

**PLANNING COMMISSION
MINUTES
JANUARY 12, 2021
Virtual (Zoom.us) and In-Person
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

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

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Tami Stroud, Associate Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy 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 Luttrupp, seconded by Fleming, to approve the minutes of the Planning Commission meeting on December 8, 2020. Motion approved.

PUBLIC COMMENTS:

STAFF COMMENTS:

Hilary Anderson, Community Planning Director provided the following statements.

- We have four items scheduled on the February 9th Planning Commission meeting that include an amendment request for the Atlas Waterfront to include the city owned triangle parcel.
- We have a scheduled a Virtual Historic Preservation public meeting on Thursday, January 14th with details listed on our website under Historic Preservation Commission page and on the City's Facebook page.
- She stated that we have scheduled another Virtual Coeur Housing public meeting on January 27th starting at 5:30 with neighborhood groups and community members. We will also be creating a Facebook event as it gets closer to the meeting date.

COMMISSION COMMENTS:

ENVISION CDA COMMITTEE UPDATES:

Ms. Anderson provided the following comments:

- She stated that the month of February will be a busy month. We have scheduled two workshops with City Council to get them caught up on the items discussed recently with the commission that included the policy framework document and land use scenarios and later that month will be scheduling a workshop with the Planning Commission.

PUBLIC HEARINGS

1. Applicant: Atlas Investments, LLC.
Location: Margaret Avenue & Honeysuckle Drive
 - A. A proposed 18-lot Planned Unit Development known as “Honeysuckle Commons PUD”
QUASI-JUDICIAL (PUD-1-21)
 - B. A proposed 18-lot preliminary Plat “Honeysuckle Commons”
QUASI-JUDICIAL (S-1-21)

Tami Stroud, Associate Planner, provided the following statements.

- Nick Forsberg with Atlas Investments, LLC is requesting approval of Honeysuckle Commons Planned Unit Development and 18-lot (2-tract) preliminary plat to be known as “Honeysuckle Commons
- Below are the requested modifications that the applicant is requesting.
 - A residential development on private streets consisting of two (2) single-family dwellings and 16 townhome units.
 - A reduction of the front yard setbacks from 20’ to 15’.
 - A reduction of side yard setbacks from 5’ and 10’ to 5’ and 0’ (common wall 0’) for the townhomes).
 - A reduction of the side yard setbacks from 5’ and 10’ for the proposed single-family dwellings:
 - Lot 13 (Single family lot) side yard setback of 5’ and 0’
 - Lot 18 (Single family lot) side yard setback of 5’/5’
 - A reduction of the rear yard setback from 25’ to 10’ for the proposed development.
 - A reduction of minimum lot size from 5500 SF per single-family unit (11,000 for duplex). The applicant is proposing:
 - 3,502 SF per townhome lot (average lot size)
 - 2,557 SF per townhome lot (smallest lot size)
 - 7,506 SF per townhome lot (largest lot size)
- She stated that the Comprehensive Plan designates this area as: NE Prairie.
- The property is constrained by the presence of a gas line owned by Yellowstone Pipe Line (YPL) spanning across the center of the 2.94-acre parcel.

- A preliminary approval was provided to the applicant from YPL for the HOA Common Open Space area to be located within the YPL easement.
- She shared comments from Chris Bosley, City Engineer, regarding traffic and streets
 - As noted above, the subject property is bordered by Honeysuckle Drive to the west (a local, residential street) and Margaret Ave to the north (a minor arterial). Using the ITE Trip Generation Manual, traffic from this proposed development is estimated at 9 AM and 10 PM peak hour trips. Both streets have the available capacity for this minor increase in traffic. The Streets & Engineering Department has no objection to the subdivision plat and planned unit development as proposed.
 - The subject property is bordered by Honeysuckle Drive to the west (a local, residential street) and Margaret Ave to the north (a minor arterial). Using the ITE Trip Generation Manual, traffic from this proposed development is estimated at 9 AM and 10 PM peak hour trips. Both streets have the available capacity for this minor increase in traffic. The Streets & Engineering Department has no objection to the subdivision plat and planned unit development as proposed.
- Ms. Stroud stated if approved there are 18 conditions.

Ms. Stroud concluded her presentation

Commission Comments:

Commissioner Ingalls inquired if the applicant will be providing an easement on Violet Street and stated after reviewing the staff report thought it was the other way around since Violet already exists. Ms. Stroud stated that's a great question for our City Engineer, Chris Bosley who is on Zoom and can answer these questions.

Commissioner Ingalls referenced the Yellowstone letter and understands the details to be worked out with the applicant regarding the pipeline and noted on lot 18 there is a proposed garage and questioned if that garage will be removed. Ms. Stroud stated that you are correct and that the applicant is here who can explain what will be done with the proposed garage and provide more information from their discussions with the representatives of the Yellowstone Pipeline. Commissioner Ingalls inquired if this lot would be considered a "flag lot". Ms. Stroud explained that since this is a Planned Unit Development (PUD) the applicant is allowed to deviate from the standard requirements.

Commissioner Luttrupp noted on page two of the staff report it states what we have to consider if approving a PUD, what will be the benefits to the community and questioned if you know what are the benefits if this PUD is approved. Ms. Stroud replied that is a good question for the applicant to answer.

Chris Bosley, City Engineer, explained since Violet is a private street the city is not going to say that you can't park on that street and that there isn't an easement for that street which just "exists" on the back of a couple lots which feeds to the east and why he is requiring an easement to guarantee access for those people who still lives there. He commented that the applicant might have more information and how they deal with it.

Commissioner Fleming inquired about street lighting and do we have the authority to require them to place street lights on a private street. Mr. Bosley commented that he is not sure if we can require street lighting on a private street and will look into that, but agrees that a street light at the corner of Violet would be beneficial for safety reasons.

Commissioner Luttrupp inquired about the width of the driveways and if there will be enough room to park a vehicle.

Mr. Bosley explained that the city requires a 20-foot driveway which the applicant has provided and is aware that some vehicles can exceed that especially, if a person has a long bed truck that would impede into the sidewalk.

Public testimony open.

Dale Rainy, applicant, provided the following statements:

- He clarified if that the easement on Violet is an easement which sits on this piece of property that he owns and not aware of an easement granted to the property owners beyond it but is willing to create an easement to the properties to the east to provide access.
- He commented that the city requirement for the width of a driveway is 20 feet which is typical for most subdivisions in the area and have met that requirement.
- He answered a previous question asked on what will be a benefit to the community if this project is approved, and explained that with the the addition of townhomes and condominiums will provide a mid-market product for people who aren't able to afford a single-family home and don't want to live in rental housing with the cost of these homes cheaper than a single-family home and added that the city has a shortage of housing and with the approval of this project will help.
- He stated that this property is close to the high school located across the street from a church, and a block away from high density apartments and commercial.
- He stated this property was a challenge to design because Yellowstone Pipeline required a 50-foot easement on either side of the pipeline to the house with the approval to build a detached garage 25 feet from the pipeline. He added that they also requested not to place a driveway on their pipeline so they revised the layout of the driveway for lot 18 to not cross over the pipeline which will reroute the driveway from Margaret to Honeysuckle.
- He stated that the density on this property is less than 3 acres which would allow 23 units and with the design restrictions we are only proposing 18 units and that the requirement for open space for a PUD is 10% and with this project will double that requirement.
- He explained that we will also be providing a park that will be maintained with all units designed to be looking into the park with all units having access to the park.

The applicant concluded his presentation.

Commission Comments:

Commissioner Luttrupp inquired if other properties have restrictions similar from Yellowstone Pipeline.

Mr. Rainy explained that most easement requirements in the city and Post Falls are 50-60 feet wide and the reason why they required ours to be 100 feet they stated that the EPA had changed their rules, etc.

Commissioner Luttrupp inquired how many units can you build under the current code and how many can you build with the PUD.

Mr. Rainy answered under the current code is 23 units and with the PUD is 18 units. Commissioner Luttrupp inquired why are you going down in units. Mr. Rainy explained that with the constraints of the pipe line the lots would not allow the 5500 sq.ft. lots that are odd shaped and felt that the PUD was the appropriate tool to use to allow some creativity.

Commissioner Ingalls inquired about getting access on Violet and questioned if it is a paved road.

Mr. Rainy stated that the road is paved and that we don't need approval because Violet is on our property.

Commissioner Ingalls stated since Violet is on your property would you be granting access to the other property owners. Commissioner Ingalls inquired about lot 18 and that you will be eliminating one garage questioned why was it even on the plans.

Mr. Rainey explained because there was space on the lot for an additional garage.

Commissioner Fleming inquired if you would be willing to put in two street lights on the two Honeysuckle corners where there is more traffic.

Mr. Rainey stated that he could do that.

Chairman Messina questioned if we can condition the placement of two street lights.

Mr. Adams said that the code states that street lamps in residential areas are to be included where practical and maybe an Engineering traffic decision that can be requested, but may have to get permission from Engineering for that condition.

Mr. Rainey stated that there were some comments submitted from the public concerned about snow storage, parking etc. He stated that this property is designed with a curb and landscape strip with drywells where snow will be stored.

Commissioner Luttrupp explained that we usually we have a number of public comments at these meetings which is great. He questioned how do we let the applicant know that we have these questions.

Ms. Anderson replied that the applicant received copies of all comments.

Nick Forsberg stated Mr. Rainey answered most questions and Chad Pollock with Yellowstone Pipeline is on the line for questions.

Walter Howard stated objective 1.11 in the Comprehensive Plan Community Design he feels this policy doesn't support the PUD request because high density PUD of 18 lots in the 3 acres is not in context with the low-density neighborhood on the southside of Margaret Avenue. The absence of the PUDs front yards is not in context with either side of Margaret Avenue and the proposed townhome designs are not similar to the style of the other homes in the neighborhood. He added as an engineer applauds what the applicant has done with a creative design solution but is opposed to the project. He stated that the applicant posted the required notice of public hearing in a location on the property that could not be seen by many people which discouraged public participation and the applicant did meet the letter of the law which on the notice doesn't specify a specific posting location and feels that the applicant didn't meet the intent of the law and posted it in an unseen location. He commented that in the future hopes staff to suggest all developers to post notice in highly visible areas and have a bigger posting notice.

Chairman Messina inquired if the city decides on the size of the sign to be posted on a property.

Ms. Anderson explained that staff prints the signs and the applicant is required to post the sign on the property and return an affidavit of posting. She added that we have not in the past had any question about a minimum size for the sign to be which is bright yellow.

Ms. Adams stated that city code simply requires that the sign be placed on the premises with no specifics on that and once posted complies with city code.

Commissioner Luttrupp suggested in the future maybe we can look at the posting requirements in the code.

Ms. Anderson added that public notices were sent out and that the mailings were sent out a week earlier because of the holiday.

Commissioner Mandel inquired if the applicant changes the location of the posting notice to be more visible.

Ms. Anderson stated that is correct and moved the notice twice.

Diane Pryor stated the notice was originally posted on the corner of Violet Avenue and Honeysuckle with Violet being a private road and since it is a private road people wouldn't look that direction. She added that she did call Planning and the applicant did move the sign farther on Honeysuckle south of the stop sign but no one on Margaret and call staff again who advised her to talk with the applicant and moved the sign to Margaret for the people who live on Ezy and Anne who would be impacted. She added this is not a big sign and I placed a poster that said "read this sign" and went around to all the neighbors to ask them to submit comments. She stated that she lives on Margaret and her concerns are that this PUD proposal is in conformance with the character of the neighborhood and that the PUD should not be allowed to require a higher development density because the surrounding neighborhood is an R-3 density. She stated there are 4000 cars per day on Margaret and bugged the city engineer to lower the speed limit to 25 flashing signs on her street and would be willing to have that sign place on her property so was put up in early spring. She is also concerned about the 4 driveways that will be on the Margaret side of this development with seven driveways on Honeysuckle and sees a potential of car accidents on the corner of Margaret and Honeysuckle with the addition of these driveways with people trying to pull out on Honeysuckle. She stated that the style of these two story ultra-modern looking townhomes don't flow with the existing homes in this neighborhood and would request that the design of the homes be more compatible with the other homes. She is opposed to this request.

Jeff Baily stated he likes the idea of lower cost housing but the density is not compatible with the surrounding neighborhood and is opposed to this request.

Rebuttal:

Mr. Rainey provided the following comments:

- He stated that they are requesting 5500 sq. ft. per townhome unit not 11,000 per sq. ft. as previously stated.
- He stated that he used to live in this area and if you look at the location of this property that has a proximity to many things including duplexes and are in the position to be mid density. He stated that there are duplexes on Margaret Avenue.
- He stated that there were questions about the style of these home and that most homes in this area are 30-40 years old and what we are proposing is a contemporary design that is a popular design for today.

Commissioner Luttrupp inquired if we have a requirement for off street parking.

Ms. Anderson answered that the applicant has met that requirement which is two spaces per unit and didn't ask for a deviation for parking like other PUD's have in the past.

Mr. Rainey explained that you can design a home that requires two parking spaces and a one car garage allowing parking in front of the garage which counts as two spaces, so if you have a two-car garage you have four parking spaces.

Ms. Anderson stated that is true and that they are providing more parking than what is required by code.

Commissioner Ward inquired the land dedicated for open space does that include the Yellowstone Pipeline property.

Ms. Anderson replied that is correct and Yellowstone said they were agreeable to include the open space property counting as open space.

Commissioner Ingalls inquired if the open space includes the Yellowstone property which is the applicant's property.

Mr. Rainey clarified that the easement is on their property.

Anthony Bevacqua stated he lives on Margaret and traffic is bad and is concerned if this is approved will all the trees be gone and how is the traffic flow going to work with the roundabout. He questioned how much will the houses be when done.

Mr. Rainey explained the roundabout won't be affected and that Yellowstone requested that we remove trees 25 feet from either side of the pipeline, but will try and leave as many mature trees as possible. He stated that traffic will be impacted with the addition of these units, but it will be job of the city to manage the streets and provide things to mitigate traffic if needed. He added that this property has been vacant for a while with the idea that one day the property will be developed.

Mr. Bosley stated that he looked in the ITE Manuel which the number of trips was estimated between the hours of 9:00 a.m. and 10:00 p.m. including peak hours would be an estimate of 4000 trips per day on Margaret.

Public testimony closed.

Discussion:

Commissioner Ingalls stated as he was looking at the comments submitted through email there are a couple clarifications. He added that someone stated in the comments that this was a zone change which is a PUD with R-8 zoning which allows up to 23 units and they are proposing 18 units so he would say this is a "down" density. He stated that the City Engineer commented on traffic and stated that this is a busy street but with the addition of a few more cars will not be an impact since there will be less cars than what is proposed. He stated for him traffic is not a big deal including density and what is a concern is the "fit finish" size scale the fit etc. and around this neighborhood there is a blend of various styles of homes. He explained in the past have approved a lot of similar infill projects and this property is a little "quirky" that has an easement through the property that created some difficulties for the design of the homes on the property. He questioned if the site is unique enough to merit a little flexibility and, in this case, feels this project meets that need.

Commissioner Luttrupp stated this PUD is in an established neighborhood and inquired if Commissioner Ingalls is aware of other PUD's similar but not compatible with the other homes. Commissioner Ingalls stated on Prairie Avenue Cottage Grove which was next to Sunshine Meadows where we had dialogue with the applicant about the problems with the backward "L" that had a different setback and Active West did something similar in the Gibbs Hill area where we had approved a few "pockets" PUDs.

Chairman Messina concurs with some of the comments and that if this PUD included single family homes is would be acceptable and looking at the design of the homes which are more modern and concurs this is a unique piece of property that could be compatible with the neighborhood.

Commissioner Fleming stated she concurs with Commissioner Ingalls that this property had some design challenges but we desperately need affordable smaller homes and that this property will fill that need.

Commissioner Mandel stated she concurs with Commissioner Fleming that the housing mix we need now that the property would respond to that need. She added this is a unique property and after reading the narrative and solves some of the challenges in our area and likes the approach.

Commissioner Ward stated the affordability issue is being addressed.

Commissioner Rumpler commented that he lives in this area and concurs that that the density is

appropriate since this is an infill project.

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

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

Motion by Ingalls, seconded by Mandel, to approve Item S-1-21. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

To view the entire Planning Commission meeting please click [here](#).

ADJOURNMENT:

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

The meeting was adjourned at 7:18 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant