



City of Bellevue Planning & Zoning Commission
Minutes of Meeting March 4, 2024

The meeting was called to order at 5:35 p.m. Commissioners present were Alexis Lindberg, Eric Grootveld and Robert Weisen. Also present were Dave Patrie, Galena-Benchmark Engineering, as City Engineer and Shelly Shoemaker, City Treasurer.

Also present: Errin Bliss, Bliss Architecture, Matt Engel, Mike Turzian, Jeff Swanson, Derrick Georgiades, Jeremy Lange, Andy Sheehan.

NOTICE AND HEARING COMPLIANCE:

The regular meeting notice and agenda were posted in accordance with Idaho Code §74-204 within forty-eight (48) hours prior to the meeting at City Hall, Bellevue Post Office and on the City's website and emailed to the Idaho Mountain Express on February 29, 2024.

Commissioner Grootveld moved the notice was posted in compliance with Idaho Code §67-204, Commissioner Weisen seconded, and the motion passed unanimously.

NEW BUSINESS:

Public Hearing to consider a variance application submitted by Errin Bliss of Bliss Architecture on behalf of M&M Powersports, LLC., located at the northwest corner of Kirtley and Main Streets. The purpose of this request is to allow the omission of curbs, gutters and sidewalks in the right-of-way as required by the City of Bellevue Code §10-17-5: Design Review, Standards and Criteria: (D): Curbs, Gutters, Sidewalks, and Street Tree Requirements: Dave Patrie, Galena-Benchmark Engineering.

Dave Patrie discussed the background of the design application that was approved by P&Z, with curb, gutter and sidewalk located within the Idaho Transportation Department's (ITD) right-of-way area along the applicant's property in July 2023. Since then, ITD denied the application on the grounds that sidewalks cannot be in their right-of-way. A request for reconsideration was submitted to ITD and was unsuccessful. At present, it is unknown what plans ITD might have for the right-of-way. As a result of the ITD denial, the applicant has applied for the variance that is the matter of this public hearing.

NOTICE AND DISCLOSURES, §10-18-3: PUBLIC HEARING NOTICE

- A. The variance application was certified complete on January 16, 2024.
- B. Notice of the public hearing was placed in the Idaho Mountain Express on February 14, 2024 and February 28, 2024.
- C. Notice of this public hearing was mailed to all property owners within 300' from the exterior of the property boundaries on February 14, 2024.

In addition, notice of this hearing was posted on the door of Bellevue City Hall and the Bellevue Post Office on February 28, 2024 and made available on the City website on February 28, 2024.

Commissioner Grootveld moved that the Public Hearing and Notice is in compliance with Bellevue City Code §10-18-3. Commissioner Weisen seconded, and the motion passed unanimously.

Dave Patrie provided information to the Commission on the process of reviewing the Bellevue City Code sections that apply to the application, as detailed in the Planning and Zoning Commission Staff Report. Dave then asked if there were any questions from the P&Z Commissioners.

COMMENTS FROM APPLICANT

Errin Bliss, of Bliss Architecture, on behalf of the applicant, stated that he reached out to Jesse Barrus, ITD Engineer for District 4, to inquire about the right-of-way access to the property, but received no response. Also, he pointed out that it is required by code that pedestrian access is required from right-of-way to a building, which he pointed out to Jesse Barrus. After talking to Cal Johnson, Legend Engineering, no one knows if ITD has completed the design of the Highway 75 corridor.

Cal Johnson, Legend Engineering, via ZOOM, pointed out that ITD is still working on the plan for Highway 75. ITD may be wanting projects to wait until ITD finalizes their plan. They did suggest that this project move forward.

Errin Bliss continued, stating the applicant is proposing a sidewalk from the corner of Kirtley and Highway 75, as highlighted in yellow on the exhibit, noting that the sidewalk path is located in the display lot and ends at the building. He noted that the area where the path is located is not actually a parking lot, but a display lot for cars. The material for the path would be the same as the parking lot and the path would be marked with painted lines and is ADA accessible.

PUBLIC COMMENTS

Mike Turzian, Sun Valley Garden Center (SVGC) commented on the aesthetics and continuity with all previous projects on Main Street in Bellevue. Bellevue has sidewalks the total length of town and it is aesthetically pleasing and clean and people do use them. Bellevue needs to maintain consistency and continuity throughout town.

Matt Engel, 101 E Bullion, representing the association that includes SVGC, stated that changing the requirements for this sidewalk could set precedent that creates sidewalks that weave in and out of properties throughout town. He suggested taking 5' out of landscaping to create the sidewalk on the applicant's property.

Jeremy Lang, also from 101 E Bullion, pointed out the engineering report recommended a different pathway. The property may not always be a car dealership, and suggested thinking beyond the present situation as to how that might affect future owners. He also suggested taking a portion of the landscape plan for the sidewalk and that in this case, the sidewalk ends at the building. It does not cross the entire property to connect with future developments.

Andy Sheehan, of 381 Tendoy Street, commented that he agreed with the previous comments.

Diane Shay, Bellevue City Council (via Zoom) commented that she agrees with the other public comments and that continuity is important. Development will eventually happen on the five acres to the north at some point and she understands safety concerns regarding the speed limit. It is unfortunate that ITD has made the denial, and she would urge P&Z to look at continuity for Bellevue.

Commissioner Lindberg noted there were two letters with public comments received that stated the same concerns as presented in the meeting.

PUBLIC COMMENTS WERE THEN CLOSED

Errin Bliss thanked everyone for their comments and that there were some very good points, and they are trying to find a compromise that is safe and meets the needs of the situation.

The Commission then reviewed the Planning and Zoning Commission Staff Report submitted by Dave Patrie and discussed in detail each of the variance criteria and public comments.

After much discussion, Commissioner Grootveld moved to APPROVE WITH CONDITIONS the variance application by M&M Powersports, LLC, located at the NW corner of Kirtley St and Highway 75, to the City of Bellevue Zoning Code §10-14-6 and §10-17-5 for the exclusion of curb, gutter and sidewalk as shown on Exhibit A OR B (?), finding the application complies with §10-18-4, Variance Standards and Criteria, subject to the following conditions:

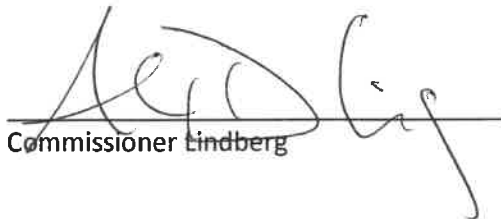
1. The variance shall expire one (1) year after issuance if a building permit has not been obtained for the purpose of exercising the variance. §10-18-7.
2. The variance runs with the land is not transferrable to any other property or any approval other than the design review approval granted on July 5, 2023.
3. Any material change to the pedestrian infrastructure shown on Exhibit B of this approval shall require a new or amended variance to be approved by the Bellevue Planning and Zoning Commission.
4. The applicant shall install a 5' sidewalk on applicant's property to be located between the parking display (shown on Exhibit ____) and the property line to run the full length of the property.

Commissioner Weisen seconded the motion and the motion passed unanimously.

ADJOURN:

Commissioner Grootveld moved to adjourn the meeting at 6:58 p.m. Commissioner Weisen seconded, and the motion passed unanimously.

APPROVED this 16th day of April, 2024.



Commissioner Lindberg



Shelly Shoemaker, City Treasurer