

**PLANNING COMMISSION
MINUTES
FEBRUARY 11, 2020
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Michael Ward
Peter Luttrupp
Brinnon Mandel

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Tami Stroud, Associate Planner
Sean Holm, Senior Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT

Lewis Rumpler

CALL TO ORDER:

The meeting was called to order by Chairman Messina at 5:30 p.m.

APPROVAL OF MINUTES: *ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.**

December 10, 2019

Motion by Fleming, seconded by Luttrupp, to approve the minutes of the Planning Commission meeting held on December 10, 2019. Motion approved.

COMMISSION COMMENTS:

Commissioner Luttrupp explained that last year they had a Planned Unit Development (PUD) that came before them that was different, and suggested that the commission revisit the entire PUD process.

STAFF COMMENTS:

Hilary Anderson, Community Planning Director, provided the following statements:

- There is one item scheduled on the March 10th Planning Commission agenda.
- She noted that on the agenda was a new item titled "Envision CDA Committee Updates" to give an opportunity for Envision Committee updates from any of the commission members who might have something to share from the committee they are assigned to.

ENVISION CDA COMMITTEE UPDATES:

Sean Holms, Senior Planner, provided the following updates:

- Mr. Holm thanked the Planning Commission, audience and the people watching at home for an update on the Envision Coeur d'Alene project.
- He noted that he presented his last update to the commission on December 10th and would present an update as to where they are today.
- He explained that in December he discussed a number of meetings that were held, including the public kickoff, CAC/Focus Groups, stakeholders groups etc. He explained that the information for each of those meetings can be found online at: Envisioncda.org.
- He noted that they are working on website updates with an update added for the "Growing Better Places" game, where a total of 23 games were played with results available from those games played on the website. He added that if a citizen were to go to the website to look for those updates, they probably wouldn't make sense, so MIG will be providing a synopsis of the meaning of the games played.
- He explained that there have been some items added to the website, including a current document section which was there before, with existing condition reports including a transportation report. He noted that he is aware that transportation is a "hot" topic in Coeur d'Alene.
- He noted that they had a meeting on December 4th and 5th with MIG, Focus/CAC, CDA 2030 and staff, with information from those meetings being found online.
- He commented that they are currently working on Vision Statement Goals, and Policy and Action items including feedback from city staff which will be compiled in a survey and given to the public to get their feedback. He added that once they get that information back from the survey, it will be presented to the Planning Commission and public.
- They have scheduled a Leadership Briefing meeting with City Council, the Planning Commission, and representatives from CDA 2030 leadership, which will be held on February 26th starting at noon, with a meeting scheduled after that briefing with department heads to identify any additional elements that may be added.
- He noted that staff is currently in the process of identifying public engagement opportunities for the spring and summer.

Mr. Holm concluded his presentation.

Chairman Messina inquired if there was a timeline in regard to the Comprehensive Plan completion and if staff feels that they are on target for the end results. Mr. Holm answered that things are looking good and they might be a month behind where they thought they would be because of the holidays. He said they may have some catch up, but not much.

Chairman Messina commented that if any of the commissioners know that they will be gone in the upcoming year, to please let staff know ahead of time since they will be having a lot of meetings.

PUBLIC COMMENTS:

None.

ADMINISTRATIVE: *ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.**

1. Applicant: Greenstone Kootenai II
Request: Architectural Styles for Coeur d'Alene Place
ADMINISTRATIVE (I-1-20)

Tami Stroud, Associate Planner, stated SCLU Schneidmiller Land Company is asking the Planning Commission for an interpretation to allow for flexibility in the approved architectural design concepts for the "Coeur d' Alene Place" Planned Unit Development,

Ms. Stroud provided the following statements:

- In January of 1994, the Planning Commission approved the request for a preliminary plat and Planned Unit Development known as "Coeur d' Alene Place" PUD, a 600-acre phased, multi-use development incorporating public and private open space, multi-family, cluster and single-family housing, mini-storage and commercial areas. The design concept submitted at that time was "Craftsman" style.
- Historically, "Craftsman" style homes have been built throughout the development. Most recently, as the market changes, there has been a desire to include a more "Modern" style elevation in the Coeur d'Alene Place PUD. The developer, Greenstone-Kootenai II, would like to include as an option the "Modern" style elevation, in addition to the "Craftsman" style home elevation as an option for future builders/homeowners.
- The applicant is requesting an interpretation from the Planning Commission in order to provide flexibility to future builders/homeowners and to allow the "Modern" style in addition to the "Craftsman" style in the future home designs.

Ms. Stroud concluded her presentation.

Commission Comments:

Commissioner Ingalls said that he is comfortable with the request but questioned the procedure. He explained that he lives in Coeur d'Alene Place where there are four houses built that are modern style, with one home located on Cornwall that has been there for six years.

Ms. Stroud explained that staff wanted to make sure they went through the correct procedure since they noticed a different building style when doing building permits and wanted to make sure they had it documented.

Commissioner Ingalls stated that when they see a PUD, the applicant usually has a rendering of the type of home in the staff report and he always thought those renderings were illustrative. He explained that when they approve a PUD there are normally conditions applied to the approval for setbacks, street sizes, street widths etc., and if any of those items were modified, he could understand the request. He asked if Coeur d'Alene Place originally requested a specific style of home to be built in the development and, if not, feels the request is "overreaching".

Ms. Stroud explained that in 1994 when the original PUD for Coeur d'Alene Place was approved, it looked like they didn't submit any specific home designs, and she added that in 2005 it was noted in the file that they had chosen a craftsman style design. She concurred that the style was "loose" and that they weren't held to any of those 3 specific designs. Staff felt that since this was a significant change in the design, they wanted to make sure it was on the record.

Commissioner Ingalls said that, for him, the request shouldn't have come back and he commented that he still didn't understand why the commission was hearing it.

Ms. Anderson explained that in the zoning code it specifically states for PUD projects that with the Final Development Plan the applicant would be required to submit the architectural details, and she added that Coeur d'Alene Place preceded some of those requirements and that is why they didn't have that level of detail originally when looking at recent building permits that were submitted for Coeur d'Alene Place. She referenced other building permits associated with other PUD's that had specified a certain look and a requirement that other homes have to look the same way. She suggested that if the commission wanted, they could discuss it at a later time.

Chairman Messina asked if the intent was to tie a developer to the illustration they present. Ms. Anderson explained that they don't hold a developer to the exact images that are presented in the staff report, but if they are different, it needs clarification.

Commissioner Fleming said that she feels it is up to the builder to decide what style of home they want to build since there is a Design Review panel.

Motion by Fleming, seconded by Ingalls, to approve Item I-1-20. Motion approved.

PUBLIC HEARINGS

1. Applicant: City of Coeur d'Alene
Request: Proposed amendments to Title 17.09 of the Municipal Code, Zoning Ordinance LEGISLATIVE, (O-1-20)
- A. Amendments to Title 17 under Chapter 17.06: VIII; Home Occupation Regulations related to Childcare Facilities

Ms. Anderson introduced Kelley Setters, Deputy City Clerk, who is the Liaison to the City's Childcare Commission.

Kelly Setters, Deputy City Clerk provided the following statements.

PERFORMANCE EVALUATION:

In-home childcare facilities may have up to nine (9) children with one provider, and without an additional provider on-site it can put a provider in violation of the state requirement of being within sight and sound of children at all times (if a child needs to go to the restroom). The current home occupation code does not allow home occupations to have employees, unless they are a resident and a family member. The commission is seeking approval for in-home childcare facilities only to have the option of one (1) non-resident employee, and requested language be added to clarify an outdoor play area as required by the Childcare Code Section 5.68.030.

Ms. Setters said that it should be noted that the maximum number of children would not change with the code amendment. The maximum number of children in an in-home childcare facility would remain at nine (9), which is established by city code.

Ms. Setters said that allowing one (1) non-resident employee would generate two additional vehicular trips to/from the facility each day which would not have a significant impact on the neighborhood. Home occupations are limited to a maximum of twenty (20) trips per day per section 17.06.720:C. By allowing one non-resident employee, the total trips would still stay within that threshold.

The proposed changes to the Code would only apply to in-home childcare facilities. Other home occupations would not be allowed to have employees other than members of the resident family, except by special use permit as set forth in the existing code.

The proposed code amendment also clarifies that an outdoor play area must be provided for in-home childcare facilities. It is also a slight deviation from other home occupation businesses that are not allowed to operate outdoors, other than for agricultural uses where such uses are permitted.

The proposed code amendment also clarifies that in-home childcare facilities are not allowed to operate in an apartment building or condominium where there is common ownership, unless they obtain a special use permit.

PURPOSE:

The purpose of the proposed Home Occupation Code amendments is to come into compliance with the state requirement that all children always have to be within sight and sound of a provider and stay within the mandated ratio. Currently, a home-based provider may not always be able to be within sight and sound. By not allowing a home-based childcare facility the option for one (1) non-resident employee, this would result in a violation of the state requirement.

Ms. Setters concluded her presentation.

COMMISSION COMMENTS:

Commissioner Mandel said that she supports efforts to make early childhood care more available and accessible but if they change the code, how much of a burden is it to the providers to do the background checks for the new employee.

Ms. Setters explained that they are already required to do a background check on people who are living in the home and there would be an additional cost but it would be a benefit to be in compliance with the State.

Commissioner Ward asked about licensing requirements for the current day care provider and said that currently there is a licensing requirement for that person and the current process is to allow for family members or someone related to be the second person to help out. Ms. Setters explained that everyone who lives in the home has to have a background check and license, which is called a Non- Provider License. Commissioner Ward asked if the potential nonresident employee has to have the same licensing requirements. Ms. Setters said that is correct, and explained that they would be considered a teacher since they would be alone with the children.

Public testimony open:

Iris Siegler, Chairman of the Childcare Commission, said that she also owns a private/home preschool and was the first person to apply for Special Use Permit (SPU) and, at that hearing, asked for an employee. She commented that she is also an in-home caregiver, and that having an employee makes a difference just by having the extra help. She stated that she hoped the commission would vote to approve the request.

Keri Stark, Community Impact Director for United Way of North Idaho, explained that the childcare market in Idaho is estimated to have an impact of \$240 million dollars and over 11,000 jobs, with a decline in childcare by 27.5% and more significant for working families. She asked that the commission approve the request to help provide better care for our children.

Samantha Tuskan, Panhandle Health District, said that she runs the Childcare Resource Center and is also on the Childcare Commission and works with United Way. She commented that she has had the opportunity to work with childcare providers directly as the role of the resource center is to provide direct support with coaching and technical assistance for childcare providers to raise the quality of care and education. She stated that she hoped the commission would approve the request and commented that she has seen the way the childcare providers are suffering because they don't have the support, and that by having help, they can provide better care for children.

Commissioner Fleming asked if the request was approved would they encourage providers to get a backup for their business.

Ms. Tuskan explained that she has on staff a Resource Specialist who has been working on messaging and outreach ideas to support staff in what would be required if they had staff members to work with labor. She added that the State already allows home-based providers to have employees so they have the resources to spread the word to the providers in the Coeur d'Alene area. She added that when she brought the proposed code change to the Childcare Commission it was because they have had home-based providers say they want to be higher quality by having additional staff and are not able to under the current code.

Commissioner Luttrupp asked about the type of ongoing education that will be provided to providers if the code amendment is approved.

Ms. Tuskan explained that the city of Coeur d'Alene requires that childcare providers have ten hours a year of ongoing education. Five of those hours have to be face-to-face in a live class and five can be online. She commented that Idaho Stars, which the childcare resource program falls under, offers scholarships and education reimbursement for those programs.

Public testimony closed.

Motion by Ward, seconded by Mandel, to approve Item O-1-20a. Amendments to Title 17 under Chapter 17.06: VIII; Home Occupation Regulations related to Childcare Facilities. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion approved by a 5-0 vote.

- B. Amendments to Title 17 under Chapters 17.02, 17.03 and 17.44 related to Heavy Equipment Parking and Storage on Residential Properties

Ms. Anderson stated that she forgot to mention that on the March agenda they will have another zoning code amendment which will be for the Design Review Procedures.

Ms. Anderson provided the following statements:

PERFORMANCE EVALUATION:

The proposed code amendment clarifies that commercial and industrial uses, such as the parking and storage of heavy equipment as defined below, would not be permitted on residential properties. The amendment would fall within the Off Street Parking, Loading and Display section of the Municipal Code within Chapters 17.02, 17.03 and 17.44 of the Zoning Code.

The definition of "Heavy Equipment," as included in the proposed code amendment, reads as follows:

“Heavy Equipment” means heavy-duty vehicles or motorized machinery designed for industrial or construction uses, including but not limited to construction equipment, construction plant, earth movers, and engineering vehicles, usually comprised of five equipment systems: implement, traction, structure, power train, control, and information.

PURPOSE:

The purpose of the proposed code amendment is to preserve residential areas for residential uses. Heavy equipment is often large, imposing, and out of character for residential neighborhoods. A property used for heavy equipment storage can drive down the value of neighboring residential properties. Heavy equipment is used commercially and is not used for normal residential uses associated with residential properties, except in large construction projects.

Ms. Anderson concluded her presentation.

COMMISSION COMMENTS:

Commissioner Fleming asked how they get the “teeth” to get the proposed code amendment enforced.

Ms. Anderson said that getting it in the code is the first step so they have to be specific on what is/is not allowed. She noted that most code violations are complaint-based and then turned over to code enforcement. They have been recently been going after properties that are violating the code, such as living in an RV, hooking into the sewer, or cars parked over sidewalks.

Chairman Messina asked if the city already has an ordinance stating that they don’t allow heavy equipment on the street.

Ms. Anderson said they do have restrictions for the length of time for boats, trailers and vehicles not being used, so heavy equipment is already restricted unless its part of an active construction site.

Commissioner Luttrupp asked if the proposed ordinance includes boat and boat trailers. Ms. Anderson said it doesn’t and that is why the definition is specific.

Public testimony closed.

Motion by Mandel, seconded by Ingalls, to approve Item O-1-20b Amendments to Title 17 under Chapters 17.02, 17.03 and 17.44 related to Heavy Equipment Parking and Storage on Residential Properties. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion approved by a 5-0 vote.

2. Applicant: Greenstone Kootenai II
Location: West of Ramsey, North of Canfield
Request: A proposed 202-lot preliminary plat "Coeur d'Alene Place"
QUASI-JUDICIAL, (S-1-20)

Ms. Stroud presented the staff report and stated that SCLU Schneidmiller Land Co. and Greenstone-Kootenai II are requesting approval of a 45.05-acre, 6 phase subdivision in the Coeur d'Alene Place PUD. As a part of the request, the applicant has proposed 189 single-family lots, and 13 townhome lots.

Ms. Stroud provided the following statements:

- The subject property is located west of Ramsey Road, east of W. Moselle Drive, south of Alps Street, and north of Hanley Avenue.
- The property is predominantly flat and currently being used for agriculture.
- The property is one of the last large parcels within the CDA Place PUD to be developed and is to be primarily single-family and townhomes.
- The existing CDA Place PUD will govern development including, but not limited to setbacks, open space, street development, etc. per the approvals and modifications as listed in the staff report, and as the Final Development Plan (FDP) allows.
- Ms. Stroud said that the staff report focuses on the subdivision request and provides general information for how the request will comply with the existing CDA Place PUD.
- She noted that Coeur d' Alene Place was annexed in 1992 in Item A-4-92.
- In 1994, the applicant applied for a PUD in Item PUD-2-94. The original PUD was approved and the overall development included a total of approximately 760 acres.
- The proposed subdivision consists of +/-45 acres and is part of the original 1994 PUD. It is consistent with the originally approved PUD.
- Ms. Stroud provided a list of the previous actions done for Coeur d'Alene Place, and provided a copy of the preliminary plat, phasing plan and utility plan.
- She noted the various staff comments located in the report.
- She explained the various findings for approval for the project.
- She listed the PUD site standards that the project will be subject to, if approved.
- She stated that, if approved, there are eight conditions that the commission will need to consider.

Ms. Stroud concluded her presentation.

Commission Comments:

Commissioner Fleming asked if Atlas would be widened to four lanes in the near future.

Ms. Stroud stated that Chris Bosley, City Engineer, was present at the meeting and would be available to answer the question.

Public testimony open.

Mr. Bosley said that the plan for Atlas Road is for three lanes, which will increase capacity because left turns move out of the way. He added that he is in the process of requesting a grant application for Atlas Road, which will be for a portion from Hanley down to Seltice Way.

Chairman Messina commented that at a recent meeting there was a discussion regarding a traffic light and who will be responsible for putting that traffic light in.

Mr. Bosley explained that they have hired an engineer to design the signal and he is working with Greenstone's engineer so that Greenstone can get the underground work done before the intersection is built.

Chairman Messina asked if there is a projected date when the light will be put in. Mr. Bosley explained that he approached Greenstone who will provide a timeline, but it would be hard to estimate in what year that will occur, so they will watch to see how many new homes are built and time it when that happens. Chairman Messina asked if the city would request when the light will be put in based upon more homes that are being built. Mr. Bosley explained that the determination is going to happen when traffic will go from Moselle to Ramsey.

Commissioner Luttrupp asked if the determination for a signal is up to the City Engineer to look at traffic counts and, if they reach a certain point, to make a recommendation for a traffic light. Mr. Bosley said that was correct, and they do have all that information; they just don't know the timing when it will happen.

Kevin Schneidmiller, Applicant, provided the following statements:

- He said that the project is estimated to be 45 acres, with lot sizes ranging between 20-70 feet. He explained that under the current PUD they are allowed to have 20- foot-wide lots.
- He said their objective for the proposal is to create single-family lots within the currently zoned R-17.
- He said they view the request as an entitlement of a portion of S-1-18, and if you overlay the C-17, C-17L and R-17 a majority of those 220 lots were platted as part of the 2018 request, and they will only be requesting an additional 118 lots over the 2018 approval.
- He added that the project is a reduction in density and they could, by right, build 400 units between the R-17 and the C-17 zoning district. He noted that most of Coeur d'Alene Place is entitled under an R-8 zoning designation and in the last 12 years they are averaging 3.74 units per acre. He commented that he feels the project is compatible with the existing Coeur d'Alene Place and views it as a reduction in density from what was approved.
- Mr. Schneidmiller said that they will provide a trail system along Ramsey Road with approximately of 45' feet of landscaping, with some to be in the right-of-way.
- The request for change south of Wilbur will be for an "empty nester community" that has been successful and Mr. Schneidmiller said that he thinks they fill a big need in the community. He explained that when the proposed phase is built out at 100 lots +/- , they will have constructed 375 "empty nester homes" in Coeur d'Alene Place. He added that that type of home will not impact the school district. He further explained that they don't designate those homes as 55+ legally because the type of home and size of lot drives to the demographic and will be maintenance free.
- He added that with the addition of townhomes, the project will be affordable.
- He said that the project completes the design of CDA Place PUD which was started in 1995 and they anticipate build out for the phase to be 5-6 years.
- He added that they feel the project is consistent with the goals and objectives of the PUD and will reduce the density from the previous entitlement action and reduce the burden on public infrastructure such as schools.

The applicant concluded his presentation.

Ed Stafford said that he lives south of the development in Lake Forest West. He said his concern is with the landscape requirements and public access walkways. He commented that he did get some answers from staff, who clarified that city code states that public access is required every 600 feet and because it is a PUD, that rule doesn't apply. He said that on the plat it doesn't show on Cholet Loop a pedestrian walkway on Ramsey. He commented about the traffic on Wilbur and when Wilbur connects to Atlas, and noted that when coming from the east/west and having to make a left turn on Ramsey, it is almost impossible to do and hopes this light comes in sooner.

Ms. Anderson explained on the pedestrian connection, it would be required as part of the conditions, that there will be a path from Cholet Loop to Ramsey trail and it is something the developer has agreed to but was not included in the packet and was added after reviewing the submittal. The pedestrian connection will be noted when the final plat is presented.

Rebuttal:

Mr. Schneidmiller commented that they agreed with all of the staff conditions and will continue to work with engineering on the intersection of Wilbur and Ramsey.

Public testimony closed.

Discussion:

Motion by Ingalls, seconded by Fleming, to approve Item S-1-20. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 6 to 0 vote.

ADJOURNMENT:

Motion by Fleming, seconded by Ingalls, to adjourn. Motion approved.

The meeting was adjourned at 6:49 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant