

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

AUGUST 9, 2016

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: Jordan, Fleming, Ingalls, Luttrupp, Messina, Rumpler, Ward

APPROVAL OF MINUTES:

July 12, 2016

PUBLIC COMMENTS:

STAFF COMMENTS:

ADMINISTRATIVE ITEM:

1. Applicant: Marina Yacht Club, LLC
Location: Property immediately Southwest of the Blackwell Island RV Park, 800 S. Marina Drive.

Request: Removal of Blackwell Island Marina Yacht Club Property from the RV Park PUD and Special Use Permit ADMINISTRATIVE, (PUD-1-97SP.m)

PUBLIC HEARINGS:

1. Applicant: Active West Builders
Location: Between John Loop and West Riverstone Drive
Request: An 11-lot residential pocket housing preliminary plat "Riviera Court" in a C-17 (Commercial & Residential at 17 units/acre) zoning district.
QUASI-JUDICIAL, (S-5-16)
2. Applicant: Marina Yacht Club
Location: 1000 N. Marina Drive and portions of the Spokane River and Lake Coeur d'Alene surrounding Blackwell Island.
Request:
 - A. Zoning Prior to Annexation of 172.24 acres from County Commercial to City C-17(Commercial at 17units/acre) and NW (Navigable Waters).
LEGISLATIVE, (A-4-16)
 - B. A proposed 15.61 acre Limited Planned Unit Development "Blackwell Island Marina Yacht Club Limited Design PUD"
QUASI-JUDICIAL, (PUD-3-16)

ADJOURNMENT/CONTINUATION:

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

Motion by _____,seconded by _____ , to adjourn meeting; motion carried unanimously.

****The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Shana Stuhmiller at (208)769-2240 at least 24 hours in advance of the meeting date and time.***



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**PLANNING COMMISSION
MINUTES
JULY 12, 2016
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Brad Jordan, Chairman
Lynn Fleming
Michael Ward
Peter Luttrupp
Tom Messina, Vice Chair
Lewis Rumpler
Jon Ingalls

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:

None.

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Commissioner Luttrupp noted a change to the minutes on page two of the packet. The correction should state that instead of the money going to the public, the money will be going back to the districts.

Motion by Ingalls, seconded by Messina, to approve the amended minutes of the Planning Commission meeting on June 14, 2016. Motion approved.

COMMISSION COMMENTS:

None.

PUBLIC COMMENTS:

None.

STAFF COMMENTS:

Hilary Anderson announced the upcoming items on the August agenda and that staff has been busy working on a draft of the Vacation Rental Ordinance and when completed, the draft copy will be routed internally and then to the stakeholders for input.

ADMINISTRATIVE:

1. Applicant: Port of Hope Centers Inc.
Request: A request for a six-month extension of special use permit (SP-3-13)

Hilary Anderson, Community Planning Director, presented the staff report. There were no questions for staff.

Motion by Luttropp, seconded by Messina, to approve Item SP-3-13. Motion approved.

PUBLIC HEARINGS:

1. Applicant: Lake City Engineering, Inc.
Location: 2650 and 2750 W. Prairie Avenue
Request: A proposed 9.47 acre annexation from County Ag to City R-8.
LEGISLATIVE (A-3-16)

Tami Stroud, Planner, presented the staff report and answered questions from the Commission.

Commissioner Ingalls inquired if the applicant has contacted Hayden Lake Irrigation to see if they could provide a "will-serve" letter to the applicant stating that this property will have water once annexed into the city.

Ms. Stroud stated that staff will require a will-serve letter once the annexation is complete.

Commissioner Luttropp inquired if the city has criteria that they follow to determine the amount of open space required for an applicant to provide.

Ms. Anderson explained that impact fees are collected once a building permit is issued and that if the applicant is doing a Planned Unit Development (PUD) the PUD requirement is for the applicant to provide 10% open space. She also noted that the Parks Department also has a Parks Master Plan showing the areas where there will be future parks.

Public testimony open.

Drew Dittman, applicant representative, stated that he feels this is a straight forward annexation with this property surrounded by R-8. He stated that they have discussed different ideas to access the property with Gordon Dobler, City Engineer, and from his recommendation, will be accessing the property off of Courcelles Parkway, rather than Prairie Avenue, which will help mitigate additional traffic on Prairie Avenue.

Commissioner Ingalls inquired if the applicant has met with the Hayden Lake Irrigation Department to discuss with them if this property can be served by this agency and if the applicant will provide a will-serve letter from Hayden Lake Irrigation stating that water will be provided to this property once the annexation is complete.

Mr. Dittman explained that this property is already in the Hayden Lake Irrigation Department and after briefly discussing this with them; they stated that they will have no problem providing water to the property and will be attending a meeting with this agency to explain the project further. He noted when he has done an annexation in the past, the will-serve letter is not provided until the annexation agreement is being discussed.

Commissioner Luttropp inquired if the property will be a gated community.

Mr. Dittman explained that a decision to use gates is determined by the developer for a project, but if he

feels that a housing development like Sunshine Meadows might be on this property, and that is not gated and are all public streets. He explained that gates are not allowed to be used on public streets - only private streets.

Leonard Benes stated that he is opposed to this request because he feels multifamily homes will not be appropriate for this area due to the added traffic. He stated that he just bought his house and if he knew about this project, he would not have bought the home.

Rebecca Bagela stated she lives across the street from this property and has witnessed accidents happening all the time on Prairie and feels we don't need the added traffic there.

Janice Grimsby stated that her backyard backs up to Prairie Avenue, and feels that a single family development is appropriate, but not multifamily. She stated that she would like to see a traffic light provided on this corner and the speed limit reduced to 35 mph.

Rebuttal:

Mr. Dittman clarified that an R-8 zone does not allow multifamily, but duplexes are allowed. He commented that Prairie Avenue is a major arterial and agrees that it is busy but that this road is designed to handle a lot of traffic. He stated that if a traffic light is proposed; that will be a decision by the Post Falls Highway district.

Commissioner Ingalls feels that R-8 zoning is appropriate for this property since all the other housing developments in the northwest section is R-8.

Ms. Stroud clarified that pocket housing is allowed within the R-8 zoning district.

Commissioner Luttrupp suggested perhaps the City could meet with the Post Falls Highway District to discuss if it would be possible to lower the speed limit on Prairie Avenue as suggested in public testimony. He stated that when he was first appointed to the Planning Commission years ago, he was confused on the various zoning districts and that staff was very helpful answering questions he had with the various zoning districts, and suggested if anyone has any questions, staff is always happy to help.

Public testimony closed.

Discussion:

Commissioner Ingalls stated that he is comfortable with the proposed zoning and how it will be compatible with the other properties in the area.

Motion by Messina, seconded by Rumpler, to approve Item A-3-16. 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.

2. Applicant: Ian Woodman, Instant Tax Solutions, LLC

Location: 3829 N. Schreiber Way
Request: A proposed Professional/Administrative special use permit in the M (Manufacturing) zoning district.
QUASI-JUDICIAL (SP-1-16)

Mike Behary, Planner, presented the staff report and answered questions from the Commission.

Commissioner Luttrupp inquired if the special use permit is approved and the property is subsequently sold, how the future owners would know there is a special use permit on the property.

Mr. Behary explained that hopefully the future owners will check what the current zoning is on the property and that staff can't predict what the future holds for a property once it is approved.

Chairman Jordan suggested that future buyers can call the city before they purchase the property to ask those questions.

Commissioner Rumpler stated there are a lot of special use permits approved for this area, versus manufacturing, and feels that this special use permit makes sense.

Public Testimony open.

Ian Woodman, applicant, stated that they are moving their office from Post Falls to Coeur d'Alene and if approved, they plan on building a two-story building with 24 employees.

Joe Rosen stated that he supports this project and feels this building will complement the area.

Public Testimony closed.

Discussion:

Commissioner Ingalls stated that he concurs with the motion to approve this request.

Motion by Ward, seconded by Fleming, to approve Item SP-1-16. 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.

ADJOURNMENT:

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

The meeting was adjourned at 6:36 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



ADMINISTRATIVE

**PLANNING COMMISSION
STAFF REPORT**

FROM: MIKE BEHARY, PLANNER

DATE: AUGUST 9, 2016

SUBJECT: PUD-1-97SP.m - REMOVAL OF BLACKWELL ISLAND MARINA YACHT CLUB
PROPERTY FROM THE RV PARK PUD AND SPECIAL USE PERMIT

LOCATION: PROPERTY IMMEDIATELY SOUTHWEST OF THE BLACKWELL ISLAND RV PARK,
800 S MARINA DRIVE

SITE PHOTO:



DECISION POINT:

Determine whether the Planning Commission should approve the removal of a parcel owned by the Marina Yacht Club LLC from the Blackwell Island RV Park Planned Unit Development (PUD) and a Special Use Permit.

HISTORY:

The subject property is within the city limits and is zoned C-17. It is also part of the Blackwell Island RV Park PUD and Special Use Permit. The original request for the Blackwell Island RV Park PUD and Special Use Permit was approved by the Planning Commission on April 30, 1997 (Item PUD-1-97SP). Since that time the RV Park has been developed and all conditions of the PUD and Special Use Permit have been satisfied. The RV Park was never expanded onto the subject property. The land has remained undeveloped over time and has since changed ownership.

The current owner of the property is not planning to develop this property as an RV park use as it was approved in Item PUD-1-97SP. The owner of the property owns the marina to the south and is now planning to expand their marina operation onto this site. The applicant has made application for a Limited Design PUD that will allow for marina uses and structures on the subject site in Item PUD-3-16 as well as annexation of the remainder of their marina property on Blackwell Island and portions of the Spokane River and Lake Coeur d'Alene surrounding Blackwell Island. These two items are scheduled for public hearings before the Planning Commission on August 9, 2016.

In order for the owner of the subject property to move forward with their PUD request in Item PUD-3-16, the previous PUD and Special Use Permit approvals must be removed from the subject property. This decision will not impact the validity of the PUD and Special Use Permit for the Blackwell Island RV Park.

PERFORMANCE ANALYSIS:

The Chief Civil Deputy City Attorney, Randy Adams has reviewed the request and determined that the PUD removal does not require a public hearing and can be done administratively.

DECISION POINT RECOMMENDATION:

Remove the subject property from the Blackwell Island RV Park PUD and Special Use Permit. Findings are not required, so this action can be completed by a vote from the Planning Commission.



**APPLICANT'S
NARRATIVE**

**MARINA YACHT CLUB LLC
P O BOX 6200
COEUR D'ALENE, IDAHO 83816**

July 1, 2016

Hilary Anderson, Community Planning Director
City of Coeur d'Alene Planning and Zoning Commission
City of Coeur d'Alene
710 Mullan Ave.
Coeur d'Alene, ID 83814

Re: Request to Remove Planned Unit Development and Special Use Permit from
Parcel AIN 246136

Dear Hilary and Commission Members:

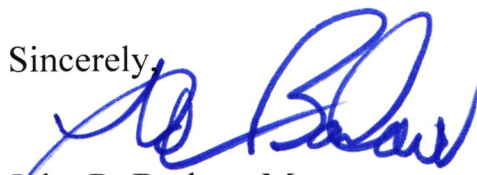
On behalf of Marina Yacht Club LLC, owner of the above referenced parcel, we are formally submitting our request for removal of the Planned Unit Development (PUD) and Special Use Permit (SUP) from this parcel. The PUD/SUP is a holdover from the previous owner who planned for uses related to the RV Park, it appears from the City's records.

Marina Yacht Club LLC acquired the property in 2004 and intends to use the property in a manner to support our adjoining marina operations. We understand from the City the original PUD/SUP conditions have been satisfied (June 22, 2016 email from H. Anderson).

Simultaneously with this request, we are also submitting an application for a zone change for the parcel from C-17L to C-17 which is consistent with the comprehensive plan and current adjacent zoning.

Please contact me with any additional information you may need to process our request.

Sincerely,



John R. Barlow, Manager
JRB Properties, LLC
Representative for
Marina Yacht Club LLC



PUBLIC HEARINGS



**PLANNING COMMISSION
STAFF REPORT**

FROM: SEAN E. HOLM, PLANNER
DATE: AUGUST 9, 2016
SUBJECT: S-5-16 – 11 RESIDENTIAL POCKET HOUSING LOTS (& TRACTS “A-D”) PRELIMINARY PLAT SUBDIVISION REQUEST FOR “RIVIERA COURT”
LOCATION: +/- 1.325 ACRE VACANT PARCEL IN RIVERSTONE WEST 3RD ADDITION BOUND BY RIVERSTONE DRIVE (NORTH) AND JOHN LOOP (SOUTH).

OWNER/APPLICANT:

Active West Builders
311 E Coeur d’Alene Ave., Suite “C”
Coeur d’Alene, ID 83814

DECISION POINT:

Active West Builders is requesting the approval of an 11-lot residential pocket housing preliminary plat “Riviera Court” in a C-17 (Commercial & Residential at 17 units/acre) zoning district.

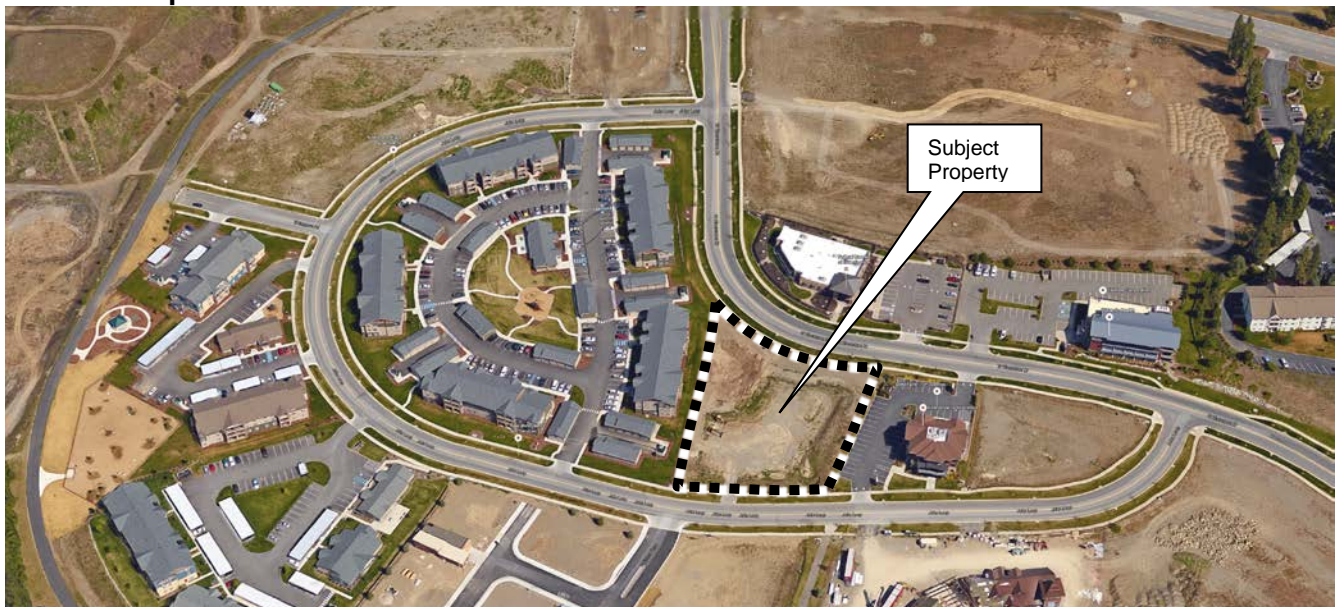
GENERAL INFORMATION:

The “Riviera Court” subdivision request is proposing a pocket housing subdivision with dedication of right-of-way and construction of a street to city standards for access and frontage to buildable lots as shown below in the preliminary plat.

Aerial photo:



Oblique Photo:



Photos of Subject Property:

Looking south into the subject property from John Loop:



Looking north into the subject property from John Loop:

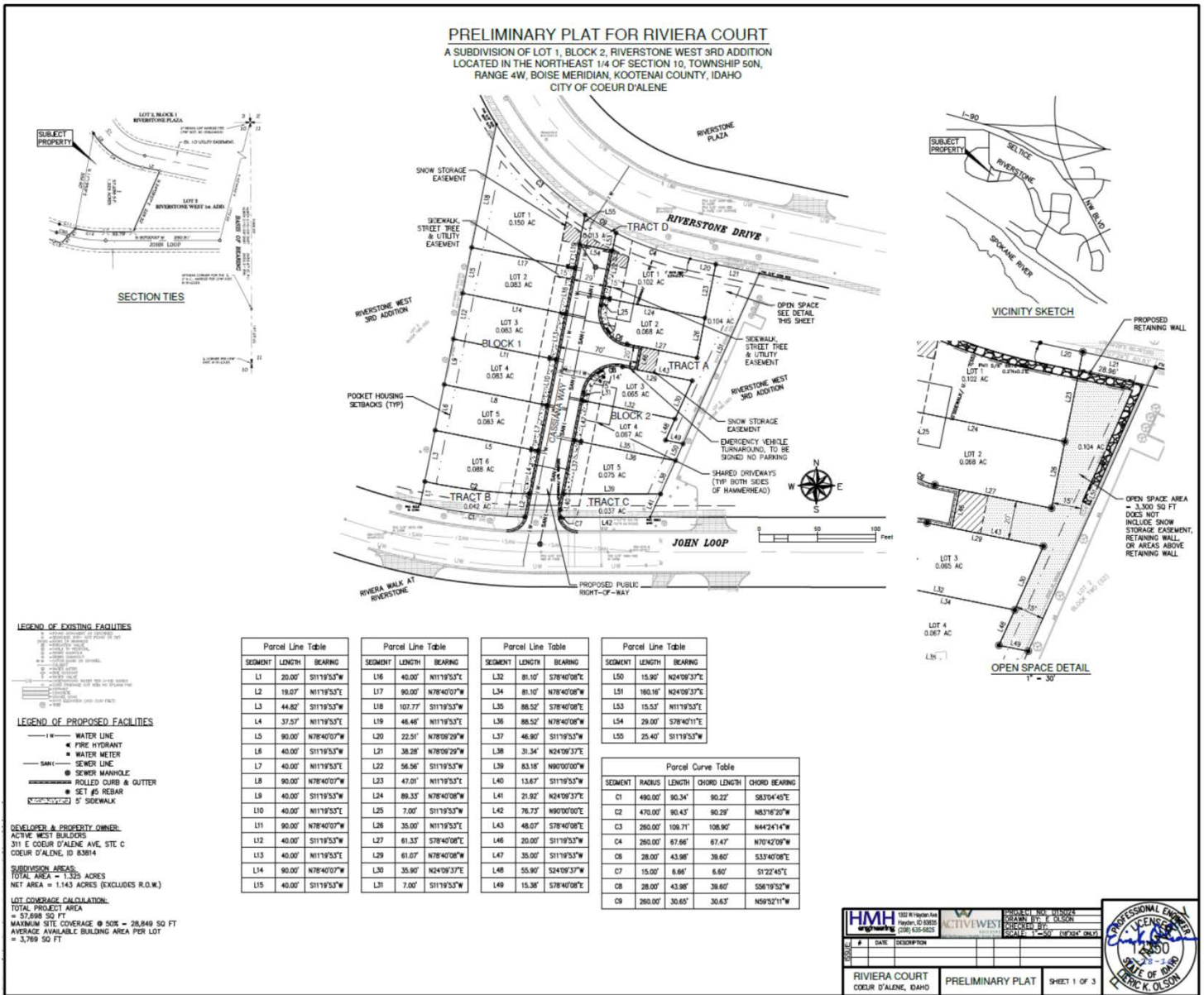


REQUIRED SUBDIVISION FINDINGS:

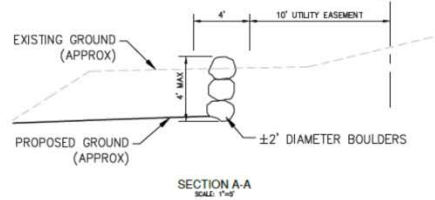
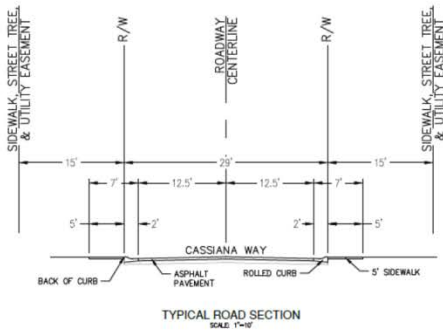
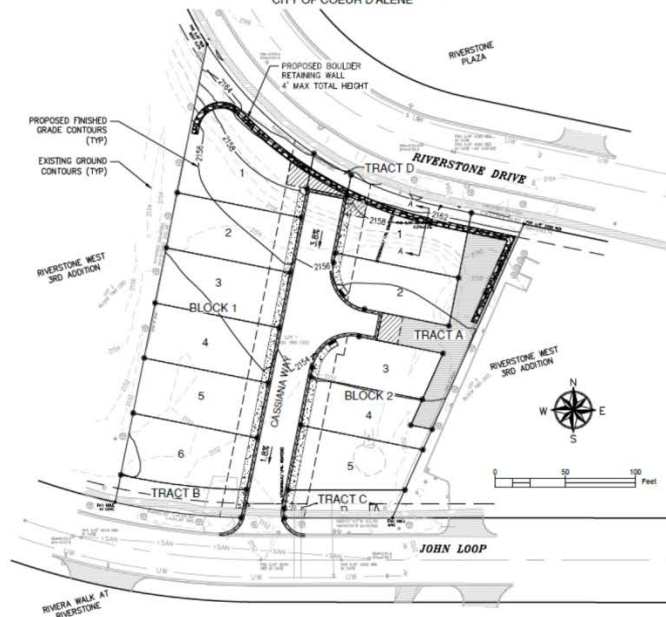
Finding #B7A: That all of the general preliminary plat requirements (have) (have not) been met as attested to by the City Engineer.

Per Gordon Dobler, City Engineer, the preliminary plat submitted contains all of the general information required by Section 16.12.020 of the Municipal Code, General Requirements.

Proposed Preliminary Plat:



PRELIMINARY PLAT FOR RIVIERA COURT
 A SUBDIVISION OF LOT 1, BLOCK 2, RIVERSTONE WEST 3RD ADDITION
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 50N,
 RANGE 4W, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO
 CITY OF COEUR D'ALENE



HMH <small>engineers</small> 1002 W Taylor Ave Coeur d'Alene, ID 83814 (208) 635-9025	ACTIVEST <small>LAND SURVEYORS</small> 1002 W Taylor Ave Coeur d'Alene, ID 83814 (208) 635-9025	PREPARED BY: J. OLSON CHECKED BY: J. OLSON SCALE: 1"=20' (10'± ONLY)	
		# DATE DESCRIPTION _____ _____ _____	
RIVIERA COURT COEUR D'ALENE, IDAHO		PRELIMINARY PLAT	SHEET 2 OF 3

Finding #B7B: That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities (are) (are not) adequate where applicable.

UTILITIES/FACILITIES SUMMARY:

Stormwater:

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

Assessment:

The developer has specified two (2) areas for stormwater containment, Tracts B & C, which will be owned and maintained by the homeowners association (per plat owners certificate), however, since these areas are receiving stormwater drainage from a public street, dedication of an easement to the city for that purpose will be required. Also, the easement will need to state that the City can

access the tracts for maintenance as it finds necessary. Detailed analysis of these swales for capacity sizing will be addressed during the infrastructure plan submittal review.

-Submitted by Chris Bates, Engineering Project Manager

Traffic:

The proposed development consists of eleven (11) single family dwelling units (sfd), which per the ITE Traffic Generation Manual may each generate 9.55 trips per day (adt's), or, 0.77/1.02 adt's during the A.M./P.M peak hour times.

Assessment:

Since the peak hour periods are the time frame of that generate the most traffic, this development may add an additional 8 – 11 vehicle trips to local traffic. Since all points of access to the Riverstone development are controlled by signalized intersections, these additional adt's are insignificant in proportion to the traffic volumes. The existing streets will be able to satisfactorily manage the additional vehicle movements.

-Submitted by Chris Bates, Engineering Project Manager

Streets:

The subject development adjoins John Loop on the south, and, Riverstone Drive on the north, with the proposed Cassiana Way as the internal public street that will provide access to the individual lots.

-Submitted by Chris Bates, Engineering Project Manager

Assessment:

1. The existing adjoining roadways are fully developed to City standards and do not require any alteration. The proposed internal roadway Cassiana Way meets the current City standard for a Secondary frontage street, and, its width will allow for parking on one side. Because it is a public street, full street section improvements (curb & sidewalk) are required, and, shown on the approved submittal. Due to a reduced right-of-way width, the sidewalk will be required to be placed in an easement, as shown on the plat document.
2. The internal roadway is not a thru street and vehicular access onto Riverstone Drive will be prohibited. This will eliminate vehicles "short cutting" to access onto Riverstone Drive from John Loop.
3. Due to the limited available frontage on proposed lots on the easterly frontage of Cassiana Way (Lots 1-4, Block 2), the lots will be required to utilize joint driveways. This is noted on the plat submittal.

-Submitted by Chris Bates, Engineering Project Manager

Water:

There is adequate capacity in the public water system to support domestic, irrigation and fire flow to the proposed Riviera Court Revised Preliminary Plat located between John Loop and Riverstone Drive.

There are existing 12" water mains in W John Loop and in Riverstone to which the subdivision is proposed to connect.

-Submitted by Kyle P Marine, Water Department

Wastewater:

This subdivision is required to extend public sanitary sewer infrastructure conforming to all current City Standards and Sewer Policies.

The nearest public sanitary sewer is located within John Loop which borders the southern boundary of this subdivision.

The City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this project as proposed.

-Submitted by Mike Becker, Utility Project Manager

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 final plat recordation, utilizing the currently adopted International Fire Code (IFC) for compliance.

-Submitted by Craig Etherton, Fire Inspector

Planning:

Staff has reviewed the request for compliance with subdivision and pocket housing codes. In anticipation for winter snow in a subdivision that has a "non-through" street, staff requested snow storage easements that are separate from required open space, for easier seasonal plowing.

-Submitted by Sean Holm, Planner

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities adequate where applicable.*

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

The subdivision design and improvement standards have been met subject to staff comments/proposed conditions. See finding #B7B for staff comments.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal complies with all of the subdivision design standards and all of the subdivision improvement standards requirements.*

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

C-17 zoning allows for various commercial uses, as well as residential single-family, duplex, and pocket housing. Residential subdivisions in C-17 zones refer to R-17 code which establishes residential use and performance standards.

The proposed “Riviera Court” subdivision is a residential Pocket Housing development, which will create eleven (11) buildable lots with a dedicated and improved right-of-way (ROW) for access. Pocket Housing standards are different from traditional R-17 standards as follow:

Minimum / Maximum Site Size (At Subdivision)

- R-17, C-17L & C-17 require a minimum of 2500 SF per unit although a minimum lot size is not required. The threshold is 3 units to qualify.

Applicant's Request for Subject Parcel:			
Lot size	=	57,717 sq. ft. (1.325 ac.)	
5,247 sf/unit	=	<u>11 units requested</u>	
Theoretical Potential of Subject Parcel:			
Lot size	=	57,717 sq. ft. (1.325 ac.)	
2,500 sf/unit	=	<u>23.09 units allowed (rounded down to 23)</u>	

Site Setbacks (At Time of Subdivision and Building Permit)

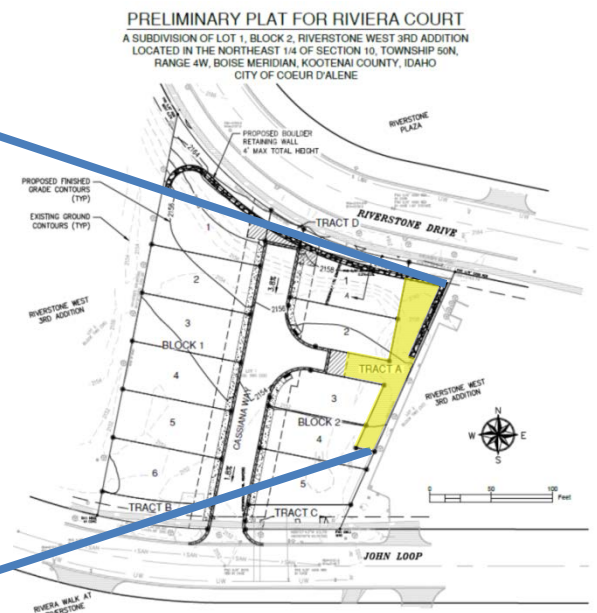
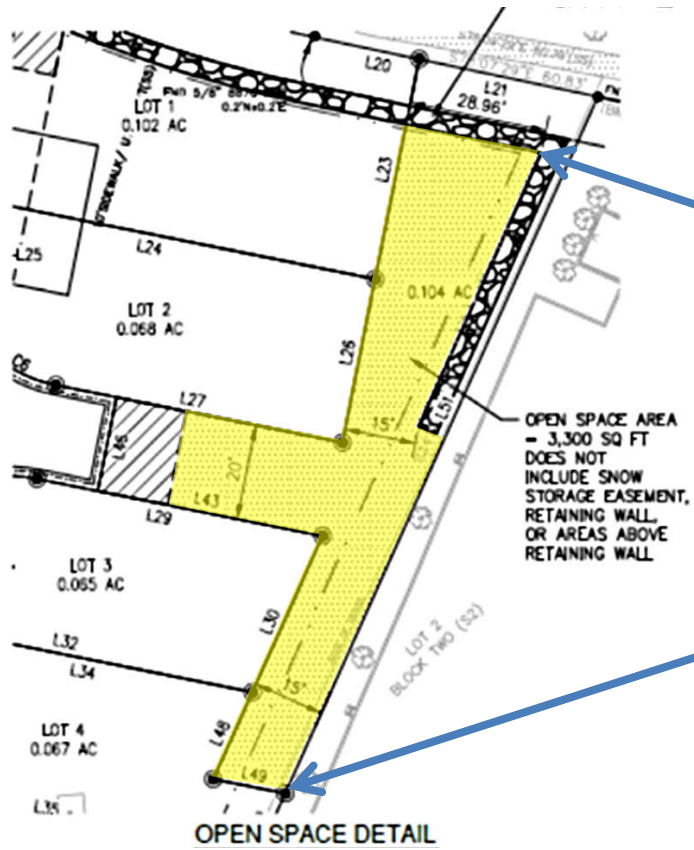
- Front Yard: 20 feet
- Side Yard, adjacent to other residential zoning: 10 feet
- Side Yard, fronting a street: 10 feet
- Rear Yard: 15 feet

Parking (At Building Permit)

- One stall for each one-bedroom dwelling.
- Two stalls for each dwelling having two or more bedrooms.

Usable Open Space (At Time of Subdivision and/or Building Permit)

- Pocket Residential Development shall provide usable open space for residents. Such space may be either in a common, shared form or associated with individual units. The minimum required amount is 300 square feet per dwelling unit. Such space shall be at least 15 feet in the narrowest dimension and shall be planted with grass and one tree minimum of 2 inch caliper for each 300 square feet of open space. Hard-surfaced patios or decks may occupy up to one-half of the required area.



Zoning Map:

- zoning
- C-17
- C-17L
- C-17LPUD
- C-17PUD
- DC
- DCPUD
- LM
- M
- MH-8
- MH-8PUD
- NC
- NW
- R-1
- R-12
- R-12PUD
- R-17
- R-17PUD
- R-1PUD
- R-3
- R-3PUD
- R-5
- R-5PUD
- R-8
- R-8PUD
- R-8SF



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

APPLICABLE CODES AND POLICIES:

Utilities:

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

Streets:

5. An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

Stormwater:

6. 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.

General:

7. The final plat shall conform to the requirements of the City.

ORDINANCES AND STANDARDS USED IN 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.
- Coeur d'Alene Bikeways Plan
- Kootenai County Assessor's Department property records
- Resolution No. 09-021 Complete Street Policy

PROPOSED CONDITIONS:

Wastewater:

1. Extension of public sanitary sewer infrastructure and installation of sewer laterals to each newly created lot will be required prior to final plat approval.

Water:

2. The subject property will require water main extensions with connections to both W John Loop and W Riverstone Drive to ensure system reliability (Looping system).
3. The water mains will be in right of way under asphalt. All mains, hydrants, services and related appurtenances will be installed at the developer's expense.

Engineering:

4. Inclusion of an easement on the final plat document stating that Tracts B & C will be utilized as stormwater containment for the public roadway, together with the rights of ingress and egress for the installation, improvement, operation and maintenance of the storm water drainage facilities, and that no other easement or easements shall be granted on, under, or over this easement without obtaining the prior written consent of the City Engineer.
5. Placement of a restriction on the plat document prohibiting vehicular access to Riverstone Drive.
6. Require utilization of joint driveways for Lots 1 – 4, Block 2 of the subdivision.

Fire:

7. One fire hydrant shall be placed at the FD turnaround as approved by CDAFD.
8. A fire department turnaround is required due to the length of the dead end road exceeding 150'. This Turnaround shall meet specifications as defined in IFC 2012 Appendix D.
9. The approved hammerhead turnaround will be signed "No parking- Fire Lane" along both sides of its 20' width. This turnaround must remain unobstructed at all times including during times of snow removal.

Planning:

10. The creation of a Home Owners Association is required for perpetual maintenance of the common open space and other tracts.

ACTION ALTERNATIVES:

The Planning Commission must consider this request and make appropriate findings to approve, deny or deny without prejudice. The findings worksheets are attached.

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

**APPLICANT'S
NARRATIVE**

PROPERTY INFORMATION

- 1. Gross area: (all land involved): 1.325 acres, and/or _____ sq.ft.
- 2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): 1.143 acres, and/or _____ sq. ft.
- 3. Total length of street frontage: 198.15 ft., and/or _____ miles.
- 4. Total number of lots included: 11
- 5. Average lot size included: 0.086 acres
minimum lot size: 0.065 acres
maximum lot size: 0.150 acres
- 6. Existing land use: Vacant Lot

SEWER AND WATER REIMBURSEMENT POLICY

Over sizing of utilities will not be eligible for reimbursement from the city unless a request is approved in writing by the City Council prior to issuance of Building Permits or the start of construction, whichever comes first.

PROJECT DESCRIPTION:

Please describe the concept of the proposed subdivision:

Pocket housing subdivision with 11 lots similar to Riviera Walk across John Loop.

Sewer and water main extensions will be needed to provide services to each lot.

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

A. INTRODUCTION

This matter having come before the Planning Commission on, August 9, 2016, and there being present a person requesting approval of ITEM: S-5-16 a request for approval of an 11-lot residential pocket housing preliminary plat "Riviera Court" in a C-17 (Commercial & Residential at 17 units/acre) zoning district.

APPLICANT: ACTIVE WEST BUILDERS

LOCATION : +/- 1.325 ACRE VACANT PARCEL IN RIVERSTONE WEST 3RD ADDITION BOUND BY RIVERSTONE DRIVE (NORTH) AND JOHN LOOP (SOUTH).

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, Residential, Single-family, duplex and pocket housing.
- B2. That the zoning is C-17.
- B3. That the notice of public hearing was published on, July 23, 2016, which fulfills the proper legal requirement.
- B4. That the notice was not required to be posted on the property.
- B5. That notices of public hearing were mailed to all property owners of record within three-hundred feet.
- B6. That public testimony was heard on August 9, 2016.
- B7. Pursuant to Section 16.10.030A.1, Preliminary Plats: In order to approve a preliminary plat, the Planning Commission must make the following findings:

- B7A. That all of the general preliminary plat requirements **(have) (have not)** been met as determined by the City Engineer. This is based on
- B7B. That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities **(are) (are not)** adequate. This is based on
- B7C. That the proposed preliminary plat **(does) (does not)** comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements. This is based on
- B7D. The lots proposed in the preliminary plat **(do) (do not)** meet the requirements of the applicable zoning district. This is based on

Criteria to consider for B7D:

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

C. ORDER: CONCLUSION AND DECISION

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

Special conditions applied to the motion are:

Wastewater:

1. Extension of public sanitary sewer infrastructure and installation of sewer laterals to each newly created lot will be required prior to final plat approval.

Water:

2. The subject property will require water main extensions with connections to both W John Loop and W Riverstone Drive to ensure system reliability (Looping system).
3. The water mains will be in right of way under asphalt. All mains, hydrants, services and related appurtenances will be installed at the developer's expense.

Engineering:

4. Inclusion of an easement on the final plat document stating that Tracts B & C will be utilized as stormwater containment for the public roadway, together with the rights of ingress and egress for the installation, improvement, operation and maintenance of the storm water drainage facilities, and that no other easement or easements shall be granted on, under, or over this easement without obtaining the prior written consent of the City Engineer.
5. Placement of a restriction on the plat document prohibiting vehicular access to Riverstone Drive.
6. Require utilization of joint driveways for Lots 1 – 4, Block 2 of the subdivision.

Fire:

7. One fire hydrant shall be placed at the FD turnaround as approved by CDAFD.
8. A fire department turnaround is required due to the length of the dead end road exceeding 150'. This Turnaround shall meet specifications as defined in IFC 2012 Appendix D.
9. The approved hammerhead turnaround will be signed "No parking- Fire Lane" along both sides of its 20' width. This turnaround must remain unobstructed at all times including during times of snow removal.

Planning:

10. The creation of a Home Owners Association is required for perpetual maintenance of the common open space and other tracts.

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

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Rumppler	Voted _____
Commissioner Ward	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN

PLANNING COMMISSION STAFF REPORT

FROM: MIKE BEHARY, PLANNER

DATE: AUGUST 9, 2016

SUBJECT: A-4-16 – ZONING PRIOR TO ANNEXATION OF +/- 172.24 ACRES FROM COUNTY COMERCIAL TO C-17 (COMMERCIAL AT 17 UNITS/ACRE) AND NW (NAVIGABLE WATERS)

LOCATION: PROPERTY LOCATED AT 1000 S MARINA DRIVE AND PORTIONS OF THE SPOKANE RIVER AND LAKE COEUR D'ALENE SURROUNDING BLACKWELL ISLAND

APPLICANT/OWNER:

Marina Yacht Club, LLC
1000 S Marina Drive
Coeur d'Alene, ID 83814

DECISION POINT:

The Marina Yacht Club, LLC is requesting approval of an Annexation of +/- 172.24 acres in conjunction with zoning approval from County Commercial to city C-17 (Commercial at 17 units/acre) and NW (Navigable Waters) zoning districts.

BACKGROUND INFORMATION:

The subject property is located in part on Blackwell Island and the remainder of the area is located over the Spokane River and Lake Coeur d'Alene that surrounds Blackwell Island. The subject property on Blackwell Island has been used as a marina for over 50 years. There is also a floating restaurant on the Spokane River that has been in operation there for many years. Prior to the marina use, the site was used as one of the largest sawmills in the area and was also used in the past as a land fill by the city. The subject site is in the City's designated Area of City Impact.

In 2005, the applicant requested to be annexed into the city. The application was processed as Item A-5-05. The Planning Commission recommended to the City Council to approve the annexation with C-17 zoning. The City Council subsequently approved the annexation request in 2005. The final step prior to completing the annexation process is for the applicant and the City to obtain an annexation agreement between them. Both parties were unable to reach an agreement at that time and the property was subsequently not annexed into the city.

The applicant has indicated that significant improvements have been made to the marina over the last few years and the marina continues to grow. Permits have been approved by permitting agencies, including Idaho Department of Lands, Idaho Department of Environmental Quality, and U.S. Army Corps of Engineers for the existing marina and future expansion of the marina use.

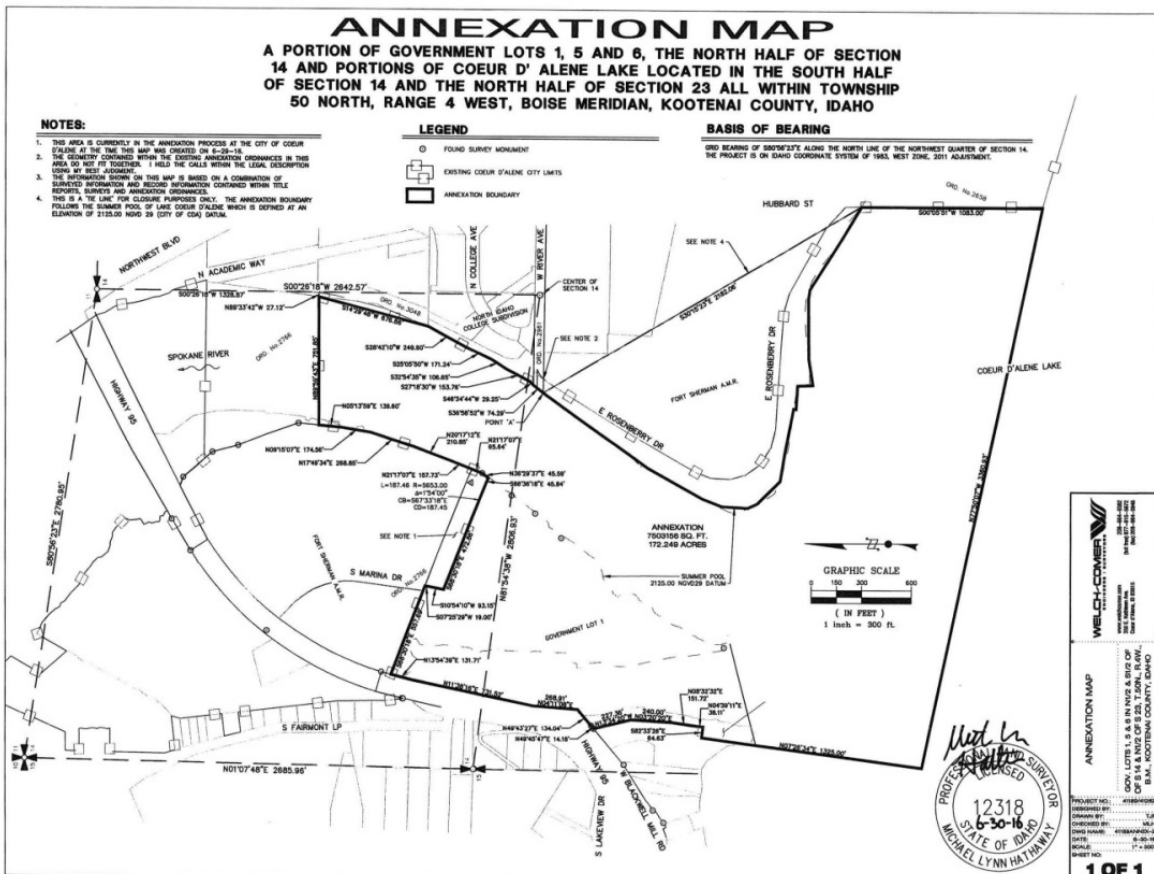
The applicant has indicated that city services including sewer and water would accommodate their growth and future plans.

Of the 172 acres that is request to be annexed, approximately 24 acres are on land. The +/- 24 acres of land area is proposed to be zoned C-17 and the remaining water area is proposed to be zoned NW, Navigable Waters (see maps below). The properties to the north of the +/- 24 acres requesting annexation are zoned C-17. The area in the city limits that lies over the river and the lake is currently zoned NW, Navigable Waters.

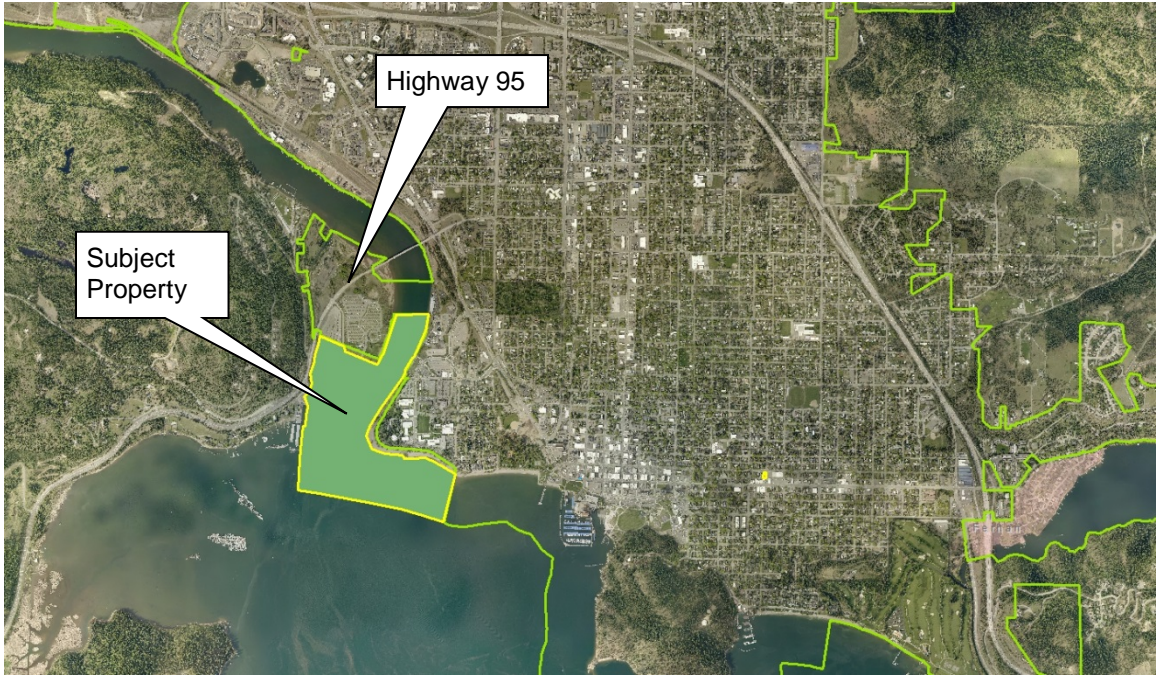
The area that is proposed to be annexed into the city that lies over the Spokane River and Lake Coeur d'Alene will tie into the existing city limits and make a more complete and homogeneous city limit boundary, and is permitted by Idaho Code section 50-221 (see maps below).

The applicant has also submitted a separate Limited Planned Unit Development (PUD) application, in item PUD-3-16, that will be contingent on the approval and completion of the annexation of the subject property.

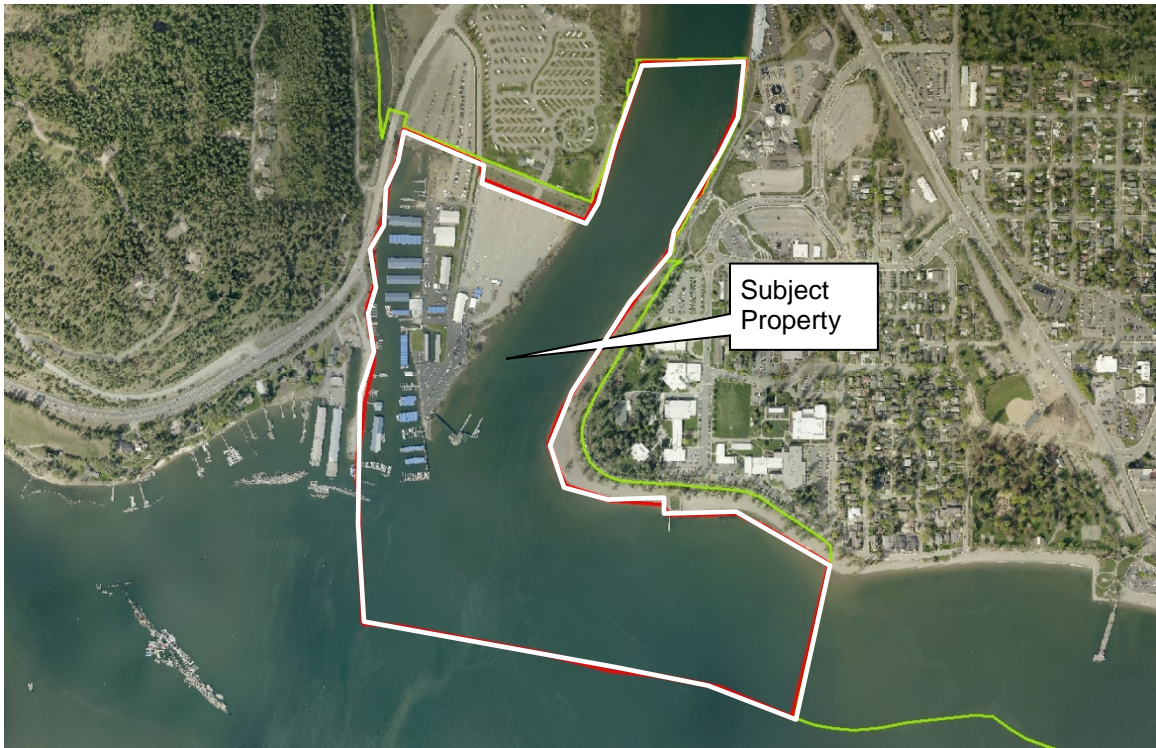
ANNEXATION MAP:



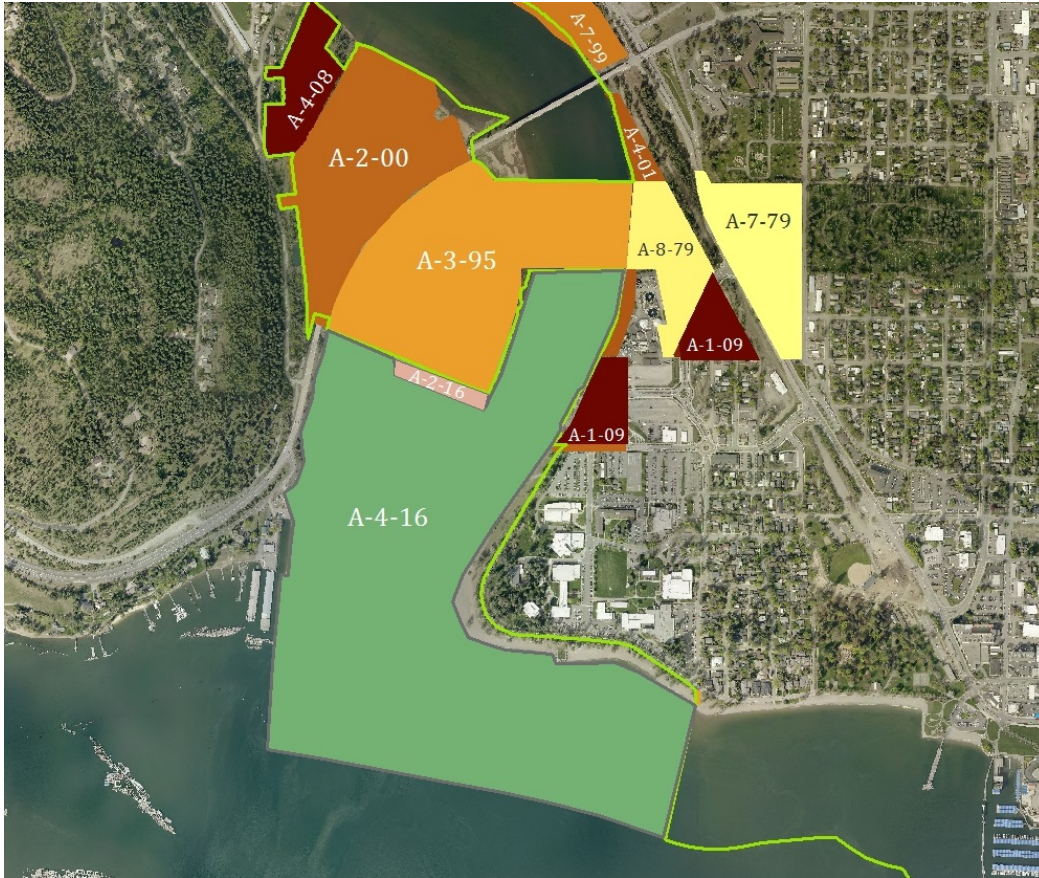
PROPERTY LOCATION MAP:



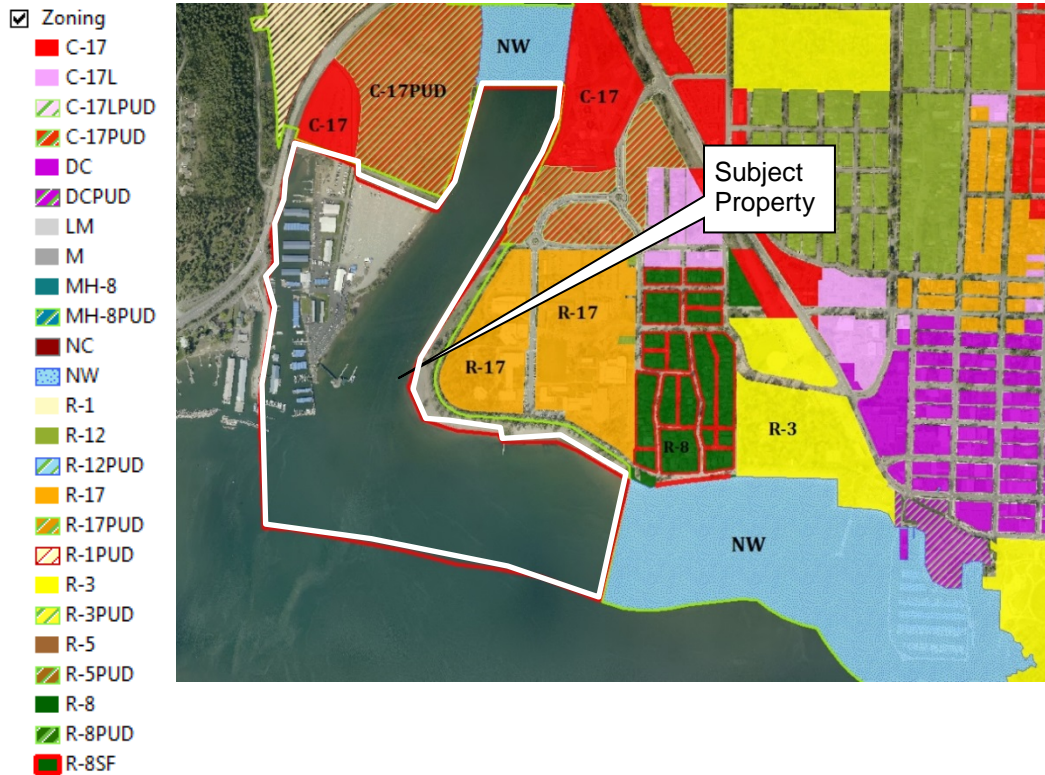
AERIAL PHOTO:



ANNEXATION HISTORY MAP:



ZONING MAP:



Approval of the zone change request would allow the following potential uses of the property.

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.

17.05.500: PERMITTED USES; PRINCIPAL

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

- Administrative offices
- Agricultural supplies and commodity sales
- Automobile and accessory sales
- Automobile parking when serving an adjacent business or apartment
- Automobile renting
- Automobile repair and cleaning
- Automotive fleet storage
- Automotive parking
- Banks and financial institutions
- Boarding house
- Building maintenance service
- Business supply retail sales
- Business support service
- Childcare facility
- Commercial film production
- Commercial kennel
- Commercial recreation
- Communication service
- Community assembly
- Community education
- Community organization
- Construction retail sales
- Consumer repair service
- Convenience sales
- Convenience service
- Department stores
- Duplex housing (as specified by the R-12 district)
- Essential service
- Farm equipment sales
- Finished goods wholesale
- Food and beverage stores, on/off site consumption
- Funeral service
- General construction service
- Group assembly
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Home furnishing retail sales
- Home occupations
- Hospitals/healthcare
- Hotel/motel
- Juvenile offenders facility
- Laundry service
- Ministorage facilities
- 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

17.05.510: PERMITTED USES; ACCESSORY

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

- Accessory dwelling units.
- Apartment for resident caretaker watchman.
- Outside area or buildings for storage and/or preparation of merchandise or goods necessary for and incidental to the principal use.
- Private recreation (enclosed or unenclosed).
- Residential accessory uses as permitted by the R-17 district

17.05.520: PERMITTED USES; SPECIAL USE PERMIT

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

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

Proposed NW – Navigable Waters Zoning District:

17.05.890: The NW district is intended to provide for the appropriate usage and for adequate protection of the surface water resource that is within the city limits. The use of navigable waters in addition to recreation and other public uses should allow the normal auxiliary uses required by the upland property owners adjacent to the lake and river as well as long established activities. Compliance with all applicable county, state, and federal laws is required. Project review is required for all proposed uses.

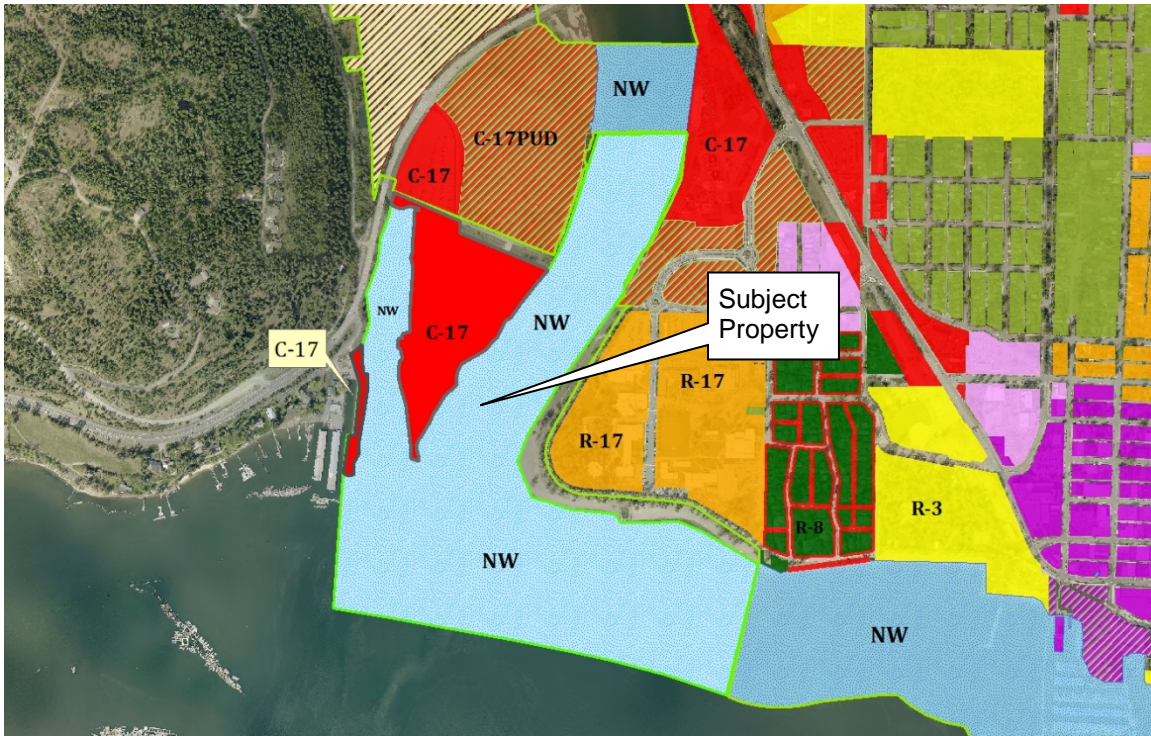
17.05.900: PERMITTED USES; PRINCIPAL

Principal permitted uses in a NW district shall be as follows:

- All long established uses
- All uses that are normal auxiliary uses to the upland property owners adjacent to the shoreline
- Facilities related to boating. Swimming and other water related activities

The proposed zoning as shown on the map below.

PROPOSED ZONING MAP:



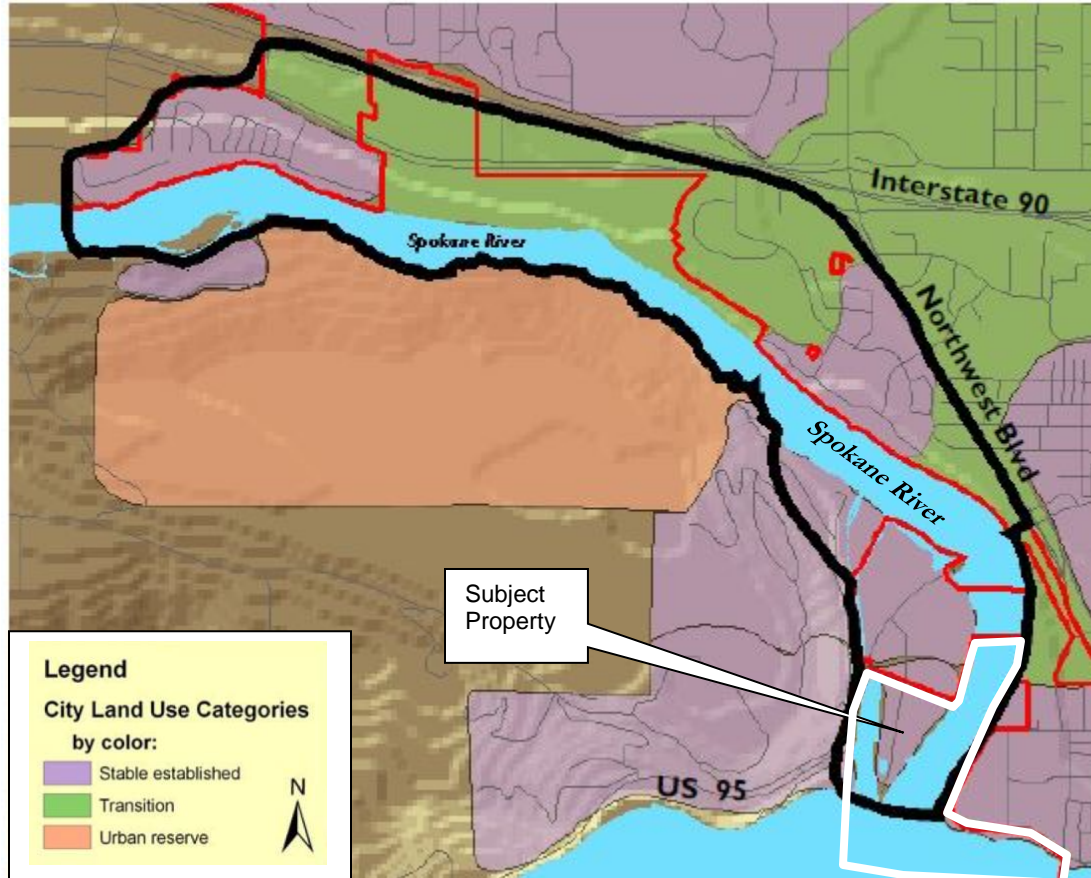
REQUIRED FINDINGS FOR ANNEXATION:

- 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 not within the existing city limits.
- The City's Comprehensive Plan designates this area within the Spokane River District and the Coeur D'Alene Lake Shoreline District.

COMP PLAN MAP: Spokane River District



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.

Spokane River District Today:

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

The Spokane River is now under study by federal and state agencies to determine how the quality of the water may be improved. Through coordination with neighboring communities and working with other agencies, our planning process must include protecting the quality of the water from any degradation that might result from development along the river's shores.

Public infrastructure is not available in some locations and would require extensions from existing main lines.

Spokane River District Tomorrow:

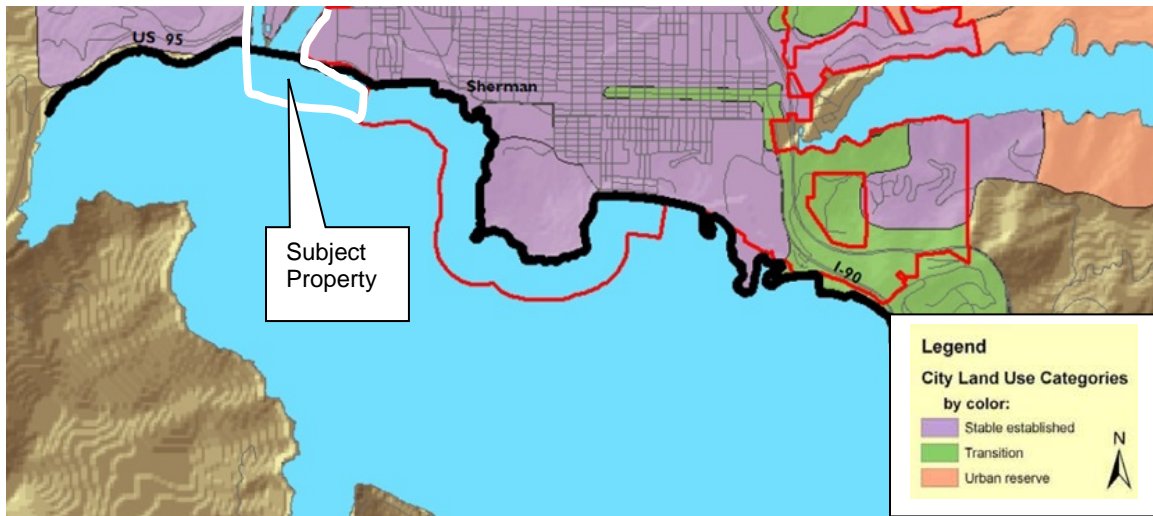
This area is going through a multitude of changes and this trend will continue for many years.

Generally, the Spokane River District is envisioned to be mixed use neighborhoods consisting of housing and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane River. As the mills are removed to make way for new development, the river shoreline is sure to change dramatically.

The characteristics of Spokane River District will be:

- Various commercial, residential, and mixed uses.
- Public access should be provided to the river.
- That overall density may approach ten to sixteen dwelling units per acre (10-16:1), but pockets of denser housing are appropriate and encouraged.
- That open space, parks, pedestrian and bicycle connections, and other public spaces will be provided throughout, especially adjacent to the Spokane River.
- That the scale of development will be urban in nature, promoting multi-modal connectivity to downtown.
- The scale and intensity of development will be less than the Downtown Core.
- Neighborhood service nodes are encouraged where appropriate.
- That street networks will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.
- That neighborhoods will retain and include planting of future, large-scale, native variety trees.

COMP PLAN MAP: Coeur d'Alene Lake Shoreline District



Coeur d'Alene Lake Shoreline District Today:

The Coeur d'Alene Lake shoreline is a mix of uses from east to west. The easternmost shorelines are home to hillsides that are difficult to develop. As the shoreline progresses west, the slope becomes less restrictive giving way to high end condos, a golf course, beaches, marinas, restaurants, the Tubbs Hill recreation area, public parks, a resort, residential homes, and a college campus. Citizens treasure the shoreline and actively seek to protect and provide as much public access to this amenity as possible. The Shoreline Ordinance was passed to protect,

preserve, and enhance visual resources and public access to the lake by establishing certain limitations and restrictions on shoreline property located within city limits.

Coeur d’Alene Lake Shoreline District Tomorrow:

For many, the Coeur d’Alene Lake shoreline is what sets the city apart from countless other places. The shoreline will continue to experience pressure from the development community due to its effect on property values and for the benefits it provides. As property improves, it is extremely important to balance the needs of both the public and private entities to ensure that this asset is available for all to enjoy while remaining viable for economic development. Increasing public access to our waterfront will not only create space for enjoyment, it will provide major economic opportunities for businesses that serve our citizens and welcome tourists. Shorelines are a finite and valuable resource. Our city is committed to ensuring that only appropriate growth takes place now and in the future.

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

Goal #1: Natural Environment

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

Objective 1.01 Environmental:

Minimize potential pollution problems such as air, land water, or hazardous materials.

Objective 1.02

Water Quality:

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

Objective 1.03

Waterfront Development:

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

Objective 1.04

Waterfront Development:

Provide strict protective requirements for all public and private waterfront developments.

Objective 1.05

Vistas:

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

Objective 1.17

Hazardous Areas:

Areas susceptible to hazardous conditions (e.g. flooding, landslides, earthquakes, etc.) should be left in a natural state unless impacts are mitigated.

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:

Annexation of the subject property will not impact stormwater. The subject property is already developed and manages the on-site storm drainage with bio-filtration swales. Stormwater issues will be addressed at the time of future 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 Bates, Engineering Project Manager

STREETS:

The subject property is accessed via S. Marina Drive, which intersects U.S. Hwy. 95. Marina Drive is a private road, owned and maintained by the two (2) adjacent owners situated on the southerly portion of Blackwell Island (Blackwell RV Park & Marina Yacht Club), with an easement for public access. The aforementioned roadway is developed to a County standard and meets the use that it is intended for. No improvements to the roadway will be required, nor is dedication of the roadway to the public necessary. U.S. Hwy.95, which is the intersecting roadway that provides access to S. Marina Drive, is under the jurisdiction of the Idaho Transportation Department and the City has no control over roadway permissions, or, requiring improvements to U.S. Highway 95.

-Submitted by Chris Bates, Engineering Project Manager

WATER:

Cedars and the Marina would be required to connect to the public water system which exists in the old 95 right-of-way. The RV Park is currently connected. All necessary infrastructure installation to accomplish connection(s) and provide fire flow will be at the owner's expense. Minimum 8" mains will be required for fire hydrant spacing as specified by the Fire Dept. All infrastructure will be installed to City standards. Public utility easements (20' for water) will be required. As part of the annexation agreement, they will be required to transfer their potable water rights to the city. They will be required to share the cost of a water model as the potential for future development and proposed increased density may be detrimental to the city's current capacity to provide the necessary fire flow with no current redundant capabilities. Modeling the system would be warranted, especially in helping to determine the potential and location for a second river crossing.

-Submitted by Kyle Marine, Water Assistant Superintendent

SEWER:

Public sewer is available along Highway 95 where Blackwell (BLM) force main joins the RV Park Force main. The BLM and the RV Park each have a private Pump Station. Limited capacity is available within the 6" force main. The 2013 Sewer Master Plan identifies the subject property as pumping through a public force main. The future development may require either upsizing or parallel force main installation during peak summer use.

Policy 710 requires public sewer extension to and through such that access to public sewer service is not denied to properties beyond a project's limits.

Policy 716 requires each parcel has their own sewer lateral connections to public sewer. The City does not allow public sewer to run through a private sewer system and back to a public sewer system. Sharing a sewer lateral is not permitted.

Policy 714 – A public pump station, approved by the City, will be required for any development with flows greater than 50 dwelling units.

Policy 713 & 719 requires all public sewer infrastructure to be accessible within an all-weather surface and within a R/W or easement.

-Submitted by Mike Becker, Utility Project Manager

FIRE:

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. 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. The Fire Department has adequate access and service to respond to the existing uses on the site.

-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 and in part covers an area over the Spokane River and Lake Coeur d' Alene. There are no topographical or other physical constraints that would make the subject property unsuitable for the annexation request. Site photos are provided on the next few pages.

SITE PHOTO LOCATION MAP



SITE PHOTO - 1: Central part of property looking south



SITE PHOTO - 2: North part of property looking south



SITE PHOTO - 3: Central part of property looking east



SITE PHOTO - 4: Central part of property looking south



SITE PHOTO - 5: South part of property looking east



SITE PHOTO - 6: North part of property looking north



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

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

TRAFFIC:

The marina area associated with the annexation request contains 384 berths for boat parking/storage. Peak hour vehicle movements based on that number of berths, as determined by the ITE Trip Generation Manual, may amount to between 65 & 81 vehicle trips. These figures should be taken into the context in which the areas that the manual gathered the base figures from (California & Washington) are more densely populated, and that the Idaho Transportation Department controls U.S. Highway 95. The City has no control over roadway permissions, or, requiring improvements to U.S. Highway 95.

-Submitted by Chris Bates, Engineering Project Manager

The Idaho Transportation Department (ITD) submitted comments via email on August 5, 2016. Their comments are provided below.

- ITD would like to require a Traffic Impact Study – US-95 and Marina Dr./Boat launch facility approach, traffic and pedestrian operation.
- A statement on any expected pedestrian crossing between the Blackwell development and the county boat launch, and what the proposed crossing would look like.

- Awareness that ITD has a corridor study in place, studying future needs along the US-95 corridor in that area with possible 4 lane facility option, possible widening of the slough bridge and Spokane River bridge.

-Submitted by Marvin Fenn, ITD

NEIGHBORHOOD CHARACTER:

From the 2007 Comprehensive Plan: Spokane River District Today

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

From the 2007 Comprehensive Plan: Coeur d'Alene Lake Shoreline District Today

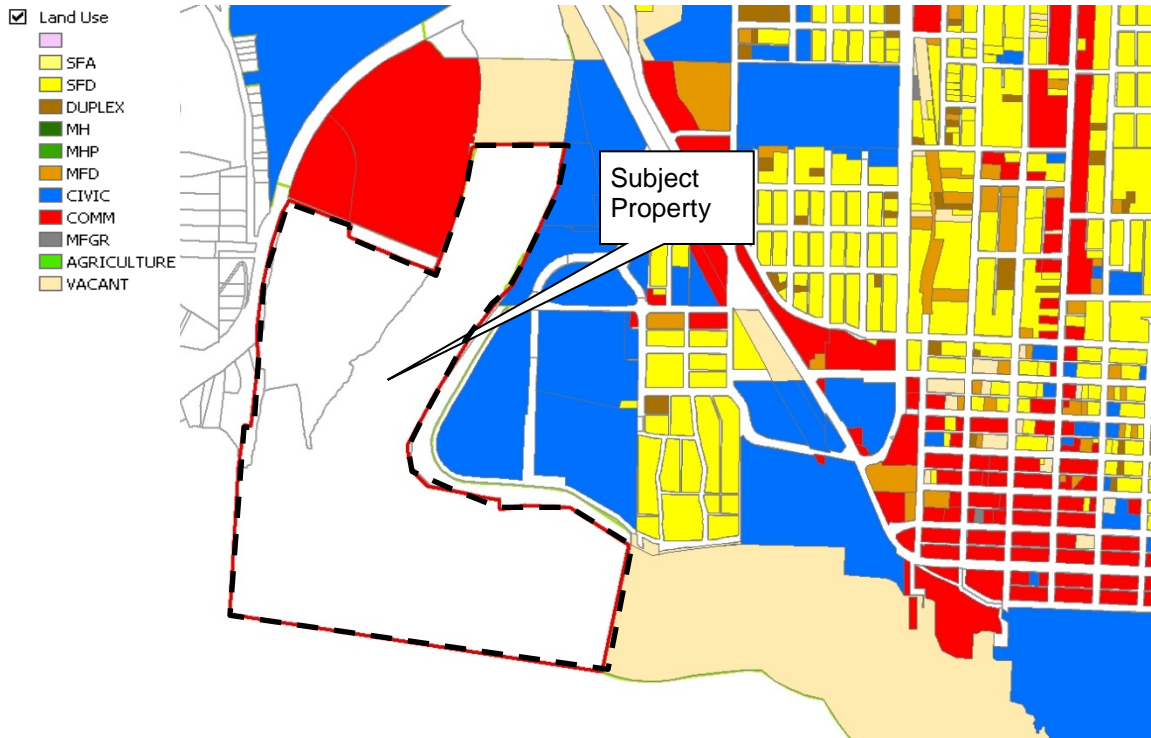
The Coeur d'Alene Lake shoreline is a mix of uses from east to west. The easternmost shorelines are home to hillsides that are difficult to develop. As the shoreline progresses west, the slope becomes less restrictive giving way to high end condos, a golf course, beaches, marinas, restaurants, the Tubbs Hill recreation area, public parks, a resort, residential homes, and a college campus.

Citizens treasure the shoreline and actively seek to protect and provide as much public access to this amenity as possible. The Shoreline Ordinance was passed to protect, preserve, and enhance visual resources and public access to the lake by establishing certain limitations and restrictions on shoreline property located within city limits.

EXISTING LAND USES:

The subject property is currently used as a marina; to the north is an RV park, to the east is the Spokane River and east across the river is the North Idaho College Campus, to the south is Lake Coeur d' Alene, and to the west is Highway 95 and Lake Coeur d' Alene. There are also some single family residences to the west that are in the unincorporated area of the county.

GENERALIZED LAND USE PATTERN:



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.*

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

RECOMMENDATIONS FOR ITEMS TO INCLUDE ANNEXATION AGREEMENT:

1. All public infrastructure must be located and accessible within a Right-of-Way, tract or easement dedicated to the City.
2. The applicant will be required to extended public sewer infrastructure per the City's to and through policy.

3. The subject site being annexed must comply with all Federal, State, and Local laws.
4. Cedars and the Marina will be required to connect to the public water system.
5. All necessary infrastructure installation to accomplish connection(s) and provide fire flow will be at the owner's expense.
6. Required to install minimum 8" mains for fire hydrant spacing as specified by the Fire Dept.
7. All infrastructure(s) is required to be installed to City standards.
8. Public Utility Easements Platted: Public utility easements (20' easement for water) will be required.
9. As part of the annexation they will be required to transfer their potable water rights to the city. The City will not need their well that exists on the property.
10. Applicant will be required to share the cost of a water model as the potential for future development and proposed increased density may be detrimental to the city's current capacity to provide the necessary fire flow with no current redundant capabilities. Modeling the system would be warranted, especially in helping to determine the potential and location for a second river crossing.
11. The City is not responsible for any private water or sewer infrastructure.
12. Ensure public access to the designated open space area within the marina and the Blackwell Slough.
13. The annexation does not convey title to the bed of the lake; the bed of the lake is still Public Trust lands that are managed by Idaho Department of Lands (IDL). IDL requires that if any work is done below the Ordinary High Water Mark, the applicant first receive approval from IDL for the work.

ITD's Requests:

14. ITD would like to require a Traffic Impact Study – US-95 and Marina Dr./Boat launch facility approach, traffic and pedestrian operation.
15. A statement on any expected pedestrian crossing between the Blackwell development and the county boat launch, and what the proposed crossing would look like.
16. Awareness that ITD has a corridor study in place, studying future needs along the US-95 corridor in that area with possible 4 lane facility option, possible widening of the slough bridge and Spokane River bridge.

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.



**APPLICANT'S
NARRATIVE**

ANNEXATION APPLICATION

JUSTIFICATION:

Blackwell Island has been a part of Coeur d'Alene's history since the 1800's. Sitting at the mouth of the Spokane River, it has served the area as the largest sawmill for decades, the city's land fill, and then later the natural transition to marine uses. Yacht Club Marine was established in the 1960's, and has always been the most accessible and well protected marina in the Coeur d'Alene area.

Since the purchase in 2004 by Marina Yacht Club, LLC, plans have always evolved around enhancing the features of the lake with improvements to the marina facilities, boat sales and service, along with related uses like the Cedar's floating restaurant. Significant investment has been made in procuring permits for improving the marina, as well as recent investments in storm drainage, parking, storage and service buildings and related marina operations.

The City Comprehensive Plan, Land Use: Base Map designates the property as "Stable established". This implies that the area's neighborhood character has largely been established and, in general, should be maintained. The development we have completed and are expanding upon is consistent with the use of the land in the past.

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

We feel that the annexation of this parcel into the city, along with the continuing use of the land in marine and marina related activity, is a vital part of the changing use. Through such a property, people are connected to the lake and lake activities via, boating and dining on the water in the Cedar's restaurant.

Page 70 of the Comp. Plan describes the Coeur d'Alene shoreline today as "a mix of uses from east to west..... "As the shoreline progresses west, the slope becomes less restrictive giving way to high end condos, a golf course, beaches, **marinas, restaurants,.....**" The uses we propose are completely consistent with the Comp. Plan.

It is clear that the established and planned uses of the Blackwell Island site are consistent with the neighborhood and the established Comprehensive Plan.

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

A. INTRODUCTION

This matter having come before the Planning Commission on August 9, 2016, and there being present a person requesting approval of ITEM A-4-16, a request for zoning prior to annexation from County Commercial to city C-17 (Commercial at 17units/acre) and NW (Navigable Waters) zoning districts.

APPLICANT: MARINA YACHT CLUB, LLC

LOCATION: PROPERTY LOCATED AT 1000 S. MARINA DRIVE AND PORTIONS OF THE SPOKANE RIVER AND LAKE COEUR D'ALENE SURROUNDING BLACKWELL ISLAND

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 an RV Park use to the north, marina uses to the south And west, and the Spokane River to the east.
- B2. That the Comprehensive Plan Map designation is Spokane River District Today.
- B3. That the zoning is County Commercial.
- B4. That the notice of public hearing was published on July 23, 2016, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on August 9, 2016.
- 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 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 MARINA YACHT CLUB, LLC for zoning prior to annexation, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Suggested provisions for inclusion in an Annexation Agreement are as follows:

1. All public infrastructure must be located and accessible within a Right-of-Way, tract or easement dedicated to the City.
2. The applicant will be required to extended public sewer infrastructure per the City's to and through policy.
3. The subject site being annexed must comply with all Federal, State, and Local laws.
4. Cedars and the Marina will be required to connect to the public water system.
5. All necessary infrastructure installation to accomplish connection(s) and provide fire flow will be at the owner's expense.
6. Required to install minimum 8" mains for fire hydrant spacing as specified by the Fire Dept.
7. All infrastructure(s) is required to be installed to City standards.
8. Public Utility Easements Platted: Public utility easements (20' easement for water) will be required.
9. As part of the annexation they will be required to transfer their potable water rights to the city. The City will not need their well that exists on the property.
10. Applicant will be required to share the cost of a water model as the potential for future development and proposed increased density may be detrimental to the city's current capacity to provide the necessary fire flow with no current redundant capabilities. Modeling the system would be warranted, especially in helping to determine the potential and location for a second river crossing.
11. The City is not responsible for any private water or sewer infrastructure.
12. Ensure public access to the designated open space area within the marina and the Blackwell

Slough.

- 13. The annexation does not convey title to the bed of the lake; the bed of the lake is still Public Trust lands that are managed by Idaho Department of Lands (IDL). IDL requires that if any work is done below the Ordinary High Water Mark, the applicant first receive approval from IDL for the work.

ITD's Requests:

- 14. ITD would like to require a Traffic Impact Study – US-95 and Marina Dr./Boat launch facility approach, traffic and pedestrian operation.
- 15. A statement on any expected pedestrian crossing between the Blackwell development and the county boat launch, and what the proposed crossing would look like.
- 16. Awareness that ITD has a corridor study in place, studying future needs along the US-95 corridor in that area with possible 4 lane facility option, possible widening of the slough bridge and Spokane River bridge

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

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Rumpler	Voted _____
Commissioner Ward	Voted _____
Chairman Jordan	Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION
STAFF REPORT**

FROM: MIKE BEHARY, PLANNER
DATE: AUGUST 9, 2016
SUBJECT: PUD-3-16 – BLACKWELL ISLAND MARINA YACHT CLUB LIMITED DESIGN PLANNED UNIT DEVELOPMENT
LOCATION: A +/- 15.6 ACRE PARCEL LOCATED AT 1000 S MARINA DRIVE

APPLICANT/OWNER:

Marina Yacht Club, LLC
1000 S Marina Drive
Coeur d'Alene, ID 83814

DECISION POINT:

Approval of a proposed +/-15.61-acre Limited Design Planned Unit Development known as "Blackwell Island Marina Yacht Club Limited Design PUD."

PROPERTY LOCATION MAP:



BACKGROUND INFORMATION:

The subject property is located on the southern part of Blackwell Island and has been used as a marina for over 50 years. There is also a floating restaurant on the Spokane River that has been in operation there for many years. Prior to the marina use, the site was used as one of the largest sawmills in the area and was also used in the past as a land fill by the city. The subject site is in the City's designated Area of City Impact.

In 2005, the applicant requested to be annexed into the city. The application was processed as Item A-5-05. The Planning Commission recommended to the City Council to approve the annexation with C-17 zoning. The City Council subsequently approved the annexation request in 2005. The final step prior to completing the annexation process is for the applicant and the City to obtain an annexation agreement between them. Both parties were unable to reach an agreement at that time and the property was subsequently not annexed into the city.

The applicant has indicated that significant improvements have been made to the marina over the last few years and the marina continues to grow. Permits have been approved by permitting agencies, including Idaho Department of Lands, Idaho Department of Environmental Quality, and U.S. Army Corps of Engineers for the existing marina and future expansion of the marina use. The applicant has indicated that city services including sewer and water would accommodate their growth and future plans.

The applicant has made application to have this property annexed into the city (Item A-4-16 that is also being considered by the Planning Commission on August 9). This application for the Limited Design PUD is contingent upon the approval and completion of the annexation of this property into the city. The applicant has structures located at the marina that are in conflict with the City's Shoreline Ordinance. If approved, the Limited Design PUD would allow for these marina structures and facilities to remain and be a legal use along the City's shoreline.

The City's Shoreline Ordinance prohibits construction within 40 feet of the shoreline. Areas exempt from this rule are properties located in the Downtown Core zoning district and other areas as stated in the Zoning Ordinance 17.08.250. The Shoreline Ordinance is intended to protect the shoreline from erosion and to maintain an open space/buffer between development and the water. Typical development along the shoreline has been residential in nature with limited commercial and recreational uses.

Typically marinas have operations and structures that lie within 40 foot of the shoreline. Marina operation typically consist of sales offices, maintenance and repair facilities, restaurants, bars, docks, walkway ramps, boat ramps, boat slips, dry boat storage areas over gravel, and dry stack buildings. Typically marina structures and facilities are in close proximity to the water. The applicant has submitted a site plan indicating the areas within the 40 foot shoreline area that are associated with their marina operation.

APPLICANTS NARRATIVE:

This request for a Limited Design PUD overlay is driven by the existing use of Blackwell Island as a marina, and related marine uses, including boat sales, service and storage of boats and trailers. An obvious conflict exists with the established uses and the implementation of the City's Shoreline Regulations. Thus we find we must also request a Limited PUD overlay.

Our application outlines the various existing and continued uses that require structures and related facilities to be within the 40' setback zone. Further, as the marina is improved upon, the location and size of these structures will change requiring the flexibility provided by the requested added height of 20 feet within the 40' setback area. Existing light poles servicing the marina operations require added height up to 30 foot height.

Similarly, the established Cedar's Floating Restaurant, requires a Limited PUD to accommodate the access ramp and related shoreline structures and utilities to exist. Thus a 20' high envelope is being requested in the 40' setback area along the river. Existing light poles servicing the restaurant parking and operations require added height up to 30 foot height. We are also wanting to be able to do shoreline stabilization and maintenance along the river in the future. This is especially needed due to the prior uses of Blackwell Island involving old foundations, improper fill and related activities going back to the 1800's.

In addition to marina and restaurant access structures, the future of marinas includes the use of dry stack buildings. These provide out of the water moorage for users, where their boat is stored vertically in a rack system. When the boat owner needs to use their boat, our special fork lifts pick the boat off the rack and places it in the water for use. Upon completion of the boating experience, the boat returns to the marina and is placed back in the dry stack building. This form of marina use is becoming more and more popular in the US, using less space than a typical floating marina.

We are requesting that the 150' setback zone which allows structures of 30' high be amended by the Limited PUD to a 60' of height to allow for the construction of dry stack buildings. This area is adjacent to the marina slough and the west side of the annexed property. One of the advantages of the dry stack system is the amount of open water is increased by not having to build in the water slips to accommodate the additional boat users

Marina Yacht Club LLC is the land owner of the subject property. Hagadone Marine Group (HMG), has a contract to fulfill the operations of the marina business, including moorage, boat sales, service, storage and maintenance. HMG has a well-established record of operations in the marina business. They also operate the Boardwalk Marina, Silver Beach Marina, and the Boat Shop facility in Post Falls.

HMG expended several million dollars last year improving the operation on Blackwell Island. The investment has been positive and we have experienced significant growth in our business. It is now appropriate to connect the facilities to the City sewer and water systems. As part of the island is already in the City, this next step of annexation is the logical transition to make.

The proposed uses and activities are all the same as the existing operation. Within the Limited PUD envelopes, will be marina and restaurant related structures and related utilities and uses.

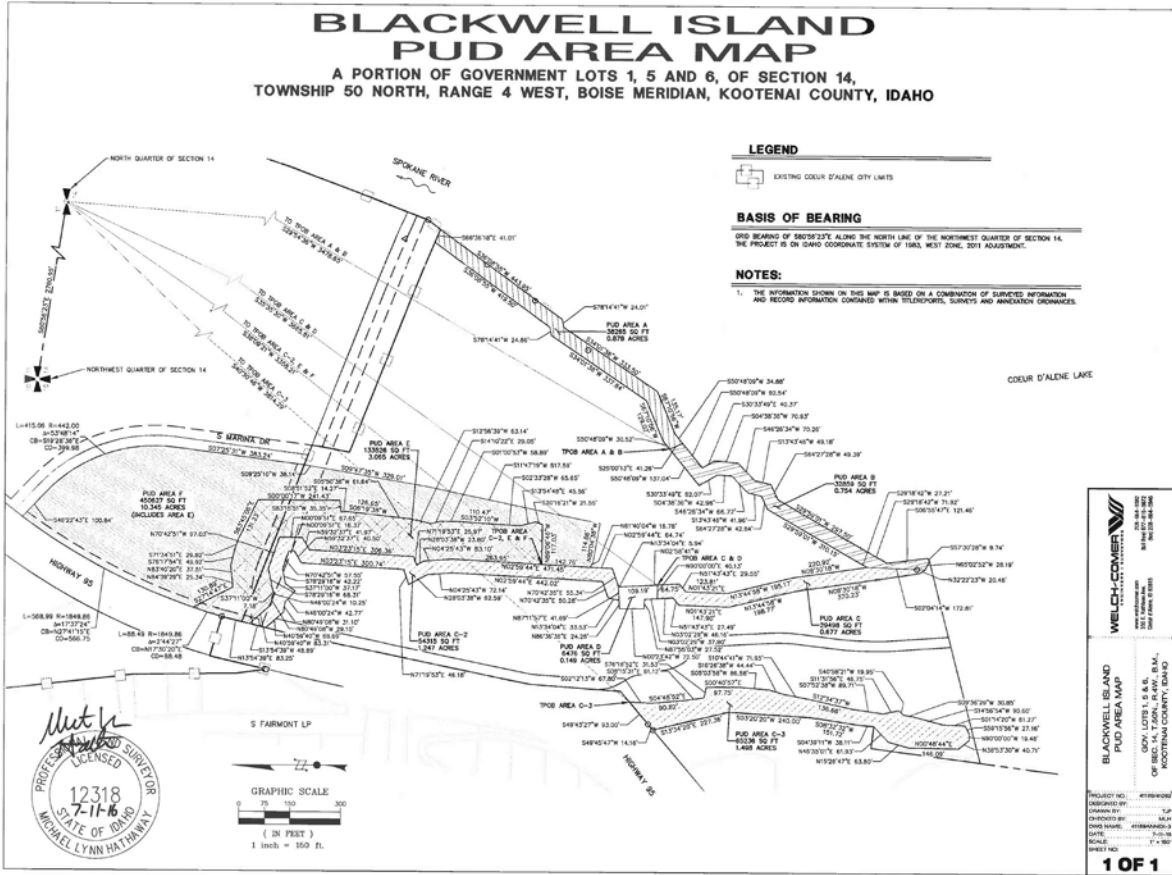
The open spaces include the private access for marina customers, and the public access for customers in the boat sales and Cedar's Restaurant facilities. Further, we have outline on our satellite map a designated open space in the marina of 1.4 acres of waterway. This area is a commonly used route for kayakers and paddle boarders in the years past.

The existing utilities include underground power, phone and cable. There is a public sewer force main available for hook up. We will be installing a private lift station and force main to connect to the existing public line. City water runs through the island on the north end. We will be expanding the water system to accommodate the needs of domestic water use and fire protection. We have met with the City water and fire departments and have a general agreement of the requirements with annexation.

Marina Yacht Club LLC agrees that there will be lawful form of management in any areas of common ownership. We have also met with City staff and departments and are aware of any areas of concern as to the various department requirements that would come with the proposed annexation and requested Limited PUD. This would include any streets, driveways, etc. along with all water and sewer lines and facilities needed to be completed as a part of the process.

We have requested the zoning to be C 17. We have met with the City staff and they agree this is the appropriate zoning for the uses that we are planning. This is also the zoning the city is requesting on their own parcel currently being annexed into the City of Coeur d'Alene.

Limited Design PUD Area Map



LIMITED DESIGN PLANNED UNIT DEVELOPMENT (PUD) FINDINGS:

Finding #B8A: The proposal (does) (does not) produce a functional, enduring, and desirable environment.

The marina has operated at this location for many years. The applicant has steadily improved this facility over time. Cedars Restaurant is well maintained and used by the public to enjoy the food and the view, making this a unique place to dine and enjoy the lake. The marina and the restaurant are accessible to Highway 95 by a private road.

The applicant's continued success at this location has made it a desirable place to store and launch boats from. The continued success of the marina has triggered the applicant to propose an expansion of this facility and is now proposing to allow for dry stack storage buildings that will store boats for their customers. Dry stack is the process of removing the boat from the water, and placing it in a vertical rack structure that takes significantly less space than on the water facility.

The applicant has requested to allow for the existing uses to continue and to allow access through the Shoreline 40' setback area is necessary for the marina operation to continue to function as well as expand the marina uses in line with existing permits from the Idaho Department of Lands, Idaho Department of Environmental Quality, and the U.S. Army Corps of Engineers. The Limited Design PUD also provides for public access for customers in the boat sales and Cedar's Restaurant facilities, and allows for continued public access in the marina, comprised of 1.4 acres of waterway within the Blackwell Slough, that is regularly used by kayakers and paddle boarders.

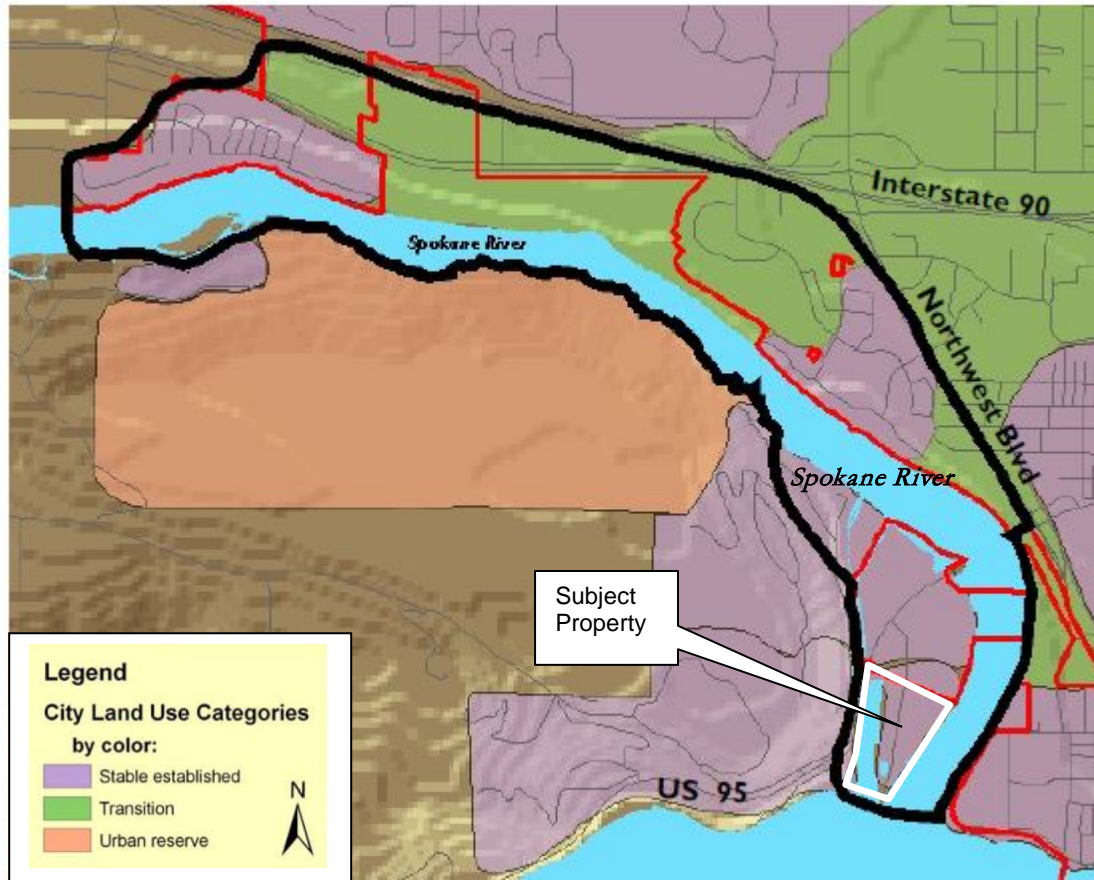
Evaluation: *The Planning Commission must determine, based on the record before them, whether the proposal does or does not produce a functional, enduring, and desirable environment.*

Finding #B8B: The proposal (is) (is not) consistent with the city comprehensive plan.

2007 COMPREHENSIVE PLAN LAND USE CATEGORY:

- The subject property is not within the existing city limits at this time. However, the applicant has made application for the annexation of the subject property and this PUD request is contingent upon the subject property being annexed into the city.
- The City's Comprehensive Plan designates this area within the Spokane River District and the Coeur D'Alene Lake Shoreline District.

COMPREHENSIVE PLAN MAP: Spokane River District



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.

Spokane River District Today:

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

The Spokane River is now under study by federal and state agencies to determine how the quality of the water may be improved. Through coordination with neighboring communities and working with other agencies, our planning process must include protecting the quality of the water from any degradation that might result from development along the river's shores.

Public infrastructure is not available in some locations and would require extensions from existing main lines.

Spokane River District Tomorrow:

This area is going through a multitude of changes and this trend will continue for many years.

Generally, the Spokane River District is envisioned to be mixed use neighborhoods consisting of housing and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane River. As the mills are removed to make way for new development, the river shoreline is sure to change dramatically.

The characteristics of Spokane River District will be:

- Various commercial, residential, and mixed uses.
- Public access should be provided to the river.
- That overall density may approach ten to sixteen dwelling units per acre (10-16:1), but pockets of denser housing are appropriate and encouraged.
- That open space, parks, pedestrian and bicycle connections, and other public spaces will be provided throughout, especially adjacent to the Spokane River.
- That the scale of development will be urban in nature, promoting multi-modal connectivity to downtown.
- The scale and intensity of development will be less than the Downtown Core.
- Neighborhood service nodes are encouraged where appropriate.
- That street networks will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.
- That neighborhoods will retain and include planting of future, large-scale, native variety trees.

COMPREHENSIVE PLAN MAP: Coeur d'Alene Lake Shoreline District



Coeur d'Alene Lake Shoreline District Today:

The Coeur d'Alene Lake shoreline is a mix of uses from east to west. The easternmost shorelines are home to hillsides that are difficult to develop. As the shoreline progresses west, the slope becomes less restrictive giving way to high end condos, a golf course, beaches, marinas, restaurants, the Tubbs Hill recreation area, public parks, a resort, residential homes, and a college campus. Citizens treasure the shoreline and actively seek to protect and provide as much public access to this amenity as possible. The Shoreline Ordinance was passed to protect, preserve, and enhance visual resources and public access to the lake by establishing certain limitations and restrictions on shoreline property located within city limits.

Coeur d’Alene Lake Shoreline District Tomorrow:

For many, the Coeur d’Alene Lake shoreline is what sets the city apart from countless other places. The shoreline will continue to experience pressure from the development community due to its effect on property values and for the benefits it provides. As property improves, it is extremely important to balance the needs of both the public and private entities to ensure that this asset is available for all to enjoy while remaining viable for economic development. Increasing public access to our waterfront will not only create space for enjoyment, it will provide major economic opportunities for businesses that serve our citizens and welcome tourists. Shorelines are a finite and valuable resource. Our city is committed to ensuring that only appropriate growth takes place now and in the future.

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

Goal #1: Natural Environment

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

Objective 1.01 Environmental:

Minimize potential pollution problems such as air, land water, or hazardous materials.

Objective 1.02

Water Quality:

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

Objective 1.03

Waterfront Development:

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

Objective 1.04

Waterfront Development:

Provide strict protective requirements for all public and private waterfront developments.

Objective 1.05

Vistas:

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

Objective 1.17

Hazardous Areas:

Areas susceptible to hazardous conditions (e.g. flooding, landslides, earthquakes, etc.) should be left in a natural state unless impacts are mitigated.

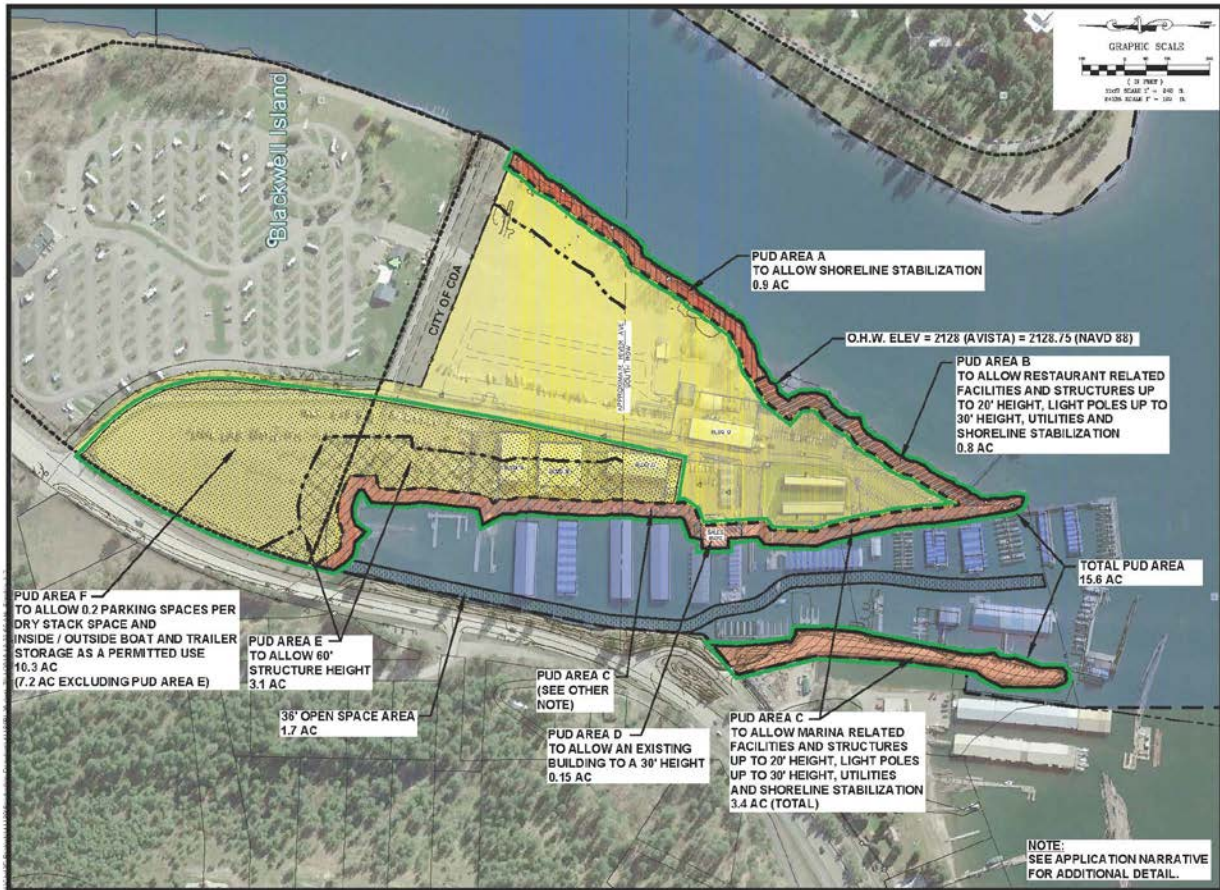
Evaluation: *The Planning Commission must determine, based on the record before them, whether the proposal is or is not consistent with the city comprehensive plan.*

Finding #B8C: The buildings envelope(s) (is/are) (is not/are not) compatible with or sufficiently buffered from uses on adjacent properties. Design elements that may be considered include: building heights and bulk, off street parking, open space, privacy and landscaping.

The proposed building sites are located in areas where there is considerable open space and the property is surrounded by water on three sides. There is an RV Park to the north of the subject property that has been operating adjacent to this marina for many years. The building envelopes being requested are consistent with a marina operation and are compatible with adjacent uses. The below areas correspond with the applicant's site plan:

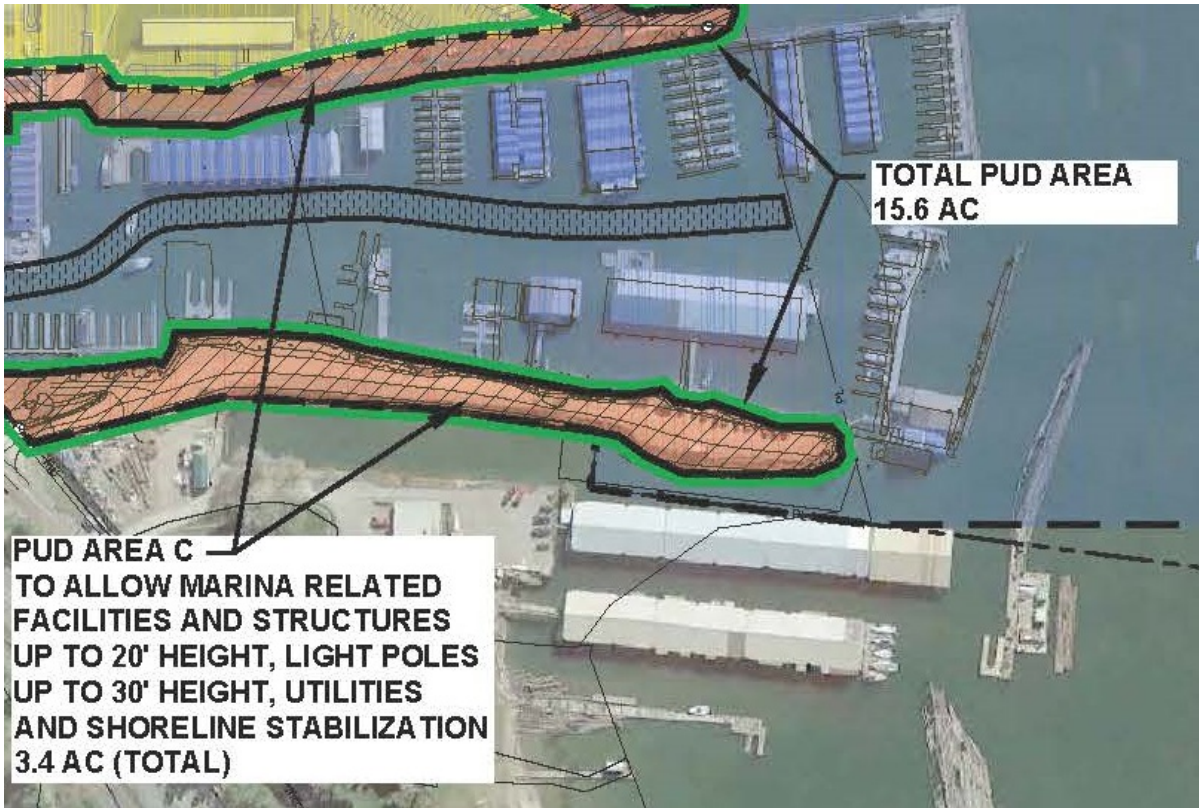
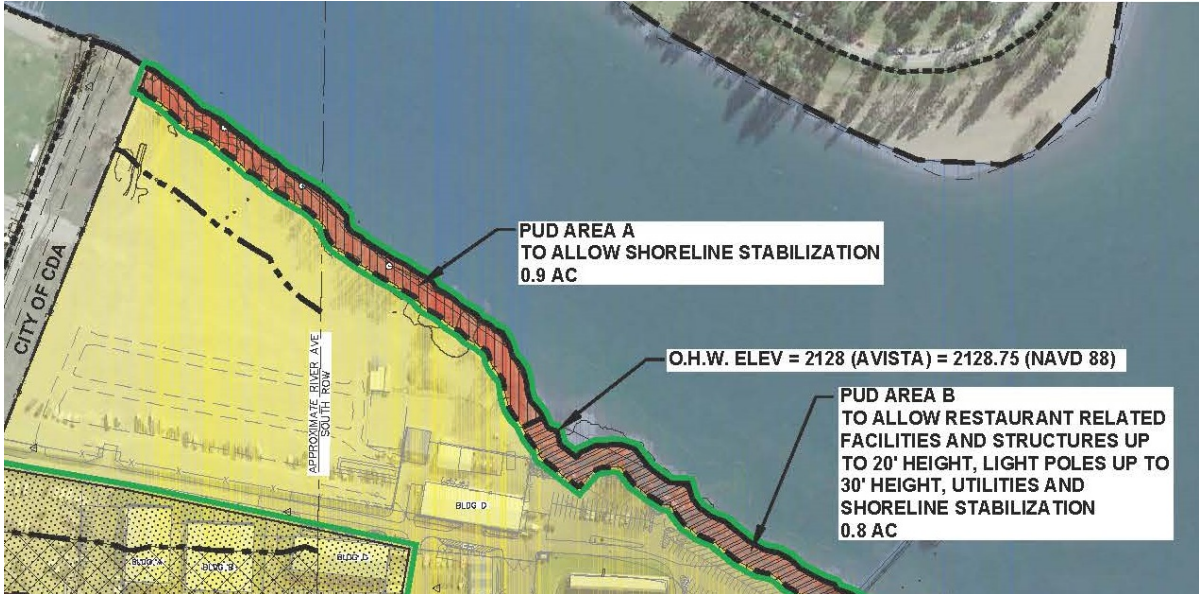
- Area A. No structures are proposed in this Shoreline set back area. We are asking only to be allowed to perform shoreline stabilization in this area, as may be required.
- Area B. This area presently contains the various marina / restaurant structures for the operation of the Cedar's Restaurant. There are also low utility structures that are a part of the operation, like transformers, lift stations and controls, etc.
- Area C. Area C is the existing marina access property. We are asking for 20' of space to construct, maintain, move, repair, etc. Marina Related Facilities and Structures, including shoreline stabilization. All of these types of structures currently exist, as an integral part of the marina.
- Area D. Area D is the location of the existing sales building located on the marina edge. This 30' height allows for the continued use of the existing facility and any needed upgrades, like rest rooms, etc.
- Area E. Area E is the current marina access and boat storage facilities. This is where the new dry stack building will be located.
- Area F. Area F involves all the service areas west of Marina Drive and north of the sales area. Presently these spaces involve inside/outside boat and boat trailer storage, boat show rooms, boat sales and other related marina uses. We are requesting Area F to allow for dry stack user parking, at .2 spaces per stored boat, along with new dry stack building(s), inside and outside boat and boat trailer storage, boat show rooms, boat sales and other marina related structures, including customer parking. We are specifically asking that these are allowed as principal permitted uses for this area, within the new C-17 zoning.

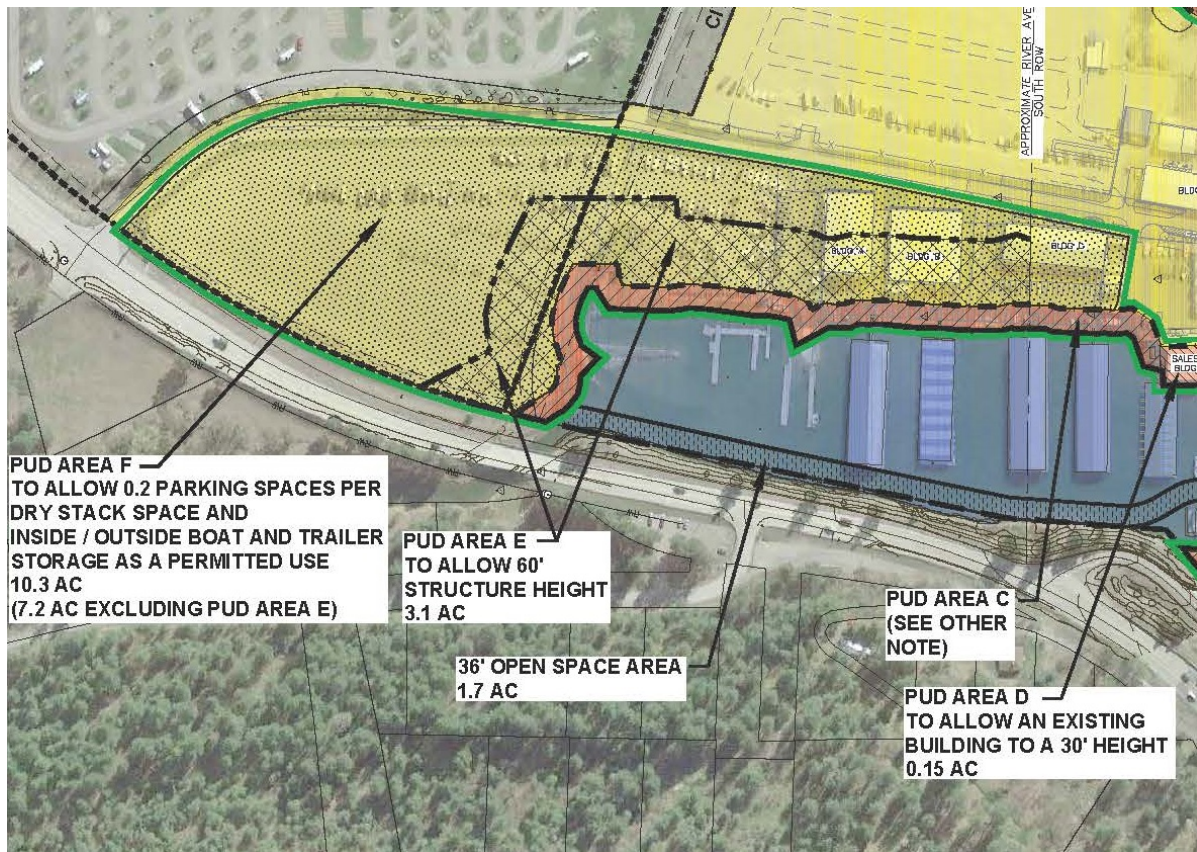
APPLICANT'S LIMITED DESIGN PUD SITE PLAN:



Zoomed in areas of the Limited Design PUD Site Plan are provided on the following pages to help convey the proposal more clearly.

ZOOMED IN VIEWS OF THE LIMITED DESIGN PUD SITE PLAN:





Evaluation: *The Planning Commission must determine, based on the evidence before them, whether the buildings envelop(s) is or is not compatible with or sufficiently buffered from uses on adjacent properties. Design elements that may be considered include: building heights and bulk, off street parking, open space, privacy and landscaping.*

Finding #B8D: **The proposal (is) (is not) not compatible with natural features of the site and adjoining properties. Natural features to be considered include: topography, native vegetation, wildlife habits and watercourses.**

The property is relatively flat and is adjacent to Lake Coeur d'Alene and the Spokane River. The property to the north is also relatively flat and is adjacent to the Spokane River to the east. There is native vegetation along the banks of the Spokane River and on other area throughout the property. The proposed Limited Design PUD is compatible with the topography and native vegetation in the area. Access to the lake, marinas, and on the water restaurants are a desirable feature for the public. The Limited Design PUD does not change the existing topography, native vegetation, habitats or water courses. There will be some shoreline stabilization within Areas A, B and C as noted in the narrative and as shown on the site plan.

SITE PHOTO LOCATION MAP



SITE PHOTO - 1: Central part of property looking south



SITE PHOTO - 2: North part of property looking south



SITE PHOTO - 3: Central part of property looking east



SITE PHOTO - 4: Central part of property looking south



SITE PHOTO - 5: South part of property looking east



SITE PHOTO - 6: North part of property looking north



Evaluation: *The Planning Commission must determine, based on the evidence before them, whether the proposal is or is not compatible with natural features of the site and adjoining properties. Natural features to be considered include: topography, native vegetation, wildlife habits and watercourses.*

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

The applicant has indicated that the common open space shall be accessible to all users of the development and usable for open space and recreational purposes, which will continue to be open to the public. The applicant also has indicated that the site plan indicates a 36' foot wide open area through the marina that is and will continue to be dedicated open space. This amounts to 1.7 acres, and meets the 10% requirement of the PUD proposal. (see Site Plan above)

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

Finding #B8F: **The location, design and size of the proposed building envelope is such that the traffic generated by the development can be accommodated safely on minor arterials and collector streets, and without requiring unnecessary utilization of other residential streets.**

TRAFFIC:

The marina area associated with the PUD contains 384 berths for boat parking/storage. Peak hour vehicle movements based on that number of berths, as determined by the ITE Trip Generation Manual, may amount to between 65 & 81 vehicle trips. These figures should be taken into the context in which the areas that the manual gathered the base figures from (California & Washington) are more densely populated, and, that the Idaho Transportation Department which controls the principle roadway that accesses the site is not requiring changes to U.S. Hwy. 95. The restaurant located on the subject property is an existing use and may generate 15 adt's during the P.M. peak hour period, which is an insignificant addition to the vehicular traffic on the State highway.

-Comments submitted by Chris Bates, Engineering Project Manager

The Idaho Transportation Department (ITD) submitted comments via email on August 5, 2016. Their comments are provided below.

- ITD would like to require a Traffic Impact Study – US-95 and Marina Dr./Boat launch facility approach, traffic and pedestrian operation.
- A statement on any expected pedestrian crossing between the Blackwell development and the county boat launch, and what the proposed crossing would look like.
- Awareness that ITD has a corridor study in place, studying future needs along the US-95 corridor in that area with possible 4 lane facility option, possible widening of the slough bridge and Spokane River bridge.

-Submitted by Marvin Fenn, ITD

STREETS:

The subject property is accessed via S. Marina Drive, which intersects U.S. Hwy. 95. Marina Drive is a private road, owned and maintained by the two (2) adjacent owners situated on the southerly portion of Blackwell Island (Blackwell RV Park & Marina Yacht Club), with an easement for public access.

The aforementioned roadway is developed to a County standard and meets the use that it is intended for. No improvements to the roadway will be required, nor is dedication of the roadway to the public necessary. U.S. Highway 95, which is the intersecting roadway that provides access to S. Marina Drive, is under the jurisdiction of the Idaho Transportation Department and the City has no control over roadway permissions, or, requiring improvements to U.S. Highway 95.

-Comments submitted by Chris Bates, Engineering Project Manager

STORMWATER:

The subject property is fully developed and manages the on-site storm drainage with bio-filtration swales.

-Comments submitted by Chris Bates, Engineering Project Manager

SEWER:

Public sewer is available along Highway 95 where Blackwell (BLM) force main joins the RV Park Force main. The BLM and the RV Park each have a private Pump Station. Limited capacity is available within the 6" force main. The 2013 Sewer Master Plan identifies the subject property as pumping through a public force main. The future development may require either upsizing or parallel force main installation during peak summer use.

Policy 710 requires public sewer extension to and through such that access to public sewer service is not denied to properties beyond a project's limits.

Policy 716 requires each parcel has their own sewer lateral connections to public sewer. The City does not allow public sewer to run through a private sewer system and back to a public sewer system. Sharing a sewer lateral is not permitted.

Policy 714 requires a public pump station, approved by the City, for any development with flows greater than 50 dwelling units.

Policy 713 & 719 requires all public sewer infrastructure to be accessible within an all-weather surface and within a R/W or easement.

-Comments submitted by Mike Becker, Utility Project Manager

WATER:

Cedars and the Marina would be required to connect to the public water system which exists in the old 95 right-of-way. The RV Park is currently connected. All necessary infrastructure installation to accomplish connection(s) and provide fire flow will be at the owner's expense. Minimum 8" mains will be required for fire hydrant spacing as specified by the Fire Dept. All infrastructure will be installed to City standards. Public utility easements (20' for water) will be required. As part of the annexation agreement, they will be required to transfer their potable water rights to the city. They will be required to share the cost of a water model as the potential for future development and proposed increased density may be detrimental to the city's current capacity to provide the necessary fire flow with no current redundant capabilities. Modeling the system would be warranted, especially in helping to determine the potential and location for a second river crossing.

-Submitted by Kyle Marine, Water Assistant Superintendent

Evaluation: *The Planning Commission must determine, based on the evidence before them, whether the location, design and size of the proposed building envelope is such that the traffic generated by the development can be accommodated safely on minor arterials and collector streets, and without requiring unnecessary utilization of other residential streets.*

- Finding #B8G:** **The proposed setbacks (do) (do not) provide:**
- 1. Sufficient emergency vehicle access.**
 - 2. That neighborhood character will be protected by adequate buffering.**
 - 3. For maintenance of any wall exterior from the development's property.**

The applicant has indicated that they upgraded and enhanced their Emergency vehicle access last year.

FIRE:

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 Coeur d'Alene Fire Department can address all concerns at site and building permit submittals. 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. The Fire Department has adequate access and service to respond to the existing uses on the site.

-Comments submitted by Bobby Gonder, Fire Inspector

The marina has been in operation at this site for many years. The neighborhood character would most likely not be affected with the approval of the proposed Limited PUD. The layout, design, and continued marina use, have long been established on this parcel. The river and marina way, along with the separation provided by Highway 95 naturally buffer the use from the adjoining neighborhoods.

Buildings are not proposed on property lines adjacent to other property owners. The C-17 zoning district allows for zero setbacks at the side and rear. If buildings were placed at the property line in the future, an easement from the adjacent property owner would ensure the ability to maintain the building exteriors. This would be evaluated at the time of building permit.

Evaluation: *The Planning Commission must determine, based on the evidence before them, whether the proposed setbacks does or does not provide:*

1. *Sufficient emergency vehicle access.*
2. *That neighborhood character will be protected by adequate buffering.*
3. *For maintenance of any wall exterior from the development's property.*

Finding #B8H: **The proposed building envelop(s) (does) (does not) provide for adequate sunlight, fresh air, and usable open space.**

The property is relatively large and will most likely provide adequate space between buildings to allow for sunlight, fresh air, and useable open space. The proposed dry stack structures will be located toward the west part of the property and away from the river side of the property.

Evaluation: *The Planning Commission must determine, based on the evidence before them, whether the proposed building envelop(s) does or does not provide for adequate sunlight, fresh air, and usable open space.*

Proposed Conditions:

PLANNING

1. This PUD is conditionally approved pending the Annexation of the subject property into the City.
2. All public infrastructure must be located and accessible within a Right-of-Way, tract or easement dedicated to the City.
3. The PUD must comply with all Federal, State, and Local laws.
4. Ensure public access to the designated open space area within the marina and the Blackwell Slough.
5. All infrastructure(s) is required to be installed to City standards.
6. If new structures are proposed to be within 35 feet from the U.S. Highway 95 right-of-way, the applicant shall coordinate with ITD regarding future widening of the highway.

WATER

7. Cedars and the Marina will be required to connect to the public water system.
8. All necessary infrastructure installation to accomplish connection(s) and provide fire flow will be at the owner's expense.
9. Extend the water main into the property to provide fire service, which will require minimum 8" mains for fire hydrant spacing as specified by the Fire Department.
10. Public Utility Easements Platted: Public utility easements (20' easement for water) will be required.
11. Applicant will be required to share the cost of a water model as the potential for future development and proposed increased density may be detrimental to the city's current capacity to provide the necessary fire flow with no current redundant capabilities. Modeling the system would be warranted, especially in helping to determine the potential and location for a second river crossing.
12. The City is not responsible for any private water or sewer infrastructure.

FIRE

13. A minimum of 5 fire hydrants will be required to meet the required fire flow. The water system may need to be looped to meet this fire flow requirement.
14. In lieu of standpipe systems in the marina/docks/piers, the Fire Department will allow fire safety pedestals similar to those installed at other marinas in the City. These pedestals, placed every 75' of travel on the docks, shall include fire extinguisher, life ring, visible and auditory alarm.
15. A telephone not requiring a coin to operate or other approved, clearly identified means to notify the fire department shall be provided on the site in a location approved by the fire code official.

WASTEWATER

16. The Applicant shall update the 2013 Sewer Master Plan for their area of city impact and rerun the Hydra program to demonstrate that the PUD's sewer impact does not overload any

downstream public sewer infrastructure and determine how the infrastructure should be designed.

17. The applicant will be required to extended public sewer infrastructure per the City's to and through policy.
18. Provide sewer lateral connection(s) at the edge of undeveloped parcel(s).
19. The PUD may require a Public Sewer Pump Station to pump into a public force main if sewer flows exceed 50 dwelling units.

IDAHO TRANSPORTATION DEPARTMENT (ITD)

20. Per ITD's request, the applicant shall work with ITD to prepare a Traffic Impact Study to evaluate the impacts of the marina and future development on US-95 and Marina Dr., including the boat launch facility approach, traffic and pedestrian operation.
21. If the applicant is proposing a pedestrian crossing between the Blackwell development and the county boat launch, details of the proposed crossing shall be provided to ITD to aid in the corridor analysis and future plans to widen and improve the highway.

Ordinances and Standards Used In 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

ACTION ALTERNATIVES:

The Planning Commission must consider this request and make appropriate 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**

LIMITED DESIGN PUD

PROPOSED USE

This request for a Limited Design PUD overlay is driven by the existing use of Blackwell Island as a marina, and related marine uses, including boat sales, service and storage of boats and trailers. An obvious conflict exists with the established uses and the implementation of the City's Shoreline Regulations. Thus we find we must also request a Limited PUD overlay.

Our application outlines the various existing and continued uses that require structures and related facilities to be within the 40' setback zone. Further, as the marina is improved upon, the location and size of these structures will change requiring the flexibility provided by the requested added height of 20 feet within the 40' setback area. Existing light poles servicing the marina operations require added height up to 30 foot height.

Similarly, the established Cedar's Floating Restaurant, requires a Limited PUD to accommodate the access ramp and related shoreline structures and utilities to exist. Thus a 20' high envelope is being requested in the 40' setback area along the river. Existing light poles servicing the restaurant parking and operations require added height up to 30 foot height. We are also wanting to be able to do shoreline stabilization and maintenance along the river in the future. This is especially needed due to the prior uses of Blackwell Island involving old foundations, improper fill and related activities going back to the 1,800's.

In addition to marina and restaurant access structures, the future of marinas includes the use of dry stack buildings. These provide out of the water moorage for users, where their boat is stored vertically in a rack system. When the boat owner needs to use their boat, our special fork lifts pick the boat off the rack and places it in the water for use. Upon completion of the boating experience, the boat returns to the marina and is placed back in the dry stack building. This form of marina use is becoming more and more popular in the US, using less space than a typical floating marina.

We are requesting that the 150' setback zone which allows structures of 30' high be amended by the Limited PUD to a 60' of height to allow for the construction of dry stack buildings. This area is adjacent to the marina slough and the west side of the annexed property. One of the advantages of the dry stack system is the amount of open water is increased by not having to build in the water slips to accommodate the additional boat users.

LIMITED DESIGN PUD NARRATIVE

Marina Yacht Club LLC is the land owner of the subject property. Hagadone Marine Group (HMG), has a contract to fulfill the operations of the marina business, including moorage, boat sales, service, storage and maintenance. HMG has a well-established record of operations in the marina business. They also operate the Boardwalk Marina, Silver Beach Marina, and the Boat Shop facility in Post Falls.

HMG expended several million dollars last year improving the operation on Blackwell Island. The investment has been positive and we have experienced significant growth in our business. It is now appropriate to connect the facilities to the City sewer and water systems. As part of the island is already in the City, this next step of annexation is the logical transition to make.

The proposed uses and activities are all the same as the existing operation. Within the Limited PUD envelopes, will be marina and restaurant related structures and related utilities and uses.

The open spaces include the private access for marina customers, and the public access for customers in the boat sales and Cedar's Restaurant facilities. Further, we have outline on our satellite map a designated open space in the marina of 1.4 acres of waterway. This area is a commonly used route for kayakers and paddle boarders in the years past.

The existing utilities include underground power, phone and cable. There is a public sewer force main available for hook up. We will be installing a private lift station and force main to connect to the existing public line. City water runs through the island on the north end. We will be expanding the water system to accommodate the needs of domestic water use and fire protection. We have met with the City water and fire departments and have a general agreement of the requirements with annexation.

Marina Yacht Club LLC agrees that there will be lawful form of management in any areas of common ownership. We have also met with City staff and departments and are aware of any areas of concern as to the various department requirements that would come with the proposed annexation and requested Limited PUD. This would include any streets, driveways, etc. along with all water and sewer lines and facilities needed to be completed as a part of the process.

We have requested the zoning to be C 17. We have met with the City staff and they agree this is the appropriate zoning for the uses that we are planning. This is also the zoning the city is requesting on their own parcel currently being annexed into the City of Coeur d'Alene.

LIMITED DESIGN PUD / REVIEW CRITERIA

A. The proposal produces a functional, enduring and desirable environment.

The commitment made in 2015, to enhance the entire marine operation on Blackwell Island is self-evident. New circulation routes, new paving, curbs and drainage structures, separation of sales areas from marina users, from marina services from storage and back up services.

In general, the customer use areas are all on the west side of Marina Drive. This area is highly landscaped and maintained. New, architectural fences and gates provide clear delineation of marina users and customers versus service and support areas which are primarily on the east side of Marina Drive.

Continuing on Marine Drive to the south, additional marina access occurs to the west and the Cedar's Restaurant is at the south end, with all parking newly created and adjacent to that area.

The proposed Limited PUD spaces allow for the existing uses to continue. Access through the Shoreline 40' setback area is necessary for the marina to continue to function. A 30' high space is needed to accommodate the existing sales office, which sits on the water's edge. No significant additions are planned, other than upgrades to the restrooms.

Limited PUD Area E and Area F is where additional boat moorage is planned. This will be accomplished by the use of dry stack facilities. Dry stack is the process of removing the boat from the water, and placing it in a vertical rack structure that takes significantly less space than an on the water facility. This structure would be placed in (or partially in) Areas E or F, and thus the 60' high envelope in Area E to accommodate it is requested. The exact location in that area is not known at this point in time, thus a Limited Design PUD.

B. The proposal is consistent with the city comprehensive plan.

The City Comprehensive Plan, Land Use: Base Map designates the property as "Stable established". This implies that the area's neighborhood character has largely been established and, in general, should be maintained. The development we have completed and are expanding upon is consistent with the use of the land in the past.

The City Comprehensive Plan, Land Use designation of River District states: "This area is going through a multitude of changes and this trend will continue for many years. Generally, the Spokane River District is envisioned to be mixed use neighborhoods consisting of housing and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane River. As

the mills are removed to make way for new development, the river shoreline is sure to change dramatically.”

We feel that the annexation of this parcel into the city, along with the continuing use of the land in marine and marina related activity, is a vital part of the changing use. Through such a property, people are connected to the lake and lake activities via, boating and dining on the water in the Cedar’s restaurant.

Page 70 of the Comp. Plan describes the Coeur d’Alene shoreline today as “a mix of uses from east to west..... “As the shoreline progresses west, the slope becomes less restrictive giving way to high end condos, a golf course, beaches, marinas, restaurants,.....” The uses we propose are completely consistent with the Comp. Plan.

It is clear that the established and planned uses of the Blackwell Island site are consistent with the neighborhood and the established Comprehensive Plan.

- C. The building envelope(s) is compatible with or sufficiently buffered from uses on adjacent properties. Design elements that may be considered include: building heights and bulk, off street parking, open space, privacy and landscaping.

The building envelopes being requested are consistent with, and a continuation of the existing adjacent uses. Specifically, as follows:

Area A. No structures are proposed in this Shoreline set back area. We are asking only to be allowed to perform shoreline stabilization in this area, as may be required.

Area B. This area presently contains the various marina / restaurant structures for the operation of the Cedar’s Restaurant. There are also low utility structures that are a part of the operation, like transformers, lift stations and controls, etc.

Area C. Area C is the existing marina access property. We are asking for 20’ of space to construct, maintain, move, repair, etc. Marina Related Facilities and Structures, including shoreline stabilization. All of these types of structures currently exist, as an integral part of the marina.

Area D. Area D is the location of the existing sales building located on the marina edge. This 30’ height allows for the continued use of the existing facility and any needed upgrades, like rest rooms, etc.

Area E. Area E is the current marina access and boat storage facilities. This is where the new dry stack building will be located.

Area F. Area F involves all the service areas west of Marina Drive and north of the sales area. Presently these spaces involve inside/outside boat and boat trailer storage, boat show rooms, boat sales and other related marina uses. We are requesting Area F to allow for dry stack user parking, at .2 spaces per stored boat, along with new dry stack building(s), inside and outside boat and boat trailer storage, boat show rooms, boat sales and other marina related structures, including customer parking. We are specifically asking that these are allowed as principal permitted uses for this area, within the new C-17 zoning.

- D. The proposal is compatible with natural features of the site and adjoining properties. Natural features to be considered include: topography, native vegetation, wildlife habitats and watercourses.

The natural features of the site and area all relate to recreation, marina, marina support facilities, and restaurant uses. The proposed Limited Design PUD continues and enhances those existing uses. Access to the lake via marinas and on the water restaurants are a desirable feature for the public and citizens of Coeur d'Alene.

The Limited PUD does not change the existing topography, native vegetation, habitats or water courses. It continues to enhance them.

- E. The proposal provides adequate private common open space area, as determined by the planning commission, no less than ten percent (10%) of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.

The attached exhibit shows a 36' foot wide open area through the marina that is and will continue to be dedicated open space. This amounts to 1.7 acres, and meets the 10% requirement of the PUD proposal. This space is often used by paddle boarders and kayakers as the slough to the north connects to the river via the BLM boat launch.

- F. The location, design and size of the proposed building envelope is such that the traffic generated by the development can be accommodated safely on minor arterials and collector streets, and without requiring unnecessary utilization of other residential streets.

The Marine Center facility is an established facility. It is served off of Highway 95 via a private access road, Marina Drive. With the upgrades to parking, access fencing and circulation routing completed last year, the Limited PUD

request does not require any additional arterials or collector streets. For the most part, the Limited PUD request merely, accommodates the existing facilities to be compliant with the City's Shoreline ordinance by making the marina structures within the setbacks legal.

G. The proposed setbacks provide:

1. Sufficient emergency vehicle access.
2. That neighborhood character will be protected by adequate buffering.
3. For maintenance of any wall exterior from the development's property.

Emergency vehicle access was enhanced with the completion of the work done last year. The proposed Limited PUD does not negatively impact emergency vehicle access.

The neighborhood character does not change with the approval of the proposed Limited PUD. The layout, design and continued use follows the uses that have long been established on this parcel. The river and marina way, along with the separation provided by Highway 95 naturally buffer the use from the adjoining neighborhoods.

The wall exterior of the proposed Limited PUD does not change the view or impact from the existing, long established marina facility.

H. The proposed building envelope(s) will provide for adequate sunlight, fresh air and usable open space. (Ord. 3380 §6, 2010)

We believe these attributes will be the same as they have for many years as an operating marina and restaurant facility. We do not believe the proposed Limited PUD negatively effects these attributes.

CLARIFICATION NOTE

Page 3 of the Limited Design PUD Application asks for a generalized site plan of the entire parcel showing schematic indications of the location of the buildings, public right of ways, parking and loading areas, public and private open spaces, walkways, planting areas, etc.

This requirement is substantially achieved by our satellite view of the existing facility, as all of these features are shown as where they will primarily remain. They are all only one year old at the time of this application. The requested PUD envelopes are primarily to allow for the marina related facilities and structures that exist, with the ability to repair, modify location or upgrade within the requested envelope.

We are unable to show the specifics of the dry stack structure other than the envelope that it will be within. We believe this is exactly the reason a Limited Design PUD is used, to provide limited design, but to be restricted on the height and bulk of the suggested structure.

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

A. INTRODUCTION

This matter having come before the Planning Commission on August 9, 2016, and there being present a person requesting approval of: PUD-3-16 a request for a Limited Planned Unit Development known as "Blackwell Island Marina Yacht Club Limited Design PUD"

APPLICANT: MARINA YACHT CLUB

LOCATION: A +/- 15.6 ACRE PARCEL LOCATED AT 1000 S MARINA DRIVE

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 an RV Park use to the north, marina uses to the south and west, and the Spokane River to the east.
- B2. That the Comprehensive Plan Map designation is Spokane River District Today.
- B3. That the zoning is County Commercial
- B4. That the notice of public hearing was published on, July 23, 2016, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on July 30, 2016, 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 August 9, 2016.

- B8. Pursuant to Section 17.07.275, Limited Design Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the Planning Commission:
- B8A. The proposal **(does) (does not)** produce a functional, enduring and desirable environment. This is based on
- B8B. The proposal **(is) (is not)** consistent with the City Comprehensive Plan. This is based on
- B8C. The building envelope(s) **(is/are) (is not/are not)** compatible with or sufficiently buffered from uses on adjacent properties. Design elements that may be considered include: building heights and bulk, off-street parking, open space, privacy and landscaping.
- B8D. The proposal **(is) (is not)** compatible with natural features of the site and adjoining properties. Natural features to be considered include: topography, native vegetation, wildlife habitats and watercourses.
- B8E. The proposal **(does) (does not)** provide adequate private common open space area, as determined by the Planning Commission, no less than ten percent 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes. This is based on
- B8F. The location, design and size of the proposed building envelope is such that the traffic generated by the development **(can) (can not)** be accommodated safely on minor arterials and collector streets, and without requiring unnecessary utilization of other residential streets. This is based on
- B8G. The proposed setbacks **(do) (do not)** provide:
1. Sufficient emergency vehicle access.
 2. That neighborhood character will be protected by adequate buffering.
 3. For maintenance of any wall exterior from the development's property.
- This is based on

B8H The proposed building envelope(s) **(will) (will not)** provide for adequate sunlight, fresh air and usable open space. This is based on

B8I. The proposal ensures that adequate provisions **(have) (have not)** been made in respect to flood and landslide hazards.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of MARINA YACHT CLUB for approval of the Limited Design Planned Unit Development, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are:

PLANNING

1. This PUD is conditionally approved pending the Annexation of the subject property into the City.
2. All public infrastructure must be located and accessible within a Right-of-Way, tract or easement dedicated to the City.
3. The PUD must comply with all Federal, State, and Local laws.
4. Ensure public access to the designated open space area within the marina and the Blackwell Slough.
5. All infrastructure(s) is required to be installed to City standards.
6. If new structures are proposed to be within 35 feet from the U.S. Highway 95 right-of-way, the applicant shall coordinate with ITD regarding future widening of the highway.

WATER

7. Cedars and the Marina will be required to connect to the public water system.
8. All necessary infrastructure installation to accomplish connection(s) and provide fire flow will be at the owner's expense.
9. Extend the water main into the property to provide fire service, which will require

minimum 8" mains for fire hydrant spacing as specified by the Fire Department.

10. Public Utility Easements Platted: Public utility easements (20' easement for water) will be required.
11. Applicant will be required to share the cost of a water model as the potential for future development and proposed increased density may be detrimental to the city's current capacity to provide the necessary fire flow with no current redundant capabilities. Modeling the system would be warranted, especially in helping to determine the potential and location for a second river crossing.
12. The City is not responsible for any private water or sewer infrastructure.

FIRE

13. A minimum of 5 fire hydrants will be required to meet the required fire flow. The water system may need to be looped to meet this fire flow requirement.
14. In lieu of standpipe systems in the marina/docks/piers, the Fire Department will allow fire safety pedestals similar to those installed at other marinas in the City. These pedestals, placed every 75' of travel on the docks, shall include fire extinguisher, life ring, visible and auditory alarm.
15. A telephone not requiring a coin to operate or other approved, clearly identified means to notify the fire department shall be provided on the site in a location approved by the fire code official.

WASTEWATER

16. The Applicant shall update the 2013 Sewer Master Plan for their area of city impact and rerun the Hydra program to demonstrate that the PUD's sewer impact does not overload any downstream public sewer infrastructure and determine how the infrastructure should be designed.
17. The applicant will be required to extended public sewer infrastructure per the City's to and through policy.
18. Provide sewer lateral connection(s) at the edge of undeveloped parcel(s).

19. The PUD may require a Public Sewer Pump Station to pump into a public force main if sewer flows exceed 50 dwelling units.

IDAHO TRANSPORTATION DEPARTMENT (ITD)

20. Per ITD's request, the applicant shall work with ITD to prepare a Traffic Impact Study to evaluate the impacts of the marina and future development on US-95 and Marina Dr., including the boat launch facility approach, traffic and pedestrian operation.

21. If the applicant is proposing a pedestrian crossing between the Blackwell development and the county boat launch, details of the proposed crossing shall be provided to ITD to aid in the corridor analysis and future plans to widen and improve the highway.

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

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Rumpler	Voted _____
Commissioner Ward	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN