

**NAMPA PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
TUESDAY, AUGUST 27, 2019, 6:30 P.M.**

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

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

Absent: Bret Miller

**Chairman McGrath** called the meeting to order at 6:45 p.m.

**Announcements:** **Chairman McGrath** thanked the Planning and Zoning Commission members for attending the Joint City Council, Planning and Zoning Commission and Building and Site Design Committee Workshop Meeting, August 26, 2019. Chairman McGrath noted there would be another Joint Meeting on Tuesday, September 3, 2019 at 5:00 p.m.

**Chairman McGrath** advised City Council did not support the Planning and Zoning Commission recommendation to approve the Modification of Development Agreement and Conditional Use Permit for A Storage Facility at 905 S Middleton Rd. City Council voted to deny.

**Approval of Minutes:** **Sellman motioned and Hutchings seconded to approve the Minutes of the August 13, 2019 Planning and Zoning Commission meeting.**

**Report on Council Actions.** There were no Council members present to report on City Council actions.

**Chairman McGrath** proceeded to the business items on the agenda.

**Business Item No. 1:**

**Subdivision Final Plat Approval for Gemstone Subdivision at 3615 Southside Blvd. (16 single family detached lots on 5 acres for 3.2 dwelling units per gross acre – 5 acre or 217,800 sq ft portion of the SE ¼ Section 20 T2N R2W BM), for Mason and Associates representing Lanco, Inc. (SPF-00096-2019). ACTION ITEM.**

**Senior Planner Watkins:**

- The subject property, advised Watkins, had been annexed into the City limits as of July 2019 and zoned RS-7 (Single Family Residential – 7000 sq ft minimum lot size).
- Canyon County zoned properties bordered the subject property on the north and south, and on the east and west sides by City residentially zoned properties.
- Watkins noted the proposed subdivision would be an infill development with only one phase.
- The proposed subdivision, added Watkins, conformed 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.

**Hutchings motioned and Kehoe seconded to recommend to City Council approval of the Gemstone Subdivision, located at 3615 Southside Blvd, on 5 acres, for Mason and Associates, representing Lanco, Inc, 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 Gemstone Subdivision;**
2. **Obtain ROW and Erosion Control Permits from the City of Nampa;**

3. **Comply with the corrections and requirement(s) listed in the August 6, 2019 memorandum from the Nampa Engineering Division authored by Caleb LaClair and his conditions as follows:**
  - a. **The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
  - b. **Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Gemstone Subdivision – Construction Drawings & Final Plat – 1<sup>st</sup> Review” letter from the Nampa Engineering Division, dated 8/6/2019 prior to construction drawing approval.**
  - c. **The Developer and their Engineer and Contractor(s) 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 same to the Nampa Engineering Division prior to start of construction.**
  - d. **Due to the presence of strong cementation in the existing soil strata and recommendations in the project Geotechnical Report, Developer shall perform a site-specific infiltration test at the proposed drainage facility prior to construction drawing approval. Drainage design shall be modified as needed based on the results of the test.**
  - e. **Developer shall provide documentation of Nampa & Meridian Irrigation District review of plans prior to construction drawing approval for the Aaron Drain sewer crossing. Provide copies of any executed license agreement(s) prior to City Engineer signature of the plat;**
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. 2:**

**Subdivision Final Plat Approval for Laguna Farms Subdivision No. 1 at 16852 N Idaho Center Blvd, north of the CWI Campus (45 multi-family residential lots and 2 commercial lots on a 15.42 acre portion of the NW ¼ of Section 7 T3N R1W BM), for Kent Brown representing Fig Laguna Farms, LLC (SPF-00097-2019). ACTION ITEM.**

**Senior Planner Watkins:**

- **Watkins indicated the proposed development for Laguna Farms Subdivision, Phase 1, at 16852 N Idaho Center Blvd.**
- **The property, advised Watkins, had been annexed and zoned GB-2 (Gateway Business – 2) in January of 2005.**
- **The subject property was bordered on the north by Canyon County zoned property, on the south by College of Western Idaho – in the U zoning district, on the east by Nampa RS-8.5 zoned property, and on the west by Nampa GB-2 zoned property.**
- **Watkins noted the Final Plat before the Commission, would be Phase 1 of the Laguna Farms Subdivision and proposed 43 multi-family residential lots, 2 commercial lots, and 8 common lots.**
- **The subject development was located inside City limits and conformed to the approved Preliminary Plat layout, and also to the applicable Subdivision and Zoning standards for Nampa.**
- **Watkins reviewed the Staff Report and recommended conditions of approval.**

**Van Auker, Jr motioned and Sellman seconded to recommend to City Council approval of the Final Plat for Laguna Farms Subdivision No. 1 at 16852 N Idaho Center Blvd, for Kent Brown representing Fig Laguna Farms, 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 Laguna Farms Subdivision;**

2. Meet site accessibility requirements and pull necessary Building Permits;
3. Comply with the corrections and requirement(s) listed in the August 6, 2019 memorandum from the Nampa Engineering Division authored by Caleb LaClair with conditions as follows
  - a. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
  - b. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Laguna Farms Subdivision #1 – Construction Drawings & Final Plat – 1<sup>st</sup> Review" letter from the Nampa Engineering Division, dated 8/6/2019, prior to construction drawing approval.
  - c. The Developer and their Engineer and Contractor(s) 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 same to the Nampa Engineering Division prior to start of construction.
  - d. Drainage shall be retained on site in accordance with approved plans. Inspection and certification of work shall be by the Engineer of Record (EOR). EOR shall provide a letter to the Nampa Engineering Division certifying on-site drainage facilities were installed in substantial conformance with the approved plans at the time of Record Drawing submittal, and prior to final acceptance of improvements by the City.
  - e. Developer shall provide documentation of Pioneer Irrigation District and/or Bureau of Reclamation review of plans, prior to construction drawing approval. Provide copies of any executed license agreement(s) prior to City Engineer signature of the plat
  - f. Developer shall submit CC&R's or other recordable Owner's Association agreement documents to the City for review and approval by the City Engineering Division and Attorney that clearly define landscaping/irrigation and drainage facility operation and maintenance responsibilities, as well as, irrigation assessment billing and collection procedures, prior to City Engineer signature of the plat;
4. Correct street names as follows:
  - a. Include Pre-directionals in all street names,
  - b. The following streets should have N pre-direction – Jace Cover Ln, Moss Beach Ln, Seabright Ln, and Macabee Beach Ln.
  - c. The following streets should have an E pre-direction – Big Sur Ln, Picnic Beach Ln, and Seacliff Ln.
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.

**Business Item No. 3:**

**Request for 1<sup>st</sup> Extension of Subdivision Final Plat Approval for Hartland Subdivision No. 1 at 0 Northside Blvd, on the east side of Northside Blvd, north of Ustick Rd, in an RS-7 (Single Family Residential – 7000 sq ft) zoning district. (75 Single Family Residential dwellings on 225.2 acres for 2.97 dwelling units per gross acre – Located in the SW ¼ of Section 34 T4N R2W BM), for Ron Walsh/Lori Sanderson – Hartland Subdivision LLC (SPF-00062-2018). Request to extend 08/20/2018 approval which expires 08/20/2019 to 08/20/2020. ACTION ITEM.**

**Garner motioned and Sellman seconded to approve a one year extension from August 20, 2019 to August 20, 2020 for Hartland Subdivision No. 1 at 0 Northside Blvd, on the east side of Northside Blvd, north of Ustick Rd, for 75 Single Family Residential dwellings on 225.2 acres, for Ron Walsh/Lori Sanderson – Hartland Subdivision, LLC, to expire August 20, 2020, Motion carried.**

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

**Chairman McGrath** explained the applications that would go on to City Council for review, and those applications within the purview of the Planning and Zoning Commission. Chairman McGrath added that Planning Commission decisions can be Appealed to City Council by an interested party.

**Public Hearing Item No. 1:**

**Subdivision Short Plat Approval for East Iowa Subdivision in an RD (Two-family Residential) zoning district at 1017, 1021, 1025, and 1029 E Iowa Ave. (3 Fourplexes and 1 Triplex on 1.25 acres for 12 dwelling units per gross acre – A part of the SE ¼ of Section 34 T3N R2W BM), for Wolf Building Co, LLC, Blake Wolf (SPS-00021-2019). ACTION ITEM.**

**Chairman McGrath** proceeded to public hearing.

**Blake Wolf of 843 W Horizon Way, Nampa – the applicant:**

- Mr Wolf stated he was seeking approval to divide the 1.25-acre parcel into four individual lots, for construction of three fourplexes and one triplex.
- The Building Permits, explained Mr Wolf, were obtained in June. All the infrastructure, added Mr Wolf, was already in place and he planned on starting construction in a few weeks.
- According to Mr Wolf, everything had been designed to sell off the four individual lots.
- Mr Wolf stated he understood the recommended conditions of approval in the Staff Report.

**Senior Planner Watkins:**

- Watkins explained the applications before the Commission were for: approval of the Preliminary Plat portion of the Short Plat, and recommendation to City Council for approval of the Final Plat.
- The property, added Watkins, was located at 1017 E Iowa Ave, within Nampa City Limits, in an RD (Two Family Residential - Duplex) zoning district.
- The subject property, added Watkins, was bordered on the north by City zoned RA property, on the south and west sides by City zoned RS-6 properties, and on the east side by City zoned RD properties.
- Watkins indicated existing fourplexes next door to the subject property.
- The subject property comprised 1.25 acres, proposed for platting into four multi-family lots, that would include three fourplex buildings and one triplex building.
- In 2017 the property received approval for a Comprehensive Plan Map Amendment to High Density Residential, and Rezone to RD.
- Building Permits for the fourplex and triplex buildings have been issued, stated Watkins.
- The subject property, continued Watkins, will be serviced by a common drive aisle taking access from E Iowa Ave.
- Water, sewer, and pressurized irrigation are all immediately adjacent to the property and installed.
- According to Watkins, the application had a Deferral Agreement with the City for frontage and landscaping improvements and provided a 15 ft easement to reserve space for those improvements.
- The lot areas and lot widths comply with the Nampa City Code requirements for the RD zoning district.
- A call was received regarding the location of the dumpsters and the condition of the fencing. The applicant responded to those questions, indicating the dumpster would be located on the east side between the two buildings. Some of the fencing was installed and in decent condition, and other areas would be replaced with 6 ft cedar fencing to match the other two sides.
- The project, reported Watkins, was located within Nampa City limits and conforms to the applicable Subdivision and Zoning Standards for the City of Nampa, subject to the improvements that were addressed in the Staff Report.
- Staff feels it would be appropriate for the Planning Commission to recommend approval of the Short Plat for East Iowa Subdivision to City Council, with the conditions as listed in the Staff Report.

**Chairman McGrath** proceeded to public testimony.

No public comment forthcoming.

**Blake Wolf:**

- Mr Wolf responded to a question from Chairman McGrath regarding the e-mail from Century Link and stated that cable service was optional on the small infill projects.

- Mr Wolf advised there was already conduit in the ground that was not part of a joint trench, and if a future tenant wanted Century Link, they could pay for it.
- According to Mr Wolf, there would be a Homeowners' Association for the East Iowa Subdivision.

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

**Kirkman motioned and Garner seconded to approve the Preliminary Plat portion of the Short Plat for East Iowa Subdivision; and, recommend approval of the Final Plat portion of the Short Plat for East Iowa Subdivision to City Council, in an RD zoning district on 1.25 acres, located at 1017 E Iowa Avenue for Blake Wolf, 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. **Contact Century Link for plan review comments, if their services are required; and,**
2. **Move the accessible parking spaces to the front of each building;**
3. **Add perimeter fencing as indicated;**
4. **The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
5. **All public infrastructure associated with Building Permits COM-01529-2019, COM-01530-2019, COM-01531-2019, and COM01532-2019 shall be fully installed, inspected and accepted by the City of Nampa, and Record Drawings submitted for review prior to City Engineer signature of the plat.**
6. **Drainage shall be retained on site in accordance with approved plans. Inspection and certification of work shall be by the Engineer of Record (EOR). EOR shall provide a letter to the Nampa Engineering Division certifying on-site drainage facilities were installed in substantial conformance with the approved plans at the time of Record Drawing submittal and prior to City Engineer signature of the plat.**

**Motion carried.**

**Public Hearing Item No. 2:**

**Subdivision Preliminary Plat Approval for Sonata Pointe West in an RS-8.5 (Single Family Residential – 8,500 sq ft minimum lot size) zoning district, west of S Middleton Rd, between Lone Star Rd and W Roosevelt Ave. (118 Single Family detached lots on 34.06 acres, for 3.46 dwelling units per gross acre – A portion of the NE ¼ of Section 30 T3N R2W BM), for Kent Brown representing Trilogy Idaho (SPP-00044-2019) ACTION ITEM.**

**Chairman McGrath** proceeded to public hearing.

**Kent Brown of 3161 E Springwood, Meridian – representing the applicant, Trilogy Idaho:**

- Mr Brown reported the subject property was originally annexed in October of 2006, and at that time the proposed subdivision was Coronado Subdivision which encompassed a much larger property.
- Sonata West Subdivision, continued Mr Brown, was the 34.06-acre portion of the original parcel.
- The remainder of the original parcel, explained Mr Brown, could not be served by sewer at the present time, and that was probably why the earlier subdivision did not develop.
- According to Mr Brown, there had been a Development Agreement at the time of annexation in 2006, and the proposed Sonata Pointe West was in compliance with that Development Agreement.
- Mr Brown indicated the Sonata Point Subdivision, adjacent on the east side of the subject property and advised they would be sharing the entrance on W Roosevelt Ave to the south, and also sharing the same Homeowners' Association and amenities.

- Mr Brown noted the micro path connection on the east side of the proposed development.
- According to Mr Brown, the applicants were in agreement with the recommended conditions of approval as listed in the Staff Report.

**Senior Planner Watkins:**

- Watkins advised the applicants were requesting approval of the Preliminary Plat for Sonata Pointe West Subdivision, located west of S Middleton Rd and fronting on to both Lone Star Rd and W Roosevelt Ave.
- The subject property, continued Watkins, was located inside the Nampa City limits with an RS-8.5 zoning designation.
- Watkins stated the subject property was bordered on the north by County zoned Agricultural property, and on the south, east and west by City of Nampa single family residentially zoned properties.
- Sonata Pointe West Subdivision, added Watkins, comprised 34.06 acres, proposed for 118 single family lots and 9 common lots. The property had been annexed into the Nampa City limits in 2006 and zoned RS-8.5 at that time.
- According to Watkins, the subject property would be served by a network of City streets taking access off Lone Star Rd and W Roosevelt Ave. Stub streets are also proposed into the neighboring property to the west.
- Water, sewer and pressurized irrigation were all immediately adjacent to the subject property on both Lone Star Rd and W Roosevelt Ave.
- Installation of sidewalks and landscaping, added Watkins, would be required on the frontage of both Lone Star Rd and W Roosevelt Ave.
- W Roosevelt Ave, reported Watkins, was identified on the Bike and Ped Master Plan as a connection to Lake Lowell, so installation of a 10 ft sidewalk/side path would be required.
- The lot areas, depth and width comply with Code, stated Watkins.
- A Traffic Impact Study has been submitted to, and approved by, the Nampa City Engineer.
- Frontage has already been dedicated along Lone Star Rd, stated Watkins, and would be required to be dedicated along W Roosevelt Ave.
- A Safe Routes to School analysis, reported Watkins, indicated Nampa High School was not within walking distance, Lone Star Middle School was 1000 ft away to the east, and Roosevelt Elementary School .8 mile to the east and only has a few sidewalk gaps.
- Watkins stated she had a discussion with the neighboring property owner to the northwest voicing concern regarding the business use on his property located outside of City Limits, in Canyon County. Watkins noted the business comprised a machine shop, approved as a business through Canyon County, and the owner was concerned because some of the equipment in the machine shop on the southern property line, adjacent the proposed subdivision, was loud and he wanted to make sure the property owners in the proposed subdivision would not complain about the noise from his business.
- A letter was also received from Nampa Meridian Irrigation District regarding an easement along the Lone Star Lateral that needs to be protected.
- Watkins reviewed the Staff Report and recommended conditions of approval.
- Staff, added Watkins, felt it would be appropriate for the Commission to approve the Preliminary Plat for Sonata Pointe West, with the conditions as listed in the Staff Report, with the possible addition of protecting the NMID Irrigation Easement.
- **Kehoe** stated it would be appropriate to notify all the prospective lot owners that there could be a noise issue.
- **Watkins** noted the small lot designed into the plat located south of 11461 and 11455 Lone Star Rd and on the north side of the residential lots proposed on the west side of the subdivision road that could possibly be a buffer if it was not going to be a residential lot.
- **Kirkman** inquired if the school districts were contacted and made aware of the subdivision submittals.
- **Watkins** advised all the school districts were notified with copies of the plats but responses from the school districts were seldom received.
- **City Engineer Badger** responded to a question from Sellman the Nampa Fire Department was planning on locating a new fire station in that area, but he did not know of a specific location at this time.

**Chairman McGrath** proceeded to public testimony.

**Lynn Hodges of 11455 Lone Star Rd, Nampa – Opposed:**

- Mr Hodges stated he was the owner of the property located to the northwest of the subject property.
- According to Mr Hodges his property comprised two parcels that were zoned Light Industrial in Canyon County.
- Located on the property, as well as his house, was a machine shop/manufacturing facility at the south end of the lot.
- Mr Hodges explained his company designs and manufactures motorcycle accessories, after market motorcycle parts, and side by side accessories.
- According to Mr Hodges, he employs 23 people, many of which are residents of Nampa, and the property was very much a manufacturing facility that makes noise. Mr. Hodges noted there were milling machines and lathes inside the buildings that are state of the art, with robots in front of those machines loading the machines all night long.
- Mr Hodges stated he could hear the machinery in his house at night.
- **Chairman McGrath** inquired if Mr Hodges knew the decibel level from the machinery and **Mr Hodges** replied he did not.
- Mr Hodges noted that Lot 16 would back up right to the manufacturing plant on his property located 15 ft off the property line.
- Lot 16 added Mr Hodges was a very big concern to him.
- Mr. Hodges reported he had talked to Shawn Brownlee at Trilogy about some options and Mr Brownlee had agreed the irrigation strip should be deeded back to Mr. Hodges. Mr Brownlee, added Mr Hodges, was also going to look into the possible solution of selling Lot 16 to Mr Hodges, so it would not be part of the subdivision and would help build in a buffer zone.
- The road on the east side of his property, added Mr Hodges, would also be a buffer.
- Mr Hodges also discussed a possible sound wall to prevent problems in the future.
- According to Mr Hodges, there were no parks, community center, or pool, proposed for that phase of the development.
- Although there were two parks in Sonata Pointe Subdivision to the east, stated Mr Hodges, there were no roads connecting the two subdivisions, only a pathway.
- In response to a question from **Kehoe**, **Mr Hodges** stated if he purchased Lot 16, it would probably just be a parking lot, and he would not want to construct any buildings on Lot 16.
- **Kehoe** inquired if Mr Hodges would build a sound wall if he owned the lot and **Mr Hodges** stated he was open to ideas.
- Mr Hodges added that Shawn Brownlee had also mentioned they could put some Notices on the lots at the time of purchase, so the owner of the lot would know they were located next to a potential nuisance.
- Mr Hodges made an additional comment regarding open drainage areas and stated they do not work in that area because the clay layer has to be broken down or it will not drain.
- According to Mr Hodges, the storm drain area at Lone Star Middle School fills up and overflows into the street when it rains. That storm drain was also a mosquito area, added Mr Hodges.
- In response to a question from **Kirkman**, **Mr Hodges** stated he could hear the machines from inside his house, with both high pitch and low range machines.
- **Kirkman** inquired if there was fencing or security around the business operation and **Mr Hodges** replied at the present time there was a chain link fence around the property and some security cameras.

**Bryant Jones 11461 Lone Star Rd – Opposed.**

- Mr Jones stated he was the COO for the business at 11455 Lone Star Rd.
- He had similar concerns to Lynn Hodges, and added if they only running a daytime operation there would not be such a concern, however, the consistent howl of the machines loading and unloading and interchanging, and the operators were required to wear ear protection – meaning the decibel level was over 85 for a period of 8 hours or longer.
- Mr Jones agreed the roadway to the east of the business operation did make a great buffer.
- According to Mr Jones, the business was in a growth mode and the plan was to grow the business substantially, and there would be further automation.
- Mr Jones suggested a nearby homeowner would hear the machines running at midnight, every single night.

- Mr Jones questioned if a Notice to the home buyer would take care of the issue, and would the next buyer have the same issue if the home was sold.
- Lot 16 would make a good parking lot buffer, agreed Mr Jones, with some trees and landscaping.
- **Kirkman** inquired how long the business would be operating there and **Mr Jones** stated there was lots of room for the business to grow and there were no plans to move to another location.

**Sheldon Hodges of 11455 Lone Star Rd, Nampa – Opposed.**

- Mr Hodges stated he was Lynn Hodges son and agreed their business did make noise.
- The business had been there a long time and they had been working day and night since 2003, and wanted to make everyone aware there would be noise.
- In response to a question from **Kehoe**, **Mr Hodges** stated they sell the parts to customers.

**Jake Anderson of 2130 W Neil Scott Ave, Nampa – Opposed:**

- Mr Anderson stated he was an employee and Engineering Manager at Lynn Hodges’ business.
- Mr Anderson concurred with Lynn Hodges’ statements and concerns.
- According to Mr Anderson, he moved from Ohio to take on that post and would not like to see anything happen to the business.
- Mr Anderson suggested there were ways to work around the noise issues.

**Kent Brown:**

- Mr Brown stated his client, Shawn Brownlee of Trilogy Idaho had spoken with Mr Hodges and they discussed purchasing lot 16, the lot to the south of Mr Hodges’ property, as well as the 6 ft irrigation lot that goes between his properties.
- The difficulty would be, continued Mr Brown, those parcels had already been annexed and zoned into the City limits, meaning he would have to de-annex those parcels, or he would own lots in the subdivision that would not be tied in any other way with the development.
- According to Mr Brown, Lot 16, was currently one single family lot and when the property was annexed it was viewed that it would be OK.
- Mr Brown suggested a Disclosure document could be done, which would come up every time the property was sold.
- **Chairman McGrath** suggested Lot 16 could become a pool lot, clubhouse, or playground lot, with some landscaping around to help muffle the sound.
- Discussion followed regarding whether Lot 16 would be large enough for anything other than a green lot.
- **Mr Brown** stated the applicants would be willing to work with the Mr Hodges and try to work out something on the 6 ft irrigation strip and the 71 ft x 237 ft Lot 16.
- Discussion followed on ways to address the issues.
- **Watkins** responded to a question from **Kirkman** and noted it would be more appropriate to de-annex the 6 ft strip and Lot 16 because a parking lot for an industrial use would not be permitted in the RS zoning district.
- **Kehoe** suggested a condition be attached to the Preliminary Plat stating the Final Plat could not be finalized until the issue of the noise from the adjacent Light Industrial business was resolved.

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

- **Kehoe** suggested there were two business owners that could get together and work the issues out.
- **Kehoe** suggested a condition be placed on the Preliminary Plat that Mr Hodges and Trilogy Idaho resolve the issues and concerns regarding Lot 16 and work out an agreement on Lot 16 Block 1 and the 6 ft Lot 18 Block 1 lot. **Kehoe** agreed a Disclaimer should also be attached because lots in close proximity would hear the noise from the machinery.

**Kehoe motioned and Hutchings seconded to approve the Preliminary Plat for Sonata Pointe West Subdivision located on 34.06 acres on the south side of Lone Star Rd, west of Middleton Rd for Kent Brown, representing Trilogy Idaho, subject to:**

1. **Install a 10’ sidewalk/multi use pathway along Roosevelt Ave frontage; and,**



2. **Protect NMID easement;**
3. **Provide top of foundation or finish floor elevation for each lot on the final plat construction drawings;**
4. **Provide revised street names, per GIS comments; and,**
5. **Address Engineering Conditions of Approval:**
  - a. **Dedicate the following public right-of-way prior to submittal of the first Final Plat:**
    - i. **W Roosevelt Ave – 40’ from the Section Line.**
  - b. **Frontage road improvements along Lone Star Road shall be constructed in accordance with Nampa City Code Section 9-3-1. Developer shall also complete road widening and curb/gutter installation along W Roosevelt Ave, the cost of which will be subject to Streets Impact Fee credit.**
  - c. **Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of individual property development/redevelopment and prior to connection to City services.**
  - d. **Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of individual 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 full parcel.**
  - e. **Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City’s Master Plans:**
    - i. **12” water main and pressure irrigation main in Lone Star Road.**
  - f. **Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.**
6. **The property owner/developer of the Sonata Pointe West Subdivision and the owner of the property located at 11455 Lone Star Rd, shall resolve issues/concerns about land transfers and/or noise abatement regarding Lots 16 & 18, Block 1. This resolution shall be evident in the final plat application documents for the phase that incorporates said lots; and,**
7. **Add a disclaimer of noise impacts on lots that may be affected by the existing use on the property located at 11455 Lone Star Rd. Please note this on the final plat and in documents presented to potential buyers.**

**Motion carried.**

**Public Hearing Item No. 3:**

**Zoning Map Amendment from RA (Suburban Residential) to RS-6 (Single Family Residential – 6,000 sq ft, at 409 S Midland Blvd, for a .71 acre or 30,747 sq ft portion of the SE ¼ of Section 29 T3N R2W BM, for Christopher K Shultze (ZMA-00111-2019). ACTION ITEM**

**Chairman McGrath** proceeded to public hearing.

**Christopher Schultze of 409 S Midland Blvd., Nampa – the applicant:**

- Mr Schultze stated he wanted to split the parcel.
- Mr Schultze noted the large shop at the rear of the subject property with a game room up above.
- According to Mr Schultze, there would be no physical changes to the property, other than new lot lines to split the property into two and putting interior walls within the game room to make living quarters.
- **Kehoe** inquired what would become of the house at the front of the property.
- **Mr Schultze** stated that was an option that he was looking at for the future.
- **Kehoe** inquired if the applicant operated a business from the property and **Mr Schultze** stated he operated a lawn service Home Occupation business.
- At the end of the workshop building, continued Mr Schultze, he stored his truck and trailer, and a small office in the house.
- **Kehoe** stated he had seen a lot of customized vehicles on the subject property.

- **Mr Schultze** advised he owned the customized vehicles and he was not building or operating a business with customized vehicles.
- Mr Schultze reiterated the lawn care business truck and trailer were kept in the workshop with the door closed.
- In response to a question from **Chairman McGrath**, **Mr Schultze** replied there were two driveways on the subject property, and both areas, in front of the home and the workshop had grass.

**Planning Director Holm:**

- Holm indicated the .71-acre property on the west side of S Midland Blvd.
- The applicant, advised Holm, desired to split the subject parcel into two, the front single family dwelling off from the rear workshop/garage. Each lot would have the frontage to comply with the RS-6 zone requirements.
- The Comprehensive Plan Future Land Use Map area had been designated as Medium Density Residential, added Holm.
- The zoning to the north, west and south was RS-6, and across the street to the east was enclaved Canyon County land.
- Sewer, added Holm, would be accessible from the subdivision to the west. The domestic water and pressurized irrigation mains were available from S Midland Blvd, and access for both parcels would be from S Midland Blvd.
- The RS-6 zoning district would be reasonable for the subject property, reported Holm.
- The Rezone to RS-6 would allow the lot split to accommodate two separate parcels.
- According to Holm, there had been a phone call earlier in the day from a citizen concerned with the possibility the workshop structure could be developed into a multi-family building.
- That was not what the applicant had stated, continued Holm, and not what the RS-6 zoning would allow.
- Holm reviewed the Staff Report.

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

**Kehoe motioned and Garner seconded to close public hearing. Motion carried.**

**Kirkman motioned and Garner seconded to recommend to City Council approval of the Rezone from RA (Suburban Residential) to RS-6 (Single Family Residential – 6000 sq ft minimum lot size) for 409 S Midland Blvd, for Christopher Schultze, without conditions.  
Motion carried.**

**Public Hearing Item No. 4:**

**Conditional Use Permit for a Lounge in a DH (Downtown Historic) zoning district at 217 14<sup>th</sup> Ave S. (A .16 acre or 7,000 sq ft parcel situated in the SE ¼ of Section 22 T3N R2W BM also Tax 18605 in the Lots 31 and 33, Block 35, Nampa Original Townsite for Tim Wangler (CUP-00149-2019). ACTION ITEM.**

**Planning Commission member Hutchings recused himself from the meeting.**

**Chairman McGrath** proceeded to public hearing.

**Tim Wangler of 521 Aurora Dr, Nampa – the applicant:**

- Mr Wangler noted the Conditional Use Permit application had been submitted in case the sales of alcohol went above 40 percent of total sales.
- Most of the sales would be retail tobacco/cigar sales and most cigar smokers do not drink a lot, maybe one drink.
- The alcohol would not be their primary sales, but would be another profit center, as well as coffee and coffee gear.
- **Kehoe** inquired about the food supplied by H & M Meats.
- **Mr Wangler** stated H&M Meats would be cooking the food at their premises and their staff would be bringing the food over and serving the cigar patrons food.

- **Kehoe** inquired about the hours and **Mr Wangler** stated the V-Cut Lounge hours would be Monday through Saturday, closed on Sunday. Hours of operation would be – Monday through Thursday 11:00 a.m. to 10:00 p.m.; Friday 11:00 a.m. to 11:00 p.m.; and Saturday 10:00 a.m. to 11:00 p.m.
- The food added Mr Wangler would be shut down about 9:00 p.m. and there would only be light music, no noise.

**Principal Planner Ashby:**

- Ashby advised the Conditional Use Permit was required for a bar, or a lounge.
- The business plan submitted by the applicant, continued Ashby, indicated approximately 11 percent of their sales would come from alcoholic beverage sales.
- The Zoning Ordinance states the Planning Director has the authority to require a Conditional Use Permit, therefore, the C-U-P would cover the situation if their alcohol sales went over 40 percent.
- In addition, it was not very clear in the Code exactly how a cigar lounge serving alcohol would fit.
- Ashby noted the property was located within the DH (Downtown Historic) zoning district, and the surrounding properties were also within the DH zone.
- H&M Meats, added Ashby, was located in the same building, and adjacent to the proposed business.
- To the northeast, was the old Furniture USA vacant building, with a private parking lot to the southwest and the Pentecostal Church to the northwest.
- City utilities were available to the business down the alley, stated Ashby, except for pressurized irrigation.
- Ashby noted the site plan and the layout of the proposed business, and some pictures similar to the proposed business with a humidior and leather furniture.
- Ashby reviewed the Code applicable to the V-Cut lounge, and whether it would be compatible with, and not adversely effect, the livability or appropriate development of the surrounding neighborhood.
- Ashby reviewed the Staff Report.
- **Chairman McGrath** noted a previous request for a business on the corner of 3<sup>rd</sup> St and 14<sup>th</sup> Ave S did not go anywhere because of the location being 300 ft from a church and questioned if that would also apply to the proposed lounge.
- **Holm** noted that question was still in effect as a licensing issue, however, the City Council could bypass that requirement when they issue a liquor license.
- **Kirkman** noted the C-U-P application was requested for tobacco and a bar and **Ashby** replied that was why the Conditional Use Permit process had been followed.
- **Kehoe** inquired if in the future the business was no longer a cigar smoke shop, and no longer a coffee place or a restaurant but just a bar, would that still be approved.
- **Ashby** replied it would be a decision for the Planning Commission as to whether they would want to grant the C-U-P for only a cigar shop with alcohol on the side with sales less than 40 percent.
- **Kehoe** noted the letters of support indicated there were some concerns regarding too many bars in downtown Nampa and stated he would be in support of putting a condition on the approval that it would remain a smoke-shop or lounge and does not become a bar.
- **Ashby** replied that conditions could be placed on the Conditional Use Permit restricting the permitted uses.
- **Kehoe** suggested the cigar shop, a restaurant and some alcohol sales, would be an ideal business in downtown Nampa to bring a good mix of people into the downtown area.
- Discussion followed regarding what conditions could be placed on the C-U-P.
- In response to a question from **Sellman**, the applicant stated the alcohol license had already been approved by City Council.

**Chairman McGrath** proceeded to public testimony.

- **Adam Hutchings** of 215 14<sup>th</sup> Ave S stated he was in favor of granting the Conditional Use Permit but did not wish to speak.

**Carolyn Keech of 220 14<sup>th</sup> Ave S, Nampa – Opposed:**

- Ms Keech stated she was the owner of the Green Barley Nutrition Center, across the street from the subject property and had been in business for 37 years.

- Ms Keech voiced concern that another alcohol establishment would come to Nampa, especially across the street from her business.
- According to Ms Keech, she had a lot of concerns regarding alcohol being served at the proposed business.
- Ms Keech considered there were already too many bars and places that serve alcohol in downtown Nampa and was concerned about the direction the City was going.
- There were also concerns regarding parking, stated Ms Keech, and stated she leased some of her parking spaces to the beauty salon and there were people parking that just leave their cars there for days.
- Ms Keech indicated she was also worried the proposed business might have a financial impact on her business.
- Ms Keech requested the Planning Commission deny the Conditional Use Permit for the lounge at 217 14<sup>th</sup> Ave S.
- **Kehoe** suggested **Ms Keech** contact the Police Department regarding people parking illegally on the parking lot on her property.
- **Sellman** inquired how the sale of alcohol at the proposed lounge would impact Ms Keech's business.
- **Ms Keech** stated she was not sure what type of clientele the business would attract and that would, therefore, keep people from her business.

**Mr Wangler:**

- Mr Wangler noted the proposed lounge would be book-ended by two parking lots and they were granted some parking spaces in the large parking lot to the south of the building.
- According to Mr Wangler, 550 sq ft of their business space was designated retail and only 220 sq ft designated as lounge space, and they were not anticipating a huge crowd of people.
- Mr Wangler stated they did want to be good neighbors and would consider modifying the business hours to close a lot earlier Monday through Wednesday.
- Mr Wangler discussed the type of cigars that he would be selling, starting at \$8.00 up to \$125.00 per cigar, so the clientele would not be the same as those buying gas station cigars.
- **Kirkman** questioned if alcohol would go from the lounge to H&M Meats and **Mr Wangler** replied it would not because H & M does not have an alcohol license.
- Mr Wangler added that lounge customers would not be able to leave the building and take alcohol outside.
- Mr Wangler emphasized no minors would be allowed on the premises, and customers would have to be 21 or over.
- According to Mr Wangler, he would be in agreement with placing a condition on the C-U-P that he would not be permitted to sell only alcohol on the premises, because cigars would be the primary revenue driver.

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

- **Kehoe** suggested the motion should include the condition that the premises remains a cigar shop that also serves food, and sales of alcohol not to exceed 40 percent of the gross sales.
- **Kehoe** inquired how that condition would be confirmed.

**Kehoe motioned and Kirkman seconded to approve the Conditional Use Permit for a lounge at 217 14<sup>th</sup> Avenue South, in the Downtown Historic District for Tim Wangler, 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; and,**

**Specifically:**

1. **The conditional use permit is granted to the property until such time as it no longer operates as a lounge.**
2. **Alcohol receipts shall constitute less than forty percent (40%) of gross receipts for the business.**

**Motion carried.**

**Chairman McGrath explained the Appeal process, with the 15-calendar day Appeal period starting tomorrow.**

**Public Hearing Item No. 5:**

**Annexation and Zoning to the adjacent RS-7 (Single Family Residential – 7000 sq ft), RS-8.5 (Single Family Residential – 8,500 sq ft), or RS-22 (Single Family Residential – 22,000 sq ft) zoning district for Lake Lowell Avenue located in the NW ¼ of Section 31 and the SW ¼ of Section 30 T3N R2W BM, Canyon County, being the northerly 25 ft of said NW ¼ of Section 31 and the southerly 25 ft of said SW ¼ of Section 30 (50 ft x 2,640 feet – 3.03 acres, or 132,000 sq ft), for the City of Nampa (ANN-00129-2019) – ACTION ITEM.**

**Chairman McGrath** proceeded to public hearing.

**City Engineer Badger:**

- Badger explained the City of Nampa had an Agreement in place with the Nampa Highway District regarding when roadways would be annexed into the City.
- According to Badger, the City works with the NHD annually to determine which roads meet the criteria – when 55 percent of the adjacent land has been annexed into the City limits.
- This year, added Badger, there was only one section that met that criteria – Lake Lowell Ave running half mile east from Midway Rd.
- Therefore, the request would be to only annex that section of the right-of-way into the City's jurisdiction.
- In response to a question from **Kehoe**, **Badger** advised the City of Nampa sign would move back to the City of Nampa annexed portion, half mile east of Midway Rd.

**Chairman McGrath** proceeded to public testimony.

No public comment forthcoming.

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

**Van Auker, Jr motioned and Garner seconded to recommend to City Council the annexation and zoning to RS-7, RS-8.5, and RS-22 zoning districts for Lake Lowell Avenue located in the NW ¼ of Section 31 and the SW ¼ of Section 30 T3N R2W BM, Canyon County, being the northerly 25 ft of said NW ¼ of Section 31 and the southerly 25 ft of said SW ¼ of Section 30 (50 ft x 2,640 ft – 3.03 acres, or 132,000 sq ft) for the City of Nampa.**

**Motion carried.**

**Public Hearing Item No. 6:**

**Annexation and Zoning to BC (Community Business) for 1.851 acres or 80,630 sq ft and to RS-6 (Single Family Residential – 6000 sq ft) for .482 acres or 20,996 sq ft at 2123 N Middleton Rd, located in a portion of the NE ¼ of Section 18 T3N R2W BM for Alfredo Escobedo (ANN-00130-2019). – ACTION ITEM.**

**Chairman McGrath** proceeded to public hearing.

The applicant was not present.

**Kehoe motioned and Garner seconded to continue the public hearing to the September 10, 2019 Planning and Zoning Commission meeting.**

**Motion carried.**

Meeting adjourned at 8:45 p.m.



Norman L Holm, Planning Director

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