



# City of Rathdrum Planning and Zoning Commission

## Staff Report – Conditional Use Permit

**To:** Rathdrum Planning and Zoning Commission  
**From:** City Planning and Zoning Administrator  
**Date of Report:** Mary 18, 2020  
**Subject:** Zahran CUP 2020-02 – Request to allow residential use on commercially zoned property  
**Hearing Date:** May 20, 2020

### PROJECT INFORMATION

**Applicant / Owner:** Ash Zahran / Zahran Construction, PO Box 1533, Hayden, ID 83835

**Site Information / Location of Project:** The property is within the Rockwood Business Park located generally west of Highway 41 and south of Boekel Road at the southwest corner of Boekel Road and Rockwood Court.

The Kootenai County Assessors Tax Parcel Numbers are R-6770-001-001-A (8470 W Boekel Rd) and R-6770-001-002-A (8188 W Boekel Rd).

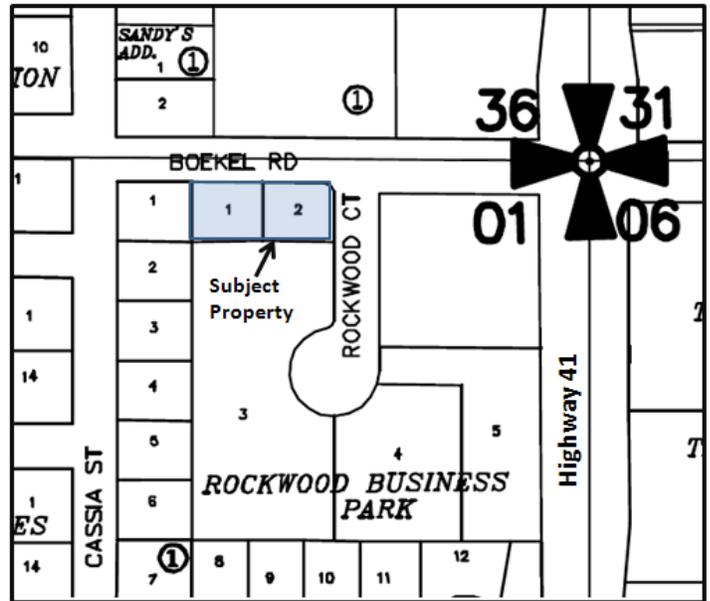
The legal description of the property is Lot 1 and Lot 2, Block 1, Rockwood Business Park.

The subject site is located within the General Commercial (C-1) zone district and is currently vacant.

### Adjacent Land Uses:

The surrounding properties are as follows:

- North: Tree House Apartments (Residential: R-3)
- South: Storage Units (Commercial: C-1)
- East: Grange Hall (Commercial: C-1)
- West: Single Family Residential (Duplex) (Residential: R-2)



**Request:** This is an application for a Conditional Use Permit (CUP) to allow for residential land use to occur on commercially zoned (C-1) property. The Applicant seeks to allow duplex buildings to be built on the subject lots (one duplex per lot).

Pursuant to Rathdrum City Code (RCC), 11-4B-2 (D), General Commercial District, Conditional Uses, all principal and conditional uses permitted in residential districts may be allowed in the C-1 district by

conditional use permit. A conditional use permit may be granted to an applicant if the proposed use is prohibited by the terms of RCC Title 11 but is allowed with conditions under specific provisions of RCC Title 11 and is not in conflict with the comprehensive plan. The minimum criteria and conditions of the RCC shall apply to the approval of any conditional use permit.



## PROJECT REVIEW

This staff report reflects an overview of the proposed conditional use based on the submitted application materials and other information available at the time of this report. The project is subject to modification prior to final action of the Rathdrum City Council.

### History:

The previous owner applied for a Conditional Use Permit on three separate occasions to utilize the property for residential use - in January of 2013, June 2017 and November 2018. The result of each application was a recommendation for approval by the Planning and Zoning Commission and subsequent approval by the City Council. On each occasion, the Applicant did not move forward with the development within one year, at which time the CUP approval expired pursuant to Rathdrum City Code (RCC), 11-8-5 Time Limit, *“Upon granting of a conditional use permit, the proposed use must be substantially initiated within one year. Failure to comply with this regulation will result in the conditional use permit becoming null and void.”*

The current Applicant purchased the property with an understanding from the previous owner that a duplex could be constructed on each lot and is now applying once again for a Conditional Use Permit to allow this.

**Consistency Analysis Rathdrum City Code (RCC):** Several titles of City Code provide regulations for the proposal. Those portions of the RCC that pertain to the proposal are described in **Table 1** below. Included for each requirement is an analysis of the proposal’s consistency with that requirement.

**Table 1 – Rathdrum City Code Consistency**

Code	Consistent	Discussion
<p><b>11-4B-2 (D) General Commercial District, Conditional Uses.</b>                      In a general commercial district retail uses, offices and service establishments and their accessory uses are permitted outright. All principal and conditional uses permitted in residential districts are allowed by conditional use.</p>	<p align="center">CUP REQUESTED</p>	<p>The Applicant intends to build residential structures (duplexes) on the subject properties. A conditional use permit is necessary to establish a residential use on the commercially zoned properties.</p>
<p><b>11-4B-2 (G) General Commercial District, Density Provisions.</b>                      10. Residential uses in a commercial district shall comply with applicable residential density provisions as established by this title for the district as determined in processing the required conditional use permit.</p>	<p align="center">Yes, with conditions of approval</p>	<p>Residential density provisions can be applied to the properties through this CUP process, including provisions for setbacks, lot coverage, and building height. Staff has included recommended conditions of approval to address this requirement.</p>
<p><b>11-8-1 Conditional (Special) Use Permits, Granting of Permits.</b>                      A conditional use permit may be granted to an applicant if the proposed use is prohibited by the terms of this title but is allowed with conditions under specific provisions of this title and is not in conflict with the comprehensive plan.</p>	<p align="center">CUP REQUESTED</p>	<p>Residential use of property within the C-1 zone district is not enumerated within RCC 11-4B-2 (C), Principal Uses Permitted Outright. As defined by RCC 11-3-2, any uses which are not specifically enumerated or interpreted as allowable in that district are prohibited. RCC 11-4B-2 (D) enumerates uses permitted in the C-1 district as conditional uses, including all principal and conditional uses permitted in residential districts (includes single family homes and duplexes).</p>
<p><b>11-8-2 Conditional (Special) Use Permits, Public Notice Procedures.</b>                      ...</p>	<p align="center">Yes</p>	<p>See Regulatory Compliance section below.</p>
<p><b>11-8-3: Conditional (Special) Use Permits, Criteria for Granting Conditional Use Permits.</b>                      The commission shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:                      A. Will constitute a conditional use as established in this title for the zoning district involved;                      B. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the comprehensive plan and/or this title;</p>	<p align="center">Unknown</p>	<p>The Conditional Use Permit application is subject to commission review.</p> <p>A. Residential uses, including duplexes, constitute a conditional use as discussed within 11-4B-2 (D) above.                      B. The proposal appears harmonious with and in accordance with the comprehensive plan as discussed in Table 1 above.                      C. Public utility infrastructure, including separate lateral water and sewer connection to each lot (one per lot) is existing. Additional connections to City utility mains can be added at the time of development, as needed, subject to</p>

Code	Consistent	Discussion
<p>C. Will be served adequately by essential public facilities and services;</p> <p>D. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;</p> <p>E. Will not create excessive additional requirements as to public cost for public facilities and services and will not be detrimental to the economic welfare of the community;</p> <p>F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;</p> <p>G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic and surrounding public thoroughfares;</p> <p>H. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.</p>		<p>approval of the City (one water and one sewer connection per dwelling is required). Staff has suggested conditions of approval to address the provision of stormwater infrastructure.</p> <p>D. The proposal is for residential use. Adjacent properties to the north and west are zoned residential and are developed with a mix of housing, including apartments, duplexes and single-family homes. The proposal does not appear to change the character of the area.</p> <p>E. The proposal will require typical services and facilities and does not appear to create excessive additional requirements or costs for public facilities or services and does not appear detrimental to the economic welfare of the community.</p> <p>F. The proposal does not appear to be detrimental to any person, property or the general welfare of the community because of proposed uses, activities, processes etc. The proposal is for use of two commercially zoned properties as residential lots. Staff has suggested conditions of approval to address general standards and conditions for the properties.</p> <p>G. Vehicular approaches are reviewed at the time of building and site plan permitting. Staff has suggested conditions of approval to address this section, including mitigation of potential traffic impacts on Boekel Road.</p> <p>H. No features of importance have been identified on the property or immediate vicinity.</p>
<p><b>11-8-4: Conditional (Special) Use Permits, Action by Commission and Council.</b></p> <p>A. Commission:</p> <p>1. Findings And Recommendation: Within sixty (60) days following the public hearing, the commission shall present to city council its findings and recommendation to either approve, conditionally approve or deny the request for a conditional use permit.</p> <p>2. Conditions Of Approval: Upon the granting</p>	<p>Yes, with conditions of approval</p>	<p>A.</p> <p>1. S Staff has suggested motions including provision of recommendation to the City Council for any recommendation of approval of the proposal.</p> <p>2. Staff has suggested conditions to attach to any approval of the permit to minimize impacts, control timing of the development, designate the nature of the</p>

Code	Consistent	Discussion
<p>of a conditional use permit, conditions may be attached to the permit including, but not limited to, the following conditions:</p> <ol style="list-style-type: none"> <li>a. Minimizing adverse impact on other development;</li> <li>b. Controlling the sequence and timing of development;</li> <li>c. Controlling duration of development;</li> <li>d. Assuring that development is properly maintained;</li> <li>e. Designating the exact location and nature of development;</li> <li>f. Requiring the provision for on-site or off-site public facilities or services;</li> <li>g. Requiring more restrictive standards than those generally required.</li> </ol> <p>3. Studies Required: Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed use. A conditional use permit shall not be considered as establishing a binding precedent to grant other permits. A conditional use permit is not transferable from one parcel of land to another.</p>		<p>development, and providing for on and off-site improvements.</p> <p>3. The Commission may request additional studies to address possible impacts of the proposal.</p>
<p><b>11-8-5: Conditional (Special) Use Permits, Time Limit.</b>  Upon granting of a conditional use permit, the proposed use must be substantially initiated within one year. Failure to comply with this regulation will result in the conditional use permit becoming null and void.</p>	<p>Yes, with conditions of approval</p>	<p>Staff has suggested conditions of approval to address this requirement.</p>

**Consistency Analysis Comprehensive Plan:** The relevant goals and policies established within the Rathdrum Comprehensive Plan that pertain to the proposal are listed in **Table 2** below. Also included is an analysis of whether the proposed project is generally consistent with the requirements of those goals and policies.

**Table 1 – Comprehensive Plan Consistency**

Goal/Policy	Consistent	Discussion
<b>Land Use Element</b>		
<p><i>II B. Land Use, Goal 1, Policy F: Consider special use permits only where proposed land uses can be demonstrated to be consistent with goals of</i></p>	<p>Yes, with conditions of approval</p>	<p>Consistency with the goals of the Comprehensive Plan can be demonstrated as discussed herein, however, the Planning and</p>

Goal/Policy	Consistent	Discussion
<i>the Comprehensive Plan.</i>		Zoning Commission and City Council shall be responsible for determining any conditions of approval necessary to ensure compliance.
<b>Sewer and Water Element</b>		
<b><i>II E.-2 Water and Sewer, Goal 1, Policy B: Promote development in areas with municipal sewer and water systems in place.</i></b>	Yes	Municipal water and sewer utilities are available to the properties. As necessary, the applicant shall make improvements to the infrastructure to support the proposed use(s) at the time of development.
<b>Housing Element</b>		
<b>II G. Housing, Goal 1: Apply four primary principles, 1) Sense of Community, 2) Variety, 3) Affordability and 4) Integration, in the enhancement and maintenance of existing residential areas and the design of new housing developments.</b> <b>B) Variety: Provide a broad mix of housing choices for a mix of people with differing economic means, ages and lifestyles. Types of housing may include, but are not limited to, apartments, townhouses, multi-family units, manufactured homes and small, as well as large, lot single family residences.</b>	Yes	Allowing residential development on the lots will help provide more variety in housing options.
<b><i>II G. Housing, Goal 2, Policy C: Enforce buffering requirements for non-residential activities developed adjacent to residential areas.</i></b>	Yes, with conditions of approval	The existing adjacent commercial activities do not appear to provide screening to the properties proposed for use as residential lots as required by RCC 11-5-3 (A) (2) (b): uses or activities related to nonresidential and multi-family residential uses shall not be located nor conducted closer than forty feet (40') to any lot line of a residential district except that the minimum yard requirements may be reduced fifty percent (50%) if acceptable landscaping or screening, approved by the administrator, is provided. Staff has suggested conditions of approval to address this provision.
<b><i>II G. Housing, Goal 2, Policy F: Protect the continuity and inherent character of existing neighborhoods in planning and zoning decisions.</i></b>	Yes	The existing neighborhood is a mix of uses, including single family homes, duplexes, multi-family apartments and commercial activities. The proposal appears to be within the character of the neighborhood.
<b><i>II G. Housing, Goal 3, Policy B: Require pedestrian and bicycle pathways in new residential development and encourage the development of additional pathways in existing neighborhoods to</i></b>	Yes	There are existing sidewalks adjacent to the subject property.

Goal/Policy	Consistent	Discussion
<i>provide interconnectivity.</i>		
<b>II G. Housing, Goal 4, Policy C:</b> <i>Provide an adequate supply of land in appropriate land use designations that meets the future needs and demand for a broad range of residential types.</i>	Yes	The proposed project will add to the availability of residential property.
<b>II G. Housing, Goal 5, Policy A:</b> <i>Encourage infill and redevelopment of existing lots.</i>	Yes	The proposed project will provide infill of two existing vacant lots within an area which is generally built-out.
<b>Community Design Element, Balanced Development</b>		
<b>II K.-2 Community Design, Balanced Development, Goal 2, Policy D:</b> <i>Encourage residential development within commercial nodes.</i>	Yes	The proposal is to allow residential development within a C-1 zone.

The application reflects many Goals and Policies within the City of Rathdrum Comprehensive Plan. Such Goals and Policies were considered in the development and adoption of the General Commercial District standards and specifications by the City of Rathdrum Council as reflected within Rathdrum City Code.

**REGULATORY COMPLIANCE**

**Public Noticing:** RCC 11-8-2 lays out the process which is followed for a Conditional Use Permit application which requires an open record public hearing before the Planning and Zoning Commission as directed by Idaho Statute 67-6512. Not more than sixty (60) days following the filing of an application and prior to granting a conditional use permit, at least one public hearing at which interested persons shall have an opportunity to be heard shall be held by the planning and zoning commission.

The application was received on March 17, 2020. A Public Hearing before the Planning and Zoning Commission has been scheduled for May 20, 2020 – 64 days following submittal. Scheduling of a public hearing was delayed due to the shut down directed by the Governor of the State of Idaho due to the Covid-19 crisis.

At least fifteen (15) days prior to the hearing, notice of the time, place and a summary of the proposal shall be published in the official newspaper of the city.

Notice of the hearing, including time, place and summary of the proposal was posted in the Coeur d’Alene Record on May 5, 2020 in compliance with this section.

Notice by regular mail shall be provided at least ten (10) days prior to the hearing to record property owners of land situated within three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed conditional use permit as determined by the administrator.

Notice by regular mail to all property owners of land situated within three hundred feet of the external boundaries of the proposal was provided on May 5, 2020 in compliance with this section.

Notice shall further be posted on the concerned property at least seven (7) days prior to the public hearing.

A Public Notice was posted on the property on May 6, 2020 in compliance with this section.

Notice was also posted as a courtesy on the City’s web site and notice board outside of City Hall on May 1, 2020.

When notice is required for two hundred (200) or more property owners, in lieu of the mail notification, three (3)

notices in the official newspaper of the city is sufficient; provided that, the third notice appears at least ten (10) days prior to the public hearing.

Not Applicable.

The application has been processed in conformance with this Code.

Furthermore, prior to the date of the public hearing, the City issued this written staff report, integrating any public comments received regarding the application, and made available to the public a copy of the staff report for review and inspection. A copy of the staff report was provided to the Applicant or the Applicant's designated representative and the Planning Commission prior to the hearing.

**Comments Received:** The issuance of the Notification of Public Hearing included an invitation for the public to provide written comment for a period of seven (7) days in addition to the ability of the public to provide comment during the hearing for this proposal. Agencies with jurisdiction were also provided an opportunity to provide comment during review of this application. No written comments regarding this proposal were received by the City prior to transmittal of this Staff Report.

**Comment Consideration:** Comments provided prior to and during the hearing are to be considered in the project analysis by the Planning and Zoning Commission.

## **RECOMMENDATION**

The language set forth below is provided for guidance with no intent to suggest any specific action.

**APPROVAL:** I move to recommend to the City Council that the proposal be approved, finding that it is in accord with the City of Rathdrum Comprehensive Plan and Rathdrum City Code as discussed within the Staff Report for this proposal and delineated within the suggested Findings of Fact / Conclusions of Law and Conditions of Approval. I further move that such recommendation be provided to the Council as the Commission's formal recommendation within sixty (60) days following tonight's public hearing.

**ADDITIONAL CONDITIONS OF APPROVAL (Optional):** I further move that the following additional conditions be included within the recommendation to the City Council: \_\_\_\_\_

**DENIAL:** I move to recommend to the City Council that the proposal as presented be denied, finding that it is not supported by the City's Comprehensive Plan and/or Rathdrum City Code.

## **STAFF CONTACT**

For more information regarding this application, the complete project file, including application materials and project history, is available for review at Rathdrum City Hall at 8047 W. Main Street, Rathdrum, Idaho, or by contacting Planning staff:

Cary Siess, City Planner / Planning and Zoning Administrator  
City of Rathdrum Public Works Department  
8047 W. Main Street, Rathdrum, Idaho 83858  
Phone: 208-687-2700 x 117  
Email: cary@rathdrum.org

---

### **Attached Exhibits:**

Exhibit A – CUP Application, Maps and Narrative

Exhibit B – Suggested Findings of Fact / Conclusions of Law and Conditions of Approval

City of Rathdrum  
Planning & Zoning  
8047 W. Main Street  
Rathdrum, ID 83858  
  
208 687-2700 ext. 124



**CONDITIONAL USE PERMIT APPLICATION**  
(Conditional Use Permits Addressed in Code Section 11-8)

**Make an appointment with the City Planner and Building Official prior to preparing your application.**

Applicant's Name: ASH ZAHRAW  
Address: PO BOX 44 City: POST FALLS State: ID Zip: 83877  
Legal Owner-Name: ZAHRAW CONSTRUCTION Phone: \_\_\_\_\_  
Legal Owner-Address: PO BOX 1533 HAYDEN, ID 83835  
Contact Person-Name: ASH ZAHRAW Phone: 208-449-8034\*  
Contact Person-Address: PO BOX 44 POST FALLS, ID 83877  
Street Address of Property: \_\_\_\_\_  
Legal Description: Lot # 1+2 Block # 1 Parcel # R-6770-001-001-A + R-6770-001-002A  
Subdivision: \_\_\_\_\_ Current Zoning District: \_\_\_\_\_

Attach the following information:

1. Written description of both the existing and proposed use of property.
2. Written description of the steps you intend to take to minimize the impacts on surrounding properties from the proposed land use.
3. Site plan showing the following information for both the existing and proposed land uses:
  - > Location of all buildings
  - > Traffic access and circulation
  - > Signage
  - > Parking and loading areas
  - > Open spaces and landscaping
  - > Service areas

*NOTE: Site plans need to be prepared by a design professional unless the Planning and Zoning Administrator finds otherwise.*
4. Listing and three (3) sets of mailing labels of property owners within a 300 foot radius of the property as prepared by a licensed Kootenai County title company and issued within the past 60 days. Include your own address and others whom you wish to receive hearing notices.
5. Processing fee made payable to the City of Rathdrum: \_\_\_\_\_ (Fee covers all city review processes, including cost of publication and mailing of the legal notice)

[Signature]  
Applicant's Signature

3/11/2020  
Date

## Rathdrum Special Use Permit

**Existing Property-** Two vacant lots for development located on the corner of Boekel and Rockwood ct. approx. 319ft west of the intersection at hwy 41 and Boekel

Size- Lot 1 (6,999.4 Sqf) Lot 2 (8,045.6 Sqf)

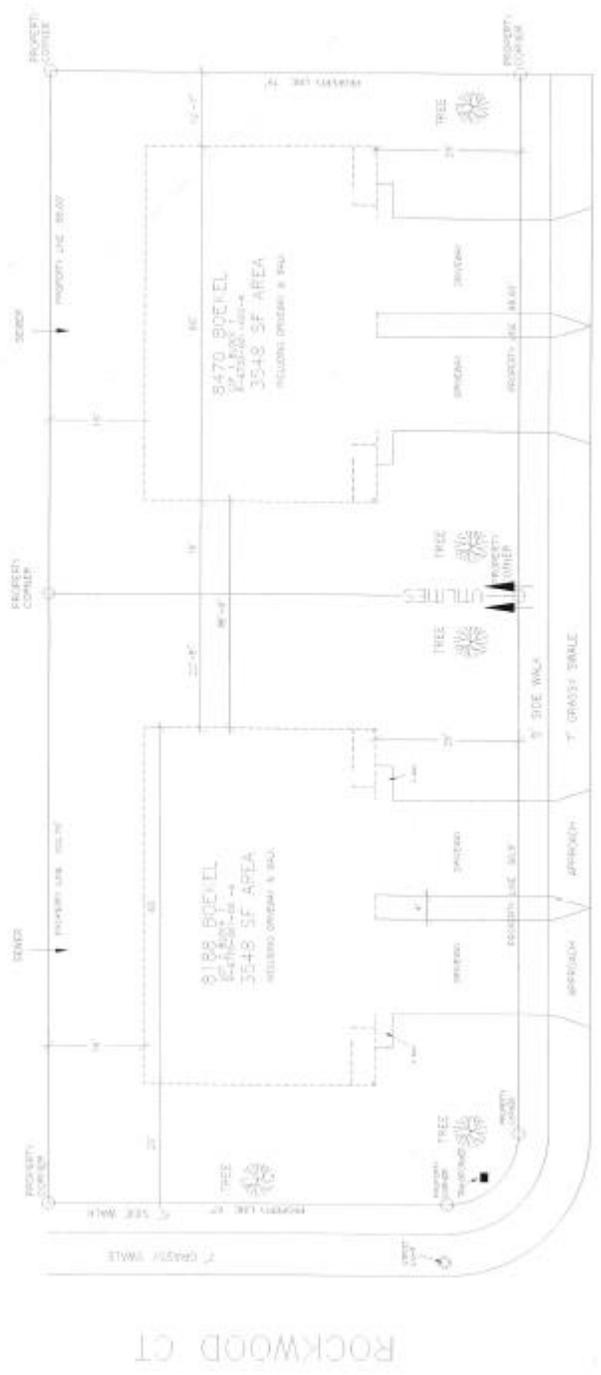
**Proposed Use of Property-** To build two duplexes on lots 1 and 2 which will front the Treehouse Apartments across the street.

### Steps taken to minimize impact

- Provide quality landscaping to create a buffer between surrounding properties
- All landscaping to meet and exceed code RCC 11.5.213.
- All traffic access to and from Boekel St.
- Minimize street parking to Rockwood ct.
- Providing a combination of lawn, trees, and shrubs to soften driveway approaches
- Side yard setbacks to be 6ft, 10ft rear, 20ft front, and 20ft front corner flanking yard.

<p>DATE: 11/15/2019          TIME: 10:00 AM          DRAWN BY: [Signature]          CHECKED BY: [Signature]</p>		<p><b>SITE PLAN</b></p> <p>SCALE: 1/8"=1'-0"</p>
<p>PROJECT: [Project Name]</p>		

150-45 SF LOT SIZE (BOTH LOTS)  
 7046 SF TOTAL HARD SURFACE  
INCLUDES 200' CONCRETE & ASPHALT



**SITE PLAN**  
 SCALE: 1/8"=1'-0"

BOEKEL RD

ROCKWOOD CT

**CITY OF RATHDRUM**  
**PLANNING AND ZONING COMMISSION**  
**Suggested Findings of Fact / Conclusions of Law and Conditions of**  
**Approval for Silverado Apartments CUP**

**FINDINGS OF FACT / CONCLUSIONS OF LAW**

1. The applicant / project proponent and property owner is Ash Zahran / Zahran Construction, PO Box 1533, Hayden, ID 83835.
2. The Applicant seeks approval of a Conditional Use Permit (CUP) to allow for residential use (duplexes) of commercially zoned property pursuant to Rathdrum City Code (RCC) 11-4B-2 (D) (General Commercial District, Conditional Uses), and 11-8 (Conditional Uses). A Conditional Use Permit subject to review and recommendation of the Planning and Zoning Commission, and approval of the City Council is necessary to allow for the proposed use.
3. The subject site is located at 8470 and 8188 W. Boekel Road, Rathdrum Idaho, within the General Commercial (C-1) zone district. The Kootenai County Assessors Tax Parcel Numbers are R-6770-001-001-A and R-6770-001-002-A respectively.
4. In the General Commercial district all principal and conditional uses permitted in residential districts may be allowed by Conditional Use Permit. Conditions of approval may be attached to the permit to minimize impacts, control timing of the development, designate the nature of the development, provide for on and off-site improvements, require studies and/or plans and other provisions as required by the Rathdrum Comprehensive Plan and Rathdrum City Code.
5. Several Goals and Policies of the City's Comprehensive Plan and standards within Rathdrum City Code pertain to the proposal. The Staff Report includes a comprehensive analysis of the proposal's consistency with the Plan and Code. With the provision of Conditions of Approval, the proposal can implement goals and policies of the City's Comprehensive Plan and be consistent with City Code.
6. The surrounding properties include commercial operations within the C-1 district, apartment homes within the R-3 district, and duplexes within the R-2 zone district. The proposed use is consistent with surrounding land use activities and will not cause significant adverse impacts on the human, aesthetic, or natural environments that cannot be mitigated by Conditions of Approval.
7. The entire file of record was reviewed by City staff in review of the proposal and development of the Staff Report dated May 14, 2020 and considered by the Planning and Zoning Commission.
8. The application has been processed in compliance with the regulations of RCC 11-8-2 and Idaho Statute 67-6512.

**IV. CONDITIONS OF APPROVAL**

1. All conditions imposed herein shall be binding on the "Applicant," which term shall include the owner or owners of the property, heirs, assigns, and successors.
2. The granting of this Conditional Use Permit shall not be considered as establishing a binding precedent to grant other permits, including but not limited to building or site development permits associated with the property.
3. Any change in use, expansion or contraction of the site area, or alteration of use classified as conditional involving the proposal shall be brought to the attention of the City, who can, if deemed necessary, require the

changes to be brought before the City Planning and Zoning Commission at a public hearing and City Council for decision. Any expense involved in holding a public hearing would be borne by the Applicant.

4. The proposed use shall be substantially initiated within one year of the date of Council approval. Failure to comply will result in the Conditional Use Permit becoming null and void. At the expiration of its year of approval, and after review by the City and assurance by the City that all Conditions of Approval have been or are being met, any such approved Conditional Use may be continued, shall run with the land, and is non-transferable to other property. All conditions of the permit shall continue to apply throughout the life of the use.
5. Residential development on the properties shall be subject to all provisions of RCC 11-4A-4, R-3 Residential District, including but not limited to lot area, density and setback provisions as follows:
  - a. Minimum lot area: Six thousand (6,000) square feet plus one thousand five hundred (1,500) square feet per each additional dwelling unit over one.
  - b. Maximum lot width to depth ratio: 1:2.5.
  - c. Minimum front yard: Twenty feet (20') measured from the edge of the street right of way to the front of the building.
  - d. Minimum side yard: Six feet (6') wide.
  - e. Minimum side yard flanking street of corner lot: Twenty feet (20') from street right of way.
  - f. Minimum rear yard: Ten feet (10') deep.
  - g. Maximum building height: Not to exceed thirty-five feet (35').
  - h. Maximum lot coverage: Thirty five percent (35%).
  - i. Minimum size for single-family dwelling unit: Six hundred (600) square feet.
  - j. Minimum driveway requirements: Twenty-five feet (25') in length, excluding sidewalk; and
  - k. Setback requirements must be measured from a legally established property line.
6. Residential development on the properties shall be subject to provisions of RCC 11-5-1, General Provisions and Performance Standards, General Standards as follows:
  - a. Right of way / frontage improvements, 1 through 4, including provision of an engineered stormwater management plan and installation of no-parking signs on Boekel Road per City standards.
  - b. Point of access, 1 and 2.
  - c. Visibility at intersections.
  - d. General provision for fencing, 1 through 5 (e), excepting as further conditioned herein to provide screening between residential and commercial uses.
  - e. Architectural projections.
  - f. Stormwater management, 1 through 4; and
  - g. Hazards / Nuisances, 1 through 10.
7. Residential development on the properties shall be subject to provisions of RCC 11-5-2, General Provisions and Performance Standards, Residential Standards as follows:
  - a. Multi-family residential use standards.
  - b. Residential landscaping, 1 through 3.
  - c. Residential driveways and parking requirements, 1 through 3.

- d. Alternate approach standards for duplexes, 1 and 2, excepting that as requested driveway widths shall be no wider than nineteen feet with a four-foot wide planting strip separating adjoining driveways.
  - e. Corner lot yard definition and setback interpretation.
  - f. Conversion of dwellings, 1 through 4.
  - g. Parking and storage of vehicles.
  - h. Garages, 1 and 2.
  - i. Accessory structures, 1 through 6.
  - j. Home occupations, 1 through 8 (b); and
  - k. Manufactured homes, 1(a) through (i).
8. Residential development on the properties shall be subject to provisions of RCC 11-5-3, General Provisions and Performance Standards, Commercial, Industrial, Multi-family and Institutional Standards as follows:
- a. Acceptable landscaping or screening, approved by the administrator, shall be provided along the southern and eastern property boundaries in order to screen the residential uses from the adjacent commercial uses. Such screening shall be a masonry or solid fence between six feet (6') and eight feet (8') in height (except within the front yard setback area), or planted in combination of trees, shrubs, and ground cover which may incorporate small irregular earthen berms and mounds maintained in good condition and free of all advertising or other signs.
9. The Applicant shall comply with all federal, State, and local laws and regulations, including obtaining all permits required by all agencies with jurisdiction.
10. Prior to constructing improvements, the Applicant shall submit Building Permit Application(s) to the City, as applicable, and gain permit approval. All Conditions of approval or permit requirements shall be met prior to occupancy or use and/or receiving final permit sign-off and/or Certification of Occupancy. Additional materials which shall be submitted to the City at the time of Building Permit Application include, but are not limited to:
- a. A landscape and irrigation plan addressing the requirements of Condition of Approval number 8 above.
  - b. An engineered stormwater plan and civil documents addressing street improvements addressing the requirements of Condition of Approval number 6 above.
11. The Applicant shall obtain a Permit to perform work within City right of way for any activities within the right of way, including but not limited to installation of driveway approaches, no-parking signage, stormwater infrastructure, and utility connections, as necessary.
12. This Conditional Use Permit is limited to the proposed project as described in this Recommendation and within the Staff Report and attached Exhibits.