

**NAMPA PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
TUESDAY, SEPTEMBER 24, 2019, 6:30 P.M.**

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

**Chairman McGrath** called the meeting to order at 6:33 p.m.

**Approval of Minutes:** Sellman motioned and Garner seconded to approve the Minutes of the Planning and Zoning Commission meeting of September 10, 2019. Motion carried.

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

Discussion followed regarding digital copies of the Planning and Zoning Commission Staff Reports. It was determined the Staff Reports are available on the City of Nampa Website and Commission members could download the Staff Reports from there, unless, they preferred to receive a hard copy.

**Chairman McGrath** proceeded to the Business Items on the agenda.

**Business Item No. 1:**

**Subdivision Plat Final Approval for Carriage Hill West Subdivision No. 5, in an RS-7 (Single Family Residential – 7,000 sq ft) zoning district, east of Midway Rd between W Iowa Ave and Lake Lowell Ave (A portion of the NW 1/4 of Section 31, T3N, R2W, BM - 97 Single Family Residential lots on 25.86 acres or 3.75 lots/gross acre) for Engineering Solutions, LLP representing Toll Southwest LLC (SPF-00103-19). – ACTION ITEM**

**Senior Planner Watkins:**

- Watkins reported the proposed Subdivision comprised 25.86 acres, located on the south side of W Lake Lowell Ave, east of Midway Rd, and inside Nampa City limits, within an RS-7 zoning district.
- The property is bordered on the north and west sides by farmland under Canyon County jurisdiction, and on the south and east sides by City of Nampa RS-7 zoned properties, already developed as previous phases of the subdivision.
- Watkins noted Carriage Hill West Subdivision Phase 4 had not yet submitted for approval.
- According to Watkins, 97 buildable lots and 8 common were proposed for Carriage Hill West No. 5.
- The proposed subdivision was located within Nampa City limits, zoned RS-7, conforms to the Preliminary Plat for Carriage Hill West Subdivision, and the applicable Subdivision and Zoning standards for Nampa.
- Staff, added Watkins, feel it would be appropriate for the Commission to recommend approval for the Final Plat for Carriage Hill West No. 5 to City Council, with Conditions of Approval as listed in the Staff Report.
- **Kehoe** inquired about the City owned property located to the east.
- **City Engineer Badger** responded and indicated the 14-acre parcel of land owned by the City, currently zoned RS-22, that was an old dump pit/shooting range. Badger noted it was a licensed landfill through the Dept of Environmental Quality – not for garbage, but currently being filled in with road mix material from road projects.
- Once that remediation is complete, continued Badger, the City may look at doing something else with the property, but that would be a number of years in the future.

**Kirkman motioned and Garner seconded to recommend to City Council approval of the Final Plat for Carriage Hill West Subdivision No. 5, located on the south side of Lake Lowell Ave, on**

the east side of Midway Rd, for Engineering Solutions, LLP, representing Toll Southwest, 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 Carriage Hill West Subdivision;
2. Propose a new street name for S Savona Way;
3. Construct a 10' side path along Midway Rd;
4. Provide a revised landscape plan;
5. Provide documentation of plan approval from BOR/Boise Kuna Irrigation District;
6. Provide documentation of plan approval from Canyon Highway District #4;
7. Make any corrections necessary in accordance with redline comments from the Nampa City Engineer;
8. 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 Plat Final Approval for Franklin Village Subdivision No. 6, in an RS-6 (Single Family Residential – 6000 sq ft) zoning district, north of Birch Ln and east of N Franklin Blvd, north of Franklin Village No. 5 (A parcel of land, being a portion of Lots 27, and 28 of Cortland Place Subdivision, further situated in the SE ¼ of the NW ¼ of Section 11, T3N, R2W, BM - 50 Single Family Residential lots on 10.23 acres for 4.89 lots/gross acre) for KM Engineering representing Franklin Village Development, LLC - Mitch Armuth (SPF-00100-19). – ACTION ITEM**

**Senior Planner Watkins:**

- Watkins reported the proposed subdivision comprised 10.23 acres, located north of Birch Ln and east of N Franklin Blvd.
- Watkins reported the subject property was located inside Nampa City limits and was completely surrounded by RS-6 zoned City of Nampa properties, either already developed, or scheduled to be developed.
- The subdivision, added Watkins, was proposed for 50 buildable lots and 4 common lots.
- According to Watkins, the subject property was located inside Nampa City limits, in an RS-6 zoning district and conforms to the approved Preliminary Plat layout and the applicable subdivision and zoning standards for the City of Nampa.
- Staff, continued Watkins, feels it would be appropriate for the Commission to recommend approval of the Final Plat for Franklin Village Subdivision No. 6 to City Council with the conditions of approval as listed in the Staff Report.

**Garner motioned and Kropp seconded to recommend to City Council approval of the Final Plat for Franklin Village No. 6, within an RS-6 zoning district, north of Birch Lane and east of N Franklin Blvd, for KM Engineering, representing Franklin Village Development, LLC – Mitch Armuth, 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 Franklin Village Subdivision;
2. Provide a revised landscape plan;
3. Obtain an Erosion Control Permit from the City of Nampa;
4. Correct Street Names;
5. Address Construction Drawing Comments and Redlines;
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. 3:**

**Subdivision Plat Final Approval for Covey Run Subdivision, in an RD (Residential Two Family – Duplex) zoning district, at the southeast corner of S Sugar Ave and E Victory Rd. (14 Four-Unit Condo Townhomes and 1 Two-Unit Condo Townhome for a total of 58 units on 5.569 acres for 10.42 units per gross acre - A portion of the E ½ of the NW ¼ of the NE ¼ Section 26, T3N, R2W, B.M.) for Kent Brown, representing Providence Properties (SPF-00104-19). – ACTION ITEM**

**Senior Planner Watkins:**

- The proposed Covey Run Subdivision, advised Watkins, comprises 5.56 acres to be located at the southeast corner of E Victory Rd and S Sugar Ave.
- Watkins reported the subject property was located inside Nampa City limits, with an RD (Two Family Residential – Duplex) zoning designation, surrounded by City residentially zoned properties on the north, south and west sides, and by County enclaved property on the east.
- According to Watkins, there would be only one phase for the Covey Run Subdivision.
- The development would be platted into 58 buildable lots and 2 common lots.
- The density for the fourplex development would be 10.42 units per gross acre, with each living unit of the fourplex buildings to be on its own lot.
- The proposed development conforms to the approved Preliminary Plat layout and to the applicable subdivision and zoning standards for Nampa.
- Staff, added Watkins, feels it would be appropriate to recommend approval of the Covey Run Subdivision Final Plat to City Council with conditions as listed in the Staff Report.
- **Kirkman** inquired about the wording of suggested Condition of Approval No. 7 - language in the CC&Rs stating if any property owner refuses to pay their irrigation assessment then the HOA shall be responsible to be in compliance with property owner payment of irrigation assessments to the City.
- **Badger** replied the developer had proposed the subdivision to have a single irrigation connection point to the City pressurized irrigation system for the entire development because of the nature of the development having common landscaping. The new billing system, continued Badger, would allow for the ability to copy the bills to the HOA so the HOA would take care of the bill and not the direct property owner.
- **Badger** advised the proposal was specific to the specific type of development and would not be typical of a single-family residential development where everyone has their own service.

**Kirkman motioned and Sellman seconded to recommend to City Council approval of the Final Plat for Covey Run Subdivision located at the southeast corner of S Sugar Ave and E Victory Rd, in an RD zoning district, for Kent Brown, representing Providence 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 Covey Run Subdivision;**
2. **Provide a revised landscape plan;**
3. **The Developer's Surveyor shall address all Final Plat comments to the satisfaction of the Nampa Engineering Division prior to City Engineer signature of the plat;**
4. **The Developer's Engineer shall address all Nampa Engineering Division comments to the Construction Drawing and Drainage Report prior to construction drawing approval;**
5. **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 sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction;**
6. **The Developer shall dedicate an additional 10 feet of public right-of-way along Victory Road, for a total of 50 feet from centerline, along with a 25' chamfer at the Victory Road and Sugar Street southeast corner. The dedication shall take place via separate documents and be recorded prior to the City Engineer signature of the plat;**
7. **The Developer shall revise the CC&R's to include language indicating the City has the right to shut down all irrigation supply to the development if any property owner refuses to pay their irrigation assessment. The HOA shall be responsible to ensure compliance with property owner payment of irrigation assessments to the City. Article IV, Sections 4**

and/or Section 18 shall also be modified to address maintenance responsibility of on-site private drainage facilities. The revised CC&R language shall be reviewed by the Nampa Engineering Division for approval prior to the City Engineer signature of the plat. The CC&R's shall be referenced by note on the face of the plat and recorded concurrent with the Final Plat;

8. The Developer shall provide City with documentation of plan review/approval from Nampa & Meridian Irrigation District prior to construction drawing approval since this project is adjacent to the North Nampa Lateral;
  9. Drainage shall be retained on site in accordance with approved plans. Inspection and certification of the private Phase 2 drainage facility 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;
  10. 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 Plat Final Approval for Gateway Industrial Park Phase 2 in an IL (Light Industrial) zoning district, at 1019 N 39th St (13 industrial lots on 7.59 acres for 1.7 lots per gross acre - A parcel of land located in the SW 1/4 of Section 13, T3N, R2W, BM) for Kent Brown, representing KNR Newby LLC (SPF-0105-19). – ACTION ITEM**

**Senior Planner Watkins:**

- The proposed subdivision, stated Watkins, comprises 7.59 acres, located on the West side of N 39<sup>th</sup> St, and north of Garrity Blvd.
- The property is located inside Nampa City limits with an IL (Light Industrial) zoning designation. The proposed development is adjacent City of Nampa Industrial zoned properties on the north, east and west sides, and by City residentially zoned property to the south.
- Watkins advised the proposed development would be the second phase of the Gateway Industrial Park Subdivision development, proposed for platting into 13 industrial lots on 7.59 acres.
- The proposed subdivision conforms to the approved Preliminary Plat layout and to the applicable subdivision and zoning standards for Nampa.
- Staff, added Watkins, feels it would be appropriate to recommend approval of the Gateway Industrial Park Phase 2 Subdivision to the City Council for approval, subject to all recommended conditions of approval.

**Kirkman motioned and Garner seconded to recommend to City Council approval of Gateway Industrial Park Phase 2 Subdivision to City Council, located at 1019 N 39<sup>th</sup> St, within an IL zoning district, for Kent Brown, representing KNR Newby, LLC, subject to:**

**Comply with all City department/division or outside agency requirements pertinent to this matter.**

1. 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 Gateway Industrial Park Subdivision;
2. Provide a revised landscape plan;
3. The Developer's Surveyor shall address all Final Plat comments to the satisfaction of the Nampa Engineering Division prior to City Engineer signature of the plat;
4. Developer's Engineer shall address all Nampa Engineering Division comments to the Construction Drawing and Drainage Report prior to construction drawing approval;
5. 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 sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction;

6. **Developer shall provide City with documentation of plan approval from Nampa & Meridian Irrigation District prior to construction drawing approval since this project is adjacent to Dewey Lateral Easement;**
  7. **The Developer shall meet with the Nampa Engineering Division to review the proposed N 39<sup>th</sup> Street and E Comstock Ave roundabout and implications on the remaining Gateway Industrial Park un-platted lot, and come to an agreement on resolution prior to construction drawing approval;**
  8. **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 public hearing at 7:00 p.m.

**Public Hearing Item No. 1:**

**Conditional Use Permit for a Telecommunications Tower in an IP (Industrial Park) zoning district at 8171 E. Executive Dr. (A 4.39-acre parcel situated in the SE ¼ of Section 10, T3N, R2W, BM and Lot 6, Block 1, Executive Business Park) for SBA Towers X, LLC (CUP 151-19). – ACTION ITEM**

Chairman McGrath proceeded to public hearing.

**Nicole Comach, of 1533 SE 33<sup>rd</sup> Ave, Portland, Oregon – representing the applicant:**

- The applicants, stated Ms Comach, were requesting approval to transfer the Conditional Use Permit from the previous owner/operator, Maverick Towers, LLC, into SBA Communications Corporation's name.
- **Kehoe** inquired if there would be any additions to the existing tower.
- **Ms. Comach** replied that to her knowledge there would be no modifications made to the tower.

**Planning Director Holm:**

- Holm advised the subject tower had been before the Planning Commission last year for Maverick Towers, LLC, and had been approved April 24, 2018.
- Since that time, the ownership of the tower had changed to SBA Towers X, LLP, and they would like to have the official Conditional Use Permit in their name. Holm noted it had been a condition of the CUP that it could not be transferred, therefore, the applicants were now applying for the CUP in their name.
- Holm indicated the location of the telecommunications tower in the southwest corner of the parcel addressed as 8171 E Executive Dr, within an IP (Industrial Park) zoning district with IP zoning adjacent to the north and east. IL (Light Industrial) zoning, continued Holm, was located to the west and south.
- According to Holm, the 110 ft monopole tower, was located within a fenced compound.
- Holm indicated Chapter 10-3-2, the Land Use Chart of the Nampa Zoning Ordinance, which requires a Conditional Use Permit for a utility building, structure or use, in the IP zoning district.
- Holm reviewed the Staff Report and recommended conditions of approval.
- Discussion followed regarding transfer of ownership for Conditional Use Permits for telecommunication towers.

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

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

**Garner motioned and Kropp seconded to approve the Conditional Use Permit for the Telecommunication Tower at 8171 E Executive Park, within an IP (Industrial Park) zoning district, for SBA Towers X, LLC, subject to:**

1. **All City Code requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as applicable State, or Federal agencies regarding use of the property for a Wireless Telecommunications Facility shall be satisfied prior to occupancy.**
2. **The Conditional Use Permit shall be issued only for a Wireless Telecommunications Facility.**
3. **The Conditional Use Permit shall be granted to the Applicant permanently and shall not be transferable to any other individual or location.**

**Motion carried.**

**Chairman McGrath** noted action on a Conditional Use Permit by the Planning and Zoning Commission can be Appealed to City Council, within 15 days of the Planning and Zoning decision.

**Public Hearing Item No. 2:**

**Conditional Use Permit for a Duplex in an RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of W. Iowa Ave. between S. Fall River Dr. and S. Bonneville Dr. at 0 W. Iowa Ave. (A .6-acre or 26,240 sq. ft. parcel situated in the SW ¼ SW ¼ NE ¼ of Section 32, T3N, R2W, BM Tax 15334) for Sharon Barnes (CUP 150-19). – ACTION ITEM**

**Chairman McGrath** proceeded to public hearing.

**Sharon Barnes of 1518 W Hawaii Ave, Nampa – the applicant:**

- Ms Barnes advised there were now two lots from the original parcel and the intent would be for a duplex on the front lot Ms Barnes added the rear lot would be their primary single-family residence.
- **Chairman McGrath** inquired about the access to sewer for the proposed duplex.
- **Ms Barnes** replied they would be going through the Fall River Subdivision HOA for City sewer access.
- According to Ms Barnes, she had already contacted the Fall River Subdivision HOA and the understanding was that they could reach some type of arrangement, with perhaps placing park benches along their green belt in exchange for access to the sewer line.
- Ms Barnes indicated the location of the sewer line on the west side of the greenbelt, next to the subject property.
- **Kehoe** inquired if the Fall River green belt would be impacted and **Ms Barnes** stated it would not impact the green belt, and the fence along the west side of the subject property would remain.
- According to Ms Barnes, the sidewalk running in front of the subject property would have to be lowered to make for a safer ingress/egress situation and better visibility for vehicles coming from the back lot.

**Principal Planner Ashby:**

- Ashby stated the applicant had advised each duplex unit would be approximately 1,500 sq ft in size; and, the single-family residence on the rear lot would be a two story structure comprising approximately 2,000 sq ft.
- The Comprehensive Plan Future Land Use Map designation for the area, reported Ashby, was Medium Density Residential.
- Ashby reported the subject property was located within an RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoning district. Properties to the north were zoned RS-6, added Ashby, to the south RS-6, and to the east and west was also RS-6 zoning.
- The subject property comprised 26,240 sq ft, noted Ashby, with City water, sewer and irrigation available to the property.
- Ashby explained the applicant had requested an individual access to each parcel from W Iowa Ave, however, the Engineering Division had determined that due to the proximity with other accesses and the roadway they would like a single shared access to serve both front and rear properties.
- Ashby noted a duplex required Conditional Use Permit approval in the RS-6 zoning district.
- Ashby reviewed the Staff Report and recommended conditions of approval.
- A letter had also been received from Nampa Meridian Irrigation District requiring the applicant to submit a Land Use Change application, due to the Orr Drain adjacent the subject property.
- According to Ashby the developer of Fall River Subdivision had constructed the sidewalk and placed landscaping in front of the subject parcel.
- Ashby stated no additional road right-of-way would be required for the subject property.
- The proposed duplex and single-family home, noted Ashby, would be an infill situation for the vacant lot at that location and considered it would make sense to encourage development.
- In response to a question from **Kehoe**, **Ashby** stated the change requiring one common access driveway had not yet been discussed with the applicant.

**Chairman McGrath** proceeded to public testimony.

**Evelyn Lund of 1430 S Whitewater Ct, Nampa – undecided.**

- Ms Lund stated her home was located directly west of the subject property.
- According to Ms Lund, she had found the Staff Report for the requested Conditional Use Permit on-line and stated a lot of questions had been answered.
- The major concern, added Ms Lund, was the proposal for three residences on an area zoned for single family residential. Also, the question of water and sewer connections, and the traffic pattern.
- W Iowa Ave, continued Ms Lund was getting increasingly busier all the time.
- There are no other duplexes in the surrounding subdivisions, stated Ms Lund.
- Otherwise, added Ms Lund, most of her concerns had been addressed.

**Sharon Barnes:**

- According to Ms Barnes, there was a 20 ft easement along the western fence line for a driveway which would allow access to both parcels.
- Ms Barnes considered it was a matter of working with the architect and designing the building so it would fit.
- The driveway actually belongs to the back lot, noted Ms Barnes, so there would have to be a legal shared access agreement for the duplex property to have access to the driveway.
- Ms Barnes stated they were already aware the sidewalk would have to be lowered to allow for safe driveway access.
- Although the neighbors may be concerned about a duplex, continued Ms Barnes, the goal was to have it harmonize with the Fall River Subdivision homes.

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

- **Kehoe** considered it would be beneficial to use a vacant piece of land and put it to good use.

**Kehoe motioned and Hutchings seconded to approve the Conditional Use Permit for a duplex to be located at 0 W Iowa Ave (Canyon County Account R32090015A0) between Fall River Subdivision and Bonneville Dr, for Sharon Barnes, 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. **Access shall be via a single common drive access with 1708 W Iowa Ave and as approved by the Nampa Engineering Division.**
2. **Applicant shall work closely with City of Nampa Engineering Division to determine an appropriate way to provide utilities to the property.**
3. **Applicant shall coordinate with Nampa Meridian Irrigation District to determine easements and restrictions related to the Orr Drain.**

**Motion carried.**

**Chairman McGrath** noted action on a Conditional Use Permit by the Planning and Zoning Commission can be Appealed to City Council, within 15 days of the Planning and Zoning decision.

**Public Hearing Item No. 3:**

**Conditional Use Permit for a Duplex or 2-Unit Single Family Attached Townhome in an RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on a parcel split from the south of 127 High Street with frontage on N Fairview St. (A .168-acre or 7,318 sq. ft. parcel situated in a portion of Lot 4 of Pleasant Acres, lying in the SE ¼ SE ¼ Section 21, T3N, R2W, BM) for Set Sails LLC (CUP 152-19). – ACTION ITEM**

**Chairman McGrath** proceeded to public hearing.

**Dennis Boyd with Team Realty, 985 Corporate Ln, Nampa – representing the applicant:**

- Mr Boyd, suggested the proposed duplex would be appropriate for the neighborhood and indicated the existing RD (Residential Two Family – Duplex) zoning district on the north side of High St.
- According to Mr Boyd, there were a lot of duplexes, townhouses and multi family units in the area already.
- The lot size, continued Mr Boyd, was 7,200 sq ft, larger than the 7,000 sq ft minimum lot size required for the RD zoning district.
- The utilities, stated Mr Boyd, were available to the lot, and added it would allow development of an infill lot.

**Principal Planner Ashby:**

- The Conditional Use Permit request, stated Ashby, was for approval of a duplex in the RS-6 zoning district.
- Ashby noted the subject property was located within an older area of town, where sometimes there are larger lots than the neighboring parcels.
- The applicant has stated, continued Ashby, they would like to accomplish a lot split to allow construction of a new duplex on Parcel 2, the southern parcel.
- The subject property was located within a Medium Density Residential designation on the Comprehensive Plan Future Land Use map. To the north, added Ashby, was RD zoning on the north side of High Street.
- The original parcel had previously received Conditional Use Permit approval for the existing building to be used for classroom space for the Fairview Church of the Nazarene, located to the east.
- To the west, noted Ashby, was RS-6, Single Family Residential zoning.
- Utilities were all available, stated Ashby, in N Fairview St, and access to the lot would be from N Fairview St.
- Ashby advised that sidewalk would have to be constructed along the N Fairview St frontage, as well as having an ADA compliant shared driveway to serve both living units.
- Ashby indicated the letter of opposition received from George C Freeman of 128 High St, dated September 19, 2019, due to increased density and traffic congestion.
- Ashby reviewed the Staff Report and recommended conditions of approval.
- The development, continued Ashby, could be considered infill because it was an unused piece of land that could be split and would be the required size for either a single-family home or a duplex.
- **Kirkman** inquired about the access to the duplex and **Ashby** replied the Engineering Division required a shared driveway to serve both living units (duplex) on the lot.

**Chairman McGrath** proceeded to public testimony.

**Josiah Silva of 10085 W Saranac Dr, Boise – in favor but did not wish to speak.**

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

**Kropp motioned and Garner seconded to approve the Conditional Use Permit for a duplex on the lot created by a lot split at 127 High St, for Mike Early, Set Sails, LLC, 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. **Access to the duplex shall be via a single common driveway accessed from N Fairview St.**

**Motion carried.**

**Chairman McGrath** noted action on a Conditional Use Permit by the Planning and Zoning Commission can be Appealed to City Council, within 15 days of the Planning and Zoning decision.



**Public Hearing Item No. 4:**

**Conditional Use Permit for a Professional Architects Office in an IL (Light Industrial) zoning district at 1307 No. 39th St., Suite 103 (A portion of the North ½ of the NE ¼ of the SW ¼, Section 13, T3N, R2W, BM) for Houston-Bugatsch Architects (CUP 152-19). – ACTION ITEM**

Chairman McGrath proceeded to public hearing.

**Rick Bugatsch of Houston-Bugatsch Architects, 1307 N 39<sup>th</sup> St, Suite 103 – the applicant:**

- Mr Bugatsch stated they moved into the office in the complex about 15 years ago.
- A short time ago it was discovered that a Conditional Use Permit was required for a professional office in the IL zoning district.
- They then submitted the application, continued Mr Bugatsch.

**Planning Director Holm:**

- Holm stated an Architect's office required Conditional Use Permit approval in the IL zoning district.
- Holm reported the Planning Department had no issue with the architect's office on the subject property to allow the continued use that has been operating at that location for a number of years.
- Holm noted the Industrial Park zoning to the north and IL zoning the east.
- The Comprehensive Plan designation, added Holm, was Light Industrial, with some Public designation to the east and General Commercial further south.
- Access to the subject property, continued Holm was from N 39<sup>th</sup> St.
- City utilities were available to the site, noted Holm.
- Suite 103, added Holm, was located in the center of the second building in from N 39<sup>th</sup> St.
- According to Holm, the subject Suite 103, had been continuously used as an architect's office for approximately 15 years.
- During a recent inspection by the Nampa Fire Department it was found that there was no Certificate of Occupancy for the subject office, and in order to obtain the Certificate of Occupancy, an approved Conditional Use Permit was required.
- Holm reviewed the Staff Report and recommended conditions of approval.

Chairman McGrath proceeded to public testimony.

No public comment forthcoming.

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

**Kirkman motioned and Sellman seconded to approve the Conditional Use Permit for an Architect's Office in an IL (Light Industrial) zoning district at 1307 N 39<sup>th</sup> St, Suite 103, Nampa, for Houston-Bugatsch Architects, subject to:**

- 1. All City Code requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as applicable State, or Federal agencies regarding use of the property for a Professional Architects Office shall be satisfied prior to occupancy.**
- 2. The Conditional Use Permit shall be issued only for a Professional Architects Office.**
- 3. The Conditional Use Permit shall be granted to the Applicant permanently and shall not be transferable to any other individual or location.**

**Motion carried.**

Chairman McGrath noted action on a Conditional Use Permit by the Planning and Zoning Commission can be Appealed to City Council, within 15 days of the Planning and Zoning decision.

Meeting adjourned at 7:40 p.m.



Norman L Holm, Planning Director

:sm