



# APPLICATION FOR CONDITIONAL USE PERMIT

PLANNING AND ZONING DEPARTMENT

411 3RD STREET S., NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261

Nonrefundable Fee: \$234.00 (1 acre or less) Nonrefundable Fee: \$463.00 (more than 1 acre)

4/26/20  
Rohney

Applicant Name	Jane Suggs / WHPacific	Home Number	208-275-8729
Street Address	2141 W. Airport Way, Suite 104	Mobile Number	
City	Boise	State	Idaho
		Zip code	83705
Email	jsuggs@whpacific.com		
Property Owner Name	Rhino Holdings Nampa LLC	Home Number	310-210-4429
Street Address	101 East Vinyard Ave., Suite 201	Mobile Number	
City	Livermore	State	California
		Zip Code	94550
Email	sanjiv@rhinoinvestmentsgroup.com		
Applicant's interest in property: ( ) Own ( ) Rent ( <input checked="" type="checkbox"/> ) Other /Representative			
<b>ADDRESS OF SUBJECT PROPERTY:</b> 1509 Caldwell Boulevard / Parcel number R1214310300			

### Please provide the following REQUIRED DOCUMENTATION to complete the CUP

- A copy of one of the following:  Warranty Deed  Proof Of Option  Earnest Money Agreement
- A sketch drawing of the site & any adjacent property affected, showing all existing & proposed locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street parking & off-street loading facilities and landscaped areas, preliminary or final building plans & building elevations, together with any other information considered pertinent to the determination of this matter.
- Signed & Notarized Affidavit of Legal Interest (attached). Form **must** be completed by the legal owner (If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that the person signing is an authorized agent)
- Original Legal description of property AND a legible WORD formatted document. (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

### Project Description

➤ State (or attach a letter stating) the reason for the proposed Conditional Use Permit: 216 units of multi-family housing to be constructed on the south side of the subject property

Dated this 12<sup>th</sup> day of August, 2019

Applicant Signature

### NOTICE TO APPLICANT

This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a public hearing on the application and it shall be granted or denied. Notice of public hearing must be published in the Idaho Press-Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearing and should be present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission, it shall not become effective until after an elapsed period of 15 days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council. You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be sent a document which constitutes an official "Conditional Use Permit". This document will enumerate the conditions attached to the issuance of the permit and state the consequences of failure to comply.

### OFFICE USE ONLY

FILE NUMBER: CUP - 10161 - 2019 PROJECT NAME Karcher Marketplace Apartments



# City of Nampa

PLANNING and ZONING DEPARTMENT

OFFICE (208) 468-5484

CITY HALL

411 THIRD STREET SO.

NAMPA, IDAHO 83651

FAX (208) 465-2261

## AFFIDAVIT OF LEGAL INTEREST

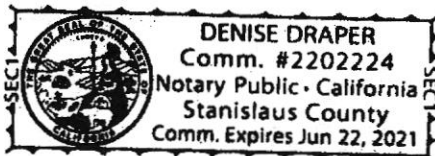
STATE OF <sup>CALIFORNIA</sup> ~~IDAHO~~ )  
 COUNTY OF <sup>ALAMEDA</sup> ~~CANYON~~ ) :SS

- A. I, Rhino Holdings Nampa LLC, whose address is 101 East Vinyard Ave., Suite 201, Livermore, CA 94550, being first duly sworn upon oath, depose and say that I am the owner of record of the property described on the attached application.
- B. I grant my permission to WHPacific, Inc., whose address is 2141 W. Airport Way, Suite 104, Boise, ID 83705, to submit the accompanying application pertaining to the property described on the attached application.
- C. I agree to indemnify, defend and hold the City of Nampa and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 12<sup>th</sup> day of AUGUST, 2019.

Signature

SUBSCRIBED AND SWORN to before me the 12<sup>th</sup> day of AUGUST, 2019.



Notary Public for ~~Idaho~~ CALIFORNIA  
 Residing at: MODesto, CA  
 Commission Expires: 6-22-2021

December 3, 2019

Mr. Norm Holm, Planning and Zoning Director  
City of Nampa  
411 3<sup>rd</sup> Street S  
Nampa, ID 83651

Subject: Karcher Marketplace Apartments  
Conditional Use Permit application

Dear Mr. Holm:

On behalf of our client, Rhino Investments, LLC, and owner, Rhino Holdings Nampa, LLC, please accept the attached application for a Conditional Use Permit for the construction of 288 apartment units located on 10.9 acres just south of the Karcher Mall, located at 1509 Caldwell Boulevard. A record of survey has been prepared that will create the 10.9-acre lot as a separate parcel from the existing Karcher Mall property. A draft of the record of survey is included with our application.

### **Zone and Comprehensive Plan designation**

The property is currently zoned BC – Community Business. Multifamily apartments are allowed in the BC zone with a conditional use permit (CUP), per Nampa City Code 10-3-2. Included in our application is an overall site plan (SP1) showing the location of the apartment buildings on the Karcher Marketplace/Karcher Mall property. We have also included in our application a landscape plan L10, a landscape plan rendering L20 and proposed elevation renderings of the apartment buildings,

The development of the Karcher Marketplace Apartments will provide a significant economic boost the Marketplace/Mall and the surrounding area. Apartment residents will be able to walk or bike to retail, restaurants, and employment. The current Nampa Comprehensive Plan describes the desire of mixed-use development that contains a mix of residential, retail, employment and entertainment in close proximity to one another. Mixed use development contributes to “vitality and interest for residents, additional customers for neighborhood businesses and a variety of housing choices” (Nampa Comp Plan 5.6).

The proposed update to the Nampa Comprehensive Plan will revise the Karcher Mall area from Highway Commercial to Commercial (5.8.1) designation. As defined, the Highway Commercial designation includes residential uses along with the typical shopping centers, drive-in restaurants and big box stores. The revised Comp Plan designation to Commercial includes objectives and strategies for mixed-use, employment, business and commercial activity centers.

The development of the Karcher Marketplace Apartments also meets the criteria for infill development, redevelopment and urban renewal in the updated Comprehensive Plan. The Nampa Development Corporation has agreed to participate with the developer in the revitalization of the Karcher Marketplace/Mall, which includes the construction of the Karcher Marketplace Apartments.

**Conditional Use Permit Criteria**

The proposed Karcher Marketplace Apartments development meets the required findings and criteria for a CUP as described in Nampa Zoning Code 10-25-4. The location, size, design and operation of the Karcher Marketplace Apartments will not adversely affect the livability or redevelopment of abutting or surrounding properties. The apartments will provide a buffer between the commercial uses at the Karcher Marketplace/Mall and the residences to the east and south. An existing pedestrian connection, located in the southeast portion of the site, to the mobile home park will be maintained as noted on Site Plan SP2.

The design of the Karcher Marketplace Apartments has considered the scale, bulk, coverage and density of the development and its impact on the surrounding area. Public services and utilities are all available to the site. A traffic study has indicated that the apartment traffic will not significantly impact the roadway or intersection capacities in the area.

The Karcher Marketplace Apartments will enrich the living, working, and shopping environment of the Karcher Marketplace/Mall and will provide attractive housing that will enhance the successful operation of the Mall and surrounding business. The apartments will also provide essential housing that is needed in Nampa.

**Nampa Development Corporation**

As noted above, the Karcher Marketplace Apartments are a strategic investment in the Nampa Urban Renewal District. With assistance from the NDC, the Karcher Marketplace Apartments will advance the revitalization of the Karcher Marketplace/Mall and improve economic growth for the entire Nampa community.

**The Plan**

As shown on the Multifamily Site Plan (SP2) and illustrated on the Landscape Plan (L10, L20), the proposed Karcher Apartments are composed of 12 buildings with 8 units on each of three floors, or 24 units per building, for a total of 288 apartment units.

Eight of the apartment buildings, plus clubhouse and swimming pool, are located along the south/southwest boundary of the Karcher Marketplace/Mall and are separated from the Mall by a fence and significant landscaping. Access to this area of the apartments will be via 3 gated entrances. The apartments are adjacent to an existing mobile home park, but separated from the park by an existing irrigation lateral, plus fencing and landscaping.

Four of the apartment buildings will be adjacent to Karcher Estates Assisted Living. These units will not be gated but will be separated from the Marketplace/Mall by substantial landscaping.

**The Apartments**

Conceptual floor plans and elevations for the apartments are included with our application. Each building will be three stories and will house 24 apartment units. The units will be a combination

of one, two and three bedrooms. The apartments are served by 4 stairways that reduce the stairway traffic to each unit and provide safe and secure access to each apartment.

The apartment development includes the construction of 537 parking spaces for an average of 1.86 spaces per unit. This ratio is a bit lower than the code requirement of 2 spaces per unit, or 576 spaces. However, there is ample shared and common parking in the Marketplace/Mall for residents and guests as allowed in the Nampa Code 10-22-4.

As noted previously, the apartments will include a clubhouse and swimming pool for residents and guests.

**Utilities and Traffic**

All needed utilities and services are available and/or easily accessible to this infill site as noted below

City of Nampa – Karcher Mall      Utilities – Blue = Water      Green = Sewer      Purple = Pressure Irrigation



The Traffic Impact Study has been submitted and is currently under review by Nampa Engineering and ITD.

The entire Karcher Marketplace team is very pleased to submit this CUP application and support materials. We look forward to working with you and your staff through the approval process. Please do not hesitate to contact me if you have any questions about the application or the Karcher Marketplace Apartments.

Sincerely,

*Jane Suggs*  
Jane Suggs

**2019-018789**

RECORDED

**05/03/2019 02:31 PM**

CHRIS YAMAMOTO  
CANYON COUNTY RECORDER

Pgs=4 PBRIDGES \$15.00

TYPE: DEED

CHICAGO TITLE SEATTLE COMMERCIAL  
ELECTRONICALLY RECORDED

WHEN RECORDED MAIL THIS  
SPECIAL WARRANTY DEED AND  
TAX STATEMENTS TO:

Rhino Holdings Nampa, LLC  
101 E. Vineyard Avenue, Suite 201  
Livermore, California 94550  
Attn.: Sanjiv Chopra

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(Space Above for Recorder's Use)

**SPECIAL WARRANTY DEED**

For valuable consideration, receipt and sufficiency of which are hereby acknowledged, KARCHER CAPITAL, L.P., a California limited partnership ("**Grantor**"), does hereby convey to RHINO HOLDINGS NAMPA, LLC, a California limited liability company ("**Grantee**"), all that certain real property described on Exhibit A attached hereto and made a part hereof for all purposes (the "**Property**").

SUBJECT TO and all matters of record.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anyway belonging to Grantor, unto Grantee, its successors and assigns forever, subject to the matters herein stated.

GRANTOR HEREBY binds itself and its successors and assigns to warrant and defend the title against all acts of the Grantor, and none other, subject to the matters above set forth.

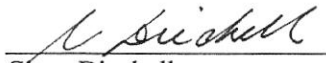
[Signature appears on the immediately following page.]

EXECUTED as of the 3<sup>rd</sup> day of May, 2019.

GRANTOR:

KARCHER CAPITAL, L.P.,  
a California limited partnership

By: Karcher Equity, Inc.,  
a California corporation  
Its General Partner

By:   
Claus Dieckell  
Its President

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 12143103 0**

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Lot 4, in Block 1 of Karcher Mall Subdivision, according to the official plat thereof, filed in Book 42 of Plats at page 17, records of Canyon County, Idaho.



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

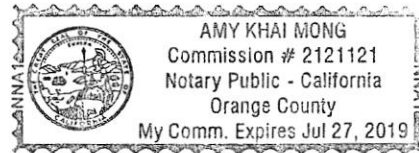
State of California  
County of Orange )


On 05/02/2019 before me, Amy Khai Mong, Notary Public  
(insert name and title of the officer)

personally appeared Claus Dieckell  
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is~~are~~ subscribed to the within instrument and acknowledged to me that he~~/she/they~~ executed the same in his~~/her/their~~ authorized capacity~~(ies)~~, and that by his~~/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature  (Seal)

# INVOICE



## BILLING CONTACT

Jane Suggs  
WHPacific  
W 2141 Airport Way, 104  
Boise, ID 83705

INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
00042120	12/05/2019	12/05/2019	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
CUP-00161-2019	Conditional Use Permit (More than 1 Acre)	\$463.00
2141 W Airport Way 104 Boise, ID 83705		<b>SUB TOTAL</b> \$463.00

**TOTAL** \$463.00



# NAMPA

I D A H O

City of Nampa  
PLANNING & ZONING  
411 3RD STREET SOUTH  
NAMPA, ID 83651-3721  
+1 (208) 468-5484

Welcome

007073-0001 Kristi W. 12/06/2019 08:49AM

**ENERGOV INVOICE**

Suggs, Jane (WHPacific)

~~CUP-00161-2019~~

2019 Item: 00042120

Conditional Use

Permit (More than 1

Acre) 463.00

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463.00

**Subtotal** 463.00

**Total** 463.00

CHECK 463.00

Check Number 100223

**Change due** 0.00

Paid by: CSHQA

Thank you for your payment

CUSTOMER COPY  
DUPLICATE RECEIPT