

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

August 13, 2024

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

The Planning and Zoning 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:** Messina, Fleming, Ingalls, Luttropp, Coppess, McCracken, Ward

**PLEDGE:**

**APPROVAL OF MINUTES:** \*\*\*ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.

July 9, 2024 – Planning & Zoning Commission Meeting

**PUBLIC COMMENTS:**

**STAFF COMMENTS:**

**COMMISSION COMMENTS:**

**OTHER BUSINESS:**

1. Priority Pedestrian Corridors

**Presented by: Monte McCully, Trails Coordinator**

**PUBLIC HEARINGS:** \*\*\*ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.

1. Applicant: CDA Hockey Academy  
Location: 3505 W Seltice Ave  
Request: A proposed +/- 5.096-acre annexation from County Commercial to C-17 LEGISLATIVE, (A-1-24)

**Presented by: Mike Behary, Associate Planner**

2. Applicant: City of Coeur d'Alene  
Location: In and near the North Idaho College campus  
Request: University District: Creation of a new zoning district and rezoning specified properties (zone change, text and map)  
QUASI-JUDICIAL, (0-2-24)

**Presented by: Hilary Patterson, Community Planning Director**

**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 Traci Clark at (208) 769-2240 at least 72 hours in advance of the meeting date and time.*

*\*Please note any final decision made by the Planning and Zoning Commission is appealable within 15 days of the decision pursuant to sections [17.09.705](#) through [17.09.715](#) of Title 17, Zoning.*

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# MINUTES



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**PLANNING COMMISSION  
MINUTES  
JULY 9, 2024  
LOWER LEVEL – LIBRARY COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

Tom Messina, Chairman  
Jon Ingalls, Vice-Chair  
Lynn Fleming  
Sarah McCracken  
Phil Ward  
Petter Luttrupp

**STAFF MEMBERS PRESENT:**

Hilary Patterson, Community Planning Director  
Sean Holm, Senior Planner  
Randy Adams, City Attorney  
Tami Stroud, Associate Planner  
Mike Behary, Associate Planner  
Chris Bosley, City Engineer  
Traci Clark, Administrative Assistant

**Commissioners Absent:**

Mark Coppess

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion by Commissioner Ward, seconded by Commissioner Fleming, to approve the minutes of the Planning Commission meeting on June 11, 2024. Motion approved.

**PUBLIC COMMENTS:**

None.

**STAFF COMMENTS:**

Hilary Patterson, Community Planning Director, provided the following comments:

- At the August 13 P&Z hearing there will be one annexation request, the Coeur d'Alene Hockey Academy is requesting an annexation of the property South of the Fronter Ice Arena.
- There will also be a discussion and asking for Planning Commission recommendation on priority pedestrian corridors. This is recommended by the Pedestrian Bicycle Committee as well as the Parks and Recreation Commission. We need to identify priority locations for sidewalks and not waiving the requirement for sidewalks. It would also allow the opportunity to seek grant funding.
- There might be an additional hearing depending if that moves forward or not.

Commissioner Fleming asked if staff has heard anything on short term rentals.

Ms. Patterson replied no, there has been legislation this past session that did not go anywhere. It sounds like there will be some legislation coming back around this upcoming session. The city has been monitoring to see what transpires.

**COMMISSION COMMENTS:**

None.

**PUBLIC HEARINGS: \*\*\*ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.**

1. Applicant: Todd Kaufman (*Continued from April 9, 2024*)  
Location: 2810 N. 17<sup>th</sup> Street  
Request: A Proposed 9-Lot Subdivision  
QUASI-JUDICIAL, (S-1-24)

**Presented by Mike Behary, Associate Planner**

Mr. Behary, Associate Planner, provided the following statements:

- The applicant is requesting approval of a 9-lot and 1-tract preliminary plat to be known as “Kaufman Estates.”
- The subject property is primarily vacant with one existing storage building located on it. The property is gently sloping. Access to the site will be from 17th Street. The proposed subdivision will include a public street with a cul-de-sac that has sidewalks on both sides. There is also a tract that will allow for access to three lots at the eastern part of the subdivision. The applicant is not requesting any deviations from the subdivision code. The property is zoned R-12, which allows for single family and duplex housing types. The applicant is proposing four single family size lots and five duplex sized lots within this subdivision. The proposed subdivision will allow for nine single family homes or a combination of four single-family homes and duplexes to be built within this subdivision.
- There are four findings in the subdivision B1-B4:

Finding B1: That all of the general preliminary plat requirements (have) (have not) been met as attested to by the City Engineer.

- The preliminary plat has been revised since the hearing on April 9, 2024.
- The Preliminary plat being brought forward to the Planning and Zoning commission for this continued hearing reflects changes made to the design based on staff feedback to ensure compliance with code requirements.
- Per Chris Bosley, City Engineer, the preliminary plat submitted contains all of the general preliminary plat elements required by the Municipal Code.

Finding B2: That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities (are) (are not) adequate.

- The proposed roadway will be 28 feet wide, allowing for parking on the side of the street.

- The existing gravel 17th Street will be paved full width from Stiner Ave to Gilber Ave to accommodate the increase in traffic.
- The new public roadway within this subdivision will have five-foot wide sidewalks on both sides of the street that will continue around the cul-de-sac.
- The revised preliminary plat provides an appropriate design for city crews to remove snow.
- City staff from Streets and Engineering, Water, Wastewater, Fire, and Police have reviewed the application request in regards to sidewalks, streets, alleys, rights-of way, easements, utilities, street lighting, fire protection, planning, drainage, pedestrian, and bicycle facilities.
- All departments have indicated that facilities and utilities are adequate.

Finding B3: That the proposed preliminary plat (does) (does not) comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements.

- Per engineering review, for the purposes of the preliminary plans, both subdivision design standards and improvement standards have been vetted for compliance.
- The applicant has provided a narrative with explanations regarding how each subdivision design standard and improvement standard has been met or will be met in the subdivision construction plans. The City Engineer has reviewed the applicant's analysis regarding meeting subdivision standards and concurs with the findings.

Finding B4: The lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district.

- The existing zoning is R-12, which allows a single family and duplex housing types at a density of 12 units per acre. The proposed subdivision has a density of 9.5 units per acre.
  - Setbacks and building height of future buildings are tied to the R-12 requirements.
  - The proposed subdivision is in conformance with the R-12 Zoning District.
- Mr. Behary shared the 20 proposed condition for the requested Subdivision:
    1. An unobstructed City approved "all-weather" access shall be required over all City sewers.
    2. All City sewer plans require IDEQ or QLPE Approval prior to construction.
    3. City Sewer Policy #716 requires all legal parcels within the City to connect and discharge into the public sewer through one (1) sewer connection.
    4. Must maintain 10-foot separation between city sewer and city water mains.
    5. City sewer shall comply with the to-and-through and installed to all City specifications and standards.
    6. Cap any unused sewer laterals at the city sewer main in 17<sup>th</sup> Street.
    7. Install the sewer services for lots 7,8 and 9 into the manhole in the cul-de-sac.
    8. The installation of any required water main extensions, additional fire hydrants and new services will be the responsibility of the owner/developer at their sole expense.
    9. A minimum 20' public utility easement for any water main extension onto private property including fire hydrants is required.
    10. No permanent structures such as building foundations are allowed within the public utility

- easement.
11. Capitalization fees will be due for domestic, irrigation and/or fire services at the time of building permits.
  12. A 20' wide utility easement for water in Tract A will be required to the eastern most portion of the development to extend the water main if future development occurred to the east.
  13. If it is determined that fire flow cannot be met, the developer will be responsible for upsizing the water mains in the area to meet the fire flow requirements.
  14. A fire hydrant at/near 17th Street will be required.
  15. A fire hydrant is needed every 250' and/or at the entrance of the driveway serving the 2-3 houses as proposed.
  16. 17th Street must be paved curb to curb from Stiner Avenue to Gilbert Avenue meeting City standards of 2" of asphalt over 6" of base.
  17. No Parking signs must be installed along one side of the proposed Stiner Ave and along both sides of 17th Street, meeting City standards.
  18. Stop Signs must be installed on 17th Street, northbound and southbound, at Gilbert Avenue.
  19. Stop Signs must be installed on Stiner Avenue, eastbound and westbound, at 17th Street.
  20. The required sidewalk along the 17th Street frontage must be within public right-of-way or in a dedicated easement.

Mr. Behary noted the action alternatives this evening. The Planning and Zoning Commission must consider the request and make findings to approve, approve with conditions, deny, or deny without prejudice.

Mr. Behary, concluded his presentation.

Commissioner Ingalls commented that the commission has seen this project a couple times before. This is not a PUD. A PUD has a different set of findings, correct?

Mr. Behary replied yes, that is correct it had seven different findings.

Commissioner Ingalls stated some of those do not pertain here because one would have been about an HOA, and now that would go away.

Mr. Behary replied that his correct. The findings such as HOA and comprehensive plan do not apply to a subdivision request.

Commissioner Ingalls stated the comprehensive plan goes away. There is a finding that talks about compatibility with the adjacent area with a PUD. That finding disappears with a subdivision. As he studies all the findings, and for the benefit for everyone on the room, he would like the help of Mr. Behary to help explain why it is that the compatibility finding goes away? The comp plan goes away. This project is swinging towards the development by right. We have had some of the discussions. In this case, as a straight subdivision, versus the more collaborative or give-and-take in a PUD, if it comes in and everything meets these things it's assumed to be compatible, is that correct?

Mr. Behary replied that is correct. If the surrounding zoning is R-12 that allows for single family and duplex housing on all of the other lots surrounding this, the R-12 lot they would just have to meet the subdivision requirements in order to divide the land to allow for the uses allowed in the R-12.

Commissioner Ingalls replied in a straight up subdivision at this point and for that matter the PUD never



was requested more density that was allowed but as we stand here today, this proposal clearly is within the R-12 density correct. Mr. Behary replied that is correct.

Chairman Messina asked about the R-12. What is the allowed square footage of each lot that can have either a single-family home or the square footage or lot size of a duplex. Mr. Behary replied that a single-family home you need 50 feet of frontage and 5,500 square feet, and for duplex housing lots you need 7,000 square foot of area and 50 feet of frontage.

Chairman Messina stated according to what we have in the packet in the preliminary plat, it gives us the layout, it gave the square footages. From his calculation, four houses can be built on the lots that are under the 7,000 square foot requirement, and five duplexes can be built on the lots that are over 7,000 square feet.

Mr. Behary replied that is correct.

Commissioner Fleming stated the single family can also have a ADU on the same 5,500 square foot. Duplexes cannot, but the single family's can. Is that correct.

Mr. Behary replied that is correct.

Chairman Messina opened the public hearing and swore in the applicant and the public as a group.

**Public testimony open:**

Jeramie Terzulli, the applicant's representative, introduced himself. He stated the first time he came before the commission it was with a PUD and it was a little too dense. He recognized that after a meeting with the adjacent property owners. They scaled back to 18 twin homes in an attempt to offer housing options for the community that could be purchased and owned fee-simple and help alleviate some of those becoming rentals. This was denied and it was appealed to the City Council. The applicant team was in agreement with the work with Kiki Miller's group and the Panhandle Affordable Housing Alliance and a few of the other groups to try to put some guardrails in place to ensure that they would be owned by Kootenai County residents. The City Council upheld the Planning and Zoning Commissions decision. He then looked at the code that would allow a by-right standard subdivision, and that is a Quasi-Judicial-process. There are four standards of approval for a subdivision. If the four standards of approval have been met, then the approval is deemed prudent. The last hearing on a preliminary plat in April there was a disagreement on interpretation of the code. He did design the initial subdivision with the understanding that the future connectivity to the east would be greater than zero. With that design, he left a road terminus at Stiner Avenue with an approved fire truck turnaround or hammer head, but it was deemed that this should be designed as a permanent dead end, which is unfortunate because in the meantime a property owner that owns several pieces of property to the east in the county island has reached out to us and wants to get annexed into the City. He is unsure where the infrastructure is on Nettleton Gulch. Of course, there would have been a couple of parcels between he and Mr. Kaufman's property but that is why he did design that as future connectivity in accordance with Section 1615.030 of City Code that talks about continuation of street and path networks. He had had a couple of heated discussions with city staff regarding his interpretations, their interpretation and he did agree sort of begrudgingly that he will put the cul-de-sac in there. In addition, he widened the road to 28 feet, which will allow parking on one side of the street. One of the conditions of approval is that through design he will need to create an easement along the driveway tract through to the east for continuation of city infrastructure. He wants to make one last ditch effort to say that he has a previous design in front of you that he thinks is actually favorable if the street network is going to continue through to the east but that is your decision to make. The water district did say that he does need an easement so that he can continue the water and potentially sewer pipe along the driveway tract if needed in the future. This rendering has been thoroughly vetted by city staff from fire, police, engineer has gone over this, so he does not miss anything thing this time

around. He believes that the approval criteria 1-4 that this proposal meets. The City Engineer has commented and Mr. Terzulli was asked to fill out two pamphlets explaining how he thinks it does, and Mr. Bosley did concur.

Commissioner Fleming asked if there are any concerns with the 20 conditions from the City.

Mr. Terzulli stated he does not. The continuation with the water line lends merit to the interpretation to the old design as to the cul-de-sac. He does not have an issue with reserving that easement. He would like the commission to consider that the previous iteration was probably more favorable.

Commissioner Fleming commented that Mr. Terzulli is treating the last three lots as if they are a private driveway.

Mr. Terzulli replied that is correct.

Commissioner Luttrupp asked if the applicant if they are hand-in-hand with city staff on this proposal and if you both find this a good solution. Are you in an agreement?

Mr. Terzulli stated he does not understand the question.

Commissioner Luttrupp again asked if you and the city are in a unified position on this.

Mr. Terzulli replied his position is that he presented a design and the city staff has vetted it for compliance.

Commissioner Ingalls asked about the PUD it was proposed 18 dwelling units. Even at 18 it was within the R-12.

Mr. Terzulli stated the housing design is not allowed. The twin home design is not allowed in the R-12. That was the sticking point.

Commissioner Ingalls stated the current plan has 9 lots.

Mr. Terzulli stated yes, the current plan has 9 lots and that is up to Mr. Kaufman and how he decides how to build on those lots.

Chairman Messina states there are 14 units according to his count. There will be 4 homes and the remaining will be duplex.

Mr. Terzulli stated unless Mr. Kaufman decides to put ADU's with the single-family homes, there could be 18 total.

Commissioner Ward stated when the hearing took place a couple of months ago there was some concerns about the private roadway, parking, sidewalks, etc. This all seems to be addressed now. What he does not understand now is the cul-de-sac. Where would he bring it all the way through, as to what we are being shown here.

Mr. Terzulli replied he would just eliminate the cul-de-sac and continue the public right-of-way near the eastern property boundary and replace it with the hammer head - the approved fire truck turn around per the old iteration.

Commissioner Ward asked, and you would have room to do that going through those last two lots?

Mr. Terzulli replied that was what was proposed that last time around. The lot count has not changed.

Chairman Messina stated that would only change the size of the those two lots at the eastern side.

Mr. Terzulli replied we had to jockey things around to make room for the cul-de-sac. There was some line work done.

Chairman Messina stated if the street continues at the end, if the homes are built there or not, or would this be prior to homes being built or what was the discussion with the city on that?

Mr. Terzulli stated the city required the easement on that private drive way tract. It was not going to be a wide enough tract to ever become a public right-of-way. City Codes prohibit a private driveway tract to be used for hop scotching from one public right-of-way to the next. It would only be available to put in water and sewer if needed in the future. It will not continue the street network.

Tom Hungerford introduced himself. He stated that one of the issues with the new Kaufman project is that the intersection of Stiner and 17<sup>th</sup> Street and the cul-de-sac location, the tract A (the private road at the northeast corner road) and the 28-foot road with the parking only on one side, the offset of center line on the current Stiner to the new Stiner on a 17-foot road. He noted that 17<sup>th</sup> Street is a 20-foot-wide road. There is no way to widen it or put sidewalks in. There are 25 to 40 cars going to be added to this 20-foot road. It also has two blind spots right at the intersection as well. The homeowners in tract A on the new Plat map will be responsible for snow removal and the garbage. All deliveries and emergency vehicles will all have to back out of that private road. This development falls short of what he believes that the subdivision standards should be.

Rick Rainbolt introduced himself. He stated his property abuts the eastern boundary of Kaufman Estates. There is an issue with the property line between the two properties. He claims there is 25 feet in the jog in the northeast corner when he really only has 12.5 feet. This is based on how they vacated 19<sup>th</sup> Street. It was vacated down the middle of the street. He only had 12.5 feet coming into that jog. On paper now, it has been addressed because Mr. Kaufman is showing a 12.5-foot jog in that corner. But the reality is his property has been surveyed. He went to his property line and he measured over to the survey stake. It is 10.5 feet. If he is going to go 12.5 feet from his stake, Mr. Kaufman will be 2 feet on his property. If the city is going to approve what is proposing, are you going to approve him to take 2 feet of my property? He said he will fight this if someone is going to try to take his 2 feet of property. Will he deal with the city or Mr. Kaufman?

Mr. Adams, City Attorney, stated that the approval of a subdivision is not going to change the property lines. That will become a matter between Mr. Kaufman and Mr. Rainbolt regarding where the property lines are. When Mr. Kaufman begins to develop, he will have to do surveys.

Commissioner Fleming stated that the approval of the commission does not define boundary lines.

Mr. Rainbolt stated that he thinks that a boundary line dispute should be settled before this gets approved. You are basing this decision tonight because you think he has 200 square feet to do this subdivision.

Chairman Messina stated no, we are not approving who owns what piece of property. We are approving a number of units and what he is applying for. It's not the property lines. If there is an issue between two property owners that are adjacent to each other that are having issues you two need to figure it out.

Mr. Adams stated the commission is not approving units either, the commission is approving lots.

Mr. Rainbolt interjected and said you don't care where those lots are then.

Mr. Adams stated no, as long as they are legal lots.

Mr. Rainbolt stated well they are in the County, because his property is in the County. It seems like the subdivision in the city should stay in the city.

Mr. Adams replied that the city is making a determination of subdivision. If there is a dispute about a property line, that is between the two of you.

Chairman Messina stated he will need to contact a survey company and have your property surveyed.

Mr. Rainbolt stated he already has.

Chairman Messina replied then he needs to present that to Mr. Kaufman and you guys can work out the details of that. We are not doing anything with property lines or taking anyone's property.

Mr. Rainbolt stated if nothing else, he wanted the commissioners to be aware of it.

Mike Buzga introduced himself. He is opposed. He stated this proposal does not meet the aspect of the neighborhood. The commission has heard a number of the neighbors. There is a certain flavor and feel to the neighborhood and it is why people live there. He bought there because it has a certain feel. It is close to the downtown yet far enough out and it is somewhat rural. He understands from Mr. Kaufman's standpoint that he is trying to make money. He initially pitched that the housing units would be more affordable. He said Mr. Kaufman's comments at the last meeting indicated that he was not interested in affordable housing. Instead, he was interested in building as many houses as possible. That is what this looks like tonight. When the representative came up tonight, they are still trying to propose let's just kick that road right on through so we can continue to develop more and more. He questioned if that is the direction we really want to go. The city is expanding, but is it expanding just to turn into something that nobody wants to live here. Legally you have to follow the codes. But he hopes the commission looks at it and says, "if I lived there, what would I want?" He does not know if Mr. Kaufman lives in the area and the neighborhood has made it very clear that that do not oppose growth, but they want managed growth that continues to represent the area that they bought.

Shannon Sardell introduced herself. She stated she is opposed to this subdivision request. She is a direct neighbor of this site. Her two main concerns are the width of the road (a 28-foot road versus a 35-foot road). This is a primary frontage road. It could be a frontage road with up to 14 residences. It does not have the feel or the look of a secondary road. She stated that there needs to be parking for guests. The other issue is with Tract A, which is the development of the private road. Even though it is 150 feet, this secondary street will probably have gravel and be privately maintained. She asked who will mandate that? She would like to see the cul-de-sac extended further east to be accessible directly to the city street that is maintained, then have some kind of private road that we are hand shaking with neighbors or rentals about how the snow will be removed. Where it will go? More than likely, it will end up against my shop. She would like to have backyards sharing spaces with other homes' backyards instead of abutting front yard spaces and a road. She is concerned about security which would include additional street lighting. Backyards don't need that lighting. She is not opposed to development; she just wants a safe environment for the kids and for Mr. Kaufman to follow city infrastructure standards.

Amber Hicks introduced herself. She said she is opposed. She wants to thank Mr. Kaufman's team for making the proposed changes. She is still concerned about the safety concerns regarding the kids with the 28-foot-wide street with one row of parking instead of parking on both sides. Not only is it not compatible with the surrounding streets as you can see on Gilbert, Haycraft and Nettleton surrounding it where we allow for parking on both sides. We already have a parking shortage and now parking won't be allowed on 17<sup>th</sup> Street when this development goes in. These neighbors will have to park elsewhere. By only having a single lane row of parking on the new road, she thinks this is doing the neighborhood a disservice. There are no sidewalks on Haycraft, Gilbert, or 17<sup>th</sup>, and there are "wall to wall" cars on Stiner. For the kids, pedestrians and cyclist that frequent the neighborhood and access Nettleton Gulch and Canfield, they are not able to safely navigate. The more cars we pack on our streets because they don't fit in the new subdivision then the more blind spots there are for our children. There are a lot of blind spots. There are a lot of uncontrolled intersections.

Megan Johns introduced herself, she stated this is moving in the right direction. She does not think there will be future connectivity from the neighbors on the east. She would like to know about the ADU's that could be added. Would this be reflected in the plan tonight or would this be something done later part in the process.

Mr. Patterson replied ADU's are allowed by right with the current code. This is a 9-lot subdivision with a

private tract for a driveway. It does not have anything to do with where the houses are, what type of houses, or the ADU's.

Al Mesbah introduced himself. He stated as proposed every single street that enters that intersection is a different size. It is offset. This is a dangerous intersection. The problem with the landowner whose land that Mr. Kaufman is potentially cutting into and if the commission approves this and they lose the 200 square feet. The lot size is not going to be the right size. The road is a secondary road, but it should be a primary road. That is not required because a primary road is what the driveway's open into. That is the definition of the City Code. We the neighbors have tried to meet and lower the density and Mr. Kaufman is trying to do as many units as possible. The problem is this neighborhood has many issues with that. The road cannot handle it. The parking will be a problem.

Chris Bosley, City Engineer, clarified the primary versus secondary roadway definitions. He said he spoke with the City Attorney regarding the road. He felt that it was a primary frontage road by definition, but the city attorney explained the way the code is written and maybe the intent was it was supposed to be a primary frontage. A primary road is only in the definitions and not the roadway standards. He never said it was a secondary street. He said it does not fit any of those definitions of streets in there. He believes they could have gone to a narrower road under this circumstance but the City suggested they did need a wider road to fit parking on one side or that are not going to get very far with this project, because they have a parking problem in the neighborhood. At 28 feet, that is the minimum street width for parking on one side. Thirty-two feet would allow for parking on both sides. They went with the 28 feet.

Commissioner McCracken asked about one of the conditions, to pave 17<sup>th</sup> Street. The staff report says "to full width." What width will it be paved to?

Mr. Bosely replied it will be curb to curb. The city looked at widening the road but the setbacks on the houses don't allow it. If we were to push the road wider and put in a sidewalk, people would lose their driveways. It would make the parking problem even worse. They can't fix the road widths that are out there. 17<sup>th</sup> Street north of Stiner is an issue; it is narrow. There is nothing that this applicant could do to fix it. They would have to condemn property. The alignment issue of the road is not ideal. He has made notes to contact the urban forester about some tree pruning to open visibility and there will be requirements from stop signs on Stiner for both directions coming up to 17<sup>th</sup> Street. That will not be an uncontrolled intersection. Offset intersections like this are not ideal, but there are a lot in the city.

Commissioner Ingalls stated stop signs will help the neighborhood. He asked if the applicant will be required to put in a stop sign at the new intersection.

Mr. Bosely replied yes.

Tammi Rosenthal introduced herself. She stated she lives right next door to this project. She feels this is natural land use. It makes sense to her to incorporate the natural environment into all development decisions. She is concerned about the new lighting that will be required along the new public street as part of the subdivision improvements. The negative impact of artificial street lights and exterior lighting built on homes and duplex lighting her backyard that would otherwise be dark. Street trees will be required along the public street and the swales will need to be vegetated. Shade trees have been proven to cool neighborhoods, reduce ground level noise and garbage trucks picking up trash. A privacy fence around the property line would help wildlife adapt to the construction noise and disruption of the habitat. If this is approved, please add these small conditions the shields on street lights, a 6-foot privacy fence and include shade trees in the landscape design around the subdivision. If the Kaufman Estates is the real deal and if they stand behind what they have said, affordable housing is needed in the City of Coeur d'Alene. Are they willing to make conditions on their homes they are building? Will the families moving in be offered below market and will they be affordable? Please support the working professionals.

Kyle Holmes introduced himself. He stated the affordable housing came up in the first meeting and has been tossed around tonight. He has not heard them speak about it tonight. It is not really any option in the

community anymore. The neighborhood has done a good job maintaining their composure and speaking with respect regardless of their feeling towards this project. He feels there has been repetitive condescension and flagrant rude comments at every single meeting that the commission has had to endure, and the community have experienced because the development team does not care about the community. The fact they want to put a road all the way through because there is a "greater than zero percent" ability to grow. That may apply in Post Falls where there is open flat farm land. But the comments that were stated at the last meeting were our homes in the neighborhood are nearing their age of usefulness. In other words, they just need to be leveled for the purpose of growth. The sticking point that they meet the four criteria that Mr. Terzulli stated earlier when asked if he and the city were in agreement, he did not say yes. He said we meet the four criteria points. He appreciates the commissions time and effort.

Mark Lazar introduced himself. He stated he lives in Hayden but has a home in Nettleton Gulch. He moved here from Salt Lake City. He appreciates the community feel here. It's a breath of fresh air. He understands the desire to preserve it. There has been talk tonight about low-cost housing, but this does not come from government building projects. It comes from supply and demand and this drives down costs. Watching this meeting tonight, it appears this project meets the zoning requirements. This process drives up cost. If a person has a piece of property that they would like to develop and want to use it as a rental property or to sell to single families, if they are paying for additional engineering costs and design, legal fees that gets built into the price, this will drive up the costs. If Mr. Kaufman is willing to put their own capital on the line and build additional housing, the prices will continue to rise, it becomes less affordable. He has heard several complaints that how dare he make a profit. How many of you are willing to sell your own home for less than the market price? We live in a country that enforces property rights. If a person owns that property, they can dispose of that property as long as it is within the legal limits of the law.

Rhea Giffin introduced herself. She said she spoke at the City Council meeting. She has lived in the neighborhood since 1981. She has seen a lot of changes in the neighborhood. No one is asking for Mr. Kaufman not to make a profit. We are just asking him to be respectful to the neighborhood and he seems determined to ignore that. He has been given the answer "no" several times and he just continues to push beyond what we are asking. It is a reasonable amount of property for that area. We have never asked him not to build, just to be reasonable and respectful.

#### **Applicant Rebuttal:**

Mr. Terzulli stated the street has been correctly classified. The minimum standard is 24 feet, curb to curb. There was ongoing dialog with the City Engineer, planning staff and his team to arrive at this design and allow the parking on one side of the street. Regarding the offset nature of Stiner, typically rights- of-way roadway will align with section lines, which will align with property lines from old plats and old irrigated tracts. If the property to the north decided to develop and could get access off of the extension of Stiner, widening that street to 32 feet and moving into their property somewhat is completely doable. It would probably be recommended by the city. The driveway tract is something that we worked out with city staff. It is allowed by code. It cannot serve more than five single-family residences. The one lot at the end of the cul-de-sac will have frontage on the new road. They have not figured out where the driveway will go yet. Through design they will likely have a shared driveway apron off of the tract for the two lots. A paved driveway all the way to the property line will not happen, it's a waste of asphalt.

Chairman Messina asked if the driveway will stop before the end of the property.

Mr. Terzulli said yes. The house has a setback off of the property line and the driveway will be central to the structure, so therefore the driveway will be further back. All of the properties with this R-12 zoning designation have the same property rights as Mr. Kaufman. He is not asking for anything other than to develop the property that he purchased over 2 years ago, within the letter of the code and the law. He took a swing at attainable housing over 2 years ago through the PUD process with a density that would be equal to what would be allowed if the project would be approved tonight. As to attainable housing, that ship has sailed at this point. Mr. Kaufman is \$60,000.00 into design fees so far with no approval as of yet. He did try to make an honest effort. Mr. Terzulli said he feels slightly offended and annoyed that people would come up here and

say if he is a man of his word know he will build attainable housing after he was raked over the coals for 2.5 years. Sorry if that comes off as condescending, but he is in too deep with fees. He would like to make a modest profit on this.

Chairman Messina stated this is an R-12 zone area. There are certain square footage of homes size and land on each lot that you can do duplex and you are following the rule in this application.

Mr. Terzulli states that they did give back the 12.5 feet that the surveyor assumed it was a 50-foot right-of-way and that 25 got banded in each direction. Because a 25-foot right-of-way is very rare, he just kind of missed it. He has made that change and figured it out. We have confirmed it by tracing the record of survey back to 17<sup>th</sup> Street and pulling the dimension back to the east. We are extremely confident he has the lines properly addressed on the preliminary plat. When it comes times for the subdivision approval, as is the standard, he will have to set new monuments and confirm. If there is a discrepancy with the gentleman's survey to the east and our surveyor, he will get that worked out. If he needs to adjust the property line to make sure the homes to the 5,500 square foot minimum, that is doable.

Commissioner Fleming stated there will be 14 dwelling units, each one of those will have a garage with 1 or 2 spaces in it. There will be a driveway to pull up on. How many parking spaces will you have?

Mr. Terzulli stated the road will be 400 feet long. They will not allow parking 30 feet of the stop sign.

Commissioner Fleming states everyone is very concerned about parking, and it sounds like there will be self-contained parking for everyone. There should not be overflow on already crowded streets to the west. There are 14 units and there are 4 parking to each unit.

Mr. Terzulli states that technically Mr. Kaufman does not have to build a garage, but of course he is going to. The standards require a driveway stall be 20 feet from back of lot. By default, that creates a parking stall in front of the garage stall.

Commissioner Fleming stated it sounds like there will be more than adequate parking for this development.

Mr. Terzulli replied yes. Once we have the housing design, there is a 99.9% likelihood that all of the units will have a garage and a driveway stall and would meet the parking requirements without any additional street parking.

Commissioner Fleming stated there are some concerns regarding fencing and lighting. We have a night sky lighting ordinance. This is a consideration for the neighborhood. They want to see the wildlife in their backyards. The more light that is spread on them, the more they disappear.

Mr. Terzulli replied the conditions of approval talk about streetlights. Yes, he would be willing to have that conversation.

Commissioner Fleming asked the development team to not rock the boat and to please fit things into the neighborhood. Do not make it an urban environment in the middle of what is a natural wildlife setting. Do not have huge lamp posts, etc. Just be very respectful.

Ms. Patterson clarified the street lighting standard. She said the City works with Avista with providing the streetlights. They are required to meet the lighting requirements in the residential neighborhood, which is 3000 Kelvin. That is not the bright lights you see on major roadways. Additionally, they do have the ability to put the shields on. Avista can work with homeowners on that after the lighting is installed. She also clarified that they will be required to meet all of the parking requirements. On-street parking doesn't count toward their required parking. This is done through the building permit process.

Commissioner Ward commented that all we are looking at is a plat, we are not looking at the zone. We are reading through the staff report. This is zoned R-12 and this allows up to 12 units per acre both single family

and duplex. The way the lots are laid out they could all be single family or a mix of single family and duplex lots. Since the last meeting the plat has been revised. The street configuration is much superior than what we had before. The alignment and the addition of a stop sign will really will help a lot. In addition, when you read the staff report, and the departments and all of the requirements determined by the city review are being met. Traffic is always in issue, and the developer is paving 17<sup>th</sup> Street. Lighting is important. The cul-de-sac is a benefit to the people, it precludes automatically extending he development to the east. It will keep the development much more contained. Whether he agrees with everything or not, he cannot deny this. It complies with all of the requirements. He can say he does not like it, but that is not a solution. He cannot object to this project. He will support this.

**Public testimony closed.**

**Commission Discussion:**

Commissioner Ingalls stated he agrees with what Commissioner Ward said. The findings are different when this was a PUD. We have seen this project four times now. Some of the comments that he read and the commission has heard, including comments from a gal named Amber said “we are moving in the right direction” and Megan said “it’s better.” They had some concerns. Jessica wrote this, “as long as he is asking for density that fits in the zoning, then we are in agreement. Anything above that, we ask that you deny.” Mr. Behary spoke tonight. If you checked the boxes of the four findings you have to follow the code and the findings have been met. It’s not a matter if he likes the project. There is no basis not to approve this tonight.

**Motion by Commissioner McCracken, seconded by Commissioner Ward, to approve item S-1-24. Motion carried.**

**ROLL CALL:**

Commissioner Fleming	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye
Commissioner Ingalls	Voted	Aye

Motion was approved by a 6 to 0 vote.

2. Applicant: Thomas Hungerford (*Neighborhood Sponsor*)  
Location: Nettleton Gulch Road and 17<sup>th</sup> Street  
Request Proposed SUP restricting 16.64-acres to single family designation QUASI-JUDICIAL, (SP-1-24)

**Presented by: Sean Holm, Senior Planner**

Mr. Holm, Senior Planner, provided the following statements:

- Thomas Hungerford, neighborhood sponsor, is requesting approval of a single family detached only designation in an R-12 zoning district. If approved, the special use permit request would limit future construction to single family detached residential homes and accessory uses, including Accessory Dwelling Units (ADUs), in the subject.



- Mr. Holm provided background information and shared information about prior requests of a similar nature.
- He noted that Special Use Permit applications for a single family detached only designation are a rare occurrence in the city. To date, there has been two (2) requests for this specific action: Pinegrove Park (1994) and Ft. Grounds (2013-14). While both of these requests were ultimately approved, there was a difference in the threshold to qualify. Prior to 2013, city code required the neighborhood sponsor to prove there was both 75% of the subject area as well as 75% of the owners in agreement to sign on as "parties to the request". This changed to 66% for both hurdles, in 2013, when City Council approved ordinance 3474. The minimum requirement for one-and-a-half acres (1.5 ac) as a whole remains the same.
- The applicant, as the neighborhood representative, has noted that the Special Use Permit will preserve the Best/Nettleton Gulch area as a transitional space between the rural undeveloped recreational land of Canfield Mountain and the more densely populated, amenity-rich urban fabric of downtown Coeur d'Alene.
- The Zoning Code defines residential activities and types of structures as detached housing:

*One dwelling unit, freestanding and structurally separated from any other dwelling unit or building, except for an accessory building located on a lot or building site which is unoccupied by any other dwelling unit or main building.*

*Single-family detached housing: One dwelling unit occupied by a "family" as defined in this title, including manufactured structures and designated manufactured homes as defined in this chapter.*

- The R-12 zoning district is intended as a residential area that permits a mix of housing types at a density not greater than twelve (12) units per gross acre. In this district a special use permit, as prescribed in chapter 17.09, article III of this title, may be requested by neighborhood sponsor to restrict development for a specific area in single-family detached housing. To constitute neighborhood sponsor, sixty six percent (66%) of the people who own at least sixty six percent (66%) of the property involved must be party to the request. The area of the request must be at least one and one-half (1½) gross acres bounded by streets, alleys, rear lot lines or another recognized boundary. Side lot lines may be used for the boundary only if it is also the rear lot line of the adjacent property.
- All parcels within the subject are currently large enough to qualify for a duplex in R-12.
- There are three required findings for a special use permit, findings B1 through B3:

Finding B1 is if this proposal (is) (is not) in conformance with the Comprehensive Plan. Mr. Holm presented information about the subject property being within the existing city limits.

- The City's Future Land Use Map designates this area as **Compact Neighborhood** place type. He shared the Comprehensive Plan maps for transportation, including the existing and planned bicycle network, walking network, transit network. He also shared the Goals and Objectives that staff found applicable to the request.

Finding B2 is if the design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.

- Mr. Holm shared details about the properties within the boundaries of the request.

Finding B3 is if the location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.

- All of the City departments sent in their comments and there were no issues with any of the departments or city staff in providing facilities or services.

Mr. Holm noted the action alternatives this evening. The Planning and Zoning Commission must consider this special use permit request, which would limit future construction to single family detached residential homes and accessory uses in the subject area, and make appropriate findings to: approve, deny or deny without prejudice.

Mr. Holm, concluded his presentation.

Commissioner McCracken asked about the threshold for this application in light of the last hearing where the subdivision request was approved (Kaufman Estates), and if they would still meet the numbers. Do you add them in at the time of the application or would the subdivision affect that.

Mr. Holm said yes, it is during the application. The 66% hurdle is for property. If you take out the public right-of-way of the new approval, you are at 71%. The ownership percentage goes down to 62.2%. So, they flip flop on the bottom two. The Kaufman Estates plat with the nine lots has not been recorded yet and until that final plat is recorded, those lots do not exist. That is a preliminary plat.

Commissioner McCracken stated the timing of this is interesting. If you take an extra 8 lots to 45 and subtract the 0.84 acres, the first hurdle would be 62.2% and the second one would be 71%. It is right on the cusp of those thresholds. If this is approved today, she is going to ask because of the elephant in the room, when does this go in effect.

Mr. Homs replied there is an appeal period, which is 15 calendar days from the commission's decision to appeal to City Council. It is at the time of building permit that they are actually getting the right to build on the property subject to the code. Planning Commission has approved the 9 lots tonight. If Mr. Hungerford's is approved tonight and it is not appealed and it goes into effect. That would mean that Kaufman Estates would be limited to single family only with an ADU. No duplexes would be allowed.

Commissioner Luttrupp stated this is a matter of timing. So, if we do pass this tonight, this will negate Mr. Kaufman's project that we just passed. There would be no duplexes, just the single-family housing with the ADU's.

Mr. Adams stated the duplexes that are on the properties will stay duplexes unless they burn down or are torn down.

Chairman Messina asked depending how this goes, there is an appeal process that can go forward on either side to City Council and there would be another public hearing.

Commissioner Fleming stated the commission has only done this special use permit twice before. One in the Fort Grounds driven by historic preservation and a lot of people regret it because they cannot subdivide their big lot, they are stuck.

Mr. Holm clarified that any property within the special use permit boundary is large enough for a duplex and could be just large enough to subdivide into two single-family lots through a short plat or long plat. It would not limit their ability to subdivide as long as they still meet the standard of R-12, but they would be limited in their product type to single family detached ADU's.

Commissioner McCracken asked if a PUD application be allowed.

Mr. Holm replied yes it would.

Ms. Patterson stated it would be allowed, but with only single-family detached homes.

Commissioner Luttrupp commented that he has heard many people talk about how they are happy about the single family only designation in the Fort Grounds. If we approve this Special Use permit tonight then the prior Kaufman Estate will be changed.

Mr. Adams replied no, they will have 9 lots. What they can build on them will be different.

Commissioner Luttrupp asked if there is a way that we can say if we approve this one, but allow the Kaufman Estates to build as they want too.

Mr. Adams replied no. If you approve this Special Use Permit, when Kaufman Estates comes in for their building permit, they will only be allowed to build single family dwellings and no duplexes.

Commissioner Ingalls asked can the Commission tonight add a condition that says the Kaufman Estates lots are allowed to put duplex on them.

Mr. Adams replied no, the Special Use Permit under the language of the code is for this whole area. You cannot cut out a portion of the proposed Special Use area.

Mr. Holm stated that as a reminder each one of these lots in this request is large enough to potentially have a duplex.

Commissioner McCracken stated the tricky piece about this is the timing. She is struggling with this. On April 9, the commission heard the one and tabled it for clarification because of the road and in May we heard the other and tabled that one. Now we are hearing both items tonight.

Commissioner Luttrupp stated he believes in local government. We are good at hearing testimony. We take action as we see fit given the circumstances. It gives him great discomfort to think that he can go through two years of this process and approve something tonight and then the same night approve something else that may negate the first one. That does not pass the smell test to him. It changes his view of the transaction 180 degrees. He feels terrible that a certain action cannot be taken in specific for the Kaufman Estates.

Mr. Holm replied that staff did have conversations with both sides of the aisle in this case and did let Mr. Kaufman and Mr. Hungerford know what could potentially happen.

Commissioner Luttrupp stated at the last hearing that the applicant spoke about a takings. If this was passed and if we did this, would we have to go through some kind of takings process?

Mr. Adams stated that a takings analysis can be requested if a Special Use Permit is denied or approved with conditions unacceptable to the applicant, similar to the subdivision. A takings analysis would simply be the city's opinion as to whether a constitutional taking has occurred requiring just compensation. That would still have to go through the legal process if someone desired.

Commissioner Ingalls asked about the comp plan element and facts that you spoke about the neighborhood and the R-12 zoning. He asked staff to clarify other areas of the city with R-12 zoning.

Mr. Holm replied the majority of the city is made up of R-12 zoning.

Commissioner Ingalls stated R-12 is built in this neighborhood and duplexes are allowed by right here and other R-12 areas all over town. The graphic that he is looking at on the screen shows how the people who own a duplex voted for this project.

Commissioner Ward stated he feels like this might create a lot of lawsuits right now, and not just between Kaufman. There are 37 people who, if this is approved, assumed zoning control over 16 acres of land. What if over 5 or 10 years of the community changing people, new owners want to sell these parcels,

they are bound by a single-family home. There is no way they can come in and file a modification. Someone will have to now go back and get 66% of the signatures to agree to change to whole thing again. He is concerned about this. There is also a concern about a short plat. There are 37 parcels or more here that could be acted on if approved for single-family homes. What would be involved for a short plat parcel in the middle of these 6 acres? What kind of review do they get?

Mr. Holm replied it is an administrative process that is done in-house. Mr. Grant in Engineering reviews for the City. He acts as the hearing examiner. He accepts the application. There is a notice. It is less than the 300-foot length, he does get feedback from the neighbors within and around 100 feet and then he approaches each of the departments (when we have our weekly DRT meeting) for feedback and puts together his analysis and either approves or denies it.

Commissioner Ward stated on the plat that we just reviewed which is a standard plat, it was reviewed by all the departments. From that plat, we can look at requiring the public utilities in the roadways, public services, etc. Is that process now being short circuited where we can have a situation with a number of single-family homes but not a whole lot of connectivity for roadways or even utilities?

Mr. Holm replied it depends if the street system has been designed and built upon. In the area some of the streets have been vacated. They are not full street widths and have dead ends. He does not foresee an 18<sup>th</sup> Street being built in the neighborhood.

Chairman Messina opened the public hearing and swore in the applicant and the public as a group.

#### **Public testimony open.**

Tom Hungerford introduced himself. He stated he would like to thank Mr. Holm for doing an amazing job on his presentation. He would like to address how the timing of all this happened. It was never the intention for these two items to be competing on the same night. Mr. Kaufman put his proposal into the city back in January. His project started in February and the computer then went down at the city and pushed things back. Mr. Kaufman's project would have always been in front of his. This is a great neighborhood with some very old residents and it represents an old part of Coeur d'Alene. They do not have an HOA. We just have common respect for each other. He did this to try and protect what they have because of the large lots. They are desirable lots for developers. This is a way that they saw to protect the neighborhood. This neighborhood has always shown up at the hearings and been respectful. This is unfortunate that both of these projects have happened tonight.

Commissioner Luttrupp asked could the neighborhood still be protected if this property was excluded.

Mr. Hungerford replied yes. Because the developers are after high density. If the other 36 homeowners were part of this, it would address what we are concerned with. There are large lots and the potential of these lots being divided in the future. He is trying to keep it single family homes. He is trying to limit the growth.

Commissioner McCracken stated she appreciates all of the neighbors coming and speaking to the commission. She would like to know how he came up with the boundaries.

Mr. Hungerford replied it was because of the city streets. It was a nice uniform shape.

Shannon Sardell, as co-presenter with the applicant, introduced herself. She stated that they do have the ability with some of the large properties to subdivide them into additional single-family homes with ADU's. It still does provide density. Smaller homes and ADU's are a fantastic resource and provide a variety of housing types within the same neighborhood. They can provide young people with an opportunity to build credit. This can provide rental income from for their primary resident in their homes. She likes the single-family homes because they are smaller square footage and they provide different housing. We are renters and owners, and some of our houses are multi-generational families living together. This

neighborhood is a gateway to outdoor recreation opportunity on public lands. There is forest land on the edge and hiking on Canfield Mountain. The neighborhood is one of structural transition between the urban core of Coeur d'Alene and the rural amenities beyond it. This neighborhood was established in the 50's and 60's and is on the edge of a rural community of the city. The roads do not conform to the 2024 designs standards and the landscape is mature. The single-family homes with ADU's will not put undue stress on the infrastructure or services. Nettleton Gulch Road is a shared roadway with the bicycle network despite its current heavy use with cars, trucks, trailers and service vehicles heading up to the mountain. Other roadways within this neighborhood do not meet this standard and there are very few sidewalks. The overlay proposal will allow for modest population increases but will not create additional traffic or safety concerns between them. This neighborhood is a significant gateway to the closest rural outdoor mountain experiences on USDA Forest Service Lands for the city. This forest land and the parking area have multiple trailheads that are advertised in tourist information, outdoor guides and searchable trail enthusiasts including GPS. We feel that the Special Use Permit will preserve the existing neighborhood identity, ensure a high quality of life for its residents, and provide a safe and efficient bike and walking mountain area for its residents.

Chairman Messina asked about the designated single family with ADU units available. Can each one of these parcels, as they are now, put an ADU unit on their property now.

Ms. Patterson replied yes, as long as they have a single family, they can have an ADU. But duplex lots cannot have an ADU.

Chairman Messina stated by his calculation they can build at least 30 ADU's. His question to Mr. Hungerford is that every family that wants to build a ADU that lives in a single-family home will bring more traffic, people and parking.

Mr. Hungerford stated he did speak with the neighbors regarding the ADU's. They did like the fact they could have that option for mother-in-law homes and maybe even rentals. The difference is if a developer coming in buying the larger lots and then putting in 5 or 6 duplexes.

Chairman Messina asked Ms. Patterson if this is designated single family only with ADU's and someone wanted to come in wanting to build some duplexes, would they have to come before us?

Ms. Patterson replied that is what Commissioner Ward brought up before. To undo what you have done, the property owners would have to go through the same process. This makes is very challenging to go back and undo what you have approved.

Ms. Sardell explained this is a very fine balance. Sometimes you look at numbers and how many units. The goal here is to preserve the sort of street frontages and modern historic preservation of the existing houses that are on the street frontages. ADU's tend to go behind the homes, so the street frontage so the street character isn't changing. It's different than bulldozing down a house and rebuilding six modern duplex units. When you have lots of rentals in a neighborhood, it does not promote community involvement and awareness.

Edwin Ronningen introduced himself. He lives outside of the boundary on Stiner and has lived there since 1988. He has seen the neighborhood change from single family units with duplexes. He is not against change. Mr. Kaufman's project was just passed with 9 lots and now he can't build what he wants to build. We are asking for single family homes with ADU's. That would be a total of 18. We are asking the whole neighborhood to have the same option. We just want to preserve what is in the neighborhood now. He would like reasonable housing in the neighborhood.

Susan Weeks introduced herself, she is legal counsel for Mr. Kaufman. She said she has some legal concerns regarding the special use permit. Zoning refers to local laws that govern how real property can and cannot be used in certain geographical area. The City of Coeur d'Alene uses a use-based zoning district and it sets forth allowable uses within a zone. Courts recognize that as a right under the law. As a matter of law,

you have a right to use a piece of property in a zoning district as allowed under that. Now there are some uses that are allowed that are special uses and a special use are only be done with a permit. Idaho Code sections 676503 and 6509 required the city to adopt a comprehensive plan and Idaho Code 676511 required you to set zoning districts with uses that were permitted as a matter of law. In a R-12 zone, a duplex is a permitted use as a matter of law. I.C. Section 676512 is a process to have special use permits. The special use permits are for special uses, but City Code 17.05.170 restricts development for a specific area. That is not a use. What use are these people asking to make on the property. On top of that not being a use, it violates what Idaho Code Local Land Use Planning Act allows the city to do under a special use permit. Commissioner McCracken is astute enough to understand it does not pass the sniff test. With this type of special use permit, we are looking at a method to have a permitted use and then have neighbors come in and impose a restriction on an allowed use. This does not follow the law. She states if the commission goes forward with this, the commission will find themselves facing with a declaratory action, and not just an appeal of the zoning decision but in district court. She believes the courts would find that that this ordinance allows a special use permit that a restrict uses a violation of the Local Land Use Planning Act and that it constitutes a regulatory takings because it disallows a permitted use of the land, violates due process of law, and violates equal protection under the law. She is asking that the commission to deny this request

Commissioner Luttrupp asked if she was of the same opinion if the Kaufman property was excluded.

Ms. Weeks replied that the commission can set conditions and the commission can exclude the Kaufman Estates duplex lots and if they do not want to accept that condition, they can appeal that condition. But if this truly is a special use permit, you can set reasonable conditions.

Amber Hicks said she is in favor. She is always about preserving the neighborhood of single-family residents. She has rented for many years in the past and she did buy her home for less than market value. Gilbert Street has had many homes torn down and twin homes and townhomes have been converted to airbnb short term vacation rentals. This is not helping the housing crises in our neighborhood.

Megan Johns said she is in favor. She stated the time of this does put the city in a pickle. When she looks at the findings, she does not really see where a lawsuit would come into place. She sees where the findings would be met. The findings allow for more density. We can still divide our large lots into two lots for single-family homes with an ADU, allowing the growth. It matches the zoning to the east with the county AG. It preserves what is there now. She thinks the attorney's words were meant to intimidate.

Todd Kaufman introduced himself. He stated that all this special use permit is doing is discriminating against the building type that they want to do. They aren't changing the density. For ½ acre that you take, you can subdivide that up and put three duplexes on it, which is six units, or that same ½ acre can have four single-family residences with ADU's, which is eight units. This is really having an adverse effect. All this is doing is changing the type of construction whether you want to see duplexes or single-family with an ADU. This will not change traffic. It's actually adding density because everyone one can do two units on a 5,500 square foot lot. If they want to preserve the character, everyone who owns in these 16 acres that wants to do this should not be allowed to subdivide their land and keep their land the same size and put 1 ADU on your piece of land and not ever subdivide.

Mike Buzga is in support. He stated this does change the neighborhood. There is a difference between duplexes and a single home and an ADU. The timing is unforeseen and not to be this way, but what would be lousy from his perspective is for the commission to not to consider what the neighborhood wants and it is very clear that the people who live in the neighborhood want to preserve it through managed growth. You earlier approved 9 lots, but you have heard from the neighborhood and the people would prefer the single-family homes with the ADU's over duplexes. Please consider that over the legal mumbo jumbo, and listen to the people that vote for you and the people that you represent.

Chairman Messina stated we are volunteers; we are appointed by the City Council we are not paid and are not elected; we do get food.

Veronica Hazard introduced herself. She lives on Best Avenue. She feels that there are too many people that have moved into Coeur d'Alene. There are not enough public services to meet the density of people.

Al Mesbah stated the red lots in Mr. Hungerford's presentation were not in the presentation initially because they were duplexes. Many are now on the neighborhood's side. This has been organic growth in this neighborhood. The problem with unaffordable and insane pricing that goes on here is because we are developer centric. There are property rights in the State of Idaho, but what about the property rights of this neighborhood. He said he should have seniority. He has lived here for over 40 years. We keep making rules that are rigged and don't meet the needs of the neighborhood. The public meetings are so you can hear the people. Otherwise, why are we here? We must have a say in the neighborhood.

Tammi Rosenthal states she is opposed to the zone change. Her parents bought and built their house in 1963 when the Beckwith family passed away. Her mom lives next door. The neighborhood is very close and she feels she doesn't need a zone change for them to know how she feels. She would love to have working professionals be her neighbors. Her neighbors know she would never subdivide.

Commissioner Ingalls asked Mr. Rosenthal where she lives and that she keeps referring this as a zone change but really, it's a special use permit. That said, are you in favor or not in favor?

Ms. Rosenthal replied she supports what Mr. Hungerford has done and all of his efforts, but no she does not feel that anyone should tell her what to do with her property.

Rhea Giffin states the neighbors just want to be respected. It would be great if developers would come into neighborhoods and be more respectful, but it seems they are more interested in the greed of their own issue and it destroys the greater good, parking, resale. They just make their profit and move on.

Jim Mackey introduced himself. He said that duplexes tend to be rental units and have a lot of turn over. The design of the neighborhood and where the Kaufman develop will be, is going to be in enclave of turnover of people. It will no longer be neighborly. This will detract from the essence of what the neighborhood is all about. Allowing this addition of Stiner Avenue will add congestion and turn Stiner Avenue into a thoroughfare.

Susan Knutson introduced herself and said she is neutral. She appreciates a tight nit community. She feels bad for the folks on Stiner Avenue. Based on Commissioner McCracken's comment, the timing of this is an anomaly and will complicates matters. Mr. Kaufman has checked all the boxes and Mr. Hungerford checked all of his boxes as well. She loves the ADU idea. As a guardian of a disabled adult, housing with a disability is very hard to come by. Duplexes are not always an option for them. She is curious that the city attorney said you could not make any conditions but Mr. Kaufman's attorney stated that you can. She is curious to hear more about that.

#### **Applicant rebuttal**

Tom Hungerford stated he was very clear when he spoke to the neighbors regarding this proposal. The neighbors all knew what they were signing and that ADU's were allowed. There were some people that chose to not be part of this. He did spend a lot of time with folks. Mr. Kaufman stated everyone can build an ADU and subdivide on their property. Yes, we can. So can he. More than likely, we won't. But what he is saying is that if duplexes are allowed, that is what will happen. A developer comes in and buys a large lot and they want to put in a higher density project with more units.

Shannon Sardell stated this is on the cusp of over development. When you get overdeveloped, you get transitory and people tend too not volunteer in their communities.

#### **Public testimony closed.**

#### **Commission Discussion:**

Jon Ingalls stated that what the attorney Susan Weeks said sticks with him. The special use tool is really to allow a use and not to disallow a use. Perhaps that is not the tool to use to disallow what is allowed by right in an R-12, which is a duplex. We have heard that this is a preservation of a neighborhood. It is an R-12 neighborhood. The slide showed single family and duplexes. That is involved in this neighborhood here. Protection of the neighborhood is the protection of R-12, which allows the duplex. There was a gentleman that talked about property rights. If I buy a piece of property in an R-12 neighborhood next to a vacant lot, guess what? Somebody might build a duplex next to me. That is a buyer beware that can happen. There is a lot of discussion about traffic and how many people and density. That whole neighborhood can yield the same number of cars, density, people and what not, with or without this special use permit on how many ADUs get built and all of that sort of thing. Ms. Rosenthal was calling this a zone change. Maybe this should be a zone change down the road. He commends the community involvement here, but said this just feels like Ms. Weeks points out. This is the wrong tool.

Commissioner McCracken asked Ms. Patterson about the 1994 and 2013 special use permits for single family detached only and were ADUs allowed at that time?

Ms. Patterson replied yes ADUs would have been allowed with the Fort Grounds special use permit, she doesn't think they would have been allowed with the Pine Grove.

Commissioner McCracken stated she gets that not everyone would develop an ADU at the same time, but when you have a 5,500 square foot lot that can have an ADU, that would equate to 2,750 square foot per unit (house and ADU) of space versus 3,750 square feet that is required for each unit of a duplex. The duplex has more lot size per dwelling unit because ADUs are not allowed with duplexes. Some of the zoning codes and setbacks already account for a little less density when using a duplex. If there was a 45,000 square foot lot you can get 16 single families with an ADU. You can actually be denser this way. This battles the idea of the special use. She is curious where the timing fits in with the code that allows the ADUs because she feels they are a little bit of a mismatch.

Chairman Messina stated he does not remember the discussion about ADUs with the Fort Grounds. It was more about preserving the neighborhood.

Commissioner Ward commented that this neighborhood has been zoned R-12 for a very long time. Growth is coming and sometimes we fight to control it, and not let it overcome us in certain areas. 15<sup>th</sup> Street continues to draw development. At some point, these 16 acres are going to be subjected to intense pressure. The problem to him is that you have the R-12 zoning. That is a magnet to developers. His question is why would you do a special use. He has concerns about the special use permit versus just rezoning to R-1, Single Family. It serves the same purpose but it is much more secure. Also, this would prevent future lawsuits. This is an important issue. Eight or nine years from now someone buys a piece of property within the 16 acres. How would they that they are restricted to a single-family home? It is not on a zoning map, because it says R-12. We need to be careful.

Commissioner Fleming stated that Mr. Kaufman sort of set off a bomb in the middle of your community. She searched the Idaho Laws and she is not a lawyer but asking the city to support a regulation such as this that limits the owner's ability to develop their land, and therefore reduces property values, is a problem. You are telling all of your neighbors that you cannot do anything with your own property except for single-family dwellings. Now if you all want to get together like co-housing and sign an agreement to never sell to anyone who will develop anything but single-family dwellings, go ahead. You can do that. You can act as a co-housing or an HOA or whatever you want to do. She does not think that the commission should impose something against the duplexes or the ability for people to develop their land. That is why we live in Idaho, so we don't have someone else telling us what we can do with our property rights. We are a property right state. This is overstepping the Idaho boundaries. She is not convinced that this special use permit makes any sense here. Maybe change it to R-1. She feels this is very prejudicial against duplexes beyond belief. There are a lot of really nice people that live in duplexes. She cannot understand how an entire community can be so anti-duplex, anti-townhouse, anti-development. It's sad that it has come to this. She feels that the neighborhood has moved in the wrong direction. She is not for this special use permit.



Commissioner Luttrupp stated the public comment period is very important. The neighborhood has done a great job coming before the commission. The neighbors have been respectful, polite, cohesive. He salutes them. It has hit a very responsive cord with him. He was born and raised here. He moved away and moved back. He was appointed by the City Council and has served on this commission for many years. He does stop and think about what does he feel about his neighborhood. He would agree with this neighborhood tonight. But he has to look at the comp plan and follow that, and go through the criteria. It would not be fair to Mr. Kaufman that we pass his project and then turn around and stop his project.

Commissioner McCracken stated she agrees with her fellow commissioners. She appreciates the neighborhood. They have come and spoken. This is not going to be perfect for everyone. We do want to get it right and make the best decision as a commission. She cannot support this and feels very strong about property rights.

Chairman Messina agrees with his fellow commissioners. If the neighborhood wants to come together and change the zoning, they will have to come back to this commission at some point in time.

Commissioner Ward commented that the neighbors always spoke authoritatively and respectfully. We all want to know our neighbors and be friendly. It's hard to maintain that when the community is growing. He hopes they can maintain a residential character.

**Motion by Commissioner Ward, seconded by Commissioner Ingalls, to Deny item SP-1-24. Motion carried.**

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye
Commissioner Ingalls	Voted	Aye

Motion to deny by a 6 to 0 vote.

3. Applicant: Northwest Boulevard Holding, LLC  
Location: 1515 Northwest Boulevard  
Request: A request for a Special Use Permit for Food and Beverage On/Off Site Consumption in the LM (Light Manufacturing) zoning district  
QUASI-JUDICIAL (SP-3-24)

**Presented by: Tami Stroud, Associate Planner**

Ms. Stroud, made the following statements:

- The applicant is requesting approval for a special use permit to allow a food and beverage on/off site consumption that will allow a coffee shop/baked good sales in a portion of an existing structure on property located in the LM (Light Manufacturing) Zoning District.
- In August of 1983 the subject property was zoned from C-17 to Light Manufacturing in item ZC-12-83 and was used at that time for warehousing. The site was also previously used for boat sales. In September of 2019, the applicant requested the approval of a special use permit (SP-5-19) to allow a specialty retail sales facility to allow a retail flooring store and professional service

business in an existing structure on the subject property. The special use permit was approved and NW Trends, a retail flooring store, has been operating out of a portion of the building. The applicant would like to expand the commercial uses on the property and lease a portion of the building to be used as a coffee shop to include the sales of baked goods. The proposed use triggers the need for the Food and beverage on/off Site Consumption Special Use Permit in the LM zoning district. It is a use allowed by right in the C-17 zoning district, but not in the LM zoning district. The proposed coffee roasting is a permitted use in the LM zoning district.

- The applicant has indicated that they are not proposing any additions to the existing building at this time and intend to renovate the interior space. The existing building is +/- 12,500 SF. The applicant intends to use approximately 5,000 SF of the floor space for the coffee/bakery/roastery and 7,400 SF for the existing flooring sales and office space. The applicant has submitted a floor plan indicated how the existing building can accommodate the proposed coffee shop, roastery and existing specialty retail sales.
- The Light Manufacturing (LM) district is intended to include manufacturing, warehousing and industry that is conducted indoors with minimal impact on the environment. The applicant's proposed use would be conducted primarily within the existing structure, and the applicant is aware that a possible light manufacturing use may be built in the area, or may occupy an existing structure now or in the future. The proposed office space could be affected by an adjacent light manufacturing use, in which case the city would support the continued operation of any allowed uses by right, in the context of the city's performance standards:
- There are three findings for a special use permit: B1 – B3:

Finding B1: That this proposal (is) (is not) in conformance with the Comprehensive Plan.

- Ms. Stroud shared the Comprehensive Plan Policy Framework, including the goals and objectives that staff has identified as being applicable to this request. She also explained the Place Type and shared the Future Land Use Map and transportation maps.

Finding B2: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.

- There is an existing structure on the subject site that was previously used as a boat sales and dealership facility and is now used for flooring retail store. Located across the street to the north are retail and office uses. The properties to the west have recreational and commercial uses located on them, which consist of public pedestrian and bicycle trail (Centennial Trail) and open spaces areas on land owned by the City of Coeur d'Alene and the Bureau of Land Management, and a commercial storage facility. There are also vacant lots to the west that are zoned C-17. The property to the east of the subject site across Northwest Boulevard is currently used for professional offices. The properties to the south of the subject site have a recreational use and vehicle transportation road facilities use located on them, which consist of public pedestrian trail (Centennial Trail), US 95 entrance ramp, and the US 95 bridge the crosses the Spokane River. (See Land Use Map on page 10)
- The subject site has frontage on Northwest Boulevard, which is an arterial road. The properties to the north and east of the subject site are zoned C-17. The property to the west of the subject site is also zoned C-17 and C-17PUD Commercial.

Finding B3: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities, and services.

- Ms. Stroud cited staff comments about stormwater and the requirement for a stormwater management plan, the requirement for the street frontage along Northwest Boulevard to meet ADA requirements at the time of construction, expected trip generation and the capacity of Northwest Boulevard to handle the additional traffic, the existing 1" water line and ¾" water meter serving the project, the sewer capacity and existing connection, and the Fire Department requirement to have the retaining wall inspected. She also noted the previous special use permit for the specialty retail sales and the approved parking behind the building, as well as the required condition to screen rooftop equipment.

Ms. Stroud noted the five proposed conditions:

1. The drive aisle through the interior of building must remain clear at all times to access the required parking to the south.
2. Proposed rooftop equipment is required to be concealed. Line of sight to be submitted for staff review as part of the building permit application.
3. Before any use of the parking lots on the west side of the property this retaining wall shall be inspected and repaired if unsound.
4. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional service will have cap fees due at building permitting.
5. An easement will be required on the south side of the property to connect water mains on NW Boulevard to the Union phase 2 project in the future.

Ms. Stroud noted the action alternatives this evening. The Planning and Zoning Commission may, as a condition of approval, establish reasonable requirements to mitigate any impacts that would adversely affect the surrounding neighborhood. Please be specific, when adding conditions to the motion.

Ms. Stroud, concluded her presentation.

Commissioner Fleming asked if the building should catch on fire, is there a designated fire route for a fire truck?

Ms. Stroud replied no.

Commissioner Fleming asked how does the fire truck get to the southwest corner of the building.

Ms. Stroud replied there is a distance requirement and it must reach it from the Northwest Boulevard.

Commissioner Fleming would also like to know how they think they will access staff and visitors through a roll up door. Will it be with a clicker or a code? She noted that this seems really awkward, especially if you are a non-worker and asking a customer to drive thru the building and randomly park somewhere. It's strange.

Ms. Stroud explained that she did have a conversation with the owner and the tenant, and let them know that it was going to be a condition due to the prior special use permit approval and the need for the additional parking.

Commissioner Fleming stated that Mr. Hurtado might need to just tear down the wall and build a new wall, so there will not be a drive thru for parking. There could be an engine and gasoline that could blow up in the inside of the building.

Chairman Messina asked if the access was not going thru there, would the parking requirement not be met?

Ms. Stroud replied the parking would not be met.

Commissioner McCracken asked if they would have access to the trail.

Ms. Stroud replied no.

Commissioner Ingalls stated he was looking at the site plan. It is a photo that shows boats from a long time ago. He assumes that the parking requirement will be met. How do people circulate around?

Ms. Stroud replied this will be a question for the applicant. She discussed this early on. A car would not be able to use the rear portion to access the parking lot behind the building because the access is too narrow. She had multiple discussions about the parking with the applicant team and let them know what would be required.

Commissioner Ingalls asked the other business is flooring, where would the flooring customer park versus the coffee customer park?

Ms. Stroud replied the applicant will need to answer that question.

**Public testimony open.**

Armando Hurtado introduced himself and was sworn in. He stated the parking is unique. Access and safety, that is a priority. The approach would be more of an operational thing and it is more of a discussion between North West Trends and Union Coffee on how that is distributed whether it's hours of operation or it's a clicker or magic of some kind. But yes, there needs to be access or maybe it's a division of North West Trends customers in the back and coffee in the front. He is not sure how that will be illustrated or used on a day-to-day basis, but we are hoping operationally that we can work through that.

Commissioner Fleming stated there might some staff parking at the rear of the building.

Commissioner McCracken asked how do the flooring delivers work with forklifts, etc.

Mr. Hurtado replied North West Trends owner can answer that. The Union Coffee deliveries will be delivered in their own delivery trucks and they have small trucks and they fit in a parking stall. All of the production will be done in house. The need for deliveries will be minimal and not on a continual basis.

Commissioner McCracken stated but you are roasting, and will have large deliveries.

Mr. Hurtado replied yes it would, but they would house a lot of the inventory in the facility.

Chairman Messina asked about the access around the back of the building. Ms. Stroud clarified that there is not enough space on the corner.

Mr. Hurtado replied the corner there is not enough space for two-way access, but there is enough space for a vehicle to pass thru. That could be a delivery point.

Ms. Patterson stated that space is only nine feet wide and the code is 12 feet wide for one-way access. That is the challenge.

Commissioner Fleming asked if the flooring store is more of a show room than a distribution center.

Mr. Hurtado replied North West Trends can answer that. The space that Union Coffee is going into has been vacant for a while and being built out. They have been operating with space they currently have for quite a while.

Commissioner Fleming stated it was an interior store at one time. It was always hot in the summer, almost unlivable. She hopes they have improved the air conditioning.

Mr. Hurtado states there are air conditioning units on top of the roof now; hence the need to shield that from the public. That is one of the requirements.

Bud Scott the applicant introduced himself and was sworn in.

Commissioner Fleming asked how are you going to access the big roll up doors and get visitors back there, or will it be staff parking in the back triangle space?

Mr. Scott replied yes, that will be staff parking and there will be a clicker for the rollup door.

Commissioner Fleming asked is this going to be a distribution showroom.

Mr. Scott stated this is just a slab show room. A cub van drives around the back and drops off the slabs. He has his own personnel boat back there; the aerial photo actually makes the space look smaller, but it is quite a large area back there. The Hansen's, who were here earlier, own the property that they have the easement on.

Commissioner Ward asked about putting up about 5 trees along Northwest Boulevard. There is not much that separates the building from the street.

Mr. Scott replied yes, he would support that. The property is not owned by him, but he is on board with it.

Commissioner McCracken asked about the parking requirement of 24 stalls. Has that number increased with the addition of the coffee shop?

Ms. Patterson replied, yes that is the combined parking requirement.

Ms. Stroud replied yes that is correct. Union Coffee has the requirement of 16 and with the other business they have 8. So, 24 total.

**Public testimony closed.**

**Commission Discussion:**

None.

**Motion by Commissioner Fleming, seconded by Commissioner Luttrupp, to approve item SP-3-24.  
Motion carried.**

**ROLL CALL:**

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion approved by a 6 to 0 vote.

Commissioner Ward stated that he finds the special use permit to basically put the police power of zoning in the hands of certain citizens seems to be unsanctionable and if it is appropriate and if people agree, he suggests that we ask the staff to removing that from the zoning code. That 66% of the people can decide what to do in the neighborhood. He finds that inconsistent with controlled growth.

Commissioner Ingalls replied he does not know if it's the commission place to even task staff to go do something and bring it back. As a housekeeping thing you are always looking at codes. Every so often you come back with a basket of code change. Maybe this one would be a consideration.

Mr. Adams stated one of the duties of the Planning Commission is to make recommendations regarding appropriate regulations. It would not be a miss if you were to put that on the agenda to discuss it and you can certainly request staff to take that forward to Council.


Commissioner Fleming made a motion to request staff to add an agenda item to look at the Special Use Permit for a neighborhood sponsor of the 66% zoning code change, seconded by Commissioner McCracken. Motion Carried.

**ADJOURNMENT:**


Motion by Commissioner McCracken, seconded by Commissioner Fleming, to adjourn. Motion carried.

The meeting was adjourned at 9:52 p.m.

Prepared by Traci Clark, Administrative Assistant



# STAFF REPORT



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**PLANNING & ZONING COMMISSION  
STAFF REPORT**

**DATE:** 8/13/2024  
**FROM:** Monte McCully, City of Coeur d'Alene Trails Coordinator  
**SUBJECT:** **Priority Pedestrian Corridors** (action required)

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**DECISION POINT:**

Will the Planning and Zoning Commission recommend to City Council the changes to the sidewalk exemption that will allow Priority Pedestrian Corridors to be identified?

**HISTORY:**

The City of Coeur d'Alene has been in development for over 130 years and many ordinances have been introduced and changed during that time. In 1974, the City began requiring sidewalks be built with all new construction, or with property improvements above a certain dollar amount in existing residential neighborhoods. City Code 12.28.210 through 240 allows exemptions to sidewalk construction due to hardship, geographical constraints, and distance. Currently, if the nearest sidewalk is 450 feet or more, the property owner is not required to build a sidewalk. This means sidewalks may never get built in many older areas of the city. Coeur d'Alene is missing sidewalks in 30% of the city. The Ped/Bike Committee has identified 12 priority areas that should be removed from the exemption. These areas are primarily routes to schools from neighborhoods.

**FINANCIAL ANALYSIS:**

There is no direct financial impact on the City, other than staff time to change the ordinances. Future sidewalks will be built by property developers, grant money, or future sidewalk projects that will come back to council before approval.

**PERFORMANCE ANALYSIS:**

Adding Priority Pedestrian Corridors will help us begin to create a safer, more walkable community.

**DECISION POINT/ RECOMMENDATION**

Recommend City Council adopt the changes to the sidewalk exemption that will allow Priority Pedestrian Corridors to be identified.



City of  
**Coeur d'Alene**  
IDAHO

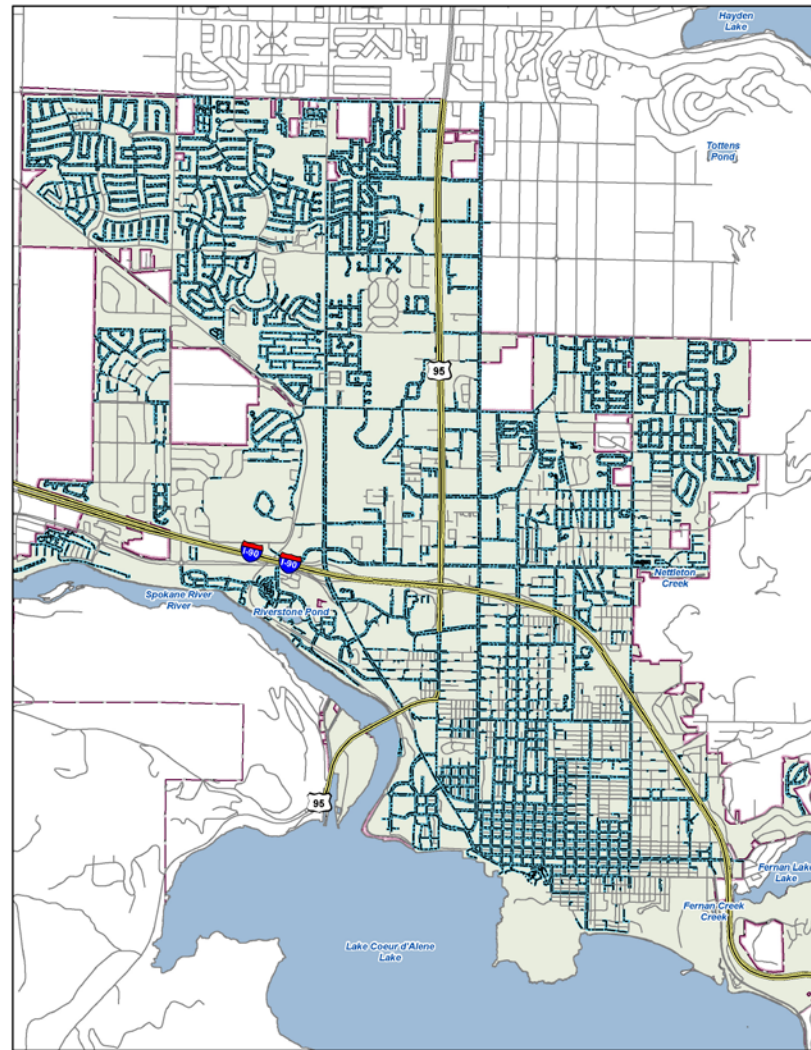
# Ped/Bike – Priority Pedestrian Corridors

## *Objective: Create a complete sidewalk network in Coeur d'Alene*

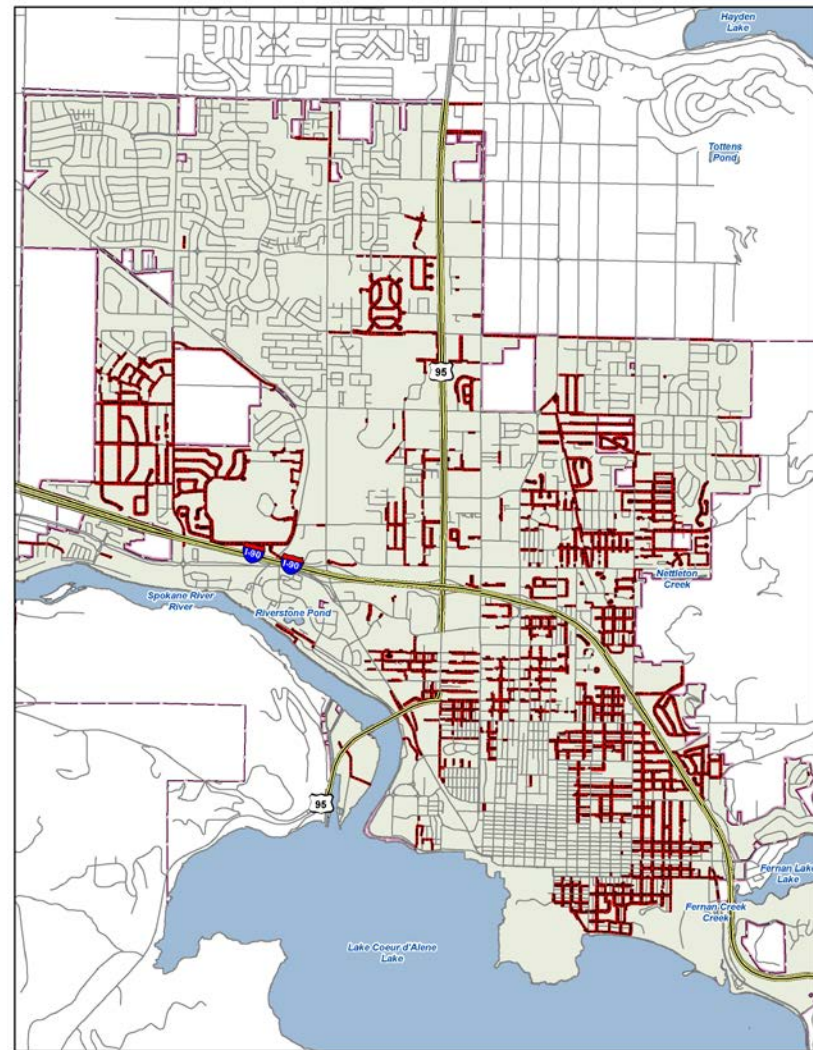
- Sidewalk connectivity will help reduce the number of pedestrians who need to walk in the streets with vehicular traffic, reducing the chance of an injury accident.
- Coeur d'Alene has a low 'Walkability' rating according to national urban planning standards.
- Coeur d'Alene has applied for Walk Friendly Status and been awarded Honorable Mention. It should be the City's goal to achieve 'Gold' status.
- The Coeur d'Alene Pedestrian and Bicycle Committee recognizes that the City has added and repaired a large number of sidewalks in the past 20 years, but sidewalk infrastructure is still missing in many parts of the City.
- The current Municipal Code doesn't require a new sidewalk unless an existing sidewalk is within 450 feet of the new development. The Code leads to a situation where sidewalks may never be constructed in some areas. Sidewalks are missing in 30% of the City.
- Creating "Priority Corridors" is an efficient way to get sidewalks built, either by developers or grant money, in areas deemed a priority throughout the City.



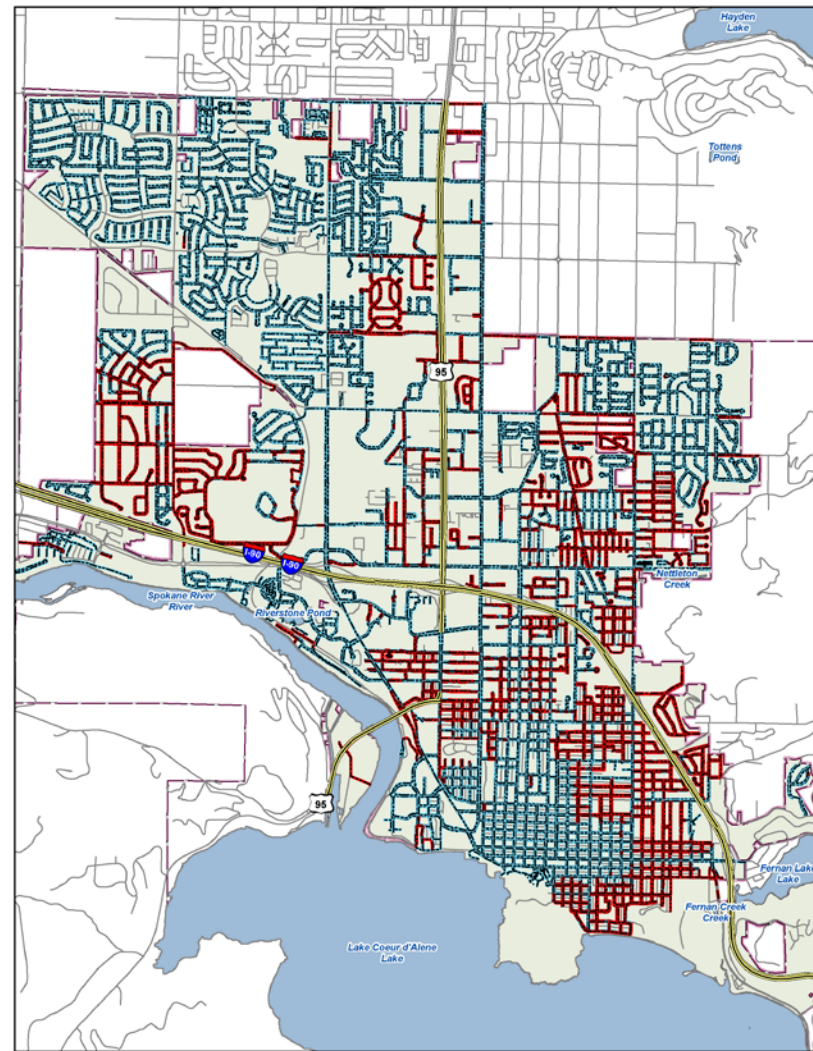
- This map shows where existing sidewalks are located



- This map shows where sidewalks are missing



- This map shows the two together



# Identified Priority Corridors

## CDA High Access

1. **Honeysuckle Road** - Best Avenue to 4<sup>th</sup> Street. Connects to CDA High School.
2. **Margaret Avenue** - 4<sup>th</sup> Street to 15<sup>th</sup> Street. Connects to CDA High School and Shadduck Park.
3. **19<sup>th</sup> Street** - Nettleton Gulch Road to Thomas Lane. Connects to CDA High School Route.
4. **Lunceford Lane** - 4<sup>th</sup> Street to 19<sup>th</sup> Street. Connects to CDA High School and connects east side residents with shopping and dining.
5. **Nettleton Gulch Road/Stiner and Crawford** - Honeysuckle to 15<sup>th</sup> Street to 19<sup>th</sup> Street. Routes to CDA High School and Canfield Middle School.
6. **Dalton Avenue** - Ramsey Road to 15<sup>th</sup> Street. Connects to CDA High School and the future Pinegrove Trail.

## Fernan Elementary Access

1. **21st Street** - Mullan Ave to Fernan Elementary on the West side.
2. **Coeur d'Alene Avenue** - 15<sup>th</sup> Street to 23<sup>rd</sup> Street. Provides connection to Fernan Elementary.
3. **Mullan Avenue** - 14<sup>th</sup> Street to Coeur d'Alene Lake Drive. Supports the Centennial Trail and provides a route to Fernan Elementary.

## Winton Elementary

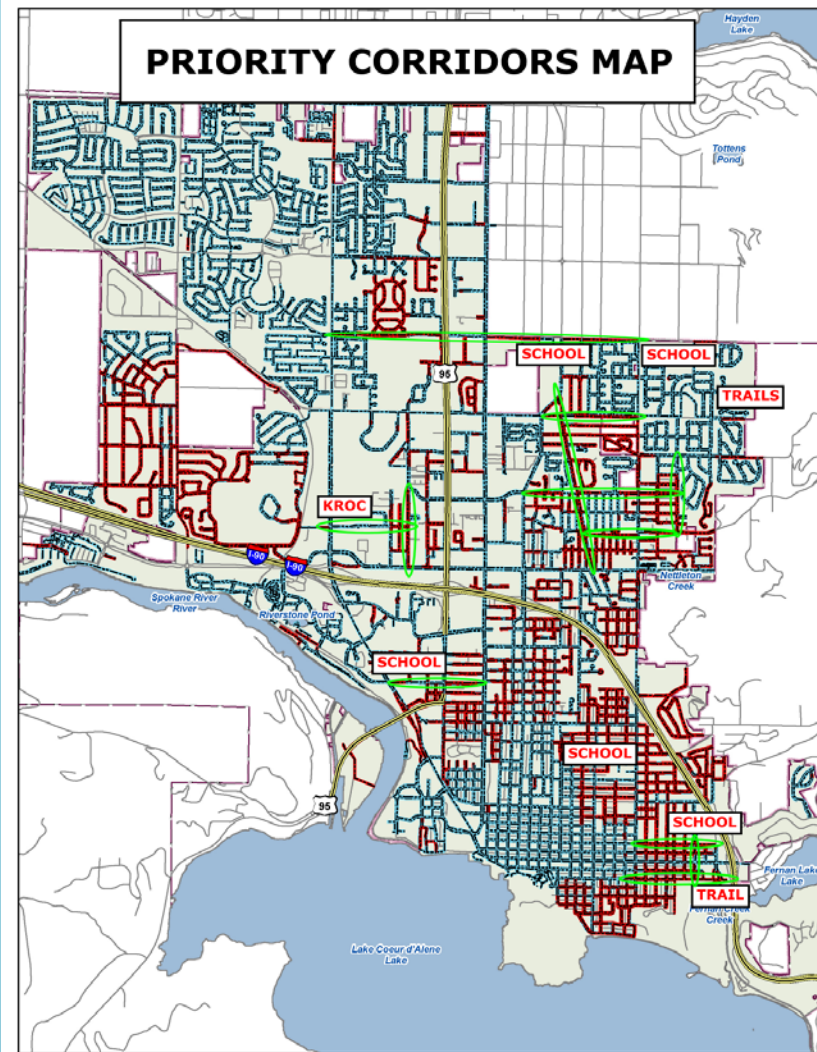
1. **Lacrosse** - Northwest Boulevard to Government Way. Connects to Winton Elementary.

## KROC Center

1. **Marie Avenue** - Ramsey Road to Howard Street, connects neighborhoods to the KROC Center.
2. **Howard Street** - Appleway Avenue to Neider Avenue.



- Priority Corridors Map
  - These areas would be exempt from the 450 foot rule and would be considered high priority for grant money.







# Questions?




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# **PUBLIC HEARING**



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# STAFF REPORT



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**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**FROM:** MIKE BEHARY, ASSOCIATE PLANNER

**DATE:** AUGUST 13, 2024

**SUBJECT:** A-1-24 ZONING PRIOR TO ANNEXATION OF 5.1 ACRES FROM COUNTY COMMERCIAL TO C-17

**LOCATION:** PROPERTY LOCATED AT 3505 W SELTICE WAY

**APPLICANT:**  
Shawn and Renae Luteyn  
2869 South Denali Way  
Meridian, ID 83642

**Architect:**  
McArthur Engineering  
ATTN: Scott McArthur  
P.O. Box 2488  
Post Falls, ID 83877

**DECISION POINT:**

The applicant is requesting approval of an annexation of 5.1 acres in conjunction with zoning approval from County Commercial to the C-17 commercial zoning district.

**BACKGROUND INFORMATION:**

The subject property is currently the home to the Coeur d'Alene Hockey Academy (CDA Hockey Academy) and is located in an unincorporated area of Kootenai County. The subject site is adjacent to the Coeur d'Alene City limits on the west and north side of the subject site. The subject property is currently zoned County Commercial and is located within the City's Area of City Impact (ACI).

The CDA Hockey Academy has been operating at this site since 2015. Students began attending the campus facility in 2021 when the Academy obtained its own accreditation. The accreditation improvement in the program has increased the interest and demand, with families looking to join the CDA Hockey Academy and bring their aspiring student athletes to live and train in Coeur d'Alene. Last year the CDA Hockey Academy had 58 full time student athletes. The Academy has indicated that with new facilities and growth its potential for attendance would be up to 150 students (see applicant's narrative in Attachment 1).

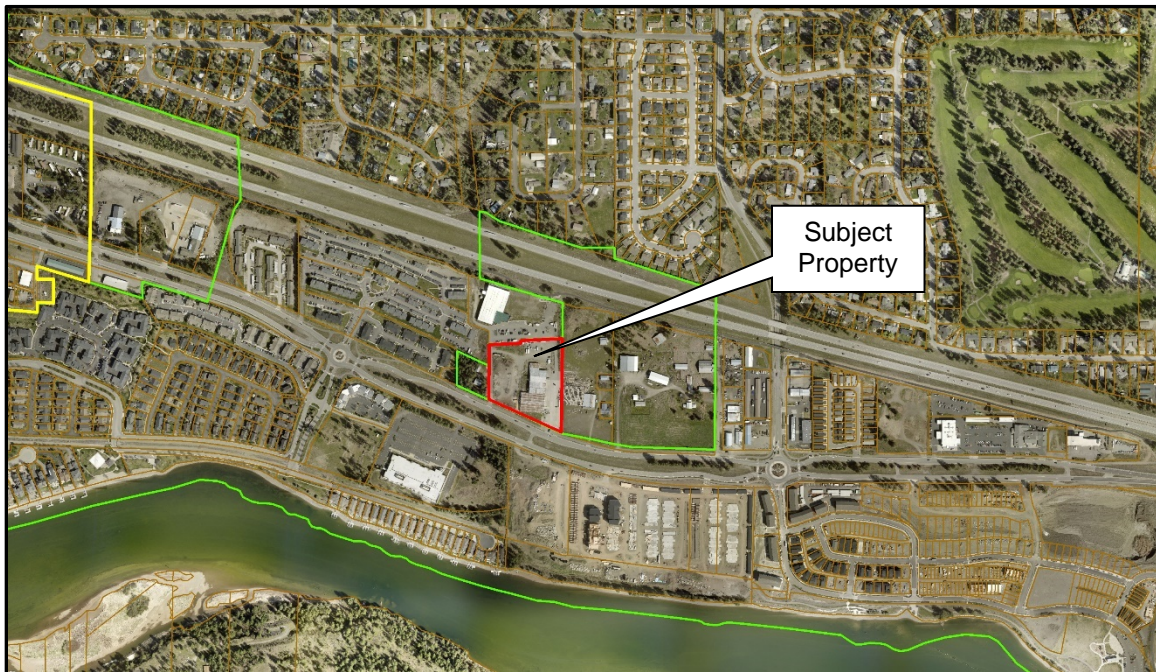
The CDA Hockey Academy has indicated that they are very excited about the future of the program and the growth of the Academy. The CDA Hockey Academy has further indicated that they are well positioned in Coeur d'Alene, with its leagues and memberships, to bring some of the top talent to the area to train and grow the game.

The CDA Hockey Academy is working closely with Frontier Ice Arena to add a second sheet of ice and additional locker rooms to help support this growth. In addition, the CDA Hockey Academy has plans to build a new multi-sport facility on this site. This new facility will add additional classrooms as well as allowing for additional teams, training facilities, and meal/dining options for student athletes (see site plan in Attachment 1).

There is currently a milling operation (manufacturing use) occupying the southern portion of the existing building. The applicant has said there is no established date for ending the lease with the manufacturing operation. Currently the manufacturing use is on a month-to-month lease. The CDA Hockey Academy has indicated that it wants to establish a timeline and budgets for its project first before ending the lease with the tenant of the manufacturing use.

The applicant is proposing a C-17 zoning district designation. The zoning ordinance classifies the CDA Hockey Academy use as community education, which is a permitted use in the C-17 zoning district. See the applicant's narrative that is an attachment at the end of this report for the full details of their request.

**PROPERTY LOCATION MAP:**



**AERIAL PHOTO:**

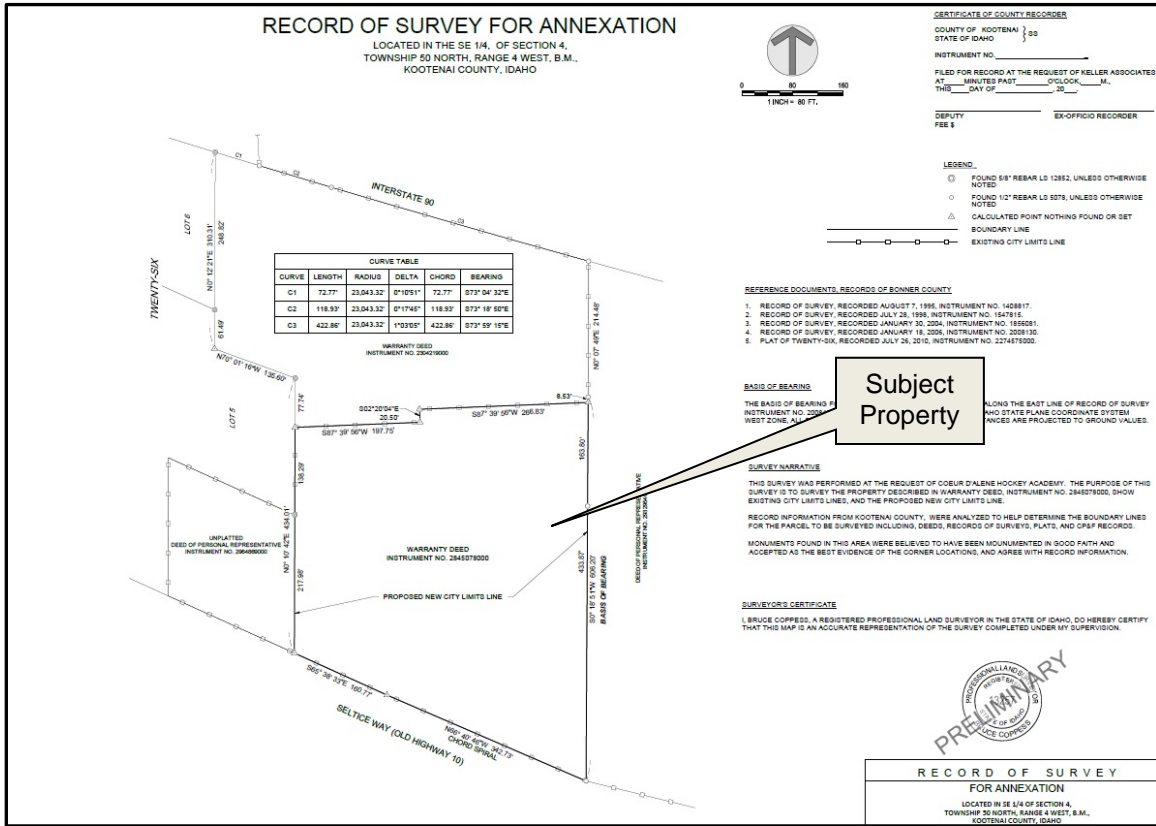




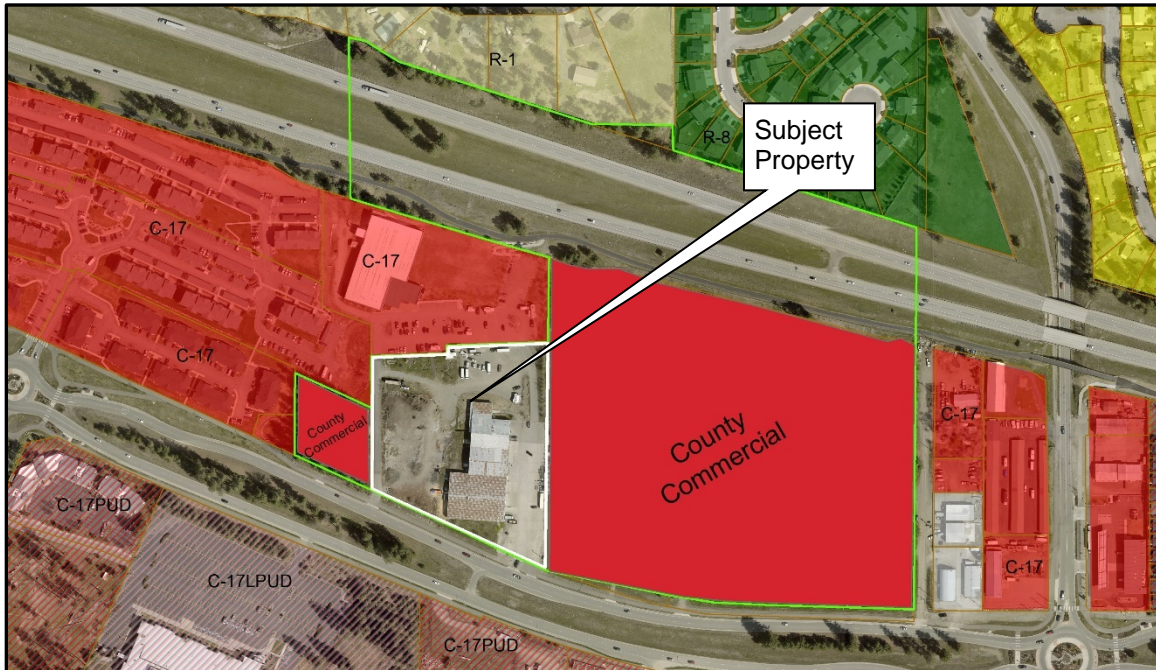
**BIRDSEYE AERIAL:**



**ANNEXATION MAP:**



**EXISTING ZONING MAP:**



The proposed C-17 zoning is shown on the map above. The proposed zoning district is consistent with the existing zoning of all of the surrounding properties in the vicinity of the subject property. Approval of the requested C-17 Zoning in conjunction with annexation would allow the following potential uses of the property.

**Proposed C-17 Zoning District:**

The C-17 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; however, joint access developments are encouraged.

Principal permitted uses in a C-17 district shall be as follows:

- Administrative offices.
- Agricultural supplies and commodity sales.
- Automobile and accessory sales.
- Automobile parking when serving an adjacent business or apartment.
- Automobile renting.
- Automobile repair and cleaning.
- Automotive fleet storage.
- Automotive parking.
- Banks and financial institutions.
- Boarding house.
- Building maintenance service.
- Business supply retail sales.
- Business support service.
- Childcare facility.
- Commercial film production.
- Commercial kennel.
- Commercial recreation.
- Communication service.
- Community assembly.
- **Community education.**
- Community organization.
- Construction retail sales.
- Consumer repair service.
- Convenience sales.
- Convenience service.
- Department stores.
- Duplex housing (as specified by the R-12 district).
- Essential service.
- Farm equipment sales.
- Finished goods wholesale.
- Food and beverage stores
- Funeral service.
- General construction service.
- Group assembly.
- Group dwelling - detached housing.
- Handicapped or minimal care facility.
- Home furnishing retail sales.
- Home occupations.
- Hospitals/healthcare.
- Hotel/motel.
- Juvenile offenders' facility.
- Laundry service.
- Ministorage facilities.
- Multiple-family housing (as specified by the R-17 district).
- Neighborhood recreation.
- Noncommercial kennel.
- Nursing/convalescent/rest homes for the aged.
- Personal service establishments.
- Pocket residential development (as specified by the R-17 district).
- Professional offices.
- Public recreation.
- Rehabilitative facility.
- Religious assembly.
- Retail gasoline sales.
- Single-family detached housing (as specified by the R-8 district).
- Specialty retail sales.
- Veterinary office

Permitted uses by special use permit in a C-17 district shall be as follows:

- Adult entertainment sales and service.
- Auto camp.
- Criminal transitional facility.
- Custom manufacturing.
- Extensive impact.
- Residential density of the R-34 district
- Underground bulk liquid fuel storage
- Veterinary hospital.
- Warehouse/storage.
- Wireless communication facility

## **SUMMARY OF FACTS:**

The following facts align with the facts listed in the draft Findings and Order worksheet for the Planning and Zoning Commission's consideration. These facts can be modified and added to as part of the motion associated with the Findings and Order, as it is the Commission's duty to make the Findings and Order.

- A1.** All public hearing notice requirements have been met for item A-1-24.
- Notice of the public hearing must be published in the official newspaper of the City at least fifteen (15) days prior to the hearing. Idaho Code § 67-6509(a). The Notice was published on July 27, 2024, seventeen days prior to the hearing.
  - Notice of the public hearing must be posted on the premises no less than one (1) week prior to the hearing. Idaho Code § 67-6511(2)(b). The Notice was posted on the property on July 29, 2024, fifteen days prior to the hearing.
  - Notice of the public hearing must be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered. Idaho Code § 67-6511(2)(b). thirty-six (36) notices were mailed to all property owners of record within three hundred feet (300') of the subject property on July 25, 2024.
  - Notice of the public hearing must be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing. Idaho Code § 67-6509(a). The Notice was sent to all political subdivisions providing services within the planning jurisdiction, including school districts on July 25, 2024.
  - Notice of the public hearing must be given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being considered, provided that the pipeline company is in compliance with section 62-1104, Idaho Code. Idaho Code § 67-6511(2)(b). The Notice was sent to pipeline companies providing services within 1,000 feet of the subject property on July 25, 2024.
- A2.** The subject site is located in an unincorporated area of the County, the total area of the subject property is 5.1 acres and is zoned County Commercial.
- A3.** The subject property currently has two different uses on it. The first use is a heavy industrial milling operation (manufacturing use) and the second is the education use that is run by the CDA Hockey Academy. The CDA Hockey Academy is an educational use (community education) and is a permitted use in the C-17 Commercial zoning district. The manufacturing use is not allowed by right in the C-17 Commercial district, unless there is a special use permit for custom manufacturing. The manufacturing use is only allowed by right in the M Manufacturing zoning district. The community education use is not permitted in the M Manufacturing zoning district.
- A4.** The Comprehensive Plan (the "Plan") Future Land Use Map designation is the General Industrial Place Type. Industrial places include manufacturing & logistics that provide a range of job types, services, and wage levels. These areas are locations that provide concentrated areas of employment areas that create goods and services with a mix of

indoor industrial uses separated from residential areas. Primary uses include manufacturing, warehousing, storage, and industrial parks located in one to two-story buildings with varied building footprints and interior ceiling heights. Industrial places are located near major transportation corridors as they often require access for large vehicles. Compatible zoning in the Industrial Place Type is Manufacturing (M) and Light Manufacturing (LM).

- A5.** Staff identified Comprehensive Plan goals and objectives for particular consideration by the Planning and Zoning Commission on page 15 of this staff report. See the Attachment 2 for the full list of Comprehensive Plan goals and objectives.
- A6.** The Comprehensive Plan is a guide for annexations and land use decisions, and the Future Land Use Map, in conjunction with the Goals and Policies, shall be used by the Planning and Zoning Commission to make a recommendations on zoning in conjunction with annexation.
- A7.** The subject property is bound by an ice arena to the north, a single-family home associated with a large agricultural tract to the east, a health care facility and a multi-family apartment complex is located south across Seltice Way, and a single-family home and a multi-family apartment complex are located to the west. Properties in the area are zoned C-17 Commercial or County Commercial.
- A8.** The subject property has a twenty-five-foot grade change across the site, along with an existing structure, parking and maneuvering areas. There is also a relatively flat area of the property, west of the existing structure, where the applicant intends to build an additional structure.
- A9.** City utilities are available to serve the project site, if annexed. All departments have indicated the ability to serve the project with the additional conditions as stated at the end of the staff report.

**A10.**

The proposal is anticipated to generate up to 63 PM peak hour trips per day associated with the private school and an estimated 95 AM peak hour trips per day if there were an event. The City Engineer indicated that they have shown 192 parking spaces on the site and noted that if an event drew more than 192 vehicles, they could have overflow parking impacts. The Academy currently exists on the property adjacent to the Frontier Ice Arena. The applicant is proposing upgrades to the existing building, a new structure and other site improvements as shown on the proposed site plan. Surrounding uses are commercial, manufacturing, agricultural, and residential in nature.

## **A-1-24 ANNEXATION FINDINGS:**

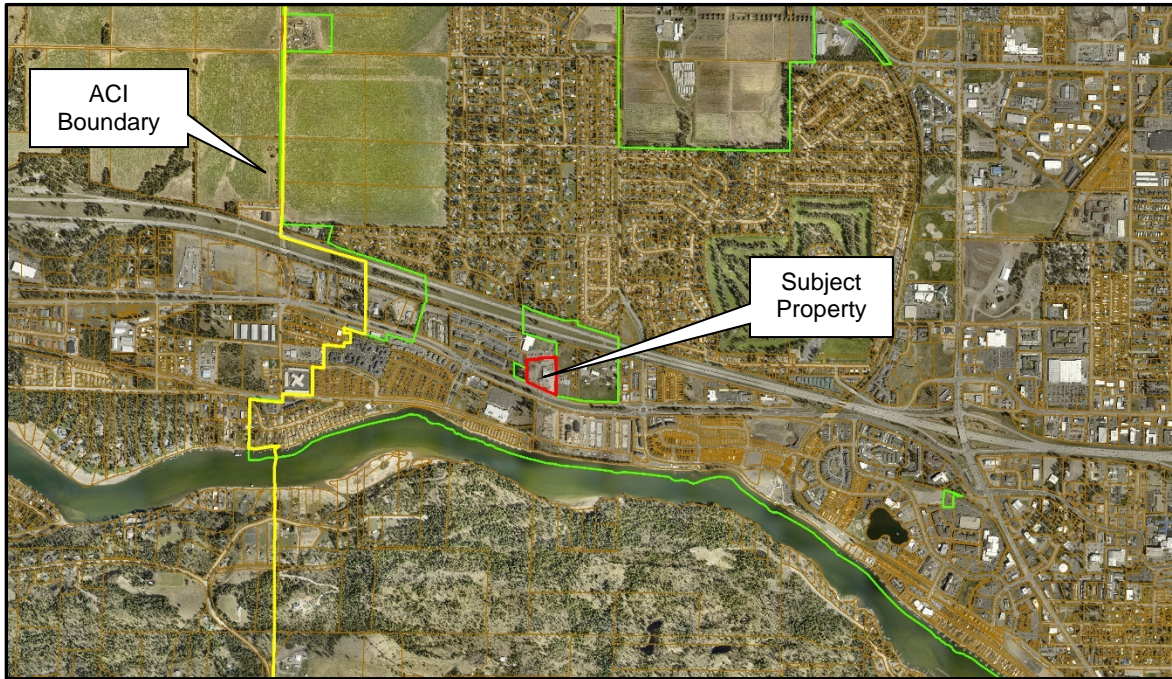
**REQUIRED FINDINGS FOR ANNEXATION:**

**Finding B1:                    That this proposal (is) (is not) in conformance with the Comprehensive Plan.**

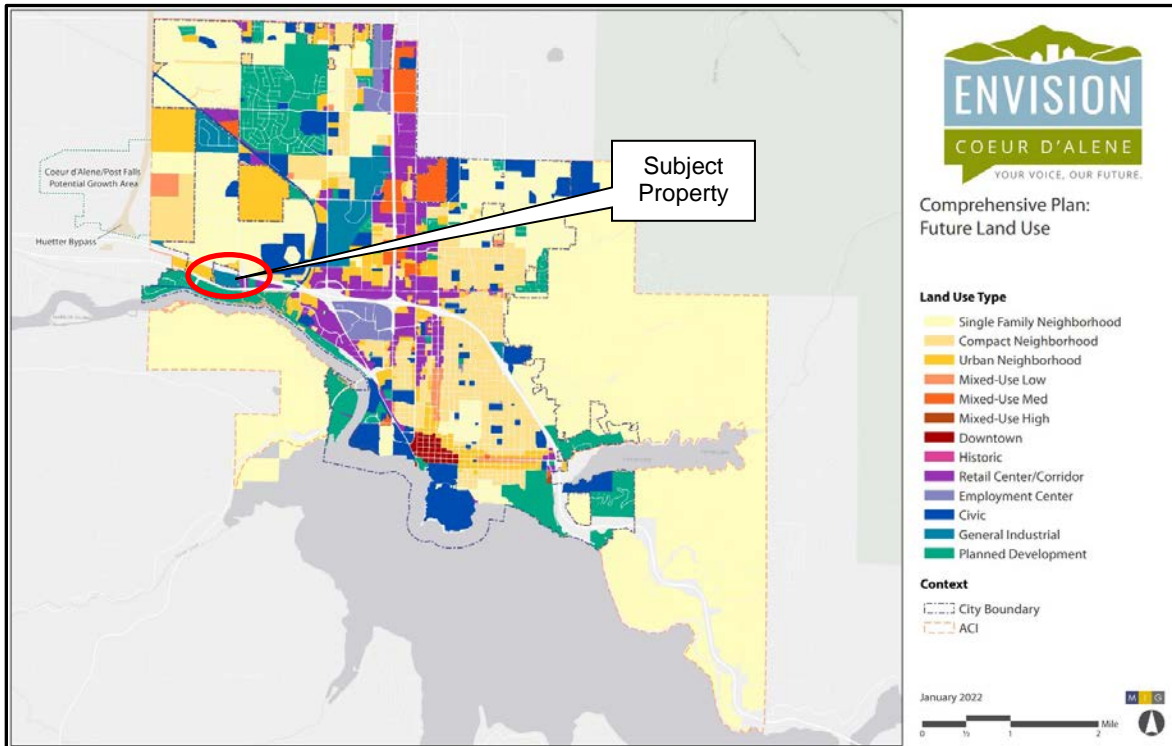
**2022-2042 COMPREHENSIVE PLAN LAND USE:**

- The subject property is not within the existing city limits.
- The subject site lies within the City's Area of City Impact (ACI)
- The City's Comprehensive Plan designates the subject property in the General Industrial place type.

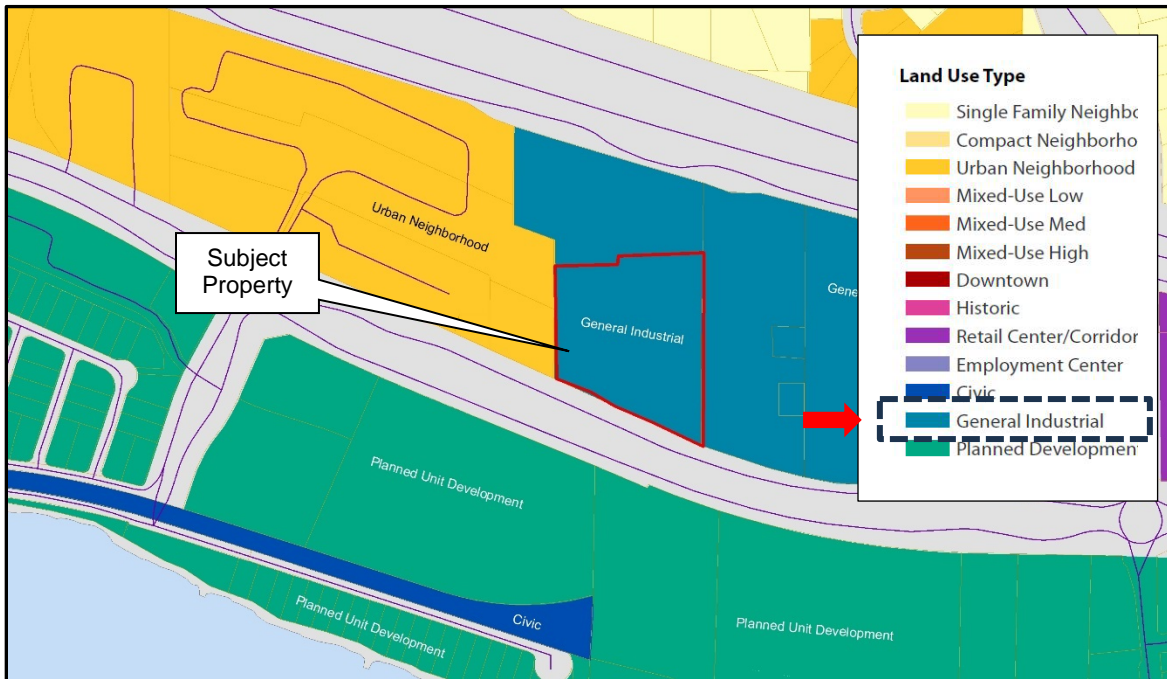
**AREA OF CITY IMPACT MAP:**



**2042 COMPREHENSIVE PLAN LAND USE MAP:**



## 2042 COMPREHENSIVE PLAN LAND USE MAP: Site Location



The subject site lies within the General Industrial place type as designation in the 2042 Comprehensive Plan.

### 2042 Comprehensive Plan Place Types:

The Place Types in this plan represent the form of future development, as envisioned by the residents of Coeur d'Alene. These Place Types will, in turn, provide the policy level guidance that will inform the City's Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, adjacencies, and allowed uses.

#### Place Type: General Industrial

Industrial places include manufacturing & logistics that provide a range of job types, services, and wage levels. These areas are locations that provide concentrated areas of employment that create goods and services with a mix of indoor industrial uses separated from residential areas. Primary uses include manufacturing, warehousing, storage, and industrial parks located in one to two-story buildings with varied building footprints and interior ceiling heights. Industrial places are located near major transportation corridors as they often require access for large vehicles.

#### Compatible Zoning Districts within the "General Industrial" Place Type:

- Light Manufacturing (LM) and Manufacturing (M)



## Industrial



### Key Characteristics

Industrial places include manufacturing & logistics that provide a range of job types, services, and wage levels. These areas are locations that provide concentrated areas of employment areas that create goods and services with a mix of indoor industrial uses separated from residential areas. Primary uses include manufacturing, warehousing, storage, and industrial parks located in one to two-story buildings with varied building footprints and interior ceiling heights. Industrial places are located near major transportation corridors as they often require access for large vehicles.

### Transportation

- Roads able to accommodate large vehicles
- Access to arterials and highways

### Typical Uses

- Primary: Manufacturing, warehousing, storage, industrial parks, automotive repair, and similar
- Secondary: Parking, dining, office, and commercial



### Building Types

- 1-2 story large footprint buildings with varied forms

### Compatible Zoning

- LM and M

It should be noted that the Future Land Use Map is to be used as a guide in conjunction with the Goals and Objectives in the Comprehensive Plan to help make a recommendation on appropriate zoning in conjunction with annexation and other land use decisions. The General Industrial Place Type was selected for the property as part of the 2042 Comprehensive Plan because of the existing manufacturing use on the property. The surrounding uses are primarily commercial in nature, with a mix of other uses such as agricultural, manufacturing, and residential.

The Idaho Land Use Handbook: The Law of Planning, Zoning, and Property Rights in Idaho by Givens Pursley LLP provides some helpful guidance clarifying the difference between a land use map and a zoning map (<https://www.givenspursley.com/publications>, p. 67):

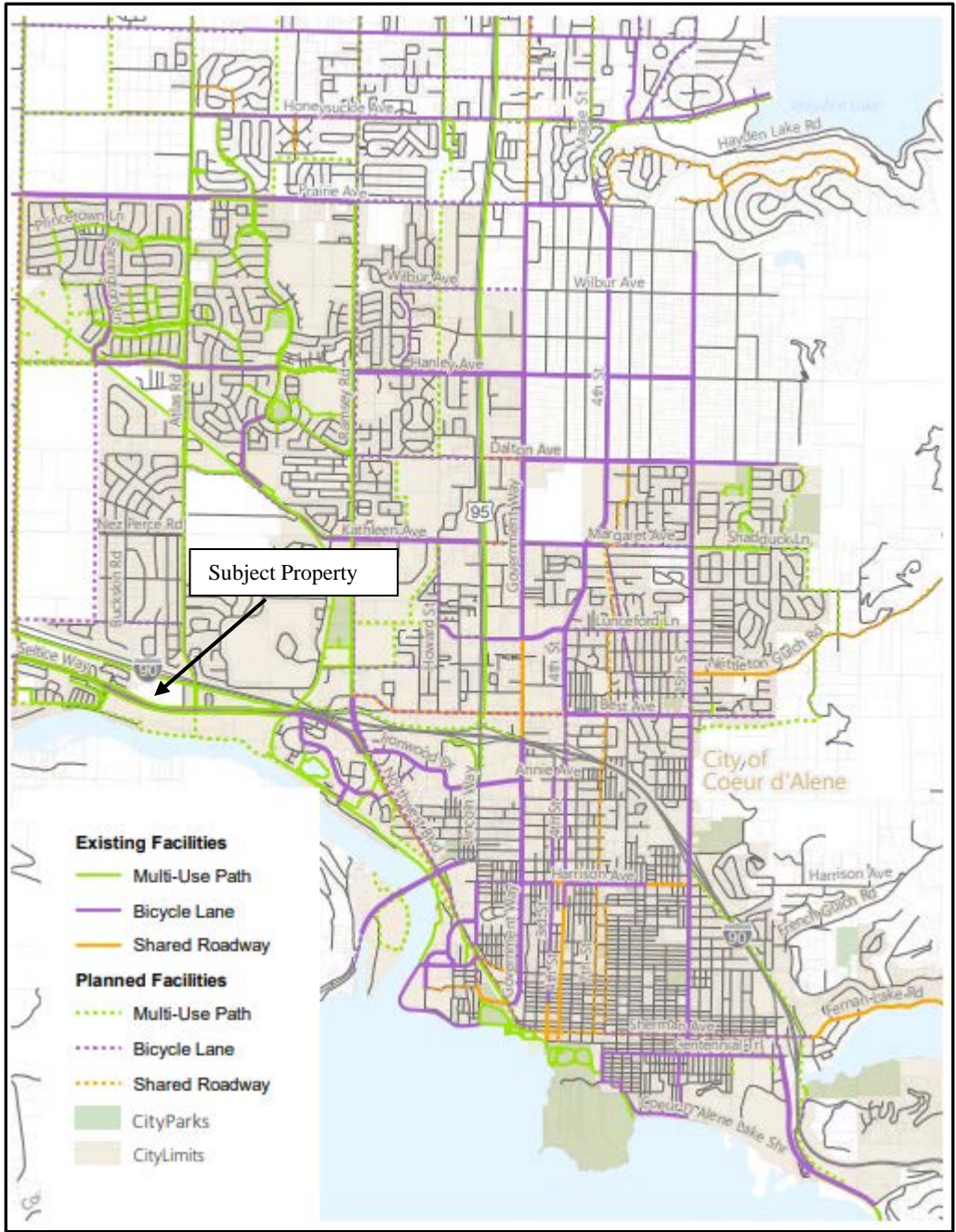
*Being merely a guidance document, the land use map does not control current uses and should not be confused with the zoning map displaying the zones required to be established under section 67-6511.37 The planning map reflects forward thinking*

*(envisioning the future). “Thus, the land use map, in essence, is a goal or forecast of future development in the City.” Bone v. City of Lewiston, 107 Idaho 844, 850, 693 P.2d 1046, 1052 (1984). The zoning map, in contrast, sets out the current, operative zoning districts that control what types of developments may be constructed in a given area. The Idaho Supreme Court has ruled that a local government is not bound to grant a rezone application simply because it is consistent with the future contemplated uses shown on the land use map. Bone v. City of Lewiston, 107 Idaho 844, 850, 693 P.2d 1046, 1052 (1984). The zoning map, in contrast, sets out the current, operative zoning districts that control what types of developments may be constructed in a given area. The Idaho Supreme Court has ruled that a local government is not bound to grant a rezone application simply because it is consistent with the future contemplated uses shown on the land use map. Bone v. City of Lewiston, 107 Idaho 844, 850, 693 P.2d 1046, 1052 (1984).*

The Commission may make a recommendation on the requested zoning without requiring an amendment to the Future Land Use Map even though the Compatible Zoning for General Industrial doesn't include C-17 because the Plan is intended to be used as a guide. However, the Commission may also recommend an amendment to the Future Land Use Map and Place Type if it deems that necessary.

# Transportation Exhibits

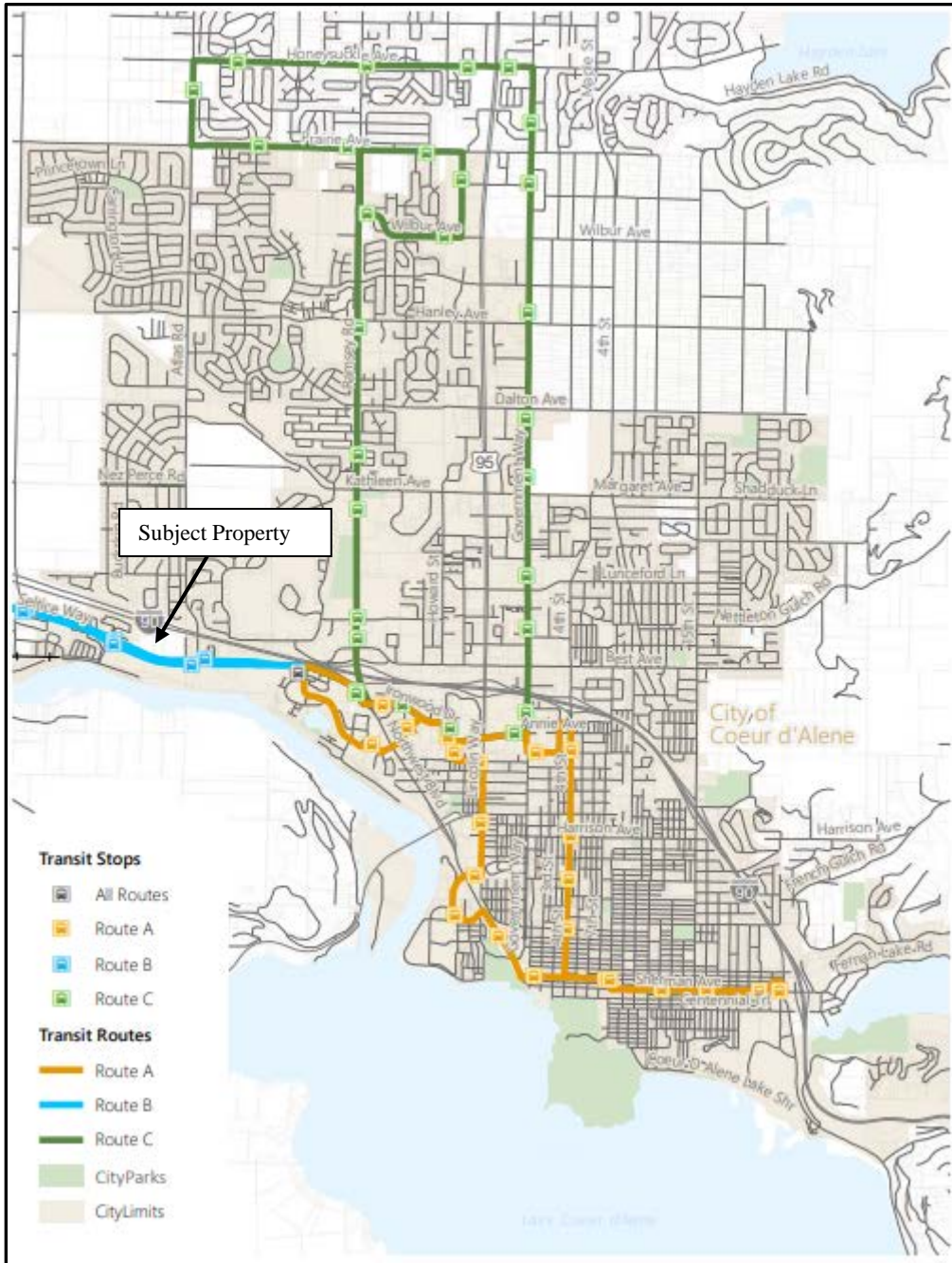
## Existing and Planned Bicycle Network



# Existing and Planned Walking Network



Existing Transit Network



**Comprehensive Plan Policy Framework:**

Staff identified the following Plan Goals and Objectives for particular consideration by the Planning and Zoning Commission as part of this annexation request. For a complete list of possible goals and objectives, see **Attachment 2**.

**Goal CI 2**

Maintain a high quality of life for residents and businesses that make Coeur d’Alene a great place to live and visit.

**Objective CI 2.1**

Maintain the community’s friendly, welcoming atmosphere and its smalltown feel.

**Goal EL 3**

Provide an educational environment that provides open access to resources for all people.

**Objective EL 3.2**

Provide abundant opportunities for and access to lifelong learning, fostering mastery of new skills, academic enrichment, mentoring programs, and personal growth.

**Goal GD 1**

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d’Alene a great place to live.

**Objective GD 1.4**

Increase pedestrian walkability and access within commercial development.

**Objective GD 1.5**

Recognize neighborhood and district identities.

**Goal GD 2**

Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

**Objective E GD 2.1**

Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

**Goal JE 1**

Retain, grow, and attract businesses.

**Objective JE 1.2**

Foster pro-business culture that supports economic growth.

***Evaluation:*** *Planning and Zoning Commission will need to determine, based on the information before them, whether the Comprehensive Plan does or does not support the request. Specific ways in which the plan does or does not support this request should be stated in the Findings.*

**Finding B2:** **That public facilities and utilities (are) (are not) available and adequate for the proposed use.**

**STORMWATER:**

Stormwater will be addressed when the area proposed for annexation develops. Per City code, all stormwater must be contained on-site. A stormwater management plan, conforming to all requirements of the City, shall be submitted and approved prior to the start of any construction.

*-Submitted by Chris Bosley, City Engineer*

**STREETS:**

The site has frontage on Seltice Way. All trail areas along the frontage not meeting ADA requirements must be addressed at the time of construction.

*-Submitted by Chris Bosley, City Engineer*

**WATER:**

There is adequate capacity in the public water system to support domestic, irrigation and fire flow for the proposed annexation. There is an existing 2" domestic service and a 6" fire line serving the property. An 8" C-900 water main borders the west property line and a 12" C-900 water main on the south side in Seltice Way.

*-Submitted by Glen Poelstra, Assistant Water Director*

**SEWER:**

The nearest public sanitary sewer is located in the bike path to the south of subject property. The Subject Property is within the City of Coeur d'Alene Area of City Impact (ACI) and in accordance with the 2023 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this annexation request as proposed. Sewer on the proposed site will be private and must follow Idaho Plumbing codes.

*-Submitted by Larry Parsons, Utility Project Manager*

**BUILDING:**

The Building Department will need permits for the proposed use of the building as part of the annexation agreement. The owner is currently operating a school and training facility in the building. Kootenai County has permitted the building as an Assembly use when it was the Go Kart facility.

*-Submitted by Ted Lantzy, City Building Official*

**FIRE:**

Fire Department access will be needed to within 150 feet of the furthest point of the building. This may affect future uses in the previous landscaping lot (west side). A school and assembly (gym) of this size will likely require fire sprinklers and likely change of use building permits. Any further comments or conditions can be addressed during project review or permit application.

*-Submitted by Craig Etherton, Fire Inspector*

**POLICE:**

The Police Department has no issues with the proposed annexation.

*-Submitted by Jeff Walther, Police Captain*

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

**Finding B3:**

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

**PHYSICAL CHARACTERISTICS:**

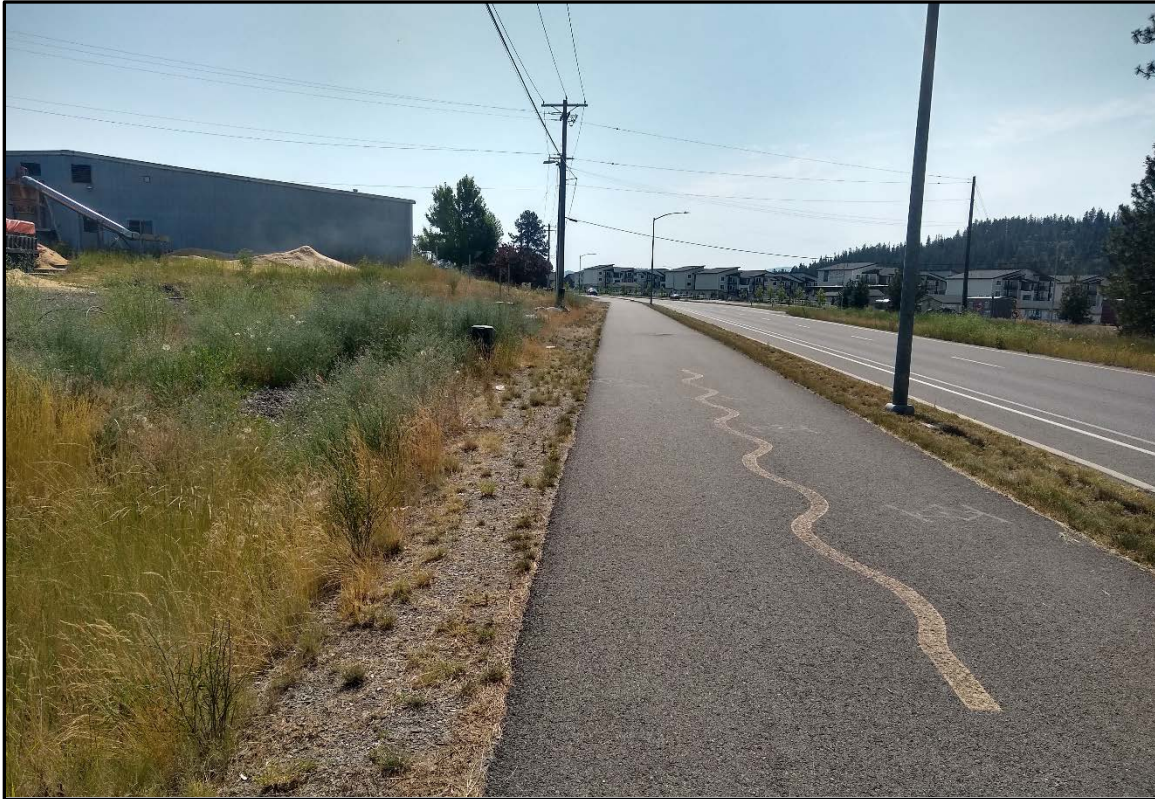
The site slopes to the south and there is an approximately twenty-five-foot (25') elevation drop on the subject property. (See topography map below) There is an existing structure on the property, as noted above, in addition to maneuvering areas and parking. Additionally, the area to the west of the structure is relatively flat to accommodate a future development site for the CDA Hockey Academy. In staff's opinion, there are no topographical or other physical constraints that would make the subject property unsuitable for the annexation request. Site photos are provided on the next few pages showing the existing conditions.

**TOPOGRAPHIC MAP:**





**SITE PHOTO - 1:** View from the southwest corner of property looking southeast.



**SITE PHOTO - 2:** View from the central part of subject site looking north.



**SITE PHOTO - 3:** View from the northwest part of property looking south.



**SITE PHOTO - 4:** View from the northwest part of property looking east.



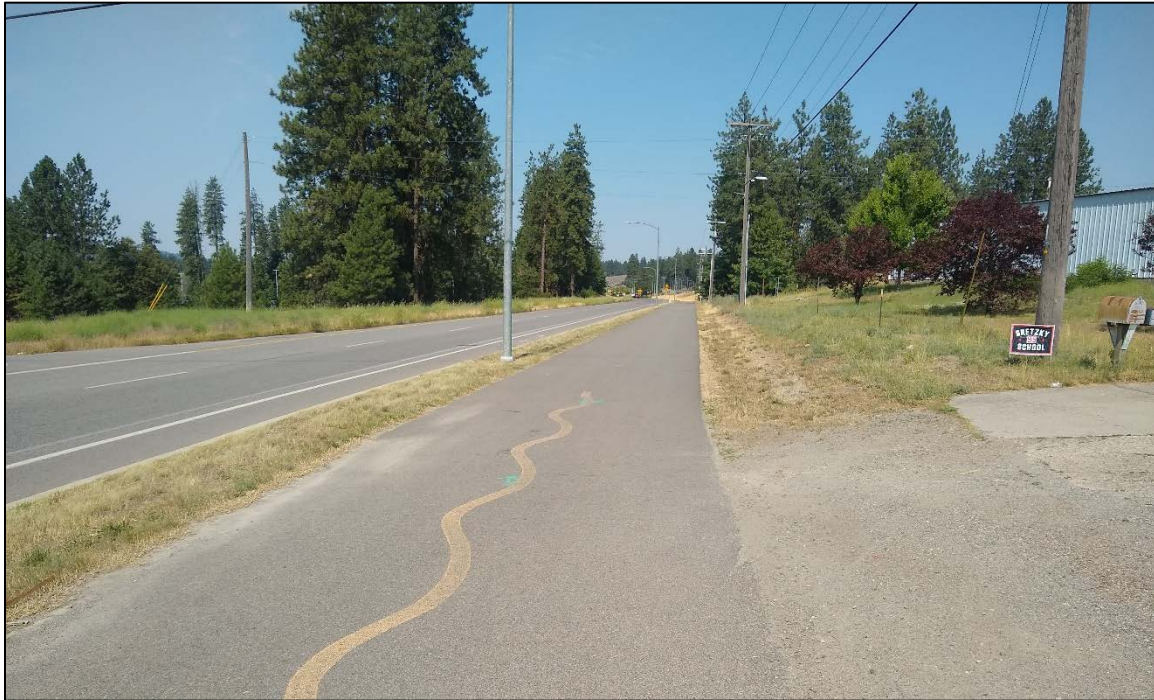
**SITE PHOTO - 5:** View from the northeast of property looking southwest.



**SITE PHOTO - 6:** View from the east side of property looking southwest.



**SITE PHOTO - 7:** View from the southeast part of property looking northwest.



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

**Finding B4:** **That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.**

**TRAFFIC:**

As noted above, the subject property is bordered by Seltice Way to the south which is a Principal Arterial Street. The proposed site uses were not studied in depth by the Institute of Transportation Engineers (ITE), so information on traffic generation is limited. Also, it is not clear how much of the proposed use is currently being accommodated on the site versus what increase could be expected. Therefore, two examples are provided for the uses discussed in the application using the square footage of proposed buildings. Using Land Use Code 465 – Ice Skating Rink from the ITE Trip Generation Manual, traffic from the proposed expansion is estimated to generate approximately 63 PM peak hour trips per day. Using Land Use Code 536 – Private School (K-12) from the ITE Trip Generation Manual, traffic from the proposed expansion is estimated to generate approximately 95 AM peak hour trips per day. As a potential “worse-case scenario,” the exhibit in the application depicts 192 parking spaces. So, it is possible that an event could draw as many as 192 trips before overflowing into the neighboring parking areas.

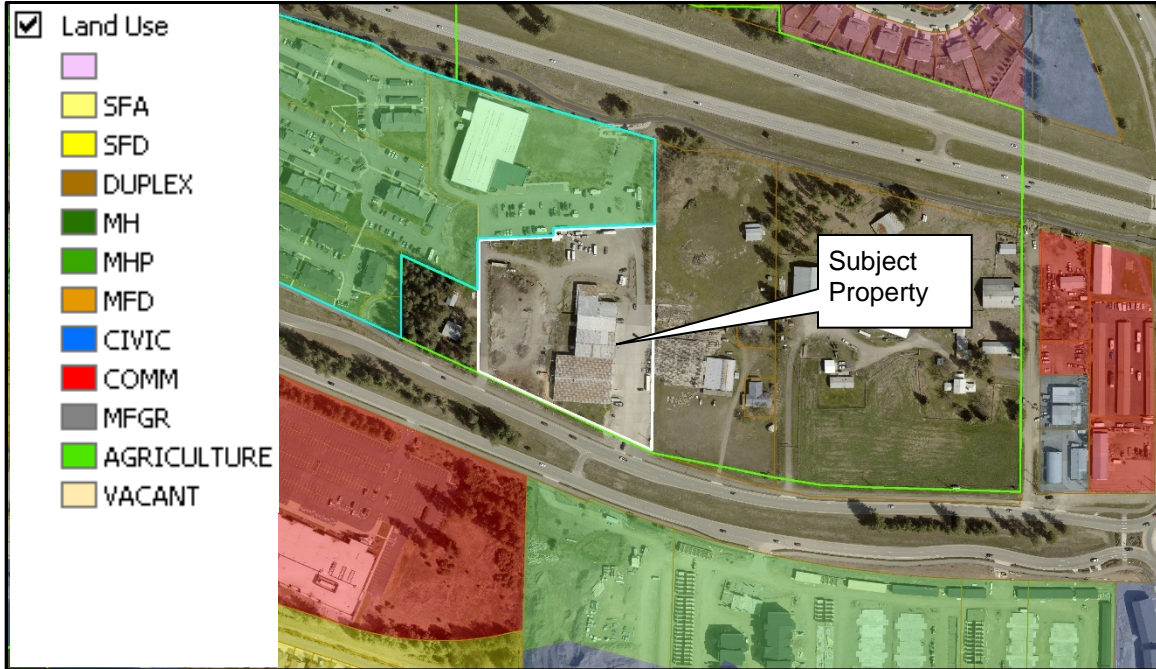
*-Submitted by Chris Bosley, City Engineer*

**NEIGHBORHOOD CHARACTER AND LAND USES:**

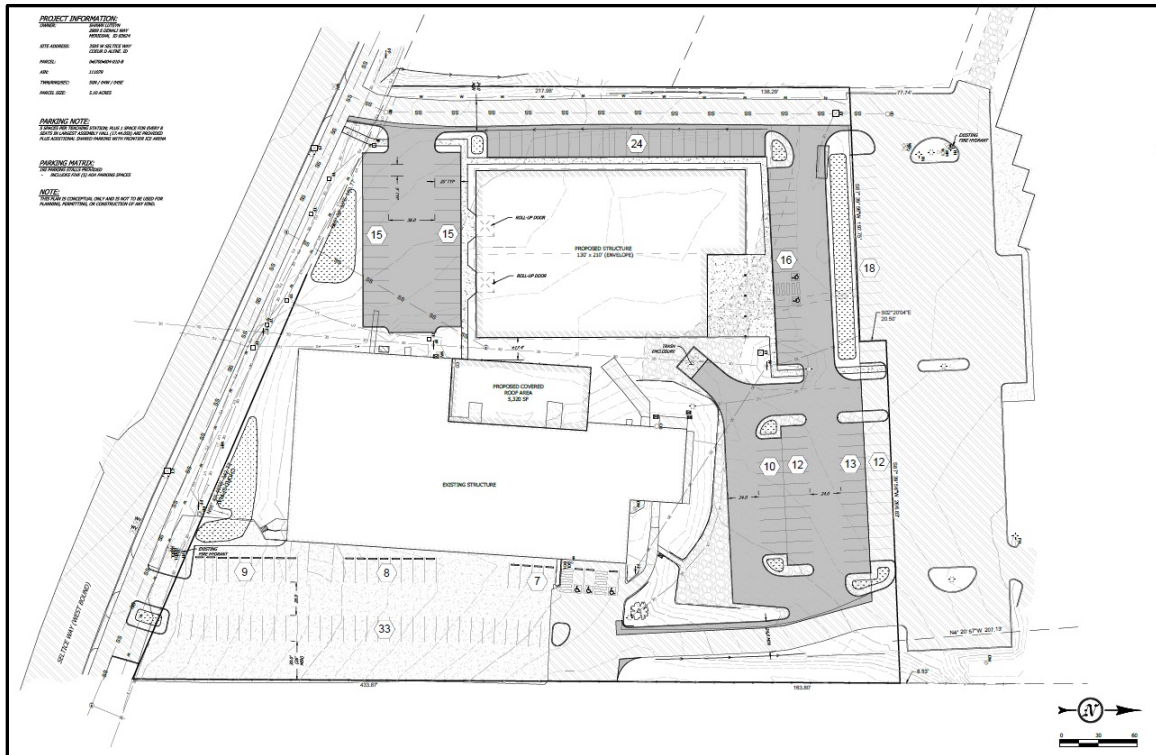
The property is surrounded by commercial, manufacturing, a large agricultural tract to the east, a health care facility and a multi-family apartment complex to the south across Seltice Way, and a single-family home and a multi-family apartment complex located to the west. The property to the north is the Frontier Ice Arena (on a separate parcel that is already within the city) which is associated with the CDA Hockey Academy. The Academy is already operating out of the existing structure on the subject property. They are requesting annexation in order to expand their facility

with city services. There is no functional change anticipated with the annexation, other than the addition of the proposed structure and other site improvements shown on the proposed site plan.

**GENERALIZED LAND USE PATTERN:**



**PROPOSED SITE PLAN:**



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

**ORDINANCES & STANDARDS USED FOR EVALUATION:**

2042 Comprehensive Plan  
Transportation Plan  
Municipal Code  
Idaho Code  
Wastewater Treatment Facility Plan  
Water and Sewer Service Policies  
Urban Forestry Standards  
Transportation and Traffic Engineering Handbook, I.T.E.  
Manual on Uniform Traffic Control Devices  
2017 Coeur d'Alene Trails Master Plan

**RECOMMENDATIONS FOR ITEMS TO INCLUDE ANNEXATION AGREEMENT:**

1. The existing industrial milling operation (manufacturing use) must be removed from the site within 90 days of annexation or prior to a building permit or site development permit is issued, whichever comes first.
2. Any additional main extensions and/or fire hydrants and services for future development of the property will be the responsibility of the developer/owner at their expense and will be done with site improvements triggered by any site development or building permit.
3. Any additional water services will have cap fees due at building permitting.
4. This project will fall under Policy#716 "One Lot, One Lateral" that only allows for one sewer lateral per parcel.
5. Any new or existing structures on this parcel must connect to City sewer and pay appropriate sewer cap fees and the Mill River LS Surcharge Fee.
6. The Building Department requires the owner to obtain permits for the proposed use of the existing building as part of the annexation agreement.
7. All existing fire protection systems must be serviced and without any deficiencies before annexation may occur (examples of fire protection systems sprinklers, alarms, fire extinguishers)

**DECISION POINT:**

The Planning and Zoning Commission is tasked with recommending zoning for this annexation request.

The Commission shall provide a recommendation regarding the requested C-17 zoning to City Council, along with an evaluation of how the proposed annexation does/does not meet the required evaluation criteria for the requested annexation.

**ACTION ALTERNATIVES:**

The Planning and Zoning Commission will need to consider this request for C-17 zoning in conjunction with annexation and make findings to recommend that the City Council adopt the requested C-17 zoning with or without conditions to be included in the Annexation Agreement, or reject the requested C-17 zoning.

The findings worksheet is attached.

**Attachments:**

Attachment 1 – Applicant’s Application, Narrative, and Site Plan

Attachment 2 – Comprehensive Plan Goals and Objectives

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# APPLICANT'S APPLICATION

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# ANNEXATION APPLICATION

**STAFF USE ONLY**

Date Submitted: 6-26-24 Received by: TJC Fee paid: 2,356.00 Project # A-1-24

## REQUIRED SUBMITTALS

*\*Public Hearing with the Planning Commission and City Council required*

**Application Fee: \$ 2,000.00**

**Publication Fee: \$ 300.00**

**Mailing Fee (x2): \$ 1.00 per address + \$ 28.00**

*(The City's standard mailing list has 28 addresses per public hearing)*

**A COMPLETE APPLICATION** is required at time of application submittal, as determined and accepted by the Planning Department located at <http://cdaid.org/1105/departments/planning/application-forms>.

- Completed application form**
- Application, Publication, and Mailing Fees**
- Map:** Conforming to State of Idaho requirements (see attached example), and legal description of the property for which annexation is requested. Once approved by the City Surveyor, and City Council approval of the annexation, two (2) additional copies will be required. The map may be drawn from record information (existing plats/survey). If in the opinion of the City Surveyor, the record information is not adequate, a new record of survey may be required. **(\*the record of survey must show bearings and distances for the exterior boundaries, the existing city limits, the proposed city limits, and a narrative description of the property boundaries taken from the Record of Survey).**
- Letter:** Addressed to the Mayor and City Council stating that you are requesting annexation into the City of Coeur d'Alene, and that you understand there are annexation fees and an annexation agreement that will be negotiated. **\*\*Please note that a mutually acceptable annexation agreement must be negotiated and executed within six (6) months from the date of City Council approval of the zoning designation, or any previous approvals will be null and void.**
- Title Report(s) by an Idaho licensed Title Company:** Title report(s) with correct ownership easements, and encumbrances prepared by a title insurance company. The report(s) shall be a full Title Report and include the Listing Packet.
- Mailing labels provided by an Idaho licensed Title Company:** Owner's list and three (3) sets of mailing labels with the owner's addresses prepared by a title company, using the last known name/address from the latest tax roll of the County records. This shall include the following:
  1. All property owners within 300ft of the external boundaries. **\* Non-owners list no longer required\***
  2. All property owners within the subject property boundaries. *(Including the applicant's property)*
  3. A copy of the tax map showing the 300ft mailing boundary around the subject property.
- A written narrative:** Including zoning, how proposal relates to the 2022-2042 Comprehensive Plan Category, Neighborhood Area, applicable Special Areas and appropriate Goals and Policies, and how they support your request.
- A legal description:** in MS Word compatible format, together with a meets and bounds map stamped by a licensed Surveyor.
- A vicinity map:** To scale, showing property lines, thoroughfares, existing and proposed zoning, etc.
- Record of Survey:** showing bearings/distances for the exterior boundaries including any linkages needed for contiguity. The existing city limits, the proposed city limits, city limits of nearby cities, when appropriate and a narrative description of the property boundaries taken for the Record of Survey.
- Submittal documents:** Applications will not be accepted unless all application items on the form are submitted both with original documents and an electronic copy.

**DEADLINE FOR SUBMITTALS**

The Planning Commission meets on the second Tuesday of each month. The completed form and other documents must be submitted to the Planning Department not later than the first working day of the month that precedes the next Planning Commission meeting at which this item may be heard.

**PUBLIC HEARING NOTICE SIGN TO BE POSTED ON SUBJECT PROPERTY:**

The applicant is required to post a public hearing notice, provided by the Planning Department, on the property at a location specified by the Planning Department. This posting must be done one (1) week prior to the date of the Planning Commission meeting at which this item will be heard. An affidavit testifying where and when the notice was posted, by whom, and a picture of the notice posed on the property is also required and must be returned to the Planning Department.

**APPLICATION INFORMATION**

PROPERTY OWNER: Shawn and Renae Luteyn		
MAILING ADDRESS: 2869 South Denali Way		
CITY: Meridian	STATE: Idaho	ZIP: 83642
PHONE: (928) 279-9001	FAX: N/A	EMAIL: Luteyn1995@gmail.com
APPLICANT OR CONSULTANT: McArthur Engineering / Scott McArthur		STATUS: <u>ENGINEER</u> OTHER
MAILING ADDRESS: PO Box 2488		
CITY: Post Falls	STATE: Idaho	ZIP: 83877
PHONE: (208) 446-3307	FAX: N/A	EMAIL: Scott@McArthur-eng.com

**FILING CAPACITY**

- Recorded property owner as to of \_\_\_\_\_
- Purchasing (under contract) as of \_\_\_\_\_
- The Lessee/Renter as of \_\_\_\_\_
- Authorized agent of any of the foregoing, duly authorized in writing. *(Written authorization must be attached)*

**SITE INFORMATION:**

PROPERTY LOCATION OR ADDRESS OF PROPERTY: See Attached
EXISTING ZONING (CHECK ALL THAT APPLY): Ag. Zone <input type="checkbox"/> AS <input type="checkbox"/> RR <input type="checkbox"/> C <input checked="" type="checkbox"/> LI <input type="checkbox"/> I <input type="checkbox"/> M <input type="checkbox"/> R <input type="checkbox"/> HDR <input type="checkbox"/>
PROPOSED CITY ZONING (CHECK ALL THAT APPLY): R-1 <input type="checkbox"/> R-3 <input type="checkbox"/> R-5 <input type="checkbox"/> R-8 <input type="checkbox"/> R-12 <input type="checkbox"/> R-17 <input type="checkbox"/> MH-8 <input type="checkbox"/> NC <input type="checkbox"/> C-17 <input checked="" type="checkbox"/> C-17L <input type="checkbox"/> DC <input type="checkbox"/> LM <input type="checkbox"/> M <input type="checkbox"/> NW <input type="checkbox"/>

<b>TAX PARCEL #:</b> 0-5700-004-010B	<b>EXISTING ZONING:</b> Commercial (Koot.co)	<b>ADJACENT ZONING:</b> Comm / C-17
<b>GROSS AREA/ACRES:</b> ± 5.1 Acres	<b>CURRENT LAND USE:</b> CDA Hockey Academy	<b>ADJACENT LAND USE:</b> Ice Arena
<b>DESCRIPTION OF PROJECT/REASON FOR REQUEST:</b>		
Request for Annexation		

**COMPREHENSIVE PLAN DESIGNATIONS:**

PROPERTY NOT CURRENTLY LOCATED WITHIN THE CITY PLANNING AREA MUST RECEIVE A 2022-2042 COMPREHENSIVE PLAN DESIGNATION ALONG WITH THE NEW ZONING CLASSIFICATION.
CITY COMPREHENSIVE PLAN CATEGORY (PAGE 43): General Industrial
NEIGHBORHOOD AREA (PAGES 44-53): Industrial
SPECIAL AREAS (PAGES 61-68) N/A

Note: The 2022-2042 Comprehensive Plan is available  
[https://www.cdaid.org/files/Planning/2042CompPlan/Coeur%20d'Alene\\_2042CompPlan.pdf](https://www.cdaid.org/files/Planning/2042CompPlan/Coeur%20d'Alene_2042CompPlan.pdf)

**CERTIFICATION OF APPLICANT:**

I, Scott McArthur, being duly sworn, attests that he/she is the applicant of this  
(Insert name of applicant)

request and knows the contents thereof to be true to his/her knowledge.

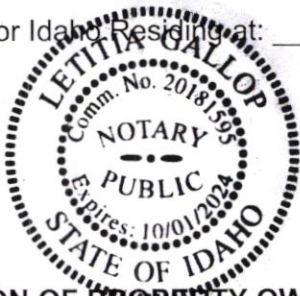
Signed: \_\_\_\_\_

*(Handwritten signature of Scott McArthur)*  
\_\_\_\_\_  
(applicant)

Notary to complete this section for applicant:

Subscribed and sworn to me before this 25<sup>th</sup> day of June, 2024.

Notary Public for Idaho Residing at: Kootenai



My commission expires: 10/01/2024

Signed: *(Handwritten signature)*  
\_\_\_\_\_  
(notary)

**CERTIFICATION OF PROPERTY OWNER(S) OF RECORD:**

I have read and consent to the filing of this application as the owner of record of the area being considered in this application.

Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Address: \_\_\_\_\_

Signed by Owner: \_\_\_\_\_

Notary to complete this section for all owners of record:

Subscribed and sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Idaho Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Signed: \_\_\_\_\_  
(notary)

*For multiple applicants or owners of record, please submit multiple copies of this page.*

**CERTIFICATION OF APPLICANT:**

I, \_\_\_\_\_, being duly sworn, attests that he/she is the applicant of this  
(Insert name of applicant)  
request and knows the contents thereof to be true to his/her knowledge.

Signed: \_\_\_\_\_  
(applicant)

Notary to complete this section for applicant:

Subscribed and sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Idaho Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Signed: \_\_\_\_\_  
(notary)

**CERTIFICATION OF PROPERTY OWNER(S) OF RECORD:**

I have read and consent to the filing of this application as the owner of record of the area being considered in this application.

Name: Shawn Luteyn Telephone No.: 9282799001

Address: 2869 S Denali Way, Meridian, ID 83642

Signed by Owner: DocuSigned by:  
Shawn Luteyn  
/3896FA2BA8E47B...

Notary to complete this section for all owners of record:

Subscribed and sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Idaho Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Signed: \_\_\_\_\_  
(notary)

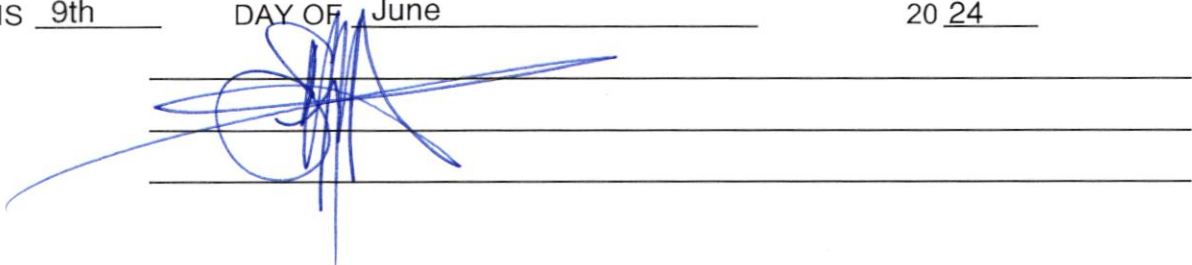
NOTE: DOCUSIGNED / SEE MCARTHUR ENGINEERING AUTHORIZATION LETTER

\*For multiple applicants or owners of record, please submit multiple copies of this page.

I (We) the undersigned do hereby make petition for annexation and zone classification of the property described in this petition, and do certify that we have provided accurate information as required by this petition form, to the best of my (our) ability.

Be advised that all exhibits presented will need to be identified at the meeting, entered into the record, and retained in the file.

DATED THIS 9th DAY OF June 2024



**NOTIFICATION OF ADDITIONAL FEES:**

The cost to prepare certain documents necessary to obtain annexation approval and the actual cost of the land surveyor's review of the legal description and map will be billed to the applicant/owner.

The legal preparation fee for Annexation Agreement will a base fee of \$800.00 and actual labor costs, if needed.

An annexation fee will be negotiated as part of the Annexation Agreement – the fee is based on \$1,133.00/dwelling unit or equivalency.



June 2024

City of Coeur d'Alene  
City Council  
710 East Mullan Avenue  
Coeur d'Alene, Idaho 83814



Attn: Honorable Mayor Hammond and Council

**RE: Luteyn Annexation Request**

Dear Council:

This letter shall serve as our formal request to annex the property below into the City of Coeur d'Alene, Idaho.

**Owner/Proponent: Shawn and Ranae Luteyn**

**Parcel: 0-5700-004-010-B**

**Address: 3505 West Seltice Way**

The property in question is located in the Southeast quarter of Section 04, Township 50 North, Range 04 West, Boise Meridian, Kootenai County, Idaho.

A pre-annexation meeting for this request was held on April 9, 2024 with City staff and the landowner, who is aware that there are fees associated with this request, and that the annexation agreement for this request will need to be negotiated with the City of Coeur d'Alene.

Please find documentation supporting this annexation request attached to this submittal.

Thank you for your time and consideration of this annexation request.

Sincerely,



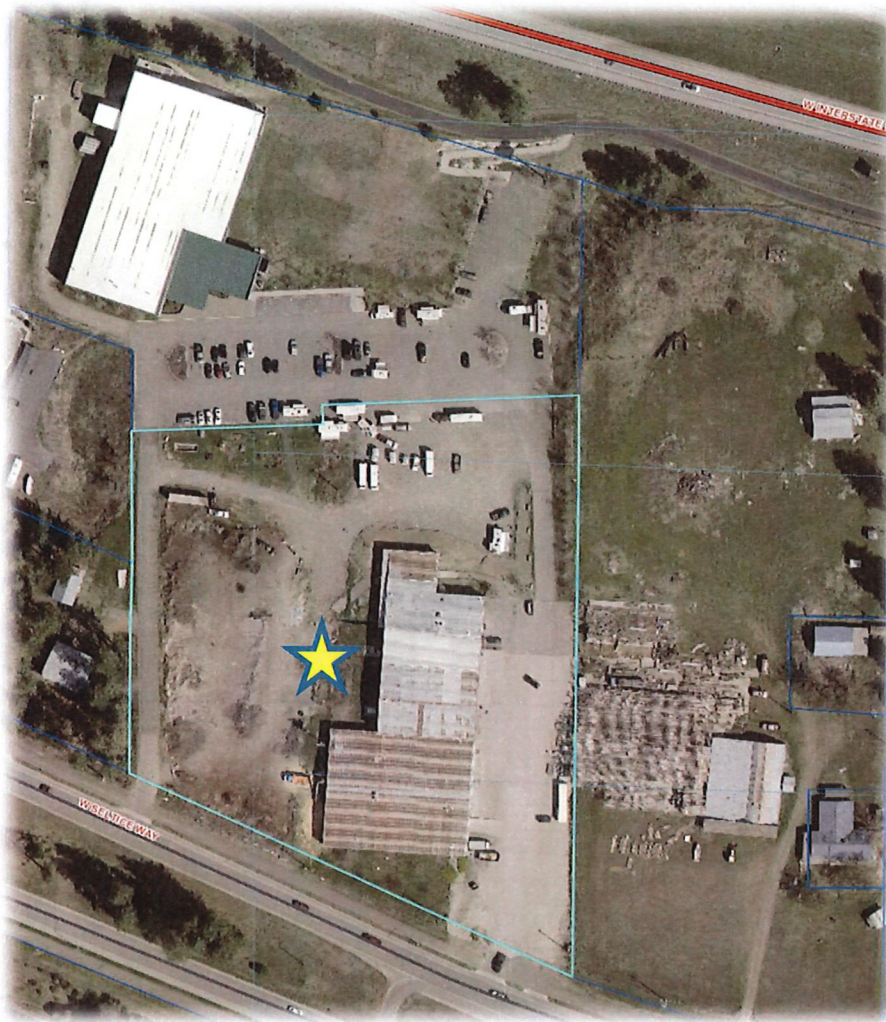
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# LUTEYN ANNEXATION ANNEXATION NARRATIVE

City of Coeur d'Alene, Idaho



**Summary:** The following shall outline Shawn and Ranae Luteyn's request for the annexation of their property into the City of Coeur d'Alene, Idaho. The property in question, located at 3505 West Seltice Way, Coeur d'Alene, Idaho, is currently contiguous with the City of Coeur d'Alene City Limits, amongst an island of County zoned parcels. The property is located West of Atlas Road, South of Interstate-90, and North of Seltice Way, and is further described as being in Section 04, Township 50 North, Range 04 West, Boise Meridian, Kootenai County, Idaho.



### Parcel Information

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- **Parcel:** 0-5700-004-010-B
- **AIN:** 111079
- **Site Address:** 3505 West Seltice Way  
Coeur d'Alene, Idaho 83814
- **Parcel Size:** 5.096 (Assessed)
- **Current Use:** Commercial / Private Education
- **Owner:** Shawn and Ranae Luteyn  
2869 South Denali Way  
Meridian, Idaho 83642  
Tel: (928) 279-9001
- **Legal:** See attached Last Deed

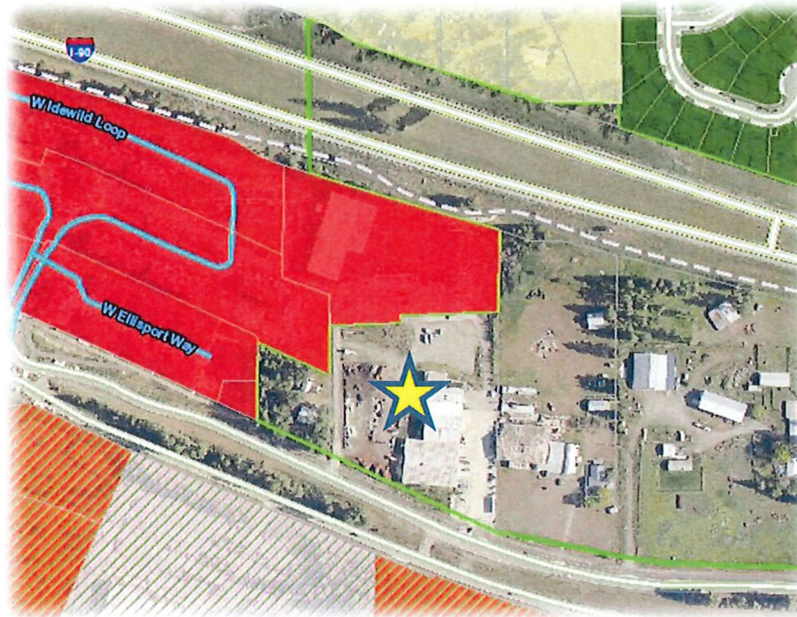
### Zoning Information

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- **Existing Zoning:** The parcel is currently zoned “Commercial” in Kootenai County, Idaho.



- **Proposed Zoning:** The proposed zoning designation for this parcel is “C-17” in the City of Coeur d’Alene, Idaho.



- **Adjacent Zoning:**
  - North: C-17 (City of Coeur d’Alene)
  - East: Commercial (Kootenai County)
  - South: C-17 PUD & C-17L PUD (City of Coeur d’Alene) – *South of Seltice Way*
  - West: Commercial (Kootenai County) and C-17 (City of Coeur d’Alene)

### Comprehensive Plan Adherence

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- **Natural Resources and Hazardous Areas:**
  - Spokane Valley – Rathdrum Prairie Aquifer:

This aquifer supplies water to more than half a million people in North Idaho and Eastern Washington and must be protected in the interest of sustainable service in this region. Annexation of this parcel should not have a significant impact on aquifer performance or quality.
  - Shorelines:

The amount of shoreline in the City of Coeur d’Alene is a key component leading to the tourism in the area which contributes greatly to the regional economy. The preservation of the Spokane River shoreline to the South of the subject parcel will be an important design consideration in the event that the annexed parcel undergoes site development.
  - Land Use and Community Design:

The City of Coeur d’Alene Comprehensive Plan identifies parcels in this area, adjacent to I-90 areas in the city that are generally used for commercial uses with one of those areas being along Interstate 90. This proposed annexation fits the general land use designation discussed in this section of the comprehensive plan.

- **Community & Identity:**

- Vision:

- The City of Coeur d'Alene is the cultural center of North Idaho and creates opportunities for social connections through a wide range of events, activities, resources, etc.

- Implementation:

- The anticipated development of the site will contribute to the sense of community in the City of Coeur d'Alene by improving the viability of this infill property.

- Goals and Objectives:

- Goal 1: Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

- This annexation request is being advertised, and the community is invited to speak at the public hearings regarding this process.

- Objective 1.1: Foster board-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

- This annexation request will be advertised, and the community is invited to speak at the public hearings.

- Goal 2: Maintain a high quality of life for residents and businesses that make Coeur d'Alene a great place to live and visit.

- This private education opportunity is available for local, nationwide, and international high school student athletes. This facility, and its owners, attendees, guests, etc. routinely utilize area services, and live in our community during the school year (some year-round).

- Objective 2.1: Maintain the community's friendly, welcoming atmosphere and its smalltown feel.

- Making improvements to this property will enhance the aesthetics of this area of town, welcoming travelers/citizens who will see this property from Seltice Way and Interstate-90.

- **Education & Learning:**

- Vision:

- Education and lifelong learning are the foundation of Coeur d'Alene's future. The City of Coeur d'Alene's focus is on creating culturally and globally aware graduates who can make positive contributions to the community, and the world.

- Implementation:

- The proposed development, that is anticipated at this time, would expand on its current unique educational opportunities for high school students who are interested in pursuing hockey further in life. The proximity to local higher education would also create opportunities for the players to further develop their education while pursuing their hockey aspirations.

- Goals and Objectives:

- Goal 1: Provide an educational environment that provides open access to resources for all people.

This existing educational facility provides educational opportunities for those select students who seek to pursue the sport of hockey in the Coeur d'Alene area.

- Objective 1.1 Provide abundant opportunities for and access to lifelong learning, fostering mastery of new skills, academic enrichment, mentoring programs, and personal growth.

This existing educational facility provides educational opportunities for those select students who seek to pursue the sport of hockey in the Coeur d'Alene area.

- Objective 1.2 Support educators in developing and maintaining high standards to attract, recruit, and retain enthusiastic, talented, and caring teachers and staff.

This existing educational facility provides teaching opportunities for area educators who seek to work in a private education high school.

- **Growth & Development:**

- Vision:

Future growth focuses on livability in the City of Coeur d'Alene by planning for a mix of land uses, employment opportunities, healthcare, quality schools, and recreation opportunities. The existing and future development is connected by a multimodal transportation system.

- Implementation:

The infrastructure that will likely be required, will support a more environmentally friendly site development and also improve multimodal transportation and preserve visual and historic qualities in the area.

- Goals and Objectives:

- Goal 1: Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live..

This facility, currently located in Kootenai County, provides teachers and students living in the Coeur d'Alene area, as well as national, and international students, with an opportunity for private education, with a focus on the sport of hockey.

- Objective 1.2 Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.

The services that are located in the vicinity of this school benefit from the students and educators, and staff who purchase groceries, fuel, and other goods and services that are already available on this part of town.

- Objective 1.3 Increase pedestrian walkability and access within commercial development.

The City of Coeur d'Alene trail system fronts this property on Seltice Way, and the Centennial Trail is located between Interstate-90 and this property, with a shared parking area being located on this property for direct access to the trail system.

- Objective 1.5 Revitalize existing and create new business districts to promote opportunities for jobs, services, and housing, and ensure maximum economic development potential throughout the community.

As this property is annexed into the City of Coeur d'Alene, and improved, and grows, it will continue to provide jobs, and services that will benefit those who work and use this facility, and or for those who provide services for this facility to operate.

- Goal 3: Support the development of a multimodal transportation system for all users.
  - Objective 1.1 Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.

The City of Coeur d'Alene trail system fronts this property on Seltice Way, and the Centennial Trail is located between Interstate-90 and this property, with a shared parking area being located on this property for direct access to the trail system.
  - Objective 1.2 Provide an accessible, safe, efficient multimodal public transportation system including bus stop amenities designed to maximize the user experience.

The City of Coeur d'Alene trail system fronts this property on Seltice Way, and the Centennial Trail is located between Interstate-90 and this property, with a shared parking area being located on this property for direct access to the trail system.

■ Health & Safety:

- Vision:

The City of Coeur d'Alene strives to be a safe and healthy city by continually improving mental and physical health resources, having exceptional emergency services, convenient access to open spaces, parks, etc, and providing unique and extensive social opportunities for the residents of the City.
- Implementation:

The potential development would improve emergency access to the subject parcel and the parcel to the North. Health and safety for the community of the City of Coeur d'Alene shall be an important design factor should site development occur in the future after annexation.
- Goals and Objectives:
  - Goal 1: Support social, mental, and physical health in Coeur d'Alene and the greater region.

This facility currently provides educational opportunities with a focus on athletics, promoting mental and physical health for students and staff.
  - Objective 1.1 Provide safe programs and facilities for the community's youth to gather, connect, and take part in healthy social activities and youth-centered endeavors.

This facility currently provides educational opportunities with a focus on athletics, promoting mental and physical health for students and staff.



- Objective 1.3 Increase access and awareness to education and prevention programs, and recreational activities.  
This facility currently provides educational opportunities with a focus on athletics, promoting mental and physical health for students and staff.
- **Jobs & Economy:**
  - Vision:  
The innovative and pro-business economic climate attracts new industries that support the well-educated workforce who live in the City of Coeur d'Alene. These business opportunities provide residents with opportunities for a higher quality of life.
  - Implementation:  
The annexation and potential future development improvements (TBD) shall provide jobs during the design and construction, in addition to long-term jobs to maintain the new infrastructure and manage the educational facility.
- Goals and Objectives:
  - Goal 1: Retain, grow, and attract businesses
    - Objective 1.2 Foster a pro-business culture that supports economic growth.  
This private educational facility provides education opportunities for local, national, and international students, while purchasing goods and services from local Coeur d'Alene businesses and merchants.

## Land Use

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- **Current Land Use:** The site is currently developed with one (1) large commercial structure (designated for “assembly” in Kootenai County), and associated amenities (parking, utilities, landscaping, etc.). This structure is used primarily as an educational facility (Coeur d'Alene Hockey Academy), with the underutilized portions of this building currently being used by a small manufacturing company, who shall vacate the site after annexation into the City of Coeur d'Alene.
- **Adjacent Land Uses:**
  - North: Frontier Ice Arena is located on this parcel, which is accessed through the subject property in this request.
  - East: Former stockyard, this land is not currently in use,
  - South: The property fronts the North Side of Seltice Way to the South. On the other side of the roadway, one parcel is developed as Enleaf (an internet marketing service company) with a land use designation of “COMM” while the other is currently being developed as Rivers Edge Apartments.
  - West: Land use varies on this boundary with one (1) parcel being developed as a single-family home in Kootenai County, and the other being part of Riverview Apartments (MFD).

## Public Services, Facilities, & Utilities

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- Potable Water: City infrastructure is already extended to the site.

- Sanitary Sewer: City infrastructure is already extended to the site.
- Police Department:  
Annexation leading to any development of the subject parcel would provide better emergency service access to the subject parcel and the parcel to the North (Frontier Ice Arena). Little to no impact to the police department is anticipated.
- Fire Department:  
Annexation leading to any development of the subject parcel would provide better emergency service access to the subject parcel and the parcel to the North (Frontier Ice Arena). The fire department would be involved in any improvement plan design should the parcel be annexed. The impact on the fire department should be minimal.
- Planning Department:  
The involvement of the planning department would become necessary in the event of site development plans after parcel annexation. The planning department would be involved in the design/approval of site development plans.
- Building Services:  
The building services team would be involved similarly to the planning department, should development of the parcel begin in the future after annexation.
- Municipal Services:  
The municipal services team would be involved similarly to the planning department and building services team, should development of the parcel begin in the future after annexation.
- Finance Department:  
The involvement of the finance department would be necessary but limited for this parcel. Annexation processes do not have a large impact on this department, and the possible future development would also have a minimal impact on this department.
- Library Services:  
Impact to library services is not anticipated for this annexation or the potential future development/improvement of the parcel.
- Water:  
Potable water infrastructure is already extended through the site to serve the parcel to the north. The incorporation of the subject parcel would not have an impact on the existing city water system. Potential future development of the site would likely include the improvement/expansion of the onsite water system as required by the city at the time of development planning.
- Wastewater:  
Sanitary sewer infrastructure is already extended through and adjacent to the site in the Seltice Way right-of-way. Possible future improvements would include the improvement/expansion of the sewer infrastructure located onsite.

### Comprehensive Plan

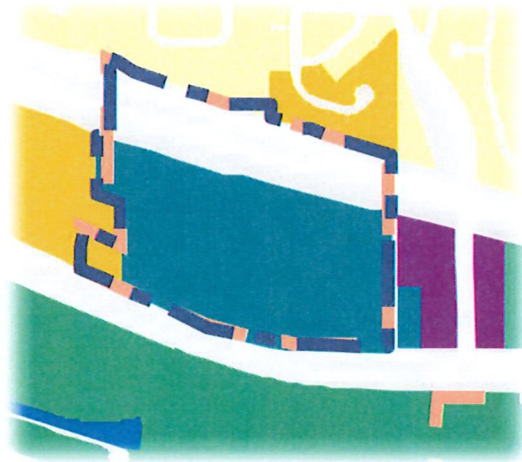
This proposed annexation request complies with the sections of the City of Coeur d'Alene Comprehensive Plan (adopted February 15, 2022) as outlined below.

▪ **City Comprehensive Plan Category:**

- “General Industrial” (pg 43 City of Coeur d'Alene Comprehensive Plan adopted February 15, 2022)

**Land Use Type**

- Single Family Neighborhood
- Compact Neighborhood
- Urban Neighborhood
- Mixed-Use Low
- Mixed-Use Med
- Mixed-Use High
- Downtown
- Historic
- Retail Center/Corridor
- Employment Center
- Civic
- General Industrial
- Planned Development



• **Neighborhood Area:**

- Industrial (pg 49 City of Coeur d'Alene Comprehensive Plan adopted February 15, 2022)

**Industrial**



**Key Characteristics**  
Industrial places include manufacturing & logistics that provide a range of job types, services, and wage levels. These areas are locations that provide concentrated areas of employment areas that create goods and services with a mix of indoor industrial uses separated from residential areas. Primary uses include manufacturing, warehousing, storage, and industrial parks located in one to two-story buildings with varied building footprints and interior ceiling heights. Industrial places are located near major transportation corridors as they often require access for large vehicles.

**Transportation**

- Roads able to accommodate large vehicles
- Access to arterials and highways

**Typical Uses**

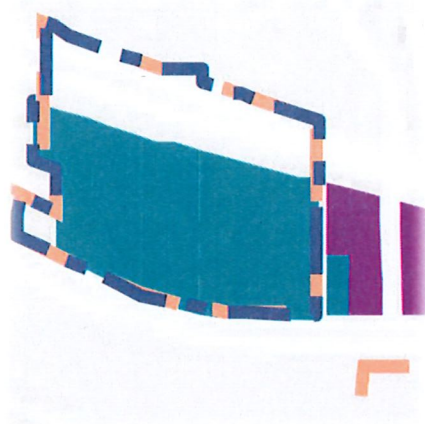
- Primary: Manufacturing, warehousing, storage, industrial parks, automotive repair, and similar
- Secondary: Parking, dining, office, and commercial


**Building Types**

- 1-2 story large footprint buildings with varied forms

**Compatible Zoning**

- IM and M


  
 8/5/2024

**From:** Shawn  
**To:** [BEHARY, MIKE](#)  
**Subject:** Re: CDA Hockey Academy - Annexation  
**Date:** Tuesday, July 23, 2024 10:39:06 AM  
**Attachments:** [image001.png](#)

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Mike,

Let me know if this is what you are looking for. Let me know if you need anything additional.

1. The CDA Hockey Academy was established in 2015. Formerly Compete Hockey Academy.
2. The CDA Hockey Academy has been operating at the Seltice location and Frontier Ice Arena since 2015. Compete Hockey Academy operated out of the facilities since 2012. Our student athletes have only been on the Seltice Campus since 2021 when the Academy applied for and earned our own accreditation. Prior to that student athletes attended Genesis Prep or other local high schools.
3. Last year the CDA Hockey Academy had 58 full time student athletes (3 teams) and 35 weekend athletes (2 teams). The Academy believes it can operate 5 full time hockey teams and 2 weekend teams. The Academy believes with facilities and growth we could add additional sports related teams. We believe the potential for attendance would be 150 students.
4. Currently the CDA has a Principal, a counselor, an administrator, 4 teachers and 6 hockey coaches. Total the CDA Hockey Academy has 17 employees and operators.
5. Currently the CDA Hockey Academy has 2 large classrooms and 2 smaller lab/study areas for our students. We also have access and overflow to a room in Frontier Ice Arena if needed,
6. The CDA Hockey Academy does not currently have a lunch service provided for the students. It is part of the plan for the expansion on the Seltice property.
7. The CDA Hockey Academy was established in 2015, formerly Compete Hockey Academy. The CDA Academy is a member in good standing with USA Hockey, Idaho Amature Hockey and is a member of the Canadian Sports School Hockey League (CSSHL). The CDA Hockey Academy joined the CSSHL in 2015 and was the only US based member in the prestigious league making it a desired location for student athletes to attend an education based hockey training program. The CDA Hockey Academy is committed to excellence academically and athletically, and to developing the personal growth of our student athletes, We stand together to serve and represent our Academy and Community with integrity and respect. Since the inception of the Academy we have seen a strong desire for families looking for an education based program that allows the student athletes to learn and train in an environment that is tailored for their personal development. Based on that and the need during

COVID the program determined that we needed to operate our own education program which enhanced the student athletes experience both on and off the ice. In 2020 the CDA Academy began the process of accreditation and it was earned from Cognia in 2021. This improvement in the program has increased the interest and demand with families looking to join the CDA Hockey Academy and bring their aspiring student athletes to come live and train in beautiful Coeur d' Alene.

8. Over the next 5 years the CDA Hockey is very excited about the growth of the Academy and the game of hockey. Over the past few years the NHL has placed 2 teams in the Pacific Northwest with the Seattle Kracken and the relocated franchise from Phoenix moving to Salt Lake City. This will continue to grow the interest in the game of hockey and the CDA Hockey Academy is well positioned in beautiful Coeur d' Alene and with our leagues and memberships to bring some of the top talent to the area to train and grow the game. The CDA Hockey Academy is working closely with Frontier Ice Arena to add a second sheet of ice and additional locker rooms to help support this growth. In addition, the CDA Hockey Academy has plans to have built a new multi-sport facility on the Seltice property. This facility would add additional classrooms as well as additional sports, teams, training facilities and meal and dining options for student athletes and patrones of the Frontier and the Academy.

9. There has not been an established date for the move out of the Artifacts Woodworking. At this time they are on a monthly lease and we wanted to establish the timeline and budgets for the project first before disrupting their business.

Thanks. Shawn

On Mon, Jul 22, 2024 at 1:49 PM BEHARY, MIKE <[MBEHARY@cdaid.org](mailto:MBEHARY@cdaid.org)> wrote:

Shawn,

I am working on the staff report for your proposed annexation of the CDA Hockey Academy property. The Planning Commission will here this request and make a recommendation to City Council that will include the proposed C-17 commercial zoning. To help alleviate any question or concerns that they may have, could you please respond to the below list of items so that I can incorporate your responses into the staff report.

1. What year did the CDA Hockey Academy begin/establish itself?
  - a. *Date:* \_\_\_\_\_
  
2. How long has CDA Hockey academy been operating at this location (on Seltice Way)?
  - a. *Years:* \_\_\_\_\_ *Months:* \_\_\_\_\_

3. How many students are currently attending?
  - a. How many students do you foresee attending yearly in the future?
  
4. How many teachers are there?
  
5. How many classrooms are in the building?
  
6. Is there a lunch service provided for students?
  
7. Write a paragraph on the history of CDA Hockey Academy.
  
8. Write a paragraph on the five-year vision of the CDA Hockey Academy and on the future development of the property including the proposed expansion.
  
9. When is the heavy Industrial Milling Operation (Manufacturing Use) that is currently in the building on the property ending its operation there?
  - a. Date: \_\_\_\_\_

If I can get your responses by the end of day on Wednesday July 24<sup>th</sup>, that would be great.

Thank you,

Mike Behary, AICP, MURP

Associate Planner

City of Coeur d'Alene, ID

**208-769-2271**



**Comp  
Plan  
Goals  
&  
Objectives**

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# COMPREHENSIVE PLAN GOALS AND OBJECTIVES

## Community & Identity

- Goal CI 1**  
Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.
  - OBJECTIVE CI 1.1**  
Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.
  
- Goal CI 2**  
Maintain a high quality of life for residents and businesses that make Coeur d'Alene a great place to live and visit.
  - OBJECTIVE CI 2.1**  
Maintain the community's friendly, welcoming atmosphere and its smalltown feel.
  - OBJECTIVE CI 2.2**  
Support programs that preserve historical collections, key community features, cultural heritage, and traditions.
  
- Goal CI 3**  
Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.
  - OBJECTIVE CI 3.1**  
Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.
  
- Goal CI 4**  
Coeur d'Alene is a community that works to support cultural awareness, diversity and inclusiveness.
  - OBJECTIVE CI 4.1**  
Recognize cultural and economic connections to the Coeur d'Alene Tribe, acknowledging that this area is their ancestral homeland.
  - OBJECTIVE CI 4.2**  
Create an environment that supports and embraces diversity in arts, culture, food, and self-expression.
  - OBJECTIVE CI 4.3**  
Promote human rights, civil rights, respect, and dignity for all in Coeur d'Alene.

## Education & Learning

- Goal EL 3**  
Provide an educational environment that provides open access to resources for all people.
  - OBJECTIVE EL 3.2**  
Provide abundant opportunities for and access to lifelong learning, fostering mastery of new skills, academic enrichment, mentoring programs, and personal growth.
  - OBJECTIVE EL 3.3**  
Support educators in developing and maintaining high standards to attract, recruit, and retain enthusiastic, talented, and caring teachers and staff.

**Goal EL 4**

Support partnerships and collaborations focused on quality education and enhanced funding opportunities for school facilities and operations.

**OBJECTIVE EL 4.1**

Collaborate with the school district (SD 271) to help identify future locations for new or expanded school facilities and funding mechanisms as development occurs to meet Coeur d'Alene's growing population.

**OBJECTIVE EL 4.2**

Enhance partnerships among local higher education institutions and vocational schools, offering an expanded number of degrees and increased diversity in graduate level education options with combined campus, classroom, research, and scholarship resources that meet the changing needs of the region.

**Environment & Recreation****Goal ER 1**

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

**OBJECTIVE ER 1.1**

Manage shoreline development to address stormwater management and improve water quality.

**OBJECTIVE ER 1.2**

Improve the water quality of Coeur d'Alene Lake and Spokane River by reducing the use of fertilizers, pesticides, herbicides, and managing aquatic invasive plant and fish species.

**OBJECTIVE ER 1.3**

Enhance and improve lake and river habitat and riparian zones, while maintaining waterways and shorelines that are distinctive features of the community.

**OBJECTIVE ER 1.4**

Reduce water consumption for landscaping throughout the city.

**Goal ER 2**

Provide diverse recreation options.

**OBJECTIVE ER 2.2**

Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

**OBJECTIVE ER 2.3**

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.

**Goal ER 3**

Protect and improve the urban forest while maintaining defensible spaces that reduces the potential for forest fire.

**OBJECTIVE ER 3.1**

Preserve and expand the number of street trees within city rights-of-way.

**OBJECTIVE ER 3.2**

Protect and enhance the urban forest, including wooded areas, street trees, and "heritage" trees that beautify neighborhoods and integrate nature with the city.

**OBJECTIVE ER 3.3**

Minimize the risk of fire in wooded areas that also include, or may include residential uses.

**OBJECTIVE ER 3.4**

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

- Goal ER 4**  
Reduce the environmental impact of Coeur d'Alene.
  - OBJECTIVE ER 4.1**  
Minimize potential pollution problems such as air, land, water, or hazardous materials.
  - OBJECTIVE ER 4.2**  
Improve the existing compost and recycling program.

## Growth & Development

- Goal GD 1**  
Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.
  - OBJECTIVE GD 1.1**  
Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.
  - OBJECTIVE GD 1.3**  
Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.
  - OBJECTIVE GD 1.4**  
Increase pedestrian walkability and access within commercial development.
  - OBJECTIVE GD 1.5**  
Recognize neighborhood and district identities.
  - OBJECTIVE GD 1.6**  
Revitalize existing and create new business districts to promote opportunities for jobs, services, and housing, and ensure maximum economic development potential throughout the community.
  - OBJECTIVE GD 1.7**  
Increase physical and visual access to the lakes and rivers.
  - OBJECTIVE GD 1.8**  
Support and expand community urban farming opportunities.
- Goal GD 2**  
Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.
  - OBJECTIVE GD 2.1**  
Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.
  - OBJECTIVE GD 2.2**  
Ensure that City and technology services meet the needs of the community.
- Goal GD 3**  
Support the development of a multimodal transportation system for all users.
  - OBJECTIVE GD 3.1**  
Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.
  - OBJECTIVE GD 3.2**  
Provide an accessible, safe, efficient multimodal public transportation system including bus stop amenities designed to maximize the user experience.
- Goal GD 4**  
Protect the visual and historic qualities of Coeur d'Alene
  - OBJECTIVE GD 4.1**  
Encourage the protection of historic buildings and sites.

- Goal GD 5**  
Implement principles of environmental design in planning projects.

- OBJECTIVE GD 5.1**  
Minimize glare, light trespass, and skyglow from outdoor lighting.

## Health & Safety

- Goal HS 1**  
Support social, mental, and physical health in Coeur d'Alene and the greater region.

- OBJECTIVE HS 1.1**  
Provide safe programs and facilities for the community's youth to gather, connect, and take part in healthy social activities and youth-centered endeavors.

- OBJECTIVE HS 1.2**  
Expand services for the city's aging population and other at-risk groups that provide access to education, promote healthy lifestyles, and offer programs that improve quality of life.

- OBJECTIVE HS 1.3**  
Increase access and awareness to education and prevention programs, and recreational activities.

- Goal HS 3**  
Continue to provide exceptional police, fire, and emergency services.

- OBJECTIVE HS 3.2**  
Enhance regional cooperation to provide fast, reliable emergency services.

- OBJECTIVE HS 3.3**  
Collaborate with partners to increase one on one services.

## Jobs & Economy

- Goal JE 1**  
Retain, grow, and attract businesses

- OBJECTIVE JE 1.1**  
Actively engage with community partners in economic development efforts.

- OBJECTIVE JE 1.2**  
Foster a pro-business culture that supports economic growth.

- Goal JE 3**  
Enhance the Startup Ecosystem

- OBJECTIVE JE 3.1**  
Convene a startup working group of business leaders, workforce providers, and economic development professionals and to define needs.

- OBJECTIVE JE 3.2**  
Develop public-private partnerships to develop the types of office space and amenities desired by startups.

- OBJECTIVE JE 3.3**  
Promote access to the outdoors for workers and workers who telecommute.

- OBJECTIVE JE 3.4**  
Expand partnerships with North Idaho College, such as opportunities to use the community maker space and rapid prototyping (North Idaho College Venture Center and Gizmo) facilities.



# **PUBLIC COMMENTS**



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**From:** Polak, Chad M  
**To:** [CLARK, TRACI](#)  
**Subject:** FW: HERE IS THE PUBLIC NOTICE FOR THE P&Z MEETING ON AUGUST 13, 2024  
**Date:** Thursday, July 25, 2024 9:01:39 AM  
**Attachments:** [image001.png](#)  
[A-1-24 public notice .pdf](#)

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**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning Traci,

Based on the location, there is no impact to the YPL ROW and we do not have any questions.

Sincerely,

Chad M. Polak  
Agent, Real Estate Services  
O: (+1) 303.376.4363 | M: (+1) 720.245.4683  
3960 East 56<sup>th</sup> Avenue | Commerce City, CO 80022  
Phillips 66

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**From:** CLARK, TRACI <TCLARK@cdaid.org>  
**Sent:** Thursday, July 25, 2024 9:44 AM  
**To:** CLARK, TRACI <TCLARK@cdaid.org>  
**Subject:** [EXTERNAL]HERE IS THE PUBLIC NOTICE FOR THE P&Z MEETING ON AUGUST 13, 2024

**This Message Is From an Untrusted Sender**

[Report Suspicious](#)

You have not previously corresponded with this sender.

Greetings,

Attached is a copy of the public hearing notice for the next **Planning & Zoning** Meeting on **Tuesday August 13, 2024.**

If you have any comments, please let me know.

*Traci Clark*  
*Planning Department, City of Coeur d'Alene*  
*Administrative Assistant*

208.769-2240  
[tclark@cdaid.org](mailto:tclark@cdaid.org)



**From:** Donna Phillips  
**To:** [CLARK, TRACI](#)  
**Subject:** RE: HERE IS THE PUBLIC NOTICE FOR THE P&Z MEETING ON AUGUST 13, 2024  
**Date:** Thursday, July 25, 2024 2:57:07 PM  
**Attachments:** [image001.png](#)

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**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon,

The City of Hayden has no comments on the requested annexation.

*Donna*

Donna Phillips  
Community Development Director  
(208)209-2020  
[dphillips@cityofhaydenid.us](mailto:dphillips@cityofhaydenid.us)

Please check out the City's new Website at <https://www.cityofhaydenid.us/> and let us know what you think. Thank you. 😊

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**From:** CLARK, TRACI <[TCLARK@cdaid.org](mailto:TCLARK@cdaid.org)>  
**Sent:** Thursday, July 25, 2024 8:44 AM  
**To:** CLARK, TRACI <[TCLARK@cdaid.org](mailto:TCLARK@cdaid.org)>  
**Subject:** HERE IS THE PUBLIC NOTICE FOR THE P&Z MEETING ON AUGUST 13, 2024

Greetings,

Attached is a copy of the public hearing notice for the next **Planning & Zoning Meeting on Tuesday August 13, 2024.**

If you have any comments, please let me know.

*Traci Clark*  
*Planning Department, City of Coeur d'Alene*  
*Administrative Assistant*

208.769-2240  
[tclark@cdaid.org](mailto:tclark@cdaid.org)





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

**A-1-24**

**INTRODUCTION**

This matter came before the Planning and Zoning Commission on August 13, 2024, to consider A-1-24, a request to recommend that the zoning of 5.1 acres adjacent to Seltice Way, if annexed, be C-17.

LOCATION: 3505 W. Seltice Way, Coeur d'Alene, ID 83814

OWNERS: Shawn and Renae Luteyn

APPLICANT: McArthur Engineering, Scott McArthur

**A. FINDINGS OF FACT:**

**The Planning & Zoning Commission finds that the following facts, A1 through A10 have been established on a more probable than not basis, as shown on the record before it and on the testimony presented at the public hearing. The Commission also finds that facts A1 through A4 are established through the staff report and presentation, and there is no dispute on these matters.**

**A1.** All public hearing notice requirements have been met for item A-1-24.

- Notice of the public hearing must be published in the official newspaper of the City at least fifteen (15) days prior to the hearing. Idaho Code § 67-6509(a). The Notice was published on July 27, 2024, seventeen days prior to the hearing.
- Notice of the public hearing must be posted on the premises no less than one (1) week prior to the hearing. Idaho Code § 67-6511(2)(b). The Notice was posted on the property on July 29, 2024, fifteen days prior to the hearing.
- Notice of the public hearing must be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered. Idaho Code § 67-6511(2)(b). thirty-six (36) notices were mailed to all property owners of record within three hundred feet (300') of the subject property on July 25, 2024.
- Notice of the public hearing must be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing. Idaho Code § 67-6509(a). The Notice was sent to all political subdivisions providing services within the planning jurisdiction, including school districts on July 25, 2024.
- Notice of the public hearing must be given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being considered, provided that the pipeline company is in compliance with section 62-1104, Idaho Code. Idaho Code § 67-6511(2)(b). The Notice was sent to pipeline companies providing services within 1,000 feet of the subject property on July 25, 2024.

- A2.** The subject site is located in the unincorporated area of the county and the total area of the subject property is 5.1 acres and is zoned County Commercial.
- A3.** The subject property currently has two different uses on it. The first use is a heavy industrial milling operation (manufacturing use) and the second is the education use that is run by the CDA Hockey Academy. The educational use is a permitted use in the C-17 Commercial zoning district and the manufacturing use is not allowed in the C-17 Commercial district. The heavy manufacturing use is only allowed in the (M) Manufacturing zoning district. The community education use is not permitted in the M Manufacturing zoning district.
- A4.** The Comprehensive Plan Future Land Use Map designates this property as the General Industrial Place Type. Industrial places include manufacturing & logistics that provide a range of job types, services, and wage levels. These areas are locations that provide concentrated areas of employment areas that create goods and services with a mix of indoor industrial uses separated from residential areas. Primary uses include manufacturing, warehousing, storage, and industrial parks located in one to two-story buildings with varied building footprints and interior ceiling heights. Industrial places are located near major transportation corridors as they often require access for large vehicles. Compatible zoning in the Industrial Place Type is Manufacturing (M) and Light Manufacturing (LM).
- A5.** Staff identified Comprehensive Plan goals and objectives for particular consideration by the Planning and Zoning Commission.

### **Community & Identity**

#### **Goal CI 2**

Maintain a high quality of life for residents and businesses that make Coeur d'Alene a great place to live and visit.

#### **Objective CI 2.1**

Maintain the community's friendly, welcoming atmosphere and its smalltown feel.

### **Education & Learning**

#### **Goal EL 3**

Provide an educational environment that provides open access to resources for all people.

#### **Objective EL 3.2**

Provide abundant opportunities for and access to lifelong learning, fostering mastery of new skills, academic enrichment, mentoring programs, and personal growth.

### **Growth & Development**

#### **Goal GD 1**

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

#### **Objective GD 1.4**

Increase pedestrian walkability and access within commercial development.

#### **Objective GD 1.5**

Recognize neighborhood and district identities.

#### **Goal GD 2**

Ensure appropriate, high-quality infrastructure to accommodate community needs and future

growth.

**Objective E GD 2.1**

Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

**Jobs & Economy**

**Goal JE 1**

Retain, grow, and attract businesses.

**Objective JE 1.2**

Foster pro-business culture that supports economic growth.

*(The Commission may adopt these and/or other Plan Goals and Objectives as findings – see attached worksheet)*

- A6.** The Comprehensive Plan is a guide for annexations and land use decisions, and the Future Land Use Map in conjunction with the Goals and Policies shall be used by the Planning and Zoning Commission to make a recommendation on zoning in conjunction with annexation.
- A7.** The subject property is bound by an ice arena to the north, a single-family home associated with a large agricultural tract to the east, a health care facility and a multi-family apartment complex is located south across Seltice Way, and a single-family home and a multi-family apartment complex are located to the west. Properties in the area are zoned C-17 Commercial or County Commercial.
- A8.** The subject property has a twenty-five-foot grade change across the site, along with an existing structure, parking and maneuvering areas. There is also a relatively flat area of the property, west of the existing structure, where the applicant intends to build an additional structure.
- A9.** City utilities are available to serve the project site, if annexed. All departments have indicated the ability to serve the project with the additional conditions as stated at the end of the staff report.
- A10.** The proposal is anticipated to generate up to 63 PM peak hour trips per day associated with the private school and an estimated 95 AM peak hour trips per day if there were an event. The City Engineer indicated that they have shown 192 parking spaces on the site and noted that if an event drew more than 192 vehicles, they could have overflow parking impacts. The Academy currently exists on the property adjacent to the Frontier Ice Arena. The applicant is proposing upgrades to the existing building, a new structure and other site improvements as shown on the proposed site plan. Surrounding uses are commercial, manufacturing, agricultural, and residential in nature.

*(The commission should add other facts here which it finds are relevant to its decision.)*

**B. CONCLUSIONS OF LAW:**

**Based on the foregoing Findings of Fact, the Planning Commission makes the following Conclusions of Law.**

- B1.** That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies.
- B2.** That public facilities and utilities **(are) (are not)** available and adequate for the proposed use.
- B3.** That the physical characteristics of the site **(do) (do not)** make it suitable for the request

at this time.

- B4. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, **(and) (or)** existing land uses.

**C. DECISION**

The Planning and Zoning Commission, pursuant to the foregoing Findings of Fact and Conclusions of Law, has determined that the requested zoning **(does) (does not)** comply with the required evaluation criteria and recommends that the City Council **(adopt the C-17 zoning with the following conditions to be included in an Annexation Agreement) (reject the C-17 zoning)** if Council approves the annexation:


1. The existing industrial milling operation (manufacturing use) must be removed from the site within 90 days of annexation or prior to a building permit or site development permit is issued, whichever comes first.
2. Any additional main extensions and/or fire hydrants and services for future development of the property will be the responsibility of the developer/owner at their expense and will be done with site improvements triggered by any site development or building permit.
3. Any additional water services will have cap fees due at building permitting.
4. This project will fall under Policy#716 "One Lot, One Lateral" that only allows for one sewer lateral for parcel.
5. Any new or existing structures on this parcel must connect to City sewer and pay appropriate sewer cap fees and Mill River LS Surcharge Fee.
6. The Building Department requires the owner to obtain permits for the proposed use of the existing building as part of the annexation agreement.
7. All existing fire protection systems must be serviced and without any deficiencies before annexation may occur (examples of fire protection systems sprinklers, alarms, fire extinguishers)

**Motion by Commissioner , seconded by Commissioner , to \_\_\_\_\_. Motion carried.**


**ROLL CALL:**

Commissioner Fleming	Voted (Aye) (Nay)
Commissioner Ingalls	Voted (Aye) (Nay)
Commissioner Luttrupp	Voted (Aye) (Nay)
Commissioner Coppess	Voted (Aye) (Nay)
Commissioner McCracken	Voted (Aye) (Nay)
Commissioner Ward	Voted (Aye) (Nay)
Chairman Messina	Voted (Aye) (Nay)

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



# STAFF REPORT



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**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**DATE:** AUGUST 13, 2024  
**FROM:** HILARY PATTERSON, COMMUNITY PLANNING DIRECTOR,  
RANDY ADAMS, CITY ATTORNEY, AND SEAN E. HOLM, SENIOR  
PLANNER  
**SUBJECT:** O-2-24 UNIVERSITY DISTRICT – CREATION OF A NEW ZONING  
DISTRICT AND REZONING SPECIFIED PROPERTIES (ZONE  
CHANGE, TEXT AND MAP)

=====

**DECISION POINT:** Should the Planning and Zoning Commission make a recommendation to the City Council to adopt Article XVII of Chapter 17.05 of the Municipal Code creating a new zoning district called University (U) District for land located in and near the North Idaho College campus and rezone specified properties?

**HISTORY:** At its January 16, 2024, meeting, Council requested that staff investigate the need to update the Comprehensive Plan (the “Plan”) to allow the City to rezone North Idaho College’s campus as a new zoning district called the University (U) District with the intent to ensure that the future use of the property is for public higher education and supporting uses only. Following Council direction, the City Attorney, Senior Planner, and Community Planning Director drafted a proposed Code amendment creating the new zoning district after reviewing ordinances from Moscow and Boise, and other communities that have specific zoning districts for their higher education campuses. Staff was asked to involve representatives of the Fort Grounds neighborhood to review the draft ordinance and make comments. Kevin Jester of the Fort Grounds neighborhood has reviewed the draft ordinance and stated his support for the allowed uses and performance standards proposed for the U District.

All property owners with land within the proposed District boundaries (including North Idaho College) and within a radius of 300 feet of the external boundaries have been sent notification of the public hearing. Notice was published in the Coeur d’Alene Press and provided to the political subdivisions, taxing entities, gas line companies and other interested parties. Notices were also posted on the premises in four locations at vehicle entrances to the proposed District.

**PERFORMANCE ANALYSIS:** As stated in the draft ordinance, the U District “... is established to support and enhance the educational environment of public institutions of higher education in the City of Coeur d’Alene, and to allow flexible, creative development for public educational purposes. The District is intended to facilitate planned expansion, promote collaboration between public higher educational institutions and the local community, ensure compatibility with surrounding neighborhoods and natural resources, and preserve property within the District for public educational uses.”

“This District allows for a mix of uses that support the residential, retail, and service functions of public higher education campuses.” (See proposed language in §17.05.1300 in Attachment 1)

If adopted, the new U District would apply to all property described below and as shown on the attached map:

- A. *All property north of the high water mark of Lake Coeur d'Alene and east of the high water mark of the Spokane River, which lies west of and includes N. Hubbard Street, except any public right-of-way, and south of W. River Avenue.*
- B. *All property north of W. River Avenue east of the high water mark of the Spokane River and west of, and including, the parcel bearing the legal description of North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-015), and south of the City of Coeur d'Alene property utilized for the Advanced Wastewater Treatment Plant.*
- C. *That parcel lying east of W. Hubbard Street bearing the legal description North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-012).*
- D. *All property north of W. River Avenue east of the parcel bearing the legal description of North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-015), including all properties along N. Military Drive, and including parcels bearing the legal description of Fort Sherman Aband Mil Res. TAX#23504 IN LT 14 1450N04W and Fort Sherman Aband Mil Res. TAX#23200 IN LT 14 1450N04W.*
- E. *This District shall overlay any approved Planned Unit Developments (PUD) in the District. To the extent not inconsistent with any applicable PUD approval, the standards of this Chapter shall apply to all property in the District.*

If adopted, the existing zoning districts (R-12, R-17, C-17 and C-17L) would be replaced with the U District designation. The existing Planned Unit Development (PUD) for North Idaho College would remain in place as noted in the draft ordinance.

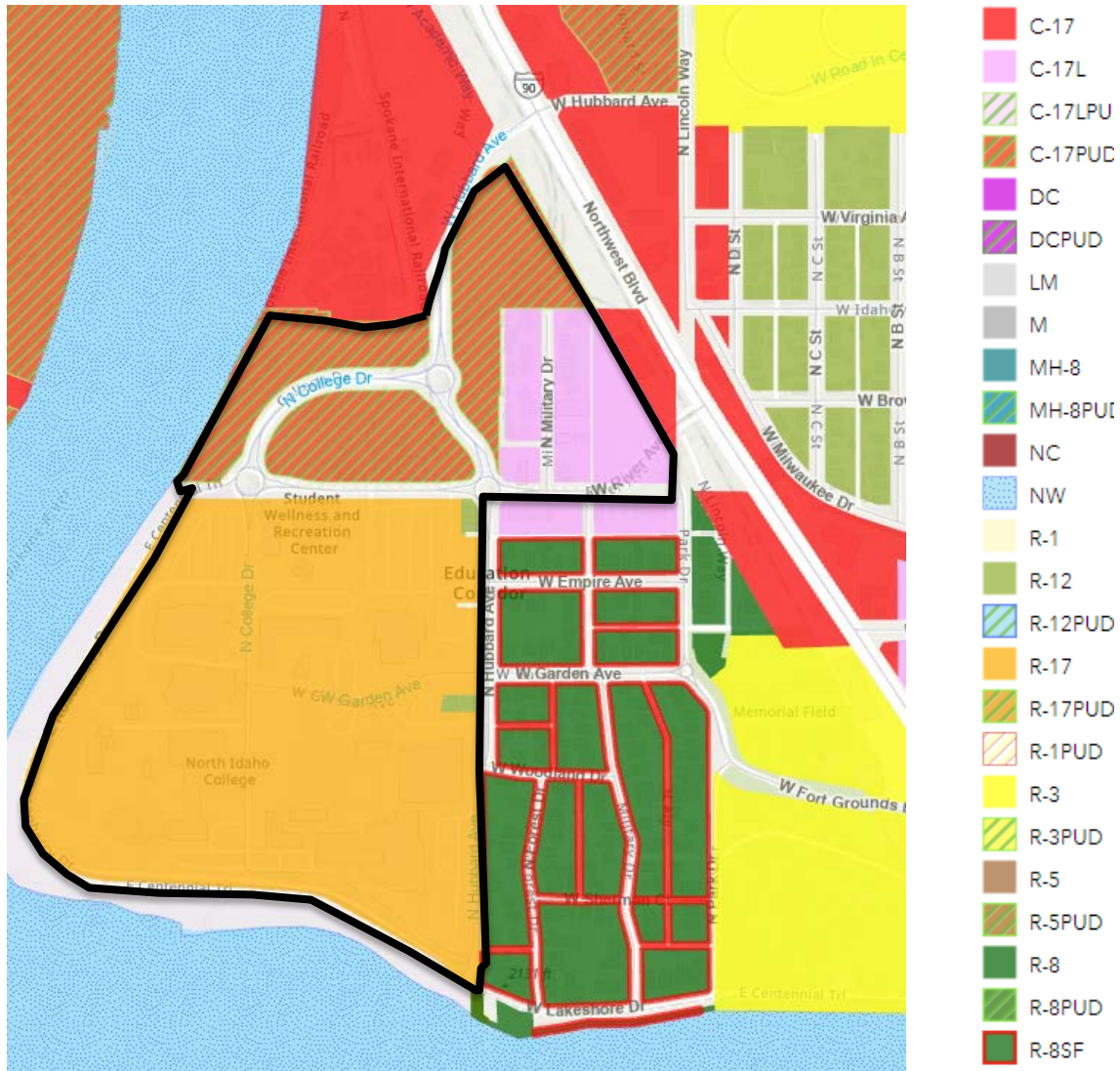
The draft ordinance outlines the permitted principal uses, permitted accessory uses, and uses permitted by a special use permit. (See proposed language under § 17.05.1330, 17.05.1340 and 17.05.1350 in Attachment 1)

The draft ordinance also lists prohibited uses, such as industrial and commercial activities not directly associated with educational functions, residential developments not intended for student or faculty housing, privately-owned residential, condominium, townhouses, or other non-educational residential development, and a category for "Additional Prohibited Uses" that may be identified by the Planning Director as being nonconforming with the purpose and/or intent of the District.

The draft ordinance includes development standards to ensure compatibility with surrounding uses. It also provides for a variance process to partially waive off street parking and/or lot coverage requirements for commercial developments utilizing common parking, and a variance for building heights over 45 feet.

Zoning:

The subject property is zoned R-12, R-17, C-17 and C-17L as shown on the following exhibit. The majority of the campus is zoned R-17. The area north of River Avenue and along Hubbard Avenue and College Drive is zoned C-17 and has the PUD overlay as denoted by the crosshatched pattern. The property along Military Drive and immediately east on the north side of River Avenue is zoned C-17L. Of the twenty-one properties along Military Drive located within the proposed district boundaries, approximately eight of them are privately owned. The rest are owned by North Idaho College. There are two privately-owned properties along the west side of Hubbard Avenue within the proposed district boundaries that are zoned R-12.



If the new zoning district is adopted and if the specified properties are rezoned, the existing zoning districts (R-12, R-17, C-17 and C-17L) within the campus boundaries would be replaced with the U District designation and the PUD would be shown with a crosshatch denotation over the U District as shown on the following exhibit.

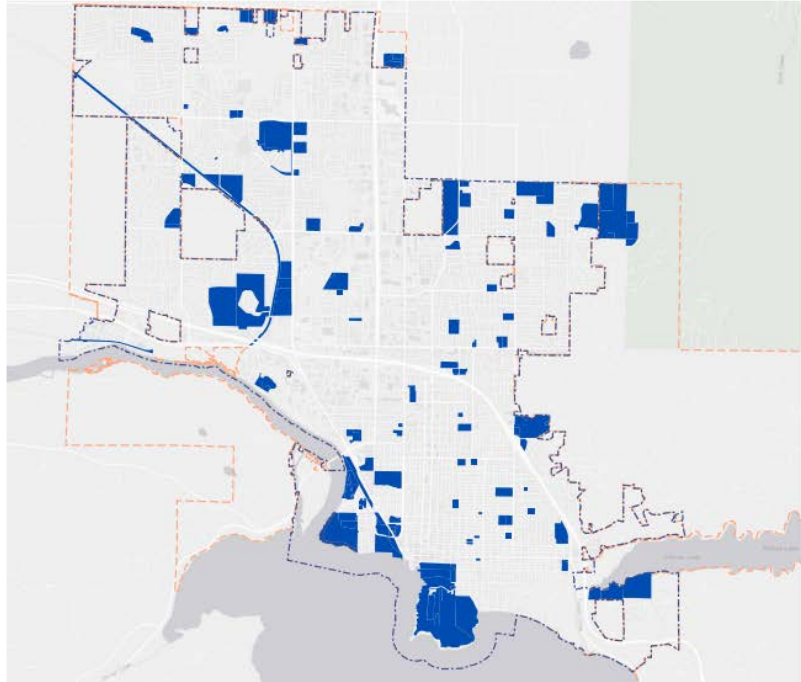


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### Civic

Civic places are typically publicly-owned spaces such as parks, cemeteries, public facilities (e.g. Library, City Hall) that have a civic function for the Coeur d'Alene community. Civic uses, in limited instances, many also include private open space located within a planned development. Schools and education facilities are considered Civic places.

Compatible Zoning: Not Applicable. Civic Uses may be located in any Place Type.



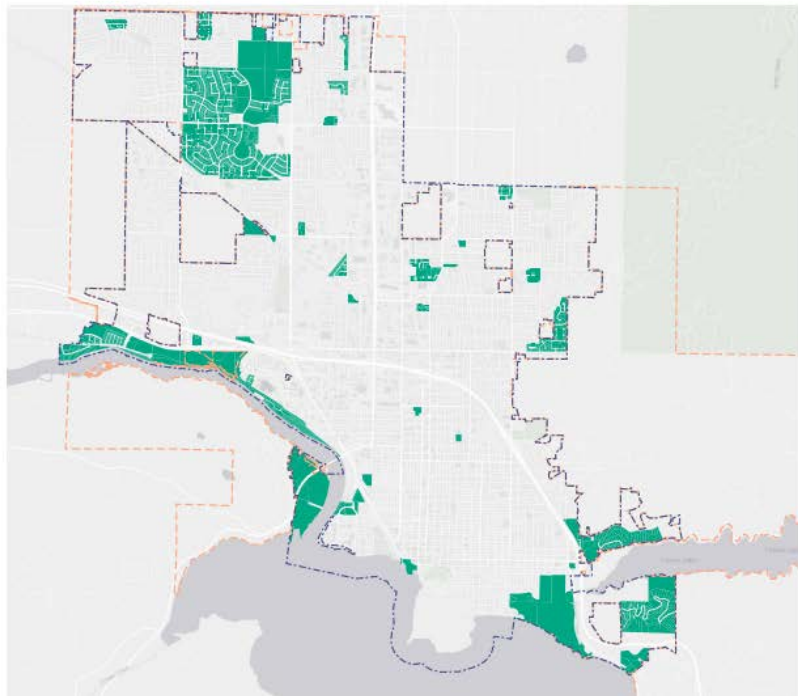
The existing PUD for the NIC Campus is shown on the Planned Development Place Type map.

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### Planned Development

Planned Development places are locations that have completed the planned unit development application process. As part of that process, the City and the applicant have agreed to a determined set of complementary land uses that can include a number of Place Types. Large scale Planned developments often have a determined phasing and development plan and may include land uses such as housing, recreation, commercial centers, civic, and industrial parks, all within one contained development or subdivision. Building design and scale, transportation, open space, and other elements are approved through the City of Coeur d'Alene's PUD evaluation process.

Compatible Zoning: Not applicable. Planned Development may occur within any Place Type (1.5 acre minimum).



The **Recreation and Natural Areas** section of the Comprehensive Plan has several areas that affect the NIC campus, including Shorelines, Coeur d'Alene Lake and Spokane River, Floodplain, Urban Forest, and Views and Vistas.

Under **Special Areas**, it includes the Education Corridor Master Plan and the North Idaho College – North Campus Planned Unit Development (NIC PUD). Under the description of the NIC PUD, it talks about the 50-year plan for the campus to phase development over time from temporary site uses to more permanent uses. The NIC PUD provides for connectivity, parking improvements, landscaping and irrigation, a shared education building between partner institutions, the construction of additional parking, and a community garden. For long-term improvements, it references the full buildout of campus facilities to include a potential mix of academic, PTE and multi-use facilities in support of ongoing college programming.



The Education Corridor Master Plan references the partnership between NIC and the other higher education institutions covering a 49-acre site. The master plan provides for a physical framework for the redevelopment of the adjacent mill site and site improvements, most of which have been completed. It also references a proposal to rezone portions of the planning area and encourages the creation of design guidelines. The reference to a proposal to rezone portions of the planning area supports the creation of the proposed U District.



*Goals and Objectives:*

There are two Comprehensive Plan Goals under Education & Learning that support higher education and lifelong learning, and supporting Objectives.

**Education & Learning**

- Goal EL 3**  
Provide an educational environment that provides open access to resources for all people.
  - OBJECTIVE EL 3.2**  
Provide abundant opportunities for and access to lifelong learning, fostering mastery of new skills, academic enrichment, mentoring programs, and personal growth.
  - OBJECTIVE EL 3.3**  
Support educators in developing and maintaining high standards to attract, recruit, and retain enthusiastic, talented, and caring teachers and staff.
- Goal EL 4**  
Support partnerships and collaborations focused on quality education and enhanced funding opportunities for school facilities and operations.

- OBJECTIVE EL 4.1**  
Collaborate with the school district (SD 271) to help identify future locations for new or expanded school facilities and funding mechanisms as development occurs to meet Coeur d’Alene’s growing population.
- OBJECTIVE EL 4.2**  
Enhance partnerships among local higher education institutions and vocational schools, offering an expanded number of degrees and increased diversity in graduate level education options with combined campus, classroom, research, and scholarship resources that meet the changing needs of the region.

There is an action item under Objective EL 4.2 regarding on and off campus student and employee housing, and opportunities for temporary transitional housing opportunities for students, faculty and staff (see below). North Idaho College is listed as the Lead Partner on that action item.

**Action EL 4.2.J01**

Support on and off campus student and employee housing along with the creation of temporary transitional housing opportunities for new employees coming to the area to meet the housing needs of students, faculty and staff.

Lead Partner: North Idaho College

Other Comprehensive Plan Goals and Objectives that may be applicable to the Findings of the Planning and Zoning Commission are noted below.

**Community & Identity**

- Goal CI 1**  
Coeur d’Alene citizens are well informed, responsive, and involved in community discussions.
- OBJECTIVE CI 1.1**  
Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

**Environment & Recreation**

- Goal ER 1**  
Preserve and enhance the beauty and health of Coeur d’Alene’s natural environment.
- OBJECTIVE ER 1.1**  
Manage shoreline development to address stormwater management and improve water quality.

**Growth & Development**

- Goal GD 1**  
Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d’Alene a great place to live.
- OBJECTIVE GD 1.5**  
Recognize neighborhood and district identities.
- OBJECTIVE GD 1.7**  
Increase physical and visual access to the lakes and rivers.

- Goal GD 4**  
Protect the visual and historic qualities of Coeur d'Alene

- OBJECTIVE GD 4.1**  
Encourage the protection of historic buildings and sites.

### Jobs & Economy

- Goal JE 3**  
Enhance the Startup Ecosystem

- OBJECTIVE JE 3.4**  
Expand partnerships with North Idaho College, such as opportunities to use the community maker space and rapid prototyping (North Idaho College Venture Center and Gizmo) facilities.

The Planning and Zoning Commission may also refer to other goals and objectives in the Comprehensive Plan to make its Findings of compliance or noncompliance. The Comprehensive Plan Checklist is attached.

### Planning and Zoning Commission's Role:

Because this is a City Council-initiated rezoning, it follows the procedures outlined in M.C. § 17.09.130. The Planning and Zoning Commission is required to hold a public hearing, after notice, and report to the City Council. The Commission shall consider the existing zoning districts or regulations, and may recommend approval, conditional approval, approval with modifications, or denial of the proposal, or the Commission may defer action until completion of such studies or plans as may be necessary to determine the advisability of the proposal. In the case of any form of recommended approval, the Commission shall forward the proposal to the City Council for appropriate action.

It is also subject to the procedures outlined in the Local Land Use Planning Act (Idaho Code 67-6511 (c)), which reads in part, *The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan.*

The Commission must also determine whether to recommend to Council that it adopt the Zoning Code amendment creating the U District. After evaluating the Plan and effect on political subdivisions, as well as the evaluation criteria, the Commission may recommend that Council adopt the new Code, adopt with amendments, or reject it. If adopted, the new zoning district would be added to the Zoning District Schedule (Chapter 17.05 of the Zoning Code) and the City's official zoning map would be updated to reflect the U District. The PUD overlay would still be in effect and would be shown on the zoning map in conjunction with the U District as indicated on page 4 of this staff report.

Staff does not recommend any further studies or plans associated with the University District proposal.

**FINANCIAL ANALYSIS:** There is no significant financial impact to the City of Coeur d'Alene or North Idaho College and the partner institutions associated with this request. However, it should be noted that the approximately ten (10) privately-owned parcels within the district boundaries would be considered legal nonconforming uses if this Article is adopted and the specified



properties are rezoned U. Those parcels could continue to be used as personal residences and sold to new owners as legal nonconforming uses pursuant to M.C. § 17.06.915. If a residence is damaged or destroyed such that the cost of repair or replacement exceeds fifty percent (50%) of the replacement cost of the residence as it was immediately prior to the damage, M.C. § 17.06.930(A) would require that the facility be restored to accommodate a conforming activity under the applicable zoning. (Attachment 1)

**DECISION POINT/RECOMMENDATION:** The Planning and Zoning Commission should make Findings regarding compliance of the new zoning district and proposed rezone of specified properties with the Comprehensive Plan and make a recommendation to the City Council whether to:

- Adopt Article XVII of Chapter 17.05 of the Municipal Code creating the new U District zoning district and rezone specified properties, or
- Adopt the new Article with amendments and rezone specified properties, or
- Reject the new Article and not rezone specified properties

The Commission may also recommend changes to the zoning boundaries to make the request more consistent with the Comprehensive Plan.

Conversely, the Commission may defer action until completion of such studies or plans as may be necessary to determine the advisability of the proposal.

Attachments:

1. Article XVII of Chapter 17.05 of the Coeur d'Alene Municipal Code (University District)
2. Proposed U District Zoning Boundary Map
3. Comprehensive Plan Checklist

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# Attachments



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ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 24-

AN ORDINANCE CREATING A NEW ARTICLE XVII IN CHAPTER 17.05 OF THE COEUR D'ALENE MUNICIPAL CODE, ESTABLISHING A UNIVERSITY DISTRICT (U); PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendment be adopted;

NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

**SECTION 1.** *That Article XVII of Chapter 17.05 of the Coeur d'Alene Municipal Code is created as follows:*

**17.05.1300: GENERALLY:**

A. The University (U) District is established to support and enhance the educational environment of public institutions of higher education in the City of Coeur d'Alene, and to allow flexible, creative development for public educational purposes. The District is intended to facilitate planned expansion, promote collaboration between public higher educational institutions and the local community, ensure compatibility with surrounding neighborhoods and natural resources, and preserve property within the District for public educational uses.

B. This District allows for a mix of uses that support the residential, retail, and service functions of public higher education campuses.

**17.05.1310: UNIVERSITY DISTRICT CREATED:**

District Boundaries:

A. All property north of the high water mark of Lake Coeur d'Alene and east of the high water mark of the Spokane River, which lies west of and includes N. Hubbard Street, except any public right-of-way, and south of W. River Avenue.

B. All property north of W. River Avenue east of the high water mark of the Spokane River and west of, and including, the parcel bearing the legal description of North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-015), and south of the City of Coeur d'Alene property utilized for the Advanced Wastewater Treatment Plant.

C. That parcel lying east of W. Hubbard Street bearing the legal description North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-012).

D. All property north of W. River Avenue east of the parcel bearing the legal description of North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-015), including all properties along N. Military Drive, and including parcels bearing the legal description of Fort Sherman Aband Mil Res. TAX#23504 IN LT 14 1450N04W and Fort Sherman Aband Mil Res. TAX#23200 IN LT 14 1450N04W.

E. This District shall overlay any approved Planned Unit Developments (PUD) in the District. To the extent not inconsistent with any applicable PUD approval, the standards of this Chapter shall apply to all property in the District.

**17.05.1320: STANDARDS:**

A. All uses permitted within the U District shall primarily serve the students, faculty, employees, and alumni of the affiliated institutions, or support educational, arts, athletic, or cultural events and offerings of the public higher educational institutions.

B. Cultural and academic events, conferences, and gatherings contributing to the intellectual and cultural vibrancy of the District are permitted.

C. Research and innovation centers are encouraged, provided they promote collaboration between the university and the local community.

**17.05.1330: PERMITTED USES; PRINCIPAL:**

Principal permitted uses in the U Zoning District shall be as follows:

Administrative, including offices for faculty, staff, and operational purposes

Automotive Parking Activities

Business Supply Retail Sales

Business Support Services, including maintenance facilities supporting campus operations

Cell phone towers that are fully stealth and that support at least three (3) carriers and/or other uses outside of the permitted uses scope listed herein, meets the standards for height by zone and 200' distance from the nearest residential unit as prescribed in the Wireless Communication Facilities Regulations, and determined to conform to the purpose and/or intent of the District

Childcare Facility

Commercial Film Production

Communication Services

Community Assembly

Community Education

Convenience Sales

Convenience Services

Educational Activities, including classrooms, lecture halls, laboratories, libraries and research facilities

Essential Services

Faculty Housing

Food and Beverage Sales/Off-Site Consumption

Food and Beverage Sales/On-Site Consumption

Group Assembly, including student union facilities, performing arts venues

Neighborhood Recreation

Professional and Administrative Offices, including student health centers, student wellness and recreation centers

Public Recreation, including gymnasiums, sports fields, community gardens, equipment rentals

Specialty Retail Sales, including bookstore

Student Housing, such as Single-family detached housing, duplex housing, and multiple-family housing

**17.05.1340: PERMITTED USES; ACCESSORY:**

Accessory Dwelling Units for student or faculty housing

Automobile Parking

Garage or carport (attached or detached)

Mailroom and/or common use room for multiple-family developments or Community Education

Open areas and swimming pools

Outside storage when incidental to the principal use

Other accessory uses directly associated with educational functions

**17.05.1350: PERMITTED USES; SPECIAL USE PERMIT:**

Bed and breakfast facility

Boarding House

Home Occupation

Hotel/Motel when integral to Community Education

**17.05.1360: PROHIBITED USES:**

A. Industrial and commercial activities not directly associated with educational functions.

B. Residential developments not intended for student or faculty housing.

C. Privately-owned residential, condominiums, townhouses, or other non-educational residential development.

D. Additional Prohibited Uses: In addition to the prohibited uses listed in within this section, any other uses that the Planning Director determines are not in conformity with the purpose and/or intent of the District are prohibited. The decision of the Planning Director may be appealed by following the administrative appeal procedure found in Municipal Code §§ 17.09.705 through 17.09.715.

**17.05.1370: OTHER DEVELOPMENT STANDARDS:**

1. Height restrictions: Buildings shall not exceed forty-five feet (45') feet, unless a variance is approved by the Planning and Zoning Commission or as prescribed in the PUD.

2. Minimum Yards for nonresidential activities:

A. Any Street Frontage: All frontages shall provide twenty feet (20').

B. Side, Interior: The interior side yard requirement shall be ten feet (10').

C. Rear: The rear yard requirement shall be ten feet (10').

C. All U District uses shall remain twenty-five feet (25') feet from any residential property lines not associated with an educational use.

3. Minimum Yards for residential uses in this District are subject to the site performance standards for the R-17 Zoning District.

4. Parking requirements: Adequate parking shall be provided for all developments based on established standards per a campus-style review process. Public parking along E. Rosenberry Drive (W. Lakeshore Dr./Dike Road) shall not be included in campus parking calculations.



5. A variance may be granted to partially waive off street parking and/or lot coverage requirements for commercial developments utilizing common parking.

**SECTION 2.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 3.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein.

**SECTION 4.** After its passage and adoption, a summary of this Ordinance, pursuant to the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication this Ordinance shall be in full force and effect.

*Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on \_\_\_\_\_, 20\_\_.*

APPROVED, ADOPTED and SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
James Hammond, Mayor

ATTEST:

\_\_\_\_\_  
Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
Amending Certain Sections of Chapter 17.05 of the City Code,  
Adding new section 17.05.1300 to the City Code

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE FOLLOWING SECTION OF THE COEUR D'ALENE MUNICIPAL CODE: 17.05; PROVIDING FOR A NEW SECTION OF THE COEUR D'ALENE MUNICIPAL CODE, § 17.05.1300;; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_\_ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

---

Renata McLeod, City Clerk

**STATEMENT OF LEGAL ADVISOR**

I, Randall R. Adams, am City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, Amending section 17.05 of the Coeur d'Alene Municipal Code; adding new section 17.05.1300 to the Coeur d'Alene Municipal Code; and providing for the repeal of the section 0.00.000 of the Coeur d'Alene Municipal Code; and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

Randall R. Adams, City Attorney





**Comp  
Plan  
Goals  
&  
Objectives**

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# COMPREHENSIVE PLAN GOALS AND OBJECTIVES

## Community & Identity

- Goal CI 1**  
Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.
  - OBJECTIVE CI 1.1**  
Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.
  
- Goal CI 2**  
Maintain a high quality of life for residents and businesses that make Coeur d'Alene a great place to live and visit.
  - OBJECTIVE CI 2.1**  
Maintain the community's friendly, welcoming atmosphere and its smalltown feel.
  - OBJECTIVE CI 2.2**  
Support programs that preserve historical collections, key community features, cultural heritage, and traditions.
  
- Goal CI 3**  
Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.
  - OBJECTIVE CI 3.1**  
Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.
  
- Goal CI 4**  
Coeur d'Alene is a community that works to support cultural awareness, diversity and inclusiveness.
  - OBJECTIVE CI 4.1**  
Recognize cultural and economic connections to the Coeur d'Alene Tribe, acknowledging that this area is their ancestral homeland.
  - OBJECTIVE CI 4.2**  
Create an environment that supports and embraces diversity in arts, culture, food, and self-expression.
  - OBJECTIVE CI 4.3**  
Promote human rights, civil rights, respect, and dignity for all in Coeur d'Alene.

## Education & Learning

- Goal EL 3**  
Provide an educational environment that provides open access to resources for all people.
  - OBJECTIVE EL 3.2**  
Provide abundant opportunities for and access to lifelong learning, fostering mastery of new skills, academic enrichment, mentoring programs, and personal growth.
  - OBJECTIVE EL 3.3**  
Support educators in developing and maintaining high standards to attract, recruit, and retain enthusiastic, talented, and caring teachers and staff.



#### Goal EL 4

Support partnerships and collaborations focused on quality education and enhanced funding opportunities for school facilities and operations.



##### OBJECTIVE EL 4.1

Collaborate with the school district (SD 271) to help identify future locations for new or expanded school facilities and funding mechanisms as development occurs to meet Coeur d'Alene's growing population.



##### OBJECTIVE EL 4.2

Enhance partnerships among local higher education institutions and vocational schools, offering an expanded number of degrees and increased diversity in graduate level education options with combined campus, classroom, research, and scholarship resources that meet the changing needs of the region.

### Environment & Recreation



#### Goal ER 1

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.



##### OBJECTIVE ER 1.1

Manage shoreline development to address stormwater management and improve water quality.



##### OBJECTIVE ER 1.2

Improve the water quality of Coeur d'Alene Lake and Spokane River by reducing the use of fertilizers, pesticides, herbicides, and managing aquatic invasive plant and fish species.



##### OBJECTIVE ER 1.3

Enhance and improve lake and river habitat and riparian zones, while maintaining waterways and shorelines that are distinctive features of the community.



##### OBJECTIVE ER 1.4

Reduce water consumption for landscaping throughout the city.



#### Goal ER 2

Provide diverse recreation options.



##### OBJECTIVE ER 2.2

Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.



##### OBJECTIVE ER 2.3

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.



#### Goal ER 3

Protect and improve the urban forest while maintaining defensible spaces that reduces the potential for forest fire.



##### OBJECTIVE ER 3.1

Preserve and expand the number of street trees within city rights-of-way.



##### OBJECTIVE ER 3.2

Protect and enhance the urban forest, including wooded areas, street trees, and "heritage" trees that beautify neighborhoods and integrate nature with the city.



##### OBJECTIVE ER 3.3

Minimize the risk of fire in wooded areas that also include, or may include residential uses.



##### OBJECTIVE ER 3.4

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



- Goal ER 4**  
Reduce the environmental impact of Coeur d’Alene.
  - OBJECTIVE ER 4.1**  
Minimize potential pollution problems such as air, land, water, or hazardous materials.
  - OBJECTIVE ER 4.2**  
Improve the existing compost and recycling program.

Growth & Development

- Goal GD 1**  
Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d’Alene a great place to live.
  - OBJECTIVE GD 1.1**  
Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.
  - OBJECTIVE GD 1.3**  
Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.
  - OBJECTIVE GD 1.4**  
Increase pedestrian walkability and access within commercial development.
  - OBJECTIVE GD 1.5**  
Recognize neighborhood and district identities.
  - OBJECTIVE GD 1.6**  
Revitalize existing and create new business districts to promote opportunities for jobs, services, and housing, and ensure maximum economic development potential throughout the community.
  - OBJECTIVE GD 1.7**  
Increase physical and visual access to the lakes and rivers.
  - OBJECTIVE GD 1.8**  
Support and expand community urban farming opportunities.
  
- Goal GD 2**  
Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.
  - OBJECTIVE GD 2.1**  
Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.
  - OBJECTIVE GD 2.2**  
Ensure that City and technology services meet the needs of the community.
  
- Goal GD 3**  
Support the development of a multimodal transportation system for all users.
  - OBJECTIVE GD 3.1**  
Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.
  - OBJECTIVE GD 3.2**  
Provide an accessible, safe, efficient multimodal public transportation system including bus stop amenities designed to maximize the user experience.
  
- Goal GD 4**  
Protect the visual and historic qualities of Coeur d’Alene
  - OBJECTIVE GD 4.1**  
Encourage the protection of historic buildings and sites.

- Goal GD 5**  
Implement principles of environmental design in planning projects.

- OBJECTIVE GD 5.1**  
Minimize glare, light trespass, and skyglow from outdoor lighting.

## Health & Safety

- Goal HS 1**  
Support social, mental, and physical health in Coeur d’Alene and the greater region.

- OBJECTIVE HS 1.1**  
Provide safe programs and facilities for the community’s youth to gather, connect, and take part in healthy social activities and youth-centered endeavors.

- OBJECTIVE HS 1.2**  
Expand services for the city’s aging population and other at-risk groups that provide access to education, promote healthy lifestyles, and offer programs that improve quality of life.

- OBJECTIVE HS 1.3**  
Increase access and awareness to education and prevention programs, and recreational activities.

- Goal HS 3**  
Continue to provide exceptional police, fire, and emergency services.

- OBJECTIVE HS 3.2**  
Enhance regional cooperation to provide fast, reliable emergency services.

- OBJECTIVE HS 3.3**  
Collaborate with partners to increase one on one services.

## Jobs & Economy

- Goal JE 1**  
Retain, grow, and attract businesses

- OBJECTIVE JE 1.1**  
Actively engage with community partners in economic development efforts.

- OBJECTIVE JE 1.2**  
Foster a pro-business culture that supports economic growth.

- Goal JE 3**  
Enhance the Startup Ecosystem

- OBJECTIVE JE 3.1**  
Convene a startup working group of business leaders, workforce providers, and economic development professionals and to define needs.

- OBJECTIVE JE 3.2**  
Develop public-private partnerships to develop the types of office space and amenities desired by startups.

- OBJECTIVE JE 3.3**  
Promote access to the outdoors for workers and workers who telecommute.

- OBJECTIVE JE 3.4**  
Expand partnerships with North Idaho College, such as opportunities to use the community maker space and rapid prototyping (North Idaho College Venture Center and Gizmo) facilities.

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

**O-2-24**

**INTRODUCTION**

This matter having come before the Planning and Zoning Commission on August 13, 2024, to consider O-2-24, a request by City Council to make a recommendation regarding the adoption of a new Article XVII in Chapter 17.05 of the Municipal Code, creating a new zoning district called the University District (U District), and a City Council-initiated zone change for specified properties located in and near the North Idaho College campus .

APPLICANT: City of Coeur d'Alene

LOCATION: Land located in and near the North Idaho College campus (more specifically described below)

**A. FINDINGS OF FACT:**

**The Planning and Zoning Commission finds that the following facts, A1 through A10, have been established on a more probable than not basis, based the record before it, and on the evidence and testimony presented at the public hearing. The Commission also finds that facts A1 through A6 are established through the staff report and presentation, and there is no dispute on these matters.**

**A1.** All public hearing notice requirements have been met for item O-2-24.

- The notice of public hearing was published on July 27, 2024, which satisfies the legal requirement for a Zoning Code amendment and an ordinance changing the zoning classification of specified properties.
- The notices of public hearing were posted on the property in four locations at vehicle entrances to the proposed District on August 5, 2024, which satisfies the applicable legal requirements.
- One hundred fifteen (115) notices of public hearing were mailed to all property owners of record within the District boundaries and within three hundred feet (300') of the subject property on July 29, 2024, which satisfies the legal requirements.
- Notice was sent to all political subdivisions providing services within the planning jurisdiction, including school districts, at least fifteen (15) days prior to the public hearing scheduled before the Commission.

**A2.** Public testimony was received at a public hearing on August 13, 2024.

**A3.** Because this is a City Council-initiated rezoning, the procedures outlined in M.C. § 17.09.130 govern.

**A4.** There are ten (10) private property owners affected by the proposed U District. The remainder of the property within the proposed District boundary is owned by North Idaho College.

- A5.** More specifically, the proposed U District would encompass all properties described below:
- A. All property north of the high water mark of Lake Coeur d'Alene and east of the high water mark of the Spokane River, which lies west of and includes N. Hubbard Street, except any public right-of-way, and south of W. River Avenue.*
  - B. All property north of W. River Avenue east of the high water mark of the Spokane River and west of, and including, the parcel bearing the legal description of North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-015), and south of the City of Coeur d'Alene property utilized for the Advanced Wastewater Treatment Plant.*
  - C. That parcel lying east of W. Hubbard Street bearing the legal description North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-012).*
  - D. All property north of W. River Avenue east of the parcel bearing the legal description of North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-015), including all properties along N. Military Drive, and including parcels bearing the legal description of Fort Sherman Aband Mil Res. TAX#23504 IN LT 14 1450N04W and Fort Sherman Aband Mil Res. TAX#23200 IN LT 14 1450N04W.*
  - E. This District shall overlay any approved Planned Unit Developments (PUD) in the District. To the extent not inconsistent with any applicable PUD approval, the standards of this Chapter shall apply to all property in the District.*
- A6.** The existing zoning of the properties is R-12, R-17, C-17 and C-17L.
- A7.** The 2042 Comprehensive Plan (the "Plan") recognizes a higher education corridor that includes the North Idaho College campus. Under Part 2: About Coeur d'Alene, the Plan includes information concerning the Education Corridor Master Plan and the North Idaho College – North Campus Planned Unit Development (NIC PUD) as "Special Areas," and identifies the Shorelines, Coeur d'Alene Lake and Spokane River, the Floodplain, the Urban Forest, and Views and Vistas as areas of sensitivity to be addressed with development.
- A8.** The Plan Future Land Use Map designations for the properties are the **Civic Place Type** and **Planned Development Place Type**. The Place Types are described as the form of future development envisioned by the residents of Coeur d'Alene in the Comprehensive Plan. These Place Types, in turn, provide the policy level guidance that will inform the City's Development Ordinance. As noted under the Civic definition, schools and education facilities are considered Civic places. Under compatible zoning, it says "Not applicable. Civic Uses may be located in any Place Type." This allows for a new zoning district to be created, such as the proposed U District. The Planned Development Place Type is for areas with approved Planned Unit Developments, such as the one that exists for a portion of the North Idaho College campus.

- A9.** Staff identified the following Plan Goals and Objectives for particular consideration by the Planning and Zoning Commission. The Commission considered all of the Goals and Objectives to determine if the request is in conformance with the Plan.

### **Education & Learning**

#### **Goal EL 3**

Provide an educational environment that provides open access to resources for all people.

##### **OBJECTIVE EL 3.2**

Provide abundant opportunities for and access to lifelong learning, fostering mastery of new skills, academic enrichment, mentoring programs, and personal growth.

##### **OBJECTIVE EL 3.3**

Support educators in developing and maintaining high standards to attract, recruit, and retain enthusiastic, talented, and caring teachers and staff.

#### **Goal EL 4**

Support partnerships and collaborations focused on quality education and enhanced funding opportunities for school facilities and operations.

##### **OBJECTIVE EL 4.1**

Collaborate with the school district (SD 271) to help identify future locations for new or expanded school facilities and funding mechanisms as development occurs to meet Coeur d'Alene's growing population.

##### **OBJECTIVE EL 4.2**

Enhance partnerships among local higher education institutions and vocational schools, offering an expanded number of degrees and increased diversity in graduate level education options with combined campus, classroom, research, and scholarship resources that meet the changing needs of the region.

### **Community & Identity**

#### **Goal CI 1**

Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

##### **OBJECTIVE CI 1.1**

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

### **Environment & Recreation**

#### **Goal ER 1**

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

##### **OBJECTIVE ER 1.1**

Manage shoreline development to address stormwater management and improve water quality.

## Growth & Development

### Goal GD 1

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

#### OBJECTIVE GD 1.5

Recognize neighborhood and district identities.

#### OBJECTIVE GD 1.7

Increase physical and visual access to the lakes and rivers.

### Goal GD 4

Protect the visual and historic qualities of Coeur d'Alene

#### OBJECTIVE GD 4.1

Encourage the protection of historic buildings and sites.

## Jobs & Economy

### Goal JE 3

Enhance the Startup Ecosystem

#### OBJECTIVE JE 3.4

Expand partnerships with North Idaho College, such as opportunities to use the community maker space and rapid prototyping (North Idaho College Venture Center and Gizmo) facilities.

*(The Commission may adopt these and/or other Plan Goals and Objectives as findings – see attached worksheet)*

- A10.** There is no significant financial impact to the City or North Idaho College and the partner institutions affected by this request. However, the approximately ten (10) privately-owned parcels within the district boundaries would be considered legal nonconforming uses if this Article is adopted and the specified properties are rezoned U. Those parcels could continue to be used as personal residences and sold to new owners as legal nonconforming uses pursuant to M.C. § 17.06.915. If a residence is damaged or destroyed such that the cost of repair or replacement exceeds fifty percent (50%) of the replacement cost of the residence as it was immediately prior to the damage, M.C. § 17.06.930(A) would require that the facility be restored to accommodate a conforming activity under the applicable zoning.

*(The commission should add other facts here which it finds are relevant to its decision.)*

## B. CONCLUSIONS OF LAW:

**Based on the foregoing Findings of Fact, the Planning and Zoning Commission makes the following Conclusions of Law.**

- B1. This proposal **(is) (is not)** in conformance with the Comprehensive Plan.
- B2. The proposed Zoning Code amendment and Zone Changes **(do) (do not)** comply with the required evaluation criteria.



- B3. This proposal **(will) (will not)** have a demonstrable adverse impact on the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.
- B4. The proposed Zoning Code amendment **(is) (is not)** in the best interest of the City and its citizens.
- B5. The proposed Zone Change for the specified properties **(is) (is not)** in the best interest of the City and its citizens.

*(Note: The Commission need not recommend a zone change for all of the specified properties. If the Commission recommends a zone change for fewer than all of the specified properties, the affected properties must be identified.)*

**C. DECISION**

- C1. The Planning and Zoning Commission, pursuant to the foregoing Findings of Fact and Conclusions of Law, recommends that the City Council **(adopt) (adopt with amendments) (reject)** the Zoning Code amendment.
- C2. The Planning and Zoning Commission further recommends that the City Council **(approve) (conditionally approve) (approve with modifications) or (deny)** the zone change for the specified properties, or **(defer action until completion of such studies or plans as may be necessary to determine the advisability of the proposal).**

**Motion by Commissioner , seconded by Commissioner , to \_\_\_\_\_. Motion carried.**

ROLL CALL:

Commissioner Fleming	Voted (Aye) (Nay)
Commissioner Ingalls	Voted (Aye) (Nay)
Commissioner Luttrupp	Voted (Aye) (Nay)
Commissioner Coppess	Voted (Aye) (Nay)
Commissioner McCracken	Voted (Aye) (Nay)
Commissioner Ward	Voted (Aye) (Nay)
Chairman Messina	Voted (Aye) (Nay)

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