SANDPOINT PLANNING COMMISSION
MEETING
April 18, 2006 MINUTES

COMMISSION MEMBERS PRESENT: Dick Hutter, Kevin Monahan, Raffat Saied, John O'Hara, Gary Maxwell, Jan Temple & Steve Prince.

COMMISSION MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Planning Director/City Attorney Will Herrington, & Planning Assistant Melissa Bethel.

Chairman John O'Hara called the meeting to order at 5:30 p.m.

APPROVAL OF CONSENT AGENDA:
Commissioner Hutter moved and Commissioner Saied seconded to approve the consent agenda as presented. The motion passes unanimously.

OLD BUSINESS:
Continued Public Hearing:

CUP06-01 (Swede's Auto Repair)– A request by Joe Duarte for a Conditional Use Permit to allow changes in an existing nonconforming use located in the Residence "A" zone. The property is located in Block 9 of Ohadi's Acres, commonly known as 425 North Division.

Staff Report:
Planning Director Will Herrington gave the staff report. He stated staff has outlined 3 conditions in the staff report and indicated the Commission should be concerned with how the expansion will impact the surrounding residential properties.

Questions from the Commission: None

Applicant's Presentation:
Barbara Raikes spoke on behalf of the applicant. She stated that the expansion will include a muffler, machine and parts store. She stated at most there will be 3 employees. Mrs. Raikes indicated that the trees in front on Division will stay in place.

Questions to the applicant by Commission:
Chairman O'Hara inquired about the existing screening and the three recommendations by staff. Mrs. Raikes stated that the property is currently screened on 3 sides. She stated that slates could be added to the chain link fence to block lights.
She indicated that the applicant approves of the staff recommendations.
Commissioner Maxwell reiterated that the different sections will all be under the same ownership. Mrs. Raikes stated that is correct.

Commissioner Monahon inquired if the parts store will be open to the public and inquired about the square footage of the proposed building. Mrs. Raikes indicated that in the future the parts store will be open to the public. She indicated half of the parts store would be storage.

Comments from the Public: None

Applicant's Rebuttal: None

Commission Discussion:
Chairman O'Hara stated he is concerned about the general size and scope of the project. He stated it seems more suitable for a different place in town.

Commissioner Prince agreed with Chairman O'Hara indicating that this project makes it more non conforming.

Commissioner Maxwell inquired if the project meets the current code for impervious and pervious surfaces. Herrington stated he did not know if the calculations had been done. He stated the Commission could control the size and that they should address lighting and signage.

Commissioner Monahan inquired about the number of parking spaces. Herrington stated that the storage was not calculated as part of the parking requirements. The Commission discussed parking regulations and requirements.

Commissioner Hutter stated he would like to see the business expand, but has reservations about the parts store. Commissioner Prince agreed.

Commissioner O'Hara reiterated the non conforming use code. The Commission discussed the impact of the business on the surrounding area.

Commissioner O'Hara inquired if the Commission could impose conditions that would control the expansion. Herrington stated that the Commission could approve the expansion without including the parts store.

MOTION:
Commissioner Maxwell moved and Commissioner Saied seconded the motion to approve the CUP of Swedes Auto with the following conditions: (1) Lighting and signage will meet current City standards; (2) parking lot requirements in effect at the time of the building permit will be enforced; (3) that the pervious and impervious surface will be recalculated; (4) To deny the retail sale of parts, (5) to reduce the building footprint by the amount of square footage allotted to the retail sales area.

Chairman O'Hara moved to amend the motion and Commissioner Prince seconded to include staff report recommendations 1-3 that would now become conditions 6, 7 & 8.

Amendment carries unanimously.
Main motion carries unanimously.

Public Hearing:

VAR06-02 – A request by John Gillham for a variance from the 20-foot setback requirement of the Commercial "D" zone when no dedicated alley or public way exists at the rear of a lot, to allow a building to be constructed 5 feet from the property line. The property is located on the west side of Olive Avenue, South of Highway 2 and described as Tax No. 95 in Section 22, Township 57 North, Range 2 W.B.M.

Staff Report:
Herrington gave a brief staff report.

Questions from the Commission: None

Applicant's Presentation
John Gilham, the applicant spoke on behalf of his project. He stated that the dimensions of the lot are 50 x 130. He stated in remodeling the building to the North, the parking was grandfathered in, and the parking was just not enough. By purchasing this property, he could increase parking for both buildings. He indicated the new building will only be 1440 sq. ft. To accomplish this, he needs to build the new building towards the back of the property. He stated he discussed the project with Fire Chief Tyler and the Building Inspector. They both stated if he built a 2 hour fire wall on the back wall, they would approve of the Variance. He stated the fire wall is the recommendation from staff and has agreed to follow it.

Questions to the applicant by Commission:
Chairman O'Hara inquired if Mr. Gillham had reviewed the Pedestrian Advisory Committee recommendations. Mr. Gillham stated he wasn't sure what a "pedestrian way" entailed. Chairman O'Hara stated the pedestrian recommendation is for a safer way to get to the building than walking down the middle of the parking lot.
Commissioner Maxwell inquired about parking. Mr. Gilham clarified that the main access is down the middle, but the north parking is pull through for both the buildings. Mr. Gillham stated that there is another driveway cut in the lot. There are two entrances. He stated on the South side running east and west there is a 4 ft. strip where he is going to have landscaping and plant trees.

Chairman O'Hara inquired if Mr. Gillham would construct the parking lot so the sidewalk and parking lot will be separated. Mr. Gillham stated he would have no problems complying with that condition.

Comments from the Public: None

Applicant's Rebuttal: None

Commission Discussion:
Commissioner Hutter expressed concern about the overall lack of consideration regarding parking in the City.

Motion:
Chairman O'Hara moved and Commissioner Monahan seconded the approval of the Variance from a 25 ft setback requirement to a 5 ft setback with the condition recommended by staff as stated in the staff report.
Motion passes unanimously

Public Hearing:

CUP06-03 (Garden Pavilion Condos) – A request by JBW Properties, LLC, for a Conditional Use Permit to allow an 8-unit Condominium project with underground parking in a Commercial "D" zone. The property is located on the north side of Lake Street east of First Avenue and described as, Lot 8 and the East 20 feet of Lot 7, Block 1, Weil's Addition, in Section 22, Township 57 North, Range 2 W.B.M.

Staff Report:
Herrington gave the staff report. He stated because the use is multifamily in the Commercial D zone, it requires the conditional use permit process. He stated staff has a number of conditions as presented in the staff report.

Questions from the Commission:
Chairman O'Hara reiterated that Seasons and Powerhouse were both Conditional Use Permits. He inquired if the City has any indication of how much residential development is in the downtown core. Herrington stated he has not seen any statistics.

Applicant's Presentation:
Kris Contor, architect for the project spoke as representative for the applicant. He stated that the lot is about 14700 sq ft. The footprint of the building will be about 7300 sq. ft. He stated by just constructing all condos the applicant was able to meet the parking by going underground. Contor stated that the owners of the site participated in the handicap ramp to the boardwalk. He indicated the staff recommendation that the sidewalk be from curb to property line may be difficult. The grade change is steep and to carry the sidewalk to the retaining wall would be difficult to accomplish. The existing sea wall will be improved in appearance. The building is 3 to 4 ft above Lake Street, which allowed parking underneath. He stated that this is a positive project for the introduction of the boardwalk. He described the floor plan and stated the applicants tried to keep the character more turn of the century in keeping with First Street.

Questions to the applicant by Commission:
Chairman O'Hara inquired if the applicant approved of the staff recommendations. Contor explained why recommendation # 4 would be physically impossible to achieve.

He discussed the recommendations of the Pedestrian Committee and stated that there would be no problem complying with their recommendations.

Chairman O'Hara inquired about the difference in elevation between ramp and underground parking. Contor stated the garage level is 71, street level is 78. He stated the Condos sit about 3 or 4 feet above the ground.

Commissioner Temple inquired about the easement for parking in the County parking lot. Contor indicated after hours there is plenty of parking, and if the Garden was still in operation, the parking situation for that area would be much worse.

Commissioner Monahan inquired if the sea wall was part of the property. Mr. Contor stated yes; the property extends into Sand Creek. He stated at this time he wasn't sure who would be responsible for the maintenance. He stated he does not anticipate any issues or problems with the wall.

Comments from the Public:
Mr. Ivan Remar spoke in favor of the project. He stated that parking would be a problem for any retail that tried to go in that spot. Mr. Herrington stated that in lieu parking would allow the space to be Commercial.

Applicant's Rebuttal:
Mr. Contor stated parking in lieu would be 200,000 and to lease out the space and try to recover that amount of money wouldn't be economical.

Discussion:
The Commission discussed in lieu parking. Herrington stated the City's in lieu parking may be too expensive for this site, yet it is designed to pay half of what it would be to put in a parking space, if we go to a garage, it would only be 20% the cost of the garage. It just goes to show how expensive parking in the downtown area can be.

Motion:
Commissioner Prince moved and Commissioner Saied seconded that the Conditional Use Permit for Condo Pavilion be approved with staff conditions 1-11 with the addition of condition 12 to be the 5 recommendations of the Pedestrian Committee. (Exhibit 3 of the staff report)
Motion Passes unanimously.

Public Hearing:

OA06-02 – The City has initiated a Resolution to amend Sandpoint's public hearing procedures. Should this Resolution be adopted by the Council, provisions of the *Sandpoint City Code* inconsistent with this Resolution will be repealed.

Staff Report:
Mr. Herrington gave the staff report. He stated that the local planning act now allows cities to do a resolution instead of an ordinance to change hearing procedures. Herrington reviewed the changes for the Commission.
He stated that he would like the Commission to delete section 6, "reconsideration". Since the writing the draft it was discovered that the Courts allowed an extension of the time period for appeal when a governmental entity allowed reconsideration. He stated it could create another procedural issue for the court to consider.

Questions from the Commission:
The Commission discussed the advantages and disadvantages of only allowing one page written submissions in advance.

Comments from the Public: None

Motion:
Chairman O'Hara moved and Commissioner Hutter seconded to recommend the City Council adopt the Hearing Resolution, deleting section 6, and create an Ordinance repealing inconsistent Ordinances.

MATTERS FROM THE PUBLIC: None

MATTERS FROM THE COMMISSION:
Chairman O'Hara asked for an update on the Van Ooyen and Thompson annexations. Herrington stated the Council approved both with an initial zoning of Residence "A".

ADJOURNMENT:

The meeting was adjourned at 7:20 p.m.

John O'Hara
Chairman O'Hara