



Planning and Zoning

Regular Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340
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Keshia Owens
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Monday, January 11, 2016

5:30 PM

Ketchum City Hall

Commissioners Present: Steve Cook, Chairperson
Michael Doty, Commissioner
Betsy Mizell, Commissioner

Absent: 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

Chairman Cook called the meeting to order at 5:37 PM. He noted that before the meeting there were two site visits to both 255 Hillside Drive and 300 Huffman Drive. Chairman Cook commented that the agenda has to be amended to include an election of a Chair and Vice-Chair, which requires a vote. Commissioner Doty made a motion to keep Steve Cook as the Chairman and Jeff Lamoureux as the Vice-Chair. Commissioner Mizell seconded the motion and all Commissioners were in favor.

2. CONSENT CALENDAR

No items on the Consent Calendar.

3. PUBLIC COMMENT

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

There was no public comment.

4. COMMUNICATIONS FROM STAFF

- a. Dartnell Avalanche Deflection Wall- The Commission will hold a public hearing and take action on an application by Bruce Steinberg and Ashley Dartnell, represented by Ben Young Landscape Architects, for a Conditional Use Permit for an Avalanche Deflection Wall. The subject property is located at 300 Huffman Drive (Huffman Subdivision Lot 6A, Block 2).

COMMENTS:

Chairman Cook commented that there were originally four items on the Agenda, but item 4c has been withdrawn. He also said that only agenda items a, b, and d will be discussed.

Ashley Boand, Ben Young Landscape Architect, on behalf of Ashley Dartnell and Bruce Steinberg presented on the Dartnell Avalanche Wall. Boand said that the project is very engineer designed and the owners would like to be able to rent out their home in the wintertime, but in order to do so the owner needed to do a series of avalanche deflection walls. She also commented that the project is made up of a series of walls with the highest point in the center and that the walls also lower in height as they disperse outward.

Commissioners Comments:

Commissioner Doty said that the height shown in the drawings does not match what was shown during the site visit to the project and asked for an updated plan.

- Boand commented that the plus and minus symbols on the walls going down were shown because she was unsure of the exact height of the walls as they dispersed down, but she confirmed that the walls step down from the highest point in the corner.
- Paul Bashton, Excel Engineering, added that the walls step down in 2 ft. increments, which helps in avoiding too much back pressure. He added that currently the wall steps down at 9 ft., 7 ft., and 5 ft. toward the front and 9 ft., 7 ft., 5 ft., and 5 ft. across the south corner.
- Commissioner Mizell asked if willow trees in the front will be left there or taken out?
 - Boand said that this will depend on the new proposed driveway. She added that if the owners go with the new proposed driveways the willows will have to be taken out just for construction purposes, but then the area would be replanted. Boand noted that the willows may not be where the walls will be going, but around those walls would still be vegetated.
- Chairman Cook said that he noticed in the Staff comments, the Streets Department noted that they will need to see more detail about the work being performed in the right-of-way and in the driveway. He added that he is not seeing any work in the right-of-way and wanted to know why this was prompted from Staff.
 - Boand said that there is no work for the right-of-way and Bundy noted that if the driveway is moved then there will be work done in the right-of-way and the project will have to meet current right of way standards.
- Chairman Cook noted that the drawings show adding a wire mesh to protect against avalanche and he added that one of the Commission's biggest tasks is to protect the adjacent properties. He commented that if an avalanche event were to occur this may send wire mesh and plantings to the adjacent property owners.
 - Bashton said that the trajectory of the potential avalanche is to the south of the house. He added that forces on this will be minimal, as deceleration starts to happen slightly above the house. He noted that the material that comes toward the house would do so in a three tiered process- a depression on the uphill side of the road, a trough that will be formed by the road, and then the wall. He also said that forces will be nearly dissipated by the time they reach the wall and added that material likely will not be ripped up and pulled out.

There was no public comment

Staff Comments:

- Bundy said that the project was emailed to three neighbors that had questions. The neighbor to the west, Jack Corrock, met with Bundy and said that he would not need to attend the January 11th meeting because he was satisfied. Bundy added that in Staff's analysis, Staff felt that the project does meet the requirements of both the avalanche section of the code as far as being certified by the engineer. She also said that snow could be pushed into the street, but the street would be full of snow at that point because the avalanche would have to cross the street to get there. She added that Staff proposed a number of conditions in addition to the standard conditions for a conditional use permit.
- The Conditions were:
 - A building permit will be required prior to the construction of the project.
 - Plans will need to be stamped by engineer licensed in the State of Idaho. Certifying that the proposed structure as designed will withstand avalanche forces.
 - Should there be construction in the right-of-way, civil engineering will be required and the City's right-of-way standards shall be met.
 - The vegetative screening shall be maintained in perpetuity to satisfy the avalanche section of the code.

Commissioners Comments:

- Chairmen Cook commented that under the Proposed Conditions, number 4, says "prior to any construction in the row..."
 - Bundy added that this was done on purpose because if the driveway occurs at a different time than the wall, the owners will not need a building permit to move the driveways.
- Commissioner Doty commented that he was comfortable with the project.
 - Bundy suggested that the Commissioners add a condition that drawings with the corrected heights be submitted prior to building permit submittal for review by staff; this would be condition number six.
- Commissioner Mizell motioned to "approve the conditional use permit by Ashley Dartnell and Bruce Steinberg with conditions number 1-6, as amended." Commissioner Doty seconded and all Commissioners were in favor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betsy Mizell, Commissioner
SECONDER:	Mike Doty, Commissioner
AYES:	Mike Doty, Betsy Mizell
ABSENT:	Steve Cook, Jeff Lamoureux, Erin Smith

b. Heidelberg Hill Residences- The Commission will hold a public hearing and take action on applications by 5050 Ventures, LLC, located at 255 Hillside Drive (Warm Springs Sub # 5, Lot 33, Block 2):

i. Motion to: Design Review

COMMENTS:

Troy Quesnel, Sawtooth Development, representing 5050 Ventures and Heidelberg Hill Residences said that the site is GR-L, but it abuts the LR district and overlays the Avalanche and Mountain Overlay zones. The project has taken on the more restrictive zoning from the LR district. Troy Quesnel presented the preliminary plat which showed the project's 20 ft. setbacks and the subdivision of the lots.

- Commissioner Doty noted that the current drawings show a 15 ft. setback and said that the drawings need to be updated to show the 20 ft. setback. Troy Quesnel said that because the project is in the GR-L, it has adopted the more restrictive zoning.
- Brim commented that this should be an easy change.

Troy Quesnel said that the drawings show that no snow can be stored in the City right-of-way and City right of way improvements. Troy Quesnel added that existing utilities are served underground and the residences will be served with underground utilities.

- Commissioner Doty said that the grading is still shedding some amount of water onto other properties.

Kurt Agers, landscape architect, said that the bottom of the drawing shows contours across the site, so the drainage is diagonal. He added that on the east side of the property there will be a French drain gravel with a pipe that will come down to dry well.

- Brim added that drainage will be doubled checked, as it is a city requirement.

Troy Quesnel presented a landscape plan that showed mostly native plants will be used and disturbed vegetation will be replanted after construction. He added that the plant species is appropriate for the climate and the neighborhood.

Troy Quesnel presented the floor plans of the buildings. He noted that these are 3 story buildings, the first story will contain the garages, utility rooms, mud rooms, and central storage. He said that lighting will comply with the Ketchum Dark Sky Ordinance. He added that the main entry of each building will be on the second floor and entrances can be accessed from the garage. The third level contains two master suites and two master baths; each suite will have access to a patio.

- Brim added that there is a detail of all of these plans in the staff report.
- Commissioner Doty said that the project is in the avalanche zone and asked how windows and doors will be taken care of.

Troy Quesnel said that Bruce Smith from Alpine Enterprises has done a snow and avalanche study and provided snow heights. Troy Quesnel added that force-close shutters that will be operated by CC&RS will be incorporated into the project.

- Chairman Cook commented that if the final engineering starts and they find that because of the wall thickness, footing, if something substantially changes the project design, or if the project is put into a tailspin, it will likely have to come back to the Commission.

Bruce Smith, Alpine Enterprises, said that he performed an avalanche study with an architect and structural engineer before an offer was even made on the project. Smith added that they are all very confident and he believes that they have a solution to everything. He added that his primary concern is health and safety and he will ensure everything is in check.

Troy Quesnel said that the roof has a slight butterfly design and it is designed to capture all of its drainage into a central part of the roof. He added that the building has been stepped into the hillside to minimize excavation and over-dig and to make the project better fit the topography. Troy Quesnel said that a combination of wood siding, stucco finish, and concrete veneer, steel, timber, glass are many of the materials that the project will likely incorporate.

- Commissioner Doty noted that the two windows off to the side of the building do not have shutters.

Troy Quesnel confirmed that the windows do not have shutters. Commissioner Doty added that the direction of the floor has likely caused this, which Troy Quesnel confirmed.

- Chairman Cook mentioned that deflection and anything that can move onto adjacent properties is one of the Commission's primary concerns. He noted that some materials could be vulnerable and may possibly be ripped out onto adjacent structures and affect other properties.
- Commissioner Doty added that if the climbing height gets up to the roof then there will be bigger concerns.

Troy Quesnel said that the force that an avalanche has will diminish as it moves down the backs of the buildings.

Kurt Agers added that some of the boulders are retaining and at grade, making them lower than the slope. Others are also retaining and protruding out of the ground.

Chairman Cook asked for comments from Staff:

- Brim said that Staff has found compliance with the design review criteria and also with mountain overlay design review criteria. He also said that the building official is aware that the project is in the avalanche zone and will be looking further into the project once it gets to the building permit phase. He added that different departments throughout the City had no real issues with the project, but Staff requested that the Street Department finalize the building permit drainage plan. Brim also added that Staff has recommended approval for the project.
- Brim noted that public comment had been received from Martin Henry Kaplan, the west adjacent neighbor. Kaplan provided 6 items that he would like to be addressed in the conditions. 2 of the items can be addressed through conditions, while the others are not required and are not appropriate to condition.

The comments included:

1. Matching the existing grade for the site, already required.
2. Maintenance, this is already included in condition 6.
3. Lighting- 4 exterior sconce lights
4. Fencing, requesting that a condition be placed that they be able to review and agree upon fencing.
 - Brim said that the applicant is not requesting fencing, but Staff does not feel comfortable requiring that a private property owner review and approve another property owner's project.
5. Snow storage- Brim said that condition 7 says that "all snow shall be stored on site and shall not be placed on neighboring property or in the right-of-way.
6. Plans be stamped by an engineer, Brim said that is already a requirement at building permit.

Chairman Cook asked if the project provided snow storage capacity, Brim confirmed that the did and 1,560 square feet is dedicated as snow storage.

- Kurt Agers clarified that the darker areas of the site plan show the snow storage area.
- Brim said that in the reviewing the project it seemed very straightforward and all three applications have met the criteria, he added that the project is approvable.

There was no public comment.

Commissioner Doty said that he is comfortable with the project

Chairman Cook asked if there is a way to avoid ballasting the roof, Commissioner Doty suggested a mechanical roof.

mechanical attached

- Clay Samuels said that the membrane roof that is proposed does required a ballast.

Commissioner Doty added that if the climbing height is missed, an event of that nature could blow the house up before it got to the roof.

- Troy Quesnel said that the climbing height is based on a 300 year return period.

Commissioner Mizell asked if there have been specific habitat plans and if there is anything that can be done to minimize impact going up with the project.

- Bruce Smith added that there is a lot of private property behind the project. He added that there is a buffer between the project, private property, and the forest service lands.

Doty moved to " approve the design review application by 5050 Ventures, LLC for the Heidelberg Hill Residences with conditions 1-8, as amended" Commissioner Mizell seconded. All commissioners were in favor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Doty, Commissioner
SECONDER:	Betsy Mizell, Commissioner
AYES:	Steve Cook, Mike Doty, Betsy Mizell
ABSENT:	Jeff Lamoureux, Erin Smith

ii. **Motion to:** Mountain Overlay Design Review

COMMENTS - Current Meeting:

Troy Quesnel, Sawtooth Development, representing 5050 Ventures, LLC and Heidelberg Hill Residences said that the presentation would be identical to the presentation he just gave.

- Commissioners had no additional comments.
- Staff had no additional comments.

- There was no public comment.

Chairman Cook said that the Commission is comfortable with the conditions 1-9 and Commissioner Doty added that setbacks will need to be changed on updated plans. Brim added that the same thing will need be done for the preliminary plat and the Findings of Fact will include an updated 20-foot setback.

Commissioner Doty moved to “approve the Mountain Overlay Design Review application by 5050 Ventures for the Heidelberg Hill Residences with conditions number 1-9.” Commissioner Mizell seconded and all Commissioners were in favor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Doty, Commissioner
SECONDER:	Betsy Mizell, Commissioner
AYES:	Steve Cook, Mike Doty, Betsy Mizell
ABSENT:	Jeff Lamoureux, Erin Smith

iii. **Motion to:** Preliminary Plat

COMMENTS:

Brim said that the current Preliminary Plat that is projected is not current, as the current one is found in the Staff Report. He also said that there were couple modifications during Staff Review. He noted that the changes included zoning setback clarification and Commissioner Doty's comments will also need to be included.

- Bruce Smith said that he prepared the Preliminary Plat and a few things about the Plat were updated to include the 20-foot setback.

Brim said that the Zoning Code says that the GR-L includes a 15 ft. setback, but a sub-note shows that if a project is adjacent to a more restrictive zone, the project takes on the stricter provisions. He added the updated preliminary plat includes these changes.

Commissioner Doty noted that Commission should ensure that closing the snow shutters should be included in the plat so it's front and center every winter. Bruce Smith said that buyers should be notified that they are in an avalanche zone and the information is included in the deed.

- Clay Slantz added that this is important to them and will be included in bold in the CC&Rs.
- Bonney added that this is more likely to be seen in the CC&Rs, as opposed to the plat notes.

There was no public comment.

Commissioner Doty moved to approve “the townhouse preliminary plat by 5050 Ventures, LLC for Heidelberg Hill Residences with conditions 1-9. Commissioner Mizell seconded and all Commissioners were in favor.

Brim said that the next Planning and Zoning Commission meeting will be February 8th and the Findings of Fact will be done then.

- Bruce Smith said that construction is slated to begin once more snow is gone. He asked if they can get started on their structural work and Brim said that the project is good to move forward, but the Findings of Fact will need to be signed first.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Doty, Commissioner
SECONDER:	Betsy Mizell, Commissioner
AYES:	Steve Cook, Mike Doty, Betsy Mizell
ABSENT:	Jeff Lamoureux, Erin Smith

c. *Work Session to discuss proposed text amendments to the LI-3 District as applied for by Barsotti Investment Company, LLC to expand the LI-3 Use Matrix to include the following uses:*

Chairman Cook said this application has been withdrawn. Brim added that the applicant would like to see what the City Council decides on the Community School and The Spot Text Amendment before he moves forward on the Planning and Zoning Commission.

- i. Apartments**
- ii. Lodging Establishments (Hostels)**
- iii. Residential Care Facility**

d. Zoning Ordinance Update Phase II

Brim said that Staff has recently finished the parking counts. He added that there was a slack count before Christmas and peak count after Christmas. Brim noted that there is often open parking, but you just have to be willing to walk.

Brim said that the City Council has approved a parking consultant to perform a parking study. He also said that the consultant will be working hand in hand with Staff.

- Commissioner Mizell asked if walking was a large part of the study and will it be encouraged? Brim said that the main point of the parking ordinance will be to implement the Comprehensive Plan and noted that study will be used to help incentivize uses.
- Bonney added that City Council has been looking into adding parking meters with a two-hour time limit, which would then encourage people who want to stay long term to seek other parking options.
- Chairman Cook mentioned that this is a multi-seasonal study and asked what is Staff's plan for this?

Brim said that Staff plans to do studies in the summertime to get a summertime peak. He added that the parking ordinance is something that should be evolving and the parking always has to be flexible.

5. FINDINGS OF FACT AND APPROVAL OF MINUTES:

a. Motion to: Thunder Spring Residences Design Review- Findings of Fact

COMMENTS - Current Meeting:

Brim provided an overview of public comment from Ken Bellamy. Bellamy requested that condition 10 be amended to include the entire site. He also said that the applicant was okay with allowing 35 ft. for a setback for the entire site.

Chainman Cook commented on Condition 5 and asked if Staff is comfortable with the included square foot and in-lieu calculations?

Brim said that the square footage will be verified and any differences in the FAR at the time of building permit will be reflected in the square footage and in-lieu fee.

- Condition 10 was changed to say at the time of building permit, the applicant shall submit a tree maintenance plan for all proposed trees located on the subject parcel which demonstrates that tree height at full maturity will not exceed 35 ft.
- Chairman Cook said that Condition 12 does not include a timeline. Brim said that it should include before a timeline before Certificate of Occupancy before the 1st building.

Commissioner Cook motioned to “approve the Findings of Fact for the Thunder Springs Residences, as amended.” Commissioner Doty seconded and all Commissioners were in favor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Cook, Chairman
SECONDER:	Mike Doty, Commissioner
AYES:	Steve Cook, Mike Doty, Betsy Mizell
ABSENT:	Jeff Lamoureux, Erin Smith

b. Minutes: November 23, 2015

No comments

c. Minutes: December 4, 2015

No comments

d. Motion to: Minutes: December 14, 2015

COMMENTS - Current Meeting:

Doty:

pg. 145(pg. 6) Commissioners Comments:

Clarify sentence on lot configuration and mass of roof access

pg. 148-

abstain, should be recused.

Minutes from Nov 23, Dec 4, Dec 14 were approved in one motion by Commissioner Mizell and Commissioner Doty seconded. All Commissioners were in favor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betsy Mizell, Commissioner
SECONDER:	Mike Doty, Commissioner
AYES:	Steve Cook, Mike Doty, Betsy Mizell
ABSENT:	Jeff Lamoureux, Erin Smith

6. FUTURE PROJECTS AND NOTICING REQUIREMENTS

Brim said that Geneva Lofts will take place on the Feb 8th meeting and the project has been noticed again.

- Commissioner Doty if there were substantial changes to the project, Brim confirmed that there were and the changes were addresses in different ways.
- Chairman Cook asked if the applicant has computer modeling, Brim confirmed that they do.

7. STAFF REPORTS & CITY COUNCIL MEETING UPDATE

The Spot and The Community School are scheduled for February 1st. The Design Review Chapter is scheduled for March.

8. Commission reports and ex parte discussion disclosure

Commissioner Doty said that there is a bike for sale in the alleyway of a local flea market. *Antique Alley.*
Yamaha to be careful when driving around it.
 Brim commented that the Greyhound sign has been purchased.

Chairman Cook asked if any complaints have been received about Bigwood Bread in the LI district because it was conditioned. Brim said that he has not seen any complaints on it.

Two have showing merchandise.

9. ADJOURNMENT

Doty motioned to adjourn, Mizell seconded.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Doty, Commissioner
SECONDER:	Betsy Mizell, Commissioner
AYES:	Steve Cook, Mike Doty, Betsy Mizell
ABSENT:	Jeff Lamoureux, Erin Smith


 Steve Cook
 Planning and Zoning Commission Chairperson

