

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

AUGUST 22, 2017

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.

4:00 P.M. CALL TO ORDER:

ROLL CALL: Messina, Fleming, Ingalls, Luttropp, Mandel, Rumpler, Ward

WORKSHOP:

1. To discuss the adopted 2017 Planning Department Work Plan and priority projects.

ADJOURNMENT/CONTINUATION:

Motion by _____, seconded by _____,
to continue meeting to _____, __, at __ p.m.; motion carried unanimously.

Motion by _____, seconded by _____, to adjourn meeting; motion carried unanimously.

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



MEMORANDUM

Date: August 22, 2017
To: Planning Commission
From: Hilary Anderson, Community Planning Director
Subject: Planning Commission Workshop on August 22, 2017

Workshop Purpose

- Continue to Discuss Priority Projects for the remainder of 2017 and early 2018
- Discuss the Next Steps

Continued Discussion of Priority Projects

East Sherman Update

Staff will provide an update on the status of the Community Builders grant application and the 3rd Annual PARK(ing) It On Sherman event, which will take place on Friday, September 15th from 4-9pm.

Comprehensive Plan Update

Staff and Planning Commissioners will report on their efforts related to the scope of work for the Comprehensive Plan Update.

Zoning Code Amendments

Attached is the list of critical items and simple housekeeping items from the July 11th workshop with clarification provided as well as a few new items for consideration by the Planning Commission. Staff would like direction from the Planning Commission on these items so that an amendment to the Zoning Code can be brought forward. Minutes from the July workshop are also attached.

Next Steps

- Workshop to focus on Zoning Code items needing further refinement
- Workshop to discuss Comprehensive Plan Update scope of work
- Await notice from Community Builders on the East Sherman technical assistance grant and then develop a realistic schedule for the master planning effort

Attachments:

Priority Items For General Zoning Code Amendment: Phase One

July 11th, 2017 Planning Commission Workshop Minutes

PRIORITY ITEMS FOR GENERAL ZONING CODE AMENDMENT: PHASE ONE

- **Direction from City Council - Remove loopholes in the Zoning Code**

- rooftop equipment allowing over height residences;
 - **17.08.235: Projections Above Maximum Height**
 - **17.06.325: Projections Above Maximum Height**
 - **17.08.255: Variances**

OK – see meeting minutes

- Restrict berming to increase finished grade – *should this be in all zoning districts, or everything except C-17, M and LM?*
 - **17.08.220: Building Height Determination – Under Shoreline Ordinance**
 - **17.02.050: DEFINITIONS – *should this be modified?***
 - B. "Earthen berm" means a mound or embankment of earth, together with necessary retaining structures.

OK – see meeting minutes

- **Provision allowing nonconforming house destroyed by natural hazard to be rebuilt (requested by Councilman Gookin) –possible hardship variance**
Maybe have criteria that it doesn't impact neighbors, original setbacks fit with character of the neighborhood, lot size is substandard, etc.?

- **Nonconforming Use; Damage or Destruction of Facilities (17.06.930) – *is this where the additional language should be added?***

This needs to be refined for further review and discussion. We will need well-defined criteria. Consider height and mass. Look at Nonconforming section of code and 20% value. It should be city wide.

○ **SETBACKS:**

17.06.405 – General Setback Minimums (reference 17.06.495)

- Ensure minimum of 10 feet between properties. Should we remove provision that allows a zero lot line and 5-foot maintenance easement on neighbor's property for any residential use and only allow a zero setback if buildings touching. (Allowed for Townhouses)
- Zero only allowed in Commercial and Downtown Core

Look at other communities. Develop criteria if we want lesser setbacks to be an option. Can address with Urban and Infill Housing code. Fire Issue. Need to make sure infill housing needs are addressed.

- Modify code section related to extensions into required yards:

17.06.495: EXTENSIONS INTO REQUIRED YARDS:  

A. Extensions Into Front Yards: Where any front yard is required, no building shall hereafter be erected nor shall any addition be made to any existing building that projects into the minimum required front yard; subject to the following exceptions:

1. *Eaves, cornices, belt courses, and similar ornamentation may project over a front yard not more than two feet (2').*
- 2.

OK – see meeting minutes

2. Open porches, covered unenclosed one-story porches over a first floor entry, platforms, or terraces, the floors of which are not higher than the first floor of the building, may extend into the front yard ten feet (10') but not closer than ten feet (10') to the front property line. Steps may connect such porches, platforms or terraces to the surface of the front yard.

Bring back options for review and discussion and provide drawings.

Possible ideas: 1) Measure from back of sidewalk versus property line, or whichever is greater. But need to figure out language for scenario where there isn't a sidewalk. Maybe add an additional 10 feet, which is a comparable distance for a sidewalk and park strip. 2) Average of adjacent.

3. Chimneys may extend into a front yard a distance of not more than twenty four inches (24").

OK – see meeting minutes

4. Structures completely below natural grade may extend into the front yard not more than one-half ($1/2$) the distance of the normal requirement.

Needs further discussion.

-- STOPPED HERE AT 7-11-17 WORKSHOP --

- Remove option for zero setback for SF residential:

17.05.080: Site Performance Standards; Minimum Yard

C. Zero setback is permissible for single-family dwellings as follows:

1. An easement, in a form acceptable to the city attorney, shall be executed between the zero lot line property owner and the owner of the adjacent lot or structure to provide for proper maintenance, repair, drainage and fire access. This easement(s) shall be recorded.

2. The minimum setbacks shall be provided as illustrated below and in the setback and spacing regulations, [chapter 17.06, article V](#) of this title.

3. The use complies with all other applicable development standards including, but not limited to, building code, mechanical code, fire code and abatement code.

D. There will be no permanent structures erected within the corner cutoff areas.

E. Extensions into yards are permitted in accordance with section [17.06.495](#) of this title. (Ord. 2348 §2, 1991; Ord. 1889 §5, 1985; Ord. 1691 §1(part), 1982)

17.05.088: SITE PERFORMANCE STANDARDS; MINIMUM YARD:  

A. Minimum yard requirements for residential activities in an R-5 district shall be as follows:

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

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

- Accessory buildings – drainage and setbacks – **staff suggests consideration of a minimum 3-foot setback from the property line for accessory buildings if the roof slopes toward the property line and a 5-foot minimum setback for principal structures. 3 feet minimum requirement to handle snow if roof slopes towards property line and ensure that eave is no closer than 2 feet from the property line.**

17.06.425: MINIMUM SETBACK AT REAR AND SIDE LOT LINES:

All accessory structures must be set back at least five feet (5') from side and rear yard lot lines unless the structure's roof slopes toward the interior of the lot or is otherwise constructed in a manner that prevents snow and runoff from crossing the property line. (Ord. 3415, 2011)

- Clarify that setbacks are measured from the finished face of structure (not footings/foundation)
- Shipping Containers – clarify in the code that they are not permitted in certain zoning districts unless they are a temporary use for moving or construction purposes. Consider restricting them in DC, all overlay zoning districts, NC, CC, and all residential districts. Only permit in C-17, M and LM? Clarify what it takes to convert a shipping container to a structure and what is required in C-17, M and LM if used for storage (foundation, ventilation, panic door, etc.).
- Gated Communities and gated entries – **staff suggests restricting gates for residential developments unless approved as part of a PUD**
- Private streets are not allowed unless part of a PUD. Preference is for all public streets.
- Life safety requirements and ingress/egress within setbacks (e.g., 2 feet from property line) – address how impacts sideyard setbacks – **how should this be worded? Should this be added to the encroachments into setbacks section of Zoning Code? Require a minimum of 3 feet between egress and property line.**
- Caretaker apartment – include a definition and maximum square footage, maximum height, setbacks, and require an affidavit (similar to ADU code – 17.06.650-670)

- Should RVs be permitted as temporary dwelling units during construction or not? - **Staff recommends not allowing them as temporary dwelling units.**
- Consider language similar to Post Falls's restricting RVs, boats, etc. as permanent place of habitation

Code Language from Post Falls for:

Boats, trailers, RVs and other such spaces are not considered permanent places of habitation within the city. Residing in such, other than RVs or camper trailers in lawfully established RV parks, is not permitted within city limits.

- Combine CC (Community Commercial) with NC (Neighborhood Commercial) into one, or distinguish between the two districts and tighten NC standards? Or wait for second round of edits?
 - **CC:** *The community commercial district is intended to allow for the location of enterprises that mainly serve the surrounding residential areas and that provide a scale and character that are compatible with residential buildings. (Ord. 3288 §56, 2007)*
 - **NC:** *The neighborhood commercial district is intended to allow for the location of enterprises that mainly serve the immediate surrounding residential area and that provide a scale and character that are compatible with residential buildings. It is expected that most customers would reach the businesses by walking or bicycling, rather than driving. (Ord. 3288 §47, 2007)*
- PUD and Open Space definition (fix per Planning Commission Interpretation)

17.06.480: REDUCED REAR YARD ADJACENT TO OPEN AREAS:

In all zoning districts, wherever a rear lot line abuts a permanent, unoccupied and unobstructed public or private (improved or natural?) open space area not including rights of way, which has a **maximum** depth beyond the rear lot line of thirty feet (30'), the required rear yard dimension prescribed in the applicable zoning district may be reduced by one-half (1/2); provided that under no circumstances may the rear yard be less than ten feet (10'). (Ord. 1691 §(part), 1982) **It states Maximum, but it should be Minimum.**

- **ADU's**
 - Restrict ADU's in basements?
 - Should basement square footage be used in calculations? Currently the Code is unclear and would err on the side of including finished basements in calculation.
 - Require a minimum of one parking space for all ADUs?

- **Accessory Use**
 - Add a maximum percentage/size?
 - Clarify maximum height in the NC zoning district.

Housekeeping Items:

- An applicant for a building permit is required to submit to a project review with the Planning Department. Change to Building Department. See Municipal Code § 17.09.510.

- Amend code language regarding official zoning maps:
 - B. Official Zoning Maps: ~~The planning director shall prepare three (3) official zoning maps of the city of Coeur d'Alene, showing the location and boundaries of each of the zoning districts provided by this title.~~ The Planning Director shall be responsible for the official zoning map of the city of Coeur d'Alene showing the location and boundaries of each of the zoning districts provided by this title. The Planning Director will ensure the zoning map is current and accurate. The Planning Director shall make an electronic copy available on the city's website.

 - C. Amendments: As amendments are made to the zoning ordinance with respect to the zoning districts, the Planning Director shall ~~make~~ ensure the necessary amendments and alterations on the maps and henceforth any ordinance changing such zoning districts shall not set forth the boundaries of such districts as amended, but in lieu thereof, the official zoning maps shall be certified as true and correct by the planning director. One paper map shall be kept in the office of the Planning Director, ~~one map in the office of the city clerk, and one map in the office of the building inspector.~~ The ~~three (3)~~ official zoning maps and all information shown thereon are hereby declared to be an official record and a part of this title. The zoning map will correspond to the zoning ordinance and clearly indicate the zones. (Ord. 3288, 2007: Ord. 3268 §6, 2006: Ord. 3127 §8, 2003: Ord. 3025 §11, 2001: Ord. 2502 §1, 1993: Ord. 2049 §1, 1987: Ord. 1691 §1(part), 1982)

ITEMS ADDED AFTER 7-11-17 WORKSHOP

- Add Parking Requirement and Definition for Doggy Daycare/Kennel/Groomer/Dog Wash and related uses to the Zoning Code. - ***Staff suggests using parking calculations similar to office space and warehouse.***
- Clarify the maximum number of residences/units allowed per lot under the Activity Groups section of the Zoning Code, and elsewhere in the code if necessary. It should be a maximum of two residences per lot if the lot meets minimum square footage and setback requirements. The code should clearly specify that only one Duplex is allowed per lot or one Single-family detached house and one Accessory Dwelling Unit.
- The Activity Groups section of the Zoning Code also needs to be fixed to make it clear that multi-family or multiple-family residential that encompasses multiple buildings are allowed on one lot in appropriate zoning districts and if minimum lot sizes can be met. Currently, the code says, "...multiple-family housing can be located on a lot of building site or portion thereof which is unoccupied by any other main building." This implies that only one building is allowed.
- Consider including performance standards for each zoning district rather than referring back to another district.
- Clarify in the Planned Unit Development (PUD) section of the Zoning Code what items in the Subdivision Code cannot be deviated through the full PUD or Limited Design (PUD) project. - ***Staff would like to provide minimum requirements related to frontage, lot square footage, and the requirement for midblock walkways/pedestrian connections, at a minimum.***

**PLANNING COMMISSION
MINUTES
JULY 11, 2017
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

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

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Mike Behary, Planner
Sean Holm, Planner
Shana Stuhmiller, Public Hearing Assistant
Randy Adams, Chief Civil Deputy City Attorney

COMMISSIONERS ABSENT:

None

CALL TO ORDER:

The meeting was called to order by Chairman Messina at 4:00 p.m.

WORKSHOP:

1. To discuss the adopted 2017 Planning Department Work Plan and priority projects.

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

The Priority Projects as adopted by City Council include:

- Comprehensive Plan Amendment (including Spokane River Master Planning and Historic Preservation);
- Zoning Code Amendments (including infill regulation revisions);
- Revisions to the Design Review Procedures; and
- East Sherman Master Planning.

Commission Comments:

- Commissioner Luttrupp noted under the descriptions for each of the priority projects there seems to be solutions provided from staff for each of the priority projects. He commented the list is too long and overwhelming to complete. He would like to have a more clear explanation of what the problems are within these priorities.
- Commissioner Ingalls explained that the commission was asked to provide staff with comments on each of the priority projects in the Work Plan with our concerns, which we did, and now is the time to discuss each of the four priority projects as identified by the City Council.

- In response to Commissioner Luttrupp and Ingalls, Ms. Anderson explained that when the City Council chose these top four priority items, they knew that the commission had been working on the Vacation Rental Ordinance and the Neighborhood Compatibility Ordinance. She explained that along with the four work plan items the council approved, they would also like for staff to continue working on the Vacation Rental Ordinance with the draft ordinance going forward for City Council review in a couple months. She also noted that the City Council directed staff to put the Neighborhood Compatibility Ordinance on hold.

Design Review Procedures:

Commission Comments:

- Chairman Messina explained that he and Commissioner Ingalls are on the Design Review Commission. He feels that the Planning Commission shouldn't spend a lot of time on this and has confidence in staff and the Design Review Commission to make those changes.
- Commissioner Ingalls concurred with Chairman Messina regarding the Design Review procedures, and said that this item can be handled by staff and the Design Review Commission.
- Ms. Anderson explained that staff had already put together a draft of the Design Review Procedure changes listed in the memo and that staff planned to have a meeting with the Design Review Commission to discuss the proposed changes, and after that meeting will forward a copy to the Planning Commission for their review.
- The commission directed staff to bring back a draft of the revised Design Review Procedures after the Design Review Commission meets with staff and works through the ordinance.

Comprehensive Plan:

Commission Comments:

- Chairman Messina stated that he worked on the Comprehensive Plan in 2007 and that it was a complete rewrite of the previous Comprehensive Plan, and a "big deal". He feels this time there will be some work, but not a rewrite of the entire plan. In his opinion, the revision should include growth in the city and neighborhoods.
- Commissioner Rumpel inquired regarding the process to start work on the Comprehensive Plan.

Ms. Anderson explained that the last time the Comprehensive Plan was updated, the commission was split into subcommittees and will probably do it the same way this time. She added that the FY 2017/2018 budget request includes additional funds for a consultant to help with the Comprehensive Plan.

- Commissioner Mandel asked if staff feels there are some priority CDA 2030 action items that need to be addressed first.

Ms. Anderson responded that staff can work through the CDA 2030 priority items with the Planning Commission to determine how to best incorporate them into the Comprehensive Plan update, with some of the action items being special projects such as East Sherman revitalization.

- Commissioner Messina commented he remembers working in subcommittees and was given assignments after the meeting.

Mr. Holm explained when the Comprehensive Plan was done in 2007, the subcommittees would meet every other month and that each person was asked to work on a specific section of the plan and when they were done with their assignment, they would email a draft to him and he would incorporate those pieces into the draft and then email the draft to the commission for review. He explained when they

started working on the Comprehensive Plan in 2007; the draft plan at that time was only eight pages long.

- Commissioner Ingalls stated, as an example, in Post Falls they still have a lot of areas that are in transition, because they still have a lot of land to develop. He feels that eventually the City of Coeur d'Alene will be running out of big parcels of land to develop, unless we decide to expand the city boundary.
- Commissioner Messina explained that the mission statement took a long time to come up with. We met every other month because people were busy. He cited as an example, that the rewrite of the Comprehensive Plan was like constructing a building, where they started at the top with the mission statement and worked through the issues. He feels this time the process should be less work and would be receptive to the help of a consultant.

Ms. Anderson explained that as we move forward we can figure out how to best utilize the consultant for the update. Staff and CDA 2030 will be able to handle a lot of the public involvement and outreach efforts.

Mr. Holm stated we received a lot of great feedback when the 2007 Comprehensive Plan was being drafted. He feels the old plan was more “nuts and bolts” and the 2007 plan is thematic. He inquired if the commission is ok with the thematic style of the 2007 plan or if they would like for staff to incorporate more nuts and bolts into the update.

- Commissioner Ingalls commented the city has changed and looking 10 to 15 years down the road they will be hearing more requests for infill projects or development will jump into the hills. He feels maybe the hills and urban infill are areas where we need more tools to navigate change. He also suggested that maybe a hybrid style of Comprehensive Plan may be needed – with nuts and bolts for urban infill development and thematic for other areas.
- Commissioner Messina suggested that we look at the boundary for the city and county because city has progressed since the 2007 Comp Plan was approved. We have Spokane River property coming into the city and people want to know what the plans are for those properties. These are new stumbling blocks for how the Spokane River area will be developed, but with the prior experience of the Riverstone property, hopefully it will go smoothly.

Mr. Holm concurs with all the comments and explained since the last update, technology has taken off with the use of big data that it would be great to incorporate data and analysis into the new plan with the help of a consultant who has all the tools to decipher the data.

- Commissioner Mandel commented that after she read the Comprehensive Plan, it makes sense, but asked, “Is it at a level where it is not operational?” It seems to be missing the “how.” It could have more depth to help with decisions and prioritization, to help address alternatives and trade-offs, and provide objective ways for commissioners and the City Council to make decisions. She feels that the themes need to remain, but that the Comprehensive Plan update should provide guidance on how to implement the plan, not just principles. She feels that since the plan was approved a decade ago that priorities may have shifted. She stated themes are important, but doesn't see how the current plan guides implementation.
- Commissioner Rumpler feels that there has been some great discussion tonight and explained the reason he joined the commission was to help change the future. He questioned how many times in our lifetime do we get to shape the future, and that the Comprehensive Plan can be used as the tool to do the job. He concurs that theme is important, and has discussed in past public hearings commenting about traffic and, “How this will be managed in the future?” He is in favor of allocating the resources necessary to achieve an optimum outcome, since there won't be a lot of chances to do this again, so we might as well do it right. He also supported addressing data,

transportation systems (including public transportation and bikes), services, utilities, and open space in the update.

- Commissioner Messina explained when he was involved in the first revision of the Comprehensive Plan, he didn't really understand what it was all about, but a few years later, things make sense. He feels that this is a new commission with new people and new ideas. He stated this is an opportunity to change our community and would support bringing on a consultant to assist with the update effort.

Mr. Holm explained that the mindset in 2006 and 2007 was growth. We were growing at 5 percent. A lot of feedback from the business owners was, "Don't kill the golden goose". He explained the way the Comprehensive Plan was structured was to allow the ability to say yes or no on many items. He feels that in other jurisdictions there is no give and take; it's either one way or another. He questioned where is the sweet spot that we can look a developer in the eye and say "no" if a project is not consistent with the Comprehensive Plan. He feels that there is more room to structure guidance within the Comprehensive Plan for focus.

- Commissioner Fleming commented that recently Kmart has closed and feels that more will follow. She questioned with a number of the big box stores closing, what will happen with the parking lots.
- Commissioner Rumpler feels a better theme for Coeur d'Alene would be a "Quality of Place" and feels that we should preserve this. He said the Comprehensive Plan update should consider a mixed use theme that identifies how to integrate commercial and residential and incentivizes mixed use villages, especially to address how big box stores will transition to other uses in the future.
- Commissioner Ingalls explained that he also sees a trend where developers will take these smaller parcels and duplicate communities like Meadow Ranch - that is a residential community within walking distance of commercial services. He feels that this makes sense since these communities are surrounded by amenities like stores that they can walk to.
- Chairman Messina suggested that each of the commissioners look at the Comprehensive Plan and highlight what they feel is working, and what doesn't work for discussion at the next workshop, and before subcommittees are selected we need to know if we will be approved for a consultant. The commission can also help staff identify other commissions, committees, groups and organizations to involve in the Comprehensive Plan update.
- Other items that commission members identified to be addressed with the update included: Revising overlay districts and transition areas that may have changed, and making sure to address the shoreline, the river corridor and public access, high rises, big box stores, and large parking lots that are underutilized.

General Zoning Code Amendments

Rooftop equipment allowing over height residences

17.06.325: Projections above Maximum Height

17.08.235: Projections above Maximum Height

17-08.255: Variances

Ms. Anderson explained that in this section, General Zoning Code Amendments, the City Council felt some of the loopholes needed to be fixed. She explained that these sections of the code allow a person to go over the maximum height because of the rooftop equipment. Staff and the City Council thought we

should eliminate that from the code. The over height allowance would still stay in the code for the Downtown Core (DC). She continued that the other things are housekeeping items. There is another list that was not included with a list of things that weren't as critical and that staff could look at those items to bring forward with future amendments. She clarified that the Zoning Code will need to be amended again after the Comprehensive Plan update is complete.

Commission comments:

The commission concurred to eliminate the language to allow rooftop equipment in the following sections: 17.06.325: Projections above Maximum Height; 17.08.235: Projections above Maximum Height; and 17.08.255: Variances.

Restrict berming to increase finished grades – “*Should this be in all zoning districts or everything except C-17, M and LM?*”

Ms. Anderson explained this item would restrict berming to increase finished grades. She commented that this was more of an issue for residential neighborhoods. Staff felt this is something the city should address and recommend not to allow except in C-17, M and LM.

Commission comments:

- Commissioner Ward inquired if this would this eliminate projects like the apartments on Ramsey Road where the apartments were built on a very high berm.

Ms. Anderson stated they are aware of those apartments and thinking maybe C-17 should be included to ensure that type of thing does not happen in the future, or maybe it should not be allowed in any zone in the city.

- Commissioner Fleming feels that there should be some exceptions if a developer feels they want to be creative that should be allowed, thoughtfully done and not impact the neighbors. She stated this would be dangerous in the Fort Grounds area.
- After discussion, the commission agreed that maybe berming should be restricted in all zoning districts.

Mr. Holm inquired before a decision is made to restrict berming in all zoning districts, if the commission feels there needs to be some exceptions.

- Chairman Fleming commented if a developer wanted to do some special contouring those examples should be included.

Mr. Holm explained if a developer comes in with a request and it's approved and the next person comes in with the same two or three items expecting to be approved like the previous person questioned if we would be setting precedence.

- Commissioner Luttrupp inquired if staff has any different examples of contours that could be used as an example
- Chairman Messina feels that if a developer has something special in mind to recommend they come before the Planning Commission for that exception. He feels that the Planning Commission should make the decision and not staff because we are the ones that adopted these changes.

The commission determined that berming should not be allowed for individual residential lots or single commercial lots, but could be allowed for larger projects or master planned communities if done in a thoughtful way which doesn't negatively impact the neighbors as approved by the commission.

Provision allowing nonconforming house destroyed by natural hazard to be rebuilt – possible hardship variance.

Nonconforming Use; Damage or Destruction of Facilities (17.06.930) is this where the additional language should be added?

Ms. Anderson explained that this provision was brought forward by Councilman Gookin and pertained more to the Fort Grounds area. She explained currently in the code, if 51% or more of the structure is damaged or destroyed due to natural causes, the new structure has to meet the current code. She stated criteria for approval if we pursue a hardship variance would be based on that it doesn't impact neighbors, original setbacks fit with character, and lot sizes are substandard.

Commission comments:

- Commissioner Ingalls stated there are few houses in town that would fit this criteria, so if approved, would want this city-wide.
- Commissioner Ward feels that setbacks are an issue when you look at various pocket housing developments that we have approved with zero setbacks.

Ms. Anderson explained that has happened where there was a problem with water draining on the neighbor's property because the setback distances were too small between residences.

- Chairman Messina feels if a house is destroyed, it could be rebuilt, maybe a little different than the original, but the design would have to remain in the same footprint that includes the driveway and the height of the house. He explained his concern is that it doesn't impact the neighbors. He added if the house was a single story and was destroyed, but they wanted to rebuild a two story; that could be allowed with a height of 32-38 feet depending on the zoning. He feels the neighbors would not be happy.

Ms. Anderson said we would need to really need to be careful when putting the language together for the definition and criteria of a hardship variance.

Mr. Adams explained if your house was destroyed and it was a single story, by the code, you have the right to go up to 32 feet +/- if that is allowed. He explained that the setbacks need to be the same and the driveway could be different depending on the current code when it was destroyed.

The Commission feels that this provision needs more discussion and would like to have staff bring this back at the next workshop.

Setbacks:

17.06.405 General Setback Minimums

Ms. Anderson explained what is currently allowed in Section 17.06.405: Ensure minimum of 10 feet between residences. Staff suggested removing the provision in the code that allows "Windowless Wall" zero lot-line construction with an approved 5-foot maintenance easement on the neighbor's property, and only allowing a zero setback if buildings are touching (e.g., townhouses w/ a common wall). Zero lot line development would still be allowed in the Commercial and Downtown Core; and staff could modify the code section related to extensions into required yards. She stated that staff has a weekly meeting with all departments to discuss upcoming projects and during our discussions, setbacks between homes has been an issue. Staff feels that there should be at least 10 feet between principal structures to ensure that there is enough room for stormwater runoff. Ms. Anderson is seeking the commission's input on these items.

Commission Comments:

- Commissioner Rumpler feels that he already sees this happening in Bellerive and stated when the density increases these issues will come up, and commented if there was a ten foot minimum setback required between homes, there would have been fewer homes on the property.
- Commissioner Ingalls commented it is a fire issue and feels that when a building permit is issued it will also trigger those requirements.
- Chairman Messina commented that he has done projects with zero lot lines and has had issues with storm water runoff and resulting complaints. He feels if staff thinks this is an issue, then let's set some guidelines and if a person wants to change it, they should come before the commission and not staff.
- Commissioner Rumpler concurs with Chairman Messina and stated that he doesn't have an issue with setting the bar higher.
- Commissioner Luttrupp feels we need criteria when these special requests come before the Planning Commission in order to make the right decision.
- Chairman Messina explained that we already have the criteria and if someone wants something different they need to come to the commission for approval.
- Commissioner Mandel commented that maybe 10 feet between structures is based on safety and a person who has an issue with this will have to prove that their neighbor is acceptable with this proposal.

Mr. Adams explained that the commission should not worry about setting precedence since every property is different. He also reminded the commission that we already have an ordinance that regulates stormwater.

- Chairman Messina questioned why Commercial and Downtown Core districts are allowed zero setbacks.

Ms. Anderson clarified that the construction type allowed in Commercial and Downtown Core can result in zero setback construction. She also commented that it should be clear in the code that townhouses are allowed zero setbacks.

Mr. Holm stated that if the applicant is asking for something "outside the box" that he agrees that they should come to the commission as long as the request is not a self-imposed hardship. He explained in the past we used to allow variances for height in our local code, even though variances for height were not part of the state code, and in 2005-2006 had an applicant who asked for a variance to allow excessive height, and after that request was denied, staff and City Council felt it was time to remove the height variance section from the code, which it was.

Commissioner Mandel inquired if staff has looked at other communities on how they regulate their setbacks.

Ms. Anderson commented that would be a good idea to look at other jurisdictions. She stated if the commission wants to look at these special requests case by case that could be a lot of work for staff and she cautioned that there could be a lot of requests to come before the Planning Commission. If the Commission desires more flexibility and the option for home owners to appeal for a reduced setback, then maybe the minimum side yard setback should not be changed in the Code. This should be discussed further.

- Chairman Messina inquired if staff will do more research on setbacks and bring that information back to the commission for discussion at the next workshop.

17.0 6.495: Extensions into required yards:

A. Extensions Into Front Yards: Where any front yard is required, no building shall hereafter be erected nor shall any addition be made to any existing building that projects into the minimum required front yard; subject to the following exceptions:

1. Eaves, cornices, belt courses, and similar ornamentation may project over a front yard not more than two feet (2').

Ms. Anderson explained extension into required side yards may not be an issue if we require more setbacks between structures like the homes at Bellerive that have items encroaching into their five foot setback quickly it becomes a small space between lots. She stated if the commission agrees on ten feet between the principal residences then there is room to play and it may not be an issue.

Commission Comments:

The commission concurred.

2. Open porches, covered unenclosed one-story porches over a first floor entry, platforms, or terraces, the floors of which are not higher than the first floor of the building, may extend into the front yard ten feet (10') but not closer than ten feet (10') to the front property line. Steps may connect such porches, platforms or terraces to the surface of the front yard.

Commission Comments:

- Commissioner Fleming explained that she has seen this in Fort Grounds where the person next door builds a large porch and blocks the view of the neighbor. She explained that she has a front porch but it is aligned with the other neighbors, so it's not intrusive and their views are not blocked. She feels that a porch should be aligned with the neighbor's home.
- Commissioner Rumpler feels that the theme for the Comprehensive Plan should be neighborhood.

Mr. Holm agrees with what the commission is saying but there are times where this doesn't work well; an example is a house on 7th Street that was built in the back 25 feet of the lot. A porch on the front of this home wouldn't affect the neighbor but it would prevent his neighbor, who has an existing house close to the street the ability to construct a porch because the other home is so far back on the lot.

- Commissioner Ingalls feels we are not going to resolve all the issues since some of the homes in Fort Grounds are set back on their lot.
- Commissioner Fleming commented that she strongly feels nothing should be extended in the 20-foot front setback. She explained if you want an overhang, then push your house back to allow for that overhang.
- Chairman Messina understands but asked what happens with subdivisions.
- Commissioner Fleming explained when she was working on a housing project in Hayden they approved that project with a Planned Unit Development (PUD) that allowed this situation.
- Commissioner Luttrupp asked, "What is the requirement now?"

Ms. Anderson replied that we currently allow porches to extend 10 feet into the front yard setback. She explained the problem is largely in the Fort Grounds neighborhood and some of the other older neighborhoods where the property line may be along the curb instead of behind a side walk.

- Commissioner Luttrupp feels if the setback is currently 10 feet, then why would we want to change the setback to 20 feet.
- Chairman Messina explained if you have an existing neighborhood this could be a valid point. He feels if its new construction and build 20 houses are able to design the porches within that 20 feet. He agrees in an existing neighborhood you don't want a porch to extend farther then your neighbors. He suggested maybe having two different requirements for existing and new construction.
- Commissioner Ingalls concurs with Chairman Messina and added that through a PUD this would be allowed.
- Commissioner Luttrupp stated because of two different cases now this is a problem and questioned is this enough of a reason to change everything.

Mr. Holm stated that he has a problem with not allowing porches within a 20 feet setback especially for existing homes that it would not be fair. He explained that they see permits for decks/porches on existing homes 20 to 30 times a year, but also feels that you have to be considerate of your neighbors.

Ms. Anderson feels a quick fix could be to clarify that the measurement should be from back of sidewalk or property line, and consider issue with lots that don't have sidewalks and property line is at the curb, that the setback measurement should be whichever is greater.

- The commission decided to bring this item back for further discussion.

3. Chimneys may extend into a side yard a distance of not more than twenty four inches (24').

- The Commission did not have any changes to this exception.

4. Structures completely below natural grade may extend into yards not more than one-half (1/2) the distance of the normal requirement.

- The Commission did not have any changes to this exception.

The commission set the next workshop on Tuesday, August 22nd at 4pm in the Library Community Room.

Motion by Messina, seconded by Mandel, to adjourn the meeting. Motion approved.

The meeting was adjourned at 6:15 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant