



Planning & Zoning Department

Before The Planning and Zoning Commission

February 23, 2016

Staff Report – Public Hearing #4

To: Planning & Zoning Commission

Applicant: Javier Barron Campos

File No: CUP 2135-16

Prepared By: Norman L. Holm

Date: February 16, 2016

Requested Action: Conditional Use Permit

Proposed Use: Ice Cream Store

GENERAL INFORMATION

Status of Applicant: Owner

Existing Zoning: IL (Light Industrial)

Location: 1604 1st St So

Size of Property: Approximately .134 acres or 5,750 sq ft

Surrounding Land Use and Zoning:

North- Industrial, IL then IH

South- Commercial, DH

East- Vacant prior mobile home park area, IL

West- Downtown commercial, DH

Comprehensive Plan Designation: Shown at the border of and split between Downtown and Light Industrial designations.

Planning & Zoning History: The property has been used for various other retail uses in the past. The prior owner indicated that the address of 1602 1st St So is a one story unit that has been used as an office, an apartment, and a combination of the two and that the front address of

1604 1st St So has two units, the upper level has been used for saddle/shoe repair, restaurant, and music store, the basement has been used as an apartment and is currently used for storage.

Applicable Regulations: Section 10-5-2 Schedule of District Land Use Controls requires a conditional use permit for an Ice Cream Store in an IL zoning district. 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:

8" sewer main in 1st St So

6" domestic water main in 1st St So

2" irrigation water in 1st St So near southeast property corner

Public Services: All present.

Transportation and Traffic: The property has existing access from 1st St So

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: Existing commercial/industrial property.

Parking: It appears that sufficient parking is available for the size of the building. This will be verified during the building permit review and certificate of occupancy process.

STAFF FINDINGS AND DISCUSSION

As of this date of this report staff has not received any expressions of support for or opposition to the proposed Ice Cream Store.

From a land use standpoint the location is shown on the comprehensive plan for Light Industrial use and the requested Ice Cream Store is an eligible conditional use in the existing IL zone.

With regards the conditional use permit, in my opinion use of the property for Ice Cream Store could be compatible with the surrounding commercial/industrial neighborhood if specific conditions are adhered to in the operation. In reference to the required findings the following are provided:

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

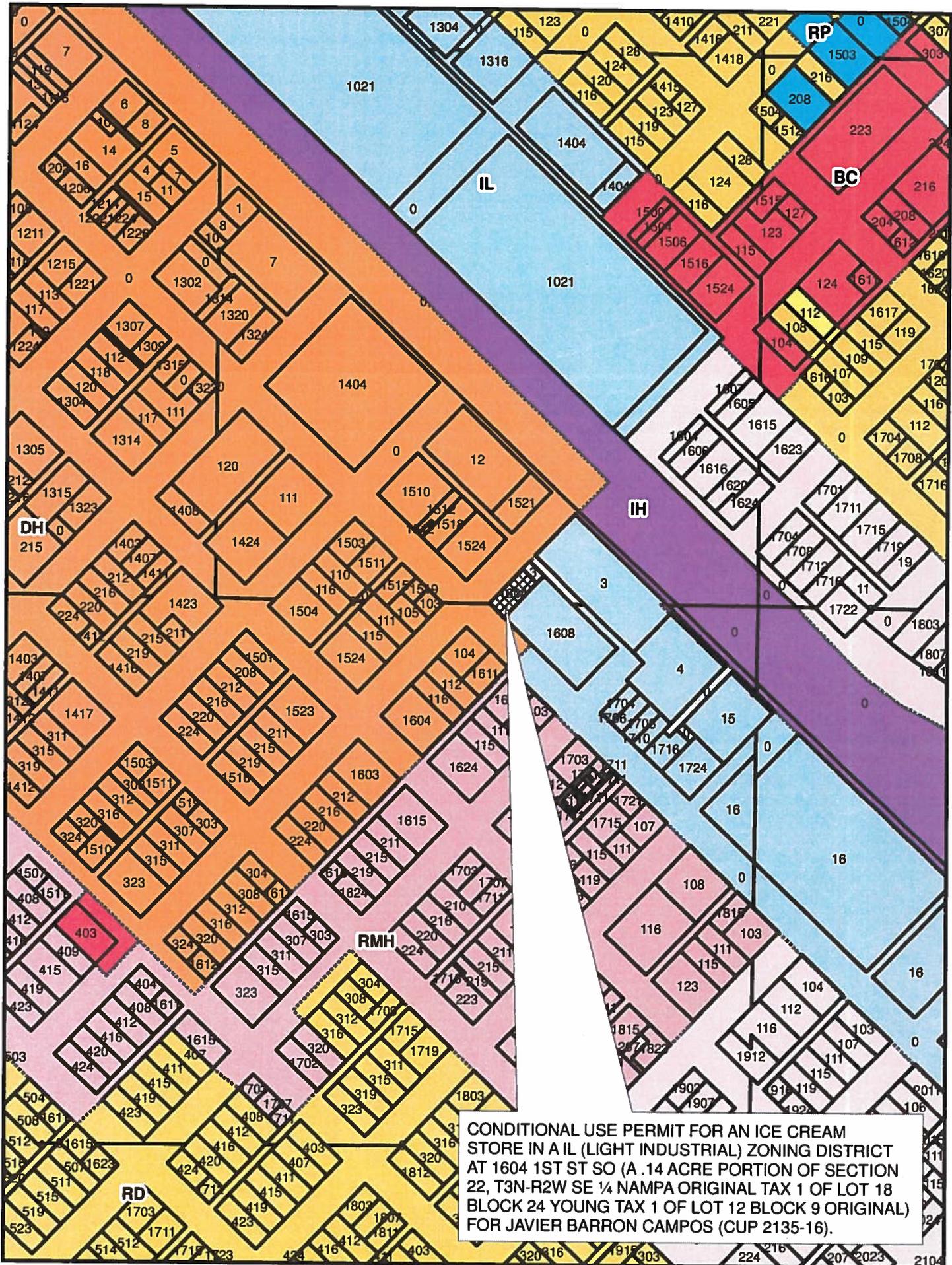
SUGGESTED CONDITIONS OF APPROVAL

If the Commission determines to approve the CUP for the Ice Cream Store 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 an Ice Cream Store shall be satisfied prior to occupancy.
2. If additional paved parking is required, the owner/applicant shall have prepared a grading and drainage plan in accordance with City Policy for the containment and retention of any storm water runoff.
3. The conditional use permit shall be issued only for an Ice Cream Store.
4. The conditional use permit is granted only to the property owner for the requested perpetuity of time, and shall not be transferable to any other operator or location.
5. Any other conditions recommended by the Commission following public hearing.

ATTACHMENTS

Vicinity map
Aerial photo
Application
Agency and other correspondence



CONDITIONAL USE PERMIT FOR AN ICE CREAM STORE IN A IL (LIGHT INDUSTRIAL) ZONING DISTRICT AT 1604 1ST ST SO (A .14 ACRE PORTION OF SECTION 22, T3N-R2W SE ¼ NAMPA ORIGINAL TAX 1 OF LOT 18 BLOCK 24 YOUNG TAX 1 OF LOT 12 BLOCK 9 ORIGINAL) FOR JAVIER BARRON CAMPOS (CUP 2135-16).





2/23 P2
Norm

Application for Conditional Use Permit

City of Nampa, Idaho

1/19/16
CUP 2135-16

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by the appropriate fee of ~~\$234.00~~ (1 acre or less) or \$463.00 (more than 1 acre).
@ per norm H.

Name of Applicant/Representative: 1604 1st St S. Phone: 972-9434
Address: JAVIER BARRON CAMPOS City: Nampa State: Id Zip Code: 836
Applicant's interest in property: (circle one) OWN Rent Other _____
Owner Name: AS ABOVE Phone: _____
Address: _____ City: (Nampa) State: _____ Zip Code: _____

Address of subject property: 1604 1st St S.

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement

Subject Property Information
(Please provide the following REQUIRED DOCUMENTATION to complete the CUP):

- 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
- OR, Subdivision _____ Lot _____ Block _____ Book _____ Page _____
- A sketch drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas, preliminary or final building plans and building elevations, together with any other information considered pertinent to the determination of this matter.

Project Description

State (or attach a letter stating) the reason for the proposed Conditional Use Permit: ICE CREAM
SHOP IN IL ZONE

Length of time requested for the Conditional Use Permit: _____ Months and/or _____ Years. IN PERPETUITY

Date conditional use is expected to begin after permit is granted: immediately
Please note: Conditional use permits expire if not used within six (6) months after granting.

Dated this 19th day of January, 2016

JAVIER BARRON CAMPOS
Signature of applicant

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.

Acceptance by the City of this application does not exempt an applicant's need to comply with all other civil, local, state or federal agency laws, covenants or standards that may appertain to the proposed Conditional Use, including, where applicable, Home Owners' Association Board approval and compliance with private Covenants, Conditions and Restrictions.

For Office Use Only:

File Number: CUP 2135 -20 16 Project Name: CUP FOR ICE CREAM SHOP IN IL
1604 1ST ST S,
JAVIER BARRON CAMPOS

Memorandum

To: Planning and Zoning
Cc: Daniel Badger, P. E., Staff Engineer
Cc: Michael Fuss, P. E., MBA, Nampa City Public Works Director
From: Jim Brooks – Engineering Division
Date: February 17, 2016
Re: Conditional Use Permit-Ice Cream Store
Applicant: Javier Barron Campos
Address: 1604-1st Street South

CUP2135-16 for February 23, 2016 Planning & Zoning Meeting

Current fire flow at this location is insufficient.

History:

Site was at one time the location of Herb's 24 Flavors Ice Cream shop. Since Herb's retirement the use has seen various other retail uses.

The Engineering Division does not oppose the granting of this conditional use permit request with the condition that if additional paved parking is required, per Planning and Zoning, the owner/applicant shall have prepared a grading and drainage plan in accordance with City Policy for the containment and retention of any storm water runoff.