

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD WEDNESDAY, SEPTEMBER 9, 2020, 6:45 P.M.

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 (Via Teams)	Jeff Kirkman (Chambers)
Steve Kehoe, Vice-Chair (Chambers)	Bret Miller (Via Teams)
Michaela Franklin (Via Teleconference)	Tom Turner (Via Teams)
Matthew Garner (Via Teams)	Ron Van Auker, Jr. (Via Teams)
Adam Hutchings (Via Teams)	

COMMISSIONERS ABSENT:

None

CITY STAFF PRESENT:

Rodney Ashby, Planning Director (Chambers)
Daniel Badger, City Engineer (Via Teams)
Kristi Watkins, Principal Planner (Chambers)
Doug Critchfield, Principal Planner (Via Teams)
Parker Bodily (Chambers)
Karen Hesse, Administrative Coordinator (Via Teams)

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT:

With a quorum of Commissioners present, Madam Chair Sellman called the meeting to order at 6:49 pm.

Minutes from the August 25, 2020 Regular Meeting were amended to change verbiage on pg. 6 from “Broadmore Gold Course” to “Broadmore Golf Course.”

Upon a motion by Commissioner Kirkman and a second by Commissioner Hutchings, the Commission voted 8 IN FAVOR, and 0 OPPOSED to accept the minutes. The motion carried.

REPORT ON COUNCIL ACTIONS:

Planning Director Ashby reviewed the items before City Council on the September 8, 2020 City Council Meeting:

- VAR-093-20 Canyon Terrace (reduction of parking spaces or dwelling units) denied.
- CUP 193-20 (storage units/Karcher Mall) approved with staff conditions.
- VAR-094-20 (lot line adjustment for two substandard sized lots) approved with staff conditions.

Madam Chair Sellman proceeded to the Business Item on the Agenda:

Business Item: Subdivision Plat Final Approval for Fall Creek Subdivision No. 5 in a RS7 (Single Family Residential – 7,000 sq. ft.) zoning district at 17660 Madison Rd. to be developed into 30 single family detached lots and 1 common lot on 8.5 acres for 3.52 dwelling units per gross acre located in a portion of the NE ¼ Section 03, T3N, R2W, BM for Challenger Development representing JRL Properties LP (SPF 135-20).

Upon a motion by Commissioner Miller and a second by Commissioner Garner, the Commission voted 8 IN FAVOR, and 0 OPPOSED to approve the Final Plat for Fall Creek Subdivision No. 5 with all staff conditions. The motion carried.

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

Public Hearing 1: Conduct a Public Hearing and consider a request for a Zoning Map Amendment from RS6 (Single-Family Residential 6,000 sf) to BC (Community Business) for a 0.3 acre strip of land mistakenly zoned RS6 during the platting and zoning process of Summit Ridge Subdivision, and due to an incorrect legal description submitted for the zoning boundaries (a portion of 0 W Tenzing St., County Parcel No. R29291011C0, located in a portion of the NE ¼ Section 05, T2N, R2W, BM) for JUB Engineers/Wendy Shrief representing M3 ID Greenhurst LLC. (ZMA 123-20).

Madam Chair Sellman proceeded to public hearing.

Wendy Shrief for JUB Engineers – representing the applicant, of 250 S Beechwood Avenue, Boise stated the rezoning is a correction in the platting process.

Principal Planner Critchfield presented and recommended approval subject to staff conditions including an easement to be maintained 20 ft. south and southwest of and 25 ft. north and northeast of the Robinson Lateral centerline for the purposes of operating and maintaining the lateral; subject to all requirements of the Boise Project Board of Control.

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

Vice-Chair Kehoe motioned and Commissioner Garner seconded to close public hearing. Motion carried with all Commission members in favor.

Upon a motion by Commissioner Kirkman and a second by Vice-Chair Kehoe, the Commission voted 8 IN FAVOR, and 0 OPPOSED to recommend approval of ZMA 123-20 due to an incorrect legal description of zoning boundaries with all conditions of staff including verbiage on easement. The motion carried.

Public Hearing 2: Conduct a Public Hearing and consider a request for a Comprehensive Plan Future Land Use Map Amendment from Medium Density Residential to Community Mixed Use and Annexation and Zoning to BC at 0 E Locust Lane, southeast of the Southside Blvd. and Locust Lane intersection (an 18.92 parcel described as County Parcel R2953001000 in the NW ¼ of the NW ¼, Section 12, T2N, R2W, BM) for BC zoning to allow for public storage units and restaurant for Linda Claiborne (CMA 047-20) and (ANN 179-20).

Madam Chair Sellman proceeded to public hearing.

William Mason, Mason & Associates, 924 3rd St. S, Nampa:

- The lot is a unique shape.
- The narrowness of the lot would prevent other types of development.
- The use would be to supply flex space for the surrounding neighborhoods including a restaurant.

Linda Claiborne, 1608 Sunrise Rim, Boise:

- Family has strong family ties to the community.
- Noted the lack of restaurant space in the area.
- Lack of storage in the area forces homeowners to drive a long way to park their vehicles due to HOA restrictions.
- Conducted a survey and met people in the community who are in support of project.
- Facility will not be 24/7 and will be lighted.
- Believes the project will cut down on crime in the area.
 - Vice-Chair Kehoe requested clarification on her statement regarding crime reduction; her statement may be supposition rather than fact.
- Commissioner Garner requested clarification on the 10 ft. eaves and was informed project will meet City Code 10-1-19: B. 7. (*Public storage facility properties that are contiguous to RS (Residential Single Family) or RD (Residential Duplex) zoning districts, or that are located in a BN (Neighborhood Business) or RP (Residential*

Professional) zoning district shall limit the height of storage buildings to ten feet (10') at the edge of eaves) as well as a 100 ft. setback exceeding Code regulations per Principal Planner Critchfield.

- Currently 78 RV spaces of different sizes are planned, she noted other RV parks nearby have waiting lists.
 - Commissioner Kirkman inquired whether Ms. Claiborne had any conversations with nearby storage facilities; she stated she had, and they are full and/or waitlisted.
- The closure of a restaurant in the area was deemed a result of management issues rather than marketing or lack of community interest.
- Willing to sign a development agreement.

Principal Planner Critchfield presented staff report and reviewed all correspondence received by the city which may be viewed in its entirety via [Planning & Zoning Commission Meeting 9-9-20](#). A 25 ft. easement and the use of a specific development agreement outlining the project conditions were discussed. Commissioner Miller requested and received clarification from Principal Planner Critchfield that a development agreement may be completed prior to annexation and zoning being recorded.

Madam Chair Sellman proceeded to public testimony.

- Lauren Brown, 2601 E Andesite Ct, Nampa, IN FAVOR
 - Worked in the police department and in his experience the proposed use would deter crime.
 - Is in need of RV space himself.
 - Supportive of local restaurant.
 - Believes putting in more housing would increase traffic and overwhelm the local roads.
- Debra Tortolini, 2633 E Andesite Ct, Nampa, IN FAVOR
 - Conducted her own personal survey and received support of project providing storage is low profile and out of view.
 - Proponent of a development agreement.
 - Community already struggles with traffic, irrigation.
- Larry Siegrist, 2687 E Rhyolite Ct, Nampa, IN FAVOR
 - Inquired about nicer 1 acre lot homes, opposed to high density housing.
 - In favor of restaurant and hopes for high design standards.
- Walt Groditski, 2958 E Snake River Dr, Nampa, OPPOSED
 - Has concerns regarding the long terms effects of changing the zoning for this area.
 - Feels they should not be manipulating the zoning of the site to fit their needs and should look elsewhere to find a lot that fits their project.
- Phil Warchol, 300 W Parkcenter Drive, Boise, IN FAVOR
 - Produced designs for previous storage projects, would be building everything to code.
- Marilyn McIntyre, 4015 S Lava Spring Lp, Nampa, IN FAVOR
 - Will keep the neighborhood quiet and have less traffic.
- Doug Broetje, 4418 S Lava Springs Lp, Nampa, IN FAVOR
 - Needs RV space and thinks traffic will not be impacted by this type of development.
- Susan Broetje, 4418 S Lava Springs Lp, Nampa, IN FAVOR
- Danny Schuster, 4817 Southside Blvd, Nampa, IN FAVOR
 - Represents both buyer and seller in the sale.
 - Agents calling about the property have all been commercial, backup offer would be multi-family housing.
 - Is in need of RV storage himself, has concerns about the lava rock in the area and believes multi-family would be the only option in the future.
- Jeff Hatch, 9 Briar Crest Dr, Nampa, IN FAVOR and did not wish to speak.

Commissioner Franklin inquired via Vice-Chair Kehoe if the restaurant would be non-smoking, is the storage for RV's only and would there be security cameras. The restaurant will be non-smoking, and storage will also be for boats, trailers and motorhomes, there will be security cameras.

Vice-Chair Kehoe stated the Nampa PD abandoned vehicle team will have unlawful vehicles on the street towed with a \$120 fine.

Commissioner Kirkman motioned and Vice-Chair Kehoe seconded to close public hearing. Motion carried with all Commission members in favor.

Commissioner Turner:

- Seeing how much land would be lost, there is not much feasibility for a subdivision.
- In favor with restrictions on use.

Commissioner Van Auker, Jr.:

- Proximity to the intersection would lead to access being a problem.
- Supportive of restaurant.
- Use makes sense given the building limitations of the property.

Commissioner Kirkman:

- Surprised there is not more opposition to the application.
- Supportive of restaurant in the community and walkability of the project.
- Not entirely supportive of the storage aspect of the project, understands there is a chance of high-density housing and there is a need for the storage.
- Traffic is always brought up on project; however, it is out of the Commission's control.

Commissioner Van Auker, Jr. motioned and Commissioner Turner seconded to approve (CMA 047-20) and (ANN 179-20) with all conditions of staff including an easement and formulation of a detailed development agreement restricting the use to the development of the project to be a storage unit only with a restaurant component on the corner as laid out on site plan. The Commission voted 8 IN FAVOR, and 0 OPPOSED to approve the motion. The motion carried.

Public Hearing 3: Conduct a Public Hearing and consider a request for a Conditional Use Permit for an Assisted Living Facility for temporary housing for adults receiving cancer treatment, in an RS6 Zoning District at 601 W Blaine Ave (a .23 acre property, Lot 1, Block 2 of the Cottonwoods Unit 5 subdivision, within the NW ¼ of Section 28, T3N, R2W, BM) for Barbra Johnson – Chase Away the Clouds, Inc. (CUP 192-20).

Madam Chair Sellman proceeded to public hearing.

Barbra Johnson, Chase Away the Clouds, Inc., 900 Augusta Dr., Nampa

- There is a need for temporary housing for people living 25+ miles away receiving cancer treatment.
- Plans for a minimum charge the first year and, with grants and community support, free of charge thereafter.
- There will be 3 suites with an extra bedroom in reserve for emergency stays.
- States parking requirement is 4 spaces which they will accommodate with direct access from Blaine Ave.
- There will be no medical or hospice care at the home, thus not governed by medical associations or boards.

Planning Director Ashby:

- Reviewed Code 10-25-4 for approving or denying CUP's and other City regulations.
- Four temporary residents will likely create little impact to traffic in the area.
- Recommended the CUP be granted only to the applicant on this specific property for the said purpose of providing temporary dwellings for those receiving medical care and non-transferable.

Commissioner Kirkman stated his concern that the City should not penalize the property owner if more than four vehicles are at any given time at the property.

Commissioner Garner inquired whether the garage was being used as a living space or an actual garage, and whether there were any church affiliations with the project.

David Ferdinand, 2419 W Heron Lp.

- Previous neighborhood resident.
- Real estate agent on record for Applicant, the garage is an actual garage.

- The property used to be a group home and is well suited to their needs.
- There is no church affiliation, their organization is 501(c)(3), known as a “respite lodge.”
- The sale will not be completed until the CUP process is also complete.

Commissioner Kirkman motioned and Vice-Chair Kehoe seconded to close public hearing. Motion carried with all Commission members in favor.

Upon a motion by Commissioner Kirkman, and a second by Commissioner Garner, the Commission voted 8 IN FAVOR, and 0 OPPOSED to approve CUP 192-20, as presented, with all conditions of staff. The motion carried.

Public Hearing 4: Conduct a Public Hearing and consider a request for Subdivision Plat Preliminary Approval for North Meadows Subdivision in an RML (Limited Multi-Family Residential) Zoning District, at 129 and 0 2nd Ave N (Tax #R128080000 and R1280801100, respectively) for 5 residential buildings with four zero lot line dwelling units per building, with a total of 20 dwelling units on 1.16 acres for an average gross density of 17.24 units per acre – lots 19 and 20, Block 11 of the Nampa City Acres 2 Subdivision (a Timberline Surveying representing Zenith Homes, LLC. (SPP 058-20).

Commissioner Turner recused himself from the proceedings due to his involvement in the project. Principal Planner Watkins requested Tom Turner act as applicant as an individual. Mr. Turner stated they were essentially changing from a fourplex to single family townhomes with zero lot lines, 20 buildable lots, 5 structures with 4 attached single-family dwelling units.

Madam Chair Sellman proceeded to public hearing.

Principal Planner Watkins:

- Project meets zoning requirements, landscaping plan not submitted yet and will be required with final plat submittal.
- Staff supports approval of preliminary plat with all conditions as listed in staff report.

Vice-Chair Kehoe motioned and Commissioner Garner seconded to close public hearing. Motion carried with all Commission members sans Commissioner Turner in favor.

Commissioner Kirkman requested the lighting inquiry from a member of the community be addressed; Principal Planner Watkins called on City Engineer Badger who replied there will no additional public street lights on 2nd Ave. Madam Chair Sellman concluded it would be up to the builder to provide adequate lighting between structures, City Engineer Badger replied affirmative. Commissioner Garner inquired whether a photometric site plan is needed, City Engineer Badger replied negative for a residential development of this nature.

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

Vice-Chair Kehoe motioned and Commissioner Garner seconded to close public hearing. Motion carried.

Upon a motion by Commissioner Van Auker, Jr. and a second by Commissioner Garner to approve the Preliminary Plat for SPP 058-20, as presented, with all conditions of staff. The Commission voted 7 IN FAVOR and 0 OPPOSED to approve the motion. The motion carried.

Meeting adjourned at 9:17 p.m.

These minutes approved this 22 day of September 2020.

Rodney A Ashby, Planning Director
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