

**PLANNING COMMISSION  
MINUTES  
JUNE 11, 2024  
LOWER LEVEL – LIBRARY COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

Tom Messina, Chairman  
Jon Ingalls, Vice-Chair  
Sarah McCracken  
Lynn Fleming  
Phil Ward  
Peter Luttropp

**STAFF MEMBERS PRESENT:**

Hilary Patterson, Community Planning Director  
Sean Holm, Senior Planner  
Mike Behary, Associate Planner  
Chris Bosley, City Engineer  
Randy Adams, City Attorney  
Traci Clark, Administrative Assistant

**Commissioners Absent:**

Mark Coppess

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion by Commissioner Luttropp, seconded by Commissioner McCracken, to approve the minutes of the Planning Commission meeting on May 14, 2024. Motion approved.

**PUBLIC COMMENTS:**

None.

**STAFF COMMENTS:**

Hilary Patterson, Community Planning Director, provided the following comments:

- At the regular Planning and Zoning Commission meeting on July 9, there will be the continued hearing for the Kaufman subdivision, the request for the single use permit for the single-family detached only with ADUs (Accessory Dwelling Units) in the Nettleton Gulch and 17<sup>th</sup> Street area, and the third item is for a Special Use Permit, for an onsite food and beverage consumption.
- She would like to thank Commissioners Ingalls and Fleming for their work participating in a newly formed city working group. Members include a few commissioners from Planning and Zoning Commission Design Review Commission, Historic Preservation, Councilmember Gookin, a representative from the Downtown Association, community members, and staff from the Planning Department. The working group is looking at the development standards and design guidelines for the Downtown Core, Downtown Overlay North and Downton Overlay East. The 2<sup>nd</sup> meeting will take place tomorrow. The public will not be engaging as of yet. There will be opportunities later on. She will keep everyone posted on the progress.

Chairman Messina asked how long will the committee be in place.

Ms. Patterson replied she does not know how long the committee will be participating. The group has just started and are meeting twice a month. She will be presenting to City Council on July 16, to give them a report and update and ask for further guidance from what areas they would like to see updated with the development standards and design guidelines.

### **COMMISSION COMMENTS:**

Commissioner Ward stated he read an article about the changes to the billboard sign ordinance. Signs are under chapter 15 not 17 so this is not under our jurisdiction. Signs get very contested. As far as standards of where they should be here, how high, landscaping, etc. They are legitimate planning concerns. He asked Ms. Patterson if the ordinance is going forward, would it be appropriate for the Commission to have some type of review.

Ms. Patterson replied the City Council has asked the Planning staff to bring forward some amendments to the sign ordinance to allow for billboards that are legally in the city limits to be able to relocate within the city limits. Currently they are not allowed to relocate. They are allowed to stay in place and have the sign face be updated to be digital. This code amendment would allow them to be relocated with the city in areas that are zoned C-17 which is commercial, manufacturing and light manufacturing for the 300 square foot billboards. For the larger ones that you see along Interstate 90 and one large one along US 95 that is 672 square feet, those would be more restricted to areas within 615 feet of interstate 90 along US 95 and NW Boulevard. That will not come to this commission. There was a discussion during yesterday's General Services Public Works sub-committee with City Council about maybe bringing it before this Commission for some input and from the public, as well as Historic Preservation Commission. But that was not the motion. She will be going to City Council next Tuesday for consideration of the code amendments. Council did say they would like public input. There will be public input and an opportunity at that meeting.

### **PUBLIC HEARINGS: \*\*\*ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.**

1. Applicant: Blue Fern Development  
Location: 0.7125 +/- acre Spokane Riverfront parcel located at the intersection of W. Shoreview Lane and the terminus of N. Grand Mill Lane  
Request:
  - A. A proposed modification to the Mill River Planned Unit Development (PUD)  
QUASI-JUDICIAL (PUD-4-04m.3)
  - B. A replat of Mill River 1<sup>st</sup> Addition Tax #23312 to Four (4) single family lots and one (1) private recreation tract  
QUASI-JUDICIAL (S-3-24)

Mr. Holm, Senior Planner, provided the following statements:

He noted the decision point is should the Planning and Zoning Commission approve a proposed Planned Unit Development modification in the Mill River PUD and a four (4) lot, one (1) tract subdivision request, to allow for the construction of waterfront single-family homes including the creation of a private recreational area with a dock?

Mr. Holm provided the following background and project history. The Mill River Planned Unit Development is a mixed-use master planned community situated on the former Crown Pacific Mill site. On May 11,

2004, Planning and Zoning Commission held a public hearing for the Mill River PUD, a multi-part request covering 100.29 acres, including: a zone change to R-3, R-8, R-17, C-17 & C-17L, a PUD, and 258-lot phased subdivision comprised of:

- 122 R-8 home sites.
- 22 condos/apartments in C-17 area.
- 14 office condos in C-17 area.
- 100 town homes/condos/apartments in R-17 area.
- Open space and trail system.
- Two private parks of .89 and 1.34 acres in size.
- 1,000-foot long, 1.3-acre waterfront open space area contemplated to be a future charitable donation for a public park.
- 10-acre area of C-17L zoning for a potential large professional office use.

Mr. Holm provided an overview of the Mill River PUD and what was anticipated on the project site. He noted that the Mill River project was anticipated to contain a blend of commercial and residential uses. Residential zoning includes R-3, R-8 and R-17 zones and will contain 152 single-family residences, and a maximum of 140 multi-family residential units. Houses will be neotraditional in nature and range in price from \$250,000 for a Fort-Ground's style home to \$1.8 million for a waterfront estate along the Spokane River. Commercial properties will be zoned C-17 and C-17L, and are anticipated to be professional offices, small retail outlets, local family-oriented restaurants and multi-family dwelling units. He also pointed out that phase two of the project

Mr. Holm provided an overview of the proposal. It would be a long plat that would create 4 single family residential lots and 1 lot for private recreation and dock access in the Mill River Planned Community. The proposed use is single family residential at a density of 5.63 dwelling units/acre, to be developed in one phase of development. Each of the lots will have one structure, accessed via W Shoreview Ln. Curb, gutter and sidewalk, as well as landscaping, shall be provided along the street frontage. Public water and sewer are available in the street frontage. Individual water and sewer services will be tapped from the public mains and extended to each lot. Dry utilities are available in the street frontage and will be extended to each lot. He noted the existing uses and surrounding land uses. They are requesting to relocate the sidewalk and remove the trees and replace because of the shallowness of the lot it will provide them the length they need for the driveway

Mr. Holm noted the requested deviations from existing standards in the approved PUD:

- To move the pedestrian sidewalk along W. Shoreview Ln from its current location to instead be adjacent to the road section (curb). The new sidewalk will be a minimum of 6' in width, as reviewed by the City Engineer.
- To build ground level decks, paths and docks at the rear of the homes within the Shoreline setback/waterway.
- To allow for roof eaves to encroach up to 24" into the 25' shoreline setback.
- To fence and gate Tract "A" for access to the private recreational area and dock.

Mr. Holm explained there are eleven findings that must be made as part of a PUD modification, including Findings B1 through B7. He then presented each of the findings and supporting documentation and analysis.

**Finding B1: The proposal (is) (is not) in conformance with the Comprehensive Plan.**

Mr. Holm noted the proximity of existing and proposed walking, bicycle, transit (Citylink) facilities in

relation to the project site, and noted the Recreation and Natural Areas in the Comprehensive Plan that addresses the shoreline, the floodplain, Coeur d'Alene Lake & Spokane River.

**Finding B2: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.**

Mr. Holm stated that Lot 1 and Lot 2 are already approved for a 25' shoreline setback for the homes with the current Mill River PUD. The request is to encroach with the portion of deck beyond that.

Commissioner McCracken asked where the floodplain, or where the high water would be in relation to the homes and decks.

Mr. Holm replied he will answer that question soon and that Mr. Bosley the City Engineer can also help answer questions about the floodplain. He continued with his presentation stating this is the only C-17 that is a waterfront. To the right of this, it is zoned R-3 which is a portion of the City's public park, there are future condos across the street that are also owned by Blue Fern. The pedestal has been approved by the HOA to be moved 14' closer to the actual gate to help with the access.

**Finding B3: The proposal (is) (is not) compatible with natural features of the site and adjoining properties.**

Mr. Holm shared the elevation map showing the 5' contours and said the property is not exactly flat but it does not have steep slopes like a hillside. There is a change when you get down to the water's edge. There is a flood base elevation. It is located in the AE floodplain. He did mention in his staff report that condition #6, which was provided by the City Engineering speaks about that, and what would be required for the construction within the flood elevation AE.

**Finding B4: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing public facilities and services.**

Mr. Holm noted that City staff representing Engineering, Water, Fire, and Wastewater department have reviewed the application request in regards to public utilities and public facilities and has indicated that there are adequate public services and facilities available.

**Finding B5: The proposal (does) (does not) provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.**

Mr. Holm noted that in 2004, when the Mill River PUD was approved, the staff report indicated 10 acres of open space (both private and public) and a trail system, representing 11% of the project area. The current subject property indicates no open space for users of the development, as the Mill River open space has already been satisfied with the allocated open space areas.

**Finding B6: Off-street parking (does) (does not) provide parking sufficient for users of the development.**

Mr. Holm said there was no request made to change the City's off-street parking requirements through the PUD process. Per the proposed architectural site plan, the applicant is showing each proposed unit with two (2) parking stalls in the driveway and two (2) stalls in the garages.

**Finding B7: That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.**

Mr. Holm explained that the proposed projects fall within the Mill River PUD, which is governed by the Mill River Property Owners Association. Existing common areas within the larger Mill River neighborhood will continue to be maintained by the Mill River Property Owners Association in accordance with the existing

governance documents. The four homes within the proposed project will be subject to the existing Mill River CC&Rs, Bylaws, and any applicable assessments as part of the master association and will have its own sub-HOA that will handle common areas, including the tract containing the private recreational area will be used by owners within the areas currently owned by Blue Fern.

Mr. Holm then presented the required findings for a Subdivision for the replat of Mill River 1st Addition.

**Finding B8: That all of the general preliminary plat requirements (have) (have not) been met as attested to by the City Engineer.**

Mr. Holm explained the preliminary plan submitted contain all of the general preliminary plat elements required by the Municipal Code per the City Engineer.

**Finding B9: That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities (are) (are not) adequate.**

Mr. Holm noted the applicant's request to relocate the sidewalk closer to the curb and remove and replace the street trees. He showed the map where they had proposed street cuts for the utility connections and stated that the City Engineer had included a condition to have them redesign how the street will be cut to meet the City Code requirement. He showed the pedestal relocation for the gate into the neighboring subdivision. He showed where the trail improvements were being done in the former railroad right-of-way owned by the City. Those improvements are being done as part of the Blue Fern condos.

**Finding B10: That the proposed preliminary plat (does) (does not) comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements.**

Mr. Holm said per engineering review, for the purposes of the preliminary plat, both subdivision design standards (Chapter 16.15) and improvements standards (chapter 16.40) have been vetted for compliance.

**Finding B11: The lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district.**

Mr. Holm noted the existing zoning is C-17PUD. Single-family homes require 50 feet of frontage on a public street and 5,500 square feet per lot. All four buildable lots proposed meet this standard. Assuming approval of the aforementioned PUD modifications, Planning staff indicates that the proposed buildable lots meet the requirements of the applicable zoning district.

Mr. Holm shared the fourteen proposed conditions for the requested PUD modification and replat:

1. The proposed project falls within the Mill River PUD, which is governed by the Mill River Property Owners Association. Existing common areas within the larger Mill River neighborhood will continue to be maintained by the Mill River Property Owners Association in accordance with the existing governance documents. The four homes within this proposed project will be subject to the existing Mill River CC&Rs, Bylaws, HOA fees and any applicable assessments.
2. The gate and fencing, per the applicant's request, is only for the for the private recreational parcel. The relocated sidewalk shall remain open to the public.
3. Existing pedestrian ramps shall be realigned to the proposed W. Shoreview Lane crossing and reconstructed to ADA requirements.
4. Street cuts must be combined and extended to the full street width to follow the current Pavement Cut Policy.

5. Sidewalk shall be 6'-wide if curb-adjacent.
6. Flood Hazard Development Permits are required for any building construction on the proposed lots.
7. No mechanical equipment is allowed within the flood plain.
8. Street trees can be approved for removal to accommodate sidewalk installation, once all questions and concerns from Engineering have been addressed through final design plans. New street trees will be required.
9. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
10. Any additional services will have cap fees due at building permitting.
11. One lateral extension will be needed for each lot, based on Policy #716, ONE PARCEL, ONE SEWER LATERAL.
12. In addition to standard CAP fees, a Mill River surcharge fee of \$450 per SFD will need to be paid for future pump station upgrades all at time of building permit.
13. Cap any unused sewer lateral(s) at the public main.
14. With moving the gate controls, FD will require the Knox Keyway (3200 Series) at the entrance gate for Fire Department Access for W. Shoreview Ln.

Mr. Holm noted that the action alternatives are that the Planning and Zoning Commission must consider these two requests and make separate findings to approve, approve with conditions, deny, or deny without prejudice.

Mr. Holm, concluded his presentation.

**Commissioner Comments:**

Chairman Messina asked Mr. Holm to show the slide with all of the modifications again.

Mr. Holm pulled up the slide again, and said this can also be found on page 6 of the staff report.

Commissioner Fleming asked about the extend of the improvements and how the applicant intends to reinforce the shoreline where the lots interface with the river. She walks the area all the time. She has worked on the houses on Shoreview Lane. There is sand and erosion. She asked if they will carry on the basalt riprap to protect the shoreline.

Mr. Holm replied that he did bring that up to the applicant. There were two efforts to amour the shoreline. One was with riprap that was a little bit small and the shoreline continued to erode. The City did come back and put in larger riprap along the area that is the public portion of the park. A number of the homes have done that as well. That is something that they would have to work with the Army Corp of Engineer as well as the Idaho Department of Lands for approval on, which is beyond the City's control.

Commissioner Ingalls stated that deviations to the shoreline need some careful study. Looking back at Rivers Edge Apartments, he recalls there were some deviations, but there was some public benefit in the form of the trails and waterfront access in perpetuity in exchange for more height and for the buildings to get a little closer to the water. He recalled the history of the Mill River PUD back in 2005. The larger Mill River PUD had some public benefit with the dedication of the property for the city park and the call center land. With respect to what we see tonight for the four houses, he is reading the staff report on page 5 where it says, "the proposed homes would continue the pattern of development along the river front in a similar manner." It looks to him without getting a scale out that the houses to the east are as high as the proposed ones, have sidewalks at the back of curb, and are also encroaching into the 40-foot shoreline regulation. However, they look like they have maintained a greater setback than the four proposed homes. Mr. Ingalls asked if staff could weigh in and help explain how this proposal relates to what has been built.

Mr. Holm replied that he started working for the City the year after it was approved. Through this research and looking at the site, originally it was approved with two private parks. At some point the Johnson Mill

Park was given to the city and the city improved it with parking and bathrooms. This was the developer's gift to the public. At the time it was approved that the railroad right-of-way was owned by the railroad company. Since then, the City has picked up that and now has designated that as a future trail. Even though it is not complete yet, Blue Fern will be improving the land with a trail as part of their condo project to the north. In response to your other question and if this is it a continuation from the other properties to the east, not really because the site gets quite narrow as you move towards the west. The two homes on the western edge of the gated community had foundations poured in the wrong place. There was a boundary line adjustment that was done, well over a decade ago, that moved those lots a little bit further into that C-17 area and it was adjusted so that the R-8 was where the homes are. It was anticipated that it would be a difficult project in the future, which is why they requested the shoreline setback from 40 feet to 25 feet, since they knew that upfront at the very beginning. As for the encroachments and what is happening on the existing homes, the deck area is beyond the 25 feet, and the home itself is actually a total of 40 feet back to where the actual home begins. The lots are much deeper in the way Shoreview Lane was constructed.

Commissioner Ingalls commented the homes to the east that are in the R-8 are 40 feet back, but their decks may encroach closer.

Chairman Messina stated the existing decks on the houses you are talking about it, it is not within the 25-foot setback. They are out of the 25-foot setback, is that correct. The decks do not encroach.

Mr. Holm replied that the homes encroach into the 40-foot no build zone of the shoreline and the decks go up to the 25-foot setback.

Commissioner McCracken referenced the information on page 28 of the staff report where it shows the houses would hit the 25-foot mark but some of the decks would be as close as 10.73 feet to the shoreline.

Mr. Holm replied that is correct. Part of the C-17 PUD that was originally made in 2004, they knew that was going to be a narrow site. It was anticipated that it would be some type of commercial use, which is why the zoning is what it is. The reduced setback was approved with the PUD.

Commissioner McCracken commented if you have a structure, whether it's a house or a deck, within 10 feet of the shoreline and you have removed the swales and the street trees, how is the stormwater being contained on the site, except for running into the river.

Mr. Holm replied that the City Engineer is here tonight to answer the question regarding the stormwater.

Commissioner Ingalls would like come clarity regarding the houses to the east. It is the buildings themselves and not the decks or the walkways that are 40 feet back.

Mr. Holm replied that he did not look at every single one of them because each one of them is unique and the lot sizes vary. If you take a look at the picture on the screen some of the homes are closer to the shoreline than others with the structures and their decks.

Commissioner Ingalls stated that when he read the staff report he assumed back in 2005 there was a deviation that allowed for an encroachment within the 40 feet.

Mr. Holm replied that is the difference between the R-8 and C-17.

Commissioner Ingalls stated that is where he assumed that is where those houses to the east and perhaps the other section of Mill River were able to go into the 40 feet a little bit. When it says on page 5 of the staff report that the proposed homes would continue the pattern of the development along the riverfront in a similar manner, wouldn't these be the same or are the not, are they taller, etc.

Mr. Holm replied the height is the same. The C-17PUD did allow them to get closer to the shoreline with

the buildings. It's a similar pattern but it is narrower. They will have to be able to encroach a little bit into the shoreline setback otherwise the building envelopes are not usable. Not that the City needs to grant anyone a cart blanche approval. That is why we are here, for the Planning Commission to weigh in on this. To answer your questions under the modification on Number 1, within the waterfront R-3, these are the larger homes that are on the other side of the park. The zoning districts modify the shoreline regulations regarding the prohibited construction area that is measured from the Spokane River shoreline to 40 feet inland to allow for the construction on an extension of walkways to docks, patio's, seawalls not to exceed 4 feet in height and the revegetation of disturbed areas with grass long and vegetation. What this allowed them to do, in that 40 foot no build zone is to access their docks as well build some beautiful decks.

Commissioner Ingalls commented but the building itself has to stay back beyond 40 feet?

Mr. Holm replied, that is correct.

Commissioner Luttrupp stated that PUDs are pretty neat. You have to have a minimum size of property and you go through a comprehensive study, and the developer works with the City, and there is an exchange of value. You identify something that is valuable to the city and to the developer, and consider the public benefit. What is in that PUD that will be developed unless it comes back and something is amended. He is assuming that this is an amendment to just a portion of the PUD.

Mr. Holm stated this is a modification.

Commissioner Luttrupp asked if we have many of those.

Mr. Holm replied, yes, we see PUD modifications quite often.

Commissioner Luttrupp stated when we developed this PUD, we had a certain vision that this property would do certain things, and now they are asking to change some things. If this is not approved, what is permitted there under the PUD.

Mr. Holm stated if your turn to page 5 of the staff report, under overview, it includes a summary saying the commercial properties will be zoned C-17 and C-17L and they are anticipated to be professional offices, small retail outlets, local family-oriented restaurants, and multi-family dwelling units. After 20 years of no development and that has not happened, Blue Fern is making this request now.

Commissioner Ward asked about the site when the original PUD was approved. It was still riverfront property but they chose to run a sidewalk through it and not develop it. Do you have any idea why that decision was made at the time.

Mr. Holm replied he has no idea. It was anticipated to be commercial they had requested and improved with a 20% reduction of parking on site.

Commissioner Ward stated going a step further, when did we go from 25 feet to 40 feet as allowable set back from the shoreline.

Mr. Holm replied this was done in 2004.

Commissioner Ward stated yet all of these properties to the east and those houses beyond the park to the west that continue along the river frontage are at 40 feet and they have decks that encroach in the 40 feet, is that correct.

Mr. Holm replied yes.

Commissioner McCracken asked for the City Engineer to answer her question about the reduced setback



if they eliminate the swales and street trees, how the storm water is to be contained on the site.

Chris Bosley, City Engineer replied there is one swale between the sidewalk and the curb. There is a condition if they are going to move the sidewalk adjacent to it, they will need to find a new place for the swale. The plan is to put in a new catch basin, piping it across the street to the property they own and building a swale on that side of the street. This stormwater will then be moved to a new location.

Commissioner McCracken replied so any stormwater flowing towards the river will be probably fall into the river because of the slope of the property.

Mr. Bosley replied there is that potential that stormwater collected on the ground could continue to run in like it does today, but the city code does allow for that, if it is a historical water pattern. He said he would ask them to address stormwater collected on the roof to not just route the gutters out to the river and find a place for that in a dry well or something similar. It is a challenging site.

Commissioner McCracken stated most sites are back more than 40 feet on waterfront.

### **Public testimony open.**

Alex Clohesey, was sworn in and stated he is with Milbrandt Architects. He is here on the behalf of Blue Fern. He would like to thank Mr. Holm for a very thorough and in-depth presentation on this project. The site is zoned C-17PUD. The standards apply for a single-family residential development under the C-17 zoning district would be equivalent to the R-17 zoning standards. The site is under 3/4 of an acre. The proposal is to build four single family homes and one tract that will be a non-buildable tract. The proposed density under that proposal comes out to just over 5 ½ dwelling units per acre. As Mr. Holm mentioned, there is a code requirement of two parking stalls per home. There will be a two-car garage and two additional stalls on the driveway aprons for each home, effectively doubling the parking from the minimum code requirement. The maximum building height as amended through the original PUD is 32 feet. The proposed homes would be in compliance at two stories. The front setback along West Shoreview Lane is 20 feet, the side setbacks are 5 feet and 10 feet, and the rear setback is in this case is superseded by the 25-foot shoreline setback that he has been discussing. The proposal calls for shared docks at the rear yard. These would be permitted separately through the Idaho Department of Lands. The applicant team has been in contact with them to begin that process of permitting the decks. They would be similar in nature to the ones that are existing to the east. The private recreation tract to the west of Lot 4 finishes off the rest of the site and the land allocation. He would like to highlight the relocation of the gate pedestal that controls the access to the neighboring subdivision to the east. They will be relocating the pedestal only and the gate itself. The applicant team is proposing to move the pedestal slightly to avoid conflict with driveways in the proposed development. This would be done at the cost of the applicant and at no cost to the neighboring subdivision. The utilities are typical connection for each lot.

Commissioner Ingalls commented in looking at Mr. Holm's presentation the commission has to make findings with respect to B2 and B3 which talk about the compatibility with adjacent properties. The setbacks are different in this case than the properties to the east. It is one thing to encroach within the 40 feet with decks and walks and maybe a little retaining wall. That is one level of encroachment as opposed to the vertical 30 plus foot tall building with decks. In respect to setbacks to the east, those homes are 40 feet back from the shoreline. Yours are 25 feet. Those is a difference of 37%. Who can argue that is compatible?

Mr. Clohesey replied, to build off of what Mr. Holm presented, there are a couple of factors – the nature of this site in terms of developing in the land perspective is significantly decreased in-depth from the neighboring properties.

Commissioners Ingalls asked if the decrease justifies the compromise of the setback.

Mr. Clohesey replied the amendment that was made to the 25-foot setback was made in anticipation of

the potential issue to try and help encourage and allow for a development on this site. He hears his point regarding the 40 feet is not 25 feet. The proposal seeks to develop within the bounds of what was amended and put in place, whether separating the issues of decks and pathways encroaching into that. The prior amendment allowed the development up to 25 feet from the ordinary highwater mark. There is no intent to change or request a deviation from that.

Commissioner Fleming asked to take the proposed lot 1 and between lot 1 and the first residence to the east (the blue house), there is a stone wall. How far off the stone wall are you set? Some of the renderings show trees. Are you 5 feet off the stone wall?

Mr. Clohesey replied there is a 5-foot set back and to the right is 10 feet from the property line.

Commissioner Fleming asked you have established the same repetitive distance from building to building that Shoreview behind the gate has.

Mr. Clohesey replied yes, that is part of the shoreline regulations.

Commissioner Fleming stated all of the entrances are on the street as opposed to all of the entrances to the side for the homes to the east. She is concerned about the proximity. She would have loved to see the first house and where it sits into relationship to lot 1. She would like to know where they are sitting because the concern. Now I have a house and I am looking down the river, but now I'm not looking down the river. It would have been nice to show that.

Chairman Messina commented about the request for modifications going past the 25-foot setback is that due to the depth of the lots themselves and the size of the houses. Is that why you are extending over that 25-foot setback area for decks, or you just couldn't do anything else on that piece of property without asking for a modification of the setbacks?

Mr. Clohesey replied that the request for the decks is a two-part answer. There are the docks that would be proposed if it approved by the Department of Lands. In terms of a pathway or some type of a pathway or some type of connection down to the docks, there would be a desire to allow the residents to be able to access their docks in some sort of accessible way and for allowing the residents to hangout in their backyard and enjoy the views and the water and everything is the genesis for that request.

Chairman Messina commented that he understands the purpose of a deck, and being on the river. His question is can you build a project on these four lots without encroaching or asking for this modification and have you given any thought to that? Could you shrink the depth of the houses down, so that the deck sits outside of the shoreline setback?

Mr. Clohesey replied, yes, one, you can build the project without a deck. The lots are pretty unique between all of the them. There is a little bit more room, as you move west on the lot as you try to get the code minimum of the apron and parking stall depth and the garage, it just does not leave a lot of room for the house.

Commissioner Fleming stated the homes are running about 2500 square feet. These are all 4 bedroom 3 ½ bath. She does not understand why you need this many bedrooms. A lot of these homes on Shoreview Lane are 2 bedrooms and elevator, they do not have 4 bedrooms and 3 ½ baths. She feels that 2500 square feet is pushing it for these small lots. She thinks it is sacrificing the outdoors and getting chopped up inside. Realistically, do you really need 4 bedroom and 3 ½ baths in basically a seasonal home? Hopefully these will not be short term rentals.

Commissioner Ward stated there are 5 lots, 4 will have a home on them. What is the purpose of the 5th lot?

Mr. Clohesey replied the 5th lot is intended to be an amenity for the residents.

Commissioner Ward replied ok, each of the houses have a boat dock, the 5 lot has 4 docks, who do they serve and who are they for?

Mr. Clohesey replied that would be for the HOA who has the ownership of that lot.

Commissioner Ward stated so whether they chose to rent them or sell them that would be up to the HOA.

Mr. Clohesey stated he cannot speak regarding that on the development side.

Commissioner Luttrupp stated he does not design homes and he is not an engineer; he does like the lake. The one thought that does cross his mind regarding the public benefit, is what is the public's benefit in giving up so many feet of the shoreline. Is there a benefit to the public?

Mr. Clohesey replied that he would go back to the original amendment decision and the trade off's that were presented and were approved at that point in time.

Commissioner Luttrupp stated that this tradeoff, if there was a tradeoff then, does not apply to this.

Mr. Clohesey replied he would like to make it clear we are not proposed to develop beyond what the existing boundary of 25 feet is outside of the request of the decks.

Commissioner Luttrupp stated his question is in regards to infringement on a shoreline ordinance. He believes he does.

Mr. Clohesey replied that is noted and we are trying to develop withing the parameters that are in place at the site.

Chairman Messina stated you are encroaching past the 25-foot setback with the decks, not the housing but the decks. You are encroaching and you are asking for some consideration to build your decks past the 25-foot setbacks.

Mr. Clohesey continued with this presentation that the sidewalk will need to be relocated, the intent of the deck encroachment is to not to build any substantial structure in the form of a sea wall. It is trying to be light in the impact - a post and a footing in a deck that is kept close to finish grade – and trying to be minimal in an impact of that environment with the decks. For the roof eaves, they are requesting to encroach up to 24 inches into the setback. He would like to clarify and define that as solely the roof eave of a sloping roof or rafter truss, and not in any way to be misconstrued as a deck or a walkable roof surface. They are also requesting to fence and gate Tract A, the private recreation area. The new sidewalk will be 6 feet wide; the trees will be replaced. He showed the elevation drawings. The intent in the architecture is to be respectful of the existing of the styles and designs in the surrounding area as well as the beautiful natural context. The homes are designed in a craftsman style that is compatible with a surrounding development with gable and hip roof forms, large entry porches at the front and recessing the garage doors to try and deemphasize the vehicular access to the front of the homes from a color palette standpoint material, using high quality materials.

Mr. Clohesey concluded his presentation.

**Public testimony opened:**

Commissioner Ingalls stated there is nothing on the requested amendments and he thinks that there should be a 5<sup>th</sup> item there to have requested some encroachment into the 40 feet for things up to 4 feet, the decks, what not, you are asking for things beyond 4 feet. The building itself to go all the way to 25 feet. Wouldn't that be another deviation there?

Chairman Messina stated he does not think that that is where the house structure foundations are going beyond the 25 feet. It is more of the decks that are going into the 25 feet.

Mr. Clohesey replied that is correct.

Mr. Holm provided some clarity when this was originally approved as C-17PUD they requested that the shoreline setback be moved from 40 foot to 25 foot for building of a structure on this lot. At that time, it was anticipated it would either be multi-family or some sort of commercial type use. The request that they are having now is can it be residential with their other requested deviations. The 25 feet has already been approved that was decades ago. The question now is can the decks further encroach into the 25 feet.

Commissioner Ingalls states he is still a little confused about it.

Mr. Holm stated that is the R-8 that is next door, it does have a different set back then the C-17.

Commissioner Ingalls states that if he in R-8 and one of the houses burns down, and he wants to rebuild what are the setbacks for this property.

Mr. Holm replied if the you look on page 2 of his staff report Number 1 applies to the R-3 and the R-8 and Number 2 applies to the C-17. They are allowed to encroach the R-8 with decks and little walls that you would have in your front yard with a maximum of 4 foot tall all the way out. It doesn't define any specific setback; it says you can go all the way out and go to the river. The path that each one of these is designed is to share to go down further.

Commissioner McCracken stated the difference is because this is zoned C-17 but the intent with this request is a residential use and it does not match the neighboring residential uses, which is what Commissioner Ingalls is pointing out. A 40-foot setback for a structure is not very compatible with a 25-foot setback because the like residential use next door does not have an equivalent setback.

Mr. Holm replied that the setbacks are different.

Commissioner McCracken commented that if this was refined in the original PUD, none of us were here 15 years ago, and they were wanting more lots there. This discussion probably would have happened then, but it was zoned C-17 with the intent of a different use. But as a residential use there isn't a really a huge reason why it shouldn't be a like setback to the already dozen residents next door. She is struggling with that fact as well and thinks it would not be responsible of the commission to have 11 feet of a shoreline.

Chairman Messina stated because it was approved years ago as a C-17 commercial building and it is being build out now as a residential use, they are not asking for a zone change, just some modifications.

Commissioner McCracken stated but it is not being built as a commercial C-17 building now.

Mr. Holm stated most of the existing homes are about 110 feet, where Blue Fern wants to build have about 75 feet, so it is quite shallow. This is why, most likely, they wanted to change the use of the lot because it becomes unbuildable.

Commissioner Fleming stated when they choose to build the decks past the 25-foot setback it is on their own if their patio floats out to the river. The shoreline could erode. The buyers will inherit something that could in fact disappear into the river.

Chairman Messina stated that if the applicant in the modifications should be based on the surrounding neighborhood, the responsibility of the owner is way down the road.

Elizabeth Tellessen introduced herself and was sworn in. She stated that she represents the Rivers Edge

Home Owners Association to the east, which is a sub association of the Mill River Association. She would like to talk about the PUD and the intent and the setback for determining if a further deviation is necessary. She does not think that an amendment to the PUD is the correct application that should be made when you start talking about encroaching into a setback along the shoreline. Sure, the PUD section of the code does give some authority to change the setbacks and what was being asked of you to change the setback to 25 feet to 10 feet, would your decision be the same? It bears some importance to compare those decision criteria when you are considering whether or not to allow this. When someone comes to you for a variance the requirement is to show some manner of undue hardship, or manner of the public benefit, or not a detriment to it when making a decision. The variance language is in Section 17.09 of the code. Those things do not exist here. When you look at the PUD, the intent there was recognition this is a small site. The staff report notes there is one river lot for a commercial development. That was the intent of the PUD, and the intent today is a very big deviation from the PUD. There is no basis to warrant this modification. The code is not properly applied to what is being requested. The set back is 40 feet. There are encroachments that were permitted. They are requesting elevated decks, not the concrete patios, not the seawalls that have existed in days gone by, but new elevated decks and walkways within the shoreline setback that simply are not allowed under the code and are not allowed under the PUD. She is also concerned about a fenced in area within the shoreline setback for the private use. Her read of the code is that fences in a C-17 zone do not fall within the same review criteria as the landscape fences that you see in residential development.

Mike Pellitteri introduced himself and was sworn in. He lives at the end of the neighborhood. He stated he lives in the small community of 22 homes. Some live here full time. They purchased the homes because they appreciate the open space, the outdoors and the beauty of Coeur d' Alene. They are a close-knit community that waves and says hello to one another. They are not petty; they do not in-fight. Unfortunately, there was never a hearing for the 53-unit townhouse development that is going in to the north because they would have been here to talk to you about that project of Blue Fern's. That development is going to significantly change the neighborhood and the character of it, way more crowding of people. If you come down there on a hot summer day the streets are lined with cars. We have problems with people parking right outside of the gate on the side of the street where they want to develop these homes and in the "no parking" zone. It has been used for overflow parking for many years. When that goes away and they build four homes, where are the people that have been using that space going to go now? He understands this could have been a commercial development and if something were built commercial there, that access would be gone. But he would rather see it built as a commercial use, like a restaurant or a store than more people who live there full time with no break on the evenings or weekends.

Austin Storhaug introduced himself and was sworn in. He stated he is with the engineering firm for Blue Fern. He would like to talk about the green space and from a stormwater perspective. Whether it's a roof top or a deck, it does not make a difference. It impervious and it will create more water. When the project goes in it will go in through a building permit review which will have stormwater regulations and it is tightly controlled when building upon a waterfront. With his experience developing waterfront properties, there is nothing easier to contain than a rooftop and that is because you have gutters. The deck system although from a planning issue is a separate topic from a stormwater perspective. He will minimize erosion and ultimately preserve the character of the lakefront.

Dennis Myoio introduced himself and was sworn in. He lives in the Mill River on Wood Haven Loop. He states that there is more crime with more folks moving here and walking through the neighborhoods. The density levels and the traffic has become more. This is not conducive to our type of living here. This commission is looking out for what is best for the community. The area is deteriorating, with all the building that is going on with Atlas. It is getting really tough just to pull out of the neighborhood in the morning.

Chet Gaede introduced himself and was sworn in. He stated that with the original PUD there were trade offs and benefits. The tradeoff with the public and developer at the end of the day when they completed the PUD, even with the 25-foot setbacks in the commercial lot, there was a set of balance with both sides.

A new developer is coming in and they are asking for more. So, what more can they give to the city? They did not have a public meeting for the other project across the street. He thinks maybe the development and the construction of the bike path along the rail road ride away from their property all the way to Rivers Edge, (Lanzce Douglass' Rivers Edge) not the subdivision Rivers Edge of the PUD, would be an acceptable public benefit. If you are going to give them more tonight you should get more. He is pro the City and developments like this have to be able to change, but when you change a small section of a big PUD you have to look back at the whole PUD. This is a very strange neighborhood. There is a HOA and sub HOA's. When you look back, look at the big PUD. They gave Johnson Park to the City. That is a big deal. They gave the bank call center for job production. What did the developer get? The developer got some different setbacks, density, etc.

Anna Drumheller introduced herself and was sworn in. She stated she represents Blue Fern and wants to address some concerns with the HOA. She understands that some of the amendments are contentious and affects their daily lives. She wants to be respectful neighbors. She said she wanted to point out that while there are many sub-HOA groups there is the umbrella of the Mill River POA that represents them as a whole with an elected architectural review board. All of the amendments and the architectural designs were approved by that board. In regards to the bike lanes and public benefits, she would like to note that the decks are what's in the amendment to be approved and that the homes are outside of the approved setback. In regards to the bike lane for the public benefit she points out the rough proportionality and rational nexus needed to require that.

#### **Applicant's rebuttal**

Mr. Clohesey stated that the residential use is a permitted use under the C-17 zoning under the PUD. There is a residential component that is allowed.

Chairman Messina asked Mr. Clohesey if he were to design something else and not have any encroachment, would be any building on this lot be any hardship in some form down the road. If you did not do this, what kind of buildings would you do.

Mr. Clohesey stated the request is for the amendments on the decks versus the structure themselves. Building this project with homes without back decks that do not encroach as proposed but with more respect to that 25-foot setback and what goes on and what is permitted. The development is still a viable development.

#### **Public testimony closed.**

#### **Commission Discussion:**

Commissioner Luttrupp stated his issue is the encroachment on the waterfront. He does not support that. The shoreline ordinance is very important and the 2-foot overhang of the roof is a concern as well.

Commissioner Ingalls stated the commission has touched the shoreline ordinance a few times. There was some give and take with the Rivers Edge deal. There is some waterfront access and trail for the public. There was some give and take, and some real public benefit. He sees four houses will be built in the PUD with some narrowness or lack of depth and will be closer to the waterfront, and will be encroaching into the sacred shoreline area too much without seeing some further public good for the further setback. He does not see how the commission makes findings B1, B2 and B3.

Commissioner McCracken states she agrees with Commissioner Ingalls. If you look at the comp plan goal ER1.1 to manage the shoreline development to address stormwater management and improvement water equality and goal ER1.2 to improve water equality of Coeur d'Alene and Spokane river by reducing the use of fertilizer, pesticides, herbicides and managing aquatic evasive plan species, etc. More homes right on the shoreline, or very close to it, with the additional encroachment. She cannot get behind this. She would like to ask Ms. Patterson a question. These are zoned C-17 as one buildable lot, with current setbacks and 3/4 acre

should be pretty buildable. If they get subdivided will the lots stay zoned as C-17.

Ms. Patterson replied that it would stay as C-17.

Commissioner McCracken commented what if the homes were to burn down, and something else where to be built there they could still be a C-17 use.

Ms. Patterson replied yes C-17 because they are allowed by right.

Commissioner McCracken replied that she would not want to see four C-17 lots in this location.

Commissioner Ward commented that everyone is so concerned about housing that sometimes we are willing to accept what are not adequate solutions to the problem. He thinks this is one of them. This would be overcrowding the shoreline, and the property with four lots and another lot that will have boat storage or something we don't know. If you look at the original plan, Grand Mill Lane came from Seltice came down to where this property is located. It is a very nice thoroughfare. The idea was the people would come down and see this beautiful open area to the river and enhance the overall the development and this will all be taken away now. He agrees with Commissioner McCracken 100%. Drainage into the river is critical. The city spends a lot of money on trying to control the type of drainage that goes into the river and lake. The attorney that spoke made some very good points on how this does not conform to the master plan. He does not support this.

Commissioner Fleming commented that the applicant might have had a better change if they would have scaled the homes down, and made them more cottages, and not to maximize and push into the waterfront. This will be a wall. She sees the usage of the water. It may get developed as a C-17 or they can scale it back and stay within the 25 foot and be done.

Chairman Messina agrees with the rest of the Commission.

**Motion by Commissioner Ingalls, seconded by Commissioner McCracken, of denial PUD-4-04m.3 modification and & S-3-24 subdivision. Motion Carried.**

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye
Commissioner Ingalls	Voted	Aye

Motion to deny carried by a 6 to a 0 vote.

Chairman Messina asked for a short recess. The Commission took a recess and then resumed the hearing.

2. Applicant: Summit Holdings II LLLP  
Location: 2501 E Sherman Ave, commonly known as the Lake Villa Apartments

Request A proposed amendment to the Lake Villa Planned Unit Development (PUD) to allow two new apartment buildings with 21 additional units  
QUASI-JUDICIAL (PUD-2-24)

Mr. Behary, Associate Planner provided the following statements:

The decision point is should the Planning and Zoning Commission approve a requested amendment to the Lake Villa Planned Unit Development (PUD) project to build two additional apartment buildings, creating 21 additional units within the apartment complex with the requested modifications?

Mr. Behary provided background information on the Lake Villa Apartments. He noted that the subject property is known as the Lake Villa Apartments and is located at the far east end of Sherman Avenue. The subject site consists of 18 acres and has vehicle access off of N. Lilac Lane, E. Sherman Avenue, N. Fernan Lake Road, and E. Fernan Terrace Drive.

The subject property was annexed into the city in two phases in the following two items, A-6-76 and A-1-78, in 1976 and 1978 respectively. As part of the annexation requests the site was approved for a multi-family planned unit development (PUD). The setbacks noted above in the request already exist within the project and are grandfathered in. Staff suggested that the applicant request the setbacks for formalize them for the PUD amendment and project buildout.

The construction of apartment complex was built according to the following timeline;

- 1978: 100 units
- 1980: 65 units
- 1982: 44 units
- 1984: 47 units

The existing number of units today 256 apartments. The applicant is now proposing to add two apartment buildings that will provide for 21 additional units bringing the grand total to 277 units.

The existing zoning of the subject site is R-17PUD. The original PUD site plan and subsequent documents allowed for a maximum of 256 units. This new PUD modification request will allow for 277 units on 18 acres, which equates to an overall density of 15.39 units per acres. The R-17 zoning district allows up to 17 units per acre.

The proposed PUD provides garage parking, carport parking, and surface parking for its residents. The minimum required parking for the proposed PUD is 461 parking spaces and the proposed PUD is providing 507 parking spaces. The proposed PUD exceeds the minimum parking requirement by 46 spaces.

The proposed PUD modification request will also bring into compliance the setbacks of some of the apartment buildings, garages, and carports that are located within the required setbacks, as noted above. The setback modification request will also allow the proposed west apartment building to be built within the R-17 street side setback. The proposed east apartment building will meet the R-17 front yard setback. The R-17 setback standards came into place after the property was annexed into the city with the R-17PUD designation.

The subject site has some significant sloping topography on the northern part of the property; however, the majority of the property is relatively flat. The significant sloping part of the property is subject to the Hillside Ordinance regulations. The two proposed apartment buildings are located outside of the hillside area of the property.



The minimum requirement for open space area to be provided in a PUD is 10%. The applicant has provided 16.6% of the total site as open space. The open space consists of a volleyball area, swimming pool, barbecue, and grassy passive recreation areas. The total overall acres of the open space provided is 2.9 acres.

The applicant has indicated in their narrative that they will commit four of the new units for affordable housing. The following is a quote from the applicant's narrative. "The rapid increase in real estate value witnessed in recent years has created a need for affordable housing within the City of Coeur d'Alene. The owners of Lake Villa Apartments recognize this need and are agreeable to assigning four of the new units as affordable to those at the 60% Area Median Income (AMI) level".

The applicant has requested the following modifications:

Principal Buildings: Apartments

- Front setback of 14' rather than 20' as required – existing structures
- Side street setback of 5' rather than 20' as required – existing and proposed structure

Accessory Buildings: Carports and Garages

- Side Interior setback of 2' rather than 5' as required – existing structures
- Side street setback of 2' rather than 20' as required – existing structures

The proposed PUD modification request will bring into compliance the backs of the existing apartment buildings, garages, and carports and are located within the required setbacks, as noted above.

There are seven findings that must be made for a PUD modification, B1-B7:

**Finding B1: The proposal (is) (is not) in conformance with the Comprehensive Plan.**

Mr. Behary noted that building design and scale, transportation, open space, and other elements are approved through the city of Coeur d'Alene's PUD evaluation process. He provided an overview of the applicable sections of the Comprehensive Plan, including the Planned Development Place Type, the transportation maps, and the goals and objectives.

**Finding B2: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.**

Mr. Behary provided an overview of the proposed project, existing land uses on the project site, and surrounding land uses.

**Findings B3: The proposal (is) (is not) compatible with natural features of the site and adjoining properties.**

Mr. Behary explained that the northern part of the property is undeveloped and does have significant issues with slope associated with this part of the property. The southern part and remainder of the property are relatively flat and that is where the apartment complex is located and where the two proposed apartment are to be built. The natural features of the site are consistent with the natural features of the surrounding properties.

**Findings B4: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing public facilities and services.**

Mr. Behary said that City staff from Engineering, Streets, Water, Fire, Parks, Police and Wastewater

departments have reviewed the application request in regards to public utilities and public facilities. City Staff had indicated that there are adequate public services and facilities available.

**Findings B5: The proposal (does) (does not) provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.**

Mr. Behary explained that the applicant is proposing sixteen percent (16%) open space that can be accessed by the resident of this development. The proposed open space will be made up of three open space areas that will consist of a volleyball court, swimming pool, barbecue areas, and grassy recreation areas.

**Findings B6: Off-street parking (does) (does not) provide parking sufficient for users of the development.**

Mr. Behary noted that there was no request made to change the city's off-street parking requirements through the PUD process. The required parking for this facility is 461 parking spaces and the proposed PUD amendment is provided 507 parking spaces, which equates to a surplus of 46 parking spaces.

**Findings B7: That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.**

Mr. Behary read the following text from the applicant's narrative:

"Maintenance and upkeep of all common areas and amenities is performed under the direction of the owner. This included landscaping, mowing and snow removal, among other tasks. Common area maintenance will not be changed or affected by this proposal".

Mr. Behary shared the five proposed conditions for the project:

1. Four of the new units shall be designated as affordable to those at the 60% area median income level. The owner will provide annual reports to the Planning Department consisting of rent rolls and application data for renters qualifying for these units.
2. A lot consolidation of three subject parcels is required to be completed prior to issuance of building permits.
3. Sidewalk shall be installed along the Sherman Ave frontage.
4. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional services will have cap fees due at building permitting.
5. Sewer CAP fees will be due at the time of building permitting.

Mr. Behary said the decision point is a requested amendment to the Lake Villa Planned Unit Development (PUD) to build two additional apartment buildings, creating 21 additional units with the four requested medications.

The Planning and Zoning Commission will need to consider this request and make findings to approve, approve with conditions, deny, or deny without prejudice. The findings worksheet is attached.

Mr. Behary, concluded his presentation.

**Commissioner Comments:**

Commissioner Ingalls commented about the 4 affordable units and asked how that came about. Was it a nice offer by the applicant or horse trading recognizing that there was some out of deviations being requested.

Mr. Behary replied it was a discussion that the Planning staff had with the applicant about the area and the need for affordable housing and if they would be willing to make that as one of their offers for this PUD.

Commissioner Ingalls stated that maybe it helps to strengthen one of the elements in the comp plan of supporting affordable housing.

Mr. Behary replied yes.

Commissioner Luttrupp stated he suspects management understands the very strong interest that the Commission has in affordable housing and the city has a very key issue and the item of value is affordable housing. This is a great piece of work for the community.

Commissioner Fleming commented that this was built back in the old days the 70's. The Americans with Disabilities Act came in around in the 1980's requiring accessible units and parking spaces for the handicap in this entire development. It states that there are only four ADA parking spaces. If you have a current apartment count there should be approximately 14 handicap parking spaces and equally as many units on the ground level. She states this is falling short of the PUD of this entire apartment complex and she wants to see these numbers. When a handicap person finds a place and a roof over their head, they do not move. These are long term residents. This does not meet the current code. Since there is an excess of parking spaces, she would like to see the parking restriped and more handicapped parking spaces close to the accessible units.

Mr. Behary suggested that the applicant will need to address that during his testimony.

Commissioner Luttrupp stated when these come through for review, wouldn't city staff check on fair housing requirements for apartment projects. There are certain fair housing requirements that has to be met.

Mr. Behary stated the building department reviews them, and after so many units they have to provide accessible parking spaces.

Commissioner Luttrupp stated there should be procedures. Maybe it's not adequate, but there are guidelines that need to be followed by the city that the federal government mandates.

**Public testimony open.**

The applicant's representative Merle Van Houten with Van Houten Consulting and Design introduced himself and was sworn in. He stated he is the engineer for Summit Holdings. This development has been here for over forty years. It has a club house, pool, volleyball, and it has been well maintained. There is a hillside that is undeveloped and will remain that way because of the slope. The existing units are all studio, 1 bed 1 bath, or 2 bed 1 bath. There are garages with covered parking. The proposal is adding the two buildings that will add 21 units. The west building will have 12 1-bedroom units on three levels and the east building will have nine (9) units on three levels. There will be four of the units that will be designated as affordable. The total of units will be 277 units on 18 acres for a density of 15.4 units per acre and 16.6% open space. All the existing amenities on the site from the original PUD would still remain. We are not impacting any of those. The parking summary is 501 parking stalls that leads to a surplus of 72 parking spaces. Open space is more than the 10%. The allowable density here is R-17. City staff asked us to request the building setback deviations to bring the full project into compliance. The

carport will now become the new apartment building and the eastern building will be near the pool. It is an open grassy area. The bottom units will be ADA accessible. All of these will be the 1 bed 1 bath units with washers and dryers. The east building's parking will be right next door and all the units on the bottom will be ADA accessible.

Commissioner Fleming stated there are ADA accessible units and asked are you going to switch some of the parking now to ADA to meet the accessible ratio? She said based on her calculation this development should be fourteen ADA stalls. She said the parking spots should be close the actual units as well that people are renting.

Mr. Van Houten replied he certainly could look at the parking to see if they could add some ADA parking stalls. He agrees with Commissioner Fleming that more ADA stalls in close proximity to the accessible units would be beneficial.

Chairman Messina asked if Commissioner Fleming was suggesting that they increase some of the accessible parking spots throughout the whole complex as well.

Commissioner Fleming replied, yes, there are only four (4) ADA spaces throughout the entire complex. By code there should be fourteen and they already have extra parking as it is.

Chairman Messina asked City staff should this be part of the findings condition.

Mr. Adams replied that one of the Findings does state that off street parking provides parking sufficient for users of the development. The building code dictates the number of parking spaces and locations. This will be handled through the building department.

Commissioner Fleming states that it is inadequate on this current list in the report.

Mr. Adams states it is dependent upon the new buildings. Those have to be compliant. ADA parking for the old buildings depends on the factors and the circumstances of the existing buildings.

Chairman Messina asked if Commissioner Fleming made the findings later how would she need to address the new accessible units. Would she need to state they needs to update more handicap spots through out the complex.

Commissioner Fleming states that this will have to be done through the building department, and the American Disability Act should rule on this.

Mr. Adams states you can make a condition that all of the parking on the entire site meets code. This will allow the building department to determine what the ADA requirement will be.

Commissioner Fleming states visitors come to the complex as well as the tenants and they need a place to park that is close to the units.

Commissioner Luttrupp states that there are State and local regulations on housing, and his assumption is that the city follows them. Does the Commission need to address these codes since this is the first time he has heard this about the ADA parking regulations?

Commissioner Fleming states that the building department is only looking at the two new buildings. She is asking to look at the whole site tonight and making those changes.

Mr. Van Houten stated he agrees as far as the new structures.

Commissioner McCracken asked about the four (4) affordable housing units and how are they going to be managed.

Mr. Van Houten replied that of the 21 units four (4) of them will have that designation.

Ms. Patterson clarified that condition 1. Four of the new units shall be designated as affordable to those at the 60% area median income level. The owner will provide annual reports to the Planning Department consisting of rent rolls and application data for renters qualifying for these units.

Commissioner McCracken states it is nice that these are being provided. She wants to make sure that the city can track them and talk about a dent that we can make in this problem.

Commissioner Ward asked on the affordable housing issue is there somehow you will commit to that if we request a covenant that you would maintain a certain amount of affordable housing units that would be recorded with the city so we would know what is going on.

Mr. Van Houten replied that Ms. Patterson just spoke of that.

Ms. Patterson replied yes, that is a condition of approval with this project.

Commissioner Ward stated this is still four (4) affordable housing units out of 277 units, would you consider increasing that number to perhaps 4%.

Mr. Van Houten replied he cannot speak on that because he is not the owner.

Terry Cottle introduced herself and was sworn in. She stated she lives on East Fernan Terrace Drive which is the NE entrance of the Lake Villa apartments and it is a dead-end road. Her concern is with the existing parking now or the increase in parking with 277 units. There is more than just one car per unit. The parking is not sufficient to handle this and as a result the people are parking on that street. This causes safety issues, and during the winter the cars become plowed in on the street and there is no street cleaning. There are no sidewalks on any part of Lake Villa. There is no fence and people park there overnight and do not move their cars. Now there will be more units which is more people parking on the street. There is a park across the street where the people park at all day and all night as well.

Chairman Messina asked city staff if both sides of the streets are in the city limits.

Ms. Patterson replied there is a small parcel that is not in the city, but everything else is in the city. There is a city code that no vehicle can be parked on the street for more than 24 hours.

Chairman Messina suggested to the public to call the city code enforcement if they see cars parked for the more than 24 hours on the city streets.

Ms. Cottle stated that one of the vehicles is parked in front of a fire hydrant right now.

Tim Wilson with Momentum Architecture, the architect for the applicant, introduced himself and was sworn in. He stated all of the units on the main level are proposed to be ADA accessible and the striping of the parking for the ADA will be done.

Commissioner McCracken states the building fits in well and one of the comments the commission received that was from one of the residents.

Judy Pieklo introduced herself and was sworn in. She states she is concerned where the buildings are going to be located. She lives on Fernan Hill. She would like to have some information on the setback, and the parking spaces, and if they will be observing current legal setback or asking for any modifications because it will be up against her property.

Mr. Van Houten replied that there will be no new building next to Ms. Pieklo because of that hillside.

**Public testimony closed.**

**Commission Discussion:**

Commissioner Ward stated that the development is really well maintained for as old as it is. Four affordable house units is better than none. They are doing something to the property that enhances the property without being overbearing on the surrounding properties.

Chairman Messina stated this is a great piece of property. He commends them for providing four affordable units. Hopefully we can get more handicap spots.

Commissioner Ingalls commented this is great development and it checks all of the boxes.

**Motion by Commissioner Fleming, seconded by Commissioner Ward, to recommend to approve the PUD-2-24. Motion Carried.**

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye
Commissioner Ingalls	Voted	Aye

Motion to approve carried by a 6 to a 0 vote.

3. Applicant: Weter Bare Land LLC  
Location: West of Ramsey Road, south of Lopez Avenue and east of Player Drive  
Request: A proposed R-34 Special Use Permit (SUP) to allow multi-family residential 34 units per acre on a lot zoned C-17 that allows 17 units per acre by right QUASI-JUDICIAL (SP-2-24)

Mr. Holm, Senior Planner, provided the following statements:

Weter Bare, LLC, represented by Stephen Goodmansen of Bernardo Wills Architects, is requesting consideration of an R-34 Special Use Permit for increased density from R-17 to R-34 (34 units per gross acre) within the C-17 portion of their subject property in the City of Coeur d'Alene.

The property is comprised of three parcels measuring 3.116 acres in aggregate located west of Ramsey Road, south of Lopez Avenue, and east of Player Drive, zoned commercial (C-17 & CC).

Mr. Holm provided history and background information on the property. The subject property is currently vacant, and based on the city's aerial photography, has been in its current state for over 30 years. The applicant indicated that he has owned a substantial interest in the area and developed the Fairway Meadows neighborhood to the west, as well as the Fairway Meadows apartments, to the north.

The subject property was annexed into the city in 1994 (A-3-94) as a portion of a larger request of 42 acres +/- which included multiple zones at the time including: R-8, R-17, and C-17.

A few months later, in June of 1994, Viking Construction made application for a long plat subdivision (S-5-

84) known as “Fairway Meadows” which was approved by the Planning and Zoning Commission on July 12, 1994. This subdivision and subsequent 2<sup>nd</sup> Addition laid out the vast majority of the street network and established much of what exists today. It was this approval where the subject property extents were defined:

There are 4 findings B1 through B4 that must be made for an R-34 Special Use Permit request:

**Finding B1: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.**

Mr. Holm explained that the subject property is within the city limits. The City’s 2022-2042 Comprehensive Plan categorized these areas as an Urban Neighborhood & Retail Center/Corridor Place Types. He explained the Place Types, showed the transportation maps, and provided an overview of the applicable goals and objectives.

**Finding B2: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.**

Mr. Holm described the zoning on the subject property as split zoning. The CC zoning designation development potential is based on a floor area ration (FAR). If approved, the applicant will forego this allowance. The C-17 zoning designation development potential is based on units per acre. With R-17 at 2500 SF/unit would allow 41 units, whereas with the R-34 designation it would be based on 1275 SF/unit and would allow 79 units. The application has agreed to limit height from 63’ to a maximum of 45’ in height from average finish grade.

**Finding B3: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.**

Mr. Holm shared that City staff from Engineering (Traffic & Streets), Streets, Water, Fire, Parks, and Wastewater Departments have reviewed the application request in regards to public utilities and public facilities. Staff has indicated that there are adequate public services and facilities available, however due to an increase in traffic, Engineering will require ROW convenience and relocation of the stormwater capture in Ramsey to be directed to the subject property which will allow for increase lane length for left turns in the north bound lane.

**Finding B4: That the proposal (is) or (is not) in close proximity to an arterial, shopping, schools, and park areas (if it is an adult only apartment complex proximity to schools is not required).**

Mr. Holm showed a map and described the surrounding arterials, shopping, schools and parks.

Mr. Holm shared the thirteen proposed conditions for the request:

1. If approved, the maximum height shall be limited to 45’ from averaged finished grade, based on the lowest feasible grade along N. Ramsey Rd. and the applicant’s property. line.
2. All subject properties shall be combined/consolidated with the properties currently zoned Community Commercial (CC); the CC zoned parcels shall be limed to multi- family parking only, as designed.
3. Dedicate right-of-way to the City of Coeur d’Alene to create a consistent 100-foot right of way along the Ramsey Road frontage.
4. Relocate the Ramsey Road median swale adjacent to the property to anew swale with the development and dedicate a stormwater easement, reconstruct Ramsey Road, where the median swale is removed to extend the northbound left-turn lane.
5. Install a stop sign on Lopez Ave at Player Drive.
6. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional service will have cap fees due at bui8lding permitting.
7. FD minimum access width: 20’ minimum, 26’ maximum.
8. Maximum Turning Radiuses 25’ interior and 50’ exterior

9. Address numbers shall be visible from the street and property.
10. Fire hydrant amount and location to be determined at building permit.
11. Fire sprinkler and fire alarms are required.
12. Knox box is required.
13. Locking Knox caps required for the FDC.

Mr. Holm noted that the action alternatives for the request are that the Planning and Zoning Commission must consider this request and make appropriate findings to approve, approve with conditions, deny, or deny without prejudice. The findings worksheet is attached.

Mr. Holm, concluded his presentation.

**Commissioner Comments:**

Commissioner McCracken asked about the zoning regarding the one parcel has two zones, was that how it was before.

Mr. Holm replied that it is three parcels with two different zones.

Commissioner Ward asked how many units will the applicant have with the 34 units per acre on this site.

Mr. Holm replied it will be a total of 79 units just for the C-17. The property zoned CC will be parking.

Commissioner Ward asked about the parcel directly to the North of Lopez that has apartments on it and what is the density on that site.

Mr. Holm replied it is zoned R-17. He does not know the density; it is probably pretty close to this site.

Commissioner Ward also asked are they obligated to put in a left turn lane north bound on Ramsey Road.

Mr. Holm replied that is correct.

Commissioner Fleming stated there are only two exits out of this entire housing complex. There will be an exit off of Lopez Ave and off of Player Drive.

Commissioner Ingalls read the staff report and has some red flags regarding the traffic. By right they could put a Trader Joes or a Chick-fil-A, by right, so traffic could be worse. Is that a fair statement?

Mr. Bosley agreed that kind of use would be much more intense with traffic coming and going.

Commissioner Ingalls asked Mr. Bosley would it be a fair statement that would it not be a great idea to fix the north bound left onto Lopez from Ramsey. It has been a problem for at least 10 years. One car that does not turn in enough will jam up the road for everyone. Does this give you a fix for the existing problem?

Mr. Bosley replied it does. He is looking at the same situation all along Ramsey where the median swales where IDT put in a 40-acre pit. This has created a situation where we do not have adequate left turns and there is a shortage of in a lot of these places. His first instinct was to close the median, but the church across the street did not do anything to deserve that. He backed off on that and went for the win win and creating the left turn left onto the Lopez.

Commissioner Ingalls commented so at their expense they will make a legitimate 100-foot left turn pocket to get a car from hanging the rear end off of the traffic.



Chairman Messina said he agreed it is good to look at left turn movements off of Ramsey Road. Lake City High School in the morning is backed up. He is glad that he is looking into that.

Commissioner Fleming stated she would like to see some type of Beacon crossing light on Kathleen since there is a school there. Will there ever be a widening Kathleen Street at any point in the future?

Mr. Bosley stated they had not considered a traffic signal at that location. It is possible. The street widening is not on the radar at this point; however, when the Forest Service installed the signal at Nursery Road that the city required, they set that back far enough to accommodate a five lane Kathleen section through there in the future.

**Public testimony open.**

Steve Goodmansen and Ray Kimball, applicant representatives, introduced themselves and were sworn in. Mr. Goodmansen stated they are only developing the one parcel and using the other two parcels for parking lots. There will be two curb cuts, one off of Lopez and one from Ramsey. The commercial spaces will not be any restaurant uses. The use will be more compatible with the building itself. There will only be 79 units available. The complex will only be four stories high. There would be commercial on the bottom and residential on the top. There would be 133 required parking spaces and they will have 159 parking spaces. There is a grade change on the site. They did not want to go very high. The building will be within the 45-foot height limit. There is a great view from this site. He said they wanted to incorporate that as well, with the top floors looking out on Canfield Mountain.

Ray Kimball stated he is the Engineer on this project. The R-34 needs to be near an arterial identified by the KMPO's map. This property sits between Ramsey and Kathleen, and it also needs to be next to schools and parks, which we are near as well. This is an interior corridor building, there will be elevators, there will be the ability for the people to live in this to walk down and maybe go to a 24 Hour Fitness, or hairdresser, etc. without going outside. There will be a mixed use in this development. When it comes to affordable housing here in Coeur d'Alene these units will only be 1- or 2-bedroom apartments. The focus is not on families. These are designed for single or retirees. When you don't have to get in your car and drive to work, you can walk to the school if you are a teacher, etc. These will be market rate housing. There is a 3% vacancy rate right now in Kootenai County. There will be small business they will be occupying the commercial spaces; these will be small locally owned business. All the services will be provided at this location. With 79 units being built will produce 49 peak hour trips. This is from trip generation studies. Typically, the PM peak is hour is the worse. This site is large enough to fit a dentist office, Dutch Bros and Walgreens. The Walgreens would produce 109 peak hour trips. That is double what the apartments would do. The goal is to provide housing. The owner has owned the land since 1994 when it was annexed. He owns Viking Construction. He has built all of the homes in the area, and the apartments across the street. The center median on Ramsey is where all of the storm water goes right now. The applicant will be taking out the grass in the median and replace it with asphalt and put some catch basins and pipe the storm drains to their property and put a big deep swale so there can be a left-hand turn lane now into Lopez off of Ramsey. They wanted to make sure they put nice landscaping in. They kept the stepping down and the building massing down to mitigate impacts on the neighbors and fit in the uses in the area.

Chairman Messina asked how many parking stalls will they be providing.

Mr. Goodmansen replied 159 parking stalls total.

Commissioner McCracken stated she appreciates the buffer between the neighbors with the height.

Commissioner Ward commented that the renderings provided there are a lot of landscaping along Ramsey, which is important. This is an ideal location for apartments. His biggest concern is the traffic. The turn off of Ramsey onto Lopez is a huge plus. The site plan they had four exits, two on Lopez, One on Player and one that comes out onto Ramsey. The one on Ramsey concerns him. It is close to the light. It looks like 75% of your parking is the West side of the property, he does not know if the tenants will like that.

Mr. Kimball replied that there is a wall that separates the parking. There is one level of residential below the parking stalls that are essentially serve one side of the apartment buildings and then a main entrance with floors 2, 3 and 4. So the stalls will serve the vast majority of the residential. This is an interior corridor building with in elevator. No matter what level you are parking wise you will get up and go to your floor.

Chairman Messina stated so the west parking lot only exits are on Lopez and Player.

Mr. Kimball replied correct.

Chairman Messina asked if the rest of the parking lot can go on to Lopez or Ramsey.

Mr. Kimball replied this is a right in or right out onto Ramsey. There is going to be a raised concrete median on Ramsey. The plan is to get people who want to go left to go out on to Lopez or go onto Player Ave.

Mr. Goodmansen replied the turn off on Ramsey in in to the complex is because of the fire truck access, because of the 150-foot distance of the fire truck turn around.

Joe Drobnock introduced himself and was sworn in. He stated he is worried about the traffic. He does think it's a good design. He likes the idea of a walk across on Player Drive. There will be more traffic now on Player Drive which is residential.

Commissioner Fleming asked about the space in the U shape, what will that space become.

Mr. Kimball replied it will be a courtyard.

Commissioner McCracken asked about the stairs if they all covered and enclosed.

Mr. Kimball replied they are all inside. He thinks it would be a great idea of Mr. Bosley would like to use the city budget to put a Beacon on Player Drive. This location the pathway on Ramsey takes you right down to the light which takes all the kids walking to school, across the cross walks, push button lights, and the Prairie Trail. This will be a lower impact use traffic wise then what could really go into this property by right.

Commissioner Fleming stated she can see a lot of people walking and moving across to the Centennial Trail with dogs, kids and bikes.

**Public testimony closed.**

**Commission Discussion:**

Commissioner Ingalls stated that the comp plan and when the commission played the game, one of the big things was where to put some higher density housing. It is needed with the 3% vacancy. We are hurting for reasonably priced housing. This checks all the boxes. They are willing to fix the turn onto Lopez. The site design it is thoughtful, and respectful. The mixed-use building will serve the building and the community.

Commissioner McCracken asked about a development agreement.

Ms. Patterson replied it is not required; but the commission could recommend one.

Commissioner Fleming stated this is an admiral solution in an island that is screaming for development. This is a great location, yes. We have to support the safety for our users and the exit and entry but it is a goodlooking building. It raises the bar. She is does want a beacon on Player Drive. She likes the mixed use.

Commissioner Luttrupp stated the hearing before regarding handicap parking and workforce housing and neither one came up on this matter. He will support this project.

Commissioner Fleming stated by code they have to have ADA parking on this one. This is a totally different matter because of the code of the ADA drives the code.

**Motion by Commissioner Fleming, seconded by Commissioner Ingalls, to recommend to approve SP-2-24 Special Use Permit. Motion Carried.**

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye
Commissioner Ingalls	Voted	Aye

Motion to approve carried by a 6 to 0 vote.

Commissioner Luttrupp stated that Chairman Messina is good at holding public hearings. He said the commission can have workshops where they have the community involved. They are governed by the comp plan and it talks about the community identity to make the citizens well informed, broad based inclusive community involvement, community friendly and so forth. There have been two recent developments in the community that did not meet these values. He would like to propose to the commission to consider if it would be valuable to the City Council for the commission have some assistance in addressing this issue. By being quiet we just encourage the action. We need to do something. We are very good at having public hearings, and the city is very good at organizing and helping. We need to do something addressing the community identification so forth. He feels the commission is not as well off as they could be.

**ADJOURNMENT:**

Motion by Commissioner Luttrupp, seconded by Commissioner Fleming, to adjourn. Motion carried.

The meeting was adjourned at 9:53 p.m.

Prepared by Traci Clark, Administrative Assistant