

**SANDPOINT PLANNING COMMISSION MEETING
5:30 P.M. CITY HALL COUNCIL CHAMBERS
MINUTES OF AUGUST 21, 2012**

COMMISSION MEMBERS PRESENT: Tom Russell, Scott Wohlschlager, Kathleen Hyde-Bordenave, Deb Fragoso

COMMISSION MEMBERS ABSENT: Yuri Simon, Cate Huisman, Collin Beggs

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

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

Matters from the Public: None

Approval of Minutes:

Commissioner Fragoso moved and Commissioner Hyde-Bordenave second to approve the minutes of August 7, 2012. **Motion passes unanimously.**

Approval of Decision CUP79-01:

Commissioner Russell moved and Commissioner Fragoso second to approve the written decision for Bruce Lines Trailer Park Amended CUP79-01. **Motion passes unanimously.**

PUBLIC HEARING:

ZC12-03 - A request by **Karen Zacharias** for a zone change from Residential Single-Family "RS" to Commercial A for Lot 16, Block 33, Farmin's Fifth Addition, containing the structure located at 410 Sixth Avenue, and Lot 17, Block 33, Farmin's Fifth Addition, containing the structures located at 530 Main Street as well as 532 Main Street which currently operates as a legally-nonconforming commercial use (Sew-Pro). These adjoining properties are approximately 0.269 acres and are located at the northeast corner of Sixth Avenue and Main Street just west of the intersection of Main and Cedar Streets.

Staff Report:

Bramblee presented the staff report. Bramblee explained where the property is located and advised the Commission the property proposed for zone change adjoins the Jenson property which was approved to be rezoned from Single family to Commercial A in February. Bramblee stated during the hearings for the Jenson Property, the owner of this property had expressed an interest in rezoning her property. Bramblee stated the property is designated on the Comprehensive Plan map as Context Area 5. Bramblee stated the zone change would bring an existing non conforming commercial use into compliance with respect to use and coverage. Bramblee stated the applicant is using the corner lot for parking for the business so the zone change would bring both parcels into compliance. Bramblee explained any future building permit or expansion would require the owner to comply with parking and landscape requirements.

Commissioner Russell inquired the nature of each building on the lots. Bramblee explained the business, residential homes and garages which reside on the properties.

Commissioner Hyde-Bordenave inquired regarding the parking structure on the corner lot. Bramblee indicated the structure does not have a permanent foundation.

Grimm explained the Context Area 5 Comprehensive Plan designation.

Vice Chairman Wohlschlager clarified the curb cuts and Avista issues would be addressed in future improvements. The Commission discussed the threshold for infrastructure improvements and parking regulations.

Applicant Presentation:

Karen Zacharias, 530 Main Street spoke as the applicant. Ms. Zacharias stated her residence is attached to the Sew Pro business. She stated she does not have any definite plans for the property, but would like to bring the property into compliance. Zacharias stated she improved the sidewalks several years ago and they were built to ADA standards at that time. Zacharias stated she has made improvements to the buildings interior and exterior. She stated the parking structure previously discussed is an RV parking structure but may not continue in the future, but currently is in use. Zacharias stated she may put in an asphalt parking area on the corner lot in the future.

Commissioner Fragoso inquired the historic use of buildings on the property. Zacharias explained the 532 address has always been commercial starting with Keys Music and then a dry cleaners in the 40's. Zacharias reiterated she does not have any plans for the property at this time.

Vice Chair Wohlschlager inquired how long the applicant has lived on the property. Zacharias stated she has lived on the property since 1992. Vice Chair Wohlschlager inquired if there are any uses allowed in the Commercial A zone which would give the applicant pause to have as a potential neighbor. Vice Chair Wohlschlager stated it does open the door for a lot of potential uses like bars and motels. Zacharias stated it has always been commercial across the street and everything around her home has been commercial.

Vice Chairman Wohlschlager opened the public hearing

Public Comment: None

Rebuttal: None

Vice Chairman Wohlschlager closed the public hearing

Discussion:

Grimm showed the Comprehensive Plan designations around the proposed property, and clarified the property is within the Urban Renewal District and the Business Improvement District boundaries. Commissioner Russell stated since the rest of the block has already been approved as Commercial A the requested zone change seems logical and does not see concerns with the rezone.

Commissioner Hyde-Bordenave agreed with Commissioner Russell and stated it conforms with the Comprehensive Plan

Commissioner Fragoso stated when the “Curve” is built the commercial nature of the neighborhood will make sense and probably increase as anticipated by the Comprehensive Plan.

Vice Chair Wohlschlager stated he has the same reservations he expressed during the Jenson zone change; however he stated his concerns are overruled by the Comprehensive Plan. Vice Chair Wohlschlager stated the character of Main Street could change, but the Commercial code will protect the residential uses which are there.

Motion:

Commissioner Fragoso 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*, make a recommendation to City Council to **APPROVE** the request by **Karen Zacharias** for a zone change from Residential Single-Family “RS” to Commercial A for Lot 16, Block 33, Farmin’s Fifth Addition, containing the structure located at 410 Sixth Avenue, and Lot 17, Block 33, Farmin’s Fifth Addition, containing the structures located at 530 Main Street as well as 532 Main Street which currently operates as a legally-nonconforming commercial use (Sew-Pro). These adjoining properties are approximately 0.269 acres and are located at the northeast corner of Sixth Avenue and Main Street just west of the intersection of Main and Cedar Streets.

The reasons for this decision are

1. Particular consideration has been given to the effects of this proposed zone change upon the delivery of services by any political subdivision providing public services within the planning jurisdiction.
2. Staff has followed the notice procedures applicable to zone changes contained in *Idaho Code 67-6511* and *Sandpoint City Code* Title 9, Chapter 9.
3. The proposed Commercial A zoning designation is consistent with the existing land use patterns and are in accordance with the goals and policies of the Sandpoint Comprehensive Plan.

Motion passes unanimously.

Commissioner Fragoso moved and Commissioner Hyde-Bordenave second to amend the agenda to move the discussion of tourist homes to the next item on the agenda:

Motion passes unanimously.

Discussion and background review of tourist homes:

Grimm stated tonight's discussion of tourist homes is more informational. Grimm stated the City Council has directed the Planning Commission to make a recommendation on how tourist homes should be designated or zoned within the City. Grimm explained how tourist homes are designated for each zone and the tax implications. Grimm stated he will ensure the public knows the Commission is working on this issue and will get input from the industry. Bramblee briefly explained the history of how tourist homes became an issue with zoning, enforcement and licensing. Grimm reviewed with the Planning Commission the articles which were included in the packets dealing with revenue and enforcement.

Commissioner Russell inquired how trading houses works within the tourist home designation homes. Grimm stated the idea of trading homes is fairly new and may be problematic because money does not change hands.

Commissioner Hyde-Bordenave stated as long as there are guidelines, tourist homes could be beneficial to the City.

Commissioner Fragoso inquired if hypothetically the City permitted tourist homes throughout the City, where would the recourse be for those people who live near to make sure neighbors are not stuck in a bad rental situation. Grimm stated issues also exist with who would be the responsible party when issuing citations.

Commissioner Hyde-Bordenave stated she sees this as an exciting opportunity for the City. She stated it is more than just the taxes, tourist homes provide economic benefit to other businesses within the City.

Grimm stated in his opinion Title 3 Chapter 12 inspection process is too cumbersome. Grimm stated he will provide information on how the taxation of tourist homes works, the impact to the City, and any other information the Commission requests.

Area of City Impact Review Michaels Heights ACI12-02:

Chairman Wohlschlager recused himself stating he has a conflict of interest and does not feel comfortable making a recommendation on this application. Vice Chairman Wohlschlager left the meeting.

Grimm gave a brief background and description of the Area of City Impact. Grimm stated in the coming year the Planning Department will further define and create zoning for the Comprehensive Plan Context Areas and try to get the County to adopt them for the ACI area.

Grimm explained the proposed application and where it is located. He stated the Planning Commission should determine if further densification is intended in the Comprehensive Plan for this area. Commissioner Fragoso verified the County has fairly recent Comprehensive Plan.

Commissioner Fragoso inquired if the existing approved subdivision is fully developed. Grimm showed an aerial view and determined only a couple homes exist in the subdivision.

Grimm stated by recommending approval the City is allowing an additional septic system up slope of the City. He noted Sandpoint Fire District is noted as the Fire District to serve the development, however the development is actually in the Westside District. Grimm stated on page 6 it states there is an attached copy of goals and objectives of the Comprehensive Plan which seems to be missing from the application. Grimm also stated the application notes it will provide an additional home site to the area which coincides with planned growth, and stated it does not coincide with planned growth because the planned growth for this area is very rural or Context Area 1. He added he disagrees with the application where it states no natural resources will be impacted by this application stating the view shed will be impacted by the construction of an additional home.

Grimm further argued the application states no additional services will be needed, but additional density will require additional emergency response. He stated the application states it will not change or take away any recreational opportunities in Bonner County, but finds it hard to believe the addition of another house will not change the authentic geographic boundary which makes Sandpoint what it is. Grimm went on to stated the application states there are no special sites within the subdivision, but pointed out Mikkinnick and Baldy Mountain and the whole forest interface is a special area site which identifies and gives Sandpoint the unique geographic authenticity and sense of place. Grimm stated overall the additional density is inconsistent with the overall vision of the Comprehensive Plan.

Commissioner Hyde-Bordenave inquired how many units are being requested. Grimm stated the application is to split one 5 acre lot into one 3 acre and one 2 acre parcels. Commissioner Fragoso inquired how many lots were approved in the subdivision. Grimm stated it appears 12 or 13 lots. Commissioner Fragoso inquired if access is a consideration. Grimm stated since the property will be annexed someday it may impact the City's ability to provide fire service someday. Commissioner Hyde-Bordenave clarified Grimm is suggesting long term the City does not want to develop this area. Grimm stated that is what the Comprehensive Plan describes as very rural.

Commissioner Fragoso inquired if a street view could be shown to determine the impact on the view shed. The Commission noticed the switchback road and increase in elevation to the subdivision.

Grimm stated the City in the coming months will develop standards and will basically give the County zoning language for the ACI. Grimm stated it has been discussed the Cities of Ponderay, Dover, Kootenai, Hope, Priest River, and Clark fork all approach the County collectively.

Commissioner Fragoso stated she would be against the proposal to stay consistent with the Comprehensive Plan. Commissioner Hyde-Bordenave agreed.

Commissioner Russell stated he is on the fence because the subdivision is already established and the impact of one more home site would not increase the impact that

much. However, if every lot subdivided it could be a concern as well as the increase in a septic system. Grimm advised the Commission they can reference staff's comments and even suggest in the event Bonner County approves the lots, it requires compliance with Dark Sky lighting.

Commissioner Russell inquired if the original application was a PUD or straight subdivision. Grimm stated he understands the development was a subdivision.

Motion:

Commissioner Fragoso moved and Commissioner Russell second the Sandpoint Planning Commission recommend the City Council advise Bonner County Planning Department The City recommends **denial** of the proposed preliminary plat for Michael's Heights, County File SS1721-12. The decision is based on the proposed Lot split is inconsistent with the current City of Sandpoint Comprehensive Plan. However, if the County approves the application, the City would request the following conditions be required.

1. Each house should be addressed with numbers that are at least four inches in height and which contrast with their background.
2. The developer should be required to meet the International Fire Code standards including Fire Hydrants a minimum of 500' apart and provide a fire flow minimum of 1,000 GPM.
3. Access and Egress slopes not less than 10% of grade.
4. Dark sky lighting will be encouraged.

Motion passes unanimously.

D. MATTERS FROM THE COMMISSION/STAFF:

Grimm stated work on tourist home and CA3-B will continue. He advised the Commission the downtown street consultant (SERA) will be here September for an open house at the Cedar Street Bridge.

ADJOURNMENT:

The meeting adjourned at 7: 30 p.m.

/s/
Chairman Huisman