



PLANNING AND ZONING COMMISSION AGENDA

Thursday, June 8, 2017

Ketchum City Hall

480 East Avenue North, Ketchum, ID 83340

1. **2:00 PM - CALL TO ORDER: City Hall, 480 East Avenue North, Ketchum, Idaho**
2. PUBLIC COMMENT - Communications from the public for items not on the agenda.
3. COMMUNICATIONS FROM STAFF
 - a. Bracken Station: 911 North Main Street, Ketchum, Idaho (AM Lot 5A, Block 30, Ketchum Townsite. Appeal by RRJ LLC / Penguin LLC of an administrative decision: 911 N. Main Street (Ketchum AM Lot 5A Block 30) The purpose of the special meeting is to allow the Planning and Zoning Commission to hear an appeal from applicant RRJ LLC / Penguin LLC regarding a decision made by the Administrator in accordance with Section 17.116.070 of the Ketchum Municipal Code to deny the applicant's request for the city to accept and review a resubmitted Conditional Use Permit application. After the appeal is heard Interested parties may request a copy of the decision.
4. CONSENT CALENDAR
 - a. Minutes: May 23, 2017
5. FUTURE PROJECTS AND NOTICING REQUIREMENTS
6. STAFF REPORTS & CITY COUNCIL MEETING UPDATE
7. COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE
8. ADJOURNMENT

Any person needing special accommodations to participate in the meeting should contact the City Clerk's Office as soon as reasonably possible at 726-3841. All times indicated are estimated times, and items may be heard earlier or later than indicated on the agenda.



City of Ketchum
Planning & Building

June 8, 2017

Planning and Zoning Commission
City of Ketchum
Ketchum, Idaho

Commissioners:

**APPEAL HEARING
STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
SPECIAL MEETING OF JUNE 8, 2017 at 2:00 PM**

APPLICATION: Appeal of Planning and Zoning Administrator Decision, pursuant to Chapter 17.144 of the Ketchum Municipal Code

APPEAL: #17-027
Appeal of Administrator's decision to reject a resubmitted application for a Conditional Use Permit (CUP) for a Motor Vehicle Fueling Station with accessory food service located at 911 N. Main Street (Ketchum, AM Lot 5A, Block 30)

ORIGINAL APPLICATION: #16-034

LOCATION: 911 N. Main Street (Ketchum, AM Lot 5A, Block 30)

ZONING: Light Industrial District Number 1 (LI-1)

NOTICE: Notice of the appeal hearing was mailed to the applicant and the owner of the subject property on May 25, 2017 and posted in three public places on May 26, 2017.

ADMINISTRATOR: Micah Austin, Planning and Building Director

BACKGROUND

The Conditional Use Permit (CUP) for Bracken Station (application #16-034) was rejected by the Planning and Commission on February 13, 2017 and returned to the applicant as untimely. The signed Findings of Fact and Conclusions of Law for application 16-034 are Attachment 1 of this report. According to Section 17.116.070 of the Ketchum Municipal Code, "No application for a conditional use permit which has been denied by the Commission or the Council shall be resubmitted in either the same or

substantially the same form in less than one year from the date of final action.” One year from the final action of the Commission would be February 13, 2018 at which time the applicant could have applied for the same or substantially the same conditional use permit at 911 N. Main Street.

ADMINISTRATOR FINDINGS FOR DENIAL OF RESUBMITTED APPLICATION

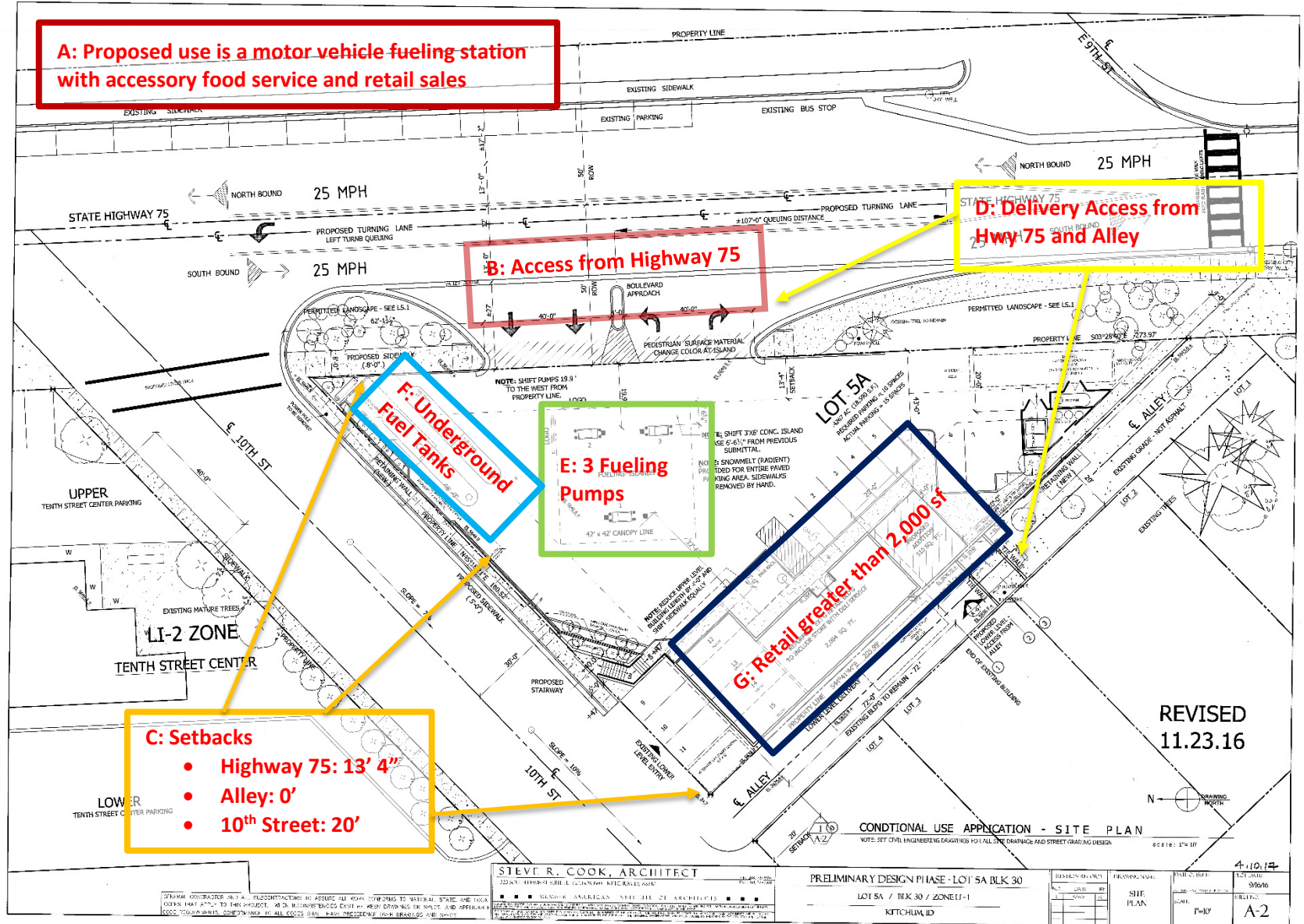
1. On April 10, 2017, the Administrator received a Conditional Use Permit Application for 911 N. Main Street, submitted by RRJ/Penguin LLC.
2. Upon review by the Administrator and staff members of Planning and Zoning Department, the Administrator determined that the application was a resubmittal of an application that was the "same or substantially the same" as the original application (#16-034) that was previously denied by the Commission on February 13, 2017.
3. Based on these findings, the application was returned to the applicant as untimely. The administrator's decision citing these finding was transmitted to the applicant, the applicant's representative and the applicant's attorney on April 26, 2017.
4. The Administrator made this determination based seven principal elements of the applications, listed below as Criteria A thru G. Table 1 summarizes these criteria. Figure 1 illustrates Criteria A thru G on the 2016 plan and the resubmitted plan.
5. On May 5, 2017 the applicant, RRJ/Penguin LLC represented by Steve Cook, submitted a written petition to appeal the Administrator's decision. The appeal hearing was subsequently scheduled for a special meeting with the Commission on Thursday, June 8th, 2017

TABLE 1: SUMMARY OF CRITERIA FOR DENIAL

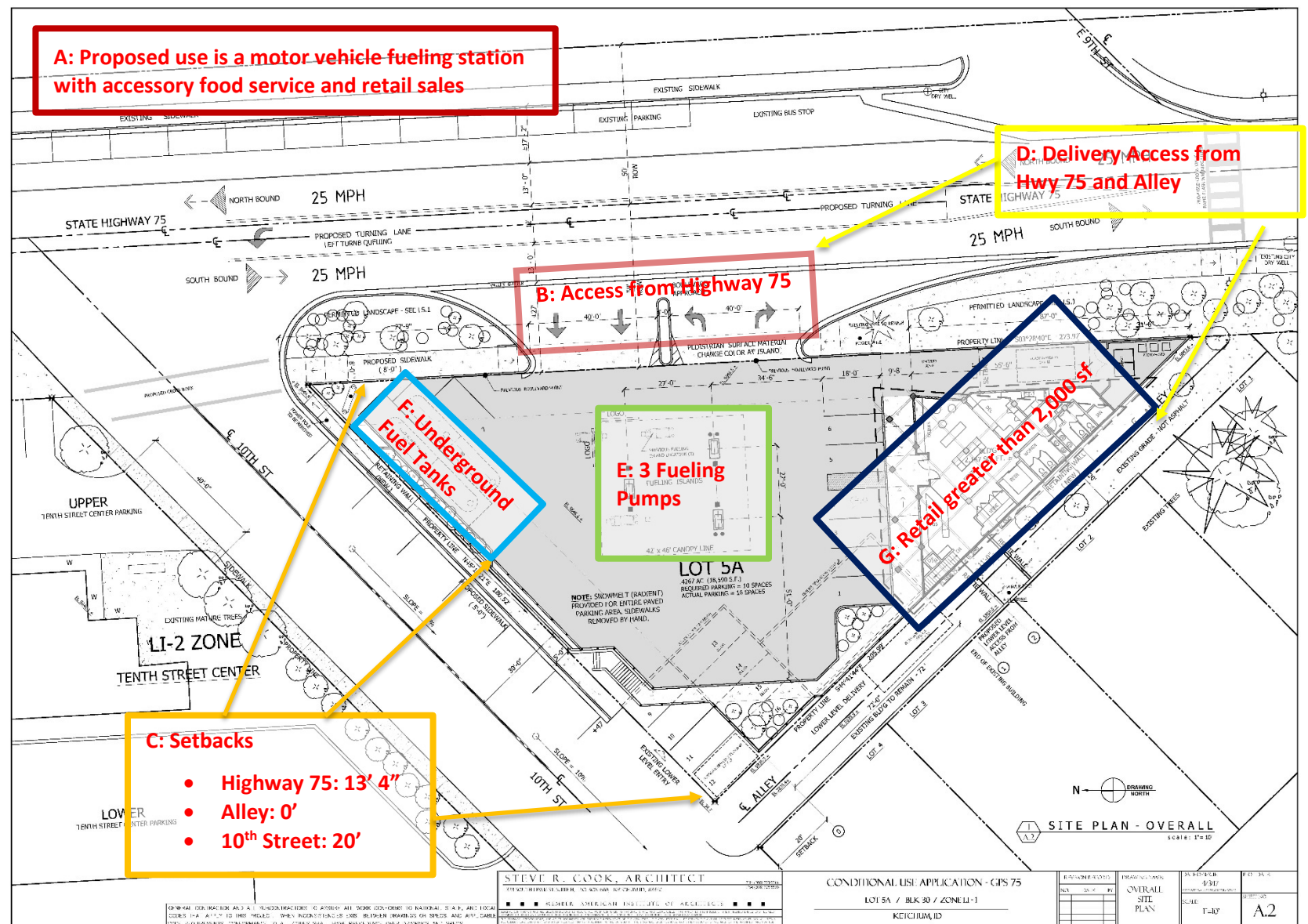
Criteria	Principal Elements of Application	2016 Application Elements	2017 Proposed Application Elements	Is 2017 application the "same or substantially the same form" as the denied 2016 application?
A.	Use Proposed	<ul style="list-style-type: none"> Motor Vehicle Fueling Station with accessory food service and incidental retail sales 	<ul style="list-style-type: none"> Motor Vehicle Fueling Station with accessory food service and incidental retail sales 	Yes
B.	Access	<ul style="list-style-type: none"> Accessed from Highway 75 	<ul style="list-style-type: none"> Accessed from Highway 75 	Yes
C.	Setbacks	<ul style="list-style-type: none"> Highway 75: 13' 4" Alley: 0' 10th Street: 20' 	<ul style="list-style-type: none"> Highway 75: 13' 4" Alley: 0' 10th Street: <20' 	Yes
D.	Delivery Access	<ul style="list-style-type: none"> Highway 75 and Alley 	<ul style="list-style-type: none"> Highway 75 and Alley 	Yes
E.	Number of fueling pumps	<ul style="list-style-type: none"> 3 fueling pumps 	<ul style="list-style-type: none"> 3 fueling pumps 	Yes
F.	Underground Fuel Tank Locations	<ul style="list-style-type: none"> Northern corner of lot 	<ul style="list-style-type: none"> Northern corner of lot 	Yes
G.	Square footage of retail establishments	<ul style="list-style-type: none"> Greater than 2,000 square feet 	<ul style="list-style-type: none"> Greater than 2,000 square feet 	Yes

FIGURE 1: SUMMARY OF CRITERIA A thru G shown on Site Plans

2016 Application as Denied, Architectural Site Plan dated November 23, 2016



2017 Resubmitted Application, Architectural Site Plat dated April 3, 2017



ADMINISTRATOR CONCLUSIONS

1. Based on the evaluation of Criteria A thru G as summarized in Table 1, the Administrator concluded the resubmitted application was the “same or substantially” the same and the application was denied.
2. The applicant has a right to file the “same or substantially” the same application on or after February 13, 2018.

COMMISSION ACTION

1. The Planning and Zoning Commission shall consider the Administrator’s decision in which the Administrator concluded that the resubmitted application was the “same or substantially” and thereby did not accept the resubmitted application.
2. The Commission shall consider the Administrator’s staff report, the applicant’s submitted comments and rebuttal, and any other documents or records pertinent to this decision.
3. Based on their deliberation and review, the Commission shall affirm, reverse or modify, in whole or in part, the order, requirement, decision, or determination of the Administrator
4. Within 30 days after the appeal hearing, the Planning and Zoning Commission shall enter a decision that includes written findings of fact and conclusions of law. This decision shall be transmitted to the appellant.

Attachments:

1. Findings of Fact and Conclusions of Law from February 13, 2017 decision to deny a Conditional Use Permit (CUP) application 16-034 submitted by RRJ LLC
2. Application 16-034 for a Conditional Use Permit (CUP) for a Motor Vehicle Fueling Station with accessory food service located at 911 N. Main Street (Ketchum, AM Lot 5A, Block 30), dated April 28, 2016. and accompanying site plan, dated November 23, 2016, that informed the Commission’s decision of February 13, 2017
3. Resubmitted application dated April 10, 2017 for a Conditional Use Permit (CUP) for a Motor Vehicle Fueling Station with accessory food service located at 911 N. Main Street (Ketchum, AM Lot 5A, Block 30) and accompanying site plan, dated April 3, 2017.

Attachment 1:

Findings of Fact and Conclusions of Law, February 13, 2017

Decision to deny Conditional Use Permit (CUP) application #16-034 submitted by RRJ LLC



City of Ketchum
Planning & Building

IN RE:)	
)	
Bracken Station Motor Vehicle)	
Fueling Station and Food Service)	
Conditional)	
Use Permit)	KETCHUM PLANNING AND ZONING COMMISSION
)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND
)	DECISION
File Number: 16-034)	

PROJECT: Bracken Station Conditional Use Permit (CUP)

OWNER(S): North Town Partners LLP

REPRESENTATIVE: Steve Cook, AIA

REQUEST: Conditional Use Permit (CUP) for a motor vehicle fueling station and food service establishment

LOCATION: 911 N. Main Street (Ketchum, AM Lot 5A, Block 30)

ZONING: Light Industrial District Number 1 (LI-1)

PUBLIC NOTICE: Property owners within a 300-foot radius of the subject property were mailed the following notice on May 16, 2016. A public hearing notice was published in the Legal Notices of the Idaho Mountain Express on May 25, 2016. Notice was posted on the subject property and in three public City locations on May, 17, 2016.

Continuation of the hearing to June 27, 2016 was announced during the June 13, 2016 hearing. Continuation to July 11, 2016, was announced during the June 27, 2016 meeting. Continuation to July 25, 2016, was announced at the July 11, 2016 meeting. Continuation to October 10, 2016, was announced at the July 25, 2016 meeting. Continuation to October 24, 2016, was announced at the October 10, 2016, meeting. Continuation to December 12, 2016 was announced at the October 24, 2016 meeting.

FINDINGS OF FACT

1. The applicant requested a Conditional Use Permit (CUP) to allow redevelopment of 911 N. Main (Lot 5A, Block 30, Ketchum Townsite) into a motor vehicle fueling station and a food service establishment. Motor vehicle fueling stations are only allowed in the LI-1 District if a CUP is approved; the definition of motor vehicle fueling station permits retail sales of items of convenience to the motoring public. Food service establishments (subject to limitations on hours of operation and size) are only allowed in the LI-1 District if a CUP is approved.

2a. The first public hearing for this Conditional Use Permit occurred on June 13, 2016. The hearing was continued to June 27, 2016, and July 11, 2016. After receiving verbal public comment on July 11, 2016 the Commission closed the hearing and continued the application to July 25, 2016, to allow for the applicant's rebuttal and the Commission's deliberation. During the July 25, 2016, meeting the applicant provided rebuttal, the Commission deliberated, requested additional information from applicant, re-opened the hearing for public comment pertaining to the new information requested, and the application was continued to October 10, 2016.

2b. New information was provided by the applicant for the October 10, 2016, meeting and the new information was analyzed by staff in the staff report dated October 10, 2016. The Commission heard public comment during the October 10, 2016 hearing. During the meeting the Commission closed the hearing and continued the application for deliberation to the October 24, 2016 meeting. During the October 24, 2016 meeting the applicant's attorney requested a continuance of the application in order to prepare and submit new exhibits; the Commission deliberated on this topic and continued the application to December 12, 2016 in order to accept revised exhibits pertaining to circulation from the applicant. The hearing was also re-opened to accept public comment pertaining to the new materials to be submitted.

3. There are three existing buildings on the site that were proposed to be substantially altered or removed for the proposed project. The applicant proposed to entirely demolish the northernmost and southernmost buildings, to partially demolish the center building, and to remodel and add an addition to the remaining portion of the center building.

4. The site does not currently meet city standards for the existing or proposed development and the applicant proposed significant upgrades to the site in order to improve the site to meet city standards and Idaho Transportation Department standards.

5. Staff reports containing analysis of city code standards, including conditional use permit evaluation criteria, all applicable city policies, and the materials submitted by the applicant pertaining to the proposed motor vehicle fueling station and food service establishment were prepared for the following meetings; the staff reports prepared for each meeting are dated accordingly:

- June 13, 2016
- June 27, 2016
- July 11, 2016
- July 25, 2016
- October 10, 2016
- October 24, 2016
- December 12, 2016

Public comments and materials submitted by the applicant are attached to each staff report either as a direct attachment or as an appendix. Public comments received after a staff report was published to the City of Ketchum website and distributed electronically to the city's Planning and Zoning e-mail distribution list were printed and distributed to Commissioners prior to the start of each meeting. Additionally, some members of the public printed comments and distributed said comments to the Commission during a meeting. Such comments have been included in the record for the application and were attached to the staff report or reports.

6. For the December 12, 2016 meeting a revised site plan, a revised preliminary improvements plan (civil plan) and seventeen (17) new circulation exhibits were submitted by the applicant. The analysis contained within the December 12, 2016 staff report focuses on the new materials submitted for that meeting and reference materials previously submitted and analyzed in preceding staff reports.

The applicant distributed two additional exhibits to the Commission during the public hearing on December 12, 2016. These exhibits are as follows, and are included in the record for the application:

- "Vehicles Greater than 22 ft in length" exhibit, prepared by L2 Data Collection
- Letter from Jeff M. Gunter, City of Hailey Chief of Police, dated December 12, 2016

7. The Commission's conclusions were informed by the cumulative total of materials pertaining to the application; where applicable, the conclusions were informed by the most recent revised exhibit or exhibits.

FINDINGS OF FACT PERTAINING TO ANALYSIS OF REVISED PLANS SUBMITTED FOR THE DECEMBER 12, 2016 HEARING

Findings pertaining to revised Site Plan dated November 23, 2016	
1. Boulevard Approach	1. In addition to the change in surface material across the boulevard approach in the pedestrian zone a new change in surface material was proposed at the island that bisects the boulevard approach.
2. Eastern Fuel Pumps	1. The eastern two fuel pumps were shifted 6'-6 3/4" further west. The fuel pumps were previously located 13'-4" from the western property line, these fuel pumps are now 19'-9" from the western property line.
3. Western Fuel Pumps	1. One of the western fuel pumps was removed. The remaining western fuel pump was relocated and centered between the northern and southern edges of the canopy.
4. Fueling canopy	1. The fueling canopy was enlarged from 40'-6" x 40'-8" to 42' x 42'. 2. The fueling canopy was shifted 3' to the west. The eastern setback from the property line is now 13'-4", with no overhang of the canopy into the setback.
5. Building	1. The eastern façade of the building was shifted 4' to the west on the northernmost portion of the building.

6. On-site pedestrian circulation	1. The on-site sidewalk adjacent to the northernmost portion of the eastern façade of the building was shifted 4' west.
7. Landscaping and Landscape Walls	<p>1. The tree screening buffer adjacent to the northern (10th Street) property line was reduced; the westernmost trees were removed.</p> <p>2. A 24" landscaping wall was proposed for the area where the tree screening was removed.</p> <p>3. A 24" height landscaping wall was proposed along a portion of the southwestern property line to provide a buffer from vehicle headlights. The proposed wall extends 30' from the southernmost edge of the building.</p>
8. Snow Storage	1. The applicant proposed to snow melt the entire paved parking and circulation area of the site and to manually remove snow from the sidewalks. There is 275 square feet of snow storage provided in the landscape area adjacent to the pedestrian staircase, 200 square feet of snow storage provided near the entrance to the building, and 110 square feet of snow storage is provided in the southeast corner of the property, for a total of 585 square feet of on-site snow storage. This snow storage space is reserved to accommodate snow removed from the on-site sidewalk network; approximately 50% of the on-site pedestrian sidewalk area is not covered by roof overhang.
9. Off-Street Loading	<p>1. The applicant proposed one off-street loading space 10' x 30' in size at the northeast corner of the site and one off-street loading space 10' x 45' in size at the southeast corner of the site. Two off-street loading spaces are required.</p> <p>2. The applicant proposed one alternate loading space 10' x 30' in size in the alley to the west, at the lower level of the site and one alternate loading space 10' x 18' in size at the lower level of the site, adjacent to 10th Street.</p>

Findings pertaining to revised Preliminary Improvements Plan, revision date November 23, 2016

Conflict with Idaho Code §§54-1215	The preliminary improvement plan was submitted for the Commission's review in order to aid the Commission in making a discretionary decision regarding the Conditional Use Permit application. Idaho Code §54-1215(b) requires that "In the event the final work product is preliminary in nature or contains the word 'preliminary,' such as a 'preliminary engineering report,' the final work product shall be sealed, signed and dated as a final document if the document is intended to be relied upon to make policy decisions important to the life, health, property, or fiscal interest of the public." At the time of publication of the December 12, 2016 staff report and as of the December 12, 2016 hearing neither the new nor the previously submitted preliminary improvement plan produced by Benchmark
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	Associates were sealed, signed, and dated by a licensed engineer in accordance with Idaho Code §54-1215.
Fueling Pumps	The location and number of fueling pumps were revised to match the revised site plan.
Dimensions	Additional dimensions were added and/or updated, including: <ul style="list-style-type: none"> - Length of center turn lane - Setback of fuel pumps from property line - Dimensions of parking areas - Distances between fuel pumps and site features such as entrance/exit, parking spaces, etc. - Locations of proposed dry wells
Staircase	The location and configuration of the proposed staircase accessing 10th Street was revised to match the revised site plan.

Findings pertaining to Site Circulation Exhibits dated November 23, 2016

Conflict with Idaho Code §54-1215

The circulation exhibits were submitted for the Commission's review in order to aid the Commission in making a discretionary decision regarding the Conditional Use Permit application. Idaho Code §54-1215(b) requires that "In the event the final work product is preliminary in nature or contains the word 'preliminary,' such as a 'preliminary engineering report,' the final work product shall be sealed, signed and dated as a final document if the document is intended to be relied upon to make policy decisions important to the life, health, property, or fiscal interest of the public." At the time of publication of the December 12, 2016 staff report and as of the December 12, 2016 hearing none of the newly or previously submitted circulation exhibits produced by Benchmark Associates were sealed, signed, and dated by a licensed engineer in accordance with Idaho Code §54-1215.

Exhibits 1 – 9B

Exhibits 1 – 9B represented on-site turn movements, and/or ingress, and/or egress movements of singular vehicle types. These exhibits modeled optimal turn movements that each vehicle type could make when the site was absent of real world traffic.

The Commission finds that the concerns raised by these exhibits generally relate to on-site pinch points and number of potential fueling positions available to a given vehicle type because real world traffic is not present.

Exhibits 10 – 14

Exhibits 10 – 14 represented on-site turn movements, and/or ingress movements, and/or egress movements of multiple vehicle types in each exhibit. These exhibits modeled optimal turn movements and circulation that each vehicle type could make in real world conditions that reflect the most congested vehicle compositions

and counts observed on September 1, 2016 on the Main Street side of the Hailey Chevron.

The Commission finds that the concerns raised by these exhibits are the most pertinent to the impact of on-site circulation to off-site circulation in the right-of-way. The greatest circulation constraints and obstructions are described in the analyses of Exhibits #10, #11, #13 and #14.

Use of Terms

Circulation Loop:

Use of this term refers to the loop that vehicles entering and exiting the site make when circulating around the fueling island.

Pinch Point:

Use of this term means that the clearance between two points is narrow enough that circulation is constrained and free and clear movement is diminished. Pinch points may require the drivers of vehicles navigating between pinch points to reduce travel speed in order to clear the pinch point, or may require drivers of vehicles to back up or make other extra turn movements in order to clear the pinch point.

Obstructed Circulation:

Use of this term means that an obstacle, such as another vehicle, is positioned in such a way that a vehicle in movement cannot pass through.

Narrow Clearance:

This term is used when there is 20' of clearance or less between two vehicles. Because circulation on this site involves multiple vehicles in motion navigating the circulation loop, eight parking spaces, six fueling positions, and two loading zones, 20' of clearance or less is defined as narrow clearance.

Exhibit Findings

#1 – North-bound car & trailer site circulation (fueling options)

This exhibit models a northbound passenger vehicle towing a camper trailer 48.7' in length circulating onto the site and maneuvering into several fueling positions when there are no other vehicles on site.

The northbound vehicle has four possible fueling positions shown:

1. East side of pump #3
 - a. In this position there is 24.7' of clearance at the entrance of the site, 18' of clearance at the exit to the site.
2. West side of pump #3
3. East side of pump #1
4. West side of pump #1
 - a. In this position there is 10.1' of clearance to the north and 17.6' of clearance to the south.

Staff finds and the Commission agrees:

1. **Narrow clearance at the north of the circulation loop when a vehicle is in position at the east side of Pump #1.**
 - a. **The exhibit indicates a narrow margin of error for this vehicle type to navigate the circulation loop when the east side of Pump #1 is occupied.**
2. **Obstructed circulation at the north of the circulation loop when a vehicle is in position at the west side of Pump #1.**
 - a. **The exhibit indicates circulation movements are completely obstructed when the west side of Pump #1 is occupied.**
3. **There were only four (4) potential fueling positions available for a north-bound vehicle of this type: east and west sides of Pump #2, east and west sides of Pump #1.**
4. **In real world conditions, only two (2) potential fueling positions would allow for the circulation loop to remain unencumbered: east and west sides of Pump #3. However, in order to access Pump #3, Pump #2 would also have to be open.**

#2 – North-bound box truck site circulation (fueling and queue options)

This exhibit models a northbound box truck 30' in length circulating onto the site and maneuvering into several fueling positions and the designated loading space located at the northeast corner of the site when there are no other vehicles on site.

The northbound vehicle has four possible fueling positions shown:

1. **East side of pump #3**
 - a. **In this position there is 32.8' of clearance to the north and 26.7' of clearance to the south.**
2. **West side of pump #3**
3. **East side of pump #1**
4. **West side of pump #1**
 - a. **In this position there is 13.8' of clearance to the north and 23.3' of clearance to the south.**

Staff finds and the Commission agrees:

1. **There were only four (4) potential fueling positions out of six (6) potential fueling positions for this vehicle type: east or west side of Pump #3 and east or west side of Pump #1.**
 - a. **Fueling at pump #2 would result in the box truck encroaching into the north side of the circulation loop.**
2. **When this vehicle type fuels on the west side of Pump #1 a pinch point would be created.**

3. Northbound box trucks would have to complete on-site the circulation loop and back up into a fueling position, and in real world conditions this would impact the ability of other vehicles attempting to exit the site.

#3 – North-bound car site circulation (fueling options)

This exhibit models a north-bound passenger vehicle 19' in length circulating onto the site, maneuvering into several fueling positions, and queuing when there are no other vehicles on site.

The northbound vehicle can maneuver into all six fueling positions.

Additionally, the exhibit depicts passenger vehicles stacked and queuing on the west side of pump #2 and the east and west sides of pump #1.

Staff finds and the Commission agrees:

1. This exhibit models eleven (11) passenger vehicles on site, and illustrates that there is space for passenger vehicles to queue on the east and west sides of pump #1, without impacting on-site circulation for other passenger vehicles.

Based on the conditions observed at the Chevron Hailey (a maximum of five (5) passenger vehicles and two (2) commercial vehicles comprised the most congested observation), it may be unlikely for eleven (11) passenger vehicles to patronize the site at the same time. However, this exhibit raises a concern about queuing on the west side of pump #2.

While there was room for a passenger vehicle to queue on the east or west side of pump #1, there was not enough room for a passenger vehicle to queue north of pump #2. If a passenger vehicle queued in this position during real world conditions, a pinch point would be created at the ingress to the site, which would impact the ability of subsequent vehicles to enter the site, and thereby would impact traffic flow in the right-of-way.

#4 – South-bound car & trailer site circulation

This exhibit models a south-bound passenger vehicle towing a camper trailer 48.7' in length circulating onto the site and maneuvering into several fueling positions when there are no other vehicles on site.

The south-bound vehicle has four possible fueling positions shown:

1. East side of pump #3
 - a. In this position there is 23.8' of clearance at the entrance of the site, 18.5' of clearance at the exit to the site.
2. West side of pump #3
3. East side of pump #1
4. West side of pump #1
 - a. In this position there is 8.6' of clearance to the north and 17.9' of clearance to the south.

Staff finds and the Commission agrees:

1. Narrow clearance at the north of the circulation area when vehicle is in position at the east or west side of Pump #1. This would create constrained on-site circulation, especially when this vehicle type positions at the west side of pump #1, where the clearance is only 8.6'
 - a. The exhibit indicates circulation movements of this vehicle type intersecting with the placement of the vehicle on both the east and west side of pump #1.
2. There were only four (4) potential fueling positions out of six (6) potential fueling positions for this vehicle type (fueling at the east or west side of Pump #2 would cause the vehicle to encroach into the circulation area north of the fueling islands, which would constrict site circulation).
3. Two (2) of the six (6) fueling positions available to this vehicle type (east and west sides of pump #3) were dependent on other fueling positions (east and west sides of pump #2) being open.
4. If pump #1 was not utilized by this vehicle type due to constraints on circulation, only the two (2) fueling positions that depend on other fueling positions being open (east and west sides of pump #3) were available to this vehicle type. During the peak hour when vehicles may fuel in non-optimal positions, if vehicles fuel in non-optimal positions it would cause on-site congestion to impact vehicle ingress into the site and thereby traffic flow in the right-of-way.
5. South-bound vehicles would have to complete on-site the circulation loop and back up into a fueling position, and in real world conditions this would impact the ability of other vehicles attempting to exit the site.

#5 – South-bound box truck site circulation (fueling and queue options)

This exhibit models a south-bound box truck 30' in length circulating onto the site and maneuvering into several fueling positions and the designated loading space located at the northeast corner of the site when there are no other vehicles on site.

The south-bound box truck has four possible fueling positions shown:

1. East side of pump #3
 - a. In this position there is 32.8' of clearance to the north and 26.5' of clearance to the south.
2. West side of pump #3
3. East side of pump #1
4. West side of pump #1
 - a. In this position there is 14.6' of clearance to the north and 23.7' of clearance to the south.

Staff finds and the Commission agrees:

1. A pinch point is created when this vehicle type occupies the west side of Pump #1.

2. The box truck must complete the circulation loop and back up into a fueling position for Pump #3 and the east side of Pump #1. In real world conditions this could impact the ability of other vehicles attempting to exit the site.
4. There are only four (4) potential fueling positions out of six (6) potential fueling positions for this vehicle type: east or west side of Pump #3 and east or west side of Pump #1.
 - a. Fueling at pump #2 would result in the box truck encroaching into the north side of the circulation loop.
5. Two (2) fueling positions (east and west side of Pump #3) are dependent on the east or west sides of Pump #2 being open, and one (1) fueling position (west side of Pump #1) creates a pinch point at the north side of the circulation loop. Therefore, there is only one optimal fueling position out of six available to southbound box trucks.

#6 – South-bound car site circulation (fueling options)

This exhibit models a south-bound passenger vehicle 19' in length circulating onto the site, maneuvering into several fueling positions, and queuing when there are no other vehicles on site.

The south-bound vehicle can maneuver into all six fueling positions.

Additionally, the exhibit depicts passenger vehicles stacked and queuing on the west side of pump #2 and the east and west sides of pump #1.

Staff finds and the Commission agrees that for the south-bound passenger vehicles were the same as the concerns for the north-bound passenger vehicles:

1. This exhibit modeled eleven (11) passenger vehicles on site, and illustrates that there is space for passenger vehicles to queue on the east and west sides of pump #1, without impacting on-site circulation for other passenger vehicles.

Based on the conditions observed at the Chevron Hailey (a maximum of five (5) passenger vehicles and two (2) commercial vehicles comprised the most congested observation), it may be unlikely for eleven (11) passenger vehicles to patronize the site at the same time. However, this exhibit raised a concern about queuing on the west side of pump #2.

Although there was room for a passenger vehicle to queue on the east or west side of pump #1, there was not enough room for a passenger vehicle to queue north of pump #2. If a passenger vehicle queued in this position during real world conditions, a pinch point would be created at the ingress to the site, which would impact the ability of subsequent vehicles to enter the site, and thereby would impact traffic flow in the right-of-way.

#7A – Car & trailer site north-bound exit circulation

This exhibit models the north-bound egress movements of a 48.7' passenger vehicle towing a camper trailer when no other vehicles are on site.

Staff finds and the Commission agrees:

1. When in position on the east side of Pump #3, this vehicle type would first be required to back up into the site entrance, in order to make a north-bound exit from the site. While the vehicle is backing up the entrance to the site would be blocked and other vehicles attempting to access the site may be forced to queue at the entrance to the site, which would impede traffic flow in the right-of-way.

Additionally, when this vehicle type would fuel at the east side of Pump #3 there would be only 18' of clearance between the fueling vehicle and the site exit. The exhibit illustrates the movement path of the exiting vehicle has narrow clearance.

2. When in position on the west side of Pump #3, this vehicle would have to first maneuver to the southeast corner of the site, then must back up to the western corner of the site, in order to exit the site.

#7B – Car & trailer site south-bound exit circulation

This exhibit models the south-bound egress movements of 48.7' passenger vehicle towing a camper trailer when no other vehicles are on site.

Staff finds and the Commission agrees that for south-bound egress movements the concerns were the same as the concerns for north-bound egress movements of this vehicle type:

1. When in position on the east side of Pump #3, this vehicle type would be required to first back up into the site entrance in order to make a north-bound exit from the site. While backing up the entrance to the site would be blocked and other vehicles attempting to access the site may be forced to queue at the entrance to the site, which would create impede traffic flow in the right-of-way.

Additionally, when this vehicle type would be fueling at the east side of Pump #3 there would be only 18' of clearance between the fueling vehicle and the site exit. The exhibit illustrates the movement path of the exiting vehicle has narrow clearance.

2. When in position on the west side of Pump #3, this vehicle type would be required to first maneuver to the southeast corner of the site, then would be required to back up to the western corner of the site, in order to exit the site.

#8A – Box truck site north-bound exit circulation

This exhibit models the north-bound egress movements of a 30' box truck when no other vehicles are on site.

Staff finds and the Commission agrees that the findings for this vehicle type were similar to the concerns for the egress movements of south-bound and north-bound passenger vehicles towing campers:

1. When in position on the east side of Pump #3, this vehicle type would be required to first back up into the site entrance, in order to make a north-bound exit from the site. While the vehicle backed up the entrance to the site will be blocked and other vehicles attempting to access the site may be forced to queue at the entrance to the site, which would create impede traffic flow in the right-of-way.
2. When in position on the west side of Pump #3, this vehicle type would be required to maneuver to the southeast corner of the site, then would be required to back up to the western corner of the site, in order

to exit the site.
#8B – Box truck site south-bound exit circulation
This exhibit models the south-bound egress movements of a 30’ box truck when no other vehicles are on site.
Staff finds and the Commission agrees that the findings for this vehicle type were similar to the concerns for the egress movements of south-bound and north-bound passenger vehicles towing campers:
<ol style="list-style-type: none"> 1. When in position on the west side of Pump #3, this vehicle type would be required to first maneuver to the southeast corner of the site, then would be required to back up to the western corner of the site, in order to exit the site.
#9A – Car site north-bound exit circulation
This exhibit models the north-bound egress movements of a 19’ passenger vehicle when no other vehicles are on site.
Staff finds and the Commission agrees:
<ol style="list-style-type: none"> 1. Narrow clearance for vehicles exiting the site when a passenger vehicle would be fueling on the east side of Pump #1.
#9B – Car site south-bound exit circulation
This exhibit models the south-bound egress movements of a 19’ passenger vehicle when no other vehicles are on site.
Staff finds and the Commission agrees that the findings for Exhibit #9b were the same as the concerns raised by Exhibit #9a:
<ol style="list-style-type: none"> 1. Narrow clearance for vehicles exiting the site when a passenger vehicle would be fueling on the east side of Pump #1.
#10 – Configuration 1 – Truck and Trailer Queuing, Box Truck Delivery
This exhibit models a passenger vehicle towing a camper queued on-site, circulation of a 30’ box truck into a designated loading space , and circulation and stationary positions of passenger vehicles.
The exhibit illustrates the most congested number of vehicles and vehicle composition observed utilizing the Main Street fuel pumps at the Hailey Chevron during the peak hour on September 1, 2016.
Staff finds and the Commission agrees:
<ol style="list-style-type: none"> 1. When a passenger vehicle would not be optimally located in the fueling position on the east side of Pump #2 and a passenger vehicle towing a camper would be queued on site as shown in the exhibit a pinch point would be created at the entrance to the site and circulation would be partially obstructed. The exhibit illustrates that a passenger vehicle can navigate through the narrow clearance, but there is minimal room for error. The exhibit illustrated that a box truck could navigate through the narrow clearance with only inches of clearance. For other vehicle types the narrow clearance may be impassable, which would cause a

back-up that impacts the movement of traffic in the right-of-way.

Additionally, while the passenger vehicle was not parked optimally on the east side of Pump #2 in this exhibit, the same condition of partial obstruction/narrow clearance would exist if an oversized vehicle such as a box truck were parked on the east side of Pump #2 and a passenger vehicle towing a camper were queued as shown in the exhibit.

2. The entrance to the site was the most optimal location for a passenger vehicle towing a camper to queue, other than the designated loading spaces located at the southeast and northeast corners of the site (see Architectural Site Plan, dated November 23, 2016, for locations of designated loading spaces). For example, if a passenger vehicle towing a camper queues further west into the interior of the site and within the circulation loop, the circulation loop would be partially obstructed, which would prevent the on-site circulation of all other vehicles accessing the site.
3. Although there were two designated loading spaces, as required by Section 17.125.050, these loading spaces are designated for the unloading of commercial goods necessary to the use to operate. This exhibit illustrates that there were no designated parking spaces for oversized passenger vehicles, such as vehicles towing RVs, vehicles towing landscaping trailers, and so forth, to park on-site.

While the Architectural Site Plan dated November 23, 2016, indicated a third, alternative loading space in the alley that is accessible from 10th Street, and it could have been proposed that one loading space accessible from 10th Street could be designated as an oversize vehicle parking space, an exhibit illustrating that a box-truck 30' in length or a semi-trailer 45' in length could safely access the loading area in the alley without impacting the safety of pedestrians and vehicles on 10th Street was not provided. During the hearing the applicant also clarified that use of the alley as a loading space was not being requested.

4. In the real-world conditions modeled in this exhibit, both a north-bound and a south-bound box truck were required to make multi-point turn maneuvers in order to circulate to the designated loading space at the southeast corner of the site.
5. When a passenger vehicle would not be optimally parked on the west side of Pump #1 there would be narrow clearance for the circulating box truck, as illustrated in the exhibit.

#11 – Configuration 2 – Truck and Trailer Fueling, Box Truck Queuing/Delivering

This exhibit models a passenger vehicle towing a camper fueling on-site, circulation of 30' box trucks into designated loading spaces, and stationary positions of passenger vehicles.

The exhibit illustrates the most congested number of vehicles and vehicle composition observed utilizing the Main Street fuel pumps at the Halley Chevron during the peak hour on September 1, 2016.

Staff finds and the Commission agrees:

1. In real world conditions, when a passenger vehicle towing a camper would be fueling on the west side of Pump #1, a pinch point would be created in the north side of the circulation loop. As illustrated in this exhibit, a box truck maneuvering to the designated loading space in the northeast corner of the site would be required to back up into place and the ability to do so would be constrained by the passenger vehicle

towing the camper fueling at Pump #1.

2. As depicted in the exhibit, the path that the passenger vehicle towing the camper would be required to use to navigate onto the site and into position at Pump #1 overlapped with the stationary position of the box truck that was parked in the designated loading space at the northeast corner of the site. If a box truck were to arrive to the site first the ability of the passenger vehicle towing the camper to enter the site and/or circulate the site would be constrained.
3. While there was an alternate loading space at the southeast corner of the site, it cannot be guaranteed that a box truck will always be able to navigate to the alternate loading space as depicted in the exhibit. For example, if a vehicle or vehicles were to be queuing to exit the site, the path depicted in the exhibit would be obstructed, causing the box truck or a similarly or larger vehicle to be required to queue at the entrance to the site, which would impact the flow of traffic in the right-of-way.

#12 – Configuration 3 – Truck and trailer fueling, box truck fueling

This exhibit models a passenger vehicle towing a camper fueling on-site, a 30' box trucks fueling on-site, and stationary positions of passenger vehicles.

The exhibit illustrates the most congested number of vehicles and vehicle composition observed utilizing the Main Street fuel pumps at the Hailey Chevron during the peak hour on September 1, 2016.

Staff finds and the Commission agrees:

1. The turn movements of the passenger vehicle towing a camper, when maneuvering into and out of fueling position, require the vehicle to temporarily obstruct the exit and entrance to the site.
2. Narrow clearance existed in the north side of the circulation loop with a box truck positioned on the west side of Pump #1.

#13 – Circulation with fuel truck on site

This exhibit depicts a 35' length Kellerstrass fuel delivery truck on site in the fueling position, five passenger vehicles on site, and a passenger vehicle towing a trailer and a box truck both circulating the site and exiting the site.

Staff finds and the Commission agrees:

1. The fuel delivery truck depicted in this exhibit was labeled a Kellerstrass truck, 35' in length.

The previous fuel truck exhibits submitted for the October 11, 2016 meeting, indicate a fuel truck with trailer connected to the truck by a hitch. The letter dated October 1, 2016 from Kellerstrass oil references the ability of a truck and trailer with two pivot points being able to maneuver the proposed Bracken station site.

While a 35' length fuel truck was depicted in the exhibit, there could not be a guarantee that larger fuel delivery trucks would not deliver fuel to the site in the future, if the gas station were to change ownership, for example. This exhibit did not reflect what on-site circulation would look like, and any impact that on-

site circulation would have to traffic in the right-of-way, if a larger fuel delivery truck were utilizing the site.

The fuel truck measurement exhibit submitted by the applicant for the October 11, 2016 meeting indicates fuel trucks up to 84'4" in length were in Kellerstrass Oil's fleet.

2. Additionally, while a note on the exhibit expressed the applicant's intent of scheduling fuel deliveries to take place only during non-peak hours, and the note stated that a "majority of deliveries will take place from 2 AM – 4 AM", this was not guaranteed. The letter previously submitted by the applicant from Kellerstrass Oil, dated September 23, 2016, states only that Kellerstrass Oil would make fuel deliveries during "non-high traffic times" and that Kellerstrass would "work with Roy Bracken to make sure our fuel deliveries are planned well in advance so that his staff is prepared and that our drivers can make quick and safe deliveries as to not interfere with customers and traffic flow on site and with highway traffic." The letter did not indicate what "non-high traffic" times were, or that fuel deliveries would only be made when the gas station was closed, for example.
3. As depicted in the exhibit, there was not a designated place for oversize vehicles patronizing the proposed use, such as a passenger vehicle towing a camper, or a passenger vehicle towing a landscaping trailer, to queue on site. The queuing location depicted in Exhibit 10 would not be available when a fuel delivery truck was on site. While some oversized vehicles may circulate and exit the site without stopping, as modeled in the exhibit, in a real world condition a customer needing gas or items from the retail store may opt to park elsewhere on the site anyhow; such actions cannot be prevented and would result in obstructions to the ingress movements of other vehicles entering the site, which would impact traffic in the right-of-way.
4. There was narrow clearance for the box truck and the passenger vehicle towing the camper to exit the site when a passenger vehicle was in position on the east side of Pump #3.

#14 – Semi-truck on-site delivery

This exhibit models north-bound and south-bound 45' length semi-trucks circulating the site and maneuvering to the southeast loading area while five passenger vehicles are stationary on site.

Staff finds and the Commission agrees:

1. The previously submitted "Semi-Truck Delivery Circulation" exhibit, dated September 30, 2016, contained notes stating "Deliveries made by trucks larger than a WB-40 shall be made in the alley," and "Deliveries will be scheduled so no more than two trucks (one in loading zone and one in alley) are on site at once."

This new exhibit did not contain such notes. However, the previous notes raise concerns regarding the ability of delivery trucks greater than 45' in length to maneuver into the alley adjacent to the site and the ability of delivery trucks greater than 45' in length to circulate the site itself, should the alley not be a feasible option due to the ability of 45' or greater semi-trucks to enter and exit the alley, or to enter and exit the alley without impacting vehicle traffic on 10th Street.

2. The ability of the 45' length semi-truck to circulate this site would be constrained due to the size of the site itself. For example:

- a. There would be narrow clearance for a southbound semi-truck to enter the site while a passenger vehicle is fuels on the east side of Pump #2;
 - b. The wheel path of the semi-truck in the circulation loop required the entire circulation loop to be unobstructed (without oversize vehicles queuing on the north side of the circulation loop as was shown in Exhibit #10, or passenger vehicles queuing as was shown in Exhibits #3 and #6);
 - c. The west side of Pump #1 would be required to be closed in order for the semi-truck to circulate, otherwise circulation of the semi-truck would be obstructed (as would occur if a box truck were fueling on the west side of Pump #1, as was shown in Exhibits #2, #5, #8a, and #8b, or if a passenger vehicle towing a camper were fueling on the west side of Pump #1 as was shown in Exhibits #1, #2, #7a and #7b).
3. While the semi-truck was in position in the loading zone at the southeast corner of the site a vehicle parked in the southernmost parking space would not be able to exit the parking space.

FINDINGS OF FACT

City Department Conclusions				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.040(A)	Complete Application
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Department and Boards/ Commissions Comments	<p>Public Works Department:</p> <ol style="list-style-type: none"> 1. Although the site plan was revised and new vehicle circulation exhibits reflecting the revised site plan were produced, the new vehicle circulation exhibits dated November 23, 2016 still did not adequately indicate that the fueling station would not cause congestion on Main Street/HWY 75. <p>Each circulation exhibit was described in detail in Attachment F., Table 4 in the December 12, 2016, staff report, and all circulation exhibits were attached as Attachment G to the December 12, 2016, staff report.</p> <ol style="list-style-type: none"> 2. The configuration of the sidewalk design would have created a challenge for the City's snow removal operations. If the project had been approved, a condition of approval requiring the owner to remove the snow to the west of the valley gutter and prohibiting the snow being placed back out in the roadway would have been required. 3. The additional crosswalk crossing Main Street at the northern end of the site, as proposed in the Pedestrian Analysis prepared by Alta Planning + Design and dated June 29, 2016, and with ADA compliant ramps, was recommended. 4. Colored pedestrian areas, as proposed in Figure 2 in the Pedestrian Analysis dated June 29, 2016, were recommended; a Maintenance Agreement stating that owner shall maintain the pedestrian areas

				<p>would have been required if the conditional use permit had been approved.</p> <ol style="list-style-type: none"> 5. To address pedestrian traffic from the southwestern pedestrian catchment area referenced in the Pedestrian Analysis dated June 29, 2016, further analysis of the need for the Rectangular Rapid Flashing Beacon at the intersection of Warm Springs Road and 10th would have been needed. 6. As proposed in the Pedestrian Analysis dated June 29, 2016, further study of the feasibility of defining the gap in the sidewalk on the north side of 10th Street between Warm Springs Road and Main Street would have been. 7. The property owner would have needed to maintain the landscaping in the right-of-way, according to ITD standards. 8. 9. The Preliminary Grading and Drainage Plan prepared by Benchmark Associates, with revision date June 3, 2016, was reviewed and was acceptable. Prior to issuance of a building permit a seepage test would have needed to be conducted and clarification regarding the infiltration rate and storm intensity and number of dry wells would have been required. 10. The 5' sidewalk connecting to Frenchman's Place, as indicated in the Highway 75 Frenchman Sidewalk Connection exhibit prepared by Benchmark Associates and dated July 11, 2016, was acceptable. The existing drywell indicated on the plan is a catch basin and it would have had to have been abandoned after installation of the new drywells.
				<p>Fire Department:</p> <ol style="list-style-type: none"> 1. The project would have been required to meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances. 2. An approved fire detection system would have been required to be installed per City of Ketchum Ordinance #1125 (www.ketchumfire.org) and the requirements of NFPA 72. Two (2) sets of alarm system plans would have been required to have been submitted to the Ketchum Fire Department for approval, with a permit required prior to installation of alarm systems. Inspections of fire detection systems by the Fire Chief or an appointee would have been required and would have had to have been scheduled at least 48 hours in advance. 3. An approved access roadway per 2012 International Fire Code Appendix D (www.ketchumfire.org) would have been required to have been installed prior to any combustible construction on the site. The road would have been required to be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road would have been required to be an all-weather driving surface maintained free, clear, and unobstructed at all times. 4. Fire extinguishers would have been required to have been installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building.

			<ol style="list-style-type: none"> 5. An approved key box would have been required to have been installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department. The key box would have been required to have been a Knox box brand and sized to accommodate keys to every door of the project. 6. The underground fuel tanks would have been required to have been installed and tested following the 2012 International Fire Code, Sections 5704.2.11 through Section 5704.2.12.2. 7. Motor fuel dispensing stations would have been required to have been installed following the 2012 International Fire Code, Section 2306.7 through Section 2306.7.7.2. 8. The Liquefied Petroleum Gas fuel dispensing would have been required to have been installed following the 2012 International Fire Code, Section 2307.1 through Section 2307.7
			Building: <ul style="list-style-type: none"> • No comment.
			Police Department: <ul style="list-style-type: none"> • No comment.
			Utilities: <ul style="list-style-type: none"> • No comment.
			Parks/Arborist: <ol style="list-style-type: none"> 1. The owner would have been required to maintain the landscaping in the right-of-way, which is managed by ITD. 2. The southeastern-most proposed <i>Abies lasiocarpa</i> was in close proximity to the overhead transmission line, substitution of a hardier bristlecone pine would have been required. 3. The other species were acceptable and the diversity and placement were appreciated. 4. Staff recommended retaining the tree adjacent to the existing power pole in the right-of-way on Main Street if ITD would have allowed it.

Findings of Compliance with Zoning Standards				
Compliant			Standards and Commission Findings	
Yes	No	N/A	Guideline	City Standards and <i>Commission Findings (italicized)</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030.C	Lot Area
			<i>Commission findings</i>	8,000 square feet minimum is required. <i>The lot is 0.4267 acres or 18,590 square feet.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030.C & 17.128.020.C	Setbacks and Supplementary Yard Requirements
			<i>Commission findings</i>	<i>Buildings "A" and "C" (as labeled on the Architectural Site Plan) currently have non-conforming setbacks on the front (eastern) property line. Building "B" (as labeled on the Architectural Site Plan) currently conforms to setbacks. The applicant proposed to demolish buildings "A" and "C" and to build an addition to building "B" which would result in a site with structures that meet setback requirements.</i>

				<p><i>Proposed Front (north – 10th Street) – 20' (required: 20')</i> <i>Proposed Side (east – Main Street) – 13'-4" is the setback to the eastern edge of the canopy; 19.9' or 19'-10^{13/16"} is the setback to the eastern edge of fuel pumps #2 and #3. (required setback is 13'-4")</i> <i>Proposed Rear – (west – alley) – 0' (required: 0')</i></p> <p><i>The proposed setbacks meet setback requirements.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030.C	Building Coverage
			<i>Commission findings</i>	Permitted - 75% Proposed – 23.4% (including gas station canopy 42' x 42' in size)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030.C	Building Height
			<i>Commission findings</i>	Maximum building height permitted is 35'; the existing buildings are 13'-8" above grade on Main Street and 24'-8" above grade on 10 th Street; the proposed addition to building "B" was 13'-8" above grade on Main Street and 24'-8" above grade on 10 th Street. The proposed canopy was 18' above grade on Main Street and 20' above grade from 10 th Street at the eastern edge of the structure and 24' above grade from 10 th Street at the western edge of the structure.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.030.H	Curb Cut
			<i>Commission findings</i>	<p>A maximum of thirty five percent (35%) of the linear footage of any street frontage can be devoted to access off street parking.</p> <p><i>The curb cut design recommended by the Idaho Transportation Department and proposed by the applicant was 84' (40' entrance, 4' island, 40' exit) in width, which equated to 30.6% of the linear footage frontage of the lot. (The linear footage of lot frontage is 273.97'.)</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.060.M	Parking Spaces
			<i>Commission findings</i>	<p>Required: The off street parking standards apply when an existing structure or use is expanded or enlarged. Additional off street parking spaces shall be required only to serve the enlarged or expanded area, not the entire building or use.</p> <p>2 spaces per fuel pump at fuel pump; 1 space per 250 square feet retail; 1 space per 250 square feet restaurant</p> <p><i>A 508 square foot addition to the existing 2,084 square foot building was proposed, for a total of 2,592 square feet for the new use.</i></p> <ul style="list-style-type: none"> • Six (6) parking spaces are required at the three (3) fueling pumps • Ten (10) parking spaces are required to serve the retail/restaurant use <p>Proposed:</p> <ul style="list-style-type: none"> • Six (6) for temporary holding at the fuel pumps

				<ul style="list-style-type: none"> • Eleven (11) to serve retail/restaurant (4 spaces are lower level accessed from 10th Street), including 1 ADA space • Additionally, there are four (4) additional lower level parking spaces accessed from 10th Street, located inside the existing building and tandem to the four (4) exterior lower level spaces, to serve the existing uses.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.040	Off Street Parking and Loading Areas
			Commission findings	<p>17.125.040 - In the LI-1, LI-2 and LI-3 districts, off street loading areas (containing 180 square feet with no 1 dimension less than 10 feet) shall be required as an accessory use for new construction or major additions involving an increase in floor area, as follows: One off street loading space for floor area in excess of two thousand (2,000) square feet, provided no loading space occupies any part of a public street, alley, driveway or sidewalk; except, that where practicable to do so, an alley may be used in lieu of the requirement of this section if prior permission is granted by the commission.</p> <p><i>The proposed project consisted of 2,592 square feet on the second floor of the building, which was to be at grade when accessed from Main Street. The existing first floor of the building is 2,084 and is, and would have continued to be, accessible from 10th Street and the alley behind the building. With 4,676 square feet 2 off-street loading spaces were to be required for the site.</i></p> <p><i>The minimum permitted size of an off-street loading space is 10' x 18'; the site plan indicated one (1) off-street loading space of 10' x 30' at the northeast corner of the site and one (1) off-street loading space 10' x 45' in size at the southeast corner of the site.</i></p> <p><i>The site plan also indicated a third, alternate, loading space 10' x 30' in size in the alley adjacent to the site. Section 17.125.040 of the zoning code states, "...an alley may be used in lieu of the requirement of this section if prior permission is granted by the commission." The Commission did not find that the alley could be used as a loading area because an exhibit illustrating that a delivery truck 30' or greater could navigate into and out of the alley without impacting traffic on 10th Street was not provided. Additionally, during the hearing the applicant clarified that use of the alley as a loading space was not being requested.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.18.140, 17.12.020 and 17.08.020	Zoning Matrix & Definitions
			Commission findings	<p>17.18.140 - A. Purpose: The LI-1 light industrial district number 1 is established as a transition area providing limited commercial service industries, limited retail, small light manufacturing, research and development, and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public. (Ord. 1135, 2015)</p> <p><i>The Commission finds that uses in the LI-1 district are intended to generate</i></p>

			<p><i>little traffic from tourists and the general public.</i></p> <p>17.12.020 – Motor Vehicle Fueling Stations are allowed in the LI-1 zone with a Conditional Use Permit.</p> <p><i>The applicant proposed a motor vehicle fueling station with three (3) fuel pumps and retail sales for the convenience of the motoring public. The applicant also proposed food service, which is allowed in the LI-1 zone with a Conditional Use Permit when the conditions described in footnote #15 of the Use Matrix are adhered to.</i></p> <p><i>The applicant proposed to remodel the existing building, consisting of 2,084 square feet, and to add an addition of 508 square feet. The applicant proposed to utilize the remodeled and expanded building for a retail store associated with the motor vehicle fueling station and for a deli service restaurant. The site plan indicated a food service area of 280 square feet.</i></p> <p><i>Footnote #15 of the Use Matrix of the zoning code limits the hours of operation of restaurants that require a conditional use permit to no later than 9:00 p.m. but gives the Commission the authority to expressly permit operation of the restaurant past 9:00 p.m. as part of the conditional use permit approval.</i></p> <p><i>The zoning code does not specify hours of operation for fuel pumps or retail sales for the convenience of the motoring public that are associated with motor vehicle fueling stations. However, the Commission had the ability to condition hours of operation in order to minimize adverse impact on other development.</i></p> <p>17.08.020 – Definitions: Motor Vehicle Fueling Station - A facility providing the retail sale and direct delivery to motor vehicles of fuel, including electric charging stations, lubricants and minor accessories, and retail sales for the convenience of the motoring public.</p> <p>Food Service - An establishment where food and drink are prepared, served and consumed on site with associated outdoor dining, or distributed to customers through take out, delivery or catering. Typical uses include, but are not limited to restaurants, cafes, delis, catering services and brewpubs that do not distribute beer produced for off-site consumption.</p> <p>Footnote #15. Catering and food preparation is permitted. Restaurants require a conditional use permit and shall not exceed 1,000 square feet and serve no later than 9:00 P.M. unless expressly permitted through approval of the conditional use permit.</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>17.132.020J & 17.132.020K</p> <p><i>Dark Skies</i></p>
		<p>Commission findings</p>	<p>J. The average foot-candle lighting for service stations is required to be no</p>

			<p>greater than 30 foot-candles, as set by the IESNA for urban service stations.</p> <p><i>As indicated in the Photometric Plan dated June 30, 2016, the average foot-candle lighting for the canopy was 28.51 foot-candles. The Photometric Plan analyzes the canopy only and does not account for any other exterior lighting proposed on the site. Exterior lighting for the site would have to be completely addressed during Design Review and would be required to comply with chapter 17.132, Dark Skies, of the zoning code.</i></p> <p>K. [Canopy lights] shall be recessed sufficiently as to ensure that no light source is visible from or causes glare on public rights of way or adjoining property.</p> <p><i>As indicated by the Lighting Fixtures exhibit, all canopy lights were CRUS-SC-LED and CRUS-AC-LED fixtures. The light source was recessed within the fixture and the fixtures themselves will be flush mounted to the underside of the canopy.</i></p>
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Conditional Use Requirements Findings				
1. EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates that:				
Yes	No	N/A	Code	City Standards
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A) CONDITIONAL USE	The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.
Commission findings				
<i>The LI-1 district allows for one of the widest varieties of uses in the zoning code use matrix; uses ranging from manufacturing to personal service to warehousing and wholesaling to automotive uses are permitted.</i>				
<i>The LI-1 and LI-2 districts are the only districts that permit motor vehicle fueling stations within the City of Ketchum and in both the LI-1 and LI-2 districts motor vehicle fueling stations are permitted only with a conditional use permit. The city has ten districts classified as commercial or light industrial; food service is permitted in six districts of those districts and is permitted conditionally in two districts (LI-1 and LI-2).</i>				
<i>The proposed uses of a motor vehicle fueling station with associated food service are generally compatible with the types of uses permitted in the LI-1 district. However, Ketchum zoning code section 17.18.140 defines the purpose of the Light Industrial District Number 1 as: "A. Purpose: The LI-1 light industrial district number 1 is established as a transition area providing limited commercial service industries, limited retail, small light manufacturing, research and development, and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public. (Ord. 1135, 2015)"</i>				
<i>The Retail S Analysis, dated January 2016 and conducted by Gmap USA and provided by the applicant states, "The population is around 3,200 people within 2.0 miles and the median age is about 47 years old. The population is somewhat lighter than ideal for this type of site location and the median age is a little high for ideal C-store customer base population. However the focus for this site is the winter and especially the summer tourists that pass through the town."</i>				

With respect to business projections, the Retail S Analysis states, "One of the keys for this site is to provide a good operation with a good offering that will bring in the commuter that passes by the intersection on a consistent basis...The focus on the merchandising should be having a quality offering that entices the commuter/tourist traffic that passes by the site on a regular basis. The site should have a large fountain and coffee offering to entice the commuters to use the site as their refreshment spot....Overall the site is on a good corner is[sic] the area and has good potential. The traffic passing by the site is strong and along with the residential backup the location should do well."

Although there is a conflict between the purpose for the LI-1 district as stated in the zoning code, to "generate little traffic from tourists and the general public," the Commission finds the proposed uses are generally compatible with the types of uses permitted in the LI-1 zone.

Therefore, the Commission finds this standard has been met.

Yes	No	N/A	Code	City Standards
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	The conditional use will not materially endanger the health, safety and welfare of the community.

Commission findings

After review and analysis of the revised site plan and the new vehicle circulation exhibits prepared for the December 12, 2016, meeting, concerns still existed regarding on-site circulation and potential negative externalities that may materially endanger the health, safety and welfare of the community. Additionally, the revised site plan and circulation exhibits did not diminish hazards to pedestrians on and off site due to the number of back-up maneuvers vehicles would be required to make in order to enter, exit, and circulate the site. Concerns related to the external impact of on-site circulation and hazards and conflict to traffic in the neighborhood are evaluated in detail in the next section for criteria 17.116.030(C); evaluation of the conditional use as it pertains to the health, safety, and welfare of the community as discussed in this section is limited to non-traffic concerns.

In regards to health, safety and welfare concerns of the underground fuel storage tanks associated with the use, as noted by the Fire Department in the City Department Conclusions table contained in this Findings of Fact, underground fueling tanks and fueling stations must be constructed to meet applicable Fire Code. Additionally, state and federal environmental standards for the construction of fuel storage tanks and operation of fuel pumps must be met. The applicant provided a copy of the Idaho Department of Environmental Quality's "Rules Regulating Underground Storage Tank Systems", IDAPA 58.01.07.

The applicant also submitted an exhibit from J.M. Plenik, P.E., dated September 11, 2007, regarding the Xerxes Corporation underground fuel storage tanks proposed for the site. The exhibit stated that seismic activity occurring at a distance away from the tanks could be withstood but that seismic activity occurring at or very near the tanks would rupture the tanks. The applicant also submitted a brochure for the proposed Xerxes underground tanks, which noted safety features.

The applicant addressed concerns regarding gas spillage from fuel pumps onto snow or ice and drainage into the on-site oil/water separator at the July 11, 2016 meeting and no further information was requested.

Additionally, as described in Attachment J, Table 7: Required Public and Private Improvements and Attachment K, Table 8: Recommended Additional Public Improvements to the December 12, 2016 staff report, the majority of pedestrian and vehicular safety and welfare concerns could be addressed by the sidewalks, crosswalks, rapid

flashing beacon, turning lane, and reduced curb cut width proposed by the applicant.

Therefore, the Commission finds this standard has been met.

Yes	No	N/A	Code	City Standards
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

Commission findings

The findings in this section pertain to the vehicle circulation exhibits prepared by Benchmark Associates, dated November 23, 2016, which were submitted for and attached to the staff report for the December 12, 2016 meeting. Prior analysis of previously submitted circulation exhibits contained in the previous staff reports remains valid, where applicable.

The “Findings Pertaining to Revised Site Plan Dated November 23, 2016” table contained in this Findings of Fact describes revisions to the proposed site plan as submitted for the December 12, 2016 meeting. The revisions to the site plan with the greatest impact include the shift of the fuel pumps approximately 6’-6” to the west (into the interior of the site), the removal of one fuel pump, and the reduction of 4’ in width of the building proposed to house the retail and food service uses. These three revisions opened up additional space at the ingress and egress to the site and in the circulation loop.

Seventeen (17) new circulation exhibits that model circulation within, into, and out of the site and reflect the revised site plan were also submitted for the December 12, 2016 meeting. Although the revisions to the site plan open up additional space for on-site circulation, due to the size of the site with respect to the volume of traffic anticipated and the size of vehicles that will patronize or deliver stock to the proposed business, concerns regarding the external impacts of on-site traffic to vehicular and pedestrian traffic in the right-of-way and on-site remain.

The greatest concerns related to the impact of on-site circulation to vehicular and/or pedestrian traffic in the right-of-way are related to the inability of the site, due to the parcel size and configuration of the site, to accommodate one or more vehicles greater than 19’ in length in real world conditions. Exhibits #3, #6, #9a, and #9b illustrate that when only passenger vehicles measuring a maximum of 19’ in length are on site these vehicles can enter the site, maneuver into all of the six (6) fueling positions, maneuver the circulation loop, and exit the site with little to no encumbrance. However, exhibits #10, #11, #12, #13, and #14 illustrate that the introduction of one or more oversize vehicle circulating the site creates on-site congestion that may result in negative external impacts to vehicular and/or pedestrian traffic in the right-of-way.

Specific examples of pinch points, constrained and obstructed on-site circulation are described in depth in the analysis of new exhibits contained in Table #4. Generally, these concerns relate to:

- 1. The site cannot adequately accommodate oversize vehicles patronizing the site –** *In addition to the commercial delivery and fuel trucks that will deliver fuel and product to the proposed use, customers of the proposed uses driving oversize vehicles will also patronize this site. While there are two designated loading spaces on site to accommodate fuel and product delivery trucks, there are no designated queuing or parking areas that can accommodate patrons in oversize vehicles. Oversize vehicles, such as passenger vehicles towing campers, or passenger vehicles towing landscaping or construction trailers, are forced to queue in locations that constrain traffic flow.*

As described in Table 4 of the December 12, 2016 staff report, this condition is illustrated in Exhibit #10,

wherein the queuing passenger vehicle towing the camper and the passenger vehicle in position at the fuel pump create a pinch point at the entrance to the site. The narrow clearance through this pinch point provides only inches of clearance for vehicles in the right-of-way to enter the site through this pinch point, and the site is not large enough to provide an alternate, designated area for such a vehicle to queue or park without constraining circulation elsewhere when real world conditions exist. For instance, if the passenger vehicle towing the camper in this exhibit were to queue further west alongside the circulation loop and a vehicle were to be positioned at the eastern or western side of Pump #1, as shown in Exhibits #1, #2, or #3, the circulation loop would be completely obstructed. If an oversize vehicle were to park in a parking space designed for a standard passenger vehicle the oversize vehicle would encroach into other circulation areas, and if an oversize vehicle were to park in a loading space designated for a commercial delivery vehicle the commercial loading spaces would not be available for commercial fuel or product deliveries.

The conflict between the size of the site and its ability to accommodate oversize vehicles is also illustrated in Exhibits #1, #2, #4, #5, which model that even in optimal conditions when no real world traffic exists on site, the fueling positions that box trucks and passenger vehicles towing campers can maneuver to are limited by the size and dimensions of the site with respect to the size of the vehicles. While the fueling scenarios that work and do not work can be digitally modeled, real world drivers of oversize vehicles will be faced with the challenge of determining which fuel pumps are accessible through trial and error, potentially causing on-site congestion that will back up into the right-of-way. The behavior observed by L2 for the Hailey Chevron was that fueling vehicles were on site for an average of 5 minutes and 51 seconds and that patrons fueling and visiting the retail store were on site for an average of 9 minutes and 37 seconds; it would take only one oversize vehicle queuing and one passenger vehicle parked non-optimally to cause a pinch point at the entrance to the site.

During the peak hour traffic conditions, when up to 45 vehicles¹ patronizing the site may be expected, a new vehicle may enter the site every 1 minute and 20 seconds, on average. A pinch point limiting ingress to the site for 5 to 9 minute could potentially cause a back-up of 5 to 8 vehicles in the right-of-way.

¹The May 2016 traffic study submitted by Hales Engineering cited 110 p.m. peak hour trips, based on the Institute of Transportation Engineers (ITE) Trip Generation (9th Edition, 2010) and variables regarding the proposed use. The October 2016 traffic study submitted by Hales Engineering cited 90 p.m. peak hour trips, based on observations at the Hailey Chevron in September 2016. Ninety (90) peak trips equates to 45 vehicles entering and 45 vehicles exiting the site. Both the May 2016 and October 2016 traffic studies were based on 8 vehicle fueling positions and a gasoline service station with associated retail. Since one fuel pump has been removed from the proposal but the square footage of the retail component remains approximately the same, and trip generation can also be calculated using hours the size of the retail store rather than the number of fuel pumps as the variable, the Commission finds that up to 45 vehicles may be expected to patronize the site during the p.m. peak hour.

2. ***It has not been proved that the site, or the adjacent alley, can accommodate delivery trucks greater than 45' in length and conditioning approval of the proposal dependent on prohibiting vehicles greater than 45' in length is infeasible*** – Exhibit #13 illustrates a 35' length fuel delivery truck and Exhibit #14 illustrates a 45' length intermediate semi-trailer delivery truck. No exhibits have been submitted to model trucks in excess of 45', therefore, it has not been proved that trucks in excess of 45' can circulate the site without causing congestion that would impact traffic in the right-of-way, or that delivery trucks of any size can circulate into and out of the alley without causing congestion in the

right-of-way. However, many delivery trucks, including the fuel trucks in the fleet of proposed fuel delivery company Kellerstrass Oil, exceed 45' in length.

3. **The success of on-site circulation depends on deliveries of products and fuel being made between 2 a.m. – 4 a.m. or during other “non-peak” times that have not been identified and conditioning approval of the proposal dependent on such delivery times is infeasible – Exhibits #13 contains a note stating that, “Fuel deliveries will take place during non-peak hours with significantly less traffic than shown. A majority of deliveries will take place from 2 AM – 4 AM.”**

Concerns raised by the circulation constraints that exist when fuel and delivery trucks are on-site are described in depth in Table 4 of the December 12, 2016 staff report. As with conditioning the sizes of vehicles permitted to deliver to the site, it is inadequate to hinge public health, safety, and welfare on conditioning the times that deliveries can be made because it is infeasible to monitor and enforce such a condition in perpetuity.

Therefore, the Commission finds that it has not been proved that vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood and that this standard has not been met.

Yes	No	N/A	Code	City Standards
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(D)	The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.

Commission findings

Due to the proposed pedestrian and vehicular public improvements, and review of the proposed use and the site, the conditional uses can be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area.

Therefore, the Commission finds that this standard has been met.

Yes	No	N/A	N/A	Code
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this Section.

Commission findings

The Comprehensive Plan designates the property for mixed-industrial use. Primary uses specified include light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district. Secondary uses specified include a limited range of residential housing types and supporting retail. Uses should generate little traffic from tourists and the general public.

Due to the location of the specific site, the use proposed will generate additional traffic from both the public and visiting tourists. This is a conflict between the Comprehensive Plan and the zoning code, which conditionally allows for the motor vehicle fueling station and food service uses in the LI-1 and LI-2 zones.

However, the proposed use generally does not conflict with the policies of the Comprehensive Plan and the basic purposes of this section.

Therefore, the Commission finds this standard has been 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 zoning ordinance, Title 17.
3. The City Council has authority to hear the applicant's Conditional Use Permit application pursuant to Idaho Code Section 67-6512 of the Local Land Use Planning Act and Chapter 17.116 of Ketchum Municipal Code Title 17.
4. The Planning and Zoning Commission's December 12, 2016 public hearing and consideration of the applicant's Conditional Use Permit application was properly noticed pursuant to the Local Land Use Planning Act, Idaho Code Section 67-6512.
5. The Commission evaluated the application using the Conditional Use Permit criteria contained in section 17.116.030, subsections A-E, of the Ketchum Municipal Code, finding the following:

- a. 17.116.030(A), "The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district."

The Commission finds this standard **has been met**.

- b. 17.116.030(B), "The conditional use will not materially endanger the health, safety and welfare of the community."

The Commission finds this standard, aside from concerns related to the impact of traffic congestion on pedestrian and vehicle safety described in the following section 17.116.030(C), **has been met**.

- c. 17.116.030(C), "The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood."

The Commission finds that this standard **has not been met** for the following reasons:

- Potential for on-site traffic or congestion to cause problems with southbound traffic backing up on Highway-75;
- Potential for northbound traffic on Highway-75 to back up because of the activity going on at the site overflowing into the right-of-way;
- Pedestrian safety crossing Highway-75 and circulating/walking around the site because of the number of vehicle backing-up maneuvers required on the site;
- Fuel delivery creating additional congestion onto the site that will cause traffic to back-up on Highway-75 and conditions to limit the time periods when fuel delivery could occur is not enforceable; and

- When southbound Highway-75 has a queue due to the proposed uses, vehicles on 10th Street will not be able to make a southbound exit from 10th Street, causing 10th Street traffic to become a bigger problem than already exists.
- d. 17.116.030(D), "The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts."

The Commission finds this standard has been met.

- e. 17.116.030(E), "The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this Section.

The Commission finds this standard has been met.

6. Because Criteria 17.116.030(C) has not been met, the application **does not** meet the standards of approval under Chapter 17.116 of Ketchum Zoning Code Title 17.

DECISION

THEREFORE, The Ketchum Planning and Zoning Commission **denies** this Conditional Use Permit (CUP) this 12th day of December, 2016.

Findings of Fact **adopted** this 13th day of February, 2017.


 Jeff Lamoureux, Chair
 Planning and Zoning Commission

Attachment 2:

Application 16-034 for a Conditional Use Permit (CUP) for a Motor Vehicle Fueling Station with accessory food service located at 911 N. Main Street (Ketchum, AM Lot 5A, Block 30), dated April 28, 2016. and accompanying site plan, dated November 23, 2016, that informed the Commission's decision of February 13, 2017

RECEIVED

APR 29 2016

File No.: 16-034
Reference Design Review
16-035

CITY OF KETCHUM

CITY OF KETCHUM CONDITIONAL USE PERMIT APPLICATION

Name of Applicant: RRJ.LLC

Name of Owner of Record: NORTH TOWN PARTNERS LLC

Mailing Address: P.O. BOX 5277
KETCHUM, ID. 83340

Contact Phone Number: 208.721.0080

Street Address of Property Requiring a CUP: 911 N MAIN STREET

Legal Description of Property Requiring a CUP: KETCHUM AMENDED LOT 5A BLK 30

RPK0000030005A

Description of Proposed Conditional Use: MOTOR VEHICLE FUELING STATION
AND RETAIL STORE

Description of Proposed and Existing Exterior Lighting: PROPOSED: RECESSED SOFFIT IN
LIGHTS IN EXISTING ROOF
OVERHANG/NEW LED, FLUSH MOUNT 16"X16" SQ FIXTURES
IN CANOPY - 6 TO 8 IN NUMBER - SOFT WARM COLOR AS PER
(KELVIN TEMP.)

Zoning District: LI-1

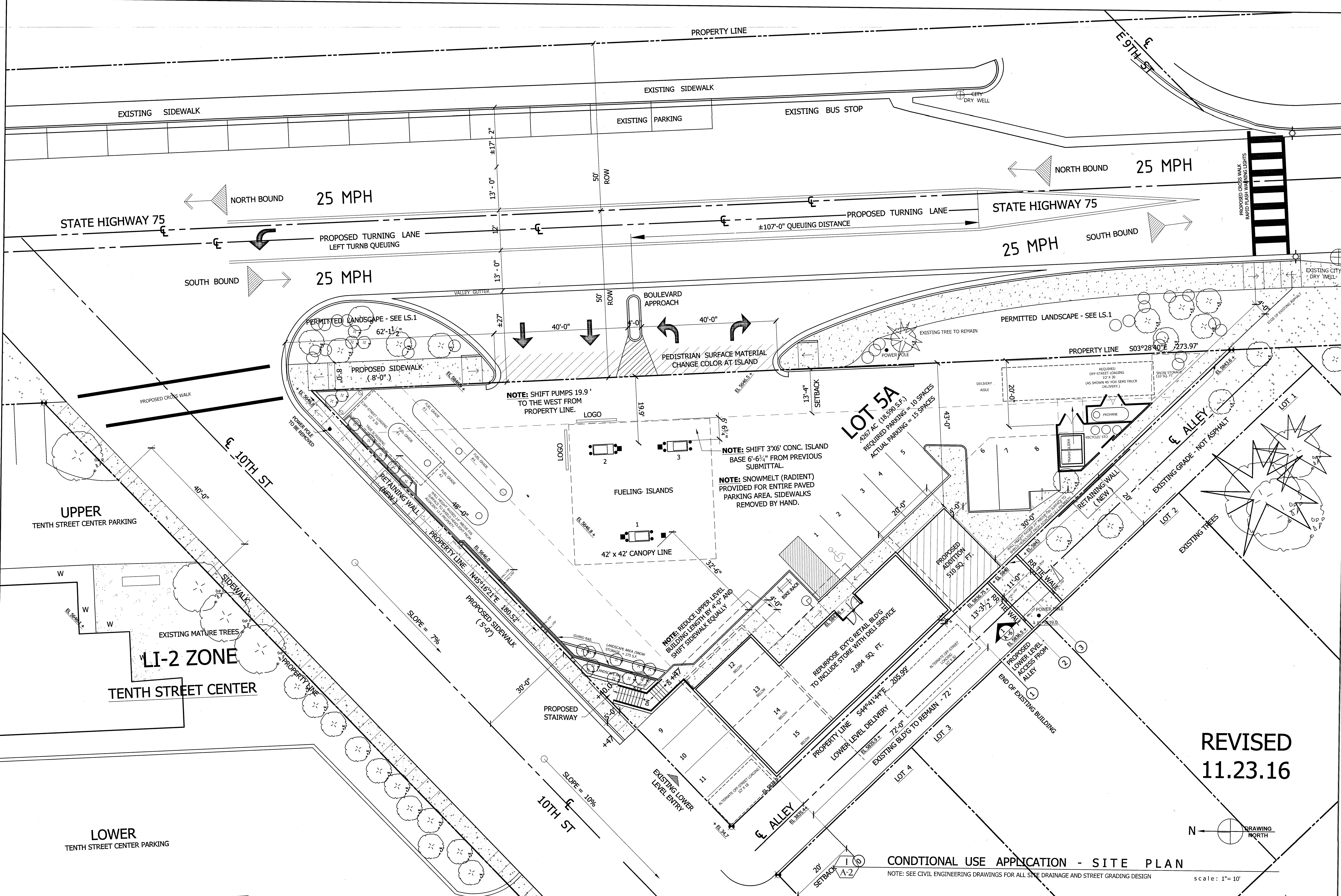
Overlay District: Flood Avalanche Pedestrian Mountain

The Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Conditional Use Permit Application in which the City of Ketchum is the prevailing party to pay reasonable attorney fees, including attorney fees on appeal, and expenses of the City of Ketchum. **I hereby acknowledge** I have filled in this application accurately and provided the required information to the best of my knowledge.

[Signature]
Applicant's Signature

Date 4-28-16

Pursuant to Resolution No. 08-123, any direct costs incurred by the City of Ketchum to review this application will be the responsibility of the applicant. Costs include but are not limited to: engineer review, attorney review, legal noticing, and copying costs associated with the application. The City will require a retainer to be paid by the applicant at the time of application submittal to cover said costs. Following a decision or other closure of an application, the applicant will either be reimbursed for unexpended funds or billed for additional costs incurred by the City.



REVISED
11.23.16

CONDITIONAL USE APPLICATION - SITE PLAN

NOTE: SEE CIVIL ENGINEERING DRAWINGS FOR ALL SITE DRAINAGE AND STREET GRADING DESIGN

scale: 1"=10'

STEVE R. COOK, ARCHITECT
323 S. CHILLIWEWIS ST., SUITE H, P.O. BOX 680, KETCHUM, ID, 83340
TEL: 208.725.5566
FAX: 208.725.5568

MEMBER AMERICAN INSTITUTE OF ARCHITECTS

PRELIMINARY DESIGN PHASE - LOT 5A BLK 30

LOT 5A / BLK 30 / ZONE LI-1

KETCHUM, ID

REVISION RECORD		
NO.	DATE	BY

DRAWING NAME:
SITE PLAN

DATE OF ISSUE:
9/16/16

4.10.17
PLOT DATE:
9/16/16
SHEET NO.
A-2

GENERAL CONTRACTOR AND ALL SUBCONTRACTORS TO ASSURE ALL WORK CONFORMS TO NATIONAL, STATE, AND LOCAL CODES THAT APPLY TO THIS PROJECT. WHEN INCONSISTENCIES EXIST BETWEEN DRAWINGS OR SPECS. AND APPLICABLE CODE REQUIREMENTS, CONFORMANCE TO ALL CODES SHALL HAVE PRECEDENCE OVER DRAWINGS AND SPECS.

Attachment 3:

Resubmitted application dated April 10, 2017 for a Conditional Use Permit (CUP) for a Motor Vehicle Fueling Station with accessory food service located at 911 N. Main Street (Ketchum, AM Lot 5A, Block 30) and accompanying site plan, dated April 3, 2017.

File No.: _____

CITY OF KETCHUM CONDITIONAL USE PERMIT APPLICATION

Name of Applicant: RRJ.LLC / PENGUIN.LLC

Name of Owner of Record: NORTH TOWN PARTNERS LLC

Mailing Address: P.O. BOX 5277
KETCHUM, ID. 83340

Contact Phone Number: 208.721.0080

Street Address of Property Requiring a CUP: 911 N MAIN STREET

Legal Description of Property Requiring a CUP: KETCHUM AMENDED LOT 5A BLK 30
RPK 00003000 5A

Description of Proposed Conditional Use: MOTOR VEHICLE FUELING STATION
AND RETAIL SALES

Description of Proposed and Existing Exterior Lighting: RETAIL BLDG: WALL MOUNTED
DOWN LIGHTS AND STEP LIGHTS
CANOPY: 12 LED FLUSH MOUNTED SQUARE FIXTURES - NO
BY WALKWAY ENTRANCE.
LIGHT TRESPASS BEYOND PROPERTY LINES

Zoning District: LI-1

Overlay District: Flood _____ Avalanche _____ Pedestrian _____ Mountain _____

The Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Conditional Use Permit Application in which the City of Ketchum is the prevailing party to pay reasonable attorney fees, including attorney fees on appeal, and expenses of the City of Ketchum. I hereby acknowledge I have filled in this application accurately and provided the required information to the best of my knowledge.

[Signature]
Applicant's Signature

Date 4/10/17

Pursuant to Resolution No. 08-123, any direct costs incurred by the City of Ketchum to review this application will be the responsibility of the applicant. Costs include but are not limited to engineer review, attorney review, legal noticing, and copying costs associated with the application. The City will require a retainer to be paid by the applicant at the time of application submittal to cover said costs. Following a decision or other closure of an application, the applicant will either be reimbursed for unexpended funds or billed for additional costs incurred by the City.



Planning and Zoning

Special Meeting

~ Minutes ~

Tuesday, May 23, 2017

5:30 PM

Ketchum City Hall

Commissioners Present: Erin Smith, Vice-Chairperson
Matthew Mead, Commissioner
Neil Morrow, Commissioner

Commissioners Absent: Jeff Lamoureux, Chairperson
Betsey Mizell, Commissioner

Staff Present: Carl Anderson, Associate Planner
Keshia Owens, Planning Technician
Micah Austin, Director of Planning & Building
Brittany Skelton, Senior Planner

Also Present: Members of the Public

1. **5:15 PM - SITE VISIT: Sun Valley Dental Arts 100 7th Street Ketchum, Idaho (Ketchum Townsite, Lot 5, Block 34)**

2. **5:30 PM - CALL TO ORDER: City Hall, 480 East Avenue North, Ketchum, Idaho**

Commissioner Smith called the meeting to order at 5:39 PM.

3. **PUBLIC COMMENT - Communications from the public for items not on the agenda.**

No comments.

4. **COMMUNICATIONS FROM STAFF**

- a. **100 7th Street East Ketchum, Idaho (Ketchum Townsite, Lot 5, Block 34). The Commission will consider and take action on an application by Ben Franz for Design Review approval of a new mixed use three-story building with ground floor commercial space with two residential units on the second floor and one residential unit on the third floor.**

COMMENTS:

Micah Austin, Planning Director, introduced the project and said that the City is holding this meeting at the request of the applicant and explained that staff is not recommending approval of the application because it does not meet several standards. He also asked that the Commission be very clear in their analysis and decision to provide clear direction.

Ben Franz, Sun Valley Dental Arts, said that he has been working on this project for several years and plans have changed since the Commission first saw the project. He explained that initially patients would fly in for a few weeks, get a new smile, vacation and leave, but this would be a bed and breakfast and not compliant with Ketchum's Code. He commented that the project has gone through several changes, which will be presented to the Commission

Jeff Matthis, Architect, said that the proposed building will have a contemporary and modern look. He explained the layout of the first floor, the basement, and noted that with underground parking spaces and lifts they can get the required nine onsite spaces. He stated that the second floor is designed to have two condominium units and the third floor will be a single unit. He then commented on the reasons for denial including the FAR, parking, handicapped parking, snow storage, and the construction management plan.

Ben Worst, attorney, said that they are trying to avoid the situation that has been created behind the post office where there's ADA parking on the snowy side of the building. He explained that you are allowed to deviate from the local ordinances on ADA parking if you follow a specific state statute. He added that he disagrees with Austin's analysis regarding what "onsite" means because the ADA has their own definition. He noted that this is huge in this case because there are virtually no compliant ADA spaces in the City of Ketchum.

Sam Stahlnecker, Benchmark Associates, spoke about the design of the project and that the square footage of snow storage is minimal and plans are showing 30% more than what's required by Code. She also commented on ADA parking and said that she would point to the section of ADA code that requires the space be as close as possible to the entrance of the building.

Carl Anderson, Associate Planner, said that the applicant is here to request design review approval for a new, three-story mixed-use building. He explained that pre-application design review was conducted on October 26, 2016. He stated that staff finds that the project complies with the Comprehensive Plan, but has not satisfied all requirements of Title 17, Zoning Regulations, and recommends denials based on the following:

- The applicant does not have an exceedance agreement with the City of Ketchum to satisfy City Code Title 17, section 17.124.040.
- Off street parking and loading calculations have not been satisfied.
- Snow storage (requirement satisfied).
- Construction management plan has not been received.

Commissioner Morrow made a motion to continue the project until June 12, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Neil Morrow, Commissioner
SECONDER:	Matthew Mead, Commissioner
AYES:	Morrow, Mead, Smith
ABSENT:	Mizell, Lamoureux

5. CONSENT CALENDAR

a. Minutes: April 10, 2017 and May 8, 2017

COMMENTS:

Commissioner Morrow made a motion to approve the minutes from April 10, 2017 and May 8, 2017.

b. Sunnyside Condos Design Review: 420 and 460 North Spruce Avenue, Ketchum, Idaho (Sunnyside 8 Condos Bldg. 1 & 2):

COMMENTS:

Commissioner Mead made a motion to approve the Sunnyside Condos Design Review Findings of Fact.

6. FUTURE PROJECTS AND NOTICING REQUIREMENTS

No projects are up for noticing.
Bracken Station CUP Appeal is scheduled for June 8, 2017 at 2:00 PM.

7. STAFF REPORTS & CITY COUNCIL MEETING UPDATE

Staff provided updates on the Emergency Floodplain applications, Argyros Performing Arts Center, and the Dark Sky Text Amendment.

8. Commission reports and ex parte discussion disclosure

9. ADJOURNMENT

Commissioner Morrow motioned to adjourn, Commissioner Mead seconded.

Erin Smith
Planning and Zoning Commission Co-Chair