

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, APRIL 27, 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)
Michaela Franklin (via Teams)
Bret Miller (Chambers)
Tom Turner (Chambers)
Ron Van Auken, Jr. (Chambers)
Jeff Kirkman (Chambers)
Adam Hutchings (Chambers)
Matthew Garner (Chambers)

COMMISSIONERS ABSENT:

CITY STAFF PRESENT:

Rodney Ashby, Planning Director (Chambers)
Daniel Badger, City Engineer (Chambers)
Parker Bodily, Associate Planner (Chambers)
Doug Critchfield, Principal 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 6:45 pm.

ANNOUNCEMENTS: Director Ashby followed up with the Commission on the next steps for the proposed code changes.

APPROVAL OF MINUTES:

Miller motioned and Van Auken, Jr. seconded to approve the minutes of the April 13, 2021 Planning & Zoning Commission Meeting. Motion carried.

REPORT ON COUNCIL ACTIONS:

No City Council representative present to report on City Council actions. Director Ashby reviewed the P&Z items approved and/or denied at the last City Council meeting.

Madam Chair Sellman proceeded to business items on the agenda.

Business Item 1: Subdivision Final Plat Approval for Franklin Village No. 9 (phase) Subdivision in a RS6 (Single-Family Residential 6,000 sq. ft) zoning district; for 69 single-family lots, 8 common lots, and 2 shared driveway lots, with a 4.89 gross lot density and a 6.94 net lot density; located at 7527 Cherry Lane - County Parcel #R2094400000 (a 16.13 acre portion of land located in the E 1/2 of the NW 1/4 of Section 11, T3N, R2W, BM) for Franklin Village Development, LLC representing Don Brandt and Joan Brandt (SPF-162-21) - ACTION ITEM.

Principal Planner Critchfield outlined the project from the staff report.

Conclusions of Law/Findings of Fact:

1. Within City Limits Zoned RS6.
2. Conforms to approved Preliminary Plat for Franklin Village Subdivision.
3. Conforms to applicable subdivision and zoning standards for the City of Nampa.

Suggested conditions of approval:

1. Comply with all City department/division or outside agency requirements pertinent to this matter.
2. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
3. On the landscape plan, please specify that the use of any Ash tree species is not permitted.
4. Identify the well located on lot 30 in the plat notes as being owned by the City of Nampa for the sole use as a potential irrigation supply source for Orah Brandt Park. Additionally, request that the developer install gravity irrigation pipe from the well on lot 30, across the north frontage of the of the development across the lot 30 and 31 to be connected to future irrigation pipe where Franklin Village No. 9 abuts the future Orah Brandt Park. Please identify in the agreement between the City of Nampa and Franklin Village Subdivision.
5. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Franklin Village No 9 – 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 "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.
7. Developer shall submit plans for review to Pioneer Irrigation District for tiling and other work within the 9.8 Lateral. Developer shall provide documentation of their approval to the Nampa Engineering Division prior to Construction Drawing approval. A copy of any executed license agreements, if required, shall be submitted to the Nampa Engineering Division prior to City Engineer signature of the plat.
8. The property shall be annexed into the Nampa Municipal Irrigation District prior to being served by the City's pressure irrigation system. Prior to City Engineer signature of the Final Plat, Developer shall provide documentation from Nampa & Meridian Irrigation District that the entire property has active surface water rights and all irrigation assessments for the property have been paid in full. If water rights have lapsed, Developer shall reestablish rights prior to plat signature.
9. Developer shall transfer all water rights for the irrigation well located on Lot 30, Block 18 to the City of Nampa in accordance with previously established Memorandum of Understanding prior to City Engineer signature of the plat.
10. A 10' side path shall be constructed along Cherry Lane and in accordance with the Nampa 2019 Bike & Pedestrian Master Plan to connect with planned pathway in Orah Brandt Park at the sole expense of the Developer.

The Commission found that the proposed subdivision final plat for Franklin Village No. 9 Subdivision conforms, or substantially conforms within acceptable limits, to the approved preliminary plat, complies with relevant RS6 zoning codes and City of Nampa subdivision standards pertaining to the proposed Development.

Miller motioned and Garner seconded to recommend to City Council Subdivision Final Plat Approval for Franklin Village No. 9 (phase) Subdivision in a RS6 (Single-Family Residential 6,000 sq. ft) zoning district; for 69 single-family lots, 8 common lots, and 2 shared driveway lots located at 7527 Cherry Lane for Franklin Village Development, LLC representing Don Brandt and Joan Brandt (SPF-162-21) with all conditions of staff and conclusions of law. Motion carried.

Business Item 2: Subdivision Final Plat Approval for Sonata Pointe West No. 2 (phase) in a RS8.5 (Single-Family Residential 8,500 sq. ft) zoning district at 0 Lone Star Rd (County Parcel #R3203801000) for 47 single-family lots and 5 common lots, with a 3.49 gross lot density and a 4.51 net lot density (a 13.46 acre portion of land located in the E 1/2 of the NE 1/4 of Section 30, T3N, R2W, BM) for Trilogy Idaho & Kent Brown representing Heartland Townhomes Property Mgmt (SPF-159-21) – ACTION ITEM.

Associate Planner Bodily outlined the project from the staff report, reviewing surrounding zoning and history of project and site specific information.

Conclusions of Law/Findings of Fact:

1. Within City Limits Zoned RS 8.5.

2. Conforms to approved Preliminary Plat for Sonata Pointe West Subdivision.
3. Conforms to applicable subdivision and zoning standards.

Suggested conditions of approval:

1. Comply with other agency and/or department requirements.
2. Install fire hydrants, access and street identification.
3. Comply with Engineering comments.
4. Substitute the use of Autumn Purple Ash with an alternate tree species.
5. The sidewalk along W Roosevelt Ave to be built to a minimum of 10' in width.
6. Correct any errors on plat indicated on Engineering comments.

The Commission found that the proposed subdivision final plat for Sonata Pointe West No. 2, with the compliance with the proposed conditions, conforms, or substantially conforms within acceptable limits, to the approved preliminary plat, complies with relevant RS8.5 zoning codes and City of Nampa subdivision standards pertaining to the proposed Development.

Van Auken, Jr. motioned and Hutchings seconded to recommend to City Council Subdivision Final Plat Approval for Sonata Pointe West No. 2 (phase) in a RS8.5 (Single-Family Residential 8,500 sq. ft) zoning district at 0 Lone Star Rd (County Parcel #R3203801000) for 47 single-family lots and 5 common lots for Trilogy Idaho & Kent Brown representing Heartland Townhomes Property Mgmt (SPF-159-21) with all staff conditions and conclusions of law. Motion carried.

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

Public Hearing 1: Subdivision Preliminary Plat Approval for Broadmore Business Park in an IL (Light Industrial) zoning district, for 17 light industrial lots on 13.44 acre parcel for .79 lots per acre, at 490 N Broadmore Way and 0 & 0 Shannon Dr - County Parcel #s - R130340100, R13034013N0, & R13034013M0 (located in E 1/2 of the NE 1/4 & SE 1/4 of Section 16, T3N, R2W, BM) for Richard Evans representing AgEquity Holdings, LLC/Jon Brennan (SPP-073-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Richard Evans, 9560 W Pebble Brook Ln, Garden City, applicant.

“We started the old Broadmore golf course and turned it into a business development. We have been living on lot splits for a few years and it is time for us to subdivide so we can move on with the rest of the lots. Almost all of the of the infrastructure is complete as is the development agreement.”

Associate Planner Bodily reviewed surrounding zoning and site specific information, surrounding zones which are compatible, lot analysis and applicable regulations found in the staff report. The City’s water, sewer, and pressure irrigation systems have adequate capacity to serve this property and will be required to extend them through the site accordingly. The future land use designation is Commercial and Industrial. The BC and IL zoning districts are appropriate for this proposed development.

- There are no minimum development requirements in the IL zone.
- This property is not adjacent to residentially zoned/use property.
- Landscaping will be evaluated on a lot by lot basis at time of building permit. There is no arterial or collector frontage, so a subdivision buffer is not required.
- The Indian Creek pathway already exists in this area, no additional open space is required in commercial and industrial development.
- Reviewed agency/city correspondence from the staff report.

Suggested conditions of approval:

1. Prior to filing for a final plat approval for any portion of the Project, the Developer’s engineer shall correct any spelling, grammar, punctuation and/or numbering errors that may be evident on the plat face and/or in the

proposed plat development notes and include said corrections in a revised preliminary plat plan set that shall be remitted to the City.

2. Applicant shall address all street name comments from Nampa Engineering Division, if any, prior to Final Plat submittal. Applicant shall submit a revised Preliminary Plat reflecting the corrected names.
3. Developer shall address all preliminary plat comments identified in this memo and submit a revised preliminary plat to the Engineering Division prior to submittal of final plat application.
4. Developer shall submit a traffic generation analysis comparing forecasted site traffic generation between the previously assumed traffic impact study layout and the current layout. If there is an increase in traffic generation, the Nampa Engineering Division will evaluate if an update to the traffic impact study is warranted. These tasks shall be completed prior to Developer submitting for final plat application.
5. Developer shall complete frontage improvements along N Broadmore Way where missing. Developer should also replace the Broadmore Way bridge over Indian Creek to better facilitate safe access to/from 4th Street and Broadmore Way to the south.
6. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Public utility easements shall be created over any utilities located outside of a public road right-of-way.
7. Developer shall apply for a Floodplain Development Permit with the Nampa Engineering Division prior to submitting for final plat application. Site design and construction shall adhere to the requirements of Nampa City Code Title 4, Chapter 9 "Flood Damage Prevention".
8. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.

Van Auker, Jr. inquired about the traffic analysis, will Engineering determine whether a traffic impact study will be required? Badger: A traffic impact study was done with the initial phases of this project that assumes the buildout of the entire project, we are requesting them to look at the final proposal and analyze whether the trip generation that this final proposal has fits within that previous study; if it does not, we will request an updated study to show those current findings.

Kehoe: Are the preliminary plat issues referred to in the staff report taken care of? Bodily: Any issues will be worked out prior to final plat approval.

Kehoe: Does the bridge over Indian Creek need to be replaced and where is it located? Bodily: The bridge is to the south of the development, a one-lane on Broadmore as you go past the storage units. Kehoe: Will it be expanded into a two-way bridge or remain a one-way? Badger: The condition that was written up is a "should" not a "shall," the city has been working to identify funding for this, there is no current funding for the bridge expansion. There is currently not a significant bottleneck at this point. Kirkman: If this development is going to increase traffic, probably truck traffic, should it be a requirement? Badger: The bridge as it is constructed is not sufficient for heavy truck traffic. Kirkman: Depending on the outcome of the traffic study this could be necessary? If the new traffic study warrants a two-lane bridge could the developer be required in the DA to make the adjustments to the bridge? Badger: That is your prerogative. The city's plans, as we have looked at that bridge and that corridor through there, the intersection of 1st St. and Northside is an intersection that likely in the future will be turned into a right-in right-out, traffic from the Broadmore area would likely not be heading south along there in this section of the subdivision, anything south of the creek would likely be heading north up to 4th and out. We would likely not see anything coming from the development area where this plat is proposed crossing that bridge south to try to go out, it would be going out at 4th St. which is north of that bridge.

Kirkman: What is currently being built in that area right now that would necessitate using that bridge? Badger: Utilizing the bridge would be unlikely, people can get out to Northside at 4th rather than crossing the bridge and going down to 1st where you have your right at the bottom of the overpass and the skews on that intersection are part of what creates the issue and our desire to turn that into a right in right out in the future. Kehoe: Is there a weight limit sign at the bridge now? Badger: Unaware, will have to research.

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

Kirkman asked the applicant if he would consider the bridge being something he might be able to accommodate turning that into a two-lane. Evans: The bridge truly is not being used at all, everyone goes out at the light at Northside

and Shannon, all the truck and school traffic goes up through there, unless they are doing the right out on 4th St. I know fire trucks use the bridge. A bridge would be an expensive item to tack onto 17 lots.

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

The Commission reviewed applicable regulations for BC and IL zones (NCC 10-16 and 10-19) and determined the project met the applicable zoning laws pertaining to preliminary plats.

Kehoe motioned and Van Auken, Jr. seconded to approve the Subdivision Preliminary Plat for Broadmore Business Park in an IL (Light Industrial) zoning district, for 17 light industrial lots on 13.44 acre parcel for .79 lots per acre, at 490 N Broadmore Way and 0 & 0 Shannon Dr for Richard Evans representing AgEquity Holdings, LLC/Jon Brennan (SPP-073-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 2: Comprehensive Plan Map Amendment from Medium Density Residential to Residential Mixed Use; and Zoning Map Amendment from RS 8.5 (Single-Family Residential, 8,500 sq. ft.) zoning district to BN (Neighborhood Business) to allow additional structures on a 3.78 acre parcel currently operating as a wedding and event venue (The Vintage Rose), located at 14095 N Nana Ln (in the SE 1/4 of Section 19, T3N, R2W, BM) for Kristen Lawrence (CMA-048-21, ZMA-135-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Kristen Lawrence, 14095 N Nana Ln, applicant:

Purpose of application is to allow additional structures on a 3.78-acre parcel currently operating as a wedding and event venue (The Vintage Rose). Bought the property in 2019 and the Special Event Permit was transferred to them upon purchase of property. Reviewed photos of the property and location of the new structure which will be built on the current existing cement pad at the reception site. There is open farmland to the west of the property. Peak season is mid-April through Mid-October, they have between 1-3 events per week. Reviewed outdoor areas where events are held. The new structure will reduce the noise. Reviewed the noise rules which are adhered to, music speakers are situated so as not to be facing neighbors and no bands are allowed. They are responsive to their neighbors.

Garner inquired about proximity to neighbors, applicant described where her neighbors are situated near her property. Kirkman: Have you had any parking complaints? Lawrence: There is adequate parking on the grass, they have received no complaints about parking from guests. Kehoe: Will the field above the waterway, the alfalfa field, be sold soon do you know? (No).

Kehoe: When you build the building will you allow an outdoor ceremony area? Lawrence: Yes, the noise does not come from there. The structure will contain the noise.

Principal Planner Critchfield reviewed surrounding land use, site specific information, history of project, lot analysis and applicable regulations found in the staff report. Comprehensive Plan Designation: Residential Mixed Use.

June 2011 (extended July 2012): Property was granted a Special Exception Permit (SEP) to operate an outdoor wedding venue (SEP-01023-2011). Municipal water and irrigation currently service the property. Sewer is available in Lone Star Road but does not currently service the property. The property currently has access off Lone Star Road, which is classified as a Minor Arterial.

The property is currently used as a residence and an outdoor wedding and special occasion venue. The current RS 8.5 zoning limits the number of accessory structures to two units, each of which must be smaller than the primary structure – in this case the residence on the property. The applicant wishes to construct more than two units to support the venue operations. By zoning this venue to BN, it would allow any number of structures with no size limitation. The height limitation of all accessory buildings is fifteen feet (15') (NCC § 10-14-4).

The BN zone allows for a mixture of commercial and residential uses with a residential scale development. The continued operation the wedding and special occasion venue with the ability to hold activities indoors and outdoors provides a unique setting for the community.

Reviewed public/agency/city correspondence, located in staff report and/or listed under conditions of approval herein including:

Nampa Building Department: The project will be subject to all required building codes and related permits based on the requirements of City Ordinance-Title 4 – Building Regulations.

LUMEN: If construction is planned that would encroach upon LUMEN facilities, plans must be approved by a LUMEN engineer. The costs of moving any LUMEN facilities would be borne by the applicant.

Nampa Engineering Division:

1. Any future development of the site shall be subject to permitting and plan review processes with the City of Nampa.
2. City utilities in the area are currently limited to the following.
 - a. Water – 8” mainline in N Nana Ln on the SW side of the Phyllis Canal.
 - b. Sewer – 8” mainline at the intersection of N Nana Ln and Lone Star Rd.
 - c. Pressure Irrigation – 8” mainline in N Nana Ln on the SW side of the Phyllis Canal.
3. If at any point it should be determined that existing septic/ well cannot support future development, connection to City utilities will be required.
4. Lone Star Rd is classified as a minor arterial and it appears that 50’ right of way from section line has already been dedicated to the City.
5. Plans for any future development, especially those involving further demand on existing septic/ well facilities should be submitted to Southwest District Health for their review/ comment.
6. A traffic impact study is required for any development that generates 100 or more new trips during any peak hour or 1,000 trips or more vehicles per day.

Reviewed correspondence from the public from the staff report:

Supporting:

- A letter dated April 15, 2021, authored by Rev. Shawn Norton & the Governing Board of The Rock Church, 11220 Lone Star Road, offered support indicating that they do not believe that this proposal would cause any challenges in the immediate neighborhood.
- A letter authored by Kurt and Charlotte Eshelman, 11169 Lyle Drive, offered support for the proposed changes indicating that their property is adjacent and that their home is the closest home to the event area. They indicated that the Vintage Rose has been responsive to any noise or other issues, and that the structures to house indoor events will help mitigate any noise concerns.
- A letter from Angela Luque, 14070 N. Nana Ln., indicating support for the proposal as it will construct a more permanent structure to contain noise. She indicated that the Vintage Rose has always been respectful of her requests and concerns about any issues.

Opposing:

- A letter dated April 20, 2021, authored by Tim Hailey, 11074 Togstad Ave., indicating opposition to the application citing concerns about the limitations of outside uses and nuisances cited in the BN Zoning District code, and concerns about prior noise from the Vintage Rose venue until 10:30 or 11:00 pm. Concerns about the future growth of residential use in the area, as well as the potential for other uses on the site as permitted in the BN zone were also expressed. Mr. Hailey also submitted a petition on April 26, 2021 signed by 18 individuals from 10 addresses in the Dahl Subdivision indicating opposition.
- Email - April 21 - Mike and Eileen Simmons, 11086 High Ave., opposes the proposal indicating that they live in the Dahl Subdivision and have been experiencing noise from the Vintage Rose venue until 10:30 or 11:00 pm., and expressing concern for their neighbors.
- Email – April 23 - Leaette Burton (no address given) – Concerns about noise on the weekends, speeding drivers on Lone Star, and potential housing adjacent to the site.

NCC § 10-14-9: Other Required Conditions (in the BN Zone):

- A. Outside Uses: All principal uses except private or public parking areas and service station pump islands shall be in an entirely enclosed building unless otherwise specified by a conditional use permit (SEP). Temporary uses may be allowed subject to regulations cited in subsection 10-1-12.B of this title (NCC § 10-14-9).

- D. Nuisances: All operations conducted on the premises shall not be allowed to constitute a nuisance by reason of smoke, fumes, odor, steam, gases, vibrations, noise, hazards or other causes, beyond the property boundary lines, and shall comply with the performance standards of chapter 1 of this title. (Ord. 2140; amd. Ord. 2978)

Special Exception Permit (SEP-01023-2011):

- As Special Exception Permits are no longer utilized, and to satisfy the requirement of a Conditional Use Permit, the Special Exception Permit that was issued and is currently active will suffice to meet the requirements of a Conditional Use Permit.
- This SEP remains in full force and effect. The proposed change will allow the construction and of additional structures that may be used for wedding-related activities.
- The SEP requires that sound systems be turned off at 10:00 pm. The BN Zone requires that all operations conducted on the premises not be allowed to constitute a nuisance by reason of smoke, fumes, odor, steam, gases, vibrations, noise, hazards or other causes, beyond the property boundary lines.
- A Special Exception Permit was issued on July 2, 2011 for the Property for the specific use as 'An outdoor venue for weddings and other special occasions, including the use of a grassed parking area.' Conditions placed on that permit are as follows:
 - Compliance with all requirements (including obtaining proper permits) as may be imposed by City agencies appropriately involved in review of the request; and,
 - The permit is transferrable to a successor outdoor venue type of use only, and not for any other commercial use of the property; and,
 - Signage allowed is commensurate with the signage allowed in an RP Zone.

