

City of Ketchum, Idaho

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November 29, 2012

Mayor Hall and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Hall and City Councilors:

**Sawtooth Residence Townhomes,
Townhouse Subdivision Preliminary Plat – Findings of Fact,
Shane Felker and Clay Sammis, Applicants**

Introduction/History

This application by Shane Felker and Clay Sammis (represented by Bruce Smith, Alpine Enterprises, Inc.) is a request for the approval of a two unit Townhouse Subdivision Preliminary Plat of Sawtooth Residence Townhomes.

The Planning and Zoning Commission unanimously recommended approval of the Preliminary Plat in their actions and adopted findings of fact, dated November 26, 2012. This project also received Design Review approval (findings of fact signed June 25, 2012) and is currently under construction (Building Permits #12-051 and 12-052).

Current Report

The City Council will hear this application on December 3, 2012 and can adopt the findings of fact at the same meeting, after approval of the preliminary plat. Seven conditions were attached to the approval, and those are included in the findings.

Financial Requirement/Impact

None

Recommendation

I respectfully recommend the City Council approve the findings of fact as attached.

Suggested Motion

"I move to approve the findings of fact for the application by Shane Felker and Clay Sammis for Sawtooth Residence Townhomes Townhouse Subdivision Preliminary Plat, in that the findings reflect the approval, including conditions, that was made on December 3, 2012."

Sincerely,

A handwritten signature in cursive script that reads "Rebecca F. Bundy".

Rebecca F. Bundy
Associate Planner

IN RE:)
) KETCHUM CITY COUNCIL
 Sawtooth Residence) - FINDINGS OF FACT,
 Townhomes Preliminary Plat) CONCLUSIONS OF LAW AND DECISION
)
 File Number: 12-128)

BACKGROUND FACTS

APPLICANTS: Shane Felker and Clay Sammis

REPRESENTATIVE: Bruce Smith, Alpine Enterprises, Inc.

REQUEST: Preliminary plat approval for two (2) unit, detached townhouse buildings on separate sublots.

LOCATION: 128 Belmont Drive (Warm Springs Sub #4, Lot 6)

ZONING: General Residential – Low Density (GR-L), with a small portion of the western edge of the lot in Limited Residential (LR)

NOTICE: Adjacent property owners and outside agencies/political subdivisions were mailed notice on October 29, 2012.

REVIEWER: Rebecca F. Bundy, Associate Planner

Regulatory Taking Notice: Applicant has the right, pursuant to section 67-8003, Idaho Code, to request a regulatory taking analysis.

GENERAL FINDINGS OF FACT

1. The applicant is requesting preliminary plat for two (2) unit, detached townhouse buildings each on its own subplot. The lot is located in the GR-L zoning district, which allows a “townhouse development containing two (2) townhouse units” as a permitted use.
2. Each unit has 2,722 square feet of living area and 630 feet of attached garage/mechanical/storage. Each is two stories tall.
3. The Planning and Zoning Commission unanimously recommended approval of the Townhouse Subdivision Preliminary Plat, with findings of fact signed on November 26, 2012. The approved Preliminary Plat plans match the approved Design Review plans.

4. The project received unanimous Design Review approval from the Commission, with findings of fact signed on June 25, 2012. All Design Review conditions will apply to the building construction on the new sublots.
5. Construction has commenced on the townhouses under Building Permits # 12-051 and 12-052.
6. The Utility Department has commented that two separate water services have been brought onto the property to serve the sublots individually. The sublots must each have separate, independent irrigation system. This has been made a condition of approval.
7. With the exception of the Utility Department's requirement for separate landscaping water services, no comments from neighbors or other City departments have been received, other than those expressed at Design Review and incorporated into the conditions of that approval.
8. Attachments to the December 3, 2012 staff report:
 - A. Application, submitted October 16, 2012, including:
 - (1) Application
 - (2) Warm Spring Subdivision No. 4, Original Plat
 - (3) DRAFT Townhome Declaration of Covenants, Conditions and Restrictions for Sawtooth Residences Townhomes
 - B. Reduced preliminary plat, dated October 29, 2012 (Full-sized plat is also available.)
 - C. Comments

EVALUATION STANDARDS

16.04.070 TOWNHOUSES.

B. Owner's 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.

Staff Analysis: The applicant has made a complete preliminary plat application including draft CC&R's. The final documents shall be recorded with the final plat.

Recommendation: This standard has been met.

C. Preliminary Plat Procedure.

1. The subdivider may apply for preliminary plat approval from the commission pursuant to Section 16.04.030.D herein at the time application is made for design review approval pursuant to Chapter 17.96. The Commission may approve, deny or conditionally approve said preliminary plat upon consideration of the action taken on the application for design review of the project.

Staff Analysis: The applicant has received design review approval from the Commission (findings of fact signed June 25, 2012), and townhouse subdivision preliminary plat approval (findings of fact signed November 26, 2012).

Recommendation: This standard has been met.

2. The preliminary plat, other data, and the commission's findings shall not be transmitted to the council until construction of the project has commenced under a valid building permit issued by the Ketchum building inspector. The council shall act on the preliminary plat pursuant to Section 16.04.030.E.

Staff Analysis: Project construction has commenced under building permit applications #12-051 and 12-052.

Recommendation: This standard has been met.

D. Final Plat Procedure.

1. The final plat procedure contained in Section 16.040.030.F herein shall be followed. However, the final plat shall not be signed by the City Clerk and recorded until the townhouse has received:

a. An approved life safety inspection for the building shell and all common areas from the Ketchum Building Official; and,

b. Completion of all design review elements as approved by the Planning and Zoning Administrator.

2. The Council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to Section 17.96.120.

Staff Analysis: This application is for preliminary plat.

Recommendation: This standard does not apply to the preliminary plat application.

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.

Staff Analysis: Each unit has an attached garage, and the garages are tied to each unit.

Recommendation: 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.

Staff Analysis: All provisions of this chapter have been and all other ordinances and regulations shall be followed.

Recommendation: This standard shall be met.

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 land use and subdivision ordinance, Title 16.
3. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the Commission for review of this application.
4. The proposed preliminary plat **does** meet the standards of approval under Title 16, Chapter 16.04, subject to conditions of approval.
5. This approval is given for the preliminary plat of Sawtooth Residence Townhomes Subdivision, plans dated October 29, 2012 by Alpine Enterprises, Inc.

DECISION

THEREFORE, the Ketchum City Council **approves** this final plat application this 3rd day of December, 2012, subject to the following conditions:

1. The Covenants, Conditions and Restrictions (CC&R's) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of the CC&R's;
2. This approval is given for the preliminary plat of Sublots 1 and 2, Lot 6. Warm Springs Subdivision #4, plans dated October 29, 2012 by Alpine Enterprises, Inc.;
3. The failure to obtain final plat approval by the Council of an approved preliminary plat within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void;
4. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map;

5. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
 - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
 - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,
 - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control"; and,
6. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
7. Each unit shall install its own stand-alone irrigation system confined to its subplot property lines prior to approval of the final plat.

Findings of Fact **adopted** this 3rd day of December, 2012.

Randy Hall, Mayor