

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, FEBRUARY 9, 2021

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

COMMISSIONERS ABSENT:

CITY STAFF PRESENT:

Rodney Ashby, Planning Director (Chambers)
Daniel Badger, City Engineer (Chambers)
Kristi Watkins, Principal Planner (Chambers)
Parker Bodily, Associate Planner (Chambers)

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT:

With a quorum of Commissioners present, Madam Chair Sellman called the meeting to order at 6:45 pm.

ANNOUNCEMENTS:

APPROVAL OF MINUTES:

Garner motioned and Miller seconded to approve the minutes of the January 26, 2021 Planning & Zoning Commission Meeting. Motion carried.

REPORT ON COUNCIL ACTIONS:

No City Council representative present to report on City Council actions.

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

Business Item 1: Final Site Plan Approval for Kiwi Mobile Home Park to replace a prior mobile home park at 125 1st St. No., including two existing mobile homes and four new mobile homes (A .89 acre or 38,768 sq. ft. portion of the NW ¼, Section 22, T3N, R2W, BM, Nampa, Canyon County, Idaho, and the S ½ of Lot 6 and all of Lots 7 and 8, Block 15, Nampa City Acres 2) for Jeff Hatch representing Kiwi Enterprises LLC (MHP 003-20) – ACTION ITEM.

Director Ashby:

- Reviewed zoning and history of project, Comprehensive Plan guidelines, and all requirements and exceptions for this project (staff report/commission packet).
- The final plan application was submitted on November 19, 2020, prior to the preliminary plan being reviewed and considered by the Planning & Zoning Commission. No changes have been made since approval of the preliminary plan.
- Each lot will require a parking space; alternative parking for RV/Boat etc. is required by code.
- The CUP was issued on Wednesday, 3/25/20; CUP extension was approved on 11/24/20 and is valid through 3/25/21.

- The Commission approved the following findings:
 - 1) The location, size and design of the proposed Mobile Home Park Project will be reasonably compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood if the below conditions are required.
 - 2) The location, design, and site planning of the proposed Project will be as attractive as the nature of the use and its location and setting warrants.
 - 3) The proposed Project will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community.
 - 4) Conditions peculiar to the site exist warranting an exception to the minimum lot size requirement of five (5) acres, and a density of 6 mobile homes per acre because the mobile home park has existed at the location in the past and the use and design are consistent with other properties in the area.
 - 5) Departure from the standards for mobile home parks may be made without destroying the intent of the provisions needing an exception.
- The Commission had previously placed a condition of approval that the density may not exceed 6.74 mobile homes per acre. The proposed mobile home park is compliant with this condition.
- Staff recommended conditions of approval:
 1. Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
 2. The Developer and their Engineer and Contractor(s) shall adhere to the "Construction Duty and Responsibility Policy" Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual during the construction process. The Developer shall also sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.
 3. A Floodplain Development Permit Application shall be completed and submitted to the City for review and comment.
 4. Due to areas of the property being located within the 100-yr floodplain of Indian Creek, PRE & POST elevation certificates will be required. The affected spaces which will need to meet this requirement include but may not be limited to the following spaces:
 - a. Spaces 1 – 3
 - b. Space 7
 5. Applicant/Developer shall include a class 2 tree in the "Recreational Open Space."
 6. Comply with Title 4 – Building Code.

Kirkman inquired whether the units will all be new units.

Applicant: Jeff Hatch, Hatch Design Architecture, 200 W 36th St, Garden City, ID 83714:

Currently there are 2 acquired mobile homes they are looking at putting on the facility, based on the size and demographics that are approved in the final plat they will go to new construction for the balance of the mobile homes. The ones that are being installed will meet Building code standards.

The Commission reviewed NCC § 10-3-2 (CUP Conditions), NCC § 10-28-2 (Exceptions), NCC § 10-28-3 (Location Requirements), NCC § 10-28-5 (General Conditions and Limitations), and NCC § 10-28-11 (Recreation and Storage Areas) and found that the proposed Final Plan, with all conditions from the Preliminary Plan approval being met, complies with all relevant city codes and conditions of the Preliminary Plan approval and the Conditional Use Permit.

Miller motioned and Kirkman seconded to approve the final site plan for Kiwi Mobile Home Park at 125 1st St N for Jeff Hatch representing Kiwi Enterprises, with all staff conditions. Motion carried.

Business Item 2: Request for a Fourth Extension of preliminary plat approval for Silver Star Subdivision (a proposed, single-family residential subdivision) for six (6) months, in order to extend the third extension of approval from 2/15/2021 to 07/15/2021; the project is located at 8142 W. Ustick Road, 17535 Star Road, 17547 Star Road and three (3) parcels addressed mutually as 0 Star Road; said time extension request having been submitted for, and on behalf of, Silver Star Development, LLC. as Owner with Engineering Solutions, LLP/Becky McKay, as representative(s) and applicant; City case file no. SUB 660-15 (x-ref.: ANN 2065-15/SPP 00014-2017) – ACTION ITEM.

Principal Planner Watkins:

- The preliminary plat was approved along with annexation of the property in April of 2016, the 1st 18-month extension was approved in October of 2017, the 2nd 1-year extension was approved in February of 2019 and the 3rd 1-year extension was granted in February 2020.
- The applicant states that the off-site utility construction was hindered by road closures; they will be ready to submit the final plat application within a few weeks.
- Construction plans for Phases 1 and 2 are nearing completion and anticipate submittal of final plat application in the near future.

The Commission found the request for an extension to be reasonable and prudent.

Van Auken, Jr. motioned and Miller seconded to approve a fourth preliminary plat extension for Silver Star Subdivision until February 15, 2022, with all staff conditions. Motion carried.

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

Public Hearing 1: Annexation and Zoning to RS6 (Single-family Residential 6,000 sf) and Subdivision Preliminary Plat Approval of Chase Subdivision for 113 single family lots and 13 common lots for a 3.43 Gross Density and a 5.54 Net Density at 0 Middleton Rd - Parcel #R3145601200 (A 32.92 acre portion of land located in the NE ¼ of Section 19, T3N, R2W, BM, Canyon County, Idaho, for Schultz Development (ANN 190-20 & SPP 066-20) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Matt Schultz, Schultz Development, PO Box 1115, Meridian, ID 83680 - the applicant.

- Reviewed site location, parcel size and lot characteristics (staff report/commission packet).
- RS6 zoning code allows some diversity of lot sizes and maintain the 8,000 sf average so there is a mix of 20% of under 6,000 sf, the remaining lots will range up to 10,000 for an average of 8,000 sf.
- Centralized open space (1.25 acre park in the middle of the parcel) connects to 2 different roads which in the future will go out to Middleton and a future adjacent property development to the east.
- Accepts all staff conditions of approval.

Kirkman inquired whether the corner at Middleton and Orchard will be part of the property for future development. Applicant: Belongs to the Chase Family Trust, not part of this application. An easement was obtained for a sewer line through the property if needed as the main sewer trunk is in Middleton Rd., we will work with city staff on whether they will put it there or further south before finalization of final plat.

Principal Planner Watkins:

Annexation and Zoning:

- Reviewed current and surrounding zoning, surrounding land use, proposed zoning, school routes, and COMPASS Analysis (staff report/commission packet). Property is contiguous to city limits on the north, south and west sides.
- This property will take access from Orchard Ave. with a connecting roadway into Westminster Subdivision on the west and two stub streets for future development on the east. Reviewed access to school (Nampa HS-3.8 miles, Lone Star Middle School-1.1 miles, Roosevelt Elementary-2 miles, none of which are within walking distance, nearest bus stop-1.7 miles, nearest park-1.5 miles, nearest grocery store-1.8 miles).
- Farmland is being consumed by this development; there are 673 acres of farmland existing within 1 mile of the project.

Plat Analysis:

- Reviewed density data, stated plat is compliant in minimum lot area, lot size, depth and width and landscape plan (staff report/commission packet).
- Project meets minimum lot size requirements of 6,000 sf. 20% of infill lots are allowed which would be 22-they are proposing 18, all within the interior of the project. Lot averaging is allowable in an RS6 zone, lot width and depth is appropriate for this zoning.
- There are pathways internal to the project creating access through the larger blocks and connecting to the proposed sidewalk network.

- Pathway(s)/Open Space: There are pathways internal to the project creating access through the larger blocks connecting to the proposed sidewalk network. Overall open space (including landscaping and storm drainage) equals 4.9 acres (14.9%). Phase 2 of this project proposes a 1.25 acre park with a playground, benches, pathway and open play area.

Staff recommended conditions of approval:

- Pioneer Irrigation requires information on the development of the Isaiah Drain.
- Prior to filing for a final plat approval for any portion of the Project, the Developer's engineer shall correct any spelling, grammar, punctuation and/or numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat plan set that shall be remitted to the City.
- Dedicate the following public right-of-way prior to finalizing annexation: Orchard Ave – 50' from the Section Line.
- Frontage road improvements along Orchard Ave. shall be constructed in accordance with Nampa City Code Section 9-3-1.
- Developer shall address the following mitigation measures identified in the approved Traffic Impact Study at the time of property development: Orchard Ave & Barn Owl (site access) – Westbound left turn lane.
- Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of individual property development/redevelopment and prior to connection to City services.
- Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and head gate report for any surface water delivery prior to Final Plat submittal to support annexation into the Nampa Municipal Irrigation District.
- Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City's Master Plans: Extend 12" pressure irrigation main in Orchard Ave east along the rest of the project frontage.
- Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.
- Applicant shall address all street name comments identified in the letter from Nampa Engineering Division dated January 6, 2021 prior to Final Plat submittal. Applicant shall submit a revised Preliminary Plat reflecting the corrected names.

Kehoe: "2 series of duplexes were recently approved on Roosevelt, one across from the elementary school and one further down the block. With this new development, can nearby schools accommodate this number of new students? The school already has an outbuilding on the property now so do they just add another outbuilding when they say they have enough space for all these kids? Does the school district address this in their comments?" Watkins: "I can't speak for the school district, it would take a bond to build a new school." Kehoe: "Are we committing those people in the neighborhood to have to vote on a bond? It would be nice to receive more information from the school district when they make those kinds of comments and decisions."

Kirkman: "What does school district consider walking distance?" Watkins: "Anything under 1 mile or bus routes for more than a mile. Sidewalks will be included."

Madam Chair Sellman proceeded to public testimony (refer to staff report for previously submitted written testimony). No public comment forthcoming.

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

Garner: "This idea of varying sizes of lots, when they develop these subdivisions you get a developer who develops at a slant and this is our builder team, house plans, etc. and everything looks exactly the same with some varying colors. Roof pitches and all these different things must meet the covenants, in the idea of a homeowner who buys in that place, he expects everything to look that exact way. If someone comes before Commission and wishes to develop the land right next to it and the homeowner becomes upset because it doesn't look the same as what they live in, how does the varying sizes of lots play into that so that everything doesn't look exactly the same so in the minds of the homeowners everything doesn't have to look exactly the same?"

Watkins noted the idea behind having 20% of the infill lots be smaller than the standard buildable lot sizes is for that reason.

Kehoe: "You can't have the same home on every lot they have to be different, every home will look different."

Garner: "The comment about the builder team is important so you don't get every builder that comes in there and builds the same thing, a variety of styles should be provided. This development is very compatible with the area."

Sellman stated she approved of the amount greenspace in this subdivision.

The Commission reviewed NCC § 10-2-3(C) and the Comprehensive Plan, and found that it is in the public interest to provide varying residential-housing opportunities for its citizens and the current real estate market has a need for additional housing inventory/product, and that this zoning designation would promote orderly, systematic development in the city while conforming to the Comprehensive Plan guidelines.

Garner motioned and Kehoe seconded to recommend to City Council approval of Annexation and Zoning to RS6 (Single-family Residential 6,000 sf) of Chase Subdivision for 113 single family lots and 13 common lots for a 3.43 Gross Density and a 5.54 Net Density at 0 Middleton Rd - Parcel #R3145601200 (A 32.92 acre portion of land located in the NE ¼ of Section 19, T3N, R2W, BM, Canyon County, Idaho, for Schultz Development (ANN 190-20) with all staff conditions. Motion carried.

Garner motioned and Kehoe seconded to approve the Preliminary Plat for Chase Subdivision for 113 single family lots and 13 common lots for Schultz Development SPP 066-20 with all staff conditions. Motion carried.

Public Hearing 2: Development Agreement Modification originally recorded for Lakebrook Subdivision - Ordinance No. 3610, modifying the site plan, eliminating the proposed church to be replaced with additional single-family residential, removal of narrow private streets and gated neighborhoods, and revising the dimensional standards; Zoning Map Amendment from RSPUD to RS6 (Single-Family Residential 6,000 sf minimum); and Subdivision Preliminary Plat Approval for Middlebury Subdivision in an RS6 zoning district for 334 buildable lots, 1 existing home, and 36 common lots on 105.78 acres for 3.17 gross lot density and 5.22 net lot density; all located at 12246 Orchard Ave - County Parcel #s - R3280300000, R328001100, & R3279901000b(located in S 1/2 of Section 13, T3N, R3W, BM) for Jane Suggs - Gem State Planning representing Clinton R. Wissel (DAMO 040-20, ZMA 129-20 & SPP 065-20) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Jane Suggs, Gem State Planning, 9839 Cable Car Street, Boise – the applicant.

- This project has been re-designed to meet the current requirements of the Nampa Zoning Code and Subdivision requirements.
- Parcel is 105.8 acres and is already annexed in Nampa city limits, is currently zoned R6 with a PUD and was a part of a larger planned unit development called "Lakebrook" which was never constructed. Requesting a rezone to remove the PUD designation to RS6.
- Reviewed zoning and history of project and density.
- Requesting that the DA be modified to remove the narrow (Applicant stated public) streets that were part of the PUD, gated neighborhoods and revised dimensional standards of the Lakebrook PUD which was never constructed.
- The layout of the project will be revised and the proposed church lot on the south side of the project will be replaced with 334 single family lots, the current owner is maintaining their lot.
- Agrees with staff report as written and will comply with all conditions of approval.
- Density is within allowable medium density range (gross 3.17 dwelling units per acre, net 5.2 per acre).
- Lots range from 6,037 sf to 11,410 sf. There are blocks in the interior of the subdivision where we have mixed up lot sizes 8,000 sf next to 6,000 sf lots so there will be a mix of looks.
- 36 common lots that includes buffers, pathways and common open space totaling over 15 acres (14%).
- Detached sidewalks, bike lanes, plentiful pathways connect block to block and to regional pathways and additional landscape buffers throughout entire project.
- Courtesy letter was sent to neighboring properties; the only response they received was from someone who wanted to sell their property.

Kirkman: "Is the existing home excluded from the development?" Applicant: The existing home does figure into their density. If they take the existing home out it changes the density a small amount.

Principal Planner Watkins:

- Reviewed zoning, history and density of project (staff report/commission packet).
- The property is currently zoned RS6PUD and is surrounded by Canyon County properties on the south and west and by RS6PUD properties on the north and east that are currently vacant land.
- The annexation and zoning to RA was completed March 2005 and approved for rezone to RS6PUD with a DA February 2006.
- The 14% of open area is dedicated to pathways, landscaping buffers and stormwater management lots.
- Vallivue School District, Lakevue Elementary, Vallivue Middle and Vallivue High Schools, none are within walking distance from the connections within this development; if Cirrus Ave. and Flamingo Ave. ever connect this project will then be walkable to Lakeview Elementary.
- Plat comparison showed the old concept proposed approximately 273 lots with 1 church lot on the 105 acre area. With the rezone, reconfiguring of streets without so many cul-de-sacs and using their infill allowance in the RS6 zone the plat was redesigned with 371 total lots, including the existing home lot, and 36 common area lots and pathways. The RS6 zoning will require the development to have an average lot size of 8,024 sf. The request is consistent with surrounding land use designations and the Comprehensive Plan. The preliminary plat will set forth conditions for improvement of the property that conform to Nampa City Code. All lots meet width and depth requirements. The landscape plan was reviewed and revisions requested by Forestry and will be required prior to final plat signature. Parks Dept. has requested all the pathway improvements the applicant mentioned along the Wilson Drain and Upper Embankment.
- City services and emergency services are available to the property.
- The proposed church lot on the south side of the project will be replaced with single family home lots.
- Removing the PUD overlay makes the property developable under the standard Chapter 27 subdivision zoning ordinance rather than adhering to the standards set forth in Chapter 26 for PUD.
- Development Agreement Modification:
 - Ordinance 3610 (recorded 9/12/06): Request is to replace only the portion of the previous DA that describes the southern 105.78 acres, remove the narrow, private streets, gated neighborhoods and revised dimensional standards of the Lakebrook PUD. The present application before the Commission proposes replacing the DA in its entirety with a new DA (draft in staff report/commission packet).
- Rezone:
 - Reviewed surrounding zoning and land uses, and proposed zoning (staff report/commission packet).
 - Engineering has reviewed and approved a Traffic Impact Study (TIS) for this project and has added conditions to include mitigation measures.
 - The rezone would have little effect on the adjoining properties. The impact of rezoning the property from RS6-PUD to RS6 simply removes the requirements specific to a planning unit development.
 - The rezone is necessary in order to allow the applicant to develop the property the way they have proposed. It is in the interest of the property owner and conforms to medium density residential designation in the Comprehensive Plan.
- Findings of fact and conclusions of law regarding plat (staff report/commission packet).
 - Staff finds the application from applicant to be reasonable, the rezone is reasonably recognized as a legislative act, it is within the city of Nampa, the property is eligible by law for consideration and rezoning, the applicant intends to develop the property with RS6 standards, city utility services are available to the property, emergency services are available to the property.
 - Reviewed site characteristics, lot size requirements and open space.
 - Plat meets minimum lot size requirements.
 - Reviewed COMPASS Analysis reflecting more jobs are needed in the area. Nearest police station-4 miles, nearest fire station-1.6 miles. Farmland is being consumed; there is 1,173 acres of farmland within 1 mile of this property.

Recommended conditions of approval:

- Development Agreement/Rezone Based:
 - Provide a new Development Agreement document with new legal descriptions for the portion to change and a new concept plan/preliminary plat layout.

- **Plat Based: Generally: The Developer/Development shall comply with all requirements imposed by City Agencies involved in the review of this matter including specifically, the following:**
 - 1) Provide a revised landscape plan.
 - 2) Address GIS road naming comments.
 - 3) Construct pathways and deed and dedicate property or easements as per the Parks Department comments.
 - 4) Dedicate the following public right-of-way prior to finalizing rezone:
 - a. Orchard Ave – 50’ from Section Line.
 - b. Midway Road – 50’ from Section Line.
 - 5) Frontage road improvements along Orchard Ave and Midway Road shall be constructed in accordance with Nampa City Code Section 9-3-1.
 - 6) Developer shall address the following mitigation measures identified in the approved Traffic Impact Study at the time of property development:
 - a. Midway & Orchard – Signal or Multi-Lane Roundabout (RAB).
 - i. Pay extra-ordinary impact fee for converting RAB to multi-lane based on project share of trips; to be paid at time of the final project phase.
 - b. Orchard & South Access – WB right-turn lane and EB left-turn lane.
 - i. To be constructed by Developer at time of access construction.
 - c. Midway & East Access – NB left-turn lane and SB right-turn lane.
 - i. To be constructed by Developer at time of access construction.
 - 7) Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.
 - 8) Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of individual property development/redevelopment and prior to connection to City services.
 - 9) Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and head gate report for any surface water delivery prior to Final Plat submittal to support annexation into the Nampa Municipal Irrigation District.
 - 10) Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City’s Master Plans:
 - a. Extend 12” water and pressure irrigation mains in Midway Road and Orchard Ave.
 - b. Extend the Midway Sewer Trunk in accordance with Nampa Master Plans.
 - 11) Prior to submittal of the first Final Plat, Applicant/Owner shall coordinate with the Nampa Engineering Division and prepare sewer trunk alignment and profile evaluation to establish adequate gravity sewer service for the property and upstream sewer basins in accordance with the goals of the City’s Sewer Master Plans.
 - 12) Prior to submittal of the first Final Plat, Applicant/Owner shall coordinate with the Nampa Engineering Division and Pioneer Irrigation District to identify an appropriate location for a Regional Pressure Irrigation Pump Station and any associated necessary delivery/waste improvements. The Developer shall be required to construct the pump station with the first phase of the project subject to reimbursement by the City in accordance with City Policy and established future Memorandum of Understanding.
 - 13) Prior to submittal of the first Final Plat, Applicant/Owner shall address all street name comments identified in the letter from Nampa Engineering Division dated January 13, 2021 prior to Final Plat submittal. Applicant shall submit a revised Preliminary Plat reflecting the corrected names and other site layout comments.

Kirkman: “Is the current existing house currently accessed by a dirt road between a couple of residences, will that road be closed to that lot once this goes through and would they access through the neighborhood rather than that existing dirt lot back out on Orchard?” Applicant responded the southern portion of the property will likely be one of the last phases because the sewer comes from Midland; they would continue to use their access to Orchard until that section is built out then they will take access from (street frontage on the north side), which could be a few years out. The existing homeowner is aware of this.

Madam Chair Sellman proceeded to public testimony (refer to staff report for previously submitted written testimony). No public comment forthcoming.

Kirkman motioned and Miller seconded to close the public hearing. Motion carried.

Van Auken, Jr. noted he liked the looks of the project and thought it was a good use of land.

The Commission reviewed the request and determined that it is in the public interest to provide single-family residential development opportunities, and the rezone conforms to the adopted Comprehensive Plan designation of medium density residential.

Van Auken, Jr. motioned and Garner seconded to recommend to City Council approval of Development Agreement Modification originally recorded for Lakebrook Subdivision - Ordinance No. 3610, modifying the site plan, eliminating the proposed church to be replaced with additional single-family residential, removal of narrow private streets and gated neighborhoods, and revising the dimensional standards for Jane Suggs - Gem State Planning representing Clinton R. Wissel (DAMO 040-20) with all staff conditions. Motion carried.

Van Auken, Jr. motioned and Garner seconded to recommend to City Council approval of Zoning Map Amendment from RSPUD to RS6 (Single-Family Residential 6,000 sf minimum) located at 12246 Orchard Ave - County Parcel #s - R3280300000, R328001100, & R3279901000b(located in S 1/2 of Section 13, T3N, R3W, BM) for Jane Suggs - Gem State Planning representing Clinton R. Wissel (ZMA 129-20) with all staff conditions. Motion carried.

Van Auken, Jr. motioned and Garner seconded to approve the Subdivision Preliminary Plat for Middlebury Subdivision in an RS6 zoning district for 334 buildable lots, 1 existing home, and 36 common lots on 105.78 acres for 3.17 gross lot density and 5.22 net lot density; all located at 12246 Orchard Ave - County Parcel #s - R3280300000, R328001100, & R3279901000b(located in S 1/2 of Section 13, T3N, R3W, BM) for Jane Suggs - Gem State Planning representing Clinton R. Wissel (SPP 065-20) with all staff conditions. Motion carried.

Public Hearing 3: Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RMH (Multiple-Family Residential) at 916 E. Colorado Ave., 915 E. Bird Ave. and 908 and 912 S. Elder St. (Parcels R11455011, R11455010, R11451012, R11451013 totally an approximate 3.936 acre portion of the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, Idaho) for 3-story multi-family apartments, for Brandon Whallon representing Kennedy Family Ventures, LLC for Broadstone Apartments (ZMA 130-20) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Brandon Whallon, Hawkins Companies, 855 W Broad St, Boise, ID – the applicant.

- Requesting a rezone of the property to RMH and a parking variance (which will be presented before City Council).
- It has been a pleasure working with Planning & Zoning staff and he is in full agreement with all conditions of approval in the staff report.
- This is an infill property that Commission heard an application for last year for the same zoning designation, the only application materials submitted at that time were for a site plan, and perhaps due to the lack of supporting documentation there was some concern by neighbors. Reading through the minutes he saw the Commission had some concern about what may have been built there but recommended approval. City Council had the same concerns so they recommended that it be a 2 story multi-family development. In today's economic climate, with land prices, materials and labor, that project didn't pencil out. A brand new application for this property is being submitted 3.9 acres which would be considered an infill project.
- Seeking RMH zoning designation which Nampa city code states is intended for properties that are in close proximity to commercial zones (12th Ave & Colorado Ave-thoroughfare); also in close proximity to schools (NNU), so they are meeting all the criteria that is associated with a rezone to the RMH zone.
- COMPASS states this is a great use of this property due to nearby commercial, educational and recreational opportunities located within walking or biking distance.

- Amenities include a dog park with artificial grass, landscape buffer and berming, barbeque stations, picnic benches and sunscreens and in the NW corner an office and a gym. There are 60 enclosed bicycle parking locations.
- Reviewed landscaping to help buffer the project from existing neighbors, ground covers, shrubs and berming.
- He met with neighbors and told them 3 story buildings were necessary for this to be a project where the risk is equal to the reward and he has made a great effort to keep the buildings as far away from the existing neighbors as he could which is different from the original project.
- He provided an overview of the building units and associated parking: A typical housing project will have some 1 bedroom units, mostly 2 bedroom units and some 3 bedroom units; this project has more 1 bedroom units so in his parking calculations those all have 2 parking stalls per unit, the Jr. apartments have 1 parking stall per unit and there is a mix between 1.25 and 1.5 parking spaces per unit for the remaining apartments. We think the standard parking requirements for the City of Nampa for multi-family housing project is 2 parking spaces per unit no matter what the apartment size and it will average out over the project. We have some 2 bedroom units and the rest are all 1 bedroom units and that is why the parking reduction down from 2 units/2 parking stalls down to 1.53 will work over the balance of this project.
- Kirkman: That logic means that you are basically counting that every 1 bedroom is going to have 1 person, what about couples or roommates with 2 cars? Applicant: Some of our 1 bedroom units are as small as 575 sf very small for 2 people to live so we are counting that some of the 1 bedrooms will have 2 people living but we think most of them will, due to the size, will be 1 person occupancy.
- Reviewed landscaping and parking field as well as the buildings as they relate to the existing neighborhood to the north.
- When the survey was done on the property a property boundary error came up (fence encroachment); we worked that out with that neighbor and he is now in support of the project (communication below).
- Neighbors he spoke and met with stated they did not like the look or the feel of the Colorado Gardens apartments on the south side of Colorado so in this instance we worked hard to create a more visually appealing project with a pitched roof, the various materials in construction to fit within the neighborhood and his project will block their view of the Colorado Gardens apartments.
- Reviewed entrance off of Fern which is where the leasing office will be as well as the gym facilities and bicycle parking. He tried to bring the buildings as close to Colorado Ave. as possible.
- Reviewed building elevations which shows a lot of the materials he is using to make this interesting and not monotone (board and batten, brick, lapboard, architectural shingles, canopies over some of the decks, wood pergolas, pitched roofs and different trim materials for the windows).
- Along the south side of Bird and the east side of Fern, there is space for 17 on street parking stalls, he doesn't think the project needs it and stands alone with the parking as is but there would be an additional 17 parking spaces available.

Kehoe: "Do you know the name of the person whose opinion you changed on the dog park?" Applicant: "Bryan Beaty." Kehoe: "So it was not Joanne Willis?" Applicant: "No." Kehoe: "Those extra 17 parking spaces are on a public streetway?" Applicant: "Yes." Kehoe: "How many 1 bedrooms?" (51). "How many 2 bedrooms?" (34).

Associate Planner Bodily:

- Reviewed zoning and history of project, surrounding land use, property size and description, Comprehensive Plan designation, public services and utilities, and applicable regulations and COMPASS Analysis (staff report/commission packet).
- Reviewed regulations for zoning map amendment: Reasonably necessary, in the interest of the public to further promote the purposes of zoning and must agree with the adopted Comprehensive Plan land use map for the neighborhood.
- Reviewed agency correspondence included in staff report. Summary of opposition: The structure was originally limited to 2 stories with pitched roof and stone facades, want a park included, additional apartments would not be good for the neighborhood, inadequate parking, possible line of sight problems with landscaping, traffic flow on Colorado, a 3 story building would not protect the residential feel in the neighborhood, the amenities are beneficial to tenants but do nothing to maintain the character of the neighborhood, what would prevent the owner from revising the proposed plan to something larger, do not want the dog park adjacent to their property (relocate to another area in the development).

- Reviewed access to fire and police stations (2.3 m), schools (.7 m), bus stop (.9 m), grocery store (3 m), public park (.6 m).
- The previously proposed zoning amendment was approved in February by both the Planning & Zoning Commission and City Council with the condition that the developer enters into a development agreement limiting height of the structures to 2 stories. In April, City Council approved the rezone and added the condition that they have a pitched roof, earth tone colors and include stonework in the façade. In November, that application was withdrawn before the ordinance was read due to a change in developers. This application and development are by a different developer with a concept plan for 3 story buildings and will be accompanied by a variance application for less than the required parking amount (to be presented to City Council for approval/denial).
- There is a significant demand for this type of housing due to the close proximity of Northwest Nazarene University, and a large mix of zoning designations in the area that include the request of RMH zoning (Colorado Apartments).
- Utilities and roads are available to the site, emergency services are located nearby and service the area, right-of-way improvements will be accomplished as a part of the project, and residential infill often provides dwellings near community services and existing schools. The Comprehensive Plan would support the zoning changes and encourages infill developments such as this; this project fits the definition of an infill development very well.

Suggested conditions of approval should Commission recommend for approval the zoning request:

1. Any future development of the site shall be subject to permitting and plan review processes with the City of Nampa.
2. The Applicant's Engineer will work with the Nampa Engineering Division to determine a course of action to remove, relocate, and/or protect these utilities, including any affected active services. These shall be addressed through final design review and permitting. In particular:
 - a. The Development will be required to maintain or relocate the existing 8" water main through the site.
 - b. The Development will be required to relocate the existing 6" pressure irrigation main through the site and upsize to 8" in accordance with Nampa Master Plans.
 - c. The development will be allowed to entirely remove the existing 8" sewer and construct a new terminus manhole near Colorado Ave. Sewer service to 904 E Elder St will need to be accommodated through construction and relocated as needed to maintain service.
3. The development will be required to vacate existing and establish new public utility easements as needed to support the project and utility modifications.
4. The development will be removing the existing S Elder St connection to E Colorado Ave and shall construct curb, gutter and sidewalk in its place. Access will be from Fern St and Bird Ave.
5. Site distance at Fern and Colorado will need to be considered with the proposed landscaping and tree placement.
6. The developer will be in compliance with the Nampa Fire Department's conditions listed in the memo by Deputy Fire Marshall Brent Hoskins dated January 28, 2021 (staff report/commission packet). The development is 1.3 miles from Fire Station 2 with a response time of 1.3 minutes, the development would increase personal demand of .252 fire fighter positions.

Kehoe: "Do we care about access to universities or just elementary, middle and high schools?" Bodily: Elementary, middle and high schools are the primary concern. Kehoe: "These apartments would be beneficial to students of NNU; however NNU provides a lot of student housing as it is now."

Kirkman: "Why include a dog park in this development? Why not turn it into a community park?" Applicant: "We are seeing a change in demographics, people are staying single longer and choosing to live in this type of environment, folks review their dogs as family and we are trying to acknowledge that trend and provide amenities for them."

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

Miller: "I recall the conversations we had on the 2 story building, the developer originally requested 3 story which was denied due to close proximity to other nearby housing. I do not necessarily think promises were made but that is what was approved but this approach evidently did not work financially." Bodily: "This application is for the rezone, if you wish to hold them to a concept plan it would be through a development agreement."

Kirkman: "The Colorado Apartments are right across the street which is 3 story?" Sellman: "Yes." Kirkman: "I think this is a great infill project, when we are looking at the highest and best use for the land. It would be nice to see a park

there but Liberty Park is not too far down the road and a big community park is already nearby. I appreciate the developer this time moving those apartments closer to Colorado. The parking is something for City Council to decide.”

Kehoe: “The neighbors have a concern about insufficient parking and on street parking in front of their homes.”

Garner: “The development agreement is what would have held the previous developer enforcing the 2 story limit.”

Miller noted if Commission recommends approval of the application and City Council denies the parking variance as it sits the Applicant may have to restructure. Sellman noted at that point the dog park may have to be taken out.

Garner: “Does this project provide sufficient compatibility in the area? The scale may be out of proportion and accelerates too fast from single family residents to a 3 story multi-family housing and I don’t think that is the scale. Is it in the best interest of the neighborhood?”

Madam Chair Sellman proceeded to public testimony (refer to staff report for previously submitted testimony).

Principal Planner Watkins stated Bryan Beaty, 904 S Elder St. Nampa, ID. 83686, had trouble connecting remotely, he chatted: “I live directly next to the building plan and I support the plan.”

Marianne Beck, 912 E Bird Ave, Nampa, ID – opposed (letter in staff report).

Kehoe motioned to recommend denial of the zoning map amendment application. Motion died for lack of a second.

Van Auker, Jr.: “I agree this is a good infill site and great layout with good density and elevations, it would benefit the community. I know it is a challenge but a better location for the dog park may be necessary.”

Garner: “How many dog parks in Nampa?” Kehoe: “One with another being built.” Garner: “So the one dog park that is there now is not too far away.”

Miller: “I think the idea here is they are hoping a number of people are not going to actually have cars and without the dog park people without cars will not have access.” Sellman: “NNU is right next door, there is lots of open space if you clean up after your dog.”

Miller noted he appreciates that the developer tried to keep buildings away from the single family homes as much as possible.

Sellman noted that a neighbor right next door approves of this. The previous development was much closer to Bird Avenue and would have made a bigger impact on the neighbors, these pulled back buildings will create more distance. This property has been a vacant lot for a long time.

Turner: “Our restriction of the 2 story caused the previous developer to abandon the project, I would venture to say if we put the same restriction on this development they will run the numbers and pull the application as well. There has probably been a lot of interest in this property and it has remained a dirt lot. I like the idea.”

Kirkman: “I like the dog park as a good amenity for a complex like this, the parking variance goes to City Council. I appreciate you making the project as attractive as possible in that location.”

The Commission reviewed NCC § 10-2-3 C and found the project to meet the following criteria:

- 1) The proposed map amendment would be in harmony with the city’s currently adopted comprehensive plan and comprehensive plan land use map; and
- 2) The proposed map amendment would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses; and
- 3) The proposed map amendment would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts; and

- 4) The proposed map amendment would not create a “spot” zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s); and
- 5) The proposed amendment would be in the interest of the public and reasonably necessary.

Kirkman motioned and Turner seconded to recommend to City Council approval of the Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RMH (Multiple-Family Residential) at 916 E. Colorado Ave., 915 E. Bird Ave. and 908 and 912 S. Elder St. for 3-story multi-family apartments, for Brandon Whallon representing Kennedy Family Ventures, LLC for Broadstone Apartments (ZMA 130-20) with all staff conditions, no additional conditions were added other than staff conditions. 8 in Favor, 1 Opposed. Motion carried.

Public Hearing 4: Zoning Map Amendment from RD (Two-Family Duplex Residential) to RP (Residential Professional) for a portion of Parcel # R1177900000; and Conditional Use Permit for Multi-Family Residential apartments in an RP (Residential Professional) zoning district at 411 and 515 E Hawaii and 0 Constitution Way - county parcels R11767600000, R1177900000, & R1681700000, for a gross and net density of 20.37 on 18.65 acres (located on a portion of Lots 1 through 5 and all of Lots 6 through 10 of Block 187 of the Amended Plat of Kurtz Addition to Nampa Idaho as on file in Book 2 of Plats at Page 37 in the Office of the Recorder for Canyon County, Idaho, situated in the NW 1/4 of Section 34, T3N, R2W, BM) for Patrick Stoffregen - Pedcor representing Saint Alphonsus/Trinity Health (ZMA 131-20 & CUP 206-20) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing:

Patrick Stoffregen, Pedcor Companies, 770 3rd Ave SW, Carmel, IN 46032 - the applicant.

- Provided video presentation with conceptual site plan, White Pines is very similar to another project of theirs.
- Proposing a redevelopment of the old St. Alphonsus Hospital, the overall project is approximately 18.40 acres.
- The proposed redevelopment will be named White Pines Apartment Homes and be constructed in two phases.
- Phase One (515 E Hawaii Ave) will be 13.02 acres, 264 mf units (11 3-story bldgs.), 20.28 units/acre, with a club house, tot lot, playground and other amenities, 564 parking stalls and 8 dedicated garages, 4.22 acres of landscape/open space (32.5%) and includes trash enclosures.
- Phase Two (Main-NWC of Juniper St and Constitution Way) will be 1.13 acres with 24 multi-family units (1 3-story bldg.), density of 21.2 units/acre, tot lot, 54 parking stalls and .42 acres of landscape/open space (37.2%).
- Phase Two (South-SWC of Juniper St. and Constitution Way) will be 2.49 acres with 48 mf units (2 3-story bldgs.), 104 parking stalls, business center, oversized laundry, key fob secure entry, trash enclosure and 1.13 acres of landscape/open space (45.4%).
- Phase Two (NE-SEC of Hawaii Ave and Juniper St.) will be 1.76 acres with 44 mf units (2 3-story bldgs.), density of 25 units/acre and have 95 parking stalls, trash enclosure and .51 acres (29%) of landscape/open space.
- Long esplanades were created throughout the site providing green space and open space.
- Affordable, safe housing is necessary in this area especially close to medical offices to the southwest.
- Utilizing affordable housing tax credits for people who need affordable housing under Section 42 of the IRC.
- Reviewed rent limits, income limits and rent comparison; housing will have all amenities at a significant discount so they remain affordable for workers. Gave examples of who might quality. Handicapped-accessible units are available.
- City of Nampa code requires 2 parking spaces per apartment unit; they are providing more than this.
- Presented St. Alphonsus’ community health needs assessment report stating affordable safe housing is the number one priority.

Kehoe: “Will the paramedic/EMS station remain on site?” Applicant: “This is located in Phase 2, we won’t be developing that for a few years and the lease will be kept going until they are ready to develop Phase 2 at which time it will be turned into multi-family housing.”

Principal Planner Watkins:

- Reviewed zoning and history of project, surrounding zoning and density, and COMPASS Analysis (staff report/commission packet).

- A CUP is required for multiple family dwellings on RP zoned property. A multiple family apartment complex will be strategically located in this location that has access to community, retail, emergency and some transit services, while taking advantage of city utility services that already exist in the area.
- They will be splitting this property from the existing medical facility that is currently operating on the front portion.
- Applicable regulations:
 - Typical elements within the Comprehensive Plan 2040 5.5.4 High-Density Residential land use setting include multi-story structures with varied architectural features and landscaping. The demand for high-density housing has increased over the past few years as the overall cost of housing has increased. The Comprehensive Plan shows this area as High Density Residential at 8+ dwelling units per acre (gross) and is intended to include apartment and multi-plex buildings. This project proposes 20.37 units per acre.
 - Compass analysis shows that there are 5,590 housing units within 1 mile and 5,330 jobs within 1 mile indicating that there is a good job/housing balance in the area. The nearest bus stop is .7 miles away. The nearest public school is .5 miles away. The nearest public park is .1 miles away and the nearest grocery store is .5 miles away. A walkable environment.
 - Reviewed the layout of the proposed multi-family project on the entire area that will require and approved CUP (proposing 4 lots containing 380 d.u. constructed in 2 phases). The applicant's request for a CUP in an RP zone is required by code for multi-family dwelling units.
- Staff recommends using the following criteria to make a decision:
 - A CUP in an RP zone is required for multi-family dwelling units.
 - The proposed development location, size and design will not adversely affect the livability or appropriate develop of the abutting properties and surrounding neighborhood.
 - The location, design and site plan on the proposed multi-family apartments will provide a convenient and functional living, working, shopping or civic environment and will be as attractive as the nature of the use and its location and setting warrants.
 - The development is consistent with the appearance of the area and enhances the area in its basic community function.
- Reviewed Agency comments regarding the rezone and CUP.
 1. An email dated January 11, 2021, authored by Rodney Ashby, Planning Department, stating based on several multi-family, projects that have recently been denied or modified by City Council because of the lack of open space and amenities like playgrounds, ball courts, or barbecue areas and equipment, the Planning & Zoning Department recommends that conditions of the CUP include adherence to the conceptual plan presented in the application, or an acceptable modification to that concept such as a minimum acreage of open space and a combination of amenities approved by the P&Z Commission; and,
 2. An email dated December 29, 2020, authored by Brandy Walker, CenturyLink, stating that they have no reservations with this project as long as the developer sends construction plans to them if any planned construction should encroach upon their facilities. The developer would be responsible for all costs incurred if facilities need to be moved; and,
 3. An email dated January 7, 2021, authored by Rob Willis, Nampa Building Department, stating that lot lines within the project need to be adjusted (applicant has indicated that a lot line adjustment is intended); and,
 4. A letter dated January 14, 2021, authored by Brent Hoskins, Nampa Fire Dept, commenting on the location of fire hydrants, the height of structures, the length and width of access aisles, and signage for the subdivision. Comments also include the following statement:

"The City of Nampa Comprehensive Plan 2040 states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1.5 miles from the nearest fire station. This development is located approximately 1 miles from Nampa Fire Station #2 with an approximate response time of 3 minutes.

To properly serve the public for an all hazard response, the Nampa Fire Department should have 1 firefighter for every 1,000 residents served. This subdivision will add approximately 792 residents to 264 units, with an increased personnel demand of .792 firefighter positions."

5. A January 12 memo, authored by Andy Adams, Nampa City Engineering Division, that indicates:
 - A traffic impact study is being completed for this project to determine what mitigation, if any, will be required by the project.
 - All City utilities are currently available to the property, and existing onsite buildings appear to be connected. A brief description of the location of main lines in the area follows:
 - Water – 8" main in E Hawaii Ave.
 - Sewer – 8" main in E Hawaii Ave.
 - Pressure Irrigation – 6" main in E Hawaii Ave.

Recommended conditions of approval should Commission wish to recommend approval to City Council:

1. Comply with all City department/division or outside agency requirements pertinent to this matter.
2. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development.
3. Developer shall be responsible to perform any mitigation deemed necessary by the Traffic Impact Study.
4. Any future redevelopment of the site will be required to comply with all City Codes/ Policies/Standards in place at the time of redevelopment.
5. The Owner/Applicant shall provide legal description(s) and corresponding exhibit(s) at the time of development, for annexation of 515 E Hawaii Ave into the Municipal Irrigation District.
6. Maintain open space as proposed as requested by Planning & Zoning Director in his comments.

Kehoe requested clarification on where the bus will stop along 12th Ave. Watkins: Recently VRT has put in place the transit on demand program; she is under that impression VRT will stop anywhere along 12th Ave. if requested.

Kirkman: "The Planning & Zoning Director's open space comment, is there a specific percentage of recommendation of open space?" Watkins responded there is no specific percentage codified and staff is working towards this via workshops with the development community. Kirkman: "Staff is not comfortable providing a percentage at this point?" Watkins: "Correct; however the Commission may make their own recommendations and conditions. The Director recommends keeping the open space as shown."

Kehoe stated he thought the application was very professional.

Madam Chair Sellman proceeded to public testimony (refer to staff report for previously submitted written testimony).

Stacie Crust, 604 E. Hawaii Ave, Nampa, ID – Opposed:

Spoke in person and provided the following letter:

Disagrees that traffic will not be an impact. Sees accidents at that corner all the time and influx of this amount of traffic will compound that. Low income area and you are just going to create more low income housing which will increase the crime which is already an issue in this area. What about townhomes, small residential, the streets surrounding cannot support this unless the city wants to correct the traffic issues. She knows about the impact of apartments already and this is a horrible use of the property. How about a local developer?

Traffic: This section of Hawaii as is it is now is not prepared for the impact of traffic that would come from such development. Neither intersection at either end is safe as it is right now. It would just increase the current problems. The intersection of Sunny Ridge and Hawaii rarely goes two months without an accident. There is no good entry onto 12th Ave for traffic that needs to head South from Hawaii. It pushes traffic through the hospital traffic signal and through the neighborhood on Juniper. Currently speeding is a consistent issue on our road. We consistently hear cars turn the corner from Sunnyridge and use it as a drag strip. Let alone the consistent tail gating from people already trying to get to the hospital from through traffic as we try to drive the 20 MPH. I have even been passed by people on the left and right for going the speed limit.

Property Value: As it stands right now our property value is already impacted by the current apartments, duplexes, and townhomes in very close vicinity to our home. This will continue to push down the value of our property by adding more businesses and more multifamily apartments so close to our home.

Trespassing: We already struggle with multiple people in the complexes located directly behind us feeling as if they can jump our fence and walk through our property to save them extra time in their walk to their destination. The addition of more apartments will just increase our problem. Our neighbor and us actually look out for one another and notify each other when we witness people trespassing. It also continues to damage the fences located between us and the property behind us. It can come from the front as well if people decide it is a quick route.

Crime: Sadly we already live near apartments that are known by not just the Nampa PD but also the Caldwell PD. It is just a simple truth that apartment dwelling tend to be populated with more crime issues. The struggle already present from the current surrounding will just be amplified by more of the same. We also struggle with littering. From the foot traffic in front of our house to the apartments behind us who believe chucking their trash over our back fence is acceptable. It is not fun to have your daughter to discover a used condom while walking your back fence line. In the 4 years we have lived here we have seen many things already beyond just trespassing and traffic. I have called the police on a kid being beaten up who collapsed outside my house. My husband has assisted a drunk who had fallen and couldn't get up on the sidewalk. We have had property stolen from my husband's work truck.

We are less opposed to the residential professional proposed depending on the type of business allowed to be developed. We currently have Dillon Plumbing on the street and they are a great neighbor. But I would fear a gas station or the like being located directly across the street from my home.

We understand the land will be developed for something. We feel more single family homes, duplexes, or town homes would be better suited for this area that is already highly impacted by apartments. Regardless of what is developed the city would need to address the traffic and create safer travel for the intersections. (End of letter)

Crust stated a local developer would be more welcome as they would be more familiar with their community.

Badger: "A traffic study is needed to identify and categorize the mitigations needed for this project which is a process and is not required to be completed at time of a rezone. An application for a building permit or subdivision would trigger a traffic impact study. Prior to any actual construction happening, the traffic impact study would need to be completed, mitigations identified and required from the developer if they are not background traffic issues."

Miller: "What could be done in that area?" **Badger:** There are intersection treatments that could be done; it is unlikely that on 12th Ave. an additional signal would be easily accomplished because of the close proximity to the Iowa signal and the distances, this would be identified by the traffic impact study. The intersection of Hawaii and Sunny Ridge is currently a 2 way stop and has the potential of a 4 way stop or signal or other type of mitigation to alleviate the traffic situation, but without the traffic study he couldn't say what would be appropriate.

Miller inquired about the intersection of Constitution and 12th which is already quite bad. **Badger:** That one is a 3 way intersection, it is not likely that with a state highway there you would ever be installing stop signs or anything there, whether a traffic signal would be warranted there or not will be looked at in the scope of the study.

Garner: "What about a right only intersection there?" **Badger:** Those mitigation options that will be identified in the study.

Kirkman noted that even without an analysis it is safe to say that Sunny Ridge is going to become very busy you can't turn left on 12th Ave. coming out of any of those streets. **Badger:** The developers will be required to pay traffic impact fees that go into addressing traffic issues within our capital improvement plan as well any specific mitigations that are identified.

Sellman: "If there is mitigation decided that a 4 way stop is needed in Hawaii and Sunny Ridge or a light, does that get put in at the start of construction or during construction?" **Badger:** "When we look at those we often request that the engineer doing the study look at the timing on when it is needed. Often with the first couple of buildings that is not needed but at a certain point it is warranted; it can be conditioned on when an "X" number of buildings are complete." **Sellman** clarified that this would be in writing. Applicant stated they would be more than happy to comply with whatever recommendations come from the traffic impact study.

Joseph Crust, 604 E. Hawaii Ave, Nampa, ID – Opposed:

With the ambulance barn going away would speed limits increase? As it is, at 20 mph it's already a "dragstrip." If you take out the bus barn could you put in speed bumps or drainage ditches. Taking care of the intersections only does so much, the flow of traffic through that street with kids and the assisted living they just built, they have already seen a ton more foot traffic, but with cars speeding it is not good. Sellman confirmed she felt the traffic was very fast.

Kehoe: "They will look at those things. If you see speeding call the Nampa Police Department." Crust: "We do call, but the police can only do so much, they set up their traps pretty good."

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

The Commission reviewed both CUP Conclusions of Law/Findings and the 2040 Comprehensive Plan 5.5.4 High Density Residential and found the zoning map amendment request to be reasonably necessary, the location, design and site plan of the proposed apartments will provide a convenient and functional living environment, and the project conforms to the adopted Comprehensive Plan.

Kehoe motioned and Miller seconded to recommend to City Council approval of Zoning Map Amendment from RD (Two-Family Duplex Residential) to RP (Residential Professional) with all staff conditions of staff. Motion carried.

Kehoe motioned and Kirkman seconded to approve the Conditional Use Permit for Multi-Family Residential apartments in an RP (Residential Professional) zoning district at 411 and 515 E Hawaii and 0 Constitution Way with all staff conditions, including maintaining all open space as proposed per the Director. Motion carried.

Meeting adjourned at 9:00 pm.

Rodney A. Ashby, Planning Director
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A handwritten signature in black ink, reading "Rodney A. Ashby", written over a horizontal line.