

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

SEPTEMBER 8, 2009

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

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

5:30 P.M. CALL TO ORDER:

ROLL CALL: Jordan, Bowlby, Evans, Luttrupp, Messina, Rasor, Soumas

PLEDGE OF ALLIGANCE:

APPROVAL OF MINUTES:

July 14, 2009

PUBLIC COMMENTS:

COMMISSION COMMENTS:

STAFF COMMENTS:

ADMINISTRATIVE ITEMS:

1. Applicant: Bellerive Investments, LLC
Location: Replat of Lot 1, Block 3 of Bellerive Second Addition
Request: A requested 2-lot preliminary plat "Bellerive Third Addition"
SHORT PLAT, (SS-8-09)

2. Applicant: Blackrock
Request: Interpretation of PUD-1-04
ADMINISTRATIVE, (I-2-09)

PUBLIC HEARINGS:

1. Applicant: Clay Folda/Wild West Log Furniture
Location: 400 W. Clayton
Request: A custom manufacturing special use permit
In the C-17 zoning district
QUASI-JUDICIAL, (SP-4-09)

2. Applicant: Brad W. Baldwin
Location: 521 W. Emma Avenue
Request: A proposed zone change from R-12 (Residential @ 12 units/acre)
To C-17L (Commercial Limited)
QUASI-JUDICIAL, (ZC-4-09)

ADJOURNMENT/CONTINUATION:

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

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



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**PLANNING COMMISSION
MINUTES
JULY 14, 2009
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT

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

STAFF MEMBERS PRESENT

John Stamsos, Senior Planner
Shana Stuhlmiller, Public Hearing Assistant
Warren Wilson, Deputy City Attorney
Chris Bates, Engineering Services Project Manager

COMMISSIONERS ABSENT

None

CALL TO ORDER

The meeting was called to order by Chairman Jordan at 12:00 p.m.

COMMISSION COMMENTS:

None

STAFF COMMENTS:

Chairman Jordan announced there was a workshop held last week with area architects and staff to discuss proposed changes to the C-17 design guidelines. Planning Director Yadon stated that after the meeting, the Planning Commission decided they wanted to schedule another workshop, and he suggested Tuesday, August 11th for that workshop.

Chairman Jordan suggested that the workshop begin at 11:30 rather than 12:00.

The Commission concurred and directed staff to schedule that workshop.

PUBLIC COMMENTS:

None

ADMINISTRATIVE ITEMS:

1. Applicant: Todd Sankovich
Location: 4211 Shoreview Lane
Request: A proposed 2-lot preliminary plat "Erika's Addition"
SHORT PLAT (SS-6-09)

Project Manager Bates presented the staff report and then asked if the Commission had any questions.

The Commission did not have any questions for staff.

Motion by Luttropp, seconded by Soumas, to approve item SS-6-09. Motion approved.

2. Applicant: Creekside Construction, Brent Baldwin
Location: 2190 E. Stanley Hill Road
Request: A proposed 2-lot preliminary plat "Lily Tracts"
SHORT PLAT (SS-7-09)

Project Manager Bates presented the staff report and then asked if the Commission had any questions.

The Commission did not have any questions for staff.

Motion by Razor, seconded by Messina, to approve item SS-7-09. Motion approved.

3. Applicant: Blackrock
Request: Interpretation of PUD-1-04
ADMINISTRATIVE (I-1-09)

Senior Planner Stamsos presented the staff report and answered questions from the Commission.

Commissioner Luttropp inquired how many structures will be replaced if this parking lot is approved.

Senior Planner Stamsos answered that only one will be replaced, located on the west side of Bellerive Drive.

Commissioner Luttorpp inquired if there is a time line to submit changes to the existing PUD if this request is approved.

Senior Planner Stamsos commented that there is not a time line given, but added from talking with the applicant, that they hope to submit the changes by the end of the year.

Commissioner Bowlby noted that the language in the original PUD states that stacked flats are to be placed above the underground parking garage, and questioned if the applicant is requesting only to do surface parking, omitting the buildings.

Kyle Capps, applicant representative, commented that the client needs 30 additional parking spaces before the city will approve his project. He explained that the design of the parking lot will look similar to the existing parking lot located on the west side of Beebe Boulevard. He added that the applicant is aware of the existing conditions stated in the original PUD, but until the market improves, constructing a building on the site will be put on hold.

Commissioner Messina commented that he is aware how the economy has impacted many projects in the

city, but is concerned that the other owners in the this building will not be aware of these changes and hopes the applicant has plans to inform them, if this request is approved.

Katherine McKinley, legal representative for Blackrock, explained that they are still in negotiations with the buyer and aware they will have to honor the original PUD. She added that if the request is approved, they plan to inform the existing neighbors of the upcoming plans. She commented that they are sensitive to the existing homeowner's feelings, but feels that this project will be a win/win for everyone, if approved.

Commissioner Luttrupp questioned why the applicant does not wait until the original PUD is amended before starting his project.

Ms. McKinley explained the city will not approve the applicant's request until parking for this project is resolved. She stated that the applicant is aware of the conditions in the original PUD and until that happens; they will not know what those amendments will look like based on the current economic situation. She added that the buyer for the property promises to be a long-term tenant able to provide additional parking to help not only Bellerive, but also Riverstone.

Commissioner Messina questioned why the buyer purchased the entire lot when all that was required is thirty parking spaces.

Mr. Capps explained that they purchased the entire lot so in the future, should they decide to expand, will have plenty of parking and not have parking scattered in different areas around the development.

Leo Notar, applicant representative commented that by approving this request, it will provide his client the ability to move forward with this project and provide business to this area. Answering a question stated from Commissioner Messina why the buyer wanted to purchase the entire property, he replied it is because the buyer is also a developer who intends to help develop future projects in this area.

Commissioner Messina inquired when the applicant is ready to amend the PUD and questioned, if this request is approved, how the existing homeowners will be notified of these proposed changes.

Ms. McKinnley commented that they intend to hold a public meeting to inform the existing homeowners of the changes proposed in the PUD.

Mr. Capps commented that he is surprised that this approval had to go to Planning Commission for an interpretation when the other parking lot on the eastside of Beebe Boulevard was approved by staff.

Commissioner Rasor inquired how long the applicant has if this request is approved for the applicant to submit amendments to the PUD for approval.

Senior Planner Stamsos commented that there is not a deadline to submit changes to the PUD and referenced Coeur d'Alene Place as having done many phases before they submitted amendments to their final PUD.

Commissioner Luttrupp inquired why the applicant does not submit those amendments to the PUD before this request is granted.

Ms. McKinnely commented that this would be a hardship on the client who needs the approval now so he can go ahead with his plans and open his business.

Paul Bielec commented that his buyer has looked all over the city for the perfect spot and by approving the additional parking necessary for this project; it will allow his client to move forward and secure a long-term tenant. He added that they do intend to put a building on the lot, but not until the market has improved.

Chairman Jordan commented that by placing a parking lot on the vacant lot will help improve the appearance of the lot which is covered in weeds.

Mr. Capp explained that the buyer is requesting to use the west 450 feet of the lot.

Commissioner Messina commented that he would approve this request with the condition attached for the use of only the west 450 feet of Lot 1, Block 3, of the Bellerive 2nd Addition.

The Commission concurred.

Motion by Razor, seconded by Soumas, to approve Item I-1-09. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

ADJOURNMENT:

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

The meeting was adjourned at 6:30 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



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TO: Planning Commission
FROM: Christopher H. Bates, Engineering Project Manager
DATE: September 8, 2009
SUBJECT: **SS-8-09, Bellerive Third Addition**

DECISION POINT

Approve or deny the applicant's request for a two (2) lot subdivision in a C-17 Commercial PUD zone.

GENERAL INFORMATION

1. Applicant: Bellerive Investments, LLC
PO Box 3070
Coeur d'Alene, ID 83816
2. Request: Approval of a two (2) lot subdivision in a C-17 Commercial PUD zone.
 - a. Lot 1 – 1.33 acres
 - b. Lot 2 – 3.32 acres
3. Location: Northerly side of Bellerive Lane, lying east of Beebe Boulevard.

PERFORMANCE ANALYSIS

1. Zoning: Existing zoning for the subject property is C-17 PUD, which is intended to permit the development of tracts of land in the C-17 zone while allowing comprehensive planning and flexibility in the application of certain regulations, in a manner consistent with the general purpose of the zoning ordinance.
2. Land Use: The subject property is vacant.
3. Infrastructure: Utilities, Streets, & Storm Water Facilities

Utilities: Sewer & Water

The subject property has access to both sewer & water utility mains in Bellerive Lane. Utility lateral services are existing to the subject property.

Streets: Bellerive Lane adjoining the subject property is a fully developed street section. The street, which was modified through the PUD process is a private roadway and under the jurisdiction of the Bellerive Homeowners Association.

Fire: Fire suppression facilities were previously installed during construction of the infrastructure for the underlying development.

Storm Water: Drainage for Bellerive Lane is managed by constructed grassed infiltration basins along the roadway.

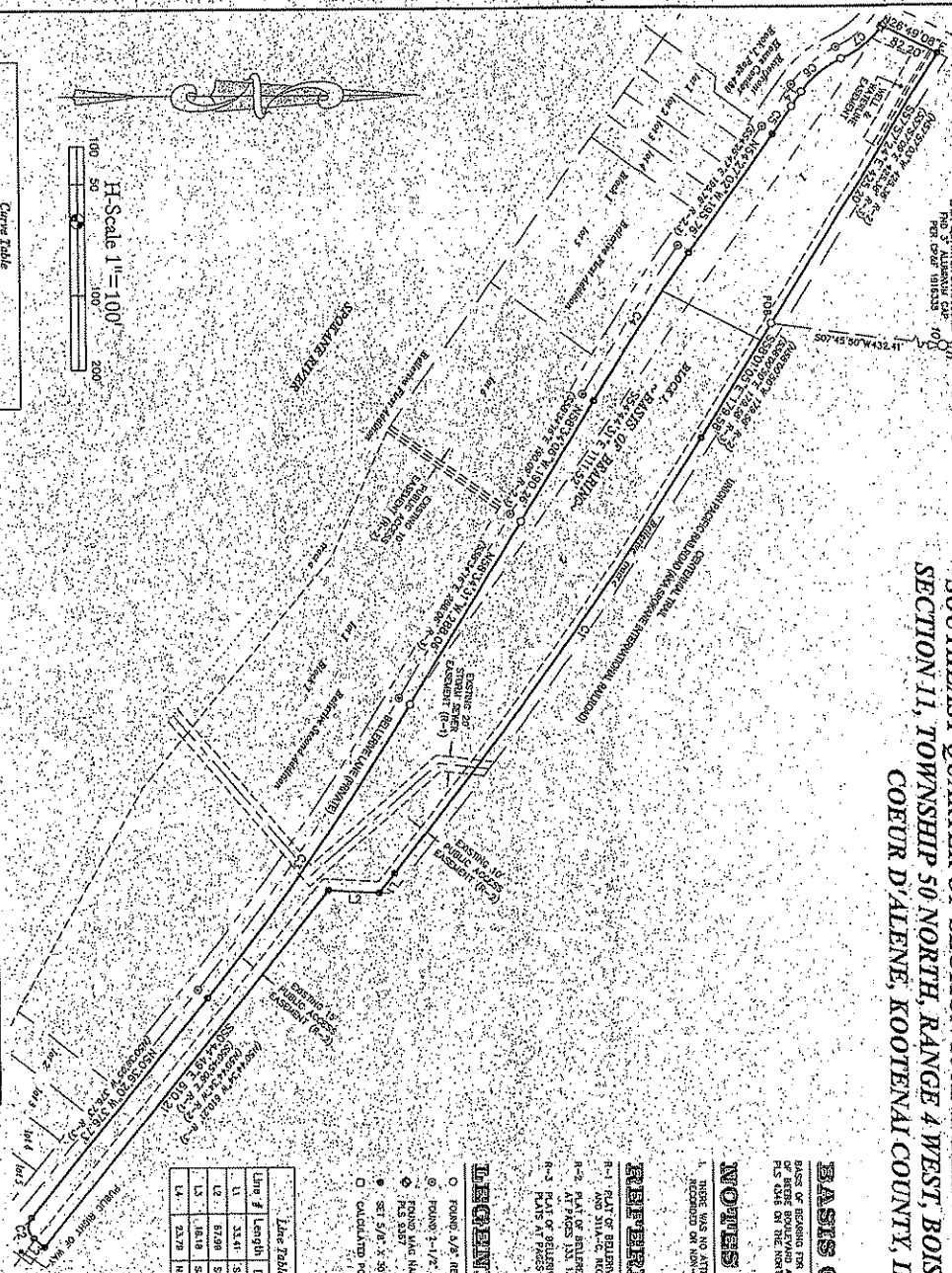
Proposed Conditions: None

DECISION POINT RECOMMENDATION

Approve the proposed subdivision plat in its submitted configuration.

BELLEVUE TERRID ADDITION

REPLAT OF LOT 1, BLOCK 3 OF BELLEVUE SECOND ADDITION LYING IN THE
SOUTHEAST QUARTER OF SECTION 10 AND THE SOUTHWEST QUARTER OF
SECTION 11, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF
COEUR D'ALENE, KOOTENAI COUNTY, IDAHO



Curve Table

Curve #	Length	Radius	Delta	Chord	Chord-Direction	Curve #	Length	Radius	Delta	Chord	Chord-Direction
01	713.37	5084.58	007°12'37"	714.80	S84°31'37"E	(R-2)	714.81	5084.58	007°12'37"	714.80	S84°31'37"E
02	31.41	26.02	007°00'00"	26.38	S84°33'00"W	(R-3)	31.42	26.02	007°00'00"	26.38	S84°33'00"W
03	428.40	3466.81	007°58'18"	432.02	N84°52'58"W	(R-3)	428.41	3466.81	007°58'18"	432.02	N84°52'58"W
04	238.18	3983.37	009°05'39"	242.13	N85°10'19"W	(R-3)	238.19	3983.37	009°05'39"	242.13	N85°10'19"W
05	44.83	3447.25	001°03'07"	44.83	N84°58'37"W	(R-12)	44.83	3447.25	001°03'07"	44.83	N84°58'37"W
06	70.30	133.00	020°18'38"	81.46	N87°19'17"W	(R-12)	70.30	133.00	020°18'38"	81.46	N87°19'17"W
07	70.33	143.50	020°07'34"	81.89	N87°05'57"W	(R-1)	70.33	143.50	020°07'34"	81.89	N87°05'57"W

LEGEND

- FOUND 5/8" IRON WITH BRONZE PLASTIC CAP MARKED PLS 418
- FOUND 1-1/2" ALUMINUM CAP MARKED PLS 318
- FOUND IRON NAIL, REPAIRED 01-5/8" x 30" NAIL WITH YELLOW PLASTIC CAP MARKED PLS 338
- SET 3/8" x 30" IRON WITH YELLOW PLASTIC CAP MARKED W/ PLS 338
- CALCULATED POINT, WORKING FROM SET

REFERENCES

- P-1 PLAT OF BELLEVUE TERRID ADDITION BY GARY E. STOKER, PLS 418, FILED IN BOOK 1 OF PLATS AT PAGES 311 AND 312, RECORDS OF KOOTENAI COUNTY.
- P-2 PLAT OF BELLEVUE TERRID ADDITION BY GARY E. STOKER, PLS 346, FILED IN BOOK 6 OF PLATS AT PAGES 111, 112, 113, 114, RECORDS OF KOOTENAI COUNTY.
- P-3 PLAT OF BELLEVUE SECOND ADDITION BY GARY E. STOKER, PLS 418, FILED IN BOOK 6 OF PLATS AT PAGES 184, 185, 186, RECORDS OF KOOTENAI COUNTY.

NOTES

- NOTE: THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF IDAHO AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, KOOTENAI COUNTY, IDAHO.
- NOTE: THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF IDAHO AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, KOOTENAI COUNTY, IDAHO.

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS 55°44'41" FROM A FUND IRON NAIL AT THE INTERSECTION OF 5TH BOWLING AND BELLEVUE LANE AND A 5/8" IRON NAIL WITH BRONZE PLASTIC CAP MARKED PLS 418 ON THE NORTHWEST CORNER OF LOT 1, BLOCK 3 OF BELLEVUE TERRID ADDITION.



1284 Bellevue Ave., Ste. A
 Paul P. Kelly, Idaho State
 Board of Surveying and Mapping
 Boise, Idaho 83725
 FAX (208) 775-1118

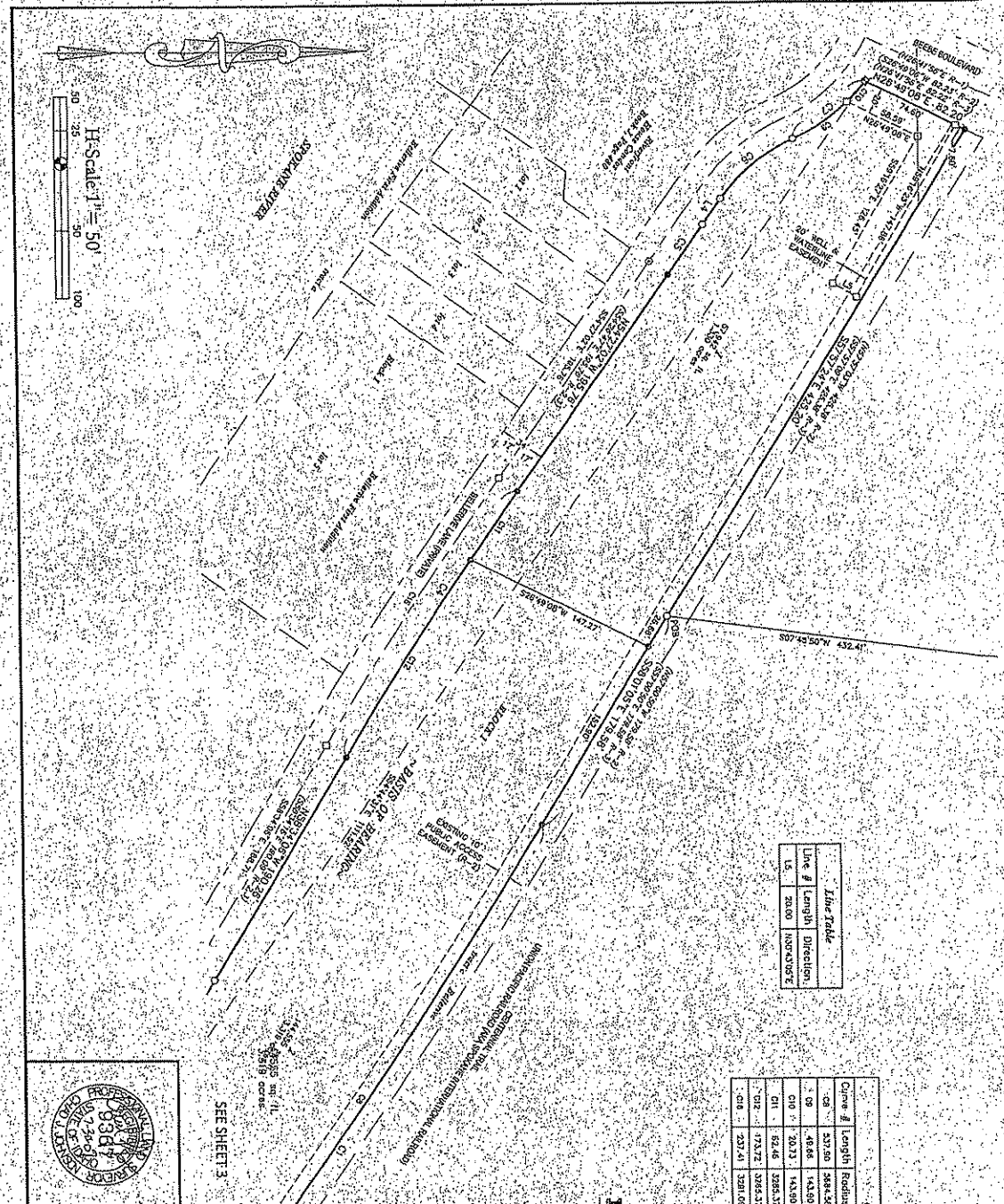
GARY E. STOKER
 LICENSED SURVEYOR
 LICENSE NO. 9386
 CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

DATE: 07/26/09
 DRAWN BY: JAV/PAV/FRV/LJ/DIG
 CHECKED BY: GCS
 SCALE: 1" = 100'
 SHEET 1 OF 5

SS-8-09

BELLEVUE THIRD ADDITION

REPLAT OF LOT 1, BLOCK 3 OF BELLEVUE SECOND ADDITION LYING IN THE SOUTHEAST QUARTER OF SECTION 10 AND THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO



Line Table

Line #	Length	Direction
15	20.00	N60°43'02"E

Curve Table

Curve #	Length	Radius	Delta	Chord	Chord Direction
01	337.50	8884.38	60°23'18"	537.70	N85°17'17"W
02	46.84	143.80	108°48'11"	66.41	N153°19'16"E
03	20.13	143.80	108°15'50"	28.12	N46°03'03"W
04	82.16	3282.37	60°15'50"	82.06	S5°49'35"E
012	173.72	3282.37	60°07'14"	173.29	S3°03'54"E
016	233.41	1281.08	60°07'59"	237.25	S8°51'07"E

LEGEND

- FOUND 5/8" REBAR WITH GROUT; PLASTIC CAP JACKETED PER 8357
- FOUND 2-1/2" ALUMINUM PIPE JACKETED PER 8358
- FOUND FLAG MAIL BOX LOCATED BY 5/8" x 3/4" REBAR WITH YELLOW PLASTIC CAP JACKETED PER 8359
- SET 5/8" x 3/4" REBAR WITH YELLOW PLASTIC CAP JACKETED PER 8357
- CALCULATED POINT, INSPECTED FOUND ON SET

CITY OF COEUR D'ALENE

1215 Fremont Ave. Ste. 2
 PO BOX 60075
 COEUR D'ALENE, IDAHO 83816
 FAX (208) 775-1114
 www.ci.coeur.d'alene.id.us

BELLEVUE THIRD ADDITION

CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

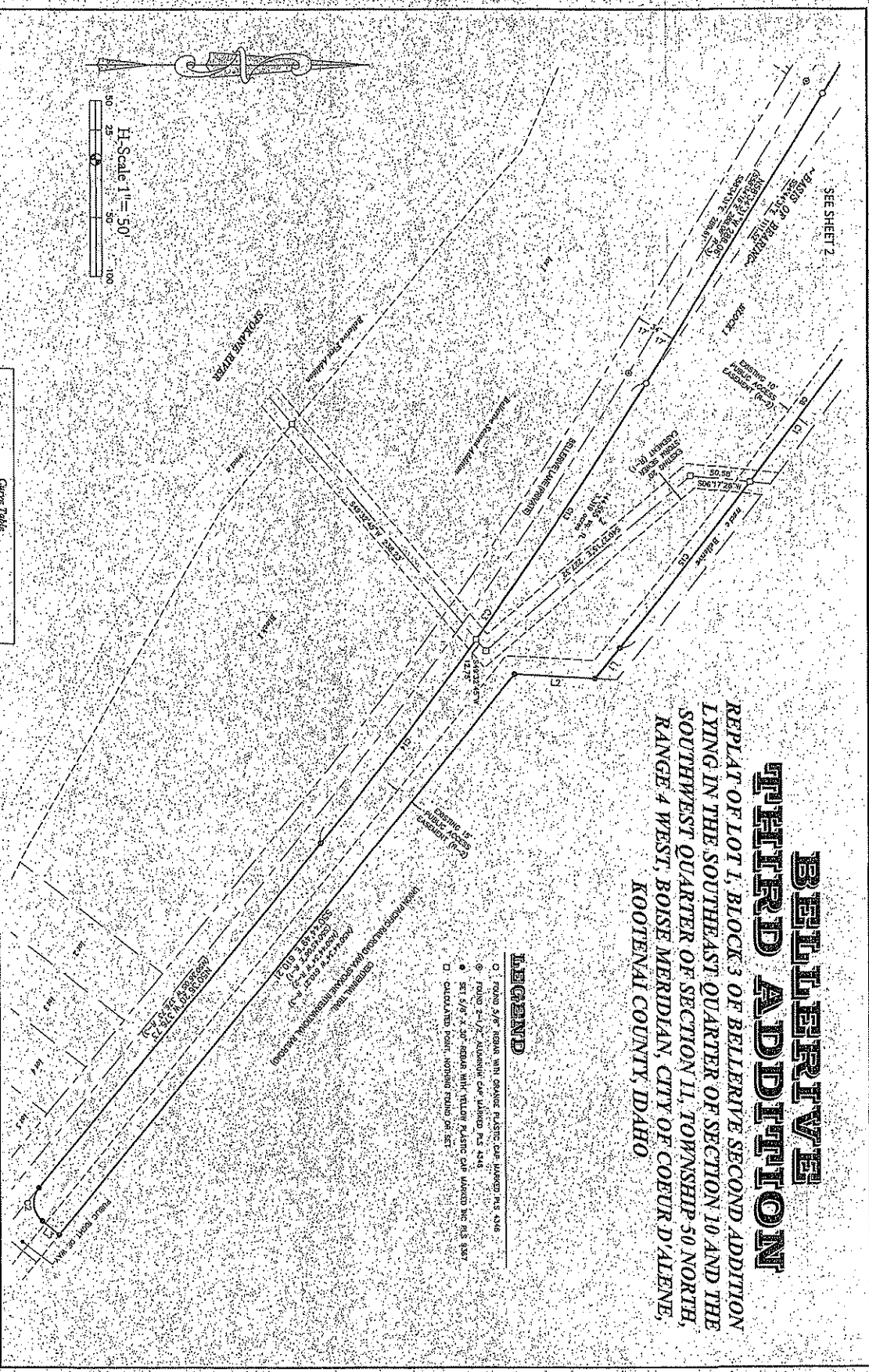
ISSUED BY: SAJ DATE: 02/26/08 JOB NAME: JENNY/PYAN/PLAT 2.DWG SHEET 2 OF 5
 DESIGNED BY: CVT ISSUED BY: SAJ JOB # 08-108

BELLEVUE THIRD ADDITION

REPLAT OF LOT 1, BLOCK 3 OF BELLEVUE SECOND ADDITION
LYING IN THE SOUTHEAST QUARTER OF SECTION 10 AND THE
SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 50 NORTH,
RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE,
KOOTENAI COUNTY, IDAHO

LEGEND

- 1" round 5/8" rebar with square plastic cap spaced per AASHTO
- ⊕ 1" round 5/8" rebar with square plastic cap spaced per AASHTO
- 3/8" x 3/8" rebar with round plastic cap spaced per AASHTO
- calculated point, nonfield found per set



Curve Table:

Curve #	Length	Radius	Delta	Chord	Chord Direction
C1	537.80	566.48	05°25'18"	537.70	N89°19'17"W
C13	288.72	348.83	04°21'18"	288.66	N89°23'58"W
C14	403.68	548.93	03°31'05"	413.65	N89°29'50"W
C15	173.47	368.33	00°47'49"	173.46	N81°28'58"W

DAVID J. JOHNSON
No. 33661
STATE OF IDAHO

BELLEVUE THIRD ADDITION
KOOTENAI COUNTY, IDAHO

1234 Bellevue Ave., Ste. 2
PO BOX 200
BOISE, IDAHO 83720
PHONE (208) 333-1111
FAX (208) 333-1112
www.bellevueidaho.com

CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

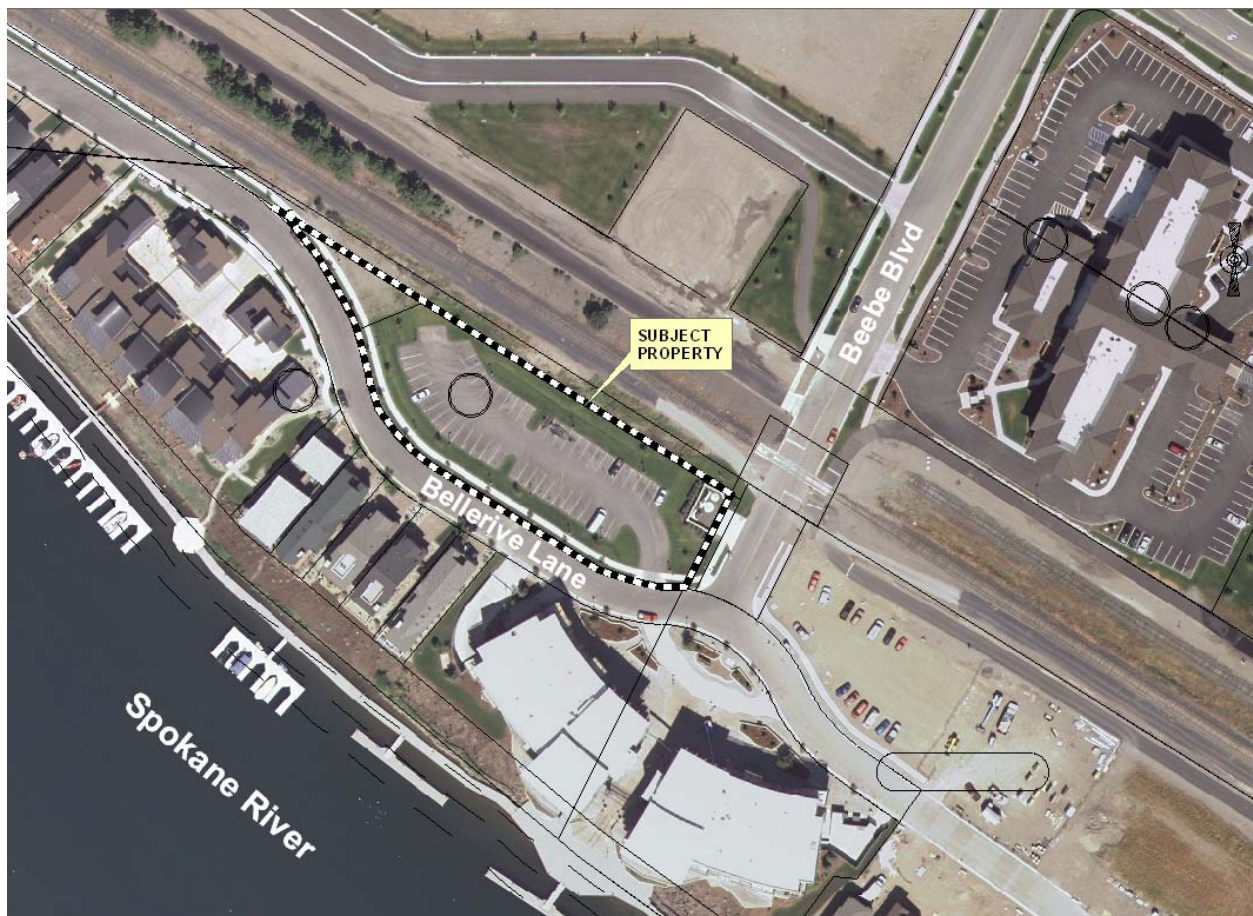
DATE: 07/20/05
SCALE: 1" = 50'
SHEET 3 OF 5

ZO-THEPRTZ-

MEMORANDUM

TO: PLANNING COMMISSION
FROM: JOHN J. STAMOS, SENIOR PLANNER
DATE: SEPTEMBER 8, 2009
APPLICANT: N.W. PROPERTIES, LLC
REQUEST: I-2-09 - INTERPRETATION OF CERTAIN LANGUAGE IN PUD-1-04M
BELLERIVE FINAL DEVELOPMENT PLAN THAT DESCRIBES PARKING IN
CONJUNCTION WITH RIVERVIEW LOFTS.

SITE PHOTOS AND MAPS:



DECISION POINT:

The applicant is requesting to be granted the flexibility to build surface parking lots first rather than a building over structured parking for Lot 1, Block1, Bellerive.

In the final development plan narrative, the following two sections are the only places where there is information on parking that would affect this request and give the vision of how the east side of Bellerive Drive is intended to develop:

- **Section 1b** (page 1) - The property is located along the Spokane River at the terminus of Beebe Boulevard. This residential community will contain a mix of high-end products that have the residential character and mix of a traditional waterfront neighborhood. A small retail component, including a restaurant, office and retail space on the plaza level, will be located at the terminus of Beebe. This commercial will support RiverWalk as well as the Riverstone entertainment and office areas. **Parking will be provided across the street and in a future garage to accommodate the commercial use.**
- **Riverview Lofts** (page 2) - are stacked flats located north of the internal street. Buildings will have the appearance of a traditional brownstone or walk-up unit. **Units are located on four floors over structured parking.** Pedestrian circulation will occur along the street side of the building.

The applicant is requesting that the Planning Commission find that the existing surface parking lot on the subject property is not a major departure from the approved final development plan.

PREVIOUS ACTION:

On July 14, 2009, The Planning Commission approved the same request for Lot 1, Block 3, Bellerive, 2nd Addition, which is across the street from the subject property on the south side of Beebe Boulevard.

PERFORMANCE ANALYSIS:

Through an administrative hearing, the Planning Commission has the authority to determine whether the request complies with the approved plan or is a major departure from the plan.

If it is found that the request **is not a major departure** from the approved development plan, the applicant would be able to build a surface parking lot in compliance with all applicable City Code requirements.

If it is found that the request **is a major departure** from the approved development plan, the applicant would have to amend the final development plan, which would require going through the public hearing process with Planning Commission approval.

DECISION POINT RECOMMENDATION:

The Planning Commission should review all evidence presented and either approve, deny or continue the item.

September 1, 2009

John Stamsos
City of Coeur d' Alene
710 Mullan Avenue
Coeur d' Alene, Idaho 83814

Dear Mr. Stamsos:

RE: Request for interpretation for "Riverwalk PUD" (PUD-1-04m).

Bellerive Investments, LLC respectfully requests administrative confirmation that the existing parking lot (Lot 1, Block 1) on the west side of Beebe Boulevard at the intersection with Bellerive Lane does not require a PUD amendment to remain in place as parking for the Riverfront House Commercial space.

Explanation:

As you may recall, we came before the Planning and Zoning Commission with this request for Lot 1, Block 3 at Bellerive on June 14, 2009. The commission approved this request for the westerly 450' of Lot 1, Block 3, but declined to rule on the same issue with respect to Lot 1, Block 1 because the matter was not properly before the Commission. City staff stated at that meeting that the Lot 1, Block 1 parking lot was constructed without the City's knowledge or approval. Our team has since reviewed our files and found approved building permit #112130-S for this parking lot located at 1979 W. Bellerive Lane, as well as the signed certificate of occupancy for this parking lot issued by the City of Coeur d'Alene building official. City staff has stated that this parking lot may not be used to meet the parking requirement of the commercial space, so we are requesting this interpretation to allow the parking to be accommodated by this existing, permitted lot in conjunction with the lot to be built on Lot 1, Block 3.

Justification:

As the Commission pointed out in the previous meeting, this request is simply a change to the phasing which allows the parking lot to be constructed before the future building. Market conditions are such that construction of additional multi family dwellings is not economically feasible at this time. This parking lot was constructed in 2007 and has been serving residents and guests at Bellerive since that time. Plans were submitted, reviewed and approved by the City building department on June 11, 2007, and a certificate of occupancy was issued not only for the parking lot, but also for the Riverfront House condominium building which relied on this parking to meet the requirements for the commercial space. Failure to now recognize this parking lot as

allowed by the PUD after occupancy was issued would be inconsistent with the City's prior actions with regard to the Riverfront House and this parking lot.

Summary:

We request that you determine that allowing the constructed, permitted parking lot to remain at the intersection of Beebe Boulevard and Bellerive Lane is not a major departure from the Riverwalk (Bellerive) PUD. This parking lot was permitted and constructed with the intent of serving the parking requirement for the Riverfront House. The occupancy permit for the building was issued with this lot providing the commercial parking space. This parking lot does not prevent later completion of the PUD as shown in the final development plan, and is in fact consistent with the intent of the PUD to provide parking for the Riverfront House commercial uses on this lot. As with our request for a parking lot on Lot 1, Block 3, we do not feel this is a major change to the PUD, but rather a minor adjustment in phasing based on current real estate and financial conditions in our market. A decision to disallow this now would cause economic injury to Bellerive Investments, would make the remaining commercial space in the Riverfront House unsellable, and would negatively impact the current residents of Bellerive. .

As always, thank you for your time and consideration and do not hesitate to contact me if you have questions or require further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kyle Capps', written in a cursive style.

Kyle Capps
VP Site Development

**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMOS, SENIOR PLANNER
DATE: SEPTEMBER 8, 2009
SUBJECT: SP-4-09 – REQUEST FOR A CUSTOM MANUFACTURING SPECIAL USE
PERMIT IN A C-17 ZONING DISTRICT
LOCATION: +/- 1.1 ACRE PARCEL

DECISION POINT:

Clay Folda dba Wild West Log Furniture is requesting approval of a Custom Manufacturing Special Use Permit in the C-17 (Commercial at 17units/acre) zoning district at 400 West Clayton Avenue. It would allow the use of a +/- 1,900 sq. ft. on-site accessory building for the manufacture of items to be sold in the retail store on the property.

SITE PHOTOS:

A. Site photo.

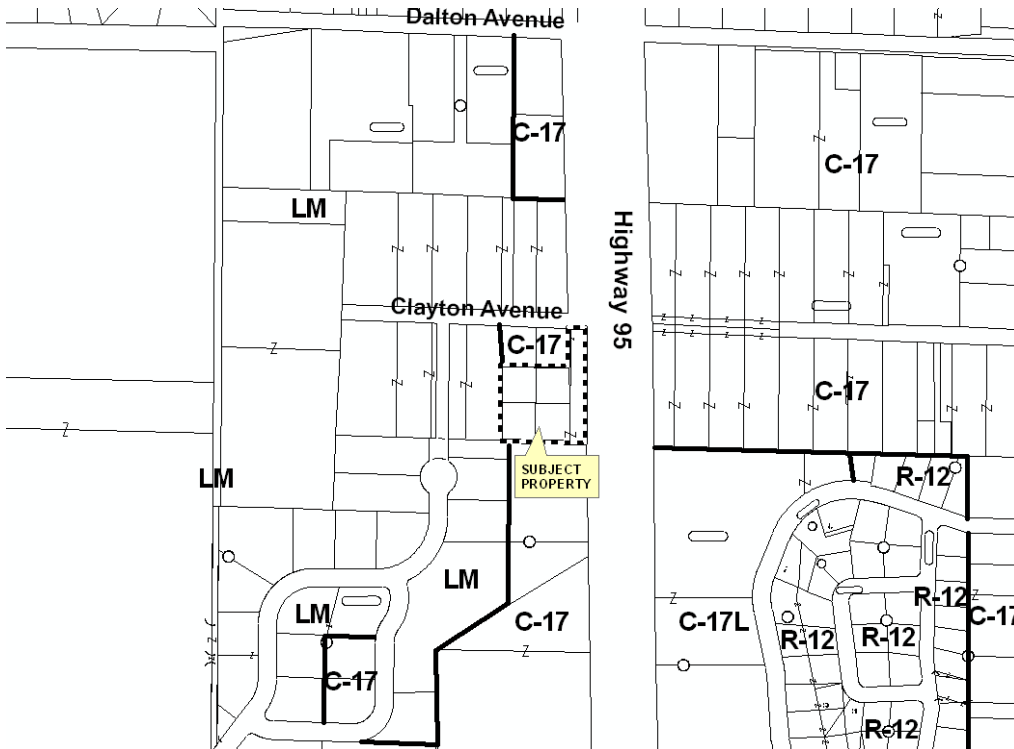


B. Looking west from Highway 95.

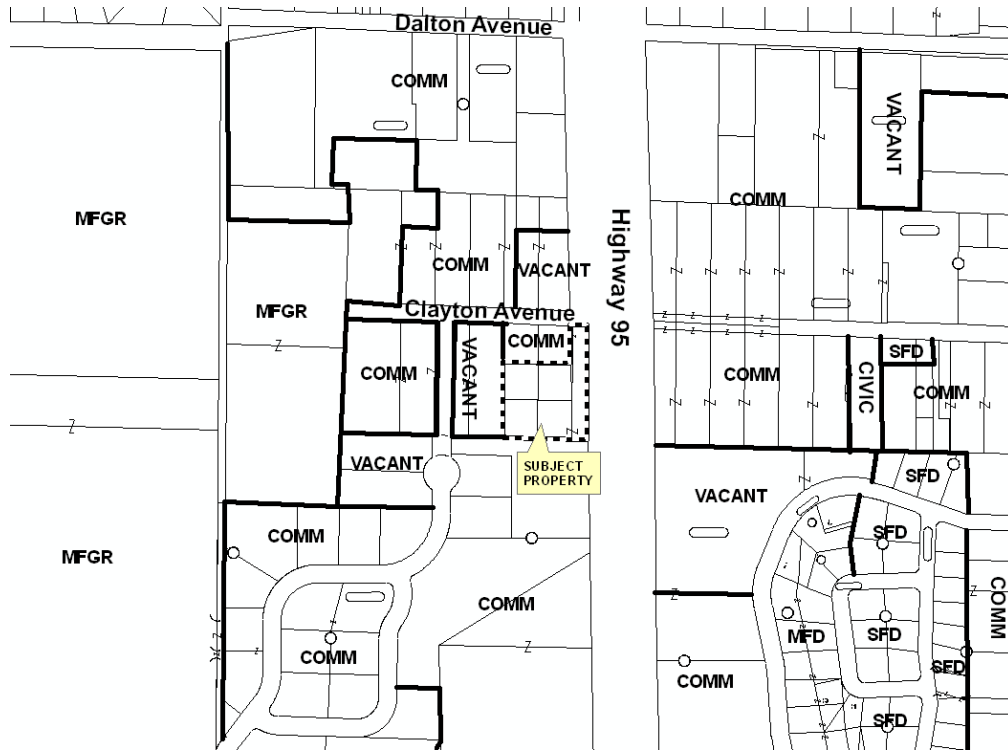


GENERAL INFORMATION:

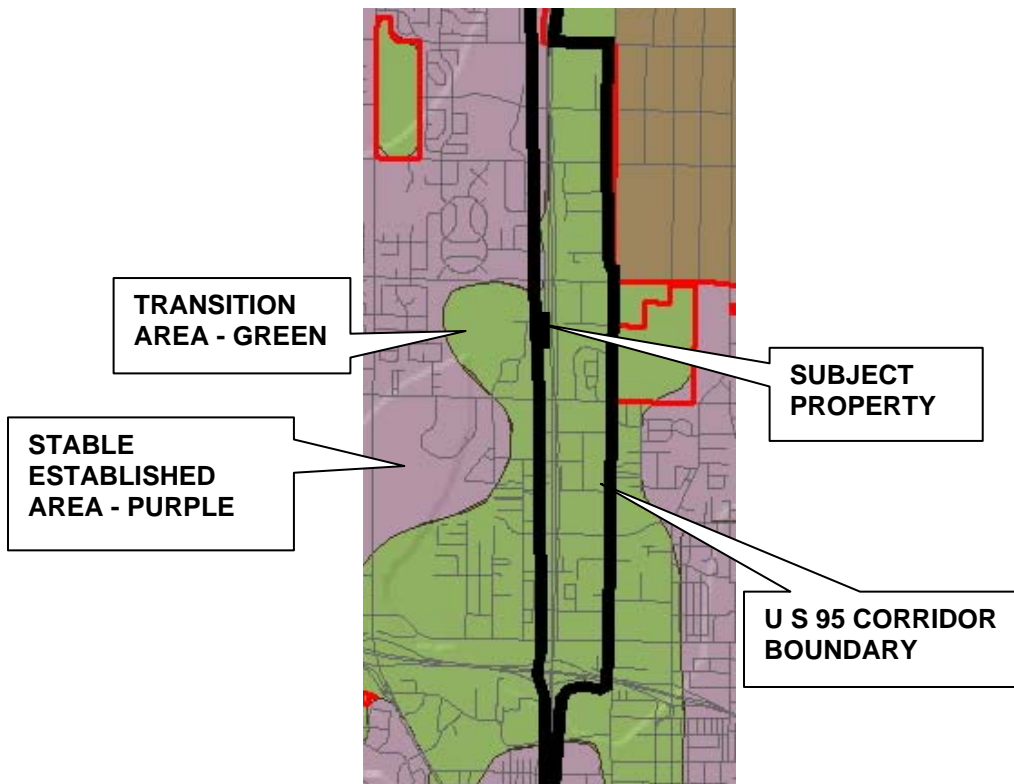
A. Existing zoning



B. Existing land use:



C. 2007 Comprehensive Plan – Transition – U. S. 95 Corridor:



D. Site plan.



E. Building elevation



F. Applicant/ Owner: Clay Folda
400 West Dalton Avenue

- G. Existing land uses in the area include commercial – Anderson lumber, Atlas Building Center commercial park, manufacturing – Coeur d'Alene Builders Supply, Interstate Concrete and vacant land.
- H. The subject property has an existing retail sales use.
- I. Zoning Ordinance:
 - 1. 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 commission:

 - A. The proposal is in conformance with the comprehensive plan.
 - B. The design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.
 - C. The location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services.
 - 2. The requested custom manufacturing activity is allowed by special use permit in an R-8 zone and is classified as a manufacturing activity under the industry activity group, as follows:

Industry activities include the on-site production of goods or materials by methods other than agricultural, including activities that are manufacturing and/or extractive in nature and include the following:

 - A. Custom Manufacturing: Activities that include the production of goods and characterized by direct sale to the consumer, typically involving the manufacture, compounding, processing, assembling, packaging, treatment or fabrication of items such as the following:
 - 1. Cameras and photographic equipment, but not film development.
 - 2. Custom clothing.
 - 3. Professional, scientific, measuring and control instruments.
 - 4. Musical instruments.
 - 5. Handicraft, art objects and jewelry.
 - 6. Printing, publishing or pattern making.
 - 7. Signmaking.
 - 8. Welding fabrication and repair.

REQUIRED FINDINGS:

- A. **Finding #B8A: THAT THIS PROPOSAL (IS) (IS NOT) IN CONFORMANCE WITH THE**

COMPREHENSIVE PLAN POLICIES.

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as Transition and in the U. S. 95 Corridor, as follows:

Transition Areas:

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

U. S. 95 Corridor:

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

The characteristics of the US 95 Corridor will be:

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

Significant policies for your consideration:

- 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 2.01 - Business Image & Diversity
Welcome and support a diverse mix of quality professional, trade, business, and service

industries, while protecting existing uses of these types from encroachment by incompatible land uses.

➤ Objective 2.02 - Economic & Workforce Development:

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry

➤ Objective 3.05 - Neighborhoods:

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

➤ Objective 3.16 - Capital Improvements:

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

➤ Objective 4.01 - City Services:

Make decisions based on the needs and desires of the citizenry.

➤ Objective 4.02 - City Services:

Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).

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

B. Finding #B8B: THE DESIGN AND PLANNING OF THE SITE (IS) (IS NOT) COMPATIBLE WITH THE LOCATION, SETTING, AND EXISTING USES ON ADJACENT PROPERTIES.

The subject property contains and existing retail sales use and will utilize an existing accessory building (See page 4) to conduct the custom manufacturing activity. This is an area of commercial, manufacturing and warehousing uses adjacent to the west side of Highway 95.

C. Finding #B8C: THE LOCATION, DESIGN, AND SIZE OF THE PROPOSAL ARE SUCH THAT THE DEVELOPMENT (WILL) (WILL NOT) BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.

WATER:

Water service is available and already existing at 400 W Clayton including fire service. Submitted by Terry Pickel, Assistant Water Superintendent

SEWER:

Public sewer exists to this lot.

Evaluation: Public sewer serving this lot is of adequate capacity to support applicant's special use permit request.

Submitted by Don Keil, Assistant Wastewater Superintendent

STORMWATER:

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

Evaluation: The subject property is fully developed and all stormwater issues were previously addressed at the time of site development.

TRAFFIC:

Traffic use on the subject property was evaluated at the time of development and found to be insignificant in relation to the impact on the adjoining streets. The primary access point to the subject property is controlled by a signalized intersection (US Hwy 95 & Dalton Ave); therefore no additional traffic improvements are required.

STREETS:

The subject property is bordered by Clayton Avenue and Park Street, adjacent to Dalton Avenue and US Hwy 95.

Evaluation: No improvements will be required for the subject property.

Submitted by Chris Bates, Engineering Project Manager

FIRE:

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

Submitted by Glenn Lauper, Deputy Fire Chief

POLICE:

The Police department was contacted and had no concerns.

Submitted by Steve Childers, Captain Police Department

- D. Evaluation: Based on the information in the record before them, The Planning Commission must determine whether or not the request conforms to the above three findings. (Use the attached findings work sheet for making your motion)

PROPOSED CONDITIONS:

None.

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.
Resolution No. 09-021 Complete Street Policy

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: Custom manufacturing

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: Special use permit for Custom Manuf.

B. Explain how your request conforms to the 2007 Comprehensive Plan;
our building is "existing" NO construction necessary. The Shop is behind our store, cannot be seen from hwy 95 and the use of the building to manufacture small pieces and small amounts of furniture, creates NO additional traffic

and or need for services

C. Explain how the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties;
Shop is behind our store - cannot be seen from 95. Also, Autobody shop is located in the back yard behind our building up to this area

D. Explain how the location, design, and size of the proposal will be adequately served by existing streets, public facilities and services;
public facilities & services already exist to the building. This is a VERY small, 1 man production shop, for our store only. No big deliveries etc.

E. Any other information that you feel is important and should be considered by the Planning Commission in making their decision. we purchased this location in July of 2007 under the assumption that manufacturing was "OK" as the previous owners, manufactured wood picture frames for resale. This is a 1 man shop, for small items, for resale in our store

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

A. INTRODUCTION

This matter having come before the Planning Commission on September 8, 2009, and there being present a person requesting approval of ITEM SP-4-09, a request for a Custom Manufacturing Special Use Permit in the C-17 (Commercial at 17units/acre) zoning district.

LOCATION: 400 West Clayton Avenue

APPLICANT: Clay Folda dba Wild West Log Furniture

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 commercial – Anderson lumber, Atlas Building Center commercial park, manufacturing – Coeur d'Alene Builders Supply, Interstate Concrete and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is C-17 (Commercial at 17units/acre)
- B4. That the notice of public hearing was published on, August 22, 2009, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on August 24, 2009, which fulfills the proper legal requirement.
- B6. That 11 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on August 21, 2009, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on September 8, 2009.

B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

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

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

Criteria to consider for B8B:

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

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

Criteria to consider B8C:

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

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of Clay Folda dba Wild West Log Furniture for a Custom Manufacturing 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 Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Soumas	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMSOS, SENIOR PLANNER
DATE: SEPTEMBER 8, 2009
SUBJECT: ZC-4-09 - ZONE CHANGE FROM R-12 TO C-17L
LOCATION: +/- 1.5 ACRE PARCEL AT THE NORTHEAST CORNER OF LINCOLN WAY AND
EMMA AVENUE

DECISION POINT:

Brad W. Baldwin is requesting approval of a Zone Change from R-12 (Residential at 12 units/acre) to the C-17L (Commercial Limited at 17 units/acre) zoning district at 521 West Emma Avenue.

SITE PHOTOS:

- A. Aerial photo

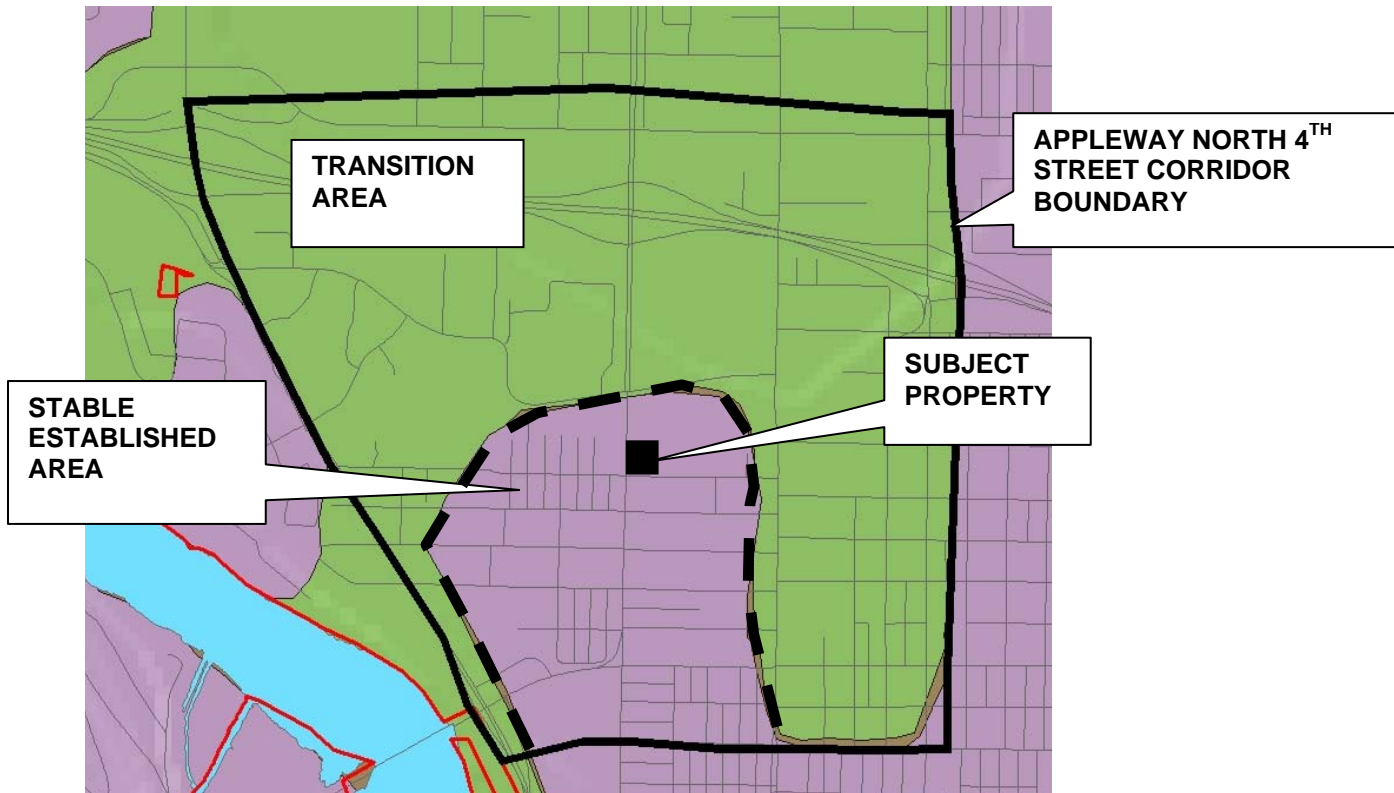


B. Subject property.

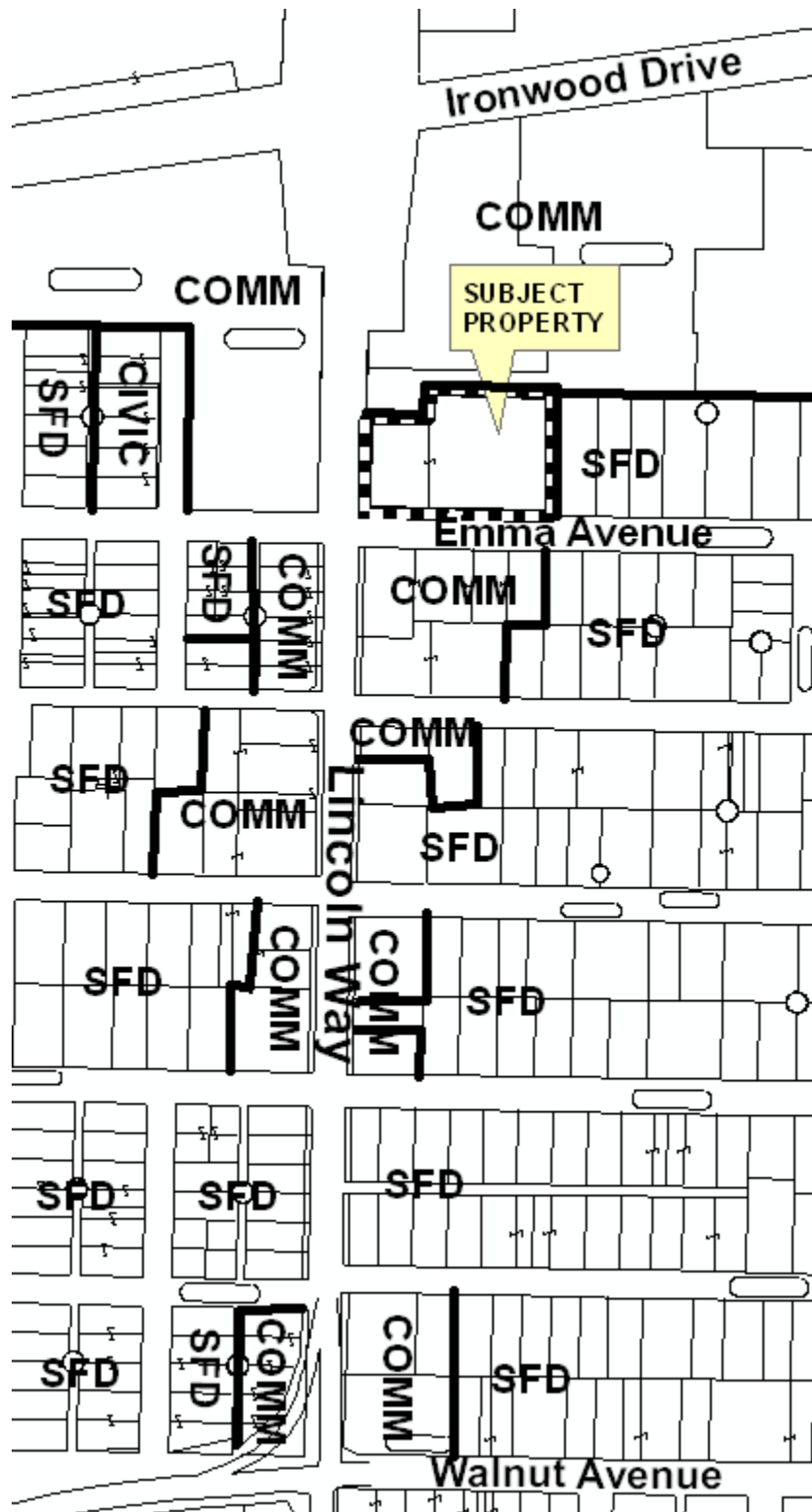


GENERAL INFORMATION:

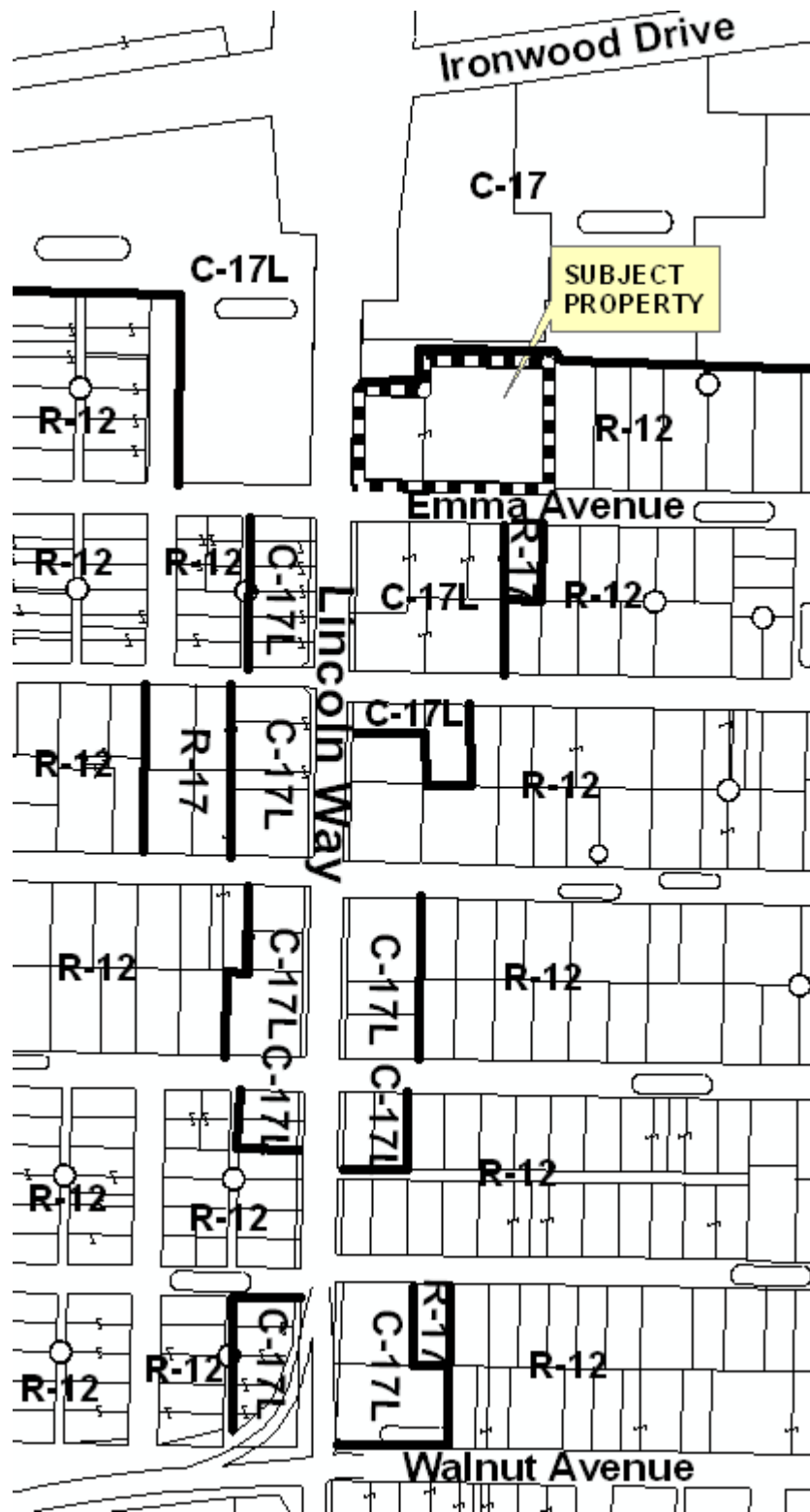
A. 2007 Comprehensive plan designation – Stable Established – Appleway North 4th Street.



B. Existing land use:



C. Existing zoning



D. Previous zone changes approved along Lincoln Way.



E. Applicant: Brad W. Baldwin
10812 North Lakeview Drive
Hayden, ID 83835

Owner: Lincoln Way Church of God, Inc.
521 West Emma Avenue
Coeur d'Alene, ID 83814

F. Land uses in the area include residential – single-family, commercial – professional office and retail sales and civic.

G. The subject property contains a church.

H. Previous zone changes approved along Lincoln Way. (See map above)

- ZC-1-82 – R-12 to C-17L
- ZC-9-84SP – R-12 to C-17L
- ZC-2-85 – R-12 to C-17L
- ZC-17-85SP – R-12 to C-17L
- ZC-23-85SP – R-12 to R-17
- ZC-11-86 – R-12 to C-17L
- ZC-20-86 – R-12 to C-17L
- ZC-9-87 – R-12 to C-17
- ZC-15-87SP – R-12 to C-17L
- ZC-9-88 – R-12 to C-17L
- ZC-10-88 – R-12 to C-17L
- ZC-6-89 – R-12 to C-17L
- ZC-7-90 – R-12 to R-17
- ZC-1-95 – R-12 to C-17L
- ZC-5-05 – R-12 to R-17

Evaluation: In looking at the development of the commercial corridor along Lincoln Way from Ironwood Drive to West Walnut Avenue, the following conclusions can be drawn:

1. The predominate zoning is C-17L, which is the zoning district intended for professional and medical offices.
2. As shown on the zoning map, the majority of parcels fronting on Lincoln Way are now zoned C-17L.
3. The predominate land use along this corridor is medical or professional offices.
4. As shown on the zoning map, there are only four areas still zoned R-12, that have frontage on Lincoln Way

I. Zoning ordinance considerations:

Purpose and intent:

The C-17L District is intended as a low density commercial and residential mix district. This District permits residential development at a density of seventeen (17) units per gross acre as specified by the R-17 District and limited service commercial businesses whose primary emphasis is on providing a personal service.

This District is suitable as a transition between residential and commercial zoned areas and should be located on designated collector streets or better for ease of access and to act as a residential buffer.

Principal permitted uses:

Single-family detached housing (as specified by the R-8 District).
Duplex housing (as specified by the R-12 District).
Cluster housing (as specified by the R-17 District).
Multiple-family (as specified by the R-17 District).
Home occupation.
Community education.
Essential service.
Community assembly.
Religious assembly.
Public recreation.
Neighborhood recreation.
Automobile parking when serving an adjacent business or apartments.
Hospitals/health care.
Professional offices.
Administrative offices.
Banks and financial establishments.
Personal service establishment.
Group dwelling-detached housing.
Handicapped or minimal care facility.
Child care facility.
Juvenile offenders facility.
Boarding house.
Nursing/convalescent/rest homes for the aged.
Rehabilitative facility.
Commercial film production.

Uses permitted by special use permit:

Convenience sales.
Food and beverage stores for off/on site consumption.
Veterinary office or clinic when completely indoors.
Commercial recreation.
Hotel/motel.
Remaining uses, not already herein permitted, of the C-17 District principal permitted uses.
Residential density of the R-34 District density as specified.
Criminal transitional facility.
Noncommercial kennel.
Commercial kennel.
Community organization.
Wireless communication facility.

Evaluation: The C-17L zone would appear to be appropriate for this location and setting. This is based on the existing zoning and land use patterns along Lincoln Way, the purpose of the C-17L zone which is intended to primarily be for professional office uses and the suitability of the C-17L zone to serve as a buffer between residential and commercial areas.

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 Area of City Impact Boundary.
2. The 2007 Comprehensive Plan Map designates the subject property as Stable Established and in the Appleway North 4th Street Area, as follows:
 - A. Stable Established:

These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots and general land use are not expected to change greatly within the planning period.
 - B. Appleway North 4th Street Area:

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.
 - C. 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.
 - D. The characteristics of Appleway - North 4th Street commercial areas 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.
3. Significant 2007 Comprehensive Plan policies:
 - Objective 1.02 - Water Quality:

Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer.
 - Objective 1.11- 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 2.01 - Business Image & Diversity:

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

➤ Objective 2.04 - Downtown & Neighborhood Service Nodes:

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

➤ Objective 3.05 - Neighborhoods:

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

➤ Objective 3.16 - Capital Improvements:

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

➤ Objective 3.18 - Transportation:

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

➤ Objective - 4.01 City Services:

Make decisions based on the needs and desires of the citizenry.

➤ Objective 4.02 - City Services:

Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).

4. Evaluation: The Planning Commission must determine, based on the information before them, whether the 2007 Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.

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

SEWER:

Public sewer is available to this lot.

Evaluation: Public sewer is of adequate capacity to support applicants Zone Change request.

Submitted by Don Keil, Assistant Wastewater Superintendent

WATER:

Water is available to the proposed development.

Evaluation: Domestic water service is available and exists to 521 W Emma (corner lot). The larger lot to east is bordered by a main to the north in what appears to be a public easement. However, no main exists on southern street frontage (Emma).

Submitted by Terry Pickel, Assistant Water Superintendent

STORMWATER:

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

Evaluation: The subject property is fully developed at this time. If the site is redeveloped, all current stormwater management standards will be required to be adhered to.

TRAFFIC:

Trip generation from the current use as a religious assembly site does not create a significant impact on the adjoining streets. Traffic impacts would be evaluated at the time of redevelopment should the use on the subject property change in the future,

STREETS:

The subject property is bordered by Emma Avenue and US Hwy. 95. The adjoining streets are under multi-jurisdictional control with Emma Avenue managed by the City of Coeur d'Alene and US Hwy 95 managed by the State of Idaho Department of Transportation.

Evaluation: Both streets are fully developed and built to City standards. Although there is no sidewalk on the Emma frontage, any new development would result in its installation. Access to US Hwy 95 is controlled by the Idaho Transportation Department and generally restricted; therefore, no access will be allowed from the subject property on to the roadway without written authorization from ITD.

Submitted by Chris Bates, Engineering Project Manager

FIRE:

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

Submitted by Glen Lauper, Deputy Fire Chief

POLICE:

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

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

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

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.

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

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

PROPOSED CONDITIONS:

Engineering:

1. No access will be allowed on to US Hwy 95 from the subject property without written authorization from the Idaho Department of Transportation.

Ordinances and Standards Used In Evaluation:

Comprehensive Plan - Amended 1995.
Transportation Plan
Municipal Code.
Idaho Code.
Wastewater Treatment Facility Plan.
Water and Sewer Service Policies.
Urban Forestry Standards.
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices.
Coeur d'Alene Bikeways Plan
Resolution No. 09-021 Complete Street Policy

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.

Justification

I am requesting a zone change for the property located at 521 W Emma Avenue, Coeur d'Alene, the "Property", from its current R-12 zoning to C-17L. The C-17L zoning district is intended as a low intensity commercial and residential mix district, and is suitable as a transition between residential and commercial zoned areas. It should be located on designated collector streets or better for ease of access and to act as a residential buffer.

The Property, of course, is located on Highway 95, the major north-south highway through north Idaho. The Property appears to be designated "Transition" on the 2007 Comprehensive Plan Map. The Transition designation is given to those areas where the character of neighborhoods is in transition and land should be developed with care. The proposed C-17L zoning would allow development to occur compatibly with the neighborhoods to the east, while being consistent with the more immediate surrounding zoning and land uses:

Except for two MH-8 areas, one R-8 area, and one LM zoned area, the Property is the only parcel fronting on the Highway 95/Lincoln Way commercial corridor north of Davidson Avenue that is not zoned either C-17 or C-17L.

Of the five contiguous or nearest properties, four of them are zoned either C-17 or C-17L.

Directly north and contiguous to the Property is the Ironwood Square, zoned C-17. This retail property totals 42,622 square feet and abuts the Property on its southern border for a distance of 332 feet.

The property directly south across Emma Avenue is The Eye Institute, located at 1814 N Lincoln Way, which is zoned C-17L. This building is approximately 12,372 square feet. Its underlying land frontage on Lincoln Way runs approximately 150 feet and extends 325 feet from the corner of Lincoln Way east on Emma Avenue.

Across Lincoln Way to the west is the Interlake Office Condos and Suites, which total 101,582 square feet, and comprise the entire block on the west side of Lincoln Way from its southern border on Emma Avenue to its northern border on Ironwood Drive. The entire 215 feet of the Property's Lincoln Way frontage is across the street from the Interlake building, which is zoned C-17L. The Interlake building has 426 feet of frontage on Lincoln Way.

If one looks at the northwest, northeast, southwest, and southeast quadrants of the cross-section of Emma and Lincoln Way, all of the corners are zoned C-17L, except the Property.

The NE quadrant is occupied by the Interlake Office Condos and Suites.

The SE quadrant is occupied by the Lincoln Way Retail Center.

The SW quadrant is occupied by The Eye Institute.

The NW quadrant is where the Property is located.

Only the eastern property line of the Property abuts a residential parcel, at 503 W Emma Avenue.

The C-17L designation is also more appropriate for the Property than the Neighborhood Commercial (NC) designation. The NC zoning 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. The existing surrounding developments (particularly those which support the Kootenai Hospital District, as well as the regional retailers in and around Ironwood Square such as Albertsons, Shopko and the like), already serve a much larger population than a typical neighborhood commercial center. Furthermore, the products and services which a neighborhood commercial center might provide would not be able to compete with the regional and national companies, which are just as easily accessible by the neighborhoods to the east. Neighborhood commercial activities could not afford the market rents associated with a high-profile, high-traffic corridor such as Highway 95.

The NC zone also fails to support the intended use of the Property.

1. My intended use for this site would eventually be professional office, consistent with surrounding land uses and supportive of the hospital and other professional offices. Such a use does not fit the Neighborhood Commercial zone description. A great majority of the employees would have to drive to the building, and only a small percentage of people would come from the neighborhood, typical of many businesses being accessed on this US 95 commercial corridor.
2. In 17.05.1030, Basic Development Standards; Maximum Floor Area, in Paragraph B, it states that the maximum floor area shall not exceed 4,000 square feet for retail uses, and 8,000 square feet for all other nonresidential uses. The existing building on the Property is larger than 13,000 square feet.
3. The price of the land and commensurate rents for this high profile corner along the US 95 commercial corridor will be, in many cases, too expensive for neighborhood commercial tenants.

At the eventual time that this church is replaced, a better facility will be constructed within the context of the existing corridor's buildings and level of sustainability, welcoming and supporting a diverse mix of quality professional and business companies.

For all of the reasons cited above, I believe the C-17L zoning is justified.

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

A. INTRODUCTION

This matter having come before the Planning Commission on, September 8, 2009, and there being present a person requesting approval of ITEM ZC-4-09, a request for a zone change from R-12 (Residential at 12 units/acre) to the C-17L (Commercial Limited at 17 units/acre) zoning district

LOCATION: +/- 1.5 acre parcel at the northeast corner of Lincoln Way and Emma Avenue

APPLICANT: Brad W. Baldwin

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, commercial – professional office and retail sales and civic.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is R-12 (Residential at 12 units/acre)
- B4. That the notice of public hearing was published on, August 22, 2009, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, August 24, 2009, which fulfills the proper legal requirement.
- B6. That 38 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, August 21, 2009, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on September 8, 2009.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

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

Criteria to consider for B9:

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

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

Criteria to consider for B10:

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

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

Criteria to consider for B11:

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

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **BRAD W. BALDWIN** 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 Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Soumas	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN