

**PLANNING COMMISSION
MINUTES
SEPTEMBER 14, 2021
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Michael Ward- Zoom
Peter Luttrupp-Zoom
Brinnon Mandel-Zoom

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Tami Stroud, Associate Planner-Zoom
Mike Behary, Associate Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

Lewis Rumpler

CALL TO ORDER:

The meeting was called to order by Chairman Messina at 5:30 p.m.

APPROVAL OF MINUTES:

Motion by Ingalls, seconded by Fleming, to approve the minutes of the Planning Commission meeting on August 10, 2021. Motion approved.

COMMISSION COMMENTS:

STAFF COMMENTS:

Hilary Anderson, Community Planning Director provided the following comments:

- She stated that we have two items scheduled for the October Planning Commission Meeting. The first one is an annexation request and the second item is a subdivision request.
- She explained that she spoke with Terry Pickle, Water Director about doing a presentation at a Planning Commission Meeting and after talking with other department heads, they were in agreement about doing a presentation every month especially the departments that are development related fields that would be educational for the commission.
- She commented that the Regional Housing and Growth Issues Partnership is continuing to meet monthly and with an upcoming discussion on local worker housing issues and hopefully, coming up with a “draft toolkit” providing a variety of options. She added that the formation of two subcommittees will be working on open space on the Prairie and working with the school districts for funding at state level.

ENVISION CDA COMMITTEE UPDATES:

Ms. Anderson provided the following comments:

- She explained that we are making great process and continuing to work on the action items, of which there are 247, with staff and CDA 2030 to clean up the language, looking for any duplications or any action items that have been accomplished and identifying where some of the actions that are more city focused and others should be in only CDA 2030 plan and the ones we work on together.
- She added that there is still a lot of work to be done and may take a few months to schedule workshops to get a final version for the public to review.

ADMINISTRATIVE: *ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.**

1. Applicant: Government Way Coeur d'Alene Hotel, LLC
Location: 2119 N. Government Way
Request: Approval for a landscaping Plan (LS-1-21)

Tami Stroud, Associate Planner provided the following statements:

- Braintree Properties is requesting Planning Commission approval of the amount and spacing of landscaping for a parking lot with 390 spaces.

➤ **The Planning Commission must approve the following:**

1. **The amount of parking lot landscaping.**
2. **The spacing (maximum distance) between landscaped areas.**

Ms. Stroud concluded her presentation

Commission Comments:

Commissioner Ingalls commented that this is the first time he has seen a landscape plan at a Planning Commission meeting and questioned if staff could explain the process. Ms. Stroud explained that it has been a while since we have brought a landscape plan forward and stated under the Environmental Design Section of the code it states that commercial projects with more than 300 parking stalls are required to be approved by the Commission. Below 300 spaces are reviewed by staff based on the Code and the Commercial Design Standards. She stated as examples, that the U.S. Bank Call Center and Lowes each had over the 300-parking stalls. Why this project has come forward is because it meets the threshold and needs Planning Commission approval. She added that the applicant has also been working on getting a secondary access with the Fire Department per their code requirement and why the applicant didn't want to bring this forward until they got approval for that access.

Commissioner Ingalls commented that after hearing the explanation supports this project and that the project exceeds the minimum requirements for landscaping.

Commissioner Fleming questioned if staff required 390 spaces and was the count based on the key count in the building, or are they over the requirement. Ms. Stroud explained that number is based on the number of rooms either one, two or three-bedroom units. She questioned on the landscaping plan if we can if the applicant will include xeriscape, clover, low demand water plantings and trees to make sure there is enough water so the landscaping doesn't die.

Jacob Rivard stated this request is straight forward and they have had multiple meetings with staff. He concurs with the comment from Commissioner Fleming and stated that most of our shrubbery used will be xeriscaped with low water usage. We do understand that we have exceeded the number of trees needed per the city requirement and if we need to reduce those trees, we can, but wanted to maintain a safe environment for the residents with the additional trees that provides shelter and a barrier from the freeway.

Motion by Fleming, seconded by Ingalls, to approve Item LS-1-21. Motion approved.

PUBLIC HEARINGS: *ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.**

1. Applicant: John M. Stone Living Trust/Eat Ten, LLC
Location: 1579 W. Riverstone
Request: A proposed R-34 Density Increase special use permit in the C-17 zoning district.
QUASI-JUDICIAL, (SP-5-21)

Mike Behary, Associate Planner provided the following statements:

- The applicant is requesting approval of a special use permit to allow a density increase to R-34 density that will allow a proposed mixed-use building in the C-17 Commercial Zoning District.
- The subject property is located within the Riverstone Development, next to the mixed-use Riverstone complex and across the street from the Red Robin restaurant.
- The property consists of 1.39 acres. The applicant is proposing a total of 15 residential units with commercial spaces located on the first floor.
- The mixed use building also includes a subterranean parking garage on the subject site. In addition, they are also proposing additional surface parking. The apartment units will be comprised of one and two-bedroom layouts.
- The proposed structure is four stories tall and will be allowed a maximum height of 63 feet in accordance with the proposed R-34 zoning height restrictions for multi-family structures.
- The applicant has submitted a building elevation of the proposed building indicating how it will look from the street.
- The applicant has also submitted an elevation of the proposed building in comparison to other buildings in the area.
- The current zoning allows for a total of 23 residential units on this size of a parcel. The applicant is only proposing 15 units. However, the applicant is proposing a taller structure than is currently allowed with the C-17 zoning and is primarily requesting the R-34 zone which allows for a maximum building height of 63 rather than the 45 feet that is currently allowed by right under the current zoning.
- The applicant is proposing a building at will be 48.5 feet and will be required to screen the roof top equipment that will possibly add and addition five feet to the structure, resulting in a building height of up to 54 feet.
- He noted that the City Comprehensive Plan Map designates this area as Spokane River District Transition:
- He stated the various city departments provided comments for the project that had no additional concerns.
- He commented that if approved there are 5 conditions for consideration.

Mr. Behary concluded his presentation

Commission Comments:

Commissioner Ingalls commented that the applicant is using the Special Use Permit process to R-34 creatively since we are used to seeing this used more for density. Mr. Behary replied that is correct and explained that most R-34 requests are for a density increase and explained that this request is to get additional height added to the building, so they can build commercial units with residential above.

Commissioner Ingalls commented density should be “off the table” in terms of debate because under C-17 the applicant could develop 23 units and if we denied this project the applicant could get a building permit tomorrow without our approval. He added the parking wouldn’t change, traffic, water usage etc. He added so our decision tonight is if we approve the additional height will give the applicant a better building. Mr. Behary commented that is correct.

Ms. Anderson clarified that is true, but the project needs to be approved with the conditions. if approved for an R-34 SUP, We don’t have a variance for just additional height and that they are asking for the whole R-34. The request includes self-imposed conditions that staff worked on with the applicant that are important because the square footage and height is limited. If they wanted to do the full R-34, that increases the need for additional parking, square footage etc.

Commissioner Fleming inquired about traffic and if the applicant can put in more units if they could find additional parking and questioned after we get done building out the most recent townhomes located on Beebe Drive if that traffic will end up on Riverstone. So, are we looking at any type of flag crossing or stop sign at that corner?

Chris Bosley, City Engineer explained received a grant for rectangular Rapid Flashing Beacons (RRFB) to help pedestrians cross at that corner but it won’t solve the vehicle problem, so we will have three of the RRFBs on Riverstone Drive in 2022, which was a state grant and that in the future this intersection will likely require a roundabout. He added that the applicant has already been approved for a site development permit for this project since they already have the C-17 zoning with a building permit in the process, so this has been moving forward because they have a right to build and only need an additional 3 ½ feet which won’t produce any more traffic. He pointed out people are worried about residential, condos, apartments etc. and that my comments in the staff report shows those residential units are adding very little in traffic and the activity is based on what activity will be on the commercial floor which we don’t know that use yet.

Commissioner Ingalls commented that the focus for this project is for a few feet of height and what the applicant could do without our approval, but the applicant has the right to develop this project with the same number of units of residential or any commercial business without our approval. He questioned if traffic is an issue.

Mr. Bosley explained that changing this to R-34 would be less of an impact on traffic than building to C-17 standards based on the residential nature of the project.

Public testimony open.

Joey Toews applicant representative provided the following statements:

- He stated staff did a great job and that we don’t want to increase unit count, square footage or density.
- He commented that everything about this building complies with C-17 with the only thing we need is an additional 3.5 feet for height because part of the building exists over the driveway and they desire additional height for over height vehicles.
- He explained the benefits getting for the additional height will be beneficial for the users but the

public who will be occupying the plaza, shop etc. He added that this was a design decision that needed made to make the building more functional.

- He commented that we will stay within our limits of heights, density, parking etc.

The applicant concluded his presentation.

Clyde Carrol stated that he owns a house in the neighborhood and a week ago he came in with some questions which staff answered. He stated that he has a few items and understands that the architect is asking for an additional 3.5 feet and that isn't a problem. He noted on page three of the staff report the proposed condition would like the language changed to say the height is limited to 48.5 feet and yesterday after speaking with the architect, the question came up about the equipment screen and if that would require additional height needed for the screening and the architect explained the way the building is designed the equipment would be screened within that 48.5 feet and noted on the condition that the last line be stricken saying that the maximum feet would not exceed 63 feet. He noted on page 21 of the staff report states that a traffic study was done in 2018 and based on additional growth an updated traffic study should be done because traffic is terrible.

Mr. Bosley explained when the 2018 traffic study was done that the city worked with KMPO who looked at all the vacant areas around the property and plugged-in numbers for traffic generation including the Rivers Edge Apartments, and yes, the study is three years old, but when doing a traffic study it will predict what traffic will look like in the next 20 years.

Paul Heinevetter questioned if parking is needed for this building since parking was already approved for the 2151 (Main Street) building and doesn't believe parking is allowed next to the greenbelt.

Mr. Behary explained that parking will not be reduced since the applicant is proposing to do subterranean parking in addition to surface parking, so there will be no loss in parking for this project.

Wylie Clark stated parking is an issue and by taking away seven parking spaces and putting in underground parking for the units eliminating seven spaces for building 2151 and feels bad for the people who have businesses there.

Moe Brett commented the project is beautiful and inquired if the city obtained a grant to be used at the corner of Beebe and Riverstone Drive for the purchase of a flashing light or roundabout. She added that it's been a long time since the homes have been built in that area and would like to know what is happening with the grant. She stated that there is a lot of parking available behind Regal Theatres that is vacant most of the time and suggested working with Regal could be used for additional parking. She questioned if the grant will be done by November 2nd.

Mr. Bosley explained that the grant is for Pedestrian Safety obtained through the state which was received two years ago with a long "lead time" and just recently received the funding authority to proceed with the design after our new fiscal year starts in October to hire an engineering company to do the design that will include some sidewalk replacement around town. He added that nine(9) RRFB's were placed recently to address the areas with either fatalities or type A injuries between vehicles and pedestrians to improve our pedestrian safety in town but the grant will not cover a roundabout. He explained that a discussion about a roundabout came up two years ago when we looked at that intersection to see if a roundabout would fit and would need to be designed as a single lane roundabout because it has single lanes coming into it from each direction except from Beebe Boulevard southbound that has five lanes and paid for with development impact fees.

Chairman Messina inquired about placing two stop signs at the intersection and would it be possible to add additional stop signs until the roundabout is done. Mr. Bosley stated we haven't looked at that but would have to look at the Lakewood Riverstone intersection that would cause problems backing into but could look at that and make a recommendation.

Commission Comments:

Rebuttal:

Mr. Toews provided the following statements.

- Mr. Toews explained that the Riverstone campus is a shared parking lot that includes the parking garage and parking behind the condos, and that the parking lot is owned by the project site which was previously approved for a restaurant. He added we are proposing office space on the main level that will be low impact with not a lot of traffic with a parking garage.
- He stated that he wanted to address the height of the building and explained currently we don't have screens for the mechanical units on the roof which is a requirement for the C-17 zoning and a requirement for the Design Review. He described the way the building is designed is like a "V" and the mechanical equipment will be located in the center of the "V" and stated that you would have to be along way from the building to notice the mechanical equipment on top of the building without being screened, but will be willing to screen if staff says that is a requirement.
- He stated per code we are allowed to have a projection above maximum height of 10% of horizontal roof area and that we could screen this and be under the 10% allowed to go beyond the height of the building. He commented that he will do whatever is required but doesn't want to be limited to 48.5 feet if we are required to screen per Design Review Commission.

Mr. Toews finished his presentation.

Ms. Anderson explained that language is included as a condition in the staff report and clarified that the rooftop equipment screening can't be a fence, it has to be integrated into the architecture. The Commission can omit the sentence that states 63 feet which is already allowed by the Code for the R-34 special use permit.

Commissioner Ingalls concurs with Mr. Carroll's comment if we are looking at 48.5 feet why did we end up with 54 feet. He stated it wouldn't be the first time this commission has changed a condition during the hearing and add the wording, "The roof line itself be capped at 48.5 feet with an allowance for any necessary screening up to 54 feet if it is mandated by the Design Review Commission."

Public testimony closed.

Discussion:

Commissioner Ingalls stated after hearing tonight's input that really the issue is only over a few feet of height and that previously stated in previous testimony that this will be a beautiful building when done. He commented that parking is always an issue, but overall, there is parking available. He explained that the applicant could apply for a building permit tomorrow with more units than what we are asking for and put in a restaurant that would generate more traffic. In this area, we are aware that the city is working on adding another entrance into Riverstone that will help alleviate some of the traffic problem. He stated tonight's decision is with height and confident that we craft the right condition saying that we are comfortable with a 48.5 foot roof line with some allowance for roof top mechanical screening.

Chairman Messina stated that he approves of the concept of the design and stated that this is one of the last pieces of property in Riverstone to be developed. He commented that if he was voting would approve this project.

Commissioner Ward stated that a comment was made by Commissioner Ingalls about the difference between 48.5 feet and eight additional feet. Commissioner Ingalls clarified that the discussion was for the building roof line height limited to 48.5 feet with allowance for additional height for screening of the mechanical equipment island. Commissioner Ward stated if nothing would change and would have to go back to 48.5 feet would still have an additional 10% above the 45 feet that was required.

Motion by Fleming, seconded by Ingalls, to approve Item SP-5-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 6 to 0 vote.

ADJOURNMENT:

Motion by Fleming, seconded by Ingalls to adjourn the meeting. Motion approved.

The meeting was adjourned at 6:30 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant