

**PLANNING COMMISSION  
MINUTES  
MARCH 14, 2023  
LOWER LEVEL – LIBRARY COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

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

**STAFF MEMBERS PRESENT:**

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

**COMMISSIONERS ABSENT:**

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion by Ward , seconded by McCracken, to approve the minutes of the Planning Commission meeting on February 14, 2023. Motion approved.

**STAFF COMMENTS:**

Hilary Patterson Community Planning Director provided the following comments:

- Ms. Patterson announced that we won't have a Planning Commission meeting in April because we didn't receive any applications.
- She commented that the impact fees are on track with the consultant team who is busy collecting data from us to help build the Capitol Improvement Plans for Police and Fire to help update our impact fees.

**ADMINISTRATIVE:**

1. Applicant: Bear Waterfront, LLC.  
Request: A 12-month extension request for S-5-21, Mahogany Lane  
ADMINISTRATIVE

Mike Behary, Associate Planner provided the following comments:

- Bear Waterfront LLC is requesting a one-year extension of S-5-21 (Subdivision) to December 21<sup>st</sup>, 2023.
- Section 16.20.040 of the City Code allows the Planning Commission to allow for a subdivision extension. Up to five one-year extensions may be approved by Planning Commission. The applicant has requested the one-year extension in a letter submitted on December 22, 2022. This request would allow the applicant extra time to complete the infrastructure requirements and extend the subdivision approval.
- He stated, if approved, the existing 32 conditions will need to be met.

Mr. Behary concluded his presentation

Commissioner Ingalls inquired what are the issues preventing the recordation of the final plat. Mr. Behary explained it pertained to the installation of the infrastructure plus a retaining wall issue.

Commissioner Fleming inquired if this will impact the Centennial Trail relocation. Mr. Behary explained that the trail will be constructed this summer.

**Motion by Ingalls , seconded by Luttropp, to approve a 12-month extension request for S-5-21, Mahogany Lane. Motion approved.**

**PUBLIC HEARINGS**

1. Applicant: City of Coeur d’Alene, Police Department  
Location: Lot 2, Block 1 Bunker Park  
Request: A proposed Civic/Administrative Office Use special use permit in the LM zoning district.  
QUASI-JUDICIAL, (SP-2-23)

Tami Stroud, Associate Planner provided the following comments

- The City of Coeur d’Alene is requesting a Civic Administrative Special Use Permit in the Light Manufacturing zoning district. If approved, the current Police Headquarters building located on the adjacent lot to the south would be expanded into the newly acquired lot to the north.
- The first phase would include approximately a 5,000 square foot addition, with the goal of a future expansion of another 20,000 square feet in the future with a total complex of approximately 25,000 square feet.
- The new facility would house several offices, an evidence storage area, and shower/locker facilities. It may also include briefing and other meeting rooms.
- The expansion is needed due to the increasing population to maintain the current level of service in regards to public safety.

- On March 11, 1997, the Planning Commission approved a request from the City of Coeur d'Alene for a Civic Administrative Special Use Permit on property located at 3818 Schreiber Way.
- The special use permit approval allowed for civic administration use in the (LM) Light Manufacturing zoning district.
- The approval authorized construction of a +/- 20,000 square foot law enforcement facility. A one-year extension of the special use permit was approved on January 24, 1998.
- She stated that the Comprehensive Plan categorizes this area as General Industrial land.
- She noted the various staff comments located in the staff report with no objections to this request.
- She commented that there are no conditions.

Ms. Stroud concluded her presentation

**Commission Comments:**

Commissioner Ingalls noted that there has been a number of Special Use Permits approved over the years in this area with the majority of properties requesting something other than light manufacturing. Ms. Stroud stated CDA Cellars was considered manufacturing but required a Special Use Permit to provide a tasting room and retail. Commissioner Ingalls maybe be this area should be rezoned as Civic/Office, business support etc. and would seem an odd fit if someone requested a special use permit for Light Manufacturing wouldn't fit.

**Public testimony open.**

David Hagar, Police Captain representing the City of Coeur d'Alene's Police Department as the applicant, provided the following statements:

- He stated that the Police Department is planning ahead for a total buildout by expanding the building into this location that will more than meet all of our needs in the future.

Mr. Hagar concluded his presentation.

**Public testimony closed.**

**Motion by Ingalls, seconded by Ward, to approve Item SP-2-23. Motion approved.**

ROLL CALL:

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

Motion to approve carried by a 7 to 0 vote.

2. Applicant: Dennis Cunningham

Location: Btwn Beebe & Lakewood Dr on Union Dr  
Request: .

- A. A modification to "The Union PUD"  
QUASI-JUDICIAL, (PUD-3-19m2)
- B. A modification to the preliminary Plat "The Union"  
QUASI-JUDICIAL, (S-4-19m2)

- Mike Behary, Associate Planner provided the following comments.
- A proposed modification request is to allow Lot 24 of The Union PUD to split into eight residential lots and one mixed-use lot.
- In 2019 the applicant was approved for a residential and mixed use planned unit development (PUD). The 2019 PUD was originally approved on 3.6 acres that allowed 23 residential lots and one commercial mixed-use lot to be known as "The Union" in the C-17 zoning district.
- In 2022 the applicant proposed to modify the PUD. This request was to have Lot 24 of the Union split into 10 residential lots, and 1 mixed-use lot.
- This proposed modification added 11 dwelling units to the PUD and reduced the commercial lot from 29,482 SF to 5,366 SF.
- The planning commission held a public hearing on this item (PUD-3-19m1) on November 8, 2022. After hearing all the testimony on this PUD modification request, the planning commission denied the request without prejudice.
- The applicant has since revised his PUD amendment application and reduced the number of units. This PUD modification request is more consistent with what was approved in the original PUD.
- The current proposed PUD has a reduced number of lots after hearing the testimony from the 2022 meeting. The applicant is proposing to modify the PUD of the commercial mixed-use lot (Lot 24). This request is to have Lot 24 of the Union split into 8 residential lots, and 1 mixed-use lot. This current proposal will reduce the commercial lot from 29,482 SF to 6,191 SF.
- This proposed PUD amendment will use the existing public street that was approved in the original PUD in 2019.
- The proposed lots will all have access off of Union Drive. The applicant has indicated that the proposed commercial mixed-use development is proposed to be a three-story structure.
- The first floor will consist of two entry lobby areas with elevators, garage space, and a shop/storage area.
- The second floor will be used for a commercial use.
- The third floor will consist of one residential unit. All of the required parking for this mixed use will be provided on the commercial mixed-use lot.
- The 8 additional residential lots will have single family attached houses on them. Attached single family dwellings share a common wall with another home that is separated by a property line. This is similar and consistent with what was approved in the original PUD. The applicant has submitted building elevations of the proposed mixed-use facility and the proposed residential dwellings.

- The applicant has also submitted a PUD site plan that shows the proposed site layout and the building locations on the proposed PUD.
- The applicant has indicated a five-foot building setback from the side property lines for the residential lots, which will equate to a ten-foot setback from structures, this is consistent with what was approved in the original PUD in 2019.
- The open space requirement for a PUD is no less than 10% of the gross land area. The applicant's proposed PUD modification won't change the open space for the project.
- It will still have a total of 10% of the total gross land area dedicated toward public open space. The proposed open space is consistent with what was approved in the original PUD, with a total of three open spaces areas placed in separate locations across the whole PUD development.
- One of the open space areas will be located at the northwest end of the property and is adjacent to the mixed-use development. This public open space area will have a patio area with patio tables and chairs for seating that can be accessed by the public directly off of Centennial Trail and off of Beebe Boulevard.
- The second open space area is a 10-foot trail connection and grass area that will provide trail connectivity to Centennial Trail to the trail that access north to Riverstone.
- The third open space area is located on the southeast part of the property and can be accessed by the public directly off of Centennial Trail. This open space is proposed to have picnic tables, turf grass, box planters, native grasses with boulder and wildflower plantings.
- This public open space area will also have a public sidewalk connection to Lakewood Drive's sidewalk to the north. These two public open space areas are currently under construction and close to completion.
- The applicant has indicated that if the PUD modification is approved then site improvement and site infrastructure work would begin Spring 2023. The proposed PUD modification will increase the overall density from 7.2 units per acre to 8.9 units per acres which is less than the 17 units per acre that is allowed in the C-17 zoning district.
- The City Comprehensive Plan Map designates this "Place Type" as: Planned Development
- He noted in the staff report where the city departments comments were located and stated that all departments didn't have any objection to this request.
- He commented, if approved, there are eight conditions for consideration.

Mr. Behary concluded his presentation

**Commission Comments:**

Chairman Messina noted on page 19 in the staff report the comment from Chris Bosley, City Engineer indicated that the existing street width wouldn't allow for on-street parking and if it did would result in an enforcement issue pushing overflow parking to other areas and also stated they had no objection to the Planned Unit Development (PUD). Ms. Patterson explained that there is some on-street parking allowed where one side of the street allows for on-street parking and that all code requirements have been met for single family/mixed use. Mr. Behary explained in the original PUD on street parking was approved along with the road width which isn't part of this request.

Commissioner Ingalls inquired about the requirement for open space and for clarification if all PUDs

require 10% private/public open space is a requirement for finding B8E. Mr. Behary commented that's correct. Commissioner Ingalls explained that he uses the trail and down the road if these open space areas are converted to some other use would the applicant be bound to keep it public without reopening the PUD. Mr. Behary explained part of the PUD/Platt process the open space will be in a separate tract and recorded as open space and if a change is requested that would require another public hearing.

**Public testimony open.**

Christine Baker from HMM Engineering, applicant representative, provided the following statements:

- This new proposal fits in with the original PUD.
- She noted on the rendering of what is being proposed that includes a change to lot 24 splitting it into eight residential lots, one mixed use lot and an open space tract that was previously discussed.
- She explained we are also requesting a 3-foot setback instead of the required 5-foot setback on the open space border and on the residential side is the standard 5-foot setback which is the only difference to what was previously approved.
- She noted on a rendering of what the open space area will look like providing a patio space which will be open to the public that will include bike racks, tables and landscaping.
- She explained parking meets the City Code requirements providing two-off street parking spaces per residential unit including the mixed-use lot have been met and that commercial parking requirement will be fulfilled by the carport located underneath on the first floor of the building that will provide four spots with an ADA parking spot in the front plus the residential will have three garage spots including the two spots in the driveway and that we are providing more spots that is required.

The applicant concluded her presentation.

Karen Hansen commented that this request has changed since it was first presented with the building that now looks like it covering the entire lot. She added if the 3-foot side setback is approved it will set a precedence for other developers asking for the same thing. She invited the commission to drive this area noticing how congested this area is after approving these deviations.

Karen Schomeer stated she concurs with the previous statements and stated this area is congested and doesn't understand why the applicant is requesting further modifications.

**Rebuttal:**

Ms. Baker provided the following comments.

- She explained the 10% open space is based on the entire lot that will be divided among the three open space tracts.
- She explained the street parking originally approved with the PUD those requirements haven't changed.
- She explained the streets are narrow and one of the Engineering tools we use is a "road diet" a design where narrow streets promote slower traffic in residential areas.
- She noted the commercial building foot print won't cover the entire lot that will meet the current code setbacks excluding the 3-foot set back we have requested next to the open space lot.
- She explained that the driveways do meet code which has a 20-foot depth which is a standard requirement.

**Commission Comments:**

Commissioner Ward inquired about the 3-foot setback is it adjacent to the public open space and questioned how wide is the open space. Ms. Baker estimated at the southern end is about 29 feet wide

and at the northern end is 36 feet with the first building from Beebe Boulevard would be 35 feet. Commissioner Ward inquired if the two parking spaces provided are those outside in a garage and are they tandem or parallel. Ms. Baker explained that it would be both driveway and garage and that the residential plans are in draft form but will be meeting all city requirements. Commissioner Ward asked if there are garages. Ms. Baker explained that the plans are still in draft form and not sure if those spaces will be tandem or two car garages but there will be two off street parking spaces available.

Commissioner Ward commented traffic is bad not because of the number of units because there isn't enough through streets which is something we can't do anything about since this is already developed.

Commissioner McCracken inquired with this proposal was the height of the building lowered. Ms. Baker answered that is correct and explained in the previous proposal the residential units were proposed to be higher than originally approved.

**Public testimony closed.**

**Discussion:**

Commissioner Fleming stated that she wasn't here when this PUD was originally approved and based on the Engineering comments that the commercial use of the building would have driven more trips and by putting in these homes will have less impact to traffic. She stated that she supports this request and it is much better plan than what was previously approved.

Commissioner Ingalls concurs this project will promote less traffic . He added that he was at the original hearing for this project which was denied and now with this request is a continuation of what is already there. He commented Riverstone isn't for everyone and is more congested and explained Riverstone was conceived a long time ago with a different vision that has changed but we got a wide range of housing types.

**Motion by Fleming, seconded by Mandel, to approve Item PUD-3-19m2. Motion approved.**

ROLL CALL:

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

Motion to approve carried by a 7 to 0 vote.

**Motion by Mandel, seconded by McCracken, to approve Item S-4-19m2. Motion approved.**

ROLL CALL:

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

Chairman Messina Voted Aye

Motion to approve carried by a 6 to 0 vote.

3. Applicant: Hamilton Investments, LLC  
Location: 1411 N. 4<sup>th</sup> Street  
Request: A proposed Custom Manufacturing special use permit in the C-17 zoning district.  
QUASI-JUDICIAL, (SP-3-23)

Tami Stroud, Associate Planner provided the following comments.

- The applicant/owner is requesting a Custom Manufacturing Special Use Permit using the existing multi-tenant commercial space which would be converted into a beverage processing/production facility.
- A retail area will be provided, where the organic juices produced on-site will be sold directly to walk-in customers. Most of the products (100% of the beer) will be sold to Pilgrims Market, located across the street and also owned by the applicant.
- There will also be a classroom area opened to the public, which is a use allowed by-right. The existing building is 3,608 sf and was previously used for retail type wine and beer making business.
- The city Comprehensive Plan categorizes this area as Retail Center
- She noted in the staff report where the various city departments comments were located stating that all departments didn't have any issues with this project.

Ms. Stroud concluded her presentation

**Commission Comments:**

Commissioner Ward questioned if this area is north of the Midtown overlay. Ms. Stroud stated that is correct. Commissioner Ward explained that the special use permit is for light manufacturing and if approved they decide to discontinue the use and this property is sold would the light manufacturing special use permit carry over to the new owner. Ms. Stroud clarified this applicant is requesting a custom manufacturing special use permit that wouldn't carry over to a new owner.

Commissioner Ingalls inquired about parking and if the six-stall parking requirement meets the requirement for parking. Ms. Stroud stated that is correct. Commissioner Ingalls commented that he found six stalls a little "light" with the applicant proposing to have classes and making beer with customers coming in six stalls seems light. Ms. Stroud explained based on our parking code six stalls were triggered and with the previous use the city didn't hear any complaints or issues with parking. She added that she discussed with the applicant about deliveries who is here to explain and if there were any deliveries using the alley,

Chairman Messina inquired about the previous use and if they were making or just selling equipment to make beer or wine. Ms. Stroud commented that the previous use was for people making wine.

Commissioner Luttrupp commented that 6 parking spots meet our code and, in the future, we should have further discussion about parking to maybe looking at reducing parking in other parts of the city.

**Public testimony open.**



Joe Hamilton applicant provided the following statements:

- He explained we wanted to do only manufacturing and told by staff that we had to have something open to the public and if this is something that could be changed tonight.
- He explained that this project fits with the Comprehensive Plan and provided a list of polices that support this project.
- He commented by having a classroom this will benefit the community with education and by approving this permit would provide more jobs. especially in the community.
- He commented in the past we have provided other places space in their facility for production.
- He explained the addition of building was only for production and distribution.

Mr. Hamilton concluded his presentation.

**Commission Comments:**

Commissioner Ward inquired if this type of use produces any odors. Mr. Hamilton commented that there will be no odors and noted other breweries in this area that haven't had any complaints. Commissioner Ward inquired if there is an area designated for unloading trucks. Mr. Hamilton stated that he has seen delivery trucks stop on 4<sup>th</sup> Street and there is an alley which would be discouraged to use. Commissioner Ward inquired if there will be any outside storage. Mr. Hamilton stated yes there will be storage outside. Commissioner Ward inquired about trash pickup. Mr. Hamilton stated that it would be in the alley since there are other commercial buildings in this area who use the alley and that there is an existing shed not being used that could be used for a trash pickup area.

Chairman Messina asked staff to clarify the applicant's comment about preferring not to do retail, and wondered if this is something we can place a condition for that change. Ms. Patterson clarified that the property needed to have a retail component as a principal use which would allow the Special Use Permit (SUP) for the proposed use.

Commissioner Mandel commented that this has to be open to public but we can't dictate hours or services that something has to be accessible to the public. Ms. Patterson answered that is correct and we don't determine the hours of a business.

Commissioner Ingalls commented if this is approved the applicant will have some flexibility since this application if for a light manufacturing business. Mr. Hamilton explained in the past we offered classes maybe have two a week.

Lawrence Lepinski explained that he was recently hired at Pilgrim's to be a part of beverage production. He explained that the dumpster will be located where the exiting shed is located as noted on the floor plan.

**Public testimony closed.**

**Motion by Fleming, seconded by Mandel, to approve Item SP-3-23 Motion approved.**

ROLL CALL:

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

Motion to approve carried by a 7 to 0 vote.

**ADJOURNMENT:**

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

The meeting was adjourned at 7:00 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant