

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

October 7, 2019

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

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

CALL TO ORDER

Vice-Chair Cramer called the meeting to order at 5:07 pm.

ROLL CALL OF COMMISSION MEMBERS

Brian Petersen, Chair	Not-Present
Michael Cramer, Vice-Chair	Present
Corey Andersen	Present
Alan Davis	Present
Gavin Mobraten	Not-Present
Benjamin Prickett	Not -Present
Shawn Taylor	Present

STAFF PRESENT

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

FLAG SALUTE

Heather McNulty led 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 September 16, 2019, the written decision in Case No. PZE-19-0136, a request by Kootenai Humane Society for a special use permit, and the written recommendation for Case No. PZE-19-0055, a request by Lake City Engineering, Inc for a zone map amendment. The motion was made by Commissioner Andersen, and seconded by Commissioner Davis to approve the consent calendar. All were in favor, none were opposed.

PUBLIC HEARING

Case No PZE-19-0242 a request by the McCarthy Corporation

Staff Presentation:

Elizabeth Allen, Planner, presented the application for a special use permit (SUP) for the option to construct two-family dwellings on lots zoned as residential (R-1). The minor subdivision, known as Wyoming Estates Minor Subdivision, was approved to develop as a 16-lot residential single-family subdivision on approximately 4.89 acres. The applicant is requesting special use permit approval for the option to construct duplexes on the Wyoming Estates site.

Applicants Presentation:

Rob McCarthy, with The McCarthy Corporation, 11236 North Government Way, reviewed the property location and the surrounding zoning, he stated that he has added sewer down Wyoming Avenue. There was not a zoning for the proposed duplex project; however, the developer knew it would require a special use permit from the beginning. As the developer he continued, they constructed the sewer along Wyoming Avenue in order to develop the lot. They plan to have a homeowners association with an upscale design to the duplexes.

- Commissioner Davis asked how long Mr. McCarthy had owned the property.

Mr. McCarthy stated he has owned the property for three years, prior to the Annexation of the property.

- Commissioner Davis then asked if Mr. McCarthy had read the letter from Avondale Irrigation District.

Mr. McCarthy then stated that he had, and agrees that there is one water meter per household instead of two for a duplex; he then stated that the project would be a one owner situation per structure unless the owner condo plats the home.

- Mr. Taylor asked if they planned to rent the duplexes out after the construction is finished.

Mr. McCarthy stated that would be up to the property owner. They could be an owner occupied situation; or they could be rentals.

Staff Presentation:

Ms. Allen, Planner, then reviewed the property description and location along with the surrounding locations. She continued the staff presentation by addressing the eight standards of approval, noting the staff review, the Applicant's narrative and application as follows:

1. In the residential zone, two-family dwellings are permitted with the approval of a special use permit under Hayden City Code 11-6-7.
2. The property to the west and northwest is zoned as commercial. To the east and south are residential zones and to the southwest residential multi-family. The future land use map identifies this area as residential medium density with between 4 and 7 units per acre. Land use goals 1 and 3, housing and property rights were all reviewed as related to the comprehensive plan.
3. The site shall comply with all state laws, city, and other agency regulations, policies, plans, and agreements.
4. Per the narrative the proposal will not change the essential character of the neighborhood. Properties to the southwest are zoned as residential to the east and south. Should the site develop as duplexes, the duplexes could act as a buffer between the commercial, residential multi-family to the west and southwest and residential to the east. Ms. Allen continued by stating the [future platted] northwest lot has a 20-foot sewer easement in what would be the [north] side yard. The side yard set-back in the residential zone is 10-feet. This limits the amount of buildable area on this lot to a smaller housing type. Other requirement of the zone include 55% open space, minimum lot size of 8,250 sf, 25- foot front yard setback, and a 25-foot rear yard setback which is consistent with the surrounding residential zones. She then showed several examples in the City where two family dwellings were intermixed with single family residential.
5. Per the Applicant's narrative, the costs of the onsite facilities associated with the project will be borne by the developer.
6. Per the Applicant's narrative, the development shall remain residential and will not create excessive production of traffic and will have its own entrance and exit. No abnormal light, glare fumes, and /or vibrations will be produced.

7. A public road was approved during the Wyoming Estates minor subdivision in 2018 and has been constructed. This road will serve the lots and the lots will have no direct access onto Wyoming Avenue.
8. The site has been previously approved for development of the Wyoming Estates Minor Subdivision and per the narrative, there are no known natural, scenic, or historic features of major importance on this site.

Ms. Allen then reviewed that there were 18 agency notices e-mailed, and a 300 foot radius of adjacent property owners noticed for public comment. Avondale Irrigation District provided comments regarding pre-planning for ownership of the duplex units. The lots [within Wyoming Estates] had been constructed with a single meter for single ownership, and should the duplex units remain under single ownership one meter is acceptable. The owner/builder will be responsible for purchasing two connections per lot. However, should the duplex be platted for separate ownership, then each dwelling unit shall have a separate meter. Hayden Area Regional Sewer Board and Kootenai County responded that they had no comment. The Coeur d'Alene Airport responded with no comment; however, they did request an aviation easement. [This easement shall be recorded as a condition of the final platting process for Wyoming Estates.] Adjacent property owners responded with eight comments in opposition to the project with the belief that it will bring low-income renters, excessive traffic, and decreased property values. Ms. Allen then reviewed the eight staff recommended conditions of approval as follows:

1. The approval of this Special Use Permit is based upon the application, narrative, and location provided. Major changes to the building type, location, or the site plan shall require an application for an amendment to this Special Use Permit.
2. As the special use permit is for a phased project, the special use shall expire after the last lot has been developed should this request be granted.
3. Future development of two-family dwellings shall meet the requirements of Avondale Irrigation District.
4. As long as only one access point is provided to the site, no more than 30 units shall be constructed.
5. All permits from outside agencies shall be obtained prior to construction of any future development of building permit issuance.
6. 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.
7. Required site improvements per Hayden City Code 11-20, shall be evaluated at time of building valuation and required prior to Certification of Occupancy issuance.
8. Site plans shall be reviewed to ensure that future buildings shall meet city requirements.

PUBLIC COMMENT

All Public Comment or testimony given was, Against the proposal.

Richard Van Klaveren, 699 E. Round Up Circle Hayden, Idaho stated that he and his wife have owned duplexes in the past. The first issue he has with the proposal is that the zone would need to be rezoned and the second issue he has is with the proposed density. The parking is a concern; he could not see a garage in the proposal. He would be happier with the single family home situation.

Mary Howard, 11273 N Emerald Drive Hayden, Idaho stated that she is from the new Viking Subdivision, and that she had submitted a letter with about eighty signatures against the proposal. She continued by stating that the traffic and parking are concerns. She feels the Applicant is being deceitful by receiving approval of the residential family homes and then changing to duplexes or multi-family homes. She continued by stating that if the Applicant had always had the idea to construct duplexes why did he not construct the appropriate water hook ups. She does not want to see transient housing next to residential; it is better suited next to commercial zoning.

Rita Amende, 11366 N Meadow View Lane Hayden, Idaho stated that the 32 homes is too much density in a small area; it feels greedy. She continued by stating there is no parking, no play area for children to play. She believes the children will be playing along Wyoming Avenue and this is not beneficial to the community.

David Humlicek, 11258 N Meadow View Lane Hayden, Idaho stated that the development he resides in is to the east. He continued by stating the traffic and the density will be a negative impact to the infrastructure of the City. He stated that he was flabbergasted by the thought of the Commission approving the duplexes; this would only be a negative impact to our infrastructure.

Larry Beck 11251 North Meadow View Lane Hayden, Idaho, stated that he is located to the east of the property that will become an array of duplexes. The whole community will be affected by this development; he does not believe the developer could meet the setbacks. He believes there are no duplexes to the south or the east along Wyoming Avenue, as the staff review had stated and that it does not follow the Comp. Plan. Mr. Beck continued by stating that the Rocking R Development went in and he had no objection; however, Wyoming Avenue has forever changed since The Rocking R Subdivision was developed. It is now too congested. The 32 dwelling units will make property values go down, the noise and safety will be affected. He feels it has not been planned correctly for duplexes to be placed here. Safety issues are another problem; there will be a lot of kids, where will they play? It will be a negative impact to our community.

Rebuttal:

Mr. McCarthy clarified that the property to the west is commercial, and he is the owner. There is Commercial activity currently at his property: a building and his commercial vehicles. He continued by stating that R-1 is the correct zoning for the property. Mr. McCarthy continued stating the approaches are not currently available to see because there are no homes on the property. There will be two car garages to every home and this project would be capped at 29 dwelling units and all City setbacks have to be met in order to receive a building permit. This is not an apartment complex. Mr. McCarthy stated that the duplex application fits in the R-1 zone 13 duplexes and three single family homes fit the zoning. There would be a six foot fence to separate the commercial from the residential.

Commission Discussion:

Commissioner Taylor would like to see duplexes constructed on the west, Block 1 [of the preliminary plat of Wyoming Estates] with each dwelling having a two car covered garage. By placing the duplexes only on the west side of the future subdivision, this transition would help with the residents along Meadow View. If a negative economic impact related to the duplexes occurs, only those residences within the future subdivision would be affected by the fallout and not those within Meadow View.

Ms. Phillips noted that the City standards require that each residential family home have two parking spaces. She acknowledged that this requirement could be met by a single car garage and tandem parking between the front of the garage and the street. She continued by stating that Mr. McCarthy has stated that each dwelling would have a two car garage.

Commissioner Taylor stated he would like that to be a condition added to the SUP if approved.

Commissioner Davis reviewed the standards as follows:

1. Yes it does require a SUP.
2. Section III-H says that we need to allow mixed use. It also states that the Commission needs to listen to the residential input.
3. I see that this development will be served adequately.
4. It meets the requirements from the west maybe not the east.
5. It does not cost more to the community.

6. It would not be detrimental
7. We could ask for a traffic study.
8. It does not apply

He has issues with the following standards 2, 4 and number 7, I do not feel they are met.

Commissioner Anderson stated he drives through the area all day and traffic is always an issue with every site we see; however, he never sits behind anyone at a four way stop in that section. Rocking R did cause an issue of traffic. The density proposed does not seem to be the right decision for this area. I would like to see a further discussion on both the multi-family next to the commercial as a buffer and single family next to the current single-family both on the property

Vice-Chair Cramer stated that sometimes the applicant meets the criteria legally; however, there are some developments that are just not a good fit for the Community, He feels like this may not be a good suit for the property. He would not approve the application as there are negative impacts to the residents.

Commissioner Taylor also noted the Applicant could come back with a proposal to put apartments in the Commercial zone of his property. He does not want to tie the developer's hands from using his property. If the PZC creates a buffer from commercial to multi-family then to residential zoning it would make a big difference. People need a place to live in Hayden, so we cannot just say no, we need a solution. Each meter could then help with the rental aspect; he continued homeowners do take pride in ownership. Had Avondale Irrigation District known at the time of development [of Wyoming Estates] they would have required two meters per lot or one for each dwelling unit as these dwelling units could be platted for separate ownership in the future. According to agency comments, a single meter can be utilized for a duplex as long as the duplex is under a single ownership for both units. The developer will bear some of the risk by placing the duplexes next to the residential homes which the developer will be selling.

Motion:

Commissioner Taylor motioned to approve Case No. PZE-19-0242, with all eight staff recommendations for approval along with the following conditions:

- 1) Block 1 in Wyoming Estates [western block] may be used for duplex construction;
- 2) Each dwelling unit must have a two car covered garage; and
- 3) Each dwelling unit must be metered as requested by Avondale Irrigation District.

Mr. Taylor continued by stating that this will help with the number 4 standard and it also will minimize the impacts of the traffic; by changing the density this will lower the impact. With those changes to the conditions of approval, he feels it meets the eight standards. Commissioner Andersen seconded the motion.

Roll Call:

Commissioner Andersen:	Yes
Commissioner Davis:	Yes
Commissioner Taylor:	Yes
Vice-Chair Cramer:	No

Three were in favor and one opposed. The motion passed.

Code Amendments Work Shop

The Commission is ready to hold the public hearing for fall code amendments – proposed to be November 18.

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

Director's Review

Ms. Cleveland invited the Commission to the Imagine Hayden Festival at Atlas Elementary School November 14, 2019 from 4-7 p.m.

Planning and Zoning Commission

October 21, 2019

- Consent Calendar
- Urban Fire Separation, Elizabeth Allen

November 4, 2019

- Consent Calendar
- Case No. PZE-19-0300, Venture Five Associates Special Use Permit
- Case No. PZE-19-0289, Zone Map Amendment

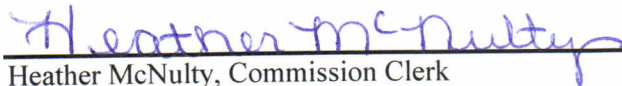
November 18, 2019

- Consent Calendar
- Code Amendments, Public Hearing

Heather McNulty reported that the City Council passed an attendance policy for Commissions of the City; 75% of the meetings must be attended.

ADJOURNMENT

The meeting adjourned at 6:34 p.m.


Heather McNulty, Commission Clerk