

**NAMPA PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
TUESDAY, MAY 14, 2019, 6:30 P.M.**

Members:	Lance McGrath - Chairman	Steve Kehoe
	Peggy Sellman – Vice Chair	Rodney Ashby – Principal Planner
	Matthew Garner	Doug Critchfield – Senior Planner
	Adam Hutchings	Daniel Badger – City Engineer
	Harold Kropp	
Absent:	Jeff Kirkman	Ron Van Auker, Jr
	Bret Miller	Norm Holm, Director

Chairman McGrath called the meeting to order at 6:47 p.m.

Approval of Minutes: Sellman motioned and Hutchings seconded to approve the Minutes of the April 23, 2019 Planning and Zoning Commission meeting. Motion carried.

Report on Council Actions. No City Council representative present to report on City Council actions.

- Principal Planner Ashby advised City Council had approved all the applications recommended by the Planning Commission during their May 6, 2019 meeting.

Chairman McGrath proceeded to the business item on the agenda.

Business Item No. 1:

Subdivision Final Plat Approval for Carriage Hill West Subdivision No. 3, east of Midway Rd, between W Iowa Ave and Lake Lowell Ave. (A portion of the NW ¼ of Section 31 T3N R2W BM – 64 Single Family Residential lots on 25.03 acres, or 2.56 lots/gross acre) for Engineering Solutions, LLP, representing Toll Southwest, LLC (SPF-00088-2019).

Principal Planner Ashby:

- Ashby indicated the Carriage Hill West Subdivision No. 3 Final Plat, comprising 25 acres, with 64 buildable lots and 13 common lots, within an RS-7 zoning district.
- Ashby referred to the Staff Report and noted the comments from the Boise Board of Control, dated April 23, 2019, regarding the Thacker Lateral.
- Ashby referred to the requirements listed in the 4-page Memorandum from the Nampa Engineering Division, dated May 6, 2019, authored by Caleb LaClair.
- Staff recommends Carriage Hill West Subdivision No. 3 be approved subject to the applicant/developer complying with the conditions listed in the Staff Report.
- **Chairman McGrath** inquired how water rights would be obtained for a parcel of land that was not so entitled.
- **Badger** replied the entire property was within the Boise-Kuna Irrigation District, however, it appeared that everything above the Thacker Lateral did not have surface water rights. There were a couple of wells on the site, formerly used for farming, that they are looking at coordinating with the City – and noted there were existing water rights for those wells.

Sellman motioned and Kropp seconded to recommend to City Council approval of the Final Plat for Carriage Hill West Subdivision No. 3, for 64 Single Family Residential lots on 25.03 acres, located east of Midway Rd between W Iowa Ave and Lake Lowell Ave, for Engineering Solutions, LLP, representing Toll Southwest, LLC, subject to:

1. Generally, Applicant/Development shall:

Comply with all City department/division or outside agency requirements pertinent to this matter. This is to include any extant but applicable conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to the approved Preliminary Plat of/for Carriage Hill West Subdivision.

More specifically, comply with requirements/conditions listed in the following item(s) of correspondence (unless waived and/or later amended by the agency providing the comments):

2. Specifically:
 - a) Comply with requirements listed in the April 30, 2019 email from Nampa Parks Superintendent, Cody Swander, requiring a ten (10) ft wide sidewalk (Urban Connector) be constructed along Midway Road for the length of the development in accordance with the City of Nampa Bicycle and Pedestrian Master Plan.
 - b) Comply with the requirement(s) listed in the April 23, 2019 letter from Boise Project Board of Control regarding the Thacker Lateral, authored by Thomas Ritthaler.
 - c) Comply with the requirements listed in the May 6, 2019 memorandum from the City of Nampa Engineering Division authored by Caleb LaClair, P.E.
 - d) Comply with the requirement(s) listed in the April 30, 2019 memorandum from the City of Nampa Engineering Division, GIS Section, authored by Craig Wilbur.
 3. Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed Project plat development notes.
- Motion carried.

Chairman McGrath proceeded to the public hearing items on the agenda at 7:00 p.m.

Public Hearing No. 1:

- a) Zoning Map Amendment from RA (Suburban Residential) to RS-6 (Single Family Residential – 6000 sq ft) for .7 acres or 30,368 sq ft at 714 Smith Ave;
- b) Subdivision Short Plat approval for Smith Avenue Hideaway (2 single family detached lots and one duplex lot on .7 acre for 5.71 dwelling units per gross acre. A parcel of land being a portion of Lot 24 of Westview Subdivision, according to the plat filed in Book 4 at Page 31 recorded in the office of the Canyon County Recorder, in the NW ¼ of Section 21 T3N R2W BM); and,
- c) Conditional Use Permit approval for 1 year, for a Duplex Dwelling at 714 Smith Avenue (An 80 ft x 120 ft or 9,525 sq ft portion of the NW ¼ of Section 21 T3N R2W BM – proposed Lot 3, Block 1, Smith Avenue Hideaway), for Susan Schindler (ZMA-00105-2019, SPS-00019-2019, CUP-00133-2017)

Susan Schindler of 714 Smith Ave, Nampa – the applicant:

- Ms Schindler explained that as a tribute to her father, who had built some duplexes, she wanted to build a duplex on the property.
- After researching, Ms Schindler determined it would be best to develop 3 lots – a flag lot with a shared driveway and an existing house on the front parcel.
- The plan, continued Ms Schindler, was to build a single-family home on the second lot and a duplex on the back/third lot.
- Both the single-family home and the duplex stated Ms. Schindler, would-be single-story structures.
- The single-family home would be a basic craftsman style home, explained Ms Schindler, and the duplex would reflect a similar single-story design.

Principal Planner Ashby:

- Ashby reviewed the three actions before the Commission: The recommendation to City Council for the Zoning Map Amendment from RA to RS-6, a recommendation to City Council for the three lot Subdivision Short Plat; and a decision on the Conditional Use Permit for the single level duplex on the northern lot.
- Ashby indicated the location of the subject property, surrounded by RS-6 zoning designation. The zoning change to RS-6 for the subject property would be consistent with the surrounding zoning and the Comprehensive Plan Future Land Use Map.
- Ashby reviewed the history of the subject property and noted the property was split from Lot 24 of Westview Subdivision in 2002.
- The applicant was also requesting approval of the Conditional Use Permit for a one year time frame (the standard CUP is approved for a 6 month time period – and an extension can be requested) in order to allow time to secure financing, select a builder, general contractor, and complete infrastructure such as utilities and paving of the shared driveway.
- The requested RS-6 zoning, explained Ashby, would be consistent with the Comprehensive Plan designation of Medium Density Residential. Water and sewer services are available from Smith Ave, and pressurized irrigation is already stubbed to the property.
- Ashby indicated the layout of the subject property, with the access on the east side from a common drive, 20 ft wide, with a turnaround on the northernmost lot.

- The southern lot, continued Ashby, has an existing home and garage.
- Ashby reviewed the Staff Report regarding the Zoning Map Amendment, Short Plat, and Conditional Use Permit for the proposed duplex.
- According to Ashby, the requested Zoning Map Amendment, Short Plat would be consistent with the Comprehensive Plan to encourage infill development.
- Ashby reviewed the suggested conditions of approval.
- **Kehoe** inquired if there was a fence along the east side of the property along the proposed shared driveway.
- **Ashby** replied there was currently fencing along the back of the property and a retaining wall and fencing along the east.
- Ashby referred to the Memorandum from the Engineering Division regarding requiring a structural engineer to inspect the retaining wall and provide analysis of the wall; and proposed drainage swale.

Chairman McGrath proceeded to public testimony.
No public comment forthcoming.

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

Kehoe motioned and Sellman seconded to recommend to City Council a Zoning Map Amendment from RA to RS-6 for 714 Smith Ave, for Susan Schindler, subject to:

1. **Generally, the Applicant/Development shall:**
 - a) **Comply with all City department/division or outside agency requirements pertinent to this matter.**
2. **Specifically, the Applicant/Development shall:**
 - a) **Remove the Patmore Ash (Fraxinus Pennsylvania “Patmore”) from the landscape plans and select an approved species.**
 - b) **Provide a cross access agreement specifically naming each parcel, before the City Council public hearing. The agreement shall either include maintenance of the common drive and utilities shared by all property owners or shall note that when a property is sold separately from the others, a maintenance agreement shall be procured at that time.**
 - c) **Comply with all conditions stated by the City of Nampa Engineering Division letter dated April 19, 2019**

Motion carried.

Kehoe motioned and Sellman seconded to recommend to City Council approval of the Short Plat Subdivision for Smith Avenue Hideaway, 2 single family detached lots and one duplex lot located at 714 Smith Avenue, on .7 acres for 5.71 dwelling units per gross acre, a portion of Lot 24 of Westview Subdivision for Susan Schindler, subject to:

1. **Generally, the Applicant/Development shall:**
 - a) **Comply with all City department/division or outside agency requirements pertinent to this matter.**
2. **Specifically, the Applicant/Development shall:**
 - a) **Remove the Patmore Ash (Fraxinus Pennsylvania “Patmore”) from the landscape plans and select an approved species.**
 - b) **Provide a cross access agreement specifically naming each parcel, before the City Council public hearing. The agreement shall either include maintenance of the common drive and utilities shared by all property owners or shall note that when a property is sold separately from the others, a maintenance agreement shall be procured at that time.**
 - c) **Comply with all conditions stated by the City of Nampa Engineering Division letter dated April 19, 2019**

Motion carried.

Kehoe motioned and Sellman seconded to approve the Conditional Use Permit for a duplex for 714 Smith Avenue, for a one year (12 month) approval time (to allow work to commence on the duplex), for the proposed duplex lot at Lot 3, Block 1 of Smith Avenue Hideaway, at 714 Smith Avenue, for Susan Schindler, subject to:

1. **Generally, the Applicant/Development shall:**

- b) Comply with all City department/division or outside agency requirements pertinent to this matter.
2. Specifically, the Applicant/Development shall:
- a) Remove the Patmore Ash (Fraxinus Pennsylvania “Patmore”) from the landscape plans and select an approved species.
 - b) Provide a cross access agreement specifically naming each parcel, before the City Council public hearing. The agreement shall either include maintenance of the common drive and utilities shared by all property owners or shall note that when a property is sold separately from the others, a maintenance agreement shall be procured at that time.
 - c) Comply with all conditions stated by the City of Nampa Engineering Division letter dated April 19, 2019

Motion carried.

Public Hearing No. 2:

Conditional Use Permit for a Commercial Day Care in an RA (Suburban Residential) zoning district at 1127 E Greenhurst Rd. (A .94 acre or 40,946 sq ft parcel being a portion of Government Lot 1 in the NE ¼ Section 3 T3N R2W BM), for Maria Varela, dba Loly’s Daycare (CUP-00134-2019).

Chairman McGrath proceeded to public hearing.

Maria Varela of 1610 W Teton Avenue, Nampa – the applicant:

- Ms Varela stated she had purchased the subject property to start her commercial daycare business
- According to Ms Varela, she had operated a family daycare business in her home for 18 years.
- Ms Varela explained she wanted to enlarge her daycare business and had purchased the commercial daycare and property at 1127 E Greenhurst and planned to operate the commercial daycare.
- In response to a question from **Chairman McGrath**, **Ms Varela** stated the previous license for the daycare did not transfer to her and she had to apply for her own daycare license. Ms Varela confirmed she was not connected in any way with the previous owner.
- **Kehoe** inquired if the previous owner would be working in any capacity at the subject daycare and **Ms Varela** confirmed the previous owner would not be working in any capacity at the subject daycare.

Doug Critchfield – Senior Planner:

- Critchfield advised a daycare had been operating on the subject property since September 1998, as Cowpoke Country Daycare.
- The applicant, Ms Varela, had acquired the daycare business and the property effective April 1, 2019, and the operator of the previous daycare was no longer involved with the business.
- With the cancellation of the previous Conditional Use Permit, all of the previous conditions required at that time have been re-applied to the subject daycare.
- The commercial daycare, added Critchfield, would be caring for up to 86 children. The daycare was located in a park setting, surrounded by park, the Skyview High School, and the Church Seminary building. The residential area is located on the north side of E Greenhurst Rd.
- The operation of the subject business in that type of setting, added Critchfield, was actually very fitting.
- No correspondence had been received for or against the C-U-P, stated Critchfield.
- Critchfield added staff had been to the site and determined the conditions applied to the previous daycare were still intact.
- One change has been required by the Building Department regarding ADA access.
- Additionally, other departments had been to the site to determine Code Compliance.
- The operation of the daycare, stated Critchfield, would be limited to the hours of 6:45 a.m. to 6:30 p.m. on weekdays, and any expansion for more children would require approval of the Planning and Zoning Commission, via a new Conditional Use Permit application.
- Critchfield advised the applicants would be required to maintain any regulatory permitting licensures or operational procedures as required by law.
- The Engineering Division reviewed the trip generation for the daycare and determined they had no concerns in terms of traffic on Greenhurst Rd and the operation of the daycare.

Chairman McGrath proceeded to public testimony.

Jorge Varela of 1610 W Teton Ave, Nampa – was in favor of the application but did not wish to speak.

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

Sellman motioned and Kehoe seconded to approve the Conditional Use Permit for a daycare at 1127 E Greenhurst Rd for Maria Varela, subject to:

- 1. All requirements of all City Departments for occupancy/use of the property for a commercial daycare/preschool business for up to 86 children shall be satisfied prior to operation of the business.**
- 2. The front door access shall be made ADA accessible per Building Department requirements.**
- 3. The hours of operation for the daycare to be limited to 6:45 a.m. to 6:30 p.m. on weekdays.**
- 4. Any expansion of the daycare to be approved by the Planning and Zoning Commission.**
- 5. The circular driveway to serve as a pick-up and drop-off location for persons bringing to and picking up children from the daycare and not be used as long-term parking by either clients or employees.**
- 6. The owner maintains all regulatory permitting, licensures and operational procedures as required by law.**
- 7. The Conditional Use Permit is granted only to the owner, Maria Varela, for 1127 E Greenhurst Rd only, for the duration of the use and shall not be transferable to any other location.**

Motion carried.

Public Hearing No. 3:

a) Zoning Map Amendment from BC (Community Business) to IL (Light Industrial) for a Towing Business at 3315 Caldwell Blvd. (A .9 acre or 39,204 sq ft parcel being Tax 4-A in Block 1, Portner Subdivision, in the NW ¼ Section 7 T3N R2W BM); and

b) Recommendation for a Conditional Use Permit for a towing/impound yard business at 3315 Caldwell Blvd, in the IL zoning district, for Byron Healy (ZMA-00106-2019).

Chairman McGrath proceeded to public hearing.

Byron Healy of 3315 Caldwell Blvd – the applicant:

- Mr Healy stated he has been running a towing business out of the subject property and only just found out that it was not zoned correctly for a towing business and had therefore requested the Rezone to IL.

Principal Planner Ashby:

- Ashby indicated the location of the subject property, south of Caldwell Blvd.
- The subject property, noted Ashby, was located adjacent to the IL zoning district and the Rezone to IL would be consistent with the Comprehensive Plan.
- The applicant had been operating the towing company from the subject location, stated Ashby, under the name of Code Red Towing.
- A towing/impound company, stated Ashby, was allowed in the Light Industrial zoning district only with the approval of a Conditional Use Permit.
- Ashby advised the applicants had not been advised they would also need approval of a Conditional Use Permit, as well as the Rezone to IL. Therefore, the Commission should address the Rezone to IL as well as a recommendation to City Council for the Conditional Use Permit.
- The applicants towing company, continued Ashby, was on a rotation basis with the Nampa Police Department to service requirements of the NPD, and in order to compete for that rotation they are required to have an approved Conditional Use Permit.
- Ashby noted letters had been received recommending approval of the Rezone from Edgar M Thrift, Jr, of 1550 Prospect Ave, Capitola, Ca, dated May 3, 2019, owner of the building in front of the subject property.
- **McGrath** inquired about the Idaho Transportation Department comments regarding requirement of a Cross Access Agreement.
- Discussion followed regarding a Cross-Access Agreement.

City Engineer Badger:

- Badger advised that while ITD's concern was a valid concern it was not necessarily the City's or the State's place to police. Badger noted there was a historical use by the subject property for access, however, it would be advantageous to clean that issue up.
- Badger noted ITD had since responded and advised they had received positive comments regarding the Cross-Access Agreement.

Chairman McGrath proceeded to public testimony.
No public comment forthcoming.

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

Sellman motioned and Garner seconded to recommend to City Council approval of the Rezone from BC to IL for 3315 Caldwell Blvd for Byron Healy, subject to:

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

Motion carried.

Sellman motioned and Kehoe seconded to recommend to City Council approval of a Conditional Use Permit for a Towing/Impound Yard at 3315 Caldwell Blvd, for Byron Healy.

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

Motion carried

Meeting adjourned at 7:40 p.m.



Norman L Holm, Planning Director

:sm