

McCALL AREA
PLANNING AND ZONING COMMISSION

Minutes

April 5, 2011 – 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

Commissioners Corder, Drabinski, Russell, Betts, Apperson and Chairman Feinberg were present. City Planner Kraushaar and City Attorney Chaudoir were also present.

2. REVIEW & APPROVAL OF MINUTES

Commissioner Betts moved to approve the March 1, 2011 Minutes as presented. Commissioner Drabinski seconded the motion. The motion carried with Commissioners Russell and Apperson abstained.

3. PRELIMINARY DEVELOPMENT PLAN REVIEW MEETINGS

None

4. CONSENT AGENDA

Commissioner Betts requested that DR-11-06 be considered separately.

DR-11-05

1002 1st Street

Flora – Sign

Suzann Crist of Orbit Screen Printing representing Fallon Fereday: A Design Review application for two new, non-illuminated business signs totaling approximately 5 sq. ft. The property is zoned CBD.

DR-10-08

809 N. 3rd Street

May Hardware – Sign

Jayson Brown of Dualite representing Richard Fereday: A Design Review applications for a 40 sq. ft. replacement sign, a 32 sq. ft. replacement sign and a new, 18 sq. ft. sign. The proposal will bring the total signage for the 3rd Street frontage into compliance with the 100 sq. ft. maximum. The property is zoned CBD and located in the Scenic Route Zone.

Commissioner Corder moved to approve DR-11-05 and DR-10-08. Commissioner Apperson seconded the motion. The motion carried.

DR-11-06

215 Commerce Street

Mountain Man Outfitters Supply – Sign

Jim Hinson of Rocky Mountain Signs representing Larry Burke: A Design Review application for a hanging, non-illuminated, 12 sq. ft. business sign. The property is zoned I.

Commissioner Betts asked if the cordage shown in the presented plans would be on the final sign. Staff noted that the proposed sign included no cordage. Commissioner Betts asked that a restriction on cordage be added to the conditions of approval.

Commissioner Betts moved to approve DR-11-06 with the noted addition to the condition of approval. Commissioner Drabinski seconded the motion. The motion carried.

5. OLD BUSINESS

Chairman Feinberg noted that no representative for SUB-08-05 was present and indicated that the extension request would be put on hold until someone arrived.

CUP-10-07, DR-10-43, SR-10-17

607 & 609 Owen Dr
Shore Lodge Beach Club

Dan Scott representing Sabala Whitetail LLC: Conditional Use Permit, Design Review, and Scenic Route applications to convert an existing residence into a private club for Whitetail members. The property is zoned R4 and located in the Shoreline and Scenic Route Zones.

Staff reviewed the presented staff report, focusing on the procedural history of the application.

Dan Scott noted that the applicant had nothing to add to the already provided testimony and submitted application materials.

Kelsie Medel, 13965 Country Way, McCall, noted that she wanted to respond to Ms. Bonney's letter, especially in regards to the transitional boundary comments. Ms. Medel noted that based on actual use, that the tennis courts to the south of the current transition would be the appropriate transition zone, not on the north side of the residential use.

Jeremie Goodwin, 402 Eld Lane, Donnelly, responding to statement regarding existing communities designed around a clubhouse as opposed to a clubhouse coming after the fact.

Tara O'Connor, 4131 E. Trekker Rim Drive, Boise, read a letter into the record.

Dennis McDowell, 1178 E. Brightwater Lane, Boise, read a letter into the record.

Hethe Clarke, 251 E. Front Street, Boise, stated that the City Code did not have the clarification from last meeting and provided the parking standards. He clarified that the McCall City Code does not have flexibility to vary the parking standards, and that the application being considered is not a Planned Unit Development. He reiterated that the applicant must meet the code's standards. Mr. Clarke noted that questions had been raised about the exact parking requirement and that it had been previously stated by the applicant that the home was 1750 sq. ft. Mr. Clarke provided assessor records indicating that the structure is 5179 sq. ft. with an 800 sq. ft. garage, which together would require approximately 60 parking spaces. He further noted that if the additional house, approximately 2,000 sq. ft, on the property is included another 20 spaces would be required. He concluded that the subject property could not accommodate this parking and that the applicant needs to meet the parking standards.

Kerry Hattabaugh, 800 Ranch Road, Boise, read a letter into the record (see attached).

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

Mr. Scott stated that he had no rebuttal to the presented comments.

Commissioner Apperson read each of the criteria of approval and noted the evidence and testimony provided that indicating that the application failed each item.

Commission Drabinski commented that it seemed that the usage of a beach club would be similar to that of an auditorium where people stay at a location for a while. He noted that it seemed like the application failed to meet criteria of approval #3, the parking requirement and criteria #12 relating to having a minimal negative impact.

Commissioner Corder noted that she was not sure whether or not the applicant could meet the criteria of approval.

Commissioner Russell noted that the criteria of approval seemed insurmountable with the provided information.

Commissioner Apperson moved to recommend CUP-10-07 for denial by the City Council based upon the application failing to meet, primarily, Criteria of Approval #3 relating to a project being harmonious with the surrounding area and, secondarily, to meet Criteria of Approval #4, #6, #8, and #9, and #12. Commissioner Drabinski seconded the motion. The motion passed unanimously.

Commissioner Drabinski moved to continue DR-10-43 and SR-10-17 until the May 3rd meeting. Commissioner Apperson seconded the motion. The motion carried.

SUB-08-05

Spring Mountain Ranch #5
Final Plat Recordation Extension Request

Amy Pemberton representing the Three G Company: A one-year Final Plat recordation extension request. The current plat recordation deadline is May 19, 2011. The proposed extension would make May 19, 2012 the new deadline.

Steve Jones, of 246 Cold Creek Court, briefly explained the request, noting that the developer would like an additional year to avoid paying the higher taxes on platted property and to allow additional time for the market to turn around.

Commissioner Betts moved to approve the request. Commissioner Russell seconded the motion. The motion carried.

VAR-10-02

2640 Warren Wagon Rd.
Simplot Setback Variance

JoAnn Butler of Spink Butler, LLC. representing Gay Simplot: A Variance application seeking relief from the 50 ft. setback of the Shoreline Zone. The property is zoned R4 and located in the Shoreline and Scenic Route zones.

Commissioner Betts disclosed an ex parte discussion with the Mayor regarding the legislative history of various City Codes.

Ms. Butler voiced appreciation that Commissioner Betts had delved into the application. She indicated that she would be willing to provide written material before the next addressing more information of variances, if that would be desirable.

Jim McLaughlin of McLaughlin & Associates Architects, reviewed a couple of different buildings and site layouts noting the evolving idea for the property. He noted that the third and most current scheme was intended to pull back from the lake. He stated that the draft structure was 4,400 sq. ft. without garages. He stated that the existing structure was 3,800 sq. ft.

Commission Betts stated that the existing structure was 1,900 sq. ft..

Dave Peugh of Epikos presented a draft landscaping plan. He noted that tall pine trees reduce scale of building from the lake because they serve as a backdrop. He noted that the plan was trying to create a dam of sorts with the pathway for the water running towards the lake so that it could be channeled into the ground. He noted the smaller proposed lawn area and that some lawn was being left in place to act as a filter during construction.

Commission Drabinski asked for clarification on whether the home would be raised over its current foundation height. Mr. Peugh indicated that it would be lifted one to two feet to aid water flowing towards the indicated retention basin.

Commissioner Apperson asked for the total lawn square footage. Mr. Peugh stated that he did not have the number.

Commissioner Russell raised the issue of the state having asked for a meander line from the application and asked if the issue had been addressed. Ms. Butler stated that she had just met with Sheldon Keefer of Idaho Department of Lands and that they had agreed to disagree about elements of the meander line and high water mark in regards to the subject property's boundary. She noted that the issue would be addressed with IDL's attorney prior to proceeding. Commissioner Russell stated that it appeared that the shoreline had clearly been extended by human activity. Ms. Butler reiterated that the ordinary high water mark is ownership boundary.

Commissioner Corder asked what comments there might be on Bill Weida's past letter indicating that lawns should be prohibited around the lake. Mr. Peugh stated that one portion of the lawn was being protected during construction and another was being reduced.

Chairman Feinberg asked Sheldon Keefer of IDL to speak. Mr. Keefer noted that the property line might be high water mark, but not if the land had been added to and that was the reason behind needing the meander line. Mr. Keefer indicated that knowing this line would be important in terms of articulating setbacks for the variance. Commissioner Drabinski inquired about the timeline for knowing the meander line. Mr. Keefer stated that a surveyor could do it relatively quickly.

Staff asked if the issue would be resolved prior to next meeting. Ms. Butler indicated that it would be resolved prior to the next meeting, or at least that there would be an idea of the process moving forward and that its resolution could be included as a condition of approval. Ms. Butler provided a basic explanation of the meander line's history.

Chairman Feinberg opened the public hearing. Hearing no comments, Chairman Feinberg closed the public hearing.

Gregg Tankersley of Crestline Engineering made comments in regards to stormwater. He stated that lawns were not always detrimental. He pointed out the draining of water away from the lake and the dams that the landscaping plan had created to allow water to percolate into the ground instead of draining quickly into the lake. He noted that impervious surface close to the lake would be reduced. Commissioner Russell stated that he had heard that the site is sandy and asked what would happen if the water moved quickly through the sand into the water. Mr. Tankersley noted that by moving through the sand the water was being treated in regards to particulate matter, but not for dissolved pollutants. Commissioner Drabinski asked if the primary issue with runoff was in regards to phosphorous. Staff Engineer Stewart noted that there were three types of phosphorous and that there was different treatment for each. He also stated that there was no magic distance from the lake for good treatment, but that natural buffers and natural infiltration were generally a good concept.

Commissioner Apperson noted that the landscaping was moving in the right direction, but that she wanted to see less lawn, not just for nutrient reasons, but also for visual mitigation for a very large house. She stated that she was looking for much more buffering along the water and more natural looking vegetation, not a manicured look.

Commissioner Corder stated that she would like existing lawn to become native vegetation. Chairman Feinberg asked if the lawn area was used for recreation. Staff asked for clarification from the Commissioners, namely Commissioner Apperson as to whether she was looking for more natural vegetation or more natural looking buffering. Commissioner Apperson noted that she was looking for a more native looking appearance.

Commissioner Corder wanted to see a strip of native vegetation to buffer the lawn from the lake. Mr. Tankersley asked if Commissioners Corder and Apperson were talked about screening. They confirmed that they were.

Commissioner Betts presented his memo (see attached). The Commission corrected a few points regarding Commissioner Betts' presentation.

Commissioner Corder pointed out that the current footprint was encroaching on the Warren Wagon Rd right-of-way. Commissioner Apperson noted that architectural scenery was also relevant in the scenic route and that positives could be gained from the rebuilding of the current structure. Commissioner Betts read from the City code, noting that impairment of visual access was not allowed in the Scenic Route Zone. Commissioner Apperson reiterated her point that architecture could be included in considering scenery.

Commissioner Betts noted that what the applicant was proposing does not fit.

Commissioner Apperson noted that she would like to better understand hardship and the associated legal cases.

Staff Attorney Chaudoir noted that dealing with the variance was a balancing act. Commissioner Betts asked if any restriction on the Variance would be subject to a regulatory takings analysis. Staff Attorney Chaudoir indicated that the applicant had the ability to challenge any conditions that they did not like.

Commissioner Corder asked clarifying questions about the second presented plan. Commissioner Betts asked the applicant team to supply staff with an accurate size of the existing structure.

Chairman Feinberg stated that the biggest issue with the structure was its size and scale.

Commissioner Betts asked how the elevations of the existing structure compared to the proposed elevations. He also asked for this comparison to be brought to the next meeting. Commissioner Apperson instructed the applicant to scale down the structure and cut back on the lawn.

6. NEW BUSINESS

DR-11-01, SR-11-01

2402 Warren Wagon Road
Gorrissen Addition

Heather Susemihl of McCall Design and Planning representing Jeanne Gorrissen: Design Review and Scenic Route applications for a new 150 sq. ft. addition to accommodate a new bathroom. The property is zoned R4 and located in the Scenic Route Zone.

Staff noted that the applicant's representative was available via phone, and then provided a brief introduction of the project and reviewed the draft conditions of approval. The Commission asked a clarifying question about the condition relating to the bike path. Staff explained that the condition was in lieu of current action.

The Commission and staff discussed the recording of Design Review and Scenic Route findings and conclusions so that such conditions would be carried into the future.

Commissioner Corder inquired about the existing and required setbacks. Staff noted that the existing deck encroached into the side setback, but that the structure was being expanded in a conforming manner.

Chairman Feinberg opened the public hearing. Hearing no public comments Chairman Feinberg closed the public hearing.

Commissioner Drabinski moved to approve DR-11-01 and SR-11-01. Commissioner Russell seconded the motion. The motion carried.

DR-11-09, SR-11-02S

143 East Lake Street
Odmark Remodel

Wayne Ruummele of Epikos representing David and Karen Odmark: Design Review and Scenic Route applications for a remodeled residential structure and new garage. The property is zoned R4 and located in the Scenic Route.

Staff introduced the project noting that the application included approval of the design of the garage, but not the location of the garage, which would require a Conditional Use Permit application in the future. The Commission discussed this approach. Commissioner Drabinski noted that this approach created a certain sense of inevitability.

Mr. Ruummele provided a brief explanation of the timing of the project, which precipitated this approach. Commission Corder noted that the proposed approach would save the applicant the cost of Design Review and Scenic route applications. After further discussion with the Commission it was determined to remove the garage from the current application for the applicant to return to the Commission with CUP, DR, and SR applications for the garage.

Mr. Ruummele provided a more thorough review of the proposed improvements to the subject property. He also reviewed the neighborhood meeting comments

Chairman Feinberg opened the public hearing.

Jean Odmark, 201 E. Lake Street, asked a question about the location of the garage. Mr. Ruummele responded noting that garage was proposed to be relocated to block glare from Paul's parking lot and to create private space on the lot. He also noted the proposed garage setbacks and that they would be the same as Ms. Odmark's.

Commissioner Russell asked if there were any minimum distance requirements between buildings.

Staff Engineer Stewart and Ms. Odmark discussed the possibility of an utility easement on the property line between the subject property and Ms. Odmark's property.

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

Staff asked if the Commission would like any reference from the garage to be removed from the approval documents. The Commission confirmed that they would like the garage removed.

Commissioner Corder moved to approve DR. 11-09 and SR-11-02. Commissioner Drabinski seconded the motion.

CUP-11-01

715 Bridlepath Way
Solace Natural Medicine

Brandi Solace and Jonas Bean: A Conditional Use Permit application for a natural medical clinic in an existing residence. The property is zoned R4.

Staff briefly introduced the project noting the proposed usage characteristics, public comments and agency comments.

Ms. Solace explained the project in greater detail, articulating that it was a low-volume practice, that a condition of approval limiting hours of operation was acceptable, and that she was sensitive to the idea of moving a business into a residential neighborhood. She explained that currently her business operates two days a week, that the application noted a possible expansion to three days a week, and that there would be no weekend or night hours. Ms. Solace stated that she typically only saw a maximum of seven patients each day and that all visits were by appointment only so there were not unanticipated vehicle trips. She also pointed out that with a business there would be better upkeep than the current use as a residential rental.

Staff noted that two public comments had been received and summarized the comments noting the increase traffic and visual buffering were a concern. Staff also addressed the comment letter from the Staff Engineer that had not been included in the packet. Staff reviewed the two issues, including the plowing of only two spaces during winter, and the potential requirement for a culvert to address drainage issues near the driveway.

Nathan Stewart, Staff Engineer, provided a brief synopsis of the drainage comment, noting that a full understanding of the situation would be possible only once the snow had melted.

Chairman Feinberg opened the public comment.

Jean Odmark noted that her historic experience was that residential renters were much louder and invasive than commercial uses. She voiced her support of the proposed project.

Staff read the1 submitted comment letter from Kathy Golden (see attached).

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

Chairman Feinberg noted that the impact of the clinic seemed minimal.

Commissioner Apperson noted that the applicant could perhaps make suggestions to patients regarding vehicle speed in the neighborhood.

Commissioner Drabinski voiced concern over the issuance of the CUP and asked if a CUP ran with the land or the person. He also requested some additional information over the frequency of issuances of CUP applications. He noted that he saw some similarity between the CUP and VAR applications in regard the high standards required for approval. The Commission and staff provided some general information about the CUP process, the amount of recent application, both approved and denied.


The Commission discussed limiting the CUP to Ms. Solace alone, requiring vegetative buffering for the commenting neighbor, suggesting that the applicant place "slow" signs at the entrance of the neighborhood, if appropriate, and explicitly stating the limitations on the frequency of operation. These comments were incorporated as new or modified conditions of approval in the Findings and Conclusions.

Commission Corder moved to recommend CUP-11-01 for approval by the City Council with the discussed modifications to the conditions of approval. Commissioner Russell seconded the motion. The motion carried.

7. OTHER

Community Development Update

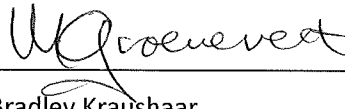
Dated: April 5, 2011



Phil Feinberg

Chairman, P&Z Commission

Attest:



Bradley Kraushaar

City Planner, City of McCall