



Planning & Zoning Department
Before the
Planning & Zoning Commission Meeting
March 8, 2016

Staff Report – Public Hearing #1

Applicant: Doraelia Lopez
File No: CUP 2141-16

Prepared By: Norman L. Holm
Date: March 1, 2016

Requested Action: Conditional Use Permit
Purpose: Home Occupation Day Care for up to 12 Children.

GENERAL INFORMATION

Status of Applicant: Owner

Existing Zoning: RS 6 (Single Family Residential – 6,000 sq ft)

Location: 1406 W Hasket Court

Size of Property: .186 acres or 8,120 sq ft

Surrounding Land Use and Zoning:

North- Single family residential, RS 6

South- Single family residential, RS 6

East- Single family residential, RS 6

West- Single-family residential, RS 6

Comprehensive Plan Designation: Medium Density Residential

Zoning & Planning History: Applicant as resident/owner desires to operate a home occupation day care on the premises.

Applicable Regulations: Section 10-5-2 requires a conditional use permit for home occupation day nursery or childcare facilities for more than 7 and up to 12 children in all residential districts.

Chapter 25 sets forth the criteria of approval and required findings. These criteria essentially require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood.

Description of Proposed Uses: The applicant indicates she would like to open the daycare for up to 12 children. The back yard area is completely fenced and landscaped.

The property is situated on a low traffic local street cul-de-sac and has off-street parking for at least 4 vehicles in the garage and driveway. The length of time requested for the CUP is indefinitely.

SPECIAL INFORMATION

Public Utilities: City water, sewer, and irrigation service the property.

Public Services: All present

Transportation: The location has access from S Boundary St via W Iowa Ave.

Physical Site Characteristics: No changes in the existing physical site characteristics are proposed. The outdoor play/yard area is already developed and fenced.

Environmental: Home occupation day cares are compatible with single family residential living and in my opinion have little or no impact on adjoining properties and provide an essential service to area residents.

Aesthetics/Landscaping: The outdoor yard area around the home is landscaped and compatible with residential living.

Correspondence: As of the date of this memo no area property owners or residents have expressed any opposition to or support for the use of the property for a home occupation day care. Code Enforcement has expressed no code violations or complaints from neighbors.

STAFF FINDINGS & DISCUSSION

Staff's review of the site reveals sufficient outdoor play area, and parking for a home occupation day care.

In order to grant the CUP for daycare use the Commission must make the following recommended findings:

1. The location, size, design and operating characteristics of the proposed home occupation day care will be compatible with and will not adversely affect the livability or appropriate development of the surrounding neighborhood with consideration being given to the harmful effect upon desirable neighborhood character. The use will occur in an existing building in an area that will support the intended use.

2. The location, design, and site planning of the proposed home occupation day care will be as attractive as the nature of the use and its location and setting warrants since the outside appearance of the home will not be altered.
3. The proposed home occupation day care will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community.

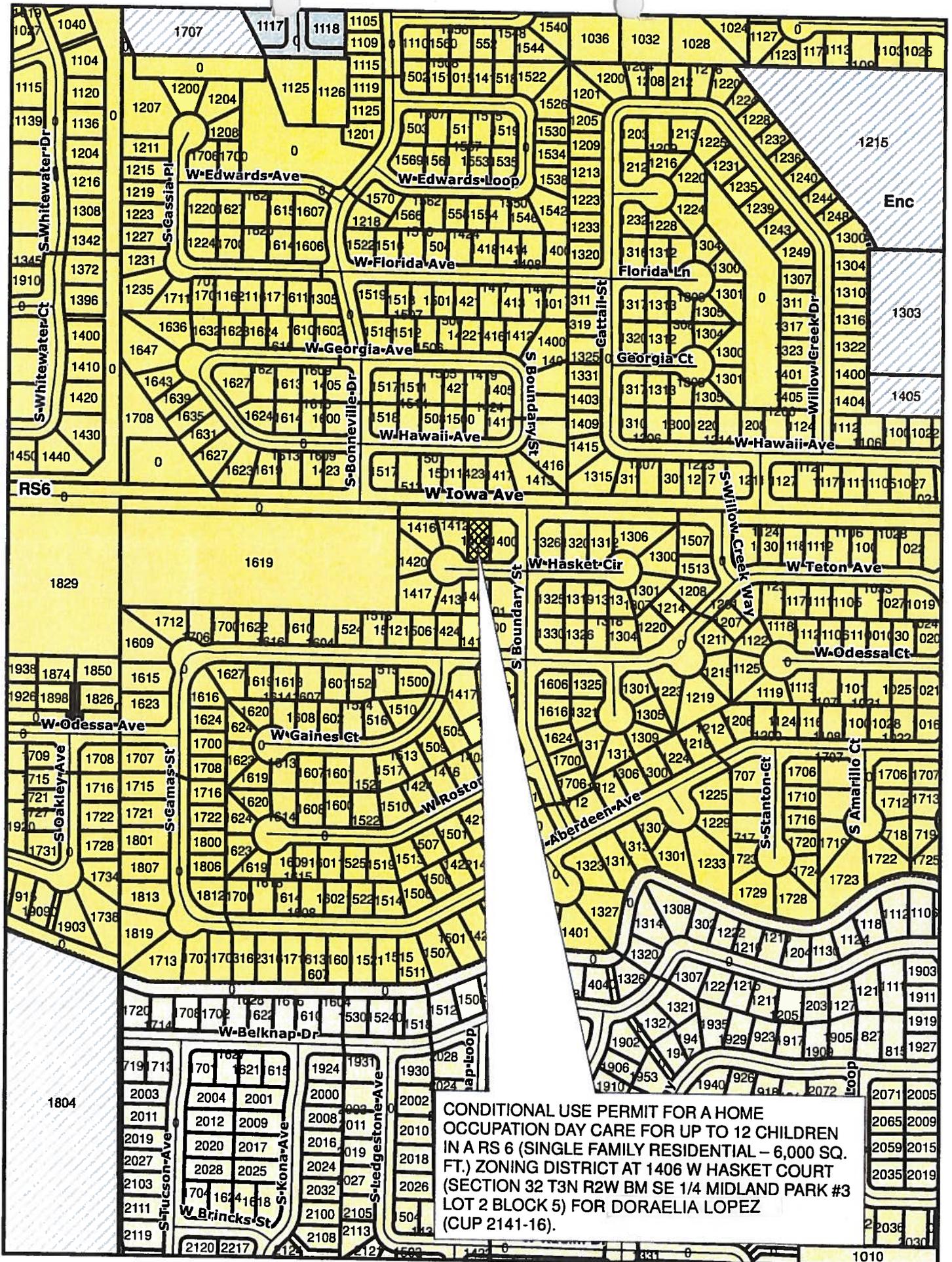
SUGGESTED CONDITIONS OF APPROVAL

If the Commission following the public hearing determines that the use could be appropriately located and votes to issue a conditional use permit the following conditions of approval are suggested:

1. That the operator obtains and maintains licensing with State Health & Welfare.
2. That the use as a daycare does not substantially change the character of the home and be clearly secondary to use of the home as a residence.
3. The outdoor play area and landscaping shall be maintained in a neat and orderly manner.
4. The outdoor play area shall be continuously fenced in order to retain children from wandering out of the area.
5. All requirements of the Nampa Building, Fire, and Engineering Departments regarding day care use shall be satisfied as per State Law prior to occupancy.
6. The size of any advertising signs shall not exceed that allowed for home occupations of 2 sq. ft.
7. The conditional use permit shall be granted to only *Doraelia Lopez* and shall not be transferable to any other operator or location.

ATTACHMENTS

Zoning and location map
Aerial photo of lot and adjacent property
Building floor plan sketch
CUP application
Day-Care Home Occupation Registration Form
NFD Daycare Inspection Form
Agency and other correspondence



CONDITIONAL USE PERMIT FOR A HOME
 OCCUPATION DAY CARE FOR UP TO 12 CHILDREN
 IN A RS 6 (SINGLE FAMILY RESIDENTIAL – 6,000 SQ.
 FT.) ZONING DISTRICT AT 1406 W HASKET COURT
 (SECTION 32 T3N R2W BM SE 1/4 MIDLAND PARK #3
 LOT 2 BLOCK 5) FOR DORALIA LOPEZ
 (CUP 2141-16).

W Iowa Ave

S Boundary St

W Hasket Ct

1400

1406

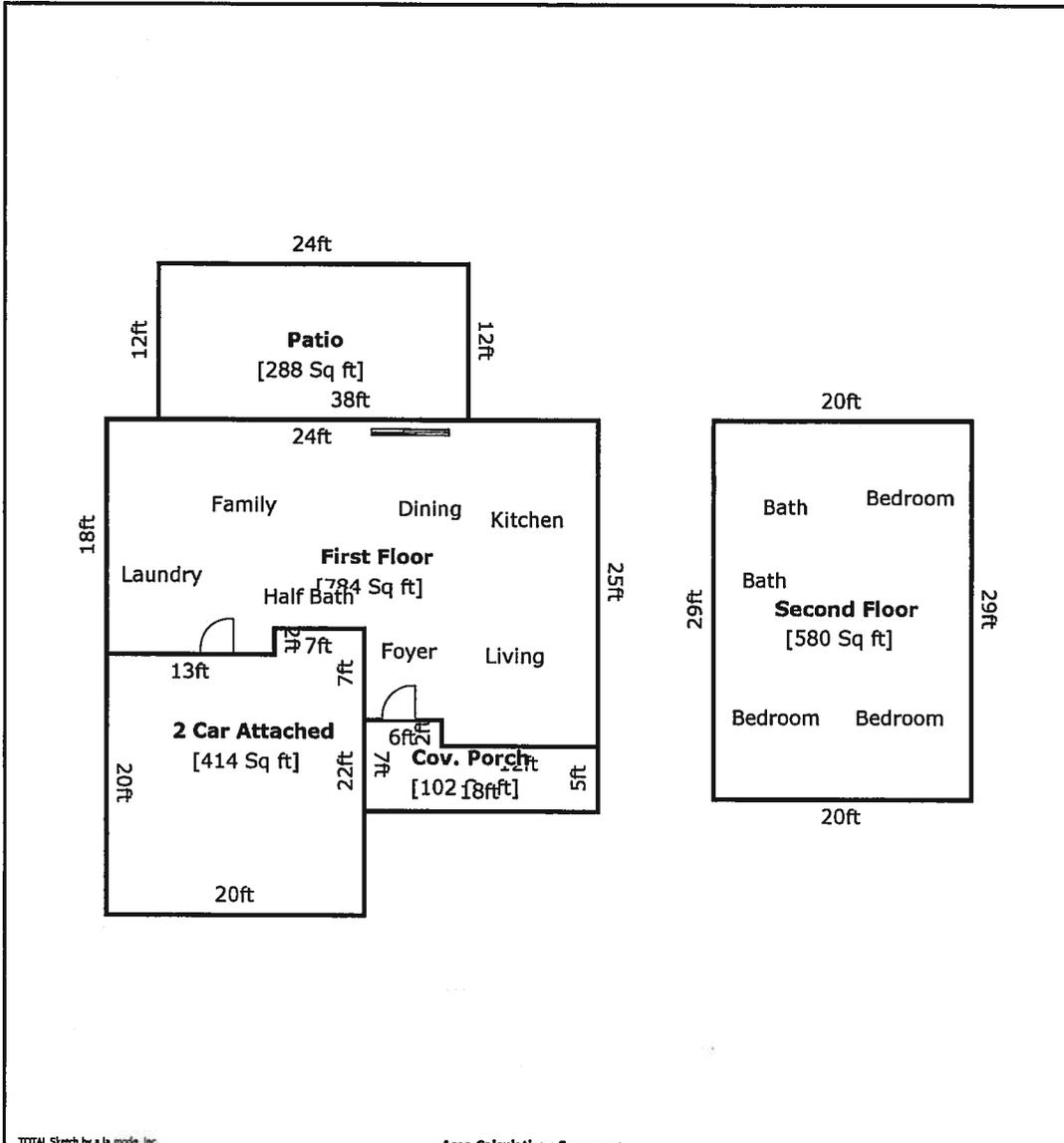
1412

1416



Building Sketch

Borrower/Client	Castillo/Lopez		
Property Address	1406 W Hasket Ct		
City	Nampa	County	Canyon
State	ID	Zip Code	83686
Lender	Universal American Mortgage Co.		



TOTAL Sketch by a la mode, Inc.

Area Calculations Summary

Living Area	Area	Calculation Details
First Floor	784 Sq ft	$18 \times 13 = 234$ $25 \times 16 = 400$ $7 \times 6 = 42$ $9 \times 12 = 108$
Second Floor	580 Sq ft	$20 \times 29 = 580$
Total Living Area (Rounded):	1364 Sq ft	
Non-living Area		
2 Car Attached	414 Sq ft	$20 \times 20 = 400$ $7 \times 2 = 14$
Patio	288 Sq ft	$24 \times 12 = 288$
Cov. Porch	102 Sq ft	$7 \times 6 = 42$ $12 \times 5 = 60$



Application for Conditional Use Permit

City of Nampa, Idaho

3/15 PZ
NORM

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: Doraelia Lopez Phone: 208 970-1851
Address: 1406 W Hasket Ct. 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: 1406 W Hasket Ct - Nampa, ID 83686

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: I would like to obtain permission to operate an in-home daycare, which I also am working to obtain state license to practice.

Length of time requested for the Conditional Use Permit: _____ Months and/or _____ 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 29 day of January, 20 16
Doraelia Lopez
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.

For Office Use Only:
File Number: CUP 2141 -20 16 Project Name: Julian's Daycare



Day-Care Home Occupation Registration

City of Nampa Fee: \$90.00
Planning and Zoning Dept.
411 3rd Street S., Nampa, Id 83651

Applicant Name: Doraelia Lopez Phone #: (208) 972-1851

Business Name: Julian's Daycare

Property Address: 1406 W Hackett Ct. City: Nampa St: ID Zip: 83686

Property Owner: Doraelia Lopez

Notice: The intent of home occupation provisions is to only allow for home occupations that are compatible with the neighborhoods in which they are located. Full scale commercial or professional operations, which would change the appearance or condition of a residence, be detrimental to neighborhood character, or ordinarily be conducted in a commercial or industrial district, should not be conducted at home. Daycare home occupations in AG, RA, RS, RSM, RD and RML are limited to 6 or fewer children (including the caregiver's children 6 years and under) unless a Conditional Use Permit is applied for and approved by the Planning Commission. Daycare home occupations in the U, RMH, and RP zones are allowed to have up to 12 children (including the caregiver's own 6 years and under) without a Conditional Use Permit being required.

**All Day-Care/Preschool applications will require a fire inspection.*

General Information

1. Is the facility in your principal residence? Yes () No (A copy of your current utility bill will be required)
2. Are you proposing any structural changes which will change the character of the building as a residence?
() Yes No (The building must retain the appearance of residential use in terms of operating characteristics and can not destroy the residential character of the neighborhood).
3. How many of your own children will you be watching? _____ (age 6 and under) 1 (age 7 and older)
4. How many children do you propose to care for (not counting your own)? 9
5. Total number of children to be cared for? 10
6. Will you be hiring any employees who do not reside on the premises? () Yes No
(In-home daycare providers are allowed one assistant)
7. Will you have a sign? () Yes No
(No sign is allowed other than a non-illuminated nameplate less than two (2) square feet in area).
8. Will the In-Home Daycare cause any abnormal automotive or pedestrian traffic? () Yes No
(Vehicular or pedestrian traffic shall not be generated in volumes beyond that normal to the use in the zoning district in which the home occupation is located. If additional parking is needed it shall be met off-street and not in the landscaped front yard).
9. Nuisances: No excessive noise that causes interference to the normal senses off the lot.

CUP
2/4/16
2/14/16

Please Note:

Reports of property damage to surrounding properties or unsupervised children will be followed up by the City of Nampa, Planning and Zoning Division.

****Acceptance by the City of this registration does not abrogate an applicant's need to comply with all other civil, local, state or federal agency laws, covenants or standards that may appertain to operation of a home based business, including Home Owner's Association Board approval and compliance with private Covenants, Conditions and Restrictions.**

Certification: I am aware of the standards and conditions under which my day-care home occupation is allowed and understand that I must be able to prove residence at the above stated address, if necessary and that if any of the standards are violated I am guilty of a misdemeanor. I am aware that this statement of compliance is for the above stated occupation and business and that if I change addresses, change occupations, or discontinue the occupations that this statement becomes invalid and another statement would need to be filed.

Doracelia Lopez
Applicant Signature

01/29/16
Date

Application Submittal Requirements

1. Completed application, including signature of applicant.
2. Approved Fire Inspection.
3. Copy of Current Utility bill in the Applicants name.
4. Signed & Notarized Affidavit of Legal Interest (attached). Form must be completed by the legal owner of property.

Fire Inspection, call (208) 468-5770 for an inspection:

Approved Denied

Please see attached

Inspector Signature

____/____/____
Date

Planning and Zoning Dept. Use:

File # OC-2142-2016 Zone RS6 Project Name: Johanna's Daycare

Shelley A. Kopy
Zoning Agent Signature

2 / 9 / 2016
Date



**City of Nampa Fire Department
NFD Daycare Inspection Form**

Date Inspected-3/1/16

Occupancy ID-010082

Name of Establishment

**Julians Daycare
1406 W. Hasket Ct
Nampa ID 83686**

Owner/Operator

Doraelia Lopez Castillo

Questions are worded so that a negative answer will indicate and unsatisfactory condition

GENERAL REQUIREMENTS FOR ALL DAYCARE FACILITIES

- Yes Exits are located to provide an unobstructed path outside the building to a public way or area of refuge?
Yes Can exit doors be opened from inside without the use of a key or any special knowledge or effort?
Yes Are two exits provided for Group/Daycare Centers?
Yes Do the required exits have a clear width of 32" and height of 6'8"?
Yes Are sleeping rooms provided with one egress window or a door directly outside?
Yes Egress windows from sleeping areas operable from the inside without the use of tools, special knowledge or effort?
N/A Where children are located in a basement, are two exits provided; one of which exits directly to the outside?
Yes Serviced Fire Extinguisher with a 2A-10BC rating within 75' travel distance and mounted less than 5'
Yes Is there an operable telephone on the premises?
Yes 6" address numbers contrasting with its background and clearly visible from the street?
N/A Is there a smoke detector installed in basements where the stairway opens into the facility and provided with sounding device audible in the sleeping areas?
Yes Are smoke detectors provided in a central location in the corridor or area giving access to rooms used for sleeping?
Yes Are smoke detectors installed in all sleeping rooms?

FACILITIES WITH OVER FIFTY (50) CHILDREN

- Do exit doors swing in the direction of egress?
Do exit doors have panic hardware?
Are exit signs installed at required exit doorways and where necessary to clearly indicate the direction of egress?
Is an approved fire alarm system installed?

FACILITY APPROVAL STATUS

Facility Passes Fire Inspection-YES

Occupant Load – 12

This Facility is classified as a **Group Daycare Home for up to 12 Children**

Inspected by:

Melissa Close
Deputy Fire Marshal
Nampa Fire Department
820 2nd St. S.
Nampa ID 83651
(208) 468-5766

Copies sent to:

Owner/Operator
Health & Welfare Daycare Licensing
City of Nampa

Sylvia Mackrill

From: Greg Goodman
Sent: Friday, February 12, 2016 12:12 PM
To: Sylvia Mackrill
Subject: RE: CUP 2141 - 16

No current violations at this time.

Gregory Goodman
Code Compliance & Community Relations Officer
208-468-5464
City of Nampa, ID

From: Shellie Lopez
Sent: Wednesday, February 10, 2016 11:00 AM
To: Amanda Morse; Beth Ineck; Brent Hoskins; Carl Miller; Craig Tarter; Daniel Badger; Don Barr; Greg Goodman; Jennifer Yost; Jim Brooks; Marlen Salinas; Michael Fuss; Neil Jones; Patrick Sullivan; Ray Rice; Robin Collins; Sylvia Mackrill; Tina Fuller; Tom Laws; Vickie Holbrook
Subject: CUP 2141 - 16

Good Morning!

CUP 2141 - 16:

Doraelia Lopez has requested a Conditional Use Permit for the property located in a RS 6 (Single Family Residential - 6,000 sq. ft.) zoning district at 1406 W Hasket Court, a .19 acre parcel (32 - 3N-2W SE Midland Park Subdivision #3, Lot 2, block 5).

Ms. Lopez is requesting the Conditional Use Permit for a Home Occupation Day Care for 7 to 12 children.

The Conditional Use Permit application will go before the Planning & Zoning Commission as a public hearing item on the March 08, 2016 agenda.

Please find attached the CUP 2141-16 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than February 25th.

Thank you & Have a great day!

Shellie A. Lopez

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 23

Rev:

Re: CUP – Home Occupation Daycare for 7 to 12 children

Applicant: Doraelia Lopez

Address: 1406 W. Hasket Court (Lot 2, Blk. 5 Midland Park Sub. #3)

CUP2141-16 for March 8, 2016 Planning and Zoning Meeting

Fire flows in this area are better than 2,000 GPM.

Trip generation reports by the Institute of Transportation Engineers for daycare facilities with up to 12 children create, on average, the following number of trips:

- AM Peak – 14 vehicle trips
- PM Peak – 12 vehicle trips

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