

**McCALL AREA**  
**PLANNING AND ZONING COMMISSION**

**Minutes**

**December 1, 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**

Commissioner Spencer, Corder, Jessup, Apperson, Betts, Russell and Chairman Feinberg were present. Michelle Groenevelt, Community Development Director, staffed the meeting.

**2. REVIEW & APPROVAL OF MINUTES**

The November 3, 2009 minutes were approved as presented.

**3. PRE-APPLICATION MEETINGS**

**PRE-APPLICATION MEETING (VAC)**

Spruce Street Right-of-Way (between E. Lake Street and Mill Street)

The City of McCall presented a pre-application for the vacation, to itself, of a portion of the Spruce Street ROW to create a separate parcel. The creation of this parcel is the first step in developing Hill Climb Park. Michelle Groenevelt and the Parks & Recreation Director, Dennis Coyle, presented the concept and explained the discussions with the adjacent neighbors. The City would grant two 10' access easements on which no structures can be built and in exchange the neighbors will develop the park. Commissioner Betts asked about lighting in the park.

**PRE-APPLICATION MEETING (ROS)**

1201 Warren Wagon Road

Rod Skiftun presented a pre-application on behalf of Ed Priddy for the rearrangement of existing, non-conforming lots. This project is immediately north of the Manchester's home. Rod showed the plat and existing condition map to the Commissioners. There are 4 parcels with some structures with 220' of lake frontage. Rod explained some of the difficulties related to the Warren Wagon right of way issues.

There is currently one dock and project proposes an additional 2 docks. Rod explained issues with the sewer because the easements take up all the of the ROW width. If the split contains 3 parcels, there is not a problem but 4 parcels will create a 27' wide parcel. No structures will be constructed on sewer easement. Chairman Feinberg was concerned about dock issue and associated congestion.

**4. CONSENT AGENDA**

There were no items on the consent agenda.

**5. OLD BUSINESS**

**DR-09-34**

203 E. Lake Street – Yacht Club Building

No representative was present and the application was moved to the end of the meeting to see if anyone will show up. A representative of the projects never showed up so the meeting application was continued to the January 5, 2010 meeting.

John Barth submitted an application for The Yacht Club by the Lake: A Design Review application for a new 28 sq. ft., wall-mounted, projecting sign. The property is zoned Community Commercial and more particularly described as:

2<sup>nd</sup> Add'n to McCall, Lots 1 & 2, Block 1 AND Tax No. 157 Gov't Lot 4 Section 9, T18N R3E  
**NOT A PUBLIC HEARING**

**PUD-08-03**

Grand Payette Hotel  
149 E. Lake Street

Steven J. Millemann represented Robert A. Hunt: An extension request for Final Plan submission deadline. The request would be to extend the deadlines to November 6, 2010. The property is zoned Central Business District (CBD) and more particularly described as:

Section 9, T 18N, R 3E, Tax #158A-3 and 158B-2 and #295 in Government Lot 4, McCall Acreage, City of McCall, Valley County, Idaho.

**NOT A PUBLIC HEARING**

Steve presented an overview of the Grand Payette project to the new Commissioners and the extended phasing plan. The applicant is requesting an extension until litigation is over (starts May 2010.) Therefore, the applicant is requesting a onetime extension for 1 year. Steve discussed the possibility of submitting an amended phasing plan at a future date if necessary.

Commissioner Apperson made motion to approve the one year extension for PUD-08-03; Commissioner Spencer seconded the motion; the motion carried.

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

507 N. 3<sup>rd</sup> Street – Old Town Station

LeGrand Bennett represented 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 Community Commercial and more particularly described as:

Tax No. 212-C McCall Acreage

**A PUBLIC HEARING (continued from November 9th, 2009)**

Le presented the revised site plan including the revised circulation pattern. Commissioner Spencer asked about the additional landscaping areas that were requested at the last P&Z meeting. Le said the additional landscaping is provided with raised planters but the entire site is impervious. Commissioner Spencer asked about creating specific entry ways with the additional landscaping. Le responded that the entry ways are only indicated by concrete ramps. Commissioner Jessup has asked about the driveway entry and the conflict with the gas pump areas. The applicant did not think this would be a conflict. Commissioner Apperson asked about the narrowing of the entry ways to the 30' driveway. Le brought up the issue of the elevation of the highway 55 as compared to the developed property.

Le had an issue with the sidewalks, curbs and gutters provision and did not think the applicant should be required to build the improvements. He also had an issue with the

lighting condition of approval and stated the snow storage is provided on other lots. The City engineer will provide a letter about the proposed parking.

Woody Woodworth, owner of the property, explained that we would like to add additional services to customers by adding a drive-thru. He stated it is a simple application and does not warrant any additional improvements to the property.

The public hearing was opened.

Kelly Clark, Krahn Lane, is in favor of the drive-thru. He owns the McCall Rental Building across the street.

The public hearing was closed.

Staff presented the staff report and commented on the 12 conditions of the CUP that need to be met in order to grant approval. Commissioner Betts made a comment that economic consideration is not an issue for the P&Z Commission.

Commissioner Jessup was concerned about pollution, traffic circulation and pedestrian safety. She stated if the drive-thru is a successful then there will be additional idling. If a CUP is approved then additional improvements are warranted. Commissioner Apperson concurred with Jessup but thinks the plan is congested and all conditions need to be met. Commissioner Spencer agreed with Apperson and Jessup and said she agreed with the need to meet all the conditions because all requirements are necessary and needed. A left turn lane, according to the adopted street section, is needed for the project.

Commissioner Corder reiterated the condition from the continuance letter that the applicant work on alternatives for sidewalk, curbs, and gutters if they are not willing to install the improvements. The lighting needs to be brought into compliance.

Commissioner Spencer brought up the landscaping issue to create more pervious surface and delineate the ingress and egress.

Commissioner Jessup moves to continue the application to be presented to address the conditions and needs to see ingress and egress delineation if the Commission decisions to defer the improvements. Commissioner Russell seconded the motion; the motion carried.

Chairman Feinberg expressed the importance of seeing the business work but also for the importance for businesses to be attractive which helps the entire community.

#### **DR-09-39**

1960 Warren Wagon Road

Steve Millemann represented Dale Higer: A Design Review application for a new 390 sq. ft. addition to an existing 504 sq. ft. residence. The property is located in the Shoreline Zone, is zoned R4, and more particularly described as:

25' of Lot 10 Payette Lake Cottage Sites in Lot 3, Section 32, T 19N R 3E, Valley County  
**A PUBLIC HEARING (continued from October 19)**

There was a long discussion about this application at the last meeting. The Commissioners visited the site during a special meeting. Steve stated the net square footage of the non-

conforming is decreased. Commissioner Betts researched the previous discussion and looked into the variance issue. He said the applicant went ahead and built the deck (removed and placed) but not extended. Originally, the deck was not under the eaves. Steve responded by saying the variance was not sought, the City Manager sent a letter to the owner, they then appealed the decision to the County Commissioners. The Commissioners had not found that it was not expanded.

There was a discussion between Steve and Betts about the enclosure of the hallway and porch. Jim has an issue with the removal of the some of the roof as it shows that it does not meet the code.

Staff provided information on the City Attorney's opinion and a comment on a previous Design Review application that proposed to convert a non-conforming porch into conditioned living space. The application was denied because converting this space is considered an expansion of a non-conforming structure.

Steve mentioned when the Higer's bought the property, they asked the City planner at that time if they could build an addition and the planner said this would be permitted. The High Water Mark definition has changed since the interaction.

The public hearing was opened.

Andrew Kirk, Warren Wagon Road, an adjacent neighbor said he agreed with Commissioner Betts on the way the deck was built. Andrew stated that the purpose of the code is not to encourage the non-conforming structures and not allow the additions of non-conforming structure. The structure is close to the lake.

Richard Cook, 1958 Warren Wagon Road, said it was a non-conforming building and property. Several years ago, they hired an attorney and talked to the previous owner of the property. The non-conforming status made it difficult to sell. He tried to expand his deck and was not allowed to do so. Richard stated that the Higer's are great neighbors but thinks the Commission should deny the application.

Steve clarified that the addition is outside of the 50' setback but the connection between the existing structure and addition is the non-conforming portion.

Commissioner Spencer said the expansion is not allowed under the current code. Commissioner Russell agreed and said the code does not allow the trade off of non-conforming structures. Commissioner Apperson agreed with the City Attorney's attorney. Commissioner Betts said there is conflict with the neighbors and approval would set up the Commission for issues in the future related to non-conforming structures. Commission Jessup reviewed the materials and said the code update was done to improve the water quality of the lake and do not want to encourage the perpetuation of the non-conforming structures.

Jessup made a motion to deny the DR-09-39 as presented because the application proposes an expansion of the non-conforming structure in a manner that increases the nonconformity; Commissioner Spencer seconded the motion; the motion carried.

Chairman Feinberg commented that the Commission did a site visit and the Higer's can still build the addition but it cannot be connected.

## 6. NEW BUSINESS

### **CUP-09-07, DR-09-43, SR-09-20**

831 S. 3<sup>rd</sup> Street

McPaws Regional Animal Shelter

Josh Hersel represented McPaws: Design Review and Scenic Route applications for the replacement of an existing outdoor kennel with a new, open-air 18' x 60' structure. The property is zoned R1 and more particularly described as:

Tax No 13 SE ¼ NE ¼, Section 21, T. 18N. R. 3E., B.M.

#### **A PUBLIC HEARING**

Josh Hersel, CTA Architects, explained the project and said the kennels will be used only during the daytime. McPaws will bring other lighting into compliance. It is the same number of kennels and same sizes. The City engineer and CDH have approved the project.

Kelly Clark, Krahn Lane, owns property on all sides and had concerns about noise but relived the kennels are for day use only. He is in favor of the project.

Commissioner Apperson made a motion to recommend CUP 09-07 for approval to the City Council; Commissioner Jessup seconded the motion to approve with a typo correction on condition #3.

Commissioner Apperson made a motion to approve SR-09-20 and DR-09-43; Commissioner Corder seconded the motion to approve with a typo correction on condition #3.

### **DR-09-42**

1407 Warren Wagon Road

Wayne Ruummele represented Vivian and Don Driscoll: A Design Review application for the remodel and expansion of an existing storage building into an art studio. The property is zoned R4, is located in the Shoreline Zone, and is more particularly described as:

Recorders Plat in Govt't Lot 1 Section 8, T. 18N R. 3E Lot 2 AND Northern Part of Lot 3 Block 1.

#### **A PUBLIC HEARING**

Wayne presented the project and explained the purpose of the building. Staff provided information from the staff report and discussed the small portion of the structure is non-conforming because it does not meet the setback. The McCall Building Official determined that the project is allowable because the improvements are less than 10% of the value of *this non-conforming portion* of the structure. According to building official, the nonconforming portion of the structure is located at the low end of the roof and will compromise the water envelope system. This would be unsafe and needs to be included in the repairs.

Commissioner Betts asked about the square footage of the building.

Commissioner Jessup motion to approve DR-09-42; Russell seconded the motion; the motion carried.

**CUP-09-05, DR-09-36**

460 Krahn Lane

Steven Millemann represented Robin and Jim Lester: Conditional Use Permit and Design Review applications for a new building containing 12 storage units. The property is zoned Community Commercial and more particularly described as:

Parcel of land situated in SE ¼ SE ¼ of Section 16, T 18N R 3E, Boise Meridian

**A PUBLIC HEARING**

Kim recused herself because she is a neighbor to the project. The CUP application is the same as previously approved with the same findings and conclusions. The sidewalks, curbs and gutters were previously addressed in the development agreement. The money would be put in escrowed to pay for improvements prior to the issuance of a building permit. Steve requested that the Lesters be given a 2 year extension for the application. Staff discussed the Business Park Planning charrette and infrastructure cost estimate and road sections that will relate to this project.

Kelly Clark, Krahn Lane, met with the Lester's and does not have issues with the project. He said the project would be good for the neighborhood.

Commissioner Jessup made a motion to recommend approval of CUP-09-05 to the City Council subject to the findings and conclusions and a 2 year time limit and approve DR-09-36. Commissioner Russell seconded the motion; the motion carried.

**PUD-09-04, ZON-09-01, DR-09-45, SR-09-21**

550 Deinhard Lane – Valley Meadow Apartments

Steve Benner of CSHQA represented Douglas Peterson of The Housing Company: Planned Unit Development, Rezone, Design Review and Scenic Route applications for a 36 unit, affordable housing apartment project, including a community building, street development and open space, that is the first phase of a potential three phase development. The property is currently zoned CC and more particularly described as:

W ½ of the NE ¼ of the SE ¼ of Section 16, T. 18N, R.3E.

**A PUBLIC HEARING**

Steve presented the project and explained the development for the first phase of the project. The access is off of Jacob Street and includes studio, 1, 2, and 3 bedrooms units. All the units are rentals and affordable units. On-site manager will live on the property and have a maintenance person who does not live on-site. The Housing Company went through the RFP process with Valley County.

Commissioner Apperson asked if they have any questions about the pathway, streets and parks. They will work with the Dennis Coyle and the P&R Advisory committee on the park requirement. Steve stated they are not able to construct the connected road to Deinhard Lane during this phase of the project. Commissioner Apperson talked about fire access and Steve said the buildings will be sprinkled but have not had a formal review from the Fire District yet.

Chairman Feinberg asked about snow storage. Commissioner Betts asked about public transit and a bus stop. Commissioner Corder asked about the road connection. Staff expressed the importance of a connected road system as described in the Comprehensive

Plan and required by the City code. Chairman Feinberg brought up the sewer issue with the District.

Steve presented the elevation in regards to Natalie's question about passive solar. Staff asked Steve to bring in more specific elevations with the next submittal.

Kathryn Almberg, the Housing Company, explained the type of people who live in the units and the types of rate.

Commissioner Corder asked about the location of the recycle center and staff explained it will be relocated on another City property.

Steve explained that the buildings will be LEED certified and the property will have a geothermal heat pump. The Housing Company is interested in owning this property 30-50 years into the future and therefore interested in energy efficiency.

Commissioner Corder asked about ground water levels in relation to the surrounding wetlands. Steve explained the site will be graded to stormwater swales. They are using Strata Engineers.

Commissioner Jessup asked about timeline. They are hoping to begin construction in April 2010. The Housing Company does not have other LEED projects but committed to the concepts because LEED sends a message that it is a high quality development. Commissioner Spencer asked about grey-water systems for laundry and Steve responded that these systems are difficult to get approved. The appliances will be Energy Star rated and will include low flow toilets and shower heads.

Deanna Schnider, 406 Margaret Way, major concerns was stormwater management and conveyance of water in the area. She thought adding a second access on the Deinhard Lane would add congestion to Deinhard Lane.

Jim Fleeker, Nissula, is in favor of affordable housing and wanted clarification on the ownership of the land for the project.

Kathryn addressed the ownership of land with the County. The County land will revert if not used for affordable housing. The Housing Company is responsible for paying the taxes.

Wayne Rummule, Epikos, supports the idea of a non-profit doing a LEED project.

Public Hearing remains open; Jessup continues application to the January 5<sup>th</sup> P&Z meeting. Commissioner Spencer seconded the motion; the motion carried.

## 7. ADJOURNMENT

Phil made a motion to adjourn at 9:32 pm.



Phil Feinberg  
Chairman, P&Z Commission



Bradley Kraushaar  
City Planner