



June 24, 2024

**VIA EMAIL**

Rebecca Stone – Oz Architecture / Averill Hospitality  
3303 Larimer St.  
Denver, CO 80205

[bstone@ozarch.com](mailto:bstone@ozarch.com)  
[brian@averillhospitality.com](mailto:brian@averillhospitality.com)

Re: PCUP23-0003 and PVAR24-0001- Sandpoint Planning and Zoning Commission Decision on a Request for a Conditional Use Permit and Variance

Dear Rebecca:

This letter shall serve as notice of Sandpoint Planning and Zoning Commission's June 18, 2024, decisions on PCUP23-0003 and PVAR24-0001. Following the public hearing the Commission voted to approve both applications subject to certain conditions of approval (attached). Specifically, the approved conditional use permit allows for construction of a 296,250 sq ft hotel/resort including 181 guest rooms, a 4,600 sq ft restaurant, 14,262 sq ft of event space, a second 1,391 sq ft standalone restaurant, 240 structured parking spaces, and guest amenities such as fitness/wellness areas, a pool, recreational equipment rental, and curated retail in conformance with the site and building plans submitted with the conditional use application. Further, PVAR24-0001 approves a variance to City Code 9-2-1-4, requiring construction of buildings to the property line along the primary frontage of the parcel. The variance allows for construction of a civic and drop-off space within an area approximately 40 ft -110 ft between the primary building and the property line in conformance with the site plan submitted with the variance application.

Attached to the email message transmitting this letter, you will find a copy of the draft minutes from the June 18 meeting, reflecting the record of Commission's approval of these applications. Pursuant to Sandpoint City Code 9-9-10.A, an affected person aggrieved by the decision of the planning commission may file a written notice of appeal with the planning department or city council. Such notice must be filed within ten (10) business days after the planning commission's decision and no building or infrastructure permits may be issued prior to June 28, 2024.

As required by Idaho Code § 67-6519(5)(c), this letter shall additionally serve as notice of your right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.

Sincerely,

Daren Fluke, AICP  
Interim City Planner

**Attachments:**

- PCUP23-0004/PVAR24-0001 - Conditions of Approval
- Copy of Draft Minutes from Sandpoint Planning and Zoning Commission's June 18, 2024, meeting
- Copy of the Staff Report with revised conditions of approval as approved by the Planning and Zoning Commission

**cc:**

- Sandpoint Mayor and City Council
- Sandpoint Planning and Zoning Commission
- Jason Welker, City Community Planning and Development Director
- Fonda Jovick, Sandpoint City Attorney

## **PCUP23-0004 – Oz Architecture / Averill Hospitality**

### **Conditions of Approval**

1. Complete and submit a Traffic Impact Study at or before submittal of a building permit application:
  - a. Applicant shall construct any required off-site improvements specified in the final approved traffic impact study prior to the issuance of a certificate of occupancy for the hotel.
  - b. Applicant shall pay any extraordinary fees identified in the traffic impact study and ultimately determined by City Council prior to the issuance of a certificate of occupancy for the hotel.
2. Pursuant to §9-9-6-7 of Sandpoint City Code, detailed design work shall commence after the date of the commission's approval. The CUP and Variance are valid for one year and will be extended so long as the applicant has demonstrated a reasonable effort to complete the project.
3. Due to the proximity of the development to the railroad tracks, exterior walls shall have a sound transmission class (STC) of not less than 50, or not less than 45 if field tested, for airborne noise. Penetrations or openings in construction assemblies shall be sealed, lined, insulated, or otherwise treated to maintain the required ratings.
4. The applicant shall be allowed to rebuild and utilize the existing 10' wide public sidewalk on the east property line for emergency and/or fire department access. The pathway is to be constructed to City Engineering Specifications to support fire apparatus and EMS vehicles as required by the Fire Chief and applicable codes, but the applicant is not limited to concrete for the pathway material in order to enhance the streetscape experience. Asphalt paving is not allowed.
  - a. The fire access road / public sidewalk shall be constructed to a width of 20' (10' on the west side of the property line, 10' on the east side) from Bridge St. to a point approximately 320' north, roughly coincident with the centerline of the middle of building wing, or to a point as specified by the Sandpoint Fire Chief.
  - b. The existing 10'-wide public sidewalk on the east property line, shall be maintained (or rebuilt if damaged during construction) to its current 10-foot width from the terminus of the fire access road to a connection with the existing public sidewalks providing access to the Windbag Marina. An appropriate transition matching existing grade and width (or rebuilding the same) that is ADA compliant shall be constructed by the applicant.
  - c. Prior to the issuance of a certificate of occupancy for any portion of the hotel facility said fire lane public sidewalk shall be fully constructed and a permanent, non-revocable, access easement benefiting the City of Sandpoint and the general public shall be recorded with the Bonner County Recorder. Said easement shall always allow non-motorized public access.
5. Fire truck access on the north/west side of the building is required in accordance with fire code regulations. Access to be reviewed and approved by the Sandpoint Fire Chief prior to the issuance of a building permit.
6. Prior to issuance of a certificate of occupancy, the applicant shall restripe the existing bike lane along the west side of Dock Street to a width of 5'.

7. A detailed landscape is required to be submitted and approved concurrent with the building permit application.
8. A detailed Renewal Plan in accordance with §9-2-1-7. F shall be prepared and submitted with the building permit application. The renewal plan shall be reviewed and approved by the city prior to the issuance of a building permit.
9. This Conditional Use Permit applies to the operation of hotel and conference facility as described in the application and this staff report. Any enlargement or expansion of the building(s), land uses, and/or functions described herein shall require the approval of a new conditional use permit.
10. These conditions apply to all successors and assigns should this facility be sold.
11. Prior to the issuance of a certificate of occupancy, the applicant shall quitclaim any private interest in Bridge St. to the City of Sandpoint and build or rebuild curb, gutter, and sidewalk along the entire 290' of Bridge Street frontage as required by the city engineer.
12. Detailed analysis will occur throughout the design process. The analysis of layout, design, engineering, and other factors may result in the need to revise a variety of plan elements. In addition, revisions may be necessary at the time of construction improvement plans. If CITY staff determines the revisions are substantial, these changes will require an amendment to the conditions by the Planning and Zoning Commission. If the CITY staff determines that the revisions are minor, the changes may be approved, disapproved, or approved with modifications administratively. The authority to make the determination of when a revision is minor versus substantial is the CITY's.
13. No Design Standard Waivers have been requested and/or approved for this development. Any future requests for Design Standards Waivers, in accordance with §9-4-2-3-H-11 are subject to review and approval by the Planning & Zoning Commission and may result in an amendment to the terms of the Conditional Use Permit.