STAFF REPORT – PUBLIC HEARING #2

Conditional Use Permit for an Impound Lot/Vehicle Hold Area at 3913 Summit Lane (A portion of a .70 acre or 30,492 sq. ft. parcel situated in the SE ¼ of Section 13, T3N, R2W, BM and a portion of Lot 1, Block 2, Hillcrest Business Park for Nazar Leskovets (CUP 155-19).

Applicant: Nazar Leskovets
Status of Applicant: Renter

Property Owner: 39th Street LLC
File No: CUP 155-19

Prepared By: Rodney Ashby, AICP
Date: November 19, 2019

Requested Actions: Conditional Use Permit for an Impound Lot/Vehicle Hold Area Business

Existing Land Use: Existing developed Light Industrial property with building and parking lot

GENERAL INFORMATION

Existing Zoning: IL (Light Industrial)

Location: 3913 Summit Lane

Surrounding Land Use and Zoning:
North- Automotive Repair & Industrial Shell Buildings, IL (Light Industrial)
       Auto Salvage Yard, IH (Heavy Industrial)
South- Rural Residential, RA (Suburban Residential)
East- Industrial, IL (Light Industrial)
West- IL (Light Industrial)
Comprehensive Plan Designation: Light Industrial

Planning & Zoning History: The property has previously been utilized for other Industrial uses and the industrial use in the neighboring building will continue. Towing or impound is a permitted use in IH (Heavy Industrial) zones and a conditional use in IL (Light Industrial) zones.

Proposed Land Uses: The applicant wants to begin a new business to store impounded vehicles behind an existing fence.

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.

Section 10-5-2 Schedule of District Land Use Controls requires a conditional use permit for Towing/Impound 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. Recommended findings required for approval of a Conditional Use Permit are listed under the “Staff Findings and Discussion” section of this report.

SPECIAL INFORMATION

Public Utilities:
8" sewer main located in E Summit Ln.
6" water service available.
4" irrigation service available

Public Services: All present.

Transportation and Traffic: The property fronts E Summit Ln near the Garrity Blvd and N 39th St intersection

Correspondence: As of the date of this memo no agency, area property owners, businesses, or residents have expressed any opposition to or support for the requested zoning amendment and conditional use permit. Any memos provided, stating no opposition or comment, are included as attachments.

Physical Site Characteristics: Existing developed industrial site.

Parking: Adequate off-street parking was previously provided on the property to satisfy code required off-street parking spaces. The applicant stated they would like to use the enclosed

STAFF FINDINGS AND DISCUSSION

Nampa City Code 10-22-5 D states that all surfaces where a vehicle traverses or is parked shall be paved. Planning & Zoning has permitted graveled area behind a building if the area is screened from view. Though the subject property is fenced, it does not appear to be screened. Staff recommends that a condition of approval is that it either be screened from view or that the area be fully asphalt paved.
If the Planning and Zoning Commission votes to approve the conditional use permit the use of the property for a Towing/Impound Business could be compatible with the surrounding industrial/commercial neighborhood if appropriate conditions are adhered to in the operation. In reference to the required CUP findings the following are provided:

1) The location, size and design and operating characteristics of the proposed Towing/Impound Business will 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 proposed Towing/Impound Business will be as attractive as the nature of the use and its location and setting warrants.
3) The proposed Towing/Impound Business will enhance the successful operation of the surrounding developing area in its basic community function and provide an essential service to the community or region.

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 concerning the requested conditional use permit.

SUGGESTED CONDITIONS OF APPROVAL

If the City Council determines to approve the requested Conditional Use Permit for the Towing/Impound Business 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 Towing/Impound Business shall be satisfied prior to occupancy.
2) The conditional use permit shall be issued only for a Towing/Impound Business. No outside vehicle salvage shall be allowed.
3) The outdoor parking and yard area adjacent the business shall be maintained free of oil and debris and otherwise maintained in a neat and orderly manner. Any vehicle fluids shall be disposed of at an approved dump site and not on the property.
4) The property shall be continuously maintained in conformance with weed and nuisance ordinance provisions.
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) The area used for vehicle parking shall be paved with asphalt according to city code.
7) Any other conditions recommended by the City Council following public hearing.

ATTACHMENTS

1) Application
2) Zoning map
3) Comp Plan map
4) Arial photo
5) Agency and other correspondence
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)

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<th>Applicant Name</th>
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<td>Nazar Leskovets</td>
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Applicant’s interest in property: ( ) Own (X) Rent ( ) Other

ADDRESS OF SUBJECT PROPERTY: 3913 Summit Ln Nampa, ID 83687

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: Needed

for impound lot / vehicle hold area. New Business.

Dated this ______ day of ____________, 20__

[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 - 155 - 20__

PROJECT NAME: Leskovets Impound Yard in P

12/11/13 Revised
She
lie Lopez

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, October 29, 2019 3:42 PM
To: Shellie Lopez
Subject: [External] RE: CUP-00155-2019

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 <lopes@cityofnampa.us>
Sent: Tuesday, October 29, 2019 3:28 PM
Subject: CUP-00155-2019

Good Afternoon Everyone! 😊

Re: CUP-00155-2019

Nazar Leskovets has requested a Conditional Use Permit for a Impound Lot/Vehicle Hold Area in a IL (Light Industrial) zoning district at 3913 Summit Lane (A portion of a .70 acre or 30,492 sq. ft. parcel situated in the SE ¼ of Section 13, T3N, R2W, BM and a portion of Lot 1, Block 2, Hillcrest Business Park.

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

Please find attached the CUP-00155-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than November 08, 2019.

Thank you & Have a great day!
Existing space and fenced yard, Building Department has no conditions.

From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Tuesday, October 29, 2019 3:28 PM
Subject: CUP-00155-2019

Good Afternoon Everyone! 😊

Re: CUP-00155-2019

Nazar Leskovets has requested a Conditional Use Permit for a Impound Lot/Vehicle Hold Area in a IL (Light Industrial) zoning district at 3913 Summit Lane (A portion of a .70 acre or 30,492 sq. ft. parcel situated in the SE ¼ of Section 13, T3N, R2W, BM and a portion of Lot 1, Block 2, Hillcrest Business Park.

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Please find attached the CUP-00155-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than November 08, 2019.

Thank you & Have a great day!
DATE: November 6, 2019
TO: Planning and Zoning Department
FROM: Peter Nielsen, Sr. Eng. Plans Examiner
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: Nazar Leskovets
OWNER: 39th St LLC
ADDRESS: 3913 E Summit Ln
RE: CUP-00155-2019 – Vehicle Impound Lot in an IL Zone

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.
November 6, 2019

Brent Danielson, Assoc. Planner
Ada County Development Services
200 W. Front Street
Boise, ID 83702

RE: CUP-155-2019/ Leskovets Impound Yard in IL; 3913 Summit Lane

Dear Brent:

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,

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

Cc: Office/ file