



Planning & Zoning Department
Before the Planning & Zoning Commission
April 26, 2016

Staff Report – Public Hearing #2

Applicant: Marcia Cardenas dba Itzel's Daycare
File No: CUP 2177-16

Prepared By: Norman L. Holm
Date: April 19, 2016

Requested Action: Conditional Use Permit
Purpose: Home Occupation Daycare for up to 12 Children

GENERAL INFORMATION

Status of Applicant: Owner

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

Location: 77 S Kellie Loop

Size of Property: A .256 acre portion of Section 26, T3N, R2W, BM, NW ¼, Sunrise Meadows, Lot 10, Block 1

Surrounding Land Use and Zoning:

North- Single family residential, RS 6

South- UP Railroad, IL

East- Single family residential then Industrial, RS 6 then IL

West- UP Railroad, IL

Comprehensive Plan Designation: Medium Density Residential

Zoning & Planning History: Applicant as owner desires to operate a home occupation day care for up to 12 children on the premises.

Applicable Regulations: Section 10-5-2 requires a conditional use permit for a home occupation daycare for up to 12 children in RS 6 zones.

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 proposes to operate a home occupation daycare to watch 12 children.

SPECIAL INFORMATION

Public Utilities: All available

Public Services: All present

Transportation: The location has access S Kellie Loop from S Sugar Ave south to E Railroad St and north to E Victory Rd and Garrity Blvd. 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.

Physical Site Characteristics: No changes in the existing physical site characteristics are proposed.

Environmental: Home occupation daycares are compatible with single family residential neighborhoods and in my opinion have little or no impact on adjoining properties and provide an essential service to the city.

Aesthetics/Landscaping: The lot is residentially landscaped and the backyard is fully fenced for child play area.

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 home for a home occupation daycare for up to 12 children. Code Enforcement has expressed no code violations or complaints from neighbors.

STAFF FINDINGS & DISCUSSION

Staff's review of the site reveals sufficient parking for a home occupation daycare.

In order to grant the CUP for home occupation daycare use for up to 12 children the Commission must make the following recommended findings:

1. The location, size, design and operating characteristics of the proposed home occupation daycare use for up to 12 children 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 daycare use for up to 12 children will be as attractive as the nature of the use and its location and setting warrants.
3. The proposed home occupation daycare use for up to 12 children will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community.

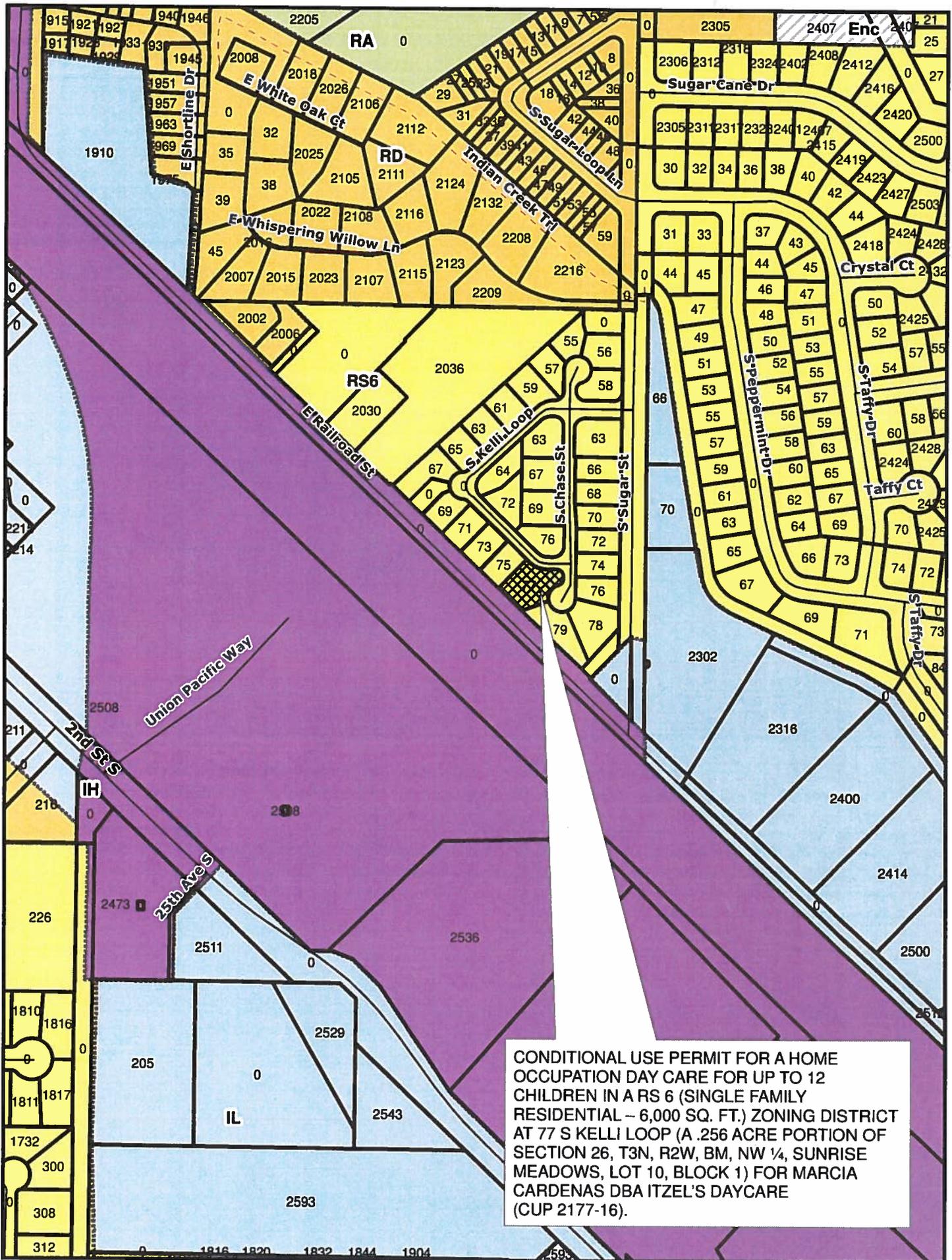
SUGGESTED CONDITIONS OF APPROVAL

If the Commission following the public hearing determines that the use could be appropriately located and determines 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 home occupation 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. The Building Department will require a building permit and Architectural plans showing where the children will be cared for. They will need to know how many children under 2 ½ years of age, will need exit doors to the exterior from each room where children are being cared for, and all portions of the home being used for daycare will need to meet the requirements of the ICC A117.1-2009 for accessibility.
6. All requirements of the Nampa Building, Fire, and Engineering Departments regarding home occupation daycare use shall be satisfied as per State Law prior to occupancy.
7. The size of any advertising signs shall not exceed that allowed for home occupations of 2 sq. ft.
8. The conditional use permit shall be granted to only *Marcia Cardenas* and shall not be transferable to any other operator or location.

ATTACHMENTS

Zoning and location map
Aerial photo of lot and adjacent property
Birds eye view of property
CUP application
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 77 S KELLI LOOP (A .256 ACRE PORTION OF SECTION 26, T3N, R2W, BM, NW ¼, SUNRISE MEADOWS, LOT 10, BLOCK 1) FOR MARCIA CARDENAS DBA ITZEL'S DAYCARE (CUP 2177-16).



Indian Creek Trl

2302

S Sugar St

S Chase St

S Kelli Loop

E Railroad St





S Kellie Loop

777



4/16 Re
Norm

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: Marcia Cardenas Phone: (208) 515-8642
 Address: 77 S. Kelli Loop # City: Nampa State: ID Zip Code: 83687
 Applicant's interest in property: (circle one) Own Rent Other _____
 Owner Name: Antonio Cardenas Phone: (208) 392-7269
 Address: 77 S. Kelli Loop City: Nampa State: Id Zip Code: 83687
 Address of subject property: 77 S. Kelli Loop Nampa Id 83687

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 Sunrise Lot 10 Block 1 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: To watch 12 children

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 31 day of March, 20 16 Marcia Cardenas
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 2177 -20 16 Project Name: Itzel's Daycare/Maria Cardenas



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

Date Inspected-3/2/16

Occupancy ID-R31879109

Name of Establishment
Itzel's Daycare
77 S. Kelly Loop
Nampa ID 83687

Owner/Operator
Marcia Cardenas

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 children and 4 adult caregivers

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

Shellie Lopez

From: Neil Jones
Sent: Tuesday, April 05, 2016 10:42 AM
To: Shellie Lopez
Cc: Patrick Sullivan; Bret Caulder
Subject: RE: Home Daycare for up to 12 / 77 S Kelli Loop CUP 2177 16

The Building Department will require a building permit and Architectural plans showing where the children will be cared for. Will need to know how many children under 2 ½ years of age, will need exit doors to the exterior from each room children are being cared for and all portions of the home being used for the day care will need to meet the requirements in the ICC A117.1-2009 for Accessibility.

Neil Jones

From: Shellie Lopez
Sent: Thursday, March 31, 2016 3:20 PM
To: Amanda Morse <morsea@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Carl Miller <CMiller@compassidaho.org>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Eric Skoglund <skoglundl@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooks@cityofnampa.us>; Marlen Salinas <salinasm@cityofnampa.us>; Michael Fuss <fussm@cityofnampa.us>; Neil Jones <jonesn@cityofnampa.us>; Patrick Sullivan <sullivanw@cityofnampa.us>; Ray Rice <ricer@cityofnampa.us>; Robin Collins <collinsrr@cityofnampa.us>; Sylvia Mackrill <mackrill@cityofnampa.us>; Tina Fuller <tfuller@compassidaho.org>; Tom Laws <tlaws@compassidaho.org>; Vickie Holbrook <holbrookv@cityofnampa.us>
Subject: Home Daycare for up to 12 / 77 S Kelli Loop CUP 2177 16

CUP 2177-16:

Maria Cardenas has requested a Conditional Use Permit for the property located at 77 South Kelli Loop, a 0.256 acre parcel (26 - 3N - 2W NW, Sunrise Meadows Subdivision, Lt 10, Blk 1) within a RS-6 (Single Family Residential - 6,000 sq. ft.) zoning district.

The applicant is requesting the CUP to operate a Home Daycare for up to 12 children and will go before the Planning & Zoning Commission as a public hearing item on the April 26, 2016 agenda.

Please find attached the CUP 2177-16 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than April 13, 2016.

Thank you & have a great day!

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: April 13, 2016

Rev:

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

Applicant: Maria Cardenas

Address: 77 South Kelli Loop (Lot 10, Blk. 1 Sunrise Meadows Sub.)

CUP2177-16 for April 26, 2016 Planning and Zoning Meeting

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.

Shellie Lopez

From: Juan Vergara
Sent: Tuesday, April 05, 2016 11:20 AM
To: Soyla Reyna; Shellie Lopez
Subject: CC16-000082

CUP 2177-16 Zone RS 6 NO code violations at this time.

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.