

**PLANNING COMMISSION AGENDA**  
**CITY COUNCIL CHAMBERS**

**DECEMBER 11, 2007**

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

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

**5:30 P.M. CALL TO ORDER:**

**ROLL CALL:** Bruning, Bowlby, Luttrupp, Jordan, Rasor, Messina, Satterly, (Student Rep)

**APPROVAL OF MINUTES:**

November 13, 2007

**PUBLIC COMMENTS:**

**COMMISSION COMMENTS:**

**STAFF COMMENTS:**

**ADMINISTRATIVE ITEMS:**

1.     Applicant:     Steve Widmyer  
       Location:     Lots 70 and 71 of the plat of Fruitland Addition to Coeur d'Alene amended  
       Request:      A proposed 3-lot preliminary plat "Fruitland First Addition"  
                      SHORT PLAT, (SS-21-07)
  
2.     Applicant:     Larry and Cheryl Herres  
       Location:     A portion of Lot 3, Block 3, Mauser Subdivion  
       Request:      A proposed 2-lot preliminary plat "Sanders Shores"  
                      SHORT PLAT, (SS-22-07)

**PUBLIC HEARINGS:**

1.     Applicant:     Shefoot Investments, LLC  
       Location:     2001 Nettleton Gulch Road  
       Request:      A proposed 2-lot subdivision "Shefoot" in the  
                      R-3 (Residential at 3 units/acre) zoning district  
                      QUASI-JUDICIAL, (S-1-07m)
  
2.     Applicant:     James Asper/Mary Hansen  
       Location:     1917 Lakewood Drive  
       Request:      A proposed Funeral Services special use permit in the  
                      C-17L (Commercial Limited) zoning district  
                      QUASI-JUDICIAL, (SP-9-07)

3. Applicant: City of Coeur d'Alene, Parks Department  
Request: Revise bicycle space standards  
LEGISLATIVE, (0-4-07)

**ADJOURNMENT/CONTINUATION:**

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

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



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**PLANNING COMMISSION  
MINUTES  
November 13, 2007  
CITY COUNCIL CHAMBERS**

**COMMISSIONERS PRESENT:**

John Bruning, Chairman  
Heather Bowlby  
Peter Luttrupp  
Brad Jordan  
Tom Messina  
Scott Rasor  
Mary Souza  
Julianna Satterly (Student Representative)

**STAFF MEMBERS PRESENT:**

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

**COMMISSIONERS ABSENT:**

None

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion by Rasor, seconded by Bowlby, to approve the minutes of the Planning Commission meetings held on September 11, 2007 and October 9, 2007.

**COMMISSION COMMENTS:**

Chairman Bruning announced the up-coming meetings for this month and December.

**STAFF COMMENTS:**

Senior Planner Stamsos commented that Items A-2-07 and ZC-14-07 are continued to December 11, 2007, as the applicant decided to withdraw those items and resubmit at a later date. He updated the Commission on the move to the new library scheduled to happen this year, but due to some technical complications, it has been rescheduled to the end of January, with the first Planning Commission meeting to be held in February.

**PUBLIC COMMENTS:**

None

**ADMINISTRATIVE ITEMS:**

1. Applicant: Vern Johnson  
Location: East side of 8th Street, +/- 280' north of Spruce Avenue  
Request: Proposed 1-lot, 2-unit condominium plat, "Sanctuary on Eighth"  
SHORT PLAT (SS-19-07)

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

The Commission did not have any questions for staff.

**Motion by Razor, seconded by Souza, to approve Item SS-19-07. Motion approved.**

2. Applicant: Richard Sipes  
Location: Lt 2, Blk 1, HK Subdivision  
Request: A proposed 2-lot preliminary plat "Broken Barn Estates"  
SHORT PLAT (SS-20-07)

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

The Commission did not have any questions for staff.

**Motion by Razor, seconded by Souza, to approve Item SS-20-07. Motion approved.**

**PUBLIC HEARINGS:**

1. Applicant: City of Coeur d'Alene, Water Department  
Location: NW Corner of 8<sup>th</sup> and E. Tubbs Hill Road  
Request: A proposed Essential Services above ground special use permit located in the R-12 (Residential at 12 units/acre)  
QUASI-JUDICIAL (SP-7-07)

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

Commissioner Souza questioned if there are any future plans for the remainder of the property once the building is constructed.

Senior Planner Stamsos explained that the applicant has requested the use of two lots replacing the existing facility and added if there are further questions; the applicant is present to answer those questions.

**Public testimony open:**

Terry Pickel, applicant representative, City Water Department, 1647 Graham Road, explained that the

intent for this request is to replace the existing facility that had too many issues to be repaired. He commented that the new facility will be built above ground to ensure employee safety if repairs are needed in the future.

Commissioner Souza inquired if the owner of the property is LCDC and questioned the need for a bigger booster station.

Mr. Pickel confirmed that the property is owned by LCDC and that the Water Department is in negotiations to lease two parcels needed to build the facility. He explained that the pump is not any bigger than the original with the intent to provide adequate water pressure to the existing homes on Tubb's Hill.

Commissioner Luttroop inquired if a decision tonight will be based on the approval of the footprint of the building and questioned how this process works when the applicant is not the property owner.

Senior Planner Stamos explained that the requirement on the application states that the owner of the property needs to sign the application and that LCDC did sign the application making them aware of the project.

Commissioner Souza inquired why it takes two lots for the construction of the building, as it is a small building.

Mr. Pickel explained that the second lot was needed to meet the setback requirements that could not be met with only one lot.

Commissioner Luttroop commented that if two lots are to be used for this project, then the issue of open space should be considered. He commented this would be a great opportunity to provide some nice landscaping to the remainder of the property.

Assistant Deputy City Attorney Wilson suggested that the applicants discuss the issue of how the open space is used with the owners of the property and not recommend a condition placed regarding the use of remainder of the property.

Commissioner Jordan explained that as a member of the LCDC Committee, he remembers when this project was presented to them and from that presentation, decided to hold the remainder of the unused property just in case the city decides to expand. He commented that they are still in negotiations with the Water Department regarding this project.

Commissioner Souza commented that she is concerned how the impact of this project will have on the existing neighborhood regarding the upkeep for the property. She questioned if there are any plans for landscaping around the building.

Mr. Pickel explained that it is their intent for this building to blend with the existing property. He added that they do not want this building to be a nuisance to the neighborhood and will do everything necessary to blend in with the surrounding property.

Commissioner Souza inquired if there will be a fence placed around the property.

Mr. Pickel commented that a fence will be installed only if there is a problem with vandalism.

Commissioner Bowlby inquired how it was decided where the building will be placed on the property.

Mr. Pickel explained that originally, they wanted to place the building close to the corner on 8<sup>th</sup> Street, but had to move the location because the spot for the building was not level.

Joe Quercio, 730 E. Pine Avenue, Coeur d'Alene, commented that he is opposed to this request for reasons that LCDC owns the property and is uncertain if this request is approved, what else could be placed on the property. He added that he feels that the new building will not blend in and questioned how many of the other stations have been replaced in the city.

Cleo Pulis, 612 Tubbs Hill, Coeur d'Alene, commented that he lives at the top of Tubbs Hill and has never had adequate water pressure and feels that by approving this request will help the existing homes with water pressure and eliminate a potential fire hazard.

**REBUTTAL:**

Terry Pickel explained that the new building will have two pumps inside and if one fails, they will have a backup until the other pump is fixed. He added that the size of the proposed booster station will be a 12' X 16' facility to house the two pumps. He explained that the placement of the building was originally pushed back on the lot so it would not impact the neighborhood, and later had to be moved since the site was not level.

Chairman Bruning questioned if this is the only underground booster station located in the city and if the new building will have air-conditioning units placed inside or outside of the building.

Mr. Pickel commented that another underground facility in Armstrong Park is failing and will need to be replaced and added that there will be two air conditioning units placed outside the facility.

**Public testimony closed.**

Commissioner Souza commented that she is uncomfortable approving a special use permit for the entire parcel since it is uncertain what will happen to the rest of the property.

Senior Planner Stamsos commented that in the past, a condition was placed stating that the applicant had to adhere to the site plan.

Commissioner Jordan commented that he would like to give the applicant some flexibility knowing that sometimes plans change. He suggested that a condition be added stating that the building can not exceed 192 feet placed on two lots.

**Motion by Jordan, seconded by Razor, to approve Item SP-7-07. Motion approved.**

**ROLL CALL:**

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

Motion to approve carried by a 6 to 0 vote.

