



PLANNING & ZONING DEPARTMENT

Before the Planning & Zoning Commission Meeting of 09 FEBRUARY 2016 Public Hearing No. 3

Analyst: Robert Hobbs

Applicant(s)/Engineer(s):

John M. Wickersham

File(s): CUP 2124-16

Requested Action Approval(s) and Location:

1. Conditional Use Permit Approval:

To authorize use of an existing building as a bar/tavern...

Pertaining to:

Property [land] addressed as 102 and 106 11th Avenue North (a .493 acre or 21,475 sq. ft. portion of the SE ¼ of Section 22, T3N, R2W being Lots 7,8 and 13 of Block 83 in Griffith & Kings and Duffes Additions – hereinafter the "Property")...

History:

The Property was formerly used as a restaurant before a motorcycle shop/accessory bar occupied the premises. Now the bar is intended to be recognized as the primary use of the Property; accordingly a Conditional Use Permit is required to be sought by the proprietor in accordance with adopted municipal law, the Nampa Zoning Code Section 10-3-2.

CONDITIONAL USE CONCLUSIONS OF LAW

Relevant Conclusions of Law for a/this Conditional Use Permit hearing item:

- A. That the location, size, design and operating characteristics of the proposed development 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.**

- B. That the location, design and site planning of the proposed development 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.**
- C. That the proposed development 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.**

COMMENTARY

Cities and counties in this country have for the past 100 or so years adopted and then administered zoning laws. Such laws, colloquially termed “codes”, are designed, in part, to help ensure orderly community population and structural growth, predictability of development rules, the upholding of property values, protection of the public’s health, safety and welfare, fair regulation of land use, and so forth. The level of detail of any such code, and, its aptitude in balancing the vested rights of individual property owners with those of their neighbors, varies from jurisdiction to jurisdiction.

Idaho, in the 1970s, adopted a set of laws to generally govern land use and development in the state. Said laws are collectively titled the “Local Land Use Planning Act” (I.C. 67-6501 et al). At the time of adoption, it was provided that cities and counties could choose to enact their own set of zoning laws and empower planning and/or zoning commissions to make certain land use related decisions. Nampa adopted a zoning ordinance many years ago and both renewed and revamped its ordinance in 1971. Since that time, varying amendments to the same have been passed into law. Commensurate with other zoning ordinances, Nampa identifies a number of possible land use types and establishes the permissibility of those uses within given land use districts (zones) that overlay the community. Uses thus may be deemed as permitted/allowed by right, not allowed/prohibited, or, allowed upon issuance of a “Conditional Use Permit” (N.C.C. § 10-25).

Conditional Use Permits (CUPs) are a common implement used by zoning codes and authorities to facilitate review of a given (or proposed) land use in a proposed location to ascertain the use’s perceived [future] compatibility with neighboring land uses as considered from a variety of view points and based upon a number of determined facts. Conditional Use Permits commonly invoke some form of formal review by a city or county, often requiring at least one public hearing. Nampa requires a public hearing to review those land uses that require Conditional Use approval (N.C.C. § 10-25-14).

A hearing allows vetting of any concerns of the public, the governing jurisdiction’s departments, or that of outside agencies. Such a hearing is used in part to discover land use related impacts that may stem from the proposed use and, if necessary, to levy any reasonable mitigations perceived necessary to keep the proposed use and the environment around in harmonious co-existence.

Bars/taverns have routinely required CUP review prior to being allowed in various commercial or industrial areas. While concerns often arise when discussing their propriety in a given location, often said concerns are, in a fashion, outside the scope of what zoning laws directly regulate. Required separation of a bar from school or church uses within 300’ is an issue addressed by the City Clerk’s office via their licensing process for such uses.

ABBREVIATED FINDINGS

1. Surrounding Zoning/Land Uses: Refer to attached Vicinity Map; immediate area has a mix of commercial lots and building types as well as residential uses somewhat nearby, the Property is commercially zoned; and,
2. Staff has provided the Commission with all of the information we have regarding the application according to what was submitted; and,
3. The intended use is proposed to be located in a fully enclosed, existing building situated along an arterial right-of-way and adjoining a locally classified right-of-way; and,
4. The Building Department does not oppose the request and has provided requirements in the event the CUP is approved; and,
4. The Engineering Division does not oppose the request; and,
5. Code Enforcement does not oppose the request; and,
6. Planning and Zoning Staff do not oppose the request provided proper parking lot improvements where extant, are provided; and,
7. No comments from the public have been received to date regarding this matter; and,

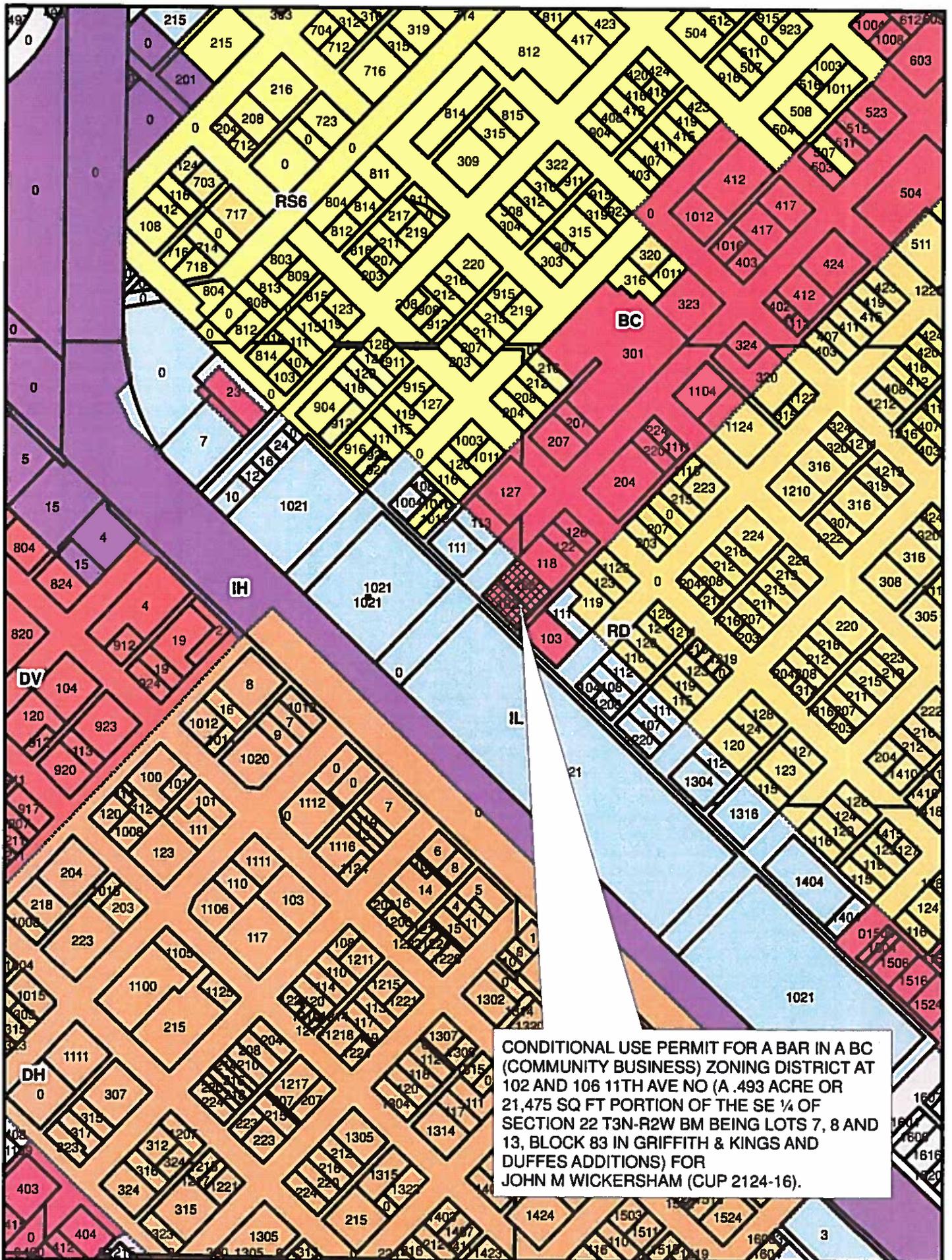
RECOMMENDED CONDITIONS OF APPROVAL

Should the Commission vote to approve the requested Conditional Use, Staff would then recommend that the Commission consider imposing the following Condition(s) of Approval on the Project/applicant(s):

1. Owner/operator/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits* and making requisite site improvements] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa City Clerk, Fire, Building, Planning and Zoning and Engineering Departments, etc.) as well as state or federal agencies/departments that may be involved in this matter as the CUP approval does not and shall not have the affect of abrogating requirements from those agencies/departments....
2. Any other conditions imposed by the Commission or by City departments or outside agencies in relation to the/this CUP request...

ATTACHMENTS

- Zoning and location Vicinity Map
(page/Exhibit 4)
- Copies of aerial photo of Property/application/agency correspondence/any citizen correspondence, etc.
(pages/Exhibits 5+)



CONDITIONAL USE PERMIT FOR A BAR IN A BC (COMMUNITY BUSINESS) ZONING DISTRICT AT 102 AND 106 11TH AVE NO (A .493 ACRE OR 21,475 SQ FT PORTION OF THE SE ¼ OF SECTION 22 T3N-R2W BM BEING LOTS 7, 8 AND 13, BLOCK 83 IN GRIFFITH & KINGS AND DUFFES ADDITIONS) FOR JOHN M WICKERSHAM (CUP 2124-16).



Map



Address Candidates



County Parcels



Address Points





Application for Conditional Use Permit

City of Nampa, Idaho

2/9/16
Robert

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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: John M Wickersham Phone: 208-989-5223

Address: 102 11th Ave N. City: Nampa State: ID Zip Code: 83687

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

Owner Name: John M Wickersham Phone: 208-989-5223

Address: 102 11th Ave N City: Nampa State: ID Zip Code: 83687

Address of subject property: 102 11th Ave N Nampa, ID 83687

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: Add Square Footage to Bar area with Max of 99 people Occupancy

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

Date conditional use is expected to begin after permit is granted: 1/1/16
Please note: Conditional use permits expire if not used within six (6) months after granting.

Dated this 7th day of Jan, 2016 John M Wickersham
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.

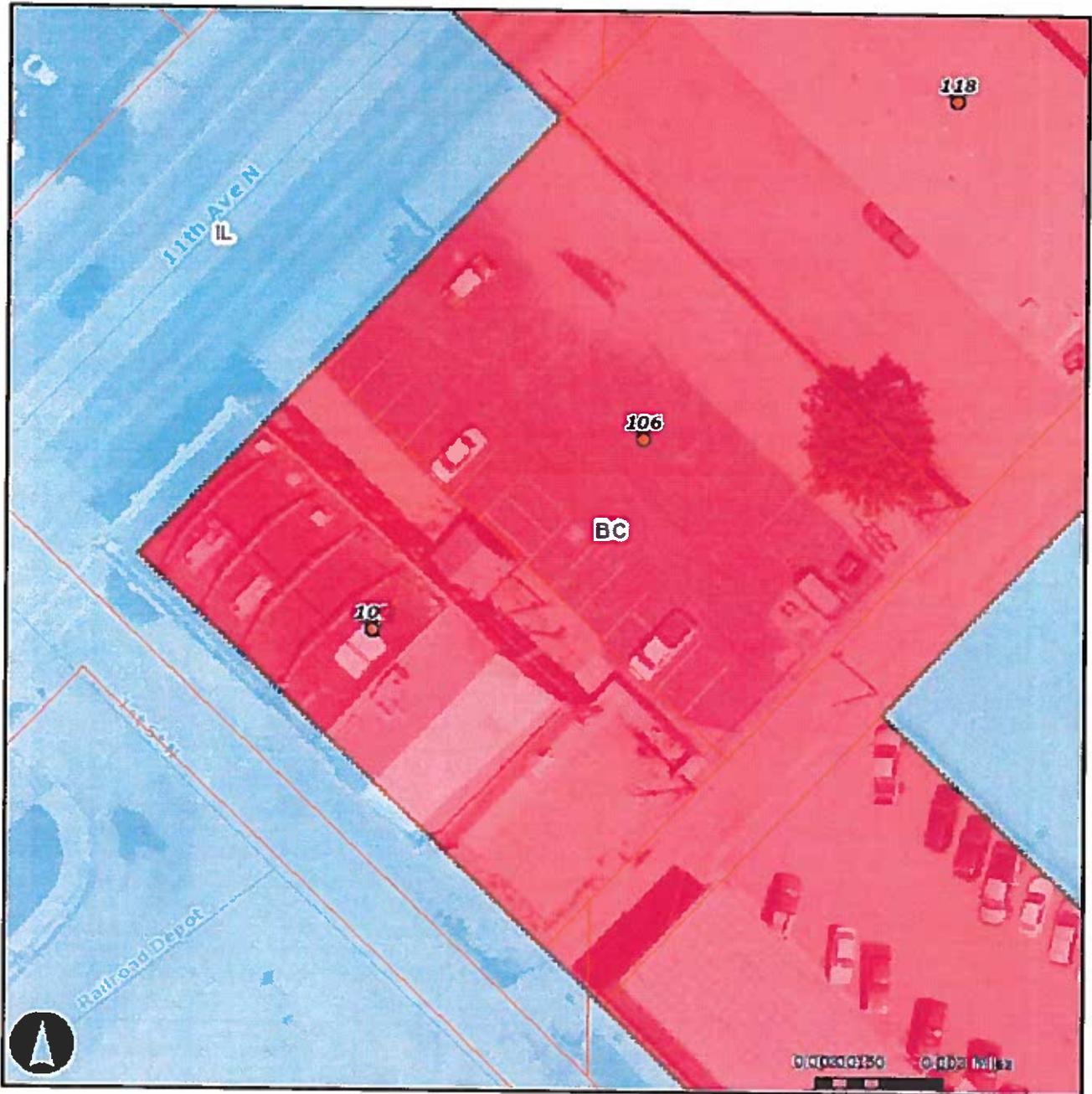
If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be sent a document which constitutes an official "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 2124 -20 16 Project Name: Bar 102 11th Ave N. Mad Man/Wickersham

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Map



Address Candidates



County Parcels



Address Points



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CODE REVIEW

IBC
 IRC
 IECC
 IFCC
 IMC
 IMC
 IPC
 IFGC

NEPA LIFE SAFETY CODE
 IBC CHAPTER 3
 IBC CHAPTER 6
 IBC CHAPTER 10
 IBC CHAPTER 10
 IBC CHAPTER 10

IBC CHAPTER 3
 IBC CHAPTER 6
 IBC CHAPTER 10
 IBC CHAPTER 10
 IBC CHAPTER 10

IBC CHAPTER 3
 IBC CHAPTER 6
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GENERAL NOTES

1. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND CONDITIONS TO BE MAINTAINED BY THE CONTRACTOR AND ASSUME ALL RESPONSIBILITIES FOR THE PROTECTION OF EXISTING UTILITIES AND STRUCTURES TO REMAIN.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AGENCIES.

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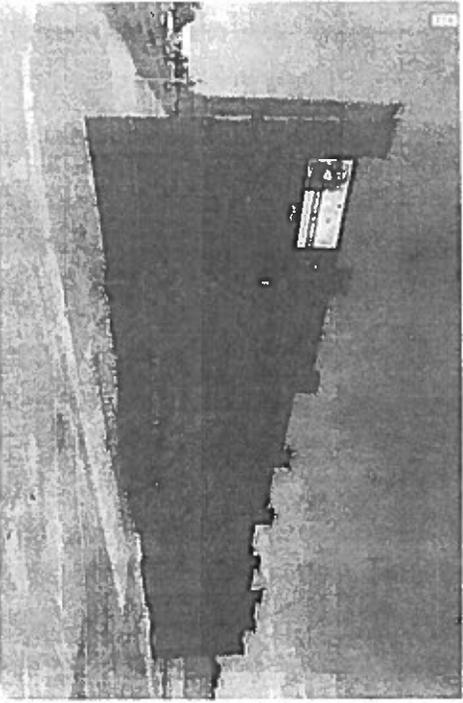
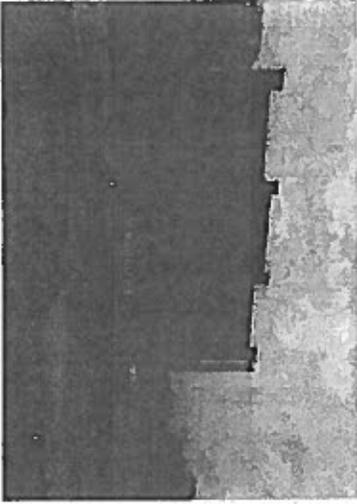
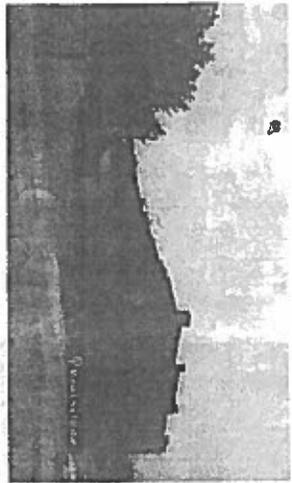
SITE MAP



MONTY WICKERSHAM

MAD MAN MOTORCYCLES LLC

102 11TH AVE NORTH
 NAMPA, IDAHO



NO.	DESCRIPTION
1	102 11TH AVE NORTH
2	NAMPA, IDAHO
3	MAD MAN MOTORCYCLES LLC

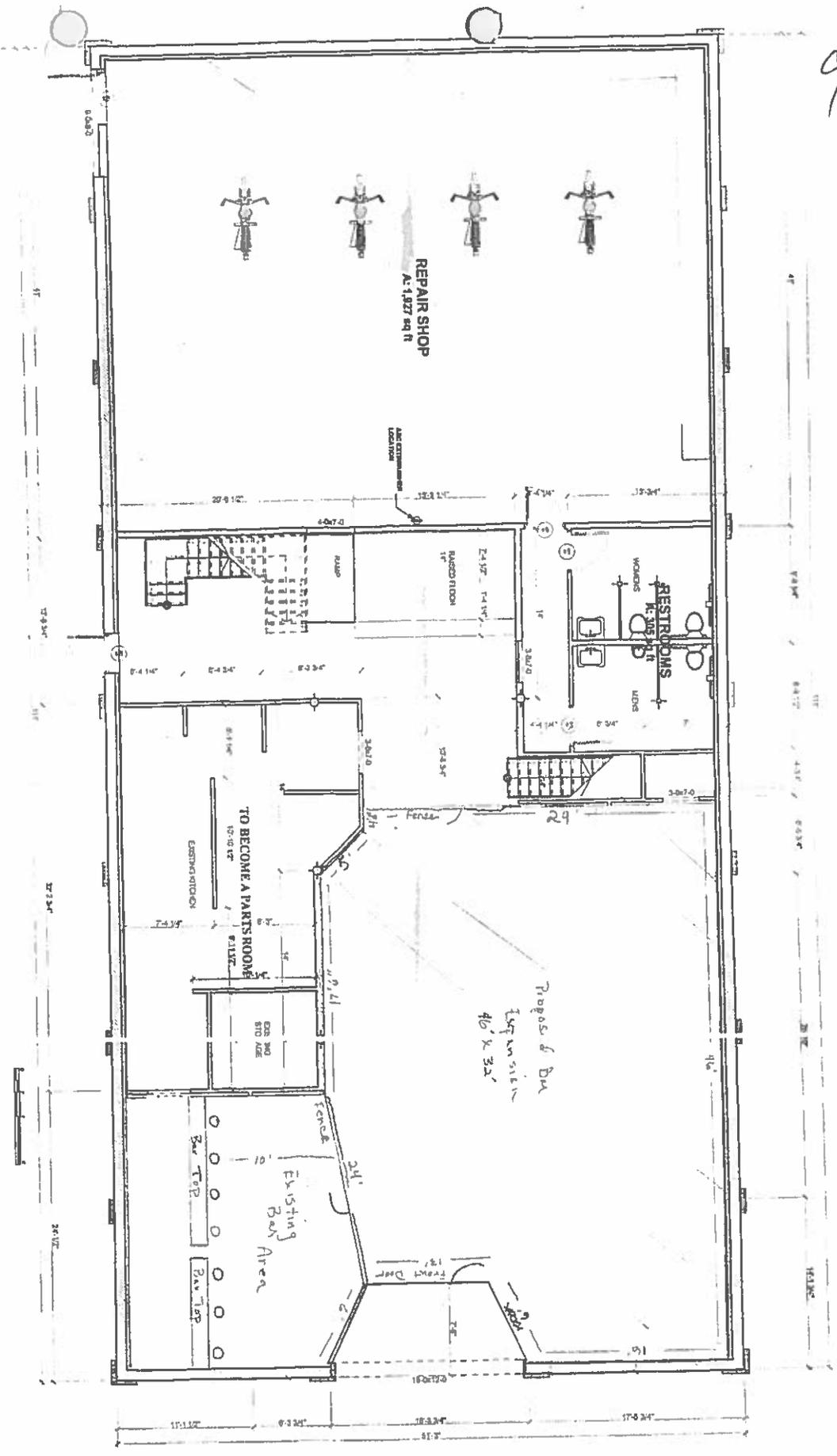
MAD MAN MOTORCYCLES LLC

MONTY WICKERSHAM
 NAMPA, IDAHO
 PHONE- 208-989-5223

NO.	DESCRIPTION
1	102 11TH AVE NORTH
2	NAMPA, IDAHO
3	MAD MAN MOTORCYCLES LLC

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1D 1st FLOOR PLAN



A-103 1st FLOOR PLAN	MOTORCYCLE REPAIR SHOP	MONTY WICKERSHAM NAMPA, IDAHO PHONE- 208-988-5223	MAD MAN MOTORCYCLES LLC
	PROJECT NO. DATE DRAWN BY CHECKED BY APPROVED BY	SCALE SHEET NO.	PROJECT NO. DATE DRAWN BY CHECKED BY APPROVED BY

Memorandum

To: Planning and Zoning
Cc: Daniel Badger, P. E., Staff Engineer
Cc: Michael Fuss, P. E., MBA, Nampa City Public Works Director
From: Jim Brooks – Engineering Division
Date: January 27, 2016
Re: Conditional Use Permit-Mad Man Motorcycles-Bar
Applicant: Monty Wickersham
Address: 102-11th Avenue North

CUP2124-16 for February 09, 2016 Planning & Zoning Meeting

Current fire flow at this location is 1,500 GPM.

The Engineering Division does not oppose the granting of this conditional use permit request with the condition that if additional paved parking is required, per Planning and Zoning, the owner/applicant shall have prepared a grading and drainage plan in accordance with City Policy for the containment and retention of any storm water runoff.



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Shellie Lopez

From: Neil Jones
Sent: Thursday, January 28, 2016 7:20 AM
To: Shellie Lopez
Subject: RE: CUP 2124 - 16 for Bar at Mad Man Motorcycles

With the layout shown the Occupant load will exceed the 100 and will need to get with the Fire Department and may need to sprinkle the building. The building Department will need a T.I. for the change of occupancy.

Neil Jones
Assistant Building Official

From: Shellie Lopez
Sent: Tuesday, January 12, 2016 11:42 AM
To: Amanda Morse <morsea@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Carl Miller <CMiller@compassidaho.org>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooks@cityofnampa.us>; Juan Vergara <vergaraj@cityofnampa.us>; Marlen Salinas <salinasm@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>; Sylvia Mackrill <mackrill@cityofnampa.us>; Tina Fuller <tfuller@compassidaho.org>; Tom Laws <tlaws@compassidaho.org>; Vickie Holbrook <holbrookv@cityofnampa.us>
Subject: CUP 2124 - 16 for Bar at Mad Man Motorcycles

Good Afternoon Everyone!

The following item will be going before the Planning & Zoning Commission.

CUP 2124 - 16:

Monty Wickersham has requested a Conditional Use Permit for the property located 102 & 106 11th Ave. No., a .48 acre parcel within the Griffith Kings Subdivision (SW 15' of LT 7, all LT 13 & NE 35' of LT 7, all LT 8 BLK 83) on the corner of 11th Ave. No. & 1st Street No.

Mr. Wickersham states the CUP is to expand the Bar at Mad Man Motorcycles from accessory use to primary use.

The Conditional Use Permit application will go before the Planning & Zoning Commission as a public hearing item on the February 09, 2016 agenda.

Please find attached the CUP 2124-16 file for your review. All Memos/Comments are due no later than January 28th and can be sent to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us)

Thank you & Have a great day!

Shellie A. Lopez

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Sylvia Mackrill

From: Juan Vergara
Sent: Tuesday, January 19, 2016 11:49 AM
To: Sylvia Mackrill
Subject: 102 11TH AVE N

Good morning Sylvia,

The above address is Mad Man Motorcycles, this was a P/Z inspection there are no violations at this time.

Juan Vergara, Sr.
Code Compliance & Community Relations Officer
(208) 468-5485
City of Nampa, ID

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