

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, JANUARY 28th, 2020, 6:30 P.M.

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

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

Approval of Minutes: Kehoe motioned, and Garner seconded to approve the Minutes of the January 14th Planning and Zoning Commission. Motion carried.

Report on Council Actions. Councilor Haverfield reported on city Council actions during the January 21, 2020 City Council meeting: Kenny Wroten putting forth the recommendation for an Auditorium District, on hotels, motels and Air B and B rentals in order to raise some funds without taxing local residents – eventually there might be a vote on that; Reading of the Ordinance to appoint Department Heads for appointment without a specific term; Reappointment of the City Attorney; A joint letter to the Idaho State Legislature requiring changes to the Fireworks Act of 1997 so that the sales of illegal fireworks currently allowed with a statement claiming they would not be used in Idaho, would not be permitted; Resolution for a public hearing to take place on another voluntary sidewalk L.I.D; A letter of support sent to ITD in favor of Highway 16 being extended to the freeway; Postponed adoption of the 2040 Comprehensive Plan to allow further review by City Council; and, Six public hearings.

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

Business Item No. 1:

Subdivision Plat Final Approval for Sunnyvale Subdivision No. 1 in an RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of W. Flamingo Ave. near the NW corner of Middleton Rd. and W. Flamingo Ave. (39 single family detached lots on 10.97 acres for 3.55 average dwelling units per gross acre – A portion of the SW ¼ of the NE ¼ of Section 18, T3N, R2W, BM) for Kent Brown representing Sunnyvale Properties LLC (SPF 00116-2019). – ACTION ITEM.

Senior Planner Watkins:

- Watkins reviewed the Staff Report for Sunnyvale Subdivision No. 1, located south of Karcher Rd and west of N Middleton Rd, inside limits, within an RS-6 zoning district.
- The property was bordered on the north and west sides by City RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoned properties that will be future phases of the same subdivision; on the east side by RMH (Multiple Family Residential) zoning, also a future phase of the subdivision; and on the south by Canyon County Agricultural zoned property.
- Approval of the Preliminary Plat by the Planning and Zoning Commission occurred in February of 2014, and a fourth Extension Request of that Preliminary Plat was granted in December of 2019, to allow enough time to prepare the Final Plat submittal.
- The project proposes 39 single family buildable lots with 7 common lots on 10.97 acres.
- The Final Plat, continued Watkins, conforms to the approved Preliminary Plat layout and the applicable Subdivision and Zoning standards for Nampa.

- No other comments were received after the Staff Report was prepared, added Watkins.
- Staff feels it would be appropriate for the Commission to recommend approval of the Sunnyvale Subdivision No. 1 Final Plat to City Council with the conditions as listed in the Staff Report.

Kirkman motioned and Garner seconded to recommend to City Council approval of the Final Plat for Sunnyvale Subdivision No 1 near the NW corner of Middleton Rd and W Flamingo Ave for 39 single family lots on 10.97 acres for Kent Brown, representing Sunnyvale Properties, LLC.

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 Sunnyvale Subdivision.**
2. **Submit revised landscape plans (submitted).**
3. **Obtain ROW and Erosion Control Permits from the City of Nampa; and,**
4. **The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
5. **Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Sunnyvale Subdivision #1 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division prior to construction drawing approval.**
6. **The Developer and their Engineer and Contractor shall adhere to the**
7. **“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.**
8. **Developer shall provide an updated Traffic Impact Study (TIS) to be reviewed and approved by the Nampa Engineering Division prior to approval of the Subdivision’s third phase.**
9. **Developer shall submit plans for the required regional pressure irrigation pump station for review by the Nampa Engineering Division prior to approval of the Phase 1 Subdivision construction drawings. The Developer shall enter into a Memorandum of Understanding with the City to establish construction and funding responsibilities for the facility. The facility shall be fully constructed and operational in time for the 2021 irrigation season. The City reserves the right to delay signature of subdivision plats and/or hold building permits if the facility is not operational by the start of the 2021 irrigation season, and supply in the existing system is found to be insufficient.**
10. **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.**
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. Specifically, Note 7: should read...Lots 1 and 8, Block 5.**

Motion carried.

Business Item No. 2:

Subdivision Plat Final Approval for Sunnyvale Subdivision No. 2 in an RMH (Multiple-Family Residential) zoning district near the NW corner of N. Middleton Rd and W Flamingo Ave on the north side of Brassy Cove Subdivision on the west side of Elijah Drain (27 multiple family residential fourplex lots on 8.42 acres for 12.82 average dwelling units per gross acre – A portion of the NE ¼ of Section 18, T3N, R2W, BM) for Kent Brown representing Sunnyvale Properties LLC (SPF-00116-2019). – ACTION ITEM.

Senior Planner Watkins:

- Watkins reviewed the Staff Report for Sunnyvale Subdivision No. 2, located south of Karcher Rd, north of W Flamingo Ave and west of N Middleton Rd.

- The subdivision, added Watkins was located inside the City limits and zoned RMH, bordered on the north and west by RMH and RS-6 zoned properties that will all be future phases of the same subdivision, on the south by RML (Limited Multiple Family Residential) zoned property, currently known as the Brassy Cove Subdivision, and on the east side by enclaved Canyon County residential property.
- The Preliminary Plat was approved by the Planning and Zoning Commission in February of 2014. The fourth Extension request was approved in December of 2019, and the subject final plat has now been submitted.
- Phase 2 proposes 27 single family attached townhome type lots, with two common lots on 8.42 acres.
- The subject property is located within the City limits and zoned RMH and conforms to the approved Preliminary Plat layout for the area, and the applicable Zoning and Subdivision standards for Nampa.
- No other comments were received after the Staff Report was prepared, advised Watkins.
- Staff feels it would be appropriate for the Planning Commission to recommend approval of the Final Plat for Sunnyvale Subdivision No. 2 to City Council, with the conditions as listed in the Staff Report.

Kirkman motioned and Garner seconded to recommend to City Council approval of the Final Plat for Sunnyvale Subdivision No. 2 near the NW corner of N. Middleton Rd. and W. Flamingo for 27 multiple family residential fourplex lots on 8.42 acres, for Kent Brown representing Sunnyvale 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 Sunnyvale Subdivision.**
2. **Include top of foundation wall or finish floor elevation for each lot shown on the construction drawings for Sunnyvale Subdivision No. 2.**
3. **Deed and dedicate 20' from the top of bank along the west side of the Elijah Drain and construct the pathway for the Elijah Pathway as indicated in the Nampa Bicycle and Pedestrian Master Plan.**
4. **Obtain an Erosion Control Permit from the City of Nampa.**
5. **The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
6. **Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Sunnyvale Subdivision #2 – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division prior to construction drawing approval.**
7. **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.**
8. **Developer shall provide an updated Traffic Impact Study (TIS) to be reviewed and approved by the Nampa Engineering Division prior to approval of the Subdivision's third phase.**
9. **Developer shall submit plans for the required regional pressure irrigation pump station for review by the Nampa Engineering Division prior to approval of the Phase 2 Subdivision construction drawings. The Developer shall enter into a Memorandum of Understanding with the City to establish construction and funding responsibilities for the facility. The facility shall be fully constructed and operational in time for the 2021 irrigation season. The City reserves the right to delay signature of subdivision plats and/or hold building permits if the facility is not operational by the start of the 2021 irrigation season, and supply in the existing system is found to be insufficient.**
10. **The Developer shall revise the CC&R's to address maintenance of all shared private improvements, including possibly the onsite irrigation system. If the irrigation system is to be maintained by the HOA, CC&R's shall include language indicating the City has the right to shut down all irrigation supply to the development if any property owner refuses to pay their irrigation assessment, and the HOA shall be responsible to ensure compliance with property owner payment of irrigation assessments to the City. The revised CC&R language shall be**

reviewed by the Nampa Engineering Division for approval prior to the City Engineer signature of the plat. The CC&R's shall be referenced by note on the face of the plat and recorded concurrent with the Final Plat.

11. The Developer shall provide City with documentation of plan review/approval from Pioneer Irrigation District prior to construction drawing approval for any improvements within the Elijah Drain easement and the proposed discharge of development runoff to the Elijah Drain prior to construction drawing approval by the City. Any required executed License Agreement shall be provided to the City prior to start of construction within the easement.
 12. Drainage shall be retained on site in accordance with approved plans. Inspection and certification of the private Phase 2 drainage facility shall be by the Engineer of Record (EOR). EOR shall provide a letter to the Nampa Engineering Division certifying on-site drainage facilities were installed in substantial conformance with the approved plans at the time of Record Drawing submittal and prior to final acceptance of improvements by the City.
 13. 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.
 14. 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 Laguna Farms Subdivision No. 2 at 16852 N. Idaho Center Blvd., north of the CWI Campus (35 multi-family residential lots on a 10.05-acre portion of the NW ¼ of Section 7, T3N, R1W, BM) for Kent Brown representing Fig Laguna Farms LLC (SPF-00118-2019). – ACTION ITEM.

Senior Planner Watkins:

- Watkins indicated the location of the proposed subdivision, on the east side of N Idaho Center Blvd, north of the CWI campus, within a GB-2 (Gateway Business – 2) zoning district.
- The subject property is bordered on the north by City zoned RS-8.5 property, on the south by the CWI campus in the University zone, on the east by Canyon County residential property, and on the west by GB-2 zoned property - Phase 1 of the Laguna Farms Subdivision.
- The Preliminary Plat was heard and approved by the Planning Commission in January of 2019. The Final Reading of the Development Agreement before City Council was in October of 2019.
- Phase 1 Final Plat was approved by the Planning Commission and City Council in August of 2019.
- The subject Phase 2, added Watkins, would be the final phase of Laguna Farms Subdivision, with 32 multi-family residential lots and 7 common lots on approximately 10 acres.
- Laguna Farms Subdivision No. 2 conforms to the approved Preliminary Plat layout and the applicable Subdivision and Zoning standards for Nampa.
- No other comments were received after the Staff Report was prepared.
- Staff, added Watkins, feels it would be appropriate for the Planning Commission to recommend approval of the Final Plat for Laguna Farms Subdivision No. 2 to City Council subject to the conditions listed in the Staff Report.

Kirkman motioned and Hutchings seconded to recommend to City Council approval of the Final Plat for Laguna Farms Subdivision No. 2, located at 16852 N Idaho Center Way, for 35 multi-family residential lots for Kent Brown representing Fig Laguna Farms, 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 Laguna Farms Subdivision.
2. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.

3. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Laguna Farms Subdivision #2 – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division, dated 1/10/2020 prior to construction drawing approval.
 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. Drainage shall be retained on site in accordance with approved plans. Inspection and certification of work shall be by the Engineer of Record (EOR). EOR shall provide a letter to the Nampa Engineering Division certifying on-site drainage facilities were installed in substantial conformance with the approved plans at the time of Record Drawing submittal and prior to final acceptance of improvements by the City.
 6. Developer shall provide documentation of Pioneer Irrigation District and/or Bureau of Reclamation review of plans prior to construction drawing approval. Provide copies of any executed license agreement(s) prior to City Engineer signature of the plat; and,
 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.**

Business Item No. 4:

Subdivision Plat Final Approval for Carriage Hill West Subdivision No. 6 east of Midway Rd. between W. Iowa Ave. and Lake Lowell Ave. (A portion of the NW 1/4 of Section 31, T3N, R2W, BM – 78 Single Family Residential lots on 22.97 acres or 3.40 dwelling units/gross acre) for Engineering Solutions, LL representing Toll Southwest LLC (SPF-00119-2019). – ACTION ITEM.

Senior Planner Watkins:

- Carriage Hill West Subdivision No. 6 is located north of W Iowa Ave and east of Midway Ave, inside the City limits within an RS-7 zoning district. The proposed development is bordered by City zoned RS-7 properties, that include other phases of the same subdivision. It is bordered on the south and east sides by enclaved Canyon County residential property.
- The Preliminary Plat was approved by the Planning and Zoning Commission in November of 2018 and phases 1 through 5 of the subdivision have been approved by the Planning Commission and City Council during 2019.
- Phase No. 6 proposes 78 single family residential lots and 6 common lots on approximately 23 acres.
- The proposed subdivision conforms with the Preliminary Plat layout and the applicable Subdivision and Zoning standards for Nampa.
- No other comments were received after the Staff Report was prepared.
- Staff feels it would appropriate for the Commission to recommend approval of the Final Plat to City Council for Carriage Hill West Subdivision No. 6, subject to conditions listed in the Staff Report.

Kirkman motioned and Hutchings seconded to recommend to City Council approval of the Final Plat for Carriage Hill West Subdivision No. 6, located east of Midway Rd between W Iowa Ave and Lake Lowell Ave, for 78 Single Family Residential lots, for Engineering Solutions, LLC, representing Toll Southwest, 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 Carriage Hill West Subdivision; and,
2. Obtain ROW and Erosion Control Permits from the City of Nampa; and,
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 "Carriage Hill West Subdivision #6 – 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 is responsible to obtain required encroachment permit from Canyon Highway District No. 4 prior to start of work within the right-of-way.
7. Developer shall address mitigation improvements identified in the approved Traffic Impact Study for the project dated July 17, 2018 and submit construction drawings to the Nampa Engineering Division for these improvements prior to approval of the Phase 6 construction drawings.
8. Developer shall construct additional pressure irrigation main improvements Iowa Ave to provide looping connection to the existing 8" main near Well #17. The Developer shall submit construction drawings to the Nampa Engineering Division for these improvements prior to approval of the Phase 6 construction drawings.
9. The Developer shall provide revised plans and plat to the Nampa Engineering Division addressing the Preliminary Plat condition to provide a stub street and utilities to the southerly out-parcel with tax number R320870100 (addressed 11642 W Iowa Ave).
10. 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. Specifically, Note 5: correct Block 17 to Block 19; and,

Business Item No. 5:

Request for 6-month Extension of Conditional Use Permit for a Recreational Vehicle Park in an IL (Light Industrial) zoning district at 3400 Black Butte Court) 137 RV spaces on 19 acres for 7.21 spaces per acre – A part of the NW ¼ of Section 8 T3N R2W BM also Tax 97797 in Block 1, 2, 13, 14 in Midway Subdivision and Tax 97797 in the NW ¼ of Section 8 T3N R2W BM, less Black Butte No. 1 and Black Butte Business Park No 2, including a part of the NE ¼ Section 8 T3N R2W south of Interstate less Ramp right-of-way) for Shannon Robnett representing Don Burch (CUP-00142-2019). ACTION ITEM.

Principal Planner Ashby:

- Ashby advised the Ordinance states the Conditional Use Permit will expire 6 months after approval if nothing has moved forward on the project, or no applications put forward for Building Permits or other entitlements.
- The item before the Commission, continued Ashby, was the request for extension of the Conditional Use Permit for the RV Park at 3400 Black Butte Ct, issued in July of 2019 and due to expire today, January 28, 2020 if an extension is not granted.
- Ashby indicated the location of the RV Park, just east of N Middleton Rd and south of the freeway.
- Ashby indicated the other Nampa RV Parks recently approved: The Broadmore RV Park received C-U-P approval in July of 2019, and the Preliminary Plat was approved in November of 2019; and, the RV Park just north of the cemetery and fronting I-84 was approved for a C-U-P on August 29, 2019.
- The proposed Big Foot RV Park just east of Star Rd and south of Ustick Rd, has requested annexation and zoning to BC, and will come before the Planning Commission on February 11, 2020.
- There had been an increase in the number of RV Park applications for Nampa, reported Ashby.
- The Black Butte RV Park, continued Ashby, was in the middle of the IL zoning district, bordered by BC on the east, with water, sewer and pressurized irrigation available to the subject property. Additionally, noted Ashby the project was located partially within the floodplain.
- Ashby reviewed the regulations for Conditional Use Permits.
- The Recreational Vehicle Park standards, continued Ashby, require the application to come before the Planning Commission and the City Council with a Preliminary Plan and then a Final Site Plan, similar to the platting process.

- Ashby reviewed the history of the subject property, with Annexation and IL zoning occurring in 2009. In August of 2014 a C-U-P was approved for an RV Park, and in February 2015 the C-U-P expired because no plans had been submitted for the project. In July of 2019 another C-U-P was approved for the RV Park and they were now requesting an extension.
- Ashby discussed the impact on the Nampa Police Department with increased calls for service from existing RV Parks compared to single family housing and multi-family housing.
- The Engineering Division did not express any concerns, noting utility costs are covered through hook-up and user fees.
- The Building Department advised RV Parks are assessed very little in impact fees due to the small amount of permanent building structures on the properties. This would not offset the Streets, Fire, Police and Parks capital needs that the RV Park residents use in relatively high volumes, and are, therefore, subsidized by other commercial and residential developments.
- The Building Department also cited concerns regarding building safety if RV Park tenants stay longer than 6 months, due to the additional requirements for long term stay structures, i.e. insulation, electrical wiring, gas lines, heating equipment, and snow load. The building of individual decks, sheds and patio covers for the individual RV spaces should be prohibited because the RVs are not permanent housing units per Zoning Ordinance and Building Code.
- Additionally, stated Ashby, there was also the issue of how the community presents itself to travelers through the community as there was the perception by some that RV parks along the freeway present a negative impression of our community.
- One of the concerns brought up at the time of the Conditional Use Permit public hearing, was using industrially zoned land for a potential negative fiscal impact to the City.
- Ashby stated he had worked with Anne Wescott of Galena Consulting to provide a Fiscal Impact Analysis for the proposed RV Park and found the demand on Nampa Police and Fire service was consistent with other RV Parks in the community, and the RV Park will generally not generate enough revenue to the City to cover that cost, requiring the cost to be carried by other developments in the City.
- The fiscal analysis appeared to show the RV Park would be a low revenue producing development and would in fact cost the City to service beyond what would be gained in taxes on an annual basis.
- **Kirkman** inquired if fire or safety inspections were required for the RVs in the park.
- **City Engineer Badger** advised RVs are not regulated by the Fire Department or the Building Department but regulated as motor vehicles, so there would be no inspections by either the Building or Fire Departments.
- **Ashby** indicated the staff analysis finding that in 2019 Nampa Police had 309 calls for services to the three existing RV Parks in Nampa, up each year going back to 2016.
- Ashby considered the proposed Black Butte RV Park would likely cost more to provide services than the City would gain in tax revenue. The subject property has a history of obtaining C-U-P approvals but not developing. There are also building safety concerns regarding using RVs for long term housing that would need to be addressed through Code somehow to regulate the length of stay.
- The Comprehensive Plan, continued Ashby, calls for presenting a high-quality appearance at entrances to the City and along I-84, to encourage economic development.
- City leadership, reported Ashby, was interested in modifying the City Code.
- Ashby stated the Staff recommendation would be to deny the extension of the Conditional Use Permit for Recreational Vehicle Park in an IL zone at 3400 Black Butte Ct.
- **Kehoe** inquired about the regulations for RV Parks in a floodplain.
- **Ashby** advised the regulations for RVs in the floodplain required a limit on stay of 90 days and the RVs would also have to be tied down so in the event of a flood the RVs would not be washed away.
- Although there was a concept plan it was not known exactly where the RVs would be located.
- In response to a question from **Garner**, **Ashby** confirmed the current extension was requested by the same applicant that originally received approval in 2014.
- **Ashby** responded to questions from **Kirkman** and **Madam Chair Sellman** and advised there had been no fee required for the C-U-P Extension request, however, there would be the standard application fees if the extension was denied and the applicant then re-applied for a Conditional Use Permit for the RV Park.

Garner motioned and Kehoe seconded to deny the extension of the Conditional Use Permit for a Recreational Vehicle Park in an IL zoning district at 3400 Black Butte Court. Their decision was based on several concerns, including:

- a) Concerns over a history of the Black Butte RV park not being developed after a Conditional Use Permit has been issued. The Planning & Zoning Commission wished to ensure that the proposed project is able to move forward to construction in a timely manner.
 - b) Nampa Building Department building safety concerns about allowing RV park tenants to stay longer than 6 months. The city currently is unable to enforce the code requiring short term stays in RV parks and traditionally run parks are allowing long term residency. The building code regulates structures differently for long term stays. RV's are typically not insulated for efficient heating; electrical wiring, gas lines and heating equipment are not designed for continual – long term use; and the roof structures are not rated for local 20-pound snow load. Long term residency use of RVs may lead to serious harm.
 - c) Building Department pointed out that RV parks are assessed very low impact fees due to the lack of, or small amounts of, permanent structure building area. This will not offset the streets, fire, police and parks capital needs that the residents use in relatively high volumes. These capital needs are subsidized by other commercial and residential developments.
 - d) A fiscal impact analysis report showing that a traditionally managed Recreational Vehicle Park will not generate enough city tax revenue to cover the cost of serving the park with city services, including calls for fire and police.
 - e) The desire to preserve industrial land for high job generating land uses in areas that are not in conflict with residential living, and other land uses that are not seen as compatible
- Motion carried.

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

Public Hearing Item No. 1:

Annexation and Zoning to RS-6 (Single Family Residential – 6,000 sq. ft.) at 7736 Birch Lane to connect to city utilities (A .38 acre or 16,678 sq. ft. portion of the NW ¼ Section 11, T3N, R2W, BM, Canyon County, Idaho and Tax 1-A-1, Block 27 of Cortland Place) for Brenna L. Baker (ANN-00139-2019). – ACTION ITEM

Madam Chair Sellman proceeded to public hearing.

Brenna Baker of 5011 N Rosepoint Way, Boise – the applicant:

- Ms Baker stated they were requesting annexation and RS-6 zoning for the subject property, in order to connect to City utilities. The property was located behind 7734 Birch Ln (inside City limits) on a shared driveway.

Planning Director Holm:

- Holm advised the subject property comprised .38 acres, or 16,678 sq ft.
- The Comprehensive Plan Future Land Use Map, continued Holm, indicated Medium Density Residential, and the proposed zoning was for Single Family Residential – 6000 sq ft minimum lot size.
- Holm noted the subject parcel was almost surrounded by City of Nampa Single Family Residential zoning, except for the remaining enclaved parcels in the area.
- Utilities, continued Holm, were available to the site.
- Holm explained the subject property would have access via a private easement from Birch Ln through the lot to the south.
- Holm reviewed the Staff Report and recommended conditions of approval.
- According to Holm, it was City policy to require annexation for enclaved parcels upon connection to City utilities.

Madam Chair Sellman proceeded to public testimony.

No public comment forthcoming.

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

Kehoe motioned and Garner seconded to recommend to City Council Annexation and RS-6 zoning for 7736 Birch Lane for Brenna L Baker, subject to:

1. A cross access agreement between this property and the property currently addressed as 7734 Birch Ln (Parcel - R2096000000) will need to be in place prior to annexation. Submit this agreement prior to annexation.
2. An easement for all City utility services which cross the property at 7734 Birch Ln will need to be in place prior to annexation.
 - a) Sewer service – property owner at 7734 Birch Ln originally extended service up to the south property line of 7736 anticipating it to become a shared service between 7734 Birch Ln and 7736 Birch Ln. This is acceptable to the City in this case only. Please submit documentation regarding the sizing of the sewer service as it was installed.
 - b) Water service – this property will need its own water service/ meter. Water main line is currently existing in the north side of Birch Ln.
 - c) Pressure irrigation – main line currently existing at the south side of Birch Ln. Property owner may elect to continue using any existing water rights through Pioneer Irrigation District if desired

Motion carried.

Public Hearing Item No. 2

The applicant was not present and Public Hearing No. 2 was moved down to the last item on the Agenda.

Public Hearing Item No. 3:

Conditional Use Permit for Karcher Marketplace Apartments in a BC (Community Business) Zoning District at 1509 Caldwell Blvd. (A 10.99 acre or 478,734 sq ft portion of Lot 4, Block 1 of Karcher Mall Subdivision situated in the NE ¼ Section 17 T3N R2W BM just south of Karcher Mall – 12 buildings with 8 Units on each of three floors, or 24 units per building, for a total of 288 apartment units) for WH Pacific representing Rhino Holdings Nampa LLC (CUP-00161-2019) ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Bonnie Layton of W H Pacific, 2141 W Airport Way, Ste 101, Boise - representing Rhino Holdings, Nampa, LLC:

- Ms Layton stated they were requesting Conditional Use Permit approval to construct 288 apartment units on 10.9 acres, currently referred to as the Karcher Marketplace Apartments, just south of Karcher Marketplace Mall.
- The property, added Ms Layton, was currently zoned BC (Community Business) and multi family apartments are allowed in the BC zoning district with approval of a Conditional Use Permit.
- The development of the project would provide a significant economic boost to the Karcher Marketplace Mall and surrounding area. Stated Ms Layton.
- Apartment residents would be able to walk and/or bike to retail, restaurants and employment.
- The current Nampa Comprehensive Plan indicated the desire for Mixed Use Development that containing a mix of residential, retail, employment and entertainment in close proximity to one another.
- The development of the proposed apartments, continued Ms Layton, would also meet the criteria for infill development, redevelopment and urban renewal as outlined in the updated Comprehensive Plan.
- The apartments would provide a buffer between the commercial uses at the Karcher Marketplace Mall and residences to the east and south.
- The design of the apartments has taken into consideration scale, coverage and density of the development and the impact on the surrounding area.
- Ms Layton stated public services and utilities were available to the site.

- According to Ms Layton a Traffic Study had also been completed.
- Ms Layton advised the intent was to have 12 buildings, each 3 stories tall, 8 units per floor, with 24 units per building, with a total of 288 living units. Floor plans and elevations added Ms. Layton have been submitted for review.
- Ms Layton indicated the three primary vehicular access points.
- The area containing eight of the buildings would be gated, and there would be four additional buildings outside of the gated area.
- Ms Layton indicated the amenities for the apartment residents, to include a clubhouse, swimming pool, and landscaping.
- The proposed apartments would be one, two and three bedrooms, ranging in size from 680 to 1200 sq ft, including parking for the gated apartments and shared parking for the four buildings outside of the gated area.

Principal Planner Ashby:

- Ashby explained the Comprehensive Plan at the present time indicated the area as Highway Commercial. However, that designation was currently proposed for change by City Council to Community Mixed Use, which would be favorable to multi-family on the subject property.
- The zoning for the subject property is BC (Community Business) advised Ashby, with some RMH (Multi Family Residential), and BC to the south.
- Ashby noted the Karcher Marketplace (formerly Karcher Mall) on the site, and to the south the Karcher Mobile Home Park within the BC and RMH zones to the east, the Karcher Estates Senior Housing facility had used a connection through the Karcher Marketplace property to their facility. To the west was Cassia St with Home Depot and other retail and entertainment businesses.
- The subject property comprised 10.99 acres, with utilities running to and through the property.
- Ashby indicated the conceptual layout and building elevations for the proposed apartment buildings.
- According to Ashby, demolition of a portion of the original Karcher Mall was presently underway.
- It was anticipated a concept rendering and design of the primary and commercial structures for the Mall and the multi-family buildings would go before the Building and Site Design Committee for approval in the near future. The tenant improvements would be handled through staff approval if the buildings did not vary from the BSDS Committee approved structures.
- A Traffic Impact Study was conducted and stamped and approved for the proposed apartment use.
- Ashby reviewed the comments from COMPASS.
- Ashby also reviewed the Staff Report and recommended conditions of approval.
- **Kehoe** inquired about the demolition of the central portion of the former Karcher Mall.
- **Ashby** noted the demolition of the central Karcher Mall area and the proposed traffic routing, that had been included in the Traffic Impact Study.
- In response to a question from **Garner**, **Ashby** advised the Comprehensive Plan Future Land Use designation would change from Highway Commercial to Community Mixed Use which also included a component for multi-family in the Comprehensive Plan.
- In response to a question from **Kirkman**, **Ashby** indicated there would be sufficient room on the east side of Karcher Marketplace for a drive aisle and the necessary parking for the four apartment buildings indicated on the east side of the subject property.
- **Kehoe** inquired about access to the business in the Karcher Marketplace and **Badger** advised their Traffic Impact Study has been reviewed and approved by the City and the Idaho Transportation Department because Caldwell Blvd is a State highway.
- **Badger** explained, as part of the TIS, there would be some payments in lieu of construction towards future corridor improvements. Additionally, the entrance by the Taco Bell business would be required to have a median placed there to make that portion a right-in right-out to alleviate safety concerns with the traffic.

Madam Chairman Sellman proceeded to public testimony:

Rob DeLoach of 1127 Caldwell Blvd, Nampa – Undecided:

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- Mr DeLoach stated he operated Karcher Estates, on the east side of the proposed apartments and the Karcher Marketplace property.
- Mr DeLoach explained occasionally they have a semi-truck delivering food to the back portion of the Karcher Estates facility and there was not a way for the trucks to access the back of the building and then exit through their Caldwell Blvd entrance.
- Mr DeLoach inquired if there would be some kind of easement they could agree on because he did not know how they could get the food and supply trucks to the back area of the retirement facility.

Jeff Pagett of 1127 Caldwell Blvd – Karcher Estates - Undecided:

- Mr Pagett concurred with Mr DeLoach’s statements.

Bonnie Layton:

- Ms Layton stated they were definitely willing to talk to the Karcher Estates owners and discuss the issue, and nothing was precluded at this time.

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

- Discussion followed regarding the access to Karcher Estates for semi-trucks through the Karcher Marketplace property.
- **City Engineer Badger** stated it was assumed the semi-trucks were currently pulling into the Karcher Marketplace property for unloading.
- Most likely, continued Badger, there had been no formal agreement or easement for that purpose.
- In lieu of no formal agreement, continued Badger, he would be reluctant to enforce an easement as a condition of approval on the subject application when there was no legal document requiring that access.
- **Kehoe** considered the proposed application for apartments to be a great use for the property. The property had been a great mall in the past, but the proposed apartments would make use of the land to bring in badly needed housing. Kehoe considered the owners of the subject property and the adjacent Karcher Estates owners could work out access for the semi-trucks.
- **Kirkman** concurred it was a great project in a great spot and the proposed type of development was sorely needed.

Kehoe motioned and Garner seconded to approve the Conditional Use Permit for the Karcher Marketplace Apartments in a BC zoning district for a 10.99-acre site at 1509 Caldwell Blvd, for 12 buildings, totaling 288 dwelling units, for WH Pacific, representing Rhino Holdings, Nampa, LLC, subject to:

Generally:

1. **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; and,**

Specifically:

1. **The conditional use permit is issued for the life of the buildings as apartments.**
2. **The proposed development shall be required to adhere to all mitigations identified in the approved Traffic Impact Study.**

Motion carried.

Public Hearing Item No. 4:

Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 4100 E. Greenhurst Rd. (A .52-acre or 22,651 sq. ft. portion of the SE ¼, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Tax 58) for David E. Hird for connection to city sewer (ANN-00140-2019). – ACTION ITEM.

Madam Chairman Sellman proceeded to public hearing.

The applicant was not present.

Planning Director Holm:

- Holm advised staff had communicated with Mr Hird earlier in the day regarding attending the meeting.
- Mr Hird agreed to annexation of the subject property but he did not wish to attend the public hearing as he was already connected to the City sewer.
- The property, continued Holm, was a .52-acre parcel, within the Comprehensive Plan Future Land Use designation of Medium Density Residential.
- The proposed zoning, stated Holm, was RS-6 – Single Family Residential, and noted the property was surrounded by Single Family Residential zoning.
- The utilities, reported Holm, were available to the subject property and the sewer was already connected.
- Holm indicated the access to the subject property through a private easement from S Preakness Way.
- According to Holm, there was a common area surrounding the subject property and the access easement was across the common area from S Preakness Way. Holm added there was no direct access to the subject property from E Greenhurst Rd.

Madam Chair Sellman proceeded to public testimony.

No public comment forthcoming.

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

Garner motioned and Kirkman seconded to recommend to City Council Annexation and RS-6 zoning a .52-acre parcel at 4100 E Greenhurst Rd, for David E Hird, subject to:

1. **Upon annexation into the City 50' right-of-way from section line of Greenhurst Rd shall be dedicated to the City.**
2. **City prefers proposed sewer service to utilize the existing 8" main line located in a 20' wide easement on the property identified as Lot 3, Block 5 of Triple Crown Estates No. 2 Subdivision, 2225 S Preakness Way. Said easement line runs parallel to and 20 ft east of the westerly property line of said property at 2225 S Preakness Way. Coordinate with the owner of 2225 S Preakness Way prior to construction of the sewer service.**
3. **Any future development of the site at 4100 E Greenhurst Rd will require connection to remaining City utilities of which, water is currently existing in S Preakness Way, and pressure irrigation is existing near Greenhurst Rd.**
4. **Prior to potential annexation into the City's municipal irrigation district and subsequent connection to City pressure irrigation, the property owner will need to reestablish irrigation water rights with Nampa & Meridian Irrigation District.**

Motion carried.

Public Hearing Item No. 5:

Annexation and Zoning to IL (Light Industrial) at 2923 Port St. (A 5-acre or 217,800 sq. ft. portion of the NE ¼ of the SE ¼ of Section 23, T3N, R2W, B.M., Canyon County, Idaho, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Plat A Tax 97152 in Lot 20) for Hon Contractors, Inc. – Jeff Hon for industrial development (ANN-00142-2019). – ACTION ITEM

Madam Chair Sellman proceeded to public hearing.

Lance Warnick with Aspen Engineers, home address of 7312 Wild Horse Way, Nampa – representing the applicant:

- Mr Warnick stated the applicant had requested annexation of the subject property into the City with IL zoning.
- The goal for the applicant, continued Mr Warnick, would be to develop a flex-industrial building on the north end of the parcel. Mr Warnick indicated a concept building elevation.
- In addition, continued Mr Warnick, in the long term the applicant would like to rezone the south portion of the property for a residential subdivision.
- Mr Warnick added that from a timing standpoint they could not pursue two zones on one lot as part of the annexation and zoning process.
- According to Mr Warnick, they had discussed the issue of two different zones on one lot with City staff.
- The property has access to City utilities in Port St, with sewer, water and pressure irrigation available.
- Bright St stubs into the property at the southwest corner, continued Mr Warnick.
- Mr Warnick considered the property, developed as proposed, would be a complement to the existing businesses in the area
- **Kehoe** inquired how many dwelling units would be proposed for the residentially zoned southern portion of the property. **Mr Warnick** replied they had reviewed some concept plans, with probably less than 30 homes.
- **Kehoe** indicated the number of residential homes existing in the area.
- **Mr Warnick** reiterated the applicants were requesting IL (Light Industrial) zoning at the present time and would then come back to request a Rezone for residential zoning. Mr Warnick noted the subject property was only one parcel west from IL zoned property on Kings Rd; the north boundary of the subject property was adjacent IL zoning; and, the properties adjacent the eastern boundary of the subject property were still under County zoning.
- **Kirkman** inquired if the subject property was a salvage yard and **Mr Warnick** stated there were some cars being stored there but it was not a salvage yard.

Principal Planner Ashby:

- The Comprehensive Plan designation for the subject property, the area on the west side of Kings Rd, the area to the south and the northwest were all under the Medium Density Residential designation. The subject property was adjacent the Light Industrial designation on the north and there was also the Light Industrial designation on the east side of Kings Rd. Those Comprehensive Plan boundaries, added Ashby, were meant to be flexible.
- According to Ashby, the RS-6 (Single Family Residential) zoning was adjacent to the west and the IL (Light Industrial) zoning adjacent to the north, and on the east side of Kings Rd, for the airport.
- Ashby indicated an aerial view of the area.
- Utilities are available to the subject property, continued Ashby.
- Ashby indicated the floodway, 100 year and 500-year floodplain in relation to the southwest corner of the property.
- Ashby reported Michael Moore of 97 Kings Rd had left a message regarding the applications for the subject property, citing concern with the proposed Light Industrial use in relation to the residential properties adjacent to the east. Mr Moore also stated he had owned his property longer than Mr Hon had owned the subject property and he wanted the area to remain residential. Mr Moore also voiced concern regarding more cars being brought to the subject property.
- Nampa Code Enforcement, reported Ashby, had also indicated the subject property being used as a salvage yard due to the debris and number of vehicles.
- Ashby advised the Code Enforcement Division had recommended a condition of approval prior to finalization of the Ordinance, that all of the weeds, trash, debris and vehicles would need to be cleaned up.
- The Nampa Engineering Division, continued Ashby, indicated they would need a 40 ft dedication of right-of-way for Port St, placement of sidewalks, curb and gutter, and connections to City utilities.

- According to Ashby, there were a number of different uses that would be permitted in the IL zoning district, that may be of concern located right next door to residential properties. Conditions could be placed on the approval of the IL zoning to insure there would be mitigation measures.
- The proposed use, stated Ashby, was generally in conformance with the Comprehensive Plan.
- Ashby reviewed the Staff Report findings and recommended conditions of approval.

Madam Chair Sellman proceeded to public testimony.

Jeff Hon of 16790 Rose Park Dr, Nampa – the applicant:

- Mr Hon stated his son had purchased the subject property just over two years ago and they had tried to determine the best use for it.
- According to Mr Hon, they had considered going entirely residential on the property.
- However, across Port St was a rather dilapidated industrial property and he did not think residential property owners would want to view that and considered it would be better to have a buffer in between.
- Mr Hon stated they had determined to request IL in order to place the proposed commercial/industrial building at the front of the property facing Port St.
- Later on, added Mr Hon, they would look to do something with the balance of the property to the south.
- Currently, the plan was to place residential units on the southern portion, approximately 22 RS-6 residential lots – not apartments. The industrial/commercial property would face and access from Port St and the future residential properties would access from Bright St which currently dead-ends at the southwest corner of the subject property.
- **Madam Chair Sellman** inquired about the car storage on the subject property and **Mr Hon** replied that he had met Michael Moore a few times but Mr Moore was mistaken with the comments regarding a retail car lot on Garrity Blvd and Mr Hon stated he did not own a retail car lot.
- Hon Motors, added Mr Hon, was a wholesale dealer and they sell or consign to retail dealers and do not operate their business on Garrity Blvd.
- The cars currently on the subject property, explained Mr Hon, are taken to one of the 8 retail dealers they consign cars for sale when they become retail-ready.
- The intent, added Mr Hon, was to continue to reduce their inventory which had been reduced by some 200 cars in the last two years. The current number of cars on the lot would continue to decrease reported Mr Hon.
- **Madam Chair Sellman** inquired how many cars were on the subject property at the present time. Mr Hon replied there were approximately 100 cars there now but they would have to come off the property because that was where the proposed building site.
- **Kirkman** inquired if the property could be zoned IL on the north and RS on the south at the present time. According to Mr Hon, they had discussed that issue with Staff and had been advised that the timeline through the City would not coincide with the underlying property sale currently pending on another property.
- **Mr Hon** reiterated the intent was to come back later and request a Rezone to RS-6 for the southern portion of the property.

Toni Fletcher of 2909 Port St – Opposed:

- Ms Fletcher stated her property was right next door to the subject property and she had seen the property go from a pasture to a junk yard.
- Ms Fletcher voiced concern regarding a fence and separation from the proposed industrial zoned property to the residential homes to the east. There has been no fence in the two years the cars have been there.
- Ms Fletcher questioned how long it would take to move the cars off the property and make improvements to the property because it was a big eyesore at the present time. All the weeds growing on the subject property then spread to her property, added Ms Fletcher.

- **Jimmie Fletcher of 2909 Port St, Nampa – opposed but did not wish to speak.**

- **Jacob Brown of 88 N 29th St, Nampa – opposed.**
- Mr Brown stated his property was located on the west side of the subject property.
- According to Mr Brown he was opposed to the annexation and IL zoning due to the fact that when the applicants purchased the property two years ago it became a junk yard. Mr Brown stated the cars were littered across his back-fence line – sometimes completely torn apart and leaking antifreeze and oil.
- Mr Brown indicated another aerial view of the property showing the number of cars stored on the property and next to his fence.
- Although they had stated they would be moving 4 cars out a week, they had in fact been moving 4 cars a week into the property.
- Port St, noted Mr Brown, was very narrow to be handling additional traffic.
- He had spoken to his neighbors and they were also opposed to the Annexation with IL zoning.

Barry Hofflander of 2825 Bright St, Nampa – Opposed:

- Mr Hofflander stated he was also opposed to the Annexation and IL zoning for the subject property.
- Bright St, noted Mr Hofflander, dead-ends on the west side of the subject property and if that was continued through it would increase traffic to their quiet neighborhood.
- According to Mr Hofflander all the junk cars go on to the subject property but never come out and are piled in. The property slopes down to Mason Creek and he would just have a view of all the proposed buildings.
- Mr Hofflander inquired if the proposed commercial/industrial building would be used to recondition all the junk cars. With even more cars parked there it would be detrimental to the surrounding property values.

Terry Fisher of 73 N 29th St, Nampa – Opposed:

- Mr Fisher stated there were cars currently stacked two-deep on the subject property, one on top of the other.
- Mr Fisher also noted the difficulty with visibility for getting out on to Port St and accessing Sugar St was also dangerous.
- Mr Fisher added he was opposed to Light Industrial zoning and considered the subject property should be zoned Residential.

Jimmie Fletcher of 2909 Port St, Nampa – opposed:

- Mr Fletcher stated Port St was not safe and inquired what would be done to improve it.
- According to Mr Fletcher, access on to Kings Rd from Port St was very dangerous due to the lack of visibility.

Mr Warnick responded to questions brought up during the public hearing.

- One of the conditions of approval, reported Mr Warnick, was that improvements would be required along Port St adjacent the north boundary of the subject property, with dedication of 40 ft of right-of-way, widening pavement and constructing sidewalks, curb and gutter to match the residential subdivision to the west.
- The applicant did understand that one of the conditions for approval would be to clean up the subject property prior to finalization of Annexation and Mr Hon had indicated that the proposed commercial/industrial building would be built where the cars are currently stored.
- Mr Warnick advised it was unknown at this time what type of tenants would be occupying the building, but there would be a potential for 2, 3 or 4 tenants.
- According to Mr Warnick, the tenant businesses could be for anything permitted in the IL zoning district.
- **Madam Chair Sellman** inquired about the timeline for the residential development.
- The anticipation, stated **Mr Warnick**, was after the Annexation finalized, there would be an administrative lot split so the north side of the property would remain Light Industrial and the south side could then develop for residential. The timeline of the residential development, continued Mr Warnick would be dependent on money available for that development.
- **Madam Chair Sellman** inquired about the timeline for having all the cars off the subject property, building the commercial/industrial structure, and the fencing.

- **Mr Warnick** stated the applicant would like to have Building Permits for the IL zoned property by spring or early summer.
- Mr Warnick indicated the Concept Site Plan and advised the fencing had been indicated around the perimeter of the property.
- **Mr Hon** stated the anticipated timeline for Building Permits would be May. Mr Hon advised the timeline for getting all the vehicles off the property was as soon as possible so the Annexation would finalize, and application made for the Building Permits.
- Mr Hon advised there would be a permanent fence.
- **Kirkman** noted the concerns of the neighbors regarding everything on the property at the present time and stated the property would have to be cleaned up and the cars gone before finalizing the Annexation.
- Mr Hon thought the proposed commercial/industrial building and residential development would improve the property. The weeds were already there when his son bought the property, noted Mr Hon, and they had been taking care of the weeds and thistle.

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

- **Kehoe** inquired the zoning of the subject property in the County.
- **Ashby** stated the County Zoning had been residential R-1 zoning.
- Ashby discussed the possibility of two separate zones on the subject property and suggested a condition could be placed on the approval of the Annexation, that legal descriptions could be submitted for the IL and Residential zoning on the property. The actual split of the property could then follow the Annexation.
- Ashby reiterated the Annexation as proposed was conditional upon the applicants cleaning up the property - to be completed prior to annexation.
- **Kirkman** considered hazardous waste was probably seeping into the ground, with Mason Creek nearby, and questioned to what extent would the clean-up be accomplished.
- **Ashby** replied the clean up would pertain to the weeds, the debris, the cars, and added the property could not operate as a salvage yard.
- **Kehoe** inquired about the IL zoning crossing over Port St on to the subject property.
- **Ashby** replied the IL zoning would fall within the allowance of the Ordinance which would permit the IL zoning to extend south to the subject property. If developed as the applicant proposed, then the IL zone would act as a transition.
- Discussion followed regarding the requirement for the legal description as to where the IL and RS zones would be located on the subject property, and that legal description for the two zones to be received prior to the applications proceeding to City Council.
- **Turner** suggested the public hearing be reopened to give the applicant a chance to respond to the proposed conditions.

Madam Chair Sellman reopened the public hearing.

Lance Warnick:

- Mr Warnick stated he did not object to the proposed conditions. However, during discussions with Nampa Planning Staff, it appeared there was a timing issue with the development of the property with both IL and RS zones placed on the property.
- Mr Warnick agreed a legal description could be provided to City Council indicating the boundaries of the IL zone and the RS zone.
- **Ashby** stated they were not aware of anything preventing the applicant from moving forward with the proposed IL and RS zoning.
- **Mr Warnick** inquired if there would be any delay with requiring a lot split because of the two zones on the property.

- **Ashby** suggested the administrative lot split does not take much time and would not interfere with application for Building Permits, if done in a timely manner.

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

Kehoe motioned and Hutchings seconded to recommend to City Council Annexation and IL and RS zoning districts for a 5-acre property located at 2923 Port Street, for Jeff Hon, Hon Contractors, Inc, subject to:

Generally:

1. **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; and,**

Specifically:

1. **A legal description describing the proposed area to be used as industrial and a legal description for the area to be used as residential shall be submitted to the Planning & Zoning Department prior to the City Council public hearing.**
2. **The property will cease to operate as a salvage yard prior to annexation.**
3. **The property will be brought into compliance with city codes regarding weeds and trash/debris prior to annexation.**
4. **Upon annexation into the City, 40’ of right-of-way from section line of Port St shall be dedicated to the City.**
5. **Any future development of the site will require the placement of sidewalk, curb, and gutter per City standards along entire Port St. frontage.**
6. **Any future development of the site will require connection to City utilities.**

Motion carried.

Public Hearing Item No. 6:

Conditional Use Permit for a Duplex in an RS-6 (Single Family Residential – 6,000 sq ft) Zoning District at 112 S Garland St. (Lot 3, Block 7 Amended Plat of Kurtz Addition in the SE ¼ of Section 27 T3N R2W BM, Nampa, Canyon County)) for Robin Moffitt, Equity Wealth Builders, LLC (CUP-00166-2020). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Robin Moffitt of Equity Wealth Builders, 112 9th Ave S, Nampa – the applicant:

- Ms Moffitt stated she purchased the subject property a few months ago and found it had been in the configuration of a duplex for almost 20 years. The building does have two bedrooms on each floor, a bathroom on each floor, two full kitchens, and egress windows and a separate entrance on the lower level.
- According to Ms Moffitt, she had hired an electrician to separate the meters and at that time found that it was not a legal duplex.
- Ms Moffitt continued, the fire separation between the floors had already been accomplished when she purchased the property.
- Ms Moffitt reported she owned another approved duplex 1 ½ blocks away, and a block from there was a four-plex. To the north there were two four-plexes half a block away and noted other duplexes and four-plexes in the area. On the west side of Garland St, added Ms Moffitt was the back of the Holly Shopping Center.
- Ms Moffitt stated the intention was to keep the property and added she would not be flipping the property.

- Ms Moffitt requested approval of the Conditional Use Permit in order to make the subject property a legal duplex.

Planning Director Holm:

- Holm reported the area was designated Medium Density on the Comprehensive Plan Future Land Use map.
- The parcel size, added Holm, was the standard 7,000 sq ft lot, with utilities available.
- Holm indicated a map showing other duplexes and fourplexes nearby and noted it was not uncommon to have duplexes with Conditional Use Permit approval in a single-family neighborhood.
- Holm reviewed the Staff Report and recommended conditions of approval, including the conditions from the Building Department for separation of living units.
- Holm indicated the requirement for four off-street parking spaces for the proposed duplex.
- Ms Moffitt indicated how she would accommodate the four off-street parking spaces, and the existing garage.

Madam Chair Sellman proceeded to public testimony.

Phillip Durfee of 120 S Garland St – Opposed:

- Mr Durfee spoke in opposition to the requested Conditional Use Permit for a duplex.
- Mr Durfee stated a duplex had been denied for the subject property twice before.
- The reason for the previous denials has not changed stated Mr Durfee, the parking, even with their proposed changes would be severely limited.
- According to Mr Durfee, the subject property was located on the street behind Holly Shopping Center where employees of the businesses and the beauty college park in front of the houses on Garland St, thereby restricting the property owner's access.
- Mr Durfee explained he was disabled and had a difficult time getting around and therefore needs access to his property. The neighbor, Mr Donaly, also has health issues and was periodically denied access to his property.
- Approving the requested Conditional Use Permit, added Mr Durfee, would only make parking worse and more difficult to access.
- The existing garage on the subject property, continued Mr Durfee, was a one car garage and had a one car door and it would be impossible to get two cars in the garage at the same time.
- According to Mr Durfee, the owner of the subject property had already remodeled the house before any approval had been given.
- Mr Durfee stated he had lived at 120 S Garland St almost all of his 61 years.
- According to Mr Durfee, he had been inside the subject property at 112 Garland St since he was a child, and noted there was a kitchenette in the basement put in by the original owners.
- Mr Durfee indicated the downstairs unit had not been put in as a rental by any previous owners.
- Garland Street at times, can be partially or completely blocked by delivery trucks to Family Dollar and the other stores in the Holly Shopping Center, which created traffic problems, and more problems for parking in front of their homes.
- Mr Durfee stated he was requesting the Planning and Zoning Commission reject the Conditional Use Permit again for the subject property.
- In response to a question from **Madam Chair Sellman**, Mr Durfee stated he did have a parking space off the alley, but he could not see his car and it had been vandalized previously

Wayne Donaly of 116 S Garland St, Nampa – Opposed:

- Mr Donaly stated their biggest concern was parking.

Robin Moffitt:

- Ms Moffitt stated she appreciated hearing the history from the two neighbors regarding the subject property. When she purchased the property, added Ms Moffitt, there was a fully functioning kitchen in the basement – not just a kitchenette.
- According to Ms Moffitt, she had done no improvements requiring a Building Permit and when she found out permits would be necessary, she had stopped all work.
- The residents, continued Ms Moffitt, would not be parking on S Garland St. It would be controlled so that residents of the duplex would be required to park at the back of the property.
- The property will be upgraded, added Ms Moffitt, to meet all requirements.
- Discussion followed regarding the applicant’s willingness to provide parking and meet all Building Department requirements.

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

Garner motioned and Kehoe seconded to approve the Conditional Use Permit for a Duplex in an RS-6 zoning district at 112 S Garland St, for Robin Moffitt, Equity Wealth builders, LLC, subject to:

1. All requirements of the Nampa Fire and Building Departments regarding the proposed conversion to a duplex shall be satisfied.
 2. The Building department requires:
 - a) Separation of the water system for separate water turn off.
 - b) Separation of heating units.
 - c) One-hour fire protection between units.
 - d) Separate electrical panels.
 - e) Egress windows in each bedroom.
 3. General compliance at the time of building permit issuance with the site plan approved, including the continual maintenance of 4 off-street parking spaces for the conversion to a duplex.
 4. The conditional use permit shall be issued for the life of the building as a duplex.
- Motion carried with Garner, Hutchings, Kehoe, Turner and Hutchings in favor and Kirkman opposed.**

Public Hearing Item No. 7:

Subdivision Short Plat Approval for Devlin Subdivision in an IL (Light Industrial) zoning district near the SW corner of N Franklin Blvd and E Karcher Rd (7 industrial lots on 21.85 acres for 3.12 lots per gross acre in the NE ¼ Section 15 T3N R2W BM) for Kent Brown Representing Adler AB Owner V LLC and Adler AB Owner IX LLC (SPS-00027-2019) ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Kent Brown of 3161 E Springwood, Meridian – the applicant:

- Mr Brown indicated the 7-lot short plat, with a couple of existing buildings on the property, as well as an existing street.
- Mr Brown stated they had reviewed the Staff Report and recommended conditions of approval and were in agreement with those conditions.
- Mr Brown noted the vacant lots and those containing buildings.

Principal Planner Ashby:

- Ashby reviewed the Staff Report and recommended conditions of approval.

Madam Chair Sellman proceeded to public testimony.

No public comments forthcoming.

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

Kehoe motioned and Hutchings seconded to recommend to City Council approval of the Short Plat for Devlin Subdivision in an IL zoning district near the SW corner of N Franklin Blvd and E Karcher Rd, for 7 industrial lots on 21.85 acres, for Kent Brown, representing Adler AB Owner V, LLC and Adler AB Owner IX, LLC, subject to:

Generally:

- 1. 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; and,**

Specifically:

- 1. The Applicant’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
- 2. Prior to City Engineer signature of the Final Plat, the Applicant shall submit a revised Preliminary Plat showing the location of all existing public utilities and drainage improvements and associated existing and proposed utility easements. The plat shall also reflect the required additional 10’ of public right-of-way dedication along N Franklin Blvd.**
- 3. Roadway maintenance records shall be provided to City Engineering and the following maintenance shall be done prior to City acceptance of roadways:**
 - a) Clean all curb, gutter, and sidewalk to remove and dispose of all accumulated dirt, debris, and/or sediment;**
 - b) Clean all drain inlets and sand and grease traps to remove and dispose of all accumulated dirt, debris, and/or sediment;**
 - c) Remove filter fabric from all drain inlets; and,**
 - d) Apply asphalt emulsion seal to all pavement cracks and along gutter lips.**
- 4. The Owner/Applicant shall submit evidence of existing surface irrigation water rights to the Nampa Engineering Division, and that all assessments have been paid in full, prior to City Engineer signature of the Final Plat. If water rights have lapsed, the Applicant shall reestablish water rights with Pioneer Irrigation District and submit proof thereof to the Nampa Engineering Division prior to City Engineer signature of the plat.**
- 5. 8” pressure irrigation main shall be extended along the frontage of Lot 5, Block 1 and Lot 2, Block 2 at the time of lot development. The utility extension shall be reflected on construction drawings submitted for Building Permit of those lots.**
- 6. Sidewalk and any required drainage improvements shall be constructed along the E Karcher Road and N Franklin Blvd frontages in accordance with Nampa City Code Section 9-3-1 at the time of lot development of Lots 1 and Block 1 and Lot 2, Block 2. The E Fargo Ave curb ramp at the southeast corner of Lot 5, Block 1 shall also be reconstructed to be ADA compliant at the time of lot development. The frontage improvements shall be reflected on construction drawings submitted for Building Permit of those lots.**

Motion carried.

Public Hearing Item No. 8:

Annexation and Zoning to IL (Light Industrial) for a Small-Scale Home Occupation Auto Transmission Repair Shop in the freestanding buildings behind and west of the dwelling at 16545 Madison Rd. (A .96-acre or 41,818 sq. ft. portion of the SE ¼ NW ¼, Section 10, T3N, R2W, BM, Canyon County, Idaho) for Glenn and Judith Watts (ANN 137-19). – ACTION ITEM

Madam Chair Sellman proceeded to public hearing.

Glen Watts of 16545 Madison Road – the applicant:

- Mr Watts requested Annexation and IL zoning for his property at 16545 Madison Rd. According to Mr Watts stated he had been operating a transmission repair shop (Capitol City Transmission Repair) in Garden City for 46 years and would now like to run a small semi-retirement business on his property.
- Mr Watts added there were two buildings at the back of his property, and he would use the one 3-bay shop and the other one would just be storage.
- Everything would be done inside the shop, stated Mr Watts, and he did not collect cars or leave cars on his property.

Planning Director Holm:

- Holm indicated the subject property located on .96 acre at 16545 Madison Rd.
- The property was currently designated as Light Industrial on the Comprehensive Plan, reported Holm, and the proposed zoning would be IL (Light Industrial).
- Holm noted the IL zoning to the north, east and surrounding the subject property.
- Access to the property was from Madison Ave.
- It was determined a Conditional Use Permit would not be required because of the IL zoning; however, the Home Occupation standards limited the size of the accessory building used for the Home Occupation to 25 percent of the size of the dwelling on the property.
- Therefore, added Holm, it had been determined a Variance Application would also be attached to the Annexation Application going before City Council to allow the larger Home Occupation shop building.
- Holm explained there were other enclaved residential properties in the County that were also doing similar Home Occupations.
- Holm reviewed the Staff Report and recommended conditions of approval.
- According to Holm, no comments had been received from neighboring property owners.
- In response to a question from **Kehoe**, **Holm** advised the subject property was contiguous to City limits on the north and east.

Madam Chair Sellman proceeded to public testimony.

No public comment forthcoming.

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

Kirkman motioned and Garner seconded to recommend to City Council Annexation and IL zoning for a .96-acre parcel located at 16545 Madison Rd, for Glenn and Judith Watts, subject to:

1. **Upon annexation into the City 40' right-of-way from section line of Madison Rd shall be dedicated to the City.**
2. **Any future development of the site will require the placement of sidewalk per City standards along entire frontage. Depending on existing conditions adjacent to this site at time of any future development, a sidewalk deferral agreement may be an available course of action if desired.**
3. **Any future development of the site will require connection to City utilities (sewer, water, pressure irrigation) all of which are currently existing in Madison Rd at this time.**
4. **All vehicles to be worked on shall be parked on the property. In no instance should customer vehicles either before, during, or after repair be parked within the public right-of-way.**
5. **The Building Department will require tenant improvement for change of use and a mechanical permit for ventilation.**
6. **In lieu of a Conditional Use Permit a Variance shall be required for the business to exceed 25% of the gross floor area of the associated dwelling unit. Said Variance shall not go with the property, but only be allowed for the current owners/residents of the property, Glenn and Judith Watts.**

Motion carried.

The Planning Commission returned to Public Hearing Item No. 2:

Annexation and Zoning to RS8.5 (Single Family Residential – 8,500 sq. ft.) at 2413 Sunny Ridge Rd for a new home (A 1.11 acre portion of the NE corner of the NW ¼, Section 3, T2N, R2W, BM, Canyon County, Idaho and Tax 8 in Lot 3 of Asselins Subdivision) for Travis Adams representing Ironwood Homes (ANN-00138-2019). – ACTION ITEM

Madam Chair Sellman proceeded to public hearing.

The applicant was not present.

City Engineer Badger:

- Badger advised the house was currently under construction in the County with a Building Permit through Canyon County.
- The applicants were requesting annexation because they will be connecting to City water and sewer.
- The third reading of the Ordinance, continued Badger, would be held until construction of the house was completed.
- The intent, added Badger, was to hold the third reading of the Ordinance annexing the property until the house was completely constructed, so there would be no issues with the Building Permit between the City and the County.
- Badger added the subject property was an enclaved area and they were requesting connection to City water and sewer and thereby were required to annex into City limits.

Madam Chair Sellman proceeded to public testimony.

No public comment forthcoming.

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

Hutchings motioned and Kehoe seconded to recommend to City Council Annexation and RS-8.5 zoning for a 1.11-acre parcel at 2413 Sunny Ridge Rd, for Travis Adams representing Ironwood Homes, subject to:

Generally:

- 1. 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; and,**

Specifically:

- 1. Dedicate forty (40) ft of right-of-way from Section line of Sunny Ridge Rd to the City of Nampa.**
- 2. Construct sidewalk, meeting City standards, along entire Sunny Ridge Rd frontage.**
- 3. Connect to City utilities, and follow conditions outlined in 2413 Sunny Ridge Road – Property Annexation and Provision of City Services letter dated November 19, 2019.**
- 4. Construct a driveway that accommodates turn-around of vehicles on the property to avoid vehicle back-out onto Sunny Ridge Road.**

Motion carried.

Meeting adjourned at 9:20 p.m.



Norman L Holm, Planning Director

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