Suggested Conditions of Approval:

- The project will be subject to all required building codes and related permits based on the requirements of City Ordinance-Title 4 – Building Regulations; and,
- If construction is planned that would encroach upon LUMEN facilities, plans must be approved by a LUMEN engineer. The costs of moving any LUMEN facilities would be borne by the applicant; and,
- Any future development of the site shall be subject to permitting and plan review processes with the City of Nampa; and,
- If at any point it should be determined that existing septic/ well cannot support future development, connection to City utilities will be required; and,
- Plans for any future development, especially those involving further demand on existing septic/ well facilities shall be submitted to Southwest District Health for their review/ comment; and,
- A traffic impact study shall be required for any development that generates 100 or more new trips during any peak hour or 1,000 trips or more vehicles per day; and,
- Applicant/Owner will operate the business within the conditions of the existing Special Exception Permit and conditions of the BN (Neighborhood Business) Zoning District; and,
- Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

Kirkman: Would they have the option to continue events outside of the building after this building is built? Miller: What is the process if the noise were too loud and neighbors called the city to complain? Critchfield: This would be a code compliance issue. Kirkman: Does the SEP function the same as a CUP? Could we revoke the SEP the same as a CUP? Ashby: Yes.

Kirkman: Would a development agreement stay with the property. Critchfield: Yes.

Madam Chair Sellman proceeded to public testimony.

In support:

Kurt Schulman, 11169 Lyle Dr.

- Has owned 13.4 acres adjacent to the applicant's property since 2003.
- In favor of the project as it will reduce noise.
- When he has issues with sound, neighbors are responsive.

- Wedding venue is a service that is needed in the community, not just for weddings, all events.

Angela Luque, 14070 N Nana Lane:

- Shares fence/driveway with Lawrences. They have always been respectful, no issues with cars coming and going at inappropriate times.
- The building will keep the noise level down.

Opposed:

John Boardman, 11108 High Avenue-Dahl Neighborhood.

- Does not feel this building addresses the situation, he lives across the open field from the wedding venue and the music is too loud.
- Disagrees he should have to shut himself inside and not enjoy the outdoors because of the noise.

Tim Hailey, 11074 W Togstad Ave.

- He has lived there 21 years and asked the Commission to imagine how difficult it is to live near the applicant, the music is always loud and wedding guests scream and yell over the music.
- Can hear the noise even from inside their house, on weekends and weeknights, disrupting their sleep.

Kirkman commented that the application is not to remove the SEP, it is to approve a rezone so they can build a building to reduce the noise. Hailey responded that with the building events would simply increase and make the noise problem worse.

Dennis Gress, 11236 Lone Star Road.

- Lives 500 feet away from where speakers are placed, which are pointed at their house.
- Does not feel it should be his responsibility to tell the neighbor when the music is too loud.
- Aerial fireworks are not allowed, this occurred last year, scaring the wildlife.
- The noise rattles the dishes in his cupboards, he is tired of the noise.

Sellman: What are your plans to make this new structure as soundproof as possible? Applicant has not met with anyone yet, the SEP puts limitations on them as far as music past 10:00 pm, which she adheres to. No one is permitted on the venue prior to 9:00 am. The wedding ceremonies will continue to take place outside. Because of Mr. Gress' complaint, they ensure the speakers are not facing neighbors anymore, they face their home or the field.

Van Auker, Jr.: What percentage of your events are weddings? Would you continue to have receptions outside the new structure if it is built? (99% of events are weddings, no live bands, no events over 250 due to limitations of the reception area. Ceremonies will take place outside as well as small, intimate events in the garden area.)

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

Kehoe stated this is a difficult decision as eventually there will be neighbors closer at some point. Sellman: This would reduce the noise. Kirkman, if there are complaints, a phone call may be made to Nampa Code Compliance. It behooves the applicant to ensure the building is as soundproof as possible.

Garner voiced his support due to the service it provides. Applicant already has a permit to conduct this business, it would take a year to get the building built. Kirkman: If the current owners were to sell the property and the new owners decided to continue the business with a different use, does the permit expire? Can we turn the SEP into a CUP? Critchfield: The permit would expire after 6 months of non-use. Ashby: Direct staff as to specific items to include in the development agreement, staff will draft and present to City Council for their consideration.

The Commission reviewed applicable regulations and uses: NCC § 10-2-3 (c) Zoning/Rezoning, NCC § 10-14 and NCC § 10-3, and found the project to be eligible for approval under these code regulations. However, the Commission requires a development agreement with the following conditions:

Limit certain aspects of the business and the operation:

- There will be no DJ's or music outside of the venue building.

- The hours of operation will maintain as per the Special Exception Permit on file.
- Use: Event venue only, no other use is allowed, or conditionally allowed, in a BN zoning district.
- One additional venue structure is allowed for the reception area. A shed for storage, etc. would be allowed.

Critchfield: There is a residence on the property, we would need to include that it can be used for residential and for the wedding venue. Kirkman: The number of additional structures that can be added can be limited to the parcel, zoning and density, correct? Critchfield: There is no limit on building for this zone. Van Auker, Jr.: Would they have to come back for a DA modification at a future date if they want another building? Kirkman: If we do not include this condition, they can build unlimited multiple buildings.

Van Auker, Jr. motioned and Garner seconded to recommend to City Council approval of Comprehensive Plan Map Amendment from Medium Density Residential to Residential Mixed to allow additional structures on a 3.78 acre parcel currently operating as a wedding and event venue (The Vintage Rose), located at 14095 N Nana Ln for Kristen Lawrence (CMA-048-21) with all staff conditions and conclusions of law. Motion carried.

Van Auker, Jr. motioned and Turner seconded to recommend to City Council approval of Zoning Map Amendment from RS 8.5 (Single-Family Residential, 8,500 sq. ft.) zoning district to BN (Neighborhood Business) to allow additional structures on a 3.78 acre parcel currently operating as a wedding and event venue (The Vintage Rose), located at 14095 N Nana Ln for Kristen Lawrence (ZMA-135-21) with all staff conditions and conclusions of law, with the addition of a development agreement with conditions noted above. Motion carried.

Public Hearing 3: Development Agreement Modification, rescinding the agreement attached to Ordinance #4321 allowing self-storage; and Zoning Map Amendment from BC (Community Business) to RMH (Multiple-Family Residential) for 12.4 acre parcel (#R3203001100) at 0 S. Middleton Rd (in NW 1/4 of Section 29, T3N, R2W, BM) for City of Nampa/Kristi Watkins representing Endurance Holdings LLC (DAMO-043-21 & ZMA-136-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Director Ashby reviewed surrounding zoning, land uses, city services and utility access located in the staff report including:

The properties located at 82 S Middleton Rd, Parcel #R3203000000 & #R3203001100, Nampa, were annexed into the city limits of Nampa in July 2017 and zoned to BC (Community Business) with Ordinance #4321. This ordinance contained a Development Agreement with a concept plan for a mixed-use development that was to include commercial pads along Roosevelt Avenue and a storage facility to the north along Middleton Rd.

This request pertains to the northern 12.4 acres along Middleton Rd, that was designated as the storage facility use. The City has chosen to exercise its option to remove the perpetual allowance of the storage facility via the recorded Development Agreement and rezone the property to a zone that matches the Comprehensive Plan Future Land Use Designation of High Density Residential.

The property owner, Endurance Holdings, LLC., was informed of the city's request (per development agreement requirements) and is agreeable to the rezone with an RMH (Multiple Family Residential) Zone, as is evident by the letter from the owner's representative provided in the staff report.

The property is currently within the Nampa City Limits and is zoned BC (Community Business).

Services: The City's water, sewer, and pressure irrigation systems are currently limited to:

- Water – 12" mainline in the east side of S Middleton Rd.
- Sewer – 21" trunk line at the east side of the site, near and running parallel to the access road for the Orr Drain.
- Pressure Irrigation – 12" mainline near the centerline of S Middleton Rd. the property will need to be annexed into the Nampa Municipal Irrigation District at the time of development.

Land uses in the nearby area are a mix of single-family residential, potential commercial, existing commercial, public education and county residential.

The Comprehensive Plan future land use designation is High Density Residential. The High Density Residential designation indicates a desire for 8+ dwelling units per acre.

Nampa has determined that it is not in favor of allowing storage facilities in abundance within the city limits. City officials have indicated a desire to regulate the location and frequency of such land uses and as such as chosen to exercise their right to expire this development agreement so a storage facility will not be allowed outright. To do that, the city needs to rezone the property to a zone that matches the comprehensive plan so as not to create a "spot" zone.

Agency/City department comments:

- All development and construction on this property shall be subject to the requirements of Title 4 – Building Regulations.
- Nampa Police Department: All comments will be made on any future submittals that indicate a scope of development.
- The Engineering Division does not oppose these applications and has the following comments.
 - Any future development of the site shall be subject to permitting and plan review processes with the City of Nampa.
 - City utilities in the area are currently limited to the following.
 - Water – 12” mainline in the east side of S Middleton Rd.
 - Sewer – 21” trunk line at the east side of the site, near and running parallel to the access road for the Orr Drain.
 - Pressure Irrigation – 12” mainline near the centerline of S Middleton Rd. the property will need to be annexed into the Nampa Municipal Irrigation District at the time of development.
- Access for any future development shall be per City of Nampa Access Management Policy and per any Nampa Fire Dept. requirements.
- S Middleton Rd is classified as a principal arterial and it appears that 50’ right of way from section line has already been dedicated to the City.
- Site development will require that sidewalk and drainage per City standards be installed along the Middleton Rd frontage.
- Plans for any future development will need to be submitted to Nampa Meridian Irrigation District for their review/comment.
- A traffic impact study will be required for any development that generates 100 or more new trips during any peak hour or 1,000 trips or more vehicles per day.

Suggested Conditions of Approval:

- Access for any future development shall be per City of Nampa Access Management Policy and per any Nampa Fire Dept. requirements.
- S Middleton Rd is classified as a principal arterial and it appears that 50’ right of way from section line has already been dedicated to the City.
- Site development will require that sidewalk and drainage per City standards be installed along the Middleton Rd frontage.
- Plans for any future development will need to be submitted to Nampa Meridian Irrigation District for their review/comment.
- A traffic impact study will be required for any development that generates 100 or more new trips during any peak hour or 1,000 trips or more vehicles per day.
- Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.

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

Kehoe motioned and Van Auken, Jr. seconded to close public hearing. Motion carried.

The Commission reviewed applicable regulations for DA Modifications and permitted uses in the RMH district, and zoning/rezones conclusions of law, and found the conclusions of law met the project specifications and code requirements.

Kirkman motioned and Turner seconded to recommend to City Council approval of Development Agreement Modification, rescinding the agreement attached to Ordinance #4321 allowing self-storage for 12.4 acre parcel at 0 S. Middleton Rd for City of Nampa/Kristi Watkins representing Endurance Holdings LLC (DAMO-043-21) with all conditions of staff. Motion carried.

Kirkman motioned and Turner seconded to recommend to City Council approval of Zoning Map Amendment from BC (Community Business) to RMH (Multiple-Family Residential) for 12.4 acre parcel at 0 S. Middleton Rd for City of Nampa/Kristi Watkins representing Endurance Holdings LLC (ZMA-136-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 4: Conditional Use Permit for multi-family housing in a Community Business (BC) zoning district for a 6.09 acre portion of land composed of two county parcels: #R23165000 and R231700000, addressed as 0 Hailey Ave. and 2321 N Middleton Rd (SE 1/4 of Section 7, T3N, R2W, BM, Nampa) for 7 three-story apartment buildings (110 150 dwelling units), for gross density of 18.06, with a clubhouse and swimming pool at City Side Apartments, for Mark Bigelow (CUP-214-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Roman Daniels-Brown 1716 N. Stagno Bello Pl, Eagle, applicant:

Requesting a CUP for multi-family on the corner of Karcher and N. Middleton Rd.

- Reviewed their latest project, they built quality living spaces, reviewed conceptual drawing.
- Clarified the number of units will be 150 with 1, 2 and 3 bedroom options, with many amenities and open space. Covered and uncovered parking will be available, as well as professional landscaping.
- On site property manager, the location will be safe and secure with gates and security cameras.
- Occupancy rates are high and vacancy rates are low in the area.
- Sellman inquired about rent (market rate).
- Kehoe clarified this is a gated community (yes).
- Miller: Are the buildings 3 story (yes).

Director Ashby reviewed site specific information, surrounding land uses, COMPASS analysis, surrounding zoning, lot analysis and applicable regulations found in the staff report including:

Comprehensive Plan: Medium Density Residential & Commercial

Current Zoning: Community Business (BC).

Multiple-family dwellings require a Conditional Use Permit to be allowed in the BC (Community Business) zoning district.

Utility services are available to the property.

Surrounding Zoning:

- North: Canyon County R2 Karcher Acres Subdivision (Large Lot Enclaved Residential)
- South: Karcher Rd; BC Zoning (Medical Office and undeveloped parcels)
- East: Middleton Rd; BC Zoning (Gas Station and undeveloped property)
- West: Latah Drive and Canyon County R2 Karcher Acres Subdivision (Large Lot Enclaved Residential)

Reviewed public/agency/city correspondence, located in staff report and/or listed under conditions of approval herein including:

Public Comments: Concerns focused primarily on the impact to traffic congestion and safety, but also included the following themes: residential development shouldn't be placed in areas where no parks exist for kids, impacts to noise, height and scale of buildings inconsistent with surrounding area, crowding of schools, utility capacity, belief it will bring people into the subdivision/neighborhood, desires for businesses in this location, overcrowding of businesses,

increases in kids and animals running around and bringing in drugs, parking overflow fears, increases to property taxes (assumption that subdivision would be forced to annex), decreases in housing value, construction impact to Karcher Rd traffic, decreased quality of life, crime increases, increases in pollution, impact on wildlife, impact to subdivision entrance, impacts to irrigation water, concerns about short time frame to provide comments, etc.

The following individuals provided written comments of opposition located in staff report:

Brian and Carol Ertman – 16169 Kootenai Pl.

C. Keim – 11314 Hall Dr.

Loraine Knigge – 16065 Latah Dr.

Ron Lanning – resident of Karcher Acres

Robert & Maralyn Lenz – 11491 Hall Drive

Constance Smith – 16152 Latah Dr.

Barbara Nihart 11465 Hall Drive

Diana & Richard Stephens – residents of Karcher Acres

Sariah Tanner – resident on Hall Dr.

Robert D Aue Jr. – 16141 Kootenai Pl

Susan Heithecker – 2706 N Middleton Rd

John Theriault – resident of Karcher Acres

Kevin White – 11452 Hall Drive

Michael Andreasen – 11341 Hall Drive

Debra McCarver – 16159 Kootenai Place

David McCarver - 16159 Kootenai Place

Cliff and Karen Edwards – 16259 Latah Drive

Scott and CoraAnn Nihart – homeowner in the Karcher Acres Subdivision

Joshua Befus – 11315 Hall Drive

Susan Cane – 11419 Hunt Ave

Terry Cane – 11419 Hunt Ave

Fernando Estrada – 16182 Latah Dr.

Amanda Cowgill – 16151 Kootenai Pl

Emily Lanning – 11431 Hall Drive

Jerry Angell – 16164 Kootenai Place

Amy Angell – 16164 Kootenai Place

Diane McCoy Gunderson – 11340 Hall Drive

Late comments in opposition (via email-no address given): Kasia Kelley, Summer Knight

The Karcher Acres Property Owners Association, Inc. represented by White Peterson Attorneys at Law, indicate that the proposed project is subject to the association covenants that limit development to residential land uses. This correspondence also emphasizes some of the same concerns listed above for public comments – traffic, access, scale, neighborhood compatibility, etc.

A petition with a lengthy list of questions and expressing opposition to the development, was signed by eighty-eight (88) people, and is included in the staff report. Director Ashby responded to specific written concerns:

4. If it is not Historical will the proposed builder be required to construct at his cost the turn lane from Middleton Rd. to Karcher Rd.?

- A traffic impact study will be conducted and the developer will need to comply with all the conditions of the study.

5. What is the impact to Water and Sewer Plant loadings, Collection Trunk line overloading, Distribution trunk lines overloading, in an infrastructure that has not been upgraded to meet the current demand?

- City Engineering Division has evaluated the utility needs and indicates capacity to serve the project. They require sewer mainline extensions out to Latah Dr, Hailey Ave, and N Middleton Rd for future extensions.

6. Is DSD willing to allow additional loading and even overloading of the current antique Water and Wastewater systems?

- See response to question #5

7. Or will the current Builder at his own cost upgrade those trunk lines for the entire mile on either side of his proposed project?

- See response to question #5. The developer will be responsible for these improvements.
8. *The covenants of the subdivision do not allow anything but single-family.* Has DSD allowed the property owner to abandon those covenants?
- Please see the comments in response to White Peterson Attorneys at Law correspondence.
9. Is DSD also annexing this property into the city from the county?
- If so, will they try to annex all the Karcher Acres properties? No. There is no intention to annex the Karcher Acres properties.
10. What kind of buildings/apartments are being proposed?
- No renderings were provided for the project.

Public concerns are primarily focused on traffic safety and congestion concerns. The proposal to increase the number of lanes on Karcher is scheduled by the state for construction in 2025. This may alleviate some of the traffic concerns residents have expressed, but Karcher is a state highway and will likely continue to accommodate high numbers of vehicles. Traffic within the subdivision is also a concern of residents and will not be addressed by the widening of Karcher. The Commission will need to consider the potential impacts and determine whether the proposed development is compliant with the conclusions of law for a Conditional Use Permit.

For concerns expressed about crime increasing, Planning staff has been unable to substantiate any direct correlation between multi-family development causing crime to increase. However, increases in residents in general does appear to correlate with increased crime occurrences. Put another way, the per capita crime rate does not appear to be related to the type of housing (single-family/multi-family). Instead, the number of crime occurrences appears to increase related to the increase in households for a specific area. If single-family homes were to be built, the increase in households would likely suggest an increase in future crime occurrences.

For concerns expressed about property values decreasing due to multi-family development proximity, staff has been unable to substantiate this impact. Rather, peer reviewed articles provided from and to the Commission regarding this topic, seem to suggest that on average, multi-family developments have increased property values for single family homes in the proximity of the development.

For concerns about potential increases to taxes, there are two factors that may need to be considered. First, related to the previous paragraph, if property values increase in the area, that may result in increases to property taxes. This is a complex adjustment and the county's assessment structure does not allow an easy or direct correlation to increases in taxes. Some appeared to be concerned about the city forcing annexation and therefore resulting in property tax increases. Though this is a possibility allowed by state law, it has not been the practice of the city of Nampa to force annexation. Many communities exist as enclaved developments in the Nampa area and have continued to remain in the county for many years. When a development needs to connect to city utilities is typically the time when annexation is necessary. If the county residential subdivision remains county, no general city levy will be added to the tax assessment.

Concerns expressed about parking, access, height, scale, compatibility to the neighborhood, impacts to the environment and wildlife, etc., are difficult to quantify and the Commission will need to decide if the conditions of the proposed development and the existing neighborhood are compliant with the conclusions of law for a Conditional Use Permit.

Staff Comments:

- A traffic impact study will be conducted and the developer will need to comply with all the conditions of the study.
- City Engineering Division has evaluated the utility needs and indicates capacity to serve the project. They require sewer mainline extensions out to Latah Dr, Hailey Ave, and N Middleton Rd for future extensions.
- There is no intention to annex the Karcher Acres properties.
- No renderings were provided for the project.
- Based on other studies across the nation, multi-family developments are likely to increase property values of neighboring single-family properties, but context matters. In higher-end developments, poor quality of multi-family housing may negatively impact single family residence values nearby.

- National Association of Home Builders MultiFamily Outlook – 10/17/2006; The Impact of High-Density Apartments on Surrounding Single-Family Home Values in Suburban Salt Lake County by Dejan Eskic; The local relationship between higher density and single-family home values by Arthur Acolin, Gregg Colburn, and Rebecca Walter; Mixed-Income LIHTC Developments in Chicago: A First Look at Their Income Characteristics and Spillover Impacts by Bostic, Jakabovics, Voith, and Zielenbach; The What, Where, and When of Place-Based Housing Policy’s Neighborhood Effects by Dillman, Horn and Verrilli; and others.
- The proposed concept shows the only entrance on N. Middleton Rd, and exits on Middleton, Hailey and Latah, all of which are gated.
- Fees will be collected at time of development.
- The letter from White Peterson Attorneys at Law raises concerns about whether the applicant is legally able to construct multiple-family homes on the property, since the properties fall within the Karcher Acres Subdivision and are subject to the HOA covenants which restrict any development except single-family homes. Attached to this report are the minutes from the February 25, 2014 Planning & Zoning Commission Public Hearing for annexation and zoning to BC (Community Business). These minutes indicate that the attorney representing the HOA, expressed that the HOA supported the proposed Annexation and Zoning to BC (Community Business) for the subject properties. The proposed development at the time was commercial, but a commercial development would also not comply with the covenants of the subdivision. Since single-family homes are not a permitted use in the BC zoning district, this essentially makes this property undevelopable unless a rezone to residential is achieved. Staff counsels the Commission to separate land use entitlement decisions from private agreements between property owners. The land use entitlement (CUP) decision should be based on the conclusions of law outlined in City and State Code. The property owners will need to resolve the legal dispute regarding CC&R’s as a private matter.
- **Safe Routes to School:**
 Lakevue Elementary = 2.36 miles (not within walking distance)
 Vallivue Middle School = 4.2 miles (not within walking distance)
 Vallivue High School = 4.3 miles (not within walking distance)

Engineering Division: The Engineering Division does not oppose this application. Any future development will be subject to City of Nampa building permit plan review process. Engineering provided Conceptual Plan Review comments from 4/1/2021.

- A traffic impact study will be required for this project
- Police Department: Current staffing shortfall (based on 1.5 officers per thousand residents). Projected population increase for City Side Apartments is 323.4. If approved, the department recommends City Council commit to fund .49 additional officers and 0.16 additional support staff (\$47,944 and \$11,910 respectively) to maintain current police service levels. Closest police department is 4 miles away. RD district call volume is 558 annually.
- Nampa Fire District: Specifying location of fire hydrants, the height of structures, the length and width of access roads (width of turning radius), access gate requirements, and signage for the subdivision. Comments also include the following statement:
 “The City of Nampa Comprehensive Plan 2040 states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1.5 miles from the nearest fire station. This development is located approximately 1.3 miles from Nampa Fire Station #4 with an approximate response time of 4 minutes.
 To properly serve the public for an all hazard response, the Nampa Fire Department should have 1 firefighter for every 1,000 residents served. This subdivision will add approximately 492 residents to 164 single family homes, with an increased personnel demand of .492 firefighter positions.”

Reviewed public/agency/city correspondence located in staff report including:

Suggested conditions of approval:

1. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment from all concerned agencies and City Departments.

2. A Traffic Impact Study is to be completed and the Developer shall be responsible to perform all mitigation identified in the Study prior to occupancy of any structure.

Madam Chair Sellman proceeded to public testimony.

Opposed:

David Heida, 5700 E Franklin Rd.

- Does not meet CUP conclusions of law.
- Harmful effect on neighborhood character.
- Traffic
- Not compatible with abutting properties.

Teresa Dougal, 11435 Hunt Ave.

- Agrees with Heida.
- Traffic, ingress and egress issues.
- Schools will be impacted; Lakeview school is full.

Michael Andresun, 11341 Hall Dr.

- Lifestyle and feel of community will change.
- Development would look down into their property.
- Area not conducive to multi-family.

Mark Dougal, 11435 Hunt Ave.

- Concurs with previous comments.
- Traffic
- Parking

Michelle Hamilton, 16142 Kootenai Pl.

- Property owners make investments and life decisions based on zoning.
- Granting a CUP changes the use they were expecting when their properties were purchased.
- Challenges that property values are affected.
- There will be a building 50 feet from her living room.

Bill Hamilton, 16142 Kootenai Pl.

- What considerations are the developers giving the neighborhood, this is strictly for financial gain not for the good of the community. Look elsewhere.

Seriah Tanner, 11294 Hall Dr.

- Concurs with previous comments.
- During construction of project, streets would be shut down and Karcher and Middleton would be impacted.
- Children in the street.
- Convenience store (Maverick), more thieving.
- Disagrees about property values, nearby schools are already overcrowded.

Kirkman: Does Vallivue have open enrollment? (No, it is closed).

Colleen George, 12543 Toketee St.

- They were told when a nearby development was built that traffic would not be impacted and it has been impacted. Accidents happen once or twice a week.
- With Karcher being worked on in 2025, Karcher cannot handle any more traffic.
- Canyon View closed their Karcher entrance.
- Not zoned for this type of traffic.

Emily Douglas, 12572 Dakota Crossing.

- In agreement with all other comments.

- Takes her over 5 minutes to exit the subdivision.
- Lack of turn lanes is an issue.

David McArver, 16159 Kootenai Pl.

- In agreement with all other comments.
- Traffic
- Exits forced through the subdivision.

Deborah McArver, 16159 Kootenai Pl.

- In agreement with all other comments.
- Traffic is terrible - Karcher/Middleton, any time of day.
- Why build something on the property, easement will be required for future expansion.
- Toxins from vehicular traffic.
- Sewer rates increased 2 years ago; capacity will not support it.

Stephanie Peters, 2609 N Middleton Rd.

- Traffic
- Accidents
- Loss of wildlife.
- Lack of capacity in schools.
- Concerned about irrigation rights.

Terri Kane 11419 Hunt Ave.

- In agreement with all other comments.
- Cannot keep up with infrastructure.
- Traffic noise.
- Change from 110 to 150 units.
- Karcher walking traffic.

Jerry Angel, 16164 Kootenai Pl.

- Has livestock on his property, will ruin his family's lifestyle.
- Visual impact of the project.
- Disagrees with crime, the longer the apartments stay the worse the crime will be.

Chad Hesse, 16066 Latah Dr.

- In agreement with all other comments.
- Loss of income from remodeling their home due to this project.
- Headlights will show into their home.
- Smell from dumpster.
- Should be putting values into subdivisions rather than building apartments.

Loraine Knigge, 16065 Latah Dr.

- In agreement with all other comments.
- Decrease home value.
- Gated exit is across from her driveway, apartments would look down on her home.

Patricia (last name inaudible), 16142 Kootenai Pl.

- Does not make sense for neighborhood.
- Children playing outside.
- Does not fit the area.

Amanda Kamel 16151 Kootenai Pl.

- Traffic - Karcher and Middleton.
- Children getting on and off the bus near the canal is a concern.

- They are on the edge of the boundary for Lakeview elementary, the boundary may change due to this development.

Michael Sumner, HOA president nearby subdivision.

- Concerned that access traffic will come out of development into/through their subdivision
- Concerned for children.
- Concerned about overflow of traffic and parking.
- Overcrowding of schools.
- Their amenities will not hold the influx of new kids moving into the apartments.
- Parking is bad in nearby Faith Landing.

Applicant rebuttal:

Traffic is an issue in Nampa in general. Expediting traffic revisions in the area would be good. If it is not multi-family, it will be something worse, such as a hotel or restaurant. Everyone would like to have an acre and it is not feasible for everyone. Units were originally 164, reduced to 150, he is unclear where the 110 number came from. Gates will be open during peak hours. Quoted a national study showing an average single family home has two cars and an average multi family household has one car. Irrigation will be contiguous. This is a good transition parcel.

Kirkman: Did you have a neighborhood meeting? (No, planning on one if project is approved).

Director Ashby: Required parking is 2 per unit plus ADA stalls.

Kirkman: Looking at conclusions of law, some of these addresses are county land, not in Nampa, is this given consideration? Ashby, conclusions of law state "will it be compatible with and not adversely affect abutting properties, it does not say city or county."

Kehoe stated he did not like the location and would rather see a restaurant or gas station, Caldwell Nampa Blvd. is a better location for this project. Kirkman: Hwy. 55 and Middleton Road is an issue, it is terrible. Looking at conclusions of law, will this adversely affect the livability and appropriate development of abutting properties, yes. The scale and bulk of this is wrong. Garner agreed, the scale is way off for this location.

Kirkman: It is interesting the property value question that comes up regularly, it is ironic people are concerned about lowering of their property values and complain about the increase in taxes because their property values keep going up.

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

The Commission reviewed Comprehensive Plan Land uses, applicable regulations and relevant conclusions of law/findings for this conditional use permit (NCC § 10-25-4) and found the project did not comply with the compatibility with the surrounding neighborhood.

Kehoe motioned and Kirkman seconded to deny the Conditional Use Permit for multi-family housing in a Community Business (BC) zoning district for an 6.09 acre portion of land composed of two county parcels: #R23165000 and R231700000, addressed as 0 Hailey Ave. and 2321 N Middleton Rd (SE 1/4 of Section 7, T3N, R2W, BM, Nampa) for 7 three-story apartment buildings (110 150 dwelling units), for gross density of 18.06, with a clubhouse and swimming pool at City Side Apartments, for Mark Bigelow (CUP-214-21) based on the following findings:

- **That the location, size, design and operating characteristics of the proposed apartment development will NOT be compatible with and WILL adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.**

Motion carried.

Public Hearing 5: Zoning Map Amendment from RP (Residential Professional) to RS (Single-Family Residential, 6,000 sq. ft.) for the previously approved Lava Falls Subdivision originally addressed as 2718 E Locust Ln, an approximate 11.84 acre portion of land (located in a portion of the SE ¼ of the SE ¼ of Section 2, T2N, R2W, BM, Nampa, Canyon, Idaho) for Sawtooth Land Acquisition LLC representing all property owners of lots within the Lava Falls Subdivision (ZMA 137-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Nick Barnes, Sawtooth Land Acquisition, LLC. 4022 E Summit Lane, Nampa:
Because the development is zoned RP, they are categorized, for billing purposes, as commercial. The commercial assignment will cause their irrigation rates to be higher.

Associate planner Bodily reviewed zoning, surrounding land uses, history of project, and comparison of RP and RS6 lot requirements, and agency correspondence located in the staff report.

Suggested conditions of approval:

Owner/operator/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits] 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, etc.) as the CUP approval does not and shall not have the effect of abrogating requirements from those agencies.

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

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

The Commission reviewed applicable regulations NCC § 10-2-3 (c) Zoning/Rezoning Conclusions of Law and found the property to be eligible for development under these code requirements.

Kehoe motioned and Van Auker, Jr. seconded to recommend to City Council approval of Zoning Map Amendment from RP (Residential Professional) to RS (Single-Family Residential, 6,000 sq. ft.) for the previously approved Lava Falls Subdivision originally addressed as 2718 E Locust Ln, an approximate 11.84 acre portion of land (located in a portion of the SE ¼ of the SE ¼ of Section 2, T2N, R2W, BM, Nampa, Canyon, Idaho) for Sawtooth Land Acquisition LLC representing all property owners of lots within the Lava Falls Subdivision (ZMA 137-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 6: Conditional Use Permit for a machine shop in a Community Business (BC) zoning district at 175 Shannon Dr., a 1.3 acre acre portion of an 8.05 parcel addressed as 490 N Broadmore Way (NE 1/4 of Section 16, T3N, R2W, BM, Nampa; the SW corner of Broadmore Way and Shannon Dr, also known as Lot 2 of the Noble Tracts Subdivision) for Creations Unlimited - Sandra Rathi, representing Agequity Holdings, LLC (CUP-217-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Applicant-Sandra Rathi, Creations Unlimited, 5508 Barkley Way, Caldwell.
The building was purchased knowing it was light industrial for a machine shop, and later found the zoning was incorrect for this use. Her machines are quiet.

Associate Planner Bodily reviewed site specific information, surrounding land use, lot analysis and applicable code regulations found in the staff report. This is a home occupation. No employees are permitted to work on the premises. Per the narrative provided by the Applicant, there will be no more than 12-15 people at the residence per month including, but not limited to, delivery drivers from UPS and/or FedEx for product. No additional parking is required. Sales will be by appointment and online. Surrounding land uses are predominately industrial in nature.

Reviewed public/agency/city correspondence located in staff report and listed in conditions of approval:

Agency Correspondence:

Building Department: Development subject to Title 4 – Building Regulations

Economic Development:

- “The Economic Development office is very supportive of this request. We have worked with Creations Unlimited in their process to determine a move to Nampa and believe they will be a great addition to the Nampa business community. Our office supported their requests to the Canyon County Commissioners for a business incentive application and recognize they will be creating high paying jobs with a significant new investment and filling a new niche within our industrial sector. I anticipate they will be a good neighbor to the surrounding businesses within the Broadmore area.”

Conclusions of Law:

1. That the location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the use.
2. That the location, design and site planning of the proposed use will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.
3. That the proposed use will enhance the successful operation of the surrounding area in its basic community functions or will provide an essential service to the community or region.

Potential Conditions of Approval:

- Owner/operator/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits] 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, etc.) as the CUP approval does not and shall not have the effect of abrogating requirements from those agencies; and,
- Any conditions the Commission finds reasonable to meet the Conclusions of Law in Nampa City Code 10-25-4

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

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

The Commission reviewed NCC § 10-25 Conditional Use Permit Conclusions of Law and approved the project under these code requirements and conclusions of law.

Kirkman motioned and Kehoe seconded to approve the Conditional Use Permit for a machine shop in a Community Business (BC) zoning district at 175 Shannon Dr., a 1.3 acre acre portion of an 8.05 parcel addressed as 490 N Broadmore Way (NE 1/4 of Section 16, T3N, R2W, BM, Nampa; the SW corner of Broadmore Way and Shannon Dr, also known as Lot 2 of the Noble Tracts Subdivision) for Creations Unlimited - Sandra Rathi, representing Agequity Holdings, LLC (CUP-217-21) with all conditions of staff and conclusions of law. Motion carried.

Meeting adjourned at 10:45 pm.

Rodney A. Ashby, Planning Director

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