



## **PLANNING & ZONING DEPARTMENT**

### **Before the Planning & Zoning Commission Meeting of 08 MARCH 2016 Public Hearing No. 4**

**Analyst:** Christopher Daly

**Applicant(s)/Engineer(s):**

Jon Chatfield/ Nick Barry representing Barry Equipment Rentals

**File(s):** CUP 2181-16

**Requested Action Approval(s) and Location:**

**1. Conditional Use Permit Approval:**

To authorize the continued use of the old Norco Building as an equipment rental business in the Community Business District (BC) zone.

**Pertaining to:**

Property [land] in a BC (Community Business District) Zone and addressed variously as 2324 Caldwell Blvd. (being an 2.641 acre portion of Section 8, T3N, R2W SW, ¼ Midway Acres) -- hereinafter the "Property"...

**History:**

- Previously owned and operated by Norco, this property was used as a medical equipment rental center. Due to their medical classification in the past, they were treated as an allowed use the BC zone.
- In the Recent Conceptual Plan Review Meeting attended by the Barry Equipment development team, Planning and Zoning omitted the requirement for a Conditional Use Permit. This application process is to ensure that this use is authorized in this zone to allow Barry Equipment Rental the opportunity to continue operating on this property.

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## **CONDITIONAL USE CONCLUSIONS OF LAW**

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Relevant **Conclusions of Law** for a/**this Conditional Use Permit** hearing item:

- A. That the location, size, design and operating characteristics of the proposed development 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.**

- B. That the location, design and site planning of the proposed development 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.**
- C. That the proposed development 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.**

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## COMMENTARY

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Cities and counties in this country have for the past 100 or so years adopted and then administered zoning laws. Such laws, colloquially termed “codes”, are designed, in part, to help ensure orderly community population and structural growth, predictability of development rules, the upholding of property values, protection of the public’s health, safety and welfare, fair regulation of land use, and so forth. The level of detail of any such code, and, its aptitude in balancing the vested rights of individual property owners with those of their neighbors, varies from jurisdiction to jurisdiction.

Idaho, in the 1970s, adopted a set of laws to generally govern land use and development in the state. Said laws are collectively titled the “Local Land Use Planning Act” (I.C. 67-6501 et al). At the time of adoption, it was provided that cities and counties could choose to enact their own set of zoning laws and empower planning and/or zoning commissions to make certain land use related decisions. Nampa adopted a zoning ordinance many years ago and both renewed and revamped its ordinance in 1971. Since that time, varying amendments to the same have been passed into law. Commensurate with other zoning ordinances, Nampa identifies a number of possible land use types and establishes the permissibility of those uses within given land use districts (zones) that overlay the community. Uses thus may be deemed as permitted/allowed by right, not allowed/prohibited, or, allowed upon issuance of a “Conditional Use Permit” (N.C.C. § 10-25).

Conditional Use Permits (CUPs) are a common implement used by zoning codes and authorities to facilitate review of a given (or proposed) land use in a proposed location to ascertain the use’s perceived [future] compatibility with neighboring land uses as considered from a variety of view points and based upon a number of determined facts. Conditional Use Permits commonly invoke some form of formal review by a city or county, often requiring at least one public hearing. Nampa requires a public hearing to review those land uses that require Conditional Use approval (N.C.C. § 10-25-14).

A hearing allows vetting of any concerns of the public, the governing jurisdiction’s departments, or that of outside agencies. Such a hearing is used in part to discover land use related impacts that may stem from the proposed use and, if necessary, to levy any reasonable mitigations perceived necessary to keep the proposed use and the environment around in harmonious co-existence.

Projects or structures or properties made the subject of Conditional Use Permits are subject to the invoking of new entitlement requirements upon expansion of those uses or the

inside/outside area devoted to the same by more than 25% (N.C.C. § 10-25-15.A.2). The proposal under consideration would enlarge the “campus” area by 111% by creating a new footprint 19 acres in size. The Applicant’s narrative explanation of the intended use is hereto attached. Per N.C.C. § 10-3-2, in a Light Industrial land use zone in Nampa, a “Church” is presently an allowed use by right, a “RV Park” requires conditional use approval, “Welfare and Charitable Distribution” is also an allowed use by right. Copies of the Applicant’s concept site plans (two varying forms) are hereafter attached.

The immediate area surrounding the Property has a mix of residential, open land, and industrial uses (including the Nampa Airport).

Staff has provided the Commission with all of the information we have regarding the application according to what was submitted. No departmental comments, outside agency comments or public comments (other than from City Engineering – see attached) have been provided to Staff as of April 20, 2016 in reference to this newest CUP request for the Property.

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### **RECOMMENDED CONDITION(S) OF APPROVAL**

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Should the Commission vote to approve the requested Conditional Use, Staff would then recommend that the Commission consider imposing the following Condition(s) of Approval on the Project/applicant(s):

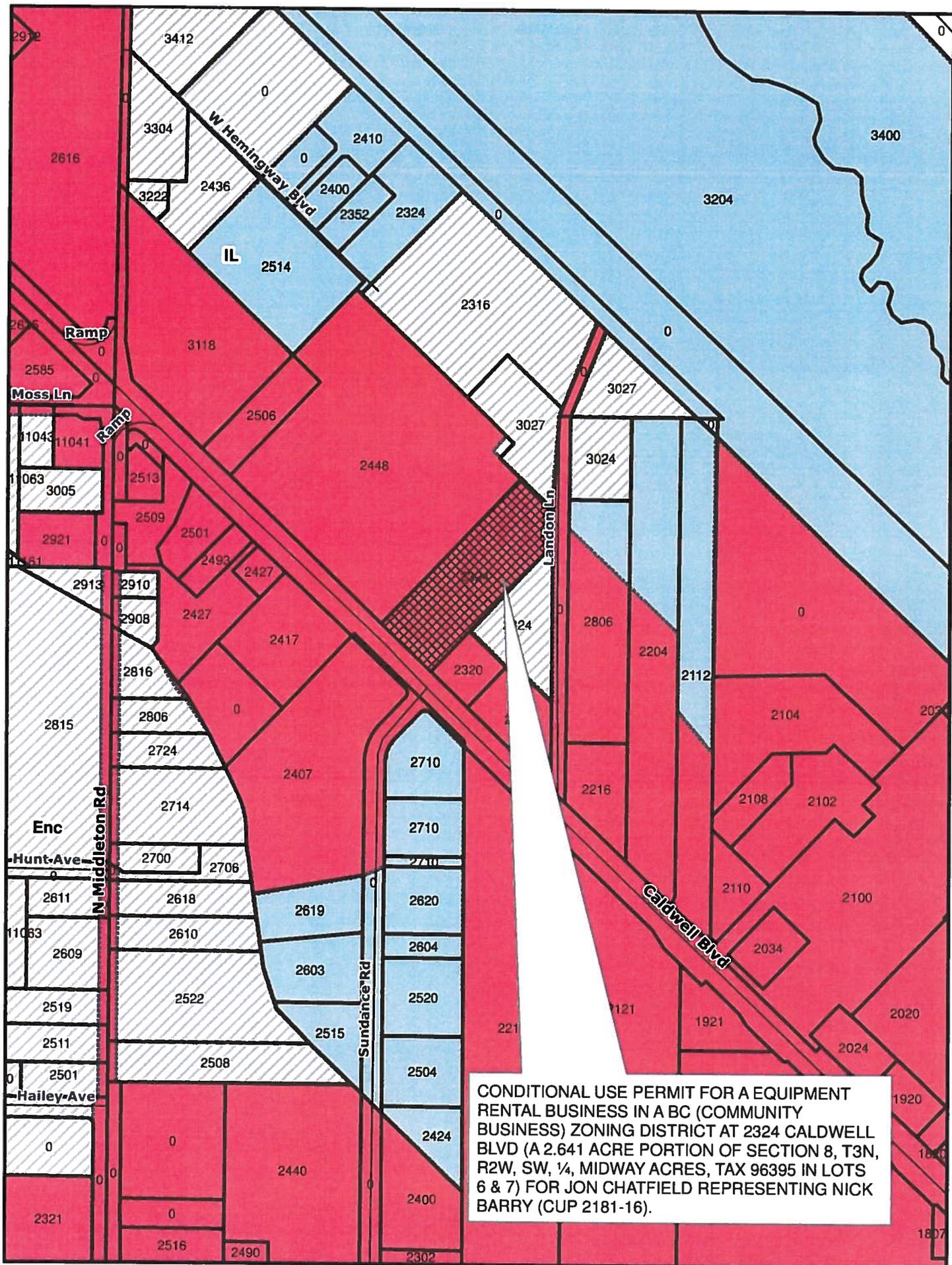
1. Owner/operator/Applicant(s) shall comply with all applicable requirements (including obtaining proper permits and making requisite site improvements) as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa City Clerk, Fire, Building, Planning and Zoning and Engineering Departments, etc.) as well as state or federal agencies/departments that may be involved in this matter as the CUP approval does not and shall not have the affect of abrogating requirements from those agencies/departments....
2. Any other conditions imposed by the Commission or by City departments or outside agencies in relation to the/this CUP request...

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### **ATTACHMENTS**

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- Zoning and location Vicinity Map
- Copy of agency/department/public correspondence
- Copies of Applicant’s site and building plans
- Copy of CUP application
- Copy of Applicant’s representative’s narrative explanation
- Copies of “Google Maps” street view digital images from off site of Property



CONDITIONAL USE PERMIT FOR A EQUIPMENT RENTAL BUSINESS IN A BC (COMMUNITY BUSINESS) ZONING DISTRICT AT 2324 CALDWELL BLVD (A 2.641 ACRE PORTION OF SECTION 8, T3N, R2W, SW, ¼, MIDWAY ACRES, TAX 96395 IN LOTS 6 & 7) FOR JON CHATFIELD REPRESENTING NICK BARRY (CUP 2181-16).

# 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 – Equipment Rental

**Applicant:** Jon Chatfield representing Nick Barry-Barry Equipment Rental

**Address:** 2324 Caldwell Boulevard

**CUP2181-16 for April 26, 2016 Planning and Zoning Meeting**

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Mr. Barry met with City Staff on December 17, 2015 as part of his due diligence in regards to this property.

As the site is fully developed, the Engineering Division does not oppose the granting of this conditional use permit.

Fire flow at this location is better than 2,000 GPM.

**Sylvia Mackrill**

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**From:** Kent Lovelace  
**Sent:** Thursday, April 07, 2016 4:59 PM  
**To:** Sylvia Mackrill  
**Subject:** CUP 2181-16:

no violations seen

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.

## Shellie Lopez

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**From:** Neil Jones  
**Sent:** Tuesday, April 05, 2016 8:33 AM  
**To:** Shellie Lopez  
**Subject:** RE: Conditional Use Permit for a Equipment Rental Business CUP 2181 16

The Building Department will require a T.I. permit for the commercial door in the back and the framing. Also need Architectural plans. Will need a Plumbing permit for the back flow to be installed by a licensed Plumbing Contractor. Will need to pull separate sign permits.

Neil Jones

**From:** Shellie Lopez  
**Sent:** Monday, April 04, 2016 4:37 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:** Conditional Use Permit for a Equipment Rental Business CUP 2181 16

**Good Afternoon!**

**CUP 2181-16:**

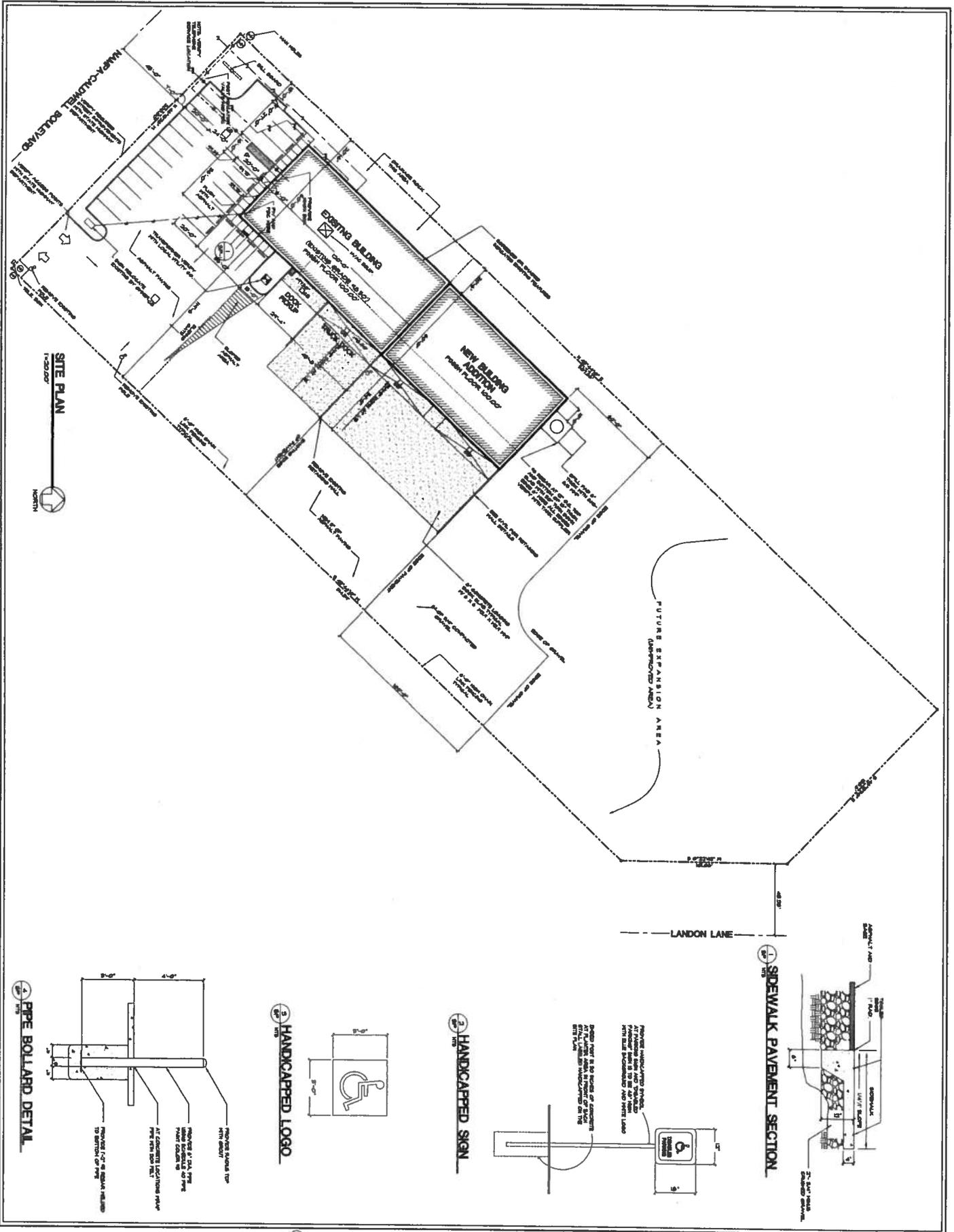
Jon Chatfield representing Nick Berry has requested a Conditional Use Permit for the property located at 2324 Caldwell Blvd (A 2.641 acre portion of Section 8, T3N, R2W, SW, ¼, Midway Acres, Tax 96395 in Lots 6 & 7).

The applicant is requesting the CUP for an Equipment Rental Business within a BC (Community Business) zoning district and will go before the Planning & Zoning Commission as a public hearing item on the April 26, 2016 agenda.

Please find attached the CUP 2181-16 file for your review and send all comments to my attention or to Sylvia Mackrill ([mackrill@cityofnampa.us](mailto:mackrill@cityofnampa.us)) no later than April 13, 2016.

Thank you & have a great day!





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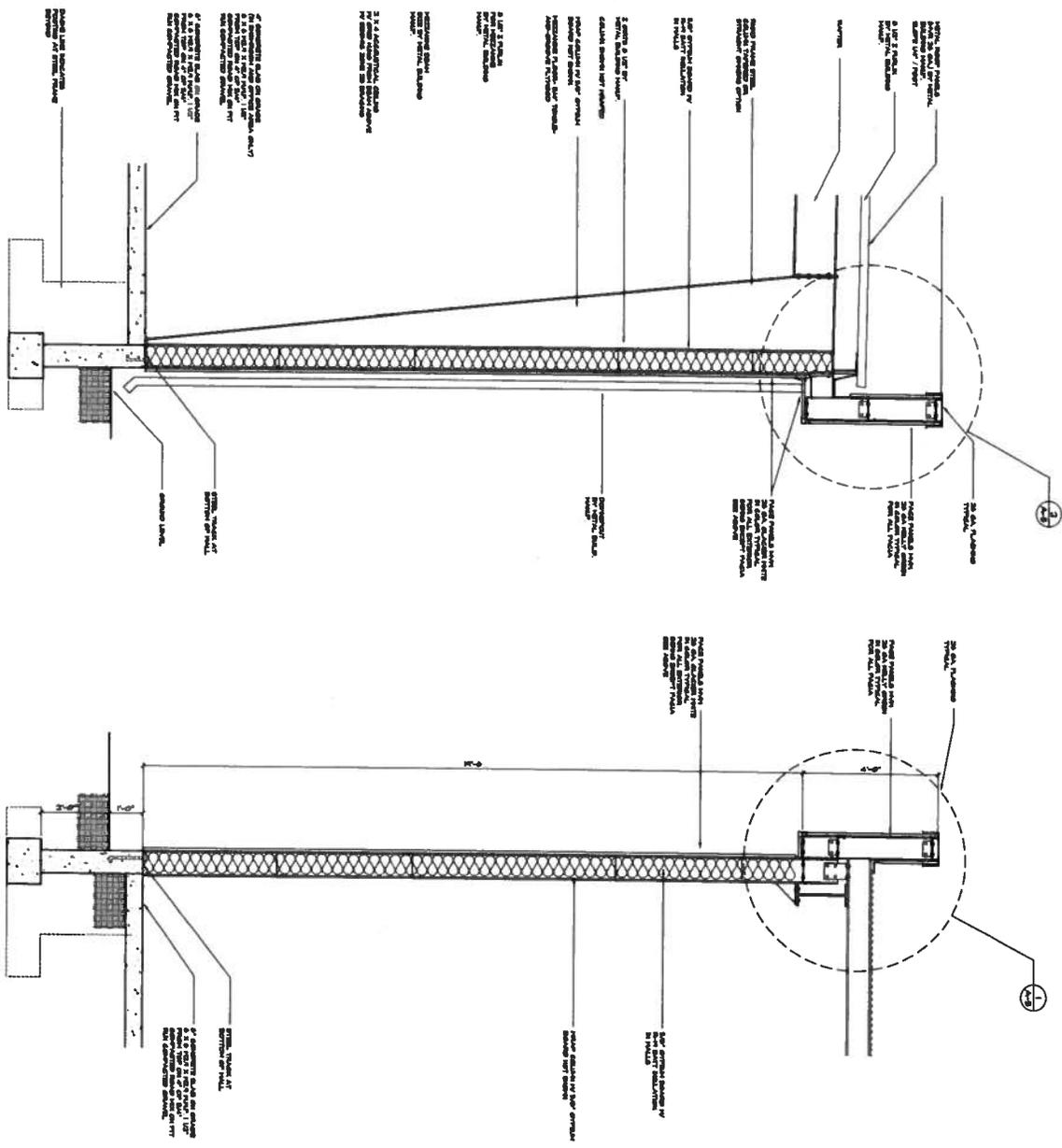
<p>SP-1</p>	<p>DATE: 8-4-02</p>	<p>PROJECT NAME:  <b>A NEW BUILDING FOR NORCO          NAMPA-CALDWELL BLVD.          NAMPA, IDAHO</b></p> <p>376          7502</p>	<p><b>Larson Architects, P.A.</b>          Architects and Real Estate Planning          210 Murray Street          Boise, Idaho 83714          (208) 376-4665</p>		
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WALL SECTION

WALL SECTION

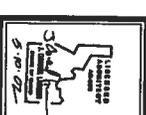
COPYRIGHT © LARSON ARCHITECTS 2001 DRAWINGS MAY NOT BE REUSED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT

A-4

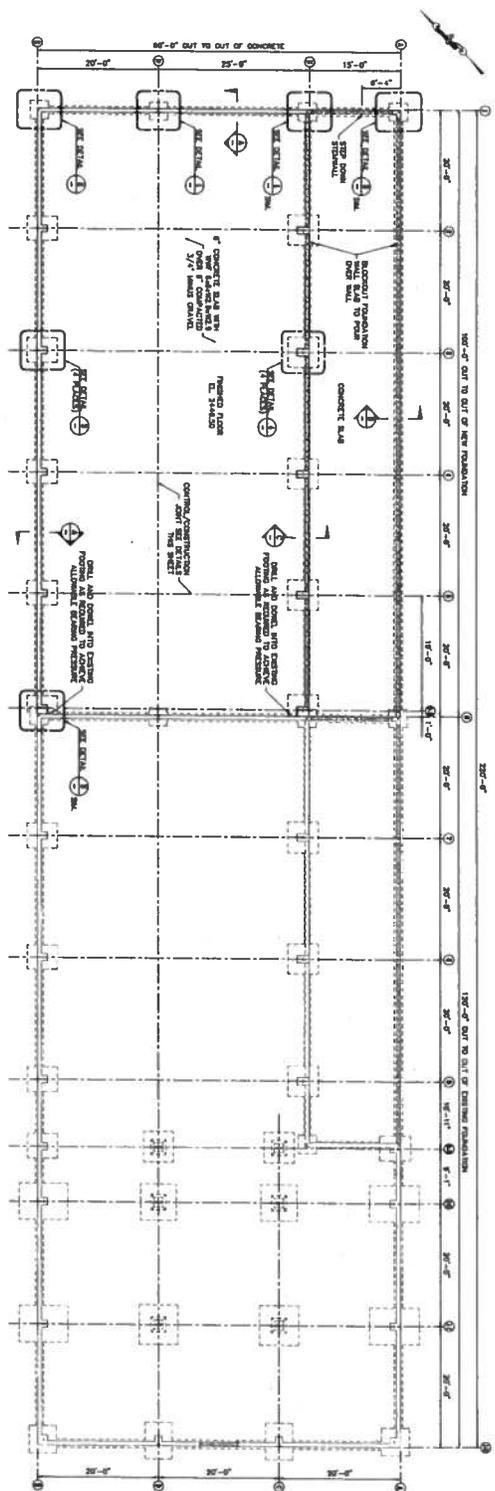
DATE: 5-4-03  
 DRAWN BY: JCL

PROJECT NAME  
**AN ADDITION TO THE NORCO NAMPA BUILDING**  
**NAMP-CALDWELL BLVD.**  
**NAMPA, IDAHO**

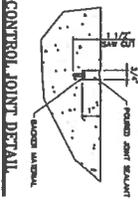
**Larson Architects, P.A.**  
 Architecture and Real Estate Planning  
 210 Murray Street  
 Boise, Idaho 83714  
 (208) 376-4666



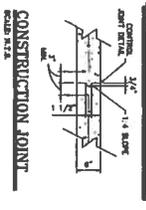




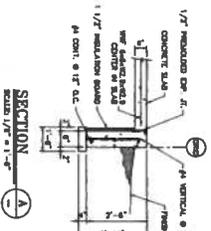
FOUNDATION PLAN  
SCALE: 1/8" = 1'-0"



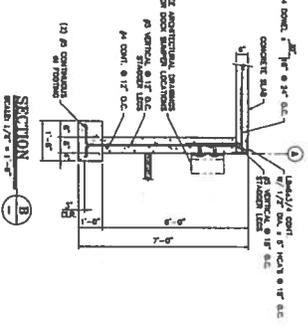
CONTROL JOINT DETAIL  
SCALE: 3/4" = 1'-0"



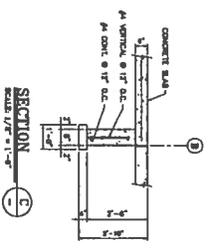
CONSTRUCTION JOINT  
SCALE: 3/4" = 1'-0"



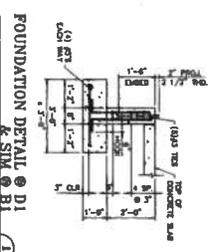
SECTION A-A  
SCALE: 1/2" = 1'-0"



SECTION B-B  
SCALE: 1/2" = 1'-0"



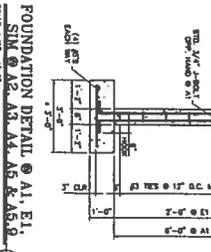
SECTION C-C  
SCALE: 1/2" = 1'-0"



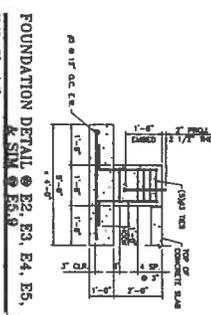
FOUNDATION DETAIL @ D1  
SCALE: 1/2" = 1'-0"

- GENERAL TECHNICAL NOTES**
1. FOUNDATION SHALL BE AS SHOWN ON THE DRAWINGS.
  2. ALL FOUNDATION SHALL BE CONCRETE.
  3. ALL FOUNDATION SHALL BE FINISHED TO THE TOP OF THE SLAB.
  4. ALL FOUNDATION SHALL BE FINISHED TO THE TOP OF THE SLAB.
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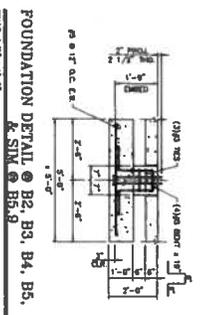
**NOTE:**  
FOUNDATION SIZES AND DETAILS ARE BASED ON SIMILAR INFORMATION OF THE ORIGINAL STEEL BUILDING SUPPLIER. CONTRACTOR SHALL BE RESPONSIBLE FOR ENGINEERED FOUNDATION DRAWINGS BASED ON THE CONTRACTOR'S CHOSEN BUILDING SUPPLIER. THE CONTRACTOR SHALL PROVIDE (3) SETS OF FOUNDATION CALCULATIONS AND SHOP DRAWINGS STAMPED BY AN ENGINEER LICENSED IN THE STATE OF IDAHO FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.



FOUNDATION DETAIL @ A1, E1  
SCALE: 1/2" = 1'-0"



FOUNDATION DETAIL @ E2, E3, E4, E5  
SCALE: 1/2" = 1'-0"



FOUNDATION DETAIL @ B2, B3, B4, B5  
SCALE: 1/2" = 1'-0"



Jerni Lehman, Treasure Valley Engineers  
5/8/02, 1:56 PM  
1397--s1.dwg

	<b>Larson Architects, P.A.</b> Architecture and Real Estate Planning 210 Murray Street Boise, Idaho 83714 (208) 376-4885	
	PROJECT NAME <b>A NEW BUILDING FOR NORCO</b> 2324 CALDWELL BLVD. NAMPA, IDAHO 83651	DRAWN BY JAL
DATE 05/08/02	SCALE 1/8" = 1'-0"	SHEET NUMBER FOUNDATION PLAN S-1







# Application for Conditional Use Permit

City of Nampa, Idaho

*4/26 PZ  
CHRISTOPHER*

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).

*jon@chatfieldarchitecture.com*

Name of Applicant/Representative: Jon Chatfield - Chatfield Architecture, LLC Phone: (208) 921-9220

Address: 1911 Montclair Drive City: Boise State: ID Zip Code: 83702

Applicant's interest in property: (circle one) Own Rent Other Architect Representative

Owner Name: Nick Barry Phone: Nick Barry

Address: 1397 S. Millstream Drive City: Nampa State: ID Zip Code: 83686

Address of subject property: 2324 Caldwell Blvd, Nampa, ID 83651

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 Midway Acres Lot 6 & 7 Block \_\_\_\_\_ Book 1 Page 16-1/2

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 \_\_\_\_\_ Years.

Date conditional use is expected to begin after permit is granted: May / 11 / 2016 Indefinitely  
Please note: *Conditional use permits expire if not used within six (6) months after granting.*

Dated this 31 day of March, 20 16

*Jon Chatfield*  
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 2181 -20 16 Project Name: Equipment Rental Business



Jon Chatfield | Owner  
Chatfield Architecture, LLC  
1911 Montclair | Boise, ID 83702  
(208) 921-9220  
jon@chatfieldarchitecture.com

March 31, 2016

City of Nampa Planning and Zoning  
411 3rd St S  
Nampa, ID 83651

**RE: Conditional Use Permit for 2324 Caldwell Blvd., Nampa, ID 83651**

Dear City of Nampa Planning and Zoning,

My Client, Barry Equipment & Rental, seeks to obtain a Conditional Use Permit to operate an equipment rental business in an existing building at 2324 Caldwell Boulevard. Barry Equipment & Rental is currently under contract to purchase the property with the intent of becoming a long term Nampa business owner.

The character of the business and use of the property is consistent with the pervious business, Norco, and surrounding businesses. Barry Equipment & Rental is not requesting any site changes to the property and plans only minor building modifications, such as, accent painting, adding an additional garage door, new signage and replacing dated stone wainscot along the street elevation. Barry Equipment & Rental is very excited to have found a property that meets their needs without having to make any major modifications.

During Barry Equipment & Rental's due diligence period in late 2015, they meet with the City of Nampa to review the subject property to see if any permits would be required to operate their business. At that time, they were told that the use is permitted and no additional approvals were required. Unfortunately, we have recently discovered that an oversight was made during that meeting and a Conditional Use Permit is required.

Barry Equipment & Rental has made a large investment in time and capitol to open this business and any further delay would cause them undue damage. Barry Equipment & Rental plans to be a long term member of the Nampa business community and is eager to contribute to the economic and future success of the City of Nampa.

We respectfully ask that this Conditional Use Permit be granted.

Sincerely,

A handwritten signature in blue ink that reads 'Jon Chatfield'.

Jon Chatfield  
Owner  
Chatfield Architecture, LLC



