

# Bowery CR2023-0005

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APPLICANT/OWNER: CHARLES & LINDA BOWERY



# OVERVIEW

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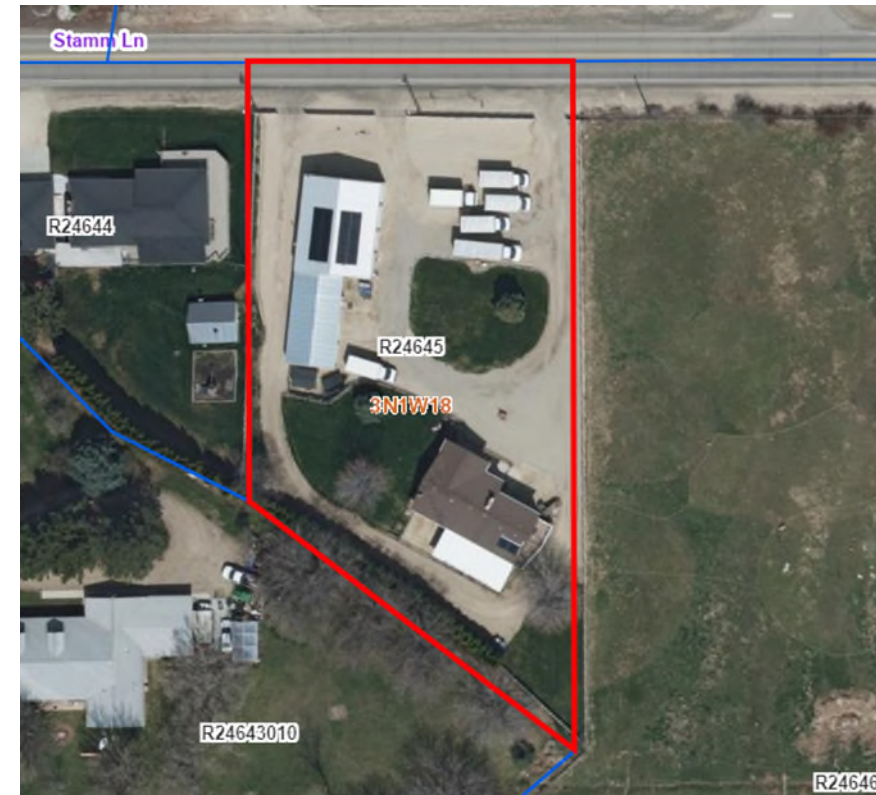
- Request
- General Background
- Criteria for Evaluation
- Recommendation & Conditions



# REQUEST

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- Conditional rezone of Parcel R24645, approximately 1.05 acres, from an “R-R” (Rural Residential) zone to a C-1 (Neighborhood Commercial) zone.
- The request includes a development agreement limiting the commercial use to a contractor shop, staging area, and caretaker unit.



# BACKGROUND

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- The subject parcel was created in its current configuration in 1980 (Tax 8, 18-3N-1W).
- The applicants purchased the subject parcel on July 20, 2021 (Instrument No. 2021050798, Exhibit 3.A.5).
- Based on aerial imagery, the staging area use appears to have been established in early 2022 (Exhibit 3.B.4). The letter of intent (Exhibit 3.A.2 & 3.A.6) states the property is used for their business, CBI Insulation, which includes the parking of six box trucks and employee parking for nine employees (Exhibit 3.A.4).
- On February 14, 2023, the applicants received a notice of violation regarding the establishment of a staging area on the parcel (CDEF2023-0035, Exhibit 3.B.3).
- On March 9, 2023, the applicant submitted a conditional rezoning application to amend the current zone to a “C-1” Zone subject to a development agreement limiting uses to a contractor shop and staging area use (Exhibit 3.A).



# EVALUATION CRITERIA (07-06-07(6)A)

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1. Is the proposed conditional rezone generally consistent with the comprehensive plan;
2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
3. Is the proposed conditional rezone compatible with surrounding land uses;
4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;
6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?



# RECOMMENDATION & CONDITIONS

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In consideration of the application, the Planning and Zoning Commission recommended that the proposed conditional rezone be denied due to the request not complying with Canyon County Ordinance Section 07-06-07(6)A (Exhibits 1 & 2). The following criteria could not be made:

**A.1:** The request is not consistent with the 2030 Comprehensive Plan.

**A.2:** When considering the surrounding land uses, the request is not more appropriate than the “R-R” Zone.

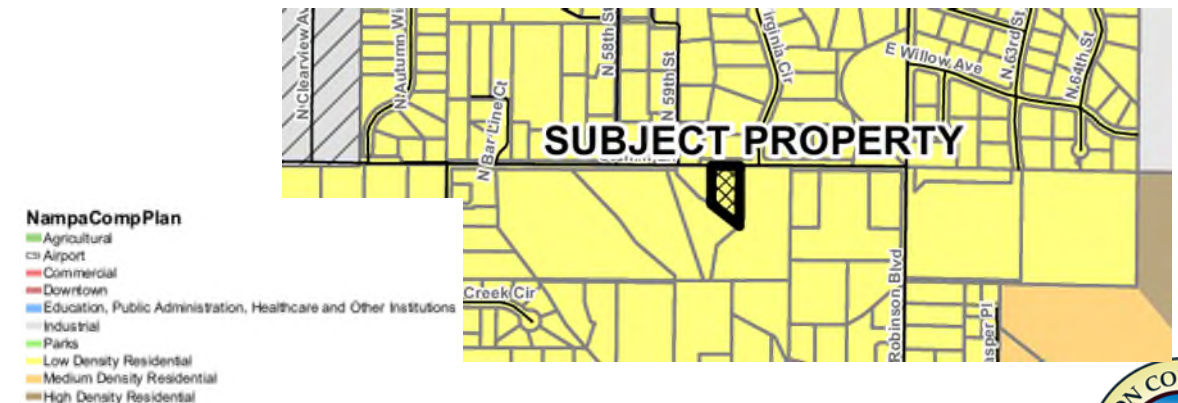
**A.3:** The request is not compatible with the surrounding land uses.





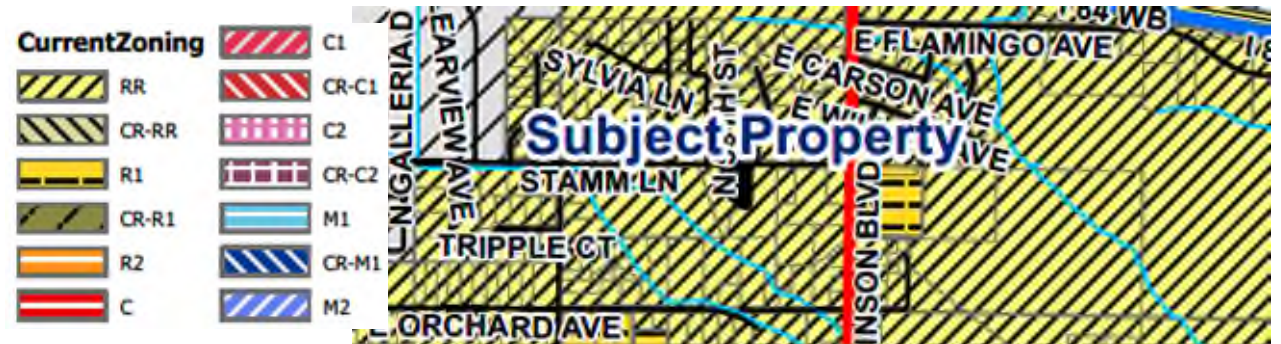
# COMPREHENSIVE PLANS

- The 2030 Canyon County Comprehensive Plan designates the parcel and area as “residential” (Exhibit 3.B.2c).
- The parcel and surrounding area are located in the Nampa Area of City Impact. Nampa designates the future land use of the parcel and area as “Low-Density Residential” (Exhibit 3.B.2d).



# SURROUNDING LAND USES

- The parcel and surrounding area are zoned “R-R” (Rural Residential, two-acre average minimum lot size, Exhibit 3.B.2e).
- The area consists of parcels with an average lot size of 1.78 acres and a median of 1.05 acres. There are 46 residential subdivisions within a one-mile radius consisting of 844 lots and an average lot size of 1.38 acres (Exhibit 3.B.2g).
- Land use decisions in the area have all been related to residential use (Exhibit 3.B.2f).





# SURROUNDING LAND USES

- There are no commercial zones or similar land use decisions within the vicinity of the subject parcel (Exhibit 3.B.2f).
- Businesses found within the immediate area are allowed in the “R-R” zone subject to meeting home business or home occupation requirements (Exhibit 3.B.6).
- The nearest commercial use and designation is the Nampa Gateway Center within Nampa city jurisdiction, approximately 2,500 feet west of the subject parcel (Exhibit 3.B.2a).



1. Zeguro Tax & Accounting
2. Mariposa Nails
3. Nick's Custom Designs
4. Gem Swim
5. Holistic Alchemist Wellness & Bodyworks







# NOTIFICATION (07-05-01)

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## Public:

- None

## Agency (Exhibit 3.D):

1. City of Nampa: Recommends denial.
2. Nampa-Meridian Irrigation: No impacts.
3. DSD Engineering: General guidance provided; not opposed.
4. Southwest District Health: Needs a pre-development meeting.
5. Nampa Fire: Not opposed. Within 1.6 miles of Station 5 (4 minute response time).
6. Nampa Highway District: Denial recommended until paved commercial apron installed.



# DECISION OPTIONS

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- Denial;
- Approval; or
- Tabled the hearing to request additional information.

## Conditions

1. Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations. Compliance includes (but not limited to):
  - a. Southwest District Health requests the applicant meet regarding the request (Exhibit D.4).
  - b. Nampa-Meridian Irrigation District requests all drainage be maintained on-site (Exhibit D.2).
  - c. Nampa Highway District #1 requires commercial accesses to be a paved apron installed per ACCHD Standard Drawing #ACCHD-106 (Exhibit D.6).
    - Compliance is required within 3 months of approval.
2. The subject parcel, R34456, approximately 1.05 acres as described in Exhibit \_\_\_\_ (reserved for *legal description*) will be zoned "CR-C-1" (Conditional Rezone - Neighborhood Commercial) subject to the following conditions:
  - a. Uses are limited to the following:
    - Staging Area subject to compliance with all use standards (CCCO Section 07-14-29) and applicant's letter of intent regarding the staging area hour of operation, fencing, and employee parking (Exhibit A.2);
    - Compliance is required within 3 months of approval.
    - Contractor Shop subject to conditional use permit approval; and
    - Caretaker residence.
  - b. The "C-1" Zone and limited uses shall expire and cease when the parcel touches city jurisdiction or is eligible for annexation.
3. The developer shall comply with CCCO §07-06-07(4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."



Questions?





