

**NAMPA PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
TUESDAY, JULY 9, 2019, 6:30 P.M.**

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

Absent:

Chairman McGrath called the meeting to order at 6:34 p.m.

Announcements: **Planning Director Holm** advised a joint workshop meeting will be scheduled with the City Council and the Planning and Zoning Commission members, tentatively for August 26th, time to be determined.

Items scheduled for discussion would be:

1. Proposed Ordinance amendments for storage facilities.
2. Review of the Comprehensive Plan, including pathways and open space.

Approval of Minutes: **Miller motioned, and Kehoe seconded to approve the Minutes of the June 25, 2019 Planning and Zoning Commission meeting. Motion carried.**

Report on Council Actions. **City Council member Haverfield** discussed the Moratorium on Storage Facilities. Haverfield advised City Council adopted a Resolution directing staff to proceed with the 2nd Phase of the Wastewater Treatment Plant Upgrades, that would be going back before Council to determine who the City would be working with on that project for the next four years. Councilor Haverfield advised Wallet Hub awarded the City of Nampa first place in the nation for the Best Run City in the Nation. Additionally, stated Haverfield, Forbes Magazine rated the City of Nampa, as number one in the country with 19.4 percent growth year over year in median home value.

Chairman McGrath proceeded to the business items on the agenda.

Business Item No. 1:

Subdivision Final Plat Approval for Kinghorn Place Subdivision No. 1 on the west side of Northside Blvd. north of Ustick Rd. (A portion of the SE 1/4 of Section 33, T4N, R2W, BM – 54 single family dwellings on 17.01 acres for 3.17 lots/acre) for Kent Brown representing Trilogi Idaho (SPF 090-19). – ACTION ITEM

Senior Planner Watkins:

- Kinghorn Place Subdivision No. 1, stated Watkins, comprised 17.01 acres, and proposed platting into 53 buildable lots and 8 common lots, located within an RS-7 zoning district, north of Ustick Rd and west of Northside Blvd.
- The subject property, added Watkins, was annexed into the Nampa City limits effective March 2018.
- The subdivision would be bordered by County farmland on the north, west and south, and to the east by City RS-7 zoned property.
- Watkins reviewed the Staff Report and recommended conditions of approval.
- Kinghorn Subdivision No. 1, added Watkins, conforms to the approved Preliminary Plat layout and the applicable subdivision and zoning standards.
- Watkins stated staff feels it would be appropriate for the Commission to recommend to City Council approval for the Final Plat of Kinghorn Place Subdivision No. 1 with the recommended conditions of approval.

Sellman motioned and Hutchings seconded to recommend to City Council approval of the Final Plat for Kinghorn Place Subdivision No. 1 for Kent Brown, representing Trilogi, Idaho, subject to:

1. 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 Kinghorn Place Subdivision;
2. Comply with the requirement(s) listed in the June 28, 2019 memorandum from the Nampa Engineering Division authored by Caleb LaClair:
 - a. If construction of Hartland Subdivision Phase 1 begins after Kinghorn Place, Developer shall be responsible to construct necessary utility tie-ins to the existing City system, as well as, the irrigation pump station associated with the Hartland Subdivision.
 - b. Developer shall provide documentation of CHD4 review of Northside Blvd design prior to construction drawing approval. Developer shall provide a copy of the executed encroachment permit with CHD4 prior to start of construction in the right-of-way.
 - c. Developer shall provide documentation of PID and BOR review of improvements within the Mason Creek easement prior to construction drawing approval. Developer shall provide electronic copy of executed license agreement prior to Final Plat signature.
 - d. Developer shall submit a new name for “N Laxa Ave” per Nampa GIS review comment. Approval for new street name shall be obtained from Nampa GIS prior to construction drawing approval.
 - e. Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of plat.
 - f. Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Kinghorn Place Subdivision #1 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division, dated 6/28/2019 prior to construction drawing approval.
 - g. The Developer and their Engineer and Contractor shall adhere to the “Construction Duty and Responsibility Policy”, Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall also sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction;
3. Deed and dedicate 20’ pathway easement to the City of Nampa;
4. Construct pathway per Nampa Pathway standards;
5. Comply with Pioneer Irrigation conditions:
 - a. Amend the final plat document to reference the 110-foot Bureau of Reclamation right-of-way along Mason Creek Drain.
 - b. Contact Bureau of Reclamation, Lupe Rodriguez, for additional input;
6. 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.

Business Item No. 2:

Subdivision Final Plat Approval for Sonata Pointe Subdivision No. 3 on the south side of W. Lone Star Rd. west of Lone Star Middle School (57 single family residential lots on 15.92 acres, 3.58 dwelling units per gross acre - situated in the NE 1/4 of Section 30, T3N, R2W, BM) for JUB Engineers representing Trilogy Development (SPF 091-19). – ACTION ITEM

Senior Planner Watkins:

- Watkins reported Sonata Pointe Subdivision No. 3, comprised 15.92 acres, with 57 buildable lots and 7 common lots, located within an RS-7 zoning district, between W Lone Star Rd and W Roosevelt Ave, and west of Middleton Rd.
- The subdivision added Watkins was bordered on the north and east sides by City RS-7 zoned properties, on the south by City RS-6 zoned property, and on the west by farmland that has a City zoning designation of RS-8.5 but not yet developed.
- Phase 3 would be the last phase of the subdivision and complete the north-south connection from Lone Star Rd to Roosevelt Ave – a parallel route to S Middleton Rd.

- Watkins stated Sonata Pointe Subdivision No. 3 conforms to the approved Preliminary Plat layout and the applicable subdivision and zoning standards for Nampa.
- Watkins reviewed the Staff Report and recommended conditions of approval.
- **Kehoe** inquired about the statement indicating pavement widening and curb and gutter installation along W Roosevelt Ave was no longer required per City Code and the development would only be required to construct sidewalks and drainage improvements across the property.
- **Watkins** advised certain impact fees should cover additional improvements.
- **Kirkman** questioned if the north-south connection through the subdivision was proposed as an alternative route between Lone Star Rd and W Roosevelt Ave.
- **Watkins** replied the bike and pedestrian plan tries to provide access other than the heavier used corridors for biking and walking.
- Watkins stated staff feels it would be appropriate for the Commission to recommend to City Council approval for the Final Plat of Sonata Pointe Subdivision No. 3 with the recommended conditions of approval

Kirkman motioned and Sellman seconded to recommend to City Council Final Plat approval for Sonata Pointe Subdivision No. 3 for JUB Engineers, representing Trilog Development, subject to:

1. **Comply with all City department/division or outside agency requirements pertinent to this matter. This is to include conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to the approved preliminary plat for Sonata Pointe Subdivision;**
2. **Provide a 10' side side-path/sidewalk along the north shoulder of Roosevelt Avenue per the Nampa Bicycle and Pedestrian Master Plan;**
3. **Address Engineering Department Conditions and final plat comments as listed:**
 - a. **Clarify how the existing gravity irrigation facilities along W Roosevelt Avenue are being modified to accommodate the proposed improvements.**
 - b. **The development is only required to construct sidewalk and drainage improvements across the property.**
 - c. **Revise spelling of "W Viola St." to W Viola St.**
 - d. **The City minimum rear lot utility easement width is 10 feet. The internal rear lot easement widths could be reduced from 12 feet to 10 feet.**
 - e. **Address all Final Plat comments prior to City Engineer signature of plat.**
 - f. **Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Sonata Pointe #3 – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division, dated 7/1/2019 prior to construction drawing approval.**
 - g. **The Developer and their Engineer and Contractor shall adhere to the "Construction Duty and Responsibility Policy", Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall also sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of Construction.**
4. **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.

Business Item No. 3:

Subdivision Final Plat Approval for Southern Ridge Subdivision No. 6, south of Southern Ridge No. 5 (Located in the S 1/2 of Section 1, T2N, R2W, BM - 58 dwelling units on 14.72 acres for 3.25 dwelling units per gross acre) for Kent Brown for Southern Ridge Properties (SPF 092-19). – ACTION ITEM

Senior Planner Watkins:

- Watkins reported Southern Ridge Subdivision No. 6 comprised 14.72 acres, with 48 buildable and 10 common lots proposed, located within an RS-6 zoning district, north of E Locust Ln and east of Southside Blvd.
- The proposed subdivision, continued Watkins, was bordered on the north, west and east sides by City RS-6 zoned properties, and on the south by City RS-8.5, and County residential zoned properties.

- The subject development, added Watkins, would provide the second of three anticipated connections to E Locust Ln, for Southern Ridge Subdivision.
- The proposed subdivision, stated Watkins, conforms to the approved Preliminary Plat layout and to the applicable subdivision and zoning standards for Nampa.
- Watkins stated staff feels it would be appropriate for the Commission to recommend to City Council approval for the Final Plat of Southern Ridge Subdivision No. 6 with the recommended conditions of approval.

Sellman motioned and Garner seconded to recommend to City Council Final Plat approval for Southern Ridge Subdivision No. 6, for 58 dwelling units, for Kent Brown for Southern Ridge properties, subject to:

1. **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 Southern Ridge Subdivision.**
2. **Provide revised plans showing grading numbers on the lots for the Nampa Building Dept;**
3. **Address Engineering Department Conditions\Final Plat comments as listed:**

Final Plat Comments

- h. **Include “East Wood Ridge Drive” labeling on the cross street of S Oak Ridge Ave.**
- i. **Add street names for cross streets on all sheets.**
- j. **Also include “this sheet” notations where medians align.**
- k. **Remove duplicate block and lot listed in note 6.**

Conditions of approval

- a. **Address all Construction Drawing and Drainage Report Comments.**
 - b. **Provide legal descriptions and exhibits for off-site public utility easements.**
 - c. **Sign the City of Nampa Subdivision Improvement Agreement.**
 - d. **Engineer of record shall inspect and certify Drainage in accordance with approved construction plans.**
 - e. **Apply for a City of Nampa right-of-way permit.**
4. **Provide a landscape plan for review/approval prior to Final Plat signature; and,**
 5. **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.**

Business Item No. 4:

Subdivision Final Plat Approval for Mattingly Creek Subdivision at 2008 W. Orchard Ave. (A 3.5-acre portion of the SE ¼ of the SW ¼ of Section 17, T3N, R2W, BM – 11 Two Unit Single Family Residential Attached lots on 3.5 acres for a total of 22 dwelling units on 3.5 acres or 6.29 dwelling units/gross acre) for Red Letter Day LLC represented by Bob Taunton, Taunton Group LLC (SPF 093-19). – ACTION ITEM

Senior Planner Watkins:

- Mattingly Creek Subdivision, explained Watkins, comprised 3.25 acres, with 22 buildable lots and 3 common lots, located in an RD zoning district, on the north side of W Orchard Ave and east of N Middleton Rd.
- The property, added Watkins, was located inside the Nampa City limits, as of June of 2019 and zoned RD (Residential Two Family – Duplex).
- The subject property was bordered on the north and south sides by City RS-6 zoned properties and on the east and west sides by County zoned residential properties.
- The development stated Watkins was proposed as a zero lot line townhome project, with 22 townhome lots, and one single building on its own lot.
- Watkins stated the subdivision was located within the City limits and conformed to the approved Preliminary Plat layout, and the applicable subdivision and zoning standards for Nampa.
- Watkins stated staff feels that it would be appropriate for the Commission to recommend to City Council approval for the Final Plat of Mattingly Creek Subdivision with the recommended conditions of approval.

Van Auker, Jr motioned, and Kehoe seconded to recommend to City Council Final Plat approval for Mattingly Creek Subdivision located at 2008 W Orchard Ave, for Red Letter Day, LLC, represented by Bob Taunton, Taunton Group, LLC, subject to:

- 1. 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 Mattingly Creek Subdivision.**
- 2. Coordinate with CenturyLink to relocate utilities; and,**
- 3. Contact Pioneer Irrigation for any irrigation facilities that need to be reviewed; and,**
- 4. Comply with requirements from the Nampa Engineering Department as follows:**
 - a) Gravity Irrigation line: Please confirm if for delivery or waste and if other there are still other users on the line; and,**
 - b) Development will only be responsible for installation of sidewalks, drainage improvements and road widening for any required turn-lanes; and,**
 - c) Revise Note 8 to read “access and utility easement”**
 - d) Address all plan redlines and return response to the attached comments.**
- 5. 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 Item No. 1:

Zoning Map Amendment from BC (Community Business) to IL (Light Industrial) for 2806 Landon Lane, a 2.92 acre or 127,195 ft. portion of Lot 19 of Midway Subdivision in the NE ¼ of the SW ¼ of Section 8, T3N, R2W, BM for Thiel & Thiel, LLC (ZMA 109-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

Tom Givens, Steel National, LLC of 4114 Nelson Ln, Caldwell – representing the applicants:

- According to Mr Givens, the applicants desired to build a flex building on the subject property.
- At the present time, stated Mr Givens, the northern portion of the property was zoned BC and the southern portion zoned IL, and the applicants would like the entire property zoned IL.
- The proposed 6,200 sq ft metal building would be a flex space.

Planning Director Holm:

- Holm stated the applicants were requesting a Zoning Map Amendment from BC to IL for the northern one quarter of the subject property. The remaining southern portion of the property already has an IL zoning designation.
- The applicants, continued Holm, were requesting the Rezone in order to construct a flex structure on the property.
- Holm confirmed the Zoning Map Amendment was reasonably necessary and would agree with the adopted Comprehensive Plan Future Land Use map for the 2.92-acre property.
- The property, explained Holm, was located north of Caldwell Blvd and separated from Caldwell Blvd by the parcel addressed as 2216 Landon Ln.
- Holm indicated the land uses in the area: to the north – industrial; to the south – commercial with BC zoning; to the east – commercial with BC zoning; and to the west – commercial with BC zoning.
- City utilities, including water, sewer and pressurized irrigation are available to the property, stated Holm.
- Holm advised Landon Ln provides access and runs along the west side of the subject property.
- Holm reviewed the Staff Report and noted there were no recommended staff conditions associated with the Rezone.
- According to Holm, the Comprehensive Plan Future Land Use map designation was somewhat flexible and Light Industrial could be pulled down to include the entire parcel.
- The flex space, added Holm, would be compatible with existing commercial and industrial uses established in the area.

Chairman McGrath proceeded to public testimony.

Lucas Hansen of 4114 Nelson Ln, Caldwell – in favor but did not wish to speak.

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

**Miller motioned and Sellman seconded to recommend to City Council approval of the Zoning Map Amendment from BC to IL for 2806 Landon Ln, the 2.92 acres or 127,195 sq ft portion of Lot 19 of Midway Subdivision, for Thiel and Thiel:
With no attached conditions.
Motion carried.**

Public Hearing Item No. 2:

Annexation and Zoning to RA (Suburban Residential) for 2.30 acres or 100,188 sq. ft. located at 11460 Lake Lowell Ave, in a portion of the SW ¼ of the SE ¼ of Section 30, T3N, R2W, BM for Jared and Melissa Lindsay for a 2-parcel split (ANN 125-19). – ACTION ITEM

Chairman McGrath proceeded to public testimony:

Jared Lindsay of 11460 Lake Lowell Ave – the applicant:

- Mr Lindsay explained the subject property was currently in the County and they would like to split the property into two lots, or possibly three lots, therefore, they were requesting Annexation and RA zoning, subject to City water and sewer.

Rodney Ashby – Principal Planner:

- Ashby explained, if the applicants want to split the subject property into three parcels, they would be required to go through the Subdivision Short Plat process.
- Ashby reviewed the Staff Report and recommended conditions of approval.
- According to Ashby, the Comprehensive Plan Future Land Use map indicated the property within a Low-Density Residential designation.
- The Canyon County Comprehensive Plan, added Ashby, indicated the subject property as Low Density Residential.
- Ashby noted the existing surrounding subdivisions in the area.
- Water, sewer and pressurized irrigation, stated Ashby, were available in the area.
- Access was available via the private common drive to the west of the subject property.
- Ashby indicated the Memorandum from the Nampa Engineering Division dated June 24, 2019, authored by Caleb LaClair. The conditions listed on the memo included the requirement for access to both future lots to be maintained from the existing private access along the west side of the property, and no new access to Lake Lowell Ave will be allowed.
- City Engineering also required dedication of 40 ft of Right of Way along Lake Lowell Ave adjacent the subject property.
- The correspondence from the Boise Project Board of Control stated they have a valid water right on the property and any of the drainage ditches crossing the property must be protected and the flow continue.
- Ashby reviewed the recommended conditions of approval.
- In response to a question from **Kirkman** regarding the irrigation ditches on the property, **Badger** advised the Deer Flat Canal was on the east and the North Robinson Lateral on the west.

Chairman McGrath proceeded to public testimony.

Melissa Lindsay of 11460 Lake Lowell Ave, Nampa – co-applicant:

- Ms Lindsay indicated the common driveway/easement from Lake Lowell Ave accessing the subject property.
- Ms Lindsay noted the subdivisions currently being developed on the surrounding properties.
- Ms Lindsay spoke in favor of the Annexation and RA zoning request.

Jon France of 11500 Lake Lowell Ave, Nampa:

- Mr France stated his property was right next door to the subject property.

- According to Mr France, his only concern was the width of the common driveway/easement and was barely wide enough to get his flatbed trailer through and he noted concern with people driving up and down the access easement constantly and someone possibly going through his fence.
- Mr France indicated the location of a small buried canal.

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

- **Kirkman** inquired if there was a minimum for a shared access road.
- **Badger** replied the minimum width, and any requirement for a turnaround, would be dictated by the Fire Department, and that would be dealt with at the time of land division.

Miller motioned and Garner seconded to recommend to City Council approval of the Annexation and Zoning to RA for the 2.30 acre or 100,188 sq ft parcel located at 11460 Lake Lowell Ave, in a portion of the SW ¼ of the SE ¼ of Section 30, T3N, R2W, BM for Jared and Melissa Lindsay for a 2-parcel split 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 this 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. Applicant/Owner shall dedicate 40’ of public right-of-way measured from the Section line along the entire frontage of Lake Lowell Avenue with the annexation.
2. Access to the property for both future lots shall be maintained from the existing private access along the west side of the property. No new accesses to Lake Lowell Avenue are allowed.
3. 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.
4. 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.
5. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.
6. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
7. Applicant shall work with Boise Board of Control to address stated concerns.

Motion carried.

Public Hearing Item No. 3:

Modification of Annexation and Zoning Commercial and Residential Development Agreements between Centennial Development LLC and the City of Nampa recorded 6/1/2006 as Inst. No. 200642352 amending Exhibit “B” Conceptual Plan changing the BC zoned area use from a Conceptual Commercial/Office plan to a Public Storage Facility plan and amending the Commercial Development Agreement to apply only to the 13.34 acre (Canyon County Parcel R2093300000) BC zoned area situated in a portion of Lots 15 and 16 of Cortland Place located in the SE ¼ of the SE ¼ of Section 2, T3N, R2W BM – for Jeff Likes (DAMO 00030-2019). ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Jeff Likes of 1119 E State St. Eagle – representing GJS Enterprises, LLC – the applicant:

- Mr. Likes spoke in favor of the application, to amend the Development Agreement recorded in 2006.

- According to Mr Likes there had been no development of the subject property as yet and the applicants were now applying to Amend the Development Agreement to allow storage units on the BC zoned parcel.
- Mr Likes indicated the Conceptual Site Plan for the property, with the entrance and the office on the northeast corner of the property. Emergency access, continued Mr Likes, would be from the southwest corner.
- The Development Agreement recorded in 2006, stated Mr Likes, did not specifically include storage units as an allowed use.
- In response to a question from **Kehoe**, **Mr Likes** advised the plan was for RV storage on the west side and they would be covered but not enclosed, and the remainder of the units in the facility would be enclosed.
- **Kehoe** inquired if there were sufficient storage facilities available in the north area of town and **Mr Likes** stated there were no other storage facilities in that vicinity.

Senior Planner Watkins:

- Watkins reviewed the Staff Report and recommended conditions of approval.
- The intent, continued Watkins, would be to remove the 13.34 acre commercially zoned property from the Development Agreement that also included the residential subdivision to the north, and to regulate the BC portion of the property with a new Concept Plan and proposed use as a public storage facility.
- The subject property, continued Watkins, had been zoned BC and was surrounded by County and City residentially zoned properties.
- The current City of Nampa Comprehensive Plan, added Watkins, indicated the subject property as Medium Density Residential.
- Watkins noted the northern area of Nampa was mostly residentially zoned and continuing to grow and develop into residential subdivisions. Watkins reiterated the current Future Land Use map calls for Medium Density Residential for the subject property and noted the Comprehensive Plan Future Land Use Map designations for the nearby areas: Community and Residential Mixed Use, High Density Residential and Business Park.
- According to Watkins, the subject property was annexed under the 2004 Comprehensive Plan regulations. At that time, there was a Neighborhood Center designation adjacent to the property and principals of that designation were applied to the subject property. On the map, stated Watkins, a Neighborhood Center is labeled as “encourages residential and light commercial”.
- Watkins further reviewed the Neighborhood Center classification from the 2004 Comprehensive Plan.
- Watkins referred to the Nampa City Code Section 10-1-19 which specifically addresses the requirements of public storage facilities and noted they are very similar to the Design Review Requirements in Chapter 34 for the BC zoning district.
- Watkins explained if the requested DAMO was approved, a CUP requirement would not apply because the application was submitted prior to enactment of the moratorium.
- The change of use requested for the subject property would be to replace the old Conceptual plan layout for the BC zoned area of the property from separate commercial lots with access from a local road, to one 13.34-acre lot for a public storage facility.
- Design Review, according to the future amended Codes in Section 10-1-19 and chapter 34, shall apply to the layout, landscaping and elevations for the project.
- Public utilities were not immediately available and would have to be extended to the property.
- Staff questions the appropriateness of the proposed use, stated Watkins, because it does not meet the definition of a transitional or light commercial use as encouraged in the 2004 Comprehensive Plan; and, does not meet the current Comprehensive Plan designation of Medium Density Residential. However, added Watkins the property was currently zoned BC, and up until June 3rd, public storage was a permitted use in the BC zone and the applicant received that information in a pre-project meeting with the City.
- If approved, stated Watkins, the only condition to be applied would be to provide a Revised Development Agreement document with exhibits.

Chairman McGrath proceeded to public hearing.

Donald Batze of 7354 Alpine Dr, Nampa – opposed:

- Mr Batze noted his property was part of the 2 to 3-acre estate lots to the west of the proposed development and considered the storage facility buildings would block out the sun.

- The storage facility would be right next to his home and the surrounding homes, added Mr Batze which would dramatically change the community he bought into.
- According to Mr Batze, he had to travel to 10 Mile Rd and Cherry Ln to find an Albertsons, however, there were six storage facilities closer in half that distance.
- Mr Batze stated it made no sense to build a storage facility in a residential area.
- According to Mr Batze, when he purchased his lot it was his understanding the subject property would be residential housing units.
- Mr Batze questioned the safety of locating the storage facility on the corner of Cherry Ln and 11th Ave N, due to the traffic issues and considered the proposed storage facility would reduce visibility at the intersection.
- According to Mr Batze, there were plenty of rentable storage units to rent in Nampa at the present time.

Beverly Miguel of 7238 Latigo Dr, Nampa – opposed:

- Ms Miguel stated her property was located to the northwest of the subject property.
- Ms Miguel inquired if the storage facility would be a 24-hour operation. Additionally, would the security lighting be waking nearby residents up.
- According to Ms Miguel, she lived close enough to the intersection to hear all the accidents that occurred at 11th Ave N and Cherry Ln.
- There was a new flashing light at Chery Ln, but accidents still occurred there.
- According to Ms Miguel, she had counted the number of storage units proposed and there would be 596 units on the perimeter and 1082 in the center.
- There were other storage facilities available nearby on Franklin Rd, added Ms Miguel.

Audrey Schlapia of 7161 Cherry Ln, Nampa – opposed:

- Ms Schlapia stated she owned 10 acres across Cherry Ln from the subject property.
- Cherry Ln, advised Ms Schlapia was a very busy road and drivers do not stay at 45 mph.
- Ms Schlapia concurred there was another storage facility on Franklin Rd for residents of the nearby subdivisions.
- Ms Schlapia reiterated the busy traffic on Cherry Ln and 11th Ave N was a real problem due to the number of accidents.
- A storage unit, on the proposed property, continued Ms Schlapia, would not be the best for the community.

Tim Barrera of 7044 Latigo Dr, Nampa – undecided

- Mr Barrera stated he shared 300 ft of property line with the subject property and voiced concern with lighting, fencing and height of the proposed buildings being right next to his back yard.
- The subject property, added Mr Barrera, butts up to Latigo Dr and questioned if there would be any access from the storage facility to Latigo Dr.
- He had similar questions to previous speakers regarding the hours of operation and lighting for the storage facility.
- Mr Barrera stated he would like to see more detail, specifically for the proposed fence or wall – how tall would it be.
- Mr Barrera questioned what the maximum height of the buildings would be.

Gayle Warwick of 17084 11th Ave N, Nampa – opposed:

- Mr Warwick stated they live directly across the street from the proposed storage facility on the east side of 11th Ave N.
- According to Mr Warwick, when they moved to that location it was a couple of miles out of town and stated it had been a nice place to live and he did not really want to see it change.

Mr Likes:

- Mr Likes stated he understood the comments and responded to concerns raised.
- Regarding the proximity of the project to the corner of 11th Ave N and Cherry Ln and the number of accidents, Mr Likes advised there would be a dedication of right-of-way to the City of Nampa that would be 25 ft from the existing property line.

- Additionally, there would be 25 ft landscaped setback, which would make an additional 45 ft from the existing road.
- Regarding the lighting and hours of operation, the hours would be from 6:00 a.m. to 7:00 p.m. for the facility, with the lights turning off at night, and there would be motion sensor lights.
- The primary purpose for the facility, added Mr Likes, would be RV and trailer storage.
- The height of the walls would probably be 12 ft to 14 ft stated Mr Likes, therefore, the RVs and trailers would not be visible.
- There would be no access off the private drive on the west stated Mr Likes, the only access would be off 11th Ave N, with an emergency egress only on Cherry Ln at the southwest side of the site.
- **Mr Likes** responded to a question from **Chairman McGrath** regarding whether the applicants had researched the occupancy for storage facilities in the Nampa area and Mr Likes advised that covered RV storage was the current plan as those spaces were difficult to come by in Nampa.
- Mr Likes responded to a question from **Garner** and stated the setbacks from the property line were 20 ft of landscaped setback, so the buildings would be no closer than 20 ft to a property line on the north and west, and on Cherry Ln and 11th Ave N, was a 25ft dedication of right-of-way as well as the additional 20 ft landscaped setback.
- According to Mr Likes, with the 20 ft setbacks, landscaping and maintenance could be accomplished without interrupting the neighbors to the west. There would also be a 20 ft landscaped setback on the north, added Mr Likes.

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

- **Kirkman** inquired the reason why the City Council had determined to place a moratorium on storage facilities at this time.
- **Ashby** stated some of the concerns had been regarding the abundance of storage facilities.
- Ashby noted a study done in 2017 for the Treasure Valley where it was found the average of storage facilities available in the Treasure Valley was three times the amount available in the nation.
- Additionally, there were a lot of concerns passed on to the Mayor about storage units close to residential areas.
- The existing storage facilities in the area feel they have the capacity to take on additional business.
- Another concern, stated Ashby, was if there were to be an abundance of storage facilities in Nampa and a downturn occurred there could be a lot of vacant storage units, and the possibility of those properties deteriorating over time.
- **Kirkman** questioned if the subject property in that area with the surrounding environment would not be a good fit for what the Comprehensive Plan recommended.
- **Chairman McGrath** considered residents of the subdivisions in the area may desire to store their RVs and motorhomes near their homes.
- **Kirkman** noted the growth in north Nampa and that area, and the fact the subject property had originally been planned as a central type of neighborhood business area.
- **Kehoe** considered the proposed location of the storage facility on the corner was not the best location, but would be better located in the middle, or more hidden.
- **Garner** advised the subject property was within a BC zoning district and the required Design Review process would resolve some of those issues.
- **Kirkman** suggested the designs for storage facilities are typically all the same and reiterated storage facilities need to go in the right place in the community, to be both aesthetic and meet the needs of the community.
- **Van Auker, Jr** agreed there were a lot of places for storage facilities, but he was not convinced a hard corner on Cherry Ln and 11th Ave N was the best place and suggested a mid-block area would be preferred.
- Discussion followed regarding the compatibility and placement of the proposed storage facility with the current Comprehensive Plan.

City Engineer Badger:

- Badger stated the residents that spoke about the traffic issues and accidents were correct, and there have been a lot of accidents at that intersection over the last few years. With the upgraded signage and lighting there had not been a decrease in accidents, added Badger, therefore, the next step would be looking into a four way stop.

Kehe motioned and Kropp seconded to recommend to City Council denial of the Modification of Annexation and Zoning Commercial and Residential Development Agreements between Centennial Development LLC and the City of Nampa recorded 06/01/2006 as Inst. No. 200642352 amending Exhibit "B" Conceptual Plan changing the BC zoned area use from a Conceptual Commercial/Office plan to a Public Storage Facility plan and amending the Commercial Development Agreement to apply only to the 13.34 acre BC zoned area situated in a portion of Lots 15 and 16 Cortland Place (Canyon County Parcel R209330000) located in the SE ¼ of Section 2, T3N, R2W BM – for Jeff Likes, representing GJS Enterprises, due to concerns with:

- 1. Compatibility,**
- 2. The Comprehensive Plan; and**
- 3. The location of the subject property on the northwest corner of 11th Ave N and Cherry Ln.**

Motion to recommend denial carried.

Public Hearing Item No. 4:

Modification of Annexation and Zoning Development Agreement between Canyon County Lake Estates, LLC and the City of Nampa recorded 1/26/2006 as Inst. No. 200604068 amending Exhibit "B" Conceptual Plan changing use from a conceptual Neighborhood Commercial/Office plan to a Public Storage Facility plan, and Conditional Use Permit for Public Storage Facility in a BN (Neighborhood Business) Zoning District at 905 S. Middleton Rd. (A 4.81-acre portion of the NE ¼ of the NE ¼ of Section 31, T3N, R2W, BM) for Jeff Hatch representing Marc Ikebasu (DAMO 031-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

Jeff Hatch of Hatch Design, 6126 W State St, Boise – representing the applicant:

- Mr Hatch stated they were aware the previously approved Conditional Use Permit had expired.
- Mr Hatch felt it was appropriate to go through some of the improvements for the site, taking into consideration the moratorium and feedback on other self-storage projects in Nampa.
- A market analysis, continued Mr Hatch, had been accomplished identifying the number of approved residential subdivisions plats in the area. Carriage Hill alone added Mr Hatch, had 381 proposed homesites that would be served by the proposed storage facility, as well as the proximity to Lake Lowell for those wishing to store their boats and RVs.
- With recreational vehicles, ATVs, and boats kept in Nampa close to the lake, it would invite people to stay in Nampa versus going to Lucky Peak or Brownlee.
- Mr Hatch indicated the previously approved storage facility plan, and the proposed revisions to that earlier plan.
- The intent with the new plan was to minimize the visibility to the internal portion of the self-storage facility and try and accentuate landscaping and the architectural features that would be dictated by the Design Review process.
- The perimeter façade had also been increased at the intersection to enhance the street frontage. Previously it was mostly open with screened fencing which made the entire facility visible.
- Mr Hatch indicated the previously approved elevation with metal gable roofs that stuck up quite a bit higher.
- The proposal now, added Mr Hatch, was a parapet with a lower profile slope roof that would be internal, and a more architecturally pleasing façade on the street frontage exteriors.
- The height of the architectural accents had been enlarged, additional accents added and made wider to the previously approved accents, stated Mr Hatch.
- Mr Hatch discussed current capacities of nearby self-storage facilities and stated they were from 96 percent capacity up, which indicated a need in the immediate area.
- Mr Hatch discussed the findings from the approval of the previously approved Conditional Use Permit for a self-storage facility.
- Since that time, added Mr Hatch, there had been quite a bit more residential development, as well as compact residential development.
- The location, design and site planning of the proposed self-storage facility would be attractive and of a nature and use that would be well suited for the location and setting.

- According to Mr Hatch, the particular location could help maintain local commerce around Lake Lowell and also help maintain attractive neighborhoods in the local communities as they would contain the boats and RVs and encourage recreation in the community.

Principal Planner Ashby:

- The applicants, stated Ashby, were requesting approval for an approximate 111,550 sq ft self-storage facility, with office.
- According to Ashby, the applicants had submitted both a Modification of Development Agreement application and Conditional Use Permit.
- Ashby noted the requested actions, firstly the Modification of the Annexation and Zoning Development Agreement – attached to Ordinance 3528, which would be a recommendation to City Council, and the Conditional Use Permit for a public storage facility in Neighborhood Business zone.
- On January 10, 2017, Nampa Planning and Zoning Commission approved a Conditional Use Permit for storage units, added Ashby.
- That C-U-P approval was conditional upon the applicant obtaining approval of a Development Agreement Modification from City Council.
- No Development Agreement Modification application was submitted and therefore, the C-U-P expired.
- On June 1, 2019 the applicants submitted applications for Development Agreement Modification and Conditional Use Permit for a storage facility.
- On June 3, 2019, stated Ashby, the moratorium on storage facilities was approved by City Council.
- Therefore, the storage facility request would be allowed to proceed because it came in before the June 3, 2019 moratorium.
- Ashby reviewed the Comprehensive Plan Future Land Use Map for the area, with Medium Density Residential to the south west and east, the subject property indicated as General Commercial, General Commercial to the northeast, Community Mixed Use to the east and Employment Center to the north which was now zoned Single Family Residential.
- Ashby discussed the background of the General Commercial area. Under the uses allowed in the General Commercial designation in the Comprehensive Plan, added Ashby, were: wholesale, and storage and distribution.
- The current BN (Neighborhood Business) zone, explained Ashby, was intended to be a transition zone between residential and commercial or another use – to reduce the impact of the commercial or industrial uses to the residential areas.
- To the east was the Fall River Business Subdivision – and only the Lake Lowell Ave frontage had been developed at this time. To the west was the enclaved Wissell Farms, and further west Carriage Hill North Subdivision. The Deer Flat Canal runs along the west property line of the subject property.
- The proposed access for the self-storage facility, advised Ashby, would be off Lake Lowell Ave.
- Ashby indicated the site plan for the proposed self-storage facility.
- A Development Agreement, according to the Idaho Supreme Court, would be treated as a Contract, with a lot of flexibility to impose conditions.
- Chapter 25 of the Zoning Ordinance, continued Ashby, states the Commission needs to find the proposed usage would be compatible with, and not adversely affect, the livability or appropriate development of the surrounding neighborhood.
- The BN zoning district also requires the application to go through the Design Review process. The Design Review requirements for the BN zoning district were reviewed by Ashby.
- Ashby reviewed the requirements for Conditional Use Permits.
- A building can be used as the border for the development as long as they meet the materials standards, and the office shall be the closest building to the front.
- The lighting, continued Ashby, would have to be angled so that it does not impact the neighboring properties.
- The signage on the property, explained Ashby, was only regulated according to the zone and cannot be regulated by content.
- Ashby indicated the correspondence received regarding the applications.
- Ashby reviewed the Memorandum from the Engineering Division, authored by Caleb LaClair, dated June 21, 2019.
- The second, emergency access would be coordinated with the Nampa Fire Department.

- Ashby reviewed the Staff Report and recommended conditions of approval.
- According to Ashby, there may be changes to the Zoning Code based on the moratorium on self-storage facilities, and the upcoming discussions.
- The only thing grandfathered in at this time, stated Ashby, was that the applicants were able to continue through the process of Conditional Use Permit and Modification of the Development Agreement, but it did not guarantee the Zoning Code currently in place would apply to that development. The Zoning Code at the time of development and pulling the Building Permit would be the pertinent Zoning Code.
- **Kirkman** inquired about the Sign Code and **Ashby** replied at the present time there was no proposal to adjust the Signage Code, however, it may be a discussion at the Workshop.
- **Kehoe** noted the residential parcels to the south of the subject property and inquired if any comments had been received from those property owners.
- **Ashby** replied he had not heard from any resident in that area.

Chairman McGrath proceeded to public hearing.

Holly Henson of 11771 Cross Slope, Nampa – in favor.

- Ms Henson spoke in favor of the proposed storage facility.
- Ms Henson concurred with Mr Hatch’s findings as she had contacted several of the local storage facilities and they were all pretty full or do not have the sizes needed.
- According to Ms Henson, the proposed location, would be appropriate because there was a lot of commercial development around.

Sergio Gutierrez of 12205 S Red Hawk Pl, Nampa – in favor:

- Mr Gutierrez noted the change in people’s lifestyle where there are more people that are active and enjoying outdoor recreation.
- Mr Gutierrez spoke in favor of the proposed storage facility and noted the number of people in his subdivision that own recreational vehicles.
- The availability of a storage facility, continued Mr Gutierrez, could help eliminate some of the crime.
- Mr Gutierrez considered it would be an asset to have a storage facility nearby.

David Arredondo of Nampa – in favor but did not wish to speak.

Greg Ferney of 1006 W Sanetta, Nampa – in favor.

- Mr Ferney stated he was a co-developer of the project and considered the storage facility would make the area a focal point for all the surrounding outdoor activities around Lake Lowell, with storage for boats, ski-doods, RVs and bicycles.
- Mr Ferney explained the nicer a facility is, and the cleaner it is kept, the more likely the business will attract the type of clients the business would like to have.

Jerry Dickerson of Nampa – in favor but did not wish to speak.

Wally Tuck of 1288 S Salorgne Way, Nampa – opposed:

- Mr Tuck considered that approving the request for a storage facility would fail to service the local residents and cause disruption in the neighborhood.
- According to Mr Tuck, the area in question at the corner of Lake Lowell Ave and Middleton Rd has seen tremendous residential growth, and will see much more on both sides of Lake Lowell Ave and S Middleton Rd.
- The local residents need places to shop, dine and receive professional services and having those businesses close at hand will serve to draw more residents to the area, thus increasing tax revenue. Mr Tuck stated the residents of the area envisioned a business park on the subject property similar to that at W Roosevelt and S Midland Blvd.
- The storage units, added Mr Tuck, would generate little revenue for the City and considered there was already an abundance of such units present within a 2-mile radius.
- The boom in self-storage facilities, continued Mr Tuck, has caused concern for City Council members who have called for a moratorium on said self-storage facilities.

- According to Mr Tuck, he had heard some of the storage facilities were down to 50 percent occupancy and were barely making it.
- The more storage units built in the valley, added Mr Tuck, the more likelihood they will go out of business, leaving a blight on the neighborhoods.
- Mr Tuck stated he lived above Wissell Farms and would have direct visibility into the storage facility.
- Storage facilities, added Mr Tuck, do not pay much in property taxes, but far more taxes could be generated with other uses that could occupy the subject property.

Dave Alford of 12840 S Salorgne Way, Nampa – opposed:

- Mr Alford stated his home backed right up to the subject property
- Mr Alford presented a letter of opposition and a petition signed by 60 residents opposed to the storage facility.
- Mr Alford noted the number of existing homes, and homes currently under construction with RV garages.
- A storage facility, continued Mr Alford, did not lend itself to a community feel.
- Mr Alford voiced opposition and considered the storage facility would decrease his property value.

Scott Macaluso of 12828 S Salorgne Way, Nampa – opposed:

- According to Mr Macaluso he had picked a property in Carriage Hill North that would allow enough space to park his gear on his property.
- Mr Macaluso stated he had been looking forward to seeing local businesses locate on the subject property, where the community could get together.
- There was a great view from his back yard, added Mr Macaluso, and the storage units would obstruct that view. Mr Macaluso questioned if the proposed storage facility, adjacent to his property, would impact his property values.

Jenisa Oberbeck of 12912 S Salorgne Way, Nampa – opposed but did not wish to speak.

Rosemary Nelson of 11911 W Buteo Dr, Nampa – opposed;

- Ms Nelson noted the storage facility was proposed for a commercial corner and considered the property should be retained for local business uses.
- According to Ms Nelson, they owned a small storage facility on Karcher Rd, and Caldwell Blvd and their facility was not full. Many of the storage facilities in the area were not full, added Ms Nelson.
- She also lived in the subject neighborhood, explained Ms Nelson, and the subject property was not the right location for storage units.

Jeff Hatch:

- Mr Hatch responded to comments received during the public hearing.
- The site plan was to scale, stated Mr Hatch, however, there was a discrepancy regarding the irrigation easement – and that had been enlarged, as well as a modification to the road right-of-way.
- Mr Hatch stated they will continue to research statistics for storage facilities in the area.
- According to Mr Hatch, there was a 120 ft irrigation easement between the location of the storage units and the residential properties to the west which would help mitigate visibility into the storage facility.
- Regarding the visibility from Carriage Hill North, Mr Hatch stated they could review the possibility of capping the height of the structures.
- According to Mr Hatch, impact to property values had not been the case for a project in Boise, adjacent Harris Ranch.
- Mr Hatch suggested they could look at different roofing materials to mitigate the view of the storage facility from Carriage Hill North properties.
- The Key Lock Storage facility, north on Middleton Rd, continued Mr Hatch, was at 99 percent capacity and the owners were currently expanding the facility.
- The previously approved Conditional Use Permit, stated Mr Hatch, was appropriate for the subject location.
- The location would promote recreation and local commerce to the lake, as well as reducing the amount of theft in the neighborhood.
- In response to a question from **Kirkman**, **Mr Hatch** stated they submitted the applications on June 1st, and then on June 3rd the moratorium was put in place by City Council.

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

- **Kehoe** noted the commercial properties to the east, on the east side of S Middleton Rd had been vacant for many years.
- Kehoe considered the proposed location would be appropriate for a storage facility and reiterated the commercial property on the east side of S Middleton Rd had been vacant for 13 years and not developed for neighborhood businesses.
- The proposed facility would not block the view of Bogus Basin from the adjacent properties, suggested Kehoe.
- **Kirkman** stated he appreciated the comment that the storage facility would help stop crime in the neighborhood, however, many of the homes in the vicinity already have RV garages.
- **Garner** considered the Conditional Use Permit had already been approved for a storage facility in the past on the subject property, and the applicant had since made suggested modifications to that plan.

Kehoe motioned and Garner seconded to recommend to City Council approval of the Modification of Annexation and Zoning Development Agreement between Canyon County Lake Estates, LLC and the City of Nampa recorded 1/26/2006 as Inst. No. 200604068 amending Exhibit “B” Conceptual Plan changing use from a conceptual Neighborhood Commercial/Office plan to a Public Storage Facility plan, in a BN (Neighborhood Business) Zoning District at 905 S. Middleton Rd, for Jeff Hatch representing Marc Ikebasu, 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 this 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. **Developer shall file a Land Use Change Application with the Nampa & Meridian Irrigation District prior to final platting. An existing easement of the Fox Lateral shall be protected.**
2. **Access to the property shall meet the City’s Access Management Policy and shall be coordinated with the City’s Engineering Division.**
3. **Secondary emergency access is subject to the review and approval of Nampa Fire Marshall.**
4. **Applicant/Owner shall dedicate a 25’ chamfer of public right-of-way at the intersection of Middleton Road and Lake Lowell Avenue.**
5. **The Developer shall perform a turn-lane warrant analysis with the site improvement application to determine if turn lanes are required for the proposed access. A more detailed Traffic Impact Study will be required if the development is expected to generate more than 100 new trips during any peak hour or 1,000 new daily trips (total in/out) in accordance with City of Nampa 2015 Transportation Impact Study Policy. Access location and configuration is subject to Nampa Engineering Division approval.**
6. **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.**
7. **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 subject property.**
8. **Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. The following utility extensions are required in addition to those needed to serve the development.**
 - a) **12’ pressure irrigation main in Lake Lowell Ave; and,**
 - b) **8” sewer main either through the subject property or in Middleton Road to serve properties to the south.**

9. Sidewalk and drainage improvements shall be constructed on the Lake Lowell Ave and Middleton Road frontages in accordance with Nampa City Code Section 9-3-1 Pavement widening is not required except for turn lanes as identified by traffic analysis.
Motion carried with Garner, Miller, Van Auker, Jr, Kropp, Hutchings, Kehoe and Kirkman in favor and Sellman opposed.

Kehoe motioned and Garner seconded to approve the Conditional Use Permit for a Public Storage Facility in a BN (Neighborhood Business) zoning district at 9058 S Middleton Rd for Jeff Hatch representing Marc Ikebasu, subject to:

1. Approval of a Conditional Use Permit is dependent on City Council's approval of the proposed Modification of Development Agreement. If applicant is unsuccessful in obtaining approval of the modification, the Conditional Use Permit is not approved/issued.
2. Approval of the Conditional Use Permit does not exempt the applicant from complying with Zoning Code conditions at time of Building Permit application. Rather, applicant shall comply with all City department/division or outside agency requirements pertinent to this matter.

Motion carried with Garner, Miller, Van Auker, Jr, Kropp, Hutchings, Kehoe and Kirkman in favor and Sellman opposed

Public Hearing Item No. 5:

Conditional Use Permit for a Hookah Bar in a DV (Downtown Village) zoning district at 724 1st St S. (A .32 acre or 14,000 sq ft parcel situated in the SW ¼ of Section 22 T3N R2W BM, also Lots 9 and 11, Block 2, Nampa Original townsite for Saife Almofraji. (CUP-00143-2019).

Chairman McGrath proceeded to public hearing.

Saife Almofraji of 724 1st St S, Nampa – the applicant.

- Mr Almofraji stated he previously ran the business at 1518 1st St S since 2014, and now wanted to relocate the business to 724 1st St S.
- According to Mr Almofraji, he had already signed a contract for two years for the 724 1st St S location; had already remodeled the building; and, transferred the tobacco license and sales permit, and was now just waiting for approval for the Conditional Use Permit.
- The 724 1st St S location, stated Mr Almofraji, had previously operated as the Monkey Bar.
- In response to a question from Kehoe, Mr Almofraji stated he would be applying separately for the alcohol license
- Mr Almofraji explained the reasons he wanted to transfer the business to the 724 1st St S location.

Planning Director Holm:

- The request advised Holm, was for a Hookah Bar, and advised the applicant was transferring his business to the new location at 724 1st St S.
- If alcohol will be served at the 724 1st St S location, continued Holm, then a separate Conditional Use Permit application would be required.
- The subject property is located within the DV (Downtown Village) zoning district, with IH (Heavy Industrial) zoning adjacent to the north.
- The public safety building block was located to the southeast.
- Holm indicated the subject building with off street parking in the center, as well as on-street parking.
- Holm reviewed the Staff Report and recommended conditions of approval.
- According to Holm the Conditional Use Permit had been required because a hookah bar was an unlisted use in the Zoning Ordinance Land Use Chart.
- Kehoe inquired who would regulate the occupancy numbers for the Hookah Bar. Holm replied the Nampa Fire Department would be regulating the occupancy.
- Discussion followed regarding the other businesses operating in the vicinity.
- Holm stated no comments or complaints had been received regarding the C-U-P application for the Hookah Bar.

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

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

Kirkman motioned and Sellman seconded to approve the Conditional Use Permit for a Hookah Bar at 724 1st St S for Saife Almofraji, subject to:

- 1. All requirements of the Nampa Fire and Building departments regarding Hookah Bar use shall be satisfied.**
- 2. The Conditional Use Permit is issued for the life of the commercial unit as a Hookah Bar.**
- 3. The outside lot and parking areas shall be maintained in a neat and orderly manner, with all litter and debris regularly cleaned up.**
- 4. The owner shall keep noise emanating from the establishment at an acceptable level as required by City Code.**

Motion carried.

Meeting adjourned at 9:42 p.m.



Norman L Holm, Planning Director

:sm