

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

MAY 8, 2012

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

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

5:30 P.M. CALL TO ORDER:

ROLL CALL: Jordan, Bowlby, Evans, Luttrupp, Messina, Soumas, Haneline, Garringer, (Student Rep)

APPROVAL OF MINUTES:

April 10, 2012

PUBLIC COMMENTS:

COMMISSION COMMENTS:

STAFF COMMENTS:

PRESENTATION:

Sid Fredrickson, Wastewater Department

PUBLIC HEARINGS:

1. Applicant: Xiaobo Ellsworth
 Location: 2202 N. Government Way
 Request: A proposed zone change from R-12 (Residential at 12 units/acre) to
 NC (Neighborhood Commercial)
 QUASI-JUDICIAL, (ZC-3-12)

2. Applicant: Bill Wendlandt
 Location: 820 Sherman Avenue
 Request: A proposed Bed/Breakfast Group Assembly special use permit in the
 R-17 (Residential at 17 units/acre) zoning district
 QUASI-JUDICIAL (SP-8-12)

3. Applicant: Verdis, Sandy Young
 Location: 219 Coeur d'Alene Lk Dr
 Request: A proposed Wireless Communication special use permit in
 the C-17 (Commercial at 17 units/acre) zoning district
 QUASI-JUDICIAL, (SP-9-12)

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 Stuhlmiller at (208)769-2240 at least 24 hours in advance of the meeting date and time.***



M I N U T E S

**PLANNING COMMISSION
MINUTES
APRIL 10, 2012
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Brad Jordan, Chairman
Heather Bowlby, Vice-Chair
Peter Luttrupp
Tom Messina
Rob Haneline
Lou Soumas
Jake Garringer, Student Rep.

STAFF MEMBERS PRESENT:

Tami Stroud, Planner
Shana Stuhlmiller, Public Hearing Assistant
Warren Wilson, Deputy City Attorney

COMMISSIONERS ABSENT:

Amy Evans

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Luttrupp, seconded by Bowlby, to approve the minutes of the Planning Commission meeting on March 13, 2012. Motion approved.

PUBLIC COMMENTS:

None

COMMISSION COMMENTS:

None

STAFF COMMENTS:

Planner Stroud announced the upcoming items for the May Planning Commission meeting and added that A-1-12, the annexation for North Idaho College, approved at the Planning Commission on March 13th will be heard by the city council on April 17th.

PRESENTATION:

Parks Department – Doug Eastwood

Mr. Eastwood updated the Planning Commission on the Parks Department, including trails, urban forestry and cemeteries. He thanked the Planning Director, Dave Yadon, for many of the ideas implemented to the trail system today.

ADMINISTRATIVE ITEMS:

1. Applicant: Cricket Properties, LLC
 Location: 824 N. 18th Street
 Request: A proposed 2-lot preliminary plat “Elmer’s Addition”
 SHORTPLAT (SS-5-12)

Chairman Jordan had a conflict with this item and was excused from the hearing.

Planner Stroud presented the staff report and then asked if the Commission had any questions.

There were no questions for staff.

Motion by Messina, seconded by Luttropp, to approve Item SS-5-12. Motion approved.

Chairman Jordan announced that Items A-3-12 and S-2-12 will be continued to the next Planning Commission meeting on May 8, 2012.

Motion by Soumas, seconded by Bowlby, to continue items A-3-12 and S-2-12 to the next Planning Commission meeting on May 8, 2012. Motion approved.

PUBLIC HEARINGS:

1. Applicant: Eric Olson/Ruen-Yeager & Associates
 Location: 1808 Northwest Blvd, 1101 & 1103 W. Davidson Avenue
 Request: A proposed Auto Camp (RV Park) in the C-17 zoning district
 QUASI-JUDICIAL (SP-7-12)

Before the public hearing started, Chairman Jordan asked if any of the Planning Commissioners had a conflict with this item.

Commissioner Haneline stated that he had a conflict and was excused from the hearing.

Planner Stroud presented the staff report and answered questions from the Commission.

Commissioner Luttropp inquired if staff could explain why the special use permit that was approved on April 23, 1991, had expired.

Planner Stroud commented that she was not familiar with that application, but would guess that the applicant let it expire without doing any work.

Public testimony open.

Eric Olson, applicant representative, 803 E. Young Avenue, stated that he will not be doing the main presentation and introduced Scott Brown.

Scott Brown, 724 E. Young Street, commented that a lot of the information he was going to present was in the staff report. He agrees that the property is an eyesore and that the applicant wishes to upgrade this site by proposing an RV park with upgrades to the existing hotel. He passed out a rendering of a landscape plan to be used for the adjacent site. He stated that the infrastructure is on site and feels traffic will not be an issue. The applicant approves of the conditions stated in the staff report and asked if the commission had any questions.

Commissioner Soumas inquired about the type of signage for the RV Park.

Mr. Brown stated that the RV Park would be incorporated into the existing sign used for the motel.

Doug Rall, 1770 Pinecourt, stated that he has concerns with the vacated North Street. He presented a copy of a letter written by City Engineer; Gordon Dobler to the Planning Commission which stated because of the approved vacation of North Street, his home adjacent to Davidson is now a legal non-conforming house. He added after receiving the letter he sent a copy to the owner of the Garden Motel hoping he would respond, but has not. He stated that he is opposed to this request and feels that the Planning Commission should postpone this hearing until this issue is resolved.

Commissioner Soumas commented he is confused how the vacation of North Street affects the applicant's special use permit.

Mr. Rall explained that because North Street was vacated, the property was given to the applicant and will be used for the entry into the proposed RV Park.

Commissioner Luttrupp inquired if staff could explain how the vacation process works.

Deputy City Attorney Wilson explained that notices are sent out to the owners of the properties affected by the vacation and then goes to city council for approval.

Commissioner Luttrupp stated that he concurs that this is not an issue for the Planning Commission to resolve and inquired if staff could direct him to the appropriate department to contact.

Mr. Rall commented that he feels this item should be continued until this issue gets resolved.

Deputy City Attorney Wilson commented that this issue is not relevant to the approval or denial of the special use permit and feels that the letter presented by Mr. Rall tonight needs more time to be reviewed before a recommendation is given.

Chairman Jordan commented that he is sympathetic to Mr. Rall's issue, but concurs that this is not an issue for the Planning Commission. He inquired if staff could direct him to the appropriate department to contact.

Deputy City Attorney Wilson stated that he should contact the City Engineer, Gordon Dobler, who originally wrote the letter.

Lisa Kolenda, 1028 Davidson Avenue, commented that she owns a house close to the property and noticed since she has lived there how the hotel has declined. She added that the hotel is in bad shape with people living there who don't look like nice people. She stated that there is a burned down house on the property with people going in and out of it at all hours of the night. She commented that she has small children and is concerned with their safety.

John Kolenda, 1028 Davidson Avenue, commented when you look at the property notice, that the hotel is in need of repairs and doubts by adding an RV Park will make the sight desirable to look at. He is opposed to the request and if allowed, it could be comparable to what happened at Wolf Lodge.

John Beutler, 1836 Northwest Blvd, commented that he has known the applicant for a long time and was recently contacted by him about this project and told him he is not in favor. He explained that site would be great for a hotel and suggested that the existing hotel needs to be demolished and replaced with something more appealing.

REBUTTAL:

Scott Brown stated that the applicant has owned the property since 1996 and is now in a position to begin repairs. He commented they don't like this property the way it is either and feels with the addition of the RV Park and repairs to the hotel, it will make the property more appealing.

Commissioner Luttrupp inquired regarding the time limit for people staying at the RV Park.

Mr. Brown explained that the time limit will be market driven especially in the summer, when it is hard to find a place to park your RV.

Commissioner Bowlby commented that by approving this request, it is like a band-aid to fix the problem. She explained that the park may be busy during the peak time in the summer and vacant the rest of the year, and is concerned that this is next to a residential neighborhood, that is concerned with the current residents staying at the hotel. She feels that the RV Park located on Blackwell Island works because it is not surrounded by residential homes. She stated that this is a vital property and feels an RV Park is not the best use for this property.

Commissioner Luttrupp inquired if the city has a code to deal with the transient problem.

Deputy City Attorney Wilson explained that if there is a problem, to contact the police department who will contact the code enforcement officer. He added that there are also building code violations against people living in abandoned homes and would advise anyone in the neighborhood to contact these different departments.

Commissioner Luttrupp asked what happens with the property if this request is not approved.

Mr. Brown commented that the applicant will be making site improvements to the hotel. He feels if approved, that the RV Park will be an asset by generating money for the city.

Commissioner Bowlby concurs she has visited and has had similar problems finding a place to camp. She inquired if the applicant would agree to place a buffer on the east side of the property to protect the neighborhood.

Mr. Brown explained that they will provide additional buffering between the two properties and at the southwest corner will be using an existing house on the property as an office to help police the area.

Ron Ayers, applicant, 101 W. Prairie Center # 264, commented this is a re-development project to help clean up some of the areas on the property and feels that there is misinformation circulating in the neighborhood and would like to explain. He stated that because of the economy, there was a shortage of money to do those repairs and now, because of events changing in his life, he has the money to make

those changes. He bought this property a few years ago before the economy got bad and does not have any plans to sell it, but only improve the existing property by adding a RV Park. He feels that an RV Park can work and be an asset to the city. He added that he cares about the community and is just trying to improve this situation.

Chairman Jordan commented that an RV Park is not the best use for this property and feels that the existing hotel needs to be demolished.

Commissioner Messina inquired about the additional connections needed for the RV Park and once those services are placed, will it be paved over.

Deputy City Attorney Wilson explained that sewer and water is already existing, so new connections are not needed.

Commissioner Luttrupp feels that the improvements the applicant is proposing will improve the property and stated that if he is making the commitment, we should honor his word. He suggested that the applicant work with the area businesses and neighborhoods for input on this project.

Commissioner Soumas inquired if staff could explain the denial process.

Deputy City Attorney Wilson stated that the commission can deny the request and the applicant has to wait one year to come back with the same application, or deny without prejudice, and be able to present the same application that was denied within the same year.

Commissioner Luttrupp commented that he supports the project and would like to make a motion to approve.

Commissioner Luttrupp made a motion to approve Item Sp-7-12, but due to a lack of a second failed.

Motion by Soumas, seconded by Messina, to deny Item SP-7-12. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttrupp	Voted	No
Commissioner Soumas	Voted	Aye

Motion to deny carried by a 3 to1 vote.

ADJOURNMENT

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

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

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION
STAFF REPORT**

FROM: SEAN E. HOLM, PLANNER
DATE: MAY 8, 2012
SUBJECT: ZC-3-12 - ZONE CHANGE FROM R-12 TO NC
LOCATION: +/- 0.288 ACRE PARCEL AT 2202 N. GOVERNMENT WAY

APPLICANT:

Xiao Bo Ellsworth
1311 Richardson Ave.
Lewiston, ID 83501

DECISION POINT:

Xiao Bo Ellsworth is requesting approval of a Zone Change from R-12 (Residential at 12 units/acre) to NC (Neighborhood Commercial).

BACKGROUND INFORMATION:

The subject property is located at the northeast corner of the intersection at Government Way and Homestead Ave one block south of Interstate-90. A single family home with an attached garage is currently positioned on the lot facing Government Way (refer to photos). The lot measures approximately 12,545 square feet and is zoned R-12. There is alley access to the rear of the property.

GENERAL INFORMATION:

The Neighborhood Commercial district (NC) 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.

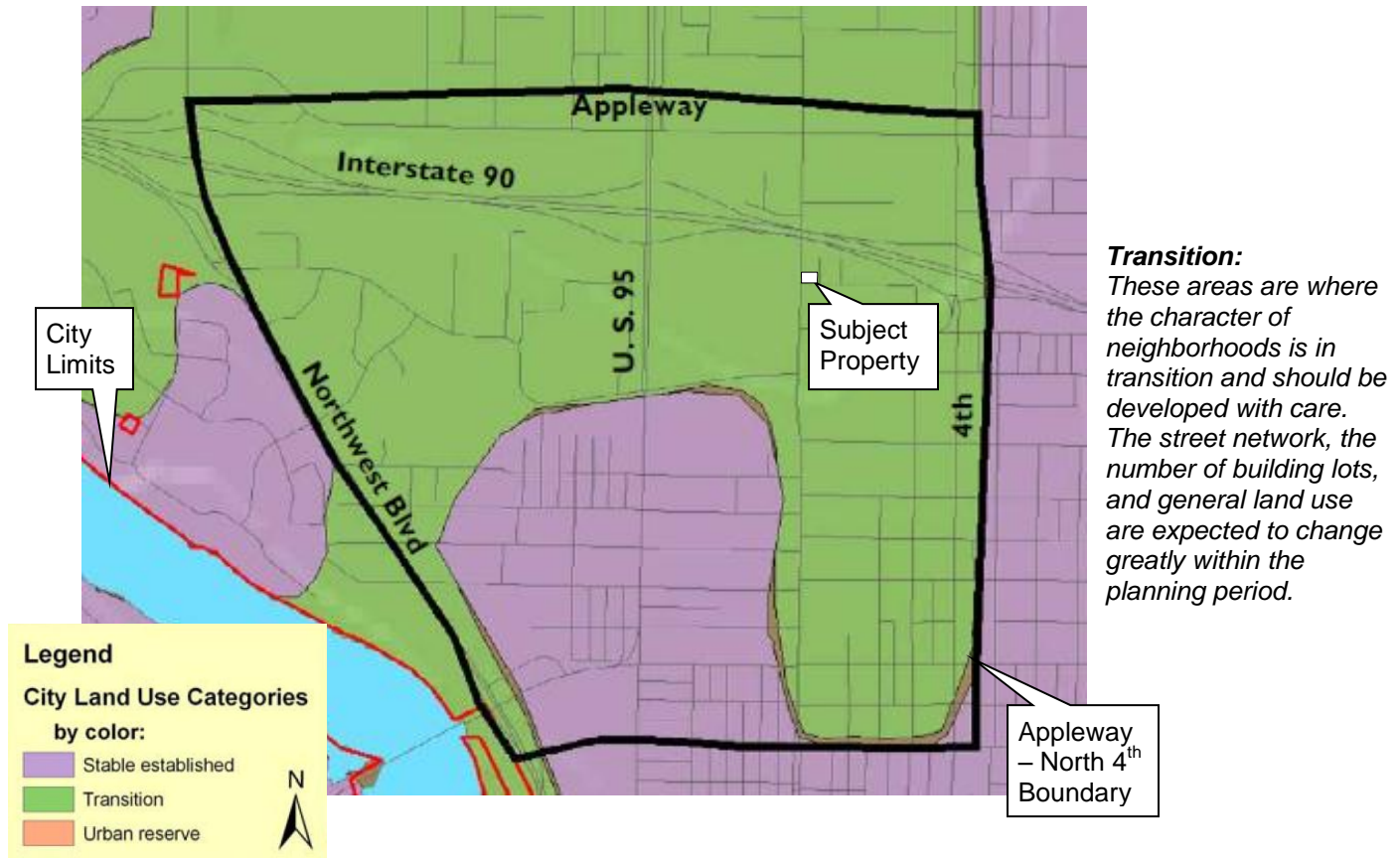
Xiao Bo Ellsworth intends to improve the subject property/structure and operate a Chinese massage facility which is an allowed use in the NC zoning district. The applicant's comments and justification for the zone change request is attached for your review.

REQUIRED FINDINGS:

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

2007 COMPREHENSIVE PLAN- LAND USE CATEGORY:

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as Appleway - North 4th – Transition:



APPLEWAY- NORTH 4TH STREET TOMORROW:

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

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

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

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

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

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

Objective 1.12

Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14

Efficiency:

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

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and encourages economic growth.

Objective 2.05

Pedestrian & Bicycle Environment:

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

Objective 3.01

Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.05

Neighborhoods:

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

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management in city government.

Objective 4.06

Public Participation:

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

Evaluation:

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

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

STORMWATER:

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

Assessment:

Any increase to the impervious area brought about by a change in use may require installation of on-site stormwater containment facilities. This issue would be addressed w/ the submission of any building permit application for the subject property.

STREETS:

All adjoining streets are fully developed and no changes or alterations will be required with the proposed request. Further analysis will be completed at the time of submission of building permits, where and when site conditions and/or improvements will be addressed.

-Submitted by Chris Bates, Engineering Project Manager

WATER:

Existing water infrastructure is sufficient to support proposed use.

-Submitted by Terry Pickel, Assistant Water Superintendent

SEWER:

This property is adequately served by the Coeur d'Alene Wastewater Collection System and Treatment Plant. Wastewater has no objection to this planning action.

-Submitted by Jim Remitz, Utility Project Manager

FIRE:

FD will address issues at project review. This request will require a building permit to change the use of the building.

-Submitted by Brian Keating, Fire Inspector

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

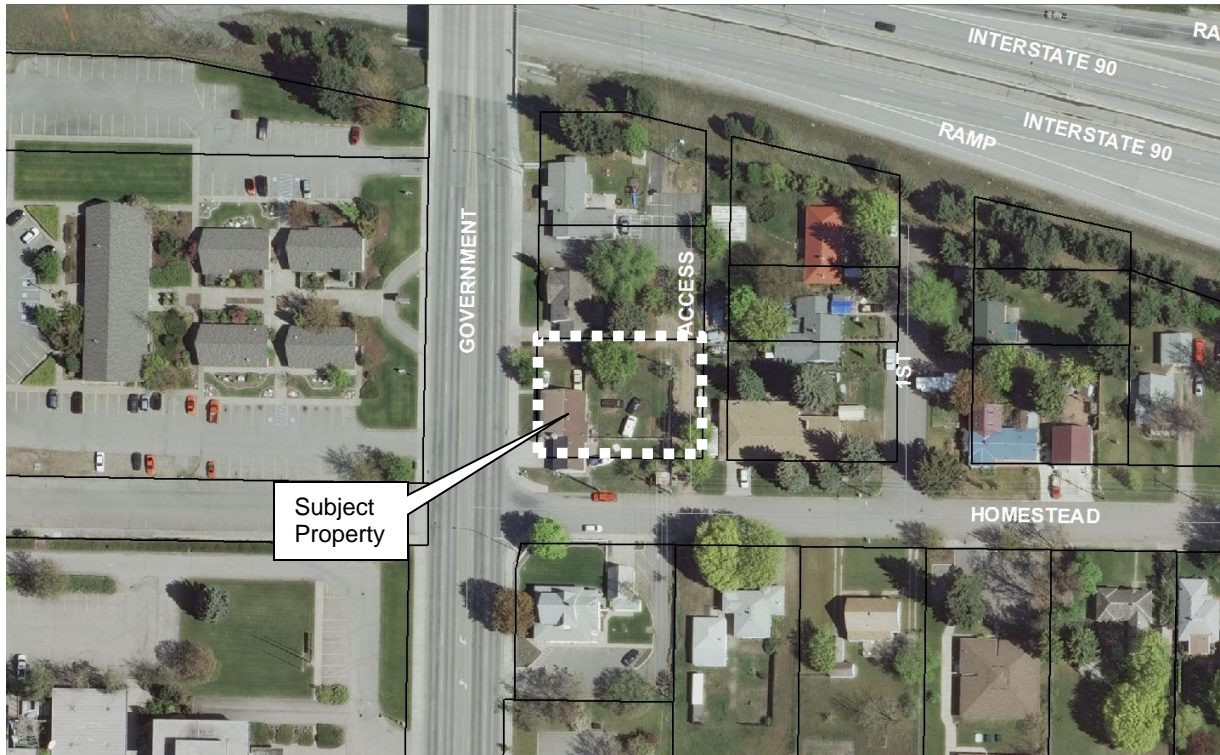
- C. **Finding #B10:** That the physical characteristics of the site (make) (do not make) it suitable for the request at this time.

PHYSICAL CHARACTERISTICS:

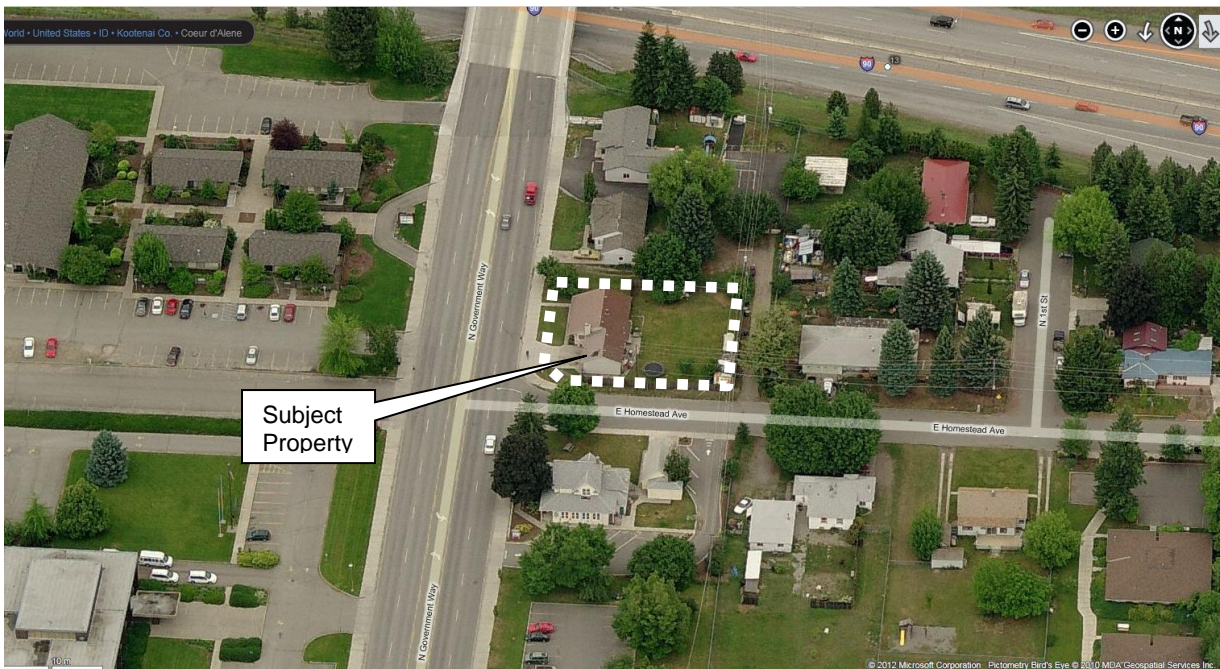
There are no topographical or other physical constraints that would make the subject property unsuitable for the request.

AERIAL & OBLIQUE PHOTOS:

Aerial photo:



Oblique photo:



PHOTOS OF SUBJECT PROPERTY:

Front of home looking SE:



Intesection of Government Way & Homestead Ave looking NE:



Rear of home & back yard looking from Homestead Ave & alley NW:



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

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

TRAFFIC:

The ultimate use for the proposed site has not been determined, therefore, potential traffic generation figures from the ITE Trip Generation Manual cannot be estimated at this time.

Assessment:

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. The adjacent and/or connecting streets will accommodate the additional traffic volume.

NEIGHBORHOOD CHARACTER:

From 2007 Comprehensive Plan:

Appleway - North 4th Street Today:

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

The south-west and south-central portions of the area consist primarily of stable, single-family housing at approximately five units per acre (5:1). The Winton Elementary School and park is located in this neighborhood. Various multi-family apartments, mostly constructed in the late 1970s and early 1980s, are located within the district. The most active area for construction within this district is the Ironwood corridor which consists of many health-care and professional offices west of US 95, with office and retail uses east of US 95.

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

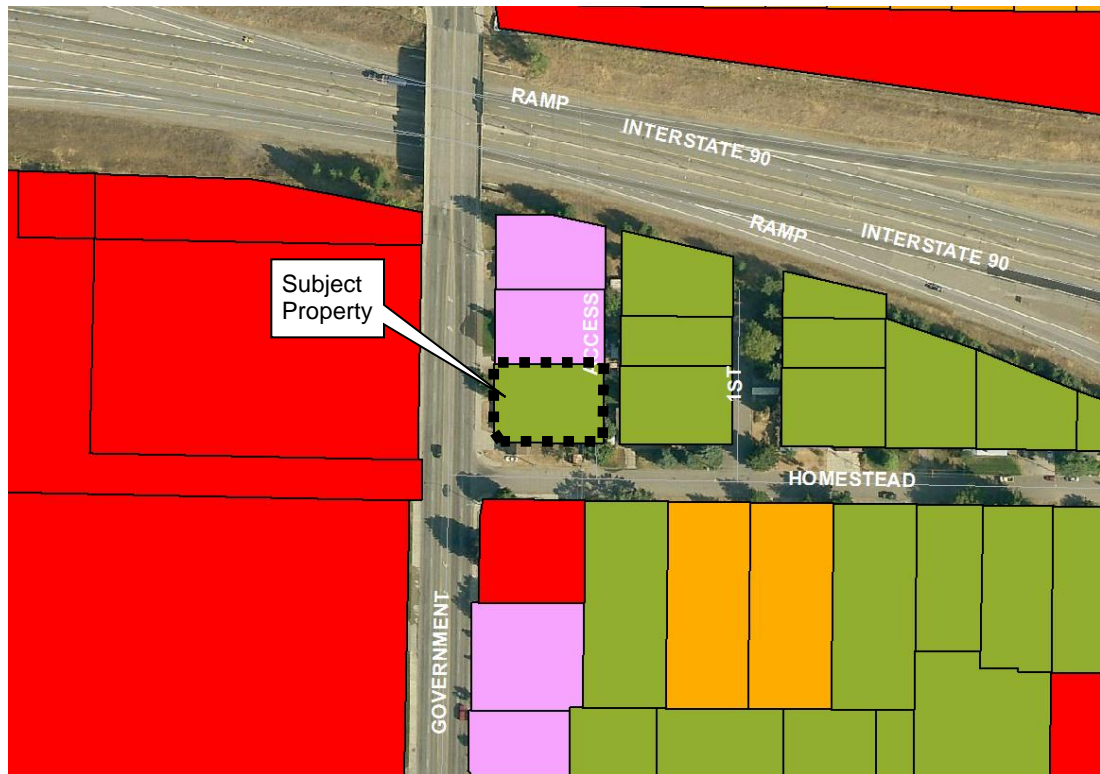
The US 95 and Appleway intersection is one of the most congested intersections in Coeur d'Alene.

EXISTING LAND USES:

ZONING:

☒ zoning

- C-17
- C-17L
- C-17LPUD
- C-17PUD
- DC
- DCPUD
- LM
- M
- MH-8
- MH-8PUD
- NC
- NW
- R-1
- R-12
- R-12PUD
- R-17
- R-17PUD
- R-1PUD
- R-3
- R-3PUD
- R-5
- R-5PUD
- R-8
- R-8PUD
- R-8SF



Approval of the zone change request could intensify the potential use of the property by increasing the allowable uses by right as listed below:

➤ **Existing R-12 Zoning District:**

Uses permitted by right:

- Administrative
 - Duplex housing
 - Essential service (underground)
 - Home occupation
 - Neighborhood recreation
 - Pocket residential development
 - Public recreation
 - Single-family detached housing
- Community assembly
 - Community education
 - Community organization
 - Convenience sales
 - Essential service (aboveground)
 - Group dwelling - detached housing
 - Handicapped or minimal care facility
 - Juvenile offenders facility
 - Noncommercial kennel
 - Religious assembly
 - Restriction to single-family only

Uses permitted by special use permit:

- Boarding house
- Childcare facility
- Commercial film production
- Commercial recreation

➤ **Proposed Neighborhood Commercial (NC) Zoning District:**

Uses permitted by right:

- Commercial and professional office
- Daycare
- Medical/dental
- Parks
- Personal services
- Residential
(Above the ground floor only-new construction)
- Retail

The following uses are prohibited in NC districts:

- × Commercial parking
- × Detention facilities
- × Gasoline service stations
- × Industrial
- × Ministorage
- × Outdoor storage or display of goods, other than plants
- × Sales, repair or maintenance of vehicles, boats, or equipment
- × Warehouses

Uses permitted by special use permit:

- Religious institutions
- Schools

- × **Additional Prohibited Uses:** In addition to the uses listed above, any other uses that the Planning Director determines are not in conformity with the purpose and intent of the district are prohibited. The decision of the Planning Director may be appealed by following the administrative appeal procedure.

Hours of Operation

Nonresidential uses may only be open for business between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M.

Floor Area

Maximum Floor Area Ratio: The floor area ratio (FAR) for nonresidential uses in an NC district is 1.0 with a total FAR of 1.5 when a ground floor permitted use is combined with a second level residential unit.

Maximum Floor Area: The maximum floor area shall not exceed four thousand (4,000) square feet for retail uses. All other nonresidential uses shall not exceed eight thousand (8,000) square feet.

Parking

Nonresidential Uses: Nonresidential uses must provide at least three (3) parking stalls per one thousand (1,000) square feet of floor area.

Permitted Residential Uses: Permitted residential uses must provide 1.5 stalls per dwelling unit.

Height & Design Standards

The maximum height for all uses in an NC district shall not exceed thirty two feet (32').

At least fifty percent (50%) of any first floor wall facing an arterial street must be glass.

If the building does not abut the sidewalk, there must be a walkway between the sidewalk and the primary entrance.

Surface parking should be located to the rear or to the side of the principal building.

Trash areas must be completely enclosed by a structure constructed of materials similar to the principal building. Dumpsters must have rubber lids.

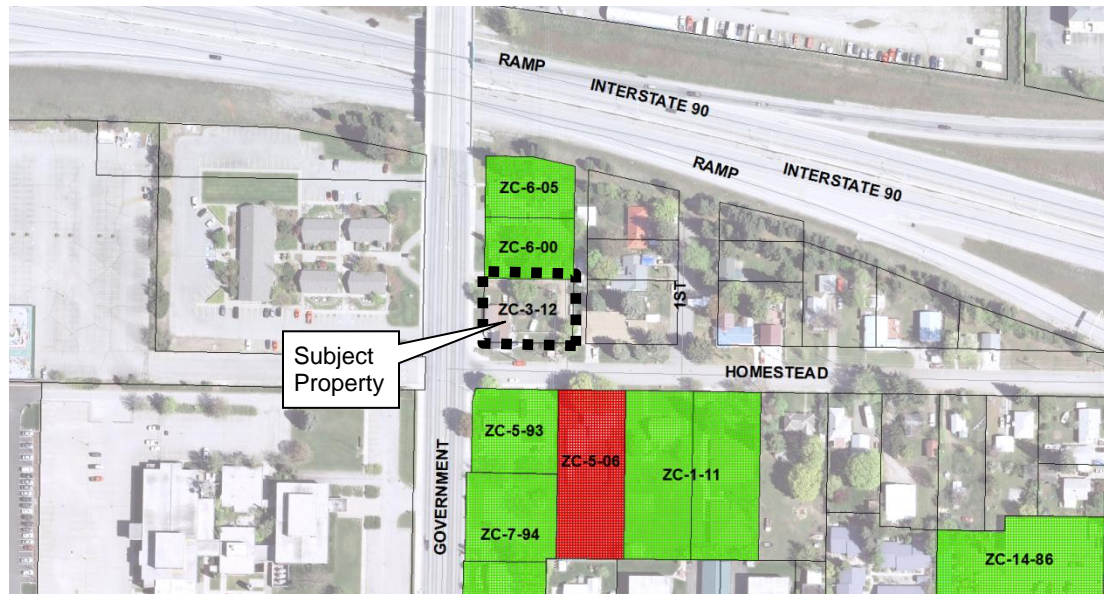
Buildings must be designed with a residential character, including elements such as pitched roofs, lap siding, and wide window trim.

Lighting greater than one foot-candle is prohibited. All lighting fixtures shall be a "cutoff" design to prevent spillover.

Wall mounted signs are preferred, but monument signs no higher than six feet (6') are allowed. Roof mounted signs and pole signs are not permitted.

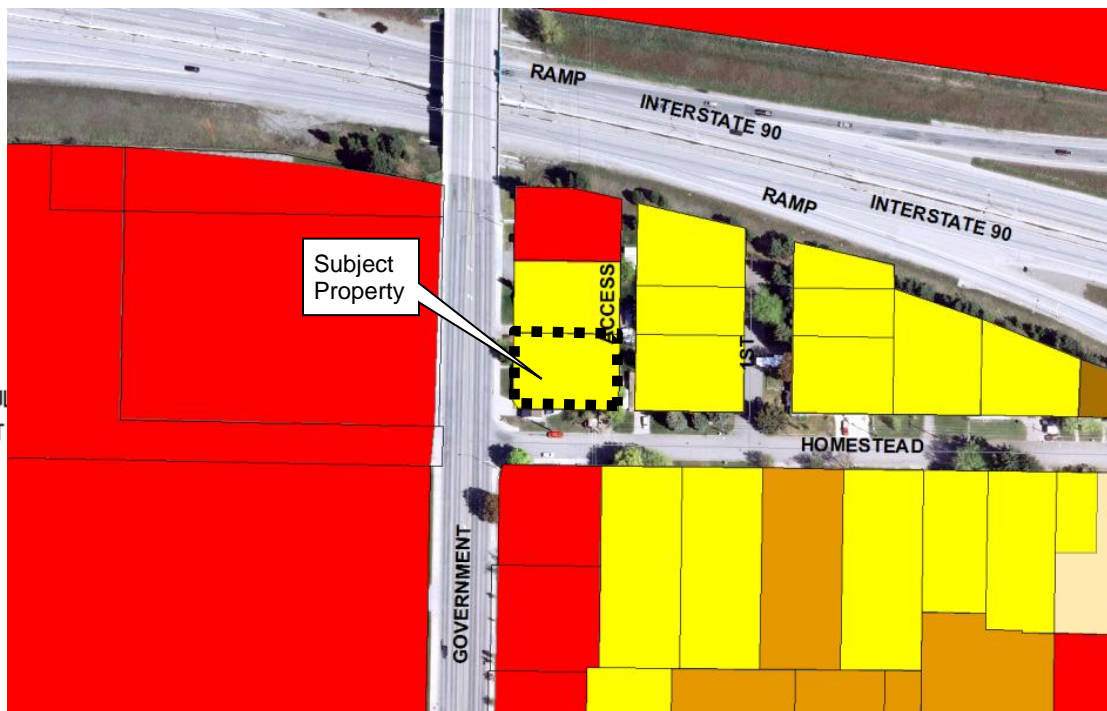
Signs shall not be internally lighted, but may be indirectly lighted.

PRIOR ZONE CHANGES IN AREA:



GENERALIZED LAND USE PATTERN:

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



Existing/adjacent land uses:

- Commercial
- Residential - single-family, multi-family, duplex, home occupation

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

APPLICABLE CODES AND POLICIES:

UTILITIES:

All proposed utilities within the project shall be installed underground.

STREETS:

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.

PROPOSED CONDITIONS:

None

ORDINANCES & STANDARDS USED FOR EVALUATION:

2007 Comprehensive Plan
Transportation Plan
Municipal Code
Idaho Code
Wastewater Treatment Facility Plan
Water and Sewer Service Policies
Urban Forestry Standards
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices
2010 Coeur d'Alene Trails Master Plan

ACTION ALTERNATIVES:

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

PROPERTY INFORMATION


1. Gross area: (all land involved): 0.288 acres, and/or _____ sq.ft.
2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): N/A acres, and/or _____ sq. ft.
3. Total number of lots included: 1
4. Existing land use: RESIDENCE
5. Existing Zoning (check all that apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8
NC CC C-17 C-17L DC LM M
6. Proposed Zoning (check all the apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8
NC CC C-17 ~~C-17L~~ DC LM M
K5

JUSTIFICATION

Please use this space to state the reason(s) for the requested zone change and include comments on the 2007 Comprehensive Plan Category, Neighborhood Area, and applicable Special Areas and appropriate goals and policies and how they support your request.

- #1 BEING ABLE TO EXPAND THE BUSINESS IN FUTURE YEARS.
 - #2 BEING ABLE TO HIRE PEOPLE FOR JOB GROWTH IN C.D.A
 - #3 BEING ABLE TO HAVE MORE SIGNAGE ON PROPERTY TO INCREASE CUSTOMER AWARENESS.
 - #4 BEING ABLE TO FALL IN LINE WITH OTHER PROPERTIES ALONG GOVERNMENT WAY.
 - #5 BEING ABLE TO CHANGE BUSINESS TYPE IN THE FUTURE IF ORIGINAL BUSINESS DOES NOT SUCCEED.
- GOAL #1 1.01, 1.02, 1.11, 1.12, 1.16, 1.18 GOAL #2 2.05 GOAL #3 3.04, 3.05, 3.06, 3.07, 3.13, 3.14, 3.15, 3.16, 3.17, 3.18 GOAL #4 ALL OF THE OBJECTIVES SHOULD BE MET TO INSURE SAFETY TO THOSE WHO LIVE OR VISIT C.D.A. !

Note: The 2007 Comprehensive Plan is available by going to www.cdavid.org under Departments / Planning



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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, 2012 , and there being present a person requesting approval of ZC-3-12, a request for a zone change from R-12 (Residential at 12 units/acre) to NC (Neighborhood Commercial).

APPLICANT: Xiao Bo Ellsworth

LOCATION: +/- 0.288 ACRE PARCEL AT 2202 N. GOVERNMENT WAY

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, medical, commercial and warehousing.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is R-12.
- B4. That the notice of public hearing was published on, April 21, 2012, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, April 27, 2012, which fulfills the proper legal requirement.
- B6. That 20 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on April 20, 2012.
- B7. That public testimony was heard on May 8, 2012.
- 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 **XIA BO ELLSWORTH** for a zone change, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Soumas	Voted _____
Commissioner Haneline	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION
STAFF REPORT**

FROM: TAMI STROUD, PLANNER
DATE: MAY 8, 2012
SUBJECT: SP-8-12 – REQUEST FOR A BED AND BREAKFAST SPECIAL USE
PERMIT IN THE C-17L AND R-17 ZONING DISTRICTS
LOCATION – A +/- 23,086 SQ. FT. PARCEL AT 820 SHERMAN AVENUE

Applicant/Owner:
Bill Wendlandt
820 Sherman Avenue
Coeur d'Alene, Idaho 83814

DECISION POINT:

Bill Wendlandt owner of 820 Sherman Avenue is requesting the following:

1. A bed and breakfast special use permit in the C-17L and R-17 zones to operate a bed and breakfast in the existing Blackwell House.
2. In addition, the B&B regulations state the applicant can also request they be allowed to have group assembly type uses allowing for receptions, meetings and private parties.

PREVIOUS HISTORY:

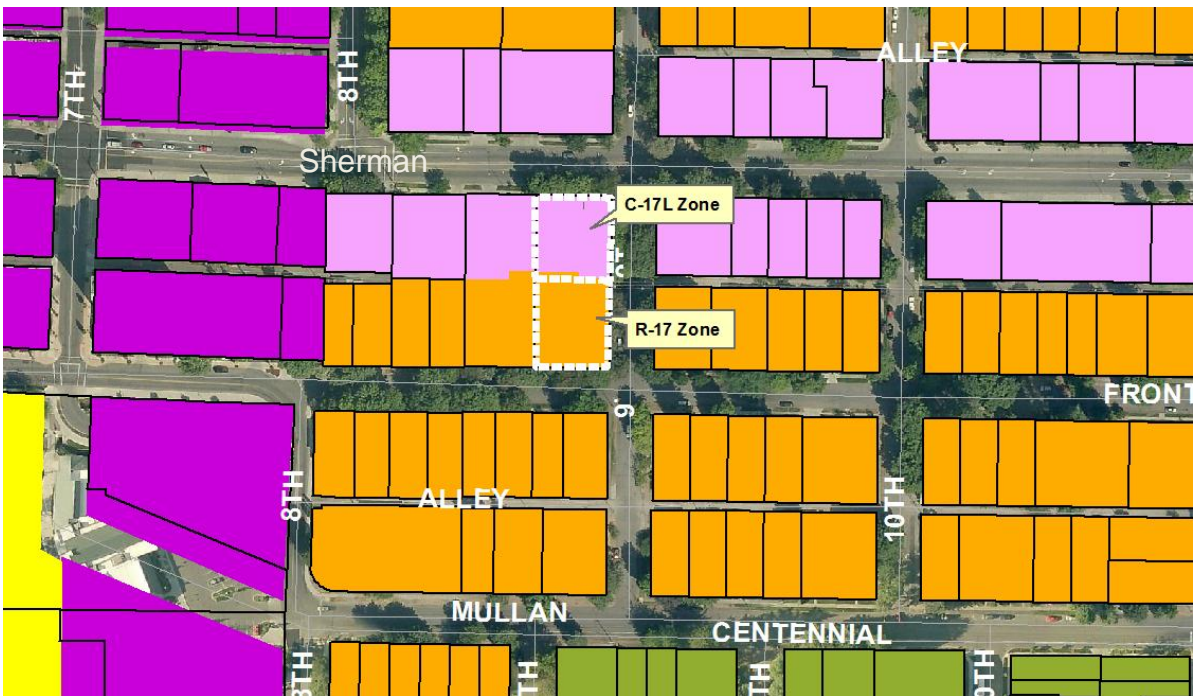
1. Subject property rezoned from R-2 (Residential) to C-2-L (Commercial) in 1974.
2. Home Occupation Certificate issued for Bed & Breakfast in 1994.
3. Property rezoned to C-17L and R-17 in 1982.
4. 2004 B&B use became inactive.
5. SUP approved in 2004 for restaurant and parking lot. Expired in 2007.
6. Section 17.06.925 of the Zoning Ordinance allows a non-conforming activity to be inactive for up to a period of one year without having to conform to the zoning ordinance. After one year, any "grandfather rights" the activity may have expire and conformance with the zoning ordinance is required. For this request, approval of special use permit for the bed and breakfast use would be required before the activity could begin operation.

GENERAL INFORMATION:

- A. Site photo.



- B. Zoning.



C: Zoning:

The requested bed and breakfast activity is allowed by special use permit in a C-17L zone.

The site is also within the Downtown Overlay –East (DOE) district. The overlay establishes design standards and guidelines for new construction.

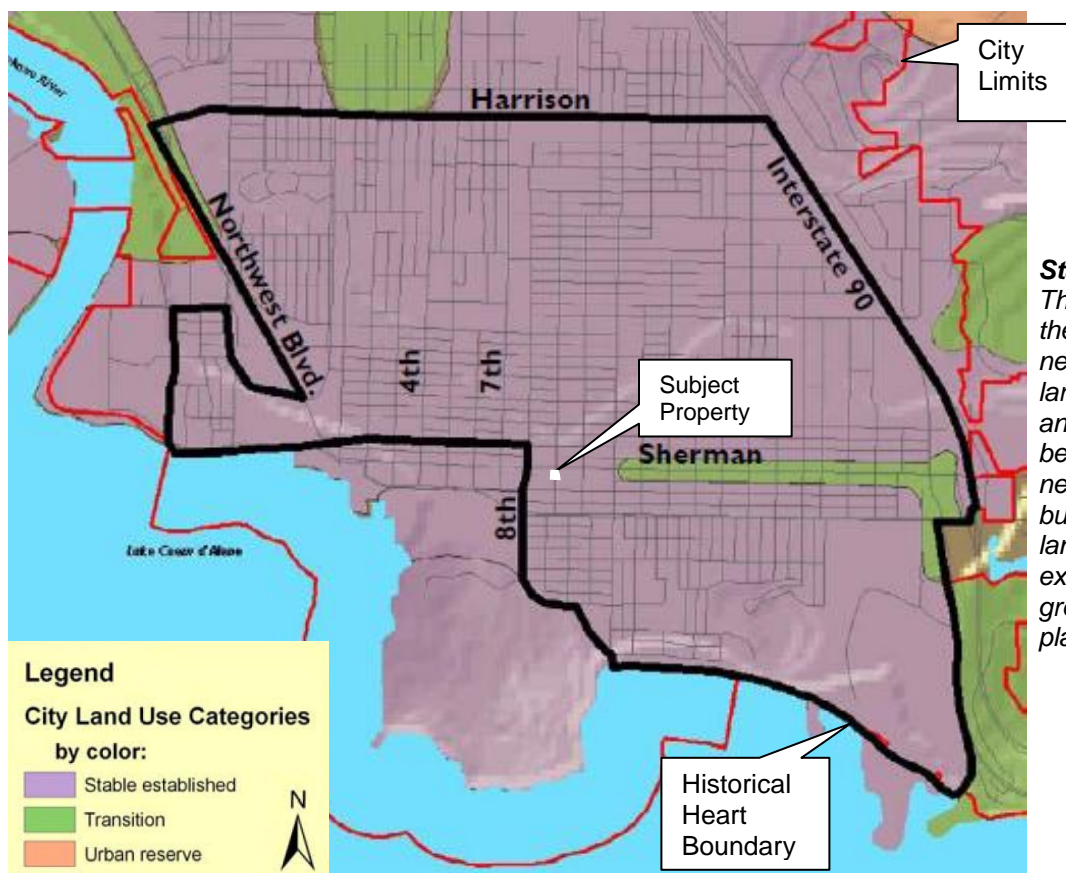
Proposed uses on the property with the parking requirement include:

- | | | |
|----|--|---------------------------------------|
| 1. | Seven room bed and breakfast – | 7 spaces |
| 2. | Main floor Group Assembly - | <u>3 spaces</u>
10 spaces required |
| I. | Proposed on-site parking | 7 spaces |
| J. | The applicant indicates additional off-site parking would be provided to meet parking requirement. Credit for off-site parking can be approved through a parking or shared use parking agreement approved by the City as part of the building permit approval. | |

REQUIRED FINDINGS:

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

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as Historical Heart – Stable Established: 2007 Comprehensive Plan designation.



Historical Heart Tomorrow

Increased property values near Lake Coeur d'Alene have intensified pressure for infill, redevelopment, and reuse in the areas surrounding the downtown core. Stakeholders must work together to find a balance between commercial, residential and mixed use development in the Historic Heart that allows for increased density in harmony with long established neighborhoods and uses. Sherman Avenue, Northwest Boulevard and I-90 are gateways to our community and should reflect a welcoming atmosphere.

Neighborhoods in this area, Government Way, Foster, Garden, Sanders Beach, and others, are encouraged to form localized groups designed to retain and increase the qualities that make this area distinct.

The characteristics of Historical Heart neighborhoods will be:

- That infill regulations providing opportunities and incentives for redevelopment and mixed use development will reflect the scale of existing neighborhoods while allowing for an increase in density.
- Encouraging growth that complements and strengthens existing neighborhoods, public open spaces, parks, and schools while providing pedestrian connectivity.
- Increasing numbers of, and retaining existing street trees.
- That commercial building sizes will remain lower in scale than in the downtown core.

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

Objective 1.05

Vistas:

Protect the key vistas and view corridors of the hillsides and waterfronts that make Coeur d'Alene unique.

Objective 1.06

Urban Forests:

Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.

Objective 1.08

Urban Forests:

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

Objective 1.11

Community Design:

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

Objective 1.12

Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14

Efficiency:

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

Objective 1.18

Night Sky:

Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and encourages economic growth.

Objective 2.04

Downtown & Neighborhood Service Nodes:

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

Objective 2.05

Pedestrian & Bicycle Environment:

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

Objective 3.01

Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.05

Neighborhoods:

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

Objective 3.07

Neighborhoods:

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

Objective 3.10

Affordable & Workforce Housing:

Support efforts to preserve and provide affordable and workforce housing.

Objective 3.11

Historic Preservation:

Encourage the protection of historic buildings and sites.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management in city government.

Objective 4.06

Public Participation:

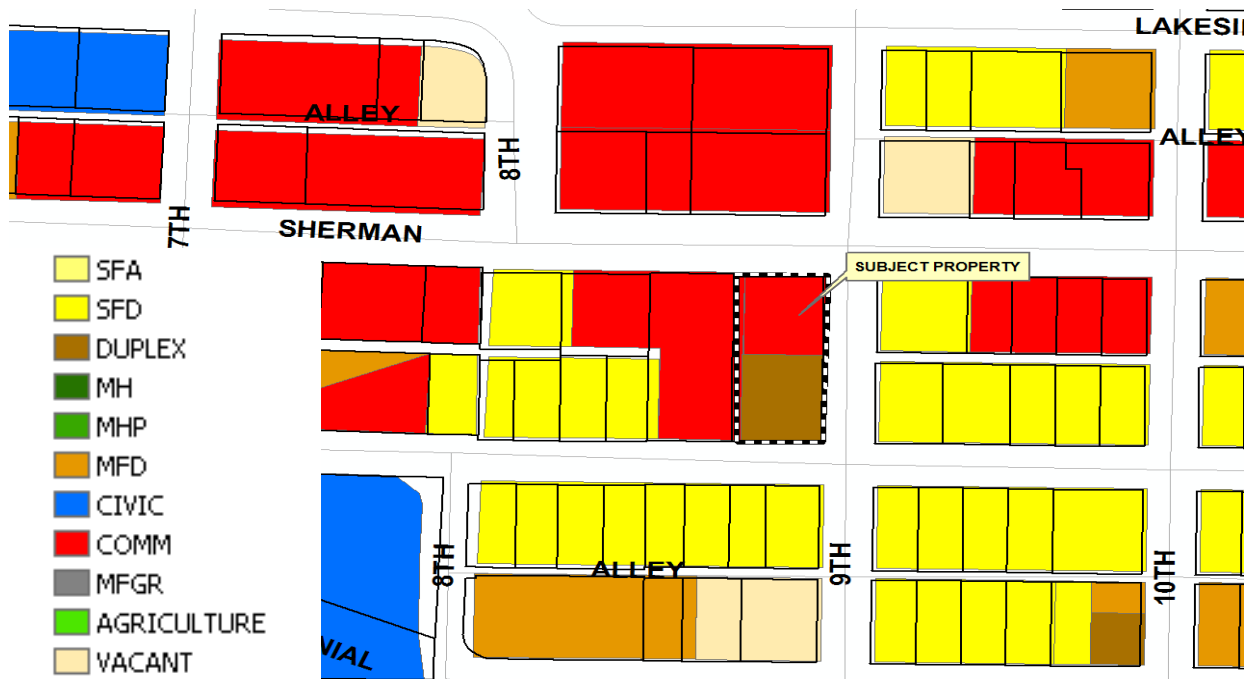
Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

Evaluation:

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

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

Generalized land use pattern:

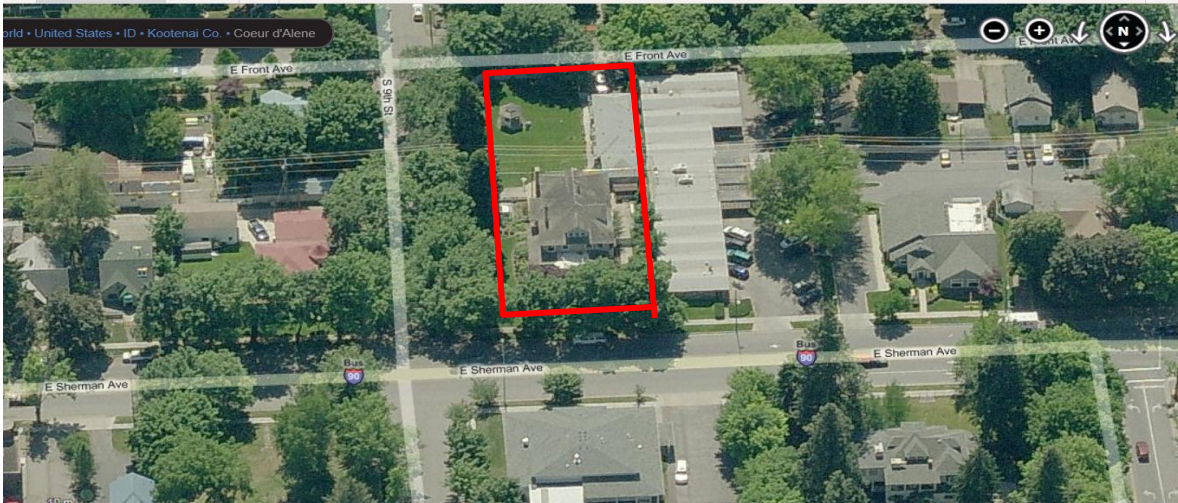


- D. Existing land uses in the area include single-family, multi-family residential, and a variety of commercial, retail and professional office uses. The abutting parcel to the west is a professional office use. The "White House" wedding chapel is to the northwest and single family to the north, south and east of the subject property.

Oblique aerial view looking east

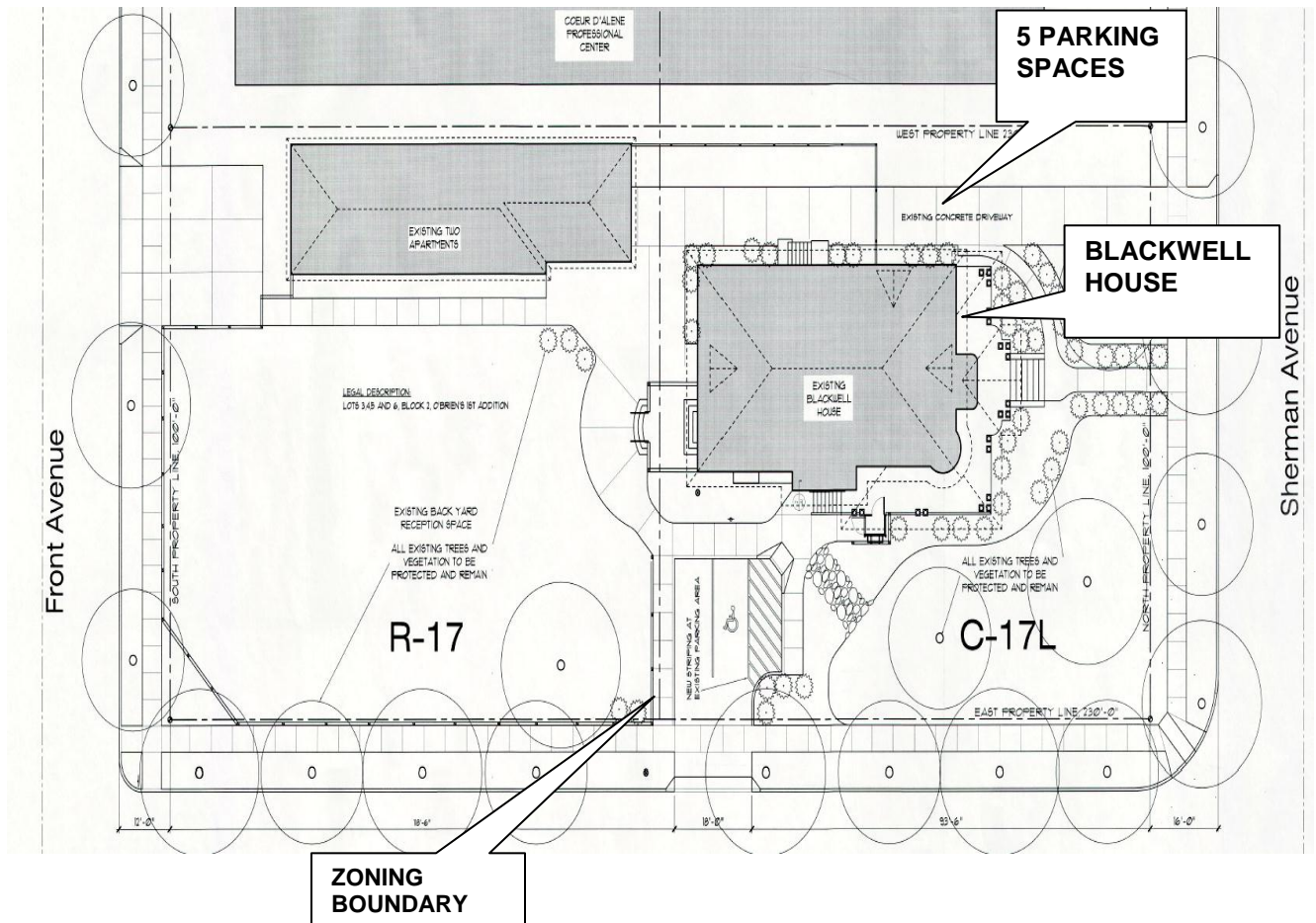


Oblique aerial view looking south



9th & Front looking northwest

Site plan:



The proposed bed and breakfast activity would occur within existing Blackwell House. The group assembly events would be held in the Blackwell House and the rear portion of the subject property. The existing residential uses would remain. The infill regulations and associated design standards and guidelines were enacted "to encourage a sensitive form of development and to allow for a reasonable use that complements the visual character and nature of the city."

The exiting development meets the Infill Design Guidelines except for the existing sight obscuring fence adjacent to Front & 9th streets. This fence can remain as a non-conforming facility. New fences next to sidewalks "...must be more visually transparent than opaque when located adjacent to public streets." The Design Review Commission can grant a design departure from this requirement.

Note that the site plan is not binding on the request unless a condition is justified to make some degree of compliance necessary to satisfy the required finding.

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: Existing water infrastructure is sufficient to support proposed use.

Comments submitted by Terry Pickel, Assistant Water Superintendent

SEWER: This property is adequately served by the Coeur D'Alene Wastewater Collection System and Treatment Plant. Wastewater has no objection to this planning action.

Comments submitted by Jim Remitz, Utility Project Manager

ENGINEERING: The Engineering Department had no concerns with the proposed request with regard to storm water, traffic and streets.

Comments submitted by Chris Bates, Project Manager

- E. Proposed conditions:

None.

- F. Ordinances and Standards Used In Evaluation:

Comprehensive Plan - Amended 2007.
Municipal Code.
Idaho Code.
Wastewater Treatment Facility Plan.

Water and Sewer Service Policies.
Urban Forestry Standards.
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices.

ACTION ALTERNATIVES:

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

JUSTIFICATION:

Proposed Activity Group; Group Assembly

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

A. A description of your request; A Special Use Permit for the north half of property, currently zoned C-17L which allows commercial service and sales activities as allowed as principal uses in the C-17 district by Special Use Permit. A Special Use Permit for the south half of property. ■


B. Explain how your request conforms to the 2007 Comprehensive Plan;
Page 13-1.08, All trees are to remain; 1.11, pay close attention to context; 1.12, enhancement of existing urbanized areas. Page 14-1.14, Use of existing infrastructure; 1.15, Natural Terrain preservation; 1.16, Connectivity between neighborhood to the south and to Sherman; Page 16-2.01, Welcome diverse mix of commercial services; 2.04, prioritize compatible neighborhood service nodes; 2.05, live, work, play with ease of bike/ped environment; page 30- Maintaining downtown's unique ambiance, encouraging use of the in place, turn of the century architecture. Page 40- Downtown Land Use - Renovation of older, historical significant buildings making downtown a "live, work, play & shop environment. Page 41, Downtown tomorrow... give locals & tourists choices for rec, commerce and entertainment.

C. Explain how the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties;
All existing trees, vegetation and openspace will be preserved and will buffer neighborhood to the south from Blackwell House fronting Sherman Ave. ■

D. Explain how the location, design, and size of the proposal will be adequately served by existing streets, public facilities and services;
The location and proposed use at 820 Sherman Ave is adequately served with the existing city streets and sidewalks and city utilities and services.

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

The Blackwell House has served Coeur d'Alene and the surrounding community as a Bed & Breakfast and wedding/convention facility for many decades. A zone change with SUP would preserve this historic, downtown icon and allow it to operate as it has for years.



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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, 2012, and there being present a person requesting approval of ITEM SP-8-12, a request for a Bed and Breakfast special use permit in the C-17L and R-17 zoning district.

APPLICANT: BILL WENDLANDT

LOCATION: A +/- 23,086 SQ. FT. PARCEL AT 820 SHERMAN AVENUE

**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, multi-family residential, and a variety of commercial, retail and professional office uses.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is C-17L and R-17.
- B4. That the notice of public hearing was published on April 21, 2012, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on April 30, 2012, which fulfills the proper legal requirement.
- B6. That 42 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on April 20, 2012.
- B7. That public testimony was heard on May 8, 2012.
- 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 **BILL WENDLANDT** for a special use permit, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Soumas	Voted _____
Commissioner Haneline	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION
STAFF REPORT**

FROM: SEAN E. HOLM, PLANNER
DATE: MAY 8, 2012
SUBJECT: SP-9-12 – REQUEST FOR WIRELESS TELECOMMUNICATIONS SPECIAL
USE PERMIT IN A C-17 ZONING DISTRICT
LOCATION: A +/- 0.44 ACRE PARCEL ON THE NORTHWEST CORNER OF MULLAN AVE
AND COEUR D'ALENE LAKE DRIVE

APPLICANT:
Crown Castle c/o Verdis (Sandy Young)
P.O. Box 580
Coeur d'Alene, ID 83816

PROPERTY OWNER:
CMG Group, LLC
219 Coeur d'Alene Lake Dr.
Coeur d'Alene, Idaho 83814

DECISION POINT:

Crown Castle is requesting approval of a Special Use Permit to construct a new 120' foot wireless telecommunications facility at 219 Coeur d'Alene Lake Dr. in conjunction with the existing hotel/motel use presently in business onsite. The requested use is classified under city code as a ***Civic activity- Essential Service.***

GENERAL INFORMATION:

Crown Castle has an existing telecommunications facility located at the NE corner of 24th and Sherman Ave. Due to issues with the existing property owner (acknowledged in the application), Crown Castle is proposing to dismantle the existing site and start anew on the proposed site located at 219 Coeur d'Alene Lake Drive. The proposed facility will allow for up to four (4) total wireless carriers. Per the application, there will be three (3) colocation spots available.

The existing Hotel/Motel use on site will continue to operate as such. The Holiday Motel currently offers 11 rooms for rent and a caretaker's unit. Current parking code for a hotel/motel use requires one (1) parking stall per room and no parking stalls required for the requested tower. The proposed site plan shows sufficient parking to meet code requirements for both the hotel/motel use and the telecommunications facility. The 0.44 acre parcel is currently zoned C-17 (Commercial at 17 units/gross acre).

The site will operate continually, 24 hours a day for seven days a week. The site will be unmanned, requiring infrequent visits by maintenance personnel, typically once a month. The proposed facility is a passive use; there are no activities that will produce airborne emissions, odor, vibration, heat, glare, or noxious/toxic materials. According to the FCC regulations, this proposal will not create adverse radio interference with residential uses of electronic equipment.

The applicant's narrative is attached for your review.

DENIAL WITHOUT PREJUDICE (CITY COUNCIL APPEAL):

The Planning Department received a letter from the applicant's new consultant Verdis dated February 27, 2012 signed by Sandy Young. The letter requested that City Council deny the request (SP-2-12) without prejudice so that they may revisit Planning Commission with additional information to support their request.

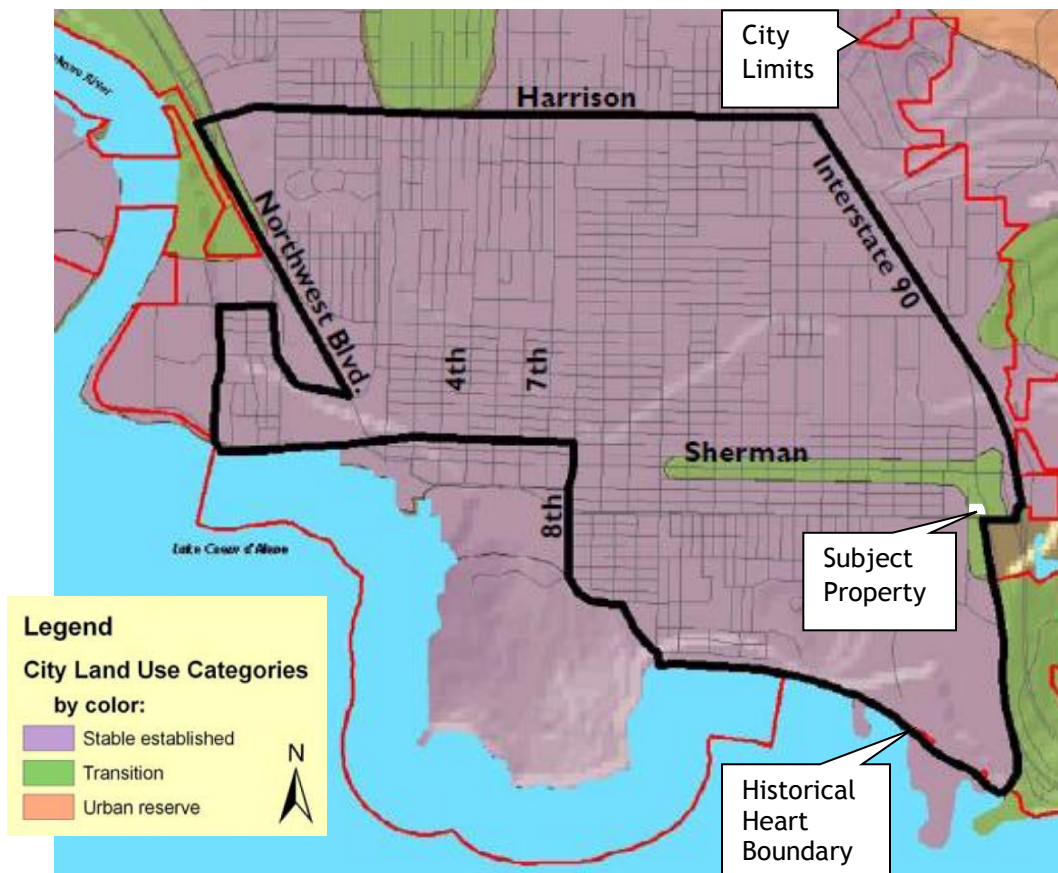
City Council denied the appeal as requested, without prejudice, on March 6th, 2012 with the understanding that the applicant would reapply to Planning Commission.

REQUIRED FINDINGS:

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:

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

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as Historical Heart - Transition:



Historical Heart Tomorrow

Increased property values near Lake Coeur d'Alene have intensified pressure for infill, redevelopment, and reuse in the areas surrounding the downtown core.

Stakeholders must work together to find a balance between commercial, residential and mixed use development in the Historic Heart that allows for increased density in harmony with long established neighborhoods and uses. Sherman Avenue, Northwest Boulevard and I-90 are gateways to our community and should reflect a welcoming atmosphere.

Neighborhoods in this area, Government Way, Foster, Garden, Sanders Beach, and others, are encouraged to form localized groups designed to retain and increase the qualities that make this area distinct.

The characteristics of Historical Heart neighborhoods will be:

- That infill regulations providing opportunities and incentives for redevelopment and mixed use development will reflect the scale of existing neighborhoods while allowing for an increase in density.
- Encouraging growth that complements and strengthens existing neighborhoods, public open spaces, parks, and schools while providing pedestrian connectivity.
- Increasing numbers of, and retaining existing street trees.
- That commercial building sizes will remain lower in scale than in the downtown core.

➤ 2007 Comprehensive Plan **Goals and Objectives** that apply:

Objective 1.05

Vistas:

- Protect the key vistas and view corridors of the hillsides and waterfronts that make Coeur d'Alene unique.

Objective 1.06

Urban Forests:

- Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.

Objective 1.11

Community Design:

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

Objective 1.12

Community Design:

- Support the enhancement of existing urbanized areas and

discourage sprawl.

Objective 1.14

Efficiency:

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

Objective 1.18

Night Sky:

- Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary.

Objective 2.01

Business Image & Diversity:

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

Objective 3.05

Neighborhoods:

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

Objective 3.06

Neighborhoods:

- Protect the residential character of neighborhoods by allowing

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.*

residential/ commercial/
industrial transition boundaries
at alleyways or along back lot
lines if possible.

Objective 4.06

Public Participation:

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

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

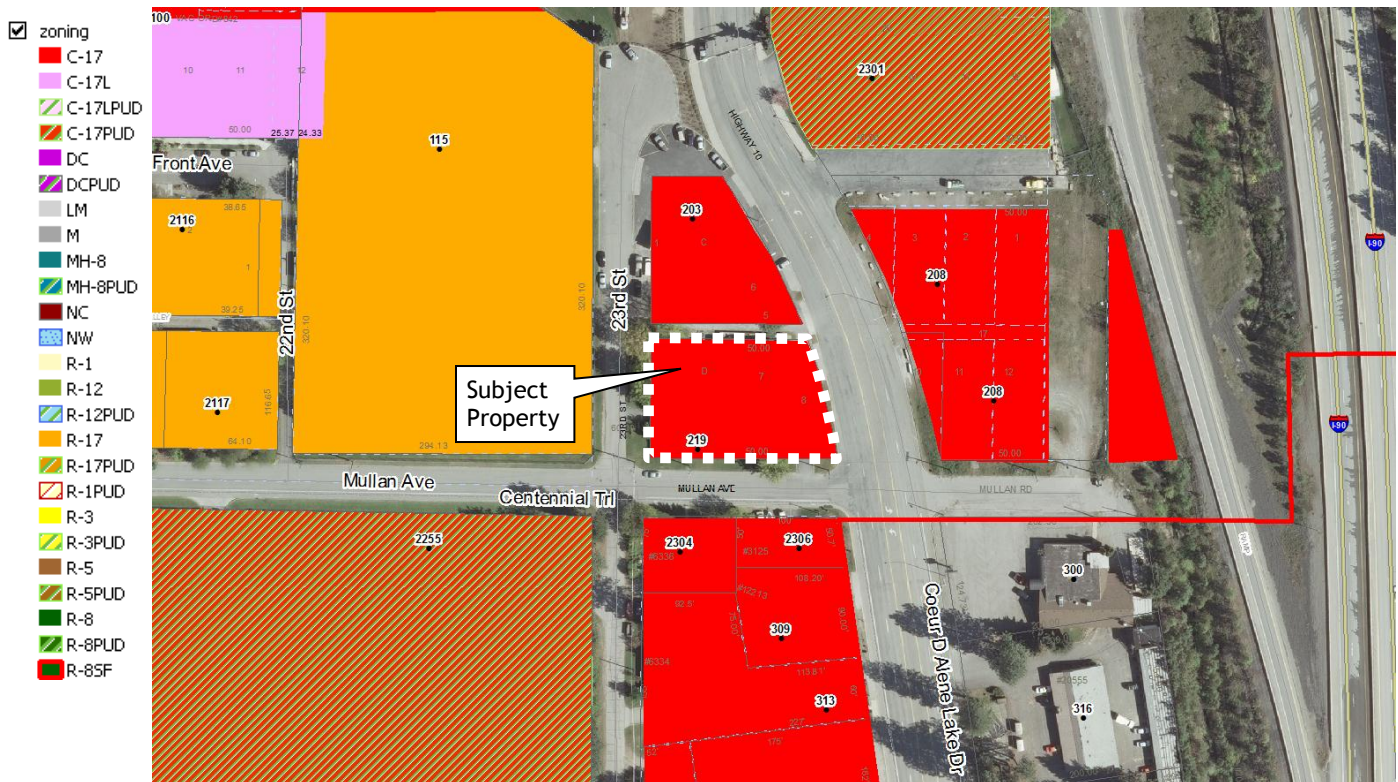
1. Aerial & oblique views:



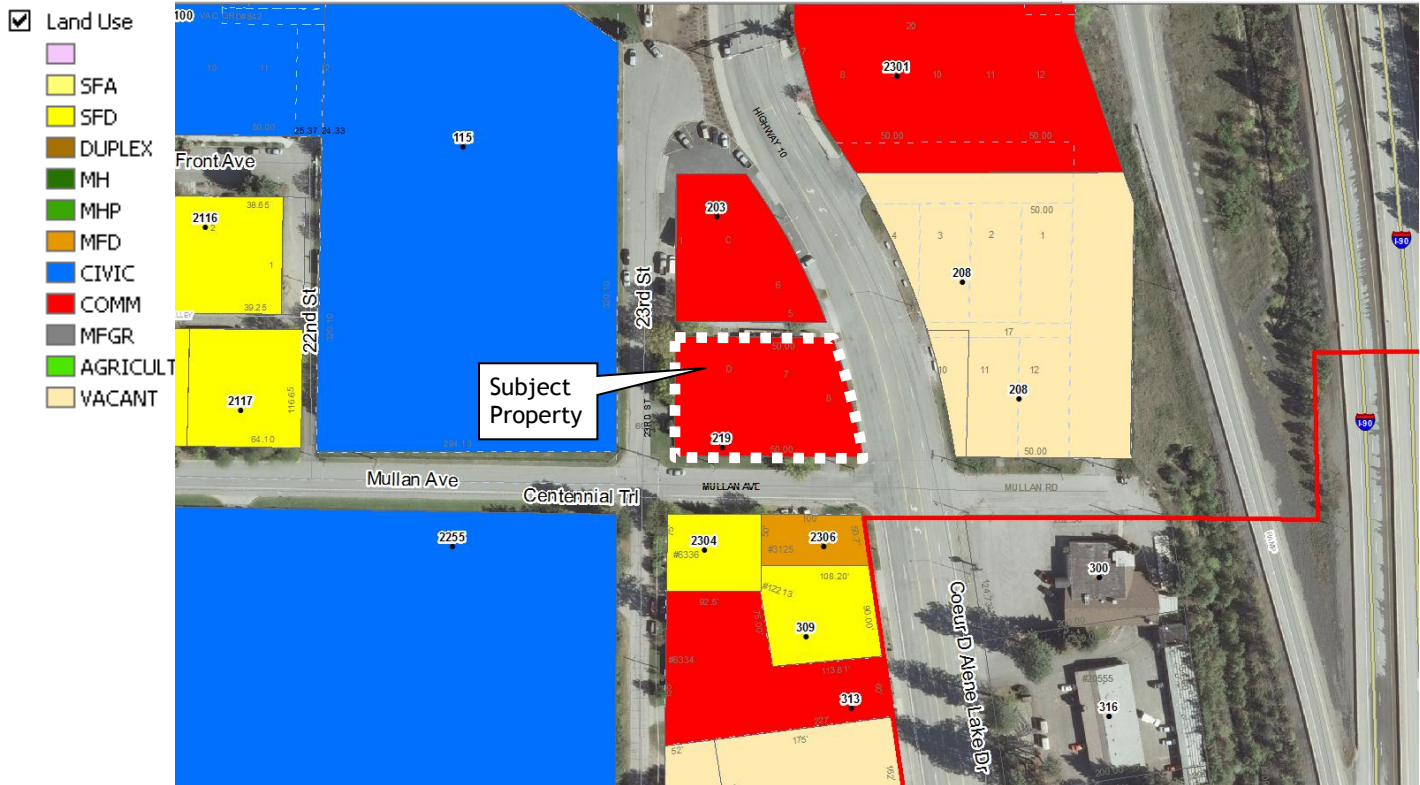
Oblique view:



2. Zoning:



3. Generalized land use pattern:



4. Photo(s) of Site:

Photo of NW corner of subject property (Interior looking NW):



Proposed Location (From 24th St. & Mullan Ave. looking NE):



Existing Wireless Tower site near 24th & Sherman Ave:



5. Context of Area:

The area surrounding the request is generally flat excepting the I-90 elevation change and is made up of a number of different land uses. To the north is a commercial restaurant use, to the east (across Cd'A Lake Dr.) is vacant property, south (across Mullan Ave.) are residential structures, and to the west a (civic) cemetery.

6. Landscaping:

The following code for applies to all proposed wireless towers.

17.08.825: Site Development Standards:

C. Landscaping, Screening and Fencing:

1. In all zoning districts, the following additional landscaping shall be required beyond that which is required for the zone in which it is located:

a. Equipment shelters and cabinets and other on the ground ancillary equipment shall be screened with buffer yard and street tree landscaping as required for the zone in which located.

b. In particular, the ground level view of support towers shall be mitigated by additional landscaping provisions as established through the special use permit process. The use of large trees from the approved urban forestry list of recommended species or native conifers is required at the spacing specified for the specific trees chosen. Alternatively, a landscaping plan may be submitted with the special use permit and, if approved, shall take precedence over the foregoing requirement.

The applicant has provided a proposed landscaping plan, as shown (page 9), with the request that the following design be approved in lieu of the aforementioned Site Development Standards:

EXHIBIT B

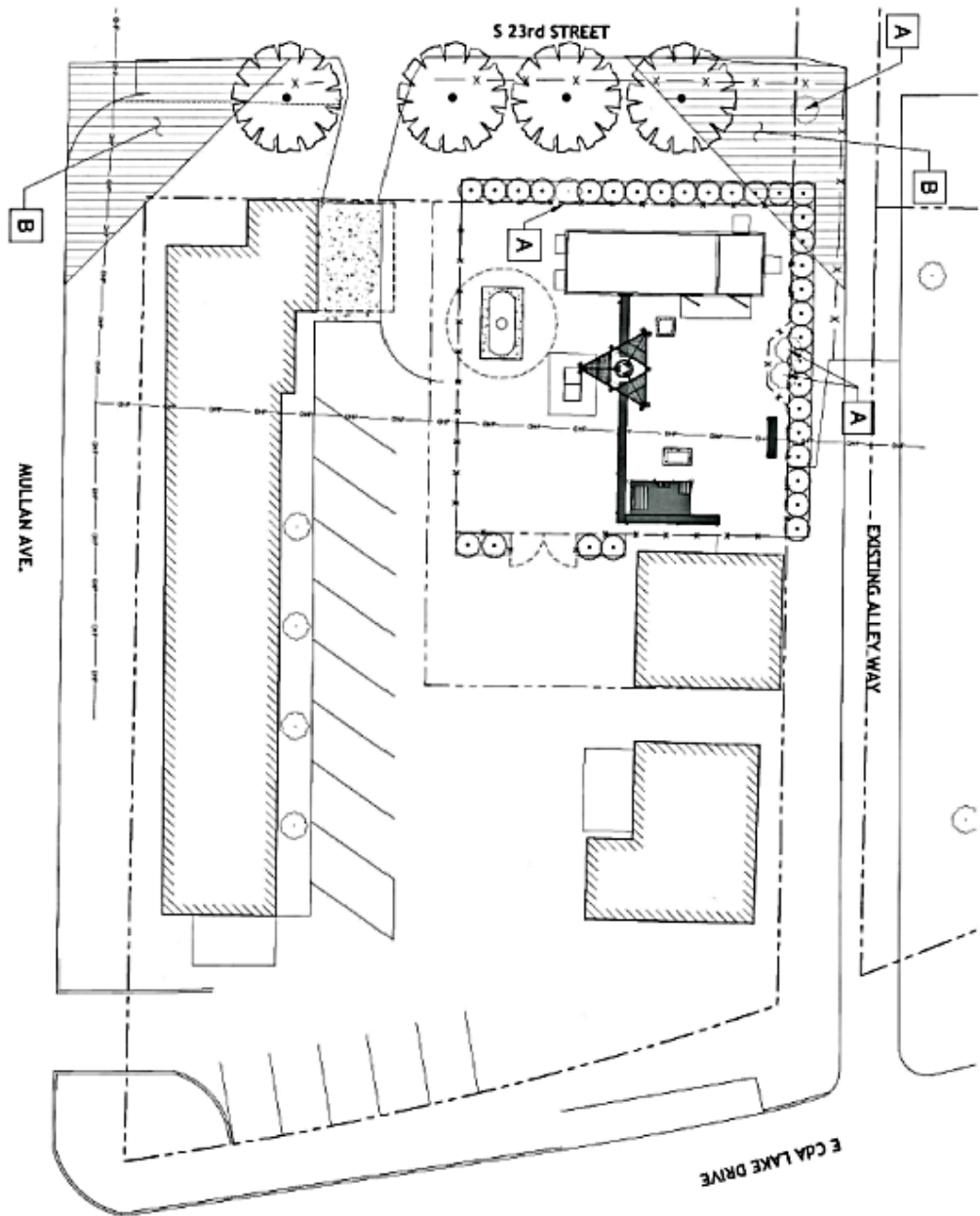
View from Mullan Ave looking north towards existing cell tower



Before



After



PLANT SCHEDULE

SYMBOL	QTY	COMMON NAME / BOTANICAL NAME	CONT.
	4	Timing Tree / Picea canadensis 'Timing' 10' 1.5" Cal	CONT
	QTY	COMMON NAME / BOTANICAL NAME	CONT
	22	Redoak / Quercus rubra 'PROBAT'	3 gal

SYMBOL LEGEND

---	EXISTING PROPERTY LINE
---	EXISTING FENCE (TO BE REMOVED)
---	OVERHEAD POWER LINE
---	EXISTING PROPERTY LINE
---	PROPOSED FENCELINE (BY OTHERS)
A	EXISTING TREE (PROTECT IN PLACE)
B	40' CLEAR VIEW TRIANGLE



verdis
landscape architecture

1000 N. 1st St.
Coeur d'Alene, ID 83814
208.765.1234
www.verdislandscape.com

crown castle
coeur d'alene, idaho

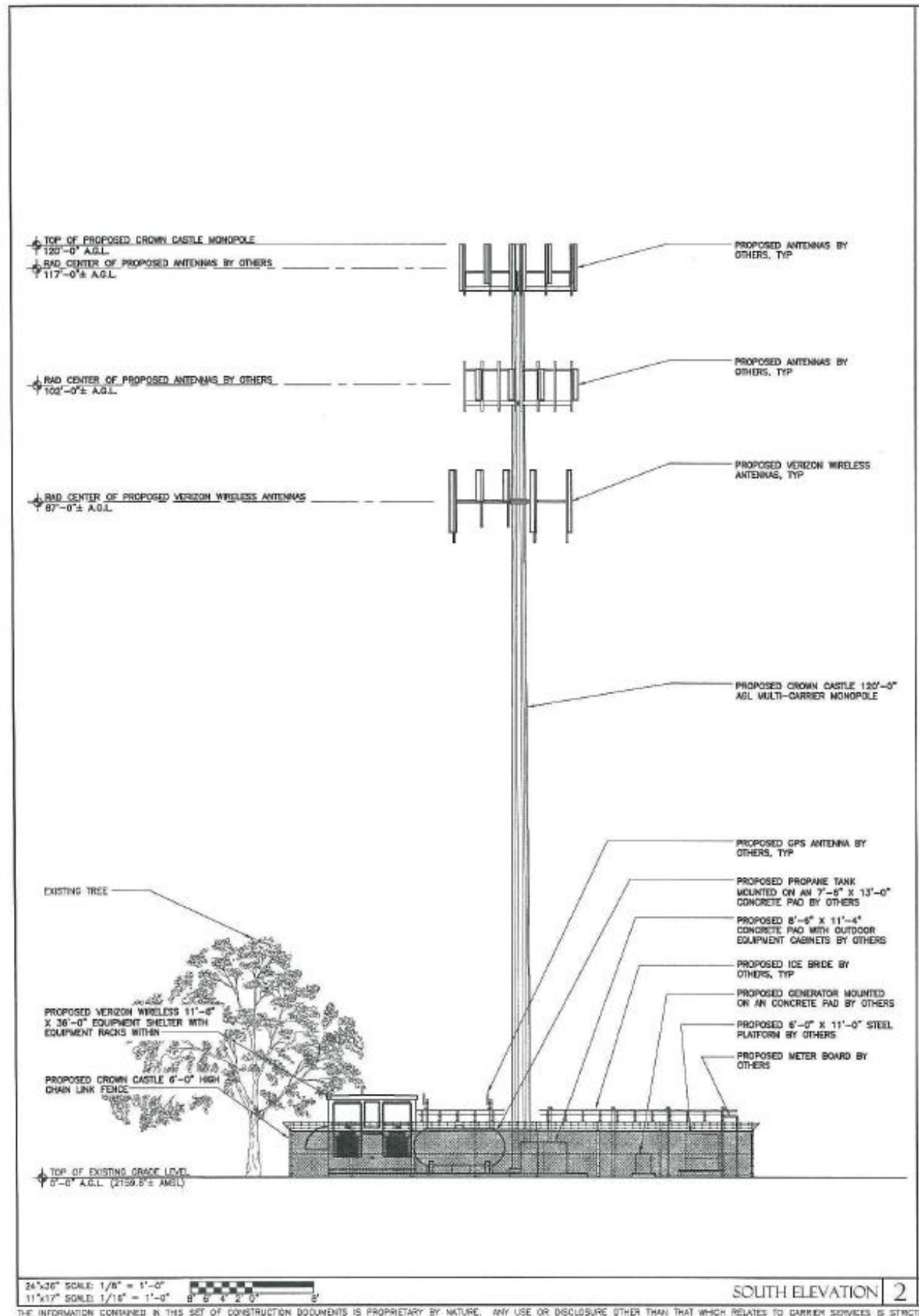
landscape plan

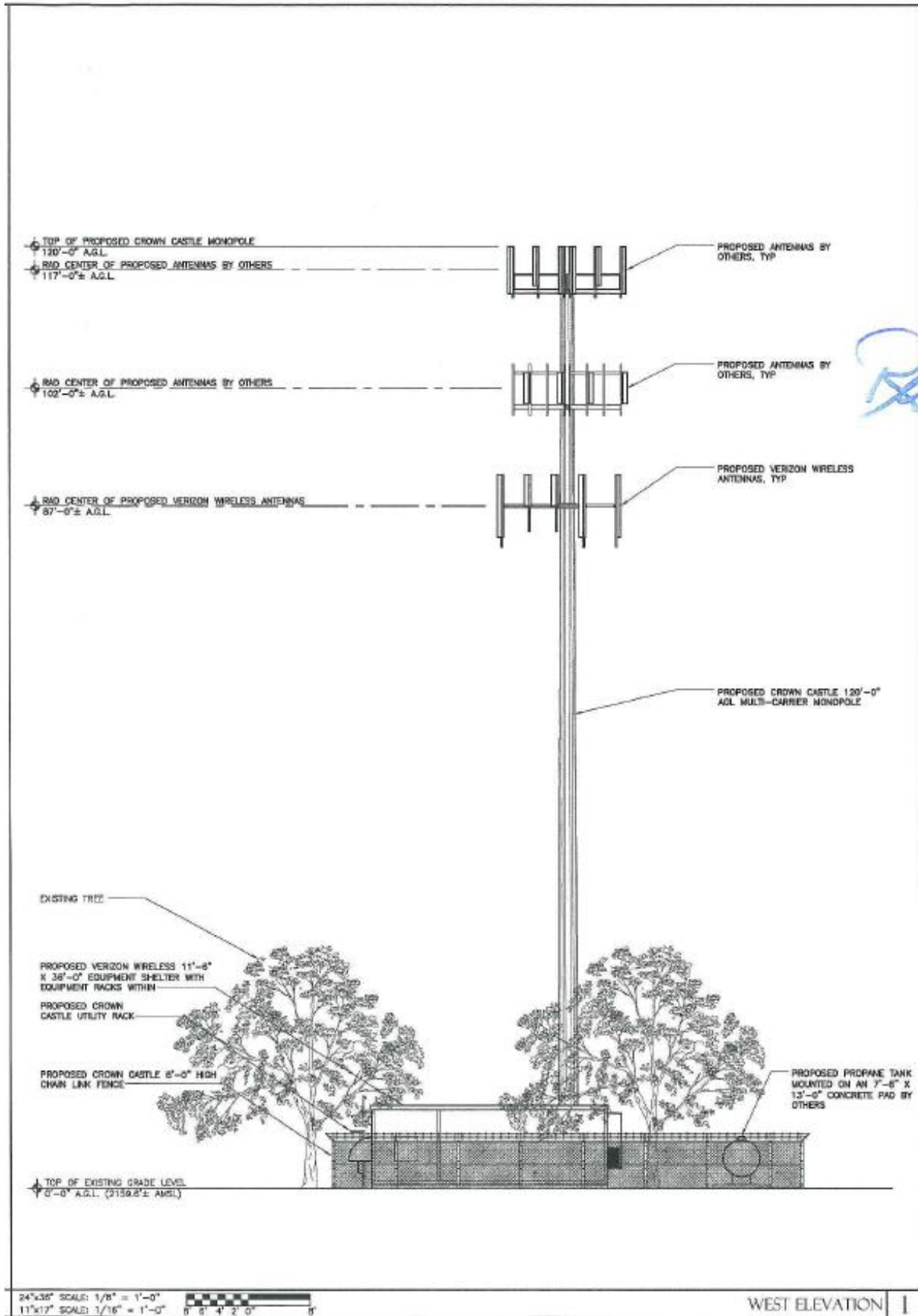
DATE: 05/08/12
DRAWN BY: J. L. L. (JLL)
CHECKED BY: J. L. L. (JLL)
SCALE: 1"=20'

L1.0
sheet 1 of 2

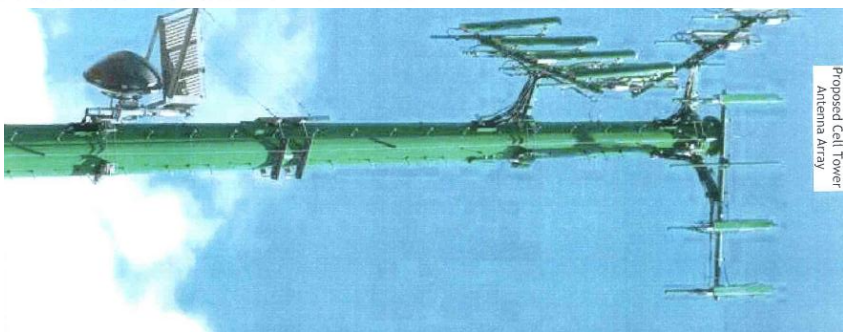
C. **Finding #B8C:** The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.







View from I-90 to proposed new cell tower site



STAFF COMMENTS:

UTILITIES:

Existing water infrastructure is sufficient to support proposed use.

-Submitted by Terry Pickel, Assistant Water Superintendent

ENGINEERING:

No issues.

-Submitted by Chris Bates, Engineering Project Manager

FIRE:

FD will address issues at project review.

-Submitted by Brian Keating, Fire Inspector

WASTEWATER:

This property is adequately served by the Coeur D'Alene Wastewater Collection System and Treatment Plant. Wastewater has no objection to this planning action.

-Submitted by Jim Remitz, Utility Project Manager

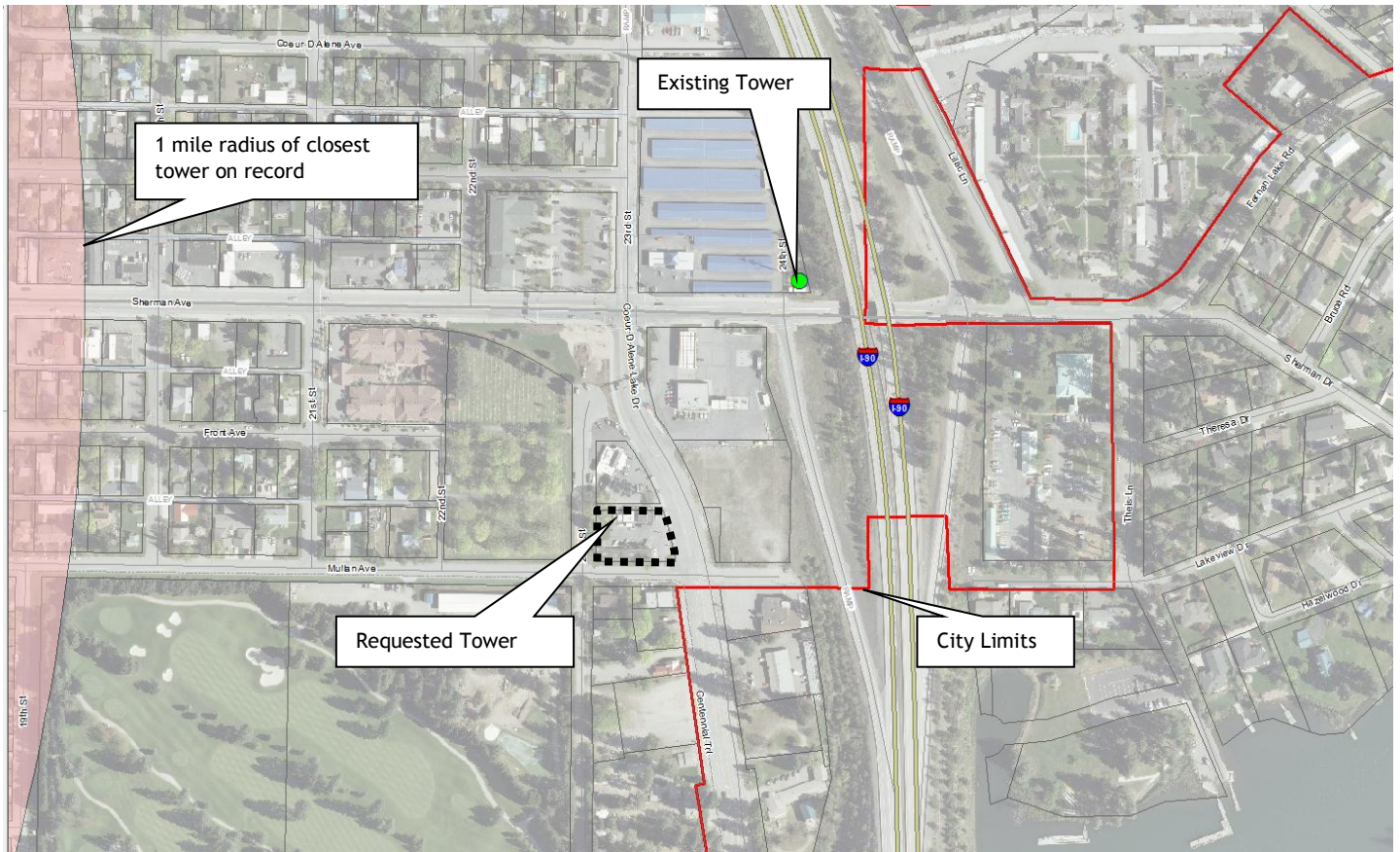
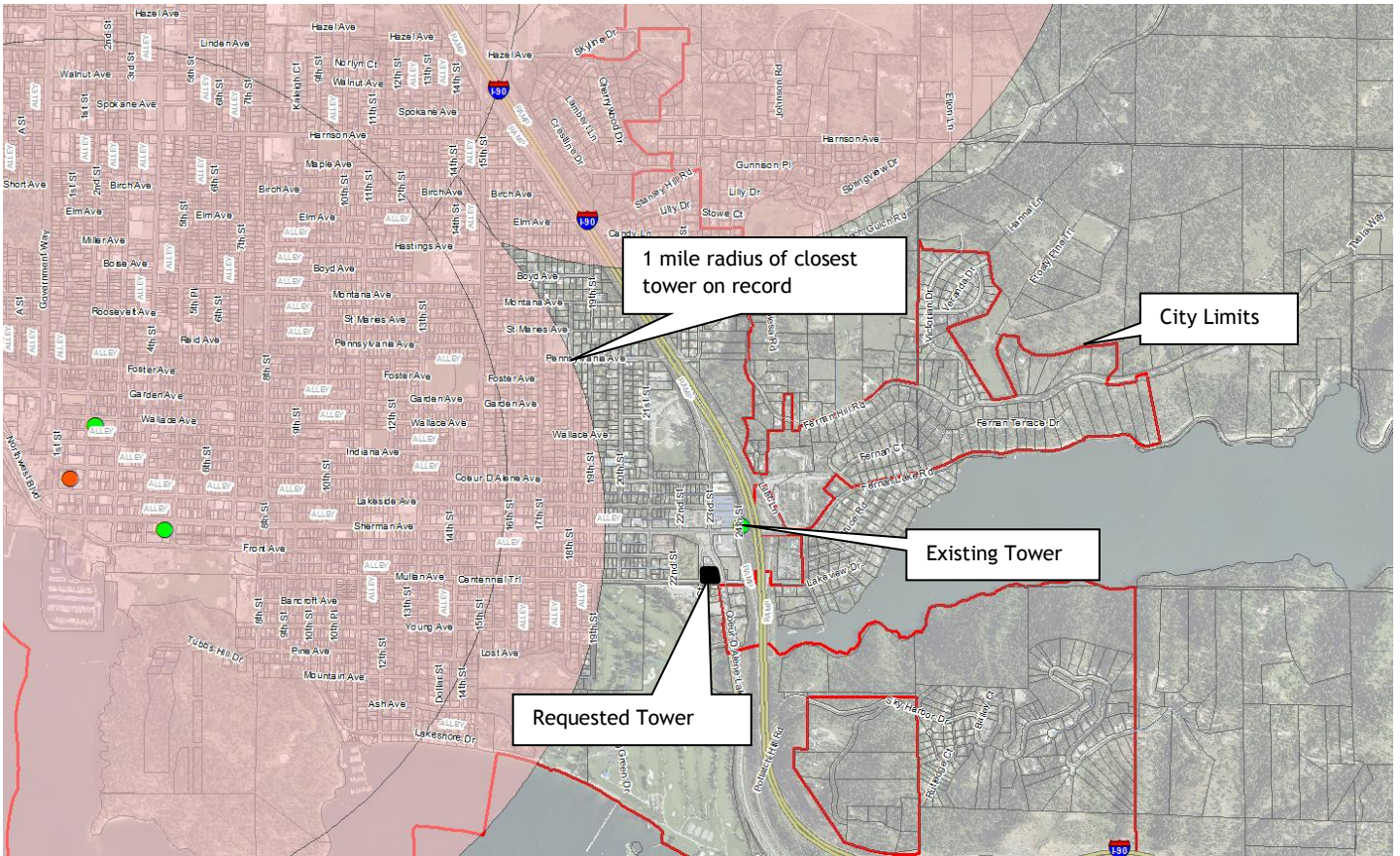
Evaluation: *Planning Commission must determine if the location, design, and size of the proposal are such that the development will or will not be adequately served by existing streets, public facilities and services.*

D. **In addition to the findings above, the *Wireless Communication Facilities Regulations* require that:**

17.08.825 H. 2.:

No new wireless communication support towers may be constructed within one mile of an existing support tower, unless it can be demonstrated to the satisfaction of the Planning Commission that the existing support tower is not available for colocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant.

NOTE: The following maps show 1 mile radii of existing towers (note- existing tower to be removed not included as the proposed tower would be a replacement):



APPLICANT'S JUSTIFICATION:

The applicant's supporting statement for the request is attached.

CONDITIONS:**PLANNING:**

1. To ensure compliance with 17.08.825 H.2 the applicant must remove the existing tower along Sherman Ave if/when a building permit or site development application is approved by for the new location according to code.
2. Must adhere to the site and landscaping plans.

The Planning Commission may, as a condition of approval, establish reasonable requirements to mitigate any impacts that would adversely affect the surrounding neighborhood. Please be specific, when adding conditions to the motion.

ORDINANCES AND STANDARDS USED IN EVALUATION:

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

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.



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Memo

To: City of Coeur d'Alene Planning Commission

From: Sandy Young, Principal Planner *SY*

Date: March 30, 2012

Re: Special Use Permit for a Wireless Communication Facility

Verdis has recently been retained by Crown Castle to represent them in their request for approval of a Special Use Permit to relocate an existing Wireless Telecommunication Facility in a C-17 zone.

A similar request was heard by you in a public hearing on January 10, 2012 and denied. On January 23, 2012, Crown Castle's former planning consultant, PTS, submitted a letter to the City Council appealing your decision. In that letter, PTS stated that they believed the Planning Commission had erred in their decision. Neither Crown Castle nor I agree with that statement.

Rather we believe that had you have been given all of the information necessary to make an informed decision, you would have come to a different conclusion. This new application is a second opportunity to present a Special Use Permit application to you, this time in its complete form, with supporting documentation that includes a landscape plan.

On March 6, 2012 the City Council granted my request to deny this application without prejudice so that we were able to return to you without delay.

That being said, in accordance with Chapter 17, Article 17.09.210 of the City's Zoning Ordinance, Crown Castle is requesting approval of a Special Use Permit to allow for the relocation of an existing Wireless Communication Facility from the north side of Sherman Avenue to the south side of Sherman Avenue, a distance of approximately 600 feet.

The relocation of the tower will:

- Vastly improve the visual corridor along I-90 and Sherman Avenue, a designated gateway to Coeur d'Alene;

- Improve the aesthetics of the tower itself, rendering it less visible by updating the type of antennas and by updating the colors of the pole and the antennas;
- Improve a streetscape by adding green space in well-used public area where none now exists;
- Continue to provide essential services to the city with no interruption in coverage;
- And, most importantly, the approval of this relocation request will fulfil the intent of the City's 2007 Comprehensive Plan and the East Sherman Gateway View Corridor, by vastly improving a key vista that greets every traveller along I-90.

Crown Castle understands that this proposal may only be approved if the proposal meets Criteria A, B, and C of Article 17.09.220, Special Use Permit Criteria. This narrative intends to illustrate:

- A. that this proposal is in conformance with the City's 2007 Comprehensive Plan;
- B. that the design and planning of this site are compatible with the location, setting and existing uses on adjacent properties; and
- C. that this development will be adequately served by existing streets, public facilities and services.

The City of Coeur d'Alene's 2007 Land Use Base Map designates this area as a Transition Area, an area that is evolving and should be developed with care. It is an area where the general land use is expected to change within the next 15 years. This application and supporting landscape plan is an example of careful and deliberate planning in an area that will see transition during the life of the Comp Plan.

The Comp Plan Land Use designation for this site is Historical Heart Tomorrow. Historical Heart Tomorrow has been established to allow increased density in harmony with long established neighborhoods. It is the intent of this designation that I-90 and Sherman Avenue be recognized as gateways that offer a welcoming atmosphere into Coeur d'Alene. The granting of this Special Use Permit supports that designation in two ways:

1. It totally eliminates the negative visual impact that now greets every westbound traveler on I-90; and
2. It allows for the placement of public green space in an area where none now exists.

This designation also encourages growth that strengthens existing public open space. The area of 23rd and Mullan has long been used as a starting and a mid-point for many foot races held each year in Coeur d'Alene. The cul de sac at the end of 23rd Street acts as a staging area for smaller annual races, such as the Hangover Handicap on New Year's Day, and is a part of the course for many larger runs, such as Ironman and the CDA Half and Full Marathons. This proposal will offer a landscaped resting place in a well-used race area of the Centennial Trail; an area that is currently in dire need of one.

The Historical Heart Tomorrow designation also encourages both an increase in and the retention of street trees. This proposal promises just that. Crown Castle will retain 3 of 4 existing mature trees on the site while adding four more medium sized blossoming trees that will replace a dilapidated fence that now lines 23rd Street. In addition to the trees, 32 - five gallon sized yews will be planted around the siting area, outside of the sight obscuring fence, in order to provide a vegetative backdrop to the newly planted green space.

Historical Heart Tomorrow is also characterized as a neighborhood where infill regulations provide an opportunity and an incentive for redevelopment and mixed use development- exactly what this Special Use Permit proposes.

In addition to the Historical Heart Tomorrow designation, this proposal is also in conformance with the City's 2007 Comprehensive Plan in that it meets the following applicable Goals and Objectives of the Plan:

Goal #1 Natural Environment

Objective 1.05 Vistas

Protect key vistas and view corridors of the hillsides and waterfronts that make Coeur d'Alene unique.

The relocation of this cell tower will open up views of Best Mountain, a designated hillside landmark, to all who live, work and recreate in Coeur d'Alene. Refer to Exhibit A.

Objective 1.06 Urban Forests

Enforce minimal tree removal, substantial tree replacement and suppress topping trees for new and existing development.

This proposal minimizes tree removal by leaving 3 of 4 existing, mature trees and adds four new medium sized flowering trees to the site. The proposed trees are of a species that will not require topping.

Objective 1.07 Urban Forests

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

The Subject Site, home to the Holiday Motel, has four mature trees on site. All four encroach into in the right of way on 23rd Street. Three of the four will be maintained thereby restricting tree removal within the right of way. Four flowering Trinity Pear trees, a minimum of 1.5" caliper each, will be planted to enhance the site. Grass and shrubbery will complete the finished look. Refer to Exhibit B.

Objective 1.08 Forests & Natural Habitats

Preserve native tree cover and natural vegetation cover as the city's dominant characteristic.

Except for the four existing trees, the Holiday Motel site is scarcely vegetated. This proposal intends to enhance the mature trees by adding new trees, along with shrubs and grass at the site. Thirty two 5 gallon yew plants will surround the tower site and grass will be planted to provide a shady, sit-down area for Centennial Trail users.

Objective 1.09 Parks

Provide an ample supply of urbanized open space in the form of squares, beaches, greens and parks whose frequent use is encouraged by placement, design and access.

The grassy, treed area on the west side of this proposed project will provide 3300 square feet of newly created urbanized open space in the form of a green belt whose placement and design will provide relief for Centennial Trail pedestrians and bicyclists.

Objective 1.10 Hillside Protection

Protect the natural and topographic character, identity, and aesthetic quality of hillsides.

Best Hill has been recognized as a Unique Are of Coeur d'Alene Requiring Unique Planning and as such it is subject to specific regulations. Allowing the relocation of the existing tower will comply with this Objective by opening up the view of Best Hill for residents and tourists alike.

Approval of this request supports the Comp Plan's statement that, "The protection of hillsides is particularly important to the community because of their panoramic prominence". The intent of the City's Hillside Ordinance is to preserve the visual asset the hillsides represent to the entire community.

In fact the City adopted the policy of protecting the visual beauty of all hillsides in the CDA area by encouraging developers to work hand in hand in a cooperative effort with the City to accomplish these public goals. My request before you is just that.

Objective 1.11 Community Design

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

The landscape plan attached to this application adheres strictly to the City's design standards. We've sought to include input from the City's Urban Forester, to ensure a plan

that will best suit this location. Providing a rest stop for Centennial Trail users supports Objective 1.11 with its concern for urban design and pedestrian access.

Objective 1.12 Community Design

Support the enhancement of existing urbanized areas and discourage sprawl.

Adding a cell tower to a site that is already developed makes good sense. It is a practical use of urban space and discourages sprawl.

Objective 1.14 Efficiency

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

Relocating a tower rather than constructing a new one in a new neighborhood promotes the efficient use of existing infrastructure. Undeveloped areas of the city can thereby be developed with new projects that make the most of the space available. Keeping the tower within its neighborhood is more reasonable than attempting to introduce it into a new neighborhood.

Objective 1.16

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

The addition of green space with tree and shrub cover promotes and enhances bicycle and pedestrian connectivity within the Centennial Trail system.

Objective 1.18 Night Sky

Minimize glare, obtrusive light and light pollution sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary.

There will be no outside lights on the tower. Towers 120 feet high are not subject to FAA lighting standards. The only lighting on site will be security lighting consisting of one, low intensity, downward directed and shielded dusk to dawn light on the equipment shelter. The light will meet the standards of the International Dark Sky Association. Examples are shown in Exhibit C.

Goal #2 Economic Environment

Objective 2.01 Business Image & Diversity

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

The current property owner of the Holiday Motel seeks to lease space to Crown Castle in an effort to generate additional revenue to supplement his current business income. The approval of this request will allow him to receive additional monies to support his struggling business. The new property owner at the current site does not appear to be interested in further economic gain received by leasing the space to Crown Castle.

This request supports the objective for a diverse mix of businesses and service industries and seeks to protect surrounding uses from encroachment. In exchange for permission to relocate, Crown Castle has offered to improve not only the aesthetics of the tower itself but the area surrounding that tower by introducing a new landscaped area in an urban environment.

Infrastructure is the underlying foundation and basic framework of a city. Balancing infrastructure needs while protecting streetscapes and view corridors is the job of Site Development Standards. The landscape plan for this proposal exceeds the City's requirements for landscaping standards for the zone and the use.

Goal #3 Home Environment

Objective 3.05 Neighborhoods

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

This neighborhood is a balance of commercial, high density residential and industrial uses. The cell tower exists there now. Moving it to a new site 600 feet to the south does not alter the neighborhood except that the siting of the tower will become more in compliance with the City's Comp Plan, the Historical Heart Tomorrow designation, the East Sherman Gateway zone and the City's Site Design Standard Guidelines for all of the reason stated thus far..

Objective 3.06 Neighborhoods

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

This proposal seeks to place the cell tower and equipment area along the back lot line of the property, adjacent to the alleyway.

Objective 3.16 Capital Improvements

Ensure infrastructure and essential services are available for properties in development.

Adequate wireless communication coverage is imperative for public, private and emergency responders' needs. Relocating this tower brings it closer to the one mile radius line of the next tower thereby ensuring no loss of coverage for persons moving from zone to zone.

Goal #4 Administrative Environment

Objective 4.06 Public Participation

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

This request has met all requirements for public notification. I made contact with the one property owner in the area that had been opposed to this request the first time around in an attempt to answer questions or alleviate concerns.

In addition to complying with the Zoning Ordinance and the 2007 Comp Plan, this proposal seeks to comply with a proposed regulation that is still on the table. The East Sherman Gateway Zone (ESG), a new proposed zoning district for this area of Coeur d'Alene. The C-17 zoning would be changed to ESG zoning, a more appropriate and specific zone for this area of the City.

The intent of this district is to create a diverse and visually appealing entry into the City as you exit from I-90. As you can see by the photos submitted with this application, by moving the existing cell tower you will completely eliminate the sight of the tower, the first sight that greets travelers coming from the east on I-90. The relocate also supports the City's Hillside Ordinance by opening up the view of Best Hill which is now impeded by the tower in its current location.

The 2nd intent of the East Sherman Gateway zone is to encourage infill development and enhance streetscapes. The Comp Plan defines infill development as the process of developing vacant or redeveloping underused parcels within existing urban areas. The improvement of the Holiday Motel site with the additional landscaping, the addition of green space, the removal of a dilapidated fence that now encroaches 20 feet into the public right of way, and the preservation of existing mature trees, all support the intent of the East Sherman Gateway zone, even though it has yet to be adopted by the City.


In addition to conformance with the Objectives and Goals of the City's 2007 Comp Plan and the East Sherman Gateway proposed plan, the Zoning Ordinance states that a Special Use Permit may only be approved if the design and planning of the site are compatible with the location, the setting, and the existing uses on adjacent properties. Photos of the current site and the adjacent properties indicate the compatibility of like community uses. Michael D's Restaurant is directly north of this site, the Holiday Motel which is the site itself, the cemetery to the west and an apartment building to the south all surround this site. The Centennial Trail bisects this area. A large, busy gas station sits directly east of this site and beyond that the freeway. The neighborhood is a mix of commercial and community uses. The addition of a necessary city service is well situated in this neighborhood, especially one that seeks to improve the site and offer community benefits. This cell tower is simply being moved 600 feet. It does not change neighborhoods and seeks to improve the one it's located in.

The appearance of the tower has been designed to be compatible with the surrounding neighborhood. Its architectural style has been updated, the equipment on site has been compacted to fit neatly within a site obscuring fence, and landscaping will be added to enhance the current site. International Dark Sky Lighting Standards will be employed to ensure no light pollution will result from the relocation of the tower.

Lastly, the Zoning Ordinance requires under Article 17.09.220B8C that the development be adequately served by existing streets, public facilities and services. The Holiday Motel is currently served by existing streets, public facilities and services and the addition of a cell tower will not increase the need for public services. The public services needed to serve the tower now are the same services that will be used to serve the tower in its new location.

It is imperative that dependable, continuous telecommunication coverage be afforded to downtown residents, business owners and emergency responders. Crown Castle must relocate their existing cell tower. All attempts to negotiate a new long term lease with the new property owner at their existing site have failed. Essential city services will be impacted if Crown Castle cannot find a site in the immediate area. This site is one of 12 that have been attempted as shown on Exhibit D. By allowing the relocation of this existing tower to the Holiday Motel site, the City will have not only have improved a key visual corridor, it will have added a resting place in a popular recreation area.

This request supports the goals and objectives of the City's Comp Plan, the Historical Heart Tomorrow designation, the Hillside Ordinance, and meets all criteria of the City's Zoning Ordinance, more particularly the Special Use Permit process. Most importantly it supports the City's need for continuous, dependable wireless communication. I ask that you approve Crown Castle's request to relocate a Wireless Communication Facility to a site that will better serve the residents and guests of the City of Coeur d'Alene. Thank you for your consideration of this request.



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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, 2012, and there being present a person requesting approval of ITEM: SP-9-12, a request for a Wireless Telecommunications Special Use Permit in the C-17 zoning district.

APPLICANT: CROWN CASTLE c/o VERDIS (SANDY YOUNG)

LOCATION: A +/- 0.44 ACRE PARCEL ON THE NORTHWEST CORNER OF MULLAN AVE
AND COEUR D'ALENE LAKE DRIVE

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

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

- B1. That the existing land uses are Residential, Commercial and vacant property.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is C-17 (Commercial at 17 units/acre).
- B4. That the notice of public hearing was published on, April 21, 2012, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on April 30, 2012, which fulfills the proper legal requirement.
- B6. That 10 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on April 20, 2012.
- B7. That public testimony was heard on May 8, 2012.
- 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 **CROWN CASTLE c/o VERDIS (SANDY YOUNG)** for a special use permit, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

PLANNING:

1. To ensure compliance with 17.08.825 H.2 the applicant must remove the existing tower along Sherman Ave if/when a building permit or site development application is approved by for the new location according to code.
2. Must adhere to the site and landscaping plans.

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Soumas	Voted _____
Commissioner Haneline	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN