

February 14, 2024

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

I. CALL TO ORDER

COMMISSIONERS PRESENT: Cynthia Ball, Chair; Gabriel Iacoboni, Vice Chair; Maureen Anderson; Michael Busch; Kevin Kelly;

COMMISSIONERS EXCUSED: Kathy Branson;

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Dawn Ortiz, Community Development Specialist; Aaron Butler, IT; Jennifer Tengono, Assistant City Attorney; Mark Weigand, City Surveyor

II. CITIZEN COMMENTS

None

III. ACTIVE AGENDA

A. APPROVAL OF JANUARY 24, 2024 MEETING MINUTES (ACTION ITEM)

Commissioners Busch and Anderson moved and seconded, respectively, approval of the January 24, 2024 meeting minutes with conditions. The motion carried 5-0.

B. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR CONDITIONAL USE PERMIT APPLICATION CUP24-1 BY STEVE CARLTON (ACTION ITEM)

Chair Ball explained the public hearing process, opened the public hearing and asked for a staff presentation.

Staff Hollingshead provided a verbal summary of the staff report with maps and photos so the commission could get geographically familiar with the area.

Commissioner Kelly asked if flag lots are allowed in small lot development.

Staff Hollingshead stated yes.

Commissioner Kelly asked if there would be any problem with regards to animal rights and surrounding properties owners wanting to have animal rights.

Staff Hollingshead stated that there would not be any negative impact on surrounding property owners' requesting conditional use applications for animal rights.

Vice Chair Iacoboni asked if any of the surrounding properties already had animals.

Staff Hollingshead stated not immediately adjacent to the property, but some to the north do.

There being no further questions for staff, Chair Busch asked the applicant for testimony.

Applicant Steve Carlton, 1103 Bryden Ave, Lewiston, Id. stated there are 14 lots to be developed with duplexes and the water/sewer and roads have been constructed already. Each lot has two separate services because they will be sold as condos. Already have a waiting list for these lots. All houses will be single-level with no steps.

Chair Ball asked for confirmation on the amount of lots.

Applicant Carlton stated only 14 lots will be used for duplexes.

Jennifer Tengono, Assistant Attorney asked the applicant to clarify how many lots they would like to be tied to the Conditional Use Permit.

Applicant Carlton stated they only plan for 14 because the other lots are the proper size for what the plan is to construct, but it is best to leave it as is with 17 lots requested for the Conditional Use Permit.

There being no further questions for the applicant, Chair Busch asked for public testimony.

Staff Ortiz read an email opposing the CUP24-1 application. The email stated *"My wife and I are writing in opposition to the proposed conditional use application made by Steve Carlson for the Carlton Hangar Subdivision. I initially supported his application to the City with the stipulation that all City requirements were met, including lot sizes and number of housing units. At first, after reviewing Mr. Carlson's land plots and family dwellings, I could see some benefit. Now that has changed. Our neighborhood is a traditional neighborhood comprised of primarily owner-occupied homes on traditional sized lots. I am afraid that if the conditional use application goes through we will have a subdivision of tiny homes crammed onto small lots thus*

increasing the number of homes that could be built. More homes means more traffic on a street that is already extremely narrow at points.

We would be at the hearing to speak in person but unfortunately I am physically unable to do. Please consider our letter in opposition to Condition Use Application CUP24-1 and keep the subdivision to its initial design. Thank you.

Robert Kesler & Geraldie Kesler, 402 Warner Avenue, Lewiston, Idaho"

There being no further public comment, Chair Ball asked the applicant's representative for a rebuttal.

Applicant Carlton stated there has been no change to the plan since day one. This is the exact same thing that they brought 4 years ago.

Commissioner Anderson asked if the proposed units were just two bedrooms.

Applicant Carltons stated no it was always three bedrooms.

Chair Ball stated the Conditional Use Permit is because the proposed footprints exceed the 40 percent lot coverage.

Staff Hollingshead clarified that the subdivision that comes in front of the commission is for the land division only, floor plans of structures are not provided. The conditional use permit requested for approval tonight is for Small Lot Development which allows a higher lot coverage than the Low Density Residential, R2, Zone.

Staff Tengono stated this is just a subdivision not a PUD.

Applicant Carlton stated the original PUD originally had offices in this location, but they decided not to do that and had it rezoned for single family and duplexes.

Chair Ball closed the public hearing.

After discussion of relevant criteria, Commissioner Anderson and Vice Chair Iacoboni moved and seconded, respectively, to direct staff to draft Reasoned Statement approving CUP24-1 with the follow condition the applicant follows the requirements for section 37-33 for small lot development of City Code. Motion passed 5-0.

IV. PRELIMINARY PLAT - GLASPELL ADDITION (ACTION ITEM):

City Surveyor Mark Weigand verbally summarized the request for the Planning and Zoning Commission.

Commissioners asked clarification questions to city staff.

Commissioner Busch and Kelly moved and seconded, respectively, to recommend approval of the Reasoned Statement with the condition notice to the applicant that this can be amended and not a final decision until it is approved by the City Council for SUP22-000009. The motion carried 5-0.

V. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for February 28, 2024 meeting.

All current commissioners plan to be in attendance for the February 28, 2024 meeting.

Staff Hollingshead stated that herself and City Planner Joel Plaskon would not be in attendance of the February 28, 2024 meeting. Commission Busch's last meeting will be March 13th, 2024 meeting. There will be an interview this Friday for a potential candidate to fill Busch's empty seat. The Steering Committee will be receiving the draft Comprehensive Plan to review.

Staff Tegono reminded staff of the Title 74 meeting held tomorrow February 15, 2024.

VI. ADJOURN

There being no further business, Commissioner Kelly and Vice Chair Iacoboni moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission adjourned at approximately 6:46 p.m.

RESPECTFULLY SUBMITTED,



Dawn Ortiz,
Recording Secretary



Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this 28 day of Feb., 2024.

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: An applicant or affected person may file a written request for reconsideration with the City Clerk to request that the Planning and Zoning Commission reconsider its final decision within fourteen (14) calendar days by 5:00 p.m. on the fourteenth (14th) day after the Planning and Zoning Commission has adopted this Reasoned Statement of Relevant Criteria and Standards. The written request for reconsideration shall include, at a minimum, the following information: (i) the name and address of the applicant or affected person requesting reconsideration, (ii) the specific deficiencies in the decision for which reconsideration is sought, and (iii) a description of any procedural injury or substantial harm to real property interest(s) suffered as a result of the decision, all in accordance with Lewiston City Code § 37-185(b)(1). A form may be obtained from the City Clerk. A request for reconsideration shall be a mandatory exhaustion of an applicant or affected person's administrative remedies prior to the filing of an appeal of the Planning and Zoning Commission's decision to the City Council.

Within fourteen (14) calendar days after the Planning and Zoning Commission has adopted its written decision on reconsideration, an applicant or affected person may file with the City Clerk a written notice of appeal to the City Council, in accordance with Lewiston City Code § 37-185(c). A form may be obtained from the City Clerk. The written notice of appeal shall include, at a minimum, the following information: (1) the name and address of the applicant or affected person, (ii) identification of the section(s) of the Lewiston City Code or applicable state or federal law(s) that has been incorrectly applied or violated and a description of how they have been incorrectly applied or violated, and (iii) a description of the real or potential prejudice to a substantial right of the applicant or affected person. The fee required by Lewiston City Code § 37-188 shall be deposited with the City Clerk within the fourteen (14)-day period. If an appeal is not filed and/or the fee required by Lewiston City Code § 37-188 is not deposited within the fourteen (14)-day period, then the decision of the Planning and Zoning Commission shall be final.

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 Reasoned Statement of Relevant Criteria and Standards 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, as described above, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

By:



Signature of Planning and Zoning Commission Chair or Vice Chair or Acting Chair

