Conditional Use Permit for a New Duplex in an RS6 zoning district at 1130 Rosenlof Ave. (A 9,264 sq. ft. parcel) for Maria Anna Molina Lopez

Applicant: Anna Molina Lopez
File No: CUP 125-18

Prepared By: Norman L. Holm
Date: December 27, 2018

Requested Action: Conditional Use Permit
Purpose: for a two-story Duplex

GENERAL INFORMATION

Status of Applicant: Owner

Existing Zoning: RS6 (Single Family Residential – 6,000 sq. ft.)

Location: 816 S Elder Street

Size of Property: 62.21’ x 148.5’ or .21 acres or 9,238.2 sq. ft.

Surrounding Land Use and Zoning:
North- Single family dwellings; RS6
South- Single family dwellings; Hispanic Cultural Center, RML (Limited Multiple Family Residential)
East- Single family dwellings, duplex; RS6
West- Single family dwellings, RS6 then RML

Comprehensive Plan Designation: Medium Density Residential
Zoning & Planning History: The property was likely previously occupied by a single-family dwelling that was removed.

Applicable Regulations: Section 10-5-2 Schedule of District Land Use Controls allows duplexes by conditional use permit in RS districts. Chapter 25 sets forth the criteria of approval. These criteria require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood.

Description of Existing Land Uses: Vacant, undeveloped.

Description of Proposed Land Uses: The applicant proposes to construct one duplex on the property.

Parking: The attached plan shows the 8 off-street parking spaces for the duplex, 4 spaces for each dwelling, 2 in each garage and 2 in each driveway.

SPECIAL INFORMATION

Public Utilities: City water, sewer, and irrigation presently serve the site.

Public Services: All available.

Transportation: The duplex would be accessed from Rosenlof Ave.

Physical Site Characteristics: Vacant lot

Environmental: Duplexes have also been allowed by conditional use permit at other RS zoned locations in the immediate area.

Aesthetics/Landscaping: Each lot will be landscaped with grass in those areas not occupied by parking or buildings in harmony with the adjoining dwellings.

In my opinion the addition of the proposed duplex in this neighborhood will be aesthetically attractive and compatible with the quality of existing housing in the area.

Correspondence: No correspondence has been received for or against the proposed new duplex at this location.

STAFF FINDINGS AND DISCUSSION

In my opinion the location is reasonable for the duplexes use because of its’ close proximity to RD and RML zoning where duplexes are permitted and other existing duplexes at nearby locations.

From a land use standpoint, the location is shown on the comprehensive plan for medium density residential land use and the requested use is an eligible conditional use in the RS6 zone.
With regards the conditional use permit, duplex use would be compatible with the surrounding residential neighborhood.

The applicant has provided the attached site plan, floor plan, and elevations of the proposed duplex. The plan shows a two story, 4-bedroom design with a two-car garage for each unit and space in the driveway for two additional parking spaces for each dwelling unit.

If the Commission votes to approve of the CUP, the following findings are recommended:

1) The location, size and design of the proposed duplex will be reasonably compatible with and will not adversely affect the livability or appropriate development of the surrounding neighborhood if the below conditions are required.

2) The location, design, and site planning of the proposed duplex will be as attractive as the nature of the use and its location and setting warrants.

3) The proposed duplex will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community.

**SUGGESTED CONDITIONS OF APPROVAL**

If the Commission votes to issue a conditional use permit the following conditions are recommended to be attached:

1) All requirements of the Nampa fire and building departments regarding the proposed duplex shall be satisfied.

2) General compliance at the time of building permit issuance with the site plan approved, including the continual maintenance of the off-street parking spaces shown on the plans.

3) The conditional use permit is issued for the life of the building as a duplex.

**ATTACHMENTS**

1) Application and Letter (Pages 4-5)

2) Legal description (Page 6)

3) Zoning and location map (Page 7)

4) Area parcel map (Page 8)

5) Aerial photo of lot and neighborhood (Page 9)

6) Street view photo of parcel (Page 10)

7) Site plan, floor plan, elevations (Pages 11-13)

8) Agency and other correspondence (Pages 14-17)
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)

Applicant Name: Maria Anne LMaia Lopez
Home Number: 208.800.1059
Street Address: 1130 Rosenof Ave
Mobile Number: 208.800.1059
City: Nampa Zip Code: 83687
State: ID

Property Owner Name: Same as above

Applicant's interest in property: (X) Own ( ) Rent ( ) Other

ADDRESS OF SUBJECT PROPERTY: 1130 Rosenof Ave

Please provide the following REQUIRED DOCUMENTATION to complete the CUP
X A copy of one of the following: Warranty Deed  ☐ Proof Of Option  ☐ Earnest Money Agreement
X 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.
X 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)
X 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: Allow a

Duplex C.U.P for MDR - RSG Zone. (2 units) Duplex

Dated this 10 day of November 2012

[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 my 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 - 125 - 2012 PROJECT NAME Duplex in RSG Zone

12/11/13 Revised
City of Nampa -  
Attn: Planning & Zoning  
411 3rd Street S.  
Nampa, ID 83651

Subject: Application for Conditional Use Duplex in RS6  
1130 Rosenlof Ave -Nampa Idaho  
Architectural License AR-2153

Dear P&Z Staff & to Whom it may concern:

Please find enclosed an application and supporting documents for A Conditional Use Permit (CUP) allowing for a new duplex structure to be constructed in a zoned Medium Density Residential area within the City Limits of Nampa, Idaho, at the address referenced above.

Staff inquiry with Dan Quakenbush, prior to any formal submittal, indicated that this would be an allowed use within the RS6 residential Zone and would be supported by Staff, as there are several examples of similar CUP in the same Zoned area near by.

We are requesting Planning and Zoning’s Review of the CUP, and barring any questions or concerns, we would hope to find the P&Z staff and the City of Nampa in agreement with this request and therefore grant approval for a duplex to be constructed on said tangible property within the City of Nampa.

If there are any questions, please feel free to contact me or my office.

Sincerely,

EverGreen Architecture

L. Christopher Laraway AR-2153  
President/Architect  

Cc: file
EXHIBIT A

A portion of Parcel 4 as shown on Record of Survey for Church of God of Prophecy, recorded as Instrument Number 2007005097, being a portion of Lot 1, Amended in Plat of Rosenlof Addition to Nampa, Book 1A, 15 1/2, being in the Northwest Quarter of the Northwest Quarter of Section 23, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, Being Further described as follows:

BASIS OF BEARINGS

The East line of the Northwest Quarter of the Northwest Quarter of Section 23, Township 3 North, Range 2 West, Boise Meridian, described from found monuments and taken as South 00° 25' I" East

COMMENCING at the Northeast corner of said Lot 1 at the Intersection of the Southerly right of way of Powell Avenue and the East line of said Northwest Quarter of the Northwest Quarter, from which the Northwest 1/16 corner of said Section 23 bears South 00° 25' 11" East a distance of 690.40 feet; thence along the East line of said Lot 1, also being the East line of said Northwest Quarter of the Northwest Quarter
South 00° 25' 11" East a distance of 148.50 feet to the True Point of Beginning; thence continuing
South 00° 25' 11" East a distance of 148.50 feet to the Southeast corner of said Lot 1; thence along the South line of said Lot 1 also being the Northerly right of Rosenlof Avenue
South 89° 42' 48" West a distance of 62.35 feet; thence leaving said South line
North 00° 18' 53" West a distance of 148.50 feet; thence
North 89° 42' 49" East a distance of 62.08 feet, more or less to the TRUE POINT BEGINNING.
1130 Rosenlof
Conditional use permit for duplex in a RS6 zone

Visit Planning & Zoning at cityofnampa.us for more info.

12/13/2018
For informational purposes only
Date: 12/20/18

Rev:

To: Planning and Zoning

Cc: Daniel Badger, P.E., City Engineer

Cc: Tom Points, P. E., Nampa City Public Works Director

Cc: 

From: – Engineering Division

Subject: Duplex in an RS-6 Zone

Applicant: Maria Anna Molina Lopez

Applicant Address: 1130 Rosenlof Ave

Owner: Maria Anna Molina Lopez

Owner Address: 1130 Rosenlof Ave

Parcel Address: 1130 Rosenlof Ave

CUP-00125-2018 for the January 8, 2019 Planning & Zoning Meeting

Applicant’s request is to develop a duplex in an RS-6 Zone

➢ All City utilities are available to the site from Rosenlof Ave
➢ At time of permit application owner will pay the standard connection fees

Regarding this project, the Engineering Division does not oppose the granting of this conditional use permit.
Good Morning Sylvia,

Nampa Highway District #1 has no comment as the parcel is not within our jurisdiction

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45. * Nampa, id 83686
TEL 208.467.6576 * FAX 208.467.9916

---Original Message---
From: Sylvia Mackrill [mailto:mackrill@cityofnampa.us]
Sent: Tuesday, December 4, 2018 11:20 AM
To: Addressing; Beth Incek; bob.parsons@phd3.idaho.gov; Bobby Sanchez; bocc@canyonco.org; Brent Hoskins; Canyon Highway District No. 4 (chopper@canyonhd4.org); Carl Miller - Compass of Idaho (cmiller@compassidaho.org); Chanee Grant; Cody Swander; Daniel Badger; deerflat@fws.gov; Don Barr; Eddy Thiel; Eric Shannon; gwiles@nampachristianschools.com; Jared Bryan; Jason Kimball; Jay Young; Jeff Barnes; jenny.titus@vallivue.org; jessica.mansell@intgas.com; Jim Brooks; Ken Couch - Idaho Transportation Dept, District 3 (D3Development.Services@itd.idaho.gov); Ken Keene; Kent Lovelace; kfunke@idahopower.com; lbishop@idahopower.com; mark@pioneerirrigation.com; Melissa Close; monica.taylor@intgas.com; Neil Jones; Nick Lehman; nmid@nmid.org; nre.easement@centurylink.com; Patrick Sullivan; Phillip Roberts; pnilsson@canyonco.org; Ray Rice; rdewey@nsd131.org; Reggie Edwards; Richard Davies; Soyla Reyna; Tammy Wallen; Tom Points; UCC ben melody; vcharles@idahopower.com
Subject: CUP-00125-2018 for duplex to be located at 1130 Rosenlof Ave for Maria Anna Moline Lopez

RE: CUP-00125-2018

Maria Anna Molina Lopez has requested a Conditional Use Permit for a Duplex (two living units) in an RS-6 (Single Family Residential - 6000 sq ft minimum lot size) zoning district located at 1130 Rosenlof Avenue (A .212 or 9235 sq ft parcel being Tax Lot 16562 in the South 1/2 of Lot 1, Rosenlof Addition Amended - R14820010 in the NW 1/4 Section 23 Township 3 North Range 2 West), on the north side of Rosenlof Ave between Stampede Dr and 11th Avenue North.

This application will go before the Planning and Zoning Commission as a public hearing item on the January 8, 2019 Agenda.

Please find attached the application for CUP-00125-2018 for review. Please send all comments to my attention, or Shellie Lopez (lopezs@cityofnampa.us) prior to December 28, 2018.
Neil Jones
Assistant Building Official
P: 208.468-5492 F: 208.468.4494
jonesn@cityofnampa.us
Department of Building Safety, Like us on Facebook

-----Original Message-----
From: Sylvia Mackrill <mackrill@cityofnampa.us>
Sent: Tuesday, December 04, 2018 11:20 AM
To: Addressing <Addressing@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; bob.parsons@phd3.idaho.gov;
    Bobby Sanchez <sanchezb@cityofnampa.us>; bocc@canyonco.org; Brent Hoskins <hoskinsb@cityofnampa.us>; Canyon
    Highway District No. 4 <chopper@canyonhd4.org> <chopper@canyonhd4.org>; Carl Miller - Compass of Idaho
    (cmiller@compassidaho.org) <cmiller@compassidaho.org>; Chanee Grant <cgrant@nmid.org>; Cody Swander
    <swander@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; deerflat@fws.gov; Don Barr
    <barrd@cityofnampa.us>; Eddy Thiel <eddy@nampahighway1.com>; Eric R Shannon <eric@nampahighway1.com>
    gwiles@nampachristianschools.com; Jared Bryan <bryanj@cityofnampa.us>; Jason Kimball <kimballj@cityofnampa.us>
    Jay Young <youngj@cityofnampa.us>; Jeff Barnes <barnesj@cityofnampa.us>; jenny.titus@vallivue.org;
    jessica.mansell@intgas.com; Jim Brooks <brooks@cityofnampa.us>; Ken Couch - Idaho Transportation Dept, District 3
    (D3Development.Services@itd.idaho.gov) <D3Development.Services@itd.idaho.gov>; Ken Keene
    <keenek@cityofnampa.us>; Kent Lovelace <lovelacek@cityofnampa.us>; kfunke@idahopower.com;
    lbishop@idahopower.com; mark@pioneerirrigation.com; Melissa Close <closem@cityofnampa.us>
    monica.taylor@intgas.com; Neil Jones <jonesn@cityofnampa.us>; nick@nampahighway1.com; nmid@nmid.org;
    nre.easement@centurylink.com; Patrick Sullivan <sullivanw@cityofnampa.us>; Phillip Roberts
    <robertsp@cityofnampa.us>; pnilsson@canyonco.org; Ray Rice <rricer@cityofnampa.us>; rdewey@nsd131.org; Reggie
    Edwards <edwardsr@cityofnampa.us>; Richard Davies <daviesr@cityofnampa.us>; Soyla Reyna
    <reynas@cityofnampa.us>; Tammy Wallen <twallen@nsd131.org>; Tom Points <pointst@cityofnampa.us>; UCC ben
    melody <ben.melody@intgas.com>; vcharles@idahopower.com
Subject: CUP-00125-2018 for duplex to be located at 1130 Rosenlof Ave for Maria Anna Moline Lopez

RE: CUP-00125-2018
December 12, 2018

Norman L. Holm, Planning Director
City of Nampa
411 3rd Street South
Nampa, ID 83651

RE: CUP-00125-2018/1130 Rosenlof Avenue

Dear Norm,

Nampa & Meridian Irrigation District (NMID) has no comment on the conditional use permit only, as no facilities are affected for the above-referenced application.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805.

Please feel free to contact me with any further questions

Sincerely,

David T. Duvall
Crew Foreman
Nampa & Meridian Irrigation District
DTD/ gnf

Cc: Office/ file