



# **SPECIAL USE PERMIT APPLICATION**

## **PONDERAY PLAZA APTS-Phase 2**

**Legal Description**  
11-57N-2W  
Parcel B

**Parcel Numbers**  
RPP00000113481A

**June 6, 2022**

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**EASTMARK CAPITAL GROUP**

2212 Queen Anne Ave N #339 | Seattle, Washington 98109



# Ponderay - City Planning

## Special Use Permit Application

Site/Project Information	
<p><b>Brief Project Description:</b> The project includes six (6) multi-family buildings and a single-story community center on a ~6.84 acre parcel located near Schweitzer Plaza Drive and the future Bonner Mall Way extension in Ponderay, Idaho. The total project will include 114 residential units, consisting of ninety-six (96) 1- &amp; 2-bedroom apartment style units and eighteen (18) 3-bedroom townhome style units. The three (3) apartment buildings will be 3-stories in height, the three (3) townhouse buildings will be 2 stories, and the community center will be one story.</p>	
<b>Project Representative:</b>	Sean M. Barnes Eastmark Capital Group
<b>E-mail:</b>	sean@eastmarkcapitalgroup.com
<b>Phone #'s:</b>	(206) 856-2049
<b>Location:</b>	Schweitzer Plaza Drive, Ponderay, Idaho
<b>Legal Description:</b>	S.11, T.57N, R.2W, Boise Meridian, City of Ponderay, Bonner Co., Idaho, Parcel B

Applicant/Owner Information
<b>Name:</b> Sean M. Barnes Eastmark Capital Group
<b>Legal Owner:</b> James Fenton Company, Inc. a California Corporation
<b>Signature:</b> 
<b>Mailing Address:</b> 2212 Queen Anne Ave N, #339 Seattle, Washington 98109
<b>E-Mail:</b> sean@eastmarkcapitalgroup.com
<b>Phone #'s:</b> (206) 856-2049

Ponderay Planning Department	
<b>File Number:</b>	
<b>Fees:</b>	
<b>Zoning:</b>	
<b>Received By:</b>	<b>Date:</b>
<b>Comments:</b>	

## Ponderay City Planning – Special Use Permit Application

### WRITTEN STATEMENT FOR SPECIAL USE PERMIT

**Project Name:** Ponderay Plaza Apartments – Phase 2

**Property Owner:** James Fenton Company, Inc. a California Corporation

**Property Location:** Schweitzer Plaza Drive & Future Bonner Mall Way,  
Ponderay, Idaho

**Zoning:** Commercial Zone, City of Ponderay

**Legal Description:** 11-57N-2W; City of Ponderay, Bonner County, Idaho  
Parcel B

**Parcel Numbers:** RPP00000113481A

**Applicant:** Sean M. Barnes  
Eastmark Capital Group  
Email: [sean@eastmarkcapitalgroup.com](mailto:sean@eastmarkcapitalgroup.com)  
Phone: 206.856.2049

***INTRODUCTION: Pursuant to the requirements outlined by the City of Ponderay Planning and Zoning Commission. The following shall serve as the basis for an application and written statement for approval of a Special Use Permit for the above referenced Project as further defined by the Property Location above.***

***The Project is a new development of 114 residential units comprised of 1- and 2- bedroom apartment units and 3-bedroom townhome style units in six buildings and an approximately 3,543 square foot community center building. Four of the seven buildings as indicated on the attached site plan surround a common courtyard which encompasses approximately 30% of the overall developable site, after deducting future Right of Ways, from the total 6.84-acre site area.***

***The developer envisions the Project to provide essential quality housing to the greater Ponderay community, fulfilling the housing void that has hampered many employers from filling open positions and forcing workers to live extended distances from their employment. Partnering with Eastmark Capital Group on this project is Schweitzer.***

***The development team recognizes the connection to nature and the outdoors that many Ponderay residents share, as such we've designed the Project with generous outdoor spaces, private storage for each unit, above code required parking and intend to work with SPOT to provide future transportation service to the Ponderay Plaza Apartment community thus alleviating the number of cars on the roadways and reducing the overall traffic and wear on the roadways.***

***Thank you in advance for your consideration of this Special Use Permit, the entire development team feels this project will add significant value to the City of Ponderay in terms of growth in full-time residents, increased tax basis, utilization of city parks and services, growth of the***

**transportation network with construction of Bonner Mall Way extension and the East/West road and fostering community building which is key to a growing city like Ponderay.**

A. In Writing: An application for a variance or a special use permit shall be made, in writing, to the planning and zoning commission. –

**APPLICANT RESPONSE:        *Written statement to follow.***

B. Required Information: Any application for a variance or a special use permit must include the following. Incomplete applications shall not be accepted. Ten (10) copies of all documentary evidence, including maps, plans and the application itself, must be submitted with any application.

**APPLICANT RESPONSE:        *Applicant has included 3 copies of all documentary evidence as instructed by KayLeigh Miller, Planning Director of the City of Ponderay.***

1. A written narrative statement addressing the following:

a. How the proposed use will, in fact, constitute a variance or a special use.

**APPLICANT RESPONSE:        *The Project will be built as multi-family housing and is in a Commercial Zone in the City of Ponderay. Pursuant to 9-4C-4: Special Uses, of the City of Ponderay Code, “Multiple-family dwellings having six or more total residential units per parcel of land” is permitted only with an approved Special Use Permit. The Project consists of 114 units in 6 buildings with a minimum of 6 units per building in 3 of the buildings and minimum of 24 units in the other 3 buildings exceeding the minimum of 6 units per parcel of land and therefore constituting a special use.***

b. Why the proposed variance or special use is necessary or desired.

**APPLICANT RESPONSE:        *As indicated in 1.a. above, a special use is necessary due to the limitations of 9-4C-4 of the City of Ponderay Code. In addition to this special use, the applicant is requesting a variance for the maximum allowable height limit. The existing height limit effectively limits building height to 2 stories. The Project will include three 3-story apartment buildings, two 2-story townhome buildings, and one 1-story community center building. The applicant requires a variance for the maximum height limit to develop the three 3-story buildings. The applicant acknowledges the biggest jurisdictional limitation to 3-story buildings is the need for ladders to be used by the fire department to effectively fight fires on the third floor. The applicant will provide ladders onsite as required by the fire department and as a condition of approval for this application.***

c. Whether the proposed variance or special use will be harmonious with and in accordance with the general objectives, or with any specific objective, of the comprehensive plan and/or this title.

**APPLICANT RESPONSE:        *The City of Ponderay has a well-documented lack of quality housing options. Most of the land in Ponderay is zoned commercial or industrial. The need for workforce housing to support local businesses is critical to the community’s economy. The Project is in a Commercial zone primarily consisting of retail and light***

**industrial businesses. The layout of buildings, parking areas, landscaping and lighting are harmonious with existing development and will provide no detrimental impact to the Comprehensive Plan. The Plan’s policy recommendations will be met with selected examples, as follows:**

- Policies for Economic Development include “encouragement of efforts to develop and maintain quality neighborhoods and housing that are recognized as basic infrastructure and requirements of economic development”.

**APPLICANT RESPONSE: The Project satisfies this policy by providing a quality residential community close to businesses thereby increasing the vibrancy of the area.**

- Land Use policies identify priority for development of existing vacant land within the City over outlying areas.

**APPLICANT RESPONSE: The Project satisfies this policy as it is in a centralized area, the land is undeveloped, and the development will maximize the usefulness of this undeveloped land.**

- Natural Resources policies encourage protection and utilization of native vegetation.

**APPLICANT RESPONSE: The Project satisfies this policy as the site design will dedicate approximately 30% of the overall developable site area as open community space, exceeding City of Ponderay open/green space requirements. Landscaping will include native plantings and trees suitable to the area climate.**

- Public Service and Utility policies identify the need for transportation systems to be maintained and improved.

**APPLICANT RESPONSE: The Project will have positive impact on the transportation systems by providing additional dedicated Right of Ways and public roadways to the Ponderay transportation system. The addition of the to be built Bonner Mall Way Extension and East-West roadways, will increase vehicular circulation in the vicinity of the project. Further, approximately 11% of the overall 6.84-acre site will be dedicated to the Right of Ways which is a substantial forfeiture of land value from the developer to the community. This policy is satisfied by the Project.**

- d. Whether the proposed variance or special use will be designed, constructed, operated, and maintained to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

**APPLICANT RESPONSE: The Project will provide modern, attractive, and well-constructed multi-family residences designed to meet current Building and Energy Codes. The complex will have full-time management staff, generous parklike open spaces, and routine maintenance throughout the year. The proposed uses will not be detrimental to the character of the area and will maintain energize the vicinity with 24-7 occupancy. Refer to Exhibit D for Architectural Site Plan, Exhibit D for Concept Landscape Plan, Exhibit E for Building Floor Plans, and Exhibit F for Exterior Elevations of the proposed buildings.**

- e. The effect of the proposed variance or special use on adjacent property and whether it will be

hazardous or disturbing to existing neighboring uses.

**APPLICANT RESPONSE:** *The development of the residential use within the Commercial zone will not create a hazardous or disturbing effect to existing neighbors. Some of the closest neighboring businesses are retail in nature and will likely benefit from the increased residential population. Retail and Storage facilities are the closest existing businesses to the north and east, Walmart is nearby to the northwest, and a brewery is located to the south/southwest. Other industrial businesses located close by should remain unaffected by this project.*

- f. The identity of the owner or purchaser of the lot which is subject to the proposed variance or special use.

**APPLICANT RESPONSE:** *The purchaser of the lots is Eastmark Capital Group.*

- g. Whether the property will be served adequately by essential public services and utilities such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the proposed variance or special use shall be able to provide adequately any such service or utility.

**APPLICANT RESPONSE:** *The east frontage of the multi-family development will be along the future Bonner Mall Way extension which will be built as part of the Project. In addition to this roadway the Project includes an east/west roadway which will extend from the parcel to the west to the future Bonner Mall Way extension. The future Bonner Mall Way extension will be constructed to the City's standards as part of the Project. All drainage for the subject site will be designed to remain and dissipate on site. Water and sewer are available nearby and will be extended to service this site and its proposed buildings. Refer to Exhibits C & D for Stormwater/ Grading Plan and Utility Plan. Pursuant to 1.c. above the developer will incur substantial capital investment for these improvements while also forfeiting value of approximately 11% of the site area to the benefit of the city and community.*

- h. Whether the proposed variance or special use will create excessive additional requirements at public cost for public services and utilities or will be detrimental to the economic welfare of the community.

**APPLICANT RESPONSE:** *The proposed use will be constructed using private funds and will not be dependent upon any public services or utilities other than those paid for by the users. The proposed use will be beneficial to the economic welfare of the community by providing needed housing, increasing density in the neighborhood, and utilizing the previously paid for public infrastructure. The addition of users and tax dollars help validate the City's prior infrastructure investments, while impact fees and ongoing taxes help fund future improvements.*

- i. Whether the proposed variance or special use will lead to uses, activities, processes, materials, equipment, and conditions of operation detrimental to any persons, property, or the general welfare by reason of traffic, noise, smoke, fumes, glare, or odor.

**APPLICANT RESPONSE:** *As a multifamily complex, there will be no extraordinary detrimental conditions presented. Traffic for the complex will be limited to parking lots located between the buildings and on the East/West roadway. Multiple access points to parking lots will provide ample ingress and egress for traffic to and from the site. Additionally, the site is well located for residents to utilize bike paths, pedestrian walkways, and transit. The area intended for playground and outdoor activities for residents will be located between buildings, which are oriented in a “horseshoe” pattern, providing a buffer to existing business from any minimal noise created. The Project will have no industrial or other use that will create excessive noise, fumes, smoke, glare, odor, or traffic.*

- j. Whether the property under the proposed variance or special use will have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public roads.

**APPLICANT RESPONSE:** *Traffic entering or leaving the Project will have multiple approaches to and from adjacent roadways, including new roadways to be completed the developer. With multiple points of access, interference with traffic will be minimal.*

- k. Whether the proposed variance or special use will result in the destruction, loss or damage of the natural, scenic or historic features of major importance.

**APPLICANT RESPONSE:** *The site design and location of the Project will not result in the destruction, loss, or damage to natural, scenic, or historic features of major importance. The site is flat and has no natural, scenic, or historic features of major importance.*

- l. A description of the previous use of the property and the intended use, including hours of operation or use, number of employees or occupants, the system for delivery of materials, and the general nature of the business or occupancy.

**APPLICANT RESPONSE:** *This project site is vacant unimproved land that has no history of development and is currently covered with natural vegetation. The intended use will be multi-family residential containing 114 living units. Parking for these units is designed to exceed the City’s minimum parking count for off-street parking and will have vehicular circulation around the fronts of the residential buildings with green space, playgrounds, and pedestrian walkways throughout the site. The site will be occupied 24 hours per day.*

2. The name, address and telephone number of applicant.

***Eastmark Capital Group  
Sean M. Barnes, Owner  
2212 Queen Ave. N., #339  
Seattle, WA 98109  
Phone: (206) 856-2049  
Email: sean@eastmarkcapitalgroup.com***

3. The legal description of property.

***Sec. 11, T.57N, R.2W, Boise Meridian, City of Ponderay, Bonner County, Idaho, Parcel B***

4. A copy of the recorded deed showing proof of ownership.

**See EXHIBIT A.**

5. The signature of the legal title holder, if different from the applicant, signifying approval of the application.

**See EXHIBIT B.**

6. The names and addresses of all adjoining property owners, provided on a separate sheet of paper.

**Not applicable. Pursuant to email correspondence with Kayleigh Miller, Planning Director, on January 24, 2022, Ms. Miller indicates that the mailing addresses for property owners is no longer publicly available and this data will be provided by the City at a later date.**

7. A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the current zone classifications and existing land use of adjoining property.

**See EXHIBIT C.**

8. Ten (10) copies of the following plans (suggested scale: 1" = 20'):

- a. Site plans showing the location and dimensions of all building setbacks, road frontage, curb cuts, circulation patterns, loading service areas, parking, sidewalks, landscaped areas, signs, lighting, easements, utilities, and drainage patterns and listing the total open space area, impervious surfaces, lot size and total building floor area.

**See EXHIBIT D (Architectural Plans) and EXHIBIT H (Stormwater Management Plan).**

- b. Floor plans, elevations: front, side and rear, and property lines and roofline dimensions.

**See EXHIBIT E (Floor Plans) & EXHIBIT F (Elevations).**

9. 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, considering the variance or special use requested.

**APPLICANT RESPONSE: Understood. Based upon the Geotechnical Report prepared by Allwest Engineering it is our understanding the soil conditions of the site are very similar to other recently developed projects in both Ponderay and Sandpoint.**

10. Prior to granting a variance or special use, the planning and zoning commission may require a professional study of the social, economic, fiscal and environmental effects of the proposed variance or special use. (Ord. 6-2e, 2000; Ord. 6-2f, 2002; Ord. 6-29, 2003)

**APPLICANT RESPONSE: Understood. We suspect any such report will illustrate the social, economic and fiscal benefits of the Project and as such will result in a recommendation to grant the requested Special Use.**



## **COMPREHENSIVE PLAN WORKSHEET**

Below you will find a list of the Ponderay Comprehensive Plan components and goals. Please read the goal statement for each component and use the lines provided to describe how your proposed use is consistent with the **applicable** components of the Ponderay Comprehensive Plan. If a component is not applicable just leave it blank or write notapplicable.

**APPLICANT RESPONSE:** *The Applicants response to each of the Comprehensive Plan components and goals addressed in this Comprehensive Plan Worksheet are below.*

### **1. Property Rights**

**Goal statement:** All land use decisions made pursuant to this Comprehensive Plan shall protect the fundamental rights of all residents.

**APPLICANT RESPONSE:** *The additional housing proposed within this Commercial zone will help vitalize the surrounding commercial properties by locating residents in close proximity. The ability to live within walking distance of some basic service needs is an important benefit to any housing community thereby providing access to essential needs and enhancing the livability of the neighborhood.*

### **2. Population and Growth**

**Goal statement:** The citizens of Ponderay desire to maintain the existing quality of life and plan for stable growth that is consistent with the City's character and within the fiscal capability of the community.

**APPLICANT RESPONSE:** *With the completion of this Project, the City of Ponderay will benefit by its local workforce, which is the backbone of the economy, living near their employment. Living within the city will benefit economic growth, support twenty-four-hour services, and enhance the quality of life of both the residents and city. This project will be an attractive and well-maintained property, which will add to community aesthetic, provide community building opportunities, and support the City of Ponderay population growth.*

### **3. School Facilities**

**Goal statement:** To coordinate and cooperate with the school district in the development of the City's education facilities.

**APPLICANT RESPONSE:** *The added population in this proposed multifamily project will likely have some school age children. Cooperation and engagement of this population with the School District plus added tax dollars from new residents will ultimately contribute to the district's well-being.*

### **4. Economic Development**

**Goal statements:** To maintain and promote a healthy social and economic condition and development for City residents.

**APPLICANT RESPONSE:** *This proposed residential development will create much-needed housing to benefit the social and economic well-being of the community.*

**Goal statement:** To promote the development and improvement of City infrastructure.

**APPLICANT RESPONSE:** *The Project will promote development and improvement of existing City infrastructure through the use of such infrastructure, payment of property taxes and payment of impact fees to the City. Additionally, the Project is the second phase of a total project including 198 units between both phases. Completion of the Project will include construction by the developer of the extension of Bonner Mall Way from Starr Lane to Schweitzer Plaza Drive on the south. In addition, the developer will construct an East/West Road from the west side adjacent parcel to Bonner Mall Way extension. These new roadways will be constructed to City standards and will benefit the City overall through more efficient traffic circulation while provide benefit to adjacent properties and potential future developments.*

## **5. Land Use**

**Goal statement:** Urban development should achieve wise use of Ponderay land resources.

**APPLICANT RESPONSE:** *An attractive and useful community neighborhood will be developed on existing vacant, unimproved land which is surrounded by infrastructure and businesses. The development of the Project will create higher density residential in a location within walking distance of retail amenities, proximity to bike trails and a short walk to the future Ponderay City lakefront park.*

**Goal statement:** Goal Statement: Manage new growth and development to create a compact, distinct, and identifiable City.

**APPLICANT RESPONSE:** *The proposed structures will provide a compact residential community, with attractive design and generous open/green spaces.*

**Goal statement:** Restrict development on and around sensitive lands and significant natural features, including wetlands and floodplains.

**APPLICANT RESPONSE:** *Not applicable, the subject Property is not adjacent to sensitive lands, natural features, wetlands, or floodplains.*

## **6. Natural Resources and Hazardous Areas**

**Goal statements:** While conserving the environmental quality, the utilization of natural resources of Ponderay may be allowed.

**APPLICANT RESPONSE:** *Not applicable.*

To manage the area's natural resources through the development of policies that respect the area's important natural resources.

**APPLICANT RESPONSE:** *Not applicable.*

To protect the public safety, health and welfare from hazardous areas and conditions.

**APPLICANT RESPONSE:** *Not applicable.*

## **7. Public Services and Utilities**

**Goal statement:** Plan for an orderly and efficient pattern of public facilities and services to serve as a framework for existing and future development.

**APPLICANT RESPONSE:** *The framework for Public Services may not be a part of this project, but the orderly and efficient use of the land should contribute to the safety and welfare of its residents and promote future planning for such services. Roads will be improved and extended, utilities such as water and sewer lines will be installed to benefit neighboring properties, including installation of a sewer main extension and looping the water system for added water pressure.*

## **8. Transportation**

**Goal statement:** To maintain the street system for current users, emergency response efforts, and future generation by providing for the safe and effective circulation of vehicular and pedestrian traffic.

**APPLICANT RESPONSE:** *The Project includes construction of the Bonner Mall Way extension and East/West Road, buildings will front primarily on these streets. Street front improvements will be made as required by the City. These new roadways will benefit the city with improved vehicular circulation patterns and capacity.*

## **9. Parks and Recreation**

**Goal statements:** To provide and maintain recreational areas and facilities for citizens of Ponderay, Idaho.

**APPLICANT RESPONSE:** *Walking/biking paths along roads will be improved, where necessary on existing road and added for new roads constructed. In addition, green areas and walkways will be provided on site, including approximately 30% of the site area of the Project being designed as open/green space.*

**Goal statement:** To promote public recreation opportunities that respond to the needs of the community.

**APPLICANT RESPONSE:** *A playground and on-site walking paths are included with this complex. Bike and recreation activity equipment storage will be dedicated to each unit. Further promotion of existing recreational facilities is not envisioned, although the Project will not hamper such promotion.*

## **10. Housing**

**Goal statement:** To provide housing opportunities within the community to meet the needs of individuals of all socio-economic backgrounds, the elderly, and the disabled.

**APPLICANT RESPONSE:** *Housing is the goal of the Project. This Project will be an excellent example of housing for use by different socio-economic backgrounds. Although not intended as a low-income alternative, various sizes of units will be available and*

***barrier-free/ accessible units constructed as required by Codes. The developer intends to pursue development of the project in a cost-effective manner and identify all possible financial resources to enable the ownership team to provide a portion of the apartments to the community workforce at rental rates that are more competitive than typical new spec-built construction.***

## **11. Community design and Special Sites**

**Goal statements:** Preserve, protect, and enhance area of historic and natural interest, and scenic beauty.

**APPLICANT RESPONSE:** ***Not applicable. The Project is not adjacent to any areas of historic or natural interest; however, the development team has designed the buildings to be attractive, enhanced open/green space, and provide attractive landscaped environment. Where possible, existing trees and native vegetation will be utilized.***

**Goal statement:** To foster growth in a manner that enhances the small-town identity of the Ponderay community.

**APPLICANT RESPONSE:** ***Future growth in the community must have housing to support the citizens. Providing clean, attractive, and safe housing is the goal of the Project, and the Project will help to enhance the community's identity.***

## **12. Implementation**

**Goal statements:** The City of Ponderay Comprehensive Plan and related ordinances will be considered “working documents” and implemented by citizens and City leaders to shape the future of Ponderay.

**APPLICANT RESPONSE:** ***It is our intent to work closely with the City of Ponderay and its citizens to provide a project that meets the expectations of all. We look forward to beginning this process.***

## In Conclusion

The proposed Special Use Permit satisfies all criteria set forth by the City of Ponderay and is an ideal candidate for approval of the proposed development of multifamily housing. This development will benefit the city greatly by providing significant expansion of the residential population, while driving increased traffic to retailers in the immediate proximity of the site, providing density to support existing transit services as well as maximizing the utilization of the existing city infrastructure.

If you have any questions or need additional clarification, please do not hesitate to call. We look forward to your review and approval of this project.

Sincerely,

Eastmark Capital Group



Sean M. Barnes  
Principal

cc: Julie Meyer - James Fenton Company, Inc.  
Susan Kubiak – James Fenton Company, Inc.  
Lance Badger – Schweitzer