

# NAMPA PLANNING & ZONING COMMISSION

## MINUTES OF REGULAR MEETING HELD TUESDAY, FEBRUARY 23, 2021

Audio recordings of the full proceedings may be accessed following the meeting at <https://www.cityofnampa.us/AgendaCenter>.

Video recordings of the full proceedings may be accessed following the meeting at <https://livestream.com/cityofnampa>.

### COMMISSIONERS PRESENT:

Peggy Sellman, Chair (Chambers)  
Steve Kehoe, Vice-Chair (Chambers)  
Michaella Franklin (via Teams)  
Adam Hutchings (Chambers)  
Matthew Garner (Chambers)

Jeff Kirkman (Chambers)  
Bret Miller (Chambers)  
Tom Turner (Chambers)  
Ron Van Auker, Jr. (Chambers)

### COMMISSIONERS ABSENT:

### CITY STAFF PRESENT:

Rodney Ashby, Planning Director (Chambers)  
Daniel Badger, City Engineer (Chambers)  
Kristi Watkins, Principal Planner (Chambers)  
Parker Bodily, Associate Planner (Chambers)

### CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT:

With a quorum of Commissioners present, Madam Chair Sellman called the meeting to order at 6:51 pm.

ANNOUNCEMENTS: None

### APPROVAL OF MINUTES:

Hutchings motioned and Van Auker, Jr. seconded to approve the minutes of the February 9, 2021 Planning & Zoning Commission Meeting. Motion carried.

### REPORT ON COUNCIL ACTIONS:

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

Director Ashby stated City Council approved the design review changes for multi-family developments which is significant as Design Review Committee will be seeing more multi-family projects going forward. Council approved with all Planning & Zoning Commission recommendations except for the exception of the 25% glazing requirement. Commission had recommended that the exception be removed so that 25% glazing for each wall for multi-family housing would still be required and the Design Review Committee could then remove or waive that condition on a case-by-case basis. The Design Review Committee preferred that language stay in the Design Review code so that 25% glazing was required and could then be waived, which was recommended on to Council. Council denied this, stating multi-family developments should not have to meet the 25% glazing requirement for privacy reasons and that they would have to put glazing in for egress and ingress anyway.

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

**Business Item 1:** *Tabled from 1/26/21 P&Z Commission meeting-public hearing closed.* Subdivision Preliminary Plat Approval of Astair Subdivision including 31.36 acres/220 lots for single family residential, 9.98 acres/1 lot for Assisted Living, 10.13 acres/3 lots for commercial land uses, 7.59 acres of common area, and .75 acres of open-space for a total acreage of 62.95 in the RP (Residential Professional) zoning district, and 10.13 in the BC (Community

Business) zoning district at 0 Midland Blvd., also known as parcel R3087000000 for a mixed use development with a gross density of 3 dwelling units per acre and a net density of 6.54, located in the SE ¼ of Section 5, T3N, R2W, BM, Canyon County, Idaho, for Kent Brown representing the owner - CIFF Enterprises LLC (SPP 064-20) – ACTION ITEM.

Principal Planner Watkins:

- This business item is a discussion item for the Commission. The discussion is to approve or deny the preliminary plat for Astaire Subdivision based on the previous discussion and the new information that was presented in the staff report.
- The minutes requested by the Commission were provided in the staff report which include a summary of past meetings held on the property currently being proposed as Astaire Subdivision and the decisions for those items.
- Garner inquired whether staff knew the fencing type currently surrounding Stiehl Falls subdivision. Watkins responded that, per the Development Agreement (“DA”), 6 ft. vinyl fencing was approved during the third and final project hearing.
- If any changes were going to be made beyond what the DA, as it currently stands, indicates, Counsel would need to be consulted to determine whether staff would legally be required to go through the process to change the DA. The DA states 6 ft. vinyl material to be used to match Stiehl Falls subdivision.
- There were multiple public hearings; the DA is what was approved, the motion from Commission would be to either approve or deny the project based on the fact that it complies with this current DA.
- If the Commission were to add extra conditions, staff would need to research whether the original DA would need to be changed. Commission must make a decision based on the current DA.

Garner stated his recollection was that there was a property owner who took issue with this project, saying that they needed the fence to be a block wall, the current developer was saying just a vinyl fence, correct? Watkins responded that this is what matches the DA that was approved. The block wall was discussed in a previous application that was denied.

Garner inquired if the commissioners recalled any other sticking points besides the fencing to that project. Watkins: The request from the Commission a month ago was to research the conversations that occurred; staff determined that the block wall was discussed in a previous application which was denied. That conversation did not carry forward. The conditions that did carry forward are in the DA. Miller stated the property owners must be remembering a meeting that was some time ago. Watkins stated the conversation did occur; however, it was part of a different development.

Kirkman inquired whether the Commission needs to be more specific with regard to the DA in their decision. Miller responded that, if the DA is not going to be changed, this is not necessary. Garner and Kirkman also clarified that no specification is required relating to the DA as that has not changed.

The Commission reviewed the staff analysis and found the layout meets Nampa code, that the Development Agreement meets minimal code requirements for a preliminary plat in an RP zone, and complies with conditions outlined in the recorded Development Agreement.

Garner motioned and Miller seconded to approve the Subdivision Preliminary Plat for Astair Subdivision including 31.36 acres/220 lots for single family residential, 9.98 acres/1 lot for Assisted Living, 10.13 acres/3 lots for commercial land uses, 7.59 acres of common area, and .75 acres of open-space for a total acreage of 62.95 in the RP (Residential Professional) zoning district, and 10.13 in the BC (Community Business) zoning district at 0 Midland Blvd., also known as parcel R3087000000 for a mixed use development with a gross density of 3 dwelling units per acre and a net density of 6.54, located in the SE ¼ of Section 5, T3N, R2W, BM, Canyon County, Idaho, for Kent Brown representing the owner - CIFF Enterprises LLC (SPP 064-20) with all conditions of staff. Motion carried.

**Business Item 2:** *Tabled from 1/26/21 P&Z Commission meeting-public hearing closed.* Conditional Use Permit for an in-home daycare for eight (8) to twelve (12) children in a RD (Two-Family/Duplex Residential) zoning district at 3424 E Greenhurst Rd. (.26 acre or 11,326 sq. ft. parcel being a portion of the SW ¼ of Section 36, T3N, R2W, BM) for Dionisia J and Navarro De Sanchez (CUP 204-20) – ACTION ITEM.

Associate Planner Bodily:

- Mrs. Sanchez has met with the Planning & Zoning Department and the Engineering Division to discuss the possibilities of providing parking for an in-home daycare. A solution has been agreed upon which would provide a safe way for vehicles to turn off of E Greenhurst Rd and not have to back onto E Greenhurst Rd. The owner will be allowed to widen the existing residential driveway and provide a hammerhead on the property for a turnaround. This solution meets the requirements of the Nampa Engineering Division.
- A sketch of the property along E Greenhurst Rd and S Lexis Way showing how the turnaround would be designed was presented to Commission.
- If the Commission determines to allow the home occupation daycare business, the following conditions are recommended:
  - Compliance with all City Codes, including Title 4 – Building Code. A City of Nampa permit application will be required as this is a change of occupancy.
  - Patrons shall not park along E Greenhurst Road or use the residential driveway access on the west end of the house.
  - The daycare shall have a passing fire inspection.
  - The conditional use permit is granted only to the property for the duration of the use and shall not be transferable to any other location.
  - Any other conditions imposed by the Commission.

Miller inquired whether a gate from Lexis Way would be an alternative. Badger responded Lexis Way is a private street, they are looking at putting in a concrete driveway and pad that will provide for cars to come in, turnaround, and backout onto Greenhurst without needing to back into the street.

The Commission reviewed the applicable regulations:

1. Nampa City Code, Title 10, Chapter 1 “General Provisions” criteria of Home Occupations (Section 10-1-2 HOME OCCUPATION and Section 10-1-10).
2. Nampa City Code, Title 10, Chapter 3 “Schedule of District/Zone Land Use Controls” criteria for uses in the RS District (Section 10-3-2). States that a caregiver’s children under the age of 6 count against the number of daycare children.
3. Nampa City Code, Title 10, Chapter 25 sets forth the criteria of approval. These criteria essentially require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood. Section 10-25-4 states the general criteria for approval and issuance of a conditional use permit.

The Commission determined the CUP request met these applicable city code regulations and a parking solution has been determined to be acceptable by city staff.

**Kirkman motioned and Garner seconded to approve the Conditional Use Permit for an In-Home Daycare for eight (8) to twelve (12) children in a RD (Two-Family/Duplex Residential) zoning district at 3424 E Greenhurst Rd. for Dionisia J Navarro De Sanchez (CUP 204-20) with all staff conditions according to the map drawing that was presented with regard to parking. Motion carried.**

Madam Chair Sellman proceeded to Public Hearing item on the Agenda at 7:05 pm.

**Public Hearing 1:** Subdivision Plat Short Approval of Banner Park Subdivision in a RD (Two-Family Residential) zoning district, at 516 20th Ave N. (parcel #R1428561900) for division into 2 fourplex lots, 1 duplex lot, and 1 common lot for a total of 10 dwelling units (a .958 acre portion situated in the SE ¼ of the SW ¼, Section 23, T3N, R2W, BM) for Jadon Schneider representing Bronze Bow Inc. (SPS 036-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Jadon Schneider, 3625 N Carr Ln, Garden City, ID 83714 – applicant.

- Stated overall this was a small subdivision, 4 lots on just under an acre, 3 buildable, 1 common lot as a shared access drive.

- There is a 25 ft. landscape buffer off of 20th Ave. into lot 1 which is an easement that will be added to the final plat.
- Stated he is in agreement with staff conditions for the project.

Associate Planner Bodily:

General Information:

- Comprehensive Plan: Medium Density Residential.
- Existing Zoning: RD (two-family residential).
- Land Use: North-RD single family homes; South-RD railroad; East-RD single family homes; West-RD single family home and duplexes. Reviewed nearby higher density developments.
- Access: From 20th Ave N.
- Utilities: Available to the site.
- 0.958 Acres, 3 buildable lots (2 fourplex lots and 1 duplex lot).
- 10 dwelling units per acre.
- There will be a 25 ft. landscape buffer from 20<sup>th</sup> Ave N as part of lot no. 1.

Reviewed agency correspondence:

- Nampa & Meridian Irrigation District: No impact.
- Nampa Engineering Division Conditions:
  - An Erosion Control Permit with City of Nampa is required prior to the start of any earth disturbing activities.
  - The Developer's Surveyor shall address all Short Plat comments prior to City Engineer signature of the plat.
- Nampa Fire Department:
  - This development is 1.3 miles from Nampa Fire Station 1 with an approximate response time of 5 minutes – consistent with goals outlined in the Comprehensive Plan.
  - This development will increase fire personnel demand by .009 firefighter positions.
  - The letter outlines the critical International Fire Code conditions that must be followed.
  - Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site.
- Nampa School District:
  - The children from this property will attend the following schools. There are no concerns about capacities:
    - Endeavor Elementary
    - East Valley Middle School
    - Skyview High School
- Nampa Parks Division: No requests
- Nampa Forestry Division: No requests
- Nampa Highway District #1: No comment
- Idaho Transportation Department: No objections

Regarding the plat, Zoning Staff finds:

1. Minimum Lot Areas:
  - That because the proposed Development is slated for development in conjunction with RD zoning, this requirement applies...all building lots meet or exceed 7,000 sq. ft. in area, therefore, the Plat is deemed compliant in this regard; and,
2. Lot Width:
  - All lots demonstrate required lot width; therefore, the Project is deemed compliant in this regard; and,
3. Landscaping:
  - A landscape plan was submitted with the application paperwork and approved by Doug Critchfield in the Planning and Zoning department

Should the Planning and Zoning Commission vote to recommend to City Council approval of the "Banner Park Subdivision" Short Plat, then Staff would suggest the following as (a) Condition(s) of Approval(s):

- Comply with all City department/division or outside agency requirements pertinent to this matter.
- The Developer's Surveyor shall address all Short Plat comments prior to City Engineer signature of the plat.

- 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.
- Comply with the International Fire Code.
- Fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site.
- Provide construction drawings with a grading plan indicating minimum and maximum top of wall elevations from top back of curb and a drainage plan for individual lots prior to final plat final approval.
- Shared access/maintenance of private drive shall be addressed via plat note or in the recorded Covenant, Conditions & Restrictions document.
- A note shall be added to the final plat indicating that 25’ of Lot 1, Block 1 shall be provided as a landscape buffer from 20<sup>th</sup> Ave N.

Madam Chair Sellman proceeded to public testimony.

Amanda Ranke, 1638 W Tenzing St, Nampa, ID – signed up online (stated neutral about the application, did not wish to speak at the hearing and did not request to join the meeting online). Ranke was not present either in person or online.

Kehoe motioned and Hutchings seconded to close the public hearing. Motion carried.

The Commission reviewed NCC § 10-27-2 outlining subdivision regulations and NCC § 10-27-4F short plat regulations, and found the proposed plat’s design met city codes and subdivision lot division standards.

**Van Auken, Jr. motioned and Miller seconded to recommend to City Council approval of Subdivision Plat Short Approval of Banner Park Subdivision in a RD (Two-Family Residential) zoning district, at 516 20th Ave N. (parcel #R1428561900) for division into 2 fourplex lots, 1 duplex lot, and 1 common lot for a total of 10 dwelling units (a .958 acre portion situated in the SE ¼ of the SW ¼, Section 23, T3N, R2W, BM) for Jadon Schneider representing Bronze Bow Inc. (SPS 036-21). Motion carried.**

Meeting adjourned at 7:15 pm.

Rodney A. Ashby, Planning Director  
:kh

