



**PLANNING AND ZONING COMMISSION
MEETING MINUTES**

**April 9, 2024
5:30 PM**

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

REGULAR MEETING – 5:30 PM

**CALL TO ORDER
5:30 pm**

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: Hampe, Wilhelm, Steffensen, Carey, Walton

Excused: Kimball, Schlotthauer

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

- a. National Unicorn Day
- b. National Former Prisoner of War Recognition Day
- c. National Winston Churchill 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 03/12/2024
- b. Our Next Venture File No ZC-23-4 Zoning Recommendation

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

Second: Walton

Vote: Carey - Yes, Walton - Yes, Steffensen - Yes, Hampe - Yes, Wilhelm - 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. Pleasant View Apartments SUP File No SUP-24-1

• Public Hearing Opened: 5:33 pm

Staff Report

Anna Staal, Planner 1, Presenting: Ray Kimball of Whipple Consulting Engineers is

requesting, on behalf of Eucon Corporation, approval for a Special Use Permit in the Community Commercial Services (CCS) Zone to allow for 80 multi-family units with a Density Bonus to be developed on 3.97 acres. The project is located just north of the W. Seltice Way and N. Pleasant View Road intersection. The nearby land uses consist of vacant parcels to the north and the west. To the east are multiple commercial businesses, and commercial and residential businesses to the southwest and the southeast. The property is currently a vacant lot zoned Community Commercial Services (CCS). Immediately to the west, east, and south are zoned CCS. To the north is industrial zoned land. The project has four buildings, including some community amenities in the back and parking in the front. There is access to the parking lot from N. Pleasant View Road and shared access with the property to the south that is currently in review for development. Water is provided by Post Falls Water District and wastewater is provided by the City of Post Falls.

Wilhelm: How many times a day does the train go through there? You do have in the comments about putting a barrier fence up to the railroad.

Robert Palus, Assistant City Engineer: The Union Pacific Railroad will not release to us the exact number of times or how many trains go through in a day. With our past discussions with them it is somewhere around a dozen times a day a train goes through on those tracks, and that is a 40 miles per hour track.

Steffensen: There's going to possibly be an O'Reilly's at Seltice Way and Pleasant View?

Staal: The site plan is currently in review.

Steffensen: What is to the east of the subject site by Boulder Court?

Staal: Storage units, Boulder Court has multiple small businesses, some are construction businesses.

Ray Kimball, Whipple Consulting Engineers: We have 80 units, the additional amenities increase the maximum density by 20%, allowing for 86 dwelling units on this site. Parking is set up for the highest parking standard Post Falls has, two per unit. This was done intentionally because Pleasant View does not have on street parking. The requirement is 164, this has 166 parking stalls. A lot of the businesses that are backing up to this site are small commercial businesses. This proposed development will expand the Pedestrian Network in the area, a class one ten-foot-wide pathway from the railroad tracks to Seltice Way which connects with the pathway Network that goes all the way to the Centennial Trail. The proposal will provide housing near businesses for the people who work in those businesses, and it allows easy access to I-90 for those with longer commutes. The proposal meets all the requirements.

Testimony:

In Favor: None

Neutral: None

Opposition:

Bob Flowers, 3914 E Maplewood Ave: We have enough apartments in this town. Putting apartments next to railroad tracks is insane. There's been a lot of interest in putting businesses down in that area. We're more than well stocked and the amount of land that's already zoned for apartment complexes that haven't been built yet is quite a few. My last point is special use permits, it just means somebody's wanting to put something where it shouldn't be. If it was meant to be there it would have been zoned that way. Thank you.

Howard Burns, Rocky Point Court: There was no discussion here on all the apartments that have already been approved, built, or under construction at Beck Road. We don't need more apartments here, we already have enough on Beck Road, enough on Highway 41 approved or are ready to be approved. Just give us a nice commercial project backing up to the little

businesses that are there. Thank you.

Rebuttal, Kimball: Our clients have about 4 to 7,000 apartment units. That's my source on vacancy rates. We've met all the requirements for approval.

Carey: Concerning the railroad track in the back, you said there's a buffer fence. Do you know yet what kind of fence?

Kimball: Typically, we'll do a six-foot fence. It makes a lot of sense to put a fence there. There's a condition of approval in there for a fence.

Carey: Something that's at least sturdy enough that the kids aren't going to push it right over.

Kimball: We purposely shifted the building to the south, put the parking to the north to try to keep everyone away from that for that reason.

Manley: With a special use permit you can add conditions above and beyond what the code normally would require.

Public Hearing Closed: 6:09 pm

Review Criteria:

A. Whether the implementation of the special use would/would not conform to the purposes of the applicable zoning district.

Hampe: It is allowed with special use, the only difference here is the density is higher than what is allowed. However, they are proposing extra amenities to make up for that.

B. Whether the proposed use constitutes an allowable special use as established by this chapter for the zoning district involved; and complies with all other applicable laws, ordinances, and regulations of the city and the state.

Christopher Gabbert, Deputy City Attorney: This is somewhat covered by the answer to review criteria number one.

Steffensen: The zoning classification is allowed by a special use permit.

C. Whether the proposed use will/will not be compatible with the health, safety, and welfare of the public or with land uses within the vicinity of the proposal.

Hampe: I think we all have a concern with the railroad and the fence installed.

Gabbert: Under this category the commission can express their concern as to the compatibility of the use of the site for high density residential with the surrounding uses which would include the railroad.

Carey: A block wall or something that will deter kids running over there.

Steffensen: I don't necessarily agree that the land uses in the vicinity match with this because everything is commercial around it. You have industrial to the north part, and it seems like there's commercial all around and then apartments in the middle. So, while technically it is allowed, I do have concerns with the land use being compatible with the surrounding areas.

D. Whether the proposed use will/will not comply with the goals and policies found within the comprehensive plan.

Steffensen: With some of these it meets goal one, but goal seven is the quality of land uses. It's in the middle of a bunch of commercial. Goal ten you will have green spaces and amenities that the people will be able to use. Goal fifteen, it's a great improvement to be able to get all the sewer and infrastructure farther north for those improvements which will help the city down the road. I can see pros and cons with this criterion.

Gabbert: The applicant specifically pointed out policy seven about the affordable or attainable housing policy which is also one that would support the application if the commission were to find that to be credible.

Wilhelm: I'm a relator, every single week somebody asks me if I have a rental. With the price of housing everybody has to live with three or four people in a house. Who starting out in life can afford a \$450,000.00 home?

Carey: I move that we re-open the public hearing.

Re-Open Public Hearing: 6:21 pm

Kimball: The owner would be fine with some sort of masonry block or concrete panel fence in that location.

Testimony:

In Favor: None

Neutral: Mike Peler: Having some experience with it when there's a street that you cannot put a fence across to block it, when you put up a solid wall like that it becomes a hiding place for kids to sit in there. Now you have a train coming, hundreds of tons 40 mph and those kids are now inside of that area where somebody can't see them and say get out of there. A lot of times your chain link fence is better for kids to be seen and told to get out of there. Thank you.

Devon Mechum: I have five kids, if there's a fence there regardless of what kind of fence it is, they're not going to try to get through it or get around it, but they do like to watch trains. Thank you.

Opposition: None

Rebuttal

Kimball: In that location the railroad is a little bit higher than the site, so any sort of a barrier, whatever it ends up being, will be a physical barrier to keep someone from crossing or getting into the railroad right of way but the kids will still be able to sit on the lawn and count the cars.

Closed: 6:25

Motion by Planning and Zoning Commissioner Carey to approve Pleasant View Apartments Special Use Permit File No SUP-24-1 finding that it meets the approval criteria in the Post Falls Municipal Code as outlined in our deliberation subject to conditions one and two, with the addition on condition two being that the fence barrier on the northern boundary of the property be either block wall or concrete panel.

Second by Planning and Zoning Commissioner Walton

Vote: Carey - Yes, Walton - Yes, Steffensen - No, Hampe - No, Wilhelm - Yes

MOTION IS APPROVED

- b. Northshore Subdivision and PUD Amendment File No SUBD-23-3

Public Hearing Opened: 6:27 pm

Jon Manley, Planning Manager: The applicant, Austin Fuller, Whipple Consulting Engineering, on behalf of the owner, Spokane River Northshore, LLC, has requested to subdivide approximately 10 acres into 22 lots. This project area has previously been approved as the "The Northshore District Subdivision and PUD" File No's: SUBD-0001-2021/PUD-0001-2021, which allows for up to 47 lots on the 10 acres. This request would amend the previously approved PUD by removing the PUD and the project would be replaced with a 22-lot subdivision on 10 acres as proposed per the Preliminary Plat. The property is located approximately 1200 feet east of Greensferry Road, south of Timber Lane and E. Ponderosa Boulevard Intersection. Water service for the project will be provided by the City of Post Falls. The City has adequate capacity to provide service for the project as proposed. Existing facilities on Ponderosa Blvd have sufficient pressure and available fire flow to meet the projected needs. Proposed improvements would not reduce service below applicable standards. Adequate provisions have been made for a public sewage system and the existing municipal system can accommodate the proposed sewer flows. The subdivision and proposed layout accommodate connectivity and will not have a negative impact on the local transportation system. The roadways shall dedicate rights of way and easements and be constructed to the roadway standards as outlined within the City Transportation Master Plan.

Steffensen: On the previous proposal, the reason it was created like that is because there's a ravine in there and a lot of slopping?

Manley: Yes.

Steffensen: Am I correct to say that there's going to be a lot of grading done to even out things as much as possible to allow those roads to go in? Maybe not so much for the houses that are right on the beach, but those streets are going in where those slopes would have been.

Manley: Yes. Regrading that site with a different terrain as the outcome versus the other one went with the terrain.

Steffensen: The street within the development basically just dead ends up to somebody's backyard?

Manley: Yes. They have the appropriate fire turnarounds along the end, and those roads dead end to the lots that are to the east.

Hampe: What's the difference in number of lots?

Manley: 47 on the previous plan, 22 on this plan.

Todd Whipple, Whipple Consulting Engineering: I'm in for Austin Fuller, this is a unique subdivision. It's unusual for us to start with a project that was highly contested, there was a lot of opposition. The owners re-evaluated what might be the best thing for this location. We decided we were not going to use the existing contours and create a much more riverine environment than what was there before. What was there before did not fit the neighborhood. All the lots except the lots along Ponderosa are to be daylight, the site will be graded for that. On the plans there's a brake line in each one of the long lots off of Ponderosa, those are 10 footsteps. Houses will have garages on the upper road and a daylight basement.

We didn't want to release the PUD until we got the new 22 lot PUD approved. The lots have flat entry garages, 75/85-foot-wide lots, and a daylight step out to the back. The middle lots have essentially a flat backyard with about a 10 to one down to the next street. The river lots have a little steeper fall once you get past the building pad. We have a park amenity with a little parking area and a 10-foot asphalt path that'll come down around our pond. We dedicate over 100 foot of frontage open space for amenities for the people who will live there. The people that live on top can drive a golf cart down, it will be a 78% slope and possibly a bathroom down there. We have this internal public facility for everybody within the subdivision to enjoy the river, the selling point on this property. We believe this project meets all the requirements for approval, we think it's a good addition to the City of Post Falls.

Testimony:

In Favor:

Howard Burns - Not wishing to speak: Far superior to the prior proposal.

Mike Pelissero, 518 S Shore Pines Road - I'm the president of the homeowner's association, 47 people opposed the prior proposal. On behalf of myself and the Shore Pines Homeowners most of the people in our association do not oppose the new proposal. We appreciate seeing that it's going to be something that's going to conform to our neighborhood and how it should look. Some people were asking about the trees that will be cut down. Can they haul everything off rather than burning it so we're not getting smoked out.

Whipple: If you want to add a condition that we won't be doing any slash burning, and all the logs will be hauled off, we are fine with that.

Neutral: None

Opposition: None

Public Hearing Closed At 6:48 pm

Review Criteria:

1. Definite provision has been made for a water supply system that is adequate in terms of quantity, and quality for the typed of subdivision proposed.

Hampe: It will be supplied by the City of Post Falls both sewer and water.

Carey: Both sewer and water said that it's adequate.

Gabbert: You addressed criteria number two for sewer as well.

3. Proposed streets are consistent with the transportation element of the comprehensive plan.

Steffensen: For this lot it's the best you can do. You can't connect to the other but the streets in there will be wide enough, zoned enough, and accessible fire conditions so it meets all those criteria.

Hampe: You'll just have internal private roads and there's just one access out onto Ponderosa which keeps it clean.

Gabbert: It's a gated community as well.

4. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards have been identified that the proposed uses of these areas are compatible with such conditions.

Carey: Staff identified the erosion and what needed to be taken care of to be able to build on the property.

Gabbert: The staff addressed the geotechnical reports and the proposed retaining walls.

5. The area proposed for subdivision is zoned for the proposed uses and the uses conforms to other requirements found in this code.

Walton: There's R1 all around it.

6. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community. It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay development impact fees.

Hampe: There will be impact fees.

Motion by Planning and Zoning Commissioner Hampe - I move to approve Northshore Subdivision and PUD Amendment File No SUBD-23-3 finding that it meets the approval criteria in Post Falls Municipal Code as outlined in our deliberations subject to conditions 1 through 11 adding a 12th condition which would be to haul all the logs off and not burn on site. Also like to clarify that we will be removing the existing PUD and direct staff to prepare a written reason decision.

Second by Planning and Zoning Commissioner Wilhelm

Vote: Wilhelm - Yes, Carey - Yes, Walton - Yes, Steffensen - Yes, Hampe - Yes

MOTION CARRIED

c. 1170 Mullan Ave File No SUP-24-2

Public Hearing Opened at 6:55 pm

Anna Staal, Planner 1 Presenting: Lake City Engineering is requesting, on behalf of the owner, NISHB Land Holdings LLC, a Special Use Permit in the Community Commercial Services (CCS) Zone to allow for 24 multi-family units to be developed on 1.49 acres in a CCS zone. The site is a vacant lot located approximately 290 feet west of the N. Shetland Street and E. Mullan Avenue intersection, along the south side of E. Mullan Avenue. There are vacant lots to the east and south of the site, single-family residential homes to the north, and medical facilities and commercial buildings to the south, west, and southwest. The zoning to the south, east, and west is CCS, north is R1 and R2, LC to the northeast. The water provider is Post Falls Water District and wastewater is provided by the City of Post Falls. Both have the capacity and capability to handle the required use. The project demonstrates adequate parking, more open space than required, two amenities for multi-families to meet Post Falls code requirements. The site is in the Seltice East focus area which prioritizes improving pedestrian connectivity and promoting infill development. This is an infill development, and the parcel would connect that pedestrian connectivity network.

Hampe: There would be one ingress/egress off Mullan Avenue?

Staal: Yes.

Drew Dittman, Lake City Engineering, Applicant: I am here tonight representing NISHB Land Holdings, it's a group of 12-13 doctors that owned the North Idaho Specialty Hospital. The site plan shows that there are two buildings, it looks like four, but the buildings are connected by a staircase in the middle. Two 12-unit buildings, 24 units total on about 1.50-acre property. There's an abundance of open space, there is a BBQ pit with a gazebo and a dog run in the back. The units have a garage under the units. This is workforce housing; the doctors are trying to create housing for their nurses and their staff because there is such a huge need for it. Regarding rental vacancy rates in Post Falls, according to [Rate.com](#) the vacancy rate in Post Falls is 0.5 %, on [Pointtohomes.com](#) it's 3.2% vacancy, and US Census Bureau says the state of Idaho has a 5% vacancy rate in the state of Idaho, so there is a need.

Wilhelm: Since that medical group owns it, are they trying to put together housing for their support staff?

Dittman: That was their goal, they own several properties in this area, and they do see the need to provide housing for the nurses and staff that work in their facilities.

Chad Oakland: I have partnered with these doctors; they own 9 acres to the north of where the new surgery center is being built. There are preliminary plans to build a medical subdivision across Mullan Avenue to the north side. We wanted to get some housing in place first and have a project where people can walk to work, grocery store, bank, and coffee. They've sold the hospital but kept the land through that sale.

Testimony:

In Favor: None

Neutral: None

Opposition:

Christine Vanderment, 810 N Terran Ct: The biggest concern is the heavy traffic we have now. The Greensferry overpass was to alleviate a lot of this which it did not and now we're going to put in 24 units. Is the entrance going to be both on Mullan and the opposite side to get into the 24 units? If it's just on the Mullan side, it will be a big problem. The other concern is its commercial health care business now. The future use map shows my residence becomes business commercial. It changed. Are our residences on Shannon and Terran Court going to become business commercial? What's our future? Thank you.

