AGENDA
PAYETTE CITY COUNCIL
March 26, 2015
PUBLIC HEARING & SPECIAL MEETING

HONORABLE MAYOR JEFFREY T. WILLIAMS PRESIDING

NANCY DALE	**MARK HELEKER**
LEE NELSON	**RAY WICKERSHAM**
CRAIG JENSEN	**JEFF SANDS**

12:00 PM – Public Hearing

A. An application by Wayne Irvin for a Variance to the setback requirements, off street loading zone requirements and off street parking requirements at 200 N. Main St., Gorrie Addition, Block 7, Lots 1 & 2. The property is zoned C-1 Commercial Downtown.

12:00 PM – Special Meeting

1. ROLL CALL
2. NEW BUSINESS
   A. Wayne Irvin – Variance Application – 200 North Main Street
3. ADJOURN

Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024.

NOTICE OF PUBLIC HEARING

The Payette City Council will be conducting a Public Hearing to receive input concerning the following requests:

A. An application by Wayne Irvin for a Variance to the setback requirements, off street loading zone requirements and off street parking requirements at 200 N. Main St., Gorrie Addition, Block 7, Lots 1 & 2. The property is zoned C-1 Commercial Downtown.

The Public Hearing on the above request will be held March 26, 2015 at 12:00 PM, or shortly thereafter, in the Payette City Council Chambers, 700 Center Avenue, Payette, Idaho. Interested citizens may appear with regard to the foregoing item and will be given the opportunity to be heard in support of, or in opposition to the proposal. The Public is invited and encouraged to attend.

Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024.

Tiffany Howell, Assistant City Clerk

STAFF REPORT

P&Z Public Hearing Date:	February 26, 2015
Applicants Name:	Wayne Irvin
Describe Request:	Variance Application – Off Street Parking Requirements and Off Street Loading Zone Requirements
Property Zoned:	C-1 Commercial - Downtown
Address:	200 North Main Street; Payette, Idaho
Property Size:	0.1997
Access:	Main Street and 2nd Avenue North
Structures:	Yes
Comp Plan:	C-1 Commercial Downtown
Surrounding Uses:	Jimbo Restaurant across the street and Commercial business next door; residential use to the west of property
Employees:	Yes
Hours:	Seasonal Venue; open May - October
Sign:	Yes, signs will be placed on the property and the owner needs to obtain a sign permit.

Payette City Code:

17.34.060: OFF STREET PARKING REQUIREMENTS:
The off street parking requirements for the C-1 commercial district are referred to in chapter 17.72 of this title. (Ord. 1204, 2002)

17.72.010: GENERAL REQUIREMENTS:

A. No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off street parking and loading spaces have been provided in accordance with the provisions of this title.

or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein. (Ord. 1204, 2002)

17.72.020: STANDARDS:

A. Location Of Parking Spaces: The following regulations shall govern the location of off street parking spaces and areas:

3. Loading Space Requirements And Dimensions: Off street loading spaces for commercial uses may be required by the city.

4. Maintenance: The owner or lessee of property used for parking and/or loading shall maintain such area in good condition without holes and free of dust, trash and other debris.

7. Approaches: All private driveway approaches to a public street shall be no more than seven percent (7%) in grade and shall meet city standards.

8. Drainage: All parking and loading areas shall provide for on site surface water retention. The retention plan shall be reviewed and approved by the city.

9. Lighting: Any commercial, school or church parking area, located in any district in the city, which will be used during nondaylight hours, shall be properly illuminated. Any lights used to illuminate a parking lot shall be so arranged to reflect light away from the adjoining property.

10. Access: Any commercial or industrial parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such areas shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.

11. Striping And Paving: All parking areas shall be paved and striped with double lines, six inches (6") both sides of center, between stalls to facilitate the movement into and out of the parking stalls.

12. Screening And/Or Landscaping: Whenever a parking area is required by this or other city ordinance to be screened on any sides which adjoin or face other properties, the planting screen shall be not less than three feet (3') nor more than six feet (6') in height and shall be maintained in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition.

13. Wheel Blocks: Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

14. Joint Use: Two (2) or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap; provided, that a written agreement is presented to the city simultaneously with the application for a building permit. The written agreement shall be reviewed and approved before the issuance of any building permit. (Ord. 1204, 2002)

17.72.040: PARKING SPACE REQUIREMENTS:

For the purpose of this title, the following parking space requirements shall apply. Parking requirements shall apply to the use that occupies the majority of floor space within the structure(s) on the property, with the exception of home occupations which shall meet the requirements below. An area blocked by a parking space directly behind it shall not be considered a parking space.

Dining rooms, restaurants, taverns	1 for every 2 seats and 1 for every 200 square feet of floor area in nightclubs

Staff Comments:
According to their application, Mr. Irvin is requesting to have the off street parking requirements waived, as there is sufficient off street parking for phase 1, and would like to have the loading zone designated on the side of the building.

City of Payette

Variance Application

Non Refundable Fees:

Application..... $200.00

Payette City Code 17.78.010

OFFICE USE ONLY

Date Received 02-09-15 Paid (Y) / N

Date of Notice _____

Date of Hearing _____

P&Z Action _____

City Council Action _____

Applicants Name Wayne Irvin

Address 1267 NE 10th Ave.

City Payette State Idaho Zip 83661

Phone (208) 741-2457 Alt Number _____

Please attach the following:

✓ Legal Description

✓ Map

✓ Proof of ownership

✓ Name & Addresses of all property owners & residents within 300 feet of the exterior boundaries of the land being considered. (This can be obtained at the Payette County Assessor's Office)

Street Address of the property 200 N. Main St. Payette, Id. 83661

Size of the property 9100 SF

What is the property zoned commercial

Nature of Request

Describe the nature of the Variance requested parking variance (on street) off street loading zone requirements, off street

Existing use of the property None

17.78.010 Variances – Permissible When: The City Council shall consider variances to the terms of this Title which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Title will result in undue hardship upon a landowner and under such conditions that the spirit of this Title shall be observed and substantial justice done. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of the characteristics of the site. In acting upon a variance request, the City Council shall make full investigation and shall only grant a variance upon finding that the following are true:

A. That the granting of the variance will not be in conflict with the spirit and intent of the comprehensive plan for the City, and will not affect a change in zoning.

B. That there are exceptional or extraordinary circumstances or conditions, applicable to the property involved, or the intended use thereof, which do not apply generally to the property or class of use in the district, so that a denial of the relief sought will result in:

1. Undue loss in value of the property.
2. Inability to preserve the property right of the owner.
3. The prevention of reasonable enjoyment of any property right of the owner.

C. the granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners or the quiet enjoyment of such property improvements.

D. That the reason for a variance was not caused by the owners or pervious owner's actions. (Ordinance 1204, 2002)

Narrative statement indicating why the requested variance conforms to the guidelines set forth in the Zoning Ordinance The requested variances allows us to provide the amount of parking required, a safe loading zone, and maintain a clear line of site for downtown commuters.

A variance requires an applicant to show two particular aspects before the variance is considered.

1. **Describe the unique site characteristic (which is natural) showing reason for request** Size of the initial plot and surrounding institutions requires us to have offsite parking to maintain alley way acess and public safety.
2. **If unique site exists show how request granted is not contrary to public interest outline in the comprehensive plan and zoning ordinance** If request is granted it will allow for the developement of a vacant lot to increase business in the community and get rid of a potential safety hazard.

Requests for Granting a Variance

The following conditions must be fulfilled before a variance can be considered by the Planning & Zoning Commission. Showing that a variance is profitable or desirable for the owner and no harm will be done to others is not sufficient.

Below each requirement explain why your request conforms:

1. **Show how granting of variance will not affect a change in zoning** There is sufficient on street parking to handle our institutions needs, as well as the rest of the communities and fellow istitutions. fence and loading variances will not obstruct traffic or Safety.

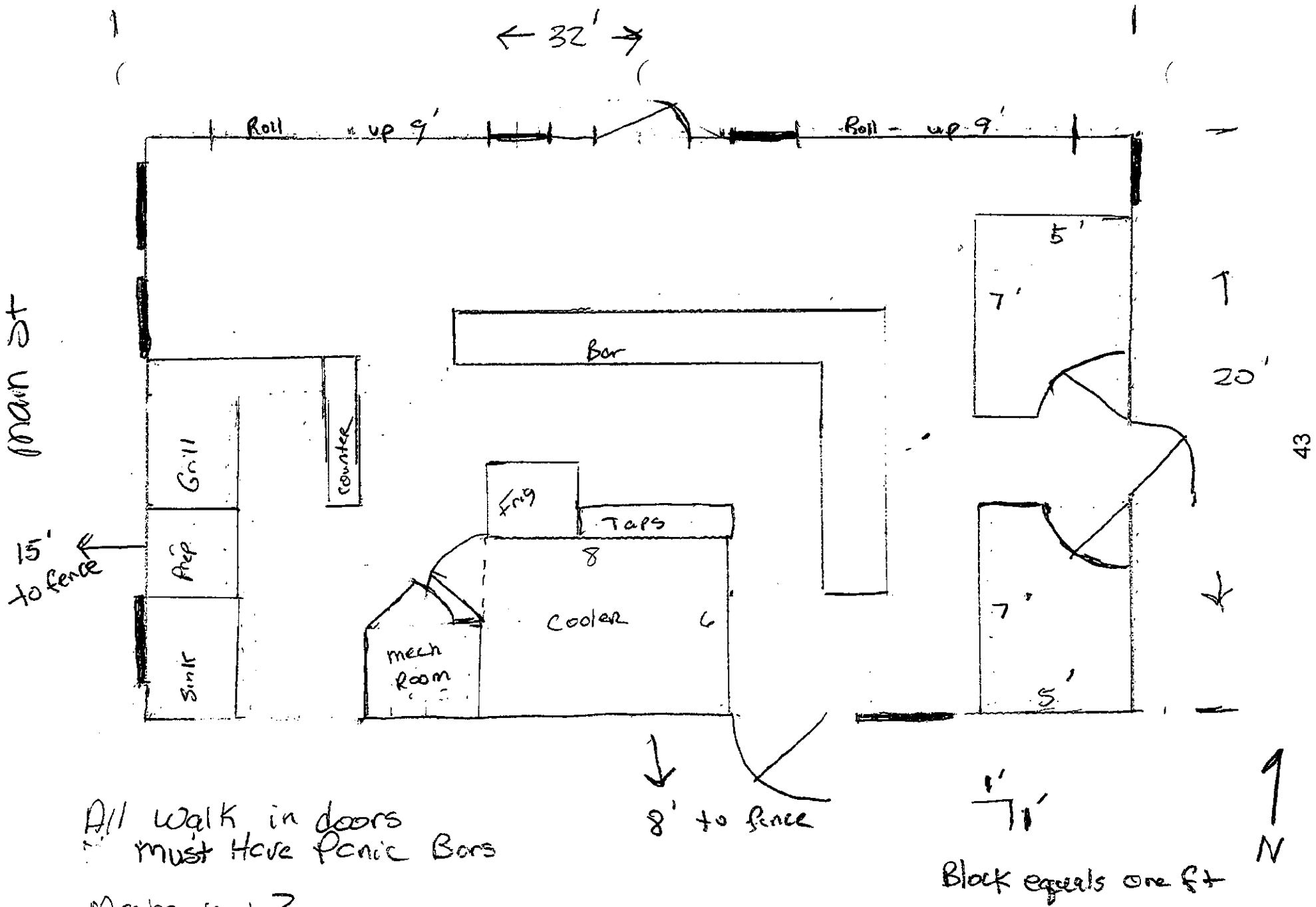
2. **Explain any exceptional or extraordinary circumstances or condition applicable to the property involved, or the intended use thereof, which do not apply, generally to the property of use in zoning district. So that if the request is denied it will result in undue loss in value, inability to preserve property rights** If the request is not granted we will be unable to further persue the properties developement.

3. **Indicate the alleged hardship. Has the hardship been created by the action of the property owner or the applicant? (i.e. applicant did not reduce size of the lot by prior sale)** The parking variance and other variance reforms requested were not caused by the previous owner or aplicant. Due to plot size and intended use by aplicant, there is not enough room for on site parking

4. **Approval of the variance will not be in conflict with the interest of the neighborhood or public interest in general. (Health, safety or welfare)** approval of the variance should not conflict with the safety, welfare, or health of surrounding homes or businesses.

2/9/2015
Date

Wayne Bowin
Signature



All walk in doors must have Panic Bars

Mechanical ?

Block equals one ft

AmeriTitle
Part Of The JELD-WEN Family

IDWD
Order No. 0027452

WARRANTY DEED

For Value Received,

Goodman Oil Company, an Idaho Corporation

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Wayne Irvin, an unmarried man

GRANTEE(s), whose address is: **1267 NE 10th Avenue, Payette, ID 83661**

the following described real property, to-wit:

Lots 1 and 2 in Block 7 of Gorrie Addition to Payette, as per Plat in Book 1, Page 19, Plat Records, Payette County, Idaho.

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 29th day of March 2012.

Goodman Oil Company

BY: _____ as President
Royce Goodman, President Goodman Oil Co.

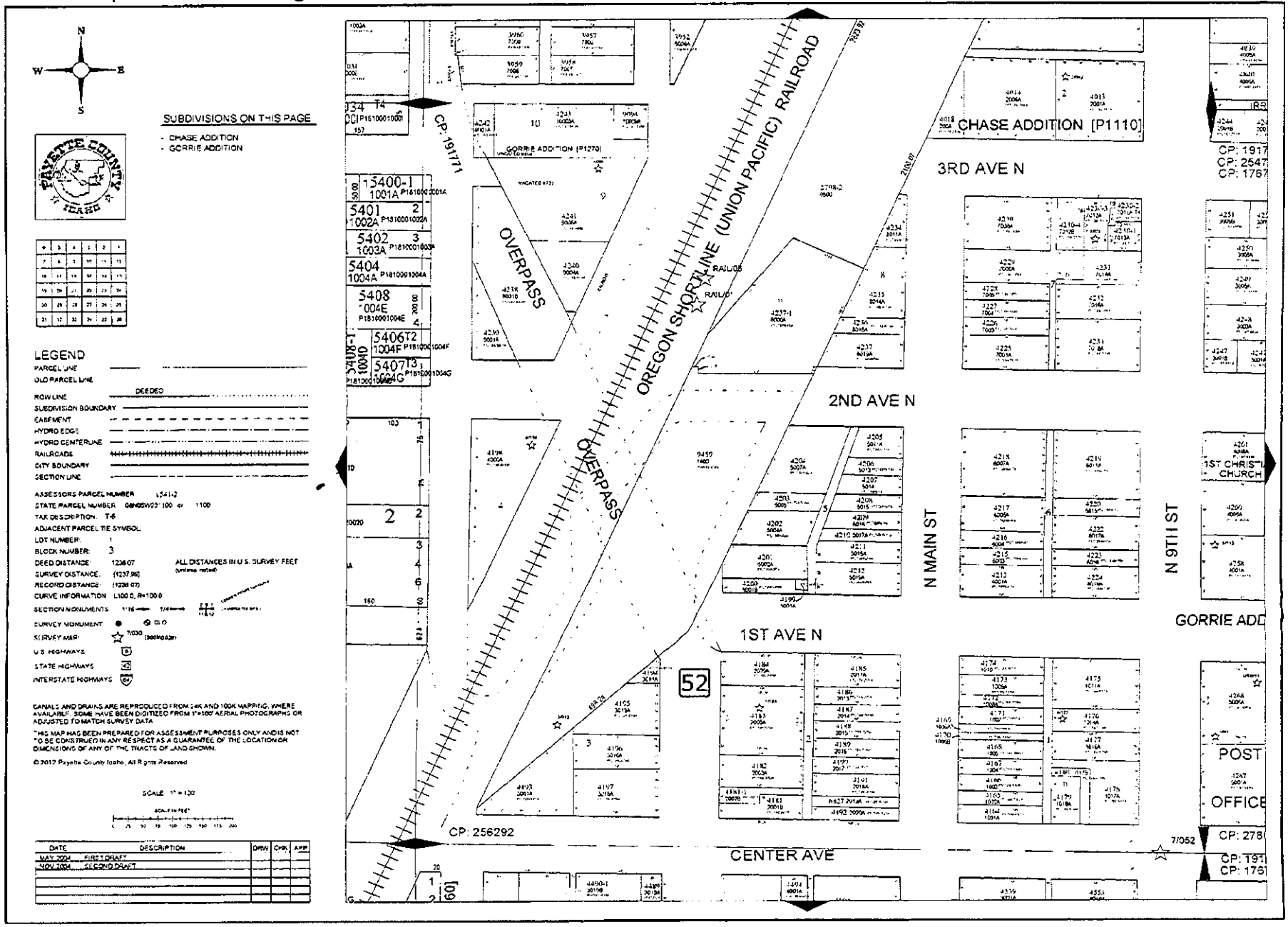
STATE OF IDAHO)
)ss
COUNTY OF PAYETTE)

On this 29th day of March 2012, before me, Linda-Gayle Fox, the undersigned, a Notary Public in and for said State, personally appeared Royce Goodman, known or identified to me to be the President of Goodman Oil Company and that the within and foregoing instrument was signed in behalf of said corporation and acknowledged to me that such corporation executed the same.

In Witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

_____
Notary Public for Idaho
Residing at: Parma, Idaho
My Commission Expires: 02/21/14

LINDA-GAYLE FOX NOTARY PUBLIC STATE OF IDAHO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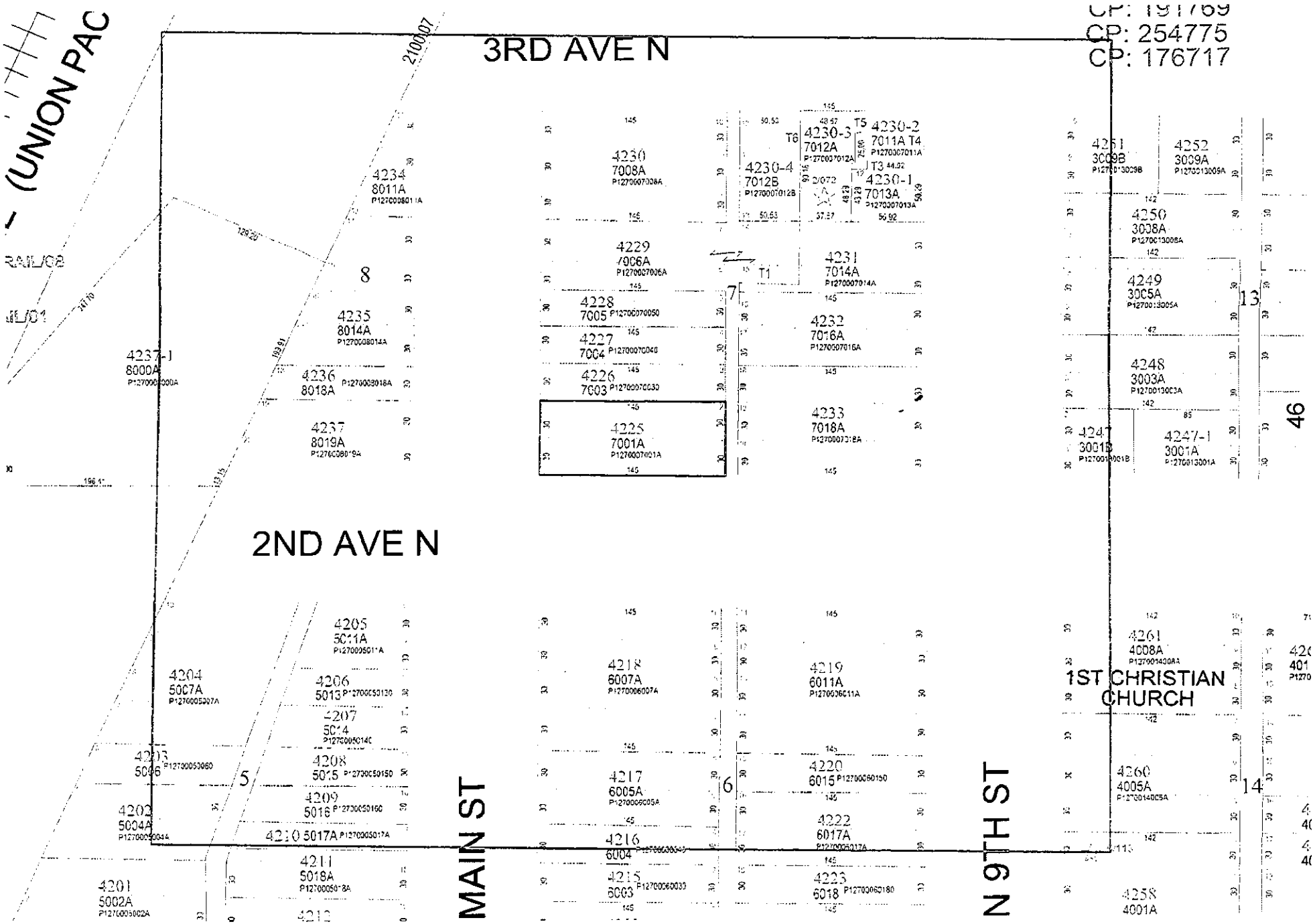
SUBDIVISIONS ON THIS PAGE
- CHASE ADDITION
- GORRIE ADDITION
PAYETTE COUNTY IDAHO
LEGEND
PARCEL LINE
OLD PARCEL LINE
ROW LINE
DEEDED
SUBDIVISION BOUNDARY
EASEMENT
HYDRO EDGE
HYDRO CENTERLINE
RAILROADS
CITY BOUNDARY
SECTION LINE
ASSESSORS PARCEL NUMBER
STATE PARCEL NUMBER
TAX DESCRIPTION: T-6
ADJACENT PARCEL TIE SYMBOL
LOT NUMBER:
BLOCK NUMBER: 3
DEED DISTANCE: 1236.07
SURVEY DISTANCE: (1237.86)
RECORD DISTANCE: (1236.07)
CURVE INFORMATION: L=100.0, R=100.0
ALL DISTANCES IN U.S. SURVEY FEET (unless noted)
SECTION MONUMENTS
SURVEY MONUMENT
SURVEY MAP
U.S. HIGHWAYS
STATE HIGHWAYS
INTERSTATE HIGHWAYS
CANALS AND DRAINS ARE REPRODUCED FROM 24K AND 100K MAPPING. WHERE AVAILABLE, SOME HAVE BEEN DIGITIZED FROM 1"=100' AERIAL PHOTOGRAPHS OR ADJUSTED TO MATCH SURVEY DATA
THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY AND IS NOT TO BE CONSTRUED IN ANY RESPECT AS A GUARANTEE OF THE LOCATION OR DIMENSIONS OF ANY OF THE TRACTS OF LAND SHOWN.
©2012 Payette County Idaho, All Rights Reserved
SCALE 1" = 100'
DATE DESCRIPTION DRW CHK APP
MAY 2004 FIRST DRAFT
NOV 2004 SECOND DRAFT
CHASE ADDITION [P1110]
GORRIE ADDITION [P1270]
3RD AVE N
2ND AVE N
1ST AVE N
CENTER AVE
N MAIN ST
N 9TH ST
OREGON SHORT LINE (UNION PACIFIC) RAILROAD
OVERPASS
OVERPASS
CP: 191771
CP: 256292
1ST CHRIST CHURCH
GORRIE ADD
POST OFFICE
52
7/052


CP: 191769
CP: 254775
CP: 176717
3RD AVE N
2ND AVE N
MAIN ST
N 9TH ST
1ST CHRISTIAN CHURCH
(UNION PAC
4234 8011A
4235 8014A
4236 8018A
4237 8019A
4237-1 8000A
4230 7008A
4230-4 7012B
4230-3 7012A
4230-2 7011A
4230-1 7013A
4229 7006A
4228 7005
4227 7004
4226 7003
4225 7001A
4231 7014A
4232 7016A
4233 7018A
4261 3009B
4252 3009A
4250 3008A
4249 3005A
4248 3003A
4247 3001B
4247-1 3001A
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4204 5007A
4206 5013
4207 5014
4203 5006
4208 5015
4209 5016
4210 5017A
4202 5004A
4211 5018A
4201 5002A
4212
4218 6007A
4219 6011A
4217 6005A
4220 6015
4216 6004
4222 6017A
4215 6003
4223 6018
4261 4008A
4260 4005A
4258 4001A
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