

PLANNING COMMISSION AGENDA
COEUR D'ALENE PUBLIC LIBRARY
LOWER LEVEL, COMMUNITY ROOM
702 E. FRONT AVENUE

DECEMBER 14, 2021

THE PLANNING COMMISSION'S VISION OF ITS ROLE IN THE COMMUNITY

The Planning Commission sees its role as the preparation and implementation of the Comprehensive Plan through which the Commission seeks to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity and foster the safety of its residents.

5:30 P.M. CALL TO ORDER:

PLEDGE:

OATH:

Phil Ward
Sarah McCracken

ROLL CALL: Messina, Fleming, Ingalls, Luttropp, Mandel, Ward, McCracken

APPROVAL OF MINUTES: ***ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.

October 26, 2021

PUBLIC COMMENTS:

STAFF COMMENTS:

ENVISION CDA UPDATE:

COMMISSION COMMENTS:

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

1. Applicant: Bear Waterfront, LLC
Location: 2252 W. Bellerive Lane
Request:
 - A. A proposed 3.59-acre PUD "Mahogany Lane PUD"
QUASI-JUDICIAL, (PUD-3-21)
 - B. A proposed 11-lot preliminary plat "Mahogany Lane PUD"
QUASI-JUDICIAL, (S-5-21)

2. Applicant: City of Coeur d'Alene
Location: Public Road Rights-Of-Way Located on Aqua Avenue Between Us 95 And Government Way and on Government Way Between Aqua Avenue and Wilbur Avenue
Request: A proposed annexation of a strip of land varying in width, being a portion of the Public Rights-of-Way of Government Way and Aqua Avenue.
LEGISLATIVE, (A-6-21)
3. Applicant: CDA Enterprises, LLC
Location: 455 W. Cherry Lane
Request: A proposed zone change from R-12 to C-17
QUASI-JUDICIAL, (ZC-7-21)

ADJOURNMENT/CONTINUATION:

Motion by _____, seconded by _____,
to continue meeting to _____, __, at __ p.m.; motion carried unanimously.
Motion by _____, seconded by _____, to adjourn meeting; motion carried unanimously.

****The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Shana Stuhmiller at (208)769-2240 at least 72 hours in advance of the meeting date and time.***



MINUTES



**PLANNING COMMISSION
MINUTES
OCTOBER 26, 2021
Virtual (Zoom.us) and In-Person
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Peter Luttrupp
Brinnon Mandel

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Sean Holm, Senior Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Fleming, seconded by Mandel, to approve the minutes of the Planning Commission meeting on September 14, 2021. Motion approved.

STAFF COMMENTS:

Hilary Anderson, Community Planning Director provided the following comments:

- Ms. Anderson announced we won't have a November Planning Commission meeting this month since we didn't have any items ready for November.
- She announced that the Planning Commission meeting on December 14th we will have a Planned Unit Development (PUD) and Subdivision request.
- She noted that the Historic Preservation Commission (HPC) will be making a recommendation to City Council on the Historic Preservation Plan and will send a copy of the draft document to the commission for consideration including in the plan are recommendations from Northwest Vernacular for items to be included in the Comprehensive Plan.
- She stated that the Regional Housing and Growth Issues Partnership Committee met yesterday which was our 7th meeting with the full group including an advisory group looking at the possibilities for different housing management structures. She explained that the group is looking at utilizing and expanding upon organizations that are here that build affordable housing with the possibility of forming an alliance partnership.

- She added that we have compiled some housing solutions in a draft “housing tool kit” which were sent to you to keep you apprised of what is going on with all resources for this partnership available on the KMPO website.

ENVISION CDA COMMITTEE UPDATES:

Ms. Anderson provided the following statements.

- Staff is working through the action items that is part of the policy framework where a lot of the community input provided a lengthy list and will be working with CDA 2030 to eliminate any action items underway, completed or duplications.
- She announced that Sean Holm, Senior Planner, and she will be meeting next week with the Executive Team on Thursday, October 28th to review the city action items. She stated that we are making great headway and thanks to CDA 2030 for all their efforts and hopefully schedule joint workshops and get it to the “finish line”.

COMMISSION COMMENTS:

- Commissioner Ingalls thanked Ms. Anderson and the Planning Department for inviting the Planning Commission to participate in the American Planning Association (APA) Idaho 2021 Conference “Idaho Discovered Planning for Opportunities Bracing for Impact.” The conference was virtual with many “hot topics” like Short Term Rentals, Growth and Changing Demographics and Affordable Housing initiatives and Developments and gave “kudos” to Ms. Anderson for acting in her new role as President of the APA Idaho where she moderated many of the topics. He added it was interesting to see that all cities in Idaho are wrestling with same issues.
- Commissioner Luttrupp concurred and encourages continuing education for everyone. He stated the topic of Short-Term Rentals and was mentioned that Sandpoint does something different regarding some legislature regarding resort towns and would encourage our city to become active in Legislature it won't be easy but our voices need to be heard.

PUBLIC COMMENTS:

None

PUBLIC HEARINGS

1. Applicant: Lakeshore Estates, LLC
 Location: Eastern terminus of Spruce Avenue, adjacent to I-90
 Request: A proposed 92-lot preliminary plat “The Foundry”
 QUASI-JUDICIAL, (S-4-21)

Sean Holm, Senior Planner, provided the following comments.

- The largest parcels of the subject property are currently used for storage of heavy equipment and historical items from the former pawn shop. The other parcels are vacant.
- Because this request is not a Planned Use Development (PUD), there is no opportunity to alter the subdivision standards, no requirement for open space, and no private streets or vehicular gates allowed. As such, density calculations are made differently.
- The total size of the site measures 20.03 acres. Approximately 3.88 acres will be dedicated as public city streets (ROW), leaving 16.15 acres for development into 92-lots as requested. All proposed lots must have a minimum 50’ of frontage, except for cul-de-sac lots as defined in 17.06.120(B) above, and each lot must be at least 5,500 square feet. Of these lots, 78 are large enough for a duplex with a minimum of 7,000 square feet.
- These lots may or may not be built as duplexes, and the owner(s) could instead build a single-family home with or without an accessory dwelling unit (ADU). Fourteen (14) lots are proposed as single-family only. The smallest proposed lot measures 5,536 SF and the largest 11,890 SF. The

average lot size is 7,648 SF. This is a proposed maximum density of approximately 10.52 units per acre or 170 total units (not including ADUs) using existing R-12 code standards.

- He noted the pages where the city departments are located with all departments having no objection to this request.
- If approved there are 7 conditions for approval.

Mr. Holm concluded his presentation.

Commission Comments:

Commissioner Ingalls noted on the map where it says “private alley” and curious since this is a straight subdivision how does the alley get managed and maintained. Mr. Holm explained the alley is an easement, so access is allowed and the applicant is here who can address how the alley will get maintained. Commissioner Ingalls inquired if the utilities are located in the alley will they be accessible for repairs and if these newer alleys are similar to other alleys in the “old” part of town. Mr. Holm explained that alleys have improved and is aware that all the utilities are located in the alley and that the applicant is here who can address that question during his presentation.

Commissioner Luttrupp inquired if there is a definition for an “Alley.” Mr. Holm explained that an alley is an easement which isn’t dedicated to the city similar to a “right of way” and all alleys downtown are city property with shared access unlike this project where this alley is only used by the people who live there.

Commissioner Ingalls inquired about the traffic study which is listed as a condition that needs to be done where development impact fees are looked at to identify spots that could be improved, but if the traffic study comes back and says a signal is needed but the Development Impact Fee Report doesn’t mention a signal, he questioned if the developer would be responsible to pay for that signal. Mr. Holm explained that if the mitigation was identified in the report the applicant would be responsible for their portion based on the amount of traffic generated from the subdivision. Commissioner Ingalls referenced a recent project with Coeur d’Alene Place that had a similar requirement.

Chairman Messina stated that since this is a 90-unit subdivision inquired how will this work if a traffic light is required and questioned how is the applicant’s portion calculated. Chris Bosley, City Engineer explained that we look at the traffic being already generated versus the increase in traffic this subdivision would add to the area is a formula we use to determine the use which could be up to a 50/50 split.

Commissioner Luttrupp commented that is likes that the city has a formula to use to mitigate traffic.

Public testimony open.

Drew Dittman, applicant representative provided the following statements:

- He explained that this parcel is a combination of 3 parcels totaling 20 acres currently annexed in the city and zoned R-12 and could be considered an infill property.
- He stated we are proposing a 92-lot preliminary plat with several of the lots meeting the requirements for a duplex.
- He went through the findings and feel that they all have been met for this project.
- He explained stormwater will be addressed at the time of getting a building permit.
- He stated that all the streets proposed are to be public streets.
- He commented that Fire will also look at construction at the time a permit is issued.
- He explained that this property is a continuation of existing neighborhood with 5 different access points into the property which will promote good traffic flow.
- He explained that the access off of Spruce will be redesigned by removing the cul-de-sac and extending Spruce to the other side.

- He commented that they are aware that staff has required a traffic study and recently hired a consultant with the goal of having the study done before starting construction in case there are any issues we need to address.
- He explained that a sewer and water main run through the middle of the property with many manholes in the street that are old and at the request from staff will replace them.
- He explained that he contacted the School District and spoke to the superintendent about this project and since there is no such thing as a school impact fee and offered a mitigation fee to the school at \$500.00 per lot due at the time that the final plat is recorded which was the right thing to do and very much appreciated by the school.
- He stated that they agree to all of the required 7 conditions.
- He answered a question from Commissioner Ingalls regarding an alley and explained why we are proposing a private alley and the reason it won't be dedicated to the city but maintained by the HOA, that will be paved and by having an alley will allow us to do some different rear loaded product type with a variety of housing. He added that all utilities will be located in the street.

Mr. Dittman concluded his presentation.

Commissioner Ingalls inquired about density and per the existing zoning the applicant could have added more lots than the proposed 92 units and surprised there isn't a push for more density. Mr. Dittman explained this is a unique property that has challenges and noted on a slide the proposed 92 lots and added that the maximum number of units we are proposing is 170 units and explained that there are 78 lots that could be duplex lots, so even with the bigger lots are still below the 12-unit threshold.

Commissioner Ingalls commented by mirroring the traffic flow cost some density. Mr. Dittman stated we know traffic is an issue and willing to provide many ingress/egress outlets and still keep with the context of the neighborhood.

Commissioner Luttrupp noted a comment we received in our packet saying that this person was in opposition of the project because of the noise pollution, increased vehicle traffic and an increase in delivery trucks. Mr. Dittman stated that we will be doing a traffic study and if there is a need for additional sidewalks they will be provided and commented that delivery trucks are allowed to use the street.

Lee Nash stated that he is concerned that Coeur d'Alene isn't affordable to live in because of the taxes and hoping someone could address finances. He stated he lives in a habitat house that has doubled in value this last year and was hoping this tax question could be addressed.

Steve Peck stated he lived in the house for years and hopes they can build more single-family homes. He inquired on 10th, 12th and 13th Street that goes south towards Harrison suggested placing stop signs to reduce traffic off of 9th Street. Commissioner Luttrupp suggested that he contact Chris Bosley, City Engineer and the applicant Mr. Dittman for their assistance.

Anita Anderson stated she is concerned about the fence around the property and inquired if the applicant has plans to tear it down.

Rebuttal:

Mr. Dittman provided the following statements

- He stated a traffic study will be done and will talk with the applicant about the placement of stop signs.
- He addressed the question about affordable housing and explained we aren't asking for maximum density, but middle of the road density and when the cost of land goes up affects the cost of the house. He can't say this will be affordable housing since there isn't a definition.
- He explained that single family and duplexes are allowed in the R-12 zoning district.

- He stated the fence will be removed during the construction process.

Public testimony closed.

Discussion:

Commissioner Luttrupp stated the city is concerned about affordable housing and that the Planning Director is very involved with this issue and if there are questions please get in contact with staff. He commented the letter from the School District was very nice and shows the efforts between the property owner and the school working together.

Commissioner Ingalls commented that he is impressed with the layout compared to what it could be as a 240-unit development with narrow streets and maximum density. This is respectful and it nicely expands what is there by having 5 access points and continuation of the streets. He stated this parcel has been vacant for many years and this will be a great development.

Commissioner Fleming commented she is concerned about traffic turning on Harrison which is already congested and worried about the north and south traffic on 9th street. She added we need the housing and duplexes make sense that are affordable since this isn't a high desirable area being next to the freeway.

Commissioner Mandel concurred that the traffic study will speak for its self and is happy that the school district provided comments and is working with the developer to address the impacts the school will have.

Motion by Ingalls, seconded by Mandel, to approve Item. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 6 to 0 vote.

ADJOURNMENT:

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

The meeting was adjourned at 6:48 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



PUBLIC HEARINGS



PLANNING COMMISSION STAFF REPORT

FROM: MIKE BEHARY, ASSOCIATE PLANNER

DATE: DECEMBER 14, 2021

SUBJECT: PUD-3-21 "MAHOGANY LANE" PLANNED UNIT DEVELOPMENT

S-5-21 11 LOTS AND 5 TRACTS PRELIMINARY PLAT REQUEST FOR
"MAHOGANY LANE PUD"

LOCATION: 3.6 ACRES LOCATED AT 2252 W BELLERIVE LANE

APPLICANT/OWNER:

Bear Waterfront, LLC
2936 W Dakota
Hayden, ID 83835

CONSULTANT:

PLACE Landscape Architecture.
1325 W First Ave
Spokane, WA 99201

TWO DECISION POINTS:

- 1) Bear Waterfront LLC is requesting approval of a gated residential and mixed use planned unit development.

AND;

- 2) A 11 lot, 5 tract, preliminary plat to be known as "The Mahogany Lane PUD".

BACKGROUND INFORMATION:

The existing site is currently vacant and consists of 3.6 acres. The proposed Planned Unit Development (PUD) is comprised of single-family residential lots, one mixed use lot, and public open space areas for the public and the residents of the development to access. A portion of the PUD along the Spokane River is proposed as a private gated community with private access.

The applicant is proposing 10 single family detached houses and five accessory dwelling units (ADU's). The applicant has indicated that he intends to develop the proposed PUD similarly to the adjacent properties located adjacent to the east and south of this site. The applicant has submitted building elevations of the proposed residential dwellings indicating how they will look from the street and from the river. The mixed-use building on Lot 1 will consist of commercial units located on the first floor and potentially eight residential units located above the commercial uses. The applicant has also submitted elevations of the commercial mixed-use building (See residential and commercial building elevations on pages 18,19, and 20).

The minimum requirement of open space a PUD is required to designate is 10%. The applicant is proposing 17.6% of open space for this development. The applicant has indicated that the open space will have connections to Centennial Trail, native landscaping, and a pedestrian overlook that will provide community seating and a rest opportunity while in route to the boardwalk or

community open space. The proposed open space will be accessible to the public and to all users of the development and is intended for passive recreational purposes.

The developer for this project has been working with the Parks Department and the North Idaho Centennial Trail Foundation to save as many trees as reasonably possible. The developer has completed the removal of the trees. The trees that are standing there today are the trees that are stated to remain. This development will also include the planting of several more trees on the north side of the trail.

The applicant has also been working with the City Engineer, Parks Department, and the North Idaho Centennial Trail Foundation on the realignment of Centennial Trail where it crosses Beebe Boulevard. Currently trail users cross Beebe Bouvard at an angle and the proposed realignment will allow for a perpendicular crossing of Beebe Bouvard, which allows for a safer crossing. The new alignment of the trail will be partially located on the adjacent Bellerive HOA property. In order to complete this new alignment of the trail, the applicant and the Bellerive HOA will need to conduct a land swap. The Bellerive HOA is in agreement of the proposed new trail location and the land swap with the developer.

A rectangular rapid flashing beacon (RRFB) is also proposed to be installed at this crossing. The developer is working with the Streets & Engineering Department on the timing and installation of the RRFB on the west side of Beebe Bouvard. The applicant has submitted an open space plan as part of this application (See open space plan on page 21).

The applicant is proposing ingress and egress to Lot 1 from the north off of Tilford Lane. The applicant is actively working with the City of Coeur d'Alene, Centennial Trail Foundation, and Riverstone HOA to obtain an access easement to serve Lot 1.

The applicant is proposing to install the streets and the subdivision infrastructure for this project in one phase. The applicant has indicated that if approve construction would begin immediately with the subdivision and PUD work being completed in 2022. The current zoning allows for a density at 17 units per acre, which allows for a total of 61 units. The proposed PUD will have a total of 18 units, which equates to a density of 5 units per acre. The applicant has submitted a PUD site plan that shows the proposed site layout and the proposed building locations (See site plan on page 10).

PLANNED UNIT DEVELOPMENT MODIFICATION REQUESTS:

The applicant is requesting the following deviations from existing standards:

Lot 1: Principal Mixed-Use Structure (Commercial Lot)

- Front Setback: 20' rather than 25'
- Side Setback: 0' rather than 20'
- Rear Setback: 5' rather than 20'

Lots 2-4: Principal Structure

- Front Setback: 10' rather than 20'
- Side Setback: 5' and 5' rather than 5' and 10'
- Rear Setback: 5' rather than 25'

Lots 5-11: Principal Structure (River Front Lots -Shoreline Ordinance)

- Front Setback: 5' rather than 20'
- Side Setback: 5' and 5' rather than twenty percent (20%) of the average width of the lot
- Rear Setback: 22' rather than 40' (as measured from face of rock wall)
- Building Height: 32' rather than 30'

Lots 5-11: ADU w/garage (River Front Lots)

- Front Setback: 10' rather than 20'
- Side Setback: 5' and 5' rather than 5' and 10'
- Rear Setback: 5' rather than 25'

** The front yard is defined as the parcel edge directly adjacent the private street for all lots except Lot 1, where the front yard shall be adjacent to the public right-of-way along Beebe Boulevard.*

All other modification requests:

- Private gated vehicle access for river front lots rather than open access for the public.
- Minimum Lot Width: 37' rather than 50'
- Minimum Lot Area: 2,982 sf rather than 5,500 sf
- Seven (7) lots on a private driveway that is not in a separate tract. (see Code below)

16.15.160: LOT FRONTAGE AND ACCESS: (B.1) Residential lots served by common parking and driveways may front and access from a private driveway situated in a separate tract dedicated on the final plat. Driveways for single-family residences may not serve more than five (5) lots.

LOCATION MAP:



AERIAL MAP:



BIRDS EYE AERIAL PHOTO - 1:



BIRDS EYE AERIAL PHOTO - 2:



PUD-3-21: PLANNED UNIT DEVELOPMENT FINDINGS:

17.07.230: PLANNED UNIT DEVELOPMENT REVIEW CRITERIA:

A planned unit development may be approved only if the proposal conforms to the following criteria, to the satisfaction of the commission:

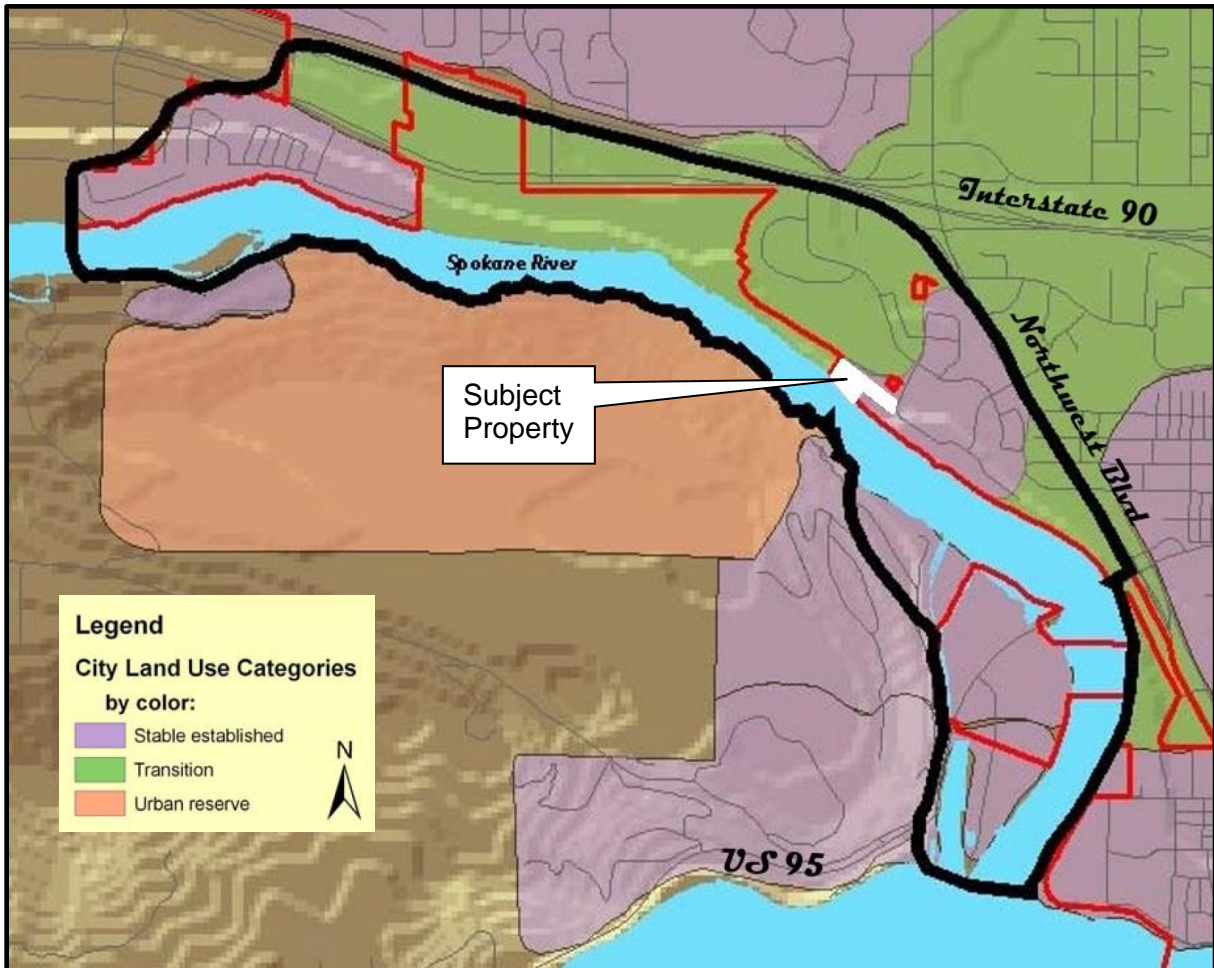
REQUIRED FINDINGS (PUD):

Finding #B8A: The proposal (is) (is not) in conformance with the Comprehensive Plan.

2007 COMPREHENSIVE PLAN- LAND USE CATEGORIES:

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as: Spokane River District
- The subject property is located in the City's Area of Impact

2007 COMPREHENSIVE PLAN MAP: SPOKANE RIVER DISTRICT – Transition



Transition Areas:

These areas are where the character of neighborhoods is in transition and should be developed with care. The street network, the number of building lots and general land use are expected to change greatly within the planning period.

Spokane River District Tomorrow

This area is going through a multitude of changes and this trend will continue for many years. Generally, the Spokane River District is envisioned to be mixed-use neighborhoods consisting of housing, and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane River. As the mills are removed to make way for new development, the Spokane River shoreline is sure to change dramatically.

The characteristics of the Spokane River District neighborhoods will be:

- Various commercial, residential, and mixed uses.
- Public access should be provided to the river.
- That overall density may approach ten to sixteen dwelling units per acre, but pockets of denser housing are appropriate and encouraged.
- That open space, parks, pedestrian and bicycle connections, and other public spaces will be provided throughout, especially adjacent to the Spokane River.
- That the scale of development will be urban in nature, promoting multi-modal connectivity to downtown.
- The scale and intensity of development will be less than the Downtown Core.
- Neighborhood service nodes are encouraged where appropriate.
- That street networks will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.
- That neighborhoods will retain and include planting of future, large-scale, native variety trees.

NEIGHBORHOOD CHARACTER:2007 Comprehensive Plan: Spokane River District Today

This Spokane River District is in a state of flux from its historic past use as a site of four major water front sawmills and other industrial uses. In place of sawmills, recently subdivided property in this area along portions of the shoreline is developing into commercial, luxury residential units, and mixes use structures. Recent subdivisions aside, large ownership patterns ranging from approximately 23 acres to 160+ acres provide opportunities for large scale master planning.

2007 COMPREHENSIVE PLAN GOALS & OBJECTIVES THAT APPLY:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

- **Objective 1.02 – Water Quality:**
Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer.
- **Objective 1.03 – Waterfront Development:**
Encourage public and private development to incorporate and provide ample public access, both physical and visual, to the lakes and rivers.
- **Objective 1.05 – Vistas:**
Protect the key vistas and view corridors of the hillsides and waterfronts that make Coeur d'Alene unique.
- **Objective 1.09 – Parks:**
Provide an ample supply of urbanized open space in the form of beaches, squares, greens and parks whose frequent use is encouraged by placement, design, and access.
- **Objective 1.11 – Community Design:**
Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the City.
- **Objective 1.12 - Community Design:**
Support the enhancement of existing urbanized areas and discourage sprawl.
- **Objective 1.13 – Open Space:**
Encourage all participants to make open space a priority with every development and annexation.
- **Objective 1.14 - Efficiency:**
Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.
- **Objective 1.16 - Connectivity:**
Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trails systems.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and policies, and promotes opportunities for economic growth.

- **Objective 2.02 - Economic & Workforce Development:**
Plan suitable zones and mixed-use areas, and support local workforce development and housing to meet the needs of business and industry.

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

- **Objective 3.01 - Managed Growth:**
Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

- **Objective 3.05 - Neighborhoods:**
Protect and preserve existing neighborhoods from incompatible land uses and developments.
- **Objective 3.08 - Housing:**
Design new housing areas to meet the city's need for quality neighborhoods for all income and family status categories.
- **Objective 3.14 – Recreation:**
Encourage city sponsored and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities, hiking and biking pathways, open space passive parks, and water access for people and boats.
- **Objective 3.16 - Capital Improvements:**
Ensure infrastructure and essential services are available prior to approval for properties seeking development.
- **Objective 3.18 - Transportation:**
Provide accessible, safe and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation, requesting input from authoritative districts and neighboring communities when applicable.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management.

- **Objective 4.02 - City Services:**
Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).
- **Objective 4.06 - Public Participation:**
Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision-making process.

Evaluation: *The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

Finding #B8B: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.

LOCATION, SETTING, AND EXISTING USES:

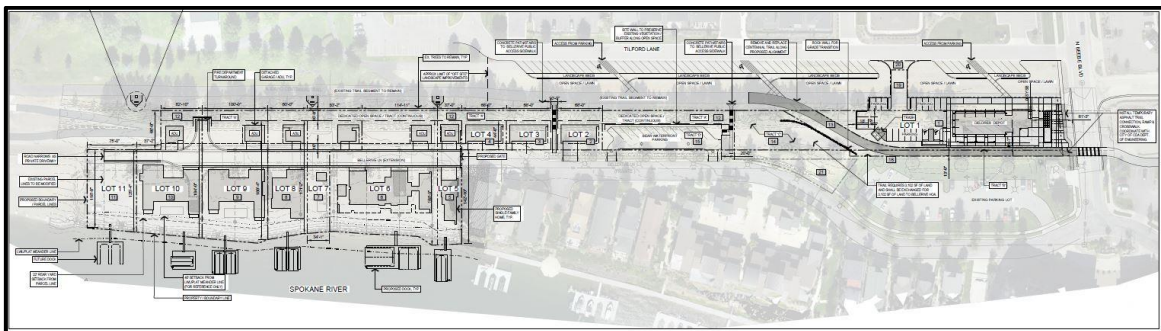
The Centennial Trail (Prairie Trail) lies north of the subject site. There are existing residential uses to the north of Centennial Trail along with a commercial use located along Beebe Boulevard. To the west along the river are single family homes. To the south are single family homes along the river and a mixed-use multi-family development located in the Bellerive Planned Unit Development (PUD). To the west is the dog park located in the new Atlas Waterfront development along the river.

The property is located within close proximity to the Riverstone development, which offers a variety of shopping opportunities. Winton Elementary is located approximately 1 mile from the proposed PUD. The subject property is also in close proximity to Riverstone Park, which provide both passive and active recreation opportunities.

The Riverstone development is primarily zoned C-17 (Commercial) with C-17PUD and R-17PUD zoning along the Spokane River waterfront development known as “Bellerive” (as shown on the zoning map on page 12).

The proposed development is similar to the uses that are located adjacent in the Bellerive PUD, which allows for single family homes along the river with a mixed-use development located at the intersection of Beebe Boulevard and Bellerive Lane. The site is relatively flat and there are no topographical or other physical constraints that would make the subject property unsuitable for the proposed subdivision and Planned Unit Development.

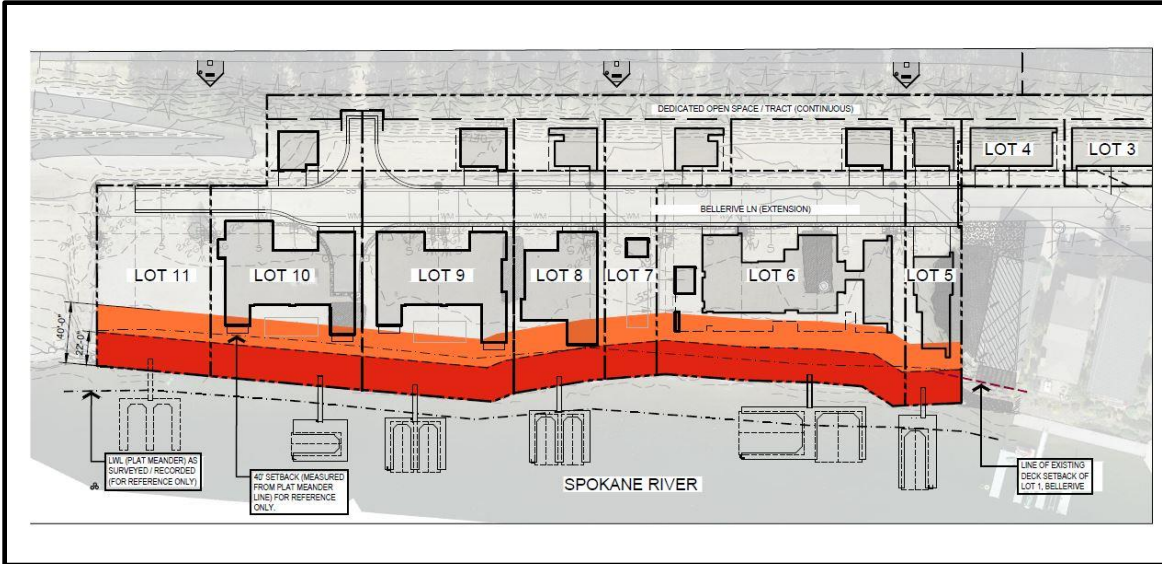
PUD SITE PLAN MAP:





PUD SITE ILLUSTRATION:



SHORELINE STEBACK DIAGRAM:



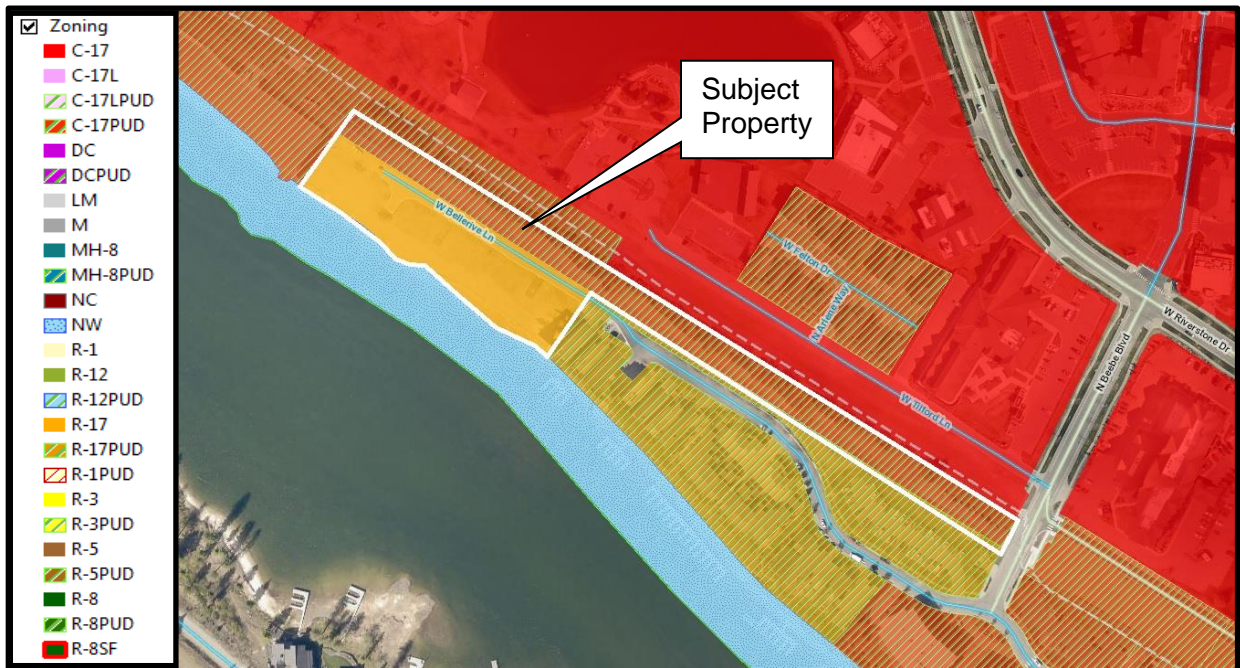
SHORELINE STEBACK LEDGEND:

WATERFRONT SETBACK SUMMARY		
<u>SYMBOL</u>	<u>DESCRIPTION</u>	<u>QTY</u>
	CURRENT WATERFRONT RECOMMENDED SETBACK AS DEFINED BY CDC IS 40 FEET FROM PROPERTY LINE (FACE OF EXISTING ROCK WALL).	23,070 SF
	PROPOSED SETBACK FROM WATERFRONT (EXISTING ROCK WALL) 22'-0"	12,731 SF
<p>PROPOSED WATER FRONT SETBACKS FOR RESIDENTIAL UNITS RESULTS IN NEARLY EQUAL GROSS AREA AS MEASURED FROM THE LWL (PLAT MEANDER LINE) AND DOES NOT LIMIT PARCEL DEVELOPMENT FOR SINGLE FAMILY UNITS.</p>		

GENERALIZED LAND USE MAP:



EXISTING ZONING:



SITE PHOTO - 1: View from the north central part of property looking west.



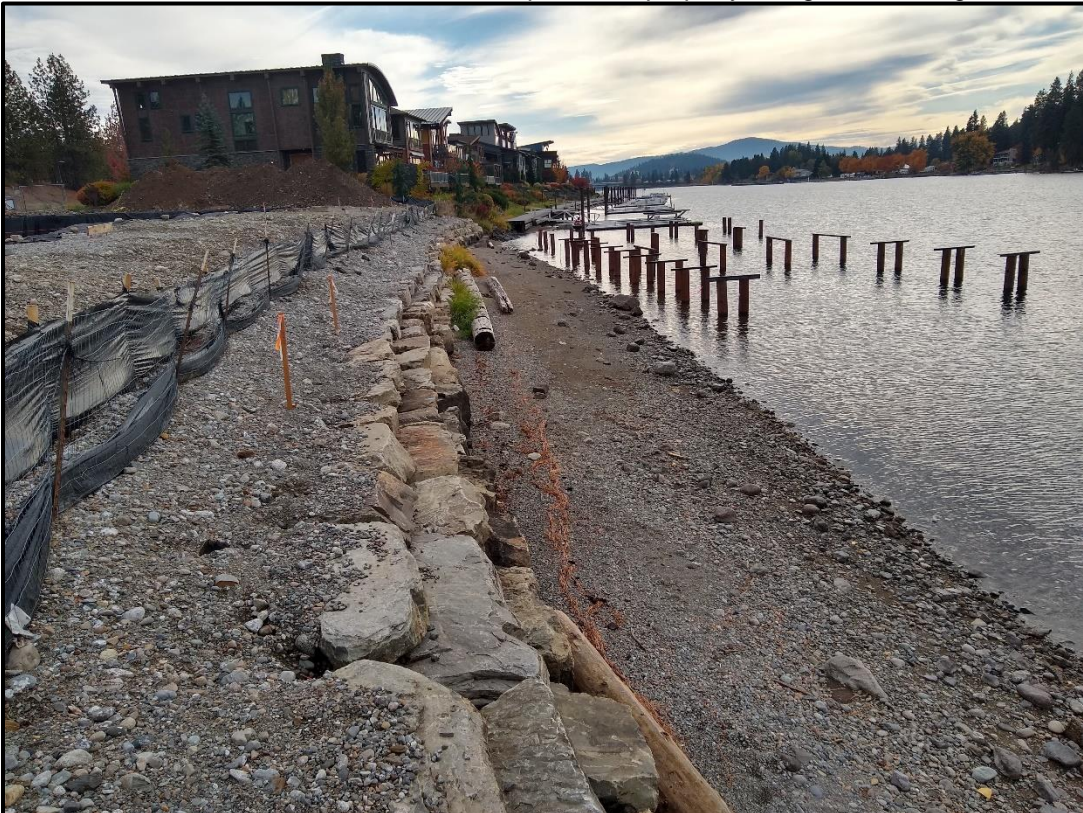
SITE PHOTO - 2: View from the north central part of property looking southwest.



SITE PHOTO - 3: View from the north central part of property looking south.



SITE PHOTO - 4: View from the south central portion of property along river looking southeast.



SITE PHOTO - 5: View from the south central portion of property along river looking northwest.



SITE PHOTO - 6: View from the central portion of property looking east.



SITE PHOTO - 7: View from the central portion of property looking west.



SITE PHOTO - 8: View from the east portion of property looking east.



SITE PHOTO - 9: View from the Beebe Boulevard looking west.



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.*

Finding #B8C: **The proposal (is) (is not) compatible with natural features of the site and adjoining properties.**

The subject property is relatively flat. There is some grade change for Lot 1 from Tilford Lane to the subject property. There is a slope behind the single-family residential lots and the trail that will be utilized as open space. The natural features of the site are consistent with the natural features of the surrounding properties, including the residential subdivision to the south and east (Bellerive). The following images reflect the proposed building elevations for the residential homes and the mixed-use commercial building.

APPLICANT'S BUILDING ELEVATION – 1 (single-family residential):



APPLICANT'S BUILDING ELEVATION – 2 (single-family residential)::



APPLICANT'S BUILDING ELEVATION – 3 (commercial/mixed-use):



APPLICANT'S BUILDING ELEVATION – 4 (commercial/mixed-use):



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal is compatible with natural features of the site and adjoining properties.*

Finding #B8D: **The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing public facilities and services.**

See staff comments which can be found in finding #B7B (Subdivision: page. 25-26) below.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the location, design, and size of the proposal are such that the development will be adequately served by existing public facilities and services.*

Finding #B8E: **The proposal (does) (does not) provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.**

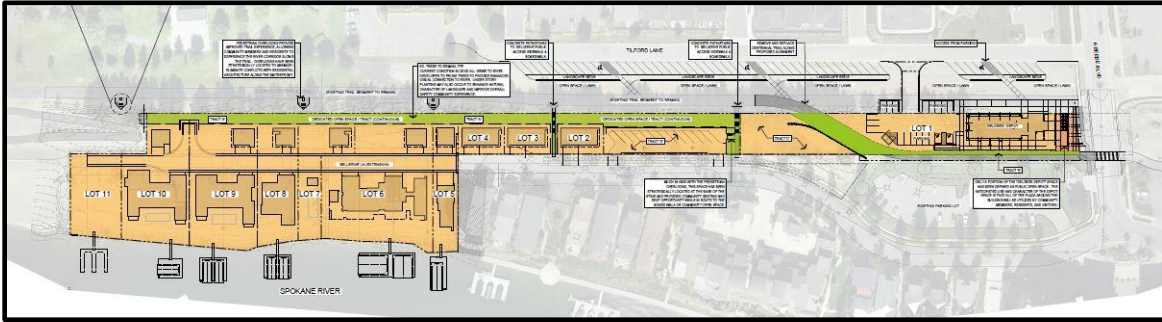
The applicant is proposing seventeen percent (17%) open space. The applicant has indicated that the open space will be a large natural area, pedestrian sitting and viewing area, and landscaping areas for the public and the residences to enjoy. The applicant's description of the open space is provided below.

"The owner is proposing a minimum of 0.50 acres for public open space that will be used for the purposes noted in the General Summary section above. Regarding the open space tract, this area will be used by lot owners, visitors, community members for passive recreational purposes. The owner is proposing to construct these improvements within the open space area.




- *5' wide concrete sidewalks and stairs connecting to the adjacent external North Idaho Centennial Trail. The sidewalks also significantly improve public access to the existing Boardwalk and River Corridor. A pedestrian node is also provided in the PUD along the easterly access path and stair.*
- *The current condition of the native landscape is such that community members are disconnected (visually) from the river while on the North Idaho Centennial Trail. The owner is proposing understory thinning and tree trimming efforts to open views and enhance the community connection to the river corridor."*

See attached applicant's Narrative for full open space description.

OPEN SPACE – SITE PLAN:



OPEN SPACE LEDGEND:

OPEN SPACE SUMMARY					
<u>SYMBOL</u>	<u>DESCRIPTION</u>	<u>QTY</u>	<u>QTY (SF)</u>	<u>QTY (AC)</u>	<u>% OF USE</u>
	GROSS DEVELOPMENT AREA.	156,498 SF	156,498 SF	3.59 AC	
	OPEN SPACE - NATIVE VEGETATION ENHANCED; PUBLIC ACCESS, NORTH IDAHO CENTENNIAL TRAIL. INCLUDED IN OPEN SPACE GROSS AREA CALCULATION.	19,873 SF	19,873 SF	0.46 AC	12.80%
			1,815 SF	0.04 AC	1.12%
					13.92%
	OPEN SPACE - PLAZA & ENTERTAINMENT; PUBLIC ACCESS. INCLUDED IN OPEN SPACE GROSS AREA CALCULATION.	1,815 SF			
				MIN REQUIRED OPEN SPACE EXCEEDS MIN REQ. BY	10.00%
					3.92%

TRACK LEGEND:

TRACT LEGEND:

TRACT A = COMMUNITY OPEN SPACE.
 TRACT B = NORTH IDAHO CENTENNIAL TRAIL.
 TRACT C = DEDICATED OPEN SPACE TO BELLERIVE HOMEOWNERS ASSOCIATION.
 TRACT D = FUTURE PARKING.

*FOR FURTHER DEFINITION OF OPEN SPACE AND USE, PLEASE REFER TO THE PUD/SUBDIVISION APPLICATION/NARRATIVE "RESERVATION DIAGRAMS".

In February of 2016, the Planning Commission held a workshop to discuss and better define the intent, functionality, use, types, required improvements, and other components of open space that is part of Planned Unit Development (PUD) projects. The workshop discussion was necessary due to a number of requested PUD's and the Planning Commission being asked to approve "usable" open space within a proposed development.

Per the Planning Commission Interpretation (Workshop Item I-1-16 Open Space) the below list outlines what qualifies as Open Space.

- ≥ 15 FT wide, landscaped, improved, irrigated, maintained, accessible, usable, and include amenities
- Passive and Active Parks (including dog parks)
- Community Gardens
- Natural ok if enhanced and in addition to 10% improved
- Local trails

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal provides adequate private common open space area, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.*

Finding #B8F: **Off-street parking (does) (does not) provide parking sufficient for users of the development.**

There was no request made to change the City's off-street parking requirements through the PUD process. Single family homes would be required to provide two (2) off-street paved parking spaces per unit, which is consistent with code requirements for single-family residential. The mixed-use development on the Lot 1 will have to meet both the commercial and multi-family parking requirements per the City's parking code requirements.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the off-street parking provides parking sufficient for users of the development.*

Finding #B8G: **That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.**

The applicant/owner and their design team will be required to work with the City of Coeur d'Alene legal department on all required language for the CC&Rs, Articles of Incorporation and By-Laws, and any language that will be required to be placed on the final subdivision plat in regard to maintenance of all private infrastructure.

From the applicant's narrative:

The owner is proposing the following infrastructure will be maintained by the Homeowner's Association:

- Stormwater systems
- Streets (street surface, curb/gutters, sidewalks, crosswalk markings, and signage)
- Paths/sidewalks for internal recreation and external connections
- Structures within common areas
- Auxiliary parking areas
- Snow removal and storage
- Irrigation (stormwater infrastructure, street and common area landscaping)

The HOA will be responsible for continued maintenance of the private driveway that serves the residential lots.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal provides for an acceptable method for the perpetual maintenance of all common property.*

S-5-21 SUBDIVISION FINDINGS:

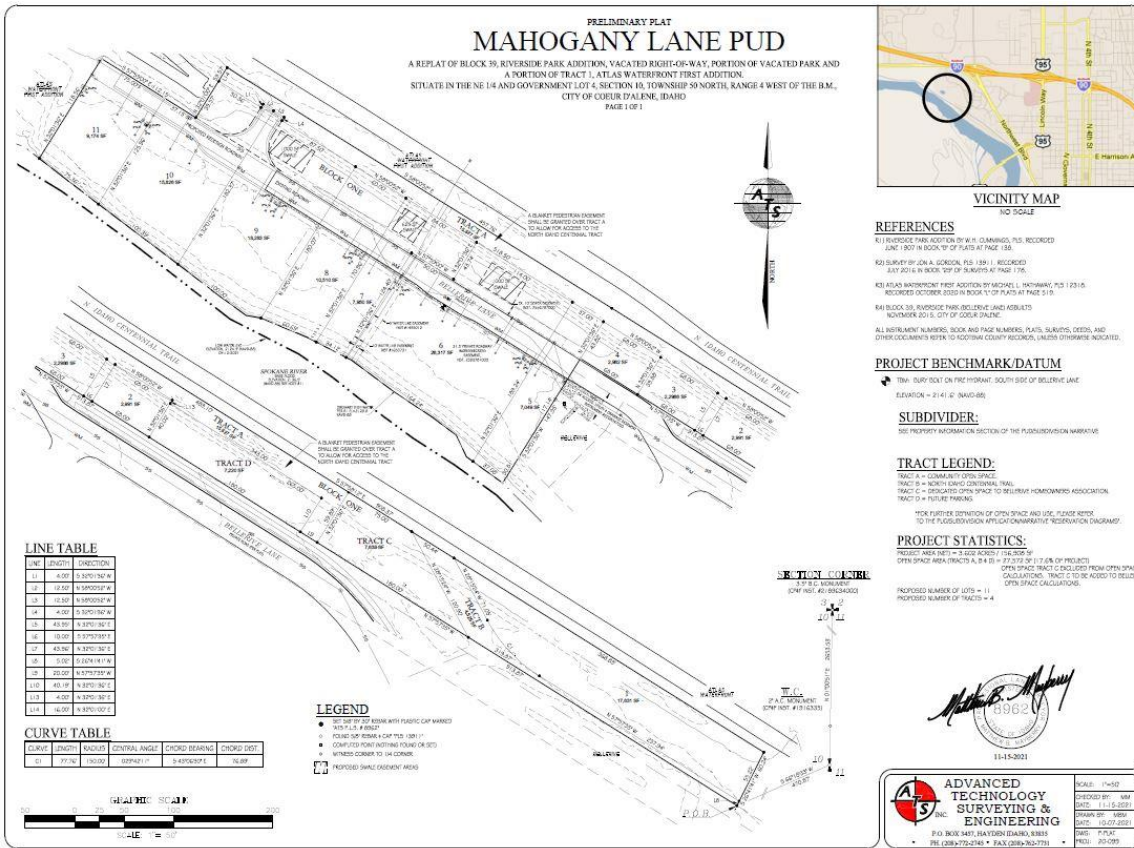
REQUIRED FINDINGS (Subdivision):

Finding #B7A: That all of the general preliminary plat requirements (have) (have not) been met as attested to by the City Engineer.

Per Chris Bosley, City Engineer, the preliminary plat submitted contains all of the general preliminary plat elements required by the Municipal Code.

- Deviations from the required subdivision standards have been requested through the Planned Unit Development process as noted in the PUD portion of the staff report.

PRELIMINARY PLAT FOR "MAHOGANY LANE PUD":



Evaluation: The Planning Commission must determine, based on the information before them, whether or not all of the general preliminary plat requirements have been met as attested to by the City Engineer.

Finding #B7B:

That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities (are) (are not) adequate.

STORMWATER:

Stormwater will be addressed with project development. All stormwater must be contained on-site. A stormwater management plan, conforming to all requirements of the City, shall be submitted and approved prior to the start of any construction.

-Submitted by Chris Bosley, City Engineer

STREETS:

The subject site is currently partially developed including Bellerive Lane, the North Idaho Centennial Trail, and a temporary parking lot that was constructed by the City. The site has frontage on Bellerive Lane, Tilford Lane, and Beebe Boulevard. Any necessary improvements to the frontages would be addressed during construction. Right-of-way along Beebe Boulevard must be deeded to the City to achieve an 80-foot total width. A pair of Rectangular Rapid Flashing Beacons should be installed for the Beebe Blvd crosswalk with construction of Centennial Trail realignment. The Streets and Engineering Department has no objection to the proposed development.

-Submitted by Chris Bosley, City Engineer

TRAFFIC:

As noted above, the subject property is bordered primarily by Bellerive Lane, Tilford Lane, and Beebe Boulevard, which are local residential streets with only Beebe Boulevard being a public street. Traffic from the proposed residential development is estimated to generate a minimal change in peak hour trips compared to what has been previously approved with the Bellerive development. The additional residential units proposed in the mixed-use development are also not expected to contribute to a significant increase in traffic. However, the commercial components of this development are more likely to increase traffic congestion in the area.

The commercial space is proposed to be approximately 3,700 sf, potentially consisting of a coffee shop and two retail suites. Assuming they are equal in size (~1,250 sf each), commercial traffic generation as forecasted by the ITE Trip Generation Manual is expected to be fewer than 100 AM Peak Hour trips and fewer than 50 PM Peak Hour trips. This could result in an approximately 50% increase in peak hour traffic on Beebe Boulevard, increasing peak hour congestion. However, the Lacrosse Ave project will be complete prior to completion of this proposed development, providing another way out of the Riverstone area and reducing congestion. The Streets & Engineering Department has no objection to the subdivision plat and planned unit development as proposed.

-Submitted by Chris Bosley, City Engineer

WATER:

The public water system has the capacity to provide adequate domestic service and fire flow for the proposed PUD. New lots 1 through 5 will require new water service installations for each lot. Lots 6 through 11 that are proposed to extend beyond the original boundary line, and may be utilized for ADU purposes, will require additional services as private service lines are not allowed to cross an existing public utility easement. Additional fire hydrants may be required by the Fire Dept. All improvements will be the responsibility of the developer at their expense.

-Submitted by Terry Pickel, Water Department Director

WASTEWATER:

1. Sewer Policy #719 requires an "All-Weather" surface permitting unobstructed O&M access to the public sewer.
2. Sewer Policy #716 requires all legally recognized parcels within the City to individually connect and discharge into (1) public sewer connection.
3. Idaho Code §39-118 requires IDEQ or QLPE to review and approve public infrastructure plans for construction.
4. Sewer Policy #719 requires a 20' wide utility easement (30' if shared with Public Water) to be dedicated to the City for all public sewers.
5. Cap any unused sewer laterals at the public main

-Submitted by Larry Parsons, Utility Project Manager

FIRE:

The Fire Department works with the Engineering, Water and Building Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents:

Fire department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at site and building permit submittals with the corrections to the below conditions.

1. Dead-end Fire Department access roads over 150 feet in length require an approved turn-around. The proposed Hammer Head turn-around as shown on PUD-3-21 exhibit is approved by the Coeur d'Alene Fire Department. A sign stating 'FIRE LANE – NO PARKING' is required to be installed at this hammer head.
2. The proposed locations for (2) fire hydrants (lot 5 and property line of lots 10/11) are approved by Coeur d'Alene Fire Department.

-Submitted by Bobby Gonder, Fire Inspector / IAAI – CFI

POLICE:

The Police department has no issue with the Mahogany Lane PUD and Subdivision.

-Submitted by Lee White, Chief of Police

PARKS:

The Parks Department requires a 15-foot wide shared-use path where the trail is being re-routed. The grade cannot exceed 5% and the cross slope needs to be 1% each way from the 1-foot-wide crown of the trail. This will help with wheelchair use and will match the existing trail.

The asphalt mix used in the trail should have 3/8-inch rock instead of the typical ¾-. This is referred to as driveway mix and provides a smoother surface for bicycles, wheelchairs, skateboards, rollerblades and strollers. Our standards require 4 inches of compacted gravel and 2 inches of asphalt. The gravel shoulder needs to be 2 feet wider than the trail on each side. Considerations will be made if there are constraints.

The natural areas on either side of the trail, where there is not irrigated turf grass (tract B and the northwest side of the structure), needs to be smoothed out for mowing purposes, with 2 inches minimum of top soil. There should be no rocks left behind. The soil needs to be seeded with natural grass seed. It is also helpful to sterilize the surface under where the trail will go to prevent weeds from growing through and damaging the trail. The entire tract B does not need to be mow-able. Just 10 feet on the NW side of the trail and all the way to the building or parking lot on the SE side of the trail.

-Submitted by Monte McCully, Trails Coordinator

URBAN FORESTER:

The City of Coeur d'Alene parks and recreation department will need to see a full set of landscape plans for the "Greenbelt" area north of the Centennial trail. The Parks and Recreation Department will approve all tree and plant species selected for this area. The site plan for this project will need to show all parking improvements, walking paths and irrigation plans. Street trees abutting Beebe Blvd. will need to be planted in the public right of way or planting easement. Any easements must be recorded with the County Recorder. Bellerive Lane is a private street, street trees planted in this area are not subject to Urban Forestry Ordinance. Selecting trees from the approved street tree list and planting to City specifications is recommended.

-Submitted by Nick Goodwin, Urban Forester

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.*

Finding #B7C: **That the proposed preliminary plat (does) (does not) comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements.**

Per engineering review, for the purposes of the preliminary plat, both subdivision design standards (Chapter 16.15) and improvement standards (Chapter 16.40) have been vetted for compliance.

Evaluation: *The Planning Commission must determine, based on the information before them, whether the proposed preliminary plat does or does not comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

Finding #B7D: **The lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district.**

The R-17 Zoning District requires that each single-family lot have a minimum of 5,500 square feet. The proposed lots area ranges from 2,982SF to 26,317SF. The applicant has requested the street frontage, lot width, and lot area deviations through the PUD process.

The gross area of the subject property is 3.6 acres. The total number of single-family units including the possible 8 units associated with the mixed-use development is 18. The result is an overall density of 5 units per acre. The existing zoning allows for a density of 17 units per acre, which allows for a total of 61 units. The proposed density is less than what is allowed by the existing zoning.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the lots proposed in the preliminary plat do or do not meet the requirements of the applicable zoning district*

APPLICABLE CODES AND POLICIES:

Utilities:

1. All proposed utilities within the project shall be installed underground.
2. All water and sewer facilities shall be designed and constructed to the requirements of the City of Coeur d'Alene. Improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
3. All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.
4. All required utility easements shall be dedicated on the final plat.

Streets:

5. All new streets shall be dedicated and constructed to City of Coeur d'Alene standards.
6. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
7. All required street improvements shall be constructed prior to issuance of building permits.
8. An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

Stormwater:

9. A stormwater management plan shall be submitted and approved prior to start of any construction. The plan shall conform to all requirements of the City.

Fire Protection:

10. Fire hydrant(s) shall be installed at all locations as determined by the City Fire Inspectors.

General:

11. The final plat shall conform to the requirements of the City.
12. Prior to approval of the final plat, all required improvements must be installed and accepted by the City. The developer may enter into an agreement with the City guaranteeing installation of the improvements and shall provide security acceptable to the City in an amount equal to 150 percent of the cost of installation of the improvements as determined by the City Engineer. The agreement and security shall be approved by the City Council prior to recording the final plat.

PROPOSED CONDITIONS:

1. The creation of a homeowner's association will be required to ensure the perpetual maintenance of the open space and other common areas.
2. The applicant's requests for subdivision, and PUD run concurrently. The subdivision and PUD designs are reliant upon one another. Additionally, approval of the requested PUD is only valid once the Final Development Plan has been approved by the Planning Department.
3. Ingress and egress access easements to Lot 1 must be obtained from all affected property owners before site construction can begin on the subdivision and PUD.
4. Onsite parking for Lot 1 must meet the City's parking code requirements as outlined in Chapter 17.44.
5. The Open Space must be installed and completed prior to certificates of occupancies being issued for this project.
6. The Centennial Trail realignment must be completed prior to disturbance to the existing Centennial Trail to provide uninterrupted access and shall be completed and accepted by the City and North Idaho Centennial Trail Foundation before November 1, 2022 or prior to issuance of any additional building permits, whichever comes first.
7. Add access easements as instrument numbers on the plat indicating all access easements acquired. Access agreements will be required for access to Tilford Lane, Bellerive Lane, and across the North Idaho Centennial Trail. These easements will be required prior to Final Plat.
8. Dedicate Beebe Boulevard right-of-way to the City to achieve an 80-foot total right-of-way width.
9. New lots 1 through 5 will require new water service installations for each lot.
10. Lots 6 through 11 that are proposed to extend beyond the original boundary line, and may be utilized for ADU purposes, will require additional services as private service lines are not allowed to cross an existing public utility easement.
11. Additional fire hydrants may be required by the Fire Dept.
12. All improvements will be the responsibility of the developer at their expense.
13. An unobstructed City approved "all-weather" access shall be required over all public sewers.
14. All public sewer plans require IDEQ or QLPE Approval prior to construction.
15. Sewer Policy #716 requires all legally recognized parcels within the City to individually connect and discharge into (1) public sewer connection.
16. A utility easement for the public sewer shall be dedicated to the City prior to building permits.
17. This PUD shall be required to comply with the City's One Lot-One Lateral Rule
18. Dead-end Fire Department access roads over 150 feet in length requires an approved turn-around. The proposed Hammer Head turn-around as shown on PUD-3-21 exhibit is approved by the Coeur d'Alene Fire Department.
19. A sign stating 'FIRE LANE – NO PARKING' is required to be installed at this hammer head.

20. The proposed locations for (2) fire hydrants (lot 5 and property line of lots 10/11) are approved by Coeur d'Alene Fire Department.
21. Build a 15' shared-use path not to exceed 5% slope with a 1% crown slope.
22. Use 'Driveway Mix' asphalt in the construction of the trail.
23. Sterilize the ground with herbicide before laying down gravel and asphalt.
24. Finish the natural area so it is mow-able.
25. All landscaping must be approved by the City of Coeur d'Alene parks department and planted to City specifications.
26. All street trees must be selected from the approved street tree list and planted to City specifications and planted in the public right of way or in street tree easements.
27. All site improvements and landscaping improvements in the "greenbelt" outside the PUD, as agreed to by the applicant, must be completed before the issuance of certificates of occupancy will be issued.
28. The City of Coeur d'Alene parks and recreation department will need to see a full set of landscape plans for the "Greenbelt" area north of the Centennial trail. The Parks and Recreation Department will approve all tree and plant species selected for this area.
29. The site plan for this project will need to show all parking improvements, walking paths and irrigation plans.
30. Street trees abutting Beebe Blvd. will need to be planted in the public right of way or planting easement. Any easements must be recorded with the County Recorder.
31. Bellerive Ln. is a private street, street trees planted in this area are not subject to Urban Forestry Ordinance. Selecting trees from the approved street tree list and planting to City specifications is recommended.

ORDINANCES & STANDARDS USED FOR EVALUATION:

- 2007 Comprehensive Plan
- Transportation Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies Urban Forestry Standards
- Transportation and Traffic Engineering Handbook,
- I.T.E. Manual on Uniform Traffic Control Devices
- 2017 Coeur d'Alene Trails Master Plan

ACTION ALTERNATIVES:

The Planning Commission must consider these two requests and make separate findings to approve, deny, or deny without prejudice. The findings worksheets are attached.

Attachments:

- Applicant's Narrative
- Bellerive HOA Minutes
- Bellerive HOA Letter



**APPLICANT'S
NARRATIVE**

MAHOGANY LANE PUD

PUD/SUBDIVISION PROJECT NARRATIVE

| Coeur d'Alene, ID |

Topics

- Property Information
 - Tax Assessor Information and Ownership
 - Location
 - Existing Physical Environment
 - Existing use
 - Topography
 - Soils
 - Wetlands and riparian areas
 - Flood zone designation
- Proposal
 - Summary Description
 - Zone District, Intensity of Use, and Related Standards
 - Open Space
 - Infrastructure
 - Potable water
 - Fireflow
 - Sewer
 - Irrigation
 - Stormwater
 - Snow
 - Streets
 - Private Gated Community
 - Parking
 - Recreational paths
 - Power, street lighting, and private utilities
 - Management of Common Areas
 - Relationship to Major External Infrastructure and Facilities
 - Schedule

PROPERTY INFORMATION

Tax Assessor Information and Ownership

The property is Lots 1-11, Block 39 of Riverside Park Addition to CDA and various adjacent parcels within an area described as 8.9343 acres, assigned to the following numbers:

Description	Parcel No	AIN	Ownership	Size (acres)
Lot 1	C-6680-039-001-C	343327	Riverside State Park 1 LLC	0.1475
Lots 2&3	C-6680-039-002-A	347230	Bloem, Robert A	0.3079
Lot 4	C-6680-039-004-0	344337	Hardwood Coffee LLC	0.1491
Lots 5&6	C-6680-039-005-A	342732	Bearwaterfront LLC	0.3037
Lots 7&8	C-6680-039-007-A	342733	River Estates LLC	0.3233
Lots 9&10	C-6680-039-009-A	342731	Wheeler, Chad K	0.3065
Lot 11	C-6680-039-011-A	137067	Atlas Mill Development Corp	0.2085
	C-L519-000-001-C	344157	City of CDA	1.7594
	C-L519-000-001-D	344158	City of CDA	0.9656
	C-L519-000-001-E	344159	CDA Urban Renewal Agency	3.8099
	C-J311-000-00B-0	301802	Bellerive HOA Inc	0.3149
	C-K446-000-00A-B	339119	North Idaho Centennial Trail	0.3380



Figure 1: Assessor Parcel Information from KC Maps

Location

The property is located at the west end of W Bellerive Ln south of the North Idaho Centennial Trail and the Spokane River, east of the Atlas Waterfront Property. The project is located in Section 10, Township 50 North, Range 04 West, Boise Meridian, Kootenai County, Idaho.



Figure 2: KC Earth aerial photo depicting property and location relative to downtown CDA

Existing Physical Environment

Existing use: The west end of the property (residential lots) is currently developed with semi-improved with surface access from Bellerive Ln and city utilities. The adjacent parcels are also developed with the North Idaho Centennial Trail and minimal surface parking. A mature evergreen landscape strip exists between the subject PUD and the North Idaho Trail alignment.

Topography: The property is generally flat, sloping very slightly to the North.

Soils: The soils, found in the Outwash Terrace Landform, are McGuire-Marble association. These soils are generally characterized by gravelly sandy loam from 0 – 23 inches, proceeding to extremely gravelly coarse sand at more than 23 inches. These are well-drained soils with low water storage capabilities with no risk of flooding and ponding.

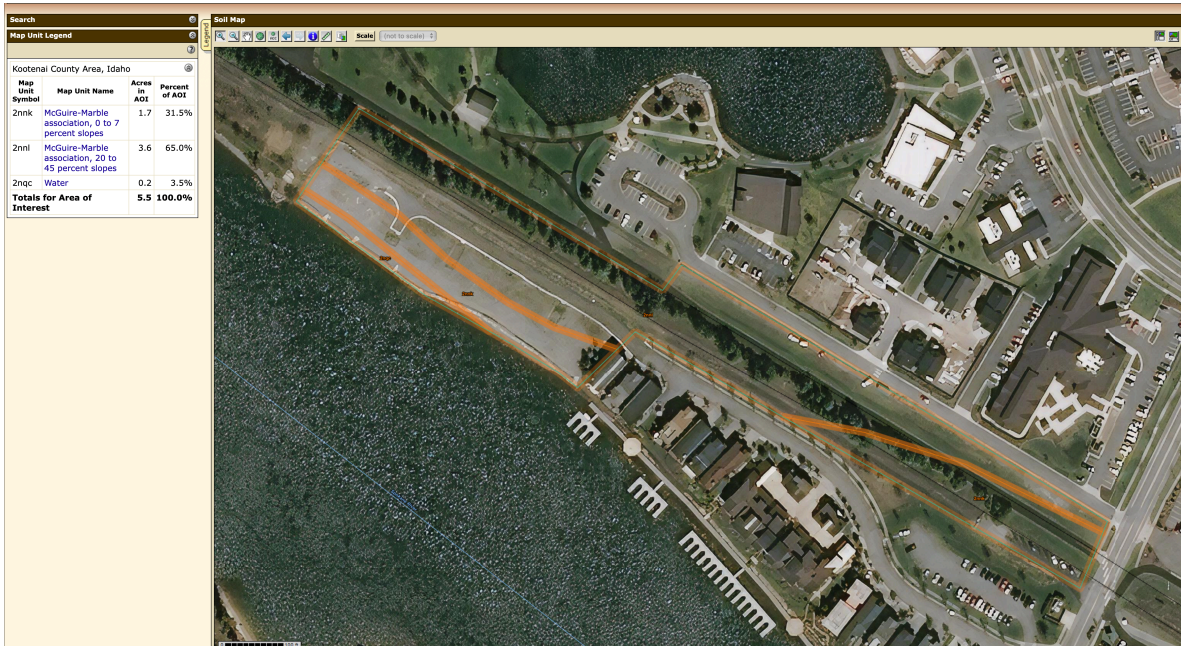


Figure 3: USDA NRCS Web Soil Survey

Wetlands and riparian areas: Pursuant to the National Wetlands Inventory Surface Waters and WetlandsMap, there are no natural riparian areas or wetlands on or near the property.

Flood zone designation: Pursuant to the National Flood Insurance Program Flood Map 16055C0405E, the property is located adjacent to Zone AE. Elevation certificates may be required for single-family homes which will be built in the Western section of the PUD, but above the BFE.



Figure 4: US Fish and Wildlife Service National Wetlands Inventory Wetlands Mapper

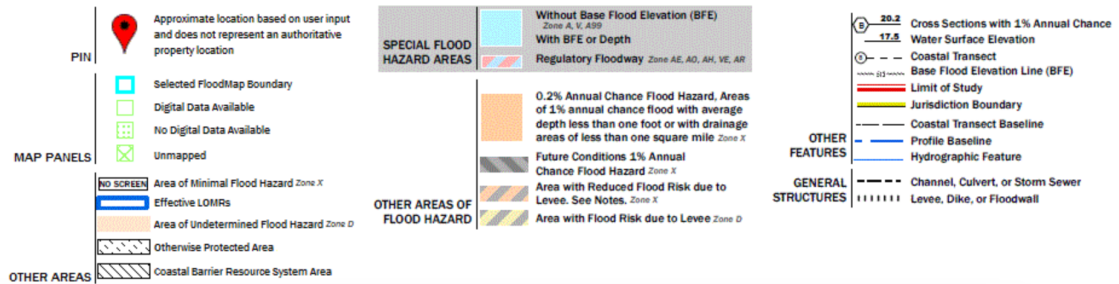


Figure 5: FEMA Flood Map Service

PROPOSAL

Summary Description

This application is for a Planned Unit Development with 11 lots. All residential lots are to be accessed via a private road system. The gross acreage is 3.60 acres of which 0.50 (17.60%) will be dedicated as open space. The open space is directly adjacent to the North Idaho Centennial Trail and pedestrian seating nodes (offsite). Within the PUD boundary, the developer proposes enhancement of a significant natural trees and vegetation, landscaping, pedestrian seating node and sidewalk connections to offsite parking north of the trail. The pedestrian access routes also provide a significantly improved level access to the existing boardwalk.

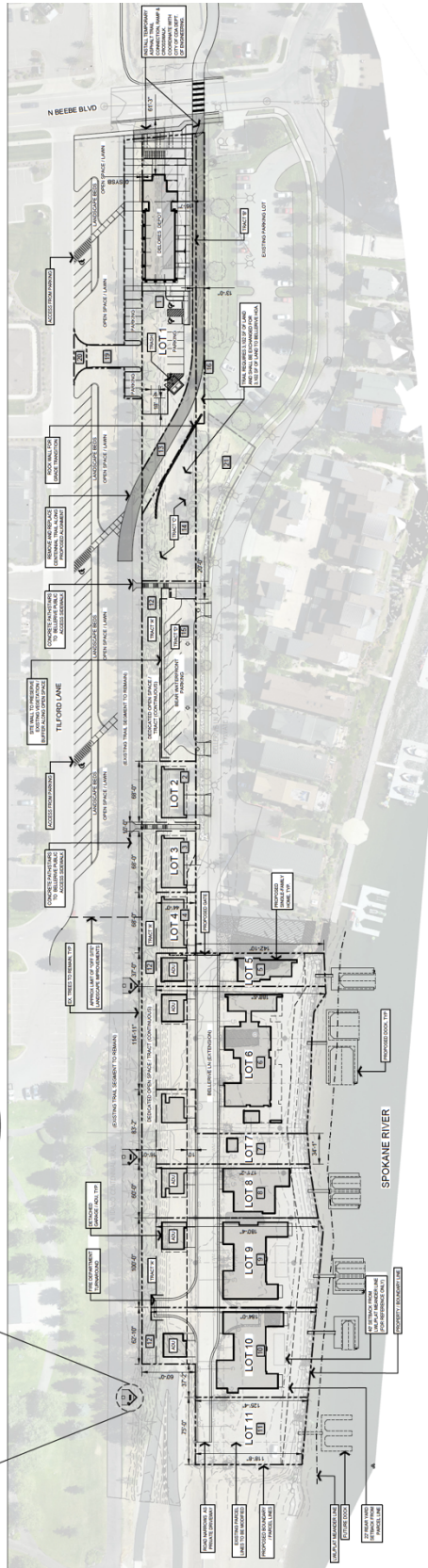
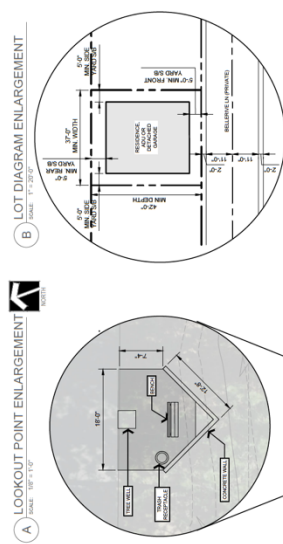
The eastern end of the development features an iconic mix-use building that will offer services to the community.

Proposed modifications to the City's standards are discussed in the applicable sections below.

Figure 6: Excerpt from the Mahogany Lane PUD Plan

LAND USE SUMMARY

SYMBOL	DESCRIPTION	QTY	AREA (SF)	NOTES
10	LOT 1 - BEAR WATERFRONT LLC (DELORES DEPOT)	1	17,631 SF	BELLEVIEW HOA PROPERTY TO BE DELETED TO THE TRAILS RELOCATION IS COMPLETE
11	LOT 2 - RESIDENTIAL	2,991	2,991 SF	EASEMENT FROM THE CITY OF GDA REQUIRED FOR ACCESS AND PARKING
12	LOT 3 - RESIDENTIAL	2,992	2,992 SF	ACCESS EASEMENT REQUIRED FROM TRAILS FOUNDATION
13	LOT 4 - RESIDENTIAL	7,049	7,049 SF	
14	LOT 5 - RESIDENTIAL	26,317	26,317 SF	
15	LOT 6 - RESIDENTIAL	7,956	7,956 SF	
16	LOT 7 - RESIDENTIAL	10,510	10,510 SF	
17	LOT 8 - RESIDENTIAL	18,283	18,283 SF	
18	LOT 9 - RESIDENTIAL			
19	LOT 10 - RESIDENTIAL			
20	LOT 11 - RESIDENTIAL			
21	TRACT A - PUBLIC OPEN SPACE		15,026 SF	
22	TRACT B - OPEN SPACE (NORTH IDAHO CENTENNIAL TRAIL)		9,174 SF	
23	TRACT C - BELLEVIEW HOA OPEN SPACE		15,927 SF	
24	TRACT D - BEAR WATERFRONT LLC (PARKING)		4,525 SF	
25			7,838 SF	
26			7,226 SF	



Zone District, Intensity of Use, and Related Standards

This property is zoned R-17. Pursuant to Coeur d’Alene City Code (CCC) 17.05.090.A: “This district is intended as a medium/high residential area that permits a mix of housing types at a density of 17 dwelling units per gross acre.” The owner is proposing a development density of 3.05 residential units per acre, less than 82% of that allowed by the CCC.

Building height restrictions per the CCC are shown in the below table. The owner is not proposing a modification to building height restrictions.

Maximum Structure Heights		
Use	Structure Type	Principal Facilities (In buildable area)
Residential	Principal structure	32’ (2 ½ Stories)
Residential	Detached garages and carports	With low or no slope roof: 14’; with medium to high slope roof: 18’
Residential	ADU	24’ (2 Stories)
Commercial	Mixed Use	45’ (3 ½ Stories)

Yard Setbacks		
Use	CCC Standard (FY/SY/Ry)	PUD Modified Setbacks (FY/SY/Ry)
Residential and Commercial	FY 20’ / SY 5’ one side & 10’ the other / 25’ (12 ½’ adjacent Public Open Space) Zero setback side yards are allowed for single family.	
Residential (Lots 2 thru 4)	Principal structure	FY 10’ / SY 5’ both side yards / RY 5’ (adjacent Public Open Space, Tract).
Residential (Lots 5 thru 11)	Principal structure	FY 5’ / SY 5’ both side yards / RY 22’ (adjacent Waterfront, measured from face of existing rock wall)
Residential (Lots 5 thru 11)	ADU w/garage	FY 10’ / SY 5’ both side yards / RY 5’ (adjacent Public Open Space, Tract).
Commercial (Lot 1)	Principal structure	FY 20’ / SY 0’ both side yards / RY 5’

*The front yard is defined as the parcel edge directly adjacent the private street for all lots except Lot 1 where the front yard shall be adjacent to Public Right-of-Way; Beebe Blvd.

The minimum lot size required by the CCC is 5,500 square feet. Buildable lots must have a minimum of road frontage of fifty feet. The owner is proposing slight variations as follows:

- Minimum lot width 37'. The precedence for this width was derived from prior subdivision records that indicated lots under 50 in width.
- Minimum lot gross area 2,982 sf. Lots 3 thru 5 are intended to provide smaller housing options for owners that desire minimal living space. These homes would provide lower-cost housing options close to the waterfront, which is extremely limited in today's urban market.
- Front yard setbacks (see table above). Residential parcels 5&6, and 8 thru 10, have primary structures w/ attached garage parking as well as proposed ADU w/ garage under (across the private street) that allows for guest and resident off street parking. Lots 2 thru 4, and 7 have primary structures w/ garage under parking.
- Side yard setbacks 5'. All proposed single-family homes are custom homes that have been specifically designed with a complimentary materials pallet and footprint, unifying the development. The need for larger side yards isn't necessary as the primary use/focus of the residential parcels is river focused.

The western end of the development will be residential use; with custom homes planned for each lot. The following diagram illustrates the architecture; uniquely designed to fit each lot.

Please note there is an existing water line easement in the western portion of lot 6. Appropriate easements will be recorded to address other utility corridors along the private road that service the individual lots.

The plat meander line (established from prior Bellerive subdivision) was also used as the basis of building setback for the rear yard. This setback has been established at 40' landward from the meander line and is more clearly defined in the Yard Setback table above. The rear yard setback is defined as 22' from the face of the existing rock wall at the water's edge.

The architecture for lots 5 and 6 has been held back additionally from the 40' setback to preserve the existing view corridor from Bellerive Lots 1, 2, and 3. Cross sections of the architecture shown on Exhibit D illustrate the intentional use of flat roofs to and lower architecture to ensure transparency in the development and maximize visual connection to the river.

Lot 1 is proposed as a 2-story commercial, mixed-use building. At this time, the footprint of the proposed building is +/-3,700 sf and is planned for a Coffee Shop and 2 Retail Suites on the main level. The second level could feature up to 8 living units, but final design is pending ownership approval.

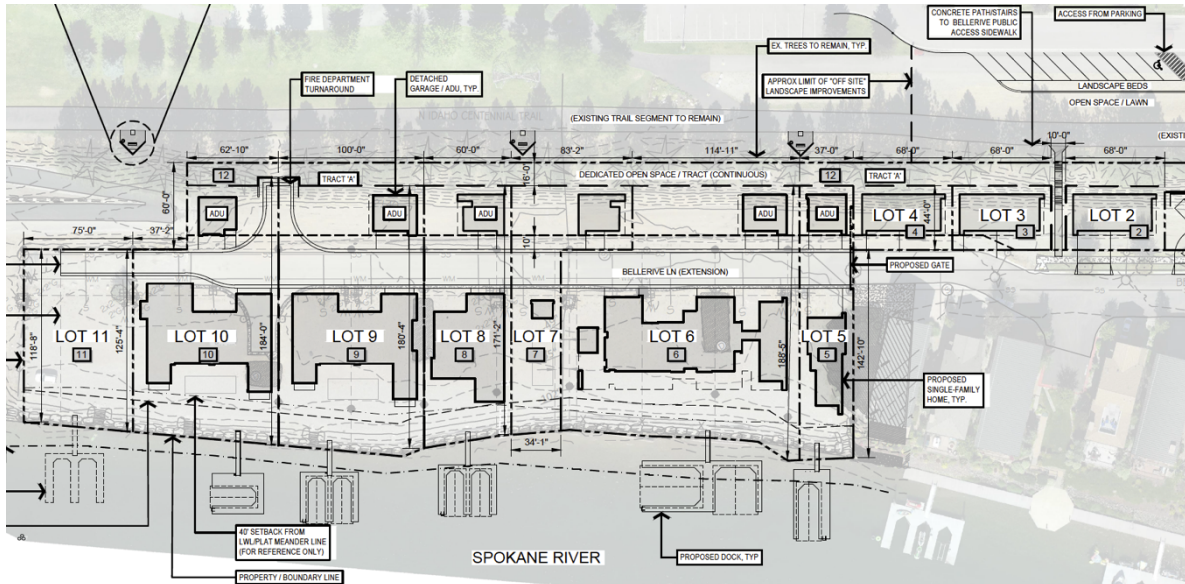


Figure 7: Excerpt from the Mahogany Lane PUD Plan

Open Space

The owner is proposing a minimum of 0.50 acres for public open space that will be used for the purposes noted in the General Summary section above. Regarding the open space tract, this area will be used by lot owners, visitors, community members for passive recreational purposes. The owner is proposing to construct these improvements within the open space area.

- 5' wide concrete sidewalks and stairs connecting to the adjacent external North Idaho Centennial Trail. The sidewalks also significantly improve public access to the existing Boardwalk and River Corridor. A pedestrian node is also provided in the PUD along the easterly access path and stair.
- The current condition of the native landscape is such that community members are disconnected (visually) from the river while on the North Idaho Centennial Trail. The owner is proposing understory thinning and tree trimming efforts to open views and enhance the community connection to the river corridor.

In addition to the on-site project improvements, the owner is proposing to **support additional offsite improvements** which offer significant value to the community. The owners are noted in the General Summary section above. The off-site improvements are as follows:

- Parking. Historically there has been a need for additional parking in the Bellerive community; approx. 46 off street parking stalls for community access to the North Idaho Trail are proposed.
- 3 pedestrian overlooks adjacent to the North Idaho Centennial Trail. Nodes will offer pedestrian seating, interpretive opportunities, and viewing opportunities.
- Open space landscape improvements could include passive use lawn / activity areas, landscape areas, and irrigation.

- The eastern edge of the development (Delores Depot) features an outdoor plaza that is planned to host community activities such as live music, exhibits, etc. The proximity to parking and the re-aligned North Idaho Centennial Trail create a strong relationship with the community minded features. The final plan will allocate no less than 1,850 SF to public open space related to the depot building experience.

Infrastructure

Potable water: Water mains are currently located in W Bellerive Ln. 8- inch PVC mains will be installed under the road surface within the street tract and appropriate easements allowing for the City to access the infrastructure will be recorded. Mains, laterals, and meters boxes will be per the City's specifications. Meter boxes will be co-located with adjacent lot meter boxes where needed to avoid driveway conflict, with services extending a minimum of five feet internal to individual lots. A minimum of 18" of vertical separation over other utilities will be maintained, or if located under other utilities, the water infrastructure will be sleeved.

Fireflow: Water mains are currently located in W Bellerive Ln. 8-inch PVC mains will be installed under the road surface within the street tract as needed to relocate an existing fire hydrant; installed per the City's specifications. Appropriate easements allowing for the City to access the infrastructure will be recorded.

Sewer: Sewer mains are currently located in W Bellerive Ln. 8-inch PVC mains will be installed under the road surface within the street tract and appropriate easements allowing for the City to access the infrastructure will be recorded. Mains, manholes, and laterals will be per the City's specifications. Services will extend a minimum of five feet internal to individual lots.

Irrigation: Irrigation systems will be installed in the stormwater swales, parking tracts/parcels, and trail connection tracts. System sizes will vary depending on location. These tracts will be owned by the Homeowner's Association who will have rights of access to the tracts for maintenance.

Stormwater: Stormwater infrastructure will be installed as needed throughout the PUD. System sizes will vary depending on location. Infrastructure consisting of ponds, catch basins, pipes, and curb inlets, will be per the City's specifications. These easements will be on private lots; however, the Homeowner's Association will have rights of access to the systems for maintenance.

Snow: Snow removal and storage will be internal to the PUD and will be located within the stormwater and open space tracts. These tracts will be owned by the Homeowner's Association who will have rights of access to the tracts for storage and maintenance.

Streets: The owner is requesting a deviation from code section 16.15.160.b.1. This section outlines that all lots must have frontage on public streets. The deviation from this code is based upon the historically platted, existing conditions within the Bellerive HOA. Bellerive Lane is a Private Street that provides access to the homes in the existing development. The owner is requesting to extend that access to the West to serve Residential lots 5 thru 10. Lot 11 will be served by a private driveway originating from the terminus of the fire department approved turnaround.

The owner is proposing that internal circulation within the PUD will be via the existing private street system, W Bellerive Ln. It is anticipated that this will be a low volume, low speed street system. The owner is not requesting any additional modifications to infrastructure outside of that noted, see private road section exhibit. Materials and structural sections for streets, curbing and sidewalks are proposed to be per city standards.

Private Gated Community: There will be gated vehicle and pedestrian access from the private road extension at the end of Bellerive Lane; within the Bellerive Community. Residential Lots 6 thru 12 will be gated. The owner will provide the City utility and fire departments with Knox and key code access into the PUD.

The streets and related infrastructure will be in the street easement and will be owned by the Homeowner's Association who will have rights of access to the easement for maintenance.

Parking: The owner is proposing to provide two attached garage spaces per unit and a minimum of 1 additional garage space in the detached units adjacent the single-family homes. This exceeds the City code requirements. The owner is also proposing a variety of parking areas throughout the PUD as follows:

- 12 spaces in the land retained by BearWaterfront LLC.
- 19 spaces in the mixed-use section to the east (Delores Depot)
- 46 offsite spaces to the north of the North Idaho Trail as described previously.

In total, will provide 77 additional off-street parking spaces. All parking spaces will be per the City's specifications. 46 will be on City and Trails Foundation Land south of Tilford Ln as described previously.

Recreational paths: Recreational paths will be provided through the PUD and to the external North Idaho Centennial Trail. Paths sizes and materials vary, with standard concrete sidewalks proposed in those areas constrained by stormwater infrastructure, where just a direct pathway connection is needed, to 12' paths of either asphalt or concrete that meander through the development and larger tract system as part of the re-aligned North Idaho Centennial Trail. The minor 5' wide paths, and stairs, will be in open space and stormwater tracts that will be owned by the Homeowner's Association who will have rights of access to the tracts for maintenance. The wider access paths and North Idaho Centennial Trail will be in tracts dedicated back to the respective owners.

Power, street lighting, and private utilities: Will be established in road-side easements and maintained by the service provider.

Management of Common Areas

The owner is proposing the following infrastructure will be maintained by the Homeowner's Association:

- Stormwater systems
- Streets (street surface, curb/gutters, sidewalks, crosswalk markings, and signage)
- Paths/sidewalks for internal recreation and external connections
- Structures within common areas
- Auxiliary parking areas
- Snow removal and storage
- Irrigation (stormwater infrastructure, street and common area landscaping)

The owner is proposing that the following infrastructure will be maintained by the City of Coeur d'Alene

- Potable water
- Fireflow
- Sewer

Relationship to Major External Public Infrastructure and Facilities

This PUD is directly adjacent to and will access the North Idaho Centennial Trail system. The PUD is located less than 1 mile from 1-90, US 95 and US 97.

Schedule

The project is proposed as a single-phase PUD/subdivision. Construction of the PUD/subdivision infrastructure is anticipated to commence in 2021, complete in 2022, with home construction beginning in the fourth quarter of 2021.

Respectfully

A handwritten signature in blue ink, appearing to read 'J. Tripp', is written over a light blue circular background.

Joshua Tripp, PLA

**PLANNING COMMISSION
STAFF REPORT**

FROM: MIKE BEHARY, ASSOCIATE PLANNER

DATE: DECEMBER 14, 2021

SUBJECT: A-6-21 –ANNEXATION OF 5.2 ACRES OF PUBLIC ROAD RIGHTS-OF-WAY ALONG AQUA AVENUE AND GOVERNMENT WAY.

LOCATION: PUBLIC ROAD RIGHTS-OF-WAY LOCATED ON AQUA AVENUE BETWEEN US 95 AND GOVERNMENT WAY AND ON GOVERNMENT WAY BETWEEN AQUA AVENUE AND WILBUR AVENUE

APPLICANT:
City of Coeur d’Alene
710 E Mullan Avenue
Coeur d’Alene, ID 83814

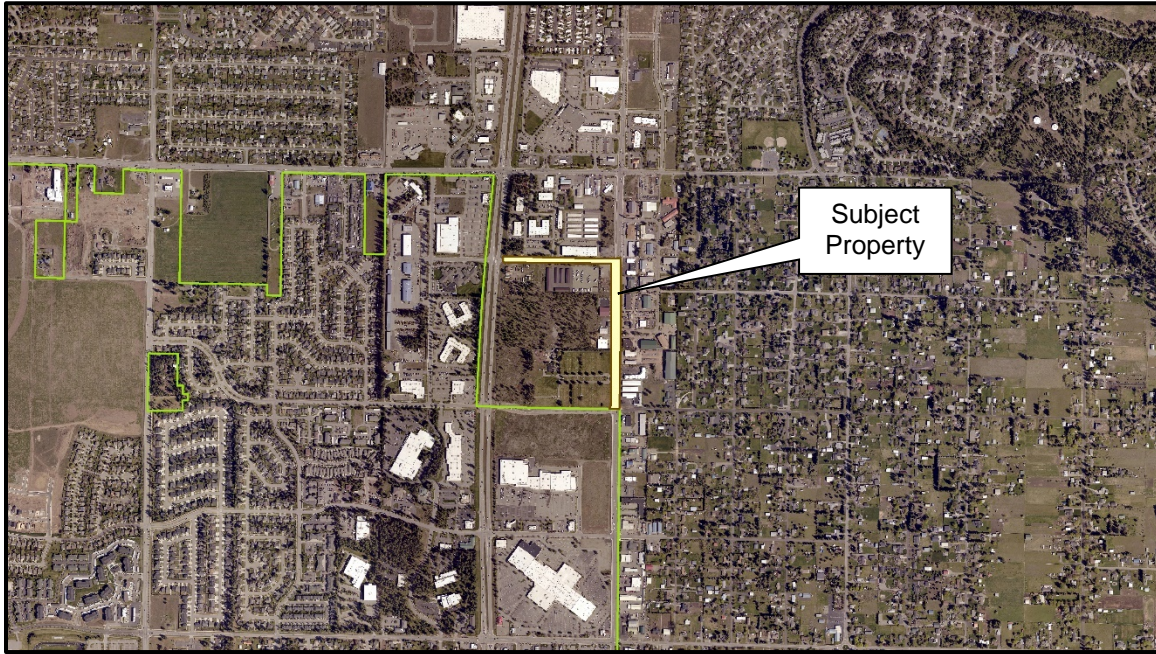
DECISION POINT:
The City is requesting approval of the annexation of a strip of land varying in width, being a portion of the Public Road Rights-of-Way of Government Way between US 95 and Government Way, and Aqua Avenue between Wilbur Avenue and Aqua Avenue.

BACKGROUND INFORMATION:
The subject public rights-of-way are located in the unincorporated area of Kootenai County within the City’s Area of City Impact (ACI). The subject land is adjacent to the city limits on the south on Government Way, along with portions of adjacent to along the south side of Aqua Avenue, and also a portion of the city limits are located on the west side of the Government Way. The land is public rights-of-way and is not required to have a zoning classification since it is all intended to remain as public roadways. There is no owner listed because the roadways are dedicated to the public. The public road rights-of-way are within the unincorporated County boundary as noted above and maintained by Lakes Highway District. If annexed, they would remain public but the maintenance responsibilities would shift to the City of Coeur d’Alene from the Highway District.

The subject public rights-of-way are currently in the Lakes Highway District’s jurisdiction. In 2013, the City of Coeur d’Alene entered into an Intergovernmental Agreement with Lakes Highway District to actively pursue annexation of this area (see attached Intergovernmental Agreement, page 5). The Lakes Highway District Board has reviewed this request and has indicated that this proposed annexation is consistent with the agreement and that the proposed public road rights-of-way should be in the City of Coeur d’Alene’s jurisdiction (see attached Letter dated December 7, 2021). The City of Coeur d’Alene’s Engineer is also in agreement with the proposed annexation of the subject public road rights-of-way.

In regards to zoning, public right-of-way does not have zoning district designation/classification, therefore zoning is not a part of this request.

PROPERTY LOCATION MAP:



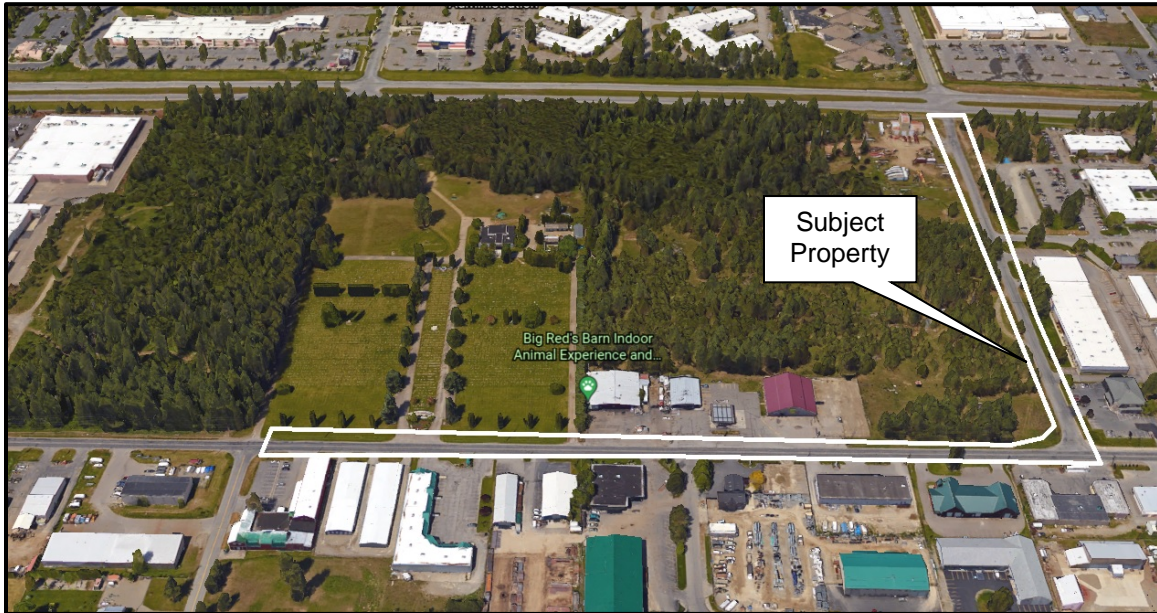
AERIAL PHOTO:



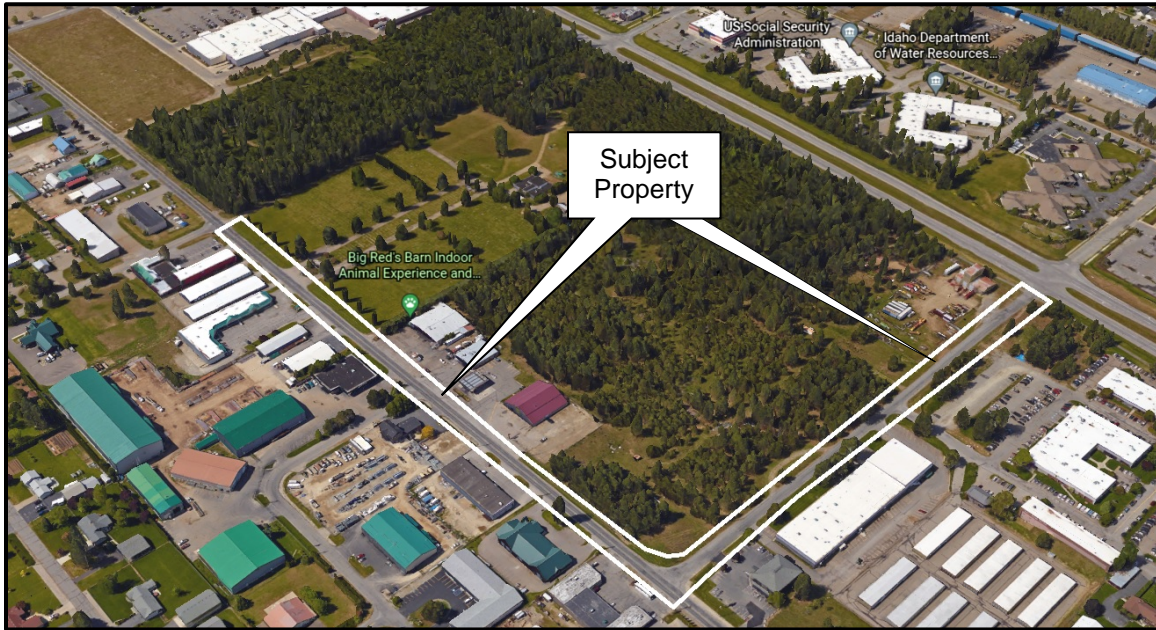
AERIAL RECENT ANNEXATION REQUEST:



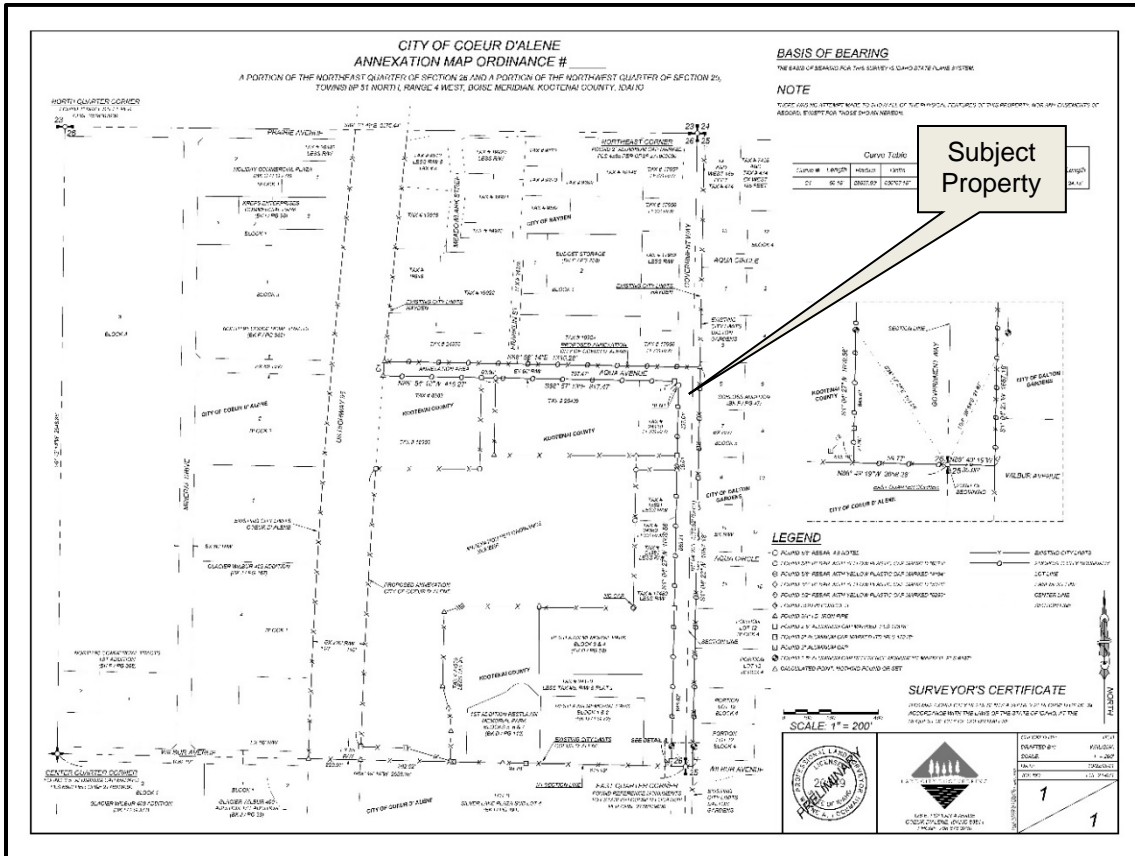
BIRDSEYE AERIAL VIEW:



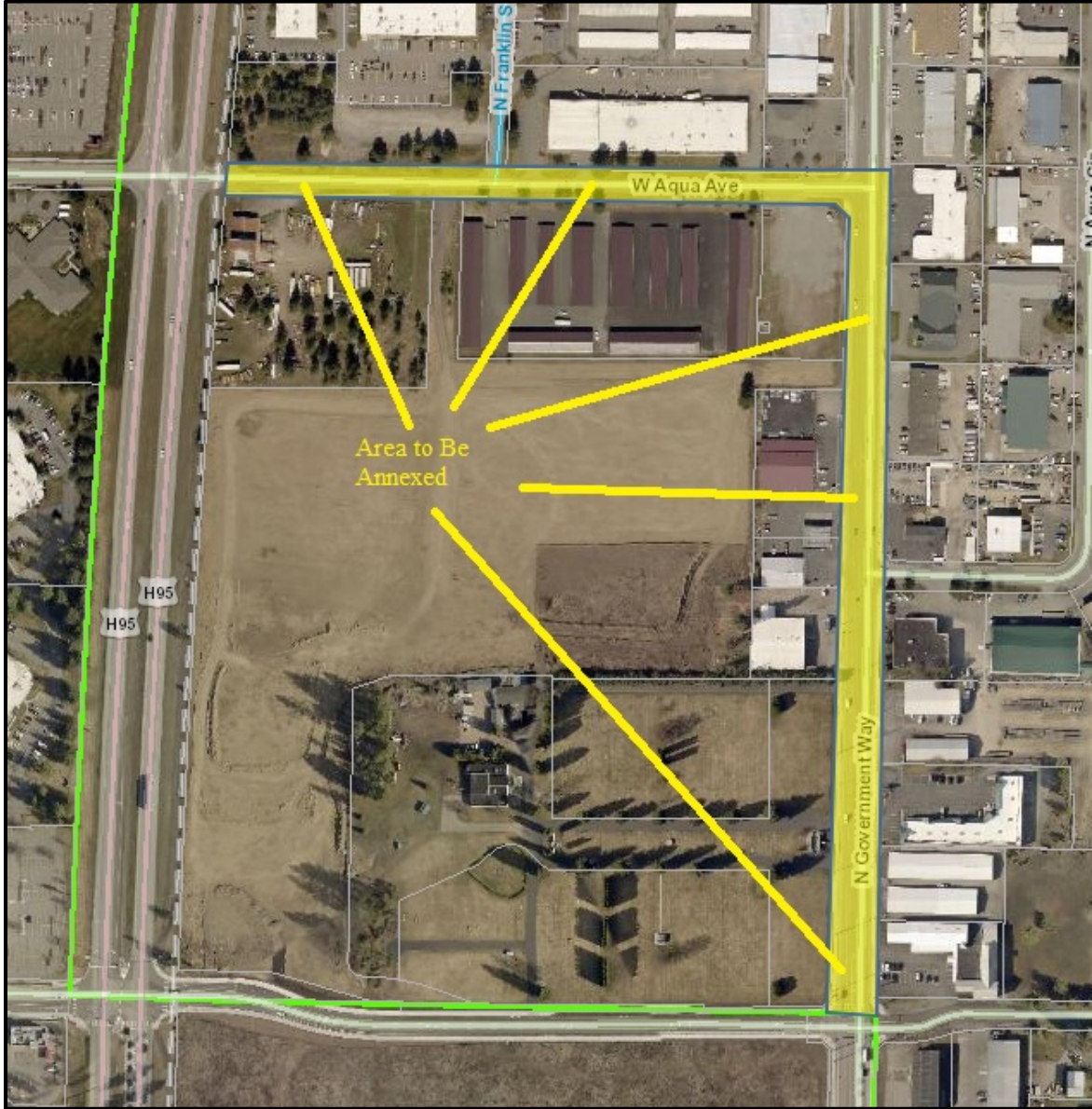
BIRDSEYE AERIAL VIEW:



ANNEXATION MAP:



ANNEXATION AERIAL MAP:



EXISTING ZONING MAP: County Zoning Districts

(NOTE: the annexation area does not have a zoning district designation)

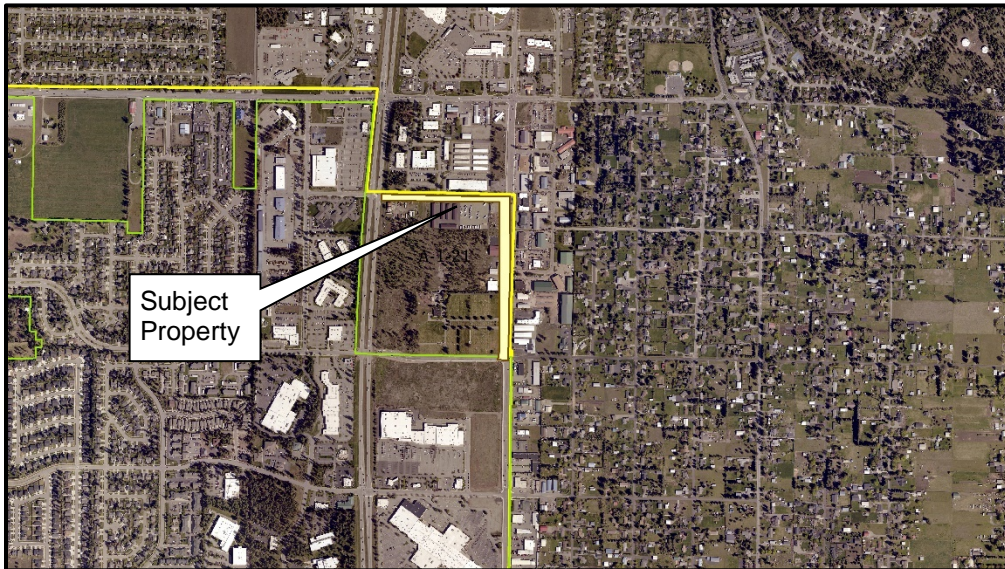


REQUIRED FINDINGS FOR ANNEXATION:

A. **Finding #B8:** That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

- The subject property is not within the existing city limits.
- The City's Comprehensive Plan designates this property within the US 95 Corridor area.

AREA OF CITY IMPACT MAP:



COMPREHENSIVE PLAN MAP: US 95 Corridor



Transition:

These areas are where the character of the neighborhoods is in transition and should be developed with care. The street network, the number of building lots, and general land use are expected to change greatly within the planning period.

US 95 Corridor Today:

US Highway 95 has become a high impact gateway into the community as well as the major north-south highway through north Idaho. It is also the main arterial that connects communities to the north of Coeur d'Alene to I-90 and is the state's principal route to Canada. Northwest Boulevard and I-90 are major intersections within city limits. Large scale native trees along this corridor help to offset the negative impacts associated with a major thoroughfare. Presently the highway is a bottleneck for both local and through traffic.

US 95 Corridor Tomorrow:

The city of Coeur d'Alene will be working during the next planning period until the year 2027 with the Idaho Department of Transportation to design an efficient transportation system through the city.

The characteristics of the US 95 Corridor will be:

- Ensuring that access to businesses along the highway corridor is protected.
- Ensuring the city is not divided by this highway.
- Designing a system for the safe and efficient traffic flow through the city with a separate arterial for through traffic.
- Encouraging retention and planting of native variety, evergreen trees.
- Anticipating that US 95 traffic will be possibly diverted to a future bypass.
- Careful planning is needed to the south of Coeur d'Alene due to the continued development of Blackwell Island.
- Careful planning is needed to the south of Coeur d'Alene because access to these areas is limited to the US 95 bridge over the Spokane River.
- Retaining and expanding landscaping along both I-90 and US 95.
- Provide for safe crossings of US 95 for pedestrian and bicycle traffic.

2007 Comprehensive Plan Goals and Objectives that apply:

Objective 1.14 - Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 3.16 - Capital Improvements:

Ensure infrastructure and essential services are available prior to approval for properties seeking development.

Objective 4.01 City Services:

Make decisions based on the needs and desires of the citizenry.

Objective 4.02 - City Services:

Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).

Objective 4.06 - Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision-making process.

PLEASE NOTE: This finding evaluation is based on the request of the public rights-of-way only; there are no private properties that are included in this request that would warrant the complete review of the Comprehensive Plan policies.

Evaluation: *The Planning Commission will need to determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

B. **Finding #B9: That public facilities and utilities (are) (are not) available and adequate for the proposed use.**

STORMWATER:

Stormwater is currently collected in catch basins and piped to the City-owned swale on Sunup Ave. This collection, conveyance, treatment, and disposal method will be maintained in this manner for the foreseeable future.

STREETS:

Government Way is an arterial street that has been recently improved to City Standards. Aqua Ave is a local street that has not been improved to City Standards, but is in fair to good condition. In our agreement with Lakes Highway District for the construction of Government Way, the City agreed to actively pursue annexation of Government Way. This annexation fulfills that obligation. Aqua Ave is only a small addition to our snow removal and maintenance needs. By annexing both streets, the City has the ability to allow or require access to multiple streets, reducing traffic congestion from the newly annexed Dodge property. The Streets and Engineering Department supports this annexation request.

-Submitted by Chris Bosley, City Engineer

WATER:

The proposed annexation of the Government Way and Aqua Avenue Rights-of-Way will not alter utility jurisdiction or water purveyors.

-Submitted by Terry Pickel, Water Superintendent

SEWER:

The nearest public sanitary sewer is located to the East on Government Way. The annexation will not impact the City's wastewater infrastructure or ability to provide service to properties in the area that are within city limits. The wastewater department has no objection with the proposed annexation.

-Submitted by Larry Parsons, Utility Project Manager

FIRE:

The requested annexation would not change the existing roadways or impact the Fire Department's ability to provide emergency response to properties within the area.

-Submitted by Bobby Gonder, Fire Inspector

Police:

The Police Department has no issues with the annexation of Aqua Avenue and Government Way.

-Submitted by Lee White, Chief of Police

Evaluation: *The Planning Commission will need to determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.*

NOTE: The above findings would be based on the existing street system continuing to provide adequate access to the surrounding properties and that the annexation request of the public road rights-of-way would not negatively impact public infrastructure and services.

- C. **Finding #B10:** **That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.**

PHYSICAL CHARACTERISTICS:

The subject public rights-of-way are generally flat and are already existing and fully functioning roadways. Site photos are provided on the next few pages showing the existing conditions.

TOPOGRAPHIC MAP:



SITE PHOTO - 1: View from the intersection of Government Way and Wilber Avenue looking north.



SITE PHOTO - 2: View from the intersection of Government Way and Aqua Avenue looking south.



SITE PHOTO - 3: View from the intersection of Government Way and Aqua Ave looking northwest.



SITE PHOTO - 4: View from the intersection of Government Way and Aqua Avenue looking east.



SITE PHOTO - 5: View from the west end of Aqua Avenue looking west.



SITE PHOTO - 6: View from the west end of Aqua Avenue looking east.



Evaluation: *The Planning Commission will need to determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

NOTE: The above findings would be based on the topography and existing conditions of the fully functioning roadways.

- D. **Finding #B11:** **That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.**

TRAFFIC:

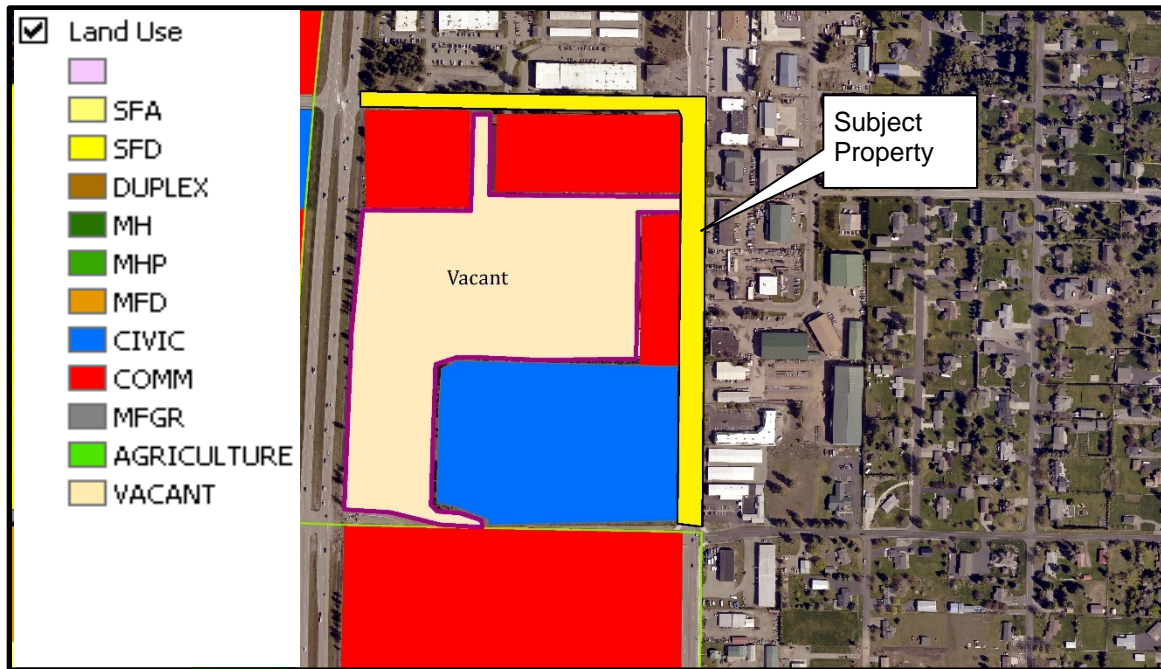
The proposed annexation itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from an annexation. However, the annexation gives the City (rather than Lakes Highway District) the ability to control property access and restrictions to the newly annexed Dodge property.

-Submitted by Chris Bosley, City Engineer

NEIGHBORHOOD CHARACTER:

See the “US 95 Corridor Today” descriptions from the 2007 Comprehensive Plan listed in finding #B8 as well as the photos of subject property. The surrounding properties to the north, east, south, and west have commercial and civic uses located on them. The subject public right-of-way is part of an existing road network that will be changing jurisdiction authority from Lakes Highway District to the City of Coeur d’Alene if the annexation is approved.

GENERALIZED LAND USE PATTERN:



Evaluation: *The Planning Commission will need to determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

NOTE: *The above findings would be based on traffic congestion and existing land use patterns.*

ORDINANCES & STANDARDS USED FOR EVALUATION:

2007 Comprehensive Plan
Transportation Plan
Municipal Code
Idaho Code
Wastewater Treatment Facility Plan
Water and Sewer Service Policies
Urban Forestry Standards
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices
2018 Coeur d'Alene Trails Master Plan

RECOMMENDATIONS FOR ITEMS TO INCLUDE ANNEXATION AGREEMENT:

The annexation of these public road rights-of-way, if approved, would not require an annexation agreement.

ACTION ALTERNATIVES:

The Planning Commission will need to consider this request for annexation and make findings to approve, deny or deny without prejudice. The findings worksheet is attached.

PLEASE NOTE: The Planning Commission's role in an annexation request is related to zoning. In this case because the annexation involves public rights-of-way, the Commission would make a recommendation to the City Council that the annexed territory be assigned no zoning classification.

Attachments:

- 2013 Intergovernmental Agreement with Lakes Highway District
- Lakes Highway District Letter: dated December 7, 2021



11341 N. Ramsey Road, Hayden, ID 83835
Phone (208)772-7527 Fax (208)772-7411

December 7, 2021

Mr. Mike Behary
City of Coeur d'Alene
710 E. Mullan Avenue
Coeur d'Alene, Idaho 83814

RE: LETTER OF AGREEMENT
RIGHT-OF-WAY ANNEXATION – GOVERNMENT WAY & AQUA AVENUE

Dear Mike:

Lakes Highway District has reviewed the City's proposed annexation of N. Government Way and Aqua Avenue as detailed on the exhibit provided. Given the growth in the area, the District has no objections to the proposed annexation and city maintenance of these roads.

If you have questions or need additional information, please contact the District office at (208)772-7527.

Sincerely,

Eric W. Shanley, P.E.
Director of Highways

EWS/bf

RESOLUTION NO. 13-052

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVAL OF THE RELINQUISHMENT OF AN ACCESS EASEMENT AT THE NW CORNER OF GOVERNMENT WAY AND DALTON AVENUE; APPROVAL OF AN INTERAGENCY AGREEMENT FOR THE GOVERNMENT WAY PROJECT – HANLEY AVENUE TO PRAIRIE AVENUE; APPROVAL OF AN AGREEMENT REGARDING SPOKANE RIVER STEWARDSHIP PARTNERS (SRSP) FUNDING / COST SHARE ALLOCATION; APPROVING THE SURPLUS OF A 2003 FREIGHTLINER TANK TRUCK #447 FROM THE WASTEWATER DEPARTMENT; APPROVING THE SURPLUS OF A 2002 FORD F150 UTILITY TRUCK #440 FROM THE WASTEWATER DEPARTMENT; AND APPROVING A LEASE AGREEMENT WITH ROWAND MACHINERY (JOHN DEERE) FOR FOUR NEW FRONT END LOADERS FOR THE STREET DEPARTMENT.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into the contract(s), agreement(s) or other actions listed below pursuant to the terms and conditions set forth in the contract(s), agreement(s) and other action(s) documents attached hereto as Exhibits "A through F" and by reference made a part hereof as summarized as follows:

- A) Approval of the Relinquishment of an Access Easement at the NW Corner of Government Way and Dalton Avenue;
- B) Approval of an Interagency Agreement for the Government Way Project – Hanley Avenue to Prairie Avenue;
- C) Approval of an Agreement regarding Spokane River Stewardship Partners (SRSP) Funding / Cost Share Allocation;
- D) Approving the Surplus of a 2003 Freightliner Tank Truck #447 from the Wastewater Department;
- E) Approving the Surplus of a 2002 Ford F150 Utility Truck #440 from the Wastewater Department;
- F) Approving four Lease Agreements with Rowand Machinery (John Deere) for four new front end loaders for the Street and Water Departments;


AND;

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreements or other actions; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreements or other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "A through F" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreements or other actions so long as the substantive provisions of the agreements or other actions remain intact.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized to execute such agreements or other actions on behalf of the City.

DATED this 15th day of October, 2013.


Sandi Bloem, Mayor

ATTEST


Renata McLeod, City Clerk

Motion by Goodlander, Seconded by McEvers, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER KENNEDY	Voted _____
COUNCIL MEMBER GOODLANDER	Voted Aye
COUNCIL MEMBER MCEVERS	Voted Aye
COUNCIL MEMBER ADAMS	Voted Aye
COUNCIL MEMBER GOOKIN	Voted Aye
COUNCIL MEMBER EDINGER	Voted Aye

Councilman Kennedy was absent. Motion Carried.

INTERAGENCY AGREEMENT
GOVERNMENT WAY PROJECT
HANLEY TO PRAIRIE

This Agreement is made and entered into by and between the city of Hayden, a municipal corporation, the city of Coeur d'Alene, a municipal corporation, and Lakes Highway District, a political subdivision of the state of Idaho created pursuant to title 40, chapter 13 Idaho Code, "Lakes."

WHEREAS, Federal-Aid funding has been obtained through the Idaho Transportation Department to widen and otherwise improve Government Way from the Hanley Ave./Government Way intersection north to Prairie Ave./Government Way intersection (Project No. A012(308)), hereinafter "Project" ; and

WHEREAS, that stretch of Government Way is located partially within the jurisdictional boundaries of Coeur d'Alene, partially within the jurisdictional boundaries of Hayden and partially within the jurisdictional boundaries of Lakes Highway District; and

WHEREAS, to facilitate coordination of the project the parties have agreed to designate Coeur d'Alene as the Sponsor of the project for the purpose of obtaining the funding, and Project Coordinator for the purpose of acquiring any needed right-of-way, contracting for engineering and construction of the project, and managing construction, subject to the terms of this Agreement.

NOW THEREFORE, it is agreed as follows:

SECTION I. STATE/LOCAL AGREEMENT

This Agreement shall be subject to the terms of the State/Local Agreement entered into by the city of Coeur d'Alene as the Sponsor of the SMA-7155 N Government Way; Hanley Ave. to Prairie Ave Project, Key No. 12308 (Project No. A-12(308)) dated May 3, 2011 for design and the a subsequent agreement to be entered into for the construction of the Project.

SECTION II. FUNDING

1. All federal funding for this Project shall be received and distributed by the city of Coeur d'Alene.

2. The federal aid funding participation in the Project is at the rate of 92.66%, with the remaining 7.34% to be provided by the local jurisdictions. The parties agree that the local participation shall be shared by the parties to this agreement based on their proportion share of the Project as follows:

Coeur d'Alene	50%
---------------	-----

Lakes Highway District	30%
Hayden	20%

3. Any costs which are not included in the federal funding associated with the Project shall be shared by the parties using the proportionate shares set out in Paragraph 1 above, unless those costs are related to the extension or replacement of water or sewer utilities or those costs relate solely to improvements within a portion of the Project that is exclusively within the jurisdiction of one of the parties and is for the sole benefit of that party. If there is such an event, the cost shall be borne by the benefitted party. Internal costs for staff and other overhead costs incurred by Coeur d'Alene as the Sponsor and Project Coordinator shall be the sole expense of Coeur d'Alene and shall not be charged to the other parties as Project costs.

4. Sewer and Water Utilities. All costs for the installation of new or replacement water and/or sewer lines owned by one of the parties shall be the sole responsibility of the party owning the water or sewer utility.

5. Appropriations. It is understood and agreed that the parties are all governmental entities and this Agreement shall in no way be construed so as to bind or obligate any of the parties beyond the term of any particular appropriation of funds as may exist from time to time.

SECTION III. ENGINEER SELECTION

Each of the parties shall be entitled to designate a representative to participate in a qualification based selection process for the design engineer for the Project. Any party may waive its right to participate in that process.

SECTION IV. DESIGN REVIEW

1. During the design phase of the Project, the Hayden Public Works Director, the Coeur d'Alene City Engineer and the Director of Highway for Lakes shall meet with the design engineer to review design plans at the following intervals: thirty percent (30%) complete, sixty percent (60%) complete, and ninety percent (90%) complete. At least thirty (30) days prior to Coeur d'Alene giving final design and plan approval for the Project, Coeur d'Alene shall provide a copy of the proposed design to the Hayden Public Works Director and to the Director of Highway for Lakes for their review and the review by their governing boards. Coeur d'Alene agrees to work cooperatively with Lakes and Hayden to provide a design that meets the adopted transportation plan and standards for each of the parties. Coeur d'Alene agrees to make any modifications to the design and plan that are necessary to meet those standards. In the event one of the parties requests modifications that are not consistent with its adopted transportation plan and standards, and the requested changes increase the cost of the Project in excess of Ten Thousand dollars (\$10,000), the requesting party shall be responsible for all costs associated with the requested change.

2. If, within thirty (30) days from the date Coeur d'Alene provides Hayden and Lakes a copy of the proposed design and plan for review by their governing boards, Coeur d'Alene has

not received a response from Hayden or Lakes the design and plan shall be deemed approved by Hayden and Lakes and Coeur d'Alene may move forward with the final approval.

3. Once final design and bid specification have been prepared, and at least fifteen (15) days before a contract for construction is awarded, the design and bid specifications shall be provided to each of the parties for the approval by their governing body relating to that portion of the Project within its jurisdiction in accordance with Idaho Code § 6-904(7).

SECTION V. RIGHT OF WAY ACQUISITION

1. By entering into this Agreement, both Hayden and Lakes authorize Coeur d'Alene to act as their agent for the purpose of acquiring the necessary right-of-way within the jurisdiction of Hayden and Lakes to construct the Project.

2. Coeur d'Alene agrees to follow the process outlined in Idaho Code, as well as the process for federal-aid projects, to acquire the required right-of-way.

3. Right-of-way acquired within the jurisdictional boundaries of a party shall be acquired in the name of that party.

a. At the time of this agreement, any right-of-way north of Aqua lies within the jurisdictional boundaries of Lakes. Following acquisition of the required right-of-way, it shall be the responsibility of Hayden to work with Dalton Gardens to facilitate the deannexation of this strip of right-of-way from Lakes' jurisdiction and annexation of this strip into Hayden city limits as may be lawfully annexed into Hayden pursuant to I.C. 50-222(2).

b. Right-of-way north of Hanley and south of the north side of Aqua lies within Lakes jurisdictional boundaries. Following acquisition of the required right-of-way, it shall be the responsibility of Coeur d'Alene to work with Dalton Gardens to facilitate the deannexation of this strip of right-of-way from Lakes' jurisdiction and annexation of this strip into Coeur d'Alene city limits as may be lawfully annexed into Coeur d'Alene pursuant to I.C. 50-222(2).

4. In the event that the acquisition of right-of-way will require filing of a suit pursuant to Idaho Code Title 7, Chapter 7a, Coeur d'Alene shall consult with the party within whose jurisdiction the right-of-way lies prior to authorizing the commencement of such an action.

SECTION VI. CONSTRUCTION MANAGEMENT CONSULTANT

Coeur d'Alene may engage a construction management consultant to oversee the project on behalf of the parties. Each of the parties shall be entitled to designate a representative to participate in the consultant selection process. Any party may waive its right to participate in the consultant selection process.

SECTION VII. CONSTRUCTION CONTRACT

The construction contract for this Project shall be let in accordance with Idaho Code § 67-2805 and Idaho Code §§ 54-1902 through 54-1904E, Idaho Code § 54-1926 and any other relevant state and federal regulations relating to public works Projects and bidding.

SECTION VII. CHANGE ORDERS

Any add change orders that exceed Ten Thousand Dollars (\$10,000) shall be submitted to all of the entities for review and approval. Approval shall not be unreasonably withheld. Failure by a party to provide approval or disapproval of a change order within twenty (20) calendar days of receipt of the change order shall be deemed as approval of the change order.

SECTION VIII. PROJECT CLOSE OUT

Prior to close out of the Project, each party shall inspect that portion of the Project that lies within its jurisdiction and provide to Coeur d'Alene, or the Construction Management Consultant, a written list of all defects that need to be corrected before close out. In the event that there is a dispute between the party and the Construction Management Consultant as to whether there exists a defect and the cure, all three parties shall meet with the Project engineer to resolve the dispute. If the dispute cannot be resolved, the parties agree to submit to mediation.

SECTION VIII. RECORDS

All records relating to this Project maintained by Coeur d'Alene shall be available for inspection by Hayden or Lakes at any time during regular business hours.

SECTION IX. ENFORCEMENT

This Agreement may be enforced by a cause of action for specific performance. Venue for any cause of action shall be in Kootenai County, Idaho. The prevailing party shall be entitled to reasonable attorney fees and costs.

SECTION X. ENTIRE AGREEMENT

This is the entire agreement of the parties and can only be modified or amended in writing by the parties.

SECTION XI. EFFECTIVE DATE

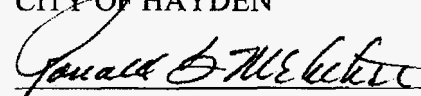
This Agreement shall be effective the date of its execution by the last party to execute the Agreement.

CITY OF COEUR D'ALENE

Sandi Bloem, Mayor

Date: _____

CITY OF HAYDEN



Ronald B. McIntire, Mayor

Date: 25 Sept 2018

ATTEST:

Renata McLeod, City Clerk

LAKES HIGHWAY DISTRICT

Rod Twete, Chairman

Date: 9/9/13

ATTEST:

Bonny A. Flagg
Bonny Flagg, Secretary

ATTEST:

~~Vicki Rutherford, City Clerk~~
Abigail Landis, Interim Deputy Clerk

PLANNING COMMISSION STAFF REPORT

FROM: TAMI STROUD, ASSOCIATE PLANNER
DATE: DECEMBER 14, 2021
SUBJECT: ZC-7-21 ZONE CHANGE FROM R-12 TO C-17

LOCATION: +/- 0.366 ACRE PARCEL OFF OF CHERRY LANE AND WEST OF HIGHWAY 95: LOCATED AT 455 W. CHERRY LANE

APPLICANT/OWNER:
CDA Enterprises, LLC, Mike Delay
1719 S. Rocky Bridge Dr.
Spokane Valley, WA 99212-3253

DECISION POINT:
The applicant is requesting approval of a zone change from the R-12 to the C-17 zoning district.

BACKGROUND INFORMATION:

The 0.367-acre parcel is located off of Cherry Lane and west of Highway 95. North Fruitland Lane is west of the subject property. There is an existing single-family dwelling located on the parcel which is vacant. The applicant/owner also owns the abutting property on the east side of the subject property and would consolidate the two parcels. The applicant/owner has a least agreement with the existing tenant, Gross Doughnuts. Should the zone change request be approved, the existing tenant will enter into a Long-Term Lease of 15-20 years with Gross Doughnuts. Future plans are to construct a new building, utilizing both properties and replace the existing structure built in 1970. A new structure would accommodate two tenant spaces. Gross Doughnuts will remain and occupy one tenant space and the owner has not yet solicited and/or secured the other tenant. There has been some interest for a yoga and cross-fit studio and/or a local credit union in the other tenant space.

LOCATION MAP:



AERIAL PHOTO:



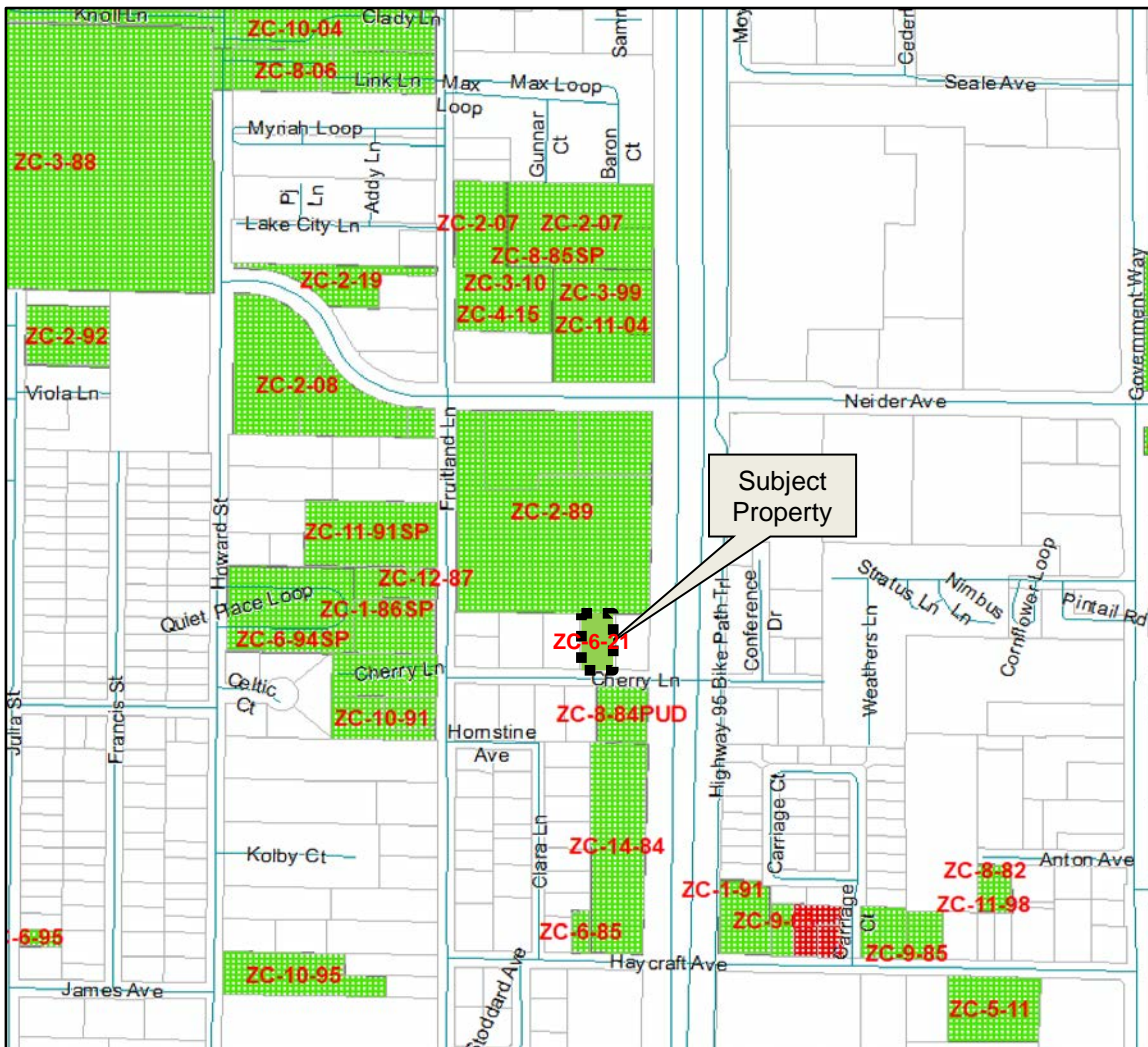
PRIOR LAND USE ACTIONS:

The subject property is surrounded by previous zone change requests that were all approved. However; a zone change request for the subject property was denied without prejudice by the City Council on September 21, 2021. As noted on the map on the following page and the list of zone changes below, the changes took place between 1984 and 2021. The majority of the zone changes were from MH-8 to R-17. There were a few to MH-8 to C-17 zone changes. The most recent zone change was from R-12 to C-17 in 2021, which was denied without prejudice by the City Council.

Zone Changes:

ZC-14-84	R-12 to C-17	Approved
ZC-8-84PUD	R-12 to C-17	Approved
ZC-2-89	R-12 to C-17	Approved
ZC-10-91	MH-8 to R-12	Approved
ZC-11-91	MH-8 to R-17	Approved
ZC-2-07	MH-8 to C-17	Approved
ZC-2-08	MH-8 to R-17	Approved
ZC-4-15	R-17 to C-17	Approved
ZC-1-16	MH-8 to R-12	Approved
ZC-2-19	MH-8 to R-17	Approved
ZC-6-21	R-12 to C-17	Denied (without Prejudice)

PRIOR LAND USE ACTIONS:



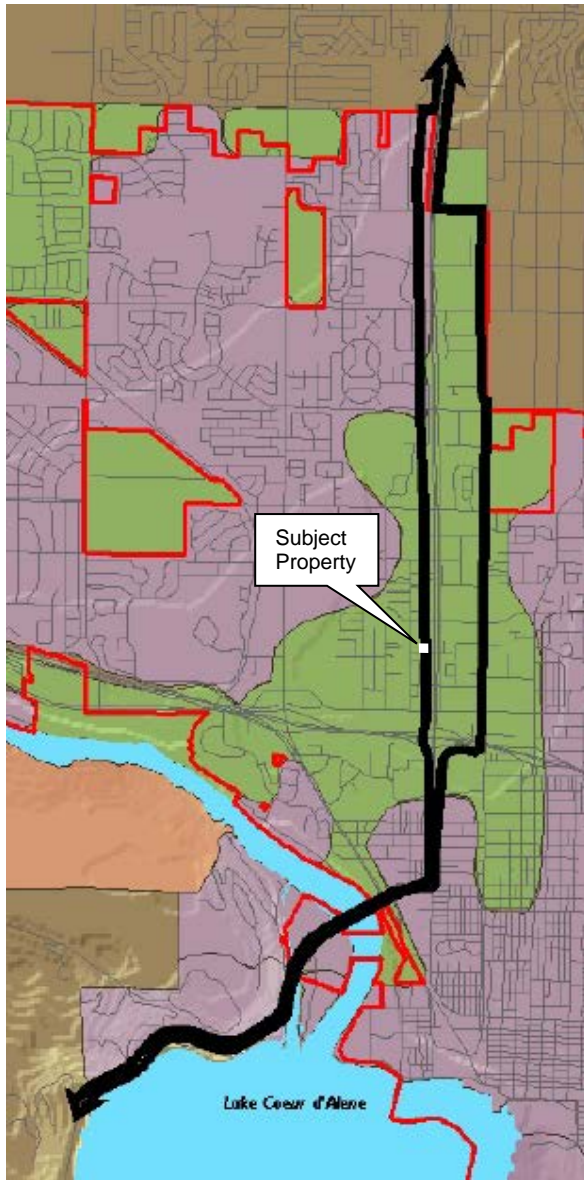
REQUIRED FINDINGS:

- A. **Finding #B8:** That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

2007 COMPREHENSIVE PLAN- LAND USE CATEGORY:

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as US-95 Corridor:

Land Use: US 95 Corridor:



Transition:

These areas are where the character of neighborhoods is in transition and should be developed with care. The street network, the number of building lots and general land use are expected to change greatly within the planning period.



US 95 Corridor Today:

US Highway 95 has become a high impact gateway into the community as well as the major north-south highway through north Idaho. It is also the main arterial that connects communities to the north of Coeur d'Alene to I-90 and is the state's principal route to Canada. Northwest Boulevard and I-90 are major intersections within city limits. Large scale native trees along this corridor help to offset the negative impacts associated with a major thoroughfare. Presently the highway is a bottleneck for both local and through traffic.

US 95 Corridor Tomorrow:

The city of Coeur d'Alene will be working during the next planning period until the year 2027 with the Idaho Department of Transportation to design an efficient transportation system through the city.

The characteristics of the US 95 Corridor will be:

- Ensuring that access to businesses along the highway corridor is protected.
- Ensuring the city is not divided by this highway.
- Designing a system for the safe and efficient traffic flow through the city with a separate arterial for through traffic.
- Encouraging retention and planting of native variety, evergreen trees.
- Anticipating that US 95 traffic will be possibly diverted to a future bypass.
- Careful planning is needed to the south of Coeur d'Alene due to the continued development of Blackwell Island.
- Careful planning is needed to the south of Coeur d'Alene because access to these areas is limited to the US 95 bridge over the Spokane River.
- Retaining and expanding landscaping along both I-90 and US 95.
- Provide for safe crossings of US 95 for pedestrian and bicycle traffic.

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

Objective 1.11

Community Design:

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

Objective 1.12

Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14

Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 1.16

Connectivity:

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks and trail systems.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and encourages economic growth.

Objective 2.01

Business Image & Diversity:

Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

Objective 2.02

Economic & Workforce Development:

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

Objective 2.05

Pedestrian & Bicycle Environment:

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

Objective 3.03

Managed Growth:

Direct development of large chain warehouse ("big box") business outlets to zones that will protect neighborhoods.

Objective 3.05

Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.06

Neighborhoods:

Protect the residential character of neighborhoods by allowing residential/commercial/industrial transition boundaries at alleyways or along back lot lines if possible.

Objective 3.07

Neighborhoods:

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

Objective 3.16

Capital Improvements:

Ensure infrastructure and essential services are available prior to approval for properties seeking development.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management in city government.

Objective 4.01

City Services:

Make decisions based on the needs and desires of the citizenry

Objective 4.06

Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision-making process.

Evaluation:

The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.

- B. **Finding #B9:** **That public facilities and utilities (are) (are not) available and adequate for the proposed use.**

STORMWATER:

City Code requires that all stormwater remain on the property and for a stormwater management plan to be submitted and approved prior to any construction activity on the site.

- Submitted by Chris Bosley, City Engineering

STREETS:

The subject property is bordered by Cherry Lane to the south. Frontage improvements will be required along the property to meet City standards. Cherry Lane will need to be widened to the north to match the street section immediately to the east, including curb and gutter, sidewalk, and streetside stormwater swale.

- Submitted by Chris Bosley, City Engineering

WATER:

There is adequate capacity in the public water system to support domestic, irrigation and fire flow for the proposed Zone Change.

-Submitted by Kyle Marine, Assistant Water Superintendent

SEWER:

The subject property is connected to the public sewer in Cherry Lane. Appropriate sewer cap fees may be due at the time of building permit issuance.

In accordance with the 2013 Sewer master Plan, the City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this Zone Change as proposed.

1. City Wastewater Policy #716; Only one appropriately sized sewer lateral is allowed to serve each legally recognized parcel. "One parcel, one service.
2. Any unused sewer lateral must be capped at Public Sewer main.
3. Wastewater has no issues with this zone change as proposed at this time.

-Submitted by Larry Parsons, Wastewater Utility Project Manager

FIRE:

The Fire Department works with the Engineering, Water, and Building Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents.

(Fire Department comments continue on the following page.)

Fire department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at site and building permit submittals with the corrections to the below conditions.

The following comments will be addressed during the building permit process:

1. FD Access – vehicle access located at the N.E. corner of the property that adjoins Gross Doughnut property and 410 W. Neider shall stay open. It is 221 feet from W. Cherry Lane to this pass thru. Any dead-end FD access over 150 feet requires an approved turn-around. There is not enough space to place an approved 96-foot cul-de-sac or hammer-head.
2. Minimum FD access width – Maintain the minimum Fire Dept. access width of 20-feet from W. Cherry Lane to the pass thru to 410 W. Neider.

-Submitted by Bobby Gonder, Fire Inspector / MIAAI – CFI

POLICE:

There are no concerns with the proposed zone change request.

-Submitted by Lee White, Police Chief

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.*

- C. **Finding #B10: That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.**

PHYSICAL CHARACTERISTICS:

The site is generally flat. There is an existing single-family structure on the subject property. There are also various trees and other vegetation existing on the site. There are no topographical or physical constraints that would make the subject property unsuitable to change the zoning from R-12 to C-17.

PHOTO 1: Looking north at the subject property from the south side of Cherry Lane.



SITE PHOTO 2: Looking west near the center of Cherry Lane with the subject property on the right.



SITE PHOTO 3: Looking northeast along Cherry Lane with the subject property on the left and a commercial use further east across Highway 95 in the distance.



SITE PHOTO 4: Looking north from Cherry Lane at Gross Doughnuts and the Texas Roadhouse restaurant further north along Highway 95.



SITE PHOTO 5: Looking south near the intersection of Cherry Lane and Highway 95 at Harbor Freight Tools, a commercial use near the subject property with primary access off of Cherry Lane.



SITE PHOTO 6: Looking north along the Highway 95 frontage from Cherry Lane at the commercial businesses along Highway 95.



SITE PHOTO 7: Looking northeast near the intersection of Cherry Lane and Highway 95 toward the commercial uses on the east side of Highway 95.



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

- D. **Finding #B11:** **That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.**

TRAFFIC:

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. However, the applicant states that the subject property will be used for a parking lot for two commercial businesses on the property to the east. Gross Donuts will continue to operate on that property and a second commercial lease will be solicited. Depending on the second tenant's commercial use, the property could generate hundreds of trips per day.

However, impacts from the combined 0.75 acres of commercial property are unlikely to exceed those from the Texas Roadhouse restaurant located on a 0.96 acre parcel at Neider Ave and US-95 (a similar comparison).

Without knowing the future of this property or the potential traffic impacts, the Streets & Engineering Department cannot predict the level of traffic generated by this property, but with commercial properties already located nearby and convenient access to and from US-95, traffic impacts are not expected to be extensive.

-Submitted by Chris Bosley, City Engineering

NEIGHBORHOOD CHARACTER:

From 2007 Comprehensive Plan: US 95 Corridor Today:

US Highway 95 has become a high impact gateway into the community as well as the major north-south highway through north Idaho. It is also the main arterial that connects communities to the north of Coeur d'Alene to I-90 and is the state's principal route to Canada. Northwest Boulevard and I-90 are major intersections within city limits. Large scale native trees along this corridor help to offset the negative impacts associated with a major thoroughfare.

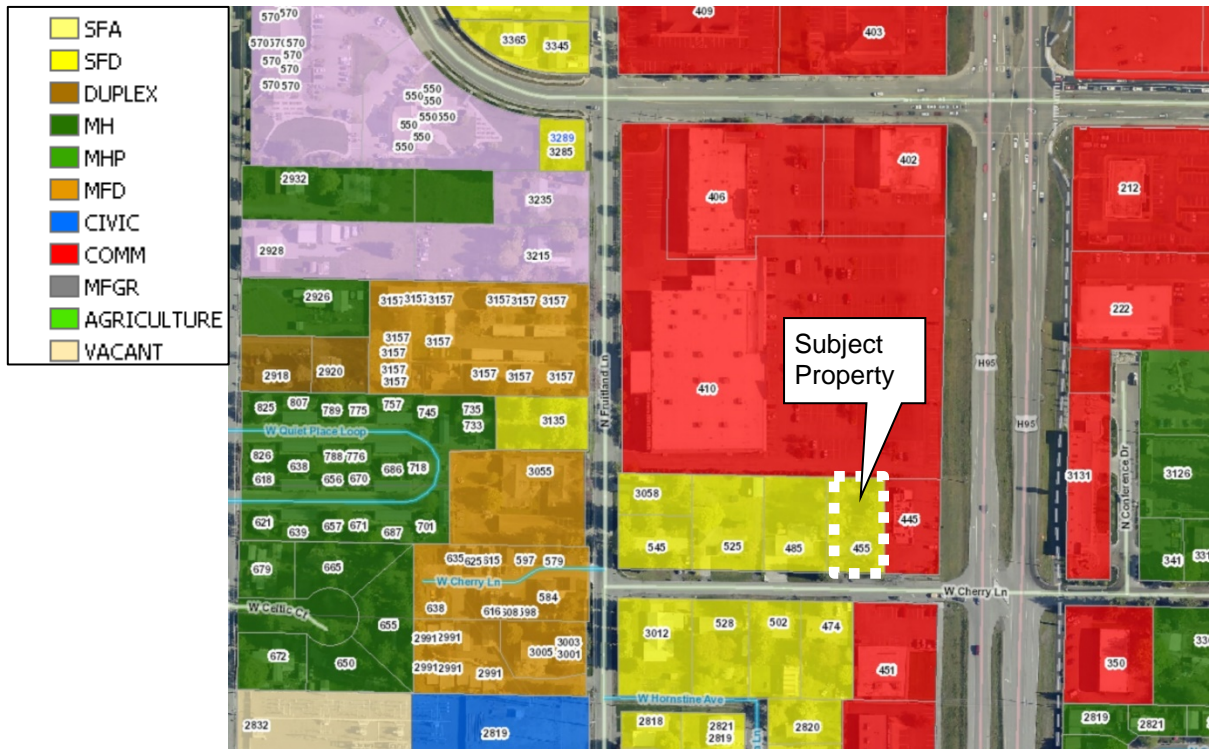
Presently the highway is a bottleneck for both local and through traffic.

SURROUNDING LAND USES:

The subject property is located near the commercial corridors of Highway 95, Appleway and Neider Avenue. It is located at 455 N. Cherry Lane just west of Highway 95. Gross Doughnuts abuts the property to the east. A large retail center with commercial uses such as Grocery Outlet, Texas Roadhouse and the Dollar Store are located directly to the north, with the commercial parking lot for those uses abutting the rear yard of the subject property. Harbor Freight Tools is located on the southwest corner of Highway 95 and Cherry Lane. There are three (3) single family dwellings directly to the west of the subject property. See Land Use Map on the next page.

The applicant/owner also owns the property that abuts the east side of the subject property and is the current location of Gross Doughnuts. Should the zone change request be approved, the applicant would like to utilize both properties to rebuild a new structure and complete site improvements on the parcels, replacing the existing structure built in 1970. There is currently a long-term lease agreement with Gross Doughnuts located on abutting property. A new structure would allow for two tenant spaces. Gross Doughnuts would occupy one tenant space and the owner has not yet solicited and/or secured the other tenant. There has been some interest for a yoga and cross-fit studio and/or a local credit union in the other tenant space.

GENERALIZED LAND USE PATTERN:



ZONING MAP:



Approval of the zone change request would allow the uses by right to change from R-12 uses to C-17 uses (as listed below).

Existing R-12 Zoning District:

The R-12 district is intended as a residential area that permits a mix of housing types at a density not greater of twelve (12) units per gross acre.

17.05.180: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-12 district shall be as follows:

- Administrative Office
- Duplex housing
- Essential service
- Home occupation
- Neighborhood recreation
- Public recreation
- Single-family detached housing

17.05.190: PERMITTED USES; ACCESSORY:

Accessory permitted uses in an R-12 district shall be as follows:

- Accessory dwelling unit.
- Garage or carport (attached or detached).
- Private recreation facility (enclosed or unenclosed).

17.05.200: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-12 district shall be as follows:

- Boarding house
- Childcare facility
- Commercial film production
- Commercial recreation
- Community assembly
- Community education
- Community organization
- Convenience sales
- Essential service

- Group dwelling - detached housing
- Handicapped or minimal care facility
- Juvenile offenders facility
- Noncommercial kennel
- Religious assembly
- Restriction to single-family only
- Two (2) unit per gross acre density increase

17.05.240: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for residential activities in an R-12 District shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten-foot (10') minimum.
3. Side, Street: The street side yard requirement shall be ten feet (10').
4. Rear: The rear yard requirement shall be twenty-five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space

17.05.245: NONRESIDENTIAL SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for nonresidential activities in an R-12 district shall be as follows:

- A. Front: The front yard requirement shall be twenty feet (20').
- B. Side, Interior: The interior side yard requirement shall be twenty five feet (25').
- C. Side, Street: The street side yard requirement shall be twenty five feet (25').
- D. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space.

Proposed C-17 Zoning District:

- A. 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.
- B. This district should be located adjacent to arterials, however, joint access developments are encouraged.
- C. A variance may be granted to partially waive off street parking and/or lot coverage requirements for commercial developments utilizing common parking facilities.
- D. Residential developments in this district are permitted as specified by the R-17 district.
- E. Project review (chapter 17.07, article IV of this title) is required for all subdivisions and for all residential, civic, commercial, service, and industry uses, except residential uses for four (4) or fewer dwellings. (Ord. 3288 §36, 2007: Ord. 1691 §1(part), 1982)

17.05.500: PERMITTED USES; PRINCIPAL:

Principal permitted uses in a C-17 district shall be as follows:

- Administrative offices.
- Agricultural supplies and commodity sales.
- Automobile and accessory sales.
- Automobile parking when serving an adjacent business or apartment.
- Automobile renting.
- Automobile repair and cleaning.
- Automotive fleet storage.
- Automotive parking.
- Banks and financial institutions.
- Boarding house.

- Building maintenance service.
- Business supply retail sales.
- Business support service.
- Childcare facility.
- Commercial film production.
- Commercial kennel.
- Commercial recreation.
- Communication service.
- Community assembly.
- Community education.
- Community organization.
- Construction retail sales.
- Consumer repair service.
- Convenience sales.
- Convenience service.
- Department stores.
- Duplex housing (as specified by the R-12 district).
- Essential service.
- Farm equipment sales.
- Finished goods wholesale.
- Food and beverage stores, on/off site consumption.
- Funeral service.
- General construction service.
- Group assembly.
- Group dwelling - detached housing.
- Handicapped or minimal care facility.
- Home furnishing retail sales.
- Home occupations.
- Hospitals/healthcare.
- Hotel/motel.
- Juvenile offenders facility.
- Laundry service.
- Ministorage facilities.
- Mobile food court.
- Multiple-family housing (as specified by the R-17 district).
- Neighborhood recreation.
- Noncommercial kennel.
- Nursing/convalescent/rest homes for the aged.
- Personal service establishments.
- Professional offices.
- Public recreation.
- Rehabilitative facility.
- Religious assembly.
- Retail gasoline sales.
- Single-family detached housing (as specified by the R-8 district).
- Specialty retail sales.
- Veterinary office. (Ord. 3560, 2017)

17.05.510: PERMITTED USES; ACCESSORY:

- Accessory permitted uses in a C-17 district shall be as follows:
- Accessory dwelling units.
- Apartment for resident caretaker watchman.
- Outside area or buildings for storage and/or preparation of merchandise or goods necessary for and incidental to the principal use.
- Private recreation (enclosed or unenclosed).
- Residential accessory uses as permitted by the R-17 district. (Ord. 3288 §38, 2007: Ord. 1691 §1(part), 1982)

17.05.520: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in a C-17 district shall be as follows:

- Adult entertainment sales and service.
- Auto camp.
- Criminal transitional facility.
- Custom manufacturing.
- Extensive impact.
- Residential density of the R-34 district as specified.
- Underground bulk liquid fuel storage - wholesale.
- Veterinary hospital.
- Warehouse/storage.
- Wireless communication facility.

17.05.530: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:

Maximum height requirements in a C-17 district shall be as follows:
MAXIMUM HEIGHT

Structure Type	Structure Location
	In Buildable Area For Principal Facilities
For residential uses	As specified by the R-17 district
For the remaining uses	No height limitation

17.05.550: SITE PERFORMANCE STANDARDS; MINIMUM LOT:

Minimum lot requirements in a C-17 district shall be as follows:

- A. Residential lot requirements are as specified for the R-17 district.
- B. For the remaining uses, there are no minimum lot requirements except as required by state or federal laws.

17.05.560: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

- A. Minimum yard requirements in a C-17 district shall be as follows:
- B. Single-family and duplex structures must meet the minimum yard requirements for a single-family structure established by the R-3 district.
- C. For multiple-family housing, see the R-17 district.

For remaining uses:

- 1. Front: The front yard requirement shall be ten feet (10') except where a majority of the property of the same block is already developed to the property line, in which case the front yard setback is zero feet (0').
- 2. Side And Rear: The side and rear yard requirements shall be zero feet (0') except as required by life safety or uniform building codes and except when the side or rear abuts a lot in a different district that requires rear or side yards, in which case the property in this district shall have setbacks as specified in section 17.06.475 of this title. In no circumstance shall an eave extend over a property line or result in stormwater impacts offsite. The building shall be set back five feet (5') minimum from the eave to the property line where the roof slopes towards the property line. If a metal roof is being used, the setback or installation of snow brakes shall be determined by the Building Department.
- D. For horizontal mixed use projects with both multiple-family housing and commercial uses, the setbacks shall be those which are applicable to the individual use in that portion of the project.
- E. There will be no permanent structures constructed within the corner cutoff.

17.05.565: BASIC DEVELOPMENT STANDARDS; DESIGN GUIDELINES AND DEPARTURES:

- A. Establishment Of Design Guidelines: The city council shall adopt by resolution a list of design guidelines that are applicable to all developments within the C-17 district. Each design guideline must be met by the proposed development. However, the design guidelines are intended to provide some flexibility in application provided that the basic intent of the guidelines is met. Compliance with these design guidelines will be determined by the planning director or the design review commission as provided by section 17.09.315 of this title. If the project is reviewed by the planning director, an appeal may be taken to the design review commission by an aggrieved party by following the appeal procedures specified in section 17.07.945 of this title.

- B. Design Departures: An applicant may request a design departure from any of the design guidelines adopted pursuant to this section. The planning director will review all requests for design departures on projects not subject to design review commission review under section 17.09.315 of this title. In order for the planning director to approve a design departure, he or she must find that:
1. The project must be consistent with the comprehensive plan and any applicable plan;
 2. The requested departure meets the intent of statements relating to applicable development standards and design guidelines;
 3. The departure will not have a detrimental effect on nearby properties or the city as a whole;
 4. The proposed departure is part of an overall, thoughtful and comprehensive approach to the design of the project as a whole; and
 5. If a deviation from a building design guideline is requested, the project's building(s) exhibits a high degree of craftsmanship, building detail, architectural design, or quality of materials that are not typically found in standard construction. In order to meet this standard, an applicant must demonstrate to the planning director that the project's design offers a significant improvement over what otherwise could have been built under minimum standards and guidelines.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

APPLICABLE CODES AND POLICIES:

UTILITIES:

1. All proposed utilities within the project shall be installed underground.
2. All water and sewer facilities shall be designed and constructed to the requirements of the City of Coeur d'Alene. Improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
3. All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.

STREETS:

4. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
5. All required street improvements shall be constructed prior to issuance of, or, in conjunction with, building permits.
6. An encroachment permit is required to be obtained prior to any work being performed in the existing right-of-way.

STORMWATER:

7. A stormwater management plan shall be submitted and approved prior to start of any construction. The plan shall conform to all requirements of the City.

PROPOSED CONDITIONS:

None

ORDINANCES & STANDARDS USED FOR EVALUATION:

2007 Comprehensive Plan
Transportation Plan
Municipal Code
Idaho Code
Wastewater Treatment Facility Plan
Water and Sewer Service Policies
Urban Forestry Standards
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices
2017 Trails & Bikeways Master Plan

ACTION ALTERNATIVES:

The Planning Commission must consider this request and make findings to approve, deny or deny without prejudice. The findings worksheet is attached.

Attachment: Applicant's Narrative



**APPLICANT'S
NARRATIVE**

City of Coeur d'Alene, Zone Change Application, Reason for Request
455 W. Cherry Lane, Coeur d'Alene, ID 83814
Parcel #C4050000061B, currently Zoned R-12

This parcel is zoned R-12. It is in the ***US 95 Corridor*** under the City's CP (Comprehensive Plan). This Corridor is defined under the City's CP as in "***Transition***". This area in Transition includes 455 W. Cherry Lane, one of a handful of residential lots that will be changing and ultimately all the area is expected to be zoned commercial, C-17. This R-12 parcel's borders are as follows: to the *east* it is bordered by Gross Donuts, zoned C-17, known as 445 W. Cherry Lane and adjacent to Hwy 95; to the *north* it is bordered by a large retail center (Grocery Outlet, Harbor Freight Tools, Texas Roadhouse, etc.), zoned C-17; and to the *south* (across the street) is another commercial user, zoned C-17. The CP's purpose/intent of this category, ***Transition***, is to *continue the change to commercial envisioned by the City*. The goals and objectives of the City's CP are met with a zone change from R-12 to C-17 because: (1) no impact on the environment; and (2) economic growth is encouraged. This zone change is in keeping with the existing zoning of the C-17 parcels immediately adjacent and nearby. Rezone from R-12 to C-17 is in character with the surrounding commercial use. Commercial zoning is planned for this corridor and in harmony with the CP's goals and objectives for this corridor, the ***US 95 Corridor***.

September 21, 2021, Public Hearing before the City Council

At the City Council's public hearing on September 21, the Applicant's rezone was denied, ***without prejudice***. The Council wanted the Applicant for the rezone to meet with the two neighbors that appeared at the hearing to address the neighbors: Ms. Chris Haman, 485 W. Cherry Ln.; and Trent & Sabrina Carlisle, 528 W. Cherry Ln. Applicant scheduled a meeting and solicited feedback and comments from the neighbors. On Oct. 26, 2021, the meeting took place at Gross Donuts, 445 W. Cherry Ln. Present at the meeting on Oct. 26: Mike Delay, member of the Applicant; the

above neighbors (Haman and Carlisle) that appeared at the hearing; along with the existing Tenant, Gross Donuts, Dennis Gross, 445 W. Cherry Ln.; Todd Alexander, 474 W. Cherry Ln.; and Scott Purcell, 502 W. Cherry Ln. All the neighbors that attended the meeting, including the Applicant, want Gross Donuts to remain as a Tenant. The neighbors agreed to support the Applicant's rezone to C-17 after the following concerns were agreed to by the Applicant:

1. Existing 445 W. Cherry Lane sidewalk extended west, in front of 455 W. Cherry Ln. Applicant wants the existing sidewalk extended to the west and it is required by code. See Applicant's attached plan;
2. A 10' Buffer known as a 'planting strip', containing evergreen trees, is required by code (Commercial Zone Design Guidelines, section F). The Buffer will run along the entire western border between the residential and commercial parcels, 485 & 455 W. Cherry Ln. Ms. Haman requested a 6' solid fence along the property's boundary line with the fence height to taper to approx. 4' in height along the driveway at 485 W. Cherry Ln. Applicant agrees and at Applicant's expense. See attached plan, not to scale; and
3. Existing curb-cut at 445 W. Cherry Ln., to be moved west, approx. 75' +/-, to align with the existing commercial curb-cut located south, directly across the street. Applicant prefers this location for the curb-cut as well. City of Coeur d'Alene's commercial code appears to support this general location. See attached plan, not to scale.

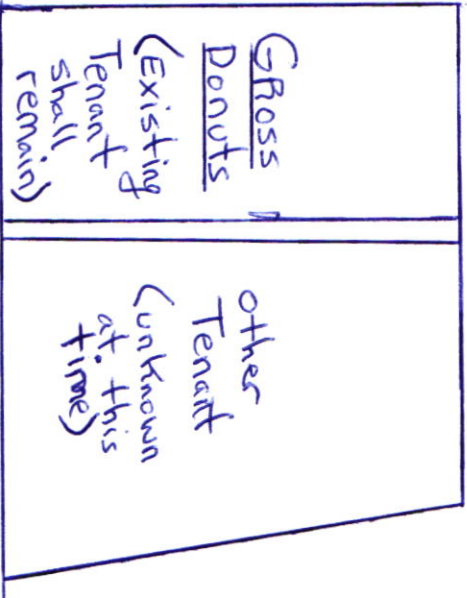
Thank you. CDA Enterprises, LLC, owner/Applicant for zone change.
11.01.2021

N

Existing Commercial Retail Center

HWY 95

E



PARKING

10' Buffer

Planting strip - evergreen trees
6' SOLID FENCE

4'

Move existing 445 curb cut

Existing sidewalk

445

side walk added 455

10' Buffer 485

W Cherry Lane

S Existing comm curb cut

Not To Scale

W



PUBLIC COMMENTS



STUHMILLER, SHANA

From: casey vestito <eldorv@sbcglobal.net>
Sent: Sunday, December 05, 2021 12:27 PM
To: STUHMILLER, SHANA
Subject: Planned Development Mahogany Lane PUD

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Shana,

My concern with this project would be the removal of trees on the berm next to the Centennial Trail. If these are planning to be removed, it would lessen the beauty the trees have to offer to the surrounding area. I would not be in favor of removing these trees and would urge the Planning Department not to approve any destruction of any of these trees.

Sincerely,
Casey Vestito
1841 W Felton Dr
CDA

STUHMILLER, SHANA

Subject: Public Hearing-Bear Waterfront

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning-

We live at 1836 W Felton Dr., CDA. It is located at Tilford Lane and Arlene.

In reviewing the proposed “Mahogany Lane PUD”, it appears that the biggest impact on our community, Tilford Homes HOA, will be the traffic. The proposed parking lot across the street from our community shows 35+/- cars parking on a diagonal. This poses several issues.

- 1. Since Tilford is a “Dead End” street, people will have to do a 3point turn, against traffic, to get into the parking space unless they drive down to the end of the street and drive through the parks parking lot and then back to the parking spots. This is a narrow street and will impact traffic causing backups.**
- 2. People will use our entrance/exit as a turn around, again, causing an unsafe environment.**
- 3. Tilford Lane is narrow and care must be observed already when cars are driving in opposite directions. 4..**
- There will be more traffic on Tilford Lane and since this is a narrow road it will make turning in and out of our community dangerous.**

Why is this this additional parking necessary? New parking will be established at the Depot and there's a parking lot south of the Depot already. There is new parking lot at the Atlas park that a lot of people don't know about, And, there is n new large parking lot at Lakewood and LaCross.

We appreciate the area improvements and amenities but not at the detriment of our community's safety. Please consider eliminating the parking on Tilford Lane.

Please note: There was a reason Tilford was named Tilford “Lane”. and not Drive or Road. Lane is defined as: A narrow road.

Thank you for your attention to these traffic safety concerns.

**Shelley Sorsabal-Ferrette
Steve Ferrette
661-202-8558
509-981-2581
amargosa.ridge@gmail.com**

STUHMILLER, SHANA

From: Janice Orr <orrjan88@gmail.com>
Sent: Wednesday, December 08, 2021 5:28 PM
To: BOSLEY, CHRIS; GREENWOOD, BILL; ANDERSON, HILARY; STUHMILLER, SHANA
Cc: Tilford Homes HOA
Subject: Planned Parking on Tilford Lane
Attachments: ATT00001.htm; ATT00002.htm; Tilford Lane Planned Parking.docx; ATT00003.htm

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dec 8, 2021

To the City of Coeur d'Alene Planning Commission, Traffic Division and Parks Department,

This letter is regarding the planned street parking on Tilford Lane in the Riverstone community. I live in the Tilford Place subdivision and my home backs onto Tilford Lane. I have several concerns about the angle parking stalls being proposed behind our homes.

To access the planned angle street parking, vehicles would need to travel up to Riverstone Park, circle the lot (which offers about 50 parking spots), and return back down Tilford Lane which will double traffic flow on the street. Meanwhile, impatient drivers will use our neighborhood entrance (Arlene Way) as a turn-around point to access open spots. Plus with vehicles backing in and out along one side, all of this would be a hazard to our only neighborhood access. And it's not just vehicular access, this is our only pedestrian access. One of the benefits of living in Riverstone is the opportunity to walk or bike to restaurants, shops, parks, and more. This is already challenging enough to navigate with the very narrow Tilford Lane and lack of sidewalk, forcing pedestrians to walk along the road.

Cars parked adjacent to the entrance of our neighborhood is also a safety concern for our residents who have no choice but exit onto Tilford Lane late at night and early in the mornings with our pets. As a woman walking alone with my small dog, I would not feel comfortable if cars were parked directly behind my house and adjacent to the entrance of my neighborhood. And with the parking lots in Bellerive now requiring payment to park, visitors to the Bellerive neighborhood and condos may be tempted to use these parking spaces late at night or even overnight.

The 7 homes that back onto Tilford Lane were built with minimal front windows and with the large windows and patios and main living areas (kitchen, family room, dining, master bedroom) at the back of the homes to take advantage of the open area and views to the trail. These homes have minimal set-back from the road. Cars parked immediately across the street will be an eyesore, will increase noise and air pollution, and decrease privacy. And our community is already surrounded by private parking lots. And don't forget the planned mini parking lot to be accessed off of Tilford Lane to serve the proposed "Depot".

I wonder if the City has considered how maintenance and event vehicles will access the interior of Riverstone Park? Right now, the access is via the asphalt path located immediately adjacent to Tilford Lane. Is there an alternative planned, if angled parking blocks the current access?

The adjacent Atlas Mill Park has a large parking lot, but the access to it is not clearly marked or advertised. Rather than adding parking on Tilford, I recommend signage along W Seltice Way and along W Riverstone Drive to guide drivers to this parking lot.

Unfortunately I am not able to attend the Public Hearing on December 14th. On behalf of all of the residents of the Tilford Place neighborhood, please pass my concerns along to those involved with the decision making regarding this planned parking. I hope they will take these concerns into consideration and come up with an alternative plan.

Thank you,

Janice Orr

1796 W Felton Dr.

orrjan88@gmail.com

425-233-2024



**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

PUD-3-21

A. INTRODUCTION

This matter having come before the Planning Commission on December 14, 2021, and there being present a person requesting approval of: PUD-3-21 a request for a planned unit development known as "MAHOGANY LANE PUD"

APPLICANT: BEAR WATERFRONT, LLC

LOCATION: 3.6 ACRES LOCATED AT 2252 W BELLERIVE LANE.

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

The Planning Commission (adopts) (does not adopt) Items B1 to B7.

- B1. That the existing land uses are Residential and Commercial.
- B2. That the Comprehensive Plan Map designation is Spokane River District.
- B3. That the zoning is R-17 and C-17.
- B4. That the notice of public hearing was published on November 20, 2021, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on December 3, 2021, which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on December 14, 2021.

B8. Pursuant to Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the Comprehensive Plan. This is based upon the following policies:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

Objective 1.02 Water Quality:

Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer.

Objective 1.03 Waterfront Development:

Encourage public and private development to incorporate and provide ample public access, both physical and visual, to the lakes and rivers.

Objective 1.05 Vistas:

Protect the key vistas and view corridors of the hillside and water fronts that make Coeur d'Alene unique.

Objective 1.09 Parks:

Provide an ample supply of urbanized open space in the form of squares, beaches, greens, and parks whose frequent use is encouraged by placement, design, and access.

Objective 1.11 Community Design:

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

Objective 1.12 Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl

Objective 1.13 Open Space:

Encourage all participants to make open space a priority with every development and annexation.

Objective 1.14 Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 1.16 Connectivity:

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trails systems.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and policies, and promotes opportunities for economic growth.

Objective 2.02 Economic & Workforce Development:

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

Objective 3.01 Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.05 Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.08 Housing:

Design new housing areas to meet the city's need for all income and family status categories.

Objective 3.14 Recreation:

Encourage city-sponsored and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities, hiking and biking pathways, open space, passive parks, and water access for people and boats.

Objective 3.16 Capital Improvements:

Ensure infrastructure and essential services are available for properties in development.

Objective 3.18 Transportation:

Provide accessible, safe and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation, requesting input from authoritative districts and neighboring communities when applicable.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management.

Objective 4.02 - City Services:

Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).

Objective 4.06 – Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting and existing uses on adjacent properties. This is based on

- Criteria to consider for B8B:**
- | | |
|----------------------------|----------------|
| 1. Density | 6. Open space |
| 2. Architectural style | 7. Landscaping |
| 3. Layout of buildings | |
| 4. Building heights & bulk | |
| 5. Off-street parking | |

B8C The proposal **(is) (is not)** compatible with natural features of the site and adjoining properties. In the case of property located within the hillside overlay zone, does not create soil erosion, sedimentation of lower slopes, slide damage, or flooding problems; prevents surface water degradation, or severe cutting or scarring; reduces the risk of catastrophic wildfire in the wildland urban interface; and complements the visual character and nature of the city. This is based on

- Criteria to consider for B8C:**
- | | |
|----------------------|--------------------------------|
| 1. Topography | 3. Native vegetation |
| 2. Wildlife habitats | 4. Streams & other water areas |

B8D The location, design, and size of the proposal are such that the development **(will) (will not)** be adequately served by existing streets, public facilities and services. This is based on

- Criteria to consider for B8D:**
1. Is there water available to meet the minimum requirements for domestic consumption & fire flow?
 2. Can sewer service be provided to meet minimum requirements?
 3. Can the existing street system accommodate the anticipated traffic to be generated by this development?
 4. Can police and fire provide reasonable service to the

B8E The proposal **(does) (does not)** provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes. This is based on

B8F Off-street parking **(does)(does not)** provide parking sufficient for users of the development. This is based on

B8G That the proposal **(does) (does not)** provide for an acceptable method for the perpetual maintenance of all common property. This is based on

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of for approval of BEAR WATERFRONT, LLC for the planned unit development as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are:

1. The creation of a homeowner's association will be required to ensure the perpetual maintenance of the open space and other common areas.
2. The applicant's requests for subdivision, and PUD run concurrently. The subdivision and PUD designs are reliant upon one another. Additionally, approval of the requested PUD is only valid once the Final Development Plan has been approved by the Planning Department.
3. Ingress and egress access easements to Lot 1 must be obtained from all affected property owners before site construction can begin on the subdivision and PUD.
4. Onsite parking for Lot 1 must meet the City's parking code requirements as outlined in Chapter 17.44.
5. The Open Space must be installed and completed prior to certificates of occupancies being issued for this project.
6. The Centennial Trail realignment must be completed prior to disturbance to the existing Centennial Trail to provide uninterrupted access and shall be completed and accepted by the City and North Idaho Centennial Trail Foundation before November 1, 2022 or prior to issuance of any additional building permits, whichever comes first.
7. Add access easements as instrument numbers on the plat indicating all access easements acquired. Access agreements will be required for access to Tilford Lane, Bellerive Lane, and across the North Idaho Centennial Trail. These easements will be required prior to Final Plat.
8. Dedicate Beebe Boulevard right-of-way to the City to achieve an 80-foot total right-of-way width.
9. New lots 1 through 5 will require new water service installations for each lot.
10. Lots 6 through 11 that are proposed to extend beyond the original boundary line, and may be utilized for ADU purposes, will require additional services as private service lines are not allowed to cross an existing public utility easement.
11. Additional fire hydrants may be required by the Fire Dept.
12. All improvements will be the responsibility of the developer at their expense.
13. An unobstructed City approved "all-weather" access shall be required over all public sewers.
14. All public sewer plans require IDEQ or QLPE Approval prior to construction.
15. Sewer Policy #716 requires all legally recognized parcels within the City to individually connect and discharge into (1) public sewer connection.
16. A utility easement for the public sewer shall be dedicated to the City prior to building permits.
17. This PUD shall be required to comply with the City's One Lot-One Lateral Rule
18. Dead-end Fire Department access roads over 150 feet in length requires an approved turn-around. The proposed Hammer Head turn-around as shown on PUD-3-21 exhibit is approved by the Coeur d'Alene Fire Department.
19. A sign stating 'FIRE LANE – NO PARKING' is required to be installed at this hammer head.
20. The proposed locations for (2) fire hydrants (lot 5 and property line of lots 10/11) are approved by Coeur d'Alene Fire Department.
21. Build a 15' shared-use path not to exceed 5% slope with a 1% crown slope.

22. Use 'Driveway Mix' asphalt in the construction of the trail.
23. Sterilize the ground with herbicide before laying down gravel and asphalt.
24. Finish the natural area so it is mow-able.
25. All landscaping must be approved by the City of Coeur d'Alene parks department and planted to City specifications.
26. All street trees must be selected from the approved street tree list and planted to City specifications and planted in the public right of way or in street tree easements.
27. All site improvements and landscaping improvements in the "greenbelt" outside the PUD, as agreed to by the applicant, must be completed before the issuance of certificates of occupancy will be issued.
28. The City of Coeur d'Alene parks and recreation department will need to see a full set of landscape plans for the "Greenbelt" area north of the Centennial trail. The Parks and Recreation Department will approve all tree and plant species selected for this area.
29. The site plan for this project will need to show all parking improvements, walking paths and irrigation plans.
30. Street trees abutting Beebe Blvd. will need to be planted in the public right of way or planting easement. Any easements must be recorded with the County Recorder.
31. Bellerive Ln. is a private street, street trees planted in this area are not subject to Urban Forestry Ordinance. Selecting trees from the approved street tree list and planting to City specifications is recommended.

Motion by _____ seconded by _____ to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner McCracken	Voted _____
Commissioner Ward	Voted _____
Chairman Messina	Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN TOM MESSINA

**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

S-5-21

A. INTRODUCTION

This matter having come before the Planning Commission on December 14, 2021 , and there being present a person requesting approval of ITEM: S-5-21 a request for 11 lots and 5 tracts preliminary plat known at "Mahogany Lane PUD" .

APPLICANT: BEAR WATERFRONT, LLC

LOCATION: 3.6 ACRES LOCATED AT 2252 W BELLERIVE LANE.

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

The Planning Commission (adopts) (does not adopt) Items B1 to B6.

- B1. That the existing land uses are residential and commercial
- B2. That the zoning is R-17 and C-17.
- B3. That the notice of public hearing was published on November 20, 2021 , which fulfills the proper legal requirement.
- B4. That the notice was not required to be posted on the property.
- B5. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B6. That public testimony was heard on December 14, 2021 .

B7. Pursuant to Section 16.10.030A.1, Preliminary Plats: In order to approve a preliminary plat, the Planning Commission must make the following findings:

B7A. That all of the general preliminary plat requirements **(have) (have not)** been met as determined by the City Engineer or his designee. This is based on

B7B. That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities **(are) (are not)** adequate. This is based on

B7C. That the proposed preliminary plat **(does) (does not)** comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements. This is based on

B7D. The lots proposed in the preliminary plat **(do) (do not)** meet the requirements of the applicable zoning district. This is based on

Criteria to consider for B7D:

1. Do all lots meet the required minimum lot size?
2. Do all lots meet the required minimum street frontage?
3. Is the gross density within the maximum allowed for the applicable zone?

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of BEAR WATERFRONT, LLC for preliminary plat of approval as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied to the motion are:

1. The creation of a homeowner's association will be required to ensure the perpetual maintenance of the open space and other common areas.
2. The applicant's requests for subdivision, and PUD run concurrently. The subdivision and PUD designs are reliant upon one another. Additionally, approval of the requested PUD is only valid once the Final Development Plan has been approved by the Planning Department.
3. Ingress and egress access easements to Lot 1 must be obtained from all affected property owners before site construction can begin on the subdivision and PUD.
4. Onsite parking for Lot 1 must meet the City's parking code requirements as outlined in Chapter 17.44.
5. The Open Space must be installed and completed prior to certificates of occupancies being issued for this project.
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7. Add access easements as instrument numbers on the plat indicating all access easements acquired. Access agreements will be required for access to Tilford Lane, Bellerive Lane, and across the North Idaho Centennial Trail. These easements will be required prior to Final Plat.
8. Dedicate Beebe Boulevard right-of-way to the City to achieve an 80-foot total right-of-way width.
9. New lots 1 through 5 will require new water service installations for each lot.
10. Lots 6 through 11 that are proposed to extend beyond the original boundary line, and may be utilized for ADU purposes, will require additional services as private service lines are not allowed to cross an existing public utility easement.
11. Additional fire hydrants may be required by the Fire Dept.
12. All improvements will be the responsibility of the developer at their expense.
13. An unobstructed City approved "all-weather" access shall be required over all public sewers.
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16. A utility easement for the public sewer shall be dedicated to the City prior to building permits.
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19. A sign stating 'FIRE LANE – NO PARKING' is required to be installed at this hammer head.
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22. Use 'Driveway Mix' asphalt in the construction of the trail.

23. Sterilize the ground with herbicide before laying down gravel and asphalt.
24. Finish the natural area so it is mow-able.
25. All landscaping must be approved by the City of Coeur d'Alene parks department and planted to City specifications.
26. All street trees must be selected from the approved street tree list and planted to City specifications and planted in the public right of way or in street tree easements.
27. All site improvements and landscaping improvements in the "greenbelt" outside the PUD, as agreed to by the applicant, must be completed before the issuance of certificates of occupancy will be issued.
28. The City of Coeur d'Alene parks and recreation department will need to see a full set of landscape plans for the "Greenbelt" area north of the Centennial trail. The Parks and Recreation Department will approve all tree and plant species selected for this area.
29. The site plan for this project will need to show all parking improvements, walking paths and irrigation plans.
30. Street trees abutting Beebe Blvd. will need to be planted in the public right of way or planting easement. Any easements must be recorded with the County Recorder.
31. Bellerive Ln. is a private street, street trees planted in this area are not subject to Urban Forestry Ordinance. Selecting trees from the approved street tree list and planting to City specifications is recommended.

Motion by _____, seconded by _____, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner McCracken	Voted _____
Commissioner Ward	Voted _____

Chairman Messina Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN TOM MESSINA

**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

A. INTRODUCTION

This matter having come before the Planning Commission on December 14, 2021 and there being present a person requesting approval of ITEM A-6-21, annexation of a strip of land varying in width, being a portion of the Public Rights-of-Way of Government Way and Aqua Avenue.

APPLICANT: CITY OF COEUR D'ALENE

LOCATION: PUBLIC ROAD RIGHTS-OF-WAY LOCATED ON AQUA AVENUE BETWEEN US 95 AND GOVERNMENT WAY AND ON GOVERNMENT WAY BETWEEN AQUA AVENUE AND WILBUR AVENUE

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

The Planning Commission (adopts) (does not adopt) Items B1 to B7.

- B1. That the existing land uses surrounding the request are Commercial, Civic and vacant.
- B2. That the Comprehensive Plan Map designation is US 95 Corridor area, Transition.
- B3. That the request is for public road rights-of-way only that are not assigned a zoning district.
- B4. That the notice of public hearing was published on, November 20, 2021, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on December 14, 2021.

B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

Objective 1.14 Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 3.16 Capital Improvements:

Ensure infrastructure and essential services are available for properties in development.

Objective 4.01 City Services:

Make decisions based on the needs and desires of the citizenry.

Objective 4.02 - City Services:

Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).

Objective 4.06 – Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

B9. That public facilities and utilities **(are) (are not)** available and adequate for the proposed use.

This is based on

Criteria to consider for B9:

1. **The request would not change the existing street system or limit access to adjacent properties.**
2. **The request would not change or negatively impact public infrastructure and services.**

B10. That the physical characteristics of the site **(do) (do not)** make it suitable for the request at this time because

Criteria to consider for B10:

1. **Topography.**
2. **Existing conditions of the two roadways.**

B11. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, **(and) (or)** existing land uses because

Criteria to consider for B11:

1. **Traffic congestion would not result from the request.**
2. **Existing land use patterns would not be changed as a result of the request i.e. residential, commercial, residential w churches & schools etc.**

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of THE CITY OF COEUR D'ALENE for annexation, as described in the application should be **(approved) (denied) (denied without prejudice)**, and the property shall not be assigned a zoning classification.

Motion by _____, seconded by _____, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner Ward	Voted _____
Commissioner McCracken	Voted _____

Chairman Messina Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN TOM MESSINA

**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

ZC-7-21

A. INTRODUCTION

This matter having come before the Planning Commission on, December 14, 2021 , and there being present a person requesting approval of ZC-7-21 , a request for a zone change from R-12 to C-17 zoning district

APPLICANT: CDA ENTERPRISES, LLC , Mike Delay

LOCATION: +/- 0.366 ACRE PARCEL OFF OF CHERRY LANE AND WEST OF HIGHWAY 95: LOCATED AT 455 W. CHERRY LANE

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

The Planning Commission (adopts) (does not adopt) Items B1 to B7.

- B1. That the existing land uses are Commercial and Residential
- B2. That the Comprehensive Plan Map designation is US-95 Corridor:
- B3. That the zoning is R-12.
- B4. That the notice of public hearing was published on, November 20, 2021 which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, December 6, 2021 , which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on December 14, 2021.

- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

Objective 1.11 Community Design:

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

Objective 1.12 Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl

Objective 1.14 Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 1.16 Connectivity:

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trails systems.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and policies, and promotes opportunities for economic growth.

Objective 2.01 Business Image & Diversity:

Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

Objective 2.02 Economic & Workforce Development:

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

Objective 2.05 Pedestrian & Bicycle Environment:

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

Objective 3.03

Managed Growth:

Direct development of large chain warehouse ("big box") business outlets to zones that will protect neighborhoods.

Objective 3.05 Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.06 Neighborhoods:

Protect the residential character of neighborhoods by allowing residential/commercial industrial transition boundaries at alleyways or along back lot lines if possible.

Objective 3.07 Neighborhoods:

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

Objective 3.16 Capital Improvements:

Ensure infrastructure and essential services are available for properties in development.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management.

Objective 4.01 City Services:

Make decisions based on the needs and desires of the citizenry.

Objective 4.06 – Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision-making process.

- B9. That public facilities and utilities **(are) (are not)** available and adequate for the proposed use. This is based on

Criteria to consider for B9:

1. Can water be provided or extended to serve the property?
2. Can sewer service be provided or extended to serve the property?
3. Does the existing street system provide adequate access to the property?
4. Is police and fire service available and adequate to the property?

- B10. That the physical characteristics of the site **(do) (do not)** make it suitable for the request at this time because

Criteria to consider for B10:

1. Topography
2. Streams
3. Wetlands
4. Rock outcroppings, etc.
5. vegetative cover

B11. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, **(and) (or)** existing land uses because

Criteria to consider for B11:

1. **Traffic congestion**
2. **Is the proposed zoning compatible with the surrounding area in terms of density, types of uses allowed or building types allowed**
3. **Existing land use pattern i.e. residential, commercial, residential w churches & schools etc.**

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of CDA ENTERPRISES, LLC , Mike Delay for a zone change, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

Motion by _____, seconded by _____, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner McCracken	Voted _____
Commissioner Ward	Voted _____

Chairman Messina Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN MESSINA