



# Planning and Zoning

## Regular Meeting

~ Minutes ~

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

Keshia Owens  
(208) 726-7801

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Monday, February 22, 2016

5:30 PM

Ketchum City Hall

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

The meeting was called to order at 5:32 PM by Steve Cook.

The Barsotti work session was withdrawn from the agenda.

**2. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**3. PUBLIC COMMENT**

**a. Communications from the public for items not on the agenda.**

Gary Hoffman, resident of Ketchum, commented on The Spot in the light industrial district. Hoffman has a lot of theater experience with the NextStage Theater and added that it is not cutting-edge or avant-garde, but it is a large building with uncomfortable seats. He noted that the NextStage Theater costs \$600 a night, but the average seating is 40-50 people. He added that The Spot fills a terrific place for the community and in its own way, helping to keep young people here.

Bruce Smith, Ketchum resident and business owner, added that he thinks it's a great idea that there is something going on in The Spot's location.

**4. COMMUNICATIONS FROM STAFF**

- a. Elevation 6000 Phase 2 Townhouse Subdivision Final Plat:** The Commission will hold a public hearing and take action on an application by Elevation 6000, LLC represented by Bruce Smith, PLS, Alpine Enterprises, Inc. for a Townhouse Subdivision- Final Plat. The subject property is located at 310B Sage Road, Ketchum, Idaho (Elevation 6000 Townhomes, Phase 2, Sublot 4) (a portion of former Lot 18, Block 3, Warm Springs Village Subdivision, 4th Addition).

**COMMENTS:**

Bruce Smith, Alpine Enterprises representing Elevation 6000, LLC along with Ed Fenwick, said that the project was started around 2006/2007 and Preliminary Plat for all sublots was approved in 2010 through a development agreement. He added that phase 1 was platting the middle 2 sublots (units 3 and 4), which are recorded and occupied. He commented that they now have buyers for subplot 4 and will come back to the Commission to finish phase 3.

**Staff Comments:**

Bundy said that the phasing agreement, at the city council's desecration, can be extended and added that Staff will recommend that the project move forward to the City Council. She commented that the exteriors are done, the landscaping has been inspected, and the street right-of-way work has been inspected. She noted that Staff is still waiting on final fire and building inspection, both of which can be done prior to the City Clerk's signature. She noted that the Plat agrees with the original preliminary plat and said that the site specific avalanche study must be on file with the City of Ketchum as a final condition of approval.

Commissioner Smith asked if the reason why the project now has to go to the City Council is because of the development agreement.

Bundy said that the way that townhouse plats work is that they can come in at any time for a preliminary plat, but they can't come in to City Council until construction has been commenced. She added that this happened back in 2009/2010 and then the recession hit, but now to sell them fee simple they need to get final plat. She noted that the conditions on final plat are that the project needs to be done, the life safety inspections need to be done, and all of the design review elements need to be completed prior to the City Clerk's signature.

Bundy added that the phasing agreement is unusual, but this is a result of the downturn in the economy. She commented that the agreement with the City has expired, but it is in the City's best interest to get the units sold.

Commissioner Mizell moved to "approve the townhouse final plat by Elevation 6000, LLC for Elevation 6000 Townhomes phase 2 with conditions 1-9 below."

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

**b. Barsotti Work Session: Regarding proposed amendments to the LI-3 District.**

Brim said that the applicant has officially withdrawn and he is being refunded his fee. He added if the applicant decides to come back, he will have to go through the process again.

Chairman Cook asked why the applicant officially withdrew.

Brim said that the applicant wanted to know Staff's opinion. He added that Staff had recently gone through the Comprehensive Plan to analyze the Light Industrial District for The Spot and The Community School applications. He added that there is a huge concern for 100% residential in the LI district and with that the applicant indicated that he would withdraw.

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

Brim said that there are 2 ordinances that are being worked on.

1. The Parking Ordinance

Consultant, Diane Kushlan, is looking at all of the different parking standards in the Code and is providing an overall analysis as to where the policy is telling Staff to go and once this is complete Staff will have an official document to bring before the Commission. He noted that there will be a first draft around April or May and process will be similar to that of the design regulations.

2. The Code

Brim said that there are several portions of the Code that need clean up, as Staff has found that there are definitions and parts of the signage code need to be worked on. Brim commented that Reed v. Town of Gilbert requires that content based code system cannot be used. He also said that signs can now only be regulated based off of their form, which includes things like height and setbacks and Staff has to make sure that the Code falls in line with this.

Bundy added that there is a lot of distinction between real estate signs, constructions signs, and development opportunity signs versus just advertising for a brick and mortar business and that distinction that needs to be removed. She noted that we can call them small temporary signs, but not real estate or open house signs in the Code.

Commissioner Smith asked if there was any way to make office uses subservient to light industrial uses in the LI District.

Brim said that there about 15 different areas in the code that need to cleaned up and adding subservient uses to the Code will be one of the things added. Brim also noted that there will be a work session to get feedback from the Planning and Zoning Commission and when there is a consensus, Staff will draft language for the smaller items and make changes to the sign code.

Commissioner Doty said that the sign ordinance has a duration for temporary real estate signs, but all it all comes down to enforcement because much of this hasn't been enforced.

Brim added that many of the signs downtown are in compliance with the zoning regulations because Staff wanted to make sure everyone was following the same regulations. Bundy added that the City has really good support through the Community Service Officers and this is allowing Staff to undertake enforcement when needed.

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

a. **151 South Main Street Hotel and Residences (Limelight Hotel Ketchum, LLC) Condominium Subdivision Preliminary Plat - Findings of Fact**

**COMMENTS:**

Chairman Cook made a motion to "approve the 151 South Main Street Hotel and Residences Condominium Subdivision Preliminary Plat Findings of Fact."

<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

b. **February 8, 2016: Site Visit**

c. **February 8, 2016: Minutes**

The Commissioners agreed that there is too much information in the meeting minutes and would like them to be more precise. Commissioner Doty suggested an outline format for the minutes and Commissioner Lamoureux suggested paraphrasing at the end of a discussion.

Commissioner Cook, Lamoureux, and Doty would like to receive Staff Reports, public comment, and plans in hardcopy.

6. **FUTURE PROJECTS AND NOTICING REQUIREMENTS**

Brim said that the applicant at the Alfs residence, 311 7th Street, is requesting that a smaller home be removed and replaced with a newer home. He added that it's not a super large house, but because it's multiple houses on one lot there has to be multi-residential design review. He also said that because its design review State Code requires noticing to the adjacent properties, but Staff can go further if the Commission wants to.

The Commissioners would like a notice of 300 feet.

Brim said that The Spot is also coming back to the Commission as a text amendment. He added that the City Council directed Staff to do a definitional change and take the commercial studio definition and amend it so that it would allow for events as an accessory use. He also said that text amendment is no longer an accessory use and Staff will not be adding this to the LI-2, but the direction is to change the definition of the existing use. He noted that this will be a lot simpler, but because this is a different section of the code it triggers another application.

Bundy said that the waterways design review is for Constant a nonconforming building in the riparian setback with existing riparian issues and added that normally only adjacent properties would be noticed. Commissioner Doty said that noticing the properties across the river would be a good idea.

Bundy said that the McCallum Residence is also waterways design review with floodplain. She noted that the existing cabins are totally substandard, existing-non conforming, she added that the properties across the river will also be notified.

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

Brim said that The Community School's development agreement is being worked out and the project is being continued to March 7th.

8. **ADJOURNMENT**

Commissioner Lamoureux motioned to adjourn and Commissioner Doty seconded, all Commissioners were in favor.

A. *Commission reports and ex parte discussion disclosure*



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Steve Cook  
Planning and Zoning Commission Chair