George Linford, Chairman
Katie Smith, Commission Member
Curtis Waisath, Commission Member
Dave Sanders, Commission Member
Allison Hinz, Secretary
Clyde Nelson, City Attorney

Fred Hinz, Commission Member

Michael LaBeau, Pam Slaughter, Steve Jones, Joel Dixon (RMES), Kimberly Brown

Pre-Development Conference for Subdivision Application Follow-up – Steve Jones, Owner/Applicant

Joel Dixon came forward to review the application process and address the information that was requested from the last meeting regarding the local fire department and the City’s street department. He reviewed the community impact analysis, which is similar to a 6 unit motel in regards to water, sewer and taxes. He also reviewed the agency contacts.

Mr. Dixon reviewed the letter from the City’s street department regarding street maintenance. Generally, the alley is maintained by the City, however, it is not a priority and may not be plowed if there is a heavy storm or their resources are stretched thin. The developer is aware of this and has the option of maintaining a private snow plow for such use. They cannot put any snow in the City’s right of way or alleyways. It would have to be stored on the premises or hauled off to an approved location. They are also responsible for maintaining their own interior parking areas, striping and asphalt.

Mr. Dixon reviewed the letter from the local Fire Chief. He stated that with the buildings being 3 feet apart, there must be no openings (windows, doors or vents) in facing walls, and they would require a one-hour fire wall. He stated that he talked to the architect and those requirements are met in the plans.
Mr. Dixon referred the issue of ingress/egress from each of the cabin units. He stated that the site plan does not show this, but each cabin does have front and rear entries. There are not any openings on the sides of the buildings. The construction plans will show all the details.

Michael LaBeau asked if this would be considered an R1.

Mr. Dixon stated that this is a commercial development.

Mr. Jones asked what motels are considered.

Mr. LaBeau stated that they are typically R1. This

Mr. Nelson asked what R1 is.

Mr. LaBeau stated that R3 is residential/single family, R2 is like a monastery or dorm room, R1 is like a hotel/motel where they are transient in nature and rent less than 30 days.

Mr. Dixon referred back to the letter from the Fire Chief. He stated that the uniform fire code does not prevent the structure, but the Fire Chief does ask for them to illustrate the ingress/egress for each building. Mr. Dixon does not have that at this time, but he has noted it and will show it in future plans.

Mr. LaBeau asked about cooking facilities.

Mr. Dixon deferred to Mr. Jones since he does not have information on the interior. He apologized for not having the two items for the last meeting. He reviewed the concept plan.

Mr. Nelson asked about the surface between the buildings.

Mr. Dixon stated that it would be a permeable substance, possibly grass. He reviewed water, sewer, and utility connections. The property has connections but they will have to be modified to access all six structures.

Ms. Smith asked if they will be six individual connections.

Mr. Dixon stated that they will be set up for six individual owners. It is nine feet to the center of the property. The first phase of building involves the infrastructure for all six units. (utilities, water, sewer) They will probably only construct one building initially, possible two.

Mr. Nelson asked if water and sewer connections would go to each lot.

Mr. Dixon stated that they would.

Mr. Linford asked if they are all individual connections.
Mr. Dixon stated that they are all individual connections. He stated that they meet all the requirements of the zoning ordinance and fire code. Based on that, he is asking that they approve the development as is. He asked about the fire hydrant that was questioned earlier.

Ms. Smith stated that Mr. Dixon said that there are fire hydrants close to all the buildings in the last meeting.

Mr. Dixon stated that he is unsure exactly where they are. There are existing buildings surrounding the property so he is sure that there is adequate coverage. If there is not adequate coverage, they will have to meet that requirement.

Ms. Smith asked for clarification on Mr. Dixon’s statement at the last meeting regarding City services being covered by the City’s street department and services from the Sheriff’s Department being provided by the local police force. She wants to verify that he is not referring to the cost of hooking up water, sewer, etc.

Mr. Dixon stated that he doesn’t recall the context of that but the developer is responsible for all infrastructure and improvements.

Mr. Nelson stated that the fire department is concerned about window openings, doors or vents. He referred to the old drawings that were presented to the City that show windows on the sides.

Mr. Jones stated that has been changed because it was more cost effective to go with a fire wall instead of fire windows. There will be windows on the front and back, and outside walls on the east and west side of the development.

Mr. Nelson stated that the fire department is concerned with ingress/egress.

Mr. Jones stated that those are shown on the new plans.

Mr. LaBeau mentioned that R1 generally needs to have one ADA accessible unit between one and twenty five units.

Mr. Jones stated that is not the case since each unit is individually owned.

Mr. Nelson asked about provisions for rear fire access.

Mr. Dixon stated that they have a couple of ideas that they would like to go over with the Fire Chief. They do have plans for a stair system which is not shown on the concept plan.

Mr. Jones stated that the 3 feet between buildings meets the requirements of the fire code.
Mr. Nelson stated that the City can require access to the back of the buildings for firefighting purposes and to make sure that their firemen are protected. The City does have some autonomy with the Fire Code in order to protect the life of employees of the City. He feels that Mr. Jones is being very thorough.

Mr. Dixon stated that he will follow up with the Fire Chief regarding access issues and find out what would work for everyone.

Mr. LaBeau stated that the 1-hour construction is very helpful.

Mr. Nelson stated that Mr. LaBeau would be monitoring all of that as it is being built. He asked about improvements along Elm Street.

Mr. Dixon stated that they would continue the curb that is adjacent to the property. There will be curb and gutter.

Mr. Linford mentioned tying into the Blue Moon and getting an easement.

Mr. Dixon stated that an easement is an option.

Mr. Nelson mentioned that the final plat will need language for a restrictive covenant on the subdivision prohibiting single and multi-family dwellings. He drafted some language for the plat and gave it to everyone. He suggested that the restrictive covenant also go on the purchase agreements and deeds so that the title company picks up on it. They don’t want a buyer to think that they can live there.

Mr. Dixon stated he would go over this with his surveyor.

Mr. Jones stated that he has worked with Jones Chartered Law Firm in Pocatello to address the City’s concerns. He handed out a copy of the CC & R they drafted. He read section 2.3 entitled “Building Use Restrictions” and section 2.2 “Covenants run with the land”.

Mr. Nelson feels that the wording opens the door to year round occupancy which is exactly what the City is concerned about.

Mr. Jones referred to section 2.3, paragraph C, which states that the property cannot be occupied for more than 30 consecutive days at a time or as a primary home.

Mr. Nelson stated that it should not be owner occupied at all. He would like clearer language. He will forward suggestions to Mr. Jones.

Mr. Jones requested that he forward suggestions to his attorney. He stated that owners will probably want some access to the rentals for personal use.
Mr. Nelson stated that it sounds like a condo to him.

Mr. Jones stated that is not their goal. He agrees with the language that Mr. Nelson is suggesting.

Mr. LaBeau asked about the ordinance regarding condos vs. nightly rentals.

Mr. Nelson stated that if it were a condo development, they would have to meet condo statutes for the State of Idaho. The City needs to be able to control use of a high density area.

Mr. LaBeau stated that the only difference between this development and a motel, as far as building code, is that they are not connected. He is trying to figure out the difference as far as ordinances are concerned.

Ms. Smith stated that is where she has had issues. They allow commercial zones to build corner to corner, but if it were to be used as residential, it does not meet the residential zoning requirements. She stated that the requirements are governed by the use, not necessarily the zoning of the area. It does fit the description of a vacation rental, but it is also very similar to a condo.

Mr. Nelson stated that under a C1 zone, the area requirements for residential are the same as the R3 zone. The size of this lot would not meet those requirements.

Ms. Smith stated that if it were a condo, other things would need to be addressed such as open space and maintenance. She stated at the last meeting that she felt that they were trying to put something on a commercial property that might meet the definition of commercial property.

Mr. Jones stated that this is the first time that the development has been compared to a condo. He understands the challenge of interpreting the zoning requirements, but what they are building is a nightly rental cottage which is essentially a one room motel.

The definition of a vacation rental was discussed.

Mr. Nelson asked about the square footage of each unit.

Mr. Jones stated that they are 700-800 square feet. They are creating an intimate cottage environment that is basically an upscale motel room. He does not see it as competition to the other hotels. It is a distinct and separate category of lodging. He would like Planning & Zoning’s recommendation to City Council. He feels that they have covered everything that has been requested of them.

Mr. Nelson stated that he thinks that they need to agree on language for the restrictive covenants.

Curtis Waisath stated that he would like the Fire Chief’s input on the egress/ingress issue.
Mr. Dixon would like to move to the next step. He feels like they have adequate time to address this issue and that it would save them a month if they could proceed.

Mr. Jones asked about approving with the conditions and contingencies of addressing the fire issue and restrictive covenants.

Mr. Nelson stated that the Planning & Zoning Commission can either make their recommendation with conditions or they can have another meeting to give them an opportunity to clear up these issues, which is what he would recommend.

Ms. Smith asked about improvements in the alleyway and referred to the subdivision ordinance which states, “All lots must front upon an approved road or street, either public or private; all roads must be certified by City as suitable road or street, and shall be constructed in accordance with the Idaho Department of Transportation “Manual of Street Design Standards” current edition.”

Mr. Dixon stated that they would either meet or exceed those standards. They will be matching the existing roads and blending into the alleyway.

Mr. Nelson asked if Ms. Smith was referring to the fact that the alley might not meet the manual’s standards.

Ms. Smith stated that is correct, that the alley is not a street.

Mr. LaBeau referred to Gregg Williams’ development which is off of an alleyway.

Ms. Smith stated that he built his own road. Part of the agreement was for him to create his own access.

Pam Slaughter asked about the apartments and public restrooms which have access from the alley.

Mr. Nelson stated that most cities require that they be built in accordance with street standards.

Ms. Smith stated that there are a lot of old buildings that were built before the requirements were put in place.

Mr. Nelson asked what the Planning & Zoning Commission would like to do.

Mr. Waisath stated that he would like to wait until they have the issues addressed, otherwise there will be too many conditions.
The Planning & Zoning Commission decided to table their decision until the legal language for the restrictive covenants are addressed as well as the ingress/egress issue with the Fire Chief.

Mr. Nelson will send suggested changes for the restrictive covenant to Mr. Jones and his attorney.

Mr. Jones understands the need for clearer language.

Fire access was discussed. Mr. Dixon will discuss options with the Fire Chief and report back at the next meeting.

Dave Sanders stated that he feels that they are trying to be compliant and that we should accommodate them. He would like to recommend them to City Council with conditions.

Mr. Nelson does not advise that. The outcome of the conditions may not be what they want and they should not approve something that they have not seen.

Allison Hinz stated that City Council does not want a recommendation with conditions.

The Commission tabled the decision until the next meeting. Mr. Dixon and Mr. Jones will address the issues of restrictive covenant and fire concerns at the next meeting.

**Other Business**

None.

**Schedule Next Meeting**

The next Regular Meeting is scheduled for October 24, 2013 at 6:30 p.m. Allison Hinz will ask the Fire Chief to attend the meeting.

**Adjournment**

Curtis Waisath made a motion to adjourn. Katie Smith seconded the motion. All voted aye, unanimous. Meeting adjourned at 7:58 p.m.

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Allison Hinz, Secretary                       George Linford, Chairman