

Planning & Zoning Department
Before the Mayor and City Council
15 APRIL, 2024

PUBLIC HEARING ITEM
STAFF REPORT

By Kristi Watkins, Principal Planner

Vacation of existing utility easements for a multi-family residential development in the BC (Community Business) zoning district, 3.19 acres located in the NW 1/4 of Section 34, T3N, R2W, BM, including four parcels, Parcel#s R116540000, R116550000, R116560000, and R117680000, addressed as 203 & 211 E Florida Ave, 1224 S Nectarine St, and 200 E Hawaii Ave, for Hutchison Smith Architects/Keith Tasker representing The Housing Company (VAC-00063-2023).

(Action: *Decision*)

PROPERTY DETAILS

Current Jurisdiction/Status: The properties are currently in city limits and zoned BC.

Surrounding Zoning:

North: BC & RML – Auto Zone, McDonalds, Multi-Family, Single-Family mixed use

South: BC – Car Wash, Bank

East: RML – Multi-Family & Single Family

West: BC – Jack-In-The-Box, Vacant Lot

History: **May 2023** – Approved Conditional Use Permit for Multi-Family Apartments.

December 2023 - Design Review of entire Multi-Family Complex – Approved

February 1982 (Ord 1816), July 1982 (Ord 1830), and July 1997 (Ord 2655) – removed ONLY portions of utility easements and public right-of-way.

REQUEST: To remove all blanket utility easements still existing on the property.

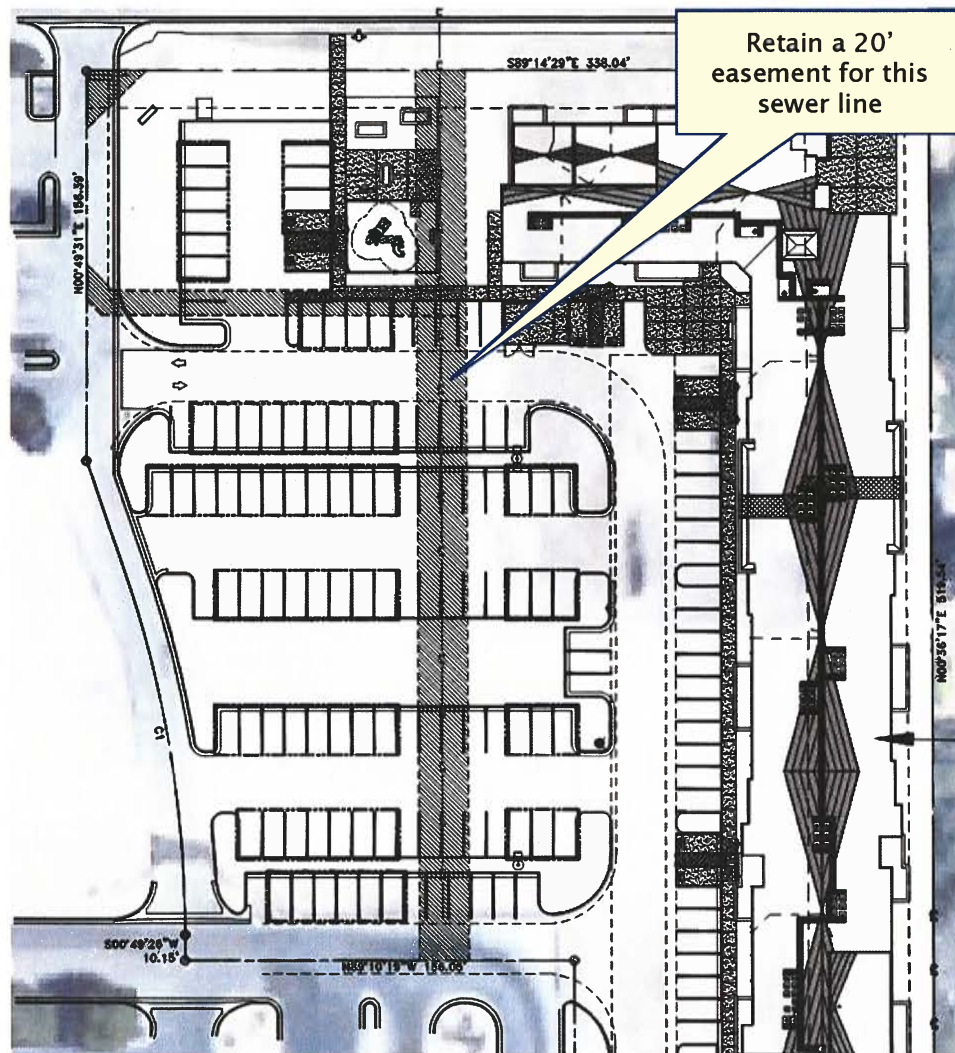
STAFF ANALYSIS

Engineering: It is alright to remove the Blanket Utility Easements, but retain and preserve a 20' wide portion of the existing sewer easement on the existing 8" mainline.

Public Interest

It is within the public interest for easements to provide access to the service facility it may house. Vacating and recreating easements may be more convenient for the entity that is responsible for the utility's care and maintenance. It is also in the public interest to allow orderly development, allowing a project to use its property to its fullest potential when an easement is no longer necessary.

Staff notes that a vacation is permanent. If a vacation were to be approved, it would still apply even if the property were to redevelop in an alternative way.



APPLICABLE REGULATIONS

VACATION CODE REFERENCES

10-27-12.D.3: Vacation to Erase Easement or Right-of-Way: Vacation approval shall be required in order to either erase some or all or part of an easement or right-of-way. Vacation approval shall be required in order to move the location of all or part of an already platted and recorded right-of-way or easement. Processing of vacation requests for easements and/or rights-of-way shall be executed in accordance with provisions of Idaho State Code. Right-of-way vacations shall be done by ordinance of the City Council and approved first by the same during a public hearing.

Idaho State Code Section 50-1325 – Vacation of Easements: Easements shall be vacated in the same manner as streets.

Idaho State Code Section 50-1321 - Necessity for consent of adjoining owners, Acknowledgment and filing of consent, Limitation on rule, Prerequisites to order of vacation: No vacation of a public street, public right-of-way or any part thereof having been duly accepted and recorded as part of a plat or subdivided tract shall take place unless the consent of the adjoining owners be obtained in writing and delivered to the public highway agency having jurisdiction over said public street or public

right-of-way. Such public street or public right-of-way may, nevertheless, be vacated without such consent of the owners of the property abutting upon such public street or public right of way when such public street or public right-of-way has not been opened or used by the public for a period of five (5) years and when such nonconsenting owner or owners have access to the property from some other public street, public right-of-way or private road. However, before such order of vacation can be entered, it must appear to the satisfaction of the public highway agency that the owner or owners of the property abutting said public street or public right-of-way have been served with notice of the proposed abandonment in the same manner and for the same time as is now or may hereafter be provided for the service of the summons in an action at law.

CORRESPONDENCE

Agency/City department comments have been received regarding the vacation of easement request associated with this matter [and report]. Such correspondence, by way of information, as received from agencies or the citizenry regarding the application package [received by April 10, 2024] is hereafter attached to this report. Agency comments that indicate no comment/issues/concerns will not be listed here, but are attached to this staff report.

- **Nampa Engineering Division:**
 - Engineering has no comment on vacation of blanket utility easement within former S Nectarine St public right of way.
 - Any proposed public utility easement vacation shall retain and preserve existing 20' wide sewer easement on existing 8" mainline as described in Ordinance #2655, Instrument #9724591.
 - Any future onsite public mainline to be constructed as part of the proposed Core Apartments project shall be contained within new public utility easement to be deeded to the City.
- **Nampa Building Dept:** The project is subject to all required building codes and related permits based on the requirements of City Ordinance-Title 4 – Building Regulations. Specifically, new commercial buildings, multi-family apartment buildings, commercial structures and remodels are required to obtain a building permit with associate sub-permits for each building or structure prior to starting construction. Drawings are required to be designed and stamped by Idaho Licensed design professionals.
- **CenturyLink:** No objection to request. It is the intent and understanding of CenturyLink that this vacation shall not reduce our rights to any other existing easements or rights we have on this site or in the area. CenturyLink stipulates that if their facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.
- **Idaho Power:** Found no facilities located within the requested area. Agrees to relinquish interest in the easement area.

RECOMMENDED CONDITIONS OF APPROVAL

1. At time of development, Developer will be responsible to ensure exact location of existing onsite public mainlines and associated easements are verified, and any onsite public mainline remaining at project closeout shall be contained within public utility easement.

[Any conditions that the City Council may wish to impose]

FINDINGS OF FACT

Proposed Findings for Approval:

VACATION NCC § 10-27-12.D.3 & Idaho State Code Sections 50-1321 & 50-1325

1. Processing of vacation requests for easements and/or rights-of-way shall be executed in accordance with provisions of Idaho State Code.

- This request was processed in accordance with Idaho State Code 50-1321 & 50-1325.

2. When the procedures set forth herein have been fulfilled, the city council may grant the request to vacate with such restrictions as they deem necessary in the public interest.

- Vacating this easement is necessary to make the most efficient use of the property.
- City of Nampa Engineering and other public utility agencies have been notified and to hereby agree that these easements may be vacated with conditions.

Based upon the analysis that was completed utilizing the conclusions of law and Nampa City Code, coupled with the findings listed in the staff report, the project appears to meet all the requirements for a vacation. As a result, staff can reasonably recommend to the City Council that the vacation be approved.

POTENTIAL MOTIONS

APPROVE:

I move to approve the **Vacation of existing utility easements for a multi-family residential development in the BC zoning district**, addressed as 203 & 211 E Florida Ave, 1224 S Nectarine St, and 200 E Hawaii Ave, for Hutchison Smith Architects/Keith Tasker representing The Housing Company (VAC-00063-2023) with the proposed findings listed in this staff report.

DENY:

I move to deny the request for **Vacation of existing utility easements for a multi-family residential development in the BC zoning district**, addressed as 203 & 211 E Florida Ave, 1224 S Nectarine St, and 200 E Hawaii Ave, for Hutchison Smith Architects/Keith Tasker representing The Housing Company (VAC-00063-2023)...

... because the project fails to comply with the conclusions of law as outlined in the staff report for these reasons _____.

ATTACHMENTS

- Application
- Exhibit
- Agency and Public Correspondence



Planning & Zoning Department

Master Application

Staff Use OnlyProject Name: The Core ApartmentsFile Number: VAC-00063-2023Related Applications: CUP-00312-2023**Type of Application**

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Planned Unit Development/MPC |
| <input type="checkbox"/> Appeal | <input type="checkbox"/> RV Park |
| <input type="checkbox"/> Building & Site Design | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Short |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Final |
| <input type="checkbox"/> Modification | <input type="checkbox"/> Condo |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Daycare | <input type="checkbox"/> Fireworks Stand |
| <input type="checkbox"/> Kennel License | <input checked="" type="checkbox"/> Vacation |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Mobile Home Park | <input type="checkbox"/> Zoning Map/Ordinance Amendment |
| <input type="checkbox"/> Legal Non-Conforming Use | <input type="checkbox"/> Other: _____ |

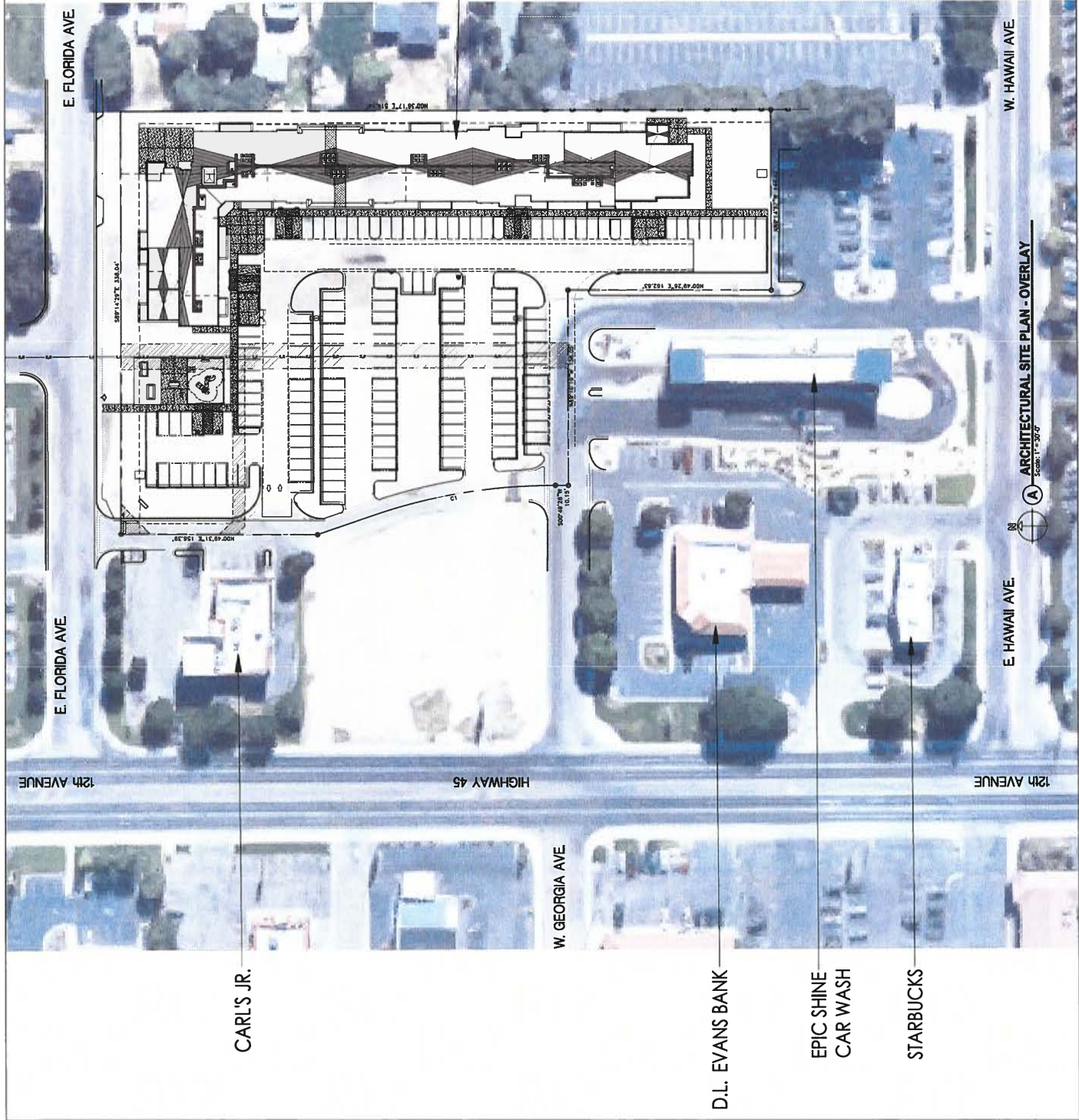
You must attach any corresponding checklists with your application or it will not be acceptedApplicant Name: Keith Tasker, Hutchison Smith Architects Phone: (208) 338-1212Applicant Address: 270 North 27th Street Email: ktasker@hsaarchitects.comCity: Boise State: Idaho Zip: 83702Interest in property: ☐ Own ☐ Rent ☒ Other: Project ArchitectOwner Name: Kathryn Almborg, The Housing Company Phone: (208) 331-4711Owner Address: 565 West Myrtle Street, Suite 250 Email: KathrynA@IHFA.orgCity: Boise State: Idaho Zip: 83702Contractor Name (e.g., Engineer, Planner, Architect): Cole Krueger, Project ManagerFirm Name: Wright Brothers, The Building Company Phone: (208) 938-6000Contractor Address: 779 E. State Street Email: CKrueger@wbtbc.comCity: Eagle State: Idaho Zip: 83616

Subject Property InformationAddress: 203 East Florida Avenue, Nampa, IdahoParcel Number(s): APN# R116540000; APN# R116550000; APN# R116560000; APN# R117680000; Total acreage: 3.19 Acres Zoning: BCType of proposed use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Other: Multi-Family Apartment BuildingProject/Subdivision Name: The Core ApartmentsDescription of proposed project/request: The proposed program is seventy-four (74) apartment units contained in one (1) three-story elevator building containing 3-bedroom, 2-bedroom, 1-bedroom units, and on-site parking on an approximately 3.19-acre site. The community area and amenities include a Lobby, Leasing Office, Fitness Center, Computer Center, Laundry, and Meeting Room. The on-site parking will provide approximately 165 stalls, of which 74 will be covered and 8 ADA stalls.Proposed Zoning: BC Acres of each proposed zone: 3.19 Acres**Development Project Information (if applicable)**

Lot Type	Number of Lots	Acres
Residential		
Commercial		
Industrial		
Common (Landscape, Utility, Other)		
Open Space		
Total		

Please answer all questions that are relevant to your projectMinimum square footage of structure: 29,094 SF. Maximum building height: 36'-3"Minimum property size (s.f.): N/A Average property size (s.f.): N/AGross density: 23.2 Units / Acre Net density: N/AType of dwelling proposed: ☐ Single-family Detached ☐ Single-family Attached☐ Duplex ☒ Multi-family ☐ Condo ☐ Other: _____Proposed number of units: 74 UnitsTotal number of parking spaces provided: 165% of open space/common area: 26%**Completed applications and checklists can be sent to: pzall@cityofnampa.us****Authorization**Print applicant name: Keith TaskerApplicant signature:  Date: Nov. 2, 2023**City Staff**Received by: CF Received date: 3/7/2024

There are no adjacent neighbors.



CARL'S JR.

D.L. EVANS BANK

EPIC SHINE
CAR WASH

STARBUCKS

THE CORE APARTMENTS
3 STORY BUILDING
74 UNITS

ARCHITECTURAL SITE PLAN - OVERLAY
Scale: 1" = 30'-0"

W. HAWAII AVE

E HAWAII AVE

E FLORIDA AVE

12th AVENUE

HIGHWAY 45

W. GEORGIA AVE

12th AVENUE

HUTCHISON
SMITH
ARCHITECTS
3170 N. W. 17th St., Suite 101, Ft. Lauderdale, FL 33305
(954) 358-1212 Fax (954) 358-0011

PROJECT: 22-111
DATE: OCT 2023
DRAWN: TM
Scale:

ARCHITECTURAL SITE PLAN - OVERLAY
THE CORE APARTMENTS
200 EAST FLORIDA AVENUE, MIAMI, FL 33136
9966

SHEET NO.
AS1.02

City review stamp



December 13, 2023

Sent via email to ktasker@hsaarchitects.com

Hutchinson Smith Architects
% Keith Tasker
270 N 27th St.
Boise, ID 83702

Re: Relinquishment of Public Utility Easement remaining from the vacated Nectarine Street between East Hawaii and East Florida Avenue, Canyon County, Idaho.

Dear Keith,

This is in response to the public utility easement (PUE) relinquishment request submitted to Idaho Power Company and received in our office November 2, 2023, regarding the possible relinquishment of the PUE located as noted above. The attached Exhibit A more specifically identifies the requested area for relinquishment.

Idaho Power's review of your request indicated that we do not have facilities located within the requested area. As such, Idaho Power agrees to relinquish our interest in the easement area per the attached Exhibit A.

Thank you for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,

Laura Lacy
Associate Real Estate Specialist
Idaho Power Company/ Corporate Real Estate
Land Management and Permitting Department
208-388-5070
llacy@idahopower.com

Candace Fry

From: Shaun Nichols
Sent: Monday, March 11, 2024 10:32 AM
To: Candace Fry
Subject: RE: The Core Apartments- VAC-00063-2024

Follow Up Flag: Follow up
Flag Status: Flagged

Candace,

The Building Safety Department has reviewed the planning application for The Core Apartments – VAC-00063-2023 with the following conditions: The project is subject to all required building codes and related permits based on the requirements of City Ordinance -Title 4 – Building Regulations. Specifically, new commercial buildings, multi-family apartment buildings, commercial structures, and remodels are required to obtain a building permit with associated sub-permits for each building or structure prior to starting construction. Drawings are required to be designed and stamped by idaho licensed design professionals. Each new commercial, residential multi-family apartment building, or single-family project is required to apply for a separate building permit with associated sub-permits for each individual structure.

Thanks



Shaun Nichols
Assistant Building Official
500 12th Ave S, Nampa, ID 83651
Office Line: 208.468.5435
Cell: 208.965.0284
Building Email: buildingpermits@cityofnampa.us
[Department of Building Safety, Like us on Facebook](#)
NAMPA Ready

From: Candace Fry <fryc@cityofnampa.us>
Sent: Friday, March 8, 2024 2:32 PM
Subject: The Core Apartments- VAC-00063-2024

Good afternoon,

RE: The Core Apartments – VAC-00063-2023

I have attached for your review the application for Vacation of existing utility easements for a multi-family residential development in the BC (Community Business) zoning district, 3.19 acres located in the NW 1/4 of Section 34, T3N, R2W, BM, including four parcels, Parcel#s R116540000, R116550000, R116560000, and R117680000, addressed as 203 & 211

3/13/2024



Candace Fry
500 12th Ave S
Nampa, ID 83651

P861105
No Reservations/No Objection

SUBJECT: Request for the Vacation - Abandonment of a platted easement located in the NW 1/4 of Section 34, T3N, R2W, BM, including four parcels, Parcel #s R116540000, R116550000, R116560000, and R117680000, addressed as 203 & 211 E Florida Ave, 1224 S Nectarine St, and 200 E Hawaii Ave.

To Whom It May Concern:

Qwest Corporation d/b/a CENTURYLINK QC ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

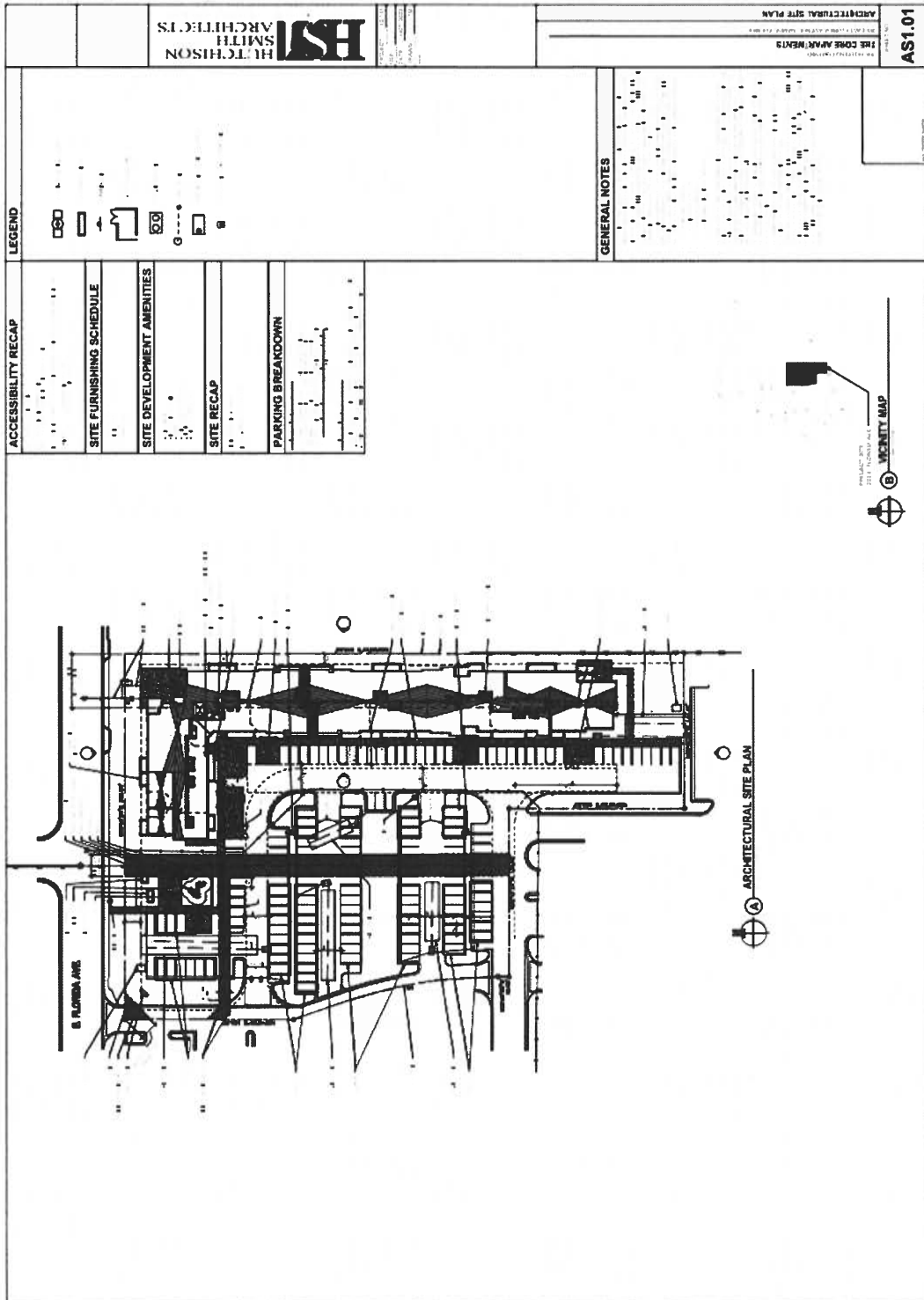
This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions, please contact Richard Hollis at 903-559-1095 or richard.hollis@lumen.com

Sincerely yours,

CenturyLink Right of Way Team

Exhibit "A"



Candace Fry

From: Carol Shackelford
Sent: Monday, March 11, 2024 4:23 PM
To: Planning-Zoning Staff
Subject: FW: The Core Apartments- VAC-00063-2024
Attachments: VAC-00063-2023_The Core Apts_Application_Updated.pdf; VAC-00063-2023_The Core Apts_Legal Description.docx; VAC-00063-2023_The Core Apts_Narrative Updated.docx; VAC-00063-2023_The Core Apts_Site Plan 1.pdf; VAC-00063-2023_The Core Apts_Site Plan 2.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

I find no code violations at 211 E Florida, 203 E Florida, 1224 S Nectarine St, or 200 E Hawaii.

*****Please remember*****

Properties that are in the city must be maintained in accordance with City of Nampa code. Weeds should be kept cut, and noxious weeds destroyed. Miscellaneous debris should be removed. If the property is not kept in accordance with city code, it could lead to abatement and possible tax lien.

From: Soyla Reyna <reynas@cityofnampa.us>
Sent: Friday, March 8, 2024 3:58 PM
To: Carol Shackelford <shackelfordc@cityofnampa.us>
Subject: FW: The Core Apartments- VAC-00063-2024

Crm created

Please return all comments to the Planning and Zoning staff (pzall@cityofnampa.us) prior to April 5, 2024.

From: Candace Fry <fryc@cityofnampa.us>
Sent: Friday, March 8, 2024 2:32 PM
Subject: The Core Apartments- VAC-00063-2024

Good afternoon,

RE: The Core Apartments – VAC-00063-2023

I have attached for your review the application for Vacation of existing utility easements for a multi-family residential development in the BC (Community Business) zoning district, 3.19 acres located in the NW 1/4 of Section 34, T3N, R2W, BM, including four parcels, Parcel#s R116540000, R116550000, R116560000, and R117680000, addressed as 203 & 211 E Florida Ave, 1224 S Nectarine St, and 200 E Hawaii Ave, for Hutchison Smith Architects/Keith Tasker representing The Housing Company (VAC-00063-2023).

This application will go before City Council as a public hearing item on the April 15, 2024 agenda.

Please return all comments to the Planning and Zoning staff (pzall@cityofnampa.us) prior to April 5, 2024.

Thanks,



DATE: March 25, 2024
TO: Planning and Zoning Department
FROM: Peter Nielsen, Sr Eng Plans Examiner
CC: Caleb LaClair, P.E., Nampa Assistant City Engineer
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa Public Works Director
APPLICANT: Keith Tasker, Hutchison Smith Architects
OWNER: The Housing Company
ADDRESS: 203 & 211 E Florida Ave, 1224 S Nectarine St, 200 E Hawaii Ave
RE: **VAC-00063-2023 – Easement Vacation for future development**

The Nampa Engineering Division provides the following comments regarding this application:

1. Engineering has no comment on vacation of blanket utility easement within former S Nectarine St public right of way.
2. Any proposed public utility easement vacation shall retain and preserve existing 20' wide sewer easement on existing 8" mainline as described in Ordinance #2655, Instrument #9724591.
3. Any future onsite public mainline to be constructed as part of the proposed Core Apartments project shall be contained within new public utility easement to be deeded to the City.

Conditions

1. At time of development, Developer will be responsible to ensure exact location of existing onsite public mainlines and associated easements are verified, and any onsite public mainline remaining at project closeout shall be contained within public utility easement.

Aerial Map (Source "City of Nampa GIS")



From: [Ron Johnson](#)
To: [Planning-Zoning Staff](#)
Subject: RE: [EXTERNAL]The Core Apartments- VAC-00063-2024
Date: Monday, April 1, 2024 4:34:50 PM
Attachments: [image003.png](#)

CAUTION: This email originated OUTSIDE the City of Nampa domain. **DO NOT** click on links or open attachments unless you recognize the sender or are sure the content is safe. Highlight the suspect email and send using the Outlook Phish Alert Report button or call the IT Helpdesk at (208) 468-5454.

Good afternoon,

Nampa Fire District has already reviewed and commented on the building permit for this project. I have no objection to vacation of the easement and have no additional comments outside of our plan review.

Thanks,



Ron Johnson
Deputy Chief / Fire Marshal
9 12th Ave South, Nampa, ID
O: 208.468.5760
C: 208.250.7005
[Nampa Fire Website](#) - [Facebook](#)

From: Candace Fry <fryc@cityofnampa.us>
Sent: Friday, March 8, 2024 2:32 PM
Subject: [EXTERNAL]The Core Apartments- VAC-00063-2024

Some people who received this message don't often get email from fryc@cityofnampa.us. [Learn why this is important](#)

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Good afternoon,

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Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH
FAX #208-463-0092

NAMPA, IDAHO 83651-4395
nmid.org

OFFICE: Nampa 208-466-7861
SHOP: Nampa 208-466-0663

March 25, 2024

City of Nampa
Planning & Zoning
500 12th Avenue South
Nampa, ID 83651

RE: VAC-00063-2023/ The Core Apartments; 203 E Florida Ave

To Whom It May Concern:

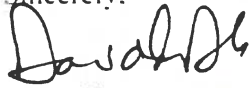
Providing all storm drainage is retained on-site there will be no impact to Nampa & Meridian Irrigation District (NMID). Therefore, no further review will be required at this time.

If any surface drainage leaves the site, NMID requires a filed Land Use Change Application for review prior to final platting.

All private laterals and waste ways must be protected. It is recommended that irrigation water be available to all developments within NMID. Developers must comply with Idaho Code 31-3805.

Please call with any further questions at (208) 466-0663.


Sincerely,



David T. Duvall
Asst. Water Superintendent
Nampa & Meridian Irrigation District
DID:eol

Cc:

Office/ File



APPROXIMATE IRRIGABLE ACRES
RIVER FLOW RIGHTS - 23,000
BOISE PROJECT RIGHTS - 40,000

Candace Fry

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Tuesday, March 19, 2024 3:22 PM
To: Planning-Zoning Staff
Cc: Candace Fry
Subject: RE: The Core Apartments- VAC-00063-2024

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After careful review of the transmittal submitted to ITD on March 8, 2024, regarding The Core Apartments – VAC-00063-2024, the Department has no comments or concerns to make at this time. The utility easements that are being vacated are not on ITD ROW.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Candace Fry <fryc@cityofnampa.us>
Sent: Friday, March 8, 2024 2:32 PM
Subject: The Core Apartments- VAC-00063-2024

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Candace Fry

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, March 11, 2024 7:08 AM
To: Planning-Zoning Staff
Subject: FW: The Core Apartments- VAC-00063-2024
Attachments: VAC-00063-2023_The Core Apts_Application_Updated.pdf; VAC-00063-2023_The Core Apts_Legal Description.docx; VAC-00063-2023_The Core Apts_Narrative Updated.docx; VAC-00063-2023_The Core Apts_Site Plan 1.pdf; VAC-00063-2023_The Core Apts_Site Plan 2.pdf

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Good Morning,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 12th Ave. Rd. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

From: Candace Fry <fryc@cityofnampa.us>
Sent: Friday, March 8, 2024 2:32 PM
Subject: The Core Apartments- VAC-00063-2024

You don't often get email from fryc@cityofnampa.us. [Learn why this is important](#)
Good afternoon,

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