



MINUTES OF REGULAR MEETING HELD TUESDAY, JULY 13, 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)
Jeff Kirkman (Chambers)
Tom Turner (Chambers)
Ron Van Auker, Jr. (Chambers)

COMMISSIONERS ABSENT:

Matthew Garner
Bret Miller
Adam Hutchings

CITY STAFF PRESENT:

Rodney Ashby, Planning Director (Chambers)
Daniel Badger, City Engineer (Chambers)
Parker Bodily, Associate Planner (Chambers)
Kristi Watkins, 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 6:30 pm.

STAFF COMMUNICATIONS: Director Ashby provided an overview of the third quarter 2021 density report which will be presented to City Council on July 19, 2021 displaying current residential development occurring throughout Nampa.

APPROVAL OF MINUTES:

Kehoe motioned and Kirkman seconded to approve the minutes of the June 29, 2021 Planning & Zoning Commission meeting. Motion carried.

REPORT ON COUNCIL ACTIONS: No Council member available to report on Council actions. Director Ashby provided an overview of Council decisions at the July 6, 2021 Planning & Zoning related public hearings.

Madam Chair Sellman proceeded to the business items on the agenda.

Business Item 1: Subdivision Final Plat Approval for Spring Shores No. 3 Subdivision in a RS8.5 (Single-Family Residential 8,500 sq. ft) zoning district; for 37 single family lots and 9 common lots with a 2.63 gross lot density and a 4.21 net lot density; located at 0 11th Ave N - parcel #R2092700000 (located in SE 1/4 of Section 2, T3N, R2W, BM) for Kent Brown representing Heartland Townhomes Property MGMT LLC (SPF-169-21) – ACTION ITEM.

Principal Planner Watkins provided a lot analysis and reviewed the surrounding zoning and history of the project (located in the staff report) including the following:

Conclusions of Law/Findings of Fact:

1. Within City limits zoned RS8.5.
2. Conforms to approved Preliminary Plat for Spring Shores 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. This is to include any extant but applicable conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to the approved preliminary plat of/for Spring Shores Subdivision.
2. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
3. 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.
4. Developer shall provide documentation from the Irrigation District that all irrigation assessments for the property have been paid in full prior to City Engineer signature of plat.
5. Developer shall provide documentation of plan review/approval from Pioneer Irrigation District prior to construction drawing approval. Provide copies of required executed license agreement(s), if any, prior to City Engineer signature of the plat.

The Commission found that the proposed subdivision final plat for Spring Shores No. 3 conforms, or substantially conforms within acceptable limits, to the approved preliminary plat, and complies with relevant RS8.5 zoning codes and City of Nampa subdivision standards pertaining to the proposed Development.

Kirkman motioned and Kehoe seconded to recommend to City Council Subdivision Final Plat Approval for Spring Shores No. 3 Subdivision in a RS8.5 (Single-Family Residential 8,500 sq. ft) zoning district; for 37 single family lots and 9 common lots with a 2.63 gross lot density and a 4.21 net lot density; located at 0 11th Ave N for Kent Brown representing Heartland Townhomes Property MGMT LLC with all conditions of staff and conclusions of law. Motion carried.

Business Item 2: Appeal of Building and Site Design Review Committee action regarding approval of a vehicle Aftermarket and Reconditioning Center site and building design in a GB1 (Gateway Business) zoning district at 16115 and 16027 Idaho Center Boulevard; the appeal being based on the claim that the approval does not comply with Nampa Building and Site Design standards outlined in City code (two parcels comprising 2.74 acres, described as lots 3 and 4, Block 1, of the Empire Business Park Subdivision - SE 1/4 of Section 12, T3N, R2W, BM, Nampa). Appellant: Dyan Chacon. Original applicant for Design Review: Matthew Sanchi representing Edmark Toyota (APL-014-21) – ACTION ITEM.

Associate Planner Bodily reviewed the zoning and history of the project, site characteristics, elevations, façade/materials and applicable regulations (located in the staff report). Bodily reviewed the stated grounds for appeal and potential justifications for both approval and denial of the appeal application.

The issues discussed at the Design Review Committee meeting were limited changes in roof height, the front entrance is not easily identifiable, and fencing (type of material was not presented). The Design Review Committee did not request any changes to these items. Bodily reviewed appropriate fencing allowable per code; chain-link fencing with slats is not a permitted fencing type per 10-34-10.A.2.a. Outside of these three discussion items, the plans submitted meet the code requirements in NCC 10-34. BSDS Committee did not take issue with the way that the fencing was positioned.

Conclusions of Law/Findings of Fact:

1. That the applicant and the building shall comply with Nampa City Codes relative to development of the project, including all City based zoning codes as BSDS Committee approval of the design review plans shall not have the effect of abrogating required compliance with the City's zoning laws.

Kirkman noted the appellant's concern that the applicant did not "set off the front entrance enough." If the perimeter of the building is completely fenced, with the exception of the front or unfenced portion, it does not appear there

would be any issues with the public finding the front entrance. Bodily replied that the front entrance will be emphasized by landscaping.

Kirkman clarified the fencing type allowable per code, such as wrought iron. Bodily replied wrought iron would not provide adequate screening. Kirkman asked if visibility of cars at the back of the building was a concern. Bodily replied this was most likely one of the concerns, as the appellant may construe this view as reducing the value of their property. If inventory will be stored behind the building, screened fencing would be required per code and City standards.

Kehoe asked if the appellants own adjacent properties to this project. Bodily replied the appellants are all represented by the buildings to the west, across the street from the front entrance.

Van Auker, Jr. stated it was a good looking building for this use.

Van Auker, Jr. motioned and Kehoe seconded to deny the Appeal of Building and Site Design Review Committee application (upholding the Design Review Committee's decision) regarding approval of a vehicle Aftermarket and Reconditioning Center site and building design in a GB1 (Gateway Business) zoning district at 16115 and 16027 Idaho Center Boulevard Appellant: Dyan Chacon. Original applicant for Design Review: Matthew Sanchi representing Edmark Toyota (APL-014-21). Motion carried.

Business Item 3: Subdivision Final Plat - 12 month Extension Request for Redhawk Ridge #6 Subdivision currently under construction and anticipated to be complete in the Summer of 2021, in a RS6 (Single-Family Residential 6,000 sq. ft) zoning district; for 15 single family lots and 4 common lots and 1 private road, at 0 Middleton Rd (parcel #R3207200000) in the SE 1/4 of Section 31, T3N, R2W, BM) for Jessica Krueger representing M3 ID RHR MIDDLETON LLC (SPF-134-20) – **Withdrawn.**

Madam Chair Sellman proceeded to public hearing items on the agenda at 7:02 pm.

Public Hearing 1: Annexation and Zoning to IL (Light Industrial) zoning district at 0 Madison Blvd. in order to develop property with light industrial land uses (a 20.06 acre parcel #R3104100000, located in NW ¼ of Section 10, T3N, R2W, BM), for LDK Ventures, LLC (ANN-201-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Jeff Bower, 601 W Bannock St, Boise, requested approval of the project on behalf of LDK Ventures, Sacramento, CA, for light industrial uses. The proposed industrial development will provide employment opportunities and supportive services that will benefit Nampa residents and surrounding businesses. Applicant agrees to all staff conclusions and conditions of approval. The project will bring needed Class A space; anticipated uses are warehousing and distribution which are supported in the Comprehensive Plan for the requested zoning. There is currently a less than 1% vacancy rate for available industrial space in Nampa (numbers provided by an independent third party broker). The recent improvements along the northside interchange make this area a good fit for their requested use; the project will be a valuable asset to attract businesses and employers.

Director Ashby provided a land use analysis, reviewing the property details, zoning and history of the project, surrounding zoning, available services, applicable regulations and agency comments located in the staff report.

The property is in Canyon County and is surrounded predominately by undeveloped industrially zoned land and by existing industrial uses. The requested zoning is consistent with the Comprehensive Plan Future Land Use Map and narrative. Undeveloped properties in the area have recently annexed as Light Industrial zoning for future industrial developments. The Commission will need to determine whether certain conditions should be placed on the annexation to ensure compatibility with existing uses.

Suggested Conditions of Approval:

1. Madison Rd – a “Collector” speed limit 35-mph, provides access.
2. 40’ of right-of-way from section line of Madison Rd shall be dedicated to the City of Nampa.
3. Utilities exist in Madison Rd:
 - Domestic water – 12” mainline
 - Pressure irrigation – 10” mainline
 - Sewer – 12” mainline

4. Site access for future development shall adhere to the City's Access Management Policy and shall include, but not be limited to the following considerations:
 - Fire Dept. turnaround for any private drive greater than 150' in length.
 - If subdividing, shared access easement and agreement between all properties intended to take access from Madison Rd.
5. Frontage improvements in accordance with Nampa City Code Section 9-3-1 will be required at the time of development.
6. A traffic impact study shall be provided and approved prior to applying for building permit
7. Any onsite wells 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. Property shall be annexed in the Nampa Municipal Irrigation District at the time of property development and prior to being served by the City's pressure irrigation system. Applicant/owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
9. Applicant/owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

Ashby noted a partially developed parcel (NXEdge industrial building) located in the county to the north zoned light industrial; the building was never completed. Kirkman clarified and Ashby confirmed that the county, when approving the NXEdge project, required that it meet NCC.

Madam Chair Sellman proceeded to public testimony.

For proposal and did not wish to speak:
Srinivasa Nookala (no address provided).

Undecided regarding proposal:
Gary Goodwin, 16982 Madison Rd.

- Noted Case No. CR2007-5 Findings of Fact, Conclusions of Law and Order regarding setbacks, berming, landscaping, lighting, etc., asking that those same provisions be included into the project being heard if, as the application states, NXEdge owns both parcels.
- "All that ground out there is subirrigation, that is the problem that they had with the building, the sub came up and buckled the floors inside which makes it hard to sell."

Deborah Goodwin, 16982 Madison Rd.

- Requests that NXEdge control the weeds around building until landscaping and building is completed.

Bower noted that staff condition item number nine ensures compliance with all City codes, policies and standards. The applicant does not have any affiliation with NXEdge (the property was purchased from them several months ago), it is not a joint venture. The conditions associated with that property do not affect this project.

The Commissioners questioned why the application listed LDK as the representative of NXEdge. Ashby clarified that, at the time of application, NXEdge owned both the parcel being considered for annexation, and the parcel the Goodwins are referring to (the adjacent county parcel). The sale is now finalized for the property requesting annexation, so the applicant has no affiliation with NXEdge except that they were the owners at the time of application. The NXEdge property to the north, that the Goodwins were concerned about, is still owned by NXEdge and the City does not have the ability to enforce any conditions on the NXEdge parcel. Van Auker, Jr. advised that the Goodwins contact NXEdge directly regarding any issues regarding this county property.

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

The Commission reviewed applicable regulations for annexation and zoning located in the staff report and concluded the project met the conclusions of law criteria. Commission found the proposed use would bring a desired service to the area.

Kehoe motioned and Van Auker, Jr. seconded to recommend approval to City Council of Annexation and Zoning to IL (Light Industrial) zoning district at 0 Madison Blvd. in order to develop property with light industrial land uses for LDK Ventures, LLC (ANN-201-21) with all staff conditions and conclusions of law. Motion carried.

Public Hearing 2: Conditional Use Permit for a Daycare/Nursery Preschool in an RML (Limited Multiple Family Residential) zoning district at 0, 0, 407 & 411 W Orchard Ave. (parcel #'s R3153300000, R3153701000, R3153400000, R3153700000) a total of 2.11 acres including construction of a 15,644 sq. ft. building (located in the NW 1/4 of Section 21, T3N, R2W, BM) for Mike Mussell representing Nampa Christian Schools, Inc. (CUP-231-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Mike Mussell, 101 11th Ave South, Ste 265, applicant, requested approval of the conditional use permit on behalf of Nampa Christian School in order to build a new one-story 20,000 sf early childhood center. There will be 54 parking spaces including 4 ADA spaces. Mussell stated the project will allow more students access to the existing elementary school to the west.

Kehoe asked the applicant if the preschool and elementary school are adjoining. Mussell replied he believes there is a shared access agreement with the duplexes between the two buildings. Nampa Christian maintains the landscaping along the entire frontage along Orchard. The routes in and out of the early childhood education center and the elementary school would be separate. There will be sidewalks between the two buildings with striping on the asphalt.

Associate Planner Bodily provided a staff analysis, reviewing the property details, zoning and history of the project, available services, applicable regulations and agency comments located in the staff report. Bodily stated the zoning is currently split between RML and RS6; the applicant has agreed that the City may, in the future, rezone to completely RML. Elevations were approved by the BSDS Committee in May, 2021.

The proposed development is mainly surrounded by multi-family housing with commercial to the north, a park to the south and Nampa Christian Middle School just to the west. This development would be an extension of that school. W Orchard Ave is classified as a “minor arterial,” speed limit is 30 MPH.

Right-of-way will need to be dedicated along the frontage; sidewalks are already in place. The proposed use would bring in additional traffic to the area. The accesses to the property will be required to meet Engineering requirements.

Suggested conditions of approval:

1. 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.
2. Owner shall dedicate the following right-of-way:
 - a. 40' from section line along W. Orchard Ave
3. Site access for future development shall adhere to the City's Access Management Policy.
4. A building permit (COM-02682-2021) has been applied for and is currently under review for this project. Any applicable review comments or notes which result from the review of said permit shall be addressed prior to obtaining a building permit.
5. Record a density reduction survey to remove/adjust lot lines.

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

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

The Commission reviewed applicable regulations and found that the location, size, design and operating characteristics of the proposed development will be compatible with and 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 development.

Kirkman motioned and Kehoe seconded to approve the Conditional Use Permit for a Daycare/Nursery Preschool in an RML (Limited Multiple Family Residential) zoning district at 0, 0, 407 & 411 W Orchard Ave. a total of 2.11 acres including construction of a 15,644 sq. ft. building for Mike Mussell representing Nampa Christian Schools, Inc. (CUP-231-21) with all staff conditions and conclusions of law. Motion carried.

Public Hearing 3: Annexation and Zoning to RS8.5 (Single-Family Residential 8,500 sq. ft.) zoning district to connect to City utilities and construct a single family home at 0 Madison Rd (a .69 acre parcel #R34370010B0 in the SE ¼ of Section 34, T4N, R2W, BM) for Matthew Richardson (ANN-200-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Matthew Richardson, 18258 Madison Rd, applicant, requested approval of the annexation in order to connect to City utilities and construct a single family home on one acre on the southeast corner of 18258 Madison Rd. Pioneer Irrigation has agreed to share their approach on their lateral for access.

Associate Planner Bodily provided a staff analysis, reviewing the property details, zoning and history of the project, available services, applicable regulations and agency comments located in the staff report.

Bodily noted correspondence from Pioneer Irrigation District regarding requirements associated with the District's 8.26 Lateral easement. The property is currently under the jurisdiction of Canyon County and within the Nampa's impact area. A variance will be presented to City Council should the Commission recommend the annexation for approval referring to NCC 10-8-6 requiring 22' of roadway frontage. This property does not have street frontage.

Suggested Conditions of Approval:

1. Access to homesite shall be paved in accordance with City code.
2. Sewer service shall be constructed as far as possible to the east of Madison Rd to avoid conflict with future road widening, and a stub provided to facilitate connection of the existing home at 18258 Madison Rd.
3. 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.
4. Applicant/owner shall comply with all City codes, policies, and standards in place at the time of property development/redevelopment.

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

Van Auker, Jr. motioned and Kirkman seconded to close public hearing. Motion carried.

The Commission reviewed applicable regulations found in the staff report and concluded the project met the conclusions of law criteria.

Kehoe motioned and Van Auker, Jr. seconded to approve the Annexation and Zoning to RS8.5 (Single-Family Residential 8,500 sq. ft.) zoning district to connect to City utilities and construct a single family home at 0 Madison Rd for Matthew Richardson (ANN-200-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 4: Subdivision Preliminary Plat for Indian Creek Estates for 9 residentially zoned parcels totaling 87.7 acres and 1 commercially zoned 4.9 acre parcel, for a future mixed use development (parcel #'s R3239201100, R3239200000, R32394010D0, R32394010C0, R32394010F0, R3239501200, and R3239500000 - all addressed as 0 E Railroad St.; and, Zoning Map Amendment of lots created in the Indian Creek Estates Preliminary Plat including: Parcel 1 Block 1 (20.4 acres) from BC (Community Business), IL (Light Industrial), and IH (Heavy Industrial) zoning districts to RS6 (single-family residential 6,000 sq. ft) zoning district, Parcel 1 Block 2 (6.7 acres) from IH to RS6 zoning district, Parcel 2 Block 1 from IL & IH (7.8 acres) to RS4 (Single-Family Residential 4,000 sq. ft.) zoning district, Parcel 2 Block 2 (7.4 acres) from IL & IH to RS4 zoning district, Parcel 3 Block 1 less Right of Way (3.5 acres) from BC & IL to RP (Residential Professional) zoning district, Parcel 3 Block 2 (11.7 acres) from IL & IH to RS7 (Single-Family Residential 7,000 sq. ft.) zoning district, Parcel 4 Block 2 (6.6 acres) from IL to RS4, Parcel 5 Block 2 (7.7 acres) from IL to RS4 zoning district, Parcel 6 Block 2 less Right of Way (8.6 acres) from BC to RS6 zoning district, Parcel 7 Block 2 (4.6 acres) from IL & BC to BC zoning district; (located in the NE 1/4 of Section 36, T3N, R2W, BM) for Landmark Pacific Development Inc. representing David Washburn and Troy Summers (SPP-078-21 & ZMA-145-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Blaine Womer, 4355 W Emerald St, Ste 145, Boise, Project Manager, on behalf of applicant. The staff report and staff conditions have been reviewed with and agreed to by the applicant.

There is a proposed collector road that will be developed with the preliminary plat which, along with surrounding local and minor arterial roads, will provide access and utilities to individual parcels. Conceptual plan shows 1 commercial lot, 26 live-work lots, 130 townhomes and 280 single family detached homes. This mix of lot types and commercial opportunities will meet the high demand for quality and diverse housing that will serve a mix of demographics and lifestyles.

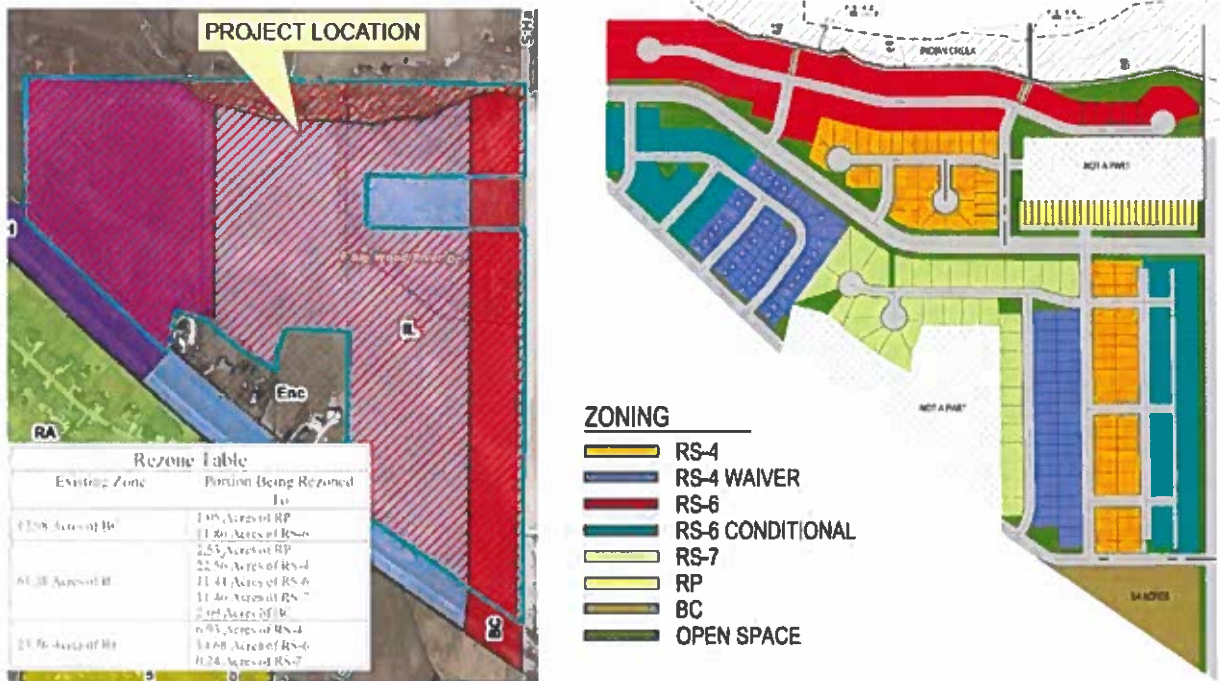
Principal Planner Watkins reviewed the staff analysis located in the staff report for the zoning and preliminary plat, as well as residential mixed use design principles.

A Development Agreement to be recorded with the rezone ordinance to include a concept plan and design guidance is recommended to include connectivity requirements, parking space clearances, access, lot size, setbacks, and building heights, open space, qualified open space elements, maintenance, residential design features, and commercial area site development requirements.

The purpose of the various rezones is to create the zones required for a residential development to be platted in phases, to create a plat that will construct a new collector road to serve the future lots, and create access to a pathway along Indian Creek.

The property has been zoned BC, IL and IH since 2003 and has struggled to find a use to occupy the ground. The owner at the time worked with the City at length during the Comprehensive Plan update process in 2019 to evaluate the area and move towards a more residential designation. It was negotiated to re-designate it as Residential Mixed Use.

Watkins reviewed comments, Fire and Police both responded that comments will be made on any future submittals that indicate a scope of development. Reviewed COMPASS analysis: The housing to job ratio for this area indicates that more jobs are needed in this area, implementing the RP and BC zones would provide opportunity for new businesses in the area. Farmland is being consumed, but there is currently 826 acres of farmland within 1 mile of this property. The nearest bus stop is 2.7 miles away, the nearest public school is .7 miles away, the nearest public park is 1.5 miles away and the nearest grocery store is 2.6 miles away.



The following conceptual slide was presented during the meeting:



Suggested Conditions of Approval:

1. Dedicate the following public right-of-way prior to finalizing the zoning amendment:
 - a. S Happy Valley Rd – 50’ from Section Line.
2. Developer shall comply with all City codes, policies, and standards in place at the time of individual property development/redevelopment.
3. Developer shall construction frontage road improvements along S Happy Valley Road and E Railroad Street in accordance with NCC § 9-3-1 at time of property development.
4. Developer shall address all project triggered mitigation measures identified in the final approved Traffic Impact Study including:
 - a. Happy Valley Rd/Amity Ave
 - i. Developer shall coordinate with the Nampa Engineering Division and Public Works Department to determine appropriate mitigation based on the project impacts.
 - b. Happy Valley Rd/New Collector and Happy Valley Rd/Railroad Street
 - i. Developer shall construct a center two-way left-turn lane from south of E Railroad Street to north of the new Collector.
 - ii. Developer shall construct a southbound right-turn lane at both the new Collector and E Railroad Street.
 - c. E Railroad Street
 - i. Developer shall realign E Railroad Street to connect with Happy Valley approximately 500’ south of the railroad tracks to improve visibility and functionality.
 - ii. Road shall be reduced to a Local east of the new Collector and speed limit shall be reduced to at least 35-mph. Developer to coordinate details with Nampa Engineering Division.
5. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of individual property development/redevelopment and prior to connection to City services.
6. Property shall be annexed into the Nampa Municipal Irrigation District at the time of Final Plat recording. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and head gate report for any surface water delivery prior to Final Plat submittal to support annexation into the District.
7. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City’s Master Plans:
 - a. Extend 18” gravity sewer down Railroad Street and along Indian Creek to Happy Valley Rd.
 - b. Extend 12” pressure irrigation main in Railroad Street and new Collector.

- c. Extend 12" water main in Railroad Street and new Collector.
- 8. Developer shall upsize approximately 540' of 12" gravity sewer main in E Railroad Street near E Badger Drive to 15" minimum diameter with the first phase of development.
- 9. Prior to submittal of the first Final Plat, Developer shall address all street name comments identified in the letter from Nampa Engineering Division dated April 6, 2021 prior to Final Plat submittal.
- 10. Developer shall apply for a Floodplain Development Permit for any and all project phases that encroach into the Indian Creek 100-year floodplain.
- 11. Developer shall dedicate 20' minimum wide public pathway easements and construct pathway improvements per the 2019 Nampa Bicycle & Pedestrian Plan including:
 - a. Indian Creek – 10' to 12' pathway.
 - b. S Happy Valley Road – 10' side path.

Kehoe asked if the new interchange connecting with Hwy 16 will be both east and west bound. Badger stated the interchange will be a local roadway; most recent discussions with ITD indicate offramps in both directions, built concurrently. The City is currently exploring options with other jurisdictions regarding a southern connection option for that interchange; there is not a southern connection currently in the plans. The current TIS accounts for the entire project; an updated TIS will not be required.

Kirkman stated the community had great potential and asked what kinds of commercial businesses may be coming into the development. Womer replied this is a conceptual plan and did not know at this time, it may be dictated by the circulation change (bringing Railroad St into a perpendicular with Happy Valley) to create a corner. Kirkman inquired about traffic backing up on Happy Valley, especially with the railroad crossing nearby. The project traffic engineer was not in attendance. Badger stated railroad traffic was a consideration when the roundabout was designed at Greenhurst and a roundabout was determined the most appropriate option (a roundabout rather than a signal at that location will clear the backup of railroad traffic faster than a signal). The City requested moving the Railroad Street connection with Happy Valley out to create a 90 degree corner which is safer and provides better vision clearance.

Madam Chair Sellman proceeded to public testimony.

Jay Gibbons, 2002 S Vista, Boise, in favor.

"The project will enhance and renovate the creek itself and provide an open space system that connects throughout the development as well as provide the city with a greenbelt section with potential connection to cross the creek to future developments as they take shape. It will be an amenity to property owners and to Nampa."

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

Van Auker, Jr. stated it was a great looking project with good amenities and layout, with a lot of different housing types per the concept plan, and a great location.

The Commission determined that the project, with staff conditions and a development agreement in place, met applicable Nampa City Code applicable regulations, determined that it is in the public interest to provide a mix of single-family development opportunities near commercial uses in the city of Nampa, is reasonably compatible with existing adjoining property uses, and is in harmony with the City's Comprehensive Plan.

Van Auker, Jr. motioned and Turner seconded to recommend to City Council approval of Zoning Map Amendment of lots created in the Indian Creek Estates Preliminary Plat including: Parcel 1 Block 1 (20.4 acres) from BC (Community Business), IL (Light Industrial), and IH (Heavy Industrial) zoning districts to RS6 (single-family residential 6,000 sq. ft) zoning district, Parcel 1 Block 2 (6.7 acres) from IH to RS6 zoning district, Parcel 2 Block 1 from IL & IH (7.8 acres) to RS4 (Single-Family Residential 4,000 sq. ft.) zoning district, Parcel 2 Block 2 (7.4 acres) from IL & IH to RS4 zoning district, Parcel 3 Block 1 less Right of Way (3.5 acres) from BC & IL to RP (Residential Professional) zoning district, Parcel 3 Block 2 (11.7 acres) from IL & IH to RS7 (Single-Family Residential 7,000 sq. ft.) zoning district, Parcel 4 Block 2 (6.6 acres) from IL to RS4, Parcel 5 Block 2 (7.7 acres) from IL to RS4 zoning district, Parcel 6 Block 2 less Right of Way (8.6 acres) from BC to RS6 zoning district, Parcel 7 Block 2 (4.6 acres) from IL & BC to BC zoning district; (located in the NE 1/4 of Section 36, T3N, R2W, BM) for Landmark Pacific Development Inc. representing David Washburn and Troy Summers (ZMA-145-21) with all conditions of staff and conclusions of law, and that the applicant enter into a development agreement with all the staff recommended guidelines included herein. Motion carried.

Van Auker, Jr. motioned and Kirkman seconded to approve the Subdivision Preliminary Plat for Indian Creek Estates for 9 residentially zoned parcels totaling 87.7 acres and 1 commercially zoned 4.9 acre parcel, for a future mixed use development all addressed as 0 E Railroad St. for Landmark Pacific Development Inc. representing David Washburn and Troy Summers (SPP-078-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 5: Development Agreement Modification to modify the site plan Ordinance No. 3983, "Exhibit B" to allow construction of Elevate Charter School, a non-profit public school, instead of future phases of the existing church; at 11437 and 0 W Orchard Ave. (parcel #R3145400000 & R3145401100) in a RS6 (Single Family Residential 6,000 sq. ft.) zoning district (located in NE 1/4 of Section 19, T3N, R2W, BM) for Cole Cobra representing Harvest Life Church/David Whaley (DAMO-046-21) – ACTION ITEM.

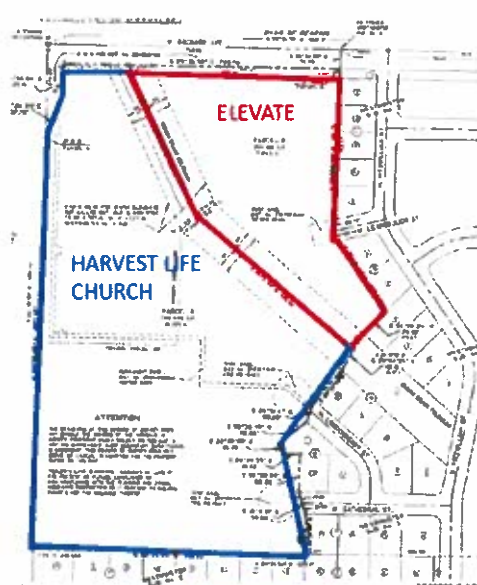
Madam Chair Sellman proceeded to public hearing.

Jeff Bower, 601 W Bannock St, Boise, requested approval of the project on behalf of the applicant, Harvest Life Church. Harvest Life Church owns the property and plans to lease it to an entity called Building Hope, which is a national foundation that constructs public charter schools. In turn, Building Hope is going to lease the area specifically designated for the school to Elevate Academy, a local charter school with an existing facility in Caldwell. Mr. Bower's law firm represents Building Hope; the involved parties requested that Mr. Bower speak. The applicant is requesting a modification of the original development agreement to modify the original concept plan to depict a public school facility on the east side of the property. A public charter school is an allowed use in an RS6 zone. Elevate Academy has an integrated life skills model (slightly alternative to public school) serving students from grades 6 through 12, focusing on life skills and trade specific courses (culinary arts, construction, criminal justice, emergency services, etc.). This has proved successful in Caldwell; Elevate wants to bring it to Nampa because they think there is a need here as well. It does serve a population that is not currently served by public schools in the area.

Principal Planner Watkins provided the staff analysis and history of project/DA, and applicable regulations which may be found in the staff report. Proposed lot configuration:

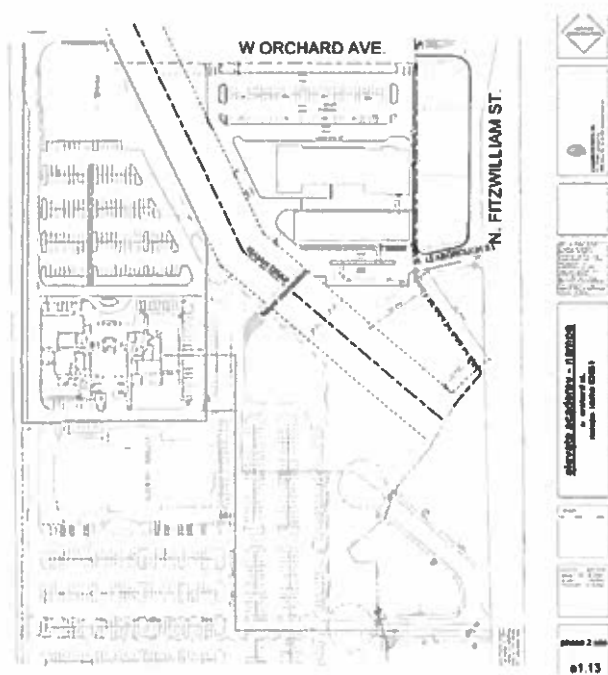


CURRENT LOT CONFIGURATION



PROPOSED LOT CONFIGURATION

Concept for
future
Parcels 'A'
and 'B'



Suggested Conditions of Approval:

1. Provide a new Development Agreement document (signed by both property owners) with new legal descriptions for the portions to change, a new concept plan/layout for each parcel and new conditions of approval that pertain to parcel A and B separately.

Conditions for Parcel A:

2. Right-of-way dedication and road improvements for the planned mid-mile collector along the west boundary shall be addressed at time of church site expansion to the satisfaction of the Nampa Engineering Division at time of development.
3. Traffic impact studies prepared in accordance with Nampa Engineering Division policy shall be required for each phase of site development. Developer shall be required to address all identified project triggered mitigation to the satisfaction of the Nampa Engineering Division at time of development.
4. Owner/developer shall agree to emplace all required site related improvements (curb, gutter, sidewalk, landscaping storm drainage, street pavement widening, etc.), at their expense, at such time as required by the City's adopted zoning ordinance (NCC 10-1-6).
5. The owner/developer agree that they will not oppose the formation of a local improvement district for the construction of any infrastructure associated with the development of the property.
6. Owner/developer(s) agree(s) that signing this Agreement and accepting the terms therein does not abrogate owner/developer(s) need to comply with other requirements/conditions imposed upon the property by virtue of its development as set forth in adopted City codes and policies and as imposed by vote of the City's Planning and Zoning Commission and City Council.
7. Site layout shall conform to the Parcel A Concept Plan. Elevations related to the expansion of the church facility shall match the May 10, 2011 approved building permit plans with consideration of those particular zoning, building and fire codes.
8. Paving of service drive and parking spaces shall be in accordance with NCC 10-22. Paving corresponding to code required parking and service drive provision shall be accomplished during construction of any improvements or expansions and will be a condition of gaining a Certificate of Occupancy.
9. Developer shall cause that site/property access and site preparation be kept free of litter and debris, that dust control be conducted on the property as needed to reduce its drift onto neighboring properties; and that W. Orchard Avenue shall not be blocked off save as required for installation of utility lines and street improvements as required and approved by the City Engineering Department and regulated by the same agency; and (in accordance with City of Nampa adopted site development standards) that stormwater and

water runoff be kept on site during and after construction; and that any irrigation flow through/across the Property be maintained for down system users.

10. Applicant/project shall comply with requirements listed in the April 12, 2011 memorandum from the Nampa Engineering Department authored by Jim Brooks and they apply to future expansion of the facility and/or site.

Conditions for Parcel B:

1. Applicant/owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
2. The W Cathedral Street and N Londonberry Street permanent turnarounds shall be constructed at time of church site expansion.
3. Traffic impact studies prepared in accordance with Nampa Engineering Division policy shall be required for each phase of site development. Developer shall be required to address all identified project triggered mitigation to the satisfaction of the Nampa Engineering Division at time of development.
4. Owner/developer shall agree to emplace all required site related improvements (curb, gutter, sidewalk, landscaping storm drainage, street pavement widening, etc.), at their expense, at such time as required by the City's adopted zoning ordinance (NCC 10-1-6).
5. The owner/developer agree that they will not oppose the formation of a local improvement district for the construction of any infrastructure associated with the development of the property.
6. Owner/developer(s) agree(s) that signing this Agreement and accepting the terms therein does not abrogate owner/developer(s) need to comply with other requirements/conditions imposed upon the Property by virtue of its development as set forth in adopted city codes and policies and as imposed by vote of the City's Planning and Zoning Commission and City Council.
7. Site layout shall conform to the Parcel B Concept Plan.
8. Paving of service drive and parking spaces shall be in accordance with NCC 10-22. Paving corresponding to code required parking and service drive provision shall be accomplished during construction of any improvements or expansions and will be a condition of gaining a Certificate of Occupancy.
9. Developer shall cause that site/property access and site preparation be kept free of litter and debris, that dust control be conducted on the property as needed to reduce its drift onto neighboring properties; and that W. Orchard Avenue shall not be blocked off save as required for installation of utility lines and street improvements as required and approved by the City Engineering Department and regulated by the same agency; and (in accordance with City of Nampa adopted site development standards) that stormwater and water runoff be kept on site during and after construction; and that any irrigation flow through/across the Property be maintained for down system users.

Madam Chair Sellman proceeded to public testimony.

In favor but did not wish to speak:

Hugo Castillo, 101 11th Ave.

Jerry Dickerson, 101 11th Ave.

Gloria Arredondo, 2003 W Cross Creek Dr.

Undecided:

Wayne Euzukonis, 11290 W Cheshire Ct. (Westminster Subdivision)

- The project is a good fit for the neighborhood, concerned about how close the buildings are set to the property line.

Tricia Davis, 11384 W Radcliffe St. (Westminster Subdivision)

- Has concerns about noise/sounds emanating from the trades building. The woodshop/manufacturing area in Caldwell is very noisy. The Caldwell school does not abut a subdivision; how will noise levels be addressed.

Bower stated that the required side setback in the RS6 zone is 5 ft., no construction drawings have been prepared yet, estimated setbacks from the side property line are between 12-15 ft. The property has an unusual shape and is hemmed in by the Isaiah Drain to the west. We are trying to respect the setbacks as much as possible to our neighbors while building a sufficiently sized structure to accommodate the students. The main building towards Orchard Ave. will be

the school structure, the building behind (Building B) is the shop structure. No current specific noise mitigation measures have been discussed. It is a fully enclosed building (with overhead doors) which will operate during normal school hours.

Kehoe asked if staff were aware of the dB level limit, Watkins replied the hours during which noise is prohibited is between 11:00 pm and 7:00 am and is unaware of a specific dB level.

Turner asked if it were possible to adjust the configuration of the buildings in order to block the noise. Bower replied that the civil engineer was not in attendance; however, there are two access points on Orchard and the flow of school buses is critical to the design of the project. They tried to limit and/or avoid full frontage towards the neighbors.

Kirkman asked if there was any flexibility for the neighbors to have any recourse should noise mitigation become necessary after the building is constructed. Watkins replied the Commission may include that option; however, it may be difficult to measure and enforce. The Commission may recommend that the applicant monitor the dB levels from the Caldwell school should Commission recommend this to City Council. Bower stated, upon discussing the issue with the Mr. Coba, they were in favor of this condition. Other options for sound mitigation from a landscaping standpoint will be reviewed and made available at a future hearing. Kirkman recommended that any landscape modifications regarding noise mitigation be included in a development agreement. The student capacity is 486.

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

The Commission reviewed applicable regulations and concluded the project met the conclusions of law criteria and the proposed use would bring a desired service to the area.

Kirkman motioned and Turner seconded to recommend approval of the Development Agreement Modification to modify the site plan Ordinance No. 3983, "Exhibit B" to allow construction of Elevate Charter School, a non-profit public school, instead of future phases of the existing church; at 11437 and 0 W Orchard Ave. in a RS6 (Single Family Residential 6,000 sq. ft.) zoning district for Cole Coba representing Harvest Life Church/David Whaley (DAMO-046-21) with all conditions of staff and conclusions of law, including:

Monitoring the dB levels at the existing Caldwell location prior to City Council Hearing and adding any potential noise mitigation measures in the DA.

Motion carried.

Meeting adjourned at 8:38 pm.

Rodney A. Ashby, Planning Director
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