



**PLANNING & ZONING COMMISSION
MEETING MINUTES**

**January 11, 2022
5:30 PM**

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

MEETING ATTENDEES ARE ENCOURAGED TO MAINTAIN A 6 FOOT SEPARATION FROM OTHER ATTENDEES AT THE MEETING AND MASKS ARE ENCOURAGED FOR THOSE WHO HAVE NOT BEEN FULLY VACCINATED FOR COVID-19.

THE MEETING MAY BE VIEWED ON CABLE CHANNEL 1300 OR LIVESTREAMED ON THE CITY'S YOUTUBE CHANNEL (<https://www.youtube.com/c/CityofPostFallsIdaho>).

WRITTEN TESTIMONY AT PUBLIC HEARINGS IN LIEU OF ATTENDING IN PERSON IS ENCOURAGED. WRITTEN TESTIMONY WILL BE CONSIDERED TO THE SAME EXTENT AS LIVE TESTIMONY.

REGULAR MEETING – 5:30 PM

CALL TO ORDER

*** PLEASE TURN OFF YOUR CELL PHONES ***

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

Carey, Steffensen, Davis, Ward, Kimball - Present
Hampe, Schlotthauer - Excused

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

Herrington - Spoke on the deliberations and explaining that we will be going through each review criteria.

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.

N/A

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. Minutes – December 14, 2021, Planning and Zoning Commission Meeting
- b. Reasoned Decision – Blue Spruce Meadows Subdivision File No. SUBD-0011-2021
- c. Zoning Recommendation – Angell Clark Zone Change File No. RZNE-0010-2021

Motion to approve by Steffensen

Second By: Carey

Vote: Kimball – Yes; Carey – Yes; Steffensen – Yes; Davis - Yes

Moved

2. CITIZEN ISSUES

This section of the agenda is reserved for citizens wishing to address the Commission regarding City-related issues that are 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.

N/A

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.

N/A

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. Comprehensive Plan Amendment, KCRF/KCEMSS File No. CPA-0002-2021 – Anne Wescott, Galena Consulting to present (**Action Item**) – Tonight we are speaking to you as Planning and Zoning. On Page 11 of the Kootenai County report, the Capital Improvement Plan (CIP) for the Fire Department and EMS for the next ten years is offered in detail to determine if the CIP is in alignment with the Comprehensive Plan. The plan has not changed since it was presented in December.

Manley – I would like to make one clarification. A lot of what was presented by Anne Wescott of Galena Consulting dealt with the capital expenditures as part of the impact fees. What is being forwarded for recommendation is that Comp Plan Amendment portion. On Page 5.3 there is that additional language in there that is being requested to be amended under the services section.

Herrington – Page 68 of your agenda.

Manley – That additional language points to those master documents as presented as KCFR and KCEMSS.

Davis – So the language you are referring to is the Council's adopted impact fees for KCRF and KCEMSS and extended that whole piece?

Manley – Yes, it's all underlined.

Testimony:

In Favor – None

Neutral – None

Opposition – None

Carey moved to forward for approval City Council CPA-0004-2021

Second By: Steffensen

Vote Steffensen – Yes; Carey – Yes; Kimball – Yes; Davis – Yes

Moved

- B. Dual Brand Hotel Special Use Permit File No. USE-0006-2021 – Laura Jones, Associate Planner, to present. The owner is Bill Lawson of A & A Construction. Applicant is Dwight Hume of Land Use Solutions and Entitlement. (**Action Item**) – Special Use Permit approval to exceed the maximum height requirement of 45' within the Community Commercial Services (CCS) zoning designation, to construct a 5-story hotel with a maximum height of 60'. The project site is located south of Interstate 90 and north of E. 4th Avenue between North Idaho Street and E Seltice Way. The existing zoning to the north, west and east are CCS, which is currently vacant and being subdivided. To the southeast is Woodland Meadows R-3 multi-family residential. The area to the southwest

is zoned Smart Code 5 (SC5). The City of Post Falls will provide both water and sanitary sewer services. The applicant is proposing a hotel with 154 guest rooms. Amenities include a below-grade parking garage, restaurant, multi-conferencing center and indoor pool. Looking at the Bulk and Placement Table, you can see that for CCS, the maximum height allowance is 45 feet, which is why they are requesting a Special Use Permit to exceed that. Looking at the Future Land Use Map within the Comprehensive Plan, this is located within the business commercial future land use designation. The purpose of that land use designation is to provide for a variety of general service, retail, professional office and mixed-uses that serve local and regional residents as well as the traveling public. It should develop with multi-story buildings and a mixture of uses is encouraged, particularly in the City Center District. On the conceptual site plan, it shows they plan to gain access from the south off of 4th Avenue. On the conceptual elevation, you can see Interstate 90. That below grade parking level is here, and then conceptually, how those five stories may look compared to a single-story commercial building.

Review Criteria:

- Implementation of the special use will/will not conform to the purposes of the applicable zoning district. The special use in this case conforms to PFMC Section 18.16.010(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. The maximum height per PFMC Section 18.20.040 Official Bulk and Placement Table has a maximum allowed height of 45 feet, so in order to exceed 45 feet, they need a special use permit.
- Whether the proposed use will/will not be compatible with the health, safety, and welfare of the public or with land use in the vicinity. The proposed use should not negatively impact the health, safety, and welfare of the public or land uses in the vicinity.
 - Transportation: The proposed special use for building height is not anticipated to produce impacts that would adversely impact the adjoining transportation system.
 - Water Reclamation: The site will be connected to the City's Water Reclamation facilities. Existing facilities are in place and have the capacity and capability to handle the requested use.
 - Domestic Water: The proposed special use will be serviced by the City of Post Falls water system. Domestic water is being extended to the site as part of the required work for the underlying subdivision.
 - Mass Grading: The site is located within an area of current mass grading activity. Certification of mass grading is required prior to the issuance of any building permits.
- Whether the proposed use will/will not comply with the goals and policies found within the comprehensive plan. Goals 3, 4, 7 and 14 may be relevant to this special use permit. Policies 1, 5, 8, 70, and 84 may be relevant to this special use permit. The goals and policies are outlined in detail in the staff report.

All agencies have been notified. Kootenai County Fire and Rescue, Post Falls Police Department, and Idaho Department of Environmental Quality each responded that they remain neutral to the proposed special use.

Applicant – Dwight Hume, Land Use Solutions and Entitlement – I am Dwight Hume, and I am here on behalf of NA Construction. With me tonight is Bill Lawson, the developer, and also his architect, Russ Wolf, who can explain in more detail why the nature of project requires this extra height. As shared in our application submittal what triggered all of that was an obligation to accommodate the Dual Brand Hotel, it needed to be 150 units. When we use the site configuration, shape, acreage, and your standards for zoning, parking, setback, landscaping, it resulted in a footprint for the site that you see in the presentation by staff. There is no room to spread to accommodate. The hotel chain said they would come if we could give them 150 rooms. As a result, the byproduct was 154 units, but created the need to go one story higher. The CCS limit is 45 feet. We're asking for 60. The architect can give more detail why that dimension works. There are exceptions on your height. That's the mechanical that goes on the roof. My job as a land use planner is more attending to your criteria for approval. I answered the criteria in the affirmative. We are not in conflict with the Comp Plan, not in conflict with the zone, or the intent of the zone. The question then is really a very narrow one and that is will the height of this structure adversely impact surrounding land use. The answer is simply "no" because of the nature of where it is. It's out on the edge of the development, the urban renewal of this particular area. Coincidentally, it's 25 feet lower than the tower that was left from the former use in this area, namely the mill that was there. That is being used for historic benefits. Unless you have questions for me, I'd like the architect to give you more details.

Russ Wolf, Wolf Architectural Group, Spokane, WA – I appreciate being here to present some things about this project that are part of the whole process. We currently are developing 11 acres along the north frontage of 4th Street to include the improvements of Front Street. When you look at this site, this building is sitting in a depression from three sides. One of the mass grading solutions is to put the parking underneath and utilize that soil to balance this site. They are saving the silo in the back. The silo has opportunities to create a sense of place and it is really important to how we treat this property. It's in process. We're trying to perch it up, make it stable, and give it some effects that anchor the development to the public view. What's really critical to the floor plan of a hotel is where the center core of an elevator is and stair towers, how the corridors work and how far you have to take your bag for a comfort level. The more compact they are, the better they work. The better the land use is and so from our perspective, the building functions much better with one floor up rather than us taking more real estate that's already and committed and trying to extend the building so you have a really long corridor. It's more efficient and it builds efficiency throughout the whole process.

Carey – It's 55 feet maximum to the roof and then there are just a few mechanical protrusions above the roof. Is that correct?

Wolf – Yes. The first floor is 15 feet and then 10 feet for each floor after that.

Carey – And the entrance is going to be on 4th Street?

Wolf – It is. It's a shared entrance/exit with the whole development. It's one of three locations along 4th Street.

Steffensen – Provided that this is approved, what is the construction timeframe?

Wolf – We only have preliminary site plans at the moment. We would probably have two or three months of work before you would see an application for a permit.

Testimony:
In Favor – None
Neutral – None
Opposition – One

Opposed – Bob Flowers – 3914 E Maplewood Avenue – We're not Coeur d'Alene. We don't need to be building buildings that block the mountain and river views. If we approve this extra height, we're setting a precedence for other projects that are going to be coming. They can spread out a little bit and utilize their land a little different. It isn't the City's job to make sure the contractor's job pencil's in right. They need to go by our rules. Changing the rules is not the way to do that.

Review Criteria Discussion:

- 1. Whether Implementation of the special use permit would/would not conform to the purposes of the applicable zoning district.**

Steffensen, Carey, Kimball and Davis agree that it is allowable within that zoning and that the additional 15 feet are reasonable.

- 2. 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 state.**

Steffensen, Carey, Kimball and Davis agree that the request is in compliance.

- 3. 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.**

Steffensen, Carey, Kimball and Davis agree that the proposed land use will not infringe any on residential and that the improvements in that area are needed. The location is one of the most appropriate in Post Falls for this purpose.

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

Steffensen, Carey, Kimball and Davis agree that the plans as outlined in the staff report are in accordance with the goals of the comprehensive plan.

Kimball moved to approve the Special Use Permit File No. USE-0006-2021 finding that it meets the review criteria set forth in the PFMC and adopting conditions 1- 3 and found in the staff report.

Second By: Carey

Vote Kimball – Yes; Carey – Yes; Steffensen – Yes; Davis - Yes

Moved

5. Pointe at Post Falls 4th Addition Subdivision File No. SUBD-0018-2021 - Laura Jones, Associate Planner, to present. The property owner is Pointe Partners, LLC. The applicant is HMH Engineering. (Action Item) – Approval of a 26-lot subdivision within the Community Commercial Services (CCS) and Industrial (I) zoning designations on approximately 47 acres. The site is located west of North Beck Road and south of West Pointe Parkway. The current land use is vacant. The City of Post Falls will provide both water services and sanitary sewer. The existing zoning for the site is CCS and Industrial. Most of the surrounding land uses are also industrial. The proposed subdivision plan is for 47 lots to be built out in 2 phases. Phase 1 – 13 lots, the extension of Baugh Way and eastern portion of Pointe Court Way. Phase 2 – 13 lots and the completion of Pointe Court Way.

Review Criteria for Subdivision

- Water will be provided by the City of Post Falls and modeling indicates that sufficient water service and fire flow will be available.
- Sufficient capacity at the Beck Road lift station exists for proposed commercial uses.
- Proposed streets are consistent with the transportation element of the comprehensive plan.
 - The subdivision and proposed layout accommodate connectivity and should not have a negative impact of the local transportation system.
 - The proposed commercial roadway classification for Pointe Court Way and Baugh Way are appropriate for the anticipated land uses.
 - Proposed Condition 7: The public roadway standards for the subdivision shall match the roadway classifications as shown in the project narrative. Baugh Way at the intersection of S. Baugh Way and Pointe Court Way may be reduced to a Local Commercial Street width. There was a discrepancy between the narrative language using “commercial roadway,” and the detail that was provided in one of the exhibits. This condition is to make sure we’re all on the same page.
 - Proposed Condition 8: Proposed Pointe Court needs to be renamed to meet street naming standards to “Beck Road,” looping back to W. Pointe Parkway at the westerly end of the subdivision.

Kimball – Was the detail that was provided larger?

Palus – I have had the opportunity to talk with the applicant about what transpired there. My understanding is Baugh Way itself was identified in the narrative as being a minor collector road. They show it correctly on the plans. It meets the minor collector standard at the north end then it reduces down in width. We don’t have a problem with it reducing down as it intersects Pointe Court Way on the south end at the commercial standard. Originally, Pointe Court was shown as a cul-de-sac. We requested that it get converted from a cul-de-sac to a public roadway to bend back up to Pointe Parkway to improve our ability to provide maintenance of the roadway as well as circulation.

- 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.

- Previous mass grading activity did occur on the property as part of the initial Pointe at Post Falls development.
 - Additional geotechnical analysis may be requested if necessary and as determined by the engineering department.
- The area proposed for subdivision is zoned for the proposed uses and the uses conform to other requirements found in this code.
 - The proposed lots comply with the bulk and placement standards for the CCS and Industrial zoning designations.
 - Several of the proposed lots will result in mixed zoning and future zone changes may be necessary to accommodate future uses of these parcels.
- The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide service 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.
 - Impact fees and cap fees will be assessed and collected on individual building permits to assist in mitigating the off-site impacts to parks, public safety, streets, City water and water reclamations facilities.

All agencies have been notified. Post Falls Police Department remained neutral. Idaho Department of Environmental Quality had concerns that would be applicable at the time of construction. Idaho Department of Transportation responded with concerns of signal timing for the light located at the intersections of West Pointe Parkway and North Baugh Way and West Point Parkway and North Beck Road.

- The engineering department and streets department will coordinate with ITD for signal timing for these intersections.

Applicant – Jordan Tillet, HMM Engineering – I am just here representing Wadsworth Investment Group to answer any concerns that might come up. I would like to add that the proposed subdivision does not change the previously approved zoning or building intent for the lots outlined.

Testimony:

In Favor – None

Neutral – None

Opposition – None

Review Criteria Discussion:

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

Steffensen, Carey, Kimball and Davis agree that the plans as outlined in the staff report certify that there is an adequate water supply and there were no issues.

- 2. Adequate provisions have been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows.**

Steffensen, Carey, Kimball and Davis agree that there are no concerns based on the staff report.

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

Steffensen, Carey, Kimball and Davis agree that it appears they are meeting the commercial standards.

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.**

Steffensen, Carey, Kimball and Davis agree that it appears any potential issues have been identified. Grading which occurred in the past may require testing in the future.

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

Steffensen, Carey, Kimball and Davis agree that it appears the plan conforms to the requirements and that it is a beneficial use for this area.

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.**

Steffensen, Carey, Kimball and Davis agree that there does not appear to be anything extraordinary within the plans which would not be covered by impact fees.

Conditions:

Steffensen, Carey, Kimball and Davis agree with Conditions 7 and 8 as presented.

Kimball moved to approve Subdivision File SUBD-0018-2021 finding that it meets the requirements set forth in the PFMC adopting Conditions 1-6 as found in the staff report with additional conditions 7 and 8 as presented in the staff presentation.

Seconded By: Steffensen

Vote Steffensen – Yes; Carey – Yes; Kimball – Yes; Davis – Yes.

Moved

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

None

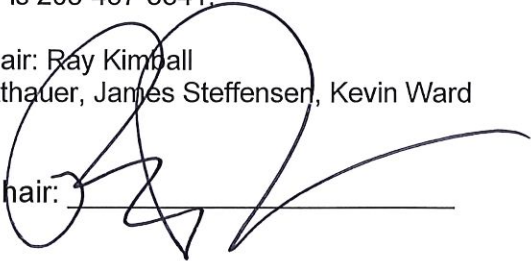
7. ADJOURNMENT 6:40 PM

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: Ryan Davis Vice Chair: Ray Kimball
Members: Vicky Jo Cary, Nancy Hampe, Ross Schlotthauer, James Steffensen, Kevin Ward

Date: 1-26-22

Chair: 

Attest: 