

PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS

OCTOBER 9, 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, Satterly, (Student Rep)

APPROVAL OF MINUTES:

August 20, 2007

August 28, 2007

PUBLIC COMMENTS:

COMMISSION COMMENTS:

STAFF COMMENTS:

ADMINISTRATIVE:

1. Applicant: Jim & Nancy Hoffman
Request: To request an extension for PUD-5-06 & S-12-06
15th and Best Townhouses

PUBLIC HEARINGS:

1. Applicant: City of Coeur d'Alene
Request: Comprehensive Plan
LEGISLATIVE, (0-3-07)

2. Applicant: CDA Architects, PLLC
Location: 415 Lilac Lane & 2310 Pennsylvania Avenue

Request:
 - A. A proposed 2.24 acre annexation from Agricultural Suburban to City R-8 (Residential at 8 units/acre)
QUASI-JUDICIAL, (A-2-07)

 - B. A proposed zone change from R-3 (Residential at 3 units/acre) to R-8 (Residential at 8 units/acre)
QUASI-JUDICIAL, (ZC-14-07)

3. Applicant: City of Coeur d'Alene, Water Department
Location: NW. Corner of 8th and E. Tubbs Hill Road
Request: A proposed Essential Services above ground special use permit located in the R-12 (Residential at 12 units/acre) QUASI-JUDICIAL, (SP-7-07)
4. Applicant: Riverstone West, LLC
Location: 2800 Seltice Way
Request: A modification to "Riverstone West PUD" QUASI-JUDICIAL, (PUD-4-06m)

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
AUGUST 20, 2007
CITY COUNCIL CHAMBERS**

COMMISSIONERS PRESENT

John Bruning, Chairman
Heather Bowlby
Peter Luttrupp
Brad Jordan
Tom Messina

STAFF MEMBERS PRESENT

Dave Yadon, Planning Director
John Stamsos, Senior Planner
Shana Stuhlmiller, Public Hearing Assistant
Warren Wilson, Deputy City Attorney
Gordon Dobler, Engineering Services Director

COMMISSIONERS ABSENT

Scott Rasor
Mary Souza

CALL TO ORDER

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

COMMISSION COMMENTS:

Chairman Bruning welcomed Commissioner Luttrupp to the Planning Commission, who was appointed by the City Council in July.

STAFF COMMENTS:

None.

PUBLIC COMMENTS:

None.

ADMINISTRATIVE ITEMS:

1. Applicant: Timothy Rede
 Location: The east 200' feet of the west 350' of lot 20
 Thomas Park addition
 Request: A proposed 3-lot preliminary plat "Nettleton Short Plat"
 SHORT PLAT (SS-15-07)

Engineering Services Director Dobler presented the staff report. The Commission did not have any questions for staff.

Motion by Bowlby, seconded by Messina, to approve Item SS-15-07. Motion approved.

2. Applicant: Grant Stowe
Location: A portion of the NE ¼ of sec. 35, T.51N. R.4W.
B.M., City of Coeur d'Alene, Kootenai County, ID
Request: A proposed 4-lot preliminary plat
"Sunrise Commercial Park 1st Addition"
SHORT PLAT (SS-16-07)

Engineering Services Director Dobler presented the staff report. The Commission did not have any questions for staff.

Motion by Bowlby, seconded by Messina, to approve Item SS-16-07. Motion approved.

Chairman Bruning announced before the public hearings started that the agenda has been adjusted moving item O-1-07c to second position. He explained the 10:00 p.m. rule and how a new hearing will not be started after 10:00 p.m. and as the hearings progress, will give an indication if the remaining items will need to be continued.

PUBLIC HEARINGS

1. Applicant: Amendola, Andersen & Doty, PLLC
Location: 702 N. 4th Street
Request: A modification to Section 2 (1) & (2) of ordinance 2615
allowing for ingress/egress onto Foster Avenue.
QUASI-JUDICIAL (ZC-2-94m)

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

Commissioner Luttrupp inquired if staff could explain how this mistake happened, with the applicant requesting to modify the conditions approved at the original hearing.

Deputy City Attorney Wilson explained the history behind the original zone change and how the minutes and the findings reflected differences to the conditions proposed at the original hearing.

Public testimony open.

Steve McCrea, applicant representative, 507 W. Lakeshore Drive, Coeur d'Alene, explained that they did apply for a sign permit and showed a photo of that permit to the Commission. He continued that they were aware of the error between the findings and minutes from the meeting in 1994, but feels that the primary issue is the recent curb cut at the property. He explained the reasons the curb cut was needed, as it would allow access in and out of the property safely, and employees currently parking on the street could park in the lot which would reduce traffic onto Foster Avenue. He commented that he has witnessed trucks backing onto 4th street, because there is not enough room in their parking lot for them to turn around. He added if these changes are approved, it will eliminate this congestion. He commented that the traffic study in this area estimates 50 trips a day, which will be greatly reduced, if approved. He understands that Foster Avenue is considered a collector street, allowing for more traffic. He concluded safety is a concern, and by approving these modifications, it corrects what was previously approved by the Planning Commission, impacting the safety issues.

Commissioner Bowlby questioned if the applicant could explain how these conditions were overlooked.

Mr. McCrea commented that this was unfortunate and that the applicant was not aware of the restriction to put in the ingress and egress since the City approved the permit and felt everything was ok.

Commissioner Bowlby inquired how staff can prevent this kind of incident from occurring again.

Assistant Deputy Attorney Wilson commented what has happened in the past is unfortunate, and that the Commission's decision should be made on the facts presented tonight and not what was done in the past. He suggested that if the Commission wanted, he would discuss the issues associated with this property at a later date, but not tonight.

Commissioner Luttrupp inquired if the building was a new building and if the way the building was designed could have been the problem.

Mr. McCrea commented that he feels a finger can not be pointed on who is to blame, but rather on how the current issues can be resolved. He explained when this request was originally approved, the conditions were placed as a test to see if they would work, and they do not work.

Commissioner Messina commented since safety is a concern, could a sign could be placed on the property allowing a right turn only.

Mr. McCrea commented they would not be opposed to a right-turn-only sign, but realizes how hard it would be to regulate.

Clayton Anderson 702 N. 4th Street, Coeur d'Alene, commented that he feels his reasons for approval is to promote safety and decrease traffic flows to the area. He added that he was surprised when a stop work notice was posted on this property, since the city had already approved the permits.

Gary Amendola, 702 N. 4th Street, Coeur d'Alene, commented that he would like to address Commissioner Bowlby's question, and explained that in 1994, when the ordinance was passed, that the prior owner was not aware of the conditions proposed with the building. He explained that after reviewing several documents and finding the previous conditions, and realized they needed a permit for egress and ingress. He added that it was not their intent to ignore the law and wants to make it right. He commented that they have had no complaints from the neighborhood and wishes to be a good neighbor.

Julie Doty, 940 Armstrong Drive, Coeur d'Alene, commented that she is the current owner of the building and has worked at this location since 2003. She commented that safety is a concern, and feels the wall located on the property needed to come down for safety reasons. She explained that she has witnessed numerous trucks pulling into the property from 4th Street and having to back out onto the street since there is not enough room for the truck to turn around. She commented that this is dangerous. She agrees that a sign placed on the property for a right turn only on Foster Avenue makes sense, so traffic is eliminated going through the neighborhood.

Commissioner Messina inquired if the ingress/egress was approved by the City Engineer, could staff approve of a right-turn only sign placed on the property.

Engineering Services Director Dobler commented that in the past, a right-turn-only sign was placed as a "feel good" approach to the problem and hard to regulate. He advised that the entry be made wider so that it will be safe.

Commissioner Bowlby inquired if staff is concerned with headlights shining into the resident's homes located directly across from the property.

Engineering Services Director Dobler commented that staff is not concerned with the headlights, but with traffic counts in the area. He explained that the traffic counts in this area were between three and four cars during the peak hours of the day, which is considered low. He added that Foster Avenue is classified as a major collector street, per the Kootenai County Transportation Plan.

Glenn Vaughn, 416 Foster Avenue, Coeur d'Alene, commented that he has lived in this area for many years and is keeping a diary on the day-to-day activities on this property. After the work started, he notified the City to file a complaint, and directly talked with the Mayor, explaining the history behind this property. He was told by the Mayor that the City would call him back after looking into this complaint. He continued that the city did call him back and was told that a stop work order had been posted on the property, which was ignored. He commented that he approached Mr. Amendola about his concerns and was told by Mr. Amendola to get off his property. He added that a condition approved with the original zone change that there would be a 10 p.m. cut off for lights, and that condition has been ignored with the lights on continually.

Commissioner Messina inquired if the lights directly shine onto his property.

Mr. Vaughn explained that the lights do not directly shine on his property and that the outside lighting is recessed. He commented that the problem is the external lights, which are continually on throughout the evening.

Martin Stacy, 424 Foster Avenue, Coeur d'Alene, commented that these modifications should not be approved, and explained that this is an old neighborhood similar to Fortgrounds and should be preserved.

Commissioner Messina inquired if parking has been an issue in the past.

Mr. Stacy explained that it does take some patience to exit onto 4th Street, and commented that there is minimal congestion in the neighborhood. He commented that he does not see any hardship described by the applicant and was surprised that the trees were removed from the property.

Commissioner Messina inquired if there is ample parking for the neighborhood.

Mr. Stacy answered that parking has not been a problem and commented that the applicant has been a good neighbor.

Darren Murphy, 420 E. Foster Avenue, Coeur d'Alene, commented he has lived at his residence for 6 years and is uncomfortable complaining, but feels the neighborhood needs to be protected. He explained that he has a young child and safety is a concern when it comes to traffic. He commented that he feels that the applicant does not have enough reasons to try and change the original conditions and that this request should be denied.

Scott Wenzel, 502 E. Foster Avenue, Coeur d'Alene, commented that he agrees with the neighbors to leave the original conditions alone. He added that he is concerned with the increased traffic in the neighborhood and the encroachment of commercial development into the residential neighborhood.

Susie Snedaker, 821 Hastings, Coeur d'Alene, commented that this is a historical part of town, and that she had lived on 5th street for many years. She added that mid-block is an issue. She added when this request originally came before the Planning Commission, lights were a problem and feels that the original conditions should not be modified for reasons such as lighting. She added that the City should look at a way conditions are added as part of the title so these incidents do not keep happening.

REBUTTAL:

Steve McCrea noted that Mr. Shepard, who lives across the street from this property, approves this request as mentioned in his written testimony and that he sympathizes with the neighborhood. He commented that traffic has changed since the approval of this zone change in 1994, and feels adding this curb cut will not be an impact. He added that the information in the staff report and testimony from the City Engineer stated that there will be a minimal affect based on the traffic study done by staff.

Commissioner Bowlby questioned if an area could be dedicated on the property for trucks to safely turn around.

Commissioner Jordan commented that this is an unfortunate incident and remembers the reasons for this zone change from the original hearing, and the conditions placed in order to protect the neighborhood. He added that Mr. Shepard, who lives across the street from this property, does not have a problem with this and feels torn on his decision.

Commissioner Bowlby commented that the neighbors see this request as a problem and by approving the ingress and egress; it goes against the neighborhood integrity. She commented that she needs to think of future planning and is hesitant approve this request and will have to go with the neighbors feelings for this project.

Public testimony closed.

DISCUSSION:

Commissioner Luttrupp commented that he feels the goals for this neighborhood is stability and concurs things have not changed and will not support this request. He added that he feels it would be helpful if staff could give the Commission additional training so this will not happen again in the future.

Chairman Bruning commented that he feels the mistake was made and now the question is how to fix the problem. He added that in 1994, when this zone change was originally heard, the decision for approval was based on a verbal contract made by the City and the neighbors to preserve the neighborhood.

Commissioner Messina concurs, and feels that the changes requested should not be approved. He added that the conditions approved in 1994 were approved for a reason and should not be changed.

Commissioner Bowlby commented that it is unfortunate this has happened, and will want to work with staff to see if future conditions can be placed with properties, so this does not happen again.

Motion by Bowlby, seconded by Luttrupp, to deny Item ZC-2-94m, Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye

Motion to deny carried by a 4 to 0 vote.

Chairman Bruning announced that he will need a motion by the Commission to continue items ZC-11-07, ZC-12-07 and ZC-13-07. He explained the 10:00 p.m. rule and feels that there is not enough time to hear

these items.

Motion by Jordan, Seconded by Messina, to continue Items ZC-11-07, ZC-12-07 and ZC-13-07 to the next Planning Commission meeting scheduled on August 28th starting at 6:00 p.m.

2. Applicant: City of Coeur d'Alene
Request: A Modification to the East Infill Boundary
LEGISLATIVE (O-1-07c)

Planning Director Yadon presented the staff report and then asked if the Commission had any questions.

Commissioner Bowlby inquired why this area is chosen to be eliminated.

Planning Director Yadon explained a brief history behind the decision why this area was placed within the present boundary.

Public Testimony open:

Joe Morris, 304 11th Street, Coeur d'Alene, representing the East Mullan Historical District Committee, thanked the Commission for their time, and explained the history of the committee's activities. He added that in January of this year, their group attended a workshop with the City Council regarding the Infill Regulations, and how the impact of these regulations has had on their community. He commented that the City has made progress on one or two recommendations brought forward from this committee, and appreciates those changes. He addressed three key points their committee hopes will be considered in the future, and then submitted a petition signed by the residents living in the area who support this request.

Carol Shemanski, 1000 E. Lacey Avenue, Coeur d'Alene, commented that she is a realtor and owns a home on 11th street and is opposed to this request. She explained that the City is growing and people want to live the downtown lifestyle. She added if this request is denied, developments like the Iceplant project will not exist.

Mary Jo Brooks, 901 Bancroft, Coeur d'Alene, commented that she has lived at her residence for 20 years and that her home was picked to be included on the garden tour this year. She added that she fears of developers trying to buy land next to her property, and constructing a building with non-existent setbacks next to her home. She commented if this area remains within this present boundary, those fears can become a reality.

Dwight Bershaw, 901 Front Avenue, Coeur d'Alene, commented that his neighbor could not attend tonight's hearing and read a letter from him to the Commission. His letter stated that he is in favor of this request and does not want to see the neighborhood change. Mr. Bershaw then stated his concerns and requested in the future would like to be notified of up-coming changes proposed for this area.

Julie VanMiddlesworth, 917 E. Young Avenue, Coeur d'Alene, commented that she is in favor of this request and would not be happy with a building constructed in her back yard. She added that she spends a lot of time in her back yard and feels her lifestyle will be affected. She commented that in this area, there are currently seven households with young children who need a place to play.

Rick Garnett, 1006 Bancroft, Coeur d'Alene, stated that he is opposed to the request and feels that this request is a disgrace to area developers. He explained that he wanted to build nine units and now that number will be reduced if this is approved. He commented that the original intent of this ordinance was for developers to be able to construct homes with creative designs and if this request is approved, limits those possibilities.

Tom McColly, 6592 Snowberry, Dalton Gardens, commented that he is opposed to this request and feels Bancroft Street should be excluded from this request. He explained that the properties located on Bancroft Street are not owner occupied and a lot of potential on this street. He added Bancroft is a great dividing line and feels that if this request is approved, developers will not want to develop in this area.

Mike Kassarian, 414 S. 11th Street, Coeur d'Alene, commented that he has been fixing up his house and raising a family in this area, and is opposed to this request. He continued that he bought his home as an investment and likes living downtown and feels that growth is inevitable.

Philip Waring, 921 Bancroft, Coeur d'Alene, commented that he is against developers buying land in this area for a profit. He added that many people living in this neighborhood bought homes in this area as a home, and not to flip it for a profit.

Barbara Reynolds, 806 Bancroft, Coeur d'Alene, commented that she has lived in this area for 9 years, has two children, and likes living downtown. She commented that her husband had considered building an addition onto their home, but was torn on that decision, not knowing what the future held for this neighborhood. She commented that she is not opposed to growth, but would like to have restrictions.

Greg Washington, 2421 Grandview Drive, Coeur d'Alene, commented that he is a developer who has recently been hired as a consultant for a project in this area. He discussed the reasons for keeping the boundary intact and provided pictures showing the vacant lots located on Bancroft Street between 10th and 8th Street and the possibilities of what could be constructed on that street. He stated that he is opposed to this request.

Commissioner Bowlby inquired if his project can still be developed if this area is removed from the current boundary.

Mr. Washington explained that this project would be designed based on the FARs listed within the current Infill area and if this request is approved this project would be affected.

Rita Sims-Snyder, 818 Front Avenue, Coeur d'Alene, commented that she feels this committee is not totally against the Infill Ordinance and feels in other areas of town these guidelines could work. She stated that developers in this area can not be trusted and cited Trails Edge as an example. She commented that she has lived in this area for many years and remembers when this neighborhood was not popular. She stated that this neighborhood is like a bunch of sitting ducks waiting for the next developer to buy up the next available lot in order to make a profit.

Public testimony closed.

DISCUSSION:

Commissioner Jordan commented that he realizes there are some problems with this ordinance and questioned if it makes sense to remove this area from the original boundary to solve the current issues.

Commissioner Bowlby commented that the integrity of this neighborhood needs to be maintained and does not see a problem removing this area from the present boundary. She concurs that the Commission needs to go back and revisit many of the issues within the Infill Regulations.

Commissioner Jordan commented that he feels removing this area from the present boundary will not help solve the present issues and will not support this request. He explained that projects such as Trails Edge or Iceplant could not have been done without the help of this ordinance.

Motion by Bowlby, seconded by Messina, to approve Item 0-1-07c. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Jordan	Voted	Nay
Commissioner Messina	Voted	Aye

Motion to approve carried by a 3 to 1 vote.

ADJOURNMENT:

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

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

Respectfully submitted by John Stamosos, Senior Planner

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION
MINUTES
AUGUST 28, 2007
CITY COUNCIL CHAMBERS**

COMMISSIONERS PRESENT

John Bruning, Chairman
Peter Luttrupp
Scott Rasor
Mary Souza

STAFF MEMBERS PRESENT

John Stamsos, Senior Planner
Shana Stuhlmiller, Public Hearing Assistant
Warren Wilson, Deputy City Attorney

COMMISSIONERS ABSENT

Brad Jordan
Tom Messina
Heather Bowlby

CALL TO ORDER

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

APPROVAL OF MINUTES:

Motion by Rasor, seconded by Souza, to approve the minutes of the Planning Commission meeting held on July 10, 2007. Motion approved.

COMMISSION COMMENTS:

There were none.

STAFF COMMENTS:

Senior Planner Stamsos announced that Fernan Heights PUD and subdivision approved by the Planning Commission on July 10, 2007 was appealed. He added that hearing will be heard by the City Council on September 4, 2007.

PUBLIC COMMENTS:

There were none.

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)

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

Commissioner Luttrupp inquired why the applicant chose C-17L, since the area around this property is primarily commercial.

Chairman Bruning explained that staff can make a recommendation for the zoning they feel is appropriate, but the final decision is left to the applicant.

Public testimony open:

John Corcoran, applicant representative, 1356 Silver Beach Road, Coeur d'Alene, explained that C-17L was chosen because it is a less intense zone compared to C-17. He added that he feels this zone will be more compatible with the neighborhood and for the type of business the applicant is pursuing. He commented that staff did a good job explaining the project and did not have anything else to add and then asked if the Commission had any questions.

Commissioner Souza inquired if the applicant knew the type of project the applicant is proposing for this property.

Mr. Corcoran answered that a furniture store is a possibility on this property.

Senior Planner Stamsos noted that a retail sales are not allowed within the C-17L zoning, and if approved, will require a special use permit.

Commissioner Souza inquired what type of buffering the applicant intends to provide since the property abuts a residential neighborhood.

Mr. Corcoran answered that they would comply with the recommendations by staff.

David Edgerton, 2801 N. Carriage Ct, Coeur d'Alene, commented that he is opposed to the request and is concerned with the amount of traffic generated if approved.

Commissioner Souza explained that the zoning the applicant has requested will not be as intense as C-17, making this zoning compatible with the neighborhood.

James Rafferty, 2841 Carriage Ct, Coeur d'Alene, commented that he has lived in this area for 25 years and is opposed to this request. He presented to the Commission a petition signed by the area residents, who are opposed, because of the increase to traffic, noise level, and how their quality of life will be affected. He feels the need for affordable housing is being eliminated because of increases to the commercial activity in this area. He also requested if this zoning is approved, to not allow entry into Carriage Court.

Commissioner Souza explained that by approving C-17L the uses are limited compared to C-17, which is the more intense of the two.

Commissioner Luttrupp noted that in the staff report it states that a previous zone change was approved preventing access into Carriage Court and inquired if staff could explain.

Senior Planner Stamsos answered that previous zone change was similar and that a condition was placed by the Planning Commission preventing access into Carriage Court.

REBUTTAL:

John Corcoran explained that with the current R-12 zoning, his client could build apartments, but decided to request the C-17L zoning thinking it would be less of an impact than the existing zoning. He stated that when comparing an apartment to a business, he feels a business would generate less noise and traffic than an apartment. He added that his applicant would be agreeable to a condition denying access onto Carriage Court.

Commissioner Souza added that she would also request low-level site-specific lighting placed on the property.

Public testimony closed.

DISCUSSION:

Commissioner Luttrupp concurred that access should be denied into Carriage Court and feels that the buffering requirements for fencing are already in the code, which the applicant stated he would comply with.

Commissioner Souza commented that C-17L is appropriate zoning and explained that traffic from a business would have less of an impact on the neighborhood. She concurred that buffering is needed, so the neighborhood is not impacted.

Commissioner Luttrupp inquired if this is a transition area.

Senior Planner Stamsos answered that is correct.

Commissioner Souza inquired if approved conditions for a property can be recorded in the deed or title.

Deputy City Attorney Wilson commented that currently we do not have that capability. He stated that staff is currently working on a computer program that when a building permit is applied for on a specific property, those conditions will pop up alerting the person applying for that permit they will have to comply with those conditions.

Motion by Razor, seconded by Souza, to approve Item ZC-11-07. Motion approved.

ROLL CALL:

Commissioner Luttrupp	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 3 to 0 vote.

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)

Associate Planner Stamos presented the staff report, gave the mailing tally as 2 in favor, 3 opposed, and 1 neutral and answered questions from the Commission.

Commissioner Luttrupp questioned if this store could be re-built on this parcel if it burned down.

Deputy City Attorney Wilson explained that if the store burned down, that it could be re-built, but it would still be considered non-conforming. He stated that if the commission approves this request, it would place the store in compliance of current regulations as to use, but would still be a nonconforming facility.

Public testimony open.

John Corcoran, applicant representative, 1356 Silver Beach Rd., explained that this request is primarily for housekeeping purposes, and if this store was destroyed, his applicant would want to rebuild, but that would not be allowed under the current zoning.

Chairman Bruning noted that within the requirements for the Neighborhood Commercial zone is a limit to the hours of operation, and questioned if that is a concern.

Mr. Corcoran answered that his applicant would comply and feels that the hours the store is open fall within the limits of the Neighborhood Commercial zone.

Commissioner Souza inquired if this zone change is approved, would those requirements automatically apply.

Senior Planner Stamos answered that the only way those would apply is if the applicant were to remodel the store, then those requirements would trigger those conditions,

John Stockton, 8213 W 4th Street, Rathdrum, commented that he is not opposed to the zone unless they were going to remodel, then he would be opposed. He added that Jordan's has been here a long time and should stay in this neighborhood.

Public testimony is closed.

Commissioner Luttrupp commented that he is opposed and explained that the only evidence presented is speculation of what will happen in the future, and feels that is not a good enough reason.

Commissioner Rasor inquired if the property would become conforming if this request is approved.

Senior Planner Stamos concurred that if this request is approved, it would become conforming.

Commissioner Souza explained that a previous request for a zone change on 4th Street was denied because the property had been a non-conforming violin shop and that the applicants requested to use a vacant home located on the same property as a doctor's office. She added that after that request was denied, the Commission decided to develop a commercial zone that was less intense to blend with an existing residential neighborhood.

Motion by Souza, seconded by Rasor, to approve Item ZC-12-07. Motion approved.

Commissioner Luttrupp Voted Nay
Commissioner Rasor Voted Aye
Commissioner Souza Voted Aye

Motion to approve carried by a 2 to 1 vote.

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)

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

The Commission did not have any questions for staff.

Public testimony open:

John Corcoran, applicant representative, 1356 Silver Beach Road, commented that this request is similar to the previous request. He explained that this is a great neighborhood store and had eliminated the possibility of adding a gas station to the property since there are not any other commercial properties in the area.

John Stockton, 8213 W. 4th Street, Rathdrum, commented he was opposed to the gas station and is relieved that the applicant changed his mind after hearing the previous testimony.

Public testimony is closed.

Motion by Rasor, seconded by Souza, to approve Item ZC-13-07. Motion approved.

Commissioner Luttrupp Voted Nay
Commissioner Rasor Voted Aye
Commissioner Souza Voted Aye

Motion to approve carried by a 2 to 1 vote.

ADJOURNMENT:

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

The meeting was adjourned at 8:30 p.m.

Respectfully submitted by John Stamosos, Associate Planner

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMSOS, SENIOR PLANNER
DATE: OCTOBER 9, 2007
SUBJECT: EXTENSION OF PLANNING COMMISSION APPROVAL
PUD-5-06 – “15TH & BEST TOWNHOMES PUD” PLANNED UNIT DEVELOPMENT
S-12-06 – 34-LOT “15TH & BEST TOWNHOMES” PRELIMINARY PLAT
CONDOMINIUM SUBDIVISION
LOCATION: +/- 3.6-ACRE PARCEL AT THE NORTHEAST CORNER OF 15TH STREET AND BEST AVENUE

DECISION POINT:

Jim & Nancy Hoffman is requesting a 1-year extension of the Planning Commission approval for “15th and Best Townhomes”, a 34-lot preliminary plat condominium subdivision on private streets and approval of the “15th and Best Townhomes PUD” Preliminary Planned Unit Development in the R-12 (Residential at 12 units/acre) zoning district.

The Preliminary Plat and PUD would authorize a 34 unit single-family attached townhouse development consisting of 17-duplexes on private streets.

PRIOR ACTION:

On November 14, 2006, the Coeur d’Alene Planning Commission held a public hearing on both of the above items and approved both by 3 to 2 votes. The expiration date of these approvals is November 29, 2007, unless extended by the Planning Commission.

DISCUSSION:

The applicant has submitted a letter requesting the extension along with a statement indicating that the project engineer has been unable to finish the necessary work and that they are waiting for completion of his work so that they can start the bidding process. They also indicate that all other work is complete on the project.

For the Preliminary Plat, the planning commission may extend its approval for two (2) additional six (6) month periods upon the finding that the preliminary plat complies with all of the requirements set forth at the time of approval. Improvement plans have been submitted that ensure compliance with these requirements.

For the Preliminary PUD, the approval period may be extended by the Planning Commission for one year without public notice upon written request filed before said period has expired and upon stating conditions requiring the extension. The reasons for the extension request are stated in the applicant's letter.

COMMISSION ALTERNATIVES:

The Commission may, by motion, grant a one-year extension of the Preliminary Plat and Preliminary PUD approvals to November 29, 2008.

The Commission may, by motion, deny the one-year extension. If denied, on November 29, 2007, approval of the two items expires.

CONDITIONS:

The following conditions were approved with the request:

1. Formation of a homeowners association with CC&R's that includes detailed maintenance responsibilities of all private infrastructure (roads, drainage structures, street lighting, and all open space areas etc.), prior to recordation of the final plat.
2. Redesign the sanitary sewer to reduce or eliminate the "dead end" lines and increase the flow necessary to achieve scouring in the sanitary mains.
3. Construct looping connections for the water main between 17th Street and Best Avenue, with a secondary connection to 15th Street.
4. Install fire hydrants at the end of the "dead end" legs to facilitate the water system and fire protection. Water mains to these hydrants will be required to be eight inch (8").
5. The existing City stormwater swale situated in an easement in the southeast corner of the subject property can be reconfigured if necessary; however, swale capacity cannot be diminished.
6. Access if proposed on to 15th Street would be restricted to egress and northbound only. No ingress or southbound egress turning movements would be allowed.
7. Sidewalk installation is required along the Best Avenue frontage.
8. The interior private roadway may be twenty four feet (24') in width with a four foot (4') pedestrian path, for a total twenty eight foot (28') width.
9. The private roadway shall have a "tract" designation and shall be maintained by the homeowners association of the development.
10. The developer shall install access gates at the easterly emergency access point to the site, and, at the 17th/Best connection. All costs will be the responsibility of the developer.
11. Access and maintenance easements will be required to be dedicated over the public sewer and water mains located on the subject property that are not situated within public right-of-way. Easement widths will be twenty feet (20') for single utility and thirty feet (30') feet.
12. A 100% site obscuring fence along north property line where parking areas occur.
13. Any lighting be site specific with no spill over beyond property lines.

P.O. Box 2275
Hayden, ID

8085 N. Salmonberry Loop
Hayden, ID 83835

September 17, 2007

John Bruning
City Hall
710 E. Mullan
Coeur D'Alene, ID
83816-3964

Dear Mr. Bruning:

I am writing this letter to request a 1 year extension for both our PUD and Final Platt for our project "15th and Best Townhouses" (PUD-5-06: S-12-06:)

The conditions necessitating the extension request are as follows:

The project engineer has been unable to finish the necessary work. We are waiting for completion of his work so we can start the bidding process. All other work is complete on this project.

We would like to submit this request for consideration at the upcoming October 9th planning department meetings.

Thank you for your attention to this matter,

Jim and Nancy Hoffman

83835

cc: John Stamsos

**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMSOS, SENIOR PLANNER
DATE: OCTOBER 9, 2007
SUBJECT: A-2-07 – ZONING PRIOR TO ANNEXATION
ZC-14-07 – ZONE CHANGE FROM R-3 TO R-8
LOCATION – +/- 12.7-ACRE PARCEL BETWEEN INTERSTATE 90, FERNAN HILL ROAD, THE INTERSECTION OF 23RD STREET AND PENNSYLVANIA AVENUE, AND A PORTION OF FOSS ADDITION

DECISION POINT:

CDA Architects, PLLC is requesting:

1. Zoning Prior to Annexation from County Agricultural-Suburban to City R-8 (Residential at 8 units/acre for +/- 1.96-acres at 415 Lilac Lane.
2. Zone change from R-3 (Residential at 3 units/acre) to R-8 (Residential at 8 units/acre) for a 10.7-acre parcel at 2310 Pennsylvania Avenue.

SITE PHOTOS:

- A. Aerial photo



- B. Subject property from Pennsylvania Avenue with Fernan Creek just beyond sign.



- C. Subject property in background from Lilac Lane.

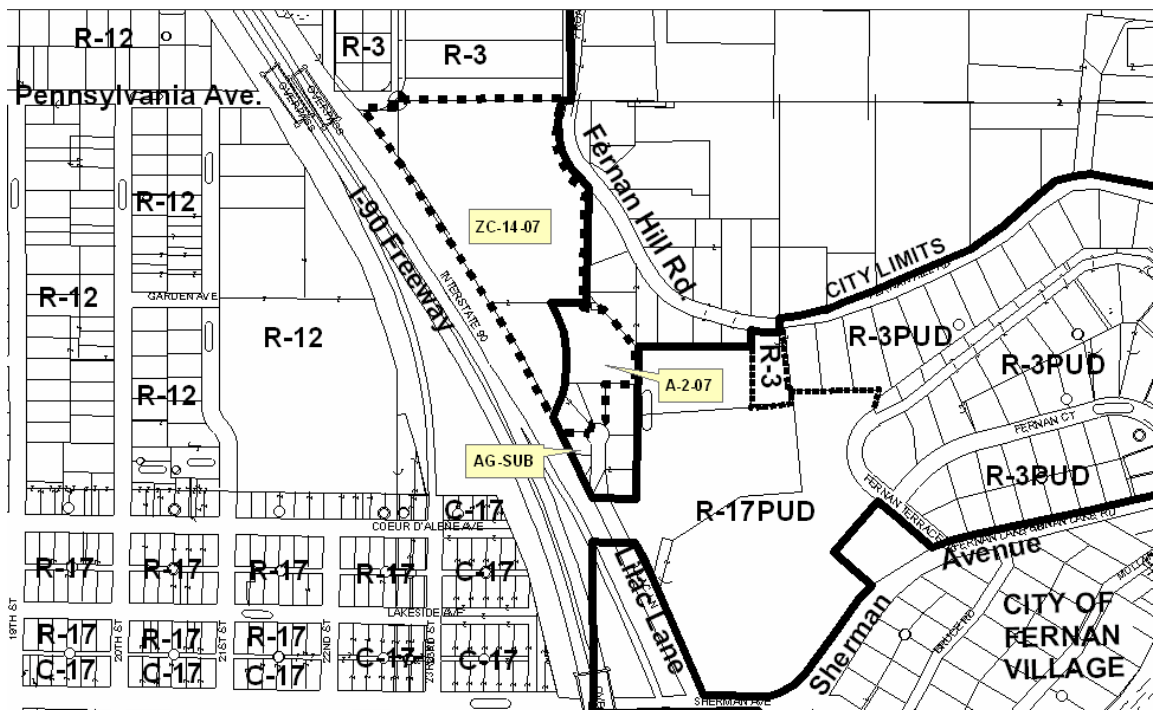


D. Interior of subject property

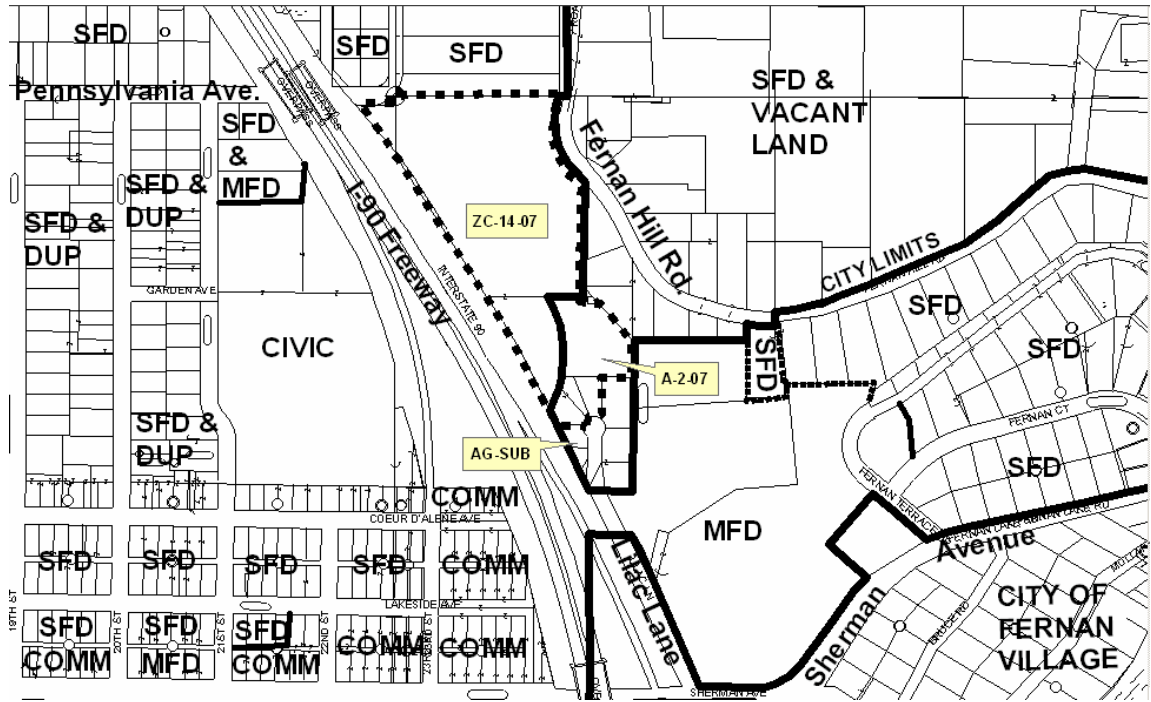


GENERAL INFORMATION:

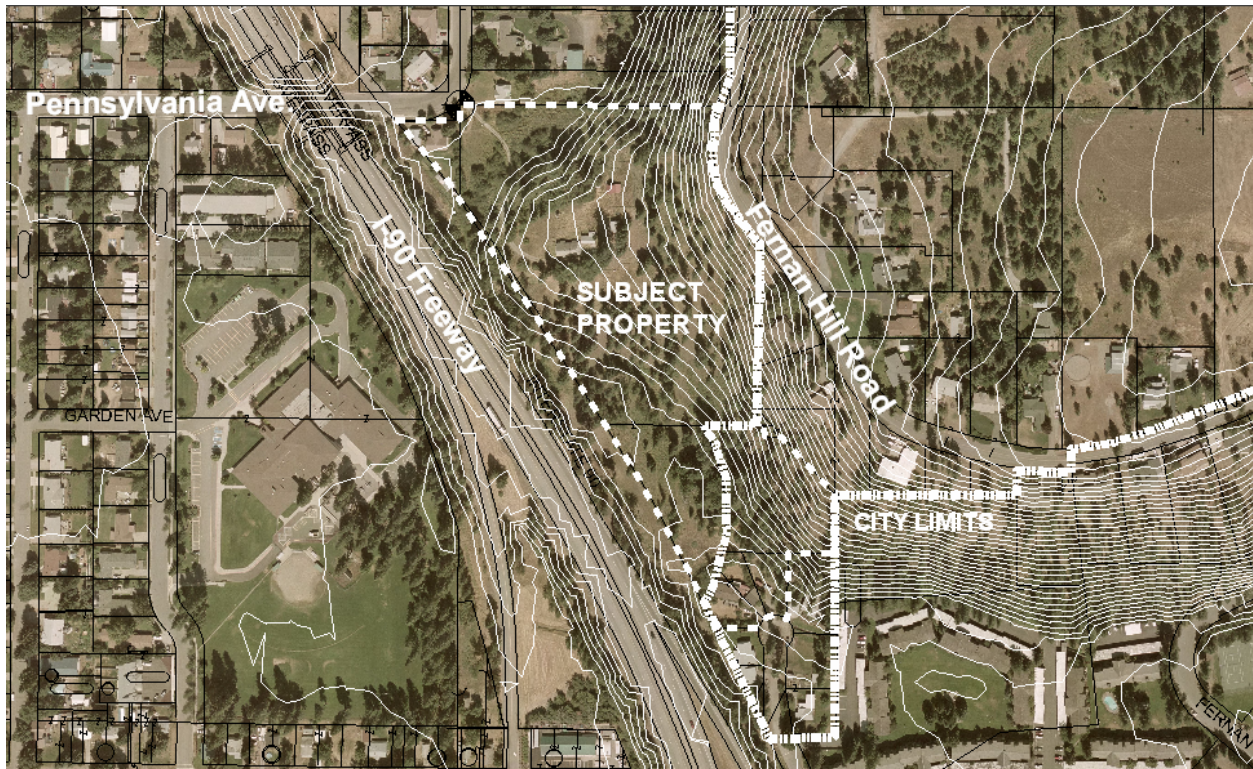
A. Existing zoning



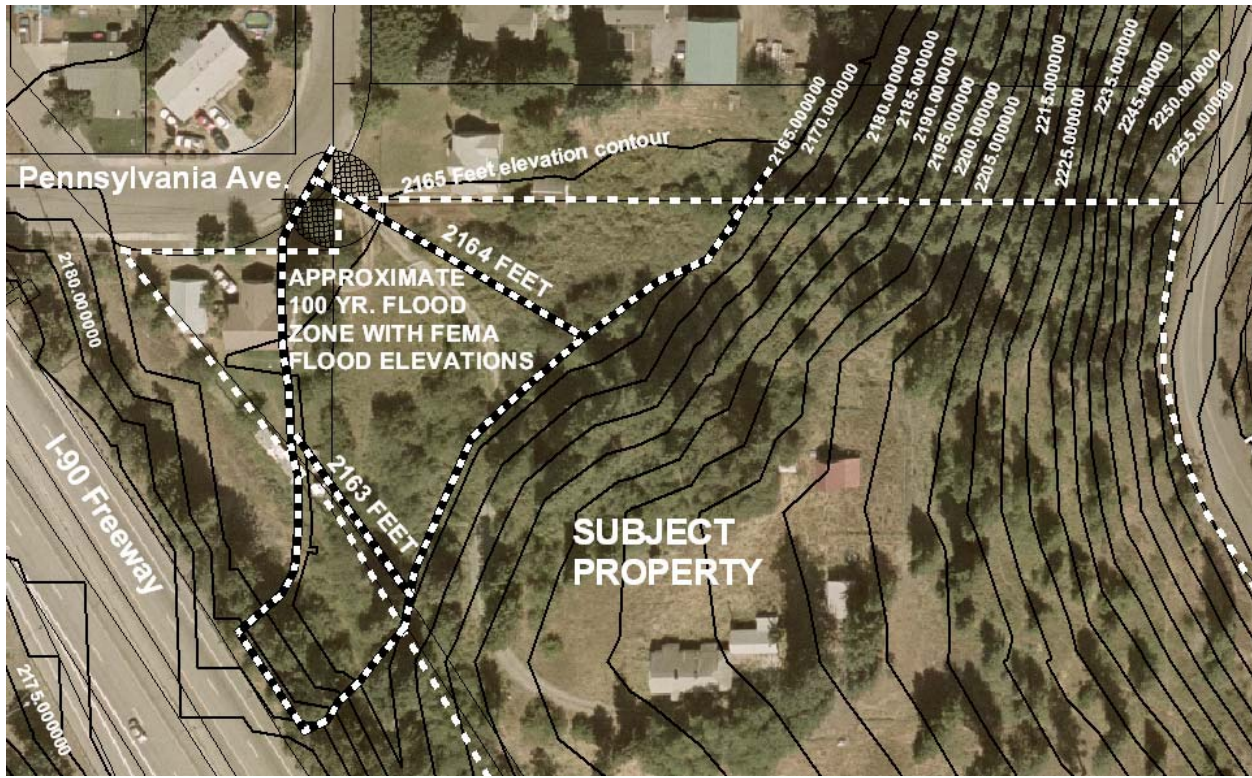
B. Existing land use



C. Five-foot elevation contours of subject property:



D. Approximate 100 year flood plain boundary



E. Applicant: CDA Architects, PLLC
315 E. Garden Avenue
Coeur d'Alene, ID 83814

F. Property owners :

1. Pennsylvania Avenue, LLC
315 E. Garden Avenue
Coeur d'Alene, ID 83814
2. Steven Parkes
160 Via De La Vaue
Salona Beach, CA 92075
3. Steven Huffaker
1000 Northwest Boulevard
Coeur d'Alene, ID 83814

G. The property owners have consented to the filing of the applications.

H. Land uses in the area include single-family, duplexes and multi-family residential (Lake Villa apartments - +/- 275 units), commercial and vacant land.

I. The subject property contains a single-family dwelling with the majority of the land vacant and covered with mature Ponderosa Pines.

J. Previous actions on subject property:

1. Annexation of a portion of the property in the above request with an R-3 zoning (A-6-94) was approved by the City Council on December 6, 1994.
2. A-7-03 (requested zoning R-12) & ZC-8-03 to R-12 from R-3 was denied by the Planning Commission on November 11, 2003. The reason for denial was that The request exceeds the overall build out density of the Stable Established designation of approximately 3 dwelling units/acre above the freeway.

PERFORMANCE ANALYSIS:

A. Zoning:

1. The requested zoning for the annexation and zone change is R-8 (Residential at 8 units/acre). This zone allows single-family, duplex and pocket housing and requires a minimum lot size of 5,500 sq. ft. for all housing types with 50 feet of frontage on a public street.
2. The allowable density of the 12.7-acre parcel using R-3 zoning would be 48 dwelling units with a minimum lot size of 11,500 sq. with 75 feet of frontage on a public street.
3. The allowable density of the 12.7-acre parcel using R-8 zoning would be 100 dwelling units with a minimum lot size of 5,500 sq. with 50 feet of frontage on a public street.
4. Zoning in the surrounding area, as shown on the zoning map, is R-3 to the north of the subject property, R-17 to the south (Lake Villa apartments), and County Agricultural-Suburban to the east (5 units/acre and 8,250 minimum lot size).
6. The northwest corner of the subject property is in the 100-year flood zone for Fernan Creek and would require a flood hazard development permit for any building within the 100 year flood zone.
7. The Hillside Development Regulations apply to this property and would require compliance with the Hillside Development Regulations for any future development.

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

1. As shown on the site photo, the subject property is within the Area of City Impact Boundary.

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.”

The Comprehensive Plan designation for the site is Stable Established and indicates that for areas above the freeway, such as this site, that overall build out density should equal approximately 3 dwelling units per acre with individual lot size typically not smaller than 8,000 sq. ft. (5 du's/acre).

- For areas above the freeway, overall build out density approximately = 3 du/acre. Individual lot size is typically not smaller than 8,000 sq. ft. (5 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. **Significant policies:**

4A: “Establish limits and priorities of urban services.”

4A1: “Initial limits should be based upon existing capabilities.”

4B1: “Annexations should be made within the adopted city impact area.”

4B2: “Annexations should be effected in a manner that promotes an orderly growth pattern.”

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

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

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

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

42B2: “Expansion of the City should be based upon conformance to the urban service area.”

42C1: “Providing service to new areas should not be at the expense of areas presently being serviced.”

561: “Proposed development in any hazardous land areas must pass special review, germane to that area, such as geotechnical review and erosion control plans.”

563: "Developers shall be encouraged to utilize marginal lands by incorporating them in their development plans as open space and/or as a less intensive use area."

4. Evaluation:
 1. In evaluating the overall density of 3 units per acre, this number applies to the overall stable establish area where the request is located and not the specific site of the request.
 2. 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.

SEWER:

Sanitary sewer is available for connection and extension into the applicant's property.

Evaluation: There is an existing twelve inch (12") sanitary main line located in Pennsylvania Avenue abutting the northwest corner of the applicant's property. This line is of adequate size and capacity to serve the subject property. Design plans will be evaluated at the time of development to determine public sewer extension requirements. All line costs will be borne by the applicant with no cost to the City. All public sewer line construction must be in compliance with the 2002 Comprehensive Sewer Master Plan.

Comments submitted by Don Keil, Assistant Wastewater Superintendent

WATER:

City water is available to the subject property.

Evaluation: There is an existing 4-inch water main that runs north from Sherman Avenue to the end of Lilac Lane. The proposed development would require a minimum of an 8-inch main to run through the subject property from Sherman Avenue to 23rd Street and Pennsylvania Avenue. The main at 23rd and Pennsylvania is also a 4-inch main that will probably have to be replaced from 23rd west to 20th and Pennsylvania where it connects to an existing 8-inch main. The location and size of mains will be determined by fire flows and number of buildings and will be addressed during the design stages of the development. All line costs will be borne by the applicant with no cost to the City. There will also be a creek crossing that will need to be approved by appropriate regulatory agencies.

Comments submitted by Terry Pickel, Assistant Water Superintendent

STORMWATER:

Stormwater issues will be addressed at the time of development on the subject property.

TRAFFIC:

Utilizing the stated area of +/- 15.0 acres and the requested R-8 zoning, it may be possible to place 120 residential units on the subject property if it were developed to the maximum density. Utilizing average peak hour average daily trips of 0.90, the ITE Trip Generation Manual estimates that approximately 108 adt's at peak hour may be generated. Vehicle counts taken in 2006 on Pennsylvania Avenue were 2,119. Fifteenth Street counts were 7,203 northbound and, 5,872 southbound respectively.

Evaluation: Traffic issues will be addressed at the time of development of the subject property.

STREETS:

The proposed area of annexation adjoins the City street, Pennsylvania Avenue, and Lilac Lane which is currently under the jurisdiction of the East Side Highway District. The annexation request does not include any portion of Lilac Lane; however, if any access is planned to the roadway, Highway District permission will be required.

Evaluation: Although there are numerous points of intersection with Pennsylvania Avenue, the principal affected intersection will be 15th Street and Pennsylvania Avenue. Street access to the subject property will be addressed at the time of development or subdivision of the site.

FLOODPLAIN AND HILLSIDE REGULATIONS:

Portions of the subject property fall within both the floodplain of French Gulch and the Hillside Overlay Zone. Any construction within these zones will need to adhere to all established regulations that govern development within these areas.

Comments submitted by Chris Bates, Engineering Project Manager

FIRE:

The Fire Department. will address issues such as water supply, fire hydrants, Fire Department access, etc., prior to any site development on these items.

Comments submitted by Brian Halverson, Fire Inspector

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

There are physical constraints on the subject property including significant topography in the parcel to be annexed with an elevation change from the lowest to the highest point of approximately 85-feet with an average slope of approximately 15% and an area in the northeast corner of the property that is within the 100-year flood zone of French Gulch, as determined by the Federal Emergency Management Administration. (See page 5)

Evaluation: While there are some physical limitations to the future development of the subject property. The majority of the property appears to be suitable for 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 has access to Pennsylvania Avenue and Lilac Lane and can accommodate any increased traffic from future development on the property. The land uses and character of the surrounding area is that of a single-family and duplex neighborhood to the north and east of the property and multi-family (Lake Villa apartments - +/- 275 units) and single-family to the south

Evaluation: The Planning Commission must determine what affect the proposed R-8 zoning would have on traffic, land uses and the character of the surrounding area.

F. Conditions are not appropriate for Annexations but recommendations for items to be included in an Annexation Agreement are.

None proposed.

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 the requests and make appropriate findings to approve, deny or deny without prejudice the annexation first and the zone change second. The findings worksheet is attached.

JUSTIFICATION

Proposed Activity Group; _____

Please use this space to state the reason(s) for the requested zoning and annexation. Appropriate Comprehensive Plan goals and policies should be included in your reasons.

THIS IS A SMALL PARCEL TO ~~BE~~
ADDED TO OUR EXISTING PARCEL # 4728
TO MAKE OUR PROJECT CONTINUOUS FROM
PENNSYLVANIA AVE. TO LILAC LANE

THIS PROPERTY IS INCLUDED IN OUR
P.U.D. APPLICATION.

PROPERTY INFORMATION

- 1. Gross area: (all land involved): 12.65 acres, and/or _____ sq. ft.
- 2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): 12.65 acres, and/or _____ sq. ft.
- 3. Total length of streets included: 1200+ ft., and/or _____ miles.
- 4. Total number of lots included: 11
- 5. Average lot size included: N/A.
- 6. Existing land use: UNDEVELOPED W/ 2 OLD RESIDENCES (1 NOT LIVABLE)
- 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
FUR.

JUSTIFICATION

Proposed Activity Group; WORKFORCE HOUSING PROJECT

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.

- ① THE NEED FOR WORKFORCE HOUSING HAS BEEN IDENTIFIED AS CRITICAL FOR COEUR D'ALENE.
- ② THE ECONOMICS REQUIRE A GREATER DENSITY TO BE ABLE TO PROVIDE VIABLE WORKFORCE HOUSING ON THIS SITE.
- ③ THE PROJECT OCCUPIES LESS THAN 50% OF THE SITE WITH THE BALANCE AS FOREST RESERVE. (SEE ATTACHED BREAKDOWN)
- ④ _____
- _____
- _____
- _____

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

A. INTRODUCTION

This matter having come before the Planning Commission on October 9, 2007, and there being present a person requesting approval of ITEM A-2-07, a request for zoning prior to annexation from County Agricultural-Suburban to City R-8 (Residential at 8 units/acre)

LOCATION: +/- 12.7-acre parcel between Interstate 90, Fernan Hill Road, the Intersection of 23rd Street and Pennsylvania Avenue, and a portion of Foss Addition

APPLICANT: CDA Architects, PLLC

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 single-family, duplexes and multi-family residential (Lake Villa apartments - +/- 275 units), commercial and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is County Agricultural-Suburban
- B4. That the notice of public hearing was published on September 22, 2007, and October 2, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 292 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on September 21, 2007, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on October 9, 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 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 **CDA ARCHITECTS, PLLC** For zoning prior to annexation, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Suggested provisions for inclusion in an Annexation Agreement 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

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

A. INTRODUCTION

This matter having come before the Planning Commission on October 9, 2007, and there being present a person requesting approval of ITEM ZC-14-07, a request for a zone change from R-3 (Residential at 3 units/acre) to R-8 (Residential at 8 units/acre)

LOCATION: +/- 12.7-acre parcel between Interstate 90, Fernan Hill Road, the Intersection of 23rd Street and Pennsylvania Avenue, and a portion of Foss Addition

APPLICANT: CDA Architects, PLLC

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 single-family, duplexes and multi-family residential (Lake Villa apartments - +/- 275 units), commercial and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is County Agricultural-Suburban
- B4. That the notice of public hearing was published on September 22, 2007, and October 2, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, October 1, 2007, which fulfills the proper legal requirement.
- B6. That 292 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on September 21, 2007, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on.
- 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 **CDA ARCHITECTS, PLLC** 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: OCTOBER 9, 2007
SUBJECT: SP-7-07 – REQUEST FOR AN ESSENTIAL SERVICE (ABOVEGROUND)
SPECIAL USE PERMIT IN AN R-12 ZONING DISTRICT
LOCATION – A +/- 8,800 SQ. FT. PARCEL AT THE NORTHWEST CORNER OF
8TH STREET AND EAST TUBB'S HILL DRIVE

DECISION POINT:

The City of Coeur d'Alene, Water Department is requesting an Essential Service (Aboveground) Special Use Permit in the R-12 (Residential at 12 units/acre) zoning district to allow construction of a water booster facility in a 192 sq. ft. building to provide adequate water pressure for homes on Tubb's Hill.

SITE PHOTOS:

A. Site photo.



B. Looking west at subject property from 8th Street.

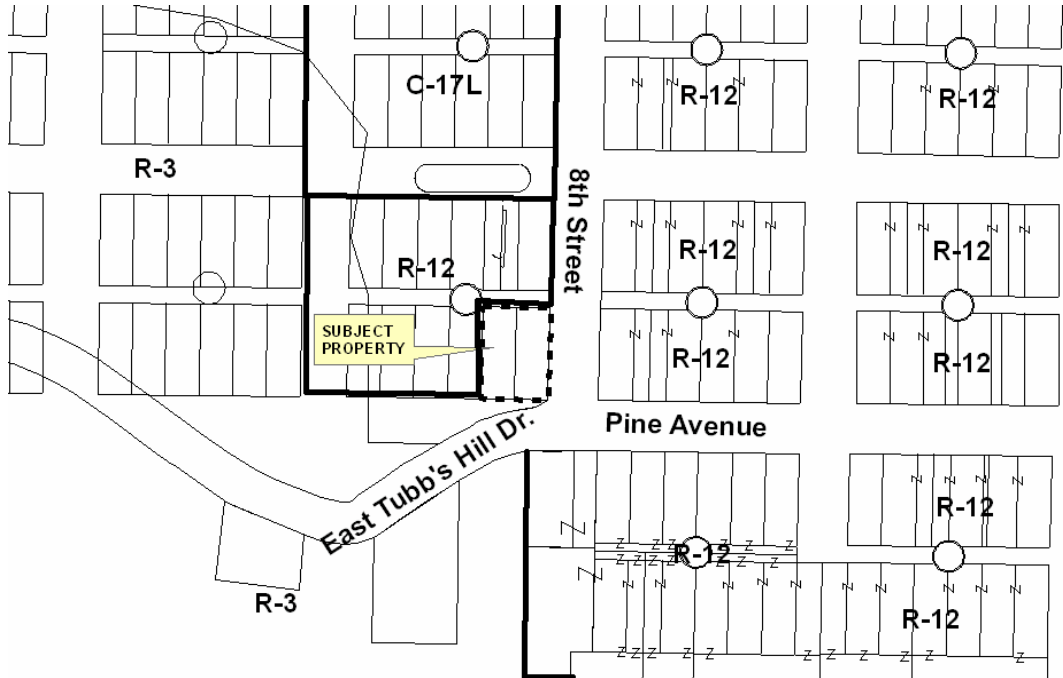


C. Looking south at subject property.

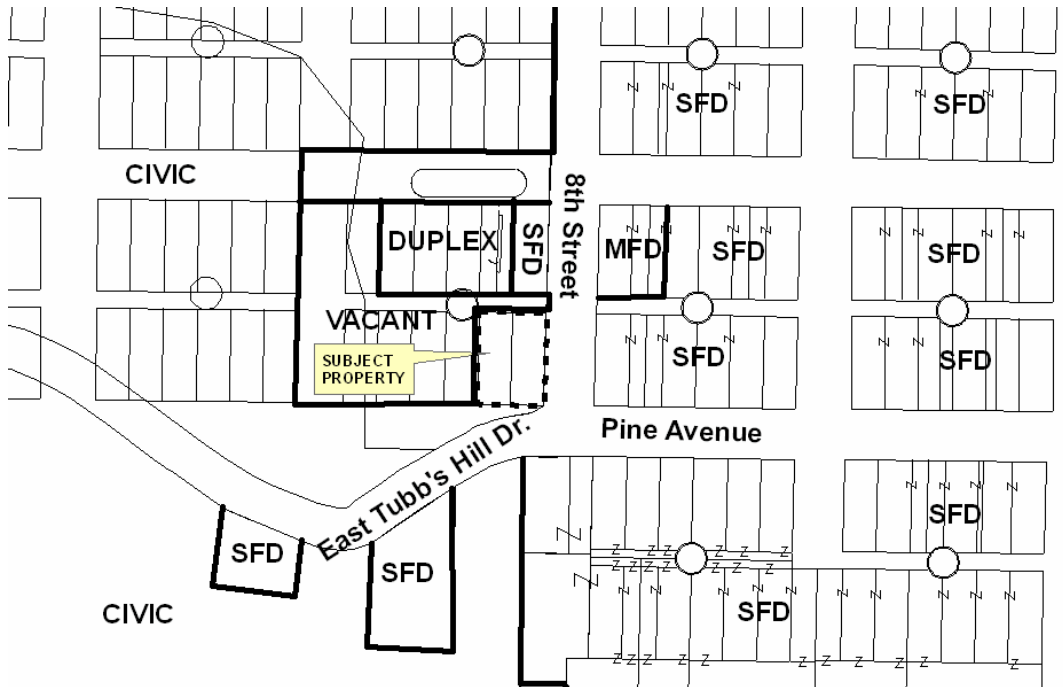


GENERAL INFORMATION:

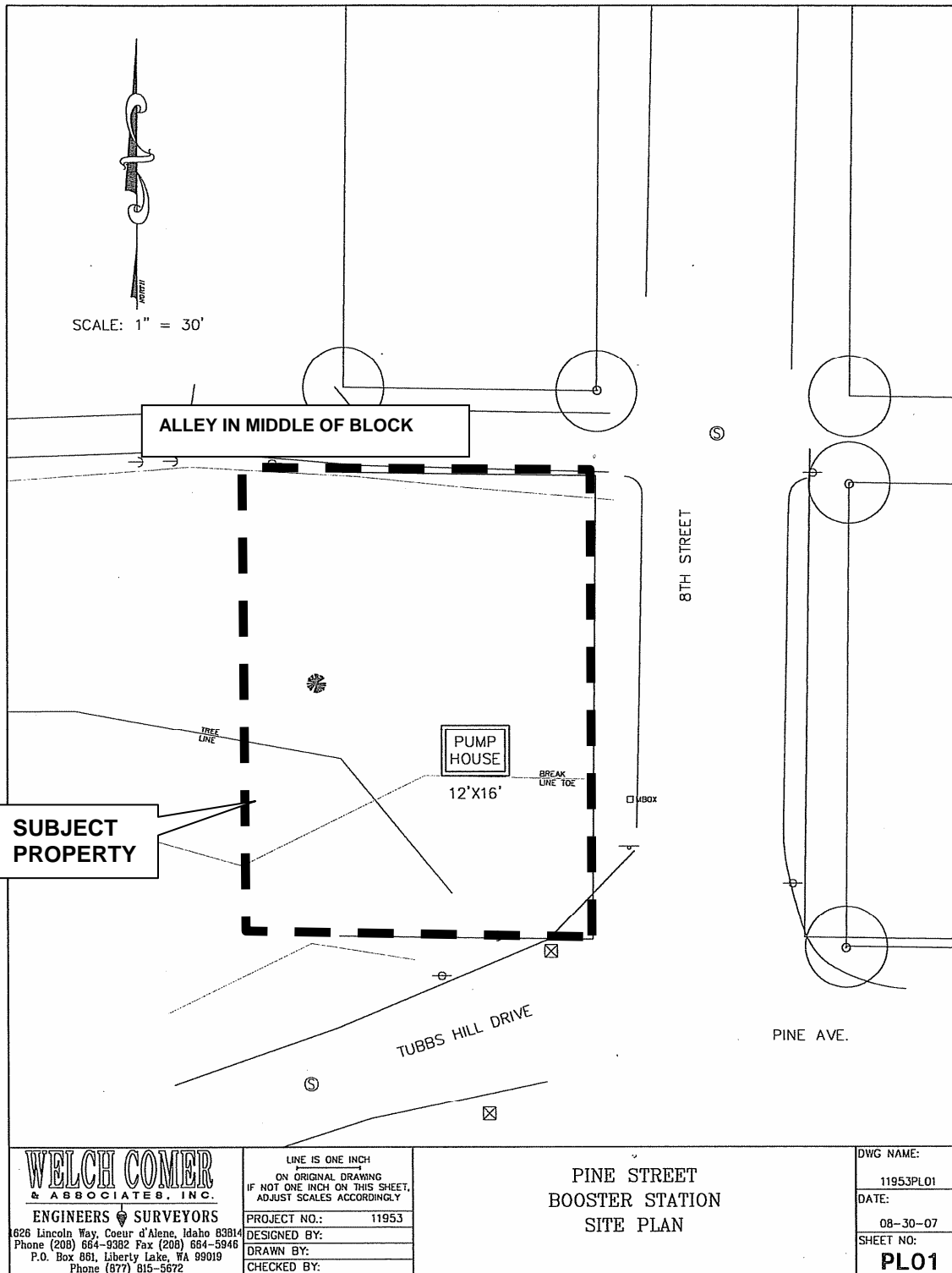
A. Zoning



B. Generalized land use pattern:



C. Site Plan



:AD Project\11953\dwg\11953PL01.dwg, 8/31/2007 2:38:14 PM, downbay, 1:1

WELCH COMER
 & ASSOCIATED, INC.

ENGINEERS & SURVEYORS
 626 Lincoln Way, Coeur d'Alene, Idaho 83814
 Phone (208) 664-9382 Fax (208) 664-5946
 P.O. Box 861, Liberty Lake, WA 99019
 Phone (877) 815-5672

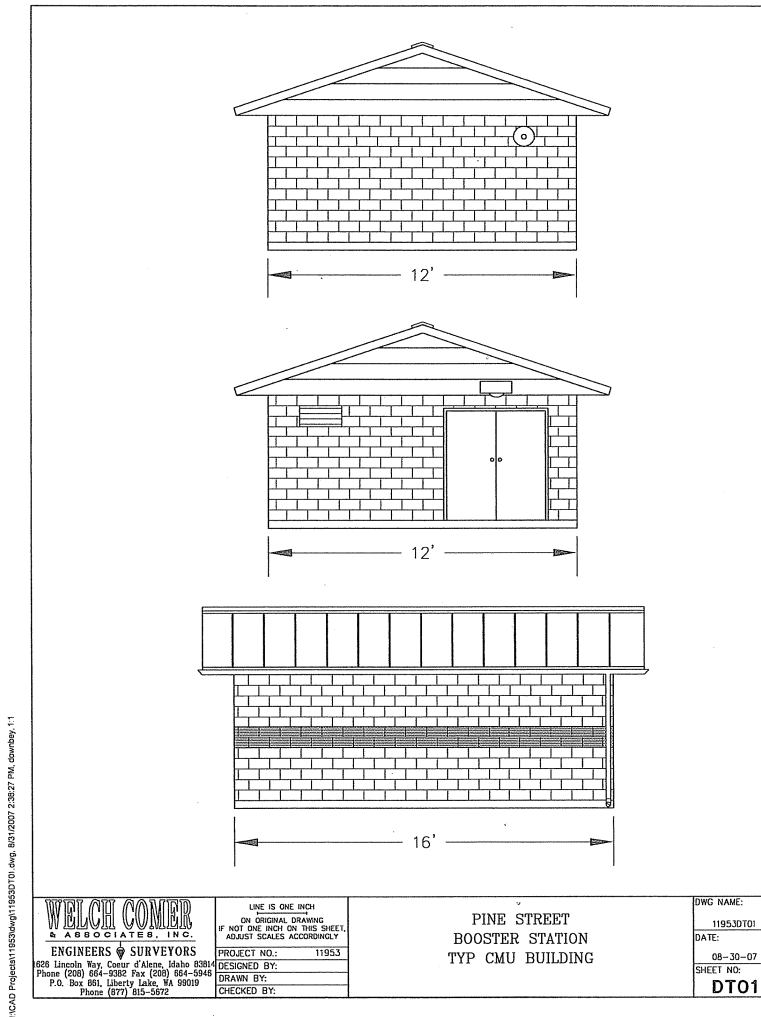
LINE IS ONE INCH
 ON ORIGINAL DRAWING
 IF NOT ONE INCH ON THIS SHEET,
 ADJUST SCALES ACCORDINGLY.

PROJECT NO.: 11953
 DESIGNED BY:
 DRAWN BY:
 CHECKED BY:

PINE STREET
 BOOSTER STATION
 SITE PLAN

DWG NAME:
 11953PL01
 DATE:
 08-30-07
 SHEET NO:
PL01

D. Building elevations



E. Applicant: City of Coeur d'Alene, Water Department
 3820 Ramsey Road
 Coeur d'Alene, ID 83815

F. Owner: Lake City Development Corporation
 P. O. Box 3450
 Coeur d'Alene, ID 83814

G. Existing land uses in the area include residential, civic, and vacant lots.

H. The subject property is currently vacant.

PERFORMANCE ANALYSIS:

A. Zoning:

The requested Essential Service (Aboveground) activity is classified as a civic activity and allowed by Special Use Permit in an R-12 zone.

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

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

Stable Established:

“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 above the freeway, overall buildout density approximately 3 du/acre. Individual lot size typically not smaller than 8,000 sq. ft. (5 du/ac)
- Encourage residential when close to jobs and other services.
- Discourage uses that are detrimental to neighboring uses.
- Encourage vacant lot development that is sensitive to neighboring uses.

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:

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

15C: The water system should be expanded and improved to supply the needs of the Planning Area residents. The existing water source should be protected to prevent contamination in the existing wells.

15G: “City government should be responsive to the needs and desires of the citizenry.”

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

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

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

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

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

The proposed building will be a 12 foot by 16 foot (192 sq. ft.) one story CMU building built adjacent to 8th Street to house pumping equipment.

Evaluation: Based on the information presented, the Planning Commission must determine if the request is compatible with surrounding uses and is designed appropriately to blend in with the area.

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

WATER:

Water is available to the subject property.

Evaluation: The existing 8" main in Pine Ave. will be sufficient to supply the required flow for the booster station and the number of customers supplied by it. The site will be constructed to meet all code requirements.

Submitted by Terry Pickel, Assistant Water Superintendent

SEWER:

This facility does not show a need for a sewer connection.

Evaluation: This mechanical room, as shown on the exhibits, shows no need for sewer. The design and location of this facility is such that if a sewer connection should be desired in the future, an easy lateral connection could be made.

Submitted by Don Keil, Assistant Wastewater Superintendent

STORM WATER, TRAFFIC AND STREETS:

We have no comments.

Submitted by Chris Bates, Engineering Project Manager

FIRE:

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

Submitted by Brian Halverson, Fire Inspector

POLICE:

The Police department was contacted and had no concerns.

Submitted by Steve Childers, Captain Police Department

E. Proposed conditions:

Planning

1. All exterior lighting must be directed down with no light spillage across property lines.

F. 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.

JUSTIFICATION:

Proposed Activity Group; ESSENTIAL SERVICE. ABOVE-GROUND.

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

A. A description of your request; IN ORDER TO PROVIDE WATER IN ADEQUATE PRESSURE TO HOMES ON TUBBS HILL WE NEED TO REPLACE THE FALLING BOOSTER STATION. AS A SAFETY MEASURE, THE NEW STATION WILL BE AN ABOVE-GROUND FACILITY

B. Show the design and planning of the site and if it is compatible with the location, setting and existing uses on adjacent properties; THE BUILDING WILL BE OF CMU CONSTRUCTION CONSISTANT WITH OTHER WATER DEPARTMENT WELLS AND BOOSTER STATIONS. OUR FACILITIES ARE LOCATED THROUGHOUT CDA, TYPICALLY IN RESIDENTIAL NEIGHBORHOODS.

C. Show the location, design and size of the proposal, and will it be adequately served by existing streets, public facilities and services; The facility, WILL ONLY BE VISITED ON AN OCCASIONAL BASIS. EXISTING STREETS AND POWER WILL ME THE NEEDS OF THE FACILITY

D. Any other justifications that you feel are important and should be considered by the Planning Commission. THE LOCATION FOR THE BOOSTER STATION IS DRIVEN BY NEED. IT HAS TO BE LOCATED CLOSE TO PINE AVENUE AT 10TH STREET. THIS IS THE CLOSEST, RELATIVELY LEVEL SITE AVAILABLE. AN ABOVE-GROUND BUILDING IS BEING PROVIDED TO ENHANCE EMPLOYEE SAFETY.

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

A. INTRODUCTION

This matter having come before the Planning Commission on, October 9, 2007, and there being present a person requesting approval of ITEM SP-7-07, a request for a Essential Service (Aboveground) Special Use Permit in the R-12 (Residential at 12 units/acre) zoning district

LOCATION: A +/- 8,800 sq.ft.parcel at the Northwest corner of 8th Street and East Tubb's Hill Drive

APPLICANT: The City of Coeur d'Alene, Water Department

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

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

- B1. That the existing land uses are residential, civic, and vacant lots.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is R-12 (Residential at 12units/acre)
- B4. That the notice of public hearing was published on September 22, 2007, and, October 2, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on October 1, 2007, which fulfills the proper legal requirement.
- B6. That 40 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, September 21, 2007 and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on October 9, 2007.

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

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

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

Criteria to consider for B8B:

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

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

Criteria to consider B8C:

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

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **THE CITY OF COEUR D'ALENE, WATER DEPARTMENT** for a Essential Service (above ground)special use permit, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner 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, ASSOCIATE PLANNER
DATE: OCTOBER 9, 2007
SUBJECT: PUD-4-06m – "RIVERSTONE"
LOCATION – +/- 36.6- ACRE PARCEL ADJACENT TO RIVERSTONE
DRIVE AND BEEBE BOULEVARD

SITE PHOTOS:

A. Subject property looking south from Riverstone Drive.



B. Subject property looking north from Tilford Lane.



DECISION POINT:

- A. Riverstone West, LLC is requesting the following modifications to the existing PUD-4-06:
1. Changes to the approved land use plan, as follows: (See pages 4 & 5 for comparisons between approved plan and proposed changes)
 - a. The southerly most mixed use high rise area would be re-located to the north side of the lake.
 - b. The mixed use high rise area on the north side of Riverstone Drive would be reduced in size.
 - c. The commercial designation would be increased to 14.69 acres from 8.1 acres.
 - d. The mixed use high rise designation would be decreased to 6.26 acres from 7.81 acres.
 - e. The mixed use designation would be reduced to 4.5 acres from 9.66 acres.

2. Reduce the parking standard in the mixed use high rise land use area, (Blue zone) for multi-family uses, as follows:
 - 1 bedroom units reduced from 2 per unit to 1.5 per unit.
 - 2 bedroom units reduced from 3 per unit to 1.5 per unit.
 - 3 bedroom units reduced from 3 per unit to 2 per unit.

THESE ARE THE ONLY CHANGES REQUESTED BY THE APPLICANT.

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

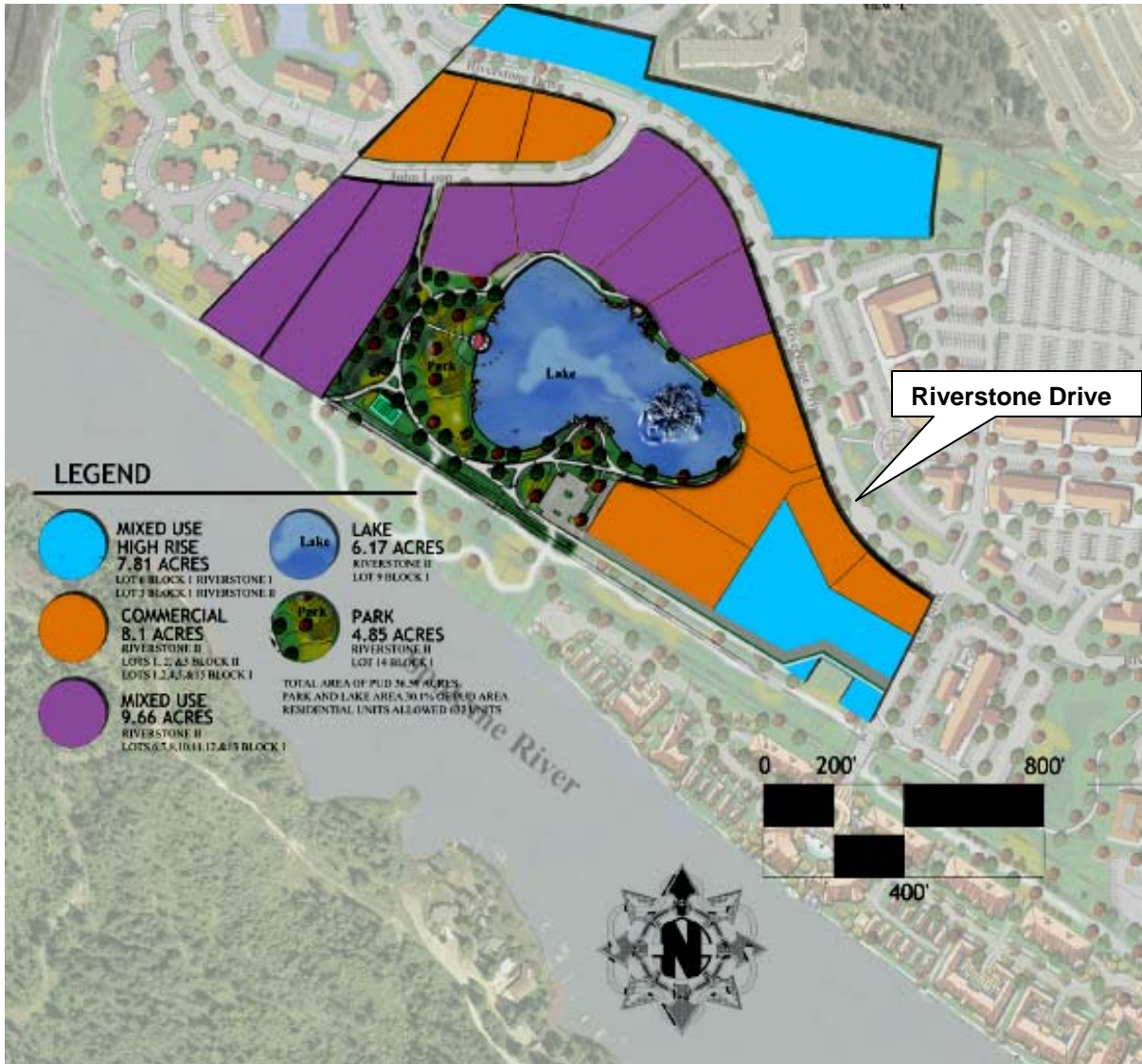
In making this determination, the Planning Commission should decide if the deviations requested represent a substantial change over what would be allowed if the regulations were applied on a lot-by-lot basis. The chief benefits of this PUD for the applicant are:

- Change the location and size of various land use designations on the land use plan.
- Reduce the multi-family parking standard in the mixed use high rise land use area, thus, allowing a lower parking requirement for the proposed residential use in that area than would be required for multi-family uses else where in Coeur d'Alene.

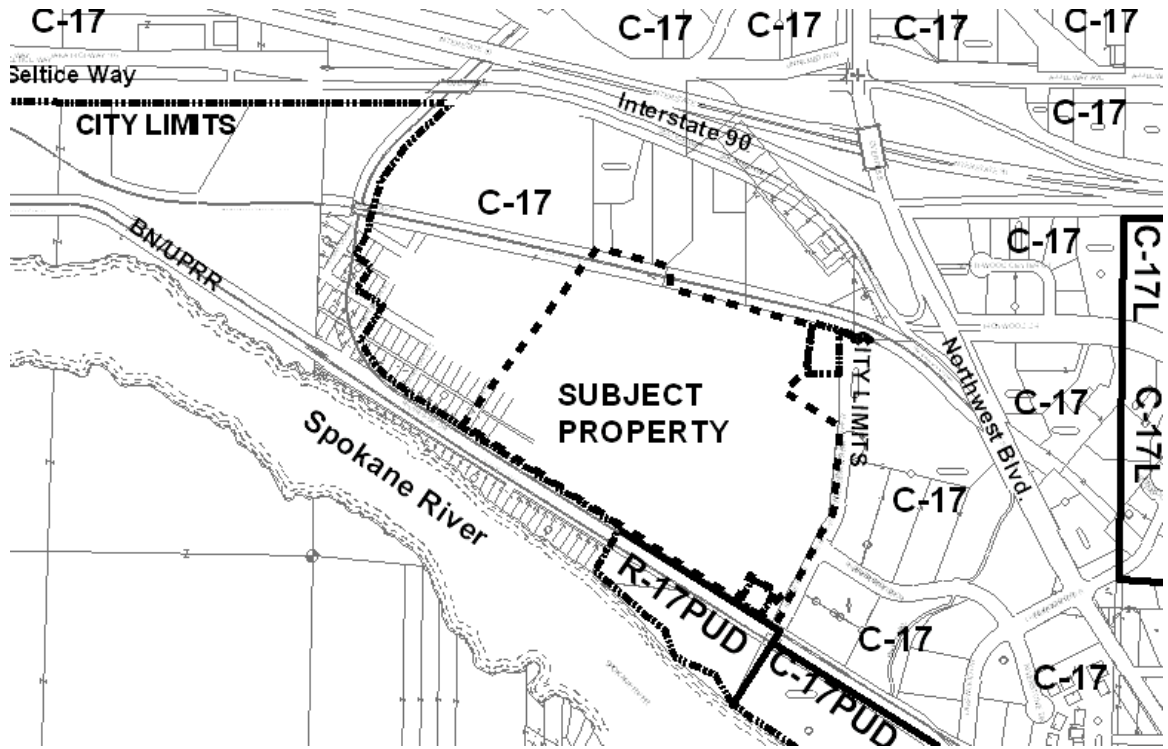
The Commission must decide if this request meets the intent of the PUD regulations and in so doing may wish to consider that certain benefits accrue to the city and the public by virtue of a planned unit development:

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

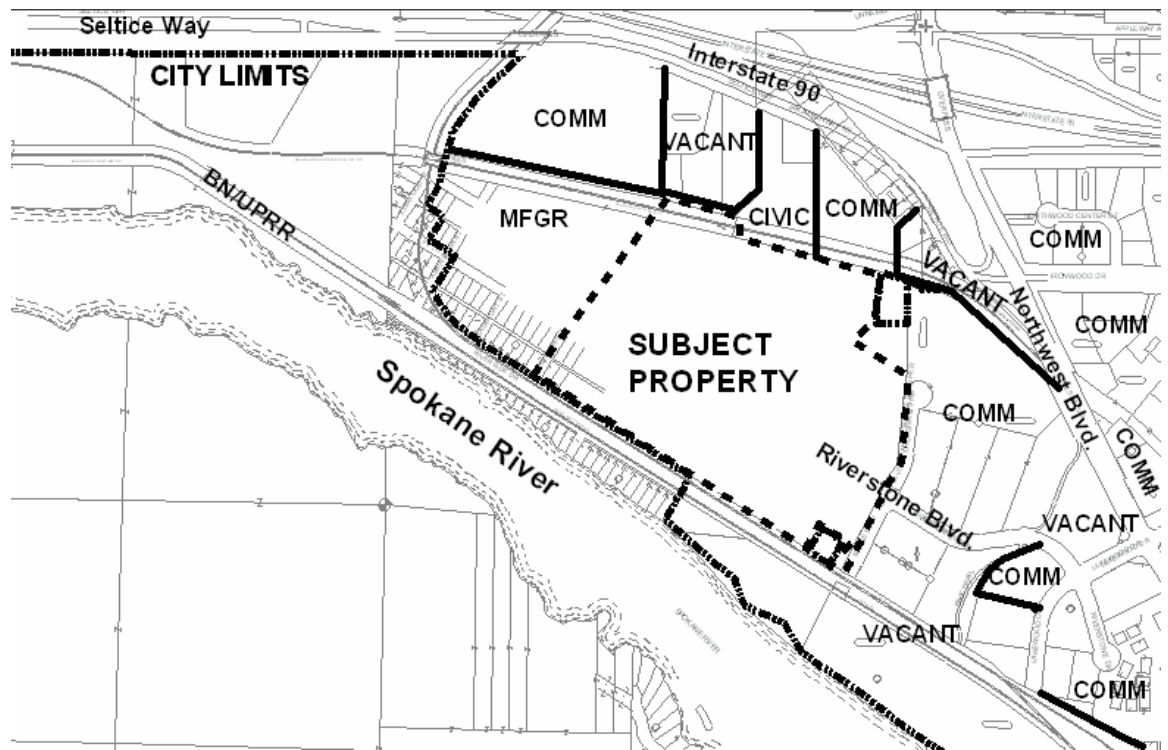
B. Approved plan with PUD-4-06



C. Zoning:



D. Generalized land use pattern:



- E. Applicant/Owner: Rivermill West, LLC
104 S. Division Street
Spokane, WA 99202
- F. Land uses in the area include residential - civic, commercial retail sales & service, and vacant land.
- G. The subject property is under development.

PERFORMANCE ANALYSIS:

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

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

Transition Areas:

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

Medium Intensity Corridors:

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

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

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

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

Significant policies:

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

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

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

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

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

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

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

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

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

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

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

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

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

WATER:

This project is adequately served.

Evaluation: Density findings will not affect the area water facilities. Current system is sufficient to provide the required fire flow and domestic capacities.

Comments submitted by Terry Pickel, Assistant Water Superintendent

SEWER:

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

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

request and conforms to the sewer master plan.

Comments submitted by Don Keil, Assistant Wastewater Superintendent

STORMWATER, STREETS AND TRAFFIC:

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

Comments submitted by Chris Bates, Engineering Project Manager

FIRE:

The standard Fire Department issues of access, water supplies and fire hydrants will be addressed at the plan review phase.

Comments submitted by Brian Halverson, Fire Inspector

POLICE:

I have no comments at this time.

Comments submitted by Steve Childers, Captain, Police Department

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

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

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

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

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

With approval of this request, the Planning Commission would be approving a new parking standard for multi-family uses in the two mixed use high rise land use areas shown on the land use plan that is lower than what is now required for this use in other areas.

Evaluation: The Planning Commission must determine whether the request

would result in a parking requirement for multi-family uses in the two mixed use high rise areas that provides parking that would be sufficient for the use.

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

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

Evaluation: With approval of PUD-4-06, the Planning Commission included the following condition:

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

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

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

J. The following condition approved with PUD-4-06 is still in force and not affected by this request:

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

K. Ordinances and Standards Used In Evaluation:

Comprehensive Plan - Amended 1995.
Transportation Plan
Municipal Code.
Idaho Code.
Wastewater Treatment Facility Plan.
Water and Sewer Service Policies.
Urban Forestry Standards.
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices.
Coeur d'Alene Bikeways Plan

ACTION ALTERNATIVES:

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

Riverstone West Limited Design Planned Unit Development Narrative

Application Page 3-

Please Describe the Concept of Development proposed:

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

Proposed uses and activities:

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

Physical land alteration required by development:

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

Application Page 4-

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

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

Purple Zone-The purple zone will accommodate mixed use development that could include a combination of town homes, office, mixed use buildings with ground floor retail with residential

above, commercial businesses, apartments or condos. The Purple Zone will be subject to all applicable regulations within the C-17 zoning designation including height and setbacks limitation as well as the Covenants, Conditions and Restrictions of the Riverstone master Association.

Blue Zone-The blue zone specifically calls for mixed-use high residential structures up to 165 feet or 15 stories (approved with original PUD). The original PUD application showed northerly and southerly blue zone sites. After further planning and consultation, the southerly site was moved to a location at the northwest corner of the pond and park. This was done to provide better views for tenants and a more cohesive look to the development. Both blue zone sites will consist of two interconnected towers with above-grade residential units and below-grade secured parking. All condo buildings will be sited and designed to maximize view corridors both within Riverstone and for adjacent property. The building envelopes will be no larger than the design shown in the original PUD.

The developer is requesting a reduced parking standard in the blue zone:

- 1 bedroom units reduced from 2 per unit to 1.5 per unit
- 2 bedroom units reduced from 3 per unit to 1.5 per unit
- 3 bedroom units reduced from 3 per unit to 2.0 per unit

See attached documents for justification.

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

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

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

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

Proposed Building Envelope-The only building envelopes shown are within the two blue zones for the two high rise residential products. No other building envelopes are shown because currently all the other buildings in the PUD area will be subject to the Limitations of the C-17

zone including height and setback standards. The two residential tower envelopes may vary slightly to accommodate superior view corridors and layout.

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

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

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

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

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

Sewer and Water mains are located within the major arterials in Riverstone. Additionally the primary city sewer trunk main runs inside the railroad right of way within Riverstone. The entire

development has been designed with redundant water loops to ensure adequate service and pressure.

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

- g. A statement indicating that the owner will provide streets and driveways, sidewalks and pedestrian ways and off street parking and loading pursuant to other requirements of code-**The Owner will provide street and driveways, sidewalks and pedestrian ways and off street parking and loading areas pursuant to other requirements of this code.
- h. A statement that utilization of the site will be pursuant to the underlying zoning district-**The owner will utilize the site pursuant to the underlying zoning district with the exception of the following:

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

Justification of reduced parking standards

Riverstone is envisioned as a 2nd home/vacation home development with residents who live her part-time. Based on preliminary feedback from potential buyers, it is expected that as many as 50% of the buyers will purchase these units as a 2nd home. Secondary residences allow for a reduced standard, since many couples or families arrive and leave together.

The lifestyle associated with this community will seek activities that are vacation-oriented. Alternative modes of transportation include public transportation, biking, and walking to other locations in Coeur d' Alene.

Parking standards required by other cities of similar size or market influence are much lower than those required for this community. Comparison cities include Spokane, WA, Sandpoint, ID, Bend, OR, and Boulder, CO. Averages within each city are 1.5 per unit, comparable to those being requested as part of this PUD.

Meeting the standard parking requirements would result in either a different community fabric (buildings that are all the same with unsightly surface parking lots) or several levels of sub-surface or elevated parking (higher construction costs resulting in price-points that are too high for local market conditions).



LEGEND

-  COMMERCIAL
14.69 ACRES
-  MIXED USE
HIGHRISE
52.8 ACRES
-  MIXED USE
1.5 ACRES
-  LAKE
6.17 ACRES
-  PARK
4.65 ACRES

Riverstone

CONDO'S • TOWNHOMES • OFFICE • RETAIL • LAND
FOR SALE • LEASE • BUILD TO SUIT

208-667-2156



SRM STONE RIVER
MIXED USE
DEVELOPMENT, LLC
BENSON & BOHL

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

A. INTRODUCTION

This matter having come before the Planning Commission on October 9, 2007, and there being present a person requesting approval of ITEM PUD-4-06m a request for a planned unit development known as "Riverstone".

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

APPLICANT: Riverstone West LLC

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

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

- B1. That the existing land uses are residential - civic, commercial retail sales & service, and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition Area
- B3. That the zoning is C-17 (Commercial at 17units/acre).
- B4. That the notice of public hearing was published on September 22, 2007, and October 2, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on September 27, 2007, which fulfills the proper legal requirement.
- B6. That 145 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on September 22, 2007, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on October 9, 2007.

B8. Pursuant to Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the Planning Commission:

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

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

Criteria to consider for B8B:

- | | |
|----------------------------|----------------|
| 1. Density | 6. Open space |
| 2. Architectural style | 7. Landscaping |
| 3. Layout of buildings | |
| 4. Building heights & bulk | |
| 5. Off-street parking | |

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

Criteria to consider for B8C:

1. Is there water available to meet the minimum requirements for domestic consumption & fire flow?
2. Can sewer service be provided to meet minimum requirements?
3. Can the existing street system accommodate the anticipated traffic to be generated by this development?
4. Can police and fire provide reasonable service to the property?

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

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

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

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

Criteria to consider for B8G:

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

C. ORDER: CONCLUSION AND DECISION

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

Special conditions applied are:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner 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

2007 Planning Commission Priorities Progress

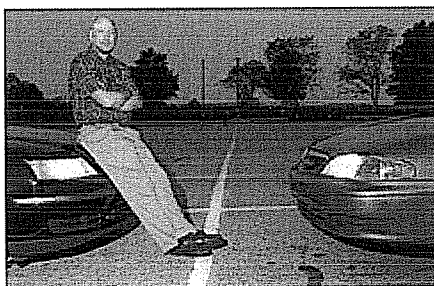
OCTOBER 2007

<p>.A note on the colors from from Tony Berns: "I use the stop light analogy: Red is bad – either that initiative has failed, or our Board goal for the year will not be met. Yellow is caution – could get to "red" if we don't do something pronto. Green is good. he other colors like "pending" are place holders until action on those items can occur." Note: The PC is encouraged to select what "color" is appropriate.</p>		
Administration of the Commission's Business		
<ul style="list-style-type: none"> ▪ Follow-up of Commission requests & comments 		No new requests.
<ul style="list-style-type: none"> ▪ Meeting with other boards and committees 		Park/rec Comm workshop 6/07. Sign Bd 06, CC 3/07
<ul style="list-style-type: none"> ▪ Goal achievement 		Checklist of projects w/updated 2/07
<ul style="list-style-type: none"> ▪ Building Heart Awards 		Discussed 7/06 No awards will be given.
<ul style="list-style-type: none"> • Speakers 		Wastewater & LCDC completed
<ul style="list-style-type: none"> • Public Hearings 		November 13, 1 item
Long Range Planning		
<ul style="list-style-type: none"> ▪ Comprehensive Plan Update 		Public Hearing scheduled October 9th
Public Hearing Management		
<ul style="list-style-type: none"> ▪ Continued work on Findings and Motions 		Warren and Plg staff to review
<ul style="list-style-type: none"> ▪ Public hearing scheduling 		Chrman Bruning consulted on agenda
Regulation Development		
1. Subdivision Standards		Pending – some research begun
2. Revise Landscaping Regulations		w/Urban Forestry
3. Expansion of Design Review		w/ Design Review Commission CC & PC wkshps completed. Legal reviewing/developing draft ord.
4. Commercial Zoning Districts		Hgts/Commercial Zoning study of E Sherman assigned by council.
5. Off-Street Parking Standards		
6. Workforce & Affordable Housing		City staff & consultant working on various aspects ie Community Development Block Grant.
Misc Zoning Ord. Updates		
<ul style="list-style-type: none"> • Non-Conforming Use Reg cleanup • Average Finish Grade • Screening of rooftop equipment • Mediation – state law • Planned Unit Development Standards • Lighting • Surface Water, Irrigation – ID law • Re-codification or re-org to Unified Development Code 		Fort Grounds Example, research continuing. CC Approved 5/1 Research begun
Other Code Provisions under Development Supported by Commission		
<ul style="list-style-type: none"> • Variance criteria • Design Review Procedure • Downtown Design Review – cleanup • Height Projections 		CC approved hgt 5/1 Procedure draft by legal under review. Wkshp w/downtown et.al. pending Draft prepared. Wkshp w/downtown TBA
Other Action		
Infill East Revisions		City Council approved East Infill Boundary (O-1-07c) on 9-18-07

September 11, 2007

Parking spaces outnumber drivers 3-to-1, drive pollution and warming

WEST LAFAYETTE, Ind. - From suburban driveways to the sprawling lots that spring up around big retailers, Americans devote lots of space to parking spaces - a growing land-use trend that plays a role in heating up urban areas and adding to water pollution, according to a recent study.



Pijanowski in a parking lot
[Download photo](#)
caption below

Purdue University researchers

surveyed the total area devoted to parking in a midsize Midwestern county and found that parking spaces outnumbered resident drivers 3-to-1 and outnumbered resident families 11-to-1. The researchers found the total parking area to be larger than 1,000 football fields, or covering more than two square miles.

"Even I was surprised by these numbers," said Bryan Pijanowski, the associate professor of forestry and natural resources who led the study in Purdue's home county of Tippecanoe. "I can't help but wonder: Do we need this much parking space?"

Pijanowski said that his results are cause for concern, in part, because parking lots present environmental and economic problems. They are, for instance, a major source of water pollution, he said.

Tippecanoe County parking lots turn out about 1,000 pounds of heavy metal runoff annually, said Purdue professor Bernard Engel, who used a computer model to estimate changes in water-borne runoff caused by land-use changes. Engel, head of the Department of Agricultural and Biological Engineering, said lots are troublesome because pollutants collect on their non-absorbent surfaces and are then easily carried away by rain.

"The problem with parking lots is that they accumulate a lot of pollutants – oil, grease, heavy metals and sediment – that cannot be absorbed by the impervious surface," Engel said. "Rain then flushes these contaminants into rivers and lakes."

Heavy metals accumulate on parking lots from car batteries and even from airborne fumes, a phenomenon called dry deposition. Also, since rainfall cannot penetrate parking lots, they generate large amounts of flowing water, worsening flooding and erosion – and water pollution, Engel said.

Parking lots also help add to the "urban heat island effect," which can raise local temperatures 2 to 3 degrees Celsius, according to Indiana state climatologist Dev Niyogi.

"Urban areas have a higher capacity to absorb radiation from the sun than surrounding areas, and these areas become warmer," Niyogi said. "This effect could be even more dramatic in much of the Midwest because there are many urban areas immediately surrounded by cooler rural areas."

Pijanowski said his study has relevance outside of Tippecanoe County because his findings typify a troubling trend he's observed and studied: Generally, Americans pave an increasing percentage of land each year for their cars and trucks.

While parking spaces are necessary, Pijanowski said that businesses could be more creative about utilizing combined-use or shared parking lots, thereby saving construction and property costs while minimizing land use. This approach might benefit large churches and "big-box" retailers, which often feature parking lots that take up more than twice the area of their buildings, he said.

"Parking lots at big-box stores and mega-churches are rarely filled," Pijanowski said.

A different approach to development planning could mitigate the monetary and environmental costs associated with parking areas, he said.

"In many areas of the world, particularly Europe, cities were planned prior to automobiles, and many locations are typically within walking distance," Pijanowski said. "This is just one different way to plan that has certain advantages."

Pijanowski counted 355,000 parking spaces in Tippecanoe County, home to about 155,000 residents. Farmers could produce 250,000 bushels of corn in the same space taken up by county parking lots, he said.

The county's parking lots also produce 1,000 times the amount of heavy metal runoff and 25 times the total runoff that the same area of agricultural land would produce, Engel said. The computer model, a type of "long-term impact assessment model," calculated predicted changes in runoff and compared them with runoff levels from land in

agricultural production, which generally produces less runoff because soil is better able to absorb rainfall and contaminants than pavement.

Although Purdue University draws non-resident student drivers and visitors to Tippecanoe County, Pijanowski said the effect is negligible on his calculated ratios of lots to drivers and is typical of the manner in which midsized counties often attract non-residents and their cars for various reasons.

Pijanowski conducted his survey using digitalized aerial images of Tippecanoe County taken in 2005, which he then analyzed to count the number of total parking spaces and the land area they consume. Students Amélie Davis and Kimberly Robinson helped to collect and analyze data.

He presented the results of his work in May at a conference of land-use experts in the Netherlands. This survey is the first in a series aimed at assessing the automobile's impact on land-use patterns, Pijanowski said.

Pijanowski counted parking lots at businesses, Purdue University and other public properties. Since he didn't include lots on private property or count multiple levels of parking garages, he regards his calculation of parking area and spaces as a significant underestimate.

"People can help by first realizing that our land is not unlimited and that we need to use it prudently," Pijanowski said. "They can seek a lifestyle that requires less automobile use. They can express their opinions that parking lots do not have to be as large as they are, attend planning meetings and help guide others to act."

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PHOTO CAPTION:

Purdue researcher Bryan Pijanowski says vast expanses of parking lots help raise urban temperatures and add to water pollution. Pijanowski, an associate professor of forestry and natural resources, says parking lots in Tippecanoe County, Indiana, take up more space than 1,000 football fields.
(Purdue Agricultural Communication photo/Tom Campbell)