

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Meeting Minutes~
July 22, 2020

Mike Ray
Staff Liaison

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<http://id-moscow.civicplus.com/agendacenter>

McClure called the meeting to order at 7:01 p.m.

MEMBERS PRESENT: in person: Wendy McClure, Chair; Rich Beebe, Scott Gropp, Victoria Seever, Dennis Wilson

via Zoom: Joel Hamilton, Robb Parish

MEMBERS ABSENT: Mike Nelsen, Nels Reese

ALSO IN ATTENDANCE: Mike Ray, Sandra Kelly, Anne Peterson

1. Approval of minutes from June 24, 2020 [ACTION ITEM]

Wilson moved approval of the minutes as presented, seconded by Gropp. Motion carried by acclamation.

2. Public Comment

None.

3. Public Hearing: Proposed Preliminary Subdivision Plat, Planned Unit Development (PUD), and Rezoning of numerous parcels generally located north of the intersection of Sixth Street and Deakin Avenue within the City of Moscow – Gateway on Sixth Addition: LUP2020-0010 [ACTION ITEM]

- a. *Proposed Preliminary Subdivision Plat of a 2.49-acre area to create twenty-seven (27) townhouse parcels ranging from 634 to 638 square feet in size; one (1) Multi-Family Residential (R-4) parcel of 0.37 acres in size; and three (3) Central Business (CB) parcels ranging from 0.20 to 0.29 acres in size, referred to as the Gateway on Sixth Addition.*
- b. *Proposed Planned Unit Development (PUD) of a 1.41-acre area to construct twenty-seven (27) townhouse dwellings and a 4-story multi-family building containing eighteen (18) dwelling units with enclosed parking on the ground floor.*
- c. *Proposed Rezoning of a combination of Motor Business (MB), Multiple Family Residential (R-4), and Central Business (CB) to the Multiple Family Residential (R-4) Zone; proposed Rezoning from a combination of the CB and R-4 Zones to the CB Zone; and proposed Rezoning from the University (U) Zone to the R-4 Zone and Motor Business (MB) Zone.*

Ray presented the requests by describing the location of the 2.49 acre property. The preliminary plat proposes 27 townhouse parcels and one multi-family parcel within the R-4 zone, and three parcels within the Central Business zone. Access is provided from an internal courtyard which also serves as an emergency services access drive, and there is access from Sixth Street and Lilly Street. The rezone proposal is appropriate for the proposed use and cleans up the current conglomeration of zoning districts within the subject area. The Comprehensive Plan designates the area as Urban Mixed (UM), where such infill development and adaptive re-use is intended. The UM designation promotes the reduction in parking

requirements. The PUD request is for reduction in the minimum lot size and setbacks on the townhouse parcels and to allow frontages on an internal courtyard instead of a public street. It also requests an increase in the maximum height for a four-story multi-family building with 18 units and enclosed parking on the ground floor. Applicant has not requested a density bonus or reduction in parking requirements. Developer plans to utilize two existing parking lots that ceased use by the University of Idaho a few years ago. With regard to parkland dedication requirements, the property owner is requesting a City/Property Owner cooperative project that includes a pedestrian/bicycle pathway connection from Sixth Street through Ghormley Park, providing access to Third Street. The property owner's investment would far exceed the parkland dedication requirement of \$3,032 and would satisfy all parkland dedication requirements. Both the Parks & Recreation Commission and the Pathways Commission supported the parkland dedication/plan proposal, and Parks and Recreation Staff also recommend approval.

Staff recommended approval of the PUD and rezone proposals without conditions, and approval of the preliminary plat proposals with the following conditions from Engineering:

- a) The water line tap design for the 4-story multi-family property will need to be revised to come directly from a City water main instead of a dedicated fire hydrant line, as is currently proposed.
- b) All water lines from water main to each water meter and each fire hydrant are required to be within a City easement to allow access.
- c) The access drive at the southwest end of the property near the Sixth Street and Deakin Avenue intersection is limited to emergency vehicle and pedestrian access only due to the proximity to the intersection.

Seever inquired about paving of parking lot, paths and alleys, and whether the pathway would share the fire lane. Ray thought the public portions might already be scheduled for improvement and suggested that different surface treatments could possibly be used to distinguish between public and private areas. Parish asked if it would be appropriate to make it a condition that the developer finish the area between Patty's Kitchen and Stax. Ray said parking lot standards require paving, but Commissioners could certainly make it a condition of approval. McClure said tenants would need to request temporary access though the emergency lane for moving in/out, and Seever expressed concern that people would start parking cars there regularly. The City has not received any comments from the University regarding the rezone.

McClure opened the public hearing at 7:46 p.m.

Jim Stephens, 11245 NE Eastshore Drive, Hayden ID introduced himself as a former Moscow resident who's been working on this project for 14 years. He said the drive from Sixth Street to the parking lot would be paved to make a continuous access to the parking lot. He intends for the ingress and egress to the development to be by foot/bicycle, although two parking spaces may be designated for the townhome owners to shuttle groceries, etc. The existing parking lots will be altered and reconfigured, providing for 26 more spaces than required. Target market is for University employees and professors, Gritman employees, etc. The four-story apartments are intended for residents over 55 and he's hoping the townhouses can be multi-generational.

Rusty Olps, 931 Harold Street, introduced himself as a partner in the project. He thinks the project provides an attractive and desirable segue between downtown and campus.

McClure invited comments against the project or of a general nature.

David Hall, 1334 Wallen Road, Moscow, wanted to get on the record that the City estimates the anticipated water use to be 4.21 million gallons per year, but some type of mitigation should be required because it is illegal to mine the aquifer.

Chuck McDonald, 5185 Robinson Park Road, Moscow, said he's not against the development but rather how it affects Lilly Street. He owns C&T Used Cars at the Corner of Third and Lilly, and he's seen what the Asbury development has done to the neighborhood. The ICCU drive-throughs will dump onto Lilly or Fourth Street. He said adding another 100+ cars, plus the ICCU traffic, and using Lilly as the only access didn't make sense. Students already park anywhere they want and no one enforces it.

Stephens responded there will be designated ingress and egress lanes onto Sixth Street. Management will live on-site and patrol their parking lots.

Nils Peterson, 821 Travois, Moscow, said this is a fragmented piece of land remaining from the railroad era that ought to have an intensive use such as this.

Chairperson McClure read into the record a letter from Sean Wilson (attached). Public hearing closed at 8:08 pm.

Hamilton agreed the existing zoning made little sense and he liked the proposed simplification. Seever agreed the hodge-podge zoning needed to be fixed but she wondered what the parking plan was for the proposed Central Business zone. Ray said there is no parking required within the Central Business zone. Wilson moved to recommend approval of the Rezone with no conditions, seconded by Gropp. Motion carried unanimously.

Seever suggested fences between the proposed development and Cedar Veterinary and Patty's Kitchen to prevent the encroachment issues experienced by Chuck Bond. Gropp didn't think it was an issue because the proposal includes more than the required parking. Ray added the ICCU will also have about twice as much parking than what is required, but acknowledged that a number of the proposed townhouses will be some distance from the proposed parking spaces. Stephens said he was well aware of the parking issues in the area. Patty's Kitchen and the University are well aware that development has been planned for the area. Ray confirmed that the Fire Department has reviewed and approved the proposal. Wilson recommended approval of the preliminary plat with the conditions recommended by Engineering. Gropp seconded the motion which carried unanimously.

McClure applauded the developer for his unique agreement with the City regarding the pedestrian pathways. Parish moved approval of the Planned Unit Development. Hamilton seconded the motion which carried unanimously.

Seever moved to direct staff to prepare Relevant Criteria and Standards for all three proposals. Wilson seconded the motion and it carried unanimously.

4. Small Cell Wireless Facilities Draft Ordinance [ACTION ITEM]:

Telecommunications service providers are currently in the process of deploying 5G/small cell wireless technology throughout the developed world. 5G high speed deployment will bring much higher data speeds and traffic, but requires small cell installations to accommodate the data demand. Telecommunications services are largely governed by the Federal Communications Commission (FCC) and the Telecommunications Act, but local governments are allowed to adopt certain regulations at the local level. With the likelihood of 5G/small cell deployment in Moscow, Staff has been working on drafting an ordinance to address them in the Zoning Code. The draft ordinance was presented to the Sustainable Environment Commission at their regular meeting on June 16, 2020 to discuss a unified recommendation with the Planning and Zoning Commission. The SEC voted to recommend that the Planning and Zoning Commission proceed with the current ordinance and the SEC

will continue to research health effects and the changing legal landscape to potentially make recommendations in the future.

Ray reported that the Commission's specific questions to the City Attorney were responded to per the attached email. The draft ordinance will come before the Commission once more before scheduling the public hearing.

5. Transportation Commission Meeting Report

No report. The Commission is not expected to meet until September 10.

6. Announcements

The meeting adjourned at 8:47 p.m.



Robb Parish, Vice Chair



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City of Moscow Planning and Zoning Commission
206 3rd St.
Moscow, ID 83843

July 22, 2020

Dear commissioners,

First thank you for your volunteer service to the citizens of the city of Moscow. I am writing to support the proposed Preliminary Subdivision Plat, Planned Unit Development (PUD), and Rezoning of numerous parcels generally located north of the intersection of Sixth Street and Deakin Avenue within the City of Moscow by J&S holding Company, LLC.

This is a fantastic infill use of this property. Located in the corridor between the University and downtown, this project provides walkable access, with mixed use. The opportunity for more fee simple, newer housing options near downtown will allow for more pride of ownership. With pride of ownership, so goes the neighborhood for the better. Another significant benefit is for gentrification of an area which has primarily been undergraduates. I can see people from different generations wanting to live in the same place because of their love of the location and the lifestyle this project presents.

I have walked over the subject property for over 25 years as a student at Idaho. These tracks were a rocky, sometime weedy path to home. The dead corridor next to the University that the railroad once occupied just sat. It was industrial, ugly, and unkept. Since purchased some 15+ years ago, I have watched Jim form partnerships with adjacent landowners and thoroughly study the community and the University to learn and truly understand the flavor of our community and correlate it with the highest and best uses of the land. As you have or will learn, the partnerships he has formed and the level of study he has gone into to make this a thoughtful project are far and above any I have seen in my career in real estate in Moscow.

I hope you will examine this proposal as carefully as it has been made and support it. This is the right kind of project for this property at this time.

Regards,

A handwritten signature in blue ink, appearing to read "Sean Wilson". The signature is stylized with a large, sweeping loop at the end.

Sean Wilson, Co-Owner, Designated Broker
Latah Realty, LLC

Anne Peterson

From: Michael Ray
Sent: Monday, August 10, 2020 3:17 PM
To: Anne Peterson
Subject: FW: 5G Questions

From: Mia Bautista
Sent: Wednesday, July 22, 2020 6:47 AM
To: Michael Ray <mray@ci.moscow.id.us>
Subject: RE: 5G Questions

Mike:

The Master License Agreement is a legal document that is not within the purview of the commission to review and approve and is subject to negotiations and modifications depending on the legal requirements in effect at the time the Agreement is entered into. The Code is designed to provide criteria and regulations that are clear and precise, but you want to avoid too much detail due to the ever changing landscape of the Telecommunications and Small Wireless Facility regulations. We do not want to find ourselves in a situation where we have to continuously revise the code due to the changing legal landscape.

As with all permits, there is a fee that is set by resolution. We don't need a section that states there is an application fee and what that fee will be in the code. If an application fee is referenced in the code, I would keep it general and would not use the language currently proposed. I would advise against including a "Consultant Fee" in the ordinance as proposed. The application fee could be increased by the City if we can show our actual cost for processing the applications is more than the presumptively approved fees set by the FCC, but as we begin, the safest fee to collect are the amounts approved by the FCC.

I do not believe it would be appropriate to include the other proposed sections of Compliance Bond; Indemnification; Annual Recertification into the ordinance. Those are appropriate for the Master License Agreement and again, the specific terms of the MLA are part of the application process and are subject to change depending on the legal requirements in effect at the time the agreement is entered into.

Let me know if I can be of further assistance.

Sincerely,
Mia

Mia Bautista
City Attorney

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