

1. 2021.09.22 PZ Agenda

Documents:

[2021.09.22 PZ AGENDA.PDF](#)

2. 2021.09.22 PZ Packet

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MEETING AGENDA

LEWISTON PLANNING AND ZONING COMMISSION

SEPTEMBER 22, 2021 AT 5:30 P.M.

COMMUNITY DEVELOPMENT DEPARTMENT BUILDING, 215 D STREET, 2ND FLOOR, LEWISTON, ID 83501

*Due to COVID-19 and the Governor's Stage 4 Order (issued May 11, 2021), the number of persons allowed to physically attend this meeting will be based upon room capacity for **6-foot social distancing**. Seating will be available on a first come first serve basis. Persons attending this meeting are **strongly encouraged to wear a face covering**.*

People interested in observing this meeting may watch and listen to the livestream on their own device(s) online at the City of Lewiston's Livestream Platform: <https://livestream.com/lewiston/events/7428184> or the City of Lewiston's Facebook page: <https://www.facebook.com/CityofLewistonIdaho>

Citizen comments and testimony for public hearings may be made: in-person, by emailing Tanya Brocke at tbrocke@cityoflewiston.org, or by calling (208)798-2570 and leaving a message. Citizen comments and testimony for public hearings submitted by email or phone will be forwarded to the Planning & Zoning Commission. If you would like your citizen comment to be read out loud during the meeting, please so indicate in your message. Testimony for public hearings that was submitted by email or phone and unable to be forwarded to the Planning & Zoning Commission prior to the meeting will be read out loud during the public hearing. Members of the public who wish to provide in-person comment or testimony, but who are unable to secure a seat in the designated meeting space and/or overflow room(s) due to occupancy or gathering limits, will be rotated in and out of the designated meeting space in order to provide comment. While not in the designated meeting space, such persons may watch and listen to the livestream of the meeting on their own devices by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org

COMMISSION MEMBERS: Chair, Hannah Liedkie; Vice Chair, Rick Tousley; Richard Kremer; Joan Hunter; Michael Busch

AS A MATTER OF PUBLIC SERVICE AND GOVERNMENTAL TRANSPARENCY, THIS MEETING MAY BE RECORDED, STREAMED LIVE AND/OR ACCESSED AT A LATER TIME. NOTE THAT THIS MAY INCLUDE VIDEO AND AUDIO OF ALL PERSONS PRESENT.

- I. **CALL TO ORDER**
- II. **CITIZENS COMMENTS** – An opportunity for citizens to address the Commission with comments and/or questions about Planning and Zoning Commission-related matters that are not a public hearing action item on this agenda. Citizens are asked to limit their time to three minutes each.

- III. **APPROVAL OF SEPTEMBER 8, 2021 MEETING MINUTES (ACTION ITEM)**
- IV. **CONSIDERATION FOR APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS (WRITTEN DECISION) FOR CONDITIONAL USE PERMIT CUP21-000006 TO ADD TWO ADDITIONAL MULTIFAMILY DWELLING UNITS TO 508 SOUTHWAY DRIVE (ACTION ITEM)**
- V. **STAFF-COMMISSION COMMUNICATIONS**
- A. Query of Commissioners to attend the regularly scheduled meeting of 10/13/21 (public hearing on PUD amendment request).
 - B. We have 2 commission member vacancies and 4 applications for membership. Interviews are being scheduled.
 - C. Other
- VI. **ADJOURN**

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access to the facility within which this meeting is being held, please contact City Planner, Joel D. Plaskon at least forty-eight hours in advance of the meeting at (208) 746-1318 extension 7202 or jplaskon@cityoflewiston.org.

MEETING AGENDA

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September 8, 2021

The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Department Second Floor Conference Room at 215 "D" Street. Chair Liedkie called the meeting to order at 5:30 p.m.

Planning & Zoning meetings are recorded live. To view the full video, go to <https://livestream.com/accounts/11220190> and select Planning & Zoning.

I. **CALL TO ORDER**

COMMISSIONERS PRESENT: Hannah Liedkie, Chair; Rick Tousley, Vice Chair; Michael Busch; Joan Hunter;

COMMISSIONERS EXCUSED: Richard Kremer.

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Joel Plaskon, Planner – Local Initiatives; Kayla Hermann, Assistant City Attorney; Tanya Brocke, Community Development Specialist; Aaron Butler, IT; Pat Severance, Development Engineer;

II. **CITIZEN COMMENTS**

None.

III. **APPROVAL OF AUGUST 25, 2021 MEETING MINUTES**

Commissioners Busch and Hunter moved and seconded, respectively, approval of the August 25, 2021 meeting minutes. The motion carried 4-0.

IV. **PUBLIC HEARING- APPLICATION BY CHRIS CLARK FOR CONDITIONAL USE PERMIT CUP21-000006 (ACTION ITEM): The applicant requests conditional use permit approval to allow a Multifamily dwelling in the Normal Hill South zoning district at 508 Southway Drive, and 1619 5th Street. Specifically, to add two (2) additional units to an existing triplex. Multifamily dwelling meeting the standards of Lewiston City Code 37-124.1 is allowed as a conditional use in the Normal Hill South Zone.**

Chair Liedkie stated the public hearing process, opened the public hearing and asked for the staff report.

Assistant Planner Katie Hollingshead presented the Commission with a powerpoint and photographs of the subject property. After a summary of the staff report and questions from Commissioners, Chair Liedkie asked the applicant to come forward.

Chris Clark, applicant 132 Thain Road, informed the Commission that he purchased the property in hopes of adding the additional units. The additional units are already

roughed in and it would not be a problem to make one of the units ADA. Mr. Clark noted he could talk with his engineer about parking.

After questions from Commissioners, Chair Liedkie asked for any public comment received to be read into record.

Community Development Specialist Tanya Brocke read an email received from Kelli Bursch into record (attached as Exhibit A) and played a voicemail received from Robert Clabby of 508 16th Avenue. Both were in opposition to the conditional use permit.

Cindy Ball, 414 16th Avenue, informed the Commission that they have had issues with street and overflow parking. Ms. Ball is concerned that a child will be injured and would love to see it elevated to a higher end apartment but as a resident of 16th Avenue and experience with the traffic, the corner is a "hairy son of a gun" so anything that can be done to bring that resident status up, she's not opposed to progress, just opposed to bringing down the value and safety of the neighborhood.

There being no other public testimony, Chair Liedkie asked for the applicant's rebuttal.

Mr. Clark stated he appreciated the concerns and that he is looking to improve the property. In response to the comments about the neighbors, he noted he has some experience but it is premature without having some sort of plan going forward. The overgrown lot being referenced is owned by someone else and it isn't a concern. As far as parking, it's not going to happen because it's too steep and planned for expansion. The city will ask him for an easement and he feels he can come up with a better plan for parking.

Chair Liedkie closed the public hearing and opened the floor for Commissioner discussion.

Commissioner Hunter moved to direct staff to draft a reasoned statement approving CUP21-000006 with the condition that the applicant work with and get approval from the Planning Department for the parking plan. Commissioner Tousley seconded the motion. The motion carried 4-0.

V. STAFF-COMMISSION COMMUNICATIONS:

- A. Query of Commissioners to attend the regularly scheduled meeting of 9/22/21**
All Commissioners present planned to attend.
- B. We have 2 commission member vacancies and 2 applications for membership.**
Interviews are being scheduled.
- C. City emails**
- D. Other**

VI. ADJOURN

There being no further business, Commissioners Hunter and Tousley moved and seconded, respectively to adjourn. The motion carried 4-0 and the Planning and Zoning Commission adjourned at approximately 7:00 p.m.

RESPECTFULLY SUBMITTED,

Tanya M. Brocke
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2021.

**CITY OF LEWISTON PLANNING AND ZONING COMMISSION
REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR GRANTING OR DENIAL OF CONDITIONAL USE PERMIT**

This document shall serve as memorialization of the rationale for the granting or denial of a Conditional Use Permit, which shall be based upon relevant criteria and standards, including the Lewiston Comprehensive Plan, Lewiston City Code, and Idaho Code. *See I.C. § 67-6535.*

- I. **APPLICATION NUMBER:**
CUP21-000006

- II. **APPLICANT'S NAME AND ADDRESS:**
Chris Clark
132 Thain Road Ste 102
Lewiston ID 83501

- III. **IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTIES:**
508 Southway Drive
Lewiston, ID 83501

and

1619 5th Street
Lewiston, ID 83501

- IV. **DATE OF PUBLIC HEARING:**
September 8, 2021

- V. **NAME OF HEARING BODY:**
Lewiston Planning and Zoning Commission

- VI. **NATURE OF SUBJECT CONDITIONAL USE PERMIT APPLICATION:**
The applicant requests conditional use permit approval to allow a Multifamily dwelling in the Normal Hill South (NHS) Zoning District at 508 Southway Drive and 1619 5th Street, pursuant to Lewiston City Code § 37-41A.2—specifically, two (2) additional dwelling units to be added to the existing triplex at 508 Southway Drive.

- VII. **DECISION:**
The Lewiston Planning and Zoning Commission **APPROVES CUP21-000006, subject to the condition of approval listed in Section VIII below.**

VIII. CONDITIONS OF APPROVAL:

Pursuant to Lewiston City Code § 37-160, the Planning and Zoning Commission may impose conditions upon approval of a conditional use permit. This conditional use permit is subject to the following conditions:

1) The applicant shall work with his Engineer and City staff to develop a parking plan that meets the dimensional requirements and minimum number of parking spaces required by the Zoning Code (including ADA requirements); redesigns the parking orientation for 508 Southway Drive such that it does not result in vehicles backing out onto the street; and resolves the undefined, uncontrolled, unimproved driveway approach condition at 1619 5th Street. The applicant shall obtain approval of such parking plan from the City of Lewiston Planner(s) and comply with such parking plan.

IX. TERMINATION OF CONDITIONAL USE PERMIT:

Pursuant to Lewiston City Code § 37-160, authorization of a conditional use permit shall be void after twelve (12) months unless:

- (1) A building permit pursuant thereto has been applied for;
- (2) Where no building permit is required, the intent of the conditional use has been fulfilled; or
- (3) Substantial progress towards completion of the project has been accomplished, as determined by the community development director.

X. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

XI. RELEVANT CRITERIA AND STANDARDS:

The following relevant criteria, standards, facts, and considerations are hereby declared as reasons for the decision on this conditional use permit:

- 1. The proposed use **will not** result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated. Applicable commentary:

The applicant is not changing the footprint of the building and will be completing an interior remodel of the basement space to add two (2) additional dwelling units to the existing triplex at 508 Southway Drive. Construction nuisances, if any, should be short term in duration and are not a land use, such as is addressed by the conditional use permit process. The proposal of additional dwelling units will not change the use of the building. Public testimony was received objecting to approval of this application based on past nuisances caused by tenants of the apartments on the subject properties; however, the applicant has responded to that testimony stating he, as the new property owner and landlord, will prevent those nuisances in the future by virtue of higher rent, more scrutinous tenant screening, improved property maintenance, and parking improvements. The combining of the two (2) parcels will provide for additional parking area for tenants of both buildings to utilize.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP21-000006

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2. The proposed use **is** a public necessity **and is** justified by the applicant and deemed to be of benefit to the public. Applicable commentary:

There is low housing stock currently available and additional housing is needed to meet current needs of the City's existing and growing population. Adding two (2) dwelling units will be a benefit to the public.

3. The character of the proposed use, if developed according to the plan as submitted, **will** be in harmony with the area in which it is to be located. Applicable commentary:

The applicant proposes to convert unused space in the existing triplex into two (2) additional dwelling units. Each of the proposed new units will have two (2) bedrooms and will potentially add two (2) to four (4) additional occupants to the building. There will be no change to the size of the building. The applicant proposes site improvements to accommodate additional required parking. The Comprehensive Plans calls for residential development in this mostly built up neighborhood to be infill of a size and scale similar to the neighborhood in which it is built. Adding additional units to an existing building meets this desire for infill development and is appropriate in scale and density.

4. The proposed use **will not** endanger the environment or the public health or safety. Applicable commentary:

The subject properties are already served by City water, sewer, and sanitation services. Additional dwelling units will not pose any danger to public health or safety. The condition of approval placed on this conditional use permit requiring a parking plan and reconfiguration of the existing 508 Southway Drive parking lot such that it does not result in vehicles backing out onto the street will improve neighborhood traffic safety.

5. The proposed use **will** be in substantial conformance with the Comprehensive Plan. Applicable commentary:

Although the Comprehensive Plan has a future desired land use designation of Parks, Recreational, Open Spaces, the Parks and Open Space Master Plan does not call out the subject properties for future park use. The subject properties are privately-owned and have existing dwelling units on them and are not being actively pursued by the City to acquire for park space. The surrounding neighborhood is a mix of single family dwellings and single family dwellings that have been converted to multifamily units. Other supporting statements from the Comprehensive Plan are:

GOAL LU-1.0: To promote orderly development and arrangement of land uses throughout the community, provide ample space for future growth, ensure compatibility of adjacent land uses and follow sound environmental planning principals.

GOAL LU-14.0: Provide for an appropriate mix of housing types in each of the City's eight planning neighborhoods.

GOAL LU-15.0: Maintain the design and functional character of each neighborhood.

GOAL LU-15.1: Review and revise development standards, as appropriate, to assure that new development, additions, and remodels will maintain the design characteristics prevalent in the neighborhood.

GOAL LU-15.3 Continually review permitted, conditional and prohibited uses to assure that the mix of uses allowed by the zoning ordinance does not adversely impact residential neighborhoods.

6. Pursuant to Idaho Code § 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use. Applicable commentary:

Political subdivisions were notified of the application and no response was received. Additionally, as noted above, the subject properties are already served by City water, sewer, and sanitation services.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant could not take actions to obtain approval, the explanation is: Not applicable.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant could take actions to obtain approval, such actions might include: Not applicable.

NOTICE TO APPLICANT: Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. The mailing of a signed and dated copy of this document by the City to the applicant shall constitute compliance with such notice requirement. An applicant denied an application or an affected person aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

An action or ruling by the Planning and Zoning Commission pursuant to the City of Lewiston Zoning Code may be appealed to the Lewiston City Council by the person who initiated the action before the Planning and Zoning Commission or by any person entitled to notice by mail of the action under section 37-184(b)(2) of the City of Lewiston Zoning Code. Such appeal must be filed within fifteen (15) days after the Planning and Zoning Commission has adopted its Reasoned Statement of Relevant Criteria and Standards and its decision. Written notice of the appeal must be filed with the City Clerk within such fifteen (15) day period. If an appeal is not filed and the fee required by section 37-188 of the City of Lewiston Zoning Code is not deposited with the City Clerk within such fifteen (15) day period, the decision of the Planning and Zoning Commission shall be final.

Signature page to follow

By: _____
Signature of Planning and Zoning Commission Chair or Vice Chair or Acting Chair

Printed: _____

Date of Signature: _____

ATTEST: _____
Tanya Brocke, Community Development Specialist