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

Approval of Minutes: Sellman motioned and Kehoe seconded to approve the Minutes of the November 12, 2019 Planning and Zoning Commission meeting. Motion carried.

Report on Council Actions. City Councilor Haverfield reported on City Council actions during the November 18, 2019 meeting: 1) The City of Nampa tree lighting was scheduled for 6:00 p.m., Saturday, November 30th, downtown. Councilor Haverfield emphasized supporting the local downtown businesses. 2) Discussion on the 2020 Census occurring in the coming year. 3) The City of Nampa purchased the Home Federal Building on 12th Ave S and the building has now become the City of Nampa Development Services Building with several City departments moving into that building in the near future; 4) City Council discussed a proposed Ordinance prohibiting the use of handheld electronic devices while operating a motor vehicle, and the decision was made to wait and see what would be happening at the State level; 5) Statements of qualification were received from five different contractors for the new Wastewater Treatment Project – that would probably be in the $100,000,000 to $125,000,000 range; 6) Modification of the Development Agreement for Lost River Townhomes located on E Cherry Ln, east of Can-Ada Rd - approved; 7) Development Agreement and Rezone from RS-6 to RP 1324 11th Ave S - approved; and 8) During the November 4, 2019 City Council meeting, the Amendment to Title 10, Chapter 1 Section 19 pertaining to Self-Storage facilities - all of the Planning Commission recommendations were adopted, as well as an additional modification requiring the Conditional Use Permit Applications for storage facilities go before City Council and then proceed through the design review process.

Chairman McGrath proceeded to the Business Items on the agenda.

Business Item No. 1:
Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park in an IL (Light Industrial) zoning district at the southwest corner of N. Broadmore Way and 4th St No, just south of Indian Creek (155 RV spaces on 11.74 acres for 13.20 average spaces per gross acre – A parcel of land being a portion of Parcel “4” of the Amended Record of Survey Instrument No. 2018-054013, Records of Canyon County, Idaho and lying in a portion of the SE ½ of Section 16, T3N, R2W, BM) for All Terra Consulting, LLC representing Broadmore RV Park LLC (RVP 001-19). – ACTION ITEM

Senior Planner Watkins:
- Watkins reviewed the application for the Preliminary Site Plan for Broadmore Recreational Vehicle Park in an IL zoning district at the southwest corner of N Broadmore Way and 4th St N in relation to compatibility with the surrounding area, traffic, off street parking, traffic circulation, buffering and landscaping.
- According to Watkins, after the preliminary site plan has been approved the applicant will revise the plan according to the conditions and then a final plan will again come before the Planning Commission to ensure compliance with those conditions.
- The proposed Broadmore RV Park, continued Watkins, would comprise 11.74 acres, with 155 RV spaces, 27 visitor parking spaces and 3 common spaces, located on the southwest side of Broadmore Way and west of Northside Blvd.
• The Broadmore RV Park property, continued Watkins, was bordered on the North, South and West by Light Industrial zoned properties, and BC zoning to the east.
• On June 25, 2019, stated Watkins, the Conditional Use Permit for the RV Park use was approved by the Nampa Planning Commission.
• Watkins reported the revised plans for the RV Park were received yesterday and indicate the proposed RV Park will be in compliance with the requirements for: 1,200 sq ft per RV space; required lot width and lot depth; one parking space per RV lot; the number of visitor parking spaces exceed Code requirements; and the open space calculation of 116,094 sq ft is in excess of the required 11,625 sq ft.
• Additionally, noted Watkins: the trash enclosure will be screened; the net density calculation indicate 13.2 spaces per acre - less than the cap of 22 sites per net acre; drive aisles will be paved and at least 20 ft wide; all spaces shall be equipped with water, sewer and electrical utility connections; meeting flood prevention codes with tie downs for specific lots affected by the floodplain/floodway; and, the Preliminary Site Plan appears to be in substantial conformance with the conditions placed on the Conditional Use Permit for the RV Park.

Kehoe motioned and Hutchings seconded to approve the Preliminary Site Plan for Broadmore Recreational Vehicle Park and the southwest corner of N Broadmore Way and 4th St N, for All Terra Consulting, LLC, representing Broadmore RV Park, LLC, subject to:
The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:
1. All utilities, streets, paved areas and landscaping must be completed within one year of the start of construction or as otherwise approved by the Planning and Zoning commission;
2. Shall obtain Building Permits for any and all work on site;
3. Provide drive aisle dimensions on the final plan;
4. Shall obtain Right-of-way and Erosion Control Permits prior to work commencing;
5. Provide drainage calcs with final plan;
6. Comply with all Engineering Preliminary Site Plan comments
Motion carried.

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

Public Hearing No. 1:
Subdivision Plat Preliminary Approval for Mossy Creek Subdivision in a RS7 (Single Family Residential – 7,000 sq. ft.) zoning district at 2726 and 2878 Southside Boulevard (54 single family detached lots on 16.53 acres for 3.27 average dwelling units per gross acre – A portion of Section 1, T2N, R2W, BM) for Leavitt and Associates Engineers, Inc. representing IAG Mossy Creek LLC (SPP 049-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

Brady Lasher of Lasher Enterprises, 459 E Claymont Ct, Meridian – representing the applicant.
• Mr Lasher presented the application for the Mossy Creek Subdivision.
• Mr Lasher noted the subject property was currently annexed into the City and zoned RS-7.
• The current plat, advised Mr Lasher, had been modified from the previous expired Preliminary Plat to meet current requirements.
• According to Mr Lasher they would be stubbing into the existing sewer line in the subdivision to the northeast.
• In response to a question from Kehoe, Mr Lasher noted the emergency access on the southwest corner of the subject property.

Senior Planner Watkins:
• Watkins reviewed the Preliminary Plat for Mossy Creek Subdivision.
• The property, continued Watkins, had been annexed in 2009 with a Development Agreement and a zoning designation of RS-7.
• The project complies with the Concept Plan recorded in the Development Agreement, within Ordinance 3866 in 2009, and meets or exceeds the development standards for single family subdivisions in the RS-7 zone.
• Watkins noted the surrounding zoning of RS-6 on the east and west and Canyon County enclaved properties on the north and south.
Watkins reported there would be one main access into the subdivision and a second emergency only access, both on to Southside Blvd.

The Engineering Division, stated Watkins, has requested an updated Turn Lane Warrant Study to be performed.

City utilities are available to the site and the Engineering Division has outlined those requirements in the Memorandum from Caleb LaClair, Assistant City Engineer, dated November 13, 2019.

The Mossy Creek project proposes 54 buildable lots and 4 common lots on 16.53 acres, 3.27 dwelling units per acre.

According to Watkins, all lots meet or exceed the 7,000 sq ft minimum lot size, the average lot size for the proposed development would be 8,086 sq ft.

Although the proposed subdivision does abut residential subdivisions in the County, advised Watkins, they are not platted properties, therefore the compatibility requirement was not mandatory.

The proposed subdivision layout, added Watkins, matches the concept that was approved as Exhibit B in the Development Agreement, and therefore, deemed compliant.

All lots demonstrate the width and depth required by Code, stated Watkins.

A revised Landscaping Plan, continued Watkins, has been requested to replace a few of the trees that were shown.

Watkins discussed the Safe Routes to School in relation to: Ronald Reagan Elementary – walkable; East Valley Middle School – ¾ mile along Southside Blvd and E Greenhurst Rd, with lots of sidewalk gaps to navigate adjacent properties within Canyon County; and, Skyview High School – approximately 1.5 miles and not considered walkable.

Watkins indicated the COMPASS analysis.

The Nampa Parks Department requested 20 ft from top of bank along the south side of the Elijah Drain to be deeded and dedicated to the City of Nampa, and also requested the developer construct the pathway as indicated on the Preliminary Plat.

Watkins reviewed the recommended conditions of approval.

Chairman McGrath proceeded to public testimony.

Chairman McGrath noted the application before the Commission was a platting discussion and did not involve whether the subdivision should be allowed as the property had already been annexed, zoned RS-7 with an approved concept plan.

Jennifer Eld of 2810 Southside Blvd, Nampa – opposed:

Ms Eld spoke in opposition to the Mossy Creek Subdivision Preliminary Plat and noted her property was surrounded by the subject property.

Ms Eld questioned why a Traffic Study had not been required for the proposed development. Ms Eld noted there had been an explosion in growth in the entire valley since the 2006 approval of the original subdivision. With 2 cars per home, continued Ms Eld, there would be well over 100 cars coming in and out of the subdivision on to Southside Blvd.

Ms Eld added there were no sidewalks and suggested there were no safe routes to walk to Ronald Reagan Elementary school on the extremely busy Southside Blvd.

Ms Eld reiterated her suggestion that a Traffic Study should be accomplished for Southside Blvd between Locust Ln and Greenhurst Rd.

Ms Eld inquired where the sewer line would be coming from.

Jesse Eld of 2810 Southside Blvd, Nampa – opposed.

Ms Eld discussed the issues with groundwater on the subject property.

The test holes dug on her family’s property continued Miss Eld, quickly filled up with water.

Miss Eld indicated some pictures of the groundwater indicating how saturated the pasture was with groundwater sometime after the test holes were dug.

Miss Eld inquired how the subject property could be developed with homes if the groundwater came seeping up.

Barbara Clancy of 2810 Southside Blvd – opposed but did not wish to speak.

Kristin DeBoer of 2858 Southside Blvd, Nampa – opposed:

Ms DeBoer stated their property was right next door to the proposed emergency entrance to the subdivision.
• Ms DeBoer questioned how they would access the eastern portion of their land behind the fence, and reported they had been told by the original owners they would still have access to their land if the adjacent parcel became an entrance to the subdivision.

• Ms DeBoer questioned if that access to their land would still be available.

• According to Ms DeBoer, the previous owners had been told the subject land was not appropriate for a subdivision due to the fact a lift station would have to go in, as well as other issues with the land.

• The other points of concern, continued Ms DeBoer, were location of fences that would block the view for the existing property owners, would the houses be two stories, and, the preservation of the creek.

• Ms DeBoer discussed: the written agreement by the Baxters regarding access when they sold the subject property; as well as tying into the pressurized irrigation for the proposed subdivision.

• Ms DeBoer concurred with the earlier statement regarding the extremely busy traffic on Southside Blvd.

Andrew DeBoer of 2858 Southside Blvd – Nampa – opposed but did not wish to speak.

Janette Scarborough of 2607 S Bluegrass Dr, Nampa – opposed:  
• Ms Scarborough questioned if there had been any type of environmental impact study completed on the subject property and noted the amount of wildlife in the area, including quail, cranes, and marmots in the rock formation along the Elijah Drain.

• Chairman McGrath responded to a question from Ms Scarborough and stated there would be a pathway and at least 20 ft between the Elijah Drain and any homes and a fence along the pathway/canal.

• Ms Scarborough noted the grove of old trees on the subject property and questioned if they would be preserved.

Shane Scarborough of 2607 S Bluegrass Dr, Nampa – opposed:  
• Mr Scarborough stated they lived on the north side of the Elijah Drain.

• According to Mr Scarborough, his primary concern was the traffic on Southside Blvd in relation to the number of nearby schools, and no sidewalks, possibly creating a dangerous situation for the children.

• Mr Scarborough inquired if a Traffic Study had been undertaken for the proposed subdivision.

Dana Ellis of 3111 Southside Blvd, Nampa – opposed but did not wish to speak.

Chuck Kunerth of 3303 E Oklahoma Ave, Nampa – undecided.  
• Mr Kunerth had questions regarding the proposed Mossy Creek Subdivision Preliminary Plat regarding: swampy land, fencing, ground water, and wildlife.

• According to Mr Kunerth, he owned the property to the south of the proposed subdivision and ran cattle on most of his property at the present time.

• Mr Kunerth concurred with previous comments regarding how swampy the subject property was, with standing water on a large portion of the land and questioned how homes could be constructed on that land.

• Mr Kunerth inquired how the property would be served by sewer.

Mr Lasher:  
• Mr Lasher responded to some of the questions raised.

• Typically, reported Mr Lasher, a 6 ft vinyl fence would be constructed around the perimeter of the property.

• Regarding the groundwater, Mr Lasher advised there were currently 5 test pits on the property, with one test pit showing a depth of 14 ft, and four others ranging from 5 to 4 ½ ft deep.

• The recommendation, continued Mr Lasher, had been slab on grade for the proposed homes.

• Mr Lasher discussed the proposed grading of the subject property.

• According to Mr Lasher he had not looked into the wildlife on the property.

• Mr Lasher stated they would be dedicating 20 ft from the edge of the Elijah Drain bank with a meandering pathway.

• Any trees along the Elijah Drain, continued Mr Lasher, would be retained as much as possible.

• Mr Lasher indicated on the plat the common areas along the drain, and the additional common lots within the development, comprising approximately 11 to 12 percent of the subdivision area.

• If there was an Access Easement Agreement, continued Mr Lasher, then it would be maintained.

City Engineer Badger:  
• Badger responded to questions regarding the proposed Mossy Creek Subdivision Preliminary Plat.
Regarding the traffic concerns, stated Badger, the proposed subdivision did not reach the threshold requiring a full Traffic Impact Study. It did require an evaluation of the entrance roadway and whether turn lanes are necessary there.

The Traffic Study from 2016 indicated the necessity of turn lanes and the Engineering Division has asked for an update of that Study to verify those turn lanes are still warranted.

Badger noted Traffic Impact fees of approximately $2800 would be collected from each of the lots upon Building Permit application, which would then be used to accomplish traffic improvements throughout the City.

The proposed subdivision would be required to put in the turn lane as necessitated by the updated Traffic Study.

In response to a question from Chairman McGrath, Badger stated the Traffic Studies are designed to identify what the impacts from a project would be to the roadway network.

The sewer, reported Badger, would connect to the sewer line on Bluegrass Dr, via the existing easement through the storm drain pond.

Regarding an Environmental Impact Study, continued Badger, there were no endangered species within the area that would necessitate an Environmental Impact Study.

The existing Elijah Drain, stated Badger, has a 50 ft easement for the Nampa Meridian Irrigation District to either side, and they would typically not allow any encroachment of residential lots within that area, but would, however, allow the pathway within that easement.

With the current charges for impact fees, continued Badger, they would no longer have to do widening on Southside Blvd unless called for by a turn lane but would still be required to place sidewalks along their frontage.

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

Kehoe motioned and Miller seconded to approve the Preliminary Plat for Mossy Creek Subdivision in an RS-7 zoning district at 2726 and 2878 Southside Blvd for 54 single family detached lots on 16.53 acres for Leavitt and Associates Engineers, Inc, representing IAG Mossy Creek, LLC, subject to:

The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:

1. Work with adjacent property owner to establish needs for access and show easement or reference to recorded agreements on the final plat, or explain in writing why this was not needed or achieved;
2. Work with neighbors on preferred fencing solutions, provide fencing plan with final plat submittal;
3. Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings;
4. Submit revised landscape plans;
5. Deed and dedicate 20 ft from the top of bank along the south side of the Elijah Drain and construct pathway;
6. Apply for Land Use Change and License Agreement with Nampa Meridian Irrigation District;
7. Developer shall provide 40- feet of public right-of-way along Southside Blvd to be dedicated with final plat;
8. Frontage road improvements along Southside Blvd shall be provided in accordance with Nampa City Code Section 9-3-1.
9. Developer shall provide an updated Turn Lane Warrant Analysis for the Southside Blvd and Mossy Cove Street intersection or provide turn lanes as required by the original Traffic Impact Study.
10. Developer shall construct traffic calming measures (speed hump, cross gutters, bulb-outs, etc.) on E Mossy Cove Street.
11. Developer shall provide an internal stub street with utilities to the southerly and northerly properties for future development connectivity. We recommend stubbing S Mossy Forest Ave to the north and E Mossy Oak Loop to the north.
12. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
13. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services.
services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

14. 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 12-inch pressure irrigation main in Southside Blvd per the City’s Master Plan from S Stonehedge Drive to E Mossy Cove Street, and eliminate connections to the existing 6 inch main along the west side of Southside Blvd.

15. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal.

16. Applicant shall provide an addendum to the Geotechnical Report at the time of Final Plat submittal verifying the 2006 report and providing additional groundwater monitoring data as available.

17. Prior to filing for a final plat approval for any portion of the Project, the Developer’s engineer shall correct any spelling, grammar, punctuation and/or numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat plan set that shall be remitted to the City;

18. Any exceptions to City adopted subdivision design standards shall require separate design [exception] approval from the City Council.

Motion carried.

Public Hearing No. 2:
Conditional Use Permit for an Impound Lot/Vehicle Hold Area in a IL (Light Industrial) zoning district at 3913 Summit Lane (A portion of a .70 acre or 30,492 sq. ft. parcel situated in the SE ¼ of Section 13, T3N, R2W, BM and a portion of Lot 1, Block 2, Hillcrest Business Park for Nazar Leskovets (CUP 155 -19). – ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Nazar Leskovets of 1300 N Gage Ln, Nampa – the applicant:
- Mr Leskovets stated he had requested a Conditional Use Permit for a 5,000 sq ft lot for an Impound Lot/Vehicle Hold area.
- Kehoe inquired how many vehicles would be kept on the lot and Mr Leskovets replied there would be about 20 vehicles going on and off the lot.
- Mr Leskovets responded to a question from Kehoe and advised the vehicles would be coming from the Idaho State Police, Nampa Police Department and Canyon County Sheriff.
- Kropp inquired about the fence and Mr Leskovets replied the vinyl slats were already in the existing fence, in order to screen the property from view.

Principal Planner Ashby:
- Ashby reported the applicant’s request was for a Conditional Use Permit for a new Impound Lot/Vehicle Hold business on the subject property.
- According to Ashby, the subject property had been designated within a Light Industrial district on the Comprehensive Plan Future Land Use map, with a Heavy Industrial designation to the north where the salvage yard was located.
- The zoning, added Ashby, was also Light Industrial, with Heavy Industrial zoning further north, Light Industrial zoning to the north and west, Community Business zoning to the west, and Suburban Residential zoning to the south.
- City utilities were available to the property, noted Ashby. Access was from E Summit Ln.
- Ashby reviewed the criteria for approval of a Conditional Use Permit.
- Section 10-22-5. D, noted Ashby, requires all surfaces where a vehicle traverses or would be parked shall be paved.
- Ashby reviewed the Staff Report and recommended conditions of approval, noting the location, size and design and operating characteristics of the proposed Towing/Impound business should be compatible with and not adversely effect the abutting properties and the surrounding neighborhood; the location, design, and site planning of the proposed Towing/Impound Yard would be as attractive as the nature of the use and its location...
and setting warrants; and, the proposed Towing/Impound business would enhance the successful operation of
the surrounding developing area in its basic community function and provide an essential service to the
community or region.

- Ashby noted that in the past, Planning and Zoning has permitted a graveled area behind a building if the area is
screened from view. However, added Ashby, the staff recommendation was to pave the area.
- The applicant, added Ashby, has stated the property has been screened with slats in the fencing.
- Kehoe noted the concern of vehicles leaking oil and fluids and contaminating the ground if the area was not
paved.

City Engineer Badger:
- Badger responded to a question from Kehoe regarding the widening of N 39th St.
- According to Badger, the City was looking into widening N 39th St in relation to changes at the Airport that
would change the intersection at N Kings Rd and Garrity Blvd. N 39th St would then become more of the
entrance to the Airport, but it would be a future project and would not impact the subject property.

Chairman McGrath proceeded to public testimony.

Gordey Dashkel of 709 N 39th St, Nampa – in favor but did not wish to speak

Mr. Leskovets:
- Mr Leskovets responded to a question from Chairman McGrath and stated he was not made aware when he
submitted the application of the requirement to pave the proposed Impound Lot/Vehicle Hold yard.
- The previous owner, continued Mr Leskovets, repaired vehicle frames inside the shop and had salvage vehicles
parked outside. If the ground was contaminated, added Mr Leskovets, that contamination had already occurred.
- Mr Leskovets noted there was a drain for water in the front parking area.
- Chairman McGrath inquired if it would be a significant impact on operating the business if Mr Leskovets was
required to pave the area and Mr Leskovets replied he would not be able to operate the business if that was a
requirement.
- Kehoe inquired the area that would be paved if that was a requirement and Mr Leskovets replied it was a 5,000
sq ft lot.
- Mr Leskovets explained if the vehicle was damaged or there were oil or fluid leaks then the vehicle would be
drained before putting it into the lot.

Miller motioned and Sellman seconded to close public hearing. Motion carried.
- Discussion followed regarding requiring paving of the Impound Lot/Vehicle Yard.
- Ashby noted that although businesses had been permitted to park vehicles behind a screened fence or wall, that
had usually occurred with the parking of large trucks or employee vehicles. The proposed use added Ashby did
have the possibility and concerns regarding contamination of the ground.
- Kropp considered if the subject business was allowed without paving, then another business could do the same.
- Miller noted the applicant was leasing the property and did not own it, and the required paving would be a
significant amount of money for a new business.
- Discussion followed regarding possible alternatives to paving.

Sellman motioned to reopen the public hearing and Kehoe seconded. Motion carried.
- Mr Leskovets stated he had compared the subject property to every tow yard in the City and stated they were
all graveled lots. Mr Leskovets indicated a photo he had taken of the subject property and the fence was
completely slatted and the property hidden from public view.
- Chairman McGrath noted that salvage lots within the City are graveled.

Miller motioned and Sellman seconded to close public hearing. Motion carried.
- Garner motioned and Miller seconded to approve the Conditional Use Permit for an Impound
Lot/Vehicle Hold Ave in an IL zoning district at 3913 Summit Lane, a portion of Lot 1, Block 2
Hillcrest Business Park for Nazar Leskovets, 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 shall be issued only for a Towing/Impound Business. No outside vehicle salvage shall be allowed.
2. The outdoor parking and yard area adjacent the business shall be maintained free of oil and debris and otherwise maintained in a neat and orderly manner. Any vehicle fluids shall be disposed of at an approved dump site and not on the property.
3. The property shall be continuously maintained in conformance with weed and nuisance ordinance provisions.
4. The Conditional Use Permit is granted only to the property for the duration of the use and shall not be transferable to any other location.
5. Though the back parking area does not need to be paved, the applicant shall make a good-faith effort to protect the ground from contamination.

Motion carried with Garner, Hutchings, Kropp, Miller, and Sellman in favor and Kehoe opposed.

Public Hearing No. 3:
Conditional Use Permit for the existing Bar in the Craft Lounge in a DH (Downtown Historic) zoning district at 320 11th Ave So, Unit 2 Ground Floor, Historic 29th Masonic Lodge (A portion of a .48 acre or 20,909 sq. ft. parcel situated in the SW ¼ of Section 22, T3N, R2W, BM for Nick Boban (CUP 156 -19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

Nick Boban of 849 Mollywood Ave, Nampa – applicant:
- Mr Boban explained he operated the existing Craft Lounge in the old Masonic Building.
- In 2018, stated Mr Boban they applied for their first liquor permit and that was granted. At that time, added Mr Boban, they had not submitted the Conditional Use Permit application and they were now requesting that approval.
- According to Mr Boban, they have always maintained a safe and upscale environment, only for those 21 and over. The Craft Lounge was very well received, and they are now expanding and taking over the full unit within the building.
- Kehoe noted the letters of support received.

Principal Planner Ashby:
- Ashby reviewed the application for the Conditional Use Permit for the existing Bar in the Craft Lounge in a DH zoning district at 320 11th Ave S, Unit 2, Ground Floor, Old Masonic Lodge Building.
- Ashby indicated the Old Masonic Lodge building, and the location of the lounge.
- According to Ashby, the Brick 29 Restaurant had operated a bar in that facility before it was turned into a full lounge.
- In July of 2017 the Brick 29 Restaurant moved to the newly constructed top floor of the Old Masonic Lodge Building. In December of 2017 the Craft Lounge began operating, and in October of 2019 the Craft Lounge submitted a Building Permit to expand the lounge and because that expansion was more than 25 percent the Conditional Use Permit Application was also required.
- The subject property, continued Ashby, had a Comprehensive Plan designation of Downtown, with a Downtown Historic zoning designation, and located in the same building as the Brick 29 Restaurant.
- Ashby indicated the surrounding businesses to the property, with O’Reilly Auto Parts to the northeast, Alsip Funeral Home to the west, southwest has residential duplexes, and to the northwest was Mike Mussell’s Nampa Town Square facility.
- City utilities are available to the subject property, noted Ashby.
- Ashby indicated the proposed expansion for the Craft Lounge where they would be removing a wall and expanding the lounge.
- Ashby reviewed the Staff Report and recommended conditions of approval.
According to Ashby there had been a significant amount of correspondence in favor of the Conditional Use Permit approval.

The applicant, continued Ashby, has a current approved liquor license.

The previous occupant of the ground floor, Unit 2 space, stated Ashby, operated a bar that was associated with a restaurant, and confusion occurred when the restaurant moved to the top floor of the building and the Craft Lounge should officially have required Conditional Use Permit approval.

The Craft Lounge portion of the building was well maintained, stated Ashby.

According to Ashby the City Council had noted they would like Conditional Use Permits for a lounge to not be transferable to the next property owner. Chairman McGrath inquired if that was a statutory requirement or an ask. Ashby replied it was an ask.

In response to a question from Kehoe, Ashby confirmed the Craft Lounge was located on the ground floor (basement) of the Old Masonic Building.

Chairman McGrath proceeded to public testimony.

Jerry Dickerson of 3615 S Raintree Dr Nampa – in favor but did not wish to speak.

Dustan Bristol of 11070 W Highmont, Boise – in favor but did not wish to speak.

Samantha Glover of 1516 W Cactus St, Nampa – in favor but did not wish to speak.

Dan Edgerton of 4575 Stamm Ln, No. 307, Nampa – in favor but did not wish to speak.

John Watts of 937 W Mollywood Dr, Nampa – in favor but did not wish to speak.

Helen Watts of 937 W Mollywood Dr, Nampa – in favor but did not wish to speak.

Ashlee Boban of 849 W Mollywood Ave, Nampa – in favor but did not wish to speak.

Patrick Vanderbeek of 419 16th Ave S, Nampa – in favor but did not wish to speak.

Scott Glover of 1516 W Cactus St, Nampa – in favor.

Mr Glover stated he operated Alsip Funeral Chapel, located across the street from the Old Masonic Building.

Many times stated Mr. Glover, there were families from out of town that requested recommendations for places to go to eat, drink, or just hang out in a safe environment. Mr Glover advised that many times they send them across the street to Brick 29, as well as the Craft Lounge.

Craft Lounge, reported Mr Glover, operated a very comfortable environment, and at no time did you feel threatened. Also, he had no problem with having his wife go to the Craft Lounge alone and being respected by the staff and the patrons.

Mr Glover advised he was in full support of the expansion of the Craft Lounge.

Kenny Wroten of 4537 E Tuscany Ave, Nampa – in favor:

Mr Wroten stated he was also in favor of the Conditional Use Permit and noted the Craft Lounge was much in keeping with the Downtown Historic zoning and styling. The staff and environment were professional and explained it was a venue for communication and discussing business.

Arthur Mortenson of 3404 E Park Ridge Dr, Nampa – in favor.

Mr Mortenson concurred with the comments from Mr Glover and Mr Wroten.

Chris Voth of 4466 S Seabiscuit Ave, Boise – in favor.

Mr Voth stated he was an employee of Mr Boban and has worked for him for just over a year.

Mr Voth stated he was a 2013 graduate of NNU.

According to Mr Voth, Mr Boban has provided an establishment for staff members to cultivate a culture for citizens to come and relax and enjoy themselves.

It would be a shame, continued Mr Voth, for the Craft Lounge not to be able to expand. Mr Voth stated he was in full support of approving the Conditional Use Permit.

John Bishop of 1311 Cattail St, Nampa – in favor.

Mr Bishop stated the Craft Lounge was a very quiet and adult place to visit, and a place where he could go with his adult children. The affable staff, added Mr Bishop, were always accommodating.

Mr Bishop voiced his support for the creative, eclectic type of environment for the community.

Luis Caloca of 16 S Mason Creek Rd Nampa – in favor.

Mr Caloca stated he made the decision to live in Nampa as a new graduate in 2004.
According to Mr Caloca, the Craft Lounge was one of those places that make Nampa what it is today where you can go to celebrate. The Craft Lounge is special, added Mr Caloca, and comfortable, with no threats and you can drink socially.

Rosaura Mustic of 7792 E Tea Party Ln, Nampa – in favor:
- Ms Mustic stated she was a real estate agent and many times she would meet with people coming to the area in the Craft Lounge.
- If people are coming to Nampa, one of the great places to show them is the Craft Lounge, and emphasized it was a locally owned business.
- The Craft Lounge, added Ms Mustic, was a good place for meetings and business, and to meet clients.
- Ms Mustic considered the local small businesses should be supported.
- According to Ms Mustic, she feels safe at the Craft Lounge.

Kim Sorenson of 219 Sunrise Rim Rd, Nampa – in favor.
- Ms Sorenson asked everyone in support of the Craft Lounge to raise their hands. Approximately 20 or more people raised their hands in support.
- Mr Boban responded to a question from Kehoe and stated the only food provided in the Craft Lounge was small appetizer plates, due to the fact the Brick 29 Restaurant was upstairs.
- Chairman McGrath inquired of the applicant his opinion of the City Council request to impose a condition on the Conditional Use Permit that the CUP could not be transferred to another owner/operator.
- Mr Boban replied he was opposed to that condition due to the fact the equity in a business, with the license and ability to operate in that space would be part of the equity. If at some point in the future he would consider selling the business, the business would be worthless if he could not transfer the C-U-P to the new owner.
- Mr Boban considered the suggestion to deny transfer of the Conditional Use Permit would not encourage business in Nampa.

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

Kehoe motioned and Kropp seconded to approve the Conditional Use Permit for the existing Bar in the Craft Lounge in a DH zoning district at 320 11th Ave S, Unit 2, Ground Floor, Historic 29th Masonic Lodge, for Nick Boban, 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. The Conditional Use Permit is granted for the Craft Lounge for 320 11th Ave S, Unit 2, Ground Floor, Historic 29th Masonic Lodge only, until such time as it no longer operates as a lounge.

Motion carried with Garner, Hutchings, Kropp, Miller and Sellman in favor and Kehoe opposed.

Sellman motioned and Miller seconded to approve the Conditional Use Permit for the existing Bar in the Craft Lounge in a DH zoning district at 320 11th Ave S, Unit 2, Ground Floor, Historic 29th Masonic Lodge, for Nick Boban, subject to:

Public Hearing No. 4:
Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 842 W. Greenhurst Rd. for a lot split (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¼ of Section 33, T3N, R2W, BM Canyon County) for David DeMayola (ANN 134-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.
David DeMayola of 842 W Greenhurst Rd, Nampa – the applicant:

- Mr DeMayola stated he and his wife were originally looking for a property between one half acre and an acre in size, and the subject property was approximately 3 acres in size.
- The intent was to split off the back 2 acres, added Mr DeMayola, they were not currently using.
- In response to a question from Kehoe, Mr DeMayola stated they would access the back 2 acres via the dedicated right-of-way on the west side of the property.

Principal Planner Ashby:

- Ashby stated the applicant had requested Annexation and RS-6 zoning for the subject property in order to split the existing lot into two parcels and sell the northern parcel.
- The Comprehensive Plan designation, advised Ashby, was Medium Density Residential.
- The applicant had requested the RS-6 zoning designation.
- The property was surrounded by Rural Residential zoning to the north, Single Family Residential to the south – RS-6. To the east was County enclaved rural residential, and to the west was an RS-6 zoned property.
- City utilities, advised Ashby, were available in Greenhurst Rd, and access would be from Greenhurst Rd for the front property.
- Ashby indicated the dedicated right of way on the west side of the property and noted the Memorandum of Understanding for the property on the west side of the dedicated right-of-way requiring the roadway be constructed on the dedicated right of way area, once the property at the back developed. There was a Deferral Agreement in place for the road construction.
- It would be a joint responsibility for both the property owner on the west of the dedicated right-of-way, and the subject property on the east side, added Ashby.
- The dedicated right-of-way was currently forty-two (42) ft wide, reported Ashby, and the Engineering Division requested another two (2) ft be added on the east side of the dedicated right-of-way to make it 44 ft wide.
- Ashby reviewed the Engineering Division memorandum dated November 8, 2019, authored by Caleb LaClair listing conditions of approval for annexation of the subject property.
- In response to a question from Garner, Ashby agreed the legal descriptions would have to be revised to include the required dedication of right-of-way of 25 ft for Greenhurst Rd and 2 ft additional for the required dedication of right-of-way on the west side of the property, and the Memorandum of Understanding and Deferral Agreement.

Chairman McGrath proceeded to public testimony.

No public comment forthcoming.

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

Sellman motioned and Miller seconded to recommend to City Council approval of the Annexation and RS-6 zoning for 842 W Greenhurst Rd, (a portion of Lots 14 and 15 of Home Acres Subdivision No. 6, for David DeMayola, subject to:

1. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
2. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
3. Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.
4. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
5. The property will be subject to the terms and conditions of the Memorandum of Understanding and Deferral Agreement established with Wolf Building Company dated October 7, 2019 regarding the undeveloped public right-of-way and allowance of a private driveway. The City reserves the right to require a similar Memorandum of Understanding and Deferral Agreement for the subject property at the time of development.
6. Greenhurst Road currently only has 25’ of public right-of-way dedicated. An additional 25’ will need to be dedicated for a total of 50’ from Section Line.
7. The unnamed/undeveloped public right-of-way has 42’ width. As was required by application ANN-00114-2019 and an additional 2’ of public right-of-way shall be dedicated along the easterly boundary of the right-of-way (westerly edge of the property) for a total right-of-way width of 44’ to accommodate the “Reduced Width Local (2)” road section in the Nampa Engineering Process and Policy Manual.

8. The City entered into a Memorandum of Understanding (MOU) and Deferral Agreement with Wolf Building Company for the property located to the west (900 and 904 W Greenhurst Road) regarding the undeveloped public right-of-way. The agreements made allowance for the adjacent properties to construct and maintain a private driveway within the undeveloped public right-of-way until such time as the subject property develops or the number of residential units that take access from the driveway exceeds four. Development of this property may trigger the need to fully improve the undeveloped public right-of-way as stipulated by the agreements or enter into a new MOU and Deferral Agreement with the City at the time of development, dependent on the total number of homes taking access from right-of-way. The applicant should meet with the Engineering Division to discuss access needs and implications of existing agreements prior to development.

Motion carried.

Public Hearing No. 5:
Amendment of Title 10, Chapter 3, Section 10-3-2 containing the Schedule of District Land Use Controls by removing the requirement stated in Note 1 for Residential Land Use/Building Occupancy Type that there be no 220-volt power source for Accessory Dwelling Units (attached or detached) for the City of Nampa (ZTA-00013-2019). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

Principal Planner Ashby:
- Ashby explained there was an existing condition in Chapter 10-3-2 – Land Use Table regarding Mother-In-Law quarters. In the past, continued Ashby, the City did not want the Mother-In-Law quarters to be rented out, so a condition was placed in the Zoning Code stating 220 power would not be permitted for a laundry or kitchen.
- Recently the Nampa Building Department advised him that per International Building Code, and Electrical Code, a 240 Volt electricity service must be supplied to any residence, in order to prevent electrical fires for heating systems, kitchenette appliances, etc.
- According to Ashby, any reference to not permitting a 220 Volt or higher electrical system would then be deleted from the Code.
- The proposed Amendment to the Code, continued Ashby, was solely on whether the higher voltage power was permitted in mother-in-law/guest house quarters.
- Staff, continued Ashby, would continue to try and respond to violations in the Code, if mother-in-law quarters were being converted into rental units, if it became apparent there was a separate address, mailbox, or additional parking structure.

Chairman McGrath proceeded to public testimony.

- No public comment forthcoming.

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

Hutchings motioned and Miller seconded to recommend to City Council Amendment of Title 10, Chapter 3, Section 10-3-2 containing the Schedule of District Land Use Controls: by Removing the requirement stated in Note 1 for Residential Land Use/Building Occupancy Type that there be no 220-volt power source for Accessory Dwelling Units (attached or detached) for the City of Nampa. Motion carried.

Public Hearing No. 6:
Conditional Use Permit for Vape Sales in a GB1 (Gateway Business 1) zoning district at 5840 E. Franklin Rd. (A portion of Lot 8 in Block 1 of The Idaho Center, as shown on the official plat thereof on file in the office of the Canyon County Recorder in Book 23 of Plats at Page 4 and a portion of the SW ¼ Section 7, T3N, R1W, BM) for Craig Bedford, Bedford Enterprises LLC d.b.a. Nugget CBD (CUP 157-19). – ACTION ITEM
Chairman McGrath proceeded to public hearing.

The applicant was not present

Senior Planner Watkins:
- Watkins advised the CBD portion of the business was an allowed use in the GB-1 zoning district and the Conditional Use Permit Application was for the Vape sales.

Sellman motioned and Kehoe seconded to continue the public hearing for CUP-00157-2019 for Vape Sales at 5840 E Franklin Rd, in a GB-1 zoning district for Craig Bedford, Bedford Enterprises, LLC dba Nugget CBD, to December 10, 2019, due to the absence of the applicant. Motion carried.

Public Hearing No. 7:
Conditional Use Permit for Firearms Manufacturing in an IL (Light Industrial) zoning district at 1604 E Plaza Loop (Tax 10016 in Lot 14 and part of Lot 1 and 2, Block 1, Mason Creek Plaza and a portion of the SW ¼ Sylvan Heights in Section 14, T3N, 2W, BM) for Brian Kennedy, Precise Innovation LLC (CUP-00158-2019). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

Brian Kennedy of 548 E Woodbury, Meridian – the applicant:
- Mr Kennedy stated he had been at the 1604 E Plaza Loop location for a short period of time.
- According to Mr. Kennedy, they operate a machine shop at that location and were now applying for their FFL in order to manufacture AR-15 rifles.
- In response to a question from Kropp, Mr Kennedy stated he owned the business but leased the property where the business was located.

Senior Planner Watkins:
- Watkins stated the applicant had submitted a Conditional Use Permit application to allow for firearms manufacturing in the space located at 1604 E Plaza Lp.
- The subject property, added Watkins, was within the City limits and zoned IL and the properties to the north, south and east are also zoned IL The property to the west is zoned BC.
- The Light Industrial district, continued Watkins, was intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments.
- The area has a Comprehensive Plan designation of General Commercial and the location of the building was on the border of the General Commercial and the Light Industrial area, therefore the Light Industrial zoning had been pulled to that property.
- The tenant space comprises approximately 2,700 sq ft and is part of a large building with multiple tenants and shared parking.
- City water, sewer and irrigation services are available to the property, noted Watkins, with access from two points along E Plaza Loop.
- The business will manufacture AR-15 rifles, reported Watkins, and the completed rifles would be stored in a safe within an alarmed secured room. Other completed components would also be stored within that room.
- No direct sales would occur at the subject location and the rifles would be shipped from the location to gun dealers.
- Watkins explained the applicable regulations for approval of a Conditional Use Permit under Nampa City Code, Title 10, Chapter 25.
- Watkins reviewed the recommended conditions of approval for the Firearms Manufacturing facility at 1604 E Plaza Lp, if approved by the Commission.

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

Garner motioned and Sellman seconded to close public hearing. Motion carried.
Kropp motioned and Sellman seconded to approve the Conditional Use Permit for Firearms Manufacturing in an IL zoning district at 1604 E Plaza Loop, Tax 10016 in Lot 14 and part of Lot 1 and 2, Block 1, Mason Creek Plaza for Brian Kennedy, Precise Innovation, LLC, subject to:

1. All requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as State, or Federal agencies regarding use of the property for a firearms manufacturing business shall be satisfied prior to occupancy.
2. The owner maintains all regulatory permitting, licensures and operational procedures as required by law.
3. Completed rifles will be stored in a safe within an alarmed secured room. Other completed components will be also stored within the secured room.
4. The Conditional Use Permit is granted only to the property for the duration of the use and shall not be transferable to any other location.

Motion carried

Meeting adjourned at 9:25 p.m.

Norman L Holm, Planning Director

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