

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
JULY 5, 2006**

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 Hall July 5, 2006 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Mike Kennedy) Members of Council Present
Woody McEvers)
A. J. Al Hassell, III)
Dixie Reid)
Ron Edinger)
Deanna Goodlander)

CALL TO ORDER: The meeting was called to order by Mayor Bloem.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilman Kennedy.

PUBLIC COMMENTS: Mayor Bloem called for public comments with none being received.

CONSENT CALENDAR: Motion by Reid, seconded by Edinger to approve the Consent Calendar as presented.

1. Approval of minutes for June 20, 2006.
2. Setting the Public Works Committee and General Services Committee meeting for July 10, 2006 at 4:00 p.m.
3. RESOLUTION 06-044: 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 AUTHORIZATION TO RELEASE OPTION TO PURCHASE RIGHT-OF-WAY, FROM FAIRFIELD INN; S-6-05 ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE/WARRANTY AGREEMENT FOR COEUR D'ALENE PLACE 15TH ADDITION; AND SS-6-06 FINAL PLAT APPROVAL AND ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE/WARRANTY AGREEMENT FOR THE CONDOS AT MILL RIVER
4. Agreement with Post Falls Highway District to reimburse for installation of water main.
5. Support the creation of reserved parking for Law Enforcement inside the County's parking lot on Garden Avenue, and authorize 30-minute parking signs on the

- street in front of the Courthouse and authorizing the Street Department to make the signs as requested by the County.
6. SS-10-05 – Final plat approval for Stiner Addition
 7. S-12-05 – Final plat approval for Bentwood Park, 7th Addition
 8. SS-5-06 – Final plat approval for Coeur d’Alene Homes, 1st Addition
 9. Acceptance of right-of-way on 8th Street adjacent to Library site.
 10. Approval of mobile food permit at 301 Sherman Avenue for Jesse Pardeu for “The Family Hot Dog”.
 11. Approval of cemetery lot repurchase from Cheri Atkin.
 12. Approval of cemetery lot transfer from Elsie Probst to Jaime & Cynthia Flores

ROLL CALL: McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye. Motion carried.

COUNCIL ANNOUNCEMENTS:

SKATE PARK: Councilman McEvers reported that the BMX cyclists and skaters are coming together on the Skate Park. In regard to the existing City codes, Wes Somerton reported that he had reviewed the question posed by Councilman McEvers regarding if an ordinance could be amended to have an interim ordinance. Mr. Somerton advised the Council that a better process would be with be the relaxation of enforcement of no bikes at the skate park and the skate pad. The Council would need to adopt a resolution in order to do that and the resolution would need to go through the General Services Committee. The resolution would have a sunset clause and that at the time of the sunset the Council would review the situation to see if it worked or not, or if they wanted a change to the Code. Councilman Goodlander explained that Councilman McEvers was trying to work with the BMX cyclists in order for them to use the Skate park and that the cyclists would add features to the existing rink area at the skate park. She added that the BMXer’s would like to use the rink area and set up their own ramps in order to show the Council that skaters and BMXers can co-exist. It was initially planned to let this trial joint-use run until the end of summer to see if there were any problems. Councilman Reid asked how is this different than what had been tried before which ended up with fights between the two groups, and also are the skateboarders receptive to this and how does the Park and Recreation Commission feel about this. Councilman Edinger asked Councilman McEvers if he was going to take this issue to the Parks and Recreation Commission first. Councilman McEvers responded that he believes that if it is taken to too many subcommittees, it will be the end of summer before permission is received. Councilman Hassell explained that if it went to the Park and Recreation Commission, it would not go to General Services until the 2nd meeting in July which would mean that it would come to the Council in August. Councilman Goodlander suggested that the issue go to both General Services Committee and the Parks and Recreation Commission next Monday and then the issue could come back to the full Council at the 2nd meeting in July.

HONORABLE MENTION: Councilman Reid reported that she had received a copy of a letter sent to Coeur d’Alene Tribal Council Vice-Chairman Frances SiJohn from the Federal Transit Administration. The letter announced that both the Coeur d’Alene Tribe

and the City received an Honorable Mention for their Excellence in Transportation Award program.

FRONT STREET NOW OPEN: Councilman Kennedy announced that Front Street and 8th Street adjacent to the Library facility site have been reopened to traffic..

4TH OF JULY ACTIVITIES: Councilman Edinger commended the Chamber of Commerce for the parade yesterday and also the fireworks display last night.

APPOINTMENT – PEDESTRIAN/BICYCLE ADVISORY COMMITTEE: Motion by Edinger, seconded by Goodlander to appoint Gene O’Meara to the Pedestrian/Bicycle Advisory Committee. Motion carried.

ORDINANCE NO. 3257
COUNCIL BILL NO. 06-1017

AN ORDINANCE OF THE CITY OF COEUR D’ALENE, VACATING PORTIONS OF UNUSED UTILITY EASEMENTS FROM THE COEUR ADDITION AND THE COEUR FIRST ADDITION, RECORDED IN BOOK “E” OF PLATS, PAGE 104, AND BOOK “E” OF PLATS, PAGE 197, RESPECTIVELY, AND, KOOTENAI COUNTY RECORDED INSTRUMENT #599428, RECORDS OF KOOTENAI COUNTY, COEUR D’ALENE, KOOTENAI COUNTY, IDAHO; ALL IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, LYING WITHIN LOT “A”, BLOCK 1 OF THE PLAT OF CROWN ADDITION, RECORDED IN BOOK “J” OF PLATS, PAGE 228, RECORDS OF KOOTENAI COUNTY, IDAHO, AND, LOT 2, BLOCK 1, EATON ADDITION, RECORDED IN BOOK “J” OF PLATS, PAGE 25, RECORDS OF KOOTENAI COUNTY, IDAHO, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Edinger, seconded by Hassell to pass the first reading of Council Bill No. 06-1017.

ROLL CALL: Kennedy, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye. Motion carried.

Motion by Kennedy, seconded by Edinger to suspend the rules and to adopt Council Bill No. 06-1017 by its having had one reading by title only.

ROLL CALL: Kennedy, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye. Motion carried.

PUBLIC HEARING – O-6-05 – DOWNTOWN DEVELOPMENT

REGULATIONS: Mayor Bloem read the rules of order for this legislative public hearing. Dave Yadon, City Planner, and Mark Hinshaw, consultant, gave the staff report.

Mr. Yadon recalled the process by which these regulations have been developed beginning with direction from the City Council to prepare such regulations, the Planning Commission's work on the regulations and the public hearings and workshops conducted by the Planning Commission.

He reported that over 230 mailings were sent with 8 responses - 4 in favor, 2 opposed, 2 neutral. Written responses were distributed for Council review. He noted that the minutes from the Planning Commission have been distributed for Council review as well.

Councilman Reid commented that the floor area ratio increased significantly, noting it is now at 4 for residential and non-residential and a total of 6 with bonuses and we were at 2 and 4. Dave Yadon noted that the Planning Commission, following several workshops and public hearings, determined that they wanted to simplify the distinction between residential and non-residential, so they raised the base level from 3 to 4 to better address what exists today if one had a Special Use Permit within the R-70 zoning requirements. Councilman Reid asked if this change now brings the proposed regulations more in line with what could be done today with a Special Use Permit. Dave Yadon responded yes.

Councilman McEvers asked for an explanation of the requirements regarding outdoor sales such as rental of equipment – is that aimed at the bicycle vendor or boat vendor. Dave Yadon responded the regulations are aimed at trying to produce a pedestrian environment and it is not the intent to fill space with outdoor sales. Councilman McEvers then questioned the bonus relating to public art and the appraised value process of the art feature. Consultant Mark Hinshaw explained the reason that was put in the regulations was to get the Planning Commission out of determining what is art – it would take an art appraiser to create the value of a piece of art and if it is truly art. Councilman McEvers then referred to the water feature bonus as it doesn't address a value being established for a water feature. Mark Hinshaw responded that it is easier to determine the value in using the construction cost for the water feature and which documentation would have to be presented to the Planning Commission in order to receive a bonus. Councilman McEvers questioned work force housing and how are we going to put value on this. Mark Hinshaw responded that the value is irrelevant since it is square foot for square foot. What the City does need to look at is the definition of the median income level that might change over time as the median income level changes. Councilman McEvers commented that the most value seems to be for 10 sq. ft. for art, water feature, public day care, public plaza which is worth more than work force housing – so does that mean work force housing is less valued than all the other features. Mark Hinshaw believes these are relatively fairly small features but housing takes a large amount of area so when you do the math, work force housing does receive more value. He also recommended that the Council work with the proposed regulations for a while and then look at the values to see if they want them amended. Councilman McEvers next addressed the parking ratios, and

referring to restaurants/retails, asked if the intent is that these type of businesses don't have to provide parking. Mark Hinshaw noted that there are several small businesses in the downtown area and we have a lot of smaller lots and there is ample on-street and common parking, so these regulations recognize that the City has an ample, common supply of parking and you don't want to hamper small businesses from succeeding in the downtown area. He added that you get a lot more efficiencies in parking when you have a lot that is shared and that there is a benefit of shared parking facilities since they don't need as many parking spaces. Councilman McEvers asked about parking requirements and when existing buildings are exempt. Dave Yadon noted that this is an existing regulation today in that if you use an existing building you don't have to provide parking if the ownership of a building changes.

Councilman Edinger asked John Bruning, Chairman of the Planning Commission, that with these new regulations, his concern has always been of a wall on Front Street or in the downtown area blocking out the view Tubbs Hill or the view of the lake. He noted that in light of this the set backs have been reduced to 10 feet and so he wanted to know, from the Chairman, how this 10-foot setback affects the downtown. John Bruning first addressed the philosophical intent of this ordinance and one of their main concerns was the wall effect of the proposed regulations. He noted that the proposed regulations are not just height development regulations for the downtown area. He added that the regulations limit the square footage and the towers that may be built, in that they have a certain distance of separation and also there is a set back at certain levels of height. He noted that what they tried to obtain with the setbacks was to avoid a solid wall of buildings on both sides of a street and so by having setbacks of 10 feet above 75 feet of building height, they would accomplish that goal. The overall purpose of the ordinance was the preservation of the views that we have and what we all enjoy but also to increase the downtown population which is one way to keep the businesses thriving and the Commission feels that this was a good balance of preserving the views while guaranteeing the success of the downtown area.

Councilman Kennedy inquired In regard to the 10 from 20 feet setbacks, will a balcony have an impact on the views and vistas. Mr. Bruning responded that a balcony could extend out 4 feet and it would not impede the view as a solid wall would. Councilman Kennedy further asked if Mr. Yadon felt that the change from 75 feet to 50 feet between buildings and the change from 20 feet of setback to 10 feet is workable. Mr. Bruning believes that it will work. Councilman Kennedy then asked to have an example of a 75 foot building. Mr. Bruning responded that the Coeur d'Alene Mines building is very close to 75 feet and an example of a 200 foot building would be the Coeur d'Alene Resort which is at 205. Councilman Kennedy then clarified that no building will be constructed taller than the Cd'A Resort. Councilman Kennedy asked why was I-90 determined to be the work force housing border. John Bruning responded that depending on what comes out in the work force housing study, the boundary can be amended to correspond with the study. In response to why that border, Mr. Bruning responded that some of the Planning Commission members would like it to be throughout the city and other members felt it should be concentrated to the downtown area. So the Commission felt that the I-90 border would allow a good radius which would allow housing to be built

in a larger area of the City and still be within walking or biking distance to downtown. Councilman Kennedy commented that some of the Spokane television news programs mentioned that some of the building bonuses could be purchased but he believed that these regulations were taken out. John Bruning confirmed that yes, purchasing bonuses was taken out of the regulations and is no longer included as an option.

Councilman Hassell noted that the regulations authorize the Planning Director to allow up to 20% design departure and asked what elements could be increased by 20%. Dave Yadon responded that it is only building bulk which has to do with floor size, tower separation and only those other items that deal with building bulk are allowed for design departure. Councilman Hassell voiced his concern that he could see how this departure could be used for creative architecture but it also could be abused as a creative way of getting additional building bulk.

Councilman Kennedy asked Dave Yadon what are the two types of design departure. Dave Yadon responded that the Planning Commission felt that minor departures could be handled by the City Planner and major departures would need to be reviewed by the Design Review Commission in order to make sure that the public purposes are being met. John Bruning noted that this is only for building bulk.

Councilman Reid asked about adding on to an existing building, when they reach the 75 foot level they have to set back 10 feet but would they be able to build up. Dave noted that the Floor Area Ratio (FAR) is used for the overall facility size which includes the original footprint

Councilman Goodlander addressed the issue of parking space sizes and questioned reducing the space size from 9 x 20 to 8 x 18 and asked for an example of parking garages. Dave Yadon responded that the principle goal is to provide efficiency in the downtown area and 8 x 18 can be used for parking vehicles although it may require some maneuvering of the larger vehicles but this size is being used successfully. He added that a developer can provide for larger stalls but this provides for more flexibility for the developer to provide the necessary in-building parking requirements. In regard to the public art process Councilman Goodlander noted that the regulations require that art work go through the Arts Commission process and that is quite an involved process and it potentially takes the art choices out of the hands of the developers. She asked if we were going to change these regulations; for example, a developer has a piece of art they want in the building but if it goes to the Arts Commission it would need to go through an RFQ (Request for Qualifications). Dave Yadon responded that what Councilman Goodlander was talking about was creating a piece of public art; however, what the Planning Commission wanted from the Arts Commission was to have the Arts Commission buy off on a particular piece of art in order to add bonuses for the artwork. Councilman Goodlander then asked if Mr. Yadon could see that this would work with our existing Arts Commission. Mr. Yadon responded that, yes, this would be a role that the Arts Commission could do which would be to review the proposed pieces to determine if it is truly art.

Councilman Hassell commented that when Dave Yadon was talking about certain streets being used for certain setbacks, why was it only Sherman Avenue being addressed in this piece of regulation. Dave Yadon responded that when the Consultant looked at the existing view corridor, and Sherman has a drop of 10 feet per block and has the view of Mica Peak and City Park, the other streets do not have any existing views so that is why Sherman was included. Councilman Hassell noted that if you look down Lakeside you can see the City Park. Mark Hinshaw responded that Lakeside was just not discussed. He noted that after people had expressed their concern of seeing Tubbs Hill and since Sherman is our signature street, the views must be preserved on Sherman. He noted that it is up to the Council if other streets should be included in the view and vista requirements.

Councilman Kennedy noted that one of the issues that has been raised about the density of downtown is increased traffic downtown and asked if the consultant would address these issues and the impacts that will be based on the new regulations. Mark Hinshaw reported that as part of the research they looked at a number of things, parcel size, ownership, functionality of buildings and what were the possibilities of redevelopment. It was determined there are a couple of dozen sites that are feasible for redevelopment over a period of time. It is not unreasonable to expect that over a decade or so you will see approximately 1,000 residential units which do not really generate peak hour traffic. What generates peak hour traffic is commercial business.

Dave Yadon noted that the document presented tonight is the proposed regulations and, if approved tonight, the Legal Department will put the proposed regulations into codified format and a Council Bill will be presented at a later Council meeting.

PUBLIC COMMENTS: Tom Anderson, 814 Cd'A Avenue, believes that the tall buildings will negatively impact his home and his neighbors. He had presented some signatures to the Planning Commission from his neighbors and he presented the petition to the Council with the same signatures. He believes that because of possible shadows, it will create a negative impact with these regulations. He also believes that 230 notices were not enough and a 200-foot building could cast an 800-foot shadow at certain times of the day and certain times of the year. He noted that the Planning Commission ignored his opinion and the signatures of his neighbors. He believes that no building should be constructed more than 80 feet. He wanted to know why the Planning Commission listened to a small number of developers vs. his neighbors. He questioned the change in the floor area ratio and the changes in bonuses and believes that when there was a delineation of residential and nonresidential development, it was to encourage more residential construction in the downtown area. However, the Planning Commission at the request of the developers, wiped out the distinction which defeats the encouragement for residential housing in the downtown area. Another change was the elimination of the bonus contributions for additional heights above 160 feet. He believes that purchasing extra height was a limitation that the developers didn't want since it would cost them a couple \$100,000 but by changing these regulations the City has given away the ability to restrict buildings to only 160 feet and believes that the prior regulations should be reinstated. He also believes that the distance between buildings reduces the view corridors. Regarding parking spaces, he noted that with the smaller parking spaces it

would be extremely difficult to get out of a car with these smaller parking spaces at 8 feet since the width of a larger car is 7 feet. He believes that the reduced parking spaces were for the benefit of the developer. He urged the Council to reconsider the downtown regulations and reduce the size of these buildings and he doesn't believe that the Council needs to make a decision tonight and urged that the regulations be referred back to the Planning Commission to reduce the overall size of the building heights. He added that there is no transition zone in the downtown area where you can have a 200-foot high building next to a single family residence.

Susan Snedaker, 821 Hastings, In regard to heliports as principal use, she does not believe that heliports belong in the City unless it is for medical purposes. In reference to "Features" on page 8, she noted that day care is listed as well as a health club as bonus features. Daycares come and go and health clubs come and go, so how is the City going to validate that these features continue. She believes that the first three features should be eliminated from bonuses since the City has a hard enough time enforcing current regulations. In regard to work force housing, she does not believe that they all belong south of the freeway but believes if you are going to have work force housing you have to have it within walking distance to amenities. Additionally, she noted that there are no design standards for workforce housing. She noted that in order to insure the integrity of the downtown features you need good design standards. Also, she questioned if work force housing is for low income wage earners or about livable wage earners and are we talking about rentals. She believes that the median income is skewed by high-end wage earners. The parking ratio for senior housing – what is going to insure that senior housing is there forever. Ms. Snedaker believes that the draft has been substantially improved from the first draft and believes it is workable. She also believes that work force housing needs to be placed along all major arterials and not just placed in one area.

Art "Mackamer" noted that he was a land use and real estate attorney and did not give an address but noted that he is now a property owner in the downtown area. He suggested that the thrust of this ordinance is to create a downtown area and although he has not lived in Cd'A he has lived in areas that have seen growth. He encouraged the Council to send it back to the Planning Commission to further review the bonus features if the Council truly wants to see the downtown with certain features such as art work or waterfalls. Instead of the City having to talk to a developer one at a time, he believes that several developers could talk together before approaching the City. For example, if one developer doesn't need all his square footage he could give it to another developer or, in other words, the developers can "horse trade" bonuses before they come to the City. He believes that as the City develops it is going to crunch the available parcels and in order to avoid that one can have one developer who puts in a 20-foot setback instead of a 10-foot setback and another developer could buy that setback from the developer. Also the City could encourage shared parking with a parking garage because the developer could sell the parking to other developers to use. It would provide an incentive for the developer to provide a bank of amenities to be made available and be sold to other developers. Lastly, at the State legislature this year there was a signature petition for a regulatory takings ordinance that would mirror Oregon's regulations that would make the

City pay developers for taking away their ability to develop their properties as they would want.

Janet Robnett, a downtown business owner, addressed three items. First, in reference to the change in the FAR's, she asked why were those increased. She noted that in fact, the base level FAR is comparable to the existing regulations today, so that base level is reasonable to allow an owner to do what they can do today. The regulations are for height and bulk and what has been discussed is the issue of uses – but these regulations are about height and bulk. She knows that there has been discussion about not facilitating more residential development; however, in the current regulations you can have unlimited commercial construction but these regulations increase the demand for more residential high rises, and she believes that these regulations do not address the issue where you have residential uses without having jobs for the people. Therefore, she was glad to see that the Commission got away from those uses and focused more on height and bulk. She believes that the City could be comfortable with these regulations because they do not increase the FAR or the actual height of the buildings but they do establish the ability to be creative when addressing height and bulk.

Carol Goetzman, 1045 N. 8th St. wanted to add her name Mr. Anderson's list. She believes that not enough notices went out because these high rises will create a major change in their life styles. She believes that there is some compatibility with high rises but the closeness does not create a small town image. She encouraged the Council to consider this a little longer before turning these proposed regulations into an ordinance.

COUNCIL DISCUSSION: Councilman Edinger asked John Bruning to respond to Mr. Anderson's statement that he was at a quite a few of the Commission's meetings and that his comments were ignored by the Commission. John Bruning noted that he was sorry that Mr. Anderson felt he was being ignored because he believes that the Planning Commission listened to everybody that came before them. In regard, to the parking space sizes, Mr. Bruning noted that is an option for the developer and believes that not all spaces will be one size, some will be made for smaller for compact vehicles and some will be constructed for larger vehicles. He added that these regulations provide for flexibility. Councilman Edinger, in regard to work force housing, questioned if what is being said is that the people who live from the freeway south are, as referenced during the school bond election by the School Superintendent, is the poor area of Coeur d'Alene. Is that what the Commission is saying because he lives in this poor area of Coeur d'Alene and noted that his property assessment went up a lot more that some people who live north of the freeway. John Bruning responded that the Planning Commission does not say that the area south of the freeway is the poorer area of town, what they believe is that they needed to designate an area close to the downtown within walking distance to their work. He also noted that the overall area south of the freeway is a fairly large area and so he does not believe that the regulations are "cramming" work force housing into this area. The intention was to provide easy access to those people that walk or ride to the downtown area as commuting can be an expensive means of transportation. He also noted that the freeway was an easy geographical area to define. Mayor Bloem noted that

the workforce housing noted in the regulations is for basing the bonuses in the downtown area and that workforce housing could be developed anywhere in the City.

Councilman Reid commented that there is a lot of concern that this ordinance will make the entire downtown into high rises. How do the present regulations limit height? Dave Yadon responded that currently there are no height limitations in the downtown area. Councilman Reid then noted that this ordinance sets a limit on height which we currently do not have. Councilman Ried commented that Mr. Anderson spoke about transition zones. Mark Hinshaw responded that actually the transition zones had been previously established by enacting the infill district a year and a half ago.

Councilman McEvers commented that Susan Snedaker noted the issue of childcare and health clubs as bonus features. Mr. Hinshaw responded that the developer must make up the deficit if these bonus features move out. It doesn't mean that another owner could start another day care or health club. But the owner must provide the math to equal the numbers needed for the bonus features. Councilman McEvers then asked about the public hearing notices, how do they get distributed. Dave Yadon responded that the notices were sent 300 feet outside of the boundaries as well as notices were sent to those owners within the proposed boundaries. Also workshops were held throughout the City. He also noted that technically notices were not required to be mailed out for this public hearing.

Councilman Edinger stated that it had been suggested that maybe this should be sent back to the Planning Commission. He asked Dave Yadon what he thought the Commission's reaction would be. Dave Yadon responded that he would speculate the Commission would say that they have spent a great deal of time over the past year and unless there are significant issues, there isn't much more input that could be made; however, the Planning Commission is always willing to do what is requested of them by the Council.

Councilman Reid, in regard to traffic, noted it has been alluded that traffic is a concern and asked Mr. Yadon to explain what goes on with traffic patterns and with pre-planning, the traffic study which is in place and when a building permit comes in. Dave Yadon responded that he would do his best to take on the role of City Engineer Gordon Dober and stated that a lot of things go into the transportation plan, such as analysis of traffic and trip generation, based on land uses, and also what is needed to provide for safe transportation throughout the city. He added that this was also done as part of the impact fee study to determine the base level of service of expected transportation needs so developers can be charged a fee based upon what their impact would be with today's standards. In addition he noted that Mr. Dobler could also acquire a project with suspected significant traffic impacts to do a traffic study and fund improvements that might be necessary to address identified impacts. He also noted that Mr. Dobler had stated similar observations to what Mr. Hinshaw had stated on trip generation. Councilman Reid also noted that the City does look at traffic flow and traffic is not just looked at within the City of Coeur d'Alene but throughout the County through the KMPO organization.

Councilman Goodlander asked Dave Yadon if we need to study these regulations some more and asked him to talk about what the process has been over the past year and who has been involved in this process. Mr. Yadon reported that at the beginning of the process, Mark Hinshaw worked with a steering committee of citizens that represented a broad perspective of citizens including business, people involved with the shoreline features, former councilman, and area residents. Mr. Hinshaw then brought a broad perspective of what he believed were objectives needed for the regulations. Once these regulations were set, the steering committee held several workshops with the largest being a workshop with over 100 people in attendance. The Planning Commission also held public hearings. He concluded that there had been a significant number of opportunities for the community to learn what regulations were being proposed. Additionally he noted that articles were provided by both local newspapers and well as having this issue addressed on the Mayor's television show.

MOTION: Motion by Reid, seconded by Goodlander to direct staff to put the proposed Downtown Development regulations in ordinance form.

MOTION TO AMEND: Motion by Hassell, seconded by Kennedy to amend the main motion by adding Lakeside Avenue to the upper level set back regulations.

DISCUSSION ON AMENDMENT: Councilman Hassell explained that the reason he would want to add Lakeside Avenue is because he believes that it is important to keep the asset of Lakeside in the downtown area the same as Sherman Avenue since Lakeside replaced Sherman as the main arterial. Councilman McEvers asked how did Lakeside Avenue become the main arterial instead of Sherman. Councilman Reid noted that the Highway business route was taken off of ITD's list as a alternate route. Councilman Hassell commented that he believes that Lakeside is the main route through town. Councilman Goodlander countered that oversized vehicles use Sherman Avenue and not Lakeside as the alternate route. Councilman Reid added that one does not see the park on Lakeside until maybe 2nd Street as Lakeside Avenue is flatter than Sherman. Councilman Hassell responded that he is looking out 20 years and believes that this should be a view corridor even if you can't see the park from the Post Office. Councilman Goodlander countered that, irregardless, the Planning Commission has spent a long amount of time looking at these details and the Council would be remiss in second guessing the Planning Commission. Councilman Edinger asked if this addition would constitute a substantial change to the proposed regulations. Wes Somerton responded that it would not.

Councilman Kennedy noted that the reason he seconded the motion was for discussion. He commented that Mark Hinshaw said that Lakeside was not really addressed so he asked if Lakeside was discussed or not. Dave Yadon responded that he could not recall if it was discussed, but Lakeside does not have the same drop as Sherman in that the drop is greater and more consistent on Sherman than on Lakeside. However, he does not recall a specific photo from Mark Hinshaw of Lakeside Avenue. John Bruning added that he and Planning Commission member Mary Sousa could not recall ever discussing Lakeside Avenue for setbacks. Councilman Kennedy then asked if it would negatively and/or materially impact the regulations to add Lakeside to the setback regulations. Councilman

Edinger believes that from 7th Street looking west, you really don't get the impact of the park on Lakeside Avenue until you get to 4th Street. He added that you get part of Cd' A North and the trees. Councilman McEvers announced that he was going to support the amendment because he could see where Councilman Hassell was coming from because if Lakeside was developed up to 75 feet all the way up Lakeside, it would need some setback requirements.

ROLL CALL ON AMENDMENT: McEvers, Aye; Reid, No; Edinger, Aye; Hassell, Aye; Goodlander, No; Kennedy, Aye. Motion to amend carried.

DISCUSSION ON MAIN MOTION AS AMENDED: Councilman McEvers announced that he was going to support the proposed regulations in that it was a step in the right direction and, although it is not ideal, believes that the Council will be moving and changing these regulations as time goes on. He promised Mark Hinshaw that he will be calling him if it doesn't work. He also thanked the Commission for all their time and work. Councilman Hassell agreed but he still has some problems with the parking stall size and maybe down the road the Council could further discuss this and possibly maybe narrow the corridor between buildings. He commented that since we have nothing in place currently, we need to put something in place that the Council could amend as the years' progress. Councilman Kennedy echoed Councilmen McEvers and Hassell comments. He believes that it would be great to take a snapshot of time and leave it as it is, but the city is different today from when he moved here 15 years ago, and it will be different twenty years from now. Also, he has heard the fear of height and since we currently have no limits on height, this would be a good compromise to protect the views and vistas for the downtown area.

ROLL CALL ON THE MAIN MOTION AS AMENDED: McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye. Motion carried.

ADJOURNMENT: Motion by Edinger, seconded by Reid that, there being no further business, the meeting is adjourned. Motion carried.

The meeting adjourned at 8:07 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk