



Planning and Zoning

Regular Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340
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Rebecca Bundy
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Monday, October 12, 2015

5:30 PM

Ketchum City Hall

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

Commissioners Absent:

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

1. 5:30 p.m. CITY HALL - CALL TO ORDER

5:35 p.m. Chairman Cook called the meeting to order.

2. CONSENT CALENDAR – No items.

3. PUBLIC COMMENT

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

No public comment.

4. COMMUNICATIONS FROM STAFF

- a. DISTRICT USE MATRIX & SHARED PARKING REDUCTION TEXT AMENDMENT** – The Commission will hold a public hearing