

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

**AUGUST 13, 2019**

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

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

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

**ROLL CALL:** Messina, Fleming, Ingalls, Luttrupp, Mandel, Rumppler, Ward

**PLEDGE:**

**PUBLIC COMMENTS:**

**COMMISSION COMMENTS:**

**STAFF COMMENTS:**

**PRESENTATION:**

Missing Middle – Tony Perez, Opticos Design

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

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)
  
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)

**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 Stuhlmiller at (208)769-2240 at least 72 hours in advance of the meeting date and time.***



# **PUBLIC HEARINGS**



**PLANNING COMMISSION  
STAFF REPORT**

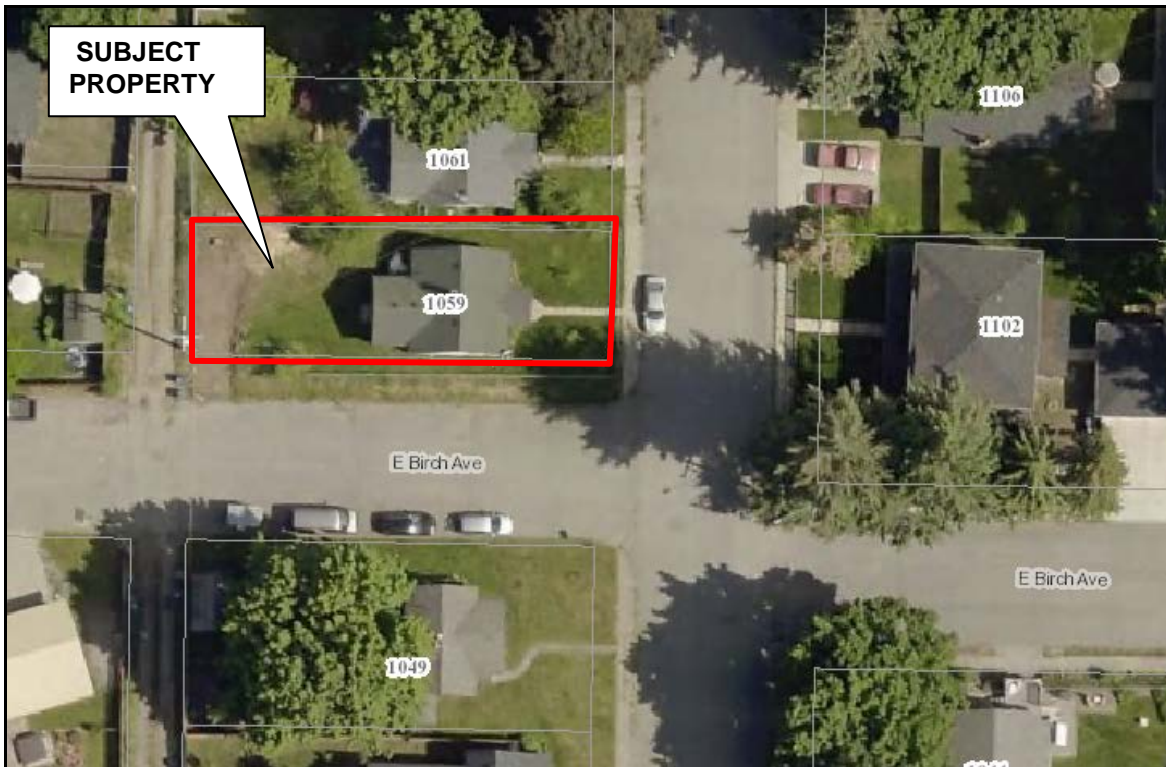
**FROM:** TAMI A. STROUD, ASSOCIATE PLANNER  
**DATE:** AUGUST 13, 2019  
**SUBJECT:** V-2-19: VARIANCE FOR A 10' SETBACK ALONG A STREET FRONTAGE RATHER THAN 20', FOR AN ACCESSORY STRUCTURE TO BE ACCESSED FROM THE STREET  
**LOCATION:** +/- 4,138 SQ. FT. PARCEL AT 1059 2<sup>nd</sup> STREET (

**APPLICANT/OWNER:**  
Tracie A. Mantia  
6273 N. Lafayette Lane  
Coeur d'Alene, ID 83815

**DECISION POINT:**

Tracie Mantia is requesting a 10' variance for the setback requirement for a proposed garage to be directly accessed from the street along Birch Avenue for property at 1059 N. 2<sup>nd</sup> Street.

**A. AERIAL MAP:**



**B. GENERAL INFORMATION:**

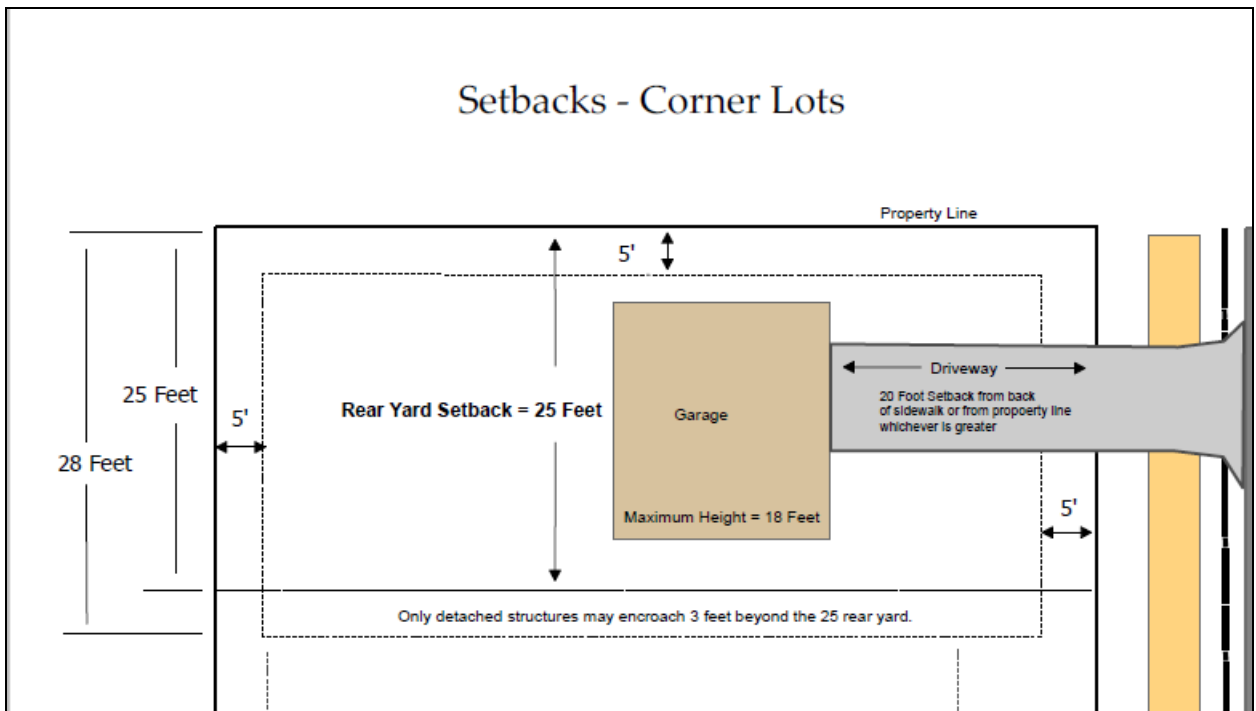
In May of 2019, the property owner submitted a building permit application for a proposed garage to be located in the rear portion of the subject property located at 1059 N. Birch at the northwest corner of Birch Avenue and 2nd Street. The applicant resides at 6273 N. Lafayette Lane, in Coeur D'Alene and rents out the primary residence located at this site. Upon staff review, it was determined that the proposed street side setback along Birch Avenue, did not meet the code requirement of a 20' setback for a garage or carport that will be directly accessed from the street. The applicant has submitted a site plan (see page 8 of staff report) with a proposed 22'x35' garage to be accessed along Birch Avenue with a proposed 10' setback from the property line to the face of the garage.

The purpose of the request is for the approval of a variance to allow a 10' setback to the property line along Birch Avenue, rather than the 20' code requirement when accessing a carport or garage.

The below code section and diagram pertain to the setback requirements when accessing from the street.

**17.06.460: MINIMUM SETBACK FOR GARAGES OR CARPORTS:**

Garages or carports that are directly accessed to the street shall be set back twenty feet (20') from the property line or public sidewalk located on the lot, whichever provides the greater setback.



### C. PROCEDURE FOR CONSIDERATION OF A VARIANCE:

As outlined in the City Code under Section 17.09.615 and consistent with state law, an application for a variance from a provision of this title with respect to a modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking provisions, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots or the size of lots, shall be considered by the Planning Commission with an appeal allowable to the City Council. **A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.** Circumstances warranting a variance would be natural and physical site characteristics such as a rock outcropping or natural spring. A variance may not be self-imposed.

### D. SITE PHOTOS:

*Looking west along E. Birch Avenue and 2<sup>nd</sup> Street at the subject property*



*View of the subject property looking east from the alley*



*View along Birch Avenue looking toward the alley and subject property to the northwest*



*View from E. Birch Avenue looking north toward the alley and subject property*



*View from the alley looking north at the subject property*



Looking northwest along E. Birch Avenue toward the subject property and alley



D. Zoning (subject property is zoned R-12)





E. Existing Land Use (yellow indicates single-family residential).



F. Land uses in the area include residential - single-family, duplex housing and multi-family,

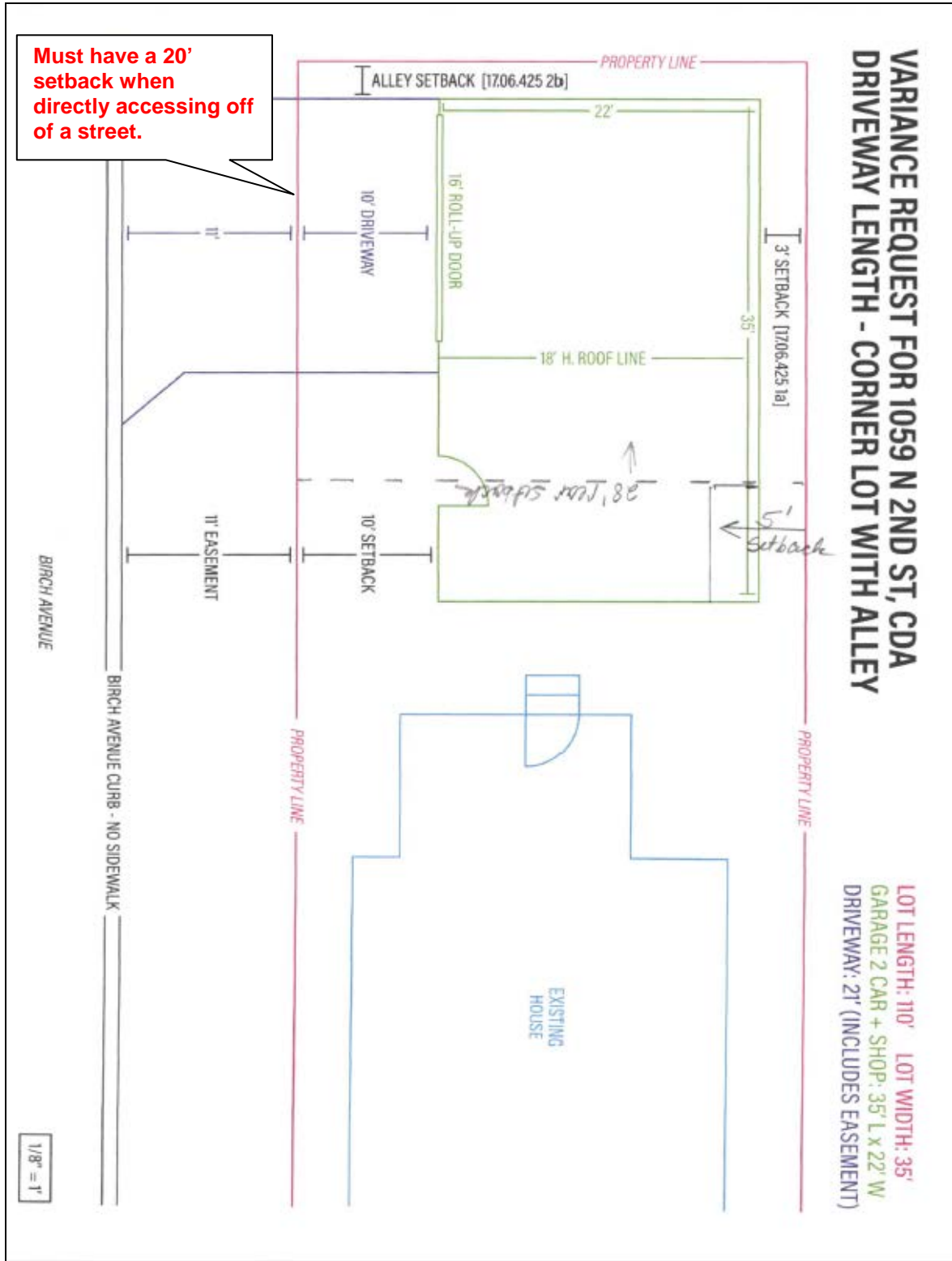
G. The subject property has an existing single-family home on it.

**E. PERFORMANCE ANALYSIS:**

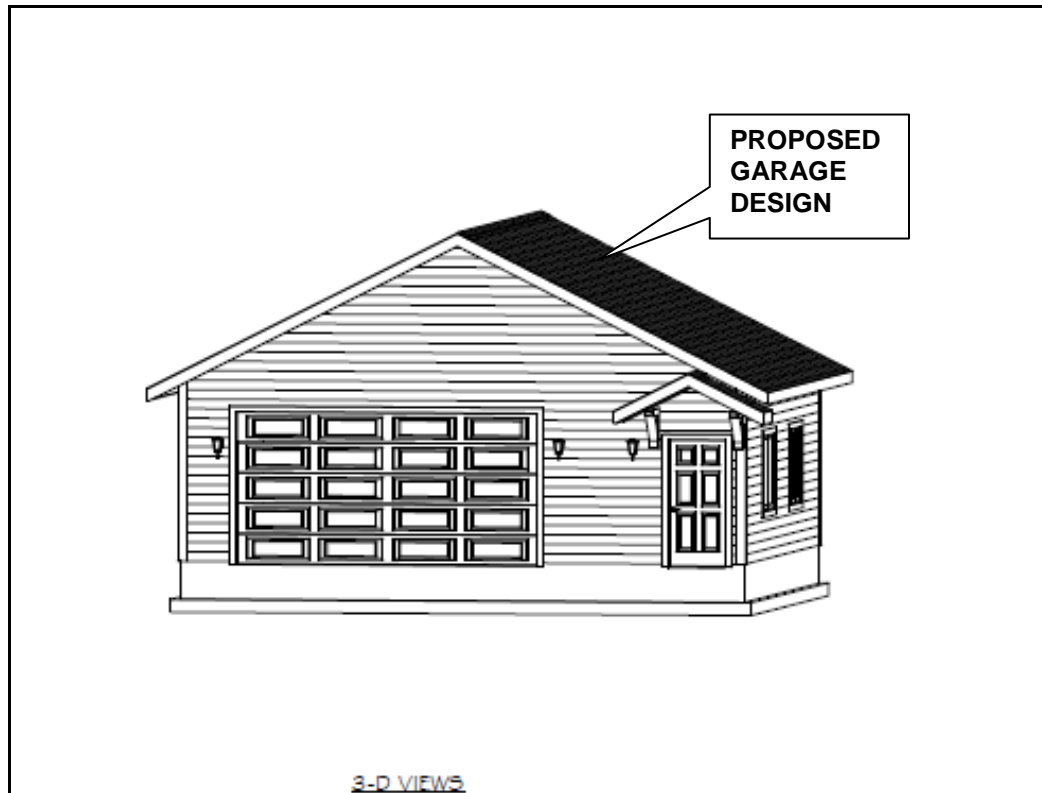
As noted above, the Zoning Code requires garages or carports that are directly accessed to the street to be set back twenty feet (20') from the property line or public sidewalk located on the lot, whichever provides the greater setback. This code was drafted in order to provide an adequate parking pad in front of the garage or carport for a vehicle to park and not conflict with pedestrian, bicycle or vehicular travel. Maintaining a 20' setback on Birch Avenue is appropriate to allow for the public to pass along the Birch Avenue right-of-way without a vehicle impeding pedestrian traffic, or hanging out into the street, as well as not directly entering the street when backing from the garage.

Staff does not believe the slight topographical change on the subject property is a physical hardship warranting a variance, which is further supported by the fact that staff believes there is another viable option for the garage access. See analysis under each of the findings below.

PROPOSED DRIVEWAY LOCATION AND SETBACK DISTANCE



**PROPOSED SOUTH ELEVATION:**



**F. REQUIRED FINDINGS FOR A VARIANCE:**

Pursuant to Section 17.09.620, Variance Criteria, a variance may be granted only when the applicant has demonstrated that **all** the variance criteria conditions are present in the affirmative:

**Finding B8A:            There is an undue hardship because of the physical characteristics of the site.**

Idaho code section 67-6516 establishes the authority to grant a variance subject to the following:

*“Each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.”*

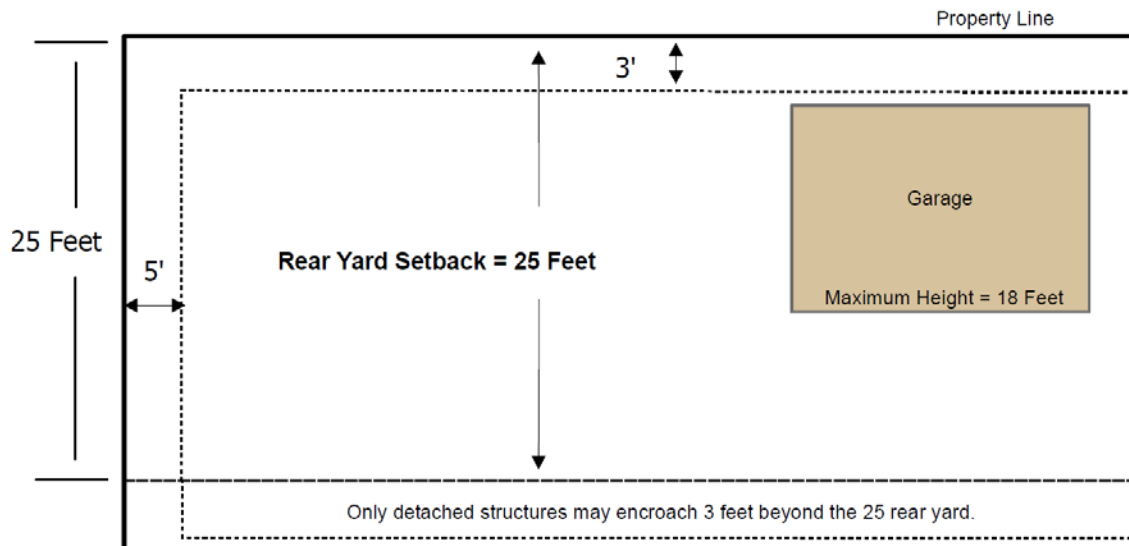
There is slight elevation change on the southwest portion the subject property tapering down west toward the alley, as well as an +/- 3' elevation change along the right-of- way on Birch Avenue where the applicant is proposing a 10' access point to enter the proposed garage. However, the remainder of the lot is relatively flat.

The applicant has noted in the Narrative that due to the lot size (35'x100'), difficulty accessing the garage from the alley due to the steepness of the site, and other reasons associated with the site topography are the hardships related to the request.

Staff's has determined that this finding is not met. The property is similar to many other properties within the city. The property does not have any physical characteristics or topographic issues that would prohibit the applicant from accessing the property off of the alley. The applicant will need to demonstrate to the Planning Commission how she meets this finding.

While the lot is smaller than a standard 50'x110' lot, it is a corner lot that provides access off of the alley as well as Birch Avenue. 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 and driveways that have been built throughout Coeur d'Alene with similar topography changes. Additionally, the subject property has options for accessing a garage from Birch Avenue or the alley to the rear. If built off of the alley, the setback would only be 3' (see image below).

## Setbacks - Lots with Alley



**Evaluation:** *The Planning Commission must determine, based on the information before them, whether or not there is an undue hardship because of the physical characteristics of the site.*

**Finding B8B: The variance is not in conflict with the public interest.**

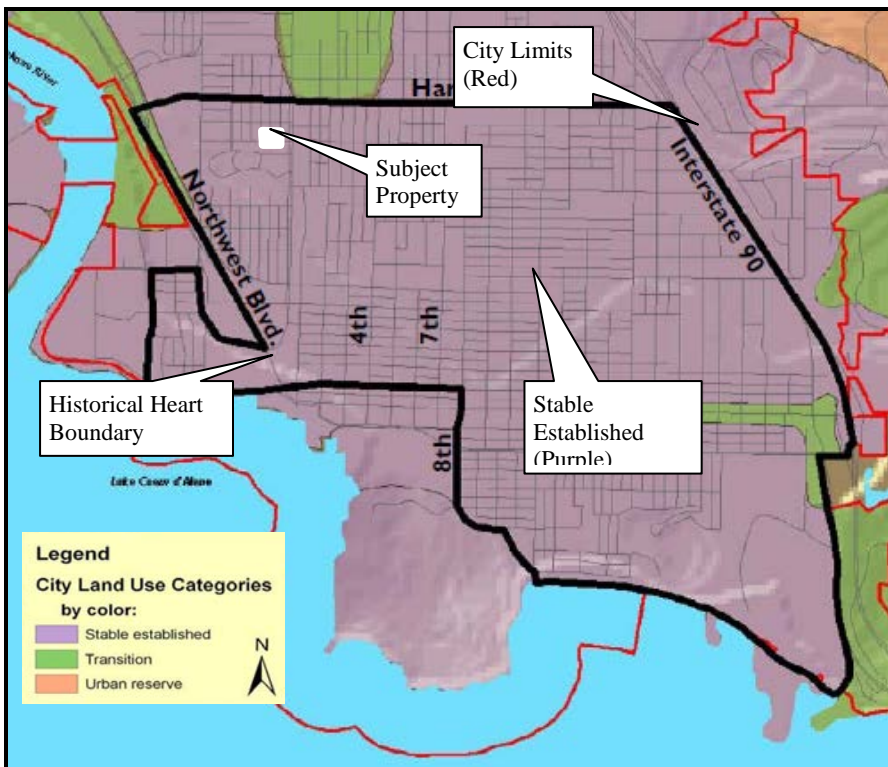
Within the area surrounding the subject property, there are primarily single-family homes, duplexes and a few multi-family uses nearby areas. The subject property is zoned R-12, within a neighborhood of R-12 zoning and commercial zoning several blocks away to the north.

In determining if the proposed request for a 10' setback along the street frontage for direct access rather than the required 20' setback will not be in conflict with public interest, the Commission can only consider the impact of the 10' portion of the setback that will be decreased from the code requirement, which is half the required distance. The intent for requirement the 20' setback allows for the public to pass along the Birch Avenue right-of-way without a vehicle impeding the pedestrian pathway, not having a vehicle hanging out into the street, as well as not directly entering the street when backing from the garage. In addition, an alternative access point could be along the alley off of Birch Avenue.

**Evaluation:** *The Planning Commission must determine, based on the information before them, whether or not the variance is in conflict with the public interest.*

**Finding B8C: The granting of said variance will be in conformance with the comprehensive plan.**

Land Use: Historical Heart **Stable Established:**



**Stable Established:**  
These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots and general land use are not expected to change greatly within the planning period.

### **Historical Heart Today:**

The historical heart of Coeur d'Alene contains a mix of uses with an array of historic residential, commercial, recreational, and mixed uses. A traditional, tree-lined, small block, grid style street system with alleys is the norm in this area. Neighborhood schools and parks exist in this location and residents have shown support for the long term viability of these amenities. Focusing on multimodal transportation within this area has made pedestrian travel enjoyable and efficient.

Widely governed by traditional zoning, there are pockets of infill overlay zones that allow development, based on Floor Area Ratio (FAR). Many other entities and ordinances serve this area to ensure quality development for generations to come.

Numerous residential homes in this area are vintage and residents are very active in local policy-making to ensure development is in scale with neighborhoods.

### **Historical Heart Tomorrow**

Increased property values near Lake Coeur d'Alene have intensified pressure for infill, redevelopment, and reuse in the areas surrounding the downtown core. Stakeholders must work together to find a balance between commercial, residential, and mixed use development in the Historic Heart that allows for increased density in harmony with long established neighborhoods and uses. Sherman Avenue, Northwest Boulevard, and I-90 are gateways to our community and should reflect a welcoming atmosphere.

Neighborhoods in this area, Government Way, Foster, Garden, Sanders Beach, and others, are encouraged to form localized groups designed to retain and increase the qualities that make this area distinct.

### **The characteristics of Historical Heart neighborhoods will be:**

- That infill regulations providing opportunities and incentives for redevelopment and mixed use development will reflect the scale of existing neighborhoods while allowing for an increase in density.
- Encouraging growth that complements and strengthens existing neighborhoods, public open spaces, parks, and schools while providing pedestrian connectivity.
- Increasing numbers of, and retaining existing street trees.
- That commercial building sizes will remain lower in scale than in the downtown core.

### **Applicable 2007 Comprehensive Plan Goals and Objectives:**

#### **Objective 1.11**

##### **Community Design:**

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

#### **Objective 1.12**

##### **Community Design:**

Support the enhancement of existing urbanized areas and discourage sprawl.

**Objective 1.13**

**Open Space:**

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

**Objective 1.14**

**Efficiency:**

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

**Objective 1.16**

**Connectivity:**

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

**Objective 2.05**

**Pedestrian & Bicycle**

**Environment:**

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

**Objective 3.07**

**Neighborhoods:**

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

**Objective 3.12**

**Education:**

Support quality educational facilities throughout the city, from the pre-school through the university level.

**Objective 4.01**

**City Services:**

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

**Objective 4.06**

**Public Participation:**

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

***Evaluation: The Planning Commission must determine, based on the information before them, whether or not the granting of said variance will be in conformance with the Comprehensive Plan.***

**Staff's recommendation:**

Staff has determined that his application does not meet all three of the required findings that are needed in order to approve a variance.

The spirit of the code that requires a 20' driveway length was codified to prevent this scenario. It anticipates that at a point in the future a sidewalk will be installed, and this code allows the distance needed for a car to sit between the garage door and an existing or future sidewalk. If this is approved, there is the potential for a vehicle to sit partially on private property with the tail end of the vehicle hanging out onto the city owned right-of-way.

Staff recommends denial of the requested Variance. Staff's opinion is the topography change along Birch Avenue is not significant enough to approve a reduced setback to 10' rather than 20'. The applicant can access the garage from of the alley, which only requires a 3' setback.

While the existing lot frontage is narrower than current standards (35' vs. 50'), the applicant's site plan meets current code for setbacks for the proposed garage. The issue is where the driveway is to be located. In this case, the alley is functional and could support a driveway on the subject property accessed from the alley. The pictures provided in the staff report support this view.

If the required 20' driveway length for directly accessing a garage or accessory structure from the street is not appropriate, the Zoning Code should be re-evaluated to change it for all property owners.

**Ordinances and Standards Used In Evaluation:**

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices

**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.



A decorative border composed of a grid of purple diamonds in various shades, surrounding a central light purple rectangular area.

**APPLICANT'S  
NARRATIVE**

**Variance Application**  
**July 1, 2019**  
**1059 2<sup>nd</sup> St., CDA.[corner of 2<sup>nd</sup> St. and Birch Ave.]**

**A. Description of Request**

- **17.06.460 - I request a variance of the 20' property line setback of 17.06.460 for a 2 car garage at my home, 1059 2<sup>nd</sup> St. [corner of 2<sup>nd</sup> and Birch]. The proposed garage would be set back 21' from Birch Ave. [11' from Birch Ave. to property line, 10' from property line to garage.] There is NO sidewalk on Birch Ave. The proposed garage is at the same set back as the prior garage [recently removed].**

**B. Undue Hardship Caused by Physical Characteristics of Site**

- **Small Lot Size - Setbacks Cause Hardship – The lot is very small – only 35' frontage on 2<sup>nd</sup> St, and less than 1/10 of an acre.**
  - **Setback from Birch Ave Would Create Hardship - If the 20' setback of 17.06.460 is coupled with the 3' side yard setback of 17.06.425(1)(a), that would leave only 12' for the garage – shorter than most cars – definitely a hardship for a garage. A standard 2 car garage is at least 22' x 25'.**
  - **Additional Setback for Alley Access Would Create Hardship – The small size of the lot prevents additional setbacks from the alley to mitigates hardship of alley access to the garage described below.**
- **Alley Access Would Create Undue Hardship – Staff requested the garage be accessed from the alley because of the 20' setback requirement of 17.06.460. The garage door would necessarily be only 3' from the alley. This would create an undue hardship for several reasons.**
  - **First, there is a steep uphill grade from the alley to the garage door, 3 feet away. Turning 90°sharply uphill from the alley into a garage only 3' away is impractical and dangerous.**
  - **Second, for a front wheel drive car one front tire would likely lose traction in such a severe, uphill turn, especially in ice or snow.**
  - **Third, the turn would be too severe for safe entry if the second car were already in the garage.**

- **Finally, a straight-in approach to the garage from Birch Ave. is much easier and safer for a senior citizen such as myself, than a tight, uphill turn from the alley.**

**C. Request Compatible with Public Interest**

- **Additional Parking** – I will be parking in the garage, not on the street. This will open up additional street parking for others.
- **Property Appearance** – The garage will improve the appearance of my property.
- **Change to Owner Occupied** – As the owner of this property, I currently rent it to others. With a garage, I will live in it. An additional owner-occupied property enhances the midtown residential core.
- **Increased Property Value/Tax Base** – The garage will increase the value of the property, and thus the tax base of the city.

**D. SHOW THIS REQUEST IS IN CONFORMANCE WITH THE 2007 COMPREHENSIVE PLAN.** (please state appropriate comprehensive plan goals and policies):

**Goal # 1 Natural Environment: Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of CDA.**

- **Objective 1.07: Plant more trees and maintain the character of the neighborhood.** This property has been a rental for many years. I am changing that by becoming an owner occupant who cares about the appearance of my home. I plan to plant more trees on the property, which is an enhancement to the comprehensive plan objective.
- **Objective 1.12: As an owner in the MO area I plan to maintain the character of the neighborhood and improving my urban property by removing some on-street parking.**

**Goal #3 Home Environment Neighborhoods. Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live through:**

- **Objective 3.01: Managed Growth: Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.**
- **I would be keeping the original home intact and adding a usable garage space which will remove vehicles from street parking and make the home suitable for a senior citizen to conveniently live there.**

- **Objective 3.04: Neighborhoods: Encourage the formation of active neighborhood associations and advocate their participation in the public process.**
- **As a homeowner in residence I'm looking forward to becoming more involved with neighborhood associations and take part in the CDA community.**
- **Objective 3.05: Protect and preserve existing neighborhoods from incompatible land uses and developments.**
- **As a homeowner and rental property owner in the MO district I am moving in to enjoy the fruits of the comprehensive plan by making my lifestyle more urban and improving my property. I own a second property in the neighborhood and by living closer I can maintain the integrity of that property as well.**
- **I'm looking forward to becoming a part of the urban community and taking advantage of what our beautiful city has to offer in terms of public spaces, shopping and dining, all within walking distance. Midtown has become such a vibrant area and I am excited to be moving into the neighborhood.**

**E. ANY OTHER JUSTIFICATIONS THAT YOU FEEL ARE IMPORTANT AND SHOULD BE CONSIDERED BY THE PLANNING COMMISSION.**

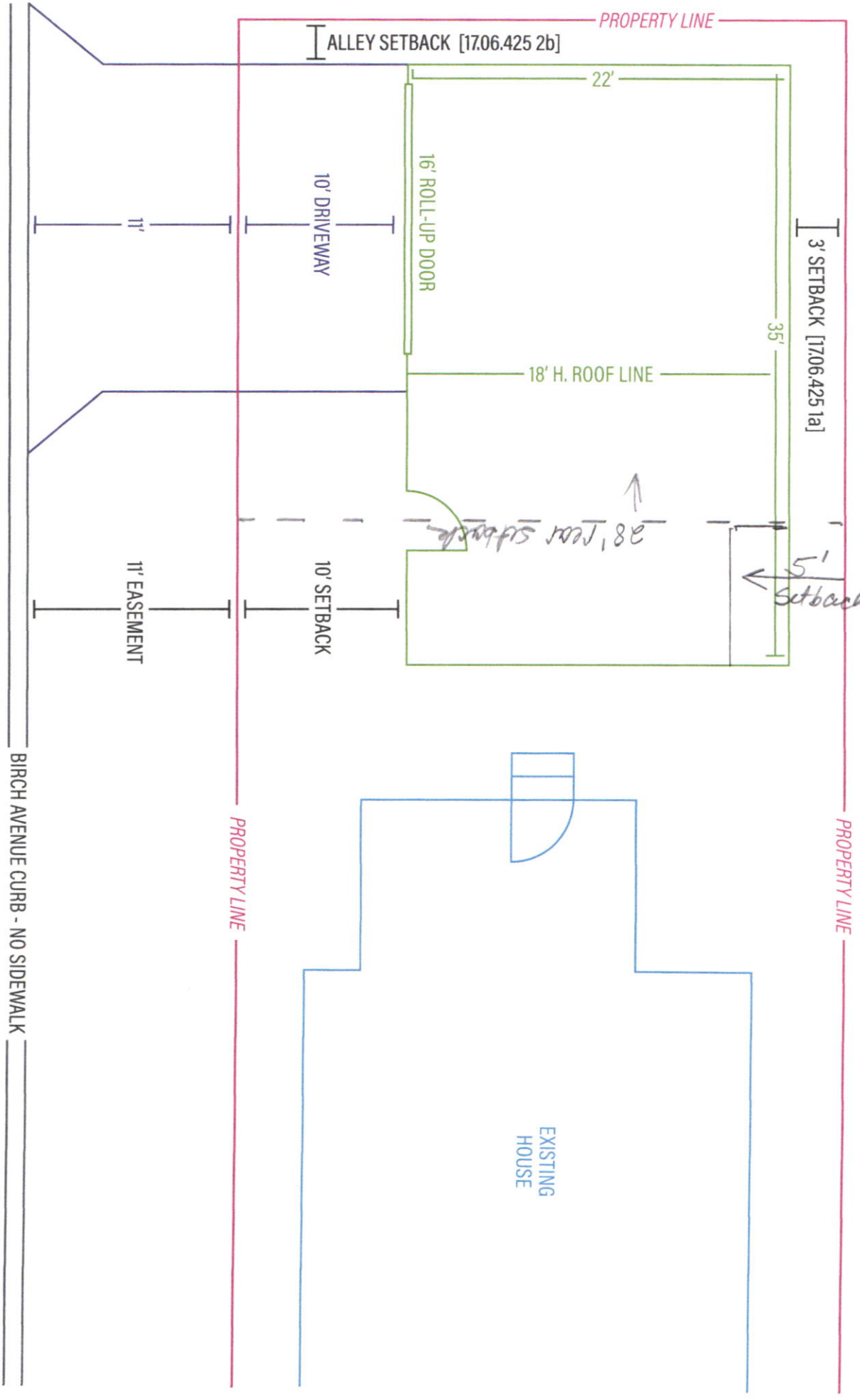
**As a single senior citizen I plan to live in this home for the next 20 years or more. I am attempting to make it meet the needs of my aging self. Having a garage with easy access is of the utmost importance. The previous garage had a driveway on the Birch Ave. side of the property without being a problem. There is no sidewalk on Birch Ave to potentially obstruct pedestrian traffic.**

**I would sincerely appreciate favorable consideration of my request.**

**Thank You,  
Tracie Mantia  
(208) 659-5999**

# VARIANCE REQUEST FOR 1059 N 2ND ST, CDA DRIVEWAY LENGTH - CORNER LOT WITH ALLEY

LOT LENGTH: 110' LOT WIDTH: 35'  
 GARAGE 2 CAR + SHOP: 35' L X 22' W  
 DRIVEWAY: 21' (INCLUDES EASEMENT)

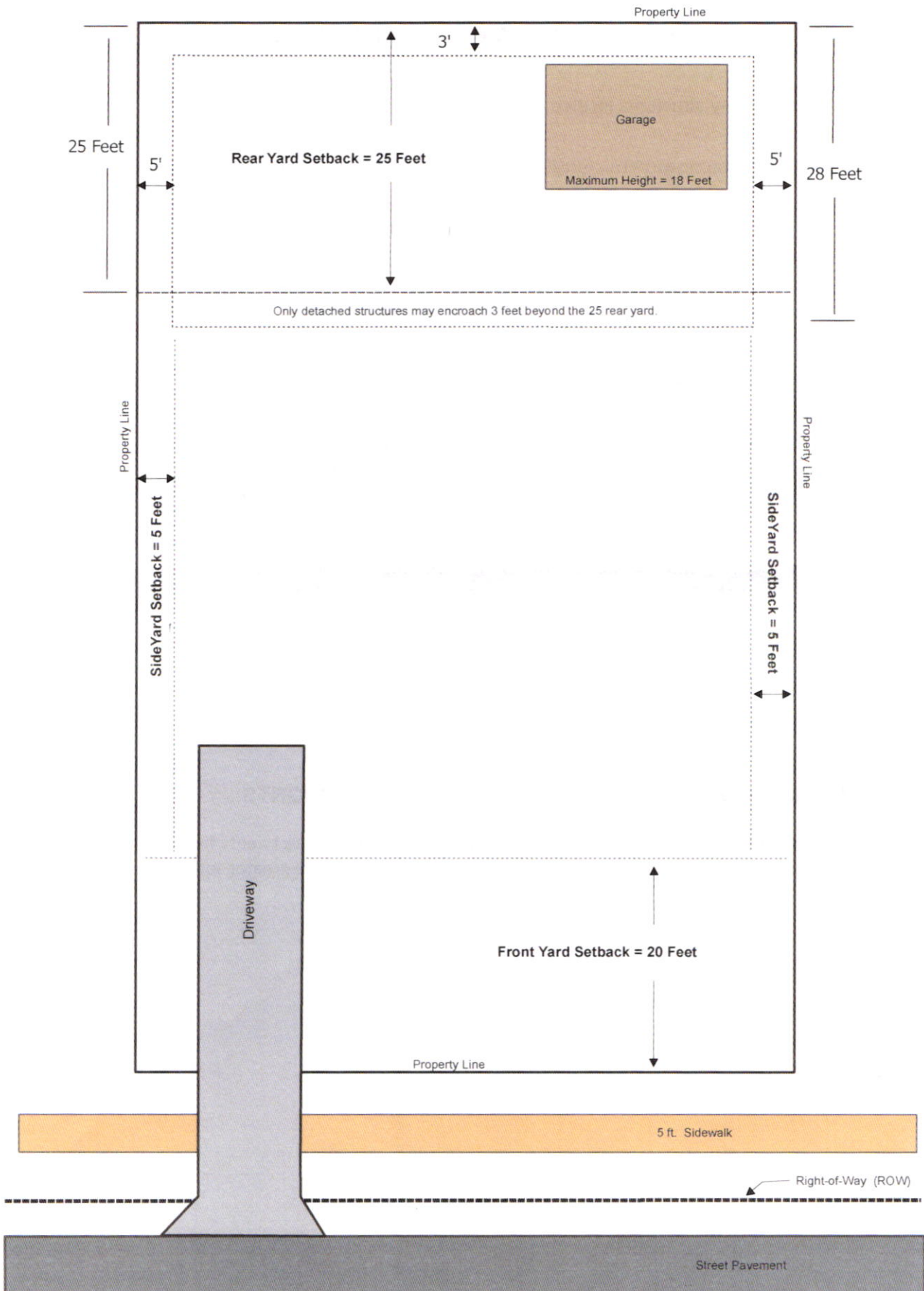


BIRCH AVENUE

BIRCH AVENUE CURB - NO SIDEWALK

1/8" = 1'

# Setbacks - Lots with Alley



#### **17.06.425: MINIMUM SETBACK AT REAR AND SIDE LOT LINES:**

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

1. SIDE YARD: All accessory structures shall be setback from the side lot line at least five (5) feet.
  - a. However, an accessory structure may be setback three (3') feet from the side property line provided the roof does not slope toward the side property line.
  - b. A detached accessory structure may encroach up to three (3') feet beyond the 25 foot rear yard and still maintain the above mentioned requirement, provided the height of the detached structure does not exceed eighteen (18') feet.
  
2. REAR YARD: All accessory structures shall be setback from the rear lot line at least five (5) feet.
  - a. However, an accessory structure may be setback three (3') feet from the rear property line, provided the roof does not slope toward the rear property line.
  - b. Lots with an alley in the rear of the lot may have an accessory structure that can be setback three (3') feet from the rear property line regardless of how the roof is sloped.
  - c. A detached accessory structure may encroach up to three (3') feet beyond the 25 foot rear yard and still maintain the above mentioned requirements, provided the height of the detached structure does not exceed eighteen (18') feet.

#### **17.06.460: MINIMUM SETBACK FOR GARAGES OR CARPORTS:**

Garages or carports that are directly accessed to the street shall be set back twenty feet (20') from the property line or public sidewalk located on the lot, whichever provides the greater setback

**PLANNING COMMISSION  
STAFF REPORT**

**FROM:** TAMI STROUD, ASSOCIATE PLANNER  
**DATE:** AUGUST 13, 2019  
**SUBJECT:** A-4-19 – ZONING PRIOR TO ANNEXATION OF A +/- .84 ACRE PARCEL FROM AG-SUBURBAN TO R-3 (RESIDENTIAL AT 3 UNITS /ACRE)  
**LOCATION:** +/- .84 ACRE PARCEL LOCATED EAST OF 19<sup>TH</sup> STREET AND NORTH OF E. NETTLETON GULCH ROAD

**APPLICANT:**

ATS, Inc.  
PO Box 3457  
Dalton Gardens, ID 83835

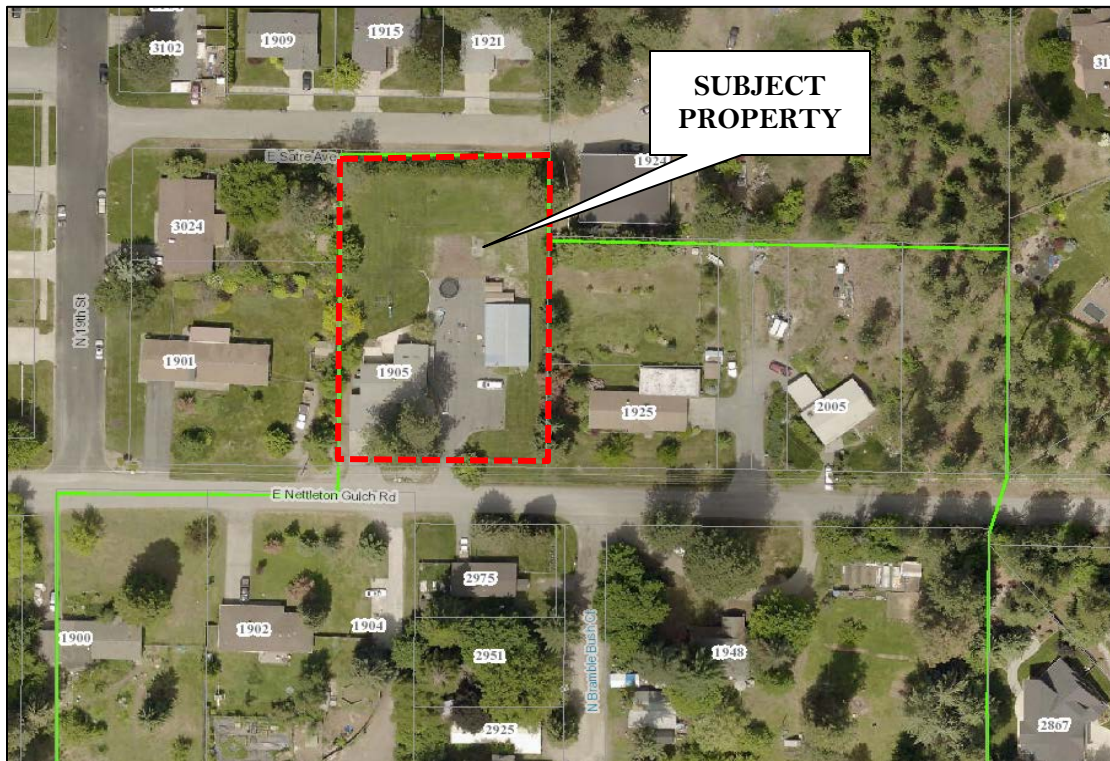
**OWNER:**

T.J. Ross  
923 E. Hanley Avenue  
Hayden, ID 83815

**DECISION POINT:**

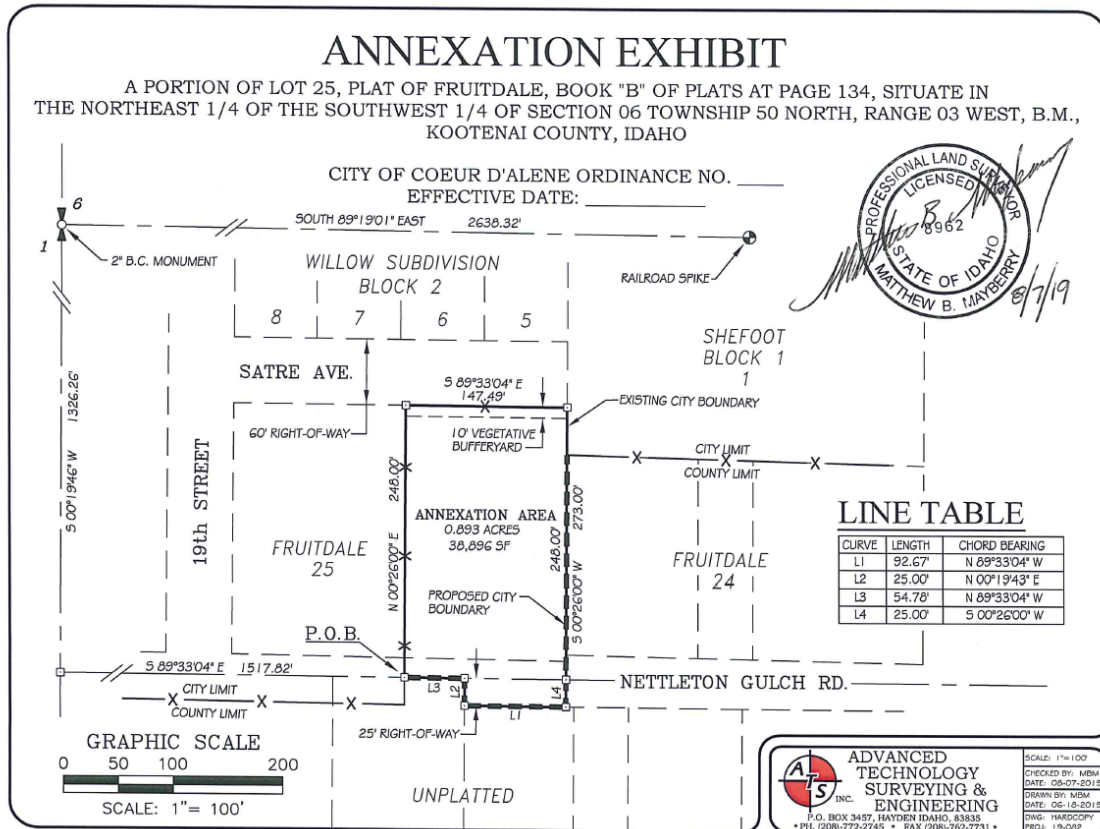
ATS, representing the property owner T.J. Ross is requesting approval of a proposed +/- .84 acre annexation from AG Suburban to city R-3 zoning district (Residential at 3 units/acre).

**AREA MAP:**





**ANNEXATION MAP:**



**GENERAL INFORMATION:**

ATS, Inc., on behalf of T.J. Ross is proposing to annex a +/- .84 acre parcel as noted on the annexation map above. 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.

The applicant is requesting annexation of the subject property with an R-3 zoning designation. Planning Commission's findings will act as a recommendation to City Council.



**R-3 Zoning District:**

Principal permitted uses in an R-3 district shall be as follows:

- single family housing
- home occupations as defined in Sec. 17.06.705
- essential services (underground)
- civic administrative offices
- neighborhood recreation
- public recreation

Permitted uses by special use permit in an R-3 district shall be as follows:

- community assembly
- community education
- community organization
- convenience sales
- essential service (above ground)
- noncommercial kennel
- religious assembly
- bed & breakfast facility
- per. 17.08.500
- commercial film production

Accessory Uses:

- carport, garage and storage structures (attached or detached)
- private recreation facility (enclosed or unenclosed)
- outside storage when incidental to the principal use.
- temporary construction yard.
- 5 .temporary real estate office.
- accessory dwelling unit

The requested R-3 zoning is shown on the map below. This zoning district is consistent with the existing zoning of all of the surrounding subdivisions in the vicinity of the subject property.

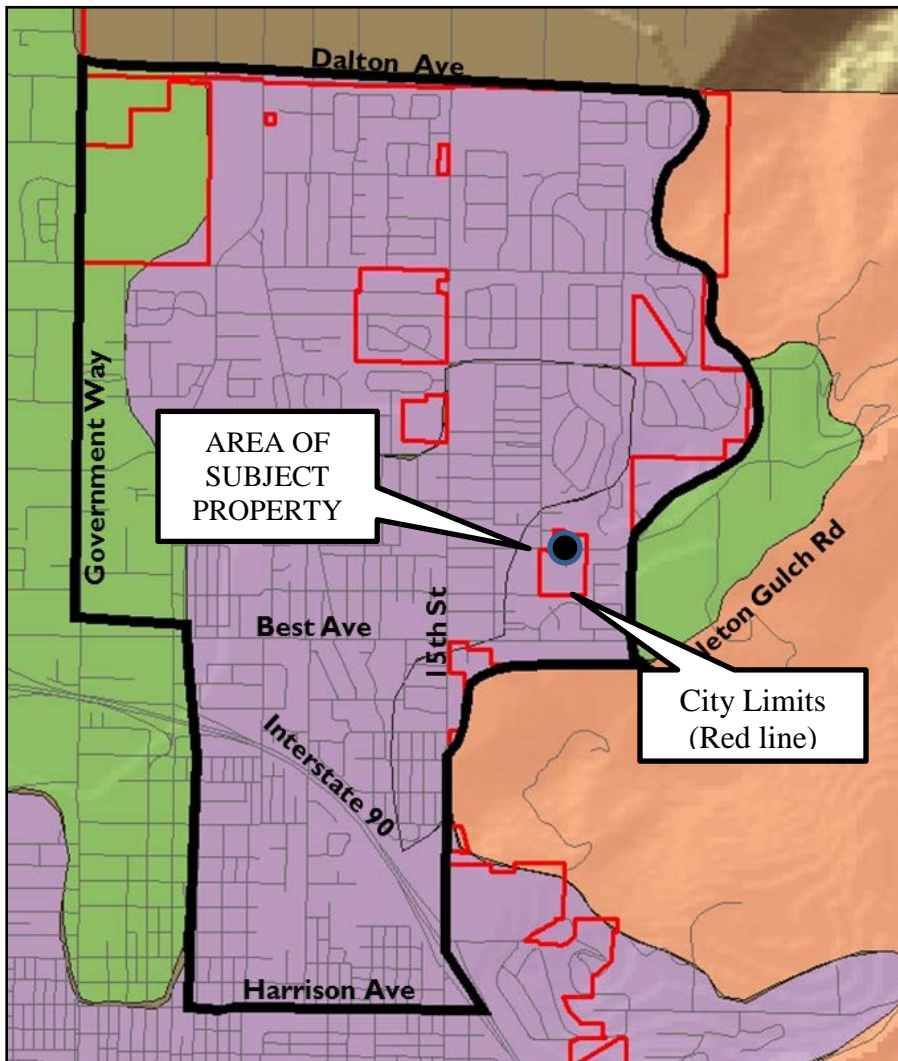
**REQUIRED FINDINGS FOR ANNEXATION:**

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

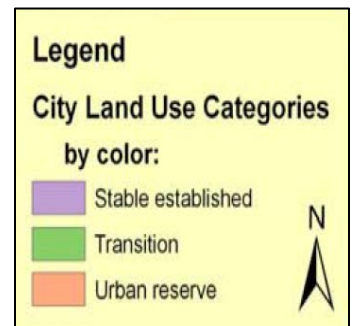
**2007 COMPREHENSIVE PLAN- LAND USE CATEGORIES: NE PRAIRIE**

- The subject property is contiguous with existing city limits
- The City Comprehensive Plan Map designates this area as: NE Prairie-  
Stable Established

**Comprehensive Plan Map: NE Prairie**



**Stable Established:**  
 These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period.



**Land Use: NE Prairie**

**NE Prairie Today:**

This area is composed of a variety of zoning districts with a majority of residential density at three to eight units per acre (3-8:1). Lower density development becomes more prominent moving north. The NE Prairie provides a range of housing choices that includes a number of large recreation areas and small pocket parks. Canfield Mountain and Best Hill act as the backdrop for this portion of the prairie. Much of the lower lying, less inhibitive areas have been developed

**NE Prairie Tomorrow:**

It is typically a stable established housing area with a mix of zoning districts. The majority of this area has been developed. Special care should be given to the areas that remain such as the Nettleton Gulch area, protecting the beauty and value of the hillside and wetlands.

**The characteristics of NE Prairie neighborhoods will be:**

That overall density may approach three to four residential units per acre (3-4:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas. Commercial uses are concentrated in existing commercial areas along arterials with neighborhood service nodes where appropriate. Natural vegetation is encouraged and should be protected in these areas. Pedestrian connections and street trees are encouraged in both existing neighborhoods and developing areas. Clustering of smaller lots to preserve large connected open space areas as well as views and vistas are encouraged. Incentives will be provided to encourage clustering.

**COMPREHENSIVE PLAN GOALS & OBJECTIVES:**

- **Objective 1.02 - Water Quality:**  
Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer.
- **Objective 1.06-Urban Forests:**  
Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.
- **Objective 1.11- Community Design:**  
Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.
- **Objective 1.12 - Community Design:**  
Support the enhancement of existing urbanized areas and discourage sprawl.
- **Objective 1.13 - Open Space:**  
Encourage all participants to make open space a priority with every development and annexation.
- **Objective 1.14 - Efficiency:**  
Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.
- **Objective 1.16 - Connectivity:**  
Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trail systems.
- **Objective 2.02 - Economic & Workforce Development:**  
Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.
- **Objective 2.05 – Pedestrian & Bicycle Environment:**  
Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.
- **Objective 3.04 - Neighborhoods:**  
Encourage the formation of active neighborhood associations and advocate their participation in the public process..
- **Objective 3.05 - Neighborhoods:**  
Protect and preserve existing neighborhoods from incompatible land uses and developments.

- **Objective 3.16 - Capital Improvements:**  
Ensure infrastructure and essential services are available prior to approval for properties seeking development.
- **Objective 3.18 - Transportation:**  
Provide accessible, safe and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation, requesting input from authoritative districts and neighboring communities when applicable.
- **Objective 4.02 - City Services:**  
Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).
- **Objective 4.06 - Public Participation:**  
Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

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

**Finding #B9:** **That public facilities and utilities (are) (are not) available and adequate for the proposed use.**

**STORMWATER:**

Stormwater will be addressed as the area proposed for annexation develops. All stormwater must be contained on-site. A stormwater management plan, conforming to all requirements of the City, shall be submitted and approved prior to the start of any construction.

*-Submitted by Chris Bosley, City Engineer*

**PLANNING:**

The subject property is a double frontage lot due to street frontages along E. Nettleton Gulch Road and Satre Avenue. Because frontages along two (2) opposite boundaries is not allowed per Section 16.15.180, the applicant will be required to submit a landscape plan for approval and provide the required 10' wide vegetative buffer along Satre Avenue.

**TRAFFIC:**

The proposed annexation itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from an annexation alone. The Streets & Engineering Department has no objection to the annexation as proposed.

**STREETS:**

The subject site is currently developed. The site has frontage along the north side of Nettleton Gulch Road. Any necessary improvements to this street and frontage would be addressed during future construction. The Streets and Engineering Department has no objection to this annexation request.

*-Submitted by Chris Bosley, City Engineer*

**WATER:**

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

There is an existing 6" AC water main in E. Nettleton Gulch Road and an 8" C-900 line on E. Satre Avenue. There is a ¾" service currently serving this lot.

*-Submitted by Kyle Marine, Asst. Water Superintendent*

**WASTEWATER:**

Public sewer is available for this annexation via 8" sewer main in Satre Ave. to the north.

The Subject Property is within the City of Coeur d'Alene Area of City Impact (ACI) and in accordance with the 2013 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity, willingness and intent to serve this annexation request as proposed. Any increase in R-3 density may require hydraulic modeling the sewer flows acceptable to the Wastewater Utility and upsizing of public sewer.

*-Submitted by Mike Becker, Utility Project Manager*

**FIRE:**

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

Fire department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at site and building permit submittals.

*-Submitted by Bobby Gonder, Fire Inspector*

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

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

**PHYSICAL CHARACTERISTICS:**

The +/- .84 acre parcel is located on the east side of 19<sup>th</sup> Street and on the north side of E. Nettleton Gulch Road. The site is a double frontage lot with exiting access along Nettleton Gulch Road. It is generally flat with several existing trees located on the site. There are existing structures including a single-family dwelling unit, and an accessory structure on the south half of the site. The physical characteristics of the site appear to be suitable for the request at this time.

**PHOTOS OF SUBJECT PROPERTY:**

*View of the subject property looking northwest toward the existing single family and accessory structure along Nettleton Gulch Road.*





*View of the subject property looking south at the existing single family dwelling unit.*



*View of the neighboring property looking southwest along Nettleton Gulch Road.*



*View along Satre Ave. looking west at the rear portion of the subject property.*



*Looking southeast at the rear portion of the subject property (secondary frontage).*



**Evaluation:** *Planning Commission must determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

**Finding #B11:** **That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.**

**TRAFFIC:**

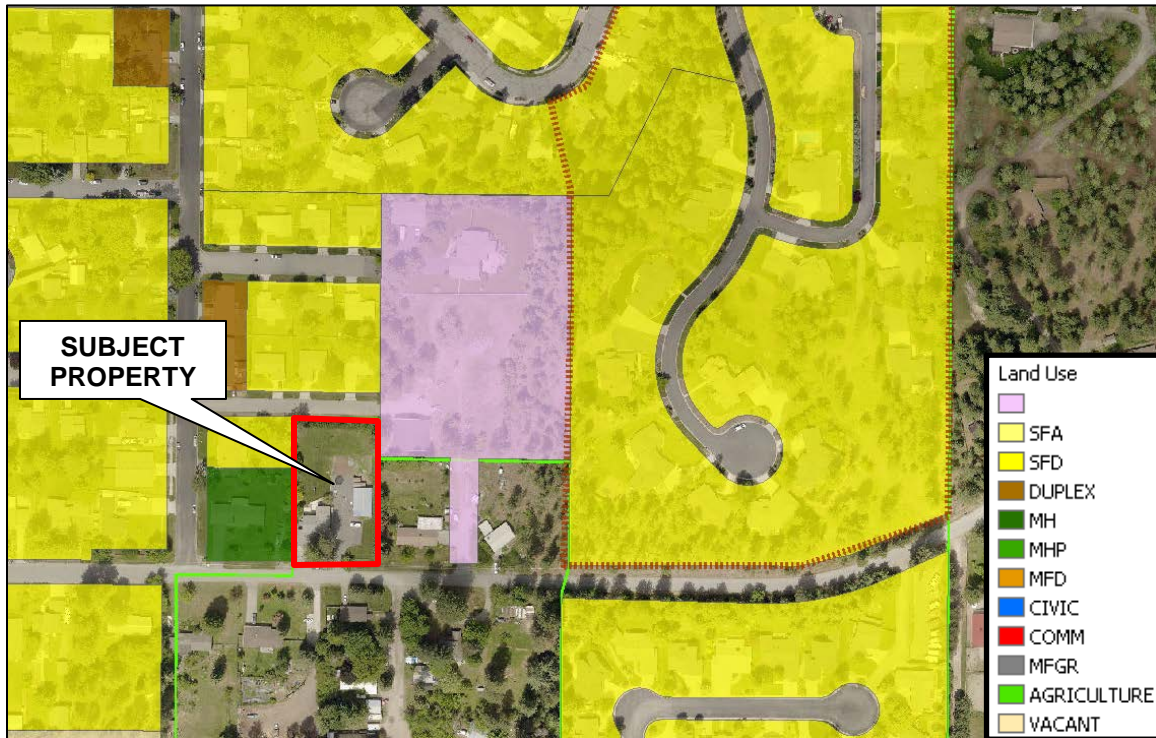
The proposed annexation itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from an annexation alone. The Streets & Engineering Department has no objection to the annexation as proposed.

*-Submitted by Chris Bosley, City Engineer*

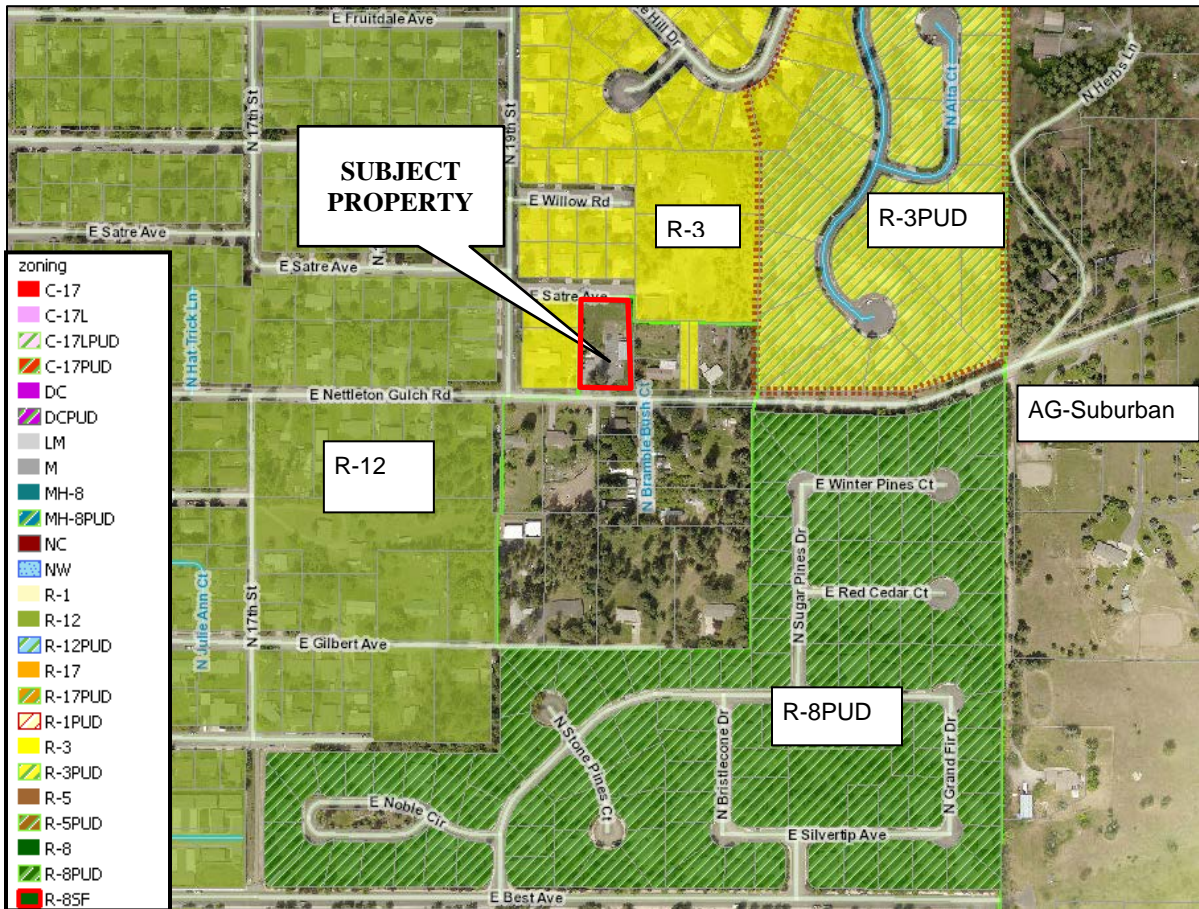
**NEIGHBORHOOD CHARACTER:**

The subject property is currently being used for a single family residence. There is also an accessory building on the site with a portion of the property being vacant. The subject property is in an area of single-family residences along with a few vacant parcels. The property is currently in the county with city boundaries on the west and a portion of the northeast side of the subject property. The R-3 zoning is requested in conjunction with annexation, which is consistent with the neighboring zoning.

**GENERALIZED LAND USE PATTERN:**



**EXISTING ZONING:**



***Evaluation:*** *Planning Commission must determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

**PROPOSED ITEMS FOR AN ANNEXATION AGREEMENT:**

Staff recommends the following items be addressed in the annexation agreement:

**PLANNING:** A 10' minimum wide vegetative buffer is required along the secondary street frontage (Satre Ave.) due to the subject property being a double frontage lot.

**BUILDING:**

Prior to the competition of the annexation, the applicant must address any outstanding code violations for the existing structures onsite.

**WATER:**

Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional service will have cap fees due at the time of building permit issuance.

**WASTEWATER:**

All newly created lots within the City are required to connect to the public sewer system conforming to all CDA Sewer Polices and Standards.

**ORDINANCES & STANDARDS USED FOR EVALUATION:**

2007 Comprehensive Plan  
Transportation Plan  
Municipal Code  
Idaho Code  
Wastewater Treatment Facility Plan  
Water and Sewer Service Policies  
Urban Forestry Standards  
Transportation and Traffic Engineering Handbook, I.T.E.  
Manual on Uniform Traffic Control Devices  
2010 Coeur d'Alene Trails Master Plan

**ACTION ALTERNATIVES:**

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



**APPLICANT'S  
NARRATIVE**



**Advanced Technology Surveying  
& Engineering**

PROJECT NARRATIVE  
FOR

1905 NETTLETON GULCH  
ANNEXATION REQUEST  
CITY OF COEUR D'ALENE

June 18, 2019

ATS, INC.  
P.O. BOX 3457  
HAYDEN, ID 83835  
(208) 772-2745

### **PROJECT DESCRIPTION**

The applicant is requesting that the property he has recently obtained be annexed into the City of Coeur d'Alene's City limits. This annexation request comes from a local resident who believes City zoning and regulations make more sense for this piece of property. The current residence is connected to City water and an individual septic system. If annexation is approved, the applicant would at his own expense, request to be brought into the City of Coeur d'Alene's Sewer System to better serve this property and the future inhabitant. Furthermore, the applicant's parents, who reside in Oklahoma and are the legal owners of the property, desire to apply for a permit to convert half of the existing shop on the property into an accessory dwelling unit so they have a place to stay while visiting Coeur d'Alene. The applicant has entered into a formal lease-to-own option on the home. The property has a paved driveway and home with a shop in the lower South portion, with much of the North portion remaining vacant and grassy. There exists shrubs on the Northern property line to adhere to the required landscape buffers the City may impose to block off this area for access. This property was created by the Fruitdale Subdivision, recorded at Kootenai County in 1907, now having a legal description of the South 248 feet and East 147.5 feet of Tract 25, as indicated in the Title Report provided with this application and with the Assessor's information sheet. We believe this property lies in an ideal location for the City to approve this annexation request and the applicant shall meet all requirements imposed by the changes taking place. The applicant has already been working closing with the City of CDA planning department, The City of CDA Wastewater Department, and the City of CDA Water Department to confirm the feasibility of this annexation request. This particular annexation request was discussed at the May DRT meeting, and all parties agreed that the parcel was a great option for annexation into the City of CDA limits.

### **PROPERTY OWNER**

TJ Ross  
923 E Hanley Ave  
Dalton Gardens, ID 83815

### **PROJECT LOCATION**

The site is located at 1905 E. Nettleton Gulch Rd, the address for the house located on the property. This site is in section 06, Township 50 North, Range 03 West, Boise Meridian, Kootenai County, Idaho.

The parcel number is 02740-000-025A of the Fruitdale subdivision.

### **ZONING**

The property is currently located in the Agriculture-Suburban zone, suitable for one single-family dwelling or one two-family dwelling, with a minimum lot size of 2 acres unless in a conservation development. The current size of this property is 0.84 acres, well under this minimum requirement but grandfathered-in to allow for building permits and considered a conforming lot, as per the Kootenai County Land Use and Development Code (Chapter 2, Article 2.3, Section 8.2.305). If the applicant is approved for annexation, the suggested zoning would be the City's R-3 zone, as the surrounding property appear to have this similar zoning. This zone requires a minimum lot size of 11,500 square feet (0.264 acres) and is suitable for one single-family dwelling, which is existing on the property. The property owner believes this zoning will be suitable for the



future needs of the land and will allow for a more cohesive blanket of zoning for this neighborhood.

The City Comprehensive Plan has several designations for this piece of land. The first being that this area has a Stable Established zoning due to large areas and neighborhoods being within the City of CDA limits. The next designation is the Northeast Prairie neighborhood area. This area has a variety of zoning districts with a majority being residential uses, providing a range of housing choices and recreation areas. Most of this area has been developed and wetlands/hillsides have been preserved when possible. The final designation is the Special Areas, Hillside to identify Best Hill and Canfield Mountain, close neighbors to this property. These hills are recognized as unique landmarks for the City with protection to help maintain this physical image. In 2003, the City enacted the Hillside Ordinance to protect and preserve these landmarks and the visual assets they provide.

It is our belief that this property being annexed does not negatively impact the goals and policies of the Comprehensive Plan or City Development Code, as this property already exists with a residence and has open space for the enhancement of the area.

#### **TRANSPORTATION/ACCESS**

The access will be from the public road Nettleton Gulch via private driveway. The access would remain the same for this property, to serve the residence and its occupants. This property has what the City refers to as Double Frontage, as the North line is located on a residential street, as well as the South line. The owner is aware that a landscape buffer may be required to show that access will remain limited to Nettleton Gulch Road and not gain entry from the secondary road, named Satre Avenue. The City Code suggests such buffers to consist of grass, native and other drought resistant vegetation and street trees, with an area outside of right of ways and approximately 20 feet wide. As it exists today, there are shrubs along that Northern property line that would meet the criteria of the City for buffer that would not be removed by the applicant.

#### **UTILITIES**

Water: Water is currently provided by the City of Coeur d'Alene public water system.

Sewer: Sewage services are currently from individual septic but the applicant would request to be hooked up to the City of CDA Municipal Sewer System. The applicant has already engaged in extensive discussions about this process with the City of Coeur d'Alene Wastewater Department and has been informed that hooking into the City of CDA Municipal Sewer System is feasible from Satre Avenue.

Fire: This parcel is located in the Kootenai Fire & Rescue District.