

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, JULY 14, 2020, 6:30 P.M.

Members: Peggy Sellman- Chairman
Steve Kehoe – Vice Chair
Michaela Franklin
Matthew Garner
Adam Hutchings
Jeff Kirkman

Bret Miller
Tom Turner
Rodney Ashby – Planning Director
Kristi Watkins – Principal Planner
Caleb LaClair – Asst City Engineer

Absent: Ron Van Auker, Jr
Daniel Badger – City Engineer

Madam Chair Sellman called the meeting to order at 6:47 p.m.

Approval of Minutes: Garner motioned and Hutchings seconded to approve the Minutes of the June 23, 2020 Planning and Zoning Commission meeting. Motion carried.

Report on Council Actions. Planning Director Ashby reviewed the items before City Council on the July 6, 2020 City Council meeting: The request for Annexation and RS-4 zoning at 406 W Dooley Ln was continued to the August 3rd City Council meeting; The Zoning Map Amendment from RS-PUD to RS-6 at 1400 W Roosevelt Ave was approved by City Council with all recommended Planning Commission conditions; The Modification of Development Agreement for 1910 W Roosevelt, for Roosevelt Village - a 22 lot duplex development, was approved with the Planning commission recommended conditions, and City Council also specified a 3 ft high stone or brick façade on the front of the buildings; Annexation and Zoning to RS-7 for the proposed Herron Ridge Subdivision on the SE corner of S Middleton Rd and W Greenhurst Rd was approved with all Planning and Zoning Commission recommended conditions; Annexation and Zoning to RD for a four-plex multi-family development at 2000 S Midland Blvd, at the SE corner of S Midland and Maryland Ave was also approved with all Planning and Zoning Commission recommended conditions.

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

Business Item No. 1:

Subdivision Plat Final Approval for Kinghorn Place No. 2 (A 15.29 acre parcel of land being a portion of the SE ¼ of Section 33, T4N, R2W, BM, Canyon County, Nampa, also referred to as portions of Canyon County Parcels R3435601200 and R3435600000 on the west side of Northside Blvd approximately 1850 feet north of Ustick Rd) for 68 single-family lots and 4 common lots on 15.29 acres, for 4.44 dwelling units per gross acre, for Kent Brown, representing Trilogy Development. (SPF-136-20). ACTION ITEM.

Principal Planner Watkins:

- The applicants, advised Watkins were requesting recommendation for approval or denial of the Kinghorn Place Subdivision Phase 2, located on the west side of Northside Blvd and north of Ustick Rd. The subject property was annexed into the City in March of 2018 and zoned RS-7. The proposed development is bordered on the north, south and west sides by City RS-7 zoned properties that will be future phases of the

Kinghorn Place Subdivision. To the north is Canyon County property, with the Church of Jesus Christ of Latter Day Saints, and to the east side, also Canyon County property with East Canyon Elementary School.

- The first phase of the development was approved by the Planning Commission in July of 2019.
- Phase 2 of the Kinghorn Place Subdivision will comprise 68 buildable lots and 4 common lots on 15.29 acres.
- The Final Plat conforms to the approved Preliminary Plat layout for Kinghorn Place Subdivision and to the applicable subdivision and zoning standards for Nampa.
- No other comments were received after the Staff Report was submitted.
- Staff feels it would be appropriate for the Planning Commission to recommend approval of the Kinghorn Place Subdivision No. 2 Final Plat to City Council, subject to the conditions listed in the Staff Report.

Commissioner Kirkman motioned and Commissioner Garner seconded to recommend approval to City Council for Kinghorn Place Subdivision No. 2, on the west side of Northside Blvd, north of Ustick Rd, 68 single family lots and 4 common lots on 15.29 acres, for Kent Brown representing Trilogy Development, subject to:

- 1. Compliance 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 Kinghorn Place Subdivision.**
- 2. Compliance with the street name changes listed in the June 23, 2020 memorandum from the Nampa GIS Division, authored by Dan Wagner.**
- 3. Compliance with the requirement(s) listed in the June 29, 2020 letter from the Canyon Highway District No. 4, authored by Chris Hopper.**
- 4. Compliance with the requirement(s) listed in the July 1, 2020 memorandum from the Nampa Engineering Division, authored by Caleb LaClair.**
- 5. Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed Project plat development notes.**

Motion carried with all Planning Commission members in favor.

Business Item No. 2:

Conditional Use Permit Extension for two (2) Twelve-Unit and four (4) Eighteen-Unit Luxury Apartment Buildings for a total of 96 units on 4.37 acres or 190,357 sq. ft. in an existing and proposed BC (Community Business) zoning district located in the SE ¼ Section 10, T3N, R2W, BM at 0, 0, and 1414 E Karcher Rd. and) N. Franklin Rd, for Franklin Lofts (CUP-00167-2020). ACTION ITEM.

Planning Director Ashby:

- In 2018, noted Ashby there had been Annexation and Rezone approvals for the subject property, as well as a Conditional Use Permit for multi-family in a BC zone, and a Variance for setbacks.
- The location of the subject property, added Ashby, was 1414 E Karcher Rd, on the west side of N Franklin Blvd and north side of E Karcher Rd.
- According to Ashby, the applicant had stated in their extension request that they anticipated moving forward and were currently working on the financing and hope to be able to move forward fairly quickly.
- Ashby reported some documentation was still lacking on two of the parcels involved in the multi-family development: for the Rezone from AG to BC parcel; and, the Annexation and BC zoning parcel.
- Assistant City Engineer LaClair confirmed the annexation legal description and the Rezone legal description were both required to go to the centerline of N Franklin Blvd and E Karcher Rd, in order to avoid small pockets of zoning inconsistent with the adjacent zoning in the area. Ashby noted those legal descriptions were required from the applicant.
- Discussion followed regarding the Conditional Use Permit time frame and requested extension.
- The Conditional Use Permit, reported Ashby, was issued March 12, 2020, and, therefore, would expire September 12th and the accurate legal descriptions should be submitted prior to that date.
- Ashby reviewed the conditions of approval for the Conditional Use Permit.
- **Commissioner Kirkman** noted if the C-U-P extension were approved, the C-U-P would then be approved until March 12, 2021 – allowing the applicant time to commence construction of the proposed apartment development.

- **Commissioner Garner** suggested the applicants be given until September 1st to submit the correct legal descriptions and that would allow time before September 12th, to get the legal descriptions, Conditional Use Permit and Ordinances processed through the City.

Commissioner Garner motioned and Commissioner Kirkman seconded to approve the Conditional Use Permit extension for 1414 E Karcher Rd to March 12, 2021, subject to Generally:

1. Developer(s) shall comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions) as the entitlement(s) granted by virtue of the City’s approvals of the requested annexation and zoning assignment do not, and shall not have, the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property.

Specifically:

1. Comply with the conditions recommended by City of Nampa Engineering Division under the “Correspondence” section of this report.
2. Developer(s) shall comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions) as the entitlement(s) granted by virtue of the City’s approvals of the requested annexation and zoning assignment do not, and shall not have, the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property.
3. At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current City Policy and Master Plans.
4. Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by the overseeing agencies.
5. At time of development or redevelopment, frontage improvements required will include:
 - a) Sidewalk
 - b) Landscaping as required
 - c) Storm drainage
 - d) Access and pavement widening and striping as needed to provide safe access to site relative to the future round-a-bout subject to Nampa Street Division approval.
6. If the parcel is divided, each parcel shall be provided with separate domestic water, sewer, and pressure irrigation services at time of lot development and building permit issuance.
7. Install a six-foot tall fence between the Skaug Law property and the development, as well as a four-foot tall fence along parts of the joint private driveway as agreed to by Skaug Law.
8. Comply with all conditions clarified by Nampa Engineering Division staff for access to public right-of-way and as shown on the concept layout for the development.
9. Install a six-foot tall privacy fence and make a good faith attempt to provide additional materials (e.g. landscaping, berm, etc.) to create a screen between the development and 1206 E Karcher Rd.
10. That any apartment building constructed on the property be a minimum distance of twenty feet (20’) from the property line where the property abuts a residentially zoned property. The twenty feet (20’) shall be landscaped to minimize the impact to neighboring property owner’s privacy.
12. Additionally, the applicant to submit the required legal descriptions for the two parcels of land involved in the Annexation and BC zoning, and the Rezone from AG to BC, by September 1st, as a condition for the extension of the Conditional Use Permit to March 12, 2021.

Motion carried with all Commission members in favor.

Madam Chair Sellman proceeded to the Public Hearing items on the Agenda at 7:07 P.M.

Public Hearing No. 1:

Subdivision Plat Short Approval for Franklin Office Warehouse at 16149 N. Franklin Blvd. (a 2.5 acre portion of Plot “F” of Franklin Tracts Subdivision located at the SE ¼ of the SE ¼ of Section 10, T3N, R2W, BM, Canyon County, Nampa) for 3 industrial lots in an IP (Industrial Park) zoning district for Edge, LLC. (SPS-00032-2020). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Becky McKay with Engineering Solutions, 1029 N Rosario, Meridian – representing the applicant:

- Ms McKay indicated the short plat for Franklin Office Warehouse for 3 lots
- Ms McKay explained there would be no new public streets, and all utilities would be available to the site.
- The property, added Ms McKay was already zoned Light Industrial and the applicants were requesting the short plat for 3 lots for 3 industrial buildings on Franklin Rd.
- The applicants have reviewed the Staff Report and recommended conditions of approval and are in full agreement. The changes to the Landscape Plan will be made as requested, and to the Final Plat.

Planning Director Ashby:

- The short plat before the Commission, stated Ashby, was for the Franklin Office Warehouse, located on the west side of N Franklin Blvd, just north of E Karcher Rd.
- The subject property is a 2.5 acre parcel, located at 16149 N Franklin Blvd. The Comprehensive Plan indicates the property as Industrial.
- Ashby noted the Medium Density Residential Comprehensive Plan Future Land Use Map designation to the east.
- The zoning for the subject property, noted Ashby, was IP (Industrial Park).
- According to Ashby, the properties to the north included Idaho Springs Water, Six Robbles, Pierce Concrete Supplies – all within the IP zoning district; to the south a single family home, and Power Landscape/Power Enterprise, Inc – in the IP zone; to the west vacant land within the IL zoning district; and to the East – Milliken Heights Subdivision – a residential subdivision within an RS-6 zoning district.
- Access to the subject property would be off N Franklin Blvd, via an easement secured common drive.
- All utilities are available and stubbed to the site.
- Sidewalk and landscaping would be required off N Franklin Blvd, and specifically, there would be a 50 ft buffer (not necessarily landscaped) required from any residential zoned property.
- Ashby indicated the 3 buildable lots and the landscaping strip.
- Ashby reviewed the Staff Report and required corrections.
- According to Ashby, the plat should also include irrigation responsibilities between properties in the cross-access agreement.
- The depth measurement of the parcel being created closest to Franklin Blvd should be corrected, currently shown as 198 ft 3 ¼ in, as it does not include the landscape buffer/setback along N Franklin Blvd.
- Ashby reviewed the applicable regulations for the Franklin Office Warehouse Short Plat.

Madam Chair Sellman proceeded to public testimony.

No public comment forthcoming.

Commissioner Miller motioned and Commissioner Hutchings seconded to close public hearing. Motion carried with all Commission members in favor.

Commissioner Miller motioned and seconded by Commission Garner to recommend approval of the Franklin Office Warehouse Short Plat Subdivision, for 3 industrial lots in an IP zoning district to be located at 16149 N Franklin Blvd, for Edge, LLC, subject to:

Generally:

1. **Comply with all City department/division or outside agency requirements pertinent to this matter and contained under the “Correspondence” section of this report.**

Specifically:

1. **Construction drawings for site improvements already approved and construction begun**
2. **Remove reference to “City of Nampa sanitary sewer and water easement” and change to public utility easements as shown elsewhere on sheet 1.**
3. **Add note that subdivision is subject to Franklin Office Warehouse Subdivision CC&R’s.**

4. Correct spelling and punctuation errors.
 5. Correct angle details in the legal description.
 6. Remove reference to public street dedication in the Certificate of Owners on Sheet 2.
 7. Add note referring to the 47 ft public utility easement, sheet 1.
 8. Include irrigation responsibilities between properties in the cross-access agreement.
 9. Conditions before Engineer's final signature of Plat:
 - a. Developer's Surveyor shall address all Plat comments
 - b. All public infrastructure associated with Building Permits COM-01637-2019, COM-01647-2019, and COM-01648-2019 shall be fully installed, inspected and accepted by the City of Nampa and Record Drawings, Easement Exhibits/ Legal Desc. Submitted for review
 - c. Drainage retained on site and confirmed by Engineer of Record.
 10. All development and construction on this property shall be subject to the requirements of Title 4 – Building Regulations of Nampa City Code.
 11. The Acer Rubrum tree is not an approved tree. Replace with a tree species selected from the Treasure Valley Tree Selection Guide.
 12. Correct the depth measurement of the parcel being created closest to Franklin Blvd. The label shows it as 198 ft – 3 ¼ in. This measurement does not include the landscape buffer/setback along Franklin Blvd.
- Motion carried with all Commission members in favor.

Public Hearing No. 2:

Conditional Use Permit for Home Occupation Gunsmithing Business in an RS6 (Single Family Residential – 6,000 sq. ft.) zoning district at 2807 Sunflower Dr. (A .15 acre parcel being a portion of the NE ¼ of Section 35, T3N, BM, Nampa Canyon County, ID; Lot 7, Block 2 of Wildflower West No. 2 Subdivision) for Cody Coleman (CUP 185-20). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Cody Coleman of 2807 Sunflower Dr, Nampa – the applicant:

- Mr Coleman stated he would like to begin his gunsmithing business as a Home Occupation out of his home and then grow his business until he can eventually get into a shop.
- The Home Occupation, added Mr Coleman would be a jumping off point and not where he intended to keep his business forever.

Principal Planner Watkins:

- The applicant was requesting approval for a gunsmithing Home Occupation to be located at 2807 Sunflower Dr, located on .15 acre in the Wildflower Subdivision, platted in 1993, west of Southside Blvd and north of Greenhurst Rd.
- The Comprehensive Plan Future Land Use map, continued Watkins, indicated the property within a Medium Density Residential designation. The property is zoned RS-6 (Single Family Residential – 6,000 sq ft minimum lot size), and surrounded on the north, east and west by properties within the same subdivision, also zoned RS-6, and on the south by enclaved Canyon County residential property.
- Watkins reviewed the criteria for Home Occupations – Title 10, Chapter 1, Section 10, indicating a home based business will be, or expected to be, compatible with the residential neighborhoods in which they are located.
- Home Occupations, continued Watkins, are generally associated with incubator type businesses as the applicant has indicated.
- Certain types of Home Occupations require special consideration and approval via a Conditional Use Permit.
- Watkins reviewed the criteria for a Conditional Use Permit.
- Watkins noted excerpts from the applicant's Conditional Use Permit request narrative.
- Correspondence has been received from the Nampa School District stated Watkins, stating that since the location of the subject Home Occupation is .4 miles or 2 minutes by road from Greenhurst Elementary School, they want to make sure that Mr Coleman has taken appropriate measures to add extra security to protect access to the firearms in his garage.

- Staff analysis shows that the proposed business would be operated indoors, as a limited operation, and the applicant has stated that he will follow the ATF requirements for fit and finish assembly for the firearms type license 07 that he has applied for.
- Watkins reviewed the Staff Report and recommended conditions of approval.

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

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

Commission Kirkman motioned and Commissioner Miller seconded to approve the Conditional Use Permit for a Home Occupation Gunsmithing Business at 2807 Sunflower Dr, for Cody Coleman, subject to:

1. All requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as state, or federal agencies regarding use of the property for a Home Occupation for firearm sales shall be satisfied prior to occupancy. Including, but not limited to:
 - a) Obtain a Home Occupation Registration from the Nampa Planning and Zoning Department.
 - b) Obtain a residential Building Permit from the Nampa Building Department.
 2. The owner operates the business as a typical Home Occupation business.
 3. The owner maintains all regulatory permitting, licensures and operational procedures as required by law.
 4. All inventory is locked in a secure safe, within the confines of the residence.
 5. The Home Occupation for firearm sales shall be continuously operated in accordance with the applicant's provided project description.
 6. The Conditional Use Permit is granted only to the property owner for the duration of the use and shall not be transferable to any other location or future owner of the property.
- Motion carried with all Commission members in favor.

Meeting adjourned at 7:28 p.m.

Rodney A Ashby, Planning Director
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