

**NAMPA PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
WEDNESDAY, JANUARY 23, 2019, 6:30 P.M.**

Members:	Lance McGrath - Chairman	Harold Kropp
	Peggy Sellman – Vice Chairman	Bret Miller
	Matthew Garner	Norm Holm, Director
	Adam Hutchings	Doug Critchfield – Planner II
	Steve Kehoe	Daniel Badger – City Engineer
Absent:	Jeff Kirkman	Ron Van Auker, Jr

**Chairman McGrath** called the meeting to order at 6:48 p.m.

**Approval of Minutes:** Sellman motioned and Kehoe seconded approving the Minutes of the January 8, 2019 Planning and Zoning Commission meeting. Motion carried.

**Report on Council Actions.** City Councilman Haverfield reported on the City Council meeting of January 22, 2019. 1) Haverfield advised there had been the creation of a Local LID for a couple of districts in the central part of Nampa: LID No. 166. Haverfield noted there were 43 volunteer property owners that chose to be a part of the LID. 2) Haverfield noted the Amendments to Nampa City Code, Title 3, Chapter 7, Impact Fees, and City Council motioned to go forward with the changes.

**Chairman McGrath** proceeded to the business item on the agenda.

**Business Item No. 1:**

**Election and Appointment of 2019 Nampa Planning and Zoning Commission Officers. ACTION ITEM.**

**Kehoe motioned and Miller seconded to nominate Lance McGrath as Chairman of the Planning and Zoning Commission for 2019.  
Motion carried.**

**Miller motioned and Kropp seconded to nominate Peggy Sellman as Vice Chairman for 2019.  
Motion carried.**

**Chairman McGrath** proceeded to the public hearing items on the agenda at 7:00 p.m.

**Public Hearing No. 1:**

**Subdivision Preliminary Plat Approval for New York Landing Subdivision east of Southside Blvd on the north side of Alma Lane. (A portion of the east half of the NW ¼ of Section 12 T2N R2W BM – 409 Single Family Residential lots on 136.27 acres, or 3.00 lots/gross acre) for Kent Brown representing Trilogy Development, Inc (SPP-00036-2018). ACTION ITEM.**

**Chairman McGrath** proceeded to public hearing.

**Kent Brown of 3161 E Springwood Dr, Meridian – representing the applicant:**

- Mr Brown explained that in 2007 approval had been received for the Annexation and RS-8.5 zoning for the subject property.
- The Preliminary Plat was approved at that time but had since expired.
- The applicants, added Mr Brown, have now come back with basically the same preliminary plat layout, however, the piece on the north side of the canal with a roadway connecting to Locust Ln had been eliminated from the proposed plat, due to the requirements of the Boise Project Irrigation District.

- Alma Ln, stated Mr Brown, was the southern boundary of the subject property and was currently a minimal lane.
- According to Mr Brown, the applicants and City staff have agreed that two lanes and connection would be provided for Alma Ln across the entire frontage of the subject property, to provide for the subject development, as well as the existing neighbors.
- Mr Brown advised there would be a fence along the New York Canal, and the existing ditches would be tiled and continued through to adjacent properties.
- City staff added Mr. Brown had requested one more street be stubbed to the parcel to the west.
- The proposed roads and micro-paths would connect to the central park open space area.
- A covered picnic shelter, tot facility or playground equipment would be provided, and possibly a half basketball court.
- There would be a landscape buffer to the south along Alma Ln, continued Mr Brown.
- Mr Brown explained the intent had been to stay within the original Development Agreement attached to the subject property and stay consistent with the allowances of the RS-8.5 zoning district.
- In response to a question from **Kehoe, Mr Brown** stated the applicants would be willing to make the changes indicated in the Staff Report, regarding the minimum lot size.
- Mr Brown advised the applicants were in agreement with all the conditions of approval listed in the Staff Report.
- **Chairman McGrath** inquired if Alma Ln would be the only ingress and egress for the subdivision and **Mr Brown** replied it would be.
- In response to a question from **Kropp, Mr Brown** indicated the large vacant lot to the west of the subject property that was not under the applicants' ownership.

**Planner II Critchfield:**

- The proposed New York Landing Subdivision, advised Critchfield, comprised 409 lots, including 31 common lots.
- A portion of the RS-8.5 zoned lots comprised 70 infill lots, added Critchfield, and they do meet Code.
- Critchfield indicated the lots that were substandard in square footage or width would require correction.
- Regarding right-of-way, landscaping and lot compatibility, the proposed subdivision was in compliance.
- Critchfield noted the residential areas surrounding the subject property.
- Critchfield reviewed the Staff Report and recommended Conditions of Approval.

**Chairman McGrath** proceeded to public testimony.

**Anne Clarkson of 3973 Bell Ct, Nampa – opposed:**

- Ms Clarkson stated she was representing 9 families in Mansfield Park Subdivision, to the north of the New York Canal and north of the proposed development, within 300 ft of the proposed subdivision.
- The homes in Mansfield Park, continued Ms Clarkson, have been there since approximately 2005.
- Ms Clarkson noted concerns regarding the proposed New York Landing Subdivision:
- It would have a very large impact on the Nampa School District, and questioned if the school district had been notified, and were they prepared for the additional children at all grade levels. What would be the cost for the number of teachers and amount of facilities to handle the addition.
- Alma Ln and portions of Southside Blvd are not prepared for pedestrian traffic and questioned how many school buses would be required to service the additional students. Had there been a sit-down planning meeting with the Nampa School District Administrators and Board to thoroughly discuss the impact. Ms Clarkson did not consider 60 days sufficient time for the School District to review any concerns.
- Ms Clarkson questioned if the Police Department and Fire Department had discussed handling the 24-hour protection of the new outlying population.
- Highway traffic is a major concern because Alma Ln is a much smaller, narrow road, noted Ms Clarkson, and added that subdivision traffic will exit on to Alma Ln, and questioned if the two-lane road replacing the current one lane would be completed before the subdivision was built.
- Ms Clarkson inquired what type of traffic studies had been done to determine the recommendations of the four-way stop sign at Locust Ln and Southside Blvd and inquired if a traffic light or roundabout had been considered. Ms Clarkson noted the number of traffic accidents at the intersection. Ms Clarkson inquired if the request for a traffic light could go the Public Works Dept for recommendation as soon as possible.
- Would there be a requirement for a Homeowners' Association to maintain the integrity of the subdivision.

- Would the landscaping requirement include the following: sprinkler systems, grass in the front and back yard, 3 shrubs at the front, 2 trees – one in the front and one in the back and considered the properties should be fully developed before being sold.
- Ms Clarkson inquired about the quality and variation of design of the proposed homes.
- Ms Clarkson questioned who would own the trees on the south side and adjacent the New York Canal, and maintain the area for the birds.
- How would the New York Canal be maintained adjacent the proposed subdivision, inquired Ms Clarkson?
- Ms Clarkson suggested there should be a plan for City walkways and bike paths for the outlying area and proposed new development.
- Ms Clarkson stated she was speaking as a representative for: herself, Mel Clarkson, Amy and Jody Harris, Barbara Schuler, Shannon and Jim Holland and Melissa and Kevin Detweiler.

**Gene Thompson of 3909 Alma Ln – opposed.**

- Mr Thompson voiced concern regarding the proposed subdivision disrupting the style of life for surrounding properties.
- Mr Thompson also had concerns regarding Alma Ln, as well as the blind intersections with Happy Valley Rd and Southside Blvd.
- The size of the lots, continued Mr Thompson, would not facilitate larger homes and noted the existing larger homes adjacent the subject property.

**Rodney LaFee of 4424 Alma Ln, Nampa – Undecided:**

- Mr LaFee stated he lived on the east side of the proposed subdivision and had several concerns.
- Mr LaFee noted Alma Ln goes all the way from Happy Valley Rd to Southside Blvd and at the present time the road was not wide enough for a school bus and vehicle to pass.
- Mr LaFee inquired what would be happening along the rest of Alma Ln that not adjacent to the subject property, due to the fact both the Southside Blvd end and Happy Valley ends involve bridges.
- Additionally, the exit would be at the top of a hill.
- Mr LaFee noted there were a lot of pedestrians walking Alma Ln and questioned if there would be a sidewalk all the way from Southside Blvd to Happy Valley Rd.
- Mr LaFee also noted the amount of quail and wild birds in the area.

**Susan Schuler of 4500 Alma Ln, Nampa – Undecided.**

- Ms Schuler stated her property was located on top of the hill and suggested with widening the road her well would then be right on the edge of the road.
- Ms Schuler questioned if the curbs, gutters and sidewalks would have to be paid for by the existing property owners that were not a part of the proposed subdivision.
- The existing school, one half mile to the south on Southside Blvd, was noted by Ms Schuler and the amount of traffic going to and from the school in the morning and afternoon.

**Zoe Middleton of 4601 Alma Ln, Nampa – Undecided:**

- Ms Middleton stated she had lived on Alma Ln since 1951.
- According to Ms Middleton, she also had a lot of concerns regarding the traffic.
- At the present time, continued Ms Middleton, stated it was very hard to get on to Happy Valley Rd, and the same with Southside Blvd.
- Ms Middleton reiterated there were a lot of vehicles to and from the school to the south on Southside Blvd in the morning and afternoon.
- During the previous application for the subdivision, stated Ms Middleton, there had been a road from Alma Ln, across the canal to Locust Ln and that would help move some of the traffic that way, However, it was not shown as part of the present application for New York Landing.
- According to Ms Middleton, she would like to see the entire length of Alma Ln widened, with curb, gutter and sidewalks.

**Sarah LaFee of 4574 Alma Ln, Nampa – Undecided:**

- Ms LaFee concurred that Alma Ln was currently a one car lane.
- Ms LaFee discussed the issues with the Alma Lane, Happy Valley Rd intersection and the heavy volume of traffic that would be generated with the proposed subdivision.

- Ms LaFee emphasized how important it would be to require Alma Ln be widened to two lanes from Southside Blvd to Happy Valley Rd as well as sidewalks, curb and gutter.

**Travis Edwards 4153 E Locust Ln, Nampa – Undecided:**

- Mr Edwards stated his property was located to the north of the subject property, across the canals.
- Mr Edwards voiced concern with the impact on the Nampa School District, as well as the traffic on Happy Valley Rd and Southside Blvd, and the volume of traffic that would be added to the offset intersection at Happy Valley Rd and Locust Ln.
- The two way stop at Southside Blvd, added Mr Edwards, was already an issue.

**Jeff Hankins of 4221 Alma Ln, Nampa – Opposed:**

- Mr Hankins indicated the location of his property at the east end of Alma Ln.
- Mr Hankins inquired what the speed limit would be on Alma Ln.
- According to Mr Hankins, as the City grows, the Planning Commission should take into consideration some responsibility with the lifestyles of the people that live adjacent to the new developments.
- Most of the residents on Alma Ln, added Mr Hankins, enjoy the freedom and quality of life that comes with having a little room, and the proposed development would not fit.

**Feline Lewis of 5028 Castleton Ave, Nampa:**

- Ms Lewis explained her parents live on Alma Ln
- Ms Lewis inquired if the developer would be responsible for moving all the power poles and fencing along the south side of Alma Ln.

**Bill Louderback of 3515 Alma Ln, Nampa - Opposed:**

- Mr Louderback stated he was opposed to the proposed development because of the impact on the quality of life.
- Mr Louderback added they have lived on Alma Ln for 25 years and the proposed development would be a major life change for anyone living in south Nampa.
- In response to a question from **Mr Louderback, Chairman McGrath** advised the subject property had been inside City limits for a number of years, and the public hearing was regarding the Preliminary Plat and not the annexation of the property.
- Mr Louderback referred to the prolific amount of wildlife inhabiting the subject property.
- Mr Louderback questioned what was in it for the residents who had lived on the adjacent properties for such a long time.
- Where would the power poles be located for the proposed development, inquired Mr Louderback.
- Mr Louderback reiterated the need for sidewalks on Alma Ln for the pedestrians and cyclists.
- Would there be speedbumps on the new two-lane Alma Ln, questioned Mr Louderback.

**City Engineer Badger:**

- According to Badger, the developer would be required to improve Alma Ln from Southside Blvd to Happy Valley Rd as a two-lane road. The new policy with Impact Fees, added Badger, would be for the developer to provide the street asphalt improvements for the entire length of Alma Ln, and on Southside Blvd and the frontage on their frontage of Alma Ln to install a sidewalk, but not curb and gutter, which would be something to be done at a future time using Impact Fees within the Capital Improvement Plan.
- The developer, with the annexation, continued Badger, dedicated 40 ft of right-of-way on the north side of Alma Ln from the quarter section line north which would allow improvement northward without having to move any further south. Badger indicated the area where the developer would need to work with the Nampa Highway District for that section of roadway adjacent Happy Valley Rd.
- Discussion followed regarding the proximity of the Schuler well to Alma Ln.
- In response to a question from **Miller, Badger** advised all Preliminary Plat applications were provided to the Nampa School District, and the school district uses that information for their planning for future schools.

**Superintendent Kellerer of Nampa School District:**

- Ms Kellerer stated the Nampa School District does receive subdivision information for review regarding growth.

- According to Ms Kellerer, it was difficult for the school district to predict how many children would be coming into the school district with that growth, because it had been shown that fewer and fewer children were coming into the school district.
- Ms Kellerer noted the trend at the present time for people relocating to Nampa tended to be a little bit older and if they have children, they would impact the secondary school buildings which were currently at capacity.
- Ms Kellerer stated the school district does have school buses going into New Horizons School, but the school also has parents that choose to deliver their students to the school.

**Planning Director Holm:**

- Holm advised the subject property had previously been annexed into the City and zoned RS-8.5 in 2007, along with a Preliminary Plat for New York Landing that had previously expired.
- The application before the Commission at the present time was the submittal for the Preliminary Plat for New York Landing.
- **Kehoe** noted the Fire Department and the Police Department had also received notification regarding the Preliminary Plat submittal for New York Landing Subdivision and had the chance to make comments.

**Kent Brown:**

- Mr Brown confirmed the subject property had been annexed into the City subject to the Development Agreement.
- The Development Agreement, continued Mr Brown, contained all the information regarding the HOA, the types of houses, sample building elevations, and Conditions of Approval for New York Landing Subdivision.
- Mr Brown discussed the Traffic Impact Study for the development.
- The majority of the existing trees, stated Mr Brown, were within the New York Canal easement and not under the developer's authority.
- In response to a question from Kropp, Mr Brown advised the developer would be constructing the roadway and would be working with the Engineering Department regarding the timing of each section of Alma Ln, and probably start with the east end out to Happy Valley Rd.

**City Engineer Badger:**

- Badger advised there would be traffic calming required internal to the subdivision, however, traffic calming speed bumps, or similar would not occur on Alma Ln.
- **Chairman McGrath** inquired about a City pathway in the vicinity and **Badger** advised the City had a Trailway Master Plan and the trails were generally located on the drainage facilities but supply canals, because of the speed and volume of the water, were not included in the pathway plans. Therefore, added Badger, the Pathway Plan does not have any pedestrian pathways along the Ridenbaugh or the New York Canals.

**Kehoe motioned and Sellman seconded to close public hearing. Motion carried.**

- **Garner** inquired if the sidewalks would only be in front of the subdivision land.
- **Badger** replied the developer would be required to construct sidewalk along the Southside Blvd frontage, and along the frontage of their property. They would not be required to place sidewalk for the area of Alma Ln that was not contiguous to their property.
- **Badger** replied to a question from **Garner** and stated, under the new City requirements regarding Impact fees going to the highest priority projects, the developers would no longer be required to fully develop the adjacent roadway, but would have to put in turn lanes, etc., that the Traffic Study had identified, as well as the sidewalk.
- **Badger** discussed the timing of the future traffic light at Southside Blvd and Locust Ln.
- In response to a question from **Garner**, **Badger** stated that regarding the intersection of Alma Ln and Happy Valley Rd, the developers would be required to have a professional engineer accomplish the design for that intersection, which would then be reviewed by the City Engineering Division for compliance.
- **Holm** indicated the 2007 Development Agreement containing the minimum design standards for the proposed homes – including the minimum floor area, exterior eave overhang, the wall planes, roof pitches, roof coverings, and some building elevations and architectural elements.
- **Kent Brown** reported there would be multiple building elevations and landscaping in keeping with the Development Agreement requirements. The subdivision would be a full buildout by one developer, added Mr Brown.

**Keohé motioned and Miller seconded to approve the Preliminary Plat for the 409 lot New York Landing Subdivision located on 136.27 acres east of Southside Blvd, on the north side of Alma Lane, for Kent Brown representing Trilogy Development, Inc, subject to:**

- 1. The Developer/Development shall remedy and bring into conformance all substandard lot sizes and lot widths and in the preliminary plat, specifically:
  - a) Lots 10 and 11 of Block 2 shall be at least 8,500 square feet.**
  - b) Lots 10 – 16, 19 and 21 of Block 2 shall be at least 70 ft wide.**
  - c) Lot 16 of Block 11 shall be at least 50 ft wide;****
- 2. The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of the matter including, specifically, the following:
  - a) At the appropriate time, those listed in the December 17, 2018 memorandum from the Nampa Building Department authored by Neil Jones.**
  - b) Those listed in the December 19, 2018 letter from the Nampa and Meridian Irrigation District authored by Greg Curtis.**
  - c) Those listed in the January 4, 2019 letter from the Idaho Transportation Department authored by Sarah Arjona.**
  - d) Those listed in the January 9, 2019 letter from the Boise Project Board of Control authored by Thomas Ritthaler.**
  - e) Those listed in the January 15, 2019 memorandum from the City of Nampa Engineering Division authored by Alex Main.**
  - f) Provide street improvements on Alma Lane from Southside Blvd to Happy Valley Road as a two-lane road.**
  - g) Dedicate forty (40) ft right-of-way on the north side of Alma Lane from the quarter section line north.**
  - h) Construct sidewalk along the Southside Blvd and Alma Lane frontage that abuts New York Landing Subdivision property.****
- 3. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the Development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable.**
- 4. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in/on a/the final plat that may be submitted to the City following approval of the New York Landing Preliminary Plat.**
- 5. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.**

**Motion carried.**

**Conditional Use Permit for a Home Occupation Firearms Business at 1110 S Bonneville Dr (Lot 43, Block 3, Victory Subdivision No. 2, a .17 acre or 7,609 sq ft portion of the NE ¼ of Section 32 T3N R2W BM), for Russell Leone, DBA Leone Development, LLC (CUP-00127-2018). ACTION ITEM.**

**Chairman McGrath** proceeded to public hearing.

**Russell Leone of 1110 S Bonneville Drive, Nampa – the applicant:**

- The plan, advised Mr Leone, was to start a very small operation.
- According to Mr Leone, he had received a U.S. Patent in May of 2018 for a firearms barrel and advised he would be involved in developing that business and would be utilizing the house strictly for administrative purposes.
- Mr Leone reiterated there would be no business or manufacturing conducted at the house and it would be all outsourced manufacturing and hopefully the business would be able to grow into an industrial building.
- Mr Leone considered the proposed Home Occupation would have zero impact on the neighborhood.
- With the firearms licenses he would receive, added Mr Leone, he would want to have the ability to do a few one-off custom firearms builds, possibly two a month, so virtually no walk-in traffic at all.
- Mr Leone stated his main goal was to sell the main product, the firearms barrel through distribution channels and have no activity at the house whatsoever.

- **Kehoe** noted the applicant had stated on his application there would be minor storage of inventory on the premises and inquired what inventory would be stored.
- **Mr Leone** replied that possibly he would order 10 complete barrels from the manufacturer and they would be kept in the safe until they were shipped out to the distributor.
- Mr Leone reiterated that as soon as possible the business would be relocated to an industrial building where all the parts of the business would be under one roof, and the sales would not be conducted from his home.

**Planner II Critchfield:**

- Critchfield indicated the location of the residence within an RS-6 zoning district, surrounded by RS-6 development.
- Critchfield noted the applicant advised the Home Occupation would be primarily a computer setting in an office with minimal inventory.
- Staff advised Critchfield had received two verbal notifications of opposition from local residents in the neighborhood while posting the property regarding the Planning and Zoning Commission meeting.
- Critchfield reviewed the Staff Report and Staff recommended conditions of approval.

**Chairman McGrath proceeded to public testimony.**

**Frank L Robles of 1028 Bonneville Dr, Nampa – Undecided:**

- Knowing that there is no storage of stock on the premises, and no sales from the house was fine, and he considered it would not affect the community in any way.
- Mr Robles stated that at one time in the past his dog had got out and when he went to apologize, he was told by Mr Leone that if the dog ever came on his property again he would shoot it. Mr Robles stated he owned firearms himself but considered the comment from Mr Robles to be a bad attitude towards firearms.

**Carl Grimes of 1512 W Dakota Lp, Nampa:**

- Mr Grimes voiced concern with the security regarding people breaking into the house.
- Mr Grimes inquired what kind of security was in place for the guns on the property.
- Mr Grimes presented a Petition of Opposition with 20 signatures.
- According to Mr Grimes, the security of the business was of prime importance for the neighborhood property owners and acknowledged it would just be parts, not gun sales.

**Kropp motioned and Kehoe seconded to close public hearing. Motion carried.**

**Miller motioned and Sellman seconded to approve the Conditional Use Permit for a Home Occupation Firearms Business at 1110 S Bonneville Dr, for Russell Leone, 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 Firearms business shall be satisfied prior to occupancy.
2. The owner operates the business as a typical Home Occupation business with no manufacturing and minimal storage of inventory.
3. The owner maintains all regulatory permitting, licensures and operational procedures as required by law.
4. At no time will the owner be permitted to conduct sales on the premises (only internet sales permitted).
5. Inventory is locked in a secure safe.
6. The Conditional Use Permit is granted only to the property located at 1110 S Bonneville Dr, and only to the applicant Russell Leone, dba Leone Development, LLC, for the duration of the use and shall not be transferable to any other person or location.

**Motion carried.**

**Conditional Use Permit for a Home Occupation Firearms Business at 3422 E Red Sunset Maple Dr (Lot 11, Block 1, Whispering Maples Subdivision and a .30 acre or 12,610 sq ft portion of the NW ¼ of Section 25 T3N R2W BM), for Jeffrey Nobles (CUP-00128-2018). ACTION ITEM.**

**Chairman McGrath** proceeded to public hearing.

**Jeff Nobles of 3422 E Red Sunset Maple Dr, Nampa – the applicant:**

- Mr Nobles stated it would be an internet-based business, with no guns coming through the house, and he would not be manufacturing anything.
- Hopefully, added Mr Nobles, the manufacturing would take place in Idaho Falls, but at the present time it was still in the retooling process.
- Mr Nobles advised the guns would be manufactured in Idaho Falls with his name on them, and they will then be shipped via the internet.
- Mr Nobles stated he did not want any gun transfers at his home, did not want people at his house, and no more fire arms at his house than he owned personally,
- According to Mr Nobles, there would be no manufacturing or ammunition at his home. There was a security system and safes, continued Mr Nobles.
- Mr Nobles recognized the fact there was a school across the North Nampa Lateral and reiterated there would be no gun sales from his house.
- **Chairman McGrath** inquired if none of the firearms would be going through Mr Nobles' house.
- **Mr Nobles** stated that was the case and added not even parts.
- According to Mr Nobles, he does still like to build his own guns but would not be manufacturing, only for himself.
- **Kehoe** inquired exactly what Mr Nobles would be doing regarding the firearms business.
- **Mr Nobles** replied he was petitioning the ATF for a license to sell firearms and that would entail using his name, manufacturing the guns in Idaho Falls, and then selling them over the internet to certain places, but they would not be coming to his home.
- **Kehoe** inquired if the applicant was designing the weapons and Mr Nobles replied to the affirmative.
- **Mr Nobles** advised the guns he designed would have a serial number registered with the ATF, with his name on it and made in Idaho, enabling him to sell his firearms over the internet.
- Mr Nobles reiterated there would be no assembly of guns for the business in his home.
- **Kehoe** stated he was still not sure what Mr Nobles would be doing, if Mr Nobles would be making his own personal guns at the house, would he be selling them.
- **Mr Nobles** stated he had no machinery at his home to make guns, but he could put together a gun from parts from different producers.
- Mr Nobles stated the gun he would be selling would be an AR-15, manufactured in Idaho Falls and shipped over the internet to the buyer.

**Planner II Critchfield:**

- Critchfield indicated the location of the subject property in an RS-6 zoning district, surrounded by single family residential homes, and the adjacent Parkridge Elementary School.
- Critchfield noted the Nampa School District had submitted a letter of opposition to the requested Conditional Use Permit, indicating the business would be conducted within what has been identified as a Federal Gun Free Zone.
- According to Critchfield, an interpretation had been requested and received from the City Attorney and had been put before the Commission members.
- Critchfield reviewed the letter received from City Attorney, Mark Hilty of Hamilton, Michaelson & Hilty, LLP, and noted the Federal Gun Free Zone law did not apply to private property.
- Critchfield reviewed the Staff Report and recommended conditions of approval, noting there would be no assembly or sales of firearms would be allowed from the premises.
- **Miller** suggested there could be more information mailed out to the surrounding property owners in the future regarding any Home Occupation/Conditional Use Permit request regarding firearms.

**Chairman McGrath** proceeded to public testimony.

**Shelly Bonds from Nampa School District, 619 S Canyon St, Nampa – opposed:**

- Ms Bonds stated the Nampa School District still had questions about the manufacturing, or testing, on Mr Nobles' property.

**Paula Kellerer of Nampa School District, 619 S Canyon St, Nampa – opposed:**

- Ms Kellerer thanked Mr Nobles for clarifying some questions.

- Ms Kellerer agreed the application for Home Occupation/Conditional Use Permit for firearms did need some additional information.
- Ms Kellerer indicated the location of the adjacent school and where the children play every day.
- According to Ms Kellerer, she had read the response letter from Mark Hilty a little differently.
- Ms Kellerer noted the application would comply with the Federal Gun Free Zone laws – only if the Planning Commission approved the application, otherwise it would violate the gun-free zone act, so it was a responsibility the Planning and Zoning Commission would take on, to make the decision.
- Ms Kellerer requested a guarantee the applicant would not be prototyping and would have no inventory at any time.
- According to Ms Kellerer, she still had significant concerns regarding the location of the proposed Home Occupation/Conditional Use Permit, as it would go against everything the schools try to prevent, to make sure their campuses are safe.

**Mr Nobles:**

- In order to gain the FFL, the ATF would come to the house or business periodically and audit every year. In order to gain the FFL he would have to comply with the City’s requirements. So whatever terms were set by the City would have to be met or he would lose his license, added Mr Nobles.
- A prototype, added Mr Nobles, would be his personal gun and would not technically be considered inventory.
- In response to a question from **McGrath**, **Mr Nobles** stated he had lived at the subject property for 3 years and the subdivision had been there for 5 years.

**Kropp motioned and Kehoe seconded to close public hearing. Motion carried.**

- In response to a question from **McGrath**, **Holm** stated he was in agreement with Mark Hilty’s interpretation of the Gun Free Zone Act.
- **Kehoe** stated that in good conscience he could not recommend approval of the application.
- **Miller** suggested that Condition No. 6 could be amended to state, “No inventory on site”.
- Discussion followed regarding personal inventory and business inventory.

**Miller motioned and Kropp seconded to approve the Conditional Use Permit for a Home Occupation Firearms Business at 3422 E Red Sunset Maple Dr for Jeffrey Nobles, subject to:**

1. **Compliance with all requirements of the Nampa Planning, Building, Engineering, Police and Fire Departments as well as State or Federal agencies regarding use of the property for a Home Occupation Firearms Business shall be satisfied prior to operation of the business.**
2. **Compliance with all restrictions associated with the Federal Gun-Free School Zone Act.**
3. **Operate the business as a typical Home Occupation business with no manufacturing and no storage of inventory.**
4. **Maintain all regulatory permitting, licensures and operational procedures as required by law.**
5. **At no time will the owner be permitted to conduct physical firearms sales on the premises (only internet sales are permitted).**
6. **No inventory on site.**
7. **The Conditional Use Permit is granted only to the property located at 3422 E Red Sunset Maple Dr, and only to the applicant Jeffrey Nobles, for the duration of the use and shall not be transferable to any other person or location.**

**Motion carried with Garner, Hutchings, Kropp, Miller, and Sellman in favor and Kehoe opposed.**

**Annexation and Zoning to IH (Heavy Industrial) at 0 Cherry Lane (Parcel R30839011A0) for construction of a Warehouse facility (Tax 03066 – 24.39-acre portion of the SE ¼ of Section 4 T3N R2W BM) for Richard Evans (ANN-00109-2018).**

**Chairman McGrath** proceeded to public hearing.

**Richard Evans of 9560 W Pebble Brook Ln, Garden City – the applicant:**

- Mr Evans stated the parcel comprised 24 acres that they were requesting Annexation and IH zoning.
- On the west side of the parcel, added Mr Evans, were railroad tracks, on the south boundary Cherry Ln, and a small stub road out on to Northside Blvd.

- The property, added Mr Evans, was currently an irrigated farm field and they would like to get the property zoned for warehouse use.
- Mr Evans stated he understood the City would require road improvements on the frontage, and utilities carried through.
- Mr Evans indicated the proposed layout for warehouses on the subject property, with an access road off Cherry Ln and all the warehouse structures for lease on one parcel.
- The stub road out to Northside Blvd, added Mr Evans would just be an additional access to the property.
- The proposed warehouse buildings would vary in size from 6,000 sq ft to whatever the market required.
- Most of the buildings would have sprinkler systems in them so would have to be kept above 50 degrees, and some will also have office space in the building, and some will not.
- In response to a question from Kropp regarding what type of businesses would be going in, Mr Evans stated at his other location on Broadmore, there were many types of businesses, distributors, small manufacturers, and sub-contractors supplying materials.
- The vacancy rate at the present time, stated Mr Evans, was very low.
- **Kehoe** inquired if there would be tractor trailers coming into the facility and could the stub street between the houses on Northside Blvd be restricted for tractor trailers utilizing that road.
- **Mr Evans** replied he did not think that would be a problem, however, he did not want to restrict emergency vehicles. Mr Evans reported the ingress egress area to Cherry Ln would be 80 ft wide and the tractor trailers would prefer to use that area.
- **Chairman McGrath** inquired what plans were in place for screening the yard off from the neighboring residential property owners on the east.
- According to **Mr Evans**, all the businesses utilizing the warehouse buildings would want a complete fence, 8 ft tall with slats for security.

**Planning Director Holm:**

- Holm stated the proposed Annexation and IH zoning would conform to the existing zoning to the west.
- On the Comprehensive Plan, added Holm, the subject property was also designated for Heavy Industrial use.
- At the present time, reported Holm, it was an agricultural property.
- Holm reviewed the Staff Report and recommended conditions of approval.
- **Kehoe** noted the railroad spur on the property to the west and questioned the possibility of putting a railroad line into the subject property.
- **Holm** noted the City would not have a recommendation regarding the railroad spur.
- **Kropp** inquired if screened fencing would be required around the property.
- Discussion followed regarding an 8 ft buffer fence adjacent the residential parcels.

**Chairman McGrath** proceeded to public testimony.

**Allison Garrison of 9090 Cherry Ln, Nampa – Opposed:**

- Ms Garrison stated her home would be right next to where the road would be going into the subject property from Cherry Ln to access the warehouses.
- Ms Garrison indicated the drainage ditch and voiced concern regarding how the new road into the subject property would affect their property and how it would transition.
- The warehouses on the subject property, added Ms Garrison, would take away their view.
- Ms Garrison also voiced concern regarding lowering their property value and the possible noise.
- Ms Garrison questioned what times during the day and night would the trucks be coming in and out.
- What products would be housed in the proposed warehouses, inquired Ms Garrison, and what dangers could that cause.
- Ms Garrison questioned what type of fencing would be constructed adjacent their property.

**Kevin Tetz of 17233 Northside Blvd, Nampa – Undecided:**

- Mr Tetz inquired why the subject property would be zoned Heavy Industrial rather than Light Industrial because the Heavy Industrial would not restrict lighting and noise.
- Mr Tetz voiced concern regarding light pollution, and the applicant providing any control over the lighting.
- In response to a question from **Mr Tetz, Chairman McGrath** stated the adjacent properties would not be scheduled for annexation.
- **Mr Tetz** requested the warehouse yards be required to clean up and not have trash piled up.

- According to Mr Tetz, a larger barrier than just a screening fence should be required between the warehouse facility and the existing residential properties, such as a sound barrier/wall.
- Mr Tetz noted the waste ditch for the waste water from the residential property pastures.

**Cricket Fuhrman of 17051 Northside Blvd, Nampa – Undecided**

- Ms Fuhrman voiced concern with the stub street out to Northside Blvd and the easement to their property.
- According to Ms Fuhrman, their well was right on the property line and she was concerned regarding the applicant paving over their well site.
- Ms Fuhrman questioned the time frame for completion of the proposed warehouse development.
- Ms Fuhrman stated they do have an easement and she wanted to make sure they retain the only access to their property via the stub street.

**Jay Fuhrman of 17051 Northside Blvd, Nampa – undecided:**

- Mr Fuhrman questioned the time frame for the start of the development.
- Mr Fuhrman stated he was not sure of the exact location of his ditch in relation to the actual property line, and also questioned if the large trees would be removed – and if they were on his property.
- Mr Fuhrman inquired if it was necessary to have the stub road as an access for the proposed development if they have a full 80 ft entry off Cherry Ln.

**Richard Evans:**

- Mr Evans stated the timeline on the development would be market driven, but they would immediately have a survey to obtain all the information on the subject property boundaries.
- Mr Evans advised they would then go to design phase and would anticipate being under construction later this year. Discussion followed regarding whether the trees were on the subject property or the Fuhrmans’ property.
- In response to a question from **Kehoe** regarding the stub road on to Northside Blvd, **Mr Evans** advised they would want to keep that strictly an emergency access.
- In response to a question from **Chairman McGrath** regarding a sound proof wall, **Mr Evans** stated he would not rule that out.
- Discussion followed regarding the size of the lots, gated fencing and the landscaped areas.
- **Garner** inquired about the location for a tractor trailer turnaround on the property.
- **Mr Evans** stated the truck trailers would be able to turn around anywhere, between any building and come back out. There will be restrictions on how tight the corners can be in order to allow room for the tractor trailers. According to Mr Evans, the warehouse tenants would want to fence their yard, but they would be gated to allow trucks to pass through.
- **Chairman McGrath** inquired if there would be control of fugitive lighting and **Mr Evans** stated the lights they use shine directly down the wall and would not be a glaring light.
- Mr Evans indicated the landscaped areas – which would also mitigate noise.
- In response to a question from **Kropp, Badger** advised the requirements for an emergency only access road included an all-weather surface and bollards on either end, with a chain and sign that states “emergency access only”.
- **Kehoe** suggested some of the dirt could be pushed into a berm around the property line to help mitigate the noise.

**Miller motioned and Sellman seconded to close public hearing. Motion carried.**

**Kehoe motioned and Miller seconded to recommend to City Council approval of the Annexation and Zoning to IH at 0 Cherry Lane, (Parcel R30839011A0) for construction of a Warehouse facility, subject to:**

- 1. Residential Compatibility:**
  - a) Posting and Control of the private access road to Northside Blvd for emergency use only, while maintaining easement access for adjacent residential users.**
  - b) Installation of sound deadening fencing along the easterly property boundary adjacent the neighboring residential properties.**
- 2. General:**
  - a) Per City Policy: At time of development or redevelopment, full frontage improvements, and utility extensions, to and through the site will be required.**

- b) **Abandonment of any existing septic system will be accomplished under the guidelines established by Southwest District Health Department.**
  - 3. **Right Of Way:**
    - a) **Right Of Way Dedication – Required:**
    - b) **Cherry Lane – Functional Classification is an arterial. Fifty (50) feet for half of a future one-hundred (100) foot right-of-way.**
    - c) **Northside Boulevard – Functional Classification is an arterial. Annexation will only be required to the prescriptive right-of-way of Northside Boulevard.**
  - 4. **Construction of a sound deadening barrier along the easterly property boundary adjacent the neighboring residential properties.**
  - 5. **Posting and control of the private access road to Northside Blvd for emergency use only, while maintaining easement access for adjacent residential users.**
- Motion carried.**

**Conditional Use Permit for a 72-Unit Apartment Project (three 24-Unit buildings) in a BC (Community Business) zoning district at 16056 N Merchant Way. (A 3.06-acre portion of the SW ¼ of Section 9 T3N R2W BM) for James R Wylie (CUP-00129-2018). ACTION ITEM.**

**Chairman McGrath** proceeded to public hearing.

**James Wylie of 1464 E Territory Dr, Meridian – representing the applicant James R Wylie:**

- Mr Wylie presented the proposed 72-unit apartment complex to the Commission and noted they were applying for a Conditional Use Permit for a 72 unit multi-family facility in a BC zoning district.
- **Kehoe** inquired if there were any building elevations to show what the apartments would look like.
- **Mr Wylie** indicated the plans showing the building elevations for the three apartment modules, each one being 24 units and 3-stories in height.
- The exterior, added Mr Wylie, would be primarily composed of hardi-siding and stone. There would be covered parking in the front, continued Mr Wylie, with one covered stall per apartment unit, comprising 147 parking stalls total.
- Mr Wylie indicated the common area between the north and south buildings, with outdoor seating and a BBQ area.
- **Chairman McGrath** inquired if there would be a “tot lot” and **Mr Wylie** replied there would not.
- **Chairman McGrath** questioned who the apartments would be marketed to and Mr Wylie indicated all the new medical development to the north and the ease of access to the freeway would provide for a wide variety of tenants.
- **Mr Wylie** responded to a question from **Chairman McGrath** regarding a small playground and stated the open area could also incorporate a small playground.
- **Garner** noted the comments from COMPASS suggesting sufficient open space for recreation for the children, which would go along with a tot lot.

**Planning Director Holm:**

- Holm noted the 72-unit apartment complex had been submitted for Conditional Use Permit consideration in the BC zoning district.
- The subject property, advised Holm, had previously been annexed and zoned BC in 2007.
- The BC zone was recently amended to allow apartments with approval of Conditional Use Permit, stated Holm.
- Holm noted the land was currently vacant and the applicants were proposing three 24-unit, 3 story buildings, including 54 two bedroom and two bath units, 9 three bedroom and two bath units, and 9 one bedroom, one bath units.
- According to Holm, there were 144 regular parking spaces, with 3 handicap spaces, for a total of 147 parking spaces, and the applicant had indicated half of the parking spaces would be covered.
- City water, sewer and irrigation services, reported Holm, were available to the property and would be accessed from the north.
- Discussion followed regarding the proposed, one handicap parking space per building, and whether that would meet ADA compliance. Holm noted the parking would have to come into compliance with ADA regulations.
- Holm reviewed the Staff Report and recommended conditions of approval.

**Jerrod Wallgren of JGT Architecture, 1212 12<sup>th</sup> Ave S, Nampa.**

- Mr Wallgren stated he was the architect for the project.
- Mr Wallgren considered the proposed apartment complex would provide higher density residential units on a commercial node with great connectivity to businesses, restaurants, retail, and would be a very nice apartment project.
- In response to a question from **Kehoe** regarding fencing between the proposed apartments and the adjacent Advantage Machine business, **Mr Wallgren** stated the owners would be open to some sort of fencing along that property line.

**Chairman McGrath** proceeded to public testimony.

**Carl Bloomquist of 115 N Jefferson St, Nampa – Opposed:**

- Mr Bloomquist stated his place of employment, Advantage Machine and Hydraulic, was located at 16050 N Merchant Way, Nampa, adjacent on the east side of the subject property.
- Mr Bloomquist explained the next-door business provided for machine and welding shop, repair shop, and a fabrication shop, where they work on farm machinery, construction machinery, well drilling machinery, build stuff from scratch, and work on everything.
- Mr Bloomquist considered the proposed residential development would not be appropriate for the commercial area.
- According to Mr Bloomquist, there were people delivering machinery and picking up jobs all the time, including on flat bed trucks, diesel pick-ups and were there waiting for the business to open at 8:00 a.m.
- Additionally, there were deliveries of raw materials on semi-trucks, by 8:00 a.m. and fork-lift trucks operating with back-up alarms.
- The proposed open space for the apartments, continued Mr Bloomquist, would be adjacent to the area where flat metal was stored, and fork lifts would be operating all day long.
- Mr Bloomquist considered the streets surrounding the subject property were not equipped for residential traffic, because Merchant Lane was very narrow, and Sand Hill Dr was more of a driveway.
- Mr Bloomquist noted all the businesses that utilize Karcher Bypass for truck traffic.
- The Advantage Machine and Hydraulics business had been there for 20 years, with an established clientele, stated Mr Bloomquist.
- Mr Bloomquist also spoke in opposition to the proposed apartment structure due to possible noise complaints, possible thefts, and damage to their property.

**Dale Bradburn of 3221 N Lily Turf, Meridian, owner of Advantage Machine – Opposed:**

- Mr Bradburn stated the freeway would be right in front of the proposed apartments.
- According to Mr Bradburn, it was already difficult to get out of N Merchant Way with the current traffic and suggested it would be more difficult with the cars from 72 apartments.
- Mr Bradburn noted Nampa Paving sometimes runs its operation 24 hours a day in the summer.
- Mr Bradburn inquired what type of fence would be going in to prevent the apartment residents from entering the Advantage Machine property.

**Darrel Rosti of 11621 Alamo Ln, Nampa – Opposed:**

- Mr Rosti stated N Merchant Way was a dead-end road and noted the difficult curve to access W Karcher Rd from N Merchant Way.
- Mr Rosti considered the machine shop would be in the middle of the residential apartments.
- On any given day, continued Mr Rosti, there would be more than \$2 million worth of equipment on the Advantage Machine property next door to the subject property.

**Andy Bloomquist of 17077 N Lyonsdale Pl, Nampa – Opposed:**

- Mr Bloomquist stated he had been part owner of Advantage Machine for the last 5 years.
- The plan was to continue the business for another 25 to 30 more years.
- Ms Bloomquist voiced concern there would be a lot of noise complaints, or unsightly complaints, from an apartment complex next door.
- Additionally, stated Ms Bloomquist, the traffic in the area was terrible all day and there was no good access.
- According to Mr Bloomquist they already had multiple issues recently with thefts from the property and considered the apartments next door would lead to many more thefts.

**Mr James Wylie:**

- Mr Wylie noted Sand Hill Drive had just been improved to the west near the hotel.
- Mr Wylie noted the subject property, as well as the properties to the north were also owned by the applicant and it had been set up so the rest of the surrounding land could be developed.
- According to Mr Wylie, traffic would be less with multi-family than any commercial/retail use.
- It was already known, stated Mr Wylie, the freeway was there, and the machine shop was next door to the east, and the residents would know that going in.
- The applicants would be willing to comply with whatever fencing the City required.
- According to Mr Wylie, they also dealt with theft from their properties - the hotel and the office building to the north, and they work with Nampa Police.
- **Chairman McGrath** inquired if the apartment plans included extreme sound mitigation on the walls facing the machine shop.
- **Mr Wylie** stated they did not have specific plans for sound mitigation, as they were applying for Conditional Use Permit approval at the present time.
- Discussion followed regarding the issues of sound mitigation and security for the proposed apartments.

**Kropp motioned and Kehoe seconded to close public hearing. Motion carried.**

- **Badger** responded to a question from **Miller** and stated the Karcher Overpass would not be going away but would be torn down and replaced and noted that N Merchant Way would not be terminated but would still connect to Karcher Rd.
- **Badger** explained there had been previous conversations with the developer regarding completing more of Sand Hill Dr so it would be a full two-lane connection between N Merchant Way and Karcher Bypass.
- Discussion followed regarding what protected the existing businesses from all types of complaints, including noise.
- **McGrath** inquired if the proposed apartment complex would be the right kind of infill project for the proposed location.
- **Miller** did not think the subject property would be good for residential use.

**Kropp motioned and Miller seconded to deny the Conditional Use Permit for a 72-unit apartment complex within a BC zoning district at 16056 N Merchant Way, for James R Wylie – concerning:**

1. **The location, size and design of the proposed 72-Unit Apartment Project will not be reasonably compatible with and will adversely affect the livability or appropriate development of the surrounding neighborhood.**
2. **The location, design and site planning of the proposed 72-Unit Apartment Project will not be as attractive as the nature of the use and its location and setting warrants.**
3. **The proposed 72-Unit Apartment Project will not enhance the successful operation of the surrounding area in its basic community function.**

**Motion carried with Garner, Miller, Kropp and Sellman in favor of denial, and Kehoe and Hutchings opposed to denial.**

**Amendment of Sections 10-4-10, 10-16-11 referring to a New Title 10, Chapter 34 for projects developed in GB zones, the HC zone and the BC zone, deletion of Section 10-4-11, Section 10-9-11, Section 10-16-12 regarding Design Review procedures and deletion of Section 10-4-12, Section 10-9-12, and Section 10-16-13 regarding appeals for the GB zones, the HC zone and the BC zone; and Establishment of a new Chapter 34 Design Review to include Section 10-34-1: Description and purpose, Section 10-34-2: Approval Required, Section 10-34-3: Applicability, Section 10-34-4: Application Referral, Section 10-34-5: Inclusive Approval, Section 10-34-6: Committee Review Procedure(s), Section 10-34-7: Administrative Review Procedures, Section 10-34-8: Application Content Requirements, Section 10-34-9: Appeals of Application(s) Decisions, Section 10-34-10: Permits' Duration, and Section 10-34-11: Design Standards/Requirements. The proposed Code amendments are intended to reposition City Design Review standards in one location and align them with current, common architectural themes (ZTA-000008-2019). ACTION ITEM.**

**Chairman McGrath** proceeded to public hearing.

**Planning Director Holm:**

- Holm advised the proposed amendments had been compiled at the request of the Building and Site Design Review Committee.
- One part, added Holm, would deal with re-structuring how the Design Review information is located in the Ordinance, and forming a new Chapter 34, which would put all the regulations in one chapter.
- The second part, stated Holm, was to adjust a few Design Review standards within the Ordinance.
- According to Holm, one of the most important changes were those in Section 10-34-11 regarding Design Standards/Requirements pertaining to the percentage of building facades that were required to have built-in architectural treatments. The new language recognizes other treatments that could be utilized.
- Holm reviewed the suggested changes and noted the changes would bring the Ordinance in line with the practices the BSDS Committee has been proceeding with and *Norman L. Holm* repositioning the standards into a single chapter.

**Chairman McGrath** proceeded to public testimony.

No public comment forthcoming.

- **Garner** noted the proposed Section 10-34-3-B Applicability: Refers to 10-34-2(A) and should refer to 10-34-3(A).
- Garner continued, noting that proposed Section 10-34-9(B) Appeals of Application Process, should add the words “within 15 days” to: An Appeal of a decision by Staff may be directed to the Design Review Committee for review and action by filing a written notice of appeal with the Director “within fifteen (15) calendar days” of the date of the decision.

• **Sellman motioned and Kehoe seconded to close public hearing. Motion carried.**

**Garner motioned and Kropp seconded to recommend to City Council approval of the Amendment to the Zoning Ordinance, regarding Building and Site Design Standards review, and a new Title 10, Chapter 34, subject to:**

1. **Correction to: 10-34-3B to refer to 10-34-3-A.**
2. **Correction to: 10-34-9 B to indicate an Appeal of a decision by Staff may be directed to the Design Review Committee for review and action by filing a written notice of Appeal with the Director within fifteen (15) calendar days of the date of decision.**

**Motion carried.**

Meeting adjourned at 10:30 p.m.



Norman L Holm, Planning Director

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