

**PLANNING COMMISSION
MINUTES
NOVEMBER 8, 2022
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

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

STAFF MEMBERS PRESENT:

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

COMMISSIONERS ABSENT:

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by McCracken, seconded by Ward, to approve the minutes of the Planning Commission meeting on October 11, 2022. Motion approved.

PUBLIC COMMENTS:

COMMISSION COMMENTS:

STAFF COMMENTS:

Hilary Patterson, Community Planning Director provided the following statements.

- Ms. Patterson announced on the December 13th Planning Commission agenda we have a special use permit for a food/beverage use and a three-part request for River's Edge.
- She stated that there is a workshop on Thursday, November 10th that is a Multijurisdictional Planning Commission Workshop that is open to the public with no public comment. She added this will be held at the County Administrative Building from 5:30-7:00 p.m. The topic will be information on housing and growth issues.
- She stated that she attended the Placemaking Institute in Rhode Island which was invitation only with some great discussion on Historic Preservation and placemaking
- She announced there is a forum next week put on by DART (Dedicated Accountable

Responsible Together) a non-partisan group of community minded residents that have been doing these forums. The subject next week is growth. It will be on Thursday, November 17th starting at 6:00 p.m. at the Harding Center. I will be part of the panel including David Callahan, Community Development Director for Kootenai County, Alan Dykes and Scott Haug representing NIBCA (North Idaho Building Contractors Association), and Kiki Miller who helped launch the Regional Housing Growth Issues Partnership. Dave Childs will be the moderator.

PUBLIC HEARINGS

1. Applicant: Richard and Susan Bennett
Location: 1095 E. Timber
Request: A proposed zone change from R-3 to R-8
QUASI-JUDICIAL, (ZC-2-22)

Hilary Patterson, Community Planning Director, presented the staff report and stated:

- Richard and Susan Bennett are the owners of the property and applicant for the requested zone change.
- The applicant has indicated that they are requesting the R-8 zoning to make the use more compatible with the neighborhood land use.
- If the zone change is approved, the applicant is proposing to remove all structures, proceed with a minor subdivision to create two lots – a single-family lot and a duplex lot.
- The applicant's narrative states that they would like to build a single-family home on a future lot 1 on the western half of the property and a duplex on a future lot 2 on the east side with a shop in the rear with access off of Violet Lane.
- The subject property has all utilities available on Timber Lane for proposed development. The current property has a frontage of 130 feet and the lot depth is 320 feet.
- It should be noted that all allowable uses would be permitted in the R-8 zoning district if the zone change is approved.
- This request is not a conditional zoning and the applicant/owner would not be limited to the one single-family home and duplex with a shop that are indicated in the application. See page 18 for the list of currently allowable uses in the R-8 zoning district.
- The subject property was one of seven areas the City of Coeur d'Alene annexed into city limits in October of 1982 (hearing: ZC-7-82-A). This particular area was known as "AREA #7" which totaled 466+/- acres according to the staff report.
- Approximately two months later, a zone change application was received from sixteen neighbors totalling approximately 14.5 acres. At that time, the justification provided read as follow, *"I and my surrounding neighbors would like to keep the area in question as a one family unit are we all have large wooded lots now. The two adjacent sub divisions, Forrest Park & Hoffman Estates are already R-3."* The request was approved for a down zone from R-8 to R-3 (hearing: ZC-14-82). The subject property was one of the down zoned parcels.
- She stated that the Comprehensive Plan categorizes this parcel as Compact Neighborhood.
- She addressed the findings and noted that all city departments indicated no issues with the proposed zone change
- She added that there are no conditions for approval

Ms. Patterson concluded her presentation

Commission Comments:

Commissioner Mandel asked where Honeysuckle commons located from this property. Ms. Patterson noted on the map where Honeysuckle Commons is located and clarified that they also have a gas line going through the property.

Commissioner Fleming inquired if the Fire Department had any concerns that the street names aren't connected with Mallard being more dominate. Ms. Patterson explained that we have a lot of roads within the city that are in the same situation. As an example, Kathleen/Margaret. Now we are working with the county where they review the street names and makes sure there aren't any duplicates and also to ensure that street extensions have the same name. But, for the ones that exist, it's difficult to change because you have to get all the property owners to change their address, which can be messy.

Commissioner Ward asked for clarification on whether the applicant is allowed to have only three units and since Violet isn't a public road access, wouldn't they be allowed to access those lots. This is probably the reason why the applicant had to subdivide the lot the way he did. Ms. Anderson commented that is correct and explained that existing utilities are off of Timber Lane and it is correct that Violet isn't a public road.

Commissioner Ingalls noted in the applicant's narrative that he states that this parcel is surrounded by all sides by R-8 and looks like only two sides are R-8 which looks like a "checkerboard." He questioned if this property is considered "spot zoning". Ms. Patterson explained if the lot is abutting and across the street from R-8 that wouldn't be considered "spot zoning." As an example, if we decided to put C-17 in the middle of only residential neighborhood versus neighborhood commercial it wouldn't fit since there isn't any other C-17 properties in the area. Mr. Adams explained that the commission has discretion given there is R-8 and R-3 in this area which in his opinion wouldn't be considered "spot zoning".

Chairman Messina inquired if R-8 has been the designated zoning in this area for a long time. Ms. Patterson explained that R-8 was recently approved for a parcel in this area last year. Chairman Messina inquired if the rest of the R-8 to the right of the property been there for a while. Ms. Anderson stated that is correct and was part of that big annexation done in 1982 that was zoned R-8 and then the property owners came forward requesting that the 14.5 acres be down zoned to R-3.

Public testimony open.

Richard Bennett, applicant, provided the following statements:

- He explained that he bought his property over 20 years ago and liked the area. It felt like living in the country.
- He stated his intent is to build another house and has tried for 3 years and could never figure out how to get it to work. He added that he has had talked to staff many times with the problem that I'm 200' square feet short of an acre.
- He stated that he tried again and talked to staff and noticed all the R-3's and R-8's and since this area used to be zoned R-8 and now is R-3. This is the reason why I'm requesting an R-8.
- He explained that his intent isn't to build a subdivision. After hearing concerns from the surrounding neighbors, who after reading the public hearing notice, were thinking he wanted more units. But what he is seeking is to build one home for his family with the understanding if granted an R-8, he will split the lot into 2 lots which will allow two houses

on the lot with plans to remove the existing two homes on the lot and replace them with a duplex that will be facing Timber Lane.

The applicant concluded his presentation.

Commission Comments:

Commissioner McCracken inquired about the pipeline going through the property and questioned the location and setbacks. Mr. Bennett stated the pipeline is on the eastside of the property 100' from Timber Lane and on the west its 200 feet with my property sitting at a diagonal allowing more room to build in the back. That is the reason why I'm putting the single-family home in the back since there is more room. Commissioner McCracken inquired what will be the setbacks to the pipeline. Mr. Bennett explained that the easement states 15 feet and the pipeline representatives are wanting 50 feet which I have never received a notice regarding that change. He added the previous owner didn't have a problem letting him build 15 feet from the pipeline but the new owners want 50 feet. But they did tell me they would work with me.

Shawn Kay stated he lives on Violet and after some digging, he found that there is no easement recorded on that road. He explained on further investigating found a road easement dated 1997 and because of that doesn't know how if he proposes a shop with the door accessing Violet would work when he has to go across my property to get to the shop.

Commissioner Luttrupp inquired when this goes through the permitting process would some of these things be addressed. Ms. Patterson explained when a subdivision was created, we would work through some of those issues with the proof of any easements and if it was a true road on both sides the code requires that no double frontages so a restriction to access with a condition saying no access off of Violet Lane.

Commissioner Ingalls appreciates the testimony and that this is a zone change where we have been looking at details of construction with those details coming later in the permit process.

Don Boyd explained that he thought this request was for one house and after talking to the applicant surprised with the intent to build a duplex. He stated his concern is Violet Lane as access and the pipeline going through the property, and is concerned if something happens to the applicant the R-8 stays and the new owners may want to build something else other than single-family residential.

Rebuttal:

Mr. Bennett provided the following statements.

- He explained that he has access to Violet and if approved his driveway will enter both lots through Timber Lane and plans to put in a paved driveway from Timber Lane to both lots and then to fence it off.
- He addressed his future plans and what he is proposing is something reasonable that will provide an additional rental unit for someone to help with the housing shortage.

Public testimony closed.

Discussion:

Commissioner Luttrupp inquired if we can add a condition stating that the applicant can only put three homes on his lot which in previous testimony, he said he would and if that was possible. Mr. Adams explained that you can't put a condition on a zone change but we could put that in a Development Agreement that can be done with a zone change. Commissioner Luttrupp inquired if the property is sold would that agreement stay with the property. Mr. Adams answered that is correct. Commissioner Luttrupp stated that is a great tool and something we should consider using in this case.

Chairman Messina inquired can we request to do a Development Agreement on this item. Ms. Patterson explained if the Planning Commission recommends a Development Agreement be done and then City Council will make the determination if that is something they want to do.

Commissioner Fleming stated that the applicant is intending to put on the property a duplex and single-family home and because of the restrictions with the pipeline setbacks would he be able to put in 8 units knowing that he is shy 200 feet less than an acre. Ms. Patterson noted on page 19 in the staff report it states that he could potentially get 7 units but would have to have a public road and that is based on speculation since we didn't further ask if it was feasible. Commissioner Fleming questioned that if it was worth it putting a condition for 3 homes if it wasn't feasible to do that with the lot restrictions.

Commissioner Ward explained that any Development Agreement can be released by the city and inquired if the Development Agreement can say "limit to three units" unless released after a public hearing where the public gets there input again and he questioned if that's possible. Mr. Adams explained that the City would need to approve the removal of a Development Agreement.

Chairman Messina inquired if the property is sold that has a Development Agreement questioned if that can be terminated. Mr. Adams answered that new owners can request it be terminated.

Commissioner McCracken agrees with Commissioner Fleming that the challenges to the site because of the pipeline and any more than three homes would need to come back to the commission and feels we don't have to make it complicated.

Motion by Fleming , seconded by McCracken , to approve Item ZC-2-22.

Commissioner Luttrupp inquired in the motion are we going to include a Development Agreement and will not support the motion since the applicant stated that he would support a condition.

Chairman Messina concurs with Commissioner Luttrupp and that a Development Agreement would benefit the neighborhood and without that condition, he won't approve the project.

Commissioner Ingalls asked before he calls for a roll call if Commissioner Fleming would like to amend her motion and include a Development Agreement. Commissioner Fleming stated that she would amend her motion to approve the zone change from R-3 to R-8 and include a Development Agreement that states to include one single family and one duplex on this specific lot.

Commissioner McCracken inquired if the owner could do a deed restriction to that density or is the only tool to use is the Development Agreement. Mr. Adams explained that would be more

complicated than a Development Agreement.

**Motion by Fleming, seconded by McCracken, to approve the amended motion for Item ZC-2-22.
Motion approved.**

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

2. Applicant: RC Worst and Company Inc.
Location: 601, 603 & 609 E. Best Avenue
Request: A proposed Warehouse/Storage special use permit
In the C-17 zoning district
QUASI-JUDICIAL, (SP-3-22)

Tami Stroud, Associate Planner presented the staff report and stated:

- RC Worst is a plumbing supply company, and they are proposing to store related supplies and equipment in the storage yard such as pipes, pumps, and other related items. There are no proposed structures on this property other than the existing storage containers, which will be retained and moved to a different location on the lot. These containers will be used for storing equipment and supplies that require shelter from the elements.
- The 2024 Comprehensive Plan identifies this area as “Retail Center/Corridor.” There are several businesses and shops located along Best Avenue. Expansion of RC Worst’s storage yard in this area is consistent with the future land use map. The area that is already being used as a storage yard has an existing approach off 6th Place. The west parcel has frontage along 6th Street where a new access is being proposed in alignment with the existing access off 6th Place. There are no proposed connections to water and sewer. However, there are water and sewer services existing onsite.
- She noted that all city departments reviewed and didn’t have any issues with the application.
- She stated if approved there are 11 conditions for considerations and staff did add 1 more condition which states
 - “The applicant would provide 6 foot side obscuring fence”

Ms. Stroud concluded her presentation

Commission Comments:

Commissioner Fleming stated this is a company who is expanding and growing and concerned

about 6th Street and cross traffic with 6th Street. The area is all residential except the corner and inquired why they are not required to have the pickup/drop off to be on Best Avenue so big trucks aren't required to enter on 6th Street.

Commissioner Ward inquired if this was a non-conforming use. Ms. Stroud explained that the property owner has been in business since the 50's and over time they expanded into the adjoining yard and later came to us with the request for another recognizing this wasn't a conforming use and why they had to get a special use permit so the property would be in compliance.

Public testimony open.

Jeramie Terzulli, applicant representative, provided the following statements:

- He provided some background on the company that began in the 50's purchased the property in 1955, purchased 11 acres on Best Avenue.
- He explained that the applicant went into the "grey area" and thought that this lot would be an accessory to the principal use and that staff said that wasn't correct and required a special use permit.
- He provided a site plan showing the surrounding uses and noted the improvements that are proposed and they will extend the existing sidewalk for connectivity.
- He noted that we will be proposing a site obscuring fence around the entire perimeter and have agreed to pave the yard and because it will be paved, they will provide stormwater in the swale on the property which will also count as a buffer.
- He provided a map overlaying the applicants property and how it compares with the properties to the north showing the alignment with the existing properties.
- He noted that they agree with all the conditions and stated that this property blends with the existing properties in the area with commercial to the east.
- He noted the operating hours for the business are 8-5 Monday thru Friday and closed on weekends.
- He stated with the addition of the vegetative buffer will also help with noise buffering along Best Avenue.
- He explained at the direction of the city engineer and staff they recommended no access off of Best Avenue which is required and if a redesign is necessary wouldn't be a problem.

Commissioner Ingalls inquired if this is approved and a condition was added that access come off of Best Avenue would you agree. Mr. Terzulli answered they would consider that and if not worked out would have to come back to the commission.

- He explained that since this is a storage yard feels that the trips generated would be less and because there is not a lot of inventory and the lot is clear would result in less trips.
- He explained the last time he attended a hearing one of the commissioner's suggested to talk to neighbors and he did talk with the neighbors to the north of this property who has some concerns and are here tonight and we have opened dialogue regarding fence placement if approved, visual/noise blocking and dialogue is open and will be willing to work with them through the design phase.

The applicant concluded his presentation.

Commission Comments:

Commissioner Ward inquired if shipping will be allowed throughout the day or are there set hours. Mr. Terzulli explained that he isn't the owner, but understands it's an ongoing process where employees show up at 7:00 a.m. open the gate with shipments coming/going throughout the day. Commissioner Ward inquired if the fencing around the property will that be site obscuring. Mr. Terzulli answered would be a site obscuring fence. Commissioner Ward concurs with Commissioner Fleming regarding the driveway on the eastside but agrees with staff we don't want a lot of vehicles exiting off of Best Avenue.

Lynn Morrow stated that they live on 6th Place and is concerned with the fence that separates our property from their yard and would like to request that the fence remain since we do have animals and if not left would have to put in a new fence. She noted the trucks coming/going in the winter with the employees parking on both sides of the road and the trucks come down 6th into their yard so in the winter it makes one lane that prevents the plows to plow the street.

