

**PLANNING COMMISSION
MINUTES
APRIL 13, 2021
Virtual (Zoom.us) and In-Person
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Jon Ingalls, Vice-Chair
Lynn Fleming
Michael Ward (Zoom)
Peter Luttrupp

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Tami Stroud, Associate Planner
Sean Holm, Senior Planner
Mike Behary, Associate Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

Brinnon Mandel
Tom Messina, Chairman
Lewis Rumpfer

CALL TO ORDER:

The meeting was called to order by Vice Chair Ingalls at 5:30 p.m.

APPROVAL OF MINUTES:

Motion by Fleming, seconded by Luttrupp, to approve the minutes of the Planning Commission workshop on February 23, 2021. Motion approved.

Motion by Luttrupp, seconded by Fleming, to approve the minutes of the Planning Commission workshop on March 9, 2021. Motion approved.

STAFF COMMENTS:

Hilary Anderson, Community Planning Director provided the following comments:

- She commented we didn't receive any new public hearing items for May but will have the continued hearing for the Haag Estates Annexation, Planned Unit Development (PUD) and Subdivision request on the June agenda.
- She stated the city recently formed a new partnership with Cities of Hayden, Post Falls, Rathdrum Kootenai County and KMPO called Regional Housing and Growth Issues Partnership. The communities and KMPO are functioning as a working group and have reached out to a variety of organizations and other agencies, and citizen groups to ask for representatives to participate on an advisory group. The partnership will be tackling "hot topic" issues related to growth and housing with the first meeting on May 26th which will be recorded with all the information as well as frequently asked questions available on KMPO's website.

Commissioner Luttrupp inquired if the meetings will be open to the public.

Ms. Anderson explained that this is not a governmental entity. She said the meetings will be on Zoom with all recordings available for the public, as well as additional information to make sure the process is transparent to the public.

Vice Chair Ingalls commented that he recently read the article in the Coeur d'Alene Press about the regional partnership. There is a lot of interest in housing and growth. He offered "kudos" to Hilary Anderson, Community Planning Director, and Sean Holm, Senior Planner for their leadership and participation.

ENVISION CDA COMMITTEE UPDATES:

Ms. Anderson provided the following comments:

- She stated we are doing some refinement work and putting together a draft plan based on all the pieces that have been reviewed since we started this project in September 2019.
- She stated that we are putting together a draft plan to include a future Land Use Map based on all the great feedback. There will be another opportunity for public input. She added we are looking at hopefully May/June to make sure we have everything pulled together, so it's ready for public to review for additional feedback and then we are looking at scheduling a virtual town hall meeting an online survey and additional opportunities to meet with staff and schedule a joint workshop with City Council and Planning Commission to do some additional refinement based on direction and feedback and then back to Planning Commission with a recommendation to City Council for adoption.

Vice Chair Ingalls said it has been a long process and look forward to it completion.

PUBLIC HEARINGS

1. Applicant: Habitat for Humanity of North Idaho
Location: 2nd Street
Request: A proposed zone change from R-12 to R-17
QUASI-JUDICIAL, (ZC-1-21)

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

The 1.52-acre property is located off of 2nd Street south of Neider Avenue and has a small connection east to 4th Street. Habitat for Humanity of North Idaho purchased the property in 2019 with the intent to build for-sale affordable housing units.

- The property previously included the home to the east. That was split off through a short plat in October 2019 resulting in a 2-lot residential subdivision, Hickam Place (SS-19-08).
- The infrastructure had been previously installed and accepted by the appropriate departments. The property is largely vacant, other than an abandoned structure, and suitable for development.
- The project will result in affordable for-sale townhouses that will be available for low-to-moderate income persons in Coeur d'Alene.
- The goal is to provide 24-25 units if possible.
- The City Council recently approved a \$120,000 Community Opportunity Grant for Habitat for Humanity of North Idaho using CDBG (Community Development Block Grant) funds, which will be used will be utilized for Phase 1 Project Planning which consists of Sight Design, Design Development, Code Analysis, Schematic Design and Construction Documentation for the project.
- The project will help the City meet the Affordable Housing Goal in the 5-year CDBG Consolidated Plan and meet the National Objective to serve low-to-moderate income persons by building the

affordable homes for low- and moderate-income families. The requested zone change is necessary to build the multifamily townhouse project. R-12 zoning does not permit multifamily residential. The zone change also allows for a few additional units, helping make the project work financially.

- Habitat for Humanity will be creating a land trust as part of the project. The housing units will be built on property that is part of a land trust. Families will own their homes, but not the land itself. The underlying land will be owned by Habitat for Humanity of North Idaho and will be permanently reserved to create a long-term affordable housing stock. Recently, through research and discovery, Habitat for Humanity of North Idaho has shifted their home building model from building one house at a time to building multi-family condo style units built on a land trust.
- She stated that the Comprehensive Plan designates this area as Northeast Prairie Transitional
- She stated that there are not conditions if approved.

Ms. Anderson concluded her presentation

Commission Comments:

There were no questions for staff.

Public testimony open.

James Casper, applicant, provided the following statements:

- He stated that the proposed use for a land trust is something new that other developers aren't doing.
- He explained with this project the goal is long-term affordability and in the past Habitat for Humanity has built and sold land with the house and now the projects we built 5-10 years ago are no longer at an affordable price point.
- He explained the original theory was to build smaller more basic homes that would be more of an entry level home that would be affordable.
- He explained that the land trust provides long-term affordability because of tax preference as long as we are managing the project for people considered low income there is tax preference for the land with the improvements, the buildings get taxed as property which provides some stability to the long-term cost of taxes for the resident of these properties, but gives us a permanent building still get taxed.
- He explained that this is a proposed Condo project to look like a townhome, two story that are individual units, but connected and sold as condos with a shared area and maintained by a Homeowners Association (HOA).

The applicant concluded his presentation.

Commission Comments:

Commissioner Fleming inquired if there will be any amenities like playgrounds or dog area.

Mr. Casper explained there will be a little of that, but Habitat as a model is basic affordable housing. He explained what you get at large with Habitat across the country is the idea of what do we need from housing and that answer is different with everyone, and, in this case, the motivation is to make something that is affordable that wouldn't be available to someone in the market. He explained we make a lot of choices based on more about efficiency than anything else combined with volunteer labor we are more efficient.

Commissioner Ward stated that was a great report and that he is familiar with the Methow Housing Trust which was a concept brought forward a few years ago and questioned if this is a

similar model.

Mr. Casper explained a trust is an entity that owns something and designates a purpose for the ownership of land as an example there are land trusts that are conservatory land trusts like “ducks unlimited” who buy property to keep for Habitat and that Habitat is the organization that is the long-term ownership and operator of the function of the land trust.

Public testimony closed.

Motion by Luttrupp, seconded by Fleming, to approve Item ZC-1-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 3 to 0 vote.

2. Applicant: George Hughes
Location: 3135 Fruitland
Request: A proposed zone change from R-12 to R-17
QUASI-JUDICIAL, (ZC-2-21)

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

- The subject property is located on the west side of US Highway 95, south of Neider Avenue, west of Fruitland Lane and approximately 250 feet north of Cherry Lane.
- The subject property is currently vacant and prior to 2005, there was one single-family dwelling located on it. The property is relatively flat and contains a few mature trees.
- The property abuts a multi-family housing development located to the north of the subject site which is located in the R-17 zoning district. The property to the west is a mobile home park that is in the MH-8 zoning district.
- The property to the south of the subject site is a multi-family condo development that is located in the R-12 zoning district. To the east across the street is a commercial shopping plaza that is located in the C-17 commercial zoning district. (see land use map and zoning map on page 13)
- There is a pocket housing development located several parcels to the south and there is also another apartment complex located on property several parcels north of the subject site.
- The applicant has not indicated a specific site plan or use for the property at this time. The size of the parcel would allow up to six units to be built on this site.
- If the subject site is approved to be changed to the R-17 residential district, then all permitted uses in the R-17 residential district would be allowed on this site.
- He stated that the Comprehensive Plan designates this area as Fruitland-Transition:
- He stated if approved there are no conditions.

Mr. Behary concluded his presentation

Commission Comments:

No questions for staff.

Public testimony open.

Connie Kruger, Applicant representative, provided the following statements:

- She explained that she is filling in for Mr. Dobler who was “double booked” this evening and unable to attend this hearing.
- She stated that the staff report addresses this project very well and commented recently before this commission a few months ago, presenting an application in this same neighborhood.
- She noted that there have been 10 rezones in this area and 11 different higher density neighborhoods that are either manufactured home parks or multifamily developments where a lot of change is occurring.
- She stated that Kathleen and Appleway are collector streets including Howard that is a major collector.
- She noted the lot is 90’ feet wide and 160’ in depth and if you try and place two duplexes facing each other will be tight.
- She explained that the applicant intends to develop this property for a 6-plex and after considering the parking requirements it may not be as large as that.

The applicant concluded her presentation.

Commission Comments:

No questions.

Public testimony closed.

Discussion:

Motion by Luttropp, seconded by Fleming, to approve Item ZC-2-21 Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 3 to 0 vote.

3. Applicant: Northwest Solutions Investment Group, LLC
Location: 3635 N. 17th
Request: A proposed zone change from R-8 to R-17
QUASI-JUDICIAL, (ZC-3-21)

Mike Behary, Associate Planner presented the staff report and stated

- The subject property was annexed into city limits in 1987 (A-3-86) with an R-8 zoning designation. Currently there is an existing multi-family facility located at this site. This multi-family facility was approved under the cluster housing ordinance.
- Cluster housing regulations were adopted in 1988. The building permit for this cluster housing

project was approved in 1991 (Building Permit #4810-B).

- The R-8 allows a total of 28 units by right for this 3.55-acre site. There was a special use permit that was approved in 2016 that allowed for a 2-unit density increase on this site in item SP-5-16. The special use permit allowed for an additional 2 units per acre to be built on this site.
- Currently there are a total of 34 units located on the subject site. All the units on this site are one story and do not exceed 18 feet in height.
- The property gains access from 17th Street via a single long driveway that accesses a paved parking area. Many of the spaces have carports and personal storage. Parking for multifamily is based on the number of bedrooms and single-family units require 2 stalls per unit.
- The current zoning ordinance allows multi-family facilities to be located in the R-17, C-17, and C-17L districts. Multi-family uses are not permitted in the R-8 Zoning District.
- This parcel is located in a residential area and shares its property boundaries on three sides with single family homes. It should be noted that if the zone change is approved to the R-17 residential zoning district, the size of the parcel allows for a maximum of 60 units, that allow buildings to be up to 45 feet in height.
- The City Comprehensive Plan designates this area in the NE Prairie: Stable Established:

Staff Analysis and Recommendation

- In staff's opinion, a PUD rather than a zone change may be more appropriate for the subject site. The planned unit development (PUD) process would allow for deviations from the R-8 code that would allow for multi-family facilities.
- PUD's can be approved by a public hearing that is held before the Planning Commission. The applicant is eligible to apply for a PUD for this site, since it is over an acre and half in size. The PUD would then ensure the number of units at 34 and other conditions such as building height, site plan, and open space, thus making it more compatible with the surrounding properties and neighborhood. The PUD process allows for the opportunity to change the non-confirming status and allows for conventional financing while ensuring the PUD is compatible with the neighborhood character in the area. Additionally, the property is subject to the review of Yellowstone Pipeline. A PUD would allow for more coordination with Yellowstone on the design of any future development to ensure compatibility.
- This parcel is located in the middle of a predominately single-family residential area. The subject site shares its property boundaries on three sides with properties that contain single-family dwellings on them. This pulls into question on whether or not the proposed R-17 zoning is compatible with the surrounding uses in the R-8 zoning district and are primarily single-family dwellings. Since the proposed R-17 zoning would be completely surrounded by the R-8 district, spot zoning then becomes a concern.

Definition of Spot Zoning:

"Spot zoning is a provision in a general zoning plan which benefits a single parcel of land by creating an allowed use for that parcel that is not allowed for the surrounding properties in the area."

- The applicant bears the burden of proof on demonstrating to the Planning Commission how each of the required findings have been met, particularly for Findings B8 and B11. All findings must be met in order for a zone change to be approved.
- If approved there are no conditions.

Mr. Behary concluded his presentation.

Commission Comments:

Commissioner Fleming inquired about the Yellowstone Pipeline and where it is located on the property.

Mr. Behary noted the location of the pipeline on the map and that the applicant will need to get permission to do any construction near it.

Commissioner Luttrupp inquired if this project isn't approved can they come back and do a Planned Unit Development (PUD). Mr. Behary stated they could apply for a PUD.

Vice Chair Ingalls compared this project with the recently approved project to the south that had access off of a neighborhood street rather than a collector which was 17th street.

Mr. Behary stated with the former project the development had roads on three sides of the property.

Vice Chair Ingalls noted the various comments in our packet with most of the concerns were with the height of the building and under the current code would be allowed to build up to 18' feet and if approved, as an R-17 would be allowed to build up to 45' feet.

Mr. Behary stated that is correct.

Vice Chair Ingalls stated if approved as and R-17 the applicant would allow to build 60 units which would double the number of units to three stories next to their fence line, if approved.

Mr. Behary stated that is correct.

Public testimony open.

Connie Krueger Applicant representative, provided the following statements:

- She stated the proposal presented tonight is to rezone the property from R-8 to R-17 and with the R-17 will allow the applicant to provide medium to high density residential units in this area.
- She explained different circumstances that might justify which is a duplicate of the zone change that was approved last year.
- She stated this property is non-conforming with R-8 because of the number of units and types of units and if destroyed there would be opportunity to rebuild the units. and types of units and destroyed couldn't rebuild the units
- She explained Mr. Ross has been working on obtaining conventional financing for these properties with no plans to redevelop the site, so this request is to address nonconforming and to obtain financing.
- She commented that the Planning Commission and City Council when looking at a zone change is for long term and tonight will address long term for the site.
- She stated this property is located in a higher density area on a major collector with additional approved zone changes in the area.
- She stated that there is available infrastructure addressed with the staff report and that the City Council and Planning Commission approved a rezone of this property south of this property in 2020.
- The property consists of a number of tri-plex and four-plex buildings and that the property is zoned R-8 and allows for single only attached homes.
- She explained that access to this project would be from 17th Street with no plans for future development.

- She noted the major interchanges available to this property.
- She stated that the City Engineering, Water and Fire Department didn't have any concerns with the proposed rezone.
- She explained that if the owner is not granted the zone change, he is faced with the issue of not being able to refinance the property or reconstruct if there is any damage to the properties.
- She addressed compatibility with the Comprehensive Plan which is in an area for higher density housing including multi family.
- She stated that they received the staff report late and didn't have time to address the additional items from staff in the report.
- She noted that the existing structures are one-story with other one to two story structures in the area and that the owner recently remodeled and has no future plans for reconstruction, but did state if this was a concern that he would agree to limit the heights of the building to two story if that would alleviate concerns from staff.
- She addressed traffic and noted that the Chris Bosley, City Engineer looked at future development for this site and estimated what the maximum traffic would be during peak hour which is 13-16 additional peak hour trips which is minimal for a collector road.
- She addressed some of the comments from the neighbors with concerns with the road system not being adequate for additional traffic and explained on 15th is 36 feet wide, Thomas is 40 feet wide and 17th Street is 36 feet wide and feels the additional traffic will be accommodated.
- She addressed neighborhood compatibility in terms of land use and zoning which is addressed in the staff report and that the rezone was approved by City Council based on access to 15th Street which is a collector and noted that there have been no city codes cited in the staff report that require multifamily access only from collectors and arterials.
- She stated staff discussed the option of a PUD and generally a PUD is meant for larger acreages and new development. She explained that the applicant is trying to get financing and to get a PUD may not help with financing because this property has a special use permit that is non-conforming which we are trying to address.

The applicant concluded her presentation.

Commission Comments:

Commissioner Fleming questioned if the applicant is willing to restrict the height would that restriction stay on the property.

Ms. Anderson explained that in a section of the zoning code that is for unconditional zoning that we have used once but the issue for this property is the density so there are two different issues with this property density and height.

Commissioner Fleming stated if the applicant would limit the height questioned if it would be a benefit for the longevity of the property.

Mr. Adams explained if a condition was placed it would run with the property.

Commissioner Fleming noted with the Yellowstone Pipeline located in the middle of the property would push the structures to the "two triangles" which would force those structures in the back yards of the existing single-family dwellings and would not be fair to the neighborhood.

Commissioner Luttrupp inquired if this property is considered a non-conforming use.

Ms. Krueger stated that is correct.

Commissioner Luttrupp inquired if the property was destroyed the property couldn't be rebuilt because of the zoning.

Ms. Krueger replied that is correct.

Commissioner Luttrupp stated we recently approved a PUD that had a pipeline run through the property which was less than 3 acres and didn't support this request.

Commissioner Ward inquired if Commissioner Luttrupp was referring to the PUD request at the corner of Honeysuckle and Kathleen.

Vice Chair Ingalls stated that is correct.

Brenny Ross, applicant provided the following statements.

- He stated most of the agencies don't have any conflict with this zone change but Planning had a couple items he wanted to address.
- He explained the main reason for the zone change is to obtain financing with the ability to only obtain commercial term financing for 3-5 years since this is a zoning issue that is non-conforming with the property.
- He addressed staffs concerns regarding conformity and explained that this isn't spot zoning because the activity is existing and by having this request approved would bring the property into conformity.
- He explained a brief history of the project that was constructed in 1992 built under the Cluster Housing Ordinance and under that ordinance the height restriction was 32' feet with the existing homes today not over 18' feet.
- He explained in 2016 they applied for a density increase under the Pocket Housing Ordinance with the height allowed was 32' feet and the heights when built were 14' feet.
- He noted in 2017 the Pocket Housing Ordinance was rescinded and how this property is classified as non-conforming within this zone. He commented that he was hoping that because of the Pocket Housing Ordinance being rescinded that there was going to be a "vehicle" to allow multifamily within of a year of that ordinance being rescinded which hasn't happened.
- He commented that the property is currently zoned R-8 and under the R-8 zone is an allowable 45 foot building height allowed for non-residential structures so the building height concerned with in the R-17 would be allowed as a shop or storage building.
- He noted that there have been negative comments from people in the area but has also received positive comments from people living south of the project who were in support of this project.

Mr. Ross concluded his presentation.

Susan Knutson stated she didn't know there was a plan for redevelopment and is concerned about putting high density next to a pipeline and explained when her husband worked for a utility company in California was constantly working on those pipelines where explosions happened in some neighborhoods. She explained that she does work with the elderly with disabilities and the existing homes currently on the property are a perfect size for people who are on a fixed income and questioned if approved for higher density where would these people go.

Laurie Klug stated she is a close neighbor and is concerned if these units are sold may not want a building 45-foot tall in their backyards. She added that the schools in the area are already to their limit and has concerns with additional traffic generated from this development. She commented many years ago with another project the pipeline requested all the trees be removed, so they could see the area better.

Thomas Kristoffer stated he agreed they have remodeled the units and had issues of people jumping the fence into his property and with the addition of new people is a concern. He added that he has concerns of a shop being built that could restrict the privacy to his house and has concerns with traffic which is already congested.

Rebuttal:

Ms. Krueger provided the following statements.

- She addressed traffic and when wanting to increase density traffic is always a concern and noted in the staff report the City Engineer stated that traffic isn't a concern.
- She explained that the pipeline would be addressed at the time when a site plan is issued and understands that the city has had more experience and protocols in place for safety issues.
- She added that the applicant isn't wanting to do redevelopment.

Public testimony closed.

Discussion:

Vice Chair Ingalls commented that we keep hearing that this request is for financing with no plan for redevelopment which opens the door of what the potential could be if the zone change is granted because of the zoning. He questioned if the zone change is the way to go, or is there another tool to fix the issue of financing. He explained the difference between this project and the previous project that was approved is this development is surrounded by single family on three sides with concerns about a shop being built in the back yard that would disrupt the privacy of the neighbor.

Commissioner Luttrupp stated if approved the zone stays with the property and with this proposal the parcel is located in the middle of a residential area and will not support this request based on that the zoning is not compatible with the neighborhood.

Commissioner Fleming commented that this is a challenging site surrounded by single family with the understanding that this project will not be developed and concurs that the timing is wrong and not our job to fix the applicants financial problems.

Commissioner Ward inquired about conditional zoning.

Ms. Anderson explained that the zoning code has a section 17.09.140 called "Conditional Rezoning" which states that "Council can impose conditions upon rezoning where such conditions are required to insure that proposed uses of the area are consistent with community needs and public health, safety and general welfare. The Planning Commission may recommend conditions upon rezoning for the City Councils consideration". She added we implemented this once for Tapley Cabinet because it was an existing use but, in this case, the R-17 zoning restricts the height but the units/per acre increases with R-17 compared to the current zoning which is R-8 is a big

“jump “and from staff’s perspective if this was a PUD it would have the same underlying zone which would allow multifamily units to take place so the existing units would be in compliance with the PUD if approved.

Motion by Fleming, seconded by Luttrupp, to deny without prejudice Item ZC-3-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to deny carried by a 3 to 0 vote.

The Commission took a break for 7 minutes.

4. Applicant: Janet Dailey
Location: 3395 E. Fernan Hill Road
Request: A proposed zone change from R-1 to R-3 QUASI-JUDICIAL, (ZC-4-21)

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

- The property is located off of Fernan Hill Road approximately 180 feet east of Frosty Pine Trail. The property was annexed into the city in 1990 in item A-2-90. At that time the property was brought into the city with an R-1 zoning designation.
- The applicant has indicated that they are intending to build one structure that will have two kitchens with in it, described as a multigenerational home. The applicant has indicated that they intend to build a multigenerational house on this parcel for the mother and daughter to live in. This will be one structure with two kitchens.
- Multigenerational Housing is a progressive new trend that allows for families to live in close proximity to each other and still maintain some privacy. The applicant has indicated that the owner of the parcel will be allowed to age in her home and maintain some independence while having her daughter nearby to assist her.
- The current zoning ordinance does not provide for the location and use of multigenerational homes. The current zoning ordinance defines this type of home as two units and it would need to meet the minimum lot area for each of the homes in order to be to be built.
- R-1 and R-3 lots allow for a maximum of two houses to be built it so long it has the minimum lot area for each house, which is 34,500 SF for the R-1. This lot is 68,345 SF and is short by 655 SF in order to be allowed to build a second residence on this parcel. The R-3 require a minimum lot area of 11,500 SF for each home.
- The proposed rezone to R-3 would allow the applicants to build a multigenerational home on the subject parcel because it would allow for two single-family homes to be constructed and meet the minimum lot area per home.
- It should be noted that this lot cannot be split into more lots in either the R-1 or the R-3 due to the minimum lot frontage requirement of 75 feet. This lot has 68 feet of frontage and was approved in Schwartz Addition Subdivision in 1992.
- He stated that the City Comprehensive Plan designates this area in the Cherry Hill: Stable Established.

- He stated that if approved there are no conditions.

Mr. Behary concluded his presentation.

Commission Comments:

Commissioner Fleming commented that this lot has an 800 foot frontage and if approved they will not be allowed to add another residence on the lot. Mr. Behary replied that is correct and clarified that the lot can't be split for an additional house. Commissioner Fleming inquired if the lot is big enough to put another house on the lot and questioned if an Assessor Dwelling Unit (ADU) is allowed in the R-1/R-3 zoning district.

Mr. Behary explained that ADU's are allowed with a maximum of 800 square feet for the ADU and if they did have two dwelling units on the lot, they wouldn't be allowed to have an ADU. They would have to choose either two houses, or one house with an ADU, or a multigenerational facility.

Commissioner Fleming inquired who will be supplying the water.

Mr. Behary answered per the Water Department comment, it will be the City.

Commissioner Luttrupp inquired what is the definition for a multigenerational unit.

Mr. Behary explained that our code doesn't address multigenerational housing.

Commissioner Luttrupp inquired what is the definition of a kitchen.

Ms. Anderson commented that we have a definition for a residential unit which has separate areas for cooking, sanitation, sleeping and living.

Commissioner Luttrupp inquired if this project is a design issue or zoning issue.

Mr. Behary explained that this would be considered another unit in the zoning ordinance which is the multigenerational housing facility which counts as two units. Under the zoning ordinance, we don't have a definition for multigenerational, so we call it "two units."

Mr. Adams explained that we are defining what they are proposing and trying to set a "word" to it.

Commissioner Luttrupp questioned where does it state that you can only have one kitchen per dwelling.

Ms. Anderson explained that staff will be bringing this forward as a Zoning Code Amendment to address multigenerational housing, because it makes sense for a family that might be different generations living together. Staff have been looking at other zoning codes all over the United States. Most communities look at multigenerational as two homes, or as a home plus an ADU, or a duplex. But some have come up with a way to allow multigenerational homes that are specifically defined in the zoning code and have deed restrictions.

Commissioner Luttrupp stated this is strange and different that we have to do something different called "two kitchens".

Mr. Adams explained that the zoning code does define "dwelling unit" as a single unit containing all of these things including faculties for cooking and in this case, there are two units and doesn't matter how many kitchens it depends on if it is a single unit or two units.

Commissioner Fleming stated she sees this in other areas and we need to fix it.

Commissioner Luttrupp questioned if this is a design issue.

Ms. Anderson explained that it is not a design issue and that this will be an issue until our code changes.

Commissioner Ward concurs with Commissioner Luttrupp and also questioned if this could be a design issue and was looking at the uses allowed in a R-1 noticed the height limit allowed was 32 feet for a principal structure and perhaps there was a walk out basement with a full kitchen to not exceed 32 feet above grade the principal structure questioned if that would be permissible under and R-1.

Ms. Anderson explained once you hear the applicant's presentation on what they are trying to achieve with the dwelling units, it will make sense.

Commissioner Ward questioned if you could have two kitchens.

Ms. Anderson explained this is different. They are not just wanting two kitchens. They are trying to have two units with independent living yet connected.

Public testimony open.

Rex Anderson, applicant representative provided the following statements:

- He stated staff has been helpful in finding a vehicle for us to use as a tool to allow the desired multigenerational home. This proposal is to convert the property to an R-3 which allows two dwelling units to be onsite.
- He commented the applicants are a mother and daughter who want to build a multigenerational house and noted on the site plan that the home is on the north and pointed out where the homes will be located on the property.
- He stated that it's the applicant's intention to have everything on one level that will be fully accessible.
- He commented that on this lot development is restricted with the view easements that impact development and referenced the site plan showing the driveway from the road to the house. On the applicant's unit will be a garage with entry into the home on the one level and the daughter's unit will be behind. From the street it will look like one house. The two units will be connected to allow for someone to age in place and to live independently, but have her daughter close by in case she needs care.
- He stated that it's the desire of the applicant to have the home fit in with the neighborhood and that the design and scale of the units meets the average grade of the elevation of 32 feet which falls in line with a few of the Comprehensive Plan policies.
- He explained with the approval of the zone change from R-1 to R-3, the proposed design consolidates the development of the lot to appear as one structure when looking from the road.
- He stated that the frontage of the lot is 68 feet with the house to be 336 feet back from the road.
- He stated this is a growing trend where families are wanting to live together.
- He noted that it's not the intent of the applicant to create/split but intended for them to live together.
- He explained that by making this look like one house and conform to a single use checked all the boxes.

The applicant concluded his presentation.

Commission Comments:

Commissioner Luttrupp questioned why is the applicant requesting two houses.

Mr. Anderson explained that the applicant will be living in one house on the northside and her daughter will be living in one dwelling unit on the southside. Commissioner Luttrupp asked are they separate or two

dwellings. Mr. Anderson explained there is a connector between the two houses with the intent to make it appear as one house.

Commissioner Ingalls explained that once a zone change is granted it opens the door and that he likes what he sees, but after reading some comments from neighbors are “leery” of a second residence and don’t want to see two residences on this property. He explained with a zone change details aren’t locked in and if this is approved, and the applicant comes back with a proposal for two buildings that is a problem.

Mr. Anderson noted on the map the zoning for the area is all R-3 and only 4 parcels out of the 50 parcels in the area that aren’t R-3 and would comply with the zoning code and we are trying to use this zone change as a vehicle for the applicant to use sense we don’t have a code that addresses Multigenerational Housing.

Commissioner Luttrupp questioned since it will be two structures connected can one structure be sold at a later date.

Ms. Anderson explained one could be sold through a condominium plat but would look/function the same.

Mr. Anderson stated the lots can’t be split. Vice Chair Ingalls added that there is limited frontage on Fernan Hill Road so it can’t be split.

Commissioner Fleming inquired about the staff comments received regarding water pressure that a single home with two separate dwelling units that are joined the demand will be minimal.

Mr. Anderson explained the scale of house they intend to build could have been built as one and stacked.

Susan Knutson stated she loves this project and excited to see the zoning amendments change for Multigenerational housing.

Tony Chemetti commented that he has the property next door and thinks this is an excellent idea and might want to do the same thing to our home, but doesn’t want to have to go through a zone change in order to put a kitchen downstairs. He commented that he is concerned if this doesn’t work out for the applicant and they decide to move it turns into a rental.

Rebuttal:

Mr. Anderson thanked everyone for their comments and explained that the number of R-3 parcels around the site any of those people could do the same thing. He stated that he wanted to thank staff for being so receptive as they have been toward this request. He added that this type of housing should be instituted without having to go through a zone change. He added that the other city agencies have reviewed this and have no concerns.

Public testimony closed.

Discussion:

Commissioner Luttrupp stated we need to come up with a definition for multigenerational housing. He said he supports the concept and if staff can come up with a definition for multigenerational housing to bring forward to City Council that could be addressed.

Ms. Anderson explained that doing a code amendment was not feasible given the time frame this applicant is working with unfortunately. She explained that staff has many bigger projects in the works before we could consider this topic which would take staff time to come up with the code language that would first go to the Planning Commission with a recommendation to City Council. When doing code

amendments, staff like to bring a “bunch” of code amendments together for Council to consider. She explained that if the applicant had an additional 600 square feet on their lot, they wouldn’t need a zone change and that this zone change worked for them as a tool to move forward.

Commissioner Luttrupp stated he will support this but encourages staffs to work on a definition for multigenerational housing.

Motion by Ward, seconded by Fleming, to approve Item ZC-4-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 3 to 0 vote.

5. Applicant: Grace Bible Church
Location: 4977 N. Atlas Road
Request: A proposed Religious Assembly special use permit
In the R-8 zoning district
QUASI-JUDICIAL, (SP-2-21)

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

- John Young, on behalf of Grace Bible Church and Faith Walk Community Fitness Park, Inc. is requesting approval of a Religious Assembly special use permit on a +/- 10-acre parcel in the R-8 (Residential at 8 units/acre) Zoning District.
- Grace Bible Church is requesting approval of a Religious Assembly Special Use Permit in the proposed R-8 zoning District. The request, if granted, would allow for Religious Assembly use. The applicant is proposing a phased project as follows:
 - Phase 1: Asphalt exercise trail connecting to the City pathway with 15 stations with commercial exercise equipment for use.
 - Phase 2: A regulation size gymnasium.
 - Phase 3: Offices and Counseling Center be constructed.
 - Phase 4: A 500 seat Church auditorium.
- Infrastructure for future phases and parking would be installed to support the park.
- The subject property was purchased by Grace Bible Church and Faith Walk Community Fitness Park, Inc. in 2014, and is currently vacant. The property was previously owned by the Coeur d’Alene School District.
- The applicant has submitted a site plan as well as four (4) conceptual elevations for the proposed Religious Assembly use to include an asphalt exercise trail connecting to the City pathway, and 15 stations with commercial exercise equipment for the exercise stations. Additionally, a soccer field, picnic pavilion, waterfall garden, playground and restrooms will be constructed.
- A future regulation gymnasium, offices and a counseling center will be built in the next two phases, and lastly, a 500-seat church auditorium would be constructed on the subject site.

- If approved there are 3 conditions

Ms. Stroud concluded her presentation

Commission Comments:

Chairman Ingalls asked about Finding B8b stating if the design is compatible with the surrounding area and in this case, we have a lot of detail with the site plan showing everything including proportions on the site and elevations he questioned if approved, will this site plan be locked in and if changed does its comeback. Ms. Stroud explained that staff would look at this if there was a proposed change and determine if this is a significant change or not and if we see a significant change from the original approval will need to come back as an interpretation. Ms. Anderson concurs and in the past with some other Special Use Permits, we have locked in site plans.

Commissioner Fleming inquired if this development when done the public will be allowed to use the path on off hours. Ms. Stroud stated the applicant can answer that.

Commissioner Ward inquired about the pipeline. Ms. Stroud stated the applicant can answer that question.

Commissioner Fleming inquired about the parking lot. Ms. Stroud stated the parking lot will be done in the first phase.

Public testimony open.

John Young Applicant representative provided the following statements:

- He thanked staff and stated the site plan will not change because not only the Yellowstone Pipe line runs through it, but also the Williams Pipeline crosses the property and that both pipelines are located on the bottom third of the property away from the building. He added that he met with both representatives of the pipelines to make sure we have any issues.
- He stated this project when done will be compatible with the surrounding properties and when driving around the area noticed many subdivisions having some kind of Religious Assembly within those subdivisions and feels when done this project will be a great addition.

Dan Pinkerton Applicant representative provided the following statements:

- He stated this property was purchased seven years ago approved by the church and doesn't anticipate many changes to the design.
- He stated the public will be allowed to use the facilities.
- He stated the fitness park will be separate from the church with a lease agreement with Grace Bible Church to be responsible for the maintenance and development of the park.

The applicant concluded his presentation.

Susan Knudtson commented she lives in this area and likes the idea of having this land developed. She commented that Abbey road is very "blue collar" community with a lot of people that do side jobs on their property. She stated her concern is the one stoplight that is north between Seltice is Kathleen and the only way people can get to the area is on the westside of Atlas which is a two-lane road, so when the church is built out could be difficult for people to get out on the road. She stated Atlas is a busy road.

Rebuttal:

Mr. Young stated he is not a traffic Engineer and has faith in the City's Engineering/Streets Department who stated that this project will not be an impact to this area.

Vice Chair Ingalls referred to the trail on the westside if it would be preserved. Mr. Young explained that this is a condition in the staff report and that portion of the trail will be replaced.

Commissioner Fleming inquired what the estimated time of build out. Mr. Young explained that this project will be done in four phases and done in 5-6 years.

Chris Bosley, City Engineer explained Phase 4 of this project would have the biggest impact and generate a significant amount of traffic. He added normally church services are done off peak hours but will add to existing traffic. He added we do have a project planned with KMPO to widen Atlas Road with improvements from Seltice up to Hanley that will help with one of the requirements would be to improve their frontage and, in the staff report he stated would work with them during that time when they come forward with a permit to help place the curb for the frontage improvements and will be able to put in a left turn lane that will take care of a lot of concerns of making left turns. Vice Chair Ingalls inquired will this be three lanes. Mr. Bosley stated that is correct.

Public testimony closed.

Motion by Fleming, seconded by Ward, to approve Item SP-2-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 3 to 0 vote.

6. Applicant: Anthem CDA Inc. C/o Chris Lauri
Location: 623 E. Wallace
Request: A proposed Religious Assembly special use permit in the R-17 zoning district
QUASI-JUDICIAL, (SP-3-21)

Sean Holm, Senior Planner presented the staff report and stated:

- Anthem CDA, Inc. c/o Chris Lauri, with consent of the property owner, is requesting approval of a Religious Assembly Special Use Permit (SUP) on six lots measuring a total of +/- 0.76 acre. An existing SUP exists for the parking lot north of the alley which is in conjunction with this request.
- Anthem CDA Church is requesting approval of a Religious Assembly Special Use Permit in an R-17 zoning District.
- The request, if granted, would allow the applicant to use the existing structure as a place of worship.

Currently there are no plans to use the church as an education facility (which would require a separate "community education" SUP). A "Sunday School" falls under the request for Religious Assembly and is typical to what churches provide to their members.

- If the church decides to hold educational K-12 classes (or a portion thereof), they would need to apply for a "community education" SUP separately from this request.
- The subject property was recently reviewed by Planning Commission for an R-34 SUP approved in July 2018, which was appealed to City Council which denied the request in August of 2018.
- The Comprehensive Plan Map designates this area as Historical Heart- Stable Established:
- If approved there are no conditions.

Mr. Holm concluded his presentation

Commission Comments:

Vice Chair Ingalls inquired about parking and the graphic submitted shows more parking spaces than what is required and inquired if this project is approved can we "lock" in this site plan so later when they come back with a permit to build something in that north parking lot it would be a violation. Mr. Holm explained that Ms. Anderson always stated in the past if staff was nervous that the Planning Commission has the authority to "lock in" the site plan.

Commissioner Fleming inquired about the GTE in the basement and if that use requires parking. Mr. Holm explained that there is no space down there for anyone to work which is mostly equipment and the use would be treated like a "cell tower" with someone going in monthly to make sure the equipment is working. Commissioner Fleming inquired about the parking lot on the southside is meeting the requirements for parking and inquired if the additional lot above could "break off" or is it considered part of the special use permit. Mr. Holm stated that is correct and that we could "lock in" this or require a parking agreement that would provide a tie into it. Commissioner Fleming suggested to keep this altogether as one request. Vice Chair Ingalls suggested adding a condition. Mr. Adams explained the applicant is asking for a special use permit for Religious Assembly and showing what they intend to use and what they will be doing. Ms. Anderson suggested to ask the applicant if they would include the lot as part of the special use permit so there is adequate parking.

Public testimony open.

Chris Lauri Applicant representative provided the following statements:

- He stated staff did a great job putting together the presentation.
- He explained the purpose of the journey for this church and that we do have another church in Hayden and as the church grew wanted eliminate the number of members in order to provide a smaller service to care for people by providing other locations to use for this church.
- He explained that as churches grow bigger, they need more land and the process looking for a church downtown has been discouraging because trying to meet the demands of the city to have enough parking etc. and this building meets the demands. for looking at a building and found something that met the demands.
- He noted that the older churches downtown is shrinking, torn down and turned into houses and purchasing this property meets the demands of the city will provide a resource for people to attend the church with many of the members living within three blocks from this property.
- He explained that parking we were informed by the city that we would need one stall per 10 chairs that we put in the largest gathering area and if we went over by 300 in that room, we would have to have a sprinkler system which the hub is already in place and easy to do. He added that it's not our desire to expand the foot print of that building on that property and want to maintain a small type church and will not take up that northern end of the parking lot because there is no

available parking downtown and is a gold mine.

The applicant concluded his presentation.

Motion by Fleming, seconded by Luttrupp, to approve Item SP-3-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 3 to 0 vote.

ADJOURNMENT

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

The meeting was adjourned at 9:11 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant