

**PLANNING COMMISSION
MINUTES
OCTOBER 10, 2023
LOWER LEVEL, COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingallis, Vice-Chair
Lynn Fleming
Peter Luttrupp
Sarah McCracken
Phil Ward

STAFF MEMBERS PRESENT:

Hilary Patterson, Community Planning Director
Mike Behary, Associate Planner
Traci Clark, Public Hearing Assistant
Randy Adams, City Attorney

COMMISSIONERS ABSENT:

Mark Coppess

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Commissioner McCracken had a correction on the September 12th meeting minutes on the motion for item SP-7-23. She asked that the written minutes be corrected to read "Motion to Deny without Prejudice" on page 6. Motion by Commissioner Ingalls, seconded by Commissioner McCracken, to approved the minutes of the Planning Commission minutes on September 12, 2023 with the correction. Motion approved.

Motion by Commissioner Fleming, seconded by Ward to approved the minutes of the Joint Workshop with City Council on Impact fees on September 25, 2023. Motion approved.

PUBLIC COMMENTS:

None.

STAFF COMMENTS:

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

- At the November 14, 2023 Planning Commission meeting, we will have a brief update on the impact fees presented by Melissa Cleveland with Welch Comer. There will also be a zone change request and a 2-part request, a PUD with a Subdivision.
- Greta Giessel sent out an email with a date change for the Joint Workshop with the Planning and Zoning Commissions in Kootenai County. The new date will be December 13, 2023 from 5:30-7:30 p.m.

COMMISSION COMMENTS:

- Commissioner Ingalls informed the public about the City's Leaf Fest. It will begin on November 13th.
- Commissioner Luttrupp commented that he watched the City Council meeting and observed the Appeal Process. He wanted to commend the City of Coeur d'Alene Attorney Randy Adams. He did an excellent job of explaining the process of how it works. Chairman Messina agreed.

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

Applicant: Lake City Engineering, Inc
Location: 3549 N 15th
Request: A proposed 1.74-acre annexation from County AS to City R-12.
LEGISLATIVE, (A-1-23)

Mr. Behary, Associate Planner, provided the following statements:

- The applicant is requesting approval of the annexation of 1.74 acres in conjunction with zoning approval from County Agricultural-Suburban to the R-12 zoning district.
- Currently the subject property is located in the unincorporated area of the County and consists of one parcel that has a single-family dwelling located on it. The subject site is 1.74 acres in area and is relatively flat. The site is adjacent to the city limits along its south and west property line.
- The property is currently zoned Agricultural-Suburban in the County. As part of the annexation request, the applicant is proposing the R-12 zoning district be applied to the subject site. The subject site is located within the City's Area of City Impact (see ACI Map on page 7).
- The Planning Commission approved an annexation and a planned unit development (PUD) on the property that is located adjacent and directly to the south of the subject site in items A-3-22 and PUD-4-22, known as Birkdale Commons. The applicant has indicated that if this annexation request is approved then they will make application for a PUD on the subject site that will connect and have access to the Birkdale Commons PUD. The Birkdale Commons PUD has an approved private road that has a single access connection to 15th Street.
- The applicant has submitted an Annexation Map (see page 4) and a narrative as part of this request. See the attached narrative by the applicant at the end of this report for a complete overview of their annexation request.
- Proposed R-12 Zoning District:
The R-12 district is intended as a residential area that permits a mix of housing types at a density not greater of (12) units per gross acre.

Principal permitted used in an R-12 District are as follows:
 - Administrative.
 - Duplex housing.
 - Essential service (underground).

- Home Occupation.
- Neighborhood recreation.
- Public recreation.
- Single-family detached housing.

There are four findings that must be met for an annexation, Findings B8-B-11.

1. **Findings B#8:** That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

2042 Comprehensive Plan Land use: Place Types represent the form of future development, as envisioned by the residents of Coeur d’Alene. Place Types will in turn provide the policy level guidance that will inform the city’s Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, and allowed uses.

Place Type:

Compact neighborhood Compact neighborhood places are medium density residential areas located primarily in older locations of Coeur d’Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family homes, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts. Supporting uses typically include neighborhood parks, recreation facilities, and parking areas.

Compatible Zoning Districts within the “Compact Neighborhood” Place Type:

- R-12, R-17, MH-8, NC and CC Zoning Districts.

Growth & Development

Goal: GD 1

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d’Alene a great place to live.

Objective: GD 1.1

Achieve a balance of housing product types and price points, including affordable house, to meet city needs.

2. **Findings B#9:** That public facilities and utilities (are) (are not) available and adequate for the proposed use.

City staff from Streets and Engineering, Water, Fire, Parks, Police and Wastewater departments have reviewed the application request in regards to public utilities and public facilities. Each department had indicated that there are public facilities and public utilities available and adequate for the proposed annexation with zoning to R-12.

3. **Findings B#10:** That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.

The site is generally flat that slightly slope to the southwest. The western portion of the site is vacant of buildings and is in a natural state with grass and trees locate on it.

4. **Findings B#11:** That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.

The subject property is bordered by 15th Street, which is a major collector street, Traffic from the proposed residential development is estimated to generate approximately seven (7) AM peak hour trips and nine (9) PM peak hour trip per day. 2018 traffic counts indicate 15th Street experiences an average of 770 PM peak hour trips.

NEIGHBORHOOD CHARACTER:

The neighborhood is predominantly single family. To the east, across 15th Street there is a multi-family apartment complex along with some duplex housing units. The surrounding properties to the north, east, south, and west have residential uses located on them.

Mr. Behary noted that there are seven (7) recommended items for inclusion in the annexation agreement:

1. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
2. Any additional service will have cap fees due at building permitting.
3. All water rights associated with the parcels to be annexed shall be transferred to the City at the owner's expense.
4. Any utility extensions outside of public right of way would require a minimum 20' public utility easement for water, 30' if combined with public sewer.
5. This project will require the extension of sewer "To and Through" this annexation as proposed unless private sewer is approved to serve one parcel. Policy #716 states One Parcel, One lateral.
6. The existing home on this parcel must connect to City sewer and pay appropriate sewer cap fees.
7. Ten feet (10') of right-way shall be dedicated to the City for improvement to 15th Street.

Mr. Behary concluded his presentation.

Commission Comments:

Commissioner Ingalls questions the B#11 regarding the traffic when Birkdale Commons was approved, he recalls there was some concern by the city engineer regarding the offset of the intersection. The way the report reads it does address the streets and engineering department's concern. If each of the comparable neighborhoods lots are developed and are similar to Birkdale Commons, traffic would be impacted by a series of five closely spaced intersections. It reads as this proposal address the concern that this was in the past as if this will likely make things better. He asked if Mr. Behary concurred. Mr. Behary confirms this is correct and noted that in their narrative the applicant said they will use the existing access from the Birkdale to the south. All the lots that will be approved from this all the lots will use the south road and they will have one access off of 15th Street rather than creating a new access with this annexation.

Commissioner Ward wanted to know how many units are in the Birkdale Commons development to the south?

Mr. Behary stated there were 18 units that had been approved.

Chairman Messina wanted to confirm that the Commission's decision for the approval of this annexation will then go to the City Council regarding the R-12 zoning.

Mr. Behary stated that this is correct, the Planning Commission is recommending tonight the annexation in conjunction with zoning R-12. The item will go to City Council and they will have the final approval.

Public testimony open:

Gordan Dobler, applicant's representative, noted the requested R-12 zoning would be on a collector. He was also here with the Aspen Homes annexation request for R-12 zoning down by the BMX park and Cherry Hill. The R-12 is one of the lower density zones for the compact neighborhood and we would

conclude this is a perfect fit. Utilities are already set up with adequate infrastructure and zoning meeting all the criteria. Mr. Dobler concluded his presentation

Commissioner Ingalls commented this piece of property is like a donut hole because it's still in the County and it creates confusion with respect to who to call if there was a dog off a leash and which rules would apply - City code or County code. The City sweeps the streets, paints the streets, fixes the pot holes, and EMS and Police respond even though the property is in the County. Some of these County parcels have had failing sewers and there was there a push to get these properties into the City. Mr. Dobler answered and agreed they did try to get those parcels annexed into the City with the City Council when he was City Engineer. The City provided all of the services and received none of the benefit. These are general issues that the Planning Commission would at least consider in recommending the zoning, but the base issue should we be to annex this or not, although this is a Council decision. We will make this argument to the Council as long as we can to say there is a huge benefit. Commissioner Luttrupp stated maybe there will be a benefit when the City updates the impact fees.

Chairman Messina asked Ms. Patterson if there will there be a development agreement down the road. Ms. Patterson answered no that it is not anticipated this project would trigger a development agreement. When City Council adopted the Development Agreement Ordinance it was determined it would be for special circumstances. This is a small request with 7 lots. But, ultimately the City Council would make a recommendation to determine if a development agreement is required, but a standard annexation agreement would cover all the issues.

Chairman Messina stated if one of the commissioners would like to make a recommendation, they can do it with the findings, and asked staff if that was correct. Ms. Patterson responded, that is correct.

Chairman Messina read the names of the citizens who did not want to publicly speak but wanted to have their names on record that they wanted to remain neutral or were in favor of the annexation.

Mr. Dobler did not have a rebuttal.

Public testimony closed:

Discussion:

Commissioner Ward has no problem with this annexation, the R-12 zoning is appropriate and 15th Street is a major roadway. The only issue is, if 15th Street is a major road way, if there are 18 lots on Birkdale Commons and now, we will have 6 additional lots, totaling maybe 24 units on 1 single private drive exiting on to 15th Street. The a.m. and p.m. peak hour trips are going to be very busy. The main concern is that we might be creating a very busy corridor on 15th Street and approving dead-end type developments that they have private 20-foot wide roads that the City will not be maintaining. The residents trying to get out in the morning onto 15th Street may not be a problem, but it could be a problem at 5:00 p.m. and in the afternoon when it will be backed up with lots of vehicles. We do need to pay attention to the interior circulation as well as impacts to 15th Street.

- Chairman Messina would like to know if this will come up in the PUD if this comes back.
- Ms. Patterson states yes it will.
- Commissioner Luttrupp would like to encourage the City to develop the standards because we hear this quite regularly. He asked staff and applicants to consider if there are technologies of traffic control and so forth as advanced ways to handle traffic impacts. He indicated there needs to be some type of things to recommend to the council such as principals, policies and some kind of direction so we don't have to raise this every time. It's frustrating to us, as it is to the public, especially whether you are for or, against. If we can get more definitive answers on traffic solutions and policies it may be more helpful to all of us.
- Commissioner Ingalls commented he believes this property should this be annexed. This is one

of those donut holes and feels the R-12 is very appropriate for a compact neighborhood and supports this going forward to the City Council for annexation with an R-12 zoning.

Motion by Commissioner Fleming, seconded by Commissioner Ward, to recommend to the City Council that the R-12 Zoning be Adopted for item A-1-23.

ROLL CALL:

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

Motion to ADOPT CARRIED BY A 6 TO 0 VOTE.

ADJOURNMENT:

Motion by Commissioner Luttrupp, seconded by Fleming, to adjourn the meeting. Motion approved.

Meeting adjourned at 6:02 p.m.

Prepared by Traci Clark, Public Hearing Assistant