

**PLANNING COMMISSION
MINUTES
NOVEMBER 12, 2024
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Mark Coppess
Peter Luttrupp
Jon Ingalls, Vice-Chair
Lynn Fleming
Sarah McCracken
Phil Ward

STAFF MEMBERS PRESENT:

Hilary Patterson, Community Planning Director
Sean Holm, Senior Planner
Tami Stroud, Associate Planner
Mike Behary, Associate Planner
Randy Adams, City Attorney
Traci Clark, Administrative Assistant

Commissioners Absent:

Tom Messina, Chairman

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Commissioner Luttrupp, seconded by Commissioner Flemming, to approve the minutes from the Planning and Zoning Commission meeting on October 8, 2024. Motion approved.

PUBLIC COMMENTS:

None.

STAFF COMMENTS:

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

- There will not be any public hearings for the month of December. She would like to schedule a workshop with the commission and go over some possible code amendments. She will reach out to the commission and pick a date and time. She would like to thank the commissioners who attended the two workshops, the Development Agreement Workshop and the regional joint Planning Workshop.

COMMISSION COMMENTS:

None.

OTHER BUSINESS: *ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.**

1. Applicant: Azzardo, LLC
Location: 3912 N Schreiber Way
Request: One-year extension request on the Special Use Permit allowing Business Support Services; Professional & Administrative Offices; Business Supply Retail Sales; and Specialty Retail Sales in the LM zoning district (**SP-8-23**)

Presented by Mike Behary, Associate Planner

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

Azzardo LLC is requesting a one-year extension on their Special Use Permit allowing Business Support Services; Professional & Administrative Offices; Business Supply Retail Sales; and Specialty Retail Sales in the LM zoning district in item SP-8-23.

On November 14, 2023, the Coeur d'Alene Planning and Zoning Commission held a public hearing on the above Special Use request and approved it with the following condition:

1. Wastewater will require an easement over the public sewer line.

The Decision Point this evening is for the commission to approve or deny the request of Azzardo, LLC for a one-year extension of approved Special Use Permit that allowed four (4) activity uses; Two (2) service activities and two (2) commercial activities, in the LM (Light Manufacturing) Zoning District.

Service Activities

1. Business Support Services
2. Professional & Administrative Offices

Commercial Activities

3. Business Supply Retail Sales
4. Specialty Retail Sales

The Applicant's explanation of the hardship that they are encountering:

"The applicant has indicated that the hardship that they are incurring is that the current economic and market conditions, with the high estimated construction costs are proving to be a significant barrier in getting the project off the ground. As a result, the applicant is needing more time to consider alternative financing and construction options".

Mr. Behary noted the action alternative this evening. The Planning and Zoning Commission must consider the request by motion by granting a one-year extension of the approved special use permit to November 13, 2025 or deny the one-year extension request, if denied, the item expires and the applicant must reapply for another special use permit.

Mr. Behary, concluded his presentation.

Commissioner Luttrupp asked two questions to Mr. Behary: this type of request comes up frequently, does it not, and how many times can a Special Use Permit be granted?

Mr. Behary replied yes, this type of extension does come up occasionally. There is only a one-time extension that can be granted for a Special Use Permit.

Commission Discussion:

Motion was made by Commissioner Fleming to grant a one-year extension to end on November 13, 2025, seconded by, Commissioner Coppess. Motion carried.

2. Applicant: Bear Waterfront LLC
Location: 2165-2211 W Bellerive Lane
Request: Interpretation for a 5' second story deck and roof encroachment into the front setback for Lots 2-4 in the Mahogany Lane Planned Unit Development (**PUD-3-21**)

Presented by: Mike Behary, Associate Planner

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

The applicant is requesting an interpretation from the Planning and Zoning Commission to clarify extension into the front yards on Lots 2, 3, and 4 in the Mahogany Lane PUD located at 2165, 2193, and 2211 W. Bellerive Lane.

The Zoning Code allows a maximum of two feet (2') of roof eave that may extend into the front yard. Some of the PUD documents that the applicant has submitted indicates 2nd story decks and roof extending five feet (5') into the front yard.

The applicant has indicated in their narrative for the interpretation request:

"Lots 2 thru 4 are also unique in that they are being developed adjacent to the existing private road and pedestrian infrastructure. Aesthetically speaking, Lots 2 and 3 will appear to be farther back and more "open" given the access road meander and public sidewalk. The residential dwellings designed for Lots 2 thru 4, fit within all prescribed building setbacks except the cantilevered roof and decks. We respectfully request that the Commission support this interpretation to allow the second story encroachment of up to 5' into the front yards of Lots 2 thru 4, which is consistent with the original intent of the project and was shown on the exhibits. With the interpretation, all setbacks at the ground level will be met".

Mr. Behary noted the action alternative this evening. The Planning and Zoning Commission must consider the request and make a decision to approve or deny the interpretation to allow 2nd story decks and roofs to extended up to 5 feet into the front yard setback on Lots 2, 3, and 4 in the Mahogany Lane PUD.

Mr. Behary, concluded his presentation.

Commissioner Fleming stated she noticed there is a gate right behind lot 4. Has there been any feed back from the public?

Mr. Behary, replied no.

Commissioner Coppess stated he was curious about the setback and why 5 feet and does Mr. Behary see any challenges with that? He understands the base level, he just wants to make sure the encroachment wouldn't affect trash collection by a garbage truck.

Mr. Behary replied this was just a zoning issue, and the extended eave and deck would not affect a garbage truck. The eve would not be in the right of way at all.

Commissioner Coppess asked Mr. Behary if he sees this as an issue with other properties in the future?

Mr. Behary replied no.

Public testimony open

Nate Dyke introduced himself and said he is the applicant's representative from Eric Hedlund Design. The front setback and the lower hanging decks were in the original PUD when it was put together. This is just a house keeping item that just did not get picked up when they submitted the materials originally for the PUD.

Vice Chair Ingalls asked for clarification that was just an oversight and was supposed to be included in the PUD?

Mr. Dyke replied the intent was there from the get go.

Public testimony closed:

Commission Discussion:

Commissioner Fleming made the motion to approve the interpretation for item PUD-3-21 seconded by, commissioner Luttrupp. Motion carried.

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

1. Applicant: Coeur Development LLC
Location: 1221 W Emma Ave
Request: A proposed Special Use Permit within The Trails on 6.016 acres zoned R-8 to develop a minimal care facility to provide five (5) Residential Care Facilities with 16 beds each, 24 Senior Living Cottages to accommodate up to 48 additional residents, and one (1) additional Guest Suite for family **(SP-4-24)**

Presented by: Tami Stroud, Associate Planner

Ms. Stroud, made the following statements:

The applicant is requesting approval for a special use permit to develop a minimal care facility to provide five (5) Residential Care Facilities with 16 beds each, 24 Senior Living Cottages to accommodate up to 48 additional residents, and one (1) additional Guest Suite for family members/visitors requiring overnight lodging located in the R-8 (Residential at 8 units/acre) Zoning District.

The subject site is located north of Hanley Avenue and west of Coeur Terre Boulevard. The 6.016-acre property is zoned R-8 (Residential at 8 units/acre) zoning district and is currently vacant. The property is described at Lot 2, block 37, at the Trails 6th Addition. The subject property is bordered by four street frontages; Hanley Avenue is directly to the south, Coeur Terre Boulevard is on the east, Shedhorn Avenue is on the north and Alecat Drive to the west of the proposed project. The proposal for the Hemmingson Senior Living @ The Trails (HSL@The Trails) is to provide five (5) Residential Care Facilities with sixteen (16) beds in each home, for up to 80 residents, along with up to 24 Senior Living Cottages (duplexes) with up to 48 additional residents. The maximum number of minimal care residents would not exceed 128 for the +/- 6-acre site and would be developed under the "Minimal Care Facility" SUP. Nonresidential performance standards in the R-8 zoning district would apply.

The Residential Care Homes will provide 24 hour care and include group dining and supervision for

physically or mentally handicapped or infirmed residents and those who are in need of residential care. The Senior Cottages will be for 55+ residents, capable to taking care of themselves in independent living units, but who prefer personal supervision. These residents would receive daily wellness checks, cleaning and laundry services, have alarm and monitoring systems that provide access to (24) hour care, and have access to group dining. The project amenities may also include facilities such as a community center that could have a gym, game and activity rooms, and large meeting/gathering rooms. In addition to the residences, a guest suite for family members or visitors requiring overnight lodging is also being proposed.

She provided an overview and analysis of the three findings required for a special use permit request.

City staff from Engineering (Traffic & Streets), Streets, Water, Fire, Parks, and Wastwater Departments have reviewed the application request in regards to public utilities and public facilities.

The Planning Commission may, as a condition of approval, establish reasonable requirements as conditions of approval to mitigate any impacts that would adversely affect the surrounding neighborhood.

PROPOSED CONDITIONS:

PLANNING:

1. The maximum number of residents shall be set by the Special Use Permit. (*This does require Planning Commission to set the number of people, they would like 128*)
2. The applicant shall generally adhere to the conceptual layout of the project as shown on the two site plans submitted with the Special Use Permit Application. This includes preserving the vehicular access and ensuring adequate parking throughout, ensuring the open space, landscaping and amenities meet or exceed the conceptual plan, and not exceeding 24 senior living units, five homes, and one guest house.

FIRE:

3. Must meet fire flow requirements of 2018 IFC and fire hydrants spacing requirements.

WATER:

4. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
5. Any additional service will have cap fees due at building permitting.

WASTEWATER:

6. This proposed Special Use will fall under WW Policy # 716 One Parcel, One sewer lateral.
7. Sewer Cap Fees and the Huetter Fee will be due at time of Building Permit.

Ms. Stroud noted the action alternatives this evening. The Planning and Zoning Commission may, as a condition of approval, establish reasonable requirements to mitigate any impacts that would adversely affect the surrounding neighborhood. Please be specific, when adding conditions to the motion.

Ms. Stroud, concluded her presentation.

Commissioner Coppess asked about the 24 versus 20 units. It's 20 throughout the staff report except for the last piece when you were talking about the impact, and you said no more than 24 units. Is that correct?

Ms. Stroud replied she will let the applicant clarify but the maximum number that the applicant would like is 128 people in 24 units.

Commissioner Luttrupp said he had some concerns with the language on the condition about the site plan consistency and number of units/residents. He stated he hopes we are clear on 128 residents and the applicant shall generally adhere, and he hopes the applicant is clear on what they are requesting.

Mr. Randy Adams replied that “generally adhere to” language offers some flexibility within some specific parameters. But if there are specific parameters that are specifically stated in the conditions, then those have to be met.

Commissioner Luttrupp asked if the second sentence that says “...this includes.” Is that specific?

Mr. Adams replied that sentence is very vague as well where it says adequate parking. It needs to generally adhere to those principals as well.

Commissioner McCracken stated that the cottages will have garage parking and maybe one parking space outside as well. How many parking spots will there be?

Ms. Stroud replied the parking requirement is 1 space for every 6 beds. They are over parked with their design, including staff parking.

Vice Chair Ingalls asked the commission if they had any conflict of interest? They all answered they do not.

Public testimony open.

Todd Butler, applicant, introduced himself and was sworn in. He stated that the larger homes that hold 80 beds there will be no one driving. None of those residents would have vehicles. The parking calculation for that 1 per 6 beds will be around 27 spaces. There will be about two employees per building. They are about double the parking requirement. The owner has done a number of assisted living homes in the past and these units work really good in the community and with parking. There was also some concern about the language in the planning of the development. He had spoke with the Planning Department staff at the early stages. He wanted to have some flexibility as he does not know the exact housing type they want to do yet. He thinks it might be a lower density but he does not know that yet. If they are asking for the senior living homes, they might ask for the triplex or a four unit. It might just be what the market studies call for. He is fine with the 128 number.

Commissioner Luttrupp confirmed it will not exceed the 24 units?

Mr. Butler replied that is correct. His understanding is that the process tonight will be the P&Z will approve the 128 people living there total, which is a much lower density then if this was a single family housing like it was originally planned for.

Commissioner McCracken asked if these will be affordable housing for seniors on the cottage side of the project or will they just be market rate?

Mr. Butler replied he expects them to be more of a market rate. He is just looking at the model.

Matt Frantz introduced himself, said he lives in Dalton Gardens and was sworn in. He stated he owns an assisted living facility in Post Falls. He said that Ms. Zaharie was part of the same organization as him two decades ago. He has concerns with the potential impact of adding additional assistance living units in this area. He is not in the senior living that is independent - the 24 units that will be the cottages, he cannot speak on those – but as far as the assisted living side goes, Kootenai County has been overbuilt over the past two decades. There is not a good equilibrium between supply and demand. Some of the senior living is still not quite there yet. The supply issue that is going on right now he feels that there might be some collateral damage that he feels that the commission should be aware of. He feels that there is some staff shortages in this area. His industry relies on staff. He cannot shorten his hours or change the way he operates. He relies on staffing agencies which is very expensive to the tune of about \$40.00 an hour with

no experience. His facility spent \$70,000 last month relying on a staffing agency to fulfill the required the open shift requirements. That means sometimes the residents could be neglected or the facilities will have to raise the rate to the residents. He does not feel there is a need for this facility in Coeur d'Alene.

Commissioner Coppess the City Attorney to help clarify if the commission should be concerned with businesses in Post Falls. When he looks at the terms of Comprehensive Plan with goals and objectives, they are focused only on Coeur d'Alene. How does this work to just focus on the City for business development and growth?

Mr. Adams replied that the goals and the objectives of the Comprehensive Plan are supposed to govern your decision. Public comment and testimony serves as an aid for you to understand the comp plan. But you can take it or leave it. If testimony doesn't meet Coeur d'Alene's comp plan or zoning code, then it shouldn't come into your decision.

Commissioner Ward asked Mr. Butler regarding the operation of this business. We regulate the land use. A building official regulate the construction. Who regulates the use?

Mr. Butler replied it is regulated by the State every year. In the project narrative it does mention several times that it does meet the Comprehensive goals and objectives for the city of Coeur d'Alene.

Applicant Rebuttal:

Valerie Zaharie, applicant, said she lives in Post Falls she was sworn in. She stated she has 35 years of experience. She has health care administration and development experience here in this community and she is a hospital administrator by trade. She is a licensed administer for skilled care rehab center as well as assisted living. She understands the comments from a competitor and the competitor's nature. The facilities that she has developed have been here in the city of Coeur d'Alene and currently they are full and have a waiting list for beds for this type of assisted living. We will provide different type of levels of care including memory care and the concept of their senior cottages is something new to the industry. It has been shown to be very well received in the area of Spokane and the Valley where they have a 1 to 2 year waiting list. They will have different price points. This will be a great addition to the Coeur d'Alene area. They want to be across the street from a school, church or neighborhood.

Public testimony closed.

Commission Discussion:

Commissioner Ward stated he likes this use. He feels we desperately needs this type of facility. The elderly are moving here. This will help address a housing problem for seniors. Coeur Terre will be developed soon with mixed use so folks won't feel like they will have to drive downtown.

Commissioner Luttrupp stated he feels like they should be complemented for increasing the supply. He supports this project.

Commissioner McCracken commented that she appreciates the variety of types of housing that will be going in the development. The cottage housing is great and is in high demand. Living next to a residential neighborhood is nice. Hopefully with family living nearby, they will visit often. She is in support.

Commissioner Fleming stated that this project is excellent. Mr. Butler has done a great job in blending in with Coeur d'Alene Place, and the cottages. The growth around it shows that people want to be closer to their families. She is in support of this project.

Vice Chair Ingalls stated he is in support of this project.

Motion by Commissioner Flemming, seconded by Commissioner McCracken, to approve item SP-4-

24. Motion carried.

ROLL CALL:

Commissioner Fleming	Voted Aye
Vice Chair Ingalls	Voted Aye
Commissioner McCracken	Voted Aye
Commissioner Luttrupp	Voted Aye
Commissioner Ward	Voted Aye
Commissioner Coppess	Voted Aye

Motion approved by a 6 to 0 vote.

2. Applicant: JBR Landholdings
Location: 3415 N 15th Street
Request:
- A. A proposed annexation for a 2.12 acre parcel from County Agriculture Suburban to City R-12 (residential at 12 units per acre) QUASI-JUDICIAL, **(A-2-24)**
 - B. A proposed Planned Unit Development (PUD) known as Juniper Ridge QUASI-JUDICIAL, **(PUD-3-24)**
 - C. A proposed 4-lot, 2-tract Subdivision known as Juniper Ridge QUASI-JUDICIAL, **(S-4-24)**

Presented by: Sean Holm, Senior Planner

Mr. Holm introduced the request and said that the decision point was should the Planning and Zoning Commission recommend adoption or rejection of the requested R-12 zoning in conjunction with annexation of 2.12 acres from County Agricultural-Suburban to City R-12.

Currently the subject property is located in the unincorporated area of the county and consists of one parcel that has a single-family dwelling located on it. The subject site is 2.12 acres in area and is relatively flat. The site is adjacent to the city limits along its south and west property line.

The property is currently zoned Agricultural-Suburban in the county. As part of the annexation request, the applicant is proposing the R-12 zoning district be applied to the subject site. The subject site is located within the City's Area of City Impact

In tandem with this request, the applicant seeks Planned Unit Development (PUD) and Subdivision approval for the subject property (PUD-3-24 & S-4-24). The Planning & Zoning Commission will hear all three requests tonight and make a recommendation to City Council with R-12 zoning. Since annexation also goes before City Council, staff has split this annexation report from the PUD and Preliminary Plat for efficiency.

Mr. Holm shared the permitted uses in an R-12 zoning district and provided the analysis of the project's compliance with the required findings for the Annexation. Under Finding B2, Mr. Holm noted the comment and condition from the City Engineer about the on-site sidewalk being constructed out of concrete rather than asphalt because it will be poorly defined across the frontages of the garages and is likely to be blocked by parked cars. Additionally, the proposed asphalt surface is more susceptible than concrete to rutting, heaving, and other distortions resulting in accessibility issues.

Vice Chair Ingalls stated that he has read the condition from Streets and Engineering about the sidewalk. He does not like a condition that says "should." He would like it to read "shall" so that it is made of concrete and not asphalt.

Mr. Holm replied that he agrees with Vice Chair Ingalls.

RECOMMENDATIONS FOR ITEMS TO INCLUDE ANNEXATION AGREEMENT:

Engineering:

1. Approximately 10 feet of right-of-way along 15th Street shall be deeded to the City to create the required 40-foot half-width.
2. The on-site sidewalk should be concrete rather than asphalt as it will be poorly defined across the frontages of the garages and is likely to be blocked by parked cars. Additionally, the proposed asphalt surface is more susceptible than concrete to rutting, heaving, and other distortions resulting in accessibility issues.

Fire:

3. Must meet fire flow requirements of 2018 IFC and fire hydrants spacing requirements.
4. FD access minimum 20'. Minimum at fire hydrant locations is 26'.
5. Proposed turn around appears to meet fire code requirements.
6. All other Fire policies will be met at time of building permit.

Planning:

7. The creation of a homeowner's association (HOA) will be required to ensure the perpetual maintenance of the open space, all other common areas, the private street, stormwater maintenance, and snow removal.
8. The open space must be completed, or bonded for (150%), prior to recordation of the plat. The open space areas shall be consistent with this approval and include the same or better amenities and features. If bonded for, the open space must be completed prior to the first certificate of occupancy.
9. The applicant's requests for subdivision, PUD, and annexation run concurrently. The subdivision and PUD designs are reliant upon one another. If the PUD is approved and in the future subject to expiration due to non-performance, the city may de-annex the subject property.
10. An access/utility easement over the private road will be required to allow for automobile circulation for all residents of the future vehicular connection on the north stub. In turn, staff will request the same treatment on the property to the north if developed similarly, with the goal of creating a looped system.

Wastewater:

11. Sewer Policy #719 requires a 20' wide "All-Weather" surface permitting unobstructed O&M access in a utility easement (30' if shared with Public Water) to be dedicated to the city for all city sewers.
12. An unobstructed City approved "all-weather" access shall be required over all city sewers.
13. This PUD shall be required to comply with Sewer Policy #716 requires all legally recognized parcels within the City to be assigned with a single (1) city sewer connection. "One Lot, One Lateral".
14. City sewer shall be run to and through this project and installed to all city specifications and standards.

15. Idaho Code §39-118 requires IDEQ or QLPE to review and approve public infrastructure plans prior to construction.
16. WW would ask that sewer lateral for Lot #4 be installed into dead-end manhole.
17. Cap any unused sewer laterals at the city main (In 15th St.)

Water:

18. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional service will have cap fees due at building permit.
19. Any unused water services currently serving this property must be abandoned.

Mr. Holm noted the action alternatives this evening. The Planning and Zoning Commission will need to consider this request for R-12 zoning in conjunction with annexation and make findings to recommend that the City Council adopt the requested R-12 zoning with or without conditions to be included in the Annexation Agreement, or reject the requested R-12 zoning.

Motion by Commissioner McCracken, seconded by Commissioner Coppess, to recommend item A-2-24 annexation to City Council. Motion carried.

ROLL CALL:

Commissioner Fleming	Voted Aye
Vice Chair Ingalls	Voted Aye
Commissioner McCracken	Voted Aye
Commissioner Luttrupp	Voted Aye
Commissioner Ward	Voted Aye
Commissioner Coppess	Voted Aye

Motion approved by a 6 to 0 vote.

Mr. Holm continued his presentation and said the decision points for the two additional requests are, should the Planning and Zoning Commission approve of the following two decision points?

1. A residential Planned Unit Development (PUD) that would allow for four (4) townhome lots and two (2) tracts with the following modifications:
 - Allow for multi-family construction product type (six-plexes).
 - Private road instead of a public road within the boundaries of the PUD.
 - 120' of lot frontage on the private road in lieu of 50' minimum frontage on a public right-of-way.
 - Reduction of the required right-of-way width for the private road from 55' to 35'.
 - 5' wide asphalt pedestrian walkway at the head of the parking stalls in lieu of a concrete sidewalk(s).
2. A 4-lot, 2-tract preliminary plat to be known as Juniper Ridge.

Mr. Holm provided the analysis and findings for the PUD. The applicant is requesting a PUD and subdivision on 2.12 gross acres. This PUD will consist of four (4) lots, and two (2) tracts. Three of the lots will have frontage on the private road that is part of the Juniper Ridge subdivision/PUD, with the easternmost lot having frontage on both 15th Street and the private road. All parking areas are accessed from the private road with sufficient maneuvering area to exit the PUD in a forward fashion onto the public street. In anticipation of future development, there is a stubbed private vehicular connection to the lot on the northern property line. This abutting parcel is currently located in Kootenai County and will remain that way until a formal request is made to the city.

In recent years, there have been two annexations and R-12PUD approvals in the immediate area, commonly known as “Birkdale Commons” and “Birkdale Commons North” in 2022 and 2023, respectively.

The applicant specified that this project will be completed in one phase that may include saving the existing home on the easternmost lot and would be removed/replaced with a six-plex toward the end of the project timeline.

Under Finding B5, Commissioner Coppess asked about the open space in Tract B saying that it does not look like 10% of the whole site. He was wondering if there was some kind of math that was done to calculate the total.

Mr. Holm replied yes staff did make sure it met the 10% requirement.

Mr. Holm continued his presentation and analysis of the subdivision findings.

Under the Subdivision Finding B2, Commissioner Fleming asked about the parking spots. There are 63 parking spaces over the required 48 parking spots. The 2 parking spots as you turn right where the line of site is, would be tough spots. Why put those two parking spots there? She thinks this is a bad idea and unpleasant to have these as parking spots so close to the intersection. They are also going to have to mow the lawn and remove the snow. She thinks the over parking is detrimental.

Mr. Holm replied city code does have a standard for the parking. It is a little bit difficult to understand where the property line meets and the actual city street is. That standard is: no parking stall shall be closer than 20 feet from the back of curb. The applicant will respond to your concern.

PROPOSED PUD AND SUBDIVISION CONDITIONS:

Engineering:

1. Approximately 10 feet of right-of-way along 15th Street shall be deeded to the City to create the required 40-foot half-width.
2. The on-site sidewalk should be concrete rather than asphalt as it will be poorly defined across the frontages of the garages and is likely to be blocked by parked cars. Additionally, the proposed asphalt surface is more susceptible than concrete to rutting, heaving, and other distortions resulting in accessibility issues.

Fire:

3. Must meet fire flow requirements of 2018 IFC and fire hydrants spacing requirements.
4. FD access minimum 20'. Minimum at fire hydrant locations is 26'.
5. Proposed turn around appears to meet fire code requirements.
6. All other Fire policies will be met at time of building permit.

Planning:

7. The creation of a homeowner’s association (HOA) will be required to ensure the perpetual maintenance of the open space, all other common areas, the private street, stormwater maintenance, and snow removal.
8. The open space must be completed, or bonded for (150%), prior to recordation of the plat. The open space areas shall be consistent with this approval and include the same or better amenities and features. If bonded for, the open space must be completed prior to the first certificate of occupancy.

9. The applicant's requests for subdivision, PUD, and annexation run concurrently. The subdivision and PUD designs are reliant upon one another. If the PUD is approved and in the future subject to expiration due to non-performance, the city may de-annex the subject property.
10. An access/utility easement over the private road will be required to allow for automobile circulation for all residents of the future vehicular connection on the north stub. In turn, staff will request the same treatment on the property to the north if developed similarly, with the goal of creating a looped system.

Wastewater:

11. Sewer Policy #719 requires a 20' wide "All-Weather" surface permitting unobstructed O&M access in a utility easement (30' if shared with Public Water) to be dedicated to the city for all city sewers.
12. An unobstructed City approved "all-weather" access shall be required over all city sewers.
13. This PUD shall be required to comply with Sewer Policy #716 requires all legally recognized parcels within the City to be assigned with a single (1) city sewer connection. "One Lot, One Lateral".
14. City sewer shall be run to and through this project and installed to all city specifications and standards.
15. Idaho Code §39-118 requires IDEQ or QLPE to review and approve public infrastructure plans prior to construction.
16. WW would ask that sewer lateral for Lot #4 be installed into dead-end manhole.
17. Cap any unused sewer laterals at the city main (In 15th Street)

Water:

18. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional service will have cap fees due at building permit.
19. Any unused water services currently serving this property must be abandoned.

Mr. Holm noted the action alternatives this evening. The Planning and Zoning Commission will need to consider these two requests and make separate findings to approve, approve with conditions, deny, or deny without prejudice.

Mr. Holm concluded his presentation.

Vice Chair Ingalls stated since there is a PUD and 4 different lots, he is assuming there will be 24 units over the 4 lots those would be individually owned homes, correct? Otherwise, why would you have an HOA?

Mr. Holm replied they can be single ownership with six units each with separate ownerships of all six units or they could potentially condo it. The applicant can answer all those questions.

Vice Chair Ingalls said this is a property that should be annexed into the City. Everything around it is maintained by the city. The first responders are city of Coeur d'Alene. The parks are City. You have called these donut holes. In your professional opinion, would be good business practice to annex in this property?

Mr. Holm replied, in his professional opinion, this would be good practice.

Commissioner Ward asked for clarification on the plat and the property lines. In looking at the plat, do the front lot lines for the five homes on the five lots go across the street or does it terminate somehow in front of the buildings?

Mr. Holm replied they terminate the southern end of Laney.

Commissioner Ward asked if the street, the sidewalk, the parking, and everything is within each lot?

Mr. Holm replied the lots are located just to the South. He also wants to mention this will be a private road.

Commissioner McCracken commented about the hammer head for the fire trucks. Does this meet the code?

Mr. Holm replied this will be a private road and the Fire Department has indicated the hammer head meets their requirements.

Public testimony open.

Connie Krueger, applicant, introduced herself, said she lives in Post Falls, and was sworn in. She stated she is the planner for this project. There are no environmental concerns at this location on 15th Street. There a lot of other multi-family homes located near this location. All engineering and building code standards will be evaluated with a future construction plan and building permit approvals as well with individual permits to be issued by the respective agencies. The HOA will maintain the open space, common areas, street, stormwater and snow removal. The owner will be putting the utilities and road improvements in at his expense along with the taxes and impact fees to the community. The Townhomes will be built under the IRC (International Residential Code). The units will be stand-alone with common walls. They will be built to be sold separately as units if the owner desires to do that. The open space is at 10%. The parking will have 1 garage and 2 external spaces. The open space will consist of a dog park, and it will be fenced. The snow storage will be pushed to the north end of the road up into the storm water swale. The property lines will be in the back of the parking area. The Townhome structures are set back 25 feet from the north property line. They will be made improvement along 15th Street, they will be putting in concrete curbing gutters, sidewalks and swales, and also some street trees. The home that is on the property right now will remain as of right now. The builder has not decided as to when they will remove that structure during the building phase. The owner would like for these Townhomes to be affordable to the public. The small units should be around \$325,000 - \$350,000. and the large unit \$350,000. - \$375,000. They have reviewed all of the conditions and they are in agreement of those conditions.

Commissioner Ward stated he has no problem with the annexation he is happy with the price range of the homes, and asked what are the square footage of the homes?

Ms. Kruger replied 1300-1500 square feet.

Commissioner Ward asked about the northeast corner when you come out of the site, there are 24 units and maybe 48 cars when you come out onto 15th Street. What is the offset between there and Mary Lane? He believes this might be a traffic hazard.

Ms. Kruger replied there is a bit of an offset, she did have a couple of preapplication meetings with the city. The City Engineer did encourage them to locate the approach on the north end to try and make that as close to Mary as possible while being on their own property rather than coming in on the south end of the property.

Commissioner Ward stated the North side, there will be dumpsters. How many will there be?

Ms. Kruger replied they have spoken with the CDA Garbage and they are fine with the where the dumpster are going to be located.

Commissioner McCracken stated these will be divided into 4 lots with some common areas. Will these be divided into individual units?

Ms. Kruger replied yes. We will file a Townhome plat; this will legally create property for each unit.

Commissioner McCracken replied she appreciates the individual ownership of the units because this allows them to be affordable.

Commissioner Fleming stated the curb cuts, raised stoops, door width's, bathroom accessibility, and ADA parking for the handicap and disability users and also the lawnmower maintenance workers. She would like the builder to keep that in mind.

Brad Hobson introduced himself and was sworn in. He stated he is one of the owners of this project. One of the partners is a Doctor at Northwest Specialty Hospital. They work with first responders and healthcare workers and offer discounts; they want to build homes because they are having staffing shortages because people cannot afford to live here. They started to build these multi-family homes at an affordable price.

Applicant rebuttal:

None.

Public testimony closed.

Commission Discussion:

Commissioner Ward stated we really need housing in this town, and he likes the prices of these. His concern is he does not want to grant approvals that are in effect are a detriment to zoning development. He feels the site plan itself is overutilizing the property. He feels it is not well laid out. He thinks the traffic is a problem and the parking in front will have neighbors fighting with each other. Down the road that will be the developer's concern. He feels like the site plan could use some more work.

Commissioner Luttrupp commented that one of his issues is the PUD, and the annexation to a degree, there are building codes here that the property owner can elect to follow or can elect to ask for a PUD where there can be some modifications for that. The City also has some values as well when a PUD comes before us. One of our values is affordable housing. He will support this project, but he is putting forward a challenge to the Commission to look at the exchange of values and see if we can identify the values that the City will receive, commensurate with the values that the property owner will receive.

Vice Chair Ingalls states he appreciates what commissioner Ward has said. This is not perfect. He thinks this is similar to ones that come before us, and we have approved.

Motion by Commissioner McCracken, seconded by Commissioner Coppess, to approve item PUD-3-24 with the amended condition number 2. Motion Carried.

ROLL CALL:

Vice Chair Ingalls	Voted Aye
Commissioner McCracken	Voted Aye
Commissioner Luttrupp	Voted Aye
Commissioner Ward	Voted Nay
Commissioner Coppess	Voted Aye
Commissioner Fleming	Voted Nay

Motion approve with conditions by a 4 to 2 vote.

Motion by Commissioner McCracken, seconded by Commissioner Coppess, to approve item S-4-24 with the amended condition number 2. Motion carried.

ROLL CALL:

Commissioner Fleming	Voted Nay
Vice Chair Ingalls	Voted Aye
Commissioner McCracken	Voted Aye
Commissioner Luttrupp	Voted Aye
Commissioner Ward	Voted Nay
Commissioner Coppess	Voted Aye

Motion approve with conditions by a 4 to 2 vote.

3. Applicant: ignite CDA and Riverfest LLC
Location: Atlas Waterfront 2nd Addition Block 1 Lots 1-16, and Block 14 Lot 14
Request: Atlas Waterfront Planned Unit Development (PUD) Amendment #5 for minor modifications to Development Areas 8, 11 and 20 (**PUD-4-19m.5**)

Presented by: Hilary Patterson, Community Planning Director

Ms. Patterson introduced the item and said the decision point for this item is should the Planning and Zoning Commission approve Amendment #5 to the Atlas Waterfront Planned Unit Development to include minor changes in Development Areas 8 (north of the alley), 11 and 20.

The PUD Amendment #5 for the Atlas Waterfront project would revise the final Development Standards for the project to incorporate minor changes to make the setbacks more consistent in Area 8 (north of the alley) with the rest of the project, and to respond to market conditions, community needs and soil conditions for Areas 11 and 20.

BACKGROUND INFORMATION:

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 associated with PUD Amendment #5 is specific to Areas 8, 11 and 20.

Proposed amendment for area 8: for rear-loaded condition, reduce building side setbacks to 5". For both front and rear-loaded conditions, change side separation between buildings to 10" minimum if there is no property line, reduce the front yard setback from 15'-10' min. and front porch setback from 9' to 4' add planters constructed as part of a porch for front yard setback and flatwork only.

Proposed amendment for area 11: Reduce side yard setback from 6" to 5". Allow Fire Station Civic Use north of Top Saw Lane. Add performance standards for near loaded TH, SF and MF, Reduce MF front yard setback from 15" to 10. (This is something exploratory as of right now).

Proposed amendment for area 20: Land use description since new layout will have garages facing streets and the pedestrian route and park removed. Add a Cottage court lot category with 30' wide x 80 deep dimensions. Reduce SF rear yard 10' at Prairie Trail. Clarify land use to also include near loaded single family homes and twin homes. Reduce cottage court rear yard setback from 15' to 10'.

Ms. Patterson noted that there are seven findings for the PUD request, B1-B7, and provided the analysis of the project's compliance with the findings.

Ms. Patterson provided the updated conditions and noted that condition 6 had been satisfied and that

Wastewater added two new conditions as highlighted. The other conditions were previously adopted for the project with the commission's approvals.

CONDITIONS:

- 1) Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional service will have cap fees due at building permits.
- 2) An unobstructed City approved "all-weather" access shall be required over all public sewers.
- 3) Mill River Lift Station Surcharge Fees will be required on all EDUs discharging sewer into the Mill River Service Area during the building permit process.
- 4) This Project shall be required to comply with the City's One Lot-One Lateral Rule.
- 5) All public sewer plans require IDEQ or QLPE Approval prior to construction.
- 6) A new wastewater study will be needed if 390 DU's of residential sewer flow to the Riverside Lift Station is exceeded.
- 7) Wastewater would require the sewer generated in Areas 11 and 20 be discharged into the Riverside Interceptor directly, and not into the Riverside LS Basin.
- 8) Further increase in density will require additional hydraulic modeling the sewer flows acceptable to the Wastewater Utility and upsizing public sewer.
- 9) The minimum width of the cul-de-sac on Jammer Ln. shall not be less than 96 feet.
- 10) Single access road over 150 feet requires a FD approved turn-around.
- 11) Turning radiuses for FD is 25' interior and 50' exterior.
- 12) Minimum street width for FD access is 20' with no parking allowed on both sides of the street. 20' to 26' width – no parking on one side of the street.
- 13) Fire hydrant placement is based on the required minimum fire flow. Maximum distance between fire hydrants is 600 feet.
- 14) Building address numbers shall face the street that they are addressed to.
- 15) Over 30 single family residents on a single fire department access road requires a secondary FD egress road (20' minimum).
- 16) Build a 12-foot shared-use path and an adjacent 8-foot gravel path along the waterfront.
- 17) Use 'Driveway Mix' asphalt in the construction of the paved trail.
- 18) Sterilize the ground with herbicide before laying down gravel and asphalt.

Ms. Patterson noted the action alternatives this evening. The Planning and Zoning Commission will need to consider the Atlas Waterfront PUD Amendment #5 to include minor changes to Development Areas 8 (north of the alley), 11 and 20 in the Development Standards, and make findings to approve, deny, or deny without prejudice.

Commissioner Coppess asked about the overview of areas 11 and 20 less than initially being designed for population density, since then you have spoke about increased density's, he has not been here all of the other times, he was wondering it because the amendments have gone through a shrinking and growing process?

Ms. Patterson replied that the whole project has been reduced in the number of units. She thanked

Commissioner Coppess for asking this question so she could clarify that the reduction in units was not specific to areas 11 and 20.

Vice Chair Ingalls asked if any of the commissioners had a conflict of interest. There was none.

Public testimony open.

Phil Boyd of Welch-Comer Engineers, applicant, introduced himself and was sworn in. He noted that he wanted to clarify a few items with the requested modifications. He stated that Area 8 was not originally platted with an alley. The plat was changed from a front loaded to an alley loaded configuration after the current owner, Riverfest, purchased it. They would like to change to setbacks and allow the house to move forward so the relationship between to the back of the walk and the front of the house is 15' which would be consistent to the rest of the neighborhood. But to accomplish that, they have to change the technical setback from 15' from the right of way to 10' of the right of way. They would like to have more separation between the private space and the public space.

Commissioner Fleming asked if this would increase the footprint of the actual house?

Mr. Boyd replied no, they are just moving the house forward.

Mr. Boyd continued with this presentation and showed the renderings of the planters in front of the homes and it shows more privacy between the homeowners and the public in Area 8.

In Areas 11 and 20, the topography which was part of the driver of some of the deviation requests, they are still short of fill material. When they excavated the site, they had made estimations of how much non-structural soil was there. They had gone beyond that. When they went to backfill the soil, they did not have enough structural fill available to get to their aspirational finished grade. They anticipate acquiring enough structural soils by February or March of 2025.

Commissioner Fleming asked what are the variation of the lines?

Mr. Boyd replied they are 1 foot contours.

Mr. Boyd continued with his presentation and spoke about the non-structural soils and noted that Ms. Patterson came up with the idea of putting them in the Cottage Court yard. The ignite board thought it was a great idea for a Cottage Court inspiration for a higher density and lower price point. There will be Townhomes in Area 11 and possibly a new Fire Station. Area 20 they would like to increase density with the cottage courtyard. The challenge is to get road circulation through with the changing topography.

Commissioner Fleming asked about the Prairie Trail and what is happening on the opposite side of the trail next to the small single-family homes. There is green space that is no man's land. It's ugly and there are no trees. She does not know what the City's intent is with it. Now the Prairie Trails houses are just 10' feet from the trail with this proposal. This is a busy trail. Sometimes cyclist are going 35 miles an hour. If they put in a fence, they will break their neck. It's dangerous. She walks this very regularly. Who maintains this?

Mr. Boyd replied this section of the trail is owned by ignite. The intent on the east side of the trail is to use some of it for stormwater treatment, and landscape it. The master HOA for Atlas Waterfront will then maintain that area. The trail will be given back to the City. The HOA will retain an easement on top of it to maintain a portion of it. The safety aspect of the setback from the edge of the trail to the fence line is an important consideration. He will dig into that.

Vice Chair Ingalls commented he would like to hear more about the cottages proposed for Areas 11 and 20. Comparatively, there are real high-end homes in the project. Are these going to be more affordable

for local folks?

Mr. Boyd replied the short answer they have worked through a number of models to look at the potential number of price points. The size of units are 1200 to 1500 square foot range. The ignite board's objective overall for phase 3 is to create a lower price product that they can there while retaining architectural standards that don't negatively impact the remaining neighborhoods. He cannot speak about a price point at this time yet.

Rod Rodda introduced himself and was sworn in. He stated he works for Architects West and is representing Riverfest, the owners of Area 8. He has designed the homes in Area 8. When the alley was designed, it pushed up against that area and the lots are super tight. There was no driveway. Along Lumber there was no parking for visitors. It would have been very beneficial to shift those units forward. He is in favor of this modification.

Lynn Mark introduced himself and was sworn in. He said his home is on the alley way in Area 8, south of the alley. He is in favor of moving the homes forward.

Applicant Rebuttal:

None.

Public testimony closed.

Commission Discussion:

Commissioner Ward stated that Mr. Boyd had a great presentation.

Commissioner Fleming states B3 conclusions of law she cannot agree with the proposal is compatible with the natural features of the site and adjoining properties. This is a site that is in motion. The soils are unpredictable and not clean. She would like to state that the proposal will be compatible. She feels this will be a liability she does not want to see sink holes, or foundations that are failing. She would like to see the terminology change; it currently is not meeting that standard.

Commissioner Coppess asked Ms. Patterson if the City's Building Department required Geotech information and soil compaction rates before signing off.

Ms. Patterson replied yes, with the building permits that is all in the requirements.

Commissioner Fleming stated as of today, the natural conditions referenced under finding B3, do not exist.

Vice Chair Ingalls stated there is a motion on the floor from Commissioner Ward.

Commissioner Luttrupp commented he wanted more discussion on the motion. He wants to know if Commissioner Ward would be willing to modify finding B3 to reflect Commissioner Fleming's concerns.

Commissioner Ward replied he understands what commissioner Fleming is saying and he appreciates that things can change. But the City's system and review process are adequate. He is not going to change the motion.

Commissioner Coppess stated when putting foundations on unstable grounds, you have to pass all kinds of tests with engineers and ensure that the ground is ready. We are not liable for this is. This would fall under codes and permits.

Commissioner McCracken asked Attorney Adams if the commission could change words in the findings.

Mr. Adams stated the findings come right out of the municipal code and if you decide not to find that then you either approve or not approve the PUD.

DRAFT

**Motion by Commissioner Ward, seconded by Commissioner Coppess, to approve item PUD-4-19m.5.
Motion carried.**

ROLL CALL:

Commissioner Fleming	Voted Nay
Vice Chair Ingalls	Voted Aye
Commissioner McCracken	Voted Aye
Commissioner Luttrupp	Voted Aye
Commissioner Ward	Voted Aye
Commissioner Coppess	Voted Aye

Motion approve with conditions by a 5 to 1 vote.

Commissioner Luttrupp asked about having a discussion regarding the high concentration of 15th Street at a later date.

ADJOURNMENT:

Motion by Commissioner McCracken, seconded by Commissioner Fleming, to adjourn. Motion carried.

The meeting was adjourned at 9:09 p.m.

Prepared by Traci Clark, Administrative Assistant