

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, JUNE 9, 2020, 6:30 P.M.

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

Tom Turner
Ron Van Auken, Jr
Rodney Ashby – Planning Director
Kristi Watkins – Principal Planner
Doug Critchfield – Principal Planner
Daniel Badger – City Engineer

Absent: Matthew Garner

Madam Chair Sellman called the meeting to order at 6:45 p.m.

Approval of Minutes: Miller motioned and Hutchings seconded to approve the Minutes of the May 26th Planning and Zoning Commission meeting. Motion carried with all in favor.

Report on Council Actions. Planning Director Ashby reported on the North Nampa Industrial zoning and advised the City Council had previously decided to recommend a Development Agreement that would provide a landscape berm and buffer around the Northside Estates Subdivision, a County subdivision at Ustick Rd and Northside Blvd, as well as a list of land uses that would be appropriate within 300 ft of Northside Estates. The Development Agreement has been forwarded to all of the property owners involved in the Industrial rezones and to date 5 responses have been received.

There were no Business Items on the Agenda.

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

Public Hearing No. 1:

Annexation and Zoning to RS7, and Subdivision Plat Preliminary Approval for Herron Ridge Subdivision at 0 W Greenhurst Rd (A part of Government Lot 3 and & 5 of the NW ¼ of Section 5, T2N, R2W, BM, Nampa, Canyon County, Idaho - 121 Single Family Residential Lots on 39.29 acres for average of 3.08 dwelling units/gross acre) for Schultz Development, Matt Schultz (ANN-00172-2020 and SPP-00055-2020). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Matt Schultz of 8421 S Ten Mile Rd, Meridian – the applicant:

- Mr Schultz stated he was representing Don Brandt for a property Mr Brandt has owned since the 1970s, located on the southeast corner of W Greenhurst and S Middleton Rd.
- According to Mr Schultz there would be a small builder team of three or four builders.
- The RS-7 zoning designation had been requested for the property, with a proposed mix of 60 ft wide and mostly 70 ft wide lots, 110 to 120 ft deep.

- Twenty percent of the lots are under 7,000 sq ft in size and 36 percent over 9,000 sq ft, and the rest in between.
- The RS-7 zoning would conform to the Comprehensive Plan and fit in with surrounding RS-6 zoning to the east, and RS-7 to the north, across W Greenhurst Rd.
- There would be two ingress egress points, one on to W Greenhurst Rd and one on to S Middleton Rd and an emergency access to the east.
- The Traffic Impact Study, continued Mr Schultz, had been reviewed and approved by the City, and would require a turn lane for the entrance.
- Mr Schultz advised they had read the Staff Report and agreed with all the Conditions of Approval.
- **Kirkman** inquired about the parcel on the northeast side of the subject property.
- **Mr Schultz** replied the property in the northeast corner was owned by Mr Steve Kren and was not a part of the proposed Herron Ridge Development. Mr Schultz stated Mr Kren had been advised there would be single story homes adjacent, to the south of his home.

Principal Planner Watkins:

- Watkins indicated the location of the subject property, at the southeast corner of W Greenhurst Rd and S Middleton Rd.
- The applicant had requested Annexation and RS-7 zoning, and the Preliminary Plat approval for Herron Ridge Subdivision on the subject property.
- The property was currently outside the City limits but contiguous to the City limits on the north and east sides, with Canyon County residential properties on the south and west.
- The uses in the area are single family residential in the City and County, and the Red Hawk Gold Course to the northwest.
- The subject property was eligible for annexation, being adjacent to the Nampa City limits, and the proposed zoning and development plan conforms to the guidelines set forth in the Nampa Comprehensive Plan.
- The Nampa Comprehensive Plan Land Use designation indicated Medium Density Residential for the area which calls for development of 2 ½ to 8 units per acre. The proposed project indicates 3.08 dwelling units per acre, with single family detached homes proposed.
- Watkins indicated an e-mail from Lois Troyer dated June 2, 2020 with questions and comments for the Planning Commission and applicant.
- The Preliminary Plat proposes 120 buildable lots and 12 common lots on 39.29 acres, with access off W Greenhurst Rd, and emergency access through common Lots 18 connecting to S Middleton Rd and Lot 80 connecting to Summit Ridge Subdivision.
- RS-7 zoning, continued Watkins, requires all standard building lots meet or exceed 7,000 sq ft in area. The smallest proposed infill lot for Herron Ridge Subdivision is 6,325 sq ft, and the smallest standard lot would be 7,012 sq ft. The project has been designed with a total of 133 lots, to include 6 common area lots, 6 access lots, 24 infill lots and 97 standard size buildable lots. The average lot size is calculated at 8,687 sq ft.
- Lot compatibility does not apply for the proposed development, stated Watkins, because the surrounding lots are either City platted lots or large un-platted County lots that are still available for possible future development.
- The Engineering Division will require dedication of right-of-way on both S Middleton Rd and W Greenhurst Road.
- The landscape plan has been approved by City staff. A 10 ft sidewalk will be required on the frontage of S Middleton Blvd and W Greenhurst Rd.
- The property is located within the Nampa School District boundaries, but is not within walking distance for Lakeridge Elementary, South Middle School or Skyview High School.
- Watkins indicated the comments received from Agency and City departments.
- A letter has been received from the Boise Project Board of Control after the Staff Report had been sent out, regarding the easements around the Thacker Lateral. That letter was forwarded to the applicant and they indicated they are already working with the Boise Project to review the plans.
- Watkins reviewed the Staff Report and recommended conditions of approval.
- **Kehoe** inquired about the park shown on the plat. Watkins noted the playground equipment would be placed in the common lot at the center of the proposed development.

Matt Schultz:

- Mr Schultz stated the park area with playground equipment was already bid out and planned out and the picture in the staff report would be the actual playground structure proposed for the common area.
- In response to a question from Kehoe, Mr Schultz stated they would have benches around the playground/common area and a trash can.

Madam Chair Sellman proceeded to public testimony.

No public comment forthcoming.

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

Miller motioned and **Van Auker, Jr** seconded to recommend to City Council Annexation and RS-7 zoning for 39.29 acres located at 0 W Greenhurst Rd, at the southeast corner of W Greenhurst Rd and S Middleton Rd, for Schultz Development, 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;
2. Address comments provided by the Nampa Fire Department in their memo;
3. Dedicate the following public right-of-way prior to finalizing annexation:
 - a. W. Greenhurst Road – 50' from the Section Line.
 - b. S. Middleton Road – 40' from Section Line to accommodate possible conversion to Collector Road due to being at Section Line; 25' chamfer at intersection.
4. Frontage road improvements along W. Greenhurst Road and S. Middleton Road shall be constructed in accordance with Nampa City Code Section 9-3-1.
5. Developer shall address the following mitigation measures identified in the approved Traffic Impact Study at the time of property development:
 - a. Westbound left-turn lane at W Greenhurst Rd and S Herron Dr.
6. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of individual property development/redevelopment and prior to connection to City services.
7. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of individual 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 head gate report for any surface water delivery prior to Final Plat submittal.
8. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City's Master Plans:
 - a. 12" water main and pressure irrigation main in W. Greenhurst Road and S. Middleton Road.
9. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.
10. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal. (satisfied per revised plat, May 21, 2020)
11. 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; and,
12. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.

Motion carried with all Commission members in favor.

Miller motioned and **Van Auker, Jr** seconded to approve the Preliminary Plat for Herron Ridge Subdivision, located on 39.29 acres located at 0 W Greenhurst Rd, at the southeast corner of W Greenhurst Rd and S Middleton Rd, for Schultz Development, 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;
2. Address comments provided by the Nampa Fire Department in their memo;
3. Dedicate the following public right-of-way prior to finalizing annexation:
 - a. W. Greenhurst Road – 50' from the Section Line.
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4. Frontage road improvements along W. Greenhurst Road and S. Middleton Road shall be constructed in accordance with Nampa City Code Section 9-3-1.
5. Developer shall address the following mitigation measures identified in the approved Traffic Impact Study at the time of property development:
 - a. Westbound left-turn lane at W Greenhurst Rd and S Herron Dr.
6. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of individual property development/redevelopment and prior to connection to City services.
7. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of individual 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 head gate report for any surface water delivery prior to Final Plat submittal.
8. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City's Master Plans:
 - a. 12" water main and pressure irrigation main in W. Greenhurst Road and S. Middleton Road.
9. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.
10. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal. (satisfied per revised plat, May 21, 2020)
11. 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 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;
12. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.

Motion carried with all Commission members in favor.

Public Hearing No. 2:

Annexation and Zoning to RD for fourplex multi-family development at 2000 S. Midland Blvd (lots 6 and 7 of Home Acres Subdivision No. 6, located in the SE ¼ of Section 33, T3N, R2W, BM, Nampa, Canyon County, Idaho) for Kurt Smith (ANN-00174-2020). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Kurt Smith of 2507 Southside Blvd, Melba – the applicant:

- Mr Smith noted the property location at the southwest corner of W Maryland and S Midland Blvd.
- The property is currently in Canyon County and zoned R-1, Single Family Residential, added Mr Smith.
- RD zoning and approval for eight four-plex units on the development has been requested.
- The Comprehensive Plan, continued Mr Smith, indicated Medium Density Residential, and the proposed four-plex development would be in compliance.
- To the north, will be an RS-4 zoned development, and to the west are developments zoned RS-6 and RS-7.
- The properties to the south and east are still under Canyon County jurisdiction.

- Mr Smith advised he had reviewed the Staff Report and recommended conditions of approval and had no concerns with complying with those requirements.

Planning Director Ashby:

- Ashby advised the applicants were requesting Annexation and RD zoning for a four-plex multi-family development at 2000 S Midland Blvd.
- According to Ashby, the proposed zoning and development would be in compliance with the Nampa Comprehensive Plan Future Land Use Map.
- The proposal is for eight four-plex buildings, totaling 32 dwelling units on a 3.36 acre parcel.
- Ashby indicated the surrounding land uses and zoning, and an aerial view of the area.
- Utilities are available to the site from S Midland Blvd, and access to the development would be from W Maryland Ave, and the details for access would need to be coordinated with the Nampa Engineering Division at the time of development.
- Ashby reviewed the comments received from agencies and departments regarding the Annexation and RD zoning request.
- The Nampa Engineering Division, continued Ashby, will require a Dedication of Right-Of-Way for both S Midland Blvd and W Maryland Ave, with a 25 ft chamfer at the intersection of S Midland Blvd and W Maryland Ave.
- Ashby reviewed the Staff Report and recommended conditions of approval.
- Ashby advised the proposed Annexation and RD zoning would be compliant with the Nampa Comprehensive Plan, the Nampa Zoning standards, and would seem to be a good fit in the area.
- Kirkman inquired if a roundabout was proposed for the W Greenhurst Rd and S Midland Blvd intersection.
- City Engineer Badger replied there was a plan for a roundabout at that intersection, however, it was not currently under design, and that location would be further in the future.
- Miller inquired if the subject location would be an area that would require ten (10) ft sidewalks on S Midland Blvd, and noted that had been required for the proposed development on the north side of W Maryland Ave.
- Badger stated that was not listed in the Conditions of Approval, however that issue would be reviewed in relation to the Master Plan, and if needed it would become a requirement of development.
- Ashby reported the proposed development across the street on the north side of W Maryland Ave will be required to place a ten (10) ft sidewalk on S Midland Blvd adjacent their development.

Madam Chair Sellman proceeded to public testimony.
No public comment forthcoming.

Miller motioned and Hutchings seconded to close public hearing. Motion carried with all Commission members in favor.

Kirkman motioned and Kehoe seconded to recommend to City Council Annexation and RD zoning for a four-plex multi-family development on 3.36 acres to be located at 2000 S Midland Blvd, at the southeast corner of W Maryland Ave and S Midland Blvd, for Kurt Smith, subject to:

1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
2. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
3. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4).
4. The following public street right-of-way shall be dedicated to the city:
 - a. S Midland Blvd – 50’ total from Section Line.
 - b. W Maryland Ave – 28’ total from Section Line.
 - c. Provide 25’ chamfer at the Midland/Maryland intersection.

5. Any on-site 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.
6. 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.
7. Any future development will require frontage improvements to be coordinated with the Engineering Division and in accordance with City Code 9-3-1.
8. Water, sewer, and pressurized irrigation shall be extended eastward in W Maryland Ave to the east property line.
9. Comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
10. Staff to clarify the City's Master Plan regarding requirements for sidewalk or side-path along S Midland Blvd.

Motion carried with all Commission members in favor.

Public Hearing No. 3:

Conditional Use Permit for a duplex or 2-unit townhome in an RS6 Zoning District at 0 7th Ave N (a .22-acre property, also known as Tax ID #18065 in Lots 11 and 12 of NE ½ of Block 17 of the "Robert Noble's Re-Subdivision of Grumbling & Fulmer's Addition to Nampa, and including a portion of the vacated 7th Street North per City of Nampa Vacation ordinance No. 2372 recorded as instrument No. 9402404, and a portion of the vacated Hubbard Ave, per City of Nampa Vacation Ordinance No. 845 recorded as Instrument No. 428380, all within the NE ¼ of Section 22, T3N, R2W, BM) for Gerry or May Vizenor (CUP-00182-2020). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Gerry Vizenor of 624 7th Ave N, Nampa – the applicant:

- Mr Vizenor advised he had requested Conditional Use Permit approval for a duplex to be located on the lot located at the back of his property at 624 7th Ave N. The lot has already been split, added Mr Vizenor.
- According to Mr Vizenor, a Conditional Use Permit was approved for a duplex in March of 2018. However, the Conditional Use Permit expired after 6 months, as they could not proceed with the project at that time due to unforeseen circumstances.
- Mr Vizenor noted they may decide to go with townhomes rather than a duplex.
- Kehoe inquired if Mr Vizenor had seen the condition of approval regarding frontage improvements for 7th Ave N.
- Mr Vizenor reported the adjacent property had previously been a drug house with traffic day and night. However, that problem had been resolved with the offender no longer living there.
- At the present time, continued Mr Vizenor, the traffic was a fraction of what it had previously been.

Principal Planner Critchfield:

- Critchfield noted the subject property was located within a Medium Density Residential designation on the Nampa Comprehensive Plan Future Land Use Map. The property zoning is RS-6 (Single Family Residential – 6000 sq ft minimum lot size), and surrounded by RS-6 zoned property.
- The subject property does not have an address yet, but is a flag lot located behind 624 7th Ave N, comprising .22 acres – 9583 sq ft, with the area - excluding the flag-pole portion of the lot - providing 8050 sq ft.
- The public utilities to serve the site run through the flag-pole portion of the lot and a portion of the flag lot.
- The lot is not located within a floodplain.
- The required parking for two living units would be provided on the east side of the duplex for four additional off-street parking spaces.
- The subject parcel has frontage on to both 7th Ave N and Hubbard Ave, reported Critchfield, with 7th Ave N being paved and Hubbard Ave unpaved. Critchfield indicated pictures of the subject lot and access points on to 7th Ave N and Hubbard Ave.

- Critchfield noted the elevation for the proposed duplex, shown as an Indie-Dwell structure – container units that are turned into living units at the Indie Dwell facility in Caldwell. They are considered the same as a stick built home, with a stem wall foundation and crawl space underneath.
- Critchfield noted the site plan indicating the location of the proposed Indie Dwell duplex units on the lot.
- Critchfield indicated the responses from agencies and City departments, and noted the Building Department requirement that the proposed structure would be subject to the requirements of Title IV, Building Regulations.
- Comments were also received from local area residents, two e-mails and a letter of opposition, all citing concerns regarding traffic, parking issues, children's safety, construction noise and access to Hubbard Ave.
- There were concerns regarding Hubbard Ave not being paved, and access.
- Critchfield reviewed the Staff Report and recommended conditions of approval.
- The lot is large enough to comply with the RS-6 zoning requirement and accommodate a duplex.
- Critchfield stated the location of a duplex on the subject lot would be an appropriate land use and location.
- Kehoe inquired about paving Hubbard Ave. Badger replied that Hubbard Ave was not a street but a named alley strictly for the purpose of addressing because the Phyllis Canal runs where 8th Ave N would be located.
- Alleys, continued Badger, are not generally paved, nor would the City require the alley to be paved. If residents along the alley were desirous of paving the alley, they could discuss that with the City and work through the process, but generally speaking, a Local Improvement District could be worked out, where the City paves the alley and the property owners are assessed a proportionate share of the cost.
- Badger noted paving alleys are often a difficult proposition, especially looking at what is on the alley now, with the proximity of existing buildings to the alley. Once it was paved it may be necessary to adjust the grade of the alley which could be problematic with adjacent garages.

Madam Chair Sellman proceeded to public testimony.

Lucille Wood of 703 7th Ave N, Nampa – opposed:

- Ms Wood stated her opposition to the proposed duplex across from their property.
- According to Ms Wood there were little children up and down the street and if another duplex went in there would be more children. According to Ms Wood their street was a dead-end street with a cul-de-sac on the north end and children ride their bicycles in the cul-de-sac.
- Ms Wood stated a lot of traffic drives into 7th Ave N, realizes it is a dead-end and then turn around to get out.
- Ms Wood reported the cars from across the street always park in front of their house making it difficult for her care providers to park.

Wayne Wood of 703 7th Ave N, Nampa – opposed:

- Mr Wood stated they moved to their current home about 25 or 27 years ago.
- There had been several people move in across the street and there had been some problems,
- The problem at the present time, added Mr Wood, was the number of cars and he didn't think the road could handle any more.
- The application was for a duplex and Mr Wood noted the zoning was for single family homes and considered the duplex could cause a problem with additional traffic congestion on 7th Ave N. The alley (Hubbard Ave) would get jammed up with traffic with the addition of a duplex on the subject property.

Michael Wood of Washington D.C. concurred with his parents' comments.

- Kirkman inquired about the parking, egress, and ingress for the proposed duplex.
- Mr Vizenor replied both the ingress and egress would be from both 7th Ave N and the alley (Hubbard Ave).
- According to Mr Vizenor, the traffic situation was far less than it had been and the 624 7th Ave N property had sufficient parking area for 10 cars and no cars were parked on the street, and they do not go north in front of 703 7th Ave N. The people parking in front of Mr and Mrs Wood's house at 703 7th Ave N, stated Mr Vizenor, have nothing to do with 624 7th Ave N.
- Kehoe indicated the site plan for the future duplex, noting the location of the proposed parking area.

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

- Kirkman considered the proposed duplex was a good use of the land.

Kirkman motioned and Kehoe seconded to approve the Conditional Use Permit for a duplex or 2-unit townhome to be located at 0 7th Ave N (Canyon County Parcel No. 14713508A0). A .22 acre parcel, for Gerry and May Vizenor, subject to:

1. Applicant shall adhere to all requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as any other public agencies;
2. The Building Department will require that all development and construction on this property shall be subject to the requirements of Title 4 – Building Regulations of Nampa City Code;
3. Access for this site can be from the alley (Hubbard Ave) or from 7th Ave N;
4. Any future development of the site will require frontage improvements along 7th Ave N to be coordinated with Engineering Division and in accordance with City Code 9-3-1;
5. Both domestic water and pressure irrigation main lines run parallel to and southerly of the northeast property line from the alley to 7th Ave N. The location of, and any easements associated with these public utilities will need to be part of site development considerations;
6. If public utility easements are not found to exist, the creation of easements will be a condition of property development. Structures are not allowed within a public utility easement or in close proximity to any public utilities;
7. Any future development of this site is subject to City of Nampa building permit/ plan review process. Any applicable conditions or required inspections for the project will be generated via that process. Applicable utility connection and engineering inspection fees are to be paid upon approval of and prior to receiving any building permits;
8. The Conditional Use Permit is granted only to the owner, and the subject property, and shall not be transferable to any other individual or location. A building permit must be obtained within 6 months from the official date of issuance of this CUP, after which, if no building permit is obtained, this CUP will become null and void.

Motion carried with all Commission members in favor.

Public Hearing No. 4:

Conditional Use Permit for an In-Home Occupation Day Care for up to 12 children in a RS6 (Single-Family Residential 6,000 sq. ft. min lot) zoning district at 1919 South State Street (A .19 acre or 8,276 sq. ft. parcel Lot 1 Block 18 of South Valley #2 Subdivision in the SE ¼ of Section 33, T3N, R2W, BM) for Jessica Erickson (CUP-00183-2020). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Jessica Erickson of 1919 S State St, Nampa – the applicant:

- Ms Erickson stated she was proposing to open a small in-home daycare.
- In response to a question from Madam Chair Sellman, Ms Erickson stated she does watch a couple of children at this time.

Principal Planner Critchfield:

- Critchfield advised 1919 S State St was located within a Comprehensive Plan Future Land Use Map designation of Medium Density Residential, in an RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoning district, and surrounded by RS-6 zoned properties.
- The subject property is approximately 8,276 sq ft in size, with public utilities and services available to the property, located within a residential neighborhood.
- Paved parking, for at least two vehicles, added Critchfield, is provided on the site and no additional parking would be required for the Conditional Use Permit.
- The property has driveway access to S State St.
- The Conditional Use Permit application is for a Home Occupation Daycare for up to 12 children.
- Critchfield reviewed the Code for a Home Occupation Daycare for up to 12 children.
- Critchfield indicated pictures of the subject property looking to the southwest and another looking south.
- Critchfield reviewed the Staff Report and recommended conditions of approval.
- Correspondence received from agencies and departments was reviewed by Critchfield.

- Critchfield indicated an e-mail from Matt Johnson and Larry Birnbaum in opposition to the requested Conditional Use Permit for a Home Occupation Daycare, due to the concerns of the impact of the daycare to the tenants of a rental unit in the adjacent property at 501 S Valley Dr.
- A letter was also received from the property owner at 1919 S Valley Dr raising concerns with traffic and other uses in the neighborhood.
- Critchfield reviewed the Staff Report and recommended conditions of approval.
- **Kirkman** noted the applicant mentioned caring for up to 6 children in the home and the C-U-P was only required for 7 or more children.
- **Kehoe** noted if the Commission approved for up to 12 children, and the applicant stated they were only going to care for 6, that would mean she could increase the number of children at any time.
- **Ashby** noted the Conditional Use Permit for a Home Occupation Daycare was required to include the applicant's children under the age of 6, in the number of children counted for the daycare.

Madam Chair Sellman proceeded to public testimony:

Elizabeth Moote of 412 Fall Dr, Nampa – opposed:

- Ms Moote stated her property was in the same subdivision as the subject property.
- Ms Moote referred to a proposed daycare at 439 Summer Ct, nearby the subject property, that had been denied due to the impact on the neighborhood. (City records indicate CUP-1536-2013 for a Home Occupation Daycare for up to 12 children, was issued for 439 Summer Ct on August 8, 2013).
- Ms Moote agreed with the previously stated concerns regarding traffic, children, and vehicles parking to drop children off and pick them up.
- According to Ms Moote, there was not enough room in the house to be caring for 8 children.
- Ms Moote inquired how many of the total children were the applicant's children.

Robert Cook of 546 Winter Ct, Nampa – opposed:

- Mr Cook stated his property was also located in the same subdivision as the applicant.
- Mr Cook voiced concern with increased traffic volume, with the added cars dropping off and picking up children.
- According to Mr Cook, the traffic through the subdivision to 12th Ave Rd and Walmart increased when Greenhurst Rd was closed for repaving. Therefore, there was now a lot of traffic going back and forth on S Valley Dr and a lot of speeding.

Ms Erickson:

- In response to a question from **Madam Chair Sellman**, Ms Erickson stated she had 3 children of her own under the age of 6 – with two of them attending school starting the coming school year.
- Therefore, with the regulation she could care for no more than 6 children including her own, she needed to make sure that if her children were home at the same time, that she had the Home Occupation Daycare for up to 12 children.
- Ms Erickson stated she planned on caring for 6 children in addition to her own 3.
- At the present time, she already knew of three children she would be caring for, all within one family, so there would only be one vehicle in the morning to drop the children off and to pick them up in the evening.
- Ms Erickson added she only had plans for an additional 3 children, and again that would be a family with at least 2 children, making at the most 3 vehicles coming to her home on different days and different times. That would be a maximum of 9 children including her own children.
- Ms Erickson emphasized that outside play in the front yard would not be allowed.
- Children would only be in the fenced back yard, which also had a garden along the fence so the children would not be playing up against the fencing on any side that fronts a road.

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

Kehoe motioned to deny the Conditional Use Permit request for Home Occupation for Daycare up to 12 children for Jessica Erickson, for 1919 S State St, due to concerns on traffic and the safety of the children.

Motion died for lack of second.

Kirkman motioned and Franklin seconded to approve the Conditional Use Permit for a Home Occupation Daycare for up to 12 children for Jessica Erickson, for 1919 S State St, subject to:

1. Applicant shall adhere to all requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as any other public agencies, applicable codes, rules and regulations during the operations of the Home Occupation Daycare business. If at any time the Home Occupation Daycare business violates any codes, rules, regulations regarding such operations and/or requirements of the aforementioned agencies, this CUP will become null and void;
2. The Conditional Use Permit is granted only to the owner and property and shall not be transferable to any other individual or location, and is in effect from the date of the official issuance of this permit for the duration of the home occupation business operations at this location.

Motion carried with Franklin, Hutchings, Kirkman, Miller, Turner and Van Auken, Jr in favor and Kehoe opposed.

Meeting adjourned at 8:13 p.m.

Rodney A Ashby Planning Director

A handwritten signature in cursive script, reading "Rodney A Ashby", is written over a horizontal line.

:sm