



Staff Report

To: Planning Commission
 From: Planning Staff
 Report: November 2, 2016
 Meeting: December 6, 2016
 Item: CUP15-04A Common Knowledge Building (Dance studio) Amendment to CUP15-04

General Information

Applicant:	Erica Nizzoli and Natalia Ocasio
Requested Action:	To amend a Conditional Use Permit for a dance studio to allow for the addition of two professional offices.
Purpose:	To expand the square footage interior of the dance studio from 1530 sq. ft. to 2050 sq. ft. to allow for two professional offices and an ADA bathroom.
Location:	The site is located at 823 Main Street in the Residential Multifamily (RM) zone and described as Lots 3 and 4, Block 15, West End Addition.
Size:	Lot: Approximately 9,500 sq. ft Building: 4400 square foot total (includes a residence, dance studio and unoccupied requested expansion)
Existing Zoning & Context Area:	Zone: Residential Multifamily (RM) Context Area: CA 3
Surrounding Land Use and Zoning:	<u>North:</u> Residential Multifamily/Senior Center; single-family and duplex <u>South:</u> Residential Multifamily/ Single family uses <u>East:</u> Residential Multifamily/ Single family uses <u>West:</u> Residential Multifamily/ Single family uses
Included in Staff Report:	<ol style="list-style-type: none"> 1. Staff Overview 2. Public Hearing Procedure 3. Relevant Portions of the Comprehensive Plan 4. Conditional Use Permit Criteria 5. Staff Recommended Conditions 6. Motion for Proposed Decision
Attached:	<ol style="list-style-type: none"> 1. CUP Application with supporting materials 2. Written comments received at time of this report

1. Staff Overview

Note: Any change in a nonconforming use shall require the issuance of a new nonconforming use permit. In any residential zone, or property adjacent to a residential zone, nonconforming use permits shall be processed under the rules and regulations as a conditional use permit. (Ord. 1229, 4-21-2010)

The Code allows for changes in a nonconforming use if it can be shown:

1. That the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
2. That there is no increase in noise, odor, glare, outside storage, vibration or other nuisance causing disturbance.
3. In permitting such changes, the city may require appropriate conditions or safeguards in accordance with other provisions of this title and the conditional use permit provisions including, but not limited to, placement of signs and lighting, landscaping and screening, dedication and/or improvement of public rights of way, and hours of operation.

Background:

In May of 1999 the Planning Commission approved a Conditional Use Permit to allow the conversion of a 2,628 s.f. structure from a print shop (Idaho Ink) to the Book Gallery (former business name). Before Idaho Ink, a grocery store occupied the building. In 2005 the Commission approved a request to allow a 300 square foot area in the structure to be utilized as a café. More recently, in January of 2016, the owner was granted a Conditional Use permit to change the nature of the business into a dance studio (the café was discontinued). At the time of the Conditional Use approval, unoccupied portions of the ground floor area were not approved for any use. The applicant is now requesting an amendment to the CUP for that portion of the ground floor as two additional offices and an ADA bathroom.

Parking:

During the original CUP in January the Planning Commission acknowledged the building has 7 parking spaces total for the proposed dance studio, existing residence and an additional future business. According to City parking regulations, the applicant would have needed to provide an additional 11 spaces for the dance studio portion based on a maximum occupancy of 49 (as set by the Fire Chief). Sandpoint City Code 9-5-1: General Provisions E states, if for any reason the parking and loading space requirements can be shown to be unusually high, then the parking and loading space provisions cited may be reduced by the Planning Commission. The additional offices would require one additional parking space.

Streetscape:

Per Sandpoint City Code §7-3-9 and §7-3-10, any use requiring a conditional use permit shall require the installation of curb, gutter and sidewalk to City standards. The Public Works Director has deferred to the comments from the January Conditional Use approval which stated, “Although Main Street frontage does not meet the current City standards, this change of use does not justify the expense of streetscape improvements”.

2. Public Hearing Procedure

Per Sandpoint City Code § 9-9-5, notice has been provided to property owners within 300 feet of the parcel boundaries on which the proposal is being considered. Notice has also been posted at the site 7 days in advance of the hearing and a summary has been provided in the official newspaper of general circulation 21 days prior to the hearing date.

Order of Public Hearing

1. Explanation of subject of the hearing by city staff.
2. Presentation by applicant. Commission members should address their questions to the applicant at this time.
3. Opening of the public hearing in which the public may provide testimony. Questions should be asked of the person testifying before leaving the podium. Those wishing to testify are required to fill a signup sheet, which will be provided by the City. The order for those providing testimony should be as follows:
 - a. In favor
 - b. Neutral
 - c. Opposed
4. Rebuttal testimony from applicant. Final questions may be asked of the applicant at this time. If new facts are elicited, however, the public must be given an opportunity to comment on new facts.
5. Close the public hearing.
6. Commission deliberates (no new information may be provided at this time and questions may be directed only to city staff during deliberations).

3. Relevant Portions of the Comprehensive Plan

CA-3 development patterns increase the density of housing through the use of smaller lot sizes, smaller setbacks, options for shared open space and the inclusion of attached and detached multi-family units. CA-3 supports the traditional street grid pattern, sidewalks and walkable proximity to services exemplified by many of Sandpoint's traditional neighborhoods. CA-3 is limited to residential uses only. The bulk, mass and architecture of multi-family and single family units should seamlessly integrate with one another, encouraging a balanced streetscape where no one structure or development dominates. This pattern exists or is designated primarily in the area bounded by Boyer, Lincoln, Lake and Spruce Streets, and serves to buffer CA-2 neighborhoods and CA-4 centers. Within city limits, this designation reflects the on-the-ground densities and uses including collections of duplexes, and high density housing along Main and Division.

Chapter 6: Transportation:

Goal T-1: Walkability: Make Sandpoint a walkable community.

Policies:

B Develop parking requirements that reduce the visual prominence of automobiles.

- C Develop storefront and building massing requirements to make streetscapes more inviting to pedestrians.
- D Emphasize linkages between prominent activity areas along walking corridors.
- E Plan for increased pedestrian and bicycle use, both for recreation and as an important, viable transportation alternative.

Chapter 9: Economic Development:

Goal E-1 Economic Diversity: Create a vibrant and diverse economy in Sandpoint.

Policies:

- B Encourage localism and innovative techniques to increase circulating dollars within the Sandpoint economy.
- E Encourage arts and environmental related employment.

4. Conditional Use Permit Criteria:

Pursuant to City Code (9-9-6.A.3.h), a Conditional Use Permit application must meet the following standards:

1. Will, in fact, constitute a conditional use as established on the official schedule of regulations for the zoning district involved.
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.
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.
4. Will not be hazardous or disturbing to existing neighboring uses.
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.
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.
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.
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.

9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Pursuant to City Code (9-9-6A.6), upon granting a Conditional Use Permit, conditions may be attached including, but not limited to, the following:

1. Minimizing adverse impact on other developments
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.

5. Staff Recommended Conditions

Comments from original CUP15-04 shall apply with the exception of #2 which is changed to reflect new square footage allowed with the additional offices and bathroom:

1. Occupancy load for the dance studio portion of the building will be a maximum of 49.
2. The dance studio and offices will be limited to ~~1530~~ 2050 square feet.
3. One 2A, 10BC fire extinguisher will be located in the dance studio portion of the building.
4. Applicant shall ensure address numbers are 6" and visible from the road.
5. Applicant shall provide after hours contact numbers to the Police Department.
6. Applicant shall obtain a Sandpoint business license.
7. Any signage will require a separate permit and shall conform to the City's Sign Code (Title 8, Chapter 5).
8. Hours of operation will be limited to 6:00 a.m. to 10:00 p.m. 7 days a week.
9. No additional off-street parking will be required for this business.
10. Noise and sound shall not exceed 70 decibels as measured at property line of adjacent properties.

6. Motion for Proposed Decision

If Approving:

“I move the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, **APPROVE** the request by Erica Nizzoli and Natalia Ocasio for an amendment to a approved Conditional Use Permit to allow for a 2050 square foot dance studio including two offices and an ADA bathroom located at 823 Main Street in the Residential Multifamily Zone. Based on evidence, records, and testimony, the reasons for approving this request are:

1. Staff has followed the notice procedures applicable to Conditional Use Permits contained in *Idaho Code 67-6512* and *Sandpoint City Code* Title 9, Chapter 9.
2. Based on information presented at the hearing and the placement of limitations through conditions, the application is in compliance with the nine criteria for Conditional Use Permits as outlined in *Sandpoint City Code 9-9-6 A(3H)*.
3. The requested Conditional Use Permit is consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.
4. Based on the evidence, record and testimony, the Planning Commission considers the requirement of 1 additional parking spaces to be unusually high and waives the off street parking requirement for this use.

Subject to Conditions [1-10] as previously approved under CUP15-04. With amendments shown.

Approval is also subject to the following additional conditions:

[Additional conditions stated here]

If Denying:

“I move the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, **DENY** the request by Erica Nizzoli and Natalia Ocasio for an amendment to a previously approved Conditional Use Permit to allow for the addition of two offices and bathroom located at 823 Main Street in the Residential Multifamily Zone.

Based on evidence, records, and testimony, the reasons for denying this request are:

1. Staff has followed the notice procedures applicable to Conditional Use Permits contained in *Idaho Code 67-6512* and *Sandpoint City Code* Title 9, Chapter 9.
2. Based on information presented at the hearing and the placement of limitations through conditions, the application is not in compliance with the nine criteria for Conditional Use Permits as outlined in *Sandpoint City Code 9-9-6 A(3H)*.

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3. The requested Amendment is not consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.