



# Planning and Zoning

## Regular Meeting

~ Minutes ~

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

Keshia Owens  
(208) 726-7801

---

Monday, March 14, 2016

5:30 PM

Ketchum City Hall

---

Commissioners Present: Steve Cook, Chairperson  
Michael Doty, Commissioner  
Betsy Mizell, Commissioner  
Erin Smith, Commissioner  
Jeff Lamoureux, Commissioner

Staff Present: Micah Austin, Director of Planning & Building  
Rebecca Bundy, Senior Planner  
Morgan Brim, Senior Planner  
Stephanie Bonney, City Attorney  
Keshia Owens, Planning Technician

1. 5:00PM- SITE VISIT: 420 East River Street (Ketchum Townsite, FR of Block 84, Tax Lot 8365)
2. 5:15 PM- SITE VISIT: 303 Broadway Boulevard (Sun Valley Sub 1st Add Rev, AM Lot 21A, Blk 5)
3. 5:30 PM- CALL TO ORDER: City Hall, 480 East Avenue North, Ketchum, Idaho

Steve Cook called the meeting to order a 5:42 PM. He said that 2 site visits were conducted before the meeting.

#### 4. CONSENT CALENDAR

There were no items on the Consent Calendar.

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

There was no public comment for items that are not on the Agenda.

#### 6. COMMUNICATIONS FROM STAFF

- a. The Spot: The Commission will hold a public hearing and take action on an application by The Spot, LLC, represented by Brett Mollenberg, for a text amendment to the Municipal Code.

#### COMMENTS:

Chairman Cook explained that the application is just for a text amendment and asked that public comments be limited to the that.

Brim commented that the original application started off as a district use change. He noted that one of the key issues was parking and said that Staff recommended approval for the conditional use permit to the City Council. He also noted that the City Council agreed with the use, but wanted Staff to further analyze the assembly uses. Brim added that the City Council directed Staff to look at the Definition section of the Code, instead of the District Use Matrix, which now requires the applicant to come back to the Planning and Zoning Commission. He also explained that the changes to the definitions in Section

17.08.020 now mean that any events that are in relation to a commercial studio have to be connected to a commercial studio.

Brim noted that the development standards have changed:

- A. Limitations to 30 days per calendar year to keep it an accessory use
- A. The occupancy is limited to 100 persons
- B. Restrooms will be available onsite for patrons
- C. Food and beverage is served during the hours an event only
- D. Limited to Mon through Fri 5:30 PM to 12:00 AM, Saturday and Sunday 12:00 PM to 12:00 AM
- E. All building and fire codes are still required to be met
- F. No subleasing shall be allowed for events

Chairman Cook opened for comment from the applicant and Bonney noted that the meeting is to focus on the application to approve the Text Amendment.

Brett Mollenberg, The Spot, said that he was not provided with the full list of development standards and noted that what was asked by City Council is not reflected. Mollenberg commented that under these development standards the Spot is limited to 30 events a year, but he would like this to change to 50. He added that the NextStage Theater is going under renovation and noted that this only leaves the Spot for certain types of performances.

Chairman Cook asked how many productions does The Spot actually need.

Mollenberg said that they typically do 30 events, but the cap of 30 is too low for growth potential. He added that he thinks that subleasing should be done for 10 days/events.

Brim clarified that the applicant was given the development standards through the Staff Report. He also noted that subleasing is an extension of the business' principal use and that it should not compete with downtown. He explained that when events that are not associated with the principal use are allowed, then you are competing with downtown and taking away from other businesses. He also commented that Staff added the condition for subleasing because an event would truly be an extension of the business' principal use.

The following members of the public provided comments on The Spot, the Text Amendment, or had questions about the development standards:

John Greybow

Believes that the location is an appropriate spot for this theater. He is concerned with the restriction on sub leasing and believes that it provides a source of revenue. He indicated that they should be given more days for events.

Gary Hoffman

Stated that the work they are doing would not be economically feasible in a larger theater. The Company of Fools when they put on a production there are generally 60 event days which does not account for the other things that they do in the theater.

Karen McCough

Believes that the Spot should be given every ability to expand. The City should encourage creativity. The City should embrace this use. 30 days is not enough.

Ingrid Cherry

Ingrid asked Brim if these standards are limited to just the light industrial district.

Mr. Brim stated that these standards will apply to any commercial studio uses which are allowed in the LI and CC districts.

Ingrid stated the LI district is a great place for the city to grow and for the Spot to operate.

Thea Konig

Stated that there have been some amazing events in the LI districts.

Yana Lantz

Stated that she does not know what her business occupancy is. She was told at the beginning of the process that their occupancy is 123 and it has not changed several time.

Candace Shubin

Commented that she owns the Laundromat. She asked about the development standards which require onsite bathrooms and if this means they have to be provided within the square footage of the Spot's tenant space.

Cook commented that staff would respond to her and other citizen questions at the end of the meeting.

Ms. Shubin stated that the bathrooms were located in her space for the entire building.

Lisa Leech

She indicated that the language should be amended to state that events be limited to no more than 30 consecutive days.

Daryl Fauth

Noted that the Next Stage Theater is a huge venue for the ballet. The subleasing language should be deleted. The Spot would not compete with other businesses.

Alison Hqden

She is interested in renting the Spot's space. She asked if they can sublease to her if there is a smaller number of people.

Michael Leech

He asked how 30 days was determined. He commented that parking is not an issue and invited the commissioners to attend an event. He believes that the Spot has been singled out unfairly.

Jane Reynold

She commented that she has been with the Spot from the beginning. Brett was modest in stating 50 days. The number of days should be more open. The Next Stage Theater will go under construction in the near future.

Rebecca Waycott

She indicated that the 30 days is not enough. The number should not be too strict. The subleasing requirement should be removed.

Mickey Garcia

Mickey commented that he did not get a copy of the text amendment. He believes that this is excessive governance. They should be given at least 100 days.

Jody Zarcos

She indicated that the Spot is so much more than a commercial studio, it is an educational asset. There should not be restrictions.

Erica Leibel

She has seen successful mixed use industrial areas. It works well for Garden City. If the Spot was required to move to the downtown core it could negatively affect their business.

Tim Egan

He is okay with letter A. He wants the City to get around the requirement for ADA restrooms onsite. The mandates in the development standards are overarching. He has issue with the requirement regarding food and beverage. There is a good chance that they will go somewhere else. The building and fire code requirements are too much. This is sending a bad message to the community.

Sarah Henrik

She wants to support the Spot. She does not want restrictions on the number of days for events. 80% of the people that attending the last event went to dinner in downtown.

Anik Zarcos

Believes that this is sad that the City is taking away business for the Spot. It does not compete with the downtown. Education is an important cause.

Tim Mott

Commented that new businesses and the arts work together all around the world. There is a lot of vacant space in the LI district. He has not read the comprehensive plan but believes there is plenty of room for businesses like the Spot.

## Commissioner's Deliberation:

Commissioner Lamoureux said that if the Commission looks at this as wanting to define the events as an accessory use, then 120 days would be reasonable. He added that restricting the events to 30 days is arbitrary, but less than 50% would keep it as a subordinate use. He also noted that the life-safety issue should be the most important for the Commissioners, but the responsibility for subleasing the space should be on The Spot.

Commissioner Mizell agreed that limiting the Spot to 30 days is unfair and the Commission should work to figure out an appropriate number of days.

Commissioner Smith also agreed that 30 days are too few. She added that the number of days is intricately tied into subleasing and commented that 120 days becomes critical if subleasing is allowed. She noted that if you are going over 30 days, it's because you know you're going to let subleasing happen. Commissioner Smith later added that she is not opposed to letting subleasing happen, but she would like it to have more of a nexus with what the operating business is.

Commissioner Doty commented that he is looking at this from a 365-day calendar year point of view, instead of 260, because many of The Spot's events are on weekends. He also noted that holding events for 50 days at 13.5% or even moving up to 55 days at a 15% threshold is still quite low and added that looking at 120 days at 33% would make it so that the use is kept secondary. He commented that the Commission should set a threshold where a secondary use can be subordinate to the primary business and added that he is open to having more than 30 days.

The Commission provides Staff with a list of directives to be considered:

- The Commissioners recommended that Staff present 90 days to the council.
- The Commissioners recommended that restrooms should meet building code.
- The Commissioners recommended that the applicant think through subleasing.

The meeting was continued to March 28, 2016 and Commissioner Doty made a motion "to continue the meeting to March 28, 2016."

<b>RESULT:</b>	<b>CONTINUED CC [UNANIMOUS]</b>
<b>MOVER:</b>	Mike Doty, Commissioner
<b>SECONDER:</b>	Betsy Mizell, Commissioner
<b>AYES:</b>	Cook, Doty, Lamoureux, Smith, Mizell

- b. Constant Waterways Design Review: The Commission will consider and take action on an application by Mary Constant, represented by Olson Kundig architects for Waterways Design Review. The subject property is located at 303 Broadway Boulevard, Ketchum, Idaho (Sun Valley Sub 1st Add Rev, AM Lot 21A, Block 5).

**COMMENTS:**

Elizabeth Conklin, Olson-Kundig, said that this is a small single family residence on 303 Broadway Blvd. She added that the proposal is to remodel the existing building and add on towards the east side of the property. She noted that the footprint of the new building is the same and the building height is based on the maximum building heights allowed. She noted that there is an existing chimney and fireplace that will be removed and the gravel portion will no longer be needed.

**Staff comments:**

Bundy said that the structure was built prior to any floodplain or riparian codes, which has created an existing nonconforming situation with respect to the riparian setback. She added that the building is not to be torn down unless it is deemed unsafe. She also noted that if the structure was destroyed by a calamity Staff would allow it to be rebuilt on the same footprint, but Staff has determined that the structure is unsound and can be rebuilt on location in a structurally sound way.

Bundy explained that Staff is recommending conditions 1-8 in the Staff Report and named the comments provided by other departments that have been incorporated into the conditions of approval.

**Staff:**

The project shall meet fire and building code.

Connection to the municipal water system is required per the City Code and the private well must be abandoned in a manner compliant with IDEA(p)A.

The application to abandon the well must be filed with IWDR.

The root balls of existing trees must be retained in order to provide bank stabilization.

**Streets:**

Engineered structural plans for the foundation, which are required by building permit anyway

The following conditions were added by the Commission:

9. A silt fence along the limits of disturbance.

10. Temporary irrigation may be installed in the riparian setback for a period of up to two (2) years, after which it shall be removed.

11. Revised drawings to be submitted to Staff prior to the Findings of Fact.

Commissioner Doty "moved to approve the Constant Residence waterways design review with conditions 1-11 as amended below."

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike Doty, Commissioner
<b>SECONDER:</b>	Erin Smith, Commissioner
<b>AYES:</b>	Cook, Doty, Lamoureux, Smith, Mizell

- c. McCallum Waterways Design Review/Floodplain Development Permit: The Commission will consider and take action on an application by Robert and Deborah McCallum, represented by Michael Mattias, for a Waterways Design Review and Floodplain Development Permit. The subject property is located at 420 East River Street (Ketchum Townsite, FR of Block 84, Tax Lot 8365)

**COMMENTS:**

Mike Mattias, architect, said that this is an existing two-story structure, but much of the project is to be removed.

Robert McCallum, owner, said that he wants to kept the project as natural as possible. He added that the landscaping is a clean canvas, but he would like to add lots of plantings and trees. He noted that they are doing everything they can to improve the house and its function alongside the river.

Staff comments:

Bundy said that navigating the floodplain and FEMA issues have been very difficult. She noted that the original building was a legally built building in the 1980s, but it was not built to the floodplain code at the time. She added that Staff has treated this as a non-substantial improvement project and because of that the project needs to be elevated at a minimum to base flood elevation, which means raising the existing floor by about 4 inches.

Bundy explained that the Commission could approve the project and have the updated valuation go through Staff or the Commission could continue the item. She noted that if the Commission approves the item, it would be subject to the Findings of Fact. She also explained that the additional conditions the project would be subject to:

The Commission added the following conditions:

13. A silt fence along the limits of disturbance

14. Temporary irrigation may be installed only in the riparian setback to be removed upon establishment of the riparian plantings

Commissioner's comments:

Commissioner Doty said that the applicant will need to really pay attention to the cost of construction because the implications for this are big.

Commissioner Lamoureux made a motion to "approve the McCallum Residence floodplain development permit and waterways design review with conditions 1-14 as amended"

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Lamoureux, Commissioner
<b>SECONDER:</b>	Mike Doty, Commissioner
<b>AYES:</b>	Cook, Doty, Lamoureux, Smith, Mizell

- d. Kneebone Mixed Use Design Review: The Commission will consider and take action on an application for Design Review by Kneebone, LLC, represented by Stephen T. Kearns, located at 500 N. Washington Ave, Ketchum, ID (Ketchum Townsite, Lot 8, Block 15).

**COMMENTS:**

Jeff Williams, Architect for Williams Partners, said that the application has been through the pre-design review and explained how they have addressed the Commission's concerns:

The zero lot line wall was softened and broken up

A mahogany Rain screen finish was elevated up to 6 ft. to screen parking

A letter stating that garbage collected in the back is compliant

The applicant was advised by Clear Creek to not share a dumpster with the neighbor Veltex, but Commissioner Smith commented that she meant sharing the dumpster with Kith and Kin neighbor.

All lighting is consistent with the Dark Sky Ordinance

The Bike rack will be 30 feet from the front entrance

The landscape plan addresses water draining off of canopies

The size of central windows on the east side has been increased

A letter stating, they will be compliant with snow removal

Sidewalks are required to be concrete

The applicant is also striving to make the building more energy efficient

Staff comments:

Brim said that there is one change and added that there are a few areas in the initial plans that weren't included in the FAR that should have been. He also noted that the applicant should submit updated plans prior to the signing of the Findings of Fact.

He noted that Staff is recommending approval for the project with conditions 1-10, which includes the requirement for community housing.

Commissioner Lamoureux moved to "approve the design review application by Kneebone for the Kneebone Mixed Use project with conditions 1-10 below."

<b>RESULT:</b>	<b>ADOPTED [3 TO 0]</b>
<b>MOVER:</b>	Jeff Lamoureux, Commissioner
<b>SECONDER:</b>	Betsy Mizell, Commissioner
<b>AYES:</b>	Jeff Lamoureux, Erin Smith, Betsy Mizell, Cook, Doty

- e. Alfs Design Review: The Commission will consider and take action on an application for Design Review by Susan Alfs, represented by Blincoe Architecture, located at 311 7th Street, Ketchum, ID (Ketchum Townsite, Lots 2, 3, and 4, Block 72).

**COMMENTS:**

Chad Blincoe, Architect representing Susan Alfs, said that the existing structure is a 1950s military bunk house, but it is now being donated to the Blaine County Housing Authority. He noted that the property will be kept in the same location and that landscaping will remain the same. He added that the exterior lighting would be handled with wall sconces and drainage will be dealt with onsite.

**Staff Comments:**

Brim said that the project meets all of the Design Review requirements and Staff is recommending approval with 6 conditions.

Commissioner Smith moved to approve "the design review application by Susan Alfs for Alfs Residence with conditions 1-6."

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Erin Smith, Commissioner
<b>SECONDER:</b>	Betsy Mizell, Commissioner
<b>AYES:</b>	Cook, Doty, Lamoureux, Smith, Mizell

- f. **Zoning Ordinance Update - Phase II: The Commission will discuss the status of the Zoning Ordinance update.**

Brim said that no significant milestones have been hit, but Staff is getting there.

**7. FINDINGS OF FACT AND APPROVAL OF MINUTES**

- a. **Elevation 6000 Final Plat - Findings of Fact**

**COMMENTS - Current Meeting:**

Pg 3 of 5, discussing the garage

Chairman Cook motioned to approve" the Findings of Fact for the Elevation 6000 Townhomes for the Phase II Final Plat."

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Cook, Chairman
<b>SECONDER:</b>	Mike Doty, Commissioner
<b>AYES:</b>	Cook, Doty, Lamoureux, Smith, Mizell

The Commissioners decided to end the meeting after the Findings of Fact due to the late hour.

- b. **January 11, 2016 Dartnell - Site Visit Minutes**

- c. **February 8, 2016 - Site Visit Minutes**

- d. **February 8, 2016 - Minutes**

- e. **February 22, 2016 - Minutes**



- 8. FUTURE PROJECTS AND NOTICING REQUIREMENTS
- 9. STAFF REPORTS & CITY COUNCIL MEETING UPDATE
- 10. Commission reports and ex parte discussion disclosure
- 11. ADJOURNMENT



---

Steve Cook  
Planning and Zoning Commission Chairperson