

# McCALL AREA PLANNING AND ZONING COMMISSION

## Minutes

August 2, 2016 – 4:30 p.m.

McCall City Hall – Lower Level

216 East Park Street, McCall, ID 83638

**COMMISSION MEETING – Began at 4:30 p.m.**

### CALL TO ORDER AND ROLL CALL

*Chair Fereday, Commissioner Clements, Commissioner Callan, Commissioner Tunnell, Commissioner Williamson, Commissioner Farnsworth, and Commissioner Thompson were present. City Planner Delta James, Permit Technician Morgan Bessaw, Community Development Director Michelle Groenevelt, and City Engineer Nathan Stewart were also present.*

### 1. REVIEW & APPROVAL OF MINUTES

*Commissioner Williamson made a motion to approve the July 5, 2016 minutes. Commissioner Clements seconded. All commissioners voted aye and the motion passed.*

### 2. PRELIMINARY DEVELOPMENT PLAN REVIEW MEETINGS

#### Pre-Application Presentation - Code Amendment

##### Formula Restaurant Definition

Millemann Pittenger & Pemberton LLP representing Alpine Village: A pre-application presentation for an anticipated Zoning Ordinance Amendment application to modify the definition of “Restaurant, Formula” within McCall City Code Title 3, Chapter 2 (MCC 3.2.02) to exempt restaurants or businesses from this definition that have commonality with five (5) or fewer other restaurants or businesses sharing the same business name, standardized menus, like interior décor, common architecture or signs, use of trademark or logo, or is substantially identical in name, appearance, or food preparation format.

Steve Millemann representing Alpine Village: Applicant seeks to amend the definition of “restaurant, formula” in the city code. Alpine Village has been in discussion with the Griddle, a family owned breakfast and lunch restaurant that would like to move into McCall. However, the Griddle has locations in Boise, Eagle, Winnemucca, and Meridian and is therefore considered a formula restaurant. The City of McCall only allows 10% of like businesses to be considered formula and is currently maxed out, therefore the Griddle is unable to move into town under our current code.

The applicant’s representatives have engaged in discussions with the City of McCall Community Development Director and City Attorney about the code modification. The goal is to maintain the intent of the code, protecting the small town character of McCall, while keeping out larger franchise chains. Changing the definition of formula from a restaurant that has any similar locations to one that has five or more similar locations will allow small family businesses to open secondary locations in McCall, supporting small business and increasing economic development opportunities in McCall. This code is more defensible legally because the current code is so restrictive.

#### Pre-Application Presentation – Code Amendment

##### Building Height Definition

City of McCall: A pre-application presentation for an anticipated Zoning Ordinance Amendment application to modify the definition of “Height, Building” within McCall City Code Title 3, Chapter 2

(MCC 3.2.02) so that building height is measured from any point on a building element to the existing grade or modified grade, whichever is greater, directly below said building element point.

Delta James, City Planner, presented the application: At the request of the Planning and Zoning Commission, staff has drafted a code amendment to address building height relative to modified grade. The current definition of building height measures only from existing grade not modified grade, either raised or lowered. The code amendment would modify the definition to read as follows: Building height shall be measured vertically from any point on a proposed or existing building element to the existing grade prior to construction or modified grade after construction, whichever is great, directly below said point on a proposed or existing building element. (The highest to lowest measurement at any given vertical structure line.)

The full proposal will be on the October agenda. The Commission can request input from the design and building community. The City is also starting the process of a full code rewrite and might have further revisions to this section of the code in the next year. Any code changes that come into effect would not affect applications already submitted. The Commission would like staff to proceed to address building height in the short term and will consider other revisions when the time comes.

### **Pre-Application Presentation**

#### **Davis Re-Zone**

Clare Gaylord: A pre-application presentation for a Zoning Amendment to modify the current R8 – Medium Density Residential zoning of a parcel on the southeast corner of Davis St. and Fairway Dr. to R16 – High Density Residential. The parcel is more particularly described as:

Tax Parcel 1-A, NE1/4, NE1/4, Section 9, T18N, R3E, B.M., City of McCall, Valley County, Idaho.

At request of the applicant this application is tabled to the next meeting.

### **3. CONSENT AGENDA**

#### **ROS-16-07**

##### **414 Rio Vista**

Skiftun Land Surveying representing Patrick Hill: A Record of Survey Application to split a parcel of 8.3 acres into 4 parcels, three just over 10,000 sq. ft. each and one of 332,581 sq. ft. The parcels are zoned R4 – Low Density Residential and are more particularly described as:

Tax Parcel 221 in Government lots 8 & 9, Section 8, T18N, R3E, B.M., City of McCall, Valley County, Idaho.

*Commissioner Farnsworth made a motion to approve consent agenda item ROS-16-07.*

*Commissioner Callan seconded the motion. All commissioner voted aye and the motion passed.*

### **4. OLD BUSINESS**

#### **DR-16-22, SR-16-07, SH-16-05**

##### **119 W. Lake St.**

Steve and Tracie Eddy: Design Review, Scenic Route, and Shoreline applications to construct a new single family home and attached garage of 10,692 sq. ft. The project includes site re-grading to accommodate a daylight basement. This second public hearing is to review revised landscaping plans and additional information provided by the applicant. The property is zoned R4 – Low Density

Residential, is along a designated Scenic Route, is within the Shoreline and River Environs Zone and is more particularly described as:

Lot 4, South Shore Subdivision, Section 8, T18N, R3E, BM, City of McCall, Valley County, Idaho.

#### **PUBLIC HEARING**

Steve Eddy, resident of 119 W. Lake St., presented the project: There are currently 6 plants on the property and they are proposing 180 plants on the new landscaping plan. They have added several breaks in the lawn, trying to address any runoff that may be entering the lake. Have also added two evergreen trees to break-up the view from the lake. Architectural details along the back of the home were added to break up the vertical face. There is a variety of depths on the back face of the house that break up the visual building scale as well. The neighbors on either side have spoken with the applicant and support the proposed structure. They also have large expanses of yard, and the one on the east is of similar height.

City Planner Delta James presented the Staff Report. At the last meeting the Commission considered the full application and asked for additional information including a revised landscaping plan with a reduced lawn area, site photos of the neighbors' properties, and building height clarification. There has been no change to the size of the structure or the height. Conditions of approval remain the same.

The Public Hearing was opened: Dusty Bitton, resident of 112 N. 3<sup>rd</sup> St. McCall and owner of Pinetop Construction, spoke in favor of the project. The house has a lot of depth and dimension that is hard to see on paper and gives the house character. The house also meets code in every aspect.

The Public Hearing was closed.

*Commissioner Tunnell made a motion to approve the application. Commissioner Clements seconded the motion. All commissioners voted aye and the motion passed.*

#### **DR-16-15, SR-16-04**

##### **411 Deinhard Ln.**

J.R. Simplot Company: Modification of Design Review and Scenic Route Findings of Fact and Conclusions of Law to remove condition of approval number eight (8) regarding consent to inclusion of the property in a future local improvement district. The property is zoned CC – Community Commercial, is within a Scenic Route overlay zone, and is more particularly described as:

Tax #37 and Tax #38 SE4 NW4, Amended Tax #81 IN SW4 NE4, Section 16, T18N, R3E, B.M., City of McCall, Valley County, Idaho.

Community Development Director Michelle Groenevelt presented: This application is to modify the Findings and Conclusions approved at the last meeting which had language requiring the applicant to participate in a Local Improvement District along 3<sup>rd</sup> St. should one be proposed at a future date. The application is protesting the requirement and has told the City, currently in negotiations for a sewer lease on another piece of Simplot property, they would hold the City accountable for improvements made on that parcel. The City decided that it was in the best long term interest of the city to remove this condition.

*Commissioner Thompson made a motion to approve the modifications to DR-16-15 Findings of Fact and Conclusions of Law. Commissioner Williamson seconded the motion. All commissioners voted aye and the motion passed.*

## **5. NEW BUSINESS**

### **CUP-16-03, ZON-16-01, SUB-05-14**

#### **Broken Ridge Commons Lots 1, 2, 3, & 4**

Michael Jobes representing Resolute Land Holdings LLC: Conditional Use, Zoning Map Amendment, and Minor Plat Amendment applications to rezone lots 2, 3, 4, to Community Commercial per the development agreement for Broken Ridge Commons Subdivision, and to amend the plat from condos to townhomes. The Property is zoned R8 – Medium Density Residential, and is more particularly described as:

Lots 1, 2, 3, & 4, Block 1, Amended Condominium Plat Broken Ridge Commons Condos, NE1/4, NE1/4, Section 18, T18N, R3E, BM, City of McCall, Valley County, Idaho.

#### **PUBLIC HEARING**

Michael Jobes, PO Box 8362 Boise, presented the application: The project was previously approved in 2006 but not all aspects of the development agreement were met. One of the remaining requirements was for the applicant to apply to rezone three of the parcels from R8 – Medium Density Residential to CC – Community Commercial which this application includes. This application also calls for a phasing plan that completes the buildings, roads, and pathways on the south portion of the parcel first and completes the remainder of the project parcel during the second phase. There are no plans in the immediate future to develop the new commercial parcels. The applicant has been meeting with the City, the Fire Inspector, Public Works and adjacent property owners to address concerns, including some by neighbors that there is the potential of increased traffic connecting through Verita Rd. The application also would change the condo plat to townhouses, allowing different financing options.

City Planner Delta James presented the staff report and conditions of approval. The plant is currently platted as a condo project. The past development agreement specified that lots 2, 3, 4 needed to be converted to CC before a building permit could be issued but gave no date as to when it needed to be developed. Anything proposed for those spaces in the future would come back through P&Z for Design Review and possibly a Conditional Use Permit depending on the use. Staff is comfortable with the phasing plan and have added conditions stating that a bit more clarification is needed before proceeding to City Council. During the last comp plan update process Idaho Smart Growth recommended that the West Valley Rd. area be converted to CC to provide services to the rapidly growing west side of the community. The subdivision plat was approved during a period of different level of scrutiny and the City as well as the Commission are limited as to what can be required or changed. The application on the table now is specifically for the rezone and change from condos to townhomes and does not include Design Review.

The public hearing was opened.

Justin Sofaly, resident of 361 TJs Loop, spoke against the applications and read a letter into the record from Robert Kane and Shannon Zamboni, residents of 360 TJs Loop. Both expressed concerns that the study and the development agreement supporting the rezone was eight years old and recommended that a current study be done. Residents in the area would rather have park than

commercial, especially since there is no way of knowing what type of commercial is going to come in once it is approved.

Honey Saucier, resident of 354 Veronica St., raised concerns about the HOA, common area uses, and home values. She also raised concerns about the lack of transparency about the design and landscaping and how the development might change the feel of the neighborhood.

City Planner James read letters into the record from Jeff Snider, resident of 364 Verida St., and Matt Smith, resident of 365 Verita St., raising concerns about an increase in traffic on Verita St. A page with the design elevations was introduced into the record and passed among the Commissioners (attached).

The applicant addressed concerns brought up during public testimony. The previous approval accounted for parking along the fronts of the units and street parking in the commercial area. There is a berm on the north between the new development and the developed lots, as well as landscaping, to screen the development. Code at the time, as well as current code, would call for Verita St. to be a through street to allow for connectivity.

The public hearing closed.

*Commissioner Fansworth made a motion to recommend zoning approval to City Council with a second public hearing. Commissioner Tunnell seconded the motion. Commissioner Farnsworth voted aye, Commissioner Callan voted aye, Commissioner Tunnell voted aye, Commissioner Thompson voted aye, Commissioner Clements voted aye, Chair Fereday voted aye, Commissioner Williamson voted nay. The motion passed.*

*Commissioner Farnsworth made a motion to recommend the CUP and SUB applications to City Council for approval with a second public hearing. Commissioner Williamson seconded the motion. All commissioners voted aye and the motion passed.*

**DR-16-28, SH-16-07**

**2173 Lakeview Ave.**

J Truex Architecture representing Tanner and Lindsay Corwin: Design Review and Shoreline applications to construct a new single family home and attached garage totaling 5421 sq. ft. The parcel is zoned R4 – Low Density Residential, is located within the Shoreline and River Environs overlay zone, and is more particularly described as:

Lot 7, Harris Cove Subdivision, Govt. Lot 2, Section 2, T18N, R3E, B.M., Valley County, Idaho.

**PUBLIC HEARING**

Jevon Truex, resident of 8403 Spring Creek Way Middleton, presented the application. The homeowners want to build further from the lake and have set the home over 100 ft. back from the ordinary high water mark. The structure is only two stories and meets height requirements. The design is sensitive to the trees on the property, especially between the house and the lake with very few being removed. There are currently three existing structures, two of which are non-conforming, which will all be demoed with only the new structure to remain. Earth tone colors will be used for the siding. The parcel has existing sewer with PLWS and the applicants have worked with them to ensure that there is continued access to the utilities.

City Planner James presented the staff report and the conditions of approval. Notable aspects include keeping all existing vegetation between the house and the shoreline and being setback over 100 feet from the lake. The applicant presented a very complete application so there are very few conditions of approval.

Public hearing was opened. No one was present to speak. Public hearing was closed.

*Commissioner Tunnell made a motion to approve the application. Commissioner Clements seconded. All Commissioners voted aye and the motion passed.*

#### **DR-16-29**

##### **1310 Ponderosa St.**

Paul Hoffman representing Pam Massey: A Design Review application to construct a new single family home of 2,778 sq. ft. with an attached garage of 1,040 sq. ft. totaling 4,207 sq. ft. The property is zoned R4 – Low Density Residential and is more particularly described as:

McCall Acreage Tax Parcel #83, SE4, NE4, Section 9, T18N, R3E, B.M., City of McCall, Valley County, Idaho.

##### **PUBLIC HEARING**

Paul Hoffman, resident of 512 W. Idaho St. Boise, presented the application: The parcel is sloped approximately 20% and the house steps with the property. The applicant worked with the City Arborist and the house was placed intentionally on the lot to preserve trees on the property. Cut outs on the edges of the driveway preserve two large trees as well. Height is 34.5 ft., meeting code, and as well as all side setbacks. Siding will be neutral colored hardy board.

A letter from a concerned neighbor about the potential use of the home as a short term vacation rental was presented. The applicant is providing four off street parking spaces and the way the lot is situated should help reduce noise because there is a hill between the two properties in question.

City Planner James presented the Staff Report and the Findings. The overall size of the house and garage, including covered decks, is 4200 sq. ft. The design maximizes the allowable height but meets the ½ building height setback rule. Snow will need to be held on the roof so as not to drop snow on the adjacent property. No retaining walls over 30 in. in height are allowed in the setback. Regarding the short term rental aspect, the city code allows it.

The public hearing was opened.

Shelly Cromar, resident of 717 Fir. St., spoke against the project. Her biggest concern is the wildlife that currently use that property as a corridor as well as the possibility of drainage coming down onto their property. She also expressed concern with the height of the adjacent property and screening.

The applicant spoke to address some of the concerns raised. Would like to leave the yard alone to the extent possible and maintain the natural vegetation to act as screening between the properties. Would also like to screen the propane tank and the neighbor's property with the fence to the extent possible but do not need to fence in the entire property.

*Commissioner Callan made a motion to approve the application with added conditions as follows:*

1. *Notwithstanding screening fence enclosing the above-ground propane tank, no perimeter fencing shall be constructed on the property.*
2. *All natural landscaping shall be retained within 20 ft. of the southerly property line and shall be protected during construction. Additionally, no trees shall be removed within this area without prior approval of the City Arborist.*

*Commissioner Williamson seconded the motion. All commissioners voted aye and the motion carried.*

#### **6. OTHER**

Review of signs approved administratively

*McCall in Motion* - Comprehensive Plan update:

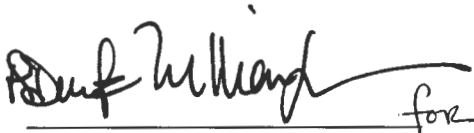
The Vision Document should be available to read in a couple of weeks. The City is also proposing a couple of public workshops: Sept 12<sup>th</sup> 3-6 PM lake cruise for P&Z, City Council, and County Commissioners. Electric bike tour August 26<sup>th</sup> 9-11 AM for pathways tour.

#### **7. ADJOURNMENT**

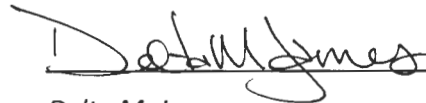
*Commissioner Tunnell made a motion to adjourn the meeting at 7:15 PM. Commissioner Williamson seconded the motion. All commissioners voted aye and the motion passed.*

*Signed: September 6, 2016*

*Attest*

Handwritten signature of Fallon Fereday in cursive, with a horizontal line underneath and the word "for" written to the right.

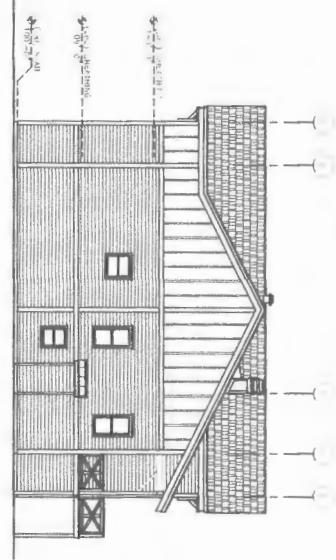
*Fallon Fereday, Chair  
McCall Area Planning and Zoning Commission*

Handwritten signature of Delta M. James in cursive, with a horizontal line underneath.

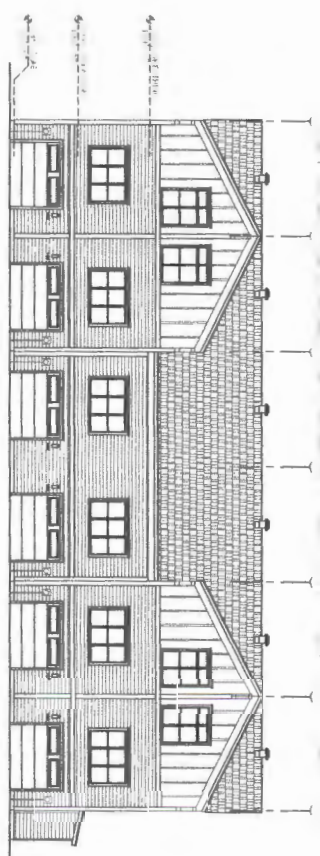
*Delta M. James  
City Planner*



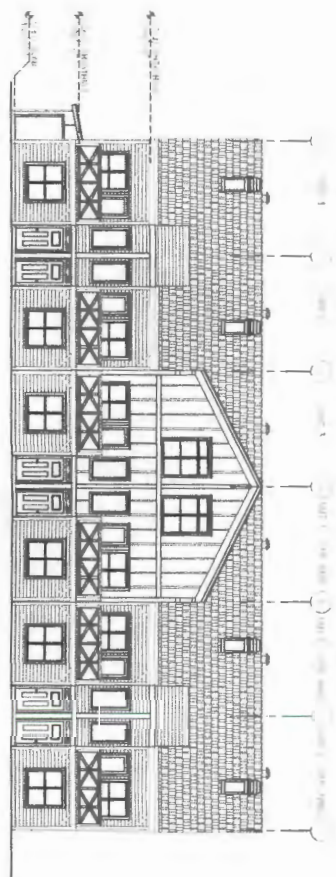




3 Side Elevation w/ Fire Retardant



2 Rear Elevation



1 Front Elevation

<p>100 W. 2nd St. Ste. 200, Boise, ID 83720</p>	<p><b>Carver   Thornton   Young</b> A DIV. OF CITY DESIGN PLLC</p>	<p><b>Broken Ridge Commons</b> McCall Idaho</p>	<p>For information on this project, please contact the architect. The architect is not responsible for the accuracy of the information provided in this document. The architect is not responsible for the accuracy of the information provided in this document. The architect is not responsible for the accuracy of the information provided in this document.</p>	<p>Project Name: Broken Ridge Commons Project No.: 2013-14 Contract No.: 2013-14-001 Contract Date: 07/15/13</p>	<p>6 Unit Building Elevations A3.1</p>
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