Staff Report – Public Hearing No. 1

Conditional Use Permit for a Snow Shack Business in an IL/RS (Light Industrial/Single Family Residential) Zoning District at 327 1st St. N for Luz Corvera

Applicant: Luz Corvera

Property Owner: Luz Corvera

File No: CUP 130-19

Prepared by: Doug Critchfield, Senior Planner

Date: February 20, 2019

Requested Action: Conditional Use Permit

Purpose: Snow Shack Business

GENERAL INFORMATION

Status of Applicant: Property Owner

Existing Zoning: IL/RS (Light Industrial/Single Family Residential)

Address: 327 1st St. N (Canyon County Parcel #R12878000)

Legal Description: Lot 4 and the NW ½ of Lot 5, Block 16, Nampa City Acres Addition No. 3 in the NW ¼ of Section 22, T3N, R2W, BM

Proposed Use: Snow Shack Business

Size of Property: .535 acre or 23,305 sq. ft
Surrounding Land Use and Zoning:
North- RML (Multi-Family Residential)
South- IH (Heavy Industrial)
East- IL/RS (Light Industrial/Single Family Residential)
West- IL/RS (Light Industrial/Single Family Residential)

Comprehensive Plan Designation: Employment Center Mixed Use

Zoning and Planning History: This property has been utilized as a single-family residence for several years. A Temporary Use Permit to operate a snow shack seasonal business on the premises was granted in 2016, 2017 and 2018. Typically, a dual IL/RS zoning designation allows for either Light Industrial use or Residential use, but not both. It was determined in those instances, that a Temporary Use Permit for a business would be allowed.

The Future Land Use Map designates this as Employment Center Mixed Use – which is partially characterized by:
"...a wide variety of flexible sites for small, local or start-up businesses..." [Nampa 2035 Comprehensive Plan, Chapter 5.7.2 (1)]

Applicable Regulations: Nampa City Code, Title 10, Chapter 25 sets forth the criteria of approval. These criteria essentially require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood. Section 10-25-4 states the general criteria for approval of a conditional use permit.

SPECIAL INFORMATION

Public Utilities: n/a
Public Services: n/a
Transportation: The property has access on 1st St. N.

Environmental: The applicant has stated that the business will be moved from its current location in the Right-of-Way into a garage on the property with food sales and outdoor seating on the premises. It was brought to staff's attention that a structure in which the business is being operated was constructed on a slab in the public right-of-way and not on the applicant's property.

Correspondence: The surrounding neighborhood public hearing notices were mailed on February 8, 2019 and posted on the property on February 14, 2019. As of the date of this memo, no correspondence has been received advocating for, neutral to, or against this proposal.

Physical Site Characteristics: The location of the proposed business is in a residential neighborhood with some light industrial uses. Immediately to the north of the residences is Rocky Mountain Steel Plant; to the south is the Union Pacific Railroad switching yard.

Parking: Parallel Street Parking is allowed on 1st St N.
STAFF FINDINGS & DISCUSSION

The IURS Zone is a transitional zoning designation. It allows for light industrial uses, while respecting the existing residential uses. Eventually this area is envisioned in the Future Land Use Map of the 2035 Nampa Comprehensive Plan as Employment Center Mixed Use, which encourages the establishment of employment centers, small, local and start-up businesses.

From a land use standpoint, the location is in a residential neighborhood with some light industrial uses. The snow shack business is an eligible conditional use in the Light Industrial Zone. This type of business will be operated in a garage or structure that is on the property in a residential setting with employees working on the premises. The business is a seasonal business to be operated during the summer months. Most of the patrons would park on 1st St N in front of the residence for a short duration or walk to the residence. Other properties in the neighborhood operate light industrial operations with employees on the premises.

An accessory building was constructed on a slab in the Public Right-of-Way to house business operations. Staff discovered the Right-of-Way violation in November of 2018, after which City of Nampa Code Enforcement opened, and is holding a code violation case until the CUP hearing is completed. The Applicant has stated that they will remove the structure out of the right-of-way.

With regards the Conditional Use Permit, in my opinion, the operation of a snow shack business during the summer months would be an acceptable business in the neighborhood, provided that the applicant/owner complies with the below stated conditions of approval.

SUGGESTED CONDITIONS OF APPROVAL

If the Commission determines to allow the snow shack business, the following conditions are recommended:

1) That all requirements of the Nampa Planning, Building, Engineering, and Fire Departments for occupancy and use of the property for a snow shack business shall be satisfied prior to operation of the business; and,

2) That the owner/operator removes the existing snow shack structure and slab out of the Public Right-of-Way; and,

3) That the owner/operator complies with all Building Codes, Zoning Codes and complies with all setbacks from property lines; and,

4) That the owner operates the business out of a structure on the property that is designated and utilized for that purpose during the months that the business is in operation; and,

5) That the business shall be operated during regular daytime business hours and activities associated with the operation of said business shall not disturb adjacent residences; and,

6) That the owner maintains all regulatory permitting, licensures and operational procedures as required by law; and,
7) That the Conditional Use Permit is granted only to the property for the duration of the use and shall not be transferable to any other location.

8) Any other conditions recommended by the Commission following public hearing.

ATTACHMENTS

1) Application for Conditional Use Permit (page/Exhibit 5)
2) Vicinity Map (page/Exhibit 6)
3) Zoning Map (page/Exhibit 7)
4) Aerial photo of lot (page/Exhibit 8)
5) Street views of the property (pages/Exhibits 9-11)
6) Agency and other correspondence (pages 12+)
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)

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: To relocate
business The Freezer House into the Garage in my property
and run business in summer season

Dated this 3rd day of 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.
VIEW TO PROPERTY
Juan,

I believe this property is in your area of town.

I received an e-mail from the County Assessor’s Office inquiring about the permanent snow shack at 327 1st St N. Upon looking into that property I found that Temporary use Permits for the snow shack were issued for 2016, 2017 and 2018. However, according to staff it was their understanding the snow shack would be located on the actual property and not in the right of way.

As you can see from the enlarged aerial view the snow shack appears to be well outside of the property line and in the right-of-way next to the sidewalk.

The Assessor’s Office says it is a permanent building on a slab. They would have had to get a Building Permit for a permanent building and that would not have been permitted in the right of way. I could find no record of a Building Permit for that structure.

A Variance for setbacks would also not be applicable because it is not even located on the property but in the right-of-way.

The other issue is the dual IL/RS zoning district where we try and advise property owners that they can either use their property for residential or Light Industrial use but not both. However, staff determined in this case to allow a Temporary Use Permit for a snow shack in the IL/RS zone along with the residential use of the property.

So to summarize, the Temporary Use Permit was issued for a Snow Shack: THE SNOW SHACK SHOULD NOT BE LOCATED IN THE RIGHT-OF-WAY BUT INSIDE THE PROPERTY LINES ON THE SUBJECT PROPERTY AND ACCORDING TO SETBACKS (20 ft on the front and 5 ft on the sides), AND NOT A PERMANENT BUILDING.

If the property owner does want a permanent building on the subject property for a Snow Shack he would have to apply for a Condition Use Permit for an ice cream/snow shack business in an IL zoning district. If approved that would require a Building Permit.

Clear as mud, I know.

Sylvia Mackrill - Planning and Zoning Department
O: 208.468.5484, F: 208.468.5439
411 3rd Street South, Nampa, ID 83651
Planning and Zoning - Like us on Facebook
Shellie Lopez

From: Shellie Lopez
Sent: Monday, January 14, 2019 9:36 AM
To: Shellie Lopez
Cc: Soyla Reyna
Subject: CUP 327 1st ST. N.

Shellie,

I've got a case open at this time for this location, pending on the outcome for CUP request this case is on HOLD.
R: 1287800000
CC: 19-000021

Thank you.

JUAN VERGARA SR, Officer II
Code Compliance & Community Relations.
O: 208.468.5473, C: 208.284.8811
2112 W. Flamingo Rd., Nampa, ID 83651
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Nampa
Proud

Code Compliance &
COMMUNITY RELATIONS

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.
Good Morning Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

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

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Good Afternoon Everyone! 😊

Re: CUP-00130-2019

Luz Corvera has requested a Conditional Use Permit for a Snow Shack Business in an IL/RS (Light Industrial/Single Family Residential) zoning district at 327 1st St. No. (Lot 4 and the NW ½ of Lot 5, Block 16, Nampa City Acres Addition No. 3 in the NW ¼ of Section 22, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the February 26, 2019 agenda.

Please find attached the CUP-00130-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than February 13, 2019.

Thank you & Have a great day!

Shellie A. Lopez, Planning Administrative Specialist
O: 208.468.4487, F: 208.468.5439
411 3rd Street South, Nampa, ID 83651
Planning and Zoning - Like us on Facebook

Nampa Proud
Date: January 25, 2019

Rev:

To: Planning and Zoning

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

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

Cc:

From: Jim Brooks – Engineering Division

Subject: Home Occupation – Snow Shack Business

Applicant: Luz Corvera

Applicant Address: 327 – 1st Street North, Nampa, Idaho 83687

Owner: Luz Corvera

Owner Address: 327 – 1st Street North, Nampa, Idaho 83687

Parcel Address: 327 – 1st Street North, Nampa, Idaho 83687

CUP-00130-2019 for the February 26, 2019 Planning & Zoning Meeting

The Engineering Division does not oppose granting of this Conditional Use Permit with the following conditions:

➢ The Snow Shack shall not be located or encroach into the Public Right-of-Way.
➢ Building shall also comply with Zoning and Building Codes for setbacks from property lines, etc.
February 15, 2019

Shellie Lopez  
City of Nampa  
411 3rd Street South  
Nampa, Idaho 83651

VIA EMAIL

<table>
<thead>
<tr>
<th>Development Application</th>
<th>CUP-00130-2019</th>
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</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>SNOW SHACK</td>
</tr>
<tr>
<td>Project Location</td>
<td>327 1st Street North, north of I-84B milepost 58.21</td>
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<tr>
<td>Project Description</td>
<td>Establish a snow shack business in a light industrial/residential zone</td>
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<tr>
<td>Applicant</td>
<td>Luz Corvera</td>
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The Idaho Transportation Department (ITD) reviewed the referenced conditional use permit application and has the following comments:

1. This project does not abut the State highway system.

2. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.

3. The Idaho Administrative Procedures Act (IDAPA) 39.03.60 rules govern advertising along the State highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.

4. ITD does not object to the establishment of a snow shack business in a light industrial/residential zone as presented in the application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

[Signature]

Sarah Arjona  
Development Services Coordinator  
Sarah.Arjona@itd.idaho.gov