2. Applicant: City of Coeur d'Alene, Parks Department  
Location: 2625 W. Larix Court  
Request: A proposed Neighborhood Recreation special use permit  
QUASI-JUDICIAL (SP-8-07)

Associate Planner Stamsos presented the staff report, gave the mailing tally as 7 in favor, 0 opposed, and 2 neutral and answered questions from the Commission.

Commissioner Jordan inquired if parking will be allowed on the street since there is not any parking designated for this area.

Senior Planner Stamsos answered that there are not any signs posted saying that parking is not allowed.

Commissioner Souza inquired why there are not any parking requirements for this park.

Senior Planner Stamsos explained the differences between a neighborhood and public park regarding onsite parking and how a public park requires on-site parking and a neighborhood park does not.

Commissioner Souza disclosed that she has had conversations with various people regarding this park in the past.

**Public testimony open.**

Doug Eastwood, City of Coeur d'Alene Parks Department, applicant, 710 Mullan Avenue, Coeur d'Alene, presented to the Commission, a drawing of the park at Sunshine Meadows and pointed out the amenities to be considered for the park. He continued that the plan was comprised from input taken from previous meetings held with the neighbors to discuss what they wanted to see in a neighborhood park. He commented that the park will be set up on a computerized system alerting staff if something goes wrong with the irrigation system so the problem can be addressed quickly. He explained the benefits of homeowners living next to a park and commented that there have been studies done that property values have been increased living next to a park. He added that this park will be a great asset for the neighborhood.

Chairman Bruning commented that he is aware of various neighborhoods who have taken ownership of their parks which resulted in a decrease in vandalism.

Mr. Eastwood commented that in his previous conversations with people from this neighborhood, they wanted to be involved and volunteered to help do some planting in the spring if needed. He added that he feels that this park will help establish a great partnership between the City and the neighborhood.

Commissioner Souza inquired regarding the parking that was originally planned for this park.

Mr. Eastwood explained a brief history behind the formation of the park and commented that this is a small park barely over two acres, and that parking was determined by how the neighborhood intends to use the park which would be to either walk or ride a bike to get to the park. He added that with a park this size, it is rare that you would find cars parked around the park.

Commissioner Souza commented that she likes the layout of the park and inquired if it will be ADA accessible.

Mr. Eastwood pointed out on the map the access points that are ADA accessible.

Ron Adams, 2672 Wilbur Avenue, Coeur d'Alene, commented that when he bought his home in Sunshine Meadows, that this development was oversold. He commented that by approving this park, it will bring heart and soul to this community.

Bruce Bengtson, 2456 W. Timberlake Loop, Coeur d'Alene, commented that he was one of the original board of directors and it is nice to see the plans for this park, which has been planned for a long time. He concurs with previous testimony that by approving this park will bring unity to the neighborhood.

**Public testimony closed.**

**Motion by Jordan, seconded by Razor, to approve Item SP-8-07. Motion approved.**

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

**ADJOURNMENT:**

Motion by Souza, seconded by Bowlby, to adjourn the meeting. Motion approved.

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

Respectfully submitted by John Stamsos, Senior Planner

Prepared by Shana Stuhlmiller, Public Hearing Assistant



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**TO:** Planning Commission  
**FROM:** Christopher H. Bates, Project Manager  
**DATE:** December 11, 2007  
**SUBJECT:** **SS-21-07, Fruit Land First Addition**

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### **DECISION POINT**

Approve or deny the applicant's request for a three (3) lot residential/commercial subdivision.

### **GENERAL INFORMATION**

1. Applicant: Steve Widmyer  
1319 Ash Avenue  
Coeur d'Alene, ID 83814
2. Request: Approval of a three (3) lot residential/commercial subdivision, a replatting of Lots 70 & 71 of the plat of Fruit Land Addition Acre Tracts, in the NE ¼ of Section 2, T50N, R4W, BM.
3. Location: Between Fruitland Lane and US Hwy. 95, north of Neider Avenue.

### **PERFORMANCE ANALYSIS**

1. Zoning: Existing zoning for the subject property is both R-12 (Residential) and C-17 (commercial). The R-12 zone is intended to be a residential area that permits a mix of housing types at a density not to exceed twelve (12) units per gross acre. Minimum lot sizes are 5,500 s.f./single family and 3,500 s.f./duplex & cluster unit w/ 50' of frontage. The C-17 zone is intended to be a broad spectrum commercial district that permits limited service, wholesale/retail and heavy commercial in addition to allowing residential at a density not to exceed 17 units/acre.
2. Land Use: The subject property has an existing single family dwelling situated on proposed Lot 1, an existing commercial storage facility on proposed Lot 2 and proposed Lot 3 is vacant.

Infrastructure: Utilities, Streets, & Storm Water Facilities

**Utilities:** Sewer & Water

Sewer and water utilities are available to the subject property from main locations in Fruitland Lane. Utility infrastructure exists to the existing residence situated on Lot 1, however, utility laterals (sewer & water) will be required to be installed to serve Lot 3. All utility extensions are required prior to final plat approval, and will be completed by the developer, at no cost to the City.

**Streets:** The subject property has frontage along Fruitland Lane and US Hwy 95. No access is allowed from US Hwy 95, and, no frontage improvements are required. The subject property is lacking frontage improvements along the Fruitland Lane frontage, however, due to the lack of improvements on the adjoining properties, their installation will not be required at this time. The City will require that the developer enter into a frontage improvement agreement for the necessary improvements, prior to final plat approval. This agreement provides for a 10 year grace period on the installation of the improvements, unless the City calls for their installation, or, an LID is implemented for the roadway. This agreement will be required to be completed prior to final plat approval. If the developer chooses

to not enter into the agreement, all frontage improvements (surb, drainage swale, sidewalk, driveway approaches) will be required to be installed prior to final plat approval.

**Fire:** Fire hydrant locations adjacent to the subject property meet the requirements of the fire department official.

**Storm Water:** Street drainage currently sheet drains onto the existing roadway shoulder, in the manner of an undeveloped roadside swale. No changes will be made to this until the frontage improvements are installed, at which time, standard roadside swales will be required to be constructed.

**Lot Access:** Access to the two (2) lots that have frontage along US Hwy 95 will be via a twenty five foot (25') access easement from Fruitland Lane (as located and shown on the preliminary plat document).

**Proposed Conditions:**

1. Utility laterals (sewer & water) will be required to be installed to serve Lot 3 prior to final plat approval, and, will be completed by the developer, at no cost to the City.
2. Installation of necessary frontage improvements on Fruitland Lane, or, the completion of a frontage improvement agreement for the subject property, will be required prior to final plat approval.

**DECISION POINT RECOMMENDATION**

Approve the proposed subdivision plat in its submitted configuration, with the attached conditions.



**TO:** Planning Commission  
**FROM:** Christopher H. Bates, Project Manager  
**DATE:** December 11, 2007  
**SUBJECT:** **SS-22-07, Sanders Shores**

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### **DECISION POINT**

Approve or deny the applicant's request for a two (2) lot residential subdivision.

### **GENERAL INFORMATION**

1. Applicant: Larry & Cheryl Herres  
1687 Pebblestone Ct.  
Hayden, ID 83835
2. Request: Approval of a two (2) lot residential subdivision, a portion of the Lot 3, Block 3, Mauser Subdivision, in Section 24, T50N, R4W, BM.
3. Location: Located at the junction of Mountain Avenue and 13<sup>th</sup> Street.

### **PERFORMANCE ANALYSIS**

1. Zoning: Existing zoning for the subject property is R-8 which is intended as a residential area that permits a mix of housing types at a density of eight (8) dwelling units per gross acre. Minimum lot sizes are 5,500 s.f./single family & duplex/cluster units w/ 50' of frontage.
2. Land Use: The subject property has an existing single family dwelling (SFD) situated on it, and, the newly proposed lot line will cut through the westerly third of the residence. The existing dwelling unit will either need to be removed from the property, or, a sufficient amount will be required to be removed to meet all current set back distances for the R-8 zone. This demolition will be required prior to final plat approval.

Infrastructure: Utilities, Streets, & Storm Water Facilities

**Utilities:** Sewer & Water

Sewer and water utilities are available to the subject property from main locations in Mountain Avenue. One of the lots will have access to existing lateral services, however, new utility laterals will be required to be extended to the lot that is not currently serviced. Installation of all utility lateral extensions will be completed by the developer, at no cost to the City, prior to final plat approval.

**Streets:** The subject property has frontage along Mountain Avenue. The right-of-way for Mountain Avenue is less than the current meets City standard, however, the roadway is built to City standards and there is no need for the dedication of additional r/w.

**Fire:** Fire hydrant locations on both 12<sup>th</sup> Street and Mountain Avenue do not meet the distance requirements established by the City Fire Department for adequate fire suppression, therefore, a new hydrant will be required to be installed directly north of the subject property. This hydrant will be required to be installed by the developer at the location determined by both the City Water Department and the City Fire Inspector, at no cost to the City and prior to final plat approval.

**Storm Water:** Street drainage is contained in the existing hard pipe system, and no alterations will be required.

**Proposed Conditions:**

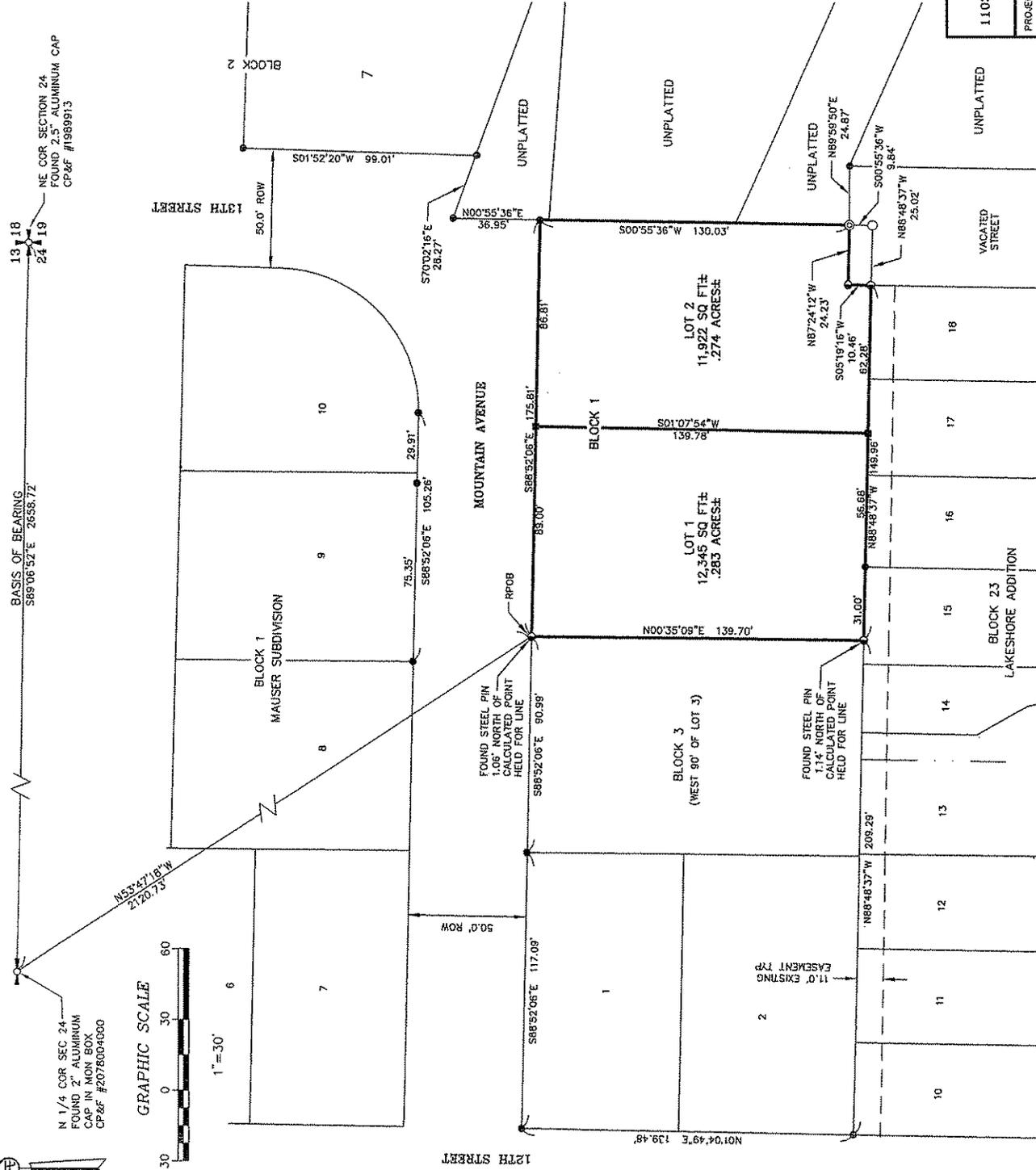
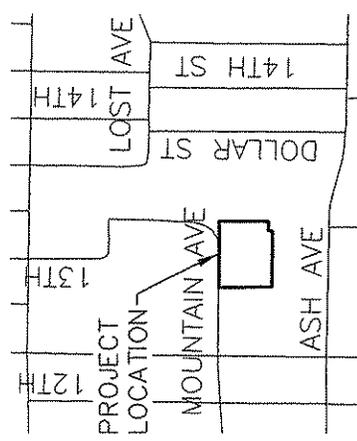
1. The existing single family dwelling situated on site will be required to be removed, or, altered, to meet current building setbacks for the R-8 zone. This alteration/removal will be required to take place prior to final plat approval.
2. Utility lateral extensions (sewer & water) will be required in to the newly created lot without existing services. Services will be installed by the developer at no cost to the City, and, prior to final plat approval.
3. A fire hydrant will be required to be installed by the developer at the location determined by both the City Water Department and the City Fire Inspector, at no cost to the City and prior to final plat approval.

**DECISION POINT RECOMMENDATION**

Approve the proposed subdivision plat in its submitted configuration, with the attached conditions.

# SANDERS SHORES

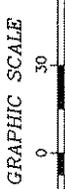
A PORTION OF LOT 3, BLOCK 3, MAUSER SUBDIVISION, SEC. 24, T.50N., R.4W., B.M., CITY OF COEUR D' ALENE, KOOTENAI COUNTY, IDAHO



NE COR SECTION 24  
FOUND 2.5" ALUMINUM CAP  
CP&F #1989913

BASIS OF BEARING  
S89°06'52"E 2655.72'

N 1/4 COR SEC 24  
FOUND 2" ALUMINUM  
CAP IN MON BOX  
CP&F #2076004000



1" = 30'

### LEGEND

- FND. REBAR, 3/8 INS LONG, 5/8 IN. DIAM., WITH A PLASTIC CAP MARKED PLS 3814
- FND REBAR, 3/8 INS LONG, 5/8 IN. DIAM., WITH A PLASTIC CAP MARKED PLS 4565
- ⊙ FOUND 3/4" IRON PIPE IN CONCRETE
- SET REBAR, 3/8 INS LONG, 5/8 IN. DIAM., WITH A PLASTIC CAP MARKED PLS 4565
- CALCULATED POINT NOTING FOUND OR SET

### BASIS OF BEARING

BASIS OF BEARING IS SOUTH 89°06'52" EAST ALONG THE CENTERLINE OF MULLAN AVENUE PER CITY OF COEUR D' ALENE CONTROL MAP (AT PROJECT ELEVATION).

### SURVEYS OF RECORD & PRIOR SURVEYS

1. RECORD OF SURVEY A PORTION OF LOT 3, BLOCK 3 OF MAUSER SUBDIVISION BOOK 25, PAGE 85, JUNE 2007.
2. DURTSCH A ASSOC. RECORD OF SURVEY # 1741469, BOOK 21, PAGE 325, JULY 2002
3. E.S.F. RECORD OF SURVEY # 1345848, BOOK 14, PAGE 163, MARCH 1994
4. E.S.F. RECORD OF SURVEY # 1061514, BOOK 5, PAGE 9, AUGUST 1986
5. PLAT OF LAKESHORE ADDITION TO CDA RECORDED IN BOOK 8, PAGE 128
6. PLAT OF MAUSER SUBDIVISION TO CDA RECORDED IN BOOK 3, PAGE 39
7. W.P.A. CITY PLAT NO. 6.
8. UNRECORDED SURVEY BY LEPARD, APRIL 1971
9. UNRECORDED SURVEY BY LATIMORE, AUGUST 1950
10. UNRECORDED SURVEY BY LATIMORE, JULY 1949

### NOTES

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

**TATE ENGINEERING**  
1103 N. 4TH STREET, COEUR D' ALENE, IDAHO, 83814  
(208) 676-8708 FAX: (208) 667-2129

PROJECT NO.: 07:181	DATE: 10/19/07	SCALE: 1" = 75'
DRAWING: 07:181SP	CHECKED: EMW	DRAWN BY: DCH

SS-22-07

**PLANNING COMMISSION  
STAFF REPORT**

FROM: JOHN J. STAMOS, ASSOCIATE PLANNER  
DATE: DECEMBER 11, 2007  
SUBJECT: S-1-07m -- REVISION OF THE "SHEFOOT" 5 LOT PRELIMINARY PLAT SUBDIVISION  
LOCATION – +/- 3.5 ACRE PARCEL IN THE VICINITY OF 19TH STREET AND NETTLETON GULCH ROAD ADJACENT TO GREYSTONE SUBDIVISION

**DECISION POINT:**

Shefoot Investments, LLC is requesting Preliminary Plat approval of revisions to "Shefoot", a 5-lot subdivision on +/- 3.5 acres. Approval would allow the replat of "Shefoot" subdivision reducing it to 2 lots and creating lots with less than the required street frontage in an R-3 zone (75 feet of frontage is required in an R-3 zone and 60 feet of frontage is requested) through Section 16.32.010 of the Subdivision Ordinance, Deviations From Provisions, Standards For Granting.

With the proposed subdivision, lot one would have access from Satre Avenue and lot two from Willow Road, both being public streets with 60 foot right-of-ways.

The 50 foot wide strip of land providing access to Nettleton Gulch Road would become two non-buildable tracts with access easements provided as a condition of approval to provide access to Nettleton Gulch Road for the two land locked parcels.

**SITE PHOTOS:**

A. Aerial photo:



B. Entrance to Lot 1 from Satre Avenue.

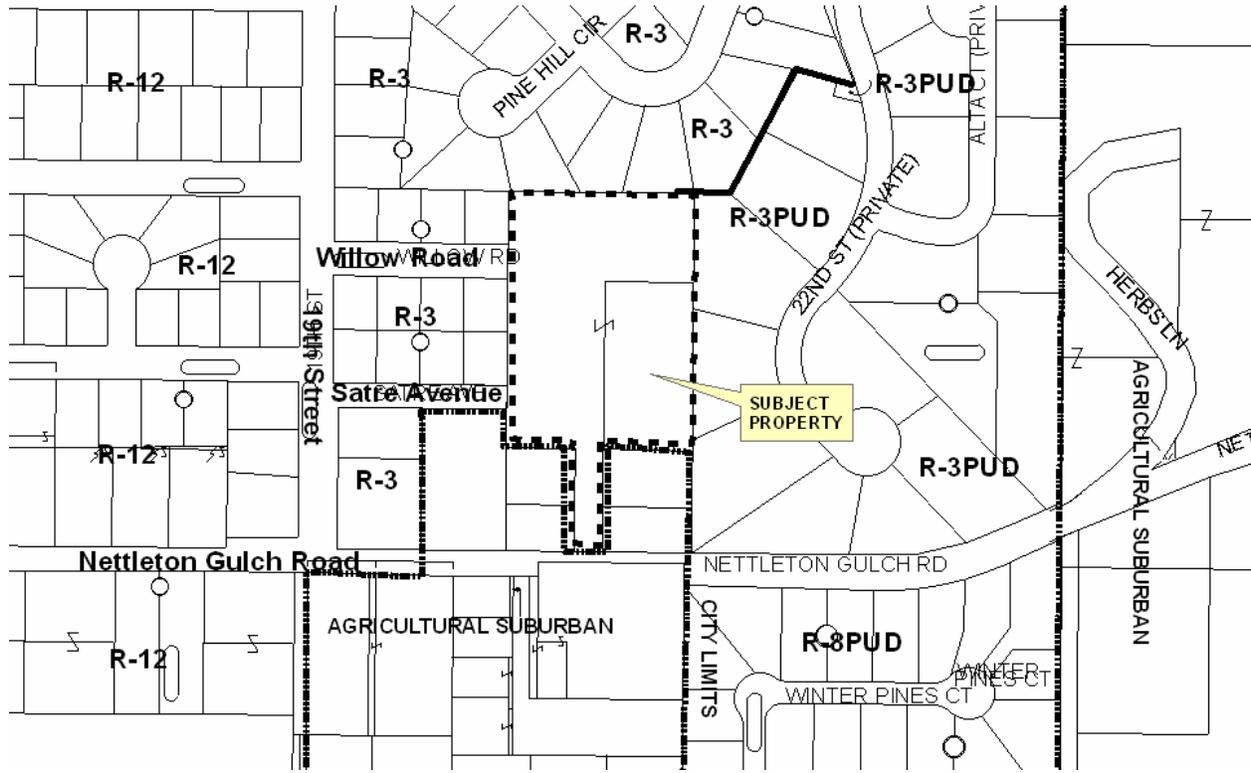


C. Entrance to Lot 2 from Willow Road.

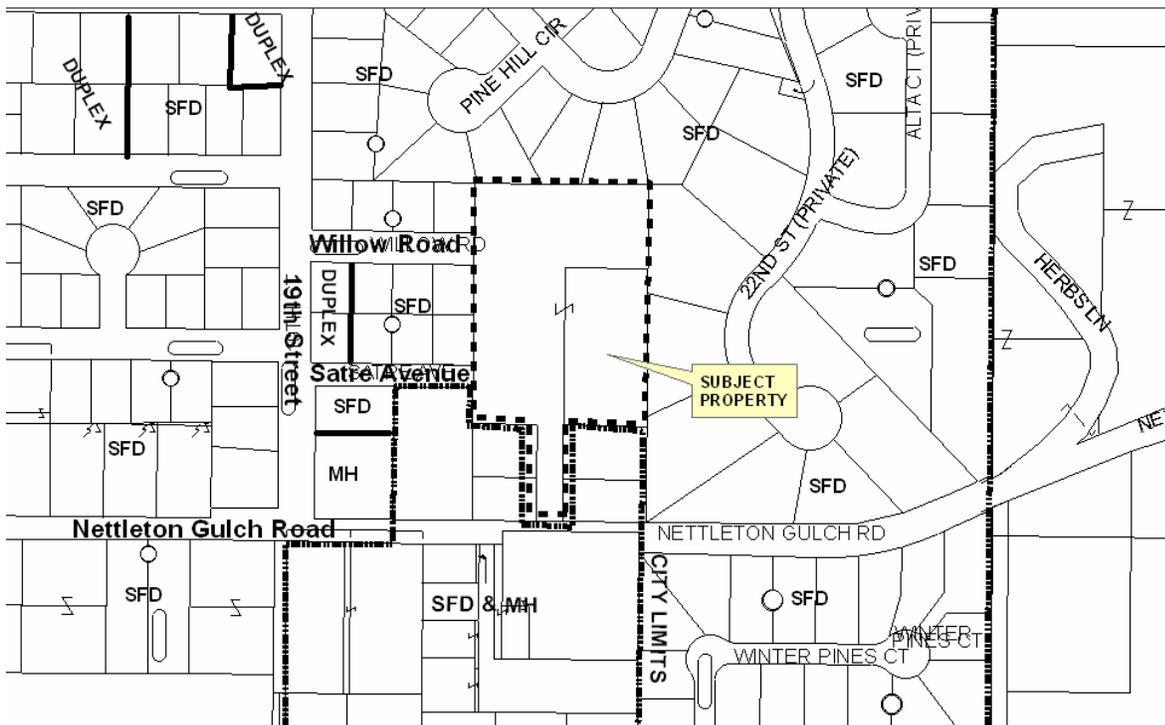


**GENERAL INFORMATION:**

**A. Zoning**



**B. Generalized land use pattern:**







#### WATER:

City water is available to the proposed subdivision. Existing fire hydrant locations are satisfactory for the proposed use.

Evaluation: There are existing eight inch (8") main lines located in both Willow Road and Satre Avenue. These lines are of adequate size to serve the proposed subdivision. Provided the proposed lots are developed as individual single-family lots, main extensions will not be required however, if the use of the lots is expanded to greater than one single-family dwelling per lot, water main extensions will be required to provide service and all cost would be borne by the developer of the lot.

#### STORMWATER:

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

Evaluation: Typical single-family developments direct their storm runoff into the on-site landscaping areas. There are no planned roads and the two lots access directly off of the end of the street, therefore, any stormwater issues will be addressed at the time of development. If the development exceeds single-family dwelling use, a stormwater plan will be required to be submitted utilizing properly designed swales for containment and filtration.

#### TRAFFIC:

The ITE Trip Generation Manual estimates the project (2 lots) may generate approximately 19 trips per day.

Evaluation: The connecting streets will accommodate the noted traffic volumes.

#### STREETS:

Lot 1 of the proposed subdivision is accessed by Satre Avenue and Lot 2 is accessed by Willow Road.

Evaluation: Both of the roads are currently developed and the proposed lots access directly off the east end of the streets.

#### SUBDIVISION IMPROVEMENTS:

Lot frontages for Lots 1 and 2 are less than the minimum seventy five feet (75') required for the R-3 zone. The lots front at the terminal points of the roadway and their frontage is the existing right-of-way width, which is sixty feet (60'), therefore, a deviation will need to be approved.

#### 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 required utility easements shall be dedicated on the final plat.

STREETS

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

STORMWATER

5. All stormwater shall be contained on the subject property. Any plan submittal shall conform to all requirements of the City.

GENERAL

6. The final plat shall conform to the requirements of the City.

Submitted by Chris Bates, Engineering Project Manager

FIRE:

Hydrants are in the area and there are 8" mains stubbed to the edge of each lot. Extension will not be required unless fire hydrants at the properties are required. Services can be set at the end of the respective mains.

Submitted by Glenn Lauper, Deputy Fire Chief

POLICE:

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

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

The City Comprehensive Plan Map designates the subject property a Transition Area, as follows:

**Transition Areas:**

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

- Protect and/or enhance the integrity of existing residential areas.
  - Encourage lower intensity commercial service and manufacturing uses close or abutting major transportation routes.
  - Encourage residential when close to jobs and other services.
  - Discourage uses that are detrimental to neighboring uses.
  - Encourage commercial clusters that will serve adjacent neighborhoods vs. city as a whole.
  - Pedestrian/bicycle connections.
  - Encourage cluster housing developments to maintain open space and forestlands.
  - Overall build-out density approximately 3 dwelling units per acre. Individual lot size will typically not be smaller than 8,000 sq. ft. (5 du's/acre). Higher densities and mixed uses encouraged close or abutting transportation corridors.
- Neighborhood development should consist of:
- Size of 25 to 65 acres

- Urban services
- Sidewalks/bike paths
- Street trees
- Neighborhood parks
- Interconnecting street network

**Significant policies:**

- 4C: “New growth should enhance the quality and character of existing areas and the general community.”
- 4C1: Development that proposes to increase the density of a given area may be allowed, provided that the increase maintains the character of the community.”
- 4C3: Population growth should be compatible with preserving Coeur d’Alene’s character and quality of life.”
- 4C5: “New development should provide for bike paths and pedestrian walkways in accordance with the transportation plan and bike plan.”
- 6A: “Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.”
- 14A3: “All new developments must provide for immediate hook up to the sanitary sewer system.”
- 24C: “Natural vegetative cover should remain as a dominant characteristic of Coeur d’Alene.”
- 42A2: “Property rights of citizens should be protected in land use decisions.”
- 42B2: “Expansion of the City should be based upon conformance to the urban service area.”
- 42C1: “Providing service to new areas should not be at the expense of areas presently being serviced.”

**Transportation Plan policies:**

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

- 31A: “Develop an improved arterial system that integrates with existing street patterns.”
- 33A: “Safe vehicular and pedestrian circulation should be enhanced through careful design and active enforcement.”
- 34A: “Use existing street systems better.”
- 34B: “Reduce automobile dependency by providing bike paths and sidewalks.”
- 38A: “Improve traffic safety by zoning actions and infrastructure improvements.”
- 40A: “New street construction should enhance the visual and physical environment.”

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

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

The proposed plat is within the Coeur d'Alene Area of City Impact boundary, is requesting an R-3 zoning classification, which has a density that is consistent with the Transition Area designation, is compatible with existing development in the area, is served adequately by public services and facilities and has a street layout plan that adequately connects proposed lots to existing streets.

Evaluation: The Planning Commission must determine, based on the information before them, whether the request will or will not serve the public interest. Specific ways in which this request does or does not should be stated in the finding.

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

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

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

The two lots within the proposed plat meet the R-3 zone minimum lot size requirement and less than standard frontage requirements will be authorized through deviations from standards.

Evaluation: The Planning Commission must determine, based on the information before them, whether the request does or does not meet the minimum requirements of the R-3 zoning district.

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

The subject property is in an established single-family neighborhood, the proposed zoning is R-3, which allows single-family development only and has an overall density of .6 dwelling units per acre, which is consistent with the Comprehensive Plan Transition Area designation (Overall build-out density approximately 3 dwelling units per acre).

I. Proposed conditions:

**Engineering:**

1. If the use of the lots is expanded to greater than one (1) single-family dwelling per lot, the sanitary mains will be required to be extended to provide service and all cost would be borne by the developer of the lot.
2. If the use of the lots is expanded to greater than one (1) single-family dwelling per lot, a water main extension will be required to provide service and all cost would be borne by the developer of the lot.
3. If the development exceeds single family dwelling use, a stormwater plan will be required to be submitted utilizing properly designed swales for containment and filtration.
4. Placement of an easement for ingress/egress across Tracts "A" & "B" to provide access to the adjoining lots on either side.

J. Ordinances and Standards Used In Evaluation:

Comprehensive Plan - Amended 1995.

Municipal Code.

Idaho Code.

Wastewater Treatment Facility Plan.

Water and Sewer Service Policies.

Urban Forestry Standards.

Transportation and Traffic Engineering Handbook, I.T.E.

Manual on Uniform Traffic Control Devices.

**ACTION ALTERNATIVES:**

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

[F:plgstaffrptsS107]

**PROPERTY INFORMATION**

- 1. Gross area: (all land involved): 3.573 acres, and/or 155,647 sq.ft.
- 2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): \_\_\_\_\_ acres, and/or \_\_\_\_\_ sq. ft.
- 3. Total length of streets included: \_\_\_\_\_ ft., and/or \_\_\_\_\_ miles.
- 4. Total number of lots included: 2 lots and 2 non-Buildable Tracts
- 5. Average lot size included: 1.25 ± 2.09
- 6. Existing land use: Residential
- 7. Existing Zoning: (circle one) R-1 (R-3) R-5 R-8 R-12 R-17 MH-8 NC CC C-17  
C-T7L DC LM M

**SEWER AND WATER REIMBURSEMENT POLICY**

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

**PROJECT DESCRIPTION:**

Please describe the concept of the proposed subdivision:

2 Residential lots

2 Non-Buildable tracts

Deviation From The 75' Road Frontage

Requinement in R<sup>3</sup> Zone to 60'  
(Willow Rd & Satree Avenue)

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on December 11, 2007, and there being present a person requesting approval of ITEM S-1-07m: a request for preliminary plat approval of "Shefoot" a 5 -lot subdivision located in the R-3 zoning district.

APPLICANT: Shefoot Investments, LLC

LOCATION: +/- 3.5 acre parcel in the vicinity of 19th Street and Nettleton Gulch Road adjacent to Greystone subdivision

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

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

- B1. That the existing land uses are single-family dwellings and duplexes.
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is R-3.
- B4. That the notice of public hearing was published on November 24, 2007, and December 4, 2007, which fulfills the proper legal requirement.
- B5. That the notice was not required to be posted on the property.
- B6. That 72 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 24, 2007, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on December 11, 2007.
- B8. Pursuant to Section 16.10.030A.1, Preliminary Plats: In order to approve a preliminary plat, the Planning Commission must make the following findings:

B8A. That all of the general preliminary plat requirements **(have) (have not)** been met as attested to by the City Engineer. This is based on

B8B. That the provisions for streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, and utilities **(are) (are not)** adequate where applicable. This is based on

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

B8D. That the public interest **(will) (will not)** be served based on

**Criteria to consider for B8D:**

1. Does this request achieve the goals and policies of the comp plan?
2. Does it provide for orderly growth and development that is compatible with uses in the surrounding area?
3. Does it protect the public safety by providing adequate public utilities and facilities to mitigate any development impacts?
4. Does the it protect and preserve the natural beauty of Coeur d'Alene?
5. Does this have a positive impact on Coeur d'Alene's economy?
6. Does it protect property rights and enhance property values?

B8E. That all of the required engineering elements of the preliminary plat **(have) (have not)** been met, as attested to by the City Engineer. This is based on

B8F That the lots proposed in the preliminary plat **(do) (do not)** meet the requirements of the applicable zoning district for the following reasons:

**Criteria to consider for B8F:**

1. Do all lots meet the required minimum lot size?
2. Do all lots meet the required minimum street frontage?
3. Is the gross density within the maximum allowed for the applicable zone?

- B9. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character, and existing land uses because

**Criteria to consider for B9:**

1. Can the existing street system support traffic generated by this request?
2. Does the density or intensity of the project "fit " the surrounding area?
3. Is the proposed development compatible with the existing land use pattern? i.e. residential, commercial, residential w churches & schools etc.
4. Is the design and appearance of the project compatible with the surrounding neighborhood?

- B10. Deviations from Provisions Criteria, Section 16.32.010, Standards for Granting. In specific cases, the Commission may authorize deviations from the provisions or requirements of this title that will not be contrary to public interest; but only where, owing to special conditions pertaining to a specific subdivision, the literal interpretation and strict application of the provisions or requirements of this title would cause undue and unnecessary hardship. No such deviation from the provisions or requirements of this title shall be authorized by the Commission unless they find that all of the following facts and conditions exist:

- A. Exceptional or extraordinary circumstances or conditions applying to the subject subdivision or to the intended use of any portion thereof that does not apply generally to other properties in similar subdivisions or in the vicinity of the subject subdivision. This is based on

- B. Such deviation is necessary for the preservation and enjoyment of a substantial property right of the subdivider or is necessary for the reasonable and acceptable development of the property. This is based on
  
- C. The authorization of such deviation **(will) (will not)** be materially detrimental to the public welfare or injurious to property in the vicinity in which the subdivision is located. This is based on
  
- D. The authorization of such deviation will not adversely affect the Comprehensive Plan.
  
- E. Deviations with respect to those matters originally requiring the approval of the City Engineer may be granted by the Commission only with the written approval of the City Engineer.

**C. ORDER: CONCLUSION AND DECISION**

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

Special conditions applied to the motion are:

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

ROLL CALL:

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

Chairman Bruning Voted \_\_\_\_\_ (tie breaker)

Commissioners \_\_\_\_\_ were absent.

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

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CHAIRMAN JOHN BRUNING

**PLANNING COMMISSION  
STAFF REPORT**

FROM: JOHN J. STAMOS, SENIOR PLANNER  
DATE: DECEMBER 11, 2007  
SUBJECT: SP-9-07 – REQUEST FOR A FUNERAL SERVICES SPECIAL USE PERMIT IN A C-17L ZONING DISTRICT  
LOCATION: A +/- 27,000 SQ. FT. PARCEL AT 1917 NORTH LAKEWOOD DRIVE

**DECISION POINT:**

James Asper and Mary Hansen are requesting a Funeral Services Special Use Permit in the C-17L (Commercial Limited at 17units/acre) zoning district to allow the operation of a funeral home in the former +/- 5,770 sq. ft. State Farm Insurance service center building.

**SITE PHOTOS:**

A. Site photo.

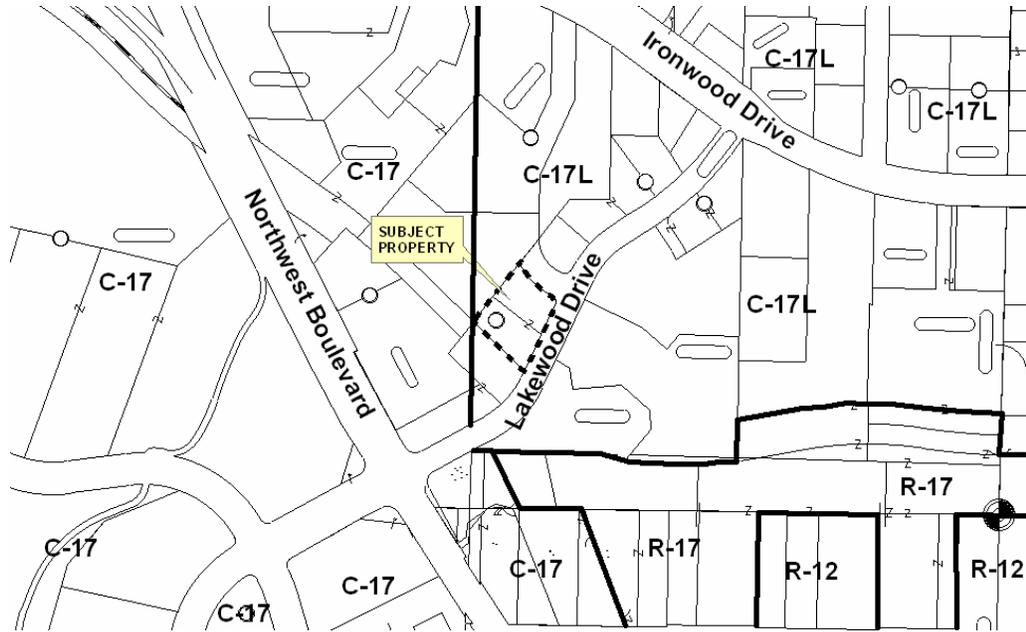


- B. Building on subject property.

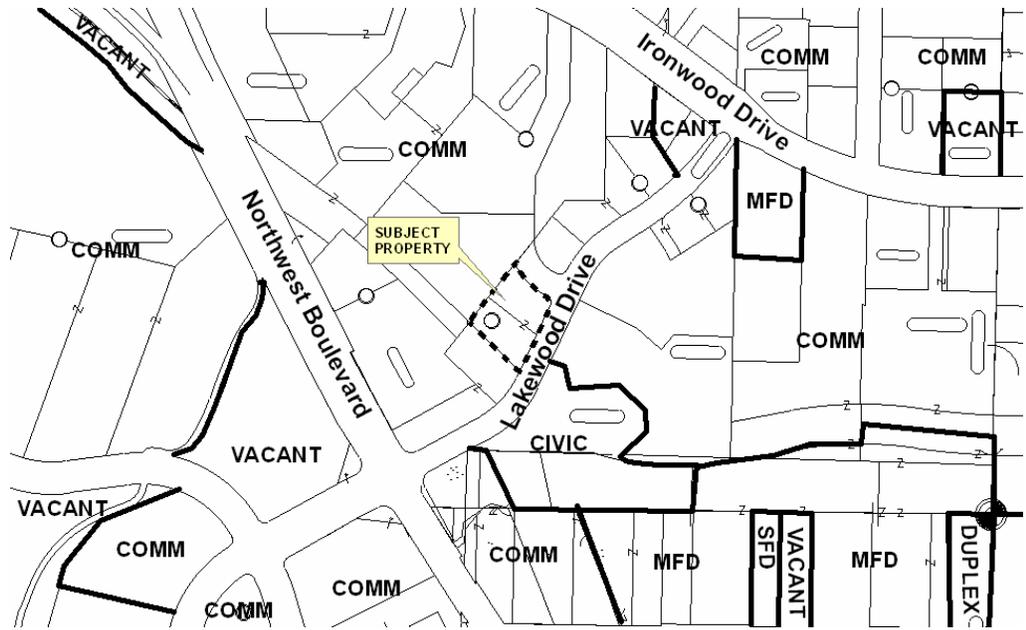


**GENERAL INFORMATION:**

- A. Zoning



B. Generalized land use pattern:



C. Site plan.



E. Applicant: James D. Asper  
3680 West Evergreen Drive  
Coeur d'Alene, ID 83815

Mary K. Hansen  
3812 North Moccasin Road  
Coeur d'Alene, ID 83815

F. Owner: Ann Kotopka  
830 South 37th  
Lincoln, Nebraska 68510

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

H. The subject property contains the former State Farm Insurance service center building.

**PERFORMANCE ANALYSIS:**

A. Zoning:

The requested Funeral Services activity is classified as a commercial service activity and is allowed by Special Use Permit in a C-17L zone.

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

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

**Transition Areas:**

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

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

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

**Significant policies for consideration:**

- 6A: "Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses."
- 6A2: "Encourage high-intensity commercial development, including professional offices, to concentrate in existing areas so as to minimize negative influences on adjacent land uses, such as traffic congestion, parking and noise."
- 6A3: "Commercial development should be limited to collector and arterial streets."
- 6A5: "Encourage renewal and enhancement of commercial sales and service corridors."
- 15G: "City government should be responsive to the needs and desires of the citizenry."
- 42A: "The development of Coeur d'Alene should be directed by consistent and thoughtful decisions, recognizing alternatives, effects and goals of citizens."
- 42A2: "Property rights of citizens should be protected in land use decisions."
- 46A: "Provide for the safe and efficient circulation of vehicular traffic."
- 51A: "Protect and preserve neighborhoods both old and new."
- 62A: "Examine all new developments for appropriateness in regard to the character of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects."

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

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

The proposed use would be located in an existing building in the Ironwood professional office area, is in an area that is zoned C-17 and C-17L with adjoining properties containing professional office uses.

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

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

WATER:

Water is available to the subject property.

Evaluation: The existing main extension and services will adequately serve a facility with minor modifications such as an RP on the service.

Submitted by Terry Pickel, Assistant Water Superintendent

SEWER:

This property is presently connected to Public sewer.

Evaluation: Public sewer is of adequate capacity to support this applicant's request.

Submitted by Don Keil, Assistant Wastewater Superintendent

STORMWATER:

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

Evaluation: The subject property is currently developed and all drainage is contained within existing stormwater systems.

TRAFFIC:

The ITE Trip Generation Manual does not have estimates for the proposed use type.

Evaluation: The proposed use may generate limited surges in the associated traffic volumes; however, the location of the site adjacent to a signalized intersection should accommodate the temporary increase in volume.

STREETS:

All streets surrounding the subject property are developed and no alterations or changes will be required.

APPLICABLE CODES AND POLICIES

STREETS

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

Submitted by Chris Bates, Engineering Project Manager

FIRE:

The existing main extension and services will adequately serve a facility with minor modifications such as an RP on the service.

Submitted by Glenn Lauper, Deputy Fire Chief

POLICE:

The Police department was contacted and had no concerns.

Submitted by Steve Childers, Captain Police Department

E. Proposed conditions:

None.

F. Ordinances and Standards Used In Evaluation:

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

**ACTION ALTERNATIVES:**

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

**JUSTIFICATION:**

Proposed Activity Group; Funeral Services

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

A. A description of your request; OBTAIN A SPECIAL USE PERMIT  
TO OPERATE A FUNERAL HOME. PROPERTY IS  
ZONED C17L. A FUNERAL HOME IS A SPECIAL  
USE IN THAT ZONE CLASSIFICATION

B. Show the design and planning of the site and if it is compatible with the location, setting and existing uses on adjacent properties;

SEE FIGURE 1 FOR PLANNING & DESIGN  
THERE ARE 36 ON SITE PARKING PLACES PLUS 2  
GARAGE BAYS

C. Show the location, design and size of the proposal, and will it be adequately served by existing streets, public facilities and services;

SEE FIGURE 2 & 3. LOCATION IS CLOSE TO ALL  
EMERGENCY SERVICES & AMENITIES, ALSO, THE LOCATION  
IS CLOSE TO CEMETERIES, HOSPITAL & OTHER NURSING  
HOUSES. ~~THE~~

D. Any other justifications that you feel are important and should be considered by the Planning Commission. COEUR D'ALENE IS CURRENTLY SERVICED

BY TWO FUNERAL HOMES. DUE TO POPULATION GROWTH  
AND INCREASING DEMAND, ANOTHER FUNERAL HOME  
WILL BE BENEFICIAL TO THE COMMUNITY

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on, December 11, 2007, and there being present a person requesting approval of ITEM: SP-9-07, a request for a Funeral Services Special Use Permit in the C-17L (Commercial Limited at 17units/acre) zoning district

LOCATION: A +/- 27,000 sq. ft. parcel at 1917 North Lakewood Drive

APPLICANT: James Asper and Mary Hansen

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

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

- B1. That the existing land uses are commercial, residential, civic, and vacant lots.
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is C-17L (Commercial Limited at 17units/acre)
- B4. That the notice of public hearing was published on, November 24, 2007, and, December 4, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, November 21, 2007, which fulfills the proper legal requirement.
- B6. That 11 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, November 21, 2007, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on December 11, 2007.
- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

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

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

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| <p><b>Criteria to consider for B8B:</b></p> <ol style="list-style-type: none"> <li>1. Does the density or intensity of the project "fit " the surrounding area?</li> <li>2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches &amp; schools etc?</li> <li>3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?</li> </ol> |
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B8C The location, design, and size of the proposal are such that the development **(will) (will not)** be adequately served by existing streets, public facilities and services. This is based on

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| <p><b>Criteria to consider B8C:</b></p> <ol style="list-style-type: none"> <li>1. Is there water available to meet the minimum requirements for domestic consumption &amp; fire flow?</li> <li>2. Can sewer service be provided to meet minimum requirements?</li> <li>3. Can police and fire provide reasonable service to the property?</li> </ol> |
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**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **JAMES ASPER AND MARY HANSEN** for a Funeral Services special use permit, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

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

Chairman \_\_\_\_\_ Voted \_\_\_\_\_ (tie breaker)

Commissioners \_\_\_\_\_ were absent.

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

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CHAIRMAN JOHN BRUNING

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

DATE: December 11, 2007

FROM: Monte McCully, Trails Coordinator

SUBJECT: Amendment of Bicycle Parking Ordinance.

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**DECISION POINT:**

Recommend that the Commission send to Council approval for a change in ordinance **17.44.100** from requiring bicycle spaces on a ratio of one space per ten parking stalls to requiring bicycle racks on a ratio of one rack per ten stalls. In addition, we are asking that said racks be placed on a compacted, all weather surface.

**HISTORY:**

In the past the City only required bicycle spaces be required at businesses, which led to spaces being allocated without racks for cyclists to park and lock their bikes. Bicycle spaces are sometimes placed in dirt or gravel which can be inaccessible in weather.

**FINANCIAL ANALYSIS:**

Other than staff time to coordinate, review and follow up on bike rack installations there are no known additional costs at this time.

**PERFORMANCE ANALYSIS:**

Changing the ordinance will provide applicants with a clearer understanding with what is required for bicycle parking, as well as provide our growing cycling community with needed amenities.

**DECISION POINT RECOMMENDATION:**

Recommend that the Commission send to Council approval for a change in ordinance **17.44.100** from requiring bicycle spaces on a ratio of one space per ten parking stalls to requiring bicycle racks on a ratio of one rack per ten stalls. In addition, we are asking that said racks be placed on a compacted, all weather surface.

**D R A F T**

COUNCIL BILL NO. 07-  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 17.44.100 TO REQUIRE BICYCLE RACKS WHEN OFF STREET PARKING IS REQUIRED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, *after public hearing on the hereinafter provided amendments, and after recommendation by the Planning and Zoning Commission*, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

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

**SECTION 1.** *That Coeur d'Alene Municipal Code Section 17.44.100 is amended to read as follows:*

**17.44.100: BICYCLE PARKING SPACE:**

Where off street parking is required by this chapter, one bike rack capable of accommodating at least two (2) bikes is required for the first ten (10) required parking stalls. Additional bike racks will be installed on a ratio accommodating one bike for each additional ten (10 ) parking stalls. The required bike racks must be located on the same lot as, and within a reasonable distance of, the principal use or structure. The bike racks must be installed on a compacted all weather surface and placed in a location that will not interfere with pedestrian or vehicular traffic ~~bicycle parking space shall be provided on a ratio of one bicycle parking space per ten (10) required automobile parking spaces. Such bicycle parking spaces need not be located on the required parking lot, but must be located on the same lot as the principal use or structure, and shall not obstruct vehicular or pedestrian circulation.~~

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

**SECTION 3.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**D R A F T**

**SECTION 4.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 5.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED, ADOPTED and SIGNED this            day of            , 2007.

\_\_\_\_\_  
Sandi Bloem, Mayor

ATTEST:

\_\_\_\_\_  
Susan K. Weathers, City Clerk

**D R A F T**

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_

Insert brief description

Insert Title ; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_\_ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

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Susan K. Weathers, City Clerk

**D R A F T**

**STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, Insert Brief Description, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this            day of            , 2007.

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Warren J. Wilson, Chief Deputy City Attorney



# 2007 Planning Commission Priorities Progress

## DECEMBER 2007

<p>.A note on the colors from from Tony Berns: "I use the stop light analogy:          Red is bad – either that initiative has failed, or our Board goal for the year will not be met.          Yellow is caution – could get to "red" if we don't do something pronto.          Green is good. he other colors like "pending" are place holders until action on those items can occur." <b>Note: The PC is encouraged to select what "color" is appropriate.</b></p>		
<b>Administration of the Commission's Business</b>		
<ul style="list-style-type: none"> <li>▪ Follow-up of Commission requests &amp; comments</li> </ul>		No new requests.
<ul style="list-style-type: none"> <li>▪ Meeting with other boards and committees</li> </ul>		Park/rec Comm workshop 6/07. Sign Bd 06, CC 3/07
<ul style="list-style-type: none"> <li>▪ Goal achievement</li> </ul>		Checklist of projects w/updated 2/07
<ul style="list-style-type: none"> <li>▪ Building Heart Awards</li> </ul>		Discussed 7/06 No awards will be given.
<ul style="list-style-type: none"> <li>• Speakers</li> </ul>		Wastewater & LCDC completed
<ul style="list-style-type: none"> <li>• Public Hearings</li> </ul>		January 8, 1 Item
<b>Long Range Planning</b>		
<ul style="list-style-type: none"> <li>▪ <b>Comprehensive Plan Update</b></li> </ul>		Approved by City Council on November 20, 2007
<b>Public Hearing Management</b>		
<ul style="list-style-type: none"> <li>▪ Continued work on Findings and Motions</li> </ul>		Warren and Plg staff to review
<ul style="list-style-type: none"> <li>▪ Public hearing scheduling</li> </ul>		Chrman Bruning consulted on agenda
<b>Regulation Development</b>		
<b>1. Subdivision Standards</b>		Pending – some research begun
<b>2. Revise Landscaping Regulations</b>		w/Urban Forestry & rfq/p being drafted
<b>3. Expansion of Design Review</b>		Public wksp scheduled with Mark Hinshaw December 13 <sup>th</sup> 12:00 and 6:00 p.m.
<b>4. Commercial Zoning Districts</b>		Hgts/Commercial Zoning study of E Sherman assigned by council.
<b>5. Off-Street Parking Standards</b>		Rfq/p being drafted.
<b>6. Workforce &amp; Affordable Housing</b>		City staff & consultant working on various aspects ie Community Development Block Grant.
<b>Misc Zoning Ord. Updates</b>		
<ul style="list-style-type: none"> <li>• Non-Conforming Use Reg cleanup</li> <li>• Average Finish Grade</li> <li>• Screening of rooftop equipment</li> <li>• Mediation – state law</li> <li>• Planned Unit Development Standards</li> <li>• Lighting</li> <li>• Surface Water, Irrigation – ID law</li> <li>• Re-codification or re-org to Unified Development Code</li> </ul>		Fort Grounds Example, research continuing.  CC Approved 5/1        Research begun
<b>Other Code Provisions under Development Supported by Commission</b>		
<ul style="list-style-type: none"> <li>• Variance criteria</li> <li>• Design Review Procedure</li> <li>• Downtown Design Review – cleanup</li> <li>• Height Projections</li> </ul>		CC approved hgt 5/1 Procedure draft by legal under review. Wkshp w/downtown et.al. pending Draft prepared. Wkshp w/downtown TBA
<b>Other Action</b>		
Infill East Revisions		City Council approved East Infill Boundary (O-1-07c) on 9-18-07

Los Angeles Times



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From the Los Angeles Times

## This land is their land -- now

**A Colorado couple use a rarely invoked law to take part of a neighbor's lot. The squatters' rights case sparks outrage.**

By DeeDee Correll  
Los Angeles Times Staff Writer

December 3, 2007

BOULDER, COLO. — For more than 20 years, a retired judge and his lawyer wife trespassed on a vacant lot next door to their home.

They planted a garden there and stacked their firewood. They say they held parties there and walked the land so often they wore a path in the grass.

Last year, Richard McLean and Edith Stevens claimed the land as their own under Colorado's adverse possession law, once known as squatters' rights.

In October, a district judge awarded them one-third of the lot, which its owner values at \$1 million.

Although the couple won in a court of law, they have not fared well in the court of public opinion in this university town, where the case has become a cause celebre, sparking a protest and calls for change to the law.

The doctrine of adverse possession, which says a person can gain possession of property after using it without challenge by the owner for a certain length of time, isn't a new or obscure legal doctrine. Still, its application in this case has the residents of this university town fuming.

"This scares the hell out of landowners," said Don Kirlin, the man whose property was taken away. He said he and his wife first took it as a joke when he heard of the former judge's designs on their land.

In 1984, Kirlin, a commercial airline pilot, and his wife, Susie, a former teacher, bought two adjacent lots on the southern edge of the now-pricey city. They lived in a home a short distance away, but hoped to someday build their dream house on their vacant land, which abuts city-owned open space, a rolling expanse of ponderosa pine and native grasses.

They frequently walked their dogs past their vacant land, but say they never saw any sign that anyone was using it.

Nor did they think to worry about such a thing, Susie Kirlin said. After all, they paid their property taxes and homeowner fees. They sprayed for noxious weeds and repaired fences. What else did an owner have to do?

That attitude speaks to misconceptions about property ownership, said Eduardo Peñalver, a law professor at Cornell University.

"There's a mythology of land ownership -- that if you own land, you can do anything you want," he said. Property rights are limited, he said. "This is one of those limitations: If you're not vigilant, it could be taken."

The law is based on a philosophy that land should be used, Denver real estate lawyer Willis V. Carpenter said. "If you don't use it and someone else does, they'll end up owning it," he said.

Every state in the country has an adverse possession law, although the requirements for bringing a case differ widely. For example, the length of time that a person must show uninterrupted use of another's land varies from five to 30 years.

In California, people who want to claim someone else's land must not only use it for at least five years, they also must pay property taxes on it. That's also the case in a handful of other states.

One reason for that requirement is to alert the owner that someone is using the property. "Most courts are not disposed to easily give land away," said Spencer W. Weisbroth, a San Francisco lawyer.

Because of that requirement, he said virtually all California cases fail.

The majority of cases involve minor boundary encroachments in which neighbors aren't sure where the borders of their land are, Peñalver said. Most are resolved without litigation; the owner issues a warning and the encroaching neighbor withdraws. "It's a rare case that gets litigated."

It's an even rarer case that makes the news.

That happened this year in New York, when a land dispute prompted the state Legislature to pass a law preventing someone who knowingly occupies someone else's land from acquiring it. The governor later vetoed the law, saying efforts to prove the person's state of mind would lead to more litigation.

Most states don't make a distinction between people who unknowingly occupy another person's land and those who do it deliberately, Peñalver said. But many people are more understanding when someone unknowingly uses someone else's land, he said.

Public reaction also depends on who's claiming the land.

In a highly publicized case in London, a homeless man this year won ownership of a small plot in a tony neighborhood where he had lived in a shack unchallenged for 21 years. He was seen as a sympathetic figure.

That wasn't the case in Colorado, where Boulder District Judge James C. Klein -- who has served since 2005 in the same judicial district where McLean served from 1981 to 1997 -- ruled the couple had demonstrated that their attachment to the land was "stronger than the true owners' attachment."

"Whereas defendants were unaware of plaintiffs' use of the disputed land during virtually their entire 22-year period of ownership, plaintiffs have efficiently used the land on a daily basis," Klein wrote in his opinion.

The judge granted McLean and Stevens one-third of the lot next to them. That decision rendered it too small to sell or to build a home on, Kirlin said.

The Kirlins and McLean and Stevens each say that they made efforts to settle the matter -- but that the other party would not accept the offers.

In addition to the specifics of the dispute, the Kirlins take issue with the application of adverse possession law itself,

saying it has its place but wasn't intended for cases such as this.

Many in the community seem to agree. When the news hit, residents reacted in an Internet-fueled fury. Bloggers ridiculed McLean and Stevens as land-grabbers who used their knowledge of the law to steal from an unsuspecting neighbor.

Last month, more than 200 people flocked to the property, where they hoisted signs with slogans such as "Thou shall not steal" and shouted "shame" and "thief" at the McLean/Stevens home, the Denver Rocky Mountain News reported.

State Sen. Ron Tupa, a Democrat from Boulder, said he had received a flood of e-mails about the case; he and Rep. Rob Witwer, a Republican from Evergreen, intend to propose a change to the law, although they haven't settled on the specifics.

"If the law allows this kind of taking, then it needs to be changed," Tupa said.

A change in state law wouldn't affect the Boulder case, which the Kirlins say they intend to appeal. Regardless of the outcome, they say they still want to build a home on the second lot that was not affected by the decision, where Susie Kirlin recently stapled a sign to the fence.

Facing the home of McLean and Stevens, it reads, "You will never enjoy a stolen view."

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