



City Council Staff Report

REPORT DATE: November 16, 2023

HEARING DATE: November 30, 2023

FILE NUMBER / NAME	SD2023-10 – Condo Plat – 140 Homestead – Espenscheid Enterprises Inc.		
APPLICATION TYPE	Condominiumization Plat		
PROJECT APPLICANT	Justin Moedl	PROPERTY OWNERS	Espenscheid Enterprises Inc.
PROJECT LOCATION	140 Homestead	PARCEL # / TAX #	RBPO2770000510
LAND USE MAP	DN Downtown Neighborhood	LAND USE ACTIVITY	Apartment Building
ZONING DISTRICT	RM-2 Residential Multi-Family	OVERLAY DISTRICT	None

Re: Applicable Victor Values:

- | | | |
|--|--|---|
| <input type="checkbox"/> Culturally Historic | <input type="checkbox"/> Sustainable | <input type="checkbox"/> Connected to Nature |
| <input type="checkbox"/> Small Town Feel | <input type="checkbox"/> Family Friendly | <input checked="" type="checkbox"/> Administrative Need |

PROPOSAL & APPLICATION PROCESS

The applicant, Justin Moedl, has applied for a Condominiumization Plat to create Homestead Condominiums, The Ponds Condominiums 3rd Addition. This subdivision will create a total of 8 residential units consisting of a single eightplex building. The project obtained Site Plan Review approval on January 26, 2022. They were issued a building permit on May 18, 2022 (BP2021-58).

PROCEDURE

This application is undergoing a Condominiumization Review. [LDC Div. 14.5.11] Approval of this procedure requires public meeting before the City Council to be approved. The City of Victor City Council may approve, approve with conditions, deny, or continue the public meeting to a later date.

APPLICABLE CRITERIA

Listed below are governing standards that shall apply:

- *Victor Land Use Development Code (LDC): Ch. 11 Site Development; Art. 12 Street & Public Improvements; Art. 13 Property Development Plan & Resource Protection; and Div. 14.5.11 Condominiumization.*
- *City of Victor Comprehensive Plan*
- Building and Fire Codes

STAFF REPORT ATTACHMENTS

The following relevant attachments are included in this Staff Report:

1. Application Materials
2. Draft copy of Final Plat
3. Draft Deeds

STAFF RECOMMENDATION

Staff recommends that Council review the application materials and how they compare to the approval criteria. Additional staff comments are within the Staff Analysis below. Staff supports the application.

SUGGESTED MOTIONS

Approve:

Having concluded that the Criteria for Approval of a Condominiumization found in Title 10, Article 14.5.11 have been met, I move to approve the Condominiumization for SD2023-10 as described in the application materials last updated on November 7, 2023.

Continue:

Having found that further information is required, I move to continue the application to the (insert meeting date) City Council meeting to allow the applicant to address the following concerns raised (specify concerns to be addressed).

Deny:

Having concluded that the Criteria for Approval of a Condominiumization found in Title 10, Article 14.5.11 have not been met, I move to deny the Condominiumization for SD2023-10 as described in the application materials last updated on November 7, 2023.

PROPOSED CONDITIONS

1. All Federal, State, and Local laws shall be met. The applicant shall be solely responsible with compliance to these conditions of approval, all applicable development requirements, all previous land use decisions and the associated conditions rendered for this project site location.

PROJECT LOCATION



STAFF ANALYSIS FOR REZONING

Regulation	Required/Allowed	Proposed	Conformance/Staff Comment
14.5.11.E.1	Any proposed condominium shall comply with all applicable criteria and standards of the City regulations, conditions of approval established in the previous approval, and the development agreement approved as part of the previous approval.	The project obtained Site Plan Review approval on January 26, 2022. They were issued a building permit on May 18, 2022 (BP2021-58).	This criterion has been met.
14.5.11.E.2	Condominiums shall not increase the number of lots, only create separate units.	This subdivision will create a total of 8 residential units consisting of a single eightplex building.	This criterion has been met.
14.5.11.E.3	Condominiums shall not change the uses approved, or the location of where certain uses are approved.	The use is multi-family residential the Condominiumization will not change that.	This criterion has been met.
14.5.11.E.4	Condominiums shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.	This project is similar to neighboring developments of multi-family that has been condominiumized.	This criterion has been met.
14.5.11.E.5	The structure must have a certificate of occupancy, or the approval of the Condominiumization can be conditioned on obtaining the Certificate of Occupancy.	Certificate of Occupancy was issued on November 6, 2023.	This criterion has been met.



Minor Subdivision Application

Date: 09/05/2023

Applicant / Owner

Applicant Name: Moedl Construction LLC
Address: 1002 Lost River
City, State, Zip: Idaho Falls Idaho 83401
Phone Number: 2085893472
Email: jmoedl@gmail.com

Owner: Espenscheid Enterprises INC
Phone: 3072312330

Location

Site Address: 140 Homestead
City, State, Zip: Victor, Idaho, 83455

Parcels: RPB02770000510
Zoning: RM-2: Residential Multi-Family

Legal Description: The Ponds 3rd Addition Lot 51 NE 1/4 Section 2, T3N, R45E, B.M. Victor Idaho

Project Details

Type: Condo Plat
Subdivision: Condominiumization
Current Size: 58,114.45 sqft
Proposed Size: 6@1154 sqft & 2@592 sqft
of Lots: 8

Proposed Streets: 140 Homestead
Proposed Name: The Ponds Condominiums
Active Applications: none
Open Space: 50,007.57 sq.ft.

Project Description:

I do hereby certify that the information contained herein is true and correct.

Justin Moedl

Name

09/05/2023

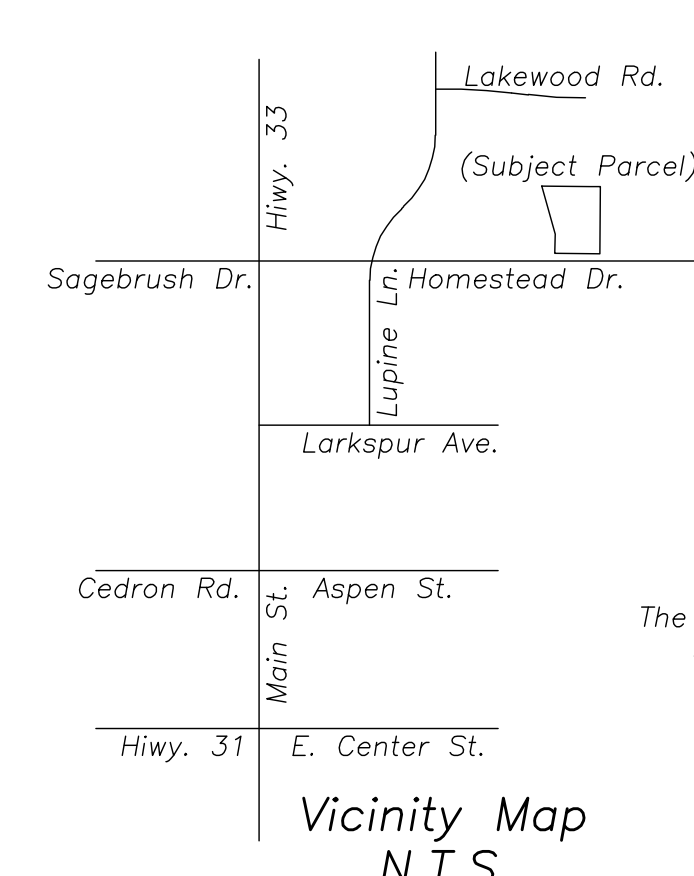
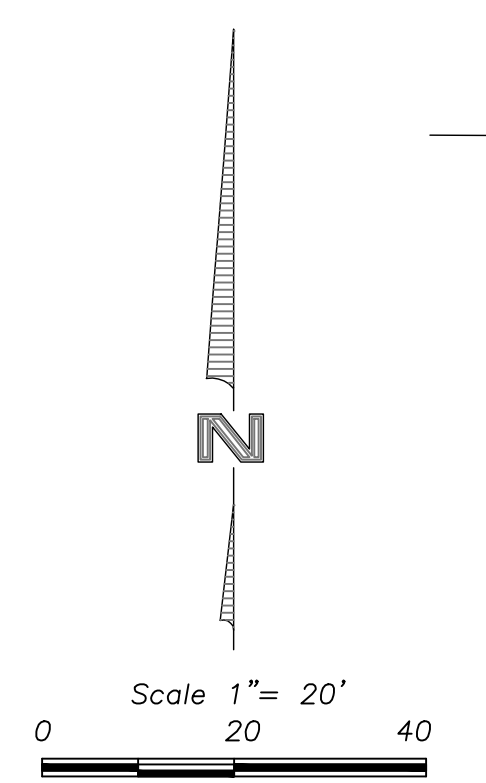
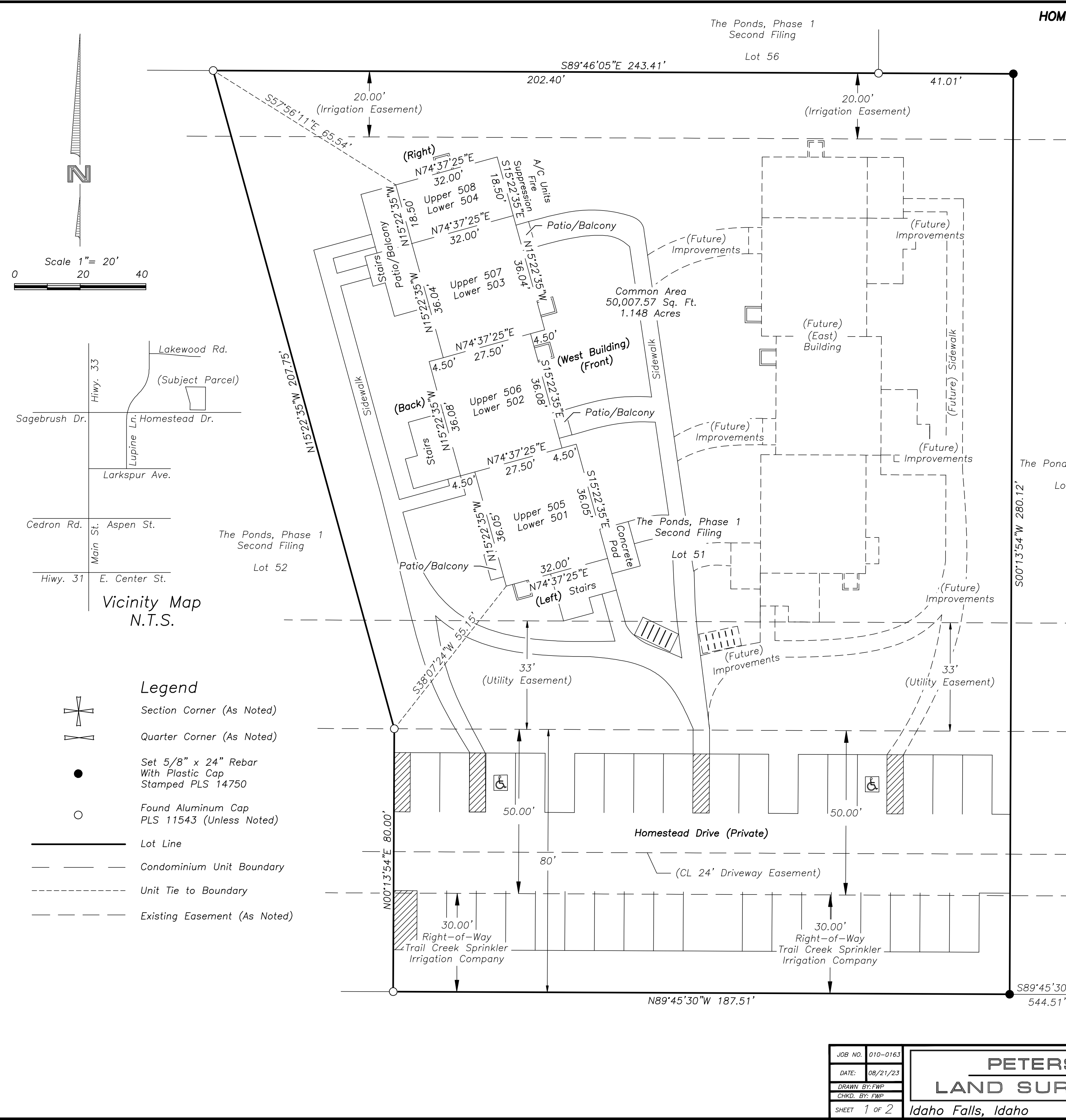
Date

HOMESTEAD CONDOMINIUMS, THE PONDS CONDOMINIUMS 3RD ADDITION
 a Subdivision of Lot 51, The Ponds, Phase 1, Second Filing
 Pursuant to Idaho Code, Title 55, Chapter 15
 NE 1/4 Section 2, T3N., R45E, B.M.
 City of Victor, Teton County, Idaho
 (Sheet 1 of 2)

Unit Summary (Exterior)

Unit 501= (Living Area)	1153.60 Sq. Ft.
Unit 502= (Living Area)	1154.56 Sq. Ft.
Unit 503= (Living Area)	1153.28 Sq. Ft.
Unit 504= (Living Area)	592.00 Sq. Ft.
Unit 505= (Living Area)	1153.60 Sq. Ft.
Unit 506= (Living Area)	1154.56 Sq. Ft.
Unit 507= (Living Area)	1153.28 Sq. Ft.
Unit 508= (Living Area)	592.00 Sq. Ft.
Unit Area	8,106.88 Sq. Ft. (Eight Units)(West Building)
Ground Floor Building (West)	4,053.44 Sq. Ft.
Ground Floor Building (East) (Future)	4053.44 Sq. Ft.
Total	8106.88 Sq. Ft.
Lot 51 Gross Area=	58,114.45 Sq. Ft. (1.334 Acres)
58,114.45-8,106.88=	50,007.57
Common Area=	(50,007.57 Sq. Ft.) (1.148 Acres)

Boundary Description (Existing)
 Warranty Deed Inst. No. 271014
 Lot 51, The Ponds Phase 1 Second Filing, Teton County, Idaho as the same appears on the official plat thereof recorded November 11, 2015 as Instrument No. 182553.



- Legend**
- Section Corner (As Noted)
 - Quarter Corner (As Noted)
 - Set 5/8" x 24" Rebar With Plastic Cap Stamped PLS 14750
 - Found Aluminum Cap PLS 11543 (Unless Noted)
 - Lot Line
 - Condominium Unit Boundary
 - Unit Tie to Boundary
 - Existing Easement (As Noted)

Northeast Corner Sec. 2
 Found Iron Pin
 C.P.&F. Inst. No. 99497 PLS 2860

East Quarter Corner Sec. 2
 Found Iron Pin
 C.P.&F. Inst. No. 272921 PLS 14750
 C.P.&F. Inst. No. 99499 PLS 2860

(Basis of Bearing) Measured N00°14'07"W 2642.44'
 Lakewood Condominiums
 AW Engineering
 Inst. No. 247232

JOB NO. 010-0163	PETERSON LAND SURVEYING, PLLC	CONDOMINIUM PLAT
DATE: 08/21/23		
DRAWN BY: FWP		
CHECKED BY: FWP		
SHEET 1 of 2	Idaho Falls, Idaho (208) 313-5033	Espenscheid Enterprises, Inc. NE Quarter Section 2, T3N R45E BM

Notes

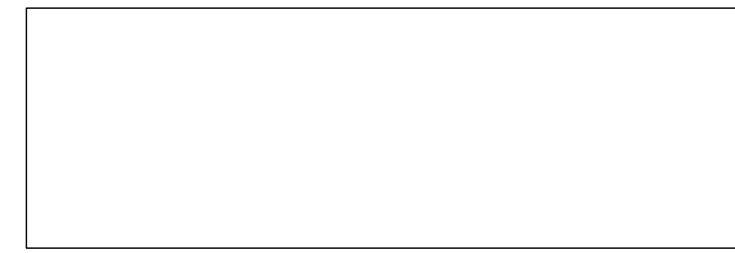
This phase consists of 8 Units (West), 8 Future Units (East), and 1.148 Acres of Common Area.

Each unit consists of the entire property enclosed by the Unit Boundary lines (Level Specific) including the land and all improvements thereon, but subject to the covenants, conditions, restrictions and easements set forth in the Declaration of Covenants, Conditions and Restrictions.

Recorders Certificate

I hereby certify that the foregoing plat of HOMESTEAD CONDOMINIUMS, THE PONDS CONDOMINIUMS 3RD ADDITION, City of Victor, Teton County, Idaho was filed for recording in the Office of the Recorder of Teton County, Idaho on this _____ day of _____, 20____ at _____ and recorded as Instrument No. _____

Date _____ Teton County Recorder _____



Treasurers Certificate

I, the undersigned County Treasurer in and for the County of Teton, State of Idaho, having reviewed this Plat per the requirements of Idaho Code 50-1308, do Hereby Certify that all County Property Taxes due for the property included in this project are current.

Date _____ Teton County Treasurer _____

Survey Summary

Existing monuments coinciding with platted dimensions were used to define the overall boundary of Lot 51 as shown hereon.

The building as shown hereon was field measured and defined by both said field measurements and construction improvement plans.

Relevant Surveys

The Ponds Phase 1 Second Filing
Inst. No. 182553

Lakewood Condominiums Phase 1
Inst. No. 247232

City of Victor Approval

Presented to the City Council of Victor, Idaho on the following date at which time this subdivision was approved and accepted.

Will Frohlich, Mayor

Michelle Smith, City Clerk

Kimberly Kolner, Planning and Zoning Administrator

Examining Surveyor Certificate

I certify that I have examined this plat and find it complies with Section 50-1305 of the Idaho Code.

Date _____ Professional Land Surveyor _____ Registration Number _____

Surveyor's Certificate

I, Frank Peterson, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that the survey of this Subdivision, designated as HOMESTEAD CONDOMINIUMS, THE PONDS CONDOMINIUMS 3RD ADDITION, a condominium project as described in the Declaration of Covenants, Conditions and Restrictions was performed by me or under my direction, and that said Subdivision is truly and correctly staked as provided by law and is in conformance with the Condominium Property Act under Chapter 55-15-1 of the Idaho Code.

Preliminary

Frank W. Peterson License No. 14750 Date _____

Owners Dedication

KNOW ALL MEN BY THESE PRESENTS: that Espenscheid Enterprises, Inc. is the lawful owner of the tract of land included within the boundary description:

Lot 51 of The Ponds Phase 1, Second Filing:

We the undersigned, do hereby certify that such Corporation has caused a survey to be made, and this HOMESTEAD CONDOMINIUMS, THE PONDS CONDOMINIUMS 3RD ADDITION Condominium Project Plat to be prepared pursuant to Idaho Code, Title 55, Chapter 15, and we do consent to the recordation of these plats and documents. We also certify that the units within this plat will be served by the City of Victor Municipal Water System.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day

of _____, 20____.

Espenscheid Enterprises, Inc.

By:

Brian Espenscheid, President

Chad Espenscheid, Registered Agent

**HOMESTEAD CONDOMINIUMS, THE PONDS CONDOMINIUMS 3RD ADDITION
a Subdivision of Lot 51, The Ponds, Phase 1, Second Filing
Pursuant to Idaho Code, Title 55, Chapter 15
NE 1/4 Section 2, T3N., R45E,B.M.
City of Victor, Teton County, Idaho
(Sheet 2 of 2)**

Acknowledgment

STATE OF _____ :SS.

COUNTY OF _____

On this _____ day of _____, 20____, before me the undersigned, a notary public in and for said state, personally appeared Brian Espenscheid, known or identified to me, to be the President of Espenscheid Enterprises, Inc. and the person who subscribed said corporations name to the foregoing Owners Dedication and the Drinking Water System Certificate and acknowledged to me that he executed the same in said corporations name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and the year in this certificate first above written.

Notary Public for the State of _____:

Commission Expiration Date: _____

Acknowledgment

STATE OF _____ :SS.

COUNTY OF _____

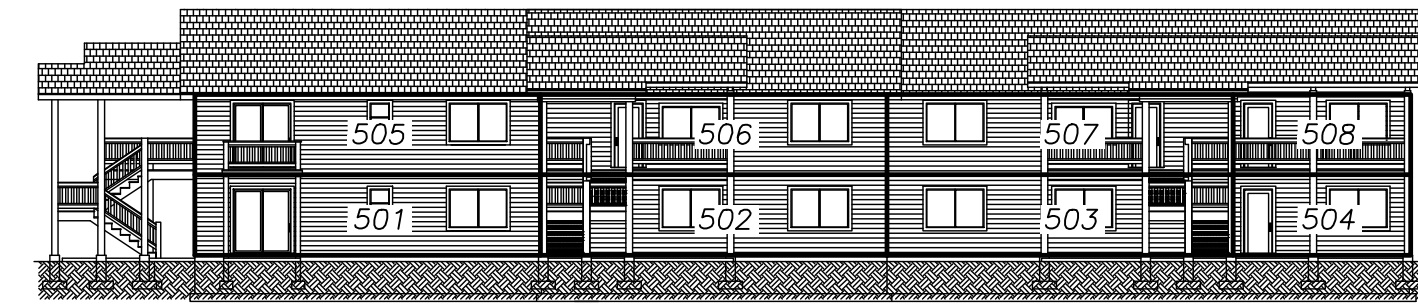
On this _____ day of _____, 20____, before me the undersigned, a notary public in and for said state, personally appeared Chad Espenscheid, known or identified to me, to be a managing member of Espenscheid Enterprises, Inc. and the person who subscribed said corporations name to the foregoing Owners Dedication and the Drinking Water System Certificate and acknowledged to me that he executed the same in said corporations name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and the year in this certificate first above written.

Notary Public for the State of _____:

Commission Expiration Date: _____

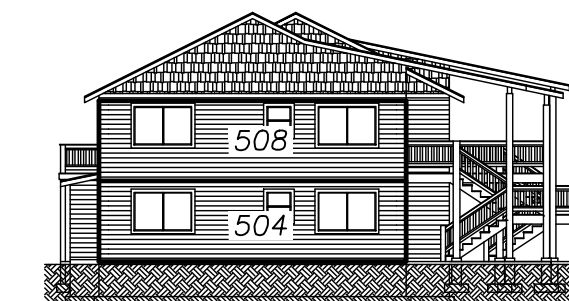
**Building Elevations
(West Building)
(Not To Scale)**



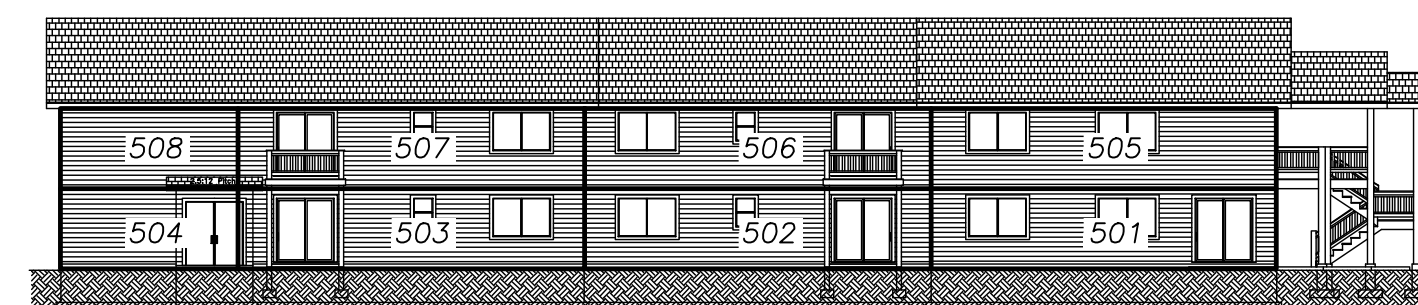
(Front)



(Left)



(Right)



(Back)



JOB NO. 010-0163
DATE: 08/21/23
DRAWN BY: FWP
CHKD. BY: FWP
SHEET 2 OF 2

**PETERSON
LAND SURVEYING, PLLC**
Idaho Falls, Idaho (208) 313-5033

CONDOMINIUM PLAT
Espenscheid Enterprises, Inc.
NE Quarter Section 2, T3N R45E BM

