

**PLANNING COMMISSION
MINUTES
AUGUST 13, 2013
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Heather Bowlby, Vice-Chair
Amy Evans
Peter Luttrupp
Rob Haneline
Grant Conery, Student Rep.

STAFF MEMBERS PRESENT:

Sean Holm, Planner
Tami Stroud, Planner
Shana Stuhlmiller, Public Hearing Assistant
Warren Wilson, Deputy City Attorney
Gordon Dobler, Engineering Services Director

COMMISSIONERS ABSENT:

Tom Messina
Lou Soumas
Brad Jordan, Chairman

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Evans, seconded by Haneline, to approve the minutes of the Planning Commission meeting on July 9, 2013. Motion approved.

STAFF COMMENTS:

Planner Holm announced a workshop scheduled on August 27, 2013 starting at 5:30 p.m. in the old Council Chambers with the discussion on deer fencing and lighting. He added a code amendment request is scheduled for the next Planning Commission meeting on September 10, 2013.

PUBLIC COMMENTS:

There were none.

PUBLIC HEARINGS

1. Applicant: Port of Hope Centers
Location: 218 N. 23rd

Request: A proposed Criminal Transitional Facility special use permit
In the C-17 zoning district.
QUASI-JUDICIAL (SP-3-13)

Deputy City Attorney Wilson stated at the conclusion of the July 9th, 2013, public hearing the Planning Commission left the record open solely for receipt of a additional information to address area crime statistics related to the Port of Hope/issues with Port of Hope's transitional residents and the four parameters that the Planning Commission is required by M.C. 17.03.040(f) to address when issuing a special use permit for a Criminal Transitional Facility. Those four parameters are:

- A. The maximum number of offenders;
- B. The types of offenders to be allowed, based on offenses committed;
- C. The extent of supervision required; and
- D. The length of allowable transition period.

He concluded by adding seven proposed conditions for the Planning Commission to consider when making their decision:

1. The maximum number of offenders is 43.
2. No offenders required by Idaho Law to register as a sex offender may be housed at the facility.
3. No offender will be allowed to reside at the facility for more than 365 calendar days.
4. The facility must at all times comply with requirements of the Federal Bureau of Prisons Residential Reentry Center Statement of Work regarding security and discipline (currently Chapters 11 & 12).
5. Create an exclusion zone within the facility's GPS (Veritraks) system around the Fernan Elementary School property. The system must alert the facility within one minute if an offender enters the exclusion zone. Exclusion zone reports (with names redacted) must be made available to School District 271 and the City upon request.
6. Place GPS units on all pre-release offenders in the facility and on home confinement with a VCCLEA status. This status includes assault charges, drug charges, sex offenses, etc.
7. The facility will not allow offenders to travel to bus stops without staff supervision during the peak hours when school children are arriving and leaving school (currently 7:00 – 8:00 a.m. and 2:30 – 3:30 p.m.).

Commissioner Haneline inquired if Section 18-8329 pertains to the Port of Hope and questioned how far Fernan Elementary School is from the Port of Hope.

Deputy City Attorney Wilson stated that number two on the list of the conditions for the Commission to consider states "No registered sex offenders will be allowed at Port of Hope". Port of Hope is approximately 175 feet from Fernan Elementary School.

Public testimony open:

Deputy City Attorney Wilson stated that before public testimony is open the commission must decide if this is just for new testimony or all testimony. He stated if the commission decides to open testimony a motion is needed.

Motion by Evans, seconded by Luttrupp to open public testimony. Motion approved.

Jake Danible, 2279 W. Anatole Street, applicant, presented copies of the letters they sent in 2003 and

2008 to notify various agencies of their offer for Residential Re-entry (RRC) Services, or "halfway house" He explained the need for 43 beds and stated that the number does not reflect the actual amount they have in-house, but what is required of us. He added that the extra beds must be contractually available in the event that we needed to return someone from Home Confinement to the facility, overlap of incoming and outgoing offenders, environmental issues (power outages, etc), high risk holidays like Halloween or News Years Eve or financially, they are unable to pay rent due to loss of job, for example.

Commissioner Haneline inquired the average time an offender stays at the Port of Hope.

Tamera Chamberlain, 13412 E. 5th Avenue, Executive RRC Director for the Port of Hope, stated that the average offender stays at the Port of Hope between 60 to 90 days. She explained that although it is rare, the maximum stay could be one year because of offenders with disabilities that require longer time to obtain employment or a suitable place to live.

Commissioner Evans inquired how the length of time is calculated for each offender admitted at the Port of Hope.

Ms. Chamberlain explained that once an offender is admitted, they are given so many points for the type of offense they committed, which is determined by the legal system. They also earn or loose Good Conduct while incarcerated based on discipline or behavior in the institution.

Commissioner Haneline inquired what type of GPS is used for admitted offenders.

Mr. Danible explained that the Port of Hope has implemented GPS (Veritracks) on all offenders placed in the Home Confinement component as well as offenders that are found to be in non-compliance with accountability or whose history indicates the potential. He added that staff is alerted anytime the offender leaves the designated location or enters an unauthorized area.

Ms. Chamberlain stated that everyone who enters the Port Of Hope does not wear a GPS; only those offenders who have not committed violent crimes. She explained that their goal is to try and incorporate these people back into society so we track those offenders not using a GPS by calling their employers for input.

Commissioner Evans referenced a letter submitted by School District 271 on August 13, 2013, which states "Port of Hope is unable to track all of its residents on GPS tracking devices" and questioned why not put them on everybody.

Ms. Chamberlain stated in a letter submitted on July 30, 2013, that they would require all offenders to have GPS units in order to promote safety.

Mr. Danible stated that there are people who will deviate from the rules and be reprimanded and in this community there are other offenders that are not part of the Port of Hope.

Wendell Wardell, 2623 East Hayden View Drive, Chief Operations officer for School District 271, stated that the school district supports the mission of the Port of Hope, but cannot support this because of the proximity to the school. He stated that the school district was not aware of the letter submitted by the Port of Hope on July 30, 2013, indicating that all offenders would be tracked. He added that the Port of Hope has been a good neighbor throughout the years and is grateful that nothing has happened in the years they have been open.

Commissioner Evans inquired regarding the estimated length of time for a response call to the Port of hope.

Wayne Longo, Chief of Police, stated response time is determined by the type of call and where the officer is at the time the call comes in. He added if it is for the Port of Hope, it would be quicker depending on the

number of police on duty and where they are when the call comes in.

Shawna Henman, P.O. Box 3014, stated that she is in favor of the Port of Hope and what they are trying to do for the offenders. She added that not all offenders are at the Port of Hope but living among this community in either homeless shelters or hotels. She feels that most people can change and stated that a few years ago her son was molested by a teacher in one of the schools.

Moira Ducoeur, 1311 Coeur d'Alene Avenue, stated she lives downtown by Port of Hope, has four kids and teaches at Sorenson Elementary. She feels that the east part of Sherman has changed throughout the years with the addition of more transients living in this area. She questioned if the Port of Hope has any connections with the area hotels that have been known to house any of their offenders.

Colleen Krajack, 935 E. Front Avenue, commented from looking at the police website that lists where sex offenders reside in the city, discovered that Port of Hope has six offenders listed and concerned they are lying. She added that when looking at the names of the offenders, she noticed that not all of them were from Idaho and questioned if Port of Hope is doing this solely for the money.

Scott Krajack, 935 E. Front Avenue, stated that the offenders who don't live in Idaho should not have a choice, but to stay in prison.

Julie Menedit, 991 Veranda Drive, stated she is part of a "moms' group whose kids attend Fernan Elementary. She understands the Port of Hope mission but feels the facility is in the wrong location.

Sylvia Lampard, 31545 S. Highway 97, stated her son is planning to relocate with his family including his 8 year old son and feels that unless something changes, this area is not a safe place to raise children.

Cindy Merk, 1416 E. Coeur d'Alene Avenue, stated that they built their home 5 years ago and has slowly watched the area deteriorate and would like to see the east side of town cleaned up. She added that her grandchildren come over and play at her house and is concerned for their safety. She reminded the Planning Commission of their goals listed on the website and feels they are not doing their job by approving this request.

Public testimony closed:

Rebuttal:

Jake Danible explained that this area is unique being bordered by other states and because of that we get offenders from different areas He added that once an offender has finished his time at Port of Hope and they're not from Idaho, they don't stay.

Commissioner Haneline stated a question came up from previous testimony that a lot of the offenders have different names.

Ms. Chamberlain explained that the sheriff's department registers the offenders and not the Port of Hope.

Mr. Danible explained that the websites that list offenders are slow to update their information and that some offenders do have other names they go by.

Commissioner Haneline inquired about the exclusion zone around the Fernan Elementary School and questioned how that works if an offender enters that zone.

Ms. Chamberlain explained that the system will alert the facility within one minute if an offender enters the exclusion zone.

Commissioner Haneline inquired who gets the call once an offender enters the exclusion zone.

Ms. Chamberlain explained that the call is received by someone on duty at the Port of Hope and the alarm is not turned off until the offender returns or key staff locates the offender.

Commissioner Bowlby inquired what is the maximum number of offenders housed at the Port of Hope.

Ms. Chamberlain explained that the maximum number of beds dedicated to the criminal portion is 43 beds, and the average number of offenders is 25-30.

Mr. Danible explained that the number fluctuates because of graduating offenders and stated during the slow time the amount of offenders has been nine.

Commissioner Evans inquired if any of the Port of Hope graduates are living in the hotels when they are released.

Ms. Chamberlain explained that the offenders leaving Port of Hope are required to have a place to go to when released. She feels that the community is confused assuming that offenders leaving the facility are staying in the area hotels, which is wrong.

Commissioner Evans inquired if there are six sex offenders at the Port of Hope.

Mr. Danible stated that number is not correct and explained that the websites are not updated on a regular basis.

Commissioner Haneline questioned if Port of Hope has considered relocating in the future.

Mr. Danible stated if in the future we require additional beds we would move. He added that if anybody in the community is aware of another location please notify them. He commented that he understands the community's concerns.

Commissioner Evans appreciates what the Port of Hope does for this community, but feels being located near a school is putting children at risk.

Ms. Chamberlain stated there are a lot of sex offenders that aren't supervised compared to the offenders who are at Port of Hope who are monitored 24/7.

Commissioner Luttrupp inquired what the difference is between a halfway house and the Port of Hope.

Mr. Danible explained that a halfway house was changed to transition house because the Port of Hope takes these offenders and teaches them the skills to transition back into the community. He added that this is a strict program and if the rules are not obeyed the offender is sent back to the federal prison.

Public testimony closed.

Discussion:

Commissioner Haneline stated that he respects the program, but feels that the location is not appropriate.

Commissioner Evans stated that she supports the Port of Hope's vision and how they have educated the community on their services but is struggling with the location.

Commissioner Luttrupp stated that if there was a criterion for the distance between the school and the Port of Hope, he does not have a problem with this request. He feels this type of service is needed in the community.

Commissioner Evans stated that from listening to the testimony, people do not want this in this community. She added that her concern is to protect the children who attend Fernan Elementary.

Commissioner Luttrupp stated he would support this request if we had a time limit to try and come up with criteria that meets the emotion of the community and is acceptable to each of us.

Commissioner Evans feels if this is approved and something happens to one of the children, it would not be acceptable.

Motion by Evans, seconded by Haneline, to deny Item SP-3-13. Motion approved.

ROLL CALL:

Commissioner Evans	Voted	Aye
Commissioner Haneline	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to deny carried by a 3 to 0 vote.

2. Applicant: Selkirk Development, LLC
Location: 380 E. Kathleen
Request: A proposed Business Supply Retail Sales; Convenience Sales, Food and Beverage Sales (on & off site consumption), Home furnishing Retail Sales, Finished Goods Retail Sales, Specialty Retail Sales, Business Support Service, Consumer Repair Service, Convenience Service and Veterinary Clinic (indoor) special use permit in the C-17L (Commercial Limited) zoning district. QUASI-JUDICIAL, (SP-5-13)

Planner Holm presented the staff report and answered questions from the Commission.

Engineering Services Director Dobler requested that if the special use is approved, to consider omitting condition number one (1) in the staff report. He explained in the past the planning commission has approved the site plan with the special use permit and in this case, the site plan will change through the building permit process.

Public testimony open:

Bill Brooks, 309 W. 2nd Street Spokane, applicant, stated we looked at the Comprehensive Plan and the uses allowed in the C-17 zone and decided anything associated with “soft retail” worked. He explained that this project is more neighborhood focused and feels most of the uses listed would fit into a neighborhood.

Commissioner Haneline stated from looking at the proposed uses listed a bar and grill and inquired how many feet would this be from the school.

Mr. Brooks stated there is a 300 foot radius from this property to the school.

Commissioner Haneline inquired if the applicant sent out letters to the neighborhood to let them know about this project.

Mr. Brooks commented that he did send letters to the neighbors.

Vice-chair Bowlby inquired if staff could explain how ingress/egress will be designed.

Director Dobler explained that staff met with the applicant before he submitted his plan and discussed different ways this will be designed once the building permit is issued.

Phil Boyd, 2177 E. Totten Lane, stated he feels this request should be a zone change request and showed a picture of what exists on the property today versus what the applicant is proposing. He explained that the applicant is proposing many uses that would not be appropriate for this property and feels this request should be denied.

Bob Covington, 5252 Hayden View, stated he feels this request is not consistent with the comprehensive plan for this area. He explained that the project they are proposing will not blend with the existing site and feels that the applicant listed all the uses allowed in the C-17 zoning district and the applicant does not have a specific plan. He suggested that the planning commission deny this without prejudice, so the applicant can come back when he has some specific uses.

Rebuttal:

Mr. Brooks feels that he based his selection of uses on the type of businesses that would fit in a neighborhood. He stated that he wants to work with the neighborhood to be a good neighbor.

Commissioner Haneline inquired if the applicant has any tenants ready to go.

Mr. Brooks stated they have some folks who are interested, but not ready to start construction on this anytime soon. .

Public testimony closed:

Discussion:

Commissioner Luttrupp feels that he would like to see the applicant come back when he has a specific plan and feels this is too broad of a request.

Motion by Haneline, seconded by Evans to deny without prejudice Item SP-5-13 and direct staff to prepare the findings. Motion approved.

ROLL CALL:

Commissioner Evans	Voted	Aye
Commissioner Haneline	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to deny without prejudice carried by a 3 to 0 vote.

4. Applicant: Hat Trick Investments, LLC
Location: 2801 N. 15th
Request: A proposed 11-lot pocket residential development
QUASI-JUDICIAL, (S-2-13)

Planner Stroud presented the staff report. There were no questions for staff.

Public testimony open:

Drew Dittman, 3909 Schreiber Way, applicant representative, stated that the staff report presented was great and stated that the developer has done other pocket housing projects in this area. He stated all utilities are in and that this project will be two phases with the first phase having six lots. He then asked if the commission had any questions.

There were no questions for the applicant.

Steve McCabe, 1315 E. Stiner Avenue, stated he objects and is concerned about about parking. He explained that from the site plan, it looks like they will only have one parking space and parking in the street is a concern.

Charles Stark, 1412 Gilbert, stated he lives across the street and from looking at the site plan, he is concerned about parking.

Rebuttal:

Mr. Dittman explained the parking requirements for pocket housing with detached garages in the back. He stated that after discussing with staff, that this meets the off-street parking requirements with 16-foot driveways.

Commissioner Bowlby inquired if access will be allowed on 15th street.

Mr. Dittman stated that access will be allowed on 15th Street and Best Avenue, which is a fully signalized intersection.

Public testimony closed:

Motion by Evans, seconded by in Luttrupp, to approve Item S-2-13. Motion approved.

ROLL CALL:

Commissioner Evans	Voted	Aye
Commissioner Haneline	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 3 to 0 vote.

ADJOURNMENT:

Motion by Luttrupp, seconded by Haneline, to adjourn the meeting. Motion approved.

The meeting was adjourned at 9:26 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant