

**NAMPA PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
TUESDAY, JUNE 11, 2019, 6:30 P.M.**

Members: Lance McGrath - Chairman
Peggy Sellman – Vice Chair
Matthew Garner
Adam Hutchings
Harold Kropp
Steve Kehoe

Bret Miller
Ron Van Auken, Jr
Norm Holm, Director
Rodney Ashby – Principal Planner
Kristi Watkins – Senior Planner
Daniel Badger – City Engineer

Absent: Jeff Kirkman

Chairman McGrath called the meeting to order at 6:46 p.m.

Approval of Minutes: Sellman motioned and Kehoe seconded to approve the Minutes of the May 28, 2019 Planning and zoning Commission meeting. Motion carried.

Report on Council Actions. Planning Director Holm informed the Commission regarding the City Council's decision to place a 182-day moratorium on any new applications for Storage Facilities, due to the major increase in Storage Facility inquiries and applications. He reported those applications already received, or in process, would still proceed. Holm advised Staff would be working on a Code Amendment: reviewing the most appropriate places to locate Storage Facilities; areas that would be best used for other purposes; utilities already located on properties that would facilitate job creation; and, what other cities in the area are doing regarding Storage Facilities.

Holm added staff had been instructed to come up with Ordinance provisions, within 90 days, that would help determine how the City would proceed into the future with Storage Facilities.

Holm stated City Council indicated a desire to have a Work Session with the Nampa Planning Commission, to facilitate communications between the City Council and the Planning Commission.

Chairman McGrath proceeded to business items on the agenda.

None.

Chairman McGrath proceeded to public hearing at 7:00 p.m.

Public Hearing No. 1:

Conditional Use Permit for a Duplex in an RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoning district at 1422 E Amity Ave. (An 8,807 sq ft or .2-acre portion of Block 85, Kurtz addition, and tax 19094 in the SE ¼ Section 27 T3N R2W BM), for Wesley L Waldorf (CUP-00137-2019). ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Wesley Waldorf, 226 Sebastian Pl, Nampa – the applicant:

- Mr Waldorf indicated the Survey he had just received for the three properties addressed as 725 S Powerline Rd, 1422 Amity Ave and 1412 Amity Ave, and noted the access easement.
- According to Mr Waldorf he had purchased the three lots and would be applying for a Building Permit this week for a house for his daughter at the 1412 Amity Ave lot.
- On 725 S Powerline, added Mr Waldorf, he would be building a home for his son.
- Mr Waldorf stated he was a builder and would be doing most of the building himself.
- The center lot, 1422 Amity Ave, continued Mr Waldorf, was the lot he had requested Conditional Use Permit approval for a duplex. The subject lot, added Mr Waldorf, previously had a duplex, and that was removed with the road re-construction.

- The goal for the duplex, stated Mr Waldorf, was initially to use it as a rental for the first 10 years, and then later on sell their current home, move into one side of the duplex and on the other side would be his child with disabilities.
- The house to be built at 725 S Powerline Rd would be rented for about 5 years until his son, currently finishing college, would then buy it at cost.
- Mr Waldorf referred to the Survey he had just received regarding the Road Maintenance Agreement and Sewer Maintenance Agreement that would be going within the driveway easement.
- In response to a question from **Kehoe**, **Mr Waldorf** referred to the revised floor plan for the proposed duplex and advised there would be a master bedroom on the first floor of one of the living units, so they would not have to use the stairs when living there in 10 years.
- **Kehoe** stated the building elevation for the duplex was very nice.
- **Mr Waldorf** noted there would be a garage for both living units in the duplex, and an additional parking space for each unit.

Senior Planner Watkins:

- Watkins reported the subject property was surrounded by properties also zoned RS-6, included in the University District overlay, and shown as Medium Density Residential on the Comprehensive Plan Future Land Use Map.
- The density proposed by adding a two dwelling unit structure to the subject property would be in care and keeping with RS-6 zoning allowances.
- Watkins referred to the memorandum from the Nampa Engineering Department stating utility and emergency services are available to the subject property.
- In January 2007, a Conditional Use Permit was approved for an existing duplex on the property to make it a conforming use. That structure, added Watkins, had since been removed due to the City's realigning of Amity Ave.
- Watkins referred to the Agency memos received regarding the application and noted most had no comment and others had minor input on the project, listed as conditions of approval in the Staff Report.
- No other comments, stated Watkins, had been received prior to the public hearing.
- The location, size, design and operating characteristics of the proposed development would be compatible with, and would not adversely affect the livability, or appropriate development, of abutting property.
- The location, site design and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, as well as close proximity to Northwest Nazarene University, and would be as attractive as the nature of the use and its location warrants.
- Watkins referred to the recommended conditions of approval in the Staff Report and noted Condition No. 3 would no longer be necessary, and to amend the wording to add: "Provide an Access Easement" as per the information provided by the applicant during his testimony.

Chairman McGrath proceeded to public testimony.

Lorraine Jewell of 1411 E Amity Ave, Nampa – in favor:

- Ms Jewell stated she was excited to have someone move in on the subject vacant property.
- At the present time, added Ms Jewell, there were so many people dumping stuff, or driving on to the property and using it as a trash dump.
- Ms Jewell noted it would be nice to have neighbors living there again.

Linda Barrows of 1724 E Amity Ave – Undecided.

- Ms Barrows stated she had questioned what the City was thinking when the subject pieces of property were left there.
- According to Ms Barrows she had wondered if it would be turned into a park but noted it would not be safe for children via S Powerline or Amity Ave.
- The duplex was a pretty good idea, considered Ms Barrows, however, her first concern had been the traffic at that location because of the cars racing up and down. The duplex, added Ms Barrows, would not be far from the main intersection and she could see that could be a potential problem with the number of housing units - a total of four living units on the three lots.

- The cars back up at Amity and S Powerline Rd, added Ms Barrows, and questioned if there would be a problem with traffic due to people coming and going from the subject property.

Mr Waldorf:

- Mr Waldorf stated 1412 Amity and 725 S Powerline would-be single-family homes with two car garages.
- The proposed duplex at 1422 Amity Ave would have a single car garage and additional parking space for each living unit.
- Mr Waldorf advised it was not his choice to only have one access point, determined by the City when they did the Amity Ave upgrade/realignment, because of the traffic, and keeping parking off the roadway.

City Engineer Badger:

- Badger advised the subject three properties were purchased by the City Street Department as part of the Amity Ave Project and the two houses and existing duplex were torn down due to the necessity of realigning the intersection offset for the amount of traffic.
- The drive approach had been a condition of the City, due to the safety, turning movements and queuing at the existing signal. Badger advised the proposed location was the safest place for the drive approach for the existing parcels.

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

Miller motioned and Sellman seconded to approve the Conditional Use Permit for a duplex in an RS-6 zoning district at 1422 E Amity Ave for Wesley Waldorf, subject to:

Generally:

1. **Owner/operator/applicant(s) shall comply with all applicable requirements [including obtaining proper permits] as may be imposed by City agencies appropriately involved in the review of the request (e.g. Nampa Fire, Building, Planning and Zoning and Engineering Departments, etc) as the Conditional Use Permit approval does not, and shall not, have the effect of abrogating requirements from those agencies.**
2. **At the time of permit application, owner will pay the standard connection fees, if necessary, as the parcel originally had two residences and one duplex existing on site prior to the Amity Widening project. All Connection fees may be waived.**
3. **Per the applicant provided easement description, dated June 5, 2019, a shared access agreement will be required to be submitted prior to issuance of a Building Permit.**
4. **In order for the approval to be valid and in force, a Building Permit to begin the project shall be applied for and issued by the City within six months from the date of the Commission's approval of this application.**

Motion carried.

Public Hearing No. 2:

Annexation and Zoning to RS-6 (Single Family Residential – 6000 sq ft minimum lot size) at TBD High Ave. (An .84 acre or 36,438 sq ft portion of the SE ¼ of Section 20 T3N R2W BM), for Mark and Alina Kondratyuk for construction of single-family homes. (ANN-00120-2019). ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Mark Kondratyuk of 318 Cemetery Rd, Middleton – the applicant:

- Mr Kondratyuk indicated the two proposed lots for the subject parcel, with W High Ave on the east side of the property. The subject parcel, continued Mr Kondratyuk, was part of a larger parcel that had previously been farmed, bisected by the Joseph Drain. The Joseph Drain had an easement of 50 ft on each side of the drain.
- Mr Kondratyuk stated he had been conferring with the Nampa Meridian Irrigation District regarding obtaining 10 ft of the 50 ft easement.
- Mr Kondratyuk discussed the proposed homes that would be placed on the two parcels, with the northerly residential unit being around 1600 sq ft, single story, and the southerly home about 1,800 sq ft and two story.

- The shared driveway, added Mr Kondratyuk, would be on the larger side so the Nampa Fire Department could access the properties with fire trucks and have room to maneuver.
- Mr Kondratyuk stated he was trying to offset the \$8000 cost to bring in the gas line to the property by creating two lots.

Principal Planner Ashby:

- Ashby indicated the proposed two lots on the subject property and noted the homes would have to go through the approval process for setbacks, etc.
- The applicant, advised Ashby, was requesting Annexation and RS-6 (Single Family Residential – 6000 sq ft minimum lot size) for the property.
- The property was currently enclaved – surrounded by City limits but still under Canyon County jurisdiction, comprising .84 of an acre, part of a 19.2 acre enclaved area.
- The applicant, continued Ashby, was proposing two single family homes on the .84-acre parcel.
- Ashby indicated the letter from Nampa Meridian Irrigation District, noting an Irrigation License Agreement with the district would be required to be in place.
- Idaho Transportation Department had also submitted correspondence stating they had no opposition to the application because the subject property was not on an ITD roadway.
- The Comprehensive Plan Future Land Use Map indicated the area designation as Medium Density Residential – 4 to 9 dwelling units per acre, and the proposed use would be in compliance with that designation.
- To the north, advised Ashby, was City of Nampa RS-6 (Single Family Residential – 6000 sq ft) zoned properties, to the south was the enclaved property, to the east was also City of Nampa RS-6, and to the west was the rest of the enclaved property.
- Ashby noted for the property to be annexed it must be contiguous to the City limits. The parcel connects with the City limits at its northern and eastern boundaries and was part of an enclaved area.
- The existing use of the property was a vacant parcel next to the Joseph Drain.
- Ashby advised there were sewer, domestic water and pressurized irrigation lines available in the immediate area, off High Ave.
- Access to the property would also be off High Ave.
- Ashby referred to the Memorandum from the Nampa Engineering Division authored by Jim Brooks, dated May 28, 2019, with three recommended conditions: A recorded cross access/shared driveway, and utility easement will be required that details each party’s responsibilities for maintenance of the shared access; each parcel shall be provided with separate domestic water, sewer, and pressure irrigation services at time of lot development and building permit issuance; Owner may opt to have services stubbed to each parcel at his own expense ahead of Building Permit application and issuance – Owner option to have utility stubs constructed prior to building permits; This will require inspection by City Engineering and or City Plumbing inspectors; Access (west end of High Ave) shall be improved with curb, gutter sidewalk/drive approach, storm drainage designed and connection to existing catch basin, and necessary asphalt: All city utilities are available.
- Ashby indicated some pictures and aerial view of the subject property and surrounding area.

Chairman McGrath proceeded to public testimony.

No public comment forthcoming.

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

Kehoe motioned and Van Auken, Jr seconded to recommend to City Council Annexation and RS-6 zoning for the .84-acre parcel located at the west end of High Ave, Canyon County Parcel R1612701000, for Mark and Alina Kondratyuk, to allow for construction of single-family homes, subject to:

Generally:

1. **Developer(s) shall comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc] as may be imposed by City agencies appropriately involved in the review of the request (e.g. Nampa Fire, Building, Planning and Zoning and**

Engineering Departments/Divisions) as the entitlement(s) granted by virtue of the City'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.

Specifically:

1. A recorded Cross Access/Shared Driveway, and Utility Easement will be required that details each party's responsibilities for maintenance of the shared access.
2. Each parcel shall be provided with separate domestic water, sewer, and pressure irrigation services at time of lot development and Building Permit issuance. Owner may opt to have services stubbed to each parcel at their own expense ahead of Building Permit application and issuance.
 - a) Owner option to have utility stubs constructed prior to Building Permits. This will require inspection by City Engineering and or City Plumbing Inspectors.
3. Access (west end of High Avenue) shall be improved with curb, gutter, sidewalk/drive approach, storm drainage designed and connection to existing catch basin, and necessary asphalt.
4. A License Agreement shall be obtained from the Nampa and Meridian Irrigation District regarding the Joseph Drain.

Motion carried

Public Hearing No. 3:

Annexation and Zoning to RML (Limited Multiple Family Residential) at 1111 E Iowa Ave. (A .34 acre or 14,938 sq ft portion of the SE ¼ of Section 34 R2W BM), for Anthony Sparks for construction of a Fourplex. (ANN-00121-2019) ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Marla Carson of NeUdesign Architecture at 725 E 2nd St, Meridian – representing Anthony Sparks

- Ms Carson stated the applicant had requested Annexation and RML zoning for 1111 E Iowa Ave, a .34-acre parcel, in order to allow flexibility for potential development of the property.
- The applicant, stated Ms Carson, would like to construct a three story, potential five-plex, with garage parking on the ground level and living space on the second level and bedrooms on the third level.
- Ms Carson stated the structure would have a flat roof, and a contemporary design.
- If the three-story design would not work, then they would go back to a two-story development.

Planning Director Holm:

- According to the applicant, stated Holm, the request would be to improve the subject property and build a new four-plex, in line with the surrounding neighborhood. Holm noted there were four-plexes on properties to the west and to the north.
- The property, continued Holm, was currently a single-family dwelling situated in the County, with an R-2 (Medium Density) zoning district.
- The City of Nampa Comprehensive Plan Future Land Use Map indicates the subject property to be in the Employment Center designation, but surrounded on the north, west and south by a Medium Density Residential designation.
- Holm noted the RML zone in the area was further north and not adjacent to the property, and added the RML zoning for the subject property would need a High Density Residential Comprehensive Plan designation - and the High Density Residential Comprehensive Plan area to the north was not adjacent and could not be stretched that far.
- Holm considered the Medium Density Residential Comprehensive Plan designation would mean an RD (Residential [Duplex] Two Family) zoning district. A fourplex on RD zoned property, added Holm, would require 14,000 sq ft of land for the four-plex.
- The current size of the subject property, stated Holm was above 14,000 sq ft but the required Dedication of Right-Of-Way for E Iowa Ave, would reduce the size of the lot to less than the 14,000 sq ft lot size required for a four-plex. The applicant could potentially receive the RD zoning designation for the subject property

and request a Variance from City Council on the 14,000 sq ft lot size requirement for a four-plex, due to the Right-Of-Way take.

- Holm advised staff's recommendation would be for the RML zoning district not to be approved as it was not adjacent to existing RML zoning, however, the RD zoning would be appropriate and if the applicant did not wish to proceed with a tri-plex then a Variance from City Council on the lot size would be required.
- No communication or correspondence had been received regarding the Annexation and zoning request, stated Holm.
- Holm noted the Memorandum dated June 4, 2019, authored by Jim Brooks, with the recommended conditions of approval from the Engineering Division.
- Holm suggested the recommendation for approval be for RD zoning and not the RML zoning designation.
- In response to a question from **Kehoe**, **Holm** stated staff had reviewed the issues with the applicant.

Chairman McGrath proceeded to public testimony.

Arly Wilson of 1119 E Iowa Ave – opposed:

- Mr Wilson noted the existing fourplexes previously mentioned were located immediately to the west of the subject property.
- Mr Wilson stated there had been a number of complaints to the police department about problems with those fourplexes.
- Mr Wilson asked that the Planning Commission not recommend the subject property for RD/four-plexes.
- Mr Wilson stated he would like to see any development only be single level structures.
- Mr Wilson voiced concern there would be more cases of trespassing and calls for police if the RD zoning for a fourplex were to be approved for 1111 E Amity Ave.
- The majority of homes in the area, stated Mr Wilson, were all single-family homes.

Tiffany Wilson of 1119 E Iowa Ave, Nampa – opposed:

- Ms Wilson stated another concern would be the increased volume of traffic in the area.
- The existing four-plexes, added Ms Wilson, do not have a stop sign and the drivers going in and out of the four-plex development do not pay attention to other vehicles on the road.
- According to Ms Wilson, it was a very narrow road with a large amount of traffic coming in and out over a short distance and considered adding another four-plex would make traffic even worse.
- Trash on the roadway was also an issue, reported Ms Wilson.

Marla Carson:

- Ms Carson stated she did have a telephone discussion with Planning Director Holm regarding the RD option and the applicants would like to be considered for that if the RML zoning were denied.
- Ms Carson considered most people have lived in an apartment or four-plex at some point in their life and added there was a big need for affordable housing.
- Mr Sparks, continued Ms Carson, wants to keep the property and build something that would be a quality product to last through the years.

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

Kehoe considered the property should not be zoned RML.

Van Auker, Jr noted it would be up to City Council to allow a Variance for a substandard lot size for a four-plex in the RD zoning district, if the RD zone were to be approved.

Garner motioned and Kehoe seconded to recommend to City Council the Annexation and RD zoning for 1111 E Iowa Ave for Anthony Sparks, for construction of no more than a triplex on the property, subject to:

1. **At the time of development of the site, the developer shall extend all public utilities to and through the site in accord with current City Policy and Master Plans. These improvements will include, but not be limited to:**
 - a) **Sewer main and service(s).**

- b) Water main and service(s).
 - c) Pressure Irrigation main and service.
 - d) Storm drainage – both on and off-site.
 - e) Gravity Irrigation – Either continued delivery to, or wastewater from, adjacent properties.
2. Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
- a) Domestic Well – the Idaho Department of Water Resources.
 - b) Septic Systems – Southwest District Health Department.
 - c) Copies of all related documents certifying the well and septic systems have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.
3. Right-Of-Way Dedication – Required.
- a) East Iowa Avenue – Functional Classification is a local road. Thirty (30) feet for half of a future sixty (60) foot Right-Of-Way.
4. At time of development, or redevelopment, full frontage improvements are required and will include, but not be limited to:
- a) Curb, gutter and sidewalk.
 - b) Pavement widening and striping as required.
 - c) Landscaping as required.
 - d) Storm drainage.
5. If parcel is divided, each parcel shall be provided with separate domestic water, sewer and pressure irrigation services at time of lot development and Building Permit issuance.

Motion carried.

Meeting adjourned at 7:55 p.m.



Norman L Holm, Planning Director

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