



MINUTES OF REGULAR MEETING HELD TUESDAY, MARCH 14, 2023

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> and <https://www.youtube.com/@cityofnampapublicmeetings>

Chair Van Auker, Jr. called the meeting to order at 6:00 pm.

Commissioners Sellman, Turner, Miller, Kehoe, Kirkman and Morgan were present; Commissioners Daffer and Garner were absent.

Consent Agenda (Action Items):

Moved by Kehoe and seconded by Miller to approve the Consent Agenda which had the following items presented:

1. Approval of Minutes: February 28, 2023.
2. Subdivision Final Plat Approval of Cherry Grove No 1 Subdivision in a RS8.5 (Single-Family Residential) zoning district - a 10.66 acre parcel #R3422900000 at 0 Elm St. (located in the N 1/2 of the SW 1/4 of Section 26, T4N, R2W, BM) for KB Home Idaho LLC (SPF-00228-2023). Original Concept: 32 single-family detached lots and 8 common lots.

Motion carried.

Chair Van Auker, Jr. proceeded to public hearing items on the agenda at 6:05 pm.

Public Hearing 1: *(Continued from January 24, 2023)* Conditional Use Permit for a Mobile Home Caretaker Residence in a IL (Light Industrial) zoning district at 2215 1st St S (a .35 acre parcel #R1398700000 located in the NW ¼ of Section 26, T3N, R2W, BM) for Elizabeth Vencers representing Alberto Gutierrez (CUP-00302-2022) – ACTION ITEM.

Chair Van Auker, Jr. proceeded to public hearing.

Joe Vasquez, 2741 W Janelle St, Meridian, presented the request.

Senior Planner Bodily reviewed the staff report, applicable regulations and clarified the use of the proposed structure. Applicant states a caretaker will be available to the property (there are no specifics to the definition in code regarding timing).

Conditions of approval:

1. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
2. Applicant/Owner must comply with all conditions and comments as stated in the memos authored by Patrick Sullivan dated December 16, 2022.
3. Access to the caretaker residence must either be paved or screened from view of the public right-of-way.

Chair Van Auker, Jr. proceeded to public testimony. No one appeared in favor of or in opposition to the request.

Moved by Miller and seconded by Kirkman to close public hearing. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Moved by Miller and seconded by Turner to APPROVE the item with recommended conditions and adopt the potential findings in the staff report. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Public Hearing 2: Annexation and Zoning to RS8.5 (Single-Family Residential) zoning district for a .14 acre portion of 0 11th Ave N. Parcel #R2092700000 (located in a portion of the S 1/2 of the NE 1/4 of Section 2, T3N, R2W, BM) for Kent Brown representing Heartland Townhomes Property Management (ANN-00266-2023). Original Concept: Correct an error excluding this portion of land on the submitted legal description for annexation of the Spring Shores #3 subdivision – ACTION ITEM.

Chair Van Auker, Jr. proceeded to public hearing.

Applicant has requested a continuance to March 28, 2023.

Moved by Kehoe and seconded by Miller to CONTINUE the item to a date certain of March 28, 2023. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Public Hearing 3: Annexation and Zoning to GB1 (Gateway Business) zoning district and potential development agreement for a 16.71 acre portion of parcel #R3047700000 at 15918 Star Rd (located in a portion of the NW 1/4 of Section 17, T3N, R1W, BM) for Baron Properties - Shannon Ely representing BPS Nampa MC LLC (ANN-00265-2022). Original Concept: 5 mixed-use commercial buildings - larger commercial/smaller warehouses that also contain commercial frontage – ACTION ITEM.

Chair Van Auker, Jr. proceeded to public hearing.

Matthew Riggs, 529 West Fordham Dr, Eagle, and Ryan Cutler, 2775 Navigator Dr, Meridian, presented the project.

Director Ashby reviewed the staff report, agency comments and applicable regulations.

Land Uses in the area consist of Commercial and Industrial land uses and a few single family homes on agriculture property. To the west is Amazon Fulfillment Center and to the north is a commercial/office building with multiple tenants. The proposed project appears to be consistent with the surrounding developments.

Comprehensive Plan: The future land use designation is Commercial.

Public Interest: The proposed zoning fits the comprehensive plan designation for the area and would provide additional commercial development area. Frontage improvements would be made at time of development and utility lines would be extended.

Conditions of approval from staff report:

1. Any onsite wells 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.
2. Property shall be annexed in the Nampa Municipal Irrigation District at the time of connection to pressure irrigation and prior to being served by the City's pressure irrigation system. Applicant/ Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
3. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
4. Applicant/Owner shall dedicate the follow public road right-of-way as a condition of annexation: • Star Road – 50' from the Section Line.
5. Developer shall address all project triggered mitigation measures identified in the final approved Traffic Impact Study including:
 - a. Robinson/Flamingo – i. Convert to stop control with southbound left-turn and northbound right-turn.
 - b. Star Road

- i. Center turn lane across project frontage
 - ii. Right-turn lane at accesses or additional through lane across the project frontage
- 6. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
- 7. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105)
- 8. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
- 9. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
- 10. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)
- 11. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. (IFC D102.1)
- 12. For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8)
- 13. Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5).

Chair Van Auker, Jr. proceeded to public testimony. No one appeared in favor of or in opposition to the request.

Moved by Morgan and seconded by Kehoe to close public hearing. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Moved by Kirkman and seconded by Kehoe to recommend to City Council APPROVAL of the item with recommended conditions and adopt the potential findings in the staff report with the added condition:

- 14. Applicant shall enter into a development agreement to substantially comply with the site plan and elevations submitted with the application.

Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Public Hearing 4: Zoning Map Amendment from BN (Neighborhood Business) to BC (Community Business) zoning district; and potential development agreement; for the Greenhurst Square project at 2310 12th Ave Rd (Parcel # R0931950200); totaling approximately 1.03 acres (located in the NW 1/4 of Section 3, T2N, R2W, BM) for Mason & Associates representing Mikes Place LLC (ZMA-00171-2022). Original Concept: Upzone to allow more uses, including a "Vape Shop." – ACTION ITEM.

Chair Van Auker, Jr. proceeded to public hearing.

Angie Cuellar, 9243 3rd St S, Nampa, presented the project.

Senior Planner Bodily presented the staff report. There are a variety of commercial uses surrounding this parcel which is situated at the corner of 12th Ave Rd and Greenhurst Rd (arterial streets). Nearby services include restaurants, fuel station, salons, grocery stores, and other retail shops. There are also a number of residences nearby and South Middle School across 12th Ave Rd. The property has been intentionally zoned BN (Neighborhood Business) since 1977. The applicant is requesting to rezone the property to BC (Community Business) to allow a proposed "Vape Shop" use which is not a permitted use in the BN zoning district.

BN Zone v. BC Zoning:

Uses: Most uses allowed in the BN zone are also allowed in the BC zone. However, there are many more uses permitted with or without a conditional use permit in the BC zone that are not permitted in the BN zone. Refer to the attached list of uses in each zoning district to see specific uses for each zone.

Design Review: Commercial buildings in both zones would be subject to design review standards.

Dimensional Standards: Both zones have similar setback requirements, but different building height allowances.

	BN	BC
Front setback	20'	20'
Side setback	15'	15'
Building height	Not to exceed 30'	No limit when not abutting residential

Other: Both zones require landscaping/screening when adjacent to a residential zone and accessory exterior storage shall be screened from view.

Formal Findings for Adoption and Recommendation to City Council:

- A. 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.
 - The proposed BC (Community Business) zoning district is consistent with the Comprehensive Plan Future Land Use Map designation of Commercial for this area.

- B. 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.
 - The property is adjacent to BC (Community Business) zoned properties and would provide uses similar to existing adjacent uses and permitted uses.
 - The parcel is adjacent to arterial roads that are conducive to regional commercial uses due to the accessibility of the property.
 - There are BN (Neighborhood Business) zoned properties between the subject property and the residentially zoned properties that provide a buffer to the heavier commercial use.

- C. 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.
 - The property is adjacent to BC (Community Business) zoned properties and would be zoned the same.
 - The requested BC (Community Business) zoning district is compatible with the adjacent BN (Neighborhood Business) zoning district as they permit similar uses.
 - The adjacent rights-of-ways provide a buffer from zoning districts across 12th Ave Rd.

- D. 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).
 - Staff finds that the proposed BC (Community Business) zoning district is consistent with the Comprehensive Plan Future Land Use Map designation of Commercial for this area and would not create a “spot” zone.

- E. The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.
 - The BC (Community Business) zoning district permits a larger variety of commercial services to serve the region which is in the interest of the public.

Conditions of approval:

- 1. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of building permit.

2. Development is required to preserve any historical irrigation delivery/waste facilities through the property in accordance with State law.

Chair Van Auker, Jr. proceeded to public testimony.

Jeremy Foresee, 5622 Howard Lane, Nampa, answered questions from the Commission.

Moved by Kehoe and seconded by Kirkman to close public hearing. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Moved by Miller and seconded by Kirkman to recommend to City Council APPROVAL of the item with recommended conditions and proposed findings as listed above. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Public Hearing 5: Annexation and Zoning to RS6 (Single-Family Residential) zoning district for a 3.35 acre Parcel #R2115000000 at 2702 Southside Blvd (located in a portion of the NW 1/4 of Section 1, T2N, R2W, BM) for Buddhist Society of Idaho (ANN-00267-2023). Original Concept: Annexation for development of a Buddhist monastery and grounds to be split as a separate parcel from existing residential – ACTION ITEM.

Chair Van Auker, Jr. proceeded to public hearing.

Stephanie Hopkins, 5725 N Discover Way, Boise, presented the project.

Senior Planner Bodily presented the staff report.

The area is enclaved and surrounded predominately by large county parcels with single family homes. There are City zoned subdivisions also adjacent. Some commercial services exist within a quarter mile of the subject property. Staff recommends that a lot split be added as a condition of approval to separate the existing residential use from the religious facility so that the residential structure may either be used as an accessory to the religious facility or independently. The future land use designation is Medium Density Residential. The proposed RS6 zoning district fits within this designation.

Conditions of approval:

1. Any onsite wells 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.
2. Property shall be annexed in the Nampa Municipal Irrigation District at the time of connection to pressure irrigation and prior to being served by the City's pressure irrigation system. Applicant/ Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
3. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
4. Legal description for right of way dedication at the previously identified width (7') shall be prepared by applicant's surveyor and shall be recorded with Canyon County by City of Nampa upon annexation of the property.
5. The existing residence shall have a ~~commercial~~ building permit application submitted and reviewed by the building department. All required building permits will be subject to current building codes and requirements of the city ordinance under Title 4. *Note that "commercial" was removed from this condition.*
6. Prior to development, property shall be split so that existing residential structure is on a separate parcel from future development.

Chair Van Auker, Jr. proceeded to public testimony.

Ping Kumpanon, 2529 E 3703 North, Twin Falls, ID, responded to questions from the Commission, stating the size of the congregation was estimated to be 50.

Moved by Kehoe and seconded by Sellman to close public hearing. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Moved by Kirkman and seconded by Miller to recommend to City Council APPROVAL of the item with all findings and conditions listed in the staff report. Motion carried.

Meeting adjourned at 7:32 pm.

Rodney A. Ashby, AICP
Planning & Zoning Director
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