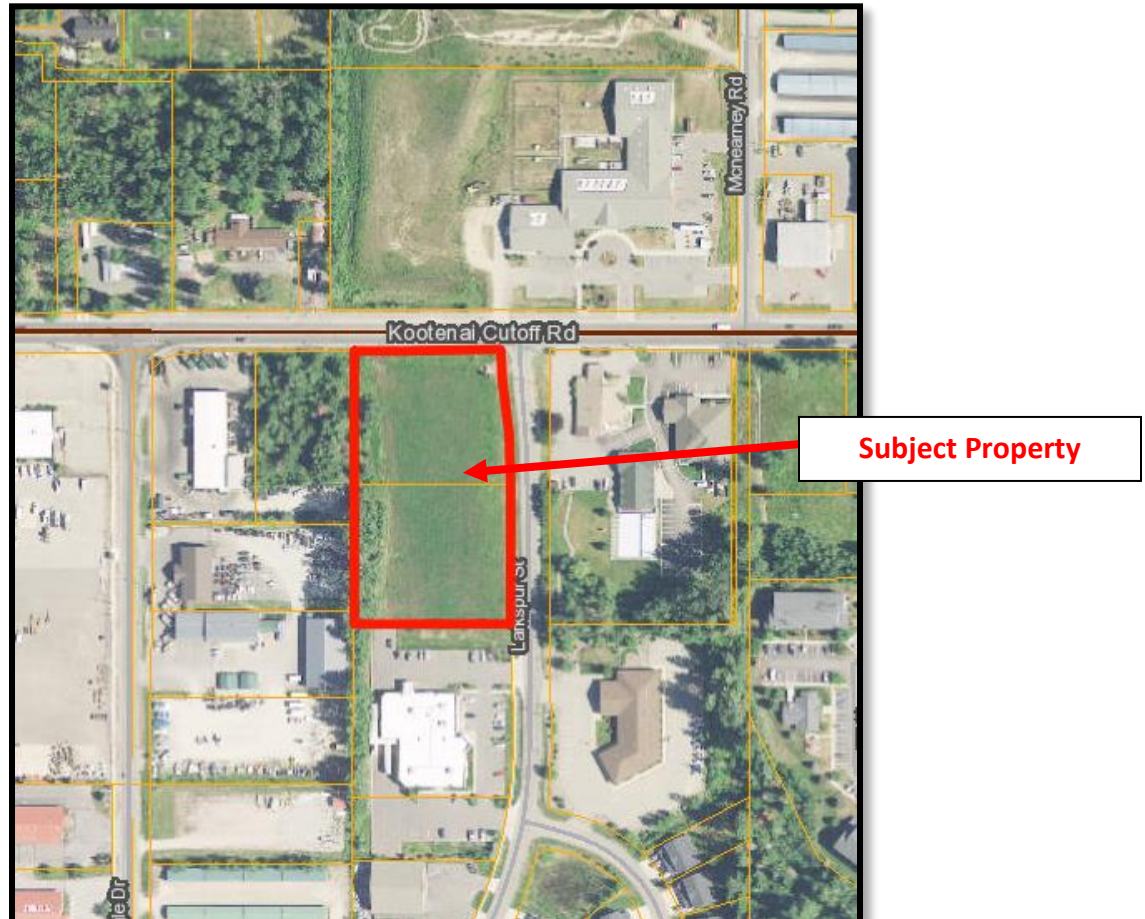


Ponderay - City Planning Staff Report

April 15, 2020 - Ponderay Planning and Zoning Commission
UP20-058 Special Use Permit - Alder Creek Townhomes - Commercial Zone



Aerial of Vicinity

Project Summary

Crystal Creek, LLC is requesting Special Use Permit (SUP) approval to develop 32 townhomes on ± 2.39 acres. The property is located at the corner of Kootenai Cutoff Road and Larkspur Street on Lots 1 and 2, Block 1, Alder Creek Subdivision in Section 11, Township 57 North, Range 2 West, Boise Meridian.

The proposal includes construction of four buildings, each including 8, three-bedroom townhome units.

Additionally, the proposal includes construction of a new sidewalk extension along Kootenai Cutoff Road as is required by code within the commercial district. The sidewalk will be placed within an existing 40-foot easement along Kootenai Cutoff Road. Sidewalks were previously constructed along Larkspur Road at the time of subdivision.

A 20-foot greenbelt dedication has been proposed along the west boundary of the Lots at the request of staff. This is consistent with the Ponderay Greenbelts and Pathways plan. (See Condition A-2)

Notice Provided

- Published in the Bonner County Daily Bee: March 27, 2020
- Mailed to affected landowners within 300 feet of the subject parcel: March 27, 2020
- Emailed to the media: March 27, 2020
- Posted at the site: April 7, 2020

Site Information

- A. **Site Data:** The subject property is Lots 1 (± 1.152 ac) and 2 (± 1.238), Block 1, Alder Creek Subdivision, recorded Book 8, Page 41, Bonner County records July 17, 2006.
- B. **Access:** The site is located at the corner of Larkspur and Kootenai Cutoff Road. As proposed the site will have an entrance only from Kootenai Cutoff Road via an existing approach. Additionally, there are two proposed approaches from Larkspur Street. Sidewalks were previously constructed along the length of Larkspur Street when the plat was recorded. Sidewalks along Kootenai Cutoff road are proposed for construction as a part of this project (See Condition A-3), which will tie into the existing sidewalks.
- C. **Environmental Factors:** The site is relatively flat. It contains native grasses with some trees and shrubbery along the west boundary of the property. The U.S. Fish and Wildlife National Wetland Inventory map does not indicate the presence of wetlands on this site.

There are no water bodies identified on site and the parcel does not contain mapped flood plain, according to the Bonner County GIS public mapping application.

- D. **Services:** The subject property is served by Sandpoint City Water and Kootenai-Ponderay Sewer District. Solid waste disposal will be handled by Waste Management. The site is located within the Boundaries of the Lake Pend Oreille School District and Northside Fire District.
- E. **Stormwater:** A stormwater management and erosion control plan was designed and approved for the Alder Creek Subdivision during the plat. A stormwater, grading and erosion control plan was prepared by Drew Dittman, P.E., Lake City Engineering, which documents compliance with the approved plan.

Applicable Ponderay City Code (PCC) sections:

- PCC 9-7-2 Special Uses
- PCC 9-7-3 Special Use Applications, Public Hearings, and Council Action
- PCC 9-7-4 Appeals
- PCC 9-8-3 Site Plan Approval
- PCC 9-4-C Commercial Zoning District
- PCC 9-5-4 Performance Standards for Commercial and Industrial Uses
- PCC 9-5B-6 Outdoor storage of Commercial and Industrial Material and Equipment
- PCC 9-5E Parking Standards
- PCC 7-6 Sign Code

Project Review

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

Planning Review

Ponderay Code Section	Requirement	Provided by the Applicant
PCC 9-4C-2 (A) Open Space	A minimum of 25% of the lot or parcel shall remain as open space	±74.4% open space is proposed
PCC 9-4C-2 (B) Compliance	Compliance Required: No building in the commercial zone shall be altered, erected, reconstructed or moved except in conformance with the provisions of this title and the requirements of this zone.	The proposed site plan has been reviewed for compliance with the provision of this title. Construction shall be in accord with the approved site plan and shall comply with the adopted building and fire codes. (See Condition B-2)
PCC 9-4C-2 (C) Parking Space Requirements and PCC 9-5E-2(C) Residential off street parking, multifamily dwellings	All uses in the commercial zone shall meet the minimum parking space requirements as provided in <u>chapter 5, article E</u> of this title.	The proposed townhome square footage is 40,880 sq feet. PCC 9-5E-2(C) requires one 200 square foot parking space per 600 square feet of building space. The spaces may not be located more than 300 feet from the residential building. 40,880 sq ft of floor area/600 sq ft= <u>69 spaces required</u> <u>112 parking spaces are provided</u> , 32 of which are located within the proposed garages. The remainder are within the 300 feet of the proposed residential units.
Title 9; Definitions, Parking Lot, Parking space design and dimensions	90-degree angle parking spaces must be 9’x19’ with a 25-foot travelway	The site plan proposes parking spaces that are 9’x20’ with a 24-foot travel way. Since the parking spaces are depicted as 1-foot longer than is required, sufficient area is available for a 25-foot travelway.

Ponderay Code Section	Requirement	Provided by the Applicant
PCC 9-4C-2 (D) Signs and Advertising Structures	Signs, when adjacent to or alongside of a state highway, must comply with the regulations of the Idaho State Transportation Department	N/A not adjacent the ITD right of way
PCC 9-4C-2 (E) Green space	Not more than 25% of the total lot is required	39.5% Green space is proposed
PCC 9-4C-2 (F) Access	All lots in the Commercial zone shall have at least one existing access	<p>The parcel has direct frontage onto Kootenai Cutoff Road and Larkspur Street. The application proposes construction of two approaches onto Larkspur Street. Additionally, the application proposes use of existing approach from Kootenai Cutoff Road as a one-way entrance to the site.</p> <p>Additionally, the City Engineer has requested that the applicant complete a traffic impact study or dedication to create an alternate route to Triangle Drive in order to alleviate congestion at the intersection of Larkspur and Kootenai Cutoff road.</p> <p>The Ponderay Streets Impact Fee capital improvement plan identifies an east west connection between Larkspur and the future Starr Lane extension.</p> <p>Staff met via video conference and the landowner has verbally agreed to supply the necessary dedication or easement and construct a connection from this site to the West at such time as the City can supply adequate right of way. Since this project is listed in the Cities capital improvement plan, the City could apply the street portion of the impact fees for the site towards the roadway</p>

Ponderay Code Section	Requirement	Provided by the Applicant
		<p>construction, if approved by the City Council. (See Condition A-5)</p>
PCC 9-4C-2 (G) Site Plan		<p>Sidewalks were previously constructed along the length of the lot facing Larkspur Street. Additionally, sidewalk construction is proposed along the north boundary of the lot along Kootenai Cutoff Road, as is required by Ponderay City Code 9-4C-2 (G) (See Condition A-3)</p>
PCC 9-4C-4 Special Uses	<p>Multiple-Family Dwellings having six or more total residential units per parcel of land.</p>	<p>The site consists of two lots. Each lot is proposed to contain 16 townhome units.</p>
PCC 9-5A-3 (B) Setbacks, Multiple-Family Dwellings	<p>For all structures not exceeding 28' in height or two stories, the required setbacks are as follows:</p> <ul style="list-style-type: none"> a) 20-feet from the front of the structure to any lot line. b) 20-feet from the rear of the structure to any lot line. c) 20-feet from the side of the structure to any lot line. <p>If the front, side or rear faces a principal arterial, that setback is increased to 75-feet from the center of R-O-W or 25-feet from the edge of the R-O-W, whichever is greater.</p> <p>With the approval of the Planning and Zoning Commission may reduce setbacks to zero where the proposed use is part of a, neighborhood subarea plan, shopping center, mall, PUD or other development that has an overall plan approved by the planning and zoning commission</p>	<p>Kootenai Cutoff Road is considered a minor arterial.</p> <p>Larkspur Street is considered a local access road.</p> <p>The originally submitted site plan proposed compliance with all standard setback requirements. However, staff has request dedication of a 20-foot greenbelt running along the west property line. Dedication of this greenbelt will relocate the westerly property line reducing the setbacks to the west line as follows:</p> <ul style="list-style-type: none"> Building 1 - 7.4' Building 2 - 12.4' Building 3 – 12.4' Building 4 – 12.5' <p>The ability to offer the reduced setbacks are authorized by PCC9-5A-3 (B)(4).</p>

Ponderay Code Section	Requirement	Provided by the Applicant
PCC 9-5A-4 (A) Maximum Height	No structure in any zone shall exceed two stories in height. Structures in the commercial and industrial zones may seek Planning and Zoning Commission approval to exceed the maximum height.	According to the application package two story structures are proposed. (See Condition B-4)
PCC 9-5C-5 Trash	All trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or sight obscuring fence of at least four (4) feet in height, or within an enclosed building or trash and/or garage collection dumpster. Adequate vehicle access to and from such area or areas for collection of trash and/or garbage shall be provided. Trash and/or garbage collection areas must also be animal proof.	The proposed trash collection facilities are located within the proposed structures. (See Condition B-5)
PCC 9-8-3 (H) Site Plan Approval	Shall be considered to be a concurrent signage plan, landscape plan, lighting plan, stormwater and erosion control plan or other required plan if submission is adequate to satisfy the above requirement.	Landscaping, lighting, signage and stormwater management and erosion control were reviewed concurrently and were found to be in compliance with Ponderay City Code. (See Condition B-3, B-6 and B-7)
9-5-3 Additional restrictions for multiple family dwellings	<p>A. Minimum dwelling size shall be 600 feet or the actual size for the purpose of calculating densities, parking requirements and other development requirements.</p> <p>B. The minimum lot size shall be 15,000 sq feet with a minimum frontage on a public street of 125-feet.</p> <p>C. Green space: A minimum of 25% of the site shall be maintained as green space.</p>	<p>A. Each dwelling unit is proposed as ±1,277 sq ft.</p> <p>B. Lot 1 is ±1.152 acres Lot 2 is ±1.238 acres Both exceed the 15,000 sq ft minimum required.</p> <p>C. The site proposed 39.5% greenspace</p> <p>D. The proposed building and common space occupy ±26% of the site</p> <p>E. Combined floor area and common spaces proposed are ±39.3% of the site.</p> <p>F. Proposed impervious surface, excluding roof area is ±36,354 sq feet or 34.9%</p>

Ponderay Code Section	Requirement	Provided by the Applicant
	<p>D. The building including common space and appurtenant structures, shall not occupy more than forty percent of the total surface area of the lot.</p> <p>E. All residential structures including common spaces, calculated as the combined floor space of all residential structures, including common spaces, shall not be greater than 50% of the total surface area of the lot.</p> <p>F. Parking areas driveways, sidewalks, patios and other vehicular and pedestrian areas shall not exceed 35% of the total surface area of the lot.</p> <p>G. Driveways: Driveways shall not be located closer than 5' from the residential structure, except where necessary to access covered parking.</p>	<p>of the site per the site plan. (See Condition B-8)</p> <p>G. Structures are proposed to be greater than 5-feet from the driveway.</p>

Engineering, Building Code, Fire Code and Agency Comment

The application was sent to the following agencies for comment on March 25, 2020:

- Kootenai-Ponderay Sewer District
- Ponderay Police Department
- City of Sandpoint
- Independent Highway District
- Frontier Communications
- Ponderay City Engineer, HMH Engineering
- Northside Fire District
- Pat Park, Building Official
- Avista
- Lake Pend Oreille School District
- Northland Cable

At the time this report was prepared, the following agency comments had been received:

Don Peterson, Avista Utilities, email dated March 25, 2020: Mr. Peterson stated that Avista suggests approval of this project.

Jimmy Cornelius, Ponderay Police Chief, email dated March 31, 2020: Chief Cornelius stated that he has no objection to the project and feels that it will be a good addition to the City of Ponderay.

He did note that there is already traffic congestion at the intersection of Kootenai Cutoff Road and Larkspur Street at certain times of the day. He feels that if more traffic is going to be added to the already busy intersection that measures should be taken to alleviate some of that. It is nearly impossible to turn west from Larkspur at certain times.

He indicated that a possible turn signal, round about or turn lanes could be necessary. With the vacant property it is the opportune time to look at additional options. Even a roundabout at the nearby Kootenai Cutoff/McNearney Road intersection would help because cars could turn east and then go around the round about to turn west.

****Staff Note: Please see the comments from the City Engineer below and associated See Conditions of approval.**

Justin Shaw, P.E., HMM Engineering, City Engineer: Mr. Shaw reviewed the special use permit application and provided the following comments:

- 1) Driveway Culvert: Please show driveway culvert inverts and ensure adequate cover. Please see City code 8-1-6.M. (See Condition A-6)
- 2) Operation and Maintenance Plan: A maintenance and operation plan was not included in the submittal. Please see City code 8-4-5.F. (See Condition A-6)
- 3) GIAs: City code 8-4-6.B.3 requires non-commercial/industrial swales/GIAs to be 6-IN deep. GIA C is 12 IN deep. Where are the GIA's overflows? GIA E is located in the greenbelt/pathway dedication. Is this acceptable to the City? GIA A is proposed to be built around the existing Kootenai Cutoff ADA ramp. Please check elevations, its fairly steep behind that ramp if I remember correctly. (See Condition A-6)
- 4) 25-YR Runoff: How is the increase in 25-YR runoff mitigated? I see the peak flows, but I don't see how the peak flow will be reduced to existing flows. Please call if you have any questions. (See Condition A-6)
- 5) Parking: City code 9-5-3.F requires parking areas, sidewalks, etc to not exceed 35% of the site area. It appears the proposed site does (parking lot is 34.9%; I didn't see sidewalk and patio areas). City code 9-1-2 requires 90° parking spots to have a 25 FT driveway. Driveway widths are listed at 24 FT, however parking spot lengths only have to be 19 FT. The northern most driveway is one-way and 16-FT wide. I didn't find a City code specifying one-way driveway width. I'll talk with the City of verify acceptance. (See Condition B-8)
- 6) Access: Is the Kootenai Cutoff approach existing? There's approximately 185 FT between Larkspur and the Kootenai Cutoff approach. The Urban Area Transportation Plan recommends 200 FT between approaches for minor collectors.
- 7) Traffic: Traffic at the Larkspur/Kootenai Cutoff intersection can become fairly congested. With this development or the previous Alder Creek commercial development, the City will require a traffic impact study or dedication for an alternative route to Triangle Drive. I will discuss this with the City to determine our plan of action. (See Condition A-5)
- 8) Bus Pad: A bus stop shelter pad will need to be added along Kootenai Cutoff. The City will provide dimensions and shelter plans. (See Condition A-3)

****Staff Note: On Friday, April 3, 2020, staff held a digital meeting with the landowner and project engineer to discuss the comments of the City Engineer as well as those of Chief Cornelius. During that meeting the applicant verbally agreed to construct a bus pad along Kootenai Cutoff Road. Additionally, they have agreed to work with the City to construct an additional street to Triangle Drive at such time as the City is able to acquire the needed public R-O-W, in order to alleviate some of the congestion at the intersection of Kootenai Cutoff Road and Larkspur Street. Dedication or easement will need to occur on the subject property relating to the street. (See Condition A-5)**

Independent Highway District (IHD), Commissioner Bailey, email dated April 6, 2020: Commissioner Bailey noted that he believes that Kootenai Cutoff Road should not be used to access the site as it could create a hazard as traffic entering the site could be stopped by vehicles backing out of garages and parking spaces. Additionally, he noted that the northern travel way should be a minimum of 20-feet wide and should allow two-way traffic so these dwellings can use Larkspur Street for access, as he believes this is a safer option. He also commented regarding ADA parking.

****Staff Note: ADA Parking is administered by the City Building Official and will be addresses during the building permit phase of the project. The approach off of Kootenai Cutoff Road is existing. The design has been reviewed by the City Engineer. A one-way access lane with 90-degree parking must be 12.5' in width per Title 9, Definitions, Parking Space Design and Dimensions.**

City of Sandpoint Water, Dan Tadic, P.E., Sandpoint City Engineer, Water Connection Review dated April 3, 2020: Mr. Tadic stated that the site is located within the water service area. He stated that it appears that two 8" water stubs were extended onto the property when the water main was constructed within Larkspur Street. The City is willing and able to serve the site, once the applicant meets the requirements of the City, which includes submission and approval of the watermain extension application and plans, proof of valid building permit and payment of applicable fees. (See Condition A-4)

Kootenai-Ponderay Sewer District (KPSD), Colleen Johnson, memo dated April 8, 2020: The property is within the boundaries of the KPSD. The district has verified the location of the main line to which the property needs to connect. It is in the right-of-way, but the developer still maintains ownership of and responsibility for the line operations and maintenance. After all requirements of the district have been met, including but not limited to an application for service, payment of fees and review of utility plans by Operations and Maintenance, the district will provide service. (See Condition A-1)

Zach Pohl, Northside Fire District, email dated April 11, 2020: Mr. Pohl noted that he did not find a sprinkler plan within the packet and inquired as to whether sprinklers would be installed in the proposed structures.

****Staff Note: Pat Park, CBO with review the project for building and fire code during the building permit process. The site will be required to comply with all building and fire codes.**

Public Comment

At the time the staff report was prepared, no public comments had been received.

Staff Analysis & Recommendation

Subject to the recommended Conditions of approval, staff finds that this project is consistent with Ponderay City Code. Therefore, staff recommends approval of the proposed special use permit. Staff recommends the following findings of facts and conclusions of law:

Findings of Fact

1. This proposal was reviewed for compliance with the approval criteria and applicable standards set forth in Ponderay City Code.
2. The proposed use is Conditionally permitted within the Commercial zoning designation (PCC 9-4C-4).
3. The submitted stormwater management plan has been reviewed by the City Engineer. Revisions are pending at this time and city engineer approval has been made a Condition of Approval. (See Condition A-6)
4. The proposed use is not in conflict with the comprehensive plan. (See the project narrative)
5. The site will be served by Avista, City of Sandpoint Water and Kootenai-Ponderay Sewer District.
6. Solid waste disposal will be provided by Waste Management.
7. Access to the site is proposed off of Larkspur Street, an existing, publicly maintained, hard surfaced local access road and Kootenai Cutoff Road, an existing, publicly maintained hard surfaced minor arterial. Additional access is proposed to connect the site to Triangle Drive. (See Condition A-5)
8. The project will result in dedication of public right-of-way along the west boundary of the parcel for greenbelt. Additional dedication or easement may occur in order to create an additional access to the west.
9. The project will result in construction of a new sidewalk extension along Kootenai Cutoff Road and a SPOT Bus Pad for a future shelter.
10. Construction plans and signage will be reviewed through the building permit process for compliance with building and fire codes.

Conclusions of Law

Based on these Findings of Fact, the Planning and Zoning Commission concludes that the special use permit request is/is not in accordance with the applicable sections of Ponderay City Code, and therefore is recommended for approval/denial.

Motion

MOTION TO APPROVE: I move to recommend approval of this application FILE UP20-058, requesting special use permit approval to develop 32 townhome units within the commercial zoning district and the associated setback reductions, finding that it is in accord with the applicable sections of Ponderay City Code as enumerated in the findings of fact and conclusions of law in the staff report, and based upon the evidence submitted up to the time the staff report was prepared and testimony received at this hearing.

I further move to recommend adoption of the findings of fact, conclusions of law and Conditions of approval (**noting any amendments**) in the staff report.

MOTION TO REMAND: I move to remand this application FILE UP20-058, requesting special use permit approval to develop 32 townhome units within the commercial zoning district to the applicant to address (insert the specific areas of concern)

MOTION TO DENY: I move to recommend denial of this application FILE UP20-058, requesting special use permit approval to develop 32 townhome units within the commercial zoning district, finding that it is **not** in accord with the applicable sections of Ponderay City Code as enumerated in the findings of fact and conclusions of law in the staff report, and based upon the evidence submitted up to the time the staff report was prepared and testimony received at this hearing.

Conditions of Approval

Prior to issuance See Conditions (Must be met before a building permit can be issued)

- A-1. Prior to building permit issuance, the applicant shall provide proof of compliance with the requirements of the Kootenai-Ponderay Sewer District and documentation from the district that adequate sewer service will be provided to the proposed development.
- A-2. Prior to issuance of the building permit, the landowner shall dedicate the west 20-feet of Lots 1 and 2, Block 1, Alder Creek Subdivision to the City of Ponderay for a greenbelt.
- A-3. Prior to issuance of the occupancy certificate, sidewalks and the SPOT Bus pad shall be constructed as proposed along Kootenai Cutoff Road to the satisfaction of the Ponderay City Engineer.
- A-4. Prior to issuance of the certificate of occupancy, the applicant shall provide proof of compliance with the requirements of the City of Sandpoint and provide documentation that the site will receive adequate water service.
- A-5. Prior to Certificate of Occupancy issuance, the landowner shall construct the connector street between the site and Triangle Drive or execute a development agreement with the City of Ponderay for construction at such time as the right-of-way can be obtained by the City of Ponderay.
- A-6. Prior to building permit issuance stormwater revisions shall be completed to the satisfaction of the City Engineer.

Operational See Conditions (Must be met on an ongoing basis)

- B-1. The proposed use shall commence within one (1) year following the date of city council approval of the special use permit and shall be diligently pursued or said approval and permit shall be rendered automatically null, void and of no right or recourse. The special use permit may be revoked if the sponsor fails to comply with required restrictions or Conditions.
- B-2. The use shall be developed and shall be operated in accordance with the approved plan.

- B-3. The proposed site plan has been reviewed for compliance with the provision of this title. Construction shall be in accord with the approved site plan, stormwater, lighting and landscape plans and shall comply with the adopted building and fire codes. Building permits shall be obtained for all construction and signage.
- B-4. Structures shall not exceed two stories in height.
- B-5. All proposed or future trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or sight obscuring fence of at least four (4) feet in height, or within an enclosed building or trash and/or garbage collection dumpster. Adequate vehicle access to and from such area or areas for collection of trash and/or garbage shall be provided. Trash and/or garbage collection areas must also be animal proof.
- B-6. Signage shall be installed in accord with the submitted signage plan. Future signage shall comply with the standards of Ponderay City Code in effect at the time of construction.
- B-7. External lighting shall be installed in accord with the approved lighting plan. Exterior lighting shall not be placed in any manner as to permit beams and illumination onto a public right of way. All lighting shall be downwardly directed.
- B-8. In accordance with PCC 9-5-3(F), Parking lots, sidewalks, patios, driveways and other vehicular and pedestrian areas shall not exceed 35% of the site. This excludes those which are located within dedicated public right-of-way.