

# NAMPA PLANNING & ZONING COMMISSION

## MINUTES OF REGULAR MEETING HELD TUESDAY, MARCH 23, 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:**

Jeff Kirkman (Chambers)  
Steve Kehoe, Vice-Chair (Chambers)  
Michaela Franklin (via Teams)

Matthew Garner (Chambers)  
Tom Turner (Chambers)

### **COMMISSIONERS ABSENT:**

Ron Van Auker, Jr.  
Adam Hutchings  
Peggy Sellman  
Bret Miller

### **CITY STAFF PRESENT:**

Kristi Watkins, Principal Planner (Chambers)  
Doug Critchfield, Principal Planner (Chambers)  
Caleb LaClair, Assistant City Engineer (via Teams)  
Parker Bodily, Associate Planner (Chambers)

### **CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT:**

With a quorum of Commissioners present, Vice-Chair Kehoe called the meeting to order at 6:30 pm.

### **ANNOUNCEMENTS:**

Principal Planner Watkins stated there is a City Council/Planning & Zoning Commission workshop scheduled for April 22, 2021 at the Nampa Civic Center from 5:30-9:30 pm to review city density and code revisions.

### **APPROVAL OF MINUTES:**

Garner motioned and Kirkman seconded to approve the minutes of the March 9, 2021 Planning & Zoning Commission Meeting. Motion carried.

### **REPORT ON COUNCIL ACTIONS:**

No City Council representative present to report on City Council actions. Principal Planner Watkins informed the Commission the following projects or portions thereof were denied by City Council on March 15, 2021:

- ZMA-129-20/DAMO-040-20 Middlebury Subdivision – City Council approved the rezone to remove the PUD and continued the public hearing to April 19<sup>th</sup> to provide the applicant an opportunity to revise their concept plan, DA and open space requirements. City Council felt a larger amount of open space was appropriate for a project this size. This should not alter the preliminary plat enough to facilitate the need to send the project back to the Commission for further consideration.
- ZMA-131-20 St. Alphonsus/Trinity Health/White Pines Apartments – A small parcel at the NE corner on Hawaii zoned RD was not approved for rezone. The CUP for the remainder of the property will still be in effect. City Council requested that the applicant speak with concerned neighbors about what they may be more comfortable with and revisit later, if desired. The legal description is being revised for the CUP preparation without the small parcel City Council did not approve.
- ZMA-130-20 Broadstone Apartments – City Council denied due to compatibility issues.

Vice-Chair Kehoe proceeded to the Business Items on the Agenda.

**Business Item 1: Subdivision Plat Final Approval of Mallard Apartments in an RD (Two-Family Residential) zoning district at 2000 S. Midland Blvd, into nine lots for nine fourplex buildings for a total of 36 dwelling units at an average gross and net dwelling unit density of 11.55, on 3.1 acres (lots 6 and 7 of Home Acres Subdivision #6, located in the SE ¼ of Section 33, T3N, R2W, BM, Nampa, Canyon County, Idaho) for Tim Kelly representing Monty Baldwin (SPF-156-21) – ACTION ITEM.**

Principal Planner Watkins outlined the project from the staff report.

**Agency/city correspondence:**

1. Email dated February 10, 2021, authored by Rob Willis, Nampa Building Dept, stating that this project will be subject to codes and permits per the Title 4, Building Regulations.
2. Email dated February 4, 2021, authored by Adam Mancini, City Forester, requesting that a new tree species be identified to replace the Ash trees specified on the landscape plan.
3. Email dated February 4, 2021, authored by Carol Shackelford, City Code Compliance, citing code sections to be addressed:
  - a. 3-4-7 Solid Waste Accumulation: Tree limbs and branches removed.
  - b. 3-4-8 Weeds to be destroyed: Weeds throughout the property to include along the property lines, in the corners of the property and in the ROW.
4. Letter dated March 11, 2021, authored by Brent Hoskins, Nampa Fire Department, stating that this project will add capacity requiring .108 firefighter positions per the Nampa Comprehensive Plan 2040 to provide 1 firefighter per every 1000 residents and states that fire hydrants, access and street identification shall be installed; and,
5. Memo dated, February 25, 2021, authored by Peter Nielsen, Nampa Engineering Department, which identifies the following conditions and comments:

**Engineering Project Comments**

1. An Erosion Control Permit with City of Nampa is required prior to the start of any earth disturbing activities.
2. Gravity irrigation may be running through this site. Please confirm this and communicate the plan for managing/preserving the utility if it exists.
3. In previous discussions between the City and the developer it had been requested that this development coordinate with the Anchor Pointe development and possibly share in the scope and/or cost of extending City utilities and road rebuild of W Maryland Ave. Submitted plans do not show that scope of work is to be shared between developments. Please clarify whether coordination has taken place and what, if any, resolution has been agreed upon.

**Engineering Final Plat Comments**

See Memo in staff report.

**Engineering Conditions of Approval**

1. The 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 the start of construction.
3. 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.
4. Developer shall provide documentation of plan review/approval from NMID prior to construction drawing approval. Provide copies of required executed license agreement(s), if any, prior to City Engineer signature of final plat.

**Conclusions of Law/Findings of Fact:**

1. Within the city limits and with RD Zoning.
2. Substantially conforms to the approved Preliminary Plat layout.
3. Substantially conforms to the Nampa City Codes stated in NCC § 10-27 Subdivisions
4. Substantially conforms to the Nampa City Codes stated in NCC § 10-33 Corridor Beautification

**Suggested conditions of approval:**

- Comply with other agency and/or department requirements.
- Install fire hydrants, access and street identification.

- Comply with Code Compliance for waste and weeds.
- Provide revised landscape plan.
- Comply with Engineering comments.
- Correct any errors on plat.

The Commission reviewed applicable codes and conclusions of law and found the proposed subdivision final plat for Mallard Apartment Subdivision conforms, or substantially conforms within acceptable limits, to the approved preliminary plat of/for Mallard Apartment Subdivision, complies with relevant RD zoning codes, and City of Nampa subdivision standards pertaining to the proposed Development.

**Kirkman motioned and Garner seconded to recommend to City Council Final Plat approval of Mallard Apartments in an RD (Two-Family Residential) zoning district at 2000 S. Midland Blvd, for Tim Kelly representing Monty Baldwin (SPF-156-21) with all staff conditions and conclusions of law. Motion carried.**

**Business Item 2: Subdivision Plat Final Approval of Gateway Industrial Park Subdivision No. 2 in an IL (Light Industrial) zoning district at 1019 N 39th St, into 14 industrial lots on 8.62 acres (a parcel of land located in the SW 1/4 of Section 13, T3N, R2W, BM, Nampa, Canyon County, Idaho) for Kent Brown representing Moving Forward Properties LLC (SPF-158-21) – ACTION ITEM.**

Associate Planner Bodily outlined the project from the staff report.

Agency/city correspondence:

1. Email dated February 10, 2021, authored by Rob Willis, Nampa Building Dept, stating that this project will be subject to codes and permits per the Title 4, Building Regulations.
2. Email dated February 5, 2021, authored Juan Vergara Sr, City Code Compliance stated case open on tall weeds/debris throughout property. Piles of branches, asphalt and other debris in public view. If they are getting ready to break ground, then the case can be closed to allow for development.
3. Email dated, February 22, 2021, authored by Peter Nielsen, Nampa Engineering Department, which identifies the following Conditions and Comments:

Engineering Project Comments

1. *Developer is to enter into a subdivision improvement agreement.*

Engineering Conditions of Approval

1. *Completion of all improvements in accordance with City Code Section 10-27-9.*
2. *Submit documentation that all irrigation district assessments are current and paid.*

Conclusions of Law/Findings of Fact:

1. Within the city limits and with IL Zoning.
2. Substantially conforms to the approved Preliminary Plat layout.
3. Substantially conforms to the Nampa City Codes stated in NCC § 10-27 Subdivisions
4. Substantially conforms to the Nampa City Codes stated in NCC § 10-33 Corridor Beautification

Suggested conditions of approval:

- 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 Gateway Industrial Park Subdivision.
- Comply with Nampa Code Compliance.
- Obtain erosion control & ROW permits from the City of Nampa.
- Provide CAD files of the approved civil plans for our use in updating our City water model.
- 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.
- 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.

The Commission reviewed applicable codes and conclusions of law and found the proposed subdivision final plat for Gateway Industrial Park #2 Subdivision conforms, or substantially conforms within acceptable limits, to the approved preliminary plat for Gateway Industrial Park Subdivision, complies with relevant IL zoning codes, and City of Nampa subdivision standards pertaining to the proposed Development.

**Kirkman motioned and Garner seconded to recommend to City Council Subdivision Plat Final Approval of Gateway Industrial Park Subdivision No. 2 in an IL (Light Industrial) zoning district at 1019 N 39th St, for Kent Brown representing Moving Forward Properties LLC (SPF-158-21) with all staff conditions and conclusions of law. Motion carried.**

**Business Item 3: Subdivision Plat Final Approval of Black Butte Business Park No. 3 Phase 1 in an IL (Light Industrial) zoning district - an 11.65 acre portion of 3400 N Black Butte Ct, into 14 industrial lots and 2 common lots (a portion of land in the NW ¼ of Section 8, T3N, R2W, BM also Tax 97797 in Block 1, 2, 13, 14 in Midway Subdivision, Tax 97797 in the NW ¼ of Section 8 T3N, R2W, BM less Black Butte #1 and Black Butte Business Park #2; including a part of the NE ¼ NE ¼ Section 8, T3N R2W south of interstate less Ramp right-of-way) also known as a portion of county parcel #2441300000, located east of Middleton Rd and south of I-84, for Kurt Smith representing Don Burch (SPF-00157-21) – ACTION ITEM.**

Principal Planner Watkins outlined the site history and current project from the staff report.

Agency/city correspondence:

1. Email dated February 10, 2021, authored by Rob Willis, Nampa Building Dept, stating that this project will be subject to codes and permits per the Title 4, Building Regulations.
2. Email dated February 25, 2021, authored by Cody Swander, Parks Department, requesting that the 20' from top of bank along the north side of Indian Creek have a permanent pedestrian access easement recorded for the location of the Indian Creek Pathway and that the pathway be constructed by the developer.
3. Letter dated March 11, 2021, authored by Brent Hoskins, Nampa Fire Department, stating that fire hydrants, access and street identification shall be installed
4. Memo dated, March 16, 2021, authored by Andy Adams, Nampa Engineering Department, which identifies the following Conditions and Comments:

**Engineering General Comments**

- a. *An Erosion Control Permit with City of Nampa is required prior to the start of any earth disturbing activities.*
- b. *The current Bike & Pedestrian Master Plan includes a pathway along Indian Creek. City Policy requires development to construct pathways as reflected in the Master Plan. The pathway was omitted in Phase 2 due to the plat not including the land directly adjacent to the creek. The pathway should be constructed with Phase 3 since the plat includes the land adjacent to Indian Creek across both Phases.*
- c. *It appears there is limited space available to construct the Indian Creek pathway between the road and top of bank. The project engineer shall coordinate with City of Nampa Parks and Recreation Department and the Engineering Division to determine a viable pathway for both phases. A 20' permanent easement shall be provided for the pedestrian pathway in favor of the City of Nampa and recorded as a separate instrument and referenced on the Final Plat. Construction of said pathway is considered a subdivision improvement and shall be included in this project.*
- d. *Lots 10, 11, and 12 of the property are encumbered by the Zone X Floodplain. All lot finish grades appear to be elevated above the BFE and all buildings lowest finish floor should be elevated a minimum of 1 foot above the BFE. Once the site construction is completed and the plat recorded, a LOMR-F application could be submitted to FEMA to remove the lots from the special flood hazard area in accordance with City Code Section 4-9-5.G. Otherwise individual lot development will be required to adhere to Nampa City Code Section 4-9 "Flood Damage Prevention" including submittal of pre and post construction elevation certificates.*
- e. *Recent site observations of the previous phase indicate that the valley gutter appears to be resulting in erosion along the south side of the road above Indian Creek. The Engineering Division fears that this erosion will become worse over time and may be accentuated if there is a lack of maintenance or damage to the valley gutter. We feel that it is prudent to request the replacement of said valley gutter with full*

curb and gutter across the previous phase 2 and planned phase 3 up to where the road deviates from the creek.

- f. *International Fire Code only allows parking on one side of the street for road widths between 26'-32'. No parking signs should be placed along the south side of the roadway for Phases 2 and 3.*

**Engineering Final Plat Comments**

1. *Flood zone line types appear to be overlapping and are illegible.*
2. *Note 12: the irrigation easement also crosses lot 13, revise to include.*
3. *Page 1 has a different stamp date than 2 and 3.*
4. *Monumentation symbology should be distinguishable. Please revise.*
5. *Legal description bearings and distances should be calling out any monumentation.*
6. *Revise Note 5: to "...Assessments from the Private Irrigation System Managers. The Black Butte Business Park No. 3 Owners Association will be responsible for the Assessments."*
7. *Revise Note 6: Pressure Irrigation for this development is Private. See redlines.*
8. *Add Notes:*
  - *The Black Butte Business Park Owners Association shall be responsible for maintenance of the Irrigation System that delivers water to each Lot and the maintenance of the Private Street shown as Lot 13, Block 1.*
  - *Lot 13, Block 1 is a Private Street for the purpose of Ingress/Egress and Cross Access.*
  - *All new buildings in this subdivision shall have automatic fire sprinkler systems installed.*
  - *No new building in this subdivision shall exceed 5,000 square feet in area.*
  - *Lot XX is subject to a permanent easement for a pedestrian pathway in favor of the City of Nampa recorded as Instrument No. XXXXX.*

**Engineering Conditions of Approval**

1. *The Developer shall complete a Floodplain Development Permit Application prior to the City Engineer signature of the plat.*
2. *The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.*
3. *Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Black Butte No. 3, Ph. 1 – Construction Drawings & Final Plat – 1<sup>st</sup> Review" letter from the Nampa Engineering Division prior to construction drawing approval.*
4. *The Developer and their Engineer and Contractor 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 sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.*
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. *A 20' wide public pathway permanent easement shall be created via separate instrument for the purpose of the Indian Creek Pathway through Black Butte Court No. 2 and No. 3. Developer shall be responsible to construct the pathway and the City will be responsible for long term operation and maintenance. Developer shall work with the Nampa Parks Department and Engineering Division to determine the pathway location and establish the easement. The pathway shall be constructed, and easement recorded prior to City Engineer signature of Final Plat.*
7. *Developer shall replace the 2' wide valley gutter located directly adjacent to the Indian Creek top of bank through Phase 2 with curb and gutter to reduce erosion potential, and shall repair any presently eroded areas along the bank.*

**Conclusions of Law/Findings of Fact:**

1. *Within the city limits and with IL Zoning.*
2. *Substantially conforms to the approved Preliminary Plat layout for Black Butte Business Park Subdivision No. 3, Phase 1.*
3. *Substantially conforms to the Nampa City Codes stated in NCC § 10-27 Subdivisions.*

**Suggested conditions of approval:**

- *Comply with other agency and/or department requirements.*
- *Install fire hydrants, access and street identification.*

- Comply with Engineering comments.
- Correct any errors on plat.

The Commission verified that a portion of this project is in a floodplain area and received clarification from staff that a Floodplain Development Permit will be required (see Engineering General Comments d.). Watkins reviewed the floodplain area on the plat.

The Commission reviewed applicable codes and conclusions of law and found the proposed subdivision final plat for Black Butte Business Park Subdivision No. 3, Phase 1 conforms, or substantially conforms within acceptable limits, to the approved preliminary plat of/for Black Butte Business Park Subdivision No. 3, complies with relevant IL zoning codes, and City of Nampa subdivision standards pertaining to the proposed Development.

**Garner motioned and Kirkman seconded to recommend to City Council Subdivision Plat Final Approval of Black Butte Business Park No. 3 Phase 1 in an IL (Light Industrial) zoning district - an 11.65 acre portion of 3400 N Black Butte Ct, for Kurt Smith representing Don Burch (SPF-00157-21) with all staff conditions and conclusions of law. Motion carried.**

**Business Item 4: Extension from March 10, 2021 to March 10, 2022 for the Final Site Plan Approval for Broadmore RV Park in an IL (Light Industrial) zoning district at 0 Shannon Dr (county parcel #R13034013C0) for 155 RV Spaces on 11.72 acres to allow time for FEMA to approve the Conditional Letter of Map Revision for the flood plain map; (located in the SE 1/4 of Section 16, T3N, R2W, BM) for Broadmore RV Park LLC/Danny Pruett (RVP-003-20) – ACTION ITEM.**

Principal Planner Watkins reiterated a letter from Danny Pruett located in the staff report requesting a one-year extension; applicant is working on the Conditional Letter of Map Revision from FEMA.

**Kirkman motioned and Garner seconded to approve the extension for the Final Site Plan for Broadmore RV Park (RVP-003-20) with all staff conditions for one year from Commission approval date (March 23, 2022). Motion carried.**

Vice-Chair Kehoe proceeded to Public Hearing items on the Agenda at 7:00 pm.

**Public Hearing 1: Subdivision Plat Preliminary Approval of Henry's Place Subdivision for 8 single-family home lots and 3 common lots, on 2.52 acres at 0 & 406 W Dooley Lane - parcel #R2924100000 & R29241011000, in a RS6 (Single-family Residential 6,000 sq. ft) zoning district (a portion of land located in the SW 1/4 of the NE 1/4 of Section 04, T2N, R2W, BM, Nampa, Canyon County) for Mason & Associates, Inc. representing JKeane Enterprises LLC (SPP-00070-21) – ACTION ITEM.**

Vice-Chair Kehoe proceeded to public hearing.

William Mason, Mason & Associates, 924 3<sup>rd</sup> St. S, Ste. B, Nampa – representing the applicant.

- Reviewed site location, lot characteristics, and access point (Canyon St.).
- Reviewed staff report and agrees with all staff conditions.

Principal Planner Critchfield reviewed site specific information, lot analysis and applicable regulations found in the staff report.

- Per NCC § 10-27-4.A.4.c the project qualifies as a residential infill subdivision with little or no impact on the abutting streets.
- Reviewed NCC § 10-8-6; project is deemed compliant.
- Landscaping plan was reviewed and approved, landscape buffer meets NCC § 10-33 requirements.
- Agency/city correspondence located in staff report.
  1. Letter dated February 4, 2021 authored by Thomas Ritthaler, Boise Project Control Board indicating that there are no Boise Project facilities located on the Project property, however it does possess a valid water right. Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by appropriate easements; and,

2. Letter authored by Peter Jurhs, Nampa School District stating that the residents of the Project will attend Lake Ridge Elementary, South Middle School and Skyview High School, and that the development is within walking distance of South Middle School. The District encourages the development of sidewalks and street lighting to allow for safe walking to school or the bus stop; and,
3. Memo dated February 5, 2021 authored by Rob Willis, Nampa Building Department, stating that the project will be subject to all required building codes and related permits based on the requirements of City Ordinance -Title 4 – Building Regulations. However, construction drawings with a grading plan indicating minimum and maximum top of wall elevations from top back of curb and a drainage plan for individual lots will be required at time of final plat review; and,
4. Email dated February 8, 2021 authored by Eddy Thiel, Nampa Highway District #1, indicating no comment; and,
5. Email dated February 8, 2021 authored by Cody Swander, Nampa Parks Department, indicating no requests; and,
6. Memo dated February 10, 2021 authored by Carol Shackelford, Nampa Code Enforcement indicating that weeds, concrete, wood, metal, and debris will need to be removed. All weeds throughout the property will need to be cut to include the rights of way, fence lines and throughout the interior; and,
7. Memo dated February 19, 2021 authored by Jared Phelps, GIS Technician indicating that the Applicant shall submit an updated site plan or draft copy of the plat to City of Nampa Engineering/GIS staff reflecting these changes prior to final plat application submittal: Elaine Ct. should be W Elaine Ct. and Dooley Ln. should be W Dooley Ln.; and,
8. Letter dated February 25, 2021 authored by David T. Duvall of the Nampa & Meridian Irrigation District indicating that no further review is required; and,
9. Memo dated March 5, 2021 authored by Andy Adams, Nampa Engineering Division indicating the following: *The Engineering Division has completed a review of the Preliminary Plat application for Henry's Place and recommend the following conditions and comments:*

**Preliminary Plat:**

1. The preliminary plat as submitted is complete with all required information in accordance with City Standards

**Access/Layout:**

2. The proposed access meets the requirements of the City's Access Management Policy and City's preference to take access from S. Canyon Street.
3. The required right-of-way has been dedicated for this project as conditioned in ANN-00173-2020.
4. Frontage road improvements will be required in accordance with Nampa City Code Section 9-3-1 to be reflected on final construction drawing including,
  - S Canyon St – Sidewalk, drainage, and any widening required.
  - W Dooley Ln – Sidewalk and drainage are required. Curb, gutter, and pavement shall be done by the City at time of future widening.
5. Elaine Ct should be revised to W Elaine Ct.

**Utilities:**

6. The City's water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:
7. The project will be required to construct utilities to and through the property at the time of development.
8. Utility layouts should be refined during final design to minimize utility crossings and ensure horizontal separation per IDAPA standards.
9. Streetlights should be added at the project entrance on S. Canyon St. and at the end of the proposed Elaine Ct.

**Drainage:**

10. The property is not located within a defined floodplain.
11. The Final Drainage Report shall adhere to Section 106 of the Nampa Engineering Development Process and Policy Manual and address the following comments:
  - a. Provide calculations for gutter/inlet capacity. All primary conveyance facilities shall be sized for the 50-year storm event.

**Conditions from the Engineering Divisions are listed under Conditions of Approval (including General Requirements); and,**

12. A letter dated March 11, 2021 authored by Brent Hoskins, Nampa Fire Department:

*The Nampa Fire Department has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by Nampa City Code.*

**Comments:**

1. 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).
2. 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)
3. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
4. 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)
5. Monument signage for addressing will be required at the entrance and at all intersections within the project. (IFC 505.1)
6. 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)
7. 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)
8. 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. Please provide documentation the road surface meets this standard. (IFC D102.1)
9. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)
10. 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)
11. 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).

**Emergency Response Time Analysis and Service Impact:**

1. The City of Nampa 2040 comprehensive plan 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 ½ miles from the nearest fire station. This development is located approximately 1.5 miles from Nampa Fire Station 2 with an approximate response time of 3 minutes.
2. To properly serve the public for an all-hazards response, the Nampa Fire Department should have 1 firefighter for every 1,000 residents served. This subdivision will add approximately 24 residents to 8 single family homes, with an increased personnel demand of .024 firefighter positions.

**Conclusions of law:**

1. The Project is within the city limits and within RS6 Zoning.
2. The Project substantially conforms to the Nampa City Code(s) stated in NCC § 10-27 (Subdivisions).
3. The Project substantially conforms to the Nampa City Code(s) stated in NCC § 10-8 RS (Single-Family Residential - min. 6,000 sq. ft. lots) Zoning District.
4. The Project substantially conforms to the Nampa City Code(s) stated in NCC § 10-33 (Corridor Beautification).



**Suggested conditions of approval:**

1. The project will be subject to all required building codes and related permits based on the requirements of City Ordinance -Title 4 – Building Regulations. However, construction drawings with a grading plan indicating minimum and maximum top of wall elevations from top back of curb and a drainage plan for individual lots will be required at time of final plat review; and,
2. Local irrigation/drainage ditches that cross this property that serve neighboring properties shall remain unobstructed and protected by an appropriate easement; and,
3. Storm drainage and/or street runoff shall be retained on site; and,
4. Frontage road improvements along W Dooley Ln and S Canyon St shall be constructed in accordance with Nampa City Code Section 9-3-1; and,
5. 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; and,
6. 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. 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; and,
7. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment; and,
8. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal; and,
9. Developer shall remove weeds, concrete, wood, and debris throughout the property interior, rights of way, and fence lines prior to obtaining a building permit; and,
10. Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures. Specific building construction requirements of the International Building Code, International Fire Code and City of Nampa Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application; and,
11. 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 and 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; and,
12. Applicant shall provide a corrected landscape plan prior to filing for final plat approval.

Vice-Chair Kehoe proceeded to public testimony.

Don Christiansen, 3011 S Island Dr., Nampa:

- Recalled the farmhouse was originally planned to be part of this development. The sidewalk that runs along Dooley stops at lot 6 and does not continue all the way to the end of the property line. Would the sidewalk be included as part of the development?
- How do they intend to block off the access along Dooley Lane from the farmhouse? Is there a variance to have the farmhouse this close to the road?
- Stated the city said that they would not be paving until the city pays the right of way. Bayhill is paved all the way to the right with an extra turn lane, is that the same kind of setup for how the road is going to look for this development? Will Dooley be widened right at the spot where the farmhouse is, or further down where the sidewalk would be in terms of the 40' ROW?
- The exit going out the north side at Canyon St. has a 90-degree turn, an estimated 50-60 ft. from where the proposed entrance is located, it is a blind corner which is a safety concern for residents using Canyon for their exit. The 20 Year Comprehensive Plan shows the city plans to open Canyon St. all the way through, and the additional traffic at that point could create some conflicts without a stop light. Kehoe inquired whether homes are located across from Canyon. Response: Part of Bayhill Subdivision, there is a berm on that side of the road. Kirkman: So, your concern is that the road is too close to that 90-degree elbow. Response: Yes. Bayhill owns the property just to the west.
- Access is a major concern given the 200 houses being built off of Greenhurst and Middleton and Midland; those vehicles are all trying to get to 12<sup>th</sup> Ave.

Critchfield: No variance was required for the farmhouse as it existed prior to the development; it was grandfathered in. If the house were ever to be torn down, the new construction project would be required to follow current codes and put in a sidewalk.

LaClair, Assistant City Engineer: Recalls this was a one-time administrative lot split which is why that piece was able to be left out with the existing house. The city is able to require frontage improvements in the area subject to the plat which is why the sidewalk is not shown around the existing house/lot.

Kirkman: The access to that corner lot going to Elaine Ct., is this part of the subdivision? LaClair: New access will be provided from the subdivision to that house, partly due to safety as the city does not want access from Dooley any longer. The new access will come from Elaine Ct.

Critchfield clarified that these were originally two lots made into one subdivision, this farmhouse lot is the second lot and was created as a lot line adjustment. Kehoe: Are you saying that there will not be a sidewalk in front of the house, the city will not pay for that? LaClair: A sidewalk would be constructed at this location if the lot were ever redeveloped or if the city widened Dooley Lane. Per code, frontage improvements are required across the area directly fronting the subdivision boundary.

Garner requested clarification on the entrance to the subdivision being close to the turn lane and affecting field of vision. Kirkman: That is a 90-degree elbow, is a certain distance required for an entrance for this kind of turn? LaClair: Canyon St. is a local road and will likely never continue to the north, the speed limit is 20 mph and sight distance lines are around 100-150 ft., the only concern with that sharp corner the city would look at from a fencing standpoint is to ensure proper sight distance for someone coming around the corner and be able to safely pull out of that access point. The only restriction on sight distance would be any vegetation or landscaping at that corner, which would be reviewed at the final platting and construction drawing stage. At cursory glance, this does not appear to be an issue. The safest thing is trying to get the access as far to the east as possible and they have done their best to try to achieve that.

Garner: The vision triangle is 40 ft. and will be completed per code correct? LaClair: Correct, at their access they will have to meet the vision triangle requirements which are determined by code including landscaping; between 2 ft. height to a 9 ft. height clear for that area, those plans will have to comply prior to permit issuance.

Kirkman: There was a question about Dooley and access, was there a turn lane on Dooley that was going to be extended to the front of this project? Garner: I believe he was referring to, if you were coming westbound on Dooley on the right-hand side, will the pavement go all the way to the sidewalk so, in effect, it would be a turn lane so they could get out of traffic and turn onto Canyon, etc. LaClair: Developments are not required to fully widen the road across their project frontage the way the code is currently written, unless it is warranted by virtue of a traffic impact study. The reason for the code being written this way is the result of increased development impact fees, in particular our Streets impact fee, which increased within the last couple of years. In this case, the project is not required to fully widen the road across their frontage, this would occur as a city project should the city find it is warranted to widen Dooley Ln. and some of the Streets impact fees would then help fund the project.

Garner: Will there be asphalt on Dooley then gravel over to the sidewalk? LaClair: There will be a drainage ditch between the road and the sidewalk, perhaps gravel down to the borrow ditch and whatever the developer chooses to put on the other side leading up to the sidewalk, typically turf or more gravel.

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

The Commission reviewed applicable codes and conclusions of law and found the proposed subdivision preliminary plat for Henry's Place Subdivision complies with relevant RS6 zoning codes and City of Nampa subdivision standards pertaining to the proposed development.

**Kirkman motioned and Garner seconded to approve the Subdivision Plat Preliminary for Henry's Place Subdivision for 8 single-family home lots and 3 common lots, on 2.52 acres at 0 & 406 W Dooley Lane - parcel #R2924100000 & R29241011000, in a RS6 (Single-family Residential 6,000 sq. ft) zoning district (a portion of land located in the SW 1/4 of the NE 1/4 of Section 04, T2N, R2W, BM, Nampa, Canyon County) for Mason &**

Associates, Inc. representing JKean Enterprises LLC (SPP-00070-21) with all conditions of staff and conclusions of law. Motion carried.

**Public Hearing 2:** Subdivision Plat Short Approval of Mercy Creek No. 2 Subdivision in a RP (Residential Professional) zoning district, at 821/823 and 827/829 17th Ave S. (parcel # R0984101000) for division into 2 duplex lots for a total of 4 existing dwelling units (a .32 acre parcel situated in block 16 of the Interstate Addition Subdivision in the NE ¼ of Section 27, T3N, R2W, BM) for Joshua Morrison (SPS-037-21) – WITHDRAWN.

**Public Hearing 3:** Development Agreement Modification, originally recorded as Ordinance No. 3997, modifying the concept plan and allow light industrial and commercial uses; and, Zoning Map Amendment from GB1 (Gateway Business #1) to IP (Industrial Park) for the Fuller 84 Business Park, located at the northwest corner of the Star Rd and E Franklin Rd intersection, parcel #R3040600000 (in SW 1/4 of Section 7, T3N, R1W, BM) for Bow River Capital representing Franklin Star Development LLC (DAMO-042-21 & ZMA-134-21) – ACTION ITEM.

Vice-Chair Kehoe proceeded to public hearing.

Jeff Bower, 601 W. Bannock, Boise, on behalf of Bow River Capital.

- Drew Lacey and Joe Osmeyer with Bow River Capital are available for development questions.
- Reviewed staff report and applicant agrees with conditions, staff analysis and characterizations.
- Provided an overview of the Bow River Capital's recent industrial projects.
- Desires a greater scope of industrial uses for the project than how it was originally zoned.
- Worked with brokers and business owners in the community and based on market research, they feel this type of development is appropriate for this area.
- In 2011, a developer had the property zoned GB1 with a DA and conceptual site plan in place with retail uses, restaurants, motel and office uses. Based on the industrial surroundings (Amazon in particular), the previous concept plan is not viable for this site any longer.
- Staff recommended that the DA they are proposing have additional conditions not in the applicant's initial draft: If approved, GB1 Design Review Standards and landscaping/setback standards will apply for this project; they are amenable to this. Based on the improvement that Amazon has made on the Franklin frontage, the area should look compatible.
- This turnkey project will be an asset to the city, will attract new businesses and capitalize on the Amazon site to provide supporting services to the area.

Associate Planner Bodily outlined the project from the staff report.

Reviewed site history and applicable codes relating to IP Zone (NCC § 10-18), zoning and rezones, and development agreements from staff report. IP Zoning would allow for more uses by right compared to the GB1 zone.

- NCC § 10-18-6.B requires that the buildable area of the lot will not exceed 60%, which requires 40% open space. Kirkman inquired whether the 40% open space included the parking lot and Bodily responded that it did.

**Transportation:** Three traffic signals were constructed along E Franklin Rd during construction of the Amazon project. The two signals were not able to be constructed at their ultimate location due to inability to obtain required ROW from the subject property owner. Any development of the site will require traffic signals to be relocated to their ultimate location with dedication of corresponding public ROW.

Staff Analysis:

Community Mixed Use

- Community Mixed-Use districts include development that is planned to specifically include commercial uses with a focus on providing communitywide needs and services. These areas should be sited along major transportation corridors and include public transportation access wherever feasible. Land uses in this land use setting should be transitioning to Community Mixed-Use type of development.

Land Uses

- The property is currently used as agricultural land. The current zoning offers a different set of uses than what the applicant is seeking to develop for. Instead of having each tenant apply for a conditional use permit in the GB1 zoning district, the IP zoning district would allow a majority of those uses outright.

**Transportation**

- A Traffic Impact Study will be required as well as frontage improvements as stated by Engineering.

Reviewed Ordinance 3997 recorded on December 23, 2011 as Instrument # 2011-050848, which contains the Development Agreement referenced by the staff report. This request is to replace the previous Development Agreement that covers the entire 65 acres. Reviewed code relative to Development Agreements.

The property is currently used as agricultural land. The current zoning offers a different set of uses than what the applicant is seeking to develop for. Instead of having each tenant apply for a conditional use permit in the GB1 zoning district, the IP zoning district would allow a majority of those uses outright. A more specific list of uses may be added to the development agreement at the commissioners' discretion.

**Reviewed agency/city correspondence:**

**City of Nampa Engineering Division:**

1. A pre-application meeting was held with Nampa Engineering Division, Planning Department, and Fire Department staff on January 20, 2021.
2. The property is located at the northwest corner of E Franklin Rd and Star Rd, and is fronted by the following roads:
  - E Franklin Road – classified as “Principal Arterial” - speed limit 35-mph.
  - Star Road – classified as “Minor Arterial” - speed limit 40-mph.
  - Treasure Valley Way – classified as “Local” - speed limit 20-mph.
3. The designated public right-of-way width for fronting roads are:
  - E Franklin Road – 50’ from Section Line (no additional ROW required)
  - Star Road – 50’ from Section Line (no additional ROW required)
  - Treasure Valley Way – 60’ total (dedicate minimum 10’ of ROW to meet City’s 70’ wide Industrial Road standard section)
4. Three traffic signals were constructed along E Franklin Rd as part of Project Bronco. The two signals were not able to be constructed at their ultimate location due to inability to obtain required ROW from the current subject property owner. Any development of the site will require traffic signals to be relocated to their ultimate location with dedication of corresponding public ROW.
5. Frontage improvements in accordance with Nampa City Code Section 9-3-1 will be required at the time of development including:
  - E Franklin Road – Sidewalk, drainage, and signal relocation.
  - Star Road – Sidewalk and drainage.
  - Treasure Valley Way – Full frontage improvements including pavement widening, curb/gutter, drainage, and striping.
6. A Traffic Impact Study (TIS) will be warranted for this development. A TIS should be submitted for review and approval by the Nampa Engineering Division prior to submittal of the first Building Permit or Subdivision application.
7. The City’s sewer, water and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:
  - 10” and 12” gravity sewer along the north property boundary; +/-12’ deep.
  - 15” gravity sewer in E Franklin Rd with 8” stubs to the property; +/-18’ deep.
  - 12” water main in E Franklin Rd, Star Rd, and along north property boundary; and,
  - 12” pressure irrigation main in E Franklin Rd and along west property boundary.
8. The City’s Utility Master Plans reflect a new 12” pressure irrigation main extension along the Star Road frontage. As an alternative, a 12” main could be extended through the property to avoid trenching in Star Road.
9. The property will need to be annexed into the Nampa Municipal Irrigation District at time of development.

**Nampa Planning and Zoning:** The following was stated by Director Rodney Ashby:

“As requested by Mayor Kling and as envisioned in the Nampa Comprehensive Plan, East Franklin Rd is a significant ‘gateway’ corridor into our community. The GB zones were created to ensure these gateway corridors maintain a consistent feel and appearance as envisioned in the Comprehensive Plan. As such, if the Nampa City Council wishes

to approve the rezone and development agreement modification for the Fuller 84 Business Park, I recommend including the landscaping, berm, setbacks, and design review standards required for the GB zoning districts, in the development agreement and that any structure constructed on the property be required to go through the Design Review process as if it remained in the GB zoning district.”

**Nampa Building Department:**

The project will be subject to all required building codes and related permits based on the requirements of City Ordinance-Title 4 – Building Regulations.

**Zoning Assignment Conclusions of Law:**

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.

If the Planning and Zoning Commission recommends approval of the zoning map amendment from GB1 to IP and the Development Agreement Modification, recommended conditions of approval are as follows:

1. Owner/Developer shall prepare and submit a Traffic Impact Study (TIS) to the Nampa Engineering Division for review and approval prior to submittal of the first Building Permit or Subdivision application. The TIS shall align with the City's 2015 Transportation Impact Study Policy and shall account for the full scope of development. Due to the speculative nature of the development, if there is insufficient information to define the scope of uses with the first phase of development, the Owner/Developer shall be required to submit an updated TIS prior to commencement of next development phase considering both the previous phase and all future phases.
2. Owner/Developer shall construction frontage improvements in accordance with Nampa City Code Section 9-3-1 at the time of property development, including:
  - a. Franklin Road – Sidewalk and drainage per Nampa Standard Drawing N-822.
  - b. Star Road – Sidewalk and drainage per Nampa Standard Drawing N-822.
  - c. Treasure Valley Way – Full frontage improvements including pavement widening, curb/gutter, drainage, and striping per Nampa Standard Drawing N-824.
3. Owner/Developer shall dedicate public right-of-way along Treasure Valley Way at time of property development to meet the City's 70' wide Industrial Road standard section per Nampa Standard Drawing N-824.
4. Owner/Developer shall relocate the two traffic signals located at the west and center accesses of E Franklin Road to their ultimate location and modify associated pedestrian ADA improvements at time of property development. Owner/Developer shall dedicate additional public right-of-way as required to facilitate the traffic signal relocation.
5. Site access shall align with the City of Nampa Access Management Policy, and if possible be limited to the existing accesses on E Franklin Road and to Treasure Valley Way unless approved through the Traffic Impact Study process.
6. 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 and prior to connection to City services.
7. 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.
8. Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.
9. Owner/Developer shall comply with all City Codes, Policies, and Standards in place at the time of property development.
10. Landscaping, berm, setbacks and Design Review standards required for the GB1 zoning districts shall be included in the development agreement.
11. Any structure constructed on the property shall be required to go through the Design Review process as if it remained in the GB1 zoning district.

Vice-Chair Kehoe proceeded to public testimony.

Kirkman: Are you referring to the two lights in front of the entrances to the Amazon property on Franklin as needing to be reconfigured? They removed the roundabout and put in stop lights. Turner: There are two, one is the main and one is for trucks/shipping and receiving. Kirkman: There are two stop lights in front of Amazon entrance. Bodily clarified the intersection being referred to is at Franklin and Star.

Watkins: When this was project was originally annexed the owner was unwilling to dedicate the required ROW, the lights are placed in the ROW that currently exists so there is a certain amount that is going to be dedicated with this project and those lights will be adjusted to their correct location.

Kehoe: Is the new entrance to the Interstate still coming up? Watkins: Highway 16 will be coming to the east, that intersection or on-ramp is east on Franklin.

Kirkman inquired and Bodily confirmed that GB1 Design Review standards will be required for the entire perimeter of the property. Turner stated he believed the berm would look unappealing compared to landscaping across the street, Bodily clarified that berm is not required as part of the landscape requirements.

Garner: Does the main entrance to the development correspond with the main entrance to Amazon, looking at the site plan it looks like it is back a bit from Star on Franklin? Bodily: The concept plan is for the previous development that never occurred, this application has not presented any concept plan.

Kirkman inquired and Bodily confirmed GB1 Design Review standards did apply to the Amazon buildings and this project would be compatible with those same standards. Watkins: Chapter 34 applied to Amazon with a requirement for 25% glazing on their primary frontage, Planning & Zoning waived that requirement for Amazon; they would have to come before the Commission again if they wanted to appeal this requirement. Landscaping requirements are not a Design Review requirement, just part of the plan review process.

Garner: The road sections in the presentation showing the berms, are these applicable now? Bodily: It is part of the current DA but would be taken out unless you would like to keep it, the berm would be on Star Rd, not Franklin.

Vice-Chair Kehoe proceeded to public testimony.

Amanda Watson, 168 N 9<sup>th</sup> St, #200, Boise:

I represent Lactalis American Group in Nampa, who operate a large industrial facility immediately adjacent to the property under consideration for rezoning. In order for Lactalis American Group to better understand the impacts of the rezoning and any planned or potential projects on the property, the company would like additional information.

1. What is the nature of the business or businesses expected to occupy the parcel?
2. How many people will the development bring on a daily basis (employees, visitors, transportation/deliveries)?
3. What are the expected hours of operation for the business or businesses expected to occupy the parcel?
4. What is the timing to begin and complete the project?
5. Is it known how construction will impact local traffic patterns? When will a traffic study be completed?

Bower: Currently there are no specific businesses or uses in mind, the concept is to develop the space and then attract users. A traffic study will be conducted, general light manufacturing/commercial uses are being developed to forecast and determine what the traffic impacts will be and set thresholds that, if we go over that, we will study again. That way we make sure we are fully mitigating our traffic impacts. We want to start as soon as possible. The site will be developed in two phases. The first phase will be approximately half the site (west side). As soon as that is completed, we hope to start on phase two (east side of the site) within 1-2 years.

Turner: Do you have any idea if you are going to have an entrance off of Star Rd. If there were no entrances off of Star this project might not affect Lactalis as much. Bower: We are not that far along to be able to determine that at this time. Phase one is on the west side of the site and will have two access points at the current lights on Franklin Rd, I can't speak to what the access points will be on Star yet.

Kehoe: You mentioned you had done some preliminary investigation of businesses that might be attracted to the zoning you are requesting; do you have an estimation of number of employees? Bower: We will have lesser impact than our neighbors and are going to ballpark the uses when we complete the traffic impact study. We are using the same engineering firm that Amazon used.

Kirkman: Will the traffic study include forecasting for heavy truck traffic? Bower: Uses will be based on modeling from their market research and the traffic engineer will determine what mitigations are necessary and be available at time of building permit.

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

Turner: I was looking at the taxes and Nampa is not even collecting \$1,800 for taxes at this place, it is just sitting there being farmed, evidently what they had planned 10 years ago is not fitting to what is currently going on in Nampa so in order to bring some business there we have to make some changes. If we do approve this project, I would like to see certain uses restricted.

Watkins: The Commission may go through the list of uses and, in their motion, recommend restricting any uses deemed appropriate. Staff can take the revised list of uses and make an exhibit in the DA so that when the project comes forward that specific list of uses will be referred to. As far as storage units are concerned, this may be a list that has not been updated with that new storage unit code restrictions. Storage units are allowed in BC and BN zones with a CUP that goes before City Council and would not be allowed in this zone.

The Commission reviewed NCC § 10-2-3(c) rezone conclusions of law and NCC § 10-3-2 Schedule of Uses in IP Zone, and NCC § 10-18 IP District/Zone and found the conclusions of law met the project specifications.

**Turner motioned and Kirkman seconded to recommend to City Council approval of Zoning Map Amendment from GB1 (Gateway Business #1) to IP (Industrial Park) for the Fuller 84 Business Park, located at the northwest corner of the Star Rd and E Franklin Rd intersection for Bow River Capital representing Franklin Star Development LLC (ZMA-134-21) with all staff conditions and conclusions of law, excluding the use of planned unit developments, manufactured home parks, truck and bus parking lots, and petroleum storage. The Commission specifically noted Director Ashby's comments and recommendations located herein be specifically included in this motion. Motion carried.**

**Turner motioned and Garner seconded to recommend to City Council approval of Development Agreement Modification, originally recorded as Ordinance No. 3997, modifying the concept plan and allow light industrial and commercial uses for the Fuller 84 Business Park, located at the northwest corner of the Star Rd and E Franklin Rd intersection, for Bow River Capital representing Franklin Star Development LLC (DAMO-042-21) with all conditions of staff and conclusions of law, excluding the use of planned unit developments, manufactured home parks, truck and bus parking lots, and petroleum storage. The Commission specifically noted Director Ashby's comments and recommendations located herein be specifically included in this motion. Motion carried.**

Meeting adjourned at 8:00 pm.

Rodney A. Ashby, Planning Director  
:kh



