

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

**JULY 9, 2019**

**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:** Messina, Fleming, Ingalls, Luttrupp, Mandel, Rumpler, Ward

**PLEDGE:**

**APPROVAL OF MINUTES:**

May 28, 2019, Workshop

June 11, 2019, Planning Commission Meeting

**PUBLIC COMMENTS:**

**COMMISSION COMMENTS:**

**STAFF COMMENTS:**

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

1. Applicant: City of Coeur d'Alene  
Request: A proposed amendment to the Accessory Dwelling Unit Code  
LEGISLATIVE, (O-1-19)
  
2. Applicant: Rivers Edge Apartments, LLC  
Location: 3528 W. Seltice Way  
Request:
  - A. A proposed 22.17 acre Planned Unit Development known as "Rivers Edge PUD"  
QUASI-JUDICIAL, (PUD-2-19)
  
  - B. A proposed 29-lot preliminary plat known as "Rivers Edge"  
QUASI-JUDICIAL, (S-2-19)

**ADJOURNMENT/CONTINUATION:**

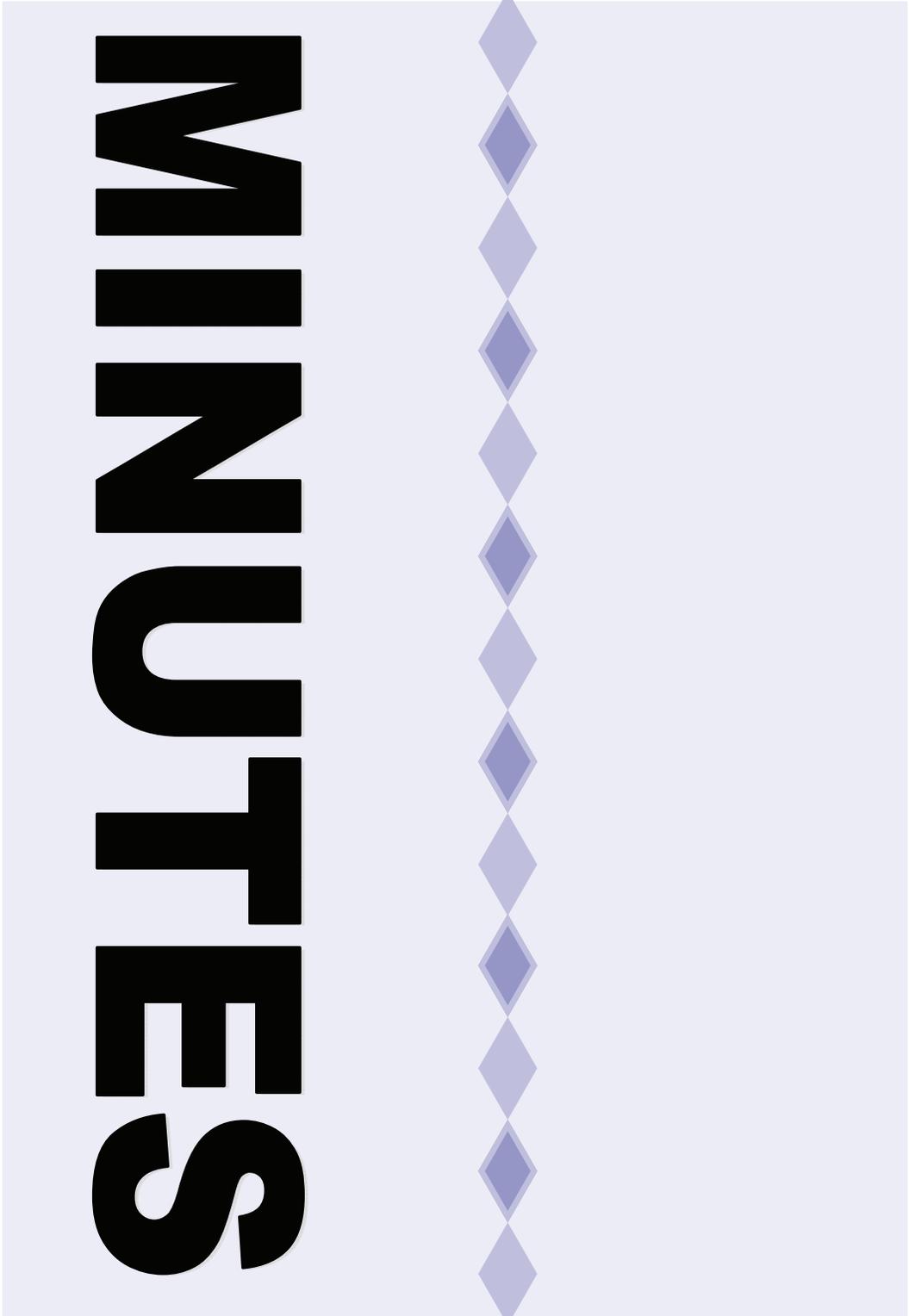
Motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
to continue meeting to \_\_\_\_\_, \_\_, at \_\_ p.m.; motion carried unanimously.

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 72 hours in advance of the meeting date and time.***



# MINUTES



**PLANNING COMMISSION  
MINUTES  
MAY 28, 2019 WORKSHOP  
LOWER LEVEL – COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

Tom Messina, Chairman  
Jon Ingalls, Vice-Chair  
Lynn Fleming  
Peter Luttrupp  
Lewis Rumpler  
Brinnon Mandel

**STAFF MEMBERS PRESENT:**

Hilary Anderson, Community Planning Director  
Shana Stuhlmiller, Public Hearing Assistant  
Mike Behary, Associate Planner

**URBAN & INFILL HOUSING & ADU WORKGROUP:**

Kevin Jester  
Shauna Clark  
Josh Suhr  
Adam Graves  
Tom Messina

**COMMISSIONERS ABSENT:**

Michael Ward

**CALL TO ORDER:**

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

**WORKSHOP:**

**Welcome – Hilary Anderson, Community Development Director**

Ms. Anderson stated the objectives of the workshop and explained that the ADU & Infill Housing committee was formed to help with the ADU and Infill Housing codes, and said that the City is fortunate to have a diverse group of experts to assist with the task.

**ADU Code Discussion – Mike Behary, Associate Planner**

- Mr. Behary stated that in 2007 the City adopted (Accessory Dwelling Unit) ADU Codes.
- He explained the reason for the proposed code amendment was complaints and inquiries from builders and homeowners who were having a difficult time building an ADU on the second level of a garage.
- He stated that staff put together a committee in January, with the first workshop held in February, a second one in March and the last one in April.

### ADU Unit Size

**Current Code:** ADU shall be a minimum of 300 square feet and a maximum of 700 square feet, excluding any garage area; provided, the square footage of the ADU shall not exceed 40% of the total square footage of the primary dwelling unit.

**Proposed Code Amendment:**

- No Minimum unit size.
- Increase maximum up to 800 SF
- ADU shall not exceed 75% of the total square footage of the primary dwelling unit.

Discussion:

Ms. Anderson said that they used to allow a 25 foot height in the rear yard, which was repealed, and it went back to the 18 foot limit because the 25 feet allowed was imposing on neighbors by taking away sunlight, fresh air, etc. Staff wanted to be sensitive on how they amend the code for ADU's to allow an increased height but not negatively impact the neighborhoods.

Mr. Graves inquired if there have been any complaints and stated that he found a website called [accessorydwelling.org](http://accessorydwelling.org) that has all of the ADU rules for various cities that have them in the entire United States. He commented that he went through the entire site and couldn't find any other cities that require that type of step back and questioned if other cities don't require it, why should we.

Ms. Anderson responded that the topic will be discussed later in the agenda, with images provided to better explain why these changes were proposed.

Mr. Behary explained that the current code allows ADU's to be a minimum of 300 square feet, with maximum of 700 square feet, and should not exceed 40% of the total square footage of the existing single family dwelling. He stated that this was discussed with the group, and the group decided they don't need a minimum size and build what is required through the building code. He inquired if there were any comments on section number one.

Ms. Anderson explained one change was removing the minimum size because of the "tiny house" movement and realizing people want to do smaller and that the group had questioned why they should have a minimum square footage, when they could simply rely on what is required in the building code.

Action: The group concurred with all proposed changes.

### Building Height

**Current Code:** HEIGHT: 14' with a low or no slope roof (slope < 2 ½" – 12")  
HEIGHT: 18' with a medium to high slope roof (slope > 2 ½" - 12")  
HEIGHT: 32' in the buildable area.

**Proposed Code Amendment:**

- Maximum Height 24' for unit above garage (the roof slope requirements would be removed for new detached ADU's, but 2nd story ADU's must meet 2nd story step back).
- Maximum Height 18' for one story ADU.
- Allowable projections per existing code for such things as chimneys, antennas, etc.
- Railings and parapets cannot exceed maximum height.

Discussion:

Mr. Graves explained that he lives near an infill area and it seems the rules are different.

Ms. Anderson explained that they get many calls a week from people wanting to put in an ADU and sometimes what they request can't be done. She feels that ADU's are a tool to help with the infill housing need in the city.

Action: The group concurred with staff's recommendations.

### **Owner Occupancy**

#### **Current Code:**

Enforcement and compliance is an issue.

- 14 of the 62 ADU's in the City are in question of being owner-occupied.
- This equates to over 22% of ADU's in the City that are not in compliance with this requirement.
- Enforcement is a problem, especially over time as properties change hands.

#### **Proposed Code Amendment:**

- Owner-occupancy would not be required, unless the property has a Short Term Rental (STR).
- If property is used for Short Term Rental (STR) then one unit must be owner occupied.
- Affidavit would still be required for all ADU's to acknowledge ADU status of property and compliance with code. City Code will be amended to address owner occupancy requirement for Short Term Rentals.

Discussion:

Ms. Anderson explained the process of how the City tracks a Short-Term Rental and explained that with a new permit or a permit renewal, staff could ensure that an affidavit has been recorded for the property, which says that one of the units has to be owner-occupied in order to minimize impact to the neighborhood.

Commissioner Ingalls commented that since a short term rental has to be owner-occupied, could they call this a "duplex."

Ms. Anderson explained that the maximum size of an ADU is 75% of the size of the house and that they are trying to provide various opportunities for infill housing to find what works with a neighborhood.

Commissioner Ingalls stated that his comment was not intended to be negative.

Action: The group concurred with the changes presented.

### **Parking Space Size ADU's – Parking / Size of Parking Space**

**Current ADU Code:** One off-street parking space is required.

SIZE: 9' x 20'

Parking size requirements in some other cities:

Spokane, WA: 8' 6" x 18'

Sandpoint, ID: 9' x 19'

Bend, OR: 9' x 20'

Bellingham, WA: 9' x 18'

#### **Proposed Code Amendment**

No Change

Discussion:

Commissioner Ingalls inquired if the main house is required to have two parking spaces and if an ADU is required to have one.

Mr. Behary answered yes and explained that garage parking spaces count toward the requirement.

Ms. Anderson explained that the requirement for one parking space for an ADU was changed last year. She explained that by allowing an ADU above a garage, it opens up the side of the garage to count as a parking space versus having to use the lot for an ADU.

Commissioner Messina stated that it makes sense to provide a parking space for the ADU because it prevents parking on the street.

Mr. Graves inquired if it would be changed since under the current code no parking spaces are required. Ms. Anderson explained that they have already changed that portion of the code.

Mr. Graves stated that in Midtown you now can get parking permits and asked if you have an ADU, could one of those permitted spaces be used for an ADU.

Ms. Anderson explained that those spaces were intended to allow for family and friends to use that space and that the on-street parking in permit areas does not qualify as parking to offset the required off-street parking.

Mr. Suhr added that the code was changed to require the one parking space for an ADU when the Short-Term Rental code was approved.

### **Design Standards**

**Current ADU Code:** Some design standards required.

#### **Proposed Code Amendment:**

- Remove design standards for new detached ADU's.
- Keep design standards for additions to an existing structure for the purpose of developing an accessory dwelling unit, which requires that they are designed consistent with the existing roof pitch, siding, and windows of the principle dwelling unit.
- Staff asked for guidance on exterior stairwells leading to a second level ADU. *Should exterior stairwells leading to a second level ADU be restricted or have certain design standards?*

Discussion:

Ms. Anderson commented that the topic of exterior stairwells came up with the group and they decided it needed further discussion because if you have an exterior stairwell, it can be unsightly. They questioned if the stairwell should be covered or not allowed on the exterior. Staff and the committee would like input from the Planning Commission on this topic. She explained that currently, in the city, there are some older homes that have been converted which have stairwells outside of the house.

Ms. Clark stated that she agrees some of the older stairwells can be unsightly and dangerous.

Mr. Graves commented if you have 24' foot garage and frame it in for the width of the stairwell you now have to make that garage 28 -32' foot wide to get a stairwell included and by adding the stairwell not enough room.

Mr. Behary asked if an exception should be made for outside stairs.

Mr. Graves stated he would concur to having exterior stairwells as an option.

**Action:** The group concurred with the proposed code changes, but decided to leave exterior stairwells as an option and not provide design standards for exterior stairs.

### **Existing garages and sheds**

**Current ADU Code:** Not allowed if it doesn't meet setbacks; no provision for this.

**Proposed Code Amendment:**

- Existing single story garages and sheds would be allowed to be converted to an ADU, provided that the structure can meet the current adopted building codes and that it is not over the property line or in the City's right-of-way.
- The structure could not be expanded outward or upward without triggering the Non-Conforming Code and requiring the structure to meet the current standards.
- Existing 25' tall garages could be converted to an ADU without having to meet the 24' maximum height or the 2nd story step back requirements, but they would need to meet Building Code and ADU parking requirement, affidavit, etc.

Discussion:

Commissioner Messina explained that if you have a garage and want to put something above, it would allow another story above the garage.

Ms. Anderson commented that a height of 24' feet would be allowed with an ADU on top of a garage.

Ms. Clark stated that another option is for the placement of an ADU on the side of the house.

Mr. Behary explained that 800 square feet is the maximum allowable square footage for an ADU.

Ms. Anderson explained that if you have a garage that does not meet the new setback for ADU's, then the upper story would have to be set back further to meet the step back requirement. She stated that the existing part could stay, but if you are going up or out, then the new part has to comply with the new code.

**Action:** The group accepted all changes as presented.

### **Setbacks of Detached ADU**

**Current ADU Code:** Allows ADU's to be 3 feet from side property line.

**Proposed Code Amendment:**

- SIDE: Minimum Five foot side yard setback required.
- All ADU's shall be set back from the side lot line at least five feet (5'). Remove the language from the code that allows ADU's to be three feet (3') from the property line.
- REAR with Alley: Minimum 3'
- REAR No Alley : Minimum 5'

Commissioner Ingalls inquired why the code had been changed from a 0' setback to a 3' setback.

Ms. Anderson explained that a complaint from neighbors was the issue of storm water running off onto their property, and that by allowing a 3' foot setback from the side property line it would allow storm water to be retained on the owner's property and not run off onto the neighbor's property.

**Action:** The group concurred with the proposed amendment.

## 2nd Story Step Back

**Current Code:** Does not address 2nd Story step backs for ADU's.

**Proposed Code Amendment:**

- The group agreed that there should be some side yard step back for the second story of detached ADU's in order to provide air space and light between properties. NOTE: This is being required to remove the concern of the previously repealed code that allowed 25' tall accessory structures that negatively impacted neighboring properties.
- The upper step back would begin at 10' height on the interior side property line and at 15' height on the rear yard property line.

Discussion:

Commissioner Rumpler said that he didn't understand why the setbacks are required.

Mr. Behary explained that the reason is to reduce the impact to neighbors by taking away their sunlight and encroaching on their neighbor.

Mr. Jester explained that if they didn't have something like that, you would be allowed to build a 24 foot block and the daylight you used to have is gone. He stated that this has occurred in various neighborhoods and has happened in his neighborhood where the neighbors used to have a lot of light on their patio and now, because of lack of sunlight, have a moss problem.

Ms. Clark explained that by requiring the same setback, it would be consistent with the other houses.

Mr. Graves said that the main house can go up 30-40 feet and block the sunlight, but when it comes to an ADU, the same rules do not apply. He asked if they will have the same restrictions within future infill overlay properties.

Ms. Anderson stated that it has been discussed.

Mr. Graves asked why the city is enforcing this rule when all the cities he has looked at don't have a setback rule.

Ms. Anderson explained that they have the step back rule in the Downtown Core (DC) and it is not new to the city.

Mr. Jester asked if Mr. Graves had looked at the City of Austin because they have a 2<sup>nd</sup> story step back requirement. Mr. Graves responded that he was not sure that he looked at Austin, but he did look at Washington, California, Oregon and Colorado, and he tried to look at comparable cities that may be ahead of the city, and none of them had that setback requirement.

Ms. Clark said that most of the lots in the city are small and putting a big wall between you and your neighbor would be overpowering.

Mr. Graves said that every garage in the city downtown is built with the 5' feet setback and making the rule that if anyone wants an ADU on top of garage you have to either knock down the entire structure, or relocate it to another area. He said that what you end up with is a small garage and are not able to put a stairway in the garage.

Commissioner Rumpler asked if the new homes built on Sherman are built on narrow lots and questioned

if those homes have ADU's.

Mr. Graves asked if they could have an exception to the rule when you can get a signoff from the neighbors. He added that his neighbor wouldn't care.

Commissioner Messina said they are trying to make the rule for the entire city and not for individual lots.

Commissioner Mandel asked if there will be a trail period once the changes are approved.

Ms. Anderson said that they do evaluate all of their codes once they are changed to see what is working and what is not, and if something is not working, they will make the changes.

Commissioner Luttrupp asked if they could do a pilot project for the proposed changes.

Ms. Anderson said they could do it in a specific overlay district.

Commissioner Mandel said that would be great, but you may not get real answers.

Ms. Anderson explained that the infill code is very specific and said that some of the boundaries make sense and might go too far in the residential areas. She said that the Sherman 5 project is on Sherman, so it is a mix of residential and commercial uses. She said that you could put something in that is more intense and sometimes infill districts may go too far into residential areas.

Commissioner Luttrupp said that if it doesn't work, then they can change it.

Commissioner Messina noted that staff recently repealed pocket housing for issues where it wasn't working like it was intended.

Commissioner Fleming said there is a guide from Vancouver, BC that would be perfect for this discussion and will send the link to the commission.

Ms. Anderson said that they tried to do a pilot project for the Fort Grounds area and the Council would not support it. She concurred that if something is changed, it should be for the entire city.

Mr. Jester said that what is being proposed looks logical.

Ms. Clark explained that they did sit down with staff and looked at examples from different cities, did comparisons, and did adopt some ideas from other cities. She said that she is a builder and has done some of these projects proposed in the city.

Commissioner Ingalls said that everything they do is trial and error, and feels this is going to be a better change.

Mr. Graves asked where they found the information on step backs because he looked at many cities and didn't find anything comparable. Mr. Behary responded that they got a lot of their information from the city of Austin, which had a similar code.

Mr. Jester explained that these changes to the code have been modified for Coeur d'Alene, which is more lenient.

Mr. Behary said that Spokane County also has the one-to-one ratio.

Mr. Graves said that there will be a lot of unusable space that will not be able to have an ADU. He said that the majority of downtown garages are 20 X 20 feet.

Ms. Anderson said that staff looked at the examples sent by Mr. Graves of his project and it could work with the proposed setback and 2<sup>nd</sup> story step back requirements.

Mr. Graves said that what was presented was great for new construction and that almost everything he has seen is downtown.

Mr. Behary said that you are allowed to do an ADU on the second floor and if you want it higher, you would have to have a 2<sup>nd</sup> story step back.

Mr. Jester said that the changes will allow for creativity.

**Action:** The group will accept staff's changes.

### **Lot Coverage/Open Space & Pervious Surface**

**Current Code:** Does not address Lot Coverage / Open Space.

#### **Proposed Code Amendment:**

- 30% pervious surface will be required for all lots with an ADU.
- Pervious surfaces include such things as grass, AstroTurf, pavers, grass Crete, gravel, and decking materials (unless it has a concrete or impervious surface below it).
- There will not be a dimensional requirement or a requirement for a certain type or quantity of landscaping/trees (other than the standard street tree requirements).
- The permit submittal will need to show all pervious areas on the lot and calculations.

#### **Discussion:**

Ms. Anderson explained that within the pocket housing code they had an open space requirement and it didn't work well. She said the group came up with these suggestions to ensure that lots with ADU's aren't completely covered with buildings and hardscape surfaces.

Commissioner Ingalls said that he thinks it is great and a step in the right direction.

#### **Next Steps:**

Staff will prepare the recommended ADU code changes to the Zoning Ordinance for public hearing at the July Planning Commission Meeting.

### **ADJOURNMENT:**

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

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION  
MINUTES  
JUNE 11, 2019  
LOWER LEVEL – COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

Tom Messina, Chairman  
Jon Ingalls, Vice-Chair  
Lynn Fleming  
Michael Ward  
Peter Luttrupp

**STAFF MEMBERS PRESENT:**

Hilary Anderson, Community Planning Director  
Sean Holm, Senior Planner  
Mike Behary, Associate Planner  
Shana Stuhlmiller, Public Hearing Assistant  
Randy Adams, Deputy City Attorney

**COMMISSIONERS ABSENT:**

Lewis Rumpler  
Brinnon Mandel

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion by Ward, seconded by Fleming, to approve the minutes of the Planning Commission meeting on May 14, 2019. Motion approved.

**COMMISSION COMMENTS:**

None.

**STAFF COMMENTS:**

Hilary Anderson, Community Planning Director, provided the following statements:

- There are three scheduled items for the July Planning Commission meeting: An amendment to the Accessory Dwelling Unit (ADU) code that was discussed at a workshop a few weeks ago, and requests from River's Edge for the larger parcels owned by Lanzce Douglass, who is bringing forward a Planned Unit Development (PUD) and a subdivision request.
- Staff is working on a grant application with the Coeur d'Alene Association of Realtors and CDA 2030 to bring Opticos to Coeur d'Alene to address "Missing Middle Housing," which is housing types in between single family detached and midrise apartments. She explained that they will come and lead a forum, including a day tour, to get a lot of background on what the existing housing conditions are in Coeur d'Alene and provide recommendations on how to do infill housing in a sensitive manner to recognize established neighborhoods.

- The Council approved the land exchange with St. Vincent's on East Sherman of the city-owned properties on Homestead for the two properties owned by St. Vincent's. She added that this will help their efforts to revitalize East Sherman and they will continue to work with Community Builders to finish the East Sherman Master Plan within the next month, and will come before the Planning Commission and then to Council.
- The Comprehensive Plan update project, which is called "Envision Coeur d'Alene," will be going forward to the City Council on Tuesday, June 18, with a request to approve the contract with MIG and their subconsultants. Staff wants to respond to comments posted on Facebook asking what's going on and why there isn't any public engagement for the project. Ms. Anderson explained that the process needed to slow down in order to have the consultant team on board before they start the process of community engagement, and that there will be plenty of opportunities for public input when the project officially launches in the fall.
- Staff is working on creating an online sign-in form for community members to sign in at public meetings to help eliminate a scramble to the sign-in table. Ms. Anderson added that there will be a demonstration presented with assistance from Jake Garringer who has helped their IT Department on the creation of the program. She stated that, even though people will provide their contact information, it won't show up on the screen, which will only show a streamlined version.
- They have scheduled the Health Corridor Visioning Workshop for Thursday, June 13. The public is invited to come and provide input on the health corridor, which is for the Master Plan and Economic Feasibility Study that will be done by HDR and paid for by ignite CDA. The time of the workshop is 5:30 p.m. – 8:30 p.m. at the Midtown Center, and hopefully everyone will be able to stay for the entire presentation. But, the workshop will be in an open house format so that citizens can pick up some information and fill out some forms if they can't stay for the entire workshop.

**PUBLIC COMMENTS:**

None.

**PUBLIC HEARINGS**

1. Applicant: TDS Metrocom, LLC  
 Location: 215 W. Sunup  
 Request: A proposed Wireless Communication special use permit in the C-17 zoning district  
 QUASI-JUDICIAL (SP-4-19)

Sean Holm, Senior Planner, presented the staff report and stated that TDS Metrocom, LLC is requesting approval of a special use permit for a wireless communication facility. The request would grant the applicant the ability to place a building-mounted mast and antenna(s) for receiving off-air (local) channels.

Mr. Holm provided the following statements:

- The applicant is requesting a special use permit for a wireless facility in the City of Coeur d'Alene. TDS Metrocom, LLC seeks to install an antenna to capture local over-the-air television channels to be able to provide them to their future customers via a fiber optic network.
- The applicant's justification and explanation of why a special use permit is being requested can be found in the narrative.
- Mr. Holm said that the Comprehensive Plan designates the location as Transition.
- He provided a copy of the proposed site plan including a copy of the landscaping/gate plan.
- He noted the property on a map with the surrounding approved special use permits.
- He provided a copy of the land use map.
- He provided a selection of various site photos of the property.

- He noted in the staff report where city staff comments were located, with none having a conflict.
- He stated that there are no proposed conditions for the property.

Mr. Holm concluded his presentation.

Commission Comments:

Commissioner Luttrupp asked what the maximum building height in a C-17 zone is.

Mr. Holm answered that for commercial there is no maximum height requirement, and for residential the maximum height is 45 feet. He explained that they were required by the code to get a special use permit if they planned to send the signal out.

Commissioner Luttrupp asked if staff knew the distance of how for the signal will go.

Mr. Holm stated that the applicant was present to answer that question.

Public testimony open.

Jared Pahl, applicant representative, provided the following statements:

- He said that staff did a great job on their presentation.
- He explained that the signal will be distributed over a fiber optic network with no additional mast towers erected.
- He stated it will be their single access point which will serve as their central office for the fiber optic network that is being constructed.

Mr. Pahl concluded his presentation.

Commission Comments:

Commissioner Luttrupp asked whether, if the technology is successful, there will there be a lot of duplication by other companies.

Mr. Pahl said not for them, but he can't speak for other competitors.

Commissioner Luttrupp asked if the industry is moving toward using 25 foot antennas.

Mr. Pahl said that it is not a 5G site, but a classic analog receiver that they can receive local news stations on that broadcast wirelessly and distribute that over their fiber.

Public testimony closed.

**Motion by Fleming, seconded by Ward, to approve Item SP-4-19. Motion approved.**

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

2. Applicant: The Unfolding, LLC  
Location: 2744 N. Riviera Parkway  
Request:

- A. A proposed 2.23 acre Planned Unit Development known as "The District at Riverstone" QUASI-JUDICIAL (PUD-1-19)
- B. A proposed 24-lot preliminary plat known as "The District at Riverstone" QUASI-JUDICIAL (S-1-19)

Mike Behary, Associate Planner, said that The Unfolding, LLC is requesting approval of a gated residential Planned Unit Development and a 24 lot, 5 tract, preliminary plat to be known as "The District At Riverstone."

Mr. Behary provided the following statements:

- The existing site is currently vacant and is made up of one parcel consisting of 2.23 acres.
- The proposed Planned Unit Development (PUD) will be comprised of 24 residential lots with private open space areas for residents of the development.
- The PUD is proposed as a private gated community with private roads. In addition to the proposed gate for vehicle access, there are also two proposed pedestrian-gated access points.
- The applicant is proposing to install the streets and the subdivision infrastructure for the project in one phase.
- The applicant has indicated that, if approved, construction would begin in August of this year with the proposed completion of the subdivision work by December 2019.
- The proposed PUD will have a density of 10.7 units per acre. The property is currently zoned C-17 and the current zoning allows for a density at 17 units per acre.
- The applicant has indicated that he intends to develop the PUD similarly to the adjacent PUD located adjacent to the west of the site.
- The proposed PUD will be comprised of four single family detached houses and 20 single family attached dwellings. The attached single family dwellings will share a common wall with another home that is separated by a property line. The applicant has submitted building elevations of the proposed residential dwellings indicating how they will look from the street.
- In the past, the site was part of a gravel extraction operation. Staff has become aware that there are some possible fill issues related to the subject site.
- The applicant has submitted a geotechnical report as part of the application
- The City's Building, Wastewater, and Water Departments will require an updated geotechnical report for the approval of any mitigation for the presence of groundwater and unacceptable fill material as noted under the conditions.

The applicant is requesting the following deviations from existing standards:

- Front Setback: 10' rather than 20'
- Rear Setback: 10' rather than 25'
- Side Yard Setback: 5' and 5' rather than the 5' and 10' required for lots without alley access.
- Minimum Lot Area: 1,875 SF rather than 5,500 SF
- Minimum Lot Width/Frontage: 25' rather than 50'
- Private gated vehicle access rather than open access for the public.
- Private streets rather than public streets.
- Right-of-Way width: 31' rather than 55'
- Sidewalk on only one side of the street.

- Mr. Behary provided various aerial shots of the property.
- He stated that the Comprehensive Plan designates the area as Spokane River District-Transition.
- The site is relatively flat and site grading on the site has been done.
- There are no topographical or other physical constraints that would make the subject property unsuitable for the proposed subdivision and Planned Unit Development.
- There are existing residential uses to the north and west of the subject property. To the northeast is a commercial use that is a financial service facility. To the east is Riverstone Park. To the south is the Centennial Trail.
- Snow storage will be located on the east and west ends of "Mastas Place" and the perimeter of the development will be fenced along with a gated entry.
- Mr. Behary provided a copy of the PUD site plan
- He provided a copy of the diagram of the gate.
- He provided a copy of a land use map showing the uses surrounding the property.
- He provided various photos of the site and building elevations.
- He explained the open space site plan submitted.
- He noted the various staff comments located in the staff report.
- He stated that there are 15 conditions for approval.

Mr. Behary concluded his presentation.

Commission Comments:

Commissioner Ingalls inquired how the deviations compare with similar projects within the city.

Mr. Behary said that there are some comparables such as Cottage Grove and Riviera Walk; however, the proposed development is different and they will require larger setbacks. The District at Riverstone is required to have 5' setback from the property line, so it will make it 10' between buildings.

Commissioner Ingalls concurred that the proposed development is comparable, but more generous. He questioned how the other developments are performing and if staff is able get out in the field after an especially hard winter to see how they are performing.

Mr. Behary stated that every now and then they do hear comments from people living in those neighborhoods where there are Issues with snow falling on air conditioning units or gas meters and they are buried. He explained that at the staff level, they figured that it might be an issue, especially in the winter, and that is why they wanted to make sure the setbacks were greater for the proposed development.

Commissioner Ingalls asked about the Geo Technical report included in the packet and said that after reading it many times he noticed a lot of red flags, especially with ground water and questionable soils. He added that staff has raised some concerns as noted in the staff report, and said that it looks like a "leap of faith" if they approve it, knowing there is more work to be done. He asked if there was a discussion at staff level to postpone the project until they can get clarification on the Geo Technical report.

Mr. Behary said that they did have a discussion with the applicant, and after that discussion staff felt that a condition stating that the applicant will need to provide another Geo Technical report to be approved by city staff before any infrastructure is installed was appropriate. He added that various staff members were present to answer further questions.

Chairman Messina asked if the proposed project moved forward and the Geo Technical report came back as not favorable, would the PUD and Subdivision go away.

Ms. Anderson explained that they drafted a condition stating that the departments would have to agree to mitigation to see if it would work, and if they get to a point where they get the Geo Tech report and it is expensive, the developer would need to determine how to move forward. She added that the condition, as written, does protect the city's utilities since they have the final say, not knowing everything about the soil condition which is why a new Geo Tech report was requested.

Chairman Messina asked whether, if the Geo Tech report comes back and it is unfavorable and the city says the applicant can't get a building permit, can the applicant do something and say they can continue because the city has approved the PUD and Subdivision.

Ms. Anderson commented that other staff were present that could explain the Geo Tech report, but there is always an answer but might be too expensive to replace the soil and that it might not be cost-effective for the developer.

Commissioner Luttrupp said that it seems that the project is conditional upon getting a new Geo Tech report with staff approval and, if that doesn't happen, the project goes away.

Mr. Adams commented that the project is a "moving target" because if the applicant comes back with mitigation plan and it is not acceptable to one of the departments, that doesn't end the project and the applicant will go back to the drawing board to try and come up with something new. He added that the PUD and Subdivision approvals will expire at some point, but extensions can be granted.

Commissioner Fleming commented that they have approved PUD's throughout the city and have always demanded that they connect to one another. She noted that she has a problem with the PUD which is adjacent to Riverwalk with two streets that are not connected. She added that they demand connectivity all throughout the city and yet this development can ignore it. She stated that the development doesn't fit and questioned why connectivity wasn't addressed.

Chairman Messina asked for clarification in regard to connectivity and whether Commissioner Fleming meant connecting to the Centennial Trail or just the neighborhood.

Commissioner Fleming said that she has an issue with connectivity to other neighborhoods and feels that if the development will be done by the same developer, she doubts the area will welcome another fenced development. She said that the area is looking like a stockyard.

Commissioner Luttrupp asked if they have other PUD's in the area that are similar.

Mr. Behary said there are a few in the Riverstone area and some up north that have fences around them that are similar.

Commissioner Ward said that if the piece of the fence that lines up with the other subdivision could be removed, the Fire Department would have access and connectivity to get from one subdivision to another in case of a fire.

Mr. Behary said there is greenspace in the middle of the property that might be difficult.

Public testimony open:

Dennis Cunningham, Applicant, provided the following statements:

- He explained that, originally, when they were looking at property in Riverstone, he put an offer on all of the property in that phase where the low cost housing is located and was beat out by some acquisition by Todd Prescott and Whitewater, so they moved forward with a 5+ acre parcel where they built Riviera Walk.
- He explained that, originally, they were thinking of building up and doing a multifamily project after they moved from that phase. He commented that at that time they were working closely with

some Geo Tech companies out of Seattle, and when another developer was proposing an R-34 project with multifamily, they were thinking they should do the same project on their site. He said that he regrouped and thought they could build some smaller single family homes, and noted that a large percentage of his projects are single family.

- He commented that a question came up regarding connectivity with the adjacent property owner and explained that it is a private street with an existing Homeowner Association (HOA) that has their own reserve funds and maintenance costs that would need to be addressed if they were to combine the HOA's.
- In regard to setbacks, Mr. Cunningham explained that the Engineering Department has approved a 5 foot minimum setback on both sides which they will not deviate from, so the homes will have 5 foot yard setbacks. Compared to 13 years ago at Meadow Ranch where they built 80 homes with 0 lot lines and 5 foot setbacks, for the proposed project they have opened it up so there is 5 feet on each side to address water or snow. They have also worked with Avista in regard to snow cover on meters and access which seems to be working well.
- Mr. Cunningham said that the Fire Department says when you have a cul-de-sac and there are more than 32 units, there needs to be a second entrance with a Knox box. He explained that they have met with the Fire Department and the "T" road is required to make the radiuses for the distance of the fire truck. He stated that the snow easements can't invade into their turnaround during the winter and it has been addressed on a fire access.
- He explained that, originally, they had proposed 38 units with a multi-story building and have dropped that by 35% of the density and reduced to building single story and now they have proposed 24 units. He feels that this will be a lower impact project with smaller units and single ownership and affordability.
- He stated that they are trying to produce a nice product.
- The 2.23 acres is a separate site, separate PUD, and will have its own HOA.
- Mr. Cunningham explained that the reason for a gate was not to be exclusive, but with the streets being private, on weekends where there is continuous traffic, it can be a lot of people. He said that he hopes the city can provide parking solutions for the area and not put the task on the developers. He said this is why both projects are gated.

The applicant concluded his presentation.

Commission Comments:

Commissioner Luttrupp asked if the streets were not private, could the public park on them.

Mr. Cunningham said if the streets were public, parking would be allowed.

Commissioner Luttrupp asked if Mr. Cunningham was suggesting that the city should open a parking lot.

Commissioner Ingalls asked about the Geo report that was referred to as a "moving" target and concerns from staff and the commission. He said that if the applicant decided to have private/public streets, it should be their responsibility to do it right and why not get the Geo Tech report done first before they move forward.

Mr. Cunningham said that they recently had some meetings with staff and the challenge for them is how much down the road they go to analyze if they don't get approval for the project. He explained that they have about \$75,000 to put forward for a consultant, but if the proposed project is not approved, they don't want to do that ahead of time. He commented that if the commission looks at his situation, they will see that they are willing to do their part to spend money, but don't want to put equipment out there if they don't get approval.

Mr. Cunningham said that he believes that the lot is similar to other lots in Tillford which have been approved around the pond. He said that if the proposed project doesn't get approved, he has been candid with staff and will look at another land use that doesn't require utilities and would be a mini storage. He

said that he can't have the land just sit there and continue to pay taxes on 2.23 acres in C-17.

Commissioner Ingalls said that when Riviera was proposed there was a "hint" that there might be another similar development for the vacant lot owned by the city and years ago had plans to be a parking lot for a fitness center. He stated that when Riviera was proposed, there was a "hint" that if the soils were determined to be ok, in the future there might be another phase. He said that it is not that they don't like gated communities; it is how many are in one area. He explained that Coeur d'Alene Place has three gated communities within the development, which is a large development, and asked if there was a discussion on the expansion of Riviera.

Mr. Cunningham explained that three or four years ago there could have been connectivity in that area and at that time they were looking at a multi-story building. He added that the challenge is with an HOA that is paying for snow plowing and some irrigation and gates, and trying to co-mingle, but they can separate that. He stated that the Riviera HOA is very vocal and it has been a challenge to co-mingle.

Chairman Messina inquired as to how Mr. Cunningham would feel about no gate in this development.

Mr. Cunningham said that the challenge with no gate would be that they would have to propose a multi-story building because the road widths would change based on city standards as a requirement for a public street. He added that by going up, they would be opening the road with less footprint would need to get more square footage by going vertical.

Kurt Katzer said that he is a resident of Riviera Walk and that after this last winter they did use the area off of Aviara Drive for snow storage for the whole development. He described the other ends of the street as tight with homes and they had to use a loader to move snow in that area. He further said that by continuing the street through, it would limit their snow removal. He commented that storm water did not get connected to other storm water swales and some of the water runs off under the fence onto the subject property. He said that the landscaping along John's Loop has been maintained by the Riviera Walk HOA and feels that the responsibility and cost needs to be transferred as soon as possible to the District at Riverstone. He further commented that there are some utility panels that are for the Riviera Walk entrance area but are attached to the District's side of the fence and asked if they could be moved to the other side of the fence so they can access them in the future.

Rebuttal:

Mr. Cunningham provided the following statements:

- He said in regard to snow storage that there are three areas for snow storage at Riviera Walk and those are snow easements, and the one mentioned in previous testimony is where the swale system and drywells are and it is a good area for snow storage because it is being filtered.
- The utility boxes are in right-of-ways that will get modified through the engineering plans and there are some old easements on the 2.2 acres that will be vacated because staff has directed them to go to the pond for sewer.

Commissioner Ingalls said that there are 15 conditions and asked Mr. Cunningham if he was o.k. with all of them if the project is approved.

Mr. Cunningham stated that he was o.k. will all the conditions.

Public testimony closed.

Discussion:

Commissioner Ingalls said that he had some concerns regarding the Geo Tech report and an issue with two pocket subdivisions next to each other having their own gate, but having had the opportunity to

discuss the with the developer, he gets it. He explained that Mr. Cunningham answered the Geo Tech issue well and said understands that it is not realistic for Mr. Cunningham to spend \$10-20,000 on another report based on if the proposed project is approved or denied. Mr. Ingalls said that he feels that the development, when done, will look like an extension of Riviera, which is a good project. He further commented that with the Geo Tech Report adequately set forth as a condition, he thinks that the project merits the commission's approval.

Commissioner Ward said that in previous testimony the challenges with snow removal this past winter and after hearing from the applicant regarding the drywells that are in place to help with removal of any stormwater or runoff, it was nice to have that explained.

Commissioner Luttrupp commented that he sympathizes with the comments made by Commissioner Fleming, but to be consistent they need to support the project.

Commissioner Fleming said that when they fence off multiple properties within the area, she is afraid that it will happen with the Atlas property. She asked the commission to think about Garden, Sanders, and all the areas in the city that are lovely and accessible and they don't have to walk the side of a black fence for what could be many lots. She said that she feels that the proposed project is not a good "reach out" to the public and should not be encouraged in Atlas. She further commented that is a beautiful spot that looks over the lake, but everyone has their back turned to it so now they are looking at peoples' back windows. She further commented that, for her this is "inhumane" and a big black corral around the project will not be pleasing and is not giving back to the city and not a good solution. She added that by approving the project, it will be sending a signal to future investors and she does not approve of approve of the request.

Chairman Messina stated that he would support the request and has mixed feelings on a gated community there, but the property is in an area where they have a gated community and it fits.

**Motion by Ingalls, seconded by Ward, to approve Item PUD-1-19. Motion approved.**

ROLL CALL:

Commissioner Fleming	Voted	No
Commissioner Ingalls	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 3 to 1 vote.

**Motion by Ingalls, seconded by Ward, to approve Item S-1-19. Motion approved.**

ROLL CALL:

Commissioner Fleming	Voted	No
Commissioner Ingalls	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 3 to 1 vote.

3. Applicant: Virginia Tate  
Location: 4176 E. Potlatch Hill Road  
Request: A proposed 6.125 acre annexation from County Rural Residential to City R-1 (Residential at 1 unit/acre) zoning district.  
LEGISLATIVE (A-3-19)

Sean Holm, Senior Planner stated that Ms. Virginia Tate is requesting approval of a proposed +/- 6.156 acre annexation from Kootenai County Rural Residential to City R-1 zoning district (Residential at 1 unit/gross acre). He referred to the area and annexation maps and noted that the request has been filed in conjunction with a short plat application to subdivide the property into 4 parcels.

Mr. Holm provided the following statements:

- In 1989, Virginia Tate's father, Harold Tate, entered into an agreement with Low Investments, Inc., ("Low") in connection with the development of an area known as Armstrong Park.
- Pursuant to the agreement, Harold Tate granted a road easement across his property (now known as E. Potlatch Hill Rd. and E. Sky Harbor Dr.) to allow public access to Armstrong Park.
- Low, among other things, agreed to provide Tate with one water hookup and promised an additional 29 water services in the future. Armstrong Park, but not Tate's property, was then annexed into the City.
- Low created and built the Armstrong Park Water System to provide water service to the subdivisions in Armstrong Park. However, it failed to provide any water hookups to Tate or to fulfill its other promises.
- In 2006, the Armstrong Park Water System was having trouble adequately servicing the Armstrong Park subdivisions. The City, therefore agreed to purchase the system from Low for the purpose of providing "consistent, reliable service to the residents of Armstrong Park." The purchase was completed that same year.
- In March 2017, Virginia Tate ("Tate") reached out to the City by email, providing the agreement between her father and Low, and stating: "I have sent this to the Public Works Dept. multiple times but felt it was wise to send it to you in case turnover and time had removed this future obligation from notice. The most recent sending was during the Armstrong Park water/sewer annexation."
- In the late summer of 2017, Tate requested that the City honor Low's promise to provide water hookups.
- The legal department did an extensive review and analysis of the history of the Tate property, Low, and Armstrong Park. It determined that the City acquired only the Armstrong Park Water System in 2006, not each and every obligation Low may have owed to Tate. Over the next nearly two years, Tate and the City, together with their respective legal counsel, held numerous discussions.
- Tate threatened legal action several times and suggested that she could revoke the road easement, effectively land-locking Armstrong Park, unless the City honored Low's agreement to install a water main and fire hydrants, and provide 30 water hookups for her property, all without requiring her to annex into the City.
- In March 2019, a tentative settlement was reached between Tate and the City.
- The terms of that agreement included that the City would extend the water main from Armstrong Park to the intersection of E. Potlatch Hill Rd. and E. Sky Harbor Dr., install one fire hydrant, and provide one water hookup. Tate agreed to waive all other claims she might have against the City arising out of the agreement between her father and Low, and to request the annexation of that portion of her property north of the road easement, which was the property to receive the one water hookup.

- She further acknowledged that should she request annexation of the rest of her property in the future, she would be provided water service in accordance with City policies then in existence and a settlement agreement was drafted and signed by the parties.
- Tate has now applied for annexation of the property north of the road easement and an annexation agreement has been drafted by City's legal counsel and approved by Tate.
- Mr. Holm provided a map showing the property currently zoned in the county.
- He commented that the City Comprehensive Plan designates the area as SE Hillside – Transition.
- He noted the various staff comments in the staff report and commented that all departments felt public facilities and utilities are adequate.
- He provided a contour map showing the slopes of the property.
- He provided various site photos of the property.  
He provided a map showing the land use surrounding the property and stated that this area is commonly associated with the access to the Armstrong Park neighborhood. It is densely treed and much of the area has slopes that trigger hillside code requirements for construction. Large tracts of city owned property extending north to the edge of Fernan Lake provide public recreation opportunities. Some lots provide commanding views of the area.
- He stated that the settlement and annexation agreements were included in the commissioner packets for review.

Mr. Holm concluded his presentation

Commissioner Ingalls said that on the plat it looks like there are 6 lots: one is Elk Point, and a second one is on the south side of the road showing 4 lots.

Mr. Holm explained that there is a request for a short plat for the four lots.

Commissioner Ingalls had a question regarding the annexation area north of the road and would it be staff's expectation that that the applicant intends to build four houses since the request is for an R-1 zoning.

Mr. Holm said that was correct and, if approved, they could also do an Accessory Dwelling Unit (ADU) subject to the Hillside Code.

Commissioner Ingalls referenced the Settlement Agreement in the packet and inquired whether, if the annexation was denied, would the Settlement Agreement go away. He said that when they look at a property to annex into the city, they are looking at property that would be a benefit to the City and whether they are able to close those "doughnut holes." He asked if the Settlement Agreement died, stated one of the conditions in the Settlement Agreement states is the perpetual easement for people to access their home who live at the top of the hill.

Mr. Adams stated that was one of the major considerations in the Settlement Agreement.

Commissioner Ward asked if staff knew if there were any limitations for the use of that specific piece of property that has an R-3 zoning designation. He noted that he thought that the parcel was intended to be used as a natural use since it was steep.

Mr. Holm said that currently the Parks Department is taking care of that property and if there are any limitations, he would have to do some research and come back with an answer.

Ms. Anderson said that parcel is for recreation and some limited trails, and that she thinks it's restricted as to how many trails can be built in the area.

Mr. Holm explained that there were a couple of lots that were going in next to the pump station and the

applicant deeded the entire piece of property to the City.

Virginia Tate, Applicant, provided the following statements:

- The property was homesteaded by her family in 1911.
- Originally their property belonged to the sawmill, which is now the Coeur d'Alene Resort Golf Course.
- In the 1980's, Armstrong Park was well received by the city and the city had planned to put a road access in that was an "engineering nightmare" so the developer came to them with the approval by the city founders at the time, and they agreed to grant access to the road. Ms. Tate explained that if you go further back, you will find many references to a future "Tate Development" for 14 lots, and said that her family discussed the original proposal for a 14 lot subdivision, but after a discussion with the family decided that 4 lots was sufficient which, would keep the forest in place for deer and elk access.
- She said that originally they did offer that piece of land to complete the park but it was rejected by the city.
- She said that a trailhead was put in, called "Elk Point," that has received an enormous amount of hobo traffic and drug trafficking. She further commented that recently they had a "visitor" who was armed hike up the hill and appear during an event they were having and they had to have him removed.
- She explained that it is their desire to remain as rural as possible.
- She stated that through the years there has been a discussion with the City Fire Department in regard to obtaining an easement through their property for fire access. She explained that there is a drop-off and once you get past the drop-off the property levels off dramatically and that would be the easiest access for the Fire Department.
- She said that they have another problem with a lot of people using the parcel by the trailhead for camping etc. and that it was their feeling, after talking to fire and police that having some "eyes" down on the road would help.
- She said that they are proposing one acre lots and other lots in Armstrong Park are denser than what they considered.
- She noted a piece in the staff report referencing a comment regarding storm water and explained that when the road was put in, all the storm water was put in place and that one issue that was not completed which caused the settlement agreement was the water line which slipped passed inspectors was not installed properly.

Ms. Tate concluded her presentation.

Commission comments:

Commissioner Ingalls referenced a comment regarding fire and police access to the area located below these four and in your narrative mentioned an easement that was discussed with the Fire Department.

Ms. Tate explained that the Fire Department did not act on the easement but felt that the driveways down below their property would give them the ability to help any first responder get into the property below.

Commissioner Ingalls said that the only map he had was in the Settlement Agreement and was trying to figure out how it would be developed and if it would have access.

Ms. Tate explained that it will allow access points down to the trail. She noted that the Fernan Lake natural trail runs along the bottom of the four lots on the face of the hill, so should someone injure themselves, they would have an easier time to respond to that person.

Public testimony closed.

Discussion:

Commissioner Ingalls said that the project should be approved because it is very small and aids fuel management in the area that would benefit the greater Armstrong Park area and, with the addition of the Settlement Agreement, will be a compelling and unique benefit.

The commission concurred and said it will support the request.

**Motion by Fleming, seconded by Luttropp, to approve Item A-3-19. Motion approved.**

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote

**ADJOURNMENT:**

Motion by Luttropp, seconded by Ward, to adjourn the meeting. Motion approved.

The meeting adjourned at 7:26 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



# **PUBLIC HEARINGS**



# PLANNING COMMISSION STAFF REPORT

**DATE:** July 9, 2019  
**FROM:** Mike Behary, Associate Planner  
**SUBJECT:** Accessory Dwelling Units (ADU) Code Amendments

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## **DECISION POINT:**

Staff is requesting a recommendation from the Planning Commission to City Council on the proposed code amendments to the zoning ordinance regarding Accessory Dwelling Units.

## **BACKGROUND:**

In 2007 the City first adopted zoning code language that allowed ADU's within the city. Since that time city staff has become aware of some of the issues relating to the existing ADU code, including a restriction on homeowners and builders building an ADU above a garage. The primary reason for bringing forward the proposed code changes is to allow ADU's above garages.

An ADU & Infill Housing Committee was formed and workshops were held together with the Planning Department staff to discuss possible code changes regarding ADU's. A joint workshop was also conducted with the Planning Commission to work on the proposed ADU code amendments. The following is a list of the history and prior workshops that were held:

- January 2019 - Goal set to amend ADU Code  
- ADU & Infill Housing Committee formed
- February 22, 2019 - 1<sup>st</sup> Workshop
- March 15, 2019 - 2<sup>nd</sup> Workshop
- April 26, 2019 - 3<sup>rd</sup> Workshop
- May 28, 2019 - 4<sup>th</sup> Joint Workshop With Planning Commission

## **PURPOSE:**

The purpose of the proposed ADU Code amendments is to primarily address the code issue of the height restriction that did not allow for accessory dwelling units above garages in the rear yard. The ADU & Infill Housing Committee and City Staff also agreed that there should be a side and rear yard "Second Story Step Back" for detached ADU's in order to provide air space and light between properties.

The proposed ADU code amendments addresses these issues along with others items, such as Lot Coverage, size of ADU, Design Standards, allowing existing garages to be converted to an ADU, and side and rear setback requirements. Below is a list of the items that were discussed at the recent workshops. The full proposed ADU code amendments are attached at the end of this staff report. The purpose of these revisions to the Zoning Code is to ensure health, safety, and welfare of the public and property owners in the City of Coeur d'Alene, while protecting property rights.

**PROPOSED ZONING CODE AMENDMENTS AT A GLANCE (FULL AMENDMENTS ATTACHED):**

**1. ADU Unit Size: Proposed Code Changes**

- No Minimum unit size.
- Maximum up to 800 SF (finished square footage; doesn't include unfinished basements).
- ADU shall not exceed 75% of the total square footage of the primary dwelling unit.

**2. Building Height of Detached ADU: Proposed Code Changes**

- Maximum Height 24' for unit above garage (the roof slope requirements would be removed for new detached ADUs, but two story ADUs must meet second story step back).
- Maximum Height 18' for one story unit.
- Allowable projections per existing code for such things as chimneys, antennas, etc.
- Railings and parapets cannot exceed maximum height.

**3. Owner Occupancy Requirement: Proposed Code Changes**

- Not required, unless the property has a Short Term Rental (STR).
- If property is used for Short Term Rental (STR) then one unit must be owner occupied.
- Affidavit would still be required for all ADU's to acknowledge ADU status of property and compliance with code. City Code will be amended to address owner occupancy requirement for Short Term Rentals.

**4. Parking Space Size: No Change**

- Parking space size remains 9' x 20'

**5. Design Standards: Proposed Code Changes**

- Not a requirement for new detached ADU's.
- Additions to an existing structure ~~or newly constructed detached structures created~~ for the purpose of developing an accessory dwelling unit, shall be designed consistent with the existing roof pitch, siding, and windows of the principle dwelling unit.

## 6. Existing garages and sheds: Proposed Code Changes

- Allow existing garages and sheds would be allowed to be converted to an ADU provided that the structure can meet the current adopted building codes and that it is not over the property line or in the City's right-of-way.
- The structure could not be expanded outward or upward without triggering the Non-Conforming Code and requiring the structure to meet the current standards.
- Existing 25' tall garages could be converted to an ADU without having to meet the 24' maximum height or the second story step back requirements, but they would need to meet Building Code and ADU parking requirement, affidavit, etc.

## 7. Setbacks of Detached ADU: Proposed Code Changes

- SIDE: Minimum Five foot side yard setback required.  
All ADU's shall be set back from the side lot line at least five feet (5').  
Remove the language from the code that allows ADU's to be three feet (3') from the property line. ~~"However, an accessory structure may be set back three feet (3') from the side property line provided the roof does not slope toward the side property line."~~
- REAR with Alley: Minimum 3'
- REAR No Alley : Minimum 5'

## 8. Step Back of second story of Detached ADU from property lines: Proposed Code Changes

- The group agreed that there should be some sideyard Step Back for the second story of detached ADU's in order to provide air space and light between properties. NOTE: This is being required to remove the concern of the previously repealed code that allowed 25' tall accessory structures that negatively impacted neighboring properties.

- The upper step back would begin at 10' height on the interior side property line and at 15' height on the rear yard property line (see exhibit).
- The step back would be 1:1 measurement, which equates to a 45 degree angle.
- There would not be a second story step back requirement on the street side of a corner lot.
- Eaves can project 2 feet into the step back air space.
- Building permit submittals would need to show all dimensions, setbacks and step backs.

**9. Lot Coverage/Open Space & Pervious Surface Requirement - Proposed Code Changes**

- A 30% Pervious surface will be required for all lots with an ADU.
- Pervious surfaces include such things as grass, AstroTurf, pavers, grasscrete, gravel, and decking materials (unless it has a concrete or impervious surface below it).
- There will not be a dimensional requirement or a requirement for a certain type or quantity of landscaping/trees (other than the standard street tree requirements).
- The permit submittal will need to show all pervious areas on the lot and calculations.

**DECISION POINT RECOMMENDATIONS:**

The Commission should recommend to City Council that the proposed code amendments should be adopted.

**Attachment:**

Proposed ADU Code Amendments

## VII. ACCESSORY USE REGULATIONS

### 17.06.605: TITLE AND PURPOSE:

The provisions of this article shall be known as the *ACCESSORY USE REGULATIONS*. The purpose of these provisions is to establish the relationship among principal and accessory uses and the criteria for regulating accessory uses. (Ord. 1691 §1(part), 1982)

### 17.06.610: ACCESSORY USES RELATED TO PRINCIPAL USES:

In addition to the principal use expressly included in an activity group and permitted in a zoning district, each activity group shall be deemed to include such accessory uses as are appropriate, incidental, and subordinate to, such a principal use. Such accessory uses shall be located on the same lot as such principal use except as otherwise provided in section 17.06.635 of this chapter, and shall meet the criteria established in section 17.06.630 of this chapter. (Ord. 1691 §1(part), 1982)

### 17.06.630: ACCESSORY STRUCTURE CRITERIA:

A. Subject to subsection B hereof, Aa structure shall be considered to be accessory to and shall not be subject to the same site performance standards as the principal structure on the same lot if one or more of the following conditions applies:

1. The structure is detached and separated from the principal structure by six feet (6') or more.
2. The structure is attached to the principal structure by a breezeway roof with an intervening space of five feet (5') or more, and the space is open on at least two (2) sides

3. The structure is a private storage garage, fuel storage shed, private noncommercial greenhouse, or a child's playhouse, per subsection 17.06.495C1 of this chapter.

B. A structure shall not be considered to be accessory and shall be subject to the same site performance standards as a principal structure on the same lot if one or more of the following conditions applies:

1. The structure is part of or joined to the principal structure by a common wall, or is not separated by more than six feet (6').

2. The structure has sleeping or living accommodations, in which case the structure must comply with the requirements for an Accessory Dwelling Unit. (Ord. 3090 §1, 2003; Ord. 1691 §1(part), 1982)

### **17.06.635: IDENTIFICATION OF ACCESSORY USES:**

Accessory uses as defined in section [17.06.630](#) of this chapter include, but are not limited to, those indicated below:

A. Off Street Parking And Loading Facilities: Off street parking and loading facilities serving a principal residential or nonresidential use, whether located on the same lot or on another lot, but only if reserved for the residents, employees, patrons, or other persons participating in the principal use.

B. Open Areas And Swimming Pools: Open areas developed for passive or active recreation, located on the same lot as a principal use.

- C. Storage And Service Areas And Buildings: Storage and service areas and accessory buildings, other than those listed elsewhere in this section, if serving a principal use on the same lot.
- D. Certain Living Quarters: Living quarters in connection with a principal nonresidential use on the same lot, but only if the residents are required to remain on the premises for employment, protective, conference, or comparable technical purposes, including, but not limited to, caretakers and watchmen. Also includes Accessory Dwelling Units.
- E. Temporary Construction Yards: Temporary construction yards and similar facilities which are necessary and incidental to the development of the same lot, or on another of several lots being developed at the same time.
- F. Temporary Real Estate Office: A temporary real estate office which is necessary and incidental to, and located on the site of, a subdivision.
- G. Home Occupations: Home occupations, as subject to the home occupation regulations set forth in article VIII of this chapter. (Ord. 1691 §1(part), 1982)

**17.06.640: ACCESSORY STRUCTURES SUBJECT TO ADDITIONAL REGULATIONS:**

All Accessory structures other than Accessory Dwelling Units and Caretaker's Units shall be subject to the height regulations specified in article IV of this chapter and to the spacing and setback regulations specified in article V of this chapter. (Ord. 1691 §1(part), 1982)

## **17.06.650: ACCESSORY DWELLING UNITS (ADU); PURPOSE AND**

### **APPLICABILITY:**

A. Purpose: The purpose of allowing ADUs is to:

1. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security, and services (e.g., nanny, in-home caregiver).
2. Add affordable units to the existing housing.
3. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the City.
4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
5. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this chapter.

B. Applicability: Accessory dwelling units are permitted within all residential and commercial zoning districts, subject to the provisions of this eCode. (Ord. 3288 §66, 2007)

## 17.06.660: ACCESSORY DWELLING UNITS; BASIC DEVELOPMENT STANDARDS:

A. Maximum Building Height: Maximum building heights for ADUs are:

1. Thirty two feet (32') when built within the ~~buildable area~~ building envelope for the principal structure.

~~2. Fourteen feet (14') when built in the rear yard with a low or no slope roof or eighteen feet (18') when built in the rear yard with a medium or high slope roof.~~

2. One Story ADU Structure: Eighteen feet (18') when built in the rear yard.

3. ADU above a detached garage: Twenty four feet (24') when built in the rear yard and must meet the second story step back requirement as stated in section 17.06.660(M).

4. Railings, parapets, equipment, and other similar structures/fixtures/architectural elements are included in the maximum height.

B. Setbacks:

1. Setbacks for ADUs in the principal building envelope are:

4a. Front: The front yard requirement shall be twenty feet (20').

2b. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten feet (10') minimum.

3c. Side, Street: The street side yard requirement shall be ten feet (10').

4d Rear: The rear yard shall be twenty-five (25') from the rear property line.

~~Setbacks for ADUs located in the rear twenty five feet (25') of a lot:~~

C. Setbacks for ADUs located in the rear twenty five feet (25') of a lot:

a. Side Yard: ~~All accessory structures s~~Shall be set back from the side lot line (including corner lots) at least five feet (5').

~~(1) However, an accessory structure may be set back three feet (3') from the side property line provided the roof does not slope toward the side property line.~~

~~(2) A detached ADU may encroach up to three feet (3') beyond the twenty five foot (25') rear yard and still maintain the above mentioned requirement, provided the height of the detached structure does not exceed eighteen feet (18').~~

b. Rear Yard: ~~All accessory structures s~~Shall be set back from the rear lot line at least five feet (5').

~~(1) However, an accessory structure may be set back three feet (3') from the rear property line, provided the roof does not slope toward the rear property line.~~

~~(2) Lots with an alley in the rear of the lot may have an accessory structure that can be set back of three feet (3') from the rear property line regardless of how the roof is sloped.~~

~~3) (2) Rear Yard exception: A detached ADU may encroach up to three feet (3') beyond the twenty five foot (25') rear yard and still maintain the above mentioned requirements, provided the height of the detached structure does not exceed eighteen feet (18') the maximum height of section 17.06.660(A) and meets the second story step back requirements in sections 17.06.660.A and of 17.06.660(M).~~

ED. Parking: One additional parking space beyond that required for the principal dwelling is required for an ADU.

~~DE.~~ Owner Occupancy: Either the principal dwelling unit or the accessory dwelling unit must be occupied by a majority owner of the property ~~or an immediate family member of the property owner if the property is used for STR.~~ "Owner occupied" ~~is defined means that~~ as a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and ~~actually physically~~ resides at the site more than six (6) months out of any given calendar year.

~~EF.~~ Number Of Occupants: One accessory dwelling unit is permitted as subordinate to an existing single-family dwelling; provided the total number of occupants in both the principal dwelling unit and accessory dwelling unit combined does not exceed the maximum number established for a "family" as defined in section [17.02.055](#) of this title.

~~FG.~~ Subdivision: ~~An~~ accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.

~~GH.~~ Size And Scale: The ~~square footage of the~~ accessory dwelling unit shall meet the following:

(1) No Minimum size.

(2) Maximum size is 800 square feet (finished square footage; doesn't include unfinished basements).

(3) An ADU shall not exceed 75% of the total square footage of the primary dwelling unit, excluding the garage area.

~~be a minimum of three hundred (300) square feet and a maximum of seven hundred (700) square feet, excluding any garage area; provided, the square footage of the accessory dwelling unit shall not~~

~~exceed forty percent (40%) of the total square footage of the primary dwelling unit, excluding the garage area, as it exists or as it may be modified.~~

~~H~~I. Location: The accessory dwelling unit may be added to or included within the principal unit, including a basement, or located in a detached structure. Other Code standards may apply.

~~I~~J. Entrances for ADUs attached to principal unit: The single-family dwelling containing the accessory dwelling unit shall have only one entrance on each front or street side ~~of the residence~~ for the ADU.

~~J~~K. Additions: Additions to an existing structure ~~or newly constructed detached structures~~ created for the purpose of developing an accessory dwelling unit, shall be designed consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.

~~K~~L. Conversion Of Existing Detached Structures/Garages/Sheds: Any legally existing detached structure may be that is converted into an accessory dwelling unit provided it meets the following: must meet all of the requirements of this section.

(1) The structure is not over the property line or in the City's right-of-way.

(2) The structure can meet the current adopted Building Codes and a building permit can be issued.

(3) The structure complies with current building and zoning standards if it is to be expanded.

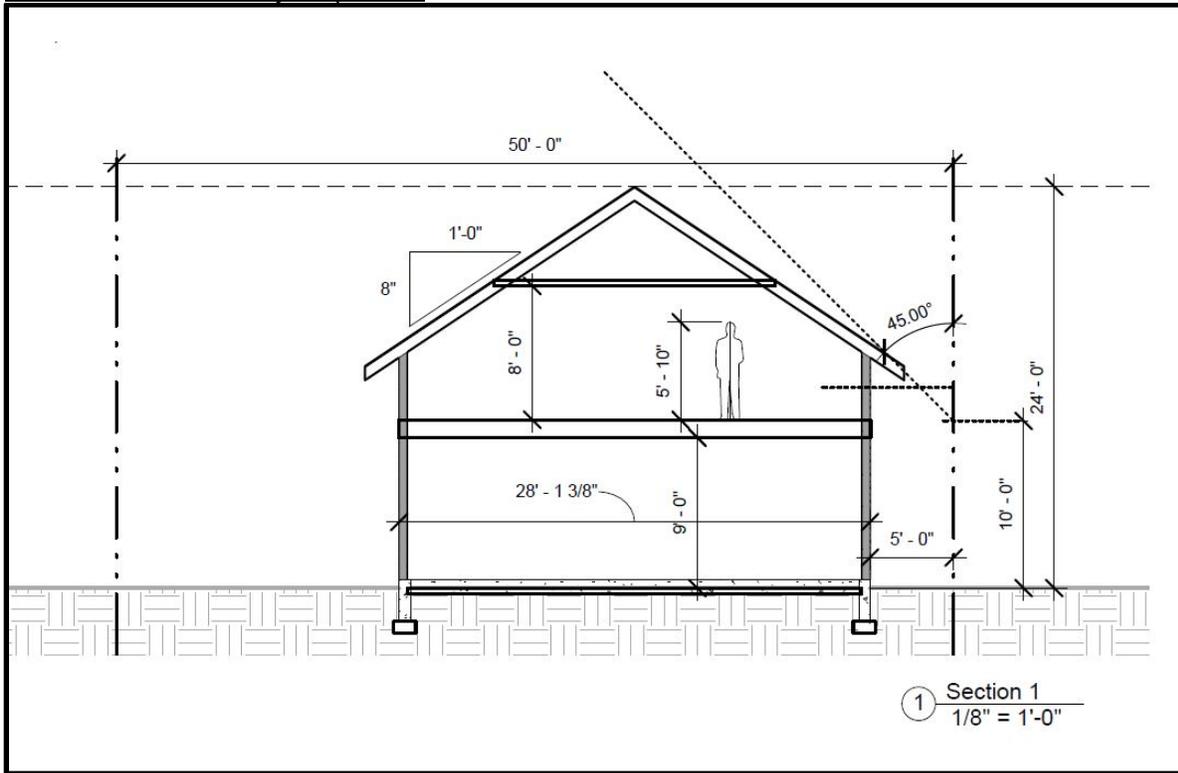
(4) An existing garage with a valid building permit and a height between 18' and 25' may be converted into an ADU if it can meet item 2 above.

LM. Short-Term Rentals: If an accessory dwelling unit (ADU) is going to be used for less than 30-day stays, the owner shall comply with the rules of short-term rental requirements in [chapter 17.08, article X](#) of this title. (Ord. 3600, 2018)

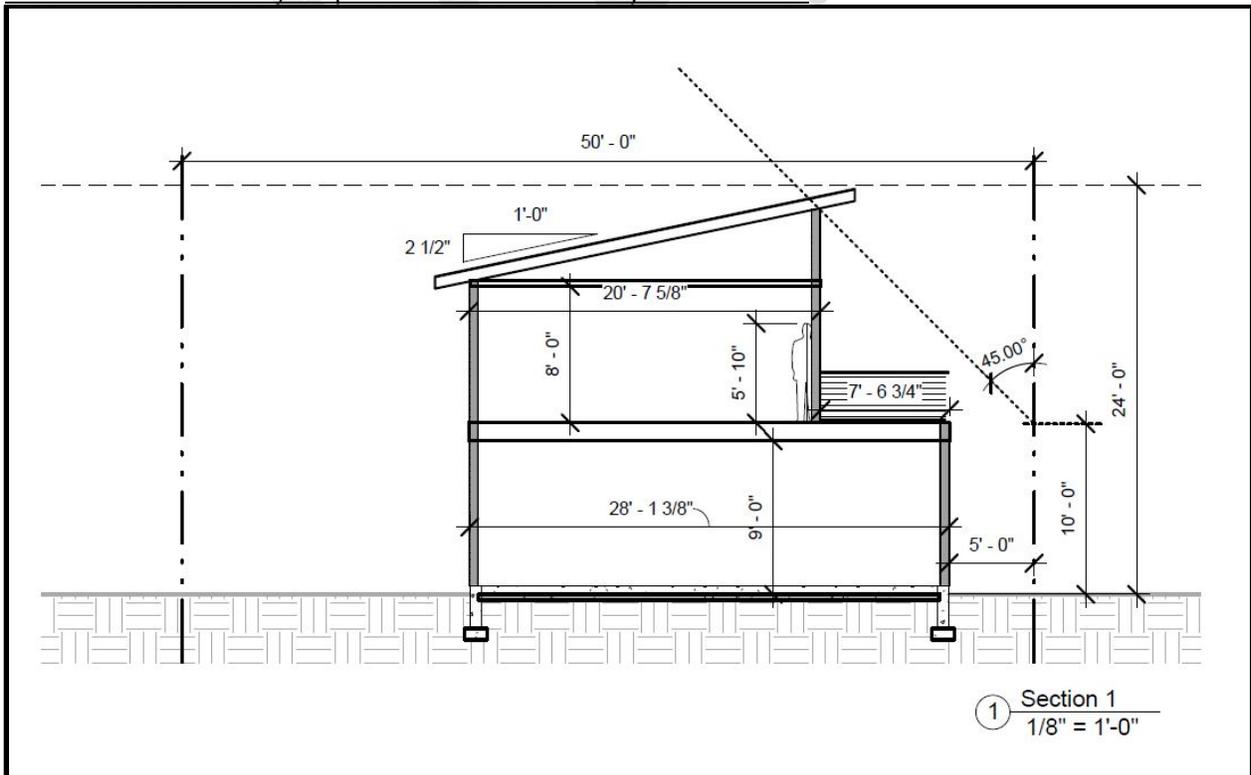
MN. Second Story Step Back for Detached ADU's: A newly constructed or second-story addition to an existing accessory structure must have second story step backs that meet the following requirements:

- (1) The upper step back begins at a height of ten feet (10') on the interior side property line and at fifteen feet (15') on the rear yard property line (see exhibit below).
- (2) The step back is at 1:1 measurement, which equates to a 45 degree angle.
- (3) A building permit submittal will need to show all dimensions, setbacks and step backs as illustrated below.
- (4) There is no second story step back requirement on the street side of a corner lot.
- (5) Eaves are allowed to project (two) 2 feet into the step back air space.

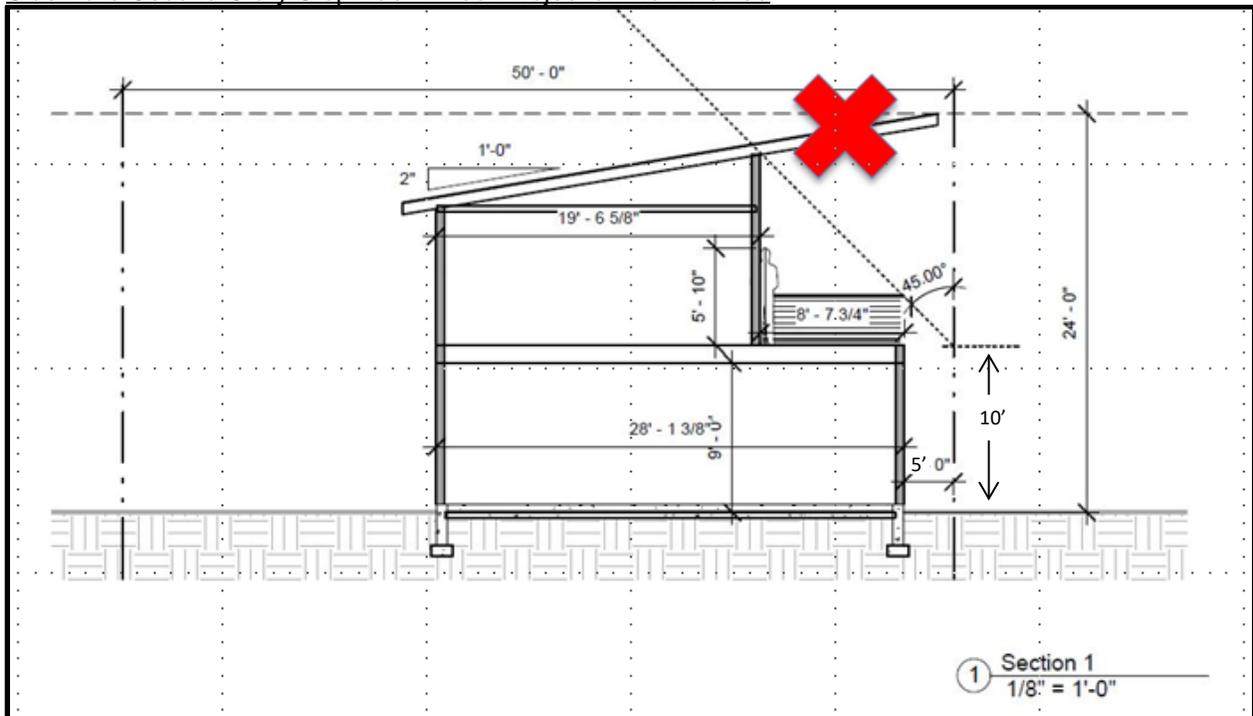
Side Yard Second Story Step Back:



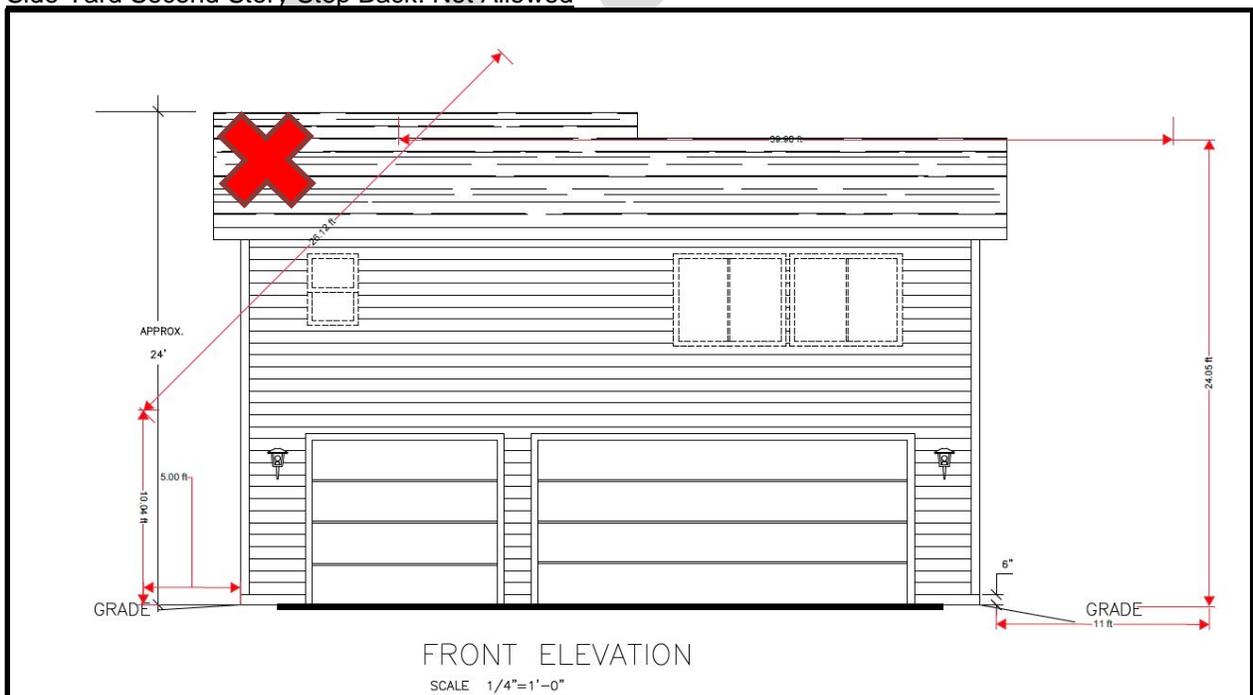
Side Yard Second Story Step Back: 2-Foot Eave Projection Allowed



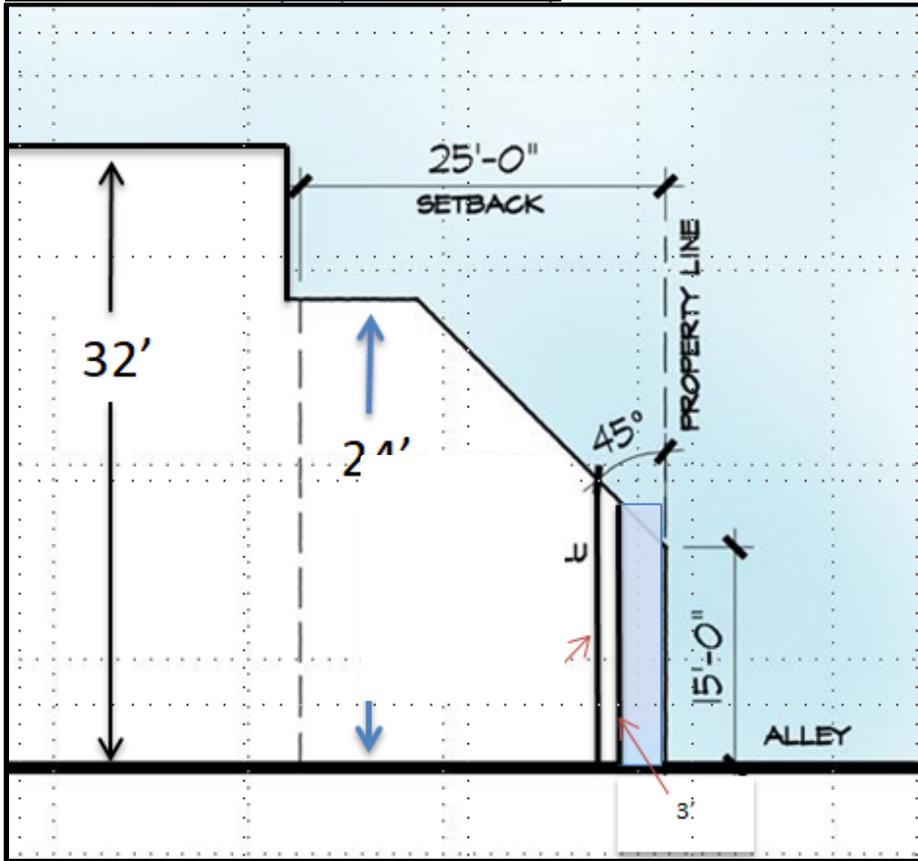
Side Yard Second Story Step Back: Roof Projection Not Allowed



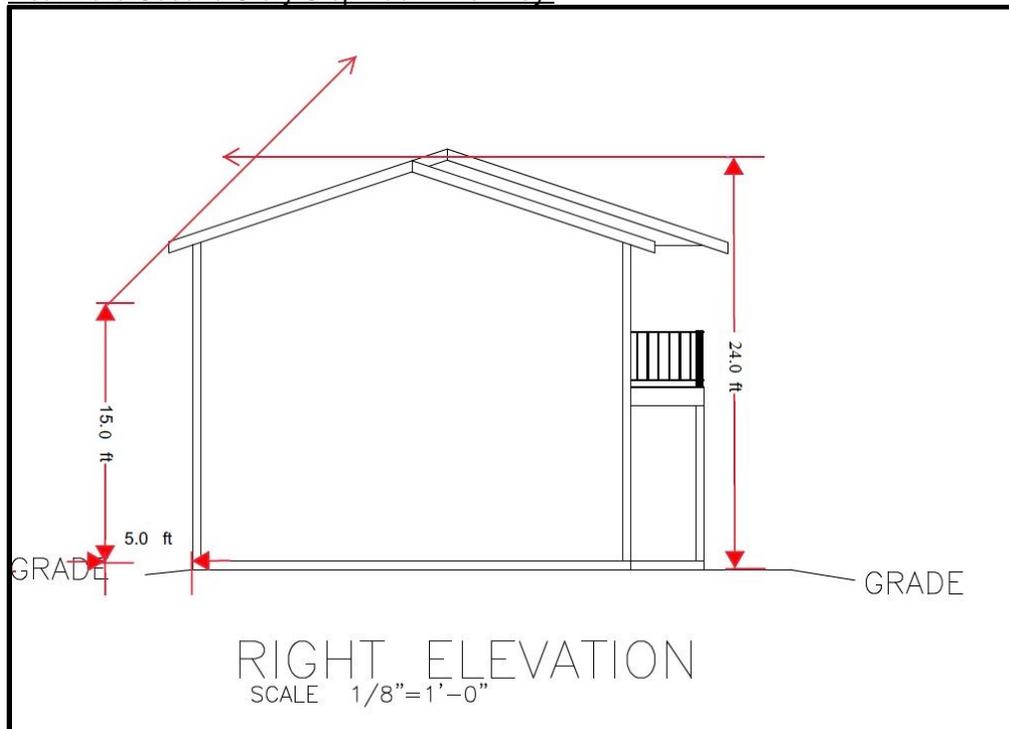
Side Yard Second Story Step Back: Not Allowed



Rear Yard Second Story Step Back: With Alley



Rear Yard Second Story Step Back - No Alley:



NO. Lot Coverage/Open Spaces & Pervious Surface Requirement:

- (1) A 30% Pervious surface is required for all lots with an ADU.
- (2) Pervious surfaces include such things as grass, AstroTurf, pavers, grasscrete, gravel, and decking materials (unless it has a concrete or impervious surface below it).
- (3) There is no dimensional requirement or requirement for a certain type or quantity of landscaping/trees (other than the standard street tree requirements).
- (4) The building permit submittal will need to show all pervious areas on the lot and the calculations on a separate plan titled "Lot Coverage/Pervious Service Plan."

## 17.06.670: ADU PERMITTING AND ENFORCEMENT:

- A. Application: The property owner shall apply for an accessory dwelling unit permit and other applicable permits from the City. The application shall include an affidavit signed by the property owner affirming that the ADU status of the property, and, if applicable, the compliance with the STR code requirements ~~a majority owner or an immediate family member will occupy the principal dwelling unit or accessory dwelling unit for more than six (6) months per year.~~
- B. Applicable Codes: ~~The accessory dwelling unit shall comply with all standards for single-family dwellings, including height and setbacks.~~ In addition to the provisions of this Code and related STR code, all Health and Safety Codes shall apply as required by the Building Department and all other applicable codes, except as provided in section 17.06.650 of this chapter through this section.
- C. Recording Requirements: Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the County Recorder which runs with the land and identifies the address of the property, ~~states that the owner(s) resides in either the principal dwelling unit or the an accessory dwelling unit is located on the property, and includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this section, and provides for the removal of the accessory dwelling unit if any of the requirements of this chapter are violated.~~ states that the owner(s) resides in either the principal dwelling unit or the an accessory dwelling unit is located on the property, and includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this section,
- D. Permit: Upon compliance with the provisions of sections 17.06.650 and 17.06.660 of this chapter through this section, an accessory dwelling unit permit will be issued.
- E. Enforcement: The City retains the right with reasonable notice to inspect the ADU for compliance with the provisions of this section.

- F. Elimination/Expiration: Elimination of an accessory dwelling unit may be accomplished by the owner recording a certificate with the County and the City's Planning Department stating that the accessory dwelling unit no longer exists on the property. (Ord. 3335 §3, 2008: Ord. 3288 §68, 2007)

**17.06.675: ACCESSORY CARETAKER'S UNIT STANDARDS:**

A. Maximum Building Height: Maximum building height for accessory caretaker's unit shall be:

1. Thirty two feet (32') within the buildable area for the principal structure.
2. Fourteen feet (14') when built in the rear yard with a low or no slope roof or eighteen feet (18') when built in the rear yard with a medium or high slope roof.

B. Setbacks: Setbacks for an accessory caretaker's unit are:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten feet (10') minimum.
3. Side, Street: The street side yard requirement shall be ten feet (10').
4. Rear: The rear yard requirement shall be five feet (5').

C. Parking: One parking space beyond that required for the principal structure is required.

D. Occupancy: The accessory caretaker's unit must be occupied by an employee of the commercial use on the property, a majority owner of the property, or an immediate family member of a property owner. "Majority owner" is defined as the person or entity who owns a more than fifty percent (50%) interest in the property, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and who actually resides on the property more than six (6) months out of any given year.

- E. Number Of Occupants: One accessory caretaker's unit is permitted as subordinate to an existing commercial or manufacturing use; provided the total number of occupants in the caretaker's dwelling unit does not exceed the maximum number established for a "family" as defined in subsection 17.02.055B of this title.
- F. Subdivision: The property on which an accessory caretaker's unit is located shall not be subdivided or otherwise severed from the property on which the principal commercial unit is located.
- G. Affidavit And Recording Requirements: A deed restriction in a form acceptable to the City shall be provided by the owner(s) of the parcel agreeing that the property on which the caretaker's unit is located will not be subdivided or otherwise severed from the property on which the commercial facility is located. The document shall be recorded by the owner(s) with the County Recorder and such restrictions shall run with the land. The document shall identify the address of the property, state that the employee of the commercial use on the property, the majority owner of the property, or an immediate family member of an owner resides in the caretaker's unit. The document shall include a statement that the owner(s) will notify any prospective purchasers of the property regarding the restrictions imposed by this section, and provide that the right to an accessory caretaker's dwelling unit shall be lost if any of the requirements of this section are violated.
- H. Size And Scale: The square footage of the accessory caretaker's unit shall be a minimum of three hundred (300) square feet and a maximum of one thousand four hundred (1,400) square feet of floor area, excluding any garage area; provided, the square footage of the accessory caretaker's unit shall not exceed forty percent (40%) of the total square footage of the associated commercial or manufacturing building.
- I. Maximum Number Of Caretaker Units: One caretaker unit allowed per parcel or use, whichever is less.

# PLANNING COMMISSION STAFF REPORT

**FROM:** MIKE BEHARY, ASSOCIATE PLANNER

**DATE:** JULY 9, 2019

**SUBJECT:** PUD-2-19 "RIVER'S EDGE" PLANNED UNIT DEVELOPMENT  
S-2-19 29 LOTS PRELIMINARY PLAT REQUEST FOR  
"RIVERS EDGE"

**LOCATION:** 22.32 ACRES LOCATED AT 3528 W. SELTICE WAY

**APPLICANT/OWNER:**  
River's Edge Apartments, LLC  
1402 Magnesium Road  
Spokane, WA 99217

**ARCHITECT /ENGINEER:**  
Whipple Consulting Engineers, Inc.  
21 S. Pines Road  
Spokane Valley, WA 99206

## **TWO DECISION POINTS:**

A Planned Unit Development that will allow a 250 unit apartment facility, a mini-storage facility, and a private gated residential community.

AND;

A 29 lot preliminary plat to be known as "Rivers Edge".

## **HISTORY:**

This is the applicant's second development proposal request at this site. The first request was heard in December 2018 by the Planning Commission. That development proposal was for an apartment facility with a public trail located along the river. The Planning Commission recommended approval of the request for a zone change. The other two items, a special use permit (SP-11-18) and a Limited Design PUD (LDPUD-1-18), were denied without prejudice by the Planning Commission and the applicant appealed to the City Council. The zone change request was heard by the City Council on March 5, 2019, which denied the request. A motion was then passed dismissing the appeal of denial of the requests for a SUP and LPUD as those requests were deemed moot based on the denial of the zone change.

## **BACKGROUND INFORMATION:**

The subject site is located south of Seltice Way, north of the Spokane River, and is west of and adjacent to the Atlas Mill site. The 22.32 acre site is currently vacant and undeveloped. Prior to 2004, the subject site was part of a large saw mill facility that was active for many years. The saw mill has since closed and all the buildings have been removed from this site. The applicant's property was annexed into the city in early 2014 with C-17 and R-12 zoning.

The applicant's proposed project has two zoning districts with the R-12 Zoning District (7.5 acres) on the southern portion of the property along the river and the C-17 Zoning District (14.82 acres) on the northern portion of the subject site. There is a 3.6 acre tract, owned by the City that bisects the proposed development. The City's 3.6 acre site is not part of this application request. The applicant does have an access easement over the City's property for ingress and egress.

The applicant has stated that he intends to develop the property with residential uses and a commercial use. The applicant intends to build a multi-family apartment complex and self-storage facility on the northern parcel, and a private gated single family residential community on the parcel along the river. The Zoning Code states that "Gated residential developments/communities are prohibited unless approved as part of a PUD". See the attached Narrative/Justification submitted by the applicant for a complete overview of their proposed project. (Attachment 1)

The proposed apartment facility will have 8 apartment buildings with up to a total of 250 dwelling units and 161 garage stalls. Overall, there will be a total of 513 parking spaces associated with the apartment facility. The maximum building height for the apartment buildings will be 45 feet, the maximum allowed for multifamily buildings in the C-17 Zoning District. The C-17 Zoning District regulations state that multifamily uses must follow the R-17 standards in regards to building height. *See Building Elevations on pages 12 & 13.*

The proposed self-storage facility will have a total of 391 storage units with some units capable of storing RV's. Overall, there will be a total of 41 parking spaces associated with the self-storage facility. There are a total of 28 single family residential lots along the river which is proposed to be a private gated community. The applicant is also proposing to build a 6-foot height block wall along the northern part of the R-12 lots to separate the multi-family area from the single family residents along the river. The block wall will be built in a separate tract adjacent to the private road. *See Site Plan on Page 11 and Road and Trail cross section on page 26.*

The multi-family facility is located beyond the 150-foot shoreline area. However, the single family lots along the river will be within the 150-foot shoreline area. All structures within 150 feet of the shoreline will be restricted to a maximum building height of 30 feet. The applicant has indicated that the development is proposed to be phased over many years. The applicant has submitted a Phasing Plan that depicts the proposed project phasing. *See Parking Plan on Page 23 and Phasing Plan on page 13.*

The applicant is proposing to position the apartment buildings and private roadway on his property such that there will be two view corridors allowing views of the river looking south from Seltice Way. The applicant has submitted a View Corridor Map as part of this application. *See View Corridor Map on page 14.*

The applicant is proposing both public and private open space areas as part of this project. The open space requirement for a PUD is no less than 10% of the gross land area. The applicant's proposed project will have a total of 10% of open space. The applicant is proposing a total of 2.67 acres of open space that will consist of 1.65 acres of private open space associated with the apartment complex and 1.02 acres of public open space associated with the single family lots located along the river.

The two open space tracks located along the river are 60 feet wide and allow public access to the river. The applicant is proposing a native passive recreation area with a three-foot wide

pedestrian path allowing access to the river. The two open spaces can be accessed by pedestrians from the 16-foot trail that will traverse the property from east to west. *See Open Space Plan on Pages 21 & 22.*

The proposed 16-foot wide multipurpose trail will have connections to the adjacent trails on the properties to the east and the west of the subject site. The applicant is proposing to locate the trail on his property and there will be a platted easement for public access.

As part of this application, the applicant has submitted a Trip Generation and Distribution Letter (TGDL). The TGDL was prepared by the applicant's Engineer and discusses in depth the potential traffic that could be generated by commercial and residential uses. The TGDL dated May 30, 2019, is attached. (Attachment 2)

**PLANNED UNIT DEVELOPMENT MODIFICATION REQUESTS:**

- Private streets rather than public streets.

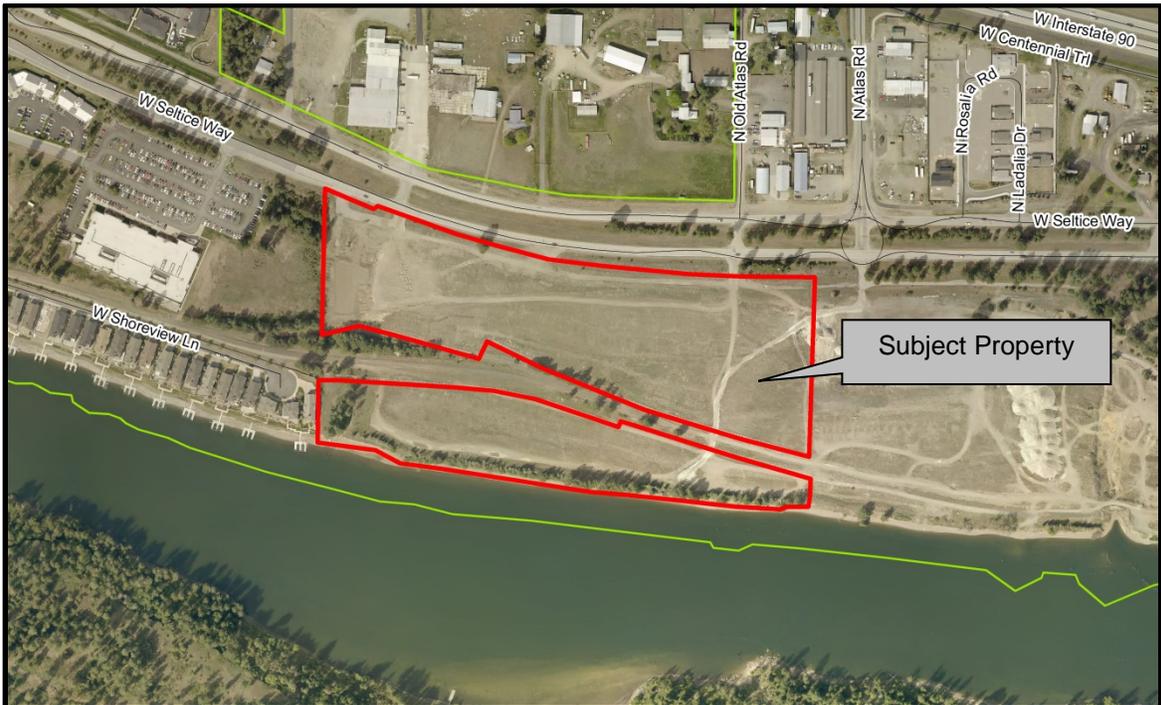
**PLANNED UNIT DEVELOPMENT REQUESTS:**

- A private gated residential community.

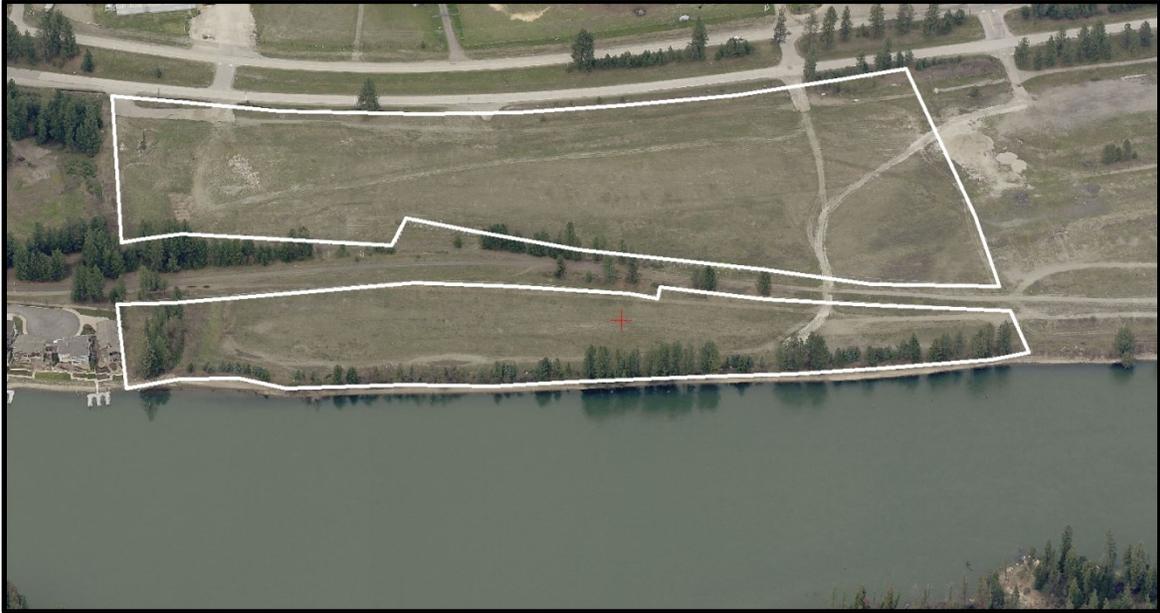
**LOCATION MAP:**



**AERIAL MAP:**



**BIRDS EYE AERIAL PHOTO:**



# PUD-2-19: PLANNED UNIT DEVELOPMENT FINDINGS:

## 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 commission:

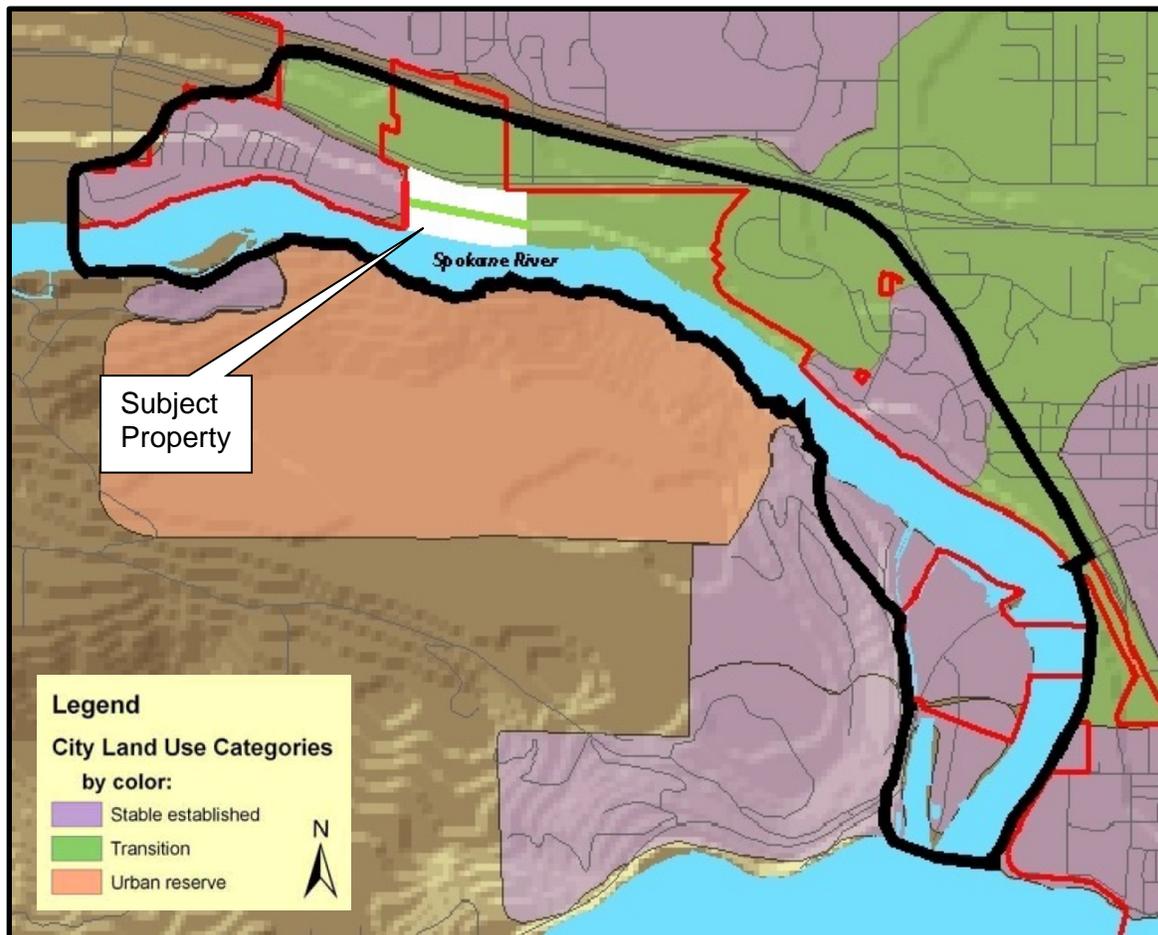
### REQUIRED FINDINGS (PUD):

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

### 2007 COMPREHENSIVE PLAN- LAND USE CATEGORIES:

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as: Spokane River District
- The subject property is located in the City's Area of Impact

### 2007 COMPREHENSIVE PLAN MAP: SPOKANE RIVER DISTRICT – Transition



**Transition Areas:**

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

**Spokane River District Tomorrow**

This area is going through a multitude of changes and this trend will continue for many years. Generally, the Spokane River District is envisioned to be mixed-use neighborhoods consisting of housing, and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane River. As the mills are removed to make way for new development, the Spokane River shoreline is sure to change dramatically.

**The characteristics of the Spokane River District neighborhoods will be:**

- Various commercial, residential, and mixed uses.
- Public access should be provided to the river.
- That overall density may approach ten to sixteen dwelling units per acre, but pockets of denser housing are appropriate and encouraged.
- That open space, parks, pedestrian and bicycle connections, and other public spaces will be provided throughout, especially adjacent to the Spokane River.
- That the scale of development will be urban in nature, promoting multi-modal connectivity to downtown.
- The scale and intensity of development will be less than the Downtown Core.
- Neighborhood service nodes are encouraged where appropriate.
- That street networks will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.
- That neighborhoods will retain and include planting of future, large-scale, native variety trees.

**NEIGHBORHOOD CHARACTER:**2007 Comprehensive Plan: Spokane River District Today

This Spokane River District is in a state of flux from its historic past use as a site of four major water front sawmills and other industrial uses. In place of sawmills, recently subdivided property in this area along portions of the shoreline is developing into commercial, luxury residential units, and mixes use structures. Recent subdivisions aside, large ownership patterns ranging from approximately 23 acres to 160+ acres provide opportunities for large scale master planning.

## **2007 COMPREHENSIVE PLAN GOALS & OBJECTIVES THAT APPLY:**

### **Goal #1: Natural Environment**

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

#### **Objective 1.01 Environmental Quality:**

Minimize potential pollution problems such as air, land, water, or hazardous materials.

#### **Objective 1.02 Water Quality:**

Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer.

#### **Objective 1.03 Waterfront Development:**

Encourage public and private development to incorporate and provide ample public access, both physical and visual, to the lakes and rivers.

#### **Objective 1.04 Waterfront Development:**

Provide strict protective requirements for all public and private waterfront developments.

#### **Objective 1.05 Vistas:**

Protect the key vistas and view corridors of the hillside and water fronts that make Coeur d'Alene unique.

#### **Objective 1.09 Parks:**

Provide an ample supply of urbanized open space in the form of squares, beaches, greens, and parks whose frequent use is encouraged by placement, design, and access.

#### **Objective 1.11 Community Design:**

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

#### **Objective 1.12 Community Design:**

Support the enhancement of existing urbanized areas and discourage sprawl

#### **Objective 1.13 Open Space:**

Encourage all participants to make open space a priority with every development and annexation.

#### **Objective 1.14 Efficiency:**

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

#### **Objective 1.15 Natural Terrain:**

Wherever possible, the natural terrain, drainage, vegetation should be preserved with superior examples featured within parks and open space.

#### **Objective 1.16 Connectivity:**

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trails systems.

#### **Objective 1.17 Hazardous Areas:**

Areas susceptible to hazardous conditions (e.g. flooding, landslides, earthquakes, etc.) should be left in a natural state unless impacts are mitigated.

**Goal #2: Economic Environment**

Our Comprehensive Plan preserves the city's quality workplaces and policies, and promotes opportunities for economic growth.

**Objective 2.01 Business Image & Diversity:**

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

**Objective 2.02 Economic & Workforce Development:**

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

**Objective 2.05 Pedestrian & Bicycle Environment:**

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

**Objective 2.06 Cooperative Partnerships:**

Encourage public/private partnerships to procure open space for the community while enhancing business opportunities.

**Goal #3: Home Environment**

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

**Objective 3.01 Managed Growth:**

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

**Objective 3.02 Managed Growth:**

Coordinate planning efforts with our neighboring cities and Kootenai County, emphasizing connectivity and open spaces.

**Objective 3.05 Neighborhoods:**

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

**Objective 3.06 Neighborhoods:**

Protect the residential character of neighborhoods by allowing residential/commercial /industrial transition boundaries at alleyways or along back lot lines if possible.

**Objective 3.08 Housing:**

Design new housing areas to meet the city's need for all income and family status categories.

**Objective 3.13 Parks:**

Support the development acquisition and maintenance of property and facilities for current and future use, as described in the Parks Master Plan.

**Objective 3.14 Recreation:**

Encourage city-sponsored and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities, hiking and biking pathways, open space, passive parks, and water access for people and boats.

**Objective 3.16 Capital Improvements:**

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

**Objective 3.18 Transportation:**

Provide accessible, safe and efficient traffic circulation for motorized, bicycle and pedestrian

modes of transportation, requesting input from authoritative districts and neighboring communities when applicable.

**Goal #4: Administrative Environment**

Our Comprehensive Plan advocates efficiency and quality management.

**Objective 4.01 City Services:**

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

**Objective 4.06 - Public Participation:**

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

**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.*

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

**To the South:**

The subject site is adjacent to the Spokane River on its southern boundary. The Spokane River is primarily used for recreational activities and has the Navigable Water Zoning District designation.

**To the North:**

The subject site is adjacent to Seltice Way on its northern boundary. Seltice Way is an arterial road and the site plan indicates that there will be three access points onto Seltice Way. The properties along the north side of Seltice Way have residential and commercial uses on them with commercial zoning that is in the County.

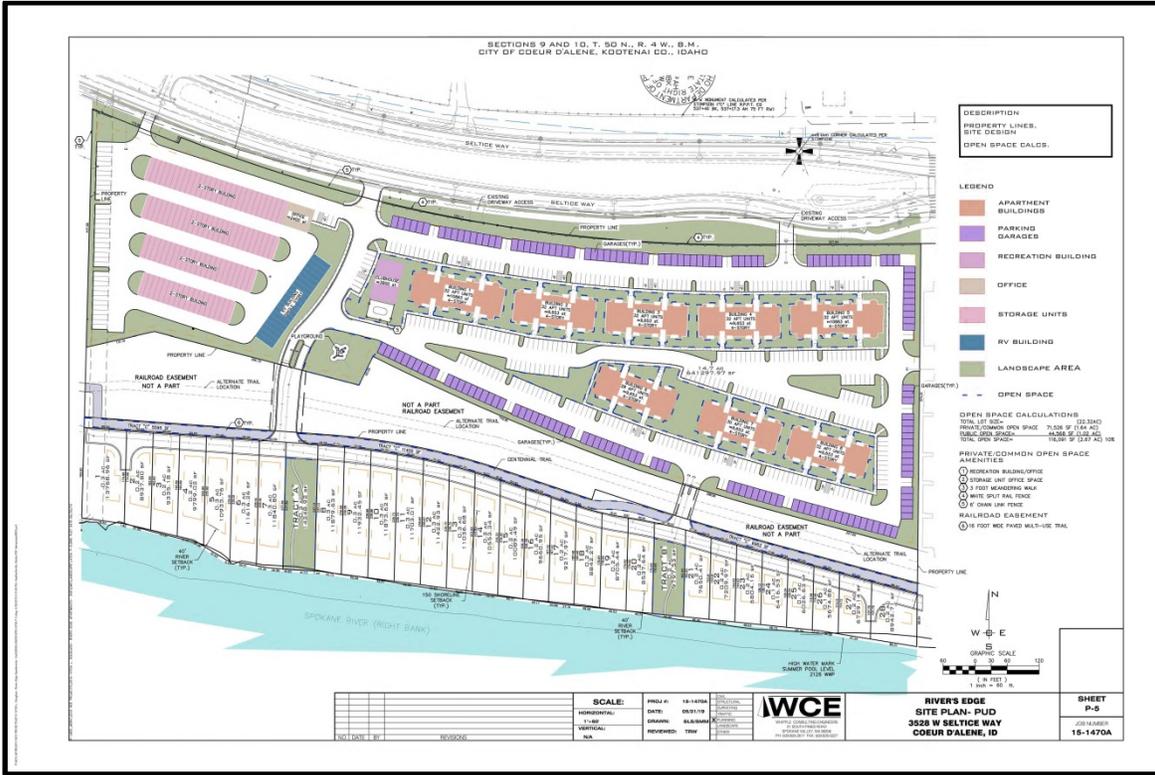
**To the East:**

To the east of the subject site is the approximately 45-acre property that is currently vacant and undeveloped that the city owns. The Atlas Mill Site has been vacant since the Atlas Mill closed in 2005. Eastward beyond the Atlas Mill Site are the Riverstone and the Bellerive subdivisions, as well as the Centennial Trail and a dog park. Uses within Riverstone include multi-family apartments, a retirement community, single family dwellings, restaurants, a mixed use village with retail uses, and other commercial uses. The Atlas Mill site has recently been annexed into the city with a C-17 zoning designation.

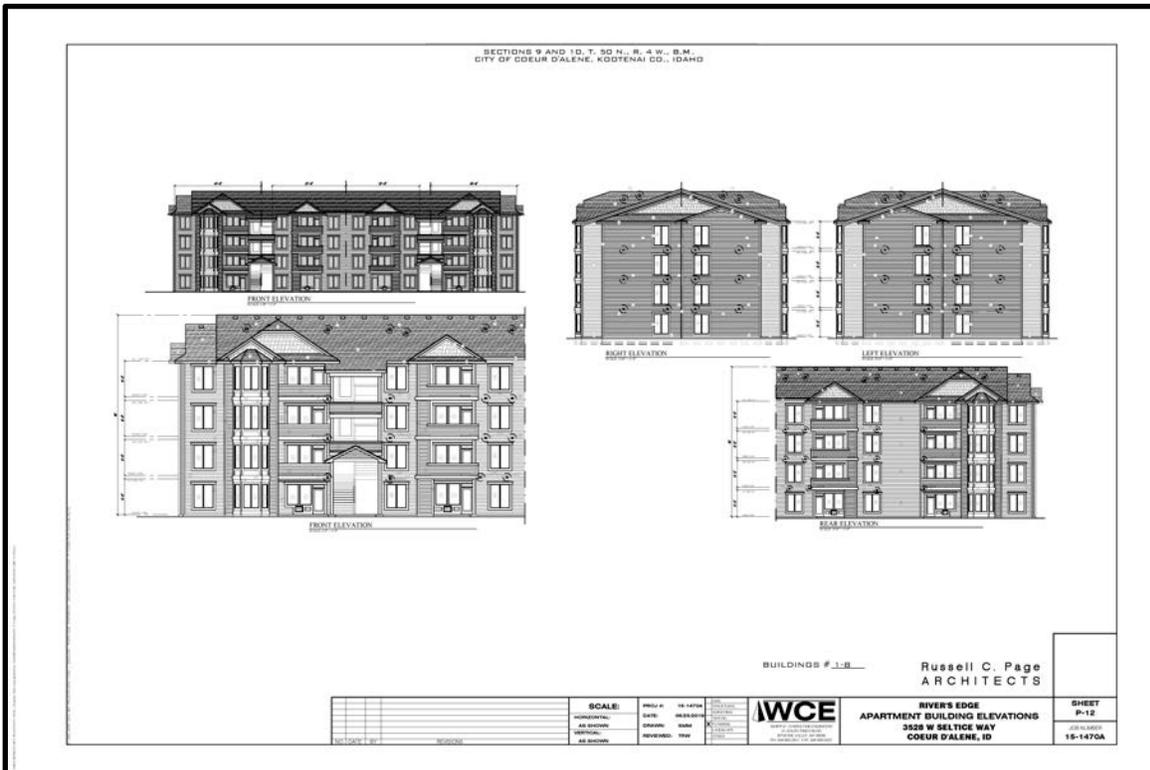
**To the West:**

To the west of the subject site are single family dwellings and a commercial office space that is used as a call center. There is also a vacant undeveloped property that is owned by the City that will be developed with a 12-foot wide multi-use trail. The trail will connect to the proposed site on the west part of the applicant's property. The properties to the west that have single family dwellings on them are zoned R-8PUD. The commercial call center property is zoned C-17LPUD. See *Generalized Land Use Map on Page 15*.

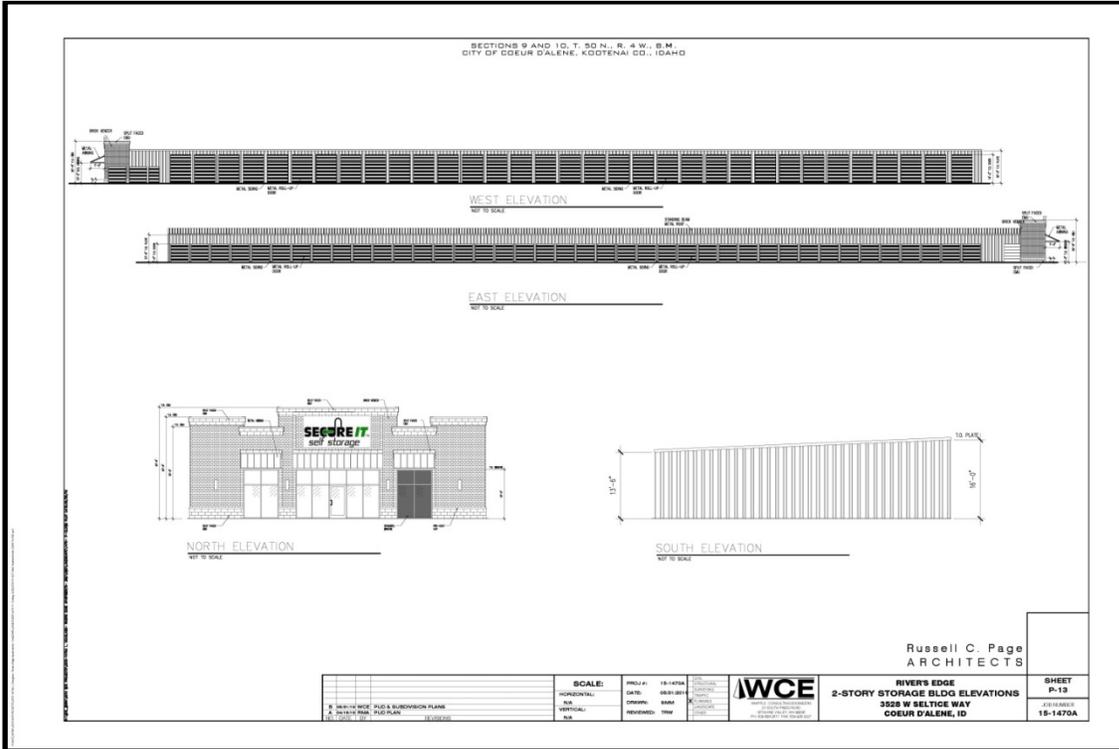
**PUD SITE PLAN MAP:**



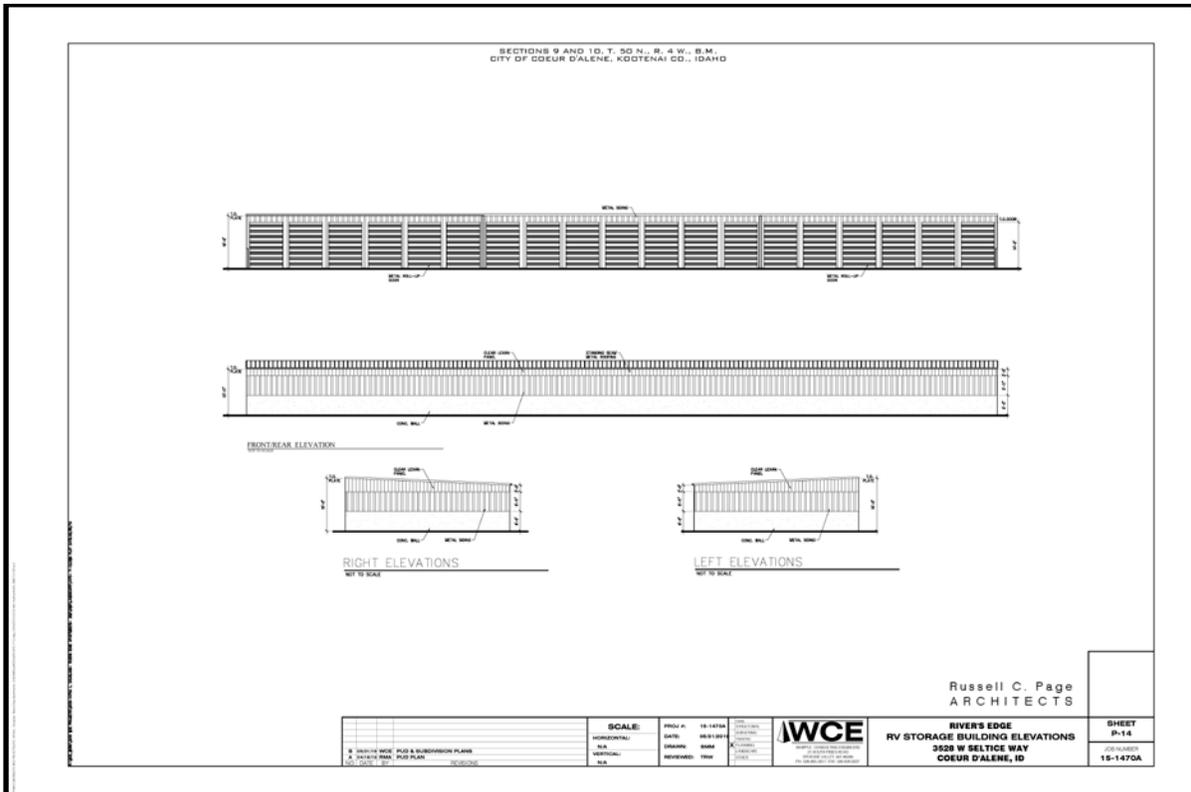
**APPLICANT'S APARTMENT BUILDING ELEVATION:**



**APPLICANT'S SELF-STORAGE AND OFFICE BUILDING ELEVATION:**



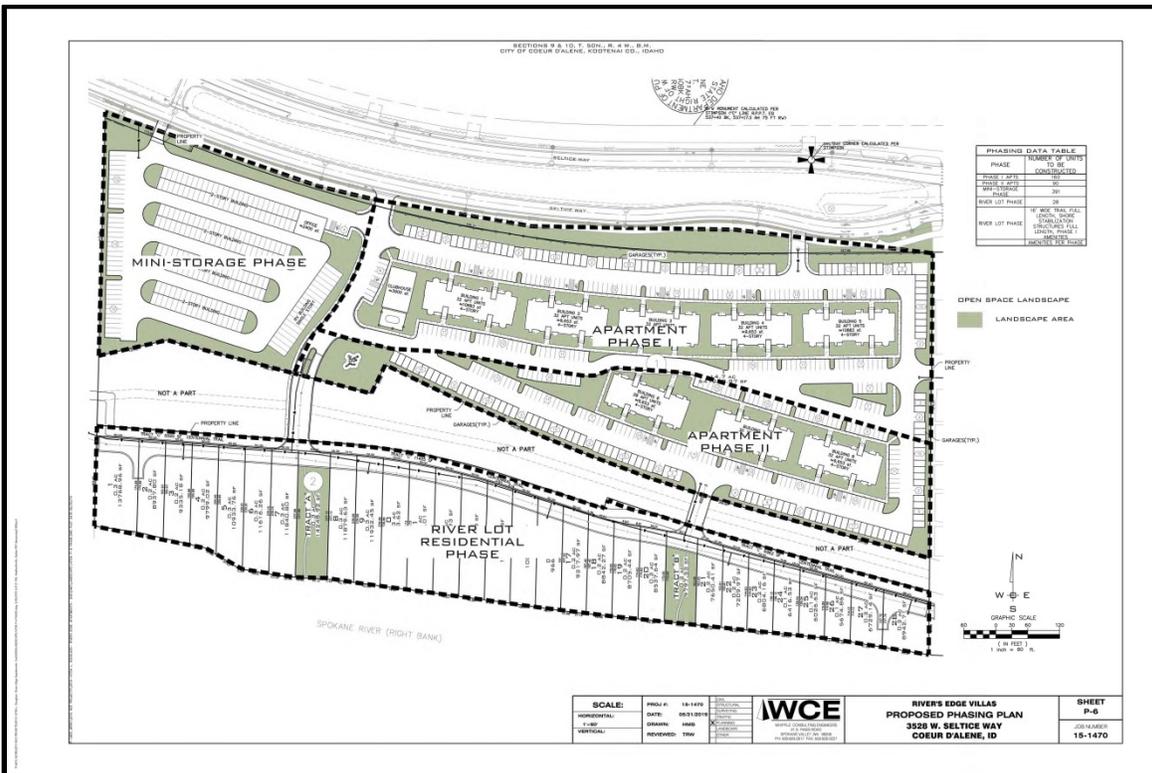
**APPLICANT'S RV STORAGE BUILDING ELEVATION:**



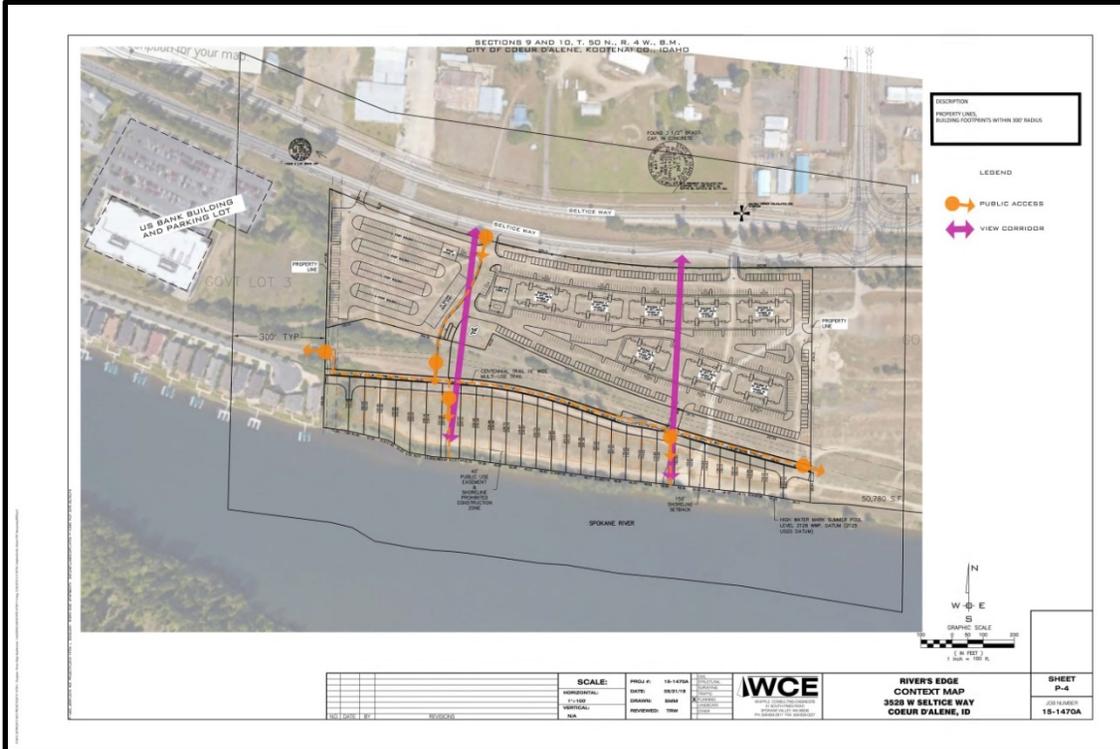
**APPLICANT'S APARTMENT CLUBHOUSE BUILDING ELEVATION:**



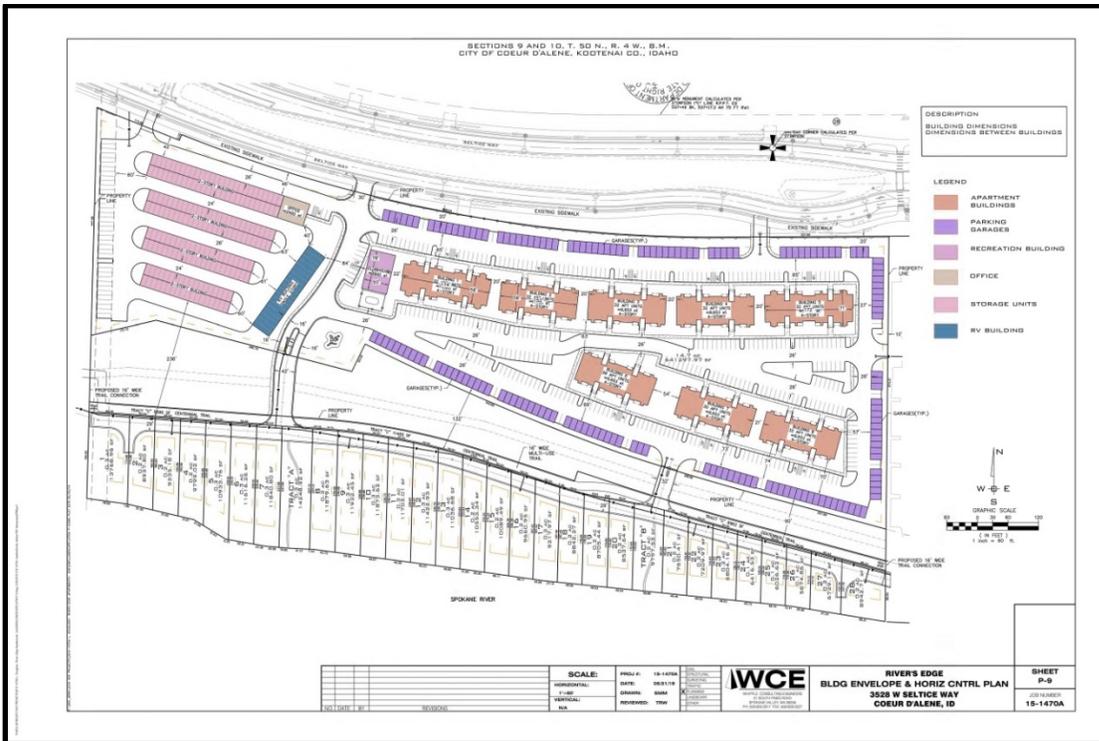
**PHASING PLAN:**



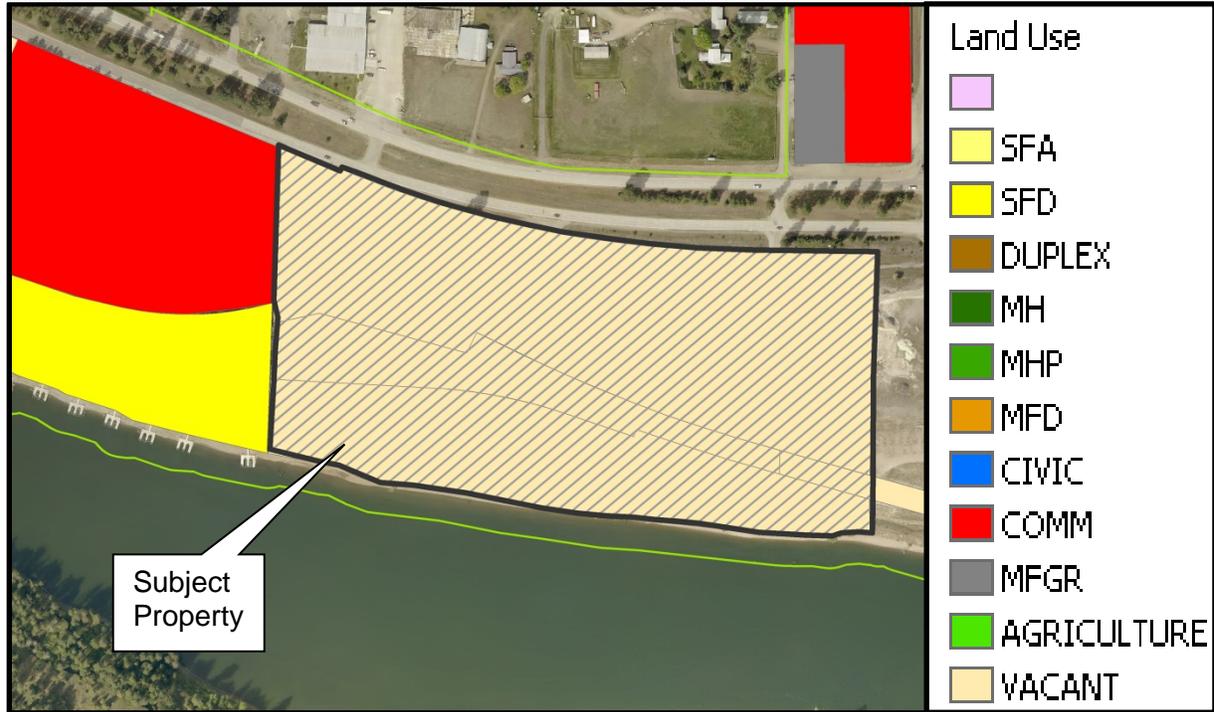
**VIEW CORRIDORS:**



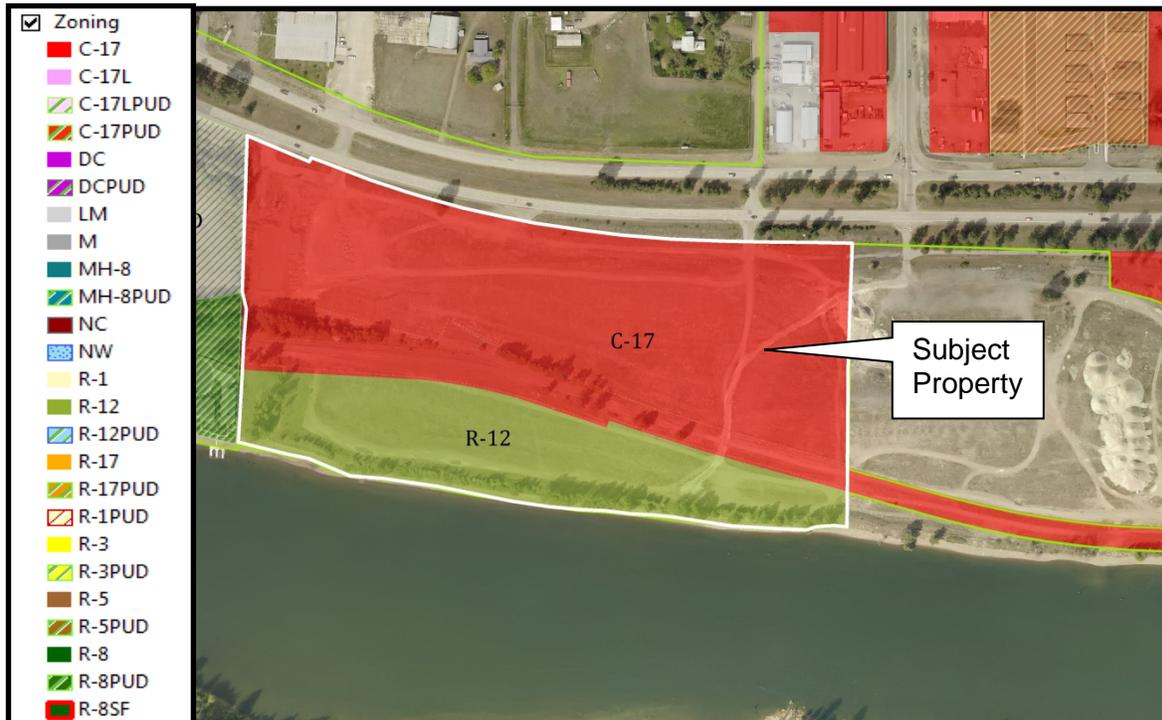
**BUILDING ENVELOPE MAP:**



**GENERALIZED LAND USE MAP:**



**EXISTING ZONING:**



**SITE PHOTO - 1:** View from central part of property looking south



**SITE PHOTO - 2:** View from central part of property looking west



**SITE PHOTO - 3:** View from central part of property looking east



**SITE PHOTO - 4:** View from southeast part of property looking west



**SITE PHOTO - 5:** View from north part of property looking south



**SITE PHOTO - 6:** View from north part of property looking southeast



**Evaluation:** *The Planning Commission must determine, based on the information before them, whether or not the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.*

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

The subject property is higher along Seltice Way and slopes downward toward the Spokane River to the south. There is an approximately thirty foot elevation drop on the subject site. There are no topographical or other physical constraints that would make the subject property unsuitable for the proposed PUD request. See *Topographic Map below on Page 20* and *Shoreline Ordinance on page 35*

**TOPOGRAPHIC MAP:**



**Evaluation:**    *The Planning Commission must determine, based on the information before them, whether or not the proposal is compatible with natural features of the site and adjoining properties.*

**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.**

See staff comments which can be found in finding #B7B (Subdivision: page. 26-29) below.

**Evaluation:**    *The Planning Commission must determine, based on the information before them, whether or not the location, design, and size of the proposal are such that the development will be adequately served by existing public facilities and services.*

**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 applicant's proposed project will have a total of 10% of open space. The applicant is proposing both public and private open space areas as part of this project. The applicant is proposing a total of 2.67 acres of open space that will consist of 1.65 acres of private open space associated with the apartment complex and 1.02 acres of public open space located in two tracts adjacent to the single-family lots along the river.

The two open space tracts along the river would be 60 feet wide and allow public access to the river. The applicant is proposing native passive recreation areas in the tracts with three foot wide pedestrian paths leading to the river. The two open spaces would be accessed by pedestrians from the 16-foot trail that will traverse the property from east to west.

**Applicant's Response:**

*There are two types of open space provided with this development private and public open space. The common/private open space consists of approximately 1.65 acres of beautifully landscaped slopes with a number of amenities for the apartment dwellers. A 5,500-sf recreation building which houses a lounge and workout room opens to a fenced in pool with pergola covered BBQ pads and a large lounge area for all residence in the complex.*

*The Single-Family lots parcel is 7.5 acres with 1.02 acres (14%) of open space. This parcel is zoned R-12, adjacent to the River and has the Centennial Trail Tract Cat 0.55 acres, running through the property and 2 open space tracts at .47 acres for the public to access the River. These areas serve a diverse population by providing a variety of spaces for recreation accessible by people of different ages and abilities.*



In February of 2016, the Planning Commission held a workshop to discuss and better define the intent, functionality, use, types, required improvements, and other components of open space that is part of Planned Unit Development (PUD) projects. The workshop discussion was necessary due to a number of requested PUD's with the Planning Commission being asked to approve "usable" open space within a proposed development.

Per the Planning Commission Interpretation (Workshop Item I-1-16 Open Space), the below list outlines what qualifies as Open Space.

- ≥ 15 FT wide, landscaped, improved, irrigated, maintained, accessible, usable, and include amenities
- Passive and Active Parks (including dog parks)
- Community Gardens
- Natural ok if enhanced and in addition to 10% improved
- Local trails

**Evaluation:** *The Planning Commission must determine, based on the information before them, whether or not the proposal provides adequate private common open space area, 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.*

**Finding #B8E:** **Off-street parking (does) (does not) provide parking sufficient for users of the development.**

There are no requests made to change the City's off-street parking requirements through the PUD process. The applicant has indicated that the proposed PUD will meet all of the City's parking requirements and standards.

Single family homes will be required to provide two (2) off-street paved parking spaces per unit, which is consistent with code requirements for single-family residential. Parking for multi-family units is based on the total number of bedrooms each unit has. The applicant has submitted a Parking Plan for the overall development indicating how the parking requirements will be met. *See Parking Plan below.*





**Finding #B7B:**

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

**STORMWATER:**

Stormwater issues are not a component of the proposed subdivision plat and planned unit development. Any stormwater issues will be addressed at the time of development on the subject property. City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

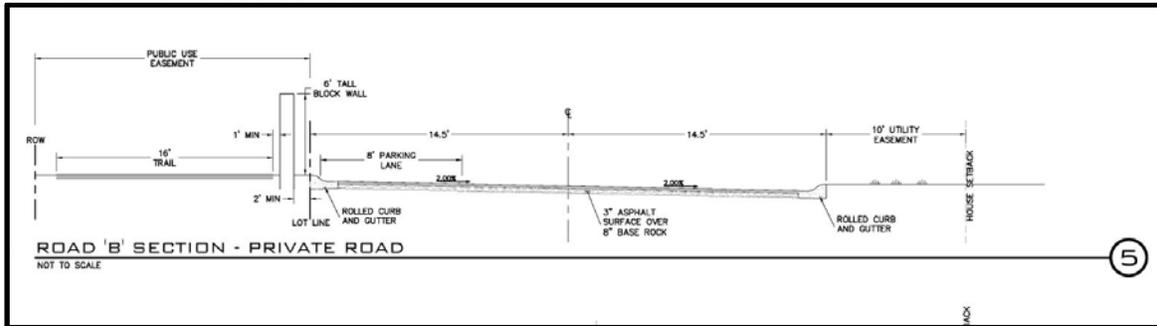
*-Submitted by Chris Bosley, City Engineer*

**STREETS:**

The subject property is bordered by Seltice Way (formerly Highway 10) to the north, which is a principal arterial connecting the cities of Coeur d’Alene and Post Falls. This existing roadway is a newly constructed street section and will not require street improvements. When Seltice Way was designed and constructed, development on the subject property was anticipated. The applicant’s engineer provided trip generation data to the design team for the originally planned apartment complex to ensure that the roadway was designed to handle the development potential of the site and surrounding properties. The Streets and Engineering Department has no objection to the subdivision plat and planned unit development as proposed.

*-Submitted by Chris Bosley, City Engineer*

**Road and Trail cross section:**



**TRAFFIC:**

As noted above, the subject property is bordered by Seltice Way to the north, which is a principal arterial connecting the cities of Coeur d’Alene and Post Falls. When Seltice Way was redesigned, the applicant’s engineer provided trip generation data to the design team for the originally planned apartment complex to ensure that the roadway was designed to handle the development potential of the site and surrounding properties. The proposed subdivision and planned unit development will greatly reduce anticipated traffic generation compared to the originally proposed development.

The anticipated traffic under this proposal is expected to be approximately one-third of the traffic volumes that could be expected from the apartment complex previously proposed. According to the May 30, 2019, traffic generation letter by Whipple Consulting Engineers, approximately 2,166 trips per day could be generated by the development at full build-out. This results in 142 AM and 176 PM peak hour trips. The Streets & Engineering Department has no objection to the

subdivision plat and planned unit development as proposed. Any development will have to comply with City policies and ordinances under the conditions existing at the time of construction and, therefore, the Streets & Engineering Department will review the final plans at that time.

*-Submitted by Chris Bosley, City Engineer*

**WATER:**

There is adequate capacity in the public water system to support domestic, irrigation and fire flow for the proposed PUD.

There is an existing 12" water main stubbed into the lot off of W. Shoreview Ln. and a 12" stubbed in at the N E corner of the lot.

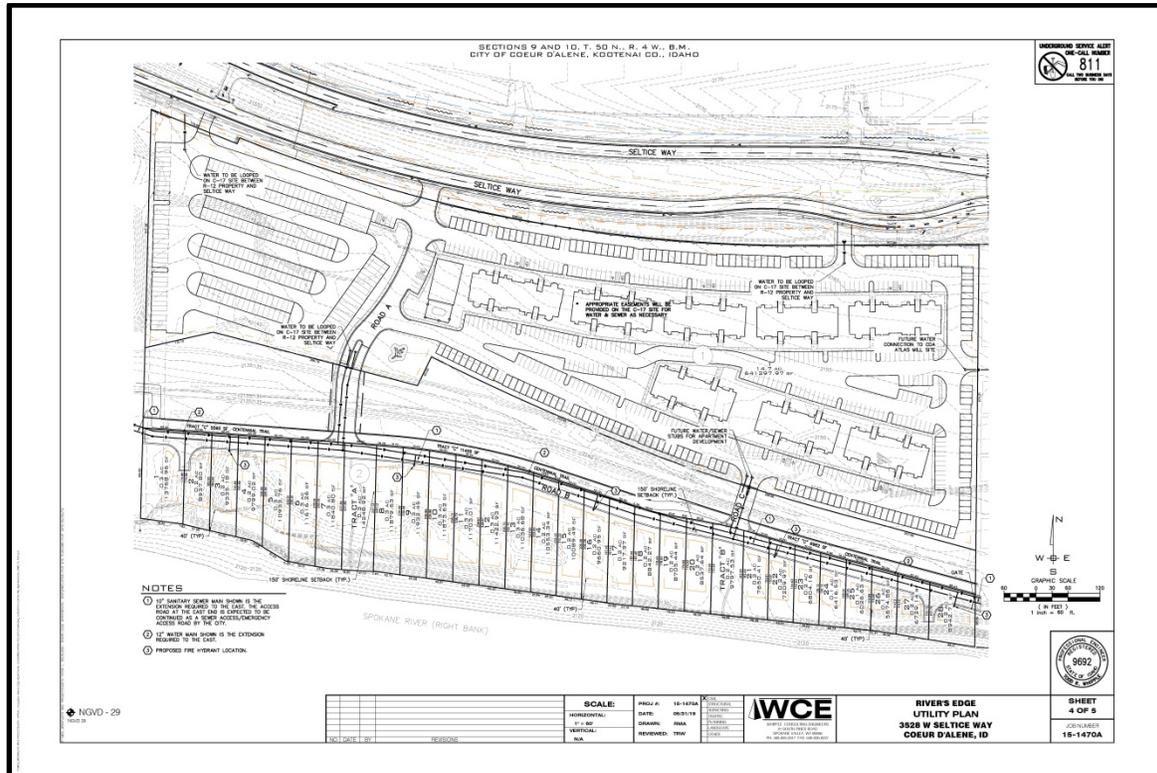
*-Submitted by Kyle Marine, Assistant Water Superintendent*

**WASTEWATER:**

1. Sewer Policy #719 requires an "All-Weather" surface permitting unobstructed O&M access to the public sewer.
2. City Resolution 14-025 requires all EDUs within the Mill River Lift Station Sewer Service Area to pay into the capacity system upgrades to the Mill River Lift Station.
3. Sewer Policy #716 requires all legally recognized parcels within the City to connect and discharge into a single (1) public sewer connection.
4. Idaho Code §39-118 requires IDEQ or QLPE to review and approve public infrastructure plans for construction.
5. The Subject Property is within the City of Coeur d'Alene and in accordance with the 2013 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity, willingness and intent to serve this PUD request as proposed. Any increase in density may require hydraulic modeling the sewer flows acceptable to the Wastewater Utility and upsizing of public sewer.

*-Submitted by Mike Becker, Utility Project Manager*

**UTILITY PLAN:**



**FIRE:**

The Fire Department works with the Engineering, Water, and Building Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents.

Fire department access to the site (road widths, surfacing, maximum grade, turning radiuses, no parking-fire lanes, snow storage and gate access), in addition to fire protection (size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit process, utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at site and building permit submittals with the corrections to the below conditions.

*-Submitted by Bobby Gonder, Fire Inspector / IAAI – CFI*

**PARKS:**

The Parks Department requires a 16-foot wide shared-use path for this development, constructed either in the City property located through the subject property or in the subject property itself. Having a trail abutting the curb on a road creates difficulties for maintenance. However, the proposed wall the developer plans to build would mitigate most of the maintenance difficulties. According to MUTCD standards, the west end of the trail must have a gentler curve up than the planned 90 degree turns. The distance in the curve cannot be less than 60 feet long.

The developer has the City's approval and permission to build their curve on the adjacent City property.

The asphalt mix used in the trail should have 3/8 inch rock instead of the typical 3/4 inch rock. This is referred to as driveway mix and provides a smoother surface for bicycles, wheelchairs, skateboards, rollerblades and strollers. Our standards require 4 inches of compacted gravel and 2 inches of asphalt.

It is also helpful to sterilize the surface under where the trail will go to prevent weeds from growing through and damaging the trail.

*-Submitted by Monte McCully, Trails Coordinator*

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

**Finding #B7C:** **That the proposed preliminary plat (does) (does not) comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements.**

Per engineering review, for the purposes of the preliminary plat, both subdivision design standards (Chapter 16.15) and improvement standards (Chapter 16.40) have been vetted for compliance. Because the proposed streets are private, adherence to the City standards for width are not required.

**Evaluation:** *The Planning Commission must determine, based on the information before them, whether the proposed preliminary plat does or does not comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

**Finding #B7D:** **The lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district.**

The proposed lots in the C-17 and R-12 District meet the minimum requirements for lot width and lot area for each zoning district. The applicant is not requesting a modification of any of the zoning requirements for either of the two zoning districts. The proposed preliminary plat meets the requirements of each of the applicable zoning districts.

The gross area of the R-12 property is 7.5 acres. The total number of single family units requested is 28. The result is an overall density of 3.73 units per acre. The existing C-17 property allows a mix of housing types at a density of not greater than 17 units per acre. A multi-family facility in the C-17 District follows the R-17 Zoning district for density requirements. The

proposed density is less than allowed by the zoning. The result is an overall density for the multi-family at 16.86 units per acre.

### **C-17 ZONING DISTRICT:**

The C-17 district is intended as a broad spectrum commercial district that permits limited service, wholesale/retail and heavy commercial in addition to allowing residential development at a density of seventeen (17) units per gross acre. This district should be located adjacent to arterials; however, joint access developments are encouraged.

### **17.05.500: PERMITTED USES; PRINCIPAL:**

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

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

### **17.05.510: PERMITTED USES; ACCESSORY:**

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

- Accessory dwelling units.
- Apartment for resident caretaker watchman.
- Outdoor storage or building when incidental to the principal use
- Private recreation (enclosed or unenclosed).
- Residential accessory uses as permitted by the R-17 district

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

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

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

**17.05.320: SITE PERFORMANCE STANDARDS; MINIMUM YARD:**

Minimum yard requirements for multi-family housing in the C-17 zoning district defers the R-17 district standards, which are as follows:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be ten feet (10').
3. Side, Street: The street side yard requirement shall be twenty feet (20').
4. Rear: The rear yard requirement shall be twenty feet (20'). However, the rear yard will be reduced by one-half (1/2) when adjacent to public open space.

**17.44.030: OFF STREET PARKING - RESIDENTIAL USES:**

D.	Multiple-family housing:	
	1. Studio units	1 space per unit
	2. 1 bedroom units	1.5 spaces per unit
	3. 2 bedroom units	2 spaces per unit
	4. 3 bedroom units	2 spaces per unit
	5. More than 3 bedrooms	2 spaces per unit

## **R-12 RESIDENTIAL ZONING DISTRICT**

The R-12 district is intended as a residential area that permits a mix of housing types at a density not greater of twelve (12) units per gross acre.

### **17.05.180: PERMITTED USES; PRINCIPAL:**

Principal permitted uses in an R-12 district shall be as follows:

- Civic Administrative Offices
- Duplex housing
- Essential service
- "Home occupation", as defined in this title
- Neighborhood recreation
- Public recreation
- Single-family detached housing as specified by the R-8 district

### **17.05.190: PERMITTED USES; ACCESSORY:**

Accessory permitted uses in an R-12 district shall be as follows:

- Accessory dwelling units.
- Garage or carport (attached or detached).
- Private recreation facility (enclosed or unenclosed).

### **17.05.200: PERMITTED USES; SPECIAL USE PERMIT:**

Permitted uses by special use permit in an R-12 district shall be as follows:

- Boarding house
- Childcare facility
- Commercial film production
- Commercial recreation
- Community assembly
- Community education
- Community organization
- Convenience sales
- Essential service
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Juvenile offenders facility
- Noncommercial kennel
- Religious assembly
- Restriction to single-family only
- Two (2) unit per gross acre density increase

**17.05.210: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:**

Maximum height requirements in an R-12 district shall be as follows:

**MAXIMUM HEIGHT**

Structure Type	Structure Location	
	In Buildable Area For Principal Facilities	In Rear Yard
Principal structure	32 feet <sup>1</sup>	n/a
For public recreation, community education or religious assembly activities	45 feet <sup>1</sup>	n/a
Detached accessory building including garages and carports	32 feet <sup>1</sup>	With low or no slope roof: 14 feet With medium to high slope roof: 18 feet

**17.05.230: SITE PERFORMANCE STANDARDS; MINIMUM LOT:**

Minimum lot requirements in an R-12 District shall be as follows:

- A. 1. Three thousand five hundred (3,500) square feet per unit except for single-family detached housing.
- 2. Five thousand five hundred (5,500) square feet per single-family detached lot.
- B. All buildable lots must have fifty feet (50') of frontage on a public street, unless an alternative is approved by the City through the normal subdivision procedure or unless a lot is nonconforming

**17.05.240: SITE PERFORMANCE STANDARDS; MINIMUM YARD:**

- A. Minimum yard requirements for residential activities in an R-12 District shall be as follows:
  - 1. Front: The front yard requirement shall be twenty feet (20').
  - 2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten foot (10') minimum.
  - 3. Side, Street: The street side yard requirement shall be ten feet (10').
  - 4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half (<sup>1</sup>/<sub>2</sub>) when adjacent to public open space

- B. There will be no permanent structures erected within the corner cutoff areas.
- C. Extensions into yards are permitted in accordance with section 17.06.495 of this title.

## **SHORELINE REGULATIONS:**

### **17.08.205: TITLE, PURPOSE AND APPLICABILITY:**

- A. The provisions of this article shall be known as *SHORELINE REGULATIONS*.
- B. It is the purpose of these provisions to protect, preserve and enhance visual resources and public access of the Coeur d'Alene shoreline, as defined herein, by establishing certain limitations and restrictions on specifically defined shoreline property located within the city limits.
- C. The provisions of this article do not apply to:
  - 1. The Coeur d'Alene municipal wastewater treatment plant; and
  - 2. Other facilities or structures on city owned property intended to provide or secure physical or visual access to the shoreline. (Ord. 3452, 2012)

### **17.08.210: DISTRICT BOUNDARY DEFINED:**

- A. These shoreline regulations shall apply to all property located within one hundred fifty feet (150') of the shoreline of Lake Coeur d'Alene and the Spokane River.
- B. In the case of properties crossed by the shoreline district boundary, only those portions which are within the district itself shall be subject to the shoreline regulations.
- C. For the purposes of the shoreline regulations, the shoreline is determined by the average summer storage level of Lake Coeur d'Alene at elevation two thousand one hundred twenty eight (2,128) WWP datum (2,125 USGS datum).

### **17.08.215: OVERLAY DISTRICT ESTABLISHED:**

The shoreline district shall overlay the underlying zoning district. The shoreline regulations shall apply in addition to the underlying zoning district regulations. In case of conflict between regulations, the more restrictive shall apply.

### **17.08.220: BUILDING HEIGHT DETERMINATION:**

- A. Building height shall be determined in accordance with the provisions of subsection 17.02.065C of this title except that in cases where site work, such as a retaining wall or an earth berm is utilized to create finished grades higher in elevation than preexisting grade, then preexisting grade shall be used in the determination of building or structure height.
- B. For the purposes of the shoreline regulations, "preexisting grade" is defined as the ground level elevation which existed prior to any site preparation related to, or to be incorporated into, the proposed new development or alteration.

**17.08.225: SIDE YARD DEFINITION:**

A yard measured into a lot perpendicularly from one or more of its side lot lines is known as a "side yard". For the purpose of the shoreline regulations, a required side yard shall extend between the front property line and the rear property and shall remain open, unobstructed and devoid of structures.

**17.08.230: HEIGHT LIMITS AND YARD REQUIREMENTS:**

- A. For shoreline properties located east of Seventh Street and more than one hundred fifty feet (150') west of First Street and then northeasterly to River Avenue, the following shall apply:
  - 1. New structures may be erected provided that the height is not greater than twenty feet (20').
  - 2. Minimum yards shall be provided as prescribed in the applicable zoning district.
  - 3. Notwithstanding the foregoing for shoreline properties located north of West Lakeshore Drive between Park Drive and Hubbard Avenue, new structures may be erected provided the height is not greater than that provided in the underlying zoning district.
- B. For shoreline properties located between one hundred fifty feet (150') west of First Street easterly to Seventh Street and shoreline properties located northerly from River Avenue, the following shall apply:
  - 1. New structures may be erected provided that the height is not greater than thirty feet (30').
  - 2. There shall be a minimum side yard equal to twenty percent (20%) of the average width of the lot.

**17.08.235: PROJECTIONS ABOVE MAXIMUM HEIGHT:**

Limitations on projections above maximum height are as follows:

- A. Projections above maximum height shall not be allowed, except that solar collector panels and dish antennas are allowed.
- B. Signs within the Shoreline District shall not be allowed to extend beyond the height of any building that is located on the same property as the sign. In no case shall signs exceed the height maximum as prescribed by the shoreline regulations. This provision shall apply to any sign, whether freestanding or attached to a building.

**17.08.240: NONCONFORMING FACILITIES:**

Structures, which are in existence on the effective date of the shoreline regulations and are not in conformance with said regulations, shall be subject to the provisions of chapter 17.06, article X, "Nonconforming Use Regulations", of this title.

**17.08.245: PROHIBITED CONSTRUCTION:**

Construction within forty feet (40') of the shoreline shall be prohibited except as provided for in section 17.08.250 of this chapter.

**17.08.250: ALLOWABLE CONSTRUCTION:**

The provision of section 17.08.245 of this chapter shall not apply as follows:

- A. In the underlying DC Zoning District.
- B. For construction which is necessary to replace or maintain existing essential public services such as streets, sidewalks, parking lots, streetlights, fire hydrants and underground utilities.
- C. For other public or private construction which is necessary to replace or maintain existing shoreline protective structures, fences, hedges and walls in their present location without extension toward the shoreline.
- D. Fences may be erected on Sanders Beach (south of East Lakeshore Drive between a line 117.5 feet east of the east line of Eleventh Street extended and the east line of Fifteenth Street extended) perpendicular and extending to the shoreline (2,128 WWP datum) wherever public and private property abut provided that the fences are no more than fifty percent (50%) sight obscuring and are otherwise in conformity with City Code requirements. Chainlink, cyclone or other similar industrial fencing is prohibited.
- E. Existing foundations built prior to 1982 may be enclosed and occupied in conformity with City Code requirements provided that the size of the foundation is not enlarged and the completed structure, at its highest point, is no more than four feet (4') above the preexisting grade measured at the wall closest to the public right-of-way.

**17.08.255: VARIANCES:**

A variance may be granted from any provision of the shoreline regulations, pursuant to chapter 17.09, article VII of this title, and provided that the variance conforms to the stated purpose of the shoreline regulations, except for projections above maximum height.

***Evaluation:*** *The Planning Commission must determine, based on the information before them, whether or not the lots proposed in the preliminary plat do or do not meet the requirements of the applicable zoning district*

**APPLICABLE CODES AND POLICIES:**

Utilities:

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

Streets:

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

Stormwater:

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

Fire Protection:

10. Fire hydrant(s) shall be installed at all locations as determined by the City Fire Inspectors.

General:

11. The final plat shall conform to the requirements of the City.
12. Prior to approval of the final plat, all required improvements must be installed and accepted by the City. The developer may enter into an agreement with the City guaranteeing installation of the improvements and shall provide security acceptable to the City in an amount equal to 150 percent of the cost of installation of the improvements as determined by the City Engineer. The agreement and security shall be approved by the City Council prior to recording the final plat.

**PROPOSED CONDITIONS:**

- 1) The first phase of the project must include the installation of the Public Open Spaces along the river and the sixteen foot wide trail.
- 2) A Lighting Plan must be submitted as part of the building permit for the self-storage facility indicating full cut off lighting throughout the self-storage site.
- 3) An Open Space and Public Access easement with the City of Coeur d'Alene must be recorded prior to construction.
- 4) If docks are to be constructed, the Fire Department will require access to the docks including a standpipe system.
- 5) Any additional water main extensions and/or fire hydrants and services will be the responsibility of the developer at its expense.
- 6) Any additional water service will require cap fees due at building permitting.
- 7) An unobstructed City approved "all-weather" access shall be required over all public sewers.
- 8) Payment of the Mill River Lift Station Surcharge Fee per EDU shall be required on all building permits.
- 9) This PUD shall be required to comply with the City's One Lot-One Lateral Rule.
- 10) All public sewer plans require IDEQ or QLPE Approval prior to construction.
- 11) Build a 16' shared-use path on either the City's property or on the subject property with a wall.
- 12) Use 'Driveway Mix' asphalt in the construction of the trail.
- 13) Sterilize the ground with herbicide before laying down gravel and asphalt.
- 14) Soften the trail curve on the west end of the development to meet MUTCD standards.

**ORDINANCES & STANDARDS USED FOR EVALUATION:**

2007 Comprehensive Plan  
Transportation Plan  
Municipal Code  
Idaho Code  
Wastewater Treatment Facility Plan  
Water and Sewer Service Policies  
Urban Forestry Standards  
Transportation and Traffic Engineering Handbook, I.T.E.  
Manual on Uniform Traffic Control Devices  
2017 Coeur d'Alene Trails Master Plan

**ACTION ALTERNATIVES:**

The Planning Commission will need to consider the two requests and make separate findings to approve, deny, or deny without prejudice. The findings worksheets are attached.

**Attachments:**

Attachment 1 – Applicant's Narrative – dated May 30<sup>th</sup>, 2019

Attachment 2 – Trip Generation and Distribution Letter – date May 30, 2019

Attachment 3 – Resolution 14-049 supporting public waterfront for public use

Attachment 4 – CDA 2030 Implementation Plan- Public access to waterfront



**APPLICANT'S  
NARRATIVE**



Whipple Consulting Engineers, Inc.

May 30, 2019

W.O. No. 2015-1470A

(1470A PUD and Subdivision Submittal and Narrative 5-28-19 trw.docx)

City of Coeur d'Alene  
Planning Department  
710 E. Mullan Avenue  
Coeur d'Alene, ID 83814

**RE: River's Edge Apartments, LLC; 3528 W. Seltice Way  
Parcels C00000090200 and C00000103300  
Planned Unit Development (PUD) and Subdivision  
Associated Applications, Narrative and Discussions**

Dear Planning Staff and Planning Commission:

The purpose of this document is to not only be a narrative, but also function as a Letter of Transmittal for the following applications.

- City of Coeur d' Alene (CDA) – Subdivision Application
- City of CDA –Planned Unit Development Application
- Appropriate exhibits for the applications noted

It is intended that this Narrative will provide clarifications for the above noted applications as well as additional information that the Applicant wishes the City to consider as this project moves through the City's process to an approval.

### **Location and Zoning Discussion**

The area encompassed by the proposed Subdivision and PUD lies on the South side of Seltice Way and occupies the westerly portion of the previously abandoned and demolished Atlas Mill site. The site is bisected by the City of CDA – Abandoned Great Northern (BNSF) R.R. Property, which is not a part of this application other than as access to the R-12 zoned property along the river. Additionally, and as allowed, although not requested, the abandoned property may be suitable for the required trail, see Annexation Agreement, attached to this submittal.

The northerly parcel, C00000090200 is zoned C-17 and includes the Seltice Way frontage and accesses to the property. It comprises 14.82 acres.

The southerly parcel, C00000103300 is zoned R-12 and include the CDA river frontage. It comprises 7.5 acres.

As noted, these two parcels are separated by the City of CDA abandoned railroad property along their east/west entireness, this City parcel is zoned C-17. It comprises 3.6 acres. It is not a part of this application.

The parcels are located immediately east of the Mill River Subdivision and are bounded on the south by the Spokane River. To the east is the City of CDA's Atlas Mill site and the proposed City of CDA mixed use project site. The site lies adjacent to and south of Seltice Way, and adjacent to and north of the Coeur d' Alene River.

North of the site, across Seltice Way, are commercial properties with various uses consistent with KOOTENAI County commercial zoning. Bisecting the property from east to west is the vacated BNSF rail corridor currently owned by City and zoned C-17 as previously noted

Specifically, the purpose of the application is to provide for infill redevelopment of a blighted industrial area within the City, thus fulfilling the obligations agreed to in the annexation agreement.

See sheet P-1 for the Legal Description and parcel dimensions.

#### **PUD Information:**

As required by the annexation agreement, the owner is submitting a Planned Unit Development Application (PUD).

The intent of the PUD is to facilitate the re-development this 22.32-acre vacant and previous industrial lumber resource (mill) site into a 250-unit multi-family site along with a 51,850-sf mini-storage facility on the C-17 parcel and 28 single family lots on the R-12 parcel. A discussion of each zone follows.

#### C-17 Parcel – Apartments

As required this site will have at a minimum 10-percent open space comprised of both private and public open space. This open space will primarily be provided with the apartments to provide additional open space amenities. See open space discussion following the R-12 discussion.

The apartment portion of the C-17 parcel will be comprised of eight four-story, walk up Garden Style apartments. The floor plans and proposed elevations are included in the drawing section of this submittal. A 3,900 to 4,500 sf single story clubhouse with pool, meeting spaces, barbeques, outside gathering areas and other amenities will also be provided for the occupants of the Rivers Edge Apartment project. This facility will not be made available to the 28-river front lots in the R-12 zone. As described in the Annexation Agreement and as a part of the PUD process, we recognize that the Apartment project will need to go through Design Review.

Appropriate landscape and screening and open space requirements of City code will be met as required.

Additionally, the site will be provided with 513 parking spaces for the apartment portion, this number includes 17 ADA parking stalls, essentially two ADA stalls for each building, 300 surface parking spaces, some with car-ports and 161 proposed single car garages. Water and sewer will be provided by the City of CDA, all buildings will be fire sprinkled and hydrants as required for appropriate fire flow will also be included as part of a looped water system. The site will be served by a mail kiosk, located at or near the club house and will also be serviced by up to 8 dual screened dumpster stations for refuse and possibly recycling. The site will be ADA compliant as to onsite pedestrian travel and accesses to the public rights of way, Seltice Way, as an ADA route of travel and on-site amenities. All sidewalks will be at least 5 feet wide and where parking is adjacent, they will be 6 feet wide to maintain ADA widths.

Access will be provided by two accesses from Seltice Way, an easterly existing access and a more centrally located, relocated access which will form the primary access for the entire site both C-17 and R-12. It should be noted, that the centrally located access was originally sited in coordination with the City of CDA and their Public Works staff when an earlier project proposal was under consideration and it was specifically placed for that use. Since, this proposal has a different configuration, it will be necessary to relocate this driveway to the west and close the current driveway. The central driveway will be the primary access for the combined site providing access to the apartment and mini-storage portions of the C-17 as well as the primary access point for the R-12 property. All access will be via easements, especially for the two access being provided through the C-17 property for the R-12 property along the river.

Appropriate provisions for utilities will be made as a part of this project including but not limited to water and sewer, electricity, natural gas, telephone, cable and other utilities that may be available to the project site.

At this time, we believe that the apartment proposal as a part of the PUD plan is consistent or can be made consistent with the CDA City Code, specifically 17.09.405 to 17.09.490 and no special considerations are being requested with this submittal.

At this time, we believe that this proposal meets the intent of the C-17 zone as noted in Article IX. C-17 Commercial, City Code 17.05.490 to 17.05.565 or can be made consistent with this code as no special considerations are being requested with this submittal.

At this time, we believe that this proposal meets the intent of the R-17 zone as noted in Article VI. R-17 Commercial, City Code 17.05.250 to 17.05.325 or can be made consistent with this code as no special considerations are being requested with this submittal.

### C-17 Parcel – Mini-Storage

As required this site will have at a minimum 10-percent open space comprised of both private and public open space. This open space will primarily be provided with the apartments to provide additional open space amenities. However, for the 14.82-acre C-17 parcel open space requirements will be met. See open space discussion following the R-12 discussion.

The mini-storage (Secure It Self Storage – Seltice Way) portion of the C-17 parcel will be comprised of 4 each two-story buildings for general storage both available for both inside and outside access, one single story building for RV storage, and 37 each outside RV and Boat storage parking along the west side of the property, a small rental office and 4 office parking spaces. The site as proposed contains approximately 391 storage units of varying sizes. The site does contain enough room for additional surface parking for vehicles, trailers and boats of approximately 20 stalls, although not delineated at this time.

The mini-storage site will be fenced for security purposes as well as illuminated at night, both amenities will be as allowed by City of CDA code. Access will be from the centrally located driveway shared by the other use on the C-17 parcel as well as the R-12 parcel. The westerly driveway on the site will be closed to daily access and will be gated and locked. The intent of this access is to accommodate oversize access for both ingress and egress that cannot be accommodated on site through the main, centrally located access. It has been our experience, that generally, this gate is used for fire when leaving the site or large semi-trailer type trucks after delivering to the storage units.

Appropriate landscape and screening and open space requirements per City code will be met as required.

Appropriate provisions for utilities will be made as a part of this project including but not limited to water and sewer, electricity, natural gas, telephone, cable and other utilities that may be available to the project site.

At this time, we believe that the mini-storage proposal as a part of the PUD plan is consistent or can be made consistent with the CDA City Code, specifically 17.09.405 to 17.09.490 and no special considerations are being requested with this submittal.

Additionally, we believe that this proposal meets the intent of the C-17 zone as noted in Article IX. C-17 Commercial, City Code 17.05.490 to 17.05.565 or can be made consistent with this code as no special considerations are being requested with this submittal.

### R-12 Single-Family Subdivision

As required this site will have at a minimum 10-percent open space comprised of both private and public open space. This open space will primarily be provided with the apartments to provide additional open space amenities. However, for the 7.5-acre R-12 parcel open space requirements will be met. The site will have two 60-ft wide Tracts A and B for open space and public access to the river. See the following open space discussion.

The subdivision plat as a part of the PUD will include the following:

- 28 single family detached lots located on the river and two open space public use/recreation tracts are also proposed.
- The 28 lots fall within the City's 150-ft shoreline area as do the two open space tracts.
- Heights and bulk standards will be as allowed in the R-12 code and as modified by the City's Shoreline code.
- The access to the R-12 subdivision is via easements through the C-17 parcel
- Utilities will be extended east west from the Mill River extensions through to the City of CDA's Atlas Mill site. These utilities will be shared through the City of CDA abandoned RR property to the C-17 parcel.
- Includes the 16-foot wide trail separated from the private road by a wall and some landscaping. The trail will be placed in a Public Use Easement (PUE), Tract C as shown on the preliminary Subdivision plan.
- The lots will be served by a private road on easement on the individual lots.
- Shoreline items as noted in the Shoreline code will be adhered to as required. Two Public Open Space Tracts A and B, 60 feet in width and approximately 14,200-sf and 9,800-sf, respectively, in size. See plans for proposed planting and uses.
- Proposed minimum lot size is 5,674.86-sf and the maximum lot size is 13,768.96-sf as currently proposed.
- All yards shall be as noted in Article V. R-12 Residential

At this time, we believe that the residential proposal as a part of the PUD plan is consistent or can be made consistent with the CDA City Code, specifically 17.09.405 to 490 and no special considerations are being requested with this submittal.

At this time, we believe that this proposal meets the intent of the R-12 zone as noted in Article V. R-12 Residential, City Code 17.05.170 to 17.05.245 or can be made consistent with this code as no special considerations are being requested with this submittal.

Lastly, we believe that this proposal is in substantial conformance or can be made to conform to the City Code for Shorelines as found in City Code section Article IIA. Shoreline Regulations, City Code 17.08.205 to 17.08.255. No variance to this portion of the code are being requested with this submittal.

### **Subdivision Information:**

As a part of this application the Annexation Agreement requires submittal of a PUD under the rules at the time of submission and under Section VII. Miscellaneous, 7.1 Subdivision: in order to develop the R-12 portion of this property into parcels for sale a Subdivision application, pursuant to the code in effect at the time is required. Hence this submittal with the PUD as it is our intent to subdivide the R-12 into 28 single family attached lots for sale along the river. These lots as note earlier are within 150 feet of the Coeur d' Alene river and are subject to the City's Shoreline code related to water setback and building height. As no building permits for structures on these proposed lots are being requested at this time, we would expect to codify many of the shoreline code requirements as restrictions on this plat and as note to conditions of approval in the findings of fact and decision.

The result of this application will be a development of the property in a manner consistent with the surrounding neighborhood. The property north of the rail corridor will be developed as one large parcel, consistent with the C-17 zoning and in a manner similar to the development to the west in Mill River and the Seltice Way corridor. Similarly, the property south of the rail corridor will be developed as single family waterfront lots consistent with the R-12 zoning and the shoreline overlay.

#### *Access:*

Vehicular access to the development will be provided from Seltice Way via Road A. This private street will cross the rail corridor via an existing access easement (granted to the City of Coeur d'Alene) and tee into Road B. Road B will be a privately maintained street with a dedicated public access easement granted across it so as to provide the public with open access to the two public river access corridors. Road B will also have a hammerhead type turnaround at each end.

Pedestrian access and connectivity is an important component of this development. Tract C, which will run adjacent to Road B just north of the waterfront lots, will have the Centennial Trail connection run through it. This trail will connect Mill River to the west to the Riverstone Development to the east. As required by the annexation agreement, we have provided for the 16' wide pathway across the subject property. Connections to the east and west are provided, as well as to the north along Road A. The pedestrian walkway along Road A connects the 10' wide pathway along Seltice Way to the 16' wide Centennial Trail within Tract C.

#### *Special Areas: Shorelines*

This subdivision makes public access to the river and lake shorelines a priority. In order to accomplish that goal, the subdivision ordinance requires that a 60' wide public access be provided every 600 feet along the shoreline. To that end, we have provided two access points from Road B, sixty feet in width at intervals across the property. Pedestrian connectivity to the

access points is provided via the 16' wide Centennial Trail. These open space tracts will be graded, landscaped, and open for the public's enjoyment of the riverfront. Additionally, they will provide view corridors as required in the annexation agreement.

*Infrastructure Availability:*

**Sewer:** An existing 10" diameter gravity sewer line of adequate depth and capacity is located in Shoreview Lane to the west of the property. The sewer for this project would connect to this main. As part of the annexation agreement, the development of this property will trigger a special sewer impact fee aimed at adding capacity to the existing Mill River lift station.

**Water:** An existing City water main is located in Shoreview Lane. This main is of adequate size and pressure to serve the proposed development. Development as proposed will provide for an extension of a new main from the existing main across the site to provide adequate fire and domestic flows.

*Shoreline/Flood Hazard Ordinance:*

The property south of the rail corridor lies within the Shoreline Overlay and within a flood hazard area. Historical heavy industrial activities along the shoreline associated with the mill operations has left much of the property within the shoreline overlay in poor condition. Shoreline erosion due to boat caused wave action is problematic, and needs to be remedied. To that end, the owner is proposing to engage in grading operations along the shoreline so as to reshape and stabilize the area adjacent to the river. The result will be building envelopes located above base flood elevation and gentle slopes from the building envelopes to the river's edge. The slopes and shoreline will be stabilized, and later landscaped as homes are built.

All other aspects of the subdivision are as noted in the PUD discussion, and related below in duplicate.

As required this site will have at a minimum 10-percent open space comprised of both private and public open space. This open space will primarily be provided with the apartments to provide additional open space amenities. However, for the 7.5-acre R-12 parcel open space requirements will be met. The site will have two 60-ft wide Tracts A and B for open space and public access to the river. See the following open space discussion.

The subdivision plat as a part of the PUD will include the following:

- 28 single family detached lots located on the river and two open space public use/recreation tracts are also proposed.
- The 28 lots fall within the City's 150-ft shoreline area as do the two open space tracts.
- Heights and bulk standards will be as allowed in the R-12 code and as modified by the City's Shoreline code.

- The access to the R-12 subdivision is via easements through the C-17 parcel
- Utilities will be extended east west from the Mill River extensions through to the City of CDA's Atlas Mill site. These utilities will be shared through the City of CDA abandoned RR property to the C-17 parcel.
- Includes the 16-foot wide trail separated from the private road by a wall and some landscaping. The trail will be placed in a Public Use Easement (PUE).
- The lots will be served by a private road on easement on the individual lots.
- Shoreline items as noted in the Shoreline code will be adhered to as required. Two Public Open Space Tracts A and B, 60 feet in width and approximately 14,200-sf and 9,800-sf, respectively, in size. See plans for proposed planting and uses.
- Proposed minimum lot size is 5,674.86-sf and the maximum lot size is 13,768.96-sf as currently proposed.
- All yards shall be as noted in Article V. R-12 Residential

At this time, we believe that this proposal meets the intent of the R-12 zone as noted in Article V. R-12 Residential, City Code 17.05.170 to 17.05.245 or can be made consistent with this code as no special considerations are being requested with this submittal.

Lastly, we believe that this proposal is in substantial conformance or can be made to conform to the City Code for Shorelines as found in City Code section Article IIA. Shoreline Regulations, City Code 17.08.205 to 17.08.255. No variance to this portion of the code are being requested with this submittal.

### **Open Space Discussion:**

As a part of this application the Annexation Agreement requires submittal of a PUD. As required under the City's PUD ordinance 10% open space is required. Below is a general discussion of the proposed open space. We believe that this project provides at least the minimum open space of 10% and if the City determines that additional open space may be required due to a change in calculations rules or for some other reason, this proposal can be made to meet the minimum standard required.

River's Edge's PUD requirement of 10% min open space is met on this project. The site is made of 2 parcels zoned C-17 with 14.82 acres which runs along Seltic Way made up of the apartment complex and the Mini Storage site and R-12 with 7.5 acres which is adjacent to the Spokane River designed for single family homes.

The proposal includes eight apartment buildings, a rec. building and garages with building heights of 20' to 50' tall. The common/private open space (not public) is used for the enjoyment of the residents of this community for a total of 14.82 acres with 1.65 acres (11%) of private/common open space. The open space requirement by

incorporating one passive and active recreation areas shown with a play structure, along with additional pockets of open space throughout the site.

The Mini Storage also in the same parcel of the Apartments is required to have no open space as the open space for the C-17 parcel are met by private and public open space in the apartment portion of the parcel and the R-12 lot.

The proposal includes eight apartment buildings and a single clubhouse building. The building envelopes are as depicted on the Site plan, and vary in height from 20' for the garages to a maximum of 50' for the multifamily buildings. Setbacks, off street parking and loading areas, driveways, street requirements, pedestrian requirements, and the landscaping requirements of the code will conform to the existing zoning and design requirements of the R-34 zone.

There are two types of open space provided with this development private and public open space. The common/private open space consists of approximately 1.65 acres of beautifully landscaped slopes with a number of amenities for the apartment dwellers. A 5,500-sf recreation building which houses a lounge and workout room opens to a fenced in pool with pergola covered BBQ pads and a large lounge area for all residence in the complex.

The Single-Family lots parcel is 7.5 acres with 1.02 acres (14%) of open space. This parcel is zoned R-12, adjacent to the River and has the Centennial Trail Tract C at 0.55 acres, running through the property and 2 open space tracts at .47 acres for the public to access the River. These areas serve a diverse population by providing a variety of spaces for recreation accessible by people of different ages and abilities.

#### **ANNEXATION AGREEMENT REQUIRMENTS:**

The purpose of this section is to provide documentation showing that the requirements of the annexation agreement for the subject property continue to be met with this submittal. Below is a point by point response to all of the applicable requirements of the annexation agreement.

- 3.1: Water and Sewer: The Owner agrees to use the City's domestic water and sanitary sewer services for the Property after development. Owner agrees to comply with the City's Water and Wastewater plans and policies in designing and constructing water and sewer systems to service any development of the Property.  
*The proposed PUD and Subdivision provides for use and extension of City water and sewer in accordance with the City's Water and Wastewater plans.*

- 3.2: Maintenance of Private Sanitary Sewer and Water Lines: The City shall not be responsible for maintenance of any private sanitary sewer lines or water lines including appurtenances, within the Owner's developments on the Property.  
*All public sewer and water mains will either be located within rights of way or within public utility easements in accordance with City policy. The City will not be responsible for maintenance of private water or sewer lines.*
- 3.3: Water Rights: Prior to the issuance of any building permit for construction on the Property, recordation of any plat on the Property or any other transfer of an ownership interest in the Property, the Owner will grant to the City, by warranty deed in a format acceptable to the City, all water rights associated with the Property including, but not limited to right #95-4597. The parties expressly agree that the Owner is conveying the water rights to the City so that the City will have adequate water rights to ensure that the City can provide domestic water service to the Property.  
*All water rights were transferred prior to the applicant purchasing the property.*

#### **SECTION V: PLANNING AND DESIGN OF PROPERTY**

- 5.1: Planning and Design of the Property: Owner desires to further develop the Property and agrees to complete a master plan of the Property prior to any further development of the Property. In developing the master plan, the Owner agrees to accommodate and incorporate the following elements:
- a. Permanent Trail Routes: Develop a permanent route for pedestrian/bicycle trail, not less than sixteen feet (16') wide, across the southerly 7.5-acre parcel in a location that the City determines will allow for extension of the trail to the east and west. Alternatively, the Owner can locate the trail route on the adjacent abandoned railroad right of way if the Owner can obtain the necessary legal rights to do so and if the location on the abandoned railroad right of way allows for extension of the trail to the east and west.
- Response: The current proposal is to mimic the trail design in Mill River and separate it from the R-12 lots with a wall and screening. At the present time, the City has indicated that the trail could be placed on the abandoned RR right of way, we are not pursuing that at this time. See the PUD and Subdivision plans for more information.*
- b. Public Access to Spokane River: Design and provide open space and/or other public access to the Spokane River.

*Response: As required as a part of the PUD and Annexation agreement two 60 tracts in the R-12 zone have been provide as public access. These will be landscaped and treated as shown on the enclosed PUD and Subdivision plans.*

- c. Signalized Intersection at Atlas Road and Seltice Way: Design and construct, including any real property acquisition, a signalized intersection at Atlas Road and Seltice Way to serve as the main entrance into the Property.  
*The City has abandoned the concept of a signalized intersection at this location and has gone forward with the design and construction of a two lane roundabout instead. In order to serve this property, the City has previously constructed three access points along the frontage, all of which will be right in/right out. Additionally, an access as shown on the City's Atlas Mill site redevelopment plan will provide access through the City property to the Roundabout at Atlas and Seltice.*
- c. Connection to the River: The site design objectives shall include an emphasis on connection to the water. This shall include open views toward the river from public rights of way.  
*The site design emphasizes access and connection to the water from the private roads or along the public pedestrian multi-use trail system running east west between Mill River and the City's Atlas Mill site. Views and vistas from Seltice Way of the water are generally impractical due to topography, but views from the riverside open space tracts will be available.*
- d. Compatibility with Surrounding Uses: Design the site to be compatible with surrounding existing uses in the City.  
*The site is designed such that it mimics existing adjacent uses within the City. With Mill River residential adjacent to the R-12 and the US Bank building adjacent to the proposed Multi-Family and Mini-Storage units. The Atlas Mill site has yet to be developed, however, the plan provided accommodates the City's proposal with like and kind uses.*
- e. Street Trees: Placement and planting of street trees in accordance with City policies and standards.  
*The proposed development includes planting of street trees in accordance with City policies and standards. See enclosed plans.*
- f. Seltice Way Frontage Improvements: Design and construct street frontage improvements along the Property's Seltice Way frontage including but not limited to curbing, paving, drainage facilities, sidewalks and lighting.  
*The City is under contract to complete these improvements.*
- 5.2: Planned Unit Development: The Owner agree to submit the master plan required by this Section to the City for approval as a Planned Unit Development ("PUD") no later than two (2) years after the publication of the annexation ordinance for the Property. The Owner will also submit at that time any other necessary land use applications, such as zone changes or preliminary Subdivision plats necessary to implement the master plan.

The owner has submitted three different PUD plans within the two year mark and City staff has refused to process them after they were accepted. *Per the agreement and City staff direction, the owner is submitting a PUD application and associated Subdivision application in accordance with current City code.*

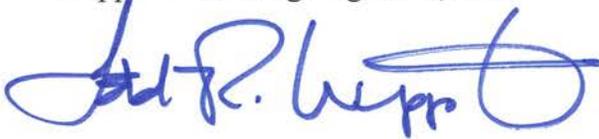
- 5.3: No Construction until Approval: The Owner agrees that they will not further develop the Property or seek any development approval for the Property until the PUD has been approved by the City. The Owner further waives any and all claims against the City for not processing any applications for development of the Property submitted to the City in violation of this Agreement.

*Response: This condition no longer applies as the City has reconstructed this intersection as a roundabout.*

**Conclusion:**

We appreciate the opportunity to make this request for a PUD and Subdivision on the subject properties. We believe that all aspects of the proposal meet the specific code sections of the code or can be modified to meet these sections and no special considerations are being requested. We would ask that staff review these applications and make appropriate provisions for a hearing with the Planning Commission at which time we will request and expect approval of this proposal as presented. Should you have any questions or require any supplemental information, please feel free to contact us at (509) 893-2617.

Sincerely,  
Whipple Consulting Engineers, Inc.



Todd R. Whipple, P.E.  
President

Enclosures: as Noted  
Cc: Owner, Lance Douglass  
File



Whipple Consulting Engineers, Inc.

May 30, 2019

W.O. No. 2015-1470A

Coeur d' Alene  
710 E. Mullan Ave  
Coeur d' Alene, ID 83814

Re: **River's Edge Planned Unit Development (PUD)**  
**3550 W. Seltice Way**  
**Trip Generation & Distribution Letter**

To Whom It May Concern;

This Trip Generation and Distribution Letter (TGDL) is for the proposed River's Edge PUD. This letter will establish the anticipated trip generation and distribution for the development as shown on Figure 2, Preliminary Site Plan. This report will follow the standards for traffic letters as required by City of Coeur d' Alene.

### **PROJECT DESCRIPTION**

The project proposes to develop two parcels that are approximately 22.32 Acres +/- into a 250-unit multifamily facility, a 391 unit ministorage facility and 28 single family residential lots along the river with access to public streets. The project proposes to access Seltice Way via three (3) driveways that extend south into the property. The westerly access will be used as a gated large vehicle driveway for the ministorage land use. The PUD proposes the development of three (3) public roads (A, B & C). Primary access from Seltice Way will be via Road A located near the center of the project frontage. Road A extends through the property, across the trail property to Road B. Road B runs east/west along the length of the property. Road C is a short road that extends north from Road B across the trail property to a gated access of the multifamily facility. The easterly driveway access to Seltice Way is for the use of the multifamily facility. Please see Figure 2 Preliminary Site Plan.

### **VICINITY / SITE PLAN**

The subject property consists of two parcels referred to as the North (14.82 ac +/-) and the South (7.5 ac +/-) for a total area of 22.32 ac +/- and is currently zoned as C-17 and R-12 respectively. The subject property is located on a portion of the NE ¼ of Section 9, T 50 N., R 4 W., B.M. The parcel numbers for the subject property are C-0000-009-0200, C-0000-010-3300. The surrounding area has generally commercial/retail developed land uses mixed in amongst undeveloped tracks of land and single-family housing uses with multifamily facilities.

## **TRIP GENERATION AND DISTRIBUTION**

### **Trip Types**

The proposed use is a PUD with residential and commercial type developments; ITE has developed data regarding various trip types that all developments experience. These are found in several places, however, for this analysis the *Trip Generation Manual 10<sup>th</sup> Edition* as well as the *Trip Generation Handbook* were used to develop the criteria for this analysis.

Generally, all existing and proposed developments will be made up of one or more of the following four trip types: new (destination) trips, pass-by trips, diverted trips, and shared (internal trips). In order to better understand the trip types available for land access a description of each specific trip type follows.

**New (Destination) Trips** - These types of trips occur only to access a specific land use such as a new retail development or a new residential subdivision. These types of trips will travel to and from the new site and a single other destination such as home or work. This is the only trip type that will result in a net increase in the total amount of traffic within the study area. The reason primarily is that these trips represent planned trips to a specific destination that never took trips to that part of the City prior to the development being constructed and occupied. This project will develop new trips.

**Pass-by Trips** - These trips represent vehicles which currently use adjacent roadways providing primary access to new land uses or projects and are trips of convenience. These trips, however, have an ultimate destination other than the project in question. They should be viewed as customers who stop in on their way home from work. An example would be on payday, where an individual generally drives by their bank every day without stopping, except on payday. On that day, this driver would drive into the bank, perform the prerequisite banking and then continue on home. In this example, the trip started from work with a destination of home, however on the way, the driver stopped at the grocery store/latte stand and/or bank directly adjacent to their path. Pass-by trips are most always associated with commercial/retail types of development along major roadways. Therefore, for this project pass-by trips will not be considered.

**Diverted (Linked) Trips** - These trips occur when a vehicle takes a different route than normal to access a specific facility. Diverted trips are similar to pass-by trips, but diverted trips occur from roadways which do not provide direct access to the site. Instead, one or more streets must be utilized to get to and from the site. For this project, no diverted trips are anticipated.

**Shared Trips** - These are trips which occur on the site where a vehicle/consumer will stop at more than one place on the site. For example, someone destined for a certain shop at a commercial site may stop at a bank just before or after they visit the shop that they went to the site to visit. This trip type reduces the number of new trips generated on the public road system and is most commonly used for commercial developments. Since the project has only one land use and no cross-access driveways with other land uses, no shared trips were considered.

**Trip Generation Characteristics for the Proposed Project**

As noted earlier, trip generation rates for the AM and PM peak hours are determined by the use of the *Trip Generation Manual, 10<sup>th</sup> Edition* published by the Institute of Transportation Engineers (ITE). The purpose of the *Trip Generation Manual* is to compile and quantify empirical data into trip generation rates for specific land uses within the US, UK and Canada.

Proposed Land Use

For the proposed 250-unit multifamily facility, Land Use Code (LUC) 220 Multifamily Housing (Low-Rise) was used to establish the number of potential trips generated by the proposed land use. The trip generation rates and the anticipated number of AM & PM peak hour trips for the proposed land use are shown on Table 1.

**Table 1-Trip Generation Rates for LUC # 220 – Multifamily Housing (Low-Rise)**

Dwelling Units	AM Peak Hour Trips			PM Peak Hour Trips		
	Vol. @ 0.46 trips per Unit	Directional Distribution		Vol. @ 0.56 trips per Unit	Directional Distribution	
		23% In	77% Out		63% In	37% Out
250	115	26	89	140	88	52
<b>Average Daily Trip Ends (ADT)</b>						
<b>Units</b>	<b>Rate</b>	<b>ADT</b>				
250	7.32	1,830				

For the proposed 391-unit ministorage facility, Land Use Code (LUC) 151 Mini-Warehouse was used to establish the number of potential trips generated by the proposed land use. The trip generation rates and the anticipated number of AM & PM peak hour trips for the proposed land use are shown on Table 2.

**Table 2-Trip Generation Rates for LUC # 151 – Mini-Warehouse**

Units (100's)	AM Peak Hour Trips			PM Peak Hour Trips		
	Vol. @ 1.39 trips per Unit	Directional Distribution		Vol. @ 1.95 trips per Unit	Directional Distribution	
		51% In	49% Out		50% In	50% Out
3.91	6	3	3	8	4	4
<b>Average Daily Trip Ends (ADT)</b>						
<b>Units</b>	<b>Rate</b>	<b>ADT</b>				
3.91	17.96	71				

For the proposed 28 Single Family Residential lots Land Use Code (LUC) 210 Single Family Detached Housing was used to establish the number of potential trips generated by the allowed land use. The trip generation rates and the anticipated number of AM & PM peak hour trips for the allowed land use are shown on Table 3.

**Table 3-Trip Generation Rates for LUC # 210 – Single Family Detached Housing**

Dwelling Units	AM Peak Hour Trips			PM Peak Hour Trips		
	Vol. @ 0.74 Trips/ Unit	Directional Distribution		Vol. @ 0.99 Trips/ Unit	Directional Distribution	
		25% In	75% Out		63% In	37% Out
28	21	5	16	28	18	10
<b>Average Daily Trip Ends (ADT)</b>						
Units	Rate	ADT				
28	9.44	265				

For the proposed uses evaluation, a development total is provided on Table 4.

**Table 4-Trip Generation Summary**

Land Use Code (LUC)	AM Peak Hour Trips			PM Peak Hour Trips		
	Vol. / LUC	Directional Distribution		Vol. / LUC	Directional Distribution	
		In	Out		In	Out
LUC #220 Multifamily Housing (Low-Rise)	115	26	89	140	88	52
LUC #151 Mini Warehouse	6	3	3	8	4	4
LUC #210 Single Family Detached Housing	21	5	16	28	18	10
<b>Total</b>	<b>142</b>	<b>34</b>	<b>108</b>	<b>176</b>	<b>110</b>	<b>66</b>
<b>Average Daily Trip Ends (ADT)</b>						
Land Use Code (LUC)	Rate	ADT				
LUC #220 Multifamily Housing (Low-Rise)	-	1,830				
LUC #151 Mini Warehouse	-	71				
LUC #210 Single Family Detached Housing	-	265				
<b>Total</b>	<b>-</b>	<b>2,166</b>				

As shown in Table 4 the proposed land use is anticipated to generate 142 trips in the AM peak hour with 34 trips entering the site and 108 trips exiting the site. In the PM, peak hour the proposed land use is anticipated to generate 176 trips with 110 trips entering the site and 66 trips exiting the site. The proposed land use is anticipated to generate 2,166 average daily trips to/from the project.

### **TRIP DISTRIBUTION**

As shown on the preliminary site plan, the site will be accessed by two (2) Right-in Right-out driveways on the Eastbound lane of Seltice Way and a public road (Road A).

**W. Seltice Way** within the study area is generally an east-west, two-way, 2-lane median separated principal arterial with a landscape median between the east and westbound lanes. Seltice Way extends from the City of Post Falls as a principal arterial through Highway 41 and then enters the City of Coeur d'Alene, and continues as a principal arterial until the intersection of Riverstone Dr. where Seltice Way transitions to a principal arterial with no median separation. Seltice Way continues east till the intersection of Northwest Blvd. where Seltice Way transitions into Ironwood Dr. Seltice Way serves generally a mix of commercial and residential land uses. The Speed limit within the study area is posted at 35 MPH

Considering many factors such as the surrounding transportation facilities, typical commuting patterns, and existing development in the area, traffic for the proposed development is anticipated as follows. 60% of the trips are anticipated to go to/from the East via Seltice Way  
40% of trips are anticipated to go to/from the west via Seltice way.

The configuration of Seltice Way requires all exiting vehicles to turn right toward the east and all entering vehicles to come from the west and turn right into the project. The roundabouts at the intersections of Seltice Way at Grand Mill and Atlas Roads, will facilitate this change of direction. Please see Figure 3 for a graphical representation of these movements.

## CONCLUSIONS AND RECOMMENDATIONS

It is anticipated that the proposed project will generate 142 AM peak hour trips and 176 PM peak hour trips. Based upon the number of anticipated trips, and the distribution of those trips, upon a principle arterial we believe that the proposed project will have a minimal impact on the transportation system at the proposed roadway and access driveways. Therefore, we recommend that the project complete the frontage improvements on Seltice Way and be allowed to move forward without further traffic analysis.

Should you have any questions related to this document please do not hesitate to call at (509) 893-2617.

Sincerely,  
WHIPPLE CONSULTING ENGINEERS, INC.

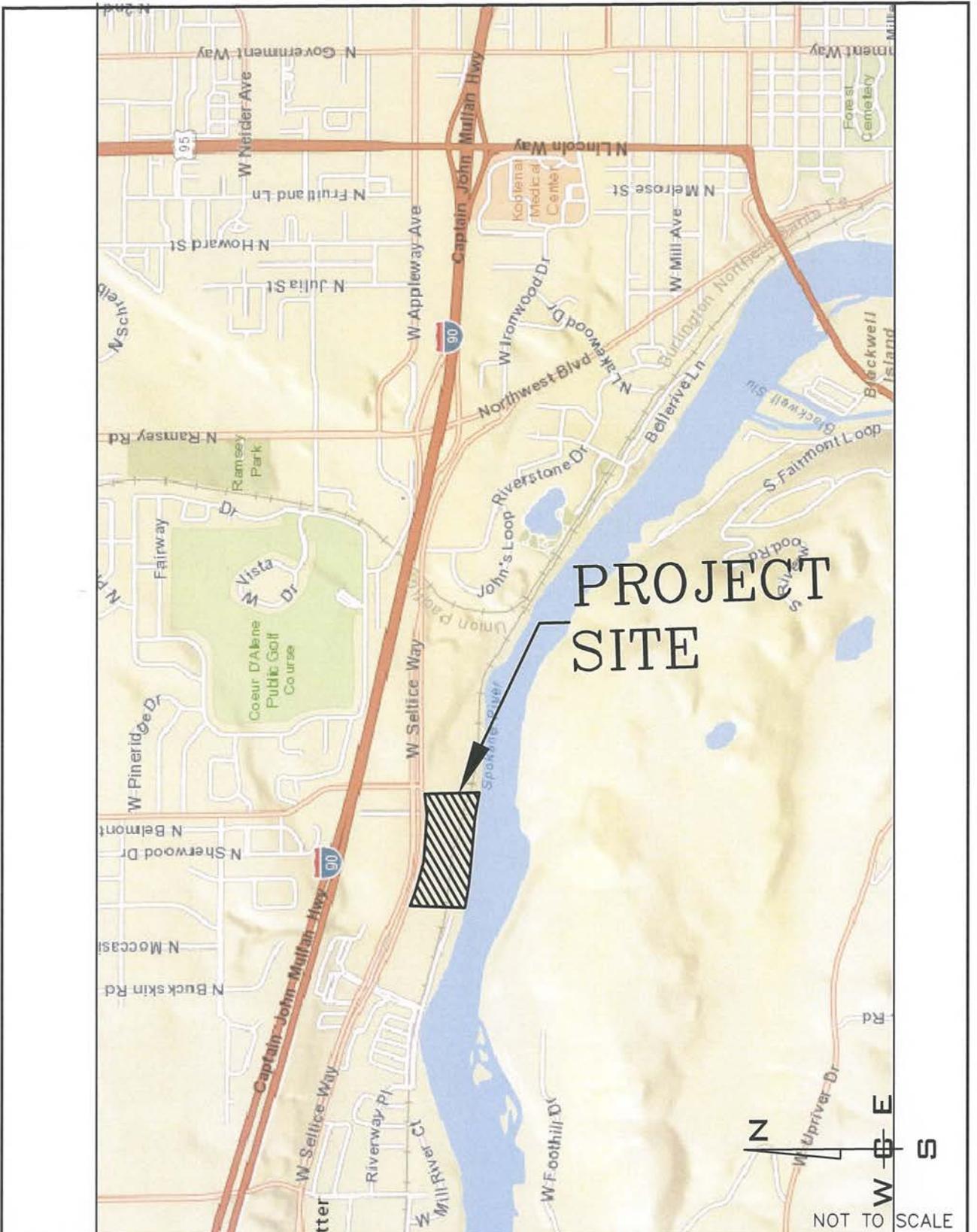


Todd R Whipple P.E.  
STATE OF IDAHO  
TODD R. WHIPPLE  
9892  
5/30/19

TRW/tew

encl. Appendix (Vicinity Map, Preliminary Site Plan, Trip Dist. %,)

cc: Sponsor  
File



PROJ #: 15-1470A  
 DATE: 02/22/2019  
 DRAWN: TAE  
 APPROVED: TRW

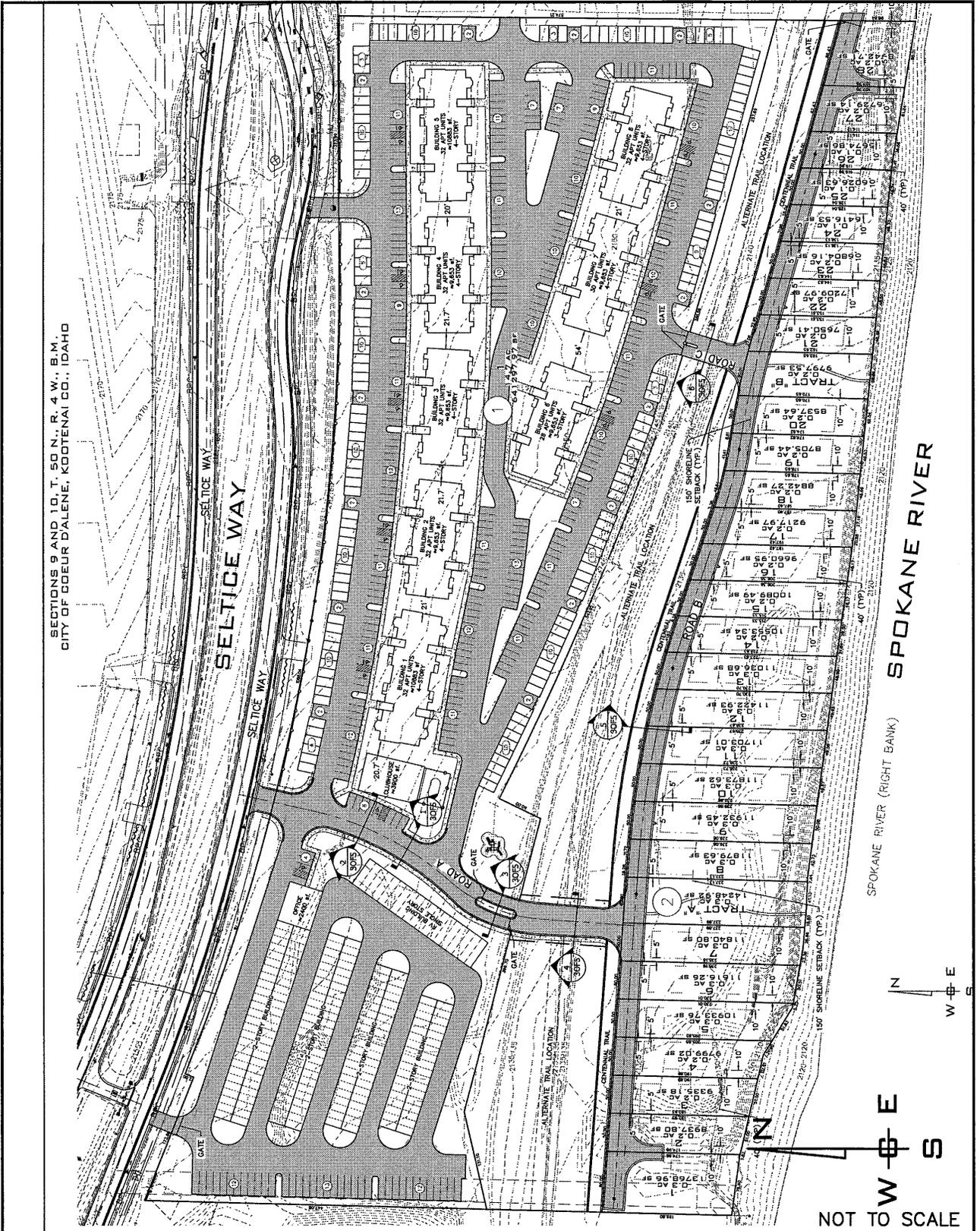
**TRIP GENERATION AND DISTRIBUTION**  
**RIVER'S EDGE PUD**  
**SELTICE ROAD & ATLAS ROAD**  
**COEUR D'ALENE, ID**

**IWCE**  
 WHIPPLE CONSULTING ENGINEERS  
 CIVIL AND TRANSPORTATION ENGINEERING  
 21 SOUTH PINES ROAD  
 SPOKANE VALLEY, WASHINGTON 99206  
 PH. 509-893-2617 FAX. 509-926-0227

**FIGURE 1**

**VICINITY MAP**

SECTIONS 9 AND 10, T. 50 N., R. 4 W., B.M.  
CITY OF COEUR DALENE, KOOTENAI CO., IDAHO



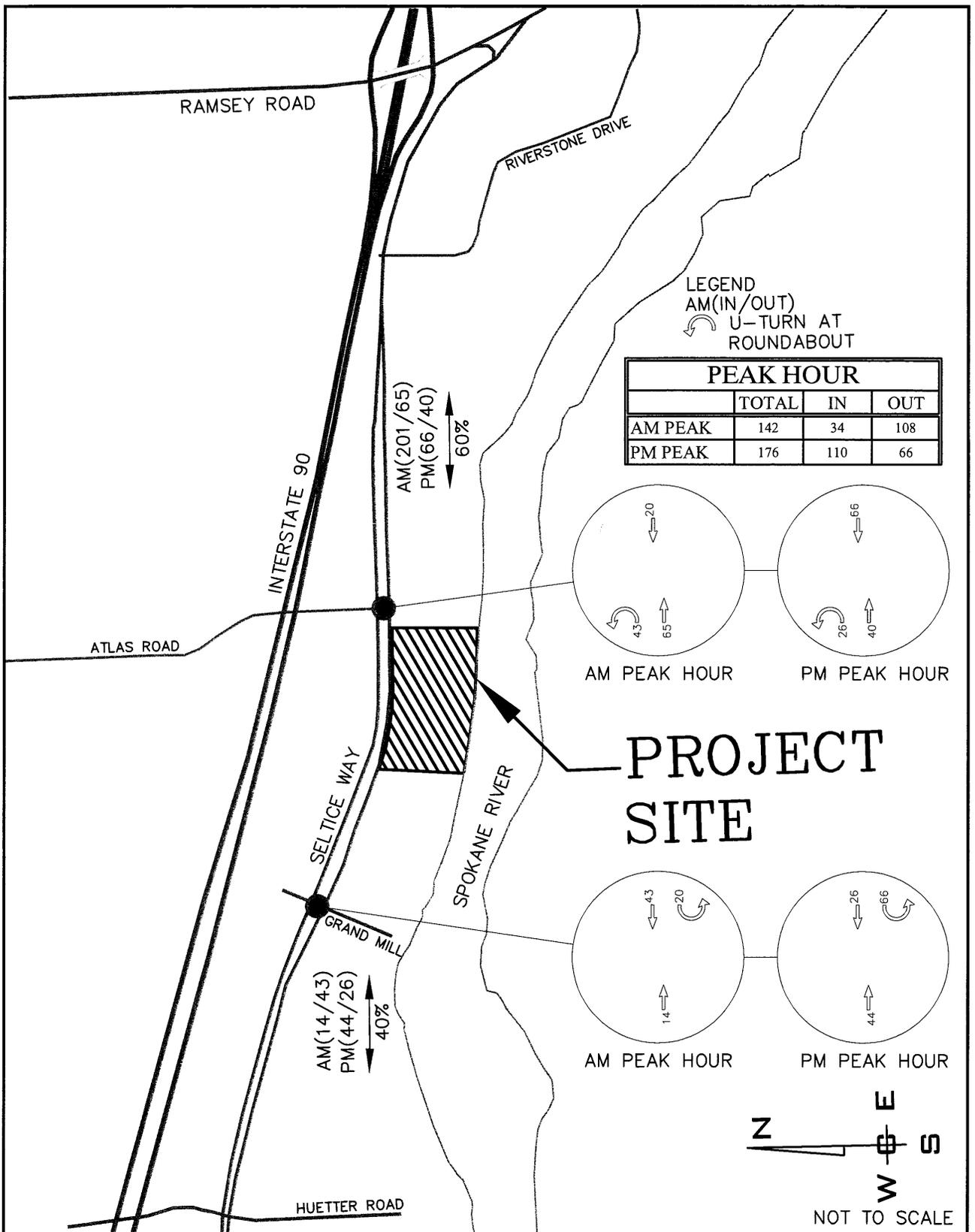
PROJ #: 15-1470A  
DATE: 02/22/2019  
DRAWN: TAE  
APPROVED: TRW

**TRIP GENERATION AND DISTRIBUTION  
RIVER'S EDGE PUD  
SELTICE ROAD & ATLAS ROAD  
COEUR DALENE, ID**

**FIGURE 2**

**PROP. ZONING PREL. SITE PLAN**

**IWCE**  
WHIPPLE CONSULTING ENGINEERS  
CIVIL AND TRANSPORTATION ENGINEERING  
21 SOUTH PINES ROAD  
SPOKANE VALLEY, WASHINGTON 99206  
PH: 509-893-2617 FAX: 509-926-0227



PROJ #: 15-1470A  
DATE: 02/22/2019  
DRAWN: TAE  
APPROVED: TRW

TRIP GENERATION AND DISTRIBUTION  
**RIVER'S EDGE PUD**  
SELTICE ROAD & ATLAS ROAD  
COUER D ALENE, ID

**WCE**  
WHIPPLE CONSULTING ENGINEERS  
CIVIL AND TRANSPORTATION ENGINEERING  
21 SOUTH PINES ROAD  
SPOKANE VALLEY, WASHINGTON 99206  
PH: 509-893-2617 FAX: 509-926-0227

FIGURE 3

PROPOSED ZONING TRIP DIST.

RESOLUTION NO. 14-049

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO DIRECTING STAFF MEMBERS TO CONSIDER MAXIMIZING PUBLIC RIVERFRONT PROPERTY, PROTECTION OF THE RIVERFRONT AND PROVIDING COMPREHENSIVE PLANNING OF THE SPOKANE RIVER CORRIDOR FROM RIVERSTON TO HUETTERROAD.

WHEREAS the development of the Spokane River Corridor from Riverstone to Huetter Road will be crucial to the future identity of the City of Coeur d'Alene and deserves careful coordinated planning; and

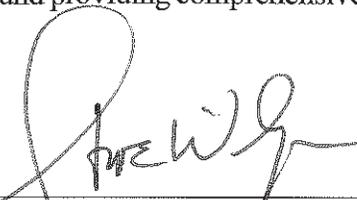
WHEREAS the public has expressed in numerous studies the desire for more “waterfront access”; and

WHEREAS the City has recognized the importance of waterfront protection by adopting a Shoreline Protective Ordinance; and

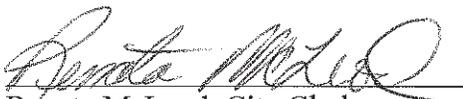
WHEREAS the City is working to acquire the BNSF right of way that runs through the Spokane River Corridor; NOW THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that all city staff and staff actions regarding the Spokane River Corridor should consider maximizing the public acquisition of riverfront property, protecting the riverfront and providing comprehensive planning for this corridor.

DATED this 18<sup>th</sup> day of November 2014.

  
\_\_\_\_\_  
Steve Widmyer, Mayor

ATTEST:

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

Motion by Gookin, Seconded by Miller, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER GOOKIN	Voted Aye
COUNCIL MEMBER MCEVERS	Voted Aye
COUNCIL MEMBER MILLER	Voted Aye
COUNCIL MEMBER EDINGER	Voted Aye
COUNCIL MEMBER EVANS	Voted Aye
COUNCIL MEMBER ADAMS	Voted Aye

Motion Carried.

## THE CDA 2030 VISION AND IMPLEMENTATION PLAN ACTION ITEMS AS THEY PERTAIN TO ITEM LDPUD-1-18:

### **Environment & Recreation - 2.1**

Open Space Preservation Program - Continue to implement the Coeur d'Alene Parks Master Plan for the purpose of acquiring and preserving public open space for beneficial use of the citizens that includes parkland, trails, passive and active recreation, scenic views and vistas, wildlife habitat, and conservation easements.

### **Environment & Recreation - 2.2**

Recreational Lands Acquisition Program - Identify, develop, coordinate, prioritize, and identify a funding mechanism to purchase diverse city land acquisitions to expand recreation offerings and achieve conservation.

### **Environment & Recreation – 6.1**

Park Land Expansion and Maintenance - Encourage acquisition and development of park land. Support the annual evaluation of the preventative maintenance program for all parks, facilities, equipment, and vehicles.

### **Environment & Recreation – 6.2**

Public Beaches - Evaluate and recommend ways to increase access to public beaches, including ADA disabled access. Consider an off-leash water access area for dogs.

### **Growth & Development – 3.7**

Preserve View Corridors - Support zoning which would limit building heights in order to preserve major view corridors and signature vistas in and around the lakefront and river.

### **Growth & Development – 6.4**

Lakefront and Riverfront Public Access - Require public access to the lake and river fronts for all new developments.



**CITY OF COEUR D'ALENE**  
**PARKS DEPARTMENT**

City Hall, 710 E. Mullan Avenue  
Coeur d'Alene, Idaho 83814-3958  
208-292-5766 – Fax 208-769-2383

**May 2nd, 2019**

**Project: Rivers Edge**

The Parks Department needs to have the 16 foot wide shared-use path for this development constructed in the City property located north of the single family dwellings. Having a trail abutting the curb on a road or abutting a wall creates difficulties for maintenance. The best location would be in the center of the old railroad right-of-way with the east end turning down to align with the future trail proposed in the City's Atlas Mill Project.

The asphalt mix used in the trail should have 3/8 inch rock instead of the typical 3/4-. This is referred to as driveway mix and provides a smoother surface for bicycles, wheelchairs, skateboards, rollerblades and strollers.

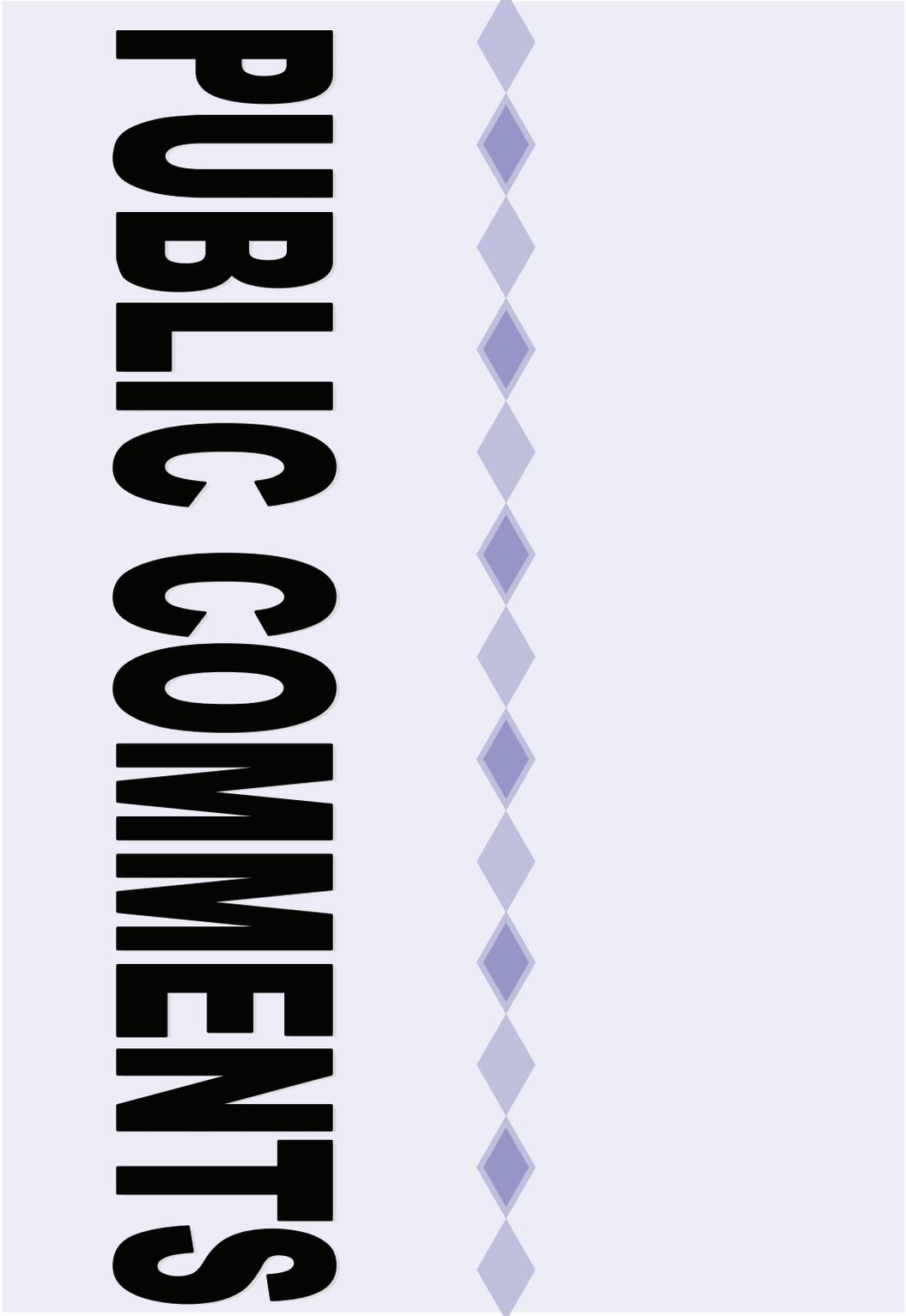
This letter gives the applicant permission to build the trail in City property. I confirmed this with our legal department. Permission from me is sufficient to this agreement since the trail is in our Trails and Bikeways Master Plan and that plan was already approved by mayor and Council.

Thank you,

**Monte McCully**  
**Trails Coordinator**  
**City of Coeur d'Alene**  
**Parks Department**  
**(208) 292-5766**



# **PUBLIC COMMENTS**



*We The People  
Of  
Coeur d'Alene*

*wtpcda@gmail.com*

July 1, 2019

TO: Planning Commission  
City of Coeur d'Alene

Subject: River's Edge Apartments Development Proposal

**We The People of Coeur d'Alene (WTP-CDA)** hereby offers a more acceptable alternative plan for the proposed River's Edge Apartments (REA) on the 25-acre former millsite on the Spokane River. The REA previous request for a permit for a high-density 680-unit apartment complex, involving multiple high-rise buildings, was denied by you.

**Review of REA's Latest Proposal (28 homes on the riverfront)**

We have reviewed the latest proposal from River's Edge Apartments, which includes 28 homes on the riverfront with only very minimal public access and limited views of the River. The conditions of the **2013 Annexation Agreement** require that any development plan for this special riverfront parcel must:

1. create a 'master plan' via a PUD (not a LD-PUD), subject to approval by City. (So the City has control!)
2. create public access to the River
3. provide open views to River
4. create a permanent trail route within the riverfront (R-12) parcel, and public parking
5. be compatible with surrounding land uses

In 2015 the City Planning Department rejected a very similar application for (28 homes on the riverfront) from the same developer (L. Douglass) and the same engineering firm (Whipple Engineering). That earlier rejection was based on failure to comply with the conditions of the Annexation Agreement.

**Our WTP-CDA Alternative Plan**

Since Council seems to like the idea of the 'land swap' involving the City's railroad right-of-way (RR-ROW) for the 'triangle' parcel on Seltice Way, the City could agree to the land swap and consider approving a total number of units for REA based on the following:

- retain R-12 on the riverfront parcel (7.8 acres)
- allow R-34 on RR-ROW (3.7 acres) in recognition of the R-34 zoning entitlement on the 'triangle'

- retain C-17 on everything else (13.8 acres),

Under this arrangement, the maximum allowable unit count in the area other than the waterfront parcel would be 360. The 360 units works out to an average density of 20 units per acre. So this could all be accomplished by:

- retaining R12 zoning on the riverfront parcel, and
- permitting a special R-20 (or C-20) zoning for all other areas

Additionally, several restrictions and conditions should be imposed within the riverfront R-12 parcel, including:

- a. a 60' easement on the riverfront for a public trail
- b. no structure within 100' of the river
- c. strict compliance with the City's permitted heights of buildings ( 32' max within first 150' of river, then 63' max),

Other features that should be considered for high public benefit on this special site are:

- a. Include the riverfront improvements offered in the developer's initial REA proposal (e.g., river wall, beach areas, benches, landscape maintenance, etc.).
- c. Provide a public parking area for users of the trail.
- d. Require that any boat docks must be at least 25% for public day-use.

We feel this scenario would be within the City's authority for approving a PUD and would honor the spirit and conditions of the **2013 Annexation Agreement** . We hope our 'alternative plan' will be considered by the Planning Commission as a means of compliance with the 2013 Agreement.

Sincerely,

Roger Smith, for WTP-CDA