

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

**MAY 9, 2017**

**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:**

**ROLL CALL:** Fleming, Ingalls, Luttrupp, Mandel, Messina, Rumppler, Ward

**APPROVAL OF MINUTES:**

March 28, 2017

April 11, 2017

**ELECTION:**

**PUBLIC COMMENTS:**

**STAFF COMMENTS:**

**PUBLIC HEARINGS:**

1. Applicant: Ryka Consulting  
Location: 3857 N. Ramsey Road  
Request: A proposed Wireless Communication special use permit in the C-17L (Commercial Limited) zoning district  
QUASI-JUDICIAL, (SP-4-17)
  
2. Applicant: Lake City Engineering, LLC.  
Location: 505 W. Kathleen Avenue  
Request: A proposed zone change from LM (Light Manufacturing) to C-17 (Commercial at 17 units/acre) zoning district.  
QUASI-JUDICIAL, (ZC-1-17)

**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 Stuhlmiller at (208)769-2240 at least 24 hours in advance of the meeting date and time.***



# MINUTES



**PLANNING COMMISSION  
MINUTES  
MARCH 28, 2017  
LOWER LEVEL – COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

Brad Jordan, Chairman  
Lynn Fleming  
Peter Luttrupp  
Tom Messina, Vice Chair  
Jon Ingalls

**STAFF MEMBERS PRESENT:**

Hilary Anderson, Community Planning Director  
Mike Behary, Planner  
Shana Stuhlmiller, Public Hearing Assistant  
Randy Adams, Deputy City Attorney

**COMMISSIONERS ABSENT:**

Tom Messina  
Michael Ward  
Lewis Rumpler

**CALL TO ORDER:**

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

**COMMISSION COMMENTS:**

None.

**STAFF COMMENTS:**

None.

**PUBLIC COMMENTS:**

None.

**WORKSHOP:**

1. Proposed Fort Grounds Neighborhood Compatibility Ordinance

**\*Public comments limited to 3 minutes per person\***

Mike Behary, Planner provided the following statements using a PowerPoint presentation:

- Workshop goals:
  - Is a Neighborhood Compatibility Ordinance (NCO) desired to protect unique neighborhoods in the community?
  - Should the NCO address other neighborhoods in the city, or would it be better to have the ordinance only apply to Fort Grounds:

- Review the Draft Neighborhood Compatibility Ordinance and come to consensus on components of the Ordinance
- Discussed the Ordinance:
  - Purpose: Promote the public welfare and to establish standards applicable to designated residential Neighborhoods for the purpose of assuring compatibility of new construction and additions to existing homes and lots with the characteristics of a surrounding Neighborhood, while protecting the rights and expectations of all property owners within designated areas.
  - Objective: Development in designated neighborhoods shall be reasonably compatible with the character of existing residences and lots in terms of scale, bulk, orientation, lot coverage, and spacing, and define an acceptable building area.
- Background: The Fort Grounds Homeowners Association (FGHA) is requesting amendment to the Zoning Code in the form of an overlay district that would apply certain development standards to future renovation and new construction in a defined area of the FGHA.
- In 2013 the FGHA applied for a special use permit SP-6-13 that would limit construction to single family detached residential homes only in the designated Fort Grounds area. The special use permit was approved by City Council on April 1, 2014.
- He explained a timeline when this proposal came forward starting in June 18, 2015 – now.
- He explained the HOA's Proposed Component's:
  - 0.4 FAR or 2,300 sf floor area whichever is greater.
  - Establish a 3-D setback standard
  - Exception for eaves, gables, dormers, chimneys etc.
  - Establish side wall articulation standards
  - Define Natural Grade for maximum building height
  - No covered porches, decks & structures in front setback.
  - Maximum "lot coverage%" and 75% "impervious surface"
  - Provide exceptions for exceptionally small building lots
- He showed a drawing of the 3-D "Virtual Tent" and explained the buildable area within that area and followed up showing drawings of a buildable area on a lot showing different scenarios.
- Neighborhood Analysis
  - Explained the FAR ration with a drawing of the Fort Grounds area.
  - Discussed the neighborhood changes since 1992 survey
  - Explained on the map how many of the lots have one and two stories on the property.
- Discussed NCO- Highlights, Loopholes being addressed in the NCO and Fort Grounds- Unique Conditions in NCO.
- He reminded the commission and audience that public comments are limited to 3 minutes.
- Announced the eight discussion items that will be presented tonight.
- Mr. Behary concluded his presentation and asked if the commission had any questions.

### COMMISSION COMMENTS

Commissioner Ingalls asked if this is to be intended as a "pilot" program for the Fort Grounds Neighborhood (FGN) is a 2/3<sup>rd</sup> vote required for approval.

Mr. Behary commented yes it would.

Commissioner Luttrupp stated that he hopes staff will guide the commission on what neighborhoods should follow and focus only on the FGN.

Chairman Jordan stated that he is curious what existing homes in the FGN would fit under the guidelines proposed for the Floor Area Ratio (FAR). He explained that there are a lot of older and newer homes in this area and they look great and some homes that look like they are maxed out. He commented that there may be some newer and older homes that look great but won't fit in the FAR guidelines for this ordinance. He feels that he would like an inventory of the existing homes that fit into these guidelines.

Ms. Anderson explained that maybe this is something the HOA can address and explained when they did their 1992 study they did look at the FAR had to go around the neighborhood for the information. She stated that she can't say if any of the homes would fit into the virtual tent.

Commissioner Luttrupp inquired if the FGN knows what the percentage of homes that wouldn't fit this criteria.

Ms. Anderson stated that she remembers that they had that percentage in their analysis but the majority did meet the average FAR requirement.

Commissioner Luttrupp stated if one of the homes was damaged could they rebuild the same home. Peter asked if they were damaged they could rebuild.

Ms. Anderson explained that in the ordinance there is a safety clause that addresses damage or construction and if the home is over 50% damaged and upon an appraisal the home can be restored.

Commissioner Ingalls commented that he did some research on the Austin McMansions ordinance and in that article is listed some of the cons is subjectivity, permit delays and somewhat difficult for staff to review these permits. He inquired if staff is aware of these concerns.

Mr. Behary explained that the applicant would have to submit a couple of additional things with their plans and explained what would need to be submitted such as building elevations of the front, side and rear of the existing house. They would have to add the "virtual tent" when they submit these plans including the FAR. This can be done without buying additional software.

Commissioner Ingalls inquired if this would be manageable.

Mr. Behary feels that it would be manageable.

Ms. Anderson explained that when we get a Planned Unit Development (PUD) submittal the process would be similar and explained that this process is comparable since with a PUD have unique conditions that apply to different neighborhoods in Coeur d'Alene such as Bellerive and Mill River. She stated that she wanted to add that lot coverage and impervious surface calculations would also need to be added to the permit.

Commissioner Ingalls noted another concern from the Austin Ordinance that this may be a burden to small lot owners and inquired if staff agrees.

Ms. Anderson she doesn't know how the Austin property owners feel based on the articles that you have read. She feels that a 2300 sq.ft. minimum was added to help provide a nice size house.

Chairman Jordan commented when you are looking at a smaller lot questioned how a two story building can fit within the "virtual tent" without having a wider lot.

Ms. Anderson stated that Mr. Jester would be able to explain how the virtual tent works during his presentation.

General Summary of Commission Discussion items:

- Feels that this is a good start and limit it for now to Fort Grounds.
- Architectural style maybe doesn't belong and varies with different neighborhoods such as Sanders Beach and other neighborhoods.
- Feels that this ordinance could be a tool for other neighborhoods to use since every neighborhood is unique and has special needs.
- Don't want to put constraints on the designer and try to think "forward" with their design feels the virtual tent will allow a designer to be creative and look at different designs that would be unique. The design should be up to the homeowner.
- Questioned if by passing this ordinance could be considered a legal "taking".
- The ordinance would help people become "good" neighbors and consider other people's feelings.
- The people who own these homes maybe here seasonal and feels that maybe by passing this ordinance might chase away newcomers.

Public Testimony open.

Ken Murphy, commented that he lives next door to a "McMansion" and is in favor of this ordinance that will give people a vote on what is acceptable and what is not allowed.

Dennis Spencer, stated that he owns the "log cabin" in the neighborhood and agrees with some of the concerns. He explained that he has a large family and would like to do a remodel and feels that a two story home will not be big enough to accommodate his growing family, especially during the holidays when everyone wants to be together. He does not approve of this ordinance and is concerned for people who own smaller lots that will be limited to what they can do on their property.

Deb Courdes commented their home was built in 1910 and was contacted by Bill Greenwood, City Park and Recreation Supervisor who designed a "Welcome to our Neighborhood" sign to get permission by the neighborhood to put it up. She stated that she is a long time property owners and feels that this ordinance should be approved.

Rodger Snyder stated he lives in Fort Grounds and has been a part of this community for a long time. He feels that this ordinance is going in the right direction to give people the tools to encourage compatibility. He appreciates staff for their hard work and dedication.

Randy Bell stated that he understands there is a problem but limiting a house to 2300 sq.ft will only lower his taxes on his house. He feels that if this is approved will force people to look at other areas to buy rather than the Fort Grounds which won't help him if he decides to sell in the future. He feels this needs to be city wide.

Deb Bell commented that she understands the frustration from other neighbors who don't appreciate these bigger homes next to theirs. She feels the 2/3<sup>rd</sup> vote is not fair and limits the older homes that won't fit the "virtual" tent criteria, the permit process will be longer, and discourage potential buyers to look somewhere else..

Tom Melbourne commented that he builds homes for a living and feels this ordinance is designed for Planners. He explained the virtual tent is a great tool to use to see quick if the design will be compatible with the neighborhood.

Marlo Faulkner commented that her house was built in 1910 and her lot is 50 x 100 sq. ft. lot and that her house is large enough to host three different families. She feels this ordinance is a balance that will protect the neighborhood. She understands the feelings of having a large house built next to their homes because recently there is a new home built next to hers that is three stories with a hot tub on the roof. Since this house has been built, they have lost a view of the lake and the light to her garden. She stated by having a tool to use like the "virtual tent" will give this neighborhood back some control.

Jim Addis presented a petition to commission requesting that their neighborhood "Finch's" subdivision in the Fort Grounds be excluded from the proposed neighborhood compatibility ordinance.

Mike Dolan commented that he purchased his home in 2002. He feels that this ordinance will help preserve this historic area. He explained that his house sits on one of the bigger lots in Fort Grounds and also owns another lot that is one of the smaller lots in this area. He feels an FAR is not a negative thing and feels it can be a benefit. He commented if people want more space put in a basement.

Ann Melbourne commented that she is the president of the HOA. She explained in 2015 all of the homeowners in the Fort Grounds were mailed a questionnaire and that 75% were returned in favor of this study. She feels that they have tried and kept the neighbors updated with nobody coming forward and telling her that they should back off. She stated that she is in favor of the FAR and Virtual Tent and feels that it will give people some creativity when designing their house. She feels this is a positive move in the right direction to help preserve this area.

Patty Jester commented that she has been involved with this committee for four years. She commented that she feels this ordinance will prevent a clash of different homes in this area. She stated that the need for bigger homes is not a need but a want. She feels by approving this ordinance is one step closer to preserving this area.

Kevin Jester stated that he would like to address some of the concerns presented tonight:

- Believe the elements of this ordinance will not inhibit design but hopefully promote creativity.
- He feels if other neighborhoods can use some of these considerations that would be great.
- Staff has done a great job organizing all the pieces brought forward for them.
- The ordinance reads well.
- He addressed the question of how you can you put up a two story building that fits within the virtual tent. The sketches that staff has presented are all based on a two story building. Rarely people don't build on grade would be starting two feet above grade with a nine foot ceiling height and a 8ft to 9ft second floor. All of those calculations which are for a two story home fit on a 50ft wide lot.
- He feels by approving this ordinance will protect this historic neighborhood and preserve this area as one of the oldest neighborhoods in Coeur d'Alene.
- He stated that 85% of the existing residences in this area fit within the envelope.
- In conclusion the following items should be considered for adoption:
  - New residences should meet the current setback requirements including load bearing strtru shuch as porches and decks.
  - New residences must comply with the .4 FAR and must fit within the virtual envelope no front or back averaging for setbacks should be allowed.
  - Some side yard articulation should be allowed.
  - A handful of small lots in this area should be allowed to fit a 2300 sq. building only if it fits within the virtual envelope.
  - Adopt a maximum lot coverage percentage requirement in addition to the FAR, in order to preserve some open space.

Commissioner Ingalls inquired what would the width of the lot be for a two story home.

Mr. Jester answered that it could vary based on the design. We are not regulating how wide or narrow you can go just make it fit in the envelope.

Terry Godbout commented that he lives in a house built in 1910 and wanted to add that the home built by Marlo Faulkner also has affected them by adding the additional feet they are now in the dark which affects his vegetation. He stated that this has devalued his property.

David Anttiut stated that he bought one of the smaller homes in Fort Grounds. He explained that he used to live in California and picked this area because it is so beautiful. He stated that they rent their home and feels that if he were to rebuild would choose a smaller home, because he feels that smaller homes are the trend. He feels that Austin is no comparison to this area and feels this area needs to be preserved.

Kathryn Boss has lived in this area for 32 years when walking around the neighborhood and noticing these large homes is distressing. She feels this ordinance is not restrictive and needs to be approved.

Rita Snyder stated that she doesn't live in Fort Grounds but feels this is a city wide problem and to consider approving this ordinance to help preserve property values and quality of life.

Cindy Schmidt remodeled there house and feels there house fits the neighborhood questioned if it fits within the virtual tent or if others be a McMansion.

#### General Discussion items:

- Chairman Jordan doesn't have a problem if the Fort Grounds wants this passed but he would like to see a list of how many of the existing homes would fit within the FAR and Virtual Tent.
- Commissioner Ingalls stated that he agrees that this area needs to be respected. He questioned what the boundary is when it comes time for people to vote for this ordinance.
- Commissioner Fleming stated that she respects the Fort Grounds Neighborhood for stepping up and saying "stop". We need to help preserve the charm and the historic value of this neighborhood and focus on this neighborhood now. She feels that by combining the FAR and Virtual Tent is a good thing.
- Chairman Jordan inquired about the voting process if the commission decides if this goes forward.
- Ms. Anderson explained that the voting process could be similar to what was done when the special use permit was approved for this area.
- The commission concurred that they would like to go forward with this request limiting it to just the Fort Grounds for now. They feel that this is a good starting point and feels that this could be a template to be used for other neighborhoods in the future. They feel every neighborhood is unique.

#### Staff Direction:

- Chairman Jordan requested that staff provide some examples of existing homes in the Fort Grounds that would fit within the Virtual Tent. He requested either before the next Planning Commission meeting on May 11<sup>th</sup> or before.

#### **ADJOURNMENT:**

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

The meeting was adjourned at 8:13 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



**PLANNING COMMISSION  
MINUTES  
APRIL 11, 2017  
LOWER LEVEL – COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

Brad Jordan, Chairman  
Lynn Fleming  
Michael Ward  
Peter Luttropp  
Tom Messina, Vice Chair  
Lewis Rumpler

**STAFF MEMBERS PRESENT:**

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

**COMMISSIONERS ABSENT:**

Jon Ingalls

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion by Luttropp, seconded by Fleming, to approve the minutes of the Planning Commission meeting on March 14, 2017. Motion approved.

**COMMISSION COMMENTS:**

None

**STAFF COMMENTS:**

- Hilary Anderson, Community Planning Director, announced there are three hearings scheduled for the May 9<sup>th</sup> Planning Commission meeting.

**PUBLIC COMMENTS:**

- Marlo Faulkner stated that the proposed Vacation Rental Ordinance is not the time to propose a “light touch” ordinance and explained that Fort Grounds has been hit hard. She presented a drawing of a map of the area with the number of vacation rentals within the Fort Grounds area and explained that out of 120 homes, 30 are vacation rentals, and ten that are ADU’s. She suggested that the commission might want to consider exempting the Fort Grounds area from this ordinance.
- Don Gumprecht commented that he grew up in the Fort Grounds and loves the area. He explained that he owns a vacation rental and they did not make any money for a number of years. He stated that owning a vacation rental has been a learning curve and would suggest posting a “black box” warning in rental agreements stating if they go against the rules in the rental agreement; they lose their deposit. He feels that requiring a deposit creates responsibility to the

property. He commented that he is in favor of the two day restriction.

- Ann Melbourn concurs that the Fort Grounds has been impacted by the rental market and a soft approach should not be allowed. She explained that the drawing presented earlier, showing how many ADU'S and rentals are in this area, does not include the rentals advertised by Airbnb. She feels that short term rentals should be eliminated.
- Rebecca Smith explained that she owns an ADU in the Fort Grounds and feels that if there are any problems that she lives close by her rental to check out the concerns. She stated that she has had this ADU for a while and hasn't had any complaints from the neighbors, because she is onsite and can address any issues right away. She suggested posting issued permit numbers online, so people are aware who has a permit and who doesn't.

#### **ADMINISTRATIVE:**

1. Applicant: City of Coeur d'Alene, Ryan Breckenholder  
Request: Interpretation of SP-3-04, Determine whether development Of multiple buildings on individual lots meets the intent of prior approval.  
ADMINISTRATIVE (I-1-17)

Sean Holm, Planner, presented the staff report and explained that in May, 2004, the Planning Commission approved a special use permit in the C-17L zone. Uses approved included: Automobile Repair and Cleaning, Food & Beverage On/Off-site Consumption, and Specialty Retail Sales.

- In 2004, the applicant provided a conceptual site plan and a narrative describing how the parcels would be developed over time.
- The site has since changed hands, and some of the proposed development has occurred.
- The new owners came forward with a project review and discovered their strip mall design was prohibited within that special use permit.
- They are asking for multi-detached structures on the site and staff mentioned three choices for the applicant to consider: Comply with the SUP (single building per lot). To request an interpretation for detached structures (this request), or to request attached strip mall style construction (requires notice/similar to a new hearing).
- Staff feels detached structures would not be different to what was approved.
- Mr. Holm concluded his presentation and asked if the commission had any questions.

#### **Commission Comments:**

Commissioner Luttrupp inquired if the applicant would have to go through the public hearing process with granting this interpretation and accepting the decision from the Community Planning Director.

Ms. Anderson explained they met with the applicant and they requested the interpretation to provide clarification from the Planning Commission on what direction they need to go.

Commissioner Luttrupp inquired if staff agrees that the applicant has met the intent of the original special use permit and that this interpretation will suffice, so the applicant will not have to come back for a public hearing.

Ms. Anderson concurred that approving this interpretation will satisfy the intent of the special use permit and not require a public hearing.

**Motion by Fleming, seconded by Messina, to approve Item I-1-17. Motion approved.**

## **PUBLIC HEARINGS:**

1. Applicant: Kootenai County  
Location: 5500 N. Government Way  
Request: A proposed Criminal Transition special use permit in the C-17 (Commercial at 17 units/acre) zoning district QUASI-JUDICIAL (SP-3-17)

Mike Behary, Planner, presented the staff report and explained that Kootenai County is requesting approval of a special use permit to allow the expansion of their existing jail facility with an additional 125 beds and to allow for a future expansion for approximately an additional 110 beds at a later date on property located in the C-17 Commercial Zoning District.

Mr. Behary provided the following statements:

- He presented a site map of the property.
- He stated prior to 1984, the property was vacant and was part of the Kootenai Fairgrounds property.
- In 1984, the County applied for a special use permit prior to annexation in item SP-1-85 for a criminal transition facility to build a new facility on the property. The special use permit was approved on March 5, 1985.
- The County applied for an annexation requesting C-17 zoning and that application was approved on March 5, 1985. The county then built the jail.
- The existing jail houses 327 inmates.
- The proposed expansion will add 21 additional employees.
- The proposed building addition will add 125 beds and be in part, a shelled-in area that will handle a future expansion adding approximately 110 more beds in the future. He added with the addition of the expansion, there will be total of approximately 225 additional beds.
- He showed the site plan and indicated the property intended for the remodel.
- City staff reviewed the proposed project and stated that all utilities are adequate.
- There is one recommended condition from Planning that states: Ten parking spaces will be required to support anticipated parking demands for staff members of the jail expansion. The parking spaces can be located on the property to the north of the new facility, which is considered part of the jail facility campus.
- Mr. Behary concluded his presentation and asked if the commission had any questions.

There were no questions for staff.

Public testimony open.

Shawn Riley, applicant representative, provided the following statements:

- Staff did a great job on the presentation.
- He stated that Kootenai County is spending a lot of money to house and transport inmates to facilities outside our facility.
- He explained this expansion was planned for during the last addition to the building.
- Part of the building will be shelled-in for future cells.
- Sewer is in Dalton and existing water service is adequate to serve the site and expansion.
- Mr. Riley concluded his presentation and asked if the commission had any questions.

## **Commission Comments:**

Chairman Jordan inquired how long is the expansion estimated to last before another expansion is needed.

Mr. Riley commented that they estimate between 3-5 years.

Commissioner Messina inquired if the jail is running out of room.

Mr. Riley answered that is correct, and explained that Kootenai County is currently spending a lot of money to house and transport inmates to facilities outside our county, which is costing a lot of money to taxpayers.

Commissioner Rumpler inquired if there is a city or state requirement that requires a buffer between a jail and school.

Mr. Riley commented that he is not aware of any requirements but stated that the fairgrounds have plans to put an RV park on their property which should provide a buffer.

Cory Trapp stated that they are working with Kootenai County and wanted to clarify that with the approval of this special use permit, part of the approval is that part of the building will be shelled-in for future inmates. He requested that the special use permit be granted to accommodate the future build-out without setting a limit to the number of inmates so they don't have to come back to the commission for approval.

Public Testimony closed.

**Motion by Lewis, seconded by Fleming, to approve Item SP-3-17. Motion approved.**

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Votes	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 6 to 0 vote.

**DISCUSSION:**

1. "Focus on ADU's and other revisions resulting from joint workshop discussion" – Sean Holm

Sean Holm, Planner, provided a listing of the changes made to the draft Vacation Rental Ordinance from the joint workshop with City Council on March 31<sup>st</sup>.

Definitions: "Short-Term Rental" – One night stays in a Short-Term Rental are specifically prohibited.

Standards: Accessory Dwelling Units (ADUs) and Properties with Multiple Dwelling Units

- Accessory Dwelling Unit as defined by 17.02.030 which existed on the effective date of this article may be rented as a Short-Term Rental, provided that either the principal dwelling or ADU on the property must be occupied by a majority owner of the property or an immediate family member of the property owner more than six months out of any given year.
- After the effective date of this article, an ADU may only be used as a Short-Term Rental if all applicable fees, including impact fees, are paid for the ADU. Once the applicable fees are paid, either the principal dwelling or ADU on the property must be occupied by a majority owner of the property or an immediate family member of the property owner more than six months out of any given year.
- A principal dwelling and its associated ADU may not both be rented out concurrently.

Short-Term Rentals:

- For properties with more than one dwelling unit, including multiple lots developed as a single parcel, only one dwelling unit per property may be used as a Short-Term Rental at any one time.

Duplex and Multiple-Family Housing:

- If multiple units in a Duplex or Multiple-family housing project (including condominiums and apartments) are owned by the same person or persons, only one unit in the project may be used as a Short-Term Rental.
- The owner(s) of multiple units in a Duplex or Multiple-family housing project must designate which dwelling unit will be rented as a Short-Term Rental and advise the City of said designation in the application for a permit.

Occupancy:

- No recreational vehicle, travel trailer, tent, or other temporary shelter shall be used as a Short-Term Rental or in conjunction therewith to provide additional sleeping areas or otherwise.

Parking:

- An ADU, built after the effective date of this article and used as a Short-Term Rental, requires one off-street parking space in addition to parking spaces required for the principal dwelling.

Spacing:

- All Short-Term Rentals for which an application for a permit is filed with the City within ninety days of the effective date of this article, if otherwise qualified, shall be granted a permit without regard to its proximity to another Short-Term Rental.
- No Short-Term Rental for which an application for a permit is filed with the City more than ninety days after the effect date of this article may be located closer than three-hundred feet from a permitted Short-Term Rental.

Mr. Holm concluded his presentation and asked if the commission had any questions.

Commission Comments:

Commissioner Messina inquired if there will be any parking requirements for an ADU.

Mr. Holm stated that one parking space will be required and explained that if an ADU is out of compliance that the principal ADU would have to come into compliance, and meet that parking requirement.

Commissioner Luttrupp inquired if the parking stalls are required for future or current ADU's.

Mr. Holm explained it will be required after the effective date.

Commissioner Fleming stated that she feels once this is approved, we may see a rush of permits coming in.

Commissioner Messina inquired if staff could explain when the effective date is. He questioned if the date would be from when the city council approves this.

Ms. Anderson clarified that it would be after the City Council approval.

Chairman Jordan stated that he feels the 300 foot spacing limit could be an issue and suggested instead of an ordinance for Fort Grounds, perhaps some type of overlay district.

Commissioner Messina stated that in earlier testimony a map was presented showing the number of ADU's in the Fort Grounds area, and feels that if this ordinance is passed, maybe some of those people don't comply and after 90 days they go away.

Ms. Anderson explained that if the property owner sells the home, the permit will not go with the property.

Commissioner Messina feels that this is better than nothing and feels that some people do not want to get into the vacation rental business. He stated that after the 90 days and the guidelines are in place things will slow down.

Chairman Jordan stated that he understands that people need to pay their fair share for having an ADU. He explained that with the costs of water and sewer, and other building costs, estimates that total would be around \$13,000. He understands that people need to pay some fees for an ADU, but he commented that some people will get mad.

Ms. Anderson explained that currently impact fees are not charged with our current affidavit process. She explained how the ordinance is drafted and if people who want to have their ADU as a vacation rental, will be required to pay those impact fees at the time the permit is issued.

Commissioner Fleming concurred and feels an ADU as a vacation rental is a money maker and that the owner should have to pay the required fees.

The discussion ensued regarding impact fees and concerns and how they would affect the property owner.

Ms. Anderson explained that staff could look if they have paid the fees at the time when a vacation rental permit is issued.

Mr. Holm explained that within the ordinance stating if the homeowner does not pay the fees the city has the right to file a "Notice to Title" if not in compliance and the city can make them remove the ADU.

Commissioner Fleming inquired if staff has looked at what other cities are charging for this type of permit.

Ms. Anderson explained that when they were doing research into Sandpoint's fees, and after speaking to the Community and Economic Development Director - who felt their fees were too low - and explained that they didn't take into account the time of the building inspectors doing the inspections that don't cover their costs, so using Sandpoint as an example won't work. She explained that we would probably model our fees from what we are doing with the food truck permits. We have to look at actual staff costs.

Commissioner Luttrupp commented at the last workshop with council the definition of "family" was discussed and will this come up again.

Ms. Anderson explained that it did come up and that everyone agreed to use the existing definition noted in the code.

The discussion ensued regarding the notification of people who might live within 100 – 300 feet of an ADU.

Ms. Anderson questioned if the commission would agree that 100 feet is the appropriate distance to use for notification or if it should be expanded to 300 feet.

Commissioner Luttrupp stated 300 feet is sufficient.

Commissioner Luttrupp commented that we started with a light touch; not knowing what we were doing.

We knew we had to do something. We have more information now and are to come up with rules. He stated that we need more input from the community based on all the new information we have received that they don't know about.

Chairman Jordan stated that he understands the process for reasons of transparency by having another public hearing or opportunity for public comment.

Commissioner Rumpler stated we may never agree. The "genie is out of the bottle". We are dealing with conditions; you take the Fort Grounds, or any other community, it doesn't matter. We are not the only community and gave examples of Portland and Sandpoint, any community that has a resort element is facing this dilemma. He stated that it's here and now. He suggested to not let perfect be the "enemy of good" and to embrace practicality to manage this. This may not be perfect and his hope would be in this ordinance there is an opportunity to change. There is a process for the ordinance to change and would hate to be stuck in a place where we deliberate in perpetuity. This is not good leadership and good judgement. Given all the input that has occurred, we are looking at a draft that is as good with all the information that has been given. Once implemented, we get to see where the issues will emerge and may not know that today but subsequent to the ordinance being passed implemented and executed, we should have a lot better clarity about exactly what the impact will be. He feels there has been transparency since we have had plenty of public testimony. He feels there has been a number of important issues aired and understands there are unique circumstances such as the Fort Grounds area. He is not sure if we can address all the complexities of that community with this ordinance. He feels neighborhoods that are close to the beach it is not surprising that those communities went through some kind of evolution. He recommends to the commission to embrace the ordinance as it stands and enable the City Council to deliberate at that time if they want to make any changes. He stated we are coming up on the vacation season and not saying this is an important timeline, but something to consider moving this to council right away.

Commissioner Messina stated that he concurs that we should get this to City Council right away. He feels we hear the Fort Grounds concerns and understand those issues. He commented that if the map that was presented to us earlier showing the number of ADU's in the Fort Grounds area, we wouldn't have had this much discussion. The people who are concerned about this ordinance have ample time to get with the city and at the City Council meeting during public comments to voice their concerns. He feels that at City Council if they have further questions they can always send the ordinance back to the Commission. He feels that the Commission has done their due diligence and staff has done a great job on this draft. He concurs it is time to move this forward.

Commissioner Fleming commented that she likes the 300 foot rule which gives us a chance to slow this down until we see what is going to happen. She commented that we are allowing 90 days for people to get in and get their permit before summer. She feels that this is self-governing and explained that some people may realize how much work a vacation rental can be and slip away. She feels this ordinance is as good as it gets and if we don't pass it along, summer will soon be over.

Mr. Adams commented that there was some miscommunication on the definition for "Short-Term Rental" where it states 2 days to 30 days, and the law states anything under 30 days, and the consensus is that we should match the State definition of under 30 days, but also include the "No one-day rental". He commented it would take some tweaking of that language for that change. He asked if the commission would agree to those changes.

The commission concurred with the change.

Commissioner Rumpler inquired if the state law trumps the city ordinance.

Mr. Adams explained this is for our purposes and to ensure the ordinance is as clear as possible.

Mr. Holm wanted to explain the logic behind the 300 foot radius and explained that Sandpoint's ordinance

looked at that and they saw, in reverse, that someone pulled a permit for a Vacation Rental and did not have any intent on operating a vacation rental. They pulled the permit because they didn't want one within 300 feet next to them. He suggested using a "Non-Operating Clause" and explained that if they didn't prove within two years they were establishing a vacation rental, they lost their permit.

Ms. Anderson concurred and this type of clause is necessary and feels we should add that provision.

Chairman Jordan stated that adding the 300 foot rule takes this ordinance from a light touch to heavy handed.

Commissioner Rumpler feels sympathetic, but stated we need some type of regulatory framework. This is where we start, and if the City Council feels that they want more changes they can make recommendations and it can come back to us. He commented that the 300 foot buffer is part of the regulatory framework and concurs with Commissioner Fleming that this buffer is considered a governor, regulating the number of potential sites this will be compatible with.

Commissioner Ward appreciates staff's work and likes the non-performance clause. This is well-vetted with community involvement and it is time for council to take a look at this draft.

Chairman Jordan inquired if this requires a vote.

Mr. Adams recommended the motion should include the revision of the short term rental and if you want to include the sunset clause and if so direct staff to include those changes to the draft and take it to City Council.

Chairman Jordan suggested that the time limit should be reduced from two years.

Ms. Anderson suggested maybe one year.

Commissioner Ward feels we have to show they need to be rented out a minimum of 15 days or possibly 29 days.

**Motion by Fleming, seconded by Ward, to proceed with Chapter 17.08 Short Term Rentals as written, including pages 1-7, and with the addition of a clause that covers a Sunset Clause of some description that restricts to a one-year holding pattern for someone who pulls a permit and doesn't intend to use that rental for the purpose of a Short Term Rental. She added to set the limit for a short term rental to 29 days. Motion approved.**

## 2. Planning Department Work Plan – Hilary Anderson

Hilary Anderson, Community Planning Director, presented a PowerPoint including the following statements:

- Seeking input and prioritization for the Planning Department workload.
- Talking with City Administration to bring forward all the projects we are tasked with and ask that the commission do a ranking for City Council and they can provide some guidance to what our priorities are to work on for this year and early next year.
- Including all these projects staff gets overwhelmed and asks "What is our priority?"
- She included a list of mandatory assignments and work efforts not included in the voting ballot. She explained that most of these assignments deal with State Notification Requirements, building permits and other special projects.
- She went through the projects that are on the work plan and let them know what staff's recommendations are.

The commission discussed the projects on the work plan and discussed the importance of the decided



Comprehensive Plan update and the Spokane River Master-Planning. They asked to have a week in which to review the work plan and submit their individual votes.

Ms. Anderson stated that if any of the commissioners have already voted to please return their ballots to her tonight, and for the others who are not finished to please return them to her by e-mail within a week so she can compile the reports and present those findings at the next Planning Commission meeting.

**ADJOURNMENT:**

Motion by Fleming, seconded by Rumpler, to adjourn the meeting. Motion approved.

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

Prepared by Shana Stuhlmiller, Public Hearing Assistant

DRAFT



# **PUBLIC HEARINGS**



**PLANNING COMMISSION  
STAFF REPORT**

**FROM:** SEAN E. HOLM, PLANNER  
**DATE:** MAY 9, 2017  
**SUBJECT:** SP-4-17 – REQUEST FOR WIRELESS TELECOMMUNICATIONS  
SPECIAL USE PERMIT IN A C-17L ZONING DISTRICT  
**LOCATION:** A +/- 0.55 ACRE PARCEL WEST OF RAMSEY RD AND SOUTH OF THE  
KATHLEEN AVE INTERSECTION ALSO KNOWN AS 3850 N.  
RAMSEY

**APPLICANT:**

Verizon Wireless (Jeff Smith- Ryka Consulting)  
918 South Horton St. Suite #1002  
Seattle, WA 98134

**DECISION POINT:**

Verizon Wireless is requesting approval of a Special Use Permit to construct a new 70' foot wireless telecommunications facility at property currently addressed as 3850 N. Ramsey Rd., in conjunction with the existing coffee stand use (Food & beverage | off-site consumption) currently operating onsite. The requested use is classified under city code as a ***Civic activity - Essential Service (above ground)***.

**GENERAL INFORMATION:**

The site will operate continually, 24 hours a day/7 days a week. The site will be unmanned, requiring infrequent visits by maintenance personnel, typically once a month. The proposed facility is a passive use; there are no activities that will produce airborne emissions, odor, vibration, heat, glare, or noxious/toxic materials. According to the FCC regulations, this proposal will not create adverse radio interference with residential uses of electronic equipment.

The Planning Department initially received this application in March, 2017. Staff called the applicant to discuss co-location availability. That conversation led to the applicant adding an additional 10' of height (from 60' to 70') to allow for an additional carrier sometime in the future. Included with the change in height, the applicant also provided coverage maps (before and after) and a justification letter for a new tower.

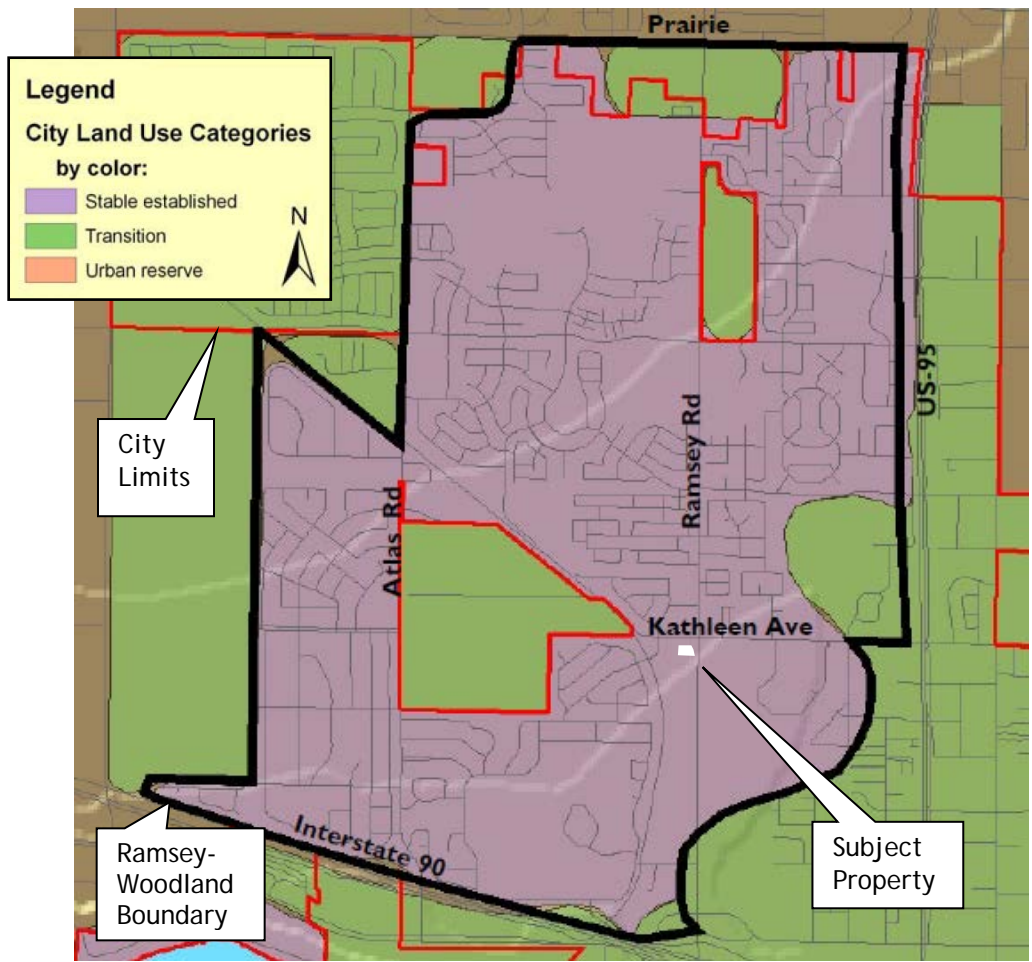
The applicant's justification letter and coverage maps are attached for your review.

**REQUIRED FINDINGS:**

Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

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

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as Ramsey –Woodland (Stable Established):



**Stable Established:**  
*These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period.*

**Land Use:**

**Ramsey - Woodland Today:**

The development pattern in this area is mixed with established subdivisions, such as Coeur d'Alene Place, that are continuing to expand to the north. Passive and active parks have also been provided for the residents of these housing developments. Industrial uses are prominent to the west of Atlas Road with a mix of residential zoning on the south side of Hanley Avenue.

Neighborhood service nodes can be found throughout the Ramsey-Woodland area.

### **Ramsey - Woodland Tomorrow**

Characteristics of the neighborhoods have, for the most part, been established and should be maintained. Development in this area will continue to grow in a stable manner. Lower density zoning districts will intermingle with the existing Coeur d'Alene Place Planned Unit Development (PUD) providing a variety of housing types. The northern boundary is the edge of the community, offering opportunities for infill.

### **The characteristics of Ramsey – Woodland neighborhoods will be:**

- That overall density may approach three to four residential units per acre (3-4:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas.
- Pedestrian and bicycle trails.
- Parks just a 5-minute walk away.
- Neighborhood service nodes where appropriate.
- Multi-family and single-family housing units.

### ➤ **2007 Comprehensive Plan Goals and Objectives that apply:**

#### **Objective 1.05**

##### ***Vistas:***

- Protect the key vistas and view corridors of the hillsides and waterfronts that make Coeur d'Alene unique.

#### **Objective 1.06**

##### ***Urban Forests:***

- Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.

#### **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 1.18**

##### ***Night Sky:***

- Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary.

#### **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 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 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.**

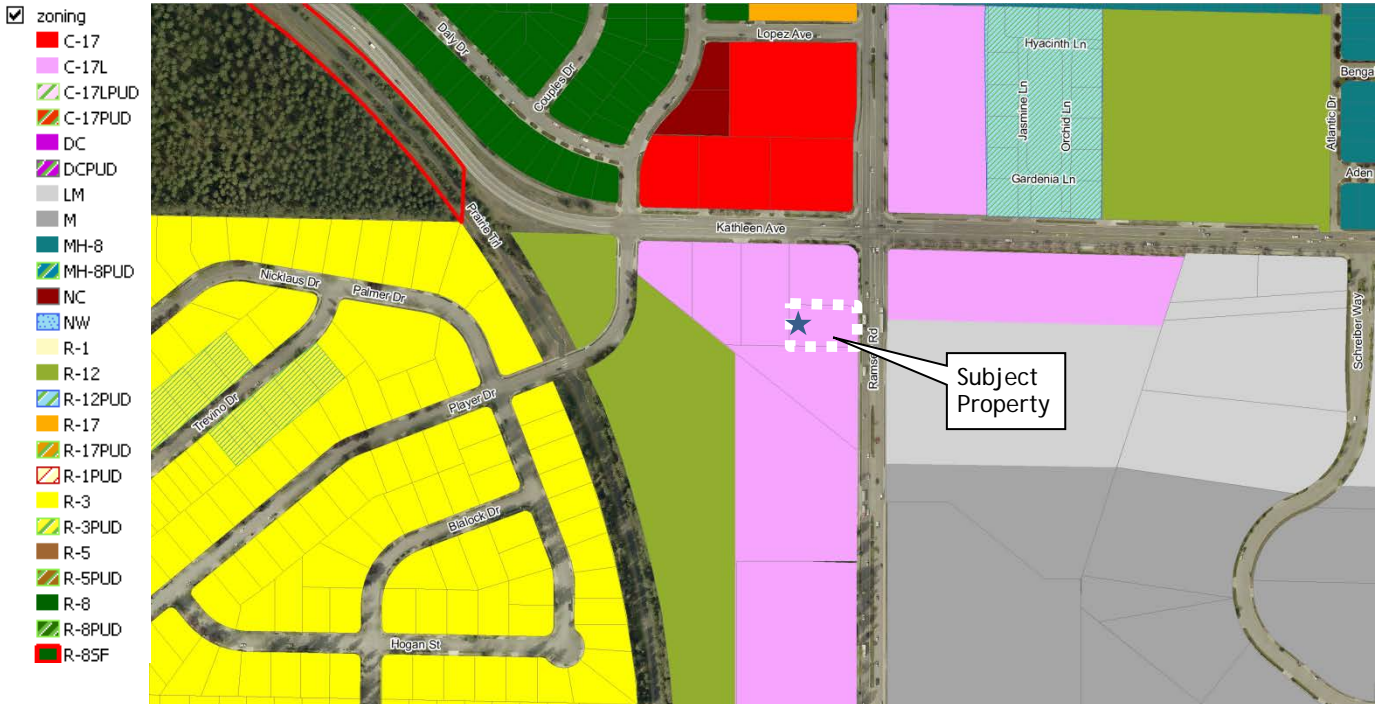
Aerial & oblique views:














Oblique view:

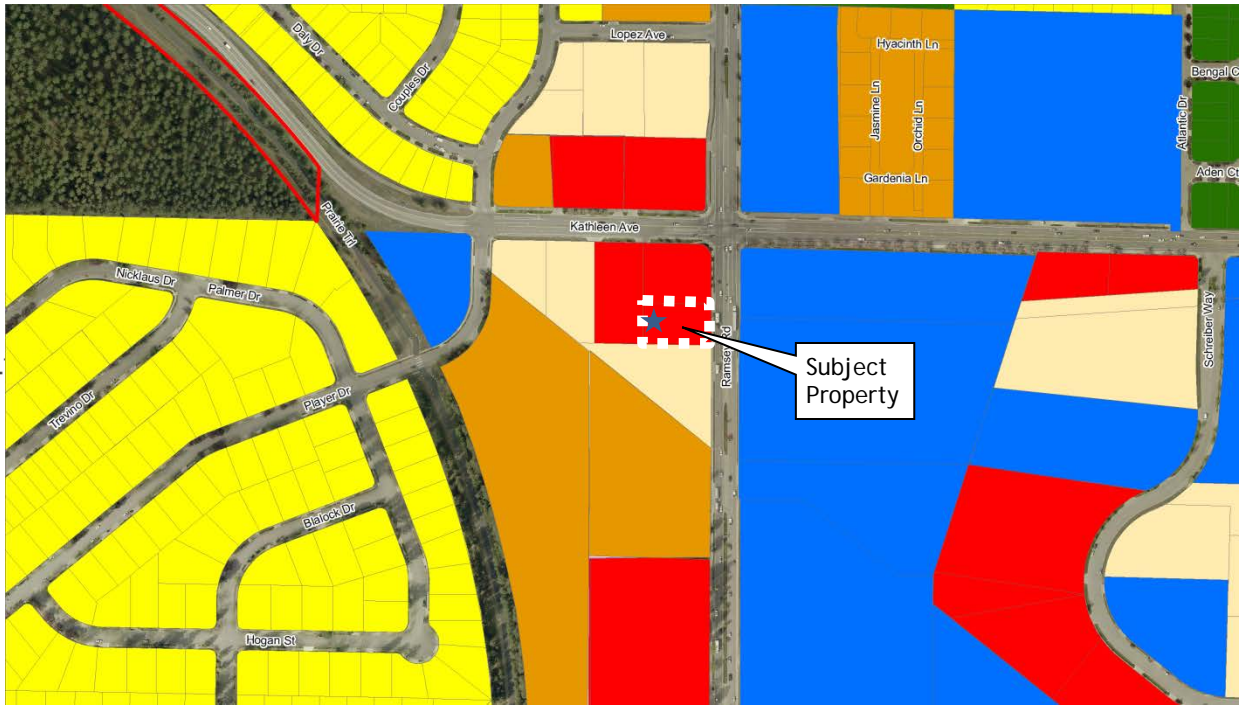


Zoning:



Generalized land use pattern:

- Land Use
-  SFA
-  SFD
-  DUPLEX
-  MH
-  MHP
-  MFD
-  CIVIC
-  COMM
-  MFGR
-  AGRICUL
-  VACANT



Photo(s) of Site:

*Project site south of coffee stand near Ramsey Rd (Interior looking NW):*





*Approach/driveway and apartments along Ramsey Rd (Looking South):*



*Coffee stand & storage with proposed site behind (Looking SW):*



Context of Area:

The area surrounding the request is generally flat and is made up of a number of different land uses. To the north is commercial, to the east (across Ramsey) is city property (Fire, Streets, and Water Departments), south are apartments, and to the west is vacant (until the other side of Player Drive where a senior care facility is located).

6. Landscaping:

The following code for applies to all proposed wireless towers.

**17.08.825: Site Development Standards:**

C. Landscaping, Screening and Fencing:

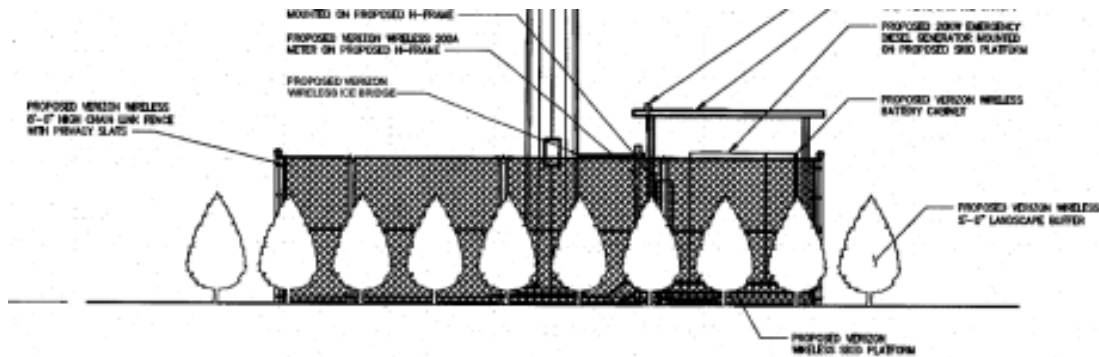
1. In all zoning districts, the following additional landscaping shall be required beyond that which is required for the zone in which it is located:

a. Equipment shelters and cabinets and other on the ground ancillary equipment shall be screened with buffer yard and street tree landscaping as required for the zone in which located.

b. In particular, the ground level view of support towers shall be mitigated by additional landscaping provisions as established through the special use permit process. The use of large trees from the approved urban forestry list of recommended species or native conifers is required at the spacing specified for the specific trees chosen.

Alternatively, a landscaping plan may be submitted with the special use permit and, if approved, shall take precedence over the foregoing requirement.

Proposed landscaping plan (Street trees TBD):







**STAFF COMMENTS:**

STORMWATER:

Stormwater treatment and containment will be addressed during development and constructed on the subject property. The City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

*-Submitted by Chris Bosley, City Engineer*

STREETS:

The subject property is bordered by Ramsey Road on the East. The current street and right-of-way width's meet the City standards. No alterations to the street sections will be required.

*-Submitted by Chris Bosley, City Engineer*

TRAFFIC:

Minimal traffic is expected to be generated from the proposed communication facility. The Engineering Department has no objection to the proposed special use permit as proposed.

*-Submitted by Chris Bosley, City Engineer*

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.

*-Submitted by Bobby Gonder, Fire Inspector*

**Evaluation:** *Planning Commission must determine if the location, design, and size of the proposal are such that the development will or will not be adequately served by existing streets, public facilities and services.*

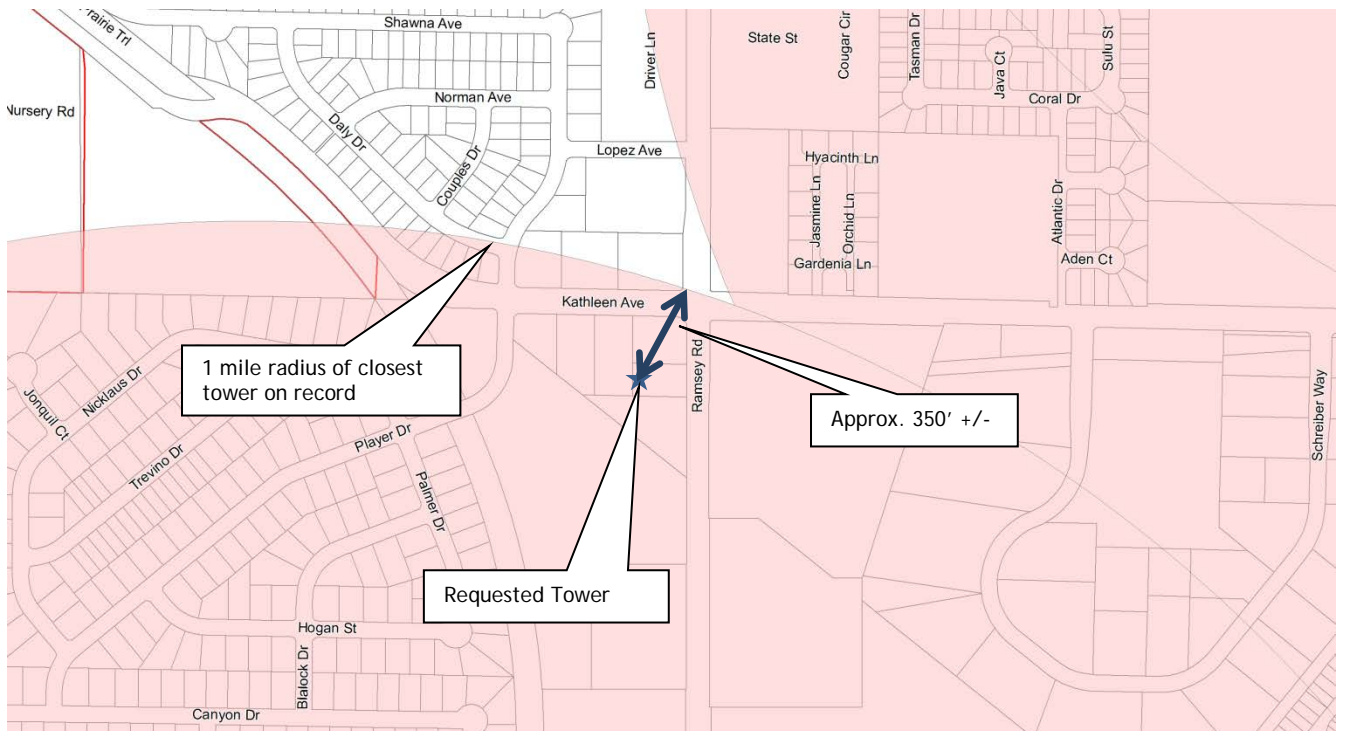
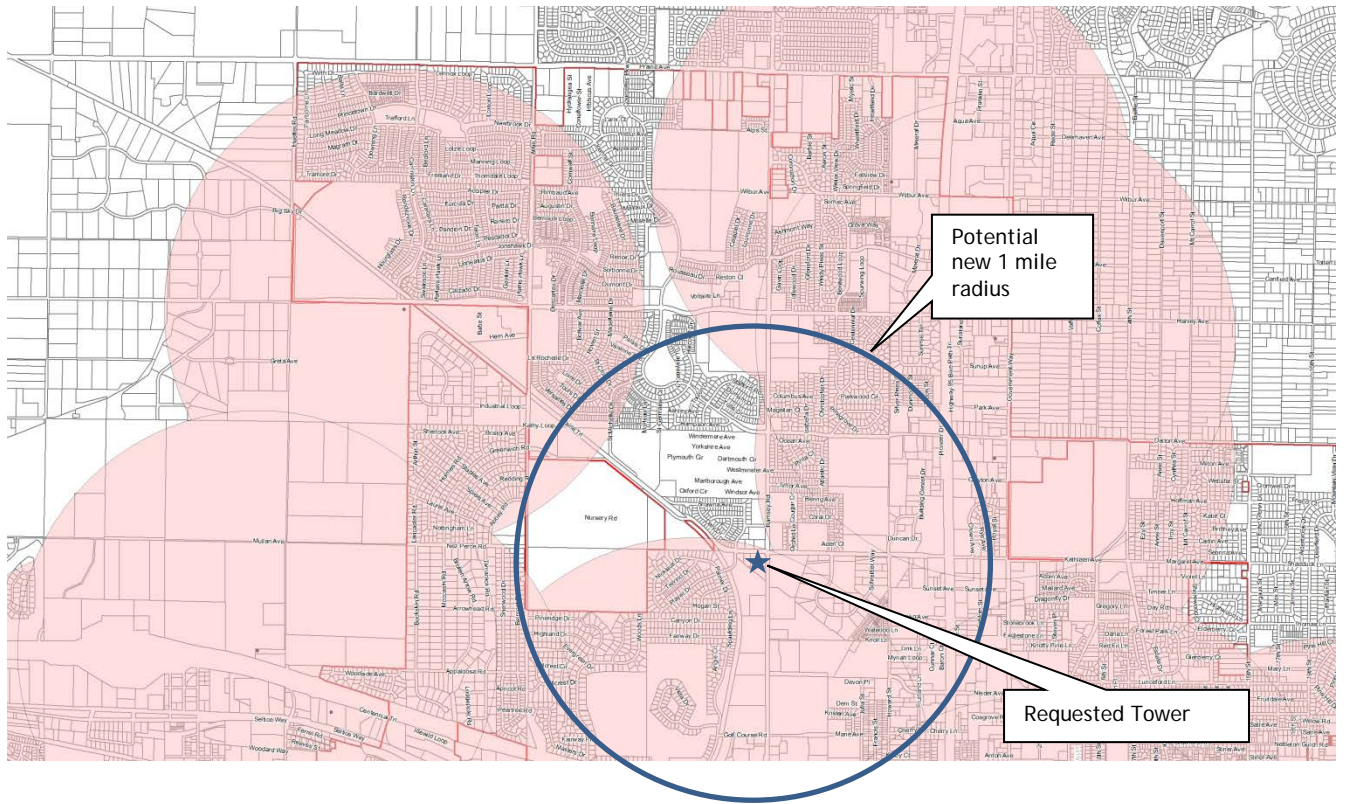
**In addition to the findings above, the *Wireless Communication Facilities Regulations* require that:**

17.08.825 H. 2.:

No new wireless communication support towers may be constructed within one mile of an existing support tower, unless it can be demonstrated to the satisfaction of the Planning Commission that the existing support tower is not available for colocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant.

**Staff comment regarding the proposed location:** *After creating and reviewing a GIS map (see below), it was clear that the proposed location is approximately 350' from the edge of the 1 mile radius of an existing tower. The area that remains outside of the 1 mile radius is also shown. The applicant was made aware of this requirement and has provided a letter from Nicole*

Dai explaining Verizon's reasoning for the proposed location as well as a before and after coverage map (see attached).



**APPLICANT'S JUSTIFICATION:**

The applicant's supporting information for the request is attached.

**PROPOSED CONDITIONS:**

**PLANNING:**

1. A "monopine" (or other design approved by Planning Commission) to achieve a stealth look to the tower will be required.
2. The project must adhere to the site and landscaping plans.

**FIRE:**

3. The proposed access road must be engineered to meet an imposed maximum load of 75,000 pounds.
4. This access must have a maintenance plan to include snow removal and storage.
5. Signs stating 'NO PARKING-FIRE LANE' shall be posted along the access road for Fire Dept. access to the site.

The Planning Commission may, as a condition of approval, establish reasonable requirements as conditions of approval to mitigate any impacts that would adversely affect the surrounding neighborhood. Please be specific, if additional conditions are added to the motion.

**ORDINANCES AND STANDARDS USED IN EVALUATION:**

- 2007 Comprehensive 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

**ACTION ALTERNATIVES:**

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

A decorative border composed of a grid of purple diamonds in various shades, surrounding a central light purple rectangular area.

**APPLICANT'S  
NARRATIVE**





April 6, 2017

Kootenai County Community Planning Department  
Attn. Mel Palmer, Planner II  
451 N Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816

This letter is in regards to a potential wireless communication facility for Verizon Wireless, referred to as "ID1 BLALOCK", located at 3857 N Ramsey Rd, Coeur D Alene, ID 83815. This site is proposed as a response to weak areas of coverage near I-90, in-building data usage, and overall data traffic increases.

The wireless system for this site is linked to both coverage and capacity. With the increase in data demands by wireless customers, the capacity from available bandwidth in this given geographical area is exhausting. The customer's experience is exacerbated by the reduced speeds available to users in mediocre data coverage to the immediate north of I90. In general, a user's over all data requested doesn't diminish in marginal coverage, but instead the amount of time the user consumes bandwidth is prolonged. This becomes an issue once the total individuals served by a given cell site exceed the site, or surrounding sites, capacity to deliver the requested data in a timely manner.

The data demand issue is compounded when no single one of the surrounding sites is able to provide an adequately dominant signal, as is the case with RAMSEY, MALL, APPLEWAY and POPCELL. When there is no single dominant provider, the customer's experience is poor due to a higher 'noise level' caused by any other signal that is not providing service to that specific customer. Currently these 4 sites serve with one or two sectors each pointed toward the area of concern (Figure A – Circled in Red). The customer demand is much greater than the capacity available from the serving sectors of the 4 sites above.

Figure A is a model of the coverage today in the area without the proposed site BLALOCK. The 'Red' and 'Pink' represent 'Excellent' to 'Good' data coverage both indoors and outdoors. The 'Yellow' represents 'Good' data speeds outdoors and 'Fair' speeds indoors. The 'Green' represents 'Fair' outdoor speeds but the indoor speeds are 'Marginal' to 'Poor'. However, indoors is where the majority of users are located during the peak 24 hour usage time which occurs between 8PM and 9PM. Though some of these areas model well, the users experience has not reflected the same quality level. Customers have been experiencing delays and drops due to poor coverage as well as slow data speeds from the lack of a dominant serving cell site. Optimization of the surrounding sites has helped but not

fixed the problem areas. From the general cluster of these known areas, the proposed site search polygon was chosen.

With the general location determined by the customer needs, the height was initially addressed by balancing the local height restriction and observing the general clutter (RF terminology for obstructions on the ground including business buildings, houses, trees, brush, etc.) in the area in order to create a coverage footprint that would result in the desired signal strength within the area of concern as well as handing off with the surrounding sites. Below, Figure B is a model of the resulting coverage with antennas at 70ft tip heights. At this height the proposed site will serve the area of concern and improve the customer experience.

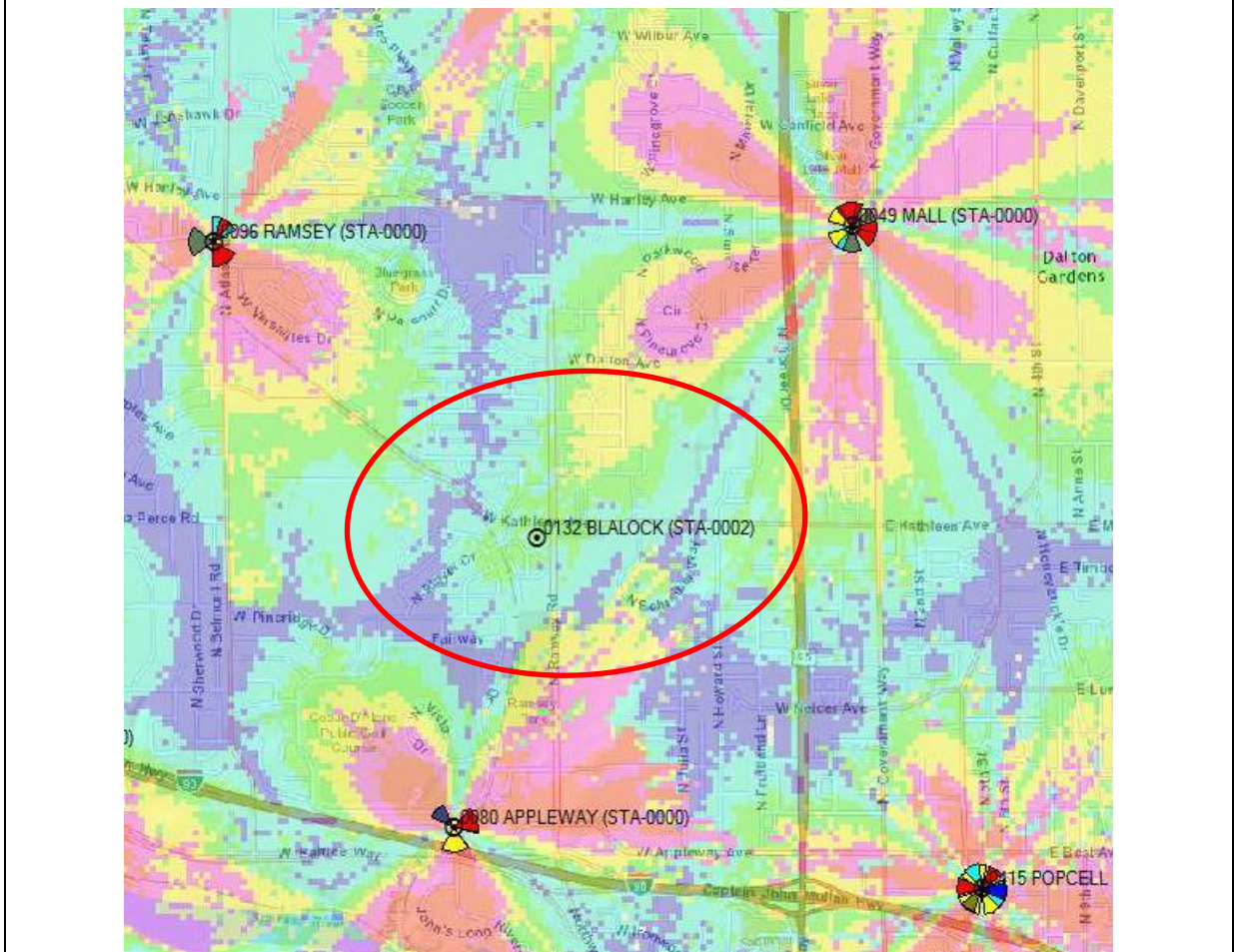
### **Summary**

Having reviewed the data usage levels, poor customer experience, and strained capacity levels of the surrounding sites we found this location at the desired tip height of 70ft meets the signal and data needs of Verizon Wireless's customers within the area of concern.


Sincerely,

Nicole Dai  
Verizon Wireless  
Pacific Northwest Region  
Network Department – RF


Figure A – Current Signal Level. Area of concern bounded by 'Red' circle.







# **FINDINGS**



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

**A. INTRODUCTION**

This matter having come before the Planning Commission on May 9, 2017 and there being present a person requesting approval of ITEM:SP-4-17 A request for a Wireless Telecommunications Special Use Permit in the C-17L zoning district.

APPLICANT: VERIZON WIRELESS (JEFF SMITH-RYKA CONSULTING)

LOCATION: A +/- 0.55 ACRE PARCEL WEST OF RAMSEY RD AND SOUTH OF THE KATHLEEN AVE INTERSECTION ALSO KNOWN AS 3850 N. RAMSEY

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

**(The Planning Commission may adopt Items B1 to B7.)**

- B1. That the existing land uses are Residential and Commercial.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is C-17L.
- B4. That the notice of public hearing was published on April 22, 2017, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on April 25, 2017, which fulfills the proper legal requirement.
- B6. That the 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 May 9, 2017.
- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the comprehensive plan, as follows:

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. Does the density or intensity of the project "fit " the surrounding area?
  2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc?
  3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?

B8C 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 B8C:**
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 police and fire provide reasonable service to the property?

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of VERIZON WIRELESS (JEFF SMITH-RYKA CONSULTING) for a special use permit, as described in the application should be **(approved)(approved w/conditions) (denied) (denied without prejudice).**

Special conditions applied are as follows:

**PLANNING:**

1. A "monopine" (or other design approved by Planning Commission) to achieve a stealth look to the tower will be required.
2. The project must adhere to the site and landscaping plans.

**FIRE:**

3. The proposed access road must be engineered to meet an imposed maximum load of 75,000 pounds.
4. This access must have a maintenance plan to include snow removal and storage.
5. Signs stating 'NO PARKING-FIRE LANE' shall be posted along the access road for Fire Dept. access to the site.

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 Rumpler	Voted _____
Commissioner Ward	Voted _____

Chairman Messina Voted \_\_\_\_\_ (tie breaker)

Commissioners \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

\_\_\_\_\_  
CHAIRMAN TOM MESSINA



**PLANNING COMMISSION  
STAFF REPORT**

**FROM:** MIKE BEHARY, PLANNER

**DATE:** MAY 9, 2017

**SUBJECT:** ZC-1-17 ZONE CHANGE FROM LM TO C-17

**LOCATION:** +/- 4.1 ACRE PORTION OF A PARCEL LOCATED AT 505 W.  
KATHLEEN AVENUE

**APPLICANT/OWNER:**  
Confluent Development, LLC  
2240 Blake Street, Suite 200  
Denver, CO 80205

**ENGINEER:**  
Lake City Engineering, Inc.  
126 E. Poplar Avenue  
Coeur d'Alene, ID 83814

**DECISION POINT:**

Confluent Development, LLC is requesting approval of a zone change from LM (Light Manufacturing) to C-17 (Commercial at 17 units/acre) zoning district.

**BACKGROUND INFORMATION:**

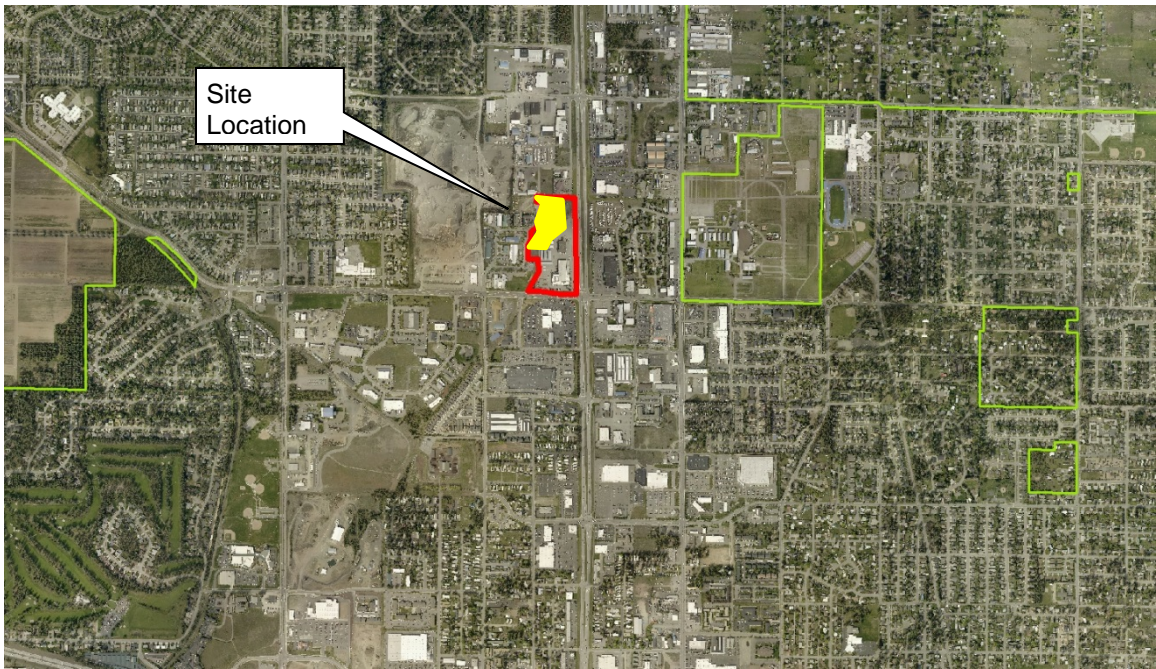
The property is located on the northwest corner of US Highway 95 and Kathleen Avenue. Coeur d' Alene Charter Academy School is located southwest of the subject site. There is an existing retail sales facility on the subject site and the property has been used for retail sales of building supplies for many years. The northern and northwestern portions of the property at 505 W. Kathleen Avenue are currently undeveloped.

Prior to 1983, the subject site was located within the unincorporated area of the County. In 1983, the City of Coeur d'Alene applied for a large area of land to be annexed into the City in conjunction with zoning in Item ZC-11-83A. The total land area that was annexed consisted of 680 acres. The annexation and zoning request was approved by City Council on September 20, 1983. This subject site was just a small portion of the land that was annexed into the City at that time. As part of the designation of zoning for the property, two different zoning districts (C-17 and LM) were assigned to the site. The property has had split zoning since 1983.

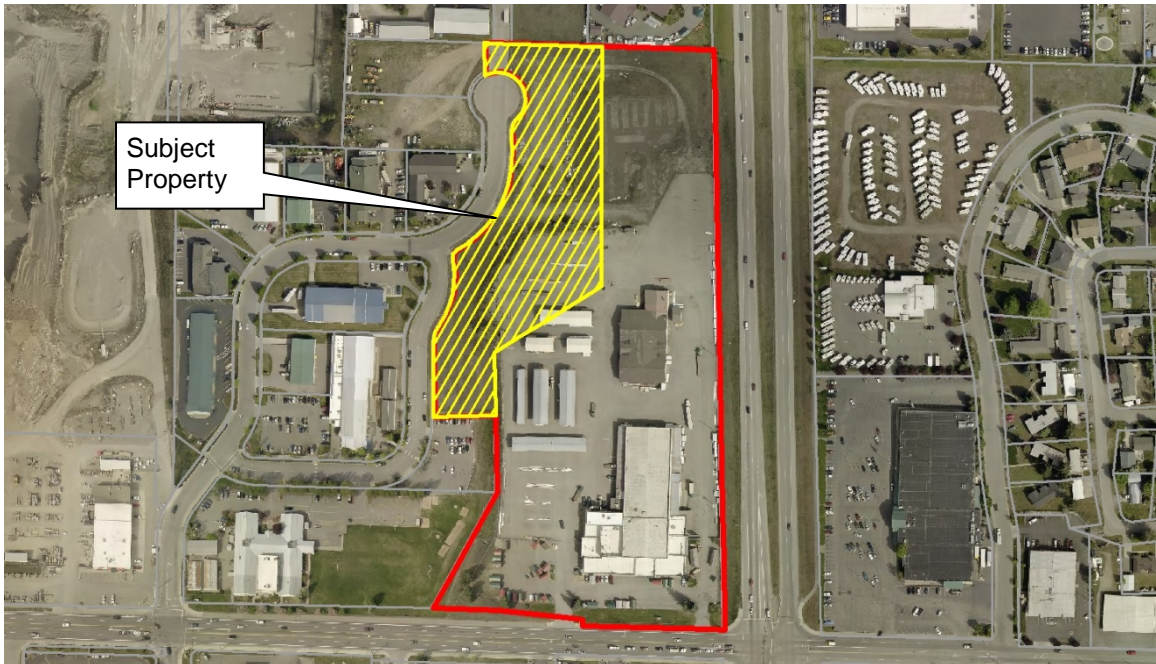
The majority of the property is zoned C-17 and the smaller portion is zoned LM. There is a total of 11.7 acres that is zoned C-17 with 4.1 acres zone LM on this property. The applicant has indicated they would like to correct the split zoning issue with this parcel and to have one uniform zoning district over the whole parcel. The applicant has indicated they envision some type of retail use that will be located at this site.

However, it should be noted that the applicant's proposed retail use of the property is not tied to the requested zone change. If the subject site is approved to be changed to the C-17 Commercial District, then all permitted uses in the C-17 Commercial District would be allowed on this site.

**LOCATION MAP:**



**AERIAL PHOTO:**



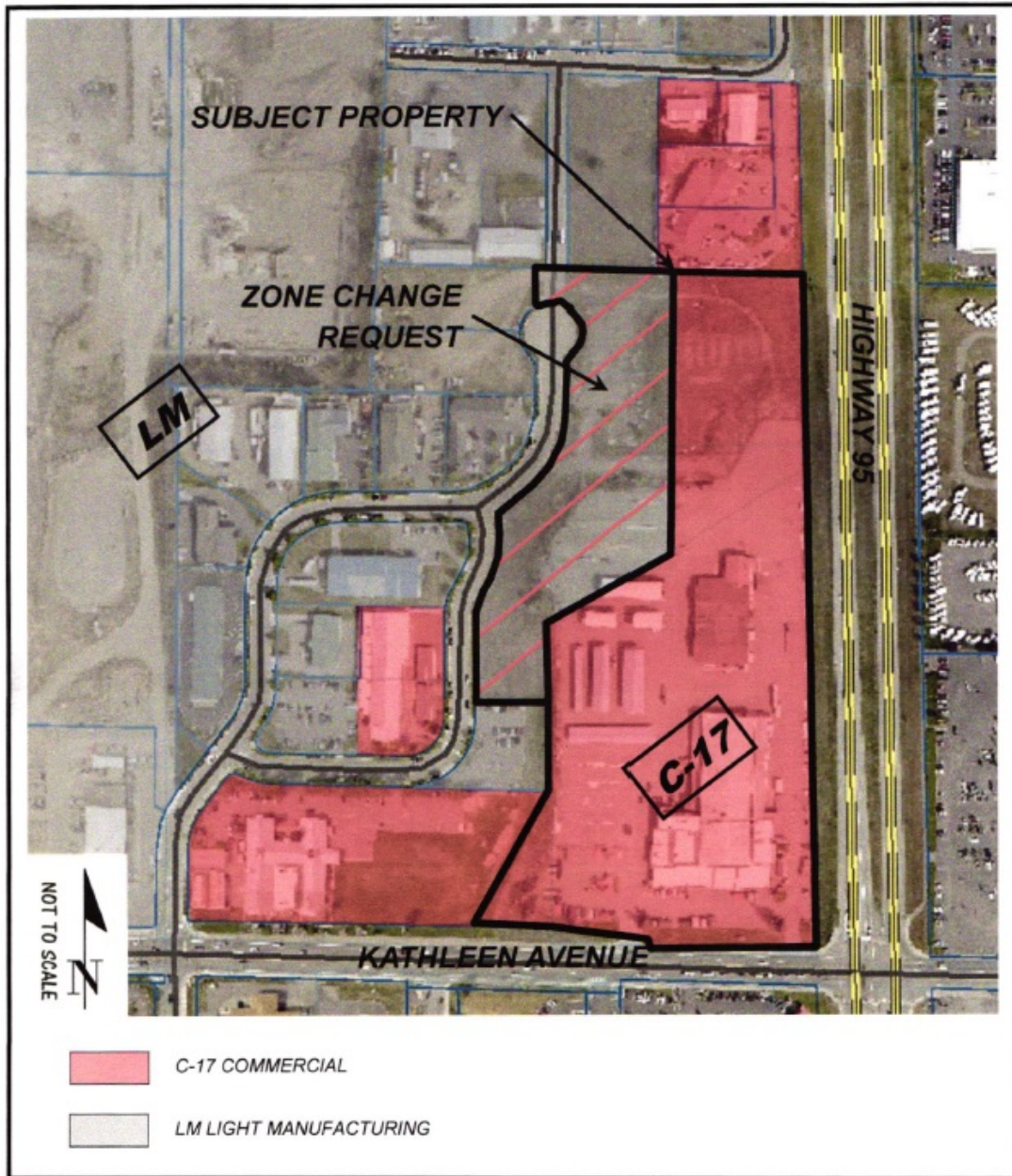
**BIRDS EYE AERIAL PHOTO - 1:**



**BIRDS EYE AERIAL PHOTO - 2:**



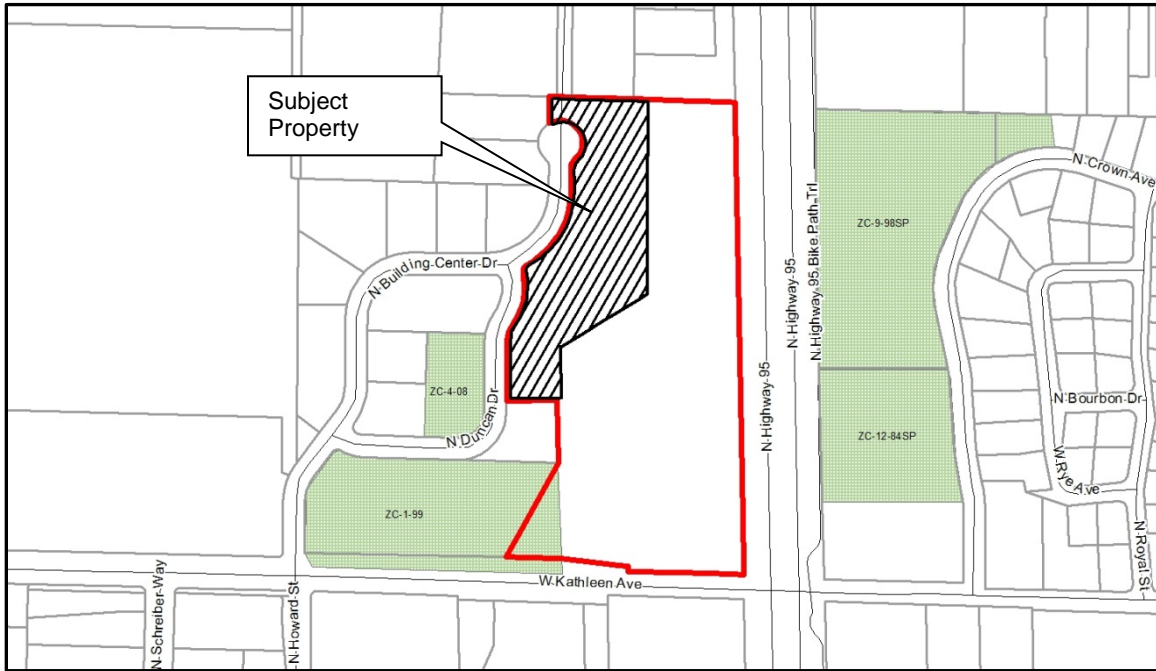
**APPLICANT'S EXHIBIT OF PROPOSED ZONE CHANGE:**



**PRIOR LAND USE ACTIONS:**

Planning Commission and City Council approved a zone change request in items ZC-1-84SP and ZC-9-98SP east of the subject property from R-12 to C-17L in 1984 and in 1998 respectively. Two more zone changes were approved by the Planning Commission and City Council in 1999 and in 2008 to change the zoning from LM to C-17 on the property to the west and south of the subject property in item ZC-1-99 and in ZC-4-08. As seen in the map provided below, the area is in transition with a multitude of approved zone changes in the vicinity of the subject property.

**PRIOR LAND USE ACTIONS MAP:**



**Zone Changes:**

ZC-12-84SP	R-12 to C-17L	Approved
ZC-9-98SP	R-12 to C-17L	Approved
ZC-1-99	LM to C-17	Approved
ZC-4-08	LM to C-17	Approved

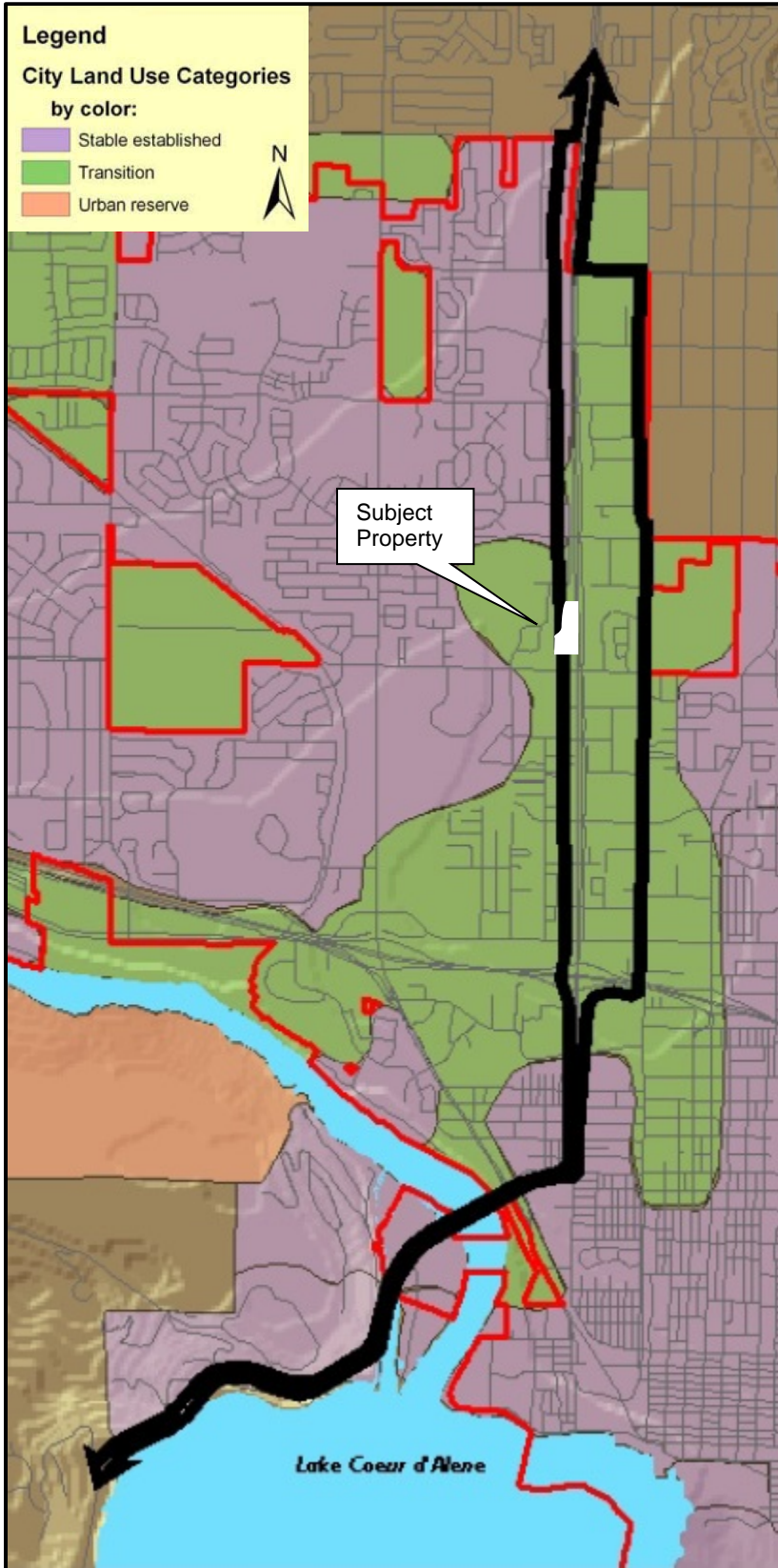
**REQUIRED FINDINGS:**

- 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 designates this area in the US 95 Corridor

**Comprehensive Plan Map: US 95 Corridor**



**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.

### **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 (IDT) to design an efficient transportation system through the city.

### **The characteristics of the US 95 Corridor neighborhoods 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 pedestrian and bicycle traffic.

### **COMPREHENSIVE PLAN GOALS & OBJECTIVES THAT APPLY:**

#### **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.

#### **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 services industries, while protecting existing uses of these types from encroachment by incompatible land uses.

#### **Objective 3.05 - Neighborhoods:**

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

#### **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 4.06 - 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:**

Stormwater issues are not a component of the proposed zone change, any storm issues will be addressed at the time of development on the subject property. City Code requires 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 Kathleen Avenue to the south and US 95 to the east. This existing roadway is a fully developed (full curb/sidewalk) street section. Any required improvements will be addressed through the building permit process at the time of development on the subject property. The Engineering Department has no objection to the zone change as proposed.

- Submitted by Chris Bosley, City Engineering

**WATER:**

Water infrastructure already exists and is capable of supporting the proposed zone change. The Water Department has no objections to the zone change as proposed.

-Submitted by Terry Pickel, Water Superintendent

**SEWER:**

Presently, public sewer is within Building Center Drive and the City's Wastewater Utility has the wastewater system capacity and willingness to serve the subject site. The Wastewater Utility has no objections to the zone change request as proposed.

-Submitted by Mike Becker, Utility Project Manager

**PARKS:**

The Parks Department has no requirements for this development. The Parks Department has no objection to this zone change as proposed.

-Submitted by Monte McCully, Trails Coordinator

**FIRE:**

The Fire Department works with the Engineering and Water 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 building permit or site development, utilizing the currently adopted International Fire Code (IFC) for compliance. The City of Coeur d'Alene Fire Department can address all concerns at site and building permit submittals. The Fire Department has no objection to the zone change as proposed.

-Submitted by Bobby Gonder, Fire Inspector

**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.

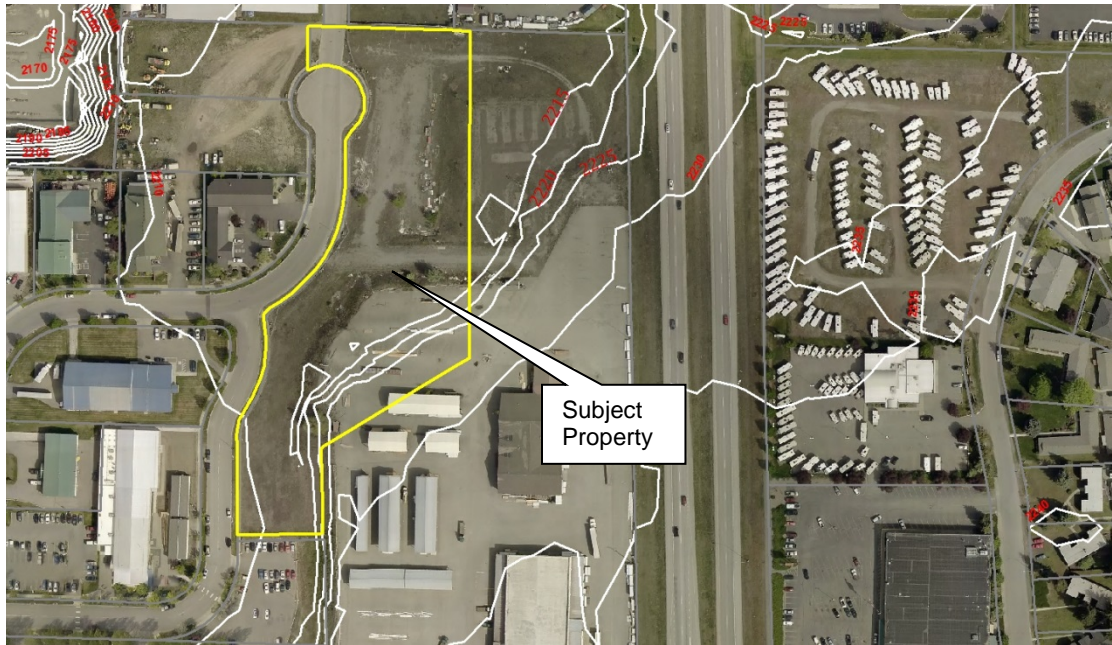


- C. **Finding #B10:** That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.

**PHYSICAL CHARACTERISTICS:**

The site is generally flat with an approximate 15 foot drop in elevation towards the north and west part of the property. There are no topographical or physical constraints that would make the subject property unsuitable to change the zoning from LM to C-17.

**TOPOGRAPHIC MAP:**



**SITE PHOTO - 1:** Center part of property looking north.



**SITE PHOTO - 2:** Center part of property looking south.



**SITE PHOTO - 3:** Northeast part of property looking west.



**SITE PHOTO - 4:** Northwest part of property looking southeast.



**SITE PHOTO - 5:** Northwest part of property looking south.



**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:**

Without a defined use for the subject property, approximate traffic generation cannot be estimated. However, the change from a LM zone use to a C-17 zone use at this location is expected to be minor in terms of the amount of vehicle traffic generated. The subject property is currently adjacent to C-17 zoned property. Depending on the ultimate placement and design of the site access points, the adjacent roadway (Kathleen Avenue) will accommodate traffic generated through the proposed zone change on the subject property. This will be addressed through the building permit process at the time of development.

*-Submitted by Chris Bosley, City Engineering*

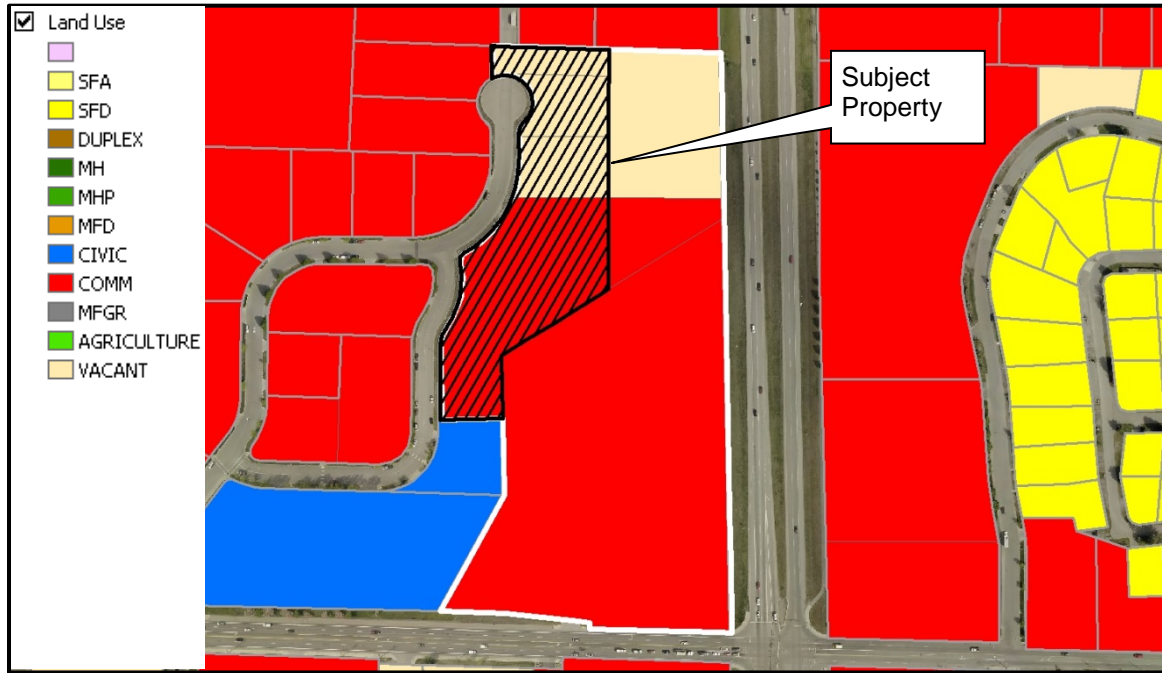
**NEIGHBORHOOD CHARACTER:** 2007 Comprehensive Plan: US 95 Corridor Today US Highway 95 has become a high impact gateway into the community as well as the major north-south highway through north Idaho. It is also the main arterial that connects communities to the north of Coeur d'Alene to I-90 and is 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 AND ZONING:**

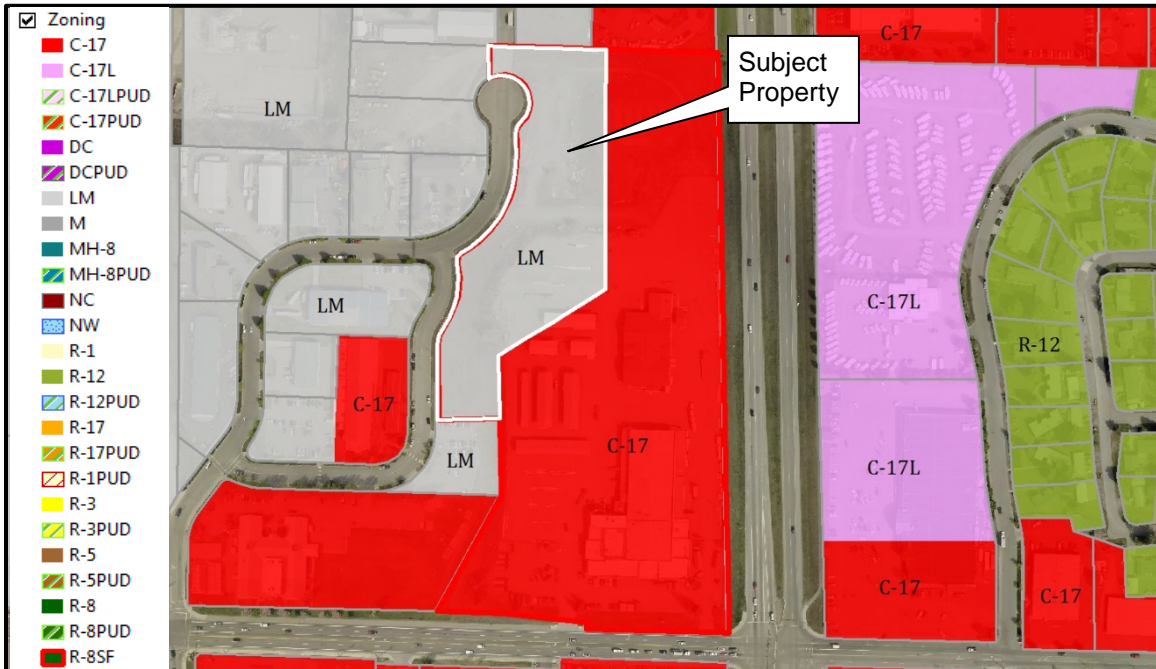
The properties to the north of the subject site have commercial uses. The properties to the west also have commercial uses located on them. The properties to the south are used as an elementary school and a parking lot for the school. The property to the east is used for commercial retail sales as a building supply facility which is part of the larger parcel that the subject site is part of. (See Land Use Map on page 13)

The properties to the north of the subject site are zoned LM and C-17 Commercial. The properties to the west of the subject site are zoned LM and C-17 Commercial. The property to the east is zoned C-17 Commercial. The property to the south is zoned LM. (See Zoning Map on page 13)

**GENERALIZED LAND USE PATTERN:**



**ZONING MAP:**



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

**Existing LM Zoning District:**

The LM district is intended to include manufacturing, warehousing, and industry that is conducted indoors with minimal impact on the environment. This district should be located close to major or principal arterials and is suitable as a buffer zone for heavy industry. In this district, development of manufacturing land uses in an industrial park and away from residential or sensitive areas is encouraged.

Principal permitted uses in an LM district shall be as follows:

- Agricultural supplies and commodity sales.
- Auto and accessory sales.
- Automobile parking.
- Automobile parking when serving an adjacent business.
- Automobile renting.
- Automotive fleet storage.
- Automotive repair and cleaning.
- Building maintenance service.
- Commercial film production.
- Commercial kennel.
- Construction and retail sales.
- Custom manufacture.
- Essential service.
- Farm equipment sales.
- Finished goods wholesale.
- General construction service.
- Laundry service.
- Light manufacture.
- Ministorage facilities.
- Unfinished goods wholesale.
- Veterinary hospital.
- Warehouse/storage.
- Wholesale bulk liquid fuel storage

Permitted uses by special use permit in an LM district shall be as follows

- Administrative offices.
- Adult entertainment.
- Banks and financial establishments.
- Business supply retail sales.
- Business support service.
- Commercial recreation.
- Communication service.
- Consumer repair service.
- Convenience sales.
- Convenience service.
- Criminal transitional facility.
- Department stores.
- Extensive impact.
- Extractive industry.
- Finished goods retail.
- Food and beverage stores
- Funeral service.
- Group assembly.
- Home furnishing retail sales.
- Hotel/motel.
- Personal service establishments.
- Professional offices.
- Retail gasoline sales.
- Specialty retail sales.
- Veterinary office or clinic.
- Wireless communication facility.

**Proposed C-17 Zoning District:**

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. This district should be located adjacent to arterials; however, joint access developments are encouraged.

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
- 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.
- Multiple-family housing (as specified by the R-17 district).
- Neighborhood recreation.
- Noncommercial kennel.
- Nursing/convalescent/rest homes for the aged.
- Personal service establishments.
- Pocket residential development (as specified by the R-17 district).
- 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

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
- Underground bulk liquid fuel storage
- Veterinary hospital.
- Warehouse/storage.
- Wireless communication facility

**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  
2010 Coeur d'Alene Trails Master Plan

**ACTION ALTERNATIVES:**

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



A decorative border composed of a grid of purple diamonds in various shades, surrounding a central light purple rectangular area.

**APPLICANT'S  
NARRATIVE**

# ***HWY 95 & KATHLEEN AVE ZONE CHANGE REQUEST***

## *PROJECT NARRATIVE*

*Coeur d'Alene, Idaho*

*April 3, 2017*



*3909 N. Schreiber Way, Suite 4  
Coeur d'Alene, Idaho 83815  
Phone/Fax: 208-676-0230*

## **INTRODUCTION**

The project proponent, Confluent Development, LLC through its project representative Lake City Engineering, Inc., is requesting a change to the zoning designation for approximately 4.1 acres from LM (Light Manufacturing) to C-17 (Commercial). The subject parcel is currently split-zoned, with a small portion being LM and the remainder being C-17. The property is located at the northwest corner of the intersection of US Highway 95 and Kathleen Avenue, and is presently the home to Stock Building Supply. It is bordered on the South by Kathleen Avenue, the East by US Highway 95, and the West by Building Center Drive and Duncan Drive.

## **SUBJECT PARCEL**

The property being requested for a zone change is shown below in Figure 1 and is as follows:

Parcel No:	C-0350-001-010-A
Total Area:	15.8 acres
LM Zone Area:	4.1 acres
C-17 Zone Area:	11.7 acres
Address:	505 W. Kathleen Avenue Coeur d'Alene, Idaho 83815
Current Owner:	Stock Building Supply West, Inc. PO Box 52427 Atlanta, GA 30355
Contract Buyer:	Confluent Development, LLC 2240 Blake Street Denver, CO 80205
Applicant:	Lake City Engineering, Inc. 3909 N. Schreiber Way, Suite 4 Coeur d'Alene, Idaho 83815

## **EXISTING CONDITIONS**

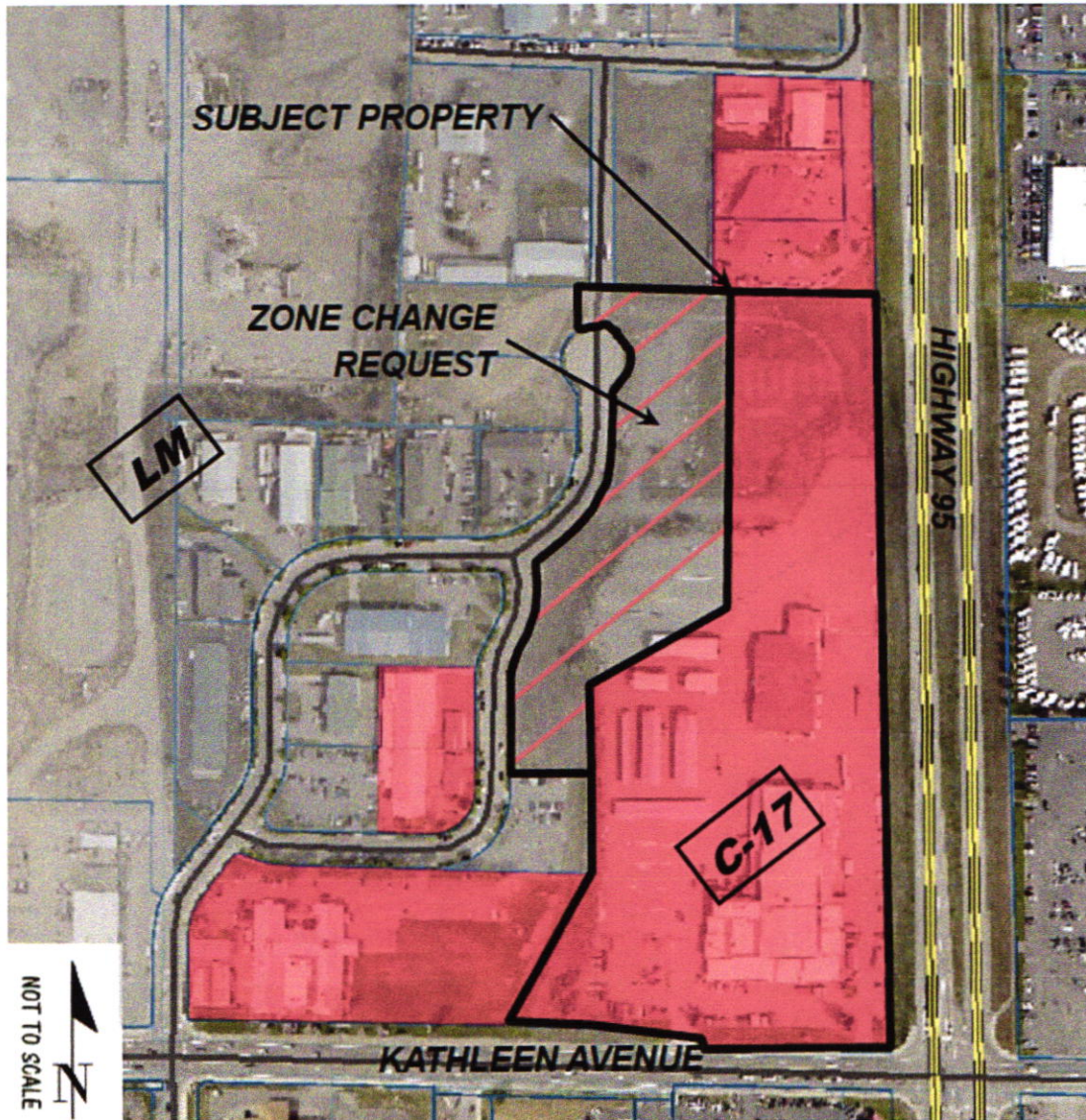
There is a large commercial building/warehouse, several outbuildings and outdoor lumber storage currently on the southern two-thirds of the subject property, and the northern one-third is vacant. Access to the subject property is from two entrances located on Kathleen Avenue. Domestic water and sanitary sewer services are both provided by the City of Coeur d'Alene. The existing site conditions are shown below in Figure 1.



**Figure 1: Existing Conditions**

### **ZONING CLASSIFICATION**

The property is currently zoned LM and C-17 within the City of Coeur d'Alene. The surrounding properties to the South and North are zoned C-17, and to the West is zoned LM. The current uses on the property are in conformance with both the LM and C-17 zones; however, the applicant is requesting that the portion of the subject property zoned LM be changed to C-17 to be consistent with the remainder of the property. Figure 2 shows the current zoning classifications of the subject property.



**Figure 2: Zoning Map**

### **COMPREHENSIVE PLAN ANALYSIS**

The City of Coeur d'Alene Comprehensive Plan identifies the subject property as being in the *Transition* Land Use category, while lying in both the *US 95 Corridor* and the *Ramsey-Woodland* specific areas. By definition, the *Transition* area is where the neighborhood is in transition and should be developed with care, and the street network, number of building lots, and general land use are expected to change. The proposed zoning of C-17 would be consistent with the Comprehensive Plan.

The City of Coeur d'Alene Comprehensive Plan is the guiding document for all land use development decisions. It is important that land use decisions meet and/or exceed the goals,

policies and objectives as outlined in the Comprehensive Plan. The project proponent believes that the following Goals and Objectives (shown in *italics*) as outlined in the Comprehensive Plan are applicable to the requested annexation and zone classification:

*Objective 1.12 - Community Design: Support the enhancement of existing urbanized areas and discourage sprawl.*

The subject property is currently partially developed and is located in the central part of the City adjacent to a major thoroughfare. The proposed zone change will allow for the development of this property to match that of the surrounding land uses.

*Objective 1.14 - Efficiency: Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.*

Existing utilities including sanitary sewer and domestic water are currently extended to this property in Kathleen Avenue and Building Center Drive. These utilities are readily available and have the capacity to serve future development. This property is already included in the Sewer, Water and Transportation Master Plans for the City, and will be developed in accordance with the same.

*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.*

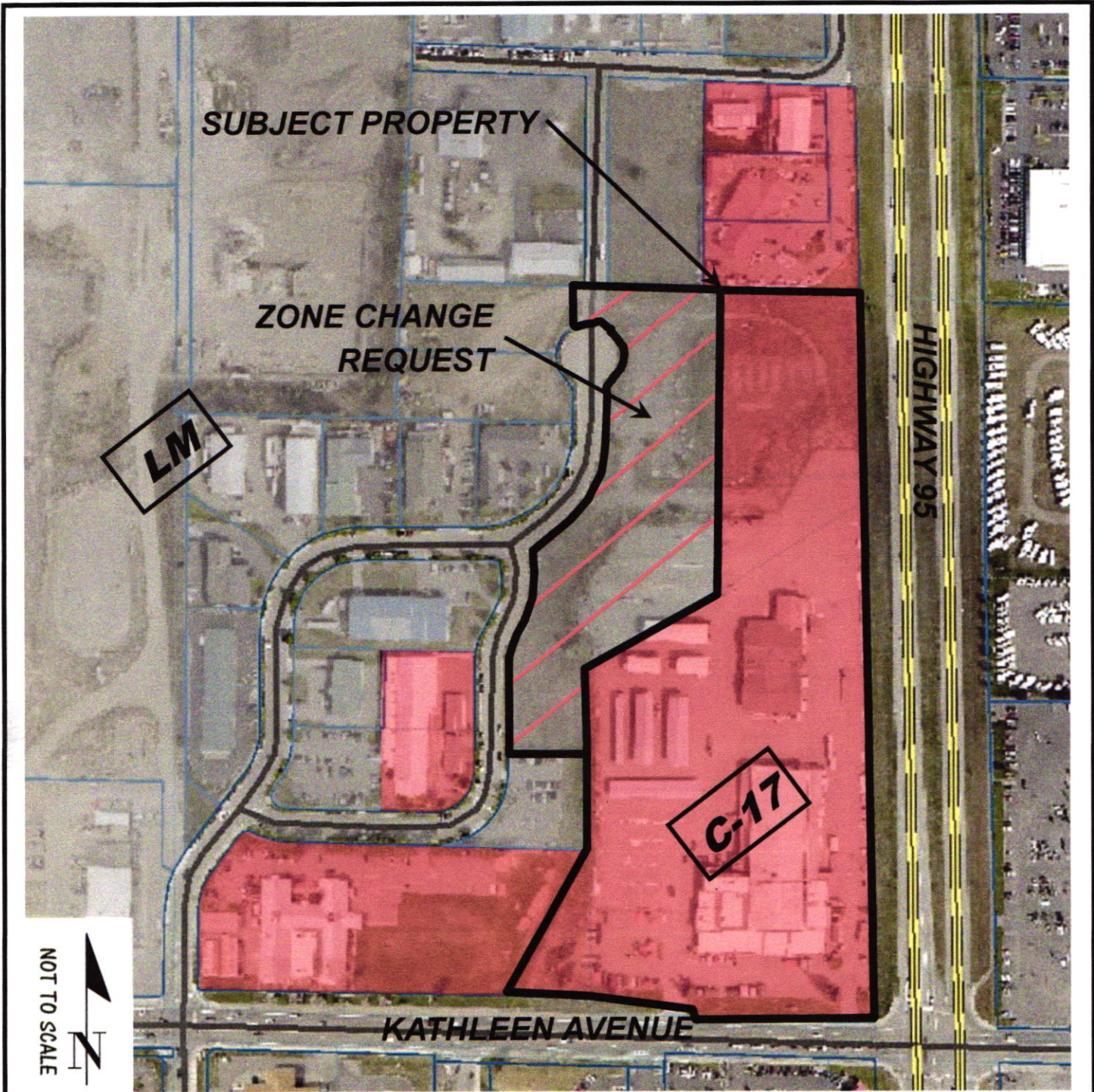
This zone change would allow for future commercial growth in this area and development of the subject property to its highest and best use. The surrounding land uses are generally in conformance and compatible with the proposed C-17 zoning designation.

*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.*

The re-development of this property within the C-17 zone would create additional jobs and workforce while meeting the needs of local business and industry.

*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).*

The subject property is currently served by City Services that have adequate capacity and willingness to serve future growth due to the proposed zone change.



C-17 COMMERCIAL



LM LIGHT MANUFACTURING



3909 N. SCHREIBER WAY, STE 4  
 COEUR D'ALENE, IDAHO 83815  
 208.676.0230

## ZONE CHANGE REQUEST

HWY 95 & KATHLEEN AVENUE

DRAFTED BY: DCD


SCALE: DCD

DATE: 03/29/17


JOB NO: 17-034

FILE: 17-034/.ZONECHANGEEXHIBIT.PDF





# **FINDINGS**



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

**A. INTRODUCTION**

This matter having come before the Planning Commission on May 9, 2017, and there being present a person requesting approval of a zone change from LM (Light Manufacturing) to C-17 zoning district

APPLICANT: CONFLUENT DEVELOPMENT, LLC

LOCATION: +/- 4.1 ACRE PART OF PARCEL LOCATED AT 505 W. KATHLEEN AVENUE

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

**(The Planning Commission may adopt Items B1-through7.)**

- B1. That the existing land uses are Commercial and Residential.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is LM.
- B4. That the notice of public hearing was published on April 22, 2017 , which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on April 25, 2017, 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 May 9, 2017.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:
- 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 CONFLUENT DEVELOPMENT, LLC 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 Rumpel	Voted _____
Commissioner Ward	Voted _____

Chairman Messina Voted \_\_\_\_\_ (tie breaker)

Commissioners \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

\_\_\_\_\_  
CHAIRMAN TOM MESSINA