

**PLANNING COMMISSION  
MINUTES  
OCTOBER 8, 2019  
LOWER LEVEL – COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

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

**STAFF MEMBERS PRESENT:**

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

**COMMISSIONERS ABSENT:**

Lynn Fleming

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion by Luttrupp, seconded by Rumpler, to approve the minutes of the Planning Commission meeting held on September 10, 2019. Motion approved.

**COMMISSION COMMENTS:**

None.

**STAFF COMMENTS:**

Hilary Anderson, Community Planning Director provided the following statements:

- She noted that on the November 12<sup>th</sup> Planning Commission meeting agenda they will have the master plan and economic feasibility study for the Health Corridor prepared by HDR for a determination if the Health Corridor urban renewal documents are in compliance with the Comprehensive Plan. They will also have an application for the Atlas Waterfront PUD and Subdivision.
- CDA 2030 and MIG were part of the Envision Coeur d'Alene event held a few weeks ago with a great turnout. One of the things they did at that event that we will be doing tonight as part of the Planning Commission meeting is playing the "Growing Better Places" board game. The results of tonight's game will be shared with MIG. She added that they now have 10 board games available for the public to check out and there is an option for staff to facilitate games for groups of 8-10 people who want to play the game.

**PUBLIC COMMENTS:**

None.

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

1. Applicant: Active West, LLC  
Location: The property is located along Beebe Blvd.  
Request: A proposed 3.6 acre PUD "The Union" in the C-17 zoning district.  
QUASI-JUDICIAL, (PUD-3-19)

Mike Behary, Associate Planner, presented the staff report and stated that Active West, LLC is requesting approval of a proposed Planned Unit Development on 3.6 acres which will allow 23 residential lots and one commercial mixed-use lot to be known as "The Union" in the C-17 zoning district.

Mr. Behary provided the following statements:

- The existing site is currently vacant.
- The proposed PUD will be a mixed-use development that will have public streets and is adjacent to Beebe Boulevard.
- The applicant has indicated that the commercial mixed-use development is proposed to be a three-story structure. The first two floors of commercial uses are proposed to consist of office spaces with the possibly of a restaurant, a coffee shop, or some similar type of use on the first floor. The third floor will consist of three residential units.
- All of the required parking for the mixed-use will be provided on the proposed commercial lot.
- The remaining 23 lots will have single family attached and detached houses on them.
- The 23 lots will be comprised of seven single family detached houses and 16 single family attached dwellings. Attached single family dwellings share a common wall with another home that is separated by a property line.
- The applicant has submitted building elevations for the proposed mixed-use facility and the proposed residential dwellings.
- The applicant has also submitted a PUD site plan that shows the proposed site layout and the building locations on the proposed PUD.
- The applicant has indicated a five-foot building setback from the side property lines for the residential lots, which will equate to a ten-foot setback from structures.
- The applicant is proposing to install the streets and the subdivision infrastructure for the project in one phase.
- The applicant will provide street connection to Beebe Boulevard as well as making a connection to Lakewood Drive to the north. The applicant is also proposing to stub the new street to the east for the future connection to Lacrosse Avenue.
- The applicant has indicated that if the PUD is approved, infrastructure construction would begin February 1, 2020. The proposed PUD will have a density of 7.2 units per acre which is less than the 17 units per acre that is allowed in the C-17 zoning district.
- The open space requirement for a PUD is no less than 10% of the gross land area. The applicant's proposed project will have a total of 10% of the total gross land area dedicated toward public open space. The proposed open space will consist of three public open space areas.
- One of the open space areas will be located at the northwest end of the property and is part of the mixed-use development. The public open space will be a patio area that can be accessed by the public directly off of Centennial Trail and off of Beebe Boulevard.
- The second open space area is a 10-foot trail connection and grass area that will provide trail

connectivity to Centennial Trail and to the trail that accesses north to Riverstone.

- The third open space area is located on the southeast part of the property and can be accessed by the public directly off of the Centennial Trail. The open space is proposed to have picnic tables, turf grass, box planters, and native grasses with boulder and wildflower plantings. The public open space area will also have a public sidewalk connection to Lakewood Drive's sidewalk to the north.
- The applicant will have to submit a subdivision application for the site that will require a public hearing if the PUD is approved. The applicant is aware of the requirement and has indicated that he will apply for the Subdivision for "The Union" after the PUD has gone thru the public hearing process.

#### **PLANNED UNIT DEVELOPMENT MODIFICATION REQUESTS:**

The applicant is requesting the following deviations from existing standards:

- Front Setback: 10 feet rather than 20 feet
- Rear Setback: 8 feet rather than 25 feet
- Side Yard Setback: 5 feet and 5 feet rather than the 5 feet and 10 feet required for lots without alley access.
- Minimum Lot Area: 2,175 SF rather than 5,500 SF
- Minimum Lot Width/Frontage: 27 feet rather than 50 feet
- Right-of-Way width: 34 feet rather than 55 feet
- Sidewalk on only one side of the street.
- Mr. Behary provided various maps showing location and aerial views of the property.
- He noted the required findings for the project.
- He stated that the Comprehensive Plan designates the property as Transition-Spokane River District.
- He provided a drawing of the PUD Site Plan, a typical lot layout and setbacks, Generalized Land Use Map, existing zoning and various site photos of the property. He also provided renderings of the building elevations.
- He noted the various staff comments in the staff report.
- He provided a copy of the open space map and site plan.
- He stated that there are nine proposed conditions.

Mr. Behary concluded his presentation.

#### **Commission comments:**

Commissioner Ingalls stated that in the staff report it noted that the Homeowners Association (HOA) would be responsible for continued maintenance of all street, traffic signage and required signalization. Mr. Behary explained the applicant made a mistake and copied and pasted the language from the District that was approved last month and accidentally pasted it to the narrative for the project and that the streets will be public, not private.

Commissioner Ingalls commented that if the streets will be public, the city will be responsible for maintenance and care of them and that the developer will install signage initially and later the city will assume maintenance. Mr. Behary stated that was correct and that Chris Bosley, City Engineer was present to answer any questions regarding the design of the road.

Commissioner Ingalls inquired if the street width was going to be 25' feet. Mr. Behary stated that was correct.

Commissioner Ingalls inquired if the applicant was intending to have parking on the street and if that is true, he indicated that he feels the street would be too narrow.

Commissioner Ingalls said that in the past they have voiced concerns that the street on the south end that is not considered a cul-de-sac and questioned if someone is going down that road how are they supposed to turn around. He inquired if staff is aware of a plan for the road to connect to Lacrosse. Mr. Behary explained that the plan is that the applicant will provide a stub to the south for a future connection. He is not sure about the timing when the city will be doing that but, for now, a stub to the south will be added for a future connection.

Commissioner Ingalls said if the timing is not certain, shouldn't the terminus on the right side be such that a person could use that area for snow storage or a car and fire truck could use it as a turnaround until the connection to Lacrosse happens. Mr. Behary suggested that the Planning Commission could add a condition stating that until a connection happens, that area could be used as a temporary snow storage area until future connections are completed.

Commissioner Ingalls noted that the Centennial Trail in on one side, with a public street on one side, and wondered if the lots would be considered double frontage. Mr. Behary stated that the Centennial Trail is not considered a street, so the lots would not be considered double frontage.

Commissioner Ingalls said that he would like clarification on the amount of open space and noted that in the past, they have had workshops on what the definition of open space is and how much is useable. He commented that he doesn't know of any requirement in the Planned Unit Development (PUD) that the amount of public space is required to be open to the public, but for this project the applicant is intending for the open space to be private. Mr. Behary stated that was correct. Commissioner Ingalls inquired if the applicant is providing open space as a "carrot" to help with deviations the developer has requested. Mr. Behary explained that 10% open space is a requirement for a PUD.

Commissioner Ingalls asked about open space and, if it is considered to be a "benefit" for availability to the public, how that would be recorded. Mr. Behary explained that if the PUD is approved, the applicant would have to comply with the PUD site plan approvals that the commission approved.

Commissioner Mandel said that the PUD modification request doesn't seem insignificant in terms of setbacks and the right-of-way width and dimensions. She added that she doesn't see any common response from the staff report and asked if that is because it's from the R-12 zoning district. Ms. Anderson stated that most PUD's do change the setbacks so it is consistent and on those lots they will still be required to maintain 5'/5' on the sides, so it's 10' feet between buildings, unless they are connected. She added that the other lots are reduced because of the proximity to the trail, which the applicant can address.

Commissioner Mandel asked if the PUD is consistent with other prior PUD requests and modifications. Ms. Anderson stated that it is, and explained that on the road right-of-way it would be helpful to have the City Engineer address that question, but the design would not allow any parking on the street. She added that the ultimate goal would be that the more primary connection would be Lakewood to Lacrosse and it would be more emphasized with how the curb design would be designed.

Chairman Messina commented that from reading staff's traffic report, he concurred with Commissioner Ingalls that it's a little bit "out there" based on what is going on at Riverstone, as well as connectivity down the road, and said that he hoped the applicant would address that question.

## **Public Testimony open.**

Dennis Cunningham, applicant, provided the following statements:

- He said that the process has been a long road and he has worked with staff, BLM, DEQ, EPA, ignite cda, the city and Avista to get this project started.
- He explained that the original plan for the property was to do stacked flats, which had been a popular design around the country, but they decided to stay in the C-17 guidelines and came up with about 61 units and couldn't get the numbers to work and so they decided to build small infill products which they are proposing.
- He said they had a lot of challenges on the project and came up with a mixed-use building on the end and a plaza that would utilize the use of the Centennial Trail to help move people to the different amenities in Riverstone.
- He explained that the residential lots are smaller to help provide a product that will be affordable.
- He explained that they pushed the parking requirement to 1.25 more than what is required so we would have enough parking on the weekends if the plaza office people aren't there to provide some over flow parking.
- He explained the intent to narrow the road width was to reduce the speed of traffic in that area by making the street narrow.
- He stated that by placing the sidewalk on the north side, it would provide people coming into the Riverstone area the ability to use the sidewalk to get on the Centennial Trail.
- He stated that the project is a mix of townhomes and noted that in 2007 some of the original Planning Commissioners worked on Meadow Ranch, Riviera Place and the District, which have similar setbacks.
- With regard to open space, Mr. Cunningham explained that the intent was to extend the plaza so that you could get into a boat and park and that the design of the plaza will be similar to the area where LaPeep is located. He explained that another option is they could fence the area and maintain the PUD open space to remain private, but with the proposed development sitting on the Centennial Trail, there will be a lot of pedestrian traffic.
- He noted we had a temporary fire turnaround that met the Fire Department requirements with an agreement not to build on those lots until Lacrosse was extended or Lakewood connected. He added that when connection to Lakewood became a requirement, they decided not to do the turnaround.
- He suggested that the commission ask the City Engineer and the Community Planning Director about the connection to Lacrosse.
- He explained that they have presented the PUD first and after the discussion tonight they will talk with staff and fine-tune some grading and utility connections that need to tie into the project.

The applicant concluded his presentation.

## **Commission comments:**

Commissioner Ingalls inquired about the turnaround on the south end and commented that he doesn't think it is a good location but understands that the vision is to get the connection to Lacrosse. He explained that the project, if approved, has two benefits. One is the public open space and the other benefit is to provide another access out of Riverstone. He noted that he feels that maybe the project will "open the door" to make that connection happen.

Mr. Cunningham said that he believes that a future connection is a goal for everyone to happen.

Commissioner Ingalls asked about the street width of 25'-26' feet and commented that he assumes once there is a connection to Lacrosse hopefully traffic will be minimized.

Mr. Cunningham said that is why they don't see the preliminary plat application tonight and that probably after input tonight the street won't "T" the way it is presented. He believes the city wants Lakewood to come around to Lacrosse to provide traffic flow from the other commercial buildings and commented that in November they plan to submit the subdivision plan that will look similar to the PUD with a few modifications.

Chairman Messina inquired about the existing residential lots that will have garages and guest parking and if those visitors would be allowed to park in the commercial area. Mr. Cunningham explained that the city requirement is that the guests would park in the driveway and could use the overflow parking in the Plaza.

Chairman Messina stated that there is an existing problem at Riverstone with people parking on public streets and he doesn't want to see it happen here. He said that he doesn't want to approve something that is going to make the problem worse.

Mr. Cunningham explained that they have met the City Parking Standards and if they are being asked to provide more, then that is a different conversation. He commented that as you come into these urban infill areas, the idea is to not use your car and maybe the people living in those units will not have two cars. He suggested that people tell their visitors to park in their driveways.

Commissioner Luttrupp asked if LaPeep has a parking requirement and will the proposed development be the same or more.

Ms. Anderson explained that with LaPeep there was a reduction through the PUD with the parking and driveway lengths in Bellerive. There was not a reduction in the parking for the commercial uses, but it was for the mixed use at the Riverfront House.

Commissioner Mandel asked if it was the assumption on the street width that ultimately Lacrosse would connect to Lakewood and that would it be the primary connection into Riverstone, and that the proposed PUD would be a little "spoke" off of that, but not be a primary ingress/egress for traffic from Northwest and Lacrosse coming into Riverstone.

Mr. Cunningham explained that was not his assumption, but he heard it from city staff and consultants of the traffic study looking at flow.

Clark Emerson said that he is amazed that the project has gotten this far from looking at the proposal. He commented that he understands Mr. Cunningham but the applicant bought the property with the dimensions as they are and it's not up to them to make it work financially for him. He said that the applicant said that he meets the parking requirements and questioned how he is meeting them by asking the public to give up the size of the street. Mr. Emerson said that he doesn't understand why the professionals have allowed the applicant to spend his money doing a project when there are so many deficiencies that it is a joke. He asked if the project already comes to the Commission with recommendations from staff for approval.

Chairman Messina explained that there is no prior approval and that is why they are having a public hearing. He added that the applicant can talk to staff and staff may make some recommendations as far as what they can/can't do and the applicant makes the decision if they want to go forward or not.

Mr. Emerson said that Commissioner's Mandel and Ingalls brought up some good points and that he gets the feeling that as much as Mr. Cunningham has been involved with staff, staff has basically made him feel that the proposal could be approved. He suggested that when the commission is making their decision to please look beyond the constraints of the property, because it is not their fault that the property is small, or what Mr. Cunningham paid for the property and that he could put three or four houses in and they don't want another project that is built that has so many deficiencies that will be causing problems down the road.



Chairman Messina explained that staff doesn't talk to any applicant and say that their project will be approved. He added that it is the responsibility of the Planning Commission to make the decision to approve or deny.

Commissioner Luttrupp commented that the City has certain code requirements and when there is something that goes against code, they can approve a project with conditions.

Mr. Emerson said that he sympathizes with Mr. Cunningham's challenges with the size of the property but doesn't believe the public has to wave basic requirements of sidewalk, street width, etc. to allow him financially to make the project work; and whether it meets the standard and is it practical if Lacrosse is going to be a through street out to Northwest Boulevard is a question a lot of the residents living in Bellerive have.

Ms. Anderson stated that there have been discussions to try and work together to figure out the Lacrosse connection.

Chairman Messina said that they can place a condition if the Commission says there needs to be a turnaround at the end until the last two lots are built or the road is built.

Tom Miller said that all public hearing notices were sent out and not all homeowners in Bellerive received the notice in the mail. Mr. Behary explained that they send notices to property owners within 300 feet of the property and that the applicant is required to post a notice on the property. Mr. Miller said that Mr. Cunningham's property is two parcels, the railroad property on the north side and the Southside is 1.2 acres that was owned by ignite cda. Two years ago, ignite cda said they were going to sell the land and put it on the open market and Mr. Miller said he was not sure how Mr. Cunningham got it, but it's in his name. He added that the parcel is 1.82 acres and current assessed value is \$1000.00 and is aware that Mr. Cunningham paid \$5.74 in taxes. Mr. Miller added that since it was a heavy industrial site for many years it has a significant amount of hazardous materials embedded in the dirt today. He explained that the applicant's parcel will have to be remediated between 18-24 inches to get all of the chemicals and toxic waste out of there. He further explained that the applicant, through a PUD, is asking for significant modifications to the setbacks which are up to a 75% reduction. He commented that traffic is all over the place and his concern is when they connect the new road they will have the trail going at a 45-degree angle, and that Lacrosse and Tilford need to connect. He added that all the homes the applicant is building are turning into rentals.

Commissioner Luttrupp explained that when the City sends out notices they are instructed by City Code on how the notices are sent out. He is confident that if the City said they sent a notice, they did, and that maybe Mr. Miller's property wasn't within that 300-foot radius. Mr. Luttrupp said that a comment by Mr. Emerson mentioned "toxic" soil and asked if the property is either a superfund site or brownfield site. He asked if the City has any responsibility to insure that the soils are adequate to support the buildings being proposed.

Ms. Anderson explained that the applicant does have a letter that states an environmental study was done on phase 1 and phase 2 and they were cleared for development.

Mary Jo Kringas said that it is a really congested spot and she knows that people will continue to park on the street because she lives in a neighborhood that has a lot more parking and people still park on the street. She said that she is worried if they need a fire truck to go down the street and is concerned that liability is not being addressed. She stated that in her opinion there is not any room to do anything on the street and feels that the lot size has been cut significantly to push all the houses in there and it's too dense.

Karen Schomer said that most of her questions have been addressed but wanted to address some issues important to her. She explained the issue with parking on Bellerive and said that she feels people will continue to park on the street in Bellervie because they will not get a ticket. She explained that residents

living on Bellerive Lane are required to use the Parking Boss to call in their guests so they are allowed to park. She added that she is concerned about her property values since the area is very condensed. Ms. Schomer said that she is familiar with Active West and likes their style of home, which is more for older people and providing dense homes usually built behind gates. She said that the residents of Bellerive asked for a gate and were turned down because a gate gives the illusion the area is not open to the public. She is concerned about traffic and that people don't respect parking and explained that her driveway was blocked by two different vehicles on two different days, and on one of those days drove her car to the end of her driveway so she sat on her tailgate waiting for people to come out of the Parade of Homes to move their car so she could get out.

Karen Hanson said that she appreciates the design of the homes that the applicant has brought forward and was surprised that the parcel is combined into two lots, one is the Union Pacific property and questioned if the property has been purchased.

Ms. Anderson clarified that the properties are combined in this request.

Ms. Hanson said that her concern is the property considered buildable is only half of the width and is already tight in this area. She questioned how future development is going to continue when you have a parcel of land that is too small. She added that if they are concerned about the hammerhead and the continuation of Lacrosse, she doesn't see how this project will work.

Chairman Messina said they he can't comment on future development and can only address the project in front of them. He said that he understands the question, but doesn't know what is going to happen to the other parcels in the future.

Ms. Hanson asked if the applicant could eliminate a few of the lots to make room for the turnaround until the development was done and also asked if the applicant could eliminate some lots to be developed at a later date.

Chairman Messina commented that they will have some discussion especially about the turnaround at the end and the applicant can address that question when he does his rebuttal.

Ms. Hanson asked if the street width the applicant is proposing has been approved.

Ms. Anderson stated that Chris Bosley, City Engineer could answer those questions and in the staff report it is noted that there is not anything that is a concern with the project meeting all the safety requirements with the proposed width.

Lee Derrooge said that it would be helpful if there was a traffic study done that would answer some of the questions presented tonight. He said that he also thinks that a Phase Two Environmental Report would be helpful to see what is to be cleaned up on the site. He said that he is in favor of the project.

John Pulsipher said that it is good to hear people who are passionate about their city and he sympathizes with staff. He said that Mr. Cunningham has it all wrong and should have come in with a C-17 building to maximum height and underground parking and that he's sure it would look beautiful to the neighbors. He commented that he works in the area and is concerned about ingress/egress to Riverstone and is excited that the applicant is proposing a PUD to block off Lakewood and he isn't saying that. He thinks the applicant is working with the City and trying to make sure ingress/egress to Riverstone is better, which will make it safer for all of the people living in Bellerive, so ultimately it is a compromise and he commented that he feels the project will be a win/win for the City and the applicant.

Commissioner Luttrupp asked the City Engineer come up and address some of the questions.



Chris Bosley, City Engineer, said he wanted to clarify some things that were brought up such as the width of the street and noted that the minimum width is set by the Fire Department and that the applicant's original proposal did include on-street parking with some curb extensions for a swale area to calm traffic, but it would have been more of a problem for clearing snow than if they didn't have any parking on the street. He said that it is his preference to have no parking on the street. He explained that in years past, they we have overbuilt many streets to include on-street parking and the residents wanted the parking either restricted or removed, and now they have wide streets with speeding problems and get many calls on those.

He explained the idea for the project was to have a narrow street that met Fire Department requirements but calmed traffic. He said that he doesn't want traffic to come to Beebe Boulevard where traffic would have to come up to Riverstone Drive and then require them to put in something like a roundabout to mitigate traffic. He noted that it was a recommendation of a larger traffic study that was done for the Atlas Mill Site and that the Lacrosse extension going out to Northwest Boulevard is a very desirable connection to provide that third point of access for Riverstone, as well as putting in another crossing point across Northwest Boulevard onto Lacrosse where Winton Elementary is located. He said that it would be a critical connection they don't have because after the Lakewood intersection with Northwest Boulevard, the next opportunity is down at Hubbard. He explained that Lacrosse is a much-needed connection and if this street wasn't going to be part of it, they wouldn't have the opportunity to make that connection. He addressed the Centennial Trail angle that has been something staff has been looking at for a long time to solve and noted that they discussed with the applicant different ways to do that. He noted on the map where the Centennial Trail location is and pointed out where it connects is a weird angle across the property. He commented that they have two options they will discuss with the applicant, and will work with him to help improve the trail.

Ms. Anderson asked if Mr. Bosley could address the City standard required on how to address storm water during construction activities and how to make sure if there were any contaminants that they won't go onto Bellerive.

Mr. Bosley explained that the ordinance states that all storm water needs to stay onsite and they have the Idaho Department of Environmental Quality Best Management Practices, or BMP's, that are required for containing the storm water and not letting it off the property during construction. He explained there is potential for disturbing some of the soils during construction, but right now the soils are all completely exposed for any winds or rains to come out and disturb them, and he explained that by capping them would give us a better opportunity, if not removed, to not have them disturbed and doesn't see this as an issue as far as stormwater getting off the site during construction.

Commissioner Ward asked if proposed Street "A," which has been approved by the Fire Department, is a similar approach they have put in place that has been tried on East Sherman, so that the traffic flow goes from 35 down to 25 as it goes further away from downtown and heads towards Fernan.

Mr. Bosley said that is the pilot project and narrowing the streets does help calm traffic.

Commissioner Ingalls said that if the project is approved, it is a compromise and has some benefits for both the developer and the city. He commented that the applicant has developments all over town such as Meadow Ranch and The Circuit, which are behind a gate and he could have developed the proposed project the same way and have developed other projects in the city with the same standards. He inquired if you would agree with the last person who gave testimony that there are some benefits in having the street remain as public rather than behind a gate and it opens things up for the whole community to get through the development in a better way, especially if they get the Lakewood connection.

Mr. Bosley explained that the proposed project will build 1/3 of the street, with 2/3 to be constructed through other means; and if the opportunity didn't exist they would be looking at connections to Bellerive. They did look at the connection of Davidson into the Merriet Creek Loop but that had some safety concerns and they are looking for the third point of access out of the development. Mr. Bosley added that

it was part of the recommendations of the larger traffic study done for the Atlas Mill site and next week they will be going to the City Council with an agreement with the Idaho Transportation Department (ITD) to take over control of their signals on Northwest Boulevard and Ramsey. Currently, ITD controls all six signals from Lakewood to Golf Course Drive, and the City is hoping to take those over and once they do that and upgrade the way they want them, they will have the opportunity to coordinate all those signals and if the signal comes in at Lacrosse that would be coordinated with them as well.

Commissioner Ingalls asked if the project, as presented, helps or hurts traffic. Mr. Bosley said that it helps traffic.

**Rebuttal:**

Mr. Cunningham provided the following statements:

- He explained that the project is two pieces of property and that they did purchase the property, which is 1.8 acres. He noted that the Union Pacific (UP) parcel is now in escrow to purchase that lot.
- He stated that the Environmental Study with Phase 1 was provided to DEQ and that they have documentation stating that both sites can be developed for residential and commercial use.
- He explained the requested PUD setbacks and said that there are some setbacks and deviations in Bellerive that are not allowed by code today and that why we are requesting 5' setbacks on either side of the homes.
- He said that they are trying to build a few smaller homes.
- He explained the topography and noted that the site is balanced and that there are some areas further on the end that has more room where there might be a two foot slope that tapers off. He also commented that they did drop the road so we wouldn't have a bunch of grade changes.
- He explained that he owns two homes in Riviera Court that are rentals. and, he has a rental in Riviera Walk but he might put it up for sale. In Riviera Place he was thinking about placing a few homes for rent, but might put them up for sale instead. Mr. Cunningham said that out of all the properties he owns, he would estimate that 15% are rentals.
- He addressed the storm water requirements and said that they have met the state requirements and that some of the storm water will be held on the sidewalk side of the road and handled in the front yard with the swales. He said that the storm water will be controlled on site.
- He said if the streets get bigger they will have to go "vertical" and explained that to stay in the current zoning he can build 61 units on the property and is proposing only a third of what he can build.
- In conclusion, Mr. Cunningham said that they are trying to get a good product that might attract some younger people who can own a property in the area.
- He explained the turnaround at the end of the road and that he is working with staff and that the Fire Department has some requirements on they radius and they will be working with them. Mr. Cunningham said if there needs to be a temporary turnaround, they accepted that when they heard that Lakewood would need to be connected, so if a temporary solution is needed, that is fine with him.

Chairman Messina asked if there was a condition on the project that there is a temporary turn around until connectivity is provided.

Mr. Cunningham said that the condition would be acceptable to him.

**Public testimony closed.**

## **Discussion:**

Commissioner Ingalls said that Mr. Bosley verified that the project, if approved, would be good for traffic. He added that he sees the benefits of the use of the open space along the Centennial Trail for the public. He commented that the applicant could have proposed a gate at the end of the parking lot and just had a strip of land that would be a private road without a connection. The applicant could have had the property as his "Own Little Island." Commissioner Ingalls added that the applicant is willing to work with the City to redo the trail angle. He feels that the project is a collaboration and synergy between the developer and the City which puts a bigger burden on the developer because there are some unknowns. He thinks it is good project because of the collaboration and they stress connectivity, but this could be a standalone project.

Commissioner Mandel said that she concurred with Commissioner Ingalls' comments and that the strip of property is really awkward and feels that there are other similar pieces of awkward land that don't have a "Clean slate in the middle of Kansas" to work from. She addressed the right-of-way and ownership in regard to who owns what and thinks the opportunity to unlock some investment in the area and accelerate what they know is a priority of the City, developers, and communities in Riverstone to have that Lacrosse connection, so finding ways to not put up a block of commercial that would obstruct views creates similar or worse parking traffic issues. She added that what is provided is some open space and public access, which is a good compromise, and feels that they do need a mix of housing as well as volume/density in the City. She added that finding ways to win/win and understanding the bad and the opportunity to unlock some investment and have the Lacrosse Connection and not putting up a block of commercial, along with good public access and needed mixed housing is a win/win. She said that she understands the concerns about parking in Bellerive and thinks that when Lacrosse is connected it will alleviate those, but also noted that that is not what they are discussing today and if they can find ways to help the congestion through smart development and the Lacrosse connection and to accelerate that process is good for the City and Riverstone.

Commissioner Ward said he was thinking it was going to be a public street and looking at the streetscape he assumes there is going to be a strip of green at the top of street "A" and if they put in "no parking signs" people are not going to follow that and the signs will be ignored. He suggested that maybe another condition could be added to provide some decorative bollards placed along the sides of the roads to keep traffic from parking on the sidewalk. He said it would give the illusion of the curb of the street and the sidewalk to protect the pedestrians and the trail users and diminish any opportunity to park on the sidewalks. He commented that he feels this would be a better way than putting up "no parking" signs.

Ms. Anderson said that is a great idea, but not so great for plowing snow and suggested standard curbs on the north side instead of rolled curbs so so it is harder for a vehicle to mount.

Commissioner Luttrupp said that he was encouraged about the discussion on the public/private road and about the public space, especially along the trail, and commented that those two things are great additions. He further commented that he is encouraged with all the discussion in previous meetings regarding open space. He noted Mr. Bosley's comments on traffic and said that they have talked about traffic a lot and maybe they need a good class for all the public regarding traffic.

Commissioner Rumpler said they have had extensive conversations in previous hearings and workshops about infill and noted that the city has limited amounts of land for development, that are getting smaller and smaller, and that this is a great example how it is getting difficult sometimes. He commented that he feels they all are in support of the idea of development and trying to execute as much as possible of reasonable development and infill in the City and said that they just don't have that much available land to develop anymore. He said that he thinks this project is a great collaboration but commented that it won't solve all the problems in Bellerive. He said that he is encouraged that the project will help traffic and supports the project.

**Motion by Ingalls, seconded by Mandel, to approve Item PUD-3-19. Motion approved.**

**ROLL CALL:**

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.

**10 MINUTE RECESS: \*CDATV RECORDING ENDS.**

**The meeting was called back to order by Chairman Messina at 7:41 p.m.**

**\*\*\*ITEM BELOW NOT CONSIDERED AN ACTION ITEM.**

1. Growing Better Places Game – Envision Coeur d'Alene Activity

**ADJOURNMENT/CONTINUATION:**

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

The meeting was adjourned at 8:56 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant