

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, MARCH 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 (Chambers)	Tom Turner (Chambers)
Adam Hutchings (Chambers)	

COMMISSIONERS ABSENT:

Matthew Garner
Ron Van Auker, Jr.

CITY STAFF PRESENT:

Rodney Ashby, Planning Director (Chambers)
Daniel Badger, City Engineer (Chambers)
Kristi Watkins, Principal Planner (Chambers)
Parker Bodily, Associate Planner (Chambers)
Jeff Barnes, Deputy Public Works Director-Transportation (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 6:30 pm.

MOTION TO AMEND AGENDA pursuant to Idaho Code § 74-204 (4)(b)

Kehoe motioned and Kirkman seconded a motion to amend the agenda for the March 9, 2021 Planning & Zoning Commission meeting due to the inclusion of a presentation as a business item from Jeff Barnes, City of Nampa Deputy Public Works Director – Transportation.

ANNOUNCEMENTS:

Planning Director Ashby submitted a presentation to the Commission regarding the public hearing proceeding process.

APPROVAL OF MINUTES:

Kehoe motioned and Hutchings seconded to approve the minutes of the February 23, 2021 Planning & Zoning Commission Meeting. Motion carried.

REPORT ON COUNCIL ACTIONS:

Commissioner Haverfield stated that City Council expressed concern at the March 1, 2021 meeting over Senate Bill 1108 and its impact on city taxes and the availability of new construction values to be able to maintain the current service levels and for anticipated future growth. City Council is watching how this will impact Nampa closely; there have been several amendments to it as it has moved forward. It could impact the City about \$17MM over the next 8 years. At this point, City Council has decided to pause and move forward slowly with new projects, especially with new housing developments. The City of Meridian has made a similar announcement as well.

Kirkman inquired whether Council decisions are for new projects and existing projects. Ashby stated there has been no direction on this; currently annexations under 5 acres have not been a concern. Annexations will be considered on a case-by-case basis and may be delayed until a future date to give time for the Senate and House make a final decision. Once a decision is made, City Council will then make a final decision on the project.

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

Business Item 1:

Jeff Barnes informed the Commission of Nampa Transportation Master Plan updates to be presented before City Council on 3/15/21. Prior to proceeding with design work, staff is seeking public input on proposed designs (either roundabout or traffic signals) at 14 intersections in Nampa.

Madam Chair Sellman proceeded to Public Hearing items on the Agenda at 7:07 pm.

Public Hearing 1: Subdivision Plat Final Approval for Roosevelt Village, at 86 S Drifter Loop (formerly 1910 Roosevelt Ave) - County Parcel #R32029010000, for 11 duplex lots for a total of 22 dwelling units and 4 common lots on 3.17 acres for a 6.02 gross and net lot density; and, **Subdivision Plat Preliminary and Final Approval of Roosevelt Village No. 2** at 26 S Drifter Loop Parcel #R32029010A0 for 11 duplex lots for a total of 22 dwelling units and 2 common lots on 2.49 acres for a 4.12 gross and net lot density; both located in the NW ¼ of Section 29, T3N, R2W, BM) for Blake Wolf - Wolf Building Company (SPF-00154-2021, SPP-00067-2021, & SPF-00155-2021) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Blake Wolf, 843 W Horizon Way, Nampa - the applicant: Mr. Wolf stated he is available for questions after the staff report is presented and is aware and in agreement with staff conditions.

Principal Planner Watkins:

- Reviewed zoning and history of project, current and surrounding zoning, surrounding land use, staff analysis, Comprehensive Land Use Setting, lot analysis and agency/city department comments (staff report/commission packet).
- Reviewed conditions of approval:
Roosevelt Village Final Plat:
 1. Comply with all City department/division or outside agency requirements pertinent to this matter. This is to include any extant but applicable conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to the approved preliminary plat of/for Roosevelt Village No. 1.
 2. All public infrastructure associated with Building Permits RES-05883-2020, RES-05885-2020, RES-05887-2020 through RES-05890-2020, and RES-05892-2020 shall be fully installed, inspected and accepted by the City of Nampa and Record Drawings submitted for review prior to City Engineer signature of the plat.
 3. The final plat shall be signed and recorded prior to certificate of occupancy issuance for all Building Permits. As an alternative, the Developer may provide legal descriptions and exhibits to the Nampa Engineering Division for the purpose of recording public utility easements and ingress/egress easement. In this case, the road shall function as a private road until such time as the Final Plat is recorded and the road officially dedicated to the public.
 4. Developer shall provide documentation from the Irrigation District that all irrigation assessments for the property have been paid in full prior to City Engineer signature of the plat.
 5. Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed project plat development notes.

Roosevelt Village No. 2 Preliminary and Final Plat:

1. Comply with all City department/division or outside agency requirements pertinent to this matter. This is to include any extant but applicable conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to the approved preliminary plat of/for Roosevelt Village No. 2.
2. All public infrastructure associated with Site Improvement Permit SIP-00058-2020 shall be fully installed, inspected, and accepted by the City of Nampa and Record Drawings submitted for review prior to City Engineer signature of the plat.
3. The final plat shall be signed and recorded prior to certificate of occupancy issuance for all Building Permits. As an alternative, the Developer may provide legal descriptions and exhibits to the Nampa Engineering Division for the purpose of recording public utility easements and ingress/egress easement. In this case, the road shall function as a private road until such time as the Final Plat is recorded and the road officially dedicated to the public.
4. Developer shall submit plans to Nampa and Meridian Irrigation District for review of work with the Wilson Drain easement and provide documentation of their approval to the Nampa Engineering Division prior to Construction

Drawing approval. A copy of the executed license agreement if required shall be submitted to the Nampa Engineering Division prior to City Engineer signature of the plat.

5. Developer shall provide documentation from the Irrigation District that all irrigation assessments for the property have been paid in full prior to City Engineer signature of the plat.
6. Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed project plat development notes.

Watkins reviewed conclusions of law for any potential motions the Commission wished to make for their findings:

Final Plat of Roosevelt Village No. 1

1. Within the city limits zoned RP.
2. Substantially conforms to the Preliminary Plat layout.
3. Substantially conforms to the Nampa City Codes stated in NCC § 10-27 Subdivisions.

Preliminary Plat for Roosevelt Village No. 2

1. Within the city limits zoned RP.
2. Substantially conforms to the Nampa City Codes stated in NCC § 10-27 Subdivisions.
3. Substantially conforms to the Nampa City Codes stated in NCC § 10-13 RP District.

Final Plat of Roosevelt Village No. 2

1. Within the city limits zoned RP.
2. Substantially conforms to the Preliminary Plat layout.
3. Substantially conforms to the Nampa City Codes stated in NCC § 10-27 Subdivisions.

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

Kehoe inquired whether Roosevelt to the west of Stanley Creek would be widened as the area is wider there than adjacent to the subdivision. Badger: The Roosevelt Street frontage, per our new standards, is required to put in a sidewalk. They are not required to add full pavement and curb or sidewalk improvements because of the classification of Roosevelt St. Their frontage stops at the east and they have no frontage beyond where the canal actually butts up against Roosevelt.

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

The Commission reviewed applicable codes and zoning regulations submitted by staff and found the project met the requirements.

Kirkman motioned and Miller seconded to recommend to City Council approval of the Subdivision Final Plat for Roosevelt Village at 86 S Drifter Loop (formerly 1910 Roosevelt Ave), for 11 duplex lots for a total of 22 dwelling units and 4 common lots on 3.17 acres for Blake Wolf – Wolf Building Company (SPF-00154-2021) with all conditions of staff and conclusions of law. Motion carried.

Kirkman motioned and Hutchings seconded to approve the Subdivision Preliminary Plat for Roosevelt Village No. 2 at 26 S Drifter Loop for 11 duplex lots for a total of 22 dwelling units and 2 common lots on 2.49 acres for Blake Wolf – Wolf Building Company (SPP-00067-2021) with all conditions of staff and conclusions of law. Motion carried.

Kirkman motioned and Franklin seconded to recommend to City Council approval of the Subdivision Final Plat for Roosevelt Village No 2 at 26 S Drifter Loop for 11 duplex lots for a total of 22 dwelling units and 2 common lots on 2.49 acres for Blake Wolf – Wolf Building Company (SPF-00155-2021) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 2: Conditional Use Permit for Home Occupation Firearm Sales Business in a RS8.5 (Single Family Residential – 6,000 sq. ft.) zoning district at 13334 S Stockbridge Way (A .24 acre parcel being a portion of the SW ¼ of Section 30, T3N, R2W, BM, Nampa Canyon County, ID; Lot 5, Block 6 of Rockwell Village Subdivision) for Miodrag & Denise Georgevitch (CUP-207-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Miodrag Georgevitch, 13334 S Stockbridge Way, Nampa – applicant.

- He and his wife have run the same business in California for 10 years with zero issues.
- Their business caters to law enforcement and first responders and the majority of their business is online.
- They run a discreet business, this will not be an actual store and the area will not be impacted at all.
- His current gun inventory is 200 guns, he is currently unable to sell his guns online legally and cannot sell more than 6 guns in a calendar year until the CUP is in place.

Kirkman asked that the applicant clarify who the guns are sold to and how these transactions take place. Response: An estimated 70-80% of their business is law enforcement. They sell to individual officers privately and professionally (duty weapons), many agencies will allow their officers to purchase their own duty weapons. They are appointment only, do not have an open door policy and are very selective on who they deal with. He is unaware if Nampa PD has a policy in place where officers may purchase duty weapons individually.

Associate Planner Bodily presented:

- Reviewed site characteristics, property access, Comprehensive Plan, zoning designation, and surrounding land use and zoning (staff report).
- Clarified zoning is RS8.5 rather than RS6 as originally advertised.
- Reviewed NCC § 10-1-10 Home Occupations:

“It is the intent of the home occupation ordinance that full scale commercial or professional type operations that would change the appearance or condition of a residence and/or be detrimental to neighborhood character, and would ordinarily be conducted in a commercial or industrial district, continue to be conducted in such district and not at, or from, residential property/dwelling unit.

Home Occupations Subject to Conditional Use Permits in Any District: Certain types of home occupations require special consideration and approval because of the nature of the use and its potential incompatibility with residential living.”

Conditions:

- “Signs: No sign is used other than a nameplate not over two (2) square feet in area and nonilluminated.”
- Home Occupation area cannot exceed 25% of home.
- No outdoor display of goods, equipment, or materials.
- Only one commercial vehicle allowed.
- No employees
- “Traffic: It is intended that vehicular or pedestrian traffic to or from a residential property operating a home occupation not be generated in volumes beyond that normal to the residential zoning district in which the home occupation is located. If additional parking for the home business is needed, then that parking shall be provided upon the property whereupon the home occupation is to be/is being operated...”
- Building shall retain residential appearance.
- Noise, vibration, glare, fumes, odors or electrical interference detectable to create a nuisance to the normal senses off the lot.
- “Sales: Infrequent residential or out of home sales (i.e., garage sales, estate auctions/sales, moving sales, block sales, patio sales) may occur in residential areas, provided sales are conducted not more than three (3) days at a time and no more frequently than once per calendar quarter...”

Complaint Procedures:

- Complaints on conditions regarding signs, space, storage and display or commercial vehicles will be handled by the planning department. Complaints regarding employment, traffic, residential appearance, nuisances, or sales will be dealt with as follows:
 - The Commission shall review home occupations upon receipt of two (2) written complaints from two (2) separate households located within 300’ of the boundary of the affected property. Said complaints shall set forth the nature of objection(s).
 - Such complaints shall be investigated by the city and the results reported to the Commission at a public hearing. The public hearing procedure and notification process shall be the same as outlined for conditional use permits.
- Standards for judging objections shall include, but not be limited to:
 - Generation of excessive traffic
 - Monopoly of on-street parking spaces

- Frequent deliveries and pickups by motor freight trucks
- Noise in excess of that created by normal residential use
- Smoke, fumes or odors in excess of those created by normal residential use
- Other offensive activities not in harmony with a residential neighborhood

The Commission, upon hearing the evidence may:

- Approve the use as it exists
- Require the use to be terminated
- Impose appropriate restrictions

Conditional Use Permits NCC § 10-25-1:

- “The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonable or incompatible with the type of uses permitted in surrounding areas, and for stipulating such conditions as may be reasonable so that the basic purposes of the chapter shall be served. Nothing construed herein shall be deemed to require the Commission to grant a CUP.”
- Relevant conclusions of law/evaluation criteria for CUP’s are as follows:
 - That the location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.
 - That the location, design and site planning of the proposed use 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.
 - That the proposed use will enhance the successful operation of the surrounding area in its basic community functions, or, will provide an essential service to the community or region.
- Reviewed agency correspondence:
 - Nampa Building Department: Requested compliance with Title 4 of Nampa City Code.
 - Nampa Fire Department: Provide quantities of all ammunition, black and/or smokeless powders and primers that will be on site at any one time.
 - Nampa Code Enforcement: No code violations at this time.
 - Nampa School District: “Nampa School District has the following comments on this conditional use application. Since the location is less than 1.5 miles by road from both Lone Star Middle School and Franklin D. Roosevelt Elementary, we want to make sure that OMG Tactical Armory has taken appropriate measures to add extra security to protect access to firearms and ammunition in the home. We believe items like proper secure storage of ammunition and firearms are required for this type of home business. We also believe a good process to make sure firearms are not left unsecured is a required part of the planning for this type of business.”
 - Nampa & Meridian Irrigation District: No impact.
 - Nampa Police Department: No correspondence received.
 - Animal Control: Warning was given for dogs in the front yard, no citations were issued.
- Provided overview of Citizen Comments:
 - In Opposition
 - Rockwell Village is a community of mostly retired individuals and families.
 - The business will bring in a lot of traffic to the rear of the subdivision with only one entrance.
 - The owner has had a history of disregard for the HOA and the CC&R’s.
 - The business would be located next to a common lot that is used by many in the subdivision and only has a wrought iron fence.
 - The business should utilize one of the many commercial spaces available in the City.
 - There are many gun and ammo stores in Nampa, and one should not be located in a residential area.
 - The owner has a history of violation with the Nampa Animal Control regarding their dogs and continue to violate laws.
 - The owner has been aggressive with those on the HOA board.
 - Website reviews for the business notate that the business sets appointments for in person sales and that customers frequent the home.

- How can a small home occupation business do proper background checks on patrons?
- There are a number of negative reviews online for the business.
- There is a concern with the storage of large amounts of ammo in a home not designed for such use.
- There is a concern with the storage of weapons that could be prone to theft.
- The home occupation is not allowed by the HOA.
- Brings in customers that would rather not buy in a commercial area that might have something to hide.
- The home occupation will decrease property values.
- The home occupation compromises the residential feel of the neighborhood.

In Favor:

- Spoke to the owner about how the business will operate and didn't have any concerns.
- The HOA has stepped outside of their bounds by issuing a statement against the application that may have influenced the opinions of property owners.

Neutral:

- The owners need to provide information regarding how the business will operate.
 - Not opposed if the business is completely online with no traffic to the home.
- Potential conditions of approval:
 - Compliance with all City Codes, including Title 4 – Building Code.
 - The owner operates the business as a typical home occupation business with no manufacturing and minimal storage of inventory.
 - The owner maintains all regulatory permitting, licensures and operational procedures as required by law.
 - Only occasional firearms sales shall be permitted to be conducted on the premises.
 - Inventory is locked in a secure safe.
 - The home occupation for firearm sales shall be continuously operated in accordance with all City Codes
 - The conditional use permit is granted only to the property for the duration of the use and shall not be transferable to any other location.
 - Any other conditions recommended by the Commission following public hearing.
 - Potential motions for approval and/or denial were reviewed with Commission based on their findings.

Kehoe: One of the letters received states there are many gun and ammo stores in Nampa and a residential area is not an appropriate location for this type of use. There are 10 other similar business operating out of people's homes under CUP's approved between 2019 and 2021 and if any of those conclusions of law are violated the Commission could rescind the CUP, correct? Bodily stated he was not aware of any CUP's relating to guns that have been rescinded.

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

In support in person:

Kristina Hensley, 13333 S Stockridge Way, Nampa – in support.

- She lives across the street from applicant.
- On 2/28/21 the HOA Board emailed homeowners of Rockwell Village regarding the notice of public hearing signs in the applicant's front yard. The letter stated "The Rockwell Village HOA board needs to make it clear that having a business in one's home is not prohibited by the CC&R's as long as there was no signage, therefore, this is not an issue for the board to address with these neighbors," and "For your information, each one of the board members personally are opposed to the granting of this permit and have already submitted our letters to the Planning & Zoning Department."
- Stated she believed the HOA board should remain neutral and unbiased, and not give their personal opinion as to any official statement they provide may influence the impact or decision of other homeowners. Stated the HOA board did not give a reason for opposing the permit, she feels it is in retaliation for the applicant's refusal to move an enclosed cargo trailer parked in their driveway up against their garage door, not blocking the roadway or sidewalk. The trailer was used to move their personal items from California. The board instructed them to move the trailer to a storage facility at which time the applicants had already planned on returning the trailer to California within 2 weeks. The HOA Secretary/Treasurer Ms. Humphrey was notified of this but demanded they remove the trailer immediately choosing not to give them a grace period.

- After reading the board's letter emailed to all the homeowners, she posted comments on the Rockwell Village's Facebook page which was removed by the HOA board.
- She believes the applicants are responsible business owners.

Neutral/Undecided:

Patrick Benoit, 13408 S Deacon Ave, Nampa.

He has questions he attempted to ask the applicants 3 times and stated they would not answer the door.

1. What effect is this going to have on their property values.
2. His insurance agent told him that unless the applicant installs a fire suppression system, everyone in the neighborhood can expect a 5-10% increase in their insurance rates. Is a fire suppression system being installed.
3. Are the applicants required to post hazardous material placards? Kehoe responded that this may be necessary with the Fire Department depending on the materials.

He was notified via the Facebook Group since he lives on the far side of the property and they don't drive by that section of the subdivision.

His property manager tells him that if they were to sell their home they would be required to disclose the fact that this business is operating in the neighborhood which also affect sale prices.

Kirkman: Are you saying that if you are selling your home you would have to disclose the business because it is selling firearms and this is a requirement in Idaho real estate law? Benoit stated by Idaho law he would be required to do this. Commissioner Turner stated to his knowledge there was nothing on the property disclosures pertaining to this stipulation. The seller would not have to disclose either, this is not a law.

Kehoe stated that, as a retired insurance agent and the Chair as a current insurance agent, they have never heard that another company could charge you for what somebody else does in their business or their home and he believed this was a false statement. Benoit responded that it is because the applicant is storing large quantities of ammunition. Kehoe stated there is no state law, city code or insurance code saying any such thing.

Opposed:

Ruthann Humphrey, 13385 S Stockbridge Way, Nampa – opposed.

- She is managing secretary/treasurer of their HOA. She is not speaking on behalf of the board but as an individual as the board has no official position on the matter.
- Their CC&R's do not disallow this kind of business in the neighborhood.
- The city received feedback from well over 20 people. She does not have that kind of influence nor does the board to inspire over 20 individuals to correspond how they feel about this. This was not a vendetta, but a response to try to assist neighbors who wanted the board to do something.
- Stated the board responded to the homeowners "they needed to do this on their own, not expect the board to handle it or try to tell anyone how they should do it."
- She would like to know what inventory and sales means, is there a way to quantify this, this seems subjective. 200 guns is that limited inventory or a lot of inventory. Has the applicant submitted business records indicating how much inventory they keep and what the volume of sales is, as that is a concern of some of the neighbors.

Kirkman: Do you know of any other member of the HOA that is operating a business out of their home in any fashion. Ms. Humphrey stated she is not personally aware of any.

Parties that emailed Planning & Zoning directly (the following emails/comments are contained in the 3/9/21 staff report/commission packet):

- Gerald Cooke, no address provided – in favor (with conditions).
- Curt and Jen Shankel, 13341 S Stockbridge Way – in favor but did not wish to speak.
- Robert and Kristina Hensley, 13333 S Stockbridge Way – in favor but did not wish to speak.
- Richard McNitt, no address provided – in favor.
- Dawn Clowdus, 13373 S. Stockbridge Way – opposed.
- Ken Clowdus, 13373 S. Stockbridge Way – opposed.
- Robert Dennis, 13416 S Stockbridge Way – opposed.
- Jon & Jessica Fimea, 11642 West Freedom Dr – opposed.

- Karen Moore, 13370 S Stockbridge Way – opposed.
- Timothy Moore, 13370 S Stockbridge Way – opposed.
- Dennis West, 13458 S Stockbridge Way – opposed.
- Ruthann Humphrey, 13385 S Stockbridge Way – opposed.
- Bill Knight, no address provided – opposed.
- Solich, 13301 S Stockbridge Way – opposed.
- Ron and Kathy Belles, 11595 West Freedom Dr – opposed.
- Claire Hellwege, 13350 S. Deacon Ave – opposed.
- David Rob Kelley, 11540 W Norman St – opposed.
- Rhealene Kelley, 11540 W Norman St – opposed.
- Jerry and Linda Settle, 13382 S Stockbridge Way – opposed.
- Greg and Vickey Welter, 11612 W Norman St – opposed.
- Cheryl Dennis, no address provided – opposed.
- John Botero and Noeline Etchamendy, no address provided – opposed.
- Tom & Danna Pettigrew, (letter dated March 1, 2021), 11577 W Freedom Dr – opposed.
- Mary Ann Worle, 13425 S Stockbridge – opposed.
- Walt & Rosanna Jacoby, 13317 S. Stockbridge Way – opposed.
- Paul & Roberta Loveall, no address provided – opposed.
- Bill & Darlene Frame, no address provided – opposed.
- Ray & Sis Morrow, no address provided – opposed.
- Laura Gasper, no address provided – opposed.

Parties who signed up online for Public Hearing:

- Ron Melton, 11668 W Norman St, Nampa – in opposition but did not wish to speak:
“If this request is just on line sales, I am not opposed. However, if it means the public treating the home as a commercial store, I do not want to see it as a place to shop for firearms.”
- John Botero and Noeline Etchamendy, 13365 S. Stockbridge Way - opposed.
- J Mike & Nancy Williams, 13463 S Stockbridge Way, Nampa – (first submittal) in opposition but did not wish to speak.
- J Mike & Nancy Williams, 13463 S Stockbridge Way, Nampa – (second submittal) currently opposed would like more information.
“Rockwell Village is a small subdivision of approximately 65 single family homes. Our residents are primarily over 50 with a majority at or near retirement.
1. The safety of our residents is of primary importance.
2. Due to the makeup of our community I'm concerned about the possible additional traffic a thriving business may incur.
3. An additional safety concern would be the possibility of theft which I believe is minimal, but should that occur could be more dangerous due to the products offered.
4. It would be helpful to have the owners provide information regarding their experience with regards to the impact of customer parking and delivery/shipping hours.
5. I also believe that more time to investigate the actual impact of the request may have been appropriate. I believe the notification to actual hearing will be less than 14 days.
For these reasons I'm currently opposed to the request but would be flexible in reassessing based on additional information being provided.”
- Mary Gilbert, 11578 W Freedom Dr – in opposition but did not wish to speak:
Safety is a main concern because of a large inventory of firearms in a residential area primarily occupied by senior citizens, increased traffic and a decrease in our property values. I have lived here for 10 years and like many others chose this subdivision for its quiet and safe environment.
- Charles Gilbert, 11578 W Freedom Dr – in opposition but did not wish to speak:
Having lived here for 10 years and enjoying the quiet environment with mainly senior citizens, I absolutely oppose the sale of firearms in this residential community. I believe an arsenal of firearms creates a safety hazard, increased traffic, as well as a decrease in property values.
- Jessie Rasgorshek, 11562 W Freedom – in opposition but did not wish to speak.

“As a resident & homeowner in Rockwell Village, I oppose the request for the "Permit for Home Occupation of Firearm Sales Business." As Rockwell Village is a pleasant, quiet area occupied by many retired people, it is not an appropriate place for a commercial business of any type. The proposed Firearm Sale Permit would increase traffic, devalue property and could create safety issues related to firearms. If this permit is allowed, it could possibly open the way for other commercial business being added. To many of us, Rockwell Village was sold as an "Aging in Place Subdivision" and up to this point has proved to be just that! To continue these benefits offered by Rockwell Village to its homeowners, this application needs to be opposed. And as a suggestion, if the city would offer commercial businesses some encouragement to fill some of the empty spaces in downtown, it could help to revitalize our City of Nampa! I appreciate your consideration of the needs and desires of the Rockwell Village Residents! Thank you.”

- Douglas Hemenway, 13318 S Stockbridge Way – in opposition but did not wish to speak.
- Donna Benoit, 13408 S Deacon Ave – in opposition but did not wish to speak:
“We feel this type of business is not appropriate for our neighborhood, especially in this location. We believe it will increase traffic throughout the neighborhood which is a safety concern for all of us. This is a very small quiet housing track with only 2 entrances and the location is at the rear of the track so increased traffic will impact all of us. We are also concerned about a large volume of firearms and ammunition being stored and the possible danger of theft or other more violent crime that may result from public knowledge that this business is located in our neighborhood. Fire is also a danger that could be much worse depending on what is stored, black powder for example. We also feel that this business will have a negative impact on the property values in our neighborhood and could have a negative impact on our insurance costs.”
- Bob Brizendine, 13310 S Stockbridge Way – in opposition but did not wish to speak.
- Ron Humphrey, 13385 S Stockbridge Way – in opposition but did not wish to speak:
“I'm concerned that this sort of out-of-the-home business (firearms sales) is an unsuitable fit for this small and quiet neighborhood (predominantly 55+ and retired senior citizens). I'm also worried that the increased traffic volume from customers and deliveries (UPS, Fed Ex, etc.) will change the quiet dynamic of the neighborhood.”
- Timothy Moore, 13370 S Stockbridge Way – in opposition but did not wish to speak.

Parties who submitted additional correspondence after publication of staff report:

- Tom & Danna Pettigrew, (letter dated March 5, 2021), 11577 W Freedom Dr, Nampa – opposed.
“It is clear that they should not already be operating their commercial firearms sale business out of their home prior to the Public Hearing let alone before a Conditional Use Permit is issued. Neighbors have seen individual approach their home carrying tactical bags and leaving with tactical bags normally carried by law enforcement officers to carry their weapons when they are not in uniform. The business is operational. We have also become aware that OMG Armory has changed their website from Simi Valley, CA to Nampa, Id and they advertise that they are open for business.
Our HOA officers have had a number of frictional encounters with the applicants which have ended with something like, “if you don't like what we're doing, sue us, we have lots of money.” Or stated in a different way, forgiveness is much easier to acquire than permission.
We have a wonderful neighborhood with neighbors assisting and looking out for each other. An aggressive commercial business operating in our Rockwell Village is completely incompatible with our Single Family Residential neighborhood values. Please don't condemn our neighborhood by permitting this overly aggressive commercial business in our Single Family Residential Zone.”
- Mary Ann Worle: In addition to a previous correspondence sent on March 1, 2021, I would like to add the following questions and comments:
“If this use (firearms sales) is approved, how could the Planning Commission deny future similar requests involving those sales of alcohol or tobacco, all of which are also regulated by the Bureau of Tobacco, Alcohol and Firearms. If gun sales are allowed, why not a smoke shop or drive-thru liquor store? Sounds highly unlikely, but this is the request permitted use under consideration.
One of the concerns expressed by residents is security and crime. The Nampa Police Department did not submit comments which could be highly relevant to the effect on the surrounding neighborhood.
How will deliveries be handled during the absence of the business owner? Will the package be left on the front door for anyone to take? The consequences of firearms falling into the “wrong” hands could be severe,
If approved by the Planning Commission and with appropriate conditions of approval, how/who will monitor and enforce those conditions? I don't believe neighbors want to feel a need to keep close watch on their fellow

neighbors' daily activities. Typically, In the past, residents have voiced their complaints to the Homeowner's Association. What should be the HOA's response?

The underlying home occupation, firearm sales, are normally conducted and more conducive in a commercial or industrial zone and not in a neighborhood setting. The use appears to be beyond Title 10-1-10 of the City Code's intent for a home occupation use as well as the 2040 Comprehensive Plan Section 5.4.1.4 Allowance for Limited Commercial Development in Medium- and High-Density Residential. Because of the nature of the business, a conditional use permit is required to ensure and put conditions in place that guard and preserve the compatibility of a neighborhood character. Would it not be to the business owner's advantage to locate its premises to a permitted zoning use location?

Regarding the potential Conditional of Approval as stated in the Staff Report:

Item #2 . . . no manufacturing; the applicant's current FFL license allows manufacturing. Will the applicant be required to update the license to reflect only the sales and not manufacturing of firearms?

Item #4 . . . occasional firearms sales permitted on premises. Please be more specific as to the meaning of "occasional."

Added security, as described by the Nampa School District, has not been addressed.

I respectfully request that the Planning Commission deny the conditional use permit based on the Findings that: The operating characteristics would adversely affect the livability, harmony and character of Rockwell Village and;

The proposed use does not enhance the neighborhood's basic community functions or provide an essential service to the neighborhood or community."

Madam Chair Sellman invited the applicants to the stand for rebuttal.

Denise Georgevitch:

Her responsibilities are shipping/receiving, running to FedEx and the books.

Began to speak about dog incidents (Sellman stated dogs are not the concern).

Stated they did not receive a fair shake from the HOA. They arrived on January 20, and on the 12th it all started with the trailer. It has been one things after another, dogs, police, their shed.

Stated she was shocked when the public hearing sign was put up on the 25th, and began receiving emails immediately thereafter. Chair Sellman asked that the applicant please address the actual questions and concerns.

Stated they never had a chance to speak to anyone, they were prohibited from speaking at the 3/2/21 HOA meeting.

Mr. Georgevitch stated the community goes to the board for questions and the first week of they moved in there were a dozen people knocking on their door blatantly asking them what their political affiliation and religious beliefs were. He has been home nonstop and doesn't believe people knocked on the door.

Sellman: Inquired about background checks. Idaho subscribes to the NICCS system, the FBI called them and got them set up in anticipation of CUP approval. They researched and found 55 other dealers in the area.

Sellman: So the people can't just find you on the internet and come by. Response: None of their neighbors in California ever knew they ran a store and they had a lot of police cars at their house which the neighbors approved of.

Sellman: Where are you going to store the guns. Response: They have very large safes that are fireproof, they are a security safe dealer.

Sellman: What about ammunition, do you store a lot of ammunition or is it mainly guns. Response: Mainly guns, he has a lot of personal ammunition also in fireproof safe, he was a competition shooter for 20 years..

Sellman: What is the number of visits anticipated to your home. Response: Sometimes weeks go by without them seeing anyone, so it depends. They did an estimated \$400K of internet sales last year and drop ship from distributors to other dealers. Background checks are done on 100% of items sold and there are ATF audits.

They spent \$12K last year in postage and delivery, any traffic would be FedEx trucks, and they sees those type of trucks often in the neighborhood currently.

Her dogs are going to bark and they consider the dogs to be additional security.

Sellman: Do you have a fire suppression system, other than the fireproof safe. Response: No.

Miller: Are there any signs? Response: No, they are a dealer, not a gunshop.

Sellman: Is there a security system. Response: Not yet, they are planning to obtain one.

Kirkman: Is this your only source of employment. Response: Yes.

Hutchings: Have you looked at commercial locations as opposed to your home? Response: There is a shortage of guns and ammo because of covid, etc. Due to shortage of guns, commercial is not an option.

Sellman: Is a 200 gun inventory considered high? Response: 200 is pretty average, can't put guns on Gunbroker.com yet as their license is not current until the CUP is in place, they can't legally sell more than 6 guns in a calendar year without being out of compliance with ATF. They have had as many as 700 guns in stock.

Kirkman: During conversations with staff, were there any conversation about what limited inventory means or was occasional sales defined? Response: No one would see the impact of this business in the neighborhood.

Sellman: How fast is the inventory being moved. Response: There is a shortage of guns so they will go quickly. FedEx doesn't pick up, they drop off.

Kehoe motioned and Hutchings seconded to close the public hearing. Motion carried.

Miller: I don't see an issue especially because of all the federal regulations already imposed, and with regular ATF checks I don't see a problem with it.

Kehoe: We've approved 10 CUP's in the last 2 years and probably 50-60 since I've been on the different boards and never once have seen an issue, I think they are doing the right thing in the right way.

Kirkman: When you look at CUP evaluation criteria, the business in this home is not going to change the makeup or environment of that neighborhood. If there were signs and traffic he could see a problem, he doesn't see anything changing with what has been presented.

Turner: I appreciate the concerns and can understand the concern with safety, I don't see where we have any real grounds to stand on to say you can't do it. I do not see where it is going to cause any issues in the neighborhood.

The Commission reviewed applicable codes NCC § 10-1-10 Home Occupations, NCC § 10-25-1 Conditional Use Permits and did not find any conclusions of law that would adversely affect the livability of the neighborhood.

Kirkman motioned and Turner seconded to approve the Conditional Use Permit for Home Occupation Firearm Sales Business in a RS8.5 (Single Family Residential – 6,000 sq. ft.) zoning district at 13334 S Stockbridge Way (A .24 acre parcel being a portion of the SW ¼ of Section 30, T3N, R2W, BM, Nampa Canyon County, ID; Lot 5, Block 6 of Rockwell Village Subdivision) for Miodrag & Denise Georgevitch (CUP-207-21) with all staff conditions and with the condition that 1) the owners are to continue to conduct business by appointment only, and 2) that the firearms and ammunition are properly secured in storage at all times unless during a transaction. Motion carried.

Public Hearing 3: Annexation and Zoning to RMH (Multiple-Family Residential) for 623, 613, 607 and 523 N Happy Valley Rd, totaling 3.8 acres (a portion of the SE ¼ of the SE ¼ of Section 13, and the NE 1/4 of the NE 1/4 of Section 24, T3N, R2W, BM and the NW 1/4 of the NW 1/4 of Section 19, and the SW 1/4 of the SW 1/4 of Section 18, T3N, R1W, BM) – for development of Station at Gateway No. 2 multi-family development of 110 dwelling units for a net density of 28.95 for Brandon Whallon representing Colby Halker (ANN-192-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

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

- Presenting phase 2 application of the Station at Gateway multi-family housing project.
- Phase one was built about three years ago and has been a very successful project.
- Reviewed vicinity map and site plan reflecting locations of both phases. He would like to extend the zoning of RMH to the south for 110 units, along with a vacation along East Orchard Ave. that will go before City Council.
- They are having consistent month after month high occupancy rates (+97%). There is always a bit of turnover, they have been near full capacity the entire time.
- The project meets Comprehensive Plan designation.
- Reviewed amenities (clubhouse, pool, play areas, etc.).
- The 25% glazing requirement along Stamm and Happy Valley will be met.
- The new construction will be of similar and design to the original structure.

- There is a 7 ft. sidewalk south on Happy Valley which will be extended to the south for phase 2.

Kirkman: Are these separated buildings. Response: They are not separated buildings, they are basically using same design and bringing the buildings together and reducing the number of elevators.

Principal Planner Watkins:

- Reviewed parking and lot size requirements, site characteristics, zoning, project layout, general information (staff report). There will be plenty of parking and open space on this project. There is a central courtyard with green space and amenities, and a connected sidewalk network throughout the site to Happy Valley Rd.
- The application includes the area that will potentially of Orchard Ave. to be vacated.
- Staff Analysis Regarding Zoning Code:

NCC § 10-12: RMH (Multiple-Family Residential) District/Zone

“...is intended to be situated in close proximity to major commerce areas, campus location, and major thoroughfare intersections...”.

1. Land uses in the nearby area, and, more particularly site development both suggest that RMH zoning would be an acceptable fit for the area (other properties) given that RMH zoning was already approved for the properties to the north.

2. **Comprehensive Plan: High Density Residential**

- **5.5.4 – High Density Residential (8.01+ Gross Dwelling Units per acre):**

This Land Use setting has a density of over 8 dwelling units per acre. Its character is urban. This land use designation is typically Multi-Family Residential. It can include townhome, apartment, multi-plex and condominium buildings. For larger parcels, this land use setting would be more conducive to a town square village, cluster-building complex, planned-unit or master-planned community type of development. Compatibility with other types of dwelling units within this land use setting and adjoining properties is critical.

3. **Promotion of Zoning Purpose(s):** That among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Included in our zoning regulations, therefore, are standards governing residential development which pertain to allowable land uses, building setbacks, building aesthetics, provision of parking and service drives, property landscaping, etc. Staff notes that any site development will be regulated by, and through, the building permit review process and in accordance with the RMH Zone and Design Review adopted regulations (e.g., standards that govern land use, building setbacks, landscaping, subdivision design, etc.).

4. **Public Interest:** That Nampa has determined that it is in the public interest to provide varying residential-housing opportunities for its citizens and the current real estate market is pressing a need for additional housing inventory/product; and,

5. **Safe Routes to School:**

- Columbia High School = ~ 1.5 miles (not within walking distance)
- East Valley Middle School = ~3.0 miles (not within walking distance)
- Endeavor Elementary School = ~ 2.0 miles (not within walking distance)

6. **COMPASS Analysis:** The job to housing ratio in this area is 2.7, indicating the need for more housing. The nearest police station is 3.1 miles away, the nearest fire station is .6 miles away, the nearest bus stop is 1.3 miles away, public park is 2.2 miles away, the nearest grocery store is .4 miles away and there is no farmland being consumed.

- Reviewed applicable regulations for Annexation and Zoning:

Idaho State Code Title 50-222(3) and Nampa City Code Title 10 Chapter 2(4.C.1) outline the Conclusions of Law required for approval of Annexation as a category A annexation, specifically:

Be contiguous with the city limits or be enclaved by other properties so annexed.

The area can reasonably be assumed to be available for the orderly development of the city.

The proposed zoning district is consistent with the adopted Comprehensive Plan Future Land Use Map.

Either:

- All involved private landowners raise no objection to annexation; and/or,
- They entail or are composed of enclaved property, regardless of surface area, which are surrounded on all sides by a land within Nampa city limits; and/or,
- They entail property that is bounded on all sides by lands within Nampa and by lands for which owner approval must be given pursuant to subsection D2d of NCC 10-2-4; and/or,
- They entail property that is/are bounded on all sides by lands either within the city and by the boundary of the Nampa city impact area.

10-2-3.C. Conclusions of Laws Pertinent to Proposed Zoning Map Amendments: Before the Commission recommends an amendment to the city's official zoning map and before the council approves any proposed zoning map amendment(s), the Commission and the council must individually find and conclude:

1. The proposed map amendment(s) is, are or would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan land use map; and
2. The proposed map amendment(s) is, are or 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(s) is, are or 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(s) is not, are not or 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(s) is, are or would be in the interest of the public and reasonably necessary.

- Reviewed agency correspondence (staff report).

- Conditions of approval:

1. Comply with all City department/division or outside agency requirements pertinent to this matter.

Annexation Conditions:

1. Dedicate public right-of-way along the N Happy Valley Rd frontage to provide a total of 50' from Section Line. The annexation legal description should exclude the existing 25' of prescriptive right of way along N Happy Valley Rd since Nampa Highway District No. 1 has jurisdiction over Happy Valley Rd south of Orchard Ave and the city will annex Happy Valley Rd as a whole at some point in the future.
2. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
3. Property shall be annexed in the Nampa Municipal Irrigation District at the time of property development and prior to being served by the City's pressure irrigation system.
4. Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.
5. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

- Reviewed Nampa Police Department CFS Audit of Station Apartments at Gateway from 3/1/20-2/28/21.
 - These reflect the top 10 type of calls and the number of those calls during the past 12 months. Apartments of this size do generate a fairly large number of calls for service requiring staff to respond. Currently our Chief has presented to council a shortfall of about 32 officers in order to reach a ratio of 1.5 officers per 1,000 residents; currently we are staffed at 1.1 – 1.2. The addition of another 110 units will further strain these resources. Please recognize the need to add officers/staff when considering this approval.
- Reviewed Annexation and Zoning Assignment Conclusions of law and potential motions with the Commission.

Madam Chair Sellman proceeded to public testimony.

Doug/Darla Bowers, 515 N. Happy Valley – opposed.

- These apartments will be right outside his door. Lived there for 30 years. Opposed because they will miss their own space and privacy. Has concerns about the condition of his front yard and asked about construction hours.

Ms. Rosales, 508 N Happy Valley Rd – neutral.

- They live at the corner of Happy Valley and Roberts, will it affect them from across the road.

Whallen: There should not be any need for a right of way dedication relating to Mr. Bowers' property, nothing along his property should change. Reviewed site plan and parking, they have attempted to move the buildings 130', as far away from the southern property line as possible from existing single family homes.

Kirkman: The current development currently has no fencing, barrier or landscaping that will block the view, will there be anything along the south end of the development? Response: Reviewed landscaping plan, they will landscape around the perimeter providing visual and sound softening.

Kirkman: Would adding a fence be a consideration? Response: Adding vinyl fence would be okay as a condition of approval. He is hoping for a multi-family housing community with respectful tenants, good amenities and a nice living environment for everyone with as little impact as possible for the neighborhood.

Kehoe: Have you considered arbor vitae along the property line? Response: Doesn't recall use of this in previous landscaping plans and developments.

Sellman: Construction time clarification. Response: Construction will not begin any earlier than 7. There is a process and he would like to start the project as soon as possible, probably won't be able to start until the end of June or July.

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

Kirkman inquired whether the turn lane on Happy Valley will be extended. Badger: The existing apartments were built under previous city roadway improvement standards; they will be required to extend the sidewalk along their entire frontage and a turn lane analysis is required for their entrances, no pavement widening will be required if the analysis does not demand it. For consistency and visual appeal, should the applicant want to do this then Engineering will work with them to achieve that.

Miller: Fencing between the neighbors especially with all the nose-in parking may be a good idea because of lights, etc.

Kirkman: I have concerns about the pinch point heading south on Happy Valley past the current apartments, cars use that as a parking spot, if the analysis says no turn lane could we make that a condition?

The Commission reviewed the above applicable code requirements and found the project met conclusions of law.

Hutchings motioned and Franklin seconded to recommend to City Council approval of Annexation and Zoning to RMH (Multiple-Family Residential) for 623, 613, 607 and 523 N Happy Valley Rd, totaling 3.8 acres (a portion of the SE ¼ of the SE ¼ of Section 13, and the NE 1/4 of the NE 1/4 of Section 24, T3N, R2W, BM and the NW 1/4 of the NW 1/4 of Section 19, and the SW 1/4 of the SW 1/4 of Section 18, T3N, R1W, BM) – for development of Station at Gateway No. 2 multi-family development of 110 dwelling units for a net density of 28.95 for Brandon Whallon representing Colby Halker (ANN-192-21) with all conditions of staff including a vinyl privacy fence along the southern and western sides of the property. Motion carried.

Public Hearing 4: Conditional Use Permit for a Vehicle Aftermarket and Reconditioning Center in a GB1 (Gateway Business) zoning district at 16115 & 16207 Idaho Center Blvd. (A 2.74 acre parcel situated in the SE ¼ of Section 12, T3N, R2W, BM, Nampa Canyon County, ID; Lot 4 and a portion of Lot 3 of Block 1 of Empire Business Park No. 1 Subdivision) for Edmark Toyota representing EFHC, LLC (CUP-209-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing:

Dave Edmark, 3058 S Whitepost Way, Eagle – Applicant.

- Provided a history of their business and the project. Provided site drawing/layout overview.
- Their business sponsors youth soccer, baseball and football clubs as well as other community events, they are deeply rooted in this community.
- Current location was built in 2005, they wish to expand to the north. In 2017 they serviced over 24,000 customers at the dealership, last year was 38,000, a 63% increase.
- Proposing a 15,000 sf multi-purpose facility which will hold their business office, warehousing (parts), internal repair-new and used unsold vehicles, and adding additional oil change bays.
- Setbacks meet code. Parking is not an issue, everything is contained with the exception of employee parking.
- This is an allowable use in a GB1 zone. Reviewed allowable and nearby uses which are varied.

Associate Planner Bodily:

- Reviewed site characteristics, zoning and history of project, surrounding zoning and density, and COMPASS Analysis (staff report/commission packet).
- Due to a lot line adjustment, the property address will be changed as it will no longer have access to Idaho Center Blvd.
- Buildings in this zoning district are subject to design review requirements.

Applicable regulations:

- NCC § 10-4-1 “The GB (Gateway Business) District is established to allow for the consistent development of areas surrounding community gateways or entryways. It is designed to ensure that uses developing in these areas are compatible in nature and appearance and are encouraged to feature high standards of architecture, landscaping and site planning.”
- “The GB1 District is intended for mixed use, primarily commercial, development allowing a variety of highest and best land use alternatives with flexible development standards.”

Conditional Use Permits - Unlisted Land Uses 10-3-2.B

- The director shall interpret the appropriate district for land uses not specifically listed by determining the district in which similar uses are permitted. Such other similar uses shall not be inconsistent with the purposes of the district, shall not impair the present or potential use of properties in the surrounding areas and shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the specifically listed buildings and uses.
- Where a use is proposed and ambiguity exists concerning the appropriate district or procedure for the establishment of that particularly proposed use, said use may be established by obtainment of a conditional use permit in accordance with the provisions of chapter 25 of this title until such time as this section is amended to specifically include such use. (Ord. 4088, 12-16-2013)
- A similar use was approved in 2017 in the same zoning district for Corwin Ford at 15970 N Gate Blvd.
- Reviewed NCC § 10-3-2 permitted, non-permitted, and conditionally permitted land uses in GB1 zone.
- Reviewed NCC § 10-25 conditional use permit criteria for approval and relevant conclusions of law/findings.
- Reviewed agency comments:
 - Engineering Division: No concerns. Site development will be subject to all City Codes/Policies/Standards in place at the time of development.
 - Building Department: Development subject to Title 4 – Building Regulations.
 - Lumen: Requested construction plans if construction encroaches upon facilities.
 - Nampa Highway District: No comment.
- Overview of letters in opposition:
 - The use devalues the adjacent properties.
 - Not a business park use, but an industrial park use.
 - Does not bring customers or complement nearby businesses.
 - Not in the interest of the public.
 - Nothing more than an automobile body shop.
- Potential conditions of approval (also will be contingent upon Design Review Committee approval):
 - Owner/operator/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments, etc.) as the CUP approval does not and shall not have the effect of abrogating requirements from those agencies; and,
 - Any conditions the Commission finds reasonable to meet the Conclusions of Law in Nampa City Code 10-25-4.

Madam Chair Sellman proceeded to public testimony.

Dyan Chacon, 5744 N Big Cedar Ave, Meridian – opposed.

- They have been developing the property in this area for about 10 years, including the Aspen Creek Business Center, the College of Idaho Buildings, the Summit Professional Building and other Class A office buildings, contributing a great deal to that area.
- The original site plan was going to be a hotel which she approved of, she does not think the area is conducive to an auto body shop and is concerned about how this project would affect her proposed office/medical professional buildings across the street from the proposed site. They relied on high end office medical use which benefited the hospital in the area, taxes, etc.

- She was under the impression the surrounding development would be GB1 with high end office/medical use. Provided a picture of Corwin Ford which in her opinion was not consistent with professional buildings of this stature.
- Opposed the site obscuring security fence, vehicle storage, sliding gates, etc. next to multi-million buildings. Does not feel the location is appropriate and asked the Commission to deny the CUP.

Kirkman: These buildings are in a medical complex west of Brinson, and also the corner of Birch and Idaho Center Blvd. Response: Yes.

Michael Chew, Professional Building Management, PO Box 406, Eagle - opposed. Provided the following opposition points:

- Represents Reasonable Rentals. Reasonable Rentals acquired property based on GB-1 Zoning and surrounding attractive Class A office and medical space.
- Reliance on future development of non-industrial Class A office, medical, hotel, retail, higher education uses.
- The 9 current tenants located in the building object to the CUP application and use.
- Surrounding businesses in close proximity to the CUP application are a majority of office/medical office including: Advanced Care for Women, Allegis Benefits Group, Encompass Health, Idaho Therapy, Evergreen Mortgage, Edward Jones, Idaho Surgical, Best Home Care, etc.
- CUP application is non-conforming to GB-1 District and by definition is suited to Light Industrial (IL) District.
- Not a compatible use to the surrounding commercial and professional neighborhood.
- Why not develop the reconditioning center in one of the numerous IL Districts located nearby?
- Subject property would adversely convert 2.74 acres to IL use, not including the adjacent parking lot used for storage of vehicles (also not a conforming use to GB-1). Would result in a large portion of the commercial and professional neighborhood converted to IL use.
- Concerns over increased truck traffic on Brinson (already suffering from transient truck parking from Idaho Western on Hunt (IL use/District)).
- Design of building is not an aesthetic match to the surrounding office and professional buildings.
- Site obscuring fencing would not benefit the neighborhood. If the use poses no issues with aesthetics, then why the need for site obscuring fencing?
- Use would only benefit Edmark Toyota and would NOT bring to business to the surrounding properties/business.

Jennie Coleman, 523 Sherry Rd, - opposed.

- Located in the Advanced Specialty Care Bldg., this development would directly impact their office. There is already an issue with parking and trucks in front of their building.

Carol Struthers, 5325 W Bloom St, Boise – opposed.

- Owns the Compass Building across the street. Has concerns her tenants will not renew their leases with this new development.
- Doesn't want another Nampa/Caldwell Blvd., and the city shouldn't keep expanding auto businesses.

Heidi Chew, PO Box 406, Eagle – opposed.

- With Reasonable Rentals, 16211 N. Brinson. Wanted to bring up that when they purchased the building a year ago they were very enthusiastic about the way the Class A buildings looked and were hoping to get a draw from the area. She was expecting something similar so they could cross-pollinate the businesses. Disagrees that this is a good use of the land. The look is very different compared to buildings across the street, she is opposed.
- Their 2nd story would be looking down on an unsightly car lot. Nampa created this zoning to maintain an offering of multi-tenant office leasing for Nampa residents. Aesthetic is different compared to their buildings which are nicer.

Parties that emailed Planning & Zoning directly (the following emails/comments are contained in the 3/9/21 staff report/commission packet):

- Ryan S. Owsley, 16111 N. Brinson St. Ste 100 – emailed letter in opposition but did not wish to speak.
- Dyan Chacon, no address provided – emailed letter in opposition but did not wish to speak.
- Jack Struthers, no address provided – emailed letter in opposition but did not wish to speak.

- Carol Struthers, 5325 S Bloom St, Boise – opposed.
- Chris Oberti, no address provided – emailed letter in opposition but did not wish to speak.
- Michael Chew, representing Reasonable Rentals, 16211 N. Brinson St – emailed letter in opposition.
- Jeff Erekson, 16132 N High Desert St – emailed letter in opposition but did not wish to speak.
- Andy Hughes, 16132 N High Desert St, #120 – emailed letter in opposition but did not wish to speak.

Applicant rebuttal:

- This is an auto dealer area founded by auto dealers, with storage to the north and a lumber yard to the north among other things. Stressed this is mixed use which is the definition of GB1, they are not an auto-body shop, this is a sales and service facility, with no heavy collision repair. There will be no on-street parking and vehicles repaired will be inside the building. Traffic would add an estimated 10-15 vehicles per day which in his opinion will have a low impact on the surrounding neighborhood.

Sellman: Will there be any cars parked outside overnight? **Response:** There will probably be 40-50 cars overnight which is why they offered to install a privacy fence.

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

Kehoe: This location makes sense because all the vehicle facilities are in one place. It doesn't make sense to make them move down the street which would create additional traffic.

Turner stated he drives by multiple times a day and always sees the facility keeping the appearance up; it is a good idea to keep these businesses in one area.

Kirkman: The concerns he has heard are about compatibility. Is it consistent with surrounding land use. Given everything out there this is consistent with what is already there, the expansion of this facilities is consistent with what is out there and does fit the area. The lots are organized and well kempt and are consistent with the area.

The Commission reviewed the applicable code requirements provided in the staff report and noted above, and found the project met those requirements.

Kirkman motioned and **Turner** seconded to approve Conditional Use Permit for a Vehicle Aftermarket and Reconditioning Center in a GB1 (Gateway Business) zoning district at 16115 & 16207 Idaho Center Blvd for Edmark Toyota representing EFHC, LLC (CUP-209-21) with all conditions of staff. Motion carried.

Meeting adjourned at 9:18 pm.

Rodney A. Ashby, Planning Director
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