



**Planning & Zoning Department**

**Before the Planning & Zoning Commission**

**April 26, 2016**

**Staff Report – Public Hearing #5**

**Applicant:** Brandi King dba Lullaby Corner Daycare

**File No:** CUP 2180-16

**Prepared By:** Norman L. Holm

**Date:** April 19, 2016

**Requested Action:** Conditional Use Permit

**Purpose:** Home Occupation Daycare for up to 12 Children

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**GENERAL INFORMATION**

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**Status of Applicant:** Owner

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

**Location:** 2524 E Iowa Ave

**Size of Property:** A .356 acre portion of Section 35, T3N, R2W, BM, SE ¼, Discovery Subdivision, Lot 1, Block 2

**Surrounding Land Use and Zoning:**

North- Enclaved County agricultural then City single family residential, enclaved then RS 6

South- Greenhurst Elementary School, RS 6

East- Single family residential, RS 6

West- Single family residential then agricultural, RS 6 then RA

**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.

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## **SPECIAL INFORMATION**

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**Public Utilities:** All available

**Public Services:** All present

**Transportation:** The location has access to Southside Blvd via S Kellie Loop, and access to E Greenhurst Rd via Discovery Pl. 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.

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## **STAFF FINDINGS & DISCUSSION**

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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.

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## **SUGGESTED CONDITIONS OF APPROVAL**

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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:

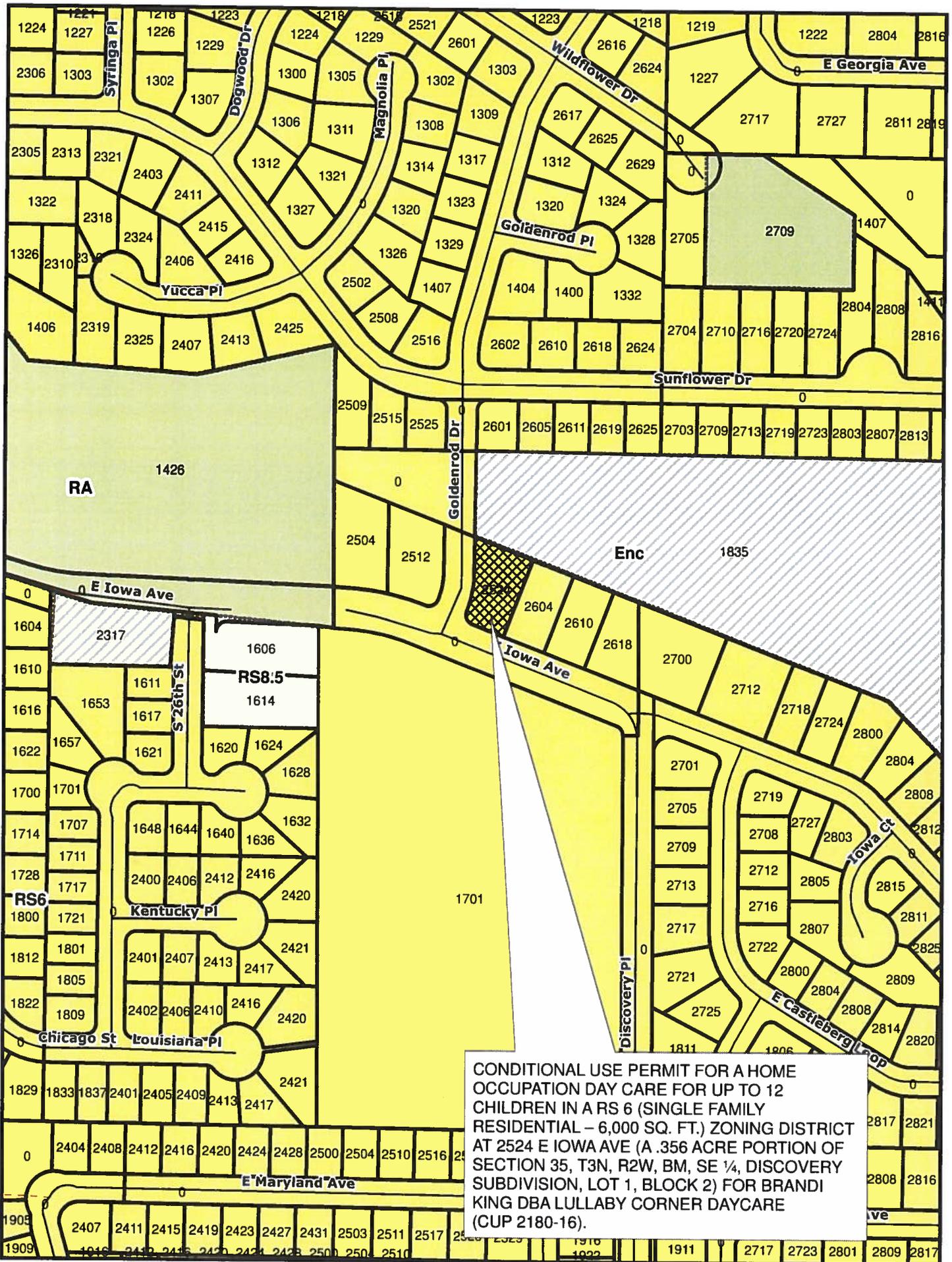
1. That the operator obtains and maintains licensing with State Health & Welfare.
2. That the use as a home occupation daycare does not substantially change the character of the home and be clearly secondary to use of the home as a residence.
3. The outdoor play area and landscaping shall be maintained 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 *Brandi King dba Lullaby Corner Daycare* and shall not be transferable to any other operator or location.

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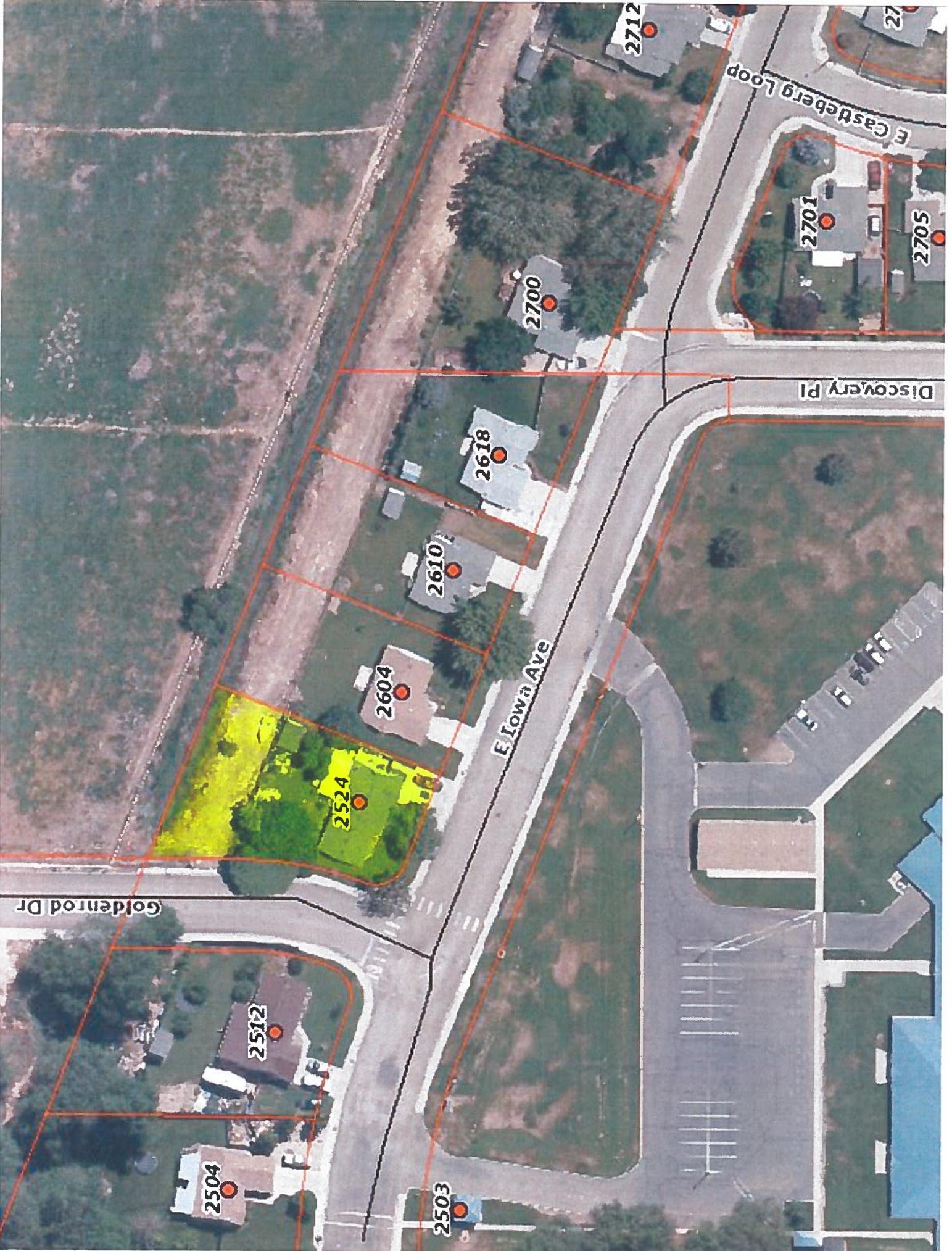
## **ATTACHMENTS**

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Zoning and location map  
Aerial photo of lot and adjacent property  
Birds eye view of property  
CUP application  
NFD daycare inspection form  
Daycare home occupation registration  
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 2524 E IOWA AVE (A .356 ACRE PORTION OF  
 SECTION 35, T3N, R2W, BM, SE 1/4, DISCOVERY  
 SUBDIVISION, LOT 1, BLOCK 2) FOR BRANDI  
 KING DBA LULLABY CORNER DAYCARE  
 (CUP 2180-16).



Goldenrod Dr

2504

2512

2524

2604

2610

2618

2700

2701

2705

2712

2503

E Iowa Ave

Discovery Pl

E Castleberg Loop



G

ELOWNA AVE



426 FZ  
1/10/16

# 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: Brandi King Phone: 308-760-2721

Address: 2524 E. Iowa Ave. City: Nampa State: Idaho Zip Code: 83686

Applicant's interest in property: (circle one)  Own  Rent  Other \_\_\_\_\_

Owner Name: Brandi King Phone: 308-760-2721

Address: 2524 E. Iowa Ave City: Nampa State: Idaho Zip Code: 83686

Address of subject property: 2524 E. Iowa Ave Nampa Idaho 83686

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

Quick Claim Deed.

### 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 Discovery Subdivision Lot 1 Block 2 Book 19 Page 12

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: Licensed daycare 12 children operating hours 6am - 10pm.

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

Date conditional use is expected to begin after permit is granted: 05 / 9 / 2016 or sooner if permit granted.  
Please note: Conditional use permits expire if not used within six (6) months after granting.

Dated this 1 day of April, 20 16

Brandi King  
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 2180 -20 16 Project Name: Lullaby Corner Daycare

RS-L



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

Date Inspected-4/4/16

Occupancy ID-R0823991600

**Name of Establishment**

Lullaby Corner

2524 E. Iowa

Nampa ID 83651

**Owner/Operator**

Brandi King

*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 3 adult caregivers

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

**Inspected by:**

Melissa Close

Deputy Fire Marshal

Nampa Fire Department

820 2<sup>nd</sup> St. S.

Nampa ID 83651

(208) 468-5766

**Copies sent to:**

Owner/Operator

Health & Welfare Daycare Licensing

City of Nampa



# Day-Care Home Occupation Registration

City of Nampa ~~Fee: \$20.00~~  
Planning and Zoning Dept.  
411 3<sup>rd</sup> Street S., Nampa, Id 83651

Applicant Name: Brandi King Phone #: 308-760-2721  
Business Name: Lullaby Corner Daycare  
Property Address: 2524 E Iowa Ave City: Nampa St: Idaho Zip: 83686  
Property Owner: Brandi King

**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)? 12
5. Total number of children to be cared for? \_\_\_\_\_
6. Will you be hiring any employees who do not reside on the premises? ( ) Yes  No  
(In-home daycare providers are allowed one assistant) possible
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.

**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.

Bianca King  
Applicant Signature

04 / 1 / 2016  
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

\_\_\_\_\_  
Inspector Signature

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Date

**Planning and Zoning Dept. Use:**

File # 000112 HOD - 20 16 Zone RS-6

Project Name: Lullaby Corner Daycare

Shelle A. Jones  
Zoning Agent Signature

4 / 01 / 2016  
Date

# 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:** Brandi King

**Address:** 2524 E. Iowa Avenue (Lot 1, Blk. 2 Discovery Sub.)

**CUP2180-16 for April 26, 2016 Planning and Zoning Meeting**

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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.

**Sylvia Mackrill**

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**From:** Greg Goodman  
**Sent:** Wednesday, April 06, 2016 2:25 PM  
**To:** Sylvia Mackrill  
**Subject:** CUP 2180-16

No violations at this time.

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

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