Planning & Zoning Department

Before The Planning & Zoning Commission

November 22, 2016

STAFF REPORT – PUBLIC HEARING #3

Conditional Use Permit to Keep 3 Dogs at 826 Amethyst Way for Elvira Sanchez-Parodi.

Applicant: Elvira Sanchez-Parodi
File No: CUP 055-16

Prepared By: Norman L. Holm
Date: November 10, 2016

Requested Action: Conditional Use Permit
Purpose: To keep 3 Dogs

GENERAL INFORMATION

Status of Applicant: Owner

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

Zoning & Planning History: The applicant has been keeping three dogs on their property. They recently moved here from Boise where their 3 dogs were licensed. When they became aware of the CUP requirement for three dogs in Nampa they made application for this conditional use permit.

Location: 826 Amethyst Way

Size of Parcel: .15 acre or 6,415 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.

Applicable Regulations: Chapter 25 provides Conditional Use Permit regulations and criteria. Animal regulations are found in Table 10-3-2 in the zoning ordinance as well as in Chapter 21. These criteria essentially require that the proposed keeping of 3 dogs be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood.

Description of Existing Land Uses: The neighborhood surrounding the lot is question is primarily single family residential use.

Proposed Land Uses: Keeping of 3 dogs in connection with a single-family dwelling.

Application History & Citizen Input: Code Enforcement has not indicated any active violations concerning the dogs on the property or other recent code violations.

As of the date of this report staff has received one attached email of opposition from a neighboring property owner across the street (Jim Salnave, 905 Amethyst Way) expressing opposition to the granting of the CUP for the keeping 3 dogs on the property. He also expressed over the phone that in his opinion approval of the CUP would set a precedent for other property owners in the neighborhood to keep more than two dogs.

SPECIAL INFORMATION

Public Utilities: All available in the adjoining streets.

Public Services: All available.

Physical Site Characteristics: Existing single-family residential lot.

Environmental: the property is not situated in a 100-year flood area.

Aesthetics/Landscaping: The lot is landscaped compatible with other lots in the area. The outdoor back/side yard area is completely fenced.

STAFF FINDINGS & DISCUSSION

The applicant is requesting approval to maintain the 3 dogs on the property via a C.U.P.

City code now allows for consideration of more than two dogs to be given for those persons who seek such approval. Staff would suggest that in considering this request that the applicant and any neighbors that attend the hearing be asked about the following:

1. Any past problems respecting limiting accumulation of solid waste on the premises (Title 3-4-7)

2. Any past problems with barking, chasing vehicles, bothering pedestrians, or trespassing onto private property.

City code requires the following Conclusions of Law for a Conditional Use Permit:

1. That the location, size, design and operating characteristics of the proposed keeping of 3 dogs 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.

2. That the location, design and site planning of the proposed keeping of 3 dogs 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.

3. That the proposed keeping of 3 dogs 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.

SUGGESTED CONDITIONS OF APPROVAL

If the Commission votes to issue a conditional use permit the following conditions are recommended to be attached:

1. That the applicant maintains their yard free from the accumulation of dog feces.

2. That the applicant prevents the dogs from excessively barking so as to constitute a nuisance to the neighbors.

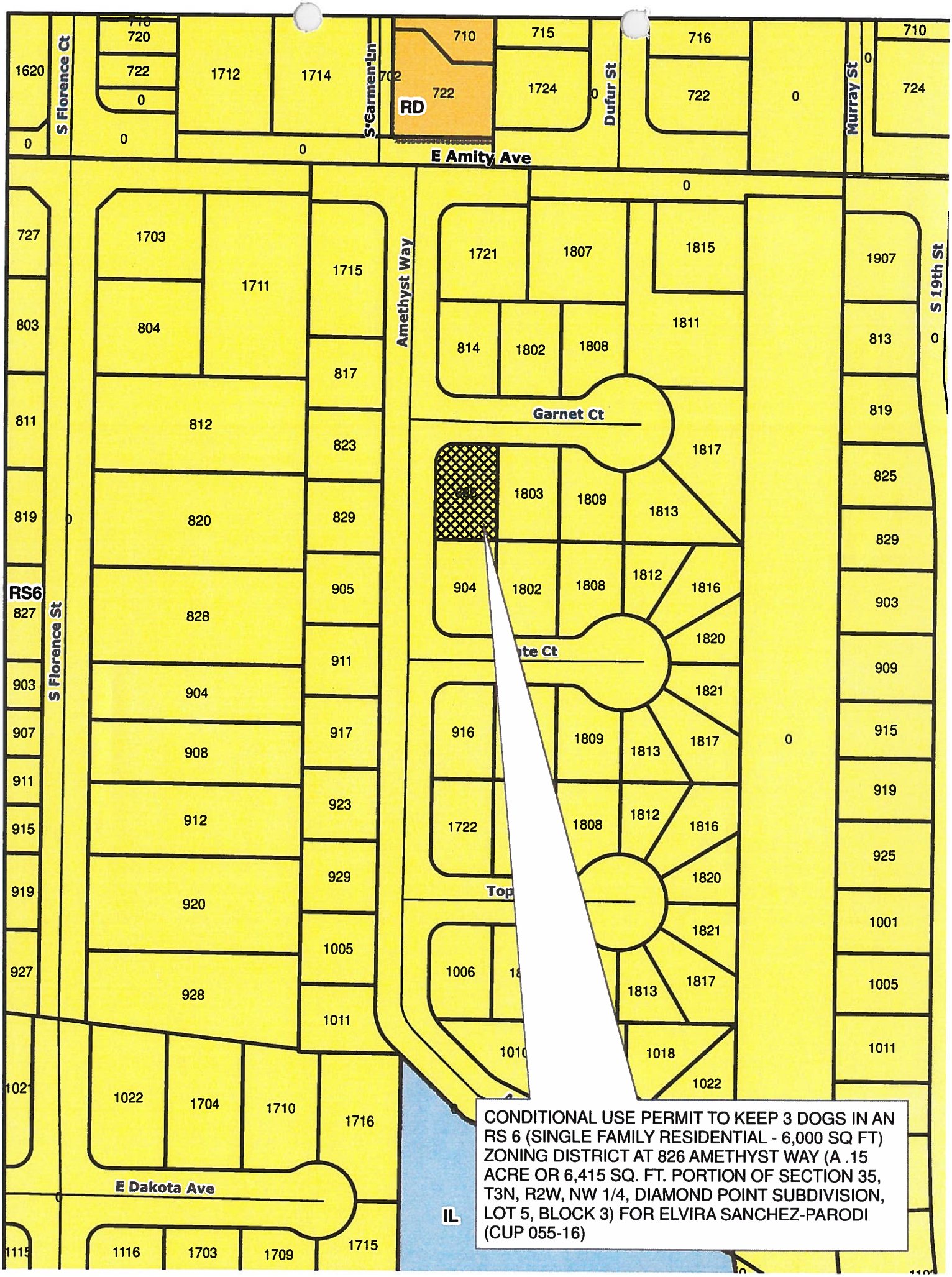
3. That three or more citations issued against the applicant by Animal Control officers be considered sufficient grounds to revoke the Conditional Use Permit and that such will be considered null and void upon receipt of the third citation.

4. That the animals be restricted so as to not run at large off the property. This shall include completion and maintenance of adequate fencing at a condition and height to keep the dogs from getting away when let outside.

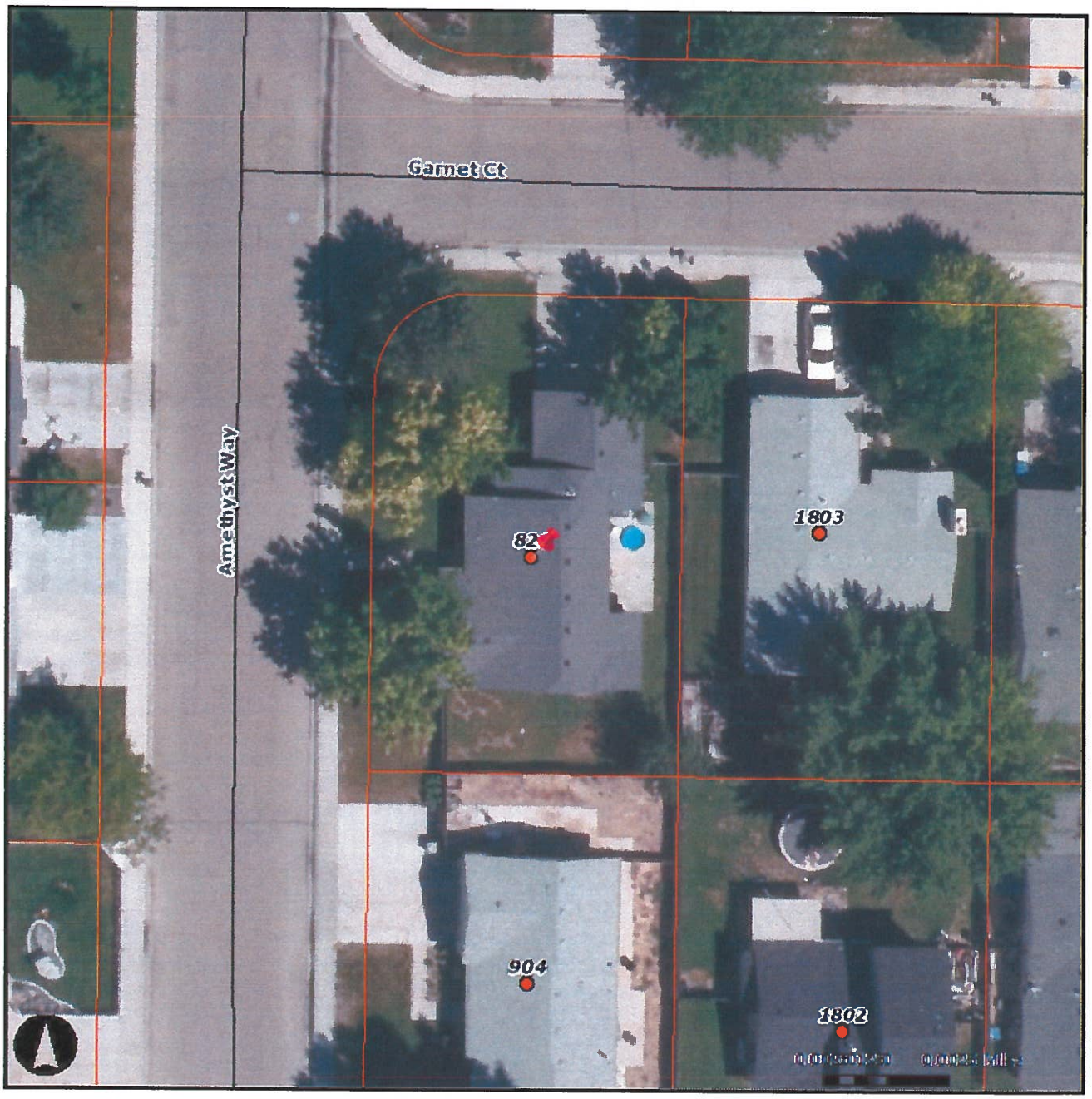
5. Any other conditions determined necessary by the Planning Commission following the public hearing.

ATTACHMENTS

Zoning and location map
Aerial, birdseye and street view photographs of location
Site plan
Application
Department & other correspondence


S Florence Ct
S Carmen Ln
RD
Dufur St
Murray St
E Amity Ave
Amethyst Way
Garnet Ct
S 19th St
RS6
S Florence St
E Dakota Ave
IL
CONDITIONAL USE PERMIT TO KEEP 3 DOGS IN AN RS 6 (SINGLE FAMILY RESIDENTIAL - 6,000 SQ FT) ZONING DISTRICT AT 826 AMETHYST WAY (A .15 ACRE OR 6,415 SQ. FT. PORTION OF SECTION 35, T3N, R2W, NW 1/4, DIAMOND POINT SUBDIVISION, LOT 5, BLOCK 3) FOR ELVIRA SANCHEZ-PARODI (CUP 055-16)

Map



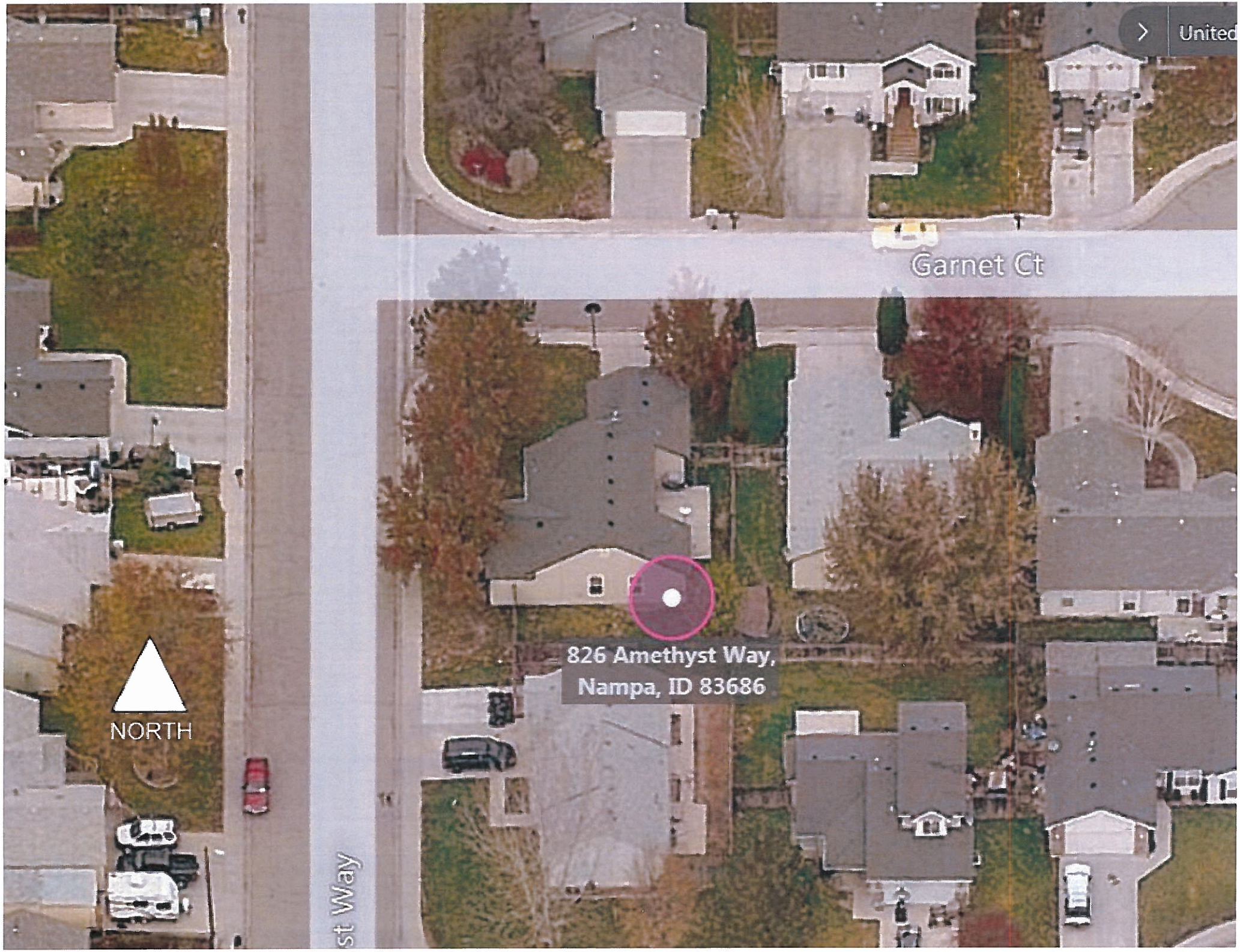
Address Candidates

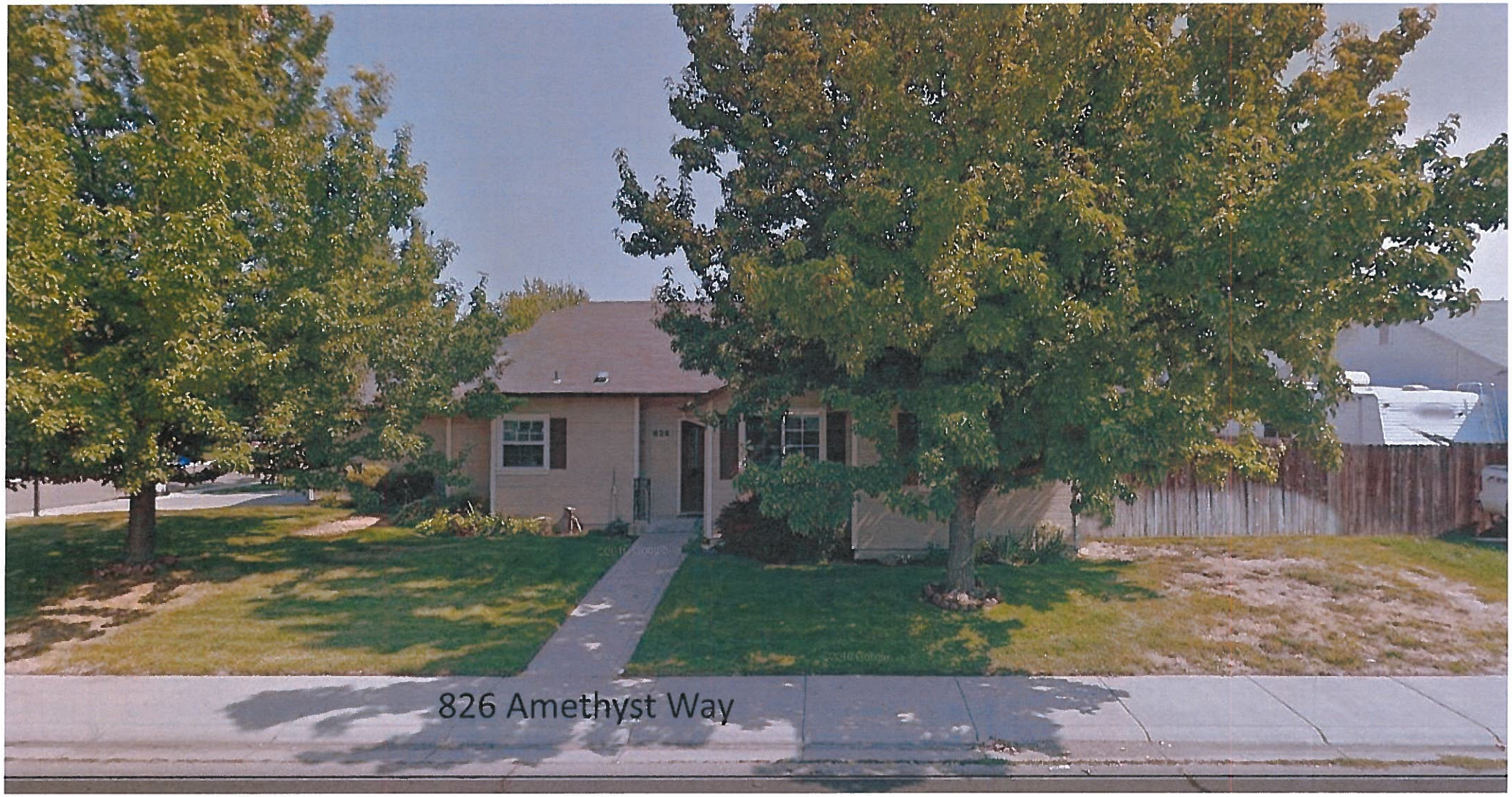
Address Points

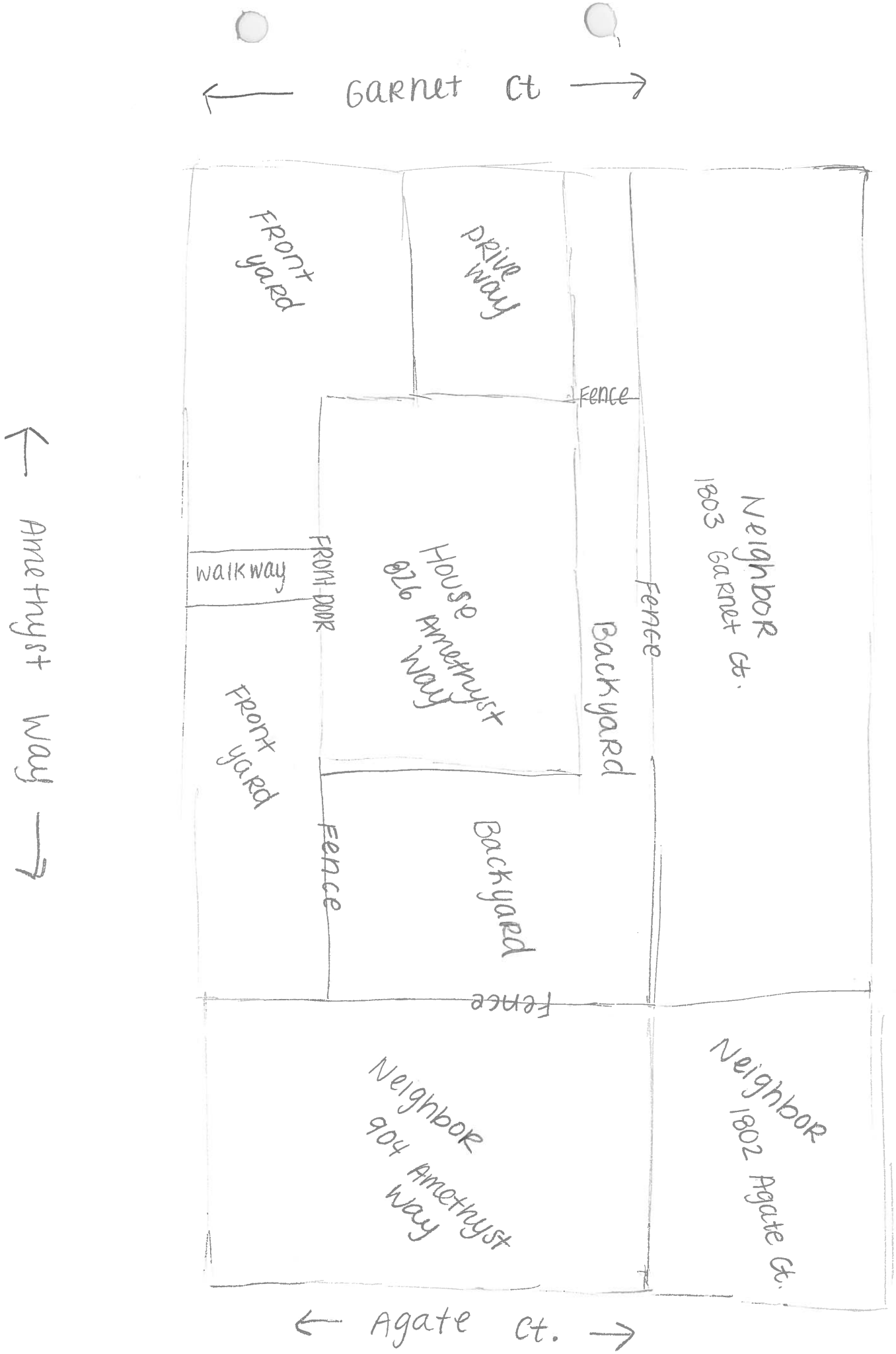
- Active
- Hold
- Proposed
- Retired
- Other

County Parcels

Copyright


United
Garnet Ct
826 Amethyst Way,
Nampa, ID 83686
st Way
NORTH


826 Amethyst Way



Garnet Ct
Front yard
Drive way
Fence
Neighbor 1803 Garnet Ct.
Walkway
Front door
House 826 Amethyst Way
Fence
Backyard
Front yard
Fence
Backyard
Fence
Neighbor 904 Amethyst Way
Neighbor 1802 Agate Ct.
Amethyst Way
Agate Ct.

NAMPA

APPLICATION FOR CONDITIONAL USE PERMIT

PLANNING AND ZONING DEPARTMENT

CUP-00055-2016

411 3RD STREET S., NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261

Nonrefundable Fee: **$234.00** (1 acre or less) Nonrefundable Fee: **$463.00** (more than 1 acre)

Applicant Name: Elvira Sanchez-Parodi	Home Number: N/A
Street Address: 826 Amethyst Way	Mobile Number: 831-596-4384
City: Nampa State: ID Zip code: 83686	Email: elvirasparodi@gmail.com
Property Owner Name: Elvira Sanchez-Parodi and Danielle Badke	~~Home Number~~ N/A
Street Address: 826 Amethyst Way	Mobile Number: 831-596-4384
City: Nampa State: ID Zip Code: 83686	Email: elvirasparodi@gmail.com
Applicant's interest in property: [X] Own ( ) Rent ( ) Other	
ADDRESS OF SUBJECT PROPERTY: 826 Amethyst Way Nampa, ID 83686	

Please provide the following REQUIRED DOCUMENTATION to complete the CUP

A copy of one of the following: [X] Warranty Deed [ ] Proof Of Option [ ] Earnest Money Agreement

A sketch drawing of the site & any adjacent property affected, showing all existing & proposed locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street parking & off-street loading facilities and landscaped areas, preliminary or final building plans & building elevations, together with any other information considered pertinent to the determination of this matter.

Signed & Notarized Affidavit of Legal Interest (attached). Form ***must*** be completed by the legal owner (If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that the person signing is an authorized agent)

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.

Project Description

➢ State (or attach a letter stating) the reason for the proposed Conditional Use Permit: To obtain a non commercial kennel license for family pets.

Dated this 27 **day of** October, 20 16

Elvira Sanchez-Parodi

Applicant Signature

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 my 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.

OFFICE USE ONLY

FILE NUMBER: **CUP** - 55 - 20 16 PROJECT NAME CUP 55 Non Kennel.

12/11/13 Revised

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: November 9, 2016

Rev:

Re: CUP – To keep 3-dogs on premises

Applicant: Elvira Sanchez-Parodi

Property Address: 826 Amethyst Way, Nampa, Idaho 83686

CUP 00055-16 for the November 22, 2016, Planning and Zoning Meeting

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Applicant's request is to have 3 dogs permanently in residence on premises and be granted a non-commercial kennel license.

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

Sylvia Mackrill

From: Neil Jones
Sent: Monday, October 31, 2016 1:53 PM
To: Sylvia Mackrill
Cc: Bret Caulder
Subject: RE: Non-Commercial Kennel License for 3 dogs 826 Amethyst Way for Elvira Sanchez-Parodi CUP-00055-2016

Building Department has no conditions.

Neil Jones
Plans Examiner Supervisor
P: 208.468.5492 F: 208.468.4494
Department of Building Safety, Like us on Facebook

From: Sylvia Mackrill
Sent: Monday, October 31, 2016 10:40 AM
To: Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Bret Caulder <caulderb@cityofnampa.us>; Canyon Highway District No. 4 (chopper@canyonhd4.org) <chopper@canyonhd4.org>; Carl Miller - Compass of Idaho (cmiller@compassidaho.org) <cmiller@compassidaho.org>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Eddy Thiel <eddy@nampahighway1.com>; Eric R Shannon <eric@nampahighway1.com>; Eric Skoglund <skoglundl@cityofnampa.us>; Jeff Barnes <barnesj@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooksj@cityofnampa.us>; Ken Couch <Ken.Couch@itd.idaho.gov>; Kent Lovelace <lovelacek@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>; Tom Points <pointst@cityofnampa.us>; Vickie Holbrook <holbrookv@cityofnampa.us>
Subject: Non-Commercial Kennel License for 3 dogs 826 Amethyst Way for Elvira Sanchez-Parodi CUP-00055-2016

CUP-00055-2016:
Elvira Sanchez-Parodi has submitted a Conditional Use Permit application for a Non-Commercial Kennel for 3 dogs, at 826 Amethyst Way (Lot 5, Block 3 of Diamond Point Subdivision), within an RS-6 (Single Family residential -6000 sq ft minimum lot size).
The application will go before the Planning and Zoning Commission on their November 22, 2016 agenda as a public hearing item.
Please review and forward any comments to my attention prior to November 10th.

Sylvia Mackrill
O: 208.468.5484, F: 208.468.5439
411 3rd Street South, Nampa, ID 83651
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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

Norm Holm

From: Jim Salnave <jimnlinda@qwestoffice.net>
Sent: Monday, November 14, 2016 8:26 AM
To: Norm Holm
Subject: 905 Amethyst Way

Good Morning,
We are the owners of the house at 905 Amethyst Way, Nampa.
We received a notice of a hearing on November 22, 2016 for a conditional use permit to keep 3 dogs at 826 Amethyst Way.
Unfortunately, we will be out of town, so in keeping with the direction from Mr. Holm, Planning Director, we are registering our response below.
We are opposed to this conditional use permit for 3 dogs.
Thank you,
Jim Salnave