

McCALL AREA PLANNING AND ZONING COMMISSION

Minutes

September 9, 2008–6:00 p.m.
McCall City Hall – Lower Level
216 East Park Street, McCall, ID 83638

1. CALL TO ORDER AND ROLL CALL

Staff conducted roll call. Commissioners Feinberg, Russell, Jessup and Chairman Youde were present. Chairman Youde called the meeting to order at 6:05 p.m.

Chairman Youde noted Commissioner Jeffries resignation from the Commissioner and informed the public of the now-vacant position.

Chairman Youde also noted that he and Commissioner Russell listened to the August 19, 2008 meeting minutes to become eligible to vote at the current meeting.

2. REVIEW & APPROVAL OF MINUTES

Youde moved to approve August 5, 2008 meeting minutes. Commissioner Jessup seconded the motion. The motion passed. Commissioner Jessup moved to approve the August 19, 2008 meeting minutes. Commissioner Feinberg seconded the motion. The motion carried.

3. PRE-APPLICATION MEETINGS

Pete Wessel, City Staff, presented simultaneously on behalf of the City for both Conditional Use Permit pre-application meetings. Mr. Wessel noted that both pre-applications were for names changes: one to change Floyde Street to Woodlands Drive, the other from Saari Drive to Brady Drive. Mr. Wessel explained that the change to Woodlands Drive was warranted by the inconvenience, confusion, and potential emergency response issue associated with two different roads being named Floyde Street within City limits. Mr. Wessel noted that adjacent residents were provided a survey to choose the new name for Floyde Street, and Woodlands Drive was the most popular response. Commissioner Youde noted that geographically aligned, but not continuous roads, should consider keeping the same name in case future development connects the non-continuous sections. The Commission discussed naming standards and practices.

Mr. Wessel explained that the change to Brady Drive was due to the fact that the name Saari Drive is a homonym, which is confusing in emergency situations, that the road does not significantly change direction with the name change, and the address numbers run continuously from Saari Drive into Brady Drive. Mr. Wessel explained that the extension of the name Brady Drive to, what is now, Saari Drive was not voted on by adjacent residents, but that all individuals would be notified through the Conditional Use Permit application process.

Staff noted that perhaps the CUP process was not appropriate for changing street names and

4. CONSENT AGENDA

Staff provided a brief update on three consent agenda items: the plans for DR-08-40 were updated to remove a daylight basement from the storage shed, and the shed had been moved further away from the lake; the plans for DR-08-43 had been amended to include a staff approved sign; and the plans for DR-08-46 were late arriving (to give the applicant time to

establish vegetation this season), but represent the most current thinking by Epikos and staff on the parking lot design.

Commissioner Jessup requested to pull ROS-08-08 from the consent agenda. Commissioner Youde requested to pull DR-08-44 and DR-08-46 from the consent agenda.

Commissioner Feinberg moved to approve DR-08-39, DR-08-40, DR-08-42, DR-08-43, DR-08-45, and ROS-08-08 subject to the presented staff reports and conditions of approval. Commissioners Jessup and Russell seconded the motion. The motion carried.

ROS-08-08

*501 W. Lake Street
Whitetail Resort*

John Sabala representing Whitetail Resort: A Record of Survey application to revise the lot line between 501 W. Lake Street and the parcel at 1101 Warren Wagon Rd.

Commissioner Jessup inquired about the outstanding comments from various agencies. Staff explained that the comments were technical, not substantive, and would be captured in the presented conditions of approval.

Commissioner Feinberg motioned to approve ROS-08-08 with the presented staff report and conditions of approval. Commissioner Jessup seconded the motion. The motion carried.

DR-08-44

*307 Park Street
CornerStone Dental*

Rocky Mountain Signs representing CornerStone Dental: A Design Review application for a new business sign.

Commissioner Youde expressed concern over the original approval of 2nd floor residential and the current use as commercial. Commissioner Feinberg noted that there may not necessarily be a code limiting commercial on the second floor, or for someone to deviate from their initial approval.

The Commission noted that the design of the sign was aesthetically appealing, in and of itself, but that the location and the precedent were undesirable, especially in addition to the multi-tenant monument sign approved with the original building design.

Commissioner Jessup moved to deny DR-08-44 on grounds that a multi-tenant sign has already been approved and the potential precedent that would be set. Commissioner Russell seconded the motion. The motion carried 3-0, with Chairman Youde abstaining.

DR-08-46

Urban Renewal Parking Lot

Walter Eisenstein representing the Urban Renewal Agency: A Design Review application for the development of the parking lot east of Mill Street and behind Gravity Sports.

Commission Youde commented, that based on observation the number of presented boat parking spaces would not completely meet demand. He also inquired if the City allowed City-sanctioned boat-rental vendors to park their trailers on the parking lot.

Staff explained the characteristics of the parking design, including vegetative buffers, circulation, and future adaptability. Staff further explained the late submission and processing of the application was intended to allow the applicant to start planting before the winter. Staff also explained the history of the project and its evolution.

The Commission inquired about potential parking restrictions such as day-use and/or parking meters.

Commissioner Youde noted that it was curious that the Urban Renewal Agency and the City had not worked together so that the final design was approved prior to installation.

Feinberg moved to approve DR-08-46 and recommended that staff consider signage restricting use to daytime. Commissioner Jessup seconded the motion. The motion carried.

5. OLD BUSINESS

DR-08-07 (continued from July 1, 2008 Planning & Zoning meeting)
317 E. Lake Street
McCall Mall

Steve Millemann representing Vicki Wade: A Design Review application for a trash enclosure plan at the McCall Mall.

Mr. Millemann gave an overview of project's history and past meetings, including past plans regarding the lower enclosure, the upper enclosure, encroachment on and licensing of City property, and easements. Mr. Millemann noted the general aspects of the current plan contain only an upper enclosure, with a license to use City property until the building is torn down, a pathway easement to connect Legacy Park to the subject property, and separate agreements between the applicant and both the City and the Urban Renewal Agency. Mr. Millemann noted that continuation would allow the development of the draft agreements to proceed.

Commissioner Feinberg moved to continue DR-08-07 to the October 7, 2008 meeting. Commissioner Russell seconded the motion. The motion carried.

SUB-08-04, PUD-08-03, CUP-08-05, SR-08-04
Grand Payette Hotel
149 E. Lake Street

Steven J. Millemann representing Robert A. Hunt: A Preliminary Plat, Preliminary Plan, Conditional Use Permit, and Scenic Route applications were submitted for a mixed-use condominium-hotel containing 23 units with retail and commercial space.

Staff provided an overview of parking memo that was distributed to the Commission (see attached document).

Commissioner Youde inquired as to when the Commission would next consider this project. Staff explained it would come before the Commission for Final Plat and Final Plan applications.

Mr. Millemann briefly responded to the contents of the memo.

Commissioner Youde re-opened public hearing for the applications.

Dan Krahn, 211 East Lake Street, urged the city to look at long-term parking solutions in the resolution of the parking issue. He strongly urged the City to not use surface parking, as it is a short-term, unsatisfactory solution.

Rick Fereday, 315 Burns Lane, noted that he was concerned with parking and that he has seen the City repeatedly ignore its own ordinances in terms of requiring applicants to meet the required number of off-street parking spaces. Mr. Fereday noted that he is strongly opposed, not to the hotel project itself, but to city lot being used for anything other than public parking.

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

Mr. Millemann responded, noting that the proposal did not ask the City to ignore its own ordinances and that the current proposal does not ask for part of the public lot to become private.

Commissioner Jessup inquired about Mr. Lojek's letter stating that the applicant was in violation of the option purchase agreement. Mr. Millemann responded that he was confident his client and the application would not violate the agreement.

Commissioner Youde questioned the appropriate process timing to include staging and construction plan requirements. Staff explained that such conditions of approval are typically a part of a building permit application process, but that with more complex situations they can be incorporated into a development agreement or Final Plat approval.

Commissioner Feinberg moved to approve SUB-08-04 subject to the presented findings and conclusions, with the modification that the parking study be incorporated into the resolution of the outstanding parking issue. Commissioner Russell seconded the motion. Commissioner Jessup asked if Commissioner Apperson's comments had been included in the current version of the findings and conclusions. Staff responded that they had been included. The Commission asked further clarifying questions on the findings and conclusions. Commissioner Youde noted serious concern over the ultimate intersection design. The motion carried.

Commissioner Feinberg moved to approve PUD-08-03 with the associated Findings and Conclusions. Commissioner Russell seconded the motion. Commissioner Youde asked clarifying questions about the provision for underground parking feasibility information. The motion carried.

Commissioner Feinberg moved to approve CUP-08-05 with the associated Findings and Conclusions. Commissioner Russell seconded the motion. The motion carried.

6. NEW BUSINESS

DR-08-41

901 Wagon Wheel Road

Secesh Engineering, Inc. representing Doug and Tracy McMaster: A Design Review application for the replacement of existing lakefront landscaping, retaining walls and storm water management system.

Staff presented a history of interactions with the applicant, well as the timeline of events, including application submission deadlines, dates of administrative determinations, etc. Staff explained that the current concern was the lack of compliance with the pathway width code section, but that, out of a desire for consistency due to changing code interpretations, staff was not pursuing compliance with retaining wall standards.

Jim Fronk, of Secesh Engineering, Inc., provided a timeline of the project and explained that the work was primarily to replace existing walls with sturdier materials. Mr. Fronk noted that it was the applicant's stance that Design Review was not necessary, but that they were applying voluntarily.

Mr. Fronk explained a photographic exhibit to the Commission.

Chairman Youde questioned if the project had been designed by an engineer or designed by the installers. Mr. Fronk noted that the engineering plans were as-built plans, and that the applicant had developed his own design.

Mr. McMaster discussed his qualifications, experience, and a timeline of the project.

Chairman Youde opened the public hearing on the project.

Philip Yribar, 2280 Payette Drive, noted that he was the realtor that sold the property to the McMasters and provided a back history of the lot, including an explanation of previous landscaping work to prevent shoreline erosion. Mr. Yribar expressed that he thought the applicant had done nothing but improve and protect the property, especially from erosion.

Bill Weida, Watershed Advisory Group (WAG), commented on the timeline of the project. He commented that without citizen awareness code infractions, such as with the McMasters, would never be reported, and that the Commission needs to support the actions of aware citizens. He further explained that the WAG does not care about water going into the lake, rather that the WAG is concerned with nutrients and pollutants entering the lake, and requested that future lakefront application that do not specifically address nutrients and pollutants be returned as incomplete.

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

Mr. Fronk noted that the applicant did not require any permit(s) from the Idaho Department of Land and agreed to disagree with WAG comments about the design of the potential system and its ability to filter nutrients and pollutants.

Steve Millemann noted that the code contained conflicting pathway-width code sections. Staff clarified that MCC 3.1.05 addressed this conflict and that the more restrictive standard applies.

Tracy McMaster discussed the softscaping, specifically the decisions to vegetate the landscaped area with natural species.

Chairman Youde inquired if the Environmental Protection Agency or the Idaho Department of Environmental Quality had, at any point, been involved with this application. Staff noted that those agencies had not been involved.

Commissioner Russell asked for staff thoughts on the application. Staff reiterated that the present concern was compliance with the pathway width code requirement, but not the retaining wall code requirement, for reasons of fairness and consistency.

Commissioner Feinberg moved to approve the applicant, with the condition that the applicant either come into compliance with the code through either the variance process or the modification of pathway. Commissioner Jessup seconded the motion. Chairman Youde offered the following substitute motion:

- A. The project as designed and constructed was performed in good faith by the applicant/owner as general contractor.
- B. The project does not conform with certain MCC provisions which would have applied had a property DR application been filed timely.
- C. The softscaping features of the landscaping are basically approvable and within the aesthetic standards of Design Review.
- D. The seven foot wide concrete maintenance pathway is not consistent with MCC and DR standards, and is not approvable and is not approved in this DR.
- E. The applicant has the options of reducing the concrete pathway in width to forty nine (49) inches per MCC within 60 days and then receiving a letter of approval from McCall City staff following inspection by the city building inspector or city engineer, or filing within 30 days, an application for a VAR (Variance) to achieve approval.

Commissioner Jessup seconded the substitute motion. The substitute motion carried.

SUB-08-05

*Spring Mountain Boulevard
Spring Mountain Ranch Phase #5*

Secesh Engineering, Inc. representing Three G Company and Robert Y. Kopf, Jr.:
A subdivision Preliminary Plat application submitted for Phase 5 of the Spring Mountain Ranch Planned Unit Development consisting of 26 residential lots on 11.45 acres.

Gregg Tankersley, Secesh Engineering, Inc., and Amy Pemberton, MPMP Law, presented a brief overview of the project.

Youde opened public comment.

Darwin Chaffin, 1009 Penstimon Lane, asked a question about the wetlands shown on proposed Lots 2-3, and how water flow issues were going to be addressed.

Staff read Brandee and Cliff Tenley's written public comment into the record (see attached letter). Staff also read Don Bailey's comments into the public record (see attached email).

Chairman Youde, hearing no further comments, close the public hearing.

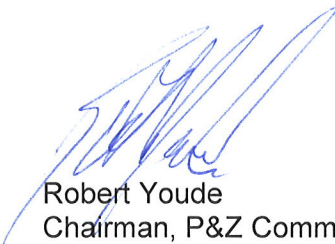
The Commission briefly discussed the Tenley's comments and inquired about the possibility of realigning the eastern end of the proposed road.

The applicant noted some desired changes to the findings and conclusions, specifically language regarding the required road width and parks contribution. Chariman Youde directed the applicant to resolve the issues, and noted that the language would remain. Chairman Youde moved to approve SUB-08-05 subject to the presented staff report and findings and conclusions with the addition of three additions conditions of approval (language to be determined by staff) requiring that the applicant improve the road stub from Bitterroot Drive, work in good faith to realign the road stub per the Tenley's comments, and resolve the potential line-of-sign issue at the western intersection of the proposed road. Commissioner Jessup seconded the motion. The motion Carried.

7. ADJOURNMENT

Hearing four motions to adjourn and four seconds, Chairman Youde adjourned the meeting at 10:00 p.m.

September 9, 2008



Robert Youde
Chairman, P&Z Commission

Attest:



Bradley Kraushaar
City Planner, City of McCall