

PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS

AUGUST 28, 2007

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

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

5:30 P.M. CALL TO ORDER:

ROLL CALL: Bruning, Bowlby, Luttrupp, Jordan, Rasor, Messina, Souza

APPROVAL OF MINUTES:

June 10, 2007

PUBLIC COMMENTS:

COMMISSION COMMENTS:

STAFF COMMENTS:

PUBLIC HEARINGS:

1. Applicant: Michael & Linda Gunderson
 Location: 304 & 306 W. Haycraft Avenue
 Request: A proposed zone change from R-12 (Residential at 12 units/acre) to C-17L (Commercial Limited) QUASI-JUDICIAL, (ZC-11-07)

2. Applicant: Puran Singh
 Location: 1036 N. 15th Street
 Request: A proposed zone change from R-12 (Residential at 12 units/acre) to NC (Neighborhood Commercial) QUASI-JUDICIAL, (ZC-12-07)

3. Applicant: Singh & Singh Partnership
 Location: 1003 N. 15th
 Request: A proposed zone change from R-12 (Residential At 12 units/acre) to NC (Neighborhood Commercial) QUASI-JUDICIAL, (ZC-13-07)

ADJOURNMENT/CONTINUATION:

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

Motion by _____,seconded by _____ , to adjourn meeting; motion carried unanimously.

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



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

COMMISSIONERS PRESENT

John Bruning, Chairman
Heather Bowlby
Brad Jordan
Tom Messina
Scott Rasor

STAFF MEMBERS PRESENT

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

COMMISSIONERS ABSENT

Mary Souza

CALL TO ORDER

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

APPROVAL OF MINUTES:

Motion by Rasor, seconded by Messina, to approve the minutes of the Planning Commission meeting held on June 12, 2007.

COMMISSION COMMENTS:

Commissioner Messina commented that he had a brief conversation with one of the owners involved with the public hearing and felt he needed to disclose this discussion in case he becomes involved with the project in the future.

STAFF COMMENTS:

Senior Planner Stamsos announced items ZC-8-07 and ZC-9-07 approved by the Planning Commission on June 12, 2007, is scheduled to be heard at the next City Council Meeting scheduled on July 17, 2007.

ELECTIONS:

1. Chairman and Vice-Chairman

Motion by Rasor, seconded by Messina, to nominate John Bruning to Chairman, and Commissioner Jordan to Vice-Chairman. Motion approved.

PUBLIC COMMENTS:

None.

PUBLIC HEARINGS

1. Applicant: Fernan Lake Preservation, LLC.
Location: Between Potlatch Hill Road and Fernan Lake,
Just west of Armstrong Park subdivision

Request:
 - A. A proposed 7.03 acre PUD "Lake Fernan Heights" located in the R-3 (Residential at 3 units/acre) zoning district. QUASI-JUDICIAL (PUD-4-07)
 - B. A proposed 22.20 acre 8-lot preliminary plat "Lake Fernan Heights" QUASI-JUDICIAL (S-7-07)

Associate Planner Stamos presented the staff report, gave the mailing tally as 3 in favor, 27 opposed, and 1 neutral and answered questions from the Commission.

Commissioner Bowlby commented that she has a concern with the odors in the area and questioned how the applicant intends to inform future buyers of this problem.

Don Keil, Assistant Superintendent, City of Coeur d'Alene Wastewater Department, explained that the existing public sewer system is located in an area that can not be easily moved, and suggested that the developer provide language in the CC&RS warning of potential odors in the area.

Commissioner Bowlby inquired in the future if this problem can ever be solved.

Mr. Keil explained that the recommendations listed in the staff report with the PUD should help remedy the problem and commented that in the past he is not aware of any complaints from odors in the area.

Chairman Bruning inquired, before the hearing begins, if any Commissioners had a conflict of interest.

Commissioner Bowlby commented that she lives near Fernan Village and had recently received calls from neighbors wanting information about this project. She explained that she could not discuss the up-coming hearing because of a conflict and suggested that they call the City, or the applicant for the information they needed.

Public testimony open

Phil Boyd, applicant representative, 1626 Lincoln Way, Coeur d'Alene, presented a PowerPoint presentation explaining the project and then answered questions from the Commission.

Rann Haight, architect, P.O. Box 1752, Coeur d'Alene, explained that as he was the designer and that the seven lots were chosen for these homes to have the best views possible, allowing the applicant the ability to pay off the remainder of the property from the sale of these homes. He added that the intent of the applicant is to build the minimal amount of homes leaving the remainder of the property untouched. He commented that staff has been very helpful with their input on the design of the project and feels if this project is approved, it will be a win/win for the developer and the City.

Pat Acuff, 112 Hazelwood Drive, Coeur d'Alene, gave a brief history of the project and how this project has been planned for 12 years. He commented that he agrees with the conditions listed in the staff report and feels if this project is approved it will be a quality project. He commented that he sympathizes with the feelings of the neighborhood that this land should not be developed, but feels that the number of homes proposed will not be much of an impact for the area. He added that he feels this is the best design for this property, and if denied, another project maybe proposed in the future not as desirable as the one presented tonight.

Commissioner Bowlby questioned if the CC&R'S will contain the language for the construction of future docks and that when a dock is constructed, what the plans are there for a trail are leading to the dock.

Mr. Acuff commented that in the past there has been discussions for a dock, but feels that decision will be determined by the members of the Homeowner's Association and feels a trail should not be proposed because it would be to disruptive to the property.

Chairman Bruning inquired regarding the legal process allowing the 47 acres to remain as open space.

Mr. Acuff commented that he would like to donate the remaining 47 acres to the Parks Foundation and is seeking legal advice on how that process will work for the donation.

Art Flagan, 3250 Armstrong Court, Coeur d'Alene, commented that he is currently the president of the homeowner's association for Armstrong Park representing the people living in this development and they feel if this project is approved, will be a disservice for the people living in this area. He explained that in the past, there have been ongoing problems with the current water system and that these additional homes proposed will not help this current water situation. He added that he feels the private street proposed should be made a public street and built to City standards. He commented that the road proposed is too narrow.

Commissioner Bowlby commented that she understands the developer's intent for the use of a narrow street and explained that if a standard 36 foot street is constructed would disrupt the building envelopes proposed for the project.

Louis Garbrecht, 964 Armstrong Park, Coeur d'Alene, commented that he is concerned with how steep the hillside is, especially when traveling in the winter, as the guardrail has been hit many times. He added that this project is a complicated matter and should be continued for further discussion.

Michelle Garcia, 849 Centennial Court, Coeur d'Alene, commented that she is concerned that only a few people were notified about this project and feels that more time should be given before a decision is made. She explained that this project is incompatible with the area and agrees that the slopes are dangerous in the winter.

She commented that Lake Fernan is a great place for area families to enjoy and needs to be protected.

Commissioner Messina questioned if staff could explain how people are notified for upcoming public hearings.

Senior Planner Stamos explained that notices are sent to people living within 300 feet of the subject property with the notice for the public hearing published twice in the paper.

Debra Verbillis, 212 Lakeview Drive, Coeur d'Alene, commented that she is opposed to the project and agrees further discussion is needed on the entire footprint before this project is approved. She added that she feels this parcel should be dedicated as part of a passive park preserve and does not comply with the Hillside Ordinance.

Kent Butler, 101 Theis Drive, Coeur d'Alene, commented that he is opposed since his home is directly behind this property. He commented that he has concerns that the different species of birds and wildlife

in the area will not be protected and explained that in the past, the City of Fernan has been active in helping to preserve this area for those issues, and if this project is approved these issues will be ignored. He agrees that further discussion is needed before a decision is made and commented that this is a small community and before there had been some representation, but that representation is gone since the Mayor of the City of Fernan is the person proposing this project.

Sue Bowser, 2203 E. Lakeside Avenue, Coeur d'Alene, commented that this project will have an environmental impact on the spawning beds in this area and questioned if this project is approved, if there will be a second phase for this project.

Jerry Garrett, 222 Lakeview Drive, Coeur d'Alene, commented that he is concerned with the location of this project as a potential fire hazard and explained when the winds blow from the west contribute to this problem. He added that he is not opposed to this project and feels the applicants are honorable men and will do a good job, but is concerned with this issue.

Virginia Tate, 4176 Potlatch Hill Road, Coeur d'Alene, commented that she lives directly in back of the applicant's property, and when Armstrong Park was proposed, a fire hydrant was to be placed at the corner of Sky harbor Drive and Potlatch Hill Road, which was never done. She added that she is not opposed to the project, but would like to meet with the developers to resolve this issue.

REBUTTAL:

Phil Boyd commented that after reviewing the site plan with staff, he found that even through the road will not be built to City standards; a safe road can be constructed. He addressed fire flow issues brought up in previous testimony and explained that after discussions with the City Water Department felt that water flows in this area were more than adequate to accommodate the seven homes proposed. He added that there is not a phase two proposed for this project and that the issues with the fire hydrants will be addressed with the applicant.

Chairman Bruning inquired regarding the distance from the lake to the property lot line.

Mr. Boyd commented that he would estimate the distance to be 400 feet.

Commissioner Razor inquired if a dock is proposed in the future, will a trail also be proposed that would be used for people to get to the dock safely and help control erosion problems.

Mr. Boyd commented that it is the intent of the applicant to leave as much of the property untouched as possible including the construction of a trail.

Senior Planner Stamsos commented that if the applicant proposed to put in a trail that request would have to come back for approval by the Planning Commission, since it is not shown on the site plan submitted for this PUD.

Commissioner Bowlby commented that the slopes in this area are steep and understands that widening the road will affect the building envelopes proposed for the project. She added that she has concerns with the amount of snow accumulated in the winter and questioned where the applicant intends to store the snow when removed from the property.

Mr. Boyd explained that since the street will be 26 feet wide, with six visitor parking spaces provided, that when not used for parking, that some of the extra space can be used for snow removal and storage.

Mr. Acuff explained the reason this property was considered for development is because the people who originally invested in the property long ago backed. This left only a few people who were interested in preserving the property but, they did not have enough money to buy the property. He added that the intent for this project is to develop the seven lots to provide a return on their investment thus, making it feasible

to preserve the remainder of the property in its natural state. He continued, that if this project is approved it, can be a win/win for the City, since a large part of this property will not be developed and continued to be used by the public.

Commissioner Bowlby inquired if some of the lots could be reduced for this project.

Mr. Acuff explained that the number of lots submitted is just enough to help cover the investment of the property, and the fees associated with the development including the construction of a water line that is expensive.

Commissioner Bowlby commented that she is also concerned with the potential of fires in this area and the need for additional fire hydrants if this project is approved. She added that if a dock is placed in the future that a trail should be constructed allowing people to access the dock.

Mr. Acuff commented that in the future if a dock and trail is considered than that decision will be made by future homeowners.

Chairman Bruning commented that two of the lots that are over the 35% slope grade and questioned how the applicant intends to work with these two lots.

Senior Planner Stamsos responded that the applicant would not be allowed to develop those without the PUD and explained that those lots over 35% are allowed as a deviation through the of PUD.

Public testimony closed.

DISCUSSION:

Commissioner Razor inquired if a condition should be added preventing a dock placed in the water.

Senior Planner Stamsos answered that docks are regulated by the Department of Lands and feels that this would be difficult to do.

Commissioner Bowlby commented that if this land is intended for public use, this would be hard to restrict.

Commissioner Razor commented that he feels a trail is needed before he could give approval for this request.

Commissioner Messina commented that if people know there is a dock in the water people will find a way to get to the dock with or without a trail.

Commissioner Bowlby commented that she is uncomfortable with two parcels and how steep they are and understands that any lots eliminated will cut into the profit needed by the applicant. She commented that she concurs from hearing previous testimony that narrow streets are a concern especially for snow removal.

Chairman Bruning commented that he prefers narrow streets over wide streets so bigger cuts are not allowed on the hillside.

Commissioner Bowlby commented that she is concerned with the odors and hopes in the future this problem can be resolved.

Senior Planner Stamsos commented that in a past hearing for Mill River, people living in that area had concerns with odors and that the developer promised to disclose this issue with potential buyers.

Commissioner Jordan commented that the applicant is proposing seven lots with the remainder of the parcel given to the City as open space. He added that when Armstrong Park was approved it had issues similar to the ones heard tonight. He commented that he feels this will be a quality development and feels if this is not approved somebody may come back with a different proposal that will not be as generous as what is presented tonight. He commented that he feels this is a land use issue and a decision needs to be made based on that issue and is in favor of this request.

Chairman Bruning concurs with Commissioner Jordan, and added that when Armstrong Park was approved, the Hillside Regulations were not in affect and that for this project, those regulations will need to be met.

Motion by Jordan, seconded by Messina, to approve Item PUD-4-07. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Nay

Motion to approve carried by a 3 to 1 vote.

Motion by Jordan, seconded by Messina, to approve Item S-7-07. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Nay

Motion to approve carried by a 3 to 1 vote.

ADJOURNMENT:

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

The meeting was adjourned at 9:00 p.m.

Respectfully submitted by John Stamsos, Senior Planner

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION
STAFF REPORT**

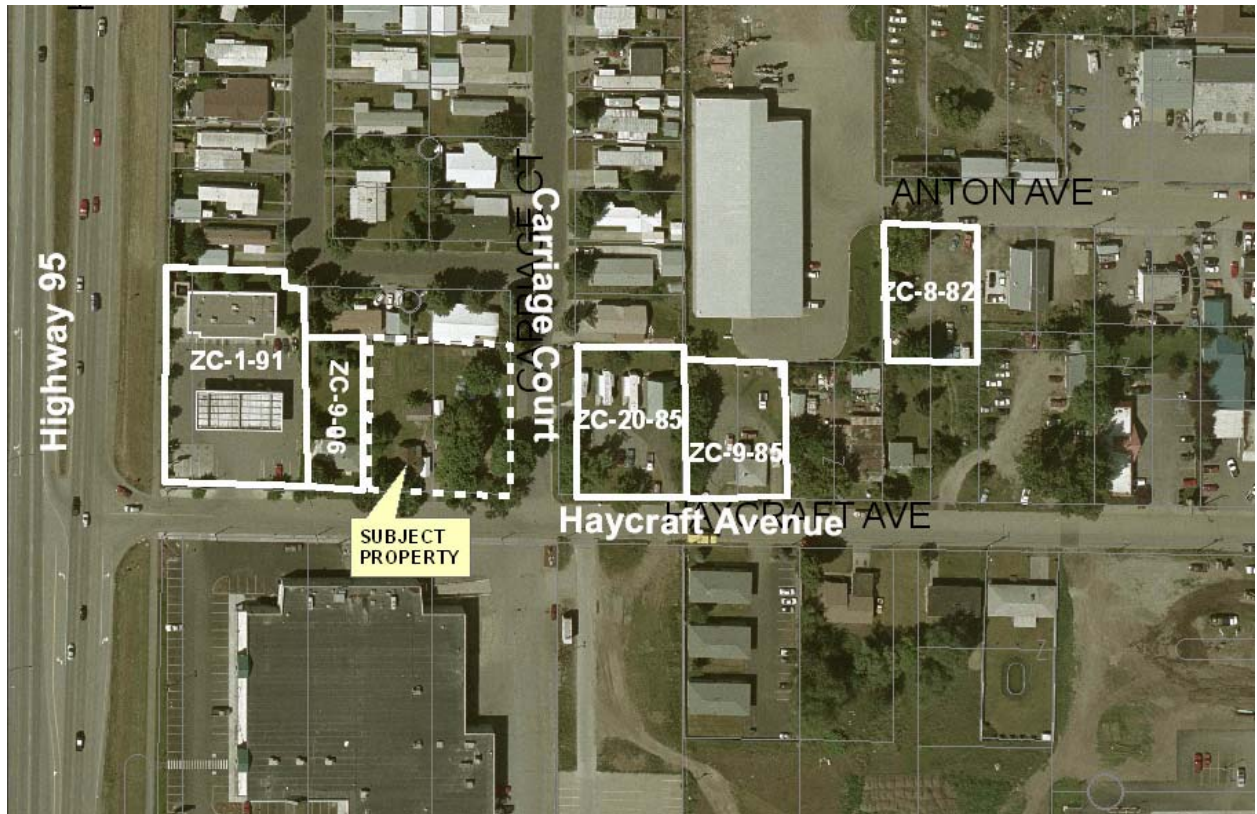
FROM: JOHN J. STAMOS, ASSOCIATE PLANNER
DATE: AUGUST 28, 2007
SUBJECT: ZC-11-07 – ZONE CHANGE FROM R-12 TO C-17L
LOCATION +/- 10,367 SQ. FT. PARCEL AT 304 & 306 W. HAYCRAFT AVENUE

DECISION POINT:

Michael and Linda Gunderson are requesting a Zone Change from R-12 (residential at 12 units per gross acre) to C-17L (Commercial Limited at 17 units/acre) at 304 & 306 West Haycraft Avenue.

SITE PHOTOS:

A. Site photo



B. Houses on subject property.

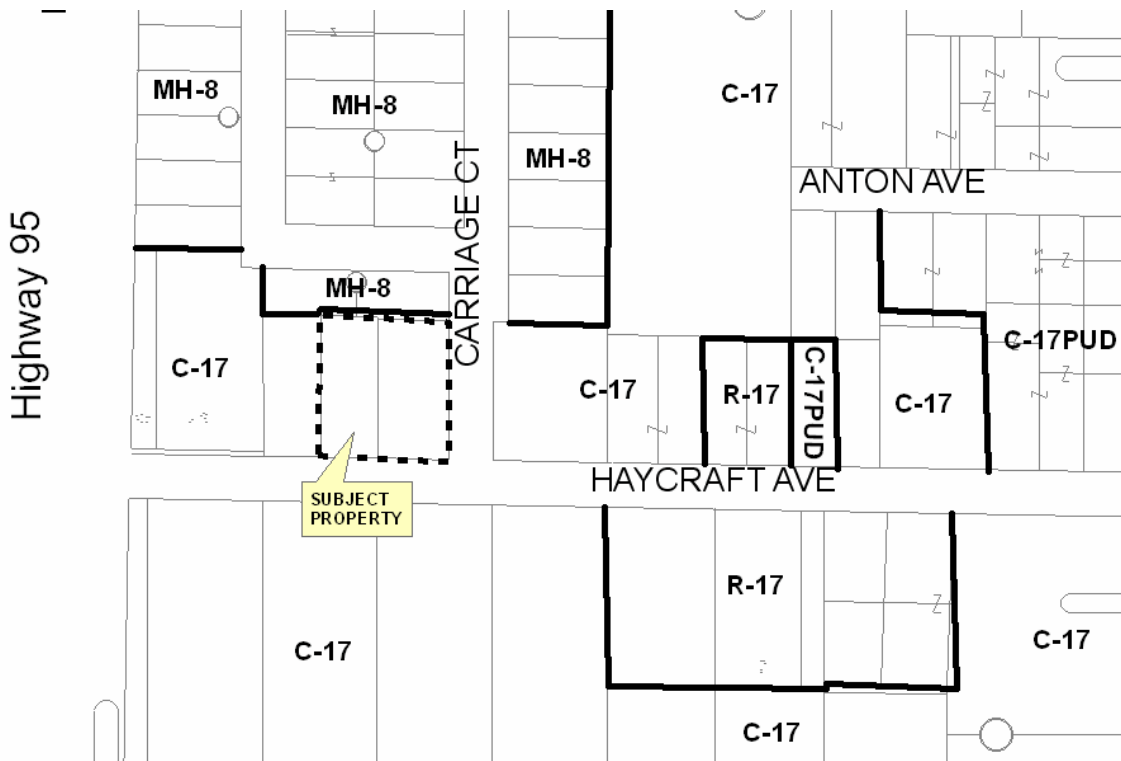


C. Carriage Court on east side of subject property

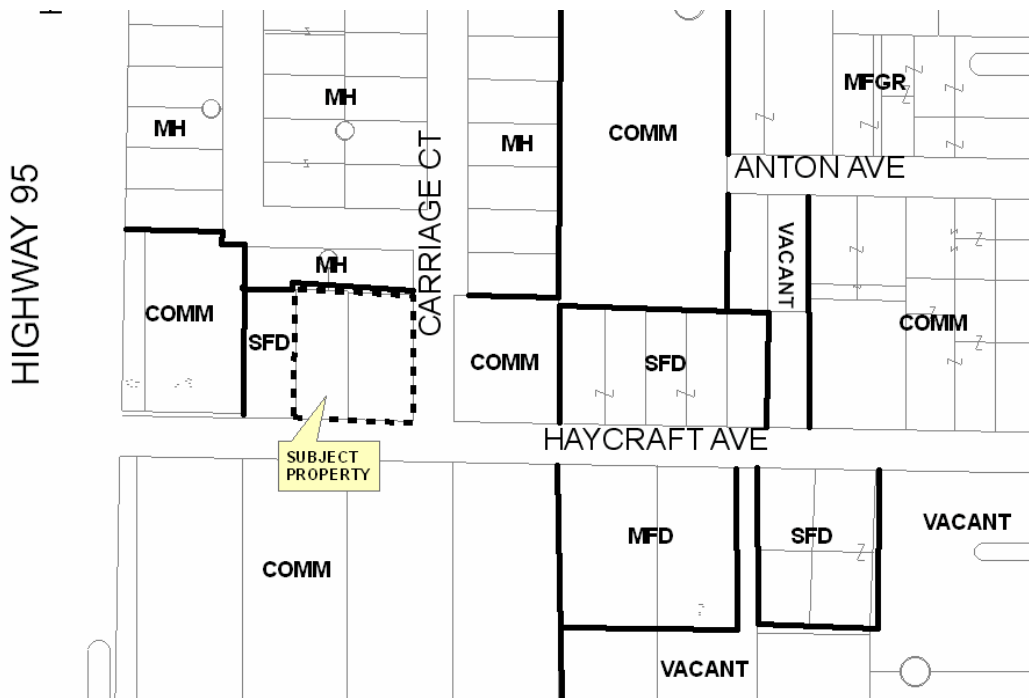


GENERAL INFORMATION:

A. Zoning:



B. Generalized land use pattern:



C. Applicant/: Michael and Lynda Gunderson
Owner 15509 Lofthill Drive

- D. Land uses in the area include residential - single-family, mobile homes and multi-family, commercial – retail sales and service, manufacturing and vacant land.
- E. The subject property contains a single-family dwelling.
- F. Previous actions on surrounding property (See page 1):
 - 1. ZC-8-82 R-17 to C-17
 - 2. ZC-9-85 R-12 to C-17
 - 3. ZC-20-85 R-12 to C-17
 - 4. ZC-1-91 R-12 to C-17
 - 5. ZC-9-06 R-12 to C-17L

PERFORMANCE ANALYSIS:

- A. Zoning:

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

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

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

Principal permitted uses:

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

Commercial film production.

Uses permitted by special use permit:

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

The zoning and land use patterns for this area (See page 2) indicate C-17 zoning on both sides of Haycraft Avenue with a mix of commercial and residential uses. The subject property also abuts the Carriage Court mobile home subdivision which is zoned MH-8 and contains 30

Evaluation: The Planning Commission, based on the information before them, must determine if the C-17L zone is appropriate for this location and setting.

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

The subject property is within the existing city limits.

The Comprehensive Plan Map designates this area as "T" (Transition). The subject property is in close proximity to Highway 95 which is designated as an "HIC" (High Intensity Corridor). Descriptions of these two designations are as follows:

Transition Areas:

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

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

High Intensity Corridors:

These are established as the primary areas where significant auto oriented community sales/service and wholesale activities should be concentrated.

- Encourage auto oriented commercial uses abutting major traffic corridors.
- The development should be accessible by pedestrian, bicycle, and auto.
- Residential uses may be allowed but not encouraged. Low intensity residential uses are

- discouraged.
- Encourage manufacturing/warehousing uses to cluster into districts served by major transportation corridors.
- Arterial /collector corridors defined by landscaping/street trees.
- Development may be encouraged to utilize large areas adjacent to these transportation corridors.

In reviewing all projects, the following should be considered:

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

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

Significant policies for consideration:

- 4C: “New growth should enhance the quality and character of existing areas and the general community.”
- 6A: “Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.”
- 6A2: “Encourage high-intensity commercial development, including professional offices, to concentrate in existing areas so as to minimize negative influences on adjacent land uses, such as traffic congestion, parking and noise.
- 6A3: “Commercial development should be limited to collector and arterial streets.”
- 15G: “City government should be responsive to the needs and desires of the citizenry.”
- 42A: “The physical development of Coeur d’Alene should be directed by consistent and thoughtful decisions, recognizing alternatives, affects and goals of citizens
- 42A2: “Property rights of citizens should be protected in land use decisions.”
- 46A: “Provide for the safe and efficient circulation of vehicular traffic.”
- 47C1: “Locate major arterials and provide adequate screening so as to minimize levels of noise pollution in or near residential areas.”
- 51A: “Protect and preserve neighborhoods both old and new.”
- 51A4: “Trees should be preserved and protected by support of the Urban Forestry Program and indiscriminate removal discouraged.”
- 51A5: “Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects.”
- 62A: “Examine all new developments for appropriateness in regard to the character of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects.”

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

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

WATER:

Water is available to the subject property.

Evaluation: The property is bordered with a 6" main in Haycraft and each lot has an existing service. Fire services may be required and can be supplied by the current mains.

Submitted by Terry Pickel, Assistant Water Superintendent

SEWER:

Public sewer is available.

Evaluation: Public sewer is available in Haycraft avenue and is of adequate capacity to support the applicants request for this zone change.

Submitted by Don Keil, Assistant Wastewater Superintendent

STORMWATER:

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

TRAFFIC:

There is no defined use for the subject property; therefore, traffic estimates cannot be generated. This proposed rezoning would, in theory, allow other uses that could generate additional traffic and any change in use and related traffic impacts are evaluated prior to issuance of building permits. The Development Impact Fee Ordinance requires any extraordinary traffic impacts to be mitigated by the applicant as a condition of permit issuance. Therefore, potential traffic impacts need not be addressed at this time.

STREETS:

The proposed subdivision is bordered by Haycraft Avenue to the south and Carriage Court to the east. The current right-of-way widths for both Haycraft Avenue and Carriage Court are fifty feet (50') and do not meet City standards.

Evaluation: An additional five feet (5') of right-of-way on Haycraft Avenue must be granted prior to the final approval of the zone change request to allow for any future widening of the roadway as you approach US Hwy. 95. This would be consistent with the additional five feet (5') that was acquired from the Holiday Gas company at the northeast corner of Hwy 95 and Haycraft Avenue.

APPLICABLE CODES AND POLICIES:

STREETS

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

STORMWATER

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

Submitted by CHRIS BATES, ENGINEERING PROJECT MANAGER

FIRE:

Prior to any site development, the Fire Department will address issues such as water supply, fire hydrants and access.

Submitted by Brian Halverson, Fire Inspector

POLICE:

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

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

The subject property is flat with no physical constraints.

Evaluation: There are no physical limitations to future development.

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

Potential commercial uses could affect traffic on Haycraft Avenue which is in a neighborhood that is in transition from residential to commercial uses.

Evaluation: The Planning Commission must determine if the C-17L zone is appropriate in this location and setting.

F. Proposed conditions:

From Engineering Department

1. Dedicate five feet (5') of right-of-way along the Haycraft Avenue frontage prior to the final approval of the zone change.

G. Ordinances and Standards Used In Evaluation:

Comprehensive Plan - Amended 1995.
Municipal Code.
Idaho Code.

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

ACTION ALTERNATIVES:

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

[F:staffrptsZC1107]

PROPERTY INFORMATION

- 1. Gross area: (all land involved): 5960 acres, and/or 22,913 sq.ft.
- 2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): _____ acres, and/or 22,913 sq. ft.
- 3. Total length of streets included: 301.29 ft., and/or 0.57 miles.
- 4. Total number of lots included: 2
- 5. Average lot size included: 0.29
- 6. Existing land use: RESIDENTIAL
- 7. Existing Zoning (circle all that apply): R-1 R-3 R-5 R-8 **R-12** R-17 MH-8
NC CC C-17 C-17L DC LM M
- 8. Proposed Zoning (circle all the apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8
NC CC C-17 **C-17L** DC LM M

JUSTIFICATION

Proposed Activity Group; COMMERCIAL BUSINESS

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

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

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

A. INTRODUCTION

This matter having come before the Planning Commission on, August 20, 2007, and continued to August 28, 2007, there being present a person requesting approval of ITEM ZC-11-07, a request for a zone change from R-12 (residential at 12 units per gross acre) to C-17L (Commercial Limited at 17 units/acre)

LOCATION +/- 10,367 sq. ft. parcel at 304 & 306 W. Haycraft Avenue

APPLICANT: Michael and Linda Gunderson

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

(The Planning Commission may adopt Items B1-through7.)

- B1. That the existing land uses are residential - single-family, mobile homes and multi-family, commercial – retail sales and service, manufacturing and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is R-12 (residential at 12 units per gross acre)
- B4. That the notice of public hearing was published on, August 4, 2007, and, August 14, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, August 11, 2007, which fulfills the proper legal requirement.
- B6. That 45 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, August 3, 2007, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on August 20, 2007.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

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

Criteria to consider for B9:

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

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

Criteria to consider for B10:

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

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

Criteria to consider for B11:

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

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **MICHAEL AND LINDA GUNDERSON** for a zone change, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Razor	Voted _____
Commissioner Souza	Voted _____

Chairman Bruning Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN JOHN BRUNING

**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMSOS, SENIOR PLANNER
DATE: AUGUST 28, 2007
SUBJECT: ZC-12-07 – ZONE CHANGE FROM R-12 TO NC
LOCATION – +/- 10,802 SQ. FT. PARCEL AT 1036 NORTH 15TH STREET

DECISION POINT:

Puran Singh is requesting a zone change from R-12 (residential at 12 units per gross acre) to NC (Neighborhood Commercial) at 1036 North 15th Street.

SITE PHOTOS:

A. Aerial photo



B. Convenience store on subject property.



C. Looking east on Elm Avenue...

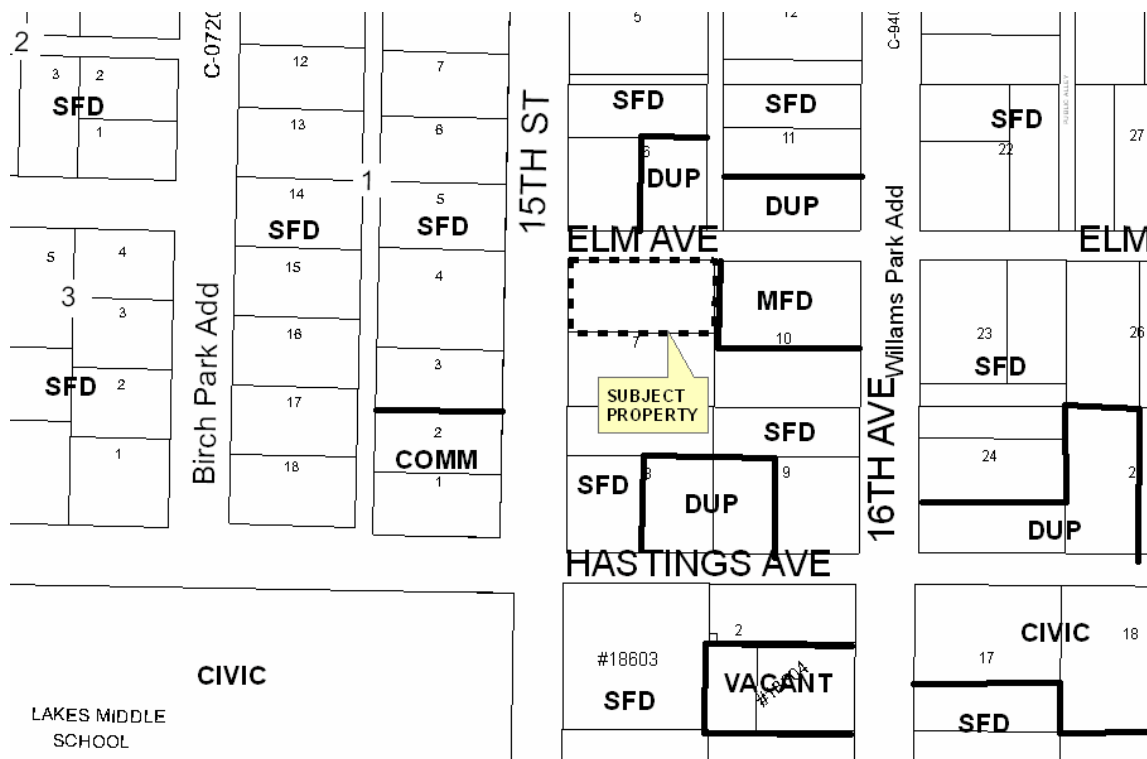


GENERAL INFORMATION:

A. Zoning:



B. Generalized land use pattern:



- C. Applicant: Puran Singh
Owner 4297 North Echo Glen
Coeur d'Alene, ID 83815
- D. Land uses in the area include residential - single-family, duplex and multi-family, commercial – retail sales, civic and vacant land.
- E. The subject property is occupied by a convenience store that has been on the subject property since 1907 and is a non-conforming activity in the R-12 zoning district (Convenience sales are allowed in the R-12 zone by Special Use Permit). Other commercial uses are prohibited in residential zones.

PERFORMANCE ANALYSIS:

- A. Zoning:

Approval of the zone change request would intensify the potential uses on the property by allowing commercial retail sales and service uses on a parcel that only allows residential and civic uses. This use and the convenience store across the street are the only two commercial uses along 15th Street between Sherman Avenue and Avista, just north of the I-90 freeway. Also, there is no commercial zoning along this same length of 15th Street.

It would also bring the existing nonconforming activity into conformance with the zoning ordinance with respect to use but not in terms of facility requirements such as parking, landscaping and swale requirements. Any expansion, alteration or addition of the facility would require compliance with the above items.

Neighborhood Commercial District:

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

Principal permitted uses:

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

By special use permit:

Religious Institutions
Schools

Prohibited:

Industrial
Warehouses

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

Maximum Building Height:

32 feet

Maximum Floor Area Ratio:

Non-Residential: 1.0
Total: 1.5

Maximum Floor Area:

4,000 sq. ft. for Retail Uses
8,000 sq. ft. for all Non-Residential Uses

Minimum Parking:

3 stalls per 1000 sq. ft. of non-residential floor area
1.5 stalls per dwelling unit

Setbacks from any adjacent Residential District:

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

Limited Hours of Operation:

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

Screening along any adjacent Residential District:

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

Landscaping:

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

Design Standards:

- a. At least 50% of any first floor wall facing an arterial street shall be glass.
- b. If a building does not abut the sidewalk, there shall be a walkway between the sidewalk and the primary entrance.
- c. Surface parking should be located to the rear or to the side of the principal building.
- d. Trash areas shall be completely enclosed by a structure of construction similar to the principal building. Dumpsters shall have rubber lids.

- e. Buildings shall be designed with a residential character, including elements such as pitched roofs, lap siding, and wide window trim.
- f. Lighting greater than 1 footcandle is prohibited. All lighting fixtures shall be a “cut-off” design to prevent spillover.
- g. Wall-mounted signs are preferred, but monument signs no higher than 6 feet are allowed. Roof-mounted signs and pole signs are not permitted. *
- h. Signs shall not be internally lighted, but may be indirectly lighted. *

* Sign standards would be incorporated into sign code.

The zoning and land use maps (page 3) show this convenience store and the one at 15th and Hastings as the only two commercial uses or parcels zoned commercial between Sherman Avenue and the Avista facility just north of Interstate 90.

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

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

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

Stable Established Areas:

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

- For areas below the freeway, overall buildout density approximately = 5 du/acre. Individual lot size is typically not smaller than 5,500 sq. ft. (12 du/acre).
- Encourage residential when close to jobs and other services.
- Discourage uses that are detrimental to neighboring uses.
- Pedestrian/bicycle connections.
- Encourage vacant lot development that is sensitive to neighboring uses.

3. In reviewing all projects, the following should be considered:

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

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

4. Significant policies for consideration:

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

general community.”

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

6A2: “Encourage high-intensity commercial development, including professional offices, to concentrate in existing areas so as to minimize negative influences on adjacent land uses, such as traffic congestion, parking and noise.

6A3: “Commercial development should be limited to collector and arterial streets.”

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

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

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

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

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

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

WATER:

Water is available to the subject property.

Evaluation: The specified property is bordered by a 12” main on two sides and currently has an existing domestic service. Additional services can be available.

Terry Pickel, Assistant Water Superintendent

SEWER:

Public sewer is available.

Evaluation: Public sewer is available in both 15th Avenue and Elm Street. Both lines are of adequate capacity to support the applicants request for this zone change and no known capacity issues have been noted with the existing store.

Don Keil, Assistant Wastewater Superintendent

STORMWATER:

The subject property is currently developed, however, if the site is altered, stormwater issues will be addressed at that time.

TRAFFIC:

The ITE Trip Generation Manual estimates the project may generate approximately 52 trips during the peak hour periods.

Evaluation: The adjoining intersection of 15th & Elm is currently a bottleneck for southbound traffic turning eastbound on Elm. Traffic counts from 2006 on Fifteenth Street (completed by Idaho Transportation Dept.) show 7,203 and 5,872 vehicles north and southbound respectively at the 15th & Penn intersection. Increasing the use on the subject property may result in additional congestion of the intersection.

STREETS:

The subject property is bordered by 15th Street to the west and Elm Avenue to the north. The current right-of-way width for 15th Street meets City standards; however, the total right-of-way for Elm Avenue is only thirty feet (30'), which is thirty feet (30') less than standard.

Evaluation: The existing building on the subject property currently encroaches into the front and rear yard setback areas and acquisition of any right-of-way on the Elm Avenue street frontage would exacerbate the problem.

SUBMITTED BY CHRIS BATES, ENGINEERING PROJECT MANAGER

FIRE:

Prior to any site development, the Fire Department will address issues such as water supply, fire hydrants and access.

Submitted by Brian Halverson, Fire Inspector

POLICE:

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

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

The subject property is level with no significant topographic features.

Evaluation: There are no physical limitations to future development.

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

The subject property is located on 15th Street, which is an arterial street. The existing convenience store is a nonconforming use, was established many years ago and is located adjacent to a residential neighborhood.

Evaluation: The Planning Commission must determine if commercial zoning is appropriate in this location and setting.

F. Proposed conditions:

None.

G. Ordinances and Standards Used In Evaluation:

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

ACTION ALTERNATIVES:

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

[F:staffrptsZC1207]

PROPERTY INFORMATION

1. Gross area: (all land involved): 0.248 acres, and/or 10,802 sq.ft.
2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): _____ acres, and/or _____ sq. ft.
3. Total length of streets included: 73 ft., and/or _____ miles.
4. Total number of lots included: 1
5. Average lot size included: 73' x 148'
6. Existing land use: Convenience Store
7. Existing Zoning (circle all that apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8
C-17 C-17L C-34 LM M
8. Proposed Zoning (circle all the apply): R-1 P-3 R-5 R-8 R-12 R-17 MH-8
C-17 C-17 C-34 LM M

Nice

JUSTIFICATION

Proposed Activity Group; _____

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

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

WOULD LIKE TO CONTINUE COMMERCIAL
USE PROVIDING A STORE FOR
THE NEIGHBORHOOD. POSSIBLY A
SMALLER STORE OR A VARIETY OF
THAT.

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

A. INTRODUCTION

This matter having come before the Planning Commission on, August 20, 2007, and August 28, 2007, there being present a person requesting approval of ITEM ZC-12-07, a request for a zone change from R-12 (residential at 12 units per gross acre) to NC (Neighborhood Commercial)

LOCATION: +/- 10,802 sq. ft. parcel at 1036 North 15th Street

APPLICANT: Puran Singh

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

(The Planning Commission may adopt Items B1-through7.)

- B1. That the existing land uses are residential - single-family, duplex and multi-family, commercial – retail sales, civic and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is R-12 (residential at 12 units per gross acre)
- B4. That the notice of public hearing was published on, August 4, 2007, and, August 14, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, August 11, 2007, which fulfills the proper legal requirement.
- B6. That 67 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, August 3, 2007, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on August 20, 2007.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

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

Criteria to consider for B9:

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

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

Criteria to consider for B10:

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

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

Criteria to consider for B11:

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

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **PURAN SINGH** for a zone change, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

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

Chairman Bruning Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN JOHN BRUNING

**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMSOS, SENIOR PLANNER
DATE: AUGUST 28, 2007
SUBJECT: ZC-13-07 – ZONE CHANGE FROM R-12 TO NC
LOCATION – +/- 16,204 SQ. FT. PARCEL AT 1003 NORTH 15TH STREET

DECISION POINT:

Singh & Singh Partnership is requesting a zone change from R-12 (residential at 12 units per gross acre) to NC (Neighborhood Commercial) at 1003 North 15th Street.

SITE PHOTOS:

- A. Aerial photo



- B. Convenience store on subject property.



- C. Looking north on 15th Street.

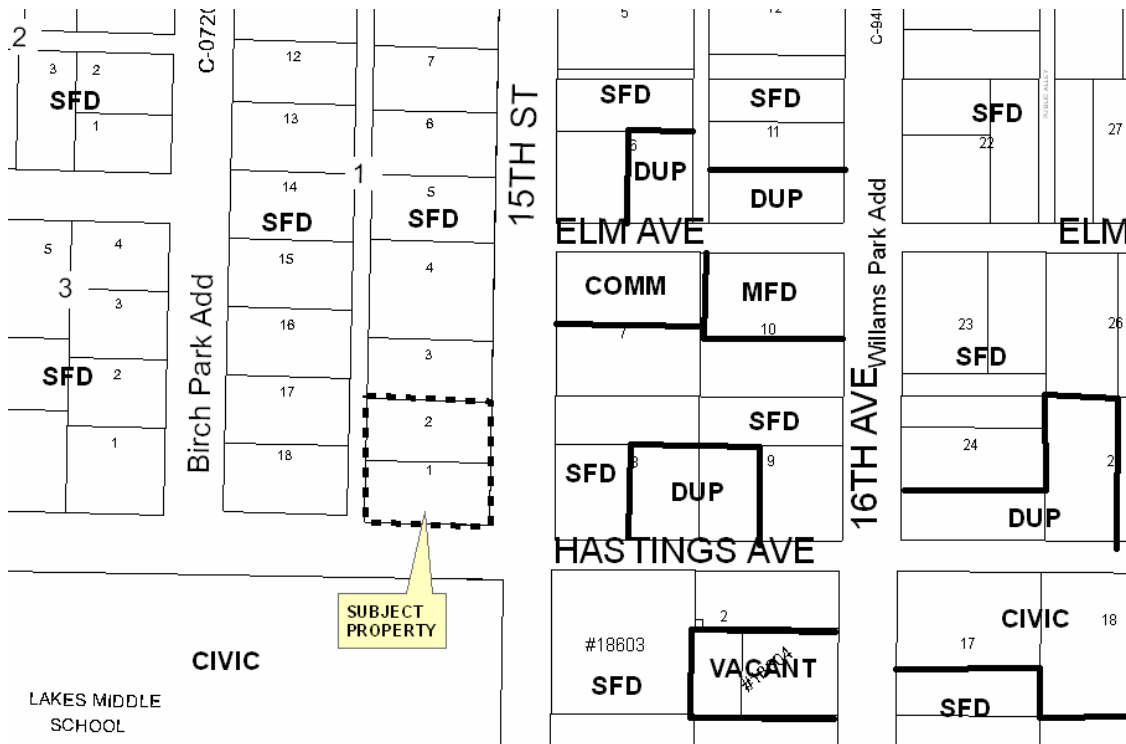


GENERAL INFORMATION:

A. Zoning:



B. Generalized land use pattern:



- C. Applicant: Singh & Singh Partnership
Owner 4297 North Echo Glen
Coeur d'Alene, ID 83815
- D. Land uses in the area include residential - single-family, duplex and multi-family, commercial – retail sales, civic and vacant land.
- E. The subject property is occupied by a convenience store that that has been on the subject property since 1964 and is a non-conforming activity in the R-12 zoning district (Convenience sales are allowed in the R-12 zone by Special Use Permit). Other commercial uses are prohibited in residential zones.

PERFORMANCE ANALYSIS:

- A. Zoning:

Approval of the zone change request would intensify the potential uses on the property by allowing commercial retail sales and service uses on a parcel that only allows residential and civic uses. This use and the convenience store across the street are the only two commercial uses along 15th Street between Sherman Avenue and Avista, just north of the I-90 freeway. Also, there is no commercial zoning along this same length of 15th Street.

It would also bring the existing nonconforming activity into conformance with the zoning ordinance with respect to use but not in terms of facility requirements such as parking, landscaping and swale requirements. Any expansion, alteration or addition of the facility would require compliance with the above items.

Neighborhood Commercial District:

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

Principal permitted uses:

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

By special use permit:

- Religious Institutions
- Schools

Prohibited:

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

Gasoline Service Stations
Detention facilities
Commercial Parking

Maximum Building Height:

32 feet

Maximum Floor Area Ratio:

Non-Residential: 1.0
Total: 1.5

Maximum Floor Area;

4,000 sq. ft. for Retail Uses
8,000 sq. ft. for all Non-Residential Uses

Minimum Parking:

3 stalls per 1000 sq. ft. of non-residential floor area
1.5 stalls per dwelling unit

Setbacks from any adjacent Residential District:

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

Limited Hours of Operation:

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

Screening along any adjacent Residential District:

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

Landscaping:

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

Design Standards:

- a. At least 50% of any first floor wall facing an arterial street shall be glass.
- b. If a building does not abut the sidewalk, there shall be a walkway between the sidewalk and the primary entrance.
- c. Surface parking should be located to the rear or to the side of the principal building.
- d. Trash areas shall be completely enclosed by a structure of construction similar to the principal building. Dumpsters shall have rubber lids.
- e. Buildings shall be designed with a residential character, including elements such as pitched roofs, lap siding, and wide window trim.

- f. Lighting greater than 1 footcandle is prohibited. All lighting fixtures shall be a “cut-off” design to prevent spillover.
- g. Wall-mounted signs are preferred, but monument signs no higher than 6 feet are allowed. Roof-mounted signs and pole signs are not permitted. *
- h. Signs shall not be internally lighted, but may be indirectly lighted. *

* Sign standards would be incorporated into sign code.

The zoning and land use maps (page 3) show this convenience store and the one at 15th and Hastings as the only two commercial uses or parcels zoned commercial between Sherman Avenue and the Avista facility just north of Interstate 90.

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

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

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

Stable Established Areas:

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

- For areas below the freeway, overall buildout density approximately = 5 du/acre. Individual lot size is typically not smaller than 5,500 sq. ft. (12 du/acre).
- Encourage residential when close to jobs and other services.
- Discourage uses that are detrimental to neighboring uses.
- Pedestrian/bicycle connections.
- Encourage vacant lot development that is sensitive to neighboring uses.

3. In reviewing all projects, the following should be considered:

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

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

4. Significant policies for consideration:

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

6A: “Promote the orderly development of land use at locations that are compatible

with public facilities and adjacent land uses.”

6A2: “Encourage high-intensity commercial development, including professional offices, to concentrate in existing areas so as to minimize negative influences on adjacent land uses, such as traffic congestion, parking and noise.

6A3: “Commercial development should be limited to collector and arterial streets.”

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

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

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

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

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

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

WATER:

Water is available to the subject property.

Evaluation: The specified property is bordered by a 12” main on two sides and currently has an existing domestic service. Additional services can be available.

Terry Pickel, Assistant Water Superintendent

SEWER:

Public sewer is available.

Evaluation: Public sewer is available in both 15th Avenue and Elm Street. Both lines are of adequate capacity to support the applicants request for this zone change and no known capacity issues have been noted with the existing store.

Don Keil, Assistant Wastewater Superintendent

STORMWATER:

The subject property is currently developed, however, if the site is altered, stormwater issues will be addressed at that time.

TRAFFIC:

The ITE Trip Generation Manual estimates the project (if gas pumps were installed) may generate approximately 18.5 trips/fueling station during the peak hour periods. This could result in up to 74

total trips during peak hours for a two pump set up with four fueling stations.

Evaluation: Traffic counts from 2006 on Fifteenth Street (completed by Idaho Transportation Dept.) show 7,203 and 5,872 vehicles north and southbound respectively at the 15th & Penn intersection. The 15th Street and Hastings Avenue intersection (which the use adjoins) is very congested during the school year in the A.M. and P.M. periods. Increasing the use on the subject property may result in additional congestion of the intersection.

STREETS:

The subject property is bordered by 15th Street to the east and Hastings Avenue to the south. The current right-of-way width for 15th Street and Hastings Avenue meet City standards.

Evaluation: No alterations to the adjoining streets are planned at this time.

SUBMITTED BY CHRIS BATES, ENGINEERING PROJECT MANAGER

FIRE:

Prior to any site development, the Fire Department will address issues such as water supply, fire hydrants and access.

Submitted by Brian Halverson, Fire Inspector

POLICE:

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

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

The subject property is level with no significant topographic features.

Evaluation: There are no physical limitations to future development.

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

The subject property is located on 15th Street, which is an arterial street. The existing convenience store is a nonconforming use, was established many years ago and is located adjacent to a residential neighborhood.

Evaluation: The Planning Commission must determine if commercial zoning is appropriate in this location and setting.

F. Proposed conditions:

None.

G. Ordinances and Standards Used In Evaluation:

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

ACTION ALTERNATIVES:

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

[F:staffrptsZC1307]

STAMSOS, JOHN

From: John Corcoran [johncorcoran@remax.net]
Sent: Wednesday, July 18, 2007 8:40 AM
To: STAMSOS, JOHN
Subject: File # ZC 1307

John,

Ive discussed the change our application from C-17 to NC with my clients on Taj C Store. They are in agreement that NC would be their desired zone change.

Thank you in Advance,

John

PROPERTY INFORMATION

1. Gross area: (all land involved): 0.372 acres, and/or 16,204 sq.ft.
2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): _____ acres, and/or _____ sq. ft.
3. Total length of streets included: 127 ft., and/or _____ miles.
4. Total number of lots included: 2
5. Average lot size included: 64' x 127.5
6. Existing land use: Convenience Store
7. Existing Zoning (circle all that apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8
C-17 C-17L C-34 LM M
8. Proposed Zoning (circle all the apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8
C-17 C-17L C-34 LM M

JUSTIFICATION

Proposed Activity Group; _____

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

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

THE LOCATION IS PERFECT FOR A CONVENIENCE STORE WITH A GAS STATION THAT WOULD BE AN EVENTUAL GOAL.

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

A. INTRODUCTION

This matter having come before the Planning Commission on, August 20, 2007, and continued to August 28, 2007, there being present a person requesting approval of ITEM ZC-13-07, a request for a zone change from R-12 (residential at 12 units per gross acre) to NC (Neighborhood Commercial)

LOCATION: +/- 16,204 sq. ft. parcel at 1003 North 15th Street

APPLICANT: Singh & Singh Partnership

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

(The Planning Commission may adopt Items B1-through7.)

- B1. That the existing land uses are residential - single-family, duplex and multi-family, commercial – retail sales, civic and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is R-12 (residential at 12 units per gross acre)
- B4. That the notice of public hearing was published on, August 4, 2007, and, August 14, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, August 11, 2007, which fulfills the proper legal requirement.
- B6. That 61 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, August 3, 2007, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on August 20, 2007.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

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

Criteria to consider for B9:

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

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

Criteria to consider for B10:

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

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

Criteria to consider for B11:

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

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **SINGH AND SINGH PARTNERSHIP** for a zone change, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

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

Chairman Bruning Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN JOHN BRUNING