

Ponderay - City Planning

Staff Report

November 14, 2018 - Ponderay Planning and Zoning Commission
ZC18-017 Zone Change Request – Residential to Commercial



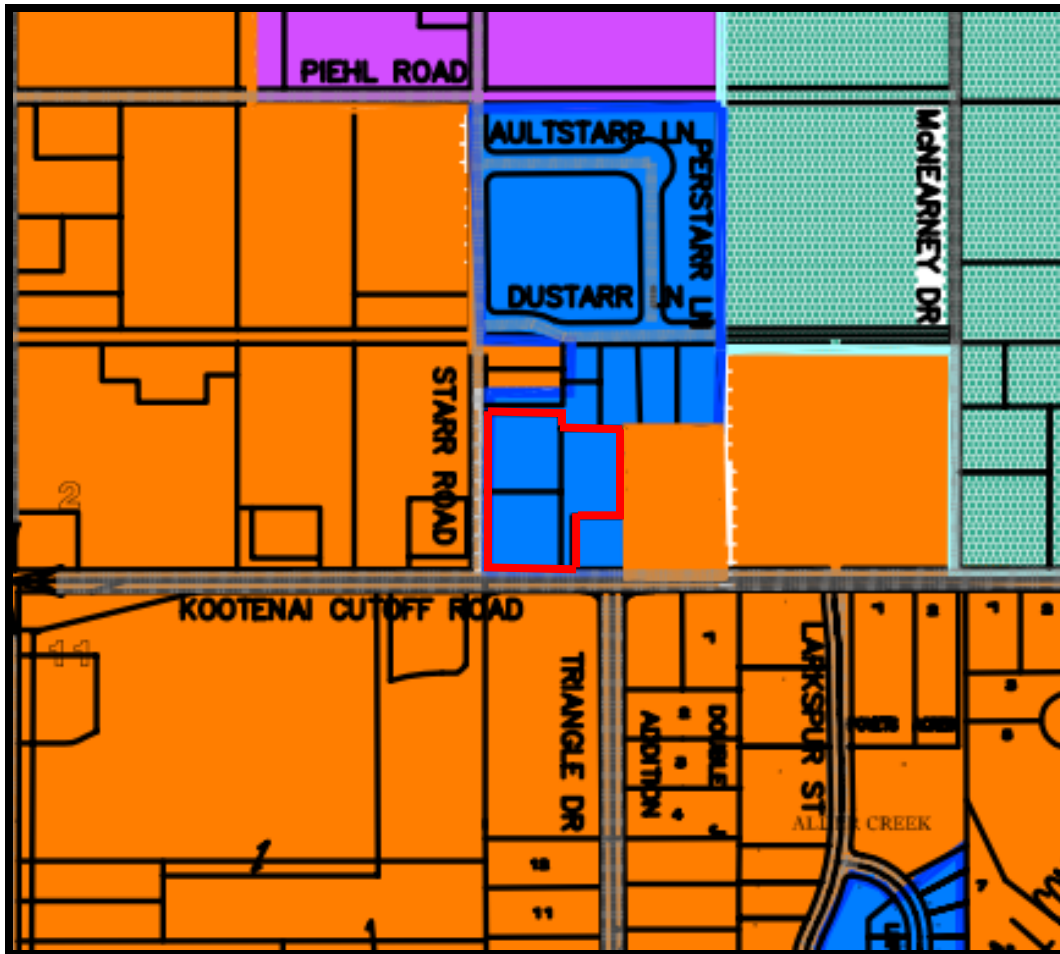
Aerial of Vicinity

Project Summary

Guitron Guitron Ibarra, Inc is requesting Zone Change approval to rezone three parcels (see map above) totaling ± 3.3 acres from Residential to a Commercial zoning district designation. The property is located on the corner of Starr Lane and Kootenai Cutoff Road, in Section 2, Township 57 North, Range 2 West, Boise Meridian.

The applicant is currently under contract to purchase the subject property. While redevelopment of the site is not proposed at this time the applicant wishes to ensure that commercial development would be allowed in the future. In order to do so, the purchase contract is contingent on the applicant receiving zone change approval prior to closing.

The subject parcels are located along a prime commercial corridor yet are currently zoned residential. However, they are surrounded primarily by commercially zoned parcels in all directions (see zoning map below, subject parcels outlined in red). Additionally, two of the three parcels have frontage on Kootenai Cutoff Road.



Site Information

- A. **Site Data:** The project site consists of three parcels totaling ± 3.3 acres. The parcel located on the corner of Starr Lane and Kootenai Cutoff Road is currently developed with a single-family dwelling and associated accessory structures. The remaining two parcels are vacant and were recently logged.

Surrounding uses include, Home Depot and Fiesta Bonita to the west; Walmart and commercial strip mall and Frontier Communications to the South; a residence, commercial strip mall, drive up coffee shop and lice clinic to the east; and residential to the North.

The City of Ponderay adopted Future Land Use map has designated the subject parcel as commercial. The Future Land Use map is not a regulatory document, but instead is to be used as a guide to steer future development.

B. Access: The subject parcels currently access from Starr Lane or Kootenai Cutoff Road. Kootenai Cutoff Road is a hard-surfaced arterial located within a 60-foot right-of-way. Sidewalks have been constructed along the entire frontage. Starr Lane is a hard-surfaced local access road, located within a 50-foot right-of-way. Currently the parcel located on the corner of Starr Lane and Kootenai-Cutoff Road has a developed access onto Starr Lane. However, at the time of sidewalk construction along Kootenai Cutoff Road approaches were constructed for the two southerly parcels. The northwesterly parcel will access from Starr Lane. At this time no dedication is proposed.

C. Environmental Factors: The site is relatively flat, containing primarily native grasses, and brush. The property was heavily timbered with Cedar trees in the past but was recently logged. The Bonner County GIS mapping does not indicate the presence of wetlands within the proposed parcel.

There are no water bodies identified on site and the parcel does not contain mapped flood plain (Zone X, Panel 0716E).

D. Services: Currently two of the three subject parcels are undeveloped land. The third parcel is developed with a single-family dwelling and associated accessory buildings. This parcel is currently served by Northside Water and Kootenai-Ponderay Sewer District. All parcels are located within the district boundaries of Northside Water, City of Sandpoint Water and Kootenai-Ponderay Sewer District. Northside Water does not service Commercially developed properties. As a result, future development of the sites would determine which water company would service the sites. Additionally, the site is located within the Lake Pend Oreille School District and the Northside Fire District.

E. Stormwater: A stormwater management plan was not required for this application.

Project Review

Staff finds that the proposal complies with all of the applicable requirements of Ponderay City Code. Items warranting discussion or conditions are discussed below. Staff reserves the right to develop a full record in the event of an appeal.

Ponderay Code Section	Requirement	Provided by the Applicant
PCC 9-6-2 (F)(1) Application Contents, Narrative	Narrative Statement a) Does the proposed request constitute a zone change? b) Is the change necessary or desired?	Narrative Provided - See Narrative attached.

Ponderay Code Section	Requirement	Provided by the Applicant
	<ul style="list-style-type: none"> c) Does the request conform to the comprehensive plan? d) Is the proposed request designed to be harmonious with the intended character of the general vicinity? e) Effects on the adjacent property? f) Owner of record and purchaser g) Will the site be adequately served by essential public services and utilities? (Streets, water, sewer, solid waste, schools) h) Will the proposed change create excess additional requirements at the public cost for services, or will it be detrimental to the economic welfare of the community? i) Will the proposed amendment lead to uses, activities or processes, materials or equipment and conditions of operation detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke fumes or glare? j) Will the property have approaches that are designed so as not to create interference with traffic flow? k) Will the amendment result in the destruction, loss or damage of a natural, scenic or historic feature of major importance? l) What is the previous use of the property and 	

Ponderay Code Section	Requirement	Provided by the Applicant
	intended use? (i.e. number of employees, system of delivery of materials, general nature of the business or occupancy)	
PCC 9-6-2 (F)(9) Application Contents, Land Capability Report	The planning and zoning commission may require a land capability report prepared by a person or firm qualified by training and experience to have expert knowledge of the subject. The report will identify the capability of the land to withstand disturbance without the risk of substantial harmful consequences of floods, sewage, drainage, erosion, sedimentation or geological or surface slippage.	Similar properties in the vicinity have been successfully developed with commercial enterprises. According to Bonner County GIS mapping the site does not contain mapped wetlands or floodplain. The site will be served by all urban services. Stormwater and erosion control designs will be reviewed when future development occurs on site. As a result, staff does not believe that a land capability report is warranted for the proposed zone change request.
PCC 9-6-2 (F)(10) Application Contents, study of social, economic fiscal and environmental effects	Prior to granting a zone change, the planning and zoning commission may require a professional study of the social, economic, fiscal and environmental effects of the proposed amendment.	The subject parcels are located along a primary commercial corridor for Ponderay. Commercially zoned parcels are located to the north, south, east and west of the subject properties. Staff does not believe that professional studies are warranted for the proposed zone change.
PCC 9-6-2 (H)	Supplementary Conditions and Safeguards: In recommending approval of any zone change, the planning and zoning commission may also recommend appropriate conditions, bonds and safeguards. Violations of such conditions, bonds and safeguards, when made a part of the terms under which the zone change is granted, shall be deemed a violation of this	See Proposed Conditions of Approval

Ponderay Code Section	Requirement	Provided by the Applicant
	chapter. Conditions may involve, but are not limited to: <ol style="list-style-type: none"> 1. Minimizing adverse impact on adjacent property. 2. Controlling the sequence and timing of development. 3. Controlling the duration of development. 4. Assuring that the development is maintained properly. 5. Designating the exact location and nature of development. 6. Requiring a provision for on site or off-site public facilities or services. 7. Requiring more restrictive standards than those generally required by this title. 	

Agency Comment

The application was sent to the following agencies for comment on October 3, 2018:

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| <input checked="" type="checkbox"/> Kootenai-Ponderay Sewer District | <input checked="" type="checkbox"/> Northside Fire District |
| <input checked="" type="checkbox"/> Ponderay Police Department | <input checked="" type="checkbox"/> Pat Park, Building Official |
| <input checked="" type="checkbox"/> City of Sandpoint (Water) | <input checked="" type="checkbox"/> Avista |
| <input checked="" type="checkbox"/> Independent Highway District | <input checked="" type="checkbox"/> Lake Pend Oreille School District |
| <input checked="" type="checkbox"/> Frontier Communications | <input checked="" type="checkbox"/> Northland Cable |
| <input checked="" type="checkbox"/> Northside Water District | |

At the time this report was prepared, the following comments were received:

Ponderay Police Department, Jimmy Cornelius, email dated October 4, 2018: Chief Cornelius stated the did not see any future issues regarding the police department with this change. However, he indicated that anytime construction occurs within the City of Ponderay where utilities will be crossing a roadway, the City should require the installation of two or three empty conduits for future use by the City.

**Staff Note – There is no construction proposed at this time. Future development of the site will be reviewed by the City of Ponderay and project specific conditions would be placed at that time.

Pat Park, CBO, James A. Sewell & Associates, Ponderay Contract Building Official, email dated October 4, 2018: Mr. Park stated that he had reviewed the submitted zone change application. He indicated that he did not have any comments at this time. Comments relating to building and fire code requirements will be provided at the time of building permit review.

** Staff Note - Mr. Park will have the opportunity to comment on future commercial development projects not only during the building permit phase, but also through the site plan review or special use permit process.

Northside Water District, Frank Cafferty, memo dated September 4, 2018 (staff believes this to be a typo meant to say October 4, 2018): Mr. Cafferty stated “Northside Water currently serves the house as a single-family residence. We are residential use only. We cannot serve commercial accounts” On October 24, 2018 staff contacted Mr. Cafferty asking for clarification on what caused the change to a commercial account, zoning or use. Mr. Cafferty clarified stating that regardless of zoning they would continue to serve the single-family residence until such time as the use becomes commercial.

Northside Fire District, Brad Mitton, Fire Chief, letter dated October 17, 2018: Chief Mitton stated that he could not see any issue as long as all city codes are followed. He noted that they would address concerns and recommendations in the future at the time of development. At that time all applicable building and fire codes will need to be met.

Kootenai-Ponderay Sewer District (KPSD), Colleen Johnson, Business Office Manager, letter dated October 18, 2018: Mrs. Johnson stated that the site currently had sufficient capacity reserved for the current use. She further stated that after all requirements of the district were met they would continue to service the site.

**Staff note: A phone discussion with Mrs. Johnson clarified that the residence is currently connected to the KPSD system. The district will service the site for future commercial development once all requirements of the district have been met. KPSD will have an opportunity to review future specific development proposals for this site through the site plan review or special use permit process.

Independent Highway District, Mel Bailey, IHD Commissioner, email dated October 24, 2018: Mr. Bailey commented that the zoning change to commercial is in the best interest of the City.

Public Comment

At the time the staff report was prepared the following public comments had been received:

Eric and Amanda Mann, letter received November 6, 2018: The Mann’s expressed a variety of concerns regarding the proposed zone change and asked that the request be denied. Their concerns included but were not limited to; quality of life, property values, wildlife, removal of vegetative buffers, pollution, stormwater, noise and property rights. A complete copy of the Mann’s comments have been attached for review.

Scott and Janet Lish, Letter received November 6, 2018: The Lish’s requested to add their names to the above letter submitted by the Mann’s. Additionally, they requested denial of the application.

Ronald and Linda Knodel, Letter received November 6, 2018: The Knodel’s requested to add their names to the above letter submitted by the Mann’s. Additionally, they requested denial of the application.

Bob and Velta Ashbrook, email received November 6, 2018: Mrs. Ashbrook stated that she had received the Mann's letter about the proposed zone change. She indicated that it was well written request for denial and requested that their names be added to the Mann's letter.

Stefan and Hailey Harlicker, Letter received November 6, 2018: The Harlicker's requested to add their names to the above letter submitted by the Mann's. Additionally, they requested denial of the application.

Lee and Susan Sayers, Letter received November 6, 2018: The Sayer's requested to add their names to the above letter submitted by the Mann's. Additionally, they requested denial of the application.

Kevin Mabry, email received November 6, 2018: Mr. Mabry stated that he would unfortunately be unable to attend the hearing but stated that he and his wife, are in agreement with the Mann's opinion regarding denial of the zone change request and asked that their names be added to the above letter provided by the Mann's.

Chris and Kendra Purta, Letter received November 6, 2018: The Purta's requested to add their names to the above letter submitted by the Mann's. Additionally, they requested denial of the application.

Doug and Kelly Harlicker, Letter received November 6, 2018: The Harlicker's requested to add their names to the above letter submitted by the Mann's. Additionally, they requested denial of the application.

Geoff and Janay Smith, Letter received November 6, 2018: The Smith's requested to add their names to the above letter submitted by the Mann's. Additionally, they requested denial of the application.

Darwin and Carla Hurst, Letter received November 6, 2018: The Hurst's requested to add their names to the above letter submitted by the Mann's. Additionally, they requested denial of the application.

Staff Analysis & Recommendation

Subject to the recommended conditions of approval, staff finds that this project is consistent with Ponderay City Code and Comprehensive Plan, therefore, staff recommends approval of the proposed Zoning Map Change Request.

Findings of Fact

1. This proposal was reviewed for compliance with the approval criteria and standards set forth at Ponderay City Code Section (PCC) 9-6-2 Amendments to Zoning Map, Public Hearings, and Council Action.
2. The proposal would not be considered a spot zone as there are adjacent commercially zoned parcels.
3. The subject parcels are located within the service boundaries of the Kootenai-Ponderay Sewer District, Northside Water District and City of Sandpoint Water District. All urban services are available to the subject parcels.
4. The proposal is in general accordance with the provisions of the comprehensive plan.

Conclusions of Law

Based on these Findings of Fact, the Planning Commission concludes that the zone change request is in accordance with the applicable sections of Ponderay City Code, and the comprehensive plan and therefore is recommended for approval.

Motion

MOTION TO APPROVE: *I move to recommend approval of this project FILE ZC18-017 requesting to change the zoning map as it relates to the subject parcels from residential to commercial, subject to conditions, finding that the request is in accord with the general and specific objectives of the Ponderay City Code, the Comprehensive Plan and based upon the evidence submitted and testimony received at this hearing. I further move to recommend adoption of the findings of fact and conclusions of law as stated in the staff report (or as amended).*

MOTION TO DENY: *I move to recommend denial of this project FILE ZC18-017 requesting to change the zoning map as it relates to the subject parcels from residential to commercial, finding that it is not in accord with the general and specific objectives of the Ponderay City Code, the Comprehensive Plan, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing.*

CONDITIONS OF APPROVAL

1. Prior to zone change publication the land owner shall dedicate a strip of land 20-feet in width along the north boundary line of the requested zone change.