



**7 PLANNING & ZONING COMMISSION
MEETING MINUTES**

**April 12, 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, Hampe, Steffensen, Davis, Schlotthauer, Kimball - Present
Ward-Excused

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

- **NATIONAL EDUCATION AND SHARING DAY** - On National Education and Sharing Day, honored every year on the birthday of a leader, which is day 11 of Nissan on the Jewish calendar, we get to know that sharing is truly caring. Education goes beyond obtaining a degree to shape a certain career; it cultivates the spirit and develops the character through the collaborative efforts of mentors, educators, family members, scholarship programs, and community leaders. Join us as we pay tribute to the great Rabbi Menachem Mendel Schneerson and his work of more than a century ago for shared education nationwide and across borders.
- **NATIONAL LICORICE DAY** – Provided licorice in the Ante Room.

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. Minutes – March 23, 2022, Planning and Zoning Commission Meeting
- b. Reasoned Decision – Stockwell Court Subdivision File No. SUBD-0013-2021

Motion to approve as presented by Carey

2nd by Hampe

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

Hampe - Yes

Moved

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.

Flowers – Who do you think you represent? The City of Post Falls or the People of Post Falls?

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.

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. **Zoning Recommendation for Wellspring Annexation Review Requested Subdivision** File No(s). ANNX-0001-2022/SUBD-0001-2022 – Laura Jones, Associate Planner, to present a request for a recommendation to city council for a mixed zoning designation of Medium Density Residential (R2) and Limited Commercial (LC) upon annexation of approximately 9.17 acres. Additionally, a subdivision request of 24 lots with 23 - R2 lots and 1-LC lot. Two requested actions are to provide a recommendation to City Council for the zoning designations of Medium Density Residential (R2) and Limited Commercial (LC) on approximately 9 acres as part of the annexation request into the City of Post Falls. The second action is an approval to subdivide the said 9 acres into 24 lots of which 23 lots will be an R2 and 1 lots will be the LC; this will be contingent on Planning and Zoning recommendation of these zoning designations and annexation approval from City Council. It is generally located at the southeast corner of W. Prairie Ave and N. Greensferry Rd. and is a vacant lot; it is over the Rathdrum Prairie Aquifer. Ross Point Water District will be the water provider and the City of Post Falls will provide wastewater. To the north is single-family in the county; east is Green Meadows 2nd Addition R2 single-family to the south is Green Meadows R1 single-family and to the west is County single-family with the Gondo Annexation right on the southwest corner with Community Commercial Services (CCS).

Zoning Criteria:

- Amendments to the Zoning Map should be in accordance with the Future Land Use Map, the designation is Transitional – designated to lands suitable for growth however timing is undetermined. Guidance for proposed growth can be located within the Focused Area. The Commercial Activity Node is intended to encourage commercial activities at major transportation nodes to compliment the overall community. 41 North Focus Area, land values will pressure development to attract a range of residents, offering shared amenities, housing variety and neighborhood-scale services. The focus provisions for multi-family, commercial, and tech uses near higher classified roadways; the focus provisions for commercial uses along arterial/collector streets where traffic volume exceeds 4,000 vehicles per day. There were several Goals and Policies that were applicable to the request and are detailed in the staff report.
- Infrastructure and service plans; the City of Post Falls will provide water reclamation services and has the capacity and willingness to serve the site. Water will be provided by Ross Point Water District; will serve letter has been provided.
- It is over the Rathdrum Prairie Aquifer
- Prairie Ave and Greensferry Rd should not adversely impact the existing transportation network
- Along Seltice Way and Highway 41 are the higher intense Urban activity areas. Out at Riverbend and the Pointe is a development urban activity area and this location is also developing as one.
- The request isn't for industrial so the last criteria in not applicable.

Lot 1 is the Limited Commercial and is situated right on the corner of the intersection. Lots 2-24 are the Medium-Density Residential and the density for the residential units are approximately 3.7 units per acre with a total of 2.6 units per acre.

Subdivision Review Criteria

- Water will be provided by Ross Point Water District
- Sewer to be provided by the City of Post Falls the plan is in conformance with the City's Water Reclamation Master Plan.
- The subdivision should not have a negative impact on the local transportation system and the residential lots will not have direct access onto Prairie Ave or Greensferry Rd.
- There are no soil or topographical conditions which have been identified as presenting hazards the site is over the Rathdrum Prairie Aquifer.
- The subdivision approval is contingent upon Council approval of the annexation however, the lots conform to the requirements of Title 17 and Title 18.
- 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 and KCFR reserves comments for the permitting process with the PFPD and DEQ responding neutral. The Post Falls Highway District requested no direct access onto Prairie Ave and the ROW on Prairie get annexed with the property this will be a condition upon annexation. Their last comment being the city taking ownership of the signals at Prairie and Greensferry this is common practice for the city.

Hampe – How large is lot 1?

Jones – I believe 2.966 acres.

Carey – As a commercial use, would access be off Prairie or Greensferry?

Jones- I believe off the private road, however, I will have Mr. Palus speak to that.

Palus - If it was zoned for the limited commercial and then developed as such there'd be several different options as to how access could come to that site principally, we would most likely see a commercial access on and off Greensferry Rd. We could also see the development of a secondary access from the roadway on the south side, there is the potential. We know that Post Falls Highway District has asked for no access onto Prairie Ave., there is a Critical Arterial Corridor Policy which restricts any new access points on to Prairie Ave. that would be controlled. That would mean either a roundabout or traffic signal at the half mile spacing, the city policy also allows for a quarter mile access but that would be a restricted access for roadways and depending upon what the use was, there could be the value of having a right in right out. Which is the most we would possibly see from an access onto Prairie Ave. that would be something that may have a distributed access coming in a business that people filter in but then they all leave at about the same time. A right in right out could be helpful for a location like that, because it would not overwhelm the traffic signal as much but it's something that we would look at depending upon what the actual commercial use is and then weighing it against our standards as to what is the best access and not to mess up the regional priorities of Prairie Ave. or how the arterial works on Greensferry.

Carey - A question then on Greensferry, if that's used as an entrance exit it would have to be upgraded some because it's not that wide there.

Palus – Correct, so with the subdivision they would be widening Greensferry to meet our standards from Prairie Ave. down the entire frontage which would tie into what the Green Meadow Subdivision has done for widening to the south.

Kimball – Would they also be widening Prairie Ave.?

Palus – So, Prairie Ave. is listed in the City's Transportation Master Plan as a principal arterial and is listed in our Capital Improvement Plan as an Impact Fee Project. So, the widening of Prairie Ave. itself, curb, gutter, and asphalt would be covered by Impact Fees as a future project. The alternative is the applicant would build it and the city would need to reimburse them for the costs of the widening from the Impact Fee dollars. One of the immediate problems is that depending on how we widen out Prairie Ave., we have a traffic signal that needs to be adjusted in location as well and that's a high-cost item to move a traffic signal poll.

Manley – I would like to add a comment for clarity and transparency. Regarding the units per acre, if you go lots per acre that would be correct; there is a range because zoning allows for different types of products. Zoning gives vested rights so the applicant is desiring to put single-family homes it would be 3.7 units per acre, any lots greater than 7,200 square feet duplexes could be built per code so the range would be 3.7 to 7.4 approximately. That is the difference between an R1 and an R2 as you can get diversity and potential density.

Kimball – So the maximum overall density would be 5.2.

Manley – Based off the whole site 5.1 is what I calculated. You can see lots 3 and 4 are under 7,200 square feet so those type of lots couldn't be duplexes.

Jones – 3 and 4 are just under 7200.

Schlotthauer – Several are listed as duplex lots on the map.

Jones – I believe there are 4 on the south end, lots 21-24 are listed as duplex.

Manley – It doesn't change the analysis of the staff report, I just wanted to be transparent on the density with the requested R2.

Jones – Regardless it's R2 zoning.

Applicant – Bart North, North Engineering - The applicant, Pastor John Devries, is here in the audience this evening and we have reviewed the staff report and take no exception to any of its findings. I thought it might be useful to give you a little background on how we got to this point. In 2006 Pastor John Devries, with the support of his congregation, purchased this parcel with the intent of constructing the Wellsprings of Life Christian Fellowship. Which is a Fivefold Ministry Full Gospel Church and Training Center. It, of course was and still is currently in the county and in 2006 Pastor John submitted a Conditional Use Permit which gave it the designation C-1132-05 and over the course it was approved and issued in January 2007. As Pastor John moved forward with the project the 2008 housing bubble burst and with the recession, he was unable to build. From 2008 to present, it has been a recovery process. It was discovered in a pre-application meeting with Kootenai County during the lapse of time the city boundary had moved up to this parcel and city services were adjacent to the southwest corner of this property. Applying for Annexation is the only path forward for the success of this project. Now this property has double frontage and the cost of extending infrastructure to City Standards for annexation is substantial, the intent is to construct a church facility however, to fund the improvements required for annexation Fivefold Ministries found the need to propose the subdivision presented tonight. The 3-acre Limited Commercial lot is where the proposed church facility will be constructed, and the proposed subdivision is R2 zone. All but 4 lots are proposed to be single-family detached residential, and the 4 lots located to southwest corner are the proposed duplex lots. Regarding the Limited Commercial lot there is a potential approach onto the residential roadway. There has

been formal submittal and would be reviewed at time of Site Plan however, potentially a restricted access onto Greensferry Rd and Prairie Ave. As Mr. Palus pointed out, it would be consistent with the Critical Arterial Access Policy as in approaches would be right in and right out and would not have a negative impact on the transportation network.

Steffensen – In our packet the Concept Development Plan, looks like the commercial lot is split in 2? Will there be future phases?

North – I think that was a conceptual drawing, we have been working on a preliminary site plan that would place the church within the southerly half of the commercial lot. Which is what the phases 1 and 2 are about, however, as we stand before you this evening, we are looking for a use on the Limited Commercial (LC) zoning.

Steffensen – So, obviously the request for (R2) for duplexes why only 4 duplexes and all other lots single-family?

North – Applicant preference, it lends itself to single-family detached units, which is the intent.

Testimony:

In Favor - None

Neutral - None

In Opposition – **Read into the record by Davis – Tammy Godfrey** – Stop building until our infrastructure is addressed. Better roads, police, fire, schools, food stores, etc. it seems Post Falls hasn't caught up to the overwhelming amount of people coming into the city. The people of Post Falls can't even afford the housing cost, lets address the needs of our city first then continue to build. Infrastructure first!

Rebuttal

Applicant – North – In response this project contributes to the infrastructure as we are widening Greensferry Rd and as Mr. Palus stated Prairie Ave. widening is an impact fee project and the applicant will be contributing to those funds. The 12-inch water main for Ross Point Water is part of the infrastructure that will be brought in from the south. The LC zone also opens to possible neighborhood commercial.

Hampe – Under the conditions for the subdivision, it goes 1-9 then there is number 4 listed should it just conditions 1-10?

Correct

Steffensen – What is the timing of everything if it is approved?

North – The intent would be to have a Plat recordation occur in 2022.

Schlotthauer – I personally haven't seen and Annexation and Subdivision come through sequentially like this, is this common?

Manley – It isn't unusual. We just condition the subdivision upon ultimate determination by the City Council on the Annexation.

Comments:

Davis - The question was asked as far as our representation I want to stress again that we are volunteers. We're appointed volunteers who are not elected by citizens but rather appointed by the Mayor approved by Council to terms and we have a process that we're required to follow that does not include side conversations, site visits, emotions, or opinions. We are simply recommending that if council was to annex our recommendation for annexation would be x and reviewing the subdivision file, there are six criteria in which we are required to follow so we'll actually go through those right now.

Annexation

1. Amendments to the zoning map should be in accordance with the Future Land Use Map.
Steffensen – It is in the transitional area, the zoning that they are requesting is right next to other property that has the same zoning so that makes sense.
Schlotthauer – What better transition can you have than the same use of the neighboring properties and then transition to commercial on the corner next to commercial on the corner, it's as straight forward as it can be.
Kimball – I think one of the key points is that in the Comprehensive Plan we've got these nodes at certain intersections and those were commercial places where we thought that commercial would be appropriate. I think this proposal follows those intentions.
Hampe – I'd prefer to see more commercial in the commercial node, this parcel is over 9 acres and a third or less is for commercial the rest is residential. I would personally like to see it developed to more of the intent of what the commercial node is.
Schlotthauer – I will add to that, I would like to see more commercial and am glad to see that the corner is taken up by commercial. It is what the Comprehensive Plan had in mind but also as far as our representation, I think we represent individuals and their property rights. Their right to do with their property what they want providing it meets the Comprehensive Plan, that's who I think we represent more so than the vocal minority.
2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.
Kimball – I think staff discussed that well in the staff report.
3. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.
Carey – I think this has been covered well too. The commercial use there is with consideration of the street classifications for Prairie and Greensferry.
Kimball – I think Hampe brings up a good point, I also think it is important to think about what's an appropriate type of commercial use at a corner like this. Highway 41 is a huge commercial corridor and is a mile away and probably where people will go. Neighborhood commercial is where there's enough houses in the vicinity for someone to walk to a little C store which is what Limited Commercial is for. When you look at the size for the use, it would be a little office building or little commercial uses, 10 acres of commercial is too much that is the size you would see a grocery store develop on. That is more of a destination type of commercial, this size parcel with the development pattern what it is I think Limited Commercial right on the 2 acres is probably the right size.
Schlotthauer – The word that sticks out in this criterion is Balance, I think the applicant has created a balance.
4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
Kimball – The fact that there are 2 arterials and its Limited Commercial at that corner covers that.
Steffensen – I wouldn't call this high-density, its medium but you do have the capacity on Prairie and Greensferry for that type of zoning.

5. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.

Steffensen – Its on the edge of town with 9.7 acres.

Hampe – I don't think it will be the edge of town much longer. It is low density residential which is allot of what is surrounding this property. This isn't really what this is describing is it? Lower density residential is typically assigned for properties as they proceed farther away from higher intensity urban activity and this is a commercial node, that's what it's been designated. Just goes back to, I would like to see more commercial and les residential.

6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

Davis – Nothing to add here.

Annexation Motion to recommend the zoning as presented by the applicant with limited commercial and R2 by Kimball

2nd by Schlotthauer

Vote Steffensen – No; Carey – Yes; Kimball – Yes; Davis – Yes; Schlotthauer – Yes; Hampe - No

Moved

Subdivision

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.

Kimball – Ross Point Water District has provided a will serve letter and it sounds like the applicant will be putting in water mains on Prairie Ave. and Greensferry to complete that part of the water systems.

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

Carey – Staff reported that the City of Post Falls has capacity to handle it.

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

Kimball – This was well covered by Palus; they get the opportunity to build two expensive chunks of the street and or at least contribute to it. 2 arterials are consistent with the Transportation Master Plan.

Hampe – In my opinion low density residential isn't a good fit even for the classification of the streets.

Steffensen – This is where my concern is, there's too many questions on how it's going to look, you get a church depending on how big you have a lot of traffic going in and out and then what type of commercial are you going to be putting there? How will that look, then the residential, this is where I was coming from.

Schlotthauer – I don't see the difference if it were a 10-acre Wal-Mart you're still going to have a commercial user on the corner and residential adjacent, I don't think this location would ever be used for that type of use. Shrinking it down more, like Kimball stated, seems reasonable. In the node like this you're still going to have commercial transitioning to residential, its how this area has been designed.

Kimball - I think this is the opposite of what we see when it comes to concerns about a development project putting pressure on our transportation. They're at the corner of

two arterials with a traffic signal and they're proposing less intensive uses than what could be there under a CCS, high use commercial node and the Transportation Master Plan is pretty specific that those 2 streets. Greensferry and Prairie are arterials that must be built to that standard and the local street is the standard, so they are consistent with the transportation element in the Comprehensive Plan. We haven't heard any testimony from any engineers to say that there's any problems with any transportation elements in the area. I'm sure that traffic signal is operating at a level of surface of A or B probably and a church doesn't operate during peak hours so I mean they're not..

Davis - Your transportation issues are going to be Wednesday evening and Sunday morning.

Kimball - Right not Thursday at 8 00 a.m. or 7 30.

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.

Davis - I thought about this earlier in the last several dozen of our public hearings this is where two different times this policy has jumped in or this uh this process has jumped in and worked to where we found mysterious landfills and things of that nature, but I think everything has been covered here any thoughts?

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

Schlotthauer – As conditioned.

Kimball – I think as conditioned everything meets the requirements of the zoning ordinance if it's zoned as recommended.

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.

Kimball – We are an impact fee city and so any development does pay impact fees for parks, streets, and pedestrian facilities, also police and maybe soon EMS and Fire, the impact fees make sure the developer pays their fair share. The city is set up well to make sure development pays for development.

Schlotthauer – I probably stand on the opposite side of this, I think we go overboard on fair share, for instance if it was just the church developing just the corner, I doubt they could possibly pull off the fees and the infrastructure requirements. Adding the residential buffer around the property probably helps them pull the whole project off.

Subdivision Motion recommend approval finding meets criteria 1-6 and adopting the conditions 1-9 plus 4 found in the staff report by Kimball

2nd by Schlotthauer

Vote Hampe – No; Schlotthauer – Yes; Davis – Yes; Kimball – Yes; Carey – Yes;

Steffensen - No

Moved

- B. **Zoning Recommendation for Morris Annexation** File No. ANNX-0013-2021 – Jon Manley, Planning Manager, to present a request for a recommendation to city council for a zoning designation of Community Commercial Services (CCS) upon annexation of

approximately 12 acres. Requested action is to recommend the CCS zoning in support of an approximate 12-acre annexation request into the City of Post Falls. The request is located north of the northwest corner of Highway 41 and W. Prairie Ave. It is currently Ag within the county and has no significant topography or vegetation matters that would present a hazard. The water provider will be Ross Point Water District and the sewer is to be provided by the City of Post Falls.

Zoning Criteria:

- Majority of the land surrounding this request is zoned CCS within the city limits hence the request, it was deemed consistent with the adjacent uses. To the west is the Technology Mixed zone, south of Prairie are some R1 and a PUD, Community Commercial Mixed with a band up along Highway 41 of Community Commercial Services.
- Within the Future Land Use Map shows Business Commercial for the designation and Community Commercial Services is an implementing zoning district. Southwest of this area you have some low density residential and just west of Charleville south of Prairie you have commercial with a little medium density to the south in the Foxtail Subdivision.

The purpose of Business Commercial is to provide a wide variety of general service, retail, professional office, light industrial, artisan manufacturing and mixed-uses that serve local and regional residents as well as the traveling public. The CCS zoning is part of the implementing zoning district. Multifamily uses may also be integrated into business/commercial areas. Compatible non-residential uses are also allowed under special conditions. Technology Park land uses that provides for a mix of light manufacturing, warehousing, business park, service commercial, and multifamily uses in area with suitable land and transportation access that are buffered appropriately to residential and other uses typically seen as incompatible with technology park activities. The 41 North focus area analysis states these uses should be near higher classified roadways; development should provide pedestrian connectivity to all multi-use paths and trails, including the Prairie Trail.

Zoning Criteria continued:

- The proposed zone is located along higher classified roadways; The proposed Zone Change area is adjacent to Prairie Ave. (Principal Arterial), Fennecus Rd. and Meyer Rd. (Major Collectors). The requested zoning is in conformance with the anticipated land uses and trip generations within the City's Transportation Master Plan.
- This location is near the higher intensity urban activity area of Highway 41/Prairie Ave.
- The applicant is not requesting industrial zoning, therefore Criteria 6 not applicable.

All agencies have been notified and KCFR reserves comments for the permitting process and the PFPD, PFHD remain neutral and the DEQ stated there is no environmental impacts at this stage.

Kimball – I have a question with regards to the Commercial Mixed and Technology Mixed, what are the minimum property sizes for those zones?

Manley - 20 acres.

Kimball – So, those zones would be off the table for this application because there is only 12?

Manley – The CCM might be 4, I know the Technology Mixed is 20 acres.

Kimball – So, they couldn't do the Technology Mixed.

Manley – They couldn't do the Technology Mixed, the applicant can speak to why they are requested CCS rather than going down the CCM route.

Applicant – Gordon Dobler, Dobler Engineering - I can answer one question why the CCS versus CCM, well this property is owned by the abutting property owner Douglass which owns the whole Tech Park which is CCS so their attempts to fold it into the Tech Park with the same kind of land use as the Tech Park. That's the whole point of this really in fact it almost needs to be integral with the Tech Park. I'm jumping ahead a little bit but that's where all the transportation and infrastructure is coming from, it would need to come through the Tech Park. So, let's jump back to the zone, surrounded by CCS across the street is CCS being developed by GVD Properties as a Commercial Center. Of course, all around this property is Tech Park. We've already had a pre-app with staff on planning this whole tech part piece, not relevant at this point. The plan is to extend Charleville up and would access this parcel from the backside; in fact, there's some verbiage in the Development Agreement that says when that happens access to 41 would be eliminated. So again, the intent is to integrate this with the surrounding Tech Park therefore the zoning we feel is consistent certainly with the surrounding zonings and with the Tech Park. Access again, ultimately will come from the Tech Park right now there is an access off 41 that's being constructed with the 41 project however, in the Development Agreement, states that access will go away when future access is provided. CCS we feel is appropriate up against 41 because it conforms to the Highway 41 Plan etc. Water is Ross Point you have the will serve letter in the packet and this development is bringing water across the freeway and just a smidge north of this property. It'll come up into the Tech Park so theoretically it would have access to water as soon as these improvements are constructed this summer. Sewer will be brought in from the west side up through the Tech Park a statement from staff says that the city is willing and able to provide sewer that covers the facilities. Pedestrian access, when we had our pre-app with staff with the subdivision of the Tech Park there would be a requirement to extend a multi-use path down 41. So, as well as development of the Prairie Trail along the tracks, when they're vacated, on the site of 41. So, we've got pedestrian connectivity on all those points for the project, and I think in short that that pretty much covers the points that staff hasn't.

Testimony:

In Favor – None

Neutral – None

In Opposition – Bob Flowers, Maplewood Ave - I don't really object to this piece I mean it's a logical annexation. What I object to is the CCS zoning and all these mentions of high density, in other words what's allowed in a CCS zone, and I have this bad feeling that if this piece of property gets annexed in and gets that zoning designation what guarantees do we have that it's just not going to become a giant apartment complex. They're going to say they need it for employees of the Tech Park or district or whatever in other words we've seen it a thousand times or not maybe a thousand, but we've seen CCS suddenly go into high density apartments and I think before you grant them what they're asking for you should get some assurances and something in writing. Stating that isn't going to happen with this piece of property because dumping a bunch more apartments along 41 especially right now is crazy. 41, once everything is developed that's already been approved along 41 it's already going to be full by the time everything's built

out that's been approved with all these improvements on 41, we've already overloaded it and I think before you jump into this you should get some assurances from the developer or the owner or both.

Davis – Thank you, Mr. Manley, can that be controlled because it would need a Special Use Permit, correct?

Manley – I have a couple comments on that, in the CCS zone in order to construct multi-Family you need a Special Use Permit which is a separate Public Hearing that goes before Planning and Zoning. The issue that culminated the creation of some of our mixed zoning districts because it creates a container of control. So, with the mixed zoning district you have a Development Agreement and in that it allows a measure for the body to add caps or remove certain elements that would otherwise be permitted. So, there's 2 avenues with that, through the CCS you would do the Special Use Permit.

Carey – To clarify the multi-family is not an allowed use in the CCS without a Special Use Permit?

Manley – Its not a permitted outright use its only allowed with the Special Use Permit.

Herrington – That is any residential, duplexes, town homes, anything, you couldn't do single-family.

Comments

Annexation:

1. Amendments to the zoning map should be in accordance with the Future Land Use Map.

Steffensen – Right along the commercial corridor.

Davis – Fits the surroundings.

2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.

Davis – I believe 1 and 2 go hand in hand. ***Everyone agreed***

3. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

Kimball – I think the CCS zone is going to fill a hole and with the traffic patterns it's going to be accessed internally from the west and will be at one point restricted from Highway 41. Follows the street classifications, Highway 41 is the highest classification we have other than I-90.

4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

Davis – You just covered that.

Kimball – I just did.

5. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.

Not applicable

6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

Not applicable

Davis – Anything else anyone wants to add?

Kimball – This is an infill annexation, if the property owner would have sold it 10 years ago, this piece would be annexed with the rest of it.

Davis – Does the idea of a Special Use Permit make you feel better?

Hampe and Carey said yes

Motion to recommend approval finding its consistent with the Comp Plan, facts findings and conclusions contained in the staff report with the requested CCS zoning designation by Steffensen

2nd by Carey

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

Hampe - Yes

Moved

- C. **Review Requested** Stone's Throw Subdivision File No. SUBD-0006-2022 – Ethan Porter, Associate Planner, to present – Requesting to subdivide approximately 5.05 acres into 17 single-family residential (R1) lots with a residential density of 3.36 du/acre; lot sizes, on average, are about 10,457 square feet. Requested action is an approval to subdivide 5.08 acres into 17 lots within the Residential Single-Family (R-1) zone. The property is generally located along the east side of S. Greensferry Rd between E. Black Forest St. and W. Woodcrest Dr. and south of Plummer Forest. Current land use is a single-family home, the water and sewer will be provided by the City of Post Falls. This is an incorporated piece into the city, as you can see here the zoning is R1 single-family residential surrounded by R1 single-family residential. Across the road from Greensferry you have residential mobile home park which is a subdivision plotted on their own lots. Majority of this is surrounded by single family homes. The proposal is 17 lots the larger one on the south has an existing home that they will be retaining that home through the subdivision. So, they will be developing and subdividing around it into those extra lots that you see the widths and the lot sizes do meet the R1 standards with a cul-de-sac layout.

Subdivision Review Criteria:

- Water will be provided by the City of Post Falls
- The city has adequate capacity to provide services to the proposed subdivision.
- Due to the existing developments surrounding the site, additional connectivity is not practical, therefore a cul-de-sac as proposed is acceptable and will not have negative impact on the local transportation system. The proposed layout is consistent with the City's Transportation Master Plan.
- The site is currently heavily vegetated and is currently above the Rathdrum Prairie Aquifer.
- The subdivision and proposed lots conform to the requirements of Title 17 (Subdivision) and Title 18 (Zoning) for an R-1 zoning district.
- Impact and cap fees will be assessed and collected on individual building permits to assist in mitigating the off-site impacts to multi-modal services, parks, public safety, streets, City water and water reclamation facilities.

All agencies have been notified, KCFR will provide comments during the review process and the PFPD and PFHD both remain neutral.

Applicant – Gordon Dobler, Lake City Engineering was double booked so I am standing in for them tonight. I'm prepared to answer any questions, again straightforward five-acre subdivision you've gone through the evaluation criteria, but just to touch on the provisions.

So, we've got a standard city street being built, standard cul-de-sac the lots are big for an R1 zone, I think the average lot size is 10,000 square feet which is a little bit bigger than the surrounding lots. There is an existing house they're going to maintain as staff said, it's on that one larger lot and it will be hooked up to sewer. When sewer is extended with the subdivision and the access will be changed to come off the new street. Greensferry will be widened, and improved sewer will be extended onto the project, there's an existing six-inch water main in Greensferry that'll be extended there is not an opportunity to loop it so the water is going to have to be a dead end into the cul-de-sac. Staff evaluated that and it's not a problem it'll be an eight inch which is the minimum required. The development pays for improvements along Greensferry and infrastructure.

Testimony

In Favor - None

Neutral – Howard Burns, Rocky Ct. - I live in the neighborhood and I think it's a great plan for if you can't keep the trees forever and all the rest of it. I'd like to point out to the folks here that this does match the houses in the neighborhood this is what one would expect to see on five acres in an R1 zone as opposed to some plans that were approved down the road on Ponderosa where they had 2,900 square foot lots and 4,200 square foot lots those don't belong in this neighborhood. If the Plumber Forest Products ever comes to the market this is what should be built there because it matches what's in the neighborhood not apartments, it's a single-family home neighborhood. I would ask that the developer do give some thought on the back two lots. If I lived in the houses that back up to if they could move the houses as close to the lot line as allowed to give more of a buffer to that house that would be nice to do. I just wanted to thank the applicant and I wanted to say that I'm on the impression looking at this that it can't become a PUD that this is what we're going to get, and I just want to reassure myself that I'm looking at what I'm going to see when I drive by see the house is going up thanks.

In Opposition – Stephen Godfrey - I do live in that neighborhood and I walk with my dogs past that lot weekly if not couple times a week and I don't agree that it is in the same size lots proposed that are in my neighborhood. I know my lot currently is a third of an acre those are right at a quarter of an acre so is it better than high density? Sure, one of the things I want to point out that I've heard throughout every presentation about everything you guys are doing is two words, I mentioned this in a City Council meeting, standard and adequate. I have 30 years in the United States Army, I know what a standard is, and I know what adequate is and those aren't positive words those are just words that equate to acceptable or something that we can sustain or manage. Somebody was asking or mentioned something about assurances, and we can't get assurances from developers we can't get assurances from planning committee or planning division or anything like that. The people that are on the planning committee, you folks up here you're the one that provides the city with the assurances. Because we expect you to go ahead and protect and not allow things that shouldn't necessarily be or fit in, widening of Greensferry is a negative impact, the comment was there's going to be no negative impact of the of the traffic. I actually have to pull out onto Greensferry from Black Forest which is the next street above so if these people want to go anywhere, they'll pull out that street and turn right on Greensferry. So, if I'm there at Black Forest wanting to turn on Greensferry I'm not going to be able to necessarily get out that will negatively impact me. If I'm having to wait on that traffic to go past me that's coming out of there. Right now, that one lot that's wider that's bigger that has the house that's one house it's a five acre lot that's what they have that's what they own

and they want to divide that basically into 17. So, the average is two cars per family you can go down almost every street in that neighborhood there's more than two cars at each house my house has three cars and a motorcycle. That's 17 times 2 that's 34 more cars that are going to be coming out of there daily, every day more than twice a day if they work, if they're retired maybe not. I don't think that adequate is acceptable anymore we got to look at long-term. Widening Greensferry, I don't know where they're going to widen, they're going to widen it two feet they're going to get like the dirt that's right there because there's no curb no sidewalk right there in that lot. How are they going to widen it there's properties on the one side and there's properties on the other side they're going to put a middle lane they got enough property put a middle lane plus centennial trail is along Greensferry there's a bike lane there comes off Ponderosa which is south and turns right onto Greensferry. There's a bike lane where they're going to eliminate the pipeline, so we need to keep the bike lane in there as well as we're going to widen the road, we're going to add a turn lane because now we're going to have cars that must stop on Greensferry to turn into that cul-de-sac. There's a lot more consideration I understand that you guys don't get to do site surveys, City Council doesn't do site surveys either, I understand that you guys are volunteers, but you're appointed, so you're volunteering maybe not getting paid to do the job, but you're appointed by the mayor. I would love to know what each one of you do for a living and I think the citizens should know what you do because, I also know the mayor works with Coeur d'Alene Bank so who's he appointed. Who has a job up here that's a realtor, that's in construction, that is anything to do with making money off of what happens here at any of these places? There's two people that have stood out up here that seemed to really get it and understand what progress should be, so I hope you consider everything before you make decisions just to move forward site surveys need to be a part of what you guys do.

Rebuttal – Gordon Dobler - I certainly understand the concerns. How does Greensferry get widened, well this project dedicates additional land so that Greensferry can be widened and install curb and sidewalk that would facilitate future pedestrian connectivity. That's how it gets widened that's development paying their fair share as they move forward. I think the standard section for Greensferry might have 2 lanes, 4, or 3 lanes something like that but right now it's only two lanes but as it's widened it would I'm going to guess that it would be wide enough to incorporate a left turn as the road continues to get widened. Really that's the only way most of the streets get improved is through development. So, additional traffic, nobody wants to see one more car on their street but the project proposed fits well within the zoning parameters of the R1. Like I said the lots are substantially larger than the minimum provided to the R1.

Comments

Subdivision

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.
Kimball – I think this is covered well in the staff report.
2. Adequate provisions have been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows.
Kimball – The provisions have been made and are outlined in the staff report.
3. Proposed streets are consistent with the transportation element of the comprehensive plan.
Kimball – The widening of Greensferry meets the Transportation Policies.

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.
No comments from Commission
5. The area proposed for subdivision is zoned for the proposed uses and the uses conforms to other requirements found in this code.
Kimball – As proposed it exceeds the requirements found on the zoning code.
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.
Kimball – I don't think there is any extraordinary impacts that won't be dealt with through mitigation by three impact fees.

Steffensen – I would like to see them keep as many trees as possible.

Motion to approve finding it meets the approval criteria in the PFMC as outlined in our deliberation subject to conditions 1-10 in staff report and direct staff to prepare a Reasoned Decision. Carey

2nd by Hampe

Vote Hampe – Yes; Schlotthauer – Yes; Davis – Yes; Kimball – Yes; Carey – Yes;

Steffensen - Yes

Moved

5. ADMINISTRATIVE / STAFF REPORTS

Herrington – Clarified the Commission also serves as the Impact Fee Board and that requires a balance of at least one realtor and one in construction per state code.

6. COMMISSION COMMENT

Steffensen – On the Future Land Use Map what is the difference between Business/Commercial vs. Commercial?

Manley – Big difference is the Commercial slant is meant for pure commercial without the flexibility for other uses like the Business/Commercial would entertain. Business/Commercial is more of a flexed Future Land Use designation.

Steffensen – Goal 3 of the Comp Plan, “keep the smalltown feel” I think we need to look at that at some point. What is “smalltown” some would say Post Falls is not a small town anymore.

Hampe – I agree.

Davis – That is a hard piece to address because, could it be pockets of smalltown feel? Some of the developments we have seen has a very smalltown feel as far as walkability. It is an ongoing issue.

Kimball – I am a Civil Engineer; it was eluted we might benefit from the decisions being made tonight. We make sure we are conscientious and recuse ourselves when needed. There is this thought that the developers and builders that make all the money. I ask someone who all he subcontracts with when he builds something. He informed me they use

50 different local businesses and when a subdivision is built there are more than 50 other different businesses being used. It is a long reaching number of businesses, employees, families that are impacted by growth. This gets unnoticed and unappreciated; these people are all working, and they don't come to these meetings.

Schlotthauer – I think you can say within 2 degrees of separation everyone here is employed within the same industry in one way or another indirectly. There are few individuals that work in a mine that may not however, directly, or indirectly everyone else benefits from the construction industry.

Davis – Mentioned he appreciates each Commissioner and their level of professionalism.

7. ADJOURNMENT 7:15PM

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

Date: 5/10/22

Chair: 

Attest: 