

Planning and Zoning Commission Meeting Public Sign-In

Meeting Date

November 23, 2015

Name	Summarize Comments
Kipp Welton	
Mick Garcia	
Linda Leach	
Ham Griffith	
Louise Stumph	



Planning and Zoning

Regular Meeting

~ Minutes ~

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

Keshia Owens
(208) 726-7801

Monday, November 23, 2015

5:30 PM

Ketchum City Hall

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

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

1. 5:30 PM- CALL TO ORDER

Steve Cook called the meeting to order at 5:30 PM

2. CONSENT CALENDAR

3. PUBLIC COMMENT

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

Mickey Garcia commented to the Commission "lighten up folks."

4. COMMUNICATIONS FROM STAFF

a. The Commission will hold a public hearing and consider an application for a Waterways Design Review by Jeff and Susan Brotman, represented by landscape architect Steven Job. The property is located at 101 Sheep Meadow Lane (Beaver Springs Subdivision, Block 1, Lot 21).

COMMENTS:

Chairman Cook said the meeting date for Brotman Waterways Design review was noticed incorrectly, but the Commission will still continue to do some fact finding. Commissioner Doty recused himself from the issue because he is working on the project.

Job, who is representing the Brotman project, said that around September the Brotman's asked him and Commissioner Doty to add a terrace to their living room, replacing the windows and adding a 16-foot-wide terrace. Job noted that there is a 25-foot riparian setback from the mean high watermark.

Bundy commented on the proposal and said that most of the project has been approved administratively because those portions of the project were out of the riparian setback. Bundy said Staff did not feel comfortable approving the riparian improvements because the applicant did not get permission beforehand. She added that Staff has looked at this property over the years and the riparian zone on the property has improved. She noted that the City has issued one other administrative permit.

She commented that there has been no public comment about the proposal yet, but the project still has to be properly noticed.

Chairman Cook noted that the riparian zone is really critical and thanked the applicant for being respectful of it.

All of the Commissioners, except Commissioner Doty, voted to continue the issue to December 14.

RESULT:	Continued
MOVER:	Jeff Lamoureux
SECONDER:	Betsy Mizell, Commissioner
AYES:	Steve Cook, Jeff Lamoureux, Erin Smith, Betsy Mizell
RECUSE:	Mike Doty

b. Community School (Continued from 11/9/15):

The Commission will hold a public hearing and take action on an application for a text amendment by the Community School to amend Title 17, the Zoning Ordinance, of the Ketchum Municipal Code by amending Chapter 17.08.020, Definitions, by adding a new use of School Residential Campus; amending 17.12.202 District Use Matrix; and by amending 17.124 Development Standards by adding for a School Residential Campus in the LI-3 Zone.

Current Meeting:

The Community School text amendment was continued from November 9, 2015. John Perenchio, applicant's representative, spoke again and said that the comments from the previous meeting have been taken into consideration. Mr. Perenchio also added that the applicant has revised the application, the terms of the proposed development agreement, and created a circulation plan.

Linda Haavik, applicant's land use consultant, presented the circulation plan for the Community School. Haavik pointed out the current location of the Community School and the proposed location of the residential area. She presented current bus stops and routes that students take from the Warm Springs residential area. She said that morning bus stop improvements, shelters, and a pull out lane are really only needed on the south side of the street, as this is when the students would be waiting for the bus. She noted that the evening drop off wouldn't require any improvements and may create conflicts with the with the existing bike path.

Ben Fadalay, applicant's representative, added that there may need to be a shelter and an acceleration lane for the morning stop, yet on the evening stop they did not feel the need for improvements and it may be difficult to do so because of limited public space. He also noted that there is a difference in ridership capacity in the morning and in the evening, as students are traveling in different directions and there is not a critical mass problem when students are leaving school.

Austin noted that there is adequate city right-of-way of about 30 feet from the edge of asphalt to where private property begins.

Commissioner Smith asked if the applicants are expecting students to use the bike path from school campus to the residential campus and pointed out a safety issues when crossing Highway 75.

Haavik said this would be noted and added that there is a stop light at Highway 75. She stated that the schedule times are very important, and fall and spring schedules will vary. She added that the use generates little traffic from tourists or the general public, and on the typical weekend students will be participating and practicing in various activities. She commented on the types of busses and transportation that the school is proposing to use; at the forty student capacity, they are expecting 17

drivers (10 seniors and 7 daily staff members). She noted that full size busses are not on the site and the school owned vehicles and busses all fit in regular parking spaces. She added that the current site circulation plan is very conceptual, but accommodates service vehicles and trash removal.

Austin asked when showing the bike path on the circulation plan, if there was a reason why the plan did not include showing students going through the LI?

Haavik responded that from the school's experience, she just can't foresee students using this route.

Fadalay noted that the Community School's staff had spoken with the Association of Boarding Schools and said that having supervisory presence on the first floor toward either the front or the back of the building creates a psychological feeling of security. He noted that he has spoken with sixteen other boarding schools, and they all have their residential life director on the first floor and students on the second floor and up.

Ed Lawson, applicant's attorney, commented that the biggest concern was debating if the proposed residential use of the Community School fit in with the Comprehensive Plan. He stated that the applicant tried to make changes to the development agreement that would provide the Commission with a factual basis on which they could make the decision on allowing the residential use of the facility. He indicated that the applicant wanted to make sure the changes will be subordinate to the use of the district and that the land use plan is satisfied. He commented that they wanted to make sure the use of residential housing was limited to 49% or less of total building square footage. Lawson noted that the employee housing units should be limited to two and not exceed 2,000 total square feet. He said that there are concerns about the bus stop, dorm rooms, bathrooms, dining areas, and said that except for occupational uses, the residences would also be limited to long term residential. He added that employee housing would be at least 400 square feet in size, but not more than 1,400 square feet. He commented that the Commission has very broad discretion and does not have to find compliance with every element of the Comprehensive Plan. That discretion is measured by a clearly erroneous standard. The proposed residential use is subordinate to the LI district and it is in compliance with the Comprehensive Plan. The Community School's proposal will enhance the City of Ketchum and the applicant hopes that the Commission will comfortably conclude that the school is in compliance.

Austin added staff comments and showed what it would look like if the Community School did a Comprehensive Plan amendment and what it would look like if they continued with a rezone agreement and text amendment.

Chairman Cook added that the Comprehensive Plan amendment would lengthen the process by another 4-6 months at a minimum, which Austin confirmed.

Austin noted that the changes made to the text amendment also mirror the development agreement. Some of the changes included:

- Make the residential use subordinate to the professional use.
 - No more than 50% of the campus may be used for residential dwelling units
 - Residential units occupied on the ground floor may be limited to no more than 15%.
- Employee housing units shall be for long-term occupancy.
- All residential units can only be occupied for long term housing, except in the case of occasional use by other nonprofit organizations.
- Employee housing units shall be a minimum of 400 to 1,400 square feet.

Austin noted that these changes would only apply to the development in the LI-3 zoning district. He also mentioned the staff comments on the traffic circulation plan and pointed out sidewalk issues. He noted the bike path area is restricted, but the south side of the street is open and could possibly hold a bus

stop. Austin also said that the building at 280 Northwood is fitting for the proposed use in terms of streets and sidewalks, but other portions of the light industrial area would not accommodate the use without significant infrastructure improvements. He added that much of this can be helped with a Conditional Use Permit.

Chairman Cook commented that introducing this use into other zoning districts was initiated by the applicant and he doesn't know why the applicant wants this in other zones. Lawson commented that the applicant felt that this was the best planning methodology and the Community School wanted the Commission to consider the use in all of the zones. He added that school really just needs the development agreement with a rezone of the property from LI-2 to LI-3.

Austin said that Staff is comfortable staying with the LI-3. He added that the only significant implications Staff saw was the ground level residential use. He advised the Commission should be comfortable and understand that allowing the residential use on the ground floor could lead to more of this type of development in the LI-3 zoning district. Commissioner Doty noted a development agreement could stop that from happening. Austin pointed out that the 50% housing use is because we are including total square feet, even the basement. He commented that the Commission should consider staying with the development agreement and noted that they should look at the plan as a whole and how to determine 50% of the building.

Chairman Cook opened for public Comment:

- Barbara Amick asked what will happen during June, July, and August and noted that she is worried about the intersection. She added that the Commission may want to consider a traffic signal at the intersection and that kids won't go down the bike path and said the intersection is not well designed.
- Kingsley Murphy owns 5-6,000 square feet in the Light Industrial District and thinks this a great idea and many of the businesses are welcoming the development.
- Mickey Garcia said that he has lived around the intersection for many years. Garcia noted that the bus stops in the middle of the road and stops traffic throughout the day. Garcia also said that the intersection is also a safety hazard and that the bench should be covered. He commented that the existing zoning in the area is obsolete because the people the city thought were going to be in there are leaving.

Chairman Cook asked for comments from the Commission:

- Commissioner Mizell commented that part of Saddle road is unsafe to cross because many people speed. Commissioner Lamoureux added that we will have more large-vehicle trips because of buses and Commissioner Doty said that things happen very quickly at this intersection and we will have some safety concerns.
- Commissioner Lamoureux noted that we may not have enough data on safety at the moment, but he is not sure that is something the Commission handles. Commissioner Lamoureux added that we could approve everything else, except the development agreement. Austin agreed and said that we will need to work with the applicant, the Public Works Director, and ITD in order to address these concerns.
- Chairman Cook added that the Commission needs a scope of work and Austin said Staff will speak with ITD since it is their intersection and possibly have a traffic study done by a professional.
- Lawson noted that the application for a development agreement calls for a traffic study and also said that to do that now will add to time and delay, which the Community School can ill-afford. He asked for some sort of condition, in order to keep the issue moving.

- Chairman Cook said that he thinks we should circle back and he doesn't think a Comprehensive Plan amendment is necessary. He added that going through an elaborate plan amendment isn't necessary and he is 100% for a development agreement.
- Commissioner Smith said that she thinks the development complies with the Comprehensive Plan. Commissioner Lamoureux agreed, but thinks we should open up the LI/ Comprehensive Plan agreement. Commissioner Doty mentioned the District Use Matrix and agreed that the text amendment should only apply to the LI-3; all commissioners agreed to this.
- Austin further explained the Development Agreement rezone and how it relates to the City's zoning code. Mr. Austin noted the two standards that should be followed when dealing with an issue like this.
- Commissioner Lamoureux added that we should figure out how that 50% is calculated. Commissioner Doty said that we should count the bathroom and the showers as a part of the square footage. Commissioner Mizell and Commissioner Lamoureux agreed that only staff housing should be allowed on the ground floor. Lawson said that they proposed two units and 2,000 square foot maximum, but they wanted to have some flexibility for design purposes.
- The Commissioners had no comment for number 4 of the staff report, but number 5 needed changes to wording. Number 6 also included changes to wording, Commissioner Mizell asked about number 7 and if residential staff is year round. Fadalay said that the residential staff at the Community School will be year round.
- Commissioner Doty commented on condition number 9 and Lawson said that we can further develop the language. Commissioner Lamoureux said that we should speak to the conditions of the agreement.

Austin suggested continuing the item to a December meeting, but Lawson urged the Commission to approve during the November 23rd meeting. Chairman Cook agreed with Austin, but said that this would push it back to a December or January meeting. Mr. Austin recommended that the applicant amend the development agreement and will bring that back on December 14.

Haavik said it would need to happen by December 11th, if the Council will entertain them on the January 4th.

Commissioner Doty moved "to continue the application by the Community School-text amendment and development agreement to Friday, December 4, 2015 at noon in special meeting." Commissioner Lamoureux seconded.

RESULT:	CONTINUED [UNANIMOUS]
MOVER:	Mike Doty
SECONDER:	Jeff Lamoureux
AYES:	Cook, Doty, Lamoureux, Smith, Mizell

ii. The Commission will hold a public hearing and take action on an application for a rezone agreement by the Community School to rezone property from Light Industrial District Number 2 (LI-2) to Light Industrial District Number 3 (LI-3); subject property is located at 280 Northwood Way, Ketchum, Idaho, 83340 and described as Resub of Northwood PUD Lot 4, AM Lot 21A.

The two separate applications were considered in one motion.

Lawson asked if the terminology can be approved tonight, but Chairman Cook disagreed. Austin added that there will be many changes to the terminology.

c. Thunder Spring Conditional Use Permit (Continued from 11/9/15):

i. The Commission will hold a public hearing and take action on an application by IEG Thunder Spring LLC for a CUP PUD for a nine (9) residential unit development located at 126 Saddle Road (Thunder Spring Large Block Plat, Block 2, Township 4N, Range 18E, Section 7).

COMMENTS - Current Meeting:

John Shirley of Think Architecture said that a few things have changed on the site plan and presented a rendering of the building. Shirley said that they are working on final material boards and getting things together.

Robert Parker of IEG Thunder Spring said that they are working on finalizing the FAR number. Parker noted that they will likely need to continue the development agreement, but hope to get the CUP-PUD and preliminary plat approved and finalized.

Brim said that the items should be presented and discussed as one, and then have a public hearing for each item separately. He added that the approval will be a recommendation to City Council.

Brim added the project has gone through a review by planning staff, public works, fire, and all other departments. He explained the purpose of each application and commented that much of the application has been approved administratively. He noted that the CUP is necessary for waivers to the height of the buildings. He said that the waivers have gone from 16 to 6 and now they are at 4. He detailed the benefits of the proposed waivers and said that there would be an added bus stop. He also added that the project would comply with the National Green Building Code.

Public Comments:

- Larry Young, on behalf of Tom Nelson, noted that the project has little characteristics of a PUD and it looks more like a subdivision.
- William Lanker said that the major concerns for them are setbacks and height. He noted that their homeowners are pleased and are asking for approval of the project.
- Public Comment was provided by Ken Bellamy via email.

Staff Comments:

- Austin said that when we looked at this, we looked at the whole of Thunder Spring. Austin noted that the project has met all of its obligations to the city and the public and issues between neighbors will have to be taken up between themselves.

Commission Comments:

- Commissioner Doty noted that waivers are consistent with prior deliberations and he is comfortable with the waivers as they are.
- Commissioner Lamoureux is concerned with pedestrian access and circulation. Commissioner Lamoureux added that we should recommend they provide better circulation and have this added as a condition.
- Commissioner Mizell mentioned heated sidewalks and driveways compliance with the gold standard. Shirley said that they comply and the points had to be balanced out.
- Commissioner Doty noted that some potential conditions may need to be carried over to the proposed conditions and Brim said that number 8 will be carried over.

A CUP-PUD was approved for recommendation to City Council.

Commissioner Lamoureux made a motion to "approve the CUP-Planned Unit Development application by IEG Thunder Spring, LLC for the Thunder Spring Residences with Conditions 1-11." Commissioner Doty seconded.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Lamoureux
SECONDER:	Mike Doty
AYES:	Cook, Doty, Lamoureux, Smith, Mizell

ii. The Commission will hold a public hearing and take action on an application by IEG Thunder Spring LLC for Design Review. Location and description listed above.

COMMENTS - Current Meeting:

Brim said we are currently in the process of working out an FAR and staff has been working with the applicant to analyze and finalize the number. He added that this number should be available by the December 14th meeting. He commented that we will add Commissioner Smith's comments on parking, tree height, landscaping, and construction activity to the list.

There were no public comment and no staff comments.

Commissioner Doty motioned to continue the meeting to December 14 and Commissioner Mizell seconded.

RESULT:	CONTINUED [UNANIMOUS]
MOVER:	Mike Doty
SECONDER:	Betsy Mizell
AYES:	Cook, Doty, Lamoureux, Smith, Mizell

iii. The Commission will hold a public hearing and take action on an application for a townhome preliminary plat by IEG Thunder Spring LLC. Location and description listed above.

COMMENTS - Current Meeting:

Brim said that staff has looked at the preliminary plat requirements and staff is recommending approval to the City Council.

There was no public comment.

Commissioner Mizell moved to recommend approval and Commissioner Lamoureux seconded.

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

d. The Commission will hold a public hearing and take action on City-initiated text amendments to Title 17, Zoning Regulations of the Ketchum Municipal Code, Chapter 17.18 "Zoning Districts" Section 17.18.130 "Community Core District (CC)" and Chapter 17.96 "Design Review." The proposed amendments will repeal and replace Chapter 17.96 "Design Review" in its entirety, eliminate design

review regulations from Section 17.18.130 and consolidate Community Core District design review regulations into C

Commissioner Cook made a motion to "continue Agenda item 4d, Design Review Regulations Text Amendment to the December 14, 2015 Planning and Zoning Commission meeting."

COMMENTS - Current Meeting:

RESULT:	CONTINUED [UNANIMOUS]
MOVER:	Steve Cook
SECONDER:	Erin Smith
AYES:	Cook, Doty, Lamoureux, Smith, Mizell

- e. The Commission will discuss and make a recommendation to the City Council regarding their 2016 meeting calendar.

COMMENTS - Current Meeting:

Brim recommended that December 26 be removed from the calendar. The other December meeting will be December 14.

Commissioner Mizell moved to recommend approval of the Planning and Zoning Commission dates listed above for the year 2016, as amended.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betsey Mizell
SECONDER:	Jeff Lamoureux
AYES:	Cook, Doty, Lamoureux, Smith, Mizell

- f. **Zoning Ordinance Update Phase II**

Brim said that staff is in the process of doing parking counts. These counts are split into a "slump" count and "peak" count; this information will be given to a private parking consultant and will also be brought back to the Commission.

5. FINDINGS OF FACT AND APPROVAL OF MINUTES

- a. **Motion To:** Grill at Knob Hill

COMMENTS - Current Meeting:

The Commissioners had no comment on the findings.

Commissioner Cook motioned to "approve the Grill at Knob Hill Inn Findings of Fact"

RESULT:	ADOPTED [4 TO 0]
MOVER:	Steve Cook, Chairman
SECONDER:	Jeff Lamoureux
AYES:	Steve Cook, Mike Doty, Jeff Lamoureux, Betsy Mizell
ABSTAIN:	Erin Smith

b. Motion To: October 26, 2015

COMMENTS - Current Meeting:

Change David Herd to David Hurd.

Pg 3 Second paragraph on page three- simplify and clarify instead of trying to figure out the old code.

Pg 7 Commissioner Doty and Commissioner Lamoureux have no titles.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Mike Doty
SECONDER:	Betsy Mizell, Commissioner
AYES:	Steve Cook, Mike Doty, Jeff Lamoureux, Betsy Mizell
ABSTAIN:	Erin Smith

c. Motion To: November 9, 2015

COMMENTS - Current Meeting:

Pg 5 under top two bullet points- add the LI-3 zone. Add people's names to continued sections.

Pg 7- should be 0 to 4, not 4 to 0

Pg. 7 correct Jeff Lamoureux names

PG 4, 4th bullet point Harry Griffith is misspelled

RESULT:	ADOPTED [4 TO 0]
MOVER:	Mike Doty
SECONDER:	Betsy Mizell, Commissioner
AYES:	Steve Cook, Mike Doty, Jeff Lamoureux, Betsy Mizell
ABSTAIN:	Erin Smith

Commissioner Doty motioned to approve "the minutes of October 26, 2015 and November 9, 2015 as amended."

6. FUTURE PROJECTS AND NOTICING REQUIREMENTS

Austin said that Brian Barsotti is requesting a text amendment to the LI-3 zone. Chairman Cook noted that we should stick with 300 feet when noticing the project and also post in the newspaper. Brim added that the applicant is requesting a work session and that we should do that for first meeting in January instead of December 14.

Brim said that he is currently working on a pre-application design review that is a 3 story home.

7. STAFF REPORTS & CITY COUNCIL MEETING UPDATE

8. Commission reports and ex parte discussion disclosure

9. ADJOURNMENT

Commissioner Lamoureux motioned to adjourn and Commissioner Doty seconded.

10. Call to Order



Steve Cook
Planning and Zoning Commission Chairperson