

**PLANNING COMMISSION
MINUTES
August 13, 2024
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Sarah McCracken
Phil Ward
Mark Coppess

STAFF MEMBERS PRESENT:

Hilary Patterson, Community Planning Director
Mike Behary, Associate Planner
Randy Adams, City Attorney
Monte McCully, Trails Coordinator
Traci Clark, Administrative Assistant

Commissioners Absent:

Petter Luttrupp

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Commissioner Fleming, seconded by Commissioner Ward, to approve the minutes of the Planning Commission meeting on July 9, 2024. Motion approved.

PUBLIC COMMENTS:

None.

STAFF COMMENTS:

Hilary Patterson, Community Planning Director, provided the following comments:

- There will not be a regular Planning & Zoning meeting in September.

COMMISSION COMMENTS:

None.

OTHER BUSINESS:

- 1. Priority Pedestrian Corridors

Presented by: Monte McCully, Trails Coordinator

Mr. McCully, Trails Coordinator, provided the following statements:

The City of Coeur d’Alene has been in development for over 130 years and many ordinances have been introduced and changed during that time. In 1974, the City began requiring sidewalks be built with all new construction, or with property improvements above a certain dollar amount in existing residential neighborhoods. City Code 12.28.210 through 240 allows exemptions to sidewalk construction due to hardship, geographical constraints, and distance. Currently, if the nearest sidewalk is 450 feet or more, the property owner is not required to build a sidewalk. This means sidewalks may never get built in many older areas of the city. Coeur d’Alene is missing sidewalks in 30% of the city. The Ped/Bike Committee has identified 12 priority areas that should be removed from the exemption. These areas are primarily routes to schools from neighborhoods.

There is no direct financial impact on the City, other than staff time to change the ordinances. Future sidewalks will be built by property developers, grant money, or future sidewalk projects that will come back to council before approval.

Adding Priority Pedestrian Corridors will help us begin to create a safer, more walkable community.

Mr. McCully is requesting that Planning and Zoning recommend to City Council to adopt the changes to the sidewalk exemption that will allow Priority Pedestrian Corridors to be identified.

Mr. McCully, concluded his presentation.

Commission Discussion:

Motion by Commissioner Ingalls, seconded by Commissioner Coppess, to recommend City Council adopt the changes to the sidewalk exemption that will allow Priority Pedestrian Corridors to be identified. Motion carried.

Commissioner Fleming	Voted Aye
Commissioner McCracken	Voted Aye
Commissioner Ward	Voted Aye
Chairman Messina	Voted Aye
Commissioner Ingalls	Voted Aye
Commissioner Coppess	Voted Aye

Motion was approved by a 6 to 0 vote.

PUBLIC HEARINGS: *ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.**

- 1. Applicant: CDA Hockey Academy
Location: 3505 W Seltice Ave
Request: A proposed +/- 5.096-acre annexation from County Commercial to C-17 QUASI-JUDICIAL, (A-1-24)

Presented by Mike Behary, Associate Planner

Mr. Behary, Associate Planner, provided the following statements:

The applicant is requesting approval of an annexation of 5.1 acres in conjunction with zoning approval from County Commercial to the City C-17 commercial zoning district.

The subject property is currently the home to the Coeur d'Alene Hockey Academy (CDA Hockey Academy) and is located in an unincorporated area of Kootenai County. The subject site is adjacent to the Coeur d'Alene City limits on the west and north side of the subject site. The subject property is currently zoned County Commercial and is located within the City's Area of City Impact (ACI).

The applicant is proposing a C-17 zoning district designation. The zoning ordinance classifies the CDA Hockey Academy use as community education, which is a permitted use in the C-17 zoning district.

The C-17 district is intended as a broad-spectrum commercial district that permits limited service, wholesale/retail and heavy commercial in addition to allowing residential development at a density of seventeen (17) units per gross acre. This district should be located adjacent to arterials; however, joint access development are encouraged.

Some of the Principal permitted uses in a C-17 district are as follows:

- Administrative offices
- Automobile sales
- Commercial recreation
- Communication services
- Community assembly
- **Community education**
- Community organization
- Department stores

There are four findings that have to be met for an annexation to be approved B1-B4.

Finding B1: That this proposal (is) (is not) in conformance with the Comprehensive Plan

Comprehensive Plan Policy Framework:

Staff identified the following Comprehensive Plan Goals and Objectives for particular consideration by the Planning and Zoning Commission as part of this annexation request.

Goal CI 2

Maintain a high quality of life for residents and businesses that make Coeur d'Alene a great place to live and visit.

Objective CI 2.1

Maintain the community's friendly, welcoming atmosphere and its smalltown feel.

Goal EL 3

Provide an educational environment that provides open access to resources for all people.

Objective EL 3.2

Provide abundant opportunities for and access to lifelong learning, fostering mastery of new skills, academic enrichment, mentoring programs, and personal growth.

Goal GD 1

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

Objective GD 1.4

Increase pedestrian walkability and access within commercial development.

Objective GD 1.5

Recognize neighborhood and district identities.

Goal GD 2

Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

Objective E GD 2.1

Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

Goal JE 1

Retain, grow, and attract businesses.

Objective JE 1.2

Foster pro-business culture that supports economic growth.

Finding B2: That public facilities and utilities (are) (are not) available and adequate for the proposed use.

- City staff from Streets and Engineering, Water, Fire, Parks, Police, and Wastewater departments have reviewed the application request in regards to public utilities and public facilities.
- Each department had indicated that there are adequate public facilities and public utilities available for the proposed annexation with zoning to C-17.

Finding B3: That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.

- The site is general flat that slightly slopes to the southwest. There is an approximately twenty-five-foot (25') drop in elevation on the subject property.
- The western portion of the site is vacant and is relatively flat to accommodate a future development site for the CDA Hockey Academy.

Finding B4: That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.

- The City Engineer has indicated that the subject property is bordered by Seltice Way to the south which is a principal arterial highway. He has run two scenarios that included in the proposed expansion that will include approximately 63 PM peak hour trips per day and the school will generate approximately 95 AM peak hour trips per day.

RECOMMENDATIONS FOR ITEMS TO INCLUDE ANNEXATION AGREEMENT:

1. The existing industrial milling operation (manufacturing use) must be removed from the site within 90 days of annexation or prior to a building permit or site development permit is issued, whichever comes first.

2. Any additional main extensions and/or fire hydrants and services for future development of the property will be the responsibility of the developer/owner at their expense and will be done with site improvements triggered by any site development or building permit.
3. Any additional water services will have cap fees due at building permitting.
4. This project will fall under Policy#716 "One Lot, One Lateral" that only allows for one sewer lateral per parcel.
5. Any new or existing structures on this parcel must connect to City sewer and pay appropriate sewer cap fees and the Mill River LS Surcharge Fee.
6. The Building Department requires the owner to obtain permits for the proposed use of the existing building as part of the annexation agreement.
7. All existing fire protection systems must be serviced and without any deficiencies before annexation may occur (examples of fire protection systems sprinklers, alarms, fire extinguishers)

Mr. Behary noted the action alternatives. The Planning and Zoning Commission is tasked with recommending zoning for this annexation request. The Commission shall provide a recommendation regarding the requested C-17 zoning to City Council, along with an evaluation of how the proposed annexation does/does not meet the required evaluation criteria for the requested annexation.

Mr. Behary, concluded his presentation.

Commissioner Fleming said she had a concern with recommendation number one. She said there are a few options with the existing industrial milling operation (manufacturing use) must be removed from the site within 90 days of annexation, or prior to a building permit, or site development permit is issued, whichever comes first. She stated that she gets the last two parts but she thinks there might be a very long gap between one of the other. She would choose to either go with the annexation removal or the permit removal. She thinks this is too gray and loose.

Mr. Behary asked for clarification. Are you proposing to strike the 90 days from that condition?

Commissioner Fleming replied yes, strike the 90 days.

Mr. Behary asked if she would be ok if the project goes on for 2 or 3 years?

Commissioner Fleming replied yes, it could be either, or it is just too blurry.

Commissioner Ingalls asked about the land use map which calls this Industrial and the requested zoning is manufacturing. He understands that the land use map is a "guide". Commissioner Ingalls states that Mr. Behary points out there have been other examples where the vision years ago has changed, not unlike Schreiber Way that was supposed to be manufacturing and there is so many Special Use Permits for commercial uses in there. Maybe this is one of those?

Mr. Behary stated that is correct. At the time that the comprehensive plan was developed, it was envisioning Light Manufacturing in this location based on the current use. However, the C-17 zoning and commercial uses are the trend of development in this area.

Commissioner Ingalls asked, that said, in your opinion as a planner would you find this to be compatible

with what you see here?

Mr. Behary replied the C-17 is very compatible with this area.

Commissioner Ingalls said he also had a question regarding condition #6. When this comes into the City from the County, will they need to get the buildings into compliance under the city codes? We are not going to just let these buildings be grandfathered. They need to be up to code, is that correct?

Mr. Behary replied yes, that is correct. The building department will require them to get change of use permits to get those buildings up to code.

Commissioner Ingalls asked what about the other city department purview, like Planning, in respect to parking, landscaping, etc. What is the trigger point that this ugly parking lot gets brought up to the standard of the City's standards?

Mr. Behary replied the new building permits will trigger all of the new landscaping, to put in six inch curbing, etc.

Commissioner Ward asked Mr. Behary to show the commission the current City of Coeur d'Alene boundaries on the bird's eye view photo.

Mr. Behary shared the exhibit showing the project site in relation to the City limits.

Commissioner Ward then asked about a building right next to the rink that is C17 that is in the City?

Mr. Behary replied that is correct, that building is in the City.

Commissioner Ward asked for clarification about the existing uses on the property right now, and the relationship of the skating rink and hockey school.

Mr. Behary replied that the applicant will be able to address those questions and how those two businesses interact. The Frontier Ice Arena is on a separate parcel owned by separate owners. The applicant's representative is here this evening. This will be a separate structure from the ice rink.

Commissioner Coppess asked about the Industrial zone property within the City and changing it into something else. Is there a picture of how much industrial capacity the City has? Is there a concern that the City is reducing the manufacturing zoning areas?

Mr. Behary replied this property is not zoned for manufacturing. It is zoned County Commercial. The City has a zoning map that show all the manufacturing areas. The City Comp Plan is indicating Light Manufacturing or Manufacturing in the future, but didn't anticipate the hockey academy use. The City does have a large Manufacturing area on Schreiber Way that is significant.

Chairman Messina stated as the Planning Commission we are just making a recommendation to City Council this evening is that correct?

Mr. Behary replied that is correct.

Public testimony open:

Scott McArthur, representative for the applicant, was sworn in and stated he is with McArthur Engineering and Ryan Casper is the Director of Operations is here tonight as well. The use does complement the hockey rink that is adjacent. The separate owners coordinate. This probably had something to do with the location for the selection for the Cda Hockey Academy. The old YJ stock yard was next door. The land use map is kind of a guideline. This use, as it sits in the County right now, does complement the ice rink use that is in the City of Coeur d'Alene. He has no objections to any of the recommended annexation agreement items. They are working diligently with the City planners, engineers and building department and had several visits at the property site to get a jump start on bringing the building up to code. They are addressing any issues and performing any upgrades to the site. Currently there are 60 students that are enrolled, as of the end of August. The plans are to have this doubled. This is a great facility with educational and recreational learning and growth for the young athletes. The new facility will offer a wide variety of sporting opportunities. It will not just be used for the Cda Hockey Academy. It will be a sporting facility that will incorporate youth programs as well. They are in support of striking the 90 days from item one that Commissioner Flemming suggested. He would like to bring this facility into the City to have the City services such as water and sewer, and to allow the growth that is needed.

Commissioner Ingalls commented that the City Engineer indicated that if an event drew more than 192 vehicles, they could have overflow parking impact. Why will there not be parking on Seltice and into someone's neighborhood etc.?

Mr. McArthur replied there is a shared parking agreement in place between the Ice Arena and this facility. This agreement will continue as the facility grows and will be more defined once we have this site plan approved from the City. The Academy will have additional parking at those events, and the Ice Arena will have parking as well. They will have a new shared parking agreement with the two facilities and that document will govern that use.

Public testimony closed.

Commission Discussion:

Commissioner Ingalls commented that this is in an area that fronts a city street. The first responders that will go to that building will be Coeur d'Alene Police and Fire. It looks like the city, and feels like the city. We did have a Comp Plan goal that talks about providing diverse recreation options. A lot of people are Hockey fans. This is an opportunity to encourage public and private recreational facilities for citizens of all ages. He thinks this is a great idea for the City.

Commissioner Fleming sees no issues with the annexation along with the rest of the commissioners.

Motion by Commissioner Fleming, seconded by Commissioner McCracken, to recommend item A-1-24 annexation to City Council. Motion carried.

ROLL CALL:

Commissioner Fleming	Voted Aye
Commissioner McCracken	Voted Aye
Commissioner Ward	Voted Aye
Chairman Messina	Voted Aye
Commissioner Ingalls	Voted Aye
Commissioner Coppess	Voted Aye

Motion was approved by a 6 to 0 vote.

2. Applicant: City of Coeur d'Alene
Location: In and near the North Idaho College campus
Request: University District: Creation of a new zoning district and rezoning specified properties (zone change, text and map)
QUASI-JUDICIAL, (0-2-24)

Presented by: Hilary Patterson, Community Planning Director

Ms. Patterson, provided the following statements:

At its January 16, 2024, meeting, Council requested that staff investigate the need to update the Comprehensive Plan (the "Plan") to allow the City to rezone North Idaho College's campus as a new zoning district called the University (U) District with the intent to ensure that the future use of the property is for public higher education and supporting uses only. Following Council direction, the City Attorney, Senior Planner, and Community Planning Director drafted a proposed Code amendment creating the new zoning district after reviewing ordinances from Moscow and Boise, and other communities that have specific zoning districts for their higher education campuses. Staff was asked to involve representatives of the Fort Grounds neighborhood to review the draft ordinance and make comments. Kevin Jester of the Fort Grounds neighborhood has reviewed the draft ordinance and stated his support for the allowed uses and performance standards proposed for the U District.

As stated in the draft ordinance, the U District "... is established to support and enhance the educational environment of public institutions of higher education in the City of Coeur d'Alene, and to allow flexible, creative development for public educational purposes. The district is intended to facilitate planned expansion, promote collaboration between public higher educational institutions and the local community, ensure compatibility with surrounding neighborhoods and natural resources, and preserve property within the district for public educational uses."

"This District allows for a mix of uses that support the residential, retail, and service functions of public higher education campuses."

If adopted, the new U District would apply to all property described below:

- A. *All property north of the high water mark of Lake Coeur d'Alene and east of the high water mark of the Spokane River, which lies west of and includes N. Hubbard Street, except any public right-of-way, and south of W. River Avenue.*
- B. *All property north of W. River Avenue east of the high water mark of the Spokane River and west of, and including, the parcel bearing the legal description of North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-015), and south of the City of Coeur d'Alene property utilized for the Advanced Wastewater Treatment Plant.*
- C. *That parcel lying east of W. Hubbard Street bearing the legal description North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-012).*
- D. *All property north of W. River Avenue east of the parcel bearing the legal description of North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-015), including all properties along N. Military Drive, and including parcels bearing the legal description of Fort Sherman Aband Mil Res. TAX#23504 IN LT 14 1450N04W and Fort Sherman Aband Mil Res. TAX#23200 IN LT 14 1450N04W.*

E. This District shall overlay any approved Planned Unit Developments (PUD) in the District. To the extent not inconsistent with any applicable PUD approval, the standards of this Chapter shall apply to all property in the District.

If adopted, the existing zoning districts (R-12, R-17, C-17 and C-17L) would be replaced with the U District designation. The existing Planned Unit Development (PUD) for North Idaho College would remain in place as noted in the draft ordinance.

The draft ordinance outlines the permitted principal uses, permitted accessory uses, and uses permitted by a special use permit.

The draft ordinance also lists prohibited uses, such as industrial and commercial activities not directly associated with educational functions, residential developments not intended for student or faculty housing, privately-owned residential, condominium, townhouses, or other non-educational residential development, and a category for "Additional Prohibited Uses" that may be identified by the Planning Director as being nonconforming with the purpose and/or intent of the District.

The draft ordinance includes development standards to ensure compatibility with surrounding uses. It also provides for a variance process to partially wave off street parking and/or lot coverage requirements for commercial developments utilizing common parking, and a variance for building heights over 45 feet.

The subject property is zoned R-12, R-17, C-17 and C-17L. The majority of the campus is zoned R-17. The area north of River Avenue and along Hubbard Avenue and College Drive is zoned C-17 and has the PUD overlay as denoted by the crosshatched pattern. The property along Military Drive and immediately east on the north side of River Avenue is zoned C-17L. Of the twenty-one properties along Military Drive located within the proposed district boundaries, approximately eight of them are privately owned. The rest are owned by North Idaho College. There are two privately-owned properties along the west side of Hubbard Avenue within the proposed district boundaries that are zoned R-12.

If the new zoning district is adopted and if the specified properties are rezoned, the existing zoning districts (R-12, R-17, C-17 and C-17L) within the campus boundaries would be replaced with the U District designation and the PUD.

Comprehensive Plan Consistency:

The Planning and Zoning Commission is tasked with making a recommendation the City Council on the Zoning Code amendment (new zoning district) and the zone change. Because this request is for both a text and a map amendment, the Commission is being asked to make findings regarding the consistency of the request with the Comprehensive Plan.

The 2022-2042 Comprehensive Plan was adopted in 2022. Like the prior plan, this Comprehensive Plan includes a focus on the higher education corridor. In Part 2: About Coeur d'Alene, it includes a summary about Higher Education and references the campus of North Idaho College (NIC) and the partnership with the University of Idaho, Boise State University and Lewis-Clark State College. It talks about NIC's location within the Fort Grounds since its founding in 1933.

The Comprehensive Plan shows two **Place Types** for the NIC campus – **Civic** and **Planned Development**. As noted under the Civic definition, schools and education facilities are considered Civic places. Under compatible zoning, it says "Not applicable. Civic Uses may be located in any Place Type." This allows for a new zoning district to be created, such as the proposed U District.

The **Recreation and Natural Areas** section of the Comprehensive Plan has several areas that affect the NIC campus, including Shorelines, Coeur d'Alene Lake and Spokane River, Floodplain, Urban Forest, and Views and Vistas.

Under **Special Areas**, it includes the Education Corridor Master Plan and the North Idaho College – North Campus Planned Unit Development (NIC PUD). Under the description of the NIC PUD, it talks about the 50-year plan for the campus to phase development over time from temporary site uses to more permanent uses. The NIC PUD provides for connectivity, parking improvements, landscaping and irrigation, a shared education building between partner institutions, the construction of additional parking, and a community garden. For long-term improvements, it references the full buildout of campus facilities to include a potential mix of academic, PTE and multi-use facilities in support of ongoing college programming.

The Education Corridor Master Plan references the partnership between NIC and the other higher education institutions covering a 49-acre site. The master plan provides for a physical framework for the redevelopment of the adjacent mill site and site improvements, most of which have been completed. It also references a proposal to rezone portions of the planning area and encourages the creation of design guidelines. The reference to a proposal to rezone portions of the planning area supports the creation of the proposed U District.

There are two Comprehensive Plan Goals under Education & Learning that support higher education and lifelong learning, and supporting Objectives.

Education & Learning

- Goal EL 3**
Provide an educational environment that provides open access to resources for all people.
 - OBJECTIVE EL 3.2**
Provide abundant opportunities for and access to lifelong learning, fostering mastery of new skills, academic enrichment, mentoring programs, and personal growth.
 - OBJECTIVE EL 3.3**
Support educators in developing and maintaining high standards to attract, recruit, and retain enthusiastic, talented, and caring teachers and staff.
- Goal EL 4**
Support partnerships and collaborations focused on quality education and enhanced funding opportunities for school facilities and operations.
 - OBJECTIVE EL 4.1**
Collaborate with the school district (SD 271) to help identify future locations for new or expanded school facilities and funding mechanisms as development occurs to meet Coeur d'Alene's growing population.
 - OBJECTIVE EL 4.2**
Enhance partnerships among local higher education institutions and vocational schools, offering an expanded number of degrees and increased diversity in graduate level education options with combined campus, classroom, research, and scholarship resources that meet the changing needs of the region.

There is an action item under Objective EL 4.2 regarding on and off campus student and employee housing, and opportunities for temporary transitional housing opportunities for students, faculty and staff (see below). North Idaho College is listed as the Lead Partner on that action item.

Action EL 4.2.J01

Support on and off campus student and employee housing along with the creation of temporary transitional housing opportunities for new employees coming to the area to meet the housing needs of students, faculty and staff.

Lead Partner: North Idaho College

Other Comprehensive Plan Goals and Objectives that may be applicable to the Findings of the Planning and Zoning Commission are noted below.

Community & Identity

- Goal CI 1**
Coeur d’Alene citizens are well informed, responsive, and involved in community discussions.
- OBJECTIVE CI 1.1**
Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Environment & Recreation

- Goal ER 1**
Preserve and enhance the beauty and health of Coeur d’Alene’s natural environment.
- OBJECTIVE ER 1.1**
Manage shoreline development to address stormwater management and improve water quality.

Growth & Development

- Goal GD 1**
Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d’Alene a great place to live.
- OBJECTIVE GD 1.5**
Recognize neighborhood and district identities.
- OBJECTIVE GD 1.7**
Increase physical and visual access to the lakes and rivers.
- Goal GD 4**
Protect the visual and historic qualities of Coeur d’Alene
- OBJECTIVE GD 4.1**
Encourage the protection of historic buildings and sites.

Jobs & Economy

- Goal JE 3**
Enhance the Startup Ecosystem
- OBJECTIVE JE 3.4**
Expand partnerships with North Idaho College, such as opportunities to use the community maker space and rapid prototyping (North Idaho College Venture Center and

Gizmo) facilities.

There is no significant financial impact to the City of Coeur d'Alene or North Idaho College and the partner institutions associated with this request. However, it should be noted that the approximately ten (10) privately-owned parcels within the district boundaries would be considered legal nonconforming uses if this Article is adopted and the specified properties are rezoned U. Those parcels could continue to be used as personal residences and sold to new owners as legal nonconforming uses. If a residence is damaged or destroyed such that the cost of repair or replacement exceeds fifty percent (50%) of the replacement cost of the residence as it was immediately prior to the damage.

Commissioner Fleming asked if they are non-conformance and if they sold, would the legal nonconforming designation transfer with the property?

Ms. Patterson replied that is correct. Anyone that continues to use the home as a residential use would be grandfathered in as legal nonconforming. If they were to sell the home, it would stay with that new homeowner. It's only if the home would be destroyed or if the homeowner would want to expand it, would it fall under the non-conforming code.

Ms. Patterson noted the Commission is being asked to make a recommendation tonight. City Council will hold a public hearing and make a decision on September 3rd.

Ms. Patterson noted the Planning and Zoning Commission will need to make Findings regarding compliance of the new zoning district and proposed rezone of specified properties with the Comprehensive Plan and make a recommendation to the City Council whether to:

- Adopt Article XVII of Chapter 17.05 of the Municipal Code creating the new U District zoning district and rezone specified properties, or
- Adopt the new Article with amendments and rezone specified properties, or
- Reject the new Article and not rezone specified properties

The Commission may also recommend changes to the zoning boundaries to make the request more consistent with the Comprehensive Plan.

Ms. Patterson, concluded her presentation.

Commissioner Ingalls commented on a letter the commissioners received regarding a home a gentleman owns on Military Drive. The property owner's concern is that the proposed zoning could remove his ability to use his property as an owner-occupied residential use. Commissioner Ingalls would like to assure that owner that the zone change would not remove that ability. The owners can continue to use it as it is, is that correct?

Ms. Patterson replied, that is correct.

Commissioner Ingalls asked if there is a finding that the commission has to make whether there is a significant financial impact. Ms. Patterson replied there is not one. It is hard for him to understand in respect to say one of those 10 homes. If you take that off the table, one of the written comments from NIC board member asked whether there is a financial impact to NIC. He struggles with that as well. How did one come to the conclusion that there will be no financial impact? A zone change in itself does not drive a financial change. It does not restrict NIC's ability to do anything. Is it possible it could make things more flexible for NIC?

Ms. Patterson replied this was staff's opinion. Looking at everything that is included in the draft ordinance, it actually makes it more consistent with what NIC's vision is for the future with their Master Plan and the Plan Unit Development, and what exists today. In the R-17 zoning district lists of uses permitted by right, there is not a lot of specificity. It says community education. It doesn't really say, oh what if I want a

vocational school or an auto mechanical space for the students. It does not clarify some of those uses that might be unusual. This is very unclear with the current zoning. The new zoning would clarify and give NIC more certainty.

Commissioner Ingalls asked what is the City Council's motivation tonight? He said that Ms. Patterson pointed out the Comprehensive Plan, and education, higher education, NIC, and the importance of job creation is our future. These are weaved throughout the Comp Plan. This is very important for NIC, U of I, etc. and higher education. These are all huge in the Comp Plan and in the Previous Comp Plan. There are three things in his mind that must be protected: 1. Quality of life, such as Tubbs Hills and public access to the water, 2. Health campus, and 3. Education. Just to underscore what Ms. Patterson said, if you haven't read a newspaper in the last couple of years, NIC's accreditation is very much in jeopardy. There are some worrisome of the future and what might happen to the unaccredited NIC and what might happen to the 54 acres. This is about protecting the use, is it not?

Ms. Patterson replied, that is correct.

Commissioner McCracken asked a question about the City Council-initiated request and this hearing tonight. Did they have a workshop on this subject? The Planning Department worked on this request for the hearing, and we as a commission are making a recommendation to the City Council, is that correct?

Ms. Patterson replied, yes.

Commissioner McCracken commented that under the performance analysis that Ms. Patterson wrote, this is for public education. This is not for private education, correct?

Ms. Patterson replied, that is correct. In the purpose statement and throughout the ordinance, it is noted the purpose of the new zoning district is for public higher education institutions.

Commissioner Ward commented that university districts are very common all over the country and they are designed to ensure the integrity of an educational institution. Ms. Patterson showed a master plan for the school. He asked who prepared that and did the city have any input into it?

Ms. Patterson replied NIC and their partners prepared that and that was approved by them and it was adopted by City Council. It is part of the comprehensive plan.

Commissioner Ward commented if this district is designated for the property and going forward, they would have to come back to the Planning Commission or the City Council to ensure that they weren't creating a negative over spill on the community. Not controlling their parking, street alignments and so on. This gives the city more authority to ensure as an educational facility it will grow with some kind of common sense to it. Is it true that any negative impacts as the school should expand would be minimized by it being a designated a U zoning district?

Ms. Patterson replied that is difficult to answer. Right now, how the NIC campus and the Planned Unit Development are designed, it is supposed to be campus style parking and we as a city recognize that. This will just provide more certainty for the community as a whole as well as NIC as what uses are allowed. No matter what zoning, we can always work with them.

Commissioner Coppess asked about the notification process. One of the letters stated they were not notified. How was NIC notified?

Ms. Patterson replied that NIC was part of the list of 115 letters that were mailed out. The NIC letter was sent to the attention to the President of NIC.

Chairman Messina opened the public hearing and swore in the public as a group.

Public testimony open.

Joseph Brown introduced himself and said he lives on Military Drive. He would like the Commission to fundamentally amend the proposal and exclude the properties on Military Drive. Please direct questions to staff. Hypothetically, if his property is destroyed, would he would not be able to occupy it? Also, if his neighbor built a 45-foot structure adjacent to his home, right now it is 35 feet, it could then be student housing. Otherwise, he is not opposed to the University District.

Ms. Patterson replied that the Commission can make a recommendation during the findings to exclude the homes on Military Drive. She said she also wanted to clarify that the allowable height of C-17L zoning is based on use. If you have residential use, it would fall under residential performance standards but commercial does not have a height limit.

Glenna Krapper introduced herself. She lives in a home across from Boswell Hall. She is concerned she might be kicked out.

Commissioner Fleming assured her she will not be kicked out. She assured her that would be called a taking and that is not allowed in the State of Idaho. This ordinance and zone change is not a taking.

Joe Alfieri introduced himself and said he is a state legislator. He stated he would like to have the commission set this aside for further study. He feels this is a takings issue. You have the City taking the property of another elected entity, which is NIC. Also, while you may have notified the President of NIC, you did not notify the board of trustees, who are the people to make decisions.

Commissioner Coppess asked Ms. Patterson is there any ownership of the property changing hands once it goes to University District rezoning.

Ms. Patterson replied, no.

David Reiley introduced himself and said he is from Post Falls. This issue affects the entire County and region. We have elected trustees that we choose every couple of years. This is very irregular because the request came from the City of Coeur d'Alene. Council is stepping over onto another an elected board and their political jurisdiction. An independent journalist Casey Whalen, released this statement from an email from City Councilor, Christie Wood saying "I proposed the idea from Troy of a rezone at the college's request". He has been made aware that the trustees have not in fact passed any resolutions or made any kind any outreach to the city requesting this zoning change. He does not think that NIC has even asked for this. If they did, he would like to know who that person is. It was not the board of trustees. There has been a lot of overreach and over stepping and interference at NIC from people that have resigned from the board. People that were never elected for other reasons. Please reject this proposal and allow the board of trustees to vote on a motion and allow them to bring it Planning and Zoning.

Ron Mendive introduced himself and said he is a state legislator. He would like to point out this does constitute a taking and the city attorney indicated the question of takings in his white paper where it questioned who has more authority, the board of trustees or the city? Basically, they are talking about eminent domain to take over the property. The trustees have not been brought into this loop. He has been helping with the accreditation issues that the college has been having. He would like the commission to reject this proposal.

Commissioner Coppess asked City attorney Adams if this would be considered a taking.

City Attorney Randy Adams replied that is a complicated question. A taking can be taken physically, or by regulation. No party at this point has requested a Takings Analysis which can be requested prior to any perceived taking. This is not eminent domain. No property is being physical taken by the city. This is a rezone. Rezones are done all the time and the ordinance and statues allow the council to initiate a rezone and there is a public hearing as we are doing right now to discuss this.

Kevin Jester introduced himself and said he is in favor of this. The college is an asset to this community and higher education is very important. We all need to see the wisdom in moving forward in protecting this kind of university district. Please recommend this tonight.

William Elliott introduced himself and said he lives in the Fort Grounds. He is in support of the rezone. This would assure that this land is dedicated to public higher education in perpetuity. This is prudent to make this designation to protect this very valuable property. This is also the responsibility of the citizens to look out for the long term interests of the community. This is about leadership; this is right for the city to take this leadership and not leave it in the hands of others who may have some other plans. Not taking this action would leave the fate of this property in the hands of people who might decide to use it for other economically gain.

Gregory McKenzie introduced himself and he asked if the lady's house was destroyed more than 50% because of a flood, would she still be able to live in her home?

Commissioner Fleming replied, no.

Mr. McKenzie said he had concerns about the inability for someone to live in their house if it flooded and was damaged by more than 50%. He is an NIC board of trustees member and was not notified. He feels that the university district gives the appearance that NIC is a bad neighbor and predatory who are trying to acquire more residential properties. This would create an incentive for individuals to cause harm to houses of people within the zone. This new zoning district and zone change is simply a taking. We don't want people to feel coerced to sell. All this university district seems to do is force another layer of bureaucracy to deal with as the college pivots to the needs of the students. There has been significant efforts to demonize the NIC trustees and this plan like other recent actions could result in a crisis which result in trustees being accused in things which they did not do or could not stop.

Kathryn Boss introduced herself she lives in the Fort Grounds and said she is in favor of the zone change. The Fort Grounds homeowner's association was concerned about the loss of the accreditation of the college and what could happen to the property within the campus. This is a great way to protect and take care of the college campus. She feels no one is demonizing the board, she feels they have mismanaged their responsibility and have put themselves in this situation. If the properties that are not currently owned by the college can be left out maybe they should be so they can feel more comfortable.

Julie Yetter introduced herself and said she lives on Hubbard Avenue. She stated that it's important when there are elected officials like the trustees to not usurp them. She has been a school principal in the area and has been through accreditation issues. She knows how difficult it can be. She thinks that the trustees have been unfairly represented in the press here. The trustees should be part of this process rather than have them be excluded. She was under the impression that when the saw mill titled the property to NIC, it was already protected as an educational use property, is that not true?

Ms. Patterson replied she was not able to find and documentation of any of the properties protected by deeds. She found some of the quit claim deeds on Military Drive.

Ms. Yetter stated she will find the original title search for the campus. There is some language that concerns her regarding bed and breakfast and that hotels would be privately owned for profit. What would happen in the future when this board and the City Council that are currently here are not here? She gave the example of the Thomas George building that should have never been allowed because of the height.

Chairman Messina stated the Thomas George building was allowed by the existing zoning and it did not have to come before the Planning & Zoning or the City Council. That was built by right.

Teresa Roth introduced herself. She said she read the education corridor plan from 2008 and the old comprehensive plan and she does not understand them. There was a low density plan and then a high

density that incentivized private development in there. This resulted in redoing River Road. The document does not tell you what will be built now. Fast forward to the comp plan, the whole area is now defined as a PUD. The proposal only applies as PUD, and there has been no application been done so far, especially if the trustees who are effectively the owners of the property. Why is this defined as a PUD? The commission just needs to back off and make it clear. She would have made the whole thing civic because it's owned by the city, and eventually it makes sense to develop parts of it and let the board of trustees and the owner figure it out.

Howard Khuns introduced himself he stated he feels the accreditation violations started the human rights violations and Christie Wood is very high up on all of this. The threat of the accreditation has always been a leverage to keep the conservative majority from doing what they want to do. The fact that Christie Wood is on the City Council and this proposition comes from the City Council, there is no way he can trust that they have good intentions. Idaho law says the President of the college serves at the will of the board. It was the will of the board to put the President on administrative leave. Now the Judge ruled that they had to take him back, but that's against the law. They should not have had that President back. Their hands are tied and it all started with Christie Wood and the Human Rights people.

David Hoskins introduced himself and stated he was a teacher at NIC for 18 years. He pleads with the commission to save the college. It is a wonderful school and he is also worried about the accreditation.

Vitto Barbieri introduced himself and said he is also a state legislator. He stated this is a taxing district of elected officials and to have them not have any input on a zone change seems to be inappropriate. The commission might not be the correct forum for this discussion, but at least at this point it should give you pause to recognize that if you have an elected group of individuals that is a taxing district that has control of a certain amount of the property that were talking about changing the property. They should have input.

Rebuttal:

Ms. Patterson, representing the City of Coeur d'Alene as the applicant, said she would like to clarify the Comprehensive Plan place type versus zoning. All of NIC is considered a Civic land use. Civic is not a zoning district. Only a portion of the campus has the Planned Unit Development (PUD) designation. NIC is who brought forward a request for the PUD in 2011. The Final Development Plan for the PUD was approved by the City in November 2012. She showed the map on the screen to clarify the PUD boundaries.

Commissioner McCracken asked about the homes on Military Drive and if the PUD goes around this section. If those eight properties were excluded and the properties that NIC does own along Military Drive, if at some point they want to develop those, could they request the U zoning?

Ms. Patterson replied, that is correct. When staff was hearing some concerns from the citizens of these property owners, they felt the easiest way would be to exclude all of Military Drive and keep the existing zoning. In the future, if the new zoning district comes into place and if NIC wanted it to be zoned U, they can ask to rezone. The commission can recommend excluding the homes on Hubbard as well, if desired.

Commissioner Coppess asked about the handout forms that the City of Coeur d'Alene has with zoning information. Right now, there is not one that has a U for the University. He would like to know how Ms. Patterson came up with the Letter U.

Ms. Patterson replied staff looked at other communities that had universities to see if they had university zoning districts, such as Moscow, Boise, and Pocatello.

Commissioner Coppess then said brought some bench marks together, and asked in anyone of those cases did you have a university say, "whatever you do please do not turn us into a university district because this will harm us, our ability to educate people?"

Ms. Patterson replied, no. She indicated that Mr. Adams did some research as well and he may be able to respond.

Mr. Adams replied, no, he did not see how those were implemented. He stated that virtually every City in Idaho that has an institution of higher learning has a university district.

Commissioner Coppess asked if Mr. Adams had seen push back from any universities on this and is it going to be detrimental to our ability to educate the community?

Mr. Adams replied, no, he did not see any lawsuits either.

Public testimony closed.

Commission Discussion:

Commissioner Ingalls stated he would like to go to the comprehensive plan where it emphasizes the importance of education and jobs. We need to protect these. The comp plan clearly says NIC and U of I, Lewis and Clark, and the higher ed corridor is our future. He is with Kevin Jester who spoke today that NIC is a huge asset to the community and we need to protect it with a university district. He agrees. Mr. Elliott talked about leadership. He hopes that the council sees the wisdom to keep the lands in public higher education use in perpetuity. The City Council does zone changes and that is a leadership opportunity to keep the land for higher education. He would like to exclude the Military Drive homes and the two homes on Hubbard.

Commissioner Ward stated this land is for an educational area. Why would we object to a zoning district that enhances that education environment? This decision is a district boundary change on this property. Every other group in the city, whether it is the school district or fire district, they have to abide by the zoning that the city creates. Within that zoning, we are not interfering with the business of any trustees in their jurisdiction or the college president. They have to abide by what the rest of us do with regards to zoning. I want to add on here that the limitation better be tied into education. This has nothing to do with accreditation. This decision is just a zoning district boundary change. It is not a takings. We are not interfering with any trustees and their jurisdiction. They can still go forward and try to buy whatever they want; it just has to be within that zoning district. The whole effort here is to ensure compatibility of this development, which is the essence of zoning. He fully supports this.

Commissioner Coppess stated he would like to thank the city staff for putting forth this effort. He feels a little embarrassed that this had to come from the city staff. If there are other places around the state that have found value in protecting their institutions by requesting that zone change to a university zone. The question really is why wouldn't our own leadership for our own educational institution want the same? He is in support of this zone change and it does do a lot to lend credibility for the institutions long-term purpose to exist and educate the community. Hats off to the city.

Commissioner McCracken stated that she agrees with her fellow commissioners. She agrees that Military Drive and the two residents on Hubbard should be excluded. She feels this is not overly restrictive but more protective.

Commissioner Fleming stated she agrees with her fellow commissioner as well. She feels that nothing should stand in the way of higher education.

Chairman Messina stated he agrees with the commission and he hopes the City Council will follow the recommendation as well.

Motion by Commissioner Ingalls, seconded by Commissioner McCracken, to adopt with the exclusion all of Military Drive homes and two private homes on Hubbard Street to approve item 0-2-24. Motion carried.

ROLL CALL:

Commissioner Fleming	Voted Aye
Commissioner McCracken	Voted Aye
Commissioner Ward	Voted Aye
Chairman Messina	Voted Aye
Commissioner Ingalls	Voted Aye
Commissioner Coppess	Voted Aye

Motion carried by a 6 to 0 vote.

ADJOURNMENT:

Motion by Commissioner Fleming, seconded by Commissioner Coppess, to adjourn. Motion carried.

The meeting was adjourned at 7:32 p.m.

Prepared by Traci Clark, Administrative Assistant