



Ponderay - City Planning Staff Report

December 21, 2020 - Ponderay Planning and Zoning Commission
UP20-061 Special Use Permit - Spielman, LLC, Light industrial



Aerial of Vicinity

Project Summary

Spielman, LLC is requesting Special Use Permit (SUP) approval to allow for light industrial uses on a commercially zoned parcel, as is allowed by Ponderay City Code. The proposed use will occur within the existing 60'x120' structure which was originally constructed to house a Yamaha Dealership. The

property received site plan approval from the City of Ponderay in 1997. No new impervious surface is proposed as a part of this application. The property is located off Triangle Drive at its intersection with Bonner Mall Way in Section 11, Township 57 North, Range 2 West, Boise Meridian.

The current use of the structure is metal fabrication.

Site Information

- A. **Site Data:** The subject property is described as Trussell Lots, Lot 2, Book 12, Page 62, Bonner County Records.

Surrounding uses include, WIS Manufacturing and the Lake Pend Oreille School district to the east, Full Circle Powder Coating and Clyde's Towing to the west (UP17-039), Pacific Steel and Recycling and Browns Northside Machine to the north and Emerald Automotive and Bonner Mall to the south.

Surrounding zoning includes commercial in all directions.

- B. **Access:** The site is accessed from and existing approach onto Triangle Drive, an existing ±35-foot wide hard surfaced local access road, located within a ±60-foot public right of way. Additional access is provided from Bonner Mall Way, and existing ±30-foot wide, hard surfaced local access road, located within a ±60-foot public right of way.
- C. **Environmental Factors:** The site is relatively flat with areas of native grass surrounding the existing development. The proposed use will occur within the existing structure and will use the existing parking area.
- 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.

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 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	There is no change to the proposed open space.
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 was reviewed for compliance with the provision of this title at the time of approval. No changes to the site plan are proposed. The use shall be in accord with the approved site plan and shall comply with the adopted building and fire codes. (Condition B-2)
PCC 9-4C-2 (C) Parking Space Requirements	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.	<p>The existing building is ±6,000 square feet.</p> <p>The original use of the structure was retail with a repair component. Retail space is calculated at a rate of one space per 200 square foot of structure.</p> <p>PCC 9-5E-4 requires one 200 square foot parking space per 1,000 square feet of building used for an industrial purpose.</p> <p>Therefore, the proposed use has a lower required number of parking spaces than originally approved onsite.</p> <p>The proposed use requires 6 parking spaces.</p> <p>The existing parking lot exceeds the space required to accommodate the required parking.</p>
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

Ponderay Code Section	Requirement	Provided by the Applicant
PCC 9-4C-2 (E) Green space	Not more than 25% of the total lot can be required.	There are no changes proposed to the site plan.
PCC 9-4C-2 (F) Access	All lots in the Commercial zone shall have at least one existing access.	The parcel has direct frontage onto Triangle Drive. Additionally, the site has an existing approach onto Bonner Mall Way.
PCC 9-4C-2 (G) Site Plan	Site plan shall depict sidewalks and/or bike paths if required by the commission or city council	<p>Sidewalks were constructed by the City of Ponderay along Bonner Mall Way during a recent construction project in the Triangle Drive corridor.</p> <p>Site plan approval was granted to the site previously.</p> <p>No new construction is proposed at this time. Therefore, sidewalk construction is not required at this time.</p>
PCC 9-4C-4 Special Uses	<p>Light Industrial uses are permitted by special use permit provided the following criteria are met.</p> <p>A. Carried on in such a manner as to not create a hazard of fire or explosion.</p> <p>B. All byproducts, emissions, waste and other discharges must meet the minimum standards of all local, state and federal agencies with jurisdiction, including, but not limited to, EPA, health district, sewer district and sanitary landfill district. In addition, said use shall not negatively impact adjoining and/or adjacent properties.</p> <p>C. All storage of materials, equipment, supplies, etc., must either be indoors or contained within a six foot</p>	See Conditions B-5, B-6, B-7

Ponderay Code Section	Requirement	Provided by the Applicant
	<p>(6') high, sight obscuring fence. Storage of hazardous, flammable or explosive materials must be in accordance with Northside fire department requirements.</p>	
<p>PCC 9-5A-3 (C) Setbacks, Commercial and Industrial Zones</p>	<p>Structures shall be 45-feet from the centerline of the street or legal access right-of-way or 25-feet from the edge of the right-of-way whichever is greater.</p> <p>The minimum property line setback from all other lines shall be 10-feet, unless the abutting property is zoned residential.</p> <p>With the approval of the Planning and Zoning Commission, setbacks may be reduced 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>N/A no new construction is proposed. Site plan approval was previously granted.</p>
<p>PCC 9-5A-4 (A) Maximum Height</p>	<p>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.</p>	<p>The existing structure is one story. No new construction is proposed.</p>
<p>PCC 9-5C-5 Trash</p>	<p>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</p>	<p>See Condition B-3</p>

Ponderay Code Section	Requirement	Provided by the Applicant
	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.	
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.	<p>Site plan approval was previously granted for this site.</p> <p>No new construction or impervious surface is proposed as a part of this application. The existing landscaping and stormwater management facilities will remain intact. (Condition B-12)</p> <p>No new signage or lighting is proposed at this time. (See Conditions B-4 and B-9)</p>
9-5-4 Performance standards	Any commercial or industrial use or occupation of land or buildings in any zone which creates dangerous, injurious, noxious or otherwise objectionable conditions adversely affecting any other lot must comply with performance requirements relating to fire hazards, radioactive particles or electrical disturbance, noise, vibration, air pollution, glare and water pollution.	See Condition B-8
9-5B-6 Outdoor storage of Commercial or Industrial materials or equipment	When outdoor storage of commercial or industrial materials or equipment exists, it must be screened from view from any existing adjoining residence or residentially zoned property, whether or not it is separated by street or alley. Storage shall not be within the front yard setback.	<p>N/A</p> <p>The site does not abut residentially zoned property, nor does it abut property developed with an existing residence.</p>

Engineering Review

No new impervious surface or construction was proposed as a result no engineering review was required for this project.

Agency Comment

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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 | <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"/> | Zipley Fiber | <input checked="" type="checkbox"/> | Northland Cable |
| <input checked="" type="checkbox"/> | Ting | | |

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

Pat Park, Ponderay Building Official, James A. Sewell & Associates, email dated September 17, 2020:

Mr. Park noted that after review of the proposed special use permit application, he recommends approval. He further noted that a change of use permit is needed for each tenant. (See Condition A-1)

Avista, Don Peterson, email dated September 17, 2020: Mr. Peterson noted that he recommends approval of the project.

Independent Highway District, Commissioner Mel Bailey, email dated September 25, 2020: Commissioner Bailey noted that the proposed change should not affect the road usage or maintenance.

Kootenai-Ponderay Sewer District, Colleen Johnson, memo dated September 28, 2020: Ms. Johnson noted that the property is located within the sewer district boundaries and they have verified the location of the main line in relation to the property. The site is currently connected to the District's wastewater system. If there are changes to the usage from what is currently on file with the district, updated wastewater disclosures and other discharge forms may be needed. (See condition A-2)

Public Comment

At the time the staff report was prepared no public comment has been received.

Planning Commission Recommendation

Commissioner Fox moved to recommend approval of this application FILE UP20-061, requesting special use permit approval to develop a light industrial use in the commercial zoning district, 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. He further moved to recommend adoption of the findings of fact, conclusions of law, and conditions of approval in the staff report. Commissioner Tate seconded the motion.

The motion was voted upon and carried unanimously.

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 standards set forth at Ponderay City Code Section (PCC) 9-7-2 Special Uses, 9-7-3 Special Use Applications, Public Hearings, and Council Action, Section 7-6 Sign Code, and the zoning district and other approval standards of Title 9.
2. The proposed use is conditionally permitted with the Commercial zoning designation (PCC 9-4-C-4).
3. Site plan approval was previously granted by the City of Ponderay in 1997.
4. No new impervious surface or construction is proposed as a part of the special use permit application.
5. The proposed use is not in conflict with the comprehensive plan. (See the attached worksheet)
6. The site will be served by Avista, City of Sandpoint Water and Kootenai-Ponderay Sewer District.
7. Solid waste disposal will be provided by Waste Management.
8. Access to the site is provided by Triangle Drive and Bonner Mall Way. Both are existing publicly maintained, hard surfaced local access roads.
9. The use must operate in compliance with all state, federal and local laws.

Conclusions of Law

Based on these Findings of Fact, the Planning and Zoning Commission concludes that the special use permit request is in accordance with the applicable sections of Ponderay City Code, and therefore is recommended for **(Insert approval or denial)**

Motion

MOTION TO APPROVE: I move to approve this application FILE UP20-061, requesting special use permit approval to develop a light industrial use in the commercial zoning district, 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 adopt the findings of fact, conclusions of law, and conditions of approval **(note any amendments)** in the staff report.

MOTION TO DENY: I move to deny this application, FILE UP20-061, requesting special use permit approval to develop a light industrial use in 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 conditions (Must be met before a building permit can be issued)

- A-1. Prior to issuance the applicant shall submit change of use building permits for the light industrial tenants.
- A-2. The landowner shall provide documentation that the wastewater disclosures on file with Kootenai-Ponderay Sewer District reflect the current occupants.

Operational 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, building code, fire code and PCC 9-4C.
- B-3. 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-4. 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-5. The industrial use shall be carried on in such a manner as to not create a hazard of fire or explosion.
- B-6. All byproducts, emissions, waste and other discharges must meet the minimum standards of all local, state and federal agencies with jurisdiction, including, but not limited to, EPA, health district, sewer district and sanitary landfill district. In addition, said use shall not negatively impact adjoining and/or adjacent properties.
- B-7. All storage of materials, equipment, inventory, supplies, etc., must either be indoors or contained within a six foot (6') high, sight obscuring fence. Storage of hazardous, flammable or explosive materials must be in accordance with Northside fire department requirements. All storage structures must comply with the structure setback requirements of this title.
- B-8. The industrial use shall operate in compliance with the performance standards of PCC 9-5-4.
- B-9. Signage shall comply with the applicable standards of Ponderay City Code in effect at the time of construction as well as all Idaho Transportation Department Standards. Building permit approval shall be obtained prior to the installation of all signage.

- B-10.** Equipment and materials shall not be stored outdoors within the front yard setback area.
- B-11.** Operations shall be limited to internal functions after 8pm. All external doors shall remain closed and use of forklifts or other equipment containing backup alarms shall cease after 8pm.
- B-12.** Existing landscaping and stormwater management facilities shall remain intact.