

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, 2024

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 on May 21, 2024, at 6:00pm., there being present the following members:

James Hammond, Mayor

Woody McEvers                    ) Members of Council Present  
Christie Wood                    )  
Dan Gookin                        )  
Dan English                       )  
Amy Evans                         )  
Kiki Miller                         )

**CALL TO ORDER:** Mayor Hammond called the meeting to order.

**INVOCATION:** Chaplain Steve Slover of the Salvation Army led the Invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember McEvers led the pledge of allegiance.

**PRESENTATIONS:** Mayor Hammond read the Proclamation declaring May 18-24, 2024 as National Safe Boating Week in support of the North American Safe Boating Campaign and the start of the year-round effort to promote safe boating.

**PUBLIC COMMENTS:**

Deb Mitchel, Coeur d'Alene, thanked the Council for bringing the moratorium on demolition to tonight's agenda. She announced that the museum will do a walking tour of Fort Sherman on Saturday, May 25, at 11:00 a.m.

Linda Coppess, President and CEO of the Coeur d'Alene Regional Chamber, thanked the Council for the partnership and support on bringing together the community's 4<sup>th</sup> of July celebration. She thanked the staff for planning meetings and stated that it gets more efficient and smooth each year. Mayor Hammond said that the 4<sup>th</sup> of July Parade is a challenge, and he thanked the Chamber for their efforts as well.

Richard Dance, Hayden, provided a brief introduction on the electric and gas audit for the City that is part of tonight's agenda. He said that the City pays about \$300,000 per month in electricity and gas, with 20 invoices coming from Avista and 15 from Kootenai Electric. Mr. Dance noted that 90% of the City's electricity and gas comes from Avista and 10% from Kootenai Electric. He pointed out that in the Avista invoices, there are items such as area lights and city tax while in

Kootenai Electric invoices, there are items such as service availability, power cost adjustments, demand charges, power factors, franchise fees, minimum charge difference, and a wood pole. He stated that TRI Utility Cost Reductions has 35 years of experience and seeks to get the lowest rate for electricity and gas for the City of Coeur d'Alene based on industry usage and demand.

Joan Woodard, Coeur d'Alene, submitted a document regarding design review procedures which was taken from the city website under Informational Documents. She pointed out that Section 3, titled Submittal Requirements, outlined that there will be three meetings with the Design Review Board. She said that while she recognizes that the code has changed, the public assumed that this city document will be the standard for the proposed Marriott project. She added that most residents will not read the code but rather look at information documents which outline a very clear and logical process. Ms. Woodard explained that in the case of the Marriott Hotel, it was only presented at only one Design Review Board meeting where the public could have assumed that it will be presented three times with an opportunity for the applicant to address the concerns of the residents before the Design Review Board made a final recommendation. She added that there are many factual deficiencies in the application.

Walter Burns, Coeur d'Alene, spoke in support of the moratorium on demolition in the downtown core, downtown overlay, and downtown east overlay. He stated that the Historic Preservation Commission is working on a review of the downtown core development standards and infill overlay standards with a task group composed of city staff, representatives from the Historic Preservation Commission, Planning Commission, Design Review Commission, Downtown Association, and others. He added that the group will have their initial meeting tomorrow. Mr. Burns shared that the Historic Preservation Commission is also studying ways to amend the current demolition permit process to allow review of demolitions of historic structures and to provide a mechanism for discussion with property owners. He pointed out that the demolition moratoria would allow the Commission the time to come up with responsive and effective recommendations to the Council.

#### **DISCUSSION ON DEMOLITION MORATORIA:**

Councilmember Miller noted that there is enough reason that an action item regarding enacting a moratorium on demolition permits be brought to the June 18, 2024 Council meeting. She explained that there are plausible reasons for a moratorium such as: the task group for the downtown core review and design needs enough time to come up with recommendations; a demolition "permit" does not exist because the code only follows the Idaho Building Code process, hence enough time is needed to discuss if change is warranted; and there is also a need to put together answers in order to address public anxiety and their desire for preservation efforts as more buildings are coming down or being threatened. She stated that the Council has to agree that this item will be included in the June 18 meeting agenda. As such, the staff will be directed to create a report that outlines the interim ordinance to include defining the area or buildings that the moratorium will apply to; describing creating a permit review process; consideration of adding a demolition code; describe consideration of voluntary historic overlays; and include requirements of the moratorium that the Council needs to know should they pass it. Councilmember Miller said that if the motion passes on June 18, then the Council will need to state the reason for initiating the moratorium and approve the outline of the ordinance that will require staff to execute the plan

within six months or one year which addresses the issues causing imminent peril to public health, safety, or welfare that will be resolved within the moratorium period. Councilmember English said that he supports the effort to bring the moratoria forward as an agenda item but raised that he is concerned with the timing that it may affect priorities like the NIC overlay district. City Attorney Randy Adams replied that they are working on a draft ordinance with input from Councilmember Gookin. He added that it will be presented to the public and NIC for comments and eventually to the Council for input and direction. Councilmember Miller stated that the demolition moratoria will be a three-phase process and the first step is to have it placed on the agenda. Councilmember Gookin inquired on the ad-committee on downtown overlay, and Planning Director Hilary Patterson explained that it is a working group that will look at the downtown development regulations as well as infill regulations and design guidelines. She said that it is composed of representatives from the Historic Preservation Commission, Design Review Commission, Planning and Zoning Commission, Downtown Association, and two community members. She added that the first meeting will be tomorrow, May 22. Councilmember Gookin stated that he would like to have Councilmembers representation in the working group. Councilmember Wood stated that it is a good idea to put the demolition moratoria as an action item in the June 18 meeting. Councilmember McEvers said that he agrees with Councilmember Miller to bring the demolition moratoria forward; however, he inquired on the definitions of historical structure, imminent peril, and mental health impact. Councilmember Miller clarified that the legal language is an imminent peril to public safety and health. Mayor Hammond explained that the issue for now is whether to put the demolition moratoria on the agenda, but it doesn't necessarily mean that the Council is going to pursue a moratorium, but it only means that further discussion will occur. He added that there is no guarantee that it will be for the June 18 meeting as there might be other priorities.

#### **ANNOUNCEMENTS:**

Councilmember Evans thanked the Pedestrian Bicycle Committee members for planning a great bike to work week event last week. She also thanked the citizens who joined the bike to work event last Friday, May 17. She also made several announcements: June 1 is National Trail Day and will be celebrated by Tubbs Hill volunteers building a new trail from the Museum to the main loop trail on Tubbs Hill from May 30 to June 1, 2024; nominations for the Mayor's Awards in the Arts is now open and due on August 30, 2024; and the application process for the ArtCurrents is also open with deadline on July 1, 2024.

Councilmember Wood thanked the Fire Department for the demonstration of the capabilities of the new fire boat with the Tubbs Hill Foundation members.

Councilmember English announced that he will be co-facilitating a six-weeks series on promoting civil engagement within the community which will be every Saturday at the Community Library from 3:00 p.m. to 4:30 p.m. starting June 1.

Councilmember Gookin provided updates on his requests from staff during the April 16 Council meeting: on the budget committee, he met with the Mayor and Councilmember McEvers, and it will be moving forward with some involvement from the public; the billboard amendments will be discussed in the next GS/PW meeting; the parking requirements and height restrictions review will be discussed in the July 16 Council meeting; NIC rezoning will be discussed in the July 2<sup>nd</sup>

Council meeting; the review of the design guidelines, rules and ordinances will take some time and possibly discussed in November; and the amendment on the design review code that would allow for public comment is part of the agenda of tonight's Council meeting.

Councilmember McEvers announced that there will be a big demonstration event, food and fun music at the Skatepark on Saturday, May 25, starting at 11:00a.m.

**CONSENT CALENDAR:**

1. Approval of Council Minutes for the May 7, 2024 Council Meeting.
2. Approval of Minutes from the May 13, 2024 General Services/Public Works Committee Meeting.
3. Setting of General Services/Public Works Committee Meeting for **Tuesday**, May 28, 2024, at 12:00 noon.
4. Approval of Bills as Submitted
5. Approval of Financial Report
6. Setting of an appeal hearing for June 4, 2024: For an appeal made by Joan Woodard of DR-1-24AA; CDA Hotel, LLC (Mariott Hotel) located at 602 & 612 E. Sherman Avenue.
7. **Resolution No. 24-041-** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: TWO UTILITY EASEMENTS FOR WATER LINE AND TANK ACCESS; SIGNATURE AUTHORITY FOR THE NEW FINANCE DIRECTOR/CITY TREASURER; PURCHASE OF REPLACEMENT LAPTOPS FOR POLICE DEPARTMENT; REJECTION OF ALL BIDS FOR THE COMPOST FACILITY MAINTENANCE PROJECT; A MEMORANDUM OF UNDERSTANDING WITH THE COEUR D'ALENE REGIONAL CHAMBER OF COMMERCE FOR THE 4TH OF JULY PARADE AND FIREWORKS SHOW; AND A CONTRACT WITH VERDIS FOR A GENERATOR UPGRADE AT FIRE STATION NO. 1.

**MOTION:** Motion by McEvers, seconded by Miller to approve the Consent Calendar as presented, including **Resolution 24-041**.

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

**A QUASI-JUDICIAL PUBLIC HEARING FOR ITEM ZC-1-24; GS4 PROPERTY, LLC, IS REQUESTING A ZONE CHANGE FROM A NC (NEIGHBORHOOD COMMERCIAL) TO C-17; FOR PROPERTY LOCATED AT: SE CORNER OF THE INTERSECTION OF 15TH STREET AND BEST AVENUE.**

**STAFF REPORT:** Associate Planner Mike Behary noted the applicant and owner, GS4 Property LLC, is requesting approval of a zone change from NC (Neighborhood Commercial) to C-17. He said that the legal notice was published in Coeur d'Alene Pres on May 4, 2024 and all the required notifications have been made. He stated that the subject property is .93 acres, vacant, and located



at the southeast corner of the intersection of 15<sup>th</sup> Street and Best Avenue. He added that the site is adjacent to two duplexes and one single family dwelling that are located in the County to the east while to the south is a multi-family apartment complex that is located within the city limits. He stated that there is a gas station on the northwest corner of intersection of 15<sup>th</sup> Street and Best Avenue that is zoned C-17. Mr. Behary explained that the applicant has indicated that if this zone change request is approved, then he intends to build a four-pump gas station with a mini mart and a 2,500 sq. ft. quick serve restaurant. In order to address neighborhood compatibility, he said that the applicant proposed the following items: low profile signage, no LED reader boards, fuel filling will be limited to four pumps, electric car charging potential, and fuel canopy lights will be turned off at 11:00 p.m. Mr. Behary stated the following findings: the subject property is located within the existing city limits and it is designated in the mixed-use low place type; the application was routed to the City Departments for Engineering, Streets, Water, Fire, Police, Parks, and Wastewater for review and each department has indicated that there are adequate public facilities and public utilities available to serve the proposed zone change request; there are no topographical or physical constraints that would make the subject property unsuitable to change the zoning from NC to C-17; and the City Engineer has indicated that the four pump gas station and market will generate 133 morning peak hour trips and 153 evening peak hour trips; however, many of these trips would be bypass rather than diverted trips and unlikely to affect the traffic on 15<sup>th</sup> Street. Mr. Behary pointed out that the Planning and Zoning Commission considered this zone change request at their regularly scheduled hearing on January 9, 2024 and in a unanimous vote of 7-0, they recommended that City Council deny the zone change request from NC to C-17 because the proposed development would negatively affect the surrounding neighborhood in terms of increased traffic, non-residential noise, and light which would be greater than the uses permitted in the NC zone. He mentioned that the Planning and Zoning Commission found that the zoning is incompatible with the surrounding zoning and uses. He pointed out that other than the commercial use to the northwest, everything else to the north, south, east and west is residential.

**DISCUSSION:** Councilmember Gookin asked if the proposed project did not include a gas pump, would it still be considered under NC, and Mr. Behary replied that the applicant will be allowed to build those uses that are allowed under NC such as retail sales and market. Councilmember Wood asked about height restrictions on anything that will be built in the property, with Mr. Behary stated that it will be 32 feet. Councilmember Evans asked if a restaurant is allowed in a neighborhood commercial, and Mr. Behary explained that it would be allowed but not the gasoline services. Councilmember McEvers pointed out that in 1982 there was a zone change from R-12 to C-17. He asked for details on the R-12, to which Mr. Behary explained that R-12 is single family and duplex housing. Councilmember Evans inquired about the hours of operation and what is allowed in NC versus C-17. Mr. Behary stated that for C-17, there is no restriction on the hours of operation while NC is restricted from 6:00 a.m. to 10:00 p.m.

**APPLICANT TESTIMONY:** Rex Anderson, the Architect for the project, stated that when the owner, Andy Singh, purchased the property he approached Planning Director Hilary Patterson and Mike Behary to discuss possible options for zone change and proactive measures on how to be successful in building a gas station on the said property. He added that he and Mr. Singh spent a lot of time in creating a design that is responsive to the neighborhood and illustrated their intended design under C-17 as well as the NC zoning. He stressed that they even invited the neighbors from the surrounding area for a meeting to receive their inputs but no one showed up. Mr. Anderson

shared that Mr. Singh also owns a store at Atlas and Seltice which emphasizes the neighborhood market. He stated the following reasons why the NC zoning will not work at the signalized intersection of 15<sup>th</sup> and Best Avenue: NC has only been assigned to mostly single family homes that have converted to office space; no other NC lots in Coeur d'Alene are on signalized corners or intersections; all other developed NC lots are less than 1/3 of an acre; all other NC zoning is abutting single family residential; and NC zoning requires parking in rear which puts lights and vehicle noise adjacent to duplexes abutting residential. He said that they concluded that 15<sup>th</sup> and Best does not conform to any existing NC zoning. Mr. Anderson explained that the property at 15<sup>th</sup> and Best is still vacant today because there are too many restrictions in NC zoning, the size of the lot at 15<sup>th</sup> and Best is larger than any other NC zoned property, and the lack of feasibility with NC zoning at this location. According to Mr. Anderson, their NC zone design would be subdividing the property into two lots: they would build four 1,100 sq.ft. retail suites on one lot and then on the second lot will be two 4,000 sq.ft. markets. For the potential C-17 zoning lot development, Mr. Anderson showed a 4,600 sq.ft. market and a small fuel island, with amenities such as expanded grocery at supermarket prices, smoothies and fresh squeezed juices, produce, small hardware selection, coffee stand inside but no drive thru, and upscale landscaping and building that fits into the neighborhood. He added that Mr. Singh has been adamant about incorporating the bike lane, landscaping buffer, trees, and low-profile design. He said that in order to resolve the neighbors' complaints during the planning and zoning meeting as well as the recommendations of the city staff, their proposed resolution include: the store will be blocked by extra trees and landscaping buffers on all four sides; low visibility fuel island and trees on all sides; opening hours will be from 6:00 a.m. to 10:00 p.m.; all exterior lighting will be turned off after closing; building height will be kept to a maximum of 20 feet; any further stipulations or conditions of a zone change will be agreed to; and they are willing to roll these conditions into a development agreement with the City. Mr. Anderson pointed out that they applied for a C-17 zoning because of the following reasons: there are many C-17 zoned lots already in the vicinity; this has been endorsed by the Comprehensive Plan; it is located at a high traffic intersection (15<sup>th</sup> St. and Best/Appleway) less than 1 mile from I-90 on a major arterial and is a highly walkable area which classifies the lot as "mixed use low"; and this 1 acre lot is compatible with mixed use low in the Comprehensive Plan-mixed use low designation is zoned C-17 and C-17L, NC and CC zoning districts. He said that there are several additional C-17 lots that are also in the area along Best Avenue.

**DISCUSSION:** Councilmember Gookin inquired on the difference between the NC and C-17 options that he presented, with Mr. Anderson replying that it is the gas and that in the NC zoning, parking has to be at the back. Councilmember Wood inquired on the details of their efforts to meet with the neighborhood, to which Mr. Anderson narrated that Mr. Singh went door-to-door as well as mailed out options in order to get feedback from the community. He stated that Mr. Singh rented a conference room at the Coeur d'Alene Inn, but nobody showed up in the meeting. He added that Mr. Singh is open to conditional zoning. Councilmember McEvers asked if they are willing to commit to a development agreement, and Mr. Anderson confirmed, noting that is what was presented which is also in response to the feedback they got from the community. Mr. Anderson distributed supplement materials to the Council composed of their presentation and petition letters from residents in support of the zone change.

**PUBLIC TESTIMONY:** Mayor Hammond read the rules for the Quasi-Judicial Hearing and the Clerk sworn-in those who will testify. The Mayor opened the public testimony portion of the meeting.

Tod Hornby, Coeur d'Alene, said that he is not in favor of having a gas station because there is already a gas station in that corner, and they don't need another one. He stated that they were not notified of the meeting.

John Thomas Wilson, Coeur d'Alene, said that he felt threatened with the two renderings that were presented. He stressed that he did not get the notice of Mr. Singh's meeting as well as several others in the neighborhood. He asked the Council to put no gas pump as a condition on the C-17 zoning.

Anne Wilson, Coeur d'Alene, said that the gas station is a bad idea and there will be a lot of traffic and safety concerns.

Mark Carlton, Coeur d'Alene, stated that he is against the zone change because there will be increase in traffic. He pointed out that they are 5 minutes away from Costco where they can get gas and food so there is no community need that the proposed zone change is trying to address.

Jenny Schonhardt, Coeur d'Alene, said that she received an invitation to the meeting at Best Western on May 7 at 6:00 p.m. but when they went there, they were told that the meeting was from 4:00 – 6:00 p.m. She also mentioned that there is already so much traffic at 15<sup>th</sup> Street.

Jeff Jager, Coeur d'Alene, stated that he is concerned with the light and noise pollution that will have a negative impact on the wildlife in the lake that is near the proposed zone change. He added that it will also affect the value of his property. He asked the Council to postpone rendering a decision until they could consider an environment impact study.

Joe Archamdao, Coeur d'Alene, suggested to leave the zoning as it is as NC. He said that Mr. Singh can build his business without a gas station.

DL Mesbah, Coeur d'Alene, stated that he is neutral. He said that he agrees on the environment impact study but believes that the traffic is not really the issue because traffic increase will still happen no matter what is developed in that area. He added that the problem is that there was no proper communication with the neighborhood.

Jim Myers, Coeur d'Alene, said that he is against the gas station which will cause gas tankers and delivery trucks to be increased in the neighborhood.

Cathy Moehling, Coeur d'Alene, explained that she objects to the proposed zone change because what has been proposed is not in response to the needs and wants of the community as they have already existing plenty of options for market and fueling in the area. She said there is no need for additional gas station which will cause additional traffic and gas odor.

James Giraudo, Coeur d'Alene, said he has no objection with the restaurant or market but the issue for him is the gas station. He asked the City Council to take the recommendation of the Planning Commission that voted 7-0 to deny the zone change.

Tonyak Hebner, Coeur d'Alene, said having a gas station that is close to her residence, off of Atlas, is a benefit. She said that she doesn't smell any gas, they keep it clean, and she did not notice that there's higher traffic.

Jay Iannacito, Coeur d'Alene, said that the zone change will be a benefit to the community. He said that the proposal of Mr. Singh are truly in the best interest of the community providing an avenue to get their staples that is walking distance. He added that the zone change to C-17 will allow him to build what he wants to build and also to offset some costs.

Steven Listman, Coeur d'Alene, stated concerns such as light pollution, the fence should be tall enough, gas odor and fuel trucks coming in, the smell of coffee and the slope that may have water running to his yard.

Rex Goatcher, Coeur d'Alene, stated that his issues are the traffic, noise, smell of diesel and having a restaurant will emit odors such as of fried chicken.

KC Reese, Coeur d'Alene, said that he is in favor with the zone change. He stated that he lives near Mr. Singh's store at Atlas, and they love that it is walking distance for them. He shared that it is a possibility that if the zone change will not be approved then Mr. Singh could sell the property to someone who will develop it without the constraints Mr. Singh has agreed too. He added that Mr. Singh is presenting the best use of the property and that can be controlled to the benefit of the neighborhood.

Amy Bartoo, Coeur d'Alene, said that she is neutral and appreciates Mr. Singh's efforts to do the best he can and still be able to make profit which would include the gas station. She said that she is hoping that the NC will allow elimination of the parking at the back. She mentioned that 15<sup>th</sup> Street in the past has always been a floodplain which is a concern that should be considered in the development.

**RECESS:** Mayor Hammond called for a recess at 8:17 p.m. The meeting resumed at 8:23 p.m.

**APPLICANT REBUTTAL:** Mr. Andy Singh stated that he has three stores in the area, two on Northwest Boulevard and one on Atlas. He said that he bought the property at 15<sup>th</sup> and Best Avenue a year ago and he was aware that it is under NC zoning. He mentioned that after they had their hearing for the zone change through the Planning Commission, he took into consideration all the complaints about lighting and traffic which they considered in coming up with a rendering. However, he pointed out that if they do a strip mall, it will cost them twice as much money. He added that he needs the gas station to be able to pay bills and pay his employees better. Mr. Rex Anderson reiterated that it is their intention to be responsive to the community. He emphasized the following points: an environmental report is a requirement for the gas station; it is part of the building code that storm water should stay on site and be treated; the traffic engineer has no



objections as stated in the staff report; and the Fire Department has no objections as well. Mr. Anderson mentioned that Mr. Singh puts so much passion in the way he runs his business.

With no other comments received, Mayor Hammond closed public testimony.

**DISCUSSION:** Councilmember Gookin inquired if there is a development agreement already and how this property became a NC, and Mr. Behary replied that there is no development agreement and that when it was annexed in 2011, NC was the zoning assigned to it and it is a mixed-use low. Councilmember English inquired if the parking has to be at the back, to which Mr. Behary explained that the development standard for the NC is surface parking which should be located to the rear or to the side of the principal building. He added that it is intended to have the buildings front loaded along the sidewalk for pedestrian walkable communities and the parking is supposed to be located in the rear. Councilmember Miller stated that most of the objections that came out of the planning and zoning meeting have been addressed in the new plan and tied to a development agreement. She inquired if the development agreements stay with the developer or the property, and Mr. Adams stated that the development agreement stays with the property. Councilmember McEvers asked for the difference between conditional zoning and development agreement, to which Mr. Adams explained that conditional zoning will just tie with the land while development agreement gets into more specifics about what the developer will be tied into. Councilmember Wood shared that she understands the neighborhood's concerns on how the rezone; however, Mr. Singh also needs to make a profit to have business. She suggested to table it to give both sides to continue the dialogue. Councilmember English stated that there is compromise presented such as reducing the gas pumps from four to three as well as the lights will be turned off at 10:00 p.m. Councilmember Evans said that she is comfortable making a decision based on the amount of compromise that has been presented. She appreciated the neighborhood that came to voice their concerns and assured them that the Council can make conditions if they decide to move forward. Councilmember McEvers explained that the major issue for the neighborhood is the gas; however, Mr. Singh needs it to have a business. Councilmember Miller pointed out that Mr. Singh listened to the concerns of the community, but he is also building his business brand which is a grocery store with fuel. She added that he is coming forward and agreed to put conditions on the approval into a development agreement. Councilmember Gookin stated that he believes that changing the NC to C-17 would adversely impact the established neighborhood.

**MOTION:** Motion by Evans, seconded by English, to approve with conditions ZC-1-24, changing the zoning of property located SE corner of the intersection of 15<sup>th</sup> Street and Best Avenue; Applicant: GS4 Property, LLC, based on the attached findings and conclusions, which are established by the evidence set forth in the staff report, during the staff presentation, and the testimony of the applicant.

**DISCUSSION:** Councilmember Gookin explained that he is voting no because he believes that it does adversely impact the surrounding neighborhood. He noted that the development agreement would have to come back to the Council.

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



COUNCIL BILL NO. 24-1007

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM A NC (NEIGHBORHOOD COMMERCIAL) TO C-17 (COMMERCIAL AT 17 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: THE SOUTHEAST CORNER OF THE INTERSECTION OF 15TH STREET AND BEST AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF

**MOTION:** Motion by Evans, seconded by McEvers, to dispense with the rule and read **Council Bill No. 24-1007** once by title only.

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

**MOTION:** Motion by McEvers, seconded by Evans, to adopt **Council Bill No. 24-1007**.

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

RESOLUTION NO. 24-042

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT WITH TRI UTILITY COST REDUCTIONS, INC., FOR SERVICES RELATED TO A UTILITY BILL AUDIT.

**STAFF REPORT:** City Administrator Troy Tymesen noted that in addition to the City's own wastewater and water services, the City receives electric, gas, and telecommunication services from third party vendors. He explained that TRI Utility Cost Reductions Inc. has offered to conduct an audit of the City's utility bills with the objective to obtain refunds, credits, and reductions for those bills if justified. He added that there will be no cost for this service, but TRI will receive a fee equal to 50% of any refunds or credits that will be obtained for the City. He stressed that if there is a reduction in a utility's billings because of TRI's efforts, TRI will receive a fee of 50% of the savings for the first 36 months; however, this fee will not apply if the City moves or upgrades account services with the utility. He added that they have 35 years of experience in the business with a success ration of 87%.

**DISCUSSION:** Councilmember Wood said that she is completely in favor of this agreement with TRI Utility and it will be a great opportunity for the City with no risk considering that there are a lot of fees that shows up in the bills that doesn't make sense.

**MOTION:** Motion by Wood, seconded by Gookin, to approve Resolution No. 24-042 – Approval of an Agreement with TRI Utility Cost Reductions, Inc., for services related to a utility bill audit.

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

#### RESOLUTION NO. 24-043

A RESOLUTION OF THE CITY OF COEUR D’ALENE, IDAHO, DECLARING THAT THERE IS ONLY ONE (1) VENDOR REASONABLY AVAILABLE FOR THE PURCHASE AND INSTALLATION OF POLICE VEHICLE EMERGENCY EQUIPMENT; AUTHORIZING THE PROCUREMENT AND INSTALLATION OF POLICE VEHICLE EMERGENCY EQUIPMENT FROM PREMIER VEHICLE INSTALLATIONS (“PVI”) IN THE AMOUNT OF \$130,534.77; AND DIRECTING THE CITY CLERK TO PUBLISH THE NOTICE OF A SOLE SOURCE EXPENDITURE REQUIRED BY IDAHO CODE § 67-2808(2).

**STAFF REPORT:** Police Captain Jeff Walther noted that the Police Department purchased seven new patrol vehicles to replace high mileage, worn patrol vehicles currently in use by the department. He said that these vehicles are included in the FY2023-24 budget. He stated that the proposed sole source expenditure is for approximately 50 individual components which would otherwise have to be purchased from various other vendors; however, the Police Department proposes purchasing all the needed equipment from one vendor, Premier Vehicle Installations (PVI), for police vehicle emergency equipment purchase and installation which provides uniformity in patrol vehicle operation. Captain Walther explained that PVI is also an authorized installer for the Sound Off Signal, Blue Print, emergency equipment management system that is currently controlling all the installed equipment in the Police Patrol vehicle fleet, and it is also the authorized dealer for other specific equipment brands that make up a Police vehicle package. He added that the “sole source purchase” assists the department during service and warranty issues. He pointed out that the City Attorney has reviewed this purchase and is of the opinion that the proposed purchase complies with the statutory sole source expenditure requirements.

**MOTION:** Motion by Wood, seconded by English, to approve **Resolution No. 24-043** – Declaring that there is only one (1) vendor reasonably available for the purchase and installation of Police vehicle emergency equipment, authorizing a contract with Premier Vehicle Installations for the same in the amount of \$130,534.77, and directing the City Clerk to publish notice of the sole source expenditure.

**DISCUSSION:** Councilmember McEvers asked if labor was included in the price, and Captain Walther replied that the installation is the labor part.

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

## COUNCIL BILL NO. 24-1004

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF COEUR D'ALENE MUNICIPAL CODE § 17.09.340 RELATING TO APPEALS OF A DECISION OF THE DESIGN REVIEW COMMISSION; 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:** City Attorney Randy Adams recalled that in the April 16, 2024 meeting, the Council requested an amendment to M.C. § 17.09.340 to allow testimony from the public in an appeal hearing of a Design Review Commission decision. He explained that the Code limits participation in the appeal hearing to the appellant and applicant, and their representatives, and city staff. Considering that M.C. § 17.09.340 falls within the Zoning Ordinance, he pointed that the Planning and Zoning Commission is required to consider an amendment and make a recommendation to Council. Mr. Adams noted that he drafted a Code amendment for consideration, and the Commission held a public hearing on May 14, 2024 with Commissioner Ingalls being absent. He narrated that the Commission voted on three motions, rejecting each, before finally achieving a majority vote to make a recommendation: the first failed motion was to recommend approval of the amendments, but to substitute language from M.C. §17.09.715(b) for administrative appeals so the process would mirror an appeal of a Commission decision and allow the Council to determine who could testify in an appeal hearing on a case-by-case basis, and also to recommend that the amendments to the appeal hearing procedures not apply to any pending appeals; the second failed motion was to approve of the amendments as presented by the City Attorney; the third failed motion was to recommend no changes to the Code; and the fourth motion, which passed, was to recommend approval of the amendments as presented, but to not have them apply to any pending appeals.

**DISCUSSION:** Councilmember McEvers asked if this is similar to the public hearing this evening, and Mr. Adams replied that it is similar in a way that the Council can consider public testimony in making its decision. Councilmember Evans inquired on what was mentioned during the public comment about the design review process, to which Mr. Adams explained that the current municipal ordinance allows the public to address the Design Review Commission and they were able to hear the comments and take those into consideration. Councilmember Gookin said that this would basically turn into a hearing where the appellant give their testimony and the public would be allowed to make comments. Mr. Adams said that the parameters of the appeal are the same and the Council are just hearing additional information, hence, it may not be a testimony but the public could make an argument based on the record and try to convince the Council that the Design Review Commission did the right thing or did not do the right thing. Councilmember Gookin asked about the appeal of Joan Woodard, and Mr. Adams said that the status is still in limbo and there are no time requirements for the City Council to make a decision on an appeal and since it was tabled, the public hearing is still open. Councilmember Wood stated that the Council can practice discernment on whether it falls within public comments or within the design review restrictions or not. She added that she would like to err on the side of always allowing for public comment. Councilmember Evans raised her concern over changing direction while the process is

happening. Mr. Adams explained that the Planning Commission has the same comments, but it is his legal opinion that this procedural change is constitutional and does not violate any rights.

**MOTION:** Motion by Gookin, seconded by Wood, to dispense with the rule and read **Council Bill No. 24-1004** once by title only.

**DISCUSSION:** Councilmember Gookin recommended to remove the addition on Section 4 and stated that he wants it applied to the pending hearing. Councilmember McEvers raised his concern if Mariott can sue the City, and Mr. Adams said that it would not be a valid lawsuit. He added that he spoke with the lawyer of Mariott who said that they really want to get the project moving and not delay it any further.

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

**MOTION:** Motion by Gookin, seconded by Wood, to adopt **Council Bill No. 24-1004** and remove the provided clause at the end of Section 4.

**DISCUSSION:** Councilmember Miller said that she hopes that as time allows in the future, that they can look at some uniformity in the appeals process and public involvement.

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

#### COUNCIL BILL NO. 24-1005

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF COEUR D'ALENE MUNICIPAL CODE SECTION 4.15.130 REGARDING ENFORCEMENT AND PENALTIES FOR COMMERCIAL LAUNCH OF WATERCRAFT; 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:** City Attorney Randy Adams noted that the City has established a Watercraft Launching Fee for the 3<sup>rd</sup> Street Public Docks: \$5.00 for Idaho residents per launch or \$45.00 per season, and \$10.00 for Out-of-State Residents per launch or \$85.00 per season. He said that the Docks are intended for the private launching of watercraft, but commercial vendors have used the Docks to launch watercraft for their customers, and often, the commercial vendors do not pay the fee. He recalled that during the May 7, 2024 Council Meeting, Council voted to impose a \$1,000.00 civil penalty on commercial vendors who launch watercraft without paying the fee. He explained that the intention is to discourage illegal launching at the 3<sup>rd</sup> Street Public Docks.

**MOTION:** Motion by Gookin, seconded by Evans, to dispense with the rule and read **Council Bill No. 24-1005** once by title only.

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

**MOTION:** Motion by Gookin, seconded by Miller, to adopt **Council Bill No. 24-1005.**

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

#### COUNCIL BILL NO. 24-1006

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTIONS 12.28.180(G) AND 12.28.210(C) OF THE COEUR D'ALENE MUNICIPAL CODE REGARDING CURB AND SIDEWALK CONSTRUCTION AND IMPROVEMENTS; 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:** City Engineer Chris Bosley noted that the Municipal Code requires that, when construction requiring a building permit has a valuation of \$30,000, the property owner must install curbs and sidewalks, with a few exceptions. He said that the \$30,000 threshold was codified in 2009 and, since then, the cost of construction has risen substantially, making the cost of the requirement disproportionate to the valuation of the building permit. Adjusting for inflation, He said that an equivalent threshold value in 2024 would be slightly less than \$45,000. Mr. Bosley asked the Council to approve amendments to Municipal Code §§ 12.28.180 (G) and 12.28.210 (C) to increase the building permit threshold for requiring curb and sidewalk installation from \$30,000 to \$45,000.

**DISCUSSION:** Councilmember McEvers asked if this is tear it all out and putting all new, and Mr. Bosley explained that this is if they don't have a sidewalk at all, but their neighbors do, then they would have to put theirs in also which can be substantial depending on how many feet. Councilmember Gookin recalled that he brought this forward because when Safeway wanted to do a major remodel and then they found out that they would have to redo all their sidewalks which came out to be more expensive than the remodel, so they decided to cancel doing the remodel. He suggested to just peg the value at a percentage of the assessed property value. Councilmember English said that it should be a higher threshold to at least \$50,000 or \$60,000. Mayor Hammond said that going with the percentage value of the home makes more sense. Councilmember Evans suggested for staff to study the feedback presented and come back to Council. Councilmember Miller suggested coming up with a formula and Councilmember Wood asked for examples of assessments.

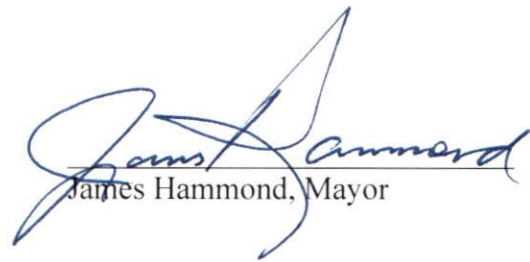
**MOTION:** Motion by Gookin, seconded by Wood, to table **Council Bill No. 24-1006** for next meeting.

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



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

The meeting adjourned at 9:33 p.m.



James Hammond, Mayor

ATTEST:



Jo Anne Mateski  
Executive Assistant

**COEUR D'ALENE CITY COUNCIL  
FINDINGS AND ORDER  
ZC-1-24**

**A. INTRODUCTION**

This matter having come before the City Council on, May 21, 2024, to consider ZC-1-24, a request for a zone change from NC (Neighborhood Commercial) to C-17 zoning district.

APPLICANT: GS4 Property LLC

LOCATION: A parcel of land in the Northwest Quarter of Section 7, Township 50 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, as adjusted on Record of Survey, Book 21, page 85, records of Kootenai County, and located on the southeast corner of the intersection of 15<sup>th</sup> Street and Best Avenue, being Tax # 20177.

**A. FINDINGS OF FACT:**

**The City Council finds that the following facts, A1 through A19, have been established on a more probable than not basis, as shown on the record before it and on the testimony presented at the public hearing.**

A1. All public hearing notice requirements have been met for item ZC-1-24.

- Notice of the public hearing must be published in the official newspaper of the City at least fifteen (15) days prior to the hearing. Idaho Code § 67-6509(a). The notice was published in the Coeur d'Alene Press on May 4, 2024, seventeen days prior to the hearing.
- Notice of the public hearing must be posted on the premises no less than one (1) week prior to the hearing. Idaho Code § 67-6511(2)(b). The Notice was posted on the property on May 12, 2024, nine days prior to the hearing.
- Notice of the public hearing must be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered. Idaho Code § 67-6511(2)(b). Fifty-four (54) notices were mailed to all property owners of record within three hundred feet (300') of the subject property on May 3, 2024.
- Notice of the public hearing must be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing. Idaho Code § 67-6509(a). The Notice was sent to all political subdivisions providing services within the planning jurisdiction, including school districts on May 3, 2024, seventeen days prior to the hearing.

- Notice of the public hearing must be given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being considered, provided that the pipeline company is in compliance with section 62-1104, Idaho Code. Idaho Code § 67-6511(2)(b). The Notice was sent to pipeline companies providing services within 1,000 feet of the subject property on May 3, 2024.
- A2. Public testimony was received at a public hearing on May 21, 2024.
- A3. The subject property is vacant and is located on the southeast corner of the intersection of 15<sup>th</sup> Street and Best Avenue. The subject site is .93 acres in area and is relatively flat.
- A4. The subject site is currently zoned Neighborhood Commercial (NC) and was annexed into the City in 2011 in item A-1-11.
- A5. The neighborhood is a mix of commercial and residential uses. The site is adjacent to two duplexes and one single family dwelling that are located in the county to the east. To the south is a multi-family apartment complex that is located within the city limits. There is a gas station on the northwest corner of intersection of 15<sup>th</sup> Street and Best Avenue that is zoned C-17.
- A6. The Comprehensive Plan Future Land Use Map designation is the Mixed-Use Low Place Type. The Comprehensive Plan states that the compatible zoning for such Place Type are C17, C17L, NC, and CC. The Comprehensive Plan Future Land Use Map designation is the Mixed-Use Low Place Type.
- A7. The Place Types in the Comprehensive Plan represent the form of future development, as envisioned by the residents of Coeur d'Alene. These Place Types will, in turn, provide the policy level guidance that will inform the City's Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, adjacencies, and allowed uses.
- A8. According to the Comprehensive Plan, Mixed-Use Low places are highly walkable areas typically up to four-stories. Development types are primarily mixed-use buildings, with retail, restaurants on corners or along the entire ground floor frontage but could also include townhomes and multifamily housing. Floors above are residential, office, or a combination of those uses. Multifamily residential development provides additional housing options adjacent to mixed-use buildings. This place type is typically developed along a street grid that has excellent pedestrian and bike facilities, with mid-block crossings, as needed, to provide pedestrian access.

- A9. The Comprehensive Plan Goals, Objectives and Policies that are applicable to this matter are as follows:

**Community & Identity**

**Goal CI 1:**

Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

**Objective CI 1.1:**

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

**Goal CI 3**

Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

**OBJECTIVE CI 3.1**

Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

**Growth & Development**

**Goal GD 1**

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

**OBJECTIVE GD 1.1**

Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

**OBJECTIVE GD 1.5**

Recognize neighborhood and district identities.

**Goal GD 2**

Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

**OBJECTIVE GD 2.1**

Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

- A10. There is adequate capacity in the public water system to support commercial, residential, irrigation, and fire flow for the proposed zone change. There is an existing 12" main on the west side of the property paralleling 15<sup>th</sup> Street approximately 5' behind the curb and a 12" main in Best Avenue. There are two 2" services currently stubbed in to the property as well as a 6" Fireline stub. 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.
- A11. The nearest public sanitary sewer is located in 15<sup>th</sup> Street to the west of subject property. The Subject Property is within the City of Coeur d'Alene and is in accordance with the 2023 Sewer Master Plan. The City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this zone change request as proposed.
- A12. Fire department access to the site (road widths, surfacing, maximum grade and turning radiuses), and 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 final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance.
- A13. The Police Department does not have concerns with the proposed zone change.
- A14. The site is generally flat and has a slight slope to the east. The site is vacant, and is in a natural state with grass and trees located on it.
- A15. The proposed zone change itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from a zone change alone. However, the application shows eight fueling positions (four pumps) in the site plan, as well as a market. Using Land Use Code 853 – Convenience Market with Gasoline Pumps from the ITE Trip Generation Manual, it can be estimated that this use will generate 133 a.m. peak hour trips and 153 p.m. peak hour trips. It is assumed that many of these trips would be pass-by trips rather than diverted trips. It is unlikely that this use will adversely affect traffic on 15th Street.
- A16. 15<sup>th</sup> Street is a Major Collector that experiences over 1000 trips per day. The Kootenai Metropolitan Planning Organization's traffic model predicts a potential maximum of 1200 vehicles per hour, but capacity would largely be controlled by the traffic signal, which can theoretically move over 1700 vehicles/hour. Future 15<sup>th</sup> Street improvements will upgrade the traffic signal to better accommodate traffic. Access to 15<sup>th</sup> Street will be limited to approximately the south ½ of the parcel to ensure approaches are not within the functional area of the Best Ave intersection.
- A17. Both the NC and C17 zoning districts have design guidelines, performance standards, and parking requirements to minimize impacts to neighboring properties.



- A18. The applicant has indicated that, if this zone change request is approved, he intends to build a gas station with a mini mart and a quick serve restaurant on the subject site. Per the applicant's narrative and testimony, the owner intends to develop a project with design aspects to be a good neighbor, such as using a low-profile signs, no LED reader boards, limiting the number of fuel stations, and turning off fuel canopy lights after 11:00pm. However, unless approved as a conditional zoning with conditions, it should be noted that if the zone change is approved all uses within the C-17 zoning district would be allowed and C-17 performance standards would apply. (See the C-17 permitted uses on page 21)
- A19. The Planning and Zoning Commission considered this zone change request at their regularly scheduled hearing on January 9, 2024. In a unanimous vote of 7-0 they recommended that City Council deny the zone change request from NC to C-17. The Planning and Zoning Commission found that the proposed development would still negatively affect the surrounding neighborhood in terms of increased traffic, non-residential noise, and light which would be greater than uses permitted in the NC zone. In this case, the Planning and Zoning Commission found that the zoning is incompatible with the surrounding zoning and uses. Other than the commercial use to the northwest, everything else to the north, south, east and west is residential.

**B. CONCLUSIONS OF LAW:**

**Based on the foregoing Findings of Fact, the City Council makes the following Conclusions of Law.**

- B1. This proposal is in conformance with the Comprehensive Plan.
- B2. Public facilities and utilities are available and adequate for the proposed use.
- B3. The physical characteristics of the site do make it suitable for the request.
- B4. The proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and or existing land uses.

**C. DECISION**

The City Council, pursuant to the foregoing Findings of Fact and Conclusions of Law, has determined that the requested zone change does comply with the required evaluation criteria and the zone change request is approved with conditions:

1. Low profile signage
2. No LED reader boards
3. No more than three (3) fuel pumps
4. Canopy lights will be turned off after 10:00 p.m.
5. Signage for traffic directions for deliveries in and out of the property
6. The City will enter into a development agreement with the applicant to include rendering as proposed

Motion by Amy Evans, seconded by Dan English, to adopt the foregoing Findings and Order and approve with conditions the request.

**ROLL CALL:**

<b>COUNCIL MEMBER ENGLISH</b>	<b>Voted</b>	<b>Yes</b>
<b>COUNCIL MEMBER MILLER</b>	<b>Voted</b>	<b>Yes</b>
<b>COUNCIL MEMBER GOOKIN</b>	<b>Voted</b>	<b>No</b>
<b>COUNCIL MEMBER EVANS</b>	<b>Voted</b>	<b>Yes</b>
<b>COUNCIL MEMBER MCEVERS</b>	<b>Voted</b>	<b>Yes</b>
<b>COUNCIL MEMBER WOOD</b>	<b>Voted</b>	<b>Yes</b>

Motion to approve with conditions carried by a 5 to 1 vote.