



**PLANNING & ZONING COMMISSION
MEETING MINUTES**

**May 25, 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 SENIOR HEALTH AND FITNESS DAY
- NATIONAL MISSING CHILDREN'S DAY – Jon Manley - was proclaimed by President Ronald Reagan in 1983 to acknowledge the many children who go missing each and every year. From 1979 to 1981, a series of child abductions shook America. It began with the disappearance of six-year-old Etan Patz in New York City, on May 25, 1979. The National Missing Children's Day is observed to commemorate the date of the disappearance of Etan and honor all other missing children. So, I'd encourage anybody to go read that there's a lot more about it, but it was interesting.

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 – May 10, 2022, Planning and Zoning Commission Meeting

Motion to approved as presented by: Hampe

2nd by Carey

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

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.

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.

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 Barnum's Addition Zone Change File No. ZC-22-3 – Jon Manley, Planning Manager, to present a request for a recommendation to City Council for a zone change from Single-Family Residential (R1) to Medium Density Residential (R2) of approximately .54 acres. – Requested action is to rezone approximately .54 acres from Single-Family Residential (R1) zoning to the Medium Density Residential (R2) zoning district. The property is located just north of I-90 on the east side of N. Elm Rd, south of W. Dawn Ave and the water provider is East Greenacres Irrigation District with the City of Post Falls being the sewer provider and is currently a non-conforming duplex.

Zone Change Criteria:

- The Future Land Use Map has a Business/Commercial land use designation which promotes a mixture of moderate/high density housing types within walking distance of the city center, neighborhood center and corridor commercial uses, as well as civic uses and other amenities within Post Falls. R2 is one of the implementing zoning districts.
- To the north and east is zoned Single-Family Residential (R1) and across the street to the west is more Medium Density R2.
- The proposal is consistent with the Transportation Master Plan as outlined in the staff report.

A couple of the criteria are not applicable as they are not asking for Commercial or Industrial. There are a mix of uses blending in this area and the Comp Plan encourages infill development and redevelopment. The applicant can potentially subdivide this into other R2 lots, this is located 1/3 south of Seltice Way which adds to the walkability factor to commercial services. The road network from this proposal provide access to other areas. Some of the Goals and Policies are to grow and sustain a balanced resilient economy providing diversity in lots and to promote compatible and well-designed development. Currently, they are wanting to make a non-conforming use conforming. If there ends up being development impact fees would be paid that go towards public safety, streets, and parks. Agency's have been notified and the Police Department will remain neutral, Kootenai County Fire & Rescue said they would leave their comments for the review or permitting process and DEQ had construction related comments.

Hampe – This feel like déjà vu, did we see one of these?

Schlotthauer – Right next door.

Hampe – Thank you. Would this allow for additional units to be built?

Manley – Potentially however, there are different processes. They can only construct what is allowed in the R2 zone, they can potentially go through a minor subdivision, an administrative process, staff would look to ensure that it would meet access requirements and the sewer and water requirements.

Hampe – They will have to come back to staff.

Manley – Anything more than 4 lots or if they need a new road, it would be a major subdivision however, a minor subdivision is at staff level.

Hampe – Could they add-on to the duplex and make a third?

Manley – Potentially they could. They couldn't do a tri-plex, all that is allowed, townhomes, duplexes, or single-family. Unless they construct a 3-unit townhome.

Applicant – Gordon Dobler, Dobler Engineering - This started with a two-lot plot in the R1 zone that we had filed with staff and staff realized that the duplex was non-conforming. We must bring it to conformance to complete the 2-lot plat. We are limited to what can be done as the current duplex sits halfway into the existing lot, we are keeping the duplex. I would say an R2 is appropriate as the property across the way is zoned R2 that we are developing, you approved approximately 3-4 months ago. This property abuts the freeway, even though this project will not be that dense but R2 is a good buffer. There is also an easement that is approximately 40 feet wide along the north of the property which separates the homes to the north. With the development across the street sewer and water will be brought in for this project as well. I believe this request meets all the goals and policies within the Comp Plan.

Carey – To be clear, you are doing this because you will be coming back and adding another dwelling.

Dobler – There is a mobile, single-family, across the street which the owner owns as well and he wants to move it to this location on a separate lot.

Testimony:

In Favor – None

Neutral – None

In Opposition - None

Comments

1. Consistent with Future Land Use Map.

Kimball – The Land Use Map has this as Business/Commercial and R2 is an implementing zone.

****All Commission Agreed****

2. Consistent with the Goals and Policies Found in the Comprehensive Plan.

Kimball – It's well covered in the staff report and in the applicant's narrative which is all in the record.

****All Commission 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.

Carey – It follows with the R2 that is already there to the west and there is nothing to the south other than the freeway so there won't be a change in the traffic pattern at all.

Kimball – I think it's important to realize that its an existing duplex that is non-conforming. The existing development and land use is consistent with the R2.

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

Not Applicable

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.

Kimball – I think R2 is considered lower density housing and it's further away from the Seltice Way which is a commercial corridor, and it fits this criteria well.

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

Motion to recommend approval to City Council finding it is consistent with the Comprehensive Plan and the Zoning Code with a zoning designation of R2 - Carey
2nd By Steffensen
Vote Hampe – Yes; Schlotthauer – Yes; Davis – Yes; Kimball – Yes; Carey – Yes;
Steffensen - Yes
Moved

- B. **Zoning Recommendation** for The Pointe Zone Change File No. RZNE-0001-2022 – Jon Manley, Planning Manager, to present a request for a recommendation to City Council for a zone change from Industrial (I) to Community Commercial Mixed (CCM) of approximately 54.1 acres. – Requested action is to rezone approximately 54.1 acres in the City of Post Falls from Industrial (I) zoning to the Community Commercial Mixed (CCM) zoning district which requires a Development Agreement. The request is generally located west of Wal-Mart and East of Cabela's north of I-90 and west of Baugh Way mostly along Pointe Parkway. In 2008 there was an approved commercial site plan, there was large anchor pads of which Wal-Mart took anchor 3 leaving the other 3 vacant. Since 2008 we have recognized that the commercial industry has changed significantly, now many people are doing their shopping online so now the smaller neighborhood commercial sites are more of what people gravitate to. They recently submitted a preliminary subdivision, Pointe at Post Falls 4th Addition, to create smaller pad site commercial development. There will be an internal road system to connect the new smaller pad lots. With Euclidean zoning, CCS Community Commercial Services, there is a list of vested rights and permitted uses where the rules are straightforward versus a mixed zone that requires a Development Agreement. The CCM zone allows up to 50% multi-family outright with a commercial development. The draft agreement has 28.5%, 15.4 acres, for multi-family and the applicant has looked at some different options. Option 1 would be 30.5%, 16.5 acres, that would be located north of Pointe Parkway set back behind commercial pad sites. Option 2 is 36.1%, 19.5 acres, where they would add some of the multi-family on a couple of lots south of Pointe Parkway set behind some commercial pad sites along with the area stated north of Pointe Parkway. For the Commission, you can add recommendations to the Development Agreement to City Council as you see fit, with another option you as the Commission can condition to construct a smaller area for the multi-family.

Kimball – Am I to understand that option 2 includes both areas one and two as shown on the map

Manley – Option 2 would be the sum of 1 and 2. In their most recent submittal the list of uses leaves out medical and as a Planner, I question why you wouldn't want some type of medical in this area. So, that is something you could add to the Development Agreement. The current land use is underdeveloped commercial with no significant topology or vegetation matters that are hazardous, and the water and sewer provider is the City of Post Falls.

Zone Change Criteria

The future land use map, goals and policies, street classifications, traffic patterns, the staff report contains the analysis of the traffic patterns as well as some conditions that were proposed within the Development Agreement that may trigger some added traffic analysis depending on phasing and staging of this project and any potential multi-family.

The current zoning is Industrial, and the requested zone is CCM, to remind everyone this was an approved commercial site. In today's market commercial within an industrial zone can make it awkward for the users. Business/Commercial was deemed the most applicable during our workshops for this area. Business/Commercial promotes a mixture of moderate/high-density housing types within walking distance near corridor commercial uses and other amenities within Post Falls. It is aimed to improve pedestrian connections and promote compatibility between permitted uses. The CCM is an implementing zoning district and Industrial is not an implementing zoning district within the Business/Commercial. The proposal would make this be more in conformance with the existing Comp Plan and Future Land Use Map. The second largest Industrial Park in the region is south of this area, Riverbend Commerce Park, so in the workshop, knowing there was an already approved commercial site plan, it seemed more appropriate to have a clear path forward and removing the Industrial zone from Business/Commercial. There are some buffering requirements between high and low-intensity development, however, this isn't 100% applicable to the request. The Riverbend focus area also states that this area should continue to evolve, attracting commercial businesses, high tech companies, hotels, entertainment establishments, and potentially additional residential. I will not be going over all the goals and policies for this project the applicant will be presenting these. I will point out Goal 7 is to plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability. Policy 1, one of the points is to maintain and enhance resident quality of life; if you lived in Woodbridge, it would be more convenient to come to this area rather than always to the east of Post Falls where the heavy commercial corridors are. These residents are currently limited to Wal-Mart, Panda Express and Cabela's so, it would be a benefit to bring more commercial services to this area and improve their quality of life. Policy 2 states to apply or revise zoning designations with careful consideration of factors including infrastructure and service plans, existing and future traffic patterns; again, the staff report states there maybe a trigger to conduct a traffic study with this development. Policy 3 states to encourage development patterns that provide suitability scaled, daily needs services within walking distance of residential areas. So, if there were to be some residential within this development this policy would be consistent with the request plus there is a park and ride to the east of this area on Pleasant View Rd. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification; the staff report talks about access to I-90, Beck Rd. and the interchanges. Limited or neighborhood commercial and lower density residential zoning as well as Industrial uses criteria are not applicable to the requested action. All agencies have been notified, Post Falls Police are neutral, Kootenai County Fire will have comments throughout any future review and permitting processes and DEQ has construction related comments.

Hampe – Looking at the areal, what is the big building to the right?

Manley – Sysco and Wal-Mart.

Hampe – What is to the other side?

Manley – There is a big slop from Integrity Way to the north which is all industrial type trucking facilities. To the south is the RV Park that is being constructed.

Schlotthauer – Did you say there was an existing subdivision there?

Manley – Yes, Pointe at Post Falls 4th Addition.

Schlotthauer – So, those lots are already subdivided as we see them now?

Manley – Approved, but not platted.

Schlotthauer – What uses are approved to be constructed within the current zone?

Manley – Most of the commercial stuff as well as mixed industrial type uses that aren't necessarily complementary to commercial uses.

Hampe – If it stayed Industrial, they wouldn't be able to put high-density multi-family.

Manley – In an industrial zone that is not an option.

Hampe – You said there is a max amount they can use for high-density?

Manley – In a CCM the most they can ask for is 50%. It is not an outright permitted use.

Schlotthauer – What is asked for and added to the Development Agreement, they can automatically do that?

Manley – Yes, whatever is embodied in the Development Agreement they can construct. The Agreement will be recorded against the land, so whomever owns this property must abide by the Development Agreement.

Applicant – Joseph Powell, - This area is close to the state line; there is an approved preliminary plat that staff referenced. A little history and status of this area, Wadsworth Development Group purchased the property in 2013 from the original developer. There was only Cabela's and Wal-Mart out there with the West Pointe Parkway and part of Bough Way completed. This area has been vacant for several years now, the original plan and vision for this area was a couple of big box commercial development. There isn't much of a demand for this type of commercial which is why it has sat vacant for so long. Wadsworth has upgraded the roads, utilities, to try and partner with some developers, we have sold some pads and have seen minimal movement. When reaching out to some national retail the hesitance they have is due to lack of residential to support the use that is needed which is why we are bringing this request to you. The proposed change from industrial to community commercial mixed zone will help achieve the City's goals and create areas for residents to live, work and play. The current zoning has deterred retail and other commercial businesses throughout the years. The Future Land Use Map and Comp Plan shows this area as being Business/Commercial and the CCM request fits in with this criterion. We are requesting to have these types of development options in mind commercial, office, assisted living, town homes, multi-family, light industrial, hospitality, medical in hopes to really develop this area out. The focus area states that it should continue to evolve, attracting commercial businesses, high tech companies, hotels, entertainment establishments, and potentially additional residential. This request will help facilitate the Comp Plans goals and policies and allow for some traction in this area. Looking at the traffic patterns and road classifications, Beck Rd is a Major Arterial, and West Pointe Parkway was intended to be a commercial road to handle the higher traffic counts. We want to develop an area where the residents can walk to the services rather than always commuting to and from establishments. The goals reached by changing this zone; we would have the ability to create a master plan, develop and construct a mixed-use project with the true sense of place. This project would create a sustainable, walkable community where people can live, work, eat, shop and play and in turn reduce traffic impact on other neighborhoods and provide a high quality and affordable services to all residents. This will maintain a small-town feel that will provide access to parks and nature.

Ron, Redtail Multi-Family Development – We have partnered with Wadsworth for the 19-acre multi-family development area. If this is approved, we envision a pedestrian friendly apartment complex that will be set behind 3 acres of commercial. So, along Pointe Parkway would be 3 acres of commercial and set behind that would be 270-unit multi-family development. There would be 260, approximately, 1-3 story apartment buildings with about 6 townhome style units. Our goal is to promote walkability to the

current commercial as well as the future commercial in the area. This will help bring rooftops to the center and allow Wadsworth to build out their vision for this area. The community we are using as an example for this area is down in Boise, Kensington at Northe Pointe. They have retail in the front with multi-family to the back and a Wal-Mart across the main street.

Steffensen – As this develops West Pointe Parkway is the only route to access this area, correct? North Cabela Way won't be extended?

Powell – Currently that is the main thoroughfare, Beck Rd is the north-south.

Steffensen – Beck and Baugh you can get in there, but West Pointe is the only road to access the apartments, Cabela's, etc. This is the only way out as N. Cabela Way currently isn't connected to the north. This road is wide, and I am sure it can handle it just long term.

Powell – The intent is for N. Cabela Way to eventually connect however, there are the other property owners that would need to cooperate. Pointe Parkway does go to Beck and Baugh Way plus the new roadway to the south of Pointe Parkway for the commercial subdivision that was recently approved will be in place to help ease traffic.

Kimball – Are you okay with medical being added?

Powell – Yes, we do want to be open and are okay with medical being an option as well. The intent is to provide as many options as we can to bring in services that are needed in this area.

Kimball – Can you speak to national retailers needing more rooftops?

Powell – We have a few national retailers that we've done projects within other states, and they have looked in the area in the past and one of their criteria is to have more rooftops closer by to utilize their services. Their other reason for passing on this site is due to the Industrial zoning.

Kimball – Does the inclusion of multi-family get the rooftops above those thresholds, or would it still be below?

Powell – The multi-family gets it to the thresholds and shows there is movement in the area and have enough residents to support businesses in the area and or be the employees.

Manley – Need to clarify the fire comment within the staff report, if there was more than 200 units, they would need to have a secondary egress, Jeryl Archer was shown the proposed plan so, the Development Agreement has been updated to address the fire departments concern.

Kimball – Is that a building permit issue, mostly?

Manley – He would review this as part of either the Site Plan Review or the Building Permit, he wouldn't approve it. If there are fire access issues, he will not approve it.

Kimball – So, this isn't necessarily a zoning thing it is a building permit issue.

Manley – Correct.

Testimony:

In Favor – Read into the record by Davis – Chad Burd – I support the application to rezone to CCM.

Neutral - None

In Opposition – None

Comments:

1. Consistent with Future Land Use Map.

Kimball – The Land Use Map has this as Business/Commercial and CCM is an implementing zone, and the focus area talks about it specifically.

****All Commission Agreed****

2. Consistent with the Goals and Policies Found in the Comprehensive Plan.

Schlotthauer – Goal 1, grow and sustain a balanced resilient economy for Post Falls. We have limited industrial and commercial space for folks to work and for a balance we need a balance between rooftops and for places people can work, shop, dine, all aspects of a balanced life. This area was specifically intended to be large commercial locations. Personally, I don't buy we need to have multi-family in this area for more retailers to come in. I don't think by adding 200 more units it will bring in another large store to come in, this is already broken up based on the preliminary plan for smaller commercial lots, which are in demand and if they are available these retailers/commercial companies will come.

Hampe – I agree.

Kimball – I respect where Schlotthauer is coming from, allot of the Comprehensive Plan talks about how we want walkability. We have a dire need for housing, we have commercial services in this area that exist and say we do approve the 280 or so apartment units here, that is 280 units that are not somewhere else. It will be walking distance next to Wal-Mart, walking distance to future commercial which means less traffic. The writing has been on the wall for this property for a long time, Wadsworth has owned for about 9 years and there has been little movement out there. The mall type location is gone, the malls around here are dying. When you integrate the residential component into this, it drives both, it solves a residential problem, a commercial business says they want to relocate to Post Falls however, there is no place for my employees to live. Now, they would be able to live across the street. This all dovetails into the goals and policies of the Comp Plan and I see this as a good fit and is an important component because of it.

Steffensen – I just want to state I can see both sides, I am not a retail person so I don't know if more rooftops will bring in business. What I see in the area and surrounding areas that there is allot of mixed-use products going in. I have friends that live within these areas, and you can walk to various businesses, I think this is where the trend is going. This land has been vacant for a while, and I feel anything we can do to bring business in so people can live and work in Post Falls is a good thing.

Kimball – To dovetail off that, the first real mixed-use that came into the area was Riverstone in Coeur d'Alene. It is important to remember that none of the businesses in this area took off until the apartments started to fill up. There weren't enough people to really push the retail. Now it is a lot more vibrant than it was 10 years ago because of the residential component being within walking distance. That is what they are shooting for here.

Davis – To Schlotthauer and Steffensen's points do the apartments bring in more of the big commercial here, I agree with you guys, it does not. But will it bring in the smaller businesses I think it absolutely will. To the Riverstone point, in Boise and other areas we have seen this happen. When you go out to this area now Panda Express is all that is out there. There is always a long line and so there are people that live out there that will benefit from this area growing maybe not the apartments but the businesses that will come they will. I agree, bigger businesses will not come however the smaller and mid-size businesses will come.

Hampe – I think comparing it to Riverstone is a real stretch. I don't see this area ever being a Riverstone, it is apples and oranges. I wouldn't be apposed to some high-density multi-family; however, I think they are requesting some large complexes. We keep taking the industrial and commercial land and constructing high-density multi-family on it. The history in this area is that we keep approving residential with industrial or commercial across the street and when these businesses try and come in, they get a lot of nay sayers from the residential. I just don't think they work well together. We just keep pushing out the businesses for apartments or other residential units and I don't like seeing that, I still go shopping.

Schlotthauer – Just seems like to much for this spot when there is such a finite quantity for this type of large commercial parcels. I'd rather see this become CCS with a Special Use Permit for a finite amount rather than a large pre-approved blocks for high-density multi-family.

Carey – I just must wonder, we will never get another big box of anything come in next to Wal-Mart. Something small would come in however, we won't see another big box store. I too hate seeing these large complexes come in everywhere however, they seem to be the only answer for these areas where you are trying to get some type of business to come in. I do agree, you need rooftops for it to pencil for the businesses to come.

Davis – I'm not going to speak for everyone, I would say when you look at that large scale of multi-family development compared to a mismatched and maybe misplaced infill small apartment, I would rather see this the larger, walkability, and parks. I think there is good opportunity there where you have a park and ride, restaurants eventually and food grocery access, not that I am a fan of it, but where else are you going to put multi-family.

Steffensen – So, we have option 1 and 2 for the multi-family however, in the draft Development Agreement it says 15.4 acres which would be within option 1 however that option says 16.5 acres. So, the R3 wouldn't take up the entirety of option 1 if we went with the draft, is that correct?

Schlotthauer – So, they are saying 30% of the entire area would be multi-family immediately. Then maybe some businesses would come if there were that multi-family.

Steffensen – The agreement states 28.5% which is the 15.4 acres what I am trying to understand is if you take both options, it is 19 acres which is more than the 15.

Davis – So, if you take the Draft Development Agreement, which we have looked at, it also states that development may not exceed 300 feet on that street. So, if you take option 1 you are taking it to 30.5 from 28.5%. Option 2 is 1 and 2 combined if I am not mistaken.

Steffensen – They can go up to 50% or we can go option 3.

Hampe – Where it would be something less.

Steffensen – Got it.

Schlotthauer – How much multi-family have we already approved just immediately to the east of this, it's a lot. There is already allot of rooftops that are coming. All around here we have approved multi-family. We can make it all multi-family and have nothing left very easily is what I believe will happen. It's just too much.

Davis – So, you are not necessarily opposed to multi-family to some capacity just smaller area.

Schlotthauer – I believe we must have multi-family, we have it going everywhere, once it is all built out where are we going to have industrial and commercial? To employee

these people and provide services, we need to preserve space. The intention for this area was just that and to change the zoning to have more, I just think it's a lot.

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.

Steffensen – I think the staff report goes into it well with the size of W. Pointe Parkway which is the only entrance as of now. Already some commercial out there, so this fits with the area.

Kimball – From a traffic standpoint and street size is either a collector, standard or bigger I don't believe there are any local streets. I think this is met with the street sizes and land use, etc.

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

Davis – I believe Kimball just covered this – **there was no more added**

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.

Kimball – The vast majority of this is industrial zoning except for Sysco most of the uses are commercial that is out there, however, the zone change is not applicable to this criteria.

Steffensen – I have one more question for Manley, how much industrial do we have there and what do you see as a trend within the industrial zone. Do you get requests for industrial or is it all commercial?

Manley – We get a lot of demand for research of service ready industrial, a site that already has sewer and water so they can just move in. The difference is in the square footage, 25k – 100k square feet most of the time they are looking for a quick lease. For this area, it has been industrial since the conception of it and has been sitting vacant. The Riverbend Commerce Park has gained a lot of interest to be absorbed quickly. I can say we do have the Technology Mixed Park that was recently annexed northwest corner of Hwy41 and Prairie. We also have a large area of industrial in west Post Falls that we also recently annexed. I don't have the amount of acreage quantified however, historically the absorption rate of industrial is slow.

Steffensen – When you say it has sat vacant as an industrial lot, you mean it has sat vacant as a 54-acre industrial lot. How many parcels is it currently?

Manley – There has been 3 large lots with a couple of pad sites of which the landowner could have done a boundary line adjustment to accommodate industrial users during a sale.

Hampe – So, it wasn't ready to go?

Manley – No, it was ready they could have connected to sewer and water and could have had a land transaction developed.

Steffensen – I think the point we are trying to make is if this were 30 industrial lots the likelihood of sale would have been much different than 1 54-acre lot.

Manley – I don't have the exact number, but I can say there are currently 10-20 platted lots already out there.

Schlotthauer – Currently platted?

Manley – Yes, let me pull up the aerial.

Davis – Herrington, with some of the conversation we are going into after the closing of the hearing, there are some new findings that we will be looking at could we re-open the hearing to give opportunity for continued conversation with not only staff but applicant?

Herrington – Yes, you can open the public hearing for new information you will have to give the same opportunity for rebuttal.

Schlotthauer – Do we need to reopen to ask staff for clarification?

Herrington – As long as it isn't new information the maps are in the staff report, this is just clarifying.

Davis – In order to be fair, the applicant seems to have information they would like to cover, correct? So, Manley go through your part.

Manley – So, this is the existing plat of lots that are currently out there. They could easily have been sold, submitted a site plan at that time we would have looked at sewer and water availability and anything that didn't meet the needs we would have conditioned for site plan approval. These lots could have been reconfigured through a BLA, which we recently adopted a new BLA process. There are currently 15 lots that are platted, like I said they could have moved things around a little for someone to buy and develop as industrial I don't know the date of recordation for this PLAT, but it has been that way sense my time here (about 13 years).

Hampe – How much of the surrounding property...

Davis - If everyone is fair with everything that we are discovering can we just re-open the hearing. ****Hearing was reopened****

Hampe – How much of the area has recently been approved for high-density multi-family?

Manley – Amelia Apartments, Apartment 26 I believe the two sites combined are currently about 470 units between the two.

Hampe – That are completed or?

Manley – No, they are under construction.

Hampe – We can assume that those will be rooftops that can draw in potential commercial businesses, correct?

Schlotthauer – To the north of there is more multi-family.

Manley – Yes, I believe those are the Remington Apartments, its full.

Hampe – How many are those?

Manley – I am not sure how many, but you also have Parkwood Apartments.

Davis – When you say its full?

Manley – Built out, its occupied.

Davis – Fully occupied, Herrington?

Herrington – It's 132 units.

Davis – 132 units that are completely full.

Hampe – So, 400 and something and then 132.

Kimball – Will you zoom out and show us the extent of the industrial corridor?

Manley – Here is all the industrial zoned land in Post Falls. Goes from Seltice up to Prairie along Pleasant View. Which then transitions to mixed zones and again some more industrial.

Schlotthauer – When do you think that will come online and industrial uses can move in?

Manley - A trucking facility is working on submitting applications and start construction sooner than later on the corner of Pleasant View and Prairie.

Hampe – Wasn't there an issue with getting sewer up there?

Manley – Maybe someone from Engineering would want to speak to that. I haven't been in any of the meetings to coordinate sewer.

Hampe – I remember when we brought that on there was some issues.

Seale – It is being worked through and in the process for a plan to get a sewer line up there. They intended to start construction on that next year. I believe it is about 2 years out, I believe the trucking company that wants to go in up there wants to be in service by the end of 2024. This will open the corridor and the city will also be doing some construction on the north side for a lift station.

Schlotthauer – So, in 2-3 years there might be some available parcels there.

Seale – Yes, there is allot of industrial land that is ready to roll but this site, Wal-Mart doesn't want industrial nearby.

Hampe – Can we quickly review what is allowed in industrial.

Manley – With sales and service you can see a little similarity for permitted uses for commercial.

Hampe – Everything with a P is permitted in industrial?

Manley – You can't do a car lot in the CCM, but you could in an industrial. You can't do a heavy equipment repair site in a CCM, but you can in an industrial. So, a heavy equipment repair center can go in next to Cabela's as it is currently zoned. In an industrial you can have a tractor heavy equipment dealership but not in CCM.

Hampe – You can do allot in an industrial though.

Manley – True, but as Mr. Seale stated, if you are Wal-Mart, you may not want a heavy equipment and tractor dealership next to you. It may not be deemed as a complimentary use.

Schlotthauer – That is a valid point but also, they may not have moved into the end of a residential cul-de-sac and built a Cabela's either.

Manley – I am just pointing out things. There are many items that are permitted in an industrial that are not in a CCM zone. Examples are an asphalt plant and manufacturing facilities the goal behind the Community Commercial Mixed was for community minded type of commercial and not allow allot of the nuisance oriented industrial. A wood products manufacturing is permitted outright in an industrial zone and potential in a CCM with a Special Use Permit so, maybe it would be an artisan woodworking type business that might be approved however if it was a big wood mill type of production you wouldn't necessarily want that in a CCM zoned area.

Schlotthauer – Heavy Industrial isn't a good fit there,

Manley – Heavy Industrial isn't even in the table.

Schlotthauer – CCS is more of the intent for this area and classically what it has been. So, the two reasonable options would be either CCS or CCM whether you want it to be more Commercial or more Residential is the bottom line.

Manley – A little history on that, they did request a CCS I believe was in 2017 or 2018 and was denied at Council. So, there original intent was for Commercial to get the zoning more inline with the Commercial Site Plan to get those pads developed.

Kimball – I have a quick question for the applicant, In the Title Report I see lots of things however, are there CC&R's that are restrictive regarding industrial?

Powell – The current CC&Rs are there to help maintain the common areas of the property to help maintain the beauty out there.

Chad Good – I oversee the land sales from Cabela's to Expo Parkway, I have represented Watson on the Expo projects and have over seen the recent transaction that have recently taken place within the Riverbend Park. The reason you cannot get an industrial user in this area is because Cabela's and Wal-Mart have exclusions as to who they will allow as users within a certain radius around their facilities.

Schlotthauer – By what mechanism?

Hampe – How can they tell people what can go there?

Good – It is in the deed.

Powell – They have exclusive rights when the property was sold to them.

Hampe – It's their property?

Good – No, it's a typical development exclusion if Target went in there, they wouldn't let Wal-Mart go in next door.

Schlotthauer – So, they made an agreement with the developer when they purchased the agreement?

Good – Cabela's isn't going to allow a North40 or a Dick's go in next to them. Which is why you have these types of developments so the big developers can have their exclusions, so you don't have Wal-Mart, Target, and everyone else on top of each other. With those exclusions, there are also industrial exclusions Wal-Mart wouldn't want an Amazon going in across the way, they will exclude that all day. Same with any type of manufacturer they want rooftops not a warehouse with 5 employees and trucks coming in and out.

Hampe – So, they get to choose what comes up, so it gets presented to them that a certain user wants to build here in this location will "you" approve it? Is that how it works.

Schlotthauer – I have one question of those 20 parcels or so, what is the listing history?

Good – Those lots have been on the market 7-8 years.

Schlotthauer – All of them?

Good – All of them.

Schlotthauer – As one sale or individual sales?

Good – it was a hodge podge of different plats I worked with Amazon on a few different sites before they went in and this was one of them however, they were excluded immediately. The marketing for users can be done in different ways and the plat lines can always be adjusted to fit the needs.

Powell – When Wadsworth development came on those agreements were already in place. This property has been zoned industrial from at least 2006 and those parcels have been available to be sold. From 2013 when we took over, they have been marketed and ready to sell and be developed right away. Due to restrictions and other reasons industrial hasn't happened, from 2006 to now industrial has been tried however, it isn't going to happen. We feel at this point a move towards the CCM allows us to work with City Council and Planning and Zoning Commission as well. From my understanding when the request for CCS in 2017 was denied the reason was due to Council not wanting individual property owners to keep coming back with Special Use Permits and ending up with allot more residential than what we are proposing. So, our request is so we can work together and come to an agreement that is palatable for you and what will work for this region. You had mentioned Cabela's doesn't want to be at the end of a residential zone however, they do want to see more residential there. If you look at the Wal-Mart at the other end of town there is a large, assisted living and apartment complex next to it. So, it makes sense that retail wants mixed-use and multi-family nearby it gives them daily customers.

Good – It isn't going to be industrial and never will be as long as Wal-Mart and Cabela's are there. I am an industrial guy; this case makes more sense to be a higher density.

Kimball – So, am I understanding this correctly that there is an agreement in a deed for this property that vetoes any sort of use that isn't compatible, is that a fair way of saying it?

Powell – It isn't as blanket as that, that can also restrict similar products or businesses like a Dick's Sporting Goods.

Kimball – Okay.

Seale – When we were in the process of creating the Community Commercial Mixed zone this was one of the specific areas in town that was specifically used to envision how that regulation and zone was being created and compiled. If you remember when we did the Comp Plan the map was adjusted to allow for CCM to fit in certain areas which was also grabbed into this area for the Business/Commercial Mixed on the Future Land Use Map. We went over a lot of iterations of the Future Land Use Map that ultimately changed it within this specific area because of the anticipation of this area moving away from the industrial type of use to a more Community Commercial type of mix.

Davis – Anyone have any other questions?

Hampe – I got mine answered.

Herrington – I would open it up for public comment.

Testimony:

In Favor – None

Neutral – None

In Opposition – None

Davis – Any other clarification, do we have to go through the criteria again?

Herrington – Yes – just kidding. Close the public hearing and just continue your deliberations.

Public Hearing Closed

Comments

Kimball – The applicant shed some light on why it hasn't developed as industrial due to the big box stores and their restrictions. If this stays industrial, it will make it difficult to develop in the future. There has been a lot of industrial that has recently been annexed that could and should take place of this.

Schlotthauer – I still don't buy that the developer completely tied their hands when they sold those two parcels so there's nothing left that they can possibly do, I don't buy that.

Hampe – But beside apartments.

Schlotthauer – I do like the mix I like the live/work I just think it is more than what the area was intended for. I think it is better that we bring pockets of commercial into our residential areas rather than bringing pockets of residential into our industrial and commercial areas. We can put a restriction in for our proposal.

Davis – If we went with option 3 something less than what was proposed.

Herrington – You can include it in as a recommendation for inclusion of the Development Agreement.

Hampe – How big is option 1 then? Is it just the 30.5?

Davis – Yes, the Development Agreement initially calls for 28.5.

Hampe – Yeah, okay.

Davis – The other two options would be 30.5 or 36% or if we don't like either one, we can propose something different.

Manley – To Clarify, we have a Draft Development Agreement has 28.5.

Schlotthauer – Is that depicted on your graphic?

Manley – Option 1 as it is graphically depicted is either the Draft DA or Option 1. The applicant responded with how they would prefer 30.5 rather than the 28.5 increasing the area marginally from 15.4 to 16.5; so, I thought that on this graphic as option 1. I also knew the applicant wanted option 2 with an additional 3 acres but that increased it to 36.1%. This was my way of letting you know there was different items being discussed and to give you different options. Additionally, if you wanted something less, you also have that right because it is a Development Agreement.

Davis – The sticking point is if the Option 1 is what is in the Draft or the 30.5, I think it is one in the same.

Schlotthauer – I also think Option 2 is a lot less desirable for the property and the future commercial than option 1 as it is off in the corner so if it is in the area of 25% and within the location of area 1, I would be okay with it.

Davis – Your option would be #3 with approximately 25%.

Schlotthauer – Yes, in that area.

Steffensen – I would say let's go for what is in the draft within area 1 and like Schlotthauer stated, option 2 is not desirable so it would need to stay north of Pointe Parkway.

Kimball – I think the multi-family component is important even though I gravitate to a little more I would be okay with what is in the Draft Development Agreement.

Davis – 28.5

Kimball – Yeah, I gravitate in all honesty to the 30.5 because its only a 2% jump but that is more of a Council decision, I guess. My point being is that it is a really important component to it if we are talking about having a live, work, shop development. It's chicken and egg right, do you have the commercial first or the residential, which works best, I don't know.

Schlotthauer – Say we add only 25% up in that corner is there anything to prevent them from asking for a rezone next week?

Manley – That would be a major amendment to the Development Agreement and if it gets approved by City Council, that would be a long haul to ask for additional density.

Davis – Once we add this to the Development Agreement, it is a difficult process to change it.

Manley – This is the difference between a CCS and a CCM typically.

Kimball – This puts on limitations on where you can put it as well, so they can't just put it wherever they want. I would also agree the area south of Pointe Parkway is awkward. For the multi-family component and including the medical would be appropriate.

Schlotthauer – To preserve the area south of Pointe Parkway for commercial is a great idea.

Davis – Additionally, the owners must agree that multi-family must be located north of Pointe Parkway and may not exceed 380 feet of frontage on the street.

Schlotthauer – I say let's go with the draft to make it easy.

Carey – What would 25% be in acreage?

Steffensen – 13.53, not that I did the math or anything.

Motion to recommend approval to City Council finding the requested zoning meets the approval criteria found in the PFMC 18.16.010 and 18.20.100 as outlined in our deliberations and direct staff to prepare a Zoning Recommendation to include the Multi-Family component to be a 28.5% and limited to the 380 feet on Pointe Parkway as described in the Development Agreement with in the staff report as well as allowing medical uses in areas 1 and 2 as depicted in the map and with the CCM zoning designation. - Kimball

2nd By Schlotthauer

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

Moved

- C. **Zoning Recommendation** for Ashford Place Annexation and **Review Requested** for Ashford Place Subdivision File No(s). ANNX-22-5/SUBD-22-7 – Ethan Porter, Associate Planner, to present a request for a recommendation to City Council for a zoning designation of Single-Family Residential (R1) upon annexation of approximately 12.34 acres, with a density cap of 2.70 units per acre. Additionally, a subdivision review request of 33 lots. – The requested actions are to provide a recommendation to City Council for the zoning designations of Single-Family Residential (R1) on approximately 12.26 acres. Additionally, to approve to subdivide approximately 12.26 acres into 33 lots, contingent on Planning and Zoning recommendation of the zoning and annexation approval from City Council. The project is located on the southwest corner of W. Grange Ave and N. McGuire Rd, north of W. Hargrave Ave. It is currently large lot residential within the county and there are no physical characteristics or natural features that would present a hazard and it site above the Rathdrum Prairie Aquifer. The water would be provided by East Greenacres Irrigation District and the sewer would be provided by the City of Post Falls. To the west is, north and south of this request is all county and to the east is single-family residential.

Zone Change Criteria

- Future Land Use Map designates this site as Transitional, and the implementing zoning district should be compatible with adjacent zones/uses within the City and consistent with the guiding principles within the associated focus area. The focus area is West Prairie, mixed residential is envisioned between McGuire Rd and Corbin Rd with higher densities near commercial corridors and arterials. This area may benefit from a subarea plan that examines lot and block development patterns to aid transition of five-acre lots.
- Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan. Keep Post Falls' neighborhoods safe, vital, and attractive. Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability. Maintain the City of Post Falls' long-term fiscal health. Support land use patterns that: maintain or enhance community levels of service; foster the long-term fiscal health to the community; maintain and enhance resident quality of life; promote compatible, well-designed developments; implement goals and policies of the comprehensive plan, related master plan and/or facility plans through impact fee. Apply or revise zoning designations with careful consideration of factors including future land use mapping; compatibility with surrounding land uses; infrastructure and service plans; goals and policies of the comprehensive

plan, related master plan and/or facility plans. Must follow all annexation procedures established by Idaho State Statutes and City ordinances as well as ensure that adequate land is available for future housing needs.

- McGuire Rd is a minor arterial roadway and can accommodate 6k-15k vehicles per day, which projected volumes for 2035 along this roadway would accommodate. Protection of the Rathdrum Prairie Aquifer through sanitary sewer and the proposed zoning is compatible with the land uses anticipated within the City's Master Plans.
- Not Applicable as commercial or high-density residential is not being requested.
- Annexation proposed is not near higher intensity urban activities, which would be primarily along Highway 41, Mullan Ave, Seltice Way, and some along Spokane St.
- Not applicable as industrial zoning is not being requested.

Upon staff review as mentioned in the staff report this request meets the R1 Single-Family zoning standards and the Official Bulk and Placement table. The requested subdivision has an average lot size of 10,880 square feet, minimum lot size of 10,000 square feet, which code states for an R1 minimum lot size should be 6500 square feet so the request exceeds the minimum, and a maximum lot size of 19,954 square feet.

Subdivision Review Criteria:

- Water will be provided by East Greenacres Irrigation District
- The City of Post Falls has adequate capacity to provide service to the subdivision as proposed and it is in conformance with the City's Water Reclamation Master Plan. Existing homes, if remaining, will be required to connect to City sewer and pay appropriate fees with construction of the Subdivision. Existing septic systems will be required to be abandoned in conformance with Panhandle Health requirements.
- The subdivision should not have a negative impact on the local transportation system. Direct access from residential lots onto McGuire Rd will be prohibited (condition 8).
- The site is located over the Rathdrum Prairie Aquifer. There are no known soil or topographical conditions which have been identified as presenting hazards.
- Subdivision approval is contingent upon annexation approval from City Council. The subdivision and proposed lots conform to the requirements of Title 17 (Subdivisions) and Title 18 (Zoning).
- 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, multi-modal pathways, City water and water reclamations facilities.

All other agencies have been notified with Kootenai County Fire and Rescue reserving comments for the permitting process. The Post Falls Police Department remains neutral and the DEQ gave general comments pertaining to the time of construction. Commission motions would be recommended approval, or denial, of the requested zoning and approve as presented, approve with conditions or deny for the Subdivision.

Steffensen – What is the lot size and density for R1S?

Porter – Those are 1-acre minimum lot area and minimum lot width is 135 feet.

Kimball – If I'm not mistaken, aren't the properties to the east half acre lots?

Porter – Potentially, those are under a PUD correct, Manley?

Manley – Yes.

Kimball – Half-acre PUD.

Schlotthauer – Herrington, this is just a comment and maybe you can shed some light on this, this seems like a new format we are doing. If the city annex's we recommend the zoning and if they accept that zoning then we want to try this too, for the subdivision. Just seems like we are getting ahead of ourselves, and spending allot of time on this especially until we see what the City Council is going to do. Is there a reason why we are doing the what-ifs?

Herrington – So, the applicant is bringing forward the application and you can consider the subdivision based on the recommendation you make for the zoning.

Schlotthauer – I get it. I understand we can do it this way; I am asking if it is prudent.

Herrington – It's up to the applicant.

Schlotthauer – So, it's their decision.

Herrington – Correct me if I am wrong Manley, but I believe it's the applicant's decision to bring them both forward at the same time.

Manley – What it does is shed some light on, even though it isn't a guarantee, what the lot sizes are for the requested zoning with the subdivision. If they wanted to increase density that would be a major amendment that would be brought back before you.

Schlotthauer – I appreciate the explanation on that.

Hampe – I think the point is, it isn't even in the city, we are recommending zoning for parcels that aren't even in the city. So, its kind of putting the cart before the horse. It is a lot of what-ifs and I have had my own comments on this before.

Manley – Not everyone goes this route, some people just request the zoning and annex and then they market it and try to sell and then we aren't sure what we will get. Doing it this way saves everyone time and we get to see the plan with the annexation request.

Davis – Doesn't it eliminate a hearing for us?

Carey – Yes, they would have to come to us twice.

Herrington – When they determine whether or not to annex, they also determine the zoning, and it is based on the recommendation from the Planning and Zoning.

Hampe – Right, but what we are doing here tonight, with this case, is absolutely mute unless the City Council performs in a certain way.

Herrington – Right, but the City Council wouldn't annex land without the zoning recommendation.

Schlotthauer – Right, we get the first one, it's the second one that is a maybe.

Davis – I just look at it as they would have to bring it back to use if it does get approved so...

Applicant Gordon Dobler, Dobler Engineering – Last year, we brought the annexation with the R1 without the subdivision and Council had some issue with this. The reason is because an R1 zone can accommodate 6500 square foot lots which we never had intended. We had nothing to offer about what we wanted to do so they denied it. We've done this before with this same owner and he is here for any questions or add what he can. What we ended up doing was putting a density cap in the Annexation Agreement, basically says, we like the annexation and the subdivision, and we want to prohibit this from becoming denser. This is a dilemma because Post Falls doesn't have a medium zone with 10,000 or quarter acre lots its 6500 or 1-acre or you can do and R1S PUD and gain smaller lots and higher density but then you dedicate 10% open space. So, that is why we are here with the subdivision to show the plan for the R1. In the future land use map, you've got Business/Commercial which is on the other side of Corbin and the Transitional is between Corbin and McGuire. What we are requesting is low-density and

there is larger acre lots on the east of McGuire, so this density provides a great transition between a future Business/Commercial area and the larger lots to the east. The current land use around the area is R1 and the R1S with a PUD, I don't know of any 1-acre lot subdivisions that have been approved lately. So, keep that in mind the average lot size is about $\frac{1}{4}$ - $\frac{1}{2}$ acre so our request for 33 lots the density is 2.67 units per acre, and we would anticipate a density cap in the Annexation Agreement. The existing home on the corner of Grange and McGuire we will keep so that will be the largest lot and we have some open space to the south along Hargrave. Which is unused right of way and if Hargrave extends through in the future the tracks would be vacated that are there. We will have an HOA that would take care of this area. A trip generation for the 33 homes would be 312 during the peak hours. We have the Will Serve letter from East Green Acres and city sewer has the capacity to serve this request as well. The property would access McGuire Rd, a minor arterial and additional right-of-way would be dedicated with annexation and the roads would be widened with development. The multi-use path will be brought in along McGuire with the subdivision. Single-family typically generates, The Urban Land Institute, .6 children per resident generally this number would be less if your market is retirees. This is just an idea of how this request will impact the school. There are 5 parks within the three-quarter mile radius we also pay park impact fees. This request meets the Goals and Policies of the Comprehensive Plan. We had a neighborhood meeting in November of 2021 which 15-20 people came, we sent out notices and invited them to the Sawmill Grill in the evening.

Informed them of the model, large shop lots which is what the market wants. We showed them some similar product from Anthem Pacific Homes that were part of Tranquil Meadows another subdivision north of here the same owner. Some concerns they had were about the view shed if 2-story homes were built, it was a good meeting. This is an orderly expansion of the city.

Ryne Stoker – I just want to add one thing so everyone knows, our extension of this subdivision besides the one 6-acre parcel and the Adams parcels the sewer runs out at that north end to where it hits Grange Rd. It doesn't have the depth to sewer anything else it'll take major improvement to have any sewer in that general area. You'd have to talk to the Engineering Department to see if there are plans behind that, I'm not aware of any so this isn't a latchkey lead into just marching across the Prairie on that this is where it would stop until there is the major improvement on the sewer.

Herrington – Before this hearing we received a comment untimely, and staff informed them that it was untimely and invited them to come tonight and they decided even though it was untimely they would email it directly to the Commissioners. So, you received that which created an ex parte contact by emailing you directly. So, I just wanted to go through the reason we have that rule in place is so that we receive written testimony before the hearing so that it can be included in the packet as it relates to the due process. The applicant must know what they're addressing and what they're testifying to and so it has to be provided in advance so everyone can review and possibly rebut that testimony. So, its up to the Commissioners to determine whether or not that testimony is admissible or not we did provide a copy of that comments to the applicant so that they can speak to it.

Davis – Hopefully the individual is here to speak I would think that we have provided the information to the applicant but in the same sense rules still need to be followed. So, I don't see why we wouldn't strike it.

Commission agrees

Testimony

In Favor – Read into record by Davis – Jeremy Voeller, Ryne Stoker Already spoke.

Neutral – Angela Adams, 2534 W Grange Ave – I feel r1s would be a better zoning I think it would maintain the integrity and consistency of the area and I think it would complement well with the Meadows and also the newest subdivision up north. I think it Garnet Ranch or Garnet Estates which is 5-acre tracks and I think that's what a lot of people are looking for, a little elbow room. I would ask you Commissioners that if you do vote yest that you would actually have read the application and that you're a 100% certain that it is for the subject property on McGuire and Grange like was stated. They did have this passed last year it was accepted but when the Kulka Kelley Annexation for these parcels was approved there were several points of reference on several pages that were nowhere near McGuire and Grange. I think it was clear to anyone that read the application that the property being referenced half the time was on Prairie Ave, it was obvious the Engineering Firm simply resubmitted the application for Kulka Land Tranquil Meadows or Quiet Ridge Subdivisions without changing the information and he did reverence the two closer ones. A couple of the mistakes, one was the widening of Prairie if you look at the project map it's not on Prairie another reference was the traffic impact on Chase and Prairie that's a mile or two away. So, I don't think it was right for that blatantly deceitful and inaccurate application to be approved by the City and passed on to you and then approved again. The neighborhood meeting was where they hosted drinks and appetizers in the whiskey lounge and what I found interesting when this was referencing the local neighbors there is a quote, a sentence in here that says we have been told by City Staff that one of the reasons the project was denied was a general misunderstanding of the project so that's referring to me as a local neighbor that gives me the impression that the City Staff they're referring to told Kulka Kelley they did everything they could to push this through but we neighbors are just too ignorant to understand this. I can tell you I understand what this is, if you vote yes, I will again ask that you have read the application and it actually is for this property the documents that are submitted to you, I think are legal government documents. I believe they are done by a professional engineer and should almost be flawless there shouldn't be that many mistakes in an application and have it approved. I would like to say that I hope the approval of the last application with all of those mistakes, I hope it was an isolated incident and isn't common practice.

In Opposition – Read into the record by Davis – Shari Bolander – I live at the corner of N. Howell Rd. and McGuire Rd. in Prairie Meadows. Oppose so much traffic along McGuire Rd. now with lots of noise and pollution from vehicles. Adding this subdivision will only add to this congestion and traffic. **Robert Lakey; Gail Randall –** I have lived on 5 acres in the neighborhood surrounding the proposed subdivision (located on Grange and McGuire) for over 15 years and have watched all the changes and subdivisions being built nearby. I enjoy watching the rabbits, pheasants, quail, hawks, squirrels, and other wildlife that make the fields, trees, and open space their homes. The current zoning of agricultural allows these animals and birds to live, reproduce and survive on the existing 5+ acre properties. My husband and I raise quail and release them to live and thrive in this natural environment. I fear that if the zoning is changed to allow more than 1 home per 5 acres, it will have a negative impact on these wonderful creatures. I know a lot of the existing wildlife has already been displaced from other housing developments in this area, so I ask that we not disturb their habitat any further by allowing more housing development in our area. **Tim Randall –** The neighborhoods and homes on acreage around the proposed subdivision (located on Grange and McGuire) not only provide a

habitat for bunnies, quail, pheasant, hawks, and other wildlife, it provides homes and small farms for families. These small farms produce hay, alfalfa, produce and farm fresh chicken eggs that are sold to residents and local stores. The developers are willing to pay large sums for these 5+ acre properties to put houses on but I bet there are families that would also like to purchase these properties too – but can't compete with the developers. By keeping the agricultural zoning in place, it will make it possible for families to acquire the small farm properties and use them to give back and provide goods to the surrounding communities. **Bernadine Ankney** – Believe it should confine their building only 1 or 2 homes per acre.

Jeff Adams, 2534 W. Grange Ave – I oppose this annexation and development as R1, I think R1S would be a better fit for it if you look at all the surrounding properties you got big tracks of land on the north, south and west and there is the R1S to the east. My understanding from what Dobler stated these are going to be shop lots 10,000 square foot lots is pretty tight to put a nice size house and a nice shop on without creating variances and everything else on everybody else's piece of property. I think bigger lots would be a better option for this particular development.

Steve Clevenger, 2357 W. Grange Ave – I live in the old Grange House if you know that area. Part of the appeal for my wife and I is living on the border of the City and the County, and we appreciate the benefits of the open space across the way so I would urge you to not recommend annexation of that property. If you must annex it, I would strongly recommend that the zoning be R1S, my opinion is that it's much more compatible with the adjacent area.

Jacqueline Melendreras, Fisher Ave – Last year I was here, and I spoke about our apple orchard and our chicken house but today I'm hearing many requests of revising and changing zoning to high-density housing, so it can be accomplished many acres of large parcels are already being changed. So, that's what I heard today do, I'm here to talk about the prevention of pheasant extinction we were asked by the state to raise and release pheasants in our community since 2012 on and off. We've helped release hundreds of pheasants, fenced subdivisions and asphalt is opposite to the natural habitat necessary to survive and thrive. Right now, the hens are sitting on eggs so the next generation can survive. The closest subdivision to me at Chase and Fisher is called Pheasant. The beauty the builder recognized is no longer welcoming with tightly fenced backyards and concrete sidewalks and driveways or neighbor and we help the state to prevent the extinction of the pheasant population. I am here again asking for a tiny patch of the Prairie not to be taken away from them this is their home my land is their land. The beauty of preserving and being part of protecting our wildlife and watching god's creation in their natural setting has no equal. I am in opposition to changing our agricultural zoning and county way of life.

Joe Melendreras, 2604 Fisher Ave – My concern is at what point will we have enough R1 housing to where it doesn't impose on the county. When I purchased my property, it was very clear that the dividing line was between McGuire and the county. Those lines were very clear at the time. My question now is if we keep allowing this at what point does it stop at what point do us that chose to have a little chunk of land around us just to get crowded out or taxed out. That is my concern for you folks, I hope that when you decide on this that you rule against it and please preserve the life that we have chosen live, obviously life in north Idaho is changing drastically very rapidly and again at what point do we say we need to slow down and respect other people. I understand their financial

commitment and they need to get a return on that because anyone that is in business knows that but, is our livelihood less valuable than what they are proposing is.

Rebuttal – Ryne Stoker – Owner/Applicant – It was talked about making these half acres or an acre lots, the difficulty of that is in the engineering and part of the right of way we've already had to give away on this five-acre parcel. To make these half acre lots you'd combine 2 of the lots because they are about 10,000 square feet that will give you about 20,000 square feet these lots are currently 97 feet wide by about 104 feet deep. Part of the problem is out of a normal five-acre parcel it's about 330 feet wide by 660 feet deep, after we give the right-of-way for McGuire we're down to 275 feet so we have enough for a road and two side roads so our options to make these 5 or half acre parcels; imagine erasing every other property line or we could bring the road in all the way over to the Adams property. Take it down south of the Adams property and what you'd end up with is about a 100-foot-wide lot that's about 210 feet deep, so you end up with a lot of really unused land. This is why we ended up with this subdivision layout. I am not opposed to increasing the size of the lots we work the developers that we deal with to come up very specifically on what width works for them given those depths because normally you're dealing with about 125 – 130-foot-deep lots on these. *Continued to give different scenarios on how the lots could potentially be laid out however, the changes wouldn't make for a clean subdivision request. *

Hampe – Do you intend on putting a fence around the perimeter at all?

Stoker – I believe by a requirement we'd end up having to fence along McGuire and I'm not sure about Grange. We would end up having the builders put fences up around the property, that's what we have done with all the others.

Kimball – Condition 12 has it on both McGuire and along the Railroad. Requirement for fencing.

Stoker – I'm an engineer also, and this is the way the sight lays out. We could tweak around and do something to make the lots a little bit wider, we could bring the road all the way in over to the Adams Parcel and then cut it down, but it just didn't seem like the right thing to do. This was the best layout and we've got a transition somewhere between McGuire this is a great start in my opinion. Within about 2,640 feet you're in the Business/Commercial zoning so you must go from about half-acre lots and we think this is a good design to start transitioning.

Comments

Zoning Criteria:

1. Consistent with Future Land Use Map.

Kimball – The Land Use Map has this as Transitional and R1 is an implementing zone. So, it is in accordance with the land use map.

Schlotthauer – In that, R1S, wouldn't really be transitional.

Hampe – R1S wouldn't?

Schlotthauer – R1S would not be transitioning into the Business/Commercial.

Kimball – It is one of those things that when you look at it, we aren't used to seeing that Industrial corridor going up Pleasant View. So, once that is developed as industrial this will be a transition.

2. Consistent with the Goals and Policies Found in the Comprehensive Plan.

Kimball – That staff report covers it pretty well and the applicant talked about it in their narrative. With it being a residential zoning whether R1 or R1S if the residential component out there meets those goals as defined in the Comprehensive Plan.

Hampe – I think R1S would be more compatible. Because everything to the east is.

Carey – For the Future Land Use Designation it wouldn't be compatible as an R1S, it wouldn't be transitional that is what this property is, right?

All Agreed with this comment

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.

Steffensen – The staff report talked about this, at least with the traffic patterns so Grange can handle this and as we're talking it's in a transitional area so is this the proper zone for the future land uses of this area. The aquifer is always something that's geographic in this area.

Schlotthauer - And you've got the railroad tracks right there which are I think an excellent area to start transitioning because they make it less desirable for the larger lots.

Hampe – So, by transitioning we are just completely looking at that as going from low-density to business commercial. So, from the west side of McGuire everything has to start being R1 or multi-family, if it's transitioning there is no other option, correct? Or is it in a space that is not yet determined. I have a hard time believing everything to the west of McGuire has now start becoming higher density so it can but up to business, I am having a hard time swallowing that.

Kimball – One of the parts about this transition that the applicant is making an effort to do is making sure it isn't the minimum lot size, there is no in-between right. The R1S is 1-acre lots and the PUD Ordinance no longer allows them to increase density, it used to but, doesn't anymore. So, that means 1 unit per acre in an R1S one of the benefits of seeing the subdivision is that we can see they are going for 1.5 times the lot size.

Hampe – Agreed, they are not bad lot sizes I am just having a hard time believing that everyone thinks everything west of McGuire must be higher density until it meets Corbin.

Davis – I don't everyone thinks like that though.

Hampe – Okay, so what does transitional mean then?

Manley – The focus area in Appendix A in the Comprehensive Plan, the key purpose of that is to help provide additional guidance. So, that's where in the transitional you can look at the focus area and what it says in there which will help delineate land use applications consideration. You are having the lower density on the east side of the road, and you are having business/commercial and industrial type stuff to the west. It might be worth re-visiting those focus areas as you are reviewing these types of transitional applications.

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

Not Applicable

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.

Kimball – I think this is pretty straight forward, nothing is high-intense urban activity around this area.

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

Schlotthauer – This is in the reverse; we are trying to keep the larger lots away from the industrial that is along Pleasant View.

Steffensen – Can we talk about the density cap? How does that work?

Manley – That would be applied at the annexation element with the City Council, I believe.

Herrington – Similar to the last one, you can bring it forward as a recommendation for inclusion of the Annexation Agreement.

Schlotthauer – Aren't these two tied together though, they are presented together but are they tied? Are the details of the subdivision, aren't they tied to the annexation?

Manley – Yes

Schlotthauer – So if they are tied

Steffensen – Say we adjust this density cap lower; the subdivision picture will obviously change.

Herrington – Right, they would have to resubmit the subdivision.

Kimball – If we wanted to hold their feet to the fire and make sure they don't do a bait and switch, which they didn't do with their other developments. It doesn't mean they won't sell it to someone who would. We could give a density cap; they have 2.67 we could give them tiny wiggle room and go 2.7 units per acre.

Schlotthauer – I don't know if that is necessary or not being they are being presented together.

Kimball – I think they go hand in hand and gives City Council and the community some reassurance that won't try and go 6500 square feet lots with a future application.

Schlotthauer – I think what they presented is pretty responsible.

Steffensen – I kind of think the lots are a little small, I know how big my lot is and I was looking at this map and I know there is no way I am getting a shop on my lot so. Some of these are bigger but not all of them. You are going from half acre to about a quarter acre and I would like to find something in-between.

Schlotthauer – It might be reasonable to increase the recommendation to give them a better chance of approval for Council, I am not real sure.

Hampe – I would like to see them larger; I am not against R1 I would like to see them larger though.

Kimball – I think that when I go for a walk and end up at Chase Hill and look out over Montrose and the Meadows, I just see an ocean of rooftops. I don't see a lot of difference from that perspective, the 10,000 square foot, 1-acre, half acre, or 7,000 square foot lots its an urban environment. We are city, we are an urban environment we are growing. A 10,000 square foot lot with the width that they are most houses are in that 65-foot range so 100 foot gives plenty of room to get around to the back. And putting a little shop, not a big shop it won't be 6500 square feet, but it will be the putter around shop. We don't have a zoning in-between, and I don't think it is necessarily our job to try and create one on the fly and I think they have presented a subdivision that is bigger than most, bigger lots than most. This will fill a need in our community even though we are talking about the zoning right now and not the subdivision. I think the R1 zoning is appropriate and the R1S zoning, you can no longer change the density with a PUD, and this is 12.34 acres so with an R1S its only 12 houses there is no opportunity

for them to do a PUD for half acre lots and get 24 our code has changed sense Prairie Meadows was done. The whole reason they did that is so people wouldn't do a bait and switch with and R1S and ask for a PUD. They brought forth an R1 zoning request and R1 subdivision, so we know what we are going to get and to ultimately show City Council. Talking about zoning I don't think and R1S is appropriate for this land and in the 90's it worked but those were 20-30 acre parcels it wasn't 5-acre chunks. As the city moves west the R1S is inappropriate, and I think R1 is, and it is just now based on a development pattern that will transition well over to Corbin.

Steffensen – I am not saying I am against it, I think these lots are a little to small and a better transition would be for them to be bigger. I am not saying R1S but a density cap of 2.3 or 2.4 which isn't much it will just give that little extra. Instead of 33 lots it would be 27 or 28.

Schlotthauer – I think what they have is responsible and I don't want to overreach and think a motion to approve as is would be the most appropriate.

Motion to recommend approval to City Council finding approval criteria within the PFMC 18.16.010 and 18.20.100 as outlined in our deliberations and direct staff to prepare a Zoning Recommendation with an R1 zoning – Schlotthauer.

2nd by Kimball

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

Steffensen - No

Moved

Subdivision Review Criteria:

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 – The will serve letter from East Greenacres covers that.

Commission Agreed

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

Carey – The City of Post Falls Sewer and they said it has adequate capacity.

Schlotthauer – I feel like I am having a dejavue moment with another development around here where there needed to be improvements to the pump station? Yes or no it wasn't this area will be fine.

Engineering said no.

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

Kimball – The lots will access local streets and they are providing right-of-way improvements on the arterial. So, that is consistent with the transportation element and there is a restriction on access from McGuire.

Commission Agreed

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.

Carey – Staff said there was none known.

Davis – Right, there was nothing presented.

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

Carey – Staff report said it conformed to Title 17 and 18.

Kimball – As long as it is zoned.

Herrington – This is where you are considering it R1.

Kimball – Assuming it is R1.

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 – The impact fees will be paid at time of permit, and they are paying to widen McGuire.

Schlotthauer – That is no small favor we are asking of them, and it is a lot of land being dedicated and a lot of expense. This also further justifies the lot sizes.

Motion to approve finding it meets approval criteria in the PFMC 17.12.060 as outlined in our deliberation subject to conditions 1-13 found in the staff report and direct staff to prepare a written Reasoned Decision. - Carey

2nd Kimball

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

Moved

- D. **Zoning Recommendation** for School District Zone Change File No. ZC-22-4 – Jon Manley, Planning Manager, to present a request for a recommendation to City Council for a zone change from Single-Family Residential (R1) to Public Reserve (PR) of approximately 3 school sites. The requested action is to rezone 3 school sites with the City of Post Falls from Single-Family Residential R1 zoning to the Public Reserve PR zoning district. A little commentary as to why staff is presenting this, it might have been 10 years ago that we got rid of the Public Reserve zone because it was mismatched. There were private developments that were Public Reserve and there was no consistency so we did away with it with the idea that someday we would bring it back. The other caveat on that is for the school sites with the current R1 zone that it was designated and required them to apply for a Special Use Permit for any type of changes. We already know their use, it's a school and this zone, Public Reserve PR, will allow them to function as a school for any future developments. Many of the Zone Change Criteria are not applicable however, we do need to see if it matches up with the Future Land Use Map, the traffic patterns goals and policies and existing development, land uses and community plan. These are already developed sites so; we are doing a cleanup.

Zoning Criteria:

- The Future Land Use sees this as low density residential which would be consistent with ad R1 but, when you look at Public Reserve zone you see it is consistent with all Future Land Use designations within the Comp Plan. The must be at least 20 acres and all of these sites are all 20 acres. Staff is in discussions with the School District about the smaller sites and how to deal with them and what's the best course of action. But in just dealing with these 4 parcels, 3 sites

you can see that in the low-density public facilities is highlighted as an option which schools would be considered.

The other ones really aren't applicable like commercial and high density. Looking at limited neighborhood commercial or the industrial so the other three criteria really aren't applicable. Agencies routed and the responses are repetitive from the other hearings.

Hampe – So, the schools are there, they're existing.

Manley – Yeah, they are existing.

Hampe – We are just putting them into an appropriate zone instead of an R1.

Manley – Yeah, and they were notified.

Schlotthauer – What would they have to do with their Special Use Permit if they want to put in an addition on currently.

Manley – Currently in addition they would have to come in for a Special Use Permit.

Hampe – Okay

Manley – It slows them down, they try to get a contractor in line, and get their budgets to get their, to meet their needs at the school. That 3–5-month lag could cost them, especially now with the supply chain issues could negatively affect a school and their desires to meet the next school year's needs.

Hampe – So would this be a recommendation as well?

Manley – Yes

Schlotthauer – So, we are basically saying we are trusting the schools to do the right thing and not have any input.

Manley – Yeah, more or less.

Kimball – Public Reserve zone is pretty limiting they just get to do their school stuff.

Hampe – Well, I'm on board.

Kimball – No multi-family there.

Testimony:

In Favor – None

Neutral – None

In Opposition - None

Comments

Zoning Criteria:

1. Consistent with Future Land Use Map.

Commission Agree it is

2. Consistent with the Goals and Policies Found in the Comprehensive Plan.

Commission Agree it is

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 – They are existing uses, this is housekeeping.

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

Not Applicable

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

Motion to recommend approval to City Council finding requested zoning meets the approved criteria found in the PFMC as outlined in our deliberations and direct staff to prepare a Zoning Recommendation with the Public Reserve PR zoning - Hampe 2nd by Carey

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

Moved

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

Davis – Stated he appreciates how they can discuss each item with the goal of what is best for the city as it continues to grow. They follow the rules and work hard to read through the packets and hopes the time that is put in is recognized.

7. ADJOURNMENT 8:55PM

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: 6-14-2022

Chair: 

Attest: 