

SPECIAL COUNCIL

April 27, 2020

Mayor Kling called the meeting to order at 5:00 p.m.

Nampa City Clerk made note that Councilmembers Rodriguez, Bruner, Mutchie, Levi, Haverfield, Bower were present. Councilmember Levi was having technical trouble was in attendance.

❖ (1) Public Hearings ❖

Item #1-1. - Mayor Kling opened a **public hearing** for a variance of Section 10-10-6 D Minimum Property Structure and Parking Front Yard (Setback) for the RD zoning district, requiring a twenty foot (20') front yard setback at 723 13th Ave. (A .32-acre parcel situated in the NW ¼ of Section 27, T3N, R2W, BM, Lots 9 and 11 Block 16 Waterhouse Addition Subdivision) for construction of an accessible pedestrian ramp to the Church of the Living God, for Veniamin Radchuk (VAR 090-20).

Veniamin Radchuk presented the request.

Principal Planner Kristi Watkins presented the following staff report explaining that the request is for a Variance of Section 10-10-6 D Minimum Property Structure and Parking Front Yard (Setback) for the RD zoning district, requiring a twenty foot (20') front yard setback at 723 13th Ave S. (A .32 acre parcel situated in the NW ¼ of Section 27, T3N, R2W, BM, Lots 9 and 11 Block 16 Waterhouse Addition Subdivision) for construction of an accessible pedestrian ramp to the Church of the Living God, for Veniamin Radchuk (VAR 090-20).

Purpose/Applicant Explanation: “Per the attached plan sheets A1-1 and A7-2 dated April 10, 2019, the church would like to build an accessibility ramp and modify the existing steps at the main entrance to the church. The existing steps and new ramp do not meet the minimum setbacks described in the Project Data Table of Sheet A1-1. The church is requesting a variance to allow construction of the described work within the setbacks. The unnecessary hardship which would result from denial of this request is that there would be no accessibility ramp at the main entrance of the church. As a note, historically, there was an accessibility ramp at this entrance prior to the church’s acquisition of the property in 2019, as illustrated in the attached narrative.”

General Information

Existing Zoning: RD (Two-Family Residential), A church is an allowed use in the RD Zone.

Location Information: 723 13th Ave S. (A .32-acre parcel situated in the NW ¼ of Section 27, T3N, R2W, BM, Lots 9 and 11 Block 16 Waterhouse Addition Subdivision).

Comprehensive Plan Designation: High Density Residential.

Specific Information

Size of Property: A .32-acre parcel (13,939.2 s.f.). **Surrounding Land Use and Zoning:** North - Walgreens, BC (Community Business) zoning district - South – Residences, RD (Two-Family Residential) zoning district - East – Residences, RD (Two-Family Residential) zoning district -

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West – Retail & Bank, BC (Community Business) zoning district. **Utilities:** Already serve the property. **Transportation/Access:** The parcel has direct access from 13th Ave S.

Applicable Regulations

10-24-1: [Variance] Purpose:

The City Council is empowered to grant variances to prevent or to lessen practical development difficulties, unique site circumstances and unnecessary physical, geographical hardships inconsistent with the objectives of zoning as would result from a literal interpretation and enforcement of certain bulk or quantifiable regulations prescribed by zoning ordinance.

A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of: a) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and b) the variance is not in conflict with the public interest. Hardships must result from special site characteristics relating to the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions, or from population densities, street locations or traffic conditions or other unique circumstances.

Variances are not intended to allow something that others do not have a permitted right to do. The purpose of a variance is to provide fair treatment and to see that individuals are not penalized because of site characteristics beyond their control. (Ord. 2140; and. Ord. 2978)

10-24-2 Actions:

- A. Granting of Variance Permit: The council may grant a variance permit with respect to requirements for fences and walls, site, area, width, frontage, depth, coverage, **front yard**, rear yard, side yards, outdoor living area, height of structures, distances between structures or landscaped areas as the variance was applied for or in modified form if, based on application, investigation and evidence submitted, the council concludes the following:
1. Literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.
 2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.
 3. Literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
 4. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

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5. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

10-10-6 Property Area, Width and Yard Requirements:

D. Minimum Property Structure and Parking Front Yard (Setback): Shall be twenty feet (20') wide/deep.

Correspondence

Nampa Engineering Department: does not oppose the variance, but recommend it apply to the existing structure in its current state.

Staff Analysis

To justify a variance request, an applicant must argue successfully to the Council that there are aspects of their property that physically, topographically, or, otherwise based on code requirements, puts them at a disadvantage in trying to accomplish what they wish in comparison to like properties.

If the City Council believes that there is no real topographical hardship associated with a variance application, then the applicant must argue that there is a “unique site circumstance” sufficient to justify their request. In the past, variances have been issued on a case by case basis where a unique situation could be determined to exist. In this case, the “unique site circumstance” may exist because of the Idaho Transportation Department’s need to secure right-of-way for a major intersection improvement along Interstate 84. The property owner could not be held responsible for such a situation and staff believes a “unique site circumstance” exists for the property to justify a variance.

The City Council must determine if this request qualifies as a unique site circumstance providing the required justification for approval. The City Council is at liberty to either approve or deny. Either decision should not be construed as setting precedent, but consistency in the community/neighborhood and between applications is a desirable goal when dealing with case.

Recommended Conditions of Approval

Should the City Council vote to approve the requested variance, staff recommends the following conditions required by Planning and Engineering:

- 1) The applicant shall comply with all applicable requirements as may be imposed by City divisions/departments appropriately involved in the review of this request as the Variance

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approval shall not have the effect of abrogating requirements from those City divisions/departments.

- 2) The variance shall apply to the setback of the existing footprint of the building. Any additions or new construction on the property shall be constructed in compliance with current city codes and setbacks.

Councilmembers asked questions.

No one appeared in favor of or in opposition to the request.

MOVED by Haverfield and **SECONDED** by Mutchie to **close** the **public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

MOVED by Rodriguez and **SECONDED** by Bower to **approve** the **variance** of Section 10-10-6 D Minimum Property Structure and Parking Front Yard (Setback) for the RD zoning district, requiring a twenty foot (20') front yard setback at **723 13th Ave.** (A .32-acre parcel situated in the NW ¼ of Section 27, T3N, R2W, BM, Lots 9 and 11 Block 16 Waterhouse Addition Subdivision) for construction of an accessible pedestrian ramp to the Church of the Living God, for Veniamin Radchuk with staff recommended conditions and stripping for handicap parking. **(Councilmember Levi having technical difficulty)**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #1-2. - Mayor Kling opened a **public hearing** for **annexation and zoning** to RS4 (Single Family Residential - 4,000 sq. ft.) at **922 and 946 W. Maryland Avenue** (A 1.66 acre parcel of land being a portion of the SW ¼ of Section 33, T3N, R2W, BM) and Subdivision Plat Preliminary Approval for Anchor Point Subdivision – 9 Single Family Residential Lots on 1.66 acres or 5.42 dwelling units/gross acre) for **Sawyer Eckhardt-Anchor Homes LLC**. The Planning and Zoning Commission recommended approval (ANN 161-19 and SPP 052-19).

Kurt Smith presented the request.

Kristi Watkins presented the following staff report explaining that the request is for annexation and zoning assignment of Land to RS-4 for “Anchor Point Subdivision” [hereinafter the “Project” or “Development”; alternatively, “Anchor Point Subdivision”] -- a proposed single-family subdivision containing 9 buildable lots upon the land referenced below...pertaining to A 1.66-acre portion of land at 946 W Maryland Ave. located in a the SW ¼ Section 33, T3N, R2W, BM) (hereinafter the “Property”)...

Annexation and Zoning Conclusion of Law

10-2-3 (C) Annexations and/or Rezones/Zoning assignments must be reasonably necessary, in the interest of the public, to further promote the purposes of zoning, and agree with the adopted Comprehensive Plan for the neighborhood.

Staff Analysis Regarding Annexation and Zoning

Zoning: Regarding Applicant’s Annexation and Zoning Request (to RS-4):

1. Current Jurisdiction/Status:

That the Property is currently within Nampa City’s Impact Area, and, is either owned or optioned by the Applicant or that the Applicant has the Property owner’s permission to apply for the entitlement and plat applications made the subject of this report; and,

2. Current and Surrounding Zoning:

That the Property is presently under Canyon County jurisdiction. See the attached Vicinity Map; and,

Existing zoning: **North:** Canyon County zoning, Enclaved, Residential - **South:** Canyon County zoning, Enclaved, Residential - **East:** Canyon County, Enclaved, Residential Subdivision - **West:** RS 7 (Single-Family Residential Subdivision).

3. Immediately Surrounding Land Uses:

Single-family residential land uses surround or lie near the Property; and,

4. Proposed Zoning:

That the proposed RS 4 district, “...is intended (infill) for medium density, urban single-family residential and compatible uses. A stable and healthful environment, together with the full range of urban services, makes this an important land use district within the community”.

5. Reasonable:

That it may be variously argued that consideration for annexing the Property is reasonable given that: a) the City has received an application to annex the Property by amending its official zoning map by the Property owner or an Applicant having a valid, legal interest in the same; and, b) annexation and zoning assignment is a legally recognized legislative act long sanctioned under American administrative law; and, c) that the Applicant intends to develop all or a portion of the Property; and, d) City utility services are, or may be made, available to the Property; and, e) emergency services are available to the Property; and, f) that the Property abuts and/or is enclaved by City land zoned for residential (RS) subdivision development; and, g) land uses in the nearby area, and, more particularly site

development both suggest that RS zoning would be an acceptable fit for the area (other properties) given that RS zoning was already approved for the properties to the west; and,

6. 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,

7. 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 RS Zone's already adopted regulations (e.g., standards that govern land use, building setbacks, landscaping, subdivision design, etc.); and,

8. Comprehensive Plan:

The Property is positioned in an "Medium Density Residential "setting" per the Future Land Use Map associated with the City's adopted Comprehensive Plan.

5.5.3 - Principles of Medium Density Residential:

Medium Density Residential (MDR) – 4-9 units per acres; low density residential land uses are characterized by medium densities:

Housing development in residential areas can be developed as:

- Manufactured Homes;
- Attached & **detached residences**;
- Single family attached homes;
- Patio home;
- Townhomes/Row Houses;
- Low density apartments;
- Duplexes; and,
- Condominiums.

5.12.1 Infill Development and Redevelopment

Infill and redevelopment refer to development on vacant, underutilized, or partially used land. Infill occurs on land that may have been skipped over in the urbanization process.

Infill areas have been identified as enclaves and undeveloped lands where existing City Services are available. Infill and redevelopment are encouraged in order to revitalize developed residential and commercial areas and take advantage of existing infrastructure.

9. Safe Routes to School:

Iowa Elementary - .5 mile north and then east on Iowa Ave – Walkable. There are no sidewalks along the east side of Midland Blvd for 500’ (county properties); but there are sidewalks on the north side of Iowa Ave from Midland to the school entrance.

South Middle School – Just over 1 mile along W Greenhurst Rd OR this route can be navigated along Maryland Ave and through the Tamarack Point and Seasons Subdivisions.

Skyview High School – Approximately 2.25 miles – Not Walkable.

10. Services:

That utility and emergency services are, available to the Property...

Note(s): The preceding general statements are offered as possible [preliminary] findings and are not intended to be all inclusive or inarguable. They are/were simply provided to City Council in case the requested entitlement is considered for approval. In the event of an opposite course, then negative findings may be adopted by the City Council.

In summary, this Property fits the definition for infill development because, 1) it is enclaved and surrounded by single-family properties, 2) all city utilities are immediately available to the site, 3) only two of the nine lots are proposed at the RS 4 density requirements and design guidelines, all other lots are much larger than is required in the RS 4 zone and 4) the project meets the intent of the Medium Density Future Land Use Designation at 4-9 units per acre with a proposed development of 5.29 units per gross acre. Therefore, given the findings noted above, staff recommends that this property be annexed and zoned RS 4.

Notification of the Council hearing was done in accordance with legal requirements. An environmental impact study (EIS) was not called for in conjunction with the Application package submittal as such is not normal required saved when called for by City Engineering under special circumstances. No Traffic Impact Study (TIS) has been required, due to the size of the development. Any extant street frontage improvements along Midland & Maryland, should the Application be approved, will be required to be emplaced at the time of Project build-out per adopted City policy and practice. No taking of other parties’ property(ies) will be effectuated should the Project develop. In Nampa’s case, street improvements and school construction accompany and follow, respectively, land development.

Agency/City Department Comments for Annexation and Zoning and Preliminary Plat

Agency/City department comments have been received regarding both the entitlement request and platting approval request associated with this matter [and report]. Such correspondence, by way of information, as received from agencies or the citizenry regarding the application package [received by noon April 1, 2020] is hereafter attached to this report, to include: (Please note: Agency comments that indicate no comment/issues/concerns will not be listed here, but are attached to this staff report.)

1. A January 29, 2020, email printout from the Nampa Parks Department authored by Cody Swander requesting that the sidewalks along Midland Blvd be built at a minimum width of 10' to act as a side path as indicated in the Nampa Bicycle and Pedestrian Master Plan; and,
2. A January 30, 2020 email printout from the City Forestry Department authored by Adam Mancini, recommending that the trees along Maryland be moved back from the street so they will not be directly under the power lines OR use a suitable Class I tree in place of the proposed trees; and,
3. A January 30, 2020 email printout from Neil Jones with the Nampa Building Department states that the Building Department will require a top of foundation wall or a finish floor elevation on each lot on the construction drawings; and,
4. A memo, dated February 7, 2020, authored by Caleb LaClair, stating the following:

Engineering Project Comments

General:

- a. *It appears that Note 6 on the Preliminary Plat is incorrect and needs to be updated.*

Access:

- b. *The project is located northwest of S Midland Blvd and W Maryland Ave intersection. The following roads provide access to the property.*
 - *S Midland Blvd – classified as “Minor Arterial”, speed limit 45-mph.*
 - *W Maryland Ave – classified as “Local Road”, speed limit 20-mph.*
- c. *A Traffic Impact Study is not required for this project per the City’s current Transportation Impact Study Policy.*
- d. *All lot access is shown to be taken from W Maryland Ave. No access will be allowed from S Midland Blvd.*
- e. *The proposed Maryland Ave sidewalk should continue and connect to the proposed Midland Blvd sidewalk.*
- f. *The proposed shared driveway shall conform to the standards of Section 101-80.08.C of the Nampa Engineering Development Process & Policy Manual. An ingress/egress/cross access easement shall be reflected on the Final Plat and a Shared Use and Maintenance Agreement established between those lots taking access from the driveway.*

Utilities:

- g. *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:*

- 12" water main on the west side of S Midland Blvd;
 - 18" sewer main along the east side of S Midland Blvd (+/-22' deep), with 8" stub at W Maryland Ave; and,
 - 12" pressure irrigation main along the west side of S Midland Blvd.
- h. The property is located within Water Pressure Zone 2 and should experience static pressures between 55 and 60-psi.
- i. Utilities will need to be extended in W Maryland Ave as reflected on the preliminary plat. Sewer depth shall be planned to accommodate future extension in Maryland to serve property between the Maryland Ave and the Herron Lateral.
- j. A second fire hydrant should be installed near the Maryland/Midland intersection to provide 400' maximum spacing.
- k. The sewer manhole should be shifted east so the Lot 9 service lateral connects downstream of the manhole and remove need for cleanout. A variance to the 400' manhole spacing will be allowed to accommodate if it is not desirable to install a second manhole.
- l. The water meter for Lots 2 and 3 should be located outside of the private drive, or the meter tub should be fitted with a traffic rated lid.
- m. Water and irrigation services shall be provided to Lot 1. They appear to be missing.

Drainage:

- n. The final drainage report shall include calculations for the proposed Midland Blvd borrow ditch.
- o. Drainage pipe sizing shall be based on the 50-year design storm per Nampa Drainage Policy.
- p. The proposed seepage bed shall not be located within a fenced residential lot to allow access for maintenance. Consider relocating the facility to be in a common lot or within the public right-of-way under the proposed Midland Blvd sidewalk.
- q. Final grading plan shall reflect how rear lot drainage is being retained on the lots.

Engineering 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. Frontage road improvements along S Midland Blvd and E Maryland Ave shall be provided in accordance with Nampa City Code Section 9-3-1.
3. The following public right-of-way shall be dedicated as a condition of annexation:
 - S Midland Blvd – 50' from Section Line.
 - W Maryland Ave – 28' from Section Line.
 - Provide 25' chamfer at the Midland/Maryland intersection.
4. All lot access shall come from W Maryland Ave. Access will not be allowed from S Midland Blvd.
5. 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.

6. *Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.*
7. *Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Final sewer depth shall accommodate future extension to serve property between Maryland Ave and the Herron Lateral.*

Recommended Conditions of Approval

Should City Council vote to approve the annexation and zoning request, Staff would suggest the following as (a) Condition(s) of Approval for adoption with any such vote/action (note: the Commission may obviously add, subtract and/or modify conditions as it deems appropriate):

1. The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:
2. Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings; and,
3. Submit revised landscape plans; and,
4. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
5. Frontage road improvements along S Midland Blvd and E Maryland Ave shall be provided in accordance with Nampa City Code Section 9-3-1.
6. The following public right-of-way shall be dedicated as a condition of annexation:
 - a. S Midland Blvd – 50’ from Section Line.
 - b. W Maryland Ave – 28’ from Section Line.
 - c. Provide 25’ chamfer at the Midland/Maryland intersection.
7. All lot access shall come from W Maryland Ave. Access will not be allowed from S Midland Blvd.
8. 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.
9. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

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10. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Final sewer depth shall accommodate future extension to serve property between Maryland Ave and the Herron Lateral.
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,

No one appeared in favor of or in opposition to the request.

Applicant made comments.

MOVED by Bruner and **SECONDED** by Mutchie to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Bruner to **approve the annexation and zoning** to RS4 (Single Family Residential - 4,000 sq. ft.) at 922 and 946 W. Maryland Avenue (A 1.66 acre parcel of land being a portion of the SW ¼ of Section 33, T3N, R2W, BM) and **Subdivision Plat Preliminary Approval** for Anchor Point Subdivision – 9 Single Family Residential Lots on 1.66 acres or 5.42 dwelling units/gross acre) for Sawyer Eckhardt-Anchor Homes LLC with recommended staff conditions and authorize the City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #1-3. - Mayor Kling opened a **public hearing for annexation and zoning** to RS22 (Single Family Residential - 22,000 sq. ft.) on the west side of N. Kings Rd. adjacent and north of 39 N. Kings. Rd. at 0 N. Kings Rd. (A 2.43-acre parcel in Plat A Tax 04145 in Lot 37 in the SE ¼, SE ¼, Section 33, T3N, R2W, BM, Nampa, Canyon County, Idaho) for a parcel split for 2 new dwellings for **Jay Walker representing Miguel Ballesteros**. The Planning and Zoning Commission recommended approval (ANN 164-20).

Jay Walker, 849 E State Street, Eagle presented the request.

Principal Planner Doug Critchfield presented the following staff report explaining that the request is for annexation and Zoning to RS22 (Single Family Residential - 22,000 sq. ft.) on the west side

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of N. Kings Rd. adjacent and north of 39 N. Kings. Rd. at 0 N. Kings Rd. for a parcel split for 2 new dwellings for Jay Walker representing Miguel Ballesteros (ANN 164-20).

General Information

Planning and Zoning Commission Recommendation: Approval subject to the below stated conditions. **Zoning & Planning History:** Vacant undeveloped parcel. **Status of Applicant:** Owner. **Annexation Location:** On the west side of N. Kings Rd. adjacent and north of 39 N. Kings. Rd. at 0 N. Kings Rd. (A 2.43-acre parcel in Plat A Tax 04145 in Lot 37 in the SE ¼, SE ¼, Section 33, T3N, R2W, BM, Nampa, Canyon County, Idaho). **Proposed Zoning:** RS22 (Single Family Residential – 22,000 sq. ft.). **Size:** A 2.43-acre or 105,851 sq. ft. parcel. **Existing Zoning:** County R1 (Single Family Residential). **Comprehensive Plan Designation:** Medium Density Residential under current and proposed Comprehensive Plan future land use maps.

Surrounding Land Use and Zoning: North- Rural residential; enclaved County- R1 single family residential - South- Single family residential; enclaved County- R1 - East- Underutilized agricultural; enclaved County- Ag - West- Endeavor elementary school; RS22.

Applicable Regulations: In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel is enclaved and connects with the city limits along its westerly boundary and along a portion of its southerly boundary. The parcel is part of an approximate 40.22-acre enclaved area west of N. Kings Rd. and north of E. Victory Rd. **Existing Uses:** Vacant undeveloped parcel.

Special Information

Permitted and Conditional Uses RS Zones (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10421/Single-Family-Residential-RS-District-Land-Uses>

Permitted Signs RS Zones (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10903/Residential-Zone-Signs>

Public Utilities: No city sewer, water, or irrigation facilities directly available to the property.

Public Services: Police and fire already service city incorporated areas near the location.

Physical Site Characteristics: Vacant undeveloped parcel. **Transportation:** Access to the property is from N. Kings Rd.- classified as "Minor Arterial"

Correspondence: No correspondence has been received from any area property owners or residents either opposing or supporting the requested for annexation and zoning to RS22.

Planning and Zoning Commission Public Hearing Input: Russell Messner of 39 N. Kings Rd. opposed for access and utility related issues stated in the Planning and Zoning hearing minutes. Karl Mallott of 33 N. Kings Rd. appeared at the Planning and Zoning public hearing undecided and asking questions about water service, and right-of-way access to the resulting parcels.

Staff Findings and Discussion

From a land use standpoint, the location is absent the direct availability of sewer and water. Typically, in these situations, larger lots are needed to meet Southwest District Health requirements for septic and well. The parcel to the west is zoned RS22. It was suggested at the time of application that the property be zoned RS22 for compatibility. This was proposed and approved for recommendation at the Planning and Zoning Commission on February 25, 2020.

The 2040 Comprehensive Plan (Plan) was adopted on March 2, 2020. Per the 2040 Plan's Future Land Use Map, the parcel is designated as Medium Density Residential. This land use setting allows for a minimum density of 2.51 gross (3.63 net) dwelling units per acre. The RS22 zoning district would limit the density to a minimum of 1.43 gross (1.98 net) dwelling units per acre. The zoning district that meets the minimum density allowance of the Medium Density Residential land use setting in the 2040 Comprehensive Plan is RS 8.5. RS 8.5 will allow larger lots, such as the lots that are proposed, and will meet the minimum density allowance for the Medium Density Residential land use setting of the 2040 Comprehensive Plan. Staff contacted the applicant on April 10, 2020 by phone and discussed the option of changing the request from RS 22 to RS 8.5. The applicant agreed with the proposed change.

Staff recommends that the property be zoned RS8.5 in order to meet the minimum density requirements of the 2040 Comprehensive Plan. If the City Council accepts the Planning & Zoning Commission recommendation with staff's recommendation that the property be zoned RS 8.5 and approves of the requested annexation and zoning the following findings are suggested:

- 1) The parcel is enclaved and connects with the city limits along its westerly boundary and along a portion of its southerly boundary. The parcel is part of an approximate 40.22-acre enclaved area.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 3) The proposed zoning conforms with the city's comprehensive plan and future land use map for medium density residential land use and is reasonably compatible with existing and proposed land uses in the area.
- 4) The property owner requests annexation and zoning to RS 8.5 for a parcel split for construction of 2 new single-family dwellings.

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Recommended Conditions of Approval

If the City Council accepts the Planning and Zoning Commission recommendation and approves of the Annexation and Zoning to RS22 the following engineering required conditions of approval are recommended:

- 1) The City Streets Division has undergone a recent transportation planning effort for the Kings Road and Victory Road corridors. Recommendations have come back to change the classification of Kings Road from a Collector to a Minor Arterial. As a result, the Engineering Division requests dedication of ROW along Kings Road to be 50' from Section Line to align with this recommendation.
- 2) Any future development of the site will require the placement of sidewalk per City standards along entire N Kings Rd frontage. Coordinate this with Engineering Division. Nampa School District also requested sidewalks be required.
- 3) City utilities are not currently available to this site. Any future development of the site will require connection to City utilities. These City utilities will need to be brought from their present location to and through the property.
 - a. Water — presently located at the intersection of N Kings Rd & E Victory Rd.
 - b. Pressure Irrigation — presently located approximately 330' west of the intersection of N Kings Rd & E Victory Rd.
 - c. Sewer— presently located approximately 520' north of the site in N Kings Rd.
- 4) This property is located completely within the 500-year floodplain of Mason Creek, and while this does not necessarily place any additional requirements from Engineering Division regarding site development, it is worth noting here.

Councilmembers asked questions.

City Engineer Daniel Badger answered questions of council.

No one appeared in favor of or in opposition to the request.

The applicant made comments.

MOVED by Haverfield and **SECONDED** by Rodriguez to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

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MOVED by Haverfield and **SECONDED** by Rodriguez to **approve the annexation and zoning** to RS22 (Single Family Residential - 22,000 sq. ft.) on the west side of **N. Kings Rd.** adjacent and north of 39 N. Kings. Rd. at 0 N. Kings Rd. (A 2.43-acre parcel in Plat A Tax 04145 in Lot 37 in the SE ¼, SE ¼, Section 33, T3N, R2W, BM, Nampa, Canyon County, Idaho) for a parcel split for 2 new dwellings for Jay Walker representing Miguel Ballesteros with staff recommended conditions and authorize the City Attorney to draw the appropriate ordinance. **(Councilmember Levi having technical difficulty)**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #1-4. - Mayor Kling opened a **public hearing for annexation and zoning** to IL (Light Industrial) adjacent and east of **3502 E. Victory Rd.** on the north side of E. Victory Rd. at 0 N Picard Lane for split for future light industrial use (A 10.17-acre parcel situated as Tax 19043 in the SW ½ SE ¼, Section 24, T3N, R2W, BM, Nampa, Canyon County, Idaho) for William Bauscher. The Planning and Zoning Commission recommended approval (ANN 165-20).

Cheryl Heath, 676 North Kegan Way presented the request.

Councilmembers asked the applicant questions.

Doug Critchfield presented the following staff report explaining that the request if for Annexation and Zoning to IL (Light Industrial) adjacent and east of 3502 E. Victory Rd. on the north side of E. Victory Rd. at 0 N Picard Lane for split for future light industrial use for William Bauscher (ANN 165-20).

General Information

Planning and Zoning Commission Recommendation: Approval subject to recommended conditions of approval. **Zoning & Planning History:** Mostly vacant undeveloped. **Status of Applicant:** Owner. **Annexation Location:** Adjacent and east of 3502 E. Victory Rd. on the north side of E. Victory Rd. at 0 N Picard Lane, also Tax 19043 in the SW ½ SE ¼, Section 24, T3N, R2W, BM, Nampa, Canyon County, Idaho. **Proposed Zoning:** City IL (Light Industrial). **Size:** A 10.17-acre or 443,005 sq. ft. parcel. **Existing Zoning:** County M1 (Light Industrial). **Comprehensive Plan Designation:** 'Industrial' on the 2040 Comprehensive Plan future land use map. **Surrounding Land Use and Zoning:** North- Industrial; IL - South- Rural residential; enclaved County- AG - East- Vacant and undeveloped; enclaved County- M1 - West- Agricultural; enclaved County- AG.

Applicable Regulations: In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel is enclaved and connects with the city limits along its northerly boundary and along its southerly boundary adjacent E. Victory Rd.

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The parcel is part of an approximate 125.73-acre enclaved area east of N. Kings Rd. and north of E. Victory Rd.

This parcel is in the Nampa Airport Overlay District. Limits to specific uses, height of structures, vegetation and other potential hazards to safe airport operations is regulated by the Federal Aviation Administration and may be subject to an existing Aviation Easement established in 1975 and as Instrument No. 755201 in the records of Canyon County, Idaho.

Existing Uses: Mostly vacant undeveloped parcel.

Special Information

Permitted and Conditional Uses IL Zone (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10416/Light-Industrial-IL-District-Land-Uses>.

Permitted Signs IL Zone (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10852/IL-IH-Signs>.

Public Utilities: 21" sewer main in N. Cajun Ln. - 12" water main in E. Victory Rd. - 6" pressure irrigation main southwest corner of Grays Lane and E. Victory Rd.

Public Services: Police and fire already service city incorporated areas near the location.

Physical Site Characteristics: Mostly vacant undeveloped parcel. **Transportation:** Access to the property is from E. Victory Rd.- classified as "Minor Arterial". **Correspondence:** No correspondence has been received from any area property owners or residents either opposing or supporting the request for annexation and zoning to IL.

Staff Findings and Discussion

From a land use standpoint, the location is shown on the 2040 Comprehensive Plan FLUM for Industrial is compatible with the requested IL zoning. If the Planning & Zoning Commission recommends approval of the requested annexation and zoning the following findings are suggested:

- 1) The parcel is enclaved and connects with the city limits along its northerly boundary and along its southerly boundary adjacent E. Victory Rd.
- 2) The parcel is part of an approximate 125.73-acre enclaved area east of N. Kings Rd. and north of E. Victory Rd.

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- 3) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 4) The proposed zoning conforms with the City's 2040 Comprehensive Plan 'Industrial' land use setting and is reasonably compatible with existing and proposed land uses in the area.
- 5) The property owner requests annexation and zoning to IL for a parcel split for future light industrial uses.

Recommended Conditions of Approval

If the City Council accepts the Planning and Zoning Commission's recommendation for approval of the Annexation and Zoning to IL, the following engineering required conditions of approval are recommended:

- 1) Upon annexation into the City, public right of way along E Victory Rd frontage will need to be dedicated. Right of way width to be 40' from section line.
- 2) Any future development of the site will require the placement of sidewalk per City standards along entire E Victory Rd frontage. Coordinate this with Engineering Division.
- 3) City utilities are currently available to this site. Any future development of the site will require connection to and/or extension of City utilities to and through the site.
 - a. Water is currently available via 12" main line in E Victory Rd.
 - b. Sewer is currently available via both a 21" & 8" main line in N Cajun Ln.
 - c. Pressure irrigation is located at the intersection of E Victory Ln & S Grays Ln.
- 4) Any future development will require the improvement and widening of N Cajun Ln to allow for two-way traffic and provide emergency access as required for the site.
- 5) Approximately 50% of this property contains portions of Mason Creek floodway and floodplain, with most of this area being in the 100-year floodplain. Any site development will therefore need to consider these areas of the site as part of the design process.
- 6) The property is located south of the Nampa Municipal Airport and is located within the Airport Overlay District. Property development is required to conform to all rules and regulations established for the Airport Overlay District.

Councilmembers asked questions.

Daniel Badger answered questions of Council.

No one appeared in favor of or in opposition to the request.

The applicant made comments.

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MOVED by Bower and **SECONDED** by Rodriguez to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

MOVED by Rodriguez and **SECONDED** by Mutchie to **approve the annexation and zoning** to IL (Light Industrial) adjacent and east of **3502 E. Victory Rd.** on the north side of E. Victory Rd. at 0 N Picard Lane for split for future light industrial use (A 10.17-acre parcel situated as Tax 19043 in the SW ½ SE ¼, Section 24, T3N, R2W, BM, Nampa, Canyon County, Idaho) for William Bauscher with the recommended staff conditions and the deferral of the sidewalk and authorize the City Attorney to draw the appropriate ordinance. **(Councilmember Levi having technical difficulty)**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #1-5. - Mayor Kling opened a **public hearing** for **variance** of Section 10-10-16 D Minimum Property Structure and Parking Front Yard (Setback) for the RD zoning district, requiring a twenty foot (20') front yard setback at **235 High St.** (A .18 acre or 7,841 sq. ft. parcel situated in the NW ¼ SE ¼ of Section 21, T3N, R2W, BM, Lot 1 Block 1 Summer View Subdivision) for Mark Sparrow (VAR 089-20).

Mark Sparrow, 10270 Duck Lane presented the request.

Planning and Zoning Director Rodney Ashby presented the following staff report explaining that the request is for a Variance of Section 10-10-6 (D) requiring a 20' front yard setback in the RD (Two-Family {Duplex} Residential) Zoning District at 235 High St. The applicant requests a 19.5' front yard setback from High St right-of-way to the edge of the proposed duplex on a .18 acre or 7,841 sq. ft. parcel situated in the NW ¼ SE ¼ of Section 21, T3N, R2W, BM, Lot 1 Block 1 Summer View Subdivision, in order to construct a duplex residential dwelling for Mark Sparrow. (VAR 089-19). **Purpose/Applicant Explanation:** "Reduce front setback to 19' – 6".

General Information

Applicant: Mark Sparrow. **Status of Applicant:** Owner. **Existing Zoning:** RD (Two-Family {Duplex} Residential) Zoning District. **Location:** 235 High St. **Comprehensive Plan Designation:** Medium Density Residential.

Special Information

Surrounding Land Use and Zoning: North – Single Family Home/Tri-plex, RD (Two-Family {Duplex} Residential) Zoning District - South – Westview Fourplexes, RD (Two-Family

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{Duplex} Residential) Zoning District - East – Single-Family Home, RD (Two-Family {Duplex} Residential) Zoning District - West – Westview Fourplexes, RD (Two-Family {Duplex} Residential) Zoning District. **Utilities:** 8” water main in High St and 6” stub to the property - 8” sewer main in High St. - 4” pressurized irrigation line in High St. **Transportation/Access:** The parcel will take access from N. Barritz Ct, but applicant will need to show proof of easement for access at time of building permit.

Applicable Regulations

10-24-1: [Variance] Purpose:

The Nampa City Council is empowered to grant variances to prevent or to lessen practical development difficulties, unique site circumstances and unnecessary physical, geographical hardships inconsistent with the objectives of zoning as would result from a literal interpretation and enforcement of certain bulk or quantifiable regulations prescribed by zoning ordinance.

A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of: a) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and b) the variance is not in conflict with the public interest. Hardships must result from special site characteristics relating to the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions, or from population densities, street locations or traffic conditions or other unique circumstances.

Variances are not intended to allow something that others do not have a permitted right to do. The purpose of a variance is to provide fair treatment and to see that individuals are not penalized because of site characteristics beyond their control. (Ord. 2140; and. Ord. 2978)

10-24-2 Actions:

- A. Granting of Variance Permit: The council may grant a variance permit with respect to requirements for fences and walls, site, area, width, frontage, depth, coverage, **front yard**, rear yard, side yards, outdoor living area, height of structures, distances between structures or landscaped areas as the variance was applied for or in modified form if, based on application, investigation and evidence submitted, the council concludes the following:
1. Literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.
 2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

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3. Literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
4. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
5. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

10-10-6 Property Area, Width and Yard Requirements:

D. Minimum Property Structure and Parking Front Yard (Setback): Shall be twenty feet (20') wide/deep.

Correspondence

Idaho Transportation Department: no significant impact and no objections

Nampa Engineering Department: does not oppose the variance

Narrative/Comments

The applicant provided no justification in the application as to how the site meets the conditions stated above in order to qualify for a variance. They will need to provide testimony and/or documentation stating how the conditions in 10-24 of the Nampa City Code apply to this project. Staff assumes that a 6" (six inch) variance from the 20' required front-yard setback will likely not be detrimental to neighboring properties or perhaps even be noticed. However, the applicant still must justify how their project qualifies for a variance based on the Nampa City Code requirements.

To justify a variance request, an applicant must argue successfully to the Council that there are aspects of their property that physically, topographically, or, otherwise based on code requirements, puts them at a disadvantage in trying to accomplish what they wish in comparison to like properties.

If the Nampa City Council believes that there is no real topographical hardship associated with a variance application, then the applicant must argue that there is a "unique site circumstance" sufficient to justify their request. In the past, variances have been issued on a case by case basis where a unique situation could be determined to exist.

The Nampa City Council must determine if this request qualifies as a topographical hardship or as a unique site circumstance providing the required justification for approval. The Nampa City Council is at liberty to either approve or deny. Either decision should not be construed as setting

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precedent, but consistency in the community/neighborhood and between applications is a desirable goal when dealing with each case.

History - Summer View Subdivision and Rezone to RD occurred in 2007 – proposal for development on east and west side of 223 High St. Between 2007 and now, the subject property was sold off from the other two lots of the Summer View Subdivision for development.

Recommended Conditions of Approval

Should the Nampa City Council vote to approve the requested variance, staff recommends the following conditions required by Planning and Engineering:

- 1) The variance shall apply to the property and owner and will not be transferable to a new property owner, unless the proposed building is constructed prior to the variance expiring. The variance will expire after six (6) months of inactivity on the property – including application for a building permit.

No one appeared in favor of or in opposition to the request.

MOVED by Haverfield and **SECONDED** by Bruner to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Bruner to **approve the variance** of Section 10-10-16 D Minimum Property Structure and Parking Front Yard (Setback) for the RD zoning district, requiring a twenty foot (20') front yard setback at **235 High St.** (A .18 acre or 7,841 sq. ft. parcel situated in the NW ¼ SE ¼ of Section 21, T3N, R2W, BM, Lot 1 Block 1 Summer View Subdivision) for Mark Sparrow with staff recommended conditions. (**Councilmember Levi having technical difficulty**). The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #1-6. - Mayor Kling opened a **public hearing** for **annexation and zoning** to IL (Light Industrial) at **16658 Northside Blvd.** for future industrial use (A 1.52-acre parcel situated in the SW ¼ of the NW ¼ of Section 10 T3N, R2W, BM, Nampa, Canyon County, Idaho) for Kent Brown representing Adler Revocable Family Trust (ANN 166-20).

Kent Brown, 3161 E Springwood, Meridian presented the request.

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Doug Critchfield presented the following staff report explaining that the request is for Annexation and Zoning to IL (Light Industrial) at 16658 Northside Blvd. for Kent Brown representing Adler Revocable Family Trust for future industrial use (ANN 166-20).

General Information

Zoning & Planning History: The subject property has been used for rural residential purposes in the past and the current owner is now seeking annexation and zoning to IL to meet the demands for industrial development in Nampa. **Status of Applicant:** Property owner representative. **Annexation Location:** 16658 Northside Blvd.– situated in the SW ¼ of the NW ¼ of Section 10 T3N, R2W, BM, Nampa, Canyon County, Idaho. **Proposed Zoning:** IL (Light Industrial). **Size:** A 1.52-acre parcel. **Existing Zoning:** AG (County Agricultural). **2040 Comprehensive Plan Future Land Use Map Designation:** Industrial.

Surrounding Land Use and Zoning: North- Agriculture; IL (Light Industrial) - South- Agriculture; IL (Light Industrial) - East- Agriculture; IL (Light Industrial) - West- Agriculture; County AG (Agricultural).

Applicable Regulations: In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The subject property is not enclaved by city limits but is contiguous with city limits on the north, east, and south.

Existing Uses: Rural residential acreage. **Applicant Reason for Annexation and Zoning:** The proposed site helps us meet the demands for industrial development in Nampa.

Special Information

Permitted and Conditional Uses IL zone (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10416/Light-Industrial-IL-District-Land-Uses>

Signs allowed in the IL zone (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10852/IL-IH-Signs>

Public Utilities:

- 1) Domestic Water – is currently available via 12” main line in Northside Blvd.
- 2) Pressure Irrigation – The City of Nampa currently has plans in for review for development of the site located at 16570 Northside Blvd these plans include a pressure irrigation mainline extension from the intersection of Birch Ln & Northside Blvd to their north property line. Upon development of 16658 Northside Blvd this new pressure irrigation main line will be required to be extended up Northside Blvd to the north property line of said lot.

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- 3) Sewer – The City of Nampa currently has plans for review for development of the site located at 16570 Northside Blvd; the City of Nampa will require a sewer mainline extension from the intersection of Birch Ln & Northside Blvd to their north property line. Upon development of 16658 Northside Blvd this new sewer main line will be required to be extended up Northside Blvd to the north property line of said lot.

Public Services: Police and fire already service city incorporated areas surrounding the location.

Physical Site Characteristics: Existing rural residential parcel available for industrial development. **Transportation:** Access to the property is from Northside Blvd.

Correspondence: As of the date of this staff report, no written correspondence has been received from any area property owners, residents or business owners regarding opposition to or support for the requested annexation and zoning to IL.

Staff Findings and Discussion

From a land use standpoint, the location is shown on the Comprehensive Plan Future Land Use Map as being compatible with the IL zoning that has been requested. The Planning & Zoning Commission recommends approval of the annexation and zoning to the Nampa City Council with the following findings:

- 1) The requested annexation area is A 1.52-acre parcel situated in the SW ¼ of the NW ¼ of Section 10 T3N, R2W, BM, Nampa, Canyon County, Idaho.
- 2) The requested zoning is IL (Light Industrial).
- 3) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent having been annexed, zoned, and/or developed for industrial uses.
- 4) The proposed IL zoning conforms with the city's comprehensive plan future land use map for Industrial land use, and industrial land use is reasonably compatible with existing and proposed land uses in the area.
- 5) The owner/applicant requests annexation and zoning to IL for future industrial development.

Recommended Conditions of Approval

The Planning & Zoning Commission recommends to the Nampa City Council approval of the annexation and zoning with the following comments/conditions of approval as recommended by the City of Nampa Engineering Department:

- 1) Upon annexation into the City of Nampa, public right-of-way along Northside Blvd. frontage will need to be dedicated. Dedicated right-of-way width to be 50' eastward from section line.

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- 2) We recommend including the 25' prescriptive right of way located west of the section line along parcel frontage with this annexation to complete annexation of Northside Blvd. The applicant must provide a separate legal description and exhibit for this strip to include in the annexation ordinance.
- 3) Any future development of the site will require the placement of sidewalk per City of Nampa standards along entire Northside Blvd frontage. Coordinate this with Engineering Division.
- 4) The following are city utilities either currently available to this site or planned. Any future development of the site will require connection to and/or extension of City of Nampa utilities to and through the site.
 - a) Domestic water – is currently available via 12” main line in Northside Blvd.
 - b) Pressure irrigation – The City of Nampa currently has plans in for review for development of the site located at 16570 Northside Blvd these plans include a pressure irrigation mainline extension from the intersection of Birch Ln & Northside Blvd to their north property line. Upon development of 16658 Northside Blvd this new pressure irrigation main line will be required to be extended up Northside Blvd to the north property line of said lot.
 - c) Sewer – The City of Nampa currently has plans for review for development of the site located at 16570 Northside Blvd; the City of Nampa will require a sewer mainline extension from the intersection of Birch Ln & Northside Blvd to their north property line. Upon development of 16658 Northside Blvd this new sewer main line will be required to be extended up Northside Blvd to the north property line of said lot.

No one appeared in favor of or in opposition to the request.

MOVED by Haverfield and **SECONDED** by Mutchie to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Bruner to **approve the annexation and zoning** to IL (Light Industrial) at **16658 Northside Blvd.** for future industrial use (A 1.52-acre parcel situated in the SW ¼ of the NW ¼ of Section 10 T3N, R2W, BM, Nampa, Canyon County, Idaho) for Kent Brown representing Adler Revocable Family Trust with staff recommended conditions and authorize the Nampa City Attorney draw the appropriate ordinance. **(Councilmember Levi having technical difficulty)**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #1-7. - Mayor Kling opened a **public hearing for annexation and zoning** to RMH (Multiple-Family Residential) at **1002 N. Happy Valley Rd.** and **4719 Stamm Lane** for multiple family

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residential use (A 3.53-acre portion of the SW ¼ of Section 18, T3N, R1W, BM, Nampa, Canyon County, Idaho also recognized as Tax 7 and Tax 16272 in Lots 1 and 2 of Orchalara Heights) for Blake Wolf – Wolf Building Co. (ANN 167-20).

Blake Wolf, Wolf Building Company, 843 West Horizon Way presented the request.

Councilmembers asked the applicant questions.

Rodney Ashby presented the following staff report explaining that the request is for Annexation and Zoning to RMH (Multiple-Family Residential) at 1002 N. Happy Valley Rd. and 4719 Stamm Lane for multiple family residential use. **Proposed Zoning:** RMH (Multiple-Family Residential). **Location:** 1002 N. Happy Valley Rd. and 4719 Stamm Lane (A 3.53-acre portion of the SW ¼ of Section 18, T3N, R1W, BM, also recognized as Tax 7 and Tax 16272 in Lots 1 and 2 of Orchalara Heights.) **Existing Land Use:** County RR zoning. A single-family home on each lot with an industrial storage building at 4719 Stamm Lane. **Proposed Land Use:** “Multi-family project most likely with attached garages.” **Planning & Zoning Commission Recommendation:** The Nampa Planning & Zoning Commission, during their regularly scheduled public hearing of 3/10/2020, voted to recommend approval of the above referenced request with the proposed findings and recommendations.

General Information

Size: 3.53 acres. **Surrounding Land Use and Zoning:** North- JC Penny’s, BC (Community Business) zoning district - South- Single Family Home, Pasture, Barn - RMH(Multiple-Family Residential) zoning - East- Orchalara Heights Single Family Residential Subdivision (County RR zoning) - West- Station Apartments at Gateway - RMH(Multiple-Family Residential) zoning. **Comprehensive Plan Designation:** Community Mixed Use – but High Density Residential to the West. **Public Utilities/Services:** Water and pressure irrigation services are available in both Stamm Lane and Happy Valley Rd. Sewer service is available in Happy Valley Rd. **Transportation:** Access to the property will need to be determined under consultation with the Engineering Division at time of permit. Right-of-way will need to be dedicated for both Stamm Lane and Happy Valley Rd.

Applicable Regulations:

Annexation and Zoning

In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The project connects with the city limits at its north, west, and south boundaries.

Correspondence:

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Public Testimony at Public Hearing:

Three people testified against the project at the March 10, 2020 public hearing. Their opposition included concerns about increased density in the area, traffic, building heights much higher than single-family homes in the area, and perceptions of increased crime and negative impact on area property values. Several requests were made by those testifying, including limit to two stories, provide landscaping buffer and fence along eastern boundary, lower density, sidewalks along Happy Valley up to Stamm Ln. to provide Cascadia residents access to Winco Foods,

Nampa Highway District #1

No comment

Nampa Code Enforcement

1002 Happy Valley Rd – no code violations

4719 Stamm Ln – need to maintain weeds in front of Stamm Lane at time of annexation

Nampa School District #131

No concerns with the annexation and zoning change

Nampa & Meridian Irrigation District

No impact if all storm drainage is retained on site.

City of Nampa Engineering Division

The Engineering Division does not oppose the request, with the following conditions:

1. Right-of-way will need to be dedicated to the City of Nampa, including
 - a. Stamm Ln – 40’ from section line
 - b. Happy Valley Rd – 50’ from section line
 - c. A 25’ minimum chamfer at Stamm Ln and Happy Valley Rd intersection
2. Development of the site will require placement of sidewalk per Nampa City standards along both roads. Applicant/Developer should coordinate with Engineering Division to place pedestrian ramps at the intersection.
3. Development of the site will require connection to city utilities – water & irrigation are available in both Happy Valley and Stamm Lane; 8” sewer main available in Happy Valley.
4. When developed, both properties will be required to annex into the City of Nampa’s municipal irrigation system.

Any correspondence from agencies or citizens is attached to this document.

Staff Findings and Discussion

Annexation & Zoning

From a land use standpoint, the location is shown on the comprehensive plan “future land use map” as “Community Mixed Use.” The newly adopted comprehensive plan requires that multiple

land use categories be incorporated at time of development. This could include such things as commercial with a residential component, or office and retail spaces, or a multitude of other mixes of use. Directly across Happy Valley Rd is the High-Density Residential designation on the Comprehensive Plan Future Land Use Map. These land use boundaries are not intended to be used as definitive boundaries, but rather, can be stretched to nearby properties. As such, the proposed zoning is compatible with the Comprehensive Plan for this area if the High-Density Residential Designation is stretched to the properties.

If the Nampa City Council votes to approve of the requested annexation and zoning the following findings are suggested:

- 1) The requested annexation parcel connects with the city limits along its north, west, and south boundaries.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 3) The proposed zoning conforms with the city's comprehensive plan future land use map High-Density Residential and is reasonably compatible with existing and proposed land uses in the area.
- 4) The property owner requested annexation and zoning to RMH to develop the property as apartments.

Suggested Conditions of Approval

Should the Nampa City Council approve of annexation and zoning to RMH for multi-family residential development, then Staff suggests the following as conditions of approvals:

1. Generally, the Applicant/Development shall:
 - a. Comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] as may be imposed by Nampa City agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions) as the entitlement(s) granted by virtue of the City of Nampa's approvals of the requested annexation and zoning assignment do not, and shall not have, the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property; and,
2. Specifically, the Applicant/Development shall:
 - a. Right-of-way shall be dedicated to the City of Nampa, including
 - i. Stamm Ln – 40' from section line
 - ii. Happy Valley Rd – 50' from section line
 - iii. A 25' minimum chamfer at Stamm Ln and Happy Valley Rd intersection

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- b. Upon development of the site, developer/owner shall place sidewalk per City of Nampa standards along both roads. Applicant/Developer shall coordinate with Engineering Division to place pedestrian ramps at the intersection.
- c. Upon development of the site, owner shall connect to city utilities – water & irrigation are available in both Happy Valley and Stamm Lane; 8” sewer main available in Happy Valley.
- d. When developed, both properties shall annex into the City of Nampa’s municipal irrigation system.

No one appeared in favor of or in opposition to the request.

MOVED by Bruner and **SECONDED** by Haverfield to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

MOVED by Bruner and **SECONDED** by Haverfield to **approve the annexation and zoning** to RMH (Multiple-Family Residential) at **1002 N. Happy Valley Rd.** and **4719 Stamm Lane** for multiple family residential use (A 3.53-acre portion of the SW ¼ of Section 18, T3N, R1W, BM, Nampa, Canyon County, Idaho also recognized as Tax 7 and Tax 16272 in Lots 1 and 2 of Orchalara Heights) for Blake Wolf – Wolf Building Company with staff recommended conditions and fencing and authorize the Nampa City Attorney to draw the appropriate ordinances. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #1-8. - Mayor Kling opened a **public hearing for annexation and zoning** to RS18 (Single Family Residential - 18,000 sq. ft.) at the southwest corner of the intersection of **W. Dooley Lane and S. Stanford St.**, adjacent and north of 3125 S. Stanford St. (A 1.08-acre portion of the E ¼ of the SW ¼ of Section 4, T2N, R2W, BM, Canyon County, ID) for single-family residential lots for Blake Wolf, Wolf Building Co. (ANN 168-20).

Blake Wolf, Wolf Building Company, 843 West Horizon Way presented the request.

Rodney Ashby presented the following staff report explaining that the request is for Annexation & Zoning to RS18 (Single Family Residential – 18,000 sq. ft.) for hook-up to city services to build multiple single-family homes.

General Information

Zoning & Planning History: On March 10, 2020, the Nampa Planning & Zoning Commission voted to recommend approval of the proposed annexation and zoning to RS18 for a vacant undeveloped parcel. The action letter containing the proposed findings is attached to this report. The Planning & Zoning Commission approved the following conditions of approval:

- 1) Upon annexation into the City of Nampa, public right of way will need to be dedicated. Right of way dedications are as follows:
 - a) Dooley Ln – 40’ from section line.
 - b) Stanford St – 6’ from current property line to match existing right of way of the property to the south.
- 2) Any future development of the site will require the following frontage improvements to be coordinated with Engineering Division:
 - a) Dooley Ln – Placement of sidewalk per Nampa City standards along entire frontage. A borrow ditch for street drainage will also be required along this frontage. Please note there appears to be a bit of a low spot between Pascoe Ln and Stanford St. This will need to be considered when designing the borrow ditch to accommodate street drainage in this area.
 - b) Stanford St – Placement of sidewalk, curb, and gutter along entire frontage.
- 3) The following comments are regarding Nampa City utilities either currently available to this site or their current locations. Any future development of the site will require connection to and/or extension of City of Nampa utilities to and through the site.
 - a) Domestic water – is currently available via 12” main line in Dooley Ln.
 - b) Pressure irrigation – is currently available via 8” main line in Dooley Ln.
 - c) Sewer – Is not currently available to this site and is presently located approx. 170’ north of the intersection of Pascoe Ln. and Dooley Ln.
- 4) All development and construction activity on the property shall be subject to the requirements of Title 4 – Building Regulations of Nampa City Code.
- 5) The annexation and zoning be subject to the MOU, General Cooperation of Planning and Zoning, Annexation, Development and Maintenance Activities development agreement signed by the Nampa Highway District #1 on 11/29/16.
- 6) All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site NMID must review drainage plans. Developers must comply with Idaho Code 31-3805.

Status of Applicant: Home builder for owner. **Annexation Location:** at the southwest corner of the intersection of W. Dooley Lane and S. Stanford St., adjacent and north of 3125 S. Stanford St. (A 1.08-acre portion of the E ¼ of the SW ¼ of Section 4, T2N, R2W, BM, Canyon County, ID). **Comprehensive Plan Designation:** Low Density Residential (LDR) under newly adopted comprehensive plan Future Land Use Map (FLUM). **Proposed Zoning:** RS18 (Single Family Residential – 18,000 sq. ft.). **Size:** A 1.08-acre or 47,045 sq. ft. parcel. **Existing Zoning:** County RR (Rural Residential). The parcel is part of a large approximate 125.59-acre enclaved area south of W. Dooley Lane, west of 12th Ave. Rd., north of W. Locust Lane.

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Applicable Regulations: In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel is enclaved and connects with the city limits along its northerly boundary adjacent W. Dooley Lane.

Specific Information

Surrounding Land Use and Zoning: North- Single-family residential; RS6 - South- Rural residential; enclaved County- RR - East- Rural residential; enclaved County- RR - West- Rural residential; enclaved County- RR.

Permitted and Conditional Uses RS Zones (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10421/Single-Family-Residential-RS-District-Land-Uses>

Permitted Signs RS Zones (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10903/Residential-Zone-Signs>

Public Utilities: Domestic water – is currently available via 12” main line in Dooley Ln. - Pressure irrigation – is currently available via 8” main line in Dooley Ln. - Sewer – Is not currently available to this site and is presently located approx. 170’ north of the intersection of Pascoe Ln and Dooley Ln.

Public Services: Police and fire already service City of Nampa incorporated areas near the location. Police and Fire responders per population is still lower than the established goals for each department. However, this small annexation and zoning is unlikely to have significant impact on services.

Physical Site Characteristics: Vacant undeveloped parcel. **Transportation:** Access to the property is from both W. Dooley Lane and South Stanford St.

Correspondence: Gerald Schurdell at 3212 S. Stanford St. submitted an e-mail stating that he is opposed to multi-family housing being approved at this location. Staff responded that the proposed development is for single family homes and therefore considers this not a relevant concern for the proposed annexation and zoning.

Staff Findings and Discussion

From a land use standpoint, the location is shown on the recently adopted comprehensive plan FLUM for Low Density Residential (LDR) use. The requested RS18 zone is in conformance with the LDR comprehensive plan designation.

If the Nampa City Council approves the requested annexation and zoning, the following findings are suggested:

- 1) The parcel connects with the city limits along its northerly boundary adjacent W. Dooley Lane and is part of a large approximate 125.59-acre enclaved area south of W. Dooley Lane, west of 12th Ave. Rd. and north of W. Locust Lane.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 3) The proposed zoning conforms with the adopted comprehensive plan FLUM for LDR land use and is reasonably compatible with existing and proposed land uses in the area.
- 4) The property owner requests annexation and zoning to RS18 for hook-up to city services to build multiple single-family homes.

Recommended Conditions of Approval

If the Nampa City Council determines to approve the Annexation and Zoning to RS18, the following engineering required conditions of approval are recommended:

- 1) Upon annexation into the City of Nampa, public right of way will need to be dedicated. Right of way dedications are as follows:
 - a) Dooley Ln – 40' from section line.
 - b) Stanford St – 6' from current property line to match existing right of way of the property to the south.
- 2) Any future development of the site will require the following frontage improvements to be coordinated with Engineering Division:
 - a) Dooley Ln – Placement of sidewalk per Nampa City standards along entire frontage. A borrow ditch for street drainage will also be required along this frontage. Please note there appears to be a bit of a low spot between Pascoe Ln and Stanford St. This will need to be considered when designing the borrow ditch to accommodate street drainage in this area.
 - b) Stanford St – Placement of sidewalk, curb, and gutter along entire frontage.
- 3) The following comments are regarding City of Nampa utilities either currently available to this site or their current locations. Any future development of the site will require connection to and/or extension of City of Nampa utilities to and through the site.
 - a) Domestic water – is currently available via 12" main line in Dooley Ln.
 - b) Pressure irrigation – is currently available via 8" main line in Dooley Ln.
 - c) Sewer – Is not currently available to this site and is presently located approx. 170' north of the intersection of Pascoe Ln. and Dooley Ln.

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- 4) All development and construction activity on the property shall be subject to the requirements of Title 4 – Building Regulations of Nampa City Code.
- 5) The annexation and zoning be subject to the MOU, General Cooperation of Planning and Zoning, Annexation, Development and Maintenance Activities development agreement signed by the Nampa Highway District #1 on 11/29/16.
- 6) All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site NMID must review drainage plans. Developers must comply with Idaho Code 31-3805.

No one appeared in favor of or in opposition to the request.

The applicant made comments.

MOVED by Rodriguez and **SECONDED** by Mutchie to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

MOVED by Rodriguez and **SECONDED** by Haverfield to **approve the annexation and zoning** to RS18 (Single Family Residential - 18,000 sq. ft.) at the southwest corner of the intersection of **W. Dooley Lane and S. Stanford St.**, adjacent and north of 3125 S. Stanford St. (A 1.08-acre portion of the E ¼ of the SW ¼ of Section 4, T2N, R2W, BM, Canyon County, ID) for single-family residential lots for Blake Wolf, Wolf Building Co. with staff recommended conditions and authorize the Nampa City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

The applicant was not online for item #1-9 so we moved to the next meeting item #1-10.

Councilmember Haverfield recused himself as he is the applicant.

Item #1-10. - Mayor Kling opened a **public hearing for development agreement zoning map amendment** from RS6 (Single Family Residential – 6,000 sq. ft.) to RMH (Multiple-Family Residential) at 916 E. Colorado Ave., 915 E. Bird Ave. and 908 and 912 S. Elder St. (Parcels R11455011, R11455010, R11451012, R11451013 totally an approximate 2.53 acre portion of the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, Idaho) for Randy Haverfield, Architecture Northwest P.A. representing Ron Kennedy for Colorado Avenue Apartments. The Planning and Zoning Commission recommended approval with DA for 2 story only (ZMA 116-19).

Randy Haverfield presented the request.

Councilmembers asked the applicant questions.

Rodney Ashby presented the following staff report explaining that the request is for a Zoning Map Amendment from RS6 to RMH at 916 E. Colorado Ave 915 E. Bird Ave. and 908 and 912 S. Elder St. (Parcels R11455011, R11455010, R11451012, R11451013) for Randy Haverfield, Architecture Northwest P.A. representing Ron Kennedy. (ZMA-116-2019) Applicant states: "Would like to change the current zoning from RS6 to RMH." This zoning map amendment is necessary to construct the proposed Colorado Apartments.

General Information

Planning & Zoning History: A large building once existed on the property but was removed to make room for a rerouting of Amity Ave around the Northwest Nazarene University campus, connecting to E Colorado Ave. Since that time, the property has remained vacant. S Elder St, from E Colorado Ave to E. Bird Ave. was vacated, but the asphalt remains at this time. The Nampa Planning & Zoning conducted a public hearing to consider the rezone of the property on 2/25/2020. Public testimony was received at the meeting with two people signed up in favor of the proposed development, four spoke in opposition and four spoke as undecided. Those who spoke expressed concerns about the development of the property into multiple-family housing. Residents nearby were concerned about apartments not being consistent with the primarily single-family homes in the area. They also expressed perceptions that apartment residents are more likely to conduct criminal behavior and they were concerned for their safety and the safety of their belongings. Residents were further concerned about invasion of privacy from residents in apartments being able to look down into their back yards. They also were concerned about traffic and access onto Colorado, which is a highly used roadway. Finally, residents were displeased with the appearance of the recent Colorado Gardens Apartments located to the south of the proposed property. They opposed the height (three stories), the colors, and the block-like layout of the building. They were concerned that the proposed apartments would be similar in appearance, height, and size.

The Planning & Zoning Commission voted to recommend approval of the rezone from RS6 to RMH with the following conditions:

- 1) Engineering requires at the time of development that easement(s) be dedicated to the City of Nampa for the maintenance of existing sewer, water, and pressure irrigation main lines in this former section of S Elder St. right of way.
- 2) The developer/owner shall enter into a development agreement to limit the height of the proposed apartment buildings to two stories to mitigate concerns from neighbors about privacy and inconsistent building sizes for the neighborhood.

Status of Applicant: Owner representative – architect. **Rezone Location:** 916 E. Colorado Ave 915 E. Bird Ave. and 908 and 912 S. Elder St.

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Property Size & Description: 916 E. Colorado Ave., 915 E. Bird Ave. and 908 and 912 S. Elder St (Parcels R11455011, R11455010, R11451012, R11451013 totaling an approximate 2.53-acre portion of the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, Idaho). Planning & Zoning staff noticed three additional properties we assumed were a part of this development but were not listed on the application. Two of these three properties had no address, with parcel #'s R11454010 and R11451014. The final of these properties is addressed as 1016 E Colorado Ave - parcel #R11451011. These properties were listed as a part of the project in a preapplication meeting with P&Z and Engineering staff and were therefore assumed to be a part of the project.

Existing Zoning: RS6 (Single-Family Residential 6,000 sq. ft.). **Proposed Zoning:** RMH (Multiple-Family Residential)

Surrounding Land Use and Zoning: North- Single Family and Duplex Residential; RS6 - South- Apartments (RMH), Duplexes (RD) - East- ABC's 123 Child Development -Daycare (RP) - West- Single Family Residential; RS6.

Comprehensive Plan Designation: The majority of the development falls within the HD Residential (High Density), with the remaining parcels falling in the MD Residential (Medium Density). All parcels not already designated in the Comprehensive Plan as High Density Residential are adjacent to that designation. The Comprehensive Plan Future Land Use Map designation boundaries are intended to be flexible, allowing the designation to be stretched one parcel deep in any direction. Because all parcels are either designated as High Density Residential, or are next to that designation, this request is in compliance with the City of Nampa's Comprehensive Plan.

Applicable Regulations: Rezones or zoning map amendments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and agree with the adopted comprehensive plan for the neighborhood. This requested zoning map amendment from RS6 to RMH is appears to be reasonable as it is consistent with surrounding uses, the Comprehensive Plan, and zoning districts in the area. Comprehensive Map note: *"The mapped boundary between two adjoining land use designations is considered flexible and may be interpreted as being stretchable to include the abutting parcels in the direction of either designation."*

Special Information

Public Utilities: All utilities are available to the properties within close proximity. See attached utility map.

Public Services: All present. Lieutenant Jason Kimball indicated that developments like this create a greater demand on police and fire services, but also indicated that in-fill development is less of an impact because we already service the area. In general, the police officers to 1,000 residents-ratio is currently at 1.21. With planned increases to police staffing, this will increase to

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1.29, but will fall back to 1.21 once all approved plats are built out. This is short of the 1.50 ratio goal.

Transportation: The property will likely need to take access from E. Bird Ave, or S. Fern St., but Engineering will work with the developer to confirm specifics at time of building permit. Engineering confirmed during the Planning & Zoning Commission public hearing that no access would be granted to Colorado for the project. They also confirmed that S. Elder St. has been vacated previously and will be required to be closed from Colorado at time of development.

Environmental: The rezone could influence the adjoining single-family residential property owners by reason of the additional traffic in the neighborhood generated by apartment tenants.

Correspondence:

City of Nampa Engineering Division: Former right of way on S Elder St from E Bird Ave to E Colorado Ave has been vacated. Engineering requires at the time of development that easement(s) be dedicated to the City of Nampa for the maintenance of existing sewer, water, and pressure irrigation main lines in this former section of S Elder St. right of way.

Nampa & Meridian Irrigation District: no comment

Nampa Highway District #1: no comment

Nampa Code Enforcement: no code violations

Public Comment:

A letter from Marianne Beck at 912 E. Bird Ave. and Bonnie Garus at 904 E Bird Avenue is attached as an exhibit to this staff report. In summary, they had the following comments:

- That the applicant had stated interest in working with the neighbors, but no contact has been made to date, nor have the neighbors seen any plans for the proposal.
- The P&Z Commission considered requesting more detailed plans showing what is being considered on the property. With concerns about the development of the property into apartments not consistent with the scale of the neighborhood, the Commission recommended the apartments be limited to two (2) story buildings – a recommendation supported by the authors of the letter.
- The neighborhood is primarily single-family homes, with some duplexes and townhomes. The apartments to the south of the proposed development are inconsistent with the single-family home neighborhood.

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- Request to “table” the project until more detailed plans are submitted for what is proposed at the location so that the neighborhood could work with the applicant to ensure appropriate scope and scale of the project.
- Concerns expressed about having to hold this public hearing in a unique way and claim that more neighbors would be present to the meeting to speak on the matter if it was held in “the normal way.”

A letter from Fed and Mary Burton was received on April 22, 2020. Their letter is also attached. In summary, they had the following comments:

- Willing to support the project if the recommendation from P&Z Commission limiting height to two (2) stories is confirmed.
- Concerns no concepts or drawings were presented at the P&Z Commission public hearing.
- Desire to have Nampa City Council require the developer work with the neighborhood to develop plans.
- Preference for the properties to be developed as a park instead of housing.

Staff Findings and Discussion

This part of Nampa has changed significantly as the Northwest Nazarene University has grown and the buildings in the area have aged. A greater demand for student housing and even some commercial services has led this area to have a mix of land uses. Five different zoning districts exist in the immediate area of the proposed development, including: RS6, RML, RMH, RP and RD. The Comprehensive Plan designated this area for higher density residential development. This was in recognition of the need for student housing and for in-fill development. The Comprehensive Plan also emphasizes the benefits for in-fill development. Utilities and roads are available to the site, emergency services are located nearby and service the area, right-of-way improvements will be accomplished as a part of the project, and residential in-fill often provides dwellings near community services and existing schools. This project fits that description of in-fill development very well.

Concerns expressed at the Planning & Zoning Commission Meeting were primarily related to the size and scope of the project as it relates to the neighboring homes. As has been stated, the Commission recommended the applicant enter into a development agreement that limits the height of buildings to two stories. Neighbors were concerned that the design of apartments was not yet presented for public review and therefore were concerned about the potential of housing inconsistent with the area. This recommendation to enter into a development agreement which limits the height of the building appears to be a compromise that will help minimize concerns. Regarding concerns that plans weren't submitted showing details of what is to be constructed, a developer/property owner must balance the need to present the city officials and the public with adequate information with the need to minimize expenses until planning entitlements are secured. A zoning map amendment request is considered on the basis of the land uses, setbacks, etc. allowed

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for the zone being requested. Not typically on the specific layout or design of the project, allowing multiple types of developments and land uses depending on the market and on the owner's desires. In this case, the Comprehensive Plan calls for higher density in this location and staff feels the proposed zoning district is consistent with the plan.

Concerns about crime are difficult to prove or disprove. When the University District Neighborhood Plan was created, an analysis of crime showed that crime was consistent per capita. This means that crime rates were higher per square mile in the university district than some lower density areas of the community but were not substantially higher when based on the number of people living in the area. Adding a certain number of single-family homes or adding the same number of apartment dwellings did not appear to substantially change in the number of crimes committed.

Nampa Engineering has confirmed that while the proposed development will likely have some impact on traffic in the area, the specifics of their impact will need to be evaluated at time of plan submittal. They will be responsible for impact fees to address the impact the development has on traffic, but they are not and cannot be responsible for fixing existing deficiencies.

The land uses that are permitted or require a Conditional Use Permit for the RMH zone can be found on the Nampa City website at:

<https://www.cityofnampa.us/DocumentCenter/View/10418/Multiple-Family-Residential-RMH-District-Land-Uses>

To review what is permitted or requires a CUP for an RS zone, see the following:

<https://www.cityofnampa.us/DocumentCenter/View/10421/Single-Family-Residential-RS-District-Land-Uses>

If the Nampa City Council approves the rezone, the following findings are required by Nampa City Code (10-2-3 C):

- 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

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- 5) The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.

Recommended Conditions of Approval

If the Nampa City Council approves of the zoning map amendment from RS6 to RMH recommended conditions of approval are as follows:

- 1) Comply with all development related city codes and secure permits.
- 2) Engineering requires at the time of development that easement(s) be dedicated to the City of Nampa of Nampa for the maintenance of existing sewer, water, and pressure irrigation main lines in this former section of S Elder St. right of way.
- 3) The developer/owner shall enter into a development agreement to limit the height of the proposed apartment buildings to two stories to mitigate concerns from neighbors about privacy and inconsistent building sizes for the neighborhood.

Councilmembers asked questions of staff and the applicant.

No one appeared in favor of or in opposition to the request.

MOVED by Rodriguez and **SECONDED** by Bruner to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

MOVED by Rodriguez and **SECONDED** by Levi to **approve the development agreement zoning map amendment** from RS6 (Single Family Residential – 6,000 sq. ft.) to RMH (Multiple-Family Residential) at **916 E. Colorado Ave., 915 E. Bird Ave. and 908 and 912 S. Elder St.** (Parcels R11455011, R11455010, R11451012, R11451013 totally an approximate 2.53 acre portion of the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, Idaho) for Randy Haverfield, Architecture Northwest P.A. representing Ron Kennedy for Colorado Avenue Apartments with staff recommended conditions with residential character with earth tones and stone and pitch roofs and authorize the Nampa City Attorney draw the appropriate ordinance. The Mayor asked for a roll call vote with Councilmembers Bruner, Mutchie, Bower, Levi, Rodriguez voting **YES**. Councilmember Haverfield **ABSTAINED**. The Mayor declared the

MOTION CARRIED

Item #1-9. - Mayor Kling opened a **public hearing for annexation and zoning** to RML (Limited Multiple-Family Residential) at **1165 S. Powerline Road** (A 2.02-acre portion of Block 169, Kurtz Addition, also known as Tax 04696 in the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon

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County, ID) for multiple-family residential zero lot line buildings and multiple-family residential 4-plex buildings for Zenith Homes (ANN 169-20).

Danny Shervik, 1165 South Powerline presented the request. Doug Critchfield presented the following staff report explaining that the request is for Annexation and Zoning to RML (Limited Multiple-Family Residential) at 1165 S. Powerline Road for multiple-family residential zero lot line buildings and multiple-family residential 4-plex buildings for Zenith Homes (ANN 169-20) for multiple-family residential zero lot line buildings and multiple-family residential 4-plex buildings.

General Information

Zoning & Planning History: Previously county rural residential property. **Status of Applicant:** Developer. **Annexation Location:** 1165 S. Powerline Road (a portion of Block 169, Kurtz Addition, also known as Tax 04696 in the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, ID). **Proposed Zoning:** RML (Limited Multiple-Family Residential).

Description and Purpose of the RML Zone: The RML Limited Multiple-Family Residential District is to encourage a flexible use of the land and promote and maintain stable single-family residential areas. It is also the purpose of this classification to develop residential areas within the City of Nampa that are characterized by higher residential densities and higher volumes of vehicular traffic than are characteristic in the RS and RD Districts. (Ord. 2140; amd. Ord. 3151)

Total Size: A 2.02-acre or 87,991 sq. ft. parcel. **Existing Zoning:** County R1 (Single-Family Residential). **Nampa Comprehensive Plan Designation:** Medium Density Residential (MDR).

Surrounding Land Use and Zoning: North- Rural Residential; RA (Suburban Residential) - South- Hands of Hope; RS (Single-Family Residential) - East- Rural Residential; County R1 (Single-Family Residential) - West- Timbercreek Apartments; RML (Limited Multiple-Family Residential).

Applicable Regulations: For a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel is enclaved and adjoins city limits along its north, south, east and west property lines.

The 2040 Comprehensive Plan Future Land Use Map allows for Land Use Settings to be 'stretched' over adjacent parcels. In this instance, the High-Density Future Land Use Setting to the west of this parcel can be stretched over this parcel to allow this zoning designation.

Existing Uses: Vacant developable parcel.

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Special Information

Permitted and Conditional Uses RML Zone (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10417/Limited-Multiple-Family-Residential-RML-District-Land-Uses>

Permitted Signs RML Zone (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/11123/RML-Signs>

Public Utilities: 8” sewer stub in Powerline Road (+/-12.5’ deep) - 21” sewer trunk with 8” stub near southwest corner (+/-10.5’ deep) - 10” water main on west side of Powerline Road; and - 12” pressure irrigation stub on east side of Powerline Road +/-120’ north of property.

Public Services: Police and fire already service City of Nampa incorporated areas surrounding the location. **Physical Site Characteristics:** Previous rural residential parcel with single-family dwelling. **Transportation:** Access to the property is from So. Powerline Rd.

Correspondence: No correspondence has been received from any area property owners or residents either opposing or supporting the request for annexation and zoning to RML.

Staff Findings and Discussion

From a land use standpoint, the location is shown on the 2040 Comprehensive Plan Future Land Use Map as a Medium Density Residential land use setting. The 2040 Comprehensive Plan Future Land Use Map allows for Land Use Settings to be ‘stretched’ over adjacent parcels. In this instance, the High-Density Future Land Use Setting can be stretched over this parcel to allow this zoning designation. RML zoning exists immediately adjacent to the west of this parcel, creating consistency in compatibility.

The Planning & Zoning Commission recommends approval of the requested annexation and zoning to RML to the Nampa City Council with the following findings:

- 1) The requested annexation parcel is enclaved and adjoins city limits along its north, south, east and west property lines.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 3) The proposed RML zoning conforms with the city’s 2040 Comprehensive Plan Future Land Use Map provisions and is reasonably compatible with existing and proposed land uses in the area.
- 4) The maximum allowable residential net density for the subject property in the proposed RML zone is up to 29.8 du/acre.

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- 5) The property owner requested Annexation and Zoning to RML for multiple-family residential zero lot line buildings and multiple-family residential 4-plex buildings.

Recommended Conditions of Approval

The Commission recommends approval of the Annexation and Zoning to RML to the Nampa City Council subject to the following engineering, code enforcement, and building required conditions:

- 1) The designated public right-of-way width for S. Powerline Road at this location is 40' from Section Line (80' total). Additional right-of-way will need to be dedicated as part of this annexation.
- 2) S. Powerline Road is only a two-lane roadway at this location, without curb or sidewalk improvements. Frontage improvements in accordance with Nampa City Code Section 9-3-1 will be required at the time of development. Site access and design of all roadways shall adhere to the Nampa Engineering Division Process & Policy Manual.
- 3) Development of the property will require extension of the 12" pressure irrigation main across the project frontage.
- 4) 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 of Nampa services.
- 5) Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City of Nampa at the time of property development/redevelopment, and prior to connection to Nampa City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
- 6) Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.
- 7) Applicant/Owner shall comply with all Nampa City codes, policies, and standards in place at the time of property development/redevelopment.
- 8) All development and construction activity on the property shall be subject to the requirements of Title 4 – Building Regulations of Nampa City Code.
- 9) Annexation not be finalized by the Nampa City Council until all solid waste accumulation and weeds are removed from the property.

Councilmembers asked questions.

No one appeared in favor of or in opposition to the request.

MOVED by Haverfield and **SECONDED** by Rodriguez to **close** the **public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

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MOVED by Haverfield and **SECONDED** by Rodriguez to **annexation and zoning** to RML (Limited Multiple-Family Residential) at **1165 S. Powerline Road** (A 2.02-acre portion of Block 169, Kurtz Addition, also known as Tax 04696 in the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, ID) for multiple-family residential zero lot line buildings and multiple-family residential 4-plex buildings for Zenith Homes with staff recommendation conditions and authorize the Nampa City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Mutchie to **adjourn** the **meeting** at 7:39 p.m. The Mayor declared the

MOTION CARRIED

Passed this 4th day of May 2020.

MAYOR

ATTEST:

NAMPA CITY CLERK