

MINUTES OF THE SANDPOINT PLANNING COMMISSION
MEETING, JUNE 10, 2003

Chairman Lockwood called the meeting to order at 5:30 p.m.

COMMISSION MEMBERS PRESENT: Steve Lockwood, Kevin Monahan, Alice Vroman, John O'Hara, and Steve Prince.

COMMISSION MEMBERS ABSENT: Raffat Saied and Christine Kester.

STAFF MEMBERS PRESENT: Associate Planner Joan Bramblee and Planning Assistant Crystal Schoonover.

CONSENT CALENDAR: Minutes of the May 13, 2003 Planning Commission meeting. **Moved by Commissioner O'Hara, seconded by Commissioner Vroman**, to approve.

MATTERS FROM THE PUBLIC: None.

NEW BUSINESS:

CUP03-04 Bonner County Fairground Gazebo

Request: The Planning Department received an application from the Bonner County Fair Association requesting a Conditional Use Permit to construct a 450-square foot gazebo on the Fairgrounds property. The property in question is located on North Boyer Avenue just north of its intersection with Schweitzer Cutoff Road. Roberta Naccarato of the Bonner County Fair Board appeared in support of the request.

Commissioner Vroman stated that she thought the application was straight-forward and that building a gazebo at the Fairgrounds is a nice idea. Commissioner O'Hara noted that the proposed gazebo would be in a good location and would not cause any issues with the surrounding uses. He also stated that the gazebo would be a good addition to the Fairgrounds facility.

MOTION FOR FINDINGS OF FACT

Moved by Commissioner Vroman, seconded by Commissioner O'Hara, that the Sandpoint Planning Commission adopt the following findings of fact:

1. That application #CUP03-04 **was** filed in accordance with *Sandpoint City Code*, Chapter 9.
2. That notification advising property owners within 300 feet of the subject property of the conditional use permit **was** mailed according to list provided by the applicant.

3. That a public hearing to accept public testimony on application #CUP03-04 was held by the Planning Commission on June 10, 2003.
4. That: one person spoke at the public hearing in favor of the proposed Conditional Use Permit.

The motion carried with no opposition.

MOTION FOR CONCLUSIONS

Moved by Commissioner Vroman, seconded by Commissioner Prince, that based on the above findings of fact, the Planning Commission adopt the following conclusions:

1. That proper notification **has** been given for the June 10, 2003 public hearing.
2. That, based on information presented at the hearing and the placement of limitations through conditions, the application by the Bonner County Fair Association for a Conditional Use Permit **is** in compliance with the nine criteria for Conditional Use Permits as outlined in *Sandpoint City Code* §9-9-6 A (3H) and **is** consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

The motion carried with no opposition.

MOTION FOR DECISION

Moved by Commissioner Vroman, seconded by Commissioner Monahan, that the Sandpoint Planning Commission **approve** the Bonner County Fair Association request for a Conditional Use Permit (File #CUP03-04) to construct a 450 square foot gazebo on the Fairgrounds property subject to the following conditions:

1. Any landscaping to be placed around the gazebo shall first be submitted to the Planning Director for review and approval.
2. Materials and colors to be used for the gazebo shall be consistent with the existing buildings on the Fairgrounds property.
3. Information regarding the height, intensity, and shielding of all site and building-mounted lights shall be submitted to the Planning Director for review and approval during the building permit process.

4. Hours of construction shall be limited to Monday through Saturday from 7 a.m. to 7 p.m. and on Sundays from 8 a.m. to 6 p.m.
5. Any new or changes to existing signage shall require a separate sign permit.
6. The Commission instructs the Planning Department to return this case within one year to verify compliance with the conditions of the Conditional Use Permit.

The motion carried with no opposition.

CUP03-05 Pine Street Condominiums

Request: The Planning Department received a request by Dean Yanocha and John Gillham for a Conditional Use Permit to construct 27 condominium units. The proposed location is on Pine Street, east of its intersection with Halley Street, more commonly known as 1602 Pine Street. This project is subject to the provisions of a development agreement.

Staff Report: Mrs. Bramblee explained that the property in question had recently undergone a comprehensive plan amendment and zone change to allow for the proposed development. She stated that the Planning Commission had previously reviewed the proposed condominiums and examined the surrounding uses and apartment complexes. Mrs. Bramblee then pointed out that the condominiums would be sold separately and a homeowners association would be responsible for maintenance.

Chairman Lockwood opened public testimony.

Applicant's Presentation: John Gillham, 282 Winterberry Way, Sandpoint, is the owner of the property in question. Mr. Gillham stated that he had addressed the Commission's concerns at previous public hearings and therefor planned to address the issues of adjoining property owners as set forth in the petition (Attachment 3 of the Staff Report). Mr. Gillham first responded to the concern about devaluation of surrounding property (#1 in the petition). He stated that individual ownership of the units would ensure pride of ownership and the homeowner's association would provide excellent upkeep. Mr. Gillham pointed out that a high-quality development would actually bring up some of the surrounding property values. The next concern (#2) addressed the "Aesthetic degrading of the property resulting from the elimination of the standing trees." Mr. Gillham noted that the first proposal included 30 units, but that was decreased to 27 units because of this issue. He also stated that only three trees are to be taken out, all of which are diseased.

Mr. Gillham spoke to the possibility of the new buildings and pavement covering television cables, sewer lines, and other utilities already in place. He stated that the Public Works Director had approved the project and verified that no existing sewer mains ran through the property. The next concern (#4) was "Unsightly views of fences, disposals, vehicles etc. on properties next to residential areas." Mr. Gillham pointed out that he had already proposed a chain link fence with

a green living wall to block out any unsightly views. He stated that since it would take a while for the greenery to fill in, he would be willing to put in a cedar fence instead. Mr. Gillham then addressed the last concern listed on the petition, that of severe adverse traffic hazards resulting from the increased number of vehicles. He stated that a stop light at the intersection of Pine Street and Division Avenue is sorely needed.

Chairman Lockwood asked if the sidewalk widths shown on the site plan were correct. Mr. Gillham replied that the Development Agreement set forth the width of sidewalks throughout the development. Commissioner Prince asked if he would agree to comply with all of the proposed conditions of the Conditional Use Permit. Mr. Gillham replied in the affirmative. Commissioner Vroman asked how the development would meet the Fire Chief's requirements. Mr. Gillham replied that the entire complex would be sprinklered.

Opponents' Presentation: John Schelling, 120 Halley Street, Sandpoint, stated that his main concern was #3 in the petition (utility lines). He stated that he believed the sewer lines ran diagonally through the property and the television cable was on the property line. Mr. Schelling also raised the issue of traffic on Pine Street. He noted that with Travers Park, three schools, and the number of residences in the area, something must be done about the traffic. Mr. Schelling then pointed out that a stop light was once proposed at Division and Pine but nothing happened. He closed by stating that the signatures on the petition represent all of the owners of single-family residential units in the and they are all opposed to the development.

Cynthia Dalsing, 126 Halley Street, Sandpoint, spoke in support of Mr. Schelling's testimony. She stated her concern over increased traffic, noise, and light pollution. Ms. Dalsing pointed out that while she is not opposed to development, she would like any development in the area to be less dense in population and traffic.

Mrs. Bramblee then addressed some of the concerns brought up in public testimony. She stated that the Public Works Director had confirmed that there are no utility lines currently running through the property in question.

Mr. Gillham spoke in rebuttal of the testimony in opposition to the proposed development. He stated that there is a drainage easement along the property line and the television cable also runs down the edge of the property. Mr. Gillham reiterated that only the dead or dying white pine trees would be cut down.

Chairman Lockwood asked if all three of the trees to be cut down were large trees. Mr. Gillham replied that two large and one small tree will be cut down. Commissioner Vroman asked if the concern over light pollution had been addressed in the Development Agreement. Mr. Gillham replied that the City Council had addressed the issue and the lighting on the property would not cast light upward. He went on to say that it is easy to get signatures if you go around and say that trees will be cut down. Mr. Gillham instructed the Commission to note that only a few people opposed to the development consistently show up to the public hearings.

Commissioner O'Hara asked if Mr. Gillham would be installing a cedar fence or the chain link living green fence. Mr. Gillham replied that he was willing to do either. Commissioner Prince pointed out that the original plan was chain link with greenery and asked if the cedar fence would be landscaped as well. Mr. Gillham answered in the affirmative. Chairman Lockwood asked if the Developer would be willing to discuss the choice of fence with the adjoining property owners. Mrs. Bramblee suggested that the Developer submit a plan to the property owners.

Chairman Lockwood brought up the possibility of a four-way stop at the Pine Street - Division Avenue intersection. He noted that stop lights are very expensive and four-way stop signs can be more efficient with less traffic. Mrs. Bramblee pointed out that the Planning Commission does not have the authority to make the decision, but they could forward a recommendation to City Council. Commissioner O'Hara stated that both the applicant and the opponents have interesting arguments. He also noted that the applicant has done a good job addressing the concerns brought up during the comprehensive plan amendment, zone change, and conditional use permit process. Commissioner O'Hara stated that when a Developer works so diligently to address the concerns of all interested parties, that is the most the Planning Commission can ask for. He then stated that he believes the Planning Commission should approve Mr. Gillham's Conditional Use Permit.

Commissioner Prince stated that he agrees with Commissioner O'Hara. He then noted that the traffic concerns go beyond just the proposed condominiums. Commissioner Prince stated that he would rather see a cedar fence installed because they are better for sound deadening, especially in the first years. He then raised a concern about the Developer meeting with the adjacent property owners. Commissioner Vroman stated that she also likes cedar fences better than chain link. She then stated that she appreciated Mr. Gillham's work and compliance with the suggested conditions. Commissioner Vroman said that she also appreciated the opponents being present. She noted that it is hard to know how a development will turn out and difficult when it is going in your backyard.

Commissioner O'Hara asked if it would be okay to have a cedar fence if it conflicts with the language in the Development Agreement. Chairman Lockwood reiterated that he thinks it would be a good idea to get feedback from the neighbors in deciding on the fence type. Commissioner Prince stated that he likes the idea and suggested that the people present at the hearing talk to Mr. Gillham. Commissioner Monahan stated that the Development Agreement addresses the fence issue adequately. Mrs. Bramblee noted that item 15 of the Agreement states "the fence on the north side of the property shall be consistent with the fences on the west and east sides and shall be maintained by the above mentioned homeowner's association." She pointed out that the type of fence is not specified, only that it should be a green wall. Commissioner O'Hara noted that there is chain link on one side and if the other fences are to be consistent, they should also be chain link. He then said that he would like to see a solid fence to prevent headlights from shining outside the development. Mrs. Schoonover pointed out that the Development Agreement includes a provision for a concrete barrier, three feet in height, to prevent light from escaping.

MOTION FOR FINDINGS OF FACT

Moved by Commissioner O'Hara, seconded by Commissioner Prince, that the Sandpoint Planning Commission adopt the following findings of fact:

1. That application #CUP03-05 **was** filed in accordance with *Sandpoint City Code*, Chapter 9.
2. That notification advising property owners within 300 feet of the subject property of the Conditional Use Permit **was** mailed according to list provided by the applicant.
3. That a public hearing to accept public testimony on application #CUP03-05, was held by the Planning Commission on June 10, 2003.
4. That three persons spoke at the public hearing; one in favor of the proposed Conditional Use Permit, two opposed, and zero neutral.

The motion carried with no opposition.

MOTION FOR CONCLUSIONS

Moved by Commissioner O'Hara, seconded by Commissioner Monahan, that based on the above findings of fact, the Planning Commission adopt the following conclusions:

1. That proper notification **has** been given for the June 10, 2003 public hearing.
2. That, based on information presented at the hearing and the placement of limitations through conditions, the application by Dean Yanocha and John Gillham (File #CUP03-05) for a Conditional Use Permit **is** in compliance with the nine criteria for Conditional Use Permits as outlined in *Sandpoint City Code* §9-9-6 A (3H) and **is** consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

The motion carried with no opposition.

MOTION FOR DECISION

Moved by Commissioner O'Hara, seconded by Commissioner Prince, that the Sandpoint Planning Commission **approve** the request by John Gillham and Dean Yanocha for a Conditional Use Permit to construct 27 condominium units on Pine Street east of its intersection with Halley Street, more commonly known as 1602 Pine Street, subject to the following conditions:

1. This project is subject to the terms of the Development Agreement entered into by the City of Sandpoint and the property owners. That Agreement shall be verified as follows:
 - Item 12 – Lift Stations: If individual lift stations are used for each building, the homeowners association shall own and maintain the lift stations. If one lift station is constructed to handle flows from the entire project, this station shall be designed and constructed to City standards as well as owned and operated by the City.
 - Item 13 – Erosion Control: In addition to erosion control, the Developer shall be responsible for maintaining, in perpetuity, the stormwater infrastructure on the property. The stormwater system shall meet the City’s stormwater ordinance.
 - Item 15 – Access to Pine Street: The Developer shall purchase two signs (to be installed by the City) which shall alert automobile traffic exiting the development of the presence of pedestrians and bicyclists. The Public Works Director shall require the Developer to obtain signs W11-1 and W16-1, as defined in the Manual on Uniform Traffic Control Devices (MUTCD), Part 9, page 9B-10. The W11-1 sign shall have a minimum size of 18 inches by 18 inches and the W16-1 sign shall be at least 24 inches by 30 inches. The copy on sign W16-1 shall read ‘YIELD TO BIKES & PEDS.’
2. The Developer shall construct curbing along Pine Street for the length of the development at the location and grade specified by the City. Excavation, filling and paving of the roadway between existing pavement and curb shall be completed to City Public Works Department requirements.
3. The approach from Pine Street shall not exceed 24 feet in width. The location shall not be within 100 feet of an existing approach and shall maintain bike path width and flatness. The approach shall not be cross-sloped through bike path.
4. Any water and sewer mains shall be designed by an Idaho Licensed Professional Engineer and approved by the City and the Idaho Division of Environmental Quality prior to construction.
5. A stormwater management plan shall be required.
6. The Developer shall provide a MUTCD approved stop sign to be installed at the exit of the development.

7. The Fire Chief shall require two points of access for the development because of the high potential for congestion and obstruction throughout the parking and access area. The fire apparatus access roads shall be paved with asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. The Developer shall have the option of providing only one access if all of the dwelling units are protected by approved residential sprinkler systems.
8. The Developer shall not plant any large trees along the front of the two-story condominium building in the triangle shown on the site plan. That area shall be dedicated as a fire lane and the Developer shall provide 'No Parking' signs, the number and location of which shall be approved by the Fire Chief.
9. The Chief of Police shall require the Developer to post a site map of the complex at the entrance.
10. The Developer shall provide approved address numbers, building numbers, or building identification placed in a position to be plainly visible from the street fronting the property. The numbers shall contrast with their background and be a minimum of four (4) inches high with a minimum stroke width of ½ inch.
11. The Developer shall provide adequate lighting for the parking area and building entrances. In general, the lighting types should be chosen based on ability to cast light downward and not onto adjoining property. Compliance with Illuminating Engineering Society of North America (IESNA) standards is recommended.
12. The Commission instructs the Planning Department to return this case within one year to verify compliance with the conditions of the Conditional Use Permit.

The motion carried with no opposition.

Moved by Commissioner Prince, seconded by Commissioner Vroman, that the Sandpoint Planning Commission forward a recommendation to City Council for a four-way stop at the intersection of Division Avenue and Pine Street.

The motion carried with no opposition.

OLD BUSINESS:

Fifth Avenue Overlay

The Commission reviewed the various options for Fifth Avenue, including an overlay zone, zone change, design standards, and a design review board. Discussion followed.

