



Planning and Zoning

Regular Meeting

~ Minutes ~

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

Keshia Owens
208-726-7801

Monday, March 13, 2017

5:30 PM

Ketchum City Hall

Commissioners Present: Jeff Lamoureux, Chairperson
Matthew Mead, Commissioner
Betsey Mizell, Commissioner
Neil Morrow, Commissioner

Commissioners Absent: 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. **5:00 PM- SITE VISIT: Sun Valley Mixed Use Project - 231 Sun Valley Road, Ketchum Idaho (Lot 8 Remainder, Block 17, Section 18, Township 4)**
2. **5:15 PM- SITE VISIT: Angel Wings Retail Addition - 320 North Leadville Ave, Ketchum Idaho (Ketchum Lot 2 Block 24))**
3. **5:30 PM - CALL TO ORDER: City Hall, 480 East Avenue North, Ketchum, Idaho**

Commissioner Lamoureux called the meeting to order at 5:33 PM.

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

5. COMMUNICATIONS FROM STAFF

- a. **Discussion on Emergency Ordinance 1169 of the City of Ketchum, Finding an Imminent Peril to the Public Health, Safety or Welfare Due to Pending Litigation and Therefore Amending Ketchum City Code 17.124.040 To Provide for A Floor Area Exceedance Agreement and Clarify the Administrative Procedures of Such Chapter; Providing a Savings and Severability Clause; And Providing An Effective Date - City Administrator Suzanne Frick and Matthew Johnson, City Attorney**

Suzanne Frick, City Administrator, said that the city has been sued because of the in-lieu housing fee. She explained the construct of the current ordinance is that development can proceed a one-point-zero floor area ratio if a developer would like a density bonus they would need to mitigate and offset the housing requirement and-to go up to a maximum of two-point-twenty-five in the Community Core. She commented that the City has been sued because the density bonus and the requirement for inclusionary housing is an unlawful tax. She stated that Council considered four basic options in looking at the City's options, which included a moratorium to shut down development while the law suit is pending, or revert down to the one-point-zero floor area ratio for all development moving forward, or repeal the existing ordinance that allows the one-point-zero plus the density bonus and replace that with

something else, or an emergency ordinance that sets forth one can do one-point-zero floor area development, but if they choose to go up to two-point-twenty-five they must enter into an exceedance agreement. She explained that the fourth option was enacted by Council and the exceedance agreement will be a contract between the City and a developer in exchange for going the additional density, which will offset that requirement with the housing. She then commented that the fourth option was enacted by Council on Monday, March 6, 2017 and will come back for another reading at the meeting on Monday, March 20, 2017 with an example of the exceedance agreement. She noted the goal of the exceedance agreement will be reviewed and approved by Council before developments are submitted and if Council agrees to a proposed exceedance agreement the project will move through the Planning Commission process with the Council retaining review authority over the project. She also pointed out that Council is only looking at developments initially to determine if development can go above the one-point-zero floor area ratio and enter into an exceedance agreement. She then stated that this exceedance agreement could be in place for one to two years, depending upon the timeline of the lawsuit.

Commissioner Morrow asked if the exceedance agreement is put in place will the law suit go away.

Matt Johnson, City Attorney, said that this would not appeal the exceedance agreement approach. He later added that the existing code language provides already wiggle room, so the agreement is not much different from what is in place. He then explained that this is an opportunity to provide a level of protection for the city.

- b. **Public Hearing - Continued from February 13, 2017, and February 27, 2017: Knudson Conditional Use Permit 491 East 10th Street, Ketchum, Idaho (Tenth St Light Industrial Complex, Building A Unit 1): The Commission will consider and take action on an application for a Conditional Use Permit application for a live-work studio.**

COMMENTS:

Carl Anderson, Associate Planner, said that the project is located at the corner of Tenth Street and Main Street and the applicant is requesting conditional use permit approval for four-hundred-and-sixty-one square feet of live-work residential space in the Light Industrial Two District. He provided additional background on the project and explained that staff finds that the project meets the standards of the 2014 Comprehensive Plan Alignment. He detailed the layout of the building and stated that staff recommends approval of the project with conditions detailed in the presentation and staff report.

City Department comments:

Fire

- If the kitchen is used for commercial use such as cooking classes, the kitchen exhaust hood and duct system required by Section 609 to have a Type I hood shall be protected with an approved automatic fire-extinguishing system installed in accordance with this code.

Building

Provide documentation of total construction cost of actual work completed, which includes material and labor

- Water heater seismic strap installed
- Handrails installed
- Emergency egress window in bedroom
- Provide an accurate floor plan by a design professional

- Must secure a conditional use permit

Public Comment:

Lynn Knudson, owner, said that this is very thorough, transparent and she would love for the project to be completed.

Commissioner Mead thanked the applicant for updated plans and said that having good work spaces is a valuable asset to the community.

Commissioner Mizell made a motion to approve the application from owner Lynn Knudson for a Conditional Use Permit application for a residential live-work unit in the Light Industrial Two (LI-2), finding the application does meet the standards for approval under Chapter 17.116 of Ketchum Zoning Code, only if the following conditions are met: one through ten.

Commissioner Morrow seconded.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Betsy Mizell, Commissioner |
| SECONDER: | Neil Morrow, 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): The Commission will consider and take action on Design Review approval for a new two-story building to be used for residential and commercial use.**

COMMENTS:

Micah Austin, Planning Director, said that this is the second project at 231 Sun Valley Road that the Commission has considered in less than two years. He explained that the first project was approved in 2015 for pre-application and design review, but the applicant chose to not pursue a building permit at that time. He then stated that this is a redesign of that approved project that will not need to go through pre-application design review and further explained changes to the original project.

Carl Anderson, Associate Planner, said that the applicant is requesting a design review approval for a two-story mixed-use unit and the requirement for pre-application design review has been waived. He commented that staff has found that the project meets regulations contained within the Design Review chapter 17.96. He also commented that staff recommends approval as is pending a stamped set of floor plans are received and with conditions listed in the presentation and staff report.

Applicants Comments:

Kjell Ooms, Conrad Brothers, explained that all the exterior scones are dark sky compliant. He explained the various materials used throughout the proposed structure consist of brick, horizontal wood siding, standing seam metal, exposed knee braces, and painted steel.

Paul Conrad, Conrad Brothers, said that the Commission is not seeing more material palettes because the project has come through before. He suggested come up with something creatively like colors, instead of material boards because of budget constraints. He suggested lowering the parapet and add a horizontal railing to add in some color

Directives:

- Drop parapet and include a steel rail
- Provide stamped drawings prior to the findings of fact

- Provide a materials board, which may be electronic

Commissioner Morrow moved to approve the application from the owner Devin Piscitelli for the Design Review application for 231 E. Sun Valley Road, finding the application meets the standards for approval under Chapter 17.96 of Ketchum Zoning Code with the following conditions: one through thirteen.

Commissioner Mead seconded.

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

- d. **Angel Wings Retail Addition, 320 North Leadville Ave Ketchum, Idaho (Ketchum Lot 2 Block 24) The Commission will consider and take action on Design Review approval for a commercial addition.**

COMMENTS - Current Meeting:

Rebecca Bundy, Architect, said that this is a 408-square foot addition, completely underneath the second story of the existing building. She explained that the addition doesn't expand the footprint or height, but it does increase the floor area ratio, which the applicant fully understands. She then stated that the proposal is to infill the colonnade, move the existing front door to a newly created front and move an existing window within the colonnade to a location under the far north of the existing facade.

Carl Anderson, Associate Planner, said that the applicant is requesting design review approval for 407.7 square foot addition. He stated that the project complies with design review elements except for removal of street trees and staff does not recommend bike racks located in the public right of way, but one bike rack should be located on site. He also said that staff recommend approval of the project with conditions noted in the presentation and staff report.

Commissioner Mead made a motion to approve the application from the owner TASZO LLC for the Design Review application, finding the application meets the standards for approval under Chapter 17.96 of Ketchum Zoning Code with the following conditions: one through eight.

Commissioner Mizell seconded.

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

- e. **Zoning Code Amendments, Phase II - Dark Sky Chapter Text Amendment: Text amendments to the City of Ketchum Municipal Code to amend Ordinance 1135, Title 17 Zoning Code, Chapter 17.132 "Dark Skies"; proposed amendments Section 17.132.010 "General Provisions" and Section "17.132.020 "Criteria." The proposed amendments to Chapter 17.132 "Dark Skies" will include amendments to establish a dark sky lighting curfew, establish standards for holiday lighting, and establish lighting color temperature.**

COMMENTS:

Micah Austin, Planning Director, said that this is the public hearing for the Dark Sky Ordinance discussed at the last meeting. He explained that as with all ordinance revisions, staff tried to align this ordinance with the Comprehensive Plan. He stated that staff feels that this ordinance meets night sky conservation goals, natural resources and stewardship goals, and the goals the staff put forth outside of the Comprehensive Plan. He commented there is a regional effort to create a dark sky reserve, but there are also efforts to make Ketchum a dark sky community. He noted that wording like "encouraged" and "discourage" has been removed, downcast sensor lighting will be allowed, holiday lighting was addressed, and color-temperature was added. He commented that old/outdated technological references were removed and all lighting must be shielded with a few exemptions.

Commissioner Mizell made a motion to recommend approval of the City initiated Text Amendment to Title 17, Zoning Chapter 17.132 Dark Skies of Ketchum Municipal Code to City Council.

Morrow seconded.

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

6. CONSENT CALENDAR

a. Minutes: February 13, 2017

COMMENTS:

Commissioner Lamoureux said that there was some language added into the minutes addressing his concerns about the nonconformity. He clarified it was an increase in the nonconformity because of the height of the nonconforming portion of the wall was actually increasing through the proposal and creating an increase in the nonconformity.

Commissioner Lamoureux motioned to approve the February 13, 2017 minutes. Commissioner Mizell seconded.

b. Minutes: February 27, 2017

COMMENTS - Current Meeting:

Commissioner Lamoureux made a motion to approve the minutes from February 27, 2017. Commissioner Morrow seconded.

c. Argyros Performing Arts Center Design Review (Ketchum Lot 4, Block 1, West 10' of Alley and Ketchum Lot 8, Block 1, East 10' of Alley): Findings

Micah Austin, Planning Director, said that the Commission wanted the construction activity plan brought back and staff wanted to bring it back tonight. He explained that staff has been working with the Argyros team for the last two weeks and they have gone through four revisions of the plan and staff is still working with the applicant to meet the very specific criteria. He then stated that the Argyros team was disappointed they were not on the agenda for tonight, but staff could not recommend approval of the plan. He commented that staff hopes to bring this back to the Commission for the April 10, 2017 meeting, which will not slow their building permit process approval and added that the Commission can delay approval of findings to the next meeting. Austin then explained that the Argyros team was

informed of the potential delay and that staff plans on bringing the construction activity plan back to the Commission, regardless of findings.

Commissioner Lamoureux stated the Commission does not have to take any action at this time.

7. FUTURE PROJECTS AND NOTICING REQUIREMENTS

- Franz Dental Project

8. STAFF REPORTS & CITY COUNCIL MEETING UPDATE

- Floodplain and Design Review
- Kneebone Preliminary Plat
- Gas stations prohibited on Highway 75

9. Commission reports and ex parte discussion disclosure

10. ADJOURNMENT

Commissioner Mizell made a motion to adjourn and Commissioner Morrow seconded.



Jeff Lamoureux
Planning and Zoning Commission Chair