

**PLANNING COMMISSION
MINUTES
DECEMBER 14, 2021
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Phil Ward
Peter Luttrupp
Sarah McCracken
Brinnon Mandel

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Tami Stroud, Associate Planner
Sean Holm, Senior Planner
Mike Behary, Associate Planner
Shana Stuhmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

OATH:

Phil Ward
Sarah McCracken

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Fleming, seconded by Luttrupp, to approve the minutes of the Planning Commission meeting on October 26, 2021. Motion approved.

PUBLIC COMMENTS:

None.

STAFF COMMENTS:

Hilary Anderson Community Planning Director provided the following statements.

- Ms. Anderson welcomed our two new commissioners and stated it is nice to have a full commission. She also thanked Commissioners Rumpler and Ward for their past participation on the commission and the other applicants who applied for this position. She added it was great to see enthusiasm from citizens who want to serve our community.
- She did a quick update on the status of the Historic Preservation Plan that will be going back to the city council next week for adoption and when approved will send a copy of the final version out for review.
- She stated that the city council authorized the Historic Preservation Commission (HPC) to apply for a grant through the state to pursue a historic designation for the Garden District.

- She noted that the HPC has asked for a meeting where a few of our commissioners to attend so they can get a better understanding of the Design Review and Planning Commission roles.

ENVISION CDA COMMITTEE UPDATES:

Ms. Anderson provided the following statements.

- She explained that staff has been working through the action item list and trying to delete duplicates, checking off some, and eliminating anything that has been accomplished and identifying lead partners with assistance from CDA 2030 on which action items should be city lead, joint, and only CDA 2030.
- We will be meeting as a commission on January 11th for a workshop at 12:00 since we didn't have any public hearing items. A joint workshop has been scheduled with city council and CDA 2030 on January 25th to discuss Envision CDA. She added that our consultant will be here in person on the 25th.
- She commented the goal for the first workshop is to get everyone up to speed before the workshop with council on the 25th so we can move this project forward for adoption.

COMMISSION COMMENTS:

None

PUBLIC HEARINGS:

1. Applicant: Bear Waterfront, LLC
 Location: 2252 W. Bellerive Lane
 Request:
 - A. A proposed 3.59-acre PUD "Mahogany Lane PUD" QUASI-JUDICIAL, (PUD-3-21)
 - B. A proposed 11-lot preliminary plat "Mahogany Lane PUD" QUASI-JUDICIAL, (S-5-21)

Mike Behary, Associate Planner provided the following statements.

- The existing site is currently vacant and consists of 3.6 acres. The proposed Planned Unit Development (PUD) will be comprised of single-family residential lots, one mixed use lot, and public open space areas for the public and the residents of the development to access.
- A portion of the PUD along the Spokane River is proposed as a private gated community with private access.
- The proposed PUD will be comprised of 10 single family detached houses and five accessory dwelling units (ADU's). The applicant has indicated that he intends to develop the proposed PUD similarly to the adjacent properties located adjacent to the east and south of this site.
- The applicant has submitted building elevations of the proposed residential dwellings indicating how they will look from the street and from the river. The mixed-use building on Lot 1 with commercial units located on the first floor and eight residential units located above the commercial uses.
- The applicant has also submitted elevations of the commercial mixed-use building.
- The minimum requirement of open space a PUD is required to designate is 10%. The applicant is proposing 17.5% of open space for this development. The applicant has indicated that the open space will have connections to the Centennial Trail, native landscaping, and a pedestrian overlook that will provide community seating and a rest opportunity while in route to the boardwalk or community open space. The proposed open space will be accessible to the public and to all users of the development and is intended for passive recreational purposes.

- The developer for this project has been working with the Parks Department and the Centennial Trail Foundation to save as many trees as reasonably possible. The developer has completed the removal of the trees and the trees that are standing there today are the trees that are stated to remain. This development will also include the planting of several more trees on the north side of the trail.
- The applicant has also been working with the City Engineer, Parks Department, and the Centennial Trail Foundation on the realignment of Centennial Trail where it crosses Beebe Boulevard. Currently trail users cross Beebe Bouvard at an angle and the proposed realignment will allow for a perpendicular crossing of Beebe Bouvard, which allows for a safer crossing.
- The new alignment of the trail will be partially located on the adjacent Bellerive HOA property. In order to complete this new alignment of the trail, the applicant and the Bellerive HOA will need to conduct a land swap. The Bellerive HOA is in agreement of the proposed new trail location and the land swap with the developer.
- A rectangular rapid flashing beacon (RRFB) is also proposed to be installed at this crossing. The developer is working with the Streets Department on the timing and installation of the RRFB on Beebe Bouvard. The applicant has submitted an open space plan as part of this application.
- The applicant is proposing to install the streets and the subdivision infrastructure for this the project in one phase. The applicant has indicated that, if approved, construction would begin immediately with the subdivision and PUD work in 2022. The current zoning allows for a density at 17 units per acre, which allows for a total of 61 units. The proposed PUD will have a total of 18 units, which equates to a density of 5 units per acre. The applicant has submitted a PUD site plan that shows the proposed site layout and the proposed building locations.
- He stated that the City Comprehensive Plan designates this area as Spokane River District
- He stated, if approved, there are 31 recommended conditions.

Mr. Behary concluded his presentation.

Commission Comments:

Commissioner Mandel requested clarification on a change to condition number 6. Mr. Behary explained that there weren't any new building permits allowed until the Centennial Trail was put in which was noted in the original condition and the language changed to include using Rectangular Rapid Flashing Beacons (RRFB) was also not included, so the revised condition will allow them to get permits, but not to close them until the Centennial Trail is installed.

Commissioner Ward requested clarification on condition number 3 who are the owners. Mr. Behary explained between Tilford Lane and the applicant's property including the city property, North Idaho Centennial Trail Foundation and the Bellerive Homeowners have requested access easements and that the applicants are in the process of doing that and why that condition is included and will be done before the project is completed.

Commissioner Ingalls inquired if the easement is only for the mixed-use piece and if that is correct. Mr. Behary stated that is correct. Commissioner Ingalls questioned if the lots created off of Bellerive Lane are those platted. Mr. Behary stated that is correct with a reduction in lots. Commissioner Ingalls questioned if an easement is necessary as example, if I bought Lot 9 and wanted to make sure I have access to my house and if the route to get to my house goes across a private street and questioned how would I be able to do that with the platting of those 11 lots since there is already an established easement from the previous application and if condition number 3 doesn't relate to those lots. Mr. Behary replied that is correct.

Commissioner McCracken inquired about condition number 23 stating the ground will be sterilized with herbicides before laying down gravel or asphalt and questioned if staff has concerns about the proximity to the Spokane River and questioned if there is another way to solve that problem. Mr. Behary commented that Bill Greenwood, Parks Director is here and could answer that question.

Commissioner Luttrupp commented that the applicant shoreline setback was changed from 40 feet to 20 feet and if that reduction was similar to what was done at Bellerive. Mr. Behary explained that the setback at Bellerive was 35 feet and that they built a seawall which is further in with the measurements from the seawall. Ms. Anderson explained that this would increase the setback from the shoreline and noted on the site plan where the increase setbacks compared to Bellerive from the highwater mark. Commissioner Luttrupp commented that the setbacks would be similar to Bellerive and further up is a public dock and inquired if this applicant will be doing the same thing. Mr. Behary answered that the applicant isn't asking for a boardwalk.

Commissioner Luttrupp inquired why did the city ask Bellerive to make that boardwalk for the public. Mr. Behary explained that was part of their request at that time and part of their open space request. Commissioner Luttrupp inquired if there will be any fencing and if the public will still be able to access the open space. Mr. Behary noted a retaining wall on the site plan and that the applicant is here to further answer questions regarding the fencing. Commissioner Luttrupp suggested the fencing be made so people can see through it when biking/walking and stated that the dog park that is proposed hopes people understand and don't complain about the noise.

Commissioner Ingalls inquired about the proposed mixed-use property and understands that there are parking requirements and if staff can point out where the parking will be located. Mr. Behary noted on the map where parking will be located. Commissioner Ingalls questioned the proposed parking will that meet the city requirements for parking and added the parking noted further up the property is angled and inquired if that parking necessary to meet the requirement inquired does that meet the parking requirement and the angled parking is it part of the PUD. Mr. Behary explained that the parking isn't part of the PUD request but the applicant has been working with staff on the offsite development which will be addressed with Mr. Greenwood.

Commissioner McCracken wanted to clarify on the map is a dotted line above lot one that has three parking stalls and four on the other side and inquired if those were part of the PUD. Mr. Behary stated that is correct and does count as parking.

Chairman Messina inquired if there is a boardwalk next to this property. Ms. Anderson answered there is and that people are allowed access on that lot which was a requirement for the open space for Bellerive which was offered to the city for public access which was supposed to be part of their Tract "A" which is on the shoreline and didn't work so it was put in the water and that we worked with the Idaho Department of Lands that had some complications. She stated this is two different projects and this project isn't part of the Bellerive Association.

Chairman Messina commented that the city has in place requirements for Accessory Dwelling Units (ADU) and questioned the ADU's they are proposing on lots will they have to comply with the same requirements. Mr. Behary explained that they have requested a modification on the setbacks but the height is going to be the same with the maximum height to be 24 feet for the ADU's. Chairman Messina commented that for this request it's not two requests but included with the PUD and questioned if the requirement to reside in the home is part of the ADU requirement. Ms. Anderson explained that if you are going to use this as a short-term rental there is the owner occupancy requirement and these are ADU's and asked for the deviations within the PUD that is different.

Chairman Messina commented that the applicant didn't give a clear definition of what is included in the mixed use. Mr. Behary explained that the applicant is requesting two or three unit and the applicant is here to address that question.

Chairman Messina explained that a few years back when Bellerive was approved, they wanted a gate and with this project the street is private/public street and has concerns if this is approved setting a precedence for a gate. Ms. Anderson explained that this is different from Bellerive and that this is considered to be an extension of Bellerive Lane and this project doesn't have a boardwalk provision which was a lot of concern staff had with Bellerive requesting the gated entrance and that the boardwalk/dock was the selling point for that project was for the public to have access.

Bill Greenwood, Parks and Recreation Director, provided the following comments:

- He stated this has been a great public/private partnership.
- He explained this plan for the Centennial Trail presented tonight was approved by City Council and the Parks Commission approved this which is a Memorandum of Understanding (MOU) with the Centennial Trail Foundation to do this "Midway" project that included parking and that this was a "brainchild" of Jon Mueller that was a tribute to the existing railroads. He explained years ago at that location used to be a "Roundhouse" and rotate cars in/out.
- He explained that the previous Parks Director, Doug Eastwood who is on the North Idaho Centennial Trail Foundation with the help of Jon Mueller and thought parking through there would be a good idea. He explained that the Centennial Trail Foundation owns a small sliver which was referenced to get an easement for this development. He added that he and Mr. Eastwood discussed this and will give the City the deed and the City will hand it over to the Parks Foundation to hold the deed. He stated that this is a good example of partnerships because the City would have had to pay for this and that the developer offered to put in a green belt, parking, and realign the trail. He added that he just received the trail count from the foundation and from late July-August, 13,000 people that used the trail.
- He explained that the developer and Urban Forester met recently and the trees along the edge were marked by the Urban Forestry Committee and that the developer had a company thin and pruned the trees that looks great and the trees will become healthy. He added that you couldn't notice unless you took a before/after picture it looks nice and if the applicant had wanted to clear cut those trees which is private property.

Commissioner Luttrupp inquired if there are any issues with parking in that area. Mr. Greenwood explained that there is an issue with parking especially when there are big events in the area that park along Tilford and the parking proposed will help the parking situation.

Commissioner Ingalls commented that when he is in that area, parking is busy excluding nonevent days and was curious using Google maps looked up and down Tilford and didn't see any "no parking" and questioned if parking is allowed. Mr. Greenwood said that is a great question and maybe we need to put "no parking" signs up on the northside. Commissioner Ingalls inquired if this project is approved with the angled parking on the southside seems logical to put "no parking" signs on the northside. Mr. Greenwood explained that he measured the width of Tilford and comparing that street to Front Street is a little less than Front Avenue. He suggested bringing the parking into the south deeper to allow for greater distance which is an easy fix and that originally was going to be a greenbelt if approved and would be easy to lose a couple feet to allow for people to park inside that zone. Commissioner Luttrupp inquired if the parking requirement is part of the PUD. Mr. Greenwood explained that the parking, greenspace and realignment of the trail will be done by the applicant and that the open space and parking has been a Park idea for many years. Commissioner Luttrupp inquired is this part of the project that is presented tonight. Ms. Anderson explained that this is a condition for the project.

Chris Bosley, City Engineer provided the following comments.

- He explained the reason there aren't any "no parking" signs on Tilford Lane because it's a private street and up to the developers to post those signs. He added based on a 22-foot road we wouldn't allow parking on either side of the street.
- He suggested if parking was going in on the south side it would make sense to put "no parking" signs on the north side because of a conflict with cars backing up into cars parked on that side.
- He explained the difference between angled vs. perpendicular parking depends on where the traffic is coming from that would be people going to the park looking for a parking space and can't find any but pull out into a spot that makes sense. He added if people are coming from Beebe Boulevard and want to park at that end because they have a different destination would be hard to accommodate. He commented that he doesn't have a "crystal ball" on how people are coming to the area suggested perpendicular parking off to the side of the street would give opportunity to go either direction.

Public testimony open.

Josh Tripp applicant representative provided the following statements:

- He thanked staff and has worked on this project a long time.
- He stated that they have reviewed the conditions in the staff report and accept every condition.
- He stated the work within the PUD boundary feel it's well defined that meets all the city requirements.
- He stated that the site plan submitted shows an 85% reduction for overall maximum density for development that could happen on this property.
- He explained that there are different things coinciding with the City and Parks Department outside our boundaries, as previously discussed. He noted that the trail realignment on the map and explained how they will be cleaning up that portion of the trail.
- He addressed the addition of the Delores Depot that is the proposed mixed-use building that will have three commercial/retail spaces on the ground floor and two residential units above.
- He explained that the Depot and where its located is meant to be a "pedestrian friendly" and "pedestrian focused" building with an opportunity to provide services to people on the trail.
- He noted along Beebe Boulevard there is space between the public right of way room to put art displays etc.
- He addressed a previous comment that that the easement is required for Lot 1.
- He commented that the trail alignment has been a "wish list" and for this to finally happen and help with the flow in this area will be a big improvement.
- He stated the discussion regarding the existing boardwalk and open space approved with Bellerive is more of a "waterfront" focus and that this project is more "Centennial Trail" focused, pedestrian, bikes, kids etc. We will be providing access to the waterfront but feel the land base and trail is the "jewel" of what we are trying to accomplish.
- He explained the design and looked at the existing developments along Bellerive its very dense with minimal views of the river. He commented that the design of our structures that is shown in the renderings the roof lines are flat because we didn't want to have this massive structure that is over 35 feet and keeping those heights low to be able to maintain the views of the river from the trail and thanks to the developer for cleaning up the area.
- He described some "rest nodes" along the trail planned but would need approval from the City this would allow people another opportunity to enjoy the views of the river.
- He addressed the waterfront setbacks and explained with the Bellerive development the shoreline was measured middle of the water and because of those homes were encroaching 7,12, 15 feet from the water's edge and with this project we don't have that and what we are proposing to learn from previous projects.
- He explained the current wall built at the waters edge is what we are using for our 22 foot waterfront setback which will be within the existing setback.
- He addressed the various citizen comments are aware of the parking issue especially on Tilford Lane and agrees with the comment from the city engineer we don't know where people will be coming from but we have the opportunity and the city agrees to provide 90-degree parking instead of angled to meet the "best" of both worlds. He stated we have the room and will also provide crossings in that area for safety.
- The applicant concluded his presentation.

Commission Comments:

Commissioner Fleming inquired if the parking counts will stay the same. Mr. Tripp answered they would because we have the room and by doing the redesign might be able to provide more parking spaces. Commissioner Fleming inquired about Lot 2 that has the diagonal parking and if that will serve the PUD or will it be considered public parking. Mr. Tripp explained that Lot 2 would be retained by the developer and intended to be used by the residents. Commissioner Fleming inquired about Lot 12 that is next to the dog park and will that lot remain as open space or be built on. Mr. Tripp explained that those are existing platted lots and that we are maintaining by doing a lot line adjustment and that Lot 11 is a residential lot and that the land owner of that lot is aware of this project. Commissioner Fleming inquired if the fence will

be continued next to the dog park or it will remain open to the public. Mr. Tripp explained that the owner of that lot would have to agree to the fence and noted on the plat map where the fence will be in back of the ADU's that will be a separation but we haven't discussed types of fencing.

Commissioner Luttrupp inquired if the applicant could show where access will be to the waterfront. Mr. Tripp noted on the map where the access points are in the development and that the first access point is with the trail running east/west between the trail and PUD that has a small piece of land that connects to the sidewalk that continues to the pedestrian nodes at the boardwalk. Commissioner Luttrupp inquired the distance to the water from those points. Mr. Tripp explained that those points would take you to the boardwalk. Commissioner Luttrupp inquired if access will be allowed from Lots 6-12. Mr. Tripp explained that there is no public access to the water and that this project is not about the water but more about the walking experience so there will not be extension of that boardwalk. Commissioner Luttrupp commented that the city spent time in the formation of Atlas Park and if you go down the river there is access points at Rivers Edge and continuing there is public access from the board walk but this parcel would be considered a "no mans" land between Atlas Park and the boardwalk. Ms. Anderson explained along Rivers Edge are two access points but isn't the full length of it based on the distances for access points and further west with Mill River there isn't any access and she explained looking at the existing 11 lots there is no public access and already platted and that this projects vision is to enhancing the Centennial Trail and public safety to have a better experience.

Chairman Messina inquired if the city discussed extending the boardwalk. Mr. Tripp explained that the code requires a public access point every ½ mile so if you are looking at both ends, we are still within the requirements and feels this projects intent not to extend the boardwalk. Chairman Messina inquired if this project meets the code. Ms. Anderson explained they are within the code and that Bellerive it was their "pitch" to provide open space along the water.

Commissioner Luttrupp appreciates helping the Centennial Trail but the projects surrounding this property provided similar things including the Centennial Trail. He questioned what type of fencing and how high will those fences be. Mr. Tripp explained that all fences would be at/or below what the code requirement would be but we still need to look at the site permit to figure out where those fences will be located. Commissioner Luttrupp clarified he was asking for "type" so it doesn't block the views to the water and noted the Rivers Edge project they have provided a fence and important to have a discussion on the type of fencing so it won't block the views and referenced the fencing types on East/West Lakeshore Drive where one you can see through and the other side doesn't have anything. Mr. Tripp concurs and would support fencing that doesn't obstruct views.

Chairman Messina inquired if there is a small retaining wall next to the ADU's to provide privacy. Mr. Tripp explained there will be a wall behind the ADU's that would be 3-4' feet tall.

Commissioner McCracken noted on page 3 of the staff report and commented that she appreciates the efforts for connecting to the trail that aligns close to Riverstone Park and encourages people to use that public access. She stated that she does have concerns about modifying the setbacks on the river for development on the lake that contributes to the health of the lake and river and noted on page 11 of the staff report where the measurements are noted from the wall questioned if it is achievable to meet those setbacks and cited an example with Lot 6 that the corner is within the setbacks and questioned if a 40-foot setback on the river would be achievable. Mr. Tripp explained the design of the home plus the ADU we have asked for a reduction in front yard setbacks so we can push the houses back closer to the street to create larger landscape so it might change but at this point we have used the meandering lot line as our 40-foot setback and noted another line on the plat map showing existing homes in the prior development protruding closer, so we are asking for 22 feet and feel this is an improvement on what was done prior. Commissioner McCracken commented that she is concerned about maintaining the health of our lake. Mr. Tripp explained that those types of things are what we could ask for in the PUD process.

Chairman Messina inquired if we can add additional conditions. Mr. Adams explained that a PUD isn't a right, but a compromise with the applicant to provide certain things and in the packet are conditions from various departments suggesting certain things, but the final decision is up to the Planning Commission

that has a choice to alter, add, subtract conditions, but consider when adding new conditions, they have to state a purpose.

Commissioner Luttrupp suggested to request a continuation so the applicant can come back and incorporate everything discussed tonight rather than trying to change it here at the meeting. Chairman Messina stated that option might be considered when the commission has discussion.

Lee Deurough commented that he lives in the area and is president of the Bellerive HOA and that the association is 100% behind this project and hopes it's approved. Commissioner Ingalls commented in the past, that he has heard various complaints about parking traffic etc. and questioned if this plan is approved will those changes make things better/ or worse for parking. Mr. Deurough stated it will make it better if approved.

Earnest Vestito commented is excited for the development, but not crazy about angled parking and explained if traffic is going east/west bound on Tilford it would make it difficult for cars to get out of the area and using our access road to do a "3 point" turn to try to get in the parking stalls. He explained that this is a safety concern since the street is narrow for police/fire to get through in case there is an emergency. He suggested parallel parking could work and make it a little safer. Commissioner Fleming suggested on Arlene Way have a designated walkway that would take people to the trail. Mr. Vestito stated that might work.

Phil Billingsley stated that there was an earlier discussion about concerts in this area and when people are parking on both sides of the street which is narrow and a car is coming towards you have to pull over to the side of the street for the car to pass. He concurs with the previous comment and would agree to parallel parking. He commented next to the dog park is a big parking lot and noticed that it's not being used.

Jeff Crowe stated that he and his wife have been kicked off of Bellerive property on three different occasions. He said this first time they were on bikes on Tilford, second time walking on the docks and stopped to watch the boats and stopped by one of the tenants asking us to leave and told us you can walk but don't stop. The third time was taking a walk on the dock not stopping and asked again where we live and was told that this is a private dock so if you don't live here to leave. He stated that he told the guy this was for the public with a public access and the guy told him this was for the residents only. He suggested to the commission when putting conditions on a project to be more specific. He explained as an example, has heard applicants promising to save as many trees as possible, and when the project is approved, the trees are gone and gave the example for the project on Honeysuckle and Margaret who promised to keep the trees and they are gone.

Eric Hedlund explained that he was part of the development team that worked on Bellerive and Rivers Edge. He stated that Mr. Tripp was correct the setbacks were taken from the meandering lot line. He explained the developer is proposing 40 feet set back from the plat meandering line and staff suggested using the rock wall as the start point to 22 feet. He added that the proposed homes will set back further than Bellerive and explained when designing the homes at Bellerive every home was built to the setback. He added that the applicant is a resident of Bellerive Lane who owns a home in Bellerive and that he understands the problems in that area. He explained that with these homes the intent isn't to design a "box" and trying to get as close to the water as possible, but designing a house. He stated there is a plan for a fence with the fence on the trail side sitting below the trail. He noted the plans for the commercial part of the depot and that the developer wanted to create an authentic building that will be designed with brick and other building materials to make it look like the original depot. He commented with the addition of the depot will be trying to create a place where you can grab a water or coffee along the trail.

Chad Wheeler stated he is one of the property owners of the lots and explained that these are already plotted lots that don't have water front access for the community and from talking with the rest of the owners not wanting to put in a boardwalk for the public to use. He explained we are offering to the city as an exchange is a strip of land behind the road, which is about 35 to 40 feet that doesn't have any purpose in exchange for the realignment of the existing trail that will be make the trail better and feel a boardwalk

is not needed since there is plenty of water access east/west of this property.

Rob Bloom stated he is the owner of Bear Waterfront and has worked for along time on this project and has lived in Bellerive for many years. He stated that the trail crossing at Beebe Boulevard has been dangerous for years. He explained that when the Ignite property became available was a benefit as a homeowner to have some control for the type of projects in the area with the goal to take care of the crossing issue at Beebe Boulevard and align the trail and after talking to staff, there is a way to do parallel parking which makes sense by helping reduce the parking lot to provide some width to get in the area. He added the existing trees won't be eliminated and has been cleaned up with the help from staff.

Chairman Messina inquired about the 90-degree parking and if you would agree to take a couple of the parking spaces out and putt in a designated cross walk to get to the trail. Mr. Bloom commented that we would be able to do that.

Patrick Hamlin stated he appreciates the comments about the stripping and has concerns with the adjacent property encroaching towards the river and stated if we allow encroaching further to the shoreline what will happen to the health of the river the future.

Rebuttal:

Mr. Tripp stated he appreciates all the comments heard tonight with a lot of concerns regarding parking on Tilford which is outside of the PUD and is willing to work with the city to come up with a solution to this problem.

Chairman Messina inquired about the placement of striping on Tilford to help with pedestrian safety would be a great addition.

Commissioner Fleming inquired if we could post no overnight parking allowed on Tilford including the city park. Mr. Bosley replied that we can post something, but would have to talk to legal to see if we can do that legally. Mr. Adams answered that we can post a sign stating no overnight parking and explained that most parks don't allow overnight parking but city council would need to make that decision.

Commissioner Luttrupp inquired if have enough information on the design for parking without having to come back to the commission. Mr. Bosley answered that he does since this plat was already approved.

Public testimony closed.

Discussion:

Commissioner Ingalls concurs with the issues with parking and is confident it can be managed. He suggested adding a condition to provide 90-degree parking with no parking on Tilford and the applicant work with the city to provide a cross walk at Arlene. He added in the past has seen a lot of PUDs that aren't perfect and have to look at the whole picture and, in this case, how the benefits outweigh any negatives. He explained that the public open space provided is very generous to provide benefits for everyone including the public. He commented that the density that is very reasonable and not perfect, but community benefits and negatives will support this. He added that the appreciates the previous comment from the person that lives in Bellerive who supports this project.

Commissioner Ward stated that PUDs are intended to be a tool used by a developer to be inventive with design and feels this project does this and does it well. He added that a mixed-use building is beneficial that won't reduce trips but reduce traffic. He commented that water access is over played and a public access waterway should be a walkway, benches, lighting that people can use and very seldom we see people who have access to this walkway and doesn't have a problem with this project. He added that the big focus in this area is the Centennial Trail and the redesign of parking to angled parking would help with parking issues in this area. He commented that this developer is willing to make this a win/win project for everyone.

Commissioner McCracken commented that there are a lot of positives with this project including the trail realignment but would encourage that the shoreline setbacks meet the minimum on the riverfront to keep our lake healthy and if the 40 feet are obtainable and would like this project designed to meet this requirement.

Commissioner Luttrupp commented that he needs to be consistent when it comes to the waterfront and can't support changing the setbacks.

Commissioner Mandel commented that 31 conditions are a record for one project and says a lot about the compromise between the developer and the city. She stated that she likes the diversity of views to the water from the trail and with the addition of the depot with 90-degree parking and that this is a nicely done project.

Chairman Messina supports this project and would like to see 90-degree parking and a cross walk in the street for the safety of the project.

Motion by Fleming, seconded by Mandel, to approve Item Pud-3-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	No
Commissioner Luttrupp	Voted	no
Commissioner Ward	Voted	Aye

Motion to approve carried by a 6 to 0 vote.

Motion by Fleming, seconded by Mandel, to approve Item S-5-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	No
Commissioner Luttrupp	Voted	No
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 2 vote.

2. Applicant: City of Coeur d'Alene
Location: Aqua Avenue and Government Way, Rights-of-Way
Request: A proposed annexation for a portion of Aqua Avenue.
LEGISLATIVE, (A-6-21)

Mike Behary, Associate Planner provided the following statements:

The subject public right-of-way is located in the incorporate area of the county.

- The subject site is adjacent to the city limits on the south on Government Way, along with

portions of adjacent to along the south side of Aqua Avenue, and also a portion of the city limits are located on the west side of the Government Way.

- The property is public right-of-way and is not required to have a zoning classification since it is all intended for public right-of-way. The subject site is located within the City's Area of City Impact (ACI).
- The subject public right-of-way is currently in the Lakes Highway District's jurisdiction. In 2013 the City of Coeur d'Alene entered into an Intergovernmental Agreement with Lakes Highway District to actively pursuing annexation of this area.
- The Lakes Highway District Board has reviewed this request and has indicated that this proposed annexation is consistent with the agreement and that the proposed public right-of-way should be in the City of Coeur d'Alene's jurisdiction.
- The City of Coeur d'Alene's Engineer is also in agreement with the proposed annexation of the subject public right-of-way.
- The subject public road right-of-way is located in the Coeur d'Alene's Area of City Impact (ACI). In regards to zoning, public right-of-way does not have zoning district designation/classification, therefore zoning is not a part of this request.

Mr. Behary concluded his presentation

Commission Comments:

Commissioner Ingalls inquired why this type of came forward. Ms. Anderson clarified that after the Dodge Annexation was approved, we heard from Lake's Highway District asking why we didn't include the roads when the Dodge Annexation came forward so we met with them and they stated that they didn't want to continue to maintain these streets and normally would be part of the project but approval is only for the right of way.

Motion by Ingalls, seconded by Luttrupp, to approve Item A-6-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 6 to 0 vote.

3. Applicant: CDA Enterprises, LLC
Location: 455 W. Cherry Lane
Request: A proposed zone change from R-12 to C-17
QUASI-JUDICIAL, (ZC-7-21)

Tami Stroud, Associate Planner provided the following statements.

- The 0.367-acre parcel is located off of Cherry Lane and west of Highway 95. North Fruitland Lane is west of the subject property.
- There is an existing single-family dwelling located on the parcel which is vacant. The applicant/owner also owns the abutting property on the east side of the subject property and

would consolidate the two parcels.

- The applicant/owner has a lease agreement with the existing tenant, Gross Doughnuts. Should the zone change request be approved, the existing tenant will enter into a Long-Term Lease of 15-20 years with Gross Doughnuts. Future plans are to construct a new building, utilizing both properties and replace the existing structure built in 1970.
- A new structure would accommodate two tenant spaces. Gross Doughnuts will remain and occupy one tenant space and the owner has not yet solicited and/or secured the other tenant. There has been some interest for a yoga and cross-fit studio and/or a local credit union in the other tenant space.
- The City Comprehensive Plan Map designates this area as US-95 Corridor

Ms. Stroud concluded her presentation

Commission Comments:

Public testimony open.

Mike Delay, applicant provided the following statements:

- He stated that he was here before which was approved and went before city council and they denied the request and suggested to talk to the neighbors.
- He stated that he had a meeting with the neighbors with a discussion on providing a fence which we will comply.
- He explained that the sidewalk will be extended to join the property which was a request by the neighbors.
- He explained that the Commercial Power Tools on the property their driveway to provide a curb cut at the Auto Parts store which will be a win/win for everyone.
- He stated the owner of Gross Doughnuts wants a new building and will accommodate that request.

The applicant concluded his presentation.

Commission Comments:

Commissioner Ingalls commented after reading the staff report remembered that we had already heard this request a few months ago and at that hearing nobody from the neighborhood was there to testify and inquired in the past have we added conditions to a zone change. Ms. Anderson explained that we do have a conditional zoning provision in the code but only used it once which is rare. Commissioner Ingalls suggested that the neighbors maybe come to the council meeting and reenforce that they approve of the project. Mr. Delay concurs and commented that this area has had a number of zone changes.

Commissioner Ward inquired about the driveway. Mr. Delay explained that its not a change but if the code will permit us to align them, we will do that which would set the driveway back for traffic flow.

Commissioner Luttrupp commented that its always good practice to talk with your neighbors if you have an issue and express your views.

Sabrina Carlisle stated that they recently attended the council meeting when this request was denied and October 26th, she and other residents met with Mr. Delay and Mr. Gross to express their concerns about the rezone. She added after they addressed those concerns about traffic, noise control and demolition of a perfectly good home Mr. Delay confirmed that 6' foot fence would be but up next to the home. She added that Mr. Delay stated that he would donate any items in the

house that was needed to be demolished as soon as the resident leaves. She commented that after our discussions with Mr. Delay and Mr. Gross and showing concerns for our neighborhood will support this request. Chairman Messina suggested if this goes forward to council to please come and read that statement.

Public testimony closed.

Motion by Fleming, seconded by McCracken, to approve Item ZC-7-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 6 to 0 vote.

ADJOURNMENT:

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

The meeting was adjourned at 9:00 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant