

**PLANNING COMMISSION AGENDA**  
**CITY COUNCIL CHAMBERS**

**MARCH 27, 2007**

**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:** Bruning, Bowlby, George, Jordan, Razor, Messina, Souza, McCloskey, (Student Rep)

**PUBLIC COMMENTS:**

**COMMISSION COMMENTS:**

**STAFF COMMENTS:**

**PRESENTATION:**

1. LCDC Annual Report – Tony Berns

**PUBLIC HEARINGS:**

1. Applicant: City of Coeur d'Alene  
Request:
  - A. Modification to the East Mullan Infill Overlay Regulations
  - B. Removal of height variance  
LEGISLATIVE, (0-1-07)
  
2. Applicant: City of Coeur d'Alene  
Request: Adopting a mediation option as part of the zoning and subdivision regulation process  
LEGISLATIVE, (0-2-07)

**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***

Date: March 27, 2007

To: Planning Commission

From: David Yadon, Planning Director

Subject: **Item O-1-07 A & B Amendments to Zoning Code** – Infill Development DO-E, Height Variance

### **Decision Point**

The Planning Commission is asked to consider the following amendments to the zoning ordinance:

Item O-1-07A Modify the development standards in the DO-E (Design Overlay – East) in the following ways:

- Reduce the allowable building height from 38 feet to 35 feet and
- Add a design guideline requiring pitched roofs for development

Item O-1-07B Removal of 17.06.330: EXCEPTIONS TO HEIGHT MAXIMUMS BY VARIANCE.

### **History**

The City Council and Planning Commission recently met with consultant Mark Hinshaw to review the merit of suggested changes to the DO-E (Design Overlay – East) infill district as proposed by the East Mullan Historic District Neighborhood Association (EMHDH). The City Council voted to have two amendments forwarded to the Planning Commission for public hearing and recommendation.

Item O-1-07A The amendment reducing the overall height allowed to 35 feet is intended to insure that the scale of the buildings in the DO-E is more sensitive to the scale of the surrounding neighborhood while still providing adequate volume to encourage infill development. The Design Guideline requiring a minimum 4:12 and Maximum 12:12 roof pitch is intended to ensure that rooflines reflect the neighborhood character and reduce the perceived bulk of the structure. This guideline is the same as recently adopted as part of the Pocket Residential regulations.

Item O-1-07B This amendment removing the specific height variance findings is intended to provide for a more restrictive set of standards by only allowing such variances for a site specific hardship. This is consistent with the criteria for granting other variances from the zoning regulations. (See 17.09.620 below)

The existing regulation to be removed is:

17.06.330: EXCEPTIONS TO HEIGHT MAXIMUMS BY VARIANCE:

Heights in excess of those permitted for principal buildings, accessory buildings and structures above buildings may be permitted by variance in accordance with the variance procedure set forth in article VI, chapter 17.09 of this title upon findings that such structures may be safely erected and maintained at such height considering surrounding conditions and circumstances, and that such structures will not impose major adverse environmental, and specifically, adverse visual impacts.

The existing regulation governing variances other than heights:

17.09.620: FINDINGS REQUIRED:

A variance may be granted only when the applicant has demonstrated that all of the following conditions are present:

- A. There is an undue hardship because of the physical characteristics of the site.
- B. The variance is not in conflict with the public interest.
- C. The granting of said variance will be in conformance with the comprehensive plan.

**Financial Analysis**

There is no significant financial impact associated with the proposed amendments.

**Performance Analysis**

The proposed amendment is consistent with Comprehensive Plan policies including 51A, 63D1, D12, D16, 64D16, 65.

**Quality of Life Analysis**

The amendment will provide opportunities to provide housing and other structures that are compatible with existing neighborhood within and adjacent to the (Design Overlay – East)

**Decision Point Recommendation**

The Planning Commission is asked to consider the proposed amendments.

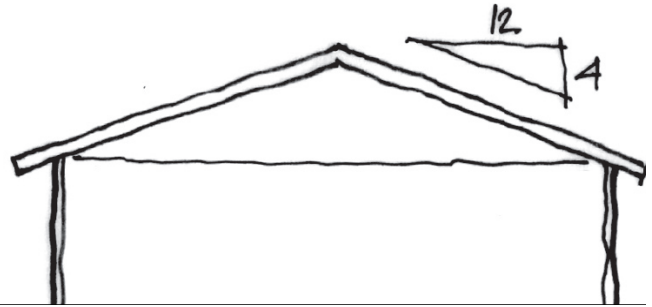
## Roof Pitch

### Intent:

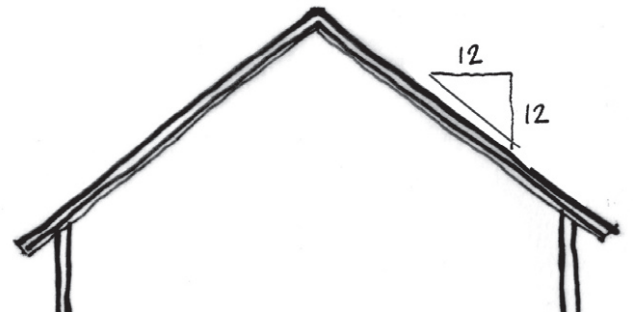
To ensure that rooflines present a distinct profile and appearance for the building and express the neighborhood character.

### Standards:

Roof pitch shall have a minimum slope of 4:12 and a maximum slope of 12:12.



*Minimum Slope 4:12*



*Maximum Slope 12:12*

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

DATE: March 27, 2007

FROM: Warren J. Wilson, Chief Deputy City Attorney

SUBJECT: 0-2-07 – Adoption of Mediation Provisions

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**DECISION POINT:**

Provide the City Council with a recommendation regarding adopting Municipal Code provisions governing mediation of land use issues.

**HISTORY:**

Idaho Code Section 67-6510 provides for mediation of land use issues and establishes guidelines for how the mediation occurs. For some time staff has considered adding a mediation provision to our land use ordinances to provide guidance to the public on mediation of land use issues. Staff decided to bring this matter before the Commission and Council at this point because we could codify it at the same time as the height variance changes, thereby saving codification costs.

**FINANCIAL ANALYSIS:**

There is no increased cost to the City from the adoption of the proposed ordinance because mediation is already required by state code. As noted above, codification and publication costs are reduced by adopting this provision at this time.

**PERFORMANCE ANALYSIS:**

Adopting an ordinance governing mediation will help answer the question of how mediation will occur if it is requested. Additionally, this will provide another avenue for citizens to become aware of the possibility of mediation. The ordinance, as proposed, reads as follows:

**XI. MEDIATION PROCEDURES**

**SECTION 16.** *That a new Section 17.09.1005, entitled Title and Purpose, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**17.09.1005: TITLE AND PURPOSE:**

The provisions of this article shall be known as the *MEDIATION PROCEDURES*. The purpose of these regulations is to allow the option of mediation as part of the planning and zoning public hearing process.

**SECTION 17.** *That a new Section 17.09.1010, entitled Mediation Authorized, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**17.09.1010: MEDIATION AUTHORIZED:**

In accordance with I.C. Section 67-6510, the option of mediation is provided for as part of the planning and zoning public hearing process of the City of Coeur d'Alene. Any zoning, development or special permit application governed by Titles 16 and 17 of the Coeur d'Alene City code are subject to this mediation option.

**SECTION 18.** *That a new Section 17.09.1015, entitled Mediation Procedures, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**17.09.1015: MEDIATION PROCEDURES:**

A person requesting mediation shall follow the procedures established in I.C. 67-6510.

**QUALITY OF LIFE ANALYSIS:**

Mediation can be successful tool for resolving land use conflicts. Adopting this ordinance will keep us consistent with state law while also placing a mediation provision in the City code, which should help put people on notice of the availability of this tool.

**DECISION POINT/RECOMMENDATION:**

Recommend that the City Council adopt the recommend Code provisions regarding mediation.