

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

**APRIL 11, 2006**

**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, Jordan, Rasor, Messina, Souza, Tiffany Tenty (Student Representative), Dane Larsen (Student Alternate)

**APPROVAL OF MINUTES:**

March 14, 2006, Planning Commission  
March 28, 2006, Planning Commission Workshop

**PUBLIC COMMENTS:**

**COMMISSION COMMENTS:**

**STAFF COMMENTS:**

**ADMINISTRATIVE ITEMS:**

1. Applicant: Indiana Arms Development  
Location: 217 Indiana and 405 3<sup>rd</sup> Street  
Request: Proposed 8-unit condominium plat  
"Indiana Arms Condominium Plan Phase II"  
ADMINISTRATIVE, (SS-7-06)

**PUBLIC HEARINGS:**

1. Applicant: City of Coeur d'Alene, Parks Department  
Location: Between Spokane River and Riverview Lane in the Mill River development  
Request: Proposed Public Recreation special use permit  
in the R-3PUD(Residential at 3 units/acre) zoning district.  
QUASI-JUDICIAL, (SP-2-06)
2. Applicant: City of Coeur d'Alene, Parks Department  
Location: N.W. corner of 12<sup>th</sup> Street and Lunceford Lane  
Request: Proposed Public Recreation special use permit  
in the R-5(Residential at 5 units/acre) zoning district.  
QUASI-JUDICIAL, (SP-3-06)

3. Applicant: William Crawford  
Location: NWC of 15<sup>th</sup> and Violet  
Request: Proposed zone change from R-3 (Residential at 3 units/acre)  
To R-5 (Residential at 5 units/acre) zoning district  
QUASI-JUDICIAL, (ZC-2-06)

**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  
MARCH 14, 2006  
CITY COUNCIL CHAMBERS**

**COMMISSIONERS PRESENT**

John Bruning, Chairman  
Heather Bowlby  
Brad Jordan  
Tom Messina  
Scott Razor  
Mary Souza  
Tiffany Tenty, (Student Representative)

**STAFF MEMBERS PRESENT**

John Stamos, Associate Planner  
Shana Stuhmiller, Public Hearing Assistant  
Warren Wilson, Deputy City Attorney  
Gordon Dobler, Engineering Services Director

**COMMISSIONERS ABSENT**

**CALL TO ORDER**

Chairman Bruning called the meeting to order at 5:30 p.m.

**APPROVAL OF MINUTES:**

Motion by Razor, seconded by Messina, to approve the minutes of the Planning Commission meeting on February 14, 2006. Motion approved.

**COMMISSION COMMENTS:**

Chairman Bruning announced the upcoming Planning Commission meetings for March and April.

Commissioner Souza commented that at the Planning Commission meeting held in January, she expressed a concern regarding eminent domain and volunteered to draft a letter expressing those concerns as discussed. She announced that the letter is completed and presented a copy for the Commission to review and sign, if they are agreeable to what it says.

Commissioner Jordan commented that it is a nice letter but not sure if this subject should be coming forward from the Planning Commission.

Commissioner Bowlby commented that she is agreeable with sending the letter to Council and letting them decide on how to address this issue.

**Motion by Bowlby, seconded by Razor, to send the letter forward to Council. Motion approved.**

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Nay
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 4 to 1 vote.

**STAFF COMMENTS:**

Staff did not have comments.

**PUBLIC COMMENTS:**

None.

**ADMINISTRATIVE ITEMS:**

1. Applicant: Coeur d'Alene Homes Inc. and Heritage Place Inc.  
Location: 704 W. Walnut Avenue  
Request: Proposed 2-lot preliminary plat "Coeur d'Alene Homes First Addition"  
ADMINISTRATIVE (SS-5-06)

Engineering Services Director Dobler presented the staff report and then asked if the Commission had any questions.

The Commission did not have any questions for staff.

**Motion by Razor, seconded by Souza, to approve Item SS-5-06. Motion approved.**

2. Applicant: Copper Basin Construction  
Location: Adjacent to Riverway Place and Swiftwater Lane in the Mill River development  
Request: A proposed 117-unit Residential Condominium Plat  
"The Condos at Mill River" in the R-17 (residential at 17 units/acre) zoning district.  
ADMINISTRATIVE (SS-6-06)

Commissioner Razor declared a conflict of interest and was excused.

Engineering Services Director Dobler presented the staff report and then asked if the Commission had any questions.

The Commission did not have any questions for staff.

**Motion by Souza, seconded by Bowlby, to approve Item SS-6-06. Motion approved.**

## **PUBLIC HEARINGS**

1. Applicant: Thomas G. Walsh  
Location: 1027 Sherman Avenue  
Request: A proposed 55-foot variance to increase the building height from 38 to 93 feet.  
QUASI-JUDICIAL (V-1-06)

Associate Planner Stamos presented the staff report, gave the mailing tally as 2 in favor, 9 opposed, and 4 neutral, and answered questions from the Commission.

Commissioner Souza inquired what the allowable height limit is within the Infill Overlay District.

Associate Planner Stamos answered that the height limit is 38 feet for principal structures in the Downtown Overlay District within the C-17L zoning district.

Commissioner Souza inquired when Council first approved these regulations.

Associate Planner Stamos answered that the Infill Regulations were adopted by the City Council in 2004 reminding them that the intent of the regulations is to encourage infill development while protecting surrounding neighborhoods and encouraging a sensitive form of development that complements the visual character and nature of the City.

Commissioner Razor questioned why this request is coming before the Planning Commission since height is already established within the Overlay District.

Associate Planner Stamos replied that there is a height variance procedure available in the Zoning Ordinance that would allow additional height, if approved by the Planning Commission.

Public testimony open.

Tom Walsh, applicant, 1027 Sherman Avenue, Coeur d'Alene, commented that he has been in business for 20 years. He continued that he has spent a lot of time talking with the surrounding neighbors and is sensitive to their concerns. He feels that by approving this project will help make downtown accessible, which is vital for growth. He commented that various neighbors have stated that they are concerned with the impact the building will have on traffic and explained that an underground parking facility will be provided that will not impact parking for the existing neighborhood. He added that this building will be a compliment to the City and asked for the Planning Commission's approval.

Scott Cranston, Applicants representative, 729 Government Way, Coeur d'Alene, presented a PowerPoint presentation explaining how the building will look on the property and handed out drawings of the building for the Commission to review.

Dell Hatch, Applicants representative, 729 Government Way, Coeur d'Alene, explained the site plan to the Commission and then asked if the Commission had any questions.

Commissioner Messina commented that when various projects in the City are approved, it is the intent of the contractor to keep the existing trees on the site, but after the project is completed, the trees are removed.

Mr. Hatch commented that during the construction phase there is always a risk that trees will be lost. He explained that the existing trees on the property are mature and feels that they will survive, and if they do not survive will be replaced by something similar in size.

Chairman Bruning commented that the handout showed various views of the building but did not show how the elevations looked from the north side of the building. He added that he is concerned that the neighbors behind the building will be looking at the back of a blank wall.

Mr. Cranston explained that the back of the building will be designed with a lot of glass mixed with various types of wood that will blend with the surrounding neighborhood. He added that balconies will be added to the back so future tenants can enjoy the surrounding views of the area.

Commissioner Rasor commented that many of the residents are concerned that the height of this building will affect the amount of sunlight on their homes, especially the people living behind the building.

Mr. Cranston explained that the top of building will be shorter than the existing fir tree currently on the site and feels that some shading could happen, but will be minimal.

David Douythy, 1028 Lakeside Avenue, Coeur d'Alene, commented that they live to the north of the building and was concerned that the additional height will block the amount of sun preventing them from enjoying their back yard in the summer.

Mike Whallon, 1022 E. Lakeside Avenue, Coeur d'Alene, commented that he is opposed and concerned that the impact of balconies on the back of the building will affect his ability to enjoy his backyard for fear of people who live in the building staring down at them.

Lloyd Vivian, 1020 Lakeside Avenue, Coeur d'Alene, commented that he is concerned with the added traffic that this project will generate and feels his property values will be affected. He added these people are devious.

Tom Anderson, 814 Coeur d'Alene Avenue, Coeur d'Alene, commented that this project is out of place and belongs in a C-34 zone. He feels that this project will have a negative impact to the neighborhood.

Keith Thorhaug, 1025 E. Lakeside Avenue, Coeur d'Alene, presented a copy of a petition to the Commission with over 100 signatures from people who are opposed to this project. He added that this will have a visual impact to the neighborhood and should not be approved.

Barb Crumpacker, 1015 Lakeside Avenue, Coeur d'Alene, commented that she has talked to numerous realtors who say property values will go down if this project is approved. She added air quality is a concern and that the Planning Commission should be aware of the Sun Laws that will be going to legislature, addressing these concerns in the future.

John Montandon, 1010 Sherman Avenue, Coeur d'Alene, commented that he is the owner of Ace Hardware that is located across the street from the applicant's property and feels that this building will be a positive change and vital for downtown growth.

John Coutts, 1873 Silverback Road, Coeur d'Alene, commented that he does not understand how this project can be approved without an environmental study done first. He feels there are major visual issues that should be discussed further before a final decision is determined. He added that the people who live here should not forget what makes Coeur d'Alene a vibrant town to live in, and disappointed nobody bothered to ask his opinion on this issue.

Commissioner Souza commented that she appreciates his insight for this project and explained that is why we have a public hearing for community input for future developments.

Gayle Nye, 1120 Lakeside, Coeur d'Alene, commented that she recently returned from a trip to New York and has a business on Sherman Avenue and does not want to live in a "Little Manhattan" and is opposed to the request.

John Vivian, 1020 Lakeside, Coeur d'Alene, commented that he is a contractor and feels that the impact of dust from construction is an issue and is opposed to the project.

Chris Copstead, 502 N. 20<sup>th</sup>, Coeur d'Alene, complimented Mr. Walsh on the design of a gorgeous building but feels that the building is in the wrong location. He concurs with the neighborhood about how the visual impact to the City will be affected, and feels that by approving this request will set precedence for future projects of this type in the City.

#### **REBUTTAL:**

Mr. Cranston commented that the design of the building was done based on the sensitivity to the neighborhood. He explained by minimizing the footprint of the building justified the request for additional height because of the size of the lot. He added that extra parking stalls are added so that people living in the area will not be inconvenienced. He commented that this project will be an asset to the community.

Commissioner Souza inquired where the dumpsters would be located on the property.

Mr. Cranston replied that the dumpsters would be located in the alley.

Commissioner Souza commented that trash pick-up in the City is early in the morning and feels that the location of the dumpster on the property is important so the neighborhood is not impacted.

Commissioner Souza commented that cars coming and going out of the building at night with headlights shining into the neighbor's windows could be a problem.

Mr. Cranston explained that all parking will be located on the lower level of the building so that the headlights will not be a problem. He added that low-level site-specific lighting will be placed around the building with the addition of soft landscape lighting placed in the courtyard of the building.

Public testimony closed.

#### **DISCUSSION:**

Chairman Bruning commented that it took a long time to prepare the final draft of the Infill Ordinance and from those discussions height was a concern. He added that this is a nice building but in the wrong place.

Commissioner Messina concurred with Chairman Bruning and is opposed to the request.

Student Representative Tenty commented that in the beginning of testimony, she would have approved the request since it was an attractive building. She explained that after hearing testimony from the community agrees that people have a right to enjoy the sunshine and feels that this building is in the wrong part of town.

Commissioner Souza concurred and wanted to compliment the applicant on the project especially the idea of a pedestrian friendly building, which is impressive. She feels that that this project is not compatible with the neighborhood because of visual and environmental issues and should not be approved.

Commissioner Rasor commented that he is on the "fence" and feels that this building can be safely constructed, but height is a concern.

Commissioner Jordan commented that noise from construction is a problem and concurs with the other Commissioners that this building is in the wrong area. He commented that this type of building should be located in the Central Business District and does not see how this request could be approved.



Commissioner Bowlby commented that she is concerned about the amount of access available for construction in the alley and feels that it would not be a safe environment for the neighborhood. She added the amount of airspace and sun is a concern and that the timing is not right for this project.

**Motion by Razor, seconded by Souza, to deny Item V-1-06. Motion approved.**

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to deny carried by a 5 to 0 vote.

2. Applicant: Vernon Cartwright  
Location: 1502 2<sup>nd</sup> Street  
Request: A proposed 4-lot preliminary plat "Cartwright Estates" in the R-12 (residential at 12 units/acre) zoning district. QUASI-JUDICIAL (S-4-06)

Associate Planner Stamos presented the staff report, gave the mailing tally as 2 in favor, 0 opposed, and 4 neutral and answered questions from the Commission.

There were no questions for staff.

Vern Cartwright, applicant, 1424 N. Second Street, Coeur d'Alene, commented that he purchased the property a few years ago and presented drawings of the types of homes to be built on the property. He then asked if the Commission had any questions.

There were no questions for the applicant.

**Motion by Jordan, seconded by Bowlby, to approve Item S-4-06. Motion approved.**

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

4. Applicant: Jessy Lorion & Arvid Lundin/ Irving Place LLC.  
Location: 3202 and 3206 North 4<sup>th</sup> Street  
Request: Proposed zone change from R-12 (Residential at 12 units/acre) to C-17L (Commercial limited) zoning district. QUASI-JUDICIAL (ZC-1-06)

Associate Planner Stamos presented the staff report, gave the mailing tally as 1 in favor, 2 opposed, and 3 neutral, and answered questions from the Commission.

Commissioner Jordan commented that he is not sure if the zone requested by the applicant is appropriate for the area.

Jessy Lorian, applicant, 320 S 13<sup>th</sup> Street, Coeur d'Alene, commented that she has been a doctor for seven years and recently bought this property with her husband who is currently operating a violin store. She recently received notice that she would be losing her lease in Rathdrum with the intent to relocate her business on the same property with her husband's business.

She commented that she has always been active in the community and feels that this business would benefit this neighborhood tremendously by providing medical services close to their homes. She commented that she believes that this property is intended to be commercial because of the surrounding businesses and feels that if they were to sell the property someone else would buy it and put a business in that would not have as much merit as the business she intends to operate.

Commissioner Bowlby explained that if this zone change is approved and the applicant sells the property, that another type of commercial business could move in that would not be as attractive. She commented that she is hesitant to approve this request and does not like spot zoning.

Commissioner Souza inquired if a home occupation permit would work with this type of use.

Associate Planner Stamsos answered that it could work as a home occupation and explained that the business would have to meet very specific criteria in order to qualify.

Ms. Lorin commented that the neighborhood would be served well by this type of business and asked for this request to be approved.

Commissioner Jordan commented that he understands the applicant's dilemma and would want this to work but is not sure this should be zoned commercial.

Ms. Lorian commented that Costco was approved for a zone change and that the property was not originally zoned commercial.

Commissioner Jordan explained that the land where Costco was built was contiguous with the other commercial property in the area and that is why it was approved.

Commissioner Souza inquired if the applicant has spoken to anybody in the neighborhood about this zone change request.

Ms. Lorian commented she has not had a chance to speak to the neighbors but has received numerous comments that a doctor's office would be a great addition to the neighborhood.

Bob Brown, 3692 N Stevens Place, Coeur d'Alene, commented that he represents the people who live in the Village and they fully support this request. He explained that the people who live in the area would be delighted to have a doctor's office in this neighborhood so they could walk to the office and not have to drive.

Brian Donnell, 414 E. Ichabod Lane, Coeur d'Alene, commented that this is a community for his kids to grow up in and that traffic has doubled and feels that this would be a mistake to approve this zone change.

Commissioner Souza commented that she concurs with Commissioner Jordan that it would be nice to have more options than what is currently allowed by the zoning ordinance. She explained that currently the Planning Commission is working on a new type of Commercial designation that would fit this type of use but that it is not yet available.

**REBUTTAL:**

Ms. Lorian commented that the new zoning the Commission is working on would be a benefit and added that if the property is sold somebody else could use the property for something not as nice as what is proposed with this request.

Commissioner Bowlby inquired if a condition could be added to the approval of this zone change.

Deputy City Attorney Wilson explained that this would be contract zoning and that currently the City does not have the tool available for this type of approval. He added that in other jurisdictions this has been done but there have been numerous problems with the process.

Commissioner Messina commented that this is a dilemma but feels the need to protect the neighborhood comes first.

Commissioner Jordan complimented the applicant on her presentation and concurs with Commissioner Messina that this is a dilemma and feels that he can not approve this request

Commissioner Bowlby commented that she has had numerous complaints from people claiming that the City has too much commercial zoning and that this would be considered "spot zoning".

**Motion by Jordan, seconded by Razor, to deny without prejudice Item ZC-1-06. Motion approved.**

**ROLL CALL:**

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to deny without prejudice carried by a 5 to 0 vote.

- 5. Applicant: Tim Mueller
- Location: Adjacent to the Landings at Waterford between Atlas & Huetter Roads
- Request:
  - A. Proposed zoning prior to annexation from County Agricultural to City R-8 (Residential at 8 units/acre) zoning district QUASI-JUDICIAL (A-1-06)
  - B. A proposed 867-lot preliminary plat "Hawks Nest" in the R-8 (Residential at 8 unit/acre) zoning district QUASI-JUDICIAL (S-3-06)

Chairman Bruning commented that before the public hearing can continue, a motion is needed by the Commission to continue past 10:00 p.m.

**Motion by Razor, seconded by Messina, to not continue the Public Hearing past 10:00 p.m.**

ROLL CALL:

Commissioner Bowlby	Voted	Nay
Commissioner Jordan	Voted	Nay
Commissioner Messina	Voted	Aye
Commissioner Rasor	Voted	Aye
Commissioner Souza	Voted	Nay

Motion to deny by a 3 to 2 vote. Motion approved.

Commissioner Jordan commented that he would like to proceed with the hearing since the applicant has been waiting a long time for the Commission to hear their request.

**Motion by Souza, seconded by Bowlby, to continue the Public hearing past 10:00 p.m.**

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Nay
Commissioner Rasor	Voted	Nay
Commissioner Souza	Voted	Aye

Motion to approve carried by a 3 to 2 vote. Motion approved.

Associate Planner Stamos presented the staff report, gave the mailing tally as 0 in favor, 1 opposed, and 5 neutral, and answered questions from the Commission.

Engineering Services Director Dabler noted a change to condition number three in the staff report and then read the proposed change to the Commission. He commented staff has spent a lot of time reviewing the conditions with the applicant for this project and is confident that all issues have been addressed.

Public testimony open:

Jon Mueller, applicant representative, 611 Sherman Avenue, Coeur d'Alene, commended staff for the new subdivision process that is required prior to submitting an application and how it has been a great experience to have any problems addressed early before having a hearing. He explained in detail the project to the Commission and commented that the project is similar to Sunshine Meadows that has been a success. He then presented a power point presentation to the Commission explaining the entire project and then asked if the Commission had any questions.

Commissioner Bowlby inquired how much land would be included with the proposed park.

Mr. Mueller commented that he would estimate that the neighborhood park would be ten to twelve acres.

Commissioner Souza inquired how soon the applicant would donate the park to the City.

Mr. Mueller replied that the park would be donated as soon as it is developed. He added that the staff report is great and that all the conditions are acceptable.

Commissioner Souza questioned if the applicant agrees with the list of conditions listed in the staff report from the Parks Department.

Mr. Mueller answered that items b through g have been discussed and approved. He noted that item 13 regarding the development of grade separations is being discussed with the City and will be addressed in the annexation agreement. He commented that the City has not acquired the property yet from the railroad and when that happens we will accommodate the condition but that will not happen until the City owns the property. He continued that he feels it is not fair to have to accommodate this as a condition until the City owns the property.

Deputy City Attorney Wilson commented that staff and the applicant are working on this issue and feels that by including this condition in the Annexation Agreement will give staff more time to solve the issue. He added that he is confident this will be a win/win situation for the City and the Developer.

Commissioner Bowlby commented if the applicant has discussed with the Post Falls School District the issues regarding the need for an elementary school and how important it is that the developer address these issues with the school district.

Mr. Mueller commented that he has had discussions with Jerry Keane of the Post Falls School District and is aware of the need for a new school and told Mr. Keane that they are willing to help with any issues impacting the district regarding this development.

Commissioner Bowlby commented that she feels that it is the responsibility for the development to pay for additional schools if needed.

Commissioner Souza inquired if fencing is proposed for the project.

Mr. Mueller replied that fencing would be placed around the perimeter of the development including the double frontage lots on the property. He added that they are still looking at different types of fencing material that is not as shiny and will be looking at different options in the future.

Commissioner Souza questioned if the applicant feels that there is enough entries into the development that people on bikes and walkers can safely get in and out of the development.

Mr. Mueller pointed on a map the various entries proposed into the development. He added that there have been many discussions with the Bike/Ped Committee to include the placement of class one and two trails within this development.

Commissioner Bowlby commented that she is concerned with the placement of solid fencing next to the road creating a solid barrier that is not safe for people who use the trail, especially children.

Mr. Mueller explained that the fence would be placed so that there will be a distance between the trail and Atlas road with the trail designed to pull away from the street. He commented that they are researching a different type of fence material that is see-through that would probably work with this project.

Steve Syrcle, Inland Northwest Consultants, explained how the water and sewer master plan will work with this development and how the implementation of the City's new subdivision process worked well with getting issues addressed with this project.

Commissioner Souza expressed a concern that the park will be used for storm water drainage and asked the applicant to promise that this will not happen to this project.

Mike Gridley, 2913 Fernan Road, Coeur d'Alene, commented that as the Vice Chairman of the North Idaho Centennial Trail Foundation that their group fully supports the Centennial trail with future developments linking trails together in North Idaho. He presented to the Commission an overview of how the Centennial Trail will link to the prairie in the future. He expressed thanks to the developer for the integration of Ped/Bike comments into their designs and for the support of grade separated crossings at all

locations to ensure safety for everyone who will be using the trail system in the future.

Commissioner Souza inquired if an equestrian trail is planned in the future.

Mr. Gridley commented that these trails are required to be separated from the other trails but in the future could be a possibility.

Commissioner Bowlby inquired if he could estimate how soon the railroad acquisition would take place.

Mr. Gridley commented that hopefully in 2006 they would be abandoned.

Doug Eastwood, City Parks Director, 710 Mullan Avenue, Coeur d'Alene, complimented the Hawks Nest team for working with staff on various issues associated with this project including issues dealing with grade separations. He added that he believes that it is a goal for both the City and developer to provide a safe environment for everyone using the trail system in the future. He commented that this project will be a great asset to the community.

Commissioner Bowlby questioned if staff was comfortable with the amount of acreage provided by the developer for a park.

Mr. Eastwood commented that the first time this plan was submitted staff was not comfortable with the amount presented by the developer but now what is proposed is an adequate amount that will provide a great trailhead.

Commissioner Bowlby inquired if the applicant feels that an R-8 is appropriate zoning for this parcel.

Mr. Mueller commented that they feel an R-8 is compatible with the surrounding neighborhood, which will allow them to be creative in the designing of the project.

**Motion by Bowlby, seconded by Jordan, to approve Item A-1-06. Motion approved.**

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

**Motion by Bowlby, seconded by Jordan, to approve Item S-3-06. Motion approved.**

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

ADJOURNMENT:

Motion by Jordan, seconded by Souza, to adjourn the meeting.

The meeting was adjourned at 12:30 p.m. Motion approved.

Respectfully submitted by John Stamosos, Associate Planner

Prepared by Shana Stuhlmler, Public Hearing Assistant

**PLANNING COMMISSION  
MINUTES  
MARCH 28, 2006  
CITY COUNCIL CHAMBERS**

**COMMISSIONERS PRESENT**

John Bruning, Chairman  
Heather Bowlby  
Brad Jordan  
Scott Rasor  
Mary Souza

**STAFF MEMBERS PRESENT**

David Yadon, Planning Director  
Sean Holm, Assistant Planner

**COMMISSIONERS ABSENT**

Tom Messina  
Dane Larsen, (Alternate Student Representative)  
Tiffany Tenty, (Student Representative)  
One Vacant Position

**CALL TO ORDER**

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

**ADMINISTRATIVE ITEM:**

1.     Applicant:     Marcelle S. Crews  
       Location:     110 W. Haycraft  
       Request:     PUD-1-06 Removal of PUD Ord. 1536  
                      ADMINISTRATIVE

Planning Director Yadon presented the staff report. He explained the original request was approved under a former zoning ordinance by the Planning Commission on April 11, 1978 in conjunction with a zone change. The PUD was utilized to ensure that land use on the site did not cause a problem for the wastewater treatment plant. In this case, the PUD limits use of this site to an athletic club only. Under the former zoning ordinance, the commission had the option of establishing a specific time limit for commencement of the activity covered by the PUD. In this case, the Planning Commission did not exercise the option so there was no expiration date put on the PUD approval if the athletic club was not built.

In 1982, the City Council adopted a revised zoning ordinance that established a one year time limit for approval of the final PUD development plan or the planning commission approval expires but, because this request was approved under the earlier zoning ordinance, this new time limit does not apply. He then asked if the Commission had any questions.

Commissioner Rasor asked if the C-17 zone was applicable in 1978 and how it would affect the request today. The Planning Commission members discussed current zoning and land use adjacent to the subject property.



**Motion by Rasor, seconded by Souza, to approve Item PUD-1-06. Motion approved.**

**Comprehensive Plan Workshop**

Planner Holm provided the commissioners with the latest draft of the “call-out” areas and a letter from residents on Government Way south of Harrison requesting inclusion in the plan as a special district. The Commission reviewed began discussion by reviewing the history and reasoning for of inclusion of specific neighborhoods in past plans. They discussed a common desire that ideally, a neighborhood would have distinct boundaries and have some minimum of homeowner organization. Various commissioners noted the Fort Grounds as an example as well as the efforts of the Mayor and former commissioner Susie Snedaker to piggyback on Block Watch neighborhood. The commission asked staff to develop a draft special district page for the Government Way Neighborhood for consideration..

Planner Holm then led the commission through a review of the revised “call-out” areas. Minor amendments were made with significant discussion centering on the eastern Planning Area boundary. The commissioner’s discussion ranged from the practical difficulties of wastewater and water service as to a desire to ensure that development in these areas would be environmentally sensitive. The commission elected to contract the southeast boundary back to an area approximately bounded by Sunnyside Road, Interstate 90 , the southern ridgeline above Fernan Lake. This area would include the Sky Harbor development. The commission concluded that this area would allow for some reasonable development potential as well as address potential water quality issues.

**ADJOURNMENT:**

Motion by Rasor, seconded by Jordan, to adjourn the meeting.

The meeting was adjourned at 8:05p.m. Motion approved.

Respectfully submitted by David Yadon, Planning Director



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**TO:** Planning Commission  
**FROM:** Christopher H. Bates, Project Manager  
**DATE:** April 11, 2006  
**SUBJECT:** **SS-7-06, Indiana Arms Condos – Phase II**

---

### **DECISION POINT**

Approve or deny the applicant's request for a condominium development on Indiana Avenue.

### **GENERAL INFORMATION**

1. Applicant: Kevin Bettis  
Indiana Arms Development, LLC  
19962 W. Riverview Drive  
Post Falls, ID 83854
2. Request: Approval of a request for a one (1) building, eight (8) unit condominium development on Indiana Avenue at 3<sup>rd</sup> Street. This is the second phase of the original Indiana Arms condominium project that was approved in March 2005.
3. Location: Northwest corner of Indiana Avenue and 3<sup>rd</sup> Street.

### **PERFORMANCE ANALYSIS**

1. Zoning: Existing zoning for the subject property is C-34 which is a broad spectrum commercial district that also allows residential development at 34 units/acre.
2. Land Use: The subject property is currently being developed into condominium units and the building is constructed.
3. Infrastructure: Utilities, Streets, & Storm Water Facilities

**Utilities:** Sewer & Water

The subject property has access to both sewer and water utilities and the connections have been made.

**Streets:** The public streets adjoining the subject property are developed to current standards.

**Fire:** Fire service serving the subject property was previously addressed with the underlying subdivision and with the building permit for the site development. No additional installations will be required that were not previously noted.

**Storm Water:** Street drainage is already contained in the existing City system and on-site stormwater was previously addressed with the underlying construction.

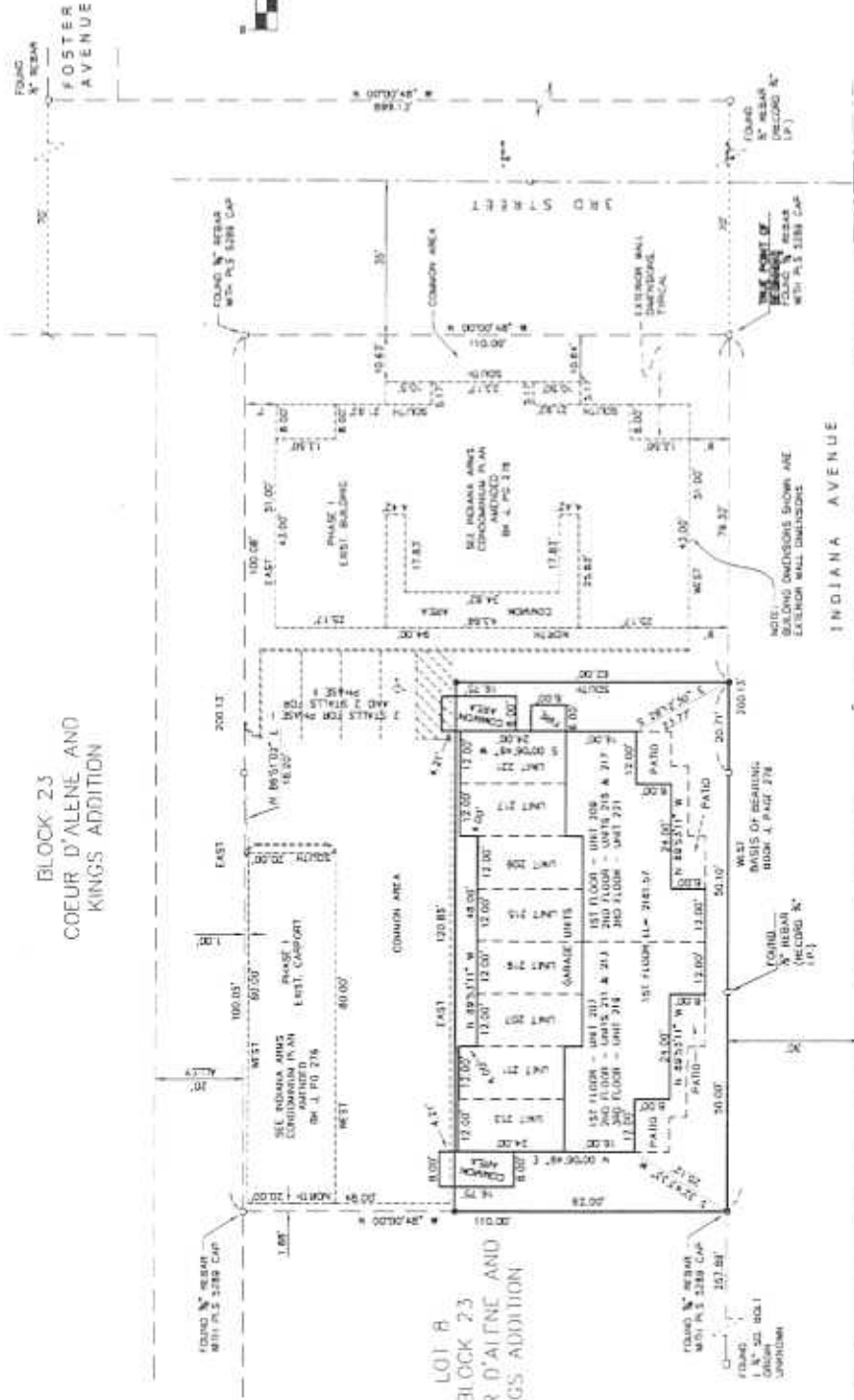
### **Proposed Conditions:**

None

**DECISION POINT RECOMMENDATION**

Approve the proposed plat in its submitted configuration.

**INDIANA ARMS CONDOMINIUM PLAN PHASE II**  
A PORTION OF INDIANA ARMS CONDOMINIUM PLAN AMENDED, BOOK J, PAGE 276  
IN BLOCK 23, COEUR D'ALENE AND KINGS ADDITION  
IN PORTION OF THE SW¼, SEC. 13, T.50N., R.4W., E.M.,  
CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO



**NOTE**  
SHEET 2 - 1ST FLOOR INTERIOR DIMENSIONS  
SHEET 3 - 2ND FLOOR INTERIOR DIMENSIONS  
SHEET 4 - 3RD FLOOR INTERIOR DIMENSIONS

**LEGEND**  
 \* SET 'N' REBAR WITH CAP MARKED PLS 5228.  
 O FOUND BULKHEAD POINTS AS NOTED

**REFERENCES**  
 INDIANA ARMS CONDOMINIUM PLAN AMENDED, BOOK J, PAGE 276

**NOTES**  
 ELEVATION DATA: CITY OF BENDON, A.E. NW 101.7' (EAD) FOR  
 100' PILE AT THE CORNER OF COEUR D'ALENE AND INDIANA, (L-274) (6).  
 - OWNER OF LOTS OF THE UNITS IMPACTED THEREIN SHALL INCLUDE  
 THE REBAR WITH CAP MARKED PLS 5228 AS NOTED ON THIS SHEET.  
 - ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
 - ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
 - ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
 - ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.



RUSSELL C. HONSAKER, P.E., No. 5269

INDIANA ARMS CONDOMINIUM PLAN PHASE II	
SCALE: 1" = 20'	SHEET 2 OF 4
DATE: 03/27/08	13-50N-4W C238P-2

**FRANK & SIRTANA, P.A.**  
Consulting Engineers  
501 West 10th Street, Coeur d'Alene, Idaho 83814  
PH: 208-661-7171 FAX: 208-661-7172

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1 OF 5

**PLANNING COMMISSION  
STAFF REPORT**

FROM: JOHN J. STAMOS, ASSOCIATE PLANNER  
DATE: APRIL 11, 2006  
SUBJECT: SP-2-06 – REQUEST FOR A PUBLIC RECREATION SPECIAL USE  
PERMIT IN AN R-3 ZONING DISTRICT  
LOCATION: +/- 1.7 ACRE PARCEL BETWEEN THE SPOKANE RIVER AND  
SHOREVIEW LANE IN THE MILL RIVER DEVELOPMENT.

**DECISION POINT:**

The City of Coeur d'Alene, Parks Department is requesting approval of a Public Recreation Special Use Permit for "The Park at Mill River" a +/- 1.7-acre waterfront park with day use facilities including a boat dock, beach, protected swim area, 20 foot by 20 foot picnic shelter, walkways with observation areas, parking lot with 19 spaces and two portable restrooms in a permanent structure. (One regular and one handicapped)

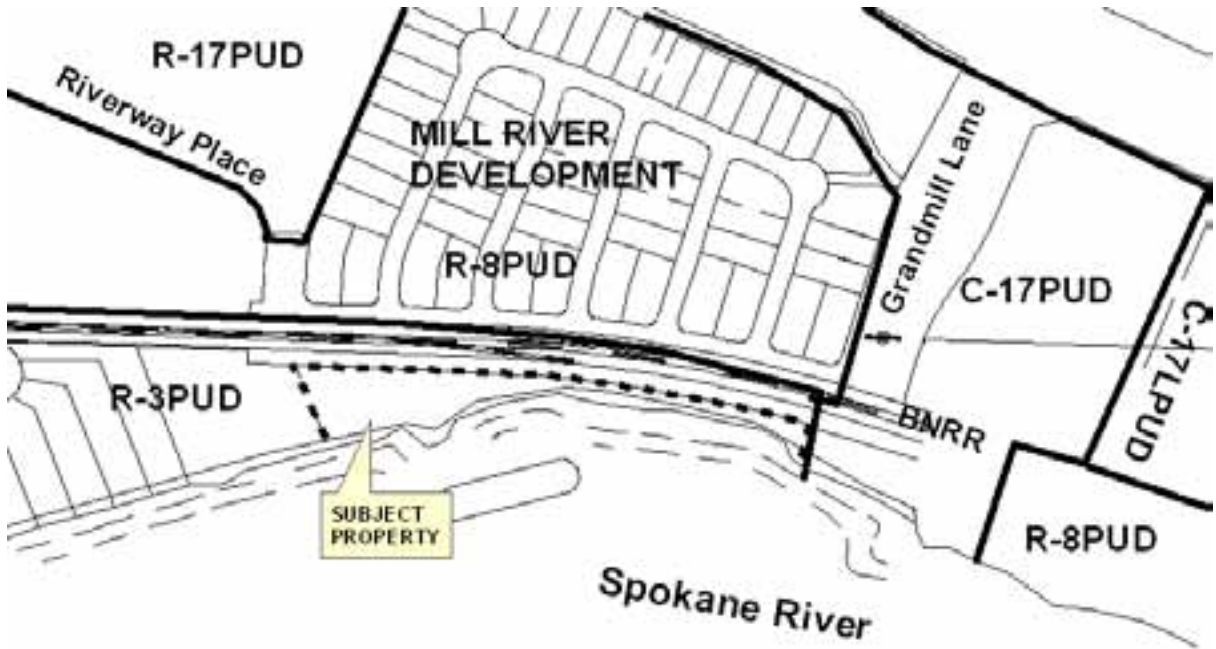
Pursuant to Section 17.44.050.L of the Parking Ordinance and by separate motion, the Planning Commission must determine a parking requirement for the proposed park.

**GENERAL INFORMATION:**

- A. Site photo.



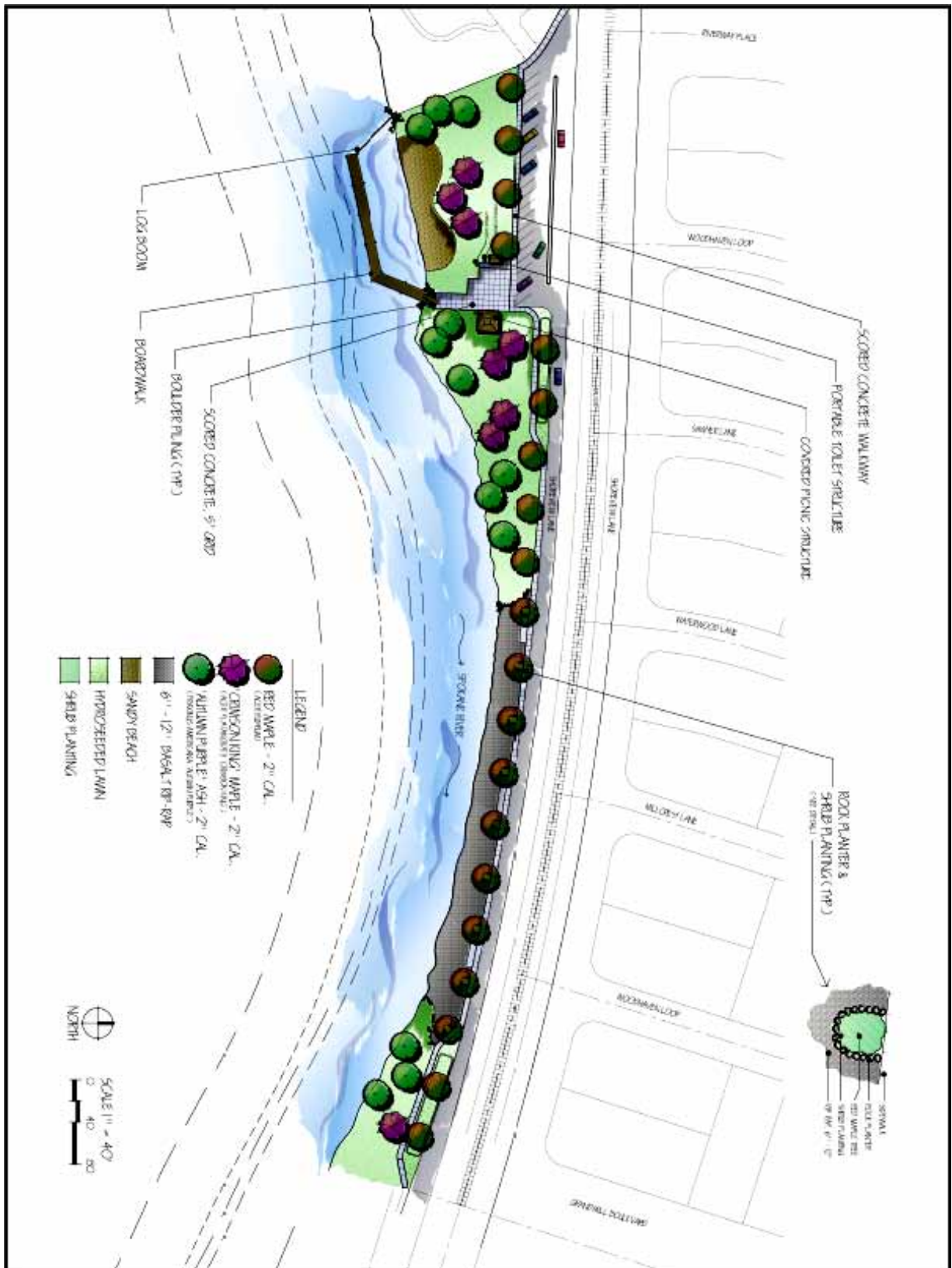
B. Zoning.



C. Generalized land use pattern.



D. Site Plan.





- E. Applicant: City of Coeur d'Alene  
710 Mullan Avenue  
Coeur d'Alene, ID 83814
- F. Existing land uses in the surrounding area include single-family dwellings and vacant land.
- G. The subject property is vacant.
- H. Previous actions on surrounding property:
  - 1. On March 11, 2003, The Planning Commission approved the "Mill River" annexation and subdivision. (A-3-03 & S-3-03)
  - 2. On May 11, 2004, The Planning Commission approved the "Mill River" PUD and revised subdivision of the entire property. (PUD-4-04 & S-5-04)

**PERFORMANCE ANALYSIS:**

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

- 1. The Subject property is in the City of Coeur d'Alene.
- 2. The City Comprehensive Plan Map designates this area as a Transition Area, as follows:

**In reviewing all projects, the following should be considered:**

Page 28 – All requests for zone changes, special use permits etc., will be made considering, but not limited to:

- A. The individual characteristics of the site;
- B. The existing conditions within the area, and
- C. The goals of the community.

**Transition Areas:**

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

- Protect and/or enhance the integrity of existing residential areas.
- Discourage uses that are detrimental to neighboring uses.
- Pedestrian/bicycle connections.

3. **Significant policies:**

6A: “Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.”

18B1: “Parks, open space, and recreational facilities should be provided for neighborhoods as well as for the community.”

- 18B1b: "Plan for regional, multi-purpose, community, shoreline and vest-pocket parks, which are easily accessible to the young and old and physically and mentally handicapped."
- 18B5: "Continue to coordinate with School District #271, North Idaho College, the County and other landowners for the use, acquisition, development and maintenance of recreation land and facilities."
- 19C: "A high quality of cultural, social and recreational activities should be provided and encouraged."
- 19C5: "Encourage the development of pocket parks that are easily accessible and that include unstructured activity areas."
- 24C: "Natural vegetative cover should remain as a dominant characteristic of Coeur d'Alene."
- 51A: "Protect and preserve neighborhoods both old and new."
- 51A5: "Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects."
- 52B: "Promote a high standard of landscaping, building design and community development."
- 52B5: "Provide a transition between different land uses by using intermediate land uses as buffers."

- 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.

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

The proposed park is designed to serve as a day use waterfront park providing facilities for water oriented activities including a boat dock, beach, protected swim area, 20 foot by 20 foot picnic shelter, walkways with observation areas, parking lot with 19 spaces and two portable restrooms in a permanent structure. (One regular and one handicapped) .

The proposed park will provide the first City waterfront park on the Spokane River and is located next to the Mill River Home Owner's Association private park, single-family development to the west and north and vacant commercially zoned property to the east.

The approved PUD includes this parcel as open space so, in the event this request were not approved, the parcel would still remain as open space required to meet the 10% open space requirement of the "Mill River" PUD.

- 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.

- C. **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:**

Water is available to the subject property.

Evaluation: There is an existing 8 inch main in the street, at least one fire hydrant on site, and a one inch irrigation service extended to the proposed grass area. We have attempted to move meters out of the proposed parking and driveway entrances.

Submitted by Terry W. Pickel, Assistant Water Superintendent

**SEWER:**

Sewer: Sewer is available and of adequate capacity for the proposed use.

Evaluation: A public sewer lateral extends to this property on the Western edge of this property but is shown as unused for this park. In the future, should the Parks Department need this connection, it is available.

Submitted by Don Keil, Assistant Wastewater Superintendent.

**STORMWATER, STREETS AND TRAFFIC:**

Nothing to note other than to build the park per the previously submitted and approved plan.

Submitted by Chris Bates, Engineering Project Manager

**FIRE:**

The Fire Department will address issues such as water supply, fire hydrants, fire department access, City of Coeur d'Alene daycare requirements, etc., prior to any site development.

Submitted by Dan Cochran, Deputy Fire Chief

**POLICE:**

The Police department was contacted and had no concerns.

Submitted by Steve Childers, Captain Police Department

- D. **Parking requirement:**

Pursuant to Section 17.44.050.L of the Parking Ordinance and by separate motion, the Planning Commission must determine a parking requirement for the proposed park.

The proposed Park at Mill River is intended as both a waterfront park and neighborhood park designed to serve the surrounding Mill River development as well as users from

throughout the community. Facilities include a boat dock, beach, protected swim area, 20 foot by 20 foot picnic shelter, walkways with observation areas, parking lot with 19 spaces and restrooms.

There will be approximately 19 parking stalls with handicap stalls at both ends of the parking lot. The number of parking stalls should be sufficient for park users. The type of activity at this park is more limited than that of other parks due to the configuration (narrowness) of the park. The immediate neighborhood will walk or ride a bike to the site. There is expected to be some-day use boaters. There is a call center (U.S. Bank) within a few blocks of the proposed park and I would expect employees of this business to walk to the park for lunch or breaks. A gated community is also being built about one block east of the park.

Evaluation: The 19 spaces provided should be adequate to serve this park.

E. Proposed conditions:

None.

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:**

1. The Planning Commission must consider the special use permit request and make appropriate findings to approve, deny or deny without prejudice. The findings worksheet is attached.
2. By separate motion, establish a parking requirement for The Park at Mill River.

[D:\staff\pts\SP206]



## CITY OF COEUR D'ALENE

### PARKS DEPARTMENT

CITY HALL, 710 E Mullan Avenue  
Coeur d'Alene, Idaho 83814  
208-769-2252 FAX: 208-769-2383

Date: April 11, 2006  
To: Planning & Zoning Commission  
From: Doug Eastwood, Parks Director  
Subject: PARK AT MILL RIVER NARRATIVE

The Park at Mill River is approximately 1.7 acres. The park site consists of nearly 1,000 linear feet of waterfront along the Spokane River. The east end of the park begins at the south end of Grand Mill Lane. Grand Mill Lane enters the subdivision from Seltice Way.

The Parks Department was not involved in the site location of this particular park. The land was subdivided and a request for funding the construction of the park was made by the developer to LCDC prior to our involvement. The Parks Department has had input into the current park design concept. This park site was donated to the Parks Foundation in 2005. Construction of the park is expected to be complete by September of 2006. The property will be transferred to City ownership by the time it is built and ready for public use. The uniqueness of this park is that the land has been donated to the CDA Parks Foundation, the Mill River Developer will oversee the park development, the Lake City Development Company is contributing the funding for the park construction and the City of CDA will be gifted a developed park along 1,000 feet of waterfront on the Spokane River.

The park site is wider at the west end of the site and becomes quite narrow towards the east end of the site. The narrowest area is approximately 25 feet wide from the shoreline to the street curb line. Due to the narrowness of the property there are limitations as to how it can be developed. There is a walkway, or promenade, the length of the property. The walkway is narrower than I would prefer, approximately 5 feet, and it is along the curb line of the adjacent road. I would also prefer that the walkway not be in this location but there does not appear to be anywhere else to locate it.

At the east end of the park site there will be a grassy swale area and some trees. The swale is 35 feet wide from the shoreline to the street curb line and about 120 feet in length. At this point a rip-rap will be built along the shoreline for about 350 feet. The rip-rap area is the narrowest area. There will be tree wells and observation areas south of the walkway in the rip-rap. The observation areas allow for individuals to exit the walkway and view the river corridor in an east and west direction. Walk lights will also be installed along the walkway. Once the rip-rap ends, turfgrass will begin and continue west for about 250 feet. The park begins to widen at the west end of the rip-rap. This area can be used for picnics, sun-bathing, book reading or other leisure activities of one's choosing. The widest point of the park site at the west end is approximately 110 feet.

A day-use dock system is proposed at the west end of the park site. The day-use dock can be accessed from the river by boat, or from the promenade/walkway and parking lot by foot. We have applied to the Department of Lands for a dock permit. There will be a sand beach inside the boat dock area; boats will not be able to enter the park side of the docks. The dock and beach area is about 250 feet in length. Turfgrass will be installed from the sand beach to the parking lot. There will be approximately 19 parking stalls with handicap stalls at both ends of the parking lot. The number of parking stalls should be sufficient for park users. The type of activity at this park is more limited than that of other parks due to the configuration (narrowness) of the park. The immediate neighborhood will walk or ride a bike to the site. There is expected to be some-day use boaters.

There is a call center (U.S. Bank) within a few blocks of the proposed park and I would expect employees of this business to walk to the park for lunch or breaks. A gated community is also being built about one block east of the park.

A drinking fountain, trash receptacle and bike rack will be installed and a portable restroom shelter and a covered picnic shelter will be built between the parking lot and the docks. Our Urban Forester will be making tree selection recommendations. We will also request that the irrigation system be constructed with the capability of operating with the city wide conservation system that we are working on.

In the long-term, there is opportunity to enhance the park and trail system once the railroad vacates the area north of the park and south of the single family homes. Our long range plans are to bring the Centennial Trail through Riverstone to Huetter and connect to the existing Centennial Trail north of Seltice Way. The trail will go through, or along side of, this proposed park. Also, with the tracks removed, there is potential to expand the park north creating more open space for park users and more parking if deemed necessary

**JUSTIFICATION:**

Proposed Activity Group; Park

Prior to approving a special use permit, the Planning Commission is required to make Findings of Fact. Findings of Fact represent the official determination 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:

A. A description of your request; Waterfront Park, Day use boating, Picnic shelter, restroom, Beach + swim area, Walkway with observation areas and off street parking

B. Show the design and planning of the site and if it is compatible with the location, setting and existing uses on adjacent properties;

C. Show the location, design and size of the proposal, and will it be adequately served by existing streets, public facilities and services;

D. Any other justifications that you feel are important and should be considered by the Planning Commission.

This park will be a great asset to the community. This Park will give the public another waterfront access which is getting difficult to find.

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on April 11, 2006, and there being present a person requesting approval of ITEM SP-2-06, a request for a Public Recreation special use permit in the R-3 (Residential at 3 units/acre) zoning district.

APPLICANT: The City of Coeur d'Alene, Parks Department

LOCATION: A +/- 1.7 acre parcel between the Spokane River and Shoreview Lane in the Mill River Development.

**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 single-family dwellings and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is R-3 (Residential at 3 units/acre)
- B4. That the notice of public hearing was published on, March 25, 2006, and, April 4, 2006, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, March 31, 2006, which fulfills the proper legal requirement.
- B6. That 9 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on March 24, 2006, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on April 11, 2006.
- 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 **THE CITY OF COEUR D'ALENE, PARKS DEPARTMENT** for a Public Recreation 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 Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____

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

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

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

---

CHAIRMAN JOHN BRUNING

**PLANNING COMMISSION  
STAFF REPORT**

FROM: JOHN J. STAMSOS, ASSOCIATE PLANNER  
DATE: APRIL 11, 2006  
SUBJECT: SP-3-06 – REQUEST FOR A PUBLIC RECREATION SPECIAL USE  
PERMIT IN AN R-5 ZONING DISTRICT  
LOCATION – A +/- 3.5 ACRE PARCEL AT THE NORTHWEST CORNER OF  
12TH STREET AND LUNCEFORD LANE.

**DECISION POINT:**

The City of Coeur d'Alene, Parks Department is requesting approval of a Public Recreation Special Use Permit for "North Pines Park" a +/- 3.5-acre passive use neighborhood park with day use facilities including open space areas, playground, volleyball court, basketball court, parking lot with 20 spaces and two portable restrooms in a permanent structure. (One regular and one handicapped)

Pursuant to Section 17.44.050.L of the Parking Ordinance and by separate motion, the Planning Commission must determine a parking requirement for the proposed park.

**GENERAL INFORMATION:**

- A. Site photo.



B. Zoning.



C. Generalized land use pattern.

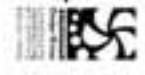


D. Site Plan.



# NORTH PINES PARK

City of Coeur d'Alene Parks and Recreation  
February 2006



- E. Applicant: City of Coeur d'Alene  
710 Mullan Avenue  
Coeur d'Alene, ID 83814
- F. Existing land uses in the surrounding area include single-family and multi-family uses.
- G. The subject property is vacant.

**PERFORMANCE ANALYSIS:**

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

- 1. The Subject property is in the City of Coeur d'Alene.
- 2. The City Comprehensive Plan Map designates this area as a Transition Area, as follows:

**In reviewing all projects, the following should be considered:**

Page 28 – All requests for zone changes, special use permits etc., will be made considering, but not limited to:

- A. The individual characteristics of the site;
- B. The existing conditions within the area, and
- C. The goals of the community.

**Transition Areas:**

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

- Protect and/or enhance the integrity of existing residential areas.
- Discourage uses that are detrimental to neighboring uses.
- Pedestrian/bicycle connections.

3. **Significant policies:**

6A: “Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.”

18B1: “Parks, open space, and recreational facilities should be provided for neighborhoods as well as for the community.”

18B1b: “Plan for regional, multi-purpose, community, shoreline and vest-pocket parks, which are easily accessible to the young and old and physically and mentally handicapped.”

18B5: “Continue to coordinate with School District #271, North Idaho College, the County and other landowners for the use, acquisition, development and maintenance of recreation land and facilities.”

- 19C: "A high quality of cultural, social and recreational activities should be provided and encouraged."
- 19C5: "Encourage the development of pocket parks that are easily accessible and that include unstructured activity areas."
- 24C: "Natural vegetative cover should remain as a dominant characteristic of Coeur d'Alene."
- 51A: "Protect and preserve neighborhoods both old and new."
- 51A5: "Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects."
- 52B: "Promote a high standard of landscaping, building design and community development."
- 52B5: "Provide a transition between different land uses by using intermediate land uses as buffers."

- 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.

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

The proposed park is designed to serve as a passive use neighborhood park for the surrounding area providing a grass open area, playground, restrooms, volleyball and basketball courts and a 20 space parking lot.

The proposed park will provide a neighborhood park for the surrounding residential area including residents in North Pines, Forest Park Estates and Davis Park subdivisions.

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.

**C. 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:

Water is available to the subject property.

Evaluation: We have adequate facilities to serve the proposed park at this location. There is an existing 2 inch and a possible 6 inch stub into the property. There is a 12 inch main on the south side of Lunceford Lane and an 8 inch main on the east side of 12th Street There are 2 existing fire hydrants on the south side of Lunceford on 11th and 12th Streets.



Submitted by Terry W. Pickel, Assistant Water Superintendent

**SEWER:**

Sewer: Sewer is available and of adequate capacity for the proposed use.

Evaluation: A public sewer lateral extends to this property from Lunceford Avenue but is shown as unused for this park. In the future, should the Parks Department need this connection, it is available.

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:

Stormwater drainage for the proposed parking area will be required to be contained in an on-site swale. Design approval will be required prior to construction.

**TRAFFIC:**

This proposed City park use will generate additional traffic; however, the amount of additional traffic is indeterminate. The proposed park is a neighborhood park versus a destination park; therefore, the amount of vehicle traffic to the site will increase area traffic but should not be in significant numbers to create problems. Also, the park is situated on a collector street (Lunceford Lane) which is capable of managing between 5,200 – 8,700 daily trips before issues arise.

Evaluation: Any change in use and related traffic impacts are evaluated prior to issuance of building permits. The Development Impact Fee Ordinance requires any extraordinary traffic impacts to be mitigated by the applicant as a condition of permit issuance. Therefore, potential traffic impacts need not be addressed at this time.

**STREETS:**

1. The proposed subdivision is bordered by Lunceford Lane on the south and 12<sup>th</sup> Street on the east.

Evaluation: The current right-of-way widths and constructed streets meet City standards.

2. The points of ingress/egress shown on the plan submittal are acceptable in the proposed locations.

Evaluation: Both access points and the parking lot will be required to meet the City standards as shown on City Standard Drawing M-12 for travel aisle widths, and, both access points should be constructed utilizing the City standard urban approach (Std. Dwg. C-10).

3. Pedestrian access to the proposed park will need to be centralized to eliminate multiple crossings which could result in pedestrian/vehicle conflicts.

Evaluation: Installation of a crosswalk will be required at the 12<sup>th</sup> Street and Lunceford Lane intersection. This crosswalk will be required to have pedestrian ramps installed on both the north and south sides of Lunceford Lane and will be required to have the new "detectable warning" feature.

#### APPLICABLE CODES AND POLICIES:

##### UTILITIES

All proposed utilities within the project shall be installed underground.

##### STREETS

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

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

##### STORMWATER

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:

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

Submitted by Dan Cochran, Deputy Fire Chief

##### POLICE:

The Police department was contacted and had no concerns.

Submitted by Steve Childers, Captain Police Department

#### D. **Parking requirement:**

Pursuant to Section 17.44.050.L of the Parking Ordinance and by separate motion, the Planning Commission must determine a parking requirement for the proposed park.

The proposed North Pines Park is intended as a passive use neighborhood park designed to serve the surrounding residential neighborhoods. Facilities include a grass open area, playground, restrooms, volleyball and basketball courts and a 20 space parking lot. Approximately 2/3 of the 3.5-acre park is shown as open space for passive use activities.

There will be off-street parking with 18 car stalls; two of which will be designated for handicap parking. I believe this is more than adequate parking for this park.

Most of our smaller passive-use parks do not get much vehicular traffic. Northshire and Phippeny Parks are good examples of parks of equal size and those parking lots do not get fully used. Walk-in traffic is more common. Additionally, we will have bicycle racks for the people that might ride their bikes to this park. The parking lot will have down-lights at the entrance and exit. There will be no other lighting in the park. There will be a landscape buffer between the parking lot and the sidewalk along Lunceford Ave. There is currently a perimeter sidewalk along the park on 12<sup>th</sup> Street and on Lunceford Ave.

Evaluation: The 20 spaces provided should be adequate to serve this park.

E. Proposed conditions:

None.

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:**

1. The Planning Commission must consider the special use permit request and make appropriate findings to approve, deny or deny without prejudice. The findings worksheet is attached.
2. By separate motion, establish a parking requirement for North Pines Park.

[D:staffrptsSP306]



## CITY OF COEUR D'ALENE

### PARKS DEPARTMENT

CITY HALL, 710 E Mullan Avenue  
Coeur d'Alene, Idaho 83814  
208-769-2252 FAX: 208-769-2383

Date: April 11, 2006  
To: Planning & Zoning Commission  
From: Doug Eastwood, Parks Director  
Subject: **NORTH PINES PARK NARRATIVE**

North Pines Park is a 3½-acre park site on the northwest corner of Lunceford Avenue and 12th Street. The City purchased this property in 1996. We developed a conceptual site plan about two years ago, (2004) and last year we applied for and received a Land & Water Conservation Fund grant to help build the park. The cost of the project is estimated to be \$230,000.00. The grant we received is in the amount of \$97,000.00. Also last year, we received a 50/50 matching grant for playground equipment from a playground manufacturer. The playground cost was \$30,000.00, we paid \$15,000.00. In January of 2006, we distributed door hangers throughout the North Pines Subdivision, the Davis Park Subdivision and other nearby homes. We met with these folks on February 2, 2006, at Fire Station #3 to review the site plan and solicit their input. The attached concept reflects the input from the residents.

The North Pines Park site is relatively flat. There will be off-street parking with 18 car stalls; two of which will be designated for handicap parking. I believe this is more than adequate parking for this park. Most of our smaller passive-use parks do not get much vehicular traffic. Northshire and Phippeny Parks are good examples of parks of equal size and those parking lots do not get fully used. Walk-in traffic is more common. Additionally, we will have bicycle racks for the people that might ride their bikes to this park. The parking lot will have down-lights at the entrance and exit. There will be no other lighting in the park. There will be a landscape buffer between the parking lot and the sidewalk along Lunceford Ave. There is currently a perimeter sidewalk along the park on 12<sup>th</sup> Street and on Lunceford Ave.

At the southeast corner of the park, where 12<sup>th</sup> & Lunceford intersect, there will be a landscaped entry with benches and possibly trellis work. There will be a six-foot pathway that meanders through the park connecting pedestrian access from the perimeter sidewalk and parking lot to the amenities within the park. Those amenities will include a children's playground, basketball courts, portable restroom shelter, drinking fountain, benches, and bicycle rack. The park will have ample open space and room for a future picnic shelter. A grass volleyball court (posts) will be installed in the open space area.

The city's Urban Forester is developing the treescape. Approximately 40 trees will be planted within the park, including some conifers along the north and west borders of the park to serve as a buffer. Deciduous trees will be added for color and shade. The residents are volunteering to help us plant the trees and build the playground.

We are in the beginning stages of converting our citywide irrigation system to a central system with water conservation monitoring capabilities. We will spec that equipment for the irrigation system in this park.

The residents are also requesting consideration for a crosswalk at 11<sup>th</sup> Street and Lunceford and possibly at 12<sup>th</sup> Street and Lunceford so kids from the Davis Park Subdivision can cross Lunceford with a higher degree of safety.

We are targeting to start construction by June of this year and be completed by September of this year.

**JUSTIFICATION:**

Proposed Activity Group; Park

Prior to approving a special use permit, the Planning Commission is required to make Findings of Fact. Findings of Fact represent the official determination 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:

A. A description of your request; \_\_\_\_\_

Passive use Park with open space, playgrounds, restrooms  
Volleyball court, Basketball court, Drinking fountain and off  
street parking

B. Show the design and planning of the site and if it is compatible with the location, setting and existing uses on adjacent properties;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Show the location, design and size of the proposal, and will it be adequately served by existing streets, public facilities and services;

\_\_\_\_\_  
\_\_\_\_\_

D. Any other justifications that you feel are important and should be considered by the Planning Commission. \_\_\_\_\_

This parcel was purchased years ago as parkland. We now have  
a grant to build this facility

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on April 11, 2006, and there being present a person requesting approval of ITEM SP-3-06, a request for a Public Recreation special use permit in the R-5 (Residential at 5 units/acre) zoning district.

APPLICANT: The City of Coeur d'Alene, Parks Department

LOCATION: A +/- 3.5 acre parcel at the northwest corner of 12th Street and Lunceford Lane.

**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 single-family and multi-family uses.
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is R-5 (Residential at 5 units/acre)
- B4. That the notice of public hearing was published on, March 25, 2006, and, April 4, 2006, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, March 31, 2006, which fulfills the proper legal requirement.
- B6. That 85 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on March 24, 2006, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on April 11, 2006.
- 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

- |   |
|---|
| <p>Criteria to consider for B8B:</p> <ol style="list-style-type: none"> <li>1. Does the density or intensity of the project "fit " the surrounding area?</li> <li>2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches &amp; schools etc?</li> <li>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?</li> </ol> |
|---|

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

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

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **THE CITY OF COEUR D'ALENE, PARKS DEPARTMENT** for a Public Recreation 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 Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Razor	Voted _____
Commissioner Souza	Voted _____

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

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

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

---

CHAIRMAN JOHN BRUNING

**PLANNING COMMISSION  
STAFF REPORT**

FROM: JOHN J. STAMSOS, ASSOCIATE PLANNER  
DATE: APRIL 11, 2006  
SUBJECT: ZC-2-06 – ZONE CHANGE FROM R-3 TO R-5  
LOCATION – +/- 22,390 SQ. FT. PARCEL AT THE NORTHWEST CORNER OF  
15<sup>TH</sup> STREET AND VIOLET AVENUE.

**DECISION POINT:**

William D. Crawford is requesting approval of a Zone Change from R-3 (Residential at 3 units/acre) to R-5 (Residential at 5 units/acre) for a +/- 22,390 sq. ft parcel.

**GENERAL INFORMATION:**

A. Site photo



B. Zoning.



C. Generalized land use.



- D. Applicant: William D. Crawford  
823 Boyd Avenue  
Cœur d'Alene, ID 83814
- E. Land uses in the area include residential – single-family and vacant land.
- F. Previous actions on the subject property:
1. On June 28, 2005, the Planning Commission denied A-4-05 (A request for R-8 zoning) by a 6 to 0 vote and forwarded a recommendation to the City Council recommending R-3 zoning rather than R-5.  
  
After considerable discussion, the following votes were taken to arrive at the R-3 recommendation:  
  
Motion by Rasor, seconded by Jordan to recommend R-5 zoning --- denied by a 4 to 2 vote.  
  
Motion by Souza, seconded by Bowlby to recommend R-3 zoning --- approved by a 4 to 2 vote.  
  
The basis of their denial was that the request for R-8 zoning did not fit the overall density of the surrounding parcels.
  2. On August 16, 2005 the City Council held a public hearing on A-4-05 and approved R-3 zoning by a vote of 5 to 0.

**PERFORMANCE ANALYSIS:**

- A. Zoning:  
The R-5 district is intended as a residential area that permits single-family, detached housing at a density of five (5) units per gross acre, a minimum lot size of 8,500 sq. ft. and 50-feet of frontage on a public street.  
  
The County Restricted Residential zone also allows approximately 5 units/acre with a minimum lot size of 8,250 sq. ft.  
  
Under the current R-3, zoning one dwelling unit would be allowed and under R-5 zoning, two dwelling units would be allowed.  
  
The zoning pattern (see zoning map on page 2) shows R-3 zoning in the incorporated areas and Restricted-Residential zoning in the County area west of the subject property.  
  
Evaluation: The Planning Commission, based on the information before them, must determine if the R-5 zone is appropriate for this location and setting.
- B. **Finding #B8: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.**
1. The Subject property is in the City of Coeur d'Alene.
  2. The City Comprehensive Plan Map designates this area as a Transition Area, as follows:

**In reviewing all projects, the following should be considered:**

Page 28 – All requests for zone changes, special use permits etc., will be made considering, but not limited to:

- A. The individual characteristics of the site;
- B. The existing conditions within the area, and
- C. The goals of the community.

**Transition Areas:**

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

- Protect and/or enhance the integrity of existing residential areas.
- Encourage lower intensity commercial service and manufacturing uses close or abutting major transportation routes.
- Discourage uses that are detrimental to neighboring uses.
- Encourage commercial clusters that will serve adjacent neighborhoods vs. city as a whole.
- Pedestrian/bicycle connections.

**3. Significant policies:**

4C1: Development that proposes to increase the density of a given area may be allowed, provided that the increase maintains the character of the community.”

4C3: Population growth should be compatible with preserving Coeur d’Alene’s character and quality of life.”

6A: “Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.”

42A: “The physical development of Coeur d’Alene should be directed by consistent and thoughtful decisions, recognizing alternatives, affects and goals of citizens

42A2: “Property rights of citizens should be protected in land use decisions.”

42B2: “Expansion of the City should be based upon conformance to the urban service area.”

51A: “Protect and preserve neighborhoods, both old and new.”

62A: “Examine all new developments for appropriateness in regard to the character of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects.”

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:

Sewer: Sewer is available and of adequate capacity for the proposed use.

Evaluation: A public sewer connection (residential sewer lateral) was arranged for this lot when the Fifteenth Street Sewer Extension was installed. This annexation will allow the owner to connect to the public sewer.

Submitted by Don Keil, Assistant Water Superintendent

WATER:

Water can be available, as follows:

The parcel is located within the Hoffman Water Company service area. The applicant will need to present the City with a letter from Hoffman allowing us to serve water to him. Coeur d'Alene water is available through a 12" water main located in 15th Street, upon payment of appropriate fees.

Submitted by Jim Markley Water Superintendent

STORMWATER, TRAFFIC AND STREETS

Submitted by Chris Bates, Engineering Project Manager

FIRE:

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

Submitted by Dan Cochran, 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.**

The subject property has no adverse topography or physical constraints that would limit development.

Evaluation: The physical characteristics of the site appear to be suitable for the request at this time.

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 adjacent to 15<sup>th</sup> Street, which is identified as a minor arterial on the Transportation Plan and is in a developing residential area of predominately singles-family development.

F. Proposed conditions.

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:pcstaffreportsZC206]



## **Justification**

Prior to recent annexation, the property was part of an island of Kootenai County surrounded by the City of Coeur d'Alene. The property was annexed under the zoning designation of R-3. It was expected that the property would be split into two buildable lots. After working out easement requirements with city engineers, the net area of the property was too small to be divided under the R-3 zoning classification.

While the property was in the process of being annexed, the owners of the surrounding properties and Kootenai County decided to re-zone the area. Properties that would remain in this island of Kootenai County would be re-zoned to Restricted Residential.

The zoning classification of Restricted Residential, under the County rules, allows for a minimum lot size of 8,250 square feet, similar to the City's R-5 zoning, which allows for a minimum lot size of 8,500 square feet.

I am requesting the property be re-zoned to R-5. The zoning change will keep property in the area consistent. It will also allow the property to be divided into two buildable lots, which was the initial intention.

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on April 11, 2006, and there being present a person requesting approval of ITEM ZC-2-06, a request for a zone change R-3 (Residential at 3 units/acre) to R-5 (Residential at 5 units/acre)

LOCATION – +/- 23,261 sq. ft. parcel at the northwest corner of 15<sup>th</sup> Street and Violet Avenue.

APPLICANT: William D. Crawford

**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 vacant land.
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is R-3 (Residential at 3 units/acre)
- B4. That the notice of public hearing was published on March 25, 2006, and April 4, 2006, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on March 31, 2006, which fulfills the proper legal requirement.
- B6. That 39 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on March 24, 2006, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on April 11, 2006.
- 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 **WILLIAM D. CRAWFORD** 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 Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____

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

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

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

---

CHAIRMAN JOHN BRUNING



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# DEVELOPMENT REGULATIONS

## DOWNTOWN COEUR D'ALENE

LMN Architects  
City of Coeur d'Alene

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## DEVELOPMENT REGULATIONS

### I. Overall Purpose

To create a distinct, strong identity for the downtown core, preserving a civic heart for Coeur d'Alene.

To encourage private and public investment, attract shoppers and visitors, and appeal to existing and new residents.

To produce a concentration and a mixture of commercial, office, retail, residential, and public uses within the downtown.

To develop a downtown that supports pedestrian movement and use of public transit.  
To implement the City's Comprehensive Plan.

***How Proposal relates to Purpose statements:***

***“Encourage the development of a mixed-use city center”***

*Response: Simplified list of uses to encourage virtually all uses*

***“Stimulate economic development in downtown”***

*Response: Allow a significantly greater residential density than current code*

***“Preserve views of Tubbs Hills and other distant landforms”***

*Response: View corridors through upper level setbacks along with tower size and spacing*

***“Increase the downtown residential population”***

*Response: Eliminate units per acre maximum;  
use FAR instead (Proposed Code doubles current allowable density)*

***“Respect the small town scale and character”***

*Response: Street level amenities and character through bonuses and exemptions from parking requirements for small retailers*

## DEVELOPMENT REGULATIONS

### II. Application and Intent

#### DC – Downtown Core

This district is envisioned to have the highest intensity uses, especially retail, office, residences, and hotels contained within low-rise, mid-rise and high-rise buildings. Shops and restaurants would be located along key streets. Major public spaces and buildings would anchor the district. Over time, parking would be increasingly located within structures.



*Note: These proposed regulations do not affect the Downtown Overlay North area regulations located north of Indiana.*

### III. Use Limitations

All uses shall be allowed, unless prohibited below.

Prohibited:

- Adult Entertainment
- Billboards
- Drive-Through Businesses along Pedestrian-Oriented Streets
- Gasoline Sales
- Industrial Uses
- Mini-Storage on the street level.
- Outdoor Sales or Rental of Boats, Vehicles, or Equipment
- Outdoor Storage of materials and equipment (except during construction)
- Repair of Vehicles, unless entirely within a building
- Sewage Treatment Plants and other Extensive Impact activities.
- Surface Parking on Pedestrian-Oriented Streets
- Work Release Facilities
- Wrecking Yards
- Vehicle Washing, unless located within a building or parking structure
- Any other use that the Planning Director determines not to comport with the intent of the district as expressed in Section I Overall Purpose.

**IV. Basic Development Standards**

**A. Floor Area Ratio**

Floor Area Ratio (FAR) is a method of calculating allowable floor area. The FAR multiplied by the parcel size (in square feet) equals the amount of allowable floor area that can be built within a development.

**Floor Area Ratio (FAR)**

District	Basic Allowable		Maximum Allowable with Bonuses	
	Non-Residential	Residential	Non-Residential	Residential
DC	1.0- (1.5?)	2.0 (3.0?)	2.0 (3.0?)	4.0 (6.0?)

**Decision Point:** *Consider increase in FAR in each category*

Notes:

1. For the purposes of these regulations, floor area is measured to the inside face of exterior walls. The following shall be excluded from floor area calculation:
  - Space below grade
  - Space dedicated to parking
  - Mechanical spaces
  - Elevator and stair shafts
  - Lobbies and common spaces, including atriums
  - Space used for any bonused feature
2. Allowable FAR for non-residential and residential uses may be added together within a project, for a combined total.
3. Hotels shall be considered residential for the purpose of this chart.

**B. Bonus Features** Allowing Increased Floor Area Ratio (up to Maximum)

<b>Feature</b>	<b>Additional Floor Area for each Feature</b>
<p><b>Street Level Retail</b> Uses providing goods and services, including food and drink, adjacent to, visible from, and accessible from the sidewalk</p>	<p>100 sf of floor area for each linear foot of retail frontage</p>
<p><b>Public Plaza / Courtyard</b> An open space that is accessible to the public at all times, predominantly open to the sky, and for use principally by people, as opposed to merely a setting for the building. It must abut and be within 3 feet in elevation of a sidewalk, at least 10% of the area shall be planted with trees and other vegetation. There must be seating, lighting and penetration of sunlight</p>	<p>5 sf of floor area for each sf of plaza / courtyard</p>
<p><b>Canopy</b> A rigid structure covered with fabric, metal or other material and supported by a building at one or more points, projecting over an entrance, window, outdoor service area or walkway with the purpose of sheltering persons from sun, wind and precipitation</p>	<p>4 sf of floor area for each sf of canopy</p>
<p><b>Public Art</b> Any form of painting, mural, mosaic, sculpture, or other work of art. Documentation of building costs and appraised value of the art feature shall be provided. The art feature must be displayed on the exterior of a building, at or near the pedestrian entrance or on a public plaza.</p>	<p>10 sf of floor area for each \$100 of valuation</p>
<p><b>Water Feature</b> A fountain, cascade, stream, fall, pond of water, or combination thereof, that serves as a focal point. It must be a water-efficient design located outside of a building and be publicly visible and accessible. Water features must comply with City policies regarding water usage. It must be active during daylight hours. During periods of water use restrictions and freezing such features may be turned off</p>	<p>10 sf of floor area for each \$100 of valuation</p>
<p><b>Parking, Structured</b> Parking contained within an enclosed building, designed to appear like it is part of the larger building complex.</p>	<p>0.5 sf of floor area for each sf of required parking above grade</p>
<p><b>Parking, Below Grade</b> Any portion of structure containing parking that is located below the average finished grade around a building.</p>	<p>1 sf of floor area for each sf of required parking below grade</p>
<p><b>Green Roof</b> A roof designed with principles of environmental sustainability, involving the use of vegetation and storm water collection and cleaning. It may or may not be accessible</p>	<p>2 sf of floor area for each sf of green roof</p>

<b>Feature</b>	<b>Additional Floor Area for each Feature</b>
<b>Day Care</b> A use providing for the care of children or elderly people, generally during the hours of 6am and 7pm. Such use shall comply with all applicable City standards	4 sf of floor area for each sf of day care
<b>Health Club</b> A use that offers exercise and recreational activities for tenants and/or the general public, either with or without a fee.	2 sf of floor area for each sf of health club
<b>Public Meeting Rooms</b> A space that can be used by the general public and having a capacity of at least 50 people. It may operate under a reservation or nominal fee system, but must be easily accessible from a lobby or plaza	5 sf of floor area for each sf of meeting room
<b>Workforce Housing</b> For purposes of this code, below-market housing is defined as dwelling units available to households making less than the median income for all households within the city limits	4 sf of floor area for each sf of workforce housing

**Decision Point:** *Consider allowing placement of Public Plaza, Parking & Workforce Housing features off-site.*

Any project that has achieved its maximum allowable floor area via the above bonuses may exceed the Maximum FAR and Maximum Height by up to 25% by availing itself of two additional categories of bonus feature to exceed the maximum.

<b>Feature</b>	<b>Additional Floor Area for each Feature</b>
<b>Contribution to a Park</b> For purposes of this ordinance a park would be within the downtown area as determined by the City Council	10 sf of floor area for each \$100 of contribution to acquisition or development.
<b>Contribution to a Cultural Facility such as Library, Museum, or Theatre</b>	10 sf of floor area for each \$100 of contribution.

**C. Maximum Building Height**

Buildings within this district shall only be permitted to exceed 75 feet if they comply with the bulk, spacing, and setback standards indicated in the sections that follow. Buildings that comply with the standards, as well as accumulate sufficient Floor Area Ratio through bonuses, may extend as high as shown in the chart below.

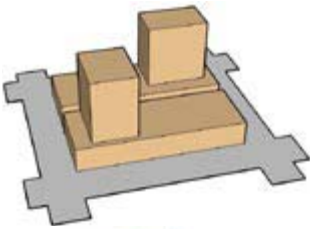
	Height	Height w/architectural feature <sup>2</sup> .
Base	75 ft.	
Base + Bonus	160 ft	178 ft.
Base + Bonus + Contribution Bonus	200 ft	220 ft.

Notes:

1. Mechanical penthouses, stair/elevator overruns, and antennae may be excluded from Building Height calculation provided they are no more than 15 feet above the roof deck.
2. Building height may be increased by up to 10% if the top is designed as a non-habitable, architectural element. This element may extend above the increased height limit.

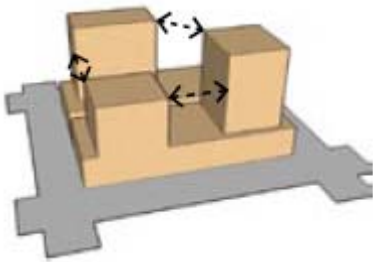
*The combination of these restrictions are expected to result in 2-3 buildings on each block that might exceed 75 feet. Furthermore, only very large development sites would be able to attain the maximum height. It is estimated that throughout the downtown, only approximately a dozen sites are sufficiently large enough to reach the maximum height.*

## D. Building Bulk



### 1. Tower Floor Size

Building floors over 75 feet in height above grade shall have a maximum FAR area of 8000 square feet.



### 2. Tower Separation

Building floors over 75 feet in height above grade shall be at least 80 feet from any other structure over 75 feet above grade.



### 3. Upper Level Stepback

On the following streets, building floors over 45 feet in height above grade shall be stepped back from the right-of-way by at least 20 feet:  
1st, 2nd, 3rd, 4th, 5th, 6th, 7th.

On Sherman Avenue, building floors over 45 feet in height above grade shall be stepped back from the right-of-way by at least 10 feet.

**Decision Point:** Consider reducing setback to 10 feet

**Decision Point:** Consider removing 2<sup>nd</sup> street from list.

*Note: Normal projections into setback allowed by the zoning ordinance include:*

- Chimneys may extend into a yard a distance of not more than twenty four inches (24").
- Eaves, cornices, belt courses, and similar ornamentation may project over a front yard not more than two feet (2').

**Decision Point:** Consider adding of allowance for balconies and bay/bow windows up to two feet (2')

**Decision Point:** Consider adoption of Design Departure for Building Bulk

*A design departure allows a project to achieve flexibility in the application of prescriptive development standards. In order to allow a departure from a code standard, an applicant must demonstrate that it would result in a development that better meets the intent of the purpose of the regulation and applicable design guidelines. Note that this departure would not apply to building height*



**E. Parking Ratios**

Use Type	Minimum	Maximum
Retail / Restaurants	2 stalls / 1000 nsf	4 stalls / 1000 nsf
Office	2 stalls / 1000 nsf	4 stalls / 1000 nsf
Residential	0.5 stall per unit	2 per unit
Senior Housing	0.25 stall per unit	1 per unit

Notes:

1. Retail and restaurant uses less than 3000 sf shall be exempt from parking requirements.
2. Parking requirements for uses not listed shall be determined by a study of parking demand for that use and as approved by the City.
3. Uses sharing a common parking facility may reduce the required number of stalls by 25%.
4. Parking may be located off site, so long as it is within 1000 feet of the property, is connected to the property by sidewalks or walkways, and is tied to the site by a contractual agreement that is filed with the City and Deed of Record at the County.
5. Uses within existing buildings are exempt from additional parking requirements. (See City Code 17.44.120)

***Decision Point: Consider reducing parking stall size in this district from 9x20 to 8x18 to enhance parking garage design***

**Definitions:**

**Floor Area Ratio**

Floor Area Ratio (FAR) is a method of calculating allowable floor area. The FAR multiplied by the parcel size (in square feet) equals the amount of allowable floor area that can be built within a development.

**Floor area** is measured to the inside face of exterior walls. The following shall be excluded from floor area calculation:

- Space below grade
- Space dedicated to parking
- Mechanical spaces
- Elevator and stair shafts
- Lobbies and common spaces, including atriums
- Space used for any bonused feature

# 2005 Planning Commission Retreat Priorities Progress

April 2006

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.  
 The other colors like "pending" are place holders until action on those items can occur."

## **Administration of the Commission's Business**

▪ Follow-up of Commission requests & comments	Green	
▪ Meeting with other boards and committees	Yellow	Ped/Bike Committee <i>still</i> seeking meeting
▪ Goal achievement		Checklist of projects
▪ Building Heart Awards	Yellow	Nominees?
• Speakers	Green	ULI educational opportunities provided. Council sponsored Idaho Smart Growth presentation being scheduled for early summer.
• Public Hearings	Green	

## **Long Range Planning**

▪ <b>Comprehensive Plan Update</b>		3/28 finished "Call Out" review. Staff compiling changes
▪ Education Corridor	Green	Meeting October completed(Souza) Workshop w/prop river corridor owners took place in January.
▪ Neighborhood Parks & Open Space		Coordinate w/ P&R & Open Space Comm. Nothing new
▪ Neighborhood Planning		Discussed neighborhood designation in 3/28 Complan mtg.

## **Public Hearing Management**

▪ Continued work on Findings and Motions		Warren and Plg staff to review
▪ Public hearing scheduling		Chrman Bruning consulted on May agenda

## **Regulation Development**

<b>Downtown Design Regs Hght</b>		in process – Committee has forwarded to PC– ph April 19 - Hinshaw
<b>Cluster Housing standards</b>		in process – staff revising Hinshaw draft
<b>Subdivision Standards</b>		Prelim review began. PC road trip 10/05 Tweaks of condo plats and lot frontages being processed
<b>Revise Landscaping Regulations</b>		Future
<b>Commercial Zoning</b>		Pending – 3/28 some interest in bringing forward but no formal action
<b>Parking Standards</b>		Future
<b>Lighting standards</b>		in process – Hinshaw
Accessory Dwelling Units		Hinshaw has provided sample ord
District and Corridor Design Review		Future
Home Occupations by SP		Council followed chose not to pursue

ARTICLE PUBLISHED DEC 18, 2005

## New Downtown condos sell out 'in nothing flat'

At least 286 new downtown condominium units are in the planning stages for 2006, according to an informal survey by The Idaho Statesman.

Builders with projects in various stages of development report that prospective buyers are snapping up the new units before the first spade of earth has been turned.

Three of Boise's largest developers say demand has been so strong that of the 108 individual condos they plan to build between them, 88 units have already been reserved.

"There's a market out there for these condos, and it's going to take more than these three projects to satisfy it," said developer Steve Hosac, whose CitySide Lofts site at 13th and Myrtle had commitments for 37 of its initial 42 units within weeks of breaking ground in October.

The condo projects show a growing interest in downtown living by aging Baby Boomers, who some developers say are tired of cutting grass and fighting commuter traffic.

Neither Boise city officials nor the downtown urban renewal agency, the Capital City Development Corp., keep track of condo growth, but developers said the condo boom is a marked contrast from last year, when they couldn't recall any new condominiums built in the downtown area.

Developers say they understand that buyers prefer to live in owner-occupied condos and are fearful of investor-owned units used as rentals. Several developers say they are limiting sales to investors, a practice they say has made it easier to obtain financing from lenders.

In a few cases the buying frenzy revolves around price. Some of the condos planned for next year are expected to sell for less than the \$200,000 benchmark that industry members say qualifies as "affordable housing" in Boise. They say that price is going to be harder to find in the future because of rising construction costs.

"In the past, a lot of the condos we've seen were priced at the upper end," said Marty Santoyo of the Boise Department of Planning & Development Services design department. "Now we're seeing some in the mid-range."

So far, the consumers expressing the most interest in living downtown have been aging Baby Boomers, according to a banking executive.

"There is a certain demographic out there that is nearing retirement age, and it's saying 'I'm tired of mowing my lawn,'" said Rob Perez, senior vice president for commercial lending with U.S. Bank in Boise.

### Luxury project chases a 'narrow' market

The latest project to break ground is the Royal Plaza, developer Bob Hosac's \$14 million, six-story mix of retail and 26 luxury units that will sit at the northwest corner of 11th and Main, across the street from the Owyhee Hotel.

Hosac reported last week that 11 units had been reserved, despite prices ranging from \$390,000 for a one-bedroom to almost \$900,000 for a three-bedroom, two-bath unit.

He concedes that he's targeting a "narrower" upscale market.

"For every one of mine, there are going to be 10 buyers for some of these other projects," he said. "But Boise has changed its complexion in the last few years. You've got more upscale restaurants and shops, more opportunities for people."

Hosac said most of his inquiries have come from middle-aged professionals with successful financial careers behind them who are now looking for "an upper-end style of living."

The project expects to be completed in early 2007.

### Condo demand makes developer switch gears

Demand for Downtown condos convinced Hosac's brother, Steve, founder of the Hosac Co., to alter his project at 13th and Myrtle.

Originally, his two-structure, \$18 million CitySide Lofts project was envisioned as one office building and one residential building. Now it will be two residential structures, housing 77 condominiums priced between \$180,000 and \$400,000 and sitting atop a common underground garage.

"It was a market-driven decision," Hosac said.

The decision was made easier by the development of the nearby BoDo retail project, and the belief that land north of his property will one day be the site of a new convention center, he added.

Only five of the initial 42 condos planned for the first phase of the project were still available late last week.

"And we have backup offers on quite a few of our units," Hosac said.

Hosac said the possibility of finding inexpensive Downtown housing also has been a lure.

He said a limited number of units priced near \$200,000 have caught the attention of area consumers who have seen the average single-family home price in Ada County soar past \$227,000 during the first nine months of 2005.

"We believe there are going to be some people out there who will look at some single-family home costs these days and think this is a good way to save money on gas and save time fighting the traffic," he said.

**Units selling before construction begins**

Developer Dave Southers said he couldn't help noticing that most Downtown condo projects are selling out "in nothing flat" before construction has even begun.

"And there was nothing to see," he said, "There wasn't a hallway to walk down, or a room where you could sit on a couch." That's making Southers eager to begin marketing his project, The Metropolitan, a 230,000-square-foot mix of retail and 90 condo units. The massive structure will take up an entire city block, bordered by 15th and 16th Streets on the east and west, and by Idaho and Bannock on the north and south.

"There are already a lot of people who want to reserve units, and I'm not even trying," he said. "If I can get all my reservations sold in three or four months, I'll be turning cartwheels," he said.

But unlike his Hyde Park Place project at 13th and Fort, which had 27 of 39 condos priced under \$200,000, only six units in The Metropolitan will be available in that price range.

"I can't build them that cheap anymore," Southers said.

**'Clamoring to get something Downtown'**

Gary Christensen has two downtown projects in the works.

At the northwest corner of 10th and Main, he's revitalizing the 102-year-old Gem Building by putting in nine condos on the vacant second floor. The units will sell for \$150,000 to \$300,000.

At 8th and Myrtle, he plans a three-story project, with 12 units on the second floor that will go for \$175,000 to \$500,000. The first floor will be occupied by R. Grey Jewelry Gallery, which will relocate from its current store on West Idaho. The project is still in the development stage.

Christensen dislikes the term "affordable housing," arguing that it implies "some kind of subsidy."

"It's middle-class housing," he said. "And we developers are just figuring out that the demand is real. There are people clamoring to get something downtown."

Unlike other developers, Christensen is not taking reservations at the Gem Building.

Instead, he said he'll bring in the public to view completed units in order to gather information for future downtown residential projects he's planning with Clay Carley, general manager of Old Boise LLC.

Another Downtown project is Shiloh Development's Paradigm, a four-level, mixed use project with 32 units priced between \$200,000 and \$450,000.

Spokesman Chuck Nilles said the project has gotten its share of early reservations, although he could not say how many.

**Construction costs are boosting condo prices**

Developer Bill Clark took just two weeks to sell out his latest project, The Jefferson, consisting of 40 condo units at the southeast corner of 4th and Jefferson.

Demand has been so strong that Clark said he's even thinking about forgoing his plans for a first-floor retail component and substituting four more units in that space.

Only two of the pre-sales were in the \$200,000 range, an indication of how expensive it has gotten to build Downtown, he said.

"The cost of construction has gone up dramatically," said Clark, pointing to as much as a 30 percent increase in materials, labor and transportation costs in the last two years. "Builders are having to raise their prices to cover that."

**Developers hold the line on investors, please lenders**

In the meantime, Clark, Steve Hosac and Southers all plan to limit the number of condos that can be sold to investors.

The idea is to prevent their projects from becoming rental units for investors interested in cashing in on Idaho's runaway housing appreciation rate.

"The people in the Jefferson were very excited about that, because they knew what we were building was a community," said Clark.

Lenders also have been happy to see developers limit investor participation, said Perez, the U.S. Bank vice president.

"Lenders want to know that a majority of pre-sales involve owners who are going to be there when the project is completed," Perez said. "Just like with a subdivision, you don't want to end up with a project that ends up full of 'for rent' signs."

Zoning by CCR's: District Heights is a suburban subdivision in Maryland just outside Washington D.C. The original subdivision occurred in 1925. At that time, it was in the country and surrounded by farms.

You might note restriction "c" below. If you want to really have fun, go to the website [www.districtheights.org/](http://www.districtheights.org/) and check out the tab marked, "City Photo Album".

## SECTION ONE, DISTRICT HEIGHTS SUBDIVISION

### RESTRICTIONS AND COVENANTS OF RECORD

(a) No improvements or structure shall be erected on said lots, except garages or other outhouses in the rear, to cost less than \$4,000.00, and no such improvements or structure shall be less than 18 feet in width, 28 feet in depth or more than 35 feet in height; nor shall such structure be built nearer than ten feet from the dividing line of said lots on each side thereof of the adjacent lots owned by other parties. No dwelling or other structure shall project beyond or recede from the building established by the grantors as shown on the recorded official survey plat and a front porch shall be deemed to be included in this provision as part of the dwelling. It is the intention of this covenant that dwellings shall be at least twenty feet from each other and to allow twenty feet of parking between the sidewalk and the building line as shown on the plat of said subdivision.

(b) No dwelling of the semi-detached type or a double dwelling with a common party wall or a two-family dwelling house shall be erected, nor shall there be erected what is commonly known as an apartment house or a building so constructed as to contain flats or apartments for the accomodation of separate families or groups of persons.

(c) The purchaser agrees and covenants that he will not directly or indirectly sell, lease or grant any estate in said land to any person of the negro or mongolian races or any one having negro or mongolian blood in his veins or knowingly permit anyone of the aforesaid races to occupy the same as tenants.

(d) No dwelling, structure, outhouse or any improvement whatsoever erected or build on said lots shall be used for any commercial purposes of any kind under any guise or pretense, nor shall any storehouses, warehouses or public garages be erected on said land, provided, however that this clause shall not be construed as to preclude professionals such as physicians, dentists, nurses, and clergymen or any others who come within these general classes from practicing their profession and displaying a suitable sign, or shingle in front of the premises, excepting real estate offices which shall come within the above inhibition; the intent and object being to prohibit business or commercial establishments in residential sections, suitable provisions having been made for business or commercial zones required for the comfort and need of the community.

(e) No dwelling house of any kind shall be erected without having proper and sufficient facilities for the reception for all sewerage or drainage and refuse of all kinds; said facilities to be of the latest and most improved type and design and to be constructed in such a manner as not to injure any dwelling adjacent thereto or to contaminate the water supply of any other house. No open privies shall be erected on any part of said land.

(f) Each purchaser agrees to keep and maintain the land herein described either before or after improving same in a clean and sanitary and sightly condition free of weeds or other noxious growths or debris or refuse of any kind, and they also agree to keep and maintain same after improvements are made in proper condition with respect to the lawns and shrubbery and otherwise beautify the same in keeping with the other homes in the vicinity.

(g) The purchaser agrees not to keep any pigs, cows, horses or other animals except house pets on the premises and no chicken houses or yard shall be kept any closer than fifty feet from any other dwelling house.

In the event of the breach of any of the aforesaid covenants, the land and premises herein shall automatically and without any further act on the part of the grantors, its successors or assigns, revert to said grantors, its successors or assigns, as if no sale were made, provided that this clause shall not affect or in anywise impair the security of any bona fide mortgage or trust on said improvements and in the event of a reversion the grantors, its successors, or assigns shall take subject to the terms of such trust or mortgage