

December 13, 2023

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

I. CALL TO ORDER

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

COMMISSIONERS EXCUSED: Kevin Kelly; Kathy Branson

STAFF MEMBERS PRESENT: Joel Plaskon, City Planner; Dawn Ortiz, Community Development Specialist; Aaron Butler, IT; Jennifer Tengono, Assistant City Attorney

II. CITIZEN COMMENTS

None

III. ACTIVE AGENDA

A. APPROVAL OF OCTOBER 25, 2023 MEETING MINUTES (ACTION ITEM)

Commissioners Anderson and Ball moved and seconded, respectively, approval of the October 25, 2023 meeting minutes. The motion carried 4-0.

B. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP23-5 BY BRIAN KRUEGER FOR 1407 POWERS AVE (ACTION ITEM)

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

Staff Plaskon provided a verbal summary of the staff report with maps and photos so the commission could get geographically familiar with the area. The city's Public Works Department, Engineering Division stated a traffic impact analysis would not be needed and has no problems with this application. The Fire Department has already approved the location during an inspection for the business license.

Commissioner Ball asked for clarification in regards to if the previous business were considered to be a home business. Staff Plaskon stated the previous businesses were not because they would not meet the requirements for home occupations.

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

Applicant Brian Krueger, 13th St C Lewiston Id, and Sam House, 1519 Airway Ave, Lewiston Id, stated there is a history of business use at this location such as an auction house and other auto repair. Business hours on planned Monday through Friday 9 am to 5 pm. The outdoor storage area will be towards the North and it is not clearly visible from the street, it is fenced on the north and east side, they have plans to put up a fence on the west side where they will store customers' vehicles properly. The gravel driveway is compacted and should not be a tripping hazard for customers. There will be a handicapped parking area that will be close to the paved area in front of the structure on the west side. He believes that they comply with the requirements for the zoning criteria of a C3 area that abuts this area.

He went on to say that there are several commercial locations that abut a residential zone some of those examples are the City's owned Police gun range and Army National Guard. They do not plan on adding security lighting as they do not see a need as most security cameras have night vision. Most all tools used will be electric and these tools do not make the much noise. The reeving of unmuffled ATVs is not good for the machine and this will not be done. 99% of the vehicles coming in have to abide by a US Forest Service noise decidable so the exhausts will not be loud. LOID is just down the road and they run dump trucks and other heavy machinery and they do not foresee them being any louder than them. Their plans for the future is to continue as a small business with only them as the two employees.

Commissioner Ball asked if either applicant lived on site. Both applicants stated no they do not and there is a current tenant living in the home who is not affiliated with their business.

Commissioner Ball asked in regards to the looping traffic going around the current home located on the lot and adding additional traffic. Mr. Krueger stated there is the option for customers to drop off their machinery at the front of the shop location and not have to loop around the existing house on site.

Commissioner Ball is concerned about the traffic "looping" around the tenant living in the home on the property. Asked if the applicant has thought about reaching out to the tenant and working with them in regards to traffic. Mr. Krueger stated they have had conversations with the tenant.

Commissioner Anderson asked in regards to the fencing Mr. Krueger had mentioned installing at the back of the property. Mr. Krueger stated fencing would

be to hide more of the vehicles stored in the back of the property it would tie into the existing fencing.

Commissioner Ball asked if customers would be test drive their vehicles/machines in the roadways. Mr. Krueger stated their customers' vehicles/machines will not be tested around the property, roadways or surrounding area. He has hardly been asked by customers to test drive their machines during pickup.

Commissioner Anderson asked the length of the lease and is there anything within the lease for environmental uses. Mr. Krueger stated it is a 12-month lease, their lift equipment is moveable and fluids extracted from the machines are saved in containers that are removed by specific companies. Staff Tengono stated there are federal and state liabilities for environmental uses.

Commissioner Ball asked if the house is under a 12-month lease also and what would happen if a new house tenant moved in. Jessica Klein, property owner, stated the house is under a month to month lease right now. If this tenant leaves then the next tenant would need to be in agreement with this use being next to them.

Commissioner Anderson asked what happens if these tenants are not in agreement. Mrs. Klein stated she is used to having tenants and conflict resolution would be needed between both tenants.

Staff Tengono stated these questions are out of the scope of the Conditional use permit.

Vice Chairperson Iacoboni asked where the garage doors are located. Mr. Krueger stated they are located on the south side of the building facing Powers Ave. There is only one garage door leading into the garage.

Vice Chairperson Iacoboni asked if on the east side of the building are there any doors. Mr. Krueger stated there is just a wall on the east side.

Chair Busch asked if the applicant why they do not want to pave the parking lot and if he would be willing to pave it. Mr. Krueger stated the cost to pave the parking lot far exceeds what their capable of paying for as a new business. Staff Plaskon stated that if there is going to be a condition of approval of the application it should not be based on if the applicant is willing to comply. He also reminded the commission that this business is at the minimum threshold to trigger the paving of the parking, as mentioned in the staff report. The business is not expected to generate a large amount of traffic or parking demand. Mr. Krueger

stated it is probably far less traffic and the existing driveway is compacted enough that it should not produce much dust. He could see this as a requirement for a zoning change and would continue to be used as a commercial business.

Chair Busch stated that conditional use permits stay with the life of the property. Staff Tengono pointed out the decibal levels for code was removed and it put a description and how the sounds are made. Generally, loading and unloading vehicles you would have to audible noise more than 50 feet away for it to be considered a nuisance. The operation between 9 am to 5 pm would not be considered a nuisance. There is city code in regards to dust and the applicant will be required to abide by dust abatement.

Commissioner Ball asked Mrs. Klein if it is her intention to treat the shop and the home as separate income uses. Mrs. Klein stated yes she would continue as renting them separately.

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

Susan Akins, 1401 Powers Ave. The tenant that lives in the rental house has vehicles that do not allow other vehicles to be driven around the house and also park in front of the house. The shop structure to be used commercially was once two rentals. Most all of the other tenants that used this structure became a nuisance also. Parking is an issue due to the house tenant leaving around 2:30 am and the drive way on the west side is shared between the two neighbors. She has concerns for her property value and this property is already a nuisance and will continue to become more of a nuisance. There are a lot of commercial business locations where a business of this type could go. This not a good idea and not a good location for an ATV repair business.

Commissioner Ball asked if they use the egress access and they have back out spots and do they have any problem with overlapping with the current house tenant with truck parking. Mrs. Akins stated she does not have any problem with the tenants logging truck.

Mark Jennings 1405 Powers Ave, and is neutral on this use. Stated the auction house was a known entity and they had their own private driveway. General public have no concerns for private property. He doesn't want to see what happened with the previous boar repair business where the property was a full of the public parking in front of the properties and not be able to get into their own driveway. He has spoken with the applicant and he does not think there is going to be a problem. Also feels that him and wife will make more noise than

the applicant will. Current renters in the house are some of the best renters at this location, he may run his truck at 3 in the morning, but he hopes they stay. Dust should not be a problem. He does have some concerns about the condition use permit staying with the property, but he really doesn't see it being an issue.

Staff Tengono wanted to highlighted concerns about noise of normal operation vehicles of someone that lives on or outside the property is outside the scope of the CUP application.

Mrs. Klien stated the reason she supports this business is that she believes in what they are doing and the city needs more business that do this and the community is very excited about this. They have worked very hard to get this property turned around to make this property nice and ready for use.

Commissioner Iacoboni asked if there is already machinery in the shop. Mrs. Klein stated they are still in the lease agreement stages because they have been able to start the business.

There being no further testimony, Chair Busch asked applicant for their rebuttal. Mr. Krueger stated the current tenant in the house and the parking situation they will need to work out something that works out for both of them. There have been problems in the past, but don't let their mistakes effect their business. If they become a nuisance, then the city has procedures in place to push back. They are going to run a professional business with a professional look. The outside of the building is the first impression. Mr. House stated when a customer is picking up or dropping off it is a pretty short process and they are not hanging around for hours.

There being no further rebuttal from the applicant, Chair Busch closed the public hearing.

After discussion of relevant criteria, Vice Chairperson Iacoboni and Commissioner Anderson moved and seconded, respectively, to direct staff to draft Reasoned Statement approving CUP23-5. Motion passed 4-0.

C. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP23-4 AND VARIANCE APPLICATION VAR23-1 BY THE LAMAR COMPANIES LLC FOR 226 W 22ND ST NORTH. (ACTION ITEM)

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

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

Commissioner Ball pointed out that across the street the commission has already issued a billboard sign conditional use permit and these signs should be 500 feet apart. Commissioner Ball motion to table CUP23-4 and VAR23-1. Motion died with no second.

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

Neil Schreibeis Post Falls, Id., representative of applicant, The Lamar Companies, LLC, stated that due to the alley is the need for a variance. The sign would not over hang. The sign on the property across the road was actually a sign that they owned. Providing a product to the community by offering advertisement. Ken Hobart 531 18th Avenue Lewiston, Id, representative of the applicant stated that there was already a sign at one point in time.

Commissioner Ball asked if the property to the west was the able to be used for the location of the sign. Mr. Hobart stated no they would want the traffic travelling on the highway to see it. Stated that there is an on premise and off premise sign option that could make a big different on what is being approved.

Staff Plaskon stated the approval for the previous for the sign on the opposite side of the road was identified as a billboard and on premise verse off premise was removed from the code. He also encouraged the Commission to complete the public hearing and then table the CUP23-4 and VAR23-1 with allowing the applicant to make changes to the application.

Mr. Schreibeis stated the applicant for the sign across the street would have had to apply with IDT and they do not think they have.

Commissioner Ball restated that the request for the sign across the road that she has been referring to was for a billboard and they had provided the whole package.

There being no further questions for the applicant, Chair Busch asked for public testimony. Staff Ortiz read an email in favor to the record from Erik Nelson, incorporated herein by this reference. See Appendix "A" to these meeting minutes for reference.

Staff Tengono stated that the commission approved a reason statement for a conditional use permit for CUP23-000001 (the billboard across the roadway

approved prior, as discussed herein above). The applicant has 12 months to apply for a permit to erect that billboard in order to vest that CUP. There was information in the reasoned statement of the glare and normal standards from ITD. Staff Ortiz confirmed that a sign permit was issued for that billboard on 4/11/2023 for a billboard via use of the permitting software used at Community Development.

There being no further public testimony, Chair Busch asked the applicant's representative for a rebuttal. Mr. Hobart asked to be able to make changes to current application request and come back before the commission with a new variance.

Commissioners Anderson and Ball, moved and seconded, respectively, to table CUP23-4 and VAR23-1 and allow applicant to make changes to current application and resubmit for a new hearing. Motion passed 4-0.

D. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR REZONE APPLICATION ZNC23-7 BY KEITH JACOBS FOR 1828 AND 1832 IDAHO STREET. (ACTION ITEM)

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

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

Commissioner Ball asked for clarification if the house to the east accessed via the alley. Staff Plaskon stated yes.

There being no further questions of staff, Chair Busch asked the applicant for testimony. Ryan Houlihab 3808 Barr Rd, Lewiston ID and Keith Jacobs 310 Fraser Grade, Kamiah ID stated the three parcels would be rezoned for a law office that is family owned. Parcels do fall within the comprehensive plan and the parcels would be best used as a commercial use. It would not produce any burdens onto the current neighbors. They are working currently on the landscaping, restoring the historical look, and replacing a dilapidated fence. They are removing some of the accessory structures to allow for ADA parking. Will replace the drive access and replace 100 feet of the curb and gutter.

Commissioner Ball asked if the fencing was around all three lots. Mr. Jacobs stated the fencing along the alley way was replaced and the chain link fence across the front was replaced.

There being no further questions for the applicant, Chair Busch asked for public testimony. Staff Ortiz read voicemail received in favor of zone change. "Jim Albright with 1818 G Street Properties LLC is in favor of the zone change for ZNC23-7."

There being no further public comment and the applicant did not have any rebuttal Chair Busch closed the public hearing.

After discussion of relevant criteria, Commissioners Ball and Vice Chairperson Iacboni moved and seconded, respectively, to direct staff to draft a Reasoned Statement recommending approving ZNC23-7 to the City Council. Motion passed 4-0.

IV. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for December 27, 2023 meeting.

Staff Plaskon updated the Commission on the Comprehensive Plan. There should be a draft presented and provided to the Commission shortly from the consultants. The next Steering Committee meeting is January 8th, 2024

All current commissioners plan to be in attendance for the December 27, 2023 meeting.

V. ADJOURN

There being no further business, Chairperson Busch and Commissioner Anderson moved and seconded, respectively, to adjourn. The motion carried 4-0 and the Planning and Zoning Commission adjourned at approximately 8:05 p.m.

RESPECTFULLY SUBMITTED,



Dawn Ortiz,
Recording Secretary



Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this 27 day of Dec, 2023.

Appendix A



Lewiston

Dawn Ortiz <dortiz@cityoflewiston.org>

Dec. 13th 5:30 Public Hearing, IN FAVOR testimony, Billboard 226 W 22nd St. N

1 message

Erik Nelson <escottnelson@gmail.com>
To: dortiz@cityoflewiston.org

Wed, Dec 13, 2023 at 10:54 AM

December 13, 2023

Dawn Ortiz
City of Lewiston

Re: Conditional Use Permit Application CUP23-4 By the Lamar Companies LLC to Install a Billboard at 226 W 22nd St. N. /
Sign Variance Application VAR23-1 by the Lamar Companies LLC - TESTIMONY SUBMISSION - IN FAVOR

Good evening, Lewiston Planning and Zoning Commission members.

My name is Erik Nelson and I own the convenience store/gas station property up on W 22nd St. N. You may recognize it as the "Liberty Mart." My apologies for not joining the hearing in person.

After my father, Rick Nelson passed, my wife and I acquired the property and have had the pleasure of partnering with Janet Rimmelspacher to sustain a small local business. Her success has been our success over the years.

Recently, we had a chance to add a digital billboard to the property and were excited for the opportunity. We would like to submit testimony IN FAVOR of a building variance grant for several reasons:

Firstly, a digital billboard would be well-situated near Hwy 12 to promote local economic activity in the area. That includes a benefit to the convenience store on premise. We're excited to help keep local dollars in the community.

Secondly, we believe the dynamic and attractive fixture would be exceptionally positioned for tourism promotion, bringing in new money into the valley. Billboard promotions would increase visitor activity in the area at a high-traffic entry into town.

Lastly, a billboard advertising lease would diversify my family's local investment, thus making us more resilient as small-time landlords during economic ups and downs.

And, I believe the professionals at Lamar Companies will do their due diligence to create an attractive and modern display that leaves a positive impression overall.

Please consider our request to build this investment and note our whole-hearted testimony IN FAVOR.

Thank you for your consideration,

Erik Nelson, Property owner