



PLANNING & ZONING MEMO

April 16, 2025

Mayor and City Council,

The applicant for the Liquor License at 1020 1st St S (Warehouse Nightclub) has been working with the city for approximately a year to secure necessary approvals to open a nightclub at that location.

Please see the attached decision letter and Conditional Use Permit (CUP-00341-2024) granted for an "Alcohol Sales Establishment, Primary" at 1020 1st St S.

The conditional use permit was granted prior to adoption of City Code which required all new liquor licenses be reserved for restaurants.

Regarding the Open Heart Church located in the same building, Shaun Nichols – Assistant Building Official, indicated that the Church is continuing to work with the Building Department to modify the building to make it in compliance with City code to be occupiable. Until such time, any services being conducted at this location are occurring without the issued permits. As such, we do not recognize the church as a current land use at this location for purposes of reviewing nearby alcohol license applications.

While the Building Department anticipates the Warehouse Nightclub to be issued an occupancy permit shortly, they anticipate several months before improvements to the building allow the church to occupy the building.

Rodney Ashby, AICP - Director
City of Nampa Planning and Zoning Department
500 12th Ave. S
Nampa, ID 83651



June 26, 2024

Jorge Perez
2508 Syringa Ln
Caldwell, ID 83605
Via e-mail: perezclassic20@yahoo.com
(408)216-3733

Re: **Conditional Use Permit** for the operation of an alcohol sales establishment in the DH (Downtown Historic) zoning district at 1020 1st St S (a 0.47 acres parcel #R1319400000; located in the SE 1/4 of Section 22, T3N, R2W, BM) for Jorge Perez (CUP-00341-2024).

Dear Mr. Perez:

The Nampa City Planning and Zoning Commission, during their regularly scheduled public hearing of June 11, 2024, after receiving testimony and reviewing your application, voted to continue the public hearing and directed the Planning Director to facilitate a meeting between the applicant and the Police Department to explore methods to mitigate the Nampa Police Department concerns, namely:

1. Concerns that not enough parking is being provided for the nightclub and anticipating customers parking in other business' parking lots creating conflict and congestion.
2. Nampa Fire Station 1 and the Nampa Police Department use that section of 1st St on a regular basis in responding to emergency calls. The added congestion of traffic and parking could delay response times.

At the continued public hearing of June 25, 2024, the Planning & Zoning Commission voted to approve the Conditional Use Permit with additional conditions as recommended by the Nampa Police Department. The Commission approved the attached Findings of Fact as the reason for the approval and made their approval contingent on Owner/Developer/Development compliance with the following conditions of approval:

1. The CUP is issued to the Applicant or Owner and shall not be transferable to another location or applicant/owner.
2. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment and building permit.
3. The project is subject to all required building codes and related permits based on the requirements of Nampa City Ordinance -Title 4 – Building Regulations. Specifically, existing commercial buildings with a change of use from (S-1) Storage Occupancy to (A-2) Assembly Occupancy are required to:

- a. Apply for a commercial tenant improvement permit for the occupancy classification change and interior remodeling.
 - b. All commercial remodels are required to obtain a building permit with associated sub-permits for each building or structure prior to starting construction.
 - c. Drawings are required to be designed and stamped by Idaho licensed design professionals.
4. Occupancy of the building is not allowed until the permit has been issued and all work has been completed and passed required inspections.
5. A building permit application for change of use will be required. The building has no fire protection systems installed. An A-2 occupancy (nightclub/bar) with a maximum occupant load of 100 or more shall be equipped with an automatic fire sprinkler system.
6. Applicant shall not open the facility to the public earlier than 8:00p.m.
7. Angled parking shall be established where perpendicular parking currently exists in front of the building along 1st St South, in order to discourage vehicles backing across north/west traffic to drive southeast toward 11th Ave S.

Please note that Conditional Use Permit decisions may be appealed within 15 calendar days from the date of the adopted findings. Either the Applicant or an aggrieved party may file an appeal with this office at which time the Conditional Use ruling would be considered suspended until resolution of the appeal before the City Council. The 15-day appeal period for this matter will terminate Wednesday, July 10, 2024 at 5pm.

As a courtesy note, two property owners have expressed interest in filing an appeal. If that appeal is received by July 10th, a new public hearing will be scheduled before the City Council. Please do not proceed with any construction or changes to the site without formal Conditional Use Permit approval (permit issued), and without an Alcohol License from the City Council.

If an appeal is not filed, the CUP decision will be considered in force, and of effect, for the location referenced above and a permit will be issued for the use. If you should have any questions concerning this matter, please contact me during normal business hours, Monday through Friday at 468-4434.

Sincerely,

A handwritten signature in black ink that reads "Rodney A. Ashby". The signature is written in a cursive, flowing style.

Rodney Ashby, AICP
Director
On Behalf of the Commission

Attachments: Formal Findings of Fact

BEFORE THE NAMPA PLANNING AND ZONING COMMISSION
CITY OF NAMPA, CANYON COUNTY, IDAHO

In the Matter of a Conditional Use Permit)
For the operation of an alcohol sales)
Establishment in the DH (Downtown)
Historic zoning district at 1020 1st St S)
A 0.47 acres parcel #R1319400000.)
Application by:)
Jorge Perez)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION**

Case No. CUP-00341-2024

This matter came before the Nampa Planning and Zoning Commission (“Commission”) for hearing and consideration on the 11th day of June, 2024, upon a request filed by applicant Jorge Perez (“Applicant”), pursuant to Nampa City Code Title 10 Chapter 25. Commission hereby makes the following findings, conclusions of law and decision on this matter.

I.

RECORD

Commission’s decision is made from evidence and testimony presented at the hearing on Tuesday, June 11th, 2024.

II.

FINDINGS OF FACT, CONCLUSIONS OF LAW

Regarding the request for a for the operation of an alcohol sales establishment in the DH (Downtown Historic) zoning district at 1020 1st St S (a 0.47 acres parcel #R1319400000; located in the SE 1/4 of Section 22, T3N, R2W, BM) for Jorge Perez (CUP-00341-2024), the Nampa Planning and Zoning Commission **APPROVES** the conditional use permit request. In approving the request, the Commission finds the following:

1. That the proposed use is supported by the Nampa Comprehensive Plan.

➤ **Nampa’s Comprehensive Plan includes the following statements and objectives:**

- **4.4 Economic Development Strategies** The City of Nampa is committed to retaining and expanding business opportunities within Nampa’s vibrant and growing community.
- **Chapter Four – Economic Development Objectives and Strategies:**

- This property is currently in the City of Nampa and is currently and will continue to be served for police, fire, parks, library, roadway, sidewalk, and other administrative needs.

Conclusion: The proposed use will be served adequately by essential public facilities and services because services are already being provided to the property and will be provided to the new unit with appropriate permits and connections to utility services.

4. That the proposed use will not be detrimental to the economic welfare of the community.

- The proposed use as Alcohol Sales is allowed in the DH zone with a conditional use permit approval.
- The Comprehensive Plan advocates for small business creation and retention.
- The Comprehensive Plan calls for gathering places in the downtown zoning district.
- This project does not change the existing economic impact to the area.

Conclusion: The proposed use will not be detrimental to the economic welfare of the community because the proposed use does not change the existing economic impact to the area, and is supported by the City Code and Comprehensive Plan.

5. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

- The proposed project is an existing commercial building.
- The proposed use will create a greater demand on parking needs in the area.
- The proposed use will create an increase of traffic due to the use being an assembly type.
- The uses in the area are already commercial with commercial traffic impacts.

Conclusion: The proposed project will not be detrimental to any persons, property or general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors, because the use is consistent with the existing uses in the area and the must be done in accordance with the standards in place for obtaining a building permit, alcohol license, and sign permit.

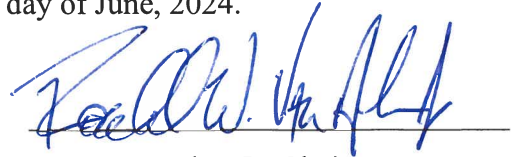
III.

DECISION

The Commission, based upon the testimony and evidence on record in this matter and upon findings of fact and conclusions of law set forth herein DOES HEREBY DETERMINE AND DECIDE AS FOLLOWS: the request for a Conditional Use Permit for the operation of an alcohol sales establishment in the DH (Downtown Historic) zoning district at 1020 1st St S (a

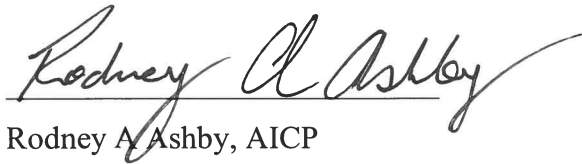
0.47 acres parcel #R1319400000; located in the SE 1/4 of Section 22, T3N, R2W, BM) for Jorge Perez (CUP-00341-2024), is APPROVED.

These Findings of Fact, Conclusions of Law and Decision are approved and adopted by the Nampa Planning and Zoning Commission on this 11th day of June, 2024.



Ron Van Auker Jr, Chair

Planning & Zoning Commission



Rodney A. Ashby, AICP

Director

Nampa Planning & Zoning Department

NOTICE TO THE APPLICANT

You are hereby notified of the following:

Pursuant to Idaho Code §67-6519(4) you are entitled to request that the City of Nampa conduct a regulatory takings analysis pursuant to the Idaho Regulatory Takings Act (Idaho Code §67-8001 et seq.)

Pursuant to Idaho Code §67-6535, your conditional use permit request was evaluated under, Nampa City Code Title 10 Chapter 25, Nampa City Code Title 10 Chapter 8, Nampa City Code Title 10 Chapter 3 and the Local Land Use Planning Act (Idaho Code §67-6501 et seq.) and other applicable law.



2024-021413

RECORDED

07/11/2024 09:38 AM



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RICK HOGABOAM

CANYON COUNTY RECORDER

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NO FEE

MISC

CITY OF NAMPA

CONDITIONAL USE PERMIT: Conditional Use Permit for the operation of an alcohol sales establishment in the DH (Downtown Historic) zoning district at 1020 1st St S (a 0.47 acres parcel #R1319400000; located in the SE 1/4 of Section 22, T3N, R2W, BM) for Jorge Perez (CUP-00341-2024).

PROPERTY DETAILS: 1020 1st St S (a 0.47 acres parcel #R1319400000; located in the SE 1/4 of Section 22, T3N, R2W, BM, Canyon County).

FINDINGS OF FACTS, CONCLUSIONS OF LAW ADOPTED BY NAMPA PLANNING & ZONING COMMISSION:

1. That the proposed use is supported by the Nampa Comprehensive Plan.

➤ **Nampa's Comprehensive Plan includes the following statements and objectives:**

- **4.4 Economic Development Strategies** The City of Nampa is committed to retaining and expanding business opportunities within Nampa's vibrant and growing community.
- **Chapter Four – Economic Development Objectives and Strategies:**
 - **OBJECTIVE 2:** Develop retail and service businesses in locations that are accessible by walking or biking.
 - **OBJECTIVE 4: Provide a business-friendly environment. STRATEGY 1:** Expedite permitting, inspecting and development services.
 - **OBJECTIVE 7: Invest in downtown revitalization.**
 - **STRATEGY 3:** Continue to support the creation of central gathering places in downtown Nampa

- The proposed use is a land use that causes gathering of people as an Assembly occupancy type.
- The proposed location is within the downtown historic sub-district where walking is encouraged and is within walking distance of many other commercial services and jobs.
- The proposed use is a small business.

- This project is near major commercial areas.

Conclusion: The proposed use is supported by the Nampa Comprehensive Plan because... it meets the economic development objective of providing retail and service businesses in the downtown where it is accessible by walking or biking. It fulfills a major comprehensive plan community purpose of investing in downtown revitalization by filling an empty store front where people can gather.

2. That the design, construction, operation and maintenance of the property and project will not adversely impact the intended character and appearance of the general vicinity.

- The property will retain its commercial appearance.
- The tenant will be required to pull permits for any signs, tenant improvements, and any improvements to the property to comply with city standards.
- Other uses in the general area include, but are not limited to: alcohol sales, restaurants, industrial, warehousing, banking, learning academy, office, automotive repair, indoor entertainment, retail, government services – (Fire Station & Police Station).

Conclusion: The proposed nightclub will not adversely impact the intended character and appearance of the general vicinity through design, construction, operation and maintenance because it will not change its industrial appearance and operation.

3. That the proposed use will be served adequately by essential public facilities and services.

- Sewer and water services are currently provided to the property.
- The applicant/owner will need to obtain building permits and utility connections where necessary.
- This property is currently in the City of Nampa and is currently and will continue to be served for police, fire, parks, library, roadway, sidewalk, and other administrative needs.

Conclusion: The proposed use will be served adequately by essential public facilities and services because services are already being provided to the property and will be provided to the new unit with appropriate permits and connections to utility services.

4. That the proposed use will not be detrimental to the economic welfare of the community.

- The proposed use as Alcohol Sales is allowed in the DH zone with a conditional use permit approval.
- The Comprehensive Plan advocates for small business creation and retention.
- The Comprehensive Plan calls for gathering places in the downtown zoning district.
- This project does not change the existing economic impact to the area.

Conclusion: The proposed use will not be detrimental to the economic welfare of the community because the proposed use does not change the existing economic impact to the area, and is supported by the City Code and Comprehensive Plan.

5. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.
 - The proposed project is an existing commercial building.
 - The proposed use will create a greater demand on parking needs in the area.
 - The proposed use will create an increase of traffic due to the use being an assembly type.
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Conclusion: The proposed project will not be detrimental to any persons, property or general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors, because the use is consistent with the existing uses in the area and the must be done in accordance with the standards in place for obtaining a building permit, alcohol license, and sign permit.

CONDITIONS OF APPROVAL:

1. The CUP is issued to the Applicant or Owner and shall not be transferable to another location or applicant/owner.
2. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment and building permit.
3. The project is subject to all required building codes and related permits based on the requirements of Nampa City Ordinance -Title 4 – Building Regulations. Specifically, existing commercial buildings with a change of use from (S-1) Storage Occupancy to (A-2) Assembly Occupancy are required to:
 - a. Apply for a commercial tenant improvement permit for the occupancy classification change and interior remodeling.
 - b. All commercial remodels are required to obtain a building permit with associated sub-permits for each building or structure prior to starting construction.
 - c. Drawings are required to be designed and stamped by Idaho licensed design professionals.
4. Occupancy of the building is not allowed until the permit has been issued and all work has been completed and passed required inspections.
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6. Applicant shall not open the facility to the public earlier than 8:00p.m.

7. Angled parking shall be established where perpendicular parking currently exists in front of the building along 1st St South, in order to discourage vehicles backing across north/west traffic to drive southeast toward 11th Ave S.

PERMITTEE: Jorge Perez for 1020 1st St. S, Nampa, ID 83651 (County Parcel #R1319400000 only).

TERMINATION: Pursuant to NCC § 10-25-11 A CUP shall be subject to the plans (e.g., site plan, elevation, landscape plan, etc.) and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate six (6) months from the effective date of its approval, unless a City of Nampa permit for alteration of the site or construction, or another Planning & Zoning entitlement related to the project is applied for prior to the end of that six (6) month period and subsequently approved. However, such period of time may be extended by the Commission, upon application filed at any time before said period has expired, but in no event shall the order be extended for more than twelve (12) months from the date the original CUP was first granted.

If a permit or other planning entitlement, as referenced above, expires, then the Conditional Use Permit also expires. If a building permit has been issued and construction has commenced, but the building permit has expired because inspections have not been completed, the Conditional Use Permit can be requested to be re-instated by the Planning and Zoning Commission via business item.

REVOCATION: Pursuant to NCC § 10-25-12 In the event of a violation of any of the provisions of zoning regulations, conditional use permit criteria, or in the event of a failure to comply with any prescribed condition of approval, the Planning Director or his/her designee may, revoke any CUP.

Any citizen complaint or city citation related to noncompliance with the conditions of a Conditional Use Permit shall be investigated by City Staff. The applicant or owner of the subject property will be contacted by city staff and, if the complaint is found credible, material and not remedied, the CUP shall be revoked, via the above-mentioned process. The applicant will be notified of the revocation and given the opportunity to reapply for a new conditional use permit.

The Nampa Planning & Zoning Director issues this permit pursuant to the Planning & Zoning Commission's approval and findings on June 25, 2024.

CITY OF NAMPA:

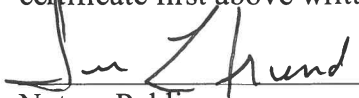

Rodney Ashby, AICP
Planning & Zoning Director, City of Nampa

State of Idaho)

Canyon County)

On this 11th day of July 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Rodney Ashby known to be the Planning and Zoning Director who executed the foregoing instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.



Notary Public
My Commission Expires: 4/10/2030

