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**MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING  
CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO**

August 19, 2019  
6:00 PM

**ESTABLISH A QUORUM**

Chairperson Dennis Belt noted there was a quorum present and called the August 19, 2019, Regular Meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members Topher Wallaert, Deedee Devol, Nancy Brletic, and Ralph Binion.

Commission Members Mary Miracle and James Eskridge were not in attendance.

Staff members attending were Building Official Mike McCain, Public Works Director Rich Urquidi, Administrative Assistant Brenda Ellis and Attorney Geoff Schroeder.

**MINUTES-**

**August 5, 2019**

Commission Member Ralph Binion made a motion to approve the minutes for the Regular Planning and Zoning Commission Meeting held on August 5, 2019. Commission Member Topher Wallaert seconded the motion. Vote is as follows: Commission Member Wallaert; aye, Commission Member Devol; aye, Commission Member Brletic; aye, and Commission Member Binion; aye. Motion passed by a unanimous vote.

**PUBLIC HEARING AND ACTION**

**\*Action Item** – Planned Unit Development – 800 South 3<sup>rd</sup> West A Street – Fable, LLC – Third Street Cottages

Dan Stout came forward to speak on behalf of Fable, LLC. Dan stated, “We are proposing a few changes to the old hotel. Two deviations from the code are requested which is a strip along South 3<sup>rd</sup> West A Street. One garage does not meet the setback requirements. We would care for the strip of land in front and do all maintenance. The second deviation is on the 8<sup>th</sup> Street Side. The garages are nineteen feet six inches off of sidewalk where we thought they were twenty. If we cannot get that reduction we can shorten the garages half a foot to solve the problem.” Chairman Belt commented, “There is an addition to each one of the structures as well.” Mr. Stout stated, “Yes. We would like to add a second bedroom onto the existing structures and rebuild the destroyed unit, and convert unit five into two units.” Chairman Belt stated, “The two things that are conditions for the PUD are the six inches on the garage and the garage on the setback.”

Mike McCain read the staff report. Mike commented, “Without a survey we are assuming where the property lines are.”

Chairperson Belt asked, "Will the ingress and egress to the property be paved?" Mr. Stout confirmed it would be. Commission member Binion asked, "Has the survey been done?" Mr. Stout stated, "We just got the staff report and have calls into a surveyor." Commission member Binion asked "So we are guessing where we are sitting?" Mike McCain stated, "Right. We have no issues with the additions to the original structures. The twenty foot set back that is required for a garage and we don't know where the property line is for adding the garage on 3<sup>rd</sup> street, we don't know where that boundary is. If the garage was detached like the opposing garage, and moved back five feet, I see no problem. If a survey is done we will know if it can be attached to the unit. That garage may go away depending on the survey." Commission member Binion asked, "So they are asking for a variance?" Mike McCain Stated, "No. This is not a variance. A PUD allows deviation from the normal setbacks." Commission member Binion stated, "So a blind deviation. It could be six inches, a foot, or more on the back garages and could be five foot to no garage on the attached garage if we don't know where the property line is." Mike McCain commented, "Unless you leave it to my judgement dependent on survey. If it is not legal, then it won't be approved." Attorney Geoff Schroeder stated, "In order to approve this you have to make nine findings located in City Code 9-8-11. The fifth finding, any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the planned unit development and the adopted policy of the Council, or in this case the commission. That ties you back to comments in the comprehensive plan. So density requirements and setbacks are specifically identified in the Comprehensive Plan and in the PUD Ordinance where things can be waived to make a single development. It is important that given the proximity to the property line to ensure that we are not in a street right of way. I think from my perspective the Building Official recommendation that a survey be done before the approval is granted is well taken." Commission Member Nancy Brletic asked, "Can we make a recommendation based on the survey?" Mike McCain commented, "As long as the survey shows the applicant's project is not on the property line or in a right-of-way it could be approved. If not, then things would have to shift to make it fit. You can take the twenty foot setback to allow the nineteen foot six inches. If the nineteen foot six inches and is part of the easement the structure would need to move to meet that setback." Attorney Geoff Schroeder said, "This helps keep us from creating a burden for the developer, future owner or the City if we ever have to widen or improve the street." Mr. Stout stated, "It sounds like you are going to want a survey. We don't know how long it will take. We would like approval to build the additions, duplex, and restore the missing unit. We can put those two items off until we know more about the survey." Mike McCain stated, "If Planning & Zoning will allow me to look at the survey and approve it as long as it is on his property, you can allow that to be done. If you want to know how many feet they are away then you will have to table that until the survey is done." Commission member Brletic stated, "I am uncomfortable splitting this up without phases. It seems it will get complicated and lost in the shuffle." Chairman Belt stated, "It would boil down to there would be no garages built until the survey was complete but they could build on the houses."

Albert Pehlke came forward to speak he was concerned about Dumpster location and garage placement on 8<sup>th</sup> Street. Mike McCain stated, "The dumpsters will need to be completely enclosed. The garage to street requirement is twenty feet back and one of the reason we are requiring a survey."

Bobby Brooks inquired about developer's intentions long term with the property. Mr. Stout stated, "We will keep those and rent them. We did a test ad and we had nineteen people on a waiting list and a third of them were retired. That is one of the reasons for the garages. We think we will have a retired clientele and/or Air Force. The nice thing about the Air Force is with every tenant they give us a financial officer, housing officer and the person's supervisor. We think we will have a pretty good clientele. We are putting extra money into them because we do not want any maintenance problems. We are hoping to have the additions finished by the end of October."

Dr. Ron Storey stated, "We will have a caretaker that lives in Mountain Home to maintain the leaves and the lawn and if something happens they are here. They will also watch the trash and keep it from being an issue. We want the area to look good."

Public Hearing Closed

Commission member Topher Wallaert made a motion to allow for the building of the residential structure pending the approval of the survey.

Attorney Geoff Schroeder stated, "I think you should say that the approval is conditioned as drawn pending a survey showing that the garages are within the confines of the property boundaries." Administrative Assistant Brenda Ellis asked, "Does the motion need to mention approval of the reduction of square footage of the homes as well?" Attorney Geoff Schroeder stated, "We can draw the findings, the application with requests and staff report with recommendation, and facts that have been presented that I believe allow you to find that any exception from standard district requirements, in this case, setbacks and size is warranted by the design and other amenities incorporated in the final development plan. Have you seen sufficient facts that you can condition the approval on."

Commission Member Wallaert stated, "I don't want them to have to stop them from building when the whole question is on the garages." Mike McCain stated, "If you make the motion the way Geoff said it you would be approving everything as long as the building fell upon his property according to the survey. That way I could just look at it and determine if he was at least within the minimum of three foot for the garage." Attorney Geoff Schroeder stated, "So your recommendation to the Council is that it be approved, conditioned on the survey."

Commission Member Ralph Binion made a motion that the Planning and Zoning Commission recommends to the City Council that they approve the Planned Unit Development application submitted by Fable, LLC pending verification of property boundary lines based on the survey. Commission Member Topher Wallaert seconded the motion. Vote is as follows: Commission Member Wallaert; aye, Commission Member Devol; aye, Commission Member Brletic; aye, and Commission Member Binion; aye. Motion passed by a unanimous vote.

#### **NEW BUSINESS**

\*New

#### **OLD BUSINESS**

\*None

#### **DEPARTMENT HEAD ITEMS**

\*Monthly Building Permit Report-July 2019-None

\*Monthly Code Enforcement Report-July 2019-None

#### **ITEMS REQUESTED BY COMMISSION/STAFF**

\*None

#### **RECOGNIZE PERSONS NOT ON THE AGENDA**

\*None

#### **ADJOURN**

Chairperson Dennis Belt adjourned the meeting at 6:35 p.m.

Chair

