

<b>IN RE:</b>	)	
	)	
<b>Park Place III Townhomes</b>	)	<b>KETCHUM PLANNING AND ZONING</b>
<b>Final Plat</b>	)	<b>COMMISSION - FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW AND RECOMMENDATION</b>
	)	
<b>Permit Number: 12-091-a</b>	)	

**BACKGROUND FACTS**

**APPLICANT:** Burke Family Trust and Sandra Bongard

**REPRESENTATIVE:** Bruce Smith, Alpine Enterprises, Inc.

**REQUEST:** Final plat approval for the conversion of a two (2) unit condominium building into a two (2) unit townhouse building, with each unit on separate sublots.

**LOCATION:** Park Place III Condominiums, Units 1 & 2 (720 North Third Avenue, 291 West Seventh Street)

**ZONING:** General Residential – Low Density (GR-L)

**NOTICE:** A public hearing notice was published in the Idaho Mountain Express on August 22, 2012. Property owners within 300 feet of the subject property were mailed notice on August 23, 2012. At the public hearing before the Commission on September 10, 2012, the hearing was continued on the record to a special meeting on September 21, 2012, at 9:00 a.m. No further notice is required.

**REVIEWER:** Rebecca F. Bundy, Associate Planner

**GENERAL FINDINGS OF FACT**

1. The applicant is requesting final plat approval to convert an existing two (2) unit condominium building into a two (2) unit townhouse building, with each unit on its own subplot.
2. The preliminary plat application received unanimous City Council approval on October 15, 2012, subject to Conditions #1 – 14, Findings of Fact, Instrument #603330, signed on November 5, 2012.
3. The following preliminary plat conditions of approval have been addressed prior to this application and have been removed from the final plat conditions of approval.
  - #7. The landscaping planter has been removed to the Street Department’s satisfaction.
  - #8. CC&R language, Paragraph 9 (a) has been modified to meet this condition.
  - #9. Current utility locations have been made an exhibit of the CC&R’s.

- #10. Plat note has been added.
- #11. Party wall has been certified by Dennis Keierleber, PE, structural engineer, licensed in the State of Idaho.
- #12. Plat note has been added.
- #13. Plat note has been added.

4. The following preliminary plat conditions of approval will remain in effect and/or are modified as noted below:

#1 – 5. Remain in effect as standard conditions.

#6. Installation of stand-alone irrigation systems will not be possible until the ground thaws. This condition has been modified to say that, if the irrigation system installation is not completed prior to the City Clerk's signature of the final plat, the applicant shall post a security deposit with the City for 150% of the estimated cost of such installation. The applicant has been provided a sample security agreement that spells out the terms of such agreement.

#14. Remains in effect.

5. Attachments to the January 28, 2013 Staff Report:

A. Final Plat Application, received January 8, 2013

- Application Form, dated January 7, 2013
- Transmittal, dated January 9, 2013
- Withdrawal of the Park Place Condominium III Project from Condominium Property Act
- Townhome Declaration of Covenants, Conditions and Restrictions and Party Wall Agreement for Park Place III Townhomes

B. Park Place III Townhomes, Final Plat, dated January 22, 2013

C. Certification by Structural Engineer that Party Wall meets Requirements, dated August 14, 2012

D. Approved Park Place III & IV Townhouse Preliminary Plat, dated August 11, 2012

E. Park Place III & IV Townhomes Preliminary Plat Findings of Fact, City Council, signed November 5, 2012

F. Department Comments

#### **APPLICABLE EVALUATION STANDARDS FROM TITLE 16, CHAPTER 16.04**

##### **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.

Finding: The applicant has made a complete preliminary plat application, including draft CC&R's and Party Wall Agreement. The required final plat documents have been submitted with this application and shall be recorded with the final plat.

Conclusion: 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.**

**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.**

Finding: This application is for final plat.

Conclusion: This standard does not apply to this final plat application.

**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.**

Finding: The final plat shall not be signed until the life safety inspection has been performed by the Ketchum Building Official. The building was built in 1980 and has no outstanding design review requirements.

Conclusion: This standard shall be met with the following condition:

- The final plat shall not be signed by the City Clerk and recorded until the townhouse building shell and all common areas have received life safety inspection and approval by the Ketchum Building Official.

**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.

Conclusion: 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.**

Finding: All other ordinances and regulations shall be followed.

Conclusion: 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 Council 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.

#### DECISION

**THEREFORE**, the Ketchum Planning and Zoning Commission, in a unanimous vote, recommends to the City Council **approval** of this final plat application this 28<sup>th</sup> day of January, 2013, subject to the following recommended conditions:

1. This approval is given for the final plat of Park Place III Townhome plans dated January 22, 2013 by Bruce Smith, Alpine Enterprises, Inc.
2. The Covenants, Conditions and Restrictions (CC&R's) and Party Wall Agreement shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of either the CC&R's and Party Wall Agreement;
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. If the irrigation system installation is not completed prior to the City Clerk’s signature of the final plat, the applicant shall post a security deposit with the City for 150% of the estimated cost of such installation prior to such signature.
  8. Prior to the City Clerk’s signature of final plat, smoke and carbon monoxide detectors shall be installed to meet current building code and shall be inspected and meet the approval of the Ketchum Building Official.
  9. Prior to the City Clerk’s signature of final plat, the townhouse building shell and all common areas shall receive life safety inspection and approval by the Ketchum Building Official.

Findings of Fact **adopted** this 11<sup>th</sup> day of February, 2013.

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Deborah Burns or Rich Fabiano, Co-Chair  
Planning and Zoning Commission