



Planning and Zoning

Regular Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340
<http://ketchumidaho.org/>

Maureen Puddicombe
208-726-7801

Monday, October 8, 2018

5:30 PM

Ketchum City Hall

1. 4:00 PM - SITE VISIT – Long Solar Project; 420 Sage Rd. #2 (Winter Sun Condos Lot 25 Unit 2)
2. 4:30 PM - SITE VISIT – Kingen Variance; 206 Skiway Dr. (Warm Springs Village Sub Lot 2, Block 2)
3. 5:00 PM - SITE VISIT – Northwest Institute of Energy Medicine Conditional Use Permit, 100 Bell Drive, Unit B (Industrial Park Sub Lot 2)
4. 5:15 PM - SITE VISIT – Argyros Sign Variance, 120 S. Main St. (Ketchum Lot 4A, Block 1)
5. 5:30 PM - CALL TO ORDER: City Hall, 480 East Avenue North, Ketchum, Idaho

1. *Call to Order*

The meeting was called to order at 5:32 by Chairman Jeff Lamoureux.

Attendee Name	Title	Status	Arrived
Jeff Lamoureux	Chair	Present	
Tim Carter	Commissioner	Present	
Neil Morrow	Vice-Chair	Present	
Matthew Mead	Commissioner	Remote	
Kurt Eggers	Commissioner	Present	

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

There were no public comments for items not on the agenda.

7. **CONSENT CALENDAR—ACTION ITEMS**

Chair Jeff Lamoureux noted mis-spelling of name in Minutes of September 10, 2018

Motion To: Approve Minutes of September 10 and September 25, 2018 with edit as noted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Neil Morrow, Vice-Chair
SECONDER:	Tim Carter, Commissioner
AYES:	Lamoureux, Carter, Morrow, Mead, Eggers

8. PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

- a. **ACTION - Residential Use in the Light Industrial Districts.** The Commission will consider a City-initiated amendment to Title 17, the zoning ordinance, of the Ketchum Municipal Code by amending: section 17.08.020: terms defined; section 17.18.140 through 17.18.160: purpose of the light industrial districts number 1, 2, and 3; section 17.12.010: zoning and overlay districts and map; section 17.12.020: district use matrix; section 17.12.030: dimensional standards, districts matrix; section 17.1

Director John Gaeddert gave an overview of the changes made over the last months and asked the Commission for comments on each of the eight areas which were changed. Commissioner Kurt Eggers asked for clarification of setback requirements for areas of various height limits.

Public Comment:

Toni Bogue, business owner in the LI. Noted illegal residents on the ground floor of the Northwood Center have been having a negative impact on the businesses in the area, feeling proprietary over parking and common areas. One of the owners wants to change their CCR's to allow residences. She felt the City should enforce current law to take enforcement burden off the HOA Board.

Gwen Raney did not support increased height in the LI as a way to increase housing. Did not want to see residential in the LI. Supported housing south of Ketchum.

Jack Kueneman, resident, expressed concerns over parking. He opposed reducing the parking requirements in the LI. He was concerned that the parking requirement would be reduced in the future.

Gary Hoffman owns 2 Mobile Home Parks and rents to local workers. He has 52 tenants with an average rent of \$433.00/month. He supported the creation of additional work-force housing in the LI. He didn't feel the view is more important than affordable housing.

Mary Rolland supported legalized live/work on the first floor. She felt ground floor live/work space is a good solution to the lack of affordable housing. She felt first-floor live/work space would increase the value of new buildings and encourage development. This combination would be good for business and housing. She suggested a larger percentage of the ground floor devoted to work space and allow residence on the first floor. She estimated Northwood Way, from Saddle Rd. to Lewis St., is already 50% residential.

Mike Mead, Northwood Way owner, supported the parking requirement in the LI. He expressed concerns over traffic at Northwood Way and Saddle Road as dangerous for pedestrians and drivers. He thought the increased heights were more capricious than thoughtful.

Matt Paxton, landlord and owner in the LI, thought the increased height would bring more traffic, impacting children in the area. He was opposed to increased height and the density it would bring.

Brian Barsotti, property owner in the LI, questioned the lack of notification. He wanted to see different requirements for LI-2 vs LI-3.

Public Comment closed.

Staff response was made by Senior Planner Brittany Skelton. The recent Parking Ordinance intentionally made no changes to the parking requirement in the LI. There are no future plans for any changes in the parking regulations. LI noticing was made in February for the first hearing and published again in the Idaho Mountain Express on September 19th. Director John Gaeddert emphasized the LI is for LI purposes. This amendment maintains the prohibition on first-floor residences, the live space being secondary to the work space. Residential is allowed only on the second floor or above and is subordinate to the work use. Residential is only permitted through the Conditional Use Permit. The goal is to create work-force housing, not short-term rentals.

Commissioner Neil Morrow asked about Short-Term Rental restrictions by an HOA. Skelton replied that an HOA can only prohibit short-term rentals if all owners agreed. Chair Jeff Lamoureux asked about enforcement and Gaeddert responded enforcement is complaint-driven. The City would respond to any complaints about illegal first-floor residences.

Morrow supported the 18-foot first floor ceiling height with live space on the second floor and above. He questioned the greater heights of 58-feet. He wanted to see a comprehensive approach for the future of the area to include building height, parking and safe living space. Commissioner Matthew Mead (by phone) felt 58 feet is too high for the area but likes the setbacks and step-up features. He approved of the 40-48-foot height. He felt the increased height would lead to problems with parking and circulation. Bell Drive creates a problem with traffic and fire safety. Skelton stated Bell Drive was not a street, but an easement. This limits the access to a maximum of 4 driveways. In the event of future development, it would have to be brought up to City Street Standards.

Mead also commented on allowing existing first-floor live space, acknowledging it will produce conflict. He supported work/live on first floor to maximize live/work space.

Commissioner Kurt Eggers thanked Staff for the quality of work to produce this amendment. He opposed live/work on the ground floor. If it is not allowed now, it shouldn't be allowed in the amendment. Although he had been opposed to the 58-foot height, now supported 48-foot height with setbacks and step-ups. He felt parking would be a major constraint.

Chairman Jeff Lamoureux understands there would be opposition from the public to the 58-foot height but supported the 48-foot height. He felt on-street Parking would be a safety issue for fire access so parking requirements won't change. He wanted to keep restrictions for Short Term Rentals. He is in favor of the entirety of the amendment as written.

Commissioner Tim Carter recognized the effort put forth in writing this amendment. He wanted to protect the viability of the LI. He felt the impact to the LI is unknown at this point. Commissioner Neil Morrow supported the 48-foot height limit. Commissioner Carter agreed with the 48-foot height.

Director John Gaeddert suggested the edits as a change to the 58-foot height limit to include a 5th floor. Morrow wanted to see a restatement that the current parking requirements are not changing and eliminating the illegal residences and any grandfathered parking spaces. Commissioner Mead supported the 48-foot height overall but allowing 58-feet with setbacks and design standards. Chair Lamoureux suggested allowing 58-feet with a Conditional Use Permit in defined areas. Commissioner Carter supported leaving in the 58-foot height and let the Council decide with public input. Mead agreed.

Motion To: Recommend the Text Amendment on Residential Use in the Light Industrial Districts to City Council with edits as discussed, including 10-foot setbacks above 3 stories and a 48-foot height limit.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Neil Morrow, Vice-Chair
SECONDER:	Kurt Eggers, Commissioner
AYES:	Lamoureux, Carter, Morrow, Mead, Eggers

- b. ACTION ITEM - Long Solar Energy Project Mountain Overlay Design Review: 420 Sage Road #2: (Winter Sun Condominiums: Lot 25: Unit 2). *Continued from August 13, September 10, 2018.* The Commission will consider and take action on an application for a 598 square foot ground mounted solar array and a roof mounted solar thermal water heating system. The ground mounted solar array is proposed to be sited within the common area of Winter Sun Condominium.

The design review was given by Associate Planner Abby Rivin. The Staff found the project complied with the standards and recommended approval with Conditions 1-8.

Commissioner Kurt Eggers asked about the 25% slope and how it would affect the project. Staff responded the slope in that area is 30-35 degrees, however Ketchum has no standards for a 25-degree slope. The analysis was based on visual impact and disturbance of the hillside.

Billy Mann of Altenergy Solar, stated the system was positioned for maximum efficiency and minimum snow coverage while being within the height limit.

Commissioner Matthew Mead was concerned with solar panels in the mountain overlay, but thinks it is a great project.

Commissioner Neil Morrow wants to see this incorporated into the code to standardize this procedure. Commissioner Tim Carter wants this to be just one project, not a procedure for all future hillside solar projects.

Motion To: Approve the Long Solar Energy Project Mountain Overlay Design Review with Conditions 1-8 as noted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Neil Morrow, Vice-Chair
SECONDER:	Tim Carter, Commissioner
AYES:	Lamoureux, Carter, Morrow, Mead, Eggers

- c. ACTION - Kingen Variance Request: 206 Skiway Drive (Warm Springs Village Sub Lot 2 Block 2) The Commission will consider and take action on a request by Gerald Kingen for a variance from the 15-foot setback required in the Tourist-3000 Zoning District to accommodate an elevator addition to an existing, nonconforming single-family residence.

Associate Planner Abby Rivin gave the overview of the Variance Request. No public comment had been received. The project met some of the criteria for granting of a variance, however Staff recommended tabling of this matter to allow for additional design changes. Commissioner Kurt Eggers, although opposed to Variances in general, supported the granting of this Variance Request due to the shape of the lot, undue hardship, and it did not increase the degree of nonconformity. Commissioner Neil Morrow supported the granting of the variance. Chair Jeff Lamoureux expressed this project is supported by the Comprehensive Plan as it stays within the Community character and is in favor of granting the variance but wants to see the property lines defined. He also thought the height of the elevator should not exceed the height of the existing building. Commissioner Matthew Mead agreed aging-in-place is important and supports the variance.

Motion To: Approve the Kingen Variance Request with Conditions as noted by the Commission.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Neil Morrow, Vice-Chair
SECONDER:	Kurt Eggers, Commissioner
AYES:	Lamoureux, Carter, Morrow, Mead, Eggers

- d. ACTION – Northwest Institute of Energy Medicine Conditional Use Permit, 100 Bell Drive, Unit B. (Industrial Park Sub Lot 2) The Ketchum Planning and Zoning Commission will consider and take action on a Conditional Use Permit application from Isabella Cazamira. The proposed business includes several components: wholesaling and warehousing, which are permitted uses in the LI-2 zoning district, and hocatt ozone therapy, which falls under the definition of "Health and Fitness Facility". Hocatt ozone therapy is a passive exercise conducted with an oxygen breathing device and is intended to increase strength and energy levels. "Health and Fitness Facilities" are only permitted in the LI-2 zoning district with a Conditional Use Permit approval.

Senior Planner Brittany Skelton gave the overview for the Conditional Use Permit for the Northwest Institute of Energy Medicine. Staff recommended approval of the Conditional Use Permit.

Applicant Isabella Cazamira spoke to the Community benefit of this service in an athletic environment. Commission did not have any reservations concerning this project.

Motion To: Approve a Conditional Use Permit for the Northwest Institute of Energy Medicine at 100 Bell Drive with any conditions noted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Neil Morrow, Vice-Chair
SECONDER:	Kurt Eggers, Commissioner
AYES:	Lamoureux, Carter, Morrow, Mead, Eggers

Motion To: Approve the Findings of Fact for the Northwest Institute of Energy Medicine as written.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Neil Morrow, Vice-Chair
SECONDER:	Kurt Eggers, Commissioner
AYES:	Lamoureux, Carter, Morrow, Mead, Eggers

- e. ACTION ITEM - Argyros Performing Arts Center Sign Variance: 120 S. Main St.: (Lot 4A, Block 1). *Continued from September 10, 2018.* The Commission will consider and take action on a request for a variance by Timothy Mott for a poster-like informational sign for the Argyros Performing Arts Center. This item to be continued to the next meeting.

Commissioner Eggers asked for a definition of a sign. Planner Rivin indicated that would be included in the staff report for the next meeting.

Motion To: Continue the Argyros Performing Arts Center Sign Variance to November 13, 2018.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Neil Morrow, Vice-Chair
SECONDER: Kurt Eggers, Commissioner
AYES: Lamoureux, Carter, Morrow, Mead, Eggers

9. STAFF REPORTS & CITY COUNCIL MEETING UPDATE

Senior Planner Skelton related the items anticipated for the November meeting are:

1. Neeley Sprinter Garage
2. 760 Washington Mixed-Use Building Design Review
3. Final plat for the Stevens subdivision
4. Hemingway school plat amendment.

The agenda for the City Council Meeting on October 15 will include a discussion of the deadlines concerning the Auberge Hotel Employee Housing Plan and Site Restoration Plan.

10. COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

The Commissioners thanked Chair Jeff Lamoureux for his 8 years of service on the Commission.

11. ADJOURNMENT

Motion To: Adjourn 7:47 PM

RESULT: ADOPTED [UNANIMOUS]
MOVER: Neil Morrow, Vice-Chair
SECONDER: Jeff Lamoureux, Chair
AYES: Lamoureux, Carter, Morrow, Mead, Eggers


Signed By Neil R. Morrow

Date 10.13.2018