



Planning and Zoning

Regular Meeting

~ Minutes ~

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

Maureen Puddicombe
Planning Technician

Monday, March 12, 2018

5:30 PM

Ketchum City Hall

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

Meeting was called to order by Chairperson Jeff Lamoureux at 5:35 PM.

Attendee Name	Title	Status	Arrived
Neil Morrow	Commissioner	Present	
Matthew Mead	Commissioner	Present	
Jeff Lamoureux	Chairperson	Present	
Erin Smith	Vice-Commissioner	Present	
Betsy Mizell	Commissioner	Present	

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

No Public Comments were made.

3. PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF

(5b.) Findings of Fact and Conclusions of Law for The Onyx at Leadville Residences Project

COMMENTS - Current Meeting:

Chairperson Jeff Lamoureux called for public comment on the Onyx at Leadville Project.

No Public Comments were made.

Developer Daniel Hollis stated he has been working with the neighbors on a revised landscaping plan. He showed a revised plan, replacing some trees. Neighbors will be notified when trees will be replaced so as to consult with them on the location. Public works would like to see a shared driveway and the neighbors are open to the idea. A new design is being worked out. The developer is proposing sharing driveway maintenance with the neighboring property. Kurt Eggers, landscape architect, met with neighbors on landscaping. Many of the existing trees are located on project property. New tree locations have been agreed upon by the neighbors at Trail Creek Crossings. The current trees will be relocated post-construction.

Micah Austin, Planning Director, said the Staff is comfortable with the current plans and any landscaping changes could be handled in the future by an Administrative Design Review. Vice-Chairperson Erin Smith asked if the landscape and driveway plan had been finished. Since there are still variables, Jeff Lamoureux asked that any changes to the driveway be brought back before the commission.

Motion To: Approve Findings of Fact and Conclusions of Law for The Onyx at Leadville Residences Project.

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

- a. **Stott Residence: 600 N. Walnut Ave.** (Lot 1 and Lot 2, Block 91, Ketchum Townsite). The Commission will consider and take action on a Mountain Overlay Design Review Application for a new single-family residence.

COMMENTS -

Micah Austin, Director of Planning, introduced the Stott project and Associate Planner Abby Rivin presented the project. Access to the alleyway was an area of concern, so the owners will install a gravel path from 6th St. through the alleyway to enhance public access. Wall height was questioned, but as the wall is a retaining wall, landscaping will be installed to enhance the wall, minimizing the impact of the height. Staff recommends approval subject to the following recommended conditions; Street Department approval of steps and tree sites; approval of Lot Line Shift prior to issuance of Building Permit.

Jeff Lamoureux asked Ben Young, Landscape Architect, about the irrigation of the plants in the alleyway. He was told that there will be overhead watering, which can be turned off when plantings are established, with only occasional watering to maintain the plants. The intent is to replant with native vegetation. Micah explained if the alley is left natural, then the City would maintain the area, but if the area is landscaped by the adjacent homeowner, then the homeowner will maintain the alleyway plantings. Erin Smith wants to be sure the pathway does not look like a private pathway, but publicly accessible. Matthew Mead asked about irrigation for the plantings along the retaining wall. Ben Young indicated the plantings will have drip irrigation. Jeff Lamoureux asked about espaliered fruit trees, which Ben acknowledged would need maintenance, but the overall size of the tree would not violate the right-of-way. Betsy Mizell, Commissioner, asked about long-term watering. Ben Young responded that many of the plantings are drought tolerant, not needing watering after two years. Ben Young added, the steps and trees will be moved back as indicated in the review by the Streets Department.

Chairperson Jeff Lamoureux called for Public Comment. No Public Comments were made.

The commission discussed the aspects of the wall height and the landscaping of the alleyway. Jeff Lamoureux still questioned the height of the wall. Neil Morrow, Commissioner, liked the way the wall looked, taking the slope of the lot into consideration. Landscape Architect Ben Young explained the slope options and the engineering of the wall. Jeff Lamoureux related that there is a precedent of another nearby project with a similar slope problem that was not granted a variance for a higher wall. Matthew Mead stated it was not just a bare concrete wall but was part of the landscaping. Jeff Lamoureux wants to see the completed landscape plan and the wall area before final approval. Betsy Mizell, Commissioner, wants to be sure it is clear to the public that the alleyway is public space. Matthew Mead thinks the improved pathway would be a benefit to the City. Jeff proposed approving the building but to approve the landscaping as an amendment to the application. Matthew Mead liked the pathway and landscaping of the alleyway, that it will encourage people to use the path. He suggested signage indicating the path to be publicly accessible. Micah related that the owners do not have the option of refusing a sign indicating public access to the alleyway. Streets will have final approval on the Public Right-of-Way.

Ben Young commented on the wall being workable. He found the alleyway guidelines to be very vague and would like guidance from Staff. The construction schedule, as related by Wes Powell, indicated work to begin May 1, 2018 on right-of-way and drainage. Looking for Building Permit approval by June and start construction in July.

Erin Smith felt the project could be approved tonight provided the wall height is changed to the 4-foot height standard, the City reserves the right to place a sign at the alleyway, and the Arborist and Streets Department are very involved in the plant choices. Neil Morrow agreed. Jeff Lamoureux stated he is still concerned with right-of-way and wants to see the landscaping plan for approval.

Matthew asked if the alleyway could be considered separately. Betsy Mizell agreed with Erin Smith to approve with conditions.

Chase Gouley, landscaping, indicated the Streets Department has not indicated any standards. Jeff Lamoureux wants definite plans, but the applicant is looking for more definite direction. Jeff proposed the landscape plan be presented at the Planning and Zoning Meeting in the public forum.

Micah Austin recommends going forward with the project and bring back the landscaping plan when the house is built.

Motion to: Approve the Stott Residence, 600 N. Walnut Ave. Design Review with the condition that the retaining wall be reduced to 4-feet and if any substantial change is made to the landscaping on the wall, it will be brought back to the Commission for review. In addition, the following conditions will apply: Retaining wall height to be reduced to four (4) feet, Staff Conditions 1-12 will apply, and the project will return to the Commission for approval of the Alleyway improvements.

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

- b. Re-zone Request in Mortgage Row:** Request by Dwight & Susan Coburn and Robert, Kenneth, & Nancy Dreyer (DHD Properties LLC) to rezone Lots 17, 18, and 19 of the Mortgage Row Subdivision from the Limited Residential One Acre District (LR-1) to the General Residential Low-Density District (GR-L). Subject properties are located at 12696, 12698, & 12700 Highway 75, Ketchum, Idaho 83340.

COMMENTS -

Presented by Associate Planner Abby Rivin. These lots were not conforming at the time of annexation in 1993. Staff recommends re-zone to LR. If changed to GR=L, density would be increased. If changed to LR, density would be lower and highway access would be less impacted. Staff recommends that Lots 17, 18, and 19 of Mortgage Row be rezoned from the Limited Residential (LR-1) district to the Limited Residential (LR) zoning district. This will address the current non-compliance status and address concerns over increased traffic and access to Highway 75 as related to future requests for increased density in the future through the subdivision process.

Erin Smith asked about the differences in density between the two zones and the access to Highway 75. Neil Morrow asked if the applicant would be able to reach their goals with this

solution. Abby Rivin agreed they would. Senior Planner Brittany Skelton pointed out how the option to subdivide could result in more units and more traffic.

Jeff Lamoureux called for comments from the applicant. Ken Dreyer spoke to the density question, indicating they have no plans to increase density. He indicated that re-zoning to the LR zone would meet their needs.

Micah Austin related that only the 3 lots in question were being rezoned at this time, but that the City should look at the entire area for possible rezoning in the future. Commissioner Neil Morrow said he would agree with rezoning the 3 lots for now and looking at the zoning for the area in the future.

Jeff Lamoureux called for Public Comment, but none were made.

Matthew Mead agreed with the rezone recommendation and to re-evaluate for future density and subdivision. Erin Smith agreed.

Motion To: Recommend to the City Council the re-zone of lots 17, 18, and 19 in the Mortgage Row Subdivision from LR-1 to LR.

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

- c. **Zoning Code Amendments – Community Core subdistricts and retail uses:** 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.
- d. **Zoning Code Amendment – Short Term Rentals:** 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.
- e. **Zoning Code Amendment – Residential Use in the Light Industrial Districts:** City-initiated amendments to Title 17, Section 17.124.090, Residential, Light Industrial Districts, and Section 17.12.020, District Use Matrix.

Motion To: Continue Zoning Amendments regarding Community Core subdistricts and retail uses, Short Term Rentals, and Residential Use in the Light Industrial Districts to the Planning and Zoning Special Meeting on March 27, 2018.

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

- f. **Zoning Code Amendment – Setback Definition:** The Commission will hold a public hearing and take action on application for a text amendment by Jonathan and Rebecca Neeley to amend Title 17, Zoning, of the Ketchum Municipal Code, Chapter 17.08, Definitions, to amend the definition "setback" to permit below grade structures to encroach into required setbacks.

COMMENTS - Current Meeting:

Micah Austin introduced the set-back amendment. Senior Planner Brittany Skelton presented the Staff Report for this amendment. The applicant requests to amend the code

to remove underground structures from the setback requirements. Brittany gave a history and rationale for setback requirements. Also presented various scenarios of below-grade situations including examples of below-grade standards in other cities, rural areas and metropolitan areas. The recommendation of the Staff is to allow below-grade encroachment of set-back but require Administrative Design Review to maintain administrative oversight.

Erin Smith asked about what other sections of the City Code would need to be amended and how the design review process is affected and can be sustained during staff turnover. Neil Morrow asked if the recommended action would allow the applicant to accomplish their project. Brittany indicated it would.

Michael Blass, Architect for Applicant, presented intended project, showing the location and surroundings of the project.

Jeff Lamoureux called for Public Comment, but there was no response.

Neil Morrow likes the staff recommendation. Erin Smith wants to know about the "institutional memory" in the P&Z Department. How will this be handled in the future when other staff are conducting Design Review approvals? Brittany Skelton responded that the changes would be built into the code and made a part of the standards for the Design Review process concerning set-backs, giving the reviewer guidelines for approval. Jeff Lamoureux asked about allowing below-grade projects in the setback in residential areas and how it would affect the neighboring property. Matthew Mead praised Brittany for all the research and options presented. He agreed it should be part of the Administrative Design Review process. Betsy Mizell wants below-grade structures to not be allowed in the riparian area. Jeff Lamoureux asked if standards would establish the covering of the below-grade structure. Michael Blass commented that a minimum of 6 inches of soil are needed for plant growth. Jeff thought planting and drainage should be incorporated in the standards.

Motion To: Continue to April 9, 2018 P & Z meeting for Staff to present recommended changes.

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

5. CONSENT CALENDAR

- a. **Minutes:** February 12, 2018; February 26, 2018

Motion to: Approve minutes of February 12, and 26 as amended.

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

- b. (See above)

6. FUTURE PROJECTS AND NOTICING REQUIREMENTS

On the agenda for the March 27th Special Meeting:

1. Three City-Initiated Text Amendments.
2. Grumpy's Restaurant Conditional Use Permit requesting to serve until 10:00 PM.
3. Community Library Expansion Design Review
4. Bigwood Square Mixed-Use Design Review

Jeff Lamoureux noted he will not be present at March 27th meeting, but will be available for call in.

7. STAFF REPORTS & CITY COUNCIL MEETING UPDATE

The Avalanche and Snow Storage Text Amendment will go to City Council on March 19th.

The City Council has requested a review of the Off-Site Vendor Ordinance. Owner of property wants to have more than one vendor per location.

8. COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

Erin Smith asked about the State proposal to limit local restrictions on building codes. Micah Austin said it would not affect any land use codes, it is strictly building codes. Jeff Lamoureux noted Veltex and KB's has blinking signs which are non-compliance with existing code. Micah said he would notify the Code Enforcement Officers.

9. ADJOURNMENT

Motion To: Adjourn

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

Jeff Lamoureux
Chairperson