



Planning & Zoning Department

Before The Planning & Zoning Commission

September 27, 2016

Staff Report – Public Hearing #3

Applicant: Michelle Hemenway
File No: CUP 044-16

Prepared by: Norman L. Holm
Date: September 19, 2016

Requested Action: Conditional use permit
Purpose: Dwelling combined with an Online Floral Sales Business

GENERAL INFORMATION

Status of Applicant: Lessee with purchase option

Existing Zoning: BC (Community Business)

Location: 432 Caldwell Blvd

Proposed Use: Dwelling combined with an Online Floral Sales Business

Applicant Description of Proposed Use: "We have decided to go with the Occupied Business direction and just do the wire-in orders from Teleflora, FTD and 1800Flowers. We have virtually no walk-in and 99% of our business has been over the internet. We spend about 50% of our flower buying at the Fred Meyer in Nampa and we do a lot of our purchases in the Nampa area. We also donate to the local schools and colleges in Caldwell and when we are in Nampa we would continue to do the same for those schools. We will have no retail business in the location until we have purchased the property off of our lease option to buy. If the retail business picks up at that time we will add the necessary improvements required to do so... As I stated this is statement to show our intentions that we will Not be a retail outlet and will solely be doing all of our business over the internet and our Teleflora website."

Size of Property: .948 acres

Surrounding Land Use and Zoning:

North- Union Pacific Fruit Express Co vacant land; IL
South- Gun Shop, Car Wash, Apartments; BC
East- Used Tires; BC
West- Tool & Equipment; BC

Comprehensive Plan Designation: General Commercial

Zoning and Planning History: Previously used for various office, service or commercial uses. Most recently used by Kangaroo Clubhouse Child Care and Learning Center.

Applicable Regulations: Section 10-5-2 Schedule of District Land Use Controls requires a conditional use permit for a Dwelling Combined with a Business. Chapter 25 sets forth the criteria of approval. These criteria essentially require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood. Section 10-25-4 states the general criteria for approval of a conditional use permit.

SPECIAL INFORMATION

Public Utilities: A 10" Water main is located in Caldwell Blvd. An 8" Sewer main is located in Caldwell Blvd with a 30" Sewer main traversing diagonally northward through the property. No Irrigation mains are located adjacent or around the property.

Public Services: All available. Items of special concern to the fire department prior to development will be emergency vehicle access and turnarounds, and water supply and fire hydrant placement. These issues would be addressed during any new building or occupancy permitting process.

Transportation: The property has access direct access from the Caldwell Blvd arterial.

Environmental: The location is reasonable for the requested use.

Correspondence: As of the date of this memo no area property owners, businesses, or residents have expressed any opposition to or support for the requested conditional use permit.

Physical Site Characteristics: Partially developed commercial lot with vacant area to the rear.

Parking: Sufficient off-street parking exists for the Residential and intended Floral Business uses.

STAFF FINDINGS & DISCUSSION

As of this date of this report staff has not received any expressions of support for or opposition to the requested Dwelling combined with an Online Floral Sales Business from any area owners, residents, or businesses.

From a land use standpoint the location is shown on the comprehensive plan General Commercial use and the requested Dwelling combined with an Online Floral Sales Business is an eligible conditional use in the BC zone.

With regards the conditional use permit, in my opinion use of the property for a Dwelling combined with an Online Floral Sales Business could be compatible with the surrounding commercial/industrial neighborhood if specific conditions are adhered to in the operation. In reference to the required findings the following are provided:

1. The location, size and design and operating characteristics of the proposed Dwelling combined with an Online Floral Sales Business will be compatible with and will not adversely affect the livability or appropriate development of the abutting properties and the surrounding neighborhood if the below conditions are adhered to in the use of the property.
2. The location, design, and site planning of the proposed Dwelling combined with an Online Floral Sales Business will be as attractive as the nature of the use and its location and setting warrants.
3. The proposed Dwelling combined with an Online Floral Sales Business will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community or region.

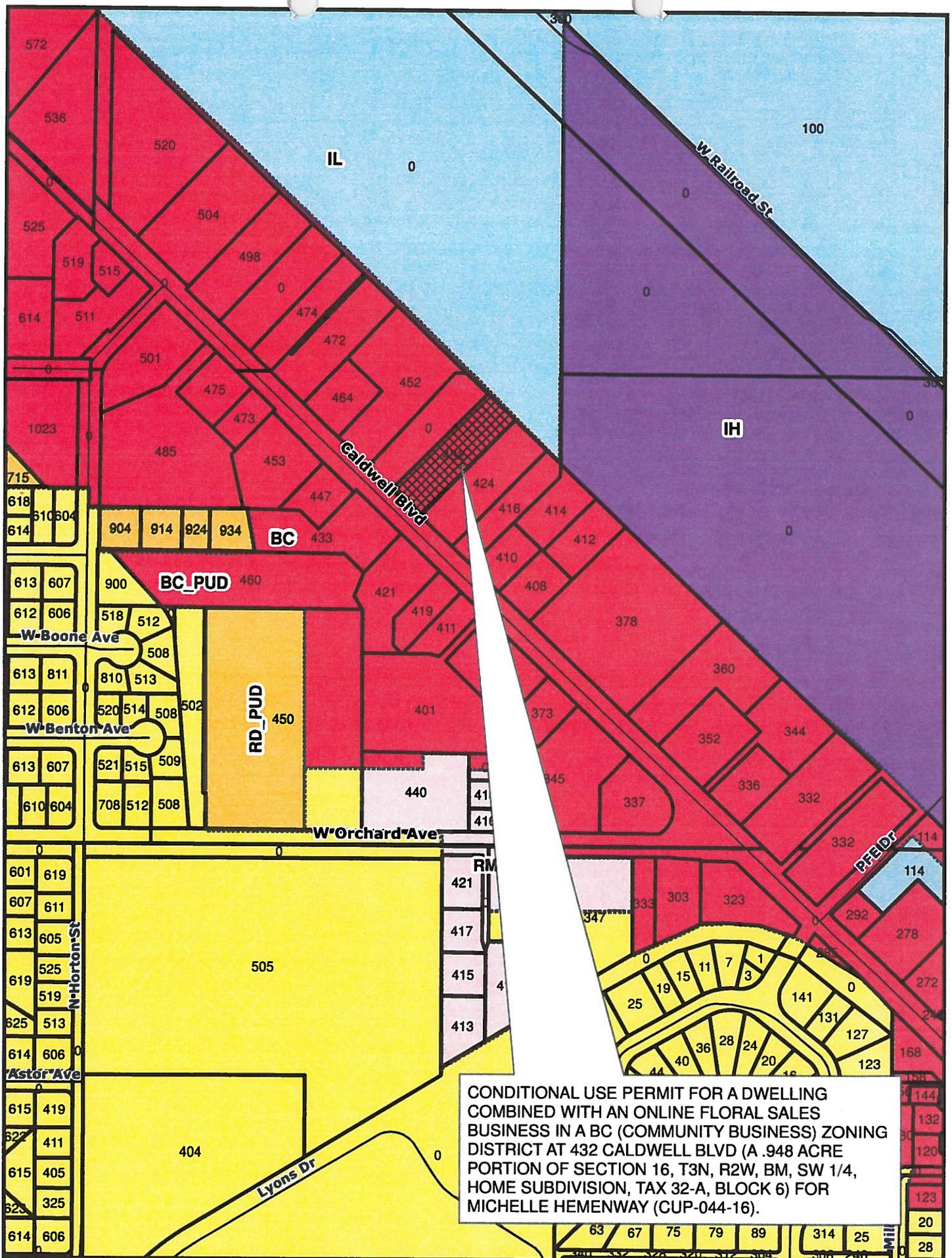
SUGGESTED CONDITIONS OF APPROVAL

If the Commission determines to allow the Dwelling combined with an Online Floral Sales Business the following conditions are recommended:

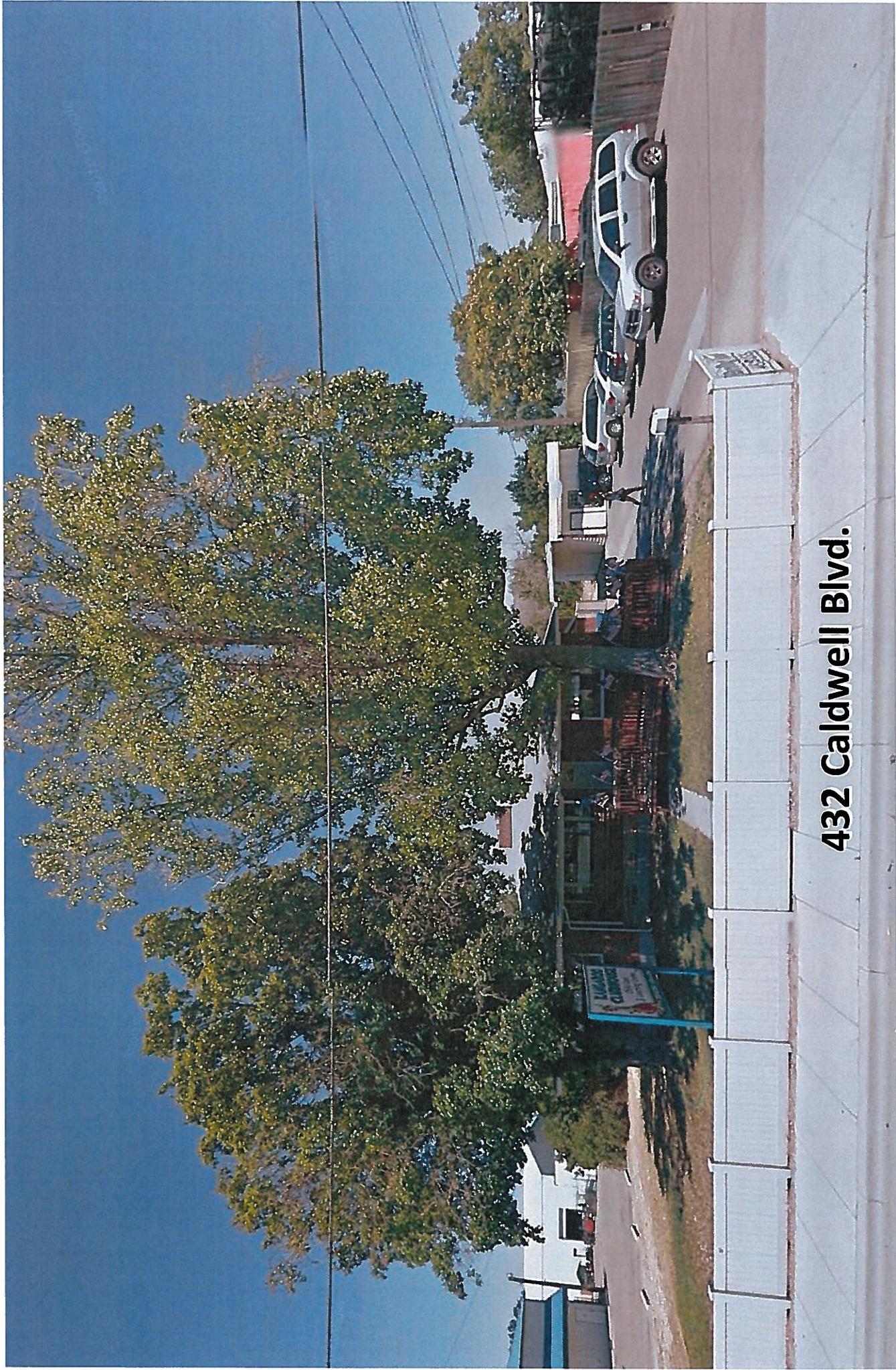
1. All City Code requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as applicable state, or federal agencies regarding use of the property for a Dental Office shall be satisfied prior to occupancy.
2. The northerly vacant area of the property shall be cleared of weeds as requested by City Code Enforcement. If granted issuance of the CUP shall be held until the property is cleared.
3. The conditional use permit shall be issued only for a Dwelling combined with an Online Floral Sales Business.
4. The conditional use permit be granted only to the Applicant for the requested period of 5 years, and shall not be transferable to any other operator or location.
5. Any other conditions recommended by the Commission following public hearing.

ATTACHMENTS

Vicinity map
Street view photo
Aerial photo
Application/Statement of Use
Agency and other correspondence



CONDITIONAL USE PERMIT FOR A DWELLING COMBINED WITH AN ONLINE FLORAL SALES BUSINESS IN A BC (COMMUNITY BUSINESS) ZONING DISTRICT AT 432 CALDWELL BLVD (A .948 ACRE PORTION OF SECTION 16, T3N, R2W, BM, SW 1/4, HOME SUBDIVISION, TAX 32-A, BLOCK 6) FOR MICHELLE HEMENWAY (CUP-044-16).



432 Caldwell Blvd.



gs Road
ed Cars

Idaho Tool & Equipment

432

Caldwell Blvd

CHEAPER USED
TIRE & WHEEL

Mattress RX

Google

North



Application for Conditional Use Permit

City of Nampa, Idaho

9/27 92
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: Michelle Hemenway Phone: 208 870 5514
 Address: 1609 E. Beech St. City: Caldwell State: Id Zip Code: 83605
 Applicant's interest in property: (circle one) Own Rent Other Lease Option to Purchase
 Owner Name: Joan Smith Phone: _____
 Address: 12932 W. Granadiev Dr City: Boise State: Id Zip Code: 83713

Address of subject property: 432 Caldwell Blvd. Nampa ID.

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: In home business
Wire-in (Internet Floral) for FTD - Teleflora - 1800 Flowers
- Not a retail outlet -

Length of time requested for the Conditional Use Permit: _____ Months and/or 5 Years.

Date conditional use is expected to begin after permit is granted: 9 / 16 / 2016
Please note: Conditional use permits expire if not used within six (6) months after granting.

Dated this 31 day of August, 20 16
Michelle Hemenway
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 044 -20 16 Project Name: FTD - Online Floral Sales

Shellie Lopez

CUP-044-16

From: Neil Jones
Sent: Wednesday, September 14, 2016 10:28 AM
To: Shellie Lopez
Subject: FW: 432 Caldwell Blvd Property

FYI

Neil Jones
Plans Examiner Supervisor
P: 208.468.5492 F: 208.468.4494
[Department of Building Safety, Like us on Facebook](#)

From: My Michelle's [mailto:mymichellesflowers@gmail.com]
Sent: Monday, September 12, 2016 12:48 PM
To: Neil Jones <jonesn@cityofnampa.us>
Subject: 432 Caldwell Blvd Property

Neil,

Here is a written statement as to what we are wanting to do with the property on 432 Caldwell Blvd. As previously discussed with you and with Brent Hoskins, we have decided to go with the Occupied Business direction and just do the wire-in orders from Teleflora, FTD and 1800Flowers.

We have virtually no walk-in and 99% of our business has been over the internet.

We spend about 50% of our flowerbuying at the Fred Meyers in Nampa and we do a lot of our purchases in the Nampa area. We also donate to the locale schools and colleges in Caldwell and when we are in Nampa we would continue to do the same for those schools.

We will have no retail business in the location until we have purchased the property off of our lease option to buy. If the retail business picks up at that time we will add the necessary improvements required to do so as we will continue to work with and through you.

As I stated this is statement to show our intentions that we will Not be a retail outlet and will solely be doing all of our business over the internet and our Teleflora website.

Thank you for your time and valuable information in helping us make Micelles dream a reality.

Flowers by My Michelle
Michelle Hemenway
mymichellesflowers@gmail.com
Cell-208-870-5514

***Neil, can you forward this to Shelly when you send her your reply. Thank you.

Kelly and Michelle

**If not please forward us her email, Thanks again.

Shellie Lopez

9/16/16

From: Neil Jones
Sent: Monday, September 12, 2016 2:59 PM
To: Shellie Lopez
Cc: Bret Caulder
Subject: RE: Dwelling Combined with an Online Floral Sales Business/432 Caldwell Blvd CUP 044 16

Building Department has no conditions at this time.

Neil Jones

Plans Examiner Supervisor
P: 208.468.5492 F: 208.468.4494
[Department of Building Safety, Like us on Facebook](#)

From: Shellie Lopez
Sent: Wednesday, August 31, 2016 3:57 PM
To: Amanda Morse <morsea@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Bret Caulder <caulderb@cityofnampa.us>; Carl Miller <cmiller@compassidaho.org>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Eddy Theil <eddy@nampahighway1.com>; Eric Shannon <eric@nampahighway1.com>; Eric Skoglund <skoglundl@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooksj@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>; Soyla Reyna <reynas@cityofnampa.us>; Sylvia Mackrill <mackrill@cityofnampa.us>; Tom Points <pointst@cityofnampa.us>; Vickie Holbrook <holbrookv@cityofnampa.us>
Subject: Dwelling Combined with an Online Floral Sales Business/432 Caldwell Blvd CUP 044 16

Good Afternoon! ☺

CUP 044-16:

Michelle Hemenway has requested a Conditional Use Permit for a Dwelling Combined with an Online Floral Sales Business in an BC (Community Business) zoning district at 432 Caldwell Blvd (A .948 acre portion of Section 16, T3N, R2W, BM, SW 1/4, Home Subdivision, Tax 32-A, Block 6).

The applicant will go before the Planning & Zoning Commission as a public hearing item on the September 27, 2016 agenda.

Please find attached the CUP 044-16 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than September 14, 2016.

Have a great day!

Shellie Lopez

CWP 044-2016

From: Kent Lovelace
Sent: Thursday, September 08, 2016 5:20 PM
To: Shellie Lopez
Subject: CC16-000942

the property had weeds .. will open case but please hold permit until cleaned
432 CALDWELL BLVD

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.

Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, September 19, 2016 8:09 AM
To: Norm Holm
Subject: FW: Public Hearing Notice City Council
Attachments: DAMO06-16ExhibitsMap.pdf; CUP43-16ExhibitsMap.pdf; CUP44-16ExhibitsMap.pdf

Good Morning Norman,

The Nampa Highway District #1 has no objection to the items listed in this email as none of the affected properties are within the Highway District's jurisdiction.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

From: Christopher Daly [<mailto:dalyc@cityofnampa.us>]
Sent: Friday, September 16, 2016 10:14 AM
To: awestfall@nsd131.org; bocc@canyonco.org; Kristen.baumchen@vallivue.org; gwiles@nampachristianschools.com; pnilsson@canyonco.org; bob.parsons@phd3.idaho.gov; Tim.Wright@phd3.idaho.gov; bhamlin@designwestid.com; cmiller@compassidaho.org; djohnston@idahopower.com; lbishop@idahopower.com; cgrant@nmid.org; nmid@nmid.org; mark@pioneerirrigation.com; deerflat@fws.gov; eddy@nampahighway1.com; Nick@nampahighway1.com; chopper@canyonhd4.org; Jessica.mansell@intgas.com; Monica.taylor@intgas.com; Ben.melody@intgas.com; Ron Johnson; Melissa Close; Brent Hoskins; Reggie Edwards; Richard Davies; Eric Skoglund; Jennifer Yost; Phillip Roberts; malandt@idahopower.com; eric@nampahighway1.com
Subject: Public Hearing Notice City Council

NOTICE OF PUBLIC HEARINGS BEFORE THE CITY OF NAMPA, IDAHO

Notice is hereby given that on September 27, 2016 at 7:00 p.m. (or as soon after 7:00 p.m. as each matter may be heard), in the City Hall Council Chambers, 411 3rd Street South, Nampa, Canyon County, Idaho, public hearings on the following will be held before the Nampa Planning & Zoning Commission:

- 1) Modification of Annexation/Zoning Development Agreement between Retail Property Acquisition, LLC and City of Nampa recorded 7/14/1998 as Inst. No. 9826075 amending Commitment Number 4a reducing the required off-street parking ratio of 1 space per 200 sq. ft. to 1 space per 250 sq. ft. of net floor area for property located at 2100 12th Ave Rd (A 31.51 acre portion of the SW 1/4, Section 24, T3N, R2W, BM) for Wal-Mart Real Estate Business Trust (DAMO-006-16).
- 2) Conditional Use Permit for a Non Commercial Kennel for 3 Dogs in an RS 6 (Single Family Residential - 6,000 sq ft) zoning district at 2107 W. Moose Creek Dr. (A .194 acre or 8,473 sq. ft. portion of Section 32, T3N, R2W, BM, NW 1/4, Fall River Estates No 3, Lot 30, Block 34) for Robin Grissom (CUP-043-16).
- 3) **Conditional Use Permit for a Dwelling Combined with an Online Floral Sales Business in a BC (Community Business) zoning district at 432 Caldwell Blvd (A .948 acre portion of Section 16, T3N, R2W, BM, SW 1/4, Home Subdivision, Tax 32-A, Block 6) for Michelle Hemenway (CUP-044-16).**

Details of the above hearing items are available for review in the Planning & Zoning Department of City Hall during normal business hours. Copies of staff reports on the individual applications will be available upon

Memorandum

To: Planning and Zoning

Cc: Tom Points, P.E., City Engineer

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

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

From: Jim Brooks – Engineering Division

Date: September 2, 2016

Rev:

Re: CUP – Home Occupation Online Floral Sales (FTD)

Applicant: Michelle Hemenway

Property Address: 432 Caldwell Boulevard, Nampa, Idaho 83651

CUP 00039-16 for the September 27, 2016 Planning and Zoning Meeting

Applicant's request is to have a home based business, online floral sales (FTD) no retail sales, at 432 Caldwell Boulevard. Applicant has entered into a lease/option to purchase agreement with the owner.

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