Bob Flowers, 3914 e Maplewood Ave: The city's had to address the traffic issue multiple times. In front of Walmart, they finally had to put up concrete barriers to direct traffic on where they could turn and where they couldn't. Your special use permit criteria number three is whether it will or will not comply with the health, safety, and welfare of the public. This development with one way in and one way out is not complying with anybody's safety. Of all the worst places to put it on one of the busiest streets in our entire town. Thank you.

Howard Burns, 502 S Rocky Point Court: The whole idea behind a special uses permit is does it fit? It may be allowed but does it fit. That whole section from Greensferry down to Idaho Street is a business complex. I don't see why it needs apartments. Beyond that, the folks that are presenting you this project don't make any statements to you that they own the other three lots around it. Why did they ignore that? Are they going to say you approved the apartments here, you have to approve them on the other three lots that are adjacent to this? It should be planned together and show how you can get access to them off the side street or off Poulston. I think that it should stay business, there's plenty of other places for apartments, but certainly the other three lots that are owned by the applicant should be part of this discussion.

Dittman: Traffic was brought up multiple times, I just want to read an excerpt in the staff report about traffic. "The proposed special use is not anticipated to produce impact that would adversely.

impact the adjoining transportation systems. Mullan Avenue is a minor arterial, the current roadway network has capacity." I think that's been adequately addressed. There are numerous allowed commercial uses that we could develop that would have a more substantial impact on traffic than 24 units of multi-family. Density was another thing that was brought up. We're proposing 24 units on 1.49 - 1.50 acres that's about 16 units an acre, we're not proposing increased or bonus density.

Public Hearing Closed At 7:24 pm

Review Criteria:

A. Whether implementation of the special use would/would not conform to the purposes of the applicable zoning district.

B. Whether the proposed use constitutes an allowable special use as established by this chapter for the zoning district involved; and complies with all other applicable laws, ordinances, and regulations of the city and the state.

Steffensen: The land use table says it is allowable.

Gabbert: So, we do have an underlying zone of CCS and it is an allowed use with a special use permit that satisfies those first two criteria.

C. Whether the proposed use will/will not be compatible with the health, safety, and welfare of the public or with land uses in the vicinity of the proposal.

Wilhelm: If they built a medical building there, they'll have more traffic than what's purposed right now. The issue of coming out onto Mullan, it would be nice if you can only go one way.

Hampe: I think the point of it is its workforce, These are people that are going to be working right there and are going to walk or ride their bikes to work.

Steffensen: I would like to see some sort of office building there. With that being said, it's been well documented that there's more trips in and out of offices. If it is going to be workforce, they are going to walk and that has been a huge topic within the city and the county.

D. Whether the proposed use will/will not comply with the goals and policies found within the comprehensive plan.

Carey: Part of our goals is that it's within walking distance to everything around it, the store, medical, bus stations, and everything like that.

Steffensen: If it is truly workforce housing, there's a lot of other commercial stuff that you can definitely walk to so that is good.

Hampe: It does extend the walkways.

Steffensen: That's been brought up with us and City Council the incomplete sidewalks and walkability for certain areas.

Motion by Planning and Zoning Commissioner Wilhelm - I move to approve 1170 Mullan Avenue File No SUP-24-2 finding that it meets the approval criteria and Post Falls Municipal Code as outlined in our deliberation subject to conditions on page number eight number one site access points will be required to conform with city access management requirements contained in the staff report and direct staff to prepare a written reason decision.

Second by Planning and Zoning Commissioner Hampe

Vote: Steffensen - Yes, Walton - Yes, Wilhelm - Yes, Hampe - Yes, Carey - Yes,

MOTION CARRIED

d. Legion Park Special Use Permit and Subdivision File Nos SUP-23-4 & SUBD-23-6

Public Hearing Opened: 7:30 pm

Ethan Porter, Associate Planner: Merle Van Houten of Van Houten Consulting and Design, LLC has requested on behalf of Benjamin Steckman, Blackwell Homes, LLC, property owner, approval for a special use permit and subdivision in the single-family (R-1) zone to allow for one

(1) existing single-family home and eight (8) cottage homes on approximately 1.06 acres. The Special Use Permit request is to allow for eight cottage homes to be developed within the Single-family (R1) zoning district. The Subdivision requests to subdivide 1.06-acres into nine lots to include eight cottage homes and one existing single-family home. It's on the northeast corner of Legion Road and Syringa Street, just south of the Poleline roundabout. Single-Family Residential (R-1) surrounds the property on all sides except the northern adjacent property, which is in Kootenai County jurisdiction. Cottage homes require a minimum of 2400 square feet lot size. The smallest lot size that's proposed for the cottage homes is just over 2600 square feet. The green space meets the required minimum standards for a subdivision for cottage homes. The water provider is Ross Point Water District and wastewater is provided by the City of Post Falls, the existing facilities are in place, and they have the capacity and capability to handle the requested use.

Carey: There was a letter in here from Ross Point Water District with additional requirements.

Robert Palus, Assistant City Engineer: The letter that was received from Ross Point Water is a typical letter, it doesn't call out anything which is unusual as part of the development process. It does say that they have water available, and they would be required to annex into their water district if necessary. To get water from Ross Point Water, who is the purveyor, they would need to annex into Ross Point Water district. Ross Point Water does have a 12-inch main that runs along the front of this property on Syringa Street. The city's engineering department does coordinate with Ross Point Water, and they would not be allowed to proceed to construction until such time as Ross Point Water signs off on the plans and approves the water portion of it.

Wilhelm: Cottage homes are 800 to 1400 square feet, so it would be just starter homes.

Porter: I'll let the applicant talk on how they want to market that or what they are looking at for development. Ultimately that would be the idea, having the standards in place to help for some of those starter homes.

Steffensen: This went through City Council last month as an R1. Is the reason it came through as an R1 was to keep the big house there and the idea was to do cottage homes there with a special use permit as opposed to having to grandfather the house in?

Porter: The single-family home would not be allowed in R3 zone. R1 with the special use permit was the avenue they wanted to go. To preserve that single-family home.

Merle Van Houten of Van Houten Consulting and Design, LLC: Each home will have two stories, three bedrooms, 2 bathrooms, and a single car garage with off street parking. We will be required to construct the frontage improvements to Legion Road and Syringa Street. This development is walking distance to city parks and schools, it's an ideal piece of infill development. We were annexed last month and we're here tonight for a special use permit and to subdivide with nine residential lots with green space. Our development of this property will include dedication of rights-of-way to comply with the transportation plan. We have to widen Legion and Syringa to the full width, add curb, swell, sidewalk, street trees, and provide pedestrian connectivity. Cottage home purpose is to provide for changing demographics, retirees looking to downsize and young families moving from that apartment to their first home. Mr. Kimball's statistics tonight was interesting, he was talking about somebody looking to get into that \$425,000 home would have a mortgage payment of \$2,800.00 a month. Whereas somebody paying for that 1300 square foot apartment would be paying \$1,900.00 a month. I'll show you tonight a 1300 square foot house that probably puts that \$1,900.00 a month payment within reach, so it gives them something more than just an apartment building to achieve. Encourages creation of centrally located green space which promotes neighborhood interaction and safety. Encourages infill development, and ensures residents a high-quality environment with permanence, stability, and access to green space. Those are the terms in the cottage home code. All the homes will have the same components and no two homes are substantially similar

to each other from the exterior. The eight cottage homes consist of four front loaded, two side loaded, and two rear loaded configurations. Chaffee Street will provide connectivity up to the north end and anticipated future development. As part of the cottage home code we are required to provide two off-street parking spots for each house, that would be the garage and the driveway. We're also required to provide off-street parking for the eight lots proposed, which is provided adjacent to the green space. We have sidewalks connecting on one side, and as mentioned earlier road frontage improvements to Legion and Syringa to include curb, swell, street trees, and sidewalk. Existing utilities are readily available to the site as well as dry utilities. This is ideal for infill development. The applicable zoning district is R1 and cottage homes are allowed as special use permit, we're not requesting any deviation. We feel this has become a good test vehicle for the cottage home standard and a good use of the health, safety, and welfare development. It doesn't burden our current traffic or utility systems. This provides community where people can live and work in the same area, it provides for that housing niche that is needed. There are no environmental issues, its typical Rathdrum Prairie development, and the proposed use conforms to other requirements found in this code. The developer is aware that there will be a development agreement, construction improvement agreement, and impact fees and are willing to comply with that.

Steffensen: You have the house, detached garage, and a building/trailer out back.

Van Houten: Only the house will be saved, because of the right-of-way the garage has to go.

Steffensen: The fence that's on Legion, is that going to have to be taken down or shortened?

Van Houten: That will be talked down as well.

Testimony:

In Favor: None

Neutral: Howard Burns, 502 Rocky Point Court: I'm neutral on this. My whole thought process behind the cottage homes is affordability. I think what would be nice would be to somehow first make some effort to offer these homes early on to the fireman and policeman who don't live in the community to give them a shot at them. Secondly, to try somehow to keep investors from buying these and turning them into rentals. I'd love to see them owned by the people that live in them. The city should be investigating, if you're going to have cottage homes, how can we make them owner occupied so Blackstone doesn't buy them all and rent them out.

Van Houten: I appreciate those comments. It does provide a product that is achievable to people who don't have one. I think that this is a great opportunity to see what the cottage home can do. I think that trying it out here with eight units on an acre is probably a better test method than ten/twenty acres or something like that. It seems like it's a real nice piece of infill development where we can create some achievable housing and test out this new section of the code.

Opposition: None

Public Hearing Closed: 8:11 pm

Gabbert: Let's go through all the criteria and have two motions. Start with the special use and then follow up with the subdivision approval. Some of the criteria will overlap.

Review Criteria:

A. Whether implementation of the special use would/would not conform to the purposes of the applicable zoning district.

B. Whether the proposed use constitutes an allowable special use as established by this chapter for the zoning district involved; and complies with all other applicable laws, ordinances, and regulations of the city and the state.

Carey: This is a use allowed under the special use permit for this zoning.

C. Whether the proposed use will/will not be compatible with the health, safety, and welfare of the public or with land uses within the vicinity of the proposal.

Carey: It will be compatible. It's single-family around it, and up from it is commercial/business,

and it is detached homes.

Steffensen: It's a smaller product it's still single-family homes that serves a different purpose that the city does need to attract attainable starter home or empty neater homes.

D. Whether the proposed use will/will not comply with the goals and policies found within the comprehensive plan.

Steffensen: We've talked about infill. There's two lots to the north that are still county but everything else is R1 around that area. It is needed in the type of environment where rates and home prices are, at it's a little bit more attainable to get into home ownership.

Subdivision Review Criteria:

Gabbert: The first one and dub tailing with the second one is definite provisions for water supply and adequate public sewage.

Carey: We have Ross Point for water and Post Falls for sewer.

Steffensen: The water mains are on Syringa and Legion so easy to connect to.

3. Proposed streets are consistent with the transportation element of the comprehensive plan.

Carey: There are no traffic issues, Syringa is a minor collector, so it'll hold any traffic that comes from there.

Steffensen: The new street that's going in there will be available for future connectivity going north when those areas are annexed in.

4. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.

Gabbert: No adverse finding on this.

5. The area for the proposed subdivision is zoned for the proposed use and the use conforms to all the requirements in the code.

Gabbert: This is an allowed use as a special use permit.

6. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community. It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay development impact fees.

Carey: Impact fees will be paid.

Motion for SUP-23-4 by Planning and Zoning Commissioner Hampe: I move to approve Legion Park Special Use Permit File No SUP-23-4 finding that it meets the approval criteria in Post Falls Municipal Code as outlined in our deliberations and subject to conditions one through ten as contained in the staff report and direct staff to prepare a written reasoned decision.

Second for SUP-23-4 by Planning and Zoning Commissioner Carey

Vote on SUP-23-4: Hampe - Yes, Carey - Yes, Wilhelm - Yes, Steffensen - Yes, Walton - Yes

Motion for SUBD-23-6 by Planning and Zoning Commissioner Carey: I move to approve Legion Park Subdivision File No SUBD-23-6 finding that it meets the approval criteria in Post Falls Municipal Code as outlined in our deliberations and subject to conditions one through ten and direct staff to prepare a written reasoned decision.

Second for SUBD-23-6 by Planning and Zoning Commissioner Walton

Vote on SUBD-23-6: Hampe - Yes, Carey - Yes, Wilhelm - Yes, Steffensen - Yes, Walton - Yes,

MOTIONS CARRIED

5. ADMINISTRATIVE / STAFF REPORTS

6. COMMISSION COMMENT

None

7. ADJOURNMENT

8:21 p.m.

Date: 5/14/24

Chair: James Steffensen

Attest: Nancy Thuermer

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.

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