

BEFORE THE NAMPA CITY COUNCIL
CITY OF NAMPA, CANYON COUNTY, IDAHO

In the Matter of Denial of a request for)
Rezone from RD (Two-Family Residential))
zoning district to BC (Community)
Business) zoning district at 1215 13th St S,)
(R1594200000), by:)

Brenda & Oswaldo Rodriguez)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION**

Case No. ZMA-00198-2024

This matter came before the Nampa City Council (“Council”) for hearing and consideration on the 5th day of May, 2025, upon a request filed by owner(s) Brenda and Oswaldo Rodriguez, pursuant to Idaho State Code Title 50-222(3), Nampa City Code Title 10 Chapter 2(4.C.1), Nampa City Code Title 10, Chapter 2(3.c). Council hereby makes the following findings, conclusions of law and decision on this matter.

I.

RECORD

Council’s decision is made from evidence and testimony presented at the hearing on Monday, May 5, 2025.

II.

FINDINGS OF FACT, CONCLUSIONS OF LAW

Regarding the request for the Zoning Map Amendment from RD (Two-Family Residential) to BC (Commercial Business) zoning district, and potential Development Agreement for 1215 13th Street S, parcel #R1594200000 and right-of-way in front of the parcel, for a total of 0.389 acres, located in the NW 1/4 of Section 27, T3N, R2W, BM, for Aaron Randell/JGT Architecture, representing Brenda & Oswaldo Rodriguez (ZMA-00198-2024), the Nampa City Council denies the rezone request. In denying the request the council finds the following:

- A. The proposed map amendment(s) is, are or would be in harmony with the City's currently adopted comprehensive plan and comprehensive plan land use map.**

- The property is located in an area that is designated as High Density Residential on the Future Land Use Map in the Comprehensive Plan, however, the Commercial designation to the west can be ‘stretched, one parcel deep’ to the subject property.
- The proposed BC zone is a permitted zone under the Comprehensive Plan Future Land Use Map designation of Commercial, which can be ‘stretched, one parcel deep’ to the subject property.
- The development complies with goals, strategies and principles outlined in the Nampa Comprehensive Plan.

B. The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses.

- The Comprehensive Plan defines compatibility and this development complies with those definitions.
- The proposed BC zone is a permitted zone under the Comprehensive Plan Future Land Use Map designation of Commercial, which can be ‘stretched, one parcel deep’ to the subject property.
- “The properties around the site include Odin’s Eye Embroidery, Canyon Speech Pathology, John L Scott Real Estate, Hot Shots Brewing and Bullock and Company Realtors.”
- According to 10-3-2 Schedule of uses, a restaurant is a permitted use in the BC (Community Business) zoning district.
- The proposed restaurant structure will be required to comply with Design Review standards as outlined in NCC Title 10, Chapter 34.
- This lot is very small and has constrained parking and maneuverability, causing traffic and trash collection in the alleyway, that is also used by neighboring businesses.
- The adjacent residents have an expectation of residential in this area due to the existing zoning.

- A drive aisle along the eastern boundary next to residential property will impact the adjacent properties because of noise, lighting and exhaust fumes.
- The existing fence does not adequately provide a buffer between the proposed commercial use and the existing residences.

C. The proposed zoning map amendment(s) is in the interest of the public and reasonably necessary.

- According to 10-3-2 Schedule of uses, a restaurant is a permitted use in the BC (Community Business) zoning district.
- City codes are written to protect the public interest by providing guidance for development, therefore, this project is presumed to be in the public interest because any further development or redevelopment of the property will be required to meet City standards for development and shall install appropriate site improvements upon development.
- City services and utilities are available to this property.
- The proposed restaurant structure will be required to comply with Design Review standards as outlined in NCC Title 10, Chapter 34.
- Neighbor across 13th St S, are concerned about noise, traffic congestion, late night activity, trash, bright lights, decrease in property values, parking, and character of the quiet residential neighborhood.
 - a. Engineering Division did not require a Traffic Impact Study due to the low volume of traffic anticipated for this use, the condition of the surrounding streets and the size of structure.
 - b. An analysis of the parking layout surmises that traffic will be encouraged to leave and enter the site at an angle that faces away from the concerned residence across 13th St S.
 - c. “The properties around the site include Odin’s Eye Embroidery, Canyon Speech Pathology, John L Scott Real Estate, Hot Shots Brewing and Bullock and Company Realtors.”

- This lot is very small and has constrained parking and maneuverability, causing traffic and trash collection in the alleyway, that is also used by neighboring businesses.
- The adjacent residents have an expectation of residential in this area due to the existing zoning.
- A drive aisle along the eastern boundary next to residential property will impact the adjacent properties because of noise, lighting and exhaust fumes.
- The existing fence does not adequately provide a buffer between the proposed commercial use and the existing residences.

Conclusion: Based on the comments received by the public and Council and analysis of both State and City Laws/Codes, the proposed map amendment for parcel #R1594200000 is in harmony with the City's Comprehensive Plan because it establishes an area of BC (Community Business) zoning that is the same zoning as the properties to the northwest that are currently being used as commercial retail and service businesses and because the zoning district is permitted under the Comprehensive Plan Future Land Use Map designation of Commercial, which can be 'stretched' onto this parcel to allow for the BC Zoning to be applied. The project provides for a set of uses that would not be reasonably compatible with the existing property uses because neighbors are concerned about traffic, overflow parking, safety of clientele, late night activity, bright lights and property values. Although the Engineering Division did not require a Traffic Impact Study due to the relatively small-scale size of the project and the anticipated traffic its use would generate, and the Engineer's analysis of the parking layout surmises that traffic will be encouraged to leave and enter the site at an angle that faces away from the concerned residence, the proposed map amendment is not in the public interest and reasonably necessary for various reasons. Most notably, the very small lot size would considerably constrain on-site parking and maneuverability and, in turn, cause traffic and trash issues in the alleyway (which is also used by neighboring businesses), and the adjacent existing residents have a reasonable expectation of residential use in this specific area due to the existing zoning. Furthermore, a drive aisle along the eastern boundary next to existing residential property will adversely impact the adjacent properties because of commercial noise, lighting, and exhaust fumes, and the existing fence does not adequately provide a buffer between the proposed commercial use and the existing residences.

III.
DECISION

The Council, based upon the testimony and evidence in record in this matter and upon findings of fact and conclusions of law set forth herein DOES HEREBY DETERMINE AND DECIDE AS FOLLOWS: the request for Zoning Map Amendment from RD (Two-Family Residential) to BC (Commercial Business) zoning district, and potential Development Agreement for 1215 13th Street S, parcel #R1594200000 and right-of-way in front of the parcel, for a total of 0.389 acres, located in the NW 1/4 of Section 27, T3N, R2W, BM, for Aaron Randell/JGT Architecture, representing Brenda & Oswaldo Rodriguez (ZMA-00198-2024), is DENIED.

These Findings of Fact, Conclusions of Law and Decision are approved and adopted by the Nampa City Council on this 19th day of May, 2025.

Deborah Kling, Mayor

Attest:

City Clerk

NOTICE TO THE APPLICANT

You are hereby notified of the following:

Pursuant to Idaho Code §67-6519(4) you are entitled to request that the City of Nampa conduct a regulatory takings analysis pursuant to the Idaho Regulatory Takings Act (Idaho Code §67-8001 *et seq.*)

Pursuant to Idaho Code §67-6535, your annexation request was reviewed as a legislative action under Idaho Code 50-222(3)(a), and your rezone request was evaluated under Nampa City Code Title 10 Chapter 2, Nampa City Code Title 10, Chapter 10, Nampa City Code, and the Local Land Use Planning Act (Idaho Code §67-6501 *et seq.*) and other applicable law.