



Planning and Zoning

Regular Meeting

~ Minutes ~

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

Keshia Owens
208-726-7801

Monday, April 10, 2017

5:30 PM

Ketchum City Hall

Commissioners Present: Jeff Lamoureux, Chairperson
Matthew Mead, Commissioner
Betsey Mizell, Commissioner
Neil Morrow, Commissioner
Erin Smith, Vice-Chairperson

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

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 5:34 PM.

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

No comments.

3. COMMUNICATIONS FROM STAFF

a. Argyros Performing Arts Center Design Review: 120 South Main Street and 111 South Leadville, Ketchum, Idaho (Block 1, East 10' of Alley): Findings of Fact and Conclusions of Law

Austin said the findings are ready for the Commission's approval. He explained that the Commission had concerns with construction activity plan, parking, and pedestrian access. He commented that staff has gone through several iterations with the applicant on the construction activity plan and it is clear that the project has sensitivities. He then said that staff will continue to work with the applicant until the building permit submittal and after its approval. He pointed out that staff has public safety concerns, but staff will continue to work with the applicant to address these concerns.

A commissioner motioned to approve the Argyros Performing Arts Center Design Review and another commissioner seconded (due to technical difficulties, the recording equipment did not record the Commission's motion for approval).

b. Public Hearing, Zoning Code Amendments Phase II – Motor Vehicle Fueling Stations: City-initiated text amendments to Chapter 17.08, Definitions, Section 17.12.020, District Use Matrix, and Chapter 17.124, Development Standards to amend regulations for motor vehicle fueling stations in order to

protect the health, safety and welfare of the public and to align regulations for the use with the Comprehensive Plan.

COMMENTS:

Skelton said that the changes are city initiated text amendments to motor vehicle fueling stations and electronic vehicle charging stations. She explained that motor vehicle fueling stations are permitted in the Light Industrial District as a conditional use and electronic vehicles are not yet regulated. She then commented that the first text amendment is to prohibit vehicle access to fueling stations from Highway 75.

The reasons for this:

- High volume trips
- Conflict by nature of trips
- Conflicts with the Comprehensive Plan

She explained that staff and Commission evaluated a proposed motor vehicle fueling station from June to July and said this use was denied for several reasons.

She stated that vehicular access from Highway 75 to motor vehicle fueling stations would be prohibited in the District Use Matrix as part of the text amendment. She then explained that the next proposed text amendment will also distinguish between motor vehicle fueling stations and electric vehicle charging stations. She stated that staff recommends approval of these two proposed text amendments.

Public Comment

- Amy Christiansen, Sun Valley resident, said that she likes that the Commission is reducing environmental and health effects by considering these text amendments. She pointed out that Ketchum has four gas stations, while Aspen, in comparison, only has two. She also said that she supports the electric vehicle text amendment and explained that in Idaho, using electric vehicles has an impact on personal fuel output.
- Cathy Guerky, Ketchum resident, provided documents to the commission and said that there is only one property that is negatively impacted by this text amendment. This property, she said, belongs to she and her husband, and is the same property that was proposed for Bracken Station. She said that on Friday she heard of this text amendment, asked why the city thinks this is necessary, and wanted to know who cares to have this done. She explained that what is not remotely understandable is why the city would permanently exclude a business that ninety-nine-percent of people are looking for. She commented that this site is not busy like the core of the Light Industrial District and argued that a site better than North Town Center will not be found. She also disagreed with staff's comments and asked what advantage does the city have by disallowing gas stations. She then explained that Ketchum needs a real and convenient gas station and noted traffic concerns, but asked what good business doesn't generate traffic. She then went on to say that staff should look at the origins of the Comprehensive Plan and explained that the Comprehensive Plan points out that businesses in the Light Industrial District will generate traffic. She later stated that any redevelopment of their property will create a better gateway to Ketchum and Bracken Station would've had a resort style look to make it fit with Ketchum. She concluded by saying the community passed up something that would improve Ketchum and asked why is the City so set on disallowing any future gas stations on Highway 75. She stated that she doesn't know if there will be worse things at this location and asked if they had sold the property to Ketchum automotive would the city still be happy with this text amendment.

- Steve Cook, architect, said that many of staff's statements are not accurate and that the city is starting to do its planning through text amendments. He explained that this location is not a gateway as far as gateways are concerned, instead, it is a part of the Light Industrial District. He pointed out that Ketchum's circulation is confusing to visitors, but should be easy to navigate for all travelers. He also explained that current gas stations are deplorable and stated that the City should plan for the future. He then asked why the last remaining parcel that allows a gas station or twenty-seven other offensive uses is proposed to be taken away. He ended by stating this would be an appropriately scaled, manicured gas station that is not a gateway and is not pedestrian heavy.
- Ned Williamson, attorney, said that the Comprehensive Plan is a topic that should be discussed. He explained at the last quasi-judicial hearing he didn't think it was necessary for the Commission to look at the Comprehensive Plan, but for a text amendment it is very important. He asked about the other provisions of the plan and said that it promotes tourism and development of the community. He explained that in the future, if the city allows this amendment, nonconforming uses will continue to be nonconforming or eventually die out with nothing to replace it. He also explained that whenever you limit access you get into takings issues and he stated that this property is being targeted. He then stated there are some real issues with the comprehensive plan.
- Reid Lindsay, Ketchum resident, responded to earlier statements and stated the community doesn't want another gas station. He explained that those who are opposed to the text amendment have personal economic stakes in the construction of a gas station on Highway 75. He later expressed that that this is not about Bracken Station, but rather Ketchum looking toward the future. He finished by saying he doesn't see why people think this is a singling out of Bracken Station.
- Barbi Reed, Ketchum resident, said that she is appalled that Bracken Station has been brought up again, when the discussion is about the text amendment. She also mentioned that it took Ketchum half a century to get rid of the gas stations on Main Street and she applauds this text amendment for improving Ketchum.
- Roy Bracken, convenience store owner, said that there must be an allowance for convenience stores in the Light Industrial Districts because he went through the planning process and owns a store there.

Staff comments:

Austin addressed concerns and said that access off Highway 75 would not constitute "a takings" because the site could be accessed from 10th street. He commented that this one use has been singled out because the use, by nature, generates traffic. He commented that he would be happy to back up any staff report concerns and will stand by any references to the Comprehensive Plan.

Directives:

- Look at expanding prohibited uses
- Criteria for the amount of traffic generated
- Comprehensive Plan needs to be reevaluated to look at all uses
- Looking at an objective matrix
- Consider other mountain towns for how they treat fueling stations and EV stations

Commissioner Smith made a motion to continue the city initiated text amendments to Title 17, Chapter 17.08 Definitions and Chapter 17.12.020- District Use Matrix to a date certain of May 8, 2017.

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

- c. **Kneebone Final Plat: 500 N. Washington Ave, Ketchum, ID (Ketchum, Lot 8, Block 15). The Commission will consider and take action on an application by Kneebone, LLC for a final plat for a three-story mixed-use condominium building.**

COMMENTS:

Skelton said that the Commission made the following conditions:

- A plat note for the water heater
- An easement on private property for additional public access

She explained that if the final plat conforms with the preliminary plat, the Commission can approve the project.

Commissioner Mead moved to recommend approval of the final plat by Kneebone, LLC to City Council. Commissioner Lamoureux seconded.

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

- d. **Discussion of Emergency Ordinance #1172 of the City of Ketchum, to amend Title 17, Zoning Regulations, Chapter 17.88, Floodplain Management Overlay Zoning District, finding an imminent peril to the public health, safety, or welfare due to anticipated flooding caused by Wood River Valley snowpack being 180% above normal and therefore amending Ketchum City Code 17.88 to provide for emergency procedures for riparian alteration and emergency city actions; providing a savings and severability clause;**

Skelton said that due to the extremely high-water content from the snowpack, City Council proposed an amendment to the floodplain ordinance and an emergency riparian review process was adopted by City Council.

4. CONSENT CALENDAR

- a. **Minutes: March 13, 2017**

COMMENTS:

Formatting of boxes on page 4 and 5.

Commissioner Morrow moved to approve the March 13, 2017 minutes as amended. Commissioner Mizell seconded.

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

- b. **Knudson Conditional Use Permit 491 East 10th Street, Ketchum, Idaho (Tenth St Light Industrial Complex, Building A Unit 1): Findings of Fact and Conclusions of Law**

COMMENTS:

Commissioner Mead made a motion to approve the findings of fact for the Knudson Conditional Use Permit 491 East 10th Street, Ketchum, Idaho. Commissioner Morrow seconded,

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mathew Mead, Commissioner
SECONDER:	Neil Morrow, Commissioner
ABSTAIN:	Erin Smith, Commissioner
AYES:	Morrow, Mead, Lamoureux, Mizell

- c. **Sun Valley Mixed Use Project, 231 Sun Valley Road, Ketchum, Idaho (Lot 8 Remainder, Block 17, Section 18, Township 4): Findings of Fact and Conclusions of Law**

Staff did not recommend signing the findings because stamped plans had not been received.

- d. **Angel Wings Retail Addition, 320 North Leadville Ave Ketchum, Idaho (Ketchum Lot 2 Block 24): Findings of Fact and Conclusions of Law**

COMMENTS:

Commissioner Mead made a motion to approve the findings of fact for Angel Wings Retail Addition at 320 North Leadville Avenue Ketchum, Idaho and Kneebone Final Plat 500 North Washington Avenue Ketchum, Idaho.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mathew Mead, Commissioner
SECONDER:	Neil Morrow, Commissioner
ABSTAIN:	Erin Smith, Commissioner
AYES:	Morrow, Mead, Lamoureux, Mizell

- f. **Kneebone Final Plat: 500 N. Washington Ave, Ketchum, ID (Ketchum, Lot 8, Block 15): Findings of Fact and Conclusions of Law**

Commissioner Mead made a motion to approve the findings of fact for Angel Wings Retail Addition at 320 North Leadville Avenue Ketchum, Idaho and Kneebone Final Plat 500 North Washington Avenue Ketchum, Idaho.

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

5. **FUTURE PROJECTS AND NOTICING REQUIREMENTS**

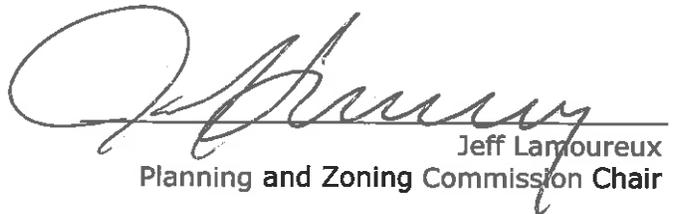
6. **STAFF REPORTS & CITY COUNCIL MEETING UPDATE**

- Dark Sky Ordinance is continued from the meeting on April 3rd to April 17th.
- Argyros Text Amendment.

7. **Commission reports and ex parte discussion disclosure**

8. **ADJOURNMENT**

Commissioner Mizell motioned to adjourn and Commissioner Morrow seconded.



Jeff Lamoureux
Planning and Zoning Commission Chair