



MINUTES OF REGULAR MEETING HELD TUESDAY, AUGUST 24, 2021

Audio recordings of the full proceedings may be accessed following the meeting at
<https://www.cityofnampa.us/AgendaCenter>.

Video recordings of the full proceedings may be accessed following the meeting at
<https://livestream.com/cityofnampa>.

COMMISSIONERS PRESENT:

Peggy Sellman, Chair (Chambers)
Steve Kehoe, Vice Chair (Chambers)
Michaela Franklin (via Teams)
Jeff Kirkman (Chambers)
Bret Miller (Chambers)
Tom Turner (Chambers)
Ron Van Auker, Jr. (Chambers)
Adam Hutchings (Chambers)

COMMISSIONERS ABSENT:

Matthew Garner

CITY STAFF PRESENT:

Rodney Ashby, Planning Director (Chambers)
Daniel Badger, City Engineer (Chambers)
Parker Bodily, Associate Planner (Chambers)
Kristi Watkins, Principal Planner (Chambers)

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT:

With a quorum of Commissioners present, Madam Chair Sellman called the meeting to order at 6:50 pm.

APPROVAL OF MINUTES:

Van Auker, Jr. motioned and Hutchings seconded to approve the minutes of the August 10, 2021 Planning & Zoning Commission Meeting. Motion carried.

REPORT ON COUNCIL ACTIONS: No Council member available to report on Council actions. Director Ashby provided an overview of Council decisions on recent Planning & Zoning related public hearings.

Madam Chair Sellman proceeded to the business item on the agenda.

Business Item 1: Six Month Extension Request for Kinghorn Place Subdivision No. 2 (SPF-136-20).

Kristi Watkins presented a letter from Kent Brown requesting a six month extension for Kinghorn Place Subdivision No. 2. The developer, Challenger Development, has installed most of the underground utilities and plans to record the plat in October.

Madam Chair Sellman proceeded to public hearing items on the agenda at 7:00 pm.

Kirkman motioned and Van Auker, Jr. seconded to approve the extension request until January 21, 2022. Motion carried.

Hutchings motioned and Kirkman seconded to move public hearing 3 to public hearing 1. Motion carried.

Public Hearing 3 1: Conditional Use Permit for a Bar/Nightclub/Tavern/Cocktail Lounge in a DH (Downtown Historic) Zoning District at 116 13th Ave S. for Swirl Wine Shop and Lounge (A 1,500 sq. ft. portion of a .16 acre parcel addressed as 118 13th Ave S. in the SE ¼ of Section 22, T3N, R2W, BM, Nampa, Canyon County, ID) for Andrew Medina representing Darrell Kammer (CUP 235-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Andrew Medina, 116 13th Ave S., Nampa, applicant, stated his intent to open a wine shop and lounge which will bring vitality to downtown Nampa.

- Good venue/location which will help support other local businesses.
- Has support from local businesses.
- Wishes to expand on Idaho wine region opportunities which will benefit Nampa and will also cater to the Idaho wine industry.
- “Our whole goal is to bring more wine options to the downtown area, the location is perfect, we feel it will help bring visitors to the other parts of downtown Nampa.”

Associate Planner Bodily reviewed the property details, zoning and history of the project, applicable regulations and comments:

- Zoning - DH (Downtown Historic).
- Surrounding land use and zoning - DH: North (Café de Coco); south (retail); east (previously Luna Blu); west (Belle Event Center).
- Previous tenants include: Found About Vintage and Salon Che’. The neighboring Luna Blu was approved for a CUP in 2003. The alcohol license from Luna Blue is being transferred.
- Off street parking requirements regulating number of spaces required are not applicable to uses in the DH zone.
- Agency Comments:
 - Nampa Building Department: Requested compliance with Title 4 of Nampa City Code. In addition, a Commercial Tenant Improvement with Change of Occupancy building permit will be required before a Certificate of Occupancy will be issued.
 - Nampa Fire Department: The owner/applicant will need to apply for a building permit if/when the CUP is granted. Fire conditions will be noted on the building permit.
 - Business Improvement District: The BID board strongly supports the CUP request and believes “this small business will be a great addition to the community, fits well for the Historic Downtown and will help bring in additional customers to area businesses while maintaining a family friendly environment.”
- Public Comments:
 - Kathleen Craig: “we need more businesses in downtown Nampa to bring diversity in businesses to the community. There are so many abandoned buildings which makes people not want to come to downtown. The only way revitalize it is to bring new businesses to the area.”
 - Carla Tooke: “I believe a new wine shop would be a great addition to downtown.”
 - Carol Hill: “We have known Andy Medina for over a year, and have complete confidence that he will do a great job creating a quality venue which will further increase the positive, energetic vibe happening in the historic heart of Nampa. Thank you for the positive leadership the city of Nampa has provided in growing our city. We feel that we are witnessing an exciting chapter of Nampa history as so many new establishments choose to have their start here. While many small city downtowns are deteriorating, that is not the case here, and we could not be happier with the progress we have seen in just the past two years!”
 - Sara Todd-Stone: “Canyon County is home to the Sunnyslope Wine Trail and many great local wineries that are valuable assets to our community. Swirl Wine Shop is a natural fit and would be a great addition to our city. It's exciting to see our downtown grow and with the addition of Swirl Wine Shop, we will add a high quality venue that will help attract more business to this area. I urge you to vote yes on this project as it is exactly the type of business we need to have as our downtown area grows.”

- Shauna (via email-no last name): “I think this wine shop will be a great addition to the City of Nampa. I have known Andrew all my life and he is very knowledgeable when it comes to wine, and wants to bring class, elegance and something with a little style in these modern times. I think not only will this bring a different class of people to the downtown area but allows people to spend their money in their own community. There are not enough options in downtown Nampa and Swirl Wine Shop gives us just that.”

Suggested Conditions of Approval:

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 this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments, etc.) as the CUP approval does not and shall not have the effect of abrogating requirements from those agencies.
2. A Commercial Tenant Improvement with Change of Occupancy building permit will be required before a Certificate of Occupancy will be issued.

Kirkman inquired whether the Nampa PD had any comments; Bodily responded staff had not received any.

Madam Chair Sellman proceeded to public testimony.

Jeanie Hetrick, 14168 Plum Rd., Caldwell, in support:

- Has known the applicant for 6 years; believes the applicant to be strongly in favor of showcasing Idaho wines in the community and restaurants.

Brandee & Richard Brittell, 890 W Starview Ct, Nampa, in favor but did not wish to speak.

Colleen George, 12543 Toketee St, Nampa, in favor but did not wish to speak.

Jim Wangler, 217 14th Ave S., Nampa, in support:

- Is also a local business owner.
- Speaks highly of the applicant; knowledgeable, professional and respectful in business dealings.
- This business will be good for downtown Nampa.

Van Auker, Jr. motioned and Kehoe seconded to close public hearing. Motion carried.

The Commission reviewed applicable regulations and found that the location, size, design and operating characteristics of the proposed apartment development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

Van Auker, Jr. motioned and Hutchings seconded to approve the Conditional Use Permit for a Bar/Nightclub/Tavern/Cocktail Lounge in a DH (Downtown Historic) Zoning District at 116 13th Ave S. for Swirl Wine Shop and Lounge (A 1,500 sq. ft. portion of a .16 acre parcel addressed as 118 13th Ave S. in the SE ¼ of Section 22, T3N, R2W, BM, Nampa, Canyon County, ID) for Andrew Medina representing Darrell Kammer (CUP 235-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 1 2: Amendment of Title 10: Planning & Zoning, for clarity, formatting, and policy changes (ZTA 023-21) - ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Director Ashby provided an overview of the proposed code changes not covered in previous workshops/meetings as well as applicable regulations. No correspondence was received to date; instruction was received during the workshop process. Changes to code were made to comply with agreed upon correspondence.

Timeline:

- **2019:** Contract w/ Hamilton, Michaelson & Hilty.
- **2020:** Code update lower priority, change in City Attorney, need for significant policy changes identified.
- **2021:** Planning & Zoning Department took full responsibility.
- **April 2021:** Workshop w/ Nampa City Council and Planning & Zoning Commission.
- **May 2021:** Videos outlining changes to each chapter.
- **June 2021:** Virtual workshop w/ Nampa City Council and Planning & Zoning Commission.
 - Council and Commission directed staff to bring amendment forward as a public hearing.

Live/Work Development Possibility: During the June workshop, a question arose regarding how live/work buildings “pencil out” or are allowed in other communities (specifically PennyWise-Caldwell). It appears that because residential property values have significantly increased, the difference between tax rates for residential vs. commercial is not a significant barrier to building mixed use buildings. Ashby suggested the biggest barrier may be developer experience and willingness to build a mixed use building.

- Meridian: Very few live-work; recently had more interest.
- Eagle: Very few and only small live-work; recently had more interest.
- Boise: Primarily located in Downtown & Bown Crossing – high value properties.
- Canyon County and Ada County Assessors: Tax mixed-use as commercial; recent increases in residential value make less difference in property tax.
- Caldwell: Very few live-work. PennyWise combines non-profit medical services on ground floor and subsidized residential (55+) on top floors (all non-profit), thus property taxes are not relevant.

Proposed Changes:

Formatting:

- Numbering consistency for quick reference.
- Elimination of repeated sections (in Title 10 and other City code titles).
- Grammatical corrections.
- Consolidation of like topics into main and sub-categories.

Clarity:

- Simplification of wording and descriptions to be easier for the common citizen to understand.
- Defining planning terms used in the code.
- Revising exhibits and diagrams to help clarify intent.

Policy Changes:

- Significant and numerous policy changes in workshops.
- Council and Commission requested information.
- Additional staff proposed amendments since last workshop.

General Provisions:

- 10-1-2: DEFINITIONS
 - Removed “Accessory Dwelling, Attached” definition. Ensure no duplex will occur through single utility, mailbox, and address on property.
- 10-1-10: HOME OCCUPATIONS
 - Home Occupations currently indoors only – proposed to be allowed in side and rear yards if screened from view (noise ordinance still applies).
 - Current code does not allow group instruction (swimming lessons, music instruction, sports, etc.) – proposed to allow group instruction limited to 6 people. The Director may require up to two additional parking spaces.

Kirkman inquired about the process for a home occupation with more than 6 people. Ashby responded that this is a traffic consideration and a variance may be appropriate in this instance. Watkins mentioned that the 6 is also the limit for daycare/home occupation (non-commercial).

Chapter 2 - Enforcement:

- 10-2-7.D: Change to Comprehensive Plan:
 - State code required Comp. Plans to only be updated every 6 months. That code was amended to allow it at any time in 2008. Changing city code to match state code.

District Uses:

• 10-3-2: LAND USE TABLE:

- MF near single-family residential has been challenging to ensure compatibility. Staff recommended a height limitation of 30' for MF in BC zone when not within 300' of Caldwell Blvd, Garrity Blvd, 12th Ave S, 12th Ave. Rd., Idaho Center Blvd, Franklin Blvd, Northside Blvd, and Karcher Rd.
- City Council was concerned about impact on ability to build MF throughout the community and asked staff to research how other communities regulate height for MF in a commercial zone.
- Treasure Valley cities have created commercial sub-districts to “scale down” building heights near residential development. Nampa code does the same with the BN (neighborhood business) and the RP (Residential Professional) zoning districts. However, there are locations around the community that were zoned BC (Community Business) by utilizing a “commercial node” previously designated on the Comprehensive Plan Future Land Use Map. The intention of these nodes was to provide an opportunity for some commercial services to exist in primarily a residential area. Some of these nodes were not developed as commercial; some developers claim that there isn't the market demand. Ashby noted there has been recent interest in utilizing these locations for multi-family land uses by obtaining a conditional use permit. The code changes appear to help mitigate height compatibility concerns for multi-family locating in the BC zoning district near residential.
 - Boise:
 - C1 (Neighborhood Commercial) All buildings - 35' max height
 - C2 (General Commercial) All buildings - 45' - max height
 - C3 (Service Commercial) All buildings - 45' - max height
 - C5 (Central Business – Downtown) - no height limit
 - Meridian
 - C-C (Community Business District) All buildings - 50' max height
 - C-G (General Retail and Service Commercial District) All buildings – 65' max height
 - Use a CUP for MF in Commercial zones, don't permit in neighborhood commercial zones
 - Caldwell
 - C-1 (Neighborhood Commercial) All buildings - 45' max height
 - C-2 (Community Commercial) All buildings - no max height
 - C-3 (Service Commercial) All buildings – no max height
 - C-4 (Freeway Commercial) All buildings – no max height
 - Caldwell requires a special use permit (like Nampa's CUP) for MF in any commercial zone
- Tiny Houses only permitted in Cottage/Cluster Subs after CUP.
- A single tiny house per property may be used as an accessory structure to a SF home (in-laws quarters).
- Removed “Zoo” as a use permitted (conditionally) in the DH zone.

Kirkman inquired whether Happy Valley may be considered a major corridor in the future; Ashby responded that it is only the BC zone that is being limited. Hutchings asked whether this code change would affect the old “Mercy Hospital,” Ashby responded it would not as the zoning in that location is RP and this code change is only affecting BC zones along certain corridors. Ashby reviewed the affected BC corridors for the Commission.

Van Auker, Jr. inquired how many stories would fit in a 30' tall building; Ashby stated three stories was possible.

Drive-Through Businesses:

- Downtown BID requested no business with a drive-through be permitted in DH zone.
- NDC requested that Banks/Credit Unions w/ drive-through be permitted in DH zone.
- Ashby requested clarification from the Commission as the proposed changes remove banks and credit unions with drive through in a DH zone. Commission comments:
 - Kirkman noted that Taco Time is in a DH zone with a bank across the street. Watkins mentioned that the Arctic Circle has plans to remodel and they would be affected by this code change; a rezone or variance may be possible in this instance.

- Kehoe suggested this change may make the DH zone more pedestrian friendly. Hutchings stated the DH land is limited and HBU principles are a consideration.

10-15-7.C.2.b: Intending to prevent small buildings with a large parking lot in the DH zone, Economic Development had recommended “No more than fifteen percent (15%) of a lot may be used for off-street surface parking.”

- Staff felt this was too excessive; Planning & Zoning and Economic Development Departments recommend this change from 15% to 50%. The original intent was to discourage a small business from locating on a large lot, with a lot of parking and a little tiny shop, which is not appropriate for the downtown district, and we are trying to encourage businesses to take up more of the property.
- Badger noted that any parking would end up being off the alleys.
- The Commission concurred with staff’s recommendation and research regarding this code change.

10-22-6.B: Number of Spaces Required:

- Current code requires multi-family to provide 2 parking spaces per unit. Council and Commission directed staff to require 3 parking spaces per unit.
 - Developers feel 3 is too much.
 - Staff suggests 2.5 per unit may be more appropriate.
 - Commission discussed and agreed upon 2.2 parking spaces per unit, noting that these projects would be required to go through the Design Review process.

Director Limited Authority/Variances: Council and Commission had agreed to grant Director authority to grant limited variances, but directed staff to clarify setback variances could be granted for side and rear yards, not front yards.

- “10-24-2.D.1: In RS and RD zones, side and rear yard setbacks may be reduced to three feet (3’) for accessory structures where hardships exist, including: topographical challenges, lot size, or confined buildable area. If a variance is granted, the structure shall be restricted within the reduced setback to a height of twelve feet (12’).”

CUP’s:

- Currently, if a CUP application is submitted with a rezone, annexation, or development agreement modification, the Commission can approve it contingent upon approval of the other application by Council.
- Legal Counsel felt this causes some confusion in the legal process and recommended requiring City Council to approve the CUP if accompanying other applications.
- 10-25-6.A: Procedures Followed: “...When a CUP is submitted concurrently with an application for a DAMO, annexation, or ZMA, City Council shall evaluate all applications following recommendations from the Planning & Zoning Commission. City Council shall approve, conditionally approve, table, or disapprove each application.”

Preliminary Plats:

- As stated for CUPs, Legal Counsel felt approval of a preliminary plat prior to annexation, rezone, or development agreement, causes some confusion in the legal process and recommended requiring City Council to approve the Preliminary Plat if/when accompanying other applications.
- 10-27-2.G: Planning and Zoning Commission / City Council Action: “When a preliminary plat application is submitted concurrently with an application for annexation or application for a zoning map amendment, City Council shall evaluate both applications following recommendations from the Planning & Zoning Commission. City Council shall approve, conditionally approve, table, or disapprove each application.”

Chapter 34-Design Review:

- Current code does not distinguish between flat and sloped roofing materials.
- Some common materials used for flat roofs may be high glare, and not have a quality finish appearance. When used on a sloped roof, they may appear incompatible from the building façade.
- Staff suggested the following addition regarding roofing materials: “...shall be of a finish that emits a minimal amount of glare. When oriented/sloped toward a parking area, arterial or collector roadway, it shall be finished in a material that compliment the exterior structure finish materials. (Thermoplastic Polyolefin (TPO) is not an acceptable material for the exposed area of the roof.)”

Madam Chair Sellman proceeded to public testimony. No public comment forthcoming.

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

The Commission reviewed applicable regulations and found that the proposed amendment is reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan.

Van Auker, Jr. motioned and Turner seconded to recommend approval to City Council Amendment of Title 10: Planning & Zoning, for clarity, formatting, and policy changes (ZTA 023-21) as presented, with the following additional conditions:

- No businesses with a drive-through be permitted in DH zones, including banks and credit unions.
- Parking in a multi-family development shall be changed from 2.5 units per dwelling to 2.2 units per dwelling.

Motion carried.

Public Hearing 2 3: Amendment of Title 6: Police Regulations, Chapter 5: Bicycles and Title 9: Public Ways and Property, Chapter 5: Public Parks, Section 2.E.: Prohibited Acts, pertaining to eBikes and eScooters; revising the bicycle definition and adding eBike definition, adding eBikes and eScooters to the regulations defining the locations bicycles can be ridden, stating a maximum speed, and requiring eBikes and eScooter providers to enter into a contractual agreement with the city before beginning operation, for the City of Nampa (ZTA 022-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Principal Planner Watkins provided an overview of the proposed code changes as well as applicable regulations.

The city of Nampa was approached by an eScooter company in the fall of 2020 and ultimately denied the contract on May 17, 2021. Staff and the Nampa Bicycle and Pedestrian Advisory Committee anticipate future requests from other commercial organizations wishing to place scooters in the public way for public use, not to mention personal use of Scooters, eScooters and eBikes.

It became apparent at that time, that current city codes do not address these uses. Staff drafted ordinance changes for the following city code sections:

- Title 6: Police Regulations, Chapter 5: Bicycles
- Title 9: Public Ways and Property, Chapter 5: Public Parks, Section 2.E.: Prohibited Acts

The changes address the following:

- 1) Definitions of Bicycles, Electric Bicycles, Electric Scooters and Scooters.
- 2) Prohibited areas for riding.
- 3) Speed limit and pathway locations.
- 4) Commercial eScooter programs.

This code change aligns with the Comprehensive Plan in that it is promoting physical activity while still protecting City public spaces and pathways. It gives guidance to potential businesses and promote safety.

Watkins met with the Nampa Bicycle and Pedestrian Advisory Committee, Nampa Police Department, the Nampa Parks and Recreation Department and Nampa's legal counsel to draft a final ordinance based on these meetings.

Kehoe inquired about gasoline motor driven bicycles; Watkins responded these will be monitored more like a motor bike as they have can go at faster speeds, thus do fall under the same category. Kirkman inquired about eBikes and eScooters on pathways; Watkins responded there are different classifications of scooters, many of them do not run over a certain speed limit.

Madam Chair Sellman proceeded to public testimony. No public comment forthcoming.

Van Auker, Jr. motioned and Hutchings seconded to close public hearing. Motion carried.


Kirkman asked if/when Nampa approves an eScooter contract, can Nampa regulate the type of eScooter. Badger responded that when it was previously proposed, Public Works was working on an agreement to operate within Nampa's public right of ways which would contain these types of restrictions.

The Commission reviewed applicable regulations and concluded that the proposed code changes met the conclusions of law criteria and would be in the best interest of the public.

Kirkman motioned and Kehoe seconded to recommend approval to City Council Amendment of Title 6: Police Regulations, Chapter 5: Bicycles and Title 9: Public Ways and Property, Chapter 5: Public Parks, Section 2.E.: Prohibited Acts, pertaining to eBikes and eScooters; revising the bicycle definition and adding eBike definition, adding eBikes and eScooters to the regulations defining the locations bicycles can be ridden, stating a maximum speed, and requiring eBikes and eScooter providers to enter into a contractual agreement with the city before beginning operation, for the City of Nampa (ZTA 022-21) with all staff conditions and conclusions of law. Motion carried.

Meeting adjourned at 8:20 pm.

Rodney A. Ashby, Planning Director
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A handwritten signature in black ink that reads "Rodney A. Ashby". The signature is written in a cursive style and is positioned above a horizontal line.