

2) The overall development density on Lots 3 and 4 is the same as originally approved with both Lots 3 and 4 approved for 2 townhome units each, for a total of 4 units, each on separate townhome sublots. The proposed application for Lot 4 allows for an amended preliminary plat approval. Building permits for the townhome construction may commence only after preliminary plat approval. (The applicant indicates they would like to initiate construction in the fall of 2011.) Final plat approval may be granted once the construction is complete, utility, landscaping and other requirements are found to be met, and a certificate of occupancy is granted.

3) The main change to the preliminary plat has to do with the change in subplot configuration, and the location of utilities to serve Sublots 4A and 4B. To a large extent, these proposed changes were brought about by the bifurcation of the original subject property so that Lot 3 and Lot 4 can "stand alone" as two separate projects. The goal is to have access and utilities serve Lot 4 with as little impact or need for easements over Lot 3. This has been accomplished with the exception of the geothermal system that is shared by both properties. This geothermal system will be designated by cross-easements for use, maintenance, and access. Sublots 4A and 4B will have cross-easements as needed when utility lines run across a property to serve the other. Both Sublot 4A and 4B are shown to have separate access points.

Changes to the subplot sizes are as follows:

Sublot 4A was originally 2,858 square feet in size and is now proposed to be 5,102.

Sublot 4B was originally 2,593 square feet in size and is now proposed to be 3,172

(The difference in the sum of the sublots between the original and proposed is because a portion of the lot area was originally committed to common area, that is no longer proposed.)

Changes to the townhome footprint sizes are as follows: (Only 35% of the main Lot 4 may be covered by structure.)

The footprint of the Sublot 4A townhome is proposed to be 1,577 square feet or 19% of the total Lot 4, leaving the maximum lot coverage for Sublot B townhome to be 1,325 square feet or 16% of the total Lot 4 size.

The applicant has indicated and it was staff's recommendation that because the original development was designed and intended to stand as a four-unit townhome complex, that it would be in the best interest of design and compatibility to have the Lot 4 development be similar to the original design.

4) The proposed amended development agreement no longer ties the application to specific dates for construction. Phasing of the 2 townhome units is no longer proposed as was the case with the original 4 townhome units. With the separation of the development into two projects, the construction impacts on the neighborhood are not likely to be as significant as when 4 units were proposed, and the development of individual townhome units is likely to be more staggered due to economic conditions. That said, staff feels comfortable that the development agreement ties the development to certain utility installations, easements, and design review procedures for the full build out of the entire 2 unit townhome development on Lot 4. The city attorney has not identified any concerns about the proposed development agreement. The original and proposed development agreements were included as attachments to the October 10, 2011 staff report.

5) Staff discussed and evaluated the project with the Street Department, Utilities Department, and Idaho Power. The applicants have worked closely with staff and all of the comments and concerns raised by these entities can be addressed by the applicants prior to submittal of a recordable preliminary plat. Such plat will be reviewed by staff and the City Engineer prior to signature and recordation to ensure compliance with City of Ketchum and other utility providers. A condition to this effect was proposed within the motion to approve this project.

6) At their regular meeting on December 5, 2011, the City Council considered the Shoch Residence application for amendments to Subdivision Preliminary Plat and Development Agreement. The City Council unanimously approved the application with the conditions listed on page 5 of these Findings of Fact.

7) Attachments to the Staff Report, December 5, 2011:

- A. Application, Narrative by Applicant, and Plan Set (including original preliminary plat, original unit design and site plans)
- B. Proposed and Original Development Agreement

16.00 SUBDIVISION REGULATIONS

16.04.070 TOWNHOUSES (some criteria are not listed because they are procedural in nature)

B. Townhouse Owners' Documents. The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of said documents and shall file said documents prior to recordation of the plat, which shall reflect the recording instrument numbers thereupon.

Findings and Conclusion: The City Council found that the applicant has submitted the required documents.

E. Garage. All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots, provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

Findings: Garages will be internal to each townhouse unit.

Conclusion: The City Council found that this standard has been met.

F. **General Applicability.** All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions.

Findings: A condition of approval requires compliance with applicable City of Ketchum and utility standards and requirements.

Conclusion: The City Council found that this standard has been met with the condition that requires compliance with applicable City of Ketchum and utility standards and requirements.

16.04.100 PHASED DEVELOPMENT PROJECTS

A. Each phase of such (phased) development shall contain all the necessary elements and improvements to exist independently from proposed future phase in a stable manner and shall comply with all applicable zoning regulations.

Findings: Each parcel is served by utilities and such utilities are stubbed out to both parcels.

Conclusion: The City Council found this standard to be met.

B. The city council may require that the subdivider install all or a portion of the required improvements for the entire project as set forth in the development plan. Such required improvements shall be constructed prior to approval of the final plat for any phase of the development.

Findings: The original requirements to install utilities and make other improvements on the subject has been accomplished or will be accomplished pursuant to this approval in conjunction with construction on Sublot 4A.

Conclusion: The City Council found this standard to be met.

ZONING CODE REQUIREMENTS

LOT AREA: Lot 4: 8,280 sq ft (no change from 2008 Design Review)

TOTAL FLOOR AREA OF STRUCTURE:

Sublot 4A: 4,565 sq ft (2008 DR Unit was 4,300 sf)

Sublot 4B: None proposed at this time, but will be limited by % lot coverage and height. (2008 DR Unit was 3,702 sf)

LOT COVERAGE: Unit 4A: 1,577 square feet or 19% (35% is allowed, which leaves 16% or 1,325 sf for Sublot 4B)

BUILDING HEIGHT:

Sublot 4A: 34'-11.75" (35' allowed)

Sublot 4B: Maximum 35'

PROPOSED SETBACKS:

Sublot 4A:

FRONT: ~78 ft **REAR:** ~33' ft (measured from centerline of alley) **SIDE:** 11 ft 10.5 in **SIDE:** 11 ft 10.5 in

REQUIRED SETBACKS:

FRONT: 15 ft **REAR:** 15 ft (measured from centerline of alley) **SIDE:** 11 ft 6 in **SIDE:** 11 ft 6 in

CURB CUT: 19 ft on East Ave (9.3%) (which leaves up to 30' width for Sublot 4B)

PARKING SPACES: 2 spaces per unit **REQUIRED:** 2 spaces

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a subdivision code, Title 16, and a land use and zoning code, Title 17.
3. The Commission has authority to hear the applicant's application for amendments to his Subdivision Preliminary Plat, Development Agreement and Design Review approval pursuant to Chapters 16.04 of Ketchum Code Title 16 and Chapters 17.154 and 17.96 of Ketchum Code Title 17.
4. The City of Ketchum provided adequate notice for the review of this application.
5. This project, Shoch Residence, amendments to Subdivision Preliminary Plat and Development Agreement approval, **does** meet the standards for approval under Chapters 16.04 of Ketchum Code Title 16 only if the following conditions of approval are met.

DECISION

THEREFORE, the City of Ketchum City Council **approves** this application for amendments to Subdivision Preliminary Plat and Development Agreement approval on the 5th day of December, 2011, subject to the following conditions:

1. All requirements of the Ketchum Utilities Department, Street Department, Fire Department, and City Engineer shall be met and shown on revised preliminary plat;
2. The full extent of the easements of the geothermal heat source system shall be shown on the preliminary plat and shall accurately depict the area, dimension, and purposes of the easements; and
3. The final documents shall be signed as appropriate by the City of Ketchum and the applicant and be recorded by the applicant in the records of the Blaine County Clerk. Copies of the recorded documents shall be provided to the Planning and Zoning Department."

Findings of Fact **adopted** this 17th day of January, 2012.

Randy Hall , Mayor