

WELCOME
To a Regular Meeting of the
Coeur d'Alene City Council
Held in the Library Community Room

AGENDA
VISION STATEMENT

Our vision of Coeur d'Alene is of a beautiful, safe city that promotes a high quality of life and sound economy through excellence in government.

The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Council on any other subject should plan to speak when **Item F - Public Comments** is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time.

June 4, 2019

A. CALL TO ORDER/ROLL CALL

B. INVOCATION: Pastor J.O. Owens with Heart of the City Church

C. PLEDGE OF ALLEGIANCE:

D. AMENDMENTS TO THE AGENDA: Any items added less than forty-eight (48) hours prior to the meeting are added by Council motion at this time.

E. PRESENTATIONS:

1. Proclamation of Alzheimer & Brain Awareness Month – Month of June 2019

Accepted by: Patricia Christo, Outreach Coordinator; Leslie Woodfill, Events Coordinator and Joel Loiacono, Regional Director, Eastern Washington & Northern Idaho.

2. Presentation: Chamber of Commerce Diamond Membership

**Presented by: Marilee Wallace, Vice President Membership,
Coeur d'Alene Chamber of Commerce**

3. Presentation: Citylink Update

**Presented by: Amber Conklin, Kootenai County Program Specialist,
Grants Management & Transit.**

- F. PUBLIC COMMENTS:** (Each speaker will be allowed a maximum of 3 minutes to address the City Council on matters that relate to City government business. Please be advised that the City Council can only take official action this evening for those items listed on the agenda.)

***ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS

G. ANNOUNCEMENTS

1. City Council

2. Mayor

- a. Appointment of Gina Davis to the Urban Forestry Committee

- H. CONSENT CALENDAR:** Being considered routine by the City Council, these items will be enacted by one motion unless requested by a Councilmember that one or more items be removed for later discussion.

1. Approval of Council Minutes for the May 21, 2019 Council Meeting.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for Monday, June 10, 2019 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of a Public Hearing on June 18, 2019 for the CDBG 2018 Consolidated Annual Performance Evaluation Report (CAPER)
5. Final Plat approval for SS-19-02 – The Trails 3rd Addition

As Recommended by the City Engineer

6. Resolution No. 19-018 -

- a. Approval of an Agreement with Crescent Family Limited Partnership to perform subdivision work for University City Commercial Tracts SS-6-17, and acceptance of security.

As Recommended by the City Engineer

I. OTHER BUSINESS:

1. Authorization to occupy the City-owned space located at 214 N. 3rd Street and use impact fees to fund construction of a police substation in this location.

Staff Report by: Police Chief White

2. **Resolution No. 19-019** – Amendment No. 2 to the Solid Waste Contract with Northern State PAK, LLC, d/b/a Coeur d'Alene Garbage extending the agreement for recycling services.

Staff Report by: Troy Tymesen, City Administrator

J. PUBLIC HEARINGS:

1. Quasi-Judicial - Exchange of property with Society of St. Vincent de Paul in Coeur d'Alene, Idaho, Inc., of certain parcels of real property known as 1516 and 1620 E. Sherman Avenue, in exchange for City-owned parcels at 102 and 106 East Homestead Ave., in Coeur d'Alene, Idaho.

**Staff Report by: Mike Gridley, City Attorney
and Hilary Anderson, Community Planning Director**

2. Quasi-Judicial - Appeal of the approval of SP-1-19: Located at 215 W. Mill, 1715, 1705, 1719 N. Govt Way, 208 W. Davidson; a requested Special Use Permit in the R-17 & C-17L zoning district for an R-34 Density Increase

Staff Report by: Mike Behary, Associate Planner

K. ADJOURN:

Coeur d'Alene

CITY COUNCIL MEETING

June 4, 2019

MEMBERS OF THE CITY COUNCIL:

Steve Widmyer, Mayor

Council Members Edinger, English, Evans, Gookin, McEvers, Miller

PRESENTATIONS

PROCLAMATION

WHEREAS, it is important to honor the thousands of people in Coeur d'Alene impacted by Alzheimer's disease and other types of dementia -diseases for which there is currently no means of prevention, treatment or a cure; and

WHEREAS, there are 26,000 people now living with Alzheimer's disease in Idaho, and another 85,000 unpaid caregivers providing support to their loved ones with dementia; and

WHEREAS, the City of Coeur d'Alene recognizes the efforts of the Alzheimer's Association, Washington State Chapter to promote awareness of Alzheimer's disease and other dementias, and provide care and support to all those affected, thereby improving the quality of life for individuals living with Alzheimer's disease and their caregivers; and

WHEREAS, annually on the summer solstice in June, the Alzheimer's Association hosts The Longest Day, a sunrise -to-sunset event that shines a light on the journey of Alzheimer's, in which residents and businesses of Coeur d'Alene join others from across the globe in raising funds and awareness.

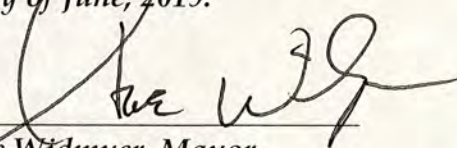
NOW, THEREFORE, I Steve Widmyer, Mayor of the City of Coeur d'Alene, Idaho, do hereby proclaim the month of June, 2019 as

"ALZHEIMER'S & BRAIN AWARENESS MONTH"

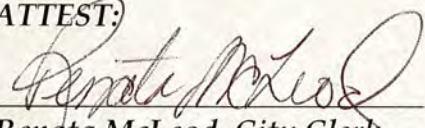
In Coeur d'Alene and urge all residents to join in this special observance and support the Alzheimer's Association that provides help and hope to millions of people across the country each year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of Coeur d'Alene to be affixed this 4th day of June, 2019.




Steve Widmyer, Mayor

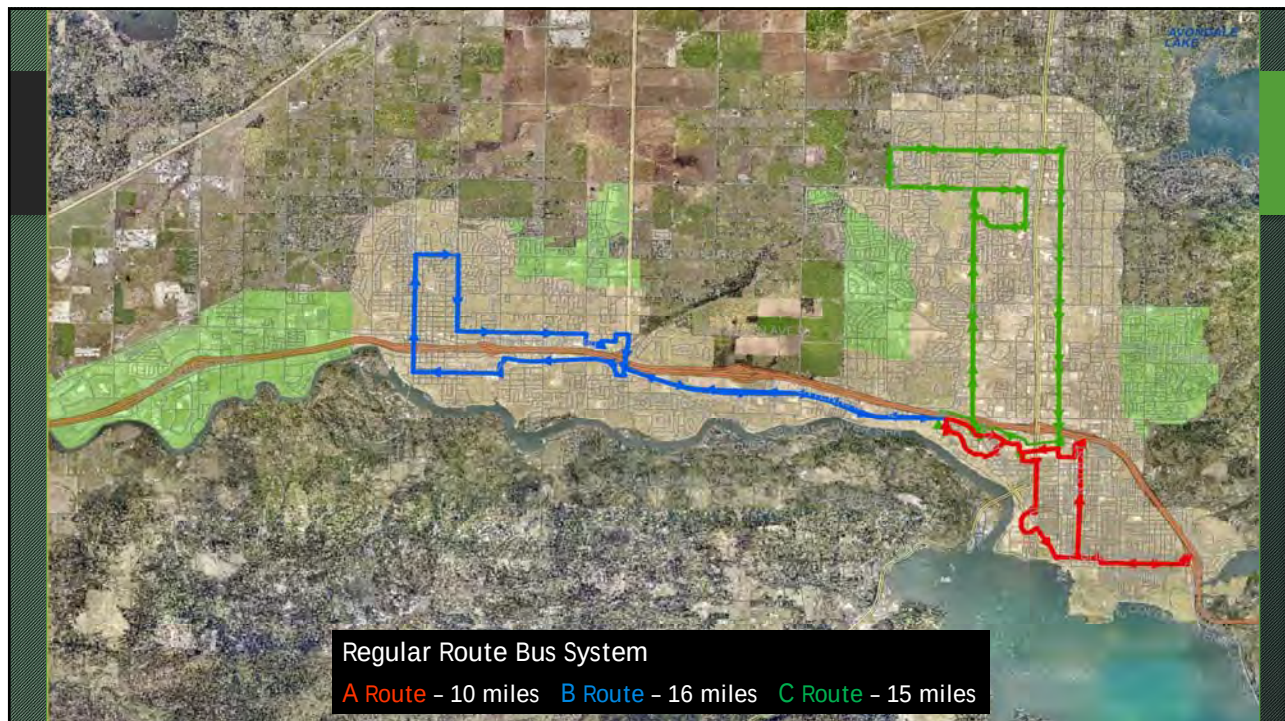
ATTEST:


Renata McLeod, City Clerk

Kootenai County Public Transportation Update



- ★ Technology
- ★ Innovative Partnerships
- ★ Increased Capacity
- ★ Sustainability



We Link and Engage through Technology

ETA Spot and Google!



Future Planning: Microtransit and Mobility as a Service (MaaS)

We Link You to What's Important

Education/Job Training

- NIC, UI, schools, and libraries
- Post Falls Library #1 bus stop
- Future planning
 - KTEC and NIC

Healthcare

- Partnership with Kootenai Health
- Dialysis transportation

Employers

- 80% of employers within the service area
- Future planning
 - Commuter Routes
 - Rideshare Programs

Recreation

- Future planning
 - KROC Shuttle

Transportation Links



Linking for Safe Shelters



Future Plans: Bus Stop Amenities

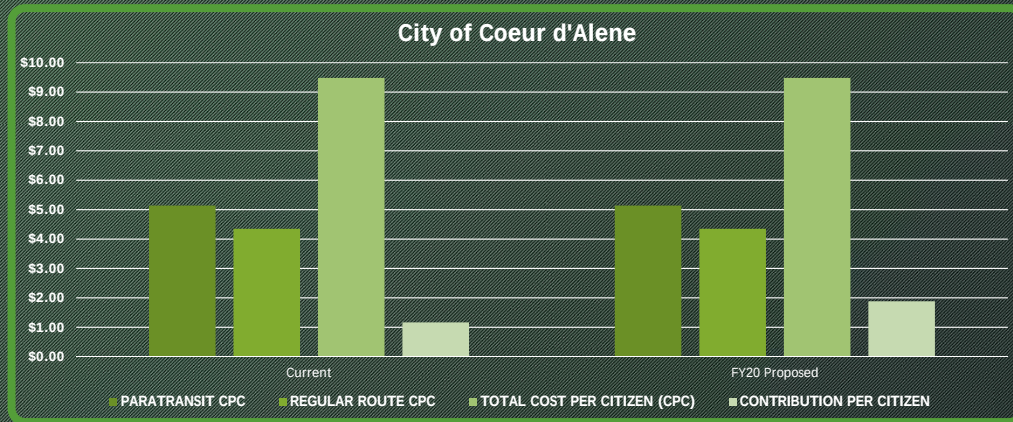
We Linked You (a lot)

Passenger Trips	2018
Regular Route	135,281
Paratransit	12,959
Ring-a-Ride	2,129

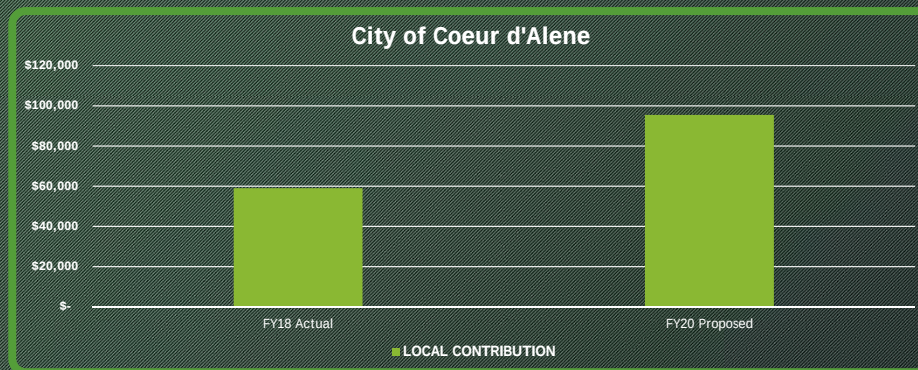
We Linked You Feasibly

FY18 Average Cost Per Trip	Citylink North	National
Regular Bus	\$3.58	\$4.68
Paratransit/Ring-a-Ride	\$25.03	\$37.69

Linking Numbers to Need



Linking Funds to Sustainability



Public Transportation Partnerships



City of Coeur d'Alene
City of Dalton Gardens
City of Hayden
City of Huetter
City of Post Falls

Area Agency on Aging
Coeur d'Alene Tribe
Kootenai County
Kootenai Health
Post Falls Highway District

Thank You!



ANNOUNCEMENTS

Memo to Council

DATE: May 29, 2019

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the June 4th Council Meeting:

GINA DAVIS

Urban Forestry Committee

A copy of the data sheet has been placed by your mailboxes.

Sincerely,

Amy Ferguson
Executive Assistant

cc: Renata McLeod, Municipal Services Director
Nick Goodwin, Urban Forester

CONSENT CALENDAR

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM

MAY 21, 2019

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room, May 21, 2019 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Woody McEvers	) Members of Council Present
Amy Evans	)
Kiki Miller	)
Loren Ron Edinger	)
Dan English	)
Dan Gookin	)

CALL TO ORDER: Mayor Widmyer called the meeting to order.

INVOCATION: Pastor Mike Slothower with River of Life Friends Church

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the Pledge of Allegiance.

Mayor Widmyer announced that Councilmember Ron Edinger's birthday is tomorrow and the council sang "Happy Birthday" to him.

PUBLIC COMMENTS:

Susie Snedaker, Coeur d' Alene, said that transparence is expected for every financial transaction, including the land exchange deal with St. Vincent de Paul. The background on this property is that in 2011 the city purchased 202 and 206 Homestead for \$500,000.00 and the rent from the units was supposed to be applied to the annual lease payment, which was \$10,000. She said that it seems that St. Vincent's collected the rent but failed to pay the city the lease payment for years. The city entered into a settlement agreement on the 21st day of June, 2016 with St. Vincent's in the amount of \$67,564.41 for the lease agreement that began on May 3, 2011, which Ms. Snedaker said mutually terminated the lease agreement and the dollar amount was based on financials provided by St. Vincent, which Ms. Snedaker said is a loss for the city of \$83,436.00. She further said that the city has a proposed land trade and values Homestead at the original purchase price from 8 years ago and not at today's rates. The properties on Sherman are based on value and not appraisals at \$800,000.00 and traded for the Homestead properties' value of \$500,000.00 plus \$300,000.00 cash, to equal \$800,000.00 for the purchase price of the properties on Sherman which are at the 2019 values. Ms. Snedaker said that the lack of appraisals brings up many questions such as the costs of remediation and it seems that the purchase is not well thought out as there is no formal adopted masterplan for East Sherman or specific plans for those

parcels. Ms. Snedaker said that her suggestion is to use the spare \$300,000.00 to repair roads or complete the installation improvements shown on the adopted plan for Person Field.

Proclamation for National Safe Boating Week May 18-24, 2019 – Mayor Widmyer proclaimed May 18-24, 2019 as National Safe Boating Week. District 12 Commodore Kathleen Goodwin accepted the Proclamation. Ms. Goodwin noted that additional safe boater information can be found at the following web-site: <http://wow.uscgaux.info/content.php?unit=130-08-04>. She reminded citizens of dangers at this time of year because temperatures are really hot and the water is really cold and people think they can jump into the water and lose their breath because the water is so cold. She noted that life jackets save lives and there over 100 loaner kiosks from the Idaho Parks and Recreation where people can borrow life jackets and return them.

Presentation regarding CDA 2030 Progress Update – Executive Director Nicole Kahler and Board Chair Marcee Hartzell presented a “year-in-review” of the CDA 2030 programs. Board Chair Marcee Hartzell recognized Amy Evans, current board chair, and past board chair Kiki Miller and thanked them for their support. She said that CDA 2030 was started in 2013 to update the CDA 2020 goals which were established in 2001 by the city. Information was gathered from residents and, as a result of the community wide effort, a long range vision and implementation plan was created. The vision is what the community wished to be in 2020 and the implementation plan is the path of how it will be achieved. The plan includes 36 strategies, 180 actions, and six focus areas. In June of 2014, the City Council passed a resolution adopting the Community Vision Statement, strategies and Implementation Plan. CDA 2030 started a community project organized and run by a few community members and then turned into a non-profit organization which leads partners to implement priority actions and monitors and tracks. The mission statement is: “CDA 2030 seeks to guide the greater Coeur d’ Alene community in realizing its vision for a bright future together. As a nonprofit group, we help local businesses, government, and community organizations carry out the CDA 2030 Vision and Implementation Plan.” Ms. Hartzell said that the board of directors is made up of 23 community members. An additional 10 members serve on marketing, implementation and sustainability committees. The organization is staffed by 1.5 positions. The budget total for 2019 is \$123,511.00, with the majority of the budget being directed toward payroll expenses. The budget is leveraged by volunteer time and committee members. The standard budget has been around \$100,000.00 for the past 3 years and this year an additional \$23,000.00 was added to support the “Envision CDA” project. Over 42 sponsors support the effort and have donated \$14,788.00 since January of this year. There are 46 lead partners that help take on different action items within the plan.

Ms. Hartzell said that since the last update to the City in 2017, a few key initiatives have been accomplished which include the following: CPR training for 124 community members at no cost at the “Keep the Beat” event; partnered with the Idaho Department of Labor and KTEC to provide a soft skills curriculum to learn how to adapt, write and communicate effectively, and how to present oneself to be reasonable and dependable; hosted a tutorial and Urban Land institute technical assistance panel and through recommendations proceeded with the Urban Renewal Feasibility Study to assist with planned growth in the health corridor; facilitated the Performing Arts Market Analysis and Feasibility Study with expert consultants; and implemented a public bike repair station within McEuen Park. Ms. Hartzell said that, in addition to their organization goals each year, the board identifies key projects they want to assist with.

There are three committees: Implementation Committee, Sustainability Committee, and the Marketing Committee. The Implementation Committee goals are: collaborate with City of Coeur d' Alene to establish the Envision CDA project vision validation and plan update; assist the city in completing the East Sherman master plan and implementation efforts; support "Opening books, opening doors" partnership; create an evaluation process for proposed priority actions; support lake management and the "Our Gem Symposium"; and support efforts related to affordable, quality early care and education (child care). The Sustainability Committee goals are: raise \$40,000 in private donations; renew funding for City of Coeur d' Alene; renew funding from ignite cda; and save a year's worth of standard operating budget (\$100,000.00). The Marketing Committee goals are to: improve communication of the organizational mission and accomplishments to the community; and determine if the organization should be rebranded with a new logo and name change.

Ms. Kahler presented the priorities the committee members are working on this year. Early Care and Education (childcare/preschool): the goals are to develop a replicable business-support model, strengthen the early care and education workforce, and implement a public awareness campaign. East Sherman: the goals are to complete the master plan. In regard to "Opening Books, Opening Doors," the key strategies are kindergarten readiness, quality teachers in a literacy-rich learning environment, parent engagement, and out-of-school learning. Envision Coeur d' Alene: in preparation of the five-year plan CDA 2030 is partnering with the city to update the vision for the future. Public outreach is slated for this fall.

Councilmember English asked when the East Sherman master plan would be completed. Hilary Anderson, Community Planning Director, said that it will be brought forward before the end of the calendar year.

Councilmember Miller asked, in regard to the new childcare initiative, how many implementation items were involved around childcare and if they will be coordinating with the city's childcare commission. Ms. Kahler replied that there is one action plan centered around affordable childcare and they are working with Sam from Panhandle Health and Carrie Stark from United Way.

COUNCIL ANNOUNCEMENTS:

Councilmember Miller recognized Hilary Anderson, Community Planning Director, for doing a great job updating the North Idaho Building Contractors' Association on Accessory Dwelling Units, upcoming changes with infill conversations, the Comprehensive Plan, at their last meeting, and said that she is very encouraged about how many people are getting involved.

CONSENT CALENDAR: **Motion** by McEvers, seconded by Evans, to approve the Consent Calendar.

1. Approval of Council Minutes for the May 7, 2019 Council Meeting.
2. Approval of Public Works Committee Meeting Minutes from May 13, 2019.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.

5. Setting of General Services and Public Works Committees meetings for Tuesday, May 28, 2019 at 12:00 noon and 4:00 p.m. respectively.
6. Setting of a public hearing on June 18, 2019 for A-2-19 -Location: 6215 N. Atlas Road; A proposed 11.73-acre annexation from County Industrial to C-17 zoning district; Applicant: John Hern
7. Approval of a Cemetery lot repurchase from Dennis O'Brien for Lot 11, Block V, Section Riv of Riverview Cemetery
8. **Resolution No. 19-015** – A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED AGREEMENTS OF THE CITY OF COEUR D'ALENE, SPECIFICALLY: APPROVAL OF AN AGREEMENT WITH INTERSTATE CONCRETE AND ASPHALT FOR THE ATLAS ROAD/INDUSTRIAL LOOP SIGNAL AND TRAIL GAP PROJECT; AND APPROVAL OF A COOPERATIVE FUNDING AGREEMENT BETWEEN THE CITY OF HAYDEN, CITY OF DALTON GARDENS, AND THE CITY OF COEUR D'ALENE FOR THE 2019 CHIP SEAL PROJECT.
 - a. Approval of a Cooperative Funding Agreement between the City of Hayden, City of Dalton Gardens, and the City of Coeur d'Alene for the 2019 Chip Seal Project.
 - b. Approval of an Agreement with Interstate Concrete and Asphalt for the Atlas Road/Industrial Loop Signal and Trail Gap Project.

MOTION: Motion by McEvers, seconded by Miller to approve the Consent Calendar as presented, including **Resolution No. 19-015**.

ROLL CALL: Miller Aye; McEvers Aye; Gookin Aye; English Aye; Edinger Aye; Evans Aye. Motion carried

RESOLUTION NO. 19-016

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT WITH LA RIVIERE CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE WATER DEPARTMENT ADMINISTRATION AND MAINTENANCE BUILDING.

STAFF REPORT: Terry Pickel, Water Department Director presented a request for council acceptance of the bid of and authorization of a contract with La Riviere Construction, Inc., for construction of a new Water Department administration and maintenance building. Mr. Pickel stated in his staff report that since the City acquired the public water system from Idaho Water, the Water Department has been moved several times, due either to expansion, transition of facilities, or contributing safety factors. Currently, the Water Maintenance Shop is housed at 3800 Ramsey Road, adjoining the Street Department in the same building. The Water Administrative Offices are housed in a separate building at 3820 Ramsey Road, in the same complex. Fire Station II, the Training Tower, and the Police Department also occupy the same complex. As the City continues to grow, so do the needs of each of these public entities. As equipment and manpower are added to meet the ever-increasing need for basic City services, adequate space in the Ramsey Complex has become an increasing premium. As two new buildings have been added for Police and Fire, precious ground storage space for equipment and

bulk materials such as sand and crushed rock have disappeared. A major contributing factor to a desired relocation is that egress at the Ramsey Complex is onto Ramsey Road only. With the dramatic increase in traffic over the past decade, it is exceedingly difficult to exit the yard safely, especially with the large slow-moving equipment used by the Water and Street Departments.

The staff report further noted that the Water Department's consultant solicited bids for the Water Administration and Maintenance Building. Five final bids were received, with La Riviere Construction being the lowest bidder at \$2,660,000. While the lowest responsive bid is \$210,000 over the budgeted line item, staff does not expect the overall FY budget to be exceeded as they will not be able to accomplish another large budgeted project this fiscal year due to time constraints, design issues, right of way/easement access, etc. It is also anticipated that the construction will transcend this fiscal year budget so the additional cost can be included in the next budget. It is estimated that approximately \$2.2 million would likely be spent by the end of the fiscal year as it is anticipated that construction would take approximately 300 calendar days, depending on weather.

The staff report further explained that the proposed Water Administration and Maintenance Building will be a 25,000 square foot clear span steel structure which will house the (most affordable building types) administrative offices, a heated maintenance shop, meter maintenance (save 70,000 a year to maintain) and a cold storage area for materials in one structure rather than the current four. The building would be constructed on 4.5 acres of available area on the Howard Street Compost site, on the east side of the property. This would provide a suitable location for the proposed facility as well as provide a buffer from the public for the Compost Facility operations. Public access and operational egress from this location would be considerably easier than the Ramsey complex.

Councilmember English clarified that the water department runs on user fees and enterprise funds are not within the general fund. Mr. Pickel stated that there are savings from the last two years due to warm temperatures and budgeting wisely, they do have sufficient cash to pay for the building cost of \$3,295,000.00, which will not come out of future user fees and was not included in the rate study. Councilmember Ron Edinger asked when the project would start. Mr. Pickel said that he anticipates the project will start as soon as the contract is approved. He noted that it takes about 3 months to get the building package and added they would start construction right away.

Councilmember Gookin said that he is pleased that the project can be completed without going into debt. He said that it is a concern that the Water fund had the \$3,295,000.00 in cash and it is good that we save; however, the City just increased the water rates. He asked if the money was allocated for something else. Mr. Pickel said that a portion of the funds were for other projects that will be pushed out into the future and are within the capital plan. They are trying to build an emergency reserve fund and a portion of the cash is going to that. Mr. Gookin said that it would be an easier decision if there was a master plan for the future to help guide their decision.

Mayor Widmyer followed up on Councilmember Gookin's point regarding a masterplan for the Water Department facility and said that there have been conversations between Troy Tymesen, City Administrator and the Street, Fire, and Police Departments on a facility plan that could be

shared with the Council. Mr. Tymesen thanked Mr. Pickel on a great presentation and noted that the Water Department has no debt. He further said that the master plan on the north campus also incorporates the Parks & Recreation Department and Jenny Stokes Field and Mr. Tymesen said that those soccer fields combined with some parking potential available and the restrooms at Fire Station 2 which are really important for the little people. He commented that he has been working with those departments, including the Police Department, at a very low cost to create a master plan moving forward.

MOTION: Motion by Gookin, seconded by English to approve **Resolution No. 19-016**, an Agreement with La Riviere Construction, Inc., for \$2,660,000 to build the new Water Department Administration and Maintenance Building.

ROLL CALL: McEvers Aye; Gookin Aye; English Aye; Edinger Aye; Evans Aye; Miller Aye. Motion carried

RESOLUTION NO. 19-017

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT WITH WALKER CONSTRUCTION AS CONTRACT MANAGER/GENERAL CONTRACTOR (CMGC) FOR THE MEMORIAL GRANDSTAND REMODEL.

STAFF REPORT: Bill Greenwood, Parks & Recreation Director, explained that on October 16, 2018 Council rejected Bids for the Memorial Grandstands and authorized staff to seek a Request for Qualifications (RFQ) for the remodel. They advertised for the RFQ as required and received 3 RFQs. All three companies met the necessary criteria to submit. On November 14, 2018, they scored the Statement of Qualifications as outlined in the RFQ and the scoring was very close so they decided to conduct face-to-face interviews on December 6th, with Walker Construction being selected.

Mr. Greenwood further stated in his staff report that Ignite CDA has committed \$1,011,570 to the project, and NIC has given \$150,000, with \$136,881.50 from Parks Capital, less \$68,083 paid to Architects West, for a total of \$1,230,368.50 remaining for the project. The current construction bid amount is \$1,684,087, which is \$453,718.50 over budget. The funding from ignite will not be available as of July 1, 2019.

Mr. Greenwood commented in his staff report that for the last several months Walker Construction has been working with sub-contractors in an effort to bring the project within budget. Unfortunately, the current bidding environment is high and Walker Construction was unable to bring the project within budget. The numbers were getting higher and Mr. Greenwood brought it forward to General Services and was asked to bring down the cost some more. An idea to accomplish that would be to phase the project and take out some of the original elements which include the restrooms, the concession stands, locker rooms, and a ticket booth. Eliminating those elements would bring the project to almost within budget. Mr. Greenwood said that he discussed the proposed changes with NIC and they were agreeable to have the restrooms

and locker rooms located where the current 45-year-old restrooms in City Park are, which need to be replaced. Mr. Greenwood further noted he would like to take the idea to ignite cda for their approval. With the elimination of the elements, the budget is now over budget by \$22,635.00. The Parks and Recreation Commission has agreed to take that short fall out of the Parks Capital Fund to make the project happen.

Mayor Widmyer said that a part of this whole thing was that the inside of the grandstand would need to be shored up and constructed to last many years. Mr. Greenwood concluded that the inside would be beefed up structurally, and the outside will have a fresh new look.

Councilmember English asked if, in the future, concessions could be added. Mr. Greenwood said that he walked the site with the Parks & Recreation Commission and an idea that came up was possibly food trucks.

Councilmember Miller said that the \$400,000.00 cut in the budget is a big trim and recognized all the partners: NIC, ignite cda, and the Parks Capital funds. She said that the food trucks are a great idea to solve the concession issue. Mr. Greenwood followed up by stating that the restroom was already something that needed to be completed within the next couple of years. The locker rooms will be used by NIC only.

MOTION: Motion by Edinger, seconded by Miller, to approve **Resolution No. 19-017**, an Agreement with Walker Construction as Contract Manager/General Contractor (CMGC) for Memorial Grandstand Remodel.

ROLL CALL: McEvers Aye; Gookin Aye; English Aye; Edinger Aye; Evans Aye; Miller Aye. Motion carried

COUNCIL BILL NO. 19-1005

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE FOLLOWING SECTIONS OF THE COEUR D'ALENE MUNICIPAL CODE: 2.66.020, 4.05.030, 4.15.010, 4.15.020, 4.15.030, 4.15.040, 4.15.120, 4.15.130, AND 8.48.030; PROVIDING FOR THE REPEAL OF THE FOLLOWING SECTIONS OF THE COEUR D'ALENE MUNICIPAL CODE: 4.15.060, 4.15.070, 4.15.080, 4.15.090, 4.15.100, 4.15.110, AND 4.15.115; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

STAFF REPORT: Troy Tymesen, City Administrator presented the staff report asking the City Council for approval of amendments to various sections of the Coeur d'Alene Municipal Code related to parking, which amendments clarify and add definitions, consolidate parking regulations in one section of the Code, expand the program for monthly parking permits, and make grammatical and stylistic corrections.

Mr. Tymesen said that the amendments will benefit the City as well as the public by clarifying and simplifying the parking regulations. The amendments will result in an expansion of the monthly parking permit program which will relieve pressure for on-street parking. The amendments will also result in a flexible system which can respond to special needs quickly and in a user-friendly manner.

Mr. Tymesen explained that Title 4, Chapter 4.15 of the Coeur d'Alene Municipal Code regulates parking in the City. It contains fifteen separate sections, eight of which are entitled "Additional Regulations." Also, since the chapter was last amended, the City has completed the parking structure on 4th and Coeur d'Alene Avenue and the skatepark near Memorial Field. Staff concluded that this was the appropriate time to amend the sections of the code related to parking in a comprehensive manner. The amendments include a new definition for the Coeur d'Alene Parking Garage and a revised definition for the Memorial Field Skateboard and MX Freestyle Park. They have also consolidated all of the general parking regulations into one section (4.15.040), eliminating seven separate sections of the code which overlapped, were redundant, and/or conflicting. The City's monthly parking permit program is expanded and the Parking Commission is directed to establish, in consultation with the City Administrator, policies and procedures for the program. The City Administrator is given discretion to waive parking fees for community or park events, and exempt special events.

Councilmember Gookin asked about language that says that gives the City Administrator authority to waive parking fees in whole or in part for community or parks events open to the general public in any of the parking facilities, and that the City Administrator may exempt persons attending special events from complying with any or all of the regulations of the Chapter, and commented that it would cut council out of the picture. Mr. Tymesen said that was not the intent but some issues come up with very short notice and there is no time to get them to council; for example, a special event that wants to set-up in the City's parking lot. Mr. Gookin followed up by stating that in the past council used to approve beer and wine licenses, which council no longer approves and asked if there was a way to have a notification through head-ups, which is currently how council is notified about new alcohol licenses. Mr. Tymesen agreed to notification of the council through a heads up.

Councilmember Gookin said that he was concerned regarding Section C: *"Other Regulations #8 No person shall operate or ride any skateboard, roller skates, rollerblades, in-line skates, coaster, sled, wagon, scooter, or similar device in any parking facility. This prohibition shall not apply to the use of wheeled equipment necessary for ambulation by a disabled person. #9 No person shall enter or remain within a parking facility for any purpose other than to park or retrieve a vehicle, or to access other public property,"* and said that the City is restricting people's rights to peacefully assemble on public property and it seems to be a violation of people's rights. The City Attorney said that you can designate places that are appropriate for protesting. Councilmember Gookin asked about #10: *Smoking of cigarettes, cigars, pipes, or other lighted or heated devices intended for inhalation is prohibited in any enclosed area of any parking facility,* and asked how would the city enforce that. Mr. Tymesen said that the Police Department would enforce. Councilmember McEvers questioned why Sections 8, 9, and 10 were written to be so specific. Mr. Tymesen responded that the Police Department wanted specificity so that when a ticket is written by the Police Department, it can reference the code section.

Councilmember Miller said that in discussion with Mr. Tymesen the question was asked about why not the other parking areas around town. It was explained to her that as city-owned property comes on moving forward, this verbiage would be added to this ordinance. Mr. Tymesen stated that the next step would be to incorporate the changes throughout all of the parking ordinances, which the Parking Commission discussed at their last meeting. Councilmember Edinger asked when can they expect foot patrols out on Sherman Avenue and the Skate Park. Mr. Tymesen responded immediately, and that they have their ATV out currently.

MOTION: Motion by Gookin, seconded by English, to dispense with the rule and read Council Bill No. 19-1005 once by title only.

ROLL CALL: Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye; Edinger Aye. Motion carried.

MOTION: Motion by Gookin, seconded by English, to adopt Council Bill 19-1005. Including the additional language to Section D that City Council be informed when the City Administrator waives parking fees or makes exceptions.

ROLL CALL: Evans Aye; Miller Aye; McEvers Aye; Gookin No; English Aye; Edinger Aye. Motion carried.

ADJOURNMENT: Motion by McEvers, seconded by Evans that there being no other business this meeting is adjourned. **Motion carried.**

The meeting adjourned at 7:45 p.m.

Steve Widmyer, Mayor

ATTEST:

Kelley Setters, Deputy City Clerk

**CITY COUNCIL
M E M O R A N D U M**

DATE: May 22, 2018

FROM: MICHELLE CUSHING, CDBG ADMINISTRATOR

RE: REQUEST FOR PUBLIC HEARING

I am requesting the City Council set a public hearing for the Council meeting scheduled June 18, 2019, to hear public testimony regarding the Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER) for Plan Year 2018.

CITY COUNCIL STAFF REPORT

DATE: June 4, 2019
FROM: Dennis Grant, Engineering Project Manager
SUBJECT: **SS-19-02, The Trails 3rd Addition: Final Plat Approval**

DECISION POINT

Staff is requesting the following:

1. City Council approval of the final plat document, a four (4) lot residential subdivision.

HISTORY

- a. Applicant: Chad Johnson, PLS
Johnson Surveying NW, Inc.
1859 N. Lakewood Drive # 301
Coeur d'Alene, ID 83814
- b. Location: 4298, 4278, 4256 Homeward Bound Blvd. and Lot 11, Block 15 of the Trail 2nd Add.
- c. Previous Action:
 1. Preliminary plat approval, April 23, 2019

FINANCIAL ANALYSIS

There are no financial issues with this development.

PERFORMANCE ANALYSIS

This residential development is a re-plat of four existing single lots located in Coeur d'Alene. This subdivision re-created these four (4) lots. The infrastructure has been previously installed and accepted by the appropriate departments. There were no conditions attached to the plat, therefore, the document is ready for approval and recordation.

DECISION POINT RECOMMENDATION

City Council approval of the final plat document

RESOLUTION NO. 19-018

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT WITH CRESCENT FAMILY LIMITED PARTNERSHIP TO PERFORM SUBDIVISION WORK FOR UNIVERSITY CITY COMMERCIAL TRACTS AND ACCEPTANCE OF SECURITY (SS-6-17).

WHEREAS, it is recommended that the City of Coeur d'Alene enter into an agreement to perform subdivision work with Crescent Family Limited Partnership (Robert Joseph Braunschweig, General Managing Partner), pursuant to terms and conditions set forth in an agreement, a copy of which is attached hereto as Exhibit "1" and by reference made a part hereof; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreement;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into an agreement to perform subdivision work with Crescent Family Limited Partnership, in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement to the extent the substantive provisions of the agreement remain intact.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized to execute such agreement on behalf of the City.

DATED this 4th day of June, 2019.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER EVANS Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER MILLER Voted _____

COUNCIL MEMBER EDINGER Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER ENGLISH Voted _____

_____ was absent. Motion _____.

CITY COUNCIL STAFF REPORT

DATE: June 4, 2019
FROM: Dennis Grant, Engineering Project Manager
SUBJECT: **SS-6-17, University City Commercial Tracts: Subdivision Improvement Agreement & Security Approval for New Property Owner**

DECISION POINT

Staff is requesting the following:

1. City Council approval of the furnished subdivision improvement agreement and security for new property owner.

HISTORY

- a. Owner: Robert Joseph Braunschweig, General Managing Partner
Crescent Family Limited Partnership
P.O. Box 3090
Coeur d'Alene, ID 83816
- b. Location: West side of Government Way between Seale Avenue (Private) and south of
Sunset Avenue and east of Cederblom Street.
- c. Previous Action:
 1. Preliminary plat approval, May 3, 2017

FINANCIAL ANALYSIS

The new owner is furnishing security in the amount of \$5,775.00 which covers the outstanding cost of the uninstalled infrastructure installations that are required for this development.

PERFORMANCE ANALYSIS

The owner has completed the necessary subdivision agreement and is bonding for the outstanding infrastructure items (sanitary sewer service, asphalt and sidewalk replacement) in order to receive final plat approval. The installation of the agreement and security enables the developer to receive final plat approval and sell platted lots, however, occupancies will not be allowed until all infrastructure installation has been completed, and, the improvements accepted by the City. The developer has stated that all infrastructure installations will be complete by June 6, 2020.

DECISION POINT RECOMMENDATION

1. Approve the subdivision improvement agreement and security for new property owner.

AGREEMENT TO PERFORM SUBDIVISION WORK
University City Commercial Tracts (SS-6-17)

THIS AGREEMENT made this 21st day of May, 2019 between Crescent Family Limited Partnership, whose address is PO Box 3090, Coeur d'Alene, ID 83816, with Robert Joseph Braunschweig, General Managing Partner, hereinafter referred to as the "**Developer**," and the city of Coeur d'Alene, a municipal corporation and political subdivision of the state of Idaho, whose address is City Hall, 710 E. Mullan Avenue, Coeur d'Alene, ID 83814, hereinafter referred to as the "**City**";

WHEREAS, the City has approved, subject to completion of the required improvements, the subdivision plat of University City Commercial Tracts, a four (4) lot, commercial development in Coeur d'Alene, situated in the Northeast ¼ of Section 2, Township 50 North, Range 4 West, B.M., Kootenai County, Idaho; NOW, THEREFORE,

IT IS AGREED AS FOLLOWS:

The Developer agrees to complete the following public improvements: Installation of a sanitary sewer service lateral for Lot 3 on or before the 6th day of June, 2020. Said improvements are more particularly described on the submitted estimate of probable construction costs dated May 23, 2017 attached as Exhibit "A", compiled by Drew C. Dittman, PE, #11138 of Lake City Engineering, Inc., whose address is 126 E. Poplar Avenue, Coeur d'Alene, ID 83814.

The Developer, prior to recording the plat, shall deliver to the City, security in the amount of Five Thousand Seven Hundred and Seventy-five and 00/100 Dollars (\$5,775.00) which is the cost required for securing the obligation of the Developer to complete the subdivision improvements referred to herein. Should the Developer noted herein fail to complete the improvements within the time herein provided, the City may utilize the funds to complete or have the improvements completed. In the event the City completes the improvements as a result of the Developer's default, the Developer shall be responsible for any costs that exceed the installed security for the public improvements noted herein.

The Parties further agree that the City has utilized substantial staff time to prepare this agreement, which will benefit the Developer. The Parties further agree the City should be reimbursed a reasonable fee for its costs to prepare such agreement. The Parties further agree that such fee should be in the amount of Twenty Five and No/100 Dollars (\$25.00).

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

City of Coeur d'Alene

Steve Widmyer, Mayor

Crescent Family Limited Partnership


Robert Joseph Braunschweig, General Managing Partner

ATTEST:

Renata McLeod, City Clerk

EXHIBIT 'A'

University City Commercial Tracts
Bonding Estimate
LCE 17-006

	<u>Quantity</u>	<u>Unit Type</u>	<u>Unit Cost</u>	<u>Total</u>
Sanitary Sewer Service Lot 3	1	EA	\$750.00	\$750.00
Sawcut Existing	1	EA	\$250.00	\$250.00
Traffic Control	1	LS	\$850.00	\$850.00
AC / Sidewalk Replacement	1	LS	\$2,000.00	\$2,000.00
			Total Cost:	\$3,850.00

150% Bond Increase: \$1,925.00

Bond Amount: \$5,775.00



5/23/17

OTHER BUSINESS

CITY COUNCIL
STAFF REPORT

DATE: May 15, 2019

FROM: Lee White, Chief of Police

SUBJECT: Police Department Station 2

Decision Point:

The Police Department requests authorization to occupy the city owned space located at 214 N 3rd St and use impact fees to fund construction of a police substation in this location.

History:

In 2014 the Police Department received approval to lease space for a police substation (Station 2) at 1424 E. Sherman. Since that time, the Police Department has spent approximately \$21,000 annually to utilize this space. The substation has been an asset not only to the officers assigned to this section of town, but also to the community.

In the past two years, walk-in traffic from the community at this location has dropped dramatically. Additionally, crime in our city has dropped, especially in this part of town. Our patrol division now reports that very few members of the community come into this building to engage our officers or report crimes.

It is our recommendation that we move Station 2 from 1424 E Sherman to 214 N 3rd St. While we will maintain our level of service in the east Sherman area, we recognize that we may be better able to serve a larger section of our community, while being more financially conservative, in a city owned property that is in close proximity to the current substation.

The benefits of moving Station 2 from 1424 E Sherman to the parking structure at 214 N 3rd St. include the opportunity to engage a larger number of people on a more consistent basis, proximity to many of the major events that occur downtown, and increased visibility for people coming into the area. Both structures are of similar size (1040 sq. ft. on Sherman vs. 834 sq. ft. for the parking garage space). The new station would have two offices, a small break area, and a larger space for event coordination, meeting with community members, and report writing.

Financial Analysis:

Estimates to build out the space at 214 N 3rd St are \$95- \$110 per sq. ft. The department has approximately \$364,000 in impact fees that may be used for this purpose.

Decision Point:

The Police Department requests authorization to occupy the city owned space located at 214 N 3rd St and use impact fees to fund construction of a police substation in this location.



April 29, 2019

e m a i l
info@cdadowntown.com
phone
208-667-5986
w e b
www.cdadowntown.com
fax
208-667-9338

105 N. 1st Street,
Suite 100
Coeur d'Alene, ID
83814

To: Coeur d'Alene City Council and Mayor Steve Widmyer

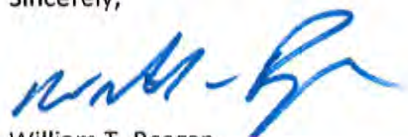
The Coeur d'Alene Downtown Association has always had a great working relationship with the Coeur d'Alene Police Department. Coordination of the many events downtown including Car d'Alene, Lighting Ceremony and Street Fair to name a few, have been seamless and managed with minimal incidents.

When the Coeur d'Alene Police department was based out of city hall the presence and rapid response by the department was a significant deterrent to incidences in the downtown corridor. The relocation of the department into their new Schreiber Way location left a void downtown. With the opening of the sub-station on East Sherman the downtown once again gained a stronger police presence and increased response times.

It is now being suggested the sub-station move to an office area in the Coeur d'Alene Avenue Parking Garage. The Coeur d'Alene Downtown Association would strongly support this and recognize the benefits this location would provide the department. Not only is the location more centrally located but the secure parking would make it more acceptable to stage equipment.

Thank you for your consideration and all you do to make Coeur d'Alene such a great place to live and own a business.

Sincerely,


William T. Reagan
President

our vision
of Downtown
Coeur d'Alene
is to remain
the heart of
our community
preserving the
magic of
the past
while leading
the way to
our future.

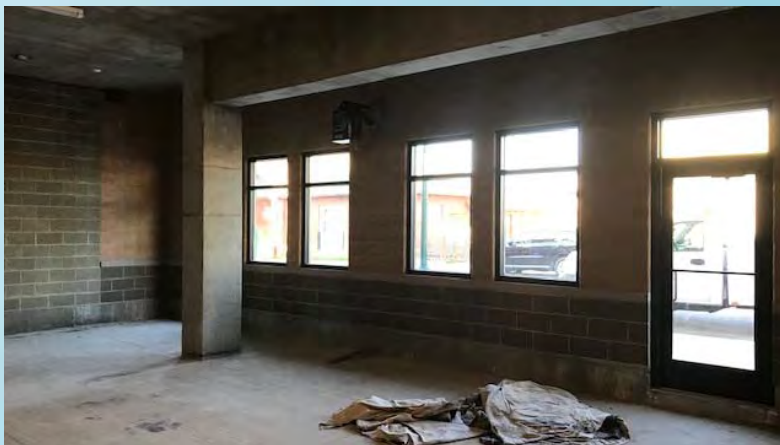




214 N 3rd St Exterior



214 N 3rd St interior



214 N 3rd St interior



**CITY COUNCIL
STAFF REPORT**

DATE: June 4, 2019
FROM: Troy Tymesen, City Administrator
SUBJECT: Coeur d'Alene Garbage Contract Amendment

DECISION POINT: Should the City Council approve Amendment No. 2 to the Solid Waste Services Contract with Northern State PAK, LLC, d/b/a Coeur d'Alene Garbage Services?

HISTORY: The Solid Waste Services Contract (hereinafter "Contract") with Northern State PAK, LLC, d/b/a Coeur d'Alene Garbage Services (hereinafter "CDA Garbage") was effective July 1, 2016, and CDA Garbage has fully performed in accordance with terms and conditions of the Contract since then. In May 2018, CDA Garbage requested an increase in the fees for single stream recycling and a modification in the type of recycling which must be accepted under the Contract. The City Council approved Amendment No. 1 to the Contract in July 2018. Amendment No. 1 was to be in effect for twelve (12) months. Now, almost twelve (12) months later, the recycling market continues to deteriorate, both in terms of cost and in terms of the allowed recyclable materials. Despite the continued deterioration of the recycling market, CDA Garbage is willing to continue to operate under the terms of the Contract and Amendment No. 1.

FINANCIAL ANALYSIS: The cost for this service over the past 10 months is \$157,095 or \$15,709 per month. The cost per ton today is at \$110 and ten months ago it was \$69. The plan is to continue the service and have this expense be paid from the solid waste enterprise fund.

PERFORMANCE ANALYSIS: The Amendment No. 2 encompasses the following terms:

1. The City will pay CDA Garbage an additional fee for the disposal of recyclables. That fee will be CDA Garbage's net cost per ton (including hauling and MRF fees) in excess of \$20 per ton (i.e., CDA Garbage will pay the first \$20 per ton). In addition, the City's monthly fee is capped at \$25,000. If the fee equals or exceeds \$20,000 per month for three consecutive months, the parties will meet to discuss adjustments in the program to ensure the City's obligation will not exceed \$25,000 each month. The "net cost" will take into consideration any payments to CDA Garbage by the MRFs for the recyclables.

2. These fees will continue to be in effect until June 30, 2020, and the parties will meet prior to the expiration of the term to negotiate any further adjustment to the fee and the program itself.

DECISION POINT/RECOMMENDATION: Council should approve the Amendment No. 2 and authorize the Mayor to sign the Amendment.

RESOLUTION NO. 19-019

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AMENDMENT NO. 2 TO THE SOLID WASTE SERVICES CONTRACT WITH NORTHERN STATE PAK, LLC, D/B/A COEUR D'ALENE GARBAGE.

WHEREAS, the City of Coeur d'Alene approved a contract with Northern State PAK, LLC, d/b/a Coeur d'Alene Garbage Service, for solid Waste and Single Stream Recycling Collection per Resolution No. 16-020 on April 19, 2016, and the parties entered into Amendment No. 1 to the Contract per Resolution No. 18-037 on July 17, 2018; and

WHEREAS, the City Administrator of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene extend the agreement with Coeur d'Alene Garbage for recycling services, pursuant to terms and conditions set forth in Amendment No. 2 to the Contract, a copy of which is attached hereto as Exhibit "1" and by reference made a part hereof; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such Amendment;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into Amendment No. 2 to the Solid Waste Services Contract with Coeur d'Alene Garbage, in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said Amendment to the extent the substantive provisions of the Amendment remain intact.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized to execute such Amendment No. 2 on behalf of the City.

DATED this 4th day of June, 2019.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER ENGLISH Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER MILLER Voted _____

COUNCIL MEMBER EDINGER Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER EVANS Voted _____

_____ was absent. Motion _____.

**AMENDMENT NO. 2
TO
SOLID WASTE SERVICES CONTRACT**

This Amendment No. 2 to the Solid Waste Services Contract is entered into this 4th day of June, 2019, by the parties to said Contract, the City of Coeur d'Alene, 710 E. Mullan Rd., Coeur d'Alene, Idaho, hereinafter referred to as the "City," and Northern State PAK, LLC, d/b/a Coeur d'Alene Garbage Service, hereinafter referred to as the "Contractor."

WHEREAS, the Parties, on July 17, 2018, entered into Amendment No. 1 to the Solid Waste Services Contract dated April 19, 2016, (hereinafter referred to as the "Contract") due to significant changes in the recycling industry in recent months; and

WHEREAS, Amendment No. 1 set terms and a fee that was to be in effect for twelve (12) months from the effective date of the amendment and provided that the parties would meet prior to the expiration of the twelve (12) month period to negotiate any adjustments to the fee; and

WHEREAS, the parties have met in accordance with Amendment No. 1 to the Contract; and

WHEREAS, the conditions of the recycling market have not improved, but have deteriorated further; and

WHEREAS, the additional cost for recycling was not reasonably foreseeable at the time the Contract was originally negotiated; and

WHEREAS, recycling is important to the citizens of the City and the City is committed to ensuring that single stream recycling continues in the City to the greatest extent possible; and

WHEREAS, the Contract allows for amendments upon agreement by the parties in writing; and

WHEREAS, it is in the best interests of the City to enter into this Amendment No. 2 for the purpose of facilitating single stream recycling in the City in an efficient, responsible, and economical manner.

NOW, THEREFORE, the Parties agree to an amendment to Amendment No. 1 as follows:

1. Paragraph 4.3 of the Base Contract, as amended by Amendment No. 1, is amended as follows:

City shall ensure that Contractor will be paid monthly, within thirty (30) days after an invoice is received by City Finance, for the number of accounts serviced and level of service provided according to service costs defined in Schedule "C"

(Schedule Rate), and for any other costs due hereunder, including cost of recycling bins as provided in Schedule B. Payments will be based on the total amount billed by service level for the applicable month(s). The actual number of each type of account will be determined from the billing records, and may vary from the estimates given in the bid. Payment to Contractor will be based on a computation of the amount due, based on the most recent records of service levels.

In addition, City shall pay to Contractor the actual net cost in excess of twenty dollars (\$20.00) per ton, and not to exceed twenty-five thousand dollars (\$25,000.00) per month, incurred by Contractor for handling the materials in the single stream recycling program, including hauling and MRF fees. The term "net cost" shall account for payment by the MRF to Contractor, if any, for recycled materials. If the City's monthly obligation equals or exceeds twenty thousand dollars (\$20,000.00) for three consecutive months, the parties agree to meet to discuss the single stream recycling program and to make adjustments in the program to ensure that the City does not incur a monthly obligation in excess of twenty-five thousand dollars (\$25,000.00).

The monthly fee set forth in the paragraph above shall be in effect for twelve (12) months from the effective date of this Amendment, which shall be July 1, 2019. The parties agree to meet prior to the expiration of this twelve (12) month term to negotiate any adjustments to this fee and/or the single stream recycling program which may be required or advisable based on the state of the recycling market.

2. In all other respects, the Solid Waste Services Contract and Amendment No. 1 shall remain in full force and effect.

DATED this 4th day of June, 2019.

CITY OF COEUR D'ALENE

NORTHERN STATE PAK, LLC

Steve Widmyer, Mayor

Philip L. Damiano, Manager

ATTEST:

City Clerk

PUBLIC HEARINGS

**CITY COUNCIL
STAFF REPORT**

DATE: June 4, 2019
FROM: Mike Gridley, City Attorney
Hilary Anderson, Community Planning Director
SUBJECT: Exchange of real property with the Society of St. Vincent De Paul in the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc.

=====

DECISION POINT:

Should City Council exchange real property owned by the City located at 102/106 East Homestead for real property owned by the Society of St. Vincent De Paul in the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. located at 1516 and 1620 East Sherman Avenue.

HISTORY:

The City owns real property located at 102/106 East Homestead in Coeur d'Alene. The two lots were consolidated in May 2012 in an effort to assemble land to allow St. Vincent's to seek HUD funding to build 14 housing units for low income individuals with disabilities. The lot consolidation combined 102 and 106 East Homestead into one property to allow additional low-income units to be built and meet the requirements of the Building Code and Zoning Code related to square footage per unit, parking and setbacks. While there are two physical addresses, the County's GIS mapping and Assessor's Office show the full property under the parent parcel of 102 E Homestead. The City-owned properties on Homestead Avenue have a current estimated market value of \$437,000 to \$490,000.

The Society of St. Vincent De Paul in the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. own real property at 1516 East Sherman Avenue (Star Haven) and 1620 East Sherman Avenue (Sandman) in Coeur d'Alene. Both properties were formerly used as transitional housing. The Star Haven has a current estimated market value \$370,000 to \$472,410. The Sandman has a current estimated market value of \$418,000 to \$472,410.

The PowerPoint included with this staff report shows the properties that will be exchanged.

FINANCIAL ANALYSIS:

The City will pay Three Hundred Thousand Dollars (\$300,000) in addition to conveying the City-owned properties on Homestead Avenue that have a current estimated market value of \$437,000 to \$490,000.

The City will receive two properties owned by the Society of St. Vincent De Paul in the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. located at 1516 and 1620 East Sherman Avenue that have a combined value ranging from \$788,000 - \$944,820 (average of \$866,410).

PERFORMANCE ANALYSIS:

The conveyance/exchange of this land is beneficial to the overall development and use of each owner's property.

The exchange will give the City the opportunity to assist with revitalization efforts of East Sherman and show a real investment in the district. Some possible uses for the East Sherman properties that have been suggested include:

- Food Truck Park/Court with 4-5 vendor leases (including beer/wine vendor), restrooms, green space, and parking – ongoing source of revenue
- Public Parking Lot(s) to support the business activity and redevelopment opportunities for site constrained properties
- Leverage the properties for development opportunities and use the RFP process to specify the type of development desired on the properties. Three such examples include:
 - Affordable/Infill Housing – supporting the need for infill housing, and could be an opportunity for CDBG assistance
 - Year-Round (indoor) Farmer's Market/Co-Op Market/Natural Food Market
 - Micro-enterprise businesses – could include pop-up shop concept (proven to be successful strategy for microenterprise) and could be an opportunity for CDBG assistance
- Pocket Park (various options could include: workout park; artistic elements like a community mural wall or movie wall, interactive art/play features, games, space for farmer's market and connection to adjacent future Festival Street)

These opportunities align with the ideas and priorities as identified by community members and Community Builders as outlined in the East Sherman planning documents. The City is open to additional community input for how to best use these properties to support revitalization and redevelopment efforts for East Sherman.

DECISION POINT/RECOMMENDATION:

The City Council should exchange the City's property at 102/106 East Homestead, and pay the sum of \$300,000 to the Society of St. Vincent De Paul in the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. in exchange for the Society of St. Vincent De Paul in the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc.'s properties located at 1620 East Sherman Avenue and 1516 East Sherman Avenue pursuant to the terms and conditions of the Purchase and Sales Agreement between the parties.



SUBJECT:

Exchange of real property with the Society of St. Vincent De Paul in the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc.

DECISION POINT:

Should City Council exchange real property owned by the City located at 102/106 East Homestead for real property owned by the Society of St. Vincent De Paul in the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. located at 1516 and 1620 East Sherman Avenue.



1516 & 1620 E. Sherman Ave



1516 E. Sherman



1620 E. Sherman



102 & 106 E. Homestead



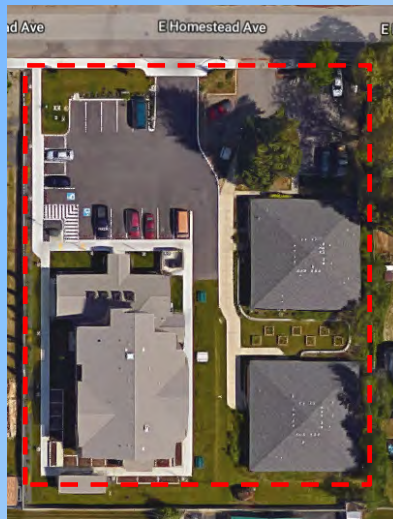
102 & 106 E. Homestead



102 & 106 E. Homestead

102 Homestead:

- City owns land
- 75-year lease with St. Vincent's
- St. Vincent's owns 14 units
- Housing for low income adults with disabilities
- HUD 811 grant
- Parent parcel – consolidated in 2012



106 Homestead:

- City owns land
- City owns 7 units
- Tax Credit Housing
- Housing for low income individuals (50% or below median income)
- Encumbered through 2032



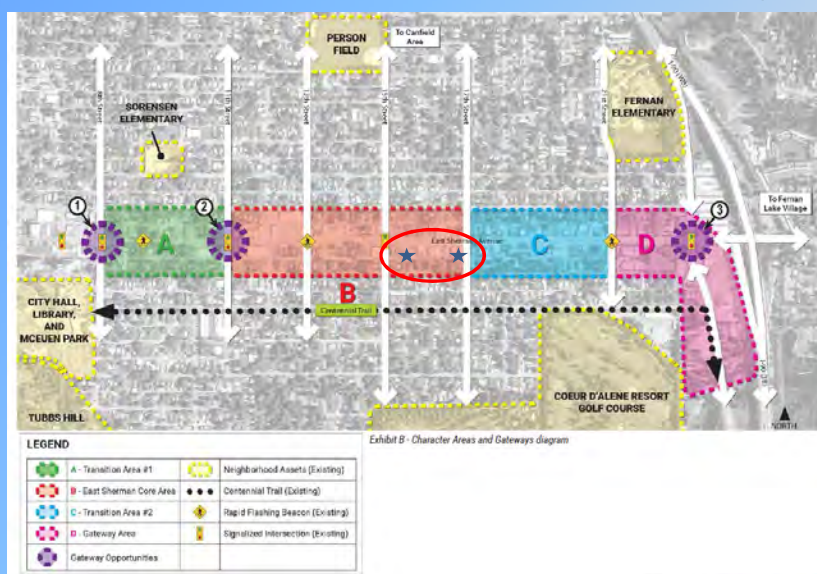


Possible Uses for East Sherman Properties

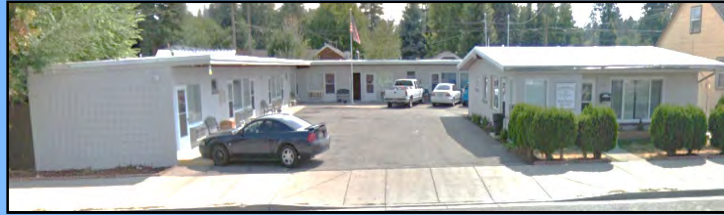
Star Haven (1516 E. Sherman) & Sandman (1620 E. Sherman)



East Sherman Character Areas & Gateways Map



Star Haven: 1516 E. Sherman



Possible Uses:

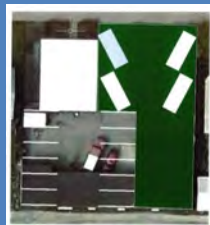
- Food Park/Court with 4-5 vendor leases, restrooms, and parking
- Public Parking Lot to support business activity & redevelopment
- RFP for development opportunities, such as:
 - Affordable/Infill Housing Project
 - Year-Round Farmer's Market/Co-op Market
 - Micro-enterprise businesses (e.g., Pop-Up Shops)

Note: The Highest & Best Uses need to be evaluated further



Possible Uses for Star Haven (1516 E. Sherman):

- Food Park/Court with 4-5 vendor leases, restrooms, and parking
- Public Parking Lot to support business activity & redevelopment
- RFP for development opportunities, such as:
 - Affordable/Infill Housing Project
 - Year-Round Farmer's Market/Co-op Market
 - Micro-enterprise businesses (e.g., Pop-Up Shops)



Sandman: 1620 E. Sherman



Possible Uses:

- Public Parking Lot
 - Could include stormwater demonstration, visitor kiosk, public restroom
- RFP for development opportunities
- Pocket Park
 - Workout Park
 - Artistic Elements – Mural Wall and/or Movie Wall /Interactive Art
 - Games (e.g., giant chess, disc golf hole)
 - Farmer's Market & Connection to Festival Street

Note: The Highest & Best Uses need to be evaluated further



Possible Uses for Sandman (1620 E. Sherman):

- Public Parking Lot
- RFP for development opportunities
- Pocket Park
 - Workout Park
 - Artistic Elements – Mural Wall and/or Movie Wall /Interactive Art
 - Games (e.g., giant chess, disc golf hole)
 - Farmer's Market & Connection to Festival Street



East Sherman *Draft* Master Plan 5-Year Action Plan – Related Action Items

- AI.4: Encourage a variety of housing choices
- AI.9: Provide flexible public spaces
- AI.10: Create public parking lot



EAST SHERMAN IS
A NEIGHBORHOOD
THAT...



SUPPORTS AN ACTIVE AND HEALTHY LIFESTYLE.



OFFERS A POSITIVE AND LASTING IMPRESSION OF OUR COMMUNITY.



IS A MARKETPLACE WHERE YOU CAN EXPERIENCE CRAFT, ARTISANS, CULTURE AND ENTERTAINMENT.



OFFERS A MIX OF HOUSING CHOICES.



HAS STREETS THAT SAFELY AND COMFORTABLY ACCOMMODATE VEHICLES, BICYCLISTS AND PEDESTRIANS.



IS A COMMUNITY GATHERING PLACE.



IS SAFE AND FAMILY-FRIENDLY.



DECISION POINT/RECOMMENDATION:

The City Council should exchange the City's property at 102/106 East Homestead, and pay the sum of \$300,000 to the Society of St. Vincent De Paul in the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. in exchange for the Society of St. Vincent De Paul in the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc.'s properties located at 1620 East Sherman Avenue and 1516 East Sherman Avenue pursuant to the terms and conditions of the Purchase and Sales Agreement between the parties.



CITY COUNCIL STAFF REPORT

FROM: MIKE BEHARY, ASSOCIATE PLANNER

DATE: JUNE 4, 2019

SUBJECT: APPEAL OF THE APPROVAL OF SP-1-19: LOCATED AT 215 W. MILL, 1715,1705, 1719 N. GOVT WAY, 208 W. DAVIDSON; A REQUESTED SPECIAL USE PERMIT IN THE R-17 & C-17L ZONING DISTRICT FOR AN R-34 DENSITY INCREASE

LOCATION: A 1.26 ACRE PARCEL LOCATED AT 1715 N GOVERNMENT WAY

APPELLANT:
Terry Godbout
We The People of CDA
P.O. BOX 1773
Coeur d'Alene, ID 83816

APPLICANT/OWNER:
Benjamin Widmyer
PO BOX 136
Coeur d'Alene, ID 83815

ARCHITECT:
Miller Stauffer Architects
601 E Front Ave, Suite 201
Coeur d'Alene, ID 83814

DECISION POINT:

The City Council is being asked to hear an appeal of the Planning Commission's approval of a special use permit to allow a density increase to R-34 that will allow a mixed use development with commercial units located on the first floor and 43 residential multi-family units located above the commercial units. The City Council may affirm the Planning Commission's approval of the request, affirm with conditions, reverse, or remand the item back to the Planning Commission.

APPEAL INFORMATION:

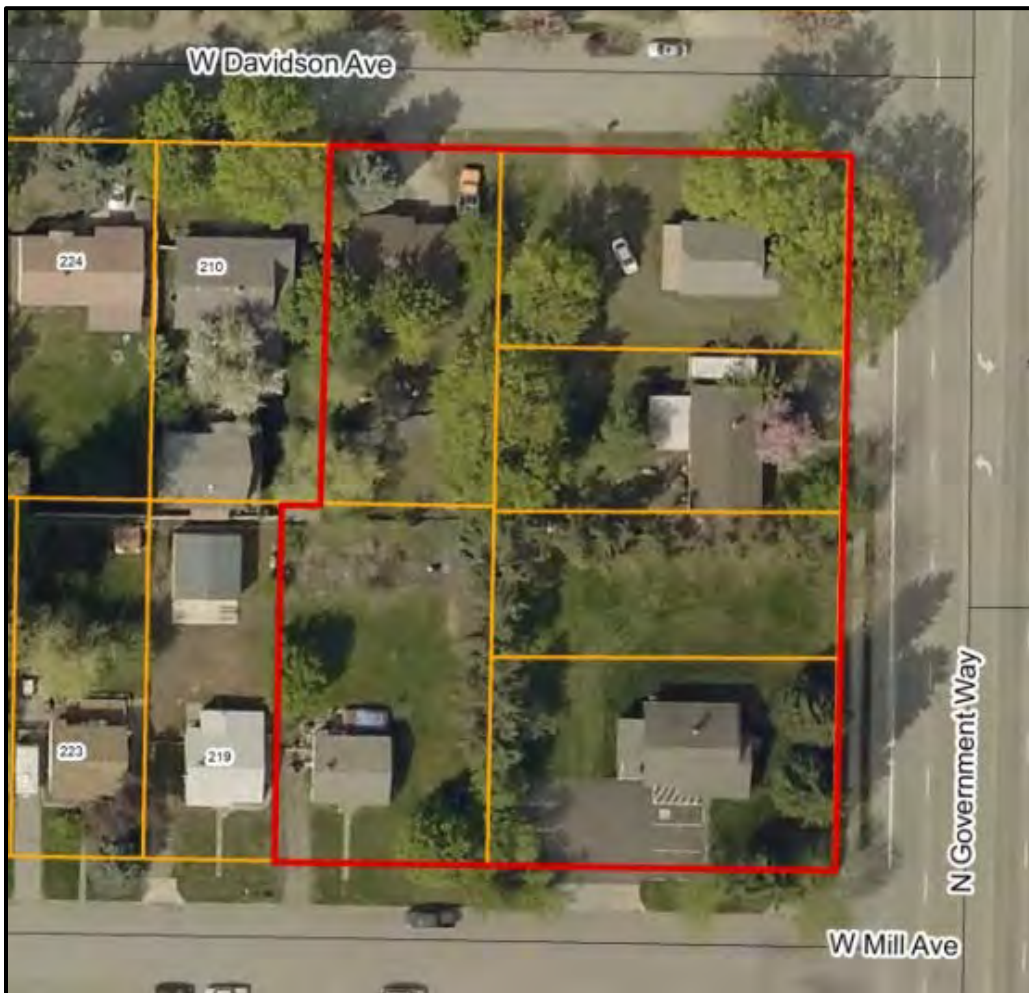
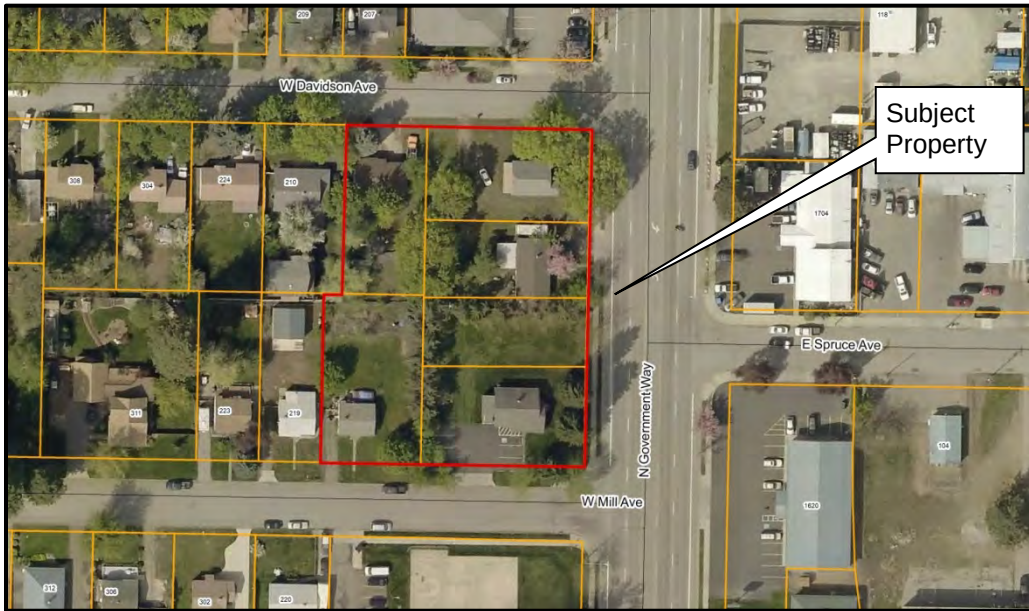
This hearing is on the appeal request made by Terry Godbout dated April 22nd, 2019, on behalf of We the People of CDA. The appeal request is of the Planning Commission's 5 to 0 decision in favor of approval made on April 9th, 2019. The appeal letter along with Planning Commission's meeting minutes and findings from the hearing are attached for review.

The existing site is made up of six individual parcels. The six parcels contain four single family dwellings, one office building, and one vacant lot. The applicant has acquired these properties over time and is now ready to move forward with the proposed mixed use development.

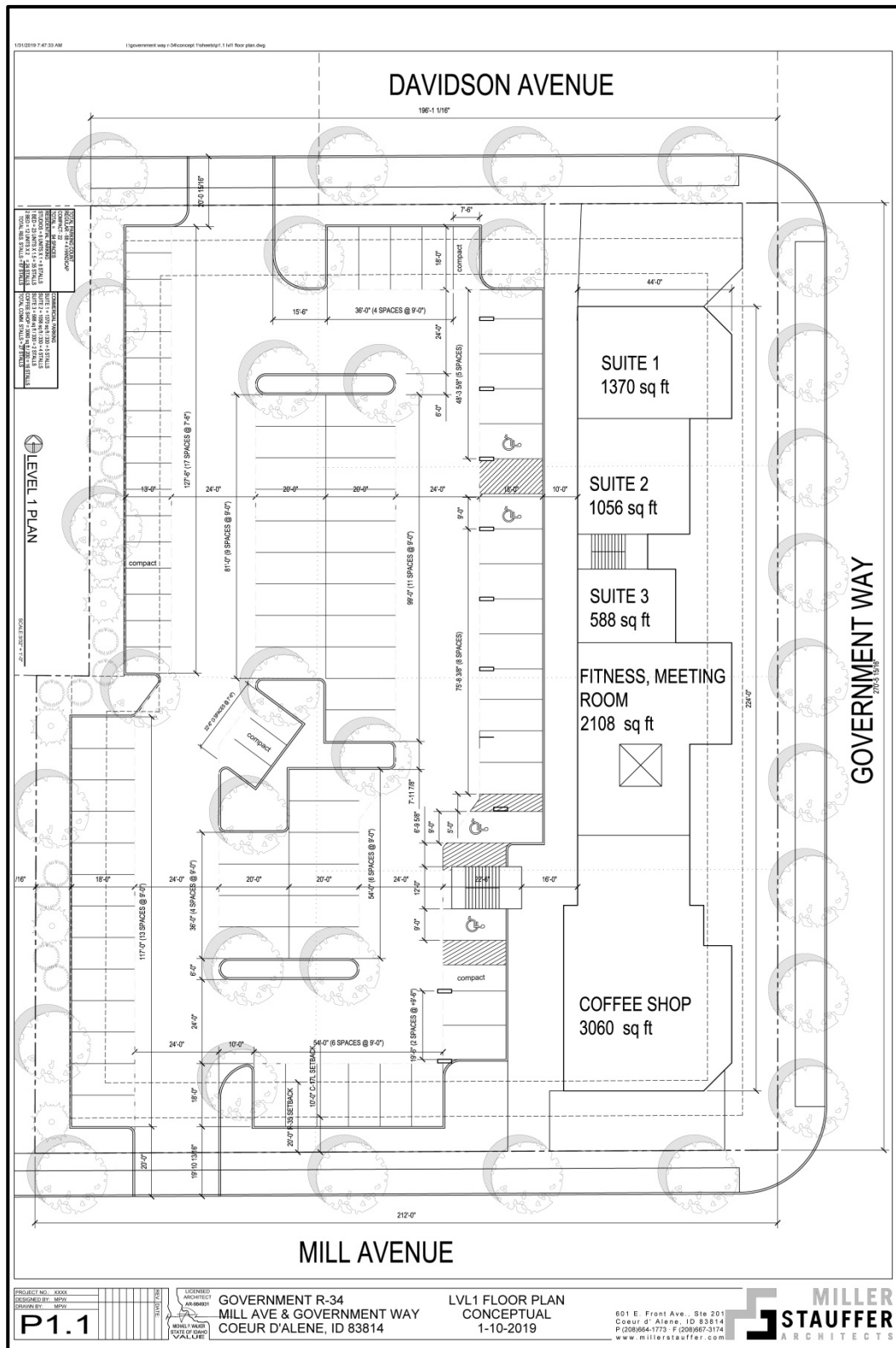
The proposed mixed use building will be five stories tall and will be allowed a maximum height of 63 feet in accordance with the proposed R-34 zoning height restrictions for mixed use structures. The applicant has submitted a building elevation of the proposed building indicating how it will look from the street. (See building elevation on page 5) The applicant has also submitted a site plan that shows the proposed site layout and the building location on the subject site. (See site plan on page 4)

An aerial photograph of a residential neighborhood in Lincoln, Nebraska. The map shows a grid of streets including N Ironwood Ct, N Ironwood Dr, N Kootenai Heath Way, N Highway 95, N Ammon Pl, N College Way, N College Way, N Medina St, N Alley, N Melrose St, N Lincoln Way, N Nora St, N Nora St, N Alley, W Ironwood Dr, W Emma Ave, W Davidson Ave, W Mill Ave, W Mill Ave, W Lacrosse Ave, W Alley, N Government Way, N 4th St, N 3rd St, N 2nd St, N Alley, E Hattie Ave, E Annie Ave, E Ironwood Dr, Locust Ave, E Poplar Ave, E Spruce Ave, E Hazel Ave, E Linden Ave, and E Linden Ave. A red rectangle highlights a property located between W Mill Ave and W Davidson Ave, and between N Lincoln Way and N Government Way. A white callout box with a black border and a pointer to the red rectangle contains the text "Subject Property".

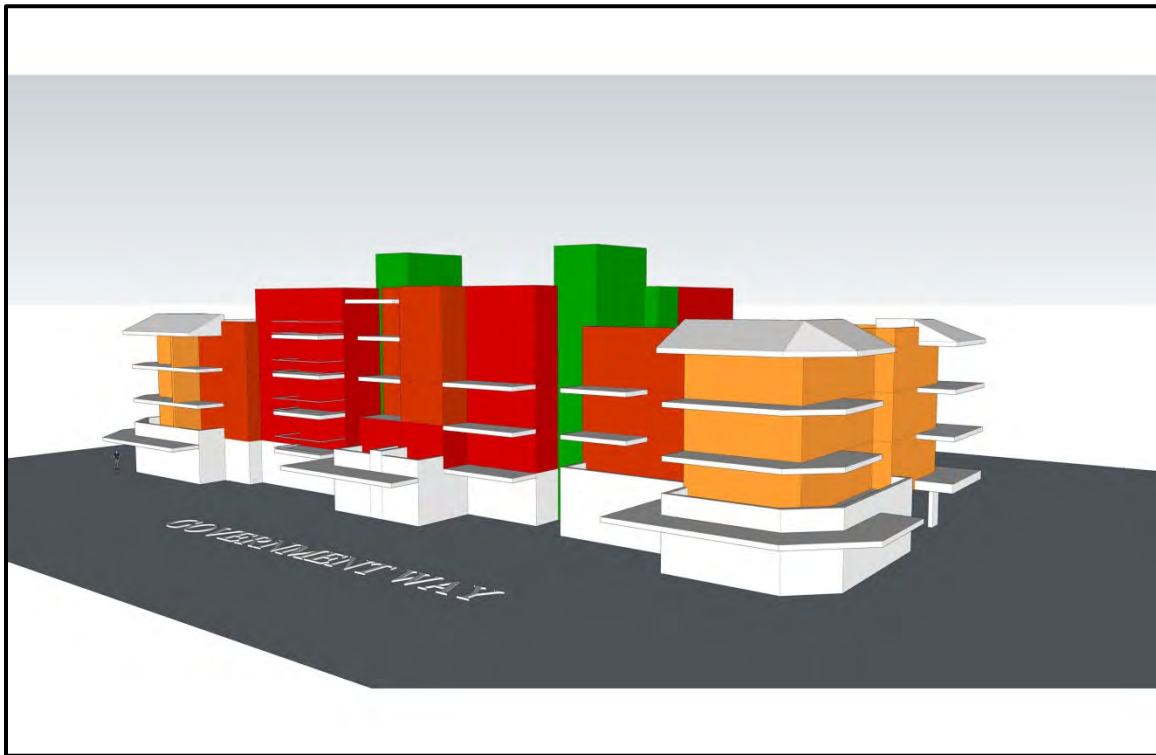
AERIAL PHOTOS:



APPLICANT'S SITE PLAN



APPLICANT'S BUILDING ELEVATION:



ZONING MAP:



C-17L COMMERCIAL ZONING DISTRICT:

The C-17L district is intended as a low density commercial and residential mix district. This district permits residential development at a density of seventeen (17) units per gross acre as specified by the R-17 district and limited commercial businesses whose primary emphasis is on providing personal service. This district is suitable as a transition between residential and commercial zoned areas and should be located on designated collector streets or better for ease of access and to act as a residential buffer.

17.05.580: PERMITTED USES; PRINCIPAL

Principal permitted uses in a C-17L district shall be as follows:

- Administrative offices
- Automobile parking when serving an adjacent business or apartment
- Banks and financial institutions
- Boarding house
- Childcare facility
- Commercial film production
- Community assembly
- Community education
- Duplex housing (as specified by the R-12 district)
- Essential service
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Home occupations
- Hospitals/healthcare
- Juvenile offenders facility
- Multiple-family housing (as specified by the R-17 district)
- Neighborhood recreation
- Nursing/convalescent/rest homes for the aged
- Personal service establishments
- Professional offices
- Public recreation
- Rehabilitative facility
- Religious assembly
- Single-family detached housing (as specified by the R-8 district)

17.05.590: PERMITTED USES; ACCESSORY

Accessory permitted uses in a C-17L district shall be as follows:

- Accessory dwelling units.
- Apartment for resident caretaker.
- Outside storage or when incidental to the principal use.
- Private recreation (enclosed or unenclosed).
- Residential accessory uses as permitted by the R-17 district

17.05.600: PERMITTED USES; SPECIAL USE PERMIT

Permitted uses by special use permit in a C-17L district shall be as follows:

- Commercial kennel.
- Commercial recreation.
- Community organization.
- Convenience sales.
- Criminal transitional facility.
- Food and beverage stores for off/on site consumption.
- Hotel/motel.
- Mobile food court.
- Noncommercial kennel.
- Remaining uses, not already herein permitted, of the C-17 district principal permitted uses.
- Residential density of the R-34 district as specified.
- Veterinary hospital.
- Wireless communication facility.

R-34 RESIDENTIAL ZONING DISTRICT:

The R-34 district is intended as a high density residential district, permitting thirty four (34) units per gross acre that the city has the option of granting, through the special use permit procedure, to any property zoned R-17, C-17, C-17L or LM. To warrant consideration, the property must in addition to having the R-17, C-17, C-17L or LM designation meet the following requirements:

Findings for R-34 #1: Be in close proximity to an arterial, as defined in the Coeur d'Alene transportation plan, sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods.

The proposed development is adjacent to Government Way. According to the Kootenai Metropolitan Planning Organization (KMPO), Government Way is designated as a minor arterial road. See City Engineer's comments in regards to the traffic on page 19.

Evaluation: *The City Council must determine, based on the information before them, whether the proposed development is in close proximity to an arterial, as defined in the Coeur d'Alene transportation plan, sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

Findings for R-34 #2: Be in close proximity to shopping, schools and park areas.

The subject property is located in close proximity to the medical facilities that are in the vicinity of the subject site. To the north of the subject site is a retail shopping center and multiple shopping location located along Ironwood Drive. To the southwest of the subject site are Winton Elementary School and Winton Park. There are also multiple shopping locations located along Government Way. See map on the next page

Kootenai Health Medical Facility

Borah Elementary School

Ironwood Shopping Center

Subject Property

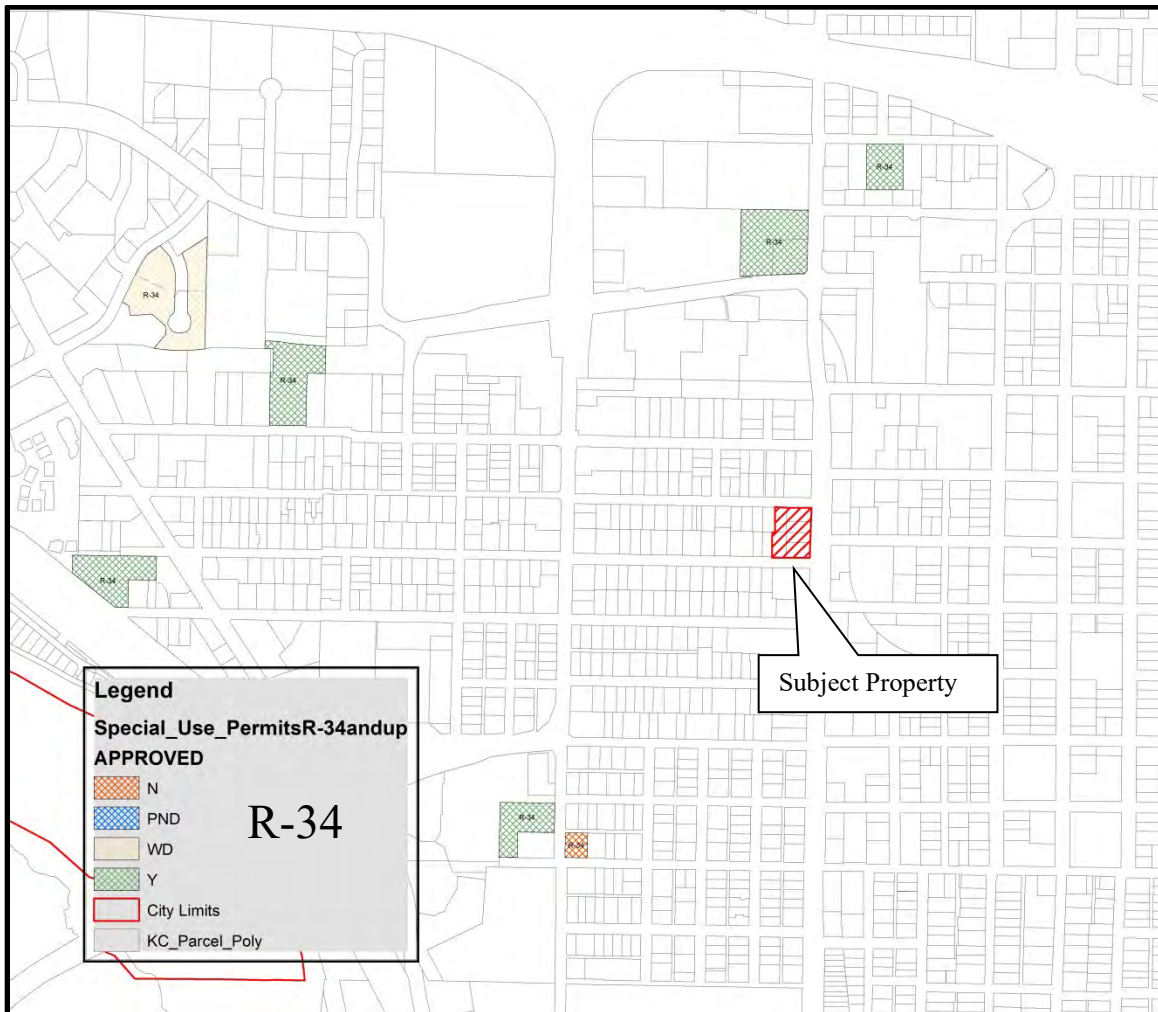
Winton Elementary School and Winton Park

School

This district is appropriate as a transition between R-17 and commercial/industrial. Single-family detached and duplex housing are not permitted in this district. Project review (chapter 17.07, article IV of this title) is required for all subdivisions and for all residential, civic, commercial, service and industry uses except residential uses for four (4) or fewer dwellings

PAGE 8

R-34 SPECIAL USE MAP:



17.05.340: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-34 district shall be as follows:

- Essential service.
- Multiple-family housing.
- Neighborhood recreation.
- Public recreation.

17.05.350: PERMITTED USES; ACCESSORY:

Accessory permitted uses in an R-34 district shall be as follows:

- Accessory dwelling units.
- Garage or carport (attached or detached).
- Mailroom or common use room for multiple-family development.
- Outside area or building for storage when incidental to the principal use.
- Private recreation facility

17.05.360: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-34 district shall be as follows:

- Automobile parking when the lot is adjoining at least one point of, intervening streets and alleys excluded, the establishment which it is to serve; this is not to be used for the parking of commercial vehicles.
- Commercial recreation.
- Community assembly.
- Community education.
- Convenience sales.
- Four (4) unit per gross acre density increase.
- Group dwelling - detached housing.
- Hotel/motel.
- Noncommercial kennel.
- Religious assembly.

17.05.370: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:

Maximum height requirements in an R-34 district shall be as follows:

- 63 feet for multiple-family and nonresidential structures.

17.05.400: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements in an R-34 District shall be as follows for multiple family housing.

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be ten feet (10').
3. Side, Street: The street side yard requirement shall be twenty feet (20').
4. Rear: The rear yard requirement shall be twenty feet (20'). However, the rear yard will be reduced by one-half (1/2) when adjacent to public open space.

17.06.425: MINIMUM SETBACK AT REAR AND SIDE LOT LINES:

All accessory structures must be set back at least five feet (5') from side and rear yard lot lines unless the structure's roof slopes toward the interior of the lot or is otherwise constructed in a manner that prevents snow and runoff from crossing the property line.

17.44.030: OFF STREET PARKING - RESIDENTIAL USES:

D.	Multiple-family housing:	
	1. Studio units	1 space per unit
	2. 1 bedroom units	1.5 spaces per unit
	3. 2 bedroom units	2 spaces per unit
	4. 3 bedroom units	2 spaces per unit
	5. More than 3 bedrooms	2 spaces per unit

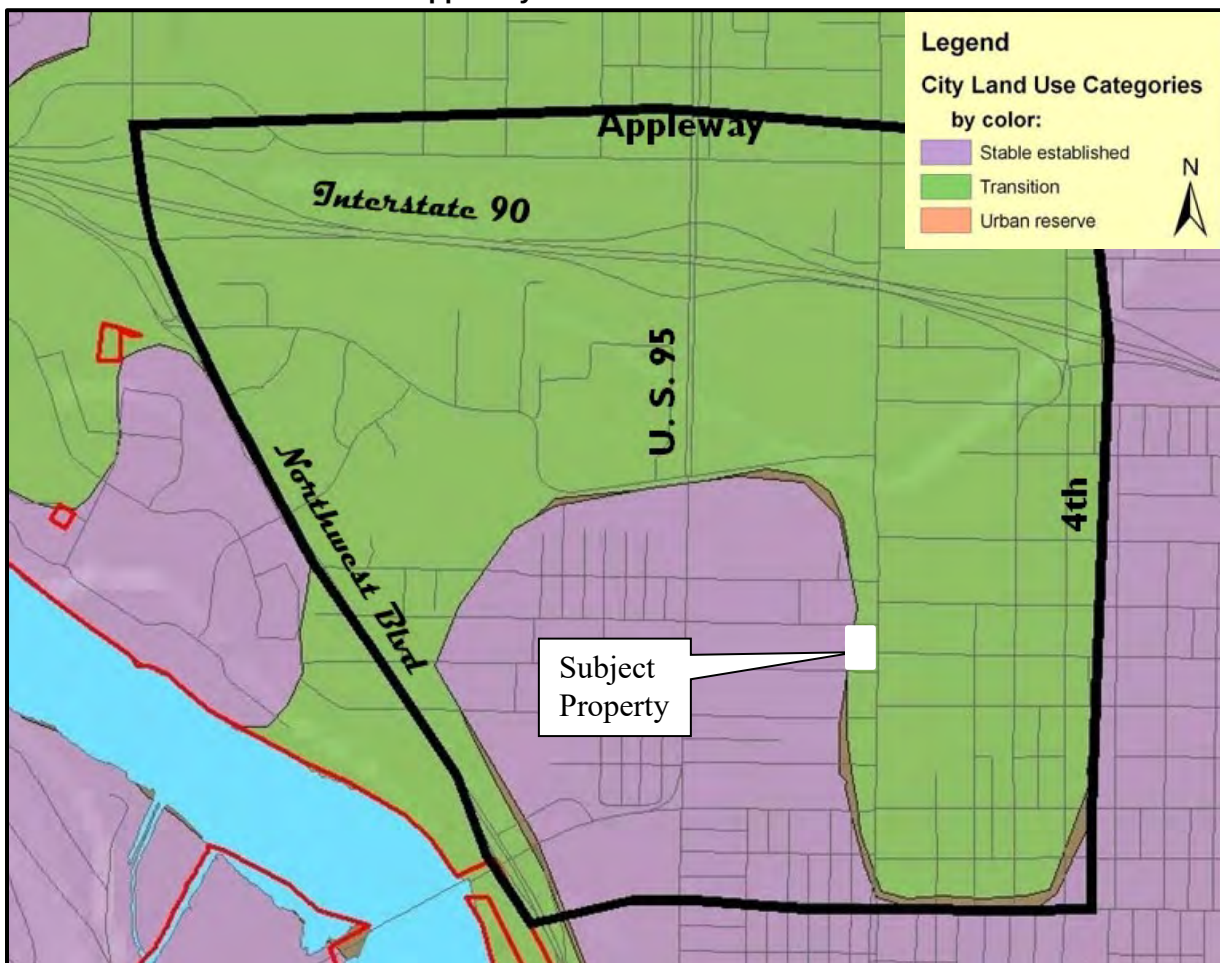
REQUIRED FINDINGS FOR SPECIAL USE PERMITS:

Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

A. Finding #B8A: The proposal (is) (is not) in conformance with the Comprehensive Plan.

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as Appleway – North 4th Street, Transition:
- The subject property is located in the City's Area of Impact.

COMPREHENSIVE PLAN MAP: Appleway – North 4th Street



Transition Areas:

Transition areas are areas where the character of the neighborhoods is in transition and should be developed with care. The street network, the number of building lots and general land uses are expected to change greatly within the planning period.

Appleway – North 4th Street Today:

This area is a diverse mix of residential, medical, commercial, and warehousing land uses. The area is very gently sloped with some drop in elevation within a block of Northwest Boulevard. This elevation change has also defined the break from commercial to residential uses for much of the area's history.

The south-west and south-central portions of the area consist primarily of stable, single-family housing at approximately five units per acre. The Winton Elementary School and park is located in this neighborhood. Various multi-family apartments, mostly constructed in the late 1970s and early 1980s, are located within the district. The most active area for construction within this district is the Ironwood corridor which consists of many health-care and professional offices west of US 95, with office and retail uses east of US 95.

Appleway – North 4th Street Tomorrow:

The Appleway – 4th Street area is expected to be a mixed use area. The stable/established residential will remain. The west Ironwood corridor will require careful evaluation of traffic flow. Ironwood will be connected to 4th Street, enabling higher intensity commercial and residential uses.

The characteristics of the Appleway – North 4th Street neighborhoods will be:

- That overall density will approach six units per acre, with infill and multi-family housing located next to arterial and collector streets.
- That pedestrian and bicycle connections will be provided.
- Street widening and potential reconfiguration of US 95 should be sensitive to adjacent uses.
- Uses that strengthen neighborhoods will be encouraged.

The characteristics of the Appleway – North 4th Street commercial will be:

- Those commercial buildings will remain lower in scale than in the downtown core.
- Streetscapes should be dominated by pedestrian facilities, landscaping, and buildings.
- Shared-use parking behind buildings is preferred.

2007 Comprehensive Plan Goals and Objectives that apply:**Goal #1: Natural Environment**

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

Objective 1.12**Community Design:**

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14**Efficiency:**

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and policies, and promotes economic growth.

Objective 2.02

Economic and Workforce Development:

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

Goal #3: Home Environment

Our Comprehensive Plan preserves the city's qualities that make Coeur d'Alene a great place to live.

Objective 3.01**Managed Growth:**

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.05**Neighborhoods:**

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.10**Affordable & Workforce Housing:**

Support efforts to preserve and provide affordable and workforce housing.

Objective 3.16**Capital Improvements:**

Ensure Infrastructure and essential services are available for properties in development.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management.

Objective 4.01 City Services:

Make decisions based on the needs and desires of the citizenry.

Objective 4.06 - Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

Evaluation: *The City Council must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

B. Finding #B8B: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.

The proposed building will meet all the required building setbacks and maximum building height requirements that are required for mixed use multi-family structures in the C-17L District. The properties to the west of the subject site have single family dwellings located on them. To the east are a commercial retail facility and a motorcycle sales and service facility. To the south is the Idaho Youth Ranch family services facility. The property to the north is an office use.

The properties to the north and south of the subject site are zoned Commercial, C-17L and Residential, R-12. The properties to the west are zoned Residential, R-12. The properties to the east are zoned Commercial, C-17 (as shown on the zoning map on page 5).

The subject site is located directly west of the intersection of Government Way and Spruce Avenue. Government Way is an Arterial street. The subject site also has frontage along Mill Avenue and Davidson Avenue. The site plan indicates that there will be two access points, one from Mill Avenue and one from Davidson Avenue. The subject property is also is located approximately 2 blocks to the south of the Ironwood Square commercial property that includes commercial uses such as shops and restaurants.

The proposed mixed use building is designed so that it is closer to Government Way and will have the parking located at the rear which will help buffer the building from the adjacent single-family residential uses. (See site plan on page 4)

SURROUNDING SPECIAL USE LOCATIONS:



Special Use Permits:

SP-3-84	Group Home	4-26-1984	Approved
SP-3-90	General Construction Services	1-23-1990	Approved
ZC-7-02SP	Automobile Parking in the R-17	6-25-2002	Approved

There are three special use permits in the vicinity of the subject property. The Planning Commission approved a special use request for a Group Home facility (SP-3-84) south of the subject property in 1984. In 1990 the Planning Commission approved a special use request for a General Construction Services facility (SP-3-90) north of the subject property.

In 2002 the Planning Commission approved a special use request for Automobile Parking associated with a proposed adjacent commercial development (ZC-7-02SP) as shown in the map provided above. The approved parking area in this item was approved in the R-17 and was for the two most westerly parcels in order to build a professional office building on the easterly parcels. There was no residential component associated with the proposed commercial office development back in 2002 and that is why they needed to request the special use permit for the parking lot area in the R-17. This special use project in item ZC-7-02SP was never developed and has since expired.

GENERALIZED LAND USE MAP:



SITE PHOTO - 1: View from the intersection of Government Way and Mill Avenue looking west.



SITE PHOTO - 2: View from the east side of Government Way looking west.



SITE PHOTO - 3: View from the east side of Government Way looking northwest.



SITE PHOTO - 4: View from Government Way and Davidson Avenue intersection looking west.



SITE PHOTO - 5: View from Government Way and Davidson Avenue intersection looking southwest.



Evaluation: *Based on the information presented, the City Council must determine if the request is compatible with surrounding uses and is designed appropriately to blend in with the area.*

- C. **Finding #B8C:** The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities, and services.

STORMWATER:

Stormwater treatment and containment will be addressed during future development and construction on the subject property. City Code requires stormwater to remain on site and for a stormwater management plan to be submitted and approved prior to any construction activity on the site.

STREETS:

The subject property is bordered by Government Way to the east, Davidson Ave to the north, and Mill Ave to the south. The current street widths meet the City standards. Sidewalk will be required on Mill Ave and Davidson Ave per City Code 12.28.210. As stated above, Government Way is an arterial street.

TRAFFIC:

The proposed project is expected to have impacts on the adjacent transportation network. The ITE Trip Generation Manual (9th Addition) provides estimates of peak hour traffic that can be expected from the proposed development. Because specific uses of some of the commercial spaces are not known, it is assumed that they will be General Office spaces. The anticipated traffic levels are as follows:

43 Apartment Units:

13 AM Peak Hour trips
17 PM Peak Hour trips

Fitness Space:

3 AM Peak Hour trips
7 PM Peak Hour trips

Coffee Shop:

193 AM Peak Hour trips
77 PM Peak Hour trips

Office Spaces (Suites):

4 AM Peak Hour trips
4 PM Peak Hour trips

The resulting traffic from the combined uses yields 213 AM Peak Hour trips and 105 PM Peak Hour trips. Government Way is a 5-lane street with available capacity. A 2014 traffic count yielded approximately 14,500 vehicles per day on Government Way. This is approximately half of the traffic volumes seen on Ramsey Road/Northwest Boulevard. The Engineering Department has no objection to this special use permit as proposed.

-Submitted by Chris Bosley, City Engineer

WATER:

There is adequate capacity in the public water system to support domestic, irrigation and fire flow for the proposed special use permit. There is an existing 8" AC water main in W Davidson Avenue, A 8" AC line in N Government way & a 6" C900 line in W Mill Avenue. There are currently 4-3/4" services serving 4 of the 5 lots that are proposed. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional service will have cap fees due at building permitting. The Water Department has no objection to this special use permit as proposed.

-Submitted by Kyle Marine, Water Assistant Superintendent

SEWER:

Public Sewer is located in Davidson Avenue, Mill Avenue and Government Way. In accordance with the 2013 Sewer Master Plan, the City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this Special Use for the proposed increased density within the Government Way Sewer only. An existing and active sewer lateral is presently located between the two (2) center Lots fronting Government Way.

Sewer Policy #716 (Res. 15-007), requires each legally recognized lot within the City to have its own public sewer connection; therefore, if a lot consolidation is proposed, this project will be required to abandon all unused sewer lateral connections at the rehabilitated public sewer mains within Davidson and Mill Avenues. The Wastewater Utility no objection to this special use permit as proposed.

-Submitted by Mike Becker, Utility Project Manager

FIRE:

The Fire Department works with the Engineering and Water Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents.

Fire department access to the site (road widths, surfacing, maximum grade, and turning radiuses), in addition to, fire protection (size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to building permit or site development, utilizing the currently adopted International Fire Code (IFC) for compliance. The City of Coeur d'Alene Fire Department can address all concerns at site and building permit submittals. The Fire Department has no objection to this special use permit as proposed.

-Submitted by Bobby Gonder, Fire Inspector

PARKS:

The following trees are in the public right-of-way (ROW) throughout the perimeter of this property.

- 10" DBH, Black locust –Fair Condition
- 13" DBH, Honey Locust – Good Condition
- 13" DBH, Ash Tree- Fair Condition
- 13" DBH, Ash Tree – Fair Condition
- 11" DBH, Katsura Tree – Fair Condition
- 3" DBH, Siberian Elm – Fair Condition
- 12" DBH, Katsura – Fair Condition

The trees in the right of way must be retained and protected. Where right-of-way trees are in conflict with sidewalk construction the applicant will be required to obtain approval for removal of any conflicting trees with the Urban Forestry division. The Goal of the Urban Forestry division is to protect public trees and retain healthy, mature trees in our Urban Forest when possible.

- Submitted by Nick Goodwin, Urban Forestry Coordinator

Evaluation: *City Council must determine if the location, design, and size of the proposal are such that the development will or will not be adequately served by existing streets, public facilities and services.*

RECOMMENDED CONDITIONS:

Note: The following conditions were added to the Special Use Permit approval by the Planning Commission

Water:

1. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
2. Any additional service will have cap fees due at building permitting.

Wastewater:

3. This project will be required to utilize or reconnect to the existing public sewer connection in Government Way.
4. This project will be required to abandon all unused sewer lateral connections at the public sewer main.

Planning:

5. The applicant must meet the parking requirements for the commercial and residential uses per 17.44 of the Zoning Code.
6. A lot consolidation must be completed prior to obtaining a building permit.
7. A Special Use Permit (SUP) would be required if commercial parking for the mixed-use project would be on the R-17 lots. The SUP approval would be required prior to obtaining building permits for the project.
8. If the project is 50,000 square feet or larger, it will be required to go through the Design Review Commission for review and approval for compliance with the Commercial Design Guidelines.

Parks:

9. Where right of way trees conflict with construction. The Applicant must obtain approval for removal of any conflicting trees with the Urban Forestry division, City Code: 12.36.200. If the trees are found to be healthy and in the public right of way they must be protected in accordance with City Code: 12.36.460, 12.36.440
10. Street trees must be included in this project in accordance with city codes: 12.36.115, 12.36.405, 12.36.400, 12.36.410, 12.36.415, 12.36.445. All trees must be selected off of the approved street tree list.

The City Council may establish reasonable requirements to mitigate any impacts that would adversely affect the surrounding neighborhood. Please be specific, when adding conditions to the motion.

ORDINANCES AND STANDARDS USED IN EVALUATION:

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices
- 2017 Coeur d'Alene Trails Master Plan

ACTION ALTERNATIVES:

The City Council will need to consider this appeal request and make appropriate findings to affirm, affirm with conditions, reverse (denial of the SUP), or remand with instructions the Planning Commission's decision approving SP-1-19.

The findings worksheet is attached if City Council decides to make findings other than those made by Planning Commission.

Attachments:

Applicant's narrative on proposed development
Appeal application from We The People of CDA dated April 22, 2019
Email from appellant dated May 12, 2019 stating reasons for appeal
Planning Commission's Meeting Minutes April 9, 2019
Planning Commission's Findings SP-1-19

Special Use Narrative



Micheal Walker, Principal
Miller Stauffer Architects
601 E. Front Ave. Ste 201
Coeur d'Alene, Idaho 83814
Ph (208) 664-1773

To whom it may concern,

On behalf of the subject property owner, Miller Stauffer Architects requests a special use permit for R-34 zoning. The combined 1.267-acre subject property is located on Government Way between Mill Ave. and Davidson Ave. The subject parcel(s) is currently partially zoned R-17 and partially C-17L and located in a transitional area between commercial properties located to the North, East and South and residential to the west. The property owner is requesting an increase in residential density to provide a transition between the Government Way (commercial corridor) and the existing R-12 neighborhood located to the West.

A special use permit authorizing R-34 residential development would allow up to 43.078 units on this parcel. The owner proposes 43 units as allowed by the R-34 to provide the residential density needed to support the nearby Medical District as well as the Mid-town and Downtown areas. The owner would also like to incorporate commercial use on the ground floor of the building. This would allow for a mix of residential and commercial use along the Government Way corridor. We propose locating the parking on the west side of the building to provide a buffer between the higher density residential and the existing R-12 single family residences. This buffer also helps buffer the high traffic of government way and the single-family neighborhood. The owner feels by developing a project with this density they will be able provide the necessary transition between these two zoning districts. To achieve this buffer the owner proposes a single 5 story structure with open on grade parking that can support the residential and commercial aspect to this project. The structure would have varied roof heights and balconies softening the façade of the project. The lowest level will be a combination of commercial suites and shared space for the residents of the property. Included in the project will be patios, inviting landscaping and gardens, a fitness center, and terraces above. The residential would have a mix of unit types ranging from studio to 2-bedroom units.

According to the 2007 Comprehensive Plan this proposed project is identified as a transitional area within the Appleway – North 4th Street land use area. This area is expected to be mixed use with “multi-family housing located next to arterial and collector streets”, Government Way is considered a minor arterial and the subject property is close to the urban collector, Walnut Ave. A development of this type would provide a buffer between the heavy commercial uses of Government Way and the existing one- and two-story single family residential neighborhood to the west. The property and adjacent properties are mostly flat. The property also has proximity to commuter trails along Government Way, Harrison, and Ironwood Drive providing strong bike and pedestrian connections to Riverstone, Hospital district, Appleway Corridor, and Downtown. If approved a development of this nature would provide housing for workers for the nearby medical industry and retail and help support the local economy near the downtown shopping districts.

A development of this type and density would be appropriate in this setting, due to its proximity to arterials, pedestrian and bike access, and the surrounding land use. A development of this type will provide housing and light commercial in a region that has already been identified for mixed higher density projects.

Professionally,

Micheal Walker, Principal / Owners Representative



ADMINISTRATIVE APPEAL APPLICATION

STAFF USE ONLYDate Submitted: 4/22/19 Received by: SJ Fee paid: 200.00 Project #: SP-1-19**REQUIRED SUBMITTALS****Application Fee: \$200.00**

A **COMPLETE APPLICATION** is required at time of application submittal, as determined and accepted by the Planning Department located at <http://cdaid.org/1105/departments/planning/application-forms>.

DEADLINE FOR SUBMITTALS

The completed form must be submitted to the Planning Department not later than ten (10) days following the date of the decision to be appealed.

PAID
32 RMC
APR 23 2019
CITY OF COEUR D'ALENE

☒ **Completed application form**☐ **Information that may be required to facilitate review**☒ **Fee \$200.00** CASH

VERY CONFUSING FORM

APPLICATION INFORMATION

APPEAL OF DECISION MADE AT 4.9.19 PLANNING COMMISSION MEETING (DEVELOPER?)

PROPERTY OWNER: <u>BEN WIDMYER</u>		
PROPERTY ADDRESS: <u>215 W. HILL, 1715, 1705 AND 1719 N. CON T WAY AND</u>		
MAILING ADDRESS: <u>208 W. DAVID</u>		
CITY: <u>CDA</u>	STATE: <u>ID</u>	ZIP: <u>83814</u>
PHONE:	FAX:	EMAIL:

NATURE OF APPEAL:☒ Appeal of Planning Commissions' determination or interpretation☐ Appeal of Planning Departments' determination or interpretation

State specifically (as applicable):

1. The objections to the decision:

THE PLANNING COMMISSION DID NOT BELIEVE
THAT THE R34 RE-ZONE REQUEST MET
THE STATED CRITERIA TO OBTAIN SUCH A
SPECIAL USE PERMIT

2. The abuse of discretion alleged in the decision:

3. The evidence of record that does not support the decision:

Appeal by:

WE THE PEOPLE OF CDA
c/o TERRY GODREUT
P.O. Box 1773
CDA, ID 83816
208.691.4666
TERRY@AUTOCCLASSICSINC.COM

From: [ADAMS, RANDY](#)
To: [TYMESEN, TROY](#); [BEHARY, MIKE](#)
Subject: FW: Administrative Appeal
Date: Tuesday, May 14, 2019 9:30:28 AM

Here is Godbout's response to the request for further information on the appeal of SP-1-10.

Randy Adams
Chief Civil Deputy City Attorney
City of Coeur d'Alene

From: Terry Godbout [mailto:terry@autoclassicsinc.com]
Sent: Sunday, May 12, 2019 8:32 PM
To: ADAMS, RANDY
Subject: Re: Administrative Appeal

Mr. Adams,

Listed below are the specific reasons for our appeal:

1. The applicant's form did not include the names of all of the property owners.
2. There were no notarized signatures of all of the property owners on the form.
3. The six parcels forming the property for this proposal are zoned two different things, R17 and C17L. One of these should have requested a zoning change to the other so that the entire parcel has the same zoning.
4. The R34 special use permit is nothing more than spot zoning by another name.
5. The building, at 5-stories tall, is totally incompatible with neighboring properties. On the entire 1-mile stretch of Government Way between Appleway and Harrison, there are only five buildings that are more than 1-story tall. All are 2-stories tall. One is commercial and the other four are residential.
6. The presenter stated that the property, with a R34 special use permit, will be a good transition between R12 and C17 zoning. That is ludicrous.
7. No projects that represent such a massive change to a piece of property or should be approved until the City's Comprehensive Plan is updated.
8. Both elementary schools that might serve the children who might reside in the project are completely full and cannot take more students.
9. It will be virtually impossible for building tenants to go to east from the parking lots and turn north on Government Way. The street in front of the complex has a long history of collisions according to the the Idaho Transportation Department.
10. We are OK with an increase in density but R34 is an over reach and a special benefit to the property owner for this parcel. R17 would be result in a 440% in the residential units on the parcel. That should be enough for any developer.

Best regards,

Terry Godbout for
We the People of CDA

On Thursday, May 2, 2019, 3:08:39 PM PDT, ADAMS, RANDY <RADAMS@cdaid.org> wrote:

1. Applicant: Ben Widmyer
 Location: 215 W. Mill, 1715, 1705 and 1719 N. Govt Way and 208 W. Davidson
 Request: An R-34 Density Increase special use permit in the R-17 & C-17L
 zoning district.
 QUASI-JUDICIAL (SP-1-19)

Mike Behary, Associate Planner, stated that Miller Stauffer, representing Benjamin Widmyer, is requesting approval of a special use permit to allow a density increase to R-34 that will allow a mixed use development with commercial units located on the first floor and 43 residential multi-family units located above the commercial units.

Mr. Behary provided the following statements:

- The existing site is made up of six individual parcels.
- He referenced an aerial photo showing the property which is located by Government Way that is considered an arterial road.
- The six parcels contain four single family dwellings, one office building, and one vacant lot. The applicant has acquired each one of these properties over time and is now ready to move forward with the proposed mixed use development.
- The applicant is proposing to demolish the existing structures on the site and build a five story mixed use building with commercial uses located on the first floor and residential units located above the commercial units.
- The proposed special use request will allow for a total of 43 multi-family units on the site. The current zoning allows for a total of 22 multi-family units on this size of a parcel.
- The proposed mixed use building will be five stories tall and will be allowed a maximum height of 63 feet in accordance with the proposed R-34 zoning height restrictions for mixed use structures.
- Mr. Behary provided photos showing the location of the property including an aerial photo.
- He explained the site plan submitted by the applicant including building elevation.
- He provided a zoning map showing the surrounding zoning of the property.
- He explained the findings needed for approval.
- He stated that the Comprehensive Plan designates the area as Appleway-North 4th Street, Stable Established.
- He provided a map showing the other approved Special Use Permits in the area.
- He included various photos of the site.
- He noted in the staff report the various staff comments and added that this application has been routed through the various city departments and that each department has indicated there are adequate public facilities and public utilities available to serve the proposed request.
- He stated there are 10 conditions if the project is approved.

Mr. Behary concluded his presentation

Commission Comments

There were no questions for staff.

Public Testimony open.

Mike Walker, applicant representative from Miller Stauffer, provided the following statements:

- He showed a photo of the overall site of the property.
- He showed the adjacent uses surrounding the property
- He referenced the code section for R-34 and stated that the property is close to parks, schools, etc.
- He showed an aerial view of the property and noted that Winton School is within the vicinity.
- He showed some site photos of the property.

- He noted that there are some existing commercial properties surrounding the property with Idaho Youth Ranch close by.
- He showed a rendering of the site plan and said they are proposing putting the building up against Government Way with parking behind the building which will act as a buffer between the higher density use along Government Way.
- He showed renderings of the buildings with a tree canopy along Government Way with patio style homes on the lower levels and a terrace.
- He stated that on Mill they are proposing some commercial use.
- He stated that they want to step back from Government Way as they go up in height, which would be appropriate for this type of development.
- He stated that the project is perfect for R-34 since it provides a good transitional buffer between the commercial across from Government Way and the R-12 which is on the other side of the site.
- He stated that the project will help provide needed housing in an area close to the medical district within biking distance to the CBD, Education Corridor, and Riverstone.
- The city has established two bike lanes that go down Government Way.
- He commented that they feel the density would not create any burden to city services.

The applicant concluded his presentation.

Commission Comments.

Commissioner Ingalls stated that they have received a written comment from someone living on Davidson directly to the west and explained that this person is in favor of this project, but only if the parking next to him on the west could be set back 10 feet to the east.

Mr. Walker stated they were aware of this situation and they intend to create a buffer strip between the project and the single family development. He commented that they had planned to do a site-obscuring fencing with heavy vegetation trees to help screen the parking lot from the single family residences.

Commissioner Ingalls inquired if they could fix the layout of the parking, so that when cars are coming into the parking lot their lights don't shine into the neighbors' homes, and if they would consider providing a 100% site obscuring fence with a landscape buffer. He inquired if the applicant would have any objections to adding that as another condition.

Mr. Walker said they feel it would be a reasonable condition and that it is their intent is to be a good neighbor. He commented that when designing the project, they discussed trying to create some site obscuring items to help eliminate any unnecessary noise

Commissioner Ward asked if staff would explain what the lighting standards are for a parking lot and stated that as he had driven around, he noticed different styles of lighting in other parking lots around the city.

Mr. Behary stated that lighting is required to be directed face down onto the parking lot, so the light won't spill over to the adjoining properties.

Commissioner Fleming inquired how many parking spaces will be available since they had a lot of snow this year, and he questioned where the snow will go, especially if there are a lot of cars in the parking lot.

Mr. Walker explained that it is a preliminary design and when they get to the building permit process, they will be required to look at the area for storm water, which always adds more greenspace. He commented that it is a balancing act between the number of units, what type of units, and how many spaces they will provide. He explained that they will be providing compact spaces and looking at strategies of tucking the parking underneath the building and providing more trees.

Commissioner Mandel noted that on Condition #8 it says that the project is 50,000 sq. or larger and asked

what the size would be for the building.

Mr. Behary said that they haven't provided the exact dimensions of the building.

Mary Jo Kringas said that from looking at the plan and if the use is for 34 units, the parking is showing only 45 spaces. She feels that the parking lot is not adequate for that size of a building, and that there will be a lot of parking on the street, and that she would like clarification on how many spaces are allowed. She stated that a four-story building is too high, and explained that one of the reasons most of them have moved in this area is, because they love the views. She commented that by placing a four-story building on a major road, it will diminish appreciation of where we live for the people driving or walking it.

Terry Godbout commended Mr. Walker and said that his firm has done a great job with the architecture for the building and he likes the way they broke up the façade on Government Way by stepping the top back. He said that he does question the math and suggested that if R-34 is a buffer between C17 and R-12, wouldn't a buffer somewhere between 12 and 17 be a better fit than an R-34. He commented that, in his opinion, the project and the other project represent "spot zoning". He feels that if this is approved, they will be establishing precedence by allowing R-34 as norm with developers in the community.

Danny Griffin stated that he is curious as to what type of housing this will be and if it will be low income. He explained that the house next to him is partial commercial and it doesn't have enough parking and people are having to park along the street, which forces him to park down the street to get to his house when he goes home because the parking spot in front of this house is taken.

Isaac Shannon said he is not against this project, but would rather see it done right and is worried about the parking.

Eric Swanbeck stated that he moved here 15 years ago, and has seen Coeur d'Alene grow and high-rises going up and that we used to be a community that advertises the beauty of our area. He lives behind the property and bought a house in a single story neighborhood and since he has been here, feels that he is being "squeezed" out from all sides with the hospital coming one way and this project is coming the other way. He stated that he is not in favor of this project.

Rebuttal:

Mike Walker provided the following statements:

- He stated that they are determined to protect the views and be responsive to the height of the building.
- He commented that their intent is to create something that has a different feel with patio-style homes with terraces and gardens.
- Parking on the site plan shows they have 93 spaces and, depending on with the variety of different unit types of apartments, that may include one and two bedroom apartments. They can work with the parking lot so it isn't so big and include landscaping.

Commissioner Messina commented that the C-17L zone states that the height limit for a building is 45 feet, with 63 foot height allowed in an R-34 zone. He said that he appreciates the applicant providing a buffer since the building will be next to Government Way.

Mr. Walker said they can look at parking alternatives. He commented that they would like to see the parcel stand on its own and that is why they have tried to minimize the foot print and push it to Government Way. He explained that with R-34 zoning there are good setbacks associated with it and they plan to take advantage of it with planting strips and more trees to provide a noise buffer.

Commissioner Fleming asked if it would be an affordable housing project.

Mr. Walker stated that this it has not been determined.

Commissioner Fleming said that that is something they hear every day -- that there is not enough affordable housing.

Mr. Walker commented that the owner is in the process of looking at an affordable housing project for the city.

Commissioner Luttrupp inquired how many R-34 projects they currently have in the city.

Ms. Anderson stated they have one on Coeur d'Alene Lake Drive. Without looking at a map it is difficult to say how many are in the city, but there are a number of R-34 projects.

Mr. Adams stated earlier there was a question asked if this project would be considered "spot zoning," and explained that it would not because R-34 is not a zone, it is a district, and that is why a special use permit is required, rather than a zone change.

Public testimony closed.

Discussion:

Commissioner Ingalls stated that as they go forward, they will be seeing more and more infill projects and it is important not to close the door on this project, but to make sure the project is done well. He said that he was born here and thinks back on what the city used to be which is not realistic since growth and vibrancy are keeping this town alive, which go hand-in-hand, and he feels that 2019 Coeur d'Alene is better. He is not in favor of a "no" mindset or having a "growth" moratorium and feels they should be looking for quality projects and that this project has it. He commented that he thinks they should ask for a condition that requires a site obscuring fence and a landscape buffer on the west property line, and is confident that what the team puts together will be a quality project.

Chairman Messina said that he concurred and that the city is growing and kind of "boxed in" land-wise so, unfortunately, they will be going up instead of out. He stated that they have to look at not trying to stop growth, but to do smart growth and look for quality project.

Commissioner Luttrupp said they are getting ready to redo the Comprehensive Plan which will include public input and he encouraged everyone to please attend when they have workshops. He commented that he is confident they can come up with something that is more understandable for everyone. He further said that he doesn't share the opinion of Commissioner Ingalls that they are "locked in" and feels they have the ability to grow out with the annexation process.

Commissioner Mandel commented that she understands and appreciates the residents in the area and their concerns. She said that one of the tasks for them is to identify opportunities to confront the growth and identify where they can do smart density. She explained that the transition and buffer zones and C-17L offer them the opportunity and they have been educating themselves on principals of good density and she feels they still have a lot to understand. She said that she drives around the area where the hearings are and compares what it looks like now and, if approved, how the permitted uses in the C-17L could have an impact to the surrounding residents. She said that the task for them is to determine if the R-34 would be significantly worse if approved, or if the impact is dramatically different then what currently exists in the zoning, and she further said that she supports the request.

Motion by Ingalls, seconded by Ward, to approve Item SP-1-19 Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Commissioner Ward	Voted	Aye
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Motion to approve carried by a 6 to 0 vote.

**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

SP-1-19

A. INTRODUCTION

This matter having come before the Planning Commission on April 9, 2019, and there being present a person requesting approval of ITEM: SP-1-19 an R-34 Density Special Use Permit in the R-17 and C-17L zoning districts.

APPLICANT: BENJAMIN WIDMYER

LOCATION: SIX PARCELS TOTALING 1.26 ACRES LOCATED AT 215 W. MILL AVE., 1705, 1715, and 1719 N. GOVERNMENT WAY, AND 208 W. DAVIDSON AVE.

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

(The Planning Commission may adopt Items B1 to B7.)

- B1. That the existing land uses are commercial, residential, and vacant.
- B2. That the Comprehensive Plan Map designates the area as Appleway-North 4th Street, Stable Established.
- B3. That the zoning is R-17 and C-17L.
- B4. That the notice of public hearing was published on March 23, 2019, which fulfills the legal requirement.
- B5. That the notice of public hearing was posted on the property on April 1, 2019, which fulfills the legal requirement.
- B6. That the notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on April 9, 2019.

- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal is in conformance with the comprehensive plan, as follows:

Objective 1.12

Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14

Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and policies, and promotes economic growth.

Objective 2.02

Economic and Workforce Development:

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

Goal #3: Home Environment

Our Comprehensive Plan preserves the city's qualities that make Coeur d'Alene a great place to live.

Objective 3.01

Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.05

Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.10

Affordable & Workforce Housing:

Support efforts to preserve and provide affordable and workforce housing.

Objective 3.16

Capital Improvements:

Ensure Infrastructure and essential services are available for properties in development.

Objective 4.01

City Services:

Make decisions based on the needs and desires of the citizenry.

Objective 4.06**City Services:**

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision-making process.

The evidence supports all of the listed goals and objectives. While this may not be workforce housing per se, the project provides a variety of housing which is more affordable.

B8B. The design and planning of the site is compatible with the location, setting, and existing uses on adjacent properties. This is an appropriate fit. That the density/intensity as proposed will work at this site. The development will be compatible with the existing land uses in that area, and the design and appearance of the project would be compatible with the surrounding neighborhood.

B8C The location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities, utilities, and services. This is based on the information in the staff report in which it is noted that services are available and staff has no concerns in this regard except as may be reflected in the conditions. It was noted that the property is located by Government Way that is considered an arterial road.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that for a special use permit for BEN WIDMYER, as described in the application, should be approved

Special conditions applied are as follows:

Water:

1. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
2. Any additional service will have cap fees due at building permitting.

Wastewater:

3. This project will be required to utilize or reconnect to the existing public sewer connection in Government Way.
4. This project will be required to the abandon all unused sewer lateral connections at the public sewer main.

Planning:

5. The applicant must meet the parking requirements for the commercial and residential uses per 17.44 of the Zoning Code.
6. A lot consolidation must be completed prior to obtaining a building permit.

7. A Special Use Permit (SUP) would be required if commercial parking for the mixed-use project would be on the R-17 lots. The SUP approval would be required prior to obtaining building permits for the project.
8. If the project is 50,000 square feet or larger, it will be required to go through the Design Review Commission for review and approval for compliance with the Commercial Design Guidelines.
9. The project will provide a site obscuring fence and landscaping buffer on the west property line boundary.

Parks:

10. Where right of way trees conflict with construction. The Applicant must obtain approval for removal of any conflicting trees with the Urban Forestry division, City Code: 12.36.200. If the trees are found to be healthy and in the public right of way they must be protected in accordance with City Code: 12.36.460, 12.36.440
11. Street trees must be included in this project in accordance with city codes: 12.36.115, 12.36.405, 12.36.400, 12.36.410, 12.36.415, 12.36.445. All trees must be selected off of the approved street tree list.

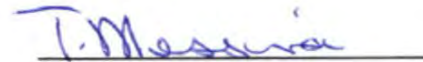
Motion by Ingalls, seconded by Ward, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted <u>Yes</u>
Commissioner Ingalls	Voted Yes
Commissioner Luttrupp	Voted Yes
Commissioner Mandel	Voted Yes
Commissioner Ward	Voted Yes

Commissioner Rumpler was absent.

Motion to approve carried by a 5 to 0 vote.


CHAIRMAN TOM MESSINA

**COEUR D'ALENE CITY COUNCIL
FINDINGS AND ORDER**

A. INTRODUCTION

This matter having come before the City Council on June 4, 2019 and there being present a person requesting approval of ITEM SP-1-19 , a request for an R-34 Density Increase special use permit in the R-17 and C-17L zoning district.

APPLICANT: BENJAMIN WIDMYER

LOCATION: SIX PARCELS TOTALING 1.26 ACRES LOCATED AT 215 W. MILL AVE., 1705, 1715, and 1719 N. GOVERNMENT WAY, AND 208 W. DAVIDSON AVE.

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

(The City Council may adopt Items B1 to B7.)

- B1. That the existing land uses are commercial, residential, and vacant.
- B2. That the Comprehensive Plan Map designates the area as Appleway-North 4th Street, Stable Established.
- B3. That the zoning is R-17 and C-17L.
- B4. That the notice of public hearing was published on May 17, 2019, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on April 1, 2019, which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on June 4, 2019.

B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A The proposal **(is) (is not)** in conformance with the comprehensive plan, as follows:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

Objective 1.12

Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14

Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and policies, and promotes economic growth.

Objective 2.02

Economic and Workforce Development:

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

Goal #3: Home Environment

Our Comprehensive Plan preserves the city's qualities that make Coeur d'Alene a great place to live.

Objective 3.01

Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.05

Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.10

Affordable & Workforce Housing:

Support efforts to preserve and provide affordable and workforce housing.

Objective 3.16

Capital Improvements:

Ensure Infrastructure and essential services are available for properties in development.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management.

Objective 4.01 City Services:

Make decisions based on the needs and desires of the citizenry.

Objective 4.06 - Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting, and existing uses on adjacent properties. This is based on

B8C The location, design, and size of the proposal are such that the development **(will) (will not)** be adequately served by existing streets, public facilities and services. This is based on

R-34 RESIDENTIAL ZONING DISTRICT:

The R-34 district is intended as a high density residential district, permitting thirty four (34) units per gross acre that the city has the option of granting, through the special use permit procedure, to any property zoned R-17, C-17, C-17L or LM. To warrant consideration, the property must in addition to having the R-17, C-17, C-17L or LM designation meet the following requirements:

R-34 #1: Be in close proximity to an arterial, as defined in the Coeur d'Alene transportation plan, sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods.

R-34 #2: Be in close proximity to shopping, schools and park areas.

C. ORDER: CONCLUSION AND DECISION

The City Council, pursuant to the aforementioned, finds that the request of BENJAMIN WIDMEYER for a special use permit, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

Water:

1. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
2. Any additional service will have cap fees due at building permitting.

Wastewater:

3. This project will be required to utilize or reconnect to the existing public sewer connection in Government Way.
4. This project will be required to the abandon all unused sewer lateral connections at the public sewer main.

Planning:

5. The applicant must meet the parking requirements for the commercial and residential uses per 17.44 of the Zoning Code.
6. A lot consolidation must be completed prior to obtaining a building permit.
7. A Special Use Permit (SUP) would be required if commercial parking for the mixed-use project would be on the R-17 lots. The SUP approval would be required prior to obtaining building permits for the project.
8. If the project is 50,000 square feet or larger, it will be required to go through the Design Review Commission for review and approval for compliance with the Commercial Design Guidelines.

Parks:

9. Where right of way trees conflict with construction. The Applicant must obtain approval for removal of any conflicting trees with the Urban Forestry division, City Code: 12.36.200. If the trees are found to be healthy and in the public right of way they must be protected in accordance with City Code: 12.36.460, 12.36.440
10. Street trees must be included in this project in accordance with city codes: 12.36.115, 12.36.405, 12.36.400, 12.36.410, 12.36.415, 12.36.445. All trees must be selected off of the approved street tree list.

Motion by _____, seconded by _____, to adopt the foregoing Findings and Order.

ROLL CALL:

Council Member Gookin	Voted _____
Council Member Edinger	Voted _____
Council Member Miller	Voted _____
Council Member McEvers	Voted _____
Council Member English	Voted _____
Council Member Evans	Voted _____

Mayor Widmyer Voted _____ (tie breaker)

Council Member(s) _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

MAYOR WIDMYER

City Council Meeting



City of
Coeur d'Alene
IDAHO

June 4, 2019

APPEAL HEARING

SP-1-19 Special Use – R-34 Density Increase

SUBJECT:

Appeal of the approval of SP-1-19: located at 215 w. Mill, 1715, 1705, 1719 n. Govt way, 208 w. Davidson; a requested special use permit in the r-17 & c-17I zoning district for an r-34 density increase

APPELLANT:

Terry Godbout
We The People of CDA
P.O. BOX 1773
Coeur d'Alene, ID 83816



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

APPLICANT:

Ben Widmyer
PO BOX 136
Coeur d'Alene, ID 83815

ARCHITECT

Miller Stauffer Architects
601 E Front Avenue
Coeur d'Alene, ID 83814

SPECIAL USE PERMIT REQUEST:

A Special Use Permit to allow a density increase to R-34 that will allow a mixed use development with commercial units located on the first floor and 43 residential multi-family units located above the commercial units.



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LOCATION:

Property is located immediately west of the intersection of Government Way and Spruce Avenue.

LEGAL NOTICE:

Published in the CDA Press on May 18, 2019.



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

BACKGROUND INFORMATION:

This hearing is based on the appeal request made by Terry Godbout dated April 22, 2019, on behalf of We the People of CDA. The appeal request is of the Planning Commission's 5 to 0 decision in favor of approval, made on April 9th, 2019.

The objector's email stating the reasons for the appeal, along with Planning Commission's meeting minutes and findings from the hearing are provided in the staff report.



APPEAL HEARING
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DECISION POINT:

The City Council is being asked to hear an appeal of the Planning Commission's approval of a special use permit to allow a density increase to R-34 that will allow a mixed use development with commercial units located on the first floor and 43 residential multi-family units located above the commercial units. The City Council may affirm the Planning Commission's approval of the request, affirm with conditions, reverse, or remand the item back to the Planning Commission.



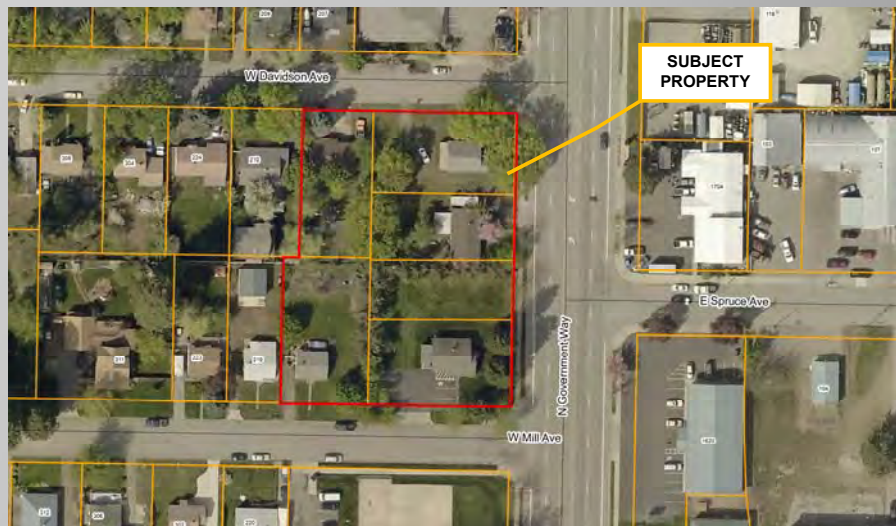
APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

Location Map



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

Aerial Photo



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

R-34 Findings:

Finding for R-34 #1:

Be in close proximity to an arterial, sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods.

Finding for R-34 #2:

Be in close proximity to shopping, schools and park areas.



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

R-34 Findings:

Finding for R-34 #1:

Be in close proximity to an arterial, sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods.

The resulting traffic from the combined uses yields 213 AM Peak Hour trips and 105 PM Peak Hour trips. Government Way is a 5-lane street with available capacity. A 2014 traffic count yielded approximately 14,500 vehicles per day on Government Way. This is approximately half of the traffic volumes seen on Ramsey Road/Northwest Boulevard. The Engineering Department has no objection to this special use permit as proposed.

-Submitted by Chris Bosley, City Engineer



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase

R-34 Findings:

Finding for R-34 #2:

Be in close proximity to shopping, schools and park areas.

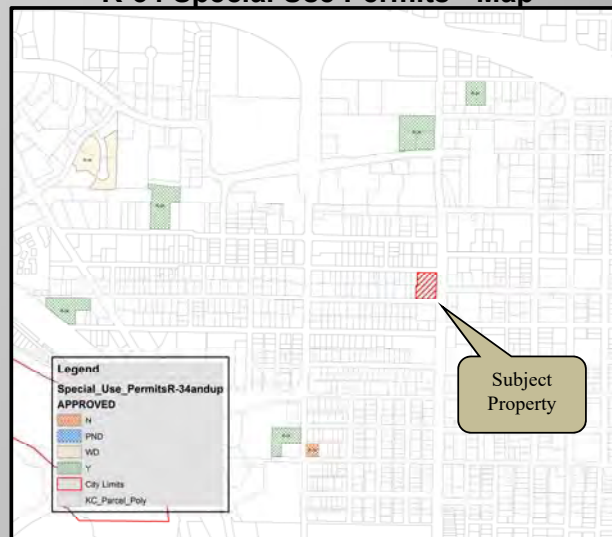


APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase

R-34 Special Use Permits - Map



City Wide R-34 approvals on larger map



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase

Finding #B8A:

That this proposal (is) (is not) in conformance with the Comprehensive Plan.

Finding #B8B:

The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.

Finding #B8C:

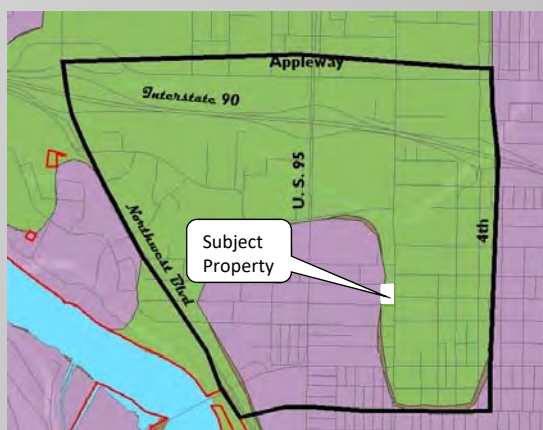
The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities, and services.



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase

Finding #B8A:

That this proposal (is) (is not) in conformance with the Comprehensive Plan.



2007 Comprehensive Plan: Appleway – North 4th Street



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase

Appleway – North 4th Street Area Tomorrow:

- Ironwood will be connected to 4th Street, enabling higher intensity commercial and residential uses.
- The Appleway – 4th Street area is expected to be a mixed use area.
- Shared-use parking behind buildings is preferred.



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

COMPREHENSIVE PLAN OBJECTIVES:

Objective 1.12 Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14 Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 3.01 Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

Finding #B8B:

The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

Site Photo - 1



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

Site Photo - 2



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

Site Photo - 3



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

Site Photo - 4



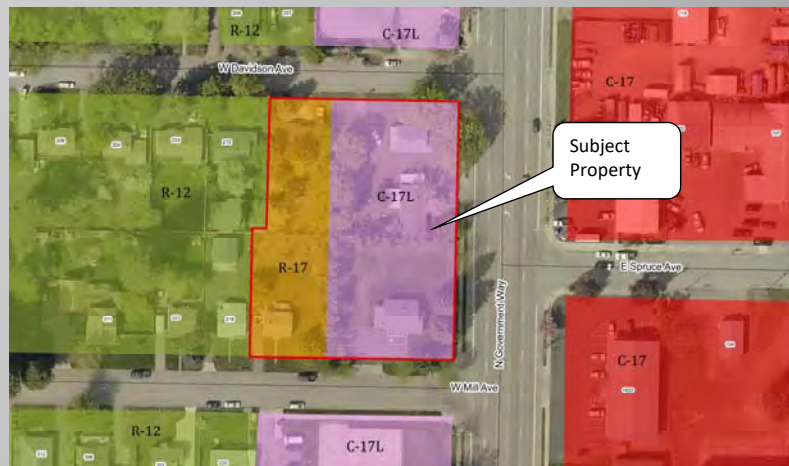
APPEAL HEARING
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Site Photo - 5



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

Zoning Map



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase

Special Use Permits - Map



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase

Land Use Map



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

Finding #B8C:

The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities, and services.

- City staff from Engineering, Streets, Water, Fire, Parks, and Wastewater departments have reviewed the application request in regards to public utilities and public facilities.
- Each department has indicated that there are adequate public facilities and public utilities available to serve the proposed request.
- No objection to this Special Use request as proposed.
- Staff recommended and Planning Commission adopted 11 conditions

APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

The following conditions were added to the Special Use Permit approval by the Planning Commission. The City Council may establish reasonable requirements to mitigate any impacts that would adversely affect the surrounding neighborhood.

RECOMMENDED CONDITIONS:

Water:

1. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
2. Any additional service will have cap fees due at building permitting.



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

RECOMMENDED CONDITIONS.....

Wastewater:

3. This project will be required to utilize or reconnect to the existing public sewer connection in Government Way.
4. This project will be required to the abandon all unused sewer lateral connections at the public sewer main.



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

RECOMMENDED CONDITIONS.....

Planning:

5. The applicant must meet the parking requirements for the commercial and residential uses per 17.44 of the Zoning Code.
6. A lot consolidation must be completed prior to obtaining a building permit.
7. A Special Use Permit (SUP) would be required if commercial parking for the mixed-use project would be on the R-17 lots. The SUP approval would be required prior to obtaining building permits for the project.



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

RECOMMENDED CONDITIONS.....

Planning:

8. If the project is 50,000 square feet or larger, it will be required to go through the Design Review Commission for review and approval for compliance with the Commercial Design Guidelines.
9. The project will provide a site obscuring fence and landscaping buffer on the west property line boundary.



APPEAL HEARING
SP-1-19 Special Use – R-34 Density Increase

RECOMMENDED CONDITIONS.....

Parks:

10. Where right of way trees conflict with construction. The Applicant must obtain approval for removal of any conflicting trees with the Urban Forestry division, City Code: 12.36.200. If the trees are found to be healthy and in the public right of way they must be protected in accordance with City Code: 12.36.460, 12.36.440.
11. Street trees must be included in this project in accordance with city codes: 12.36.115, 12.36.405, 12.36.400, 12.36.410, 12.36.415, 12.36.445. All trees must be selected off of the approved street tree list.



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase

ACTION ALTERNATIVES:

City Council will need to consider this request and make appropriate findings to:

- ☐ Affirm
- ☐ Affirm with conditions
- ☐ Reverse (denial of the SUP)
- ☐ Remand with instructions the Planning Commission's decision approving SP-1-19

The findings worksheet is attached if City council decides to make findings other than those made by Planning Commission.



APPEAL HEARING SP-1-19 Special Use – R-34 Density Increase

Aerial Photo

