

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

December 20, 2016

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 December 20, 2016 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

**INVOCATION:** Pastor Paul Van Noy with Candlelight Church provided the invocation.

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

**AMENDMENT TO AGENDA: MOTION:** Motion by McEvers, seconded by Evans to amend the agenda to remove the acceptance of Maintenance/Warranty Agreement and security for Garden Grove from **Resolution No. 16-065**, as staff was unaware of outstanding items that need to be completed before improvements can be accepted. **Motion Carried.**

**PRESENTATION: SELTICE WAY PROJECT UPDATE:** Deputy City Administrator Sam Taylor noted that the City has already received \$3.5 Million in funding from the urban renewal agency (ignite), and with Council approval tonight, staff will ask for the rest of the funding at tomorrow's Ignite meeting. One of the goals of the project has been to work with the adjacent property owners for funding; however, the challenge has been that there are no active projects. He noted that the project partners include ignite CDA, Post Falls Highway District, Hayden Area Regional Sewer Board and the City of Coeur d'Alene. Additionally, they have hosted approximately 14 different public interaction opportunities for this project. Matt Gillis, Sr. Project Manager with Welch-Comer, reviewed the scope of work and presented the bike lane, shared path, and roundabout drawings. He reviewed the roundabout concept for Grand Mill Boulevard and noted that he met with a Washington Department of Transportation expert in two lane roundabouts. He was able to observe how traffic and pedestrians move through the system, and that confirmed the proposed design for this project is on the right track. Mr. Gillis noted that several trees would need to be removed to allow for the footprint of the road and paths. He reviewed the project budget, including the cost drivers and constraints. Mr. Gillis requested the Council inform the project team how much public access is desired during the construction as it

has a direct effect on cost and timing of the project. He clarified that the current cost estimate is \$4,560,000, which will require additional funding. Staff and the project engineer recommend requesting the remaining funding from ignite. The project schedule includes a bid phase in February/March 2017 with construction in the spring.

**DISCUSSION:** Mayor Widmyer asked if the final number includes a contingency. Mr. Gillis confirmed that it includes a 10% contingency. Councilmember Edinger requested clarification regarding the location of the trees to be removed. Mr. Gillis noted that tree removal would be throughout the project area, not limited to one location. Councilmember English asked what difference to the timeline it makes between full public access and very restricted access. Mr. Gillis noted that every contractor is different but he would estimate that it could be a 2-3 month difference in project timing between the options. Councilmember Gookin stated that he likes the landscape option and future conduits for irrigation. Councilmember Gookin expressed concern that the City will have a lot of projects this coming year and that shutting down this road would likely not be an option.

**MOTION:** Motion by McEvers, seconded by Edinger to direct staff to seek the remaining funding needed for the Seltice Way Revitalization Project from ignite, CDA. **Motion Carried.**

**CONSENT CALENDAR:** **Motion** by Evans, second by McEvers to approve the consent calendar.

1. Approval of Council Minutes for the December 1, 2016 Council Meeting.
2. Approval of Bills as Submitted.
3. Approval of Minutes for the General Services Committee Meeting held December 12, 2016.
4. Setting of General Services and Public Works Committees meetings for December 27, 2016 at 12:00 noon and 4:00 p.m. respectively.
5. Setting of a Public Hearings for January 17, 2017:
  - a. (Legislative) A-6-16 - A proposed 7.46 acre annexation from County LI to City C-17 Applicant: Iron Legacy, LLC Location: W. side of Atlas Rd. S. of Hanley Avenue
  - b. (Legislative) A-7-16 - A proposed 1.51 ac. annexation from County AS to City R-3 Applicant: Lake City Engineering Location: Northern end of Victorian Drive
6. Approval of a Beer and Wine License transfer from Shoot the Moon, LLC (Chili's Grill) to Paradigm Restaurant, LLC., David A. Harper and Stephan L. Ralston; 482 W. Sunset Avenue.
7. Approval of Annual Road and Street Finance Report for year ending September 30, 2016
8. Declare the Sole Source Procurement of Project Equipment for the AWTF Tertiary Treatment Phase 2 Improvements
9. **Resolution No. 16-065** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE, INCLUDING ACCEPTANCE OF GRANT DEEDS FOR RIGHT-OF-WAY PURPOSES AND APPROVAL OF TEMPORARY CONSTRUCTION EASEMENT AGREEMENTS WITH KOOTENAI HEALTH, COEUR D'ALENE EYE CLINIC, GLACIER 521, AND A

PERMANENT AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT  
WITH GLACIER 700 FOR THE US 95, IRONWOOD/EMMA AVENUE  
RECONSTRUCTION PROJECT; AND APPROVAL OF A FABRICATION AND  
INSTALLATION SERVICES AGREEMENT WITH KEN SPIERING FOR  
RIVERSTONE PUBLIC ART PROJECT “UNDERCURRENT.”

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

**PUBLIC COMMENTS:** City Attorney Mike Gridley clarified that the agenda item regarding the appeal of a Design Review Commission item is a quasi-judicial process. As such, he noted that it is inappropriate for any additional information or evidence presented, that was not already presented and part of the record. This means no additional public testimony/comments can be accepted regarding this item.

Dennis Hinrichsen, Coeur d’Alene, explained that a neighbor’s two Pitbull dogs attacked his companion dog this evening and feels community policing is non-existent. He said that the Police Department has not held a neighborhood watch meeting in over a year. He feels that this incident will not be resolved and that the City needs to enforce codes and regulations that are on the books. He would like to file a tort claim against the City at this time.

**COUNCIL ANNOUNCEMENTS:**

Councilmember Evans gave kudos to the Parks Department for creating cross-country ski trails in McEuen Park.

Councilmember English explained that his wild Christmas-themed shirt is a result of the City of Post Falls City Council’s challenge to other cities to wear decorative Christmas attire.

Councilmember Gookin expressed thanks to the Street Department for the excellent plowing of the snow. He noted that there was an increase in the budget this year for animal control services.

Councilmember Miller noted that she had a block watch meeting in August for her neighborhood and it was well attended.

Councilmember Edinger thanked the person who anonymously gave him a bouquet of flowers this evening.

Mayor Widmyer requested confirmation of the appointment of Chris Pfeiffer to the CDATV Committee.

**MOTION:** Motion by McEvers seconded by Miller to approve the Appointment of Chris Pfeiffer to the CDATV Committee. **Motion Carried.**

**ORDINANCE NO. 3553**  
**COUNCIL BILL NO. 16-1027**

AN ORDINANCE AMENDING PROVISIONS OF CHAPTERS 2.94 AND 5.68 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AS FOLLOWS; AMENDING SECTION 2.94.020 REGARDING MEMBERSHIP OF THE CHILDCARE COMMISSION; AMENDING SECTION 2.94.060 REGARDING THE DUTIES OF THE CHILDCARE COMMISSION; AMENDING SECTION 5.68.100 REGARDING APPEALS; AMENDING 5.68.140 REGARDING THE EFFECT OF VIOLATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

**STAFF REPORT:** Deputy City Clerk Kathy Lewis explained that the Childcare Commission has requested several housekeeping amendments including a change in membership, clarification of duties to include hearing of appeals and appeals process. They are also requesting to lessen the drug charge offense to clarification that historical use of marijuana, if not a conviction within five years, will be exempt from denial of licensure. Additionally, they are requesting an amendment to make the City's revocation restrictions to be the same as the state of Idaho's code.

**DISCUSSION:** Councilmember Gookin asked for clarification as to why the Commission is separating out marijuana charges. Ms. Lewis clarified that the current code does not have any leeway for past convictions of drugs or drug paraphernalia, as it makes a person ineligible for licensure even if the charge was 30 years ago. This amendment would loosen that restriction to clarify that the conviction for marijuana use would no longer be an exclusion if it were older than five years. Councilmember English noted that these are changes recommended by the Childcare Commission and confirmed by Police Chief White. Councilmember Gookin stated he would vote against this as a marijuana protest as he feels it is no different from alcohol use.

**MOTION:** Motion by Miller, seconded by Evans, to pass the first reading of **Council Bill No. 16-1027**.

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

**MOTION:** Motion by Edinger, seconded by McEvers, to suspend the rules and to adopt **Council Bill 16-1027** by its having had one reading by title only.

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

**ORDINANCE 3554**  
**COUNCIL BILL NO. 16-1028**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADDING A NEW CHAPTER, CHAPTER 10.30, ENTITLED "SCOFFLAW VEHICLES," TO THE MUNICIPAL CODE, WHICH PROVIDES DEFINITIONS, ESTABLISHES A SCOFFLAW LIST, PROVIDES FOR NOTICE AND AN APPEAL, AND PROVIDES THE AUTHORITY TO IMMOBILIZE SCOFFLAW VEHICLES; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

**STAFF REPORT:** Deputy City Administrator Sam Taylor explained that after a year of review and discussion the Parking Commission is requesting a scofflaw code be adopted. When the City has a parking system in which many motorists do not follow the rules, it affects those law-abiding citizens who are following the rules and may end up missing parking opportunities. Parking is a finite resource within the City, particularly downtown. Abusers of the parking system inhibit residents and visitors from being able to take advantage of downtown amenities. The intent is to post the scofflaw list to the web and update it weekly, letters would also be sent directly to the registered vehicle owner, which would supply due process. The Diamond parking Contract would be amended to include the installing of the boot and a new fee schedule would come back to the City Council under a public hearing. Other ideas for enforcement could be a window sticker, rather than a boot, but he is not sure if that would be effective.

**DISCUSSION:** Mayor Widmyer asked when the tally of four or more tickets would start. Mr. Taylor stated that tickets that are sent to collection would qualify to be placed on the scofflaw list. Once the boot is installed on a vehicle, they will need to pay all outstanding tickets. The Mayor suggested that the letters be sent certified, return receipt so there is proof of receipt that they received the letter. Councilmember McEvers asked how citizens would be able to pay if they do not realize they have been booted at 11:00 p.m. Mr. Taylor explained that the towing company would take payment and unboot the car, with a hope to be able to respond within 20 minutes to an hour. Councilmember Gookin felt that the City should utilize collection enforcement for a period of time to see if compliance goes up before implementing the boot. Councilmember Evans asked approximately how many people would be on the scofflaw list beginning next week. Mr. Taylor approximated 2,000 to 3,000 would be on the list as of today. Mayor Widmyer noted that compliance is currently at 25%, the rest will go to collection, and this issue has been in discussion for at least 4-5 years and needs some teeth. He would be in favor of starting January 1 forward for accumulation of tickets, and then implement the boot. Councilmember English currently serves as the council liaison to the Parking Commission, and questioned how they plan to deal with outstanding boat tickets. Mr. Taylor explained that the registered owner's vehicle used to tow the boat would be able to receive a boot. Councilmember English explained that he personally does not like the idea of a boot but he acknowledges that the Parking Commission has been working on it for years and since they made the recommendation, he would accept it as written. Councilmember Miller expressed concern about the tight period of payment required from notification, as a 10-day window could be tight if someone is on vacation. Mr. Taylor explained that they would receive a letter for the scofflaw, as well as letters

for each ticket owed after thirty-days, so there will be multiple notifications. Councilmember Edinger says that parking has come up regularly over the years and feels that the City should do something and see what happens. Councilmember English would be more comfortable with a 20-30 day notification requirement prior to receiving the boot. Councilmember Gookin said that he would oppose this as he feels the boot is too excessive.

**MOTION:** Motion by Miller, seconded by English, to pass the first reading of **Council Bill No. 16-1028**, with the amendment to provide 30 days response time after notifications.

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

**MOTION:** Motion by McEvers, seconded by Evans, to suspend the rules and to adopt **Council Bill 16-1028** by its having had one reading by title only.

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

#### **DECLARE THE SOLE SOURCE PROCUREMENT OF VIDEO CAMERA, AV SYSTEM FROM WESTERN SYSTEMS OF SPOKANE**

**STAFF REPORT:** Engineering Project Assistant Kim Harrington explained that the video camera equipment is essential to storm water management as it allows for identification of debris in the storm line, illegal connections, and breaks in the line from other lines. The current video system was purchased in 2004 and is no longer functioning. Additionally, the camera technology is obsolete. Staff is requesting a sole source purchase to keep in line with the Wastewater Department's existing system. A benefit of using the same system that the Wastewater Department has is that they have specialty accessories that would be extremely valuable during special projects, and they are currently owned by the city. Examples of these items would be oversized/specialty tires and different tractors that elevate the level of the camera several feet. She noted that the purchase of this equipment was not included in budget. The funds required will be made available by utilizing Drainage Utility funds.

**DISCUSSION:** Councilmember McEvers explained that the Public Works Committee received this presentation and he felt it would be good for the public and the rest of the Council to see what interiors of the pipes look like and see the examples of what can go wrong. He was concerned that it was not a budgeted item, but believes this is critical to the system. Councilmember Gookin asked for clarification as to why it was not included in the budget. Ms. Harrington explained that the camera system was working at the time of budget creation, but it is no longer working.

**MOTION:** Motion by McEvers, seconded by Gookin to declare the Sole Source Procurement of Video Camera, AV System from Western Systems of Spokane. **Motion carried.**

## RESOLUTION NO. 16-066

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN AGREEMENT FOR FINANCING OF IMPROVEMENTS FOR THE FOUR CORNERS - MEMORIAL PARK IMPROVEMENT PROJECT WITH THE COEUR D'ALENE URBAN RENEWAL AGENCY d/b/a IGNITE CDA.

**STAFF REPORT:** Parks and Recreation Director Bill Greenwood noted that on October 4, 2016 Council gave staff direction to seek funding for the “companion project” to the City/County shared parking. On November 16, 2016, City of Coeur d Alene staff made a presentation to the ignite Board requesting funding on this project that was approved contingent on approval from City Council accepting \$1,019,000 to build these elements within the Memorial Park companion project area. As they discussed the companion projects, they reviewed the opportunity for land exchanges that enabled the development of a future courtyard. He will be bringing back information on the land exchange at a future meeting. He reviewed the funding options and costs included in the companion projects. Cost savings will include staff installation of some equipment. Mr. Greenwood explained that there is an area near the skate park that could be used for a pump track (which is used for bikes without use of pedals); this area will be plumbed for future irrigation. ignite will fund 62% of the project costs with the remaining costs covered by Land and Water Conservation funds and conversion funds from the tennis courts. He noted that ignite had some interest in the grandstands and they would like to seek an engineering analysis to confirm the condition of the grand stands.

**DISCUSSION:** Councilmember Gookin believes this project is coming together nicely and noted that a large part of the bathroom cost are fees charged by the City for wastewater and water. Councilmember Edinger noted that the Grandstand is a landmark and that there would be protests if anyone tried to tear it down. Councilmember Miller noted that this amount is for the base bid amount and does not include all the items. Discussion ensued regarding cost of brick and mortar bathroom facilities and city fees. Mayor Widmyer noted that the picnic shelter is a add alternative and the existing ones are very popular, so it will be important to prioritize it as funding allows. Mr. Greenwood mentioned that there are options off the shelf without having to have an architect design it, which could be a cost savings.

**MOTION:** Motion by Gookin, seconded by Evans to approve **Resolution No. 16-066**, approving an Agreement for Financing with ignite CDA for the Memorial Park companion projects.

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

**RECESS:** Mayor Widmyer called for a 7-minute recess at 7:46 p.m. The meeting resumed at 7:52 p.m.

**(Legislative Hearing) A-5-16 - A PROPOSED 2.78 AC. ANNEXATION FROM MICHAEL KOBOLD WITH ZONING FROM COUNTY AGRICULTURAL TO CITY R-3 (RESIDENTIAL AT 3 UNITS/ACRE); LOCATED AT 1820 W. PRAIRIE**

**STAFF REPORT:** Planner Tami Stroud noted that the applicant, Lake City Engineering, Inc. has requested the annexation of approximately 2.78 acres of land located on the south side of Prairie Avenue and west of Ramsey Road with the requested zoning of R-3 (Residential at 3 unites/acre). She reviewed the property history, location, area zoning, and area land uses. She noted that the Findings required for the annexation include the following: that this proposal is or is not in conformance with the Comprehensive Plan policies; that the public facilities and utilities are or are not available and adequate for the proposed use; that the physical characteristics of the site make or do not make it suitable for the request at this time; and that the proposal would or would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and/or existing land uses. Ms. Stroud noted several applicable Comprehensive Plan policies and characteristics of the site. She reviewed the allowable uses within an R-3 zone and noted that there are two items that should be included in the Annexation Agreement regarding Wastewater Sewer Master Plan deviations and Parks and Recreation multi-use pathway requirements.

**APPLICANT:** The Clerk swore in the applicant. Drew Dittman, Coeur d’Alene, spoke on behalf of the owner, Lake City Engineering. The property is located at Prairie and Ramsey Road. He felt that it was a bit premature to discuss project specifics. There have been conversations regarding the trail and they understand the requirement. Discussions with wastewater staff have provided a couple options for sewer connectivity and they will determine the best option at the time of development.

**MOTION:** Motion by McEvers, seconded by Gookin to approve the A-5-16 - A proposed 2.78 ac. annexation from Michael Kobold with zoning from County Agricultural to City R-3 (Residential at 3 units/acre); located at 1820 W. Prairie.

**DISCUSSION:** Councilmember Gookin asked for clarification regarding zoning prior to annexation. Ms. Stroud noted that the Planning Commission is recommending this zone with annexation.

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

**(Quasi-Judicial Hearing) DR-4-16 “THE LAKE APARTMENTS” - APPEAL OF THE DESIGN REVIEW COMMISSION’S DECISION TO APPROVE THE DESIGN FOR A PROPOSED 43-UNIT APARTMENT BUILDING IN THE INFILL OVERLAY-EAST DISTRICT (DO-E). APPELLANT: RITA SIMS-SNYDER ON BEHALF OF THE EAST MULLAN HISTORIC NEIGHBORHOOD ASSOCIATION.**

Mayor Widmyer read the rules of the hearing and asked if there were any conflicts of interest. Councilmember Miller noted that she was contacted by a resident, who she directed to the City

Legal and Planning Departments. Mayor Widmyer noted that he rents an office space to the developer and legal counsel has stated that it does not qualify as a conflict of interest.

**STAFF REPORT:** Community Planning Director Hilary Anderson reminded the Council that the only information to be considered in the decision this evening is related to the “Building Bulk and Spacing” design guideline and if the Design Review Commission (DRC) made an error in approving the design of the project and granting a design departure to allow connectors between the buildings. Ms. Anderson explained that Rita Snyder has appealed the DRC decision to approve the design for a proposed 52-unit apartment building (later reduced to 43-units), located at 821 E. Mullan Avenue located within the infill zone. The appeal specifically relates to the building bulk and spacing standards in the downtown overlay- eastside guidelines. She reviewed the history of the original request and noted that three public meetings were held as required, June 23, 2016, July 28, 2016, and September 22, 2016. Ms. Anderson noted that the developer and/or representatives provided the required information and that the code does allow for flexibility in the guidelines to meet the basic intent of the code. In response to the feedback from the DRC and comments made by the public during the three required meetings, the applicant modified the proposed connectors to be more in line with the guidance provided by the DRC, and meet the intent of the “Building Bulk and Spacing” guideline. The Applicant has stated the three buildings meet the 100’ length guideline for “Bulk and Spacing,” and still provide building separation by 29.5’ at the west wing and 42.5’ at the east wing. Based upon the feedback from the DRC, the Developer reduced the depth and height of the connectors by 4’, and added a sloped roof with a 4:12 pitch. The connectors will include the mechanical equipment and will be screened from public view. They have also increased the amount of glazing (i.e., windows) on the connectors. The connectors have been set back from the street and are placed at the rear side of the structure near the parking lot. The intent is to break up the building bulk and mass. The public will be able to see under and over the connectors and they are designed primarily with glass, to also allow sight through the connectors. The DRC approved the project with the modified design at the third meeting on September 22, 2016. She reiterated that the Council is being asked to determine if the DRC made an error or incorrectly applied the code.

**DISCUSSION:** Councilmember Gookin asked for clarification regarding the setbacks and frontages. Ms. Anderson explained that there is no requirement for spacing setbacks. Councilmember Edinger asked if there was consideration from the input provided from the neighborhood several years ago. Ms. Anderson explained the neighborhood association helped draft the design guidelines for this district. Councilmember McEvers asked if there was a local example of this kind of development. Ms. Anderson explained that the Ice Plant development at 11<sup>th</sup> Street was developed before the guidelines were approved, and there is no other example.

**APPELLANT TESTIMONY:** The Clerk swore in the appellant. Rita Snyder, Coeur d’Alene, provided pictures of the area demonstrating low scale historic homes. She indicated that the trees will all come out and demonstrated the bulk of the project in comparison to abutting single-family dwellings. She explained that although the breaks are wider than 15 feet, they are covered with a 16 foot covered walkway. She noted that their garages would sit along the alleyway, with no greenspace separation. The neighborhood association is committed to preserving older homes, and noted that this area is no longer the transition area it was when the design guidelines were created. She noted that the homeowners association was created in 2008.

The Homeowner's Association did work with the City to create the infill guidelines. She believes that the process has changed in the DRC and the public is limited to 3 minutes of public comments. Ms. Snyder believes that the intent of design review code is to encourage townhouses, cottages, and courtyard development with height limits that are compatible with the neighborhood and provide underground parking. Building breaks are important to maintain openness and not create a big wall of development. DRC guidelines are intended to protect property rights and values, and she believes this project does the opposite and feels their concerns were not addressed. There will be site conditions that will need to be addressed; however, parking, etc. could not be addressed during the DRC meetings. During the three meetings citizens spoke out that it did not fit. She believes that bulk and space were not given enough importance. She believes this is a massive building as it continues and wraps both ends of the blocks and will block light and views. Ms. Snyder believes an error was made when approved without the building breaks, and language is there to protect the neighborhood that was not enforced. The decision tonight will set the precedent for future development and she believes it is not right for this location and does not fit.

**APPLICANT TESTIMONY:** The Clerk swore in the applicant. Jeremy Voeller, Coeur d'Alene, thanked city staff, the DRC, and the neighborhood for working with them over the past 8 months. He felt that they did seek a lot of input on the project over that period. He explained that the standards establish that no more than 100 feet can be facing the street and that there should be a 15-foot separation between buildings. The design guidelines note this should give guidance but is not required. The proposed buildings that face the street include connectors that are set 30 feet from the street. Space between buildings is 42' and 29' that exceed the 15' minimum. The intent through the standards is to create open space between the buildings and provide light and openness between the buildings. Additionally they have a 35' building height maximum. They are required to have 525 square feet of open space between buildings; however, they are providing 840 square feet and 580 square feet, which exceed the suggestions. They are providing glazing consisting of glass that can be seen through and provide light to go through the connectors. The connectors came forward as an amenity to the building residents. The connectors will create community within the building and accessibility and mobility access to the west side of the building and protection from weather and will provided safe access. It additionally provides screening for the roof top mechanical units and provides covered parking spaces. Mr. Voeller noted that they did meet with the homeowners association twice outside of the DRC meetings. They did minimize the connectors as much as they could while still screening the mechanical units. They did minimize the east end of the building from three stories to two stories. Total allowed building square footage is 71,292 square feet and they are only developing 45,482 square feet, which is approximately 60% of what they could build.

**DISCUSSION CONTINUED WITH THE APPELLANT:** Councilmember Gookin asked Ms. Snyder if the bulk and scale met the 100 feet and 15 feet separation guidance, what they should look like. Ms. Snyder explained that there should be a clear separation between buildings. The break is important to allow light and view through the development. Councilmember Evans noted that within the July 28, 2016 DRC Meeting Minutes Ms. Snyder noted that she was hoping to see a project similar to the Ice Plant; however, that project does not have the building breaks. Ms. Snyder said she meant the all over bulk; in that they are only two stories and the same height as some of the larger homes rather than towering over the homes.

Councilmember Gookin asked Ms. Snyder what she would consider allowable items to be placed between the spaces between buildings. Ms. Snyder said that she believes from ground level to sky should be clear space as the intent of the breaks was to provide a visual break like a town home. Councilmember English noted that the developer is providing more open space than required. Ms. Snyder felt that after the three DRC meetings, their voice was not heard, and the only criteria they can bring forward on appeal are bulk and spacing. Her hope is that this is denied so it can be worked on more to work on other issues that are not allowed to be appealed. Councilmember Edinger asked if the homeowners association held a vote on this item. Ms. Snyder said that they mostly emailed back and forth and had a consensus, but not a large group meeting.

**DISCUSSION CONTINUED WITH THE APPLICANT:** Councilmember Gookin noted that the connectors are located within the recommended 15' separation and wondered how close to the street Mr. Voeller thinks should be allowable. Mr. Voeller explained that in order to maintain a break on the street side, over half the distance of set back from the front plane of the development. He believes the intent is to create a feeling of open space. He noted that the connectors provide pedestrian traffic flow between the buildings and allow people to avoid external travel in inclement weather. Additionally, based on feedback from the neighborhood they minimized the connectors to level two, rather than on both the third and second floors. Councilmember McEvers asked how they justify the scale of the development not being the same as the neighborhood. Mr. Voeller explained that they are on the west side of the downtown core to the residential to the east, and integrated a transition to the residential zone. He noted that there is a three level project near the Ice Plant and that the Ice Plant contains a continuous wall with no breaks. Councilmember Miller noted that the only design departure is the connectors and the interpretation is that the infill overlay is being complied with and in some cases the developer is proposing less than what is allowed. Mr. Voeller explained that there was a suggestion of external public space so they added the courtyard space, and began discussions regarding a public use easement.

**DISCUSSION CONTINUED:** Councilmember Evans asked for a review of the maps demonstrating the downtown core and the Infill Overlay East Districts. Ms. Anderson explained that multi-family is permitted outright in the zoning code so the development is not exceeding those allowable requirements. Councilmember Gookin felt the Council should consider maximum horizontal dimension of no more than 100 feet and the minimum 15 foot separation between buildings. He believes that the 100 feet measurement should include the connectors as they are part of the building because they contain mechanical systems and will be heated, etc., which would not meet the standards. Councilmember McEvers noted that the developer is only developing 60% of what they could and this design looks less obtrusive into the neighborhood. Discussion ensued regarding the buildings versus connectors. Councilmember Miller felt that the developer has presented their design to DRC and it is not for her to redesign the project, that the Council's decision is whether the DRC has made a mistake or error. She believes the developer has made a lot of concessions to fit within the neighborhood including the connectors set back, making it physically appealing, and providing a lowered tier footprint meets the criteria. Councilmember Evans agreed with Councilmember Miller, reviewed the Findings from DRC, and does not believe there is an error and the developer made many concessions.

**MOTION:** Motion by McEvers, seconded by English to deny the Appeal of DR-4-16 “THE LAKE APARTMENTS” - Appeal of the Design Review Commission’s decision to approve the design for a proposed 43-unit apartment building in the Infill Overlay-East District (DO-E).

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

**MOTION:** Motion by Gookin, seconded by Edinger to direct staff to review the Infill Overlay-East District’s 15’ separation requirement and present Council with alternatives to the 15’ separation standard.

**DISCUSSION:** Councilmember Evans noted that she would like neighborhood to be included in those discussion.

**Motion carried.**

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

The meeting adjourned at 9:16 p.m.

ATTEST:

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Steve Widmyer, Mayor

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Renata McLeod, CMC, City Clerk