

**PLANNING COMMISSION  
MINUTES  
MARCH 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

**STAFF MEMBERS PRESENT:**

Hilary Anderson, Community Planning Director  
Mike Behary, Associate Planner  
Shana Stuhmiller, Public Hearing Assistant  
Randy Adams, Deputy City Attorney

**COMMISSIONERS ABSENT:**

Brinnon Mandel

**CALL TO ORDER:**

Chairman Messina at 5:30 p.m.

**ELECTIONS:**

Chair and Vice Chair

Motion by Luttrupp, seconded by Ward, to reappoint Chairman Messina as Chair and Commissioner Ingalls to Vice Chair. Motion approved

**APPROVAL OF MINUTES:**

Commissioner Luttrupp noted on page 7 of the minutes where it states “all comments” changed to “all commissioner comments”.

Motion by Luttrupp, seconded by McCracken, to approve the amended minutes of the Planning Commission meeting on February 8, 2022. Motion approved.

**STAFF COMMENTS:**

Hilary Anderson, Community Planning Director provided the following statements.

- She announced we will have two public hearings for our next Planning Commission meeting on April 12<sup>th</sup> with one that is a multi-part request that includes an annexation, Planned Unit Development (PUD) and subdivision. The next hearing is a zone change. She explained the items heard tonight are based on the old Comprehensive Plan because when the applications that were submitted the new Comprehensive Plan wasn't adopted yet.
- She announced that the Regional Housing and Growth Issues Partnership is continuing to

meet and making progress looking at different tools for housing options, workforce and essential/professional housing in the community with a presentation at the City Council meeting next week and scheduling one with the Planning Commission. She added that there is a new website for this effort originally hosted by KMPO with the new website as: RHGIP.com has all the agendas/recordings for all meetings.

**COMMISSION COMMENTS:**

Chairman Messina commented at the hearing last month on the Comprehensive Plan thanked everyone for participating, which is an important part of our process and suggested in the future that future meetings be more civil and suggested to please do some research when testifying and remember if you have questions, staff is always accommodating to address those questions before the hearing. He added that we now have a new process when signing up to testify to please write your name, address and city you live in. Ms. Anderson clarified that the state requires for all public hearings that an individual provide a legal name and address on the signup sheet plus city of residence and added that people coming up to the podium don't have to state their full address. Chairman Messina inquired if they don't want to give name/city of residence what happens. Ms. Anderson stated that they won't be able to testify since they won't be in compliance with State requirements.

**PUBLIC COMMENTS:**

None.

**ADMINISTRATIVE:**

1. Applicant: Barghausen Consulting Engineers, Inc  
Location: 335 E. Neider Avenue  
Request: A request for an additional 335 parking stalls and landscaping plan ADMINISTRATIVE, (LS-1-22)

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

Costco Wholesale is requesting Planning Commission approval of the amount and spacing of landscaping for a parking lot with 335 parking spaces.

**SUMMARY:**

1. The amount of environmental landscaping that is required is 8,577 square feet and the applicant is providing 10,693 square feet.
2. The percent of area to be landscaped is 12.7% and the applicant is providing 15.8%.
3. The maximum distance allowed between any parking stall and a landscaping area is 100 feet and the applicant is providing a maximum distance of 50 feet.
4. The minimum amount of parking lot trees that is required is 29 and the applicant is providing 61 parking lot trees.

Mr. Behary concluded his presentation.

### **Commission Comments:**

Commissioner Ingalls commented this is an administrative item with a narrow scope where we determine if the amount of landscaping proposed meets the minimum including the distance of trees. Mr. Behary concurred that the decision is based on the two standards in the presentation. Commissioner Ingalls noted a comment received about an entrance somewhere else into Costco which isn't part of our decision tonight. Mr. Behary answered that is correct.

Commissioner Luttrupp inquired if the city has any authority on private property regarding traffic like they do on public streets. Mr. Behary explained that staff looks at if the entrances properly connect to the street and the parking lot design meets city standards. Commissioner Luttrupp inquired if the City Engineer comments on ingress/egress. Mr. Behary explained that the City Engineer does review new ingress/egress locations, but this is an existing approach. The applicant has been informed of the comment. Commissioner Luttrupp inquired if the Urban Forester was notified on the selection of trees for this project. Mr. Behary explained that the Urban Forester reviews the site plan for street trees and any recommendations the Urban Forester will notify the applicant.

Commissioner Ward noted that the landscaping exceeds the requirement and questioned if this landscaping plan includes the entire site, or just the expansion area. Mr. Behary explained this request is just for the expansion area. Commissioner Ward commented that Government Way is a busy road and using the parking in the Black sheep area that's a long walk to/from Costco and suggested maybe a pedestrian walkway could be added for people getting to/from the building safely.

Commissioner McCracken inquired about the existing approaches located on Government Way and Neider if those approaches were met when the original permit was issued. Mr. Behary explained that the existing approaches aren't up for consideration just the two items for landscaping.

**Motion by Ingalls, seconded by McCracken , to approve Item: LS-1-22. Motion approved.**

### **PUBLIC HEARINGS**

1. Applicant: Ignite CDA  
Location: 64.01 Acres Located South of Seltice Way, West of Riverstone, East of River's Edge, and Flanking the North Bank of the Spokane River. Affiliated Property Addresses are 2598, 2755 And 2850 W. Seltice Way.  
Request: A modification to the Atlas Waterfront Development PUD QUASI-JUDICIAL, (PUD-4-19m.3)

Hilary Anderson, Community Planning Director provided the following comments.

- The subject site is located to the west of Riverstone and south of Seltice Way, flanking the north bank of the Spokane River with the River's Edge development bordering the property to the west. The subject property is more formally described as Blocks 5, 8, 9, 10, 11 and 12 and Tract 1 of Atlas Waterfront First Addition, recorded in Book I of plats, pages 519, 519A Through 519I, records of Kootenai County, Idaho. Together with that portion of the Government Lots 1 and 2 of Section 10, Township 50 north, Range 4 west, Boise Meridian, Kootenai County, Idaho, lying southerly of the right of way of Seltice Way and northerly of Atlas Waterfront First Addition, recorded in book I of plats, pages 519, 519A through 519I records of Kootenai County, Idaho.
- The approximately 64-acre site is actively under construction with phases 1 and 2. The former railroad right-of-way that runs through the property was acquired by and annexed into the City in 2015 to provide opportunities for parkland, a trail, and public access through to the waterfront. The project will be developed under the C-17 (Commercial at 17 units/acre) zoning district with the "Atlas Waterfront Neighborhood Development Standards" in place for the development of residential uses including single-family dwellings, townhomes, commercial, and multi-family units.

The Atlas Waterfront project will be primarily residential with opportunities for office/retail on the western edge and near Seltice Way. In addition, two “commercial only” nodes are located adjacent to the waterfront park as both locations are desirable restaurant locations.

- The Atlas Waterfront PUD development will include three different frontage types: Residential fronting Riverfront Drive (rear-loaded); Residential fronting interior streets (rear-loaded); and Residential fronting interior streets (front-loaded), with additional frontage options based upon lot circumstances, as noted in the Development Standards.
- The project will be developed in phases as shown on the Revised Phasing Map (page 8). The property is being sold by ignite CDA, the urban renewal district, through a request for proposal (RFP) process, in partnership with the City of Coeur d’Alene. The intent of the city and ignite is to transfer areas of land for development in phases over the next couple of years as site development efforts progress.
- The Planning Commission approved the PUD and Preliminary Plat in November 2019 and approved the first PUD amendment and an interpretation in May 2020. It also approved an amendment to the PUD and preliminary plat in February 2021.
- The “Development Areas Key Plan” notes the area of development on the Atlas Mill Site property and the standards that apply to each of those areas including the use, building types, lots (width, depth, area) for the townhouses and duplexes, setbacks, and building height showing different ways that buildings and lots can be configured to meet the design intent and development standards.
- PUD Amendment #3 would revise the final Development Standards for the project to include Development Area 20 and make some slight changes to the standards for the development areas to respond to market conditions and phases 1 and 2 of the project, and provide clarification for development areas within phase 3. The addition of Area 20 allows the option for additional housing in the project responding to community needs. The amendment includes the requirement for pocket parks, clarifications on commercial/retail spaces and urban street forms, and additional dwelling types. It also provides for conditional height increases in Areas 5A and 13 if public benefits can be achieved to the satisfaction of ignite cda.
- Specifically, the amendment includes the following changes to the Development Standards:
  - **Areas 1 and 2:** Allow porch flatwork to extend into the front yard setback. Minimum 2-foot front yard setback for porches while requiring posts or other porch/roof encumbrances to have a 5-foot setback. Allow wrap around porches to extend into the side yard setback for corner lots so long as the porch does not impede on the vision triangle at the intersection. Minimum 2-foot side yard setback for porches while requiring posts or other porch/roof encumbrances to have a 5-foot setback. Also, require analysis of the vision triangle by the City Engineer.
  - **Areas 3 and 4:** Reduce the minimum lot townhome lot depth on the lots fronting Lumber Lane from 80 feet to 76 feet. Require minimum 12,500 square feet of pocket park
  - **Area 3:** Increase height from 40’ to 45’ to have the same height maximum as Area 4
  - **Area 5A:** Conditional height increase of maximum building height from 45 to 60 feet if there is some public benefit that can be reached through the ANE/DDA negotiations with ignite cda. Allow public space to be another option in addition to the street wall urban form listed in the PUD
  - **Area 6:** Require townhomes with rear frontage on Suzanne to have a prominent and direct pedestrian route from the public sidewalk to the alley front doors.
  - **Areas 7, 11 and 20:** Add cottage homes and cottage courts as a land use type/building type (also see map showing Area 20). Add front and rear loaded townhomes as building

- type. Add rear-loaded duplexes as building type use type. Cottage Courts access (Note: Units could front on green space, alleys, and roadways.)
- **Area 12:** Set a minimum commercial/retail space of 4,000 SF. Allow for 4-foot front yard setback.
  - **Area 13:** Conditional building height: Increase to 53 feet for 2,800 SF or 22% of the roof area, whichever is less, for pool roof deck. Conditional building height increase to 60 feet for 2,300 sf or 17% of roof area, whichever is less, for pool support facilities, food and beverage area, elevator, and stair tower. Height increases will only be allowed if an agreement can be reached with ignite cda that addresses public benefit.
  - **Area 20:** Added as a new development area for residential development with potential for essential worker housing.
  - **All areas:** Various techniques are being employed to treat and convey stormwater. The PUD narrative and stormwater overview map are updated to reflect these techniques. Detailed fence style, material and types will be included in the HOA master declaration document. Corner lots, alley parking and surface parking lots must be screened in conformance with the City's Commercial Design Standards Parking Lot Screening Requirement. Clarify that fencing cannot impede the vision triangle.
- She presented the Findings required for a PUD amendment and shared updated conditions on the project site. The development currently has 38% open space, including a 12-acre waterfront park, and upland open spaces to provide pedestrian circulation routes in addition to sidewalks. The waterfront park provides a grassy open play area, playground, picnic shelter, food truck parking, separate pedestrian and bicycle waterfront trails, a water dog park, ADA accessible swim area and kayak launch and several other water access points.
  - She noted there are 16 conditions associated with this request that haven't changed since the original hearing was approved.

Ms. Anderson concluded her presentation

### **Commission Comments:**

Commissioner Ingalls commented that was great report and noted the finding B8D regarding utilities, streets and traffic would like clarity when the original project was approved with 630 units that didn't include Area 20 and with Area 20 included, the new total would be 544 units less than the original. Ms. Anderson answered that is correct – the density is going down.

Commissioner McCracken inquired about the proposed conditional height increases in Areas 5 and 13 and asked if there is an example of how this change would benefit the public. Ms. Anderson explained that one benefit is that the developer could provide additional fees based on the value of land and any extra money collected Ignite would be able to use the extra money for local essential worker housing or improvements to the parkland. She added any additional funds would have to be used within the district and if there are further questions the applicants are here to answer those questions.

Commissioner Luttrupp questioned if it was up to the City Council to determine what is a public benefit. Ms. Anderson explained that the City works with ignite to develop the land and that ignite negotiates with a developer using different tools which is done through an agreement to negotiate exclusively one step and then do a development disposition agreement. Commissioner Luttrupp commented that everyone involved with this project should be congratulated for the progress but inquired if there is a definition for "public benefit". Ms. Anderson explained that Mr. Boyd and Mr. Berns would be the ones to better address that question since they are more familiar with the process and clarified that she sits on a steering committee along with Christie Wood and Troy Tymeson who review the development applications and provide comments. Commissioner Luttrupp inquired about workforce housing and what is the criteria. Ms. Anderson explained that the Regional Housing and Growth Issues partnership is

looking at housing for local workers and is in the process of defining what is true workforce housing based on a person's income bracket. She added that we aren't looking at the true definition of workforce but what people can afford within their category and the price point. Commissioner Luttrupp stated in the future would like to work on a definition of workforce housing. Ms. Anderson concurred and will be doing more study on the definition.

Chairman Messina inquired if the city is still involved as the developer and owner for this project. Ms. Anderson explained we were the owner originally and then we gave over all the land excluding the parks.

Commissioner Fleming inquired when ignite has different developers submitting their proposals questioned who is reviewing the applications to make sure these buildings "speak" to one another. She explained that she doesn't want this development to look like an "HOA" where every house has a "shed roof" so they are all unique and not looking the same. Ms. Anderson explained that there is an Atlas Design Review Committee who is a combination of various professionals reviewing all submittals making sure each one is compliant with a lot of feedback from the group. Chairman Messina noted that he called staff and asked if there have been any requests for variations or changes to the development. Staff informed him that any changes have come through the PUD amendment process.

### **Public testimony open.**

Phil Boyd applicant representative provided the following statements:

Mr. Boyd provided a PowerPoint highlighting three general categories associate with this PUD amendment request that included:

- Parcel Performance Standards (setback, frontage types, building height)
- Site Enhancements- Public Good and Good Urban Design
- Additional Land Development

To view the entire presentation please click [here](#).

Mr. Boyd concluded his presentation.

### **Commission Comments:**

Commissioner McCracken asked when saying "twin homes" questioned if that was a reference to duplexes. Mr. Boyd answered that is correct.

Commissioner Ward inquired about Area 20 and thought that area was contaminated. Mr. Boyd explained none of the tests that have been done on Mt. Hink have showed any contamination. We have partnered with the Idaho Department of Environmental Quality Brownfield Group. They came in and did a bunch of tests on the material and couldn't find any contamination and explained when we start moving the dirt to the ITD pit that DEQ will continue to test it. We have a partnership with them to continually test for contaminants during the process. Commissioner Ward inquired when transporting the dirt from one site to the ITD pit if there is a possibility for some of that dirt spilling onto the road when transporting from one area into the other neighborhoods. Mr. Boyd explained we do have a plan for spillage and explained when trucks are going around a corner if something spills it is planned for frequent sweeping the street once day, twice an hour etc. to address the spillage that might occur.

Commissioner Luttrupp inquired if the city has a requirement to cover loads. Chairman Messina stated the county dump request loads need to be covered. Ms. Anderson clarified not sure the city has the requirement but staff will look into it.

Chairman Messina commented that the housing situation has changed including increased land values

and questioned if the applicant could clarify what will be the long-term benefit if the city has a great windfall with the dollars paid for the land, if any extra money can be used to purchase property to work with a developer to provide essential workforce housing.

Mr. Berns explained the long-term benefit is we are making money off of land sales from the development. Any extra money is reinvested to get things built within the project. He explained over the long term the City will benefit from tax increment. Those funds will be used to continue to build out the district and when completed they will be able to close the district early and turn all the money back to the taxing entities which will be a benefit to the city, county, highway district etc. He explained that moving Mt. Hink isn't inexpensive which will cost us \$5 million dollars to move the dirt.

**Public testimony closed.**

**Discussion:**

Commissioner Ingalls explained that we knew this project will change a number of times and include a number of amendments before this project is done. The project provides tax funding versus an abandoned mill site, and has money being used for public benefit. He added we haven't added more density but gained 38% open space and stated we are in great shape.

Commissioner McCracken concurs and addressed the issue of workforce housing which is a "moving target" because incomes change, interest rates change, market changes, etc. She stated with the intent to provide more dense housing options will help provide more housing.

Commissioner Luttrupp stated that he anticipates more amendments coming forward and that a PUD was the right tool to use based on all the positives produced.

Commissioner Fleming commented that she has concerns with Objective 3.08 Housing which states "Design new housing areas to meet the city's needs for all income and family status categories" and that this project is a shifting target with other cities having the same issues and to commend the city's approach to looking at townhouses and alternative structures so people can have a roof over their head and not to go somewhere else to achieve this. She commented that overall, this project is good and doesn't see any issues with the modifications presented.

**Motion by Fleming, seconded by Luttrupp, to approve Item PUD-4-19m.3 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 approve carried by a 7 to 0 vote.

3. Applicant: Aspen Homes & Development, LLC  
Location: 1808 N. 15<sup>th</sup> Street  
Request: A proposed +/- 6.191-acre annexation from County Ag to R-1&R-17 LEGISLATIVE, (A-2-22)

Mike Behary, Associate Planner provided the following comments.

- The subject property currently has a single-family residence on it and is located in the unincorporated area of the county on 5.9 acres.
- The subject site obtains its access off of 15<sup>th</sup> Street. The subject site is adjacent to the city limits on the west and south sides. The property is currently zoned County Ag-Suburban and is located within the city's Area of City Impact (ACI).
- The subject site is located at the base of Best Hill and has some significant sloping topography on the northern and eastern part of the property. If annexation is approved, the 5.9-acre property will be subject to the Hillside Ordinance regulations.
- The part of the property that has the significant sloping topography contains 3.7 acres and the applicant is proposing R-1 zoning for this part of the property. The applicant has been working with the City Parks Department on dedicating this land to the city or the Parks Foundation for a natural area/park.
- The two acres adjacent to 15<sup>th</sup> Street is proposed to be zoned R-17 residential.
- This is a multi-family residential zoning district that allows up to 17 units per acre.
- The applicant is proposing to build a multi-family living complex on the two acres that would be zoned R-17 (See annexation map on page 4).
- The proposed R-17 zoned area of the property is relatively flat and gradually slopes toward the west. The two acres in the R-17 would allow up to 34 units.
- He stated that the City's Comprehensive Plan designates this property within the NE Prairie area and is within both the stable established and in the urban reserve area.
- He stated, if approved, there are 10 items to be considered for annexation.

Mr. Behary concluded his presentation

**Commission Comments:**

Commissioner Ingalls questioned the recommendation for the Annexation Agreement stating that the R-1 parcel may/may not be gifted to the city or Park's Foundation dedicated for a park and states "In the event that it's gifted for public use" that is an open statement and, in the narrative, it states if that dedication doesn't happen, the applicant might pursue single family in that steep area and asked if staff could explain. Mr. Behary explained that we have Monte McCully, Parks representative is here that can address that question where they are with negotiations and concurs developing single family homes in that area would be almost impossible since the land is very steep. Commissioner Ingalls asked, if based on how steep that parcel is, would it be accurate to say the parcel can't be developed and questioned if we are allowed to condition an annexation. Mr. Behary explained that you can make a recommendation as part of the Annexation Agreement to keep negotiations open regarding the parcel. Mr. Adams explained that the job of the commission is to determine the appropriate zoning and that's the council that approves annexations.

Commissioner Fleming questioned if there is a dividing line between the R-1 and the R-17 parcel and inquired if the line can be adjusted depending on how they want to develop the parcel. Mr. Behary noted that on the Annexation Map there is a line showing the proposed division of the parcels and that it can't be adjusted without a boundary line adjustment.



Commissioner Ward questioned if we could recommend annexation for the R-17 parcel and not the R-1 parcel. Mr. Adams explained that the commission will eventually have to designate the zoning of any property that is annexed. He added that the ordinances are unclear, but what is done is to establish the zoning first, so the applicant knows what to expect before he asks council to annex the property. Commissioner Fleming clarified if the R-1 parcel could be eliminated from the annexation request. Mr. Adams explained that it states on the application for the annexation of this parcel with two different zones requested. Ms. Anderson explained if it was R-17 for the entire site, and not split zoning, the applicant would be able to get more units on the property and that the applicant is asking to split the lot since the hillside portion is steep and unbuildable. That is why an R-1 zone was chosen.

Monte McCully, City Parks Department explained that we recently met with the developer and discussed that portion of the hillside coming into the city as natural open space and that we are interested in the parcel knowing that it won't be any benefit to the City by itself now, but in the future if other properties come forward in the same area to add to that parcel, it could create a benefit for recreation. Chairman Messina inquired what other properties around this parcel might be available. Mr. McCully noted the various properties in this area to potentially add to this parcel.

Commissioner Luttrupp explained that there are two ways a property owner can donate property one is to the city and the other is to the Parks Foundation. Mr. McCully explained that this donation would be given to the Parks Foundation and if we apply for a LWCF (Land and Water Conservation Foundation) Grant we would have leverage to use the value of the property if we want additional hiking trails etc.

Commissioner Ward questioned if the R-1 property is annexed will it be provided with utilities water, sewer etc. and if not approved they don't get those services. Mr. Behary stated that is correct. Commissioner Ward added if the parks department got the property and wanted to put a restroom facility on the property that required water and sewer would they need city services that acquire annexation. Mr. Behary answered that is correct. Chairman Messina inquired if they wanted a restroom on that parcel would we need an easement. Mr. Behary noted condition 7 in the staff report talks about the easement and access to that property is part of the recommendations.

### **Public testimony open.**

Gordon Dobler applicant representative provided the following statements:

- He explained that when you annex have to have a zone and why we chose R-1 which is the cities least dense zone because this parcel is undevelopable and why the applicant has discussed offering this parcel as a donation for public use. He added we need to finish discussions with the city if they are interested in the donation.
- He explained utilities are off 15<sup>th</sup> street and accessible with the parcel fronting 15<sup>th</sup> Street with a requirement to improve once we get ready to develop, which would happen at the permit stage.
- He explained the reason they chose R-17 was based on the surrounding zoning which will be a good fit with the city property to the south which is also R-17, with Avista across the street that is C-17 with a portion of Avistas property that is zoned R-17, and many single families along 15<sup>th</sup> Street that are zoned R-17. He added further up on 15<sup>th</sup> there is the Creekside Development that is next to the road and is similar to the product the applicant is looking to put on this property.
- He stated traffic shouldn't be an issue since 15<sup>th</sup> Street is a collector.
- He commented that the applicant agrees with all the recommendations to be included in the annexation agreement, except for condition 2.
- He noted condition 2 listed in the recommendations referenced an error stating "the project will need to maintain a private service easement along the southern edge of the property to 1802" and explained that 1802 accesses across the Eagles flag lot and not ours, and therefore the applicant shouldn't provide an easement to 1802.

Mr. Dobler concluded his presentation.

### **Commission Comments:**

Commissioner Ingalls stated that the R-1 portion is steep and not developable. He asked if the recommendation number 6 in the staff report could be modified to include a sentence at the beginning of that item stating, "The R-1 parcel would remain open space in perpetuity" and keep the language in that item regarding continuing to work with the city on possible dedication of the 3.7 acre area. He added if working with the City isn't an option, the first sentence "it stays open" gives us comfort that we won't see big homes developed there. Mr. Dobler stated they wouldn't have an objection to that change to the condition.

Chairman Messina questioned recommendations 6 and 7 and asked why those issues were not discussed prior to this hearing. Mr. Dobler explained that we had a discussion with the Parks Department in the pre-app meeting and the parks director was open to have this parcel dedicated to the city. But that he hadn't heard from the City since that meeting.

Commissioner Fleming stated if this is an R-17 zoning district, that means you can have 34 units where there might be kids who will be coming down from Dalton and commented that there aren't any crosswalks until you get to Best Avenue. She questioned if we can recommend something that makes cars stop so kids can get across the street safely. Mr. Behary explained that the city engineer does have some plans to slow traffic for this area with the planned improvements to 15<sup>th</sup> Street.

Commissioner Ward appreciates why the R-1 zoning was designated since it's limited and questioned where the access would be located for the R-17 zoned property and questioned if they would use the street to the south. Mr. Dobler explained we would have to use 15<sup>th</sup> Street, but have approached the Eagles to see if we can do a partnership to share the driveway with them to limit access on 15<sup>th</sup>. Commissioner Ward doesn't see an issue with an R-17 zone for this property located next to a public park next door for people to use who live in the proposed apartment next door. He added that he does have an issue with the R-1 parcel and if inquired by the city if the applicant will get more money for the property being in the city which will give more value to the property being in the city even if its unusable. Mr. Dobler explained the property is required to have a zone given to it as part of the annexation process with R-1 chosen because it is the less dense of the zoning districts.

Mr. McCully addressed a question asked by Commissioner Fleming regarding safety for kids on 15<sup>th</sup> Street and explained the Engineering Department has been working many years to improve 15<sup>th</sup> Street by increasing the width, adding curbs, adding multiuse paths to get people in/out safely from the development North to the cross light at Best Avenue.

**Public Testimony:**

Lynn Cop-Fullbrook explained that she and her husband share a property line with this project and it was not mentioned that their property is zoned R-3. We oppose rezoning the property and recommend no variance allowed to rezone this property. She stated, we have owned this property for a long time and this is our investment. The project and increased traffic and noise will have an effect on our property value. She added that building a multi-level home doesn't fit plus will have major environmental impacts with risks to our natural resources. Additionally, the land behind us is undevelopable. She added the risk to the water table and aquifer is a concern and the loss of open space. She inquired if any sun/shade studies have been done for the zone change based on the size of the structures that will impact the light to our home and garden and asked what will be done to protect our privacy. She asked about the impact of traffic on 15<sup>th</sup> Street and questioned the information presented before the commission. She explained that she travels and commutes on/off the Exit 14 ramp daily. She proposed that a traffic impact assessment should be conducted to ensure this new development doesn't cause excessive delay on nearby roads and increased transportation emissions due to idling. She added that the Eagles Pavilion gets a lot of use and 34 units is cramming a lot of people into the development. She commented that they are aware of the units that the applicant did further down 15<sup>th</sup> Street and that most people are parking on the street and adding to the congestion on 15<sup>th</sup> Street. So please consider plans for parking and road access to the property and how many access points will be needed. She noted another property located by the request is owned by Avista who have intentions developing and inquired if they will be expanding. She requested that the commission deny the zone for this property.

Commissioner Luttrupp thanked Ms. Cop-Fullbrook for her testimony and explained that our decision is to make a recommendation to City Council to approve annexation and before that we need to determine what the zone will be but the City Council will make the final determination to annex this parcel into the city and suggested she attend the council meeting to address her concerns.

**Rebuttal:**

Mr. Dobler expressed his concerns about traffic on 15<sup>th</sup> Street and is eager for the City to go forward with the improvements and does know that 15<sup>th</sup> Street will have a center turn lane, and he concurred with staff that indicated that there will be multi use path for pedestrian connectivity. He explained with regard to the impact to traffic, they would propose sharing access with the Eagles. But there is no guarantee of that. He addressed the natural preservation of habitat and said the project would preserve 4 acres that would accomplish that goal. He explained that we don't have a site plan for the R-17 property to assess the impacts to the neighbors, but will have to conform to site performance standards for the R-17 portion.

Chairman Messina assumes that the applicant has an idea of what will be planned for this property. Mr. Dobler commented that if we are successful at getting shared access with the Eagles, the units will be close to that access. Chairman Messina stated that he is aware parking is available close to Best Avenue but questioned if parking is allowed on the side of 15<sup>th</sup> Street. Ms. Anderson explained that when the improvements start on 15<sup>th</sup> Street, the parking won't be allowed on 15<sup>th</sup>.

**Public testimony closed.****Discussion:**

Commissioner Ingalls noted on the map that the R-17 parcel has an existing single-family home on it and the parcel to the north is in the city and the parcel to the south are in the county that are both residential homes and is a lot "screaming" to be in the city. It is like "doughnut holes" that exist and that the parcel not in the city still gets their street sweeps, fixes the potholes, removes snow and both are essentially receiving city services. He commented another benefit would be to provide affordable housing and collector streets is the logical place for more housing and thinks this lot begs to be in the city and this would provide more housing plus provide open space.

Chairman Messina noted that recommendations 6 and 7 should have been more confirmed by the applicant and questioned if those recommendations would need to be resolved before this item goes

forward to City Council. Ms. Anderson explained if there are further discussions before the City Council hearing, that the conditions would be refined for Council to consider.

Commissioner Fleming commented that there are a lot of unknowns between the R-1 and the possibility of an easement. The way the frontages are sitting, there are too many unknowns and she wishes there was more clarity if the Eagles intend to share access and more certainty of the R-1 property. She said she feels the commission doesn't have enough information to make a decision.

Commissioner Ward stated he understands the homeowners' concerns, but look at the surrounding property that could be gone with something else, like apartments, in their place. He added that the R-17 is the proper zoning for this location and has to be zoned something. Plus, there will be more control when it gets to building permit process and this should go forward for recommendation.

Chairman Messina commented that it is great that the city is going to get a piece of property, useable or not, but still has concerns with recommendations 6 and 7 and cannot support this without those details.

Commissioner McCracken concurs that this parcel should be in the city and maybe there might be more discussion on another zoning district that is in between what is proposed.

Commissioner Ingalls suggested regardless if the applicant has come to us with a completed "deal" we heard Mr. Dobler state he would agree and be comfortable with adding the words "that the annexation agreement stipulates that the R-1 parcel remain open space ". He added the benefit to the city is assuming that council would agree with the modified language that would lock in the R-1. Commissioner Fleming inquired if we take out 6,7 and 8 and say it will be open space in perpetuity. Commissioner Ingalls explained that it should be left in there but lead with recommendation 6 to leave the parcel open in perpetuity etc., and if nothing else happens that parcel stays open space. Commissioner McCracken concurred to add that language and questioned if the property is annexed does the council get separate choices or are they two separate votes. Ms. Anderson suggested that the Planning Commission, no matter what the vote, needs to address what the zoning should be for this parcel. Mr. Adams explained that the job of the Planning Commission is to establish zoning and not making a recommendation to council to annex or not. He added that council can change the zone but the proposal is R-1 and R-17. The commission should just make a decision of what the property should be zoned and if the requested zones are appropriate or not. Commissioner McCracken inquired if we could make another recommendation for a lesser zone and request the applicant come back with other details figured out. Ms. Anderson explained that the zoning wouldn't be in affect until after the annexation which would go to council and decide if R-3 or another zone is appropriate and if it is approved less the applicant could come back and not want to be annexed into the city.

**Motion by Ingalls, seconded by Ward, to approve item A-2-22**

ROLL CALL:

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

Motion failed due to a tie vote.

**ADJOURNMENT:**

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

The meeting was adjourned at 8:19 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant