

**PLANNING COMMISSION  
MINUTES  
SEPTEMBER 12, 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  
Mark Coppess

**STAFF MEMBERS PRESENT:**

Hilary Patterson, Community Planning Director  
Mike Behary, Associate Planner  
Traci Clark, Public Hearing Assistant  
Randy Adams, City Attorney

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion by Commissioner Luttrupp, seconded by Commissioner Coppess, to approve the minutes of the Planning Commission workshop on June 20, 2023. Motion approved.

Motion by Commissioner Fleming, seconded by Commissioner McCracken, to approve the minutes of the Planning Commission meeting on August 8, 2023. Motion approved.

**COMMISSION COMMENTS:**

None.

**STAFF COMMENTS:**

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

- This is Shana's last commission meeting, as she is retiring this Friday after 28 years of service with the city.
- There will be a joint workshop with City Council regarding Impact Fees on September 20 at 12:00.
- At the October meeting, there will be two hearings, a Special Use Permit request and an Annexation request.
- There will be a Joint Workshop with the Planning and Zoning Commissions throughout Kootenai County on November 2<sup>nd</sup> from 5:30-7:30 pm. Please RSVP to Greta Gissel with Connect Kootenai.
- The Kaufman Estates appeal hearing will be held at the October 3<sup>rd</sup> City Council meeting.

**PUBLIC COMMENTS:**

None.

**ADMINISTRATIVE:**

- 1, Applicant: Coeur d'Alene Homes, Inc dba Orchard Ridge Senior Living  
Location: 704 W. Walnut  
Request: A request for a one-year extension for SP-2-22.  
ADMINISTRATIVE, (SP-2-22)

Mike Behary, Associate Planner, provided the following statements:

- The applicant has submitted a letter requesting the extension with a statement explaining that due to the global supply chain disruptions coupled with intense inflationary pressures surrounding the costs of construction materials have placed a brief pause on their development plans. They are closely monitoring the market to determine the most cost-effective timeframe to proceed with construction and are committed to see its completion as soon as feasible.
- On August 9, 2022, the Coeur d'Alene Planning Commission held a public hearing on the above request and approved by a 7 to 0 vote with the following condition.

**Planning:**

1. The parcel shall be deed restricted to residents of 62 years of age or older to qualify for the reduced parking standard prior to the issuance of a Certificate of Occupancy (CO or TCO).
- The commission is being asked to approve or deny the request of Coeur d'Alene Homes, Inc. dba Orchard Ridge Senior Living for a one-year extension of an approved R-34 Density Increase Special Use Permit for a proposed multi-family apartment complex in the R-17 zoning district.
  - The subject property is located south of US 95 and east of Northwest Boulevard as shown on the map outlined in yellow.
  - The R-34 would increase potential density from 35 units to 68 units and height from 45 feet to 63 feet. He also noted that if the proposed structure measures 50,000 square feet or more that Design Review will be required.
  - The Commission alternatives are to grant a one-year extension of the approved special use permit to August 24, 2024 or to deny the one-year extension. If denied, the item expires and the applicant must reapply for the density increase special use permit.

Mr. Behary concluded his presentation

**Commission Comments:**

**Motion by Commissioner McCracken, seconded by Commissioner Ward, to approve Item SP-2-22.**

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Coppess	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Votes	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to approve carried by a 7 to 0 vote.

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

1. Applicant: Azzardo, LLC  
Location: 3912 N. Schreiber Way  
Request: A proposed multi-use Special Use Permit  
in the LM Zoning District  
QUASI-JUDICIAL, (SP-7-23)

Mike Behary, Associate Planner, provided the following statements:

- Azzardo LLC is requesting approval of a total of six (6) activity uses; including three (3) service activities and three (3) commercial activities, via the Special Use Permit process on a 1.26-acre parcel located at 3912 N. Schreiber Way, to allow for the following uses in the LM (Light Manufacturing) Zoning District.
  - Commercial Activities:
    - Business Supply Retail Sales
    - Food & Beverage Stores (on/off site)
    - Specialty Retail Sales
  - Service Activities:
    - Commercial Recreation
    - Personal Service Establishment
    - Professional & Administrative Offices
- The Light Manufacturing (LM) District is intended for a variety of manufacturing uses that are conducted indoors with some manufacturing uses that include outdoor activities that may create some noise, dust, and odor. Residential uses are not permitted.
- The applicant's proposed uses would be conducted primarily within the proposed structure, and the applicant is aware that a possible manufacturing use may be built in the area, or may occupy an existing structure. An outdoor patio area could be affected by an adjacent manufacturing use, in which case the city would support the continued operation of the manufacturing use, as allowed by right, in the context of the city's performance standards.
- It should be noted that special use permits expire within 1 year of the effective date of approval unless substantial development has begun, and if the use ceases for two (2) years.
- The subject property is located off of Schreiber Way south of Kathleen Avenue. It is currently vacant.
- There are three findings that must be met for a Special Use Permit, Findings B8A through B8C.
- The City Comprehensive Plan Map designates this land use type as "General Industrial" and the plan describes the Key Characteristics, transportation, typical uses, and compatible zoning.
- There are several Comprehensive Plan goals and objectives included in the staff report that may apply to the special use permit request.

- He addressed each of the three findings. For Finding B8B, he showed that while the property is zoned LM, it is shown as a commercial use on the Land Use Map and is surrounded by all commercial land uses with one civic use (a church) to the east across Schreiber Way.
- He noted the comments from city staff under Finding B8C stating that they didn't have any objection to the Special Use Permit.
- He commented, if the Special Use Permit request is approved, that there are (3) proposed conditions.

Mr. Behary concluded his presentation

**Commission Comments:**

Commissioner Ingalls thanked Mr. Behary for the good report. He asked about the language on page 2 of the staff report regarding the possible manufacturing uses that may be built in the area. He asked if the applicant has been made aware that this is this light manufacturing zone. Mike Behary explained, yes, this is a light manufacturing zone and that the applicant is aware that there might be some noise and that manufacturing uses are allowed by right to go in to this other building and surrounding areas, which could create adverse noise and dust. Commissioner Ingalls stated we have a duty to protect surrounding properties that may have a manufacturing use that might make some noise or generate dust. Mike Behary stated: yes, we wanted to make sure that the applicant is aware of the manufacturing uses are by right based on the underlining zoning.

Commissioner Fleming stated that there are six activities associated with the special use permit request and asked who will monitor what those activities will be. Mike Behary stated that if they wanted any more uses that they will have to come back to the Planning Commissioner and request a Special Use Permit for that activity. He reiterated the language from the staff report and presentation about the special use permit expire within 1 year of the effective date of approval unless substantial development has begun and that the approval also expires if the use ceases for two years. Commissioner Fleming states a lot of these are lease situations they might be putting themselves in a tight box and she wants to make sure they know they are constraining themselves. She added that the design of the structure looks great.

Commissioner Ward questioned if no specific uses are being identified at this time. Mike Behary responded that they have not indicated a specific use and that the request is to provide flexibility for tenants. Commissioner Ward stated he is concerned that the Special Use Permit is too broad and he believes they should identify the use. He feels that they are in essence creating a different zoning district by requesting six uses with the special use permit and he feels this goes against the code.

Commissioner McCracken stated it doesn't make sense to have this broad of a choice. She would prefer that they have the users identified and that they then come in for the special use permit request. Mike Behary responded that the Planning Commission has approved similar special use permits with 6 uses on other properties in this area.

Commissioner Fleming agreed and said that the commission has done this before for one structure with a mix of uses and multiple tenants. We trust the owner is going to take care of his building and their property and make sure he is protecting their investment as well.

Commissioner Coppess noted a slide showing the parcel is light manufacturing and asked to see the slide again showing the land uses on the surrounding properties. He noted that it looks like the majority of the properties are commercial. Mike Behary agreed and stated that only three parcels that are manufacturing. Commissioner Coppess asked if there have been any complaints. Mike Behary stated that there have been none.

### **Public testimony open.**

Dave Shrontz, applicant representative, introduced himself and was sworn in.

Commissioner Luttrupp asked if Mr. Shrontz was fully aware that the zoning is light manufacturing and that industrial uses are permitted by right, and they might be inconsistent with the operating of the proposed business. Mr. Shrontz responded that yes, the owner is aware of the permitted uses.

Commissioner Luttrupp also stated that the commission has approved special use permits for uses other than manufacturing in this area and the fact that there haven't been any complaints does speak positively of our planning process, but he wants to make sure we keep the integrity of the underlying manufacturing zoning.

Steve Jennings, resident of Hayden Lake, stated this is a blanket request for the property and he is concerned about what the uses will be. Hilary Patterson, Community Planning Director, stated that on page two of the staff report it clarifies the timing of a special use permit expiring. Commissioner Luttrupp asked Mr. Jennings what his concerns were and if he was concerned about traffic. Mr. Jennings stated that he represents a manufacturing use along Schreiber Way and that he is fearful that if the commission continues to approve special use permits for commercial uses that the manufacturing uses will be pushed out.

Commissioner Ward stated that he anticipates the zoning will remain as light industrial. Commissioner Coppess responded that there is a push for more manufacturing uses to take place locally and in American, and that businesses are looking for places to do high tech manufacturing. He asked if there is a vision for this area. Mike Behary explained if a winery moves in that it would need a special use permit and the underlying zone stays the same. Commissioner McCracken questioned the tenant space in the building and wondered if there were two spaces. She said it was difficult to know from the application. Mr. Behary commented that there is one building with options for several tenants, and added there would be adequate parking available. Chairman Messina asked for clarification on the six uses which are listed in the request. Mr. Behary explained that if they did not proceed with the special use within one year that it would expire. Chairman Messina stated we are approving the six uses and if the use goes away after 2 years, then that expires too, they will have to come back and do another special use permit request to the Planning Commission.

### **Public testimony closed.**

#### **Discussion:**

Commissioner Ward stated he has no problem with any of the individual uses listed as a special use permit for this zoning district, but they are special uses for a specific reason, and they do have different impacts from the listed permitted uses in that zoning district. He said it is the commission's job to think through potential impacts of the requested uses. He would have no problem coming back and saying they want to do a certain use, but he does not feel comfortable doing an open-ended approval.

Commissioner Coppess concurs and understands this was done once for another property. He questioned that if the commission did it once, should it be approved.

Commissioner McCracken concurs and said the commission needs more information on the specific uses.

Commissioner Ward asked if the requested uses would allow for retail, food and beverage. Staff responded that yes, those uses would be allowed, if the permit was approved.

Commissioner Ingalls asked why aren't they being specific and that he doesn't understand why they are not stating what businesses are coming in. He added it might be a combination of various uses. He agreed that there have been a lot of various uses in the area and we haven't had any complaints, so he doesn't

see a problem with the request. He does support the request.

Commissioner Luttrupp stated it would be nice if the owner was here to ask questions.

Chairman Messina stated that he concurred and it would have been nice to have the owner here.

Randy Adams, City Attorney, addressed the question of precedence is a pretty complex and pretty complicated issue and it is really not something we do not need to address in this meeting but yes there would be a potential for discrimination if you approve this or deny something but precedence based on unique circumstance of every piece of property, you can always find differences approving other requests with multiple uses. Mr. Adams also clarified that the wastewater condition, number 1, would need to be amended if the commission approves the request – it should say, “no permanent structures or monuments can be built within the sewer easement.”

**Motion by McCracken, seconded by Luttrupp, to deny without prejudice Item SP-7-23. Motion approved.**

ROLL CALL:

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

Motion to approve carried by a 4 to 3 vote.

**ADJOURNMENT:**

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

The meeting was adjourned at 6:15 p.m.

Prepared by Traci Clark, Public Hearing Assistant