

**SANDPOINT PLANNING COMMISSION MEETING
5:30 P.M. CITY HALL COUNCIL CHAMBERS
MINUTES OF JUNE 19, 2012**

COMMISSION MEMBERS PRESENT: Tom Russell, Cate Huisman, Scott Wohlschlager, Kathleen Hyde-Bordenave

COMMISSION MEMBERS ABSENT: Deb Fragoso, Collin Beggs,

STAFF MEMBERS PRESENT: City Attorney Scot Campbell, Planning Director Jeremy Grimm, Senior Planner Joan Bramblee, Planning Assistant Melissa Bethel

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

Matters from the Public:

Approval of Minutes:

Commissioner Hyde-Bordenave moved and Commissioner Wohlschlager second to approve the minutes of June 5, 2012. Motion passes unanimously.

Election of Vice Chair:

Commissioner Russell moved and Commissioner Hyde-Bordenave second Commissioner Wohlschlager be elected Vice Chairman of the Sandpoint Planning Commission. **Motion passes 3-0 with Commissioner Wohlschlager abstaining.**

PUBLIC HEARING:

CUP12-02 (Sandpoint Swap Meet) – A request by **Brad and Lynda Scott and The Sandpoint Events Center** for a Conditional Use Permit to allow for up to 46 vendor spaces for outdoor display, sales, service and minor entertainment as non-ancillary accessory uses in the Commercial C zone. The approximate 1.78-acre site is described as all of Lots 1-4, Tax No. 1 of Lot 5, and all of Lots 19-24, Block B, Law's Second Addition, is located west of Euclid Avenue between Pine and Lake Streets, and includes the buildings commonly known as the Pine Street Annex at 515 Pine Street and the Sandpoint Events Center (former Sandpoint High School/Ninth Grade Center) at 102 Euclid Avenue.

Commissioner Russell disclosed he had a conflict with the applicant and would remove himself from the meeting.

Staff Report:

Bramblee gave the staff report. She stated the application is similar in nature to a recent hearing. Bramblee reminded the Commission the applicant is seeking a Conditional Use Permit based on a revision in City Code which allows for outdoor sales non ancillary to the primary business. She stated the applicant is seeking approval for a flea market swap meet with 46 vendor spaces at the Sandpoint Event Center. Bramblee stated the applicant has designated on site vendor parking in addition to some customer parking. She explained the outdoor sales would take place through the months of May through October

on Sundays. Bramblee stated one condition which is different than the previous application is that the applicant complies with the current sign code. She referenced an illegal banner currently located on the property. Bramblee stated the bathrooms will be provided inside the event center and a condition is the event center must be open whenever outdoor sales take place.

Commissioner Hyde-Bordenave inquired what hours of operation the applicant is requesting. Bramblee stated the setup is for 7:00 a.m.

Chairman Huisman inquired regarding the Fire and Police Chiefs concerns. Bramblee stated the concerns are all addressed in the conditions.

Applicant Presentation:

Brad Scott spoke as the applicant. He stated he reviewed the conditions by the Fire and Police Chiefs but does not understand some of the Police conditions. Campbell explained to the applicant the Police Chief's concerns are due to the sale of stolen items and also second hand dealer procedures. Campbell stated any vendor which operates more than twice at the sale would need to fill out a business registration with the City.

Scott stated the event has been advertised and interested vendors include garage sales and craft type booths. Scott stated there will be no over night camping and the Event Center will be open during the entire time of operation for restroom use. Commissioner Wohlschlager inquired how many restrooms will be available. Scott stated they are all handicap accessible and there are 26 toilets in the building.

Commissioner Hyde-Bordenave inquired how many parking spaces will be required. Bramblee stated 39 parking spaces have been provided for vendors. Chairman Huisman inquired what constitutes a parking mitigation plan and does that require the Scott's to discuss the issue with Police Department. Bramblee stated similar language was used in the conditions for the Saturday Market, but whereas the Saturday Market did not provide any parking, this applicant has provided Vendor parking and there is on street parking available for customers. Commissioner Wohlschlager clarified City Code regulations would still apply to cars parked along the street. Scott stated to his knowledge no cars have ever been towed due to blocking driveways on the street.

Commissioner Hyde-Bordenave inquired if the Head Start parking lot could be used for overflow parking. Scott stated in all the events the center has had, parking has never been a problem.

Chairman Huisman inquired the size of booths. Scott stated the stall sizes are 15 X 10. Commissioner Hyde-Bordenave inquired if the applicant will require a business registration. Scott stated he has not had a real business interested in utilizing a stall, but would comply with whatever regulations the City requires.

Grimm stated the current facility has significant capacity and inquired of the applicant how he would handle two separate events on the same day. Scott stated the swap meet would be cancelled but rarely are there events on Sundays.

Grimm inquired if the applicant would be willing to restrict the number of stalls if corresponding events take place on the same Sunday. Grimm explained there is usually a review period on these types of CUPs. Scott stated he would be open to a review process in two years.

Commissioner Wohlschlager inquired if there are any handicap parking spaces. Scott stated he could add a handicap space next time he reseals and paints the parking lot. Scott stated if he made two handicap spaces, it would reduce the total parking by one space. Bramblee advised the Commission they have the ability to lower the amount of required parking if it deems the provided parking is reasonable.

Chairman Huisman opened the public hearing

Public Comment: None

Chairman Huisman closed the public hearing

Discussion:

Commissioner Wohlschlager stated the use appears to be in a great location and fits within the Comprehensive Plan in trying to create a vibrant secondary center of commercial office and residential development. He added he does not agree to all the listed staff conditions and would like to propose additional conditions.

Commissioner Wohlschlager inquired of staff if safety and drive alleys need to be considered as a condition. Grimm stated the layout provided is what the applicant is required to maintain and any encroachment into those alley ways will be considered a violation of the CUP.

Discussion of Conditions:

Conditions 1-4:

The Commission agreed conditions 1-4 are appropriate as provided in the staff report.

Condition 5:

Commissioner Hyde-Bordenave stated the applicant specified there would not be any overnight parking. Commissioner Wohlschlager suggested striking the second sentence and replacing it with language specifying “no overnight camping”.

The Commission agreed condition #5 will read, “The Applicant will be required to provide portable restrooms if the Market’s hours of operation exceed those of the Events Center. No overnight camping or parking will be allowed.”

Conditions 6-8:

The Commission agreed conditions 6-8 are appropriate as provided in the staff report.

Condition 9:

Commissioner Wohlschlager stated requiring the applicant to provide a parking to mitigate the impacts to on street parking in onerous. Wohlschlager stated if a vehicle is not in compliance with City Code then it would be towed or ticketed. Chairman Huisman stated she feels the site plan is the parking plan and inquired if the condition requires the

applicant to provide any additional information than what has already been provided in the application. Bramblee stated the applicant should be in touch with the Police Chief and if the Chief requires additional information then the applicant should provide the information requested by the Chief.

Grimm stated Sandpoint Code delegates the Planning Commission to establish what parking is appropriate and the code referenced applies city wide. Chairman Huisman inquired how the Commission can enforce where customers park on the street and how would he be able to mitigate. Grimm stated the condition is redundant.

Campbell stated it is a non issue and does not put any more onus on the applicant.. Grimm stated his fear is this condition gets approved and the Police chief asks for a plan to mitigate impacts to business and residential on street parking. Commissioner Hyde-Bordenave recommended striking the first sentence. Campbell stated the showing of on-street parking is mitigating off-street parking.

Commissioner Wohlschlager stated the bigger issue is where does the Commission decide 38 off-street parking spaces, two of which are handicap will be required to be maintained for visitors and no vendor parking shall occur in them. Vendor parking will be supplied behind the old batting cage. Chairman Huisman suggested striking all language after the word Parking, and adding the language supplied by Commissioner Wohlschlager.

The Commission agreed to amend Condition 9 to state, “Parking: 38 off-street parking spaces, two of which shall be handicap, will be required to be maintained for customers and no vendor parking shall occur in them. Vendor parking shall be available behind the old batting cage building.”

Condition #11:

Commissioner Hyde-Bordenave stated she feels it is the applicant’s responsibility to endure he is leasing space to vendors that are in compliance with City Code. She stated she would like it to be clear a business using vendor space have a valid business registration. Campbell stated City Code only allows a certain number of garage sales a year, and then it is considered a business.

The Commission agreed to add the following additional language to condition #11:
It will be the applicant’s responsibility to ensure all vendors who qualify for a business registration under City Code have the appropriate business registration before occupying a space.

Condition #12:

The Commission agreed conditions 6-8 are appropriate as provided in the staff report.

Additional Condition:

Commissioner Wohlschlager stated he would like to add language from the previous outdoor sales application which deals with trash clean up. Commissioner Hyde-Bordenave clarified if there is already a dumpster on site, this provision will require

screening of the dumpster. Grimm stated screening is already a condition of the Site Plan approval.

The Commission agreed to add the following condition, “The entirety of the property shall remain tidy and in a perpetual state of litter free existence. All loose trash, shipping or display packaging, cups and related vending refuse shall be picked up after the close of business each day and after each Market event. No vendor material, inventory or vehicles shall be located on site prior, or immediately following a market event. Recycle bins shall be located on site and any dumpsters must be screened according to City Code.”

Additional Condition:

Commissioner Wohlschlager suggested the addition of the same language as condition #7 of the previous application which states, “External storage of vendor booths, stalls, carts, or other equipment will not be allowed. Buildings on this site shall not be utilized for any storage in conjunction with this Conditional Use Permit without approval of the Building Inspector and Fire Chief.

The Commission agreed to add the following condition, “External storage of vendor booths, stalls, carts, or other equipment will not be allowed. Buildings on this site shall not be utilized for any storage in conjunction with this Conditional Use Permit without approval of the Building Inspector and Fire Chief.”

Additional Condition:

Wohlschlager inquired if there should be some language which regulates vehicle traffic, loading and off loading of goods during the hours of operation for the market. He stated he is not sure if this is an issue. Commissioner Huisman stated the conditions specify a setup time, but does not mean it is the only time for setup. Commissioner Hyde-Bordenave stated her experience with the Police and Fire is that once pedestrians are in the area there can be no vehicles operating in the swap meet area.

The Commission agreed to add the following condition, “The operation of vehicles within the “Swap Meet area” will not be allowed between the times of 9:00 a.m. to 5:00 p.m.”

Additional Condition:

The Commission discussed the impact of traffic to the surrounding area based on set up and tear down times. Grimm reminded the Commission the property is zoned Commercial B. Grimm explained there are nuisance and noise ordinances which could also address any issues with lingering vendors. Commissioner Wohlschlager stated the end of condition #13 also states the vendors shall be removed immediately following the event.

The Commission agreed to add the following condition, “The CUP will be reviewed by the Planning Commission within two years of the approval date of the written Decision.”

The Commission discussed the importance that the Applicant complies with the City sign code as reflected in condition #3.

Motion:

Commissioner Wohlschlagler moved and Commissioner Hyde-Bordenave second the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of *Idaho Code* and *Sandpoint City Code*, APPROVE the request by Brad and Lynda Scott and The Sandpoint Events Center for a Conditional Use Permit to allow for up to 46 vendor spaces for outdoor display, sales, service and minor entertainment as non-ancillary accessory uses in the Commercial C zone. The approximate 1.78-acre site is described as all of Lots 1-4, Tax No. 1 of Lot 5, and all of Lots 19-24, Block B, Law's Second Addition, is located west of Euclid Avenue between Pine and Lake Streets, and includes the buildings commonly known as the Pine Street Annex at 515 Pine Street and the Sandpoint Events Center (former Sandpoint High School/Ninth Grade Center) at 102 Euclid Avenue

Based on evidence, records, and testimony, the reasons for approving this request are:

1. Staff has followed the notice procedures applicable to Conditional Use Permits contained in *Idaho Code 67-6512* and *Sandpoint City Code* Title 9, Chapter 9.
2. Based on information presented at the hearing and the placement of limitations through conditions, the application is in compliance with the nine criteria for Conditional Use Permits as outlined in *Sandpoint City Code* §9-9-6 A(3H).
3. The requested Conditional Use Permits are consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

Subject to Conditions 1-16 as amended.

1. Outdoor sales approved under this permit may occur annually between May 1 and October 31. The Market's approved hours of operation will be on Sundays from 9:00 a.m. to 5:00 p.m., with vendor set-up allowed between 7:00 and 8:45 a.m.
2. Any increase in the number of approved vending stalls, or change in the approved days or hours of operation, will require amendment of this Conditional Use Permit.
3. Any signage for the Sandpoint Swap Meet shall be required to comply with Sandpoint Sign Code (*Sandpoint City Code*, Title 8, Chapter 5), including the height and setback requirements for freestanding signs (maximum height of 10 feet with setback from property line equivalent to sign height but not less than 5 feet). Any banner signs for the event shall be limited to no more than 12 square feet and must be attached at all four corners to a building wall.
4. Individual vendors may only display signage within the limits of their vendor stall area.

5. The Applicant will be required to provide portable restrooms if the Market's hours of operation exceed those of the Events Center, ~~or if any overnight onsite camping is allowed, with the number required to be determined by the Building Inspector.~~ No overnight camping or parking will be allowed.
6. The Applicant shall comply with applicable *International Fire Code* requirements.
7. If any of the 15- 15-foot vendor spaces have tents erected on them, they shall comply with the following *International Fire Code* regulations:
 - There will be no open flame devices under any erected shelter or tent, including candles.
 - No fossil fuel camp or cooking fires are allowed.
 - No barbeques or open flame cooking devices are allowed under a tent or erected shelter.
 - Anyone utilizing a barbeque or cooking device is required to have a 2A-10BC Fire Extinguisher onsite and ready to use. The extinguisher must have been inspected and bearing an up to date inspection tag.
 - Tents or erected shelters shall not be located within 20 feet of buildings. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure or tent.
8. Food vendors who are cooking are required to be located in Booth Spaces 33 through 40.
9. Parking: ~~The Applicant will provide a plan to show the mitigation of impacts to business and residential on-street parking in the area. All parking will be in compliance with Idaho Code Title 18 and Sandpoint City Code, Title 6, Chapter 2, Nonmetered Parking Regulations. Violators will be subject to being cited or vehicle being towed at owner's expense.~~ 38 off-street parking spaces, two of which shall be handicap, will be required to be maintained for customers and no vendor parking shall occur in them. Vendor parking shall be available behind the old batting cage building.
10. Second-Hand Dealers: All vendors which fall under *Sandpoint City Code*, Chapter 5, 3-5-5, Second Hand Dealers will be required to comply with this ordinance. Unannounced compliance checks will be conducted by the Police Department in order to enforce this ordinance. Violators may be charged with violations of the ordinance. The City Attorney and Chief of Police will determine if vendors fall within the scope of this ordinance.
11. Business and Occupation Registration: All vendors which fall under *Sandpoint City Code*, Chapter 11, Business and Occupation Registration, will be required to comply with this ordinance. Under 3-11-5, Exemptions are provided for any other sanctioned event on public property." This venue will be conducted on private property; therefore, the exemption does not apply. Unannounced compliance checks will be conducted by the Police Department in order to

