PUBLIC HEARING ITEM NO. 1
STAFF REPORT

Applicant(s): Pavel Struk
Status of Applicant: Owner

File(s): SPS-00023-2019

Analyst: Rodney Ashby, Principal Planner

Date: September 3, 2019

Requested Action Approval(s) and Location(s):

Subdivision Plat Short Recommendation of Approval for Midtown Homes Subdivision in a RS6 (Single Family Residential – 6,000 sq. ft.) zoning district at 0 Powell Ave. (4 Single Family detached lots on .58 acres for 6.9 dwelling units per gross acre – A part of the NE ¼ of the NW ¼ SE ¼ of Section 23, T3N, R2W, BM) for Pavel Struk (SPS 023-19).

(Decision Required: Recommendation of Approval or Denial)

(hereinafter the “Development”; alternatively, “Midtown Homes Subdivision” or the “Project”)

General Information

Comprehensive Plan Future Land Use: Medium Density Residential

Existing Zoning: RS6 (Single-Family Residential, 6,000 sq. ft)

Location: 0 Powell Ave (west of 1140 Rosenlof Ave)

Existing Land Use: Vacant Land/Vehicle & Shipping Container Storage
Proposed Land Use: Subdivision for four (4) single-family detached homes

Surrounding Land Use and Zoning:
North- Single Family Homes (RS6 zoning)
East- Single Family Home (RS6 zoning)
South- Hispanic Cultural Center (BC-Community Business zoning)
West- Vacant lot (RS6 zoning)

Specific Information

Public Utilities/Services:
8" Sewer Main through the property
6" Water Main in Rosenlof Ave
6" Pressurized Irrigation Main in Rosenlof Ave

Transportation:
Access to the properties is from Rosenlof Ave.

Applicable Regulations:

Subdivision Short Plat
Section 10-27-4F Short Plats, allows an abbreviated platting process for subdivisions of three to seven lots created from a single original property. "Drawings shall portray all features required to be shown on standard preliminary and final plat drawings; and Short plats will be processed as combination preliminary and final plats requiring a public hearing before the City's Planning and Zoning Commission and approval by the City Council."

As stated in the subdivision chapter of the Title 10, the Planning & Zoning Commission shall evaluate a proposed plat's design based on city codes in making its determination. The plat must also meet the standards identified in the approved Subdivision Process and Policy Manual; and Standard Construction Specification Manual.

Correspondence:

The following is a summary of agency correspondence that can be found in full detail in the exhibits:

- Nampa & Meridian Irrigation District: No impact as long as all storm drainage is retained on-site.
- Nampa Engineering Division:
  - Remove “Blanket” from description of the “Cross Access and Public Utility Easement” under Note 8 and the Legend.
  - Simplify note that currently says “Blanket Cross-Access and Parking Easement”
  - Add note that subdivision is subject to Midtown Homes Subdivision Covenants, Conditions, and Restrictions (CC&R’s) recorded as Instrument #_____. CC&R’s should specify maintenance and cost share responsibilities for the shared driveway and drainage improvements.
  - Label “Point of Beginning” on the face of the plat.
Check for any spelling or punctuation errors in the notes and legend and correct.
Remove the reference to public street dedication in the Certificate of Owners on Sheet 3 as there are no public streets being dedicated.
All Engineering Division's Conditions of Approval are listed under the “Suggested Conditions of Approval” section of this report.

- **Nampa Planning and Zoning Department:**
  - Rock may be used as an additional landscape ground cover element, but not as the dominant ground cover. The plans need to be revised to reflect this condition.

- **Nampa GIS:** No addressing/street naming comments
- **Nampa Highway District #1:** no comment
- **Nampa Parks Department:** no requests
- **Idaho Transportation Department:** no objection

---

**STAFF FINDINGS & DISCUSSION**

**Subdivision Short Plat**

Staff finds that with the changes requested in the Correspondence and Suggested Conditions of Approval Sections of this report, the proposed subdivision short plat for the Atkinson Acres Subdivision conforms, or substantially conforms within acceptable limits, with relevant RS6 (Single-Family Residential, 6,000 sq. ft) zoning codes and City of Nampa subdivision standards pertaining to land division. This determination is conditioned on the plat being revised in limited form and fashion to meet requirements set forth by various responding agencies and City departments.

Accordingly, Staff recommends that the Development be approved, contingent on Applicant/Developer/Development compliance with various Conditions of Approval as stated under “Suggested Condition of Approval.”

---

**SUGGESTED CONDITIONS OF APPROVAL**

Should the Planning and Zoning Commission vote to recommend to City Council approval of the “Midtown Homes Subdivision” Short Plat, then Staff would suggest the following as (a) Condition(s) of Approval(s):

1. Generally, the Applicant/Development shall:
   a. Comply with all City department/division or outside agency requirements pertinent to this matter.

2. Specifically, the Applicant/Development shall:
   a. Revise Landscape Plans to be in compliance with City of Nampa Codes, specifically requiring the primary landscaping to be vegetation.
   b. Comply with all Nampa Engineering requests summarized in the Correspondence Section of this report.
   c. Engineering's Conditions of Approval:
i. Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.

ii. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the attached Engineering 1st Review letter dated 9/2/2019 prior to construction drawing approval.

iii. CC&R's or alternative agreement shall be submitted to the Nampa Engineering Division for review prior to City Engineer signature of the plat. CC&R's shall specify maintenance and cost share responsibilities for the shared driveway and drainage improvements and the recording instrument number shall be noted on the plat.

iv. A development agreement, in place for the Sonoma Creek Subdivision, shall be rescinded before approval of the final plat


vi. Drainage shall be retained on site and Engineer of Record shall provide Nampa Engineering confirmation of compliance with plans.

---

**ATTACHMENTS**

- Application
- Vicinity/Zoning Map
- Comprehensive Plan Future Land Use Map
- Plat pages
- Agency/department & citizen correspondence, etc.
CITY OF NAMPA
SHORT PLAT APPLICATION

***Please do not submit a subdivision application until all items are completed. Incomplete applications will not be accepted or reviewed.

A. GENERAL INFORMATION
Subdivision Name: Midtown Homes
Total Acres: 0.58
Intended Land Uses: Circle (residential, single-family, multi-family, commercial, industrial)
Property Address(es):
Legal Description:

Existing Zoning: (Circle one) RA RS RSM RD RML RMH RP BN CB BC BF IP IL IH AG
(County Zoning) 

B. OWNER/APPLICANT INFORMATION

| Owner of Record | | |
|-----------------|-----------------|
| Name            | PAVEL STRULIC   |
| Address         | 8542 W Bronze Dr |
| City            | Boise, ID 83704 |
| State           | Idaho           |
| Telephone       | (208) 697-6603  |
| Email           | VIP-Construction@hotmail.com |
| Fax             |                 |

| Applicant       | | |
|-----------------|-----------------|
| Name            | PAVEL STRULIC   |
| Address         | 8542 W Bronze Dr |
| City            | Boise, ID 83704 |
| State           | Idaho           |
| Telephone       | (208) 697-6603  |
| Email           | VIP-Construction@hotmail.com |
| Fax             |                 |

| Engineer/Surveyor/Planner | | |
|---------------------------|-----------------|
| Name                      | KURT SMITH      |
| Address                   | 2587 Southside Blvd Melba, ID 83641 |
| Telephone                 | (208) 941-1245  |
| Email                     | Kurt@intermountainengineering.net |
| Fax                        | (208) 945-2469  |
### C. SUBDIVISION INFORMATION

<table>
<thead>
<tr>
<th>Lot Types</th>
<th>Number of Lots</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>4</td>
<td>0.58</td>
</tr>
<tr>
<td>Dwelling units per acre (gross /net)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common (Landscape, Utility, Other)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open Space</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I understand:
1. This application is subject to acceptance by the City of Nampa upon determination that the application is complete.
2. The hearing date is tentative and subject to change with notice.
3. This application is subject to a public hearing before the Nampa Planning and Zoning Commission.
4. The application fee is non-refundable

All information, statements, attachments, and exhibits included with this application submittal are true to the best of my knowledge.

**Signature** ___________________________ **Date** 07-02-19

---

**For City Office Use**

FEE $ ________________
CASH ______ CHECK ______ RECEIPT NO. ______

DATE RECEIVED ________
RECEIVED BY ___________ HEARING DATE ________

---

3
LOCATED IN THE NE 1/4 NW 1/4 OF SECTION 23, T. 3 N., R. 2 W., 8.M., CITY OF NAMPA, CANYON COUNTY, IDAHO 2019

Scale: 1' = 20'

LEGEND
Found Brass Cap
Found 1/2 int dh.
Iron Pin
Plastic Cap
Gerb
PLS
Sel S/8 inch dla. x 24 int dh.

Lot Line

SHEET 2 OF 4

COMPASS LAND SURVEYING, PLLC
Office: (208) 327-0115
Fax: (208) 327-0106

Nampa, ID 83686
CERTIFICATE OF OWNERS

Known as here by these presents that Pare Stor, a Married Ammon does hereby certify that he is the Owner of the Real Parcel of Land Heretofore Described and that it is his intention to include said Real Property in this Subdivision Plat.

The following describes a Parcel of Land being a portion of the NE 1/4 NW 1/4 of Section 23, Township 3 North, Range 3 West, Boise Meridian, City of Nampa, Canyon County, Idaho, and more particularly described as follows:

BEGINNING at a found Aluminum Cap Marking the Northwest Corner of said Section 23; From which, the North 1/4 Corner of said Section 23 bears South 89°53' East, 227.82 feet which is being Monumented with a found Brass Cap; Thence along the Northerly Boundary Line of the NE 1/4 of said Section 23, South 89°53' East, 1330.96 feet to a point marking the Northwest Corner of the NE 1/4 NW 1/4 (West 1/4) of Section 23; thence bearing said Northerly Boundary Line, and along the Western Boundary Line of the NE 1/4 NW 1/4 of said Section 23, North 89°53' West, 289.81 feet to found 1/2" iron Pin with "Spring Plastic Cap", and replaced with a set 5/8" iron Pin with Plastic Cap "Kramer PLS 8251", the POINT OF BEGINNING.

Thence bearing said Western Boundary Line, South 89°53'6" East, 100.12 feet to found 1/2" iron Pin with Plastic Cap "Kramer PLS 15302", and replaced with a set 5/8" iron Pin with Plastic Cap "Kramer PLS 8251".

Thence, South 00°14'32" West, 22.51 feet to a found 5/8" iron Pin with No Cap;

Thence, South 89°53'6" East, 30.00 feet to found 1/2" iron Pin with Plastic Cap "Kramer PLS 15302", and replaced with a set 5/8" iron Pin with Plastic Cap "Kramer PLS 8251".

Thence, South 00°14'32" West, 147.83 feet to a set 5/8" iron Pin with Plastic Cap "Kramer PLS 8251";

Thence, North 89°53'6" West, 135.14 feet to a point on the Western Boundary Line of the NE 1/4 NW 1/4 of said Section 23. From said point, a found 5/8" iron Pin Plastic Cap "Kramer PLS 15308", which is Witnessing said point bears, North 89°53'6" East, 0.35 feet;

Thence along said Western Boundary Line, North 00°08'54" East, 179.41 feet to the POINT OF BEGINNING.

The above Described Parcel of Land contains 0.08 Acres, more or less.

The public Streets as shown on this Plat are Dedicated to the Public. The Easements as shown on this Plat are not Dedicated to the Public, however the right to use said Easements is hereby Perpetually Reserved for Public Utilities and such other uses as Designed with this Plat and no Permanent Structures are to be erected within the lines of said Easements.

All Lots in this Plat will be Eligible to Receive Water Service from the City of Nampa, and the City of Nampa has agreed to installing to serve all Lots in this Subdivision.

Pare Stor

Date

ACKNOWLEDGMENT

STATE OF IDAHO)

COUNTY OF ADA

On this _____ day of __________, in the year 2019, before me, Pare Stor, personally appeared, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and notarial seal the day and date above written.

Rotary Public

Commissioner

CERTIFICATE OF SURVEYOR

I, Lawrence H. Kramer does hereby certify that I am a Professional Land Surveyor Licensed by the State of Idaho, and that the Plat as Described in the Certificate of Owners and the attached Plat, was Drawn from an actual Survey made on the ground, made by me or under my direct supervision and accurately represents the points plotted herein, and is in Conformity with Pre and Idaho Code 55-1611 through 55-1612.

Lawrence H. Kramer

Licence No. 8251

COMPASS LAND SURVEYING, PLLC

623 11th Avenue South

Nampa, ID 83651

Office: (208) 422-6115
Fax: (208) 306-3151

Sheet 3 of 4
APPROVAL OF CITY COUNCIL

I, the undersigned, City Clerk in and for the City of Nampa, Canyon County, Idaho, do hereby certify that at a regular meeting of the City Council held on the _____ day of ____________, in the year of 2019, this plat was duly accepted and approved.

City Clerk, Nampa, Idaho

Date

CERTIFICATE OF COUNTY SURVEYOR

I, the undersigned, Professional Land Surveyor, in and for Canyon County, Idaho, do hereby certify that I have checked this Plat, and that it complies with the State of Idaho Code relating to Plats and Surveys.

Canyon County Surveyor

Date

APPROVAL OF SOUTHWEST DISTRICT HEALTH DEPARTMENT

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13, have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing the City of Nampa and the QLPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water extensions or sewer extensions were constructed. Building construction can be allowed with appropriate building permits if drinking water extensions or sewer extensions have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities, then sanitary restrictions may be re-imposed, in accordance with Section 50-1328, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or wastewater facilities shall be allowed.

District Health Department, EHS

Date

APPROVAL OF CITY OF NAMPA PLANNING AND ZONING COMMISSION

Chairman

Date

APPROVAL OF CITY ENGINEER

I, the undersigned, City Engineer, in and for the City of Nampa, Canyon County, Idaho hereby approve this plat.

Nampa City Engineer

Date

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for the County of Canyon, State of Idaho, do hereby certify that any and all current and/or delinquent County Property Taxes for the property included in this proposed subdivision have been paid in full.

This certificate is valid for the next thirty (30) days only.

County Treasurer

Date

COMPASS LAND SURVEYING, PLLC

623 11th Avenue South
Nampa, ID 83651
Office: (208) 442-0113
Fax: (208) 327-2106
JN 10/21
SHEET 4 OF 4
DATE: September 2, 2019
TO: Nampa Planning & Zoning Department
FROM: Caleb LaClair, P.E. – Assistant City Engineer
CC: Daniel Badger, P.E. – City Engineer

The Engineering Division has completed a review of the Short Plat for Midtown Homes Subdivision and recommend the following conditions and comments.

Project Comments
1. The project site is located between 1130 and 1140 Rosenlof Ave and will take access directly from Rosenlof Ave, classified as a “Local Road”.
2. Rosenlof Ave is fully developed with pavement, rolled curb, and sidewalk across the project frontage. No additional right-of-way dedication or improvements necessary with this development.
3. The City’s water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:
   - 8” sewer main through the subject property within an existing easement;
   - 6” water main on south side of Rosenlof Ave; and,
   - 6” pressure irrigation main on north side of Rosenlof Ave.
4. No additional public utility construction other than services are required to serve this development.
5. Any common driveway or private road shall be paved in accordance with Section 101.80.08 of the 2015 City of Nampa Engineering Development Process and Policy Manual.
6. An Erosion Control Permit with City of Nampa is required prior to the start of any earth disturbing activities.
7. A Right-of-Way Permit with City of Nampa is required prior to any work within the Rosenlof Ave right-of-way or the existing onsite sewer easement.

Final Plat Comments
1. Remove “Blanket” from description of the “Cross Access and Public Utility Easement” under Note 8 and the Legend. The easement does not blanket the entire lots.
2. It seems the description of a "Blanket Cross-Access and Parking Easement" is redundant with the description of "Cross Access" easement earlier in the note. Clarify and revise note accordingly.

3. Add note that subdivision is subject to Midtown Homes Subdivision Covenants, Conditions, and Restrictions (CC&R's) recorded as Instrument #________. CC&R's should specify maintenance and cost share responsibilities for the shared driveway and drainage improvements.

4. Label "Point of Beginning" on the face of the plat.

5. Check for any spelling or punctuation errors in the notes and legend and correct.

6. Remove the reference to public street dedication in the Certificate of Owners on Sheet 3 as there are no public streets being dedicated.

**Conditions of Approval**

1. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.

2. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Midtown Homes Subdivision - Construction Drawings & Final Plat - 1st Review" letter from the Nampa Engineering Division, dated 9/2/2019 prior to construction drawing approval.

3. CC&R's or alternative agreement shall be submitted to the Nampa Engineering Division for review prior to City Engineer signature of the plat. CC&R's shall specify maintenance and cost share responsibilities for the shared driveway and drainage improvements and the recording instrument number shall be noted on the plat.


5. Drainage shall be retained on site in accordance with approved plans. Inspection and certification of work shall be by the Engineer of Record (EOR). EOR shall provide a letter to the Nampa Engineering Division certifying on-site drainage facilities were installed in substantial conformance with the approved plans and specifications at the time of Record Drawing submittal and prior to Certificate of Occupancy issuance for the first building.
Good morning,
ITD has received application SPS-00023-2019 for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development.

Thank you,
Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---
Good Afternoon! 😊

Re: Short Plat Approval for Midtown Homes Subdivision (SPS-00023-2019)

Please find attached for your review Short Plat Approval for Midtown Homes Subdivision in a RS6 (Single Family Residential - 6,000 sq. ft.) zoning district at 0 Powell Ave. (4 Single Family detached lots on .58 acres for 6.9 dwelling units per gross acre - A part of the NE 1/4 of the NW 1/4 SE 1/4 of Section 23, T3N, R2W, BM) for Pavel Struk.

The short plat is scheduled for the Planning and Zoning Commission meeting of September 10, 2019, as a public hearing item.

Please review and return any comments to my attention prior to August 23, 2019.

Thank you & Have a great day!
Hi Shellie,

Nampa Parks has reviewed the short plat for Midtown Homes Subdivision Project: SPS-00023-2019. We have no requests.

Thank you,

Cody Swander
Parks Superintendent
O: 208.468.5890, F: 208.465.2321
Nampa Parks – Facebook Page

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.
Date: August 5, 2019
RE: Planning Department Landscape Plan Review
Project: Project Name: Midtown Homes Subdivision: SPS-00023-2019

The above listed project(s) Landscape Plans have been reviewed by the City of Nampa's Planning Department for compliance with all applicable planning codes, and the following items and/or revisions are required prior to Planning approval:

**Landscape Buffer:** The landscape plans for the landscape buffer off Rosenlof Ave. Note 3 indicates:

"All landscaping areas to be washed river rock over weed control fabric."

Nampa City code states the following:

*Landscape Defined: "Landscaping" means some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. The combination or design may include plant materials as well as rock and such structural features as fountains, pools, artworks, screens, walls, fences or benches, but such objects alone without natural plant materials shall not meet the requirements of this chapter. (Ord. 3182, 12-9-2002) * [NCC 10.33.2 (A)]

The plans show (4) Ash trees with (2) Potentilla with rock ground cover in the landscape buffer. Per city code stated above, natural plant materials (turf, ground cover, shrubs) are required. Rock may be used as an additional landscape ground cover element, but not as the dominant ground cover.

Please revise and resubmit landscape plans.

If you have questions or would like to discuss this interpretation of the planning code, please call my direct line at (208) 468-5405.

Doug Critchfield
Senior Planner
Nampa Planning Dept.
E-mail address: critchfieldd@cityofnampa.us
Sylvia Mackrill

From: Daniel Wagner
Sent: Monday, August 19, 2019 2:02 PM
To: Sylvia Mackrill; Caleb Laclair
Subject: Follow Up Flag: Addressing Review - Midtown Homes Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

Sylvia,

There are no Addressing/Street naming comments for this short plat. Thanks.

Dan Wagner
GIS Technician 1, Engineering
O: 208.468.5475
Nampa GIS, Like us on Facebook
Nampa Proud

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.
August 12, 2019

Norman Holm  
Nampa City  
411 Third Street South  
Nampa, ID 83651  

RE: SPS-00023-2019/ Midtown Homes Subdivision  

Dear Norm:  

Providing all storm drainage is retained on-site there will be no impact to Nampa & Meridian Irrigation District (NMID). Therefore, no further review will be required at this time. 

If any surface drainage leaves the site, NMID requires a filed Land Use Change Application for review prior to final platting. Please contact Elke Adams at (208) 466-7861, or 1503 First St. S. Nampa, ID 83651, for further information. 

All private laterals and waste ways must be protected. It is recommended that irrigation water be available to all developments within the NMID. Developers must comply with Idaho Code 31-3803. 

Please call with any further questions at (208) 466-0663. 

Sincerely,  

David T. Duvall 
Asst. Water Superintendent  
Nampa & Meridian Irrigation District  
DTD/ gnf  

Cc: Office/ File
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

Good Afternoon! 😊

Re: Short Plat Approval for Midtown Homes Subdivision (SPS-00023-2019)

Please find attached for your review Short Plat Approval for Midtown Homes Subdivision in a RS6 (Single Family Residential – 6,000 sq. ft.) zoning district at 0 Pqwell Ave. (4 Single Family detached lots on .58 acres for 6.9 dwelling units per gross acre - A part of the NE V of the NW V SE V of Section 23, T3N, R2W, BM) for Pavel Struk.

The short plat is scheduled for the Planning and Zoning Commission meeting of September 10, 2019, as a public hearing item.

Please review and return any comments to my attention prior to August 23, 2019.

Thank you & Have a great day!
Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.