Planning & Zoning Department

Before the Planning & Zoning Commission
May 14, 2019

STAFF REPORT – PUBLIC HEARING #3

Zoning Map Amendment from BC to IL at 3315 Caldwell Blvd. for a .9 acre or 39,204 sq. ft. parcel for Byron Healy (ZMA 106-19).

To: Planning & Zoning Commission
Applicant: Byron Healy
Status of Applicant: Renter

File No: ZMA 106-19
Prepared By: Norman L. Holm

Date: May 6, 2019

Requested Action: Zoning Map Amendment (Rezone) from BC (Community Business) to IL (Light Industrial).

Existing Zoning: BC (Community Business)
Proposed Zoning: IL (Light Industrial)

Location: 3315 Caldwell Blvd.

Size of Property: A .9 acre or 39,204 sq. ft. parcel being Tax 4-A in Block 1, Portner Subdivision in the NE ¼, NW ¼ Section 7, T3N, R2W, BM.

Existing Land Use: Existing developed Commercial/Industrial property

GENERAL INFORMATION

Planning & Zoning History: The property has previously been utilized for other Commercial/Industrial uses. An internet search reveals that the property has been used for at least the last year for towing services under the name of Code Red Towing. Towing or impound is a permitted use in IH (Heavy Industrial) zones and a conditional use in IL (Light Industrial) zones. Apparently towing businesses have an opportunity to enter a rotation with other towing...
businesses providing service to local police departments. The applicant cannot compete in the rotation unless all the zoning entitlements are in place for the property where they operate.

The applicant realized they needed the rezone from BC to IL but were no aware of necessity for a Conditional Use Permit. This being the case the CUP entitlement was not included along with the zoning change request. If the Planning and Zoning Commission is agreeable a decision and action on the required CUP will be scheduled before the City Council concurrent with their hearing on the rezone.

**Proposed Land Uses:** No change in use is proposed, other than continuation of impound or towing use.

**Surrounding Land Use and Zoning:**
- North- Truck Repair, BC (Community Business)
- South- Rural Residential, County R2 (Medium Density Residential)
- East- Industrial, IL (Light Industrial)
- West- Commercial, BC

**Comprehensive Plan Designation:** Medium Density Residential but adjoins the Light Industrial designation to the east. The requested zoning map amendment from BC to IL therefor complies with the adjacent Light Industrial designation to the east under the map note: "The mapped boundary between two adjoining land use designations is considered flexible and may be interpreted as being stretchable to include the abutting parcels in the direction of either designation."

**Applicable Regulations:** Rezones or zoning map amendments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and agree with the adopted comprehensive plan for the neighborhood.

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**SPECIAL INFORMATION**

**Public Utilities:**
- 10" sewer main located in Caldwell Blvd.
- 8" water main located in Caldwell Blvd.
- No irrigation service available.

**Public Services:** All present.

**Transportation and Traffic:** The property has frontage on and access to Caldwell Blvd.

**Environmental:** The rezone would have little effect on the adjoining properties. The adjoining property to the east is already zoned IL, and surrounding land uses are compatible with industrial zoning.

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**STAFF FINDINGS AND DISCUSSION**

The requested rezone is appropriate. The parcel is interpreted to have a Light Industrial use designation on the Comprehensive Plan future land use map as noted above. The requested zoning map amendment is therefore interpreted as complying.
If the Planning Commission votes to recommend to the City Council approval of the rezone the following findings are suggested:

1) Rezone of the subject property to IL is reasonably necessary in order to allow the applicant to obtain the required land use entitlements for a towing/impound yard.
2) Rezone of the subject property to IL is in the interest of the property owner and conforms to the adopted comprehensive plan designation of Light Industrial use.
3) The proposed Towing/Impound use of the subject property will be compatible with the existing commercial/industrial uses in the immediate area.
4) The applicant realized they needed the rezone from BC to IL but were not made aware of necessity for a Conditional Use Permit. This being the case the CUP entitlement was not included along with the zoning change request.
5) If the Planning and Zoning Commission is agreeable a decision and action on the required CUP will be scheduled before the City Council concurrent with their hearing on the rezone.
6) The use of a development agreement to establish any conditions for the requested zoning amendment serves no purposes.

At the date of this memo I have received no statements of opposition or support from any property owners, businesses, or residents in or around the area.

ATTACHMENTS

1) Application (Page 4)
2) Zoning and location map (Page 5)
3) Arial photo (Page 6)
4) Current zoning and future land use designation maps (Page 7)
5) Agency and other correspondence (Pages 8-13)
APPLICATION FOR AMENDMENT OF ZONING ORDINANCE OR MAP
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S, NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $406.00 (1 acre or less) Nonrefundable Fee: $811.00 (more than 1 acre)
Or $213.00 for a text amendment

Applicant/Representative Name: Byron Healy
Home Number: 208 941 2645

Street Address: 16701 Star Rd
City: Nampa State: ID Zip code: 83687

Property Owner Name: Just off the Blvd LLC
Home Number:
Street Address: 3315 Caldwell Blvd
City: Nampa State: ID Zip code: 83687

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

ADDRESS OF SUBJECT PROPERTY: 3315 Caldwell Blvd

Please provide the following REQUIRED DOCUMENTATION:

✓ Completed Application
✓ A copy of one of the following:
   X Warranty Deed  □ Proof Of Option  □ Earnest Money Agreement
   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 with Closure Cals. (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

Project Description

State the zoning desired for the subject property: Tour business Light Industry

State (or attach a letter stating) the reason for the proposed change, together with any other information considered pertinent to the determination of the matter. In the case of a text amendment please attach the full text of the proposed amendment.

Tour business

Dated this 10 day of April, 2019

Applicant Signature

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 will then make its recommendation to the City Council. The City Council will then hold a second public hearing. Notice of the public hearings must be published in the Idaho Press-Tribune 15 days prior to said hearings. In the case of map amendments notice shall also be posted on the premises not less than 1 week prior to the hearings and notices will be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearings and should be present to answer any questions.

OFFICE USE ONLY

FILE NUMBER: ZMA/ 1060 - 2019

PROJECT NAME: Rezone BC to IL

12/11/13 Revised
Exhibit

3315 Caldwell Blvd

Rezone from BC- Community Business to IL- Light Industrial for Towing Business

ZMA-00106-2019

4/23/2019

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

For illustrative purposes only.
3315 Caldwell Blvd.

Current Zone

Comp Plan
April 29, 2019

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

VIA EMAIL

<table>
<thead>
<tr>
<th>Development Application</th>
<th>ZMA-00106-2019</th>
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<tbody>
<tr>
<td>Project Name</td>
<td>TOWING BUSINESS</td>
</tr>
<tr>
<td>Project Location</td>
<td>3315 Caldwell Boulevard, south of I-84B milepost 54.42</td>
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<tr>
<td>Project Description</td>
<td>Zoning Map Amendment from BC (Community Business) to IL (Light Industrial) for approximately 0.9 acres</td>
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<tr>
<td>Applicant</td>
<td>Byron Healy</td>
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The Idaho Transportation Department (ITD) reviewed the referenced zoning map amendment application and has the following comments:

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

2. The existing approach is permitted under ITD permit number 3-91-204. Applicant will need to provide a cross access agreement for the parcel. ITD did not receive detailed site plans showing intended use of the parcels with this application. Should the use of the parcel change causing any increase in trip generation, or the parcel be split, property owner will need to re-apply for access at that time.

3. ITD reserves the right to make further comments upon review of any submitted site plans.

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

5. The Idaho Administrative Procedures Act (IDAPA) 39.03.60 governs 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.

6. ITD objects to the proposed application due to access concerns as noted in item 2.
7. Once applicant has provided documentation verifying cross access, ITD will withdraw any objection to the proposed 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
The Engineering Division does not oppose the granting of this variance request.
From: Shellie Lopez <lopezs@cityofnampa.us>  
Sent: Wednesday, April 17, 2019 2:57 PM  
Subject: ZMA-00106-2019  

Good Afternoon Shellie,  

Nampa Highway District #1 has no comment as the subject property is within the City limits and has no access to Highway District Roadways.  

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  

From: Shellie Lopez <lopezs@cityofnampa.us>  
Sent: Wednesday, April 17, 2019 2:57 PM  
Subject: ZMA-00106-2019  

Good Afternoon! 😊  

RE: ZMA-00106-2019  

Byron Healy has requested a Zoning Map Amendment from BC (Community Business) to IL (Light Industrial) for a Towing Business at 3315 Caldwell Blvd. (A .9 acre or 39,204 sq. ft. parcel being Tax 4-A in Block 1, Portner Subdivision in the NE ¼, NW ¼ Section 7, T3N, R2W, BM).  

This application will go before the Planning and Zoning Commission as a public hearing item on the May 14, 2019 agenda.  

Please find attached ZMA-00106-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than April 26, 2019.  

Thank you & Have a great day!
April 25, 2019

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

RE: ZMA 106-2019/ 3315 Caldwell Boulevard

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application, as it lies outside of our District boundaries. Please contact Mark Zirschky of Pioneer Irrigation at (208) 459-3617, P.O. Box 426 Caldwell, ID 83606-0426.

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 must review drainage plans. The developer must comply with Idaho Code 31-3805.

Sincerely,

David T. Duvall
Asst. Water Superintendent
Nampa & Meridian Irrigation District
DTD/ gnf

Cc:
Office/ file
M. Zirschky, Pioneer Irrigation District
Sylvia MacKeil
City of Nampa

Re: Rezem BC-IL
3315 Coldwell Blvd

I Support The Rezme.

Amy 5/3/19

Edgar M. Thrift, Jr.
Owner

WAS A WHEAT FIELD, LLC

3303 & 3305
(415) 519-2504

cc: Lance War Nick
Aspen Engineer
Kuna, Idaho