

# McCALL AREA PLANNING AND ZONING COMMISSION

## Minutes

August 5, 2008–6:00 p.m.  
McCall City Hall – Lower Level  
216 East Park Street, McCall, ID 83638

### COMMISSION MEETING – Begins at 6:00 p.m.

#### 1. CALL TO ORDER AND ROLL CALL

Chairman Youde, and Commissioners Feinberg, Riceci, Apperson, Russell, and Jeffries were present.

#### 2. REVIEW & APPROVAL OF MINUTES

Commissioner Apperson moved to approve the July 1, 2008 Minutes. Commissioner Feinberg seconded the motion. The motion carried.

#### 3. PRE-APPLICATION MEETINGS

No pre-application meetings were scheduled.

#### 4. CONSENT AGENDA

Commissioner Riceci requested that DR-08-35 be removed from the Consent Agenda for separate consideration.

Commissioner Apperson moved to approve ROS-08-07 and DR-08-38 with the conditions in the associated staff reports. Commissioner Riceci seconded the motion. The motion carried.

#### **DR-08-35**

*D-Works*

*401 S. Mission Street*

Commissioner Riceci noted a couple issues: 1) Regarding condition #1, the requirement that the applicant address outstanding code enforcement should be accompanied by the McCall Police Department code enforcement letter; 2) The applicant should be required to provide a letter from the Fire Department stating that a walk-through has been completed and that approval has been granted.

Chairman Youde noted that the first condition of approval should be removed because code enforcement action at a separate property, with a separate property owner, should not be tied to a Design Review approval on a new property with a different owner.

Commissioner Feinberg and Jeffries noted that condition #7 should not be included in the conditions and that, in the future, conditions of approval for applications on the consent agenda should not have question marks.

Commissioner Riceci moved to approved DR-08-35 with conditions of approval #2-6 from the presented staff report, an additional 6<sup>th</sup> condition requiring a letter from the Fire Department stating a walk-through has indicated code compliance, and the conditions properly renumbered. Commissioner Feinberg seconded the motion. The motion carried.

## **5. OLD BUSINESS**

### **ZON-07-03**

*101 E. Lake Street  
Crystal Beach Condominiums*

Staff provided a background of the project, specifically why the application was reappearing before the Commission. Staff explained that uncertainty regarding the Idaho Transportation Department (ITD) Mission Street turn-lane project during the previous consideration of the application, at the Council level, had caused staff, at that time, to recommend that the application be remanded back to the Commission. Staff explained the ITD project was still uncertain and that the conditions of approval and development agreement had been re-written to reflect this.

The Commission discussed the features and purpose of the application, specifically that the application was removing an instance of "spot zoning".

Commissioner Riceci recused himself.

Chairman Youde moved to recommend ZON-07-03 for approval by the City Council with the associated Findings and Conclusions. Commissioner Feinberg seconded the motion. The motion carried.

## **6. NEW BUSINESS**

### **DR-08-32, SR-08-03**

*Art Roberts Park  
215 East Lake Street*

Mr. Heasley, Parks and Recreation Director, presented a back-history of the project (see history provided in application). Mr. Heasley also presented a basic description of the project.

Mr. Clarke, Chair of the Parks and Recreation Advisory Committee, presented an overview of public comment on the project and the unanimous business support of the project.

Mr. Heasley noted that legal consent to erect a bathroom had been secured from the company that had granted the land for Art Roberts Park. Mr. Heasley also presented, in response to a request from the Commission based upon potential contamination from past gas station, the results of a soil sample in the location of the proposed restroom.

Staff noted that written public comment, contained in the Commissioner's packets, had been received from the following individuals: Pat Zak, Peggy Whitescarver, Sue Rost, Bobbie Meader, Michael Anderson, Meg Logek, and Joe Dague.

Chairman Youde opened the public hearing.

Jenny Ruemmele, Park and Recreation Advisory Committee. Ms. Ruemmele noted that a "port-a-potty" is a temporary, and unsatisfactory solution especially difficult to bring small children, and associated gear, away from the park to use a restroom elsewhere.

Monica Trapp. Parks and Recreation Department. Ms. Trapp noted that the park has been generating a large amount of traffic and that the restroom would provide a solution and reduce the burden on downtown businesses.

Dan Krahn. 211 East Lake Street. Mr. Krahn noted that Epikos has done a nice job with aesthetics in the design of the project, but noted that as the project, and concrete slab, are opened up for work, there will need to be ongoing discussions to address any potential situations that might arise. Mr. Krahn also noted that the new restroom would reduce the burden on local business owners.

Chairman Youde, hearing no further comment, closed the public hearing.

The Commission and the applicant discussed the issue of building setbacks and how the Civic Zone requirements differed from the Central Business District setbacks. Both sides agreed that the current proposal was marginally encroaching on the Civic Zone setbacks, but that the minor changes necessary to meet the setback would be required by the building permit process and the details of the alteration could be handled at that point.

Commissioner Feinberg moved to approve DR-08-32 and SR-08-03 with the associated conditions of approval. Commissioner Russell seconded the motion. Judy Maguire of the McCall Improvement Committee (MIC) provided an explanation of the funding available for the project, specifically the landscaping, as well that the MIC's stance on the project and an overview of the improvements. Commissioner Jeffries commented on the orientation of the seating and that it seemed that currently the orientation was towards the bathroom. Mr. Heasley noted that the benches were moveable and that they could be reoriented depending on usage. The motion carried, with Chairman Youde abstaining.

#### **SUB-08-04, PUD-08-03, CUP-08-05, SR-08-04**

*Grand Payette Hotel  
149 E. Lake Street*

Bob Hunt provided an introduction for the project, noting his past proposals, ownership history, and general attributes of the project (retail, restaurant/bar, etc.) and that the proposal did not include any dock expansion at this time.

Wayne Ruemmele provided a broad, over-arching visual project overview with a PowerPoint presentation, including building elevations, ownership structure, function, circulation, intersection design, lakefront design, utilities, stormwater, etc.

Steve Millemann discussed the process and current application status within the approval process. He stated that the details of the current application materials are appropriate for the preliminary plat phase of the process. He noted further that the applicant is working frequently and closely with staff to refine materials. Mr. Millemann discussed the parking issue and the applicant's current proposal, Code requirements, potential solutions, and a belief that the Code's requirement is inappropriate and, as a general policy, will stifle downtown development. Mr. Millemann indicated that the applicant is willing to work with the City to develop a solution.

Mr. Millemann noted that the project is a Planned Unit Development that requires amenities. He explained that the restaurant/bar, exercise room/pool, and limited access to the waterfront are the amenities provided to meet the code. Mr. Millemann further explained that there would be no improvements in the 50' setback that would conflict with the Shoreline Zone requirement (the proposed hot tube has been removed from the plans). Lastly, Mr. Millemann explained the condominium-hotel ownership scheme that allowed Mr. Hunt to have many co-investors, while still allowing the facility to operate as a hotel (aside from the times when condominium owners blocked out the usage of their units).

Staff briefly recapped the presented staff report, noting that the parking issue and intersection designs will be moving forward with staff/applicant negotiations and discussions. Staff noted that the recommendation was for continuation because materials had arrived at a late date, the Commission should not be rushed to act on a large project in a short time, and staff would appreciate any Commission guidance prior to the next hearing.

Chairman Youde opened the public hearing for the applications.

Bill Weida representing the Watershed Advisory Group. Mr. Weida noted that the WAG's comments have been submitted in writing. Mr. Weida further noted some of the troubling characteristics with the project, specifically run-off during construction, the fact that the project is being built so close to the lake, and that a vacant lot being replaced with an impervious surface. Mr. Weida also noted that the main concerns of the WAG, in regard to the channeling of all run-off into a single pipe, are pathogens, chemical pollutants, petro-chemical pollutants, and others substances which, in this proposal, are to be routed directly into the lake immediately upstream of the town's drinking supply. Mr. Weida further explained that mechanical separators, the only source of filtration proposed by the applicant, do not serve as an adequate filter for all or any of the aforementioned substances, rather these separators filter large particles which some substances may incidentally adhere to. Mr. Weida stated that the WAG wanted the applicant to filter their run-off through vegetative barriers. Mr. Weida further explained that McCall contains an asphalt plant and a concrete plant, which lead to the deposition and bio-accumulation of nickel and chromium 6, especially in the snow in the winter. And given that the project proposes to melt all snow on-site and placed into a single, point source in the lake, the accumulation and concentration of these heavy metals is of serious concern, especially in proximity to the intake for the town's water supply.

Shorty Clarke. Parks and Recreation Advisory Committee. Mr. Clarke requested a determination as to whether or not the application was required to make a park contribution.

Marilyn Bailey. Historic Preservation Committee. Ms. Bailey raised concern over the Carl Brown Cabin to the west of the subject property and requested that the applicant look into any relevant requirements or codes that could impact the potential design of the project. Ms. Bailey was also concerned with the cabin being dominated and overshadowed by a large adjacent building.

Ray Dupree, McCall. Suggested that the applicant and staff refer to Poulsbo, WA to improve the stormwater system for his project. Mr. Dupree noted that Mr. Hunt has a track record of doing things the right way.

Diane Evans-Mack, 230 Buckcamp Lane. Ms. Evans-Mack thanked Mr. Weida for his comments. She also referenced the Comprehensive Plan, its reference to the lake as the "Crown Jewel", and the associated need to protect the water quality. Ms. Evans-Mack also expressed alarm that the applicant's current proposal consists of less than half of the required parking spaces and that this is fundamentally deficient, not just a "shortfall". She also requested that the Commission continue the public hearing.

L. Malone, current tenant of the Yacht Club Building. Mr. Malone noted that the Yacht Club entertains approximately 300-600 people every weekend and thought that this should be considered against the 23 condominium units proposed in the project, especially in a town that is based around tourism and entertaining people.

Dan Krahn, 211 East Park Street. Mr. Krahn expressed significant concern with the parking situation, especially given that he experiences the overflow of adjacent business' parking into his lots. Mr. Krahn noted that surface parking is not a long-term solution to the downtown parking solution. Mr. Krahn also commented on the stormwater system in place on his property and Art Roberts Park.

Hearing no further comment, Chairman Youde stopped the public comment for the current meeting, but left it open for continuation at future meetings.

Mr. Millemann, responding to a question, explained that the phasing plan for the project would allow all current tenants of the Yacht Club building to run their course. He also explained that approval of present application was required for Mr. Hunt to have an option purchase agreement on one half of the property. Mr. Millemann also noted that he thought the engineering (and other) plans, were of appropriate detail and completeness given the preliminary nature of the application (i.e. preliminary plat and preliminary plan).

Mr. Millemann offered to have a meeting with WAG in which they'd be willing to share all data and information regarding stormwater.

Staff noted that the applicant had been asked to provide a formal statement regarding their eligibility for the parks requirement.

Commissioner Apperson expressed thoughts that the 50' setback was too full of improvements and developments. She also requested to see all of the agency comments for the project, a parks requirement plan, more info about the historical building. Commissioner Apperson also strongly disagreed with the fact that preliminary plan and plat applications beget preliminary information. She also raised concern over the parking issue.

Commissioner Russell noted that the intersection design would be important to the approval given that it is already a dangerous area.

Commissioner Riceci agreed with all of Commissioners Apperson and Russell's comments and added the following comments: He wanted to see all of the agency

comments; he wanted to review a recorded commitment for public access commitment; he wanted to know what smart growth principles (mentioned in the presentation) were present in the design; he wanted to know more about the underground parking; he wanted more details on the development in the 50' setback; he wanted to see the full Kittleson report (more than just the due diligence memo); he wanted to see that the applicant had addressed the WAG comments; he wanted more information on nickel and chromium 6; he wanted to see more information about the existing easement and the proposed resolution/relocation of these and he wanted information on the historical building and potential regulations that would impact the proposal.

Commissioner Feinberg noted that the parking study needs to be completed and needs to factor into the ultimate parking plan to satisfy the Code. He also inquired as to the existence and viability of other forms – than mechanical – of stormwater treatment, and though that Poulsbo, WA should be investigated. Commissioner Feinberg also noted that perhaps a dock plan should be incorporated into the project since a dock expansion would be inevitable in the future and because the application is on Commercial property and thus requires a Conditional Use Permit. Lastly, he noted that there should be a boardwalk master plan which this project should tie into.

Chairman Youde moved to continue SUB-08-04, PUD-008-03, CUP-08-05, and SR-08-04 to a special meeting on August 19, 2008. Commissioner Riceci seconded the motion. Mr. Millemann provided a brief recap of the project. The motion carried.

Commissioner Jeffries cautioned against holding up Mr. Hunt's project over larger issues, such as parking and stormwater, whose larger, city-wide plans may not come until much further in the future.

#### **CA-08-04**

##### *Text Amendment to definition of professional office*

Bob Crawford noted that he was requesting a change to the City Code in order to allow professional offices in the downtown area. He noted that real estate offices rely upon walk-in traffic, like other retail businesses. He further explained that some real estate offices are already in the Central Business District, under grandfathering, and that this created an unfair locational advantage to those businesses.

The Commission referenced the Comprehensive Plan, and staff referenced the long-term horizon of planning, in explaining the limitation of professional offices in the CBD as a part of the Code. Both the Commission and staff noted that the Code was created as a part of a public process.

Commissioner Feinberg noted the opposite sides to the issues (stagnant current economic conditions vs. planning issues and public process that created the existing code).

The Commission asked for various clarifications on the allowance or prohibition of professional offices in the Central Business District.

Commissioner Jeffries noted that the applicant was approaching the issue from a stance of trying to change the code to allow the applicant's desired outcome, rather

than reorienting the applicant's approach to work within the existing code. He expressed reluctance to change the code.

Chairman Youde opened the public hearing.

Michael Olseo, The Crawford Company. Mr. Olseo echoed Mr. Crawford's perspective and noted that real estate offices operate differently than other professional offices.

Dan Krahn, 211 East Lake Street. Mr. Krahn reference the public process that created code restricting professional offices in the CBD and recalled that it was a reaction to the economic conditions at the time and that it didn't make sense to rebuff the applicant's request on the basis that it is a reaction. Mr. Krahn noted that singling out a single profession doesn't make sense, and that perhaps a percentage allocation would be a way to allow some real estate offices.

Hearing no further comments, Chairman Youde closed the public hearing.

Mr. Crawford noted that the development of Alpine Village will ? available commercial space.

Staff clarified the grandfathering of professional offices as well as the applicable non-conforming use allowances of the code.

Commissioner Apperson moved to deny CA-08-04 based upon insufficient reason and rationale to update the Code. Commissioner Riceci seconded the motion. The motion carried, with Commissioner Feinberg abstaining.

**7. OTHER**  
**DR-07-13**

*Timber Lodge Hotel*  
*204 N. 3rd Street*

&

**CUP-07-09**

*Holiday Inn Hunt Lodge Expansion*  
*210 N. 3rd Street*

Staff noted that the applicant had asked for a continuation, in order to double check extension request dates. Staff noted that the applicant would be present at the August 19<sup>th</sup> special meeting and the extension request could be handled then.

Staff noted that the extension request code requirement was for the complete resubmission of materials and a full public hearing process.

Chairman Youde moved to continue the extension request for DR-07-13 and CUP-07-09 until the August 19<sup>th</sup> special meeting. Commissioner Jeffries seconded the motion. The motion carried, with Commissioner Riceci abstaining.

**PUD-06-03, SUB-06-07**

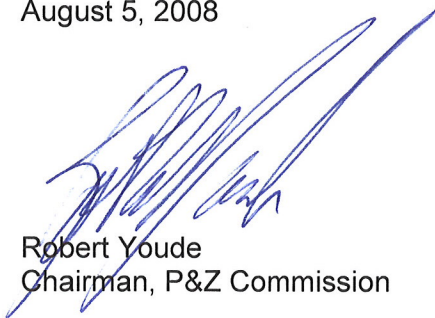
*Alpine Village Company*

Commissioner Feinberg moved to approve the updated phasing plan request. Commissioner Jeffries seconded the motion. The motion carried, with Commissioner Riceci abstaining.

**8. ADJOURNMENT**


Chairman Youde moved to adjourn the meeting. The Commission seconded the motion. The motion carried. The meeting was adjourned at 9:15 p.m.

August 5, 2008



Robert Youde  
Chairman, P&Z Commission

Attest:



Bradley Kraushaar  
City Planner, City of McCall