

**CITY OF PONDERAY PLANNING & ZONING
PONDERAY CITY COUNCIL CHAMBERS
288 4TH STREET
JANUARY 11, 2017**

CALL MEETING TO ORDER - THE PLEDGE OF ALLEGIANCE WAS RECITED.

Commission Chair Kellee Merrill called the meeting to order at 6:30 p.m.

Planner Brubaker called the roll: Commission Members Present: Kellee Merrill, Steve Fox, Phil McNearney, Lawson Tate

Staff: Planner Erik Brubaker, Assistant Planner KayLeigh Miller

ABSENT: Marc Woller,

CONSENT AGENDA: Approved minutes of Dec. 14, 2016 Regular P&Z Meeting

Commission Member Fox/McNearney, all in favor. Approved

PLANNING UPDATE: Workshop discussion

Assistant Planner KayLeigh Miller reported on compliance issues within the City. Out of those issues there has been discussions regarding whether or not code amendments would be appropriate. Staff felt it might be helpful for land owners to have an option to workshop with the planning commission to receive feedback prior to making application. As a result staff wanted to gather input from the commission regarding whether they would be interested in offering workshop discussions and if so how would you like to see that happen. There are a couple of different options. The first would be to allow a party to request a workshop with the commission where they could share thoughts and gather feedback prior to making application. The first issue where this option has been discussed involves the signage regulations. The second option involved future code updates. With this option staff would schedule workshops for specific topics in code. Members of the public would be able to come and give input on changes they would like to see for specific topics in code. Staff wondered if this might cover some of these issues, allow the commission to gather input and negate the need for individual requests for text amendments. In either scenario, these discussions would be legislative issues because they relate to overall code revisions. Staff requested input from the commission.

Commission Member Tate said that he'd prefer to hold workshops based on general topics, rather than with individuals. Others agreed. It was decided that staff would hold a series of workshops on specific topics and members of the public who had specific areas of concern for those Code sections could come in and work shop with the commission and receive feedback while also give their input.

Planner Brubaker discussed upcoming workshops scheduled regarding the Lake Side Sub-Area Plan. The plan is to have a workshop on that in February. Then bring the plan to hearing by March 8th. Also, Planner Brubaker touched on the previous workshop discussion. He noted that is it staff's intention to offer the workshop discussion as a matter of policy on future requests. Workshops would be held on the regularly scheduled meeting times.

File BL16-15: North 95 LLC and Peak BLA

Our Boundary Line adjustment process is a little different. In this case it allows someone to submit an application for a lot line adjustment or a boundary line adjustment regardless of whether or not we are looking at a platted lot or a parcel. They are both considered the same way. Ponderay City Code (PCC) requires a specific process with specific application requirements and a hearing before the Planning Commission but the hearing itself is not considered a "public" hearing so there are not notification or publication requirements. PCC requires a decision from the P&Z Commission.

The lot line adjustment application has been submitted and reviewed against PCC. Staff has been in communication with Kootenai-Ponderay Sewer District (KPSD) and has a letter indicating that there are no concerns with the location of the proposed boundary lines. However, formal approval has not been received because there are items that need to be completed regarding the LID's. The required LID paperwork will need to go to the KPSD board for a final determination.

The proposed lot line adjustment would reduce the southern lot from 5.46 acres to 3.36 acres and the Northern lot would be increased from 6.09 Acres to 8.2 Acres. Neither one is being reduces below the required minimum for the commercial zoning designation. Neither parcel would have reduced road frontage.

Staff was asked if the process would be the same if both parcels were owned by the same land owner. The answer was, yes. Additionally, staff was asked if a condition should be placed relating to the sewer district comments. Staff stated that PCC requires that a letter be received from the sewer district provider. That has been accomplished. Therefore a condition is not necessary.

Motion to Approve File BL16-15: North 95 LLC and Peak BLA-Boundary/Lot line adjustment. Commission Member McNearney/Fox, all in favor. Approved

File UP16-031-Day Care Center-Bonner Mall Partnership

The applicant is requesting a special use permit approval to operate a 24-hour daycare facility. The proposed lessee is Little Fit Daycare. The site is located in the east end of the Bonner Mall between Sears and Bonner Mall Cinemas in the former North Idaho College location. Primary access is provided by Bonner Mall Way.

Open Public Hearing at 6:44 p.m. No conflict of interest or disclosure. Rules were read. Presentation by Assistant Planner Miller. The application has been submitted by the Bonner Mall Partnership, the managing entity of the Bonner Mall. Bonner Mall was constructed in ±1986 and has had several interior and exterior renovations. The application proposes a minor interior renovation including construction of a new hallway for access to the theater and a secondary exit for the daycare suite. There are no exterior additions, no exterior play areas proposed. However, the proposal does include installation of a new exterior door to the new theater access hallway. Written comments were summarized.

Conditions of Approval:

1. The proposed use shall commence within one (1) year following the date of city council approval of the special use permit. The special use permit may be revoked if the sponsor fails to comply with required restrictions or conditions.
2. The use shall be developed and shall be operated in accordance with the approved plan.
3. The applicant shall obtain building permit approval for all construction and signage.
4. The use shall operate in compliance with all state and local regulations for child care facilities.
5. The lessee or daycare provider shall complete a Usage Update Application and Waste Data Disclosure Form and shall submit the application to the Kootenai-Ponderay Sewer District for approval, prior to commencement of the renovations.
6. Excessive noise or unusual noise shall be muffled or otherwise controlled. Noise levels shall not exceed 55 decibels, or any lower level fixed by law, between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. or 65 decibels, or any lower level fixed by law, between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

Presentation by the applicant: Tom Hicks -NAI Black-manages the facilities for Bonner Mall. He is working with contractors to create the new doorways. Assistant Planners report was very thorough so unless you have any question he will leave it as is.

Commission Member Tate asked what sort of sunset clause would there be on a special use permit if there wasn't a daycare for a certain number days or months. Assistant Planner Miller said that the special use permit stays with the land. The land owner has twelve months to activate the special use by operating a daycare in the location. There was some discussion, regarding whether the special use permit would expire if the daycare moved out and the space was left vacant or used for another purpose. It was determined by staff that the special use permit would be considered abandoned if the site was not used as a daycare for a 12 month period. If this occurred and the use permit was abandoned a new special use permit application would need to be filed.

Testimony by the Public: Dennis McLiesh 1200 Kootenai Cut Off Road, Ponderay

I am the owner of the Little Fit Day Care. Our purpose in this is to bring a day care into the area that can fill a need, a massive void that isn't here. There is not a commercial day care in the whole area that we have found that operates 24/7. I am sure all of you know how large of a swing shift, overnight and early morning work force we have. So we are hoping to address that. We also do school pickups and drop offs. We are the only commercial ones that will be doing that. We have six staff members and eight kids between us. That is our drive and motivation is to work with our kids, bringing in a living that way so we don't have to miss out as our kids grow up. We offer a place that is affordable for a day care. We are also one of the lowest pricing as well, so we bring a lot of value to the table on that.

No neutral or opposed. Close the public hearing at 7:10 p.m.

Initiate deliberations, discuss findings of fact and develop a reasoned decision.

MOTION TO APPROVE: Commissioner Tate moved to recommend approval of this application FILE UP16-031, requesting special use permit approval to operate a 24-hour daycare facility within the Bonner Mall, finding that it is in accord with the applicable sections of Ponderay City Code as enumerated in the findings of fact listed 1-10 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 1-10, conclusions of law, and conditions of approval in the staff report. Commissioner Fox seconded the motion.

VOTED upon and the motion carried, unanimously.

Motion to Approve: Commission Member Tate/Fox, all in favor. Roll Call Vote. Approved

The Meeting was adjourned at 7.20 p.m.

Planning and Zoning Chairperson

Su Warren, City Clerk-Treasurer