

July 8, 2020

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The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Upstairs Conference Room at 215 "D" Street. Chair Sandstrom 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:* Corey Sandstrom, Chair; Mike Busch; Joan Hunter; Richard Kremer; Hannah Liedkie; Rick Tousley

*COMMISSIONERS EXCUSED:* Mike Menegas, Vice Chair;

*STAFF MEMBERS PRESENT:* Joel Plaskon, Planner - Local Initiatives; Katie Hollingshead, Permit Representative/ Assistant Planner; Kayla Hermann, Assistant City Attorney; Tanya Brocke, Community Development Specialist; Aaron Butler, IT; Pat Severance, Public Works Engineering Development Supervisor

**II. CITIZEN COMMENTS**

None.

**III. APPROVAL OF JUNE 10, 2020 MEETING MINUTES**

Commissioners Liedkie and Hunter moved and seconded, respectively, approval of the June 10, 2020 meeting minutes. The motion carried 6-0.

**IV. APPLICATIONS BY TRAVIS KNOX FOR COMPREHENSIVE PLAN MAP AMENDMENT (CPA20-000002) AND ZONE CHANGE (ZNC20-000003) - The**

**applicant requests amendment of the Comprehensive Plan Land Use Designation from Low Density Residential to Commercial and rezoning from Normal Hill South (NHS) Zoning District to Light Industrial (M-1) Zoning District for an approximately 0.36 acre parcel of land located on the south side of 11th Avenue between 1101 Snake River Avenue and 1102 Prospect Avenue and known as tax parcel RPL356W0011366.**

Chair Sandstrom provided the public hearing process, opened the public hearing and asked for a staff report.

Joel Plaskon City Planner presented the Commission with maps and photographs of the subject property, followed by a verbal summary of the staff report. The applicant requests amendment of the Comprehensive Plan Land Use Designation from Low Density Residential to Commercial and rezoning from Normal Hill South (NHS) Zoning District to Light Industrial (M-1) Zoning District. Mr. Plaskon noted that he included statements in the staff report that were color coded showing whether the

statement was in conformance (green), nonconformance (red) or neutral (yellow) with the goals of the Comprehensive Plan.

Mr. Plaskon pointed out the primary differences in the zones and referred to Lewiston City Code Section 37-41A Normal Hill South Zone and noted that there was no purpose statement and read the uses permitted by right. Mr. Plaskon then referred to Lewiston City Code Section 37-84 Light Industrial Zone (M1) and noted the purpose statement was "to provide for light manufacturing, processing, storage, warehousing, distribution and commercial uses subject to stated standards. To provide for necessary community uses that are not appropriate in residential districts. Regulations are intended to prevent friction between uses in the zone and also to protect nearby residential districts."

Mr. Plaskon then reviewed the analysis section of the staff report and informed the Commission that it was important to consider that the City of Lewiston has a very strong industrial economic sector. There is a higher demand for industrial uses and industrial zoned land than supply of industrial-zoned land. While there are very specific statements in the Comprehensive Plan supporting CPA20-000002 and ZNC20-000003, there are others, particularly in the Waterfront Special Planning Area Chapter, that do not support industrial use of the lands along the Snake River Avenue corridor, including the subject property.

The staff report was concluded with Mr. Plaskon reminding the Commission that zone change applications do not require the applicant to commit to a specific use. Rather, any use permitted in the zoning district being requested should be presumed to occur on the subject property if rezoning is approved, unless otherwise prohibited by a contract zone. The Commission may require a contract zoning agreement be executed to allow a particular project to proceed, if, in the opinion of the Commission:

1. The proposed land use zone would allow undesirable land uses or development schemes for the character of the real property in question or the surrounding neighborhood; and
2. The specific project and/or use contemplated by the application before the commission or council has value to the community and is an appropriate project or use for the real property.

Chair Sandstrom asked if there were any questions from the Commissioners.

Commissioner Hunter questioned if the rezone was approved, they could rezone the property back. Mr. Plaskon responded it could happen.

There being no further questions from Commissioners, Chair Sandstrom called the applicant forward.

Travis Knox 913 Snake River Ave informed the Commission that the business Knox Concrete is bursting at the seams and they were trying to find land to house the trucks. They need a place to store lumber, concrete blankets and other materials that need

protection from elements. Mr. Knox noted that since they are using an easement there would not be an increase in traffic on 11th Avenue. Mr. Knox also noted that he has spoken to the neighbors and, since most of the surrounding property is industrial, they would not be changing much.

Commissioner Kremer questioned the area the building would be located. Mr. Knox responded they planned to tuck the building against the bank so as not to encroach. There would also be no manufacturing done, it would just be an extra place to store materials.

Commissioner Tousley questioned making stipulations to the building height. Mr. Plaskon mentioned that a contract zone could be prepared by staff and may be appropriate to do for this application.

Commissioner Liedkie excused herself at 6:05 p.m. for a work related meeting.

There being no further questions from the Commission, Chair Sandstrom asked for public comment.

William Furstenau 1011 Prospect Avenue stated his opposition to the application. Mr. Furstenau expressed it was a bad idea because of the uses allowed in the M-1 Zone and would be a nightmare to residences bordering the sides. The property has the potential to be a mess and once the zoning is changed the sky's the limit.

Mr. Plaskon read a letter received from Diane Smith at 1126 3rd Street into record. Ms. Smith expressed her opposition to the application (see Attachment A).

There being no other public comment, Chair Sandstrom asked for applicant rebuttal.

Mr. Knox stated he would be willing to wait for a zoning contract in order to reassure the residents. Mr. Knox explained that they have future plans for curb, gutter and sidewalks, as the area is dangerous without them.

Mr. Plaskon reiterated that the building would be used for storage related to countertop fabrication and that no actual fabrication would be taking place. Mr. Knox said it would be to house products to make countertops and that no manufacturing would be done as they do the manufacturing work in the field.

Commissioner Kremer questioned the applicant if he would be comfortable with a maximum height of 35' for the building. Mr. Knox responded yes.

There being no further questions from the Commission, Chair Sandstrom closed the public hearing.

After deliberation, Commissioners Kremer and Hunter moved and seconded, respectively, to recommend approval of CPA20-000002 to City Council. The motion carried 5-0.

Commissioners Tousley and Busch moved and seconded, respectively, to direct staff to draft a Reasoned Statement recommending approval of ZNC20-000003 with a contract zoning agreement no later than August 12, 2020, subject to the following:

All of the provisions of the M1 Zoning District shall apply with the following exceptions:

- 1) Permitted uses shall not include:
  - a) Auto, manufactured home, recreational vehicle, heavy equipment sales and service;
  - b) Commercial or industrial laundry;
  - c) Port facility;
  - d) Recycling center;
  - e) Service station;
  - f) Tire recapping;
  - g) Truck Terminal;
  - h) Manufacturing
- 2) Conditional uses shall not include:
  - a) Bulk petroleum storage and distribution facilities;
  - b) Commercial entertainment facilities, outdoor;
  - c) Grain storage;
  - d) Homeless shelter;
  - e) Quarrying
- 3) Building height shall be limited to thirty-five (35) feet.

The motion carried 5-0.

- V. **APPLICATION BY JUSTIN PIERCE ON BEHALF OF BRYDEN AVENUE LLC FOR CONDITIONAL USE PERMIT CUP20-000006 - The applicant requests conditional use permit approval to allow fuel sales (a gas station) on approximately 1.6 acres located at the southeast corner of the intersection of Bryden Avenue and 5th Street and addressed as 3409 5th Street, 508 Byden Avenue, 505 Bryden Drive and 507 Bryden Drive in the Bryden Avenue Special Planning Area A (BASPAA) Zoning District. This application includes requests to waive zoning development standards, including allowance of Bryden Avenue curb cuts exceeding 26' in width, allowance of more than 50% of the required parking to be located in front of the building, and allowance of flat roofs, instead of gable or hipped roofs with 18" minimum eaves.**

Chair Sandstrom provided the public hearing process, opened the public hearing, and asked for a staff report. Mr. Plaskon requested a brief recess at approximately 6:50 p.m.

At approximately 6:52 p.m., the Commission reconvened. Mr. Plaskon informed the Commission that the requests to waive hip or gable roof and minimum of eighteen (18) inch eaves had been dropped by the applicant.

Mr. Plaskon then provided maps and photography of the subject property. The subject properties are currently developed with three single family homes, at least one of which is abandoned and in need of demolition. Mr. Plaskon noted that the Bryden Avenue Special Planning Area process was heavily participated in and the Commission, at the time, determined three key elements specific to the Bryden Avenue Planning Area:

1. With the opening of Bryden Canyon Road in 1999, traffic has dramatically increased along the avenue. Bryden Avenue was not upgraded at that time to meet the capacity of current and projected traffic flows. Planning must begin for future expansion of Bryden Avenue and for general traffic impacts through the area.
2. Traffic impacts along the avenue have negatively impacted property values of residents abutting the street and, to a lesser extent, those along streets used as alternatives to Bryden. Property owners have experienced a reduction in their property investment potential due to a reduced market for residential properties along Bryden.
3. Property owners desiring to maximize their property investment consider their Bryden Avenue frontages attractive for future commercial development. Existing zoning does not allow expansion of commercial development. Property owners desire a mechanism to rezone residential properties with declining market value to commercial uses.

Mr. Plaskon continued that the subject development proposal is a convenience store and gas station, with an associated car wash. All aspects of the proposal are uses permitted by right in the applicable BASPAA Zoning District, except the fuel sales. Relative to the required criteria for substantial compliance with the Comprehensive Plan, Mr. Plaskon encouraged the Commission to focus on the following points contained in the Comprehensive Plan:

- The Bryden Avenue corridor will transition from primarily residential to mixed use, then to primarily commercial over time.
- Vehicular traffic on Bryden Avenue will increase with the land use transition noted above.
- Intensification of commercial use on Bryden Avenue will have negative impacts on residential uses located there.
- Bryden Avenue will become both a destination and a minor arterial

thoroughfare. As such, it will have high visibility for both residents and visitors. Therefore, it should be developed in a manner that allows it to be a showcase for Lewiston, and development design elements and aesthetics should invoke a sense of pride of place.

- Commercial development should be limited from approximately two hundred feet west of 5th Street to approximately 10th Street.
- A wider variety of commercial uses should be allowed between 10th Street and Thain Road.

Mr. Plaskon asked Pat Severance, Public Works Engineering Development Supervisor to provide input from the Public Works Department to the Commission regarding the application. Mr. Severance informed the Commission that a traffic impact analysis had already been submitted by the applicant and the Public Works Engineering Department would also review stormwater runoff design for proper oil and grease mitigation associated with gas stations.

Mr. Plaskon concluded his staff report by informing the Commission that he initially was concerned with the car wash that was part of the development project. Since the applicant submitted new drawings he had less concern as an acoustical study proposed sound limit barriers.

Chair Sandstrom called the applicant forward.

David Cisiewski, Principal, Land Development Consultants LLC, representing the applicant 11811 N Tatum Boulevard, Phoenix AZ thanked the Commission for their time. Mr. Cisiewski informed the Commission that the application meets the criteria of the conditional use permit. Mr. Cisiewski noted that they are not opposed to extending the fence along the property and they will meet the noise requirements identified in the acoustical study. The redevelopment of the project site will bring a more extensive offering to the public and expanded level of services to the community.

Chair Sandstrom asked for any public comment.

John Helpman, 508 Bryden Drive expressed his support of the project. Mr. Helton is glad to see the project come in, but would like the bins/dumpsters mitigated with a fence.

There being no other public comment, Chair Sandstrom asked for the applicant's rebuttal.

Mr. Cisiewski reiterated that the applicant was open to working with staff on the design.

Chair Sandstrom asked for staff recommendation. Mr. Plaskon recommended approval as proposed with the newly submitted plans, including the waiver of standards, as follows:

- 1) Access driveways to a single parcel to/from Bryden Avenue may not exceed twenty-six (26) feet in width.
- 2) No parking in excess of fifty (50) percent of required parking may be placed in the front of the primary structure.

Chair Sandstrom closed the public hearing and the Commission proceeded to discuss the application. After discussion, Commissioners Busch and Tousley moved and seconded, respectively, to direct staff to draft the Reasoned Statement approving CUP20-000006 including the requests to waive the following standards:

- 1) Access driveways to a single parcel to/from Bryden Avenue may not exceed twenty-six (26) feet in width.
- 2) No parking in excess of fifty (50) percent of required parking may be placed in the front of the primary structure.

The motion carried 5-0.

## **VI. STAFF-COMMISSION COMMUNICATIONS:**

### **A. Solicitation of Commission member attendance for the regularly scheduled Planning and Zoning Commission meeting of July 22, 2020**

Commissioners Sandstrom, Tousely, Hunter and Busch indicated they planned to be in attendance. Commission Kremer indicated that he may or may not be in attendance.

### **B. Other**

Mr. Plaskon introduced Katie Hollingshead as the new Assistant Planner for the City of Lewiston. Commissioners welcomed Ms. Hollingshead.

**VII. ADJOURN**

There being no further business, Commissioners Kremer and Tousley moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission adjourned at approximately 7:53 p.m.

RESPECTFULLY SUBMITTED,

\_\_\_\_\_  
Tanya M. Brocke  
Recording Secretary

\_\_\_\_\_  
Chairperson or Acting Chairperson  
Planning and Zoning Commission

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

1126 Third Street  
Lewiston, ID 83501  
July 6, 2020

Lewiston Planning and Zoning Commission  
c/o Mr. Joel Plaskon  
PO Box 617  
Lewiston, ID 83501

Dear Sir:

Map Amendment )CP A 20-000002)  
And zone change (ZNC20-000003)  
Tax parcel RPL356W0011366

I am writing to express my opposition to the proposed zoning change on Snake River Avenue to change from low density residential to commercial and light industrial. As you are aware, this street is quite heavily traveled between Prospect St and Snake River Avenue, and by changing this to commercial, it is bound to increase the amount of truck traffic on this avenue. There is a considerable amount of foot traffic on this street also including a number of young children, and there is no place for the pedestrians to walk other than in the street. You indicated to me previously that you have plans to make a walkway farther south in the future, but I do not feel confident that children will walk two or three blocks for a safer route when they can quickly run up or down this street.

I notice that Knox Concrete is already parking a number of trucks in that lot on 11<sup>th</sup> Avenue, and if they can do this without commercial zoning, what will they plan to do if this change is made.

Please do not allow this change in zoning.

Sincerely,



Diane J. Smith