

**SANDPOINT PLANNING COMMISSION MEETING  
5:30 P.M. CITY HALL COUNCIL CHAMBERS  
MINUTES OF DECEMBER 3, 2013**

**COMMISSION MEMBERS PRESENT:** Kathleen Hyde-Bordenave, Collin Beggs, Cate Huisman, Tom Russell, Tom Riggs

**COMMISSION MEMBERS ABSENT:** Yuri Simon, Deb Fragoso

**STAFF MEMBERS PRESENT:** City Attorney Scot Campbell, Planning Director Jeremy Grimm, Planners Aaron Qualls and Melissa Bethel

**COUNCIL PRESENT:** None

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

**Matters from the Public:**

**Approval of Minutes:**

Commissioner Beggs moved and Commissioner Hyde-Bordenave second to approve the Minutes from November 19, 2013. **Motion passes unanimously.**

**Public Hearing:**

**CUP13-03** – A request by **Gabrielle Easton** for a Conditional Use Permit to allow a Day Care Center (7 to 25 children) to in the Residential Multifamily “RM” Zone. The approximate site is described as Lots 1,2,3, and the West 5 ft of Lot 4, Less the North 80 feet thereof, Block 15, Farmins 6<sup>th</sup> Addition to Sandpoint, Section 15, 57 North, 2W BM, more commonly known as 816 Jefferson Street.

**Applicant Presentation:**

Gabrielle Easton stated she is requesting a CUP to allow her daycare to expand from 6 or less children to more than 7. She stated she has been involved with childcare for 15 years and is a single mom who would like to expand her business. Easton stated there is enough space for parking and traffic should not be a problem. Easton stated a lot of her clients have multiple children, so the impact would not be as significant. She stated there has been a lot of interest in her business including pregnant mothers who currently use her and would like to continue using her for their next child.

Commissioner Hyde-Bordenave stated the Pedestrian Advisory Committee has requested the applicant install a sidewalk along her property. Commissioner Hyde-Bordenave inquired if there are currently sidewalks on her street. Easton stated there are currently no sidewalks on either side of her block. Easton stated financially she would not be able to pay for a sidewalk at this time.

Commissioner Beggs inquired if there were any other non residential buildings other than Hickory Church on the block. Easton stated she is not aware of any others.

Qualls advised the Commission Ms. Easton's property is zoned Multi Family and the surrounding area is zoned the same.

Commissioner Russell inquired if there would be additional staff for additional children. Easton stated she if went beyond 12 children she would employ additional staff. Easton explained parking would be available in her driveway. Easton stated currently half of the block is open for parking.

Chairman Huisman inquired if the applicant provides child care on the weekends. Easton stated her business is strictly Monday – Friday. Easton advised her hours of operation are from 6:30 a.m. to 5:30 p.m.

Chairman Huisman clarified there will not be any traffic conflict with the Church across the street. Easton stated she has not had any traffic issues to date.

Qualls reminded the Commission regarding staff conditions. Qualls advised the Commission staff received one comment by phone from William Moss, 1112 Larch. Mr. Moss stated he was neutral.

Chairman Huisman inquired if any of the children in Easton's care ride bikes. Easton stated none.

Easton advised the Commission she has no issue complying with the four staff recommendations.

#### **Chairman Huisman opened the public hearing**

##### **Public Comment:**

Darian Kinney, 802 Jefferson; Ms. Kinney stated Ms. Easton currently takes care of her child and would like her to be able to care for her soon to be born child. Ms. Kinney stated she lives right next door and has never had an issue with parking or traffic and does not foresee additional children causing an issue.

#### **Chairman Huisman closed the public hearing**

##### **Applicant Rebuttal:**

Commissioner Beggs stated his biggest concern is the increase in traffic. Ms. Easton stated not all children arrive and leave at the same time. She stated she has a lot of clients with multiple children including older siblings which should be able to watch during the summer. Ms. Easton stated her location provides optimum traffic flow.

Commissioner Beggs asked Ms. Easton to comment on the PAC recommendation to install a sidewalk. Easton stated currently there are no sidewalks on the block and the purpose of requesting the CUP is so she can become more financially secure.

Commissioner Beggs inquired of staff the cost of a sidewalk. Grimm stated he has heard \$3,000 per 50 feet. Easton stated if sidewalks are to be put on her street; it should be planned and done as one project not in pieces because of existing trees.

Commissioner Riggs inquired regarding the Building Inspector's memo which states the applicant should have sprinklers and French doors. Qualls clarified the Building Inspector inspected the premise and found French doors to be installed and no need for a sprinkler system.

Chairman Huisman clarified the applicant is aware she would be limited to a total of 22 occupants. Easton advised she has no plans for a business sign.

**Discussion:**

Commissioner Beggs stated he would like to have a discussion on the Pedestrian Committee's recommendation of requiring a sidewalk. Commissioner Hyde- Bordenave stated it would seem like an expenditure the applicant could not afford and there are no other sidewalks on the block. Commissioner Russell stated if there were other sidewalks in the neighborhood where it would provide connectivity he would feel differently, but the requirement seems unnecessary. Commissioner Russell commented there was no opposition from neighbors to this request.

Commissioner Beggs stated his biggest concern was the impact to the neighborhood but considering there is a church across the street and neighbors were notified he has no problem with the application.

Chairman Huisman stated she would not recommend the applicant provide a sidewalk, and based on the record and testimony which revealed no problem with noise, parking, or increased traffic exists; and finding there is no opposition from neighbors and that there is a need for this business, she would recommend approval. Chairman Huisman reminded the Commission the applicant is in agreement with staff recommendations.

**Motion:**

Commissioner Hyde-Bordenave moved and Commissioner Russell second the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, approve the request by Gabrielle Easton for a Conditional Use Permit to operate a Day Care Facility in the Residential Multi-Family (RM) zone at 816 Jefferson Street, described as Lots 1,2,3, and the West 5 feet of Lot 4, Less the North 80 feet thereof, Block 15, Farmins 6th Addition to Sandpoint, Section 15, 57 North, 2W BM.

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 Permit is consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

The approval is subject to the following conditions:

1. The total occupant load shall be limited to twenty-two (22) occupants, including staff, due to requirements by the Idaho Department of Health and Welfare and the International Building Code.
2. The applicant shall provide a copy to the City of Sandpoint of a Day Care Facility License.
3. The applicant shall obtain a Sandpoint business license
4. Any signage will require a separate permit and shall conform to the City's Sign Code requirements.

**Motion passes unanimously.**

**Discussion of Sign Code:**

Qualls explained the changes made by staff since the last meeting and clarified staff is looking for the Planning Commission's approval for some of the draft language in the Cedar Street Bridge Overlay and the new Banner Provisions.

Qualls pointed out a limited of 25 feet was put on building name letters. Chairman Huisman inquired how that number was reached. Grimm stated he picked the number to just have some limit. Commission Russell stated the height of the lettering should be discussed.

Cedar Street Bridge:

Qualls stated last meeting the Commission briefly discussed signage and whether to allow individual business signs or just allow use signs. Qualls explained the changes and additions to the language.

*Use of Flags on the Bridge:*

Commissioner Beggs stated creating the overlay is a massive perk and would like to see the owner proposed something which is beautiful, creative, artistic, historic and matches the Comprehensive Plan. Qualls stated the owner has had discussions with staff and would like to have flags. Qualls advised the Commission the draft code still goes to public hearing. Commissioner Beggs wondered if there is a better way to represent the businesses instead of temporary signage like a flag. Qualls stated the owner would probably like to have individual business names or logos on the flags, but sees allowing flags which state uses inside the bridge as a compromise.

*North side of Bridge:*

The Commission discussed the North Side of the bridge and letter sizing. Commissioner Beggs stated the lettering and signage shown in the renderings is nice and cohesive. Commissioner Hyde-Bordenave agreed and stated public market signs are clean and compared to individual signage all over the building. Qualls stated the rendering does not equate to any particular square footage, and is only shown for aesthetics.

Commissioner Russell stated at the last meeting Bond had proposed the sign over the west entrance be excluded from signage and is that proposed in the draft code. Qualls stated building name signs would be exempt. Commissioner Riggs inquired if the provision allows public market signs to be exempted. Qualls stated the building name and public market signs could be exempt.

*Flag discussion continued:*

Commissioner Hyde-Bordenave stated she would like to prohibit flags on Cedar Street and only allow them with generic use signage on the south side of the Bridge. Commissioner Beggs stated he would be opposed to flags at this time until he has more feedback and some solid proposals. Commissioner Beggs stated the proposed overlay language already allows for massive lit signage. Commissioner Riggs clarified the rendering showing the use of flags on the front of the Bridge does not exist currently.

Commissioner Beggs stated when it comes to signage which is temporary in nature such as flags, there should be more standards than normal signage because they very quickly have the potential to become an eyesore and create clutter. Qualls advised the Commission the draft language has size, number, color and style provisions for flags on the Bridge.

Steve Furin commented that flags are temporary and Super 1 has to replace the American flag twice a year. He stated the weather is harsh on flags and banners and who is going to keep them maintained. He stated on a non windy day the flags will not do the businesses any good.

Chairman Huisman stated allowing flags to give businesses more options appeals to her. Commissioner Russell stated the sign on the West entrance is very nice and serves the purpose and does not think a huge public market sign needs to be there, but the tenants could be well served by a directory sign with individual signs. Commissioner Russell stated something on the North side would be well served, and one on the east entrance as well. Commissioner Russell stated he does not think the flags would be an effective advertising tool. Qualls stated he has provided language which would allow for a directory type sign on the Cedar Street frontage.

Commissioner Riggs stated he likes the big public market sign on the east end, and does not think it is necessary to have flags on the south side. Commissioner Riggs stated he is not in favor of the individual signage on the North side of the Bridge and clarified the 150 square feet of signage allowed on Cedar would be for a directory sign. Commissioner Riggs inquired if the neon signs in the windows would be a part of the 150 square feet allocated.

**The Commission agreed to have the draft overlay allow the large public market signs, 150 square feet of signage for directory signage on Cedar Street, no individual business signage on the Bridge, and no flags.**

Banner signs:

Qualls explained the draft language which would allow for larger banners based on square footage or linear frontage.

Commissioner Beggs stated the façade height may dictate how the larger banners look.

Commissioner Hyde-Bordenave inquired what standard is used now for calculating signage. Qualls stated linear frontage is used to calculate signage.

The Commission discussed frontage lengths for different businesses in town.

Qualls clarified this would change the banner permit to size of building, not be a special event permit.

Commissioner Beggs inquired if restrictions can be placed on the banner use. Commissioner Beggs stated the whole conversation was started because Super 1 has a one day sale every month. Commissioner Beggs inquired why the City would not restrict the larger banners to just one day a month. Grimm explained the challenges with enforcement. Commissioner Beggs stated the restriction should still be in the code so businesses do not just have a 300 square foot banner up all year. Chairman Huisman stated she is concerned the businesses which would benefit the most are not built as the new code requires.

Commissioner Beggs stated he is not one to be in favor for temporary signage, but the building is huge and to only use the banner one day a month does not seem excessive. Commissioner Hyde-Bordenave stated Furin testified he loses about \$126,000 a year when the banner is not used.

The Commission discussed costs and enforcement issues.

Commissioner Riggs clarified the square footage or linear frontage would be for each business not building. Commissioner Russell stated the Bridge itself would be allowed a big banner. Commissioner Beggs clarified the Overlay for the Bridge may not allow for banners.

Commissioner Riggs stated using square footage has a lot of headaches potentially and using linear frontage would be easier to enforce. Commissioner Riggs stated if the real issue is to allow a couple of supermarkets to have large banners, then maybe have the criteria for a large banner be a large frontage. Qualls stated the breakdown was initially to provide some equality for businesses. Commissioner Beggs stated he was not clear that this would allow larger banners all over town and personally would be in favor of an exception for just larger buildings. Chairman Huisman stated these buildings chose to build back from the street.

Commissioner Hyde-Bordenave stated she agrees with allowing larger banners for a frontage over 200 feet.

Furin stated the 12 square foot banner is more conducive to bike or walking traffic, whereas he has 15 -17 thousand customers a day.

The Commission again discussed various business frontages. Grimm stated the code could be written so building square footage is staggered enough to be equitable and allow for appropriately scaled banners on larger buildings.

Commissioner Beggs stated he would only approve of this amendment if the provision included a time limit. He stated he understands enforcement is an issue, but could not possibly be in favor of unlimited use of a banner for these sizes year round.

Commissioner Riggs inquired if staff can come up with language that would allow some of the larger buildings to have large banners but not make it wide open for the rest of the city. Grimm stated staff may be able to come up with a chart which works.

Commissioner Beggs suggested making the applicants buy a permit each time the banner is to be utilized and having a time limit on use per month. Grimm stated that would make enforcement easier.

The Commission discussed any business with more than 200 linear feet or 30,000 square feet may have a larger banner with time restrictions of one day per month and a permit cost each time the banner is displayed. Commissioner Russell stated he is not sure about limiting larger banners to just large businesses. Qualls stated he can restructure the chart where other businesses may have an opportunity but the same time and permit restrictions apply.

Commissioner Riggs suggested creating criteria based on setback. **The Commission agreed to add the criteria of setback over 50 feet for large banners in conjunction with size and restrict to one day a month with a special permit fee for each use.**

**The Commission instructed staff to make the changes and set the draft code for public hearing on the second meeting in January.**

**Matters from Staff:**

**ADJOURNMENT:**

The meeting adjourned at 7:40 p.m.

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Chairman Huisman