

**PLANNING & ZONING COMMISSION
MINUTES
JANUARY 9, 2024
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
Sean Holm, Senior Planner
Traci Clark, Administrative Assistant
Randy Adams, City Attorney
Chris Bosley, City Engineering

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Commissioner McCracken, seconded by Commissioner Ward, to approve the minutes of the Planning Commission meeting on December 12, 2023. Motion carried.

Motion by Commissioner McCracken, seconded by Commissioner Fleming, to approve the minutes of the Planning Commission's workshop on December 13, 2023. Motion carried.

PUBLIC COMMENTS:

Bill Irving, introduced himself and said he lives in Coeur d'Alene, is a member of the City's ped bike committee and has lived here since 1986. He is here to find out how the commission works, and to encourage a more pedestrian, bicycle friendly community. He wants to further his knowledge of what he can do to become more engaged with the commission. He feels the value of homes would increase if neighborhoods are walkable or bikeable. When people are driving less, we have less congestion. If there are high requirements for parking imposed by the city, it makes it less safe for pedestrians and bicycles. Additionally, parking is very expensive and takes up a lot of space. He would like to help minimize the requirements that the city requires for the people to build and reduce as much parking as possible.

Chairman Messina suggested there are many committees and encouraged that he get involved.

Ms. Patterson replied to Mr. Irving and said she was aware that he already spoke with Senior Planner, Sean Holm, and she would be happy to talk to him as well. She also suggested he contact the City Engineer, Chris Bosley.

Commissioner Luttrupp replied he should talk to Trails Coordinator, Monte McCully, with the Parks and Recreation Department.

STAFF COMMENTS:

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

- The Commission will have a short recess after the hearing, and then reconvene with a workshop regarding findings and facts.
- The February 27th Planning Commission Meeting will have one item on the agenda, a PUD (Planned Unit Development) amendment request.
- The Joint Workshop will be January 22, 2024 regarding the Atlas Waterfront project with City Council, Planning & Zoning Commission and Ignite CDA at noon.
- The Impact Fees hearing will be January 16th with City Council. They did approve the code amendments that allow the city to move forward with the Impact Fees changes. On January 16th City Council will adopt the Capital Improvement Plans for the Parks, Transportation Fire and Police and adoption of the Fee Study and adoption of the Fees, if the Council elects.

COMMISSION COMMENTS:

Commissioner Ingalls confirmed the January 22nd workshop will take place at noon in the Community Library room.

Ms. Patterson confirmed that he was correct about the date and time of the joint workshop.

Commissioner Luttrupp asked about the last meeting when he had asked about River's Edge and staff informed him that the developer has not progressed far enough to present the revision to council. He believes that there is some expectation that the people would like to see progress done in a timely fashion. Is there a requirement to keep the public posted in a way at certain points in time. He would also like the community to understand that there are tradeoffs with a PUD (Planned Unit Development) and compromises on both sides. The City and the property owner reach an agreement. As one has been approved and one has not followed through with the property owner, his questions is do we have an issue on which PUD takes precedence, the first one which he assumes does and secondly if there is a conflict between the 1st PUD and the 2nd, where the 2nd takes control. The confusion would be the items of the 1st PUD are implemented and they want to go back to the 2nd PUD, he feels this could cause a lot of confusion. It would be nice if staff could help clarify that for the commission in the next few months.

Ms. Patterson replied that she will look at this issue.

ADMINISTRATIVE: *ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.**

1. Applicant: GS4 Property, LLC
 Location: SE Corner of the intersection of 15th Street and Best Avenue
 Request: A proposed zone change from a NC (Neighborhood Commercial) to C-17 (ZC-1-24)

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

The applicant is requesting approval of a zone change from NC (Neighborhood Commercial) to C-17.

BACKGROUND INFORMATION:

The subject property is vacant and is located on the southeast corner of the intersection of 15th Street and Best Avenue. The subject site is 0.93 acres in area and is relatively flat. The site is adjacent to two duplexes and one single family dwelling that are located in the county to the east. To the south is a multi-family apartment complex that is located within the city limits. There is a gas station on the northwest corner of intersection of 15th Street and Best Avenue that is zoned C-17.

The subject site is currently zoned Neighborhood Commercial (NC) and was annexed into the city in 2011 in item A-1-11. The applicant is now requesting that the C-17 zoning district be applied to the subject site.

The applicant has indicated that if this zone change request is approved, then he intends to build a gas station with a mini mart and a quick serve restaurant on the subject site. However, it should be noted that if the zone change is approved all uses within the C-17 zoning district would be allowed.

The applicant has indicated that they will be incorporating similar aspects as to the existing gas station and store that is located on the northwest corner of the intersection Seltice Way and Atlas Road.

- Low profile signage.
- No LED reader boards.
- Fuel refilling will not be excessive – limiting the number of filling stations.
- Electric car charging potential.
- Fuel canopy lights will be turned off after 11 p.m.

There are four (4) findings that must be met for the re-zoning, Findings #B8-#B11.

1. **Finding #B8: That this proposal (is) (is not) in conformance with the Comprehensive Plan goals, objectives and policies.**

2042 COMPREHENSIVE PLAN LAND USE:

- The subject property is located within the existing city limits.
 - The City's Comprehensive Plan designates the subject property in the Mixed-Use Low place type

2042 Comprehensive Plan Place Types:

The Place Types in the Comprehensive Plan represent the form of future development, as envisioned by the residents of Coeur d'Alene. These Place Types will in turn provide the policy level guidance that will inform the City's Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, adjacencies, and allowed uses.

Place Type: Mixed-Use Low

Mixed-Use Low places are highly walkable areas typically up to four-stories. Development types are primarily mixed-use buildings, with retail, restaurants on corners or along the entire ground floor frontage, but could also include townhomes and multifamily housing. Floors above are residential, office, or a combination of those uses. Multifamily residential development provides additional housing options adjacent to mixed-use buildings. This place type is typically developed along a street grid that has excellent pedestrian and bike facilities, with mid-block crossings, as needed, to provide pedestrian access.

Compatible Zoning Districts within the "Mixed-Use Low" Place Type:

- C17 and C17L; NC and CC Zoning Districts.

Community & Identity

Goal CI 1: Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

Objective CI 1.1: Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Growth & Development

Goal GD 1: Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make CDA a great place to live.

Objective GD 1.1: Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

Goal GD 2: Ensure appropriate, high-quality infrastructure to accommodate community needs and further growth.

Objective GD 2.1: Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

2. **Finding #B9: That public facilities and utilities (are) (are not) available and adequate for the proposed use.**

- City staff from Engineering, Streets, Water, Fire, Police, Parks and Wastewater Departments have reviewed the application request in regards to public utilities and public facilities.
- Each department had indicated that there are adequate public facilities and public utilities available to serve the proposed zone change request.

3. **Finding #B10: That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.**

PHYSICAL CHARACTERISTICS:

The site is general flat and has a slight slope to the east. The site is vacant of buildings and is in a natural state with grass and trees located on it. Site photos are provided on the next few pages showing the existing conditions.

4. **Finding #B11: That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses**

TRAFFIC:

The proposed zone change itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from a zone change alone. However, the applicant depicts eight fueling positions (four pumps) in the site plan as well as a market. Using Land Use Code 853 – Convenience Market with Gasoline Pumps from the ITE Trip Generation Manual, it can be estimated that this use will generate 133 a.m. peak hour trips and 153 p.m. peak hour trips. It is assumed that many of these trips would be pass-by trips rather than diverted trips.

It is unlikely that this use will adversely affect traffic on 15th Street. 15th Street is a Major Collector that experiences over 1000 trips per day. The Kootenai Metropolitan Planning Organization's traffic model predicts a potential maximum of 1200 vehicles per hour, but capacity would largely be controlled by the traffic signal, which can theoretically move over 1700 vehicles/hour. Future 15th Street improvements will upgrade the traffic signal to better accommodate traffic. Access to 15th Street will be limited to approximately the south ½ of the parcel to ensure approaches are not

within the functional area of the Best Ave intersection.

NEIGHBORHOOD CHARACTER:

The neighborhood is a mix of commercial and residential uses. A gas station mini-mart is located on the northeast corner of the intersection of 15th Street and Best Avenue. To the south is a multi-family apartment complex along with some duplex housing units. The remaining properties to the north, east, and west have residential uses located on them.

Proposed C-17 Zoning District:

The C-17 district is intended as a broad-spectrum commercial district that permits limited service, wholesale/retail and heavy commercial in addition to allowing residential development at a density of seventeen (17) unites per gross acre.

This district should be located to arterials; however, joint access developments are encouraged.

The following is a list of some of the principle uses that are permitted in the C-17 District:

- Administrative Offices
- Banks and financial institutions
- Child Care Facility
- Commercial kennel
- Department stores
- Food and beverage stores
- Funeral service
- Group Assembly
- Hospitals/healthcare
- Hotel/motel
- Ministorage facilities
- Mobile food court
- Professional offices
- Retail Gasoline sales
- Specialty retail sales
- Veterinary office

Hours of Operation

Nonresidential uses may only be open for business between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M.

Development & Design Standards

- A. At least fifty percent (50%) of any first-floor wall facing an arterial street must be glass.
- B. If the building does not abut the sidewalk, there must be a walkway between the sidewalk and the primary entrance.
- C. Surface parking should be located to the rear or to the side of the principal building.
- D. Trash areas must be completely enclosed by a structure constructed of materials similar to the principal building. Dumpsters must have rubber lids.

- E. Buildings must be designed with a residential character, including elements such as pitched roofs, lap siding, and wide window trim.
- F. Lighting greater than one foot-candle is prohibited. All lighting fixtures shall be a "cutoff" design to prevent spillover.
- G. Wall mounted signs are preferred, but monument signs no higher than six feet (6') are allowed. Roof mounted signs and pole signs are not permitted.
- H. Signs shall not be internally lighted, but may be indirectly lighted.

There was a zone change in 1982 from R-12 to C-17 on the opposite corner where there is a Nom Nom gas station.

Decision Point: Zone Change

The Planning Commission is being asked to provide a recommendation to the City Council on whether the proposed zone change from Neighborhood Commercial (NC) to C-17 should be adopted or rejected.

Mr. Behary, concluded his presentation.

Commission Comments:

Commissioner Ingalls stated there is a caution of a proposal of a vision from an applicant, such as a gas station. The applicant will propose all these different design features to soften the fact it will be a gas station. Once the zone takes effect, the applicant can change his mind, or even sell the property and the property could be developed with any allowable use in that zone. He would like to understand, if the Commission puts conditions on the decision such as turning the lights off at 11:00, how does it survive into perpetuity, if the applicant sells the property and now the C-17 does not go away.

Mr. Behary stated the conditional zoning will be on record and the Planning & Zoning along with the building department will know when it comes forward for development that those conditions would be implemented. If the conditions need to be changed or wanted, they would have to come back to the Planning & Zoning Commission to request those changes.

Commissioner Ingalls asked about traffic and how it would be really hard to figure out the amount of traffic generated by this project since much of the traffic would be passing by anyway. Is there a way to quantify how the traffic would impact the neighborhood.

Mr. Behary stated the City Engineer is here to answer any questions about the traffic counts. The owner does have neighborhood commercial rights now, and can build a project right now under the use.

Chairman Messina asked regarding the traffic, will it be in and out on 15th Street and no access on Best Ave.

Mr. Behary stated this would need to be answered by the City Engineer.

Commissioner Luttrupp stated that if the commission approves this zone change, he does not need to build a gas station, he could build anything on the property as long as it meets the C-17.

Mr. Behary states that is correct.

Commissioner Luttrupp asked about what other business are on East 15th St., from the north city limits to Sherman.

Mr. Behary stated there are a few convenience stores down by the middle school.

Commissioner Coppess asked Mr. Behary about the Comprehensive Plan and trying to get a broader picture of what it is intended for this area by 2042. He asked if the plan was developed by the citizens of Coeur d'Alene.

Mr. Behary stated that is correct, there were multiple public hearings and workshops for the citizens.

Commissioner Coppess stated when you look at this neighborhood it lists as potential zoning from NC to C-17 these zones are in this area where the people had envisioned the growth.

Mr. Behary replied, that is correct.

Commissioner Coppess asked was this based on urban sprawl and growth, or based on what was there at the time when the Comprehensive Plan was what the people saw C-17, NC, etc. so these zones are intended to stay.

Mr. Behary replied it is based on multiple factors, but it is based on what is existing there now and also where the growth is going to happen, how much traffic will be a factor, what will support the residential neighborhood down the road, also what kind of mix use and what the vision will be in the future.

Commissioner Coppess stated in the end if the owner of the property who is going to make an educated guess that the people want a certain service. Also, are there conditions that can be made on the C-17 zone if it was granted.

Mr. Behary replied you can have conditions on items, such as the lights be turned off at 11:00 p.m, but not the uses.

Ms. Patterson clarified that yes, the Commission can limit the uses and the hours the business is open and closed as a condition of the zone change request.

Chairman Messina would like Ms. Patterson to clarify that if the zone gets the approval, can the Commission put a condition on this property that since it was presented as a gas station it must stay as a gas station and if the applicant would like something different, he has to come back.

Ms. Patterson stated if the Commission makes a recommendation, it's ultimately up to the City Council to make the final decision on the zoning and if there are conditions placed on the zone change. The Planning & Zoning Commission has the ability to recommend conditions. If there is a change in the future, if there were conditions approved and they wanted to change them, they would have to amend the conditions. This would have to go back to City Council.

Commissioner Ingalls asked Mr. Behary about the applicant's gas station at Seltice and Atlas and if this new gas station that he is proposing might be like the one on Atlas. He wondered if this would be considered a good fit for the neighborhood on Seltice (Circuit at Seltice). He asked if the Atlas gas station was already zoned C-17.

Mr. Behary states that the neighborhood was done through a PUD and is zoned C-17. The residential PUD came first, then the gas station came after.

Commissioner Ingalls stated if he had bought a house in the residential neighborhood, he can't complain now that this development went through because they were both zoned C-17.

Chairman Messina asked Mr. Behary if this property has always been in the city.

Mr. Behary replied it was annexed in 2011, A-1-11 with a NC zone.

Commissioner Ward asked on the east side and south side of Best Avenue if everything is residential. The Site Plan shows two curb cuts off of 15th Street. This would make a very awkward situation for them to be able to access this gas station off of Best Avenue.

Mr. Behary replied that the entrances they are showing on the Site Plan have not been approved. They are just proposed. The City Engineer will review those Site Plans if the project moves forward.

Chairman Messina stated he would like the City Engineer to address the in and out on Best Avenue or 15th Street only based on what is in front of the Commission now.

Chris Bosely, City Engineer, replied that he had spoken with the applicant regarding the access points. They need to be out of the functional area of the intersection so that it would not conflict with left turns on 15th Street or Best Avenue. An approach onto Best Avenue would work and it would be similar to the gas station at Ironwood and Government Way. It would be easier to turn left onto Best and make the left turn to go south onto 15th Street, there would be fewer conflicts than if you turned left out of the gas station onto 15th Street. The applicant has not proposed approaches at this time.

Commissioner Fleming asked about north 15th Street and if the city was going to widen the road.

Mr. Bosely, replied it will not be widened but it will be improved. The project is in design right now. It will go from Harrison Street to Best Avenue. It will be three (3) lanes (including the center turn lane) for the entire length with bike lanes on each side, and a shared use path on the east side from Cherry Hill Park up to Best Avenue. There will be signal improvements as well at this intersection.

Commissioner Coppess stated that the Commission has received a few public comments regarding the property if it was re-zoned stating that it would increase traffic flow and impact safety. The report from the City Engineer Department does not predict additional traffic flow or safety.

Mr. Bosley states there could be some increased traffic flow, but his staff report comment was that the traffic would be pass by trips, meaning they are already heading up 15th Street, generally for residents that need to get gas. He doubts that someone living on the west side of town is going to go out of there way to go to a gas station at this location. This is going to act similar to the gas station on the NW corner, (Nom Nom). It would be more convenient if you are going northbound to hit this gas station, southbound traffic would hit Nom Nom.

Chairman Messina asked Ms. Patterson when it comes to Plan Review, in regards to the Planning Department, does landscaping and setbacks, etc. go through the Planning Department.

Ms. Patterson replied yes, there are performance standards for either of the zoning districts, when the plan comes in, staff from all departments make sure it meets all of the setbacks, landscaping, buffering, parking requirements, bike racks, and access driveway locations.

Public testimony open.

Applicant testimony.

Rex Anderson, Fusion Architecture, applicant's representative/architect, introduced himself and was sworn in. He stated he grew up in Coeur d'Alene and now lives in Spokane. In 2023 Andy Singh proposed this project. It was Andy's intent to bring something in to the neighborhood that was a good neighbor. Mr. Singh has three (3) of these projects already and understands the neighborhood connection. The applicant wants his business to fit into the neighborhood and the zone change to make this successful. Mr. Singh intends to have the lights off after 11:00 p.m. and low-profile signage. He looked at the 2022-2024 comprehensive plan and aligning that document to the proposed building type and gas station and store that would fit the needs that are local for the community. He has quick serve items, open coolers that provide coffee and donuts. He also wants to provide electric car charging

stations to fit the need for electric cars. Along with a building that would have more of a quick serve or retail. He will follow the developmental requirements. The NC zone does align with the Comprehensive Plan but it would also have an impact on the community and what it would be doing with regard to traffic. He feels the best use for this site would be the C-17 because of the Comprehensive Plan designation for this area.

Chairman Messina asked in regards to the market and the quick serve if the quick service is going to be rented out, or is the owner going to be doing that as well.

Mr. Anderson, replied that it has not been decided. In the C-17 zone it would allow a free-standing restaurant or coffee shop use, but it would be again something that would be relevant to the community and serve a need.

Chairman Messina asked is the design going to be similar to the design that is on Atlas.

Mr. Anderson replied that it would not be a knockoff of that design. Mr. Singh wants to create something that looks good and will fit the neighborhood.

Commissioner Fleming stated that the market on Atlas that Mr. Singh owns is great. On the C-17 there are no height restrictions, other than for residential buildings. He needs to look around the neighborhood and make sure he keeps in proportion on height.

Mr. Anderson commented that Mr. Singh would like to offer fresh produce. He wants to fill a need at this location, with more grocery items. In regards to the height limit, this building will be scaled down.

Commissioner McCracken asked about the size comparison.

Mr. Anderson replied the one on Atlas is over 8500 sq, the proposed building will be considerably smaller.

Chairman Messina asked how many fueling stations will there be.

Mr. Anderson that Mr. Singh will answer that question.

Commissioner Coppess asked Mr. Anderson about scaling down from the initial plan. Was it based on the interaction with city staff.

Mr. Anderson replied no, the same model does not fit this neighborhood.

Commissioner Luttrupp asked if the applicant had met with the neighbors.

Mr. Anderson replied, no.

Commissioner Luttrupp stated that was unfortunate.

Andy Singh, applicant, introduced himself and was sworn in. He has lived in Coeur d'Alene for over 25 years, and states there is no grocery store nearby. He feels that this location is a food desert and if you go into Nom Nom, everything is overpriced. His margins are only 15% markup regarding frozen food, grocery, and dairy. He wants to serve the people in this residential area. People have a need and he is willing to work with the neighborhood. If there are any complaints or recommendations that the people will want, he is willing to go the extra mile. He feels this area has nothing to offer with regards of fresh food. There is only one option going to Nom Nom. He states there will be no big signs and he will do things the right way.

Chairman Messina asked how many fuel pumps will there be.

Mr. Singh replied there will be four (4) pumps. He understands that the neighborhood does not want something 24 hours a day so he will be turning off the lights after 11:00. The hours of operation will be open 6:00 a.m.-11:00 p.m. every day. Lights turned off when the business is closed. This is not a high crime area. For the lease space, the Union Coffee has inquired about it. He would like to sell coffee, donuts and pastries. Mr. Singh indicated that he wants to partner with someone local. Not a corporate business like Subway.

Public Testimony.

Jon Thomasset, introduced himself and was sworn in. He is opposed to the zone change. He would have liked to have seen a rendition of what the building would look like. He lives in Best Hill Meadows. He states there are 106 homes in his neighborhood and did not receive a Public Notice. He feels this gas station would impact his neighborhood.

Mr. Adams, City Attorney, clarified that the Public Notices were sent out within 300 feet of this property. Not 300 notices and that staff is following State Law.

Mr. Thomasset stated that he thought 300 notices were sent out and that 300 feet only notifies the homes in front and side, and that is like shooting a water gun and saying those people have been notified. He stated the C-17 would allow an all-encompassing change. He addresses the list of what opens up for the future use, mini storage, mobile food court, etc. Some of these things would not be desirable in the neighborhood. He referred to the 2022-2024 Comprehensive Plan and said it appears when this plan was developed, the powers to be saw fit to have the neighborhood be NC zoning.

Ms. Patterson states the Comprehensive Plan sets the vision not the zoning for the Community.

Mr. Thomasset quoted from the one of the letters that was sent in from Ross Morton, "...if we consider what is the greatest need much needed residential land to help the affordability crises or another gas station/convenience store directly across the Street from the existing gas station is clear to see the former is the most reasonable path forward." He feels that affordable housing is a better use for this space.

Steve Listman, introduced himself and was sworn in. He stated he did not want this property to be annexed into the city. His house backs up to the lot, with no privacy, The apartments that have been built have lights on at night that make his property lit up like a Walmart parking lot. He has chickens. People throw food over the fence for his chickens. He does not want a gas station in his back yard. The apartments already block his sun and this will ruin his sunsets. He has lived at his property for 34 years. He did not vote for the Commission since he lives in the County. He is not against progress and growth. But he would like to see housing instead. This will ruin his lifestyle. Put duplex or three duplexes. His quality of life is going downhill.

Commissioner Luttrupp stated the Commission is not elected. They are appointed by the City Council.

Cathy Moehling introduced herself and was sworn in. She is opposed to the gas station. She is concerned for the need of affordable housing. There is not a need for another gas station, since there is one on the corner already. She feels the public's needs are already being met with Nom Nom. The traffic has increased because of Highway 95 becoming so busy. If there are added more services, this will increase the traffic. She is also concerned about the access into the business. The residents will be trying to move on Best Avenue, there will be more traffic coming out of a business. There is a no extra need of this service in this neighborhood.

Chairman Messina stated to Ms. Moehling if she is concerned about the extra traffic that if the applicant wanted to build a commercial business or housing, there will be more traffic than there is right now.

Ms. Moehling stated that with C-17 you do not have the height restrictions. This is impeding upon the privacy in the neighborhood to have a large structure obscuring their view and sunsets.

Chairman Messina reminded Ms. Moehling that the zone that it is in right now, it can go up to 32 feet of height and that is with the residential above ground with commercial. The potential of having traffic is still going to be the same. Traffic will be on the property no matter what is developed. He also wants to point out that when the Commission makes their recommendation that we put in the findings what the commission sees here in the NC.

Ms. Moehling stated she would prefer a combination of a residential/commercial. She feels if a gas station would go in there would be more foot traffic through the doors, so more traffic in general.

Commissioner Fleming stated by right with the NC zoning there could be commercial and professional office daycare, medical/dental practices, parks, personal services, hairdresser, and residential above ground floor only new construction and retail. By the Special Use, religious institutions, and schools. These all drive traffic.

Ms. Moehling stated, yes anything will drive traffic but what does the community want and need.

Joe Archambault, introduced himself and was sworn in. He lives in Best Hill Meadows Subdivision and is the President of the HOA. He states you can argue about traffic for anything that could possibly go in. He would like it to remain the NC zoning. The gas station will cause more traffic, and Nom Nom is across the street. Yes, the city is going to be improving 15th Street but that is along way down the road. We don't need a gas station at this corner. The constant traffic flow of a gas station would be a problem. The lights are already insufficient at Best and 15th Street.

Bob Newkirk, introduced himself and was sworn in. He lives in Best Hill Meadows. He is opposed to the gas station. There is no need, the neighborhood has Nom Nom. This does not add to the neighbors. This will only add more noise and traffic.

Jim Meyers, introduced himself and was sworn in. He states he walks the neighborhood every day. He watches the traffic going in and out of Nom Nom, fuel tankers, 18 wheelers, and ATVs. He feels this would be multiplied if there was another gas station. Yes, traffic will go up with any new development, if there is only 2 ways to get in and out on 15th Street. Trying to get a fuel tanker to do a U-turn to get back out on 15th Street in this lot will be very difficult. There has been no discussion as to how big the facility will be, which will create a question of how much product can go into the store.

Debbie Smith, introduced herself and was sworn in. She lives in Best Hill Meadows. Her concern is Best Meadows has no outlet. There are over 100 homes, in the event of an emergency with an evacuation there is only one way out and that is on Best Avenue. Any more traffic would hinder this.

Chris Booth, introduced himself and was sworn in. He is opposed to the gas station. He lives on Borah Ave and has lived at the home for 22 years. He chose this area because there was not a lot of commercial buildings it was calm. There is a station on the corner already.

Thayer Hornby, introduced himself and was sworn in. He is opposed to the gas station. He lives in Best Hill Meadows for 25 years. There needs to be more housing not another gas station. If the zoning does change, will there be a limit to what the uses would be. If the zoning where to change this could open up for a variety of things to be put in.

Mark Carlton, introduced himself and was sworn in. He is opposed to the gas station and feels the neighborhood is not in a food desert. We are five minutes from Costco, gas stations, and grocery stores. This development would not add anything for the neighborhood.

Kim Seeley, introduced herself and was sworn in. She states she has a young family. She lives on Randall Avenue. The street is used as a cut through to get back onto Best. Any business would bring more traffic. She does not want all of her family pictures from the front yard to have a gas station in the background. She is fine with residential housing.

Gerrie Schoenhard, introduced herself and was sworn in. She states she has lived in her home for 60 years. It is very peaceful, lots of traffic already, the gas station would make it worse. All the extra lights, and noise. Competition is good but this is more of a residential neighborhood. The neighborhood does not need two gas stations. This was not in the city limits when she first bought the home.

James West, introduced himself and was sworn in. He is opposed to the gas station, and lives in cda, He agrees with everyone, there is only one way in or out on Best Avenue. The food will be the same that Nom Nom offers. He thought he heard some disingenuous from the presentation. Talked about no impact on traffic and then there is going to be a big plan to enhance 15th Street and add traffic lights. There are many concerns about traffic and the type of people that might come to this type of business. There is not enough certainty to change the existing zoning. The neighborhood did not get notified in Best Hill Meadows at all.

Carl Gove, introduced himself and was sworn in. He is opposed to the gas station. He states he was not informed at all about the zone change, the city did not fire very far with the notices.

Chairman Messina states again the city did the proper mailing as per the code. The notice's go out within 300 feet of the subject property.

Ms. Patterson stated, the city also posts the site and publishes in the newspaper.

Mr. Gove states the sign is 2x2. The east side of 15th Street all the way down to Sherman there is a gas station. Further up through our area all the way up to the Middle School at Dalton Avenue. This is completely residential. This will change that now by putting this gas station here. The west side has Nom Nom. He moved from that "place down South" a few years back. He considers himself an Idahoan now. He had acreage and down sized to Best Hill Meadows. There is no outlet which is a great advantage because there is no thru traffic. He is five minutes from everywhere, he can go downtown, freeway, Costco and get gas and groceries. He hopes this will stay residential.

Carol Dewolf, introduced herself and was sworn in. She lives alone in Best Hill Meadows. It's safe and she feels secure in her home. She states there is one way in and out of the development. She is concerned about the potential of having riff raff coming around with a convenience store. She has no problem with Nom Nom. She is concerned for the public safety if a store is put on this corner.

Rob Knudson, introduced himself and was sworn in. He is neutral. He lives in Indian Meadows. He states that Mr. Singh does offer lower prices at his establishment, but he is worried about the encouraged traffic because he does have lower prices.

Applicant rebuttal.

Mr. Singh states this will be a market on this property. He states this will fit into the neighborhood. He wants to have fuel pumps because the money that is made, it helps pay the employees better. His current employees make \$18.00 an hour. He does not have high turnover. He wants to do a good job and satisfy the community's needs. He will listen to any complaints and concerns. He will set up a meeting at a hotel for the neighbors and listen to what they want. He will not run low prices just to get a bunch of people to come to the store. He will be fair and competitive. Will give \$100.00 gift cards to the neighbors that come to the meeting. The Atlas building is over 8500 sq feet, this building will not be this big or tall.

Chairman Messina asked Mr. Singh to clarify his statement about there being a market there no matter what. He asked staff to clarify if the existing NC zone allows retail as convenience sales if he does not have gas.

Ms. Patterson replied regarding the NC and that convenience sales fits under the retail.

Mr. Singh stated it will be a bigger market if he cannot do gas pumps. There needs to be extra income flowing in.

Commissioner Luttrupp states when the applicant has great plans and the residents do not understand those plans, this is where the conflict will come in. Maybe the residents do not fully understand what you want to put on your property and maybe you don't understand the concerns of the residents. Maybe you should meet with them and come to more acceptable conclusion. He states maybe this should be tabled tonight.

Mr. Singh stated he is willing to go door to door to invite more people to come to a neighborhood meeting.

Chairman Messina states the commission tonight will either approved or not approve this zone change.

Commissioner Ingalls stated we are making a recommendation to the City Council tonight.

Ms. Patterson stated the Commission tonight will recommend to adopt or not adopt the zone change. The commission may recommend conditions. The commission can table a hearing, but no one can deliberate, and no ex parte communication. The community cannot speak with the Commission, and the Commission cannot talk to the applicant. The Commission would have to have a specific reason why it would be tabled, such as requiring more evidence. This would happen with a motion. The Commission would then schedule to reconvene for the continuation of the hearing.

Commissioner Fleming states that the applicant does show electric car charging, does this fall under a retail facilitation.

Ms. Patterson replied this would follow under essential service.

Mr. Singh stated that if the zone change is approved, before the City Council meeting, he will hold a town hall meeting on design.

Ms. Patterson stated that if the Commission makes a recommendation either way – recommend adoption or rejection – Mr. Singh is offering to meet with the neighbors before the next hearing with City Council for the final determination on the zone change.

Commissioner Luttrupp stated his opinion there would be some advantage to postpone this or hold over and have the applicant meet with the neighbors to see if there would be some mutual agreement to be reached. He would suggest that only if the applicant is interested in doing this.

Mr. Singh states he does not want to postpone this. He feels like he has followed the Comprehensive Plan. He will still meet with the neighbors and listen to their concerns before the City Council meeting.

Mr. Adams stated the re-zone will not occur until the City Council acts.

Mr. Singh stated he just wants the zone to be the same as Nom Nom. If this is approved, he will go the extra mile, he will meet with the community and listen to what they want in the neighborhood.

Commissioner Luttrupp commented that the Commission passes this one way or another, it will go to the City Council. This based on the motion this evening.

Commissioner Fleming stated the commission tonight will be voting on the C-17 zone change.

Chairman Messina stated that per the discussion of the Commission the evening, if they either say yes, or no to the zone change. If you still want to have meetings with the neighbors after tonight's hearing. It would be after the point because it will go to the City Council after our recommendations. If you would like to tell the City Council what the outcome of the meeting was with the neighbors, that is great.

Mr. Singh replied it is not his intention to make the residents upset because he wants to put in a gas station. He wants to hear their concerns.

Commissioner Ward stated this is P&Z commission, they are not hear to negotiate Mr. Singh's site plan. The Commission will make a motion tonight and this will move forward to the City Council.

Mr. Anderson states he understands the passion and frustration of the neighbors, he wants to make sure they understand that Mr. Singh wants to build his business the right way and listen to the residents. As this relates to the Comprehensive Plan this is an element where Mr. Singh made a proactive approach to align his business for a future use. He can have a building right now with the NC zone over 32 feet tall. He can have a business in the bottom and residents on the top of the building, this would all create more parking and traffic. It is limited with height because of the fire code restriction. Mr. Singh wants do a single-story structure.

Commissioner Coppess asked Mr. Anderson if there was any considerations into the broad nature of the C-17 and all of the business that would fall into the zone for a gas station and food, could he have asked for a different use permit.

Mr. Anderson replied yes, he considered another zone but that would have required a Special Use Permit, which would have been two approvals. The goal was to align with the Comprehensive Plan document and fit along the line of what the City's vision for this lot would be.

Public testimony closed.

Commission Comments:

Commissioner Ward stated it is important that the Commission listens to the home owners. The P&Z Commission looks at the zoning. When you look at 15th Street it does not have any commercial zoning other than NC on the east side. There could be some traffic problems on 15th Street and Best Avenue. Traffic is an issue for anything. It's not just the number of cars, it's the traffic movement and the times of day when they are blocking the street or causing delays to people. Gas stations are an all-day type of event and cause traffic confusion to people. If you read the Comprehensive Plan on the property it talks about a Mixed Use, Low Place Type and should be highly walkable. Putting a gas station on this corner, this will deter from a highly walkable situation. Then NC district is a commercial with a Mixed-Use type of district. It not only does not allow gas stations it specifically prohibits them. He does not know why this was done this way at this location but the zone is in place now. He feels the commercial zoning on this side of a C-17 type commercial zoning is inappropriate to cross 15th Street. Every application that has come through in the past 1 ½ year has been a single family Planned Unit Development.

Chairman Messina states he agrees with Commissioner Ward.

Commissioner McCracken states that within the NC zoning there are plenty of business opportunities and appreciates Mr. Singh's passion for trying to fit with the neighborhood. The gas is the tipping point with the overhead lights and the canopy. The NC one story residential scale building just seems like a better fit. The project that was done at Atlas and Seltice is a great fit in that location, but this neighborhood it just does not fit. If Mr. Singh puts in a nice Market, it will be a good business opportunity that would fit better with the neighborhood as a NC zone. She encourages Mr. Singh to meet with the community and get feed back from them.

Commissioner Ingalls stated that it is not realistic for the residents to have the piece of property will be a vacant lot forever. The NC zoning as is right now can bring in a lot of different business. This will develop some day. He agrees with the other Commissioners that the Comp Plan states this zone has a Mixed Use for walking and ground floor business. His other concern on the Findings A-13 states that the remaining properties to the north, east and west are residential in nature. The neighborhood has changed but it is still residential.

Commissioner Luttrupp agrees with Commissioner Ward and that the properties all around this piece of land are residential. He encourages the people when they are walking and they see a posting on a board to look at it and see what it is about. We are here to recognize the neighborhood and district identities.

Commissioner Fleming commented that Mr. Singh does a great job and is trying his hardest to push a fat foot into a small shoe. This is a neighborhood. The NC fits. A fire could happen in the future that is on the hill right behind this property and the residents will need to get out on Best Ave. if tanker trucks are there dropping the fuel. She feels the impact is too high on what is a predominately residential neighborhood.

Motion by Commissioner Ward, seconded by Commissioner Luttrupp, to recommend that City Council reject the C-17 zone change (ZC-1-24). Motion carried.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Coppess	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.

Workshop:

Randy Adams, City Attorney, introduced the purpose of the workshop and explained that staff has prepared a template for the Findings of Fact and Conclusions of Law that are designed to be in compliance with State Law. The Idaho Supreme Court updated the Findings and Conclusions. The Findings that the Boise City Council had in place was not sufficient. There were some disputed facts and they were sued. Mr. Adams indicated the Commission needs to base their findings on facts so it can be backed up by evidence, not by an opinion. The Commission can base the facts on the staff reports that are in the packets. The people coming forward from the public to speak have to have a fact not an opinion. The Commission can also cross reference the Comprehensive Plan worksheet to help find a fact. Mr. Adams states there is always a conclusion of law because these are the statutes or the ordinance to approve or deny. There are five pages of goals and objectives in the Comprehensive Plan. This will be an attachment in the staff report. The Commission will have to go through these items and find which items determine the Commission's decision. The Commission needs to take lots of notes during the hearing, listen to the presentation and the public comments, and have lots of discussion at the end of the public testimony to fill in the blanks on the Findings worksheet.

The commission members had a few questions about how to determine a fact from an opinion. Mr. Adams clarified the difference.

The Planning and Zoning Commission will follow the Comprehensive Plan worksheet to help them add more facts to the Findings worksheet. The Commission would like the Findings worksheet to be put on the screen as a slide so the public can follow along and see what the Commissioners are reading from and why. The Commission understands this is a work in progress and will read the staff report and Comprehensive Plan for the next public hearing and speak on facts and not opinions. The Commission understands why they are deliberating and if there are any additional conditions, they will make the motion and then state the conditions if there are any before roll call. The Commission wants to educate the public and the applicant on how they came to their decision, based on facts not their opinions.

ADJOURNMENT:

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

The meeting was adjourned at 9:15 p.m.

Prepared by Traci Clark, Administrative Assistant

DRAFT