Staff Report – Public Hearing #4

Conditional Use Permit for a Shoe Cover Business in an DV (Downtown Village) zoning district at 207 and 211 10th Ave. So. for PSC Industrial Properties, LLC; Amy Fling (CUP 144-19).

Applicant/Purchaser: PSC Industrial Properties, LLC; Amy Fling

Owner: Ruben and Tanya Gaona

File No: CUP 144-19

Prepared by: Norman L. Holm

Date: July 15, 2019

Requested Action: Conditional Use Permit

Purpose: The applicant states the reason for the proposed CUP is to occupy and conduct their Pro Shoe Cover business at 207 and 211 10th Ave. So.

GENERAL INFORMATION

Status of Applicant: Contract Purchaser

Existing Zoning: DV (Downtown Village)

Location: 207 and 211 10th Ave. So. situated in the SW ¼ of Section 22, T3N, R2W, BM also Lot 29, Block 31, Original Townsite

Size of Property: A 7,000 sq. ft. or .16-acre
Surrounding Land Use and Zoning:
North- Insurance company, DV
South- Office building, DV
East- Office building, DH (Downtown Historic)
West- Arctic Circle, DH

Comprehensive Plan Designation: Downtown

Zoning: DV Downtown Village: Section 10-15-5: A. Purpose and Intent: The DV subdistrict is intended to serve as a transitional district between the downtown business (DB) and the downtown historic (DH) districts. It is intended to provide a mixed-use area of retail, office and multi-family residential services, with a presence of motels and food service establishments, and entertainment within its confines and preserve a variety of extant uses.

Zoning & Planning History: Prior to this proposal the subject lot and the lots to the north and south were being utilized for Rueben’s Auto body.

Applicable Regulations: Section 10-3-2 Schedule of District Land Use Controls provides guidance on what uses are permitted or conditional or not allowed in the DV zone. Though not specifically listed, staff has determined that the Shoe Cover business be required to obtain a conditional use permit. Section 10-3-2 B Unlisted Land Uses (indicates that): The director or his/her designee shall interpret the appropriate district for land uses not specifically listed by determining the district in which similar uses are permitted. ... Where a use is proposed and ambiguity exists concerning the appropriate district or procedure for the establishment of that particularly proposed use, said use may be established by obtaining of a conditional use permit...

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 Use: Vacant commercial/industrial space building.

Applicant’s Description of Proposed Land Use: “Pro Shoe Covers has four employees and twelve independent contractors. During business hours, which are 8 am to 5 pm Monday through Friday, we would bring fours cars to the property. The independent contractors come in once a week, for approximately 10 minutes, and take sewing work back to their facilities to construct. By using contractors, we avoid manufacturing our products at our place of business. Noise created is minimal and any noise we do make would not be heard outside of the building.

Types of activities performed: prepare sewing kits for contractors, cut fabric parts for sewing kits (hydraulic press and would not be heard outside), pack and ship orders, cut elastic and secure with bartack machines (size of sewing machine and no noise), and package product by hand in case packs or by the pair with a small Sharp packaging machine (again, no noise emitted).”

Bartack refers to a series of stitches used to reinforce areas of the shoe covers that may be subject to stress or additional wear.

From product information: “Pro Shoe Covers are washable and reusable shoe covers that last 6 to 9 months. They are constructed with a premium nylon material. This same material is used to manufacture such items as backpacks, luggage and tarps. The fabric is strong and permanently
sealed with a finish that offers a moisture barrier. The black soles are made from a rugged, rubberized, non-slip material."

Parking: Existing off-street parking exists at the location for their four employees and contractors picking up sewing work.

SPECIAL INFORMATION

Public Utilities:
6" water main in the adjacent alley to the northwest.
8" sewer main in the adjacent alley to the northwest, 15" sewer main in 10th St. So.
No irrigation mains immediately available.

Public Services: All available.

Transportation: The business access is from 10th Ave. So. and from the adjacent alley facing overhead doors.

Physical Site Characteristics: Developed vacant, available commercial unit.

Environmental: No areas of concern.

Aesthetics/Landscaping: The outside building façade has been previously maintained in an attractive manner. No landscaping exists on the property or in right-of-way areas.

Correspondence: No correspondence from any area property owners, businesses or residents have been received for or against the establishment of Shoe Cover business at the location.

STAFF FINDINGS AND DISCUSSION

The location is reasonable for the Shoe Cover business because the use will have less impact on the surrounding commercial neighborhood than that of the previous Auto Body shop use.

From a land use standpoint, the location is situated within the Downtown designation and the requested CUP for the Shoe Cover business has been determined to be an eligible conditional use in the zone.

With regards to the CUP, staff opinion is that use of the property for a Shoe Cover business will be compatible with the surrounding mixed use, commercial, industrial and professional neighbors. The proposal conforms to all the following general use permit criteria and other provisions of the zoning ordinance under the following findings:

1) The location, size and design and operating characteristics of the proposed Shoe Cover business will be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to
the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

2) The location, design, and site planning of the proposed Shoe Cover business will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

3) The proposed Shoe Cover business will enhance the successful operation of the surrounding area in its basic community functions or will provide an essential service to the community or region.

SUGGESTED CONDITIONS OF APPROVAL

If the Commission determines to issue a CUP for the proposed Shoe Cover Business the following conditions are recommended:

1) All City Code requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as applicable state, or federal agencies regarding use of the property for a Shoe Cover business shall be satisfied prior to occupancy.

2) The conditional use permit is issued for the life of the commercial unit as a Shoe Cover business and shall not be transferable to any other owner or location.

3) The owner shall keep noise emanating from the business at an acceptable level as required by city code.

4) Any other conditions the Commission deems appropriate regarding any public concerns.

ATTACHMENTS

1) Application, letter, and product information (Page 5-7)
2) Vicinity zoning and location map (Page 8)
3) Adjacent and area zoning maps (Pages 9-10)
4) Adjacent and area comprehensive plan maps (Pages 11-12)
5) Birds eye view of property and neighborhood (Page 13)
6) Street view of building (Page 14)
7) Agency and other correspondence (Page 15+)
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: PSC Industrial Properties, LLC; Amy Fling

Home Number Work: 208-908-4465

Mobile Number: 360-844-0585

Email: amy@proshoecovers.com

Applicant’s interest in property: ( ) Own ( ) Rent (✓) Other Under contract to purchase

ADDRESS OF SUBJECT PROPERTY: 207 & 211 10th Ave. S, Nampa, ID 83651

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: I am requesting a CUP
to occupy and conduct my Pro Shoe Cover business at the property commonly known as 207 & 211 10th Ave. S, Nampa. The land use
schedule is not entirely clear regarding my use for the subject property and therefore, before purchasing the property, I want to be assured that
the City of Nampa and the general public approve of my use for the subject property.

Dated this 17th day of June 2019

[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 - 141 - 2019 PROJECT NAME Pro Shoe Cover Business in Dwane

12/11/13 Revised
June 18, 2019

City of Nampa
Planning and Zoning Department
Attn: Rodney Ashby
411 3rd Street S.
Nampa, ID 83651

Re: CUP for property located at 207 & 211 10th Avenue S. in Nampa

Dear Mr. Ashby,

I would like to provide further information about our business activities so that you will know what to expect, should you permit us to operate out of the commercial property listed above.

Pro Shoe Covers presently has four employees and twelve independent contractors. During business hours, which are 8am to 5pm Monday through Friday, we would bring fours cars to the property. The independent contractors come in once a week, for approximately 10 minutes, and take sewing work back to their facilities to construct. By using contractors, we avoid manufacturing our products at our place of business. Noise created is minimal and any noise we do make would not be heard outside of the building.

Types of activities performed: prepare sewing kits for contractors, cut fabric parts for sewing kits (hydraulic press and would not be heard outside), pack and ship orders, cut elastic and secure with bartack machines (size of sewing machine and no noise), and package product by hand in case packs or by the pair with a small Sharp packaging machine (again, no noise emitted).

We look forward to the public hearing and answering all questions that you may have. Please feel free to contact me should you have questions you would like answered prior to the meeting.

Sincerely,

Amy Fling
President

www.ProShoeCovers.com
Toll-Free: 1-800-978-1786
email: info@proshoecovers.com
Mailing: PO Box 58, Kuna ID 83634
Office: 669 S. Best Business Ave, Kuna ID 83634
MATERIALS:
Pro Shoe Covers are constructed with a premium nylon material. This same material is used to manufacture such items as backpacks, luggage and tarps. The fabric is strong and permanently sealed with a finish that offers a moisture barrier. The black soles are made from a rugged, rubberized, non-slip material.

LAB TESTED
ASTM SAFETY RATED
Pro Shoe Covers' non-skid abilities were tested and rated high on the safety scale. Scores exceeded OSHA's recommended levels by 175%.
Exhibit

207 & 211 10th Ave S

Conditional Use Permit for a Shoe Cover Business in a DV (Downtown Village) Zone for PSC Industrial Properties

CUP-00144-2019 7/8/2019

Visit Planning & Zoning at cityofnampa.us for more info.
DATE: July 1, 2019
TO: Planning and Zoning Department
FROM: Caleb LaClair, P.E., Nampa Assistant City Engineer
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: PSC Industrial Properties, LLC
OWNER: Ruben Alfaro Gaona Sr. & Tanya Kay Gaona
ADDRESS: 207 & 211 10th Ave S.
RE: CUP-00144-2019 – Pro Shoe Cover Business in DV Zone

The Engineering Division does not oppose this application and has no comments or conditions.
June 28, 2019

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

RE: CUP-00144-2019/ Pro Shoe Cover; 207 & 211 10th Avenue South

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application as no facilities are impacted and plans show storm water is retained on site.

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,

[Signature]
David T. Duvall
Asst. Water Superintendent
Nampa & Meridian Irrigation District

Cc: Office/ file
Hi 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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From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Sunday, June 23, 2019 2:55 PM
Subject: Shoe Cover Business in a DV (Downtown Village) zone (CUP-00144-2019)

Good Afternoon, 😊

Re: Conditional Use Permit for a Shoe Cover Business in a DV (Downtown Village) zone (CUP-00144-2019)

PSC Industrial Properties, LLC; Amy Fling has requested a Conditional Use Permit for a Shoe Cover Business in an DV (Downtown Village) zoning district at 207 and 211 10th Ave. So. (A 7,000 ft. or .16-acre parcel being Lot 29, Block 31, Original Townsite in the SW ¼ of Section 22, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the July 23, 2019 agenda.

Please find attached the CUP-00144-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than July 05, 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
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