

**NAMPA PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
TUESDAY, MAY 28, 2019, 6:30 P.M.**

Members:	Lance McGrath - Chairman	Bret Miller
	Peggy Sellman – Vice Chair	Ron Van Auker, Jr
	Matthew Garner	Rodney Ashby, Principal Planner
	Adam Hutchings	Kristi Watkins, Senior Planner
	Harold Kropp	Caleb LaClair – Assistant City Engineer
	Steve Kehoe	

Absent: Jeff Kirkman Norm Holm, Director

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

**Approval of Minutes:** Sellman motioned and Kehoe seconded to approve the Minutes of the May 14, 2019 Planning and Zoning Commission meeting. Motion carried.

**Report on Council Actions.** No City Council members present to report on City Council actions.

**Chairman McGrath** proceeded to the business items on the agenda. No Business Items on the Agenda.

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

**Public Hearing No. 1:**

**Annexation and Zoning to RS-7 (Single Family Residential – 7,000 sq ft minimum lot size) zoning district, and Subdivision Preliminary Plat Approval for Gemstone Subdivision at 3615 Southside Blvd (16 single family detached lots on 5 acres for 3.2 dwelling units per gross acre – a 5 acre or 217,800 sq ft portion of the SE ¼ Section 20 T2N R2W BM),** for Mason and Associates, representing Lanco, Inc. (ANN-00119-2019 and SPP-00040-2019).

**Chairman McGrath** proceeded to public hearing.

**David Bills, Lanco Inc, 3401 Montego Way, Nampa – the Applicant:**

- Mr Bills explained the application was for annexation and RS-7 zoning for a 5 acre piece of ground and plat that parcel into 16 buildable lots and 3 common area lots.
- Mr Bills suggested the land could be considered infill, as although it had County land next door, there was City annexed property adjacent to the east and west.
- Although RS-7 zoning has been requested, the lots are larger and meet or exceed the RS-7 zoning district requirements and was also designed for compatibility with the adjacent County properties.
- Water and pressurized irrigation, continued Mr Bills was already located in Southside Blvd, and the sewer trunk line, and an easement has been secured for the City.
- Mr Bills noted details have been worked out with staff, and the street name will change to Onyx Ct.
- According to Mr Bills, a modified Landscape Plan had been submitted regarding approved street trees.

**Senior Planner Watkins:**

- Watkins indicated the location of the subject property, southwest of Ronald Reagan Elementary School.
- The subject property was not currently inside City limits and the applicants were requesting Annexation and RS-Zoning.
- The existing house and shed on the subject property will be removed prior to development, added Watkins.
- According to Watkins, the surrounding properties to the north and south are still in Canyon County and zoned Agricultural, and the properties to the east and west are residentially zoned and inside Nampa City limits.
- The RS-7 zoning designation has been requested for the subject property – designed to accommodate medium density single family developments, with 7,000 sq ft minimum lot sizes.
- The Gemstone Subdivision plat proposes a density of 3.2 units per acre and the minimum lot size is 7,202 sq ft.
- Watkins referred to the City of Nampa policy regarding infill developments.

- The Engineering Division did not require a Traffic Impact Study, advised Watkins, due to the minimal lot counts.
- City utilities are available to the property, and an easement was being obtained for the sewer.
- Watkins reviewed the Preliminary Plat, located on 5 acres, with 16 single family buildable lots and 3 common lots.
- According to Watkins, the proposed lots along the southern boundary were all greater than the required 10,000 sq ft minimum lot size for lot compatibility with a County developed subdivision. The lots to the north and the west are large single family lots with no structures immediately adjacent to the boundary of the subject property, and the plat is deemed compliant for lot compatibility.
- A Revised Landscape Plan has been submitted, stated Watkins, based on staff landscaping comments, and the Landscaping Plan has now been deemed compliant.
- Watkins reviewed the Staff Report, Agency comments, and recommended conditions of approval.
- **Chairman McGrath** inquired how the ingress/egress for Gemstone Subdivision would link up with the Clear Springs Subdivision No. 2 ingress/egress on the east side of Southside Blvd.
- **LaClair** discussed the access policy for the two subdivisions to line up. LaClair noted it would be a small infill development and the City would be willing to entertain a Variance request to the access policy. The Engineering Division had also asked the applicant to review the subdivision to see if there would be any options to pull the alignment closer together.
- **Will Mason, of Mason and Associates** advised the alignment was very close, within 40 ft.

**Chairman McGrath** proceeded to public testimony.

**Kurt Priebe of 3431 Southside Blvd, Nampa.**

- Mr Priebe stated his property was adjacent on the north side of the subject property.
- Mr Priebe questioned if there would be fencing between his property and the approximate 5 or 6 lots that would be located on the south side of his property line. Mr. Priebe also questioned what type of fencing would be utilized.
- **Mr Bills** stated fencing was planned along the south side of Gemstone Subdivision, and they were uncommitted on the perimeter fencing on the north side, due to the fact that the existing fence may not be on the property line boundary. Typically, added Mr. Bills, things have to be resolved and worked out as the project moves along.
- The existing fence, continued Mr Bills, was in fair condition. The trees along the property line will require a great deal of pruning and clean up and it will then be determined whether to put a fence in now or leave it as part of the homeowner choice.
- Mr Bills stated he understood Mr Priebe wanted to know about the fencing, however, it was difficult at the present time to be specific about the type of fence.
- According to Mr Bills, they would not be tearing out Mr Priebe's fence.
- Mr Bills noted the trees, at least 200 ft tall, were on the property line and it would be difficult to construct a fence with those trees, and to commit ahead of time without knowing who owns the trees.

**Sellman motioned and Hutchings seconded to close public hearing. Motion carried.**

**Motion 1:**

**Van Auker, Jr motioned and Sellman seconded to recommend to City Council Annexation and RS-7 zoning for the 5 acres located at 3615 Southside Blvd, for Lanco, Inc, subject to:**

1. **Provide a utility easement document and dedication of right-of-way to the City of Nampa Engineering Department**
2. **Meet all provisions outlined in the Engineering Department memo dated April 24, 2019.**
3. **Provide revised street names as per memo from Craig Wilbur dated April 30, 2019.**
4. **Provide top of foundation wall or finish floor elevation, on the construction plans prior to final plat approval.**
5. **Apply for Right-Of-Way and Erosion Control Permits with the City of Nampa.**
6. **The utilities for the Development shall be completely installed and able to deliver service prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable.**
7. **Notes Correction(s): Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering type errors that may be evident on the plat face and/or in the proposed plat development notes.**

8. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.

Motion carried.

**Motion 2:**

Van Auker, Jr motioned, and Hutchings seconded to approve the Preliminary Plat for Gemstone Subdivision at 3615 Southside Blvd for 16 residential lots and 3 common lots, subject to:

1. Provide a utility easement document and dedication of right-of-way to the City of Nampa Engineering Department
2. Meet all provisions outlined in the Engineering Department memo dated April 24, 2019.
3. Provide revised street names as per memo from Craig Wilbur dated April 30, 2019.
4. Provide top of foundation wall or finish floor elevation, on the construction plans prior to final plat approval.
5. Apply for Right-Of-Way and Erosion Control Permits with the City of Nampa.
6. The utilities for the Development shall be completely installed and able to deliver service prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable.
7. Notes Correction(s): Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering type errors that may be evident on the plat face and/or in the proposed plat development notes.
8. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.

Motion carried

**Public Hearing No. 2:**

Conditional Use Permit for a 40-Unit Senior (55+) Apartment Project (two 6-unit buildings, two 7-unit buildings, and one 14-unit building) in an RP (Residential Professional) zoning District adjacent and east of 416 W Greenhurst Rd. (Parcel R32179010 – a 2.60-acre portion of the SE ¼ Section 33, T3N R2W BM), for Taylor Schmidt, Schmidt Investments, LP (CUP 135-2019).

Chairman McGrath proceeded to public hearing.

**Taylor Schmidt of 2402 W Pleasanton, Boise – the applicant:**

- Mr Schmidt stated the subject property was vacant land, currently zoned RP (Residential Professional).
- In order to build multi-family residential development, stated Mr. Schmidt, a Conditional Use Permit was required.
- The intent, added Mr Schmidt, was to build a community strictly for seniors, and keep it affordable.
- The units will be single story, attached, with 2 bedrooms, 2 baths, in the 800 to 950 sq ft range.
- According to Mr Schmidt, there was a large need for senior housing in the Nampa area that was not subsidized.
- Kehoe inquired about the property to the north and Mr Schmidt replied it was a facility for seniors and would be compatible with the proposed development.

**Principal Planner Ashby:**

- The request, explained Ashby, was for a Conditional Use Permit for the multi-family residential project for seniors.
- Ashby noted the surrounding land uses, to the north the Well Spring Health and Rehabilitation Cascadia, a facility for senior housing and care. To the south, was the South Middle School, to the east a 4.46-acre residential lot, and to the west an RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoned 1.14-acre lot.
- The Comprehensive Plan, continued Ashby, designated the area as Medium Density Residential, which allows for 4 to 9 dwelling units per acre.
- The criteria for approval of a Conditional Use Permit requires the use to be compatible with, and not adversely impact, the livability or appropriate development of the surrounding neighborhood.
- Water and sewer utilities were located to the south, reported Ashby, and irrigation was already stubbed into the property.
- The applicant was seeking two access points on to W Greenhurst Rd. The Engineering Division has stated the development will have to meet the requirements and standards for access established by City Code.

- Frontage improvements would also be required, added Ashby.
  - The letter received from Nampa and Meridian Irrigation cautions that if any surface drainage leaves the site, NMID will require a land use change application for review prior to final platting.
  - Correspondence was also received from ITD, stating the property did not abut a State highway, therefore, ITD did not oppose the application.
  - Nampa Highway District No. 1 also indicated they have no concerns regarding the project.
  - The Comprehensive Plan, stated Ashby, really encourages infill development, and the subject property was in an area surrounded by City development, and prime for infill development as described in the Comprehensive Plan.
  - The Comprehensive Plan also calls out the need for diversifying Nampa housing stock, stating the City of Nampa aims to foster diversity in housing within the community.
  - Ashby reviewed the Staff Report and recommended conditions of approval.
  - Ashby indicated the proposed development plan for individual units, with access to W Greenhurst Rd.
- **Chairman McGrath** inquired about the access and outlet from South Middle School on to W Greenhurst Rd
  - **LaClair** replied the Engineering Division was comfortable with the proposed ingress/egress points and noted a senior housing facility would have different traffic patterns than other subdivisions and he did not foresee any issues with interfacing with the school access.
  - The proposed project access spacing, continued LaClair meets the City access policy.

**Chairman McGrath** proceeded to public testimony.

**Michael J Thompson of 12376 S Essex Way,**

- Mr Thompson stated he still owned the 212 W Greenhurst Rd property and his parents own the 218 and 302 W Greenhurst properties.
- Mr Thompson noted pressurized irrigation was stubbed into the subject property and noted the locations of the existing gravity irrigation.
- According to Mr Thompson, he wanted to make sure the Engineering Division had taken into account the gravity irrigation water the adjacent properties needed.
- Mr Thompson also inquired about a fence for the eastern boundary of the subject property.

**Elizabeth Moote of 412 Fall Drive, Nampa:**

- Ms Moote stated her property was located west and adjacent to the Well Spring facility and she was very familiar with the area.
- Ms Moote inquired how the living units would be arranged and were they two story or single story.
- Ms Moote also questioned if there would be a street within the proposed development that would connect to the Well Spring facility.
- According to Ms Moote, the traffic from the school gets very backed up at times and noted that cars turning out could cause some issues.
- Ms Moote also questioned how much back yard the proposed living units would have.

- **Mr Schmidt** responded to the questions raised.
- The fence, advised Mr Schmidt, would be a 6 ft privacy fence on the east, north and west boundaries of the development.
- The homes would be single story, added Mr Schmidt. The homes along the perimeter of the development would have a one car garage, and the units on the inside would have one carport parking space and one surface parking space.
- The living units would not be sold, stated Mr Schmidt, they would be rental units.
- The back yards would be approximately 15 ft deep.
- Mr Schmidt stated there would be no access drive or road to the Wellspring facility to the north.

• **Dan Lardie of Leavitt & Associates, 1324 1<sup>st</sup> St S, Nampa,**

- Mr Lardie stated there was a pressurized irrigation line coming into the middle of the property which then goes into a gravity situation. The intent, added Mr Larvie, was to continue the gravity irrigation to all of the existing homes, unless an agreement was worked out with them individually.

- The owner had discussions regarding making things a little more user friendly for the neighbors regarding how they obtain their irrigation and how it gets delivered.
- In response to a question from **Chairman McGrath, Mr. Lardie** confirmed no one's access to irrigation water would be impeded.
- **Kehoe** inquired if the living units would be painted different colors in order to make it easier for residents to identify their living unit.
- Mr Schmidt replied they had not picked out colors yet and would probably not be painting each individual living unit a different color but would possibly be painting each building in a different color scheme.
- Mr Schmidt stated all the maintenance would be taken care of by the owner/management of the development.
- **LaClair** responded to a question from **Chairman McGrath** regarding the irrigation. LaClair stated discussions had taken place with Leavitt Engineers and they were in the process of formulating a solution. By law, added LaClair, they are required to maintain water delivery and access to the irrigation water.

**Kropp motioned and Sellman seconded to close public hearing. Motion carried.**

**Kehoe motioned and Hutchings seconded to approve the Conditional Use Permit for the 40 unit Senior Apartment project in an RP zone at 416 W Greenhurst Rd for Taylor Schmidt, 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) Comply with all conditions stated by the City of Nampa Engineering Division letter dated May 9, 2019.**

**Motion carried**

**Public Hearing No. 3:**

**Conditional Use Permit for a Vape Store in a GB-1 (Gateway Business 1) Zoning District at 5842 E Franklin Rd. (A portion of a 1.1-acre parcel situated in the SW ¼ of Section 7 T3N R2W BM and part of Tax 05814 in Lot 1, Block 8, Idaho Center) for Vape Strong, LLC, D.B.A. - Vape. (CUP-00136-2019)**

**Chairman McGrath** proceeded to public hearing.

**Ryan Muckenthaler 1676 S Blacksmith Pl, Meridian – representing the applicant:**

- Mr Muckenthaler considered the Vape Strong, LLC operation to be straightforward and the proposed location would be the 21st store for the company, and all of them are located in Idaho.
- The majority of the stores are in the Treasure Valley.
- The company has been in business for 6 years, added Mr Muckenthaler.
- The stores, stated Mr Muckenthaler, do not provide any sort of lounge experience for any of the consumers.
- There are approximately 100 transactions per store, bringing a lot of business to the area.
- According to Mr Muckenthaler, the company approach was extremely professional, with a very disciplined crew, all of the operations are very uniform, and the signs are made by a local company.
- Mr Muckenthaler discussed the camera and alarm systems for the proposed business.
- Mr Muckenthaler emphasized the proposed business would be a strictly retail shop, with no production of any products in the shop, everything would be purchased and sold retail in the store, specifically electronic cigarettes and vape.
- **Kehoe** inquired about some of the vape flavors being more potent and containing more nicotine than some of the others and questioned why flavors would vary in the amount of nicotine.
- **Mr. Muckenthaler** replied their manufacturing facility in Garden City produced the vapor on a large scale and the only thing that could affect the nicotine in any given flavor would be the amount of nicotine put in the vapor.
- **Kehoe** questioned the cinnamon flavor as being one of the worst flavors.
- **Mr Muckenthaler** replied the cinnamon flavor may have additional side effects as an irritant to lungs.
- All the flavors, added Mr Muckenthaler, were purchased through national brands and go through the proper testing channels to insure the product was appropriate.

**Principal Planner Ashby:**

- Ashby indicated the location of the proposed business on the north side of E Franklin Rd. To the south, added Ashby, was Walmart, to the north was the Hampton Inn and Suites, and to the east and west were office and retail businesses, with the Idaho Center to the far north.
- The zoning for the subject property, added Ashby, was located in the GB-1 (Gateway Business – 1) zoning district.
- In the Land Use Chart in the Zoning Code, advised Ashby, there was no designation for a vaping store, however it states the Director or designee shall interpret the appropriate district for land uses not specifically listed and where a use is proposed and ambiguity exists concerning appropriate district or procedure, said use may be established by obtainment of a Conditional Use Permit.
- Additionally, a vape store was close in purpose to a tobacco store and that use requires a Conditional Use Permit in the GB-1 zoning district.
- The Comprehensive Plan designates the subject area as Highway Commercial, with high volumes of traffic and people.
- The location of the proposed vape store, advised Ashby, had always been indicated as GB-1 zoning district and previously occupied for retail purposes.
- Ashby reviewed the Staff Report and noted Chapter 25 of the Zoning Ordinance states the criteria for approval.
- Ashby noted the recommended conditions of approval for the Conditional Use Permit.
- Ashby explained there would be a 15-day Appeal period if the Conditional Use Permit were to be approved.

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

**Kropp motioned and Sellman seconded to close public hearing. Motion carried.**

**Van Auker, Jr motioned, and Miller seconded to approve the Conditional Use Permit for a Vape Store at 5842 E Franklin Rd, for Vape Strong, LLC, d.b.a. Vape, subject to:**

- 1. All requirements of the Nampa Fire and Building Departments regarding Vape Store use shall be satisfied.**
- 2. The Conditional Use Permit is issued for the life of the commercial unit as a Vape Store.**

**Motion carried.**

Meeting adjourned at 8:05 p.m.



Norman L Holm, Planning Director

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