

McCALL AREA
PLANNING AND ZONING COMMISSION

Minutes

November 3, 2009 – 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

Acting Chairman Apperson called the meeting to order and asked staff to call roll. Acting Chairman Apperson and Commissioners Corder, Spencer, Russell, Betts were present. The City Attorney was also present.

2. REVIEW & APPROVAL OF MINUTES

Acting Chairman Apperson moved to approve the presented minutes for the October 13, 2009 meeting. Commissioner Betts seconded the motion. The motion carried 4-0, with Commissioner Corder abstaining.

Acting Chairman Apperson moved to approve the presented minutes for the October 19, 2009 meeting. Commissioner Russell seconded the motion. The motion carried 4-0, with Commissioner Corder abstaining.

3. PRE-APPLICATION MEETINGS

No Pre-Application presentations were made.

4. CONSENT AGENDA

No applications were present on the consent agenda.

5. OLD BUSINESS

DR-09-07

907 W. Lake Street

Wild River Java & Blue Moose Bistro

Joseph Swinford representing Danielle & Joseph Swinford: A modification of the existing Design Review approval, to accommodate a change to the signage. The property is in the CC zone.

Staff provided a brief introduction behind the amendment to the Design Review application, noting that the approval of the building design would be amended to include the proposed moose statue and that an error in the approval of CUP-09-02 and DR-09-07 would be corrected by altering the applicant's allowable sign square footage to that limit articulated by McCall City Code.

Joseph Swinford described the proposed moose and indicated that he preferred the previously approved sign square footage limit because it was greater than what the amendment would dictate.

The Commission discussed the previous approval and how the applicant could fit the anticipated signage of two menu boards and a monument sign under the lower limit articulated in the amendment. Staff noted that restaurants are allowed fifteen square feet of exempt signage for menus, which could be included in addition to the correct limit of 50 square feet.

Acting Chairman Apperson opened the public hearing. Hearing no comments, Acting Chairman Apperson closed the public hearing.

Commissioner Betts moved to approve the amendment to DR-09-07, with the language "*plus an additional fifteen square feet of signage allowed by MCC 3.9.05.K.*" at the end of the second proposed modification in the presented staff report, and a note of emphasis that the landscaping along the eastern property line should block as much light noise as possible for the adjacent apartment complex. Commissioner Spencer seconded the motion. The motion carried.

6. NEW BUSINESS

CUP-09-06, DR-09-41, SR-09-19

507 N. 3rd Street – Old Town Station

LeGrand Bennett representing Old Town Station: Conditional Use Permit, Design Review, and Scenic Route applications for a new drive-thru window, with roof cover, and a new sign. The property is zoned CC.

Staff provided an introduction to the project, including an explanation of various conditions of approval in the Findings and Conclusions, an overview of the received agency comments, a summary of the staff report, and the authority afforded to the Commission as a part of the Conditional Use Permit application process.

LeGrand Bennett discussed his disagreement with various requirements articulated in the conditions of approval, including the topics of curbs, sidewalks, and gutters, and lighting.

The Commission asked various questions relating to the anticipated duration of a visit to the window, anticipated product offerings, and required alcohol permits. Mr. Bennett indicated that visits were anticipated to be under five minutes, that all of the products in the store would be sold through the window including alcohol.

Acting Chairman Apperson opened the public hearing.

Joseph Swinford noted that he had gone through the permitting process for a drive-thru window and that it was an involved process with many requirements and approvals.

Deana Brewer of 208 Forest Street and the manager of the Old Town Station noted that the anticipated time for window service would be two to three minutes and that extra people are going to be hired to service the window. In response to a question from Commissioner Corder, she indicated that coffee would not be sold from the window.

Hearing no further comments, Acting Chairman Apperson closed the public hearing.

Commissioner Spencer asked why the applicant thought the curb, gutter, and sidewalk requirement to be unrealistic. Mr. Bennett indicated that money was the primary concern, because of the varying elevations along the existing roadway.

The Commission engaged the applicant in discussion about all of the aspects of internal circulation, regarding parking, traffic, access, pedestrians, emissions, location of potential landscaping, and so forth. Staff and the City Attorney noted the linkage between the approval of a Conditional Use Permit based upon access across another property and the potential removal of that access. Commissioner Spencer noted that the site layout seemed unsafe given various conflict points.

Acting Chairman Apperson moved to continue CUP-09-06, DR-09-41, and SR-09-19 to the December 1st meeting to allow time for the applicant to address the issues articulated in the presented conditions of approval. She also noted that conditions #2 should be changed to allow that applicant flexibility in proposing a solution to the curb, sidewalk, gutter requirement that might include a development agreement with financial guarantees. Acting Chairman Apperson further elaborated that condition #13a should be expanded to include language addressing the requirement for a turn lane. Commissioner Corder seconded the motion. The motion carried.

Commissioner Spencer noted that the Commission needed to be consistent in their application of the curb, sidewalk, and gutter requirement for all applicants.

7. OTHER

The Commission discussed, with the City Attorney, the idea of precedence and the impact of past decisions. Commissioner Betts included a written statement indicating his current thinking on the subject (see attached).

The Commission also discussed, with the City Attorney, the Variance process articulated in Title 3, Chapter 13.

Staff provided an update from the Community Development Director (see attached).

8. ADJOURNMENT

Acting Chairman Apperson adjourned the meeting at approximately 8:35 p.m.



Phil Feinberg
Chairman, P&Z Commission



Bradley Kraushaar
City Planner