

**MINUTES OF THE PLANNING AND ZONING COMMISSION
CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO**

February 3, 2020

**Regular Meeting: 5:00 PM
Council Chambers**

Hayden City Hall, 8930 N. Government Way, Hayden, ID 83835

CALL TO ORDER

Chair Petersen called the meeting to order at 5:01p.m.

ROLL CALL OF COMMISSION MEMBERS

Brian Petersen, Chair	Present
Michael Cramer, Vice-Chair	Present
Corey Andersen	Present
Alan Davis	Present
Benjamin Prickett	Present
Shawn Taylor	Present
Brandon Bemis	Present

STAFF PRESENT

Melissa Cleveland, Community Development Director
Caitlin Kling, Legal Counsel
Donna Phillips, Senior Planner
Elizabeth Allen, Planner
Heather McNulty, Commission Clerk

FLAG SALUTE

Brian Petersen lead the meeting in the Pledge of Allegiance.

CALL FOR CONFLICTS OF INTEREST

No conflicts were reported.

CONSENT CALENDAR

The consent calendar included the approval of the meeting minutes for January 6, 2020. The motion was made by Vice-Chair Cramer, and seconded by Commissioner Davis to approve the consent calendar. All were in favor, none were opposed.

Chair Petersen addressed the audience welcoming them all and explained the process of a public hearing.

Caitlyn Kling, Legal Counsel, then reviewed the general rules for individual testimony the order of testimony that is given first those that are pro, then neutral and last those that are against. Five minutes are allowed for each individual providing testimony.

Commissioner Davis then asked about the rules for a spokesperson.

Melissa Cleveland, Development Director, stated the request would have to have been made prior to the public hearings and there was no such request made.

PUBLIC HEARING

Case No. PZE-19-0342, a request by Olson Engineering, on behalf of the owner A Thousand Hills LLC.

Staff Introduction:

Elizabeth Allen, Planner, introduced the application requesting approval of a zone map amendment from commercial (C) to residential multi-family (R/MF) on two parcels with a combined size of approximately 1.26 acres. The property is located east of North Government Way approximately 380-feet north of East Miles Avenue, more commonly known as 10520 North Government Way.

- Commissioner Davis asked what the development was to the north of the property.
- Ms. Allen replied that development is Avery Estates, this development consists of townhomes. She continued by stating she would be reviewing surrounding properties in the staff presentation.

Applicants Presentation:

Eric Olson, Civil Engineer with Olson Engineering 705 South Riverside Drive Post Falls, Idaho representing the owner, Thousand Hills LLC presented the application. Mr. Olson's presentation reviewed how the applicant has met all standards for approval for the proposed Zone Map Amendment request. The Applicant answered the Standards of Approval as follows:

1. The following portion of the Comprehensive Plan Vision Statement: "...We seek to preserve areas within our City with lower densities of residential development, while encouraging somewhat higher residential densities in and around our City's core...."
 - a. Downtown "Core" / Central Business District: North Government Way from Prairie Avenue to Dakota Avenue, which is approximately 0.3 miles south of the subject site
"Minimize sprawl through the promotion of development where utility and road services are in place and available."
"Developers should be encouraged to maximize the variety of attractive neighborhood settings in terms of price range, amenities, natural settings, and proximity to other areas of activity."
 - a. Central Business District – 0.3 miles
Taryne Street (businesses) – 0.2 miles
Super 1 Foods – 0.8 miles
Hayden Meadows Elementary School – 1.1 miles
2. Existing residential structure is an unpermitted and non-conforming use. New structures will be built to code. Opportunity to improve Public Health and Community through walkability.
3. All utility services are available [in North Government Way]
4. Lot dimensions- Remaining width after buffers and drive aisle is 50'
Retail user would require greater frontage and visibility.
Demand- Existing Commercial zoning allows for retail or office use.
Office space in Hayden currently has the highest vacancy rate of any commercial use. (Data provided by Valbridge Appraisers).
Quality, affordability multi-family housing is in high demand.
Apartment market vacancies show that Hayden is below 1%.
5. Mr. Olson presented a view of the surrounding parcels that depicted what is used as Commercial and what is used as residential as well as residential-multi family.
6. The current use (single family) does not align with Commercial zone and is realistically beyond its useful life.
Other Commercial uses have a hard time aligning with the Commercial zone for reasons already stated (poor suitability for retail, low demand for office.); whereas, residential multi-family zoning would align with the proposed development which would be a combination of multi-family buildings.

7. If approved, the project would be multi-family zoning.
Developer will work closely with city staff to ensure compliance and compatibility with zoning requirements.

Questions:

- Commissioner Davis asked about if there are pictures of the lot as it currently.

Mr. Olson replied that Ms. Allen picture shown earlier is the best depiction, and brought it back up on the screen for review. Commissioner Davis stated that he was curious whether this was the same property the applicant brought before the Commission at an earlier date wanting to construct storage units, and was not given approval, due to the findings that it was too close to the lot to the north. Staff confirmed that Commissioner Davis was correct.

- Commissioner Taylor asked if apartments would be an allowed use in the current zone with a special use permit.

Mr. Olson replied that a special use permit would allow for four units or more per building. At this time the Applicant would like to the opportunity to put in duplex, triplex, or a mix of that type of complexes.

- Commissioner Andersen asked what would happen to the existing building.

Mr. Olson replied that the structure will be demolished.

- Commissioner Taylor asked the Applicant if the parcel was currently zoned Commercial.

Mr. Olson replied that yes it is commercial.

Staff Presentation:

Ms. Allen discussed the location of the site as it exists today, which included site photos staff had taken at and around the property. Ms. Allen continued with a summary of the staff review as follows:

1. Comprehensive future land use map shows the parcel as residential and low impact/ light industrial. The analysis is found on pages 4-7 of the staff review.
2. Per the Applicants narrative the use would not have a negative impact on public health, safety, and welfare. The narrative also addressed affordable housing:” The developer intends to build a development that provides rents on the lower end of what is currently available for new product in a desirable area.”
3. All infrastructures are currently available.
4. The narrative states that dimensions of the property would not be suitable for a commercial use due to setbacks drive aisle and parking requirements.
5. The current land uses were shown.. Properties adjacent to the site to the west are commercial, to the south and east are residential single-family homes. The planned unit development immediately north of the site is Avery Estates Townhomes, which contains a total of 72 dwelling units.
6. Per the applicant’s narrative single family homes, triplexes and 5-plexes will be considered for development if the zone map amendment is approved as proposed and the proposed structures per the narrative are planned to be no more than two-stories in height.
7. Any future development of the property shall be required to be consistent with regulations for property with the same zoning designation.

Ms. Allen continued my stating that 18 outside Agency Letters were noticed and the following responses were received:

- Coeur d’Alene Airport had no comment and requested an avigation easement.
- Hayden Lake Irrigation District had no comment
- Northern Lakes Fire Protection District. Had no comment regarding requirements at the time of development.

No public comments were received.

Public Testimony:

Public Testimony was given.

Against:

Doude Bos, 627 East Lacey Avenue, Hayden, Idaho 83835, wanted to comment from the vision statement he continued by stating, you could take the vision statement and find two totally different views. "We seek to preserve our natural resources our scenic vistas, pockets of open-space and small agricultural uses in and around our city. While managing growth and economic diversity of our land use." Mr. Bos continued by stating that this statement is the opposite of what the builder is stating. The other item he would like the Commission to consider is Government Way, the street cannot be widened. Government Way is the way it is unless you want to knock down a lot of light posts and take away a lot of parking from Commercial Businesses. Today Government Way during certain times of the day is backed up four or five stop lights before you can get through. By adding multi-family, high density housing you will add a lot of traffic. The applicant did say that the project was within walking distance to stores, but Mr. Bos stated that six months out of the year we [the public] are not walking but driving because of weather. So take in consideration the traffic and the location of this multi-family. Mr. Bos continued by stating, the Applicant can put Commercial on this lot; as Mr. Bos is in the construction industry and knows there is plenty of room for a commercial business [on this site]. Mr. Bos continued that he was not prepared for this hearing and these comments are something the Commission needs to think about related to the traffic, as it is getting bad. He concluded by thanking the Commission.

Rebuttal:

Mr. Olson stated that he would agree that anyone could take bits and pieces of the vision statement out of the Comprehensive Plan and work them towards a particular argument. That is what we [the applicant] attempts to do Mr. Olson would not say the applicant is against what Mr. Bos read into testimony about the scenic vistas and open space. The subject site is not an open-space area; however, it is private property. Generally what the Comp Plan is looking for is infill before sprawl and that is what this proposal [here] will be. Mr. Olson continued by stating that the need in real state is for rooftops not for empty Commercial buildings. Hayden currently needs rooftops; whereas, there are currently plenty of Commercial sites available, and this is not a great Commercial site. The Applicant is not proposing to widen Government Way, it is true there will be some additional traffic, and were this to stay a commercial use there would still be additional traffic from that development as well.

Commission Discussion:

Commissioner Taylor stated that the property is in commercial zone and the applicant could currently apply for a special use permit to construct apartments. The Commercial Zone requires that a minimum of four units per building; whereas the multi-family zone would give them more flexibility to construct duplexes or something of that nature. The Commissioner believes that could lead to less density then an apartment complex, perhaps. He is always a little worried about taking a Commercial zone and changing it to residential or multi-family right in what is a commercial corridor, and would like to hear what the other Commissioners have to say.

Commissioner Prickett stated that the corridor is commercial and was not sold on the thought of being a residential use. Obviously the applicant has come back because the Commission earlier denied the proposal for the use of storage units and this is not an ideal property, and it makes it limited on what can be developed there. Commissioner Prickett is not a fan of the current building that is on the lot, and is sure the City is not collecting the property taxes off of it as it sits now. He was 50/50 on what is best for the City and what you visually encounter when driving down Government Way. The Commissioner was just not entirely comfortable with the change.

Commissioner Andersen stated residential is north and surrounds the property. Traffic is always a concern and was not sure that there would be a big difference between whether it is commercial or residential.

Commissioner Andersen asked if the vacant property to the east of the Applicants lot will be land locked. Ms. Allen did not think the development would create a future land lock. Commissioner Andersen continued by stating he believes the amendment would be a good fit for this property.

Chair Petersen stated that the adopted plans can be used to fit the Applicants proposal or a resident who is against the proposal, that is a true statement, the Comp Plan is contradictory in places. These decisions are a balancing act of development. He believed it [the proposed amendment] does meet the standards for the plans and it is consistent with the neighborhood and the Applicant has demonstrated they have met all the standards. Chair Petersen was in support the request.

Vice-Chair Cramer stated that the Commission has looked at development on this property in the past and the question is how to develop the City of Hayden, with the vision that the Community wants for the City. If the vision never changed it would be easier to do however the City is changing all of the time. This particular piece of property has attempted to be developed and utilized for the past couple of years. The interpretation of open-spaces often times is not the same between the property owner and the residents. Mr. Cramer continued by stating that the communication is better and the owner has done due diligence on what can be fiscally responsible for the development on this property. He would recommend approval.

Commissioner Davis stated that he would be incline to recommend approval to this application as this will be an upgrade of development for that parcel. He remembers the last time there was a proposed development on this lot and that has nothing to do with this decision; it is an improvement to the surrounding area. Hayden needs less million dollar homes and needs bigger opportunities for people to live here.

Commissioner Bemis stated that he agreed with the Applicant, this is a good fit. He believed that the applicant has met all seven of the requirements. Mr. Bemis continued by stating he believes that recommendation of approval is a simple answer, yes.

Motion:

Vice-Chair Cramer moved to recommend approval to City Council in Case No. PZE-19-0342, a request by Olson Engineering on behalf of A Thousand Hills LLC., for a Zone Map Amendment from Commercial to Residential Multi-family. Commissioner Anderson seconded the motion.

Roll Call:

Commissioner Andersen:	Yes
Commissioner Bemis:	Yes
Commissioner Davis:	Yes
Commissioner Prickett:	Yes
Commissioner Taylor:	Yes
Vice-Chair Cramer:	Yes
Chair Petersen:	Yes

All were in favor and none were opposed. The motion passed.

Case No. PZE-19-0341, a request by Gordon Dobler on behalf of the owner McCarthy Capital, Inc.

Staff Introduction:

Donna Phillips, Senior Planner, introduced the application for a special use permit to locate two-family dwellings on 12 of the 15 future lots proposed within a minor subdivision to be known as Wyoming Estates 1st Addition. The approximately 4.495 acre site is located south of East Wyoming Avenue approximately 1600 feet east of North Government Way, at what is more commonly known as 300 East

Wyoming Avenue. The project site is zoned Residential (R-1). Two-family dwellings are an allowed use in the residential zone by special use permit.

Applicants Presentation:

Gordon Dobler, Dobler Engineering, 1875 North Lakewood, presented on behalf of the property owner McCarthy Capital, Inc. Mr. Dobler, reviewed the property location and the surrounding parcels; he stated that the Developer is currently moving forward with a minor subdivision across the street from this location. The surrounding properties are zoned as residential and residential-multi-family. The proposed duplex lots were then presented average size lots 10,097 sf. was then reviewed. The duplex lot configuration was then discussed in conception as follows:

- Each lot will have 2 water and sewer services
- Shared driveway
- 2 parking spaces per unit. Individual single car garage with additional parking on driveway.
- Condominium units allow individual ownership
- Exterior of buildings , yards, and driveway would be commonly maintained (CC&R's)
- Shared driveways would allow for 2 on-street parking spots per lot.

Mr. Dobler continued his proposal by stating how; he met all standards for approval as follows:

1. City Code 11-6-7: Duplex homes are allowed in R-1 zone with approval of special use permit.

Land Use: surrounding zoning is residential and existing land use is both single family and residential and duplex homes. Proposed land use is single family and duplex homes. Residential densities map designated the areas as "medium density", 4-7 DU/AC. Proposal is for 6.0 DU/AC Public Services: sewer and water services are available in Wyoming Avenue, Will serve letters have been obtained from the City of Hayden and Avondale Irrigation District, utility extensions will be installed with the subdivision, cost will be borne by developer

Housing: Proposal provides medium density land use while preserving the character of the surrounding neighborhood. Proposed condominiums would allow ownership of more affordable housing. There is a significant demand for more affordable housing in the current market.

2. Essential Facilities

Wyoming will be widened to city standards, internal streets will be constructed to city standards

Storm water will be treated in grassed swales and injected via drywells

Water and Sewer will be extended with subdivision construction

Dry utilities (gas, electric, cable, etc.) are available

Fire protection will be provided with the installation of new fire hydrants

Streetlight will be installed with the subdivision, per city requirements

3. The lot sizes and setbacks are consistent with the surrounding residential land use, and therefore the resulting buffers are consistent. The nature of the land use is the same as the surrounding area; the essential residential character is preserved.
4. The developer will bare costs for on-site and off-site construction of improvements.
5. The proposed project is a medium density residential use. The impacts created from noise, glare, odors, lighting, etc. will be no different than a typical single-family land use. The activities are identical, and there would be no additional impact. The lot sizes and setbacks are consistent with the surrounding residential land use, and therefore the resulting buffers are consistent. Because the nature of the land use is the same as the surrounding area, the essential residential character is preserved.

The project will construct the interior street improvements to city standards for a 36' wide street with parking on both sides. A fire truck turnaround meeting fire district standards will be provided. In addition, Wyoming Avenue will be widened to its ultimate design width (28', 2-lane no parking). The intersection with Wyoming will be designed to meet the City's geometric standards. Including 30' curb radius. The ITE trip generation manual estimates the average daily trip generation (ADT) for a single-family residence to be 9.44 trips a day. If the project were

developed as all single family, the resulting average daily trips would be 170 for the whole development, based on 18 lots. The manual estimates the ADT for a duplex to be 7.32 trips/day/dwelling units. This would result in 204 trips a day for the whole development, an increase of 34 trips a day, or a 20% increase.

6. Individual lots will be accessed from the internal street. Duplex lots will have a shared driveway, maximizing the on street parking. The intersection of the internal street with Wyoming Avenue will be designated to city standards for higher volume intersections.
7. The site is currently developed as a single-family residence. There are no known natural, historic, or scenic features.

Questions:

Commissioner Cramer asked if the proposal could be completed within the two years.

Mr. Dobler replied that he thought that the subdivision would construct this year with the structures to be built shortly thereafter. The project will probably be completed within two years.

Commissioner Prickett asked what projected purchase prices would be.

Mr. Dobler replied he did not anticipate this question. He would estimate the lower costs home would be \$200,000 for 1500 to 1800 square feet per unit.

Commissioner Bemis asked about the dedicated open space, what was planned for parks.

Mr. Dobler stated that park impact fees were being collected to build regional parks rather than very small parks; that the walking path was constructed on the north side of Wyoming Avenue per the typical section and that the sidewalks of this subdivision would connect into, and that the internal road [Armonia Way] was proposed to continue to the south for connectivity. Commissioner Bemis then asked why the Northern Lakes Fire District had approved with the 11 lots not 12. Mr. Dobler stated that the proposal would be for 12, the Applicant had revised the plan after a few days of submitting the plans.

Chair Petersen asked if the Applicant had any concern with the recommended conditions of approval. Mr. Dobler thanked the Chair for asking and said they did not have an issue with the 8 conditions.

Staff Presentation:

Donna Phillips, continued the review of the staff review. She stated that the Applicant did amend the application from 11 proposed duplex lots to 12 and that the agencies had been re-noticed a second time.

Ms. Phillips then reviewed the standards for approval discussing the findings for the standards as follows:

1. Two family dwellings are permitted with a special use permit.
2. Medium Density which is defined as an average density of 4-7 dwelling units per acre. Applying this density on the 4.495 acres would yield a density of between 17 and 31 dwelling units for the site. The request is for 27 dwelling units. The Comp Plan analysis begins on page 7 of the staff review.
3. Infrastructure will be in place per city code.
4. Street lights shall be required infrastructure improvements of the minor subdivision. Landscaping related to the street frontages of Wyoming Avenue and the internal road (Armonia Way) shall be Type 11 Street Frontage required as part of the minor subdivision. Hayden City Code 11-11-1 Type 11 landscaping buffer where R-2 abuts R-1.

Vice-Chair Cramer asked if this landscape requirement would be added as a condition.

Ms. Phillips stated it would need to be added as a condition, if the Commission sees fit.

5. All on-site and off-site improvements shall be required of the developer.
6. Per the applicant's narrative it will not cause excessive production of anything more than what a single-family would produce.

7. No approaches shall be granted from Wyoming Avenue; future approaches shall be located from the internal road (Armonia Way).
8. Existing area is single family residence with accessory buildings, there are no known natural or historical features of major importance on this site.

Ms. Phillips continued by stating that agency notices were received. Northern Lakes Fire Protection District – had requirements at the time of development. Coeur d’Alene Airport had no comment however requested an aviation easement. Avondale Irrigation stated each individual unit shall have its own water meter and connection. Three public comments were received before the staff review was sent out in opposition.

Staff Recommended Conditions of Approval:

1. The approval of this Special Use Permit is based upon the application, narrative, and conceptual minor subdivision plan. The approval of this special use permit is contingent upon the final plat of the proposed minor subdivision plan.
2. Major changes to the building type, location, or the minor subdivision shall require an application for an amendment to this Special Use Permit. The determination of what is a major change shall be made by staff, and shall be appealable to the Planning and Zoning Commission.
3. All permits from outside agencies (i.e. PHD, IDEQ, IDWR, AID and NLFPD) shall be obtained prior to construction of any future development or building permit issuance.
4. All future development, building permits, and uses shall comply with Hayden City Code §11-13-3 (A) General Standards Applicable to All Special Uses to include the allowed uses.
5. All two-family lots approved must be on lots with a minimum lot size of 9,900 square feet.
6. Required site improvements per Hayden City Code §11-20 will be evaluated at time of building permit review and required prior to Certificate of Occupancy issuance.
7. The approval of this Special Use Permit shall expire when the last lot of those lots identified in blue on page 10 of this staff review have developed into either single family or two-family dwellings. If any of the conditions to this use or development are not maintained, if the nature of the use changes, or if the use for which the special use permit has been issued is discontinued or abandoned for one year then the special use permit shall be considered null and void. Continued operation of a use requiring a special use permit after such special use permit expires or is in noncompliance with any condition of a special use permit, shall constitute a violation of the zoning ordinance. Any construction or modifications after expiration of the special use permit shall require an application for an amendment to this Special Use Permit.
8. This approval shall run with the land for the term approved herein regardless of whether the property ownership; applicant and/or design professionals noted herein remain the same, whether collectively or individually.
- 9.

Questions:

Commissioner Bemis asked what the age of the existing home on the property was and was curious about its style and how it would fit into the proposed subdivision. Staff did not know the date of the original construction of the house. Additionally, he asked why is there a house that the developer is keeping and not demolishing. Commissioner Anderson noted that happens a lot, leaving the existing structures and selling the rest of the land.

Commission Taylor asked if the condominiums were a requirement of the proposal.

Ms. Phillips stated that the applicant has proposed condominiums, but that they were not identified as required in the staff proposed conditions of approval.

Public Testimony:**Neutral Testimony:**

Gregory Howard 11273 Emerald Drive, Hayden, wanted to address the idea that the proposal conforms to the existing neighborhood. On Jayden Avenue there are two car garages, the proposal has a one car garage and Mr. Howard feels this is for rental units and all of us (neighbors) may be concerned about having rental units abutting their homes. Mr. Howard clarified that this would not be his home but other people's homes. He continued by saying, it is not that he is against rental housing but would like them to conform to what the Planning Commission had already put into place. Mr. Howard said he would like to see a second egress onto Government Way. He also believes by using Mr. Dobler's and the City numbers traffic will increase by a minimum of 50% Mr. Dobler was actually 60% increase, however the lower number is 41%. This is a significant increase in traffic.

Testimony Against:

Doube Bos, 627 E Lacey Avenue, Hayden, stated he and his wife found the development plan by accident, after eating lunch on Government Way they were unable to turn left on to Government Way and had to turn right. He is concerned about duplexes, and stated that duplexes are high density and the three towns that he left started out as small towns and they over developed, you can never go back and change it. Development ruins it for life. Government Way cannot be widened, East Lacey is already a highway, and Maple Street is becoming a highway. Mr. Bos continued by saying everyone is using side streets now so they do not have to be on Government Way. If the city adds this [development] it will increase 40 to 50% more trips a day. That does not include the homeowners it would be UPS and all of these other trucks. He continued, all that he is asking is that the duplexes are not approved, only approve single-family homes that are similar to the development that is on the corner of Maple and Wyoming today. That is a beautiful development that is well done, it matches the current area again he will read the statement the vision statement again to look at it and determine if it matches the area that is around us, which is open lots. Let's keep the line of duplex development where it is at and not move it by allowing more duplexes to move towards the lake. Let's keep it single family homes. Mr. Bos stated that he is not against property rights, people can develop their property, he is a huge fan with that. He has lived in a state where people have lost property rights; and is totally not for that. Mr. Bos then gave direction to the Commission, I think you as Commissioners, you need to look at the areas, each individually and make your decisions based on those areas. Mr. Bos then stated he has just learned that the Commission does not create the law and that they were simply following the rules. He would be taking a battle to the (City) Council to change some zoning from R-1 to rural so that we can stop the high density building. That is for another day. Consider that duplexes bring more traffic; it may bring in lower income housing, that is not the area we are in. The area for that is closer to Government Way where you already have designated multi-family and apartments. Mr. Bos continued by saying this is just the first phase and if the duplexes are allowed in they will spread all around those lots. He had spoken to a few neighbors and they will more than likely sell, think about the future.

Mary Howard 11273 Emerald Drive, Hayden stated that she lives in the Maple Grove subdivision and there is approximately 30 homes on 40 acres and the proposal here is for is for 27 homes on 5 acres. I am concerned about the density. I feel like R-1 is being diluted with the duplex. She would not like to see on street parking and the one car garage which will put cars on the street. I am concerned about the traffic; again it is hard to get across Government Way.

Rebuttal:

Mr. Dobler addressed the comments that were given these are not new comments that we need to address. City code requires two parking spaces per unit, this requirement has been met with a single car garage and parking in front of the garage. Also with more driveways it cuts down on the on-street parking. The percent increase on traffic is the 30%; this is not a significant increase. Also this is not a phased project it will be built all at once. Each proposed development stands on its own merit.

Chair Petersen asked if there was any concern about the added buffer requirements that were discussed if there is an approval. Mr. Dobler stated that he read the staff's review and is not surprised by the addition, the concept makes sense.

Chair Petersen stated that Mr. Dobler had addressed the comment on single car garages, was there anything further he would like added to the thought that single car garages do not match the surrounding double car garages. Mr. Dobler stated that it was not the look that the owner was after as all you would see would be garage. A single family with a two car garage is entirely different than a duplex with a two car garage. A two car garage on a duplex defeats the purpose of the compatible look. Commissioner Anderson stated that is the point of the garage – to store vehicles and not have them outside. Mr. Dobler acknowledged this however, it is related to the neighborhood feel and the CC&Rs would address how the neighborhood would address this. Commissioner Anderson wanted to ensure that storing of vehicles outside would not be allowed and would be handled by an HOA and CC&Rs. Mr. Dobler, stated the parking requirement is met with this proposal.

Commission Discussion:

Commissioner Davis stated that this proposal does constitute a special use permit. He believes the applicant has met all standards. Commissioner Davis is fine with a single car garage. He also stated that he is always amazed by the amount of undeveloped areas that still exist. The facilities are available at no extra cost. The traffic will be the same if multi or single development.

Commissioner Prickett stated that the proposal does constitute a special use permit. He feels 50/50 on whether it fits in the neighborhood for standard #2. He stated that he knows what development like this comes with and that #4 will not fit the neighboring properties. Additional traffic will be generated no matter the size of development; however he would rather see single family development.

Chair Petersen stated that all standards were met except #2, it is harmonious with the comprehensive plan and the City does need affordable housing so in that respect it is harmonious. He has an issue with #4, the concern about the dilution of the Residential (R-1) zone and where does that stop; he is not sure where the line is drawn on adding duplexes without losing the rural feeling. He is not sure if it is the Commission that does draw the line. Commission discussed the decision to the north to allow for two family dwelling unit lots on the west side of the subdivision, and single family lots on the east side of the subdivision. Caitlin Kling noted the project which was being referenced was under review by the City Council and she admonished them for their discussion regarding it at this time. It is a separate case from the case before the commission tonight. Chair Petersen noted that the was using it as an example of where to draw the line.

Commissioner Bemis has concern with #2, and #4 as well. He stated that he is on the fence on the two garages and feels the Commission may have been influenced by the pictures given; there are other options that do not depict a giant garage in the front with a small home in the back. The duplexes pictured were very simply done. Wyoming Avenue is not a thoroughfare like Government Way. He commented on Wyoming Estates to the north, and he would be more inclined to see something like that. Single car garages are more of a rentals market – garages parked with gear. Two car garages are harmonious with the other residences in the area. Caitlin Kling, City Attorney, asked if the 2-car garage would make it more harmonious with those duplexes on Jadyn Court? Commissioner Bemis stated that it did, but currently he is not in approval.

Ms. Kling asked if it was considered a rental; whereas, the applicant has proposed condominium. Commissioner Bemis asked if it was owned individually, could it be rented out? Ms. Kling stated that this request is not about the possibility of sub-letting as that would be addressed in the CC&Rs of the

condominium plat. Additionally, it is good to talk about with respect to harmonious, but you can't get down into the weeds.

Chairman Petersen said that the Commission cannot regulate whether these homes can be rented, however it could be considered whether that would be harmonious.

Commissioner Anderson stated that all 8 standards of approval had been met and that it was similar to the property to the north with respect to standard #2. It is still connected to what is happening to the north as it is similar in nature and type. Mr. Anderson liked moving the turn-a-round up from the two lots at the end [with respect to the design of the minor subdivision].

Commissioner Cramer stated that from the perspective of the applicant has met all of the 8 standards by some interpretation. Density is big and has not been addressed. One thing that would be helpful for future public comment, as we have heard testimony about what the public doesn't want but the Commission needs to know what the public does want. Maybe should table it so that the parties can go back and amend the proposal. Commissioner Cramer stated that there are minimum lot sizes, zoning, and ways to try to meet the needs, where does it stop? Density is an issue. Commissioner Cramer stated that he would stop here. He understands that the applicant believes that the standards have been met, but he doesn't believe that #2 & #4 were met.

Commissioner Davis asked if Commissioner Cramer would feel like it is a fit if they were single-family residences or half were single family and have two-family dwellings. What is the financial feasibility of that, because obviously the developer wants to make some money? There is a need for rental properties and multi-family properties. But Vice-Chair Cramer doesn't believe that this is it. Maybe a better design may help meet #2 & #4.

Chair Petersen stated that the meeting could be continued, and the applicant could revise their proposal.

Commissioner Cramer said that modifications could make this acceptable.

Ms. Kling noted that a change to the proposal would require a new public hearing, possible publication, or continuation with a date certain.

Commissioner Cramer said that he thought that if there could be some concessions made by the developer then this may be approvable and a win-win.

Commissioner Taylor noted that as with the other commissioners six of the eight standards of approval are easy to meet. The other two are very subjective. Where does it stop and where does it happen. He said that the developer has already made some concessions, based on a similar project which they brought before us and therefore, have shown that they are cognoscente of the Commission's concerns. Where does the duplex development stop, the Commission thought that by making it half multi-family and half single family there was a compromise. He thought that maybe this would be the same solution. Maybe we [the Commission] should place conditions on the approval.

Ms. Kling stated that the conditions need to be reflective of reasons within the approval.

Commissioner Davis said that the other project was between Commercial and Residential; whereas this is between Residential and Residential. Project needs to stand on its own and not be approved based on other projects. He said that he would be curious to hear from the other commissioners, as to why we are proposing a split because the property isn't between two different zones or uses. It is all housing.

Commissioner Cramer stated that this is a just a density issue. It isn't double, but the lifestyle seems to indicate that it would be less if it is single family residences. The duplex market brings in a heavier rental market. It is an issue that the Commission needs to think about. Vice-Chair Cramer really thinks it is a density issue, rather than parking, garage, or traffic. Two are a little hard to get to and this is our (the Commission's) opportunity to regulate it. Commissioner Davis asked if the Commission had a number that it was trying to get to? Neither Commissioner Cramer nor Commissioner Taylor had a number.

Commissioner Taylor stated that it goes back to where does it stop, and the City's ability to provide for affordable housing, and recognize the single-family dwellings that exist and could exist.

Commissioner Anderson asked if the hearing were tabled, it would set them [the developer] back 20 to 30 days.

Motion #1:

Commissioner Taylor moved to approve Case No. PZE-19-0341, McCarthy Capital special use permit request with the staff recommended conditions of approval, adding condition #9 related to the Type 11 buffer landscape, and condition #10 stating that two –family dwellings must be condominium platted into a single dwelling unit ownership. Commissioner Davis seconded the motion.

Roll Call:

Commissioner Andersen:	No
Commissioner Bemis:	No
Commissioner Davis:	Yes
Commissioner Prickett:	No
Commissioner Taylor:	Yes
Vice-Chair Cramer:	No
Chair Petersen:	Yes

3 members were in favor. 4 were opposed. The motion fails.

Motion #2:

Commissioner Taylor moved to approve Case No. PZE-19-0341, McCarthy Capital special use permit with the staff recommended conditions, adding a condition that the approval was only for the proposed lots to the west of the subdivision, and a (9th) condition that the two-family dwellings must be condominium platted into single dwelling unit ownership. Commissioner Andersen seconded. Vice-Chair Cramer clarified the change in the motions. Commissioner Bemis asked if we [the Commission] could add a condition requiring 2 car garages on the single family lots on the east side of the subdivision. It was determined that this was not a condition that could be imposed anywhere else for single-family residences. The motion passed after finding that the facts supported approval based on the standards of approval for special use permits, as identified in Hayden City Code 11-13-3.

Roll Call:

Commissioner Andersen:	Yes
Commissioner Bemis:	Yes
Commissioner Davis:	Yes
Commissioner Prickett:	No
Commissioner Taylor:	Yes
Vice-Chair Cramer:	No
Chair Petersen:	Yes

5 members were in favor. 2 members were opposed. The motion passed.

REVIEW OF UP COMING MEETING CALENDAR, AND REPORT ON COUNCIL ACTION

Planning and Zoning Commission

Monday, February 18, 2020

- Consent Calendar
- Case No. PZE-19-0343, Trista Glenn, Rustic Roots Childcare, LLC. is requesting approval of a special use permit.

Tuesday, February 25, 2020

- Joint Workshop with City Council 3:00 p.m. Comprehensive Plan Update

March 2, 2020

- Consent Calendar

City Council Actions

January 14, 2020

PZE-19-0055 Daugharty Zone Map Amendment – Deliberations Continued – Public Hearing

PZE-19-0289 Shaporda Zone Map Amendment – Public Hearing

January 28, 2020 – Misc. Code Amendments Workshop

ADJOURNMENT

The meeting adjourned at 7:43p.m.

Heather McNulty 2/18/2020
Heather McNulty, Commission Clerk Date