

**PLANNING COMMISSION  
MINUTES  
AUGUST 13, 2019  
LOWER LEVEL – COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

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

**STAFF MEMBERS PRESENT:**

Hilary Anderson, Community Planning Director  
Tami Stroud, Associate Planner  
Shana Stuhlmiller, Public Hearing Assistant  
Randy Adams, Deputy City Attorney

**COMMISSIONERS ABSENT:**

Michael Ward

**CALL TO ORDER:**

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

**COMMISSION COMMENTS:**

None.

**STAFF COMMENTS:**

Hilary Anderson, Community Planning Director provided the following statements:

- Staff and a few Planning Commissioners were invited by Kootenai Environmental Alliance (KEA) for a boat tour that took them on the north shore of the lake and the Spokane River to observe some of the challenges with development on the shoreline. The tour was very informative.
- They have one item scheduled for the September 10<sup>th</sup> Planning Commission Meeting, which is a Special Use Permit for specialty retail in a manufacturing zone.
- The Missing Middle Housing Forum at North Idaho College is scheduled for tomorrow, Wednesday, August 14<sup>th</sup>. We have reached maximum capacity for the event. We are pleased with the interest in the event and high attendance. We have received over 178 survey responses. It is exciting to hear all of the input from community members, and we are looking forward to the panelist discussion with local panelists, and to hear from Opticos Design. Our next presenter is Tony Perez of Opticos Design and he will be talking to us about what is Missing Middle Housing and how Opticos helps communities address housing challenges. The forum will be recorded and the video will be posted on the City's website early next week.

Chairman Messina inquired if Commissioner's Luttrupp or Ingalls would like to comment on the recent boat trip.

Commissioner Luttrupp stated that Coeur d'Alene Lake Drive is very nice and surprised of the number of very large nice houses on the lake and stated that it's wonderful.

Commissioner Ingalls stated that the trip was very informative and was out on the lake for 3-4 hours with a tour of the entire lake. He commented that the lake is our greatest resource, beautiful and what we consider our quality of life is our lake. He commented that the lake is delicate and lives in a balance with all the various minerals at the bottom and what keeps it at the bottom from getting churned up and becoming a “toxic stew” is the amount of oxygen in the lake and if you have a bunch of nutrients flowing into the lake that deplete the oxygen the stew can turnover and can have a lake that is horrible. He stated that we have to be cautious of all the sedimentation and other things to protect our lake or it will be gone.

**PUBLIC COMMENTS:**

None.

DRAFT

## **PRESENTATION:**

Missing Middle Housing – Tony Perez, Opticos Design

Mr. Perez made the following statements.

- He thanked the commission for inviting Opticos to Coeur d'Alene.
- He stated that Opticos will be participating in the Missing Middle Housing Forum and had a chance to drive around with staff today to take a tour of the City to look for examples of Missing Middle neighborhoods.
- He explained that Missing Middle neighborhoods are not new and started in the 1940's, and were a common housing type in every community.
- He described Missing Middle Housing as house-scaled buildings with multiple units in walkable neighborhoods.
- The homes varied in size because back in the 20's, 30's and 40's people could not afford or did not want a big house. He stated that the Millennials and Baby Boomers are downsizing and this type of housing is appealing to both ends of the spectrum in terms of unit size and proximity to amenities.
- They will be talking about some examples from across the country at the seminar.
- Opticos Design is a company with 24 employees who work on walkable places and visit cities to identify that type of housing and work on the zoning, or work on a neighborhood. He stated that he works on codes and that Missing Middle Housing is implemented best through form-based codes.

## **PUBLIC HEARINGS**

1. Applicant: Tracie A. Mantia  
Location: 1059 2<sup>nd</sup> Street  
Request: To allow for a 10' setback along Birch Avenue rather than the required 20' setback for a proposed 2-car garage.  
QUASI-JUDICIAL (V-2-19)

Tami Stroud, Associate Planner, presented the staff report and stated that Tracie Mantia is requesting a 10 foot variance from the setback requirement for a proposed garage to be directly accessed from the street along Birch Avenue.

Ms. Stroud provided the following statements:

- In May of 2019, the property owner submitted a building permit application for a proposed garage to be located in the rear portion of the subject property.
- Upon staff review, it was determined that the proposed streetside setback along Birch Avenue did not meet the code requirement of a 20 foot setback for a garage or carport that will be directly accessed from the street.
- The applicant has submitted a site plan (page 10 of the staff report) with a proposed 22'x35' garage to be accessed along Birch Avenue with a 10 foot setback from the property line.
- Ms. Stroud provided various site photos, and a map showing the zoning around the property.
- She presented various renderings of the proposed garage design.
- She explained the three findings required for the project.
- Ms. Stroud noted that there is slight elevation change on the southwest portion the subject property tapering down west toward the alley, as well as an +/- 3 foot elevation change along the right-of-way on Birch Avenue where the applicant is proposing a 10 foot access point to enter the proposed garage. The remainder of the lot is flat.
- The applicant has noted in the application's Narrative that the lot size (35'x100') creates difficulty accessing the garage from the alley, and other reasons associated with the site are the hardships related to the request.

- There are no significant physical characteristics of the site, such as topography changes, steep slopes, or rock outcrops that would prevent the property owner from meeting the required 20 foot setback when accessing a garage or accessory structure from the street.
- Ms. Stroud said that it is staff's opinion that the hardship is not significant enough to be approved and can be mitigated when designing the site for the future accessory structure. There are a number of accessory structures that have been built throughout Coeur d'Alene with similar topography changes.
- She said that the Comprehensive Plan designates the area as Historical Heart-Stable Established.
- She noted the various objectives in the staff report.

Ms. Stroud concluded her presentation.

### **Commission Comments**

There were no questions for staff.

### **Public testimony open.**

Tracie Mantia, applicant, provided the following statements:

- She said that she is the owner of the property and will occupy the property at a later date.
- She explained that she has been recently caring for her mom and is currently renting another property.
- She said that she has owned the property for many years and would like to live here when she retires, and started thinking how she could improve this property to make it suitable as she gets older.
- She explained that building a garage is mandatory because she needs a place to park her car and doesn't want to park on the street. She had an existing garage on the property but it was removed and she recently designed a garage so that the driveway was on Birch Street. Ms. Mantia noted that she was not aware of the building codes and found out from talking with staff that she needed a 20' foot driveway, which wasn't going to work. She explained that the access from the alley into the garage has a steep incline that goes into her property, and trying to make a sharp turn into the garage would be difficult in the winter. She feels that it is not the property owner's responsibility to maintain the alley.
- She explained to have the desired accessibility to be independent, it would be beneficial to have a paved driveway going into the street that is maintained.
- She noted that she is aware that the city makes reasonable accommodations for people with disabilities. While she doesn't have a disability now, but she doesn't know what the next 20 years will look like.
- She said that she is asking for approval to allow a shorter driveway to be put in on her property to directly access the street. She doesn't see an issue with a sidewalk. There isn't a sidewalk now and doesn't expect to see one there in the future. She is asking for a variance so that she can be independent.
- Getting back to handicap accessibility. She has a disabled brother that lives in the Philippines that she doesn't take care of now, but she may care for him in the future. He is an amputee.

The applicant concluded her presentation.

### **Commission Comments:**

Chairman Messina said that he has looked at the drawing for the garage and asked the applicant if she is planning to have storage in the area where there is not a car.

Mr. Mantia said that the house is small and she would want to have a craft room. She explained that the

house has a full basement but the accessibility for the basement is not ideal. She said the Building Department approved the space in the garage as a craft room and she would plan to put in a bathroom too. She does not plan on renting it out.

Heidi Fischer said that she knows the applicant and owns property in the neighborhood. She stated that she was at the meeting to talk about the public interest piece. She noted that she came here in 1980 from the Midwest and decided to live in the "Historic Heart" on 11<sup>th</sup> Street. She explained that she chose the area for a pedestrian-friendly place to live. She commented that the property she owns in the area is on 1<sup>st</sup> Street. It is a 4-plex and half of the tenants who have lived there have vehicles, and the other half have a job close by and walk to work. She would consider the neighborhood to be a "pocket neighborhood" because it is a little pocket with Harrison on the north, Government Way on the west, Third Street on the east, and Miller on the south, and that it won't be a place where people will drive through. She has no objections to the request.

**Public testimony closed.**

**Discussion:**

Commissioner Ingalls said that this is tough one and explained that they recently had another Variance request earlier this year requesting a 10-inch variance for a roof that didn't meet code. He added that it didn't matter whether a lot was impacted other than the 10 inch rule, and it is a "legal" duty they have to make a finding if there is an "undue hardship." He explained that it is not a hardship for people living there with various disabilities -- the undue hardship has to do with the physical characteristics of the site. He commented that understands that the state code impacts them, as well as the city code, on what the definition of an "undue hardship" is, and he would say it is a very "high" bar and very difficult to achieve, and for that reason they see few variances approved. He said that he feels sometimes there is a great thought and dream to put something on a site but at the end of the day, unfortunately, although a 22' x 35' foot garage is desirable, it is too big and they would have to reevaluate and figure out a way to do it. He doesn't see how the commission can make a finding of "undue hardship" based on the physicalities of the site. He feels that the request doesn't grant a special privilege and he can't support the request.

Commissioner Fleming said that she concurred with Commissioner Ingalls, and added that the garage is oversized for the adjacent house and looks like it is overpowering so she can't justify it.

Commissioner Luttrupp said that he appreciates the applicant's comments and sympathizes with the circumstances, but they have to abide by what the code says so he can't support the request.

Commissioner Mandel and Rumpler concurred with denying the request.

Chairman Messina said that he concurred with the commissioners and commented that they are not saying that the applicant can't have a garage, but maybe the applicant can design a garage that might be smaller. He noted that they are bound by state requirements.

**Motion by Ingalls, seconded by Luttrupp, to deny Item V-2-19. Motion approved.**

**ROLL CALL:**

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 5 to 0 vote.

2. Applicant: T.J. Ross  
Location: 1905 E. Nettleton Gulch  
Request: A proposed 0.84 acre annexation from County Agricultural Suburban to City R-3.  
LEGISLATIVE (A-4-19)

Tami Stroud, Associate Planner presented the staff report and stated that ATS, representing the property owner, T.J. Ross, is requesting approval of a proposed +/- 0.84 acre annexation from AG Suburban to city R-3 zoning district (Residential at 3 units/acre).

Ms. Stroud provided the following statements:

- ATS, Inc., on behalf of T.J. Ross, is proposing to annex a +/- 0.84 acre parcel as noted on the annexation map.
- The property is located north of Nettleton Gulch Road and east of 19th Street, and is currently zoned AG Suburban.
- There is an existing single-family dwelling unit, as well as an accessory building, on the south portion on the property, with the remainder of the property being vacant.
- She provided a copy of the annexation map.
- She noted on the map what the property is zoned in the County, which is County Agricultural Suburban.
- She noted that the City Comprehensive Plan designates the area as NE Prairie Stable Established.
- She explained the various objectives in the staff report.
- She indicated the various staff comments located in the staff report, and said that staff did not have any objection to this annexation.
- She presented various photos of the subject property.
- She presented a land use map showing the subject property.

Ms. Stroud concluded her presentation.

#### **Commission Comments**

Commissioner Fleming asked if the property comes into the City and the applicant chooses to subdivide the lot, is there any way to prevent removing the vegetation once it is planted and provide a time frame to have plants in place. She is worried all plants

Ms. Stroud said that plantings would be coordinated with the annexation agreement. She is not sure if the lot is big enough to be subdivided because it is zoned R-3, which would require larger lots.

#### **Public testimony open.**

Tiffney Espe, applicant, provided the following statements:

- She said that she represents the property owner and that the staff report is very thorough and she commented that she was happy to answer any questions.

The applicant concluded her presentation.

#### **Commission Comments**

No questions for the applicant.

#### **Public testimony closed.**

#### **Discussion:**

Commissioner Mandel said that after reviewing the staff report and site map, he feels that the zone change would be consistent and compatible with the surrounding zoning in the vicinity and it meets the requirement for city services. He noted there are some recommendations to be included in the Annexation Agreement.

**Motion by Mandel, seconded by Fleming, to approve Item A-4-19. Motion approved.**

**ROLL CALL:**

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 5 to 0 vote.

**ADJOURNMENT:**

Motion by Luttrupp, seconded by Fleming. Motion approved.

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

Prepared by Shana Stuhlmiller, Public Hearing Assistant