



**PLANNING AND ZONING COMMISSION
MEETING MINUTES**

**March 12, 2024
5:30 PM**

Location: City Council Chambers, 408 N. Spokane Street, Post Falls, ID 83854

REGULAR MEETING – 5:30 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

Vicky Jo Carey, Kibbee Walton, Ray Kimball, James Steffensen, Ross Schlotthauer, Nancy Hampe, Bobby Wilhelm

Present: Carey, Walton, Kimball, Schlotthauer, Hampe, Wilhelm

Excused: Steffensen

**CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:
ACTION ITEM**

**** Planning and Zoning Commissioner Bobby Wilhelm Oath of Office.**

Nancy Thurwachter, Administrative Specialist Planning Department: Raise your right hand. Do you solemnly swear or affirm that you will faithfully perform the duties of your appointed office, and will support and honor to the best of your ability the Constitutions of the United States and the State of Idaho and all applicable laws, ordinances and policies of the State of Idaho and the City of Post Falls as well as the policies, procedures, code of ethics and code of conduct of the Post Falls Planning Commission?

Wilhelm: I do.

- a. National Working Mom's Day
- b. National Girl Scout Day

AMENDMENTS TO THE AGENDA

Final action cannot be taken on an item added to the agenda after the start of the meeting unless an emergency is declared that requires action at the meeting. The declaration and justification must be approved by motion of the Council.

None

DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS

Commission members are requested to declare if there is a conflict of interest, real or potential, pertaining to items on the agenda.

None

1. CONSENT CALENDAR

The consent calendar includes items which require formal Commission action, but which are typically routine or not of great controversy. Individual Commission members may ask that any specific item be removed from the consent calendar in order that it be discussed in greater detail. Explanatory information is included in the Commission agenda packet regarding these items and any contingencies are part of the approval.

ACTION ITEMS:

- a. Meeting Minutes 02-13-2024
- b. Legion Park Annexation Zoning Recommendation (ANNX-23-7)
- c. Arche Annexation Zoning Recommendation (ANNX-23-4)
- d. Boyd's Landing 1st Addition Reasoned Decision (SUBD-23-5)

Motion by Planning and Zoning Commissioner Hampe to approve the Consent Calendar as presented.

Second by Planning and Zoning Commissioner Walton

Vote: Hampe - Yes, Wilhelm - Yes, Schotthauer - Yes, Kimball - Yes, Walton - Yes, Carey - Yes

Motion Carried

2. CITIZEN ISSUES

This section of the agenda is reserved for citizens wishing to address the Commission on an issue that is not on the agenda. Persons wishing to speak will have 5 minutes. Comments related to pending public hearings, including decisions that may be appealed to the City Council, are out of order and should be held for that public hearing. Repeated comments regarding the same or similar topics previously addressed are out of order and will not be allowed. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor, by subsequent appointment. In order to ensure adequate public notice, Idaho Law provides that any item, other than emergencies, requiring action must be placed on the agenda of an upcoming meeting. As such, the Commission cannot take action on items raised during citizens issues at the same meeting but may request additional information or that the item be placed on a future agenda.

None

3. UNFINISHED / OLD BUSINESS

This section of the agenda is to continue consideration of items that have been previously discussed by the Planning and Zoning Commission.

ACTION ITEMS:

None

4. PUBLIC HEARINGS

There are generally two types of public hearings. In a legislative hearing, such as adopting an ordinance amending the zoning code or Comprehensive Plan amendments, the Mayor and City Council may consider any input provided by the public. In quasi-judicial hearings, such as subdivisions, special use permits and zone change requests, the Mayor and City Council must follow procedures similar to those used in court to ensure the fairness of the hearing. Additionally, the Mayor and City Council can only consider testimony that relates to the adopted approval criteria for

each matter. Residents or visitors wishing to testify upon an item before the Council must sign up in advance and provide enough information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing procedures call for submission of information from City staff, then presentation by the applicant (15 min.), followed by public testimony (4 min. each) and finally the applicant's rebuttal testimony (8 min.). Testimony should be addressed to the City Council, only address the relevant approval criteria (in quasi-judicial matters) and not be unduly repetitious.

ACTION ITEMS:

- a. Our Next Venture Zone Change File No ZC-23-4

Public Hearing Opened: 5:34 pm

Staff Report

Ethan Porter, Associate Planner Presenting: The applicant is Scott McArthur, McArthur Engineering and the property owner is Stan Groves, Our Next Venture LLC. They are requesting the Planning and Zoning Commission to recommend to City Council the approval to rezone approximately 3.1-acres of Industrial zoning to Community Commercial Services (CCS) zoning per their narrative and their exhibits in staff report. The project location is at the south-west corner of Cedar Street and E Seltice Way. It is currently vacant, it is made up of two parcels. The west parcel is vacant. On the far east parcel there is a coffee stand. It is over the Rathdrum Prairie Aquifer, the City of Post Falls is the water and the wastewater provider. The zoning around the property is a combination of commercial, Industrial, R3, R1, and some county jurisdictions. It's along the railroad right of way, industrial to the west and east across Cedar Street, commercial across the street from E Seltice Way.

Applicant: Scott McArthur, McArthur Engineering: Our clients, Our Next Venture, are a group of local people looking to enhance commercial opportunities in the surrounding areas, the cities of Rathdrum, Post Falls, and Coeur d'Alene. They found this 3.1-acres to be underutilized with the industrial zoning. The CCS zoning requested gives that development site more opportunity for commercial growth and commercial development due to it's width. It's a unique piece of property that is surrounded by public right of way of the city, Seltice Way and Cedar Road and also the railroad right of way that's adjacent to the rear that's not currently used. We've met with the city several times to discuss all the zoning criteria. We meet the goals and policies of the comprehensive plan. The Future Land Use map as shown, with the designation for the CCS zoning is current with that and the impact with any public services with this annexation request could be mitigated through the commercial side development which will go through staff in the future.

Testimony

In Favor: None

In Opposition: 4

Summer Bushnell: How many per acre is the CCS zoning type?

Kimball: We're not here tonight to answer questions, we're to take testimony..

Jon Manley, Planning and Zoning Manager: I can say that CCS doesn't allow residential outright, only if it's incidental to commercial. For a residential to be permitted in a CCS it would be through a special use permit, a separate public hearing like a multi-family use. With a CCS Zone only with a special use permit could permit some forms of housing.

Bushnell: I may be more neutral because of that.

Manley: For multi-family if it was part of a separate public hearing the base density on the max is 18 units per acre outside of other sort of density things.

Bushnell: I don't think the light at the intersection of Cedar and Seltice can handle more volume so traffic is a concern. I do not want to see high density multi-family or the shops on the bottom and the houses on top. It was saying there'd be a mixed use model for this property which can

lead to workforce housing which I would oppose due to traffic.

Manley: One clarification, mixed use is allowed in the CCS, so that is one caveat that housing can be in the CCS in some sort of mix use vertical construction.

Bushnell: That would be an extra hearing and permit then?

Manley: Not in that particular case. In addressing standalone residential my previous was correct but when you added the mixed use option I wanted to make sure I was clear on that for you. That aspect is allowed in the CCS being the fact that that lot is very long and skinny, access and parking would be difficult to attain that but I can't say that it couldn't be attained either.

Bushnell: I'm in opposition if it's multi-family high density but I'm neutral and happy it's getting developed.

Desha Deats: I'm definitely in opposition to high density. In regards to the mixed use, I would not like to see additional housing behind me. Just a little ways down (from there) is a bunch of apartments and that would be something that I would definitely be in opposition to. I have a question regarding the railroad tracks. Is that going to be incorporated into it, are the tracks being taken out, what's going on with that?

Fawn Owens: I live in Riverside Harbor. Cedar Street is so busy right now and we don't have any other access into our development besides Cedar. The traffic is going to be too much for that area and I don't want to see apartments there. I don't know where the signs were posted for this, but I just found out about this today. How do I find out where the signs were all posted and how long they were there?

Kimball: We'll have staff address that.

Owens: It says multiple stories, how many does that mean and are they talking about doing the businesses on the bottom and apartments on the top? I would oppose that. I am also concerned about the traffic.

Porter: It was posted at the intersection of Cedar Street and Seltice Way, the northeast corner right at the light. It was there around two weeks, we have a 15 day requirement for that.

Manley: We do an affidavit too. We post and then sign a notary that it was posted on that day.

Porter: A 300 foot radius report is provided in the staff report. The rentals do not get the notice, it went to the owner.

Kimball: So within 300 feet of the exterior boundary of the property of the zone change that's the mailing notice?

Porter: Yes.

Kimball: Beyond that it's noticed on the city website and the newspaper.

Porter: Yes.

Manley: We're just doing a zoning recommendation tonight, the decision on the zoning will go before City Council at a later date. There will be a separate noticing period on that, and we'll notice on our website. There'll be another opportunity to send notices and another opportunity to show up at a public hearing and bring matters before the City Council where they can decide to approve or not approve the zone change.

Megan Rounds: I live in the neighborhood there. The traffic on that road gets to be horrendous around work time. The residential concerns me. Are we going to hear about the meeting when they decide they are going to put some residential? I am opposed to businesses on the bottom and residences on the top. Is there another zone they could do so residential is not allowed? They can do commercial there if they figure out how to deal with the traffic.

Neutral: 1

Nicole Swallows: I live in the area, I'm totally fine with commercial as long as they address the traffic issue. I'm opposed to residential or the businesses on the bottom and residential on top. There's not enough parking, and it will cause more traffic issues. There's not a need for the residential high density or mixed housing.

Rebuttal:

McArthur: The value in this particular piece of property is in the commercial use. The CCS zoning is the most compatible zoning for the use we desire to have. At this point in time my clients have no intention of putting residential use in there as long as they own the property. Again that would go through a special use process and public notifications. We've only brought forward just commercial uses for this development at this time. Regarding the traffic, yes there's traffic issues. I think people that use this parking lot will egress from Cedar Street more than people will try to use this light to egress from this site. The railroad is not part of this project, I don't foresee the railroad giving that property up. Regarding parking and traffic that gets addressed in the site plan review process with city staff. Conditions will be applied at that time based on the proposed commercial use.

Wilhelm: It would need another special hearing to put residential on there and you (Manley) said something different.

Manley: For standalone multi-family apartments you would need a special use permit in a CCS. A mixed use structure where you have ground floor commercial and on the second and third floor residential mixed building is permitted outright in the CCS.

Schlotthauer: I have a question for Scott, it's a small lot. Is what the people here worried about is that even possible?

McArthur: Commercial use is the value in this property. I don't foresee it being a suitable location for residential use, that is not what my clients are seeking.

Public Hearing Closed: 6:15 p.m.

Review Criteria:

1. Is the proposed zoning district consistent with the Future Land Use Map and Focus Area contained in the currently adopted Post Falls Comprehensive Plan?

Kimball: The future land use map is commercial in that area which is the designation that they're asking for. CCS is an implementing zone in the land use map. There were several items highlighted in the focus area and in the staff report of benefit.

2. Is the proposed zoning district consistent with the goals and policies contained in the currently adopted Post Falls Comprehensive Plan that are relevant to the area under consideration?

Schlotthauer: It's a much more appropriate zoning district for commercial there. An outright use would be an industrial user, that would be loud and dirty. It's an opportunity to meet the goals and policies outlined. Infill development of an underutilized property and helping expand existing and new businesses.

3. Does the proposed zoning district create a Demonstrable Adverse Impact upon the delivery of services by any political subdivision providing public services within the city.

Kimball: None of the agencies or political subdivisions responded with anything that would basically mean that there was any adverse or demonstrable impact and there was no testimony or evidence provided to that effect.

Carey: In general I've heard your issues and worries about what would be done if it changed to a new zoning. Think about what the current zoning is and if they didn't change it what impact an industrial use might have on your area as opposed to this new zoning request.

Hampe: We've had quite a few people talk about their development that was built right next to an industrial zone property they were not aware of. A lot commercial activity is at night so quite a few people have said it has affected them negatively having industrial right up to their residential.

Kimball: When the truck stop went out of business it's been a blighted area. It could use an infusion of commercial growth there. Having the amenities of commercial close is a nice.

Walton: If it's appropriate to address Miss Owens question on the public notice, it shows here in the staff report the specific information that she was requesting. On property ordinance within

300 feet they were notified on February 16, 2024, the notice was published in the Coeur d'Alene Press on February 20, 2024 and the property was posted on March 1, 2024.

Motion by Planning and Zoning Commissioner Carey to recommend approval of Our Next Venture Zone Change File Number ZC-23-4 finding that the requested zoning meets the approval criteria in the Post Falls Municipal Code 18.20.100 as outlined in our deliberation and direct staff to prepare a zoning recommendation to be approved to City Council.

Second by Planning and Zoning Commissioner Walton.

Vote: Carey - yes, Walton - yes, Kimball - yes, Schlotthauer - yes, Wilhelm - yes, Hampe - yes

Moved

b. Kruger Annexation File No ANN-23-5

Public Hearing Opened: 6:23 pm

Staff Report

Ethan Porter, Associate Planner Presenting: Verdis is requesting, on behalf of Daniel and Beverly Kruger, the property owners, a recommendation to the City Council to approve the zoning designation of Community Commercial Services (CCS) and high density residential on 4.49-acres as part of an annexation request in the City of Post Falls. Total annexation would include the rights-of way, which would equate to about 6.869 acres. They want to do CCS on the lower half and high-density residential on the northern half. The subject property is located on the southwest corner of W Echo Drive and N McGuire Road. Located to the north and east of the subject site are W Echo Drive and N McGuire Road. Current land use is large lot residential within Kootenai County. It is over the Rathdrum Prairie Aquifer, the water provider is East Greenacres Irrigation District and waste water is provided by the City of Post Falls. To the west and the north there are county parcels and to the south. To the east of McGuire is some industrial zoning and commercial. Further north is some residential multi-family and single family. South, Selctice Way, is commercial and higher roadway classification.

Carey: Should number three be included as a condition building on this property?

Rob Paluse, Assistant City Engineer: Regarding the location of access points, Post Falls Highway District is requesting that access be off of Mc Guire Road if this is annexed in and split with R3 on the north and the commercial use on the south. Commercial use on the south would make sense for that to access onto McGuire Road. The northern piece would most likely have two access points, one unto McGuire Road and one onto Echo Drive depending on what they put on that location. There are access standards within the City of Post Falls that require minimum spacing between each access point they could meet with 2.50 acres on each half and still allow for full access points onto McGuire Road.

Schlotthauer: Why do you think they are asking for that?

Paluse: I can't speak to why they are. Some of the issues now is Echo Drive is only about 18 to 20 feet wide. As Echo Drive is developed and brought up to city standards it will be wider and able to handle more traffic. To try to use Echo Drive as an east-west thorough fair would be problematic, but with development of the site putting in the urban improvements on the south half required, there would be ability to get traffic to McGuire Road to allow traffic in and out of there.

Schlotthauer: In general entering off a street would be better than between streets.

Paluse: It depends on how the roadway is configured and if it's set up to handle commercial

traffic or how the driveway approaches are accessing. Our standard says that if you have access basing so many feet apart for a certain classified roadway that should work adequately. The problem is if you try to get closer than that.

Wilhelm: If this were approved, Echo Drive would have to be improved by the developer. Does that also go into the northern piece of property?

Paluse: The developer would only be responsible for their improvements on Echo Drive from the center line to their property for the frontage improvements. If sanitary sewers are required to be extended down Echo Drive with their development, putting in sanitary sewer would destroy all of the existing road surface so in putting it back they would do the urban improvements on the south and the north shoulder of the roadway back to approximately where it is now. Until the property on the north annexes in I don't see the road widening to the north.

Kimball: Do you know what the current traffic volume is on McGuire Road? Is it over 4,000? Or projected to be over 4,000 in the 2040 Master Plan?

Paluse: Without looking at the hard numbers, I would say that the intersection on McGuire is currently operating in the 4,000 to 6,000 vehicle per day range. Our current Transportation Master Plan anticipates by 2035 McGuire Road will need to be a five lane arterial roadway from Seltice Way north to Midway Avenue. The Idaho Department of Transportation will be building an overpass and full interchange on Pleasant View Road at State Highway 53. Part of that project will require the closing of the current access point on McGuire Road to Highway 53 which changes the dynamics on McGuire Road possibly reducing the traffic. We will be looking at the future traffic projections to determine the roadway size and classification.

Carey: On number three are you saying this would be handled when they came in for development of the property?

Paluse: When they developed, it would be required to develop access points in conformance with the City of Post Falls access standards which would satisfy what Post Falls Highway District would generally be looking for as well.

Wilhelm: How many residents can you put on an acre for R3?

Porter: Per the comprehensive plan between 12.5 and 25 units per acre depending on parking and greenspace requirements.

Manley: If you look at the range, 18 is the max you can do without density bonuses, if they max it all out with density bonuses it would be around 46 units. 23 time 2.

Wilhelm: How many cars a day?

Paluse: In general calculations single family residential will generally create about ten trips per day per residence and multi family about nine and a half trips per day per residence. Using rough calculations, 40 units total about 400 trips a day for single family a little less for multi family. The number of peak hour trips in the a.m. and p.m. work/school hours is roughly equivalent to the number of units in the development.

Wilhelm: So if there's no access onto McGuire Road it would all be going to Echo Drive?

Paluse: Correct. Residential streets like Echo Drive would generally be anticipated to handle 2,000 or less trips per day.

Applicant: Stephanie Blalack, Land Use Planner, Verdis: I'm representing owners Daniel and Beverly Kruger in their annexation request. The subject property is about 4.50 acres, the zoning requested is both CCS and High Density Residential. The CCS will be on the southern 2.49 acres, the high density residential on the northern 2 acres. The applicant is requesting a provision in the annexation agreement for continued use of their existing business until a certain time to allow for the site to come into compliance with the City of Post Falls. Their current business on site is an asphalt concrete flatwork business. We are requesting commercial and high density residential classification consistent with the high density residential classification and land use for the area. This is one of five parcels with a high density residential designation. Given

the proximity to Seltice Way the site is a perfect fit to blend the commercial and high density residential. Frontage improvements will be installed for pedestrians to interconnect with other neighborhoods and the commercial businesses. The area has access to arterial and collector streets. The site is within the West Prairie Focus area to include mixed residential with higher densities near commercial corridors and arterials. Right of ways will front Echo Drive and McGuire Road. The annexation would provide diverse housing types and price levels, commercial uses and pedestrian connectivity improvements, and create additional revenue for the city. The surrounding zones consist of, to the north R2, to the northeast R1, to the east Industrial and to the south is commercial.

Schlotthauer: Is there a residence on the property?

Blalack: Yes, on the south side of the property is an occupied residence.

Schlotthauer: Is that being zoned CCS?

Blalack: Yes, they'll operate their existing concrete asphalt flatwork business and still live there.

Wilhelm: It's a CCS, they could put businesses in there and residences on top?

Blalack: Yes. They don't have any desire to do that, They have outgrown the county at this point.

Wilhelm: If they sold it someone could come in and put businesses on the bottom and residences on top?

Blalack: Yes, on 2.50 acres of it.

Hampe: CCS doesn't allow for single family residence.

Manley: It does if it's incidental to a business. They would have to meet City of Post Falls commercial standards and their residents would be incidental to their business.

Hampe: Would we allow that to be built if it wasn't currently there?

Manley: Yes, if you had any business you could build a residence with that business. Like a storage unit facility, you could build the facility and live on top.

Testimony:

In Favor:

Neutral:

In Opposition: 3

Donna Mae Roberts: Opposes, does not wish to speak.

Nancy Foster: Opposes, does not wish to speak.

Debi Vocca: This area is rural, people are raising cattle on the road on the north and south sides, there's no traffic so sidewalks are not necessary. Idaho Statute Title 67 Chapter 65 talks about keeping the property rights to where the land use does not diminish the property value. I feel that apartments or multi family would not benefit the value on our street. They have an existing business which has not been in the zoning so it's great to get it in compliance but as far as developing, R1 would be better for that area. Please consider the area, we need to keep some rural area in Post Falls, that's why people move here because there's options not just cookie cutter homes and apartments. There are enough apartments all over Post Falls. We need to keep some land for agriculture.

Rebuttal:

Blalack: There's only five parcels with the future land use designation as high density residential, this is one of the five. The City of Post Falls envisions this area becoming a high density residential area.

Walton: There's a contingency to allow the continued operation of the business. Is that something we need to consider?

Manley: Currently they're in the county and meet county standards. When it's annexed into the city they will have to meet commercial standards. The annexation matters will go before City Council.

Hampe: Would the current business be considered a general service?

Manley: I believe it would be, as general construction.

Public Hearing Closed: 7:06 pm

Review Criteria:

1. Is the proposed zoning district consistent with the Future Land Use Map and Focus Area contained in the currently adopted Post Falls Comprehensive Plan?

Kimball: It is designated as high density on the comp plan map. R3 is an implementing zone for the high density comp plan designation. CCS is not, but it is immediately adjacent. Commercial use to the south and the focus area speaks to commercial uses on a high use high ADT street, 4,000 cars or more. Palus testified the range is 4,000 to 6,000 cars per day on McGuire, that would meet that focus area criteria.

2. Is the proposed zoning district consistent with the goals and policies contained in the currently adopted Post Falls Comprehensive Plan that are relevant to the area under consideration;

Kimball: That's addressed in the staff report and the applicant's narrative

Schlotthauer: It meets the future land use map, policy

Kimball: Policy 20 regarding multifamily being in areas that have arterial and collector streets to help buffer high density and lower density development patterns. It's compatible with existing land use, there's multifamily to the north. It hits policy 20 very well. Policy 8 encouraging infill development.

Walton: Policy 24, the rights of way, are addressed.

3. Does the proposed zoning district create a Demonstrable Adverse Impact upon the delivery of services by any political subdivision providing public services within the city.

Kimball: There was no evidence presented to that affect. The right of way or inclusion and dedication to the right of way will help provide public services in that area by allowing for road widening and ease of traffic in that area.

Walton: About 5 years ago there's 5 acres north of that City Council turned down R2 even though it met all these requirements. Down the road at McGuire an R1 was denied too. My belief is that this R3 mixed with commercial development is too close to Seltice. It may be in the comprehensive plan but I don't think it works out with Echo Drive, I think it's too much.

Schlotthauer: I feel more sympathetic to the neighboring property owners than I generally do on these things because of the rural pocket that still exists there. I always default to the individual property owners' rights, it's their right to request to be annexed into the city and our job is to say what zoning would be appropriate. It's hard to go against the comprehensive plan.

Hampe: I agree I am sympathetic to the neighboring owners but there are property rights and being on that busy road it's an appropriate place to put high density and CCS.

Motion to Approve by Planning and Zoning Commissioner Hampe to recommend approval of Kruger Annexation ANNEX-23-5 finding that the requested zoning of CCS on the south portion of the property and R3 on the remaining north end of the property meets the approval criteria in the Post Falls Municipal Code as outlined in our deliberation and direct staff to prepare a Zoning Recommendation to be provided to City Council.

Second by Planning and Zoning Commissioner Carey

Vote: Hampe - Yes, Wilhelm - Nay, Schlotthauer - Yes, Kimball - Yes, Walton - Yes, Carey - Yes

Moved

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

None

7. ADJOURNMENT

7:16 PM

Date: 4/9/24

Chair: James Steffensen

Attest: Nancy Thrunwachter

Questions concerning items appearing on this Agenda should be addressed to the Community Development Department – Planning Division at 408 Spokane Street or call 208-773-8708.

The City Hall building is handicapped accessible. If any person needs special equipment to accommodate their disability, please notify the City Media Center at least 24 hours in advance of the meeting date. The Media Center telephone number is 208-457-3341.

Chair: James Steffensen Vice Chair: Ray Kimball
Members: Vicky Jo Carey, Nancy Hampe, Ross Schlotthauer, Bobby Wilehlm, Kibbee Walton