

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

February 28, 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.

11:00 a.m. CALL TO ORDER

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

APPROVAL OF MINUTES:

December 11, 2018

WORKSHOP:

Atlas Mill Project Preliminary Design and Development Standards

ADJOURNMENT/CONTINUATION:

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

**PLANNING COMMISSION
MINUTES
DECEMBER 11, 2018
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
Tami Stroud, Associate Planner
Mike Behary, Associate Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney
Mike Gridley, City Attorney
Bobby Gonder, Fire Department
Mike Becker, Wastewater Department
Terry Pickel, Water Superintendent
Chris Bosley, City Engineer

COMMISSIONERS ABSENT:

CALL TO ORDER:

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

Chairman Messina noted that since there is a large crowd, the Fire Department asked him to announce that if an alarm goes off, there is an exit in the back and one out by the door to the left.

He also stated that there are two hearings on the agenda tonight with a lot of people in attendance and asked for a motion to limit testimony from five minutes to two minutes.

Motion by Ingalls, seconded by Ward, to limit public testimony to two minutes. Motion approved.

APPROVAL OF MINUTES:

Motion by Luttrupp, seconded by Mandel, to approve the minutes of the Planning Commission meeting on November 13, 2018. Motion approved.

COMMISSION COMMENTS:

There were none.

STAFF COMMENTS:

Hilary Anderson, Community Planning Director provided the following statements:

- There is one public hearing scheduled for January 8th, and an update to the Comprehensive Plan.
- She presented a copy of the logo for Envision CDA and noted that Commissioners Ward and Mandel helped with the design. She stated that Envision CDA will be a multiyear process to engage our community members in regard to the next 20 years of development in Coeur d'Alene.
- She presented a slide explaining the rules for a public hearing and explained that the order of the agenda was changed to allow for public comments at the end of the presentation on the Atlas and Riverstone Traffic Impact Study.
- She stated that representatives from various city departments are here to answer any technical questions.

PUBLIC COMMENTS:

There were none.

PRESENTATION:

Atlas/Riverstone Traffic Study – Welch-Comer Engineering

Phil Boyd, Applicant representative, provided a PowerPoint presentation with the following topics:

Traffic Impact Study Objectives

- Understand the surrounding existing transportation network conditions.
- Perspective
- Understand the proposed development(s)' impacts on the existing transportation network
- Identify short and long term improvements to mitigate impacts
- Additional development brings traffic
- Obtain community input

Traffic Impact Study Process

Measuring Traffic Network Performance

- Signalized Intersection Level of Service ("LOS")
- Segment Travel Time
- Crash Data

Signalized Intersection LOS – Diagram

Proposed Development Traffic Generation

River's Edge Existing and Proposed Land Use Traffic Generation Comparison

Signalized Intersections Level of Service

- Mr. Boyd stated that Mr. Douglass owns the River's Edge property and a triangle parcel that has some current approval for multifamily units.
- He stated that Mike Gridley, City Attorney, will talk about the City's efforts on the land swap with Mr. Douglass.
- He explained that the triangle parcel currently owned by Mr. Douglass is zoned multifamily, which would generate a certain amount of trips. He explained if the triangle piece is part of the City's

and ignite's project, it would not stay multifamily.

- He stated if that if the triangle piece remains multifamily, the traffic would be based on people coming and going. If it was a bigger box store, there would be many people going to the store at once and the trips generated in and out of the store would be higher. He explained why there is a lower trip generation out of multifamily versus a commercial or medical office use.
- He explained what happens when you put the proposed River's Edge project, Atlas, and the existing Riverstone Development into the current traffic count. He explained it started out as a level of service "D" and with the signal optimization it is now a level of service "C". He stated the buildout for the Atlas Mill Property is estimated to be 6-8 years and the buildout for River's Edge is 10+ years.
- He stated that the region is growing and the transportation planners are working on making improvements, and explained a few improvements that would happen within the next few years.

Mr. Boyd concluded his presentation.

Commission Comments:

Commissioner Ward questioned if the property north and east of the railroad interferes with the Centennial Trail and the easement.

Mr. Boyd explained that the road alignment north and east of the Centennial Trail right-of-way would stay where it is and it would be up to the developer and the City to decide where the road connector would be located based on the layout.

Commissioner Luttrupp said that it is nice to see some concern and stated, "It does take planning to make a difference."

Commissioner Mandel asked if there will there be some additional analysis or modeling presented at the workshop on the 20th.

Mr. Boyd stated that there will be no changes to the traffic study between now and December 20th. He explained that they have done most of the modeling and what is presented tonight will be in the report on the 20th.

Commissioner Rumpler said there is a cattle ranch which is equivalent to 25-38 acres next to a car dealership. He asked if they were to grant the zone change to build to the density as requested, what would be stopping the land owner north of that site from being allowed to build to the same density and generate another opportunity for apartments.

Mr. Boyd explained that they accounted for growth in that system outside of the study area using data from KMPO (Kootenai Metropolitan Planning Office), which uses some level of land use to drive their model since they need traffic generation scenarios in their system. Once they obtain that information they use that information to increase the traffic loads. For example, if they measured an intersection that has one hundred cars going through the intersection, KMPO has modeled the system to estimate that the City will have 2 1/2% growth per year. He stated that they can increase that data, so that background growth is in the projected 10 years that is shown. Mr. Boyd explained that those projections may not be based on the existing zoning, so if you have someone requesting a different zoning, and going above those numbers, that wouldn't be registered in this model. .

Commissioner Rumpler questioned if it is possible to model for other scenarios. Mr. Boyd stated that you can model for other scenarios and explained that there is a broader transportation issue in Coeur d'Alene. He explained that if you request a traffic study for every new developer that comes into the City, the

model becomes more and more accurate and robust. He further noted that a model has not existed prior to when the current City Engineer came into his position. Mr. Boyd said that there is a level of growth that should be put in the system and a more robust transportation plan for the City can be built upon from every developer who plans to build in the city.

Commissioner Mandel inquired if there is a traffic model made for Riverstone and Atlas so they can see the contribution of River's Edge relative to the whole area. Mr. Boyd explained that on Atlas, the peak hour is 4:10 p.m. assuming the City acquires the triangle piece. He explained that a medical office will generate more trips than the existing multi-family. In River's Edge, as per the graph, the trips would go down because the commercial development has more trips than multifamily. He explained that, per the graph, Riverstone is "flat" because there is a small amount of land that remains developed, and once developed there is no more land to develop in that area.

Commissioner Ingalls stated that in previous testimony it was mentioned that there are six signals that would need optimization and said that with no development, it would be nice to do optimization for the existing traffic. Mr. Boyd stated that they didn't know the magnitude of the report until we looked at the data. Commissioner Ingalls stated that it would be considered "low hanging fruit," with a low investment, not millions, and asked if the scope of the study provides for a technician to go out and tweak the data if needed. Mr. Boyd answered yes.

Chairman Messina stated that this is great information since they will be looking at traffic for the Comprehensive Plan as it will impact the future.

Chet Gaede stated that he represents the group, "Friends of the Spokane River," and stated that there are three different things going on along the Spokane River corridor. He requested that the commission reconsider limiting testimony to two minutes.

Terry Godbout stated that the traffic study is incomplete and until everyone has a chance to review, it should not be approved.

Rodger Smith commented that this is a good traffic study and said that there is an expression, "Every time you see traffic congestion is because of poor planning somewhere," and the public is asked to tolerate levels of service that are not acceptable. He commented that he has read many reports where level "D" service is not acceptable, and feels the goal of the City or County is a level "C". He noted that he concurs that the traffic study is not complete and would like to study the final copy before a decision is made.

Tom Morgan stated that the traffic study is incomplete and that the "low hanging fruit" discussed to gain control of the ITD signals will never happen. He further commented that he is surprised they are shooting for a "D" and that "C" service seems better. Mr. Morgan said that he is concerned that there is a precedent being set allowing this kind of density into the decision, and that more information is before they can make a decision.

Ray Lazo explained that this project is going to be south of Seltice so trying to turn east going into Coeur d'Alene you will be fine, but he questioned how the people who are going to Post Falls from the development will cross Seltice. He inquired if there will be another roundabout or light installed in the future, and further commented that he feels this study is invalid.

Commissioner Rumpler questioned who chose level of service "D" as the target for service.

Mr. Boyd stated that they had discussion about the level of service, and it was Chris Bosley, City Engineer who stated that a level was not mentioned in the City standards and that a level "D" service was an acceptable level at those intersections. He further noted that part of the challenge when you make improvements to an intersection, or corridor route, is there is an induced demand, so you fix it on Monday and people are like "Yay! It's better on Tuesday. Well, Wednesday everybody's figured out it's better. So now you're back to the traffic on Monday. It's not a matter of just throwing money at it to make it better.

That might last for a while, but there's another phenomenon that exists out there. He stated that in the United States, level "D" is an acceptable level of service.

PUBLIC HEARINGS

1. Applicant: Bellerive HOA
Location: Bellerive Lane
Request: A modification to the Bellerive PUD
QUASI-JUDICIAL (PUD-1-04m.6)

Chairman Messina opened the public hearing for item PUD-1-04m.6.

Tami Stroud, Associate Planner stated that the Bellerive Homeowner's Association (HOA) is requesting a modification to the existing Planned Unit Development known as "Bellerive" in the C-17 PUD (Commercial at 17 units/acre Planned Unit Development) zoning district to allow for the installation of gates at areas located on the east and west sides of Beebe Boulevard along Bellerive Lane.

Ms. Stroud provided the following statements:

- The "Bellerive" PUD development is largely built out.
- Land uses in the area include single-family and multi-family residential, commercial, and vacant land.
- The purpose of the request is for the installation of privacy gates to restrict vehicle access along Bellerive Lane, which is a private street, while still allowing pedestrian and bicycle access to the "Open Space" areas within Bellerive, including the public boardwalk.
- The original PUD was approved in 2005 and known as the "Riverwalk/Bellerive" development. As the project evolved and as changes in the economy and property ownership occurred, amendments to the PUD were made to modify phasing, change housing types, and replat a number of lots along the river primarily for boardwalk homes.
- The most recent modification came before the commission in December, 2015, which modified the required open space to meet the required 10%. The modification to the open space was approved in May of 2016, and all of the required improvements were completed, including the extension of the boardwalk. The Bellerive Homeowners Association is now asking to install gates to be located on the east and west sides of Beebe Blvd.
- The Bellerive Homeowners Association has stated that in recent years, homeowners residing on Bellerive Lane have seen an increase in traffic and parking along Bellerive Lane, which is a private street.
- Vehicles are parked in front of fire hydrants, in no parking zones, blocking mail boxes and ignoring driveways, as well as parking in areas posted as "Fire Lane-Do Not Block."
- The Bellerive HOA contacted staff due to the ongoing issues with the public parking along both sides of Bellerive Lane and submitted a request to modify the PUD to request privacy gates on both sides of Bellerive Lane on the east and west sides of Beebe Boulevard.
- Ms. Stroud provided an aerial photo of the property, and various site photos.

- She stated the Comprehensive Plan states this area is "Stable Established – Spokane River District."
- She provided a site photo of where the gates will be located, and a gate concept plan.

- She noted the various staff comments in the packet and where they are located.
- She noted a comment from the Idaho Department of Lands as follows:
 - Idaho Department of Lands (IDL) has issued 7 encroachment permits for the community dock system and boardwalk at Bellerive, along with permits for bank stabilization, installation of boat lifts, and additional boardwalk to be installed.
 - The first permit was issued August 31, 2006 and the most recent permit was issued on October 25, 2018.

- There have been numerous challenges with this project dating back to July 2006 when IDL received the 1st original application.
 - One of the big issues with this project was that the boardwalk be available and open to the public. In fact, one of the terms and conditions of the permit was that the boardwalk was to be made available to the public for perpetuity.
 - IDL feels that installing a gate that would restrict vehicular access and could also restrict public access to the boardwalk.
 - IDL needs to ensure that terms, conditions, and conditions of approval of previous permits are still being adhered to. IDL is opposed to any projects or actions that would reduce the public's ability to recreate and utilize this area as was originally agreed upon.
- Ms. Stroud provided a copy of an approved open space plan.
 - She stated that there are 11 proposed conditions associated with the PUD amendment and, if approved, to strike condition number 5 that is dealing with ADA parking requirements and verification as staff did verify that the ADA stalls are installed.

Ms. Stroud concluded her presentation.

Commission Comments:

Commissioner Luttrupp asked how the public will access the boardwalk if gates are allowed. Ms. Stroud explained that public access would be allowed using the sidewalks.

Commissioner Luttrupp inquired how people will access the boardwalk from the east. MS. Stroud said that would be a good question for the applicant.

Commissioner Ingalls commented that from looking at the public access map, he noted there are nine public access sidewalks. One is located at the River House, but the other eight sidewalks would be located behind the gates. Ms. Stroud stated that is correct.

Commissioner Fleming inquired if the location for the Four Corners project would capture the easterly end of Bellerive.

Ms. Anderson noted on the map that the "Four Corners" would be where the connection is from Lacrosse Avenue that would connect into Bellerive Lane that was presented earlier with the traffic study report and that there would be an alternate connection route that could work with Bellerive. She added that if they make the connection on Beebe, than they wouldn't need full access into Bellerive Lane, which would be used as an emergency access only. She explained that when the original project was approved, they were required to have a full connection through Lacrosse Avenue to Northwest Boulevard and that has not been done.

Commissioner Fleming stated that if you come in to the back of Bellervie Lane, you will run into a gate. Ms. Anderson stated that is correct, and if that happens there would have an additional gate.

Commissioner Mandel asked what implications the Lacrosse Avenue connection and the alternative connecting into Beebe would have on traffic. Ms. Anderson explained that the alternate route was anticipated with the traffic study.

Commissioner Luttrupp stated that in the past they have worked with the Idaho Department of Lands (IDL) regarding the boardwalk, and in the staff report IDL's comments are not in support of this request for a gate. He inquired if they should add a condition that the Idaho Department of Lands will need to approve the request to maintain this access. Ms. Stroud stated that she would have to ask staff if that condition would be allowed.

Mr. Adams explained that the Idaho Department of Lands would not have any say in the gates.

Commissioner Luttrupp explained that he is not asking about the gates, but if public access would be diminished.

Commissioner Mandel stated that it was noted in the staff report that the preference would be to address parking enforcement. She questioned the alternatives they would have for parking enforcement and commented that from reading the applicant's narrative, it seems to be the concern from the homeowners association.

Ms. Stroud explained that earlier this month they met with the homeowners association prior to them submitting for the modification and discussed with them permit parking, and suggested more policing as far as monitoring and trying to get cars moved. She stated that they do have some signs posted and that staff suggested maybe "beefing" up the signage more.

Mr. Adams stated that he wanted to address Commissioner Luttrupp's comment that it is up to the commission and they could put that in as a condition. Public testimony open.

John Magnuson, Applicant representative, explained that he would start the presentation and then Steve Nemece, Bellerive Homeowners Association President, would follow with a PowerPoint presentation outlining the specific concerns that led to this application and proposal.

Mr. Magnuson provided the following statements:

- He stated this PUD was started in 2005 and has been in front of the Commission on numerous occasions. He noted that unfortunate scenarios happen when you have an original conceived development from a developer, and then because of the economic conditions in 2008, separate parties doing different pieces of development rather than what was intended as the original vision for this area.
- He stated that when you look at the public parking available at the River House, a statement made in previous testimony was there is inadequate parking for the commercial use at the River House. He explained that the River House in the original plan was supposed to be a parking garage and that through the approval of prior commissions and applicant, the requirement for the parking garage was removed, and the parking allowed on the paved lot is now inadequate.
- He commented that the paved lot is a commercial use located in the center of two expanses of Bellerive Lane that access private residential homes. The difference between those homes and other homes in Coeur d'Alene is that other areas in the city have public streets which the city maintains, and if someone violates the parking laws, or codes they can be towed and enforced.
- He stated that in this development there are two private streets that are maintained, funded and enforced by a private homeowners association.
- The Boardwalk as referenced by staff is a "public boardwalk." Mr. Magnuson explained that the boardwalk is owned by the homeowners association with a condition that states "in "perpetuity" that it is open for public access. He referenced page 15 of the staff report which states that there are 11 independent points of access to the boardwalk that were approved for pedestrian access. He stated that the problem is people wanting to drive to use a pedestrian resource park on a private street, impeding the private use of the homeowners.
- He further stated that this request is not as simple as gating off a publicly-owned resource. It is gating off a pedestrian walkway and retaining all pedestrian accesses.

Mr. Magnuson concluded his presentation.

Commission Comments:

Chairman Messina inquired whether it's a lot of the commercial traffic overflowing from the parking lot going into the neighborhoods or is it primarily people going down to Bellerive who are trying to access the public boardwalk. Mr. Magnuson answered that it is a combination of both. He explained that when traffic is heavy using the commercial facility, the spill over does go into the neighborhood.

Chairman Messina commented with the overflow of additional non-resident parking if the residents that live there are permitted so many parking spaces per unit and questioned when the residents have guests and parking is not available if it due to the overflow of commercial and public parking. He questioned if that is correct.

Mr. Magnuson stated that is correct especially for the people who live on Bellerive Lane. He noted that the people who live in the River house have guest parking available underground.

Steve Nemeč, President of the Bellerive Homeowners Association, provided the following statements:

- He stated this request is for the approval of two gates on Bellerive Lane.
- He stated the homeowners association owns Bellerive Lane, which is a private road maintained at the homeowners' expense. He added that the city doesn't spend any money on Bellerive Lane.
- He noted that the association is getting close to being built out and, as a result, are experiencing increased traffic issues.
- He commented that people are parking where there are posted "No Parking" signs.
- He stated that it is a common occurrence in the summer that boats and trailers are parked all day on Bellerive Lane.
- He noted that on a couple sections of the road, primarily near the River House in peak season, you will see cars parked on both sides of the road up and down Bellerive Lane. He stated that these cars are parked on the sidewalk and in the street, and when you look at how wide the street is, it is difficult to navigate Bellerive Lane and is not safe.
- He showed various photos of the area on the street.

Commissioner Messina stated that on one of the photos, he noticed that it looks like the photo was taken on a rainy day and questioned why there were there so many cars on Bellerive Lane. Mr. Nemeč explained that it could be a combination of things and noted that it is typically during the peak tourist season that they have the most issues. He added that he was not sure when the photo was taken.

Mr. Nemeč continued his presentation.

- He commented one of the things they have been seeing, especially on a waterfront location at the dead end of Bellerive Lane, is a lot of "late" night visitors. These visitors are having a party at either end of Bellerive Lane and they have found a lot of garbage which they pick up.
- He stated that some of the photos presented are pictures of people parking illegally and sometimes on private property to access the boardwalk.
- He showed other photos where cars were parked illegally and commented that the "No Parking" signs have not worked. The homeowners association has tried to enforce these issues, but is not equipped to do it on a full-time basis.
- He stated that if they were allowed the two gates to be put in, it would help solve a lot of these issues.
- He showed a photo of a gate located on the west and the other gate located on the east.
- He stated that for emergency services the gate will have a sensor so that emergency responders can get in and out quickly, and they could also provide a Knox box key as a backup. He noted that they can have up to 64,000 access codes so they can monitor anyone who enters/exits. He further stated that contractors will not have an issue with the gate.
- The gate can be accessed from a smart phone.
- He showed examples of other communities who have gates, including Riviera Walk, Seltice and Atlas, and said they would like the same treatment that everyone else has.
- He stated that they do not want to restrict public access to the boardwalk and believes there are eight to eleven access points to access the boardwalk. They would also be able to provide additional signage and comply with the recommended conditions as noted in the staff report.
- He stated that if the gates are approved, they won't have to worry about safety hazards.
- He stated that at the last Bellerive Homeowners Association meeting they had 90% approval for

the gate project moving forward.

Mr. Nemeč concluded his presentation.

Commission Comments:

Commissioner Luttrupp asked if the gate will go across the sidewalk. Mr. Nemeč answered that it would.

Commissioner Luttrupp inquired how wide the sidewalk is. Mr. Nemeč said that he believes it is a standard sidewalk and is not sure of the dimensions. He explained that the sidewalk will remain open to pedestrians and cyclists.

Commissioner Luttrupp inquired if signs will be placed letting people know that access will remain open. Mr. Nemeč noted that on page 15 of the staff report there is a suggested location for a sign and they would be happy to provide additional signs.

Commissioner Ward noted that condition #4 in the staff report states that "The HOA shall work with the city and other property owners to determine an equitable solution for the Lacrosse connection from Bellerive Lane to Northwest Boulevard and (which is an unfulfilled condition of the Bellerive PUD project approval) prior to installation of gates and or by a date certain, and questioned how the applicant could address that statement.

Mr. Magnuson explained that when they both met with staff before submitting this application it was noted what was originally planned in 2005 with Lacrosse may not be what is constructed in 2018. He stated that after listening to previous testimony on the traffic study presentation, this road was planned to be extended to Tilford Lane. He commented that they don't think there is a final determination made where the road will go. .

He stated that the homeowners association would like a resolution and if this is a catalyst helping to get that issue resolved, they would agree to it.

Commissioner Ward questioned the last part of the condition states, "Prior to installation of gates and or a date certain," and asked of the applicant would be prepared to agree to a time period, and to connect Lacrosse Avenue into Tilford Lane. He stated the suggestion for a "pull out" area would be great, but that, either way, getting these two streets connected could take a while.

Mr. Nemeč stated that one of the plans he saw was of a proposed large parking lot in that area and might be an emergency access via gates, so people can park in that public parking lot.

Chairman Messina inquired how construction parking is impacting the parking on Bellerive Lane. Mr. Nemeč stated that that is a difficult question. They have discussed traffic with contractors and it has been an issue in regard to parking, but as the project is getting built out construction will end. Chairman Messina said that he realizes construction parking will end, but it is still a problem. He asked if they have discussed with the construction workers where they can park.

Mr. Nemeč explained that the construction workers do try to park directly on the lots they are working on, but sometimes that is not an option, and that the residents are aware they have to deal with those issues. He stated the biggest issue with parking is during "Peak" season.

Commissioner Mandel inquired about the plan for the 11 undeveloped lots at the far north end for those properties that have development rights for either commercial or multifamily use. Mr. Magnuson explained that those 11 lots on the northwest end are owned by Mr. Douglass and are not part of the Bellerive community. He stated that access to those lots is provided by an easement that was granted by the association and specifically limited to those 11 lots with the provision that it not be extended further, so the west end of Bellerive Lane dead ends at those lots. He further stated that they do pay a share of the maintenance costs, but don't have a right to extend further and are part of any rules or regulations the

homeowners association puts on the road. He explained that if Lacrosse comes in, it will be another road to “nowhere”.

Lance Douglass stated he owns the 11-lots on the west end of Bellerive, and in 2007 Marshall Chesrown provided an easement to those 11 lots across Bellerive Drive, starting at Beebe all the way down as described in a letter submitted on December 7th to the commission. He pointed out that item 14 of that easement specifically states, “No fence or other barrier shall be enacted or permitted within or across easement area or areas which help prevent or obstruct passage, pedestrian, or vehicle travel.” He explained that the easement he has is not part of the homeowners association that goes down Bellerive Drive from Beebe to his property, and specifically excludes them from doing what they are asking to do.

Commissioner Fleming questioned if it would be a detriment to the sale of Mr. Douglass’ lots. Mr. Douglass stated, “Absolutely.”

Susan Crowe stated that she is concerned about this area being available for the public and explained that she rides her bike through this area many times and has noticed looks from people living on Bellerive Lane that “you don’t belong.” She stated that she is distressed about losing the public property along the riverfront as more and more expensive housing developments are going into those areas, which means it restricts the “rest of us that can’t afford to live there” from access to the river.

Catherine Bedford stated that she lives in Bellerive and is aware of the parking problem but noted that another problem is the increased traffic. She walks her dog daily and has people driving down the street who don’t know it’s a dead end. She stated that she is in favor of the gates.

Emily Beutler stated she lives in Bellerive on the north side and not on the river. She commented that she was under the impression when she built her house that Bellerive was a private road and that gates would go in after construction was complete. She commented that the city has done an awesome job providing access to public water and parks and noted that living in this area she sees where the traffic is coming from. The parking problem on the weekends is usually coming from LaPeep and people using the trails. She noted that the people using the boardwalk normally park in the vacant parking lot. She further stated that she rarely sees anyone using the sidewalks that are on Bellerive and is concerned with traffic, and because of the traffic, there is not a lot of privacy.

Chet Gaede commented that Mr. Magnuson’s testimony provided some helpful history about how this area was intended to be, which is totally different than what it is today. He explained that every time there is a modification to this area, it takes away a little of the open space. He commented that LaPeep and the River House are all members of the Bellerive Homeowners Association and the cars parked on that street are employees of those businesses. He showed a picture of the original plan for Bellerive, and stated that the promise made was a beautiful boardwalk. He further commented that the open space on the property has been diminished and in previous testimony stated that they are in a “slow slide” from public access to the water. He would recommend denial and commented that they need to stop this “slow slide” in order to maintain the access that was promised to the public. He also noted that the request is premature until a decision is made about Lacrosse and if “eminent domain” is declared to make that road public, and have Lacrosse connection go to that road. He stated that most of the vehicles in this area are construction vehicles, so he recommended waiting until the construction is over.

Debra Vernon commented that LaPeep is a great destination that people use on the weekends and on a nice day. She commented that her husband is handicapped and sometimes it is difficult for them to get to the back of their house into their carriage house and they have to put “saw horses” out on the weekend to reserve a place to park. She further commented that they have become an attractive nuisance and explained that on the east side they don’t have street lights and have to rely on lights from other houses. She noted that in previous testimony it was stated that the lady riding her bike through the neighborhood didn’t feel welcome, and commented that she has lived in Bellerive for four years and never heard that statement from anyone and that they welcome everyone.

Chairman Messina questioned how far the parked cars go down the street. Ms. Vernon explained that she lives in the second house on Bellerive and has seen cars park seven houses down the street and walk to LaPeep.

Karen Shomer stated that a comment was made in previous testimony that this is a “slippery slope” and noted that they welcome everyone to their neighborhood. She stated her concern is when people take advantage of a vacant lot next to her to park. In regard to the comment made about boat trailers parked on the street, she said that people who live in the area know that it is not allowed, and would guess it is somebody who doesn’t live in the area.

Karen Hansen stated that the area should have a gate and doesn’t think it is fair that the homeowners should be burdened with increased traffic.

Susie Snedaker stated she was on the commission when this project was approved and remembers the discussion regarding public access and the importance of public access. She stated that her concern is that the deviations seem to be constant and diminishing the public access to the lands noted in the original agreement for public access. She commented that she understands the use of gates, private roads and the public accessing private property. It is a problem and is annoying. She commented that the responsibility is to the homeowner and feels that this request is premature. She further stated that a problem she sees if the request is approved is cars will start backing up at the gate and won’t have anywhere to turn around. She objects to the gates and said they are just one more way to eliminate public access.

Rebuttal:

Mr. Magnuson said that Mr. Douglass stated before that they have a right to put in the gate and now Mr. Douglass is saying the gate can’t go in. He suggested that with the long list of conditions to add another condition that states, “The HOA has to establish that it has a right to put in a gate on that western flank that leads to Mr. Douglass’ 11 lots to the satisfaction of the city attorney”. They would be happy to do that. Otherwise they will get into a debate about the nuances of how Mr. Douglass came to get his easement.

Mr. Magnuson also commented on previous testimony that someone was not welcome in the area and noted that in discussions with the board members, there is no intent to preclude access but that it is intent to preclude people from parking in a “No Parking” area for purposes of allowing pedestrian access to the public area. He stated that the 11-points of access remain unfettered and that there was never a right to park in a “No Parking” area. He commented that he respects Ms. Snedaker and her long history with the commission and noted that she should be applauded for that time served. He also confirmed that there was a rendering showing the original site plan and agrees that it doesn’t look like that today. He stated that what the homeowners association did do was complete the boardwalk that wasn’t complete.

Public testimony closed.

Discussion:

Commissioner Ingalls stated that has concerns with a gate and it should not be approved. He explained there is are issues with an easement, the Lacrosse issue, and construction issues, and suggested that maybe they should let some of this stuff settle out and give it a “fresh look.” He referenced previous testimony that this gate is premature and commented that he agrees. He noted from the staff report that, “staff has serious concerns about reducing access in any form and does not support the request for the proposed gates and feels parking management is a better solution for all,” and, “while the proposed gates would not technically restrict pedestrian access to the open space in Bellerive, they would definitely be a deterrent by giving the appearance that the open space and boardwalk are private and restricted from public access.” He stated that gates give a “Keep Out” perspective and noted that there are 12 conditions, with the last one mentioning an easement repair He stated that he has concerns about this request and will not support it.

Commissioner Fleming said that she concurs with Commissioner Ingalls. She explained that the request is too soon and noted that she has worked on a lot of construction properties and the construction traffic is over the top, and commented that they are running out of spots for those cars and trucks to park. She stated they have 30-lots, which equals 300 contractors, support staff, and city inspectors with non-stop turnover. The people who work at Le Peep also use the area for parking. She commented that the request is too premature and predicts that the problem will calm down when they get moved into the buildings which will eliminate the construction traffic.

Commissioner Mandel said that she concurs and thinks there is a lot of friction with previous commitments that they have made to the public, future conditions, and plans for Lacrosse. She commented that this application contradicts Resolution 1404-9 and the potential concerns expressed by the Idaho Department of Lands (IDL). She also noted the 12 conditions always raise “flags” because it suggests that they are trying to squeeze their way out of something that is either premature or not suitable.

Commissioner Ward said that he concurs with the concern about Lacrosse and feels that they are dealing with something that is “putting the cart before the horse.”

Commissioner Rumppler stated that if you weigh the private land owners’ and the private streets’ needs versus the needs of the public, it was his impression that the gate wouldn’t be a dramatic change to the access of the open space but, after hearing previous comments, would concur that the request should be denied.

Commissioner Luttrupp stated he is concerned about public access and that we all desire to have open space and public access so we should work together to achieve that. He will not support this request.

Chairman Messina said that he concurs with the commission and understands what the homeowners are saying about traffic, but also hears if a gate is put up, people can’t get to the public access. . He also concurs this is not the right time for this request.

Motion by Ingalls, seconded by Mandel, to Deny without Prejudice Item PUD-1-04m.6. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumppler	Votes	Aye
Commissioner Ward	Voted	Aye

Motion to deny without prejudice carried by a 6 to 0 vote.

2. Applicant: Rivers Edge Apartments, LLC
Location: 3528 W. Seltice Way
Request: A proposed zone change from R-12 to C-17
QUASI-JUDICIAL (ZC-4-18)
 - A. A proposed 25.92 acre Limited Design PUD “Rivers Edge”
QUASI-JUDICIAL (LDPUD-1-18)
 - B. A proposed R-34 Density Increase special use permit
QUASI-JUDICIAL (SP-11-18)

ZC-4-18

Chairman Messina opened the public hearing for item ZC-4-18.

Mike Behary, Associate Planner, stated that the applicant is requesting approval of a zone change from R-12 to C-17 zoning district.

Mr. Behary provided the following statements:

- The subject site is located south of Seltice Way, north of the Spokane River, and is west of and adjacent to the Atlas Mill site.
- The subject property is currently vacant. Prior to 2004, the subject site was once part of a large saw mill facility that was active on this site for many years. The saw mill has since closed and all the buildings have been removed from the site.
- The applicant's overall property was annexed into the city in early 2014 with C-17 and R-12 zoning.
- The applicant owns a triangle parcel that is surrounded by the Atlas Mill site and the City owns the old abandoned railroad right-of-way (ROW) that bisects the applicant's overall proposed project area.
- The applicant and the City are discussing the possibility of a land trade of the two mentioned properties.
- The applicant's overall proposed project has split zoning with R-12 Zoning District on the southern portion of the property along the river and C-17 zoning district on the northern portion of his overall site.
- The majority of the applicant's proposed project is zoned C-17 and the smaller portion is zoned R-12. There is approximately 7.8 acres that is zoned R-12 and the remainder is zoned C-17.
- The applicant has indicated he would like to correct the split zoning issue with his proposed project and to have one uniform zoning district over the whole project.
- The applicant has indicated that he intends to develop the property with a residential use only. If the zone change request is approved, the applicant intends to build a multi-family apartment complex on the overall 25 acre site.
- The applicant has made application for a density increase in item SP-7-18. The density increase request is from an R-17 to an R-34 density.
- The applicant has indicated that a commercial use on this site would generate more traffic than a residential use.
- As part of this application, the applicant has submitted a Trip Generation and Distribution Letter (TGDL). The TGDL was prepared by the applicant's engineer and goes in depth about the potential traffic that could be generated by commercial and residential uses.
- The applicant's proposed multi-family development of the property is not tied to the requested zone change. If the subject site is approved to be changed to the C-17, then all permitted uses in the C-17 Commercial District would be allowed on this site.
- Mr. Behary presented a map showing the location and aerial photos of the property.
- He presented a proposed site plan.
- He provided a map showing previous land use actions.
- He stated that the Comprehensive Plan identifies this area as Stable Established – Spokane River District.
- He noted the various staff comments in the packet.
- He presented various site photos of the property.
- He stated that no conditions are proposed for the zone change from R-12 to C-17. Conditions will be addressed during the Special Use and Limited Design Planned Unit Development process, in

items SP-7-18 and LDPUD-1-18.

LDPUD-1-18 & SP-11-18

Chairman Messina opened the public hearings for items LDPUD-1-18 and SP-11-18.

Mike Behary, Associate Planner stated that the applicant is requesting approval for a density increase to an R-34 density that will allow the construction of an 850 unit residential apartment complex on approximately 25 acres and approval for a Limited Design Planned Unit Development that will allow the construction of an 850 unit residential apartment complex on approximately 25 acres.

Mr. Behary provided the following statements:

- The subject site is located south of Seltice Way, north of the Spokane River, and is west of and adjacent to the Atlas Mill site.
- The approximately 25-acre subject site is currently vacant and undeveloped. Prior to 2004, the subject site was once part of a large saw mill facility that was active on this site for many years. The saw mill has since closed and all the buildings have been removed from the site.
- The applicant's overall property was annexed into the city in early 2014 with C-17 and R-12 zoning.
- The applicant owns a triangle parcel that is surrounded by the Atlas Mill site and the City owns the old abandoned right-of-way (ROW) that bisects the applicant's proposed project.
- The applicant and the City are discussing the possibility of a land trade of the two above-mentioned properties.
- The applicant has signed a Memorandum of Understanding (MOU) with the City of Coeur d'Alene in regard to a land exchange of the two above-mentioned properties.
- The applicant's overall proposed project has split zoning with R-12 Zoning District on the southern portion of the property along the river and C-17 zoning district on the northern portion of his overall site.
- The majority of the applicant's proposed project is zoned C-17 and the smaller portion is zoned R-12. There is approximately 7.8 acres that is zoned R-12 and the remainder is zoned C-17.
- The applicant has indicated that he would like to correct the split zoning issue with his proposed project and to have one uniform zoning district over the whole project.
- The applicant has applied for a zone change in item ZC-4-18 for C-17 zoning over the southern portion of his property. This proposed special use in item SP-11-18 and the Limited Design PUD in item LDPUD-1-18 are contingent on the zone change in item ZC-4-18 being approved by City Council.
- The applicant has indicated that he intends to develop the property with a residential use only and it will not be a mixed use development. The applicant intends to build a multi-family apartment complex on the overall 25 acre site.
- The applicant's proposed development will have 19 apartment buildings that will be comprised of a total of 850 dwelling units.
- The applicant is proposing a maximum building height of 85 feet outside of the 150 foot shoreline area and a maximum building height of 75 feet within the 150 foot shoreline area.
- The applicant has sited the apartment buildings on his property such that there will be four view corridors that allow views of the river looking south from Seltice Way.
- The applicant is proposing both public and private open space areas as part of this project. The open space requirement for a Limited Design PUD is no less than 10% of the gross land area and the applicant's proposed project will have a total of 27% of open space.

- The applicant is proposing a total of 7.01 acres of open space that will consist of 1.52 acres of public open space and 5.49 acres of private open space. There will be a two foot sitting wall that will separate the public open space area from the private open space areas.
- The public open space is located adjacent to the river and is 40 feet wide by approximately 1,600 feet long.
- A twelve foot wide multipurpose trail is shown in the public open space area that will traverse the property and will have trail connections to the adjacent properties to the east and the west of the subject site.
- There are three public access areas to the river that are located in the 40 foot public open space area.
- The applicant is also proposing a 40 foot wide private open space that is located adjacent to the public open space area. This public open space area will have connections to the public trail in addition to other amenities for the residents of the proposed project.
- The combination of the public and private open space will consist of an open space area that will be 80 feet in width and will stretch from the river's edge to the closest structure.
- The applicant has indicated that a large commercial use on this site would generate more traffic than a residential use.
- As part of this application, the applicant has submitted a Trip Generation and Distribution Letter (TGDL). The TGDL was prepared by the applicant's engineer and discusses in depth the potential traffic that could be generated by commercial and residential uses.
- The applicant is currently bound to the existing Annexation Agreement that was entered into by the prior owner of the subject site. The current annexation requires a complete Master Plan Planned Unit Development (PUD) in order to build any type of commercial or residential use on the site.
- The current annexation also requires that a pedestrian/bicycle trail not less than sixteen (16') feet in width be built and installed across the southerly parcel.
- The current annexation agreement requires a public hearing and Planning Commission approval on any type of future development.
- The current Annexation Agreement must be amended in order for the applicant to proceed with this project if the special use and Limited Design PUD is approved.
- Mr. Behary provided a map showing the location, various aerial photos, proposed Land Exchange Map, Survey of Site map, proposed site plan, view corridor map, and various renderings of the proposed apartments.
- He provided a copy of the zoning map.
- He stated that the Comprehensive Plan identifies this property as Spokane River District Today.
- He provided a map showing the prior land uses approved.
- He provided various photos of the property.
- He noted the various staff comments and location in the packet.
- He provided a copy of the Trails and Bikeways Master Plan.
- He provided a copy of the building envelope plan.
- He stated that there are 17 proposed conditions.

Mr. Behary concluded his presentation.

Commission Comments:

Commissioner Luttrupp asked what is the difference between a Limited Design PUD (LDPUD) and a Planned Unit Development (PUD). Mr. Behary explained that the LDPUD requirements are a minimum of

15 acres, and if you meet that requirement, you can ask for limited modifications to the code such as setbacks and building height. A regular PUD requires a minimum of 1.5 acres and will ask for more modifications to the code.

Commissioner Luttrupp questioned if the LDPUD stays with the property if they approve the R-34 density increase and the property is sold. Mr. Behary explained that the Special Use Permit will expire in one year if it is not acted on, so if this request is approved and the property is sold, it will remain with the property. He noted that for the application to remain active, the applicant would have to apply for a site development permit.

Mike Gridley, City Attorney, stated there is an Annexation Agreement signed by the applicant which is binding unless they amend it, so the proposed project including the zone change can't be done without the Annexation Agreement. He explained that if everything is approved, the City would have to amend the Annexation Agreement.

Commissioner Luttrupp inquired if the Annexation Agreement has been approved. Mr. Gridley stated that the original Annexation Agreement has been approved, and would limit what can be done on the property.

Commissioner Rumpler asked staff to explain the Hydraulic Study requested from the Water Department. Terry Pickel, Water Superintendent explained that they have capacity in the system to serve a development of this size and the issue is that they have limited infrastructure with a single water main that provides water to Mill River that would be able to accommodate this property. He stated that the tenant would have to provide a study showing additional infrastructure. Commissioner Rumpler inquired who would be responsible for generating this report. Mr. Pickel stated that it would be the responsibility of the developer to provide the report.

Applicant Testimony:

Mike Gridley, representing Co-Applicant City of Coeur d'Alene, provided the following statements:

- He stated that this is an unusual situation in that the City is the Co-Applicant for this property. The reason the City is the Co-Applicant is that their property runs through the middle of the rectangle that the Applicant would like to develop.
- Mr. Gridley said that for a number of years many of the project opponents have been on the same page as the City to preserve waterfront access for the public.
- He stated that a big question is why the City is considering this project. He explained that the City is trying to address what the community has asked them to do, (i.e. provide more public access to the river).
- He explained that in 2014, a Resolution was passed by the City Council, brought forward from the Friends of the Spokane River, to preserve and maximize public access to the river.
- He stated that in May of 2018, the City entered into a Memorandum of Understanding (MOU) with Mr. Douglass and in the agreement it stated that the City Council recognized that public access to the water is a priority and recognized that they don't own the waterfront along the Applicant's property and questioned what type of deal they could make that allows the public access. He stated that out of that discussion they came up with a MOU which is a non-binding agreement to get a greenbelt trail with public access along the river.
- Mr. Gridley said there is "no free lunch" and they were asked to support Mr. Douglass' proposal including the density increase in exchange for a waterfront trail and river access.
- He explained what the City will get through the proposed exchange, which would be the waterfront trail within a 40 foot wide open space area with public access to the river, and the triangle piece, which is the location of the former Stimson office in the Atlas Mill site. He stated that the property has been appraised at approximately 1.5 million dollars, so the idea would be to develop that

piece with the Atlas Mill site that the City bought, to be sold, and the money could be used for public development along the river.

- He stated that if they could accomplish an exchange with Mr. Douglass to include the density increase with the intent, over time, to build the 850 apartments as proposed, Mr. Douglass would be able to do his project. The City would get the piece that runs through the applicant's property and get an easement for a trail on the water.
- The goal of staff is to try and achieve the goal that the City feels is important, which is to obtain more waterfront access for the public.
- With the property the Applicant owns, and the current zoning, he can do 469 units right now, and if he does proceed with existing zoning, it would probably be waterfront homes along the river.
- Mr. Gridley stated that the bad news is none of us will live forever, but the decisions we make to preserve public access will live on forever.
- He stated that this is a tough decision and agrees with folks that say this property is a "once in forever" opportunity and this is the City's best shot at trying to preserve it. .

Mr. Gridley concluded his presentation.

Commission Comments:

There were no questions for Mr. Gridley.

Todd Whipple, Applicant representative provided the following statements:

- He stated that the property is not a "spot" rezone and encompasses 15,000 apartment units and 15,000 residential units.
- The Altas Mill came down in 2005 and he showed different before/after photos of the property.
- He commented that he wants the commission to remember that for 100 years this was a mill site from Riverstone to North Idaho College.
- He stated that they are down to the last parcels left which are the City property and Mr. Douglass' parcel.
- He showed a rendering of the proposed 850 apartments.
- He stated that the last two properties combined are the only properties left that will provide waterfront access to the public.
- He stated that through the MOU, they will not only provide 40-feet of easement to the City for the continuation of their trail system, but also provide additional 40-feet of setback for the buildings along the river.
- Mr. Whipple said that he isn't saying his project isn't an important project as a standalone project, but in 2001 both these sites were an active mill site and removed in 2005.
- He showed a site plan with the proposed zoning.
- He explained that with the rezone they would have five, four story buildings and a 75 foot buffer area. They would have 76 units that would be 80 feet off the water.
- He stated that the water supply is adequate.
- He stated that they met the condition of the Parks Department by providing 40 feet of public open space.
- He stated that the wastewater treatment lines are adequate and the Fire Department conditions are also adequate.
- He commented that to the west are Mill River and some single family residences along the river in a cul-de-sac and the project will not have an impact to those homes.

- They feel they have met the findings of B-8, 9 and 11.

SP-11-18

Mr. Whipple provided the following statements:

- He stated if approved, this will allow a zone change from C-17 to R-34, which will allow them to build a 34 density on the property.
- He noted that on the site plan, they have 14, five-story buildings with underground parking, with five, four-story buildings with above ground parking.
- He stated that this project will provide 27% open space versus the 10% requirement, and one advantage to help get to that open space is to provide a parking garage, which is a very efficient use of space.
- Our vision is to have not only the tenants from the apartment buildings, but the public, use the 40-foot public open space. He stated that they are happy with the apartment layout that eliminates a lot of asphalt to increase and maximize the greenspace to get to the 27% requirement.
- He provided a rendering showing the elevations of the five-story apartments with underground parking, and said that they will be able to maximize the building footprint.
- He stated that they are proposing a compact development and the reason for that is to minimize the overall footprint and development within the Coeur d'Alene area.
- He stated that this project is intended to be a rental community with secure buildings with inside corridors and elevators. He also explained that access to the inside corridors and elevators leading to the parking garages will allow them to provide a taller living environment, and a more dense development, which is great.
- He stated that there will be a view looking to the east and a view looking to the north from the river with the ability to see the public and private open space.
- He stated that that this project meets the required findings.

LDPUD-1-18

- Mr. Whipple explained that they are requesting a LDPUD and that a "true" PUD is technically a rezone that will allow setting of lot width, land coverage and density.
- He stated that the city doesn't have a high-rise apartment project on the river and that the closest apartment project is Riverstone and after that you're probably north of the highway.
- These units will be designed as five-story buildings with underground parking, and interior corridor apartment buildings with elevators.
- He explained the "whole picture" going from Mill River to Riverstone to be a unified development.
- The goal is to get preservation of the 40-feet for the public open space
- The project would provide a functional and desired environment.
- He stated that the project meets the Comprehensive Plan goals and is in the River District which is considered a transition area and they strived to meet all requirements associated with the Comprehensive Plan.
- He stated that they will provide public/private open space to help preserve the open space along the river for development.
- He described the building envelopes around the project.
- He stated that, in reference to the old mill site, from looking at a picture of the site taken in 1995 there were no trees and in 1999 the mill planted some smaller trees along the river, and looking at an aerial photo of the property there are now trees 20-30 feet tall that were planted by the mill.

- He stated that they will try and keep some of the trees and that the topography works well with the design since the property slopes away from Seltice, allowing the buildings to be set back, which is pleasing to the eye.
- He stated that the common open space area will be 27%, which is a combination of private/public open space.
- He commented that on Seltice there are roundabouts that are not signalized and that through their study they have provided the numbers for traffic counts.
- The building envelopes are minimum and maximum that they have used on the buildings. Mr. Whipple showed various renderings showing the color of the buildings. The colors of the buildings will be brown to match the landscape of the surrounding properties.
- He noted that they will have plenty of greenspace between buildings and explained that since these buildings are taller than a “Garden” style apartment, it will provide the right amount of light and open air to the buildings. He stated that there have been a lot of comments such as: traffic counts will be anywhere from 11,500 +/- with the C-17 property counts being 6,400 for ADT, peak hours down from 1041 to 397. He commented that these traffic counts will be an improvement over what they could do with C-17 and R-12 zoning. He added that the intersections will not be signalized intersections. In regard to public infrastructure, Mr. Whipple stated that they have addressed the total number of units that Mr. Gridley explained well. He stated that another question asked is if the project is the best use of the site, and they feel that, when completed, it will be an asset to the city.

Mr. Whipple concluded his presentation.

Commission Comments:

Commissioner Fleming asked why they were compelled to increase the number of parking spaces. Mr. Whipple explained that he has worked on many apartment units and with every project that they didn't get to 1.8 or more parking spaces, they have had parking problems. He stated the reason is that apartments are a community of roommates, couples and singles who don't have one car per unit. He explained that in the west, they have further to walk to a grocery store etc. They have found if they get above 1.85 or 2.1, it doesn't affect anyone other than inside the development community.

Commissioner Mandel asked the applicant to explain the rationale for increasing the building height by 20%.

Mr. Whipple explained the rationale for increasing the building height was to provide a lot of amenities such as interior corridor buildings versus outside stairway buildings. To provide this look, they had to go up to five-stories. They could do four-stories without an elevator, but to include an elevator they had to have that additional story, plus provide the parking garage underneath the building. The request for height was to increase the density to make the project successful.

Commissioner Ingalls commented there are some good positives with the project. To get the triangle piece is huge for the City and the waterfront piece is good for the community. He commented that he went to Boise this year and rode the Greenbelt on a bike and it was cool and he could envision a bike ride to Post Falls with the extended trail. He noted that on the rendering of the apartments the buildings jump up, and stated that he is struggling with this project when it comes to a couple of the findings that talk about compatibility with the building envelope and with the surrounding neighborhoods in regard to bulk and size. He commented they are “huge” apartments, and requested that the applicant help him understand that the Comprehensive Plan states “Within the corridor its expected to have some areas that would be higher than 10 to 16 dwellings per acre density some pockets of that but it also says the “scale of the development could be urban but less than the Downtown Core” (DC). He stated that the majority of the downtown buildings are two and three stories.

If you think about development, it's either on the flat ground and so you drive by it and you get a corridor

view. Whatever you build is what you get. If you're building up hill, if you were to go up hill from the road, and you build two stories, but you're back 50 or 100 feet, but you might be five or six stories in the air. On this property, where we have 30 feet of fall to the river, we wanted to maximize the development of the site, but we also thought that we were less intrusive to the view from Seltice because, while we were asking for one more story, which is really about all it adds, as we fall away from Seltice, we could increase the density and open space. He explained that if they built only a three-story building they would have struggled with the 10% open space and would not have been able to build the parking structure. He stated they decided to include underground parking to decrease the asphalt footprint for outside parking, and they needed an elevator, and with the elevator they can go to five stories.

Commissioner Rumpler stated that there was previous testimony spot zoning and asked Mr. Whipple for his point of view of how he does not see this project as a "spot zone". Commissioner Rumpler explained that if they approve an R-34 zone, there is no R-34 property near the property, and if they approve R-34 on the site and someone buys the property to the north and there is an economic justification, how could they not allow them to build to the same density and bulk.

Mr. Whipple stated that as a community, we have to decide what the limits of sprawl are. He stated that in an earlier discussion talking about levels of service, it was noted that all urban communities go to service level "F" and the City of Spokane's downtown corridor is service level "F". He explained that in that area they want people to use public transit, bikes and walking. Level service "C" is "free flow." It costs a lot of money to achieve a service level "C" and build a lot of lanes, and if you build lots of lanes people will drive farther, so as a city we have to decide do we go to the Prairie or do we densify. Mr. Whipple said that in his opinion all cities have to make that decision -- do we densify our urban core or do we go up or out? He answered the question about the guy across the street and if he is going to be across the street we will have the City's project, mixed use community, Riverstone, and the bike path put on Seltice that goes downtown questioned about why they are not zoned R-34 and that the City should support densification on everything south of the highway.

Commissioner Rumpler said that he understands the justification and maximizing the opportunity, which makes sense. He questioned the transportation impact when it was stated earlier that there would be "no impact" on Seltice. He corrected that statement and said that yes there would be impacts. He commented that he lived in Mill River for many years and is familiar with the Seltice commute to downtown and to other areas, and commented that the recent addition of the roundabouts is a dramatic improvement for that corridor from Northwest Boulevard all the way to Highway 41. He noted that during Welch Comer's presentation on the traffic study that the addition of any significant number of new car trips into an already stressed corridor from Atlas to Northwest Boulevard. Commissioner Rumpler further commented that there might not be any signal optimization and adding the Atlas property the City owns and the density they are proposing could be catastrophic to the transportation system. He stated that he wants to make the right decision so that the outcome of "quality of life" is not diminished.

Mr. Whipple stated that previous testimony regarding the traffic study, Mr. Boyd commented, "If you build it they will come". Mr. Whipple explained that they are time-based on what is the quickest way or least amount of delay, but at the same time transportation is expensive. He stated that he has seen stuff that he designed in his early career that was torn down. He also commented that if background traffic grows from 1-2 ½ or 3% a year, that means every 10 years traffic has grown 25% without getting any impact fees. He asked, does the City come up with \$80 million dollars for the Huetter bypass and then don't allow any more growth until that comes in and then fill it up? He stated that this has to be a public/private process, which allows development to proceed in conformance with the Comprehensive Plan.

Public testimony open.

Dr. Steve Cook, Superintendent of Coeur d'Alene School District 271, stated that he is "enheartened" by the fact they have talked this long about traffic and hopes, in the future, to have a similar discussion on how a development will impact our schools and children. He stated that the school district is aware of

“win/win” agreements between developers and municipalities and supports the forward planning position of the City to incorporate public access for the River’s Edge development. He commented that it appears the River’s Edge apartments in the City have been working to protect and provide public access to the riverfront with existing zoning. River’s Edge apartments are entitled to roughly 450 units, which would equate to approximately 140 new students. However, if this agreement is approved, the additional 400 units could potentially produce an additional 180 students over time that the school district would be expected to accommodate. Dr. Cook added that in their current design and zones, the additional students would likely attend Winton Elementary School, Lakes Middle School and Lake City High School. He noted that all of our schools are at, or over, capacity, and that last Wednesday, he subbed for one of the 5th grade teachers, Amanda Briggs at Winton Elementary School, and the class had 34 students. The district is highly supportive of positive growth and responsible development decisions by the Planning Commission and City Council, and those decisions should not continue to be made without consideration of the overall impact of the school district. Dr. Cook mentioned the circumstances regarding the elementary school the district is trying to build either on the Prairie Avenue site or the Nexus site that are a good example of how this plays out when considerations are overlooked and partnerships do not exist.

Dr. Cook further commented that school districts are not set up to enter the open market as a private developer to compete for the right locations for schools. He asked the commission to imagine if other public entities such as Fire Departments or the Parks Department were expected to compete on the open market to locate, and place future fire stations, or community parks. He commented that they strongly urge the City to fairly assess the impact for all projects on schools by amending current policy or City Code to establish and act upon the authority to assess either impact fees, funding or land acquisitions for the impacts of development on the school district. He stated that, just as the city has created a collaborative partnership with River’s Edge apartments in order to achieve its goal of increased open space, they ask the City to partner with the Coeur d’Alene School District to ensure that the increase zoning will not overly burden our local schools. He commented that it is time we build a collaborative approach between the City and school district to insure that future growth and development in our community can be done in a thorough and thoughtful manner.

Josh Suhr stated that he grew up here, is a member of the Board of Realtors, and is asking that the commission to consider what they are giving up, for what they are getting in this deal. It is one thing to have a land swap and zone change with density increases and height increases in exchange for 40 feet of waterfront but they need to factor in what the value will be. He questioned if we are trying to create a district affectively inquired what is the overall effect of an apartment project, and what will be the benefit to the city.

Ray Lozeau asked where people are going to park. He stated that the density is bad and people living here don’t make a lot of money, so how many people are going to be living in those units. He commented that people are leaving Spokane because of the drugs and asked if we want to be like Spokane. He commented that this project is not good for the City.

Kevin Shultz stated that he is a doctor and works at the Chinook building. He commented that he has to use the exit off of Ironwood many times a day for deliveries or surgeries, and noted that a lot of times there is a wait to get to the hospital and that the increase density in traffic will not help in emergency situations.

Chet Gaede stated that there are three decisions to be made for the project. The first one is a decision on the zone change. Mr. Gaede commented that the R-12 zoning that is there now is terrible because it will allow houses to be built along the river with no river access. He applauded the City’s effort to get access for the public area. Mr. Gaede said that the second decision is the Special Use Permit for the R-34 density increase which will be a tough decision with a lot of people saying that traffic is bad and bad for the environment. But if you’re really an environmentalist, you should cheer for density. We should be saving land some place, and be more dense other places. The third decision is the approval of the LDPUD that is tied to the MOU and under negotiation. Mr. Gaede commented that he fears that if the commission does approve the LDPUD, it will be a signal to the developer that this project is approved. He suggested putting off approving the LDPUD and that approving the other things would be ok. Mr. Gaede said that

what he is adamantly against is the docks. He explained that when the Atlas project went through with all of the public hearings, the public was adamant that they didn't want marinas or docks. He commented that the docks should be negotiated in the MOU, and suggested approving the zone change and putting off approval of the LDPUD and pushing that decision to the elected officials who take into account all the likes and dislikes of the people instead of the rules and regulations that the commission is presented with.

Roger Smith said that he was part of the advisory committee in 2013, which led to the resolution to allow public access to Riverfront. He commented that the developer is asking for the "sky" and in this package it is a lot of stuff that is not in the best interest of the city. He commented that the Annexation Agreement that was approved in 2014 was done to take in account that this is a special piece of land and that the Annexation Agreement required a Planned Unit Development (PUD) to be used as a tool when the parcel is developed. He stated that he is against the docks, parking garage and no view corridors, that the MOU is not a good deal, and also stated that the City is not getting what they should out of it. He said to the commission, "Please don't approve R-34."

Tim Keary stated he was speaking for the North Idaho Centennial Trail System and proposed that the Centennial Trail remain 16 feet wide going through the River's Edge and Atlas Mill site area. He stated that the Centennial Trail is a great "jewel" in our community's crown. He explained that the requested density for this plan will create more trail traffic. He further said that he is neutral on the development, but is advocating for a proposed 16-foot wide trail.

Ruth Pratt stated that she recognizes the value of high density zoning and is opposed to it because of the location along the river. She noted that the property is in an environmentally sensitive area, and there is only a finite amount of waterfront property left in this community that needs to be thoughtfully protected for future generations. She commented that if the zone change is approved and they are allowed to build 850 units, the buildings that would be built down by the water would be 75 feet tall and she asked the commission to imagine the wall of buildings that will be presented from Seltice Way and questioned if this is what we want for our riverfront. She further commented that to approve an R-34 zone would create over 6,000 vehicle trips a day, in an already congested area.

Terry Godbout stated that there are seven, five-story buildings in the city and if this project is approved, it will add 19 more with a 300% increase. His personal feeling is that the traffic study is not complete and questioned how a decision can be made until the final traffic study is available. He commented that he recently did a survey after reviewing the letters submitted to the Planning Commission and explained that those 39 letters all of them denied this request. He noted that there was a small poll done on Facebook with 43 opposed and one in favor. The other poll was done on Sunday morning at 11:30 a.m. when he put a petition on Change.org with attached pictures from the developer and asked, "If you are opposed, please sign the petition." He commented that during the first 24 hours they had 124 signatures that went viral, and the total number of people who signed the petition was 4,400 people.

Carrie Morrison commented that one of the things that was not mentioned is how much open space will be available for the public. She noted that in previous testimony, Mr. Whipple mentioned two parking spaces per apartment, and if there are 850 units, that would mean there would be 700 parking spaces. She referenced the 40 foot waterfront piece that is designated for the public and questioned where is the public is supposed to park to get to the little strip of land intended for the public to use. She also questioned what is wanted for this space -- small businesses or people to have access to the waterfront to use.

Shelley Pordue stated that a long time ago, you used to be able to live here without making a lot of money and now you can't get an apartment for less than \$1,200 a month. She commented that it's not fair because if you don't have money you won't be able to enjoy the river.

Andy Singh stated that he owns a lot on the corner of Atlas and Seltice and commented that they have been waiting for development to happen in this area for a long time and applauded the City for doing a great job on the road. He stated that he approves of the project and questioned how many years we can look at cows on Seltice. He further commented that we succeed when the City pushes development,

eliminating the “crummy” corners. He said that we want to be stewards of the community and when we see development like this, we want to invest in the city.

Dan Panther commented he lives in Mill River and has enjoyed walks along the river to Riverstone for years. He commented that C-17 feels like a threat and explained that he can put in all the “big box” stores and there is no problem with traffic. He commented that he is concerned about the added traffic on the trail and people who enjoy looking at the river will now be looking at a wall of buildings. He stated this request is about financial gain.

Susan Knutson said there are 198 rentals available in Coeur d’Alene today with 2,700 jobs available. She further commented that in 2017 the population of Coeur d’Alene was over 50,000 and those people are living on over 10,000 acres in Coeur d’Alene. She explained that if 850 units go into that 25 acre area, it could potentially be a 6% increase in population on 2% of the land in Coeur d’Alene, and that concentrated amount of people would be living in rental apartments, and without ownership there will be no pride of ownership, which is something to be considered.

Tom Morgan stated that no one has mentioned the Fire Department and what happens when a fire happens in this area. Commissioner Fleming answered that a new fire station just opened on Atlas Road.

Rebuttal:

Mr. Whipple provided the following statements:

- He stated that they just received the comment letter from the Centennial Trail Foundation today and they will not have a problem with the trail being 16 feet wide.
- He addressed access and parking and have been working with the City noting that there will be public parking available on the Mill River side of the trail and on the City-owned Atlas portion of the trail. He explained that public parking will not be allowed in the apartment complex which is considered a private development, with the intent to have a parking area over the sewer easement and a parking area on the Atlas Mill site.
- He stated that they are asking for a higher building height on the shoreline area and explained that the building height, when done, will be 55 feet tall, In perspective, in an R-12 zoning district, they can build a 32 foot high building, 40 feet from the river. They are proposing a 55 foot tall building, 80 feet from the river, so the size and bulk will be different but their proposal will be different from a bunch of houses lined up on the shoreline.
- He referenced a previous photo showing the Atlas Mill site and commented that, unfortunately, they don’t have the ability or luck that Riverstone had when they went from closing the Central Pre-Mix pit to filling in the pond and putting a restaurant in and people thought that was great. He stated that if the mill was still working with logging trucks going in/out and if they weren’t here, people would say, “Thank God that mill is going!” He asked the commission to please put that in perspective.
- He stated for the last 15 years they have been looking at this open area and don’t think this it is fair because if they were going straight from the Mill site to this development they feel the project would be embraced by the City with the intent to fix a blighted community, which is the removal of an industrial site for a residential community.
- He asked the commission to please consider these elements and not penalize them for the 12 or 13 years in between.

Mr. Whipple concluded his presentation.

Commission Comments:

Commissioner Luttrupp asked if the applicant could explain how the docks will work with this project. Mr. Whipple stated that they will be private docks for the rental community with a public dock option. He explained that the public dock option will be ADA accessible, and they will provide direct river access for the public to use.

Commissioner Luttrupp asked if approval is needed from the Idaho Department of Lands for the private docks. He asked if, since the City doesn't own the 40 foot piece of property, would having docks inhibit the use of the river. Mr. Whipple stated that he understood the question and explained that they will not have as many docks as Bellerive, but will cut down the number of docks per the amount of people. He explained that they tried to place the docks so that they wouldn't be intrusive into the public open space and viewing area. He noted that they tried to place the docks so that they aren't intrusive into the swimming area and tried to keep the docks as far away as possible. He further explained that there will be stairs to get down to the beach area.

Commissioner Luttrupp asked if the streets within the development will be public streets. Mr. Whipple explained that they will be private drive isles for access to the apartments.

Commissioner Luttrupp questioned if the only tenant parking will be in the garage. Mr. Whipple explained that there will be surface parking. Commissioner Luttrupp inquired how many parking spaces will be available. Mr. Whipple explained that there would be two parking spaces available for each of the 850 apartments, so that would be 1,700 parking spaces. He explained that there will be 700 spaces available in the garage and the rest is surface parking.

Commissioner Luttrupp stated that McEuen Field has 440 parking spaces and downtown on-street parking is 699 spaces, and the new parking garage at 4th and Lakeside has 600 parking spaces. He stated those three parking areas are smaller than what this project intends to have. He further commented that he is having some discomfort with this project and noted that, if approved, it will go against the Comprehensive Plan. He explained that the project is too massive, the density is too great, and he does not support changing the shoreline. He stated that he will not support the project.

Mr. Whipple responded that he feels this is a great project and in the narrative they tried to meet all of the Comprehensive Plan polices pertaining to the LDPUD and Special Use Permit.

Commissioner Luttrupp stated he would like to have a crime report presented comparing similar housing units versus this project.

Lancze Douglas applicant provided the following statements:

- He commented this is a large project which will be done in over 10 years, which would be 85 units per year and would be considered a medium size project.
- He stated that this type of growth has happened in this area for the last 10 years, with the addition of the Riverstone apartments, Mill River apartments, and the apartments across the street.
- He explained that since they are coming in with a large project, instead of with a bunch of small projects that don't tie together, it enables them to plan for the waterfront all at once.

Mr. Douglas concluded his presentation.

Chairman Messina commented that he heard that there will not be any public parking on the property and questioned how they intend to stop the public from parking on the property, and if they intend to have any gates on the property to prevent this. Mr. Douglas answered that they do not intend to have any gates.

Public testimony closed.

Commissioner Rumpler asked if staff could explain the choices for this project.

Mr. Behary explained the choices: To approve, approve with conditions, deny, deny without prejudice, which is not an option for the special use permit, but would be an option for the zone change and the LDPUD. He further noted that the commission could continue one or more of the public hearings or table a decision. He stated that the commission can make the findings on the zone change request and table the decisions on the special use permit and LDPUD pending a final decision by City Council if an appeal is brought forward.

Commissioner Luttrupp stated that the zone change needs to be approved and then he recommended deferring the other two to City Council.

Mr. Gridley clarified that the fundamental thing is the zone change and explained that if the commission denies the zone change, then the other two items don't happen.

Ms. Anderson explained that the commission can approve the zone change and the other two could be tabled or denied and those items would get appealed to council for their decision. She added that if the commission decides to deny all three, then the applicant could appeal all three items to council.

Commissioner Rumpler said that he concurred with Commissioner Luttrupp's comments and stated that the challenge is there are some things that aren't related to the technical elements of development, which are more political in orientation; for example, the land exchange, MOU, and amendment to the Annexation Agreement. He commented that these are things that they can't make a decision on so he is sympathetic to Commissioner Luttrupp's comments.

Commissioner Ingalls stated that R-12 zoning is terrible and he is not in favor of seeing "Bellerive boxes" next to the water, and that C-17 is the right zone for this property.

Discussion:

The commissioners then made separate findings for each of the three requests starting with the zone change. A motion and findings were made by Commissioner Fleming for the zone change request.

Motion by Fleming, seconded by Ingalls, to approve Item ZC-4-18. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

Discussion for Item's LDPUD-1-18 & SP-11-18

Commissioner Fleming stated that she has done this type of work in the Middle East and can't believe how dense this project will be in this location and has a difficult time "wrapping her head around" the impacts to the river and views as you look down the proposed view corridors. She feels there are no view corridors, especially from the water, and described it looking like from "Brooklyn from New York Harbor". She is concerned about the school impact in this area. She stated that this is not our downtown core and that this project feels like a downtown core project. She stated that she is concerned about the amount of impervious surfaces with too many buildings that would provide only 28% of greenspace diminishing the lack of sun and humanity. She added that they are committed to a city that has small town feel to "live, work and play." She suggested that they do need to have bus pickups and get more cars off the road, and commented that with this much compression they will have a lot of crime.

Commissioner Ingalls stated the positives and explained that this is a huge opportunity to obtain 1,700 feet of waterfront and one thing they can agree on is they would love to keep the parcel vacant. He commented that struggles with the mass and scale, which goes against the Comprehensive Plan. The Centennial Trail should be 16 feet rather than 12 feet. He stated that it would be hard to make the finding

that this project would be compatible with Riverstone and the Atlas Mill site. He commented that if there is ever an opportunity for some middle ground 469 apartments versus 850, or how about 650 apartments.

Commissioner Ward stated he is aware of the petition online, which will not sway his decision, and out of the fairness to the developer their presentation, that those 5,500 people weren't here tonight to give their comments. He stated that they need to send this to the City Council so the people who couldn't attend tonight will have a chance to voice their opinion at another hearing.

Commissioner Luttrupp said they had a previous city attorney who gave them lectures on a regular basis, saying, "You can get all the testimony, but pay attention to the facts." He commented that he is confident that they heard a lot of the people's response.

Commissioner Mandel commented that the land swap being tied to some of this was in the back of her mind, and not having enough information to make an informed judgement on that decision, or the risks, assets or liabilities that would come with the land swap. She feels that she doesn't have enough information at this time to say how much this zone change and special use is worth. She further commented that she is not afraid to make the hard decisions. On the face value of the R-34, I was struggling to make the findings that this was compatible with the River District and relative to what the Downtown Core looks like. She further commented that she believes in density and that development is good and that they need to think about density which can "look different" and "look smarter". She commented that she would like to push the commission and the City to incorporate the school district into some of these big projects and decisions proactively. She commented that she applauds the developer's efforts for coming up with creative solutions on open space and accommodating public access on the waterfront. The scale and the intensity of this development are not compatible with the surrounding area.

Commissioner Ingalls made the motion to table SP-11-18 and LDPUD-1-18.

Chairman Messina inquired if they can make the motion to include both of them.

Ms. Anderson stated that the commission should do one item at a time but if they do that (i.e., table the decision) then this would be different than the other scenarios they talked about earlier. She explained that the zone change will go forward and the council will make their decision, and during that time the commission can't have any discussion between now and then, and there won't be any more public testimony at that meeting if they decide to table the decision on the special use permit and Limited Design PUD. There will need to be no ex-parte communication.

Mr. Gridley suggested that if the commission wants this to go forward to the City Council, one option is they could deny both the SP-11-18 and LDPUD-1-18 tonight and the applicant could appeal the decision. If the commission chooses to table the decision, it would not move forward to the council.

Commissioner Ingalls stated that he would like to withdraw his motion. A new motion and findings were made by Commissioner Mandel on the Special Use Permit.

Motion by Mandel, seconded by Fleming, to deny without prejudice Item SP-11-18. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

A motion and findings were made by Commissioner Fleming on the Limited Design PUD.

Motion by Fleming, seconded by Rumpler, to deny without prejudice Item LDPUD-1-18. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

ADJOURNMENT:

Motion by Ingalls, seconded by Rumpler, to adjourn the meeting. Motion approved.

The meeting was adjourned at 11:45 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant