PLANNING COMMISSION MINUTES SEPTEMBER 8, 2020 Virtual (Zoom.us) and In-Person LOWER LEVEL – LIBRARY COMMUNITY ROOM 702 E. FRONT AVENUE

COMMISSIONERS PRESENT:

STAFF MEMBERS PRESENT:

Tom Messina, Chairman Jon Ingalls, Vice-Chair Lynn Fleming Peter Luttropp Lewis Rumpler (Zoom) Hilary Anderson, Community Planning Director Tami Stroud, Associate Planner Sean Holm, Senior Planner Mike Behary, Associate Planner Shana Stuhlmiller, Public Hearing Assistant Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

Brinnon Mandel Michael Ward

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Luttropp, seconded by Fleming, to approve the minutes of the Planning Commission meeting on August 11, 2020. Motion approved.

ENVISION CDA UPDATE:

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

- The project management team recently met with the six focus groups that included the Community Advisory Committee that is making great progress reviewing the policy language.
- They are continuing to work with KMPO (Kootenai Metropolitan Planning Office) on traffic modeling.
- They are in the process of trying to schedule a leadership briefing in October with the Planning Commission, City Council and CDA 20/30 board members and department heads.

STAFF COMMENTS:

Ms. Anderson provided the following comments

• Scheduled for the October 13th Planning Commission meeting is a multi-part development request that includes an Annexation, Planned Unit Development (PUD) and Subdivision. They are also looking to bring forward some housekeeping changes to the zoning code.

COMMISSION COMMENTS:

Commissioner Luttropp commented that he recently received a Public Hearing Notice in the mail from the City. He asked if it would be considered a conflict since he received the notice.

Mr. Adams explained that it is not a conflict if you don't have a financial interest in the project.

PUBLIC COMMENTS:

Chris Cox (on Zoom) said that he sent an email wanting his comment read into the record in regard to the zone change request on 2926 Howard.

PUBLIC HEARINGS

1.	Applicant:	Connie Krueger, Stonehenge Development on behalf of Northwest Solutions Investment Group, LLC
	Location:	3520 N. 15th
	Request:	A proposed zone change from R-8 to R-17 QUASI-JUDICIAL, (ZC-4-20)

Mike Behary, Associate Planner, provided the following statements.

- The property is located northeast of the intersection of 15th Street and Mary Lane. Prior to 1993, there existed one singling-family dwelling on the entire 4.26-acre site.
- Currently there is an existing multi-family apartment complex located at the site with a total of 33 units located on the property.
- This multi-family facility was approved under the Cluster Housing ordnance. Cluster housing regulations were adopted in 1988.
- Building permits for the multi-family complex were obtained in 1993 and in 1994.
- The site is legal non-conforming, since it was built under regulations that allowed for multi-family in the R-8 district, which have since been repealed. The cluster housing regulations were repealed in 2007. The current zoning ordinance allows multi-family facilities to be located in the R-17, C-17, and C-17L districts. Multi-family uses are not permitted in the R-8 Zoning District.
- Mr. Behary said that it should be noted, per the applicant's narrative, that they are not requesting additional units at this time. However, if the subject site is approved to be changed to the R-17 residential district, the size of the parcel allows for a maximum of 72 units to be built on the site.
- The Comprehensive Plan designates the area as NE Prairie: Stable Established.
- The various city departments have no objections to the zone change as proposed.
- The proposed zone change itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from a zone change alone.
- There are no conditions associated with the project.

Mr. Behary concluded his presentation.

Commission Comments:

Commissioner Luttropp asked if there are other R-17 properties near the property.

Mr. Behary explained there are a few far away which he noted on the map. Commissioner Luttropp noted in the staff report a comment about cluster housing being repealed in 2007 and asked if staff could explain why that was repealed. Mr. Behary said that he is not clear why it was appealed and noted as a follow-up that pocket housing was also repealed, so currently they don't have an infill code.

Commissioner Ingalls noted that on page 11 of the staff report it states that the properties to the west and north of the subject site are residential with a single family currently on the property. Mr. Behary explained that it was a "typo" and should have stated "multi-family" to the north.

Public testimony open.

Connie Krueger, applicant, provided the following statements:

- The property owner is Northwest Solutions Investment Group, LLC, with the owner as Brenny Ross.
- The property is located on the east side and is 4.236 acres.
- On the east side of the development are a few fourplexes that are nicely landscaped.
- The rezone from R-12 to R-17 allows for higher density residential.
- There are 3 reasons for the request. One is that the property is non-conforming and the owners are having issues with refinancing because the use is no longer allowed in the zoning district and if it was destroyed it would make it difficult to rebuild. Two, the property is located on a major collector which is 15th Street with a lot of medium high-density housing developments highlighting the area, and three, the infrastructure is available for the current use.
- The area is made up of a mixture of triplex and fourplex buildings.
- The infrastructure is already provided.
- Comments from the City Engineer indicated that there is not a problem with future traffic.
- There are currently no plans for development at this time.
- The effects of the rezone would not have a major impact on property rights and value because the quality and style of home would be increased.
- If the zone request was not granted the property owner would struggle because he wouldn't be able to reconstruct in accordance with the current use.
- The comprehensive Plan supports pockets of higher density housing.
- They are in a transition area that allows multi-family housing.

The applicant concluded her presentation.

Commission Comments:

There were no questions for the applicant.

Public testimony closed.

Discussion:

Commissioner Fleming commented that a zone change to R-17 makes sense since the local developments are at the end of their life span and she understands why bringing the property in conformance makes sense.

Commissioner Ingalls concurred and commented that he has recently seen a lot of infill projects in the last few months and predicts that he will see more. He added that they can't guarantee that the project, when completed, will be affordable housing and noted that he is an advocate for quality infill projects.

Commissioner Luttropp said that he believes the request is premature and can't support the request.

Motion by Rumpler, seconded by Fleming, to approve Item ZC-4-20. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Luttropp	Voted	No
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 3 to 1 vote.

2.	Applicant:	Connie Krueger, Stonehenge Development on behalf of Howard, LLC
	Location:	2926 N. Howard Street
	Request:	A proposed zone change from MH-8 to R-17
	•	QUASI-JUDICIAL, (ZC-5-20)

Tami Stroud, Associate Planner provided the following statements.

- The subject property is located on the west side of US Highway 95, south of W. Neider Avenue and east of N. Howard Street.
- There is an existing +/- 700 square foot house and detached accessory structures located on the subject site.
- The property has been used as a single-family residence for many years. It is relatively flat and is constrained by the presence of overhead utility lines that traverse over the front portion of the property at an angle.
- The property abuts a multi-family housing project located to the rear of the subject site which is located in the R-17 zoning district.
- The subject property is surrounded to the north, west and south by the MH-8 zoning district, with R-12 zoning to the southeast and an R-17PUD further north.
- There is also a pocket housing development located several parcels to the south and an apartment complex located on property several parcels north of the subject site.
- The applicant has indicated that they intend to demolish the existing single-family structure currently located on the site.
- Ms. Stroud said that it should be noted that the applicant's proposed project plan is not tied to the requested zone change. If the subject site is approved to be changed to the R-17 residential district, then all permitted uses in the R-17 residential district would be allowed on the site, including the applicant's proposed project.
- The City Comprehensive Plan designates this area as Fruitland-Transition.
- Ms. Stroud referenced the required findings for the project.
- She noted that all City departments support the request and don't have any issues.
- In regard to traffic, the proposed zone change itself would not adversely affect the surrounding area, as no traffic is generated from a zone change alone.
- The applicant also states that no specific changes are planned for the property but, rather, the change would be for marketability.
- If, in the future, the property is redeveloped to the maximum allowable density, traffic would almost certainly increase, but with only ½ acre available for development, only a small increase would be expected.

- The increase would be negligible compared to the over 1,600 cars per day that use Howard Street. The Streets & Engineering Department has no objection to the zone change as proposed.
- Ms. Stroud noted that there is one condition if this project is approved.

Ms. Stroud concluded her presentation

Commission Comments:

No comments

Public testimony open.

Connie Krueger, Applicant, provided the following statements:

- The owner of the property is Howard, LLC.
- They are requesting a rezone from Mh-8 to R-17.
- Ms. Krueger showed pictures of the homes surrounding the property that are considered high density housing.
- The average density in the area is 13.91 units per acre.
- The property is located on a major collector.
- In the area there are a lot of services within walking distance which makes it a desirable area to live in.
- Ms. Krueger noted the many rezones approved over the years in the area.
- The primary access to the property is from North Howard Street, which is a major collector with all infrastructure in place so any added traffic the project might generate will be handled.
- Ms. Krueger described the character of the neighborhood as a higher density residential area that shouldn't impact neighboring properties.

The applicant concluded her presentation.

There were no questions for the applicant.

Ms. Anderson read a comment submitted by Chris Cox on August 27 that stated, "I don't think this change should take place. Increasing density from eight homes to seventeen homes per acre in this already congested area would not be in this neighborhood's best interest. Also, my home is located directly across the street and cars coming and going will be very noisy and disruptive, especially at night the headlights will shine directly in my windows disrupting the peace and waking me up. My property will become very undesirable likely to cause the value to plummet."

Ms. Krueger said that the applicant does recognize that higher density housing will have more impacts from light, noise, traffic etc. She said that growth is unavoidable and they will try to be a good neighbor.

Commission Comments:

Commissioner Luttropp said that he feels the request makes sense and will support.

Commissioner Ingalls noted that in the neighborhood is a mix of rental properties and multi-family and he will approve the request.

Commissioner Fleming said that as she was driving through the neighborhood, she noted that the area is surrounded by many affordable properties and is the right direction for the area.

She explained that where the street dead ends from Neider into Howard is a "scary" street and suggested a light placed in the area. She supports the request.

Chairman Messina said that he concurred with all comments and explained that he currently is part of the City infill committee that is in the process of studying areas like that for affordable housing, and he approves the request.

Commissioner Rumpler said that he supports the request

Public testimony closed.

Motion by Fleming, seconded by Luttropp, to approve Item ZC-5-20. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 4 to 0 vote.

3.	Applicant:	John Barlow, JRB Properties on behalf of Hagadone Hospitality Co.
	Location:	23 rd Street & Ashton
	Request:	A proposed amendment to the Limited Design PUD-2-04.
		QUASI-JUDICIAL, (PUD-2-04m.1)

Sean Holm, Senior Planner provided the following statements.

- The applicant, Hagadone Hospitality Co., is requesting modification of an approved 2004 Limited Design Planned Unit Development (LDPUD) that will allow the construction of three structures totaling no more than 275 units at a maximum height of 220'. Uses include: residential apartments/condos (multi-family) and hotel(s).
- Requested modifications:
 - 1. Increase the previously approved structure on site #4 (Golf Course Apartments) to include footprints for three (3) structures as shown in the proposed building boundary exhibit.
 - 2. Allow for an increase of height from the previously approved 60'+/- (elevation of 2200') for site #4 in 2004, to a maximum height of 220' for each of the three footprints proposed.
 - 3. A clarification to allow for a mix of uses authorized in C-17 to include: apartments (approved in 2004), condos, and hotel.
 - 4. Set a limit of no more than 275 units (in aggregate) for the 3 structures. This includes apartments, condo units, and hotel rooms.
 - 5. Reduce a portion of the unused "Golf Course Maintenance" area (on LDPUD map) to accommodate the footprints in requested modification #1.
 - 6. Add additional property measuring 2.4 acres to the Limited Design PUD previously used as a campground. (Area Detail of Current Request map)
 - 7. Grant 0.31 acres of public open space adjacent to the Fernan Creek Pond ("Mill Pond" in prior staff report), adding a spur from the existing Centennial Trail along Coeur d'Alene Lake Drive, to a proposed fishing pier.
 - 8. Create a 1.38-acre private open space garden.

- Consistent with prior approvals and interpretation, allow gated entries and a 6' privacy fence along bordering rights-of-way (ROW) corresponding with the existing site and golf course operations.
 - Mr. Holm noted the list of findings in the staff report
 - The Comprehensive Plan designates the area as Historical Heart Stable Established Transition
 - The proposed site plan minimizes tree removal by pushing the buildings as close to the golf course as possible and putting all the tenant parking inside the building footprint. The design minimizes exterior parking lots, which minimizes tree removal. Additionally, to further minimize driveway length (which would cause tree removal) a north entrance was added to access Building 1. Additionally, parking lots are strategically located in the site to minimize tree removal.
 - No tree removal is planned for the City right-of-way unless it is necessary for the route from the Centennial Trail to the Fernan Mill Pond public open space.
 - Mr. Holm noted the various staff comments in the report with Wastewater stating, " the 2013 Sewer Master Plan (SMP) requires this project to upsize the existing public sewer from 8 inch to 15 inches located at 23rd St south of Mullan Ave. Also, to abandon 6-inch public sewer in the same area of 23rd south of Mullan Ave and connect existing services to the new public sewer line. Also, an update to the original PUD (2-04) The SMP has identified a possible downstream capacity issue that should be evaluated by the clients consulting engineer."
 - "There would also be some need to reroute sewer upstream of the planned project from Armstrong Hill and The Terraces pressure sewer to facilitate continued sewer flows through the project. All sewerage lines beyond and upstream of the public sewer connection shall be privately owned and maintained by the PUD's Owner at no cost to the City."
 - The building envelope is intentionally set back as far as possible from the public right of way in order to maximize the landscape buffer and preserve the mature trees.
 - The +/- 85-foot-tall trees north of Building 2, along with the +/-40-foot-tall trees along 23rd buffer the building height. To further maximize the landscape buffer, all tenant parking (at 2 parking spaces per 1- or 2-bedroom unit) is within the building. Additionally, the buildings are spaced +/- 85 feet apart to create view corridors.
 - If approved there are 16 conditions for consideration.

Mr. Holm concluded his presentation

Commission Comments:

Commissioner Ingalls commented that it was a good report and what jumps out are the three benefits to the public. He noted the first one is the ability to add 16 conditions, the ability to negotiate, and the third benefit is if approved, it locks in the PUD's significant features. He described the features he liked were the step-throughs on the buildings and articulated facades, and likes that with the process is "what we see is what we get". Mr. Holm stated that the job of the Planning Commission is to define the "box." Commissioner Ingalls commented that in regard to the requirement for open space, the applicant has gone over and beyond that requirement and that the definition for open space in a PUD doesn't say it has to be "public" open space and that the open space is intended for the people who live in that PUD. He commented that he likes the "public/pond park" and questioned if that will be approved with the PUD. Mr.

Holm stated that is correct.

Commissioner Fleming asked who will maintain the pond/park. Mr. Holm stated that it would remain in private hands, maintained by Hagadone but open to the public.

Ms. Anderson commented that Mr. Adams noticed upon reviewing the findings packet there is an additional finding added at the end of the findings packet which is "I," that refers to flood plains and landslides which was addressed in the original staff report and that Chris Bosley, City Engineer who is attending via Zoom if additional information is needed.

Public testimony open.

John Barlow, Applicant, provided the following statements:

- He thanked the commission and chairman for their service on the commission.
- He has been associated with Hagadone Corporation for 42 years as an independent contractor and involved in the design/development work of the resort and the golf course.
- He explained the history behind the site, which was mining, lumber and agriculture.
- He explained that in 1987 they had a chance to purchase the site from Potlatch Corporation with a vision from Mr. Hagadone on how the property could best be developed.
- The site had challenges with a lot of environmental problems that included wood waste and the addition of leachate that came from the wood waste getting into the lake, so they designed and installed a liner system that is 4 acres in size covering the lower side which collects all the nutrients from fertilizer and pipes it back inland. He added that because of the wood waste issues with methane gas emissions that the same process used with the floating green to protect the lake and because of that they received the Urban Land Award of Excellence in "92" for the environmental change and the acknowledgment of a community like ours transcends from a resource bases that we have today.
- They acquired a number of parcels of land around the golf course that were part of the big picture that was for the first Limited Design PUD and approved in 2004.
- Parcel 4 is the piece they have looked at which is small and the only thing to be developed was a small apartment project that is being considered today.
- In 2016 the campground site became available and the City asked them to buy the property which had a lot of environmental issues such as sewers that weren't connected to the City, and they purchased the property.
- The intent was for future development of the property and it was a massive cleanup and with the vacation of Ashton and 23rd provided an increase to the setback area to be developed, which wasn't the case in 2004.
- Mr. Barlow addressed the tree height on the property, which is between 85-100 feet in height, and commented that anyone driving by the property won't notice the buildings because the trees will hide the majority of the buildings.
- With the vacation of Ashton and 23rd and the proposal for three buildings, would allow someone the opportunity to live on the golf course.
- Mr. Barlow explained that the request is to expand Area 4 to include the newly acquired land and the vacated right-of-way, and because of the expansion of Area 4, it will include1.3 acres of private/public open space.
- The request for the additional height of the buildings was needed so they could put the parking for the 4 floors under the building, which helped them acquire the 1.3 acres of open space that wouldn't have happened if the parking was onsite. He added that they will also provide a 6' foot front yard fence which is a requirement from the City.
- The fencing will go along the outside of the parking on both sides of the gate, with the rest of the property reserved for landscaping which will be similar to the resort.
- The pond is Fernan Creek, owned by the State of Idaho, which will be maintained by the resort.
- A new "spur" will be placed off of the Centennial Trail, including a public bike rack area with the addition of a new access dock to use. The property will be opened to the public but maintained

by the resort.

- Upon approval they still have 136.6 acres of open space for the overall project, which represents a density of 2.9 dwelling units per acre, which is below projects to the north.
- Mr. Barlow stated that they agreed to all of the conditions in the staff report.

Phil Boyd provided the following statements

- They have been working on the project for 9 months.
- The project is close to I-90 with access to the trail which is easy to get to.
- A benefit for the project is that the applicant doesn't have to add/remove infrastructure or replace it.
- He predicts that the project will act as an economic engine for East Sherman, with the potential for restaurants, homes, etc. to want to locate to that end of town.
- After discussing the architecture styles with staff, staff stated that they felt architecture is an
 important element for the project, so the applicant hired an international architect to work on the
 project.
- The city hasn't yet adopted the East Sherman Revitalization plan and in that plan are some comments from the public who stated they wanted to see significant growth in the area and he feels that once the project is completed, it will fulfill that request.
- Mr. Boyd went through the Comp Plan polices noted in the staff report and discussed how all of those listed are met by the project.
- The applicant wanted to get a picture from Fernan Hill showing what the impact would be to the people living in e area, and showing how there will be a minor impact on the view of the lake when the buildings are completed.
- They worked around the trees to accommodate guest parking and noticed they were having to eliminate many trees and that is why they decided to provide parking inside.
- Open space was an amenity offered to the public and was discussed with staff to provide maintenance to the open space including Fernan Creek.
- the reason three buildings were chosen instead of one was to prevent having a "wall" and to meet the density to have a viable project.

Mr. Boyd concluded his presentation.

Commissioner Ingalls said that there are 16 proposed conditions and asked if the applicant approved all of them. Mr. Boyd said that the applicant does.

Mr. Barlow provided a list of project benefits.

- CDA will continue to grow and the type of housing responds to the desired housing demand for low maintenance living and a central, near-to-town location.
- By putting 275 residences under 3 roofs, they avoid the prairie sprawl and all associated traffic impacts.
- As shown in the staff report, there are NO infrastructure impacts.
- The staff report states, "The proposal for site #4 takes into consideration pedestrian and vehicle movements, provides hotel and living accommodations, and provides extensive landscaping and buffering. This request meets these two standards (Functional and Enduring). The site would perform as designed for many decades."
- The project creates a large property tax base, which will greatly benefit the City of Coeur d'Alene.
- With mostly retired or empty nest residents, the project creates a large property tax base for the School District, with little to no impact on the need for more schools.
- There is little to no demand on City services.
- Provides a significant amount of sewer and water use fees.
- It will provide huge economic benefit for existing and new businesses in the East Sherman area.
- Due to the unique characteristics of the site provided by existing trees, long setbacks from

streets, adjacent location of Lake CDA Drive and I-90, there is little to no impact on the views of others.

Mr. Barlow concluded his presentation.

Chairman Messina inquired about a timeline. Mr. Barlow explained that right now a hotel is needed because of the number of tourists coming to Coeur d'Alene who want a place to stay on the golf course, and they will immediately do a feasibility study to see what type of housing is needed in the area. Chairman Messina commented that the project seems like a few years away. Mr. Barlow noted on the map that the first building to be constructed will be on Ashton and the reason why is because it will be the most remote building that people could occupy until the future phases are done. Chairman Messina asked about the fishing dock and would that be done with the first phase. Mr. Barlow answered that he thinks that should happen right away with the construction of the first building.

Commissioner Fleming said that she feels the biggest push is the height with many people living on Fernan Hill who will be mad for having their lake views obstructed. She commented that she feels that every unit should have two cars and is hoping people coming to this area will have electric cars. She also commented that she would like to see the building lowered and have less parking. She stated that it is a great project and a real plus to the end of Sherman.

Commissioner Rumpler said it is great project and he will support it.

Commissioner Luttropp said it was a great presentation and encouraged others to follow their example.

Chairman Messina asked for public comments.

Jim Glen (in person) said that he lives on Fernan Hill Road and the picture taken by the applicant doesn't give a true view of the project. He commented that it is a nice project but the height of the buildings is the issue. He added that the project, as explained by the applicant, is not workforce housing. He further commented that when he bought his house years ago, it was for the view and he assumed it was protected. He asked the commission to reconsider the request.

Katie Elwell (on Zoom) noted that if the project is approved the City will gain a large tax property base to the area.

Commissioner Luttropp asked if they are granting waivers on height limit. Ms. Anderson said that there is not a height limit in C-17. Mr. Holm said that the height approved for the original hearing in 2004 was 43 ³/₄ feet allowed in the C-17 zone for multi-family use, and since that hearing it has been changed to 60' feet, or an elevation of 2,200. Commissioner Luttropp asked if the request is a modification to the height. Mr. Holm explained that a Limited Design PUD allows the applicant to ask for changes in setbacks and height.

Applicant Rebuttal.

John Barlow explained that property taxes are determined on the assessed value of a building and, for example, if it is a condo or apartment it is not who owns it, but how much is it worth, so the person paying that tax are the people who own it. He said that he respects Mr. Glen's comments and explained in that 1990 he bought 4 acres on Fernan Hill Road because it was the highest piece of land in the City. He explained that from his property he could see the resort and golf course, so to protect his views he got a view easement and sometime later McEuen tower was constructed right in front of the resort. He commented that that is what happens when the community grows. He explained that as a C-17 property, if we build a hotel at 51% there is not a height limit and the setbacks are minimal, so by approving the request it puts a height limit on the property and gives control over the pitched roof, step roofs etc., and if they just decide to build straight C-17 without a PUD, they could build whatever, so it is a protection to the City and those people who have a view.

Public testimony closed.

Discussion:

Commissioner Ingalls concurred that it was a great presentation and acknowledged the effort that went into the visual studies. He said that, for him, there are 4 things that make it a "homerun" project for the City: One, it helps the East Sherman study area; two, the project is heavily buffered by trees; three, it is a win to the City which is a low impact to the City where police will go every night, City services are provided, infrastructure is done and anything modified will be at the applicant's expense, so it is a win/win for the City. He added that one other benefit that was forgotten was the use of the public park is a plus.

Chairman Messina said that it will increase the values in East Sherman and hopefully kick start the area and will open a path for other developers who might consider developing in the area.

Motion by Ingalls, seconded by Rumpler, to approve Item PUD-2-04m.1. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 4 to 0 vote.

ADJOURNMENT:

Motion by Luttropp, seconded by Ingalls to adjourn the meeting. Motion approved.

The meeting was adjourned at 8:36 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant