

PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS

DECEMBER 12, 2006

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

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

5:30 P.M. CALL TO ORDER:

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

APPROVAL OF MINUTES:

November 14, 2006

PUBLIC COMMENTS:

COMMISSION COMMENTS:

STAFF COMMENTS:

ADMINISTRATIVE ITEMS:

1. Applicant: Riverstone West, LLC
Request: Modification of Riverstone West 1st Addition preliminary plat
ADMINISTRATIVE, (I-5-06)
2. Applicant: Black Rock
Request: Required change to phasing plan for "Bellerive PUD"
ADMINISTRATIVE, (I-4-06)

PUBLIC HEARINGS:

1. Applicant: Riverstone West, LLC
Location: 2800 Seltice Way
Request: A proposed PUD "Riverstone West"
QUASI-JUDICIAL, (PUD-4-06)
2. Applicant: Trails Edge Development, LLC
Location: 1010 and 1014 E. Mullan Avenue
Request: A proposed 3' foot height variance above the maximum 38 feet allowed in the R-12 (Residential at 12 units/acre) zoning district
QUASI-JUDICIAL, (V-5-06)

3. Applicant: Riverstone West, LLC
Location: 3513 W. Seltice Way
Request: Proposed 7-lot preliminary plat "Riverstone Plaza"
QUASI-JUDICIAL, (S-13-06)
4. Applicant: City of Coeur d'Alene
Request: Amendments to the Subdivision Ordinance
LEGISLATIVE, (0-5-06)
5. Applicant: City of Coeur d'Alene
Request: New Zoning Districts
LEGISLATIVE, (0-4-06)

ADJOURNMENT/CONTINUATION:

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

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



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**PLANNING COMMISSION
MINUTES
NOVEMBER 14, 2006
CITY COUNCIL CHAMBERS**

COMMISSIONERS PRESENT

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

STAFF MEMBERS PRESENT

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

COMMISSIONERS ABSENT

Brad Jordan

CALL TO ORDER

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

APPROVAL OF MINUTES:

Commissioner Souza noted a change on page number one of the Planning Commission Minutes for October 12, 2006.

Motion by Rasor, Seconded by Messina, to approve the amended minutes of the Planning Commission meeting held on October 12, 2006. Motion approved.

COMMISSION COMMENTS:

Commissioner Souza inquired when the next Comprehensive Plan Meeting would be rescheduled and commented that this is important so this process can move forward. She suggested Tuesday, November 28th if that date would work for staff.

Associate Planner Stamosos replied that he will get back to the Commission if that date will work.

Commissioner Souza commented that recently she heard of a new service offered in Coeur d'Alene involving a management company working with communities who want to form their own homeowner's association. She suggested that, if the Commission desired, she would contact this person to do a presentation and explain this service.

The Commission concurred.

STAFF COMMENTS:

Associate Planner Stamosos announced that a workshop will be held for the Council with Mark Hinshaw regarding cluster housing and that the Planning Commission is invited.

He continued that staff is planning a holiday dinner for the Commission to show staff's appreciation for the time and participation put forth by the Commission. Associate Planner Stamosos inquired if the Commission could be at City Hall at 4:45 p.m. on December 12th instead of 5:00 p.m. to allow more time for the Commission and staff to enjoy this feast.

Commissioner Bowlby inquired if staff has any updates on affordable housing that was discussed at the last Planning Commission Meeting held in October.

Deputy City Attorney Wilson responded that the information was passed to Troy Tymeson who is working with the Affordable Housing Committee who is preparing a report. He added when that report is available he will update the Commission.

PUBLIC COMMENTS:

There were none.

ADMINISTRATIVE ITEMS:

1. Applicant: TJAHJONO Real Estate Idaho, L.L.C
Location: Lt 1, Blk 1 White Subdivision
Request: Proposed 2-lot preliminary plat
"First Addition to White Subdivision"
SHORT PLAT (SS-25-06)

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

There were no questions for staff.

Motion by Razor, seconded by Souza, to approve Item SS-25-06. Motion approved.

2. Applicant: Rainbow Ridge L.L.C.
Location: Lt 6, Blk 1 Spring Addition
Request: A proposed 8-unit Condominium Plat
"Rainbow Ridge Condominium Plat"
SHORT PLAT (SS-26-06)

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

There were no questions for staff.

Motion by Razor, seconded by Souza, to approve Item SS-26-06. Motion approved

3. Applicant: Ruen-Yeager and Associates
Location: Lt 2 Blk 1, Joes Place
Request: A proposed 2-unit Condominium Plat
"Voget Group Condos"
SHORT PLAT (SS-27-06)

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

There were no questions for staff.

Motion by Razor, seconded by Souza, to approve Item SS-27-06. Motion approved.

PUBLIC HEARINGS

- 1. Applicant: Lake Coeur d'Alene Development
Location: 500 Island Green Drive
Request: Modification to Limited Design PUD to allow an 8' high gate and fence.
QUASI-JUDICIAL (PUD-2-04m)

Associate Planner Stamosos presented the staff report, gave the mailing tally as 1 in favor, 2 opposed, and 4 neutral and answered questions from the Commission.

Commissioner Bowlby inquired if the entire fence along the property will be eight feet tall.

Associate Planner Stamosos responded that is correct.

Commissioner Messina commented that from looking at the photo in the staff report, the fence is meandering rather than positioned straight across the property.

Public testimony open.

Janet Robnett, applicant representative, P.O. Box E, Coeur d'Alene, explained an overview of the project and commented that this request is only for the approval for the additional height for the fence and passed out renderings of how the fence will look positioned next to the building. She added that approval will be based on the portion of the fence that sits on private property. She explained that the rest of the fence is in the right-of-way, which is owned by ITD and that they have already given their approval.

Commissioner Razor inquired if the applicant has any recommendations for approval based on the comp plan polices listed in the staff report.

Ms. Robnett commented that she did not have any suggestions but commented that the decision should be based on how the additional height of the fence will impact the design of the building.

Public testimony closed.

DISCUSSION:

Commissioner Bowlby commented that she is confused on how an eight-foot fence was approved since this goes against our standard, which is six-feet.

Ms. Robnett explained that the approval of an eight-foot fence was approved by ITD before the original hearing and was intended to be used as a barrier between the trail and the property.

Motion by Razor, seconded by Souza, to approve Item PUD-2-04m. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 5 to 0 vote.

2. Applicant: Jim and Nancy Hoffman
Location: 15th and Best Avenue
Request:

- A. A proposed PUD "15th and Best Townhouses"
QUASI-JUDICIAL (PUD-5-06)
- B. A proposed preliminary plat "15th and Best Townhouses"
QUASI-JUDICIAL (S-12-06)

Associate Planner Stamosos presented the staff report, gave the mailing tally as 1 in favor, 4 opposed, and 2 neutral and answered questions from the Commission.

Commissioner Souza referenced that in the staff report it states that 31% of this property will be considered open space and questioned if this is including swales proposed for the project.

Associate Planner Stamosos commented that is correct.

Commissioner Bowlby commented that this request has a similar feel to the project approved on Hanley Avenue earlier this year.

Associate Planner Stamosos concurred, and added that this approval is for townhomes that are arranged in duplexes and the project on Hanley is townhouses that are arranged in duplexes and fourplexes.

Commissioner Bowlby inquired if the project on Hanley had similar setbacks preventing parking in the front of the units.

Associate Planner Stamosos concurred.

Commissioner Souza commented that on the plat map it looks like the alignment of the streets do not line up and questioned if the site plan is correct.

Associate Planner Stamosos commented that the applicant is present who will be able to address that question.

Commissioner Souza inquired the maximum units allowed in the R-12 zoning district.

Associate Planner Stamosos answered that the maximum units allowed in the R-12 zone would be is 42 units.

Commissioner Bowlby questioned what the advantage is for the City for allowing deviations for private streets proposed by this project.

Associate Planner Stamosos replied that one advantage for the City is that the City does not have to maintain these streets, which are the responsibility of the Homeowner's Association.

Commissioner Bowlby commented that when we inherit these streets in the future, how this can be an advantage for the City since these streets do not meet City standards.

Engineering Services Director Dobler answered that the City does not have a lot of private streets and even through these streets do not meet the same width standards they still have to meet the rest of the standards defined in the code.

Public testimony open.

Dell Hatch, applicant representative, 6755 Dalton, Coeur d'Alene, complimented staff on a great job explaining the project in the staff report and then discussed what the benefits are for approving this project. He explained that this development is proposing less units than what is allowed in the R-12 zoning designation and commented that the look of the units will go beyond what the ordinary duplex looks like and will help enhance the area. He then asked if the Commission had any questions.

Commissioner Bowlby inquired what will be the type of material used for the fence and commented that she hopes it is not vinyl for reasons such as security.

Mr. Hatch replied that they have not picked out the type of material for the fence but added that the fence will be six-feet tall.

Commissioner Messina commented that from photos taken of the north property line he noticed a four-foot chain link fence on the property.

Mr. Hatch commented that those are existing fences owned by the adjoining property owners.

Chairman Bruning commented that from various written comments there concerns about existing elevations, the issue of stormwater from the subject property draining off-site and how the applicant will deal with this problem.

Mr. Hatch commented that they are aware the property has grade issues and explained that eco-blocks were added on the north side of the property to help stabilize the land. He added that in the future a vertical wall will be constructed on the property to help contain the drainage on site.

Commissioner Souza inquired if the applicant has seen the written comments that were submitted.

Mr. Hatch commented that they have seen those comments and assured the Commission that the design of the project will not allow storm water to drain to adjoining properties.

Commissioner Bowlby questioned why there is only one egress and ingress going into the development.

Mr. Hatch commented that from discussions with staff it was decided that egress and ingress from Best Avenue and an emergency only access on 17th Street was the recommendation. He added that this design is compatible with a single-family neighborhood.

Commissioner Bowlby commented that she is concerned with the lack of parking available in front of garages.

Mr. Hatch commented that this design is similar to other developments in the City where parking is not provided in front of the garages. He explained that within the development there will be plenty of room for additional parking if needed.

Chairman Bruning commented that when driving around town he has noticed similar projects that were approved where the garages end up being used for storage.

Mr. Hatch explained that these issues will be addressed in the CC&Rs and that the Fire Department has concerns when accesses are blocked.

Jeremy Weeks, 1518 E. Haycraft, Coeur d'Alene, commented that he appreciates the renderings provided by the architect but is concerned how this development will impact the existing neighborhood. He commented that in the letter he submitted to the Planning Commission stated many concerns such as additional fill added to the property that increases drainage to his property.

He added that the design of the project is fine, but is concerned how this project will impact traffic in the area and the impact of car lights shining into surrounding homes. He then provided pictures of the site for the Commission to review.

Commissioner Souza commented that after listening to the presentation by the applicant, that a lot of the issues have been met and questioned if there are other concerns.

Mr. Weeks commented that this neighborhood has always had issues with storm water.

Commissioner Souza answered that once the project is completed there should be no storm water issues since those will be addressed through the building permit process.

Mr. Weeks replied that this is happening now and questioned what can be done in the interim to mitigate this problem

Commissioner Souza commented that it was stated in previous testimony that the eco block will be replaced with a fence.

Mr. Weeks commented that they are concerned how a fence will look from his property and added that his fence is four-feet high and the eco blocks are sitting above the fence.

Sarah Weeks, 1518 Haycraft, Coeur d'Alene, commented that by approving this development, she is concerned that children will not have a safe place to live. She is opposed to the request.

Paul Mortson, 1814 Noble Circle, Coeur d'Alene, commented that he is not opposed to the project and hopes that, if approved, will eliminate noise to the surrounding area. He continued that he is concerned how the proposed zero lot lines will affect the price of the surrounding homes. He questioned if the land on 17th Street will be developed or is the intent to leave the property in its natural state. He continued that there is a lot of wildlife in that area and that the walking trails are used by the neighborhood and does not want to lose these assets.

Ed DeYoung, 1506 E Haycraft, Coeur d'Alene, commented that he is also concerned about drainage and is concerned that from his property will he be looking at a ten-foot fence at his rear property line. He explained that his property is next door to the applicant's property and hopes that a buffer is proposed to block noise from this property. He continued that he is disappointed that the applicant is trying to put in more density and concerned that by doing that will increase traffic in the area.

Commissioner Messina questioned if Mr. DeYoung's property was level and if not does the water from his property naturally drains to the applicants' property.

Mr. DeYoung replied that as far as he knows his property is level and that any drainage was going onto the applicants' property.

Commissioner Souza questioned if Mr. DeYoung has any device for water containment on his property and commented that when she moved into her home they were required to put in a device to contain the drainage on their property. She added that she feels that it is not the applicants' responsibility to provide this type of device and that it is the homeowners' responsibility to contain water on their own property.

Mr. DeYoung answered that he does not have a device to collect ground water running off his property and added that the ground water naturally drains towards Haycraft Avenue.

Commissioner Souza commented that she has concerns with the density of the project and questioned the number of units allowed in the R-12 zoning district.

Associate Planner Stamos commented that the applicant is requesting 34 single-family lots, which is a lower density than the 12 units/acre or 45 units allowed by right.

Commissioner Souza commented that with a PUD the Commission has the right to place conditions on the project that will help with the neighborhood's needs. She added that from previous testimony the applicant is going to provide two hundred trees for the project that should help buffer noise to the rest of the neighborhood.

REBUTTAL:

Dell Hatch commented that the applicant is attempting to provide a quality project with a lower density that will eliminate traffic to the neighborhood. He continued that he agrees that headlights may be a problem and will be providing a fence and scrubs that should mitigate that problem. He explained that the eco blocks are not permanent and that when the final grading plan is approved all City requirements will be met and the eco blocks will be removed. He commented that the property along 17th Street would be enhanced with different types of shrubs, which will greatly improve the area and added that the Fire Department is requiring a locked gate for emergency access at the 17th and Best connection and assured that the trail will still be open for public access.

Commissioner Rasor questioned if the applicant knows what type of fence will be provided at the north boundary.

Mr. Hatch commented that a fence will be provided at that site that will be a six-foot high site-obscuring fence but too early to know what type of material will be used.

Commissioner Messina questioned if the applicant knows how high the final grade will be on the property and commented that he is concerned if a six-foot retaining wall is placed on the property how it will look to the surrounding neighbors.

Mr. Hatch commented that he can not estimate what the final grade will be until the final grading plan is complete. He commented that he is sympathetic to the neighbors' concerns and feels that if this request is approved it will be a quality development.

Associate Planner Stamos commented that if the Preliminary Plat and PUD plans are approved, the final plat and PUD plans have to be done along the lines of the preliminary plans. If there are any significant changes they would have to be approved by the Planning Commission.

Chairman Bruning added that he is concerned with the water drainage from the north and that the fill added to the applicant's property acts like a dam preventing the natural flow of water.

Public testimony closed.

DISCUSSION:

Commissioner Souza commented that she feels that it is not the applicant's responsibility for the drainage problem. She questioned why the applicant would want to take that responsibility to correct the neighborhood's problem.

Chairman Bruning commented that it would be to their advantage since the extra fill on the property is preventing the natural flow of water from the neighborhood.

Commissioner Souza commented that she agrees that it is the responsibility of the property owner to contain his stormwater on his property. She added that she is also concerned with the final grading plan and is relieved that if there are any changes it will have to come back to the Commission.

Commissioner George inquired if this item should be continued so the applicant can bring back the final grading plans so the applicant can meet with the neighborhood for their input.

Associate Planner Stamos explained that once the applicant submits the final grading plan it is reviewed by the City Engineer for approval.

Commissioner Souza questioned if in the future that a final grading plan has to be submitted when the applicant submits his application.

Deputy City Attorney Wilson answered that a change would have to be made with a code amendment for that requirement.

Commissioner Bowlby commented that she is concerned about standing water caused from the fill placed on the applicants' property and how this has impacted the neighborhood. She added that this topic should be addressed in the future so neighborhoods are not negatively impacted by a development next to their properties.

Commissioner Souza commented that she still feels that the neighbors should be responsible for their own water drainage.

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

ROLL CALL:

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

Motion to approve carried by a 3 to 2 vote.

Motion by Razor, seconded by Souza, to approve Item S-12-06. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 3 to 2 vote.

3. Applicant: Dave Schreiber
Location: 311 S. 11th Street
Request: A proposed 24-lot preliminary plat
"Iceplant Townhouses"

QUASI-JUDICIAL (S-11-06)

Associate Planner Stamos presented the staff report, gave the mailing tally as 3 in favor, 2 opposed, and 4 neutral and answered questions from the Commission.

Commissioner Souza noted that in the written responses that many people questioned why they were not notified by mail when the Infill Regulations were being proposed.

Associate Planner Stamos explained that there were several public workshops held and that the item was posted in the paper. He added that this was not a Quasi-Judicial item so, property owner notification was not required.

Public testimony open.

Dick Stauffer, applicant representative, 4144 French Gulch Road, Coeur d'Alene, commented that, if approved, this request would allow people to buy these homes for single-family ownership. He added that he feels that this project will be a benefit to the community and has already heard from several people living in the area commenting how this project will help enhance the neighborhood.

Commissioner Souza inquired how soon these homes could be rented once they are purchased.

Mr. Stauffer answered that the owner can not rent for one-year as stated in the CC&Rs.

Commissioner Souza inquired if parking is an issue.

Mr. Stauffer replied that they have provided more than adequate parking for the project.

Commissioner Rasor inquired if the applicant did any market studies for this project before it was started.

Mr. Stauffer commented that they did a study and was well received from the neighborhood. He added that out of the 24 units available only five are left. He commented that the reason why these homes are well received is that they are priced very well.

Lynn Morris, 304 S.11th Street, Coeur d'Alene, commented that she is part of a new neighborhood organization that is calling themselves the East Mullan Avenue Historical Homeowner's Association. She continued that the group is opposed to this request because of the increased density that will affect this community. She added that she would have liked to come to workshops for the Infill Regulations, but was not notified and feels that the City does not have good intentions regarding the sensitivity of the neighborhood.

Commissioner Bowlby questioned if this group has set a boundary for the newly formed association.

Ms. Morris explained that they have not determined a boundary but, if someone wants to join who lives in this area they are welcome.

Tom Casey, 1017 Mullan, Coeur d'Alene, commented that he is also frustrated that the City did not notify him when workshops were held for the Infill Regulations. He explained that he owns a duplex right across the street from this development and is concerned that he will not be able to rent his units because of the lights that will shine in the front windows of the duplex.

Commissioner Souza inquired that if additional landscaping was added to the front of the duplex, would this help mitigate the lights shining into the home.

Mr. Casey commented that he feels if he had known about this development ahead of time he would have had a chance to sell the property. He continued that by adding additional landscaping to the property

would not make the problem go away and that he is in a bad spot.
Public testimony closed.

REBUTTAL:

Mr. Stauffer commented that there is a similar project on Bancroft that has the same density as this project and that the zoning in this area allows for this type of project to be built. He added if he could give a tip to neighborhoods it is to check out the zoning in the area. He commented that he is sympathetic to Mr. Casey and will contact him to see if he can help with his problem and maybe give some suggestions.

Motion by Razor, seconded by Souza, to approve Item S-11-06. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 5 to 0 vote.

4 Applicant: City of Coeur d'Alene
 Request: To propose a new commercial zoning designation
 LEGISLATIVE (0-4-06)

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

Commissioner Souza commented that from reviewing the draft documents included in their packet that there are many things that were discussed in previous workshops that have not been included in this draft presented tonight.

Associate Planner Stamsos commented that if the Commission wanted, he would take their concerns back to staff and bring it back when those issues are resolved.

The Commission concurred.

Motion by Razor, Seconded by Souza, to return Item 0-4-06 back to staff. Motion approved.

ADJOURNMENT:

Motion by Razor, Seconded by Souza, to adjourn the meeting. Motion approved.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted by John Stamsos, Associate Planner

Prepared by Shana Stuhlmiller, Public Hearing Assistant

УЗО-ТАТЕНТ-



MEMORANDUM

TO: PLANNING COMMISSION
FROM: JOHN J. STAMOS, ASSOCIATE PLANNER
DATE: DECEMBER 12, 2006
RE: I-5-06 - INTERPRETATION ON CONVERSION OF LOTS 3, BLOCK 2 & LOTS 12 & 13, BLOCK 1, RIVERSTONE WEST 1ST ADDITION TO AN UNBUILDABLE TRACT

DECISION POINT:

Determine whether the requested change is or is not a substantial change from the submitted "Riverstone West 1st Addition" final plat that has been submitted but not yet approved.

HISTORY:

- On January 11, 2005, the Planning Commission approved the "Riverstone West" preliminary plat (S-1-05) by a 6 to 0 vote.
- On January 10, 2006, the "Riverstone West 1st. Addition" final plat was submitted for approval.

PERFORMANCE ANALYSIS:

The applicant has contacted the City staff to discuss the above change to the submitted but not yet approved Riverstone West 1st Addition final plat, as follows:

- The Riverstone West 1st Addition final plat is consistent with the "Riverstone West" preliminary plat (S-1-05) approved by the Planning Commission.
- The proposed changes to the Riverstone West 1st Addition final plat (Lot 3, Block 2 & Lots 12 & 13, Block 1) is due to the location of the existing gravel pit on the subject property that creates a severe change in topography that would prevent any kind of development or the establishment of property corners until the pit is filled and brought up to grade.
- The applicant is requesting that the three proposed lots and a portion of John Loop be put in an unbuildable tract until some future time when it would be replatted into buildable lots.

M.C. 16.10.030(B) indicates that the approval of a preliminary plat does not constitute acceptance of the subdivision, rather it authorizes the developer to prepare the final plat "along the lines" indicated in the preliminary plat. Staff and the Commission have historically viewed this as a "substantial change" analysis. Some of the factors that staff generally considers in reviewing final plats are:

- Has the number of lots increased or decreased substantially?
- How similar is the layout of streets and the circulation pattern?
- Would the proposed changes create additional negative impacts that the public did not have a chance to comment on through the hearing process?
- Overall, does the proposed final plat "look like" the approved preliminary plat?

If the changes are determined to be a substantial change from the approved "Riverstone West" preliminary plat, the applicant would have to go through a Planning Commission public hearing in order to get approval.

If the changes are determined to not be a substantial change from the approved plat, the applicant could incorporate the changes into the phase 2 final plat for approval by the City.

DECISION POINT RECOMMENDATION:

1. Determine whether the requested change is or is not a substantial change from the approved "Riverstone West 1st Addition" final plat.

[F:staffrpts\506]

MEMORANDUM

TO: PLANNING COMMISSION
FROM: JOHN J. STAMSOS, ASSOCIATE PLANNER
DATE: DECEMBER 12, 2006
RE: I-4-06 - INTERPRETATION OF PHASING PLAN FOR "RIVERWALK PUD"
(PUD-1-04m) AND "RIVERWALK" PRELIMINARY PLAT (S-4-05) NOW CALLED
"BELLERIVE PUD"

DECISION POINT:

Determine whether the requested change from two phases to three phases is or is not a major departure from the approved "Riverwalk PUD" (PUD-1-04) or a substantial change from the "Riverwalk" Preliminary Plat (S-4-05) and modified by Planning Commission interpretation (I-5-05) on July 27, 2005.

HISTORY:

- On March 8, 2005, the Planning Commission approved the "Riverwalk PUD" and "Riverwalk" Preliminary Plat, which included two phases.
- On July 27, 2005, The Planning Commission approved an interpretation that moved the boundary between phase one and two. (See map on page 2)

PERFORMANCE ANALYSIS:

The applicant has contacted the City staff to discuss the above change to the approved plans, as follows:

- Change the phasing to include three phases as shown on page 2.
- The total number of dwelling units in phases 1 and 2 would total 144 out of the total number dwelling units approved for the project of 412.
- In developing a third phase, it is recommended by staff that some of the conditions approved with the original approval be revised to reflect changed conditions created by an additional phase, as follows:
 1. ~~Completion and submission for review of a capacity report for the sanitary sewer lift station by the developer's engineer. Should the report determine that the City WWTP forty (40) minute response time is exceeded due to the increase in residential units, upgrades will be required to be completed to the satisfaction of the WWTP, at no cost to the City.~~
 2. All water line that is removed to satisfy the redesigned alignment will be required to be properly disposed of and not reused. All piping removed must be replaced with new waterline.
 3. The two existing outfalls will need to be maintained and protected during the development of the subject property and access for maintenance of these outfalls by the City Street Department shall be maintained. Any relocation of these outfalls must be approved by the City Engineer, and, if additional width is required beyond the proposed twenty feet (20'), dedication will be required.
 4. ~~The City will obtain public crossing agreements with the BNSF and UP railroads for a public grade crossing at Lacrosse Avenue. Applicant agrees that it will ensure that~~

~~construction of the crossing is commenced when the necessary public crossing agreements have been obtained and building permits for 255 units in the PUD have been issued or within three years after the public crossing agreements have been obtained, whichever occurs first. Once the public crossing agreements have been obtained, no Certificates of Occupancy for any units over the 255 limit will be issued until construction of the Lacrosse Avenue crossing is completed.~~

4. The developer will be required to extend the existing Lakewood Drive and Lacrosse Avenue across the BNSF railroad tracks to Bellerive Lane with Phase 3 of the Bellerive development. Lacrosse Avenue shall be constructed to a thirty six foot (36') wide roadway, from Bellerive Lane to the existing edge of asphalt west of Northwest Boulevard. Roadway improvements shall include but not be limited to, concrete curb & gutter, paving and appurtenances, street illumination, stormwater drainage facilities, sidewalk on one side and all engineering design costs. Lakewood Drive shall be constructed to match the existing street section and shall include but not be limited to, concrete curb & gutter, paving and appurtenances, street illumination, stormwater drainage facilities, and sidewalk. Both roadways will be required to provide design considerations and improvements that facilitate the bike/ped Centennial Trail facility. All design must be completed to City standards, and approved by the City Engineer. All construction costs will be the responsibility of the developer.
5. An easement allowing the public the right to access and use the boardwalk along the shoreline of the Spokane River shall be required on the final plat and construction of the board walk including connection to public access points shown on the plan shall be simultaneous with the buildout of each phase.
6. The City will obtain public crossing agreements with the BNSF and UP railroads for both the Lacrosse Avenue and Lakewood Drive crossing locations. The agreements shall be obtained prior to the recordation of the 3rd phase of the Bellerive plat. The City shall use its best efforts to obtain the crossing agreements by December 31, 2007. In the event that the City is unable to obtain the agreements from the railroad by that time, the City will not delay approval of the phase 3 plat
7. The developer shall enter into an agreement and install bonding for the construction of the improvements on both Lacrosse Avenue and Lakewood Drive prior to the recordation of the Phase 3 final plat for the Bellerive development. The improvements, including the crossings, shall be constructed within three (3) years of the date of recordation of the Phase 3 final plat, or, upon "build out" of the property, whichever comes first.
8. In order to be in conformance with the current Uniform Fire Code, the developer will be required to provide a second ingress/egress point of access to the development, prior to recording the Phase II final plat. This condition can be satisfied by either extending Lacrosse Avenue or Lakewood Drive to Bellerive Lane, or, by obtaining an irrevocable ingress/egress access easement to the City across the adjacent haul road on railroad right-of-way. If an easement is obtained, it must provide for maintenance by the developer until either Lacrosse or Lakewood are extended to the project.

M.C. 16.10.030(B) indicates that the approval of a preliminary plat does not constitute acceptance of the subdivision, rather it authorizes the developer to prepare the final plat "along the lines" indicated in the preliminary plat. Staff and the Commission have historically viewed this as a "substantial change" analysis. Some of the factors that staff generally considers in reviewing final plats are:

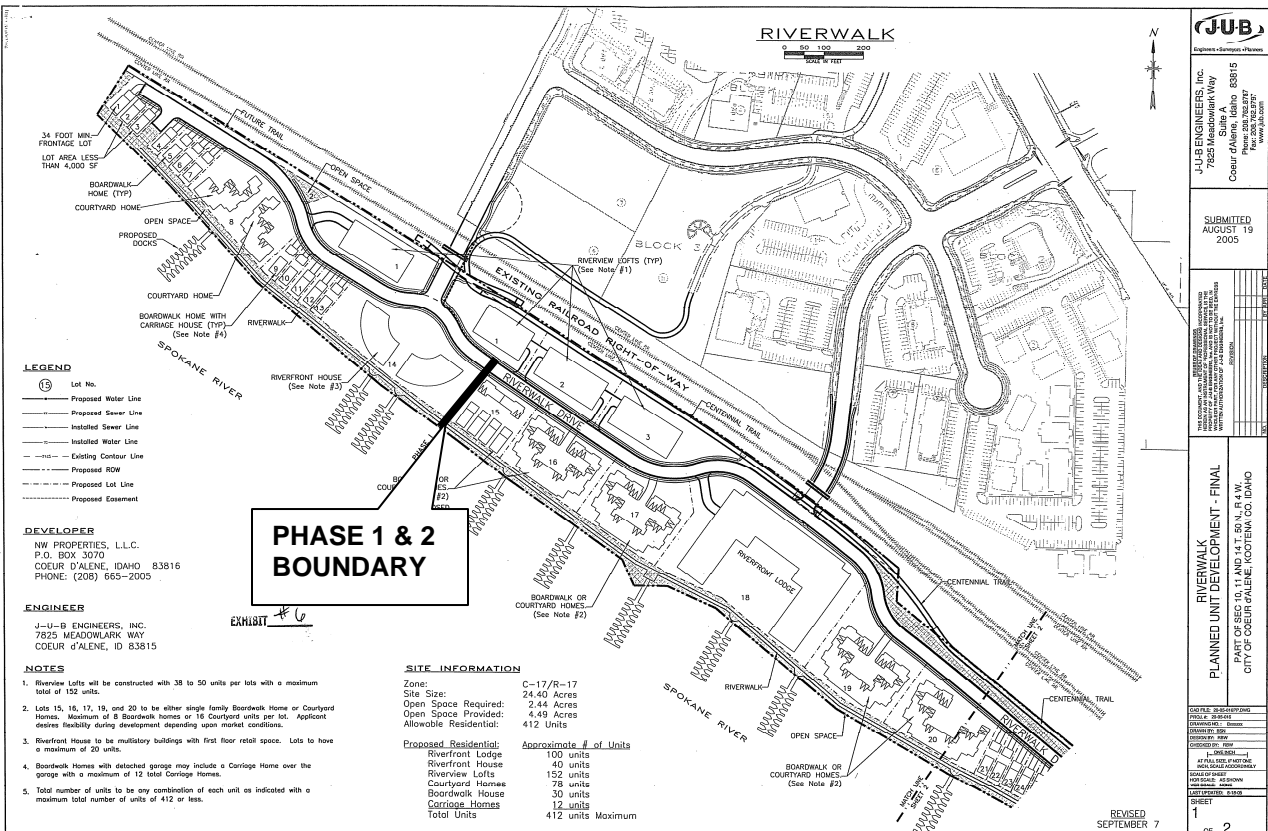
- Has the number of lots increased or decreased substantially?
- How similar is the layout of streets and the circulation pattern?
- Would the proposed changes create additional negative impacts that the public did not have a chance to comment on through the hearing process?
- Overall, does the proposed final plat "look like" the approved preliminary plat?

If the changes are determined to be a substantial change from the approved PUD and preliminary plat, the applicant would have to go through a Planning Commission public hearing in order to get approval.

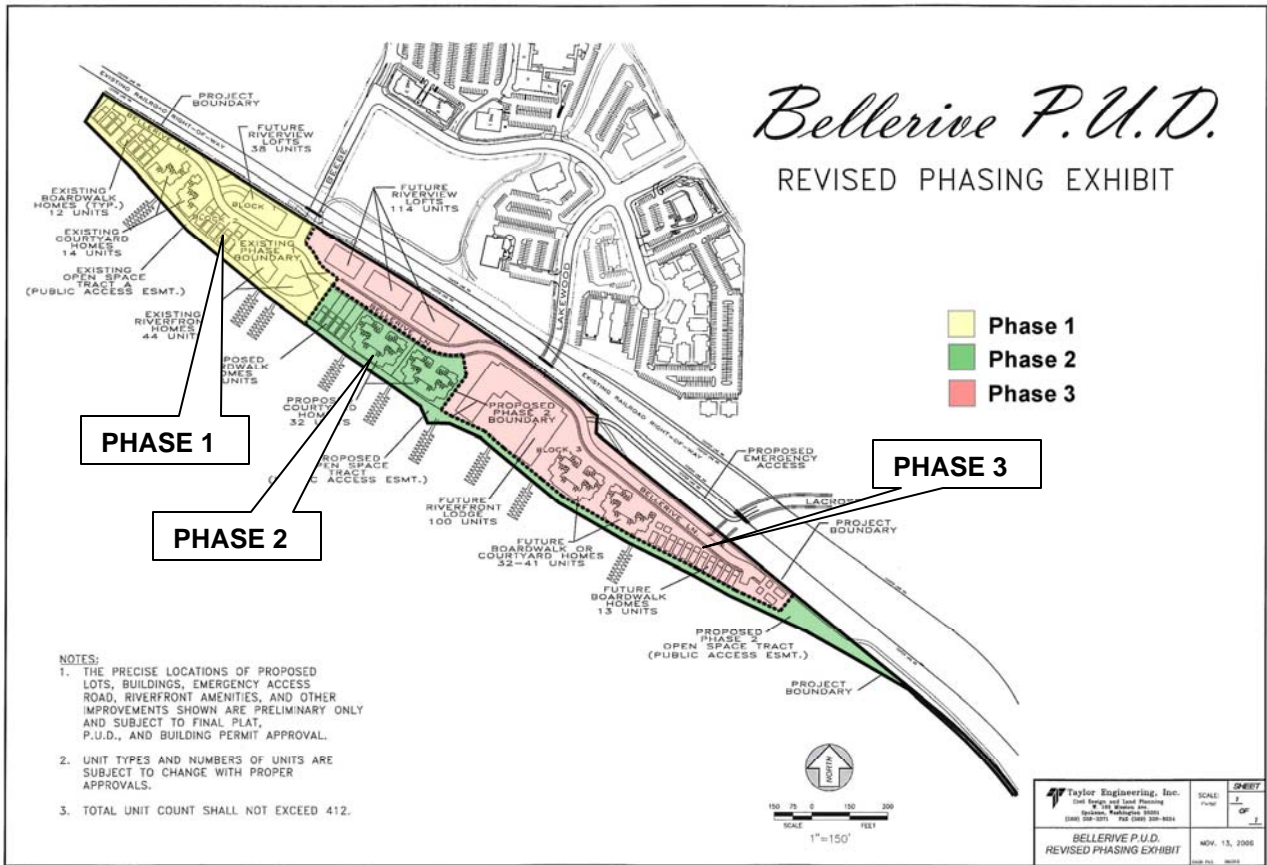
If the changes are determined to not be a substantial change from the approved PUD and preliminary plat, the three phases would be approved and incorporated into the final PUD plan and preliminary plat..

DECISION POINT RECOMMENDATION:

1. Determine whether the requested change is or is not a substantial change from the approved "Riverwalk PUD" (PUD-1-04) and the "Riverwalk" Preliminary Plat (S-4-05).
- A. Phasing plan approved by I-5-05:



B. Proposed change to three phases:



**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMOS, ASSOCIATE PLANNER
DATE: OCTOBER 10, 2006
SUBJECT: PUD-4-06 – "RIVERSTONE"
LOCATION – +/- 36.6- ACRE PARCEL ADJACENT TO RIVERSTONE
DRIVE AND BEEBE BOULEVARD

SITE PHOTOS:

A. Subject property looking North along Riverstone Drive.



- B. Subject property looking West at future park and lake.



DECISION POINT:

- A. Riverstone West, LLC is requesting Preliminary Planned Unit Development approval of "Riverstone" a commercial and 637 residential unit mixed use development in the C-17 (Commercial at 17 units/acre) zoning district with the following designated land use areas (See plan map on page 4):
1. 7.81 acre mixed use high rise area with four 14-story buildings.
 2. 8.1 acre commercial area.
 3. 9.66 acre mixed use area.
 4. 6.17 acre lake.
 5. 4.85 acre park.
- B. The applicant is requesting the following deviations to provisions in the Zoning and Subdivision Ordinances:
1. Zoning Ordinance

- A. Modify the allowable height for multi-family uses in the C-17 zone for the mixed use high rise area ("blue zone") from the currently allowed 43 3/4 feet to 165 feet.
 - B. In the Commercial ("brown zone"), modify the design standard for parking stall widths from 9 feet to 8 feet.
2. Subdivision Ordinance
- A. Approve Tilford Lane as a private street in a 30 foot easement with 24 feet of pavement, rolled curb, no sidewalks and a 6 drainage swale on one side. (See page 6)

NOTE: The above deviations are the only ones requested. All other zoning and subdivision ordinance requirements apply.

- C. Evaluation: The Commission should bear in mind that a PUD is intended to provide for flexibility and diversity of use by removing the limitations in the typical lot-by-lot approach to development. It is not intended to be a means to waive certain development regulations. The Commission must, therefore, determine if the concept of the proposal is unique enough that it merits the flexibility afforded by the PUD regulations.

In making this determination, the Planning Commission should decide if the deviations requested represent a substantial change over what would be allowed if the regulations were applied on a lot-by-lot basis. The chief benefits of this PUD for the applicant are:

- Potentially, four 165 foot buildings.
- Approval of Tilford Lane (The only access to the future City park) as a private street built to less than City standards.
- Approval to use 8 foot wide parking stalls in the "salmon zone").

The Commission must decide if this request meets the intent of the PUD regulations and in so doing may wish to consider that certain benefits accrue to the city and the public by virtue of a planned unit development:

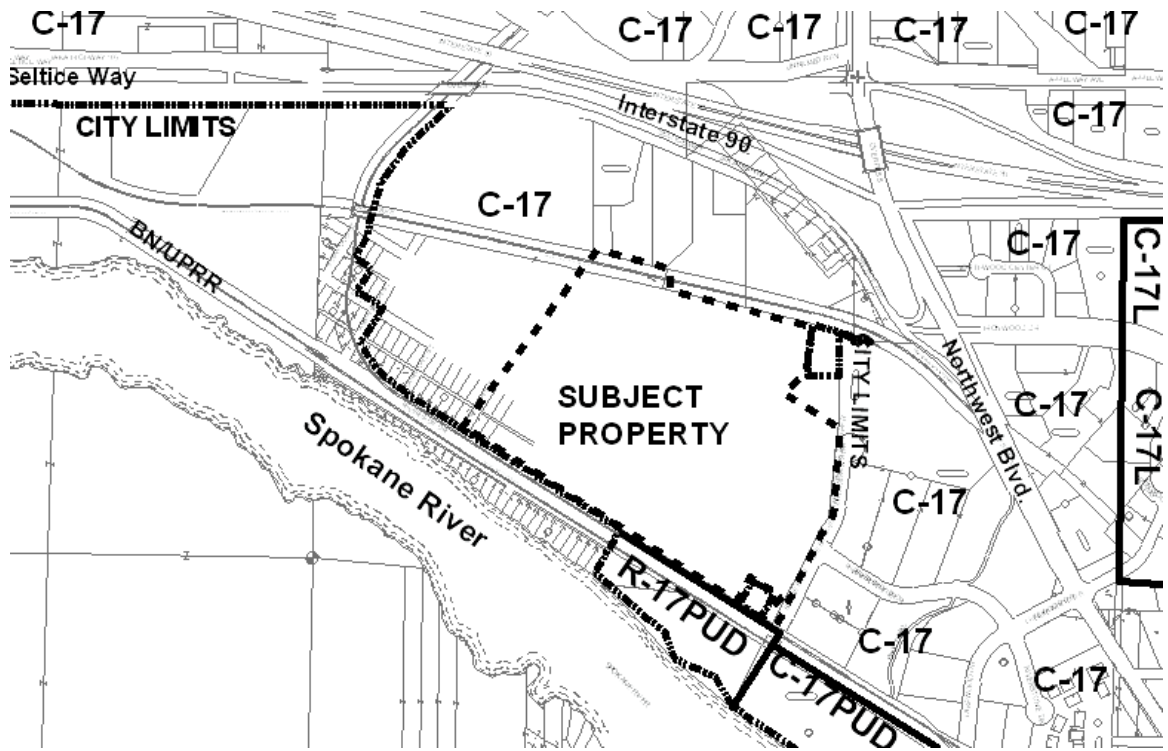
- Ability to add conditions to an approval.
- Ability to lock in development plans for the future to the approved PUD Final Development Plan.
- Ability to negotiate solutions that benefit all.

GENERAL INFORMATION:

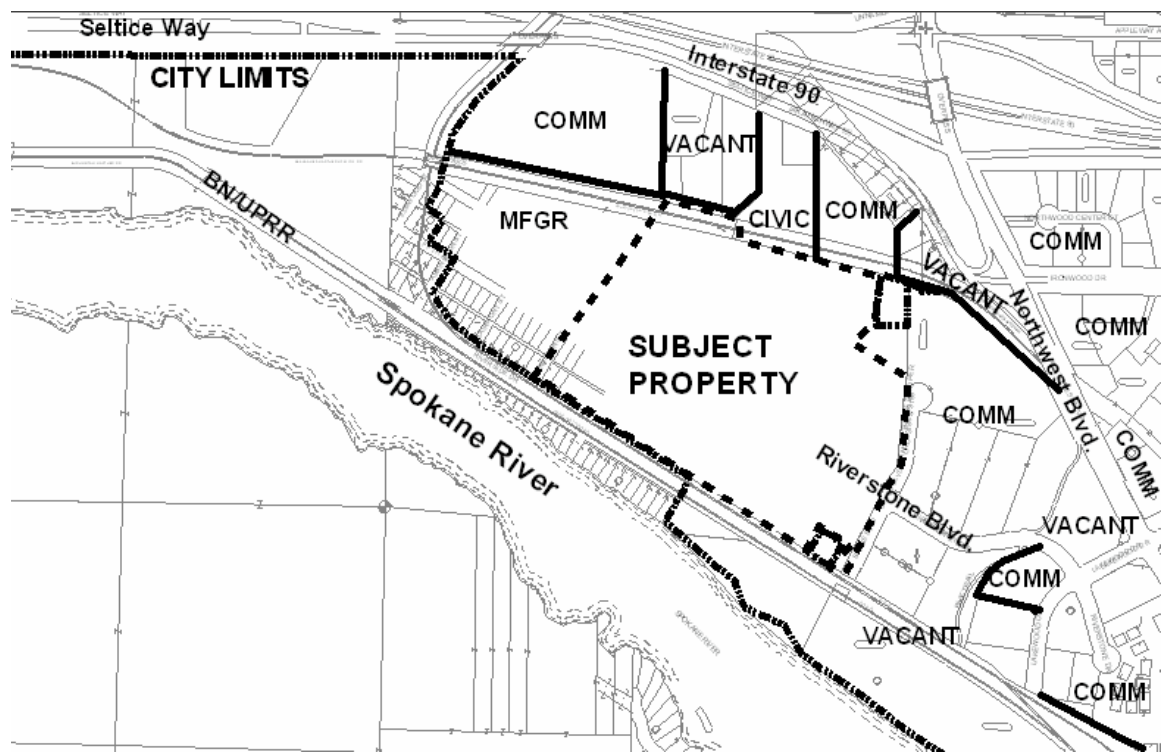
A. Proposed plan



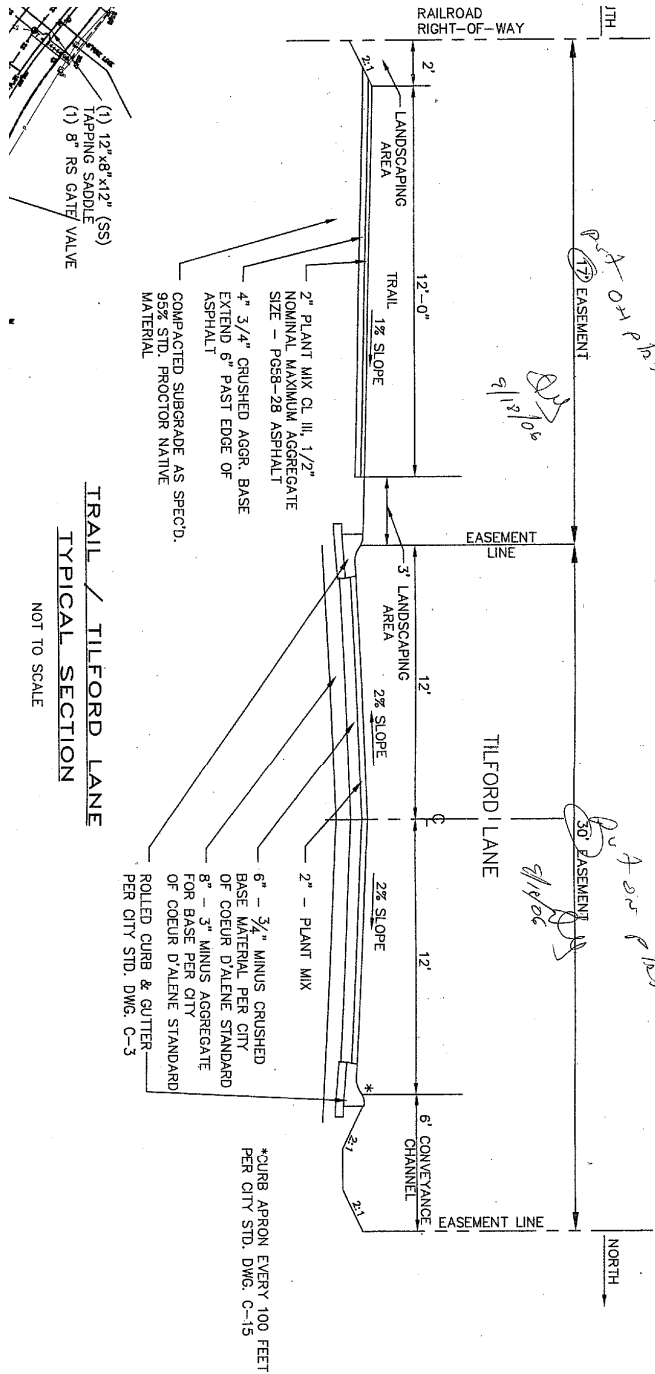
B. Zoning:



C. Generalized land use pattern:



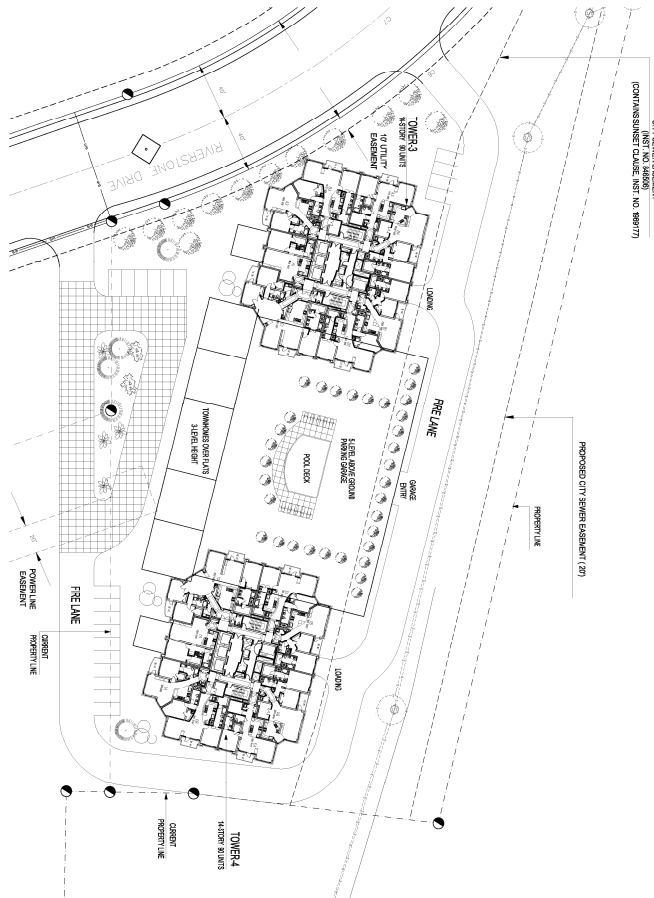
D. Street profile Tilford Lane.



Riverstone West - Phase 2
Coeur d'Alene, Idaho
Tilford Lane & Centennial Trail

E. Site plan for buildings adjacent to Riverstone Drive

Submitted by: **Humphreys & Partners Architects**
 The information presented herein is based on the information provided by the client and is not to be construed as a representation of fact. The architect assumes no responsibility for the accuracy of the information provided by the client. The architect is not responsible for the accuracy of the information provided by the client. The architect is not responsible for the accuracy of the information provided by the client.



RIVERSTONE WEST
 SRM DEVELOPMENT LLC
 CORIN D ALLEN, IDAHO
 HPA 2006462 NOV 10, 2006

PROJECT DATA
 COMMO TOWER 3 HASTORY
 GROUND LEVEL LOBBY/AMENITIES/SERVICE
 2ND-FIFTH FLOOR HABITAT UNITS
 6TH-7TH FLOOR HABITAT UNITS
 8TH-10TH FLOOR - PENTHOUSE 3 UNITS
 TOTAL 30 UNITS, 61 BEDS

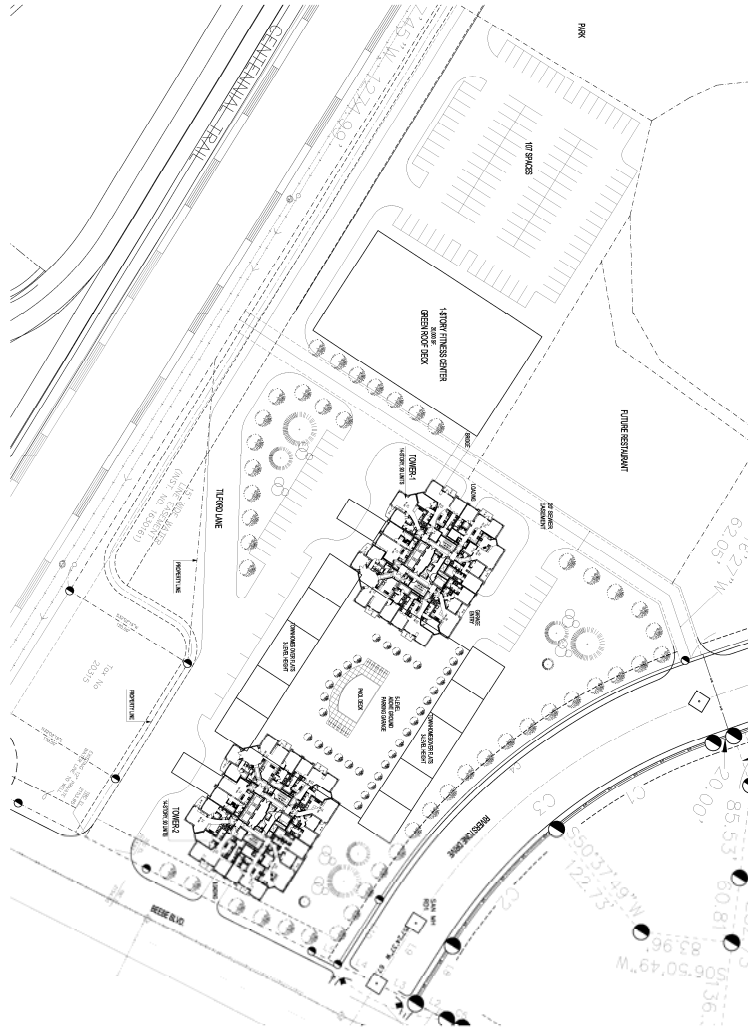
TYPICAL FLOOR DATA

FLOOR	TYPE	NET AREA	BALCONY	TOTAL AREA (SQ FT)	TOTAL BEDS
A.1	GROUND	180	0	180	0
A.2	GROUND	180	0	180	0
A.3	GROUND	180	0	180	0
A.4	GROUND	180	0	180	0
A.5	GROUND	180	0	180	0
A.6	GROUND	180	0	180	0
A.7	GROUND	180	0	180	0
A.8	GROUND	180	0	180	0
A.9	GROUND	180	0	180	0
A.10	GROUND	180	0	180	0
A.11	GROUND	180	0	180	0
A.12	GROUND	180	0	180	0
A.13	GROUND	180	0	180	0
A.14	GROUND	180	0	180	0
A.15	GROUND	180	0	180	0
A.16	GROUND	180	0	180	0
A.17	GROUND	180	0	180	0
A.18	GROUND	180	0	180	0
A.19	GROUND	180	0	180	0
A.20	GROUND	180	0	180	0
A.21	GROUND	180	0	180	0
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A.23	GROUND	180	0	180	0
A.24	GROUND	180	0	180	0
A.25	GROUND	180	0	180	0
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A.27	GROUND	180	0	180	0
A.28	GROUND	180	0	180	0
A.29	GROUND	180	0	180	0
A.30	GROUND	180	0	180	0
A.31	GROUND	180	0	180	0
A.32	GROUND	180	0	180	0
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A.100	GROUND	180	0	180	0



Humphreys & Partners Architects

F. Site plan for buildings adjacent Beebe Blvd. & Tilford Ln.



Consent to complete, if
 Plans are complete, I, the
 owner, hereby authorize the
 engineer to make any and all
 changes to the plans as may be
 necessary to conform to the
 requirements of the City of
 Coeur d'Alene, Idaho, and to
 obtain the necessary permits
 and to carry out the work
 shown on the plans.

Notwithstanding to whom the
 plans are submitted, the
 engineer shall be responsible
 for the accuracy of the
 information provided and for
 the compliance of the plans
 with the applicable laws,
 rules, regulations, ordinances,
 codes, and standards of the
 City of Coeur d'Alene, Idaho,
 and for the proper
 construction of the work
 shown on the plans.

FITNESS FACILITY TOWER

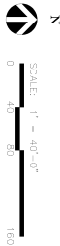
SMM DEVELOPMENT LLC

COEUR D'ALENE, IDAHO

HPA 2006462

NOV. 10, 2006

Humphreys & Partners Architects



PROJECT DATA
 OWNER: SMM
 ARCHITECT: HUMPHREYS & PARTNERS
 ENGINEER: HENNINGSON & ASSOCIATES
 TOTAL SQUARE FEET: 100,000

FINISHES

NO.	DESCRIPTION	AREA (SQ. FT.)
1	CONCRETE FLOOR	100,000
2	CEILING	100,000
3	WALLS	100,000
4	ROOFING	100,000
5	MECHANICAL	100,000
6	ELECTRICAL	100,000
7	PLUMBING	100,000
8	PAINT	100,000
9	GLASS CURTAIN WALL	100,000
10	LANDSCAPE	100,000
11	ASPHALT DRIVE	100,000
12	CONCRETE DRIVE	100,000
13	GRASS	100,000
14	LANDSCAPE LIGHTS	100,000
15	LANDSCAPE TREES	100,000
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99	LANDSCAPE FURNITURE	100,000
100	LANDSCAPE LIGHT FIXTURES	100,000

CONCRETE
 TOTAL CONCRETE: 100,000 SQ. FT.
 TOTAL REINFORCEMENT: 100,000 SQ. FT.
 TOTAL ASPHALT: 100,000 SQ. FT.
 TOTAL GRASS: 100,000 SQ. FT.
 TOTAL TREES: 100,000 SQ. FT.
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 TOTAL LIGHT FIXTURES: 100,000 SQ. FT.
 TOTAL ELECTRICAL: 100,000 SQ. FT.
 TOTAL PLUMBING: 100,000 SQ. FT.

G. Conceptual elevations of proposed buildings



CONCEPTUAL ELEVATION

RIVERSTONE WEST

SRM DEVELOPMENT LLC
COEUR D'ALENE, IDAHO

HUMPHREYS AND PARTNERS L.P.
5350 ALPHA ROAD DALLAS TX 75240
WWW.HUMPHREYS.COM 972.781.9434
HP2 # 04642 11-10-2006



H. Applicant/
Owner:

Rivermill West, LLC
104 S. Division Street
Spokane, WA 99202

I. Land uses in the area include residential - civic, commercial retail sales & service, and vacant land.

J. The subject property is under development.

PERFORMANCE ANALYSIS:

A. Zoning and density:

1. The zoning of all property within the PUD boundary is C-17 (Commercial at 17 units/acre) which allows civic and commercial uses and residential development at a density of 17 units per gross acre. The maximum allowable density for this request would be 637 dwelling units and, by virtue of the PUD, can be distributed throughout the lots within the PUD boundary without regard to the maximum density of each lot as a function of the PUD approval. As indicated in the narrative, the applicant will distribute this density throughout the plan area, with the exception of the park area (Green area).

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

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as a Transition Area. It is also adjacent to Northwest Boulevard and Seltice Way, which are designated as Medium Intensity Corridors, as follows:

Transition Areas:

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

Medium Intensity Corridors:

“These areas primarily consist of areas where commercial and residential uses may be encouraged.”

- Residential/commercial mix.
- Possible residential density = 17/34 du/acre
- Encourage lower intensity commercial service and manufacturing uses close or abutting major transportation routes.
- Discourage uses that are detrimental to neighboring stable established neighborhoods.
- Arterial/collector corridors defined by landscaping/street trees.

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

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

Significant policies:

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

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

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

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

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

46A: “Provide for the safe and efficient circulation of vehicular traffic.”

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

C. Finding #B8B: The design and site planning (is) (is not) compatible with existing uses on adjacent properties.

The request is adjacent to and an extension of the Riverstone Master Plan development, which is a mixed-use residential, retail and office development.

Evaluation: The Planning Commission must determine, based on the information before them, that the request is compatible with existing uses on adjacent properties

D. Finding #B8C: The proposal (is) (is not) compatible with natural features of the site and adjoining properties.

The subject property is a former gravel pit and has been re-surfaced to create a relatively flat site that will now accommodate residential and commercial development in accordance with the proposed plan.

E. Finding #B8D: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing public facilities and services.

WATER:

This project will be adequately served.

Evaluation: We have not as of yet received any as builts for any of this project. However, the majority of the facilities are in place for the current portion of the development. There are still some other minor issues to be sorted out.

Comments submitted by Terry Pickel, Assistant Water Superintendent

SEWER:

Public sewer is available and of adequate capacity to support this PUD request.

Evaluation: Public sewer is already available within this applicant's property. This sewer is of adequate size and capacity to support this PUD request and conforms to the sewer master plan.

Comments submitted by Don Keil, Assistant Wastewater Superintendent

STORMWATER, STREETS AND TRAFFIC:

Neither of these items will have any impact on streets, or, infrastructure, therefore Engineering has no comment. It is my understanding that the revision to the PUD does not alter previously attached conditions to the development, if that is incorrect then we will need to take another look at the request.

Comments submitted by Chris Bates, Engineering Project Manager

FIRE:

The standard Fire Department issues of access, water supplies, etc. will be addressed at the plan review phase. However, the bigger issue is the ability of the Fire Department (and other city services) to meet the increased demands on services such developments bring to the table, without increasing personnel and equipment.

Comments submitted by Dan Cochran, Deputy Fire Chief

POLICE:

I have no comments at this time.

Comments submitted by Steve Childers, Captain, Police Department

- F. **Finding #B8E: The proposal (does) (does not) provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.**

The subject property for the PUD is 36.6 acres in size or 1,594,296 sq. ft. The required 10% open space requirement would be 3.7 acres and must be free of buildings, streets, driveways and parking areas, accessible to all users of the development, and usable for open space and recreational purposes.

The site plan shows a +/- 11 acre future park and lake that has been designed by the Coeur d'Alene Parks Department, is being built by the applicant and will become a City park upon completion of construction.

Evaluation: The Planning Commission must determine that the open space is accessible to all users of the development and usable for open space and recreational purposes.

- G. **Finding #B8F: Off-street parking (does) (does not) provide parking sufficient for users of the development.**

Because of the uncertainty about how the now vacant lots will be developed, the exact parking requirement has not been identified. As development occurs, however, each use will be required to comply with City parking requirements, prior to issuance of a certificate of occupancy for the use.

Evaluation: As development occurs, required parking will be determined through the development review process.

- H. **Finding #B8G: That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.**

Management and maintenance of residence park areas are proposed to be done by a resident's association.

Pursuant to Section 17.07.235 of the Planned Unit Development Regulations, "the Planning Commission can require the formation of a homeowners association to perpetually maintain all open space areas. The association shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain the open space. The association shall perpetually exist and can only be terminated by a majority vote of the members and consent of the City Council shall terminate it".

Evaluation: As a condition of approval of the PUD, the Planning Commission should require the formation of a property owners association to ensure the maintenance of all common open space areas.

I. **Finding #B8H: That the proposal (would) (would not) adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character (and) (or) existing land uses.**

The proposed development is an extension of the Riverstone Master Plan and consistent with the existing uses and character of the Riverstone development.

J. Proposed conditions:

1. Formation of a homeowners association with CC&R's that includes detailed maintenance responsibilities of all private infrastructure (roads, drainage structures, street lighting, and all open space areas etc.), prior to recordation of the final plat.

K. 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

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.

[C:\pcstaff\ptsPUD406]

Riverstone West Limited Design Planned Unit Development Narrative

Application Page 3-

Please Describe the Concept of Development proposed:

Riverstone West is a mixed use development consisting of residential, retail and commercial uses interconnected by pedestrian trails and superior public open space designed around the concept of "Live, Work and Walk." The development will be served by city of Coeur d' Alene streets and utilities and the development will be regulated by strict covenants, conditions and restrictions to ensure high quality construction and thoughtful planning.

Proposed uses and activities:

The proposed PUD area will consist of low high rise residential, restaurants, retail, commercial office and business space as well as a publicly owned and maintained 6 acre pond and 5 acre park. The park will consist of open space, an amphitheater, shelter, and children's play area. The PUD area, as well as the entire development, will be linked by a 'Class A' extension of the Centennial Trail.

Physical land alteration required by development:

As the site of a fully mined 100' deep gravel pit, substantial land alteration was required to make this development possible. Over 2 million cubic yards of material were moved to reclaim the first phase of Riverstone West in what amounts to one of the largest Brownfield reclamations in the Pacific Northwest.

Application Page 4-

- a. **The legal description of the Property-**please see attached documents
- b. **An Overall description of the location of the proposed uses and activates and alternative similar uses include public and private open space;**

Green Zone-The green zone is the site of the 5 acre public that partially surrounds the central 6 acre public pond. Both park and pond will be publicly owned, accessible and maintained with the exception of the pond lining structure and pumping system which will be maintained in perpetuity by the Riverstone Master Association. The park and pond will consist of 51 parking stalls, a central stage and amphitheatre overlooking the pond, picnic shelter, public restrooms and an extensive network of trails. All associated uses will be permitted but specifically managed by the city of Coeur d' Alene Parks director.

Purple Zone-The purple zone will accommodate mixed use development that could include a combination of town homes, office, mixed use buildings with ground floor retail with residential above, commercial businesses, apartments or condos. The Purple Zone will be subject to all applicable regulations within the C-17 zoning designation including height and setbacks limitation as well as the Covenants, Conditions and Restrictions of the Riverstone master Association.

Blue Zone-The blue zone specifically calls for high residential structures up to 220 feet or 15 stories. The southern blue site will consist of residential units above the main floor and is presently planned to have a high end gym and work out facility on the ground floor and below grade secured parking. The northern blue site will consist of two interconnected towers with above grade residential units with below grade secured parking. Both condo buildings will be sited and designed to maximize view corridors both within Riverstone and for adjacent property.

Brown Zone-The salmon zone will accommodate commercial uses including retail, restaurants and commercial offices. The Brown Zone will be subject to all applicable regulations within the C-17 zoning designation including height and setbacks limitation as well as the Covenants, Conditions and Restrictions of the Riverstone Master Association with the exception of a variance on the width of parking stalls. As opposed to the 9' standard width for parking stalls, the Brown zone will only be required to have 8" wide parking stalls.

Density Distribution for All Zones-The entire PUD area consists of a total of 36.59 acres that are Zoned C-17 for a total allowed density of 637 units. (36.59 x 43,560s.f. (One acre) divided by 2,500s.f.). The PUD would allow for a distribution of units anywhere within the boundaries of the PUD zone with the exception of the green zone. This allows for a more progressive site design that specifically clusters the units in some areas of the PUD thus allowing for greater open space overall. The park and Pond (Green Zone) comprise 30% of the entire PUD area which is well in excess of the normal required 10% open space.

The PUD takes the maximum density allowed within the bounds of the PUD area and within the limitations of the C-17 zone and allows for distribution of the units within the zone which will lead to a more progressive cluster design and more expansive open space. This PUD does not exceed the allowable density under the C-17 zone, it simply allows for a more effective method of distribution within the PUD area.

a. A general description of proposed building envelope, landscaping and circulation elements;

Proposed Building Envelope-The only building envelopes shown are within the two blue zones for the two high rise residential products. No other building envelopes are shown because currently all of the other buildings in the PUD area will be subject to the limitations of the C-17 zone including height and setback standards. The two residential tower envelopes may vary slightly to accommodate superior view corridors and layout.

Landscaping Elements-All Rights of way with the exception of Tilford Lane will be lined with grassy swales and street trees on both sides that are consistent with the planting plan of the Riverstone Development. Further, each individual building site will be designed by a landscape architect to ensure an extensive landscaping plan that is consistent with the existing character and standards of Riverstone. All landscaping within Riverstone will be irrigated by a private irrigation system that will be managed by the property owners association. The private irrigation system will pull water from the pond thus ensuring a high turnover of water in the pond and utilizing surface water as opposed to aquifer water for irrigation.

Circulation Elements-The major arterials within the PUD area are Riverstone Drive and John Loop. Both streets are built to City of Coeur d' Alene standards and are publicly dedicated rights of way. Riverstone Drive will connect through the development all the way to Seltice Way ensuring an additional point of access to the Riverstone Development. Tilford Lane will be a non-conforming publicly dedicated street that is 30' in with and will not have sidewalks on either side. Tilford Lane will be the primary point of vehicular access to the park and pond and the Centennial Trail (12' width) will run immediately adjacent to it to serve pedestrian and bicycle access needs. The Centennial Trail will run along the Southern boundary of the property and into the park and pond. Connections will be left open that will allow for future extensions onto the Union Pacific Right of Way that may be acquired by the Centennial Trail Foundation.

- d. A general designation of utilities-**All of the utilities in Riverstone are built or designed to city of Coeur d' Alene standards with more than sufficient capacity to serve all of the development contemplated.
- e. A general statement that the owner agrees there will be a lawful form of management proposed in areas of common ownership-**All areas of Common Ownership will be subject to a lawful form of management through a Property Owners Association
- f. A statement detailing the relationship of the proposed development project with existing major public development programs, including, but not limited to freeways, highways, parks, trails, open spaces, utility transmission lines and other major public facilities-**

The Riverstone Development is located along the Spokane River with access to both Northwest Boulevard and Seltice Way. The Northwest Boulevard entrance/exit from Interstate 90 is less than 1 mile from the two major access points to the development.

Both the Union Pacific and Burlington Northern railway rights of way bisect the development to the south. The Union Pacific right of way has been abandoned and will likely be acquired by the Centennial Trail Foundation to accommodate pedestrian and bicycle use. The Burlington Northern right of way will be abandoned upon the closing of the DeArmond Mill, reportedly within the next two years.

Sewer and Water mains are located within the major arterials in Riverstone. Additionally the primary city sewer trunk main runs inside the railroad right of way within Riverstone. The entire development has been designed with redundant water loops to ensure adequate service and pressure.

The park at Rivestone will be located at the center of the development and fully accessible to both the residents of Coeur d'Alene as well as visitors. The Centennial Trail runs throughout the entire development with established connections to the East and future connections to the West.

g. A statement indicating that the owner will provide streets and driveways, sidewalks and pedestrian ways and off street parking and loading pursuant to other requirements of code-The Owner will provide street and driveways, extensive landscaping, sidewalks and pedestrian ways and off street parking and loading areas pursuant to other requirements of this code.

h. A statement that utilization of the site will be pursuant to the underlying zoning district-The owner will utilize the site pursuant to the underlying zoning district with the exception of the following:

- I. The height variance for the 'Blue Zone' (see page 4.b)
- II. The density distribution method for the PUD area (not including Green Zone see page 4.b) to allow for cluster development.
- III. The width and character of "Tilford Lane" (see page 4.c"circulation elements")
- IV. The width of parking stalls in the Salmon Zone (see page 4.b)

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

A. INTRODUCTION

This matter having come before the Planning Commission on October 10, 2006, November 14, 2006, and continued to December 12, 2006, there being present a person requesting approval of ITEM PUD-4-06, a request for a planned unit development known as "Riverstone".

LOCATION: +/- 36.6- acre parcel adjacent to Riverstone Drive and Beebe Boulevard

APPLICANT: Riverstone West, LLC

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 retail sales & service, and vacant land.
- 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 September 23, 2006, and October 3, 2006, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on October 2, 2006, which fulfills the proper legal requirement.
- B6. That 14 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on September 22, 2006, and 0 responses were received: 0 in favor, 0 opposed, and 2 neutral.
- B7. That public testimony was heard on December 12, 2006.
- B8. Pursuant to Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the Comprehensive Plan. This is based upon the following policies:

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

- Criteria to consider for B8B:**
- | | |
|----------------------------|----------------|
| 1. Density | 6. Open space |
| 2. Architectural style | 7. Landscaping |
| 3. Layout of buildings | |
| 4. Building heights & bulk | |
| 5. Off-street parking | |

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

- Criteria to consider for 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 the existing street system accommodate the anticipated traffic to be generated by this development?
 4. Can police and fire provide reasonable service to the property?

B8D. The proposal **(does) (does not)** provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes. This is based on

B8E. Off-street parking **(does)(does not)** provide parking sufficient for users of the development. This is based on

B8F. That the proposal **(does) (does not)** provide for an acceptable method for the perpetual maintenance of all common property. This is based on

B8G. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character **(and) (or)** existing land uses because

Criteria to consider for B8G:

1. **Will the change in traffic flow adversely affect the livability of the surrounding neighborhood?**
2. **Does the proposed development "fit" with the surrounding area in terms of density, layout & appearance?**
3. **Is the proposed development compatible with the existing land use pattern? i.e. residential, commercial, residential w churches & schools**

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **RIVERSTONE WEST, LLC** for approval of the planned unit development, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner George	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____

Chairman Bruning Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN JOHN BRUNING

**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMSOS, ASSOCIATE PLANNER
DATE: DECEMBER 12, 2006
SUBJECT: V-5-06 - 3-FOOT HEIGHT VARIANCE IN THE DOWNTOWN EAST INFILL OVERLAY DISTRICT IN THE R-12 ZONE
LOCATION – +/- 6,621 SQ. FT. PARCEL AT 1010 & 1014 EAST MULLAN AVENUE

DECISION POINT:

Trail's Edge Development, LLC is requesting approval of a 3 foot height variance from the allowed height of 38 feet for principal structures in the Downtown East Overlay District in the R-12 (Residential at 12 units/acre) zoning district to allow construction of a 41 foot high building.

GENERAL INFORMATION:

- A. Site photo



B. Subject property at 10th Place and Mullan Avenue.



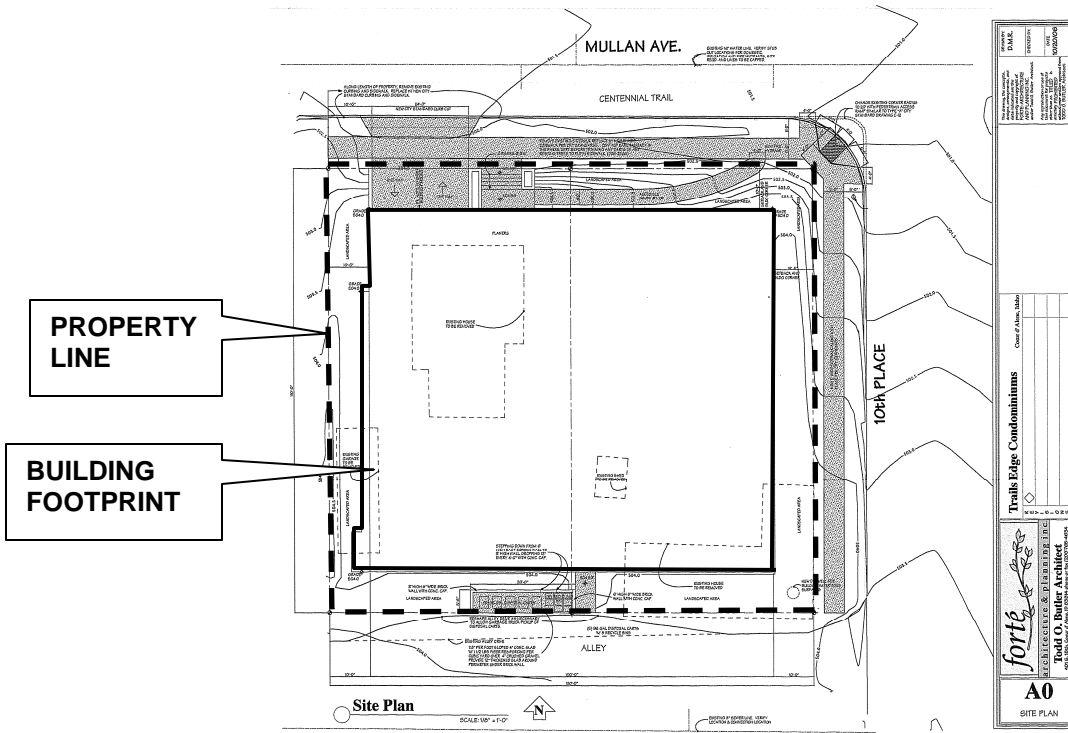
C. Looking West on Mullan Avenue.



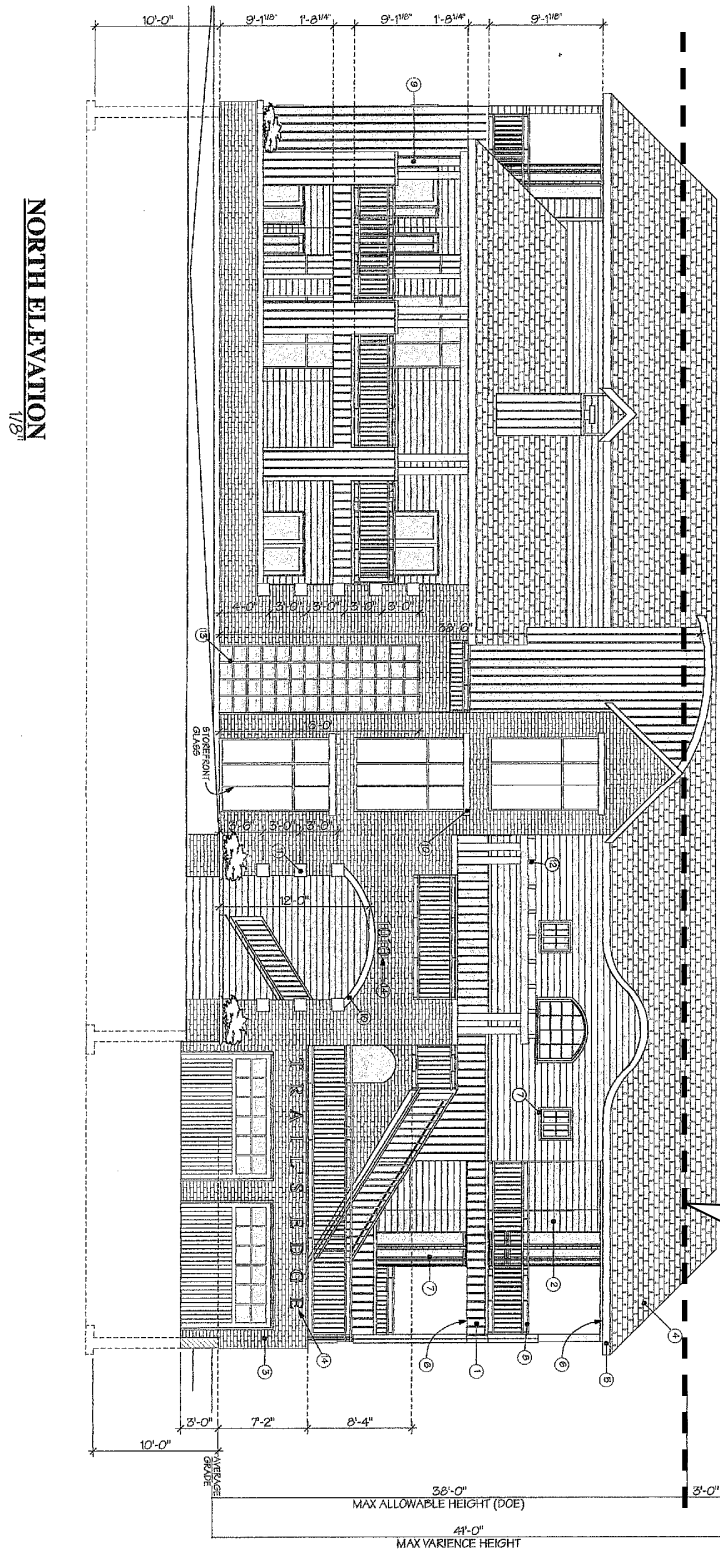
D. Looking East on Mullan Avenue.



E. Site plan for your information.



F. Building elevation.



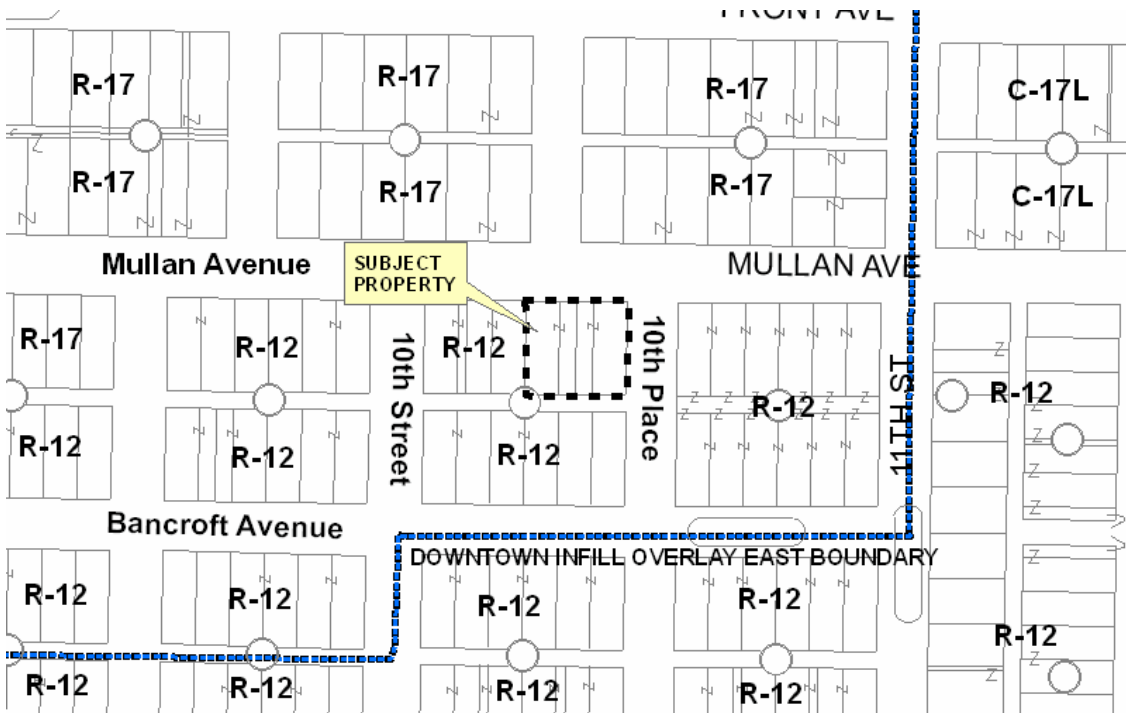
The visual impact of the 3 feet above the 38 foot allowable height is what you must consider in making your decision on this variance request

Allowable height in R-12 DOE zone is 38 feet

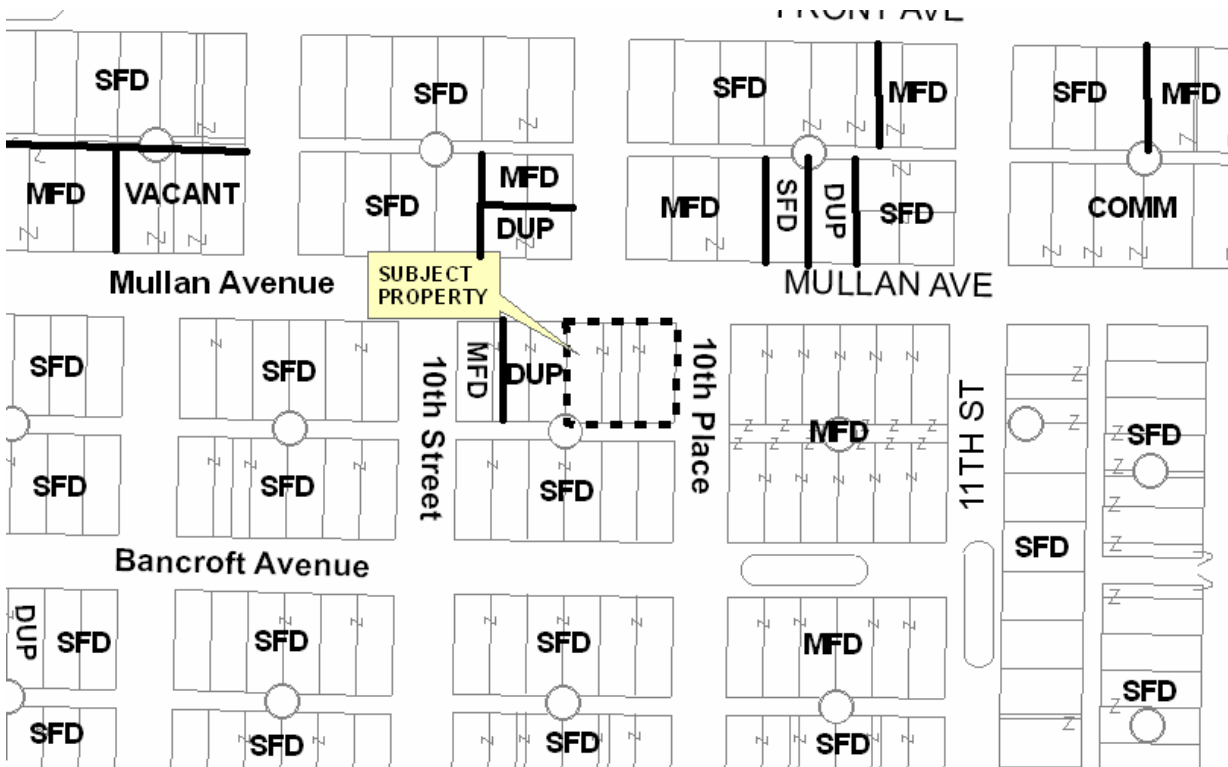
G. Rendering of proposed building



H. Zoning



I. Existing Land Use.



J. Applicant: Trail's Edge Development, LLC
 Owner: 771 South 11th Street
 Coeur d'Alene, ID 83814

K. Land uses in the area include residential - single-family, duplex, multi-family and commercial service.

L. The subject is vacant.

PERFORMANCE ANALYSIS:

A. Zoning:

The Infill Regulations adopted by the City Council in 2004, are as follows:

1. Section 17.07.900 Purpose:

To establish infill overlay districts and to prescribe procedures whereby the development of lands within these infill overlay districts can occur in a manner that will encourage infill development while protecting the surrounding neighborhoods. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the visual character and the nature of the city.

2. Section 17.07.910.A.2 Downtown Overlay Eastside (DO-E):

The intent of this district is to create a transition between the downtown core and residential areas to the east. Infill development is encouraged, including urban housing (e.g. townhouses, courtyard housing, and cottages) with a height limit that is compatible with lower scaled development. However, it is intended that development within the district consist of sufficient density to warrant the provision of parking below grade. Moreover, a limited array of goods and services are appropriate to serve the neighborhood. Traffic calming measures would be applied and there would be an emphasis on preserving existing large trees and providing new ones.

C. Required Findings:

The subject property is zoned C-17L and within the Downtown East Infill Overlay District. Principal structures in the DO-E district can only exceed the maximum allowed height of 38 feet upon findings that:

1. The structure may be safely erected and maintained at such height considering surrounding conditions and circumstances, and
2. The structure will not impose major adverse environmental and specifically adverse visual impacts.

D. **Finding #1: The Structure may be safely erected and maintained at such height considering surrounding conditions and circumstances.**

The structure must be designed by an Idaho licensed architect to the requirements of the International Building Code.

E. **Finding #2: The structure will/will not impose major adverse environmental, and specifically, adverse visual impacts.**

In the area surrounding the subject property, there is a mix of single-family, multi-family and commercial buildings none taller than approximately 35 feet.

The subject property is zoned R-12 DO-E and adjacent to R-12 DOE and R-17 DOE zoning districts. In both of these districts, the maximum height is 38 feet.

In determining if the proposed 41 foot height will impose a major adverse environmental/visual impact, the Commission can only consider the impact of the 3 foot portion of the structure over the 38 foot allowable height in the R-12 DOE district.

Evaluation: The only portion of the proposed building above 38 feet is the 3 foot section of roof right at the ridgeline of the building.

F. **Comprehensive Plan Policies:**

Significant Comprehensive Plan policies for consideration:

- 4C: New growth should enhance the quality and character of existing areas and the general community.
- 4C3: Population growth should be compatible with preserving Coeur d'Alene's character and quality of life.

42A: The development of Coeur d'Alene should be directed by consistent and thoughtful decisions, recognizing alternatives, effects and goals of citizens.

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

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

51A1: Residential areas should be protected and preserved.

51A5: "Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects."

52B: "Promote a high standard of landscaping, building design and community development."

G. Proposed Conditions:

None.

H. Ordinances and Standards Used in Evaluation:

Comprehensive Plan – Amended 1995.

Municipal Code

Idaho Code

ACTION ALTERNATIVES:

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

[F:pcstaffrptsV506]

JUSTIFICATION:

Attach site and/or building plans which illustrate the request.

A variance may be requested from a provision of the zoning ordinance with respect to a modification of the requirements of lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

A variance shall not be considered a right or special privilege, but may be granted only upon a showing of undue hardship because of characteristics of the site and that the granting of a variance rests with the applicant. Prior to approving a variance, the Planning Commission is required to make Findings of Fact. Findings of Fact represent the official determination of the Planning Commission and specify why the variance is granted. The **BURDEN OF PROOF** for why the variance is necessary rests on the applicant. Your narrative should address the following points:

A. A description of your request;

A HEIGHT VARIANCE FROM 35'-0" ABOVE AVERAGE GRADE -
TO 41'-0" ABOVE AVERAGE GRADE

B. How such structure(s) may be safely erected and maintained at such height considering surrounding conditions and circumstances;

BOTH CONSTRUCTION & MAINTENANCE WOULD BE THE SAME
REGARDLESS OF THE 3'-0" HEIGHT DIFFERENCE.

C. How the structures will not impose major adverse environmental, and specifically, adverse visual impacts;

THE MAXIMUM HEIGHT OF THE BUILDING IS @ ITS CENTER RIDGE LINE.
BUILDING DESIGN & ADDITIONAL DECKS & ROOFS STEP DOWN @ BUILDING
PERIMETER. THE 3'-0" HEIGHT VARIANCE SHOULD NOT BE
DISCERNABLE TO THE NEIGHBORHOOD OR PEDESTRIAN TRAFFIC.

D. Any other justifications that you feel are important and should be considered by the Planning Commission. SITE DEPTH DOES NOT ALLOW FOR ADDITIONAL VEHICULAR

RAMP LENGTH REQUIRED TO DROP THE BUILDING & STILL PROVIDE
UNDERGROUND PARKING. THE ADDITIONAL 1/2 OF HEIGHT PER
LEVEL (3'-0" TOTAL) PROVIDES EACH LEVEL THE PHYSICAL CEILING
HEIGHT TO ALLOW FOR DUCTWORK INSTALLATION WHILE MAINTAINING
FIRE RATINGS & OVERHEAD CLEARANCES.

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

A. INTRODUCTION

This matter having come before the Planning Commission on December 12, 2006, and there being present a person requesting approval of ITEM V-5-06, a request for approval of a 3 foot height variance from the allowed height of 38 feet for principal structures in the Downtown East Overlay District in the R-12 (Residential at 12 units/acre) zoning district

LOCATION – +/- 6,621 sq. ft. parcel at 1010 & 1014 EAST MULLAN AVENUE

APPLICANT: Trail's Edge Development, LLC

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 - single-family, duplex, multi-family and commercial service.
- 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 November 25, 2006, and, December 5, 2006, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on December 1, 2006, which fulfills the proper legal requirement.
- B6. That 113 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 22, 2006 , and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on December 12, 2006.

B8. Pursuant to Section 17.06.330, Exceptions to height maximums by variance, a variance may be granted when:

B8A. The structure may be safely erected and maintained at such height considering surrounding conditions and circumstances.

B8B. The structure will not impose major adverse environmental and specifically adverse visual impacts.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **TRAIL'S EDGE DEVELOPMENT, LLC** for a variance, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner George	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____

Chairman Bruning Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a _____ to _____ vote.

CHAIRMAN JOHN BRUNING

**PLANNING COMMISSION
STAFF REPORT**

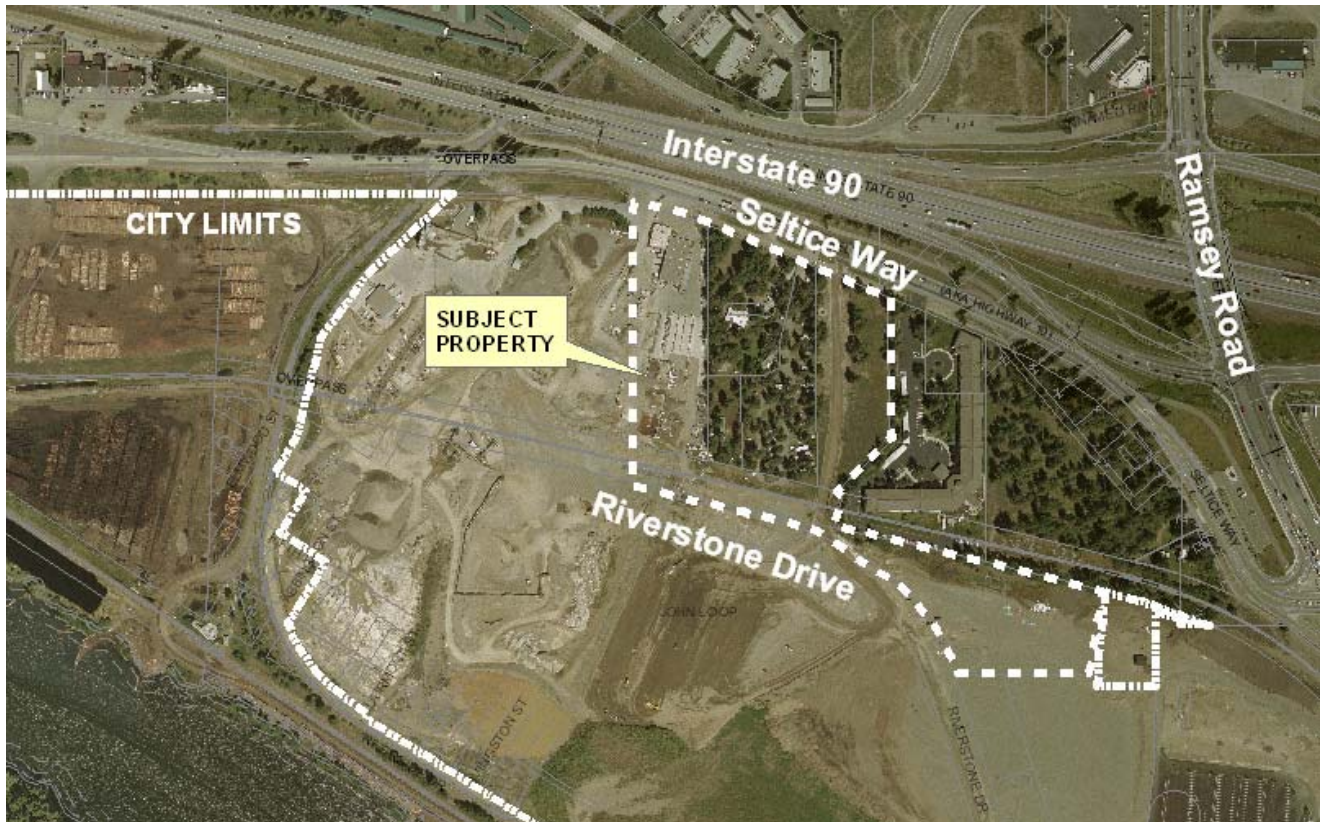
FROM: JOHN J. STAMSOS, ASSOCIATE PLANNER
DATE: DECEMBER 12, 2006
SUBJECT: S-13-06 – 7-LOT PRELIMINARY PLAT SUBDIVISION
LOCATION – +/- 15.90-ACRE PARCEL AT 3513 WEST SELTICE WAY.

DECISION POINT:

Riverstone West, LLC is requesting Preliminary Plat approval of "Riverstone Plaza" a 7-lot re-plat of lot 6, block 1 of "Riverstone West" subdivision, lots 1 & 2 of "Boulevard Addition" subdivision and a portion of the Northeast 1/4 of Section 10 in the C-17 (Commercial at 17 units/acre) zoning district.

SITE PHOTOS:

A. Aerial view:



B. Subject property from Riverstone Drive

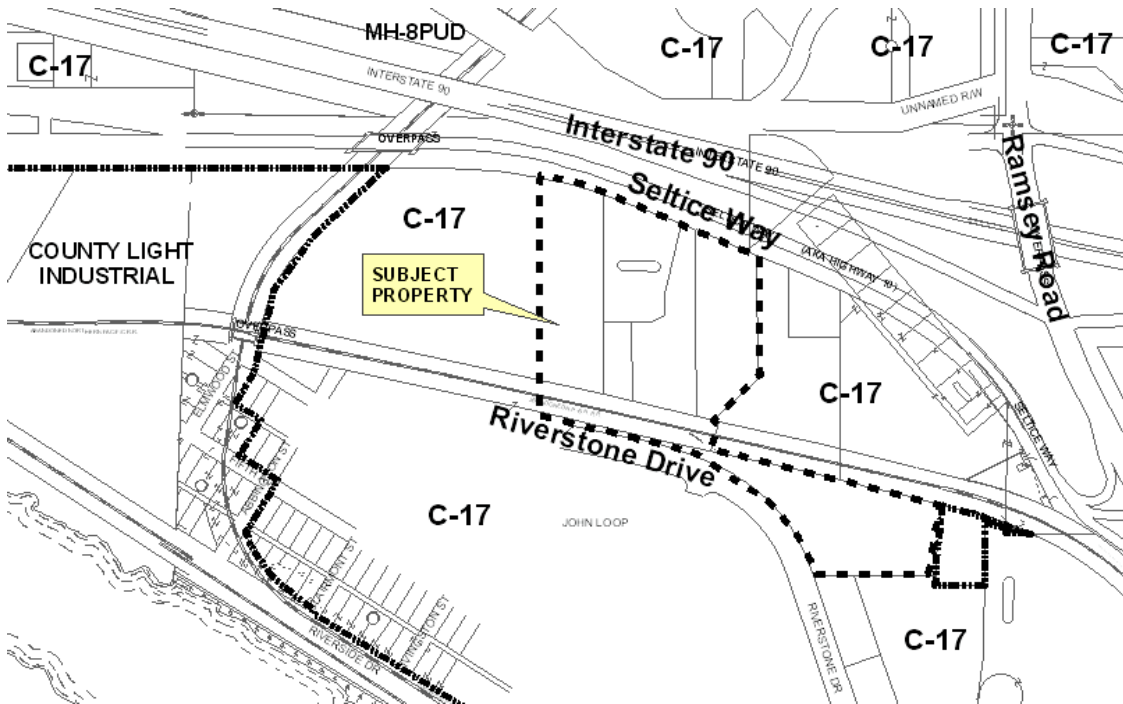


C. Subject property from Seltice Way

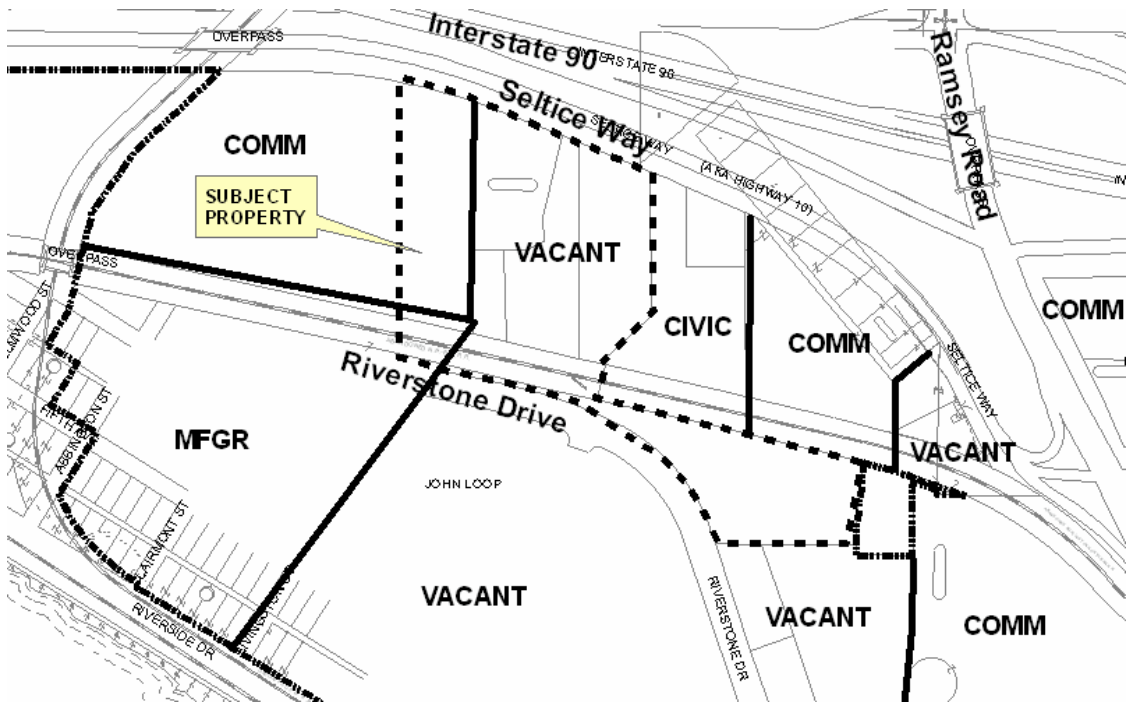


GENERAL INFORMATION:

A. Zoning.

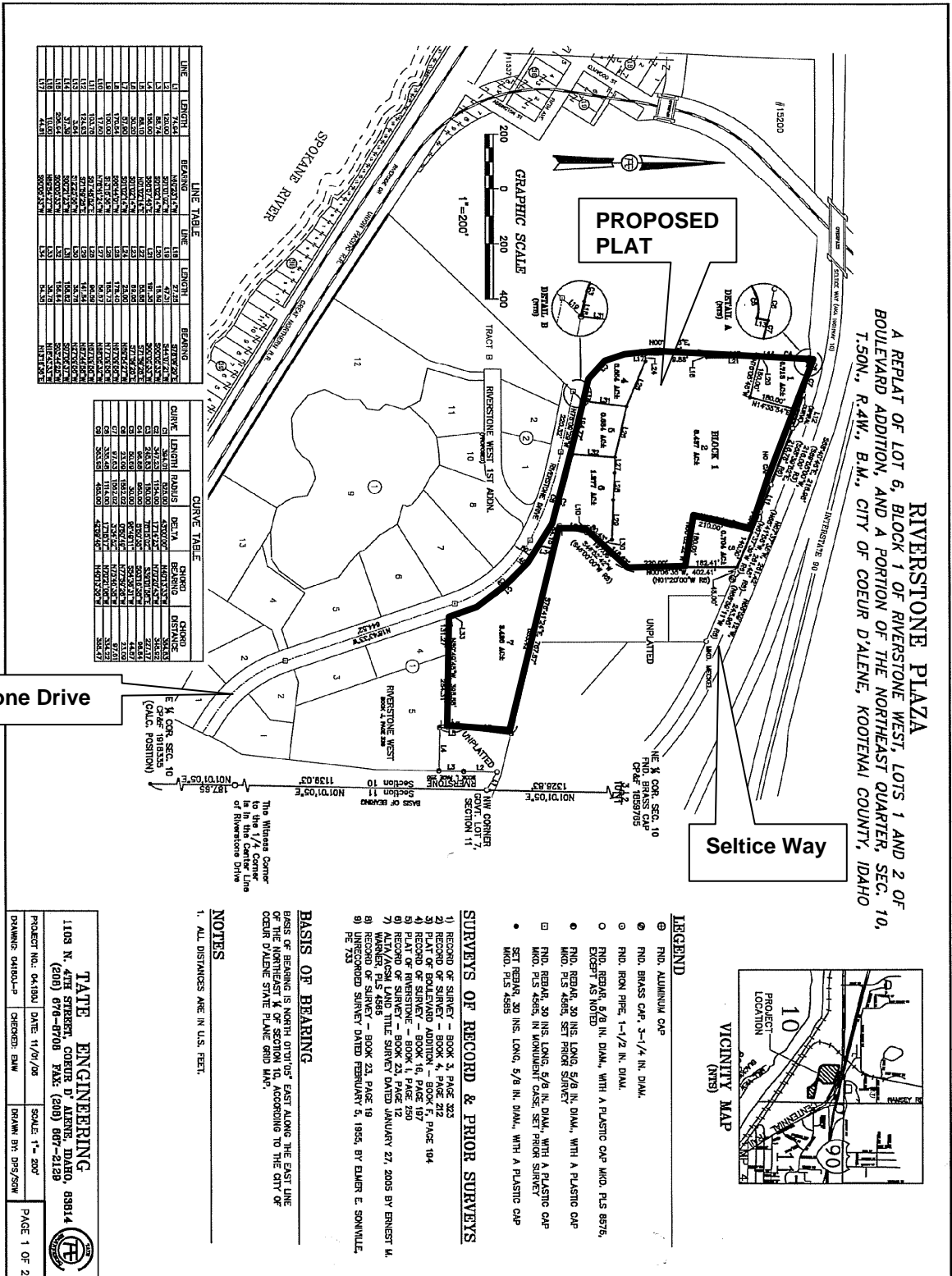


B. Generalized land use.



C. Riverstone Plaza Subdivision :

RIVERSTONE PLAZA
 A REPLAT OF LOT 6, BLOCK 1 OF RIVERSTONE WEST, LOTS 1 AND 2 OF
 BOULEVARD ADDITION, AND A PORTION OF THE NORTHEAST QUARTER, SEC. 10,
 T.50N., R.4W., B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO



LINE TABLE

LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	74.84	N52°02'41"W	L10	72.28	S82°28'24"E
L2	66.74	S01°02'27"W	L11	18.20	S00°02'53"W
L3	106.00	S00°02'27"W	L12	18.20	S00°02'53"W
L4	106.00	S00°02'27"W	L13	18.20	S00°02'53"W
L5	50.25	S01°02'27"W	L14	18.20	S00°02'53"W
L6	50.25	S01°02'27"W	L15	18.20	S00°02'53"W
L7	106.00	S00°02'27"W	L16	18.20	S00°02'53"W
L8	106.00	S00°02'27"W	L17	18.20	S00°02'53"W
L9	106.00	S00°02'27"W	L18	18.20	S00°02'53"W
L10	106.00	S00°02'27"W	L19	18.20	S00°02'53"W
L11	106.00	S00°02'27"W	L20	18.20	S00°02'53"W
L12	106.00	S00°02'27"W	L21	18.20	S00°02'53"W
L13	106.00	S00°02'27"W	L22	18.20	S00°02'53"W
L14	106.00	S00°02'27"W	L23	18.20	S00°02'53"W
L15	106.00	S00°02'27"W	L24	18.20	S00°02'53"W
L16	106.00	S00°02'27"W	L25	18.20	S00°02'53"W
L17	106.00	S00°02'27"W	L26	18.20	S00°02'53"W
L18	106.00	S00°02'27"W	L27	18.20	S00°02'53"W
L19	106.00	S00°02'27"W	L28	18.20	S00°02'53"W
L20	106.00	S00°02'27"W	L29	18.20	S00°02'53"W
L21	106.00	S00°02'27"W	L30	18.20	S00°02'53"W
L22	106.00	S00°02'27"W	L31	18.20	S00°02'53"W
L23	106.00	S00°02'27"W	L32	18.20	S00°02'53"W
L24	106.00	S00°02'27"W	L33	18.20	S00°02'53"W
L25	106.00	S00°02'27"W	L34	18.20	S00°02'53"W
L26	106.00	S00°02'27"W	L35	18.20	S00°02'53"W
L27	106.00	S00°02'27"W	L36	18.20	S00°02'53"W
L28	106.00	S00°02'27"W	L37	18.20	S00°02'53"W
L29	106.00	S00°02'27"W	L38	18.20	S00°02'53"W
L30	106.00	S00°02'27"W	L39	18.20	S00°02'53"W
L31	106.00	S00°02'27"W	L40	18.20	S00°02'53"W
L32	106.00	S00°02'27"W	L41	18.20	S00°02'53"W
L33	106.00	S00°02'27"W	L42	18.20	S00°02'53"W
L34	106.00	S00°02'27"W	L43	18.20	S00°02'53"W
L35	106.00	S00°02'27"W	L44	18.20	S00°02'53"W
L36	106.00	S00°02'27"W	L45	18.20	S00°02'53"W
L37	106.00	S00°02'27"W	L46	18.20	S00°02'53"W
L38	106.00	S00°02'27"W	L47	18.20	S00°02'53"W
L39	106.00	S00°02'27"W	L48	18.20	S00°02'53"W
L40	106.00	S00°02'27"W	L49	18.20	S00°02'53"W
L41	106.00	S00°02'27"W	L50	18.20	S00°02'53"W

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD DISTANCE
C1	37.23	100.00	107°15'57"	35.85	35.85
C2	37.23	100.00	107°15'57"	35.85	35.85
C3	37.23	100.00	107°15'57"	35.85	35.85
C4	37.23	100.00	107°15'57"	35.85	35.85
C5	37.23	100.00	107°15'57"	35.85	35.85
C6	37.23	100.00	107°15'57"	35.85	35.85
C7	37.23	100.00	107°15'57"	35.85	35.85
C8	37.23	100.00	107°15'57"	35.85	35.85
C9	37.23	100.00	107°15'57"	35.85	35.85
C10	37.23	100.00	107°15'57"	35.85	35.85
C11	37.23	100.00	107°15'57"	35.85	35.85
C12	37.23	100.00	107°15'57"	35.85	35.85
C13	37.23	100.00	107°15'57"	35.85	35.85
C14	37.23	100.00	107°15'57"	35.85	35.85
C15	37.23	100.00	107°15'57"	35.85	35.85
C16	37.23	100.00	107°15'57"	35.85	35.85
C17	37.23	100.00	107°15'57"	35.85	35.85
C18	37.23	100.00	107°15'57"	35.85	35.85
C19	37.23	100.00	107°15'57"	35.85	35.85
C20	37.23	100.00	107°15'57"	35.85	35.85

Riverstone Drive

Seltice Way

LEGEND

- ⊗ FND. ALUMINUM CAP
- ⊙ FND. BRASS CAP, 3-1/4 IN. DIAM.
- FND. IRON PIPE, 1-1/2 IN. DIAM.
- FND. REBAR, 5/8 IN. DIAM., WITH A PLASTIC CAP W/O. PLS 8576, EXCEPT AS NOTED
- FND. REBAR, 3/8 IN. LONG, 5/8 IN. DIAM., WITH A PLASTIC CAP W/O. PLS 4583, SET PRIOR SURVEY
- FND. REBAR, 30 INS. LONG, 5/8 IN. DIAM., WITH A PLASTIC CAP W/O. PLS 4583, IN ADJACENT QUARTER, SET PRIOR SURVEY
- SET REBAR, 30 INS. LONG, 5/8 IN. DIAM., WITH A PLASTIC CAP W/O. PLS 4585

SURVEYS OF RECORD & PRIOR SURVEYS

- 1) RECORD OF SURVEY - BOOK 3, PAGE 232
- 2) RECORD OF SURVEY - BOOK 4, PAGE 212
- 3) RECORD OF SURVEY - BOOK 10, PAGE 194
- 4) RECORD OF SURVEY - BOOK 16, PAGE 107
- 5) PLAT OF RIVERSTONE - BOOK 1, PAGE 250
- 6) RECORD OF SURVEY - BOOK 23, PAGE 112
- 7) PLAT OF RIVERSTONE - BOOK 23, PAGE 112
- 8) MAIN PLAT AND TITLE SURVEY DATED JANUARY 27, 2005 BY ERNEST M. FEY, JR., PLS 4583
- 9) RECORD OF SURVEY - BOOK 23, PAGE 119
- 9) UNRECORDED SURVEY DATED FEBRUARY 5, 1955, BY ELMER E. SONNVILLE, FE 733

BASIS OF BEARING

BASIS OF BEARING IS NORTH 07°10'05" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 10, ACCORDING TO THE CITY OF COEUR D'ALENE STATE PLANE GRID MAP.

NOTES

1. ALL DISTANCES ARE IN U.S. FEET.

TATE ENGINEERING
 1105 N. 4TH STREET, COEUR D'ALENE, IDAHO, 83814
 (208) 676-8708 FAX (208) 687-2129

PROJECT NO. 041800 DATE 11/01/06 SCALE 1"=200'
 DRAWING CHECKED BY BAW DRAWN BY DRS/SSW

PAGE 1 OF 2

E. Applicant: Riverstone West LLC

104 S. Division Street
Spokane, WA 99204

- F. Land uses in the area include residential – commercial retail sales & service, civic, manufacturing and vacant land.
- G. The subject property is vacant.

PERFORMANCE ANALYSIS:

A. Zoning:

The subject property is zoned C-17 and will not change with this request. The C-17 zoning district is intended as a broad spectrum commercial district that permits limited service, wholesale/retail and heavy commercial in addition to allowing residential development at a density of seventeen (17) units per gross acre. This District should be located adjacent to arterials. The C-17 zone allows 57 uses by right and 10 uses by special use permit.

The zoning pattern in the area shows C-17 zoning in the “Riverstone” development to the south and along Seltice Way, which is designated as a minor arterial on the Transportation Plan. Six of the seven lots have frontage on the newly constructed Riverstone Drive that will provide access through the Riverstone development between Seltice Way and Northwest Boulevard. There are no minimum lot size or frontage requirements for commercial lots in a C-17 zone and the minimum requirement for access is legal access.

Evaluation: All lots have frontage on either Seltice Way or Riverstone Drive and range in size from .65 acres to 8.44 acres.

The preliminary plat should be evaluated to determine that it is compatible with the land uses in the area, the surrounding street pattern, and the Comprehensive Plan.

B. Finding #B8A: That all of the general preliminary plat requirements (have) (have not) been met, as attested to by the City Engineer.

The preliminary plat submitted contained all of the general information required by Section 16.12.020 of the Municipal Code, General Requirements.

C. Finding #B8B: That the provisions for streets, alleys, rights-of-way, easements,

street lighting, fire protection, planting, drainage, and utilities (are) (are not) adequate where applicable.

SEWER:

1. Sanitary sewer is available to the proposed subdivision. There is an eight inch (8") sanitary sewer main located in Riverstone Drive that can provide service to the proposed lots adjoining the noted roadway. There is an existing eight inch (8") sanitary sewer stub into proposed Lot 2 that is available to provide service to Lots 1-3.

- Evaluation:
- A. The developer will be required to install the lateral service for Lot 5 prior to final plat approval. This installation will require boring into the manhole noted as MH R8 on the "Riverstone -Phase 2" construction plans.
 - B. Installment of a sanitary manhole at the terminus of the existing sanitary sewer stub into Lot 2 will be required. This manhole will be the point at which "public" sanitary sewer ends. All sewer past this point will be "private" sewer and the responsibility of the property owners association.
 - C. Installation of sanitary sewer lateral services will be required to the proposed Lots 1&3 prior to final plat approval. These laterals will be required to connect directly into the sanitary manhole to be installed at the terminus of the existing sanitary stub out (eval. #2). Sanitary utility easements over the lateral service lines to Lots 1&3 will be required on the final plat document.

2. There is an existing eighteen inch (18") concrete sanitary sewer that is located on Lot 7, which provides sanitary sewer service to the adjoining property to the north. The Fairwinds elder care facility adjoining the northerly boundary of Lot 7 utilizes this existing concrete line for its sanitary connection.

- Evaluation:
- The Riverstone developer has previously removed all of the noted concrete sanitary line to the west of Lot 7; therefore, they must complete the removal of the remaining portion on Lot 7. The "re-sewering" of the adjoining property to the north, into the newly installed sanitary main line in Riverstone Drive, must be completed prior to this removal, and, a utility easement must be provided over the newly installed sanitary lateral. This is a pre-existing condition that the developer has been previously made aware of, and must be completed prior to final plat approval.

WATER:

City water is available to the proposed subdivision. There is an existing eight inch (8") water main in Riverstone Drive and an eight inch line stubbed into Lot 2 of the subject property.

- Evaluation:
- A. This line is of adequate size to serve the proposed subdivision. The developer will be required to extend the public water main through the subject property to serve all proposed lots and make a looping connection into Seltice Way at the easterly boundary of the site. This connection into Seltice Way will be required to be

completed prior to the remobilization of the Seltice Way reconstruction project. Any costs that arise in the Seltice Way reconstruction that are a result of delays or development related to the subdivision will be the sole responsibility of the subdivision developer.

- B. The water main line will be extended, at no cost to the City, and placed within a twenty foot utility easement to be shown on the final plat document.

STORMWATER:

City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site. Site drainage will be addressed with the submission of infrastructure plans for the subject property.

TRAFFIC:

The uses for the subject property have not been defined other than general office and retail operations. 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 will be addressed at the time of site infrastructure and building plan submittal

Evaluation: The adjacent and connecting streets will accommodate the additional traffic volume. The developer is required to signalize the Seltice/Riverstone intersection with the underlying subdivision, and, with the reconstruction of Seltice Way into a three lane/center turn lane section, traffic impacts should be minimized.

STREETS:

1. The proposed subdivision is bordered by Seltice Way on the north, and, Riverstone Drive south side, and the future Riverstone Drive on the west. The current right-of-way widths meet City standards. A portion of Riverstone Drive is fully constructed, and, Seltice Way is in the process of being reconstructed.

Evaluation: A. Development of any property entails installation of all infrastructure to roadways that adjoin the subject property. Because Seltice Way is an active State (ITD) sponsored reconstruction project, the developer will not be required to install the frontage improvements on Seltice Way; however, since the Seltice Way project contract includes payments for any alterations to the approved plans and/or delays that may be caused, the Riverstone Plaza developer will be solely responsible for any and all costs/claims that result from the development of the site that impact the noted Seltice Way reconstruction.

- B. All site development must utilize the approved roadway plans for the Seltice Way reconstruction to eliminate site elevation differences that may impact parking lots, points of ingress/egress and pad sites. Conformance to the existing approved plans will be the responsibility of the developer.

2. Riverstone Drive along the westerly boundary of the subject property is not dedicated right-of-way, and, Lot 4 does not have legal access. The remaining

portion of r/w for Riverstone Drive, between the current dedicated end of Riverstone Drive and Seltice Way, will be required to be dedicated by separate instrument for legal access to be available for all lots, prior to recordation of the Riverstone Plaza final plat.

APPLICABLE CODES AND POLICIES:

UTILITIES:

1. All proposed utilities within the project shall be installed underground.
2. All water and sewer facilities shall be designed and constructed to the requirements of the City of Coeur d'Alene. Improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
3. All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.
4. All required utility easements shall be dedicated on the final plat.

STREETS:

5. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
6. All required street improvements shall be constructed prior to issuance of building permits.
7. An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

STORMWATER:

8. A stormwater management plan shall be submitted and approved prior to start of any construction. The plan shall conform to all requirements of the City.

Submitted by Chris Bates, Engineering Project Manager

FIRE:

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

Submitted by Dan Cochran, Deputy Fire Chief

POLICE:

No further comments.

Submitted by Steve Childers, Captain, Police Department

D. Finding #B8C: That the preliminary plat (is) (is not) in conformance with the Comprehensive Plan as follows:

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates the subject property as Transition with

Seltice Way indicated as a Medium Intensity Corridor, as follows:

Transition:

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

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

Medium Intensity Corridors:

“These areas primarily consist of areas where commercial and residential uses may be encouraged.”

- Residential/commercial mix.
- Possible residential density = 17/34 du/acre
- Encourage lower intensity commercial service and manufacturing uses close or abutting major transportation routes.
- Discourage uses that are detrimental to neighboring stable established neighborhoods.
- Arterial/collector corridors defined by landscaping/street trees.

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

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

Significant policies:

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

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

4C3: Population growth should be compatible with preserving Coeur d’Alene’s

character and quality of life.”

- 4C5: “New development should provide for bike paths and pedestrian walkways in accordance with the transportation plan and bike plan.”
- 6A: “Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.”
- 6A2: “Encourage high-intensity commercial development, including professional offices, to concentrate in existing areas so as to minimize negative influences on adjacent land uses, such as traffic congestion, parking and noise.
- 6A3: “Commercial development should be limited to collector and arterial streets.”
- 14A3: “All new developments must provide for immediate hook up to the sanitary sewer system.”
- 23B1: “New developments should be required to be within an existing sewage service area or provide a system that does not pollute the aquifer.”
- 42A2: “Property rights of citizens should be protected in land use decisions.”

- 46A: “Provide for the safe and efficient circulation of vehicular traffic.”

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

- 51A5: “Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects.”
- 52B: “Promote a high standard of landscaping, building design and community development.”

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

Transportation Plan policies:

The Transportation Plan is an addendum to the Comprehensive Plan and is a policy document that is intended to guide decisions that affect transportation issues. Its goal is to correct existing deficiencies and to anticipate, plan and provide for future transportation needs.

- 31A: “Develop an improved arterial system that integrates with existing street patterns.”
- 33A: “Safe vehicular and pedestrian circulation should be enhanced through careful design and active enforcement.”

34A: "Use existing street systems better."

34B: "Reduce automobile dependency by providing bike paths and sidewalks."

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.

E. Finding #B8D: That the public interest (will) (will not) be served.

The proposed plat will re-develop an existing commercial area into a commercial development that is part of the existing Riverstone development to the south, provide additional land for future commercial growth in Coeur d'Alene, and utilize the existing streets in the area including Seltice Way and Riverstone Drive.

Evaluation: The Planning Commission must determine, based on the information before them, whether the request will or will not serve the public interest.

F. Finding #B8E: That all of the required engineering elements of the preliminary plat (have) (have not) been met, as attested to by the City Engineer.

A preliminary utility design was submitted indicating that all proposed lots could be served.

G. Finding #B8F: That the lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district.

All lots within the proposed plat meet the minimum requirements of the C-17 zoning district.

Evaluation: The Planning Commission must determine, based on the information before them, whether the request does or does not meet the minimum requirements of the C-17 zoning district.

H. Finding #B9: That the proposal (would) (would not) adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character, and existing land uses.

The proposed subdivision is in a developing commercial area along the Seltice Way/Northwest Boulevard commercial corridor, which is predominately commercial in use and adjacent to streets that can accommodate traffic generated by this development.

Evaluation: The Planning Commission must determine, based on the information before them, what affect the request would have on traffic, neighborhood character, and existing land uses.

I. Proposed conditions:

Engineering:

1. Installation of the sanitary lateral for Lot 5 will be required prior to final plat approval. This installation will entail "boring" into the existing manhole in Riverstone Drive.
2. Installment of a sanitary manhole at the terminus of the existing sanitary sewer stub into Lot 2 will be required.
3. Installation of sanitary sewer lateral services will be required to the proposed Lots 1&3 prior to final plat approval. These laterals will be required to connect directly into the sanitary manhole to be installed at the terminus of the existing sanitary stub out (eval. #2). Sanitary utility easements over the lateral service lines to Lots 1&3 will be required on the final plat document.
4. Re-sewering of the Fairwinds facility adjoining Lot 7 and removal of the existing concrete sewer must be completed prior to final plat approval.
5. The developer will be required to extend the water main through the subject property to serve all proposed lots and make a looping connection into Seltice Way at the easterly boundary of the site. This connection into Seltice Way will be required to be completed prior to the remobilization of the Seltice Way reconstruction project. The water main line will be extended at no cost to the City, and, placed within a twenty foot utility easement to be shown on the final plat document.
6. The Riverstone Plaza developer will be solely responsible for any and all costs/claims that result from the development of the site that impact the noted Seltice Way reconstruction project.
7. All site development must utilize the approved roadway plans for the Seltice Way reconstruction to eliminate site elevation differences that may impact parking lots, points of ingress/egress and pad sites. Conformance to the existing approved plans will be the responsibility of the developer.
8. The remaining portion of r/w for Riverstone Drive, between the current dedicated end of Riverstone Drive and Seltice Way, will be required to be dedicated by separate instrument for legal access to be available for all lots, prior to recordation of the Riverstone Plaza final plat.

- J. Ordinances and Standards Used In Evaluation:
 - Comprehensive Plan - Amended 1995.
 - Municipal Code.
 - Idaho Code.
 - Wastewater Treatment Facility Plan.
 - Water and Sewer Service Policies.
 - Urban Forestry Standards.
 - Transportation and Traffic Engineering Handbook, I.T.E.
 - Manual on Uniform Traffic Control Devices.

ACTION ALTERNATIVES:

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

[F:pcstaffreportsS1306]

PROPERTY INFORMATION

1. Gross area: (all land involved): 15.895 acres, and/or _____ sq.ft.
2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): 15.895 acres, and/or _____ sq. ft.
3. Total length of streets included: 0 ft., and/or _____ miles.
4. Total number of lots included: 7
5. Average lot size included: 2.270 Acres
6. Existing land use: Retail (CPM retail store) and Vacant land
7. Existing Zoning: (circle one) R-1 R-3 R-5 R-8 R-12 R-17 MH-8 C-17
C-17L C-34 LM M

SEWER AND WATER REIMBURSEMENT POLICY

Over sizing of utilities will not be eligible for reimbursement from the city unless a request is approved in writing by the City Council prior to issuance of Building Permits or the start of construction, whichever comes first.

PROJECT DESCRIPTION:

Please describe the concept of the proposed subdivision:

- Block 1, lots 1-3 - The approximately 10 acres that front Seltice Way will be developed into a retail Shopping Center with two outparcels.
- Block 1, lots 4-6 - This approximately 2.6 acres will be developed into 3 office buildings.
- Block 1, Lot 7 - The proposed use of this lot is residential condos. The lot will be included in the Riverstone West PUD overlay.

**S
G
N
-
D
-
F**

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

A. INTRODUCTION

This matter having come before the Planning Commission on December 12, 2006, and there being present a person requesting approval of ITEM S-13-06: a request for preliminary plat approval of "Riverstone Plaza" a 7-lot re-plat of lot 6, block 1 of "Riverstone West" subdivision, lots 1 & 2 of "Boulevard Addition" subdivision and a portion of the Northeast 1/4 of Section 10 in the C-17 (Commercial at 17 units/acre) zoning district.

APPLICANT: Riverstone West, LLC

LOCATION +/- 15.90-acre parcel at 3513 WEST SELTICE WAY.

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 retail sales & service, civic, manufacturing and vacant land.

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 November 25, 2006, and December 5, 2006, which fulfills the proper legal requirement.

B5. That the notice was not required to be posted on the property.

B6. That 141 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 22, 2006, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.

B7. That public testimony was heard on December 12, 2006.

B8. Pursuant to Section 16.10.030A.1, Preliminary Plats: In order to approve a preliminary plat, the Planning Commission must make the following findings:

- B8A. That all of the general preliminary plat requirements **(have) (have not)** been met, as attested to by the City Engineer. This is based on
- B8B. That the provisions for streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, and utilities **(are) (are not)** adequate where applicable. This is based on
- B8C. That the preliminary plat **(is) (is not)** in conformance with the Comprehensive Plan as follows:
- B8D. That the public interest **(will) (will not)** be served based on
- B8E. That all of the required engineering elements of the preliminary plat **(have) (have not)** been met, as attested to by the City Engineer. This is based on
- B8F. That the lots proposed in the preliminary plat **(do) (do not)** meet the requirements of the applicable zoning district for the following reasons:
- B9. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character, and existing land uses because

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of Riverstone West, LLC for preliminary plat approval as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied to the motion are:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner George	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____
Chairman Bruning	Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN JOHN BRUNING

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

DATE: December 12, 2006

FROM: Warren Wilson, Deputy City Attorney

SUBJECT: Amendment of Condominium and Final Plat Ordinances.

DECISION POINT:

Provide the City Council with a recommendation regarding adopting the proposed amendments to the municipal code regarding the processing of condominiums and the review and approval of final plats.

HISTORY:

For some time the Commission has expressed interest in changing the process for approving condominium projects since the impacts created by the development have been addressed at building permit issuance. Additionally, staff has been working to prepare amendments to tighten the requirements for final platting to ensure that pedestrian and bicycle improvements depicted on the preliminary plat are reflected on the final plat and are ultimately built.

FINANCIAL ANALYSIS:

Adopting the proposed amendments will have a limited financial impact on the City. The condominium changes should create a small cost savings in staff time while the final plat changes will require a nominal increase in staff review time.

PERFORMANCE/QUALITY OF LIFE ANALYSIS:

Adopting the proposed amendments will stream line the condominium approval process without changing the level of City review of the plat. The proposal would have staff review the impacts of the development at building permit as happens currently and the condominium plat would go directly to the City Council as a final plat. The changes to the final plat process will further ensure that proposed ped/bike improvements in a subdivision are ultimately built by specifically requiring that these elements are contained in the final plat.

DECISION POINT/RECOMMENDATION:

Recommend that the City Council adopt the recommend Code revisions.

16.08.140: PLAT OR SUBDIVISION:

"Plat" or "subdivision" means an area of land which has been divided into two (2) or more lots, tracts, parcels or divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development, including all designations in street line, alley line, public area boundaries, lot lines, easement, rights of way, pavement width, curb lines, location and size of utilities, location and size of land areas to be dedicated. This definition shall include divisions made for condominium purposes.

16.08.150: PLAT, REGULAR:

"Regular plat" refers to a division of land which produces more than four (4) lots, or which contains a dedication for a new public right of way, or which produces at least two (2) lots neither of which meet the minimum frontage requirements of [title 17](#) of this code.

16.08.155: PLAT, SHORT:

"Short plat" refers to a division of land which produces four (4) or fewer lots, and which contains no dedication of a new public right of way, except that existing right of way may be widened within a short plat.

16.08.157: PLAT, CONDOMINIUM:

"Condominium plat" refers to a division of units in a structure or structures for condominium ownership purposes without a subdivision of the land upon which the structure or structures sit.

~~16.12.050: ADDITIONAL REQUIREMENTS FOR PHASED CONDOMINIUM SUBDIVISIONS:~~

~~A subdivider who wishes to use short plats for phases subsequent to the original phase in a phased condominium subdivision shall include the following information in addition to other requirements contained in this Chapter:~~

- ~~A. All future buildings planned for the site showing appropriate dimensions and locations;~~
- ~~B. Identification of the order in which subsequent buildings will be constructed;~~
- ~~C. A statement that each phase will be superseded by the subsequent phase.~~

~~16.32.030: CITY ENGINEER AUTHORITY:~~

~~The city engineer may grant deviations from the provisions or requirements of this title without planning commission approval for short subdivisions, only if all of the following conditions exist:~~

- ~~A. A written finding has been made by the city engineer that the standards of subsections 16.32.010A through E of this chapter are satisfied.~~

~~B. The subdivision requiring deviation is a plat for a condominium division of ownership in which the subdivision is located on a single lot and consists of a separate division of units in an existing structure or structures without separate division of the land on which the structure or structures is located.~~

~~C. The subdivision will not create additional dwelling units or increase the density.~~

~~D. No dedication of right of way is required.~~

SHORT SUBDIVISIONS CHAPTER 16.36

16.36.010: APPLICATION; SUBMITTAL:

A. Applicability:

When an owner or subdivider desires to subdivide a parcel of land located either within one mile of the boundaries of the city as provided for in Idaho Code section 50-1306, or as authorized by law within any area of city impact adopted pursuant to Idaho Code section 67-6526 so as to produce not more than a total of four (4) lots, and with no dedication of any part thereof as a new public right of way, the short plat procedure may be used. The restriction of dedication of rights of way shall not apply to grants which widen existing rights of way only. ~~This procedure also applies to any subdivision for condominium ownership purposes, when the division of property complies with subsections 16.32.030B, C and D of this title.~~

B. Application Requirments:

1. The owner or subdivider shall make application on a form prescribed by the planning director. The application shall contain two (2) copies of the proposed plat map and any additional information on such things as preliminary street grades, water, sanitary sewer, and drainage plan as is deemed necessary by the city engineer. At the time of filing a short plat application, the owner or subdivider shall pay to the city such fees as are provided in the fee schedule recommended by the planning director and approved by resolution of the city council.

~~2B.~~ The time of filing a short plat application shall be fixed as the date when all maps and information required by this title have been filed, checked and accepted as completed by the city engineer, and the required fees paid.

~~3C.~~ The completed application must be submitted to the planning director not later than fifteen (15) days prior to the date of the next regular planning commission meeting. Acceptance or rejection of the application by the city engineer, and notification of the applicant, shall take place the following business day.

~~16.36.015: PROCEDURE FOR PHASED CONDOMINIUMS:~~

~~After the initial phase of a phased condominium plat has been approved through the regular plat procedure, subsequent phases may be approved as short plats provided they meet the requirements of chapter 16.12 of this title and upon a finding of the city engineer that the short plat does not significantly deviate from the plat of the previous phase.~~

16.36.017: REQUIRED IMPROVEMENTS:

Street, curbing, water, sanitary sewer and storm sewer improvements are not required as part of the short plat for a parcel for which a short plat has not previously been filed with the city as long as the lot(s) created is larger than two (2) acres. However, public improvements may be included under any building permit on first time short plats.

When any lot created by a short plat is less than two (2) acres, that lot shall conform with all subdivision requirements for public improvements.

16.36.020: PRINTS OF PLATS; SUBMISSION; REQUIREMENTS:

The number of prints required by section 16.04.030 of this title with information, certificates and statements required by this title shall be submitted to the office of the city engineer. The short subdivision plat shall also conform to the requirements of section 16.12.020 of this title.

16.36.030: INFORMATION REQUIRED:

The short subdivision plat shall contain or be accompanied by the information required in Section 16.12.040.

16.36.040: CERTIFICATES AND DEED RESTRICTIONS REQUIRED:

The short subdivision plat shall contain the same certificates required for a long plat, Section 16.12.060, except subsection E.

16.36.050: APPROVAL OF CITY ENGINEER; STANDARDS:

The City Engineer may approve and affix his certificate of approval on the plat only if he finds the plat to conform to the requirements of Section 16.10.045C, or, when applicable, Section 16.32.030.

16.36.070: TIME FOR DETERMINATION:

Action on the short subdivision shall be conveyed to the applicant within ten (10) working days after the City Engineer has received the application.

16.36.090: MAP; COPY DISTRIBUTION:

One print and the original of the approved map shall be returned to the applicant. The original shall be submitted to the Recorder of Kootenai County who may accept it for filing and record only if all requirements stated have been complied with.

16.36.060: DISAPPROVAL OR CHANGE REQUIREMENT; FILING WITH PLANNING COMMISSION:

If the City Engineer finds that the above criteria required in Sections 16.36.020 through 16.36.040 have not been complied with, he may either disapprove the application or he may require that the applicant make necessary changes which would cause him to give his approval. If the application is denied by the City Engineer, the applicant may file a plat with the Planning Commission in accordance with the provisions of Chapters 16.10 and 16.12 of this Title.

CONDOMINIUM PLATS CHAPTER 16.37

16.37.010: APPLICATION; SUBMITTAL:

A. Applicability:

This procedure applies to any subdivision for condominium ownership purposes if the condominium plat is located on a single lot and consists of a division of units without a division of the land on which the structure or structures is located. If the condominium plat does not meet these criteria, it must be approved either as a regular or short plat depending on the number of lots created.

B. Application Requirements:

1. The subdivider shall make application on a form prescribed by the Planning Director. The application shall contain two (2) copies of the proposed plat map. At the time of filing a condominium plat application, the subdivider shall pay to the city such fees as are provided in the fee schedule approved by resolution of the City Council.
2. A condominium plat application will not be processed until all maps and information required by this title have been filed, checked and accepted by the City Engineer, and the required fees paid.

16.37.020: PRINTS OF PLATS; SUBMISSION; REQUIREMENTS:

The number of prints required by section 16.04.030 of this title with information, certificates and statements required by this title shall be submitted to the office of the City Engineer.

16.37.030: INFORMATION REQUIRED:

A condominium plat under this Chapter shall conform to the requirements of section 16.12.020 and contain or be accompanied by the information required in Section 16.12.040.

16.37.040: CERTIFICATES AND DEED RESTRICTIONS REQUIRED:

A condominium plat under this Chapter shall contain the same certificates required for a regular plat, Section 16.12.060, except subsection E.

16.37.050: REQUIRED IMPROVEMENTS:

Street, curbing, water, sanitary sewer and storm sewer improvements are not required as part of a condominium plat. However, required public improvements will be included as part of any building permit issued for a condominium project.

16.37.060: ADDITIONAL REQUIREMENTS FOR PHASED CONDOMINIUMS:

A. If the condominium project will contain more than one phase, the condominium plat for the first phase and each subsequent phase must include the following information in addition to the information required by this chapter and chapter 16.12.

1. All future buildings planned for the site showing appropriate dimensions and locations;
2. Identification of the order in which subsequent buildings will be constructed;
3. A statement that each phase will be superseded by the subsequent phase.

B. If the initial condominium plat was required to be approved by a regular or short plat, subsequent phases may be approved under this chapter so long as the plat does not further divide land and the City Engineer determines that the condominium plat does not significantly deviate from the plat of the previous phase or any conditions of approval for the initial phase.

16.37.070: APPROVAL OF CITY ENGINEER:

A. The City Engineer may only approve and affix his certificate of approval on the plat if he or she finds the plat to conform to the requirements of this chapter and section 16.10.045C.

B. If the City Engineer finds that the criteria required by this chapter have not been met, he or she may either disapprove the application or require the applicant make the necessary changes to allow approval. If the application is denied by the City Engineer, the applicant may file a plat with the Planning Commission in accordance with the provisions of Chapters 16.10 and 16.12 of this Title.

16.37.090: APPROVAL BY CITY COUNCI:

A. Once the completed application has been checked and approved by the City Engineer, the condominium plat will be placed on the next regularly scheduled City Council agenda for approval. The applicant will be notified of the date of the City Council hearing once it is scheduled.

B. Following review by the City Council, the applicant will be notified in writing of the decision of the City Council

16.37.100: MAP; COPY DISTRIBUTION:

One print and the original of the approved map shall be returned to the applicant. The original shall be submitted to the Recorder of Kootenai County who may accept it for filing and record only if all requirements stated have been complied with.

16.04.015: PURPOSE OF THE SUBDIVISION ORDINANCE:

The purpose of the subdivision ordinance is to prescribe the procedures by which:

- A. A plat is required when a parcel of land is divided into two (2) or more lots, tracts, or parcels for the purpose (whether immediate or future) of transfer of ownership or for building development except as noted herein.
- B. Divisions are made for condominium ownership purposes as defined herein.
- C. Proper provisions for sidewalks, streets and roads, including location, design and construction, are made.
- D. Proper provisions for park land and pedestrian/bike trail layout, location, size and accessibility are made.
- E. These regulations shall not apply to the following divisions of land:
 - 1. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of lots in any block of the recorded plat;
 - 2. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property;
 - 3. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;
 - 4. The acquisition of street rights of way by a public agency.
 - 5. Divisions made for cemeteries or burial plots while used for that purpose.

16.10.030: PLANNING COMMISSION ACTION:

The commission shall, after notice, hold a public hearing to consider the proposal and render a decision.

A. Findings Required:

- 1. Preliminary Plats: In order to approve a preliminary plat, the commission must make the following findings:
 - a. All of the general preliminary plat requirements have been met as attested to by the city engineer;

- b. The provisions for sidewalks, streets, alleys, rights of way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities and utilities are adequate;
 - c. The preliminary plat is in conformance with the comprehensive plan;
 - d. The public interest will be served;
 - e. All of the required engineering elements of the preliminary plat have been met as attested to by the city engineer;
 - f. The lots proposed in the preliminary plat meet the requirements of the applicable zoning district.
- B. Decisions: The commission may recommend approval or conditional approval, deny or deny without prejudice, or may defer action until necessary studies and plans have been completed. In case of approval, denial or denial without prejudice, a copy of the commission's decision shall be mailed to the applicant and property owners who received mailed notice of the public hearing; and, notice of the decision shall be published in the official newspaper within ten (10) days of the decision. The approval of the preliminary plat shall not guarantee final approval of the plat or subdivision, and shall not constitute an acceptance of the subdivision, but shall be deemed to authorize the subdivider to proceed with the preparation of the final plat in a manner that incorporates all substantive requirements of the approved preliminary plat along the lines indicated on the preliminary plat.
- C. Conditional Approval And Extension Request: The planning commission may grant conditional approval of a preliminary plat. Preliminary plat approval, whether conditional or not, shall be effective for twelve (12) months from the date of planning commission approval. An extension of approval beyond this twelve (12) month period may be requested in writing and submitted to the planning director not less than twenty one (21) days prior to the date of the next regular planning commission meeting. The planning commission may extend its approval for two (2) additional six (6) month periods upon the finding that the preliminary plat complies with all of the requirements set forth at the time of approval. The request for each extension shall be accompanied by the required fee.

16.10.045: REVIEW; FIELD INSPECTION; APPROVAL OR DENIAL BY CITY ENGINEER:

- A. Upon receipt and acceptance of the final plat the planning director, acting for the commission and city council, shall deliver the plat to the city engineer for his review.
- B. If conditions so warrant, the city engineer may cause a field inspection to be made. The cost of such inspection at prevailing rates shall be charged the applicant in addition to the required fees and shall be paid before final approval of the plat is

given by the city council. If the city engineer approves the plat, he shall so state in a report to the city clerk. If he does not approve the plat, he shall state in writing the specific reasons and return the plat to the subdivider for the corrections or changes necessary to comply with the city engineer's objections. Thereafter, the subdivider may resubmit the final plat without paying an additional fee.

C. The city engineer shall approve and affix his certificate of approval on the plat if he finds:

1. The plat is accurate and correct in all details;

2. All ~~Minimum~~ improvements, depicted on the preliminary plat, including improvements to streets such as curbing, grading of right of way, placing base material, surfacing of either bituminous concrete or Portland cement concrete, sanitary facilities, sidewalks, pedestrian and bicycle facilities and water system have been made or adequate bonding or other security arrangements have been made to assure that such improvements will be made;

3. The proposed subdivision will not interfere with the future development of any remaining property under the same ownership or of any adjacent property;

4. Adequate access, including pedestrian and bicycle access, is available for the proposed subdivision and any possible future development;

5. The lots conform to the requirements of the zoning ordinance in title 17 of this code and any comprehensive plan adopted by the city for the area under consideration, or have met the requirements for granting of deviations as authorized by chapter 16.32 of this title.

16.10.050: FORWARDING OF RECOMMENDATION:

The city engineer shall forward a recommendation to the city council for appropriate action on the final plat only after he or she determines that all of the requirements of section 16.10.045(C) have been met and all public improvements have been constructed or a public improvement agreement has been approved by the city council and signed by the parties. Conditionally approved final plats shall not be presented to the city council until all conditions placed by the commission have either been met, or appropriately provided for, or successfully appealed to the council.

16.10.060: CITY COUNCIL ACTION:

A. Request For Final Plat Approval: Upon receipt of a request for final plat approval, the city engineer shall check the plat for completion, including, but not limited to, the plat map, certificates/dedications, conformity with the approved preliminary plat, installation of all public improvements depicted on the preliminary plat, form of bonding or acceptance of improvements and compliance with conditions required by

the planning commission. If the information is complete and accurate and if the proposed final plat is the same as the approved preliminary plat in all substantive respects, the city engineer shall accept the plat and forward it to the city clerk for placement on the next available council agenda.

B. Findings Required: In order to approve the final plat, the city council must make the following findings:

1. All of the required information for final plats has been provided as attested to by the city engineer;
2. All of the required data for final plats has been provided as attested to by the city engineer;
3. All certificates, dedications, and deed restrictions required for final plat documents have been provided as required by the city clerk;
4. The city engineer approves of the final plat pursuant to subsection [16.10.045C](#) of this chapter;
5. The proposed final plat is the same as the approved preliminary plat in all substantive respects as attested to by the city engineer~~Park land has been dedicated or the amount of the fee in lieu of dedication has been set;~~
6. The traffic impact development ordinance or other like ordinances have been appropriately applied; and
7. The form of security has been approved by the city attorney.

16.12.020: GENERAL REQUIREMENTS:

The preliminary plat shall include the following:

- A. The proposed name of the subdivision. Names shall not too closely resemble those of existing subdivisions, nor shall given names or initials be used with surnames in a plat name;
- B. The location of boundary lines in relation to section, quarter-section, and quarter-quarter-section lines and any adjacent corporate boundaries of the City which are part of the legal description of the property;
- C. The names and addresses of the subdivider and the Engineer, surveyor, landscape architect or other person making the plat;
- D. The scale of the plat, which shall not be less than fifty feet to one inch (50' = 1") nor more than one hundred feet to one inch (100' = 1");

- E. The date of submission and the north arrow;
- F. The location, width and name, if any, of each existing or proposed street rights of way, other rights of way, parks, sidewalks, pedestrian and bicycle facilities, playgrounds and other open spaces, schools and permanent buildings within the proposed subdivision;
- G. The names of adjacent subdivisions and the location and names of all adjacent streets;
- H. The topography at an appropriate contour interval (unless specifically waived by the City Engineer), the location of all natural watercourses, and other physical features pertinent to the subdivision;
- I. The layout, numbering and dimensions of lots and the numbering of blocks;
- J. The indication of any lots on which a use other than residential is proposed by the subdivider;
- K. The indication of any portion or portions of the plat for which successive or separate final plats are to be filed;
- L. Net acreage of subdivision, computed by calculating the total land area less proposed or existing public streets and other public lands;
- M. The vicinity sketch shall be a legible scale and shall show the relationship of the proposed plat to existing schools, parks, shopping centers, and other like facilities;
- N. The City Engineer may require the submission of two (2) copies of the proposed street grades where in his opinion conditions so warrant;
- O. The City Engineer may require the submission of two (2) copies of the proposed general layout and dimensions of water, sanitary sewer, drainage, lighting and fire protection facilities and easements.

Date: December 12, 2006
To: Planning Commission
From: David Yadon, Planning Director

Subject: Item O-4-06 Amendment to Zoning Code –: Neighborhood Commercial and Community Commercial Zoning Districts

Decision Point

The Planning Commission is asked to consider establishing two new zoning districts to the zoning ordinance: Neighborhood Commercial and Community Commercial

History

The Planning Commission has had several code amendments on the “priority list” for some time. The following amendments from that list were prepared by City staff and Consultant Mark Hinshaw and reviewed by the Planning Commission at workshops on August 16, 2006 and September 12, 2006. The Commission continued this item from the November 14, 2006 public hearing to ensure that the draft document accurately reflected the latest changes.

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

The Community Commercial District is intended to allow for the location of enterprises that mainly serve the surrounding residential areas and that provide a scale and character that are compatible with residential buildings.

Both districts include a Purpose, Permitted Uses, Maximum Building Height, Maximum Floor Area Ratio, Maximum Floor Area, Minimum Parking, Setbacks, Screening, Landscaping and Design Standards. This action does not change the zoning of any property in the city.

Financial Analysis

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

Performance Analysis

The proposed amendment is consistent with Comprehensive Plan policies including 6A. 51A1, 37, 42A, 64D16, 65.

Quality of Life Analysis

The amendment will provide new commercial zoning choices that address issues of neighborhood compatibility.

Decision Point Recommendation

The Planning Commission is asked to approve, deny or send the proposed amendments back to staff for further study.

Proposed Neighborhood Commercial District

1. Purpose of the District

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

2. Uses

Permitted:

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

Conditional / Special Permit:

- Religious Institutions
- Schools

Prohibited:

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

3. Maximum Building Height

32 feet

4. Maximum Floor Area Ratio

Non-Residential: 1.0
Total: 1.5

5. Maximum Floor Area

4,000 sf for Retail Uses
8,000 sf for all Non-Residential Uses

6. Minimum Parking

3 stalls / 1000sf of non-residential floor area
1.5 stalls per dwelling unit

7. Setbacks from any adjacent Residential District

8” of horizontal distance for every foot of building height.

8. Limited Hours of Operation

Any use within this district shall only be open for business between 6am and 10pm.

9. Screening along any adjacent Residential District

Minimum 10 foot wide planting strip containing evergreen trees
(trees to be at least 15 feet tall at time of planting, and no more than 25 feet apart)

10. Landscaping

One tree for every 8 surface parking stalls.
(trees shall be at least 15 feet tall at time of planting)

11. Design Standards

- a. At least 50% of any first floor wall facing an arterial street shall be glass.
- b. If a building does not abut the sidewalk, there shall be a walkway between the sidewalk and the primary entrance.
- c. Surface parking should be located to the rear or to the side of the principal building.
- d. Trash areas shall be completely enclosed by a structure of construction similar to the principal building. Dumpsters shall have rubber lids.
- e. Buildings shall be designed with a residential character, including elements such as pitched roofs, lap siding, and wide window trim.
- f. Lighting greater than 1 footcandle is prohibited. All lighting fixtures shall be a “cut-off” design to prevent spillover.
- g. Wall-mounted signs are preferred, but monument signs no higher than 6 feet are allowed. Roof-mounted signs and pole signs are not permitted. *
- h. Signs shall not be internally lighted, but may be indirectly lighted. *

** Sign standards would be incorporated into sign code.*

PC Draft 12/12/06

Proposed Community Commercial District

1. Purpose of the District

The Community Commercial District is intended to allow for the location of enterprises that mainly serve the surrounding residential areas and that provide a scale and character that are compatible with residential buildings.

2. Uses

Permitted:

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

Conditional / Special Permit:

- Religious Institutions
- Schools
- Gasoline Service Stations

Prohibited:

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

3. Maximum Building Height

35 feet

4. Maximum Floor Area Ratio

Non-Residential: 1.0
Total: 1.5

5. Maximum Floor Area

10,000 sf for Retail Uses
20,000 sf for all Non-Residential Uses

6. Minimum Parking

3 stalls / 1000sf of non-residential floor area
1.5 stalls per dwelling unit

7. Setbacks from any adjacent Residential District

8” of horizontal distance for every foot of building height.

8. Screening along any adjacent Residential District

Minimum 10 foot wide planting strip containing evergreen trees
(trees to be at least 15 feet tall at time of planting, and no more than 25 feet apart)

9. Landscaping

One tree for every 8 surface parking stalls.
(trees shall be at least 15 feet tall at time of planting)

10. Design Standards

- a. At least 50% of any first floor wall facing an arterial street shall be glass.
- b. If a building does not abut the sidewalk, there shall be a walkway between the sidewalk and the primary entrance.
- c. Surface parking should be located to the rear or to the side of the principal building.
- d. Trash areas shall be completely enclosed by a structure of construction similar to the principal building. Dumpsters shall have rubber lids.
- e. If a gasoline service stations is approved, it shall be limited to 4 double-sided pumps. Lighting greater than 2 footcandles is prohibited. All lighting fixtures shall be a “cut-off” design to prevent spillover.
- f.. Wall-mounted signs are preferred, but monument signs no higher than 6 feet are allowed. Roof-mounted signs and pole signs are not permitted.
Sign standards would be incorporated into sign code



**СШС - ШСВ
АМІ - ІО**

2005 Planning Commission Retreat Priorities Progress

DECEMBER 2006

.A note on the colors from from Tony Berns: "I use the stop light analogy:
Red is bad – either that initiative has failed, or our Board goal for the year will not be met.
Yellow is caution – could get to "red" if we don't do something pronto.
Green is good.

The other colors like "pending" are place holders until action on those items can occur." **Note: The PC is encouraged to select what "color" is appropriate.**

Administration of the Commission's Business

▪ Follow-up of Commission requests & comments		
▪ Meeting with other boards and committees		Park/rec Committee workshop 12-2:00 p.m. September 18th
▪ Goal achievement		Checklist of projects
▪ Building Heart Awards		Discussed 7/18 No awards will be given this year.
• Speakers		ULI educational opportunities provided. Council sponsored Idaho Smart Growth presentation held.
• Public Hearings		January 9, 5 items scheduled

Long Range Planning

▪ Comprehensive Plan Update		Mock hearing scheduled for December 14, 2006
▪ Education Corridor		Meeting October completed(Souza) Workshop w/prop river corridor owners took place in January. Master planning in progress by consultant (MIG)
▪ Neighborhood Parks & Open Space		Coordinate w/ P&R & Open Space Comm. Nothing new Consultant doing masterplan
▪ Neighborhood Planning		Discussed neighborhood designation in Complan.

Public Hearing Management

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

Regulation Development

Downtown Design Regs Hght		Council Hearing hearing July 5th. Approved. Chrmm Bruning and Commissioner Souza attend
Cluster Housing standards		Council approved on 11.21.06
Subdivision Standards		Prelim review began. PC road trip 10/05 Tweaks of condo plats and lot frontages being processed
Revise Landscaping Regulations		Future.
Commercial Zoning		Public Hearing scheduled for December 12,2006
Parking Standards		Future
Lighting standards		in process – Hinshaw included as part of NC & CC
Accessory Dwelling Units		See cluster housing. Approved by Council on 11.21.06
District and Corridor Design Review		Future ?
Home Occupations by SP		Council chose not to pursue
Other Action		
Eminent domain letter		Mayor & Council responded
Commissioner Vacancy		Appointment made 6/6

Arvid Lundin & Jessy Lorion
320 S. 13th Street
Coeur d'Alene, Idaho 83814

November 14, 2006

City of Coeur d'Alene
Planning Commission
710 E. Mullen Avenue
Coeur d'Alene, Idaho 83814

Dear City Planning Commission,

As you may recall, on March 14th, 2006, we applied for and were denied a zone change for our North Fourth Street property, which currently houses Lundin's Violins.

We were informed that the categories which would allow us to build or remodel, Commercial or Commercial-Light, are potentially too intense for an area which should remain predominantly residential.

We were encouraged by your committee to re-apply after a new "neighborhood service" zone category is created in Coeur d'Alene, a subject which some of you mentioned would soon be dusted off and moved forward on.

How is this topic fairing in the busy world of committees and full agendas? We are eagerly awaiting news of your progress.

Warm regards,


Arvid Lundin and Jessy Lorion

November 12, 2006

NATIONAL PERSPECTIVES; No Parking: Condos Leave Out Cars

by LINDA BAKER

ANNEMIEKE CLARK and her boyfriend, Daniel Pasley, do not spend a lot of time driving. Ms. Clark, a 29-year-old nursing student at Oregon Health and Science University, takes the bus to school. Her boyfriend is a "crazy bike rider," she said.

So when they decided to buy their first home last winter, they chose a one-bedroom unit in the Civic, one of the first new developments in Portland to market condominiums without parking spaces.

Ms. Clark said they bought the \$175,000 condo, which will be ready next summer, because "it was absolutely the cheapest one selling." Mr. Pasley also hoped a unit without parking would inspire Ms. Clark to sell her 1992 Subaru.

So, part of it was idealism -- that we would get rid of the car," Ms. Clark said.

Although condominiums without parking are common in Manhattan and the downtowns of a few other East Coast cities, they are the exception to the rule in most of the country. In fact, almost all local governments require developers to provide a minimum number of parking spaces for each unit -- and to fold the cost of the space into the housing price.

The exact regulations, which are intended to prevent clogged streets and provide sufficient parking, vary by city. Houston's code requires a minimum of 1.33 parking spaces for a one-bedroom and 2 spaces for a three-bedroom. Downtown Los Angeles mandates 2.25 parking spaces per unit, regardless of size.

Today, city planners around the country are trying to change or eliminate these standards, opting to promote mass transit and find a way to lower housing costs.

Minimum parking requirements became popular in the 1950s with the growth of suburbia, said Donald Shoup, a professor of urban planning at the University of California at Los Angeles and the author of "The High Cost of Free Parking" (American Planning Association, 2005). "They spread like wildfire," he said.

But in the 21st century, skyrocketing housing prices and the move toward high-density urban development are bringing scrutiny to the ways in which cities and developers manage the relationship between parking and residential real estate. Once a tool of government, parking requirements are increasingly driven by the market.

Last year, for example, Seattle reduced parking requirements for multifamily housing in three of the city's major commercial corridors. Next month, the City Council will vote on a proposal to eliminate minimum parking requirements in Seattle's six core urban districts and near light-rail stations. In June, San Francisco replaced minimum requirements downtown with maximum standards allowing no more than 0.75 parking spaces per unit. In Portland, where central city parking minimums were eliminated six years ago, developers are breaking ground on projects with restricted parking.

In the future," Dr. Shoup said, "we will look back at minimum parking requirements as a colossal mistake. Change will be slow, but it's happening now."

The Civic, a 261-unit project, includes 24 condos without parking. The building is six blocks from downtown and near a major bus and light-rail line, and will offer residents a rental-car-sharing arrangement.

"We're always looking for ways to promote smart growth," said Tom Cody, a project manager of the Gerding/Edlen Development Company, which developed the Civic. "We decided to test the water and see if there was a market for units without parking spaces." The 24 condos sold out, he said.

In San Francisco, more downtown housing has been approved over the last few years than in the last 20 years combined, said Joshua Switzky, a city planner. The booming real estate market there inspired local officials to revoke minimum-parking requirements in the central core, Mr. Switzky said. "The city's modus operandi is 'transit first,'" he said. "Everyone recognized the existing rules didn't match the policy."

Under San Francisco's new parking maximums, downtown developers are also required to "unbundle" the price of parking from the price of the condo. "Buyers aren't obligated to buy a parking space, and developers don't have the incentive to build spaces they can't sell," Mr. Switzky said.

Sustainable development is not the only factor driving changes to parking standards. "We talk about affordable housing as the most critical thing facing cities and the nation," Mr. Cody said. "But we never talk about the costs of the automobile." Since individual parking spaces cost about \$40,000, reducing or eliminating parking is an effective way to lower housing prices, he said.

At the Moda condominiums, a development under construction in Seattle, only 43 out of 251 units have assigned parking. Eighty-three units have no parking and the remainder have access to a permit parking system. The building is in the downtown Belltown neighborhood, where the average condo has one and a half parking spaces.

"I wanted the least expensive unit," said Mary Stonecypher-Howell, a computer database specialist who bought a Moda studio without parking for \$170,000. Ms. Stonecypher-Howell said it was the only downtown condo she could find for less than \$200,000. "In the city, it's simpler not to have a car," she said. Moda units with parking cost about \$30,000 more than units without.

Lenders traditionally balk at financing projects without parking, said David Hoy, who developed the Moda condos. The concern is that they would be difficult to resell. "But in a high-density urban environment, there's a strong demand and a shortage of supply," Mr. Hoy said. Moda, which is financed by United Commercial Bank, sold out in less than a week, he said.

Other cities are also reconsidering parking standards. In Houston, for example, a committee is reviewing parking minimums along the light-rail line, according to Suzy Hartgrove, a spokeswoman for the city's planning and development department.

But not everybody is enthusiastic about the piecemeal changes taking place around the country, especially because often arcane parking codes vary from district to district and city to suburb.

In the Rincon Hill neighborhood of San Francisco, where the new luxury tower One Rincon Hill is selling for \$1,000 a square foot, parking standards allow a maximum of one space per unit. Just a few blocks away, downtown requirements undercut that figure by a quarter, making One Rincon Hill more attractive to buyers with cars.



"It gives them a marketing advantage," said Victor Gonzalez, director of development for Monahan Pacific, a local

company that has built condo properties downtown. "You'd be killed if you tried to do a project in the suburbs without parking," he added.

Others point to the free-market parking situation in Manhattan, where monthly rates now exceed \$500 a month.

Planners are undeterred. In the United States, "housing is expensive and parking is cheap," Dr. Shoup said. "We've got it the wrong way around."

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Santa Monica revs up parking space website

Santa Monica officials hope a website with updates on spaces will ease traffic problems.

By Martha Groves
Times Staff Writer

November 22, 2006

In the competitive world of Westside retailing, Santa Monica hopes that a new website will curb the frustrating circle-and-search game by alerting potential visitors to available spaces in downtown parking structures and beach lots.

Introduced Tuesday just as the holiday shopping season begins, the novel real-time site, parkingspacenow.smgov.net, will be updated every five seconds and display numbers of available parking spaces for public garages and surface beach lots. People thinking of venturing into Santa Monica's congested central area will be able to check their computers beforehand for information that could help steer them to the best location.

The unusual offering arrives as shopping areas throughout the region are seeking to impress customers with the latest merchandising trends and technologies. Westfield Century City is undergoing a massive overhaul, with a battery of new upscale shops and an award-winning al fresco dining terrace where restaurants serve food on real plates. Westside Pavilion, meanwhile, is building a new theater complex.

Even tony Beverly Hills is looking to spiff up its Golden Triangle shopping area, with plans to adorn sidewalks on Rodeo Drive and surrounding streets with Kenoran Sage granite pavers instead of concrete.

Beverly Hills also expects in about a year to install equipment that will be able to keep tabs on parking spaces, said Chad Lynn, the city's director of parking operations.

Both Westside communities are in good company.

The International Herald Tribune reported this week that Paris plans in December to launch a service allowing harried drivers to use their cellphones or global positioning system navigation devices to find out in real time whether parking spaces are available nearby. A French parking official said the service should improve traffic flow in a city where, at times, up to 25% of vehicles are in search of a parking space.

Cities have reasons other than convenience to help shoppers find parking. Strong retail sales help boost city coffers, and Westside communities have for decades jockeyed for high-end customers.

Over the years, shopping districts including Melrose Avenue, Robertson Boulevard, the Sunset Strip, Abbot Kinney Boulevard and Montana Avenue have vied for the title of hippest shopping spot. A few months ago, Beverly Hills' city manager cautioned that Westfield Century City, the Grove shopping center in the Fairfax district and other destinations were "eroding" Beverly Hills' cachet.

Parking has long been a major headache for shoppers in Santa Monica's Third Street Promenade area, and city

officials expect that the website, also accessible on wireless laptop computers, will reduce the annoying need for motorists to spend precious minutes cruising parking-garage ramps so that they can pounce on an open space. Plans are in the works to allow the system to work on BlackBerry devices.

"This is just being responsive to the community," said Jory Wolf, Santa Monica's chief information officer, who came up with the parking idea. Wolf said the goal was to "make the traffic and congestion problems go away or at least try to alleviate them." Urban planners estimate that motorists searching for parking are responsible for as much as 30% of downtown traffic.

Jim Eshraghi, whose San Fernando Valley firm, Hitech Software Inc., provided the system's software, said this was the first such program to be available online. Another of his clients is the city of Brea, which expects to have its system up in January.

In addition to posting numbers online, the system allows real-time updates on electronic signs in front of Santa Monica's public garages. Sensors at exit and entry points in every lot and structure keep track of cars going in and out and send that information to a server in the city's parking office, Eshraghi said. The data are then posted on the Internet.

The system goes beyond another parking innovation introduced a few years ago at the Grove shopping center, where electronic signs on parking levels alert shoppers to spaces. A spokeswoman said the system has helped speed traffic flow.

It's unclear just how much Santa Monica's new service will alleviate the downtown area's congestion.

"Parking downtown is a crunch," said Ruthann Lehrer, a longtime Santa Monica resident. "The city parking structures are often overcrowded, with too much demand for available spaces."

She said the electronic signs listing the number of available spaces at garage entrances are a help, but she suspected that few people are discouraged by a "FULL" notice.

Doris Sosin, another longtime resident, said smoother sailing with parking won't solve the problem of too much traffic. She no longer parks in the city's structures if she is headed to an evening movie or dinner because "we will be stuck going toward the exit for 40 minutes."

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