

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

NOVEMBER 10, 2015

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:

August 18, 2015, Joint Workshop with the DRC
September 8, 2015, Planning Commission Meeting

OTHER BUSINESS:

Approval of findings for PUD-3-15 and SP-4-15, The Village at Orchard Ridge

STAFF COMMENTS:

PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. Applicant: Kerr Properties, LLC
Location: +/- 34 Acre Property located at the Southwest and Southeast Corners Of Prairie Avenue and Ramsey Road.
Request: Zoning prior to Annexation from County Agricultural Suburban/Commercial to City R-8 (Residential at 8 units/acre) and C-17 (Commercial at 17 units/acre) zoning district.
LEGISLATIVE, (A-4-15)
2. Applicant: Joseph Hamilton, owner of Pilgrims Market
Location: 1315 N. 5th Street
Request: A proposed Community Assembly/Organization special use permit in the R-17 (Residential at 17units/acre) zoning district to allow for a "Market Garden"
QUASI-JUDICIAL, (SP-5-15)

PRESENTATION/DISCUSSION:

- Consideration of an ordinance amendment to allow Market Gardens, Community Gardens & Accessory Gardens- Joe Hamilton (Pilgrims Market), Teri McKenzie (Inland Northwest Food Network), Adrienne Cronebaugh (KEA), and Joel Williamson (LINC Foods)

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 AND DESIGN REVIEW PARKING MEETING
MINUTES
Tuesday, August 18th 2015
Community Room**

COMMISSIONERS PRESENT

Brad Jordan (Planning Commission Chairman)
Mike Dodge (Design Review)
Tom Messina (Planning and Design Review)
Michael Ward (Planning Commission)
Rick Green (Design Review)
Jef Lemmon (Design Review)
Mike Patano (Design Review)
Rich McKernan (Design Review)
Peter Luttrupp (Planning Commission)
Lewis Rumpler (Planning Commission)
Jon Ingalls (Planning and Design Review)
Lynn Fleming (Planning Commission)

STAFF MEMBERS PRESENT

Warren Wilson, Deputy City Attorney
Hilary Anderson, Community Planning Director
Tami Stroud, Planner
Sean Holm, Planner

CALL TO ORDER:

Chairman Jordan began the meeting asking all present to introduce themselves. Mr. Jordan asked Community Planning Director, Hilary Anderson to explain the purpose of the meeting. Community Planning Director Hilary Anderson explained that parking will be the main topic of discussion explaining that in the last several Design Review meetings the subject has come up regularly so it was decided a joint meeting with Planning Commission and Design Review would be useful in case the group would like to have any amendments to the parking code considered.

She gave the group some background on the parking code located in Title 17 which was largely created in 1982 which is when the parking requirements were modified and adopted with amendments over the years. In 2004, the city and LCDC (now Ignite CDA) contracted with Mark Hinshaw with LMN Architects to look at infill, parking requirements and design guidelines for the downtown core and infill areas. Those amendments were adopted in 2004. She continued with the history of the parking code and some of the changes that were made over the years, including compact parking stalls, ADA, and parking bonuses and reductions, off-street parking, shared use, and bicycle parking.

Anderson explained parking is reviewed administratively by staff and parking is reviewed four or more times – project review meetings, building permit, design review, and DRT meetings with staff. She relayed some of the issues that were brought up in the last few Design Review meetings and prepared a list for discussion related to parking for the group to discuss at this meeting.

Anderson read through the list of suggested discussion topics related to parking and asked if anyone present had any questions or wanted to discuss specific parking concerns.

Jon Ingalls clarified that the meeting where parking was most recently an issue was at the 728 Sherman Avenue Design Review meeting (DR-2-15). Mr. Ingalls read from the code for Design Review which reads “shall not” take comments on anything outside of the purview of design review such as FAR, building height, planning and parking etc. He also added that even though that is in the code, it is difficult to ignore it and not comment.

Mike Patano added to Mr. Ingalls’ comments, regarding 728 Sherman Avenue and how he believes the

parking will be a serious problem adding that the members of the public who attend the meetings look to them to comment on the parking issues, that the issues should be addressed in its “infancy”. He believes parking should be within the purview of Design Review. He added that he thinks “in lieu of” parking can become an issue in the future along with bicycle parking and he believes the Design Review Commission should review site design, site-related parking, walkways and access.

Lynn Fleming responded to Mr. Patano’s comments, stating that it makes sense for Design Review to look at parking issues since the issue will inevitably be passed on the Planning Commission to review, adding that she does not understand how it would be possible to separate site usage from actual occupancy usage.

Patano stated that the Design Review Commission is very concerned with parking and access. Fleming asked if the process has worked, adding that if it doesn’t work, the process needs to be changed.

Peter Luttrupp asked how the parking issues would be dealt with if the Design Review Commission (DRC) did not exist. Anderson answered that it would be dealt with the same as it is now, by staff. Luttrupp asked what the goal is for the parking issue downtown, stating that it must be “exasperating” for DRC to not be able to address parking issues. Ingalls stated he would nominate Luttrupp for the vacancy position on the Parking Commission.

Lewis Rumpler stated that the lifestyle in Coeur d’Alene is different than in a place like Portland, Oregon where biking and mass transit are far more common, adding that the it is an interesting nuance for how development meets the community and that possibly the parking requirements are impractical. The design has to fit the community.

Mike Dodge added that the issue is that the public doesn’t see what could potentially happen related to parking, so they need to be educated on how the process works. If parking is not within the purview of DRC, the public should not discuss parking during the meetings at all.

Patano suggested there be an update to the parking plan that addresses parking for North Idaho, not Portland or Seattle, adding that the tenants in McEuen Tower have stated they do not have sufficient parking.

Planner Tami Stroud addressed Patano’s comment, clarifying that the developer for the 728 E. Sherman Avenue project had the opportunity, through the infill regulations, for parking reduction because they proposed a bicycle locker.

Deputy City Attorney Warren Wilson added that there is history behind the parking code. A comprehensive parking plan for downtown was adopted in 2008. Additionally, comprehensively reviewed parking ratios city-wide by Planner Sean Holm and the Planning Commission. We recognize that some projects will be under parked and some will be over parked. He stated that the “fees in lieu of” were included in the study that during the peak hours there is 50% occupancy off-street parking and 60% on-street. Former Planning Director Dave Yadon’s desire was to be “evolutionary” rather than “revolutionary” related to parking; the stall sizes and counts were by and large based on Coeur d’Alene’s needs.

There was further discussion about the parking requirements and whether or not it should be re-analyzed. It was suggested by Patano that there are two points of consideration as follows:

A) DRC will be allowed to consider parking as part of their purview when the site plan is under review.

B) One part of the parking requirements needs to visit are multi-family (condominiums, apartments, etc.) and how many car parks are required and to not include bike lockers to reduce parking.

Dodge asked if FAR was an issue. Patano said that FAR could be evaluated, but there are specific areas

of the parking code that should be reviewed. He said that if they could provide input early on related to parking, that a project could be revised to make the parking more functional.

Patano added that city staff has tried hard to ask the applicants to submit their site plans early on so they can be modified if necessary, but in the past the project had already been designed.

Jordan asked what the jurisdiction is for DRC review and Stroud clarified the areas which are the Commercial Zoning District, Infill Overlay District and the Downtown Core, and the C-17 and C-17-L projects are only under review if the proposal is a five acre parcel or a 50,000 square feet building.

Jordan asked Wilson if there is any legal reason that DRC cannot be involved early on in the process for proposed projects. Wilson responded that there are already requirements and systems in place that can be modified to allow for DRC review. They could really only replicate what staff is already reviewing. DRC cannot require excess parking; that would be considered a takings. Wilson suggested that design review needs to be very deliberative and not subjective.

Luttrop asked why parking is “off the table” for DRC.

Wilson responded that the standards were set several years ago for the Planning Commission and City Council to review so that the public had the opportunity to comment.

Anderson asked if requested variations in the parking should be considered part of the project when it is presented to DRC – such as parking bonus. Wilson responded that since that does not involve design elements he does not see why the DRC would need to review that aspect. Entitlement issues are Planning Commission not DRC matters.

Dodge asked what the DRC can do in order to express to the members of the public that might inquire about parking that it is officially not within their purview. Wilson suggested creating a video to clarify what is part of DRC review and what is not and better explain the process to the public. He also suggested something similar to the Planning Commission.

Planner Sean Holm agreed adding that many times within the planning department, with DRC and Planning Commission proposals, citizens will call to inquire about traffic and parking issues that might arise from new projects. Holm explained that another problem is that if there is more parking then there will be more traffic, and traffic impacts are a common complaint.

Jordan inquired as to what “went wrong” with the 728 E. Sherman project. Wilson responded that it is too soon to tell if anything “went wrong” adding they will be required to design the building to code. Jordan asked how the applicant was able to “get around” no buffers between parking and the property line, asking if there should have been another half a car park for the 2-bedroom unit. Or would that solve more problems somewhere else.

Patano said they do meet the code today. But is that really what we want? That is why we are here today. Parking does affect design.

Jordan stated that he believes the DRC does a great job, and asked if there is any need to “tweak” the DRC standards to make it legal to review parking.

Lewis added that the ordinance should be adjusted. Wilson responded that there are some “fairly healthy legal issues” that would arise if DRC started to review parking. Patano stated that if that is the case, it might be necessary to not have a Design Review Commission in order to stop wasting people’s time. Wilson specified the role of the DRC is to focus on the objective and adopted design guidelines in order to eliminate any “subjective” or “unfair discretion” opinions or desires on any other aspects of the project, otherwise, the commission would be on “really thin ice”.

Commissioner Messina asked if there are different parking standards for the Downtown area. Anderson

explained that there are reduced standards for downtown and infill. Messina stated that maybe that should not be the case; that another parking stall should be required and a bicycle rack can be installed in addition, adding that when DRC reviews that aspect of the project, that the applicant will have the required number of parking stalls to accommodate the number of units.

Fleming added that that we need to eliminate the “loopholes”.

Messina said he doesn't need to review parking on the DRC, but he wants to know that they have met all parking requirements. Rumpler and Fleming said the ordinance has to change.

Commissioner Jef Lemmon asked why the DRC cannot discuss the “in lieu of” parking standards related to bike parking. Commissioner Ingalls asked for clarification on that subject.

Wilson responded that the bike parking bonus was built into the code specifically as an added incentive to build more bike infrastructure, not bike racks, to reduce the cost of parking. It includes indoor bike storage, bike lockers, bike mechanic rooms, bike garage, etc. Wilson added that the Planning Director has the discretion to reduce parking if they meet the intent. Lemmon asked why the DRC can't review those requests if the circulation and other parking features don't work. Wilson thinks it is most appropriate for the Planning Director or Planning Commission to review, not the DRC. Fleming said that if the design is flawed, it should be corrected.

Jordan wondered if bike parking is really the “enemy” or if there is not sufficient parking provided in general.

Fleming added that DRC should not just be about “aesthetics.” She said the DRC should be allowed to review the design of the site at the beginning of the process in order to avoid issues for the developer, builder and community toward the end of the process going forward before the money is already spent, including parking, and not just look at the pretty picture. She agrees with the comments and concerns of the DRC and thinks we need to give them the tools to review parking as it relates to design and she thinks it can be done without resulting in a takings. It would benefit the builder, developer and the city.

Wilson responded that the DRC code was taken from an original format and was amended with the aid of Mark Hinshaw LMN Architects, a consultant from Seattle, in order to redesign the process to avoid takings, subjective review, and expressly stated community design, etc. Wilson said the standards can be added or taken away, but some of this is staff level decision and it should stay that way.

Fleming said we really need to look at the parking standards. Rumpler agreed. Fleming does not think that we should pass on parking deficit to future projects. It would make the area less desirable.

Ingalls stated that he feels very passionately about the city's service in providing project reviews that cost nothing, and that parking is an issue that should be dealt with early on. Ingalls said he thinks the DRC does not need to be reviewing the number of parking spaces. The city staff already puts a lot of effort into the project review process. Parking needs to be evaluated early on.

Dodge said we really need to evaluate our current parking standards so that we don't pass problems down the road.

Planning Commissioner Chairman Jordan said he agreed and thinks the DRC should have a little more authority to look at things. He questioned how we can do something legally to allow them more review.

Rumpler said getting parking right may be more important than economic development. The ordinance as drafted may not necessarily be shaped for the community's needs. One of the action items is to have a workshop or a public hearing, and take this under advisement. His interest is economic development. He thinks we need to consider the need for structured parking in the downtown and Ignite CDA should be involved. This should be a priority. Ingalls concurred and said that many communities are removing parking minimums and reducing parking requirements, but many of those communities have more

structured parking and transit.

Luttrop said he would like to hear about smaller cities. Maybe now is the time to revisit parking and involve Downtown Association, Ignite CDA and others. Jordan said he has been pushing for years to move the parking garage issue forward.

Luttrop asked if Planning Director could provide a list of recommendations of people and organizations in the community that we should include in the parking discussion.

Anderson asked for clarification. Are there issues with all of the parking, or is it more with multi-family, infill, bike parking, and parking reductions, or does staff need to evaluate all of the parking code. Messina said he thinks we just need to look at a few sections of the code. This would help the DRC let community know that their concerns have been addressed.

Patano said if Ignite CDA is really going to study building a parking garage that we need to know the long term effect on downtown.

Green said there is a section of code that says if underground parking is warranted. Why wasn't the project required to provide underground parking. Shouldn't this be a tool to help push back on projects that want more density? But the guidelines are vague.

Ingalls clarified that we should tackle the low hanging fruit in the parking code— reduced parking for bike amenities, parking space dimensions in the downtown, Luttrop said we need to be careful talking about bike parking because we are a bike friendly community. Jordan said the parking space dimensions would be different in parking structures and on the ground. Patano said we should look at minimum requirements for two bedroom units versus one units and eliminating the in lieu of parking option (by providing bike amenities). Holm clarified that in lieu of fee is not an option outside of the downtown and that per bedroom parking requirements are very onerous. The code as currently written encourages smaller units.

Holm asked if the issue is also in how an alley is defined and if it has a dead-end. Lemmon said if the DRC has some ability to provide comments on circulation and access, they could have improved the project.

Patano said if a landscape buffer was required, that could have also helped with the project design. He said it is important that we get ahead of these issues and thinks the DRC should be able to add to the effort.

Chairman Jordan asked where do we go from here. Anderson asked if the commissions would like another workshop to focus in on some of the regulations. Wilson suggested that we can look at the code and how things are set up, but we don't want the functions to be duplicative between staff and the commissions. Design should be at the DRC and entitlement should be at the Planning Commission level, and many of these decisions need to remain with staff and legal.

Patano suggested that to make the modifications discussed such as eliminating exceptions and ensure adequate parking requirements per bedroom, and landscape buffers. These are things that can be tweaked so that DRC doesn't need to be concerned with these items during their review.

Green asked if commission can make recommendations outside of a motion. Wilson said no that the code is clear on what can and can't be commented on by the DRC.

Luttrop asked if staff could factor in the goal of parking in this effort. Is it economic development? What is our goal for parking? There are other people that have an idea of the goal of parking such as snow removal, parking for special events, economic development, etc.

Chairman Jordan said Boise knew they needed parking for economic development because it was so

important to the downtown, even though it would be an economic loss for the urban renewal agency. He said they lease out parts of their parking garages to different development projects.

Dodge thinks that parking in the downtown is just going to get worse. He questions that the Coeur d'Alene Resort has more parking than they need.

Patano asked staff to formalize these ideas, fine tune some sections of the code, and then organize another workshop with both commissions for discussion.

Motion by Dodge, seconded by Ingalls to adjourn the meeting; Motion approved unanimously. The meeting was adjourned at 1:42 P.M.

Prepared by Sarah Nord, Administrative Support

**PLANNING COMMISSION
MINUTES
SEPTEMBER 8, 2015
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

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

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Sean Holm, Planner
Shana Stuhlmiller, Public Hearing Assistant

COMMISSIONERS ABSENT:

Michael Ward

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 four to add the word “not” to the paragraph stating that this change should “not” be city-wide.

Motion by Luttrupp, seconded by Fleming, to approve the amended minutes of the Planning Commission meeting on August 11, 2015. Motion approved.

COMMISSION COMMENTS:

None.

STAFF COMMENTS:

Ms. Anderson announced that there may not be a Planning Commission meeting in October and will send an email next week if canceled. An event is planned on called Park(ing) it on Sherman! (Better) Block party to be held on Friday, September 18th and Saturday, September 19th. This event coincides with International Parking Day and is funded by a Better Block Grant that was achieved by the Coeur d’Alene Association of Realtors. A new planner, Mike Behary, has been hired and will be starting at the end of the month. Last month, a presentation was done by the representatives of the Fort Grounds Association who is requesting a workshop with the Planning Commission regarding a Neighborhood Compatibility Ordinance. She stated after the meeting that she contacted the University of Idaho’s legal program who will review the information submitted by Fort Grounds and help with contacting other cities to see if they have a similar ordinance. A workshop will be scheduled once that information is obtained and reviewed.

Commissioner Ingalls commented that he remembers East Sherman as a vibrant area in the past, with lots of things going on. He expressed kudos to Ms. Anderson and the Planning staff to help bring this area back. He stated that he would also like to thank the Coeur d'Alene Association of Realtors for partnering with the city on this project.

PUBLIC COMMENTS:

None.

PUBLIC HEARINGS

1. Applicant: The Village at Orchard Ridge
Location: 704 W. Walnut
Request:
 - A. A proposed 1.99 acre Planned Unit Development "The Village at Orchard Ridge PUD" in the R-17 (Residential at 17units/acre) zoning district.
QUASI-JUDICIAL (PUD-3-15)
 - B. A proposed R-34 Density Increase special use permit in the R-17 (Residential at 17units/acre) zoning district
QUASI-JUDICIAL (SP-4-15)

Planner Holm presented the staff report. There were no questions for staff.

Public testimony opened:

Gordon Longwell, applicant representative, thanked the commission for hearing this request and provided a brief history on the facility. He commented that the facility sits on 13 acres that has provided senior housing since 1921. He commented there was a recent board meeting discussing the future goals for the facility, and agreed to allow housing for residents as young as 62. He explained the new building would provide a place for aging couples, who are still active in the community, but might need some assistance. He stated that they are proposing 50 units with the approval of a density increase to give a little "wiggle" room that would provide one or two unit facilities with the ability to build up to allow the residents a view.

Commissioner Messina inquired if the height requirement could be obtained through the Planned Unit Development (PUD).

Mr. Longwell explained that the approval of a special use permit would allow them some flexibility to see how high to go based on the information obtained from a feasibility study, which would be done once they have approval for this application.

Chairman Jordan inquired how the number 50 was selected as the total number of living units.

Mr. Holm explained that the total number of living units was based on what the applicant stated in his narrative.

Commissioner Fleming stated that she feels there shouldn't be any restrictions on the number of units to be built and allow the applicant to be creative without having to come back to the planning commission for approval.

Commissioner Messina inquired if the condition could be omitted limiting the number of units to 50.

Public testimony closed.

Discussion:

Commissioner Messina stated that he would make a motion to direct staff to do the findings for PUD-3-15 and SP-4-15, and eliminate the condition placed in the staff report to restrict the number of units to 50.

Motion by Messina, seconded by Ingalls, to approve Item PUD-3-15. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 5 to 0 vote.

Motion by Messina, seconded by Ingalls, to approve Item SP-4-15. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 5 to 0 vote.

ADJOURNMENT:

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

The meeting was adjourned at 6:22 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



OTHER

BUSINESS

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

A. INTRODUCTION

This matter having come before the Planning Commission on September 8, 2015, and there being present a person requesting approval of ITEM: PUD-3-15 a request for a planned unit development known as "The Village at Orchard Ridge" in the R-17 (Residential at 17 units/acre) zoning district.

APPLICANT: THE VILLAGE AT ORCHARD RIDGE

LOCATION: A +/- 1.993 ACRE PARCEL ASSOCIATED WITH 704 W. WALNUT AVE.
KNOWN AS LOT 3, BLOCK 1, OF COEUR D'ALENE HOMES.

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

- B1. That the existing land uses are residential-multi-family, commercial, and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is R-17 (Residential at 17units/acre) zoning district.
- B4. That the notice of public hearing was published on, August 22, 2015, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on August 31, 2015, which fulfills the proper legal requirement.
- B6. That 10 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on August 21, 2015.
- B7. That public testimony was heard on September 8, 2015.
- B8. Pursuant to Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the Planning Commission:

- B8A. The proposal is in conformance with the Comprehensive Plan. This is based upon the following items as presented at the hearing and found in the staff report:

The subject property is within the existing city limits.

The City Comprehensive Plan Map designates this area as the Appleyway – North 4th Street district – Stable Established.

Objective 1.11 – Community Design: Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

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

Objective 2.05 – Pedestrian & Bicycle Environment: Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

Objective 3.05 – Neighborhoods: Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.16 – Capital Improvements: Ensure infrastructure and essential services are available for properties in development.

Objective 4.06-Public Participation: Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

- B8B. The design and planning of the site is compatible with the location, setting and existing uses on adjacent properties. This is based on the request is an elderly housing residential multi-family structure meeting the approved request for R-34 density (per the special use permit in conjunction). The subject property is a portion of the overall campus which provides similar services. The structure is planned to have ten (10) units per floor over two (2) levels of parking (non-binding).
- B8C The proposal is compatible with natural features of the site and adjoining properties. In the case of property located within the hillside overlay zone, does not create soil erosion, sedimentation of lower slopes, slide damage, or flooding problems; prevents surface water degradation or severe cutting or scarring; reduces the risk of catastrophic wildfire in the wildland urban interface; and complements the visual character and nature of the city.
- B8D The location, design, and size of the proposal are such that the development be adequately served by existing streets, public facilities and services. This is based on the proposed structure abutting US-95 where the access and circulation for the site is sufficient as well as staff comments listed in the staff report.
- B8E The proposal does 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.
- B8F Off-street parking does provide parking sufficient for users of the development.
- B8G That the proposal does provide for an acceptable method for the perpetual maintenance of all common property. This is based on a comment from the applicant's narrative: "We don't anticipate areas of common ownership issues as all parcels of the property are managed by our 15 person Board of Directors. The Village at Orchard Ridge has a very competent administration and maintenance staff

that have aided the Board in the operations for the last 94 years.”

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of THE VILLAGE AT ORCHARD RIDGE for approval of the planned unit development, as described in the application should be approved.

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

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

CHAIRMAN BRAD JORDAN

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

A. INTRODUCTION

This matter having come before the Planning Commission on September 8, 2015, and there being present a person requesting approval of ITEM: SP-4-15, a request for an R-34 Density Increase Special Use Permit in the R-17 (Residential at 17units/acre) zoning district.

APPLICANT: THE VILLAGE AT ORCHARD RIDGE

LOCATION: A +/- 1.993 ACRE PARCEL ASSOCIATED WITH 704 W. WALNUT AVE.
KNOWN AS LOT 3, BLOCK 1, OF COEUR D'ALENE HOMES.

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

- B1. That the existing land uses are residential-multi-family, commercial, and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is R-17 (Residential at17 units/acre) zoning district
- B4. That the notice of public hearing was published on, August 22, 2015, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on August 31, 2015, which fulfills the proper legal requirement.
- B6. That 10 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on August 21, 2015.
- B7. That public testimony was heard on September 8, 2015.
- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal is in conformance with the comprehensive plan, as follows:

The subject property is within the existing city limits.

The City Comprehensive Plan Map designates this area as the Appleway – North 4th Street district – Stable Established.

Objective 1.11 – Community Design: Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

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

Objective 2.05 – Pedestrian & Bicycle Environment: Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

Objective 3.05 – Neighborhoods: Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.16 – Capital Improvements: Ensure infrastructure and essential services are available for properties in development.

Objective 4.06-Public Participation: Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

B8B. The design and planning of the site is compatible with the location, setting and existing uses on adjacent properties. This is based on the request is an elderly housing residential multi-family structure meeting the approved request for R-34 density (per the special use permit in conjunction). The subject property is a portion of the overall campus which provides similar services. The structure is planned to have ten (10) units per floor over two (2) levels of parking (non-binding).

B8C. The location, design, and size of the proposal are such that the development be adequately served by existing streets, public facilities and services. This is based on the proposed structure abutting US-95 where the access and circulation for the site is sufficient as well as staff comments listed in the staff report.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of THE VILLAGE AT ORCHARD RIDGE for a special use permit, as described in the application should be approved.

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

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION
STAFF REPORT**

FROM: TAMI STROUD AND MIKE BEHARY, PLANNERS
DATE: NOVEMBER 10, 2015
SUBJECT: A-4-15 – ZONING PRIOR TO ANNEXATION
LOCATION: +/- 34 ACRES LOCATED AT THE SOUTHEAST AND SOUTHWEST CORNERS OF PRAIRIE AVENUE AND RAMSEY ROAD

APPLICANT/OWNER: Kerr Family Properties
975 N. Honeysuckle Avenue
Hayden, ID 83835

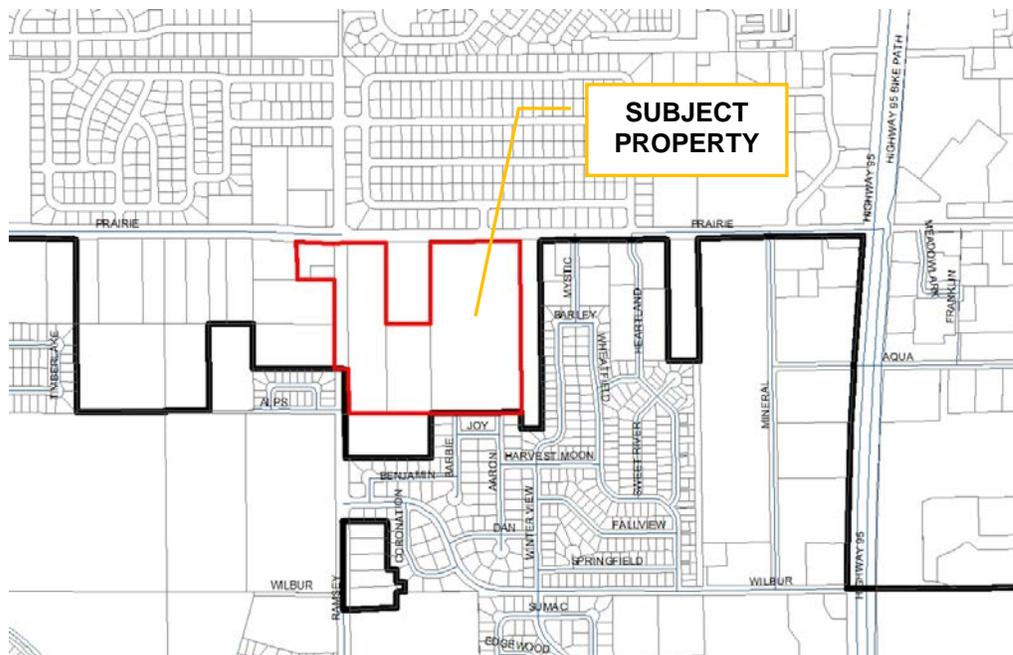
DECISION POINT: Annexation and Zoning

Provide a recommendation to the City Council regarding the appropriate initial zoning for the subject properties. Kerr Family Properties, LLC is requesting the annexation of approximately 34 acres into the City of Coeur d' Alene and requesting R-8 (Residential at 8 units/acre) and C-17 (Commercial at 17 units/acre) zoning districts for the subject properties.

General Information:

There is one residence along the east side of Ramsey Road and an existing coffee shop at the southwest corner of Ramsey Road and Prairie Avenue. The remainder of the subject site is primarily vacant and undeveloped. The current zoning is County Ag-Suburban and Commercial Districts.

Property Location Map:



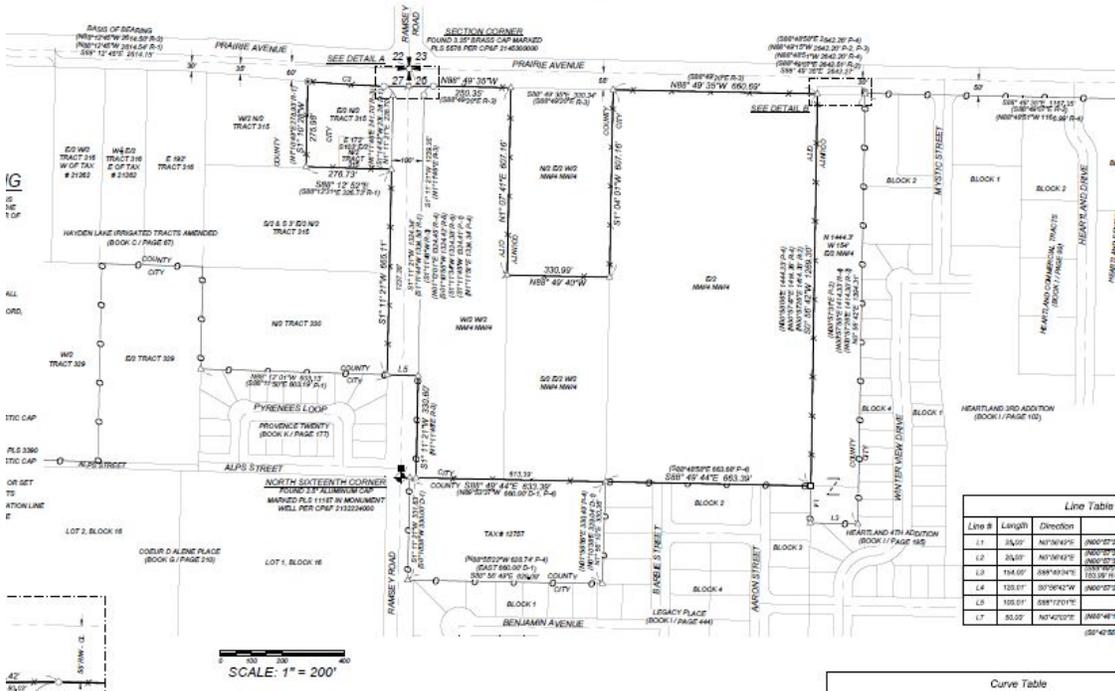
Aerial Photo Map:



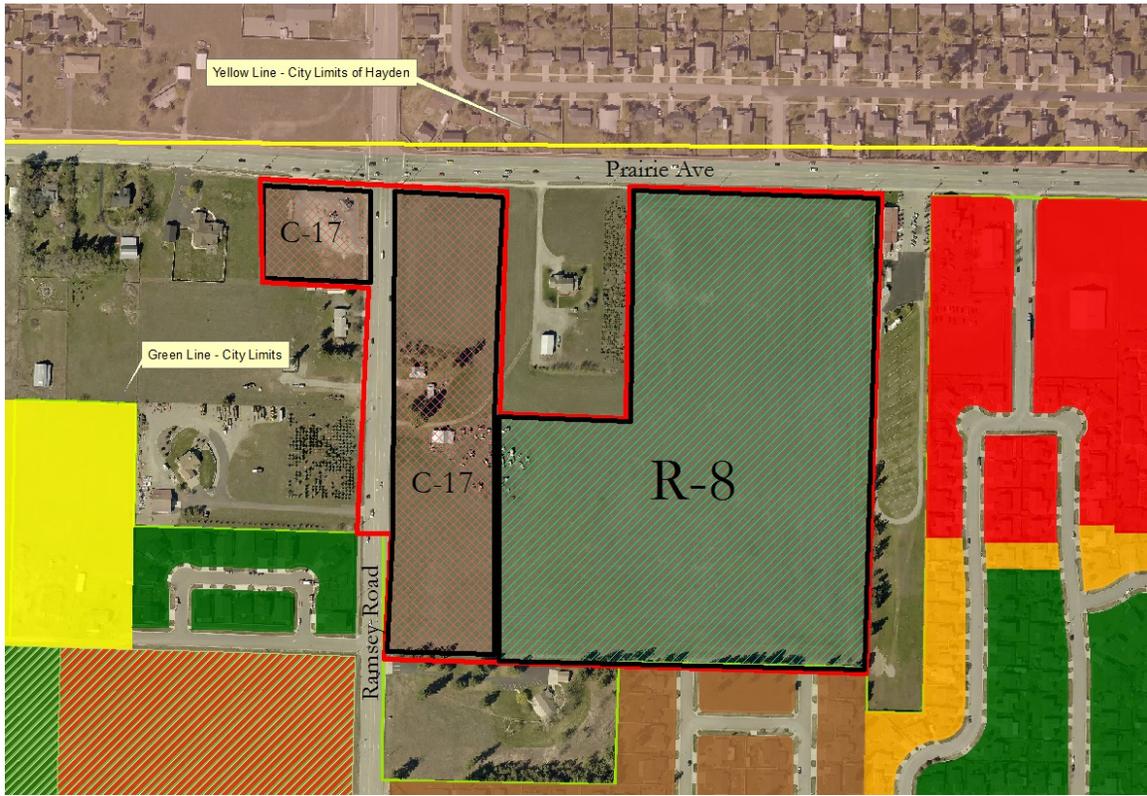
Annexation Map:

**CITY OF COEUR D'ALENE
ANNEXATION MAP ORDINANCE # _____**

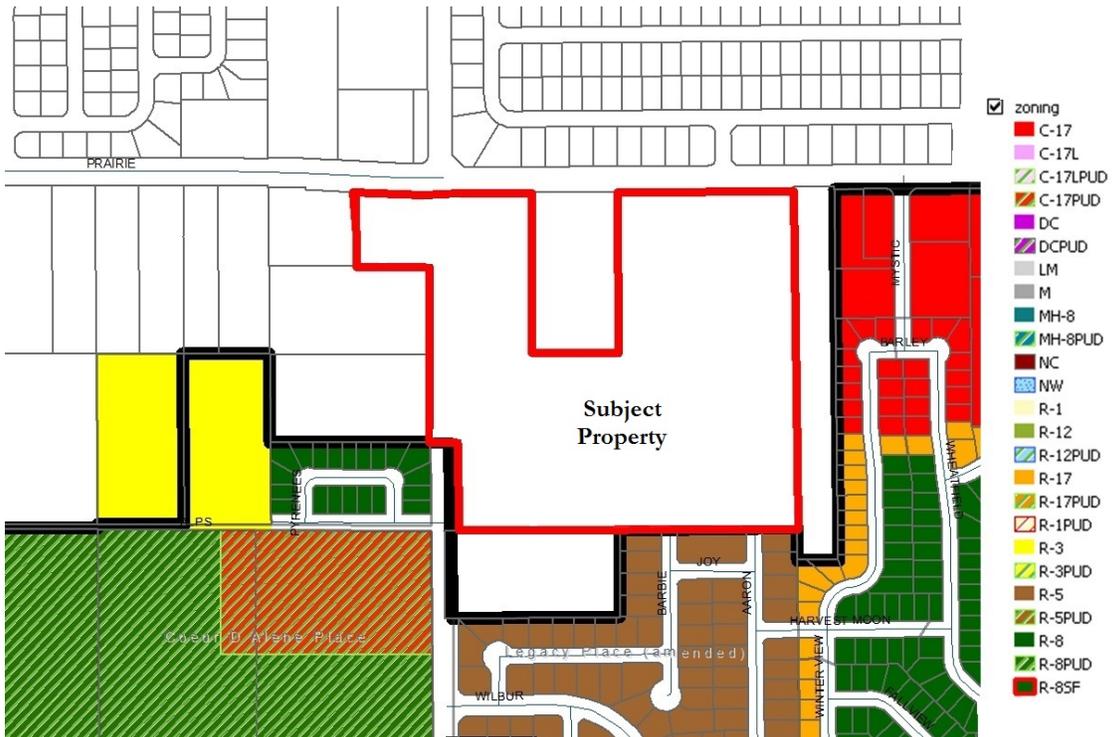
PORTIONS OF SECTIONS 27 AND 28,
TOWNSHIP S1 NORTH, RANGE 4 WEST, BOISE MERIDIAN,
KOOTENAI COUNTY, IDAHO



Proposed Zoning Map:



Existing Zoning Map:



Existing County Zoning Map:



Map Showing Photo Locations:



**SITE PHOTO – 1
LOOKING EAST TOWARD DRIVE THROUGH COFFEE BUSINESS:**



**SITE PHOTO – 2
LOOKING SOUTH:**



**SITE PHOTO – 3
LOOKING WEST:**



**SITE PHOTO – 4
LOOKING EAST:**



GENERAL INFORMATION:

The subject property is approximately 34 acres and is located near the intersection of Prairie Avenue and Ramsey Road. The applicant is requesting the C-17 (Commercial at 17 units/acre) zoning district for approximately 9.8 acres and R-8 (Residential at 8 units/acre) zoning district for the remaining 24 acres.

The surrounding uses are residential and commercial. The property to the east is the Elks Club with an RV camping area that is located in the county. The property to the north and south are used for residences. The property to the west is used for residences and commercial uses. There is a drive through coffee establishment located on the southwest corner of Ramsey Road and Prairie Avenue.

Proposed C-17 Zoning District:

The requested C-17 zoning 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. It should be located adjacent to arterials; however, joint access developments are encouraged.

Uses permitted by right:

1. Single-family detached housing (as specified by the R-8 District).
2. Duplex housing (as specified by the R-12 District).
3. Cluster housing (as specified by the R-17 District).
4. Multiple-family (as specified by the R-17 District).
5. Home occupations.
6. Community education.
7. Essential service.
8. Community assembly.
9. Religious assembly.
10. Public recreation.
11. Neighborhood recreation.
12. Commercial recreation.
13. Automobile parking when serving an adjacent business or apartment.
14. Hospitals/health care.
15. Professional offices.
16. Administrative offices.
17. Banks and financial institutions.
18. Personal service establishments.
19. Agricultural supplies and Commodity sales.
20. Automobile and accessory sales.
21. Business supply retail sales.
22. Construction retail sales.
23. Convenience sales.
24. Department stores.
25. Farm equipment sales.
26. Food and beverage stores, on/off site consumption.
27. Retail gasoline sales.
28. Home furnishing retail sales.
29. Specialty retail sales.
30. Veterinary office.
31. Hotel/motel.
32. Automotive fleet storage.
33. Automotive parking.
34. Automobile renting.
35. Automobile repair and cleaning.
36. Building maintenance service.
37. Business support service.
38. Communication service.
39. Consumer repair service.
40. Convenience service.
41. Funeral service.
42. General construction service.
43. Group assembly.
44. Laundry service.
45. Finished goods wholesale.
46. Group dwelling-detached housing.
47. Mini-storage facilities.
48. Noncommercial kennel.

- 49. Handicapped or minimal care facility.
- 50. Rehabilitative facility.
- 51. Child care facility.
- 52. Juvenile offenders facility.
- 53. Boarding house.

- 54. Commercial kennel.
- 55. Community organization.
- 56. Nursing/convalescent/rest homes for the aged.
- 57. Commercial film production.

Uses allowed by special use permit:

- 1. Veterinary hospital.
- 2. Warehouse/storage.
- 3. Custom manufacturing.
- 4. Extensive impact.
- 5. Adult entertainment sales and service.
- 6. Auto camp
- 7. Residential density of the R-34 district as specified
- 8. Underground bulk liquid fuel storage- wholesale
- 9. Criminal transitional facility
- 10. Wireless communication facility

Proposed R-8 Zoning District:

The requested R-8 Zoning District is intended as a residential area that permits a mix of housing types at 8 dwelling units per gross acre.

This district is intended for those areas of the city that are developed at this density or are preferably developed at this density because of factors such as vehicular access, topography, flood hazard, and landslide hazard.

Principal permitted uses in an R-8 district shall be as follows:

- single family housing
- duplex housing
- pocket housing
- home occupations as defined in Sec. 17.06.705
- essential services (underground)
- civic administrative offices
- neighborhood recreation
- public recreation

Permitted uses by special use permit in an R-8 district shall be as follows:

- boarding house
- child care facility
- community assembly
- community education
- community organization
- convenience sales
- essential service (above ground)
- handicapped or minimal care facility
- juvenile offenders facility
- noncommercial kennel
- religious assembly
- restriction to single family group dwelling
- 2 unit per gross acre density increase
- bed & breakfast facilities

Staff Evaluation

The requested zoning for the subject property is C-17 and R-8. The proposed zoning districts are

consistent with the neighboring properties. The physical characteristics appear to be suitable for the request at this time and the topography would not preclude development of the property.

FINDINGS:

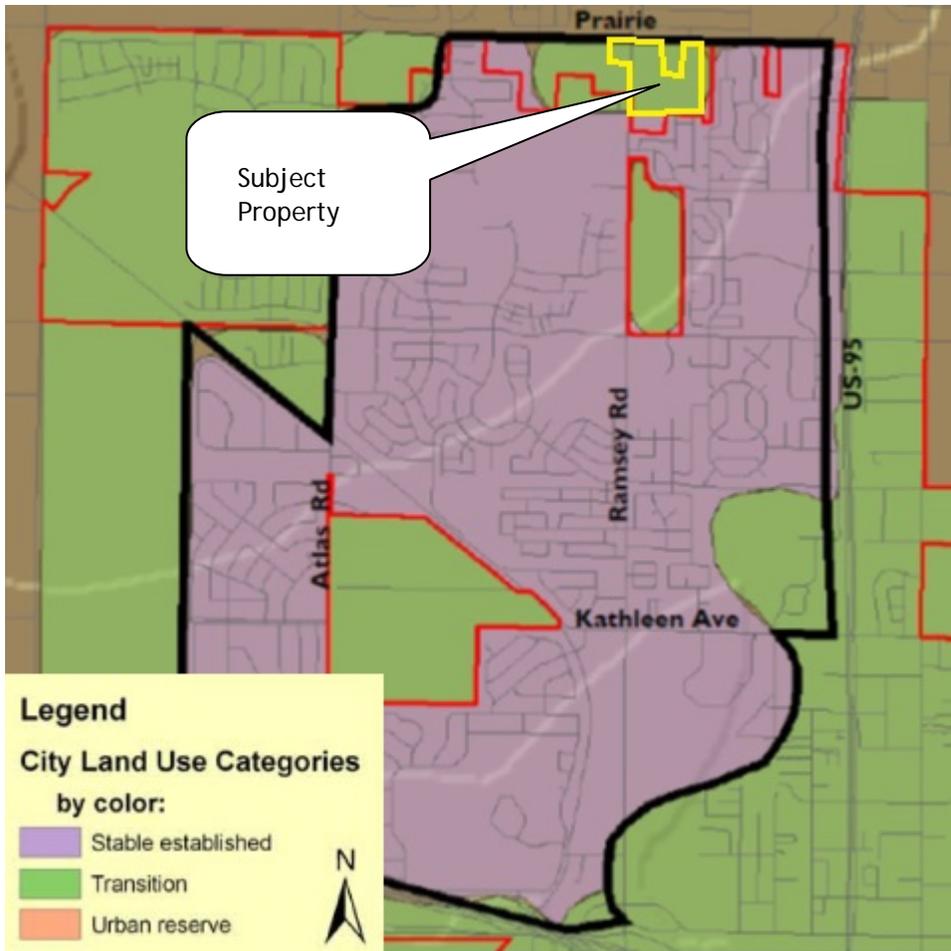
Finding #B8: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

1. The subject property is within the Area of City Impact Boundary.
2. The subject property has a land use designation of Transition

Transition Areas:

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

2007 Comprehensive Plan : Ramsey - Woodland



Ramsey - Woodland Today

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

Ramsey - Woodland Tomorrow

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

The characteristics of Ramsey - Woodland neighborhoods will be:

The overall density may approach three to four residential units per acre (3-4:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas.

- Pedestrian and bicycle trails.
- Parks just a 5-minute walk away.
- Neighborhood service nodes where appropriate.
- Multi-family and single-family housing units.

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

Objective 1.01 - Environmental Quality:

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

Objective 1.12 - Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14 - Efficiency:

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

Objective 2.01 - Business Image & Diversity:

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

Objective 2.02 - Economic & Workforce Development:

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

Objective 3.05 - Neighborhoods:

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

Objective 3.06 - Neighborhoods:

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

Objective 3.16 - Capital Improvements:

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

Objective 4.01 - City Services:

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

Objective 4.02 - City Services:

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

Evaluation:

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

Finding #B9: THAT PUBLIC FACILITIES AND UTILITIES (ARE) (ARE NOT) AVAILABLE AND ADEQUATE FOR THE PROPOSED USE.

SEWER:

The Wastewater Utility has no objections to Annexation A-4-15 as proposed. Based on the public sewer availability, the Wastewater Utility presently has the wastewater system capacity and willingness to serve this project.

Staff Evaluation

Public Sewer is available at the end of Barbie Avenue, at the end of Aaron Avenue and Ramsey Avenue which borders this annexation request.

-Comments submitted by Mike Becker, Utility Project Manager

WATER:

There is sufficient capacity in the public water system to provide adequate domestic, irrigation and fire service to the proposed 34 acre annexation. The small parcel on the northwest corner just west of Ramsey Road falls within the service area of Hayden Lake Irrigation District and is their responsibility to determine service capacity for said parcel. As the property is systematically developed it will be the responsibility of the developers to install the required infrastructure to provide all necessary services to individual lots at their expense.

Staff Evaluation

As a condition of annexation, all water rights associated with property falling within the water service area of the City of Coeur d'Alene shall be transferred to the City Water Department.

-Comments submitted by Terry Pickel, Assistant Wastewater Superintendent

TRAFFIC:

The ITE Trip Generation Manual estimates the proposed residential portion of the area of annexation could generate approximately 1833 daily trips, with 149 and 204 trips per day respectively during the a.m. and p.m. peak hour periods. These trips are based upon the requested R-8 zoning designation, utilizing a maximum density of 194 single family residences. The requested commercial zones total 9.8 acres, however, without defined uses, traffic volumes cannot be estimated. Traffic estimates vary considerably with the type of use, and, since the proposed C-17 zone is the broadest use zoning designation utilized in the City, volumes cannot be determined until site specific uses have been proposed.

Staff Evaluation

These trip generation numbers are based on the current ITE Trip Generation Manual assumptions, and are calculated on the proposed use as a single family dwelling (SFD) for the residential zone request. These numbers are based solely on the annexation request, and the information provided. The actual trips based upon a developed site will vary depending upon the size and number of additional buildings that may be developed in the commercially requested zones.

-Submitted by Chris Bates, Engineering Project Manager

STREETS:

The area proposed for annexation is bordered by two major arterial roadways, Ramsey Road (N/S), which is within the City of Coeur d'Alene's jurisdictional boundary and Prairie Avenue (E/W), which is jointly under the jurisdiction of both the Post Falls Highway and the Lakes Highway Districts.

Staff Evaluation

Both roadways are fully developed to their ultimate five (5) lane roadway configuration, and the Ramsey/Prairie intersection is fully signalized. A developed five (5) lane road section can carry upwards of 36,000 vehicles (Level C) per day before the level of service begins to deteriorate. Access restrictions may be utilized within 250 feet of the intersection to reduce/avoid designated turn lane conflicts.

-Submitted by Chris Bates, Engineering Project Manager

STORMWATER:

Stormwater will be addressed as the areas proposed for annexation develop. The area proposed for residential zoning applications will typically utilize curb adjacent drainage swales, while the proposed commercial areas will construct site specific drainage areas within any

defined parking lots.

-Submitted by Chris Bates, Engineering Project Manager

FIRE:

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

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

-Submitted by Bobby Gonder, Fire Inspector

Evaluation:

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

Finding #B10: THAT THE PHYSICAL CHARACTERISTICS OF THE SITE (MAKE) (DO NOT MAKE) IT SUITABLE FOR THE REQUEST AT THIS TIME.

The subject property is relatively flat with no significant topographic features.

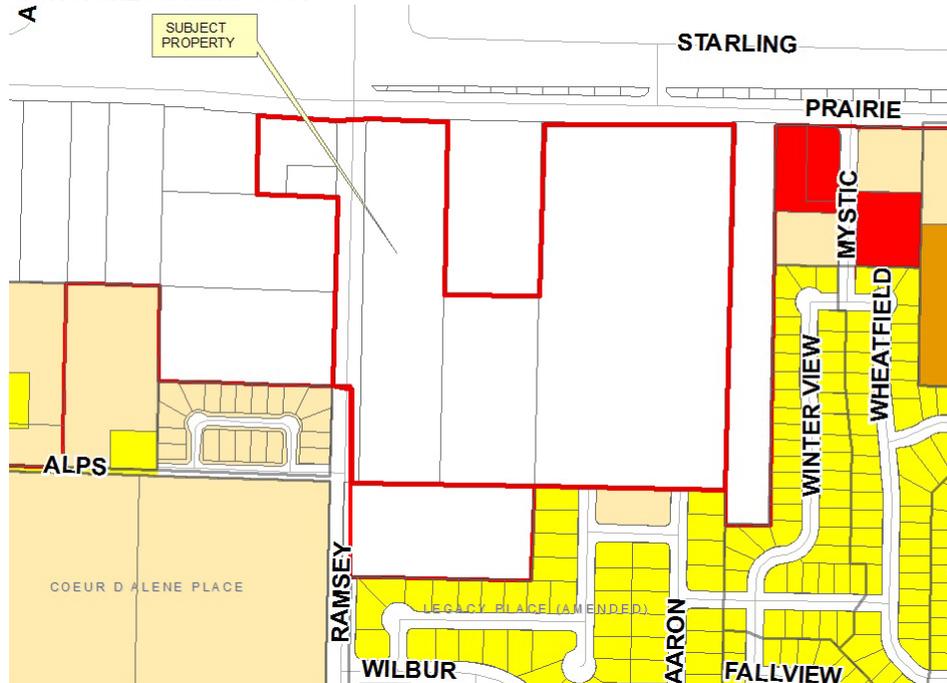
Evaluation:

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.

Finding #B11: THAT THE PROPOSAL (WOULD) (WOULD NOT) ADVERSELY AFFECT THE SURROUNDING NEIGHBORHOOD WITH REGARD TO TRAFFIC, NEIGHBORHOOD CHARACTER, (AND) (OR) EXISTING LAND USES.

The surrounding uses are residential and commercial. The property to the east is the Elks Club with an RV camping area that is located in the county. The property to the north and south are used for residences. The property to the west is used for residences and commercial uses. There is a drive through coffee establishment located on the southwest corner of Ramsey Road and Prairie Avenue.

Generalized land use:



Evaluation:

The Planning Commission must determine, based on the information before them, whether or not the proposed zoning districts of C-17 and R-8 would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.

ORDINANCES AND STANDARDS USED IN EVALUATION:

- Comprehensive Plan - Amended 2007.
- 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

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.



**APPLICANT'S
NARRATIVE**

KERR ANNEXATION

PROJECT NARRATIVE

Coeur d'Alene, Idaho

August 26, 2015



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

ZONING CLASSIFICATION

The property is currently zoned Ag-Suburban and Commercial in Kootenai County and is located at the northern boundary of the City of Coeur d'Alene City Limits. The surrounding property consists of residentially zoned parcels to the north and south and commercial and Ag-Suburban to the west. The Eagles Lodge is located to the east. The project proponent is requesting a zoning classification of R-8 for the majority of this property to allow for a future residential development. Approximately 1.6 acres on the southwest corner at the intersection of Prairie Avenue and Ramsey Road and approximately 8 acres adjacent to Ramsey Road are requested to be zoned C-17. As can be seen from Figure 2, the requested zoning classifications are in conformance with the goals of the Comprehensive Plan and are compatible with the surrounding land uses.



Figure 2: Proposed Zoning Map

COMPREHENSIVE PLAN ANALYSIS

The property lies in a *Transition* area along the northern boundary of the Ramsey-Woodland land use area per the City of Coeur d'Alene Comprehensive Plan. Neighborhood characteristics for this land use tend to be single-family and multi-family housing with an overall density of 3 – 4 units per acre with pockets of higher density housing, have pedestrian and bicycle trails, and

parks within 5-minutes walking distance. The proposed zoning would be consistent with the Comprehensive Plan.

The City of Coeur d'Alene Comprehensive Plan is the guiding document for all land use development decisions. It is important that land use decisions meet, or exceed, the goals, policies and objectives as outlined in the Comprehensive Plan. The project proponent believes that the following Goals and Objectives (shown in *italics*) as outlined in the Comprehensive Plan are applicable to the requested annexation and zone classification:

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

The subject property is currently an undeveloped County property located on the northern boundary of the City of Coeur d'Alene. This annexation will allow for the development of this property to match that of the surrounding land uses.

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

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

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

Objective 3.10 – Affordable & Workforce Housing: Support efforts to preserve and provide affordable and workforce housing.

The proposed residential zoning will allow for the construction of affordable market housing at a density that is compatible with the surrounding properties. The commercial zoning will allow for traditional neighborhood commercial uses that are convenient and supportive of the adjacent residential uses.

Objective 3.04 – Neighborhoods: Encourage the formation of active neighborhoods and associations and advocate their participation in the public process.

Objective 3.05 – Neighborhoods: Protect and preserve existing neighborhoods from incompatible land uses and developments.

The proposed annexation and zoning will allow for the future development of a residential subdivision that will be similar in character and style of the surrounding neighborhoods.

PRE-DEVELOPMENT CONDITIONS

The subject property is vacant and slopes to the southeast. There is an existing single family residence with two outbuildings located on the westerly portion of the property to the southeast of the intersection of Prairie Avenue and Ramsey Road. An existing drive-thru coffee stand is located on the portion of property located to the southwest of the intersection. Access to the single family residence is off of Ramsey Road and the coffee stand has access from both Prairie Avenue and Ramsey Road. There are no other structures located on the property.

The frontage improvements on Prairie Avenue are complete and include curb and gutter, sidewalk, and drainage swales. Ramsey Road has curb and gutter but would need improvements consisting of sidewalk and drainage swales.

Figure 3 below shows the current site conditions.



Figure 3: Existing Site Conditions

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

A. INTRODUCTION

This matter having come before the Planning Commission on November 10,2015 and there being present a person requesting approval of ITEM A-4-15, a request for zoning prior to annexation from County Ag-Suburban and Commercial to City R-8 (Residential at 8 units/acre and C-17 (Commercial at 17 units/acre zoning districts.

APPLICANT: KERR FAMILY PROPERTIES

LOCATION: +/- 34 ACRE PROPERTY LOCATED AT THE SOUTHWEST AND SOUTHEAST CORNERS OF PRAIRIE AVENUE AND RAMSEY ROAD

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 residential and commercial.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is County Ag Suburban and Commercial.
- B4. That the notice of public hearing was published on October 24, 2015 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 124 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on October 23, 2015.
- B7. That public testimony was heard on November 10, 2015.

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 KERR PROPERTIES, 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:

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: SEAN E. HOLM, PLANNER
DATE: NOVEMBER 10, 2015
SUBJECT: SP-5-15 – REQUEST FOR A COMMUNITY ORGANIZATION /
COMMUNITY ASSEMBLY SPECIAL USE PERMITS IN A R-17
ZONING DISTRICT
LOCATION: A +/- 0.161 ACRE PARCEL (7000 SQ FT) KNOWN AS 1315 N. 5TH
STREET

APPLICANT/OWNER:

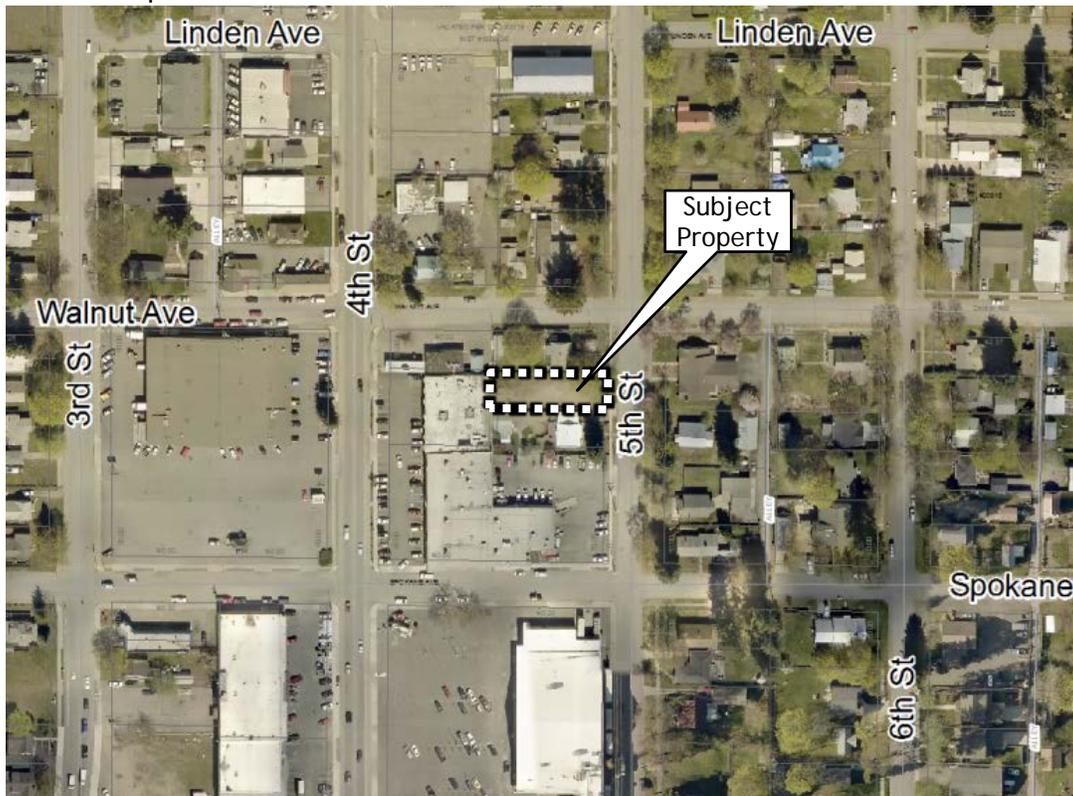
Joseph D. Hamilton
1316 N. 4th Street
Coeur d'Alene, ID 83814

DECISION POINT

Joseph Hamilton is requesting approval of a proposed Community Organization / Community Assembly & Cultural/Non-Assembly special use permit in the R-17 (Residential at 17 units/acre) zoning district. This request would allow a "Market Garden" to operate on the site.

GENERAL INFORMATION:

Aerial photo:



“Market Garden” as defined by Wikipedia (https://en.wikipedia.org/wiki/Market_garden):

A market garden is the relatively small-scale production of fruits, vegetables and flowers as cash crops, frequently sold directly to consumers and restaurants. The diversity of crops grown on a small area of land, typically, from under one acre (0.4ha) to a few acres, or sometimes in greenhouses distinguishes it from other types of farming. Such a farm on a larger scale is sometimes called a truck farm.

A market garden is a business that provides a wide range and steady supply of fresh produce through the local growing season. Unlike large, industrial farms, which practice monoculture and mechanization, many different crops and varieties are grown and more manual labor and gardening techniques are used. The small output requires selling through such local fresh produce outlets as on-farm stands, farmers' markets, community-supported agriculture subscriptions, restaurants and independent produce stores. Market gardening and orchard farming are closely related to horticulture, which concerns the growing of fruits and vegetables.

Applicant's Intent (From staff's perspective):

Staff met with the applicant on October 28th onsite to review the request and to better understand the nature of the use proposed for the subject property. There will be a temporary/movable “hoop house” that will be used onsite to ensure temperature for the plants contained inside. A buried geothermal system is used to maintain a constant temperature inside the hoop house. This system consists of buried piping below the frost level that, when air is moved through it with a fan(s), will provide a constant temperature inside the hoop house for both the extremes of winter and summer. Please refer to the narrative for more information. The applicant is best suited to answer any questions regarding the minutiae concerning how this is accomplished.

17.03.020: CLASSIFICATION OF UNLISTED USES:

Any activity or facility which is not expressly classified within any activity group shall be included in that group whose description most closely portrays it. In cases of uncertainty as to the classification of any use, the planning director shall classify the use, subject to the right of appeal from such determination pursuant to the administrative appeal procedure, chapter 17.09, article VIII of this title.

In cases of mixed uses, the use that occupies the majority of the floor area as determined by the planning director with concurrence of the building official shall be considered the principal use. Such determination shall be subject to the administrative appeal procedure.

NOTE: *The Community Planning Director has determined that the proposed “Market Garden” would require a special use permit, which could fit under both the Community Assembly and the Community Organization uses. The primary use is Community Education.*

PERFORMANCE ANALYSIS:

17.05.280: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-17 district shall be as follows:

- Automobile parking when the lot is adjoining at least one point of, intervening streets and alleys excluded the establishment which it is to serve; this is not to be used for the parking of commercial vehicles.
- Boarding house
- Commercial film production
- Commercial recreation
- **Community assembly**
- **Community organization**
- Convenience sales
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Juvenile offenders facility
- Ministorage facilities

- Mobile home manufactured in accordance with section 17.02.085 of this title
- Noncommercial kennel
- Nursing/convalescent/rest homes for the aged
- Rehabilitative facility
- Religious assembly
- Residential density of the R-34 district as specified
- Three (3) unit per gross acre density increase

17.03.040: GENERAL DESCRIPTION OF CIVIC ACTIVITIES:

Civic activities include the performance of utility, educational, recreational, cultural, medical protective, governmental, and other activities which are strongly vested with public or social importance and are described as follows:

B. Community organizations: Activities typically performed by nonprofit organizations whether social, charitable, civic, or professional. This includes organizations such as the chamber of commerce, the Red Cross, labor unions, political organizations, and similar groups.

C. Community assembly and cultural / non-assembly: Activities typically performed by, or at the following institutions or installations:

1. Public meeting halls,
2. Nonprofit museums, art galleries, libraries, and observatories.

II. PERFORMANCE STANDARDS REGULATIONS

17.07.105: TITLE AND PURPOSE:

The provisions of this article shall be known as the PERFORMANCE STANDARDS REGULATIONS. The purpose of these provisions is to promote the health, safety and general welfare of the residents of the city through limitations on certain nuisance generating characteristics of various activities, including vibration, noise, odor, humidity, heat, cold, glare, dust and/or smoke. (Ord. 1691 §1(part), 1982)

17.07.110: APPLICABILITY:

Any use of property that violates these regulations is prohibited even where it is otherwise permitted by the applicable zone regulations. Uses permitted by special use permit shall conform to these regulations as one component of their conditions. (Ord. 1691 §1(part), 1982)

17.07.115: RESTRICTIONS ON OPERATIONS:

The operation of any use established after the effective date hereof shall comply with the performance standards herein set forth for the zone in which such activity shall be located. No use already established on the effective date hereof shall be so altered or modified as to conflict with, or further conflict with, the performance standards herein established for the zone in which such use is located. A conforming use that is in compliance with existing zoning ordinances or a legal nonconforming use may be continued and maintained regardless of subsequent zoning changes on surrounding properties that otherwise would change the manner in which the requirements of this article apply to the preexisting use. (Ord. 3335 §4, 2008: Ord. 1691 §1(part), 1982)

17.07.120: VIBRATION AND NOISE:

A. In all zoning districts, any use creating intense earthshaking vibrations or noise such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least three hundred feet (300') from an abutting residential or commercial zoning district or at least one hundred fifty feet (150') from an abutting manufacturing zoning district, unless such operation is controlled to prevent transmission beyond the lot lines of earthshaking vibrations perceptible to a person of normal sensitivities.

B. In all districts, the use of property shall not create a noise level for residentially zoned property in excess of the following criteria, measured by an approved and properly calibrated decibel meter:

1. Daytime level (7:00 A.M. to 10:00 P.M.), sixty five (65) dB;
2. Nighttime level, fifty five (55) dB. (Ord. 2416 §2, 1992: Ord. 1691 §1(part), 1982)

17.07.125: ODOR:

B. All Other Zoning Districts: In all other zoning districts, the emission of noxious, odorous matter which is detectable by a person of normal sensitivity at any point along lot lines is prohibited. (Ord. 1691 §1(part), 1982)

17.07.130: HUMIDITY, HEAT, COLD, GLARE, DUST, AND SMOKE:

B. All Other Zoning Districts: In all other zoning districts, any use of property producing excess humidity in the form of steam or moist air, or producing intense heat, intense cold, intense glare, intense dust, or intense smoke shall be carried out within a completely enclosed structure so that neither a public nuisance nor hazard is created at or beyond lot lines of the lot involved. (Ord. 1691 §1(part), 1982)

PARKING

17.44.050: CIVIC USES:

Unless otherwise allowed by the relevant zoning or overlay district, the following off street parking is required for the specified civic uses:

	<u>Civic Uses</u>	<u>Requirement</u>
B.	Community organization	1 space for each 330 square feet of floor area
C.	Community assembly:	
	1. Enclosed spaces:	
	a. Public meeting halls	1 space for each 330 square feet of floor area
	b. Museum, art galleries, observatories	1 space per 1,000 square feet of floor area
	c. Libraries	1 space per 330 square feet of floor area

NOTE: *The application as submitted does not request any permanent structure on the site. A temporary “Hoop House” that allows the applicant the ability to move it to various locations on the site is envisioned. Lacking a permanent structure on the site precludes staff from requiring parking as there is no driver to assess the way the city’s parking code is currently written. Staff has proposed a condition to consolidate the lots which will tie the existing use (food/beverage sales off-site consumption) the Market Garden. This gives staff assurance parking is available and the use will stay with Pilgrim’s Natural Market.*

Existing Parking Ratio for Pilgrim’s Natural Market (Per applicant):

There are a grand total of 89 existing parking stalls onsite that support 24,000 SQ FT (Pilgrim’s Natural Market’s existing business). 73 stalls are required for Pilgrim’s Natural Market leaving an “extra” 16 stalls.

17.44.060: COMMERCIAL USES:

Unless otherwise allowed by the relevant zoning or overlay district, the following off street parking is required for the specified commercial uses:

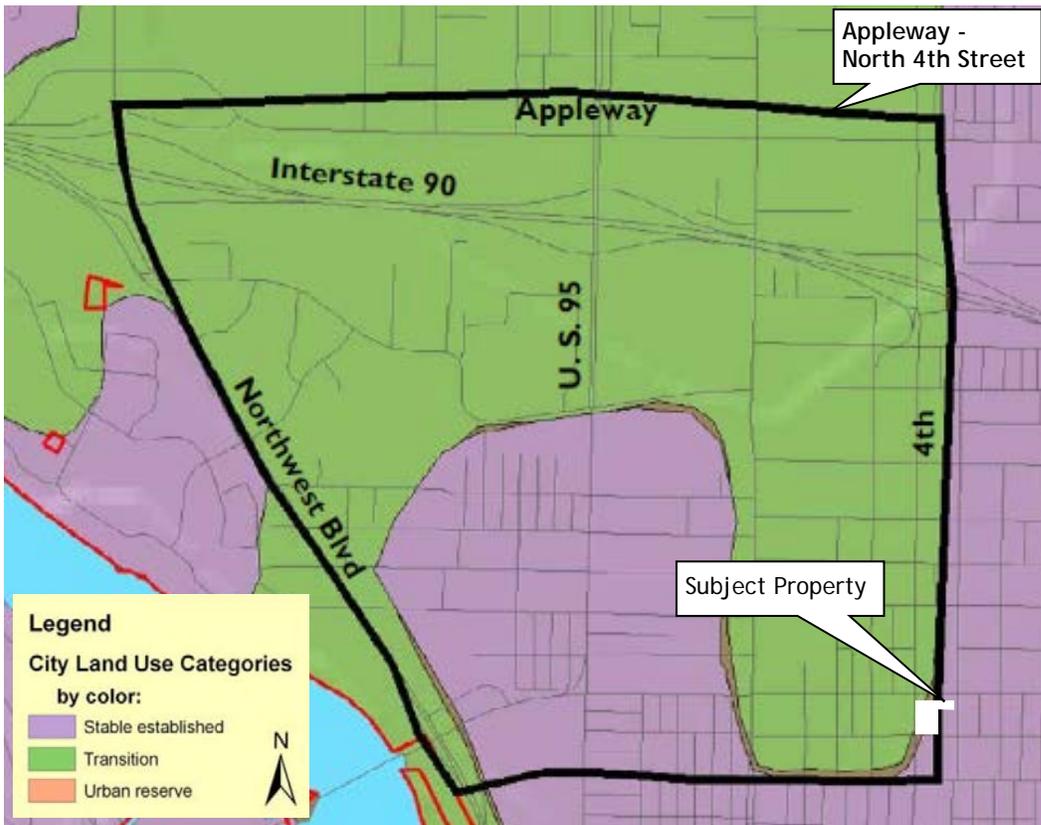
	<u>Commercial Uses</u>	<u>Requirement</u>
J.	Primary food sales/off site consumption, such as grocery stores	1 space for every 330 square feet of floor area

FINDINGS:

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

1. The subject property is within the existing city limits.
2. The 2007 City Comprehensive Land Use Planning Maps split the subject property between the existing use known as "Pilgrim's Natural Market" and the proposed use of a "Market Garden". The maps below depict both land use areas as staff felt it would be best to provide more information rather than not enough. The two districts are: ***Appleway-North 4th Street and NE Prairie***

Land Use: Appleway - North 4th Street



Appleway - North 4th Street Today:

This area is a diverse mix of residential, medical, commercial, and warehousing land uses. The area is very gently sloped with some drop in elevation within a block of Northwest Boulevard. This elevation change has also defined the break from commercial to residential uses for much of the area's history.

The south-west and south-central portions of the area consist primarily of stable, single-family housing at approximately five units per acre (5:1). The Winton Elementary School and park is located

in this neighborhood. Various multi-family apartments, mostly constructed in the late 1970s and early 1980s, are located within the district. The most active area for construction within this district is the Ironwood corridor which consists of many health-care and professional offices west of US 95, with office and retail uses east of US 95.

Along the northern border, commercial use thrives due to the proximity of I-90 and US 95. Appleway Avenue is a hub for restaurants and service uses, and extends from Northwest Boulevard east to 4th Street where Appleway Avenue becomes Best Avenue.

The US 95 and Appleway intersection is one of the most congested intersections in Coeur d'Alene.

Appleway - North 4th Street Tomorrow:

Generally, this area is expected to be a mixed use area. The stable/ established residential area will remain. The west Ironwood corridor will require careful evaluation of traffic flow. Ironwood will be connected to 4th Street, enabling higher intensity commercial and residential uses.

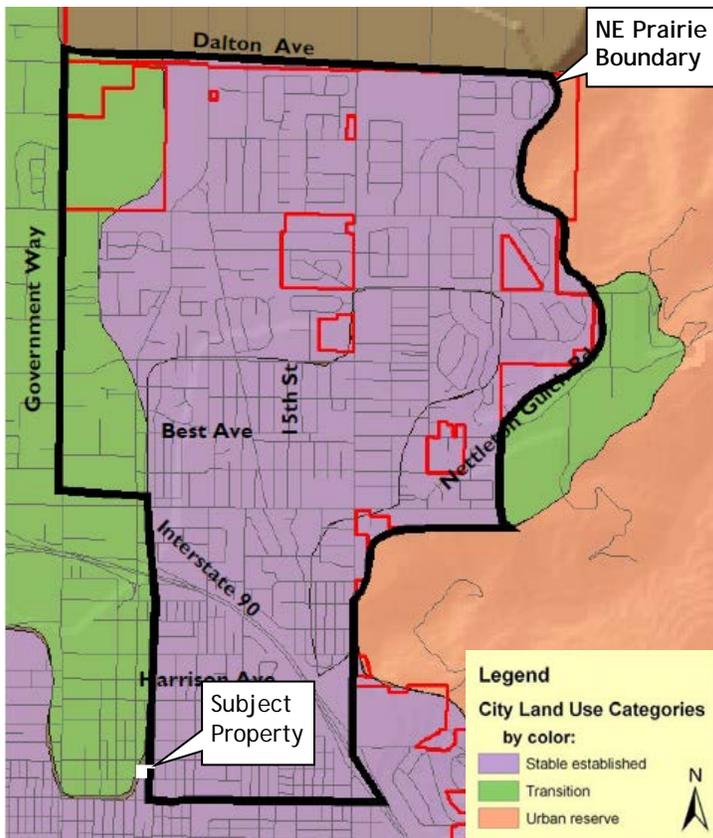
The characteristics of Appleway - North 4th Street neighborhoods will be:

- That overall density will approach six units per acre (6:1) with infill and multi-family housing located next to arterial and collector streets.
- That pedestrian and bicycle connections will be provided.
- Street widening and potential reconfiguration of US 95 should be sensitive to adjacent uses.
- Uses that strengthen neighborhoods will be encouraged.

The characteristics of Appleway - North 4th Street commercial will be:

- That commercial buildings will remain lower in scale than in the downtown core.
- Streetscapes should be dominated by pedestrian facilities, landscaping, and buildings.
- Shared-use parking behind buildings is preferred.

Land Use: NE Prairie



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.

Transition:

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

NE Prairie Today:

This area is composed of a variety of zoning districts with a majority of residential density at three to eight units per acre (3-8:1). Lower density development becomes more prominent moving north. The NE Prairie provides a range of housing choices that includes a number of large recreation areas and small pocket parks.

Canfield Mountain and Best Hill act as the backdrop for this portion of the prairie. Much of the lower lying, less inhibitive areas have been developed. Pockets of development and an occasional undeveloped lot remain.

NE Prairie Tomorrow:

It is typically a stable established housing area with a mix of zoning districts. The majority of this area has been developed. Special care should be given to the areas that remain such as the Nettleton Gulch area, protecting the beauty and value of the hillside and wetlands.

The characteristics of NE Prairie neighborhoods will be:

- That overall density may approach three to four residential units per acre (3-4:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas.
- Commercial uses are concentrated in existing commercial areas along arterials with neighborhood service nodes where appropriate.
- Natural vegetation is encouraged and should be protected in these areas.
- Pedestrian connections and street trees are encouraged in both existing neighborhoods and developing areas.
- Clustering of smaller lots to preserve large connected open space areas as well as views and vistas are encouraged.
- Incentives will be provided to encourage clustering.

Significant Comprehensive Plan policies for consideration:**Objective 1.11-Community Design:**

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

Objective 1.12-Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14-Efficiency:

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

Objective 2.01-Business Image & Diversity:

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

Objective 2.04**Downtown & Neighborhood-Service Nodes:**

Prioritize a strong, vibrant downtown and compatible neighborhood service nodes throughout the city.

Objective 3.05-Neighborhoods:

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

Objective 3.12**Education:**

Support quality educational facilities throughout the city, from the pre-school through the university level.

Objective 4.01-City Services:

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

Objective 4.06-Public Participation:

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

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

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

The following code items will be required to mitigate the proximity of a civic use abutting a residential use:

17.06.830: BUFFER YARD REGULATIONS:

- A. Definition: A "buffer yard" is a landscape area which serves to physically and/or visually separate land uses having incompatible facilities, activities, or differing intensities of use. For the purposes of buffer yard regulations, a display lot as defined in section 17.44.020 of this title shall not be construed to be a parking lot.
- B. Applicability: A buffer yard is required as follows:
 - 1. When a commercial, **civic**, or manufacturing use abuts a residential use.

<u>Application No.</u>	<u>Buffer Yard Requirement</u>
1, 4	5 feet wide, 5 feet high, or a 5 foot fence

NOTE: The applicant has proposed the use of a five foot fence as the means of buffering the residential uses next door. This will provide the largest footprint of garden area.

Site Photos:

Subject property looking west toward the back of Pilgrim's Natural Market from 5th Street:



Sidewalk and frontage along subject property looking north on 5th Street (Buffer fence shown):



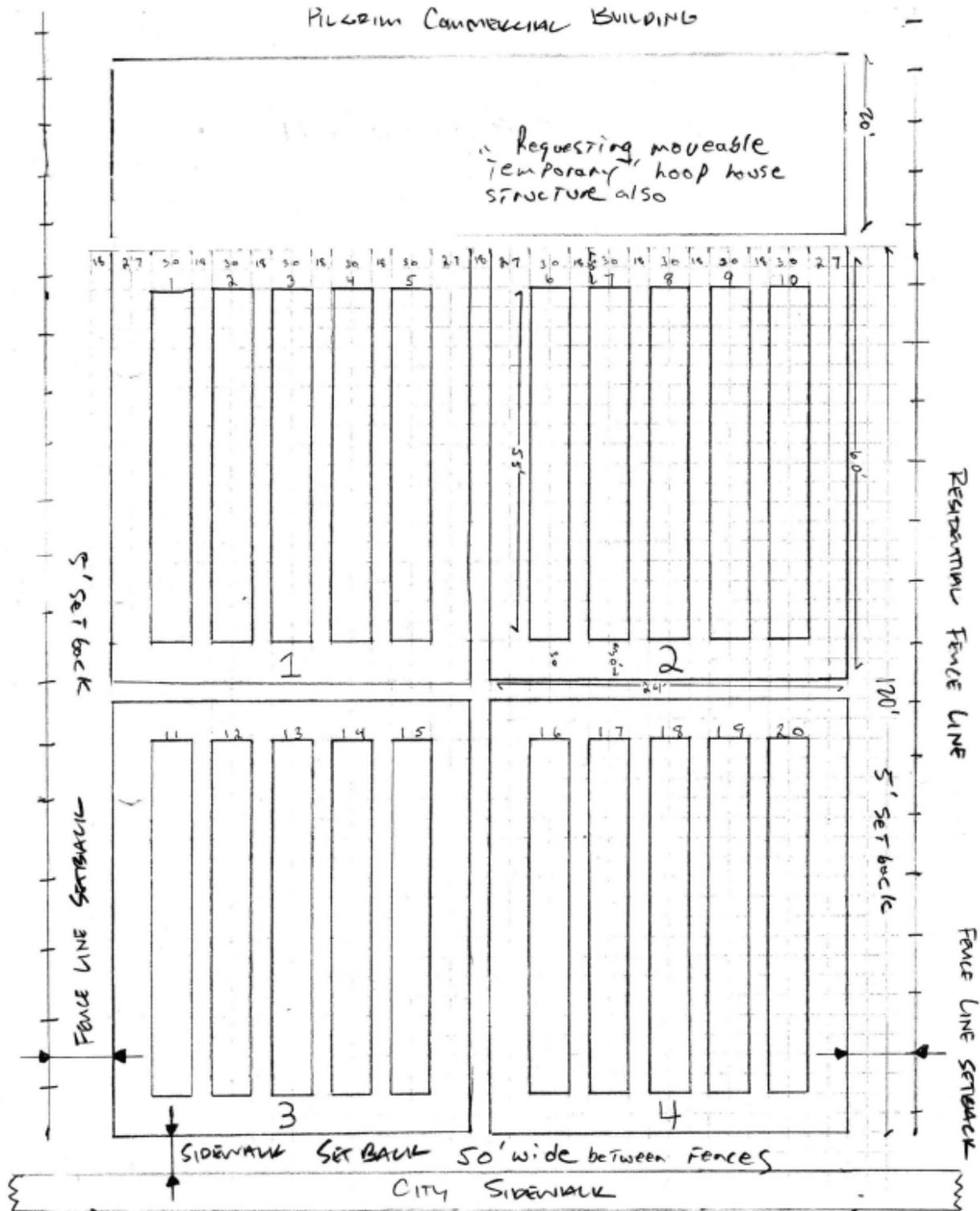
Sidewalk and frontage along subject property looking south on 5th Street (Buffer fence needed):



Subject property (interior) looking east toward 5th Street (Showing partial buffer):



Proposed Site Plan:



Requesting 5' set back from 5th ST.
Side walk to beginning of Garden

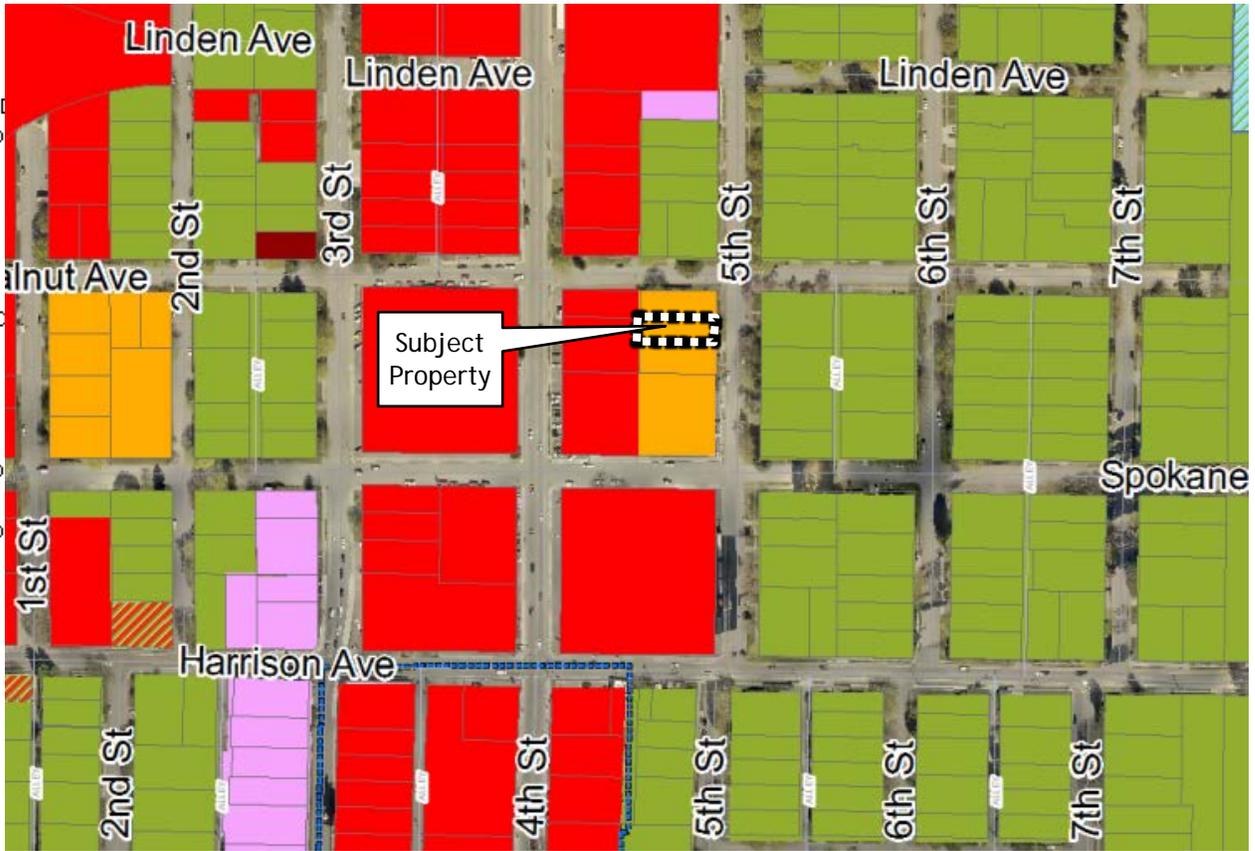
Beds

No off-street parking required



Zoning:

- 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



Generalized land use pattern:

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



Evaluation: The Planning Commission must determine, based on the information before them, whether the design and planning of the site is or is not compatible with the location, setting, and existing uses on adjacent properties. Specific ways in which the policy is or is not supported by this request should be stated in the finding.

Finding #B8C: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.

STORMWATER:

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

The proposed use does not entail the installation of any impervious hardscape; therefore, on-site stormwater facilities will not be necessary. Should that proposed use for the site change, stormwater containment with the necessary calculations and design submittals will be required. This will be addressed at the time of building permit submittal on the subject property.

- Submitted by Chris Bates, Engineering Project Manager

TRAFFIC:

The ITE Trip Generation Manual does not categorize this type of use; therefore, no estimate can be projected for the site. It can be assumed that the proposed use will not be a high volume traffic generator due to the small size of the area involved; therefore, we would expect the surrounding streets which are fully interconnected, to manage and dissipate any traffic that is generated from the use on the subject property.

- Submitted by Chris Bates, Engineering Project Manager

STREETS:

The subject property is bordered by 5th Street along the easterly frontage. The road section is fully developed to City standards, and will not require any alteration. However, the sidewalk along the subject property's frontage is in a state of disrepair and may require replacement.

- Submitted by Chris Bates, Engineering Project Manager

WATER:

There is an existing water service for the subject property that has previously been in use so no cap fees are required. Backflow protection for the irrigation system will be required.

- Submitted by Terry Pickel, Assistant Water Superintendent

WASTEWATER:

The Wastewater Utility has no objections to SP-5-15 as proposed.

The recorded sewer easement across the west 5' of 1315 N 5th Street (Lot 2, Block 8, Simms Addition), as executed and described in Book 143 of Deeds, Page 501, must remain in conformance to City Policies. No permanent structures will be permitted over said easement.

-Submitted by Mike Becker, Utility Project Manager

FIRE:

The only item of interest to the Fire Department (FD) is the temporary Hoop structure. Depending on the materials of this structure, it may fall into the regulation for temporary membrane structures, Chapter 31 in the 2012 International Fire Code (IFC). If it does, a tent permit may be required annually with FD inspections.

There may be some conflicts in the code as to separation distances from buildings and lot lines. Separation distances may range from 0' to 12'. As a concept, the FD is in support of this project.

-Submitted by Craig Etherton, Fire Inspector/Investigator

Evaluation: The Planning Commission must determine, based on the information before them, whether the location, design, and size of the proposal are such that the development will or will not be adequately served by existing streets, public facilities and services. Specific ways in which the policy is or is not supported by this request should be stated in the finding.

ORDINANCES AND STANDARDS USED:

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices
- CDA 2030 Visioning Project & Implementation Plan

ADDITIONAL CONSIDERATIONS:

The city has received letters of support from the Kootenai Environmental Alliance, Inland Northwest Food Network, and LINC Foods regarding the proposed Market Garden and also asking the city to consider amending the zoning code to permit urban farming and market gardening in Coeur d'Alene.

Other communities are creating ways to allow market gardens, community gardens and accessory gardens as a way to promote urban farming and increase access to fresh, healthy and affordable food for community members.

The CDA 2030 visioning project includes two action items in the Implementation Plan that would support a Market Garden use. These include C&I 3.4 "Community Gardens" and C&I 5.5 "Community and Neighborhood Events" which are both under the Community & Identity Vision.

PROPOSED CONDITIONS:

Planning

1. A site development permit must be approved prior to operation.
2. Retail sales shall not take place in the "Market Garden" and the lot under review is used solely as a garden to grow local produce for Pilgrim's Natural Market and an educational garden. This does not preclude the ability of selling the products grown onsite at a properly zoned and permitted facility.
3. Weddings or fundraising events shall not be held on the site of the "Market Garden."
4. No keeping of animals or bees on the site.
5. If the "Market Garden" ceases to operate as such all structures, including temporary, must be removed.
6. That the applicant must file/record a "Consolidation of Parcels" to establish the existing Pilgrim's Natural Market store as the principal use since there are no permanent structures associated with the request. This will tie the existing parking to the proposed use.
7. Signage shall be provided on the fence in front of the "Market Garden" directing patrons and community members who are attending classes at the garden to park in one of the designated parking lots for Pilgrim's Natural Market to avoid parking impacts on the neighborhood.
8. Street trees shall be planted per Urban Forestry standards.
9. Hours of Operation shall be limited from sunrise to sunset.

10. Use of Machinery shall be limited to residential scale equipment beyond the initial installation of a geothermal system.
11. The site must comply with Performance Standards Regulations as defined above under General Information.

Engineering

12. Should it be determined that the existing sidewalk is in a state of disrepair, replacement will be required prior to operation. Replacement would be required to meet all current City standards.

Fire

13. Any temporary membrane structure, such as the Hoop House, must comply with IFC Chapter 31 and may require an annual tent permit and inspection.

Water

14. Backflow protection for the irrigation system must be installed prior to operation.

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.



**APPLICANT'S
NARRATIVE**

10-1-2015

City of Coeur d'Alene Planning Department

RE: Special Use Permit Application

Property Address: 1315 N. 5th Street

Legal Description: Simms ADD to CDA, Lot 2 Block 8

A. Description of my request:

I am requesting that the City of Coeur d'Alene to allow me to develop a "market garden" (gardening for market) on my residential property located at 1315 N. 5th Street in Coeur d'Alene, Idaho. The produce will be sold to Pilgrim's Market and will be available to its customers in the salad and juice bar.

I am requesting that this special use be granted as my activities are so closely related to those described in the **Community Organizations and Community Assembly groups** because of the intense community education that will take place in the garden. More on this below:

B. Explain how your request conforms to the 2007 Comprehensive Plan:

I believe my request conforms to the general nature of the first three goals; Natural Environment, Economic Environment and Home Improvement:

Natural Environment: This general goal "supports policies that preserve the beauty of our natural environment and enhances the beauty of Coeur d'Alene." Gardens are just beautiful and somehow comforting and create a strong sense of place. Objective 1.06 addresses preservation of "Urban Forests." I assume that this is intended to preserve beauty but perhaps also perhaps for green-house gas remediation. Gardens are intense hot spots for Co2 sequestration activity also.

Economic Environment: This general goal aims to "promote opportunities for economic growth." This proposed market garden in an economic engine. My goal is to grow local food for our customers at Pilgrims but it is also to pave the way for others to do the same. Market gardening is a great way for people to make great use of their yards to grow food for themselves but also to sell to restaurants, friends and at farmer's markets. The local health district classifies these activities as "farm-stand" operations and allows them with no permits required.

Municipalities all over the country are amending planning codes to promote these types of neighborhood-beautifying and economic-stimulating activities.

Home Environment: This goal seeks to "preserve the qualities that make CDA a great place to live." Who doesn't like to look at lovely gardens? There is a groundswell of activity in Coeur d'Alene in the community and home gardening activities and this market gardening is just a logical extension of those well recognized and community-supported activities. Objectives 3.08 & 3.09 aims to emphasize pedestrian orientation and to create beauty safety and value when planning neighborhood preservation and revitalization. I think all pedestrians enjoy looking at a beautiful garden as gardens are somehow comforting and create a strong sense of place.

C. Explain how the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.

The two adjacent properties are residential. I believe that a garden is totally compatible and will be appreciated by all neighbors. When I personally petitioned the neighbors in a door-to-door effort a couple of years ago to get them to approve a variance for on-site alcohol consumption for the store I was impressed that not one resident refused to sign and nearly all appreciated Pilgrim's Market's place in and contributions to the neighborhood and community.

D. Explain how the location, design and size of the proposal will be adequately served by existing streets, public facilities and services;

The garden will not create any increased street traffic with trucks and such as the produce will literally be delivered in the back door of the store which is only separated from the property by a 4 foot wide walk way behind the store. The garden may use slightly more city water than a home and yard would but that consumption will be somewhat off-set by future water-catchment efforts from the roof of the store. The local refuse services will notice a decrease in garbage from Pilgrim's Market however since the pre-consumer food wastes will be directed to on-site soil enrichment activities of the garden.

E. Any other information that you feel is important and should be considered by the Planning Commission in making their decision;

Pilgrim's opened in 1999 and currently employs about 90 people with an annual payroll contribution to the community of more than 1.75 million dollars. I have always been a very civic and community minded person, and my business practices and community involvement and impact reflect that. Here are a few ways that I and Pilgrim's make a difference right here.

As a firm believer in community education and empowerment, I established Pilgrim's Education Center about seven years ago. Since that time, this community space has hosted over 300 events with a combined attendance of over 7,000 community members and speakers. We have presented everything from educational events for local medical doctors to beekeeping classes to cooking classes and tastings. Although Pilgrim's Market is not a non-profit company it does fulfill similar roles as many civic organizations and works very closely with many in the community

In addition to this valuable education space, I and my business have given back to our community and city by donating hundreds of thousands of dollars, as well as products and services, directly to local and regional civic and religious non-profit organizations - including the City of Coeur d'Alene.

This special use permit request is just the first step. I want to see the city planning code be amended to allow others to engage in these activities ultimately but this permit gets me started faster. With perhaps a year's worth of experience prior to the code being amended I will be in a great position to offer education and encouragement to others.

Here are some benefits and activities growing food on my residential lot year round would provide:

1. A tangible demonstration that not only is growing food year round in this community possible, but that it is also an enjoyable and beautifying hobby or pursuit.
2. An example of the abundance of fresh local foods available to us, and a small step towards greater local food independence right in our back yards.
3. A community demonstration that growing food small scale in this climate year round can help support a household financially.
4. An opportunity for local educational, civic and community organizations to provide agricultural, sustainability and environmental learning opportunities for students and the public alike.

I plan to accomplish these goals by coordinating programs and opportunities with a variety of local civic organizations. Here are a few organizations that I have already worked with in similar efforts in the past and plan to coordinate with in this effort:

- 1 Inland Northwest Food Network <http://inwfoodnetwork.org/>
- 2 University of Idaho Dietetics Program
<http://www.uidaho.edu/cals/fcs/content/fn>
- 3 Kootenai Environmental Alliance <http://kealliance.org/>
- 4 Community Roots <http://kealliance.org/community-roots/>
- 5 University of Idaho Extension <http://www.uidaho.edu/extension>
- Small Acreage Farming and Food and Health Divisions
- 6 Kootenai County Farmers Market

I have also provided letters of support from a few of these civic organizations

Thank you for your consideration

Joe Hamilton



9,21,2015

City of Coeur d'Alene Planning Department
Attn: Hilary Anderson
710 E Mullan Ave
Coeur d'Alene, ID. 86814

September 21, 2015

Dear Ms. Anderson,

This is a written petition and appeal to you and the City of Coeur d'Alene to allow me to develop a "market garden" (gardening for market) on my residential property located at 1315 N. 5th Street in Coeur d'Alene, Idaho. My name is Joe Hamilton, and I am the owner of Pilgrim's Market, as well as this residential lot, located behind my store. Pilgrim's opened in 1999 and currently employs about 90 people with an annual payroll contribution to the community of more than 1.75 million dollars. I have always been a very civic and community minded person, and my business practices and community involvement and impact reflect that. Here are a few ways that I and Pilgrim's make a difference right here.

As a firm believer in community education and empowerment, I established Pilgrim's Education Center about seven years ago. Since that time, this community space has hosted over 300 events with a combined attendance of over 7,000 community members and speakers. We have presented everything from educational events for local medical doctors to beekeeping classes to cooking classes and tastings. In addition to this valuable education space, I and my business have given back to our community and city by donating hundreds of thousands of dollars, as well as products and services, directly to local and regional civic and religious non-profit organizations - including the City of Coeur d'Alene. Over the years, I have repeatedly expressed a firm position of living, shopping and supporting local - whether that be business or personal. My latest interest in investing in our community and developing local living opportunities is "market gardening."

There is a significant, wide-spread and growing interest in urban farming and market gardening in the United States, and beyond. To cite a couple local examples - Spokane and Moscow, two of our biggest neighbors, have recently amended their city codes to address and directly allow these community activities. There are many here locally, including myself, who believe that such an amendment in this fine city of Coeur d'Alene would be highly beneficial and progressive, not just for businesses, but especially for individuals and neighborhoods. In the meantime, I am willing to be the guinea pig. I am submitting this appeal in the hopes that you can find a way to provide some sort of variance or special use permit based largely on the level of civic service that our activities would provide through educational efforts and environmental improvement. Here are some benefits and activities growing food on my residential lot year round would provide:

1. A tangible demonstration that not only is growing food year round in this community possible, but that it is also an enjoyable and beautifying hobby or pursuit.
2. An example of the abundance of fresh local foods available to us, and a small step towards greater local food independence right in our back yards.
3. A community demonstration that growing food small scale in this climate year round can help support a household financially.
4. An opportunity for local educational, civic and community organizations to provide agricultural, sustainability and environmental learning opportunities for students and the public alike.

I plan to accomplish these goals by coordinating programs and opportunities with a variety of local civic organizations. Here are a few organizations that I have already worked with in similar efforts in the past and plan to coordinate with in this effort:

- 1 Inland Northwest Food Network <http://inwfoodnetwork.org/>
- 2 University of Idaho Dietetics Program <http://www.uidaho.edu/cals/fcs/content/fn>
- 3 Kootenai Environmental Alliance <http://kealliance.org/>
- 4 Community Roots <http://kealliance.org/community-roots/>
- 5 University of Idaho Extension <http://www.uidaho.edu/extension>
- Small Acreage Farming and Food and Health Divisions
- 6 Kootenai County Farmers Market
<https://www.facebook.com/KootenaiCountyFarmersMarket>

After reading what I believe to be the applicable sections of the city code, I have not found any section that approves this activity directly. However, I did discover quite a few goals articulated in the Comprehensive Plan that I could see supporting this activity. I certainly defer to your expertise to navigate the code on this matter.

For your reference, here are a few links of interest regarding this type of endeavor:

- 1 Link to Moscow Idaho City Code Amendment:

http://www.ci.moscow.id.us/records/Ordinances/OR_2013-15.pdf

Bill Belknap was the Community Development Director who was instrumental in the amendment. His phone is 208-883-7011 and his email is bbelknap@ci.moscow.id.us

- 2 Link to recent article about Spokane's new amendment

<https://my.spokanecity.org/news/stories/2014/04/03/urban-farming-approved-in-city-of-spokane/>

- 3 Link to an article about a small urban farmer in nearby Cranbrook BC

<http://livablecranbrook.blogspot.com/2011/07/3-crows-farm-cranbrooks-own-curtis.html>

Thank you for your time and consideration,

Joe Hamilton

President

Pilgrim's Market

City of Coeur d'Alene Planning Department
Attn: Hilary Anderson
710 E Mullan Ave
Coeur d'Alene, ID 83814

Dear Hilary,

I am writing on behalf of the Inland Northwest Food Network (INWFN) in support of Pilgrims Natural Market's proposed market garden. As you are well aware, last year the INWFN, along with the City of Coeur d'Alene, was identified as a lead partner in helping to establish community gardens in response to the Vision 2030 plan. Although the market garden that Pilgrims wants to pursue is not a community garden as defined by the plan, it is very much in alignment with the underlying intent to facilitate gardening/locally grown food throughout our community.

The INWFN, whose mission is to grow a healthy, fair, accessible and sustainable regional food system, strongly endorses this and other initiatives that help to raise community awareness of the importance of eating locally and sustainably grown foods. Market gardens are increasingly gaining support throughout the country as the public recognizes the value of having access to fresh, locally grown, healthy foods. Pilgrims has been at the forefront in our community in providing organic food; their proposed market garden is yet another example of their vision and leadership in facilitating our ability to be self-sufficient while also reducing our carbon footprint.

A market garden also would afford the INWFN the opportunity to partner with Pilgrims to present educational programs about various aspects of growing food. Our primary strategy at the moment to grow our region's food system is through education and outreach. Pilgrims has been a strong supporter of our work and we continue to explore possibilities for collaborating. The creation of a market garden would open up a whole new realm of options for public education.

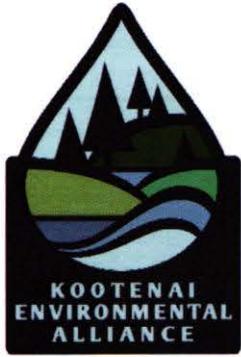
I urge you to give Pilgrims Natural Market a variance to allow them to move forward with this exciting and visionary initiative. As climate change, soil degradation, increasing fuel costs, and serious diet related health issues continue to impact us the need to adopt new and relevant policies that move our community in the direction of food self-sufficiency/security is becoming increasingly urgent.

Please feel free to contact me if you have any additional questions. Thank you for your time and consideration of this important matter.

Sincerely,

Teri McKenzie
Founder, Inland Northwest Food Network
P. O. Box 610
Coeur d'Alene, ID 83815
www.inwfoodnetwork.org
teri@inwfoodnetwork.org
503.307.4505 (cell)





September 3, 2015

City of Coeur d'Alene Community Planning Department
Attn: Hillary Anderson
710 E Mullan Ave
Coeur d'Alene, ID 83814

Dear Ms. Anderson,

Kootenai Environmental Alliance is writing to you in support of Pilgrim's Natural Market proposed Market Garden. Pilgrim's Natural Market provides the Coeur d'Alene community with a location to purchase natural, organic foods, as well as a space to educate the community on a broad range of health and environmental topics. The proposed Market Garden will enhance each of these valued services while meeting the goals of the larger community.

Gardens are essential components of a vibrant, healthy and sustainable city. They serve as places for intergenerational sharing and a place to educate the community about fresh local food production.

Kootenai Environmental Alliance is the oldest non-profit conservation organization in Idaho and it is our mission to *"conserve, protect and restore the environment with particular emphasis on the Idaho Panhandle and the Coeur d'Alene Basin."* Since 2007, Kootenai Environmental Alliance has been working to support a healthy local food system in our area and reconnect people with the land that feeds them. We currently host two garden sites in Coeur d'Alene to support these goals: [Community Roots Gathering Garden](#) (located along the North Idaho College education corridor) and the [Shared Harvest Community Garden](#) (located at the corner of 10th Street and Foster Ave). Both of these projects have received overwhelming support from the community and served as demonstration sites for others to replicate.

The Coeur d'Alene Vision 2030 results, as well as the feedback received from the 4-Corners Corridor visioning process have shown this community's desire for more garden projects in our area. Pilgrim's proposed Market Garden will not only provide a space for education on growing food, but also plays a role in reducing food miles and greenhouse gas emissions. Food Miles represent the distance our food travels from point of production to point of consumption and the environmental impact it takes to get it there.

Again, Kootenai Environmental Alliance strongly supports Pilgrim's Natural Market's proposed Garden Market and encourages the City of Coeur d'Alene to do the same.

Looking Forward~

Adrienne Cronebaugh
Executive Director

Kootenai Environmental Alliance
PO Box 1598 Coeur d'Alene, ID 83816
kea@kealliance.org (208) 667-9093 www.kealliance.org



September 16, 2015

City of Coeur d'Alene Community Planning Department
Attn: Hillary Anderson
710 E Mullan Ave
Coeur d'Alene, ID 83814

Dear Ms. Anderson,

LINC Foods is writing to you in support of Pilgrim's Natural Market proposed Market Garden. Pilgrim's Natural Market provides the Coeur d'Alene community with a location to purchase natural, organic foods, as well as a space to educate the community on a broad range of health and environmental topics. The proposed Market Garden will enhance each of these valued services while meeting the goals of the larger community.

Gardens are essential components of a vibrant, healthy and sustainable city. They serve as places for intergenerational sharing and a place to educate the community about fresh local food production.

LINC Foods is a Spokane based farmer-owned cooperative distributor and our mission "*building a regional, sustainable food system by linking farmers to new markets and ensuring the highest quality produce for our customers through democratic enterprise.*" LINC Foods was formed in 2014 in response to the growing need for small diversified farmers in our region to be able to find enough market outlets for their products to run a sustainable farm business.

As we work towards actualizing our mission as an organization, we support as many efforts, like those of Pilgrim's Natural Market, as they provide needed public education and access to local and sustainably grown food. We also support this effort because we believe it would come to be a great example and educational tool for small farmers in the region. We are very interested in finding ways to localize food production and expand the season.

Again, LINC Foods strongly supports Pilgrim's Natural Market's proposed Garden Market and encourages the City of Coeur d'Alene to do the same.

Thank you for your time,

Joel Williamson
CEO and Co-Founder

LINC Foods
1820 E. 9th Ave, Spokane, WA 99202
joel@lincfoods.com (509) 230-1223 www.lincfoods.com

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

A. INTRODUCTION

This matter having come before the Planning Commission on November 10, 2015 and there being present a person requesting approval of ITEM SP-5-15, a request for a Community Organization/Community Assembly & Cultural/Non-Assembly Special Use Permit in the R-17 (Residential at 17 units/acre) zoning district.

APPLICANT: JOSEPH D. HAMILTON

LOCATION: A +/- 0.161 ACRE PARCEL (7000 SQ.FT.) KNOWN AS 1315 N. 5TH STREET

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

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

- B1. That the existing land uses are Residential and Commercial.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is R-17 (Residential at 17 units/acre).
- B4. That the notice of public hearing was published on, October 23, 2015, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on October 29, 2015, which fulfills the proper legal requirement.
- B6. That 40 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on October 23, 2015.
- B7. That public testimony was heard on November 10, 2015.
- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

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

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

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| <p>Criteria to consider for B8B:</p> <ol style="list-style-type: none"> 1. Does the density or intensity of the project "fit " the surrounding area? 2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc? 3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping? |
|--|

B8C The location, design, and size of the proposal are such that the development **(will) (will not)** be adequately served by existing streets, public facilities and services. This is based on

- | |
|--|
| <p>Criteria to consider B8C:</p> <ol style="list-style-type: none"> 1. Is there water available to meet the minimum requirements for domestic consumption & fire flow? 2. Can sewer service be provided to meet minimum requirements? 3. Can police and fire provide reasonable service to the property? |
|--|

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of JOSEPH HAMILTON for a special use permit, as described in the application should be **(approved)(denied)(denied without prejudice).**

Special conditions applied are as follows:

Planning

1. A site development permit must be approved prior to operation.

2. Retail sales shall not take place in the "Market Garden" and the lot under review is used solely as a garden to grow local produce for Pilgrim's Natural Market and an educational garden. This does not preclude the ability of selling the products grown onsite at a properly zoned and permitted facility.
3. Weddings or fundraising events shall not be held on the site of the "Market Garden."
4. No keeping of animals or bees on the site.
5. If the "Market Garden" ceases to operate as such all structures, including temporary, must be removed.
6. That the applicant must file/record a "Consolidation of Parcels" to establish the existing Pilgrim's Natural Market store as the principal use since there are no permanent structures associated with the request. This will tie the existing parking to the proposed use.
7. Signage shall be provided on the fence in front of the "Market Garden" directing patrons and community members who are attending classes at the garden to park in one of the designated parking lots for Pilgrim's Natural Market to avoid parking impacts on the neighborhood.
8. Street trees shall be planted per Urban Forestry standards.
9. Hours of Operation shall be limited from sunrise to sunset.
10. Use of Machinery shall be limited to residential scale equipment beyond the initial installation of a geothermal system.
11. The site must comply with Performance Standards Regulations as defined above under General Information.

Engineering

12. Should it be determined that the existing sidewalk is in a state of disrepair, replacement will be required prior to operation. Replacement would be required to meet all current City standards.

Fire

13. Any temporary membrane structure, such as the Hoop House, must comply with IFC Chapter 31 and may require an annual tent permit and inspection.

Water

14. Backflow protection for the irrigation system must be installed prior to operation

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