



## MINUTES OF REGULAR MEETING HELD TUESDAY, JULY 27, 2021

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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)  
Matthew Garner (Chambers)  
Bret Miller (Chambers)  
Ron Van Auker, Jr. (Chambers)  
Adam Hutchings (Chambers)  
Jeff Kirkman (Chambers)

### **COMMISSIONERS ABSENT:**

Tom Turner

### **CITY STAFF PRESENT:**

Doug Critchfield, Principal Planner (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 6:45 pm.

### **APPROVAL OF MINUTES:**

Van Auker, Jr. motioned and Kehoe seconded to approve the minutes of the July 13, 2021 Planning & Zoning Commission Meeting. Motion carried.

**REPORT ON COUNCIL ACTIONS:** No Council member available to report on Council actions. Principal Planner Watkins provided an overview of Council decisions at the July 19<sup>th</sup> Planning & Zoning related public hearings.

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

**Business Item 1:** Request for a six month extension of a Conditional Use Permit for Dwelling, Multiple-Family in a BC Zone for Wylie Apartments at 9926 W Sand Hill Dr. for James Wylie (CUP 201-20) – ACTION ITEM.

Associate Planner Bodily submitted a letter from the applicant, James Wylie, requesting an extension in order to allow the applicant time to complete the project plans.

Garner motioned and Hutchings seconded to approve the six month extension of a Conditional Use Permit for Dwelling, Multiple-Family in a BC Zone for Wylie Apartments at 9926 W Sand Hill Dr. for James Wylie (CUP 201-20) until January 27, 2022. Motion carried.

Madam Chair Sellman proceeded to public hearing items on the agenda at 7:00 pm.

Madam Chair Sellman suggested that, due to the applicant's absence, Public Hearing 2 be moved to Public Hearing 6 on the Agenda. The Commission concurred.

**Public Hearing 1: Development Agreement Modification to modify the concept plan (Exhibit B) and conditions of approval (Exhibit C) of Ordinance No. 3631, changing the use from commercial buildings and associated parking to a concept plan for 3 multiple-family residential buildings; and, Conditional Use Permit for Multi-Family Residential in a BC (Community Business) zoning district, for 60 residential units on 3.09 acres for 19.41 gross lot density; located at 3211, 3217, 3225, and 3255 E Greenhurst Rd - County Parcel #s - R2113800000, R2113900000, R2114001000, & R2114000000 (located in NW 1/4 of Section 1, T2N, R2W, BM) for Vertical Equity, LLC representing Jones Development, LLC (DAMO 044-21 & CUP 232-21) – ACTION ITEM.**

Madam Chair Sellman proceeded to public hearing.

Devan Robnett, Vertical Equity, 2340 S Garland St, Nampa, applicant:

- Multi-family development is beneficial in this market due to rising home costs/home ownership challenges.
- Exterior will be designed with modern color schemes and stone finishes; interiors are outfitted with durable quartz countertops and high performance luxury vinyl flooring.
- The 60 unit site was designed to offer the required parking as well as adequate landscaping to provide a buffer between passing travelers and the irrigation lateral.
- This use will be a good fit with surrounding medium density residential.
- City staff recommended a walking path along the Elijah Drain barrier (not shown in the presented design). Applicant has met with Nampa & Meridian Irrigation District and been briefed on the process to create a walking path in accordance with the Nampa Bike and Ped Path Plan.
- The first 30' of the landscaping will be treated with herbicide and mowed continuously; the remaining 20' easement will meet the City's outlined plan.
- Their civil engineer, CK Engineering, has prepared numerous land use change applications and is prepared to handle the entire process to completion.
- No amenities are required for this project per code; applicant is choosing instead to maximize the landscaping along the north property line.
- The parcel shape and topography, and current improvements along the south side of the development completed 15 years ago, made it difficult to add amenities. No amenities were added along the frontage of the property for safety purposes (keeping residents away from busy roadways). May be able to potentially squeeze in additional amenities along the south center of the property; the concern is keeping children and residents away from the lateral (Maple Wood Park is roughly ¼ mile to the west and is available via sidewalks and paved trails. There is nearby access to the Stoddard pathway).

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

- Right-of-way has already been dedicated and the full frontage improvements have already been made.
- A landscape buffer on E. Greenhurst Rd. will be required.
- The amount of parking will be required at a rate of 2 spaces per dwelling unit with ADA required spaces.
- There are no amenities notated on the proposed plan.
- The development will be required to complete the Design Review process.
- The Elijah Drain courses along the east boundary of this proposed project. The easement for the Elijah Drain at this location is a minimum of one hundred feet (100') total, fifty feet (50') on each side.
- The Parks Department has indicated that there is a master agreement to include the pathway easement within the Nampa & Meridian Irrigation District's 50' easement.
- There is no building height limitation in the BC district, except when said district abuts a residential district, in which case the maximum permitted building height allowed on a BC property shall not exceed the maximum building height permitted in that residential district for a distance, into the commercial property, fifty feet (50') from the abutting boundary.

- The development is designated as commercial, which supports small-scale commercial uses within proximity of residential development, with medium density residential to the east and south. There is a City zoned subdivision to the southeast of the proposed development. The lot that touches this development is a common lot used for drainage which will limit the impact of this development. The three-story structure will need to be set back at least 50' from the existing residentially zoned area, not the parcels currently in the county. There is commercial directly to the west to provide some services and retail for the proposed multi-family housing.
- Development Agreement:
  - Changing the development agreement of the entire 4 parcels.
  - The concept plan and architectural renderings will be removed.
  - The current conditions will be removed (commercial related and Design Review requirements required).
  - Conditions recommended by various agencies and concept plan would be added.
- Nampa Engineering Division Comments:
  1. A pre-application meeting was held with Nampa Engineering Division, Planning Department, and Fire Department staff on March 10, 2021.
  2. E. Greenhurst Rd. is classified a minor arterial, with a 35-mph speed limit. Full right-of-way has already been dedicated across the property and full frontage improvements already exist.
  3. An access already exists to the property off E. Greenhurst Rd. and should be utilized for the development.
  4. The City's sewer and water systems have adequate capacity to serve this property. Pressure irrigation is not directly available to the property but could be extended from the east or west in E. Greenhurst Rd. Developer shall, at their sole expense, extend any and all utilities required to further serve the property.
  5. A public pathway is identified in the City's 2019 Bike & Pedestrian Master Plan for along the Elijah Drain. The pathway should be constructed along the east boundary of this property. Coordination with Nampa & Meridian Irrigation District will be required.
  6. Utility hookup fees shall be paid at time of Building Permit.
- 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; and
  2. Developer shall construct public pathway along the east boundary of the property along the Elijah Drain at time of site development and shall dedicate a 20' wide public pathway easement to the City; and
  3. Developer shall work with the Nampa Engineering Division to establish pressure irrigation service to the property; and
  4. Developer shall comply with all comments and conditions as stated in the memo from Deputy Fire Marshal Brent Hoskins dated July 15, 2021 (included in staff report).

Kirkman asked if any new development is slated for the property to the south. Bodily responded that the Mossy Creek project is further south than the parcel he is referring to.

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

Kirkman asked if a traffic study was required for this project; Bodily responded no traffic study was required by Engineering.

Miller referred to the medium density to the south on the future land use map, whether this project would create any issues regarding future development for nearby properties. Bodily responded that, since the parcel Miller referred to is a county parcel, there are no setback requirements. When the property to the south is ultimately developed, it would be developed with the understanding there is already a permanent building to the north.

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

Commission comments:

- Sellman noted this is a good spot for apartments.

- Kirkman referred to other projects that were denied because the surrounding uses were not compatible and expressed doubt that three large apartment buildings are a good fit for this location. The southeast area of Nampa is severely lacking in commercial zones/areas.
- Sellman pointed out the vacant commercial on the corner has been vacant for some time, and there are no apartments in that area.
- Van Auker, Jr. stated this looked like a good quality transitional product consistent with the concept plan, noting the storage units located to the south.
- Garner expressed concern about the lack of amenities and green space; the developer has maximized a building product at the expense of open space, green space, amenities, etc.
- Miller stated that, although parks are nearby, there is no sidewalk connectivity.
- Garner stated a condition requiring amenities and green space may be appropriate. Miller agreed and stated that the Commission need not define specific use of the green space. Bodily stated the green space would be calculated as qualified open space, thus would not include landscape buffers, drainage, etc.

The Commission reviewed applicable regulations and the majority found that, with additional qualified open space, the location, size, design and operating characteristics of the proposed development 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 development.

**Kehoe motioned and Miller seconded to recommend to City Council approval of the Conditional Use Permit for Multi-Family Residential in a BC (Community Business) zoning district, for 60 residential units on 3.09 acres for 19.41 gross lot density; located at 3211, 3217, 3225, and 3255 E Greenhurst Rd for Vertical Equity, LLC representing Jones Development, LLC (CUP 232-21) with all conditions of staff and conclusions of law, including adding an additional 5% of qualified open space/green space for both children and adults to utilize. Motion carried with Franklin, Garner, Hutchings, Kehoe, Miller and Van Auker, Jr. in favor and Kirkman opposed.**

**Kehoe motioned and Garner seconded to recommend to City Council approval of Development Agreement Modification to modify the concept plan (Exhibit B) and conditions of approval (Exhibit C) of Ordinance No. 3631, changing the use from commercial buildings and associated parking to a concept plan for 3 multiple-family residential buildings for 60 residential units on 3.09 acres for 19.41 gross lot density; located at 3211, 3217, 3225, and 3255 E Greenhurst Rd for Vertical Equity, LLC representing Jones Development, LLC (DAMO 044-21) with all conditions of staff and conclusions of law. Motion carried with Franklin, Garner, Hutchings, Kehoe, Miller and Van Auker, Jr. in favor and Kirkman opposed.**

**Public Hearing 32: Zoning Map Amendment from GB1 (Gateway Business) to IL (Light Industrial) zoning district and Development Agreement; in order to build a Ditch Witch of the Rockies equipment dealership and rental location with garage for the "Equipment or implement sales, large or heavy equipment" land use category at 0 E Hunt Ave - Parcel #R3106712800 (a 5.04 acre parcel located in the SE ¼ of Section 12, T3N, R2W, BM, Nampa, Canyon, Idaho) for Dru Bridwell representing Orange Power Group LLC (ZMA 146-2021) – ACTION ITEM.**

Madam Chair Sellman proceeded to public hearing.

Dru Bridwell, 9000 N-I-35 Service Rd, Oklahoma City, OK.

- Provided an overview of the company.
- The project will provide jobs to help support the community and provide insulation of essential utilities and telecommunications as well as landscaping for the fast growing housing market.

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

The development is designated as commercial in the future land use map. The proposed IL zone would not fit within that designation; however, the parcel is adjacent to industrially designated property to the west. This designation can be stretched one parcel deep to include this parcel. The property is in between an industrial use to the west and a car dealership to the east. This use could be viewed as a transitional use from retail/office to the adjacent industrial use. The need for the development agreement is to include the Design Review standards as if the property were still in the GB1 zone. This proposed development has already been approved by the Building and Site Design Committee; however, if the development were not to occur, any new development would also be required to meet Design Review standards.

The rear yard will be fenced in, the front will be used for parking and display areas. A large variety of uses are permitted in the IL zone either per code or conditionally. Surrounding land uses between the industrial use to the west and the car dealership to the east may be viewed as an appropriate transition. The office park to the south should be considered as well.

The required right of way is existing and frontage improvements are complete.

Bodily reviewed a public comment (located in the staff report) in opposition to the project from a neighboring property owner, stating this was not an appropriate use, would devalue the use of the surrounding properties, and is not in the best interest of the public.

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 approval does not and shall not have the effect of abrogating requirements from those agencies.
2. The developer shall enter into a development agreement which includes the Design Review requirements listed within Title 10 of the NCC.

Madam Chair Sellman proceeded to public testimony.

Jesse Christensen, HECO Engineers, 2151 West Willow Point, Nampa (project engineer), stated the project fit with the light industrial zoning and is available for questions.

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

Kirkman expressed the need for industrial land/zones in Nampa; there is limited availability of GB zones, rezoning these GB zoned properties to IL is a concern and there are other IL zones already established. Kirkman agreed with the public comment presented; GB zones are designed to be welcoming and be the "first face" of the community as people drive through Nampa. Kirkman inquired of staff why a rezone was required for this use. Watkins responded there is one classification for "implement sales" which is not allowed in the GB zone, necessitating a rezone; a CUP application is not possible under these circumstances per code.

Van Auker, Jr. stated the building did not present as "industrial," and fits well with the car dealership to the east, Miller agreed it is a good fit. Kirkman responded there are medical offices to the southwest which may not be considered compatible with this use.

The Commission reviewed applicable regulations found in the staff report and the majority concluded the project met the conclusions of law criteria and would increase the amount of desirable industrial land in Nampa.

**Van Auker, Jr. motioned and Kirkman seconded to recommend for approval the Zoning Map Amendment from GB1 (Gateway Business) to IL (Light Industrial) zoning district and Development Agreement; in order to build a Ditch Witch of the Rockies equipment dealership and rental location with garage for the "Equipment or implement sales, large or heavy equipment" land use category at 0 E Hunt Ave - Parcel #R3106712800 (a 5.04 acre parcel located in the SE ¼ of Section 12, T3N, R2W, BM, Nampa, Canyon, Idaho) for Dru Bridwell representing Orange Power Group LLC (ZMA 146-2021) with all conditions of staff and conclusions of law.**

**Motion carried with Franklin, Garner, Hutchings, Kirkman, Miller and Van Auken, Jr. in favor and Kehoe opposed.**

**Public Hearing 43: Subdivision Preliminary Plat for Locust Lane Subdivision for 14 single family residential parcels and 4 common lots in an RS8.5 (single-family residential, 8,500 sq. ft. minimum) zoning district at 3999 E Locust Ln - parcel #R2950100000; for a gross density of 1.19 and a net density of 1.58; (located in the NE 1/4 of Section 12, T2N, R2W, BM) for Alec Egurrola representing Lance Thueson/Thueson Construction Inc. (SPP 079-21) – ACTION ITEM.**

Madam Chair Sellman proceeded to public hearing.

Alec Egurrola, T-O Engineers, 332 N Broadmore Way, Nampa, applicant, requested approval of the application for the proposed Locust Lane Subdivision. The intent is to complement the existing surrounding land uses in the area.

- RS8.5 zoning for this project meets the intent of the medium density residential comprehensive plan designation.
- A traffic impact study was not required for the project.
- Lot 3 on the site is an existing home (about 1 acre) which will remain and connect to city utilities.
- The development gross density is 1.19 units/acre.
- Storm drainage will be directed to inlets at the northwest corner of the property and stored in a seepage bed facility located in common lot 1C.
- Dedicated 50' right of way on Locust Lane, and 10' for a pathway for the Ridenbaugh pathway and E. Locust Lane sidepath.
- Additional right of way was provided for potential future extension of E. Steele Ct.
- Main access is from S. Oak Ridge Ave. and is in alignment with an existing intersection.

Kirkman referenced the property that juts off to the east on the site plan. Applicant stated they do intend to plat this area; however, it is not buildable because of the canal easement. A private bridge is depicted to provide access to that area as a future option should anyone wish to build in the future.

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

March, 2007: Annexation and zoning to RS8.5, Ordinance #3685 (the development agreement designated the concept plan for New York Landing development to the south and does not address use or layout for the subject property, thus a development agreement modification is not necessary).

Open space - 4.3% and includes landscape buffers and a storm drain facility. Most useable green space is incorporated into the yard area for each of the larger lots. A 10' sidewalk along Locust Lane to act as both the Ridenbaugh pathway and the E. Locust Lane pathway is required in accordance with the City of Nampa Bicycle and Pedestrian Master Plan.

The proposed development is slated for development in conjunction with RS8.5 zoning, all master or standard building lots meet or exceed 8,500 sq. ft. in area. The smallest buildable lot is 9,851 sq. ft. in area; therefore, the plat is deemed compliant in this regard.

Recommended density in Comprehensive Plan: 2.51 – 8 dwelling units per gross acre. Proposed density is 1.19 dwelling units per gross acre; this City parcel already existed prior to adoption of the current comprehensive plan, and the proposed density may be construed as being more compatible with the surrounding residential properties.

Watkins reviewed correspondence received. Public input in opposition referred to traffic, school overcrowding, water capacity, increase in taxes, respect for long-time residents, moratorium on future development, the developers should front the costs for services, schools, roads, and insufficient law enforcement.

Kirkman asked if the Nampa Bike & Ped Plan included crosswalks. Watkins answered that Engineering determines crosswalk locations; all intersections are technically legal crosswalks and are not required to be striped. Kirkman asked whether, due to the schools on Greenhurst, there should be a midblock path (this would also be an Engineering decision).

Suggested Conditions of Approval:

1. Dedicate the following public right-of-way prior to City Engineer's signature of the final plat:
  - E. Locust Lane – 50' from the Section Line.
2. Frontage road improvements along E. Locust Lane shall be constructed in accordance with NCC § 9-3-1.
3. 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.
4. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of individual property development/redevelopment, and prior to connection to City services. Applicant/owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and head gate report for any surface water delivery prior to final plat submittal.
5. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the developer.
6. Applicant/owner shall comply with all City codes, policies, and standards in place at the time of individual property development/redevelopment.
7. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to final plat submittal.
8. Developer shall submit plans for review to Nampa & Meridian Irrigation District for any encroachments within the Ridenbaugh Canal and New York Canal easements. 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.
9. Pathway improvements shall be constructed through the site in accordance with the Nampa 2019 Bike & Pedestrian Master Plan at the time of property development, and at the sole expense of the developer.

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 found in the staff report and concluded the project met the conclusions of law criteria and complied with the conclusions of law.

**Kirkman motioned and Garner seconded to approve the Subdivision Preliminary Plat for Locust Lane Subdivision for 14 single family residential parcels and 4 common lots in an RS8.5 (single-family residential, 8,500 sq. ft. minimum) zoning district at 3999 E Locust Ln for Alec Egurrola representing Lance Thueson/Thueson Construction Inc. (SPP 079-21) with all conditions of staff and conclusions of law. Motion carried.**

**Public Hearing 54: Subdivision Preliminary Plat for Banner Park Subdivision for 10 single family attached residential parcels (townhomes) in an RD (two-family duplex residential) zoning district at 516 20th Ave. N. - parcel #R1428561900; for a gross density of 10.4 and a net density of 12.4; (a .959 acre property located in the SE 1/4 of the SW 1/4 of Section 23, T3N, R2W, BM) for Larry Jacobson representing Banner Park, LLC (SPP 080-21) – ACTION ITEM.**

Madam Chair Sellman proceeded to public hearing.

Jadon Schneider, Bronze Bow/Engineer, 3625 N Carr Ln, Garden City, ID.

The project was previously approved as a 4 lot subdivision; however, the developer has requested creating townhomes instead, creating 10 buildable lots and 1 common lot. The originally submitted landscaping plan has been retained.

Principal Planner Watkins provided the staff analysis, reviewing the property details, history of project, surrounding zoning, availability of services, lot analysis, access/layout and applicable regulations located in the staff report. Reviewed agency, city and public comments.

- March, 2021: Approved for a short plat for 4 lots; they have since changed it to a 10 lot townhouse product.
- Surrounding zoning: RD

- All utilities currently available in 20th Ave N.
- Access to the properties is from 20th Ave N.
- Density: 10.4 dwelling units/gross acre.
- All master or standard building lots meet or exceed 7,000 sq. ft. in area for a two-unit structure (divided by two for an attached townhouse product) and 14,000 sq. ft. for a four-unit structure (divided into four lots for an attached townhouse product). The smallest base lot of the two unit structure is 7,001 sq. ft and the smallest base lot for the four-unit structure is 14,000 sq. ft.; therefore, the plat is deemed compliant in this regard.
- Landscape plan has been reviewed and approved by City staff.

**Suggested Conditions of Approval:**

1. The Developer's Surveyor shall address all final plat comments prior to City Engineer signature of the plat.
2. Construction drawings with a grading plan indicating minimum and maximum top of wall elevations from top back of curb and a drainage plan for individual lots will be required at time of final plat review.
3. The Geotechnical Report referred to in the Grading Plan note 15, sheet 3.0 will need to be available at the time of the final plat review.
4. 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.

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

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

The Commission evaluated the proposed plat's design based on city codes and found that project met the conclusions of law criteria.

**Garner motioned and Miller seconded to approve the Subdivision Preliminary Plat for Banner Park Subdivision for 10 single family attached residential parcels (townhomes) in an RD (two-family duplex residential) zoning district at 516 20th Ave. N. for Larry Jacobson representing Banner Park, LLC (SPP 080-21) with all conditions of staff and conclusions of law. Motion carried.**

**Public Hearing 65: Conditional Use Permit for an Automobile and Truck Repair business in a BC (Community Business) zoning district for an approximate 5,000 sq. ft. portion of parcel #R2446400000 at 1813 Caldwell Blvd (located in the SW 1/4 of Section 8, T3N, R2W, BM) for Ray's Diesel & Automotive Repair representing Hawkins Companies, LLC (CUP 233-21) – ACTION ITEM.**

Madam Chair Sellman proceeded to public hearing.

Mark Gross, 26489 Middleton Rd, Middleton, requested approval of the application for an automobile and truck repair business.

- Proposed changing the south end of the building into a six bay repair facility.
- NAPA certified facility; NAPA colors and signage will be utilized.
- Permission was granted to paint the building (blue at the top, gray bottom with surrounding red and gold band).
- The building has been vacant for many years; receiving positive feedback from the public. A few retailers are considering this location because of this project.
- Business comprised of est. 90% of diesel truck repair (no semi-trucks).
- Proposing taking the seventh bay and turning it into a professional office/glass storefront.
- What used to be the garden center will be a holding pit for vehicles.
- The entire building will be enclosed and privatized for security.

Sellman asked how the applicant planned to screen the vehicles. Applicant responded that privacy slats will be used with protective wiring along the top of the fence. Kirkman clarified that the front of the operation would be facing Karcher.



Principal Planner Critchfield reviewed the staff analysis, reviewing the property details, surrounding land use and zoning (BC), and applicable regulations. The development is designated as commercial as are the surrounding land uses. The building has been vacant for several years; activating the structure will improve the commercial climate of the area. The project has been reviewed and approved by the Design Review Committee.

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, Code Compliance, and Engineering Departments, etc.) as the CUP approval does not and shall not have the effect of abrogating requirements from those agencies; and
2. Remove/control the existing weeds on the property and sidewalk.

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

Miller motioned and Hutchings 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 automobile and truck repair business 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 development.

**Kirkman motioned and Van Auken, Jr. seconded to approve the Conditional Use Permit for an Automobile and Truck Repair business in a BC (Community Business) zoning district for an approximate 5,000 sq. ft. portion of parcel #R2446400000 at 1813 Caldwell Blvd (located in the SW 1/4 of Section 8, T3N, R2W, BM) for Ray's Diesel & Automotive Repair representing Hawkins Companies, LLC (CUP 233-21) with all conditions of staff and conclusions of law. Motion carried.**

**Public Hearing 26 : Zoning Map Amendment from DH (Downtown Historic) to DV (Downtown Village); in order to build the Old Towne Nampa concept plan under the streetscape requirements of the DV zoning district, at 309 11th Ave S., 1015 3rd St S., 311 11th Ave S., 315 11th Ave S., 323 11th Ave S., 304 10th Ave S., and 316 10th Ave. S. - parcel #'s R1360900000, R1360700000, R1360800000, R1361000000, R1361300000, R1361100000, and R1361101000 (a total of 1.94 acres located in the SW ¼ of Section 22, T3N, R2W, BM, Nampa, Canyon, Idaho) for Mussell Construction Inc., representing self, Latimer Investments LLC, and International Church of the Foursquare Gospel (ZMA 147-2021) – ACTION ITEM.**

Commissioner Hutchings recused himself.

Madam Chair Sellman proceeded to public hearing.

Mike Mussell, 101 11<sup>th</sup> Ave South, Nampa, applicant.

- Residential development on the 2<sup>nd</sup> level of the building turned out not to be viable.
- Applicant emphasized his efforts to make this block more pedestrian friendly. Pedestrians may enter off of 3<sup>rd</sup> St. and off the main area of the old Taco Time parking lot.
- A “Snake River Stampede” type of display will be created through the center of the old Chamber building. There will still be some parking, and parking is leased from the church.
- There were structural issues regarding a proposed bridge between the buildings which did not work.
- The sidewalk was repaired in certain areas for public use as it had not been maintained. Street improvements were not planned at the corner near Taco Time on 3<sup>rd</sup> and 12<sup>th</sup>.
- The proposed uses will not be affected/changed by the rezoning; ¾ of the spaces are leased out.
- Referenced several projects in Nampa which have been implemented and completed, are leased/full and well maintained.

Applicant's Narrative: "Per City Code (10-22-6.B), providing parking onsite is a requirement in the DV zone. There is some onsite parking available at these buildings but it's mostly intended for the people who work in the buildings. Parking is available on the road or at the parking garage located across the street.

Secondly, we are requesting a rezone for the following parcel numbers currently zoned DH: R13607, R13608, R13609, R13610, R13613, R13611 and R13611010. We own all but R13611 and R13611010. The reason for the rezone is that the current zoning is triggering the Downtown Streetscape Standard, including installing sidewalks, specific trees, and light polls. We are renovating the buildings one at a time. The block is on the very edge of the DH zone and doesn't really fit within the historic category. The majority of the buildings are newer mixed-use buildings consisting of a newer church, office spaces, event center, spa, and two fast-food restaurants. We would like to rezone to DV. Mussell Construction already has plans for landscaping the area to fit in nicely with the surrounding area. Adding in all the extra paperwork isn't beneficial to Nampa or Mussell Construction."

Principal Planner Critchfield provided a staff analysis, reviewing the property details, zoning and history of the project, applicable regulations, allowable uses, signage requirement and agency comments. Critchfield noted public correspondence from the staff report referencing concerns that the zoning change would allow for development incompatible with the character of the adjacent historic residential neighborhoods and historic downtown development.

History: June 2005-rezoned to DH; February 2009-Comp. Plan Amendment to City Center Districts; January 2019-Building and Site Design Review for Town Square completed.

#### **DV Streetscape and Review Requirements**

Site design and development are required to be compatible with adjoining districts (DH, DV and RMH zones are adjacent to this block).

Lighting, landscaping and other exterior features have specific guidelines (see NCC 10-15-5) but are not limited to the street furnishing standards or sidewalk treatment required for the DH zoning district.

Note:

Development bordering the historic district compatible with the early and mid twentieth century architectural style.

Parking is required in the DV zoning district. The applicant is seeking a variance to remove the parking requirements and allow street parking only (City Council decision).

Building renovations are required to go through the Design Review process.

The development is surrounded by downtown retail, services, restaurants, Nampa Public Library and parking garage, low-density and high-density residential uses. The area surrounding this block are historic and many buildings are under historic preservation. This change in zoning would allow development of this block to adhere to a different standard than that DH zoning district. Nampa City code states that the DV zone is a transitional zone requiring projects constructed on this block to be compatible with adjacent districts. The DV zoning district allows for landscape and streetscape elements that differ from the DH zoning district standards. If this were to be rezoned to DV, any development would be required to be compatible with the DH zone and architectural style and be respective of the high density zoning adjacent to this block.

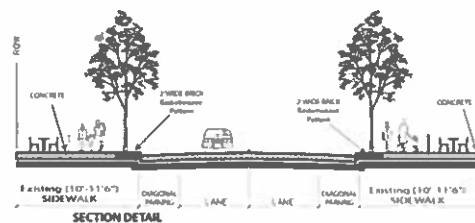
Suggested Conditions of Approval:

1. All development and construction on this property shall be subject to the requirements of Title 4 – Building Regulations.
2. Future development for this block is subject to the building permit plan review and approval process. No work shall be allowed to commence without appropriate permitting being obtained through city of Nampa.
3. Any future development of the site shall be subject to permitting and plan review processes with the city of Nampa.
4. Applicant/owner shall comply with all City codes, policies, and standards in place at the time of property development/redevelopment.

### **DH Streetscape and Review Requirements**

- 2'-wide brick strip between walk and curb
- Special sidewalk paving treatment and patterns
- All from the same coordinated line of furnishings:
  - Bench
  - Moveable planter
  - Litter receptacle
  - Historic Light Fixture compatible with the historic downtown
  - Removable bollard
- A standard newsstand is recommended

Building renovations are required to go through the Historic Preservation Committee and Design Review Process.



Kehoe asked if the traffic patterns in that area were to remain the same. Badger stated there are no current plans to change the traffic pattern around the Nampa Public Library; the existing traffic pattern handles more traffic volume and has more capacity. There are some minor improvements the City is working on with ITD to aid traffic flow, especially related to large trucks/semis.

Madam Chair Sellman proceeded to public testimony.

Ken Manship, opposed, 803 4<sup>th</sup> St. S.

- Applicant's request is only to avoid landscaping and sidewalk upgrades.
- If this change were to occur, they, or future owners, would have the right to apply for any permitted or conditional uses under the DV designation (including but not limited to automobile body and paint shops, repair shops, used car sales, parking garages, tire shops including recapping, and machine shops).
- The DV designation already exists in this area and is already saturated with auto body shops, tire shops, used car lots, and other industrial uses. Allowing additional Village designation on the proposed site would effectively block an entire residential area with heavily commercial and industrial business simultaneously and block the neighborhood from the architecturally similar historic downtown.
- Asked the Commission to deny the amendment and allow applicant to continue the project under the originally approved DH designation.

Teresa Crowley, 812 4<sup>th</sup> St S.

- Appreciates the applicant's efforts on properties around Nampa.
- Does not want the historic neighborhood ruined by this new designation. Knowing a condo or high rise is possible in the future, once this designation has changed, does not make sense.

Kehoe asked for clarification on the rezone area. Critchfield clarified the zoning change would affect 1 block. Kehoe asked the applicant how much of the property he owns ("currently half"). Kehoe asked if the applicant was planning on changing the structure or adding different uses. ("The church is completed; it is sealed, with new windows, the concrete has been poured, the only thing lacking is the ramp. The Chamber building will look identical in the finishing touches. The church owns a quarter of it. The property is mostly leased out with offices and retail.")

Van Auken, Jr. asked the applicant if the zoning is being changed because of the use or to bypass the landscaping requirements. The applicant stated he did not plan on changing the uses and stated the rezone would be good for continuity; there were also concerns about lighting from nearby duplexes. There is no planned industrial use, restricting uses is acceptable to the applicant.

Teresa Crowley, 812 4<sup>th</sup> St S. asked again to speak.

- Concerned about speeding along 4th negatively impacting her neighborhood.
- Would City Council consider adding a speed limit sign or speed bumps and avoid that street becoming a thoroughfare for people avoiding one way streets.

Applicant responded that he purchased the property when the buildings were empty. The parking garage is underutilized. Suggested Nampa Police add more officers to enforce the speed limit.

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

The Commission reviewed applicable regulations regarding zoning map amendments and the DH and DV zoning districts. The Commission found that the zoning map amendment, limiting certain uses, would be in harmony with the City’s currently adopted comprehensive plan and comprehensive plan land use map, would be compatible with existing, adjoining property uses, and be reasonably necessary and in the best interest of the public.

**Kehoe motioned to recommend to City Council approval of Zoning Map Amendment from DH (Downtown Historic) to DV (Downtown Village); in order to build the Old Towne Nampa concept plan under the streetscape requirements of the DV zoning district, at 309 11th Ave S., 1015 3rd St S., 311 11th Ave S., 315 11th Ave S., 323 11th Ave S., 304 10th Ave S., and 316 10th Ave. S as presented. Motion died for lack of a second.**

The Commission discussed and agreed that in order to recommend this project for approval, certain uses should be restricted to assuage public concerns about the property being sold off and incompatible industrial uses added in that area.

**Garner motioned and Van Auken, Jr. seconded to recommend to City Council approval of Zoning Map Amendment from DH (Downtown Historic) to DV (Downtown Village); in order to build the Old Towne Nampa concept plan under the streetscape requirements of the DV zoning district, at 309 11th Ave S., 1015 3rd St S., 311 11th Ave S., 315 11th Ave S., 323 11th Ave S., 304 10th Ave S., and 316 10th Ave. S. - (a total of 1.94 acres located in the SW ¼ of Section 22, T3N, R2W, BM, Nampa, Canyon, Idaho) for Mussell Construction Inc., representing self, Latimer Investments LLC, and International Church of the Foursquare Gospel (ZMA 147-2021) with all conditions of staff and conclusions of law including:**

**Enter into a development agreement with the city of Nampa to restrict further development on the site to only those uses which are allowed in the DH zone.**

**Motion carried.**

Meeting adjourned at 8:47 pm.

Rodney A. Ashby, Planning Director  
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