

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, MAY 26, 2020, 6:30 P.M.

Members: Peggy Sellman- Chairman
Steve Kehoe – Vice Chair
Michaela Franklin
Matthew Garner
Adam Hutchings
Jeff Kirkman

Bret Miller
Tom Turner
Rodney Ashby – Planning Director
Doug Critchfield – Principal Planner
Kristi Watkins – Principal Planner
Daniel Badger – City Engineer

Absent: Ron Van Auker, Jr

Madam Chair Sellman called the meeting to order at 6:50 p.m.

Announcements: **Planning Director Ashby** discussed the fact there would be the option for people to come into the Planning and Zoning Commission meeting in June, however, people were still encouraged to participate remotely. Ashby noted the challenge would be maintaining the 6 ft of personal distance. According to Ashby the City would be working on a plan to handle the participants in the meeting.

Approval of Minutes: **Miller motioned and Garner seconded to approve the Minutes of the May 12, 2020 Planning and Zoning Commission meeting. Motion carried**

Report on Council Actions. No City Council representative present to report on City Council actions.

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

Final Plat Approval for Spring Shores No. 1, at 0 and 0 11th Ave N (County parcel R30779011 and a portion of R20927000) east of Meriwether subdivision between Cherry Lane and Ustick Road, for 93 buildable single-family lots on 30.17 acres for 3.08 average dwelling units per gross acre – A portion of the SE ¼ of Section 2, T3N, R2W, BM and a portion of the Cortland Place Subdivision) for Heartland Townhomes Property Management. (SPF-133-20). ACTION ITEM.

Principal Planner Watkins:

- Watkins advised Spring Shores Subdivision No. 1, located between Cherry Ln and Ustick Rd, east of Meriwether Subdivision, within an RS-8.5 (Single Family Residential 8,500 sq ft minimum lot size), proposed 93 single family lots and 6 common lots on 30.17 acres for the development.
- The subject property was bordered on the north and south by Canyon County residential properties, and on the east and west by City of Nampa RS zoned properties.
- The Annexation and zoning of the property occurred in May of 2006, and the Development Agreement was recorded in June of 2006.
- The Preliminary Plat was revised to meet current standards, and approved in October of 2019.
- The proposed subdivision, added Watkins, conforms to the approved Preliminary Plat layout and the applicable Subdivision and Zoning standards for Nampa.

- According to Watkins, staff feels it would be appropriate for the Commission to recommend approval of the Final Plat for Spring Shores Subdivision No. 1 to City Council, subject to the recommended conditions of approval.

Kirkman motioned and Kehoe seconded to recommend to City Council approval of the Final Plat for Spring Shores Subdivision No. 1, east of Meriwether Subdivision, between Cherry Ln and Ustick Rd for 93 buildable single family lots and 6 common lots, on 30.17 acres, for Heartland Townhomes Property Management, 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 Spring Shores Subdivision;**
2. **Correct Note 6 to read Lot 25, Block 4;**
3. **The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat;**
4. **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;**
5. **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;**
6. **Developer shall provide documentation of plan review/approval from Pioneer Irrigation District prior to construction drawing approval. Provide copies of required executed license agreement(s), if any, prior to City Engineer signature of the plat;**
7. **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 with all in favor.

Madam Chair Sellman proceeded to the Public Hearing items on the Agenda at 7:00 p.m.

Zoning Map Amendment from RS-PUD (Single Family Residential Planned Unit Development) to RS-6 (Single Family Residential 6,000 sq. ft.) at 1400 W Roosevelt Ave. (Lots 1, 2 and 3 Block 1 and a portion of the vacated S. Boundary St. per the Plat of Town and Country Estates First Subdivision as filed in Book 8 of Plats at Page 24, records of Canyon County, Idaho located in the SW 1/4 of the NE 1/4 of Section 29, Township 3 North, Range 2 West, Boise Meridian, Nampa, Canyon County, Idaho) for Katie Deal (ZMA-00121-2020). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Principal Planner Watkins.

- Watkins stated the applicants were requesting a recommendation to City Council for approval of the Zoning Map Amendment from RS-6 PUD, to RS-6, to facilitate the Commission’s previous approval of a single family residential attached townhome development, known as Meadowlark Place.
- According to Watkins, the subject property was currently located within Nampa City limits and zoned RS-6 PUD and was surrounded on all sides by RS-6 zoned properties.
- The subject property was annexed into the City in 1999. The Planned Unit Development overlay was emplaced, and the Preliminary Plat based on the PUD concept was approved in November of 2006.
- The PUD Code states if the applicant fails to apply for planning approval of development plans within two years of when the PUD concept plan was approved then those plans expire.
- The removal of the RS-6 PUD became a condition of approval for the C-U-P and the Preliminary Plat.
- The applicants were now requesting the rezone of the subject property from RS-6 PUD to RS-6 in order to allow the applicants to move forward with the Preliminary Plat.
- The Rezone to RS-6 conforms to the adopted Comprehensive Plan designation of Low Density Residential.

- The Conditional Use Permit and the Preliminary Plat, reported Watkins, were approved April 28, 2020 and at that time the Planning Commission set forth the conditions for improvements to the property and removed the need for the Planned Unit Development proposed in November of 2006, which has since expired.
- Watkins reviewed the Staff Report and recommended conditions of approval to allow the development of the 12 two-unit single family residential attached townhome lots (total of 24 single family dwellings).

Katie Deal of 15777 Quartz Ln, Wilder – the applicant:

- Ms Deal advised they were requesting the Rezone in order to proceed with the Preliminary Plat for Meadowlark Place Subdivision.

Madam Chair Sellman proceeded to public testimony.

Maryann Montgomery of 1624 W Streamside Ave, Nampa:

- **Madam Chair Sellman** stated **Ms Montgomery of 1624 W Streamside Ave**, had submitted a comment stating they were opposed the Rezone and subsequent duplexes, as they would devalue the neighboring properties, as well as concerns with traffic.
- **Kehoe** inquired when the Rezone application would go to City Council and **Watkins** replied it would go to City Council in approximately one month - on July 6th.
- **Kirkman** motioned and **Miller** seconded to close public hearing. Motion carried with all in favor.

Garner motioned and **Hutchings** seconded to recommend to City Council the Zoning Map Amendment from RS-PUD to RS-6 at 1400 W Roosevelt Ave, for **Katie Deal**, subject to:

1. An email dated May 5, 2020, authored by Neil Jones, Nampa Building Department, stating that all development and construction on this property shall be subject to the requirements of Title 4 – Building Regulations of Nampa City Code;
2. May 6, 2020 memo, authored by Peter Nielsen, Nampa City Engineering Division, referencing the comments made in a March 13, 2020, memorandum from the Nampa City Engineering Division, authored by Caleb LaClair that indicates:

Engineering Conditions of Approval:

- 1) Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development.
- 2) Frontage road improvements shall be provided in accordance with Nampa City Code Section 9-3-1 at the time of property development.
- 3) 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 and prior to connection to City services.
- 4) Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development, 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.
- 5) Utilities shall be constructed to and through the site at the time of property development, and at the sole expense of the Developer.
- 6) Utility services shall be provided and connected to the existing house and all applicable utility hook-up fees paid at the time of property development.
- 7) Developer shall obtain license agreement from Nampa & Meridian Irrigation District for any discharge to the Wilson Drain.
- 8) Developer shall either construct sidewalk along the W Roosevelt Ave frontage in accordance with Nampa City Code Section 9-3-1 at the time of property development, or coordinate an alternative means of compliance as described in the memorandum from the Nampa Engineering Division date March 13, 2020.

Motion carried with all in favor.

Modification of Development Agreement -Ordinance No. 3884, from a 48-unit senior housing development to a 22-lot duplex Roosevelt Village Subdivision, at 1910 W Roosevelt (a 6.2 acre portion of the SE ¼ of the

NW ¼ of Section 29, T3N, R2W, BM) for Blake Wolf, Wolf Building Co. (DAMO-00036-2020). ACTION ITEM

Madam Chair Sellman proceeded to public hearing.

Blake Wolf of 843 W Horizon Way, Nampa – the applicant:

- Mr Wolf stated he purchased the approximately 6 acre parcel earlier this year and advised the property had previously been zoned to RP. The previous owners had proposed a senior housing project for 48 units.
- Mr Wolf noted there was also a Development Agreement attached to the property, and that agreement had to be modified in order to go forward with his plan for a duplex project with 2 car garages for every unit.
- There would be 22 lots, done in two phases, added Mr Wolf. According to Mr Wolf, he anticipated the project would be built out in approximately a year from now.
- Mr Wolf emphasized the proposed density of 22 duplex lots on the total 6.2 acres would in fact be less than the 48 unit senior housing development previously approved for only one half of the 6.2 acre property.
- Mr Wolf added his proposed development would also be substantially less than the RP zoning would allow.
- **Kehoe** noted the draft layout indicated two entrances out on to Roosevelt Ave and **Mr Wolf** stated that was correct, it would be almost a horseshoe shaped street, a City street, with curb, gutter and sidewalks on both sides.
- **Kehoe** stated Lots 10 through 17 backed up to a very steep canal embankment and questioned if Mr Wolf would be fencing off that embankment.
- **Mr Wolf** responded it was his understanding that fencing along the embankment would be required, but advised he would be fencing the embankment even if not required.

Principal Planner Watkins:

- The subject 6.2 acre property, advised Watkins, was located on the north side of W Roosevelt Ave, between S Midland Blvd and S Middleton Rd, within an RP (Residential Professional) zoning district.
- The proposed Modification of Development Agreement would replace Development Agreement Ordinance 3884, recorded in October 2009, and would also replace the original concept for a Senior Living development with a 22 lot duplex subdivision.
- The subject property, added Watkins, was surrounded by City of Nampa RS-6 zoned property.
- The RP zone, continued Watkins allows duplexes and townhomes without any other entitlements, however, a Development Agreement already exists on the property for a different layout and needs to be modified for the proposed project.
- The subject property was within a Medium Density Residential Comprehensive Plan designation, with the allowable density of 2 ½ to 8 units per acre, and the proposed development would be 7.8 units per acre.
- In September of 2008 the property was annexed and zoned RP with a Development Agreement for a Business Park. In October of 2009 a Development Agreement Modification was approved for a Senior Living development on the 3.17 acre parcel, and reserved space for future development on the adjacent 2.49 acre parcel.
- According to Watkins, the Subdivision Preliminary Plat would come before the Commission in the future.
- Watkins indicated proposed building elevations for the duplexes submitted by the applicant.
- The Nampa Parks Department had recommended a 10 ft sidewalk along the north edge of W Roosevelt Ave.
- A comment had been received from **Maryann Montgomery of 1624 W Streamside Ave**, in opposition to the requested Modification of Development Agreement, stating: Opposition to the duplexes, will devalue neighboring properties. Concerns with traffic.
- Watkins reviewed the Staff Report and recommended conditions of approval.

Madam Chair Sellman proceeded to public testimony.

- **Kehoe** noted a letter, included in the Staff Report for public hearing No. 3, was actually for the 1910 W Roosevelt project. The letter was from Laurel and Robert Buxton, dated May 20, 2020, no address given, stating they were strongly opposed to the project due to increased traffic across from a skate park and elementary school, and a decrease in property values.
- Kehoe read the letter from Laurel and Robert Buxton.
- According to Kehoe the proposed project was within ¼ mile of his home and he did not oppose it.

Kehoe motioned and Miller seconded to close public hearing. Motion carried with all in favor.

- **Miller** noted each duplex could potentially be purchased by individual owners and then rented out.

Madam Chair Sellman reopened the public hearing.

- **Blake Wolf** reiterated it would be a duplex subdivision. There would be 2 living units per lot and it would not be possible to just sell off one side of the duplex. Although an owner could live in one side and rent out the other side, or both sides could be rented.
- According to Mr Wolf, the infill developments help a lot with traffic, because the Impact Fees would go to the City to eventually widen the roads.
- Mr Wolf noted they would also be providing a sidewalk, which was essential in the school zone.
- According to Mr Wolf the RP zoning district would allow for more units than he was proposing.
- Mr Wolf noted the existing Development Agreement for the Senior Housing project was only on the 3.17 acre site and additional senior housing could then have been constructed on the remaining 2.49 acres.
- Mr Wolf reiterated his proposed 22 duplexes would encompass the entire 6.2 acre parcel and would therefore, comprise less density than the original Senior Housing project.
- **Garner** inquired if the proposed building elevations were accurate and **Mr Wolf** replied the structure would be pretty simple, but would have 2 car garages, with several different roof lines, and the siding and paint colors would be mixed to make each one look unique, along with some stone.
- **Mr Wolf** added the duplexes would comprise 3 bedrooms, 2 baths, with 2 car garages, approximately 2,600 sq ft in size for the total duplex.
- **Kirkman** inquired if there would be another crosswalk between the two existing crosswalks across Roosevelt Ave to handle the number of children crossing Roosevelt Ave.
- **Kehoe** noted there was a Hawk signal at the 1400 block of W Roosevelt as well as the crossing at Roosevelt School.

Kehoe motioned and Miller seconded to close public hearing. Motion carried with all in favor.

Kirkman motioned and Miller seconded to recommend to City Council Modification of Development Agreement, Ordinance No. 3884, from a 48 unit senior housing development to a 22 lot duplex – Roosevelt Village Subdivision at 1910 W Roosevelt, on an RP zoned 6.2 acre parcel, for Wolf Building Co, subject to:

1. **Provide a new Development Agreement document, to include RECITALS, CONDITIONS and EXHIBITS:**
 - a) **Legal description,**
 - b) **Intent for development layout, density, etc.**
 - c) **Elevations residential structures;**
2. **Work with Parks & Engineering on sidewalk/sidepath size & location;**
3. **Comply with all City department/division or outside agency requirements pertinent to this matter.**

Motion carried with all in favor.

Annexation and Zoning to RS4 (Single-Family Residential 4,000 sf lot) at 0 & 406 W. Dooley Lane – Parcels 29241 and 29241011 (A 2.76-acre or 120,226 sq. ft. portion of the SW ¼ of the NE ¼ Section 4, T2N, R2W, BM – for a small single-family home development for Mason & Associates Inc. (ANN-00173-2020). ACTION ITEM

Madam Chair Sellman proceeded to public hearing.

William Mason with Mason & Associates, 924 3rd St S, Nampa – the applicant:

- Mr Mason indicated the parcel of land they were requesting Annexation and RS-4 zoning - 2.76 acres in size and surrounded on 3 sides by Dooley Ln and S Canyon St.
- Mr Mason noted the parcel was small, and enclaved, and therefore they were requesting RS-4 zoning.
- According to Mr Mason, they were anticipating between 10 and 12 single family residential lots.

- Mr Mason emphasized the proposed homes would be single family residential homes built to a comparable type of construction, similar to Bayhill Subdivision, with price ranges between \$350,000 to \$420,000 per home.
- The future access, continued Mr Mason, would be from S Canyon St on the north. There would also be an access to the existing farmhouse on W Dooley Ln that would continue.
- Mr Mason noted the project would be very small and a Traffic Impact Study would not be required.
- The intent, added Mr Mason, was to utilize the RS-4 zone, an acceptable zone for an enclaved area with limitations to the site.
- Mr Mason indicated the conceptual layout for the proposed development of the subject property. The average square footage for the proposed lots would be 7,013 sq ft, with some smaller lots and some larger.
- In response to a question from **Madam Chair Sellman, Mr Mason** stated the smallest lot would be 4,605 sq ft.
- There would be a 40 ft of right-of-way dedicated for W Dooley Ln as well as a 25 ft landscape strip along W Dooley Ln, except for the existing farmhouse lot.

Principal Planner Critchfield:

- Critchfield indicated the subject two lots, comprising 2.76 acres.
- The properties to the north, south and west have RS-6 (Single Family Residential – 6000 sq ft minimum lot size) designation. To the east are County residential properties.
- Critchfield noted the subject parcels were enclaved.
- The Comprehensive Plan designation for the area, continued Critchfield, was Medium Density Residential, surrounded by Medium Density Residential to the north, and some commercial to the northeast. To the south the Comprehensive Plan designation was Low Density Residential.
- The proposed zoning was RS-4, allowing a minimum lot size of 4,000 sq ft.
- The subject property was considered an infill development. Critchfield noted City utilities would be available to the site.
- Critchfield noted the Boise Project Board of Control advised there were valid water right irrigation drainage ditches across the property and they must remain unobstructed and protected with an appropriate easement.
- Critchfield indicated the Petition opposing the proposed annexation signed by: Stephen Kren 2823 S Island Dr; Rhonda Kren of 2823 S Island Dr; John Berggren of 2813 S Island Dr; Marilyn Berggren of 2813 S Island Dr; Brian Bartlow of 501 W Bayhill Dr; Linda E Smith of 2923 S Island Dr; William W Deal, III of 435 W Island Ct; Tirana C Deal of 435 W Island Ct; Phyllis McMillin of 2820 S Island Dr; and Larry McMillin of 2820 S Island Dr. There were also letters of opposition from 31 Bayhill property owners: Judith I Rawlings of 549 Bayhill Dr; Kim B Keller of 450 W Island Ct; Alicia R Bell of 427 W Island Ct; Rochelle Martin of 439 W Island Ct, Janice DeGroot of 431 W Island Ct; Bonnie Sumner of 3000 S Island Dr; Bill and Vonda Downs of 556 W Bayhill Dr; Lee Zimmerman of 2802 S Bayhill Ct; Kyler James of 435 W Bayhill Dr; Glen Hogin of 452 Bayhill Dr; Michael Boyer of 516 W Bayhill Dr; Scott Salois of 524 W Bayhill Dr; Donn and Narcedalia Christensen 3011 S Island Dr; Steven K and Angela Bringhurst of 536 W Bayhill Dr; James Richardson of 553 W Bayhill Dr; Nancy Richardson of 553 W Bayhill Dr; Ronald and Mary Jo Lemke of 552 W Bayhill Dr; E P Williams of 560 W Bayhill Dr; Elmo Miller of 562 Bayhill Dr; Dennis Walker of 3016 S Island Dr; Amy Coburn of 420 W Island Ct; Charles DeGroot of 431 W Island Ct; Patricia L Long of 565 W Bayhill Rd; Abbey and Luie Zuvic of 460 W Bayhill Dr; Beverly J Nona of 540 W Bayhill Dr; Karen S Dyer of 2911 S Island Dr; Linda E Smith of 2923 S Island Dr; Scott A Graviet of 3008 S Island Dr; Amy Vitek of 420 W Bayhill Dr; Brittany and Steven Luttrell of 427 W Bayhill Dr; an e-mail from Greg Bullock of Bayhill Subdivision in opposition; and one e-mail from Scott Faris in favor of the application.
- Critchfield noted the correspondence that had come in after the Staff Report had been completed, and an additional contact from Pamela and Tony Rinella of 2804 Pascoe Ln, in opposition to the RS-4 zoning, due to the impact on traffic in the area.
- Critchfield reported the findings on the property to be: the subject property is enclaved and adjoins City limits on its north, south and west property lines; the area can be reasonably assumed to be available for orderly development within the City limits; and, the proposed RS-4 zoning conforms with the City's 2040 Comprehensive Plan Future Land Use Map, for Medium Density Residential land use and is reasonably compatible with the adjacent RS-6 zoning district; the maximum allowable net density for the proposed project would be 10.89 dwelling units per acre; and, the property owner requested annexation and RS-4 zoning for a single family residential subdivision.

- Critchfield reviewed the Staff Report and recommended conditions of approval. Critchfield noted the two additional conditions of approval recommended by staff: 1) The requirements of the Boise Project Board of Control for the irrigation ditches; and any other conditions the Planning Commission wishes to impose.
- **Kehoe** inquired the average lot size in the Bayhill Subdivision and **Critchfield** replied approximately 1/3 to 1/2 an acre. **Kehoe** questioned the subdivision to the south which appeared to have smaller lots. **Critchfield** replied they were in the 7,000 sq ft range.
- **Garner** noted the letter from former Mayor Bob Henry, stating the lot sizes in Bayhill Subdivision range from 15,000 to 36,000 sq ft in size.

Madam Chair Sellman proceeded to public testimony.

Tirana and Bill Deal of 435 W Island Ct, Nampa:

- Mr Deal stated they were not opposed to the development of the subject property, however, they were very concerned about the lot sizes and the impact on the traffic flow. Mr Deal considered the lot sizes should be comparable to the Bayhill Subdivision lots, or a minimum of 6,000 to 7,000 sq ft lots.

• **Patti Zimmerman of 2802 S Bayhill Ct, Nampa:**

Ms Zimmerman stated she was opposed to the size of the proposed lots.

Ms Zimmerman noted the applicant had stated the construction type for the proposed project would be similar to the construction type in Bayhill Subdivision.

- According to Ms Zimmerman she was also concerned about the traffic because the original information they received indicated there could be up to 30 homes on the site.
- Ms Zimmerman questioned what the improvements would be on the Canyon St side of the subject property and questioned if the ingress and egress would be on to S Canyon St.

Christine Gravier of 3008 S Island Dr, Nampa:

- Ms Gravier concurred with the previous speakers regarding the proposed R-4 lot size and the increased traffic on W Dooley Ln.
- Ms Gravier considered the lots in the proposed development should be comparable to the lot sizes in Bayhill Subdivision, and 1/3 to 1/2 an acre.

Donn Christiansen of 3011 S Island Dr, Nampa:

- Mr Christiansen questioned where the RS-4 density information was located on the City's website.
- Mr Christensen inquired what the advantage would be to an RS-4 designation in place of an RS-6 designation.
- Mr Christensen referred to the Engineering Division Memo in the Staff Report regarding the 40 ft from section line right of way dedication.
- Would there be any requirements for the S Canyon St side of the subject property, inquired Mr Christensen, to increase the right-of-way.
- Mr Mason does not have control of the property, continued Mr Christensen, based on the information in the packet, and was the application speculative. Mr Christensen questioned if all the required information was submitted with the application, based on the fact the boxes were not checked on the front page of the application. There was nothing from the property owner stating they wanted the Annexation and RS-4 zoning.
- Mr Christensen inquired as to why the RS-4 zoning was requested rather than RS-6, and considered the RS-4 could be considered spot zoning, and suggested the adjacent property to the east could also request development under the RS-4 zoning.
- According to Mr Christensen there would be a lot of traffic funneled into W Dooley Ln between the proposed development and 12th Ave Rd.
- Mr Christensen inquired if there were plans by the City to install a traffic light at 12th Ave Rd and Dooley Ln.
- Mr Christensen noted only a conceptual drawing had been submitted, and the final development could be something totally different.
- The surface water off S Canyon St, added Mr Christensen runs through Bayhill Subdivision infrastructure, and the property owners want assurance that none of the surface water from the subject property would be coming into the Bayhill facility.

Rochelle Martin of 439 W Island Ct, Nampa:

- Ms Martin submitted comments at 9:44 a.m. May 26th, stating she was opposed to the RS-4 zoning and will fight it the whole way. RS-4 will affect the whole street and all the neighborhoods negatively.
- There is ample land in Nampa without RS-4 zoning and high density housing. Nampa doesn't want that.
- Ms Martin also called in and added the comment that the proposed development had no common area and would back up to the Bayhill Subdivision that has a lot of common area, and all of the children in the proposed development would come to Bayhill Subdivision, and Bayhill should probably put a wall around Bayhill Subdivision, just to keep out the proposed subdivision.
- Ms Martin also noted the traffic at 12th Ave Rd and Dooley Ln and considered a traffic light would be necessary.
- The proposed lots, added Ms Martin, should be the same size as the Bayhill Subdivision lots, 1/3 to 1/2 acre.

Dr Richard Martin of 439 W Island Ct, Nampa:

- Dr Martin considered any change in the zoning for the area should be commensurate with the surrounding housing, requiring lots at least 7,000 sq ft up to one third of an acre.
- The proposed development would be significantly disparate from all the surrounding homes and significantly impact property values of the surrounding neighborhood.
- The profit of a developer should not supersede the people who purchased in the neighborhood with the current zoning standards in place.

Amy Vitek of 420 W Bayhill Dr, Nampa:

- Ms Vitek concurred with the previous speakers.
- According to Ms Vitek, if there was no limitation required in the RS-4 zoning district, there could be 30 houses on the subject property.
- Ms Vitek also voiced concern regarding the traffic on W Dooley Ln, and the intersection of W Dooley Ln and 12th Ave Rd.

Darren and Amy Coburn of 420 W Island Ct, Nampa:

- Mr Coburn stated they were hoping the Commission would consider requesting the developer to maintain the RS-6 zoning.
- According to Mr Coburn, their house faces the subject property and questioned what improvements would take place on S Canyon St.
- Mr Coburn suggested the subject property should have lot sizes between those in Wycliff Estates and those in Bayhill Subdivision, in order to be more in line with the surrounding area.

Donn Christensen:

- Mr Christensen noted the north end of S Canyon St was a dead end and inquired if S Canyon St would be opened up all the way through.

Mr Mason:

- **Madam Chair Sellman** inquired if there would be any improvements on S Canyon St, along the north side of the subject property.
- **Mr Mason** referred to the Nampa City Code, noting the Impact Fees would pay for widening if widening was required on S Canyon St.
- The developers would put in the sidewalk on N Canyon St, but no curb and gutter, to allow for widening when appropriate.
- Mr Mason advised the smallest lot would be 4,600 sq ft, and the next smallest would be 5,200, making a total of three lots under 7,000 sq ft.
- Mr Mason added that he did have the developer present with him.
- Mr Mason discussed the differences between RS-6 and RS-4 regarding lot compatibility and setbacks, as well as the fact the subject property was a small enclaved area.
- **Kean McHaddad, of 2101 S Plateau Dr, Nampa, stated he was the owner of the subject property and confirmed he was applying for the Annexation and RS-4 zoning, and noted he had signed the Affidavit of Legal Interest as owner of the property.**
- **Mr Mason** noted the Nampa Planning and Zoning Commission would also review the future Preliminary

Plat as a public hearing item.

City Engineer Badger:

- In response to a question from **Madam Chair Sellman, Badger** stated the proposed development would not cause the extension to the north of S Canyon St. Ultimately, continued Badger, the City does want to see S Canyon St extended all the way across the lateral and at some time in the future that would be done.
- On S Canyon St, adjacent the proposed development, reported Badger, the developer would provide curb, gutter and sidewalk. On Dooley Ln, added Badger, the developer would only provide sidewalk.
- According to Badger, the State recently added to the Transportation Improvement Plan, the intersection of Locust Ln and 12th Ave Rd, and also have been in discussions with the State regarding Dooley Ln and 12th Ave Rd, however, that was not in their plans at the present time.
- Badger stated the number of homes proposed for the development was not significant enough to change the level of service at the intersection of 12th Ave Rd and Dooley Ln.
- In response to a question from **Madam Chair Sellman, Critchfield** advised all the required documentation had been received, including the Affidavit of Legal Interest signed by the property owner, and the Warranty Deed indicating Kean McHaddad as the owner of the property.

Mr McHaddad

- According to Mr McHaddad, the goal was not to build a monstrosity and make money and run away. The goal was to build something that actually adds to the value of surrounding homes and properties. Not to build something completely different, but to build something that would mimic the neighboring properties.
- Mr McHaddad advised his goal was to build no more than 10 to 12 homes on the subject property.
- **Kirkman** brought up the fact that the Ordinance incorporating the RS-4 zoning designation was fairly recent, in early 2019.
- **Planning Director Ashby** discussed aspects of the RS-4 zoning allowances and requirements.
- **Garner** stated the Zoning Ordinance RS-4 information was currently shown on the City Website.
- **Critchfield** noted Ordinance 4428, April 2019 initiated the RS-4 zoning district.
- **Badger** reported the RS-4 zoning district was exempt from the lot averaging requirement. The setbacks, continued Badger, would be the same as the RS-6 zoning district: 20 – front; 5 – each side; and, 5 – rear.
- **Badger** advised that any modification of required setbacks would be submitted at the time of Preliminary Plat, which would go before the Planning Commission as a public hearing item.
- **Ashby** read from the Ordinance regarding exceptions allowed to the open space requirements in the RS-4 district.

Kehoe motioned and Kirkman seconded to close public hearing. Motion carried with all in favor.

- **Kehoe** stated he would prefer to see the RS-6 zoning district on the subject property in place of the RS-4.
- **Ashby** noted the question regarding spot zoning had previously been brought up regarding the RS-4 zoning district for the subject property.
- According to Ashby, spot zoning would only be indicated if the proposed zoning did not match the Comprehensive Plan Future Land Use Map and was inconsistent with the zoning around it.
- Ashby advised the RS-4 designation did match the Comprehensive Plan.
- **Garner** concurred with Kehoe and considered the RS-4 was not compatible with the surrounding properties.
- **Kirkman** agreed the size of the subject property was too small for an RS-4 zoning designation and should proceed with the RS-6 zone, and would then be compatible with the surrounding areas.
- Discussion continued regarding the RS-4 zone and RS-6 zone.

Kirkman motioned and Kehoe seconded to recommend to City Council to deny the requested RS-4 zoning and recommend instead Annexation and zoning to RS-6 for 406 and 0 W Dooley Ln, for Mason and Associates, subject to:

1. **Dedicate the following public street right-of-way:**
 - a. **40' wide right-of-way from Section Line along W Dooley Ln; and,**
 - b. **Small corner piece at the partial radius at the northwest corner of parcel 29241011.**

2. 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.
3. 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.
4. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment and shall comply with all requirements and conditions of City departments and public agencies.
5. Property possesses a valid water right – irrigation/drainages ditches that cross property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement. Storm drainage and/or street runoff must be retained on site.

Motion carried with all in favor.

Public Hearing No. 4:

Conditional Use Permit for a Professional Office in an historic building in the RML Zoning District at 815 11th Ave S (All of Lot 7 and the NE 30' of Lot 9, Block 24, Waterhouse Addition, Also a 11,200 Sq. Ft. portion of the NW ¼ of Section 27, T3N, R2W, BM) for Chris and Tammie Casteel. (CUP 180-20). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Chris Casteel of 22318 Blessinger Rd, Star – the applicant:

- Mr Casteel explained the current owner of the subject property obtained a Conditional Use Permit to operate the historically significant property as a professional office in 2009.
- Mr Casteel stated they were buying the property as well as the business and wish to conduct the business same as the current owner, with no changes at all.
- **Madam Chair Sellman** noted the original 2009 Conditional Use Permit could not be transferred to the new owners, therefore, the Casteels were required to apply for a new Conditional Use Permit for an office for a home health care agency.

Planning Director Ashby:

- Ashby indicated the location of the subject property at 815 11th Ave S.
- Because the building had been designated as historically significant, the applicants were allowed to have some exceptions to the land uses for that zoning.
- The subject property was located within the High Density Residential district in the Comprehensive Plan Future Land Use Map, and within the RML (Limited Multiple Family Residential) zoning district.
- Ashby noted there were single family homes in the immediate area, to the southeast there are duplexes, to the east are commercial uses, including the Albertsons Supermarket, and commercial retail along 12th Ave S.
- The parcel comprises approximately 11,000 sq ft. City utilities are available to the property. Access would be through the alley and off 11th Ave S.
- Ashby reviewed the Staff Report and noted the conditions in the Conditional Use Permit would remain the same. The sign would reflect the new name of the business but everything else would stay the same.
- **Madam Chair Sellman** inquired if there were any complaints regarding the previous owners and **Ashby** stated no complaints had been found.
- **Kirkman** inquired if the applicants were aware of the staff conditions of approval, and noted the operating hours would be limited from 7:00 a.m. to 7:00 p.m. Monday through Saturday.
- **Mr Casteel** stated he was aware of and agree to all of the conditions.

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

Kehoe motioned and Garner seconded to approve the Conditional Use Application for a Professional Office in an historic building in the RML zoning district at 815 11th Ave S for Chris and Tammie Casteel, subject to:

Generally:

1. Developer(s) shall comply with all applicable City Codes and obtain appropriate permits.

Specifically:

- 1. Issued for Chris & Tammie Casteel for the duration of their ownership of the property and the duration of the operation of a professional office at this location for an in-home care business. No other building use shall be allowed.**
- 2. Signage for the business shall not exceed 2 sq. ft. in size.**
- 3. Off-street parking shall be contained on the site off the alley and shall not encroach into the public right-of-way or onto neighboring properties and shall be provided for in the number required and designed in accordance with the provisions of the Nampa Zoning Ordinance.**
- 4. Lighting for the off-street parking area shall be placed no higher than 10 feet and shall shine toward the house with timed sensor lights.**
- 5. Business shall not be conducted outside the hours of 7:00 am – 7:00 pm Monday thru Saturday.**
- 6. As according to Code, any renovation or restoration of the property will be completed according to the Secretary of Interior's Standards for Historic Preservation.**

Motion carried with all in favor.

Meeting adjourned at 9:10 p.m.

Rodney A Ashby, Planning Director _____

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