

**SANDPOINT PLANNING COMMISSION
MEETING
April 17, 2007 MINUTES**

COMMISSION MEMBERS PRESENT: John O’Hara, Raffat Saied, Kevin Monahan, Dick Hutter, Barbara Ridley and Gary Maxwell

COMMISSION MEMBERS ABSENT: Helen Campbell

STAFF MEMBERS PRESENT: City Attorney/Planning Director Will Herrington, Associate Planner Joan Bramblee and Planning Assistant Melissa Bethel.

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

APPROVAL OF MINUTES:

Commissioner O’Hara **moved**, and Commissioner Hutter **seconded**, to approve the minutes of April 3, 2007. Motion passed unanimously.

Old Business: Discussion

S07-02/PUD07-02 (The Cedars at Sand Creek, Phases II-IV) – A request by **Cedars at Sand Creek LLC** for preliminary subdivision and preliminary and final PUD approval of a 27-lot residential development on approximately 11.3 acres in the Residence “A” zone. The property is located north of Schweitzer Cutoff Road between its intersection with Boyer Avenue and Sand Creek and will be accessed via Silverwolf Way and Jenny Lane. The property is described as a portion of the South 1 / 2 of the SE 1 / 4 of Section 3, Township 57 North, Range 2 W.B.M., including Lot 16 of the Spring Haven subdivision. The Applicant is also requesting revision of the building types for certain lots in the approved **The Cedars at Sand Creek Phase I (S06-01-PUD06-06)**.

Associate Planner Bramblee gave a brief statement updating the Planning Commission of changes made to the project since the public hearing. She clarified road configurations and widths and stated the condo storage units have been eliminated. Bramblee explained the staff report includes revised conditions and clarify language in the motion.

Commissioner Monahan inquired if the Condo units consisted of one lot. Bramblee explained the Storage Units have been eliminated and a single family lot has been added.

Applicants Presentation:

Colin Burnett spoke as representative for the applicant. Burnett explained the changes made since the Public Hearing. He stated the condo storage units were replaced with a single family lot and no lots will be town homes. Burnett presented a revised power point explaining the project. Burnett clarified all streets will have curb, gutter and sidewalks on both sides of the street with the exception of the section of street going down the hill into phase IV.

He clarified the requested setbacks. In addition, Burnett explained the types of housing styles and materials and sizes of homes that would be used in the PUD/Subdivision. He explained there will be an architectural committee and explained some of the CCRs that would be required.

Questions from the Commission:

Commissioner Saied requested clarification of the road widths and parking issues. He also suggested the HOA should be precise in their expectations and decisions.

Commissioner Hutter reiterated Jenny Lane would be widened to 30 feet where the road runs north and south.

Commissioner Ridley inquired about access for lot 3 and who is responsible for building the road and does it meet fire code for access. Burnett stated the access is a driveway, and is built to access only one Lot. He stated the driveway has been widened to 26 foot to the property. Burnett stated typically the homeowner would construct the driveway.

The Commissioners discussed the access road and utility easement.

Commissioner O'Hara inquired about the phasing and development of the walking/biking path. Burnett explained road frontage and access and how the road construction will proceed. Burnett explained the walking path will be constructed or bonded with phase II. He explained the path is important to the development of the land and will need to be completed. Commissioner O'Hara inquired what would ensure the development of the trail and open space so it isn't years before the open space could be utilized. He inquired if the applicant would approve a condition requiring the paths be completed with Phase II. Commissioner O'Hara inquired what predicated the deletion of the town home lots. Burnett stated the views and settings of the lots were not in the price point for a multifamily home.

Commissioner Hutter stated the project is an improvement.

Commissioner Monahan clarified if the trail and walking path will be available to the public, or just home owners. Burnett stated he would like to have discussions with the city regarding tax incentives if the applicants were to dedicate or open the paths to the public. Burnett clarified a large portion of the trails are going to be open to the Public, the only trails not open to the public are the one along the creek frontage and those off of the public right of way.

MOTION:

Commissioner O'Hara moved and Commissioner Hutter seconded to approve Cedars at Sand Creek Phases II – IV preliminary subdivision and preliminary and final PUD with the following conditions and modifications: 1-7 Planned Unit Development and 1-22 Subdivision Conditions.

Modifications:

Planned Unit Development Condition #5 to read, “The pedestrian path within the development shall be dedicated as a 10 foot public easement and improved as an 8 ft paved pathway. The pathway east of Silverwolf Way shall be completed prior to submission of final plat for phase III.”

Subdivision condition #19 to read, “Emergency vehicle access and turnarounds including the ingress/egress road to Lot 3 in Phase IV will be constructed to International Fire Code standards for widths and weight requirements.”

Passes unanimously:

Discussion of modification of Phase I:

Burnett used a power point to show a site plan to the Commissioners and included styles, materials and sizes of the Cottage development proposed for Lots 6 & 7 of Phase I. Burnett clarified the two lots were approved for a total of 10 town homes

Commissioner Saied expressed concern with the single car garage design. Burnett stated each cottage would have at least two off street parking spaces and Timberwolf and Silver wolf streets both have parking on street for visitors. Burnett stated the homes are not targeting large families.

Commissioner Ridley inquired how much property was included in the two lots. She also inquired if the rest of Phase I was also approved for town homes. Burnett stated the cottages will be a buffer from the bigger already approved town homes into the single family phases of the project. He also explained the cottages will have their own homeowners association.

Commissioner O’Hara inquired about the development of the project. Burnett stated an investor is interested in developing Lots 6 & 7 as a whole. Burnett stated he would like the development to be phased so one Lot could be developed and sustained without the second lot being developed at the same time. Herrington stated the Commission does not need to be concerned with phasing because the two Lots are separate. Bramblee stated the motion should reiterate the density shall remain the same for each lot as what was previously approved.

Commissioner Monahan inquired what assurances would be in place to keep the homes from becoming tourist homes. Bramblee clarified City Code already prohibits tourist homes in the Residential A Zone. Burnett stated the intent is to market the cottages as primary or second homes. Burnett explained there is plenty of parking.

Commissioner Saied stated he has concerns two developers may be developing the project. Burnett stated the project can not be different because the modification approval is based on the concept shown to the Planning Commission.

Commissioner Hutter stated he likes the idea of phasing the two Lots. Commissioner Hutter expressed concern regarding landscaping and footprints. Bramblee stated the Commissioners approval could include a condition requiring the pavilion and landscape plans be submitted to staff before a building permit is issued.

Commission Discussion:

Commissioner O'Hara inquired the difference between not providing for additional landscaping for phases II-IV verses this modification. Commissioners Hutter and Saied stated a huge aspect of this development is common space and landscaping. Commissioner O'Hara commented the other lots of phase I does not require additional landscaping.

MOTION:

Commissioner Saied moved and Commissioner Hutter seconded to approve the applicants request for modification to create a cottage type development with no more than the approved density of 10 units for Lots 6 & 7 of phase I, of the Cedars at Sand Creek. Adding the condition the developer will supply a detailed open space, including a pavilion, and landscape plan with the building permit application. Motion passes unanimously.

New Business:

Seasons at Sandpoint request for modification to Building #8 of the PUD.

Herrington informed the Commissioners they are to decide if the request to increase the density of the project while not increasing the footprint is a significant change in the development. He explained that if the Commissioners decide the change is significant then the request would be placed on the agenda for public hearing in June.

P.J Penrose spoke on behalf of the applicant; BVG. He stated the building envelopes, square footage, or height would not change in the project, but some 3 bedrooms would become single bedroom and studio apartments. Penrose stated the change would take 16 3 bedroom units and make 32 one bedroom and studio units.

Bramblee explained there are some units being combined in other buildings.

Penrose stated the market is for vacation homes and less square footage. He stated there is a need for increased public parking and he stated they would add additional parking spaces for the addition. However, he stated the additional increase in units would not increase the traffic because the potential buyers would be people who are retired and are looking at vacation and second homes.

Chairman Maxwell indicated the additional units would cause an increase in traffic. Herrington clarified the additional parking would not be on site. The Commissioners discussed parking issues.

Commissioner O'Hara inquired where Building #8 is located. Penrose stated the building is north of the development near the water plant.

Chairman Maxwell inquired where the additional parking spaces would be obtained. Herrington stated Seasons would build additional parking on Doc Street. Herrington stated the parking would be reduced from 1.6 to 1.3 per unit. Penrose stated full timers are restricted to two cars, but the majority of the homeowners would be vacationers with only one car. He stated the development might have 15% full timers.

Commissioner Hutter inquired how impact fees would be calculated for the additional units. Herrington explained when the original project was approved the City did not have impact fees. He stated it would be staff's recommendation impact fees would apply to the additional units.

Chairman Maxwell clarified the Commissioners are to decide if this is a significant change in the PUD.

Commissioner Monahan stated he is uncomfortable with the impact on traffic the additional units would create. He indicated he would be in favor of setting the request for public hearing.

Commissioner Saied stated the modification is not significant enough to hold a public hearing. However, he stated impact fees should apply to the additional units.

Commissioner O'Hara stated the combined impact of the total amount of changes this project has gone through warrants the need for a public hearing. Commissioner O'Hara stated the bottom line is Season's is proposing additional units and that deserves a public hearing.

Commissioner Hutter echoed Commissioners Monahan and O'Hara and stated parking issues should be addressed.

Commissioner Maxwell stated public input will not persuade him as much as traffic studies and facts. Herrington stated the City Engineer could possibly know what impacts would be made by the additional units.

Commissioner Hutter stated if the Commissioners decide this is not a significant change the applicant could come back later for higher density in other buildings. Commissioner Hutter inquired what issue would be considered in a public hearing. Herrington stated the public hearing would be addressing the issue of allowing additional units and any impacts associated with it.

MOTION:

Commissioner O'Hara moved and Commissioner Monahan seconded for finding the modification to Seasons Building #8 of the PUD is a significant change to the approved PUD and requires a public hearing.

Motion passes unanimously.

Matters from Staff:

Staff introduced a number of future code amendments for discussion. The following topics were discussed and staff was instructed to bring back the following code amendments for public hearing:

Dog Kennels:

Herrington stated the Commissioners should discuss whether kennels as commercial or private should be allowed in residential zones of the City. He stated the City Council has a moratorium for dog Kennels on their agenda.

Commissioner O'Hara inquired what effect a moratorium has on the city. Herrington stated a moratorium is temporary and has to be acted on within 6 months. He explained a Kennel by definition is anything over 4 adult dogs. The police consider 5 and 6 dogs a private kennel.

Resident John Elsa stated he initiated the code amendment because a neighbor currently has 11 dogs, and they are a nuisance. He stated he can not enjoy his back yard.

Commissioner O'Hara stated the issue of dogs and kennels should be dealt with as a nuisance ordinance.

Day Care Facilities:

Bramblee stated the State of Idaho does not require licenses of child care facilities for 6 or fewer children. For enforcement purposes, staff will bring back an ordinance that allows family day cares be permitted in all residential zones and day cares with more than 6 children as a conditional use in all zones.

Commissioner Hutter left the meeting

Home Occupation:

Bramblee stated piano teachers and one on one types of home occupations are currently not allowed, and staff proposes adding language to the code that permits very low impact customer type of home occupations.

Galleries:

Planning Commission has recommended to allow galleries as a conditional use in the Professional Office zone and permitted in the Commercial zone.

Helicopter Pads:

Bramblee stated the forest service will eventually move their existing helicopter pad across the street and staff is interested in having helicopter pads permitted as associated uses in the code for the Commercial zone. She gave examples of the hospital, forest service etc.

Fence Ordinance:

Staff would like some flexibility written into the code regarding setback for fences and height when dealing with corner lots.

50 ft setback in light industrial:

Staff proposes to reduce the front setback and possibly add a rear setback.

25 ft travel width: Staff intends to make the access and parking travel width the same as fire code for uniformity.

ADJOURNMENT:

The meeting was adjourned at 8:40 p.m.

/S/

Chairman Maxwell