755201 in the records of Canyon County, Idaho. Please consider this information with regard to site development.

Motion carried.

Public Hearing Item No. 6:

Conditional Use Permit for 2 Twelve Unit and 4 Eighteen Unit Luxury Apartment Buildings for a total of 96 units on 4.37 acres or 190,357 sq. ft. in an existing and proposed BC (Community Business) zoning district located in the SE ¼ Section 10, T3N, R2W, BM at 0, 0, and 1414 E. Karcher Rd. and 0 N. Franklin Rd. for Dean Anderson (CUP 167-20). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Darren Anderson of 1414 E Karcher Rd, Nampa – applicant

Dean Anderson of 3675 S Twilight Rise Way, Meridian – applicant:

- Darren Anderson explained how they had changed the layout of the buildings for a total of 96 living units, to go from the originally requested 90 living units to 96.
- The 18-plex had been split into two 12-unit buildings, which allowed for rearrangement of the parking to flow better, as well as adding 6 living units to the project.
- The first phase, stated Mr Anderson, would be 30 units, comprising an 18-unit building and 12-unit building, to start off.
- Dean Anderson reported the current layout would also allow for better access for the Fire Department.

Principal Planner Ashby:

- Ashby indicated the current plan and layout before the Commission, for 96 living units.
- Ashby reviewed the Staff Report and history of the project.
- The Ordinance rezoning a portion of the property had not been recorded as yet, stated Ashby, as an amended legal description was still necessary for the Ordinance to proceed.
- Once the Zoning Ordinance for rezoning 1414 E Karcher to BC was finalized, then the entire development would be under BC (Community Business) zoning.
- The initial Conditional Use Permit had expired reported Ashby, however, with the 6 additional living units, a new Conditional Use Permit application was required.
- Ashby indicated the Variance that went before City Council for the requirement for a 50 ft setback if the building height was higher than the adjacent residential properties. The Variance was granted by City Council, added Ashby, with a minimum of a 20 ft buffer instead of the 50 ft, and landscaping.
- City utilities are available to the site, stated Ashby.
- Ashby indicated the revised concept layout/site plan for the proposed apartment buildings, with 2 twelve unit and 4 eighteen-unit apartment buildings.
- Ashby reviewed the Staff Report and recommended conditions of approval.

Madam Chair Sellman proceeded to public testimony.

No public comment forthcoming.

- **Garner** inquired if the applicants were in agreement with the findings in the Staff Report and recommended conditions of approval.
- **Mr Dean Anderson and Mr Darren Anderson** both responded they were in agreement.

Miller motioned and Garner seconded to close public hearing. Motion carried.

Miller motioned to approve the conditional Use Permit for 2 Twelve Unit and 4 Eighteen Unit Luxury Apartment Buildings for a total of 96 units on 4.37 acres in an existing and proposed BC zoning area, located at 0, 0, and 1414 E Karcher Rd and 0 N Franklin Rd, for Dean Anderson, subject to:

1. **Generally, the Applicant/Development shall:**
 - a. **Comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] 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/Divisions) as the entitlement(s) granted by virtue of the City’s approvals of the requested annexation and zoning assignment do not, and shall not have, the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property.**
2. **Specifically, the Applicant/Development shall:**
 - a. **Comply with the conditions recommended by City of Nampa Engineering Division under the “Correspondence” section of the Staff Report.**
 - b. **Developer(s) shall comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] 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/Divisions) as the entitlement(s) granted by virtue of the City’s approvals of the requested annexation and zoning assignment do not, and shall not have, the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property.**

- c. At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current City Policy and Master Plans.
- d. Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by the overseeing agencies.
- e. At time of development or redevelopment, frontage improvements required will include:
 - i. Sidewalk
 - ii. Landscaping as required
 - iii. Storm drainage
 - iv. Access and pavement widening and striping as needed to provide safe access to site relative to the future round a-bout subject to Nampa Street Division approval.
- f. If the parcel is divided, each parcel shall be provided with separate domestic water, sewer, and pressure irrigation services at time of lot development and building permit issuance.
- g. Install a six-foot tall fence between the Skaug Law property and the development, as well as a four-foot tall fence along parts of the joint private driveway as agreed to by Skaug Law.
- h. Comply with all conditions clarified by Nampa Engineering Division staff for access to public right-of-way and as shown on the concept layout for the development.
- i. Install a six-foot tall privacy fence and make a good faith attempt to provide additional materials (e.g. landscaping, berm, etc.) to create a screen between the development and 1206 E Karcher Rd.
- j. That any apartment building constructed on the property be a minimum distance of twenty feet (20') from the property line where the property abuts a residentially zoned property. The twenty feet (20') shall be landscaped to minimize the impact to neighboring property owner's privacy.

Motion carried.

Meeting adjourned at 9:55 p.m.



Norman L Holm, Planning Director

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