

**PLANNING COMMISSION
MINUTES
MARCH 10, 2020
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Michael Ward
Peter Luttropp

STAFF MEMBERS PRESENT:

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

COMMISSIONERS ABSENT:

Lewis Rumpler
Brinnon Mandel

CALL TO ORDER:

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

APPROVAL OF MINUTES: *ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.**

Motion by Luttropp, seconded by Ward, to approve the minutes of the Planning Commission meeting on February 11, 2020. Motion approved.

COMMISSION COMMENTS:

None.

STAFF COMMENTS:

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

- She stated that on March 17th at the City Council meeting they will be recognizing George Ives for serving on the Design Review Commission for 16 years.
- She said that scheduled on the next Planning Commission meeting on April 14th they have four items: a zone change, two special use permits and a combination Planned Unit Development (PUD) and Subdivision.
- They have scheduled their first Infill/Missing Middle Housing Committee meeting with help from the same group that helped them last year on the Accessory Dwelling Unit Code. As the process is developing, they will be posting updates on the website.
- She thanked the commission on their attendance at the recent leadership briefing for the Envision CDA Project and added that staff is working on posting the meeting summaries, so all the information is available for the public.
- She announced that they have a survey available online and encouraged everyone to take it. The deadline for survey completion is March 11th in order to be eligible for a \$40.00 gift card.

- She said that next week they have scheduled their Focus Group and Community Advisory Committee meetings as part of the Envision Coeur d'Alene project and look forward to some great discussions in moving this forward. She added that next week they have scheduled workshops with the Coeur d'Alene Area Economic Development Corporation, MIG and Bridge Economic.

ENVISION CDA COMMITTEE UPDATES:

There were no additional updates.

PUBLIC COMMENTS:

None.

ADMINISTRATIVE: *ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.**

1. Applicant: Parkwood Business Properties
 Request: A one-year extension request for 1940 Riverstone Drive
 ADMINISTRATIVE, (SP-2-19)

Tami Stroud, Associate Planner, stated that Parkwood Business Properties DBA: Glacier 1940 Riverstone LLC is requesting a one (1) year extension of SP-2-19 (R-34 Density Increase Special Use Permit) approved April 9, 2019, which went into effect on **April 21, 2019**.

Ms. Stroud provided the following statements:

Parkwood Business Properties is requesting the extension because of the scale and size of the project, and the need for two Design Review Commission (DRC) meetings. The required extra time to study the economic feasibility of the project, which delayed the second DRC meeting.

She stated that if the extension is approved, the following conditions still apply.

- **PRIOR CONDITIONS OF APPROVAL:**

PARKS DEPARTMENT:

- Build a pedestrian connection from the south side of the apartment building connecting to the perimeter path around Riverstone Pond.

WASTEWATER:

- The project will be required to connect to one the two existing public sewer connections in Riverstone.
- The project will be required to the abandon the unused sewer lateral connection at the public sewer main in Riverstone.

ENGINEERING/BUILDING:

- A geotechnical site evaluation will be required prior to building permit issuance.

Ms. Stroud concluded her presentation

Commission Comments:

Commissioner Fleming asked if they have to break ground by the expiration date. Ms. Anderson stated that the applicant will have to break ground to look like they are making an attempt.

Motion by Ward, seconded by Ingalls, to approve Item SP-2-19. Motion approved.

PUBLIC HEARINGS

1. Applicant: City of Coeur d'Alene
Request: Proposed amendments to Title 17.09 of the Municipal Code, Zoning Ordinance LEGISLATIVE, (O-1-20c)

- Tami Stroud, Associate Planner, said that staff is requesting a recommendation from the Planning Commission to the City Council for proposed code amendments to Chapter 17.09, Article IV, Design Review Procedures and Chapter 2.98, Design Review Commission.

Ms. Stroud provided the following statements:

- The Design Review Commission (DRC) Procedures have been in need of an update for several years.
- On June 6, 2017 the City Council adopted a Work Plan for the Planning Department that included modifying the Design Review Commission Procedures.
- Following the direction from City Council to better streamline the process, staff asked the Design Review Commission to participate in a survey providing feedback to staff with suggestions to help streamline the process and better serve the development community.
- The streamlining has had positive results for staff, the development community, and commission members. Based on successful feedback from developers and the commission, staff is bringing forward the proposed amendments, which they believe will formally expedite and simplify the process for all parties.

Purpose:

- The purpose of the proposed DRC Procedure amendments will do several things: remove the 1st meeting with the DRC and replace it with a meeting with staff and the applicant, identify projects that should be reviewed administratively, and provide clarification for the developer for timelines and required submittal items.
- By eliminating the preliminary meeting with the DRC, it saves time and money for the applicant, reduces staff time spent on additional commission meetings and staff reports, and makes better use of the commission's time.
- There are also some minor "housekeeping" items included in the proposed amendment. Addressing the code amendments will streamline the process for staff and developers, and also saves valuable time of the volunteer commissioners. The proposed amendments to Chapter 2.98, Design Review Commission, remove the standing alternates, clarify a quorum, specify the DRC meeting date, and clarify public notices and comments on proposed projects.

Ms. Stroud concluded her presentation.

Commission Comments:

Commissioner Ingalls said that he appreciated the amount of time staff has put in to streamlining the Design Review process and believes by providing these changes, it will make the City better. He added that the Design Review criteria isn't always firm and that is why he likes the process. He commented that he has seen many times when an applicant first presents a project and during that meeting, while working

through the process with the applicant and by giving critique, the applicant comes back with a better project. He thanked staff again for doing a great job.

Commissioner Messina said that concurred and also thanked staff.

Motion by Ingalls, seconded by Fleming, to approve Item 0-1-20c. Motion approved

2. Applicant: Verizon Wireless c/o Rod Michaelis
Location: 701 N. 15th, (Person Field)
Request: A proposed Wireless Communications Facility special use permit in the R-1 (Residential at 1 unit/acre) zoning district. QUASI-JUDICIAL, (SP-1-20)

Mike Behary, Associate Planner, presented the staff report and stated that the applicant is requesting approval for a special use permit to allow a wireless communications (Cell Tower) facility in the R-12 Zoning District.

Mr. Behary provided the following statements;

- The City owns Person Field and it is maintained and operated by the Parks and Recreation Department.
- Prior to the applicant making application for the special use permit, they approached the Parks Department to see if it was feasible to be allowed to build a cell tower on Person Field.
- On November 18, 2019, the Director of the Parks and Recreation Department brought forth the request by Verizon to the Parks and Recreation Commission for their review and approval that would allow Verizon the right to build a cell tower on Person Field.
- If the proposed special use is approved, the applicant will need to enter into a lease agreement with the City in order to build and operate a cell tower from the subject site.
- The applicant is proposing to locate a 75-foot cell tower in the northwest corner of the park. It is proposed to be located immediately east of the existing maintenance building.
- The applicant has indicated that the proposed cell tower will be constructed to look like a faux evergreen tree
- Mr. Behary provided a copy of the following maps: Property Location Map, Aerial Photo, site plan, cell tower elevation.
- Mr. Behary provided an illustration showing cell coverage without the proposed tower, and another one showing cell coverage with the proposed tower.
- He provided a copy of the zoning map and explained the various findings required for the project.
- He stated that the Comprehensive Plan designates the area as Stable Established-Historical Heart District Tomorrow.
- He noted the various Comprehensive Plan Goals and Objectives that apply.
- He provided an illustration showing the surrounding approved special use permits in the area.
- He provided a generalized land use map and various site photos of the area.
- He provided renderings provided by the applicant showing the location of the Tower on the property
- He noted the various staff comments in the staff report.
- He explained that since it is a cell tower and the code was changed a few years ago, they added at the end of the findings a worksheet as added criteria with twelve questions for the approval/denial for a Wireless Communication Facility.
- He stated that there are no proposed conditions.

Mr. Behary concluded his presentation.

Commission Comments:

Chairman Messina said that in their packet it states, "No existing towers or structures are located within the geographic area which meets the applicant's engineering requirements and no existing structure or towers were found in the area that meet the engineering requirements for Verizon Wireless." He asked if staff could define geographic area.

Mr. Behary stated that that the applicant was present and could address that question to get a better definition.

Commissioner Luttrupp asked where in the City do they have cell towers on residential (zoned) property. Mr. Behary answered that there is a tower on East Mullan and another tower located downtown on 4th Street located next to a residential neighborhood.

Commissioner Luttrupp said that at a recent city council meeting a presentation was done regarding placing cell towers on power poles, and asked if staff could explain the process. Mr. Behary answered that it would be a good question for the applicant. Commissioner Luttrupp asked about the tower located by Michael D's and whether it was the same company making the present request. Mr. Behary replied that he is not sure who the owner was on that request since it happened a while back. Commissioner Luttrupp referenced another cell tower request where the company lost their lease and asked if the lease this company has will have the same provisions.

Ms. Anderson said that Bill Greenwood was present and would be able to answer those questions.

Mr. Greenwood explained that their lands are restricted by federal use and they build their parks with federal monies, and those monies restrict what they can and can't do. He explained that they have had a couple areas in the City where other companies besides Verizon have inquired about putting cell towers in various locations, and that the federal authorities say that they are not allowed to have cell towers at those locations. He explained how that is determined and stated that the federal government is not allowed to have their towers on federal land. He commented a few years back that there was a request to put a tower at the Canfield Sport Complex and that the City owned a piece of land next to a dumpster that could not be used for anything and the installation of the tower would have been a benefit to the Park Department as revenue but the federal government said no. He explained that Person Field is not restricted by federal funds, so it is City property and they can make that decision.

Public testimony open.

Rod Michaelis, applicant, provided the following statements:

- He represents Verizon and been in business for 22 years.
- He explained that in the past he has seen a huge increase for services provided by various carriers and demand from the public for better service.
- He noted that 50% of the population does not have a land line and 80% of 9-1-1 calls are done with a cell phone.
- He explained that Verizon wants to place a new facility at Person Field to serve a growing gap in service.
- They are looking to put in at Person field a 75-foot mono Fir Pine that is a Pine Stealth Design with outdoor cabinets and underground cabling between the tree and the cabinets. It will be designed as clean as possible.
- He stated that there won't be any fencing around the site as he has seen this similar unit at other parks where people climb over the fence to retrieve their stuff and so they won't put up a fence at this site.
- He stated that the 75-foot mono pine will be located next to trees that are 83 feet, 124 feet and

119 feet and that the engineering company who prepares their reports surveyed the existing trees so they feel it is accurate.

- He commented that many people are concerned that by putting a cell tower at the park it will look awful and interfere with activities. He said that they are trying to be good neighbors and will try and design the tower so it blends with the surrounding trees.
- He explained on a map the amount of cell coverage in the area and that a big problem now is with capacity call drops which is why they need to fill the gaps. He noted that the engineers thought that Person Field was the best site for the most coverage.
- He talked about lighting and how there won't be any lights on the unit so it will not impact the neighborhood.
- He commented that the project was previously approved by the Parks and Recreation Commission.
- He addressed the current wireless code that states they are required to provide an inventory of the Verizon sites, with a site $\frac{3}{4}$ of a mile on East Coeur d'Alene Lake Drive.
- The color of the antennas will match the mono Fir and the visual impact will be mitigated by a fake tree.
- He explained that landscaping around the tower will be 4-5 arborvitae between the main field so in case something went over to that site, it could easily be retrieved.
- He addressed preferred tower locations and noted that since this is City- owned property the money will go back to the City.

The applicant concluded his presentation.

Commission Comments:

Commissioner Luttrupp recalled that there was an agreement that the City had regarding distance between cell towers. Mr. Behary said that the distance between cell towers is $\frac{3}{4}$ mile. Commissioner Luttrupp asked when the requirement changed. Mr. Behary answered that it was changed when the new wireless code was adopted in 2018.

Commissioner Luttrupp said that recently Council passed an ordinance giving authority for wireless companies to cohabit on other suppliers' towers.

Jason Verduzco, Verizon Community and Government Affairs Director for Idaho and Eastern Washington, explained that he has been working with staff on the small cell agreements and also the wireless safety standards, and asked the commissioners to think of wireless as an information highway and the macro sites a freeways, and the small cells that are attached to utility poles or city light poles could be considered on/off ramps for data users. He said they need the macro towers because they are the back bone to the wireless network

Commissioner Luttrupp asked if small cells could be used for the project instead of a tower. Mr. Verduzco explained they could not in the area because they would have to put many of the small cells in the area to supply coverage compared to one macro site.

Commissioner Luttrupp asked if Verizon had any data confirming the number of calls being dropped because of the lack of a bigger tower. Mr. Verduzco explained that Verizon does keep that data and Verizon is not going to want to build or invest in infrastructure if a tower is not needed.

Commissioner Luttrupp said that sometimes it's good to get a second opinion from a qualified certified individual to confirm data. He said he has concerns about the cell tower being big. He questioned how big the small cell towers are compared to the larger towers.

Mr. Verduzco stated small towers range from 4 feet to 8 feet tall. Commissioner Luttrupp inquired if it is something the City Council approved. Mr. Verduzco said that was correct and approved the small cell agreement that was placed in the right-of-way.

Commissioner Fleming commented that the public has concerns regarding how radio waves affect them and asked Mr. Verduzco to provide an explanation of the contents. Mr. Verduzco explained in 2013 that there was a notice of inquiry opened to the Federal Communications Commission (FCC) requesting that wireless carrier spectrums be re-reviewed, and in 2019 the FCC upheld the safety standards and stated that all carriers have to comply. The FCC set the safety limits for all of Verizon's macros and small cells and they have to adhere to those safety limits. He added that public safety is a top priority for them.

Commissioner Ingalls said that it was mentioned that a percentage of calls go to 9-1-1 calls and that most of us don't have land lines. He commented that to him there seems to be a community need and that he understood that the commission is trying to find the best spot to place a tower. He questioned the impact to the community if the project was not approved.

Mr. Verduzco explained that the project is driven by the customer and if not approved they would try to go back to the drawing board and reach out to the City for other options.

Commissioner Ward noted that the commission received a written public comment that the person could not attend the hearing and had a question about maintenance on the tower and if it needs to be done how it would impact the neighborhood.

Mr. Michaelis explained that they will have someone look at the tower every two months after construction and if work needs to be done, the service will be done during the daytime which is safer, and easier to see things and to get around.

Chairman Messina said he had a couple questions about design and commented that from looking at the pictures the tower, it looks like a tree and he asked if there will be any panels on the outside in the front of the tree. He added that some of the comments they received from the public wanted to know if the tower would be used by other providers. He commented that he understands benefits of having cell coverage when there is an emergency but questioned what the benefit was to the neighborhood for having the tower in that area.

Mr. Michaelis explained that all the antennas are hidden and are painted a dark green or brown color, and if the antennas are showing too much Verizon has "socks" which are put on the fake branches which can be painted to blend with the tower. He added that they don't get a lot of complaints about the design of their trees and that a couple of years ago Verizon came out with a design for big antennas to make sure the design of the tree is wide enough to cover the antennas. He noted that a benefit to the neighborhood for the tower would be to provide enhanced cell phone coverage especially needed for emergencies.

Commissioner Fleming commented that as a city they need to take an audit of where all cell towers are located so they can see where each carrier is located in the City. She explained that the information would have been nice to have before the meeting and without that information they need to make a decision on an unknown.

Commissioner Luttrupp said he is confused from looking at the renderings in the staff report that show two maps: one with coverage and another without coverage. He asked if one tower covers an area as noted on the map. Mr. Michaelis explained the maps were showing the closest towers by Verizon. Commissioner Luttrupp inquired if the map was showing just Verizon towers. Mr. Michaelis stated that the maps in the staff report were showing all cell tower carriers in the area closest to Person Field. Commissioner Luttrupp said that, compared to the other areas for cell towers, the site seems small. Mr. Michaelis explained that the tower for the site is just 75 feet because there are a lot of trees and trees absorb signals. Commissioner Luttrupp asked if the cell tower located at Michael D's would look like the one proposed for the site. Mr. Michaelis commented that he has not seen the tree at Michael D's, but feels the tree will look similar.

Ms. Anderson explained that when they worked on the code there was a discussion with their consultant

and a small cell came before the City and that the cell tower located by Michael D's is old technology for the Mono Pine and that the design has been improved to look more like a tree.

Public testimony open.

Sam Mann said that the commission needed to check its records and noted that three years ago when they wanted to build the Boys and Girls Club on that site the City Council voted that there could be no commercial or residential built on that site. He added that parents go to the area where they want to place the tower when it's raining to put up shelter to watch the game. He said that he lives in the area and doesn't want to look at a tower in his backyard.

Bill Wolfe questioned how the City will limit the use of another supplier based on testimony from the applicant stating that the tower would be big enough to have another supplier on the tower. He asked if there was a limit to the number of cell towers in the City. Mr. Behary replied that they limit the use by a special use permit, which is an application that requires a hearing with the Planning Commission. Mr. Wolfe asked how long the Special Use is good for, if approved. Mr. Behary explained that, if approved, the special use permit is good for one year and, if not used after one year, it will expire.

Mr. Wolfe as if the City would say no if AT & T wanted to place a tower in the City. Mr. Behary asked if he was specifically talking about City property, or anywhere in the City and, if it was a park, Mr. Greenwood would be able to answer that question.

Mr. Greenwood explained that he believes that the Parks and Recreation Commission would allow more than one cell tower on the property but that is not going to happen. He said that the Parks Department is about preserving green space based on the many parks that have been built in the city. He added if the request is approved, there would never be another tower allowed at that location, but it is not to say that maybe a tower would be allowed in another park at another location at another time if someone came forward with an application. He explained that the Parks and Recreation Commission felt the project had a small footprint and was acceptable, because it doesn't disturb any activity going on in the park. He commented that when people are at the park watching an activity, they usually watching on the sidelines.

Commissioner Luttrupp asked if there is a process that the City follows for the location of towers so the City can limit the number of towers in the same place.

Ms. Anderson explained that within the Wireless Communication Code there are several sections that talk about the location and that a location analysis is required and there are 12 findings that the commission has to make before a decision is made if it is reasonable. She added that if they get more requests for the park, they can implement an independent RF Technical review process so they could have another provider go through the process and the City would select an RF provider to do an analysis which could be brought forward and used as part of the staff report.

Jay Troy said that he received the notice and talked to staff, who told him the tower would be 75 feet tall, which is better than a building. He added that he was told that the tower would be 67 feet to the closest house and questioned where he would want the tower next to his house if he lived in the area. He added that it would have been nice for Verizon to submit better pictures showing how big the tower would be if you lived across the street.

Dan Franks said that he is the senior manager for Junior Tackle football and has been a coach for 12 years. He explained that they have around 600 kids who use the field throughout the year. He noted that the building to the left of the proposed tower is their field house that the City owns, and which was paid for by the association to use with an agreement with the City for the structure to be on the property. He added that there are various ages of kids that use the field and he has concerns about the radiation from the cell tower and how those signals can affect the kids. He commented that he doesn't like the location because

it will be on the east side of the building next to the door, which is the main entry and used as a staging area for the kids. He said that he spoke with the other board members and they don't want the tower at the field and if they could choose another location to place the tower, it would be the northeast corner of the field.

Kelly Stelzberger said that she helps with the Junior Tackle football league and used the field growing up. She commented that she has concerns about where the tower will be located and said that the area is located in a very small location where children do different training exercises. She said that she is also concerned about how the RF frequencies associated with 5G can break down the cellular levels in bodies. She commented that she would like to get a copy of the information submitted by the applicant to the City Council addressing those health concerns.

Jared McFarland said the project is not a good fit for the neighborhood and that he took a trip to the park to download some videos and other things to see if there was any problem with coverage and didn't have any issues. He commented that he doesn't feel there is a need for the tower and is afraid that once the City allows the tower to go in the park, he fears it might open possibilities for other uses at the park.

Michelle Dial said that the cell tower by Michael D's is not attractive. She suggested that they make the new tower look like a clump of trees so that when it is surrounded by existing trees, it won't make the tower look so obvious. She asked if the tower would have a camera on it.

Rebuttal:

Mr. Verduzco said that radio frequencies have been studied for the last 100 years and explained those findings.

Mr. Michalis said that the height of a tower is 75 feet per the code and the top 8 feet will be branches. He responded to a question regarding co-location and explained that the tower will have space for another carrier, if needed. Coverage depends on time of day and what activities are going on. One day there may be great coverage, and on another day with maybe a big event going on at the field, there may not be coverage. He said that they will not have any cameras on the tower. He addressed the question about whether property taxes would be affected, which is not part of the code, and noted that studies years ago indicated that there has not been any impact to property values.

Commissioner Fleming asked about the diameter of the trunk of the tree. Mr. Michalis explained that it has to be strong enough to support a lot of heavy branches.

Commissioner Fleming commented that in previous testimony the coach of the football league didn't like the location because he felt it impacted the use of their facility and asked if the applicant had looked at the possibility of relocating the tower to the northeast corner. Mr. Greenwood said that the northeast corner was not considered. He explained that he thought he gave plenty of space for the tower to fit in the triangle piece so as not to impede what they suggested would happen.

Chairman Messina said that the commission had a copy of the minutes from the Park and Recreation Commission meeting and that there was not a lot of discussion during that meeting or input from the public. Mr. Greenwood explained that the Parks and Recreation Commission looked at the request and whether the tower would work in the space at Person Field. He also added that if the football league feels there could be access issues to the storage shed, they could move the tower to the east.

Commissioner Luttrupp said it would have been more helpful for the applicant to have been prepared.

Mr. Michalis commented that he appreciated all the comments but feels the project meets all code requirements and that the tower will meet the needs to provide the additional coverage in the area.

Public testimony closed.

Discussion:

Commissioner Ingalls said that it is a tough decision, especially when the commission receives a lot of negative feedback. He commented that the proposed project was vetted by the Parks and Recreation Commission, who supported the request. He further commented that the cell tower on Ramsey Road really looks like a tree and that the Parks Department will be able to do a lot of good things for the parks with the \$12,000. He also commended Verizon for thinking ahead to providing extended coverage. He noted that the City needs to get ahead and that he is not unsympathetic to the comments from the public, but they have to trust the Park and Recreation Commission that they are doing the right thing.

Commissioner Ward asked about the statement that was made earlier regarding the purchase of Person Field and whether staff could provide some clarity on what the purchase agreement stated. Ms. Anderson replied that Mr. Greenwood would be the one who might have that information regarding Person Field.

Mr. Greenwood explained that the city bought Person field twice in order to not lose the use of the property to the Boys and Girls Club and commented that it would be nice to get the revenue to replace the restrooms and that the Parks master plan shows additional parking at Person Field so the money would help achieve those items.

Commissioner Luttrupp questioned there were any conditions placed by the City at the time of purchase when the city bought Person Field for the second time. Mr. Greenwood commented that there were no conditions added at the time of the purchase. He explained that he is always trying to look for a way to increase the City parks with the use of a vendor. For example, he noted that the vendor at the Harbor House pays the City to be at that location and that money goes to the Parks Capital Fund to be used to maintain parks.

Commissioner Luttrupp commented that the services mentioned by Mr. Greenwood are seasonal and he respects the Park and Recreation Commission who try and make the best decisions. If the City Council said no cell towers on city property, he supports that decision. He said that a few years ago guided tours on Tubb's Hill were turned down by City Council. Mr. Greenwood said that is correct, because the Council said no to commercial activity on Tubb's Hill because of the nature of that site and the danger of overcrowding.

Commissioner Luttrupp asked why Tubb's Hill was different. Mr. Greenwood said that the Tubb's Hill Foundation knows how sensitive Tubb's Hill is to the public and that is why there are a lot of restrictions. He explained that Person Field is not purchased with Land and Water Conversation funding and that is why he went to the Parks and Recreations Commission to ask if they thought the cell tower could work at Person Field since it doesn't have the restrictions that other parks do.

Commissioner Luttrupp asked what other parks in the City meet criteria similar to Person Field. Mr. Greenwood said that City Park at Independence Point has a vendor on the beach, commercial docks and they are always looking at opportunities to create some revenue. He added that Sprint approached the City many years ago and asked about the site at Canfield Park to place a tower and he thought that area would be a great area for a tower but, after discussing the request with the Land and Water Conversation, they said no because the land has restrictions. He explained that most of the City's parks can't have permanent commercial activity.

Ms. Anderson listed the parks that do have commercial activity, which are McEuen Park, Independence Point, and Atlas.

Chairman Messina commented that he believed there are no other cell towers on a baseball or soccer field. Mr. Greenwood said that was correct.

Commissioner Fleming commented that they have to remember that there will be more people living in the area and they need to buy the best “tree” that money can buy. She commented that she was working in Memphis, Tennessee when they had a major emergency happen and there was not enough cell coverage available. She said that the City needs to make sure they have adequate coverage.

Commissioner Luttrupp commented that the park is for the public use and not commercial activity so he can't support the request.

Motion by Fleming, seconded by Ingalls, to approve Item SP-1-20. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 3 to 1 vote.

The commission took a 10-minute break at 8:23 p.m. The meeting reconvened at 8:33 p.m.

3. Applicant: City of Coeur d'Alene
Location: 2598 E. Seltice
Request: A proposed modification to the “Atlas Mill PUD” and Interpretation QUASI-JUDICIAL, PUD-4-19m

Hilary Anderson, Community Planning Director, stated the request was for an approval of minor amendments to the Planned Unit Development to clarify allowed uses within Areas 12 and 13 of the project, and to add clarification on development standards such as fencing and gated road restrictions and approval of an interpretation to allow for the number of residential units to be moved between development areas within the project so long as the total count and density is not exceeded.

Ms. Anderson provided the following statements:

She stated the following is what is included with the PUD modification and Interpretation:

PUD AMENDMENT OVERVIEW & INTERPRETATION REQUEST:

PUD Amendment

The PUD Amendment for the Atlas Waterfront project would revise the final Development Standards for the project related to Areas 12 and 13, and address fencing and gated road restrictions throughout the project.

Area 12: Allow Mixed Use, with optional upper floor residential and ground floor retail/food and beverage/office uses, and increase the building height on the northern portion to 45' in the area that is +/- 450' north of the ordinary high-water mark (OHWM).

Justification: This is consistent with the original PUD justifications.

Area 13: Allow Mixed Use, with optional upper floor residential or office and ground floor uses consistent with the original PUD and development standards, and allow hotel use.

Justification: This is consistent with the original PUD justifications.

All: Add fencing and gated road restrictions.

Justification: Minimize visual barriers to maximize views and vistas.

Interpretation Request

The interpretation being requested is confirmation that the density and total unit count can be interchanged between development areas so long as it doesn't exceed the overall site-approved density and total residential count, and if it is consistent with the overall project.

Note: *The total unit count anticipated by the approved PUD is 668 residential units, which is not being changed with the PUD amendment or interpretation. Ms. Anderson commented that it is well below the number of units that the project could have supported under the C-17 zoning district at 17 units per acre, which would have allowed as many as 1,035.*

Ms. Anderson concluded her presentation.

Commission Comments:

Commissioner Ingalls said the reason why the City is involved is to provide public access and public waterfront for the community to enjoy. He commented that he is in favor of not having gates and a fence is a good thing. He noted that Area 12 could be a place for homes and if they allow more mixed use there would be a potential for people to go into a business like at Riverstone. Ms. Anderson explained that Area 12 was always intended for residential and after discussing it with staff, they agreed that it would be better to provide more flexibility if it was mixed use.

Chairman Messina asked if a gate and fencing would be allowed for the property. Ms. Anderson said that fencing is intended for the whole site. Chairman Messina commented that he understands that the development will only allow 688 units and asked if height restrictions would be established in those areas. Ms. Anderson said that the heights would not change.

Commissioner Fleming asked how they would keep it from being "front end heavy loaded," making the other back end sites less desirable to become all single-family homes because there is not enough density. Ms. Anderson stated that something the committee has discussed and she agreed they do need some balance across the site.

Chairman Messina asked how the discussion on fences came up and asked if the development community had some input. Ms. Anderson explained that it was it came about after hearing comments from the commission, and a desire to protect the view corridors for the public without looking like everything is restricted. She clarified that the only area that would have a change to the height is in Area 12.

Commissioner Luttrupp commented that it is a very fluid project and everyone should be congratulated, and that they should make sure they get revenue to pay back the commitments. Ms. Anderson explained that that was why they brought forward the amendment because it will help with the land values.

Public testimony open.

Phil Boyd of Welch Comer Engineers representing the City and ignite cda as the applicant, provided the following statements:

- He said they are asking for mixed use in Areas 12 and 13 to make the property balanced.
- He noted on the map the areas where mixed use is allowed, with the addition of Area 9 and 11 that came in at the last minute.

- He said the proposed changes would be minimal impact.
- He addressed the areas with the least and most density.
- He noted that the fencing requirement would still be the same with the height set at 3 feet in the front yards.

The applicant concluded his presentation.

Commission Comments:

Commissioner Messina asked what the next steps are to do the Request for Proposals (RFP's). Mr. Boyd said that it depends on the decision of the commission and, if approved, an RFP could be submitted in the next month to 6 weeks for Areas 12 and 13.

Tony Berns, Executive Director of ignite cda, provided the following statements:

- He explained that if the commission approves the changes to Areas 12 and 13, they will get the ignite Board approved to get the RFP's out next week.
- He commented that they didn't have a lot of excitement from developers for Area 13 and that was why the proposal was presented.

Mr. Boyd explained the RFP process and different product types submitted by different developers and said that the selection committee evaluated the submittals on the merit of the product and economics. He noted that the same selection committee will continue forward with any new submittals, so they can continue with the similar process.

Elizabeth Middlewood said that she lives in the area and asked if they have developers that are going to build houses in the area. Ms. Anderson explained that the project has a number of mixed uses that are approved and the different types of development depend on which area of the project. They will see some stacked flats and maybe some hotels

Public testimony closed.

Motion by Ingalls, seconded by Luttrupp, to approve the interpretation.

Motion by Ingalls, seconded by Fleming, to approve Item PUD-4-19. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

ADJOURNMENT

Motion by Luttrupp, seconded by Ingalls, to adjourn the meeting.

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

Prepared by Shana Stuhlmiller, Public Hearing Assistant