Staff Report – Public Hearing #5

Conditional Use Permit for Firearms Dealer in an IL (Light Industrial) zoning district at 1110 E. Karcher Rd.

Applicant/Owner: Joshua Sharp (Musick Auction)/Roger Worly Living Trust

File No: CUP 145-19

Prepared by: Rodney Ashby, AICP

Date: August 5, 2019

Requested Action: Conditional Use Permit

Purpose: Firearms Dealer

GENERAL INFORMATION

Status of Applicant: Representative

Existing Zoning: IL (Light Industrial)

Address: 1110 E. Karcher Rd. (Canyon County Parcel #R3102500000)

Legal Description: A portion of the SW ¼ of the SE ¼ of Section 10, T3N, R2W, BM).

Size of Property: A 2.0-acre parcel of land or 87,120 sq. ft.

Surrounding Land Use and Zoning:
North- Industrial Metal Buildings (IL District)
South- Kaman Industrial Technologies (IL District)
East- Single Family Home, From aerial: Older outbuildings and outdoor storage of aged vehicles and materials (IL District)
West- Recreational Vehicle Storage (IL District)
Comprehensive Plan Designation: Light Industrial

Zoning and Planning History: This property is being utilized as a vehicle auction facility and storage of vehicles and vehicle parts, a permitted use in the IL zoning district.

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.

SPECIFIC INFORMATION

Public Utilities in N Elder St:
10” Sewer Main
6” Water Line
6” Pressurized Irrigation

Transportation: The property has access available from N Elder St.

Environmental: Staff presumes that the business will be operated indoors in an office setting.

Parking: Additional parking is not required in this case because the parking requirement is for the primary use (vehicular auction).

CORRESPONDENCE

Nampa & Meridian Irrigation District: no comment

City of Nampa Engineering Division: no comments

Idaho Transportation Department: Does not anticipate any significant traffic impact to the State Highway system

Nampa Highway District #1: no comment

STAFF FINDINGS & DISCUSSION

From a land use standpoint, the location is in an industrial setting, but has multiple single family homes in the area, including one directly east of the subject property. The requested firearms dealership requires a conditional use permit in the IL zone. This business will operate as a secondary supplemental business to the auction sales. Though sales of firearms, appears to be the purpose of this request, it is unclear whether any manufacturing of firearms will occur at the location. The Comprehensive Plan Future Land Use Designations identify the desired future development of this area as Light Industrial, which appear to support the locating of this type of land use on the property. However, though the setting is primarily industrial, the Commission may wish to place conditions on your approval of the firearms business to protect the existing
residential use, or may wish to deny the request based on findings that it will adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

**SUGGESTED CONDITIONS OF APPROVAL**

If the Commission determines to allow the home occupation firearm sales, the following conditions are recommended:

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

2) The owner shall be in compliance with all restrictions associated with the Gun-Free School Zone Act.

3) The owner maintains all regulatory permitting, licensures and operational procedures as required by law.

4) Inventory is locked in a secure location.

5) 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.

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

If the City Planning & Zoning Commission votes to approve the subject Conditional Use Permit, the following findings are suggested as a part of the approval:

1) The location, size and design and operating characteristics of the proposed 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 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 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.

**ATTACHMENTS**
1) Application (page/Exhibit 5)
2) Zoning Map (page/Exhibit 6)
3) Comprehensive Plan Map (page/Exhibit 7)
4) Vicinity Map/Aerial (page/Exhibit 8)
5) Agency and other correspondence (pages 9+)
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)

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Joshua Sharp</th>
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<tbody>
<tr>
<td>Street Address</td>
<td>14901 Eagle Dr</td>
</tr>
<tr>
<td>City</td>
<td>Eagle</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
</tr>
<tr>
<td>Zip Code</td>
<td>83657</td>
</tr>
<tr>
<td>Home Number</td>
<td>208-989-0008</td>
</tr>
<tr>
<td>Mobile Number</td>
<td>208-989-0008</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:josh@mpauction.com">josh@mpauction.com</a></td>
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<table>
<thead>
<tr>
<th>Property Owner Name</th>
<th>Roger Word Living Trust</th>
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</thead>
<tbody>
<tr>
<td>Street Address</td>
<td>14901 Eagle Dr.</td>
</tr>
<tr>
<td>City</td>
<td>Caldwell</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
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<tr>
<td>Zip Code</td>
<td>83657</td>
</tr>
<tr>
<td>Home Number</td>
<td>208-989-0008</td>
</tr>
<tr>
<td>Mobile Number</td>
<td>208-989-0008</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:josh@mpauction.com">josh@mpauction.com</a></td>
</tr>
</tbody>
</table>

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

ADDRESS OF SUBJECT PROPERTY: 1110 E. Karcher St, Nampa, ID 83657

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: Operating a firearms dealers (FFL) license for an auction

Dated this ______ 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.

OFFICE USE ONLY
FILE NUMBER: CUP - 145 - 2019
PROJECT NAME: Firearms Dealers

12/11/13 Revised
Page 5
Conditional Use Permit for Firearms Dealer in an IL-Light Industrial zone

CUP-00145-2019

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

7/19/2019
1110 E. Karcher

Vicinity Map/Aerial
July 17, 2019

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

RE: CUP-00145-2019/ Firearms Dealer; 1110 E. Karcher Road

Dear NAME:

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
DATE: July 26, 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: Joshua Sharp
OWNER: Roger Worly Living Trust
ADDRESS: 1110 E Karcher Road
RE: CUP-00145-2019 – Firearms Dealer in an IL Zone

The Engineering Division does not oppose this application and has no comments or conditions.
Good morning,

ITD has received application CUP-00145-2019 for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Wednesday, July 10, 2019 11:27 AM
Subject: [EXTERNAL] Conditional Use Permit for Firearms Dealer in a Light Industrial zone (CUP-00145-2019)

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown.
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Good Morning Everyone, 😊

Re: Conditional Use Permit for Firearms Dealer in a Light Industrial zone (CUP-00145-2019)

Joshua Sharp has requested a Conditional Use Permit for Firearms Dealer in an IL (Light Industrials) zoning district at 1110 E. Karcher Rd. (A 2.0-acre parcel of land being a portion of the SW ¼ of the SE ¼ of Section 10, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the August 13, 2019 agenda.

Please find attached the CUP-00145-2019 file for your review and send all comments no later than July 26, 2019.

Thank you & Have a great day!
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

Good Morning Everyone, 😊

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