

Minutes of the Regular Meeting of the Lava Planning & Zoning Commission held Thursday, February 28, 2013, 6:30 p.m. at the Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: George Linford, Chairman
Dave Sanders, Commission Member
Katie Smith, Commission Member
Curtis Waisath, Commission Member
Canda Dimick, City Clerk
Allison Hinz, Secretary

Excused: Fred Hinz, Commission Member

Guests: Keith Sheridan, Randall Brown, Pamela Slaughter, Pam Maguire, Michael Vice, Steve Jones

The meeting was called to order at 6:30 p.m. by George Linford.

Oath of Office

The City Clerk swore in Dave Sanders and Katie Smith for a new four (4) year term of office on the Planning and Zoning Commission which will expire November 30, 2016.

Katie Smith made a motion to nominate George Linford as Chairman of the Planning and Zoning Commission. Curtis Waisath seconded the motion. All voted aye, unanimous.

Approve Minutes – December 20, 2012 and January 24, 2013

Dave Sanders made a motion to approve the minutes of December 20, 2012 as written. Curtis Waisath seconded the motion. All voted aye, unanimous.

Dave Sanders made a motion to approve the minutes of January 24, 2013 as written. Curtis Waisath seconded the motion. All voted aye, unanimous.

Keith Sheridan – Questions about Bannock County zoning in our impact area

Keith Sheridan came forward representing Mark Cece who is the property owner. When he purchased the property, he was under the impression that he was in the recreational or agricultural zone. They recently discovered that they are in the Residential Suburban zone. Since Mr. Cece purchased the property for his retirement, he has been planning on putting up some rental cabins and tent spots on there. The Residential Suburban zone in that area is labeled for possible expansion of the City of Lava in the future. Bannock County sent them to the City to ask for permission to be removed from the RS zone so that they can put some cabins or tent spots on the property.

Mr. Sheridan stated that there are many times when Lava is full and friends of his who own rental properties have to send visitors to other towns, like Soda or Pocatello, for accommodations. They plan on putting ten to fifteen small cabins and tent spots on his

side yard but are unable to do that with the current zoning. They are asking to either be brought back in the recreational/agricultural zone, or what the possibility is of being annexed into the city because they are in the city's impact zone.

George Linford asked what they are asking for exactly.

Mr. Sheridan stated that they are wondering if there is any variance or any kind of way that they can ask for the city's permission to fill a RV/tent/cabin area on his property which you can't see from anywhere else.

Dave Sanders asked how many acres Mr. Cece has.

Mr. Sheridan stated that he has 6.95 acres. When he bought it he put his house on 1 acre and kept the rest agricultural because he wanted to have a nursery to grow some plants and he was going to do the campground later on. They would like to build a campground/nightly cabin rental that would be a higher end campground.

George Linford clarified that they already approached the county and they sent them to the city.

Mr. Sheridan stated that they did go to the county and they sent them here because the first thing they need to do when they are in the residential suburban zone is approach the city and ask to be annexed in. They (Mr. Sheridan was planning on partnering with Mr. Cece) do not want to become part of the city because then they would have to deal with another group of rules and hurdles. He wants to see if there are any other issues that they need to be addressed and if they can get permission from the city to do it.

Dave Sanders asked if he had a site plan and a map of the property.

Mr. Sheridan approached the commission with a map to show them the area he is talking about. He assured them that noise would not be an issue.

George Linford stated that when this issue came up before, the county required them to make an application and then they asked the city for input at their meeting.

Curtis Waisath stated that he thinks they should be able to do it.

Dave Sanders stated that they will need detailed plans. Then they would have to approach the City Council. He explained that they are the advisory board for the council. The City Council makes the final decision.

George Linford stated that he will need a site plan and proper applications.

Allison Hinz asked if they would need a conditional use permit application and how that would work with the county guidelines for the conditional uses.

Mr. Sheridan stated that he thought the city had jurisdiction over the area since it is in their impact zone.

George Linford stated that it is in our impact zone so we have input but we don't necessarily have jurisdiction.

Katie Smith stated that they need to check with the county.

Mr. Sheridan stated that the county told him that they need to ask permission from the city to be excluded from the RS zone. If they can be excluded from the RS zone like the Trout Haven in the recreational zone, then they can follow those guidelines.

George Linford stated that he needs to look into this more. He is unsure if they have the authority to make that decision.

Mr. Sheridan requested that the commission look into this further and he will put a site plan together.

George Linford stated that he will look into this more and if the open meeting laws do not prevent him from doing so, he will follow up with Mr. Sheridan to let him know what he finds out.

Mr. Sheridan stated that he appreciates that.

Lava Homes, LLC – Steve Jones and Pam Maguire (Realtor) – Presenting plans for cabins.

Steve Jones approached the commission to review the build site at 28 E. Elm. He has two lots down there, but he is building on 28. He reviewed the rendering with them and stated that it is the white one with the cobblestone.

Dave Sanders asked what the square footage would be.

Mr. Jones stated that the square footage will be somewhere between 400 and 800 sq. ft. If he does it with the loft it will be 800 sq. ft. and if he does it without the loft, it will be 400 sq. ft.

Dave Sanders asked about the topography.

Mr. Jones stated that he will have to do a little fill but he thinks he should be ok. The engineers don't think it will be a problem. They will do a retaining wall if the engineering requires it. He proceeded to review the inside.

Dave Sanders stated that it looks like a studio.

Mr. Jones stated that it is. It will be a commercial nightly rental cottage. He has had attorney's review the city's zoning for compliance.

Dave Sanders inquired about the size of the lot.

Mr. Jones stated that the footprint is 55' x 20' and the cottage is 16' x 25'. He reviewed the site plan with them. He continued to review the inside and the dimensions. He is trying to build something unique and distinctive for the community. He stated that the zoning ordinance only requires one parking stall, but each unit has two parking stalls. He also stated that it meets all of the zoning requirements and he has an attorney opinion letter which he would share the details if anyone has any questions about it.

Mr. Jones then reviewed a list of all of the properties he owns in Lava which consist of two residential properties on Elm, one RV park which is leased to Lava Spa Motel, four (4) lots on E. Elm that he bought from Billy Hansen, he has the possibility of buying Billy Hansen's house next year, and property on the west side of the Lava Spa Motel. He would like to express that Lava has been very aggressive in promoting and updating the town. Lava is positioning itself for more visitors and needs more family space. He wants to be on the front end of this opportunity.

Dave Sanders asked for clarification on the number of units. This plan shows six.

Mr. Jones stated that the plan allows for six units. If he has success with one unit then he can move forward with more, but he doesn't want to risk a lot of money. He plans on building one unit and prepare the side for possible future development.

Curtis Waisath stated that he knows with commercial property you can build from property line to property line, but with the spaces between the buildings he is wondering about fire code compliance.

Mr. Jones stated that they have not gone to the fire chief yet, but they have gone to their engineering firm and it is engineered to code.

Dave Sanders asked about the 4 and a half feet between the buildings and about being able to get in with a fire truck.

Curtis Waisath stated that was his concern if they continue on to build the whole thing.

Mr. Jones stated that they are fully compliant with the requirements.

George Linford confirmed that there is just one building going in.

Mr. Jones stated that his plan at this time is to do one building. If he succeeds with the one, then he will continue with more.

George Linford stated that there are time constraints.

Mr. Jones stated that he is aware of that.

Dave Sanders inquired about the existing alley.

Mr. Jones reviewed the plan with them.

Pam Maguire came forward about the fire code. Stated that when they get the building permit, everything will be addressed and checked off by the experts, but to her it will make no difference. They have alley access, front road access and they are able to build to the actual wall.

George Linford stated that this is a commercial zone and they can build from the alley to the edge of the property line.

Curtis Waisath stated that he was just concerned because they are individual buildings.

Mr. Jones stated that is more for aesthetics. There is more privacy this way.

Curtis Waisath questioned what he would do about management.

Mr. Jones stated that he has tenants that he has made arrangements with.

Dave Sanders asked about the walkways.

Ms. Maguire stated that they are planning on gravel and it will be well maintained.

Mr. Jones stated that they plan on concrete and asphalt. It will be decorated handsomely.

Dave Sanders said that it looks nice, like a townhouse with a space between them.

Mr. Jones stated that it offers privacy.

Ms. Maguire stated that Mr. Jones has traveled a lot and this is where he got this idea from. This is where the public is going at this time and it is allowed in the zoning.

Dave Sanders likes how he planned the parking. It is well organized and he likes the utilization of the property.

George Linford asked if he has made any applications to the city for building permits.

Mr. Jones stated that they have not done that yet. They have been working with engineers to build a site plan. They are not here to get permission, but to give the Planning and Zoning Commission a heads-up and for them to make a recommendations before they move forward. They also wanted to establish a future rapport since they have property that they would like to develop in the future. If there are no objections at this time, he would like to continue with engineering and will submit the plans to the city once they are complete.

Katie Smith asked if the application would be for six units.

Mr. Jones said that would make the most sense because it is engineered that way.

George Linford stated that there are time constraints.

Mr. Jones stated that he is aware of that and will deal with it in phases.

Katie Smith stated that she likes the idea. She will have to review the zoning rules since there have been changes since she was on the commission last.

Review changes to applications for Building Permit, Conditional Use Permit and Variance.

Allison Hinz stated that the addition was the suggestion of the city's attorney.

The commission reviewed the addition to the application. Nobody has any problems with it.

Other Business

Michael Vice came forward. He lives on East Fife. He served on City Council from 2006 to 2009. He is still on the Comprehensive Plan Committee. He stated that the proposals from Mark Ceci and Steve Jones are needed in town. They need long term housing as well. Wants support from the Planning and Zoning Commission to accommodate as much as they can within reason. He stated that the Comprehensive Plan is almost done and it is a tool to the Planning and Zoning Commission.

George Linford stated that the Comprehensive Plan is to Planning and Zoning as they are to the City Council, they are an advisory committee.

Mr. Vice agreed. He has heard different things on how it will be used, he hopes it will be used as a tool. He stated that we need more housing.

Mr. Jones came forward again stating that the Comprehensive Plan is a guide, and it is not comprehensive, it does not represent what we all want. It is not an accurate representation of what is wanted in the community. It is a recommendation for the commission to take into consideration. He presented something that took a lot of time of effort and they were very prepared. They wanted to give a glimpse of their future plans and ideas.

Schedule Next Meeting

The next regular meeting of the Lava Hot Springs Planning and Zoning Commission will be held on Thursday, March 28, 2013 at 6:30 p.m.

Adjournment

A motion was made by Curtis Waisath and seconded by Katie Smith to adjourn. All voted aye, unanimous. The meeting adjourned at 7:30 p.m.

Allison Hinz – Secretary

George Linford - Chairman