



PLANNING AND ZONING COMMISSION AGENDA

Monday, January 9, 2017

Ketchum City Hall

480 East Avenue North, Ketchum, ID 83340

1. **5:30 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. Election of Officers
4. CONSENT CALENDAR
 - a. 151 South Main Street/Limelight Hotel (Ketchum AM Lot 1A Block 20): Final Plat Findings
 - b. Bracken Station Conditional Use Permit: Findings
 - c. 8th and Washington Conditional Use Permit: Findings
 - d. 8th and Washington Design Review: Findings
 - e. Minutes: December 12, 2016
5. FUTURE PROJECTS AND NOTICING REQUIREMENTS
6. STAFF REPORTS & CITY COUNCIL MEETING UPDATE
 - a. Discussion of meeting dates for 2017
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

IN RE:)
)
 151 South Main Street Hotel and)
 Residences Condominium) **KETCHUM PLANNING AND ZONING COMMISSION**
 Subdivision Final Plat) **FINDINGS OF FACT, CONCLUSIONS OF LAW AND**
) **DECISION**
 File Number: #16-103)
)

PROJECT: 151 South Main Street Hotel and Residences Condominium Subdivision

OWNER(S): Limelight Ketchum LLC

REPRESENTATIVE: James R. Laski, applicant’s attorney

REQUEST: Condominium Subdivision Final Plat approval to establish sixteen (16) condominium units and associated common areas.

LOCATION: 151 S. Main St, Ketchum, ID (Ketchum Townsite, AM Lot 1A, Block 20)

ZONING: Community Core (CC) Sub-district A, Retail Core

NOTICE: The following notice for a Preliminary Plat was mailed to property owners within 300 feet and affected agencies on Friday, January 15, 2016. Notice for the Preliminary Plat was published in the Idaho Mountain Express on Wednesday, January 20, 2016. No noticing is required for the Final Plat.

NOTICE OF A PUBLIC HEARING BEFORE THE KETCHUM PLANNING AND ZONING COMMISSION

Meeting Date:	Monday, February 8, 2016
Meeting Time:	5:30 PM, or thereafter as the matter can be heard.
Meeting Location:	City Hall Council Chambers, 480 East Avenue North, Ketchum, Idaho
Project Name:	151 South Main Hotel & Residences
Project Location:	151 S. Main St, Ketchum, ID (Ketchum, AM Lot 1A, Block 20 Ketchum Townsite)
Applicant:	Limelight Ketchum LLC
Representative:	James R. Laski
Application Type:	Condominium Subdivision - Preliminary Plat
Project Description:	The applicant is proposing to replat Lot 1A, Block 20 into 16 condominium units. The property is 1.11 acres in size and zoned Community Core (CC) Sub-district A, Retail Core.

COMMISSION CONCLUSIONS

The applicant submitted the Final Plat application to establish sixteen (16) condominium units, one being the hotel, another the ground floor retail space, and the remaining fourteen (14) being residential condominium units, in addition to the associated common areas and limited common areas.

The units’ configuration, size and layout conform to the approved Design Review, Planned Unit Development (PUD), Building Permit plans, and approved Preliminary Plat for the project. The PUD approval superseded the underlying zoning code requirements.

The Final Plat was first considered by the Planning and Zoning Commission. Per KMC 16.04.030.F, if the Final Plat substantially conforms to the Preliminary Plat and the Final Plat is in compliance with all requirements, the Commission shall approve the Final Plat. Thereafter the Final Plat shall be transmitted to City Council for approval. If the Final Plat conforms to all requirements of this chapter, all conditions placed upon the Preliminary Plat, and all requirements of Idaho law, Council shall approve the final plat. However, the Final Plat shall not be signed by the city clerk and recorded until the condominiums have received a certificate of occupancy, the CC&Rs have been recorded, and all design review elements as approved by the planning and zoning administrator have been completed.

Final Plat Requirements				
Compliant			Standards and Commission Comments	
Yes	No	N/A	City Code	City Standards and <i>Commission Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	Complete Application
			<i>Commission Comments</i>	<i>The application was reviewed and determined complete.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.C Final Plat Procedure	<p>1. The final plat procedure contained in subsection 16.04.030F of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the condominium has received:</p> <ul style="list-style-type: none"> a. A certificate of occupancy issued by the city of Ketchum; and b. Completion of all design review elements as approved by the planning and zoning administrator. <p>2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to title 17, chapter 17.96 of this code. Prior to final plat approval, the subdivider shall submit to the city a copy of the final bylaws and condominium declarations which shall be approved by the council and filed with the Blaine County recorder, including the instrument number(s) under which each document was recorded.</p>
			<i>Commission Comments</i>	<i>The Final Plat application was reviewed by the Commission. After the Commission forwarded the application to City Council the Council reviewed the application. The Council did not approve the Final Plat until a certificate of occupancy was issued and all design review elements were completed and approved or a security deposit was accepted in accordance with this section.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.D Garage	All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. No

Compliant			Standards and Commission Comments	
Yes	No	N/A	City Code	City Standards and <i>Commission Comments</i>
				garage may be condominiumized or sold separate from a condominium unit.
			Commission Comments	<i>The garage was designated on the Final Plat.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.E Storage Areas	Adequate storage areas shall be provided for boats, campers and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.
			Commission Comments	<i>Each residential condominium has a dedicated storage room in the basement of the building that was designated as limited common area. Article 7 of the CC&R's provides for the association to assign storage areas for the exclusive use of each unit. Storage is not allowed in the limited common area parking spaces. Section 13.9 of the CC&R's provides that boats, campers and trailers may not be stored on the premises. In addition, the hotel has storage in the basement and sporting equipment storage on the main floor.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.F Maintenance Building	A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.
			Commission Comments	<i>Maintenance facilities are provided in the form of common area and limited common area, located in the basement level of the building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.G Open Space	The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.
			Commission Comments	<i>Section 14.5 of the CC&R's provides for a residential unit owners easement over and across certain hotel limited common area (such as the porte-cochere and exterior open space plaza on the ground level) which will be maintained by the hotel unit owner. Each residential condominium unit also has its own limited common area in the form of a deck, exclusive to that unit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.H General Applicability	All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.
			Commission Comments	<i>As a condition of approval, all other provisions of this chapter and all applicable ordinances rules and regulations of the city and other governmental entities having jurisdiction shall be complied with by the condominium subdivision.</i>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and subdivision ordinance, Title 16.
3. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the City Council for review of this application.
4. The proposed final plat does meet the standards of approval under Title 16, Chapter 16.04, subject to conditions of approval.
5. This approval is given for Foxhole Townhomes Final Plat dated July 7, 2016 by Alpine Enterprises Inc.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this final plat on Monday, December 12, 2016, subject to the following conditions:

1. The Covenants, Conditions and Restrictions (CC&Rs) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of the CC&Rs;
2. The final plat shall be filed with the Blaine County recorder within one year after final plat approval by the Council. Failure to file such final plat within that time shall cause all approvals of such final plat to be null and void;
3. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map;
4. An electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
 - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
 - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,
 - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control"; and,
5. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
6. The applicant shall provide a copy of the recorded final plat to the Department of Planning and Building for the official file on the application.

7. All requirements of the Fire, Utility, Building, Planning and Public Works departments of the City of Ketchum shall continue to be met. All public improvements shall meet the requirements of the Public Works Department.

Findings of Fact **adopted** this 3rd day of January, 2017.

Steve Cook
Planning and Zoning Commission Chair



City of Ketchum
Planning & Building

IN RE:)
)
Bracken Station Motor Vehicle)
Fueling Station and Food Service)
Conditional)
Use Permit)
)
File Number: 16-034)

**KETCHUM PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION**

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 Commission deliberated 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 and a trellis patio to the remaining portion of the 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 24' x 24'. 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.

<p>6. On-site pedestrian circulation</p>	<p>1. The on-site sidewalk adjacent to the northernmost portion of the eastern façade of the building was shifted 4’ west.</p>
<p>7. Landscaping and Landscape Walls</p>	<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>
<p>8. Snow Storage</p>	<p>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.</p>
<p>9. Off-Street Loading</p>	<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>

<p>Findings pertaining to revised Preliminary Improvements Plan, revision date November 23, 2016</p>	
<p>Conflict with Idaho Code §§54-1215</p>	<p>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</p>

	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.

Commission's findings:

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 are 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 allow for the circulation loop to remain unencumbered: east and west sides of Pump #3. However, in order to access Pump #3, Pump #2 must also 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.**

Commission's findings:

1. 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.
2. When this vehicle type fuels on the west side of Pump #1 a pinch point is created.

3. Northbound box trucks must complete on-site the circulation loop and back up into a fueling position, and in real world conditions this could 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.

Commission's findings:

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.

While this scenario is unlikely to occur 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), this exhibit raises a concern about queuing on the west side of pump #2.

While there is room for a passenger vehicle to queue on the east or west side of pump #1, there is 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 is created at the ingress to the site, which could impact the ability of subsequent vehicles to enter the site, and thereby could 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.**

Commission's findings:

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 creates constrained on-site circulation, especially when this vehicle type is in position 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 are 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) are dependent on other fueling positions (east and west sides of pump #2) being open.
4. If pump #1 is 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) are available to this vehicle type. During the peak hour when vehicles may fuel in non-optimal positions, which could cause on-site congestion to impact vehicle ingress into the site and thereby traffic flow in the right-of-way.
5. South-bound vehicles must complete on-site the circulation loop and back up into a fueling position, and in real world conditions this could 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.**

Commission's findings:

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 site 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.

Commission's findings for the south-bound passenger vehicles are the same as the concerns for the north-bound passenger vehicles:

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.

While this scenario is unlikely to occur 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), this exhibit raises a concern about queuing on the west side of pump #2.

Although there is room for a passenger vehicle to queue on the east or west side of pump #1, there is 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 is created at the ingress to the site, which could impact the ability of subsequent vehicles to enter the site, and thereby could 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.

Commission's findings:

1. When in position on the east side of Pump #3, this vehicle type must first 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 will be blocked and other vehicles attempting to access the site may be forced to queue at the entrance to the

site, which could create impede traffic flow in the right-of-way.

Additionally, when this vehicle type is fueling at the east side of Pump #3 there is 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 must 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.

Commission's findings for south-bound egress movements are 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 must first 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 will be blocked and other vehicles attempting to access the site may be forced to queue at the entrance to the site, which could create impede traffic flow in the right-of-way.

Additionally, when this vehicle type is fueling at the east side of Pump #3 there is 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 must 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.

#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.

Commission's findings for this vehicle type 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 must first 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 will be blocked and other vehicles attempting to access the site may be forced to queue at the entrance to the site, which could create impede traffic flow in the right-of-way.
2. When in position on the west side of Pump #3, this vehicle type must 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.

#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.

Commission's findings for this vehicle type similar to the concerns for the egress movements of south-bound and

<p>north-bound passenger vehicles towing campers:</p> <ol style="list-style-type: none"> 1. When in position on the west side of Pump #3, this vehicle type must 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.
<p>#9A – Car site north-bound exit circulation</p> <p>This exhibit models the north-bound egress movements of a 19' passenger vehicle when no other vehicles are on site.</p>
<p>Commission's findings:</p> <ol style="list-style-type: none"> 1. Narrow clearance for vehicles exiting the site when a passenger vehicle is fueling on the east side of Pump #1.
<p>#9B – Car site south-bound exit circulation</p> <p>This exhibit models the south-bound egress movements of a 19' passenger vehicle when no other vehicles are on site.</p>
<p>Commission's findings are the same as the concerns raised by Exhibit #9a:</p> <ol style="list-style-type: none"> 1. Narrow clearance for vehicles exiting the site when a passenger vehicle is fueling on the east side of Pump #1.
<p>#10 – Configuration 1 – Truck and Trailer Queuing, Box Truck Delivery</p> <p>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.</p> <p>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.</p>
<p>Commission's findings:</p> <ol style="list-style-type: none"> 1. When a passenger vehicle is not optimally located in the fueling position on the east side of Pump #2 and a passenger vehicle towing a camper is queued on site as shown in the exhibit a pinch point is created at the entrance to the site and circulation is partially obstructed. The exhibit illustrates that a passenger vehicle can navigate through the narrow clearance, but there is minimal room for error. The exhibit illustrates that a box truck can navigate through the narrow clearance with only inches of clearance. For other vehicle types the narrow clearance may be impassable, which could cause a back-up that impacts the movement of traffic in the right-of-way. <p>Additionally, while the passenger vehicle is 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.</p> <ol style="list-style-type: none"> 2. The entrance to the site is 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 is partially obstructed, which could prevent the on-site circulation of all other vehicles accessing the site.

3. Although there are 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 are 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, indicates a third, alternative loading space in the alley that is accessible from 10th Street, and it could be proposed that one loading space accessible from 10th Street could be designated as an oversize vehicle parking space, the Commission did not consider allowing the alternative loading because 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 are 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 is not optimally parked on the west side of Pump #1 there is 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 Hailey Chevron during the peak hour on September 1, 2016.

Commission's findings:

1. In real world conditions, when a passenger vehicle towing a camper is fueling on the west side of Pump #1, a pinch point is 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 must back up into place, and the ability to do so is 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 uses to navigate onto the site and into position at Pump #1 overlaps with the stationary position of the box truck that is 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 is 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 are queuing to exit the site, the path depicted in the exhibit may be obstructed, causing the box truck or a similarly or larger vehicle to queue at the entrance to the site, which could 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.

Commission's findings:

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 in the north side of the circulation loop when a box truck is fueling 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.

Commission's findings:

1. The fuel delivery truck depicted in this exhibit is 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 is depicted in the exhibit, there is no guarantee that larger fuel delivery trucks will not deliver fuel to the site in the future, if the gas station changes ownership, for example. This exhibit does not reflect what on-site circulation would look like, and any impact that on-site circulation may 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.

2. Additionally, while a note on the exhibit expresses the intent applicant's intent of having fuel deliveries only take place during non-peak hours, and states that a "majority of deliveries will take place from 2 AM – 4 AM", this cannot be guaranteed. The letter previously submitted by the applicant from Kellestrass Oil, dated September 23, 2016, states only that Kellerstrass Oil will make fuel deliveries during "non-high traffic times" and that Kellerstrass will "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 does not indicate what “non-high traffic” times are, or that fuel deliveries will only be made when the gas station is closed, for example.

3. As depicted in the exhibit, there is 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 is 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 may result in obstructions to the ingress movements of other vehicles entering the site, which could impact traffic in the right-of-way.
4. There is narrow clearance for the box truck and the passenger vehicle towing the camper to exit the site when a passenger vehicle is 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.

Commission’s findings:

1. The previously submitted “Semi-Truck Delivery Circulation” exhibit, dated September 30, 2016, contains 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 does 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 is constrained due to the size of the site itself. For example:
 - a. There is narrow clearance for a southbound semi-truck to enter the site while a passenger vehicle is fueling on the east side of Pump #2;
 - b. The wheel path of the semi-truck in the circulation loop requires the entire circulation loop to be unobstructed (without oversize vehicles queuing on the north side of the circulation loop as shown in Exhibit #10, or passenger vehicles queuing as shown in Exhibits #3 and #6);
 - c. The west side of Pump #1 must be closed in for the semi-truck to circulate, otherwise circulation of the semi-truck could be obstructed (as would occur if a box truck were fueling on the west side of Pump #1, as 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 shown in Exhibits #1, #2, #7a and #7b).

3. While the semi-truck is 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"> Although the site plan has been revised and new vehicle circulation exhibits reflecting the revised site plan have been produced, the new vehicle circulation exhibits dated November 23, 2016 still do not adequately indicate that the fueling station would not cause congestion on Main Street/HWY 75. <p>Each circulation exhibit is described in detail in Attachment F., Table 4 in the December 12, 2016, staff report, and all circulation exhibits are attached as Attachment G to the December 12, 2016, staff report.</p> <ol style="list-style-type: none"> The configuration of the sidewalk design creates a challenge for the City’s snow removal operations. If the project is approved, a condition of approval will require the owner to remove the snow to the west of the valley gutter and the snow may not be placed back out in the roadway. 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, is recommended. Colored pedestrian areas, as proposed in Figure 2 in the Pedestrian Analysis dated June 29, 2016, is recommended; a Maintenance Agreement stating that owner shall maintain the pedestrian areas will be required if the conditional use permit is approved. 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 is needed. 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 is needed. The property owner will need to maintain the landscaping in the right-of-way, according to ITD standards. The initial On Site Vehicle Turn Exhibit produced by Benchmark Associates and dated July 11, 2016, only illustrates turn movements in an empty parking lot, which does not adequately prove turn movements can be made in real world conditions. In order to

				<p>recommend approval of the conditional use permit the On-Site Vehicle Turn Exhibit needs to be revised to include turn movements, vehicles in the parking lot, and the location(s) where vehicles can stack on site.</p> <p>9. The Preliminary Grading and Drainage Plan prepared by Benchmark Associates, with revision date June 3, 2016, has been reviewed and is acceptable. Prior to issuance of a building permit a seepage test will need to be conducted and clarification regarding the infiltration rate and storm intensity and number of dry wells will be required.</p> <p>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, is acceptable. The existing drywell indicated on the plan is a catch basin and it shall be abandoned after installation of the new drywells.</p>
				<p>Fire Department:</p> <ol style="list-style-type: none"> 1. The project shall meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances. 2. An approved fire detection system shall be installed per City of Ketchum Ordinance #1125 (www.ketchumfire.org) and the requirements of NFPA 72. Two (2) sets of alarm system plans shall be submitted to the Ketchum Fire Department for approval and a permit is required prior to installation of alarm systems. Inspections of fire detection systems by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. 3. An approved access roadway per 2012 International Fire Code Appendix D (www.ketchumfire.org) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times. 4. Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building. 5. An approved key box shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department. The key box shall be a Knox box brand and sized to accommodate keys to every door of the project. 6. The underground fuel tanks will be installed and tested following the 2012 International Fire Code, Sections 5704.2.11 through Section 5704.2.12.2. 7. Motor fuel dispensing stations will be installed following the 2012 International Fire Code, Section 2306.7 through Section 2306.7.7.2. 8. The Liquefied Petroleum Gas fuel dispensing will be installed following the 2012 International Fire Code, Section 2307.1 through Section 2307.7
				<p>Building:</p> <ul style="list-style-type: none"> • No comment.
				<p>Police Department:</p> <ul style="list-style-type: none"> • No comment.

			<p>Utilities:</p> <ul style="list-style-type: none"> No comment.
			<p>Parks/Arborist:</p> <ol style="list-style-type: none"> The owner shall maintain the landscaping in the right-of-way, which is managed by ITD. The southeastern-most Abies lasiocarpa is in close proximity to the overhead transmission line, substitute a more hardy bristlecone pine. The other species are good and the diversity and placement are appreciated. Staff recommends retaining the tree that is adjacent to the existing power pole in the right-of-way on Main Street if ITD will allow 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>	<p><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> <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% <i>Proposed – 23.4% (including gas station canopy 42' x 42' in size)</i>
<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'; <i>the existing buildings are 13'-8" above grade on Main Street and 24'-8" above grade on 10th Street; the proposed addition to building "B" was 13'-8" above grade on Main Street and 24'-8" above grade on 10th Street. The proposed canopy was 18' above grade on Main Street and 20' above grade from 10th Street at the eastern edge of the structure and 24' above grade from 10th Street at the western edge of the structure.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.030.H	Curb Cut
			<i>Commission</i>	A maximum of thirty five percent (35%) of the linear footage of any street

			<i>findings</i>	frontage can be devoted to access off street parking. <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>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.060.M	Parking Spaces
			Commission findings	<p><i>Required:</i> 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;</p> <p>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"> • <i>Six (6) parking spaces are required at the three (3) fueling pumps</i> • <i>Ten (10) parking spaces are required to serve the retail/restaurant use</i> <p><i>Proposed:</i></p> <ul style="list-style-type: none"> • <i>Six (6) for temporary holding at the fuel pumps</i> • <i>Eleven (11) to serve retail/restaurant (4 spaces are lower level accessed from 10th Street), including 1 ADA space</i> • <i>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.</i>
<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</i></p>

			<p>4,676 square feet 2 off-street loading spaces were to be required for the site.</p> <p>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.</p> <p>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.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.18.140, 17.12.020 and 17.08.020</p> <p>Zoning Matrix & Definitions</p>
		<p>Commission findings</p>	<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>The Commission finds that uses in the LI-1 district are intended to generate little traffic from tourists and the general public.</p> <p>17.12.020 – Motor Vehicle Fueling Stations are allowed in the LI-1 zone with a Conditional Use Permit.</p> <p>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.</p> <p>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.</p> <p>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.</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"/>	17.132.020J & 17.132.020K	<i>Dark Skies</i>
			<i>Commission findings</i>	<p>J. The average foot-candle lighting for service stations is required to be no 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>

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				
<p><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></p> <p><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></p> <p><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></p> <p><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></p> <p><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."</i></p> <p><i>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.</i></p> <p><i>Therefore, the Commission finds this standard has been met.</i></p>				
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				
<p><i>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. However, these</i></p>				

concerns are evaluated in detail in the next section for criterion 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 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 can 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 that 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

<i>public services to the surrounding area.</i>				
<i>Therefore, the Commission finds that this standard has been met.</i>				
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				
<p><i>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.</i></p> <p><i>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.</i></p> <p><i>However, the proposed use generally does not conflict with the policies of the Comprehensive Plan and the basic purposes of this section.</i></p> <p><i>Therefore, the Commission finds this standard has been met.</i></p>				

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 9th day of January, 2017.

Jeff Lamoureux, Vice Chair
Planning and Zoning Commission



City of Ketchum
Planning & Building

IN RE:)
)
191 East 8th Street)
Conditional Use Permit (CUP))
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**KETCHUM PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION**

File Number: 16-083

BACKGROUND FACTS

- PROJECT:** 191 East 8th Street (Eighth and Washington Building)
- OWNER(S):** Doug Webb
- REPRESENTATIVE:** Michael Bulls (Ruscitto Latham Blanton P.A.)
- REQUEST:** Conditional Use Permit (CUP) approval for adding four (4) residential units to existing commercial uses in the Light Industrial District Number 1 (LI-1).
- LOCATION:** 191 East 8th Street C
(Eighth & Washington Bldg. Condo; Lot 2A, Block 22 Ketchum Townsite)
- ZONING:** Light Industrial District Number 1 (LI-1)
- NOTICE:** Property owners within 300 foot radius of subject property were mailed notice on October 21, 2016. Notice was posted in three public City locations on October 21, 2016 and on site on November 8, 2016. Continuation of the hearing to November 28th, 2016 was announced during the November 14, 2016 hearing. Continuation of the hearing to December 12, 2016 was announced during the November 28, 2016 hearing.

The following notice was posted in three public places and mailed to adjacent property owners on October 21, 2016:

**NOTICE OF CONSIDERATION BEFORE THE PLANNING AND ZONING COMMISSION: SITE VISIT AND
REGULAR MEETING**

Site Visit Date:	November 14, 2016
Site Visit Time:	5:00 PM
Meeting Location:	Subject Site: 191 East 8 th Street / 831 North Washington Avenue, Ketchum, Idaho
Meeting Date:	November 14, 2016
Meeting Time:	5:30 PM, or thereafter as the matter can be heard.
Meeting Location:	City Hall Council Chambers, 480 East Avenue North, Ketchum, Idaho
Project Name:	8 th and Washington
Project Location:	191 East 8 th Street / 831 North Washington Avenue, Ketchum, Idaho (Eight & Washington Building Condo)
Applicant:	Doug Webb
Representative:	Rucitto, Latham, Blanton, P.A.
Application Type:	Conditional Use Permit and Design Review to construct a new upper story to an existing structure and to create four residential units.
Project Description:	The applicant is proposing to add a new upper floor to the existing structure and to remodel the interior of the existing structure, which will result in 4,105 square feet of commercial space and 4 residential units totaling 3,825 square feet. The property is 0.25 acres and is zoned Light Industrial-1 (LI-1).

FINDINGS OF FACT

1. Ruscitto Latham Blanton requested a Conditional Use Permit (CUP) approval for adding four (4) residential units to existing commercial uses in the Light Industrial District Number 1 (LI-1).
2. Ketchum Municipal Code (KMC), Section 17.12.020 requires a CUP prior to construction of multi-family dwelling units in the Light Industrial District: 1 (LI-1).
3. The site property is located in the Light Industrial District Number 1 (LI-1). The site contained one existing two-story building, located at 191 East 8th Street (Ketchum lot 2A, Block 22). The applicant proposed to construct a third-floor addition to the existing structure, with the intent to add four residential units to the existing commercial uses on site. The lower level of the building will contain a combination of office space, a meeting room and two (2) parking spaces. The main floor will contain two (2) office spaces on the south side (8th Street) of the building, and two (2) live-work units on the north side of the property. The third floor of the building contain two (2) residential units.

Table 1: Requirements for All Applications

Commission Findings				
Compliant				
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.040	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p>Utilities:</p> <p>The applicant may wish to purchase their own water meter. While the penthouse usage will be at a minimum the other uses in the building may change. No impact fee will need to be collected, only the meter charge of \$ 451.00. This is not a requirement.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p>Parks/Arborist:</p> <p>Looks like all vegetation will be located on private property; however, to minimize line-of-sight obstruction at the NW corner of the intersection, I would suggest limiting the number of autumn blaze maple trees to one, removing the southern-most tree. That size tree will likely cause interference with the stop sign there and limit line-of-sight to the west. Planting only one tree there is more appropriate for grow space limitations.</p>

Table 2: Compliance with Zoning Standards

Compliance with Zoning Standards				
Compliant			Standards and Commission Findings	
Yes	No	N/A	Guideline	City Standards and <i>Commission Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Lot Area
			<i>Commission Findings</i>	Required: 8,000 square feet minimum. Existing: The lot is 0.25 acres or 10,997 square feet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030 & 17.128.020.C	Setbacks and Supplementary Yard Requirements
			<i>Commission Findings</i>	<p>The existing building has a non-conforming front setback of 16'-9" from Washington Avenue; this existing setback will be maintained. The existing building has a non-conforming side yard setback of 10'-2" from Eighth Street. Side setbacks on corner lots are required to be no less than 2/3 of the required front setback, therefore, a 13'-4" side yard setback from Eighth Street is required; the applicant proposes a new 13'-4" conforming setback from Eighth Street. The required interior side and rear setbacks are met.</p> <p><i>Front (Washington Avenue):</i> Required: 20'-0" Existing: 16'-9" Proposed addition: 21'-11"</p> <p><i>Side – Corner Yard (Eighth Street):</i> Required: 13'-4" Existing: 10'-2" Proposed addition: 13'-4"</p> <p><i>Side – Interior:</i> Required – 0" Existing – 0"</p>

				<p><i>Proposed - 0"</i></p> <p><i>Rear (Alley):</i> <i>Required - 0"</i> <i>Existing - 0"</i> <i>Proposed - 0"</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<p>Building Coverage</p> <p><i>Commission Findings</i></p> <p><i>Permitted: 75%</i> <i>Proposed: 41.62%</i> <i>The lot is 10,997 square feet and 4,577 square feet of building coverage is proposed.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<p>Building Height</p> <p><i>Commission Findings</i></p> <p>Required: <i>Maximum building height permitted in the LI-1 is 35', but a 5' increase in height is permitted when the maximum vertical distance from the lowest exposed finished floor to the highest point of the roof shall be no more than five feet (5') greater than the maximum height permitted in the zoning district.</i></p> <p>Proposed: <i>The highest point of the proposed addition is 40'-0". The portion of the building that is 40'-0" in height is stepped back thirteen-feet and four-inches (13'-4") on the south side (8th street) and meets eligibility requirements for the 5' height increase.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.030.H	<p>Curb Cut</p> <p><i>Commission Findings</i></p> <p>Required: 17.125.030: Off Street Parking Space <i>H. A maximum of thirty five percent (35%) of the linear footage of any street frontage can be devoted to access to off-street parking. Corner lots that front two (2) or more streets may select either or both streets as access but shall still not devote more than thirty five percent (35%) of the total linear footage of street frontage to access to off-street parking.</i></p> <p>Proposed: <i>The linear footage of street frontage is 210'-0".</i> <i>Eighth Street:110'-0"</i> <i>Washington: 110'-0"</i> <i>The proposed curb cut will be 35'-4" along Washington Avenue, equating to 16.7%.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.020.A.2 & 17.125.050	<p>Parking Spaces</p> <p><i>Commission Findings</i></p> <p>Required: <i>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.</i></p> <p><i>Office, Industrial Districts: One (1) space per 250 gross square feet.</i></p> <p><i>Residential Units, Industrial Districts: One (1) space per bedroom.</i></p> <p><i>Office Parking</i> <i>Lower Level: New Meeting Room:329sf</i> <i>New Office #1:428 sf</i> <i>New Office #2:180 sf</i> <i>Main Level: New Office #3:686 sf</i> <i>New Office #4:420 sf</i> <i>Total office parking: 2,043 sf/ 250 = 8 spaces</i></p>

			<p><i>Residential Parking</i> <i>Main Level: New Live work residential unit #1: 1 space</i> <i>New Live work residential unit #2: 1 space</i> <i>Upper Level: New residential unit #3: 1 space</i> <i>New residential unit #4: 1 space</i></p> <p><i>This project required 12 on-site parking spaces.</i> Proposed: <i>The applicant proposed two (2) additional off-street parking spaces to meet the need of the expanded area.</i></p> <p><i>The project has a total of twelve (12) parking spaces located on-site, including one (1) ADA accessible parking space located at the north-east portion of the property.</i> <i>Existing on-site parking: 10 spaces</i> <i>Proposed: 12 spaces (3 enclosed)</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.125.040 Off Street Loading Areas</p>
			<p><i>Commission Findings</i></p> <p>Required: <i>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.</i></p> <p>Proposed: <i>The increase in floor area and addition is used for residential and livework units, therefore off-street loading spaces are not required. The commission grants permission to the applicant to use the alley adjacent to the property for off-street loading use.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.18.140, 17.12.020, & 17.08.020 Zoning Matrix & Definitions</p>
			<p><i>Commission Findings</i></p> <p>17.18.140 - A. Purpose. <i>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></p> <p>17.12.020 Dwelling, multi-family: <i>Multi-family dwelling units are allowed in the LI-1 district with a conditional use permit. See section 17.124.090 for development standards for industrial district residential.</i> Proposed: <i>The applicant is proposing to construct a third floor addition to the existing structure, with the intent to add four residential units to the existing commercial uses on site.</i></p> <p>17.08.020 – Definitions</p>

			<p>Mixed Use: Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.</p> <p>Dwelling, multi-family: A building, under single or multiple ownership, containing two (2) or more Dwelling Units used for Residential Occupancy.</p>
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Table 3: Standards for Residential, Light Industrial Districts IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:				
Residential units in the light industrial districts shall comply with the following minimum criteria:				
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (1)	1. Dwelling units shall not occupy the ground floor.
			<i>Commission Findings</i>	<i>There were no dwelling units proposed on the lower lever. Two live-work residences are on the main floor of the building, located on the north side of the building. The proposed live work residential unit #1 is 672sf and unit #2 is 828sf, with 268f of new residential circulation/other. Additionally, two residential units were proposed on the upper level of the building. The proposed residential unit #3 is 1,000sf and unit #4 is 629sf, with 275sf of new residential circulation/other.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (2)	2. Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.
			<i>Commission Findings</i>	<i>Design review under chapter 17.96 was required for this project, as this was an addition to an existing building, which is used as mixed-use. The design review application was reviewed on approval of the conditional use application, approved by the Commission.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (3)	3. Up to fifty percent (50%) of any light industrial building may be devoted to dwelling units, unless otherwise specified in the section.
			<i>Commission Findings</i>	<p><i>The proposed gross square footage of the building is 7,932sf.</i></p> <p><i>The applicant proposed devoting 49.5% of the building to residential use. The total residential square footage devoted to residential space was 3,927sf, of which 1,768sf was devoted to the two live-work units (including circulation) and 2,067sf devoted to the third floor residential units (including circulation).</i></p> <p><i>A total 4,005sf of the building is devoted to commercial storage, office space and meeting space, of which 2,848sf is located on the lower level and 1,157sf is located on the main level.</i></p> <p><i>Note: Parking areas covered by a roof or portion of the building and enclosed on three (2) or more sides by building walls are included into the gross floor area calculation. See Ketchum code 17.08.020 Definitions: Floor Area, Gross for full definition.</i></p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (4)	4. Dwelling units shall be owner occupied or used for "long term occupancy", defined as a minimum of ninety (90) consecutive days, and shall not be separated in any manner for sale as individual units.
			<i>Commission Findings</i>	<i>One of the third floor residential units is proposed to be owner occupied, while the remaining three units were to be used for long term occupancy. The units will not be separated for sale as individual units.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (5)	5. Dwelling units shall be a minimum of four hundred (400) square feet and shall not exceed one thousand (1,000) square feet total and shall contain not more than two (2) bedrooms, unless otherwise specified in this section.
			<i>Commission Findings</i>	<i>The proposed dwelling units are above the minimum of four hundred (400) square feet and do not exceed one thousand (1,000) square feet total. None of the proposed dwelling units contain more than two (2) bedroom units. See Commission comments in section 17.124.090 A (1) for a breakdown of residential unit square feet.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (6)	6. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
			<i>Commission Findings</i>	<i>The applicant is aware of this requirement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (7)	7. All persons who rent or sublet any residential living unit within the light industrial zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
			<i>Commission Findings</i>	<i>All persons who rent or sublet any residential living unit will notify the tenant, lessee or subtenant with written notice that the unit is located within the light industrial zone, and is therefore subordinate in nature to all legal light industrial activities.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (8)	8. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone
			<i>Commission Findings</i>	<i>All future real estate agent, sales person, broker, and/or each private party who offers for rent or show any of the dwelling units located in the building, will provide written notice that the building is located within such light industrial zone.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (9)	9. All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate

			and, therefore, junior in nature to the legal light industrial activities within the zone.
		<i>Commission Findings</i>	<i>The applicant met this requirement.</i>

Table 4: Conditional Use Permit Requirements

Conditional Use Requirements				
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 the following:				
Findings and Analysis				
Yes	No	N/A	Code	City Standards and Commission Findings
<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.
			<i>Commission Findings</i>	<p><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></p> <p><i>Multi-family dwelling units are permitted only with a conditional use permit in the LI-1, LI-2 and LI-3 with the condition that they comply with Ketchum zoning code 17.124.090, the Residential Development Standards for the industrial districts. For residential development in the light industrial, up to fifty percent (50%) of any light industrial building may be devoted to dwelling units, unless otherwise specified in the section.</i></p> <p><i>The proposed project is compliant with all standards from Ketchum zoning code 17.124.090.</i></p>
<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.
			<i>Commission Findings</i>	<p><i>The proposed project for the continued use of commercial office space and the addition of live-work and residential space was well suited for the location at 191 East 8th Street. The property is on the edge of the LI-1 district and adjacent to the Community Core District–Traditional Neighborhood (CC-D). The building was surrounded by a mix of both industrial and residential use and was anticipated to be well suited for the neighborhood.</i></p> <p><i>The applicant also proposed to reconstruct the sidewalk along East 8th Street, which would remove the existing perpendicular parking along the south side of the building. Currently, the perpendicular parking is encroaching approximately four (4) feet into the right of way. The reconstruction was anticipated to create a safer configuration for both pedestrian and vehicle traffic.</i></p> <p><i>During the November 28th hearing, the Commission deliberated and had concerns regarding the lack of ADA accessible parking spaces located on-site. The applicant addressed these concerns and proposed to locate one (1) accessible van parking space with an adjacent passenger side accessible access aisle, located at the north east portion of the property. The proposed ADA accessible space will provide access to the lower level of the structure via an</i></p>

			<p>accessible route (36'' wide minimum). The proposed revised site plan also displayed an accessible curb ramp per ICCA117.1-2009 and Ketchum City Code. The final design and location of the accessible curb ramp shall be coordinated with the City Engineer.</p> <p>The conditional use was not expected to materially endanger the health, safety and welfare of the community, and may improve it in regards to pedestrian and vehicular safety along East 8th Street.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p><i>Commission Findings</i> The proposed project was not anticipated to significantly increase the amount of pedestrian and/or vehicular traffic associated with the existing use. There are two (2) office spaces, one (1) meeting room, one (1) break room, and two (2) storage areas located on the lower level. Additionally, there are two (2) office units located on the main level of the building.</p> <p>The proposed project contained one (1) commercial office unit and one (1) meeting space on the lower level, two (2) commercial office units on the main level, two (2) live work units on the main level and two (2) residential units on the upper level.</p> <p>At the time of the application, the sidewalk located on the south side of the building (East 8th st), encroached into the right-of-way. There were four off-street perpendicular parking spaces utilized by the applicant which cross the sidewalk along the south side of the corner lot. The configuration created potentially dangerous situation for pedestrian and vehicles backing out of the perpendicular parking.</p> <p>The proposed sidewalk configuration in along East 8th street will be to have all streets and sidewalk conforming to the current city of Ketchum right-of-way standards. The standards for development with a 60-ft right-of-way include a 5-ft wide sidewalk, curb & gutter with drainage facilities as required, a 10-ft parallel parking lane, and a 13-ft wide travel lane with sharrows to alert drivers to share the road with bicyclist.</p> <p>The applicant meet with the Streets Department/Public Works Department to resolve the exiting right-of-way encroachment issues. The proposed sidewalk configuration along East 8th street conformed to the existing City of Ketchum right-of-way standards.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p><i>Commission Findings</i> Due to the proposed pedestrian and vehicular public improvements, and review of the proposed use and the site, the conditional uses would be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area.</p>

				<i>The fire department reviewed the application and determined that they can provide adequate services to the project. The police department had no comment on the project.</i>
<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.
			<i>Commission Findings</i>	<p>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 are provided for within this category. Uses should generate little traffic from tourists and the general public.</p> <p>The Mixed-Use Industrial category is intended to provide critical lands for Ketchum’s economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.</p> <p><i>The commercial office space along with the addition of the live-work and residential uses are generally consistent with the uses specified within the Comprehensive Plan.</i></p>

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 Chapters 17.92 and 17.17.116 of Ketchum Zoning Code Title 17.
4. The Planning and Zoning Commission’s January 11, 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 application **does** meet the standards of approval under Chapters 17.92 and 17.116 of Ketchum Zoning Code Title 17 and the Ketchum Comprehensive Plan.
6. All departmental conditions as described in Table 1.
7. All building and fire code requirements as dictated by 2012 family of international building codes shall apply to all construction onsite.

8. Per Title 17, Section 17.116.080: TERM OF PERMITS: Conditional Use Permit approval shall expire one (1) year from the date of approval if not acted upon within that time frame; and
9. This Conditional Use Permit approval is based on representations made and other components of the application presented and approved at the meeting on November 28th, 2016.

DECISION

THEREFORE, The Ketchum Planning and Zoning Commission **approves** this Conditional Use Permit (CUP) this 9th day of January, 2017, provided the following conditions are met:

1. At the discretion of city of Ketchum staff, if the applicant makes any substantive changes regarding ADA parking and compliance with ADA requirements, the application shall be reviewed the Commission.

Findings of Fact **adopted** this 9th day of January, 2017.

Steve Cook, Chair
Planning and Zoning Commission



City of Ketchum
Planning & Building

IN RE:)	
)	
191 East 8th Street Design Review)	KETCHUM PLANNING AND ZONING COMMISSION
)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND
)	DECISION
File Number: #16-084)	
)	

BACKGROUND FACTS

PROJECT: 191 East 8th Street (Eighth and Washington Building) Design Review

OWNER(S): Doug Webb

REPRESENTATIVE: Michael Bulls (Ruscitto Latham Blanton P.A.)

REQUEST: Design Review approval for adding four (4) residential units to existing commercial uses in the Light Industrial District Number 1 (LI-1).

LOCATION: 191 East 8th Street C
(Eighth & Washington Bldg. Condo; Lot 2A, Block 22 Ketchum Townsite)

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

NOTICE: Property owners within 300 foot radius of subject property were mailed notice on October 21, 2016. Notice was posted in three public City locations on October 21, 2016. The following notice was posted in three public places and mailed to adjacent property owners on October 21, 2016:

**NOTICE OF CONSIDERATION BEFORE THE PLANNING AND ZONING COMMISSION: SITE VISIT AND
REGULAR MEETING**

Site Visit Date:	November 14, 2016
Site Visit Time:	5:00 PM
Meeting Location:	Subject Site: 191 East 8 th Street / 831 North Washington Avenue, Ketchum, Idaho
Meeting Date:	November 14, 2016
Meeting Time:	5:30 PM, or thereafter as the matter can be heard.
Meeting Location:	City Hall Council Chambers, 480 East Avenue North, Ketchum, Idaho
Project Name:	8 th and Washington
Project Location:	191 East 8 th Street / 831 North Washington Avenue, Ketchum, Idaho (Eight & Washington Building Condo)
Applicant:	Doug Webb
Representative:	Ruscitto, Latham, Blanton, P.A.
Application Type:	Conditional Use Permit and Design Review to construct a new upper story to an existing structure and to create four residential units.
Project Description:	The applicant is proposing to add a new upper floor to the existing structure and to remodel the interior of the existing structure, which will result in 4,105 square feet of commercial space and 4 residential units totaling 3,825 square feet. The property is 0.25 acres and is zoned Light Industrial-1 (LI-1).

Background

The first public hearing for this proposal occurred on November 14th, 2016. The hearing was continued to November 28th, 2016. During the November 28th hearing the Commission deliberated and requested additional information of the applicant, and the application was continued to the December 12th, 2016 hearing.

The site property is located in the Light Industrial District Number 1 (LI-1). The site contains one existing two-story building, located at 191 East 8th Street (Eighth & Washington Bldg. Condo; Lot 2A, Block 22 Ketchum Townsite). The applicant proposed to construct a third floor addition to the existing structure with the intent to add four residential units to the existing commercial uses on site. The lower level of the building contains a combination of office space, a community meeting room and two (3) parking spaces. The main floor contains two (2) office spaces on the south side (8th Street) of the building, and two (2) live-work units on the north side of the property. The third floor of the building contains two (2) residential units.

FINDINGS OF FACT

Design Review Requirements IMPROVEMENTS AND STANDARDS: 17.96.060				
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
☒	☐	☐	17.96.060(A)(1) Streets	The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.
			<i>Commission Findings</i>	<i>The property is currently served by a public road. The applicant will provide any additional necessary connections from the city street to the development.</i>
☒	☐	☐	17.96.060(A)(2) Streets	All street designs shall be approved by the City Engineer.
			<i>Commission Findings</i>	<i>The applicant coordinated with the Public Works Director/ City Engineer on street design. The applicant brought the sidewalk along East 8th Street into conformance with the existing right-of-way standards, resulting in the removal of the four (4) perpendicular parking spaces along 8th street.</i>
☒	☐	☐	17.96.060(B)(1)	All projects under 17.96.010(A) that qualify as a "Substantial Improvement" shall install sidewalks as required by the Public Works Department.
			<i>Commission Findings</i>	<i>Sidewalks serve the site on East 8th Street and Washington. The applicant will reconstruct the sidewalks to meet current standards as necessary, and as approved by the City Engineer / Public Works Director. The applicant proposed to reconstruct the sidewalk on East 8th Street to bring the sidewalk into conformance with current City of Ketchum right-of-way standards.</i>
☒	☐	☐	17.96.060 (B)(2)c	Sidewalk width shall conform to the City's right-of-way standards, however the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.
			<i>Commission Findings</i>	<i>Sidewalks were constructed to conform to City's right-of-way standards, subject to modifications as approved by the City Engineer / Public Works Director. The applicant coordinated with the City Engineer / Public Works Director to reconfigure the sidewalk along East 8th Street, and proposed to bring the sidewalk into conformance with City of Ketchum right-of-way standards.</i>
☒	☐	☐	17.96.060 (B)(3)	Sidewalks may be waived if one of the following criteria is met: <ul style="list-style-type: none"> a. The project comprises an addition of less than 250 square feet of conditioned space. b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.
			<i>Commission Findings</i>	<i>Neither criteria a. nor b. were applicable due to the size and scale of the proposed development.</i>
☒	☐	☐	17.96.060 (B)(4)	The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.
			<i>Commission Findings</i>	<i>All sidewalks meet this requirement.</i>
☒	☐	☐	17.96.060 (B)(5)	New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.
			<i>Commission Findings</i>	<i>The sidewalk along East 8th Street provides pedestrian connections to existing and future sidewalks adjacent to the site. There is no sidewalk across from the site along East 8th Street, as this site will be brought into conformance with the City of Ketchum right-of-way standards the sidewalks and was well</i>

				<i>connected. The proposed sidewalk design appears to provide safe pedestrian access to and around the building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060 (B)(6)	The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be one hundred ten percent (110%) of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy.
			<i>Commission Findings</i>	<i>The Commission does not recommend a contribution in-lieu for this project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(1)	All storm water shall be retained on site.
			<i>Commission Findings</i>	<i>The applicant proposed that all roof drains are plumbed internally to existing drain well/dry well system.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(2)	Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
			<i>Commission Findings</i>	<i>All existing drainage improvements met this requirement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(3)	The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
			<i>Commission Findings</i>	<i>Additional drainage improvements were not recommended. The third floor addition did not significantly increase the impervious surface on-site. The site is served by an existing drain well/dry well system.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(C)(4)	Drainage facilities shall be constructed per City standards.
			<i>Commission Findings</i>	<i>Existing drainage facilities meet this requirement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(1)	All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
			<i>Commission Findings</i>	<i>The applicant is aware of this requirement and the plans show electric and gas utility locations.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(2)	Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.
			<i>Commission Findings</i>	<i>The site is currently served by utilities that have been located underground and/or concealed from public view.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(D)(3)	When extension of utilities is necessary all developers will be required to pay for and install two (2") inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with city of Ketchum standards and at the discretion of the City Engineer.
			<i>Commission Findings</i>	<i>No utility extensions were proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(E)(1)	The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.
			<i>Commission Findings</i>	<i>As indicated in the renderings, materials are in keeping with the architecture and overall design of the surrounding properties.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(E)(2)	Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.
			<i>Commission Findings</i>	<i>There are no identified landmarks on the property.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(E)(3)	Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.

			<i>Commission Findings</i>	<i>The structure was built after 1940.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(1)	Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.
			<i>Commission Findings</i>	<i>The East 8th Street staircase provides a direct path to the existing sidewalk at the southwest entrance of the building, providing access to the residential units on the main and upper floor, as well as the main level office space. The Washington Street sidewalk contains clearly defined ramps from the north and south segments of sidewalk to the parking lot.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(2)	The building character shall be clearly defined by use of architectural features.
			<i>Commission Findings</i>	<p><i>The southwestern façade, which fronts 8th Street, is linear in form, with the façade having a length that is approximately three times the height. The horizontal mass is broken up by metal siding, painted a dark, saturated grey-black Midnight Bronze color, which runs the length of the building.</i></p> <p><i>The main entrance of the building is located on the southwestern end of the south façade. The same Midnight Bronze painted metal siding, that defines the linearity of the façade, is repeated at southwest corner of the façade; at this corner the corrugated siding extends the full height of the façade, with the horizontal use of the siding complementing the vertical use of the siding. Glass windows and doors are located along the south façade and the majority of the glazing is accentuated by trim painted “Black Bean”, which complements the Midnight Bronze color as the corrugated metal siding. The stucco finish is painted a medium-grey hue, “Castle Walls”, which complements the Midnight Bronze accents. (Reference sheet A.5, “Building Elevation – Looking Northwest” and the Materials Board)</i></p> <p><i>The massing of the southwest facing façade, which fronts the alley, is horizontal in form. The horizontal mass is broken up by the definition of the three levels of the building - a lower level, a main level, and an upper level with two roof lines - and undulation in the façade on each level. The garage doors on the lower level are recessed, the main and upper level contain recessed outdoor spaces, and the upper roofline of the upper level is stepped back 50% of the lower façade height. The façade is further defined by the use of medium-grey Castle Wall painted smooth finish stucco, grey-black Midnight Bronze painted corrugated metal siding, and silver-grey painted flat metal panels. The materials visually break the façade into four horizontal columns. (Reference sheet A.5, “Building Elevation – Looking Northeast” and the Materials Board)</i></p> <p><i>The north façade, which faces the on-site parking area, is linear in form, approximately seventy-four feet (74’) in length, and utilizes a similar combination of architectural features and materials to break up the mass of the building. The majority of the lower and main levels were finished with the painted smooth stucco finish. The lower level provides the least definition because the wall encloses the covered parking and storage area within the building. Two deck spaces for the live work units located on the main level of the building serve to break of the vertical massing of the facade. Additionally, the lower and main levels are visually separated from the third floor addition by corrugated metal siding painted Midnight Bronze in color. The third floor of the building has multiple windows and doors connecting the units to proposed</i></p>

				<p><i>new residential terrace, which were lined with painted perforated guardrails and planters. Flat metal panels painted silver-grey clad the entire height of a horizontal feature at the northwest corner of the facade, which serve to tie the three levels of the structure together. (Reference sheet A 5.1, "Building Elevation – Looking Southwest")</i></p> <p><i>The northwestern facing façade, which fronts Washington Avenue, is horizontal in form. As with the southwest façade, this façade is broken up by the definition of the three levels of the building, the upper level roof lines, and undulation provided by recessed outdoor spaces and the upper levels being stepped back from the main façade. The same combination of painted corrugated metal and smooth painted stucco present on the other facades is carried throughout. The upper level has a residential terrace which were lined by painted perforated guardrails and planters. Doors were located at the upper, main and lower levels, and windows placed at various points along the façade. (See sheet A.5.1, "Building Elevation – Looking Southeast")</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(3)	<p>There shall be continuity of materials, colors and signing within the project.</p> <p><i>Commission Findings</i> <i>There is a continuity of materials submitted by the applicant. The applicant utilized darker industrial metal siding, flashings, parapet caps, railings, and perforated guardrails throughout the façade of the buildings. A series of lighter greys were added to provide contrast to the building and break up the bulk of the building.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(4)	<p>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</p> <p><i>Commission Findings</i> <i>The landscape features, which run along both East 8th Street and Washington Ave, provide a compliment to the principal building. The landscape features consist of existing evergreen and deciduous trees, existing shrubs and bushes, and the addition of drought tolerant native plantings. The applicant states that all new irrigation to be drip irrigation with moisture sensors.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(5)	<p>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</p> <p><i>Commission Findings</i> <i>The elevation views provided by the applicant show that all building walls provide undulation and relief, serving to reduce the appearance of bulk and flatness. The variation in material and material color palette provides depth to all facades of the building. Changes in roof height also serve to break up the bulk of the building.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(6)	<p>Building(s) shall orient towards their primary street frontage.</p> <p><i>Commission Findings</i> <i>The front entrance of the building orients towards East 8th Street.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(7)	<p>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</p> <p><i>Commission Findings</i> <i>Plans indicated that garbage storage areas are screened and enclosed at the southwest portion of the property.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(F)(8)	<p>Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.</p> <p><i>Commission Findings</i> <i>The design of the building is such that pedestrian gathering areas were covered by a slight roof overhang, or are located on the pedestrian walkway itself. The draining system of the building is plumbed internally.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(1)	<p>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</p>

			Commission Findings	<i>There are multiple pedestrian access points which are located in such a way as to connect with existing sidewalks that run parallel to the subject property. Additionally, painted metal stairs connect the lower level of the building to the sidewalk located on East 8th Street.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(G)(2)	Awnings extending over public sidewalks shall extend five (5') feet or more across the public sidewalk but shall not extend within two (2') feet of parking or travel lanes within the right of way.
			Commission Findings	<i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(3)	Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.
			Commission Findings	<i>Parking lot layout met city standards for isle width and spaces, and will provide for adequate circulation within the site, and ingress/egress. The city Arborist has recommended that the applicant limit the number of autumn blaze maple trees to one, at the northwest corner of the lot, in order to minimize line-of-sight obstruction.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(4)	Curb cuts and driveway entrances shall be no closer than twenty (20') feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right of way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.
			Commission Findings	<i>The location of the curb cut meets this standard.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(G)(5)	Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.
			Commission Findings	<i>The site is accessed from Washing Avenue and a rear alleyway, providing unobstructed access for emergency vehicles, snowplows, and garbage trucks.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(1)	Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.
			Commission Findings	<i>N/A. The applicant stated that all snow located in existing parking areas and walkways is plowed into a pile west of the Webb office and shop, and as snow accumulates it is transported off-site.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(2)	Snow storage areas shall be provided on-site.
			Commission Findings	<i>N/A. The applicant stated that all snow located in existing parking areas and walkways is plowed into a pile west of the Webb office and shop, and as snow accumulates it is transported off-site.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060(H)(3)	A designated snow storage area shall not have any dimension less than five (5') feet and shall be a minimum of twenty five (25) square feet.
			Commission Findings	<i>N/A. The applicant stated that all snow located in existing parking areas and walkways is plowed into a pile west of the Webb office and shop, and as snow accumulates it is transported off-site.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(H)(4)	In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.
			Commission Findings	<i>The applicant stated that all snow will be hauled off-site by Webb as snow accumulates.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(1)	Landscaping is required for all projects.
			Commission Findings	<i>Landscaping is provided and denoted in the landscaping plans.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(2)	Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.
			<i>Commission Findings</i>	<i>The applicant met this requirement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(3)	All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.
			<i>Commission Findings</i>	<i>See above.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(I)(4)	Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.
			<i>Commission Findings</i>	<i>Substantial landscaping is on both the East 8th Street frontage and N Washington Avenue. The landscaping along East 8th Street also provides a buffer between the street and the enclosed garbage area located at the lower elevation on site.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060(J)(1)	Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Public Works Department prior to design review approval from the Commission.
			<i>Commission Findings</i>	<i>No additional amenities are proposed.</i>

IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:				
Residential units in the light industrial districts shall comply with the following minimum criteria:				
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (1)	1. Dwelling units shall not occupy the ground floor.
			<i>Commission Findings</i>	<i>There are no dwelling units on the lower level. Two live-work residences are on the main floor of the building, located on the north side of the building. The live work residential unit #1 is 672sf and unit #2 is 828sf, with 268f of new residential circulation/other. Additionally, two residential units are on the upper level of the building. The residential unit #3 is 1,000sf and unit #4 is 629sf, with 275sf of new residential circulation/other.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (2)	2. Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.
			<i>Commission Findings</i>	<i>Design review under chapter 17.96 is required for this project as this is an addition to an existing building, to be used as mixed-use.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (3)	3. Up to fifty percent (50%) of any light industrial building may be devoted to dwelling units, unless otherwise specified in the section.
			<i>Commission Findings</i>	<i>The gross square footage of the building is 7,932sf.</i> <i>The applicant devoted 49.5% of the building to residential use. The total residential square footage devoted to residential space is 3,927sf, of which 1,768sf is devoted to the two live-work units (including circulation) and 2,067sf is devoted to the third floor residential units (including circulation).</i> <i>A total 4,005sf of the building is devoted to commercial storage, office space and meeting space, of which 2,848sf is located on the lower level and 1,157sf is located on the main level.</i>

				<i>Note: Parking areas covered by a roof or portion of the building and enclosed on three (2) or more sides by building walls are included into the gross floor area calculation. See Ketchum code 17.08.020 Definitions: Floor Area, Gross for full definition.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (4)	4. Dwelling units shall be owner occupied or used for "long term occupancy", defined as a minimum of ninety (90) consecutive days, and shall not be separated in any manner for sale as individual units.
			<i>Commission Findings</i>	<i>One of the third floor residential units is owner occupied, while the remaining three units shall be used for long term occupancy. The units are not separated for sale as individual units.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (5)	5. Dwelling units shall be a minimum of four hundred (400) square feet and shall not exceed one thousand (1,000) square feet total and shall contain not more than two (2) bedrooms, unless otherwise specified in this section.
			<i>Commission Findings</i>	<i>The proposed dwelling units are above the minimum of four hundred (400) square feet and do not exceed one thousand (1,000) square feet total. None of the proposed dwelling units contain more than two (2) bedroom units. See Commission comments in section 17.124.090 A (1) for a breakdown of residential unit square feet.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (6)	6. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
			<i>Commission Findings</i>	<i>The applicant is aware of this requirement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (7)	7. All persons who rent or sublet any residential living unit within the light industrial zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
			<i>Commission Findings</i>	<i>All persons who rent or sublet any residential living unit will notify the tenant, lessee or subtenant with written notice that the unit is located within the light industrial zone, and is therefore subordinate in nature to all legal light industrial activities.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (8)	8. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone
			<i>Commission Findings</i>	<i>All future real estate agent, sales person, broker, and/or each private party who offers for rent or show any of the dwelling units located in the proposed building, will provide written notice that the building is located within such light industrial zone.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (9)	9. All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.
			<i>Commission Findings</i>	<i>The applicant met this requirement.</i>

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 code, Title 17.
3. The Commission has authority to hear the applicant's Design Review Application pursuant to Chapter 17.96 of Ketchum Code Title 17.
4. The City of Ketchum Planning Department provided adequate notice for the review of this application.
5. The project **does** meet the standards of approval under Chapter 17.96 of Zoning Code Title 17.
6. Design Review approval shall expire one (1) year from the date of approval;
7. Design Review elements shall be completed prior to final inspection/occupancy;
8. This Design Review approval is based on the plans and information presented and approved at the meeting on the date noted herein. Building Permit plans must conform to the approved Design Review plans unless otherwise approved in writing by the Planning and zoning commission or Administrator. Any building or site discrepancies which do not conform to the approve plans will be subject to removal;
9. All required public improvements shall be installed by the applicant and approved by the Public Works Department prior to issuance of the Certificate of Occupancy;
10. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state and federal laws.
11. This Design Review approval is based on representations made and other components of the application presented and approved at the meetings on November 28th, 2016 and December 12th, 2016.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this design review application this Monday, January 9, 2017 subject to the following conditions:

1. In lieu of providing permanent snow storage on site, the Eighth & Washington Building owner shall be responsible for removing and hauling snow off-site in order to maintain clear access to drives, parking areas and pedestrian pathways.
2. The applicant shall obtain a Right-of-Way Encroachment Permit for the use of the alleyway for the location of the new shared trash collection enclosure.

3. At the discretion of the city of Ketchum staff, if the applicant makes any substantive changes regarding ADA parking and compliance with ADA requirements, the application shall be reviewed the Commission.

Findings of Fact **adopted** this 9th day of January, 2017.

Steve Cook
Planning and Zoning Commission Chairperson



Planning and Zoning

Regular Meeting

~ Minutes ~

Monday, December 12, 2016

5:30 PM

Ketchum City Hall

Commissioners Present: Jeff Lamoureux, Commissioner
Erin Smith, Commissioner
Steve Cook, Chairperson
Betsey Mizell, Commissioner

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

Staff Absent: Brittany Skelton, Senior Planner

Members of the Public

1. 5:30 PM - CALL TO ORDER: City Hall, 480 East Avenue North, Ketchum, Idaho

Commissioner Lamoureux called the meeting to order at 5:30 PM.

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

No comments.

3. COMMUNICATIONS FROM STAFF

- a. **191 East 8th Street/ 831 North Washington Avenue, Ketchum, Idaho (Eight & Washington Building Condo): The applicant is proposing to add a new upper floor to the existing structure and to remodel the interior of the existing structure, which will result in 4,005 square feet of commercial space and 4 residential units totaling 3,927square feet. The property is 0.25 acres and is zoned Light Industrial-1 (LI-1).**

COMMENTS:

Anderson provided background on the project and said that staff only received one public comment. He also commented that the applicant has addressed previous ADA concerns, which were noted on the plans. He then said that staff recommends approval of the applicant's condition use permit with the following conditions:

- All departmental conditions as described in Table One.
- All building and fire code requirements as dictated by the 2012 IBC per Title 17 in terms of conditional use permits.
- Approval is based on representations made and other components of the application presented and approved at the December 12, 2016 meeting.

Commissioner Lamoureux requested the following condition be added:

The item should be brought back to the Commission if there are any substantial changes based on redesign when it comes time to fitting in ADA parking and complying with ADA requirements.

Commissioner Smith motioned to approved the application from owner Doug Webb and representative Ruscitto Latham and Blanton for a conditional use permit application for a third-floor addition to the existing 191 East 8th Street Building to be used as residential space (third floor). Finding the application meets the standards for approval for Chapter 17.116 of Ketchum Zoning Code, Title 17 with the following conditions: one through four, plus the fifth condition added by Commissioner Lamoureux.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Erin Smith, Commissioner
SECONDER:	Steve Cook, Chairman
AYES:	Cook, Lamoureux, Smith, Mizell

- b. **191 East 8th Street/ 831 North Washington Avenue, Ketchum, Idaho (Eight & Washington Building Condo). The applicant is proposing to add a new upper floor to the existing structure and to remodel the interior of the existing structure, which will result in 4,005 square feet of commercial space and 4 residential units totaling 3,927 square feet. The property is 0.25 acres and is zoned Light Industrial-1 (LI-1).**

COMMENTS:

Anderson said that the applicant provided a letter stating the owner will be responsible for removing onsite snow, the alleyway will be used as the loading area at the west end of site, and the shared trash enclosure will soon receive an encroachment permit. He added that staff recommends approval.

Michael Bulls, representative, explained that the ADA requirements have been fixed and then detailed changes to landscaping, sidewalks, and parking spaces.

Commissioner Smith motioned to approve the application from owner Doug Webb and representative Ruscitto, Latham, and Blanton for design review for a third-floor addition to the existing 191 East 8th Street Building, to be used as residential space finding the application meets the standards for approval under Chapter 17.96, Ketchum Zoning Code Title 17 with the following six conditions. Commissioner Mizell seconded.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Erin Smith, Commissioner
SECONDER:	Betsy Mizell, Commissioner
AYES:	Cook, Lamoureux, Smith, Mizell

- c. **911 North Main Street, Ketchum, ID (Ketchum AM Lot 5A Block 30 18,590 SF). The applicant is proposing to construct a motor vehicle fueling station with accessory food service. The property is 0.435 acres in size and zoned Light Industrial-1 (LI-1).**

Commissioner Cook recused himself.

Applicant's comments:

Steve Cook, architect, said that only the conditional use permit aspect of the project is in front of us tonight and the issue of onsite circulation will be most heavily dealt with. He explained that there have been a few significant changes, like going from three to four pumps and the reduction in the length of

the building by four feet. He then pointed out that he thinks that they have repeatedly proven they have met health, safety, and welfare standards and tonight they are working to correct staffs' errors. He also commented on the issue of snow melt, which will be mitigated by the incorporation of solar-thermal heating. He stated that this facility can be seen all the way from Saddle Road and the sightline-visibility is phenomenal. He then reinforced the idea that Ketchum is in transition, as we have seen many new hotels, but added that we are a tourist town and we need to keep in mind the importance of the infrastructure and those coming in and out of town. He concluded by saying this a small scale calibrated facility and perfect for a small town.

Sam Stahlnecker, Benchmark Associates, provided total traffic composition and further described the "commercial" vehicles that would likely visit the site. She stated that there is a total of eight commercial vehicles classified by L2 Data Collection and only one commercial oversized vehicle was observed in a comparable site (Hailey Chevron). She then compared the traffic data and access clearance to sites in Hailey and Ketchum. She addressed the queuing lane and stated that the Chief of Police for the City of Hailey has commented that there hasn't been an issue with Chevron's traffic. She addressed staff comments, configurations, and probability of commercial vehicles visiting the site.

Dan Weiss, Keller-Strauss, said that he has seen many scenarios in his thirty years of working in the petroleum industry and stated that this is the perfect site for a two pivot-point truck and trailer combination. He added that as distributors they normally sign a ten-year contract with site owners, which would ensure a good ten years of Keller-Strauss services.

Ned Williamson, attorney, said that he would like to address the L2 report and the characterization of commercial vehicles, as they both have been points of contention. He explained that Hailey's Chevron on Labor Day was used as a point of study and the two days' worth of footage collected showed that "commercial" vehicles were just pickup-trucks. He added that his team had spoken with staff about these observed vehicles and were told that it was too late to present this information (Austin commented for the record, that they were told staff would not present this information for them). Williamson later said that they believe compliance has been demonstrated and added that statistically they have demonstrated the likelihood of an impact is very low. He also pointed out that Bracken's team has done quite a bit to make this site work.

Staff comments:

Skelton listed the following concerns:

- concerns with onsite circulation and the resulting external impact to traffic on Main Street;
- concerns about the applicant's proposal to use the alley adjacent to the site as an alternate loading area;
- concerns regarding conditioning approval of the proposal based on conditions that limit the sizes of delivery trucks and the hours during which deliveries may be made;
- concerns regarding exhibits that do not bear the required stamp per Idaho licensed code;
- concerns regarding the aesthetic changes to the site due to the reduction in landscaping on the property line adjacent to Tenth Street.

Public comments:

Gary Lipton, adjacent property owner, said that you can listen to Bracken's team spin this as much as you want because they're good at it. He then used the example of an eighteen to twenty-foot pickup truck with a fifteen-foot trailer and said that the applicant is making a broad-based assumption that the

driver of something like this would know what they're doing. He also pointed out that the pinch-point caused a very distinct problem because not everyone will pay attention to the directional signage for entering and exiting the gas station. He commented that circulation can be proposed any way the applicant wants to spin it, as pinch points come in again when people are trying to navigate their way through small gas station spaces. He noted that the applicant's attorney implied a threat of suing if the Commission does not follow the rule book exactly, but he explained that the Commission can interpret the code however they so choose. He explained that his biggest concern is the landscape plan and noted that vehicle headlights will shine lights into the windows of his business. He then closed by saying that if this is passed, he will set the Commission up for an appeal and a lawsuit.

Dan Thompson, Thompson Engineers, said that he was retained to review the site plan and several traffic considerations by surrounding neighbors. He explained that he was asked to look at the new site plan and see if there have been any significant improvements. He commented that in his opinion there were some minor improvements concerning site access and circulation, but these changes don't alter his testimony from October 10, 2016. He commented on trip generation and said that gas stations and convenience stores are typically high-trip generating sites, but the applicant is using the lowest rate they could find. He then apologized for recommending a site more than an acre and explained that he was trying to point out some of the design styles that are currently en vogue because there shouldn't be an eighty-four-foot-wide entrance for a gas station. He also addressed queuing and said that the applicant is still relying on old queuing standards that were previously presented and said that this site would still create a serious queuing problem. He closed by saying that he has been in business for a long time and recognizes that no site is perfect, but this particular site has a lot of issues and will create many transportation issues.

Lauren Clark, Lawson, Laski, Bouge, said that she wanted to emphasize that Jim Laski submitted a letter on December 5, 2016 where he outlined different scenarios and problems that could be associated with northbound/southbound traffic and circulation issues. She then pointed out that it is the job of the Commission to protect everyone's property rights not just the applicant's and he simply has not satisfied the project's burden or established the criteria to get the CUP.

Barbi Reed, Ketchum Resident, said that she is not speaking as a neighbor, but as a representative of people who are against the site. She commented on the issue of pedestrian safety because it hasn't been given its due, yet because new information was brought up, she stated that she would only highlight a few issues. She commented that she noticed on the new submission snow melt was addressed, but that brings up new environmental concerns. She spoke of the potential dripping from pumping gas into vehicles and how heat, which would melt the snow that has contaminants in it, has been proposed for the site. She asked how will the heated snow and pollutants be dealt with and pointed out the effects on groundwater. She noted that the visibility of the gas station is not in line with the Comprehensive Plan, as it can be seen from Saddle Road and from Backwoods. She stated concerns over this project were not just about site circulation, yet the applicant is still referring to the site because it is the only issue that can be mitigated. She later explained that this development is traffic dependent, a threat to overall welfare, and added that if we're moving toward the future, a gas station should not be included.

Dusty Wendland, Ketchum resident, said that the applicant is on both sides of the fence, as Cook said that this is a good project and the criteria should be based off that, while the applicant's attorney says the decision should be based on the law. He added that the Commission's decision should be based on the property rights of the public and said that the probability equation is smoke in mirrors and does not truly contribute to the discussion. He pointed out in the new circulation exhibits there is a lot of turn-around and reversing, yet pedestrian danger has come up a great deal and these dangers should be considered.

Motion:

Commissioner Smith motioned to deny the application from North Town Partners, LLP for a conditional use permit application for a motor vehicle fueling station and food service finding the application does not meet the standards for approval under Chapter 17.116 of Ketchum's Zoning Code for the following reasons:

- Potential for onsite traffic/congestion causing problems with southbound traffic backing up on Highway-75.
- Potential for northbound traffic to get backed up because the activity going on at the site.
- Pedestrian safety crossing Highway-75 and circulating/walking around the site because of the number of backing-maneuvers required on the site.
- Fuel delivery creating additional congestion onto Highway-75.
- People entering and exiting Tenth Street may not be able to do so.

Commissioner Mizell seconded.

RESULT:	DENIED [UNANIMOUS]
MOVER:	Erin Smith, Commissioner
SECONDER:	Betsy Mizell, Commissioner
AYES:	Lamoureux, Smith, Mizell
RECUSED:	Cook, Commissioner

4. CONSENT CALENDAR**a. 151 South Main Street/Limelight Hotel (Ketchum AM Lot 1A Block 20):****COMMENTS - Current Meeting:**

Austin said this is the plat for the Limelight Hotel (151 South Main). He added information about the makeup of the hotel and stated that it has gone through the preliminary plat process and meets all city standards. He then said that staff has no concerns about the project and recommends approval.

Commissioner Smith made a motion to approve the final plat for 151 South Main Street (Limelight Hotel). Commissioner Mizell seconded.

b. November 28, 2016 Minutes:**COMMENTS:**

Commissioner Mizell motioned to approve the minutes from November 28, 2016. Commissioner Smith seconded.

5. FUTURE PROJECTS AND NOTICING REQUIREMENTS

Skelton said there will be an application for mountain overlay design review sometime in January.

6. STAFF REPORTS & CITY COUNCIL MEETING UPDATE

Austin said Warm Springs Ranch Resort Development Agreement was approved by the City Council and the parking ordinance is moving forward.

7. Commission reports and ex parte discussion disclosure

The next Planning and Zoning Commission meeting will be January 9, 2017.

8. ADJOURNMENT

Commissioner Mizell motioned to adjourn and Commissioner Smith seconded.

Steve Cook
Planning and Zoning Commission Chairperson