

# NAMPA PLANNING & ZONING COMMISSION

## MINUTES OF REGULAR MEETING HELD IN NAMPA CITY HALL COUNCIL CHAMBERS TUESDAY, MARCH 24, 2020, 6:30 P.M.

Members: Peggy Sellman- Chair  
Steve Kehoe – Vice Chair  
Michaela Franklin  
Matthew Garner  
Jeff Kirkman  
Tom Turner

Ron Van Auker, Jr  
Norm Holm, Director  
Rodney Ashby – Principal Planner  
Kristi Watkins – Senior Planner  
Doug Critchfield – Senior Planner  
Daniel Badger – City Engineer

Absent: Bret Miller  
Adam Hutchings

**Madam Chair Sellman, and Commission members Kehoe, Turner and Kirkman were present in the Council Chambers. Commission members Franklin, Garner and Van Auker, Jr were connected via Zoom meeting.**

**Madam Chair Sellman** called the meeting to order at 7:00 p.m.

**Approval of Minutes: Kehoe motioned, and Garner seconded to approve the Minutes of the March 10, 2020 Planning and Zoning Commission meeting. Motion carried.**

**Report on Council Actions.** No City Council member present to report on City Council actions.

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

### **Business Item No. 1:**

Update on the Nampa Downtown Main Street Program by Jay Snyder, Nampa Main Street Program Manager.

- **Ashby** announced the Update would be continued to a later meeting.

**Madam Chair Sellman** proceeded to the Public Hearing items on the Agenda at 7:30 p.m.

### **Public Hearing Item No. 1:**

**Annexation and Zoning to RD (Two-Family Residential) at 44 S. Kings Rd. (A 4.1-acre or 178,596 sq. ft. portion of the NW ¼ Section 25, T3N, R2W, BM also identified as Tax 6 in Tracts 15 and 16 of Nampa Heights Addition – for Fourplex Apartments for Tim Kristovich, Whispering Pines LLC (ANN-00170-2020). – ACTION ITEM**

**Madam Chair Sellman** proceeded to public hearing.

**Tim Kristovich, representing Whispering Pines, LLC, of 2335 N Grey Hawk, Kuna – the applicant:**

- Mr Kristovich stated he was requesting Annexation and RD zoning for the subject property, which would be in compliance with the City Comprehensive Plan for the area.
- According to Mr Kristovich, the intent would be to construct 12 nicer four-plexes on the property. Mr Kristovich explained that he owns Kristy Construction and that would be the company building the four-plexes.
- His company builds very high efficiency projects, added Mr Kristovich, rated .6 – energy efficient housing.

- **Kehoe** inquired about the height of the buildings and **Mr Kristovich** replied the four-plexes would be two story in height – no higher than a normal two-story house.

**Principal Planner Ashby:**

- Ashby indicated the location of 44 S Kings Rd, just north of Parkview Way and Parkridge Elementary School, and south of Victory Rd.
- The applicants have requested RD zoning in order to allow four-plex/multi-family construction, to build approximately 51 units of 2 to 3-bedroom multi-family residential units on 4.1 acres.
- The Comprehensive Plan Future Land Use Map, continued Ashby, indicated Medium Density Residential designation.
- The surrounding land uses to the north are Single Family Residential – RS-6 zoning, further to the north was enclaved County Agricultural land; to the south Single Family Residential for the Parkridge Subdivision zoned as RS-6; to the east Rural Residential farmland; and to the west also RS-6 zoning for Kingsgate Subdivision.
- Ashby indicated the aerial view of the subject property, current in use as a single-family home with open lot for farm animals.
- City utilities are available to the site, reported Ashby, and access would be from S Kings Rd.
- Correspondence was received from Nampa School District, indicating the schools that children from the proposed development would be attending and they had no concerns regarding capacity at any of those schools.
- Nampa School District did comment on the need for sidewalks and lighting for Safe Routes to School and to access School Bus Stops.
- The required right-of-way dedication for S Kings Rd adjacent the subject property would be 50 ft.
- Ashby advised in the past Kings Rd had been designated as a Collector Road but had recently changed in the adopted Master Plan to a Minor Arterial.
- Ashby indicated the Engineering Division Memorandum from Caleb LaClair – Assistant City Engineer, dated March 5, 2020.
- Ashby read an email received from **Lisa Crockett**, at 3112 Parkview Way, Nampa, stating she was voicing concern regarding the proposed four-plex multi-level homes. She noted the times she already had to wait in order to turn right on Kings Rd for a break in the traffic, and there were days the traffic was backed up beyond their road waiting for their turn at the stop sign. Ms Crockett added that when coming home via Garrity Rd she had to stop due to traffic being backed up from the Kings Rd/Victory Rd stop sign. Another concern, continued Ms Crockett was the privacy in her back yard if a multi-level home were to be built behind her fence. Another concern was the overall look of the neighborhood, added Ms Crockett, as there were no apartments in that neighborhood, and she did not think apartments would blend in with the overall look of the neighborhood.
- Ashby read the comments received from **Dian Ashcraft** stating the proposed four-plex development would not be consistent with the overview of the neighborhood. Ms Ashcraft added that she objects to multiple level dwellings due to the invasion of privacy for their homes. Another concern would be the multi-plex living would increase the amount of traffic density coming north and south on Kings Rd.
- Ashby read the comments received from **Steven S Bush** of 3308 Parkview Way officially opposing the annexation and zoning to RD for 44 S Kings Rd, Nampa. Mr Bush stated his reasons for opposition were: the increased traffic and congestion the four-plex apartments would create on S Kings Rd and E Victory Rd which were already highly congested in the morning and afternoon hours; concerns regarding the privacy and security of the bordering residential homes located around the proposed four-plex apartments and in the Parkridge Subdivision, and those living on Parkview Way specifically. The small back yards along the border with the proposed apartments would no longer have any privacy if the apartments were more than one story high, especially if a 10 ft wall or mature trees were not installed by the developer. There were also concerns over existing property values of neighboring residential houses being negatively impacted due to the apartments in close proximity; and, negative precedence for other open fields in the area, such as 3123, 3213 and 3321 E Victory Rd that may be considered at a later date.

- Ashby read the comments received from **Jason Powell** of 3322 Parkview Way, stating his opposition for the requested annexation and RD zoning for 44 S Kings Rd. Mr Powell stated his opposition regarding: Increased traffic and congestion the proposed four-plex apartments would create at S Kings Rd and E Victory Rd, which are already highly congested in the morning and afternoon hours and adding an entrance into the complex less than 50 ft from the Parkview Way entrance would make access on to Kings Rd difficult; Concerns with the privacy and security of the bordering residential homes located around the proposed four-plex apartments and in the Parkridge Subdivision, and those living on Parkview Way specifically; The small back yards along the border of the proposed apartments will no longer have any privacy if the apartments are more than one story high - depending on the height of the complex no amount of barricades or plants would block the view and infringe on their privacy; Concerns over property values of existing neighboring residential houses being negatively impacted due to apartments in close proximity; and, Negative precedence for other open fields in the area such as 3123 3213 and 3321 E Victory Rd that may be considered at a later date.
- For the subject property to be eligible for annexation, reported Ashby, it must be contiguous with City limits, and zoning must be consistent with the adopted Comprehensive Plan Future Land Use Map.
- Ashby reviewed the Staff Report and staff recommended conditions of approval.
- Ashby advised the subject property connects with the City limits on the west and south property lines, and the parcel is part of a 38.85-acre enclaved area.
- The proposed zoning conforms to the City's Comprehensive Plan Future Land Use Map.
- Ashby noted the traffic in the Kings Rd/Victory Rd area during the peak hours.
- Regarding privacy, Ashby noted the RD zone allowed for a maximum height of two stories, and the proposed four-plexes would most likely be two stories high.
- The Commission would determine if the proposed four-plexes would fit in the area.
- Ashby reviewed the recommended conditions of approval as listed in the Staff Report.

**Madam Chair Sellman** proceeded to public testimony.

**Michael Laird of P O Box 3064, Nampa – in favor but did not wish to speak.**

**Jeff Kessell of 12476 W Kempshire Ct, Star – in favor but did not wish to speak.**

- **Kehoe** noted the different aspects of the application in terms of: traffic; height of four-plexes. Kehoe considered the traffic was horrendous in that area.
- **Ashby** stated the traffic was just one of the factors to be taken into consideration as part of the overall decision, and the Planning Commission decision would be the best opportunity to place restrictions on the proposed development or recommend denial of the project.
- **City Engineer Badger** advised the City of Nampa does traffic congestion projects and currently the Kings Rd/Victory Rd roundabout project was under design and would be constructed in the next year or two.
- **Badger** stated as the projects develop and apply for Building Permits, Impact Fees would be paid that would help to fund projects that come in with those conditions.
- **Kirkman** noted in the early mornings there was lack of visibility for the children waiting for school buses and questioned when the City would be putting in streetlights.
- **Badger** replied the City standards would be for the developer to place streetlights at each intersection and every 400 ft thereafter. If there were specific issues, they could be reported to the Street Department and Engineering, and an evaluation would be performed to determine if a streetlight would be warranted, and if there was adequate funding to fill that need.
- **Garner** questioned if there were any proposed designs for the buildings, or a site plan for the layout of the buildings.
- **Mr Kristovich** replied they were still in development and the intent would be for the design and layout to fit the area.

- According to Mr Kristovich, they would have consideration for the neighboring subdivisions already in place and do not want to encroach upon those properties. Mr Kristovich added they plan on holding the properties for some time and would not be building and then selling.
- **Garner** noted most of the concerns received from neighbors were primarily regarding privacy and questioned if the applicant would be placing buildings/windows along the south side of the subject property, adjacent the single-family homes.
- **Mr Kristovich** stated he could entertain that suggestion and noted they could place different types of trees along the south boundary and suggested the development would no more impact than two story single family residential homes.
- Mr Kristovich emphasized he wanted to work with the community.
- **Garner** noted there was a house on the subject property at this time that would line up with the entrance to Kingsgate Rd.
- **Mr Kristovich** stated they planned to remove the existing house on the property as the property developed. The house would go away when the plans for the development were approved. Removing the house would allow sufficient access to the proposed development.

**Frank Palmer of 44 S Kings Rd, Nampa – Opposed:**

- Mr Palmer stated he rented the house on the subject property, and the land for his horses, and wanted to be settled for a while as his wife has cancer.
- Mr Palmer inquired how soon the development would commence because he would have to find somewhere to go. Mr Palmer agreed that S Kings Rd was a very busy road.
- According to Mr Palmer he had lived there 4 years and taken care of the property. Mr Palmer added that neither he nor the rental company handling the property knew anything about the proposed development of the property and removal of the house, and the first they knew was when they saw the Public Hearing sign in front of the house.

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

- **Turner** noted the proposed development would be two story four-plexes, however the surrounding houses and neighborhoods were all single-family homes, but further west at Victory and Sugar St were multi-family developments.
- Turner added that he struggled with the idea of putting the apartments right in the middle of single-family home subdivisions.
- **Garner** inquired if the development would come before the Planning Commission for further review.
- **Ashby** stated the development would not come before the Planning Commission for further review and with an RD zoning designation would not go before the Building and Site Design Standards Committee. The Commission, continued Ashby, could recommend approval of the Annexation and RD zoning to the City Council, subject to a Development Agreement.
- Discussion followed regarding how appropriate it would be to place the apartments in a single-family residential area.
- **Garner** suggested the apartments would be consistent with the surrounding housing and would be within walkable distance for the children to the nearby school.
- **Ashby** noted the property had not been zoned as yet, but the proposed RD zoning would comply with the Medium Density residential Comprehensive Plan designation.
- **Van Auker, Jr** stated similar housing was located to the west at Sugar Ave and Victory Rd, and noted the applicant had stated he would develop a nice project with the neighbors in mind.

**Kehoe motioned and Van Auker, Jr seconded to recommend to City Council approval of the Annexation and RD zoning for the 4.1 acre parcel located at 44 S Kings Rd, for Tim Kristovich, Whispering Pines, LLC, subject to:**

1. **Any future access should be directly across from Kingsgate Drive, and accommodate cross access to adjacent undeveloped parcels where possible.**

2. The owner shall dedicate 50' of ROW from Section Line to the City due to Kings Rd now classified as a minor arterial.
3. Frontage improvements required at time of development and shall adhere to the Nampa Engineering Division Process & Policy Manual.
4. A turn lane warrant analysis may be required at time of development.
5. Development of the property will require extension of a 12" pressure irrigation main across the Kings Road project frontage per Irrigation Master Plan CIP-1.10
6. Developer will be required construct dry sewer in Kings Road to accommodate future connection to the Mason Trunk sewer extension when it is available.
7. Onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
8. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
9. Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.

Motion carried.

**Public Hearing No. 2:**

**Zoning Map Amendment from IP/RS (Industrial Park/Single-Family Residential) to RMH (Multiple-Family Residential) at 335 N. Gateway St. (A 1.25-acre or 54,450 sq. ft. portion of the SW ¼ Section 15, T3N, R2W, BM also identified as Lots 23 and 24, Block 13, Nampa City Acres Addition No. 1 – for a 100 unit Multiple-Family Apartment Project for Tim Kristovich, Whispering Pines LLC (ZMA-00117-2020). – ACTION ITEM**

Madam Chair Sellman proceeded to public hearing.

**Tim Kristovich of Whispering Pines, LLC, of 2335 N Grey Hawk, Kuna – the applicant:**

- Mr Kristovich suggested although the application referred to 100 dwelling units on the subject property, he clarified it would be more like 32 living units, because of the parking requirements.
- According to Mr Kristovich, there would be 3 buildings, 3 stories tall, that would match the buildings next door.
- Mr Kristovich stated the proposed project was located in an Opportunity Zone and would upgrade the entire area.
- The property would be held long term as he did not plan to sell the property.
- Mr Kristovich added the project would be a state of the art, high energy efficient complex.
- In response to a question from **Madam Chair Sellman, Mr Kristovich** stated they did not have a site plan, or building elevations for review at this time.

**Planning Director Holm:**

- Holm advised the applicant had requested a Rezone from IP/RS Industrial Park/Single Family Residential zoning to RMH (Multiple Family Residential).
- The maximum density permitted on the subject property, stated Holm, would be 100 dwelling units.
- The 1.25-acre parcel was designated High Density Residential on the Comprehensive Plan Future Land Use Map. Holm indicated the nearby properties designated as Medium Density Residential on the Comprehensive Plan Future Land Use Map, as well as Commercial, Industrial and Community Mixed Use.
- The property to the north was currently zoned RMH, and the applicants were requesting continuation of that zoning to the subject property.
- Utilities are available to the subject property, stated Holm, and access would be from N Gateway street on the east side of the property. Emergency services are located nearby.

- Existing high-density apartments continued Holm, were located immediately to the south.
- Holm indicated photos of the subject property and an aerial view.
- Holm reviewed the Staff Report and recommended conditions of approval.
- The subject property, reported Holm, was designated as High Density Residential on both the 2035 and 2040 Comprehensive Plan Future Land Use Map.
- **Kirkman** inquired if N Gateway St would have to be improved northward.
- **Badger** replied N Gateway St was a local roadway so if there was no existing curb, gutter and sidewalk adjacent to the property they would be required to install those improvements.

**Madam Chair Sellman** proceeded to public testimony.

- **Holm** advised he had one letter to read into the record from a resident of the area:  
**Ginger Cloward, of 351 N Gateway St – in favor.**
- Ms Cloward stated a concern regarding the existing tree on the property line that has grown into her chain link fence but was located on the subject property. Ms Cloward inquired if the tree could remain.

**Julia Clunter of 335 N Gateway St – Opposed but did not wish to speak.**

**Jacob Singer of 335 N Gateway St, Nampa – Undecided:**

- Mr Singer stated he currently rented the house on the subject property, 335 N Gateway St.
- According to Mr Singer, he had the same experience as Mr Palmer regarding no previous knowledge of the home he was currently renting being removed and replaced with apartments.
- Mr Singer advised it was great there would be the possibility of having 34 homes on the property.
- However, the times were very hard right now, for him to buy a house, and for people to be able to move into the apartments. Mr Singer noted he had recently had to lay off a number of his employees.
- Mr Singer suggested the Rezone application be pushed back at least a month until the Federal Government knows what they are going to do because of the difficult times.
- **Kirkman** inquired if it would be possible for the applicant to keep the tree on the subject property located on the fence line as it would be a good buffer for the adjacent property.
- **Mr Kristovich** responded that anytime he develops a property he tries not to cut trees down, and if the tree could remain, he would keep it.
- **Mr Kristovich** stated he was not worried about where the economy was going and thought it would bounce back in the Treasure Valley. The proposed development, added Mr Kristovich, would be for affordable, energy efficient housing.

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

- **Turner** advised he was all for the proposed development at the location on N Gateway St.
- **Kehoe** concurred it would be the right type of building in the right place.

**Kirkman motioned and Kehoe seconded to recommend the Rezone from IP/RS to RMH for 335 N Gateway St, for Tim Kristovich, Whispering Pines, LLC, subject to:**

1. **Include traffic generation estimate at the time of development to determine necessity of traffic analysis.**
2. **Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.**
3. **All domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.**
4. **Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.**

5. **Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.**  
**Motion carried.**

**Public Hearing No. 3:**

**Subdivision Plat Short Approval for Mount Calvary Cemetery No. 3 at 2200 So. Powerline Rd. (A 4.4-acre portion of the SW 1/4 SW 1/4 SW 1/4 of Section 35, T3N, R2W, BM, Canyon County, Nampa, Idaho - 2,900 plus grave sites) for the Roman Catholic Diocese of Boise (SPS 031-20). – ACTION ITEM**

**Madam Chair Sellman** proceeded to public hearing:

**Walter Kimbrough of 4288 Dye Ln, Kuna – representing the applicant:**

- Mr Kimbrough stated he was elected Chairman of the Cemetery Board for the purpose of putting the last half of the cemetery into service.
- Mr Kimbrough explained the cemetery was established about 1895, and one quarter of the land was put into service then and another quarter was put into service in 1968. The plan now was to put into service the last half of the cemetery – for approximately 3,000 graves.

**Principal Planner Ashby:**

- Ashby explained the applicant's intent was to expand the existing cemetery to the east and also put in a columbarium.
- The Comprehensive Plan Future Land Use Map, continued Ashby, indicated the current designation for the area as Public. The existing zoning for the site is RS-22 (22,000 sq ft minimum lot size).
- Ashby indicated the Canyon County enclaved rural properties to the north, east and west, and to the south the large lot residential RP and RA zoning districts. The RS-6 zoning designation was located to the southeast and further west. Skyview High School, noted Ashby, was located at the southwest corner of E Greenhurst Rd and S Powerline Rd.
- There were no new access points proposed for the site, stated Ashby, the ingress/egress point would be off S Powerline Rd. There are utilities available to the property, and pressurized irrigation.
- The frontage along E Greenhurst Rd had been developed with a landscape berm and trees, and trees to the west. The same landscaped berm would be continued to the east.
- The plat indicates Dedication of Right-Of-Way of 15 ft deep along E Greenhurst Rd for right-of-way. The plat does not show sidewalks along E Greenhurst Rd.
- Ashby discussed the proposed plat for Mount Calvary Cemetery, Third Addition, indicating the internal roadway with the proposed berm and landscaping with trees at the front along E Greenhurst Rd.
- The Columbarium was also shown on the plat, on the north side of the interior roadway.
- Nampa Engineering Division had comments and one condition of approval: for the applicant to provide a 5 ft wide sidewalk along Greenhurst Rd frontage or, obtain a Deferral Agreement from Nampa City Council.
- Ashby advised the Nampa Bike and Pedestrian Master Plan currently calls for some improvements along Greenhurst Rd and there seems to be a demand for sidewalks, however, the cemetery has existed for a very long time without having sidewalks along E Greenhurst Rd.
- According to Ashby, he received an e-mail from **Russell Owen Knapp** of 1624 E Greenhurst Rd, stating: 1) the proposed Subdivision Short Plat may influence the ongoing litigation on the 10 to 12 ft along the east side of the cemetery fence line property line; 2) they may plant an intrusive row of trees just west of our property blocking their view of greatly valued sunsets; 3) over the years when the cemetery has had problems with their irrigation system Mr Knapp's property has been flooded multiple times causing damage to the northwest corner of their house at 1624 E Greenhurst – so drainage may be a problem.
- Ashby reported the applicant had informed him there was litigation regarding encroachment on to the cemetery east property line where a property owner constructed some buildings over that property line. It would be requirement to address any concerns that are brought up from that litigation, including the removal of a fence or a building.
- Ashby noted a roadway was proposed along the eastern border of the subject property.
- Regarding the trees, continued Ashby, the City does not usually regulate where property owners place trees on their property.

- Regarding the drainage on the property, reported Ashby, as part of the short plat development they would need to show plans that indicate, through approval from our Engineering Division, that drainage will stay on site
- **Kirkman** inquired if the drainage requirements would only apply to the eastern half currently being developed or would that apply to the entire cemetery.
- **Badger** replied that would occur once the eastern part of the cemetery was developed with a sprinkler system rather than flood irrigation.
- Even with a flood irrigation system they would be required to keep their drainage on site unless there was a historical drainage path that crosses their property.
- **Kehoe** inquired about the sidewalk.
- **Badger** replied City Code requires any development along an Arterial roadway to install sidewalks. The Planning Commission does not have the authority to waive that requirement and that would have to be requested from City Council.
- Badger continued that he did not see a great need to defer the sidewalk requirement.
- **Ashby** reviewed the Staff Report and recommended conditions of approval.
- **Kirkman** questioned if the applicants were required to construct a sidewalk on the eastern half of the cemetery would it also be required to extend to the corner of S Powerline Rd.
- **Badger** replied it would be typical for the applicant to install a sidewalk adjacent to the portion they are currently developing. It would not be typical for the City to require the applicants to go back and put sidewalks in an area that has an existing developed parcel where they are doing no work.

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

**Mr Kimbrough:**

- Mr Kimbrough noted the existing fence already in place on the eastern half of the cemetery.
- The City’s original plan, added Mr Kimbrough, was to have a 50 ft easement, but noted there were already graves in that location.
- Mr Kimbrough stated there was no sidewalk on either side of E Greenhurst at that location.
- The proposed row of trees, added Mr Kimbrough, would be located on the cemetery property.
- The fence was already on the property.
- Regarding the water runoff, Mr Kimbrough explained there was a parcel to the north with an irrigation line across the cemetery property, however there was no easement in place. The property owner uses that water line to irrigate his property. In the past, added Mr Kimbrough, that pipe would overflow when the property owner opened the pipe full blast. Since that time, he had discussed the issue with the property owner, and it does not flood anymore.
- The stormwater has been addressed, noted Mr Kimbrough.
- There was also room to place a second Columbarium in the cemetery, advised Mr Kimbrough.
- Mr Kimbrough discussed the litigation with Mr Russell and stated when he first took over the extension of the cemetery the first thing, he did was to have the property surveyed. Mr Kimbrough stated that Mr Russell was 15 ft on to the cemetery property. Mr Kimbrough explained the case was in the Courts now and would be heard some time soon.

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

**Kehoe motioned and Garner seconded to recommend to Nampa City Council approval of the Subdivision Short Plat for Mount Calvary Cemetery No. 3 at 2200 S Powerline Rd for 2900+ grave sites and Columbarium, for the Roman Catholic Diocese of Boise, as shown in the site plan, also with the recommendation for City Council to defer the requirement for sidewalk, and subject to:**

1. **Generally, the Applicant/Development shall:**
  - a. **Comply with all City department/division or outside agency requirements pertinent to this matter.**
2. **Specifically, the Applicant/Development shall:**
  - b. **Dedication of right-of-way as required by the Nampa Engineering Division and outlined in the Adopted Transportation Master Plan.**



- c. **Construction of sidewalk per City Code or obtain a Deferral Agreement with Nampa City Council.**
- d. **Construction and maintenance of a landscape berm that aligns with and is consistent with the berm and landscaping along Greenhurst frontage for the existing cemetery to the west.**

**Motion carried.**

**Public Hearing No. 4:**

**Zoning Map Amendment from IL (Light Industrial to RML (Limited Multiple-Family Residential) at 23 22<sup>nd</sup> Ave S. (A .16-acre or 6,970 sq. ft. portion of the NW ¼ Section 26, T3N, R2W, BM also identified as Lot 11 Block 1 Park Addition) for a lot split and additional single-family dwelling for Adam Fleck representing Casey Ames (Gem State Cash Offers LLC) (ZMA-118-20). – ACTION ITEM**

**Madam Chair Sellman** proceeded to public hearing.

**Adam Fleck of 3991 N Patricia Ln, Boise – representing the applicant:**

- Mr Fleck advised the proposal for the property was to Rezone from IL to RML.
- Currently, added Mr Fleck, there is a single-family home on the property and a detached garage in major disrepair.
- The goal, added Mr Fleck, was to split the lot, tear down the garage and construct another single-family home on the other half of the lot, and parking for both properties.

**Principal Planner Ashby:**

- The applicants, advised Ashby, had requested rezoning the parcel located at 23 22<sup>nd</sup> Ave S from IL to RML to allow for a lot split, and a single-family dwelling in place of the garage on the other half of the property.
- The Comprehensive Plan Future Land Use Map, noted Ashby, indicated the subject .16-acre property as Industrial, however, the Comprehensive Plan boundaries are stretchable from the High Density Residential across the street to the subject property.
- The existing zoning is IL, so if the Comprehensive Plan was allowed to stretch then the property would be eligible for the expansion of the RML zone across the street.
- The surrounding land uses, stated Ashby, were an abandoned single-family home to the northwest, to the southwest single-family homes, one of which was on a substandard size lot.
- To the direct west are four-plexes, to the northeast an industrial pallet storage property, and to the southeast a railroad switching yard also zoned IL.
- Utilities are available to the site reported Ashby, and public services were all present.
- In the past the property existed as two homes, as the current garage previously contained a residence.
- Each dwelling unit would require two parking spaces; however, they would not be required to be covered parking spaces in the RML zone but would need to be off-street parking spaces.
- Ashby reviewed the Staff Report and recommended conditions of approval.
- Ashby indicated the Memorandum from the Nampa Engineering Division stating, any future development of the site would require frontage improvements.
- The applicants are proposing a corner lot split to construct an 1100 sq ft home in place of the existing garage. The applicant will be required to show how parking would be provided for both dwellings. The existing home on the lot was currently undergoing remodeling.
- **Kehoe** questioned if the City would want to lose Light Industrial zoned property and Ashby stated that was a valid consideration for the Planning Commission. Ashby indicated the downtown residential area across the street.

**Madam Chair Sellman** proceeded to public testimony.

No public comment forthcoming.

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

**Kirkman motioned and Turner seconded to recommend to City Council approval of the Zoning Map Amendment from IL to RML for 23 22<sup>nd</sup> Ave S, to allow a lot split for Casey Ames, subject to:**

- 1. Any future development of this site will require frontage improvements in accordance with Nampa City Code Section 9-3-1 at the time of development. Frontage improvements shall include but may not be limited to installation of sidewalk per City standards/ policies.**
- 2. Applicant shall provide a site plan indicating how they will provide required parking for each dwelling unit prior to adoption of the ordinance to rezone the property.**

**Motion carried.**

**Public Hearing No. 5:**

**Conditional Use Permit for Firearm Repair Services in an IL (Light Industrial) zoning district at 2228 Cortland Place (A portion of a .46 acre or 20,038 sq. ft. portion of the NW ¼, Section 16, T3N, R2W, BM, Nampa, Canyon County, Idaho, also a portion of Lot 1, Block 1, Cortland Business Park) for BGW, LLC c/o Matthew Bates dba BGW Firearm Repair (CUP 171-20). – ACTION ITEM**

**Madam Chair Sellman** proceeded to public hearing.

**Matthew Bates of BGW, LLC, 2228 Cortland Pl, Nampa – the applicant:**

- Mr Bates stated he was requesting approval for a Conditional Use Permit application for a firearms repair service to be located a 2228 Cortland Place. The property was currently zoned IL (Light Industrial) added Mr Bates.
- In response to a question from **Madam Chair Sellman**, **Mr Bates** replied he would be more or less a mechanic for guns. There would be some milling and lathe work, and other than that mostly hand tools.
- **Madam Chair Sellman** inquired if there would be a lot of inventory and **Mr Bates** stated there would not.
- According to Mr Bates, it would be hard to determine the amount of traffic.
- The firearms would be stored in a safe explained Mr Bates.

**Planning Director Holm:**

- The applicant, stated Holm, applied for Conditional Use Permit approval for a firearms repair/gunsmithing service in an IL zoning district to be located at 2228 Cortland Pl.
- The business would be operated within a 1400 sq ft tenant space.
- The zoning in the area is IL (Light Industrial), with Heavy Industrial across Karcher Rd and south to the Interstate.
- The Comprehensive Plan Future Land Use Map, continued Holm, shows the subject property within an Industrial setting going south to the Interstate.
- Holm indicated the location of the subject lot within the Cortland Industrial Business Park and added the business would have shared parking.
- Access, added Holm, would be from Karcher Rd into the Cortland Industrial Business Park.
- Holm reviewed the Staff Report and recommended conditions of approval.

**Madam Chair Sellman** proceeded to public testimony.

No public comment forthcoming.

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

**Kehoe motioned and Kirkman seconded to approve the Conditional Use Permit for firearms repair/gunsmithing services for Matthew Bates dba BGW Firearm Repair for 2228 Cortland Place, subject to:**

- 1. All requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as State, or Federal agencies regarding use of the property for a Firearms Repair Business shall be satisfied prior to occupancy.**
- 2. The Building Department requires a Certificate of Occupancy to be filled out and an inspection of the property before anyone can move in.**
- 3. The owner maintains all regulatory permitting, licensures and operational procedures as required by law.**

4. **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.**  
**Motion carried.**

**Public Hearing No. 6:**

**Conditional Use Permit for Home Occupation for Firearm Sales for Family and Friends in an RS6 (Single Family Residential – 6,000 sq. ft.) zoning district at 1728 Chicago St. (A .22 acre or 9,583 sq. ft. portion of the SW ¼, Section 35, T3N, R2W, BM, Nampa, Canyon County, Idaho, also Lot 7, Block 2, Port Meadows Subdivision) for Evan Amidan (CUP 173-20). – ACTION ITEM**

Madam Chair Sellman proceeded to public hearing.

**Evan Amidan of 1728 Chicago Street Nampa – the applicant: (present via Zoom meeting)**

- Mr Amidan stated he had applied for Conditional Use Permit application for Firearms Sales for a small gun shop for himself and his father. According to Mr Amidan he would be required, under ATF regulations to sell one gun a year to another party. Therefore, it would be sales to himself, his father, and his friends – a small scale operation.

**Senior Planner Critchfield:**

- Critchfield reported the Conditional Use Permit application was for a Home Occupation for sales of firearms at 1728 Chicago St to family and friends.
- The Comprehensive Plan Future Land Use Map designation for the area is Medium Density Residential and the zoning designation is RS-6 (Single Family Residential – 6000 sq ft minimum lot size). The surrounding land uses are also RS-6.
- The parcel size, continued Critchfield, was about 9,583 sq ft. All public utilities are available to the subject property and all public services are also available.
- The applicant has indicated the proposed business would be located indoors. The property is located within 1000 ft of Greenhurst Elementary School, which places it within a School Zone.
- Critchfield explained the application was also a Home Occupation, therefore, no employees would be permitted to work on the premises and no additional parking would be required.
- The property has access from Chicago St and E Iowa Ave to the north. There is also a pedestrian bicycle access from Greenhurst Elementary School to Louisiana Pl and Chicago St, about 900 ft from the residence to the entrance to the school via a pathway between 2420 and 2421 Louisiana Pl.
- Critchfield indicated some photographs of the residence and the area.
- The information from the applicant indicated anticipated sales of between 2 and 3 firearms per month, with no more than 1 per day if the business expanded.
- The applicant stated they will follow all the ATF requirements and guidelines for transferring, buying and selling firearms.
- Critchfield reviewed the criteria for Home Occupation businesses and for Conditional Use Permits.
- No comments or correspondence, conditions, objections or opposition have been received from any agencies.
- One letter has been received from a community member, **Russell McNulty**, the owner of 1800 and 1812 Chicago St stating strong opposition to the Conditional Use Permit because of the location in a residential neighborhood with many children living in the area. Mr McNulty continued that he certainly feels it is not in the best interests of the subdivision or neighborhood to allow firearm sales from neighborhood homes and next-door neighbors. Mr McNulty continued that he was a gun owner and strong supporter of the Second Amendment, but there was definitely a correct place for gun sales – which should be in a commercial location, not in a residential neighborhood.
- Critchfield reviewed the Staff Report and recommended conditions of approval.
- Critchfield considered the Home Occupation for Firearm Sales would have little impact to the neighborhood, provided the applicant complies with the stated conditions of approval.
- Critchfield indicated the conditions regarding compliance with the requirements of the Federal Government, Title 18 of the U.S Code, Subsection 922.

- **Garner** inquired if there were CC&Rs for Port Meadows Subdivision.
- **Critchfield** replied the City does not regulate the Homeowners' Associations and the applicant would be required to clear that with the HOA.
- In response to a question from **Kehoe**, **Critchfield** stated if there were firearms sales of any kind in a residential area then they require Conditional Use Permit approval.
- **Evan Amidan**, the applicant replied the FFL, and C-U-P were primarily so that he could purchase guns at a discount for himself, his father and his friends.
- Mr Amidan also responded to Garner's question and stated there was no Homeowners' Association for Port Meadows Subdivision.
- **Critchfield** responded to a question from **Kirkman** regarding the requirements for the applicant and advised some of those conditions were because the subject property was located within a School Zone.

**Madam Chair Sellman** proceeded to public testimony.

No public comments forthcoming.

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

**Kehoe motioned to deny the Conditional Use Permit for a Home Occupation firearms sales for Evan Amidan at 1728 Chicago St.**

Motion died for lack of a second.

**Kirkman motioned and Turner seconded to approve the Conditional use Permit for a Home Occupation firearms sales family and friends for Evan Amidan at 1728 Chicago St, subject to:**

**Generally:**

1. **Owner shall comply with all applicable requirements [including obtaining proper permits and licensure] as may be imposed by City, State or Federal agencies appropriately involved in the review of this request as the entitlement(s) granted by virtue of the City's approvals of the requested Conditional Use Permit 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. **All requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as state, or federal agencies regarding use of the property for a home occupation for firearm sales shall be satisfied prior to occupancy; and,**
2. **The owner operates the business as a typical home occupation business with no manufacturing and minimal storage of inventory; and,**
3. **The owner maintains all regulatory permitting, licensures and operational procedures as required by law; and,**
4. **Only occasional firearms sales for family and friends shall be permitted to be conducted on the premises; and,**
5. **Inventory is locked in a secure safe; and,**
6. **The home occupation for firearm sales shall be continuously operated in accordance with the applicant's provided project description; and,**
7. **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.**

**Motion carried with Garner, Franklin, Kirkman, Turner and Van Auker, Jr in favor and Kehoe opposed.**

**Public Hearing No. 7:**

**Conditional Use Permit for an RV Park Expansion at Mason Creek RV Park 807 N Franklin Blvd in an RA (Suburban Residential) zoning district, (A portion of a 14.58 acre or 635,105 sq. ft. parcel situated in the SE ¼ of Section 15, T3N, R2W, BM for Mason Creek RV Park/John Wardhaugh (CUP 172 -20). – ACTION ITEM**

**Madam Chair Sellman** proceeded to public hearing.

**Alden Adame, Manager and Cleve Chalcraft, Assistant Manager of Mason Creek RV Park, 807 N Franklin Blvd, representing John Wardhaugh – owner, the applicants:**

- The RV Park, according to Mr Adame, had all the rubbish cleaned up and all the trailers cleaned up. The next phase would be to finish the park that was started 25 years ago.
- Mr Adame continued, they would dig the roads into the existing park, and they would all be engineered properly, and continue to the new addition. All the roads in the park would then be asphalted.
- The park would be fenced all the way around the park, with a gated entrance. The gated entrance would be controlled for who can be going in an out of the park. There would also be a camera system the Nampa Police Department could log into.
- According to Mr Adame, there would also be 24-hour security.
- The intent was to eliminate the problems related to the previous reputation for Mason Creek RV Park and they would like to work with the City of Nampa to become a respectful business.
- With all the construction occurring in Nampa, added Mr Adame, they know there is a need for the RV Park.
- Mr Chalcraft stated he had been Assistant Manager at the RV Park for a year.
- The intent added Mr Chalcraft was to clean up the park and become a part of the community again.
- Mr Chalcraft stated they wanted to put new ADA bathrooms in the RV Park, with showers, toilets, sinks and a new laundry facility. There would also be a similar smaller facility in the new section noted Mr Chalcraft for the 100 proposed RV spaces.
- According to Mr Chalcraft, there would be a green belt in between the old and new sections of the RV Park, with a dog park, and on the new side would be a park for the residents.
- In response to a question from **Madam Chair Sellman, Mr Adame** indicated the New RV Park Contract for the RV Park residents. After 180 Days the RVs would be required to move out.
- Mr Adame discussed how they had been cleaning up the Park and how much rubbish had been removed.
- The new Contract for the RV Park residents was reviewed by the Commission members.

**Senior Planner Watkins:**

- The applicants have requested Conditional Use Permit approval for expansion of the RV Park at 807 N Franklin Blvd.
- The property, continued Watkins is located within the Comprehensive Plan Medium Density Residential Future Land Use Map designation, surrounded by Community Business to the north, east and south and High Density Residential further west.
- The subject property is within the RA (Suburban Residential) zoning designation, and is surrounded by City zoned BC property, and RS-6 zoning to the west.
- The applicants have requested a 10.46-acre expansion of the existing Mason Creek RV Park.
- Utilities are available to the site. Access to the property is from one access point from N Franklin Blvd.
- Each RV space would be required to provide one parking space in addition to the RV space.
- The site would also be required to provide additional visitor parking.
- Should the CUP be approved, the applicant is proposing: adding 100 more RV spaces; new asphalt; an 8 ft fence around the perimeter; monitored and gated community improvements; additional visitor parking spaces; new storm drain systems throughout the park; remodeling the existing showers to be ADA compliant and adding a shower; updating the restrooms; an open space that will include one dog park; and one greenbelt park with a garden.
- The applicant has an engineer waiting for the CUP to be approved before they begin the layout for the park. They will be required to submit for Preliminary Plan review which will then come back to the Planning Commission for approval.
- The regulations for considering the application are listed in Sections 10-3, 10-25 and 10-32 of Nampa City Code.
- The purpose of Chapter 10-32 is to outline the requirements for RV Parks, which are suitably developed for the placement and occupancy of recreational vehicles for temporary living quarters, for recreational or vacation purposes on rented spaces with the necessary amenities. The regulations are intended to enable development of unique, well planned projects, incorporating a variety of vehicle-based housing for temporary occupancy. It was also the purpose of the chapter to provide adequate regulations to preserve the residential development and prohibit inappropriate and incompatible land uses.

- Watkins referred to the 180-day limit for RV occupancy in the chapter.
- Watkins indicated an early plan of the RV Park layout, however, there was no date on the plan.
- Watkins noted a 2006 aerial view of the RV Park and a 2015 aerial view, which indicated not a lot of change.
- According to Watkins, the RV Park had been in existence some time prior to 2006.
- Watkins reviewed the criteria for RV Parks in relation to the proposed expansion of the park.
- RV Parks, noted Watkins, were proven to be a draw on emergency service. RV Parks are assessed very low impact fees and will not offset the cost to the City over the long term.
- RV Parks should provide only temporary living space.
- The proposed expansion area, continued Watkins, was undeveloped and had no other access.
- The length of stay in RV Parks are difficult to monitor and may require the City to add more staff to regulate.
- The Building Department comments include: tenants tend to stay longer than 6 months; Building Code regulates structures differently for long term stays; RVs are not suitable for permanent residences due to the construction not meeting Building Code requirements; the building of individual decks, sheds and patio covers are prohibited because the RVs are not permanent housing units per Zoning Ordinance and Building Code; since the RV Parks are not considered permanent structures, no Impact Fees are assessed on the individual RV spaces; The RV Park will not offset the residents' use of the City streets, Fire, Police services and parks, and those services would be subsidized by other commercial and residential developments in the area.
- Watkins discussed the recent Fiscal Impact Analysis for RV Parks, noting the long-term use of the property for an RV Park has a negative impact to the City and a short-term use of the RV Park has a small benefit to the City.
- It has been estimated that Commercial uses are approximately 10 times better fiscally than an RV Park and Industrial uses are approximately 11 times better than an RV Park, however, the fact is that the subject property has been in use as an RV Park for a long period of time.
- Watkins reviewed the comments received from City departments. The Code Compliance Department requested the owner/manager ask the occupants of each of the lots to clean up their areas. The Building Department stated the developer of Mason Creek RV Park would be required to make sure that all construction on the property would be subject to Title 4 of Nampa City Code and will have Building Permits as needed.
- Nampa Highway District had no comment and Idaho Transportation Dept had no objections.
- The Nampa Engineering Division made comments regarding the floodplain, utilities and traffic impact assessment.
- Most of the subject property, continued Watkins, was located within the 100-year floodplain of Mason Creek and the developer would be required to complete or submit a Floodplain Development Application for review and approval prior to any site development and follow all FEMA regulations for floodplain development.
- Any RVs located within the floodplain shall be moved per Code, that matches the FEMA Code.
- RV pads shall be raised above the base flood elevation or provided with anchors to resist flotation, collapse and lateral movement, in accordance with FEMA regulations.
- Watkins discussed the City utilities and noted RV parks generally run a single water and sewer connection into the RV Park with private plumbing systems for those connections within the park. RV Parks pay connection fees to the City at the time of development based on their estimated water uses.
- Watkins noted the Trip Generation Manual.
- The City's impact fees are charged based on the square footage of the buildings.
- In the case of RV Parks, because RV Parks generally have a small office, they would pay a smaller impact fee.
- One condition for consideration could be for an individual assessment to more accurately represent those impacts.
- Watkins reviewed the recommended conditions of approval.
- Watkins indicated the receipt of two comments received from neighboring property owners.

- **Mr Michael Hensel** of 520 9<sup>th</sup> St N, was concerned that not all the requirements for RV Parks would be observed. During the time he had lived there several of the trailers have not been moved and it would be difficult, if not impossible, to manage that requirement. Mr Hensel also voiced concern regarding the proposed 8 ft fence and requested that a privacy fence be installed and built prior to any other expansion components. Mr Hensel also voiced concern regarding the dog park and requested it be placed on the north side of the park.
- **Mr Mark Chapel** 412 10<sup>th</sup> St N stated he was an adjacent property owner with the following concerns: What material was proposed for the fence and would it include the perimeter of the entire park adjoining other properties, including replacing the existing older fence; would the requirement for concrete pads for RV parking above the floodplain make the 8 ft fence irrelevant with the view of the RVs standing above the fence from adjacent properties. Mr Chapel suggested a landscaped berm with a fence on top to block the view. Mr Chapel stated he knew of people that made their RV in the park a permanent residence and questioned how the requirement for temporary occupancy would be enforced. Mr Chapel inquired if the applicant, the Planning Commission, and the developer were aware of the proposed plan to close 3<sup>rd</sup> St and Industrial Rd intersection at Franklin Blvd with new street development through the RV Park property and questioned how it would affect their plans. It appears the estimated traffic flows are based on other typical RV Park developments but many of the residents of the RV Park were full time residents and the flows would likely be different.
- **Kehoe** inquired if all the improvements could be required prior to adding the 100 spaces.
- **Watkins** noted the Conditional Use Permit could only be approved for 6 months, with one extension.
- Watkins inquired if the Commission would prefer to see the Preliminary Plan while the applicants are carrying out all the proposed improvements.
- Discussion followed regarding the fence height and Watkins noted the Commission could allow an 8 ft fence on a berm for the RV Park, as a condition of approval.

#### **Mr Adame**

- Mr Adame explained the 8 ft to 10 ft fence would be doable. A white vinyl fence was the intent and agreed they could place that fence on a berm.
- The dog park would be on the north side stated Mr Adame.
- **Mr Chalcraft** responded to a question regarding the 180-day requirement and stated that requirement would empty out the park.
- The procedure would be for the occupants to sign a Contract and they would then be given a couple of weeks' notices that the 180-day period was coming up.
- Discussion followed regarding the timeline for the Conditional Use Permit requirements and extension.
- Mr Adame and Mr Chalcraft stated they were agreeable to the 6-month approval of the Conditional Use permit and if the time expired, they could come back for an extension. Mr Chalcraft stated they wanted the park completely cleaned up.
- **Kirkman** noted the applicants should be aware if all the requirements were not met then they would be risking losing the approval of the C-U-P and the expansion

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

Discussion followed regarding the height, location and material for the proposed fence around the perimeter of the entire property.

- **Watkins** explained the process for applying for approval of the Preliminary and Final Plans and noted those plans would provide the construction drawings which would include the asphalt, fencing, and landscaping. The applicants would be submitting the Preliminary Plan, including the 100 spaces for the Commission to approve, before all the improvements and clean up could be accomplished because the City would have to approve the drainage, asphalt, landscaping and fencing plans for the entire property, including the existing park and the expansion area. Watkins suggested it would save time and money for the applicant to submit the Preliminary and Final Plans for approval prior to the work being done.

Discussion followed regarding the issue of the RV Park residents complying with the 180-day length of stay limit.

**Kirkman motioned and Van Auker, Jr seconded, to approve the Conditional Use Permit for the expansion of Mason Creek RV Park located at 807 N Franklin Blvd for John Wardhaugh, subject to:**

- 1. Submit a preliminary plan/RV Park application for review and approval**
  - a) Shall include all submittal items on the application checklist; and,**
  - b) Landscape plan shall include a detailed perimeter fencing plan (site screening solution with a 2' berm and an 8' fence);**
- 2. Site development plans shall reflect the comments made by the engineering department;**
- 3. Shall obtain building permits and pay all associated fees for any and all work on site; and**
- 4. Current occupants shall clean up trash/debris in their immediate area:**
  - a) Provide before and after pictures with submittal of Preliminary Plan or with a request to extend the Conditional Use Permit (CUP is approved for 6 months and expires on October 9, 2020);**
- 5. Provide a business plan with the RV Park Application that shows how management will monitor the length of stay in and maintenance of the park;**
- 6. If the site is located within Mason Creek Floodplain, the following FEMA regulations shall be adhered to:**
  - a) Vehicles that will be sited within the floodplain shall be moved every 180-days.**
  - b) Vehicles within the floodplain shall be tied down or anchored as necessary in accordance with FEMA regulations**

**Motion carried with Garner, Kehoe, Kirkman, Turner and Van Auker, Jr in favor and Franklin opposed.**

Meeting adjourned at 10:30 p.m.



Norman L Holm, Planning Director

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