SANDPOINT PLANNING COMMISSION
MEETING
MAY 2, 2006 MINUTES

COMMISSION MEMBERS PRESENT: John O'Hara, Dick Hutter, Raffat Saied and Jan Temple.

COMMISSION MEMBERS ABSENT: Gary Maxwell, Steve Prince, and Kevin Monahan

STAFF MEMBERS PRESENT: Planning Director/City Attorney Will Herrington, Associate Planner Joan Bramblee and 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. Motion carries unanimously.

MATTERS FROM THE PUBLIC: None.

NEW BUSINESS: PUBLIC HEARING
S06-01/PUD06-01/VAR06-01 (Maplewood Village) – A revised request by Lake Town Investments, LLC for planned unit development and preliminary subdivision approval of 10 acres to develop 51 single-family lots with common area. This application includes a variance to allow improvements to the existing swale and bike path along the west side of Division Avenue adjoining the property rather than the curbs and gutters required by City Code. Sidewalks, curbs, and gutters will be constructed within the development. The site is located north of the Northshore subdivision on Division, south of its intersection with Ontario Street, in the NE 1 / 4 of Section 28, Township 57 North, Range 2W.B.M. The zoning is Residence "C".

Staff Report:
Mrs. Bramblee gave the staff report. She stated the application before the Commission is a revised application from the 34 duplex lots to 51 single family lots with common area. Bramblee explained that Lilly will not be widened, Madison will be dedicated as a 25' right of way adjoining block 1 and will be a 47' right a way that will be improved with sidewalks on the east side of the project. The charter school will dedicate 25' of their southern boundary so that a full 50' right of way could be extended to Ridley. She commented the applicants are asking for a 10 foot setback on corner lots along Division, on interior lots, and the lots on the southern end of the cul d sac. Bramblee explained that ITD asked just yesterday that a traffic study be done, and indicated that Public Works Director Kody Van Dyk has included a response in their packets. In addition, Shirley from ITD stated it was only a recommendation. She informed the Commission of comments from the public that did not make their packets.

Questions from the Commission:
Chairman O'Hara confirmed the developer was already in the process of conducting a traffic study. Mrs. Bramblee indicated that was correct.

Applicant's Presentation:
Marty Taylor, certified land use planner, spoke as the applicant's representative. Taylor addressed the concerns of the Planning Commission with regards to the last plan and explained the changes in the new plan. Taylor commented on the newly created open space, the proposed pond, storm water and that the applicants are working with Northshore to have shared fencing along the southern boundary. He stated the applicants provided a summary of their traffic study. He stated the worse case scenario would be adding stop signs on Ontario making it a four way stop.

Questions to the applicant by Commission
Chairman O'Hara inquired if Taylor had a chance to review the suggested staff conditions. Taylor responded he did not have a problem with the conditions.

City Planning Director Will Herrington inquired what improvements were intended for the common area. Taylor indicated there would be a year round pond, with a walking path and possibly park benches.

Commissioner Saied expressed concern about the drainage of storm water on the south side of the project.

Chairman O'Hara inquired about the intention of the applicants coming back before the Commission with single family homes and if they are going to allow duplexes. Taylor indicated that the prevailing zone is "C" and if someone bought a group of lots the zoning would prevail.

Commissioner Hutter commented on allowing single car garages and setbacks which would allow the cars to hang over the sidewalk.

Mr. Lou Meigs from Welch Engineering spoke as project engineer for the applicants and answered questions from the Commission regarding the drainage and storm water proposal of the project.

Chairman O'Hara inquired about the bike path. Meigs indicated that if this proposal is accepted, then they will not have to rebuild the bike path. He stated that the bike path will not flood when they are done with the project.

Herrington stated that the application is for 51 single family homes and stated that we can ask that it be noted on the plat. Commissioner Hutter inquired how buyers would know that they can only build single family homes. Herrington stated a condition could be made in the CCRs.

Comments from the Public:
Toby McNeal- Mr. McNeal stated he is against the setback allowance. He would also like it ensured that the lots would be single-family. Chairman O'Hara reiterated which lots are affected by the setback allowance. Mrs. Bramblee indicated that the setback would only be 5 feet as a normal subdivision.

Valerie Smith – Ms. Smith requested a fence be put between Maplewood and her property to the west.

Marliyn Dalby– Ms. Dalby stated she is concerned about the increased traffic and the storm drainage. She stated that the pond could be mosquito infested and the continued practice of allowing small lots should end. She stated that the children will have no place to play. She inquired what guarantee they have if the storm drainage doesn't work and she is also opposed to the setback.

Applicant's Rebuttal:
Mr. Taylor stated that the 25 foot setback for PUD is for incompatible uses. The applicants are asking for 10 feet between residential zones.

Mr. Meigs further discussed the storm water proposal and the future improvements regarding the pond.

Commission Discussion:
Commissioner Hutter stated he would like to add only single family residences allowed in the CCRs. He also stated that a fence should be on the west side of the property. In addition, the south setbacks should be 15 feet. He also indicated the open space should have trees.

Commissioner Saied stated he agreed with Commissioner Hutter and would like to see a requirement of 2 car garages. Chairman O'Hara stated he agreed with Commissioner Hutter regarding the 15 foot setback on the southern portion of the property.

The Commission discussed requiring a fence to the west. Public Works Director Kody Van Dyk stated a fence is not an issue with the Public Works Department.

Commissioner Saied inquired what would be the ramifications of denying the variance. Van Dyk stated Division would be widened, and storm water would have to go to catch basins and would not be treated as well. He stated this is an issue of having a street that will last longer or better treatment of water.

Motion:

> **Variance:** Chairman O'Hara moved and Commissioner Temple seconded that the Variance be granted with the following conditions (1) the drainage ditch's capacity for storage and flow shall be increased along the subdivision frontage. The bike path shall be raised/relocated so it will not flood. The design of the ditch and bike path improvements shall be reviewed, and construction shall be

inspected for approval by the City.(2) The developer will ensure cleaning and free flow of the ditch on the east side of division to the lake.
Motion carries unanimously.

Discussion of Preliminary PUD
Commissioner Saied inquired if two car garages can be required. Herrington stated it would not be appropriate since the Commission has not required it on any other PUD.

The Commission discussed adding trees as a condition to the project.

Chairman O'Hara commented the property is zoned Residence "C" and allows for different types of housing. He indicated it is a mistake to step back from utilizing appropriate zoning types. He stated he regrets the project is only going to be single family homes.
Commissioners Hutter and Saied disagreed.

Motion on Preliminary PUD
Commissioner Hutter moved and Commissioner Saied seconded to grant preliminary PUD approval with staff conditions 1-4. Adding language to condition #3 to state that covenants will stipulate the development is single family only. With regards to the setback allowance, lots 5 and 13 in blocks 3 and 4 in will have a 15 foot setback.

Chairman O'Hara moved and Commissioner Hutter seconded to amend the main motion to ensure condition #2 states that this PUD allows for a 15 foot setback along the southern boundary of Lot 5 Block 3 and Lot 13 Block 4. In addition, Lot 1 Block 1,Lots 1 and 20 of Block 2 and Lot 1 Block 4 shall be allowed a 10 foot setback allowance along the eastern boundary adjoining Division Ave. Amending condition #3 to state any covenants, CCRs or similar declaration such as homeowners' association agreement shall include city requirements and note those requirements can not be change without the approval of the city attorney. Covenants shall be approved by the City Attorney and include wording to the effect that only single family lots will be developed. Condition #5 to read the applicant will create treed areas within the open space to provide shade, cover and access for pedestrians.
Amended motion passes unanimously

Discussion:
Commissioner Hutter restated he would like to see a fence along the western boundary. Bramblee stated the code regarding fences in the City.

Main Motion: **Passes unanimously**.

Motion for Final PUD and Preliminary Subdivision:

Commissioner Temple moved and Commissioner Saied seconded to grant final PUD and Preliminary subdivision approval with the 5 PUD conditions as moved above, and the 24 subdivision conditions as stated in the staff report.

Discussion:
Commissioner Hutter inquired if the Commission should set a standard regarding the trees. Bramblee indicated that the applicants are working with fish and game on the best way to develop the open space.
Commissioner Hutter commented on the lack of trees in newer subdivisions.

Motion: carries unanimously.

PUBLIC HEARING:
OA06-03 – The City has initiated an amendment to *Sandpoint City Code*, Title 9, to define "dance hall"; to revise the lot coverage requirements of the Residence "B" and "C" zones to reduce the building footprint allowed for duplex and multi-family units to the same as single-family dwellings; to increase the impervious surface area and to further define the allowed height in the Professional Office "PO" zone, and to add mini-storage units and outdoor retail sales to the conditional uses in the Commercial "D" zone.

Staff Report:
Mrs. Bramblee gave the staff report. She went through the code amendments section by section and explained staff recommendations.

Questions from the Commission:
The Commission discussed the proposed increase in the Professional Office coverage.

Chairman O'Hara inquired about the light industrial zone, and the uses of that zone with regards to mini storages.
Commissioner Hutter stated that mini-storages are suppose to be local and are a nice transition. They are handy. Hutter stated we are building smaller houses, yards, ect. People have to have a place to keep stuff, and mini storages are perfect.

Comments from the Public:
Mr. Jack Hammack – Mr. Hammack spoke in favor of mini storage as a Conditional Use in commercial D. He presented slides showing designs of storage facilities and explained that the new storage facilities have landscaping and are adapted for residential neighborhoods.
Chairman O'Hara inquired about the lighting of these types of facilities. Mr. Hammack stated that dark sky lighting is common place and regular office hours are popular now.

Motion:
Commissioner Saied moved and Commissioner Temple seconded approval of the proposed code amendments as set forth in exihibit 1.
Motion carries 3 to one. Commissioner Hutter voting no

OLD BUSINESS:

MATTERS FROM THE COMMISSION:
The consensus of the Planning Commission was to not schedule any items for the first meeting in July.

ADJOURNMENT:

The meeting was adjourned at 8:01 p.m.

John T. O'Hara

Chairman O'Hara