



Planning & Zoning Department
Before The Planning & Zoning Commission
February 23, 2016

Staff Report – Public Hearing #5

Applicant: Carolyn Greener
File No: CUP 2138-16

Prepared By: Norman L. Holm
Date: February 17, 2016

Requested Action: Conditional Use Permit
Purpose: To Keep 3 Dogs

GENERAL INFORMATION

Status of Applicant: Owner

Existing Zoning: RD (Two Family Residential)

Zoning & Planning History: The applicant has recently moved from a property in the County to this home. They are required to have a CUP to maintain their 3 dogs at this new location.

Location: 1115 S Elder Street

Size of Parcel: .42 acres or 18,328 sq ft

Surrounding Land Use and Zoning:

North- Single family residential, RD
South- Single family residential, RD
East- Single family residential, RD
West- Single family residential, RD

Comprehensive Plan Designation: Medium Density Residential.

Applicable Regulations: Chapter 25 provides Conditional Use Permit regulations and criteria. Animal regulations are found in Table 10-3-2 in the zoning ordinance as well as in Chapter 21. These criteria essentially require that the proposed keeping of 3 dogs be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood.

Description of Existing Land Uses: The neighborhood surrounding the lot is question is primarily single family residential with some duplex use.

Proposed Land Uses: Keeping of 3 dogs in connection with a single-family dwelling.

Application History & Citizen Input: Code Enforcement has not indicated any active violations concerning the dogs on the property or other recent visible code violations.

SPECIAL INFORMATION

Public Utilities: All available in the adjoining streets.

Public Services: All available.

Physical Site Characteristics: Existing single-family residential lot.

Environmental: the property is not situated in a 100-year flood area.

Aesthetics/Landscaping: The lot is landscaped compatible with other lots in the area. The outside yard area is not completely fenced with chain link fencing.

STAFF FINDINGS & DISCUSSION

The applicant is requesting approval to maintain the 3 dogs on the property via a C.U.P.

City code now allows for consideration of more than two dogs to be given for those persons who seek such approval. Staff would suggest that in considering this request that the applicant and any neighbors that attend the hearing be asked about the following:

1. Any past problems respecting limiting accumulation of solid waste on the premises (Title 3-4-7)
2. Any past problems with barking, chasing vehicles, bothering pedestrians, or trespassing onto private property.

City code requires the following Conclusions of Law for the Conditional Use Permit hearing item:

1. That the location, size, design and operating characteristics of the proposed keeping of 3 dogs will be compatible with and will 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. That the location, design and site planning of the proposed keeping of 3 dogs 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. That the proposed keeping of 3 dogs 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.

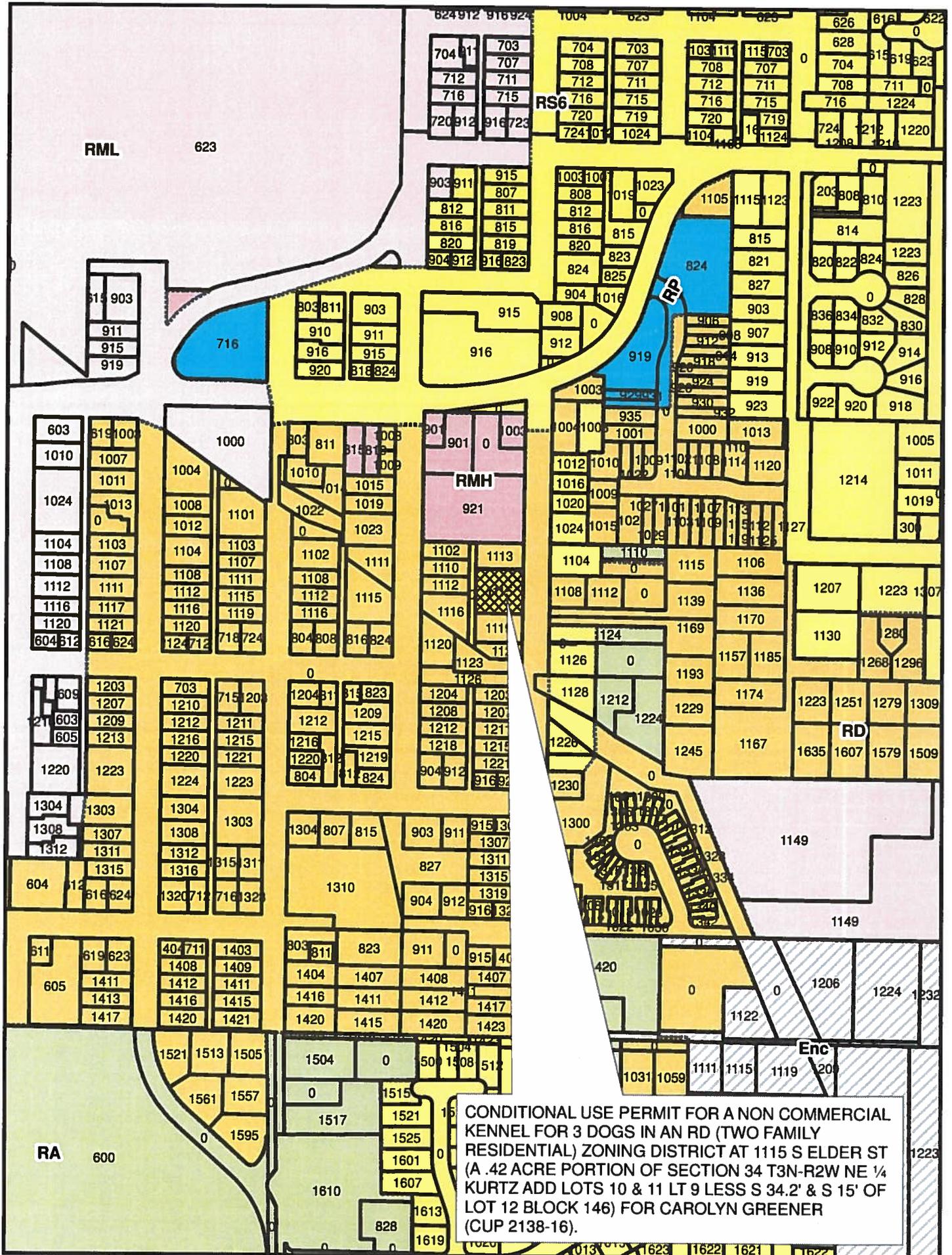
SUGGESTED CONDITIONS OF APPROVAL

If the Commission votes to issue a conditional use permit the following conditions are recommended to be attached:

1. That the applicant maintains their yard free from the accumulation of dog feces.
2. That the applicant prevents the dogs from excessively barking so as to constitute a nuisance to the neighbors.
3. That three or more citations issued against the applicant by Animal Control officers be considered sufficient grounds to revoke the Conditional Use Permit and that such will be considered null and void upon receipt of the third citation.
4. That the animals be restricted so as to not run at large off the property. This shall include completion and maintenance of adequate fencing at a condition and height to keep the dogs from getting away when let outside.
5. Any other conditions determined necessary by the Planning Commission following the public hearing.

ATTACHMENTS

Zoning and location map
Aerial photograph of location
Application
Department other correspondence



CONDITIONAL USE PERMIT FOR A NON COMMERCIAL KENNEL FOR 3 DOGS IN AN RD (TWO FAMILY RESIDENTIAL) ZONING DISTRICT AT 1115 S ELDER ST (A .42 ACRE PORTION OF SECTION 34 T3N-R2W NE 1/4 KURTZ ADD LOTS 10 & 11 LT 9 LESS S 34.2' & S 15' OF LOT 12 BLOCK 146) FOR CAROLYN GREENER (CUP 2138-16).

E Dakota Ave

1020

1024

1113

1104

1115

1108

1119

1124

1121

1126

1123

N

S Elder St





2/23/16
Noan
Application for Conditional Use Permit
City of Nampa, Idaho

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).

Name of Applicant/Representative: CAROLYN GREENER Phone: 371 6073
 Address: 1115 S. ELDER ST City: NAMPA State: ID Zip Code: 83686
 Applicant's interest in property: (circle one) Own Rent Other _____
 Owner Name: _____ Phone: _____
 Address: _____ City: _____ State: _____ Zip Code: _____

Address of subject property: Same as Above

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: SEE ATTACHED LETTER

Length of time requested for the Conditional Use Permit: _____ Months and/or 15 Years.

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

Dated this 26 day of January, 20 16

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 2138 -2016 Project Name: Greener Non-Comm. Kennel

1/22/16

We are moving from a property in the county, to a home within Nampa city limits. Our three dogs are each: spayed/neutered, current on vaccinations, licensed, and friendly.

We are not, nor do we have any intentions of becoming, dog breeders or a dog rescue organization. We just happen to have three dogs right now.

Carolyn and John M. Greener
1115 S Elder St
Nampa Id 83686
466-4764

Date: 1/22/16

Animal License Application

Owner Name: Carolyn Greener

Senior Discount Y N

New Renewal

Tag # 66117 Expires: 3/5/17

Owner's Date of Birth: 3/5/68

Mailing Address: 115 S Elder St

Physical Address:

Phone (home): 271-6073 Other

Vet Clinic or UB: Caldwell Veterinary

Animals Name: Haze

Breed: K&K Box Mix

Female Color(s): Tan White

Male Spayed*: Y N

Neutered*: Y N

Rabies Expiration: 1/22/19 Rabies # 11111

Micro Chip Y N Chip Number:

Tag Fees: \$ 10.00 Vet Admin Fee: \$

Return form/payment to:

City Clerks Office
Attn: Dog Licensing
411 Third Street South
Nampa, Idaho 83651

Date: 1/22/16

Animal License Application

Owner Name: Carolyn Greener

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Breed: K&K Box Mix

Female Color(s): Tan White

Male Spayed*: Y N

Neutered*: Y N

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Memorandum

To: Planning and Zoning

Cc: Daniel Badger, P.E., Staff Engineer

Cc: Michael Fuss, P. E., Nampa City Public Works Director

From: Jim Brooks – Engineering Division

Date: February 16, 2016

Rev:

Re: CUP – Non-commercial Kennel to keep 3-dogs on premises

Applicant: Carolyn Greener

Address: 1115 So. Elder Street

CUP2138-16 for the February 16, 2016 Planning & Zoning Meeting

The Engineering Division does not oppose the granting of this conditional use permit.