

RATHDRUM
PLANNING AND ZONING

PLANNING AND ZONING COMMISSION MEETING

MEETING MINUTES

Wednesday, May 20, 2020

6:00 PM

Due to the Coronavirus, this meeting was held with a Zoom device

PRESENT: Commissioner Furey, Commissioner Carr, Commissioner, Commissioner, Hatcher, Commissioner Munyer and Commissioner Shuman

STAFF: Planner Siess, and City Administrator Duce

PLEDGE OF ALLEGIANCE

Mr. Duce confirmed that fourteen attendees would be in the meeting via the Web-Zoom Cam.

OLD BUSINESS: Timber Glade Subdivision Update

Planner Siess: The purpose of the updated plat is to create a residential neighborhood consisting of 57 residential lots within the Residential R-1 and R-2S zone districts, ranging in size from 7,501 sq ft to 44,212 sq ft in area. The previous submittal included 57 lots with the minimum lot size being 7,800 sq ft in area and the largest being 43,336 sq. The proposed plat was updated to reflect the requirements of the newly annexed R-1 zoning versus the proposed zoning of R-2S. The minimum lot size within the northern portion of the site, which is within R-2S zoning is 7,501 sq ft which is compliant with the minimum 7,500 sq lot area required in this zone. The minimum lot size within the southern portion of the site, which was recently annexed with R-1 zoning, is 10,000 sq ft lot area required in this zone. The project is to be developed in a single phase with public improvements. This plat will include dedication of right of way and improvements for streets and sidewalks to serve the development in accordance with city standards, including extension of Sedona Street and Liane Lane. Water, sewer and other utilities will be extended to serve the development. City staff has reviewed the application and city code and standards have been met.

Open discussion by the Commissioners:

Would like to see that all lots be zoned R-1 and concerned about the rapid growth in Rathdrum.

Would like to suggest that the configuration of the streets be changed so that they could accommodate the traffic flow and for safety.

This development has met the minimum lot sizes per city code and city standards.

Motion to approve the application as submitted with three conditions of approval that are stated on the staff report (see below) and the additional conditions of approval that they may reconfigure the location of Gifford Avenue that may be approved by the Planning Administrator without returning to the City Council. (Planner Siess read) by Commissioner Carr and seconded by Commissioner Shuman

ROLL CALL VOTE:

Furey – aye

Hatcher – aye

Shuman – aye

Munyer – aye

Carr - aye

Staff report conditions: 1. The existing residence shall discontinue use of the existing private water and sewer utilities (well and septic system), shall abandon and/or remove such services as required by Panhandle Health District and/or other agency with jurisdiction, and shall connect to City utilities prior to final subdivision approval. Such requirement supersedes citations 2.2 and 2.3 of the existing Annexation Agreement recorded under instrument number 204749000 on August 10, 2003. All other requirements of said Annexation Agreement remain. 2. The developer shall enter into a Development Agreement with the City which specifies property and term, project regulation and policies, conditions of approval (including improvements to be constructed, roadway drainage swales, landscaping / street trees, irrigation water service lines to roadway drainage swales and landscaped areas, maintenance of common area landscaping, fencing and roadway drainage swales, irrigation system casings, walkways and stormwater, street lights, streets, construction access, street closure, phasing, erosion sediment control plan, dedication of right of way, dedication of easements and sewer), improvement construction standards and procedures, performance guarantee, owner's warranty, and other City requirements as approved by the City Council. 3. The developer shall comply with the rules and requirements of any agency with jurisdiction owner the project, including those agencies which provided comment for the proposal, and all applicable laws, rules and regulations governing the project, whether specified herein or not.

PUBLIC HEARING – Silverado Apartment CUP

Commissioner Furey gave an overview of the procedures of the public hearing process.

Applicant:

Bob Head thanked the commissioners for their time. And began by stating that affordable housing is needed in this area with the increasing job market and for young adults in college while beginning their careers. This project will supply transitional housing for those new residence coming into the area. Apartment building in the north east corner of the forty acres is currently being developed and this application of the conditional use permit will be for the southern portion of the acreage.

Olsen Engineering

Eric Olsen

Mr Olsen began his presentation with location of the parcel being east of Meyer Road and north of Boekel Road. Silverado Urban Renewal District Master Plan; apartments in the northern

corner of property, a thru lane to Meyer Road, commercial uses are proposed on the east side along Meyer Road which will include a gas station and coffee stand located on the corner of Boekel and Meyer, exiting light industrial located on the south side. The application for the CUP is for the portion of the acreage that is located in the mid-southernly (triangular shape) which consists of just under four acres and will be the third phase of the apartment complex. The property under the B. P. power lines can not be developed and there is discussion on perhaps dedicating it to the City at some point and will remain on open field.

The proposed apartment complex would consist of 4.5 buildings being three stories high with 24 units each, totaling 108 units. This would include parking, sidewalks, ADA accessible parking and landscaping throughout all which is required by city code.

Demand for apartments:

Rapid growth in Kootenai County, 18% of housing in Rathdrum is multi-family, commercial uses in Silverado URD will create jobs and a need for housing, other projects will also create jobs.

Conditional Use Criteria:

Will constitute a conditional use as established in this title for the zoning district involved, will be harmonious with and in accordance with the general objectives or with any specific objectives of the comprehensive plan and/or this title.

Comprehensive Plan:

Transportation – Goal 1: Establish a system of paved arterials, alternate routes and pathways that makes the community feel connected and integrated.

Housing – Goal 1: Apply four primary principles, sense of community, variety, affordability and integration, in the enhancement and maintenance of existing residential areas and the design of new housing developments.

Economic Development – Goal 2: Policy, emphasize available local workforce.

Housing – Goal 5: Encourage infill and redevelopment of existing lots.

Community Design Interconnectivity– Goal 2: Guide the development of residential neighborhoods and commercial activities to encourage walking and cycling instead of the use of motor vehicles through the provision of a safe and convenient environment and well-designed interconnectivity.

- Will be served adequately by essential public facilities and services
- Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- Will not create excessive additional requirements as to public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or order.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic and surrounding public thoroughfares.

Conditional of approval:

*Parking – a minimum of two parking stalls per unit. (city code 11-5-3.B.4 states 1.75 per unit)

Each complex contains one to two-bedroom units and would request that they conform with city code

*Any change in use, expansion or contraction of the site area, or alteration of use classified as conditional involving the proposal shall be brought to the attention of the City Planner, who can, if deemed necessary, require the changes to be brought before the City Planning and Zoning Commission at a public hearing and the City Council for decision. Mr. Olsen would like this to be reconsidered being that creates a lot of extra work for everyone.

*The proposed use shall be substantially initiated within one year of the date of Council approval – including obtaining all necessary permits and beginning construction activities on the buildings. Failure to comply will result in the CUP becoming null and void. Mr. Olsen stated that one year for a project of this caliber would be impossible to meet.

Questions:

How many acres are under the power lines?

Answer: Not sure, but roughly seven acres. (Open space/park not shown on the URD Master Plan)

The commercial businesses that are along Meyer Road, which direction will they face, Meyer or the back street?

Answer: It is unsure at this time.

Please define phases one and two?

Answer: Phase one being in the northeast corner includes three apartment building complexes with an office. Phase two is just east of these with a parking area and a group of three patio homes.

Bob Head spoke again and confirmed the acreage under the power lines being approximately ten acres and no structures will be built in this area. A possible dog park and open space could be provided for the residence of the apartment complex and the community. The estimated time for completion of Phase one of this project is ten months. Construction for the interior street that extends from the apartments to Meyer Road will be done with the first phase.

Planner Siess: This Conditional Use Permit is an application to allow multi-family residential use on industrial zone district. The applicant seeks to allow five, three story apartment buildings with associated parking for 108 apartment units and an office on approximately 3.93 acres of property. The project site is located on property with split zoning - Phase one and two are on R-3 zoning parcels and south of the power lines is currently zoned industrial which is Phase three and the potential commercial sites.

The property was annexed into the city limits at the request of the applicant in 2002. The site is currently vacant although the R-3 zoned portion of the property to the west recently acquired permitting to build three apartment buildings consisting of forty-nine apartments and an office associated parking – Silverado Apartments Phase One. The owner also plans on several additional apartment buildings at the location in the future – Phase Two, which permit applications have not been submitted.

Street access to the project as shown will be the Meyer backage road and the Thayer connector and coming down from Silverado Street, these will be developed and used for Phase One.

Please note that the URD has not been approved at this time and the applicant applying for the CUP and with it's approval, can they move forward with the Phase Three improvements and the Urban Renewal District.

Access to the buildings and parking will be via internal, private access subject to the city's access standards. Parking lot improvements for the accommodation of parking necessary for the proposed 108 residential units and parking for the office will be required, including ADA compliant parking stalls, and including but not limited to parking lot surfacing with interior curbs and adjacent sidewalks. Stormwater infrastructure, landscaping and a garbage receptacle.

A conditional use permit may be granted to an applicant if the proposed use is prohibited by the terms of Rathdrum City Code Title 11, but is allowed with condition under specific provisions or RCC Title 11 and is not in conflict with the comprehensive plan. The minimum criteria and conditions of the RCC shall apply to the approval of any conditional use permit. Pursuant to RCC Title 11-4C-1d Industrial District, Conditional Uses, other uses determined by the Commission to be in keeping with the intent of the Industrial District may be allowed by conditional use permit.

Surrounding properties: to the east is the proposed commercial properties that are allowed out right in an industrial zone district, to the south is industrial zoning, to the west is the power line easement and beyond that is Kootenai County and to the north is existing neighborhood.

RCC, 11-4-C-1d, Industrial District, Conditional Uses, other uses determined by the Commission to be in keeping with the intent of the Industrial District may be allowed by conditional use permit

11-4-C1a Industrial District, The purpose of the Industrial district is to provide for the location of compatible industrial and related uses in an area where most residential uses are prohibited, and to make provisions for certain kinds of commercial uses to service these industries.

As found within the purpose statement, not all residential uses are prohibited in the Industrial District -specifically if determined by the Commission to be in keeping with the intent of the Industrial District. As found within the R-3 Residential District standards of the RCC (11-4A-4b,3) high density residential areas should be located in areas to act as a buffer between commercial or industrial districts and lower density residential districts. While lower density residential housing is not located directly adjacent to the project site, locating multifamily housing adjacent to Industrial uses in consistent with Code.

Criteria for granting a Conditional Use Permits:

- a. Will constitute a conditional use as established in this title for the zoning district involved
- b. Will be harmonious with and in accordance with the general objective or with any specific objectives of the comprehensive plan and/or this title
- c. Will be served adequately by essential public facilities and services
- d. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area
- e. Will not create excessive additional requirements as to public cost for public facilities and services and will not be detrimental to the economic welfare of the community
- f. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors
- g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic and surrounding public thoroughfares
- h. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance

The application is consistent with Rathdrum City Code and the Comprehensive Plan referring to the goals and policies.

For verification on the conditions of approval regarding parking RCC 11-4-C1d; staff review determined that additional parking should be provided being that a majority of North Idaho residence have to commute to nearby cities and each adult in household drives their own car, therefore it was found that additional parking formula be required.

The following comprehensive plan goals and policies were reviewed in the staff report:

Population: Goal 1 and 2, Land: Use Goal 1 Policy C and F, Public Services: Goal 1, Policy A, Housing: Goal 2 Policy F, Goal 4 Policy C, School Facilities: Goal 1, Economic Development: Goal 1 Policy E.

The proposal does not include any pedestrian and bicycle pathways, gathering spaces or other amenities to promote people to meet and interact within the apartment complex. The City may install improvements such as a path within the BPA easement area to the north of the project site in the future, assuming passage of the URD and dedication of such land to the public.

Public Testimony

In favor

Tom Liem
13675 N Treasure Island
Rathdrum, ID 83858

Mr Liem is a representative of the Urban Renewal District in Post Falls, and thru this district the City of Rathdrum will receive a tax increment for the interior roads. They will not be able to continue with this project without the conditional use permit.

Neutral – None

Opposed – Read by Mr. Duce

Eric Pardick
6627 W Sante Fe
Rathdrum, ID 83858

Mr Pardick's concerns are increased traffic, property values being jeopardized, congestion for the existing schools, crime rate to increase, view from his house to be deteriorated, family safety with the increase of traffic in this area of the apartment complex, over development in our city and a tax increase and new construction noise.

Duane Brown
6755 W Sante Fe
Rathdrum, ID 83858

Mr Brown's concerns are an increase in traffic, crime, tax increase and the safety of his family with new development.

Tim Saasen
6794 W Sante Fe
Rathdrum, ID 83858

Mr Saasen's concerns are traffic and home values decreasing

Wanda Cox
6688 W Sante Fe
Rathdrum, ID 83858

Interference with her current view of the mountains, increase in traffic, safety, property values going down, increase in crime with apartments, too much development going on currently and construction noise.

Mindy Kennedy
6538 W Sante Fe
Rathdrum, ID 83858

Ms Kennedy's concerns are increased traffic with the existing school traffic, tax increase, crime and commented that more parks are needed for our community.

Opposed – Spoke during the meeting

Susan Chatterton 66121 Santa Fe – agree with letters read. Concerned with traffic increase – walking community with lots of children. Concern with additional children going to schools and levy was voted down. Generally concerned with kids safety, walking and traffic.

Tony Vandever 4676 W Hwy 53 – 3 major concerns 1 additional burden on school system. Proposal presenter statement of developer's overall concern for community that developer shouldn't be concerned about schools is concerning. 2 Mr. Vandever does not live adjacent to this proposal but is concerned about the existing traffic on Meyer and Boekel. Concerned that the improvements are attached to the URD and not the CUP. 3 Please consider no access through Silverado and that all access would have to go through Meyer and Boekel and not the existing residential area.

Samantha Tuskan 7023 W Melinda Ct – many concerns already shared. Children's safety with walking and increased traffic. 2 impacts to schools and impacts already coming to the schools will put a larger strain on this essential service. Impacts to schools should be considered. Childcare desert in Rathdrum not developmentally appropriate areas existing to provide for new childcare facilities. Proposal will bring increased need for it.

Shaylyn Vandever 6916 W Silverado Street – Opposed to businesses in URD to face Meyer backage road. Concerned for her children – they walk to school as there is no bus service. The developer mentioned providing housing for people working here, most people already have to leave Rathdrum to work. Proposal will make the neighborhood more dangerous and impact use of their back yards. Unappealing presence for families who moved here because what Rathdrum is. Why put homes under power lines. Keep children in mind, schools are so burdened. 241 apartments will make 400 more children who need schooling.

Daniel Moore 6995 W Boekel Road – Understands development and growth in Rathdrum, grew up here. Growth is necessary. Have had problems with crime in Thayer Park and concerned with

apartments within stone throw of their house. Interferes with privacy and concerned with neighbors on Santa Fe Street. Recently had a friend stabbed in an apartment complex. Concerned about family safety. Would like to see fencing provided on west and north side of property.

Jesse Altsuler 6852 Silverado Street – lived here 17 years. Very concerning for 108 apartments let alone 240. Would like to see development stopped. Concerned with his own children playing in street but also apartment children playing under power lines. Please consider impacts.

Michelle Woodward lives inside Rathdrum – will not provide address for safety reasons. Is known by one of the Commissioners. Took offense to Mr. Liens support and all this is about is if the cost of the roads can be covered. More impacts – schools, builders making millions and laughing all the way to bank, unfortunate nothing can be done to stop onslaught of development and infrastructure can't support it. Won't vote yes on any future school measures until City addresses school concerns. P&Z needs to stop unprecedented flow / influx of people.

Rebuttal

Bob Head: Didn't we just get approval for 1.75 parking on phase one. There is plenty of green space out there. I gave land for bike path down Meyer and Boekel. Parking can be added under wires but eliminating unit numbers that will mess up the whole proposal and require them to start over. To neighbors, the traffic will go to Meyer and Boekel and there will be improvements there. If the neighbor to the west wants to chip in on fence he is welcome. He moved here when population was 830. Trying to get investment back. Santa Fe homes will be looking at patio homes, the proposed CUP shouldn't effect the view.

Eric Olsen – apologizes for getting CUP requirement wrong. Was not intentional. The field the neighbors are enjoying belongs to Bob and he pays taxes on that property. Bob is not going to build a junk project. Traffic won't go through neighborhood. Schools – no requirement for development to pay for and not allowed by Idaho Code. Question is about growth period and not this specific project

Close the public hearing

Open discussion by the Commissioners:

Would like to see some sort of buffering in the R-3 zoning; confirmed by staff that yes it conforms with Rathdrum City Code. No one wants apartment building around them and certainly understand everyone concerns, zoning in the area is already in place, traffic on Meyer Road is already congested and would like to see that street widen. Fencing around the permeameter for a buffer would be nice to see installed. Other subdivisions that are going in to increase development in the area and the schools are overflowing and there is a concern for where kids are going to go. Really do not want to see another apartment complex and the zoning should be kept industrial so that new jobs can be provided for this area.

Motion: "I recommend to the City Council the proposal as presented be denied finding that it is not supported by the City's Comprehensive Plan and to also include the findings as presented by staff." Made by Commissioner Hatcher

Staff: Finding that the proposal is not compatible with the Industrial zone district standards and related uses in the area as required by Rathdrum City Code. This is not a use that is keeping with the Industrial District and does not meet the Goals and Policies of the Comprehensive Plan, including Population, Goal 1 and does not address growth trends in the community and other factors in the Comprehensive Plan.

Seconded by Commissioner Munyer

ROLL CALL VOTE

Hatcher – aye

Munyer – aye

Shuman – aye

Furey – aye

Carr – aye

PUBLIC HEARING – Zahran Conditional Use Permit

Open public hearing

Planner Siess: This is an application for a Conditional Use Permit to allow for residential land use to occur on commercially -C-1 property. The applicant seeks to allow duplex buildings to be built on the subject lots – one duplex per lot.

Pursuant to Rathdrum City Code 11-4B-2d; General Commercial District, Conditional Uses, all principal and conditional uses permitted in residential districts may be allowed in the C-1 District by conditional use permit. A conditional use permit may be granted to an applicant if the proposed use is prohibited by the terms of RCC Title 11 but is allowed with conditions under specific provision of RCC Title 11 and is not in conflict with the comprehensive plan. The minimum criteria and conditions of the RCC shall apply to the approval of any conditional use permit. Duplexes are an outright permitted use in the R-2 district and are therefor allowed by CUP in the C-I District.

The previous owner applied for a CUP on three separate occasions to utilize the property for residential use in January 2013, June 2017 and November 2018. The result of each application was a recommendation for approval by the Planning and Zoning Commission and subsequent approval by the City Council. On each occasion, the applicant did not move forward with the development within one year, at which time the CUP approval expired pursuant to RCC 11-8-5. Adjacent land uses are as follows; to the north is the Tree House apartments, to the south is storage units to the east is the Grange Hall and to the west is Single Family Residential duplexes.

Conditional Use Permit criteria:

- a. Will constitute a conditional use as established in this title for the zoning district
- b. Will be harmonious with and int accordance with the general objectives or with any specific objectives of the comprehensive plan and/or this title
- c. Will be served adequately by essential public facilities and services
- d. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area
- e. Will not create excessive additional requirements as to public cost for public facilities and services and will not be detrimental to the economic welfare of the community

- f. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odor
- g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic and surrounding public thoroughfares
- h. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance

Public Testimony

Support – None

Neutral – Read by Mr. Duce

Cornelius & Mary Strain 13705 N Delta Lane, Rathdrum

The Strain’s are concerned about parking in this area off of Boekel Road, traffic is dangerous on Cassia Street and Boekel Road intersection.

Opposed – None

Close the public hearing

Open discussion by the Commissioners; Good fit for the area and was not aware of the parking issue and perhaps that area can be reviewed by city staff,

Motion to approve; I move to recommend to the City Council that the proposal be approved finding that it is in accord with the Rathdrum City Code and Rathdrum Comprehensive Plan as discussed in the staff report for this proposal and move with the suggested findings of the acts and conclusions of laws of approval, I further move that such recommendations be provided to the City Council as the Commissions formal recommendation within sixty days following tonight’s public hearing.” Made by Commissioner Shuman Secoded by Commissioner Furey

ROLL CALL VOTE:

Shurman – aye

Furey – aye

Hatcher – aye

Munyer – aye

Carr – aye