

**SANDPOINT PLANNING COMMISSION SPECIAL MEETING
5:30 P.M. CITY HALL COUNCIL CHAMBERS
MINUTES OF MAY 28, 2013**

COMMISSION MEMBERS PRESENT: Cate Huisman, Tom Russell, Yuri Simon, Jeff Kuhns, Deb Fragoso, Kathleen Hyde-Bordenave

COMMISSION MEMBERS ABSENT: Collin Beggs,

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

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

Matters from the Public: None

Approval of Minutes:

Commissioner Fragoso moved and Commissioner Simon second to approve the Minutes of May 21, 2013. **Motion passes unanimously.**

PUBLIC HEARING

CUP13-01- A request by the **University of Idaho** for a Conditional Use Permit to allow an approximately 77-acre site to be used as a park for a variety of recreational and educational activities in the Residential Single-Family zone. The property is located on the east side of Boyer Avenue north of the railroad right-of-way and south of East Mountain View Drive and described as a the East Half of Section 15 north of the high speed transfer track and west of Sand Creek in Township 57 North, Range 2 W.B.M.

Staff Report:

Grimm advised the Commission regarding the public hearing process. Grimm gave a brief background on the history of the U of I site and what has transpired over the years. He stated the University has applied for this Conditional Use Permit because the University wanted to open the site up for utilization by the public and the uses have grown over the year to where some are not specifically school related. Grimm advised the Commission the site is zoned RS.

Bramblee stated as indicated in the staff report there are no specific parking requirements for a park. Bramblee explained parking how parking is determined by other jurisdictions. She stated the Public Works Director is asking the CUP be reviewed in two years to see what parking requirements may be needed on the site. Bramblee stated the golf park will need a building permit to construct the fence for the driving range. Staff recommends the existing parking lot be striped.

Bramblee read into the record a public comment by Jared Yost with concerns regarding parking, buffering, noise and types of use which may be permitted.

Chairman Huisman clarified the Comprehensive Plan designation is CA-5. Chairman Huisman clarified the Applicant is requesting no more than 15 special events per year.

Bramblee explained the existing parking area has room for 16 parking spaces.

Applicant Presentation:

Karl Dye, Economic Development Corporation, represented the Applicant as they are a Board member of the Development Corporation and Dr. Charles Buck was unable to attend the meeting. Dye gave a brief statement regarding the history of the University of Idaho Boyer Avenue site. Dye stated the philosophy regarding use of the site has changed and the site is now open for the public. Dye stated some of the uses which are already taking place or contemplated to take place on the site are biking, hiking, disc golf, golf training facility, cross country skiing, and concerts and performances.

Dye stated the energy research relates to the Urban Renewal Agency research with greenhouses and may involve a small biomass plant in the future. Dye indicated plans related to the energy research would require a possible amendment to the CUP and possibly a rezone of the property.

Dye stated the proposed uses are compatible with the City's Comprehensive Plan and the University's desire to be a better community citizen to the City of Sandpoint. Dye stated future educational opportunities include internships through the PGA gold management program, grant opportunities for science and math programs to be delivered at the site, and a YMCA program.

Commissioner Frago verified the energy renewal use would require an amendment or additional CUP and does not fall under this application.

Commissioner Frago stated the concert idea is vague and would like the applicant to give more specifics on what is being requested. Chairman Huisman stated there is a limit on decibels and number of events. Dye stated the University does not have any plans for music concerts it was just a thought of what may happen in the future, however it can be limited. He stated the intent of the application is to verify the recreational uses which music concerts would not necessarily be recreational. Commissioner Kuhns inquired of staff what the permit process would be for a concert on the property. Grimm stated he is not aware of any permit needed.

Commissioner Kuhns stated there is no mention of bike racks, benches or tables being provided in the application. Bramblee stated the number of required bike racks can be set by the Commission.

Simon inquired how the conflicts between the cyclocross and disc golf will be resolved. Dye stated parameters will be set with increased communication between the two groups. Dye advised there is a public notice board for the disc golf.

Commissioner Russell inquired if the golf facility is a private company. Dye stated the company is a new start up company called The Box, LLC. He stated they have developed a new golf swing training aid. Dye stated the lease will cover a portion of the building for office space and a couple of the bays for storage, and the course.

Commissioner Hyde-Bordenave inquired what the decibel level would be for an agricultural use and what bathroom facilities are available. Grimm stated the decibel level for a tractor is 90 decibels. Dye stated there are bathrooms in the building, but the plan does not necessarily keep them available for public. Commissioner Hyde-Bordenave stated she would like to see bathroom facilities available year round. Dye stated if the existing portable bathroom is not handicap accessible, it can be changed to ADA.

Dye stated there is an existing road accessed by the bridge which provides fire and emergency access.

Commissioner Hyde-Bordenave suggested a review of parking in one year not two as indicated in the staff recommendations. Dye stated better signage directing traffic to the overflow parking for special events would help. Dye stated reviewing the application in one year will not provide a good indication of parking issues for the tenant. Dye stated if the business goes well, the tenant will address the parking to keep customers.

Commissioner Simon inquired if golf carts are going to be utilized for the facility. Dye stated the carts will be utilized on the existing trail. Dye indicated if the golf facility grows two holes on the disc court that will need to be moved.

Commissioner Russell inquired about the height of netting and fencing around the golf facility. Dye stated the current plan involves net heights of 25 or 50 feet depending on location. He stated netting will run along the east side of the driving range, netting across the back to protect Aspen Lane on the North side and netting to minimize the impact to the hybrid cottonwood poplar trees. Dye stated the netting would be in front of those trees. Dye stated the rectangle as shown, the lower grove of trees are birch and the original rectangle showed the range going through it, but the current plan is to move the boundary to the east, and maybe one or two rows of trees will be taken out, but to minimize the impact on that grove. Dye stated the actual look will not be a straight rectangle. Dye stated there will only be a narrow window that will extend to Mt. View Drive. Dye stated the netting would be taken down during winter.

Commissioner Fragoso inquired if the plan is to allow food vendors. Grimm stated they would require business license and health certificates. Commissioner Fragoso stated 15 events per year could wind up being one event every weekend during summer. Dye stated there is no plan for 15 events and the only events currently are two cyclocross and the potential for disc golf competitions, but there are no plans for any more than five.

Grimm inquired if there is a potential or likelihood of collaboration between the University and The Box, LLC. Dye stated there is a potential for internships, work study programs, and maybe incorporation of using students to help design the course.

Chairman Huisman opened the public hearing

Public Comment:

John Gaddess, 907 Church Street: Geddes stated the property is a good resource for the community and is in full support of the application. Gaddess stated he has concerns related to bathroom facilities, parking, litter and concerts.

Chairman Huisman closed the public hearing

Discussion:

The Commission discussed and unanimously agreed they were favorable to the application with conditions imposed.

The Commission discussed the visual impact of the netting and how to mitigate the impact to the property and wild life.

Commissioner Fragoso inquired if a condition of a buffer of trees along Mt. View can be required to aid the visual impact and other impacts.

Commissioner Kuhns stated planting young trees along Mt. View will not provide a buffer for many years. He stated a review in two years will allow the City to address any disturbances or issues which might arise. Commissioner Kuhns stated this application is by a University who has a strong environmental science program and is not overly concerned about their concern for the environment. Commissioner Kuhns stated in two years the City can review the application and respond to any issues.

The Commission discussed vehicle and bicycle parking due to the increase in activity on the site. In addition, the Commission discussed the traffic impact of the increased usage of the site and how to mitigate parking on Mt. View.

The Commission discussed the allowance of food vendors.

Grimm stated if the Commission wants to allow vendors to be set up during events, then it would need to be authorized with this CUP.

The Commission discussed the need to mitigate litter and animal waste which may occur due to increased activity on the site.

The Commission discussed the potential of increased noise and how to mitigate the impact on surrounding properties.

Motion:

Commissioner Russell moved and Commissioner Kuhns second the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code approve the request by the University of Idaho for a Conditional Use Permit to allow an approximately 67-acre site to be used as a park for a variety of recreational and educational activities in the Residential Single-Family zone. The property is located on the east side of Boyer Avenue north of the railroad right-of-way and south of East Mountain View Drive and described as a the East Half of Section 15 north of the high speed transfer track and west of Sand Creek in Township 57 North, Range 2 W.B.M.

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

1. Staff has followed the notice procedures applicable to Planned Unit Developments and Conditional Use Permits contained in *Idaho Code* and *Sandpoint City Code*.
2. The application meets the, zoning, and planned unit development requirements of City Code.
3. The requested Planned Unit Development and Conditional Use Permit are consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.”

Subject to Conditions 1- 16 as amended (shown by underline).

1. A review of this Conditional Use Permit shall be held no later than May 31, 2015.
2. This Permit shall be subject to the following restrictions:
 - Operations shall be allowed only during daylight hours.
 - No lighting will be added to extend hours of operation beyond sundown.
 - Noise levels of activities or events not to exceed the audible level of previous agricultural uses of 90 decibels at perimeter of property.
 - No more than 15 special events or activities per year will take place on the recreational park.

At the time of its review, additional restrictions on hours of operation, lighting, screening/buffering, or number/types of events may be imposed to mitigate impacts.
3. The area of the site designated as “Golf Park” shall be fenced/screened to prevent golf balls from leaving the site.
4. Striping of the existing parking lot, in accordance with City standards, shall be required. The Applicant shall provide a minimum of 8-12 bicycle parking spaces to augment the existing available parking.
5. All businesses are subject to the City’s business registration requirements. Please contact the City Clerk’s office at 263-3310 to obtain the necessary form.
6. All signage shall require a separate permit and must meet the City’s *Sign Code*.
7. A minimum of one handicap portable restroom shall be available year round for activities on the site.
8. Installation of any fencing above 6 feet tall will require a building permit.
9. This Permit shall be reviewed in two years to allow for evaluation of park use impacts to determine:
 - Number of required parking spaces
 - Extent of parking lot improvements

- Extent of site access improvements
 - Extent of stormwater requirements
10. Any construction will be required to adhere to the current *International Fire Code*; full requirements will be determined when a complete set of plans is submitted.
 11. Access/egress to the Golf Park shall be addressed.
 12. The applicant shall make every effort to mitigate the visual impact of the netting on the surrounding properties and environmental resources.
 13. No vehicle access off Mt. View Drive will be allowed, but may be reconsidered at the two year review of this CUP.
 14. Food vendors will be allowed on site during special events only.
 15. The Applicant will ensure proper signage is in place during events to direct vehicles to overflow parking.
 16. The entirety of the property shall remain tidy and in a perpetual state of litter free existence.

Motion passes unanimously.

PUBLIC HEARING

CUP13-02 – A request by Bill Lewis on behalf of the Bernice B. Lewis Trust for a Conditional Use Permit to allow for up to 6 vendor spaces for outdoor display, sales, service and minor entertainment as non-ancillary accessory uses in the Commercial A zone. The approximate 0.388-acre site is described as Lots 7-10, Block 3, Sandpoint Original, and is located on the southeast corner of Fourth Avenue and Oak Street.

Staff Report:

Bramblee stated the request is to allow vendors and outdoor display and sales on the property across from Farmin Park. Bramblee gave a brief history regarding the use of the property which included temporary vendors. She stated the applicant is requesting 6 vendors total. Bramblee stated the Planning Commission will need to get clarification from the applicant regarding the requested months of operations. She stated no parking is required but the Commission may consider issues such as parking for vendors, overnight parking and storage.

Commissioner Fragoso inquired what hours of operation the applicant is requesting. Bramblee state the application indicated 8:00a.m.– 6:00 p.m. with no indication of if the request is for a certain number of months or yearly.

Commissioner Kuhns inquired if seating and bike racks could be imposed. Commissioner Kuhns stated it seems like the use will encourage the public to come in

and buy food and linger. He stated having a bike rack and tables or benches would seem to be appropriate. Grimm stated bike racks and tables can be a condition of the CUP.

Grimm explained the site was formally leased by Panhandle State Bank and used as an informal parking lot. Grimm stated once they started to develop the site, the City imposed parking lot regulations, which the Bank then closed the site off.

Grimm stated the Commission may want to consider upon review when the lot will need to be updated to the City's standards for parking.

Applicant Presentation:

Bill and Leon Lewis, representing the Bernice Lewis Trust, spoke as applicants. Bill Lewis stated they have owned the land for 50 years. He stated 15 years ago a semi permanent food court of three buildings were developed and operated until the bank took over the lot. He stated what is proposed is the first phase of a development which will end with a full food court and ice rink. A new site plan Labeled H-1 was submitted by the applicant. B. Lewis stated the project should be completed by 2015. B. Lewis stated they would like to start with mobile units. He stated they want to keep a park like setting and enhance downtown.

B. Lewis stated there are two issues they as the applicants have a problem. He stated one issue is bathrooms. He stated there is City bathrooms near and the bank across the street has public bathrooms. B. Lewis stated when they had the three buildings there before there were no bathrooms. He stated during the first phase they would like to start without bathrooms required. He stated the completed project will have nice public bathrooms.

B. Lewis stated the other issue is the restriction of no overnight parking. He stated the units are self contained and should be left overnight. B. Lewis stated they are looking at getting electricity put in for the vendors. He stated there will be water for irrigation and the businesses. B. Lewis produced a new site plan for the Commission showing the configuration of vendors.

B. Lewis stated they are going to get the east side property up to grade and provide some storm water and possibly make a nice water feature. He stated they may have some non food booths, but are not sure of the interest. Lewis stated he wants the Community to be proud of the project. He specified that since submitting the application they would like to amend the hours to 10:00 a.m. to 9:00 p.m.

Commissioner Simon clarified the electricity is not in yet, and inquired if that means the vendors will be using generators. Lewis stated generators will need to be used until electricity is installed to the site.

Commissioner Hyde-Bordenave clarified the applicant is not requesting vendors be allowed to stay overnight, just the vehicles.

Commissioner Hyde-Bordenave inquired if the applicant would object to a requirement of an onsite ADA portable restroom. B. Lewis stated he hates them and would not like to put one on the property.

Commissioner Russell stated on the site plan there is a blank spot adjacent to Fourth Avenue and what would be the proposed use for that area. Lewis stated historically the area has been used as parking for surrounding businesses. Lewis elaborated on the final plans for the site.

Leon Lewis stated they are just wanting to start with the one side and have the grass and pavers put in with some vendors and see what happens. L. Lewis stated they will be back before the Commission, but they need time to see what happens in two years. L. Lewis stated they are definitely getting the water hooked up, and the application for power is ready to be submitted and work on the sewer at the same time.

Commissioner Kuhns inquired if the request is for year round vendors. B. Lewis stated they are not sure what the vendors are going to want. Grimm advised the Commission to assume the vendors will be year round. Grimm clarified the original request was noticed to the public for six vendors, so the Commission can only consider the request for six vendors. Grimm indicated the applicants may apply for an amendment to the CUP in the future if they would like more vendors. Grimm advised the Commission to clarify if the applicant is requesting the layout as submitted, or the flexibility to allow up to six vendors anywhere on the site. B. Lewis stated they would prefer to have the latitude to put six vendors anywhere on site.

Commissioner Russell inquired if the applicant is willing to provide seating for the patrons of the vendors. The Lewis' stated they would provide seating and tables in the paver areas as shown on the site plan labeled H-1.

Chairman Huisman opened the public hearing
Public Comment:

Jackie Henrion, Trustee of The Earle-Henrion Trust, stated the trust just purchased property a block south of this property and would like to state she strongly supports the applicant. Henrion indicated the lack of a bathroom facility is a concern. Henrion stated she is hoping to see more local representation of goods.

Leonard Wilson 1518 Northshore Drive, owner of Monarch Coffee. Wilson stated he is attending the public hearing to hear the future plans for the site and is neutral regarding the application. Wilson stated his concern is his business gets a lot of traffic using his bathroom facilities especially during the farmers market and would like to see his restroom traffic limited by the applicant having to provide their own facilities. Wilson stated aesthetics, parking and trash and noise from generators are issues he would like to see addressed.

Rebuttal:

L. Lewis stated he agrees trash and aesthetics will be important to them as the applicant as well. L. Lewis stated he routinely cleans and takes care of the site. Lewis stated if the Commission does not require a portable restroom, in two years there will be nice permanent bathroom facilities.

Commissioner Hyde-Bordenave inquired how the sound of generators can be mitigated. L. Lewis stated the property should have power within 3 weeks. B. Lewis stated the sound of generators can be muted by surrounding them and causing sound to go up. B. Lewis stated the new generators are fairly quiet. Commissioner Fragoso inquired if the applicant would be willing to require generators be insulated to mitigate sound. L. Lewis stated power will be into the site by three weeks. B. Lewis stated the generators are only going to run during business hours.

Chairman Huisman closed the public hearing

Discussion:

The Commission discussed and unanimously agreed they were favorable to the application with conditions imposed.

Chairman Huisman advised the Commission staff has recommended condition #8 regarding the issue of restroom facilities. Chairman Huisman stated the condition would indicate if public facilities are open during the business hours of the vendors, then the applicant would not need to provide access to restroom facilities. Commissioner Hyde-Bordenave suggested a portable ADA bathroom be located on site. Commissioner Fragoso stated portable restrooms have been a requirement of other CUP's requesting vendors. Commissioner Russell stated he would be amenable to allow the applicant to bring in evidence of a shared use agreement with another business.

The Commission discussed potential noise pollution with respect to generators and the applicants' assurance power will be to the property within three weeks.

The Commission discussed and agreed flexibility of the vendors on the site would be prudent for installation of services. The Commission agreed a buffer should be maintained around the historic Oak tree.

Due to the limited amount of vendors permitted, the Commission agreed to allow the most flexibility for vendor placement and size.

Commissioner Kuhns stated the use is encouraging people to gather, and would like to see the applicant provide bicycle parking. In addition, Commission Kuhns stated he would like to review this application in two years for storm water, access, and facilities.

Motion:

Commissioner Hyde-Bordenave moved and Commissioner Fragoso second the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, approve the request by Bill Lewis on behalf of the Bernice B. Lewis Trust for a Conditional Use Permit to allow for up to 6 vendor spaces for outdoor display, sales, service and minor entertainment as non-ancillary accessory uses in the Commercial A zone. The approximate 0.388-acre site is described as Lots 7-10, Block 3, Sandpoint Original, and is located on the southeast corner of Fourth Avenue and Oak Street.

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 1-15 as amended (shown by underline).

1. Outdoor sales approved under this permit may occur annually. The approved hours of operation will be from 10:00 a.m. to 9:00 p.m., with vendor set-up and tear down allowed 30 minutes before and after the close of each day.
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. Overnight parking and/or camping by vendors will not be allowed on the site.
4. Any permanent signage shall be required to comply with Sandpoint Sign Code (*Sandpoint City Code*, Title 8, Chapter 5). Individual vendors may only display signage within the limits of their vendor stall area.
5. 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.
6. Stormwater runoff from impervious or semi-pervious (compacted gravel) surfaces shall be managed through direction to on-site rain gardens or other equivalent Best Management Practice so that no sediment migrates off-site to the City's storm drain system.
7. No use of sanitary sewer will be allowed without prior consultation with his Department regarding payment of additional fees.
8. A handicapped portable restroom will be required on site unless the applicant can produce evidence of an agreement for shared bathroom facilities during hours of operation with another business within 400 feet.
9. The Applicant shall comply with applicable *International Fire Code* requirements.
10. If any vendor spaces have tents erected on them, they shall comply with the

