



Planning and Zoning

Special Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340

<http://ketchumidaho.org/>

Maureen Puddicombe
Planning Technician

Tuesday, March 27, 2018

5:30 PM

Ketchum City Hall

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

The meeting was called to order at 5:31 by Vice-Chairperson Erin Smith.

2. Call to Order

Attendee Name	Title	Status	Arrived
Neil Morrow	Commissioner	Present	
Matthew Mead	Commissioner	Present	
Jeff Lamoureux	Chair	Remote	
Erin Smith	Commissioner	Present	
Betsy Mizell	Commissioner	Absent	

3. PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF

- a. **Grumpy's Restaurant Conditional Use Permit** 860 Warm Springs Road (Ketchum Townsite, Lot 3, Block 9) The Commission will consider and take action on an application to amend an existing Conditional Use Permit for a food service establishment to allow food and beverage service until 10:00 PM.

The Conditional Use Permit was presented by Associate Planner Abby Rivin. Grumpy's Restaurant is requesting approval for an amendment to their Conditional Use Permit for an extension of closing time from 9:00 PM to 10:00 PM from June 1 to September 30.

Tom Praggastis, attorney for Grumpy's Restaurant, commented that complaints in the last 40 years have been nearly non-existent. Grumpy's has been a good neighbor, quickly responding to any comments from neighbors. Therefore, there are no good reason not to extend the hours.

Pete Prekeges, owner of Grumpy's, stated he has made changes to respond to concerns of neighbors. He has over 300 signatures in support of the extension of Grumpy's hours online and another 300 from the restaurant patrons.

Vice-Chairperson Erin Smith called for comment from the Commission; there were none. Then she called for comments from those supporting the applicant:

Deanna Melin, Sun Valley resident and owner of The Vault, commented that we have few choices for casual dining after 9 PM. Wants to see more late-night options for a meal.

Mickey Garcia, Ketchum resident, stated there is no reason not to let Grumpy's stay open as long as he likes. He noted that the noise from bottles has been addressed. Feels government is too intrusive and asked the Commission to let them stay open.

Gary Bowman, lives across alley from Grumpy's, is not bothered by noise from Grumpy's when there is a lot of other noises in the surrounding area. He stated Grumpy's should be allowed the freedom to operation and asked the Commission to please approve.

Erin Smith called for those neutral. No response.

Those opposed:

William Glenn, property owner of rental property in neighborhood, stated serving now stops at 9 PM, however people stay later. If Grumpy's is allowed to stay open later, the noise will be going on until midnight. He stated he wants to protect his tenants from noise. Also stated smoke from cooking is pervasive and a known carcinogen. He asserted the cooking odors can be detected all afternoon. He requests customers to be asked to leave at closing time.

Scott Snider, resident across alley, expressed concern over noises from customers can be disruptive after 10 PM during sleep hours.

Erin Smith closed Public comment and called for rebuttal from the applicant.

Pete Prekeges, addressed serving until 10:00, acknowledging that customers will still be there past 10:00. He expressed he would be willing to ask customers to move to the front deck, so as to minimize noise for the tenants. He stated that most of the later customers arrive on foot or by bicycle. Erin Smith asked if orders taken close to 10:00, will food be presented after 10:00? Pete said it would. Erin Smith asked if the 9:00 PM closing has been observed. Pete indicated it has been. Commissioner Matthew Mead asked how many customers leave from front or back. Pete said in the evening about 70% leave by the front, mostly by bike. Matthew asked if customers could be asked to leave by the front. Pete responded that it might be possible. Commissioner Neil Morrow commented that he approved of the measures Grumpy's has taken to dump glass recycling during the day because it is so loud. Neil added Grumpy's seems to be doing all he can. Erin Smith asked if the fan was the original from 40 years ago. Pete said no, his fan is in compliance with the current city code and if the Code were to change, he would bring it up to the new code. Associate Planner Abby Rivin noted that the Staff could research and help draft language defining "service" and "closing" if the Commission wished.

Neil Morrow, commented that some people will stay and talk even after finishing a meal and keeping them toward the front deck would be a good solution. Erin Smith asked about the CUP for Bigwood Bread. Pete Prekeges had the terms of the permit which include stopping service at 11:00 PM indoors and 10:00 PM outdoors, 215 days per year, not to dump glass recycling in the evening hours, and no outside music after 9:00 PM. Pete offered to close the back deck at night, serving at the front area in the later hours. Commissioner Matthew Mead said the needs of tourists, and limited meal options in the later hours, he is in support of the extension. Erin Smith suggested Grumpy's stop taking orders at 9:45 so service (cooking) stops at 10 PM. Neil stated he thought closing the back deck was unfair and if Grumpy's is permitted to stay open until 10:00 PM, they should be able to use all the restaurant. Chairperson Jeff Lamoureux agreed with Neil, since Pete is willing to work with neighbors, control the back deck, but doesn't want to restrict business. Because it is seasonal, willing to work with neighbors, he is in favor of approval. Erin asked other commissioners for their opinions. Neil is in favor of the 10:00 PM time, since Pete is willing to work with the neighbors, he did not think it necessary to put additional restrictions on the permit. Matthew is in support of the approval. Erin wants to balance needs of Grumpy's and still be sensitive to the needs of the community. Neil acknowledged Pete is sensitive to the community. Matthew agreed with Neil that Pete works with the community. Jeff agreed with the proposal as stated in the petition.

Motion to approve the proposed amendment to Grumpy's Restaurant Conditional Use Permit finding the applications meets the standards for approval under Chapter 17.116 of the Ketchum Zoning Code.

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

Jeff Lamoureux clarified for Staff that the only change to the Conditional Use Permit is extending the closing time by 1 hour in the summer months.

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

Vice-Chairperson Erin Smith called for Public Comment. No comments were offered.

3. PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF (Continued)

b. Bigwood Square Mixed-Use Building: 380 N East Avenue (Lot 4, Block 44, Ketchum)
The Commission will consider and take action on a Design Review Application for a 3,668 sq ft, two-story mixed-use building containing two (2) retail spaces on the first-floor and a retail storage area or a potential residential unit on the second-floor.

Associate Planner Abby Rivin presented the project for Bigwood Square Mixed-Use Project with Staff recommending approval with conditions as noted.

Buffalo Rixon, architect for the project, gave the Design Review, going over the drainage, landscaping, elevations, exteriors, staging, lighting, and staging of construction materials at the vacant lot in the LI owned by Bigwood Bakery. Matthew Mead asked about transporting construction materials and Buffalo replied it would be placed on a flat-bed truck. Vice-Chairperson Erin Smith asked about snow storage in the event of the property being subdivided into 2 properties. Buffalo Rixon replied that if the second floor was to be sold as a condo, the outside space would be common space for snow storage. Neil Morrow asked about the upstairs and including an elevator. Buffalo indicated all ADA regulations have been met. Commissioner Matthew Mead asked about replanting trees. Buffalo Rixon said the existing apple tree would be relocated outside of Ketchum and a street tree will be planted. Matthew asked about timers and lights for energy efficiency. Buffalo replied that lights will have timers. Jeff Lamoureux likes the project, very well organized. Erin Smith asked staff how workers and materials are organized with workers cars. Brittany Skelton, Senior Planner, will get back to the Commission with more information. Brittany stated that the parking officers will regulate parking. Jeff Lamoureux stated it is part of the Construction Management Plan, but it is up to the contractor to enforce the plan. Erin Smith concluded we would rely on the Construction Management Plan and enforcement would be complaint driven. Senior Planner Brittany Skelton added that the plan will be reviewed again during the Building Permit process.

Jeff Lamoureux asked why the arborist waived the requirement for the street tree at this location, but not for the Library a block away. If the standard is not adequate, then we need to update it. Buffalo indicated the planting bed is to match the existing flower beds. Abby Rivin will re-evaluate the landscaping standards. Erin asked for a full explanation when a standard is waived.

Vice-Chairperson Erin Smith opened the floor for Public Comment:

Jan Swanstrom, resident of the Scott Building in the LI, expressed concern about the staging area of the materials, delivery times, noise, parking. Brittany Skelton added the City has hours for construction of 7:30 am to 7:00 PM, Monday through Saturday.

Public Comment closed.

Erin Smith asked about the pavers. Brittany said they are not encouraged but are used here to be consistent with the 4th Street corridor that now has pavers. Jeff feels the applicant will conform to the arborist's requirements.

Motion to approve the Design Review for the Bigwood Square Mixed-Use Building at 380 N. East Avenue with conditions 1-12.

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

- c. **Community Library Expansion** 415 Spruce Avenue (Lot 1B Block 89, Ketchum Townsite)
The Commission will consider and take action on a Design Review Application for exterior alterations to the Community Library including a new landscape design and sidewalk improvements as well as a 2,187 sq. ft addition to accommodate a new game/study area, young adult space, and a meeting room.

The Project was presented by Abby Rivin, Associate Planner. An updated site plan was submitted to address issues of concern including redesign of the sidewalk, relocation of the fire hydrant, and snow storage requirements. The revised site plan meets the parking requirements of the Ketchum Parking Ordinance. Staff recommends approval provided recommendations from Streets, Fire Department and Public Works are met.

Erin Smith asked about the numerous ADA concerns noted in the original plans. Abby replied that the changes addressed the ADA concerns and that there would be another ADA review of the plans during the Building Permit process.

Jenny Emery-Davidson, Executive Director of the Community Library, spoke on behalf of the applicant. She presented a history of the Community Library and goals of the expansion project.

Dennis Humphries, Architect for Humphries Poli, presented the Design Review. Rob King, landscape architect, presented the landscape design. Jason Blamires, Elias Construction, presented the Construction Management Report. Erin Smith asked about the parking for the construction workers. Jason noted the workers will park in the Church parking lot.

Erin Smith asked about the sidewalk in the right-of-way. Brittany Skelton noted the sidewalk is now on private property and will be relocated to the public right-of-way, which is the standard in the Community Core. Matthew Mead asked about extending sidewalks and how they will align with adjacent properties and existing sidewalks in the neighborhood. Rob King explained it will line-up with existing walks on 4th Street and meets the new standard. Matthew asked about the slopes and a possible slip hazard. Rob indicated the surfaces were all ADA compliant and non-slip surfaces. Matthew then asked Dennis Humphries about the sustainable measures of the project. Dennis answered all lights are being changed to LED, maximizing the use of daylight, carpeting of recycled materials, replace HVAC for energy efficiency, restrooms are gender inclusive with solar tubes using no lighting during the day, replace windows with insulated windows, reuse redwood in bookcases and benches. When asked about solar panels, he stated there was not enough area with a Southern exposure for any meaningful use of solar panels.

Erin Smith asked how trash is handled. Dennis showed where trash and recycling will be enclosed. Erin asked about the irrigation and Dennis indicated it would be a very efficient drip system with the lawn as the only area with spray irrigation.

Jeff Lamoureux said it was a challenging project as to accessibility, and the items are being addressed, but the slopes on the driveway and sidewalk may be a challenge. He encouraged the team to revisit the sloped areas to make the project as accessible as possible.

Erin Smith asked for public comment in favor:

Sherri Paul, neighboring resident, thinks the project is beautiful. Asked about time limit of parking on 4th Street and Spruce Street. She wanted to know about the height of the plants replacing the trees. Encourages the project to keep the Aspen trees and consider the light pollution affecting the residential part of the neighborhood.

Erin Smith called for neutral comments: None.

Erin Smith called for comments in opposition:

Susan Martin, owner of home adjacent to library, explained she was not invited to participate in the planning process. She expressed concern with the new building blocking the view and sunlight. She is opposed to removal of trees and is concerned about the parking. She asked for a reconsideration of the 2-story Children's section of the Library.

Linda Bidell, long-time resident and friend of the Martins', and local business owner, asked the Commission to consider a visit to the site to see the impact to the Martin Residence.

Applicant rebuttal: Jenny Emery-Davidson spoke to the area in question which is dedicated to the teen library users. She stated it was important to be near the Children's Area.

Erin Smith closed hearing and initiated open hearing. Erin questioned the lack of a site visit and would like to go see it before making a decision. Matthew Mead would also like to see the site. Matthew Mead understands the concerns of the neighbor, would like to see the trees on the site. He supports the Library project and wants to give it full consideration. Jeff Lamoureux thinks it is a great project, maintains the setbacks in the Downtown Core, doesn't feel the facade is unbroken. Thinks the project should be continued, so the commission can have a site visit. Erin Smith suggested the project be continued to the April 9, 2018 meeting to allow for a site visit.

Motion to continue until April 9, 2018 P & Z Commission Meeting

RESULT:	AUTHORIZED [UNANIMOUS]
MOVER:	Neil Morrow, Commissioner
SECONDER:	Matthew Mead, Commissioner
AYES:	Neil Morrow, Matthew Mead, Jeff Lamoureux, Erin Smith
ABSENT:	Betsy Mizell

Erin Smith, Vice-Chairperson, reconvened the meeting at 8:20 PM.

- d. **Zoning Code Amendments** – Community Core subdistricts and retail uses: The Commission will consider City-initiated amendments to Title 17, Section 17.12.040, Dimensional Standards – CC District Matrix, Section 17.12.010, Zoning Map Districts, and Section 17.12.020, District Use Matrix.

Senior Planner, Brittany Skelton, presented the Zoning Code Amendment regarding Community Core sub-district's. The amendments would place limitations on the size of retail establishments to 36,000 square feet and merge 4 sub-districts into 2 sub-districts.

Erin Smith thought a building of 36,000 square feet plus parking would be too large for Ketchum. Neil Morrow felt there was not currently a site of that size available, but Brittany

pointed out that several adjacent lots could be acquired. Neil is not opposed to the limitation but would like to know the smallest size considered by most large retailers and propose 1,000 square feet less. Matthew Mead asked if the current code has a prohibition for chain stores and Erin responded that there currently is no restriction. Erin asked if Atkinson's Market or Giacobbi Square could be built today with the existing parking regulations. Brittany responded she would research that question. Jeff Lamoureux thought retail was less of a concern. He added a project with multiple shops, would still be allowed, but the parking would restrict the project. Neil is OK with the 36,000 square foot limitation but would not be opposed to a lesser number. Erin wants to know if a Giacobbi Square type project could be built today on the Simplot Lot. Matthew Mead thought the 36,000 square foot limitation is still too large and the argument that currently a large store is not economically feasible may not hold true in the future. Erin wanted to know the size of Trader Joe's and Whole Foods in Boise. Neil thinks the land is too expensive here for a development but is ok with lowering the number. Jeff thinks 36,000 square feet is ok, but it could be lower.

Neil Morrow expressed that the combining of the districts makes sense and is in favor of the change to 2 sub-districts. Erin Smith questioned how the change would affect the non-conforming buildings. Brittany Skelton commented that it would make the property more versatile. Matthew thought the flexibility was important to future development. Jeff Lamoureux thought the old code did not work well and would be agreeable to Hotels in that zone. Erin agreed with Jeff on the benefit of hotels in that zone.

Public Comment:

Rich Puddicombe, resident, pointed out the lot by the Best Western would be a favorable location for a Hotel and that parcel would be large enough for a hotel.

Erin Smith asked Brittany where a hotel would be permitted to be built. Brittany answered that hotels are permitted in the Tourist Zone.

Brian Barsotti, resident, thinks the hospitality industry is changing in Ketchum with VRBO and Air BnB. Tourists who come here do not stay in Hotels. Brian thinks a hotel overlay is not necessary, with new ideas coming forward on housing and hospitality.

Motion to continue the Public Hearing to April 9, 2018 Meeting of the P & Z Commission.

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

- e. **Zoning Code Amendment – Short Term Rentals:** The Commission will consider City-initiated amendments to Title 17, Chapter 17.08, Definitions, Section 17.12.020, District Use Matrix, and Section 17.124.070 Accessory Dwelling Units.

Brittany Skelton, Senior Planner, presented the amendment. The amendment is to bring Ketchum's code into alignment with the State of Idaho regulations. Matthew Mead asked about ADU's. Brittany explained the history of the ADU. Erin Smith referenced the Staff Report, questioning items D, E, F, G. Brittany explained the redundancy of those items. No further comments from commission.

Erin Smith called for public comment. No public comment was made.

Motion to recommend approval of the City-initiated Text Amendment to the Short-Term Rental to the City Council.

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

- f. **Zoning Code Amendment – Residential Use in the Light Industrial Districts:** The Commission will consider City-initiated amendments to Title 17, Section 17.124.090, Residential, Light Industrial Districts, and Section 17.12.020, District Use Matrix.

Brittany Skelton, Senior Planner, presented the Text amendment to residential uses in the Light Industrial District. Brittany gave a history of residential use in the Light Industrial District and the Conditional Use Permit purpose and process for approval. Staff recommends allowing 1-4 residential units per building to maintain the Light Industrial area and subordinate residential use. Staff recommends the LI-3 District be allowed 100% residential use. This would allow deed-restricted housing to be developed.

Erin Smith called for Public Comment.

Brian Barsotti, owner of the only 2 undeveloped lots in the LI, stated the housing crisis in Ketchum is an important issue but deed restricted projects don't work. Now looking at micro apartments (350 to 450 square feet) to keep price down. There is a need to create density. He supports the LI-3 zone for apartments and proposes a mix of Industrial and Housing in the LI-2. Brian stated it is hard to make a project work due to the high land and labor costs. He would like to look at the best uses of the land.

Neil Morrow proposed to continue this item to the next meeting as there is a lot to consider. Matthew Mead thought it was a very important issue and good information to consider. Erin pointed out that people move into the LI and then complain about noise from the neighbors. This tends to push the Industrial component out and eventually converts the Industrial Area to a residential neighborhood, there is a need to protect industrial, too. Erin doesn't want to rush it. Jeff Lamoureux agreed to continue to the next meeting since this is an important issue. He would like to see public out-reach, workshops, etc. Neil liked the idea of industrial units on bottom and residential above. Erin feels too many projects with reasons why it can't be done unless granted a variance but wants to see how a mixed-use project can work.

Motion to continue discussion of the City-Initiated Text Amendment on Residential Use in the Light Industrial Zone to April 9, 2018 P & Z Commission meeting.

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

5. CONSENT CALENDAR

- a. **Minutes:** March 12, 2018

Motion to approve minutes of March 27, 2018 as corrected.

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

b. Stott Residence Findings of Fact and Conclusions of Law

Erin Smith called for Commissioners Comments. No comments were made.

MOTION to approve Finds of Fact and Conclusion of Law for the Stott Residence.

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

6. FUTURE PROJECTS AND NOTICING REQUIREMENTS

Brittany Skelton informed the Commission that the April 9th meeting will address the Fire Training Facility for full Design Review, a Conditional Use Permit request for a new office on the first floor on Main Street, the continuation of the Set-Back Zoning Amendment, and the continuation of the Community Library Expansion with a site visit planned for 5:00 PM, and the two text amendments continued from tonight's meeting.

7. STAFF REPORTS & CITY COUNCIL MEETING UPDATE

The City Council will have the 2nd reading of the Snow Storage and Avalanche Amendments. Potentially the Exceedence Agreement for the Onxy at Leadville Project will be presented. Matthew meet with mayor today about Planning and Zoning. Matthew wants to make it clear if pavers are allowed or not allowed. Erin Smith urged staff to inform projects that pavers are non-conforming. Matthew agreed that pavers are practical for snow melt systems. Erin questioned the electrical box at the Barbie Reed Residence next to the road that was supposed to be screened. Brittany said she would check on that. Erin also informed Staff that she has seen many flashing light signs on businesses and should be addressed and the Matthew added that the sign at Giacobbi Square does not conform with the Dark Skies Ordinance. Brittany said she will follow up on these comments.

8. Commission reports and ex parte discussion disclosure

None

9. ADJOURNMENT

Motion to adjourn

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

Erin Smith
Vice-Chairperson