

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

**MAY 8, 2007**

**THE PLANNING COMMISSION'S VISION OF ITS ROLE IN THE COMMUNITY**

The Planning Commission sees its role as the preparation and implementation of the Comprehensive Plan through which the Commission seeks to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity and foster the safety of its residents.

**5:30 P.M. CALL TO ORDER:**

**ROLL CALL:** Bruning, Bowlby, George, Jordan, Rasor, Messina, Souza, McCloskey, (Student Rep)

**APPROVAL OF MINUTES:**

March 27, 2007

April 10, 2007

**PUBLIC COMMENTS:**

**COMMISSION COMMENTS:**

**STAFF COMMENTS:**

**PUBLIC HEARINGS:**

1. Applicant: Rob McCarthy  
Location: 1003 E. Best Avenue  
Request: Proposed zone change from R-12 (Residential at 12 units/acre) to NC (Neighborhood Commercial) QUASI-JUDICIAL, (ZC-5-07)
  
2. Applicant: Sotiris Attshis  
Location: 1625 5<sup>th</sup> Street  
Request: A proposed zone change from R-12 (Residential at 12 units/acre) to NC (Neighborhood Commercial) QUASI-JUDICIAL, (ZC-7-07)
  
3. Applicant: Rod Michaelis, (Verizon)  
Location: 6101 Ramsey Road  
Request:
  - A. A proposed Essential Services special use permit in the R-1 (Residential at 1 unit/acre) zoning district QUASI-JUDICIAL, (SP-6-07)
  
  - B. A proposed 71.25 foot height variance above the maximum 43.75 feet allowed in the R-1 (Residential at 1 unit/acre) zoning district. QUASI-JUDICIAL, (V-1-07)

**ITEMS SP-6-07 & V-1-07 ARE CONTINUED TO THE NEXT PLANNING COMMISSION MEETING SCHEDULED ON JUNE 12, 2007.**

**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.***



## *School District 271*

DISTRICT ADMINISTRATIVE CENTER  
311 N. 10th Street, Coeur d'Alene, Idaho 83814-4299

OFFICE (208) 664-8241  
FAX (208) 664-1748  
[www.cdaschools.org](http://www.cdaschools.org)

May 1, 2007

Mr. John Stamsos, Associate Planner  
City of Coeur d'Alene  
Planning Department  
E. 710 Mullan Avenue  
Coeur d'Alene, Idaho 83814

RE: Item SP-6-07 & V-1-07

Dear Mr. Stamsos:

The Coeur d'Alene School District would like to request a continuance of the Special Use Permit and variance hearing until the June 12<sup>th</sup> meeting for the construction of a cell phone tower at Lake City High School.

If you have any questions or concerns, please contact me.

Sincerely,

Harry Amend  
Superintendent

HA/cb



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**PLANNING COMMISSION  
MINUTES  
MARCH 27, 2007  
CITY COUNCIL CHAMBERS**

**COMMISSIONERS PRESENT**

John Bruning, Chairman  
Heather Bowlby  
Melinda George  
Brad Jordan  
Scott Rasor  
Mary Souza  
Annie McCloskey, Student Representative

**STAFF MEMBERS PRESENT**

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

**COMMISSIONERS ABSENT**

Tom Messina

**CALL TO ORDER**

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

**COMMISSION COMMENTS:**

There were none.

**STAFF COMMENTS:**

Planning Director Yadon announced that staff is working finalizing dates, times and places for the Comprehensive Plan workshops planned for the end of April or May and when those dates are set will e-mail the Commission that list.

**PUBLIC COMMENTS:**

There were none.

**PRESENTATION:**

1. LCDC Annual Report – Tony Berns

Tony Berns, Lake City Development Director, presented a Powerpoint presentation describing how LCDC was formed and their involvement with the various projects within Coeur d'Alene.

Commissioner Bowlby commented that the partnership described in the presentation sounds similar to the partnership between the proposed Cabellas and the Post Falls Highway District.

Mr. Berns commented that the partnership is similar with the developer paying for the improvements up-front and then later reimbursed from sales tax revenue.

Commissioner Souza asked if Cabellas is similar, would the money received include interest from money paid up-front from the public.

Mr. Berns commented that he is unsure how that process works, but guessed it is probably based on a different type of interest metric used for that project.

Commissioner Souza commented that information provided in the TIFF (Tax Increment Finance System) indicated that the developer provides the money up-front for the improvements and then LCDC pays the developer back, including interest.

Mr. Berns explained that the developer is similar to a bank that lends the money up-front to pay for public improvements and later paid back from LCDC over time with project specific increments plus an interest rate.

Commissioner Souza questioned who owns the asset when the project is completed.

Mr. Berns explained that the asset goes to the City and then whoever the developer sells that property to owns the property.

Commissioner Souza commented that she feels that this situation is not similar since the ownership stays with the development.

Mr. Berns explained that the debt obligation stays with the development team until the debt repayment is generated from the property that generates the property taxes to pay off the debt.

Commissioner Souza inquired if the waterfall at McQuen Terrace is owned by the City.

Mr. Berns commented that waterfall is not owned by the City and explained that this was a planned piece of art paid for through a partnership with LCDC.

Commissioner Souza questioned if the wrought iron fence placed around the Ice Plant Development will be owned by the City.

Mr. Berns explained that the fence to be located on the edge of the public right-of-way will be owned by the future homeowners association for that development.

Commissioner Souza inquired if the public will be paying for that fence.

Mr. Berns explained that public money will be used with the intent to provide an attractive fence for the neighborhood.

Commissioner Souza inquired if the building proposed at 609 Sherman is within the boundaries of the Design Guidelines area, and if those guidelines were considered before a decision was made to use tax payer's money for a brick facade for that building.

Mr. Berns commented that this project was within the boundaries for those guidelines.

Commissioner Souza commented if the Design Guidelines were ignored by LCDC, maybe it is time for these guidelines to be reviewed, so tax payer's money is not spent on buildings that do not meet the "taste" or "theme" of downtown.

Commissioner Jordan commented that when the Hatch Mueller building was proposed, this area was in need of help and feels that regardless if these projects are public or private, the legacy that is left is

priceless.

Commissioner Souza commented that she understands that the job of the Urban Renewal Agency is aimed at blighted areas and that these buildings that are under construction are located in the area of town that is vibrant.

Mr. Berns explained that when districts are developed a tax increment tool is aimed to attract investment to areas where you want projects to occur, then LCDC is able to focus on projects where high-end construction is thriving by locating these buildings to that area.

Commissioner Souza commented that tax-dollars are being given away to help subsidize these private projects so growth happens at a quicker pace. She added that she is in favor of change, but slow it down, so it is at a normal free market pace and is against subsidizing these high-end luxury condos located in the middle of downtown.

Commissioner Jordan commented that he does not agree leaving property that is dilapidated and explained that the Riverstone project was once a Brownfield site and with the help of LCDC was able to help pay for the infrastructure to get this project started. He added that he feels LCDC is trying to do a little investment for a potential larger gain in the future.

Commissioner Souza questioned what Coeur d'Alene will look like in the future if this rapid growth continues.

Commissioner Jordan commented that he feels a lot of the growth in Coeur d'Alene is not just from LCDC.

Commissioner Souza commented that she feels that this is not fair for the developer building out of the Urban Renewal District, who does not have the money available to them.

Chairman Bruning questioned if the school districts were exempt when the tax increment financing was proposed.

Mr. Berns commented that last year, the school district approached the legislature and requested some of the money generated by the tax increment and that a deal between the school district and the State Tax Commission that the legislators approved a portion of that going to the school.

Commissioner Souza inquired if a presentation will be made by LCDC outlining the Strategic Plan for the next ten years.

Mr. Berns commented that he is scheduled to do an annual presentation at a City Council Meeting in March, where he will explain the strategic plan focusing on Mid-town, and how they are going to approach affordable housing.

Commissioner Souza questioned the need for the district to be pushed out to the maximum of 24 years, when LCDC only plans a year ahead.

Mr. Berns explained that there is not a rule that states this district will last for 24 years, and if the LCDC Board or the Community feels that enough is enough then they can quit early.

Commissioner Souza inquired if the Mayor and City Council oversee LCDC.

Mr. Berns commented that is correct.

Commissioner Souza inquired if they have the ability to change the rules or the length of the contract for LCDC.

Mr. Berns explained that their responsibility is to oversee the appointments of the board members of LCDC and to work with the board to determine the end of the contract.

Commissioner Souza questioned who has the power to dissolve the contract for a district.

Mr. Berns commented that he is only aware of one other City that was dissolved which was Post Falls.

Commissioner Souza commented that she is aware of another City in Southern Idaho that was shut down by the City Council.

Mr. Berns commented that was an issue with a dysfunctional district that was dissolved by the City Council for reasons that the tool was misused.

Commissioner Souza inquired if the City Council has the ultimate decision to shut down the board.

Commissioner Jordan feels that the City Council is the best board for the oversight for LCDC.

Mr. Berns commented that most of the Urban Renewal Districts are run by the cities and that very few form boards where staff is hired.

Commissioner Rasor commented that he would like to thank LCDC for all the work they have done for Coeur d'Alene.

Commissioner Souza inquired when meetings for LCDC will be televised on channel 19.

Mr. Berns commented they will be discussing that topic at their next board meeting, and that the board members are in favor. He explained that LCDC offices will be moving into the new Chamber of Commerce building and in discussions with the Chamber, that LCDC may be paying for the infrastructure necessary to televise future events, such as Ironman and their meetings from that office. He added that if the board decides to wait for this, it will be this summer and if they do not want to wait it will be sooner.

Commissioner Souza commented that she feels the public would greatly appreciate these meetings being televised.

## **PUBLIC HEARINGS**

1. Applicant: City of Coeur d'Alene  
Request:
  - A. Modification to the East Mullan Infill Overlay Regulations
  - B. Removal of height varianceLEGISLATIVE (0-1-07)

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

Commissioner Souza inquired what is the driving force behind these modifications and the focus on tonight's meeting.

Chairman Bruning explained that it is to reduce the heights from 38 feet to 35 feet and to eliminate the



height variance.

Planning Director Yadon commented that these modifications were brought forward by the East Mullan group at the workshop attended with the City Council, Planning Commission and Mark Hinshaw. He added that Mark Hinshaw had originally proposed the height limit in the Infill District to be 35 feet and advised to eliminate the height variance.

**Public testimony open.**

Dwight Berkshaw, 901 Front Avenue, Coeur d'Alene, commented that he is representing the group living in the East Mullan District and moved here because of the neighborhood. He added that, in the past, developers have been pushing the limits by requesting additional heights for buildings in this area and feels that by approving these recommendations; it will help control this issue.

Steve Shortridge, 3304 Skyharbor Drive, Coeur d'Alene, commented that he is opposed to this request and feels the current guidelines are restrictive enough and requested that the Commission continue this hearing so developers have a chance to meet with the Commission for their input.

Harry Robertson, 3696 Skyharbor Drive, Coeur d'Alene, commented that he representing a group of 40 developers who are opposed to this request, and is asking that the Commission continue the hearing so this group can meet with the Commission to discuss the issues that they have regarding this request. He commented that he recently spoke with Mr. Hinshaw and explained his idea to provide 300 living units for downtown and feels that by approving these recommendations; it will limit his ability to build these units in the future.

Chairman Bruning explained that in past discussions with Mr. Hinshaw, they helped identify the areas in the Downtown Core for high-rise sites and felt that these heights did not fit within the Infill District. He added that the floor area ratios in the Downtown Core allow developers to acquire the necessary height for buildings to be taller.

Commissioner Jordan commented that he feels that the Infill District is intended to provide a transition for downtown.

Tom McCally, 1008 E. Mullan Avenue, commented that he owns property on Mullan Avenue that is located next to the Trails Edge development and was in favor of this project because of the architecture. He commented that area developers should not be limited on designs based on the limitations for the proposed height restrictions and feels that the developers need an opportunity to voice their concerns.

Commissioner Souza questioned how he found about this hearing tonight.

Mr. McCally commented that he was informed by the Planning Department staff two weeks ago when he had called on another project.

Mr. Yadon explained that the notice for this hearing was published in the paper twice plus the Spokesman Review ran an article on this subject a week ago. He explained that this is a Legislative item and that the City is not required to mail to residents that are within the 300 ft. radius.

Donnie Murrell, 211 N. Bruce Drive, Coeur d'Alene, commented that he was informed about this meeting through word of mouth and is opposed to the request. He added that by approving this request is going to open up a Pandora's Box that will put a financial impact on developers who are trying to build affordable homes in this area.

Joe Morris, 304 S. 11<sup>th</sup>, Coeur d'Alene, representing the people in the East Mullan Historic District Neighborhood and that they have attended numerous meetings with the City on various projects and feels that this meeting should not be continued and a decision should be made tonight, and by postponing this

meeting is not going to change the views of either side. He commented that a meeting was recently held with the City Council and Planning Commission where this group was allowed a few minutes to present some recommendations for these two groups to consider lowering the height limit in this area and eliminating the height variance and feels fortunate that out of the five recommendations they presented that these two are presented tonight. He continued that the Ice plant project is compatible with this area and feels the recommendation for the pitched roof is great.

Barb Crumpacker, 1015 Lakeside, Coeur d'Alene, commented that she is in favor of this request and feels more dialogue is needed regarding the design guidelines for this area. She commented that recently a survey was published by the press asking what people are concerned about in this town and the response was maintaining the character of the City and feels by approving these recommendations, it will help maintain the character of this neighborhood.

Mary Talbot, 822 E. Young Avenue, Coeur d'Alene, commented that she is in favor of this proposal and chose to live in this neighborhood because of the appeal. She added that she hopes to start a family soon and hopes that the integrity is maintained for all new families who choose to live in this neighborhood.

Gordy Hannigan – Luther, 823 Bancroft Avenue, Coeur d'Alene, commented that he moved his family here eight years ago and is in favor of this request. He explained that when he bought his home, this area was considered an affordable housing neighborhood and does not want to see that change. He added that he would like to be notified for future requests, so he can respond sooner.

Lynn Morris, 304 S.11<sup>th</sup> Avenue, Coeur d'Alene, commented that she is concerned that developers are only thinking about their investment and not this neighborhood. She added that if you drive around this neighborhood, there are many homes being remodeled and that the neighborhood is trying to fix up the area. She commented that she had been contacted by a developer asking if she wanted to sell her home in hopes that she would agree so he could get the additional room for his project. She added that her neighbor turned him down and that this home had been selected to be on the garden tour and is beautiful. She commented that by approving these regulations, it will allow this neighborhood to thrive. She thanked the Commission for their time.

Rita Snyder, 818 Front Avenue, Coeur d'Alene, commented that she has lived here for 17 years and does not want this area to change. She added that in a previous hearing, a building was proposed to be built next to her home, dramatically reducing her property value if it had been approved. She commented that the Infill Regulations were approved to revive this area and not push people away. She commented that she feels design standards need to be developed for this area and to maintain affordable housing. She added that the condominiums planned for this area will be high-end homes not intended for people who live and work in this area. She commented that this neighborhood has a voice and to please approve this request so their voice is not lost.

**Public testimony closed.**

Chairman Bruning commented that he appreciates all the testimony presented and that many issues have been brought forward regarding this proposal. He commented that he is in favor of these changes because for reasons stated in the Comprehensive Plan that the City protects old and new neighborhoods and feels that these changes will enforce this idea.

Commissioner Bowlby commented that she is sympathetic to this neighborhood and feels that the numerous height variance requests in the past were insulting. She explained by decreasing height and the elimination of the height variance will be a major change to help preserve the integrity of this neighborhood.

Commissioner George commented that from hearing previous testimony, has many concerns regarding the enforcement of Design Guidelines in this area, and feels that in the future, the Commission should look

at providing these for this area.

Planning Director Yadon commented that last week a meeting was held between the Design Review Committee and Mark Hinshaw discussing the various design thresholds including this area. He added that when those recommendations are finalized they will be available for the Commission to review.

Commissioner Souza commented that she is sympathetic to the community and the developer and feels that communication between the City and this neighborhood is a problem. She explained that the City needs to work on a way to notify people on these issues not living within the boundaries to receive notification when these issues are presented. She commented that she is in favor of these modifications and that they should be approved. She commented that if more people had been informed of the original hearing for the Infill District and more discussion had been heard from the various neighborhoods maybe these issues would not be a concern today.

Commissioner Bowlby commented that she was concerned with a development that was in the county and called them requesting if she could be added to their mailing list so that she could be informed in the future about any up-coming hearings and that they did not have a problem with that request. She commented that maybe the city would do the same.

Commissioner Jordan commented that he feels the intent for the Infill district was to help enhance this area and agrees with the original recommendations from Mark Hinshaw in the original Infill discussion. He commented that he does not agree to lower the height in this district for reasons that would limit the design of a project but does agree to the request to remove the height variance request.

Commissioner Rasor commented that he concurs with Commissioner Jordan and feels that the requested roof pitch is fine. He commented that he feels these changes are only a "band aid" and remembers that in numerous discussions with Mr. Hinshaw, he indicated that this would be a painful process. He added that he agrees that maybe the developers need a chance to present their side for the Commission. He explained that this is an area of transition and when the original Infill regulations were proposed, felt that this was the right directions for this area. He commented that developers want to invest money in this neighborhood, but need to have the tools available for this to happen.

Commissioner Bowlby commented that she feels this request is a new beginning for this area to be maintained as an area for affordable housing. She added that developers need to know what is affordable housing.

Commissioner Souza concurs and added that when the Iceplant project was before the Commission, she questioned the selling price for the condominiums and was told by the applicant that the estimated price would be \$200,000, and then was recently told that the price is more in the \$300,000 range.

Commissioner Jordan commented that this should not be compared to an old lumber mill which is now Riverstone and believes that these regulations were approved to revitalize this area. He feels that maybe it would be a good idea to hear from the developers and their concerns so things can be fair. He commented that he approves the elimination of the height variance, but disagrees with lowering the height limit in this area.

**Motion by Bowlby, seconded by George to reduce the allowable building height from 38 feet to 35 feet requested in Item 0-1-07a. Motion approved.**

**Motion by Souza, seconded by Bowlby, to add a design guideline requiring pitched roofs for development. Motion approved.**

**Motion by Souza, seconded by George, to approve Item 0-1-07B. Motion approved.**

2.       Applicant:       City of Coeur d'Alene  
          Request:       Adopting a mediation option as part of the zoning  
                          and subdivision regulation process  
                          LEGISLATIVE (0-2-07)

Deputy City Attorney Wilson presented the staff report and answered questions from the Commission.

Chairman Bruning inquired what type of situation that would require the use of this mediation process.

Deputy City Attorney Wilson explained that a subdivision approved a few years ago, Orchard Lands is a good example when this process was used. He commented that staff set up a meeting with the neighborhood and the developers and a mediator was selected to hear both sides. He added that once those concerns were heard, another public hearing was scheduled. He added that the purpose of this request is to provide another avenue for citizens to become aware of the possibility of mediation.

**Motion by Razor, seconded by Jordan, to approve Item 0-2-07. Motion approved.**

**ADJOURNMENT:**

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

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

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION  
MINUTES  
APRIL 10, 2007  
CITY COUNCIL CHAMBERS**

**COMMISSIONERS PRESENT**

John Bruning, Chairman  
Heather Bowlby  
Tom Messina  
Scott Rasor  
Mary Souza  
Annie McCloskey, Student Representative

**STAFF MEMBERS PRESENT**

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

**COMMISSIONERS ABSENT**

Melinda George  
Brad Jordan

**CALL TO ORDER**

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

**APPROVAL OF MINUTES:**

Motion by Bowlby, seconded by Rasor, to approve the minutes of the Planning Commission Meeting held on March 13, 2007. Motion approved.

**COMMISSION COMMENTS:**

Chairman Bruning announced the up-coming dates for the Comprehensive Plan workshops.

**STAFF COMMENTS:**

Senior Planner Stamsos announced that the two ordinances, 0-1-07 and 0-2-07, approved by the Planning Commission on May 27, 2007, are scheduled to be heard at the City Council Meeting on May 1, 2007.

**PUBLIC COMMENTS:**

**PRESENTATION:**

1. Sid Fredrickson – Wastewater up-date

Mr. Fredrickson presented a power point presentation updating the Commission on the Wastewater Department and the future plans for a new Wastewater Treatment Plant.

**ADMINISTRATIVE ITEMS:**

1. Applicant: Richard Nowoj  
Location: Lot 6 Block 1, Minnick's Addition  
Request: A proposed 2-lot preliminary plat "Nowoj's Addition  
SHORT PLAT (SS-8-07)

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-8-07. Motion approved.**

### **PUBLIC HEARINGS**

1. Applicant: SMS Investments, LLC  
Location: 7677 N. Ramsey Road  
Request: A proposed 21-lot preliminary plat  
"Provence 21 Subdivision" in the R-8  
(Residential at 8 units/acre) zoning district  
QUASI-JUDICIAL (S-6-07)

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

Commissioner Bowlby inquired if staff could explain how Smith Street will connect to the other streets within that development.

Engineering Service Director Dobler explained that Smith Street will eventually connect to Ramsey Cove.

### **Public testimony open.**

Robert Tate, applicant representative, 972 N. Balcony, Coeur d'Alene, commented that staff did a great job explaining this project. He described the traffic circulation pattern for this subdivision and described how traffic will flow from McCoy Street onto Smith Street, eliminating the need to egress onto Ramsey Road. He then asked if the Commission had any questions.

Commissioner Souza inquired if sidewalks will be located on the applicant's property instead of Ramsey Road.

Mr. Tate replied that they would.

### **Public testimony closed.**

**Motion by Razor, seconded by Bowlby, to approve Item S-6-07. Motion approved**

ROLL CALL:

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

Motion to approve carried by a 4 to 0 vote.

2. Applicant: Russell Wolfe  
Location: 3313 N. 4<sup>th</sup> Street  
Request:
  - A. A proposed Automotive Parking special use permit in the R-17 (Residential at 17 units/acre) zoning district QUASI-JUDICIAL (SP-5-07)
  - B. A proposed zone change from R-12 (Residential at 12 units/acre) to R-17 (Residential at 17 units/acre) QUASI-JUDICIAL (ZC-4-07)

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

Commissioner Bowlby commented that she is concerned with the amount of traffic, on 4<sup>th</sup> Street and if staff could estimate what the distance is from the entry located on 4<sup>th</sup> street from the light located on the corner of 4<sup>th</sup> and Neider Avenue.

Chairman Bruning commented that he would estimate the distance to be 300 feet.

Commissioner Bowlby commented that she has concerns with people wanting to turn left onto 4<sup>th</sup> Street, and questioned if a turn lane will be provided.

**Public testimony open.**

Russ Wolfe, applicant representative, N. 1015 Calispel, Suite B, Spokane, Washington, commented that he is the representative for Global Credit Union and complimented staff on a great staff report. He described the proposed building to be 6,000 sq. ft. and plans for the layout of the parking lot. He explained that an R-17 zone was carefully chosen, with the idea that this zoning would have the least impact on the surrounding neighborhood. He continued that adequate buffering will be provided for the single family homes located to the east of the property, and that the curb cut facing 4<sup>th</sup> Street will only be used if needed. He explained that people exiting this site will use Neider Avenue as the logical way to ingress and egress the property.

Commissioner Rasor commented that he is concerned with cars leaving the property and that their headlights shining into the windows of the homes located across from the property.

Mr. Wolfe commented that adequate buffering will be provided to prevent any inconvenience to the existing homes on that street.

Randy Teall, Owner, 5821 Harcourt Drive, Coeur d'Alene, commented that Global Credit Union was started 52 years ago and is owned by the members who have joined the company. He explained that the belief of the company is to give back to the community by offering the use of their conference room to the public, for a small fee. He added that this project will serve the community well by providing convenient operating hours with an ATM open 24 hours.

Commissioner Bowlby inquired regarding the number employees to be hired by the company.

Mr. Teall commented that he would estimate the number of employees to be 20.

Brian Donnell, 1214 E. Ichabod Lane, Coeur d'Alene, commented that he was opposed when the violin shop had requested a zone change, and is opposed to this request presented tonight. He explained that by granting this zone change, it is setting precedence, and if that happens, he does not want to move but will consider it. He added that he has lived in this neighborhood since 1993, and realizes that areas change, but feels it is too soon for this area.

Commissioner Souza commented that she remembers that specific zone change last year, and explained that request was denied because the Commission felt a C-17 zone would be a negative impact to this neighborhood. She added that after that hearing, the Commission felt a zoning classification was needed to fit these areas and that out of workshops held last year, two new residential zones have been adopted by the City which are NC (Neighborhood Commercial) and CC (Community Commercial).

Ladonna Donnell, 3110 N. 6<sup>th</sup> Street, Coeur d'Alene, commented that she is opposed to this request because of the amount of traffic this project will generate, especially at the intersection of 4<sup>th</sup> and Neider Avenue.

Matt Donnell, 602 Ichabod, Coeur d'Alene, commented that he has noticed many homes for sale on 4<sup>th</sup> Street, and feels the reason for people leaving is because of the numerous requests for commercial projects proposed for this area, and is opposed to this request.

Commissioner Messina inquired why there is an access on 4<sup>th</sup> Street and if this project is approved, could that access be eliminated.

**REBUTTAL:**

Mr. Wolfe commented that he appreciates all the comments heard from the community and hopes he can address some of those concerns. He explained that the existing driveway located on the parcel was the driveway for the original house on the property and is intended to access the new parking lot. He explained that this access would not be used unless, there is overflow with Neider Avenue, and traffic is diverted. He commented that he feels that this project will be a win/win for this community.

Commissioner Razor inquired if a condition could be added stating that a right-turn only lane be required when exiting that parcel onto 4<sup>th</sup> Street.

Commissioner Messina inquired if the applicant would consider combining the two parcels in the future.

Mr. Wolfe commented that has been considered, and may happen.

Commissioner Messina questioned if the applicant is willing to vacate the existing access to eliminate the problem on 4<sup>th</sup> Street.

Deputy City Attorney Wilson explained that if the applicant is willing to do that it would be his choice.

Mr. Wolfe commented that they feel the access is valuable to this property and is not willing to give it up.

Commissioner Razor questioned if the applicant would agree to a condition requiring that a right turn only lane onto 4<sup>th</sup> Street.

Mr. Wolfe answered that they would agree, and is willing to work with the City Engineer on that issue if this project is approved.

**Public testimony closed.**



**Motion by Razor, seconded by Messina, to approve Item SP-5-07. Motion approved.**

ROLL CALL

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

Motion to approve carried by a 4 to 0 vote.

**Motion by Razor, seconded by Souza, to approve Item ZC-4-07. Motion approved.**

ROLL CALL:

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

Motion to approve carried by a 4 to 0 vote.

3. Applicant: Childrens Village, Inc.  
Location: 1350 W. Hanley Avenue  
Request: A proposed Childcare Facility special use permit in the R-12 (Residential at 12 units/acre) zoning district  
QUASI-JUDICIAL (SP-4-88m)

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

There were no questions for staff.

**Public testimony open.**

Ann Fox Clarkson, Director for the Children's Village, 1113 E. 1<sup>st</sup> Street, Post Falls, commented that she remembers in the past coming before the Commission for the approval of the school and is now asking approval for a storage shed. She explained that the school has grown in past years, and extra storage is needed to keep up with that growth. She added that the site for the storage building was selected, to not obstruct views for the surrounding neighborhood and explained that the building would be painted to look like the other buildings on the property. She thanked the Commission for their time and then asked if they had any questions.

The Commission had no questions.

**Motion by Razor, seconded by Souza, to approve Item SP-4-88m. Motion approved.**

ROLL CALL:

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

Motion to approve carried by a 4 to 0 vote.

4. Applicant: Rob McCarthy  
Location: 1003 E. Best Avenue  
Request: Proposed zone change from R-12 (Residential at 12 units/acre)  
to C-17L (Commercial Limited at 17 units/acre)  
QUASI-JUDICIAL (ZC-5-07)

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

Commissioner Souza inquired if the two new zoning districts were discussed with the applicant and if staff felt one of these would have been a better choice for this project.

Deputy City Attorney explained that the applicant had filed his application before the two new zoning districts were adopted.

Commissioner Messina noted in the staff report conditions listed that need to be completed prior to final approval, and questioned if these were discussed with the applicant prior to this hearing.

Senior Planner Stamsos commented that the applicant is aware of these conditions, and explained that if this project is approved, it will be heard by the City Council for final approval. He added that once that approval is given, those improvements will need to be completed before the zone request is official.

**Public testimony open.**

Rob McCarthy, applicant representative, 1603 E. Best Avenue, Coeur d'Alene, explained that he has been operating this business at this location for a while, and was advised by staff, that a zone change was needed since the use was not allowed under the existing zoning.

Commissioner Bowlby commented that there are many uses allowed under the C-17L zone, and is hesitant to approve this request, for reasons that once the zone change is granted, it stays with the property indefinitely.

John Christofferensen, 2600 Honeysuckle Avenue, Coeur d'Alene, commented that he owns the property to the north of the applicant's property and is not opposed to this request, but if approved would request that a five-foot fence be placed in the back of the house, and the garage removed. He explained that the garage is in bad shape and needs to be torn down.

Senior Planner Stamsos explained that if the zone change is granted that the applicant will have to comply with the buffering requirements listed under the C-17L zone.

Melinda Christoffersen, 2600 Honeysuckle Avenue, Coeur d'Alene, commented she is the owner of the duplex located to the north of this property, and is concerned if property values will be affected if this zone request is approved. She commented that she is in favor of this request and agrees that the garage is in bad shape and needs to be torn down.

**Public testimony closed.**

**REBUTTAL:**

Mr. McCarthy explained that he felt that C-17L was the appropriate choice for this property when

discussed with staff.

Commissioner Bowlby inquired about the number of people that come by to this business during the day.

Mr. McCarthy explained that the traffic is rather light during the week, except on Thursdays, which is pay day, and would estimate 25 people coming by to pick up their checks on that day. He added that he does have three full-time employees that are there Monday through Friday.

Senior Planner Stamsos suggested that if the Commission wanted, they could continue this item so staff can have a chance to talk with the applicant about the new zoning districts, and maybe one of those would be a better fit for this location.

The Commission concurred.

**Motion by Razor, seconded by Souza, to continue Item ZC-5-07 to the next Planning Commission Meeting scheduled on May 8<sup>th</sup>. Motion approved.**

5. Applicant: George Beaudry  
Location: 1502 N. 3<sup>rd</sup> Street  
Request: Proposed zone change from R-12 (Residential at 12 units/acre)  
to C-17 (Commercial at 17 units/acre)  
QUASI-JUDICIAL (ZC-6-07)

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

**Public testimony open.**

George Beaudry, 4551 Inverness, Post Falls, commented that he feels the area is changing and decided the time is right to place the lot for sale. He explained that other commercial businesses have located to this area and feels this is the right choice. He added that there is an existing house on the property that is in bad shape and needs to be torn down.

Annika Connaway, 1418 N. Second Street, Coeur d'Alene, commented that she is opposed to this request and read a letter addressing her concerns. She commented that this is an area of mostly residential homes, and if the zone request is approved, feels that this will cause a domino effect with other commercial requests to follow. She commented that this block has many beautiful trees that need to be preserved, and if this request is approved those will be gone.

**Public testimony closed.**

**DISCUSSION:**

Commissioner Bowlby commented that she feels there is too much commercial in this area already, and is concerned with the uses associated with this zone, if approved.

Commissioner Souza concurred, and feels that by approving this request, it will put this neighborhood at risk, and feels that it is their job to protect this neighborhood.

Commissioner Razor commented that he disagrees and explained that this is an area of transition and questioned if it is our job to predict what will happen in the future for this area. He added that he feels that it is not our right to tell the applicant what he should do with his property.

Commissioner Bowlby commented that she feels that we have to get a handle on the amount of commercial activities in this area.

Commissioner Rasor commented that he feels if this zone change is granted will not guarantee that the whole block will follow.

Commissioner Messina commented that he agrees that there are a lot of uses associated with the C-17 zone, but in order to build a substantial building, he feels that lots would need to be combined in order to have the square footage to support a large building.

Chairman Bruning commented that he agrees that this is an area of transition and feels that the timing is wrong for this request to be granted. He added that someday, it maybe appropriate, but not today.

**Motion by Souza, seconded by Bowlby, to deny Item ZC-6-07. Motion approved.**

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Messina	Voted	Nay
Commissioner Rasor	Voted	Nay
Commissioner Souza	Voted	Aye
Chairman Bruning	Voted	Aye

Motion to approve carried a 3 to 2 vote.

**ADJOURNMENT:**

Motion by Souza, seconded by Bowlby, to adjourn the meeting. Motion approved.

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

Respectfully submitted by John Stamsos, Associate Planner

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION  
STAFF REPORT**

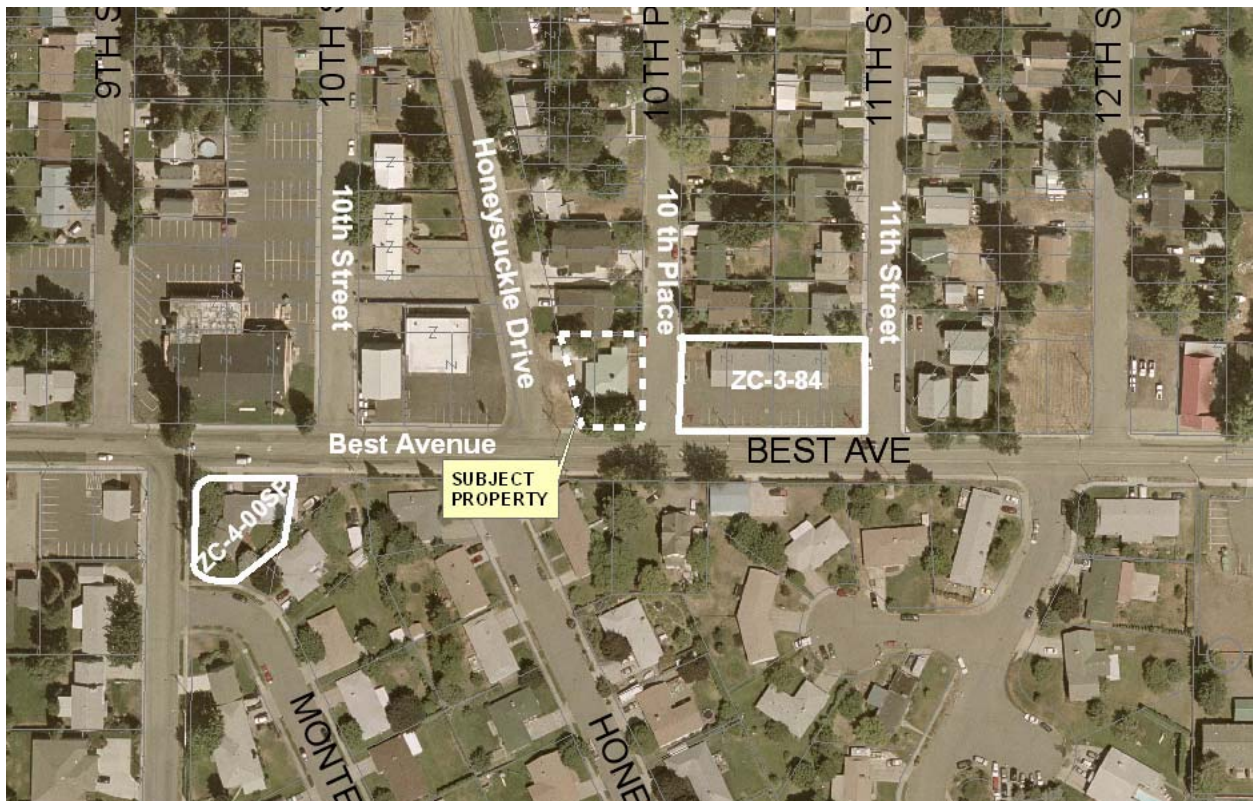
FROM: JOHN J. STAMSOS, SENIOR PLANNER  
DATE: MAY 8, 2007  
SUBJECT: ZC-5-07 – ZONE CHANGE FROM R-12 TO NC  
LOCATION – +/- 9,278 SQ. FT. PARCEL AT 1003 EAST BEST AVENUE

**DECISION POINT:**

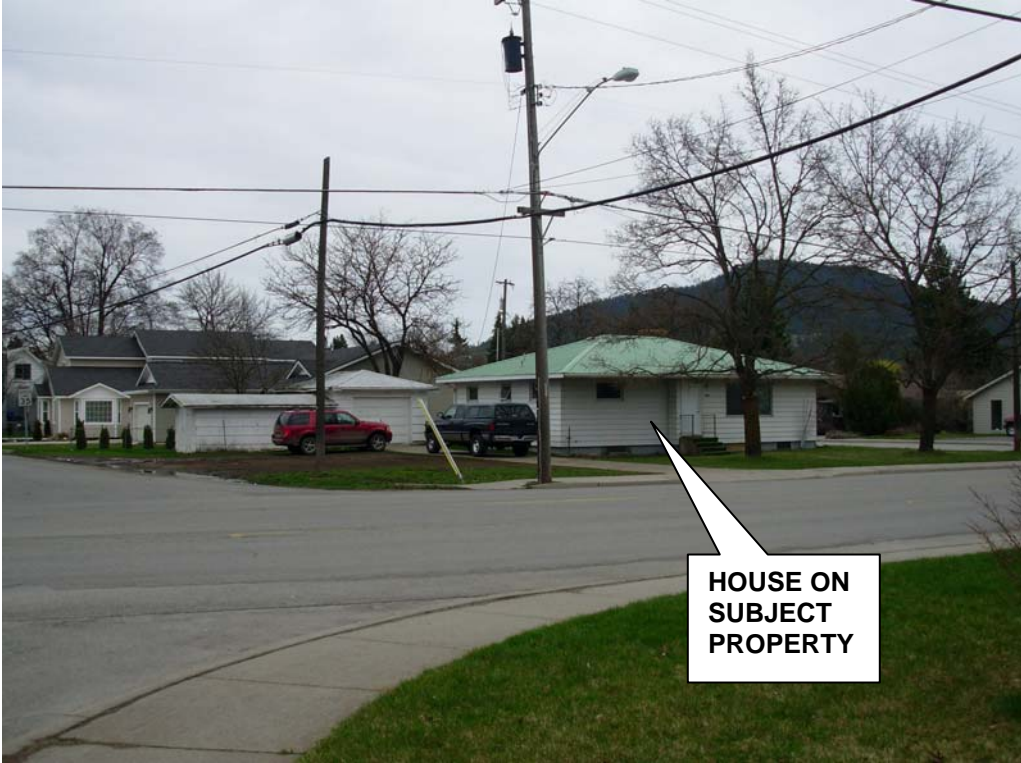
Rob McCarthy is requesting a zone change from R-12 (residential at 12 units per gross acre) to NC (Neighborhood Commercial) at 1003 East Best Avenue.

**SITE PHOTOS:**

A. Aerial photo



B. Subject property

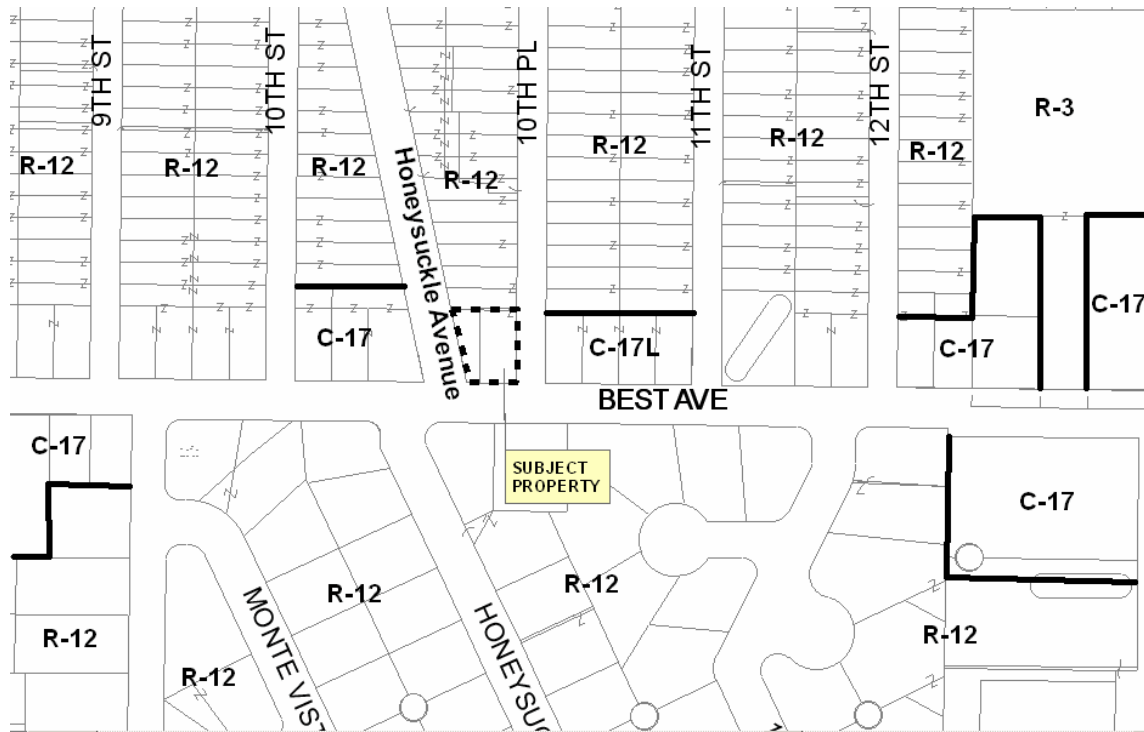


C. Looking east on Best Avenue.

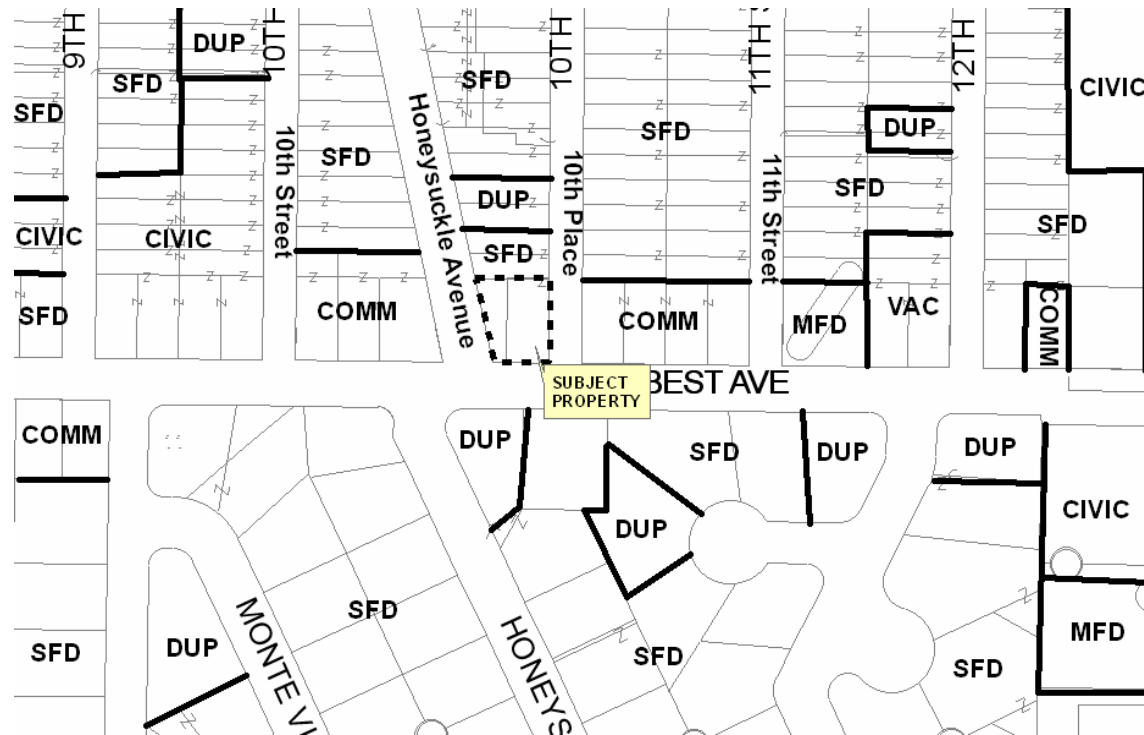


**GENERAL INFORMATION:**

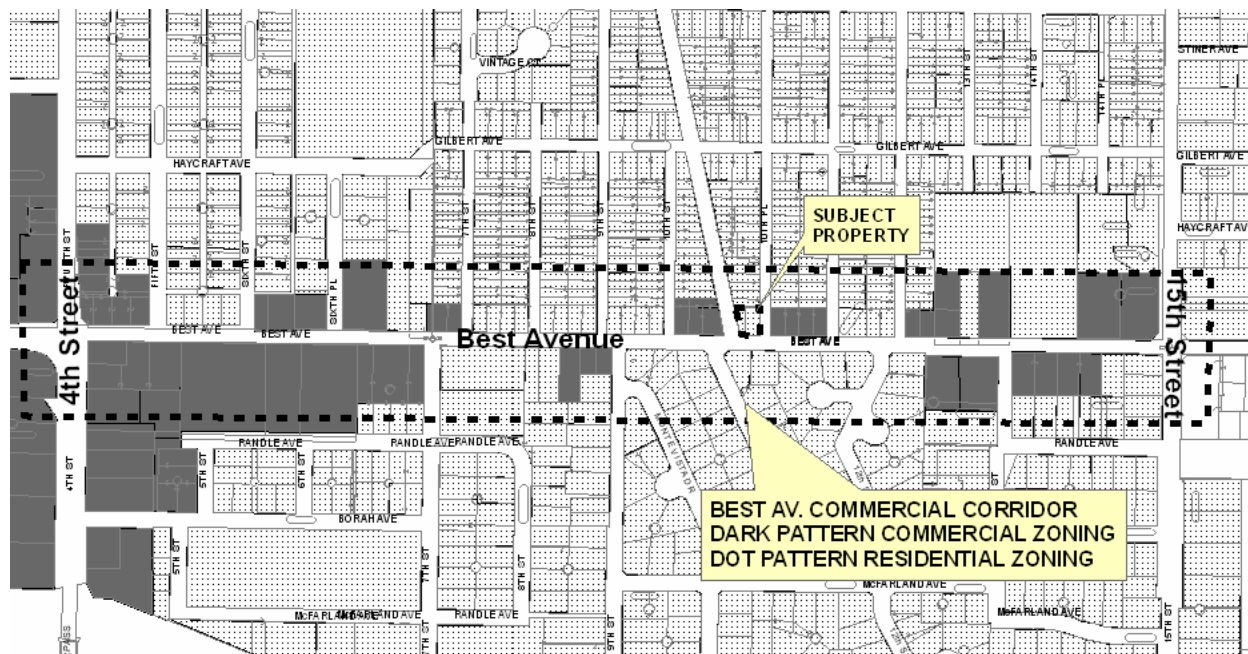
**A. Zoning:**



**B. Generalized land use pattern:**



**C. Best Avenue commercial corridor**



- D. Applicant: Rob McCarthy  
Owner: P.O. Box 3477  
Coeur d'Alene, ID 83816
- E. Land uses in the area include residential - single-family, duplex and multi-family and commercial – retail sales & service.
- F. The subject property is occupied by a single-family dwelling used as a professional office for the applicant's temporary employment agency.
- G. Previous actions on surrounding property:
  1. ZC-3-84 - R-12 to C-17L - Approved in 1984.
  2. ZC-4-00SP - R-12 to C-17L and a Specialty Retail Sales Special Use Permit - Denied September 19, 2000.

**PERFORMANCE ANALYSIS:**

A. Zoning:  
Approval of the zone change request would intensify the potential uses on the property by allowing commercial retail sales and service uses on a parcel that now only allows residential and civic uses.

The Neighborhood Commercial District is intended to allow for the location of enterprises that mainly serve the immediate surrounding residential area and that provide a scale and character that are compatible with residential buildings. It is expected that most customers would reach the businesses by walking or bicycling, rather than driving, as follows:

**Principal permitted uses:**



Retail  
Personal Services  
Commercial and Professional Office  
Medical/Dental  
Day Care  
Residential (above the ground floor)  
Parks

**By special use permit:**

Religious Institutions  
Schools

**Prohibited:**

Industrial  
Warehouses  
Outdoor storage or Display of Goods, other than plants  
Mini-storage  
Sales, Repair or Maintenance of Vehicles, Boats, or Equipment  
Gasoline Service Stations  
Detention facilities  
Commercial Parking

The maps showing zoning, land use and the commercial corridor (see maps on pages 3 & 4) depict the commercial corridor running along Best Avenue between 7th Street and 15th Street, as verified by the zoning and land use patterns.

Evaluation: The Planning Commission, based on the information before them, must determine if the NC zone is appropriate for this location and setting.

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

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as Stable Established, as follows:

**Stable Established Areas:**

“These areas represent the locations where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, number of building lots and general land use are not planned to change greatly within the planning period.”

- Encourage lower intensity commercial service uses close or abutting major transportation routes.
- Encourage residential when close to jobs and other services.
- Discourage uses that are detrimental to neighboring uses.
- Pedestrian/bicycle connections.
- Encourage vacant lot development that is sensitive to neighboring uses.

**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:

1. The individual characteristics of the site;
2. The existing conditions within the area, and
3. The goals of the community.

**Significant policies for consideration:**

- 6A: "Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses."
- 6A2: "Encourage high-intensity commercial development, including professional offices, to concentrate in existing areas so as to minimize negative influences on adjacent land uses, such as traffic congestion, parking and noise."
- 6A3: "Commercial development should be limited to collector and arterial streets."
- 6A5: "Encourage renewal and enhancement of commercial sales and service corridors."
- 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."
- 46A: "Provide for the safe and efficient circulation of vehicular traffic."
- 47C1: "Locate major arterials and provide adequate screening so as to minimize levels of noise pollution in or near residential areas."
- 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."
- 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."
- 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.**

WATER:

Water is available to the subject property.

Evaluation: Site has an existing ¾" service and may require upgrading dependent on proposed use. Mains are adequate and fire flow is available.

Terry Pickel, Assistant Water Superintendent

**SEWER:**

Sewer: Sanitary sewer is available to this parcel.

Evaluation: No impact on public sewer.

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: Any alteration of the subject property will require submission of a stormwater drainage plan to manage "on-site" runoff, per City requirements.

**TRAFFIC:**

The ITE Trip Generation Manual estimates the project will generate approximately 2.2 trips during the peak hour periods, utilizing the 1.52 trips and the approximate size of the "general" office building.

Evaluation: The adjacent streets will accommodate the additional traffic volume.

**STREETS:**

The proposed subdivision is bordered by Honeysuckle Drive and Best Avenue. Best Avenue is developed to current standards; however, Honeysuckle Drive adjoining the subject property is lacking street improvements.

Evaluation: Standard City curb must be constructed along the Honeysuckle Drive frontage prior to the approval of the Zone Change. Design approval by the City Engineer will be required prior to the installation of the new curb.

**SITE IMPROVEMENTS:**

The subject property is being utilized as a commercial office and does not have an improved parking lot to serve the facility.

Evaluation: The applicant will be required to construct a parking lot to serve the subject property that will meet the criteria of the use for the subject property. The parking area will be required to be paved and have an on-site drainage swale to contain the lot drainage. This parking area will be required to be constructed prior to the approval of the zone change.

**APPLICABLE CODES AND POLICIES:**

**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, PROJECT MANAGER

FIRE:

We have seen the request and have no comments.

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 (do) (do not) make it suitable for the request at this time.**

The subject property is level with no significant topographic features.

Evaluation: There are no physical limitations to future development.

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

The subject property is located within the commercial corridor along Best Avenue and is adjacent to two arterial streets Best and Honeysuckle Avenues.

Evaluation: The Planning Commission must determine what affect the request will have on traffic, neighborhood character and existing land uses.

F. Proposed conditions:

Engineering

1. Standard City curb must be constructed along the Honeysuckle Drive frontage prior to the approval of the Zone Change. Design approval by the City Engineer will be required prior to the installation of the new curb.
2. The applicant will be required to construct a parking lot to serve the subject property that will meet the criteria of the use for the subject property. The parking area will be required to be paved and have an on-site drainage swale to contain the lot drainage. This parking area will be required to be constructed prior to the approval of the zone change.

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:staffrptsZC507]

**PROPERTY INFORMATION**

1. Gross area: (all land involved): .213 acres, and/or \_\_\_\_\_ sq.ft.
2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): .213 acres, and/or \_\_\_\_\_ sq. ft.
3. Total length of streets included: \_\_\_\_\_ ft., and/or \_\_\_\_\_ miles.
4. Total number of lots included: 2
5. Average lot size included: \_\_\_\_\_
6. Existing land use: R-12
7. Existing Zoning (circle all that apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8  
C-17 C-17L C-34 LM M
8. Proposed Zoning (circle all the apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8  
C-17L C-34 LM M

**JUSTIFICATION**

Proposed Activity Group; Office

Please use this space to state the reason(s) for the requested zone change.

Appropriate Comprehensive Plan goals and policies should be included in your reasons.

We are going to use the house for an office for my company. similar use as the property directly to the East.

**S  
G  
N  
-  
D  
-  
F**

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on, April 10, 2007, and continued to May 8, 2007 there being present a person requesting approval of ITEM ZC-5-07, a request for a zone change from R-12 (residential at 12 units per gross acre) to NC (Neighborhood Commercial) zoning district.

LOCATION – +/- 9,278 sq. ft. parcel at 1003 East Best Avenue

APPLICANT: Rob McCarthy

**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, duplex and multi-family and commercial – retail sales & service.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is R-12 (residential at 12 units per gross acre)
- B4. That the notice of public hearing was published on, March 24, 2007, and, April 3, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, March 30, 2007, which fulfills the proper legal requirement.
- B6. That 74 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, March 23, 2007, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on May 8, 2007.



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 **ROB MCCARTHY** 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 George	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, SENIOR PLANNER  
DATE: MAY 8, 2007  
SUBJECT: ZC-7-07 – ZONE CHANGE FROM R-12 TO NC  
LOCATION – +/-11,631 SQ. FT. PARCEL AT 1625 NORTH 5<sup>th</sup> STREET

**DECISION POINT:**

Sotiris Atteshis is requesting a zone change from R-12 (residential at 12 units per gross acre) to NC (Neighborhood Commercial) at 1625 North 5th Street.

**SITE PHOTOS:**

A. Aerial photo



B. Subject property

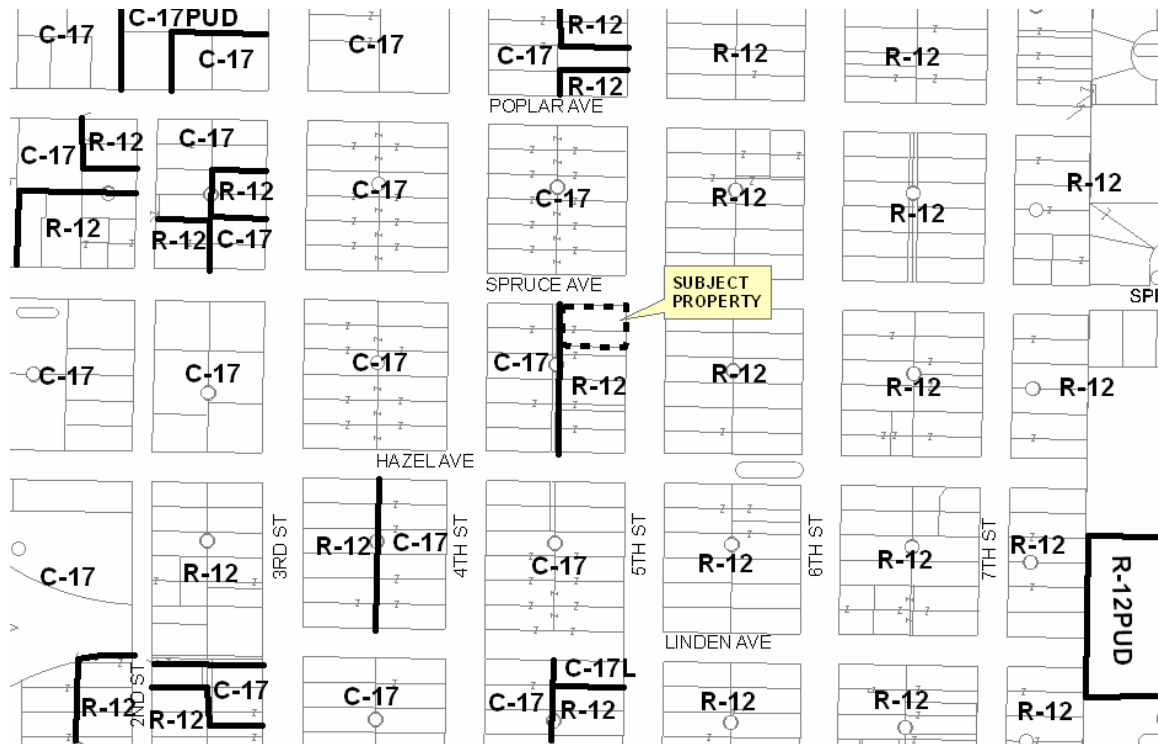


C. Residences to south of subject property

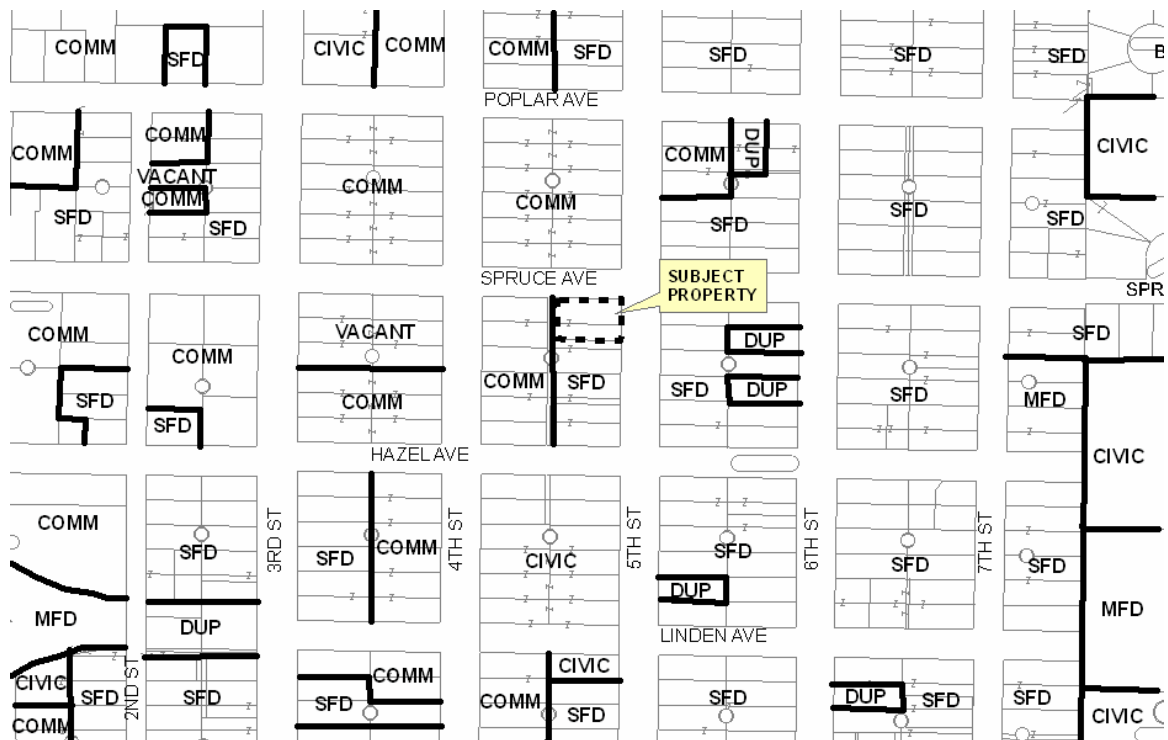


**GENERAL INFORMATION:**

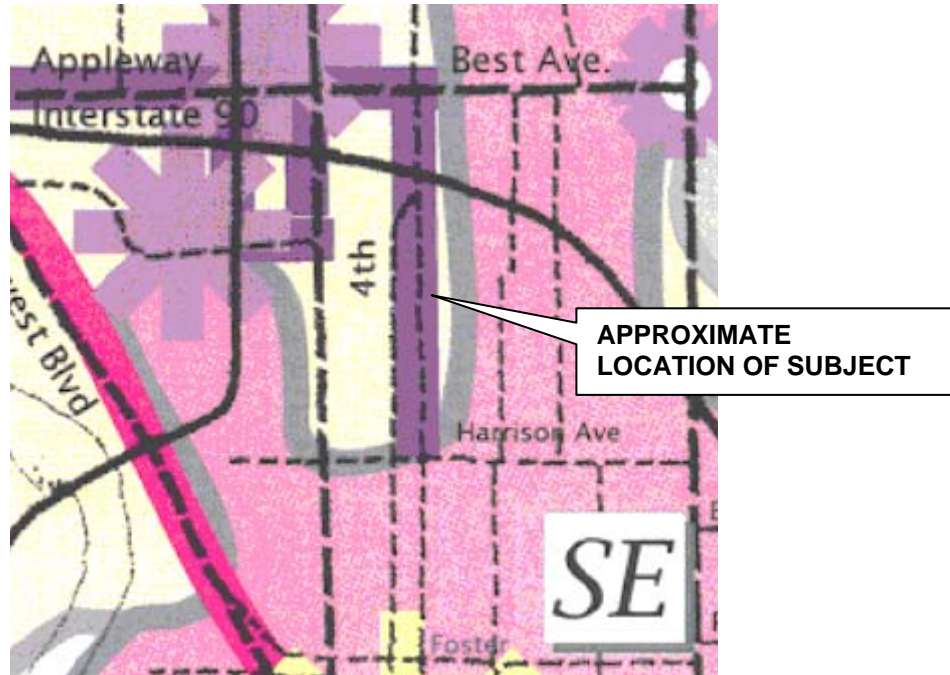
**A. Zoning:**



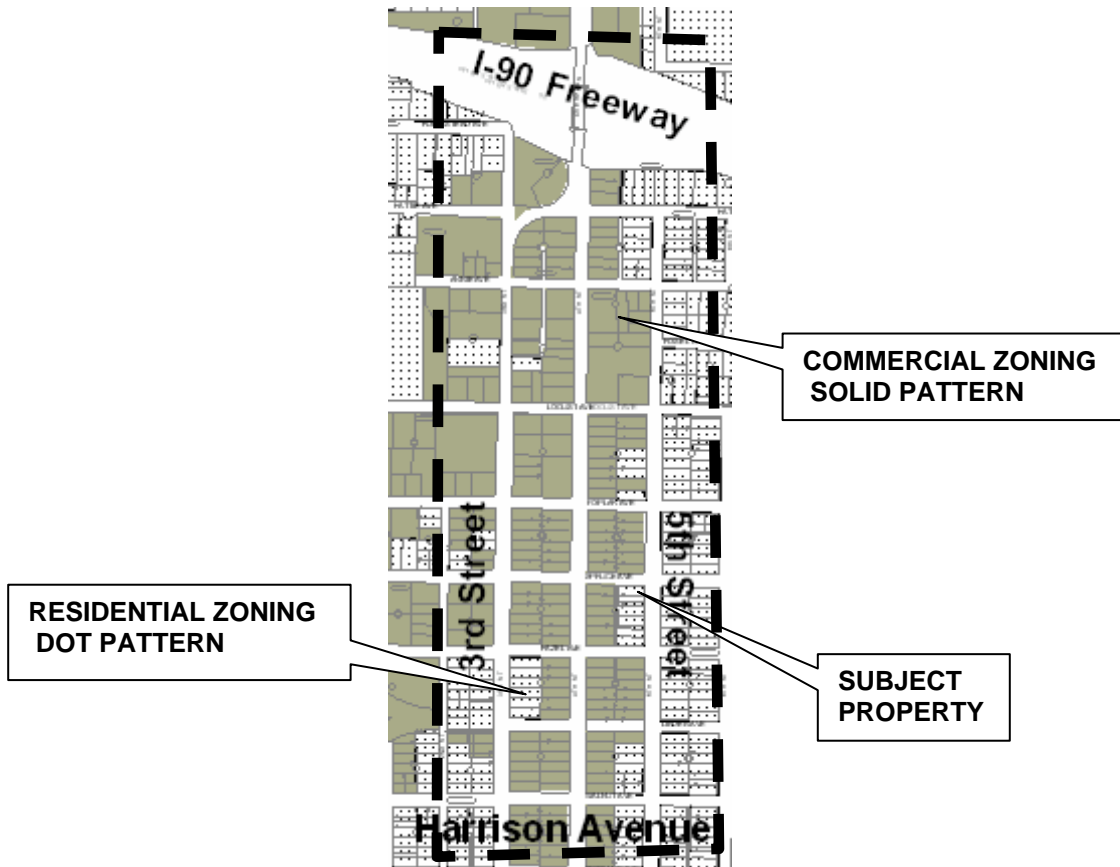
**B. Generalized land use pattern:**



C. 1995 Comprehensive Plan:



D. Zoning pattern - 3rd/4th corridor:



- E. Applicant: Sotiris Atteshis  
Owner 1625 North 5th Street  
Coeur d'Alene, ID 83814
- F. Land uses in the area include residential - single-family, duplex and multi-family, commercial – retail sales & service, civic and vacant land.
- G. The subject property is occupied by a single-family dwelling.
- H. Previous actions on surrounding property (See page 1):
1. ZC-16-85 - R-12 & R-17 to C-17.
  2. ZC-15-86 - R-12 to C-17.
  3. ZC-6-88- R-12 to C-17.
  4. ZC-3-89 - R-12 to C-17.
  5. ZC-1-92 - R-12 to C-17.
  6. ZC-9-04 - R-12 to C-17L.
  7. ZC-1-05 - R-12 to C-17.
  8. ZC-6-07 - R-12 to C-17 - Denied by Planning Commission and appealed to City Council.

**PERFORMANCE ANALYSIS:**

A. Zoning:

Approval of the zone change request would intensify the potential uses on the property by allowing commercial retail sales and service uses on a parcel that now only allows residential and civic uses.

The Neighborhood Commercial District is intended to allow for the location of enterprises that mainly serve the immediate surrounding residential area and that provide a scale and character that are compatible with residential buildings. It is expected that most customers would reach the businesses by walking or bicycling, rather than driving, as follows:

**Principal permitted uses:**

Retail  
Personal Services  
Commercial and Professional Office  
Medical/Dental  
Day Care  
Residential (above the ground floor)  
Parks

**By special use permit:**

Religious Institutions

Schools

**Prohibited:**

Industrial  
Warehouses  
Outdoor storage or Display of Goods, other than plants  
Mini-storage  
Sales, Repair or Maintenance of Vehicles, Boats, or Equipment  
Gasoline Service Stations  
Detention facilities  
Commercial Parking

The maps showing zoning, land use and the commercial corridor (see maps on pages 3 & 4) depict the commercial corridor running along 3rd and 4th streets between the I-90 freeway and Harrison Avenue, as verified by the zoning and land use patterns.

Evaluation: The Planning Commission, based on the information before them, must determine if the NC zone is appropriate for this location and setting.

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

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as a Transition Area (See page 4), as follows:

**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.

**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:

1. The individual characteristics of the site;
2. The existing conditions within the area, and
3. The goals of the community.

**Significant policies for consideration:**

4C: “New growth should enhance the quality and character of existing areas and the general



community.”

- 6A: “Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.”
- 6A2: “Encourage high-intensity commercial development, including professional offices, to concentrate in existing areas so as to minimize negative influences on adjacent land uses, such as traffic congestion, parking and noise.
- 6A3: “Commercial development should be limited to collector and arterial streets.”
- 46A: “Provide for the safe and efficient circulation of vehicular traffic.”
- 47C1: “Locate major arterials and provide adequate screening so as to minimize levels of noise pollution in or near residential areas.”
- 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.”
- 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.”

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.**

**WATER:**

Water is available to the subject property.

Evaluation: This one may require a main extension along spruce so that the service does not cross the rest of the lot as it may likely end up a split lot in the future, and the distance from the nearest fire hydrant may be too great

Terry Pickel, Assistant Water Superintendent

**SEWER:**

Sewer: The applicant’s lot has a public sewer connection

Evaluation: The public sewer within the alleyway between 4<sup>th</sup> Street and 5<sup>th</sup> Street, south of Spruce Avenue is of adequate size and capacity to support this zone change.

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: Parking lot construction, if necessary for any commercial use of the subject property, will require the design and submission of a stormwater plan for the site. This will be addressed with any building permit submittal for the subject property.

**TRAFFIC:**

The ITE Trip Generation Manual does not have an estimate for traffic generation based upon the proposed use. This proposed rezoning would, in theory, generate additional traffic over the existing residential use that currently occupies the subject property.

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:**

The subject property is bordered by 5<sup>th</sup> Street and Spruce Avenue. The current right-of-way widths and adjoining streets meet City standards.

**SITE IMPROVEMENTS:**

Any building activity on the subject property will require the installation of sidewalk along the Spruce Avenue frontage. This will be an extension of the sidewalk directly to the west of the subject property and will be addressed at the time of any construction on the site.

**APPLICABLE CODES AND POLICIES:**

**STREETS:**

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

SUBMITTED BY CHRIS BATES, ENGINEERING PROJECT MANAGER

**FIRE:**

We have seen the request and have no comments.

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 (do)(do not) make it suitable for the request at this time.**

The subject property is level with no significant topographic features.

Evaluation: There are no physical limitations to future development.

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

The subject property is located on a residential street, at the edge of the transition/ stable established comprehensive plan boundary and at the eastern edge of the 3rd/4th Street commercial corridor. The eastern boundary of this corridor runs along 5th Street with predominately commercial uses and zoning on the west side and residential zoning and single-family residential uses on the east side

Evaluation: The subject property is on the edge of an established commercial corridor so, the Planning Commission must determine if commercial zoning is appropriate in this location and setting.

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:staffrptsZC707]

**PROPERTY INFORMATION**

- 1. Gross area: (all land involved): 0.2670 acres, and/or \_\_\_\_\_ sq.ft.
- 2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): \_\_\_\_\_ acres, and/or 918 sq. ft.
- 3. Total length of streets included: 215 ft., and/or \_\_\_\_\_ miles.
- 4. Total number of lots included: TWO
- 5. Average lot size included: \_\_\_\_\_
- 6. Existing land use: RESIDENTIAL
- 7. Existing Zoning (circle all that apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8  
C-17 C-17L C-34 LM M
- 8. Proposed Zoning (circle all the apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8  
C-17 C-17L C-34 LM M

**JUSTIFICATION**

Proposed Activity Group; CATERING SERVICES

Please use this space to state the reason(s) for the requested zone change.

Appropriate Comprehensive Plan goals and policies should be included in your reasons.

REQUESTING ZONE CHANGE FROM R12 TO C-17 FOR THE PURPOSE OF A NEWLY BUILT COM-  
MISSARY KITCHEN APPROXIMATELY 400 SQUARE FEET. THIS ADDITION WILL BE BUILT  
INTO EXISTING GARAGE FOR USE OF CATERING SERVICE. ALL CONSTRUCTION WILL BE UP  
TO CODE AND ALL STATE HEALTH CODES WILL BE FOLLOWED.

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on, May 8, 2007, and there being present a person requesting approval of ITEM ZC-7-07, a request for a zone change from R-12 (residential at 12 units per gross acre) to NC (Neighborhood Commercial)

LOCATION: +/-13,983 sq. ft. parcel at 1502 North 3<sup>rd</sup> Street

APPLICANT: Sotiris Atteshis

**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, duplex and multi-family, commercial – retail sales & service, civic and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition Area
- B3. That the zoning is R-12 (residential at 12 units per gross acre)
- B4. That the notice of public hearing was published on, April 21, 2007 and, May 1, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, April 30, 2007, which fulfills the proper legal requirement.
- B6. That 45 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on May 8, 2007.
- 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 **SOTIRIS ATTESHIS** 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 George	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.

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CHAIRMAN JOHN BRUNING





**УШУ - ШУ - ШУ - ШУ**

# 2007 Planning Commission Priorities Progress

MAY 2007

<p>.A note on the colors from from Tony Berns: "I use the stop light analogy:          Red is bad – either that initiative has failed, or our Board goal for the year will not be met.          Yellow is caution – could get to "red" if we don't do something pronto.          Green is good.          The other colors like "pending" are place holders until action on those items can occur." <b>Note: The PC is encouraged to select what "color" is appropriate.</b></p>		
<b>Administration of the Commission's Business</b>		
<ul style="list-style-type: none"> <li>▪ Follow-up of Commission requests &amp; comments</li> </ul>		Mayor response to letter to CC on workforce housing rec by PC
<ul style="list-style-type: none"> <li>▪ Meeting with other boards and committees</li> </ul>		Park/rec Comm workshop 9/06. Sign Bd 06, CC 3/07
<ul style="list-style-type: none"> <li>▪ Goal achievement</li> </ul>		Checklist of projects w/updated 2/07
<ul style="list-style-type: none"> <li>▪ Building Heart Awards</li> </ul>		Discussed 7/06 No awards will be given.
<ul style="list-style-type: none"> <li>• Speakers</li> </ul>		Wastewater & LCDC completed
<ul style="list-style-type: none"> <li>• Public Hearings</li> </ul>		June 12, 4 items scheduled
<b>Long Range Planning</b>		
<ul style="list-style-type: none"> <li>▪ <b>Comprehensive Plan Update</b></li> </ul>		First two out of five Comp-plan workshops completed 4-23 & 4-26.
<b>Public Hearing Management</b>		
<ul style="list-style-type: none"> <li>▪ Continued work on Findings and Motions</li> </ul>		Warren and Plg staff to review
<ul style="list-style-type: none"> <li>▪ Public hearing scheduling</li> </ul>		Chrman Bruning consulted on agenda
<b>Regulation Development</b>		
<b>1. Subdivision Standards</b>		
<b>2. Revise Landscaping Regulations</b>		w/Urban Forestry
<b>3. Expansion of Design Review</b>		w/ Design Review Commission wkshps being scheduled
<b>4. Commercial Zoning Districts</b>		Hgts/Commercial Zoning Breakout
<b>5. Off-Street Parking Standards</b>		
<b>6. Workforce &amp; Affordable Housing</b>		City staff working on various aspects ie block grant
<b>Misc Zoning Ord. Updates</b>		
<ul style="list-style-type: none"> <li>• Non-Conforming Use Reg cleanup</li> <li>• Average Finish Grade</li> <li>• Screening of rooftop equipment</li> <li>• Mediation – state law</li> <li>• Planned Unit Development Standards</li> <li>• Lighting</li> <li>• Surface Water, Irrigation – ID law</li> <li>• Re-codification or re-org to Unified Development Code</li> </ul>		Fort Grounds Example  CC Approved 5/1
<b>Other Code Provisions under Development Supported by Commission</b>		
<ul style="list-style-type: none"> <li>• Variance criteria</li> <li>• Design Review Procedure</li> <li>• Downtown Design Review – cleanup</li> <li>• Height Projections</li> </ul>		CC approved hgt 5/1 Procedure developed. Wkshop w/CC TBA 6/07 Draft prepared. Wkshp w/downtown TBA
<b>Other Action</b>		
07 Priorities		Council lists PC request as high priority 4/12/07
Neighborhood Groups		Chrm Bruning invited to East Mullan mtg.