

**PLANNING COMMISSION
MINUTES
APRIL 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
Mike Behary, Associate Planner
Traci Clark, Administrative Assistant
Randy Adams, City Attorney
Chris Bosley, City Engineer

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Commissioner Fleming, seconded by Commissioner McCracken, to approve the minutes of the Planning Commission meeting on March 12, 2024. Motion approved.

PUBLIC COMMENTS:

None.

STAFF COMMENTS:

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

- At the May 14th Planning & Zoning Commission meeting staff is expecting two hearings.
- The month of May is Historic Preservation Month. The Historic Preservation Commission has been working hard with the Museum of North Idaho and pulling together a program of events for the month of May. This will kick off May 1 at the Jewett House, with a reception at an awards event starting at 6:00 p.m. Everyone is invited. There will be tours available on Saturdays in May and the Historic Preservation Commission will be doing Mother's Day Open Houses on May 12 from 2:00-4:00 p.m. One will be at the Depot Downtown and at the other at the Hamilton House. There will also be some outreach during the Farmers Market events, at both the Downtown Coeur d'Alene and Riverstone locations.

COMMISSION COMMENTS:

None.

PUBLIC HEARING: *ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.**

1. Applicant: Todd Kaufman
Location: 2810 N. 17th Street
Request: A Proposed 9-Lot Subdivision
QUASI-JUDICIAL, (S-1-24)

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

- The applicant is requesting approval of a 9 lot and 1 tract preliminary plat to be known as "Kaufman Estates".
- The property is located immediately East and Southeast of the intersection of Stiner Avenue and 17th Street.
- All legal notices have been met.
- He provided an overview of the preliminary plat.
- There are 4 findings that must be met for a subdivision, B1 through B4.

Finding #B1: That all of the general preliminary plat requirements (have) (have not) been met as attested to by the City Engineer.

- Per Chris Bosley, City Engineer, the preliminary plat submitted contains all of the general preliminary plat elements required by the Municipal code.

Finding #B2: That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities (are) (are not) adequate.

- Per Chris Bosley, City Engineer, the subject property is bordered by 17th Street to the west. Approximately nine feet of right-of-way along the property frontage along 17th Street will need to be dedicated to the City to match the 25-foot right-of-way width that exists to the south. Frontage improvements, including concrete curb, sidewalk, and asphalt paving must be completed at the property frontage. Sidewalk along the frontage of 17th Street will need to be located with the right-of-way or an easement.
- City staff from Streets and Engineering, Water, Wastewater, Fire, Departments and Police have reviewed and Police have reviewed the application request in regards to sidewalks, streets, alleys, rights-of-way, easements, utilities, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities.
- Staff has recommended 21 conditions as part of this Subdivision request. The conditions are required to bring the plat into full compliance with code requirements and performance standards.
- All departments have indicated the ability to serve the project with additional conditions.

Finding #B3: That the proposed preliminary plat (does) (does not) comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements.

- Per Chris Bosley, City Engineering review, for the purposes of preliminary plat, both subdivision standards (chapter 16.15 and improvement standards (chapter 16.40) have been vetted for compliance.

Finding #B4: The lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district.

- The existing zoning is R-12, which allows a single family and duplex housing types at a density of 12 units per acre.
- Setback of future buildings are tied to the R-12 setback requirements.
- The proposed subdivision is in conformance with the R-12 Zoning District.

Mr. Behary provided the list of 21 recommended conditions:

1. An unobstructed City approved "all-weather" access shall be required over all City sewers.
2. All City sewer plans require IDEQ or QLPE Approval prior to construction.
3. City Sewer Policy #716 requires all legal parcels within the City to connect and discharge into the public sewer through one (1) sewer connection (lateral).
4. City sewer shall comply with the to-and-through and installed to all City specifications and standards.
5. Any unused sewer laterals at the public main in 17th Street shall be capped.
6. The installation of any required water main extensions, additional fire hydrants and new services will be the responsibility of the owner/developer at their sole expense.
7. A minimum 20' public utility easement for any water main extension onto private property including fire hydrants is required.
8. No permanent structures such as building foundations are allowed within the public utility easement.
9. Capitalization fees will be due for domestic, irrigation and/or fire services at the time of building permits.
10. If it is determined that fire flow cannot be met, the developer will be responsible for upsizing the water mains in the area to meet the fire flow requirements.
11. Individual address numbers are required for all living units and visible from the street.
12. Fire Hydrants shall be spaced no farther than 450' apart.
13. A regulation Fire Department turn-around is required.
14. NO PARKING sign(s) shall be placed at the Fire Department turn-around.
15. An approved snowplow plan is required for access during winter.
16. 17th Street must be paved curb to curb from Stiner Avenue to Gilbert Avenue meeting City standards.

17. No Parking signs must be installed on Stiner Avenue and on 17th Street, meeting City standards.

18. Stop Signs must be installed on 17th Street, northbound and southbound, at Gilbert Avenue.

19. Stop Signs must be installed on Stiner Avenue, eastbound and westbound, at 17th Street.

20. Forty feet (40') of snow storage must be provided at the east end of the proposed Stiner Avenue without blocking driveway access.

21. The required sidewalk along the 17th Street frontage must be within public right-of-way or in a dedicated easement.

The Action Alternatives are that the Planning Commission must consider this request and make findings to approve, deny, or deny without prejudice.

Mr. Behary concluded his presentation.

Commission Comments:

Commissioner Ingalls asked Mr. Behary regarding Findings B3 and B4 on the Subdivision design standards, with the dead-end public street what is the length of that street.

Mr. Behary replied he does not know the length but he does know one of the conditions is to leave 40 feet for snow storage at the end of it.

Commissioner Ingalls commented he does not see the snow storage in the drawing, he is looking at the subdivision design code, municipal code 16-15.060. The code states that dead-end streets that are designed with one end permanently closed in the form of a cul-de-sac can be no longer than 400 feet. It also needs to terminate with either a cul-de-sac that is 50 feet in radius or a Y or a T. He states he does not see that here on the map. He raises the issues because in the staff report it says "this is an issue because this will be a public street that will be maintained by the City crews and the current design ends the Street to close to the neighboring property".

Mr. Behary states that is correct. At the time in reviewing the plat, the city engineer and the head of the Streets Department had indicated that getting snow removal from this street would be very difficult since it does abut right next to a neighbor's property. They recommend a condition to remove that back to 40 feet for the snow removal. He also pointed out T turn around for the Fire Department (*he points to the map on the screen*).

Commissioner Ingalls states he is struggling whether that is an appropriate condition, if it means a reorganization of flipping the hammer head, or turn around and shifting the lots to the West. He asked shouldn't that be done now and not as a condition. He would like the City Engineer to speak about the 400 feet and whether it meets the code.

Chairman Messina would like to clarify that Commissioner Ingalls is speaking about the staff report on the streets portion on page 7.

Commissioner Ingalls replied yes.

Mr. Bosley City Engineer, introduced himself, and replied that the street is a little over 600 feet long when he measured it to figure out where the street lights would be placed. He indicated they have relied upon the Fire Departments review of the turn arounds, he would prefer a cul-de-sac and he states that during the Development Review Team they did have a conversation regarding the code amendments that would require a cul-de-sac or element the possibility of having dead end streets. The last few dead-end streets

that have become before the commission have been private streets because they have been part of a planned unit development (PUD). He would much prefer to keep dead-end roads private, so the city does not have to push snow down to the end and deal with it. This could take a while to remove snow from a situation like this. The conversations they did have they didn't see anything that said that this did not meet the code.

Commissioner Ingalls stated again that when you read the code "it can no longer be 400 feet", so 600 feet is longer than 400 feet.

Mr. Adams, City Attorney stated, you are reading it correctly.

Commissioner Ingalls states if this exceeds the 400 feet and it appears problematic to him having been a snowplow guy in the past, he does not see how a piece of equipment can get down at the end of that street and turn around and ten years from now it will have mature trees with leaf pick up and it's a public street, how will a street sweeper be able to turn around.

Mr. Bosley stated it is something that the city struggles with and there are a couple of other streets that are like this. There is one in the Riverstone area that are very time consuming for snow removal.

Commissioner Fleming asked, would the waste management have to back into the street in order to pick up the garbage with the dead-end street.

Mr. Bosley replied yes, he assumes that is what they would have to do for garbage removal.

Chairman Messina asked Mr. Bosley during the discussions wouldn't there be a better design for the street.

Mr. Bosley stated in the Engineering Department they did look at it for the plat requirements but the 400 feet issue did not come up in any of the conversations.

Commissioner Luttrupp stated the codes says one thing, not more then so many feet but you are proposing something greater. This exceeds the code. So why would this come before the commission.

Mr. Bosley replied this was new information to him. He has not had to deal with a dead-end street like this until now.

Commissioner Ingalls stated it is not just the 400 feet that he is questioning. The code also says it is to terminate with either a 50-foot radius cul-de-sac or a Y or a T. Perhaps if the Hammer Head was moved down, and things re-organized, it might have a chance.

Commissioner Luttrupp stated his issue is when things come before us if it does not correspond to the code, he is having a hard time accepting this. If it is not meeting the code, why are we bothering with this tonight.

Chairman Messina asked City Attorney Mr. Adams, given what the commission is hearing, maybe we should table this for this evening.

Mr. Adams stated that the commission needs to hear from the applicant. This ordinance itself says "streets designed to have one end permanently closed or in the form of a cul-de-sac cannot be 400 feet." He would like to hear from the applicant to see what they have planned.

Commissioner Ward asked Mr. Bosley does this street have parking on both sides.

Mr. Bosley replied no, the street width is 25 feet, which doesn't allow for on-street parking. There are sidewalks on both sides.

Chairman Messina asked if there would be any “no parking” signs on the street.

Mr. Bosley replied that is one of his conditions is to add “no parking” signs on both sides of the streets on the extension of Stiner as well as 17th Street because that street is only 20 feet in width.

Commissioner Ward stated along with code regarding the 400-foot long street, it has to have parking on both sides, so the cul-de-sac may be an issue. If the code specifically says parking needs to be provided, the 9-lots would have 18 families that could be potentially 36 cars, and that could be problematic. He also asked how does this street align with Stiner to the West.

Mr. Bosely answered not very well. It is offset. Even if it was pushed to the far North end of the property, it still would not align. There is a jog.

Commissioner Ingalls states one of the conditions that he struggles with is #15 that requires an approved snow plan for access during winter. If that is a condition that the applicant has to put together a snow plan, that seems odd. The street department does a snow plan for the city. Having a snow plan by an applicant for a public street that the city is going to maintain does not seem right.

Mr. Bosley stated he agrees and he thinks that must have been a carry-over from the PUD staff reports. The city would not require a snow plan for this subdivision.

Commissioner Luttrupp asked Mr. Bosley about the two inconsistencies and why would this come before the commission with these deficiencies. He also said, because this is the third time the project has come before the commission, he would like Mr. Behary to explain what has changed from between the first two proposals and why they were denied and what is difference with this one.

Mr. Behary stated the first commission hearing the applicant wanted 24 twin homes and the second was 22 twin homes. They were both PUD. A PUD has open space requirements and they had to show the amenities. This one is now 9 duplexes with 18 units for a Subdivision. The subdivision does not require open space.

Mr. Adams stated one of the differences is there are 9 lots in this subdivision as opposed to the 24 lots which would be required for the twin homes.

Chairman Messina opened the public hearing and swore in the applicant and public as a group.

Public testimony open:

Jeramie Terzulli introduced himself and said he is with Olson Engineering. He said his client has a different interpretation of the code where it reads “a permanent dead end.” At this point in time, he can say this road will not be a permanent dead end because of the County Agriculture to the East there is a chance of annexing those properties into the city at some point into the future and having the extension of the roadway. In other jurisdictions he is required to allow for future connectivity if there are undeveloped parcels adjacent to the parcels that he is developing. His firm designed the subdivision and public street this way and was looking for feedback from the city. He received the staff report on Friday with the conditions of approval and nowhere was there any feedback from staff requiring it to be redesigned. He is willing to look at a redesigning this area and willing to look at a condition of approval to redesign it, but he took a shot as to what is the likelihood of Stiner continuing to the East at some point in the future and therefore, he left it. He provided a legal fire truck turn around, roughly at the 400-foot mark and he looked for feedback from staff. He provided a brief summary of how the applicant got here: This property went up for sale in November of 2021. Prior to this the gentleman that lived there had passed away and left it to his kids back in August. The Kaufman’s made an offer on the house after sitting on the market for over 80 days. The Kaufman family wanted to know what kind of redevelopment potential of the property there could be. He knew that the by right use would have been duplex or single-family homes. They felt to best

maximize the opportunity on the parcel would be to try for a PUD, and then to sell the twin homes fee simple and to create some entry level housing for the community. The Kaufman's bought the property in February of 2022. They brought forward a PUD to the commission in August of 2022, that was denied. Then the city staff encouraged him to go back to the adjacent property owners and see if they can come sort of compromise with them. They met in February 2023. That meeting lasted for over three hours here at City Hall. They came with a new proposal for a PUD that knocked off 25% of the density and added to the open space and agreed to the open space being used by the general public, not just the residents of the PUD. That came before the P&Z in August 2023 and was also denied. They did appeal to City Council. It was a divided council, but was also denied in October 2023. He has now tried to meet with the owners, engineering team and discussed the options. Todd Kaufman feels that they should just use the "by right use" on the property and go through with that. To honor the adjacent property owners, they did do an analysis of some large lots with single family homes on them, ranging from 1/3 to 1/2 acre although it should be noted those still have to have frontage on a public right of way, he would have still had to build a public right of way and after they did their analysis and built a pro forma, they could not create a situation where the project was profitable. In most scenarios it was losing money. They went back to the duplex option which is the by right option in the R-12 zoning. *(He pulled up a map on the screen and showed some redevelopment on the screen that is surrounding the neighborhood)*. The request for the subdivision is controlled by the Coeur d'Alene City Code 16.05.010 and the authorization and given to the city and that power is granted by Idaho Statute Section 67-6513 in summary: it grants every property owner in the State of Idaho the right to subdivide land as long as the subdivision complies with the standard set forth with the agency having jurisdiction, allows the city to collect fees for any impact of that subdivision, and also provided any remedies for any property owners who are denied a request to subdivided. In summary all of the required general preliminary plat requirements for a formal plat contained in the city code have been met as determined by the city engineer, which is all he is going on right now. He received the report on Friday that the city engineer confirmed the conditions have been met and all the departments provided comment on this project, water and sewer can be provided as before on the PUD, the street can be constructed, the police and fire can provide protection, stormwater can and will be managed through the additional site plan and the design of that street, pedestrian facilities can be constructed. He feels that that they have met all of those standards. The proposed preliminary plat complies with all of the design standards of the code and they can comply upon construction with all of the improvement standards contained in the title and any deviation or specific standards have been requested and granted. He feels they are in compliance with city code. The lots that are proposed in the preliminary plat meet the requirements of the applicable zoning designation, the underlying zoning of R-12. If the commission feels there needs to be some redesign at the end of Stiner to the East, he would entertain that, but this is information that is new to him. In summary the general preliminary plat requirements have been met, the proposal has been reviewed by city departments, the design can accommodate the conditions that he has seen, the preliminary plat complies with subdivision design standards per city code and the proposed lots meet the minimum design standards per code, duplex housing is an allowed principal housing. He has requested no deviations from the standards at this time.

Commissioner Ingalls stated there is no rational or feasibility for Stiner to be further extended to the East with the current lot configuration and orientation. This would also double fronted lots, which would open a door to a whole host of other problematic issues of requiring HOA, etc. He would like Mr. Terzulli to address the feasibility of this extending further to the East and the multiple ownerships that would have to come together. Also, the statement that he made about complying about the subdivision design standard, 400 feet v 600 feet. The code also states it has to be cul-de-sac wide or T in some suitable fashion for a turnaround because of practical concern of the ability to function and maintain.

Mr. Terzulli, replied that he disagrees with Commissioner Ingalls assessment that the likelihood of a future connection to the East. When he brings forth a proposal in other jurisdictions, Post Falls, Rathdrum, Hayden, Kootenai County, it is a requirement that he provide the ability to future connectivity to adjacent parcels. He is not allowed to dead end or put a parcel at the end. If that was the case, he would end the road at roughly 500 feet and move the hammer head further West and have the lot go all the way up to the Northern property boundary and have a shared driveway. That extra roadway to nothing to the benefit of the subdivision it is put there in anticipation for the connectivity to the East if and when it does occur. If

the commission believes that other standards are being met and the terminus of Stiner is an issue, they can direct city staff to work with the developer to come up with alternative. He does believe that within the R-12 zoning designation and within the city code that he has met the standards. He did not get the conditions of approval in the staff report until late last week. It did not give him enough time. Even if in that point of time it had been told that that terminus that this was an issue, he could have had a discussion of how they could have addressed this. He has had three business days, and it was never indicated up until 20 minutes ago that he was aware that this commission might find this problematic.

Commissioner Luttrupp stated it would be helpful to stop the proceeding tonight so the applicant can do his due diligence.

Mr. Terzulli replied I have done my due diligence, because of the feedback from the city engineer.

Commissioner Luttrupp stated the city engineer said that the length of the street does not meet the code tonight.

Mr. Terzulli stated it does not meet the code if we call this a permanent dead-end, that is the word.

Commissioner Luttrupp stated whatever we do is permanent here. We make a decision. It's permanent until changed. He cannot see how we can say this is not permanent because it is going to change. It would have to go through other steps to change. He is hard pressed to accept something that does not meet the city code. If the street was under the 400 feet that would be fine but this is over the 400 feet. He commends Commissioner Ingalls for findings this in the code.

Chairman Messina stated he has no idea how the vote will go tonight but if the applicant would like to take a step back from what has been heard tonight because of the 600 feet issue of the street. There might be a redesign that might need to take place.

Ms. Patterson asked City Attorney Adams to answer Mr. Terzulli's question about the possibility of having a quick conversation with his client regarding tabling the item tonight.

Mr. Terzulli stated he had put his application in at the end of January and now it is an April hearing and to have this be the first time that the road is not in compliance with city code based on interpretation that this will be a permanent dead-end. He is very frustrated.

Commissioner Ingalls stated that one is the length and the plating to the East shows the feasibility of any notion of extension to him is near nil. The other issue is it has to have a cul-de-sac or suitable Y or T. This is not done on this street.

Mr. Terzulli stated this is a fire truck T approved hammer head.

Commissioner Ingalls said to Mr. Terzulli, the hammer head is not at the end, wouldn't you agree.

Mr. Terzulli agreed with Commissioner Ingalls.

Chairman Messina stated this is something that just came up tonight. He would like to give the applicant the option to continue or table to the next hearing date.

Mr. Adams states that the commission may approve, deny, or deny without prejudice or may defer the action until the next scheduled meeting in order to review additional information that it deems necessary in order to render a final decision.

Chairman Messina stated the commission would make a decision based on the findings.

Mr. Adams stated that if the commission defers tonight, they would not have to make findings. But if the

commission does approve, conditionally approve, deny, or deny without prejudice, the commission will have to make findings.

Chairman Messina asked does the applicant have the ability at any point in time to hear public testimony or should he table this and continue.

Mr. Adams replied yes, there is nothing in the ordinance that says the applicant cannot request a postponement or a continuance. It does give the commission the options of what they can do.

Commissioner Ward stated he does not know if length is appropriate or not. It is not the city staff position to write a recommendation to us that says this is why we are approving it. All the staff is trying to say this is what is going on so the commission can review. He does not think it's ever the responsibility of the city to put up a road block and say no you cannot take that to the Planning Commission.

Mr. Adams commented that is correct. The only thing that the Planning Director can say is whether the application is complete or not.

Chairman Messina stated correct and it is up the applicant to move forward.

Mr. Adams asked if the applicant would like a recess.

Mr. Terzulli stated yes, he would like to speak with his client.

There was a short recess before the hearing resumed.

Mr. Terzulli stated that based on everything that occurred tonight, the applicant would like to meet with city staff and re-draw the street and comeback before the commission at the next scheduled hearing.

Ms. Patterson stated if the item is continued, the city will not re-mail the notices. The next meeting will take place on May 14, 2024. The property will be reposted. There will be no ex parte communication, which means no community members or applicant may communicate with the commission, and commissioners may not speak with one another about this. If you have specific questions for staff, you may reach out and the staff will meet with the applicant team. The public can reach out to staff as well, but not to the commissioners.

Commissioner Luttrupp stated the public comments that the commission received will be kept and put in the packet and the folks that showed up tonight and did not speak and wanted to will be able to speak at the next meeting.

Motion by Commissioner Luttrupp, seconded by Commissioner Coppess, to continue the hearing for item S-1-24 to the Planning and Zoning Commission meeting on May 14, 2024. Motion approved.

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.

ADJOURNMENT:

Motion by Commissioner Luttrupp, seconded by Commissioner Ward, to adjourn. Motion carried.

The meeting was adjourned at 6:27 p.m.

Prepared by Traci Clark, Administrative Assistant

DRAFT