

Minutes
Special Meeting
Ashton Planning and Zoning Commission

March 2, 2017
7:00 pm

Attendees: Commission Members: James Reynolds, Robert Reimann, Matt Brady, Chairman Mike Hogle, Norman Watkins, Administrator Tom Cluff and Deputy Clerk Jan Warnke.

Also attending were John Kaelberer, Jeff Southard, Michele OMalley, Patty Litton, Bill Stephens, Lisa Smith, Kurt Eidam, Donna Foster, Ron Palmer, Sheryl Hill, Sara Reinke, Darrell Reinke, Doug Ervin, Cory Packer, Garth Blanchard, Marvin Fielding, Shauna Woodall and Fritz Harrigfeld.

New Business:

1. Minutes from the 3-15-16, 5-18-16, 1-18-17 and 2-2-17 meetings were approved as submitted.

2. **Administrator Cluff's report on the Large Scale Development Study for the Royal Crown Hotel and Restaurant** – Administrator Cluff told the commission that he wanted to go through the study to make sure that there are no questions that they need to have this study address. He also stated that the place that the study is used is in the public hearing and we need to make sure all of your questions have been addressed and that nothing has been left out of the study. The study was generated using the City's existing water and sewer studies and using the City's EDU's (Equivalent Dwelling Unit), which is based on the equivalency of one household use. The study is estimating that a 50 unit hotel with a 200 seat restaurant would use 16% of the City's unused capacity in the sewers treatment facility. A 108 unit hotel with a 200 seat restaurant would use 31% of the unused capacity. The water study is estimating that a 50 unit hotel with a 200 seat restaurant would use 27% of the City's unused water system capacity. A 108 unit hotel with a 200 seat restaurant would use 51% of the unused water system capacity. The street study showed there would be minimal traffic demand on the City Streets. The access will be on Hwy 20 and will be built to IDT's (Idaho Department of Transportation) standards. Next they addressed parking. The applicant business plan calls for bringing in tour busses. They are looking at some kind of parking equivalency calculation. The City Code has a strict calculation. The commission will have to decide if they want to consider amending the Code to allow that kind of equivalency. That can be discussed at the public hearing. The current plan that the applicant has submitted doesn't show enough parking but they have plenty of room to provide enough parking to meet the Code. This study shows that the City has adequate water, sewer and street capacity. What you as a commission need to address is if there is anything that you are concerned about or if there is anything else we need to have them look into on the study before this goes to public hearing. Commissioner Reynolds mentioned that as time goes by there is going to be

maintenance and upkeep to the systems and wanted to know if there was any formula for that. Administrator Cluff stated that the formula is built into the City's rates. A portion of every water and sewer bill that the residents pay covers that and they are charged proportionately so they will be paying their share. Commissioner Watkins asked if the homes would be open for sale to the general public. Commissioner Cluff said that the applicant has applied for a subdivision with single family homes. Jeff Southard, the developer, stated that they had been clear about the intention that the homes would be rentals. It is separate from the hotel. The reason that the applicant wanted to enclose it and include it in that area was to not impact the surrounding streets and neighborhood. The intention is that these homes will be sold but not for full time occupancy by one family, they would be used as a rental property. Commissioner Watkins asked if the homes would be sold all together or separately to the general public. Jeff Southard stated that he did not know the exact answer. The owners have discussed that they would be sold to investors or other general public but would be used as rentals. Administrator Cluff asked the commission if there was anything more that needed to be talked about with the study or anything that needed to be added to the study. Commissioner Reynolds asked if they needed to discuss the parking issue. Administrator Cluff told him that the parking issue would take a change to the code. Commissioner Reynolds asked Administrator Cluff if the code does not allow bus parking. Administrator Cluff said that the code does not restrict bus parking. The code states that there must be 1 space for every room plus 1. It doesn't say if you have bus parking that you can reduce it. To have some waiver the code would need to be changed. There is something in the study that addresses parking but the commission will have to talk with the applicant at the public hearing. The commission looked at the plot plan to see what the applicant had planned for parking.

3. Discussion regarding draft language for proposed Development Code Amendment – Height limits in Commercial Zones

– Administrator Cluff informed the commission that the height limit of 35 feet went back to the 1920s when zoning was just getting started in the U.S. That is tall enough for a 2 ½ to 3 story home. The height limit is common in a lot of areas for residential zones. In Ashton there is a 35 foot height limit in residential and commercial zones. The question is does the commission want to stay with the 35 foot limit or do you allow some procedures to modify it. The applicant for the hotel has requested that the height limit be changed in the code. The administrator gave the commission some draft language that they can consider for exceptions to the maximum building height. Where the maximum building height is 35 feet then the commission could grant an exception. That would require the applicant to file a Class II permit application. They would need to explain what they would like height exception for, submit a plot plan, and show where the nearest buildings are. That helps the commission get an idea of what raising the height limit would do. Then the fire department would have to certify that the building could adequately be protected. These applications would be reviewed on a case by case basis. Whatever it is you would have to look at the code and make a rational reasonable decision that you can explain. You can attach conditions. For example you could allow someone to build a 60 foot tower as long as it was 65 feet away from all property lines. Administrator Cluff asked the commission if they were comfortable with allowing an exemption to the height limit and if this

was the procedure that they would like to use or is there something they want to try differently? Chairman Hogle would like to get some input from the public. Administrator Cluff informed the commission that he had met with the fire department about the four story hotel proposal. The fire department would require stand pipes and hose on every floor. There are regulations that would be enforced to grant a four story hotel. Fire sprinkling systems have proven to be more than adequate for people's safety. The commission liked the language that the administrator prepared for the possible code change. Administrator Cluff will get a public hearing scheduled.

4. Discussion regarding draft language alternatives for proposed Development Code Amendment – Shops in residential zones. –

Administrator Cluff told the commission that Ron Palmer wants to build a shop on some land he owns in LDRZD (Low Density Residential Zoning District). The shop would be used as an office and equipment storage. The residential zone doesn't allow that. The administrator asked if it makes more sense to change the code to allow that in those zones or to change that property to a commercial zone. The code could be changed to allow shops in residential zones on a case by case basis. The code allows home based businesses in residential zones with a size limit. The one alternative makes exception to the size limit the other alternative make an exception to what is allowed in a residential zone. Would the commission be comfortable with this kind of commercial use? They would all be approved on a case by case basis. Instead of treating these as a home occupation they would be treated as commercial use in a residential zone. Home occupations are usually tied to the fact the person lives in the home that the business is in. With the Class II commercial use you could live on one side of town and have your shop in the back yard of your rental house property on the other side of town. This wouldn't qualify under the current rules but it would be permitted under a code change allowing a commercial use in a residential zone. Commissioner Reynolds asked what the size of shop was that Mr. Palmer wanted to build. Administrator Cluff told him that it was 60 ft. x 100 ft. or 6000 square feet. Commissioner Reynolds stated that they need to accommodate some things but they have got to protect the rules and other people. The administrator said that the commission needs to decide if they are comfortable with having a public hearing on this matter or if there is something else that they would like to do. Commissioner Brady liked the wording of using any accessory building as an office or shop. The commission told the administrator that they were ready to go to public hearing with the code changes. The administrator will look for a date but it will probably be at the next scheduled Planning and Zoning meeting on April 19, 2017.