

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO**

**February 18, 2020  
Regular Meeting: 5:00 PM  
Council Chambers  
Hayden City Hall, 8930 N. Government Way, Hayden, ID 83835**

**CALL TO ORDER**

Chair Petersen called the meeting to order at 5:00 p.m.

**ROLL CALL OF COMMISSION MEMBERS**

Brian Petersen, Chair	Present
Michael Cramer, Vice-Chair	Not-Present
Corey Andersen	Not-Present
Alan Davis	Present
Benjamin Prickett	Present
Shawn Taylor	Present
Brandon Bemis	Present

**STAFF PRESENT**

Melissa Cleveland, Community Development Director  
Caitlin Kling, Legal Counsel  
Donna Phillips, Senior Planner  
Elizabeth Allen, Planner  
Heather McNulty, Commission Clerk

**FLAG SALUTE**

Commissioner Prickett led the meeting in the Pledge of Allegiance.

**CALL FOR CONFLICTS OF INTEREST**

No conflicts were reported.

**CONSENT CALENDAR**

The consent calendar included the approval of the meeting minutes for February 3, 2020, the written recommendation in Case NO. PZE-19-0342, a request by Olsen Engineering, for a Zone Map Amendment, and the written decision in case NO. PZE-19-0341, a request by McCarthy Capital, Inc. for a Special Use Permit. The motion was made by Commissioner Taylor, and seconded by Commissioner Bemis to approve the consent calendar. All were in favor, none were opposed.

**PUBLIC HEARING**

**Case No. PZE-19-0343, Trista Glenn, Rustic Roots Childcare, LLC.**

**Staff Presentation:**

Elizabeth Allen, Planner, introduced the application for a special use permit for a daycare center located on one lot in the residential (R-1) zone located on the northwest corner of West Miles Avenue and North Granada Street, approximately 665 feet east of North Ramsey Road, more commonly known as 1335 West Miles Avenue. The lot (tax parcel #H-4050-14-132-AD) is approximately 0.41 acres. Ms. Allen made clarifications in the home day care vs. day care center: Allowed outright in the residential zone. Home daycare: A home providing care, with or without instruction, for twelve (12) or less children not residing on the same premises. Allowed in the residential zone with approval of a special use permit. Daycare

Center: A place, home, building, or location providing care, with or without instruction, for more than twelve (12) children not residing on the same premises.

**Applicants Presentation:**

Trista Glenn, 1335 W Miles Ave, reviewed her application starting with her journey in childcare that began over two years ago. Ms. Glenn discussed her finds for the standards of approval; she stated that the project adheres to the adopted City plans and that the daycare would provide a needed service to the community. She continued by stating she has and would continue to make changes to upgrade of the property in order to maintain a home like setting for her business. Her small successful business conduct will not create a disturbance in traffic, noise, or appeal to the surrounding neighborhoods. Mr. Glenn continued by stating she is aware the daycare has been perceived as a possible nuisance she does not see that as being the case. She will be specializing in infant and toddler care, so not all children will be outside on a daily bases. She continued by stating that she has been working with an engineer and will comply with City code for the parking needs of the daycare. Ms. Glenn ended her presentation by stating,: Rustic Roots Childcare is very committed to maintaining the wellbeing and quality of life of the surrounding neighbors and is willing to be flexible and understanding of conditions that may arise.

Commissioner Davis asked how many employees would work at Rustic Roots Childcare, and where her employees would park. He also asked if she lived at the location.

Ms. Glenn stated that childcare to employee ratios will be determined the number of children. The max numbers would be 20-25 children and 3-4 employees. She continued that they had been working in the new home since December and had five or four kids in the home at a time while transitioning locations, she did not hear of a community disruption at all during any of the visits.

Chair Petersen asked if she would be living in the home.

Ms. Glen stated that she would not be living in the location unless she needed to.

**Staff Presentation:**

Ms. Allen then continued with the staff presentation discussing the surrounding location of the home, which lays outside of Hayden Grove Subdivision and is next to a shooting range and an airport, she stated that the subject site is twice the size as lots in the adjacent subdivision. Standards 1-8 were answered as follows:

1. The proposal of more than 12 children requires a special use permit.
2. The surrounding property's uses consists of an airport and a shooting range. The upgrade of the property is consistent with the community's vision.
3. The Applicant shall comply with all state laws, City and other agency regulations, policies, plans, and agreements. The site shall follow the requirements of Northern Lakes Fire Protection District.
4. According to the Applicants Narrative, no, extensive changes to the existing changes to the existing structure will occur except for city requirements, which include some additional landscaping, parking stalls, ADA ramp, and structural ADA improvements.
5. All on-site and off-site improvements shall be required of the developer.
6. Proposed outdoor activities would be 10-11 a.m. and 3-3:30 p.m. the nuisance ordinance is 9:00 p.m. ends at 6:00 a.m.
7. The Applicant tis currently working with engineers to find a solution to the vehicle approach, as to not create interference with traffic and surrounding public thoroughfares.
8. The proposed use will be contained within the existing site and no natural, scenic or historic features of major importance exist on the site.

Ms. Allen stated that the public noticing was in accordance to State and City code, 18 agency letters were e-mailed and three comments received as follows:

1. Coeur d'Alene Airport had no comment and requested an avigation easement.
2. Idaho Department of Environmental Quality had no comment.

3. Northern Lakes Fire Protection District provided items required at the time of building permit application.

There were 39 public comments received. Ms. Allen then stated there were nine recommended conditions of approval found on page 8-9 of the staff review.

**Public Testimony:**

Chair Petersen, stated that a one page petition was submitted into the record of neighbors that are in opposition to the Day Care being allowed in their neighborhood.

Commissioner Bemis asked council if there were a certain amount of signatures that would make a petition valid. Ms. Kling stated that there is not a required number of signatures.

**Those in Support**

Michael Wendland, 582 East Opal Avenue, Hayden: real state professional for ten years, he wanted to address the property value. He stated that the plans that have been submitted are an upgrade to the property. Any requirements the City has will be met by the applicant in order to meet compliance, including the parking issue. He continued by stating the projected growth in Kootenai County is huge and with that increase brings the need for childcare. It is not feasible to buy an existing childcare facility in this area. He believes this issue will be coming forward to the Commission as the need for childcare keeps increasing.

Commissioner Davis asked Mr. Wendland if there was a study that shows the direct effect on property value when a childcare facility moves next door. Mr. Wendland replied that to his knowledge he has not seen such documentation. He personally feels that it all has to do with the aesthetics of the property, if an owner upgrades the appearance it is an advantage to the neighbors. He continued by stating when the Glenn's purchased the property it was in disarray and the overall improvements to the property increase everyone's property [value]. Commissioner Davis asked him what he would think if the daycare moved next to his home, would it depreciate the home automatically. Mr. Wendland stated that he absolutely does not feel that would happen. The hours of operation do not affect the working class family. He stated that in Coeur d'Alene recently there was a residential property that sold at market value that resides next to a daycare.

Nicole Lunder, 20039 N Silent Pines Road, Rathdrum: she stated that she works in Hayden off of Prairie Avenue and has had a difficult time finding childcare, the need is present and the growth is inevitable. She continued by saying she has found two other options in town one that is visibly not kept up and the other behind Zips that has recently closed. Ms. Lunder stated that under Trista's care her 2 year old daughter is happy, polite, has learned her ABC's. The daycare is a benefit for the community. She understands that the people in the room have grown children, but there is a need for daycare in the place she works. The people that work in Hayden need childcare.

Brittney Wilder, 9717 N Cloverleaf Road, Hauser: she is the parent of a child in Trista's care. She stated that Trista is a highly motivated business owner who has created a safe place for her child and this proposal is a benefit to the community.

Erin Hassell, 8525 N Angelica Lane, Hauser: she has a child under Trista's care and even with the longer commute she plans on staying with Trista because her child is so happy. She stated that she also lives in a quiet neighborhood and she feels that children are a welcome joy.

Break:

5:57 p.m. – 6:02 p.m.

**Those Neutral**

No testimony was given.

### **Those Against**

Pamela Beamis, 2217 W Pellinoore Way, Post Falls: stated that she grew up in the house next door to the proposed daycare. She feels that the street is unsafe, and that it is not a question of if someone will be hit but when, and that the daycare will affect property values and that it is her inheritance she doesn't see that selling a home next to a daycare would be a benefit. The safety is a huge concern she was almost hit twice on the road in front of the house. She continued by stating, it isn't about money this is about safety. She stated that everyone has a right to make a living however this is not a good fit.

Commissioner Davis asked if she feared that her property value would go down, or if she had some statistics to that being true. Ms. Beamis, stated that she is not a realtor but she keeps informed and her research showed many occasions where property went down. She stated she would not buy a home next to a daycare because she wants peace and quiet. Commissioner Bemis asked what the posted speed limit is on Miles and Wyoming. Ms. Beamis replied that she believes it is 25 mph however, that is not the speed people use when driving down that street, and that backing in and out of the driveway is an issue for this property.

Sherri Melter, 1096 West Noah Avenue, Hayden: her first statement directed to the Commission was if you were in the housing market would you buy a home next to a daycare center. She then stated that her other concern is that people will be backing out of the driveway, she thought a half circle driveway would work better, she also noted the mailboxes on Granada are busy and unsafe for children. She asked if there was a square footage requirement per child, and also showed concern as to whether the applicant or tax payers were paying for the sidewalk in front of the home.

Chair Petersen stated that the Commission does not answer questions directed by testimony. The Commission listens to the testimony to gather information to make a decision on the application that is being presented.

Commissioner Davis also added that the Applicant may take the opportunity to answer these questions during her rebuttal.

Bob & Diane Finley, 1243 West Noah Avenue, Hayden: she stated that she loves kids and had a daycare in her home so she is aware of the trash and the noise that is associated with a daycare. There will be a potential of disruption in our lives she would not have bought this home if she knew the daycare was going in. Commissioner Davis asked where Noah Avenue is located with respect to the daycare. Ms. Finley stated that she is one block to the north of the property, about six houses away from the facility.

Bud Burton, 10831 Seaside Street, Hayden: stated he has looked at this proposal as a safety concern. He enjoys life and children and does not want to see anyone be maimed or killed. He continued by stating that he feels the Applicant gave a textbook presentation, everyone has been talking about the kids and the Applicant has to provide the safety for the children. He stated, that the mothers of these babies (that go to the daycare) do not always pay attention because they are in a hurry. The public cannot count on them to be safe. The speed limit is 25 mph and he has even had to check my speed on that road. He is concerned with the parents being negligent with the care of their children's safety. He also heard there was a basement in the home and wanted to know if there was a basement and did it have windows so that light could shine in on the children Is the stairway safe, he continued that he has no idea but he did hear the textbook presentation. Mr. Burton continued by saying he has heard testimony by people (Realtor) that pretend to know their business but cannot say whether the daycare would affect property values. He feels there is not enough information given to the neighbors.

Pat Rector, 104209 Barcelona Street, Hayden: she stated that she read the text from her realtor which stated that the noise would be an issue, and the traffic would increase. She disagrees with testimony given earlier,

about the daycare, there are about 4-5 daycares in Hayden. The Applicant states they would like the daycare in the quite peaceful location, however if the daycare is approved it will not be that anymore. She continued by stating her husband is in the last stages of Parkinson's disease and he sleeps during the day, this will disrupt their life. There are no kids in the neighborhood, leave the City alone. The extreme growth is disappointing. The City is more interested in making money then stopping growth. Commissioner Davis asked where her home was in relation to the project site.

Sam Fisher, 10916 N Seaside Street, Hayden: stated he realized that he has a great neighborhood with seniors only and wants to keep it that way. He is worried about the parking and feels they cannot have 9 parking spots, and there is a hill on Miles Avenue that becomes very slick, he is worried about accidents.

Rick Wells, 10453 Granada Avenue, Hayden: stated that he will be right next door to the daycare and that the 25 kids will be too noisy for him and that a fence would not keep balls, Frisbees, and noise out of his yard. The street and traffic will be crazy. He stated his neighbor Randy Cox is a realtor and he stated that the home will go down by 10%. The neighborhood does not want kids we are retirement aged people. The petition he produced, four pages that were not submitted, show that the neighbors do not want the daycare to pass.

Tim Timmons, 10528 N Barcelona Avenue, Hayden: developer/builder to the subdivision stated that his concerns are the sidewalk reducing the availability for parking, tearing the tree down to add an egress is a concern, and you cannot get to Dakota Avenue due to traffic. He also stated that the previous owner asked him to look at the home and the stairwell down to the basement is illegal and needs to be rebuilt. He does not believe the basements windows are egress windows, if not they need to be replaced. Mr. Timmons stated he asked the City to send an inspector out to the home for an inspection prior to the approval of this permit because there are multiple code violations, he believes there is not enough room for handi-cap accessibility. He asked if the home needs to have sprinklers if there were 20-25 children in a building being used as a Commercial use.

Robin Cook, 1525 West Miles Avenue, Hayden: stated she resides next door to the proposed daycare. She does not want the noise or traffic, and parking will be an issue. She will not enjoy her back yard and her dog will have to put up with kids as well. The value of my home will be brought down.

The following names are against but do not wish to speak.

James Hoffman, Judith Hoffman, Doreen Wells, Eileen Albert, Robert Albert, Bonnie Williams, Gary Williams, Jerry Mulberg 10741 N Granada Avenue, stated he did want to speak he has concern about the traffic and safety of the children.

Commissioner Bemis asked if he was a neighbor to the north of the property. Mr. Mulberg stated that yes he was.

Janis Mulberg, Robert Fellbringer, Debra Fellbringer, Dena Fisher, Joanne Burton.

Jeannie Castor, 10430 N Granada Street, Hayden: lives less the 100 ft. from the proposed daycare and wanted to say that the amount of money the Applicant would have to invest in order to make the home into a daycare, would then make it into a money making Commercial building . The thing that sticks in my craw is that, the shop we built is there for my husband's hobbies. Ms. Castor continued by stating that the City had them sign an agreement that they would not make a dollar on anything made in the shop, have signage, or add to the traffic because it would change the use to Commercial, by allowing the daycare center it would be the opposite of what the City said couldn't be done on their property and it will devalue the neighboring homes.

Dale Rollins, 1474 W Miles Avenue, Hayden: lives on the corner property from where this is being proposed. He is worried about the speed of the traffic on Miles Avenue and he is concerned about the speed



and feels that it is the Indy 500. He continued by informing the Commission that if a child gets killed on that road, than it is on each and everyone of them and they will have to live with it.

**Rebuttal:**

Ms. Glenn addressed the Commission and answered questions to prior testimony. She stated that the child to square feet ratio, per the Panhandle Health District, is 35 ft. per child. The proposition for sprinklers is required for 5,000 square feet or above. She then continued to address the safety which has been a huge concern, she stated that neither parents nor myself are going to put children in harm's way, what we do is the complete opposite. She stated that before purchasing the home to move her small business into the home she worked with the Panhandle Health District and they toured the home before she made an offer on it and they attested to the safety of the home and location. Ms. Glenn continued that although it was not required she asked Northern Lakes Fire Protection District to do a preliminarily walk through inspection to see if there were safety concerns that would arise.

Commissioner Bemis asked what the hours of operation would be. Ms. Glenn stated the hours would be from 6:45 a.m. to 5:45 p.m.

**Commission Discussion:**

Commissioner Taylor stated that some of these decisions are easy and some are hard. He continued by saying standards 4 and 7 are hard as this is a residential house the use will require extra parking in the front. He is concerned with people backing out onto Miles Avenue that would not be safe, there needs to be room in the parking area. Mr. Taylor stated he knows from experience that daycare is a real concern for working parents and as a realtor people ask often for the location of the nearest daycare when looking for a home. He sees the concern with the City's growth and acknowledged the retirement community needs to have a work force within the City as well.

Commissioner Bemis agrees that the standards have been met except for #4. He acknowledged that he has not seen the full design of the building [and site]. He worries about #7 as well the parking could be an issue along Granada Street. He then stated that speeding should be a bigger concern to the City than what is going on in the building itself.

Commissioner Prickett stated he is 50/50 on #4. He believes anytime the City can accept actions to improve the ascetic's to the community as well as benefit everyone in the community by increasing our property values. He acknowledged that the other half to #4 is that allowing this proposal will indeed change the aesthetics of the neighboring properties. #6 it could create excess traffic and that is also a concern with #7.

Commissioner Davis stated that the standards have been recognized so he wanted to address the testimony that had been given. He continued that the Commission has seen somethings that have come forward and truly were disruptive to life, like building a 7 story building in a neighborhood. This is different. He frequents Miles Avenue on regular bases and he does not see speeding or high traffic a lot or at all. He continued by stating that he was happy to hear everyone seems to be concerned about the safety issue, although the odds of a child getting run over on Miles Avenue are the same as anywhere else you put a daycare or school so he do not find that to be a unique risk to this proposal. He continued by saying that he did separate some facts from opinions during the public testimony. He agrees that the surrounding neighborhood consist of mature adults, he is concerned about the sidewalks and parking spots however the body that determines that those standards have been met are here. He continued that he is going to trust local government on whether the standards are met before the proposal is accepted. As far as the opinions, he noted that there are a lot of run down homes in the area and he did not hear testimony that there was sound argument to home values. Sound reduction, maybe this can be looked at, fencing or buffering could be discussed to help make this easier for the residence as child care is a permitted use in the residential zone (up to 12). I feel the applicant has met the standards for approval.

Chair Petersen stated that he does not agree that all of the standards have been met, he did not believe that #4 and #7 were met. He starts with #7: he does not see how you could not back out of that driveway on the Miles. #7 the applicant can have 12 children right now, so if no one is living in the house that looks like a commercial use.

Commissioner Taylor asked Commissioner Davis if he had a thought to how to help with the noise.

Commissioner Davis stated he did not know but there may be sound buffering materials that can be used for the fence. He doesn't believe one house will change the neighborhood feel.

Ms. Allen continued that noise is usually abated with something like a brick wall, or something similar to that, or use landscaping and a fence as well, and is there a height restriction to a fence.

Ms. Cleveland stated that type 1 buffer has trees that will grow together within two years.

Ms. Phillips noted fencing could be 10 feet tall with permit.

Commissioner Prickett asked about a circular drive which would allow for one driveway approach without backing out of the driveway.

Ms. Cleveland stated that the circular drive would not be allowed, the City only allows for on egress per residence.

Mr. Bemis is still concerned about using the street to park. As well as the opposition is huge for this project he is afraid of an element of hate that this has been created for this proposal.

Ms. Cleveland stated that it is not restricted parking on a public street.

**Motion #1:**

Commissioner Davis moved to approve Case No. PZE-19-0343 with the 9 staff recommended conditions of approval, with the addition of #10, a solid 10 feet solid fence to be erected to the north and an 8 feet fence on the west side of the property. Commissioner Taylor seconded the motion.

**Roll Call:**

Commissioner Bemis:	No
Commissioner Davis:	Yes
Commissioner Prickett:	No
Commissioner Taylor:	Yes
Chair Petersen:	No

Two were in favor and three were opposed. The motion failed.

**Motion #2:**

Commissioner Prickett moved to deny Case No. PZE-19-0343 as presented. Commissioner Bemis seconded the motion.

**Roll Call:**

Commissioner Bemis:	Yes
Commissioner Davis:	No
Commissioner Prickett:	Yes
Commissioner Taylor:	No
Chair Petersen:	Yes

Three were in favor and two opposed. The motion passed.

**REVIEW OF UP COMING MEETING CALENDAR, AND REPORT ON COUNCIL ACTION**  
Directors Review

Planning and Zoning Commission

Tuesday, February 25, 2020

- Consent Calendar

**ADJOURNMENT**

The meeting adjourned at 7:27 p.m.

Heather McNulty 3/2/2020  
Heather McNulty, Commission Clerk Date