PLANNING COMMISSION
MINUTES
AUGUST 11, 2020
Virtual (Zoom.us) and In-Person
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Peter Luttropp
Lewis Rumpler (Zoom)
Brinnon Mandel (Zoom)

STAFF MEMBERS PRESENT:

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

COMMISSIONERS ABSENT:

Lynn Fleming
Mike Ward

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Ingalls, seconded by Luttropp, to approve the minutes of the Planning Commission meeting on July 14, 2020. Motion approved.

ENVISION CDA COMMITTEE UPDATES:

Hilary Anderson, Community Planning Director provided the following statements.

- The online survey had close to 1,000 participants.
- They have scheduled meetings with the Focus Groups and CAC (Community Advisory Committee) next week.

STAFF COMMENTS:

Hilary Anderson, Community Planning Director, providing the following comments:

- The Planning Commission meeting on September 8th will have two zone changes and a Limited Design PUD amendment request that is for the Hagadone project off of Coeur d'Alene Lake Drive and Ashton.
- She reminded the commission that the Innovations in Naturally Affordable Housing Summit is virtual today and tomorrow and if commissioners want to sign up for the summit, it includes all access to the materials included in the summit through the end of this year.

- The Inland Northwest Fair Housing Conference is tomorrow and, if interested, the cost is $15.00 dollars to attend. Details for the conference are located on the Planning Department/Community Development page.

PUBLIC HEARINGS:

1. Applicant: Altar Church-Tim Remington
   Location: 901 E. Best Avenue
   Request: A proposed modification to an existing Religious Assembly special use permit to allow for an adjacent auto parking lot in the R-12 zone to serve the existing church facility.
   QUASI-JUDICIAL, (SP-5-82m)

Tami Stroud, Associate Planner, presented the staff report and provided the following comments:

- In 1982, the subject site was approved for a special use to expand the existing religious assembly facility (church). Included with the expansion of the existing church facility was a parking lot directly to the west to serve the religious assembly use.
- The Altar Church moved into the existing church facility in 2007, and has been serving the community with church services and community outreach programs.
- The applicant has indicated that their church has been growing and they are in need of additional parking for overflow to serve the existing church facility. The applicant is requesting to expand their Religious Assembly use to allow for overflow parking on an adjacent vacant parcel.
- The subject property that is proposed as additional parking to serve the existing church facility is located on the northeast corner of Best Avenue and 8th Street.
- The Altar Church purchased the property with the intent to use it for overflow parking for the church facility.
- The applicant has submitted a site plan of the property that shows the proposed parking lot layout indicating there will be 19 parking stalls.
- She went through the required findings for the special use permit request as outlined in the staff report.
- The City's Comprehensive Plan Map designates the area as NE Prairie – Stable Established.
- The Planning Commission approved a special use request for a Religious Assembly Facility (SP-5-82) on the subject property in 1982 for the Altar Church and a parking lot to the west of the church. To the south of the subject site the Planning Commission also approved a Convalescent Nursing Home special use. In 1996 the Commission also approved a Childcare Facility Special Use Permit on property to the northeast of the subject property.
- Ms. Stroud noted the various staff comments in the report.
- She noted that, if approved, there are three conditions for consideration.

Ms. Stroud concluded her presentation.

Commission Comments:

Commissioner Mandel asked if staff could explain what a parking agreement is and if it is something a person could put on the dashboard of a car or windshield.

Ms. Stroud explained that the parking agreement would be between the City and the Altar Church and would indicate that the parking lot would only be used for parking for the church.

Commissioner Mandel asked how the City would know if the applicant did obtain a parking agreement.

Ms. Stroud explained that they would obtain a copy of the parking agreement with a note added to the building and site development permit that they do have a parking permit on record. Most requests are "complaint driven," with neighbors complaining of parking on the street rather than in the designated parking area.

Commissioner Ingalls noted from looking at the drawing he could tell it was not done by a licensed architect but the drawing is adequate. He explained that in the past when the site plan was approved with the special use permit and asked if was the same process for the present application. Ms. Stroud stated that a few years ago they did tie the site plan to an approved special use permit, but recently they have given more flexibility in the site plan so the applicant doesn't have to come back to the commission.

Commissioner Ingalls suggested that he would like to see more buffering than what was shown on the drawing. Ms. Stroud explained that the project is unique in that it is considered a civic use in the R-12 zoning district that falls into the Environmental Landscaping Section of the code, so it wouldn't call out a specific number of trees. She added that that section of the code does reference a 5' tall fence or a 3' wide buffer area. Commissioner Ingalls noted that the existing house is gone from the property and he would like to see some "softening features." Ms. Stroud said that Legal might be able to give their opinion and maybe add a condition that stated more buffering is required.

Randy Adams, City Attorney, explained that the definition of a special use permit is not a matter of right -- it's a matter of permission -- and Section 17.09.220 says that "one of the criteria is the design and planning of the site is compatible with location, setting and existing uses on adjacent properties." So, conditions can be added to make sure that it is compatible and exists".

Commissioner Luttropp asked if a 5' tall fence is allowed. Ms. Stroud said that within the code it talks about vegetation with a 5' wide strip where the curb acts as a "bumper stop" or a 3' wide and a 5' high fence. The applicant would not be allowed to have a fence that is over 6'. She added that the code states that "all materials for buffer yards shall be comprised of, not limited to, a mix of evergreen and indigenous trees, shrubs, and ground cover of which evergreen plant materials comprise of a minimum of 75% of the total plant material used."

Chairman Messina said he noticed a statement in the staff report stating that the swales would be going to a grassy area and asked how that would be addressed at the time of the building permit when the present plan was the only plan submitted. Ms. Stroud explained that they previously had a conversation with the applicant's representative and let them know that prior to submitting for a building permit a site development plan would need to be submitted showing the landscaping and stormwater.

Public testimony open.

Pastor Tim Remington, applicant, provided the following statements:

- Their followers have been parking on the street for a while and decided, rather than parking on the street, to buy the lot across from the church that had an existing house on the lot that wasn't in good shape and was demolished.

- They have hired an architect who will be doing the plans showing the location of the swales plus any other City requirements in order to get the site permit.

Royce Driggs, applicant representative, provided the following statements:

- They will be leaving all the trees and will address the stormwater requirements on the site plan.
- He spoke with all the neighbors before the existing home on the property was demolished and comments from the neighbors were that they were relieved that the house was gone.
- Obtaining the property for parking will eliminate people parking in front of the existing neighbors' driveways.

He explained on the site plan how the water will drain from the property.

Mr. Driggs concluded his presentation.

Public testimony closed.

Motion by Ingalls, seconded by Mandel, to approve Item SP-5-82m. Motion approved.

ROLL CALL:

Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 4 to 0 vote.

2. Applicant: Rock & Robyn Investments, LLC
   Location: 647 E. Best Avenue
   Request: A proposed zone change from R-12 to R-17
   QUASI-JUDICIAL, (ZC-3-20)

Jake Plagerman, Planning Technician, provided the following comments:

- The property is located east of 4th Street between 6th Place and 7th Street along Best Avenue.
- There is an existing single-family dwelling unit on the subject site.
- According to the County Assessor's office, the single-family dwelling was constructed in 1925.
- The property owner would like to demolish the existing structure in order to build a multi-family structure. The size of the lot is .25 acres, which would allow up to 4 units.
- The zoning ordinance requires a multi-family use be located in the R-17 Zoning District (also allowed in C-17/C-17L), as it is not allowed in the R-12 Zoning District.
- The applicant has indicated that they would like to construct a multi-family structure on the site, which will require a project review pre-development meeting prior to the project coming forward for a building permit.
- The applicant is aware that site improvements will be triggered should a multi-family project come forward, including landscaping and parking improvements. Site performance standards per the R-17 Zoning District will need to be met as well.

- The applicant's proposed multi-family use of the property is not tied to the requested zone change. If the subject site is approved to be changed to the R-17 Residential District, then all permitted uses in the R-17 Residential District would be allowed on the site.
- He went through the required findings for the zone change request as outlined in the staff report.
- The Comprehensive Plan designates the area as NE Prairie – Stable Established.
- He referenced the various staff comments in the staff report with all in agreement that the standards have been met.
- He presented various site photos of the property.
- He noted that there is one condition if the application is approved.

Mr. Plagerman concluded his presentation.

Commission Comments:

Commissioner Ingalls asked if the applicant could remove the single-family home and replace it with a multi-family unit without a zone change.

Mr. Plagerman explained that within the R-12 zoning district multi-family would not be allowed and noted without the zone change the applicant would be limited to doing a duplex based on the size of the lot, or a single family with an Accessory Dwelling Unit (ADU).

Public testimony open.

Rick Peterson, applicant, said that staff did a great presentation and he didn't have anything to add but would stand for questions.

Commission Comments:

None.

Public testimony closed.

Discussion:

Motion by Ingalls, seconded by Luttropp, to approve Item ZC-3-20. Motion approved.

ROLL CALL:

Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 6 to 0 vote.

3. Applicant: Rivers Edge Apartments, LLC & The City of Coeur d'Alene
Location: 3528 W. Seltice
Request:

A. The City of Coeur d'Alene
3528 W. Seltice
A proposed R-34 special use permit for the City-Railroad – R-O-W
QUASI-JUDICIAL, (SP-5-20)

B. A proposed modification to the PUD known as "Rivers Edge PUD"
QUASI-JUDICIAL, (PUD-2-19m)

C. A proposed modification to the 32-lot preliminary plat known as "Rivers Edge"
QUASI-JUDICIAL, (S-2-19m)

SP-5-20

Mike Behary, Associate Planner 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 3.6-acre subject site is currently vacant and undeveloped. It was formerly railroad right-of-way that was purchased by the City and annexed in 2015. The City is the owner of the subject site and is the applicant of the special use request for a density increase to R-34.

- The subject site bisects the property involving the River's Edge Planned Unit Development (PUD) project. River's Edge LLC and the City entered into a Memorandum of Understanding MOU on May 15, 2018 and tentatively agreed to a land exchange involving the City-owned former BNSF Railway right of way (subject site) and the River's Edge owned former Stimson Office site on Seltice Way. The land exchange will only take place if all three of the land use requests (SP-5-20, PUD-2-19m and S-2-19m) are approved and both parties agree to proceed with the conditions of a land exchange.

- The land exchange would result in the City acquiring the former Stimson Office site owned by River's Edge that adjoins the City's Atlas Waterfront property. The former Stimson Office site was approved for a density increase to R-34 on June 4, 2017 that allowed for a total of 134 units in item SP-1-17. If the land exchange is approved, the property would be owned by the City and incorporated into the Atlas Waterfront project and River's Edge would acquire the 3.6-acre former railroad right-of-way property owned by the City, which would include the entitled rights to develop the additional residential units if the special use permit is approved. The City's site and the developer's former Stimson Office site are approximately the same size.

- The exchange would also require a landscaping and pedestrian/bike trail easement approximately 1,600 feet long for a 16-foot wide public trail and adjacent greenspace that would accommodate the sewer connection to the west that would serve the Atlas Waterfront project.

- The proposed density increase equates to the density that is currently allowed on the triangle property known as the Stimson Office site. The land exchange will allow the developer to build the same number of units at the River's Edge site rather than on the two separate sites that he currently owns and has approved entitlements totaling 384 units. If the special use permit is approved, River's Edge LLC has requested the amendment to his River's Edge PUD to incorporate the subject site into the development.

- He went through the required findings for the special use permit request as outlined in the staff

report.

- The City Comprehensive Plan designates the subject site to be in the Spokane River District.
- Mr. Behary noted the various Comprehensive polices in the staff report
- He referenced the various staff comments in the staff report.
- He noted that, if approved, there are two conditions.

Mr. Behary concluded his presentation

PUD-2-19m

Mike Behary, Associate Planner 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 former Atlas Mill site, which is being developed as the Atlas Waterfront project. The 25.92-acre site is currently vacant and undeveloped. Prior to 2004, the subject site was part of a large saw mill facility that was active for many years. The saw mill has since closed and all the buildings have been removed from the site. The applicant's property was annexed into the city in early 2014 with C-17 and R-12 zoning.

- The 3.6-acre tract, owned by the City, bisected the previously-approved development. The City's 3.6-acre site is now part of the PUD request. The applicant is proposing to amend the 2019 PUD and subdivision that will incorporate the City-owned 3.6-acre parcel into the overall development.

- The applicant proposes to develop the property with residential uses and a commercial use. The applicant proposes to build a multi-family apartment complex and self-storage facility on the northern part of the property, and a single-family residential community along the river. The project would also include open space and a multiuse trail.

- The proposed apartment facility will have 11 apartment buildings with up to 384 dwelling units and 358 garage stalls. Overall, there will be a total of 770 parking spaces associated with the apartment facility. The maximum building height for the proposed apartment buildings is 45 feet. The C-17 Zoning District regulations state that multifamily uses must adhere to the R-17 standards in regard to building height. The maximum height allowed for multifamily buildings in the R-17 Zoning District is 45 feet. The applicant has not asked for a deviation to the maximum height limits.

- The proposed self-storage facility will have a total of 431 storage units with some units capable of storing RV's. Overall, there will be a total of 53 parking spaces associated with the self-storage facility.

- There are 28 single family residential lots and two public open space tracts along the river.

- The multi-family units would be located beyond the 150-foot shoreline area. However, the single family lots along the river will be within the 150-foot shoreline area. All structures within 150 feet of the shoreline will be restricted to a maximum building height of 30 feet. The applicant has indicated that the single-family homes will meet the 30-foot height limitation within the shoreline area.

- The applicant has indicated that the development is proposed to be phased over many years as shown on the Phasing Plan.

- The applicant is proposing to position the apartment buildings and private roadway on his property such that there will be three view corridors allowing views of the river looking south from Seltice Way. The applicant has submitted a View Corridor Map as part of the application.

- The applicant is proposing both public and private open space areas as part of the project. 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 13.6% of open space, which is consistent with the previous approval. The applicant is proposing a total of 3.54 acres of open space that will consist of 2.57 acres of private open space associated with the apartment complex and .97 acres of public open space associated with the single family lots located along the river.

- The two open space tracts located along the river are each 60 feet wide and will allow public access to the river. The open space tracts are consistent with the previous approval, other than a slight adjustment in their locations to better line up with view corridors. They will satisfy the Subdivision Code requirement for public access to bodies of water and facilitate Fire Department access in the event of a fire. The applicant is proposing a native passive recreation area with a three-foot wide pedestrian path allowing access to the river in each of the open space areas. The two open spaces can be accessed by pedestrians from the 16-foot trail that will traverse the property from east to west.

- The proposed 16-foot wide multipurpose trail will have connections to the trail along the shoreline in the Atlas Waterfront project and will connect to a future trail through Mill River and also provide a connection to the north to Seltice Way. The proposed alignment of the trail will be in between the apartments to the north and the single family lots to the south along the river.

- He went through the required findings for the planned unit development request as outlined in the staff report.

- Mr. Behary said that the City Comprehensive Plan Map designates the area as the Spokane River District.

- He noted the various Comprehensive Plan Goals and Objectives in the staff report.

- He noted the various staff comments and stated that the Streets & Engineering Department has no objection to the subdivision plat and planned unit development as proposed.

- The apartment complex open space and common areas are private and will be required to be maintained by the private property owner.

- The two public open spaces located along the river and the common spaces, private roads, utilities, and walkways and associated lots along the river will be required to be maintained through a Home Owners Association (HOA). The creation of a HOA will be required to be part of the final development plans to ensure the perpetual maintenance of the open space and other common areas. The HOA will be responsible for continued maintenance of all streets, gates, open space and all other common property.

- The applicant is encouraged to work with the City of Coeur d'Alene legal department on all required language for the CC&Rs, Articles of Incorporation, and By Laws, and any language that will be required to be placed on the final subdivision plat in regards to maintenance of all private infrastructure.

S-2-19m

Mr. Behary provided the following statements:

- He noted the various staff comments for the preliminary plat and stated that the comments are similar to the PUD.

- The proposed lots in the C-17 and R-12 District meet the minimum requirements for lot width and lot area for each zoning district. The applicant is not requesting a modification of any of the zoning requirements for either of the two zoning districts. The proposed preliminary plat meets the requirements of each of the applicable zoning districts.

- The gross area of the R-12 property is 7.5 acres. The total number of single-family units requested is 28. The result is an overall density of 3.73 units per acre. The existing C-17 property allows a mix of housing types at a density of not greater than 17 units per acre. A multi-family facility in the C-17 District follows the R-17 Zoning district for setback and height requirements.

- The applicant has submitted a zoning exhibit that illustrates the zoning and the proposed lot layout for the subdivision. The applicant has indicated that there is a small section at the northeast corner of the R-12 residential lots that lies within the existing C-17 zone.

- The applicant is requesting to build R-12 lots within the portion of the C-17 zoning district. Typical single family residentially lots in the C-17 zoning district are tied to R-8 zoning district standards. The R-8 and R-12 zoning districts have the same requirements for lot width and lot area for single family dwellings. The proposed R-12 lots in the C-17 zoning district meet the minimum lot width and lot area requirements of the R-8 zoning district.

- He went through the required findings for the planned unit development request as outlined in the staff report.

- Mr. Behary noted that, if approved, there are 24 conditions that will need to be considered for the PUD and Subdivision.

Mr. Behary concluded his presentation.

Troy Tymesen, City Administrator, thanked the commission for doing a great job. He presented a brief history of the property and said that the City purchased the railroad right-of-way in 2015 and that the property has been referred to as a “lightning bolt” that goes across the applicant’s property. He explained that the purchase of the right-of-way property was an act to become a party to the development along that portion of waterfront. He said that tonight is a collaboration between the developer and the City which has the support of the Mayor and Council. He commented that the proposed development makes sense and, in exchange for the rail-road property is the “triangle” piece of property that the applicant owns and, if approved, it would become a part of the Atlas Mill property that the City is willing to “down zone” to let the R-34 special use permit lapse. He said that Streets and Engineering has been working hard and now the City controls all the signals on Northwest Boulevard going up and over the freeway. He added that, with control of the signals, the City is comfortable with the traffic volume. He commented that the partnership is good for the community.

Chairman Messina asked if the triangle piece of land would be controlled by Ignite.

Mr. Tymesen explained that Ignite is better at moving property than the City of Coeur d’Alene.

Commissioner Luttropp commented that this is the third time the project has come forward to the

commission and whatever the system is, it's working. He said that both parties need to be complimented for working together to try and get something both parties can agree on.

Mr. Tymesen explained that in the public process they do get to have partnerships and they are enthusiastic for the opportunity in regard to this particular project.

Commissioner Ingalls complimented staff on a great staff report and said they had Rivers Edge 1.0, 2.0 and now 3.0. He clarified that the PUD suggests they are going from 250 units to 384, which looks like an increase. He added that with the "down zone" on the triangle piece and the increase in the "quirky" City-owned piece, it will give them the same units. He also added that they talked about traffic in versions 1.0, 2.0 and 3.0, and then when they approved version 2.0, a finding was made that traffic was adequate.

Chairman Messina asked if there would be any change to the height of the homes from the triangle piece to the new property.

Mr. Behary said there is a 45' height limit and along the shore line the height limit will be 30'.

Commission Comments:

Public testimony open.

Lanzce Douglass, Applicant, provided the following statements:

- He commented that staff did a great job and refenced what is currently approved in that area.
- He said that the question about a net gain in density is important, and noted that that they are not gaining any new units. He explained that they already have 250 units that were approved last year, and on the triangle piece they have 134 approved units so, altogether, they have approval for 384 units in the area and that is what they are asking for with the land exchange.
- He explained that swapping the "lightning bolt' piece with the Stimson office site will complete the Atlas Mill site for the City
- He said that it is a good decision for both properties.
- He noted that the current zoning on the City property is C-17 and that he understands that it is also C-17 on the Stimson office property and that, if approved, it will be "down zoned" to R-17 (density).
- He noted on the map the project that was approved last year minus the view corridors.
- He explained that they are combining their densities.
- He explained that on the new plan they are asking for 384 units on one site, with the trail staying at the same location running east to west, with 28 single family lots, and he noted the self-storage lots did get bigger because of the addition of the rail road property.
- He said that the open space goes up on the new plan, which is 13.06% compared to 10% on the old plan. They are gaining 3.6 acres of rail road right-of-way, which increases open space by 3.0 acres.
- The apartment buildings will be running north/south vs. east/west to enhance the view corridors with full landscaping.
- Single family homes will remain on the water.
- They are not asking for a height increase.
- The trail will be fully landscaped on both sides of the trail which will be located on the north side of the trail where they will have a 10' landscape buffer between the trail and apartments.

The applicant concluded his presentation.

Commission Comments:

Chairman Messina asked if the open space located in the single-family area is more of a "sitting" area and how would it be accessed and or will it be for the trail and will there be any parking. Mr. Douglass stated that is correct and in the previous plan we didn't have parking so we aren't giving up or gaining anything. He added that the access points did change a little to line up with the view corridors.

Todd Whipple, architect for the applicant, stated that he had nothing to add and would stand for questions.

Roger Smith, representative for "We the People" provided the following statements:

- He noted in the 2013 annexation agreement that this was unique piece of property which was the last waterfront parcel in Coeur d'Alene. He said that this is a "once and forever" opportunity for the City to get it right.
- He said that within the agreement was a condition for a permanent 16' trail route through the property.
- He said that there was a condition for public access to the Spokane River that said: "Design and provide open space and/or other public access to the Spokane River."
- He said another condition was a connection to the river and that the site objective to include an emphasis on connection to the river which will include open views towards the river from public rights-of-way.
- He asked the commission to please make sure the previous conditions are met. He stated that that We The People did submit an alternate plan which kept the trail on the river.
- He said that the alternate plan was not approved by the City and so now they will have a trail that will be inland from the water and the trail will end up being on the street with views of the backside of the homes.
- He said that the City can do better and has lost an opportunity to increase public views.

Mike Gridley, City Attorney, commented that staff has worked closely with the developer with a desire to have a waterfront trail and the problem with that is they don't own the waterfront and the developer does. He added that if they tried to force the developer to give them the waterfront, in his legal opinion it would be considered a "taking." He explained that they have worked together in the past to negotiate a deal that has not worked and they still feel like they have complied with the conditions in the previous annexation agreement. Since the City doesn't own the waterfront, he feels that this is the best of both deals where the City is getting a trail connection that will be buffered and landscaped He stated we tried to get the waterfront trail by working with the developer and didn't work out.

Rebuttal:

Ed Lawson provided the following statements:

- He has been working with Mr. Douglass on the project for three years.
- He commented that he had the pleasure of visiting the Atlas Mill site development and congratulated the City for an outstanding project.
- He said that they heard through the "rumor mill" that if the project was denied, it would result in the loss of the applicant's vested rights.
- He clarified that, if denied, the applicant will pursue the project that was approved in 2019.
- He said that he represents Rivers Edge and as their qualified legal counsel that he can advise on the technicality of the consequences if the project is denied.
- He also said that the commission can ask city legal counsel if they agree with the vested rights of the property owner.

Mr. Gridley said that he concurred with Mr. Lawson's comments regarding the Rivers Edge project.

Lanzce Douglass provided the following statements:

- The current proposal and the other proposal approved in 2019 both show a permanent trail which was a requirement of the annexation agreement. He said that the annexation agreement says "a 16' trail" which has not changed in either the previous or this proposal.
- He commented that in the annexation agreement, which Mr. Smith overlooked, was that the location of the trail is specific. The agreement said that "The trail will be located not on the water but located on the north edge of the southern parcel adjacent to railroad right-of-way" which is where it was located last on the plan submitted in 2019. He explained that the Parks Department wanted the trail placed in the railroad right of way and they said they didn't want to do that because that is not what the annexation agreement stated and they didn't want to ask for any special considerations last year and followed the annexation to a "tee".
- He addressed providing views to the water and noted that there is not a standard on how many view corridors to provide or spacing requirements, and that the view corridors on the present plan are better than what was approved in 2019.
- He explained that the City contacted him in June to discuss the land swap, which would make the City's property better and makes his property better, too. He commented that he feels that both properties are better and that the City is not gaining/losing density.

Public testimony closed.

Discussion:

Chairman Messina commented there have been many changes with the project and is pleased that they have come to an agreement on the exchange. He said that it is a much better design and he would support the request.

Commissioner Rumpler said that he supports the request and commended both Rivers Edge and the staff for working together to find an accommodation for both groups to achieve their specific gains.

Commissioner Mandel disclosed that she is on the steering committee for the Atlas Riverfront project. She said that she appreciates the legal perspective from both parties and explained that the public needs to understand what they own and don't own, and that in the ideal world they would have a contiguous water path along the river. She stated that the present plan, versus the one approved in 2019, is much

better in regard to increasing open space, maintaining height limitations, eliminating a gated community, improving view corridors, and retaining the path as designated, with no net gain in units. She applauded both parties for coming together and noted that it will be a great benefit to the Atlas Mill Project and continuity to the property and she will support the request.

Commissioner Ingalls said this is Rivers Edge 3.0 and if he was going to write the headline in tomorrow's paper, he would say, "Third Time is a Charm" for 3.0 because it is a "win/win." He explained that it is a better project for the City and citizens, but also better project for the developer. He said that one of the words he used in version 2.0 which was approved in 2019 that the city property that Mr. Tymesen described as a "lightning bolt" created some quirks regarding a discussion about moving gates this is a "lightning bolt" that could be a "weed farm" He added that to combine two different "doughnut holes" and get a chance to make each piece better is called "synergy" and is an example of a developer working with the City.

Motion by Ingalls, seconded by Luttropp, to approve Item SP-5-20. Motion approved.

ROLL CALL:

Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 6 to 0 vote.

Motion by Ingalls, seconded by Rumpler, to approve Item PUD-2-19m Motion approved.

ROLL CALL:

Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 6 to 0 vote.

Motion by Ingalls, seconded by Mandel, to approve Item S-2-19m Motion approved.

Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 4 to 0 vote.

ADJOURNMENT:

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

The meeting was adjourned at 7:30 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant