



## Staff Report

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**To:** Planning & Zoning Commission  
**Prepared by:** Daren Fluke, Interim City Planner  
**Report:** May 29, 2024  
**Hearing:** June 18, 2024  
**Item:** Public Hearing on PCUP23-0004: a Conditional Use request for a 296,250 SF hotel/resort and PVAR24-0001, a variance to exceed the 0' maximum front setback in the CA zone.

### I. Introduction

Oz Architecture on behalf of Averill Hospitality, is seeking approval of two applications, a Conditional Use Permit for a 296,250 sq ft hotel/resort and a Variance to allow for a greater front setback than allowed by City Code 9-2-1-4, which requires construction of buildings in the CA zone to be built up to the property line (a 0' maximum setback) along the primary frontage of the parcel.

The site is comprised of two parcels (RPS00000233921A & RPS00000233931A) totaling 3.36 acres and is located at 56 Bridge Street. The property is zoned Commercial A (CA) and currently operates as the Best Western Edgewater Resort which will be demolished to accommodate the new facility.

The CA zone requires a conditional use permit for buildings with a footprint over 15,000 square feet.

Conditional use permits and variance requests are considered and decided by the Planning and Zoning Commission, following public testimony and deliberation pursuant to Sandpoint City Code §9-9-1.

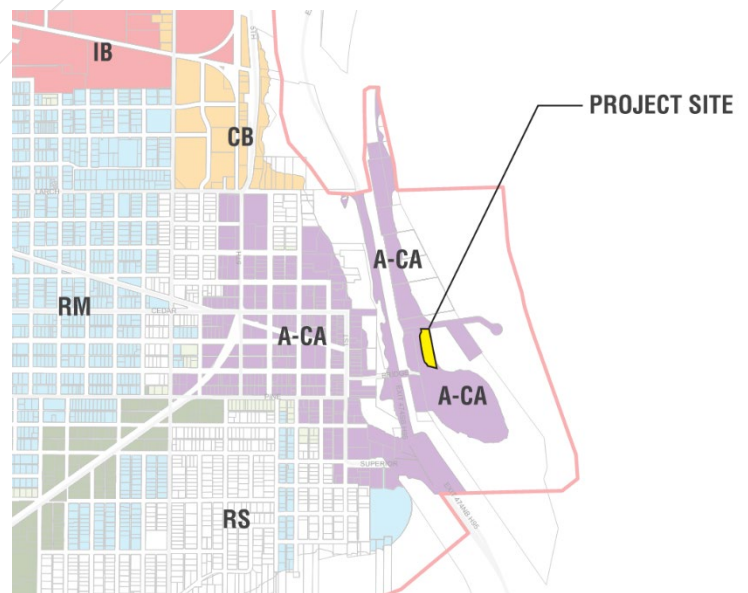


Figure 1 Vicinity & Zoning Map

## II. Requests

The conditional use permit application is for 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, and 240 structured parking spaces, and proposed guest amenities, such as fitness/wellness areas, a pool, recreational equipment rental, and curated retail.

## Proposed Site Plan



*Figure 2 Site Plan*

### Variance

The variance request pertains to City Code 9-2-1-4, which requires construction of buildings to the property line along the primary frontage of the parcel. The applicant requests civic and drop-off space within an area approximately 40 ft - 110 ft between the primary building and the property line.

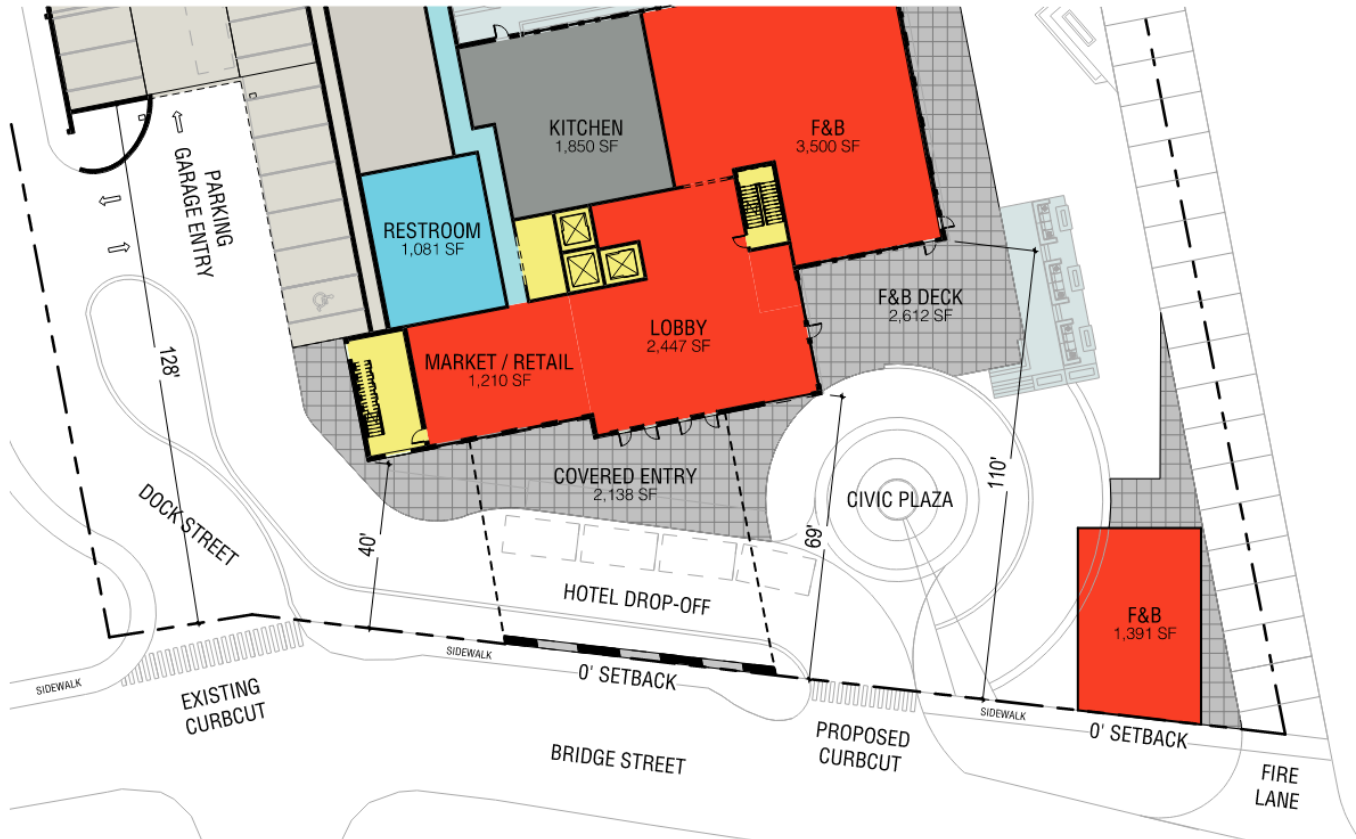


Figure 3 Variance Request Detail



## Building Elevations



Figure 4 East Elevation



Figure 5 West Elevation

## Building Perspectives



PERSPECTIVE - SOUTH WEST

Figure 6 Southwest Perspective



**PERSPECTIVE - SOUTH EAST**

*Figure 7 Southeast Perspective*

### III. Application Timeline and Notification

4/4/2023	Pre-application Meeting
11/07/2023	Application Received
11/14/2024	Additional Information Requested
5/20/2024	Application Complete
5/21/2024	Hearing Notice Published and Notice of Application sent to Agencies and Property owners within 300 Feet
5/21/2024	Hearing Notice Sign Posted
6/18/2024	Planning and Zoning Commission Public Hearing

REVIEWING DEPARTMENTS & AGENCIES:				
City of Sandpoint	Local Agencies & Districts	State & Federal	Bonner County	Other
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire Dept. <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> City Engineer <input checked="" type="checkbox"/> Operations	<input checked="" type="checkbox"/> Independent Highway District <input checked="" type="checkbox"/> Pend Oreille School District <input checked="" type="checkbox"/> Panhandle Health District <input checked="" type="checkbox"/> City of Dover <input checked="" type="checkbox"/> City of Ponderay	<input checked="" type="checkbox"/> ID Dept. Lands <input checked="" type="checkbox"/> Environmental Quality <input checked="" type="checkbox"/> ID Transportation Dept. (ITD) <input checked="" type="checkbox"/> USACE <input checked="" type="checkbox"/> ID Water Resources <input checked="" type="checkbox"/> ID F&G	<input checked="" type="checkbox"/> Surveyor <input checked="" type="checkbox"/> Sandpoint Airport <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> BC EMS <input checked="" type="checkbox"/> Commission	<input checked="" type="checkbox"/> Avista Utilities <input checked="" type="checkbox"/> Northern Lights <input checked="" type="checkbox"/> Various Utility/Service Providers <input checked="" type="checkbox"/> BNSF Railroad
X = Request for review/comments sent to department or agency.				

**Consideration of written comments.** At the time of this report, the city has received three (3) agency responses and one (1) response from a property owner in the area. All comments received before the hearing will be forwarded to the Commission and added to the application website.

Commenter	Agency/ Position	Issue
Gwen Victorson	Idaho Dept. of Lands	Encroachment into the Annual High Water Mean of 2062.5'
Ryan Luttmann	Independent Highway Dist.	Notes the need for a TIS and the prohibition of left turns from Bridge St. to First Ave.
Kristie May	Idaho Dept. of Environmental Quality	No environmental impact comments
John Haslam	ORJM Properties	Asks who owns and maintains Dock St. to the west of the development



#### IV. Applicable Law & Findings of Fact

This application is subject to review and compliance/consistency with the following:

##### A. City Code, Title 9, Chapter 9 - Zoning Administration

Notice of the request and public hearing date was provided as detailed above.

§9-9-6 provides specific procedures and requirements associated with a CUP, including a requirement that a CUP shall not be granted or denied unless the Planning and Zoning Commission makes specific findings of fact based directly on the particular evidence presented to it as to whether the standards and conditions identified in the code have been met by the applicant. Section 9-9-6-A.3 requires the affirmative finding of the following nine (9) criteria prior to the granting of a CUP.

It is noted that §9-9-6-7 states: *“Commencement Of Work: The proposed work shall commence within one year following the date of Planning Commission or City Council approval of the conditional use permit and shall be diligently pursued or said approval and permit shall be rendered automatically null, void and of no right or recourse.”*

**It is the applicant’s stated intent to begin detailed design on the construction plans, specifications, and cost estimates once the CUP is approved. Given the size and complexity of the facility, one year is an aggressive but achievable timeline for detailed design. It is the applicant’s intent to continue to operate the existing facility until the close of the 2025 summer season (approximately September 1, 2025), at which time demolition would begin. It is acknowledged that work on the detailed design and construction plans constitutes ‘work’ in the meaning of §9-9-6-7 and a condition of approval has been included requiring the issuance of a demolition permit within two (2) years of the Commission’s decision.**

The applicant narrative has been provided with the application materials and staff’s analysis of the nine criteria are **bolded** below.

- 1) Will, in fact, constitute a conditional use as established on the official schedule of regulations for the zoning district involved.  
**Section 9-2-1-3 lists Hotels, hostels, lodges, and motels as an allowed land use in the CA zone. In addition, Section 9-2-1-7 requires that buildings with a footprint of 15,000sf be subject to a conditional use permit process. The proposed building footprint in approximately 65,685sf and requires the approval of a conditional use permit.**
- 2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or applicable sections of the Sandpoint Code.  
**See Comprehensive Plan and code compliance review below.**
- 3) 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.

**§9-2-1-1 establishes the purpose for the commercial zones and states: "The purpose of these zones is to foster and strengthen economic vitality in Sandpoint's commercial areas while respecting and enhancing the special character of the existing development in the downtown core area. The downtown is a compact assembly of storefront buildings, short walkable**

blocks, mixed uses, pedestrian amenities, and consolidated on and off-street parking. The community's commercial character is especially vulnerable to intrusion from incompatible uses and physical development practices which are inconsistent with the historical fabric. The purpose of these zones is to establish requirements for building and site design for new development and for the significant modification of existing developments within the commercial areas. The city's downtown, designated as commercial A is so important and significant to the city, that it justifies a special set of regulations designed to protect and enhance its character in light of new development."

The property is located in the Commercial A zoning district but is unique in both its site and situation within the CA zone. The building site has been developed with a hotel for many years and is situated on the lakefront, adjoining perhaps the most significant and well-loved community gathering place, City Beach. In addition, the site has been identified as adjacent to a significant view corridor from the town center to the lake. The proposed land use is the same as the current land use, although significantly larger in all respects. The design generally shows respect for the surrounding land uses and it is anticipated that the conditions of approval and significant investment in a development of this magnitude will act in concert to ensure that the facility will be constructed, operated, and maintained in harmony with character of the area.

- 4) Will not be hazardous or disturbing to existing neighboring uses.  
**The proposed hotel replaces a longtime hotel with a larger and more active hotel, but it is not anticipated that the facility operated in compliance with city regulations will be hazardous or disturbing to the existing residential uses to the north, the recreational uses to the south, nor the commercial uses in the downtown core west of the railroad tracks and Sand Creek.**
  
- 5) 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 establishment of the proposed use shall be able to provide adequately any such service or utility.  
**The site is served by existing City of Sandpoint water and sewer, with capacity to serve the proposed land use. The number of projected vehicle trips anticipated through the submitted Traffic Generation and Distribution Letter requires a full traffic impact study (TIS), which is pending, and will determine needed off-site improvements to the broader transportation system. The conditions of approval require that needed upgrades will be enforced at the building permit stage and constructed prior to the issuance of a certificate of occupancy.**

Fire protection is an essential public service, and the facility will require Fire Department access to the west side of the building in accordance with fire code regulations. In addition, a 26' fire access road extending from the south property line (Bridge St) to a point approximately 320' to the north, approximately coincident with the centerline of the middle lobe of the proposed building. The applicant proposes to utilize the existing 10' public sidewalk plus an additional 16' on the applicant's property to provide this access. Due to the structural section of the pavement required to support a fire apparatus, the applicant further proposes to remove and replace with existing public sidewalk with a textured concrete resembling a boardwalk pattern (expansion joints running perpendicular to the north/south orientation of the sidewalk/access road).

This constitutes an acceptable use of the public realm provided that the facility creates a seam between the public and private realms where the public feels welcome and



comfortable using the facility for non-motorized, north/south movement between Bridge St., the public beach, and the Windbag Marina. To that end, the conditions of approval require:

- The entire length of the 26' facility remains open and available to the general public at all times for non-motorized use.
- The applicant further provides a 20' wide concrete path matching the textured boardwalk pattern from the north terminus of the fire lane to the north property line of the applicant's parcel.
- The applicant shall construct an appropriate transition, matching grade and width and being ADA accessible to the existing pathways providing access to the marina and that remain open and available to the general public at all times.

- 6) Will not create excessive additional requirements at public cost for public services and utilities and will not be detrimental to the economic welfare of the community.  
**The proposed land use does not create excessive additional requirements of public services and is anticipated to have a positive economic impact on the community through the generation of property, local option, and sales taxes as well providing employment opportunities in addition to paying the required impact fees assessed at the building permit stage of development.**

- 7) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of traffic, noise, smoke, fumes, glare or odors.  
**The hotel, conference facilities, and publicly available food and beverage offerings are more intensive than those offered by the current hotel and will generate more vehicle trips. However, the project will be required to make off-site improvements to broader transportation system as identified in the required traffic impact study. The nature of the proposed uses is not anticipated to be detrimental to other land uses in the vicinity of the site.**

- 8) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public roads.  
**The property has access and frontage on the existing Bridge Street right of way and proposes a single driveway to Bridge with additional access and circulation provided by Dock Street. The required traffic impact study will determine any needed on or off-site improvements.**

**There is some ambiguity regarding the current ownership of the Bridge Street travel lanes and sidewalks. The conditions of approval require that the applicant 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.**

- 9) Will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.  
**The proposed facility is a larger and more significant presence on the site than has previously existed. However, there is nothing inherent to the proposed design that would result in the destruction, loss, or damage of natural, scenic, or historic features.**

**B. City Code, Title 9, Chapter 2 - Commercial Zoning Districts and Title 9, Chapter 5- Off-Street Parking and Loading**

Section 9-2-1 has development standards for the Commercial A zone that includes a requirement for

structured parking when the building height exceeds 35' and other design standards for the building and site. Due to the building size, there are additional code requirements in Section 9-2-1-7. Many of the requirements will be evaluated at the building permit stage when more detailed drawings are provided.

#### PROPOSED PARKING BY LEVEL

LEVEL 2	70
LEVEL 1	76
LEVEL P1	94
<b>TOTAL</b>	<b>240 SPACES</b>

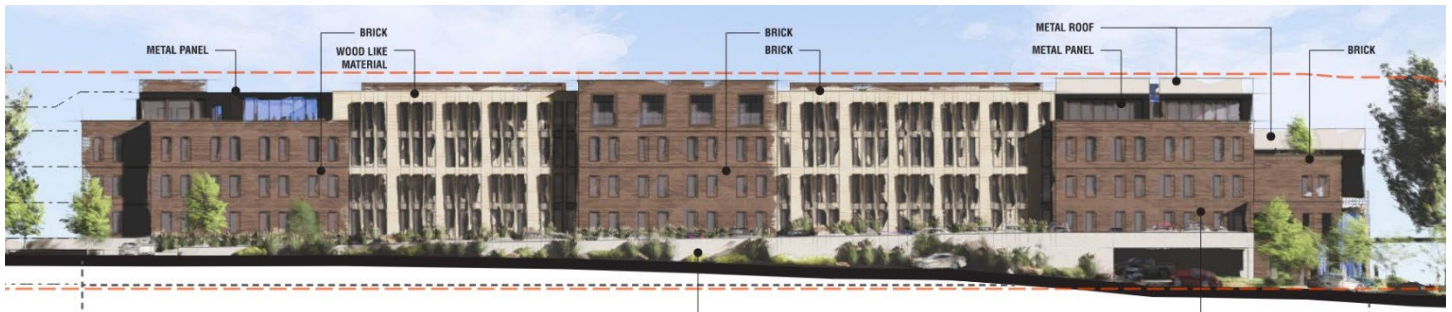
#### PARKING REQUIREMENTS

USE	MULTIPLIER	REQUIRED PARKING	PROPOSED PARKING
GUEST ROOMS: 181 KEYS	(1/KEY)	181	181
F&B: 4,600 SF	(1/300 SF)	16	16
EVENT SPACE: 8,262 SF	(1/350 SF)	24	24
EVENT DECK: 6,000 SF	(1/350 SF)	18	18
OUTDOOR F&B: 1,391 SF	(1/300 SF)	5	1*
<b>SUB-TOTAL</b>		<b>244*</b>	<b>240</b>
<b>TOTAL</b>		<b>240</b>	<b>240</b>

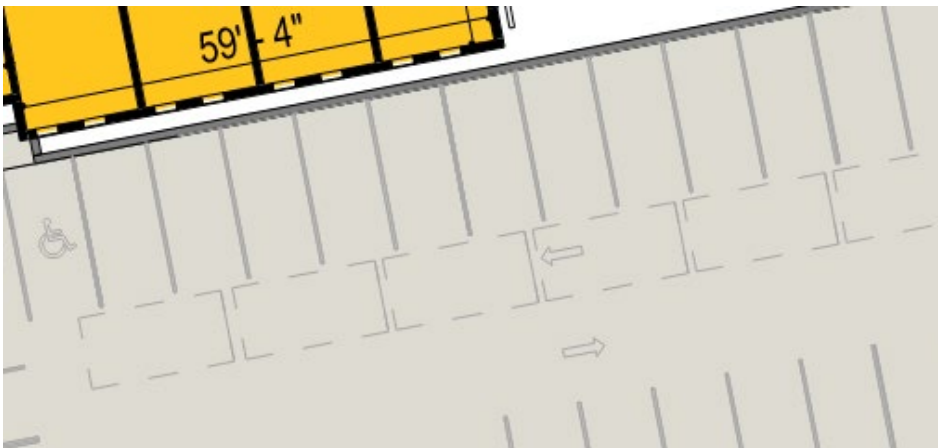
*Table 1 Applicant's Parking Calculation*

The minimum parking requirements as calculated by the applicant are located on page 20 of the application re-submittal set and are shown in Table 1. The applicant is proposing a three-level parking structure, two levels below grade with the top deck exposed on the west (Dock St.) side of the building (see Figure 8).

To achieve the minimum 240 spaces required by the code, the applicant is proposing that ALL parking be valet parking so that the drive aisles can be one-way and additional parking can be provided directly behind and perpendicular to the regular 90 deg. parking spaces (see Figure 9). This is a novel method of achieving the parking minimum and not one that is contemplated by Chapter 9-5 regulating the amount and design of parking lots which require spaces to be 19' in depth with 23' drive aisles.



*Figure 8 West Elevation/Parking Structure*



*Figure 9 Detail of Proposed Parking Configuration*

Table 2 below provides a preliminary review of Title 9, Chapters 2 and 5, with those items noted as TBD that will receive closer evaluation at the building permit phase. From the materials submitted, it appears that the development will be able to meet all requirements.

Code Section	Code Requirement	Code Compliant	Staff Review
9-2-1-4	Setbacks - zero max – 10' with civic space or 25' with civic space through the CU process	No	Civic space is provided and includes the preservation of an existing tree. See the variance discussion below.
9-2-1-5	Height – 65' when 50% of the building footprint is developed with structured parking.	Yes	Proposed building height is 62' and structured parking is provided.
<b>§9-2-1-6 Building Design Standards</b>			
9-2-1-6-A	Building size, bulk, scale, mass	Yes	Generally consistent with the Seasons buildings to the north and with the downtown core given the difference in elevation between downtown and property
9-2-1-6-B-1	Primary frontage entrance	Yes	Entrances on Bridge St.
9-2-1-6-B-2	corner entrance	NA	
9-2-1-6-B-3	Secondary entrance	Yes	Secondary entrances shown and pedestrian access provided
9-2-1-6-B-4	off street parking- not between building and street	Yes	Parking to the rear/west side of the building
9-2-1-6-B-5	At least 50% of width of lot occupied by building at front setback	No	See variance discussion below.
9-2-1-6-B-6	Accessibility	TBD	To be reviewed under building code requirements
9-2-1-6-B-7	Surface parking divided into areas not exceeding 30 spaces	TBD	Parking is structured but the uppermost Level 2 deck should include potted landscape materials. To be verified at building permit stage.
9-2-1-6-C-1	Storefront design windows consistent spacing/ trim	TBD	Application narrative complies, to be verified at the building permit stage
9-2-1-6-C-2	Ground floor display windows- framed between first and second floor	TBD	Application narrative complies, to be verified at the building permit stage
9-2-1-6-C-3	Cornice/Eaves	TBD	Application narrative complies, to be verified at the building permit stage
9-2-1-6-C-4	Ground floor differentiation	TBD	Application narrative complies, to be verified at the building permit stage
9-2-1-6-C-5	Facades greater than 50 feet have recesses and projections of 4' along 20%. Window awnings, arches or columns at least 60%	TBD	Application narrative complies, to be verified at the building permit stage
9-2-1-6-C-6	Sand creek abutting	NA	Does not abut
9-2-1-6-D-1	Building materials -stone, brick or finished wood	TBD	Application narrative complies, to be verified at the building permit stage
9-2-1-6-D-2	No reflective material	TBD	Application narrative complies, to be verified at the building permit stage
9-2-1-6-D-3	Clear storefront glass	TBD	Application narrative complies, to be verified at the building permit stage
9-2-1-6-D-4	Four-sided architecture	TBD	All four sides shown; same materials and wall recesses provided
9-2-1-6-D-5	No unfinished concrete, block, corrugated metal, monotonous walls	TBD	Application narrative complies, to be verified at the building permit stage
9-2-1-6-E	civic spaces provided for 10-foot setback - plaza, sitting space, awnings over sidewalk, public art approved.	TBD	Plaza spaces are proposed at the north and south ends of the property, will include seating and preservation of existing trees. Conditions of approval require additional detail with the landscape plan.

<b>§9-2-1-7 Commercial Districts - CA</b>			
9-2-1-7-A	Circulation amenities - safe landscaped multimodal circulation - every 2500 square feet of structure footprint	TBD	65,685sf footprint = 27 required amenities. Provision of the public amenities associated with site development will be reviewed and approved in conjunction with the landscape plan and building permit application.
9-2-1-7-B	Four-sided architecture	TBD	Application narrative complies, to be verified at the building permit stage
9-2-1-7-C	Roof design with multiple planes to break up scale	TBD	Application narrative complies, to be verified at the building permit stage
9-2-1-7-D	Design to promote multi-modal connection to streets. Min 8 feet between parking and non-motorized. Entrances setback	Yes	See discussion of dual use of the emergency fire lane and public sidewalk above.
9-2-1-7-E	Adaptability for multi-tenant use	NA	
9-2-1-7-F	Renewal Plan	Yes	Required by the conditions of approval
9-2-1-8-A	No parking along primary frontage	YES	Structured parking, one level exposed, on west side of the building.
9-2-1-8-B	Trash and loading - away from pedestrian areas	Yes	Screened and located at the north end of the property
9-2-1-SA	Parking behind building	Yes	Structure parking on the west side
9-2-1-SB	Trash and Loading off-street	Yes	Located to north of the building
<b>§9-5 Off-street parking</b>			
9-5-8	Lighting	TBD	Application narrative complies, to be verified at the building permit stage
9-5-9	Wheel Blocks	TBD	To be reviewed at building permit phase
9-5-10	Signs	TBD	To be reviewed at building permit phase
9-5-11	Striping	TBD	To be reviewed at building permit phase
9-5-12	Landscaping- 10% minimum	TBD	Not applicable to structure parking but the required landscape plan shall include potted landscape materials on the upper deck
9-5-12	Street trees every 25 feet	NA	Trees are not appropriate for a parking structure but the required landscape plan shall include an alternative method of compliance
9-5-121	Snow storage	No	Snow storage is proposed on the west side of Dock St and cannot be approved. Appropriate snow storage shall be shown on the required landscape plan.
9-5-13	Accessible spaces	TBD	To be reviewed in more detail at building permit phase;
9-5-14	Bicycle parking, space sizes	Yes	48 spaces required and shown on the site plan
9-5-15	Minimum required	No	240 spaces required, see discussion above regarding valet parking
9-5-17	Loading areas	TBD	Application narrative and site plan comply, to be verified at the building permit stage

Table 2 Code Requirement Evaluation

**C. City Code, Title 8 - Building and Fire Regulations**

The building will be fully reviewed during the building permit process. The building will be required to meet fire department access in accordance with fire code. The building will be required to have a full NFPA13 automatic fire sprinkler system. The building and site will be required to meet all accessibility requirements. Due to the proximity of the hotel to the railroad tracks, the guest rooms on the west wall of the hotel must have a STC rating of 50. Flood plan development permit is required and must be approved prior to permit issuance.

**D. City Code, Title 7 - Public Ways and Property**

A traffic impact study is in process by the applicant. Any required off-site improvements specified in the final approved traffic impact study will be added as a condition on the building permit.



Vehicular access into the site will be provided through a new approach from Bridge Street for vehicles entering the hotel drop off area and parking structure. Vehicles will enter and exit the parking structure through two new approaches from Dock Street. The existing parking lot uses a 350-foot continuous access along Dock Street. The proposed design will reduce vehicle conflicts along Dock Street by replacing this continuous access with two standard access approaches.

New curb, gutter, and sidewalk will be constructed along the Bridge Street frontage, as required by 7-3-10. The existing public sidewalk to the east of the building, between the property line and the beach, will be reconstructed by the developer to match the width of the existing concrete. The southern portion of this public sidewalk will be designed to accommodate vehicle loads in order to serve as an emergency fire access lane. A removable bollard is proposed at the southern end of the pedestrian path to prevent non-emergency vehicles from entering.

New curb, gutter, and sidewalk will be required along the west side of Dock Street, to replace the existing approximately 5-foot-wide at grade striped pedestrian pathway. Because the proposed development will no longer require room for perpendicular parking to back out into Dock Street, the pedestrian pathway should be separated from the road elevation using standard curb and sidewalk.

The proposed building will be served by an existing 8-inch gravity sanitary sewer main located in Bridge Street, and an existing 10-inch water main located in Dock Street. A portion of the existing 10-inch water main and 6-inch sanitary sewer force main (serving Seasons) will need to be relocated further to the west on Dock Street in order to accommodate a 10-foot setback from the proposed building.

**E. City Code, Title 11 - Development Regulations**

A schematic stormwater management plan has been submitted with the CUP application.

Stormwater runoff from the on-site pollutant-generating drive surfaces will be routed to vegetated swales for treatment and detention, before overflowing to the east in accordance with the pre-development drainage pattern. Roof material has not been specified, but the application indicates that the roof material will be non-pollutant-generating. Runoff from the roof will discharge to level spreaders along the east edge of the building, which will overflow across landscaping on the subject property and toward the east, in accordance with pre-development drainage pattern.

Calculations showing compliance with the performance standards of the City of Sandpoint stormwater code have not been submitted with the application. Prior to building permit, a construction-quality stamped engineering plan and report, demonstrating compliance with all provisions of Title 11, Chapter 3, must be submitted for review and approval.

**F. City of Sandpoint Comprehensive Plan**

The future land use map designation for the property is Context Area 5, classified as the primary commercial centers of the city with mixed use multi-story buildings. The development provides a density of development and mix of uses that are consistent with the context area.

In addition to the future land use map, the comprehensive plan has other goals and objectives relevant to the proposed development, most particularly in Chapter 3 pertaining community design, Chapter 4 pertaining to land use, and Chapter 9 pertaining to Economic Development. The proposal is broadly consistent with vision of the plan and does not conflict with these relevant sections.

**G. City Code 9-9-6. B Variance Permit Procedures & Findings**

As has been noted above, the applicant's proposed site plan does not comply with Section 9-2-1-4 which establishes a 0' MAXIMUM setback for newly build structures in the CA zone. This section of code allows for a 10' setback (which can be increased to 25' through the CU process) provided the setback is provided with a civic

space as defined 9-2-1-6.E and further provided that “...at least 50% of the width of the lot is occupied by a building at the front setback” (Section 9-2-1-6.B.5).

Section 9-9-6.B.3 establishes the submittal requirements for a variance application and further establishes four required findings for approval. The applicant has submitted a properly documented variance application and has included a narrative describing the conditions that are particular to the property that justify a variance to the front setback requirements. The full narrative can be found in the attachments to the staff report and the staff analysis for the four required findings are noted in bold below.

(A) That special conditions and circumstances exist which are peculiar to the land, structures, or buildings in the same district.

**The zero foot maximum setback is intended to bring buildings up to the edge of the public right of way to create the feel of a pleasing, human scaled, outdoor space that frames the street at roughly a 1:3 ratio for building height to street width. This strategy is best illustrated on and around 1<sup>st</sup> Ave. where the city exhibits a traditional town form and is dependent on having traditionally sized city lots and similar building forms on both sides of the street. By contrast, the property in question is over 3 acres in size, has no prospect of similar development on the opposite of Bridge Street (where it is highly unlikely that the City Beach park complex will redevelop), and is intended to develop a more ‘resort-like’ facility, abutting but not directly in, the downtown core. It is reasonable to conclude that the conditions and circumstances of this property do not apply to other properties in the CA zone.**

(B) That a literal interpretation of the applicable sections of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

**Given the location, configuration, and size of the property noted above, a literal interpretation of the code would deprive the applicant of a development that is reasonably similar to what exists now and what would be expected in the future.**

(C) That special considerations, conditions, and circumstances do not result from actions or desires of the applicant.

**In addition to the site conditions noted above, it is noted that the property contains a significant tree that would require removal if the building were required to be placed at the property line. Furthermore, the Bridge Street corridor has been identified as a significant viewshed for the lake and mountains beyond that should be preserved. Both conditions are directly related to the situation of the site and completely out of the control of the applicant.**

(D) That granting the variance requested will not confer on the applicant any special privileges that are denied by this Code to other land, structures, or buildings in the same district.

**The conditions of this particular site are unique within CA zoning district and the approval of variance to the front setback requirement of the zone does not constitute a special privilege.**

## **V. Draft Conditions of Approval**

Per City Code §9-9-6, the Planning and Zoning Commission may impose conditions including those that address, but are not limited to, the following:

1. Minimizing adverse impact on other development.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in an ordinance.

The following conditions are recommended by staff to ensure compliance with the nine (9) CUP criteria and to address the factors above:

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 and the applicant shall make application for a demolition permit for the existing facility on or before September 2, 2025, or the approval and permit shall be rendered null, void and of no right or recourse.
3. The duration of the development shall be completed, and certificates of occupancy issued, within three (3) years of CUP issuance.
4. 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.
5. 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, provided that:
  - a. The fire access road / public sidewalk shall be constructed to a width of 26' (16' 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 Marshall.
  - b. A widened public sidewalk of 20', centered on the east property line, shall be constructed 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.
6. 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.
7. The applicant shall construct new curb, gutter, and sidewalk along the west side of Dock Street, to replace the existing approximately 5-foot-wide at grade striped pedestrian pathway.
8. A detailed landscape is required to be submitted and approved concurrent with the building permit application.

9. 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.
10. 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.
11. These conditions apply to all successors and assigns should this facility be sold.
12. 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.
13. 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.
14. 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.

## **VI. Action**

Following public testimony and subsequent deliberations, the Planning & Zoning Commission shall make findings and take one of the following actions in accordance with Sandpoint City Code:

1. Approve the application with conditions.
2. Postpone action on the application to a date certain, with specific direction on additional information needed, or
3. Deny the application.

## **VII. Attachments**

The following digital attachments are viewable at <https://www.sandpointidaho.gov/pcup23-0004-56-bridge-st>