

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

JANUARY 13, 2009

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 ,Bowlby, Evans, Luttrupp, Rasor, Messina, Klatt, (Student Rep), Anderson (Alt. Student Rep)

PLEDGE OF ALLIGANCE:

APPROVAL OF MINUTES:

November 25, 2008
December 9, 2008

PUBLIC COMMENTS:

COMMISSION COMMENTS:

STAFF COMMENTS:

PUBLIC HEARINGS:

1. Applicant: Steven B. Meyer
 Location: 1130 E. Skyline Drive
 Request: Proposed annexation from County Restricted Rural to
 City R-3 (Residential at 3 units/acre)
 QUASI-JUDICIAL, (A-7-08)

2. Applicant: Avista Corporation
 Location: 2819 N. Fruitland
 Request: An Above Ground Essential Service special use permit
 In the MH zoning district.
 QUASI-JUDICIAL, (SP-1-09)

3. Applicant: Chris Cheeley
 Location: S.W. corner of Hwy 95 and Hanley Avenue
 Request: A proposed zone change from R-8 (Residential at 8 units/acre)
 to C-17 (Commercial at 17 units/acre)
 QUASI-JUDICIAL, (ZC-1-09)

ADJOURNMENT/CONTINUATION:

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

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

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



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**PLANNING COMMISSION
MINUTES
NOVEMBER 25, 2008
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Heather Bowlby, Vice-Chair
Amy Evans
Peter Luttrupp
Tom Messina
Scott Rasor
Brian Klatt, Student Rep.

STAFF MEMBERS PRESENT:

Dave Yadon, Planning Director
Shana Stuhlmiller, Public Hearing Assistant
Warren Wilson, Deputy City Attorney
Troy Tymeson, Finance Director

COMMISSIONERS ABSENT:

Brad Jordan, Chairman

CALL TO ORDER:

The meeting was called to order by Vice-Chair Bowlby at 5:30 p.m.

COMMISSION COMMENTS:

None.

STAFF COMMENTS:

None.

PUBLIC COMMENTS:

None.

PUBLIC HEARINGS:

1. Applicant City of Coeur d'Alene
Request: Fees in Lieu of Parking
 - a. Change the method of establishing fee
 - b. Establishing the Fee in Lieu of parking in Mid-town and establishing distance to parking
LEGISLATIVE (0-8-08)

Planning Director Yadon presented a power point how Fees in Lieu of Parking were established in the Downtown Core. He explained that earlier this year, the Parking Commission received a letter from Mr. Rucker, who owns a building on the corner of Reid and 4th Street, and had a tenant interested in expanding. Mr. Rucker approached the owner of the building located directly behind their building to see if they would be interested in selling, so his tenant would have the room to for the expansion plus meet the requirement for off street parking. The owner of building did not want to sell, so his tenant could not expand. Mr. Rucker was aware of the In Lieu of Parking for the Downtown Core and wrote the letter to the Parking Commission to see if mid-town could be part of that process. The Parking Commission felt that this was an important issue and formed a sub-committee to discuss the possibility of establishing fees in lieu of parking for this area. After numerous meetings they chose a formula from one of the options listed from the Comprehensive study done in 2007 by Rich and Associates.

Commissioner Luttrupp commented that he feels this process is a win/win situation for the city and the developer.

Commissioner Razor inquired as to where the money would be kept once these fees are collected.

Deputy City Attorney Wilson explained that the fees will remain in a separate city fund, to be used only to acquire property needed for parking spaces.

Commissioner Messina questioned if the city will set a limit to the number of parking spaces a developer is allowed to purchase.

Planning Director Yadon answered that there is a limit to the number of parking spaces presented in the ordinance. He explained that the formula used by the city is based on the use of the building and the maximum floor area ratio. He added that when these two things are combined, it will give the number of parking spaces required for that business.

Deputy City Attorney Wilson commented that if this process is approved, it will be reevaluated in three years.

Commissioner Luttrupp inquired regarding the new fee for a parking space in mid-town.

Planning Director Yadon explained that the fee will be calculated using one of the options listed in the parking study by Rich and Associates that will base the fee within 20% of the market value of the land.

Commissioner Evans commented that this was a great option for small businesses to compete with other developers in this area, but had concerns that \$5,000 per parking space is a little steep for a small business working within a budget.

Troy Tymeson, City Finance Director, explained that this fee will be used as a tool by developers wanting to develop in mid-town.

Public testimony open.

Susie Snedaker commented that she has lived in this area for many years, and feels there have been concerns regarding the amount of parking in this area. She commented that the buildings located from Reid to Montana share the alley behind their buildings, and feels if these businesses decide to expand, parking would be eliminated behind their buildings, so people will be forced to park in the alley or across the street. She feels this ordinance does not mandate that any of those parking spaces be maintained as parking spaces and feels that should be changed. She added that people who want to park in this area

will circle around and either park across the street in a lot owned by LCDC or park in the alley. She commented that if parking is eliminated in the front of the businesses, plus in the back, everyone will be forced to park across the street. She noted at the last LCDC meeting it was discussed that Diamond parking will be overseeing that lot. She commented that she would like the commission to consider an ordinance stating that some of those lots onsite will be mandated.

Lynn Schundel commented that he lives in mid-town and was not aware of any discussion of fees in lieu of parking in previous meetings. He commented that he is not against this proposal, but feels input from people living from Harrison to Lakeside would have been beneficial. He added that he disagrees with the proposed boundary, but is most concerned how this change will affect the people who live on Third Street. He explained that the lack of parking on 4th street will overflow to parking available on the west side of Third Street, eliminating the parking spaces for the residents who live on Third Street.

Commissioner Luttrupp inquired regarding the amount of the fee given per parking space in the Downtown Core.

Mr. Tymeson answered that those fees in the Downtown Core were established in 1993, and for the first 25 spaces, the fee is \$1,000, and for 26 - 50 spaces, the fee is \$1,050 per space.

Commissioner Luttrupp commented that 1,000 feet is longer than the current district boundary. He feels in downtown this could work and feels maybe this number is greater for mid-town.

Commissioner Messina inquired if the fees for both mid-town and downtown parking spaces are a set fee or would they be based on a sliding scale and not necessarily the numbers presented.

Mr. Tymeson explained that those fees discussed tonight need to go forward for public hearing on December 2, 2009, for consideration by City Council.

Vice-Chair Bowlby inquired if staff could remember if the subject of Fees in Lieu of Parking was ever discussed at the previous meetings regarding mid town.

Mr. Tymesson commented that he remembers maybe one meeting he attended where fees were discussed and explained that communication could have been better. He added that the city was not aware of the available lot in this area until after most of the meetings were completed.

Vice-Chair Bowlby commented that this proposal does not discuss employee parking and inquired if staff could explain.

Planning Director Yadon commented that it does not require a certain parking for employee parking on-site. He added that if this is a concern, the commission could require a set percentage to be retained for employee parking.

Commissioner Luttrupp commented that he is not comfortable with the boundary proposed at 1,000 feet and feels it should be reduced between 400 to 500 feet, and feels that if allowed; it is bigger than the mid-town area.

Motion by Razor, seconded by Evans, to approve Item 0-8-08. Motion approved.

ROLL CALL:

Commissioner Evans	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

ADJOURNMENT:

Motion by Razor, seconded by Messina to adjourn the meeting. Motion approved.

The meeting was adjourned at 7:30 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION
MINUTES
DECEMBER 9, 2008
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Brad Jordan, Chairman
Heather Bowlby, Vice-Chair
Amy Evans
Peter Luttrupp
Tom Messina
Scott Rasor

STAFF MEMBERS PRESENT:

John Stamsos, Senior Planner
Shana Stuhlmiller, Public Hearing Assistant
Warren Wilson, Deputy City Attorney
Gordon Dobler, Engineering Services Director
Dave Yadon, Planning Director

COMMISSIONERS ABSENT:

Brian Klatt, Student Rep.

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Messina, seconded by Rasor, to approve the minutes of the Planning Commission meeting on November 11, 2008. Motion approved.

COMMISSION COMMENTS:

None.

STAFF COMMENTS:

None.

PUBLIC COMMENTS:

None.

PUBLIC HEARINGS:

1. Applicant: City of Coeur d'Alene
Request: Establishing the East Sherman Gateway District
LEGISLATIVE (0-9-08)

Planning Director Yadon presented the staff report and answered questions from the Commission.

Commissioner Messina inquired regarding the height limit proposed for Sherman Avenue.

Planning Director Yadon responded that the height limit on Sherman Avenue is proposed at 45 feet. He explained that if certain criteria are met, heights may increase to 75 feet, from 11th Street to 23rd and to 165 feet east of 23rd Street and Coeur d'Alene Lake Drive.

Public testimony open:

Kim Cooper, 1203 Cherrywood, commented that he would like to thank the Commission for the work they did putting this proposal together, but feels more discussion is needed between the developer and staff before a decision is made. He explained that he is currently working with a client on a project at the end of Coeur d'Alene Lake Drive, and feels that if this proposal is passed, it will limit the type of uses his client is proposing.

Steven McNutt, representative for Zito Enterprises, 1203 W. Riverside, commented that his client has been working on a project located in the eastside of Sherman for the last three years. He explained if these new proposals are passed, it will dramatically change their model that was designed using the existing heights. He added that his clients are requesting that the Planning Commission table this item, so his clients can "wrap their arms" around these new requirements and see if they can be applied to their current model.

Commissioner Luttrupp inquired how long his client would need to study these proposals.

Mr. McNutt commented that it would take at least a month or longer.

Commissioner Messina inquired if his clients would be able to attend another workshop to discuss concerns they have with this proposal, if this item is continued.

Mr. McNutt responded that his clients should be able to attend if another workshop is scheduled. He added that his clients were aware of past workshops, but did not attend because they did not fully understand the process.

Commissioner Messina commented that he feels that there have been plenty of opportunities for people to voice their concerns with the numerous workshops held this past year and feels this request needs to move forward.

Commissioner Luttrupp commented that he is surprised to hear so many people testify that they were not notified.

Meryle Kuntz, 1506 Front, commented that she is opposed to the idea of high-rise buildings on 15th street that would not blend well with the existing residential homes in that area.

Commissioner Luttrupp inquired if staff could explain the notification process used to notify citizens of upcoming public meetings.

Planning Director Yadon explained that for this proposal, notices were sent to people living within 300 feet of the proposed district. He added at previous workshops, a sign-up sheet was provided stating that if the

citizen wanted to be notified of future workshops on this item, to put a check mark next to your name if they wanted to be placed on the current mailing list to be notified of future meetings. He also noted, that e-mail notices were sent and that the information was on the web. He commented that the neighbors from the East Mullan Historic Neighborhood Association passed out their own notices informing their neighbors of tonight's meeting.

John Andres, 1623 Front, commented that he is opposed because he does not want to wake up and look out at his window at a high-rise building.

Rick Garnett, 1006 Bancroft, commented that he owns numerous buildings and rental properties in this area, and he is opposed to this request because he does not agree with the building height restrictions. He feels if someone owns enough land to build a high-rise, the property owner should be compensated for the additional land that is not useable.

George Mitchell, 1026 Front, commented that this proposal places too many restrictions on a developer who may want to do a project that would enhance this area and feels this proposal discourages growth.

Dave Jaeger, 303 S. 19th, commented that he is opposed because he feels that this request encroaches people's privacy issues.

Steve Saunders, 608 Foster, commented that he owns a property on Coeur d'Alene Lake Drive and feels that the area east of Sherman Avenue should be allowed to have high-rise buildings, since there are not many residences on this side of town that would be affected. He commented that he feels compassion for people who own homes on Sherman Avenue who would be affected by having a building close to their home.

Joe Morris, President East Mullan Historic District Neighborhood Association, 304 S. 11th Street, commented about a letter he wrote to the Commission that their group is opposed to the height increase and feels the height limit should not go over 38 feet. He discussed the various reasons they are opposed, and stated that with a height limit set at 38 feet, the surrounding residences would not be impacted. He added that this item should be tabled until everyone living in the area understands how these regulations will affect them.

Laurie Jaeger, 303 S. 19th, commented that she is opposed to this request and feels that her views would be affected.

Pat Acuff, 1105 Sherman Avenue, commented that he owned a real estate office on Sherman Avenue, a long time ago, and does not have a strong opinion either way regarding this proposal. He commented that he does feel that the existing businesses on Sherman Avenue could use some assistance from LCDC to help improve this section of town. He added that he feels the economy is not strong, so maybe more discussion is needed before a decision is made.

Commissioner Bowlby inquired if Mr. Acuff has any suggestions on how to maintain the integrity of a neighborhood when commercial is blended with residential. She added that it is hard to keep everyone happy.

Mr. Acuff commented that when he had his office on Sherman Avenue many years ago, he never had any complaints from the existing residences next to his office and today those same homes are still in this area, and feels years ago, this blend worked. He feels that the economy has slowed down and doubts any big projects will be proposed in the upcoming months.

Commissioner Luttrupp inquired how long the Commission should wait before a decision is made.

Mr. Acuff commented that he would wait until the market is better, before a decision is made on this proposal.

Commissioner Bowlby commented that the Planning Commission did have a lot of discussion on how this new district would work with the community.

Rita Snyder, 818 Front, commented that she lives in the East Mullan area and feels that in the past this group has been very vocal with the City on what they wanted and explained by allowing large buildings close to this neighborhood, it would take away one of the only affordable housing projects in this area. She noted another concern is with the lack of parking in this area, and has noticed since Park Place was finished, that any available parking is non-existent.

Troy England, 1223 Mullan, commented that he is a contractor and feels this proposal gives some great incentives for development.

Lynn Morris, 304 S. 11th, commented that she feels this item should be postponed, so more people living in this community have a chance to voice their opinion. She commented that she recently took a walk around her neighborhood and noticed many positive changes happening to some of the homes and it would be a shame to ruin that vision.

Commissioner Luttrupp questioned if Ms. Morris feels that the Planning Commission should table this item.

Ms. Morris commented that by hearing a lot of people testifying that they were not notified, feels that the City should schedule another workshop, so more people can testify.

Chris Holbart, 2011 Lakeside Avenue, commented that he wanted to compliment the Commission on the work done on this ordinance. He commented that he does not agree with the restrictions to building heights. He feels that it is not the responsibility of the City to tell people what they can do on their property. He agrees that some of the businesses on Sherman Avenue are in bad shape, and need to be torn down, and agrees that these guidelines would help those situations.

Robert Romero, 627 Government Way, commented that he agrees there are differences between Sherman Avenue and Coeur d'Alene Lake Drive and that higher commercial buildings should be allowed closer to the end of Sherman Avenue.

Mike Craven, 1115 E. 20th Avenue, commented that he is speaking on the behalf of John Stone who supports this proposal. He explained that the Riverstone Development is located at one end of the City, and by allowing commercial at the other end of Sherman Avenue, would give the City some balance.

Robert Obeid commented that he is in favor of this request and by approving these regulations; it will clean up Sherman Avenue and replace these old buildings with something new.

Public testimony closed.

DISCUSSION:

Commissioner Razor commented that he feels we have struck a compromise with this proposal and agrees with Mr. Craven's testimony, that allowing heights at the end of Sherman Avenue will be a great anchor. He added he feels this is the right direction and that this request needs to go forward to Council.

Commissioner Luttrupp disagrees and feels that more discussion is needed between the developer and the homeowner's in this area. He commented that East Sherman is a historic community and would agree with the height limit at 45 feet.

Commissioner Razor commented that he feels more discussion between the developers and the

neighborhood will not result in a compromise.

Chairman Jordan commented that he feels it is not the Commission's job to be mediators but to listen to testimony and then decide what would be the best decision.

Commissioner Evans commented that she appreciates the public testimony tonight, but agrees with Commissioner Razor it is time to move this issue forward. She explained that a lot of time was spent on this proposal and feels we listened to both sides.

Commissioner Bowlby commented that she feels uncomfortable with so many people testifying that they were not notified. She feels that another workshop would be beneficial so other people can voice their concerns. She commented that the Commission and staff have worked hard on this proposal, but feels another workshop is necessary.

Commissioner Messina commented they he thinks this should go forward and feels no matter what decision is made the city will always be the "bad guys". He noted that the Commission held numerous workshops with not a lot of turnout from the neighborhood or developers. He explained that he thinks this is a great compromise and likes the idea of separating Sherman Avenue into two separate entities.

Chairman Jordan commented that he concurs; it is hard to get everyone to agree. He noted that in this area there have never been any height restrictions and feels by placing guidelines to this area, it will allow construction of buildings that are desirable.

Motion by Razor, seconded by Messina, to approve Item 0-9-08. Motion denied.

Commissioner Luttrupp commented that he would make a new motion for staff to schedule another workshop on Tuesday, January 27, 2009, allowing public discussion and then re-schedule the public hearing on Tuesday, February 10, 2009.

Commissioner Bowlby concurs with Commissioner Luttrupp's motion and feels after the workshop maybe there will not be any changes to this ordinance, but at least it will give other people a chance to voice their concerns.

Commissioner Evans commented that earlier, she was ready for this request to move forward, but after hearing further testimony would agree to another workshop. She commented that she would not be able to sleep knowing that this item was approved without giving people a chance to discuss their concerns.

Commissioner Messina commented that he voted earlier to move this item forward, but will change his decision and agree to another workshop.

Motion by Luttrupp, seconded by Bowlby, to continue item 0-9-08 to a workshop scheduled on Tuesday, January 27, 2009, and then to a public hearing, scheduled on Tuesday, February 10, 2009. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Evans	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Nay
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 4 to 1 vote.

3. Applicant: Coeur d'Alene Charter Academy, INC
Location: 4971 and 4921 N. Duncan Drive
Request: A proposed zone change from LM (Light manufacturing) to C-17 (Commercial at 17 units/acre)
QUASI-JUDICIAL (ZC-4-08)

Senior Planner Stamsos presented the staff report, gave the mailing tally as 0 in favor, 0 opposed, and 4 neutral, and answered questions from the Commission.

Commissioner Razor inquired if another zone such as Neighborhood Commercial, would be a better choice for this project.

Senior Planner Stamsos answered that Neighborhood Commercial is not appropriate because Neighborhood Commercial is used when a commercial business abuts a residential neighborhood.

Commissioner Luttrupp inquired what the zoning classification for a school is.

Senior Planner Stamsos commented that schools are classified as a civic use.

Commissioner Luttrupp questioned if the surrounding businesses feel that they are a hazard to the school since they are so close.

Deputy City Attorney Wilson commented if that had been a concern, the issue would have come up when the school was originally proposed in this area by the other surrounding businesses.

Public Testimony open.

Dan Nicklay, applicant, 11960 N. Pinetree, Hayden, commented that he is the principal of Charter Academy and feels that this request is consistent with the other businesses in the surrounding area.

He explained that this request came forward because the school has grown and now they need the room to place additional classrooms in an existing building requiring the zone to be changed from Light Manufacturing to Commercial, to allow this use. He spoke with the other surrounding business owners and they are neutral to this expansion.

He added that traffic will not be increased because they plan to move the existing portable building to the subject property allowing the school to use this vacated area again for a student drop off and pick up area.

He announced that the school was named one of the top schools in the state and is requesting that the Planning Commission approve this request.

Commissioner Bowlby congratulated the applicant on the schools recent award.

Public testimony closed.

Motion by Bowlby, seconded by Razor, to approve Item ZC-4-08. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Evans	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

ADJOURNMENT:

Motion by Razor, seconded by Messina, to adjourn the meeting. Motion approved.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted by John Stamosos, Senior Planner

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMSOS, SENIOR PLANNER
DATE: JANUARY 13, 2009
SUBJECT: A-7-08 – ZONING PRIOR TO ANNEXATION
LOCATION: +/- 2.7 ACRE PARCEL AT 1130 EAST SKYLINE DRIVE

DECISION POINT:

Stephen B. Meyer is requesting Zoning Prior to Annexation from County Restricted Residential to City R-3 (Residential at 3 units/acre).

SITE PHOTOS:

- A. Site photo



B. Site photo – Looking southeast from Skyline Drive

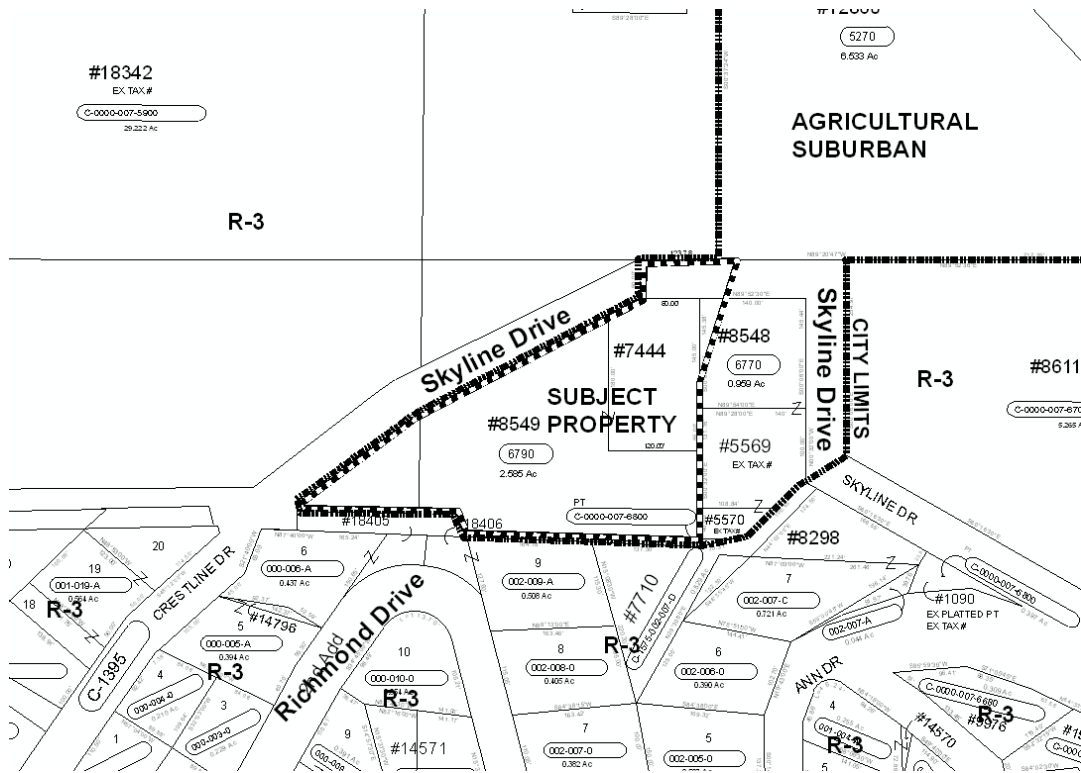


C. Site photo – Looking northeast from Richmond Drive

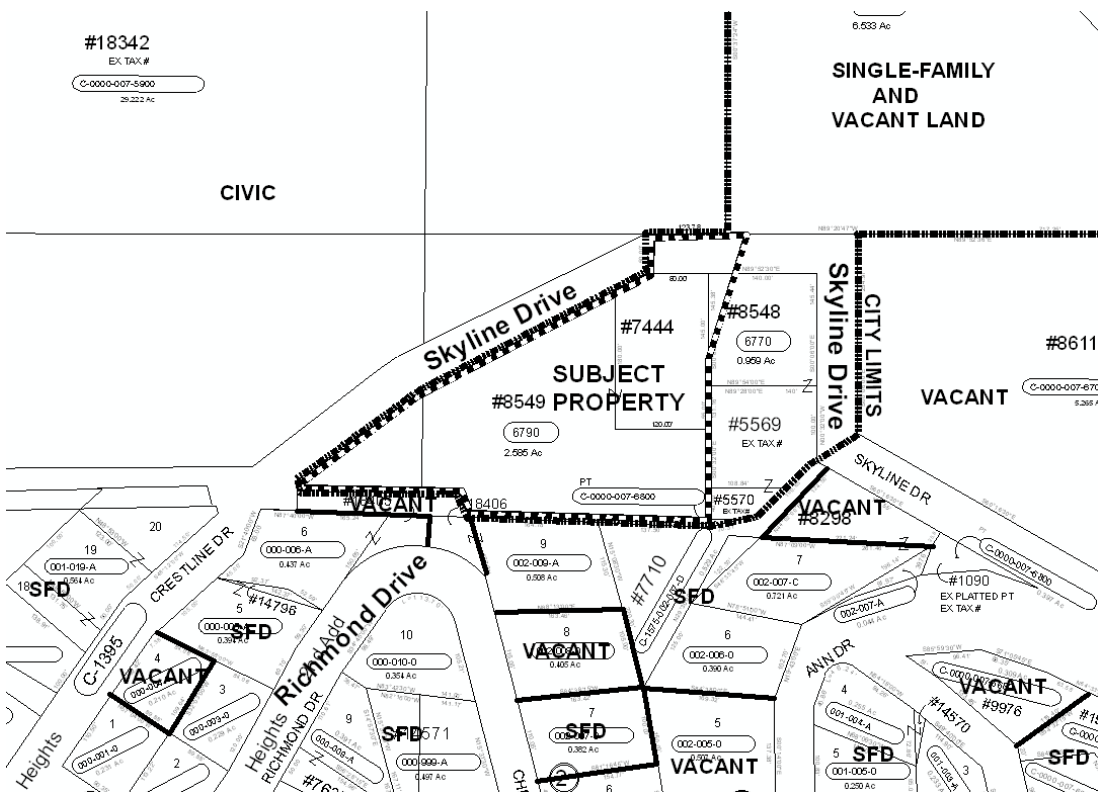


GENERAL INFORMATION:

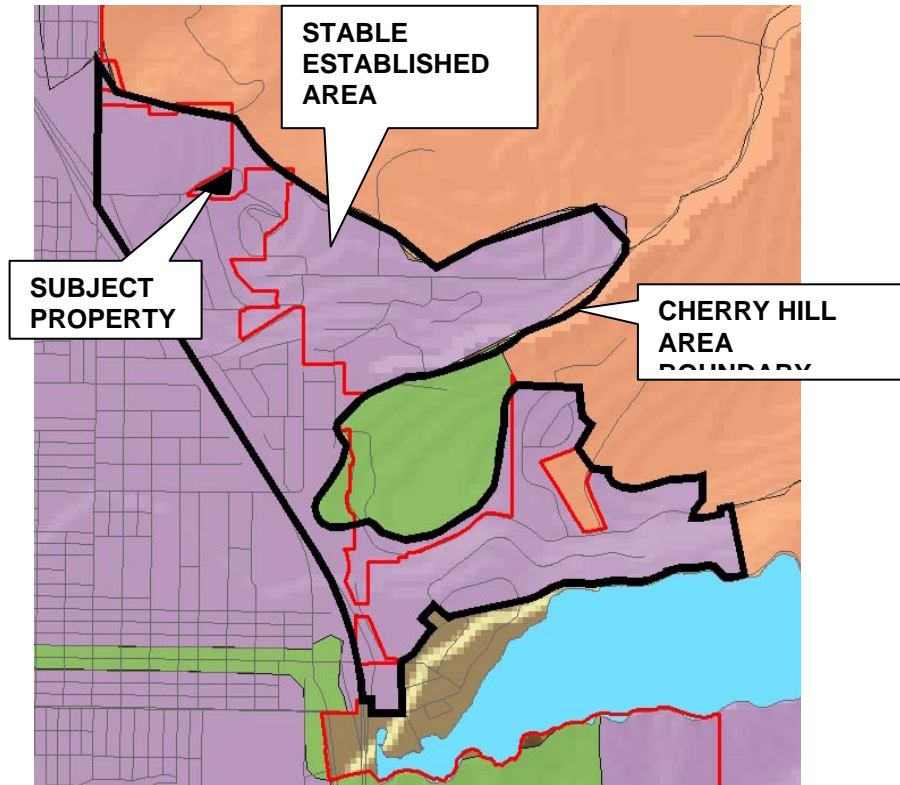
A. Zoning.



B. Generalized land use.



C. 2007 Comprehensive Plan - Stable Established – Cherry Hill Area:



D. Site topography.



E. Sewer availability



F. Applicant/: Stephen B. Meyer
Owner 1130 East Skyline Drive
Cœur d'Alene, ID 83814

G. Tax # 7444 contains a single family dwelling and Tax # 8549 is vacant.

H. Land uses in the area include single-family, civic (Cherry Hill Park) and vacant land.

I. The Request to Consider Annexation (RCA-10-08) was approved by the City Council on June 17, 2008 allowing the applicant to formerly applying for annexation, which he is doing with this request.

PERFORMANCE ANALYSIS:

A. Zoning:

The R-3 district is intended as a residential area that permits single-family detached housing at a density of three units per gross acre.

Permitted uses:

1. Administrative.
2. Essential service (underground).
3. "Home occupation" as defined in this title.

4. Single-family, detached housing.

Uses allowed by special use permit:

1. Commercial film production.
2. Community assembly.
3. Community education.
4. Community organization.
5. Convenience sales.
6. Essential service (aboveground).
7. Noncommercial kennel.
8. Religious assembly.

The zoning pattern (see zoning map on page 2) in the surrounding area shows Agricultural-Suburban zoning in the County and R-3 zoning in the City.

B. 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 Stable Established and is within the Cherry Hill Area, as follows:

Stable Established Areas:

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.

Cherry Hill Area:

This area will continue to develop as a lower density single-family residential area with care taken to preserve natural vegetation, views, and open space on steeper slopes. Future development will present challenges in preserving open space and tree cover, and providing necessary infrastructure in the context of hillside development. As this area continues to develop, parcels not suitable for development should be preserved as open space through conservation easements, clustering, and acquisitions.

The characteristics of Cherry Hill neighborhoods will be:

- That overall density in this area will be approximately one dwelling unit per acre (1:1). However, in any given development, higher densities, up to three units per acre (3:1) are appropriate where site access is gained without significant disturbance, terrain is relatively flat, natural landforms permit development, and where development will not significantly impact views and vistas.
- Limited opportunity for future development.
- Developments within the Fernan Lake Watershed should reflect careful consideration

- of the impacts of the development on water quality in Fernan Lake.
- 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.

3. Significant policies:

- Objective 1.01 - Environmental Quality:
Minimize potential pollution problems such as air, land, water, or hazardous materials.
- Objective 1.02 - Water Quality:
Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer
- Objective 1.12 - Community Design:
Support the enhancement of existing urbanized areas and discourage sprawl.
- Objective 1.13 - Open Space:
Encourage all participants to make open space a priority with every development and annexation.
- Objective 1.14 - Efficiency:
Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.
- Objective 3.02 - Managed Growth:
Coordinate planning efforts with our neighboring cities and Kootenai County, emphasizing connectivity and open spaces.
- Objective 3.16 - Capital Improvements:
Ensure infrastructure and essential services are available prior to approval for properties seeking development.
- 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).

4. 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.

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

SEWER:

Public sanitary sewer is nearby at the intersection of Richmond Drive and Cherrywood Drive.

Evaluation: The connection to this public sanitary sewer, however, would require the applicant to purchase property or obtain an easement over private property he does not own in order to connect to the sewer.

Comments submitted by Don Keil, Assistant Wastewater Superintendent

WATER:

The subject property is not served by city water.

Evaluation: There is currently no water main directly serving the parcel to be annexed. In order to develop this lot, the customer will be required to extend a water main on Crestline Drive up to and across the property frontage. Depending on where the lot is developed, there may also be issues with elevation and availability of sufficient pressure.

Comments submitted by Terry Pickel, Assistant Wastewater Superintendent

STORMWATER:

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

TRAFFIC:

Without a defined use, traffic generation cannot be determined, therefore, traffic mitigation issues will be addressed at the time of development on the subject property.

STREETS:

The area proposed for annexation adjoins, and would be accessed by, Skyline Drive on the north. The subject roadway is a narrow (21' – 24' wide), and at times congested travel way with an existing grade that exceeds the maximum 8% allowed by City Code. Roadway mitigation measures will be addressed at the time of development of the subject property.

APPLICABLE CODES AND POLICIES:

Utilities:

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

4. All required utility easements shall be dedicated on the final plat.

Streets ;

5. All new streets shall be dedicated and constructed to City of Coeur d'Alene standards.

6. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.

7. All required street improvements shall be constructed prior to issuance of building permits.

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

Stormwater:

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

Submitted by Chris Bates, Engineering Project Manager

FIRE:

No comments.

Submitted by Glenn Lauper, Deputy Fire Chief

POLICE:

No comments.

Submitted by Steve Childers, Captain, Police Department

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

The subject property has an average slope of 20.5%. (See map on page 4)

Evaluation: With annexation, compliance with the Hillside Regulations would be required for any future development.

E. 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 subject property is in an area of single-family residential development that is zoned R-3 or County Agricultural-Suburban and is adjacent to Skyline Drive, which is capable of handling traffic from any future development on the subject property.

Evaluation: The requested R-3 zoning would be compatible with the single-family development and residential character of the surrounding area.

F. Items recommended for an Annexation Agreement.

None.

- G. Ordinances and Standards Used In Evaluation:
Comprehensive Plan - Amended 1995.
Municipal Code.
Idaho Code.
Wastewater Treatment Facility Plan.
Water and Sewer Service Policies.
Urban Forestry Standards.
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices.

ACTION ALTERNATIVES:

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

[F:pcstaffreportsA708]

City of Coeur d' Alene
Annexation Request
Explanation Statement

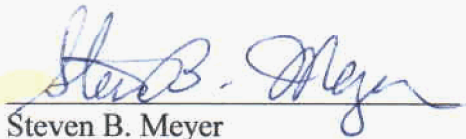
10-26-08

City of Coeur d' Alene

The proposed land annexation of parcel(s). A, T.N. 7444 & T.N. 8549, in section 7, T50N, R3W, B.M., Kootenai County, Idaho would geographically complete a more uniform City boundary line in this area. This would increase the city's growth as mentioned and prescribed, re: Comprehensive Plan 2007-2027. Increasing the city's boundaries in this area would create additional revenue for the city's future growth in this and other areas.

Regarding compatibility with the existing surrounding area. The above mentioned parcels are already surrounded by city land. As previously mentioned, this would create a more complete and uniform city boundary line in this area.

Respectfully Submitted,



Steven B. Meyer

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

A. INTRODUCTION

This matter having come before the Planning Commission on December 9, 2008, and continued to January 13, 2009, there being present a person requesting approval of ITEM A-7-08, a request for zoning prior to annexation from County Restricted Residential to City R-3 (Residential at 3 units/acre).

LOCATION: +/- 2.7 acre parcel at 1130 East Skyline Drive

APPLICANT: Steven B. Meyer

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 single-family, civic (Cherry Hill Park) and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is County Restricted Residential
- B4. That the notice of public hearing was published on, November 22, 2008, 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 21 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 21, 2008, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on December 9, 2008.
- 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 **STEVEN B. MEYER** 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 Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMOS, SENIOR PLANNER
DATE: JANUARY 13, 2009
SUBJECT: SP-1-09 – REQUEST FOR AN ESSENTIAL SERVICE (ABOVE GROUND)
SPECIAL USE PERMIT IN AN MH-8 ZONING DISTRICT
LOCATION: +/- 1.83 ACRE PARCEL AT 2819 N. FRUITLAND LANE

DECISION POINT:

Avista Corporation is requesting approval of an Essential Service (Above ground) Special Use Permit in the MH-8 (Mobile Home at 8 units/acre) zoning district.

It would allow the rebuilding and upgrading of the existing electrical substation on the site.

SITE PHOTOS:

A. Site photo.

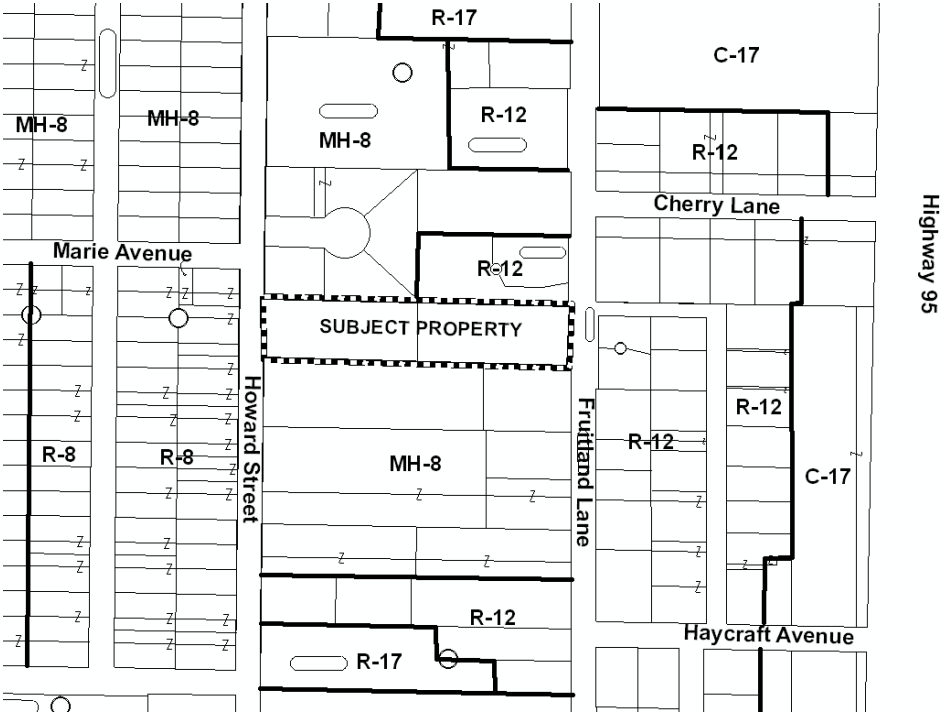


B. Subject property.

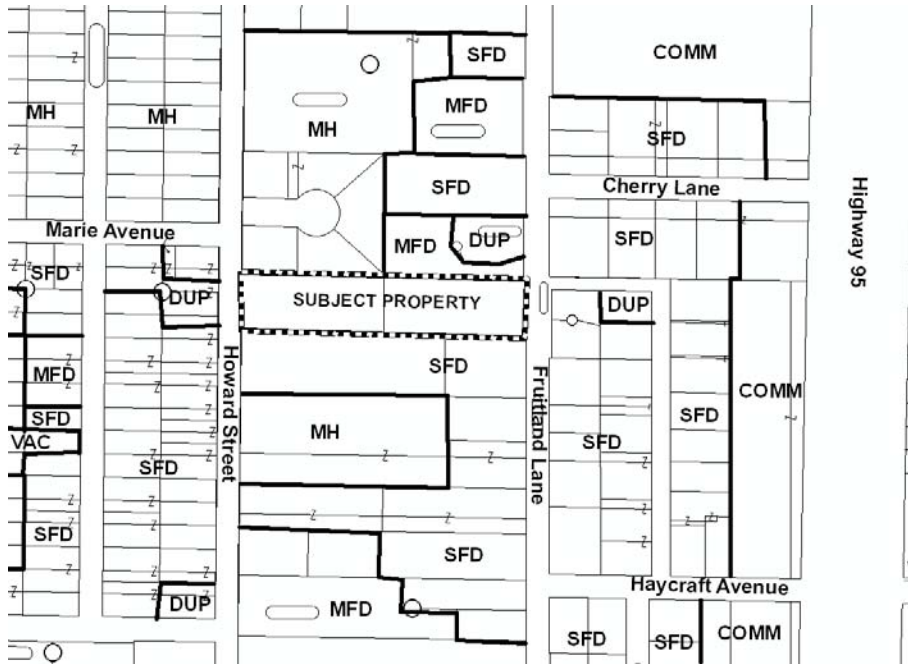


GENERAL INFORMATION:

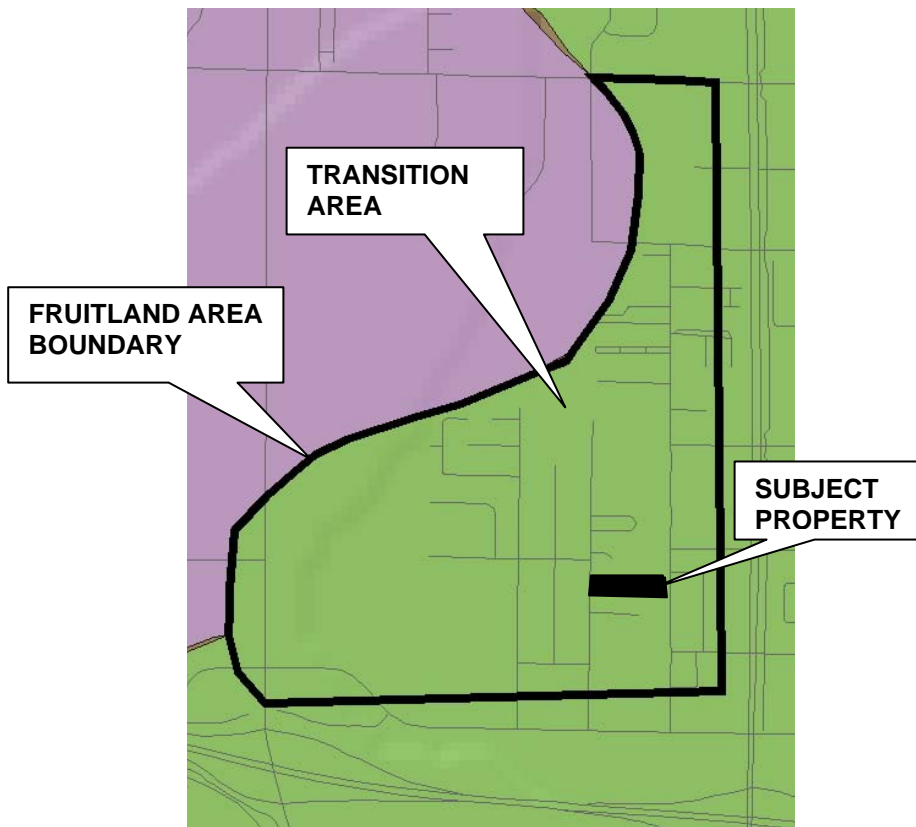
A. Zoning



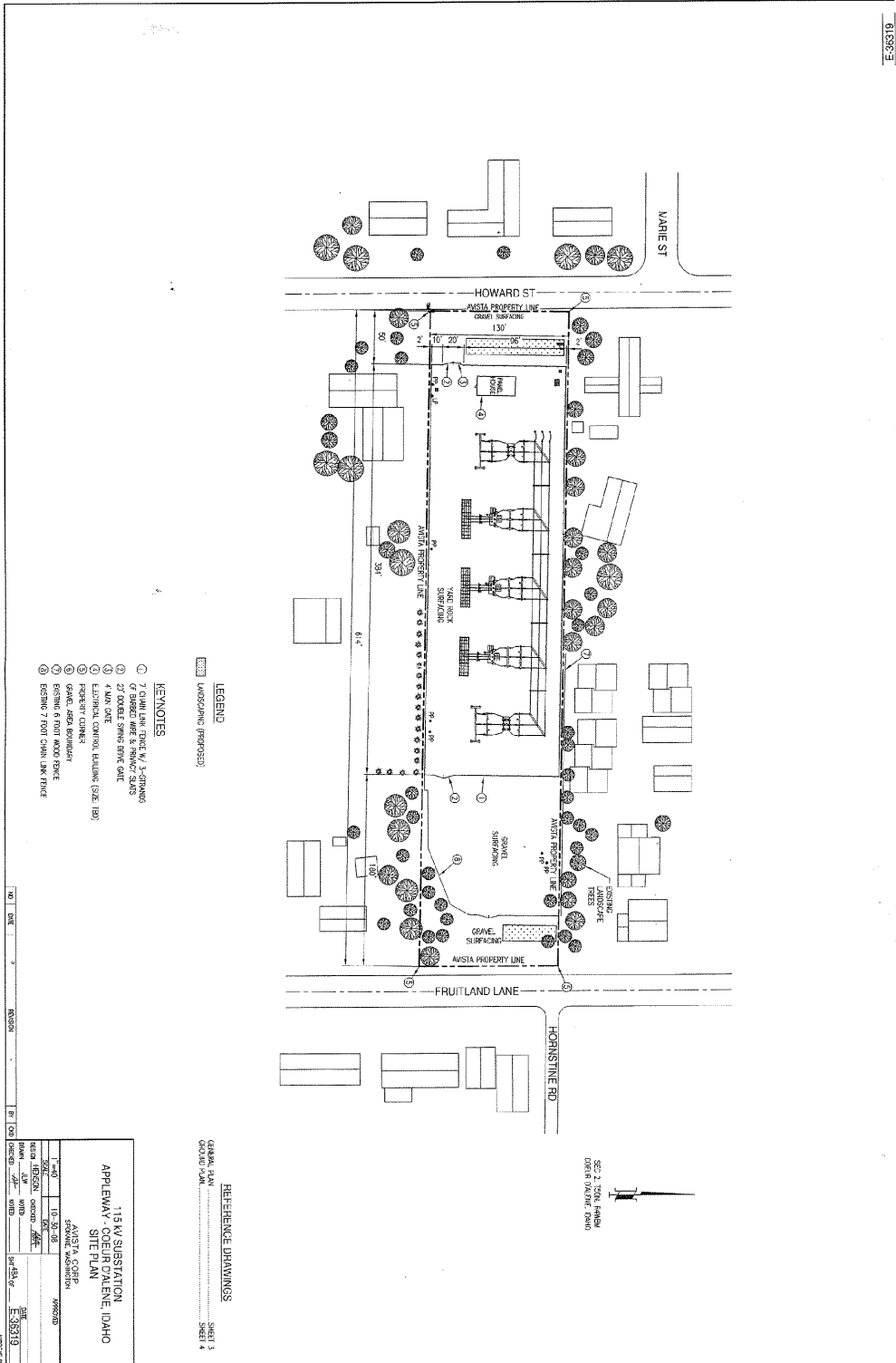
B. Generalized land use pattern:



C. 2007 Comprehensive Plan designation - Transition – Fruitland Area



D. Site plan



E. Applicant: Avista Corporation
 Owner P. O. Box 3727
 Spokane, Washington 99220-3727

- F. Existing land uses in the area include residential – mobile homes, single-family, duplex, multi-family, commercial, civic and vacant land.
- G. The subject property contains an existing Avista electrical substation on the east half of the subject property.

PERFORMANCE ANALYSIS:

A. Zoning:

- 1. Civic activity - Essential services: Activities that include the maintenance and operation of public utilities typical of electric, gas, telephone, sewer and water lines. The following activities and facilities are also included in this group:
- 2. The requested Essential Service (Above ground) activity is allowed by Special Use Permit in the MH-8 zoning district.
- 3. The existing substation has been located on the eastern half of the subject property for many years with no record of the required special use permit for an above ground essential service activity in the MH-8 zoning district having ever been approved. With this request, the current facility is proposed to be rebuilt, upgraded and enlarged to occupy the entire parcel, which “triggers” the requirement for a special use permit in order to bring the nonconforming activity into conformance with the zoning ordinance, as follows:
- 4. 17.06.950.B: NONCONFORMING ACTIVITY; CHANGE TO PERMITTED ACTIVITY:

Activity Requiring a Special Use Permit: Any nonconforming activity requiring a special use permit within the present zoning district may be expanded only upon the granting of said permit.
- 5. Evaluation: The requested use is located in an MH-8 zone, meets the definition of a Civic – Essential service (Above ground) activity, is an existing nonconforming activity in the MH-8 zoning district and can only be expanded with approval of the requested special use permit.

B. **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 City Comprehensive Plan Map designates this area as Transition and in the Fruitland Area, as follows:

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.

Fruitland Area:

Residential neighborhoods:

- That overall density will approach eight residential units per acre (8:1).

- That single- and multi-family housing should be located adjacent to compatible uses.
- Pedestrian and bicycle connections are encouraged.
- Uses that strengthen neighborhoods are encouraged.

Commercial areas:

- Commercial buildings will remain lower in scale than in the downtown core.
- Native variety trees will be encouraged along commercial corridors.

Significant policies for your 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 3.05 - Neighborhoods:
Protect and preserve existing neighborhoods from incompatible land uses and developments.
- Objective 3.16 - Capital Improvements:
Ensure infrastructure and essential services are available for properties in development.
- Objective 4.01 - City Services:
Make decisions based on the needs and desires of the citizenry.

3. 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.

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

This is an existing facility that has occupied the property for at least 20 to 30 years and is proposed to be rebuilt, upgraded and expanded to the entire parcel.

Evaluation: Based on the information presented, the Planning Commission must determine if the request is compatible with surrounding uses and is designed appropriately to blend in with the area.

- D. **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.**

WATER:

No water service has been requested so, the water department has no issues with this request.

Submitted by Terry Pickel, Assistant Water Superintendent

SEWER:

No comments. sewer service was not requested.

Submitted by Don Keil, Assistant Wastewater Superintendent

STORMWATER:

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

Evaluation: Construction of any impervious surface will require the installation of "on-site" drainage swales for stormwater containment. Completion of a stormwater drainage plan will be required with any permit submittal application for the subject property.

TRAFFIC:

The ITE Trip Generation Manual does not categorize this type of use; however, the number of trips that may be generated after the initial construction is completed should be insignificant since the substation is a static use rather than an active use facility.

Evaluation:

The adjacent and connecting streets will accommodate the traffic volume.

STREETS:

1. The subject property is bordered by Howard Street on the west and Fruitland Lane on the east. The current right-of-way width of both streets is 50 feet and does not meet City standards.

Evaluation: An additional five feet (5') of right-of-way on both the Howard Street and Fruitland Lane frontages must be granted prior to any construction activity on the subject property.

2. Frontage improvements (curb, pavement widening, etc.) have not been installed on either side of the subject property (double frontage lot); however, the adjoining property to the north on the Fruitland Lane frontage has constructed improvements.

Evaluation: Frontage improvements (curb, pavement widening, drainage facilities, etc.) will be required to be installed on the Fruitland Lane frontage and a

frontage improvement agreement for the same facilities will be required for the Howard Street frontage. Engineered design is required and must be approved by the City Engineer prior to the commencement of any construction on the subject property.

APPLICABLE CODES AND POLICIES:

UTILITIES

- 1 Any/all proposed utilities within the project shall be installed underground.
- 2 Any/all required utility easements shall be dedicated on the final plat.

STREETS

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

STORMWATER

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

FIRE PROTECTION

7. Fire hydrant(s) shall be installed at any/all locations deemed necessary by the City of Coeur d'Alene fire inspector.

Submitted by Chris Bates, Engineering Project Manager

FIRE:

The Fire Department will address other issues such as water supply, hydrants and access prior to any site development.

Submitted by Glenn Lauper, Deputy Fire Chief

POLICE:

The Police department was contacted and had no concerns.

Submitted by Steve Childers, Captain Police Department

E. Proposed conditions:

Engineering:

1. Dedicate an additional five feet (5') of right-of-way along both the Howard Street and Fruitland Lane frontages.

2. Install required street improvements (curb, pavement widening, etc.) along the Fruitland Lane frontage and enter into a Frontage Improvement Agreement for the same improvements on the Howard Street frontage.

F. Ordinances and Standards Used In Evaluation:

Comprehensive Plan - Amended 1995.
Municipal Code.
Idaho Code.
Wastewater Treatment Facility Plan.
Water and Sewer Service Policies.
Urban Forestry Standards.
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices.

ACTION ALTERNATIVES:

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

JUSTIFICATION:

Proposed Activity Group; Above Ground Essential Service

Prior to approving a special use permit, the Planning Commission is required to make Findings of Fact. Findings of Fact represent the official decision of the Planning Commission and specify why the special use permit is granted. The **BURDEN OF PROOF** for why the special use permit is necessary rests on the applicant. Your narrative should address the following points (attach additional pages if necessary):

A. A description of your request; Appleway Substation "Public Utility Complex"

B. Explain how your request conforms to the 2007 Comprehensive Plan;
Our goal is to provide suitable electric service for the growth of commercial, industrial and
developments. Also, our goal is to provide essential public service to the residents of
Coeur d' Alene, at the least expense.

C. Explain how the design and planning of the site is compatible with the location,
setting and existing uses on adjacent properties;
The site has an existing substation in need of repair and the property will be used for upgrading
and rebuilding its existing electric power supplies.

D. Explain how the location, design, and size of the proposal will be adequately served
by existing streets, public facilities and services;
No new road, public facilities or services will be needed for adding on to power substation property.

E. Any other information that you feel is important and should be considered by the
Planning Commission in making their decision.
This substation will continue to provide essential electric services to the residence of Coeur d" Alene, at the
least expense. It also will provide electric power to existing power lines that serve Coeur d" Alene by its location
and system reliability.

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

A. INTRODUCTION

This matter having come before the Planning Commission on, January 13, 23009, and there being present a person requesting approval of ITEM SP-1-09, a request for of an Essential Service (Above ground) Special Use Permit in the MH-8 (Mobile Home at 8 units/acre) zoning district.

LOCATION: +/- 1.83 acre parcel at 2819 N. Fruitland Lane

APPLICANT: Avista Corporation

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 – mobile homes, single-family, duplex, multi-family, commercial, civic and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is MH-8 (Mobile Home at 8 units/acre)
- B4. That the notice of public hearing was published on December 27, 2008, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on December 30, 2008, which fulfills the proper legal requirement.
- B6. That 57 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, December 26, 2008, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on January 13, 2009.
- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

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

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

- Criteria to consider for B8B:**
1. Does the density or intensity of the project "fit " the surrounding area?
 2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc?
 3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?

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

- Criteria to consider B8C:**
1. Is there water available to meet the minimum requirements for domestic consumption & fire flow?
 2. Can sewer service be provided to meet minimum requirements?
 3. Can police and fire provide reasonable service to the property?

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **AVISTA** for an Essential Service (Above ground)special use permit, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Razor	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMSOS, SENIOR PLANNER
DATE: JANUARY 13, 2009
SUBJECT: ZC-1-09 - ZONE CHANGE FROM R-8 TO C-17
LOCATION: +/- 18,121 SQ. FT. PARCEL AT THE SOUTHWEST CORNER OF HWY. 95 AND HANLEY AVENUE

DECISION POINT:

Chris Cheeley DBA as A Thousand Hills, LLC is requesting approval of a Zone Change from R-8 (Residential at 8 units/acre) to C-17 (Commercial at 17 units/acre).

SITE PHOTOS:

- A. Aerial photo

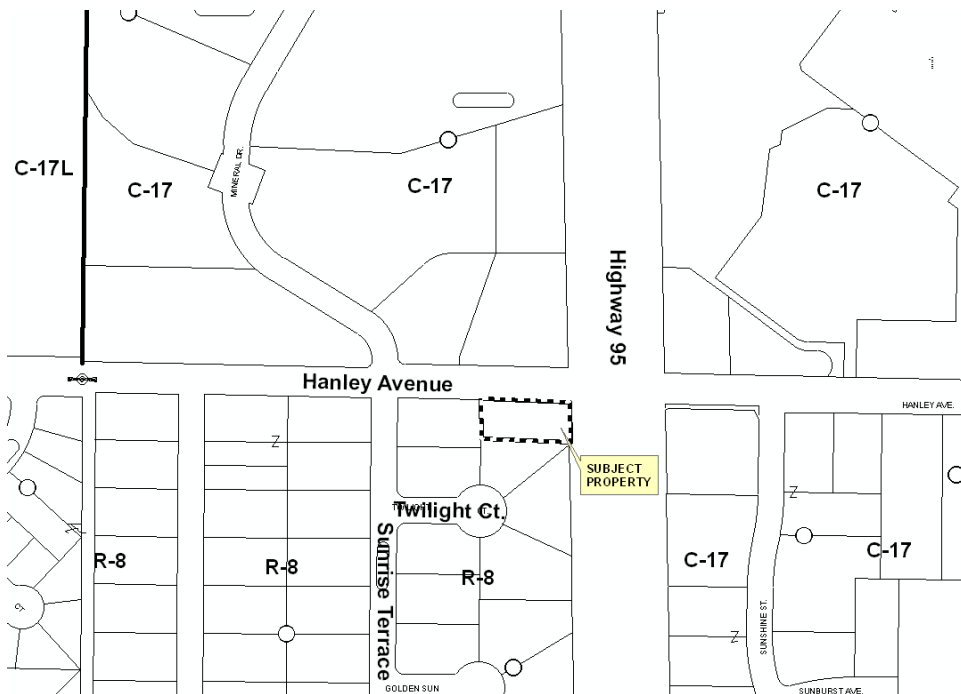


B. Subject property.

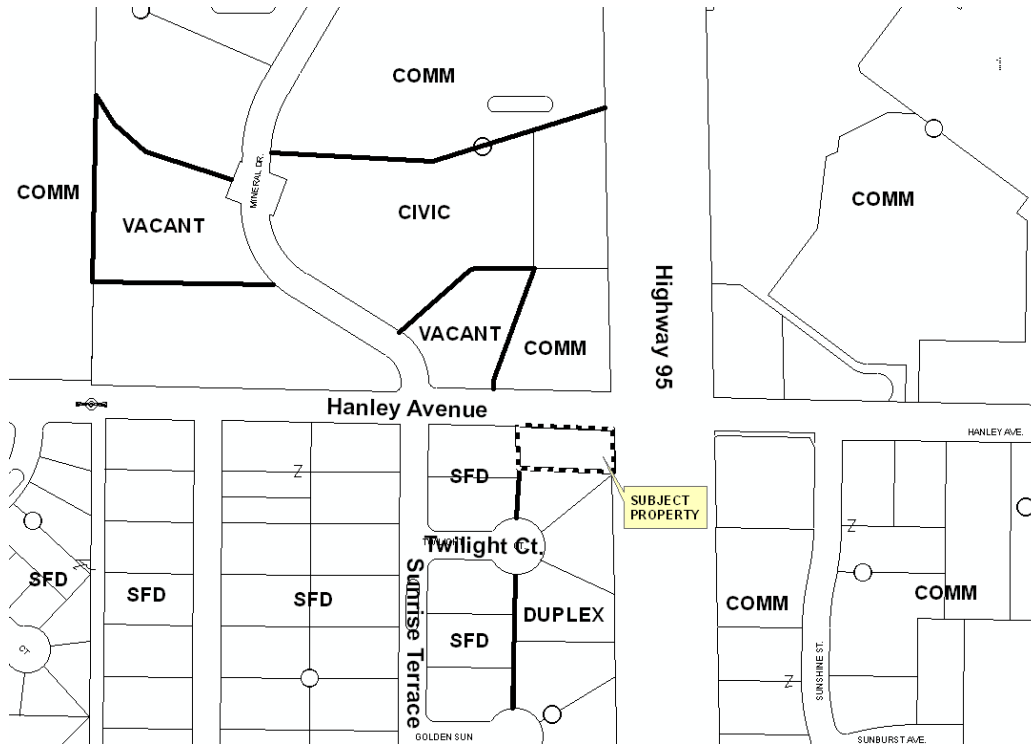


GENERAL INFORMATION:

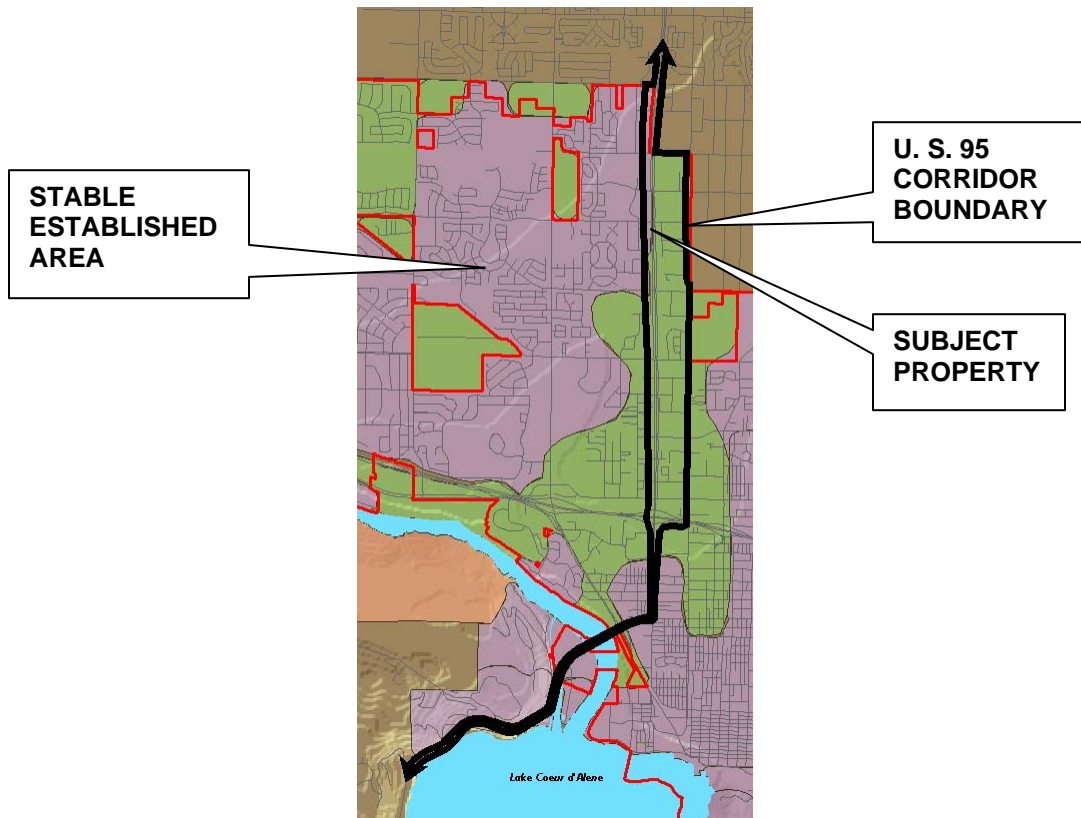
A. Zoning:



B. Generalized land use pattern:



C. 2007 Comprehensive plan designation – Stable Established – U. S. 95 Corridor.



- D. Applicant: Chris Cheeley DBA A Thousand Hills, LLC
1700 Northwest Boulevard
Coeur d'Alene, ID 83814
- E. Owner: Robert Prince
10646 North Lakeview Drive
Hayden Lake, ID 83835
- F. Land uses in the area include residential – single-family and duplex, commercial, civic and vacant parcels.
- G. The subject property is vacant and undeveloped.

PERFORMANCE ANALYSIS:

- A. Zoning ordinance considerations:

Approval of the zone change request would intensify the potential use of the property and change the range of uses allowed by right and special use permit from residential and civic uses allowed in the R-8 zone to residential, civic, commercial retail sales and service uses that are allowed in the requested C-17 zone.

C-17 Commercial zone:

- 1. Purpose

The C-17 District is intended as a broad spectrum commercial district that permits limited service, wholesale/retail and heavy commercial in addition to allowing residential development at a density of seventeen (17) units per gross acre. This District should be located adjacent to arterials; however, joint access developments are encouraged.

- 2. Allowed uses:

Permitted by right:

- 1. Single-family detached housing
- 2. Duplex housing
- 3. Cluster housing
- 4. Multiple-family
- 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.

Permitted 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.

B. 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 2007 Comprehensive Plan Map designates the subject property as Stable Established and in the U. S. 95 Corridor, as follows:

A. 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.

B. U. S. 95 Corridor:

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

C. The characteristics of the US 95 Corridor will be:

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

3. Significant 2007 Comprehensive Plan policies:

➤ Objective 1.02 - Water Quality:

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

➤ Objective 1.07 - Urban Forests:

Restrict tree removal in city rights-of-way and increase tree planting in additional rights-of-way.

➤ Objective 1.11- Community Design:

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

➤ Objective 1.12 - Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

➤ Objective 1.14 - Efficiency:

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

➤ Objective 1.16 - Connectivity:

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

➤ 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 3.16 - Capital Improvements:

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

➤ Objective 3.18 - Transportation:

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

➤ 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).

Transportation Plan policies:

The Transportation Plan is an addendum to the Comprehensive Plan and is a policy document that is intended to guide decisions that affect transportation issues. Its goal is to correct existing deficiencies and to anticipate, plan and provide for future transportation needs.

- 31A: "Develop an improved arterial system that integrates with existing street Patterns."
 - 33A: "Safe vehicular and pedestrian circulation should be enhanced through careful design and active enforcement."
 - 34A: "Use existing street systems better."
 - 34B: "Reduce automobile dependency by providing bike paths and sidewalks."
4. Evaluation: The Planning Commission must determine, based on the information before them, whether the 2007 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.

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

SEWER:

Public sewer is available to this lot.

Evaluation: Public sewer is available along the east lot line (parallels U.S. 95) and of adequate size to support this request. The existing sewer lateral will be reviewed for appropriate sizing for commercial application at building permit time.

Submitted by Don Keil, Assistant Wastewater Superintendent

WATER:

Water is available to the proposed development.

Evaluation: The Water Department has an existing easement for a 12 inch main across the corner of the property and it is served with a new 1 inch service.

Submitted by Terry Pickel, Assistant Water Superintendent

STORMWATER:

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

Evaluation: Construction of any impervious surface will require the installation of "on-site" drainage swales for stormwater containment. Completion of a stormwater drainage plan will be required with any permit submittal application for the subject property.

TRAFFIC:

The proposed use would be considered a Specialty Retail Center in the ITE Trip Generation Manual, and therefore, the average number of trips that may be generated at peak hours is approximately 5.93 per 1000 sq. ft. of gross floor space.

Evaluation: Using a recently completed facility by the applicant as a model, the 2,750 square foot building may result in 16.3 trips during the peak hour periods. Considering that this type of retail is not a significant A.M. peak hour (7-9) contributor, and the subject property would be situated at a signalized intersection (Hanley Ave & U.S. Hwy 95), the adjacent and connecting streets will accommodate the traffic volume.

STREETS:

1. The subject property is bordered by Hanley Avenue on the north and U.S. Hwy 95 on the east. The platted right-of-way width on Hanley Avenue is a thirty foot "half section", however, Hanley Avenue is one of the major east/west arterial roadways and the existing right-of-way does not meet the City standard of 50 feet for the necessary "half section". The City has no control over U.S. Hwy. 95 which is under the jurisdiction of the Idaho Transportation Department.

Evaluation: Dedication of an additional twenty feet (20') feet of right-of-way on the Hanley Avenue frontage will be required prior to the final approval of the zone change.

2. The Hanley Avenue frontage is lacking the necessary street improvements (curbing, sidewalk, drainage facilities, etc.).

Evaluation: Frontage improvements will be a requirement of any building permit that is submitted for the subject property. These improvements will be required to be installed prior to any occupancy of constructed facilities on the site and must be approved by the City Engineer prior to installation.

3. Due to the proximity of the subject property to the highway 95 Hanley Avenue intersection, access to the site will be restricted.

Evaluation: To avoid potential congestion at the intersection, all access to the site will be restricted to the westerly boundary of the subject property and any approach that is constructed will be limited to the minimum size of twenty four feet (24') for two way traffic.

APPLICABLE CODES AND POLICIES

UTILITIES

1. All proposed utilities within the project shall be installed underground.
2. All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.

STREETS

3. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
4. All required street improvements shall be constructed prior to issuance of building permits.

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

STORMWATER

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

FIRE PROTECTION

7. Fire hydrant(s) shall be installed at any/all locations deemed necessary by the City of Coeur d'Alene Fire Department.

Submitted by Chris Bates, Engineering Project Manager

FIRE:

The fire department will address other issues such as water supply, hydrants and access prior to any site development and upon receipt of additional information of this project.

Submitted by Glen Lauper, Deputy Fire Chief

POLICE:

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

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

There are no physical constraints such as topography that would make the subject property unsuitable for development.

- E. **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 subject property is located at the southwest corner of the busy intersection of Hanley Avenue and U. S. 95 and only has access to Hanley. It is located along the Highway 95 commercial corridor adjacent to the Sunrise Terrace residential neighborhood but has no direct access to this neighborhood; however, there could be impacts to the surrounding. US Highway 95 has become a high impact gateway into the community as well as the major north-south highway through north Idaho. The subject property is one of several properties along both sides of Highway 95 that is directly impacted by its close proximity to the highway and thus dramatically affected by traffic, noise and other impacts.

Evaluation: The Planning Commission must determine what affect the proposed C-17 zoning would have on traffic, land uses and the character of the surrounding area.

- F. Proposed conditions:

Engineering:

1. Dedicate twenty feet (20') of right-of-way to prior to the final approval of the zone change.
2. Install street frontage improvements based upon a design approved by the City Engineer prior to any occupancy of facilities on the subject property.
3. All access will be restricted to the westerly boundary of the subject property. Access approach size will be restricted to the minimum size of twenty four feet (24') for two way traffic.

G. Ordinances and Standards Used In Evaluation:

Comprehensive Plan - Amended 1995.
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

ACTION ALTERNATIVES:

The Planning Commission must consider this request and make separate findings to approve, deny or deny without prejudice the Annexation, Zone Change, Planned Unit Development and Preliminary Plat. The findings worksheets are attached.

Zoning change request justification

In requesting a change from the current R8 to C17, it is critical that the purposes and intents of the City of Coeur d'Alene Comprehensive Plan are our guide. Thus, after a brief synopsis of my objective with for this parcel, I will address several points in the Comprehensive Plan and how my proposal will further the goals of the City and of the community.

This lot on the southwest corner of Highway 95 and Hanley Avenue has remained vacant since the subdivision in the 1970's, most likely because it is zoned residential but would not be an appropriate location on which to build a dwelling. Situated at a major signalized intersection and without ingress/egress onto a residential street, this lot clearly "connects" to the Highway 95 commercial community, rather than to the Sunrise Terrace residential community.

I respect that any change may be undesirable to some, but I am convinced that this request is fair to all concerned, and enhances the long term interests of all affected parties. The lot is very small (18,000 square feet) and appears to have been split from the original lot 28, leaving it facing US 95 to the east, the Coldwell Banker Commercial building to the north, and back yard fences to the south and west.

I considered the suggestion that we apply for (NC) Neighborhood Commercial zone, but a lot on US95 did not fit the intent of that zoning. Also, the requirements of the Design Standards ("Buildings must be designed with a residential character, including elements such as pitched roofs, lap siding, and wide window trim.") did not fit with the typical design found along the corridor.

I plan to build a small retail building, similar to what we just completed at 1700 Northwest Boulevard in Coeur d'Alene (without any coffee). On Northwest Boulevard we are contiguous to and across the street from a residential neighborhood, and we built a building that is an enhancement to both the residential community and the commercial street. This lot on US95 would lend itself well to a building located as close as permitted to the highway, with parking in the rear and ingress/egress as far west as possible on Hanley.

Here are several ways in which this project would conform to the stated goals of the Comprehensive Plan:

Page 7: *"The community is our greatest asset. We must make every effort to provide quality neighborhoods, and to protect existing neighborhoods, for our generation and many more to come. Our future holds dynamic change, and the city is planning for land use patterns to ensure growth occurs in a compatible and responsible manner consistent with historical character and lake location."*

The land use pattern of US 95 is clear – it is for commercial use. In fact, **the subject lot is the only residential lot at an intersection on US 95 in the City. In fact, from Ironwood Drive to Hayden Avenue all four lots at every signalized intersection are C17.** This is perhaps the most compelling fact justifying this request. Also, none of the homes in the subdivision front Hanley – all of their driveways connect to side streets.

Page 10: *"**Goal #1: Natural Environment** Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene."*

Currently, this lot is not enhancing the beauty of Coeur d'Alene. It is a weed-covered lot, and frequently collects garbage. Comparing it to the beautiful building and professional landscaping directly north provides a stark contrast. We intend to use natural materials on this building (slate, granite, copper) as we used on Northwest Boulevard.

Page 10: *"**Goal #2: Economic Environment** Our Comprehensive Plan preserves the city's quality workplaces and encourages economic growth."*

In addition to spending hundreds of thousands of dollars employing local construction workers, this building would provide a location for jobs close to where people live. It would also likely increase the property taxes on this parcel ten-fold, contributing back to the community for decades in the future.

Page 13: *"**Objective 1.07 Urban Forests:** Restrict tree removal in city rights-of-way and increase tree planting in additional rights-of-way."*

The addition of street trees would enhance the appearance of the intersection and help to buffer the existing residential neighborhood from US 95.

Page 14: ***Objective 1.14 Efficiency: Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.***

This location already has the roads and utilities in place thus would not impact any appreciable undeveloped area. We hope to widen Hanley Avenue along this section, adding a lane from which cars can continue east across US 95 or can turn right to proceed south on US 95. This would practically double the number of cars able to pass through the intersection during each traffic signal change and would allow for less obtrusive stacking at the intersection.

Page 16: ***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.***

I would submit that since the existing use of properties on US95 is commercial, erecting a residential structure on this lot would be incompatible with the appropriate uses. In contrast, allowing the construction of a quality commercial building would demonstrate support for local business.

Page 18: ***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.***

Because this lot cannot connect to the residential streets, the transition between commercial and residential use is already in place. Requiring that this lot remain residential would not protect the residential character of the contiguous neighborhood, because this lot is isolated from the residential lots.

Page 56: ***US 95 Corridor Today US Highway 95 has become a high impact gateway into the community as well as the major north-south highway through north Idaho. It is also the main arterial that connects communities to the north of Coeur d'Alene to I-90 and is the state's principal route to Canada...Large scale native trees along this corridor help to offset the negative impacts associated with a major thoroughfare....***

US 95 is a major thoroughfare. Providing businesses that are visible and easily accessible serves both the local residents and those from outlying communities. Replacing a weed lot with an attractive building at this high profile intersection will certainly enhance the gateway to our city.

Page 57: ***US 95 Corridor Tomorrow The city of Coeur d'Alene will be working during the next planning period until the year 2027 with the Idaho Department of Transportation to design an efficient transportation system through the city.***

The characteristics of the US 95 Corridor will be:

- *Ensuring that access to businesses along the highway corridor is protected.*
- *Ensuring the city is not divided by this highway.*

- *Designing a system for the safe and efficient traffic flow through the city with a separate arterial for through traffic.*
- *Encouraging retention and planting of native variety, evergreen trees."*

Allowing construction on this lot will address each of above bullet points:

- The Plan assumes that businesses will be located along the highway corridor (which is the case in every other section);
- Enhancements to Hanley, if allowed by the City and IDOT, would significantly enhance the east-west connection;
- Again, additional trees would be required by the city.

Page 72: ***Property Rights** In addition to valuing effective and efficient management, our city government places a high value on the property rights of its citizens. As the population of our city grows, the likelihood of conflict between city regulations and either the property rights of a developer or the rights of neighbors, also grows. The city will strive to minimize this potential for conflict and to ensure that land use policies and restrictions of the City of Coeur d'Alene do not violate private property rights."*

I appreciate that the City respects property rights. Hopefully, neighboring residential property owners will see the value of allowing this lot to be developed in a manner consistent with the rest of the similar lots on US95 intersections. As the owner of this lot, I would be placed in a difficult position if the only possible development was residential, as it would not be an appropriate place for dwellings. In addition, the neighboring commercial property owners would likely appreciate the value of developing and enhancing this lot.

Page 75: ***Closing Statement** We have established four goals in our plan that can be summarized as follows: We intend over the life of this plan, until 2027, to keep our city beautiful, to help it grow economically, to preserve those qualities that make us want to continue to live here, and to maintain a system of city government that is responsive to the citizenry and that keeps the city a safe place. In summary, we will value, preserve, and enhance those places we call special....*

Coeur d'Alene will continue to grow over the life of this plan. The growth will be less spread out than in the past.... There will be innovative residential/commercial developments proposed. All must be given careful thought, keeping in mind their effects on surrounding, older, established neighborhoods."

I, too, desire to keep my hometown beautiful, to help it grow economically, and to preserve those qualities which have made me continue to want to live here. I am committed to enhancing a place which is truly special. Although growth may sometimes be inconvenient or challenging, it can be done well and the end result can be beneficial to the nearby neighborhoods.

I hope that this justification addressed the interests of all parties involved, and I look forward to clarifying any aspect which remains a concern.

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

A. INTRODUCTION

This matter having come before the Planning Commission on January 13, 2009, and there being present a person requesting approval of ITEM: ZC-1-09, a request for a zone change from R-8 (Residential at 8 units/acre) to C-17 (Commercial at 17 units/acre).

LOCATION: +/- 18,121 sq. ft. parcel at the Southwest corner of hwy. 95 and Hanley Avenue

APPLICANT: Chris Cheeley DBA as A Thousand Hills, LLC

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 – single-family and duplex, commercial, civic and vacant parcels.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is R-8 (Residential at 8 units/acre)
- B4. That the notice of public hearing was published on December 27, 2008, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, January 2, 2009, which fulfills the proper legal requirement.
- B6. That 29 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, December 26, 2008, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on January 13, 2009.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

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

Criteria to consider for B9:

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

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

Criteria to consider for B10:

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

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

Criteria to consider for B11:

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

C. ORDER: CONCLUSION AND DECISION

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

Special conditions applied are as follows:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN

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2009 Planning Commission Priorities Progress

JANUARY 2009

<p>.A note on the colors from from Tony Berns: "I use the stop light analogy: Red is bad – either that initiative has failed, or our Board goal for the year will not be met. Yellow is caution – could get to "red" if we don't do something pronto. Green is good. he other colors like "pending" are place holders until action on those items can occur." Note: The PC is encouraged to select what "color" is appropriate.</p>		
<p>Administration of the Commission's Business</p>		
<ul style="list-style-type: none"> ▪ Follow-up of Commission requests & comments 		No new requests.
<ul style="list-style-type: none"> ▪ Meeting with other boards and committees 		
<ul style="list-style-type: none"> ▪ Goal achievement 		Checklist of projects w/updated 6/08
<ul style="list-style-type: none"> ▪ Building Heart Awards 		Awards given as identified.
<ul style="list-style-type: none"> • Speakers 		
<ul style="list-style-type: none"> • Public Hearings 		February, 1 Item + E Sherman Gateway
<p>Long Range Planning</p>		
<ul style="list-style-type: none"> ▪ No current projects 		
<p>Public Hearing Management</p>		
<ul style="list-style-type: none"> ▪ No changes anticipated 		
<p>Regulation Development by priority</p>		
<p>1. Zoning Ordinance Updates <i>Continued evaluation and modification of existing districts with comprehensive plan.</i></p> <ul style="list-style-type: none"> • Lot berming • Non-Conforming Use Reg cleanup • Average Finish Grade • Screening of rooftop equipment • PUD Standards • Lighting • Re-codification or re-org to Unified Development Code • Mixed Use Centers 		<p>PC workshop with Mark Hinshaw completed in Oct.</p> <p><i>Fort Grounds Example, no new action</i></p> <p><i>Commercial design guidelines review w/M. Hinshaw</i></p> <p><i>Commercial design guidelines review w/M. Hinshaw</i></p> <p><i>Commercial design guidelines review w/M. Hinshaw</i></p> <p><i>Research begun – no new action</i></p> <p><i>Developing w/M. Hinshaw</i></p>
<p>1. Expansion of Design Review</p>		Complete. Possible additional expansion in concert with revised zoning
<p>3. Off-Street Parking Standards</p>		<i>Review and updating. Anticipate cooperation with Parking Commission on certain aspects.</i>
<p>4. Revise Landscaping Regulations</p> <ul style="list-style-type: none"> • General review & update • Double Frontage Lot landscaping • Tree Retention 		<p>w/Urban Forestry</p> <p>Also revised standards w/commercial design guidelines project</p> <p>Sample ord from Hinshaw given to Urban Forestry</p>
<p>5. Subdivision Standards</p> <ul style="list-style-type: none"> • Double Frontage Lot landscaping • Tree Retention • Condition tracking & completion • Alternate standards to reflect common PUD issues such as: Road widths, sidewalks, conditions for open space and other design standards 		<p>Pending – some research begun</p> <p>Sample ord from Hinshaw given to Urban Forestry</p> <p>Discussed (07) by DRT. Implementation pending</p>
<p>6. Workforce & Affordable Housing <i>Support for Council efforts recognizing that primary means of implementation in Cd'A are outside of Commission authority.</i></p>		City staff & consultant working on various aspects ie Community Development Block Grant.
<p>Other Action</p>		
Mid Town Fees-In-Lieu Parking		Approved by City Council on 1-6-09
Area of City Impact		Request from City Council forwarded to county
Oath of Office		Warren & Chrman Jordan Presenting to GS 1/12/09