Wade Morrow stated that he understands the current growth and expanding but if you out grow an area when there are huge trucks coming down 6th Place trying to turn into their yard. He added that he is concerned about future expansion and would like clarification on the buffer they intend to put between them and the neighborhood. He added that he is concerned that the applicant removed all the trees that boarded the property and 6th Place that was taken out years ago and asked if the trees are replaced with arborvitae who will take care of them if they get infested.

Ms. Morrow added if there could be a sign on 6th Place stating "no overnight truck parking" because trucks park on the street overnight with the trucks running all night which is disruptive to the neighborhood because of the noise especially when you have to go to work early and the truck is close to your bedroom.

Chairman Messina inquired if there are any parking regulations in our code for employees and trucks. Ms. Patterson explained that she hasn't looked at the existing use to figure out the parking and from looking at the site plan it looks like they have plenty parking available on their property and wondered if the employees are choosing to park on the street rather than their lot for convenience. Mr. Adams explained that there is a requirement for onsite parking but no parking limitations in that area and if there is ongoing truck noise to contact code enforcement if it exceeds the noise limit which can be addressed.

Kathy Compton stated that she is concerned about light/noise pollution and not opposed to the project which is progress and was aware about this last night. She added that she has been over to R.C.Worst to get clarification and never got a straight answer what was going on. She stated that she lives on 6th Street that is a residential street with a lot of activity and to have trucks use this street is devastating and concurs trucks should exit on Best Avenue. She added the buffer is huge and would want to be part of the planning process.

Rob Dixon commented he doesn't want traffic on 6th Street.

Rebuttal:

- Mr. Terzulli stated he appreciates the comments and if approved will keep dialogue with neighbors.
- He explained that the design was driven by city staff including a vegetative buffer on the outside of the perimeter of the property and the realignment of the fence will be an upgrade to the existing fence.
- He noted the removal of the trees and that the applicant wasn't aware and thought this was an accessory to their existing use and the trees were removed without knowing about process.
- He stated that they will work staff about going out on Best Avenue since this was a requirement from the city engineer to not allow access onto Best Avenue.
- He stated he understands the neighbors' concerns and will be willing to work with the neighborhood.
- He explained that if RC Worst out grows this property this parcel would be sold and at a C-17 zoning, apartments would likely be put on the property as the highest and best use. That probably won't happen because the applicant intends to work with the surrounding property owners to come up with a solution that works with everyone.

Chairman Messina inquired if we would need the City Engineer's permission to exit onto Best Avenue. Ms. Patterson explained unfortunately herself and Ms. Stroud weren't involved with the project review meeting and suggested maybe something that could be evaluated and work with staff on the feasibility of access off of Best Avenue than 6th Place and Street. Mr. Adams added another issue to consider is the street trees along Best Avenue which might cause some vision issues if coming off of Best Avenue.

Commissioner Mandel inquired if we could put a condition stating that we require a feasibility study including ingress/egress of Best Avenue and parking issue on 6th Street/Place that might be a code enforcement issue and have a sign saying no parking on the southern part before its residential and would this come back to us. Ms. Patterson explained that staff would work with the applicant on the conditions through the process including a site plan and that the parking issue would have to work with the city engineer that they don't like to do "resident only" parking areas but maybe the applicant could talk to their employees and have them enforcement especially the trucks that are parking overnight.

Commissioner Luttrupp stated that we would need to get clarification from the city engineer if that would be feasible regarding parking.

Commissioner McCracken explained that when the building was originally constructed parking was calculated based on their staff at that time and as a condition for parking to have that recalculated for today and if needed make off street parking available on those two parcels for their staff.

Commissioner Ingalls stated after listening to staff would to add a condition that the applicant to continue a dialogue with staff on issues with parking, access and Urban Forestry.

Commissioner Ward commented that he doesn't want to stop progress on an established business to grow but if this came before us as a new application it would be denied being not compatible and after hearing comments from the surrounding neighbors regarding their concerns with traffic and noise would suggest we defer the application let the applicant meet with the owner and bring back something to us that addresses the situation.

Mr. Terzulli regarding adding a condition to access off of Best Avenue we would need to talk with the City Engineer and if he say's no, the application is denied. He added we will talk with the homeowners and how do we enforce parking on their parking and that the applicant can tell their employees to park on their own lot but would be tough to talk with the owners of the trucks and how is that enforced. He asked that to please consider the conditions especially since they may not be met.

Commissioner Luttrupp stated that he has a lot of faith in the City Engineer and the decision that needs to be made.

Public testimony closed.

Commissioner Ingalls commented that we have a decision before us that is uncertain and don't know if access will be recommended by City Engineer. He added that for him we have two approaches one is we could add a condition to say "that the applicant continue to work with city staff on issues with parking/access" and two we could deny the application or deny without prejudice that the applicant can come back sooner in detail.

Discussion:

Commissioner Mandel concurs with Commissioner Ward and explained when we place conditions on staff recommendation or something very specific, we can measure and without the engineer not here tonight and rather the applicant comeback to us and then place a condition that has "some teeth" to it that would stick. She suggested to work on the boundaries with the north neighbors, egress/ingress and issue with parking.

Commissioner McCracken concurs and regarding parking don't know what time of day the photos were taken and agree for the applicant to comeback after talking to the neighbors and staff.

Chairman Messina concurs and suggested maybe putting in a temporary fence along the empty lot for safety issues.

Ms. Patterson suggested that this item can be tabled so the applicant can have time to talk with staff and bring back a refined proposal to a date certain to the meeting on January 10th.

Commissioner Fleming concurs and suggested the applicant show us how the traffic flows and maximize the use of the lot that protect the agencies.

Motion by Messina , seconded by McCracken, to table Item SP-3-22 to the next Planning Commission Meeting on January 10th. Motion approved.

3. Applicant: Dennis Cunningham
Location: Beebe Boulevard & Lakeview Drive
Request:

- A. A modification to the proposed PUD known as "The Union PUD" QUASI-JUDICIAL, (PUD-3-19m1)
- B. A modification to the proposed preliminary plat known as "The Union" QUASI-JUDICIAL, (S-4-19m1)

Mike Behary, Associate Planner presented the staff report and stated:

- In 2019 the applicant was approved for a residential and mixed use planned unit development (PUD).
- The 2019 PUD was originally approved on 3.6 acres that allowed 23 residential lots and one commercial mixed-use lot to be known as "The Union" in the C-17 zoning district.
- The proposed modification request pertains to the commercial mixed-use lot (Lot 24). The proposed modification request is to have Lot 24 of the Union split into 10 residential lots, and 1 mixed-use lot. This will add 11 dwelling units to the PUD and will reduce the commercial lot from 29,482 SF to 5,366 SF. The proposed PUD amendment will use the existing public street that was approved in the original PUD in 2019.
- The lots will all have access off of Union Drive. The applicant has indicated that the proposed commercial mixed-use development is proposed to be a three-story structure. The first floor will consist of two entry lobby areas with elevators, garage space, and a shop/storage area.
- The second floor will be used for commercial use. The third floor will consist of one residential unit. All of the required parking for this mixed use will be provided on the commercial mixed-use lot.
- The 10 additional residential lots will have single family attached houses on them. Attached single family dwellings share a common wall with another home that is separated by a property line. The applicant has submitted building elevations of the proposed mixed-use facility and the proposed residential dwellings. (See building elevations on pages 16 thru 18).
- The applicant has also submitted a PUD site plan that shows the proposed site layout and the building locations on the proposed PUD. (See site plan on page 11). The applicant has indicated a five-foot building setback from the side property lines for the residential lots, which will equate to a ten-foot setback from structures, this is consistent with what was approved in the original PUD in 2019.
- The open space requirement for a PUD is no less than 10% of the gross land area. The applicant's proposed PUD modification won't change the open space for the project. It will still have a total of 10% of the total gross land area dedicated toward public open space. The proposed open space is consistent with what was approved in the original PUD, with a total of three open spaces areas placed in separate locations across the whole PUD development.
- One of the open space areas will be located at the northwest end of the property and is part of the mixed-use development. This public open space area will be a patio area that can be accessed by the public directly off of Centennial Trail and off of Beebe Boulevard.
- The second open space area is a 10-foot trail connection and grass area that will provide trail connectivity to Centennial Trail to the trail that access north to Riverstone. The third open space area is located on the southeast part of the property and can be accessed by the public directly off of Centennial Trail. This open space is proposed to have picnic

tables, turf grass, box planters, native grasses with boulder and wildflower plantings.

- This public open space area will also have a public sidewalk connection to Lakewood Drive's sidewalk to the north. (See Open Space Plans on Pages 20 & 21). These two public open space areas are currently under construction and close to completion.
- The applicant has indicated that if the PUD modification is approved then site improvement and site infrastructure work would begin Spring 2023. The proposed PUD modification will increase the overall density from 7.2 units per acre to 9.4 units per acres which is less than the 17 units per acre that is allowed in the C-17 zoning district.

PLANNED UNIT DEVELOPMENT MODIFICATION REQUESTS:

The applicant is requesting the following deviations from existing standards:

- Front Setback: 10' rather than 20' *Same request as was approved in the original PUD*
- Rear Setback: 8' rather than 25' *Same request as was approved in the original PUD*
- Side Yard Setback: 5' and 5' rather than the 5' and 10' as required for lots without alley access. *Same request as was approved in the original PUD*
- Unit Types: (Twin Homes) zero (0') feet/shared wall rather than 5 feet. *Same request as was approved in the original PUD*
- Minimum Lot Area: 1,730 SF rather than 2,175 SF ***that was approved in the original PUD***
- Minimum Lot Width/Frontage: 21' rather than 27' ***that was approved in the original PUD***
- Right-of-Way width: 34' rather than 55' *Same request as was approved in the original PUD*
- Sidewalk on only one side of the street. *Same request as was approved in the original PUD*

- Minimum Building Height - Single Family and Duplex: 40' rather than 32'. ***This modification was not requested in the Original PUD***

- Mixed-Use Lot (Lot 35):
 - Rear Yard Setback 5' rather than 8' ***that was approved in the original PUD***
 - Side Yard Setback 3' rather than 5' ***that was approved in the original PUD***

- He stated that the Comprehensive Plan Place type as: Planned Development
- He noted the required findings including staff departments indicating that all departments can serve the proposed PUD and Subdivision.
- He stated if approved there are eight conditions for approval.

Mr. Behary concluded his presentation

Commission Comments:

Commissioner Ingalls stated that it was stated that the applicant isn't requesting any deviations from parking and that this project meets the 2 spaces per unit city requirement however, the City

Engineer indicated in the staff report that the existing street width won't allow any on street parking which would result in an enforcement issue pushing overflow parking to other areas and questioned if there are other areas available for overflow parking. Mr. Behary commented that there are no deviations requested for additional off-street parking. Commissioner Ingalls questioned if this had stayed as commercial project inquired if there would have been overflow issues. Mr. Behary stated with his previous proposal the applicant did meet the minimum requirement for parking based on the commercial/mixed use lot.

Chairman Messina stated that the applicant is proposing an increase to height to 40 feet and inquired what are the surrounding heights in the area. Mr. Behary answered that all the surrounding buildings are 32 feet.

Commissioner Ward noted that the orientation of these homes is towards the Centennial Trail with the garages in the rear. Mr. Behary explained that parking will be along Union Drive and the garages will be along Union Drive however, patios and open space will have pedestrian access to the trail rather than vehicle access. Commissioner Ward inquired how tall are the proposed homes. Mr. Behary answered they are proposed to be 40 feet.

Commissioner Luttrupp inquired if staff can explain where is the overflow parking and is this a private street or public street. Mr. Behary stated that it is a city street and that the applicant had requested a deviation for additional width that was approved with the original PUD. Commissioner Luttrupp commented that we should have a standard for over flow parking.

Commissioner McCracken inquired about the lot width that has been reduced from 27 – 21 feet with more units with more visitors.

Commissioner Fleming inquired about the parking lot to the south and is that paid parking or designated parking for residential and commercial. Mr. Behary noted the parking is for the mixed-use residential parking. Commissioner Fleming stated if you can bike it, walk it, hike it don't bring more cars to the party so this might be another method for people to choose other methods for transportation and don't think we need to force more parking/asphalt in an already compressed area.

Public testimony open.

Christine Baker, applicant representative, provided the following statements:

- She explained that we are proposing to take lot 24 of the original Union and split it into 10 residential lots including an open space tract.
- She explained that we do meet the open space requirements set with the original PUD.
- She noted that at the advice of Chris Bosley, City Engineer we will be taking out the existing pavement and in order not to do many pavement cuts on a new road will only take out the portion we need.
- She explained the deviations we are requesting is a 3-foot side setback on the mixed-use lot that would be butting against the open space and not against another house.
- She showed a rendering of the proposal and that the open space would be accessible to Beebe and the Centennial Trail with bike racks.
- She stated that we do meet the parking requirement and we do have offroad paved parking spaces per unit with parking in front of the units that exceed the requirement.
- She noted that we aren't adding any impervious area within the right of way. She added that we worked closely with the City Engineer to make sure traffic doesn't end up on Union Drive.

- She added with this amendment we will provide 150 parking spots with the full build out and have designated on street parking on the north side for a portion of the Union that is wider and put “no parking signs” on the southern and have put no parking on the northern side and working with code enforcement.

Ms. Baker concluded her presentation.

Commissioner Fleming inquired why the need for the additional height which is a four-story flat roof building. Ms. Baker explained the measurement is to the peak of the roof. Commissioner Fleming stated that it seems very high compared to the others that are 32 feet and understands the added height for a commercial building, but for residential it’s a struggle.

Dennis Cunningham, applicant, explained the 10 units will have elevators in each unit and the reason is we haven’t seen a market in Coeur d’Alene where there is a 3-story structure with a master on the upper level with the average buyer of these units is an older buyer. He stated that wanted to provide a universal concept to be able to get from one floor to another. He explained the two-car garage is 3-story so the 40 feet are a small percentage of the peak. He explained that this project is similar to what was approved by Red Robin. He added we might have some modifications before it gets to permit.

Karen Schomer stated she lives in Riverstone and commented that Union Drive is a very narrow street with narrow driveways. She added driving on Union Street from Lacrosse cars are parallel parked and not parking in their garage. She added the area is dense and the architecture doesn’t fit with the other units.

Karen Hansen commented that she likes Mr. Cunningham’s product but all the contractors are seeking more changes and thinks this should stay the same and is opposed to the 40 feet height limit.

Kerstin Lindstrom stated she lives in the area and has seen many changes. She has concerns about the parking and has attended many meetings where the parking is fine in one area but we have to look at the big picture. She added that this area many years ago used to be open and now it’s getting so congested.

Gia Schwartzer stated that she has concerns about not enough parking and in the renderings showing two cars going down the road which is impossible. She added that people park in front of the garage and questioned where is parking available for the mixed-use building.

Rebuttal:

Ms. Baker provided the following statements.

- She noted the parking for the mixed-use building will be handled on that parcel with four carports under the building, with two parking spaces available in front which meets the parking requirement.
- She noted in the staff report Chris Bosley did look at the trip generation for the PUD and he stated since we are shrinking the mixed-use building and increasing the residential would be less intensive use and keeping the mixed-use building would decrease traffic.
- She stated that we have exceeded the parking requirements for residential.

Commissioner Fleming inquired if this new development will be part of the existing HOA and does the HOA have any Short-Term Rental (STR) restrictions. Mr. Cunningham explained that there is

one home out of the 12 that are existing in the original that has a permit with the city to do a STR which is a single family detached. He noted parking and noticed in the morning on Union Drive which is allowed and walk across over to Bellerive building and when that gets challenging when the seasons changes, we get a lot of parking since the parking was eliminated across from Beebe. He explained that Beebe doesn't allow any overnight parking and that on Union we have 32 spaces on the street and we have the help from code enforcement if we see anyone parking on our street. He added the drive way depth does meet those requirements. He added we want to be a good neighbor

Commissioner Luttrupp inquired how many parking spaces are required. Ms. Baker comment that she doesn't have the plan in front of her so hard to estimate. Commissioner Luttrupp inquired if this revision is requiring more parking. Ms. Barker explained with the previous and this revision meets the requirement for parking.

Chairman Messina stated in the original PUD including this amendment have met the parking requirements set by the city. Commissioner Ingalls concurred and heard the applicant say they are exceeding parking.

Commissioner Ward inquired if the parking garages were tandem parking. Ms. Baker explained one side of the units has tandem parking and the other side will have a standard two car garage.

Public testimony closed.

Discussion:

Chairman Messina explained he is having a struggle with the height difference.

Commissioner Ward stated that he thinks Riverstone is a prime location and believes that our city made it possible and because of that all we here about is how much congestion is in the area. He explained that he doesn't have concerns with the density or height but with it complies with the zoning on its own and making lots narrow with limited parking and that the entire road network is insufficient with nowhere for traffic to go. He commented what approved now is intense and by adding additional units isn't our job and our job is to minimize the impact and traffic is getting worse.

Commissioner Mandel inquired if the traffic for this is less. Commissioner Ingalls commented in the staff report the city engineer said there is less traffic. Mr. Behary noted that commercial generates more trips than residential. Commissioner Mandel inquired if there is any bearing on height with traffic.

Commissioner Ingalls commented living downtown is different and Riverstone is great and parking is tight but it's a great development and there is pluses and minuses and would want more commercial businesses. He commented housing is what people want and feels it's a great place.

Commissioner McCracken commented she sees the value of more commercial.

Commissioner Mandel inquired if there are other homes on Bellerive that exceed 32 feet. Commissioner Fleming answered that there is one home on Bellerive in the middle of the block. She noted if the applicant was going to put in similar homes that was done previously wouldn't see a problem and struggles with this many units added on this small parcel and can't justify more homes added just for the density. She suggested by adding the green space by the commercial building would make sense.

Commissioner McCracken inquired if an elevator would work in a home that is 32 feet. Commissioner Fleming stated that she sees this done all a time with the jobs she has worked on in the past.

Commissioner Ward commented that he objects to the intensity and feels its to much in a small area.

Motion by Ward, seconded by Mandel, to deny without prejudice Item PUD-3-19m1. Motion approved.

ROLL CALL:

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

Motion to deny without prejudice carried by a 6 to 0 vote.

Motion by Fleming , seconded by Messina, to deny without prejudice e Item S-4-19m1 Motion approved.

ROLL CALL:

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

Motion to deny without prejudice carried by a 6 to 0 vote.

4. Applicant: 15th Street Investments, LLC
Location: 3525 N. 15th
Request:
 - A. A proposed 1.61-acre PUD known as "Birkdale Commons PUD" QUASI-JUDICIAL, (PUD-4-22)
 - B. A proposed 10-lot preliminary plat known as "Birkdale Commons" QUASI-JUDICIAL, (S-3-22)

Mike Behary, Associate Planner presented the staff report and stated:

1. A residential planned unit development (PUD) that will allow for 10 lots and two tracts with the following modifications.

- a. Lots fronting on a private street rather than a public street.
- b. Minimum Lot Width of 35' rather than 50' as required.
- c. Minimum Lot Area of 2,810 SF for a single-family dwelling lot rather than 5,500 SF.
- d. Minimum Lot Area of 4,125 SF for a duplex lot rather than 7,000 SF.
- e. Front Setback of 15' rather than 20' (*dwelling unit*).
(Garages required to maintain the 20' setback for parking)
- f. Side Setback (interior) of 5' rather than 5' on one side and 10' on the other.
- g. Street Side Setback of 5' rather than 10'
- h. Rear Setback of 15' rather than 25'
- i. Sidewalk on one side of street rather than sidewalks on both sides of street.

2. A 10 lot, two tract preliminary plat to be known as Birkdale Commons.

- The subject property along with the adjacent parcel to the south was annexed into the City in May of this year in item A-3-22. At the time of the annexation request, both parcels were intending to be part of a future residential planned unit development (PUD). However, since then, the southern adjacent parcel is no longer intending to be part of PUD with the subject site.
- Currently the subject property has a single-family dwelling and several out buildings located on it. The subject site is 1.6 acres in area and is relatively flat. The site is adjacent to 15th Street along its east property line. The property is currently zoned R-12.
- The PUD will consist of 10 lots, one open space tract, and one tract that will contain the private road. The applicant has indicated that the 9 lots are designed for duplex units and one lot for a single-family dwelling (see proposed building elevations on page 16). The 10 proposed buildable lots will have access to a private road within the development and the private road will have a single access connection to 15th Street (see PUD Site Plan on page 10).
- The applicant is proposing 10.6 percent of public open space that will be located in one tract. The open space amenities will include a park bench, picnic table, barbecue, and a fenced in dog run with a pet waste supply station (see Open Space map and images on pages 20 -21). The applicant has indicated that the open space area will be landscaped and maintained by the HOA.
- The applicant has indicated that this project will be completed in one phase with construction beginning in spring of 2023.

- The City's Comprehensive Plan designates the subject property within the Compact Neighborhood place type
- He addressed the findings including department comments with all departments seeing not issues with the project.

Mr. Behary concluded his presentation

Commission Comments:

Commissioner Ingalls stated we have recently been seeing these split, shared wall units in the new Atlas Development and in your opinion have we approved these like this Mr. Behary answered that we have in the past with the right of way width and road width reduction. Commissioner Ingalls stated this is private and will be limited off-street parking and will there be available a number of spots for visitors. Mr. Behary explained that we weren't provided that calculation from the City Engineer.

Commissioner McCracken inquired what is the difference between the road proposed versus the standard. Ms. Patterson explained that the right of way is 50 feet for a standard road width with a paved lane that is 28 feet.

Commissioner Fleming explained in Hayden when she was part of the Planning/Zoning commission they would have the extra parking on the grass at the front door and suggested putting gravel in the front of the home, so they don't have to park in the lawn and what she has seen in the past the garage is used for storage.

Public testimony open.

Drew Dittman, applicant, provided the following statements:

- He stated that he is representing the applicant and that the property was recently annexed into the city earlier this year as R-12.
- He provided a copy of the preliminary plat and the PUD that we are asking for 10 lots that will provide 19 units so that would be 9 duplexes and one single family house.
- He noted renderings showing the design of the homes similar to Orchard Lands off of Atlas and Seltice.
- He stated this project is compatible with the Comprehensive Plan that designates this property as Compact Neighborhood which is compatible with a medium density area which allows single family, duplexes, triplexes and townhomes which would be compatible with the other homes in the area. He added that the existing house will be removed when we get ready to do the homes.
- He noted the open space will be located on the west end and the open space will be providing will be over 12% but some of that open space be used for stormwater and drainage that has been deducted and even with that will still provide 11% open space which will provide a buffer area from the single-family home.
- He noted that he asked the people who manage their property's what the tenants want in

the open space and a project of this size people are wanting passive open space where they can have a place to barbecue and that we will be providing a barbecue pit, picnic table, dog run with an open area in the middle.

- He noted that parking per code requires two parking, two off street parking for unit and we are providing 3 off street parking spaces per unit and explained 2 units for parking and providing three off street parking providing a large concrete driveway in the front that will provide 4 parking spaces in front plus the two parking spots for the garage.
- He noted that we will have a Homeowners Association (HOA) that will maintain all the common areas, open space, storm drainage and plow the streets and will work with staff that will review the CC&R's .we aren't asking for any increase in density.
- He noted that we aren't asking for an increase in density and under the 12 units/ per acre.

Mr. Dittman concluded his presentation.

Commissioner Luttrupp noted that last time you were here Council Member Miller did a presentation on affordable housing and she stated that the council wasn't interested in making affordable housing mandatory and that you are proposing a PUD that allows some deviations that is great and hopes this development will add something to our community. He questioned if approved how will this development help with affordable housing. Mr. Dittman stated we could do what we want to do with a straight subdivision without a PUD and still get the 10 lots we have proposed but by doing a PUD will be able to provide some amenities in exchange for some reduced setbacks. He stated that he doesn't have definition for "affordable housing" which is different for everyone and what we are proposing is the best solution and that he has been a part of the discussions regarding affordable housing which he supports and getting there is a community effort not just from the developer. Commissioner Luttrupp stated that the goal is to make money.

Commissioner Mandel commented that we encourage different housing types that helps with the market.

Commissioner Fleming stated that she appreciates if proposed this will create a small community and adding amenities will give the people who live there a sense of community.

Commissioner Ingalls noted that we have to make a decision on each project that comes before us. Mr. Dittman explained that we had intended to bring both parcels forward but because of the market only bring forward one parcel by providing housing.

Chairman Messina inquired about snow removal. Mr. Dittman stated that he talked with staff regarding snow removal with the snow being pushed at the end of the street.

Public testimony closed.

Discussion:

Chairman Messina commented that this is a project that is going to meet many needs in the community.

Commissioner Mandel concurs and offers a variety of homes to the public and that this is a project where families can live and call their own.

Commissioner Ingalls stated that he also struggles with the definition for affordable housing and what that means. He added these homes will be more attainable for someone seeking their first home.

Commissioner McCracken concurs and stated would be nice to have more individual ownership opportunities.

Motion by Fleming, seconded by Mandel, to approve Item PUD-4-22. Motion approved.

Commissioner Luttrupp stated will be voting against this proposal and sees no return value.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	No
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to approve carried by a 6 to 1 vote.

Motion by Fleming, seconded by Mandel, to approve Item S-3-22. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	No
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to approve carried by a 6 to 1 vote.

ADJOURNMENT:

Motion by Luttrupp, seconded by Messina to adjourn the meeting. Motion approved.

The meeting was adjourned at 10:00 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

