





6. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.
7. Applicant shall address all preliminary plat comments identified in the memo from the Nampa Engineering Division dated February 14, 2023, and all street name comments identified in the letter from Nampa GIS Division dated February 7, 2023 prior to Final Plat submittal. Applicant shall submit a revised Preliminary Plat addressing these items for City records.
8. Developer shall pay a fee in-lieu of construction to contribute toward future roundabout construction at the Locust Lane and Happy Valley Road intersection identified as a failing intersection by the Harvest Creek Subdivision Traffic Impact Study. Fee shall be based on the project's percent contribution toward the total failing PM Peak Hour intersection traffic, which is approximately 4.9%, and the estimated construction cost developed with the conceptual plan design, which \$3,700,000. The total in-lieu fee is \$181,300 and shall be paid at time of Final Plat.
9. Developer shall enter into an agreement with CBH Homes and the New York Landing Subdivision HOA to facilitate connection to and shared operation and maintenance cost of the New York Land Sewer Pump Station. Developer shall include a copy of the recorded agreement with the first final plat application.
10. Developer shall update the Traffic Impact Study and submit to Nampa Engineering Division for review and approval prior to proceeding with development of the remaining annexation area. Developer shall be responsible to address all project triggered traffic impacts and recommended mitigation identified in the final approved study.
11. A 10' wide side path shall be constructed along the north side of E. Lewis Lane in accordance with the City of Nampa Bicycle and Pedestrian Master Plan.
12. Applicant/Owner shall enter into a development agreement to maintain substantial conformance with the proposed overall concept plan and all conditions of approval.

Daniel Badger, Engineering, responded to Commission's questions regarding traffic, city services, lack of commercial services in the area, and roundabouts.

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

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

Summary of Commission comments/concerns: Conformance with the Comprehensive Plan, timing and location for a project of this magnitude, current lack of services in the area, intrusion on property rights.

Moved by Kehoe and seconded by Sellman to recommend to City Council APPROVAL of the item with all recommended conditions and adopt the potential findings in the staff report. In Favor: Garner, Daffer, Turner, Kehoe, Sellman. Opposed: Kirkman, Morgan. Motion carried.

**Public Hearing 2:** Pre-Annexation and pre-zoning to RS-22 (Single-Family Residential) and development agreement for Northshore Estates Subdivision (AKA Lakeshore), at 0 S Powerline Rd (a 33.17 acre parcel #R2956900000), located in the NE 1/4 of Section 15, T2N, R2W, BM) for Cam Scott, KM Engineering, LLP representing Spencer Kofoed, Tradition Capital Partners LLC ((P)ANN-00262-2022). Original Concept: 30 single-family detached dwelling units and 4 common lots – ACTION ITEM.

Chair Van Auker, Jr. proceeded to public hearing.

Moved by Kehoe and seconded by Kirkman to continue the item to a date certain of April 11, 2023. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

**Public Hearing 3:** Conditional Use Permit for a home-occupation Online Sales Firearms Business in a RS6 (Single-Family Residential 6,000 sq. ft) zoning district at 1804 E Celbridge St. (a .17 acre Parcel #R3234614500 located in the SW 1/4 of Section 35, T3N, R2W, BM) for Mark McCoy (CUP-00306-2023) – ACTION ITEM.

Chair Van Auker, Jr. proceeded to public hearing.

Mark McCoy, 1804 E Celbridge S, Nampa, presented the request, clarifying that he plans to conduct sales out of the home by appointment only (Ashby confirmed that this is allowed per code).

Director Ashby presented the staff report, applicable regulations, complaint procedures and public comments.

Potential findings for decision of approval from the staff report:

1. The location, size, and design and operating characteristics of the proposed development 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... because...
  - a. There is no change proposed to the outside of the residential home, including signage, that would change the nature of the residential neighborhood.
  - b. Business at the property will be conducted internal to the home – primarily out of the garage and ~~no~~ *customers will be visiting the home for purchase of firearms or firearm related sales*, thus not impacting the regular residential traffic or feel of the area. *Amended to include sales shall be allowed at the home by appointment only.*
  - c. Very minimal regular deliveries of business supplies will come to or from the property, thus not impacting the regular residential traffic in the area.
2. The location, design and site planning of the proposed development 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... because...
  - a. Since no changes are being proposed to the outside of the home, the property will continue to operate as a single-family home and its appearance will remain consistent with the neighboring properties of single-family homes.
  - b. The primary use will continue to be residential, thus ensuring a functional living environment.
3. 10-25-4.A.3: The proposed development 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.
  - a. Both the comprehensive plan and the city code advocates for small scale home occupation businesses that do not negatively impact the residential neighborhood. Thus, this use is deemed to be an essential service to the community or region because it provides a form of revenue without impacting the residential feel of the area.

Conditions of approval:

1. Compliance with all City Codes, including City Ordinance - Title 4 – Building Regulations, and adopted State Building Code.
2. The owner shall maintain all regulatory permitting, licensures and operational procedures as required by law.
3. The conditional use permit shall be granted for the applicant and the location the subject of this request and not be transferrable to another person or location.
4. No business signage shall be permitted at this location.
5. ~~All~~ Sales shall be conducted through the shipping the product to the customer, or in a commercial setting such as a gun show. *Amended to include sales shall also be allowed at the home by appointment only.*

Chair Van Auker, Jr. proceeded to public testimony.

Tom Cannon, 1021 S 19<sup>th</sup> St, Nampa, in support.

David Adkins, 1814 Cedar St, Caldwell, in support.

Applicant: Additional gun safe(s) will be purchased for storage of guns for sale. Kirkman clarified the applicant would limit his stock to no more than 10 firearms and will drop ship.

Moved by Garner 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 Morgan and seconded by Garner to APPROVE the item with recommended conditions (**amending condition 5 to include customers are allowed on the premises by appointment only**) and adopt the potential findings in the staff report, amending the adopted findings of approval as follows:

- Business at the property will be conducted internal to the home – primarily out of the garage, customers are allowed in the home for purchase of firearms or firearm related sales **by appointment only**, thus not impacting the regular residential traffic or feel of the area.

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

**Public Hearing 4:** Conditional Use Permit for a nursing home, assisted living center/home, in a RS6 (Single-Family Residential 6,000 sq. ft) zoning district at 819 S Powerline Rd (a .37 acre Parcel #R1144200000 located in the NE 1/4 of Section 34, T3N, R2W, BM) for Abel Hutu (CUP-00308-2023) – ACTION ITEM.

Chair Van Auker, Jr. proceeded to public hearing.

Abel Hutu, 819 S Powerline Rd, Nampa presented the request. 3 employees will be in on premises during the day and 1 employee between 9:00 pm-6:00 am.

Senior Planner Bodily presented the staff report and applicable regulations. The RS6 zoned property is in a residential area and along S Powerline Rd, which is classified as a collector road. There is currently a vacant lot behind the property. The future land use designation is Medium Density Residential. By federal law, group residences of 8 people or less are permitted in residential areas. Due to this request exceeding the permitted 8 beds, additional compatibility criteria may be addressed. The existing group residence over 8 beds has operated in this location since 2012. As a condition of approval of the 2012 CUP, **vinyl** fencing was to be installed around the sides and rear of the property prior to final occupancy being approved. It appears that the fencing may not have been installed. Per NCC 10-22-6.B, parking will be calculated at the rate of 1 per 5 beds plus 1 per regular employee.

Potential findings for decision of approval:

The location, size, design and operating characteristics of the project will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character.

- The residential nature of the use will be consistent with the existing single-family residences in the neighborhood.
- The noise and traffic generation will not exceed that of a normal residence.

That the location, design and site planning of the project will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

- The structure will be subject to the standards for the single-family residential zoning and thus will maintain the standards of the surrounding area.
- Sufficient parking will be provided as the use warrants in the amount required by code.

That the project 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.

- The business will provide an essential service to the community.

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. Parking shall be provided according to Nampa City Code Title 10 Chapter 22.
3. CUP shall be issued for Abel Hutu only and cannot be transferred to a separate owner or location.

Chair Van Auker, Jr. proceeded to public testimony. Mark Davis, 810 Mill Road, Emmett, in favor.

Applicant stated there is chain link fencing along the sides and a wood fence along the back of the property; however, the fencing was not vinyl.

Moved by Garner 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 Kirkman and seconded by Morgan 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 5:** *(Continued from March 14, 2023)* 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. *Item withdrawn.*

Meeting adjourned at 7:30 pm.

Rodney A. Ashby, AICP  
Planning & Zoning Director  
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