

- a. Minutes from Planning & Zoning Commission - Regular Meeting - June 11, 2024

NAMPA PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES

June 11, 2024

Meeting Call to Order/Roll Call

Present: Commissioner Matthew Garner, Commissioner Steve Kehoe, Commissioner Bret Miller (Remote-arrived at 6:55 PM), Commissioner Drew Morgan, Commissioner Peggy Sellman, Commissioner Tom Turner, Commissioner Ron Van Auker Jr

Absent: Commissioner Kody Daffer, Commissioner Jeff Kirkman

Staff Present: City Attorney Bryan Norton, City Clerk Char Tim, City Engineer Daniel Badger, Planning Director Rodney Ashby, Principal Planner Kristi Watkins, Senior Planner Parker Bodily

Chair Van Auker Jr. called the meeting to order at 6:00 PM.

(1) Communications

1-1. Report on Council Actions

Rodney Ashby, Planning & Zoning spoke on the land use items recently considered by Council : (1) Final Plats approved; (2) Appeal of the Planning & Zoning Commission approval of the Group Care Home was approved; (3) Sandoval Rezone was approved. He also mentioned that the applicant for the Wood Poppy Subdivision had requested their item be moved back, so it will be considered by Council on June 17, 2024.

1-2. Staff Communications

None

(2) Consent Agenda (Action Items)

MOVED by Kehoe and **SECONDED** by Sellman to Approve Consent Agenda as presented.

RESULT: Passed [6 TO 0]

AYES: Garner, Kehoe, Morgan, Sellman, Turner, Van Auker Jr

NOES: None

ABSTAIN: None

2-1. Minutes

a. Minutes from Planning & Zoning Commission – Regular Meeting – May 28, 2024

MOVED by Kehoe and **SECONDED** by Sellman to Approve the item.

RESULT: Passed [6 TO 0]

AYES: Garner, Kehoe, Morgan, Sellman, Turner, Van Auker Jr

NOES: None

ABSTAIN: None

2-2. Plat Approvals

- a. Action Item: Subdivision Final Plat approval for Harvest Creek No. 5 in a RS6 (Single-Family Residential) zoning district; a 12.53 acre portion of parcel #R28918010B0 at 0 E Locust Ln (located in the NW 1/4 of Section 7, T2N, R1W, BM) for Eric Scheck representing Brookfield Holdings (Harvest), LLC (SPF-00258-2024). Original concept: 34 single-family detached lots and 11 common lots. *(Candace Fry)*

MOVED by Kehoe and **SECONDED** by Sellman to Approve the item.

RESULT: Passed [6 TO 0]

AYES: Garner, Kehoe, Morgan, Sellman, Turner, Van Auker Jr

NOES: None

ABSTAIN: None

- b. Action Item: Subdivision Final Plat approval for Middlebury North No. 2 in a RD (Two-Family Residential) zoning district; a 20.7 acre portion of parcel #R3279800000 at 0 Midway Rd (located in the NE 1/4 of Section 13, T3N, R3W, BM) for Kent Brown representing Endurance Holdings LLC (SPF-00260-2024). Original concept: 18 single-family attached dwelling units in 2-unit townhouses, 10 single-family attached dwelling units in 5 duplex buildings, 92 dwelling units in (23) 4-plex buildings, a total of 46 residential building lots and 13 common lots. *(Candace Fry)*

MOVED by Kehoe and **SECONDED** by Sellman to Approve the item.

RESULT: Passed [6 TO 0]

AYES: Garner, Kehoe, Morgan, Sellman, Turner, Van Auker Jr

NOES: None

ABSTAIN: None

(3) Public Hearings

- 3-1. Action Item: Conditional Use Permit for the operation of an alcohol sales establishment in the DH (Downtown Historic) zoning district at 1020 1st St S (a 0.47 acres parcel #R1319400000; located in the SE 1/4 of Section 22, T3N, R2W, BM) for Jorge Perez (CUP-00341-2024). Original concept: a nightclub for adults 21 years and older. *(Rodney Ashby)*

Chair opened the public hearing.

Jorge and Sylvia Perez, Applicants, 2508 Syringa Ln, Caldwell presented the request and responded to Commission's questions on the average expected attendance, building square footage, parking, and hours of operation.

Rodney Ashby, Planning & Zoning presented the item to Council and responded to Commission's questions on number of parking spaces, and if patrons could use parking spots of surrounding closed businesses. Daniel Badger, Engineering responded to Commission's questions on feasibility of removing off-street parking.

Walt Modler, 2800 Taylor Ct, Nampa asked if there would be live entertainment.

Applicants provided closing remarks and responded to the public's question on live entertainment as well as the Commission's questions on parking, Police Department's denial recommendation, and clarified the portion of the building which would be used.

MOVED by Garner and **SECONDED** by Morgan to close the public hearing. Chair asked for a voice vote with all Commission members present voting **YES**. MOTION CARRIED

Discussion ensued on potential traffic congestion, concern over the Police Department's recommendation of denial, and the possibility of continuing the item to allow the applicants to meet with the Police Department to address their concerns before the Commission takes action on the item.

MOVED by Turner and **SECONDED** by Kehoe to re-open the public hearing. Chair asked for a voice vote with all Commission members present voting **YES**. MOTION CARRIED

Applicants were in agreement to continue the item to allow them to meet with the Police Department with assistance from Planning & Zoning staff.

Ron Pierce, 722 W Bitterroot Ct, Nampa stated he was the property owner of the building in question and would be in agreement to angled parking if it would address the Police Department's concerns.

MOVED by Turner and **SECONDED** by Garner to Continue item to the June 25, 2024 meeting.

RESULT: Passed [6 TO 0]

AYES: Garner, Kehoe, Morgan, Sellman, Turner, Van Auker Jr

NOES: None

ABSTAIN: None

3-2. Action Item: Subdivision Short Plat Approval for the Robello on Feather Creek Ln Subdivision in a RA (Suburban Residential) zoning district, 4.998 acres, Parcel #R3037500000 addressed as 5125 E Feather Creek Ln (located in SE 1/4 of Section 6, T3N, R1W, BM) , for Richard Rebello representing Jeanette E Robello Survivor's Trust (SPS-00058-2024). Original Concept: Two single-family residential lots, one with existing dwelling to remain, one for future development. (*Parker Bodily*)

Chair opened the public hearing.

Christopher Norris, Applicant Representative, 5125 E Feather Creek Ln, Nampa presented the request.

Parker Bodily, Planning & Zoning presented the item to Council.

No one spoke in support of or in opposition to the item.

Applicant Representative did not provide any closing remarks.

MOVED by Garner and **SECONDED** by Sellman to close the public hearing. Chair asked for a voice vote with all Commission members present voting **YES**. MOTION CARRIED

MOVED by Garner and **SECONDED** by Morgan to Approve the Subdivision Short Plat Approval for the Robello on Feather Creek Ln Subdivision in a RA (Suburban Residential) zoning district, 4.998 acres, Parcel #R3037500000 addressed as 5125 E Feather Creek Ln, for Richard Rebello representing Jeanette E Robello Survivor's Trust (SPS-00058-2024) with recommended conditions and adopt the potential findings in the staff report.

RESULT: Passed [6 TO 0]

AYES: Garner, Kehoe, Morgan, Sellman, Turner, Van Auker Jr

NOES: None

ABSTAIN: None

- 3-3. Action Item: Development Agreement Modification for the Autumn Leaf subdivision in an RML (Limited Multi-family Residential) zoning district, 12.73 acres in 4 parcels #R3243000000, R3243100000, R32431011A0, R3243101100, addressed as 0, 0 S Nathan Ln, 3100 & 3215 E Cushing Ln (located in the NW 1/4 of Section 36, T3N, R2W, BM) for Jeff Hatch representing William Cushing (DAMO-00064-2024). Original Concept: Revise development agreement to allow a total of 34 multi-family attached dwelling units in 4-unit buildings, to allow two-story dwellings, and to remove the "Senior Independent Living Community" development description. *(Kristi Watkins)*

Clerk's Note: Commissioner Miller arrived remotely at 6:55 PM and took his seat on the Commission.

Chair opened the public hearing.

Jeff Hatch, Applicant Representative, 200 W 36th St, Boise presented the request and responded to Commission's questions on the modification to the age restriction.

Kristi Watkins, Planning & Zoning presented the item to Council. Daniel Badger, Engineering responded to Commission's questions on emergency access on Wilson Lane, any traffic increase caused by multi-family zoning designation, traffic impact study analysis, and right-turn lane option.

Prior to the start of public testimony, the Clerk announced that Commissioner Miller was now participating in the meeting remotely and had arrived at 6:55 PM.

The following spoke in opposition to the item: Paul Haueisen, 3121 Wilson Ln, Nampa (traffic); Walt Modler, 2800 Taylor Ct, Nampa (need for senior housing, traffic); Darren Crays, 3315 Kaden Ln, Nampa (question on requested additional four-plex, profit-driven, increased density); Duans Sweet, 3219 Wilson Ln, Nampa (project was approved due to need for senior housing, traffic); Monty Crabtree, 3203 Wilson Ln, Nampa (lives across street and will be significantly impacted by multi-family zoning and two-story buildings; road width concerns); Lita Wallace, 3304 Wilson Ln, Nampa (mismanagement of property, easement negotiations with applicant have failed); Daryl Hood, 3519 Wilson Ln, Nampa (spoke on previous requests, need for senior housing); Carolyn Hood, 3519 Wilson Ln, Nampa (traffic); Jake Nelson, 3311 E Brendan Dr, Nampa (increase in density, road width, lack of green space if rezoned, need for traffic impact study); and Ray Becker, 3403 Wilson Ln, Nampa (concern that current emergency access road would become main entrance).

Applicant Representative provided closing remarks in response to public testimony received. He responded to Commission's questions on easement issue, option of ADA lifts for two-story buildings, economic issues, and amenity options.

MOVED by Garner and **SECONDED** by Morgan to close the public hearing. Chair asked for a voice vote with all Commission members present voting **YES**. MOTION CARRIED

Discussion ensued on prior approval due to the senior housing. Bryan Norton, Legal responded to Commission's questions on age-restrictions. Rodney Ashby, Planning & Zoning spoke on Council direction when project was approved and the applicant's agreement to the age-restriction.

MOVED by Sellman and **SECONDED** by Morgan to recommend Denial of the Development Agreement Modification for the Autumn Leaf subdivision in an RML Zoning District, addressed as 0, 0 S Nathan Ln, 3100 & 3215 E Cushing Ln for Jeff Hatch representing William Cushing (DAMO-00064-2024) because the modification does not meet the criteria in the original Development Agreement.

RESULT: Passed [7 TO 0]

AYES: Garner, Kehoe, Miller, Morgan, Sellman, Turner, Van Auker Jr

NOES: None

ABSTAIN: None

- 3-4. Action Item: Annexation and Zoning to IL (Light Industrial) zoning district and potential development agreement for RRD3 Industrial Park, a future industrial development at 0 & 9792 Ustick Rd, 48.39 acres in two parcels #R3436101500 & R3436100000; located in the SW 1/4 of Section 33, T4N, R2W, BM) for River Range Idaho, LLC representing Dana & Hilda Devlin (ANN-00302-2024). Original Concept: future industrial development. (*Kristi Watkins*)

Clerk's Note: Prior to considering Item 3-4, Chair announced a short break at 8:04 PM.

Chair opened the public hearing.

Connor Lindstrom, Applicant Representative, 5725 N Discovery Way, Boise presented the request.

Kristi Watkins, Planning & Zoning presented the item to Council. Daniel Badger, Engineering responded to Commission's questions on connectivity options.

No one spoke in support of or in opposition to the item.

Applicant Representative did not provide closing remarks.

MOVED by Garner and **SECONDED** by Sellman to close the public hearing. Chair asked for a voice vote with all Commission members present voting **YES**. MOTION CARRIED

MOVED by Garner and **SECONDED** by Kehoe to recommend Approval of the Annexation and Zoning to IL zoning district for RRD3 Industrial Park, a future industrial development at 0 & 9792 Ustick Rd, for River Range Idaho, LLC representing Dana & Hilda Devlin (ANN-00302-2024), with all conditions listed in the staff report and to adopt the proposed findings of approval as stated in the staff report.

RESULT: Passed [7 TO 0]

AYES: Garner, Kehoe, Miller, Morgan, Sellman, Turner, Van Auker Jr

NOES: None

ABSTAIN: None

- 3-5. Action Item: Conditional Use Permit for the operation of an automobile and truck repair business selling and repairing new and used tires in a BC (Community Business) zoning district at 1104 3rd St N, a 0.32 acre parcel #R1455200300; located in the SE 1/4 of Section 22, T3N, R2W, BM) for Javier Gonzalez, Jr. (CUP-00342-2024) Original concept: Tire shop selling new and used tires and repairing tires. (*Parker Bodily*)

Chair opened the public hearing.

Javier Gonzalez, Applicant, 1104 3rd St N, Nampa presented the request.

Parker Bodily, Planning & Zoning presented the item to Council.

No one spoke in support of or in opposition to the item.

Applicant did not provide closing remarks.

MOVED by Kehoe and **SECONDED** by Sellman to close the public hearing. Chair asked for a voice vote with all Commission members present voting **YES**. MOTION CARRIED

MOVED by Kehoe and **SECONDED** by Morgan to Approve the Conditional Use Permit for the operation of an automobile and truck repair business selling and repairing new and used tires in a BC (Community Business) zoning district at 1104 3rd St N for Javier Gonzalez, Jr. (CUP-00342-2024) with Recommended Conditions and Proposed Findings.

RESULT: Passed [7 TO 0]

AYES: Garner, Kehoe, Miller, Morgan, Sellman, Turner, Van Auker Jr

NOES: None

ABSTAIN: None

Adjournment

MOVED by Kehoe and **SECONDED** by Sellman to Adjourn the meeting at 8:32 PM.

RESULT: Passed [7 TO 0]

AYES: Garner, Kehoe, Miller, Morgan, Sellman, Turner, Van Auker Jr

NOES: None

ABSTAIN: None