STAFF REPORT – PUBLIC HEARING #4

Conditional Use Permit for a Professional Architects Office in an IL (Light Industrial) zoning district at 1307 No. 39th St., Suite 103 for Houston-Bugatsch Architects (CUP 152-19).

To: Planning & Zoning Commission

Applicant: Houston-Bugatsch Architects

Property Owner: 39th Northgate LLC, Margaret Robnett

File No: CUP 152-19

Prepared by: Norman L. Holm

Date: September 16, 2019

Requested Action: Conditional Use Permit

Purpose: Continued use of suite as a Professional Architects Office

GENERAL INFORMATION

Status of Applicant: Business Owner

Existing Zoning: IL (Light Industrial)

Location: 1307 No. 39th St., Suite 103

Applicant Description of Proposed Use: “To allow use of professional office in zone.”

Size of Property: Part of a 2.00 acre or 87,120 sq. ft. portion of the North ½ of the NE ¼ of the SW ¼, Section 13, T3N, R2W, BM
Surrounding Land Use and Zoning:
North- Industrial; IL then IP (Industrial Park)
South- Industrial; IL
East- Industrial; IL
West- Industrial; IL then IP

Comprehensive Plan Designation: Light Industrial

Zoning and Planning History: The applicant indicates they moved in about 15 years ago and have continuously operated their professional architecture office at the location. Technically a Professional Architects Office is a conditional use in an IL zone even though it is a permitted use in the adjacent IP zone. For whatever reason this office as well as others in the IL zoned area were not originally required to obtain CUP's prior to occupancy. The Fire Department inspects regularly to see that all buildings have certificates of occupancy. In order to obtain a certificate of occupancy the applicant was required to apply for and obtain the required CUP.

Applicable Regulations: Section 10-5-2 Schedule of District Land Use Controls requires a conditional use permit for a Professional Office use in the IL zone. 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: A 6" Water main is connected to the building on its north side. An 8" Sewer is available along the westerly property line. A 2" Irrigation main is available in N 39th St.

Public Services: All available. Emergency vehicle access, turnarounds, and water supply and fire hydrant placement have been previously addressed at the time of building or occupancy permitting processing.

Transportation: The property has access direct access from the N. 39th St. via common drive and parking areas.

Environmental: The location is reasonable for the requested use.

Correspondence: As of the date of this memo no area property owners, businesses, or residents have expressed any opposition to or support for the requested conditional use permit.

Physical Site Characteristics: Presently developed commercial/industrial flex space.

Parking: Existing off-street parking is available for the various uses occupying the location.

STAFF FINDINGS & DISCUSSION

As of this date of this report staff has not received any expressions of support for or opposition to the requested continued use as a Professional Architects Office from any area owners, residents, or businesses.
From a land use standpoint, the location is shown on the comprehensive plan as Light Industrial use and the requested Professional Architects Office is an eligible conditional use in the IL zone.

With regards the conditional use permit, in my opinion the continued use a Professional Architects Office is compatible with the surrounding Industrial neighborhood. In reference to the required findings the following are provided:

1) The location, size and design and operating characteristics of the existing Professional Architects Office will continue to be compatible with and will not adversely affect the livability or appropriate development of the abutting properties and the surrounding neighborhood if the below conditions are adhered to in the use of the property.

2) The location, design, and site planning of the existing Professional Architects Office will continue be as attractive as the nature of the use and its location and setting warrants.

3) The existing Professional Architects Office will continue to enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community or region.

**SUGGESTED CONDITIONS OF APPROVAL**

If the Commission determines to allow the continued use of the existing Professional Architectural Office the following conditions of approval are again 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 Professional Architects Office shall be satisfied prior to occupancy.

2) The conditional use permit shall be issued only for a Professional Architects Office.

3) The conditional use permit shall be granted to the Applicant permanently and shall not be transferable to any other individual or location.

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

**ATTACHMENTS**

Application (Pages 4)
Vicinity map with zoning (Page 5)
Aerial photo (Page 6)
Building-suite aerial photo (Page 7)
Utility map (Page 8)
Birdseye map looking south (Page 9)
Agency and other correspondence (Pages 10+)
APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83686  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:  Please allow

USE OF PROFESSIONAL OFFICE IN ZONE.

Dated this 11th day of December, 2009

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 - 153 - 2019  PROJECT NAME:  Professional Office in IL zone

12/11/13 Revised
Conditional Use Permit for a Professional Architects Office in a Light Industrial zone

CUP-00153-2019

9/12/2019

Visit Planning & Zoning at cityofnampa.us for more info.
The Engineering Division does not oppose this application as the site is already constructed with existing access and utility services. Required utility use fees, if any, will be determined at time of Tenant Improvement Permit.
Good morning,
ITD has received application CUP-00153-2019 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

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Good Afternoon! 😊

Re: CUP-00153-2019

Houston-Bugatsch Architects has requested a Conditional Use Permit for a Professional Architects Office in an IL (Light Industrial) zoning district at 1307 No. 39th St., Suite 103 (A portion of the North ½ of the NE ¼ of the SW ¼, Section 13, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the September 24, 2019 agenda.

Please find attached the CUP-00153-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than September 06, 2019.

Thank you & Have a great day!
Shellie Lopez

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Wednesday, August 28, 2019 6:28 AM
To: Shellie Lopez
Subject: [External] RE: CUP-00153-2019

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Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

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: Tuesday, August 27, 2019 4:09 PM
Subject: CUP-00153-2019

Good Afternoon! 😊

Re: CUP-00153-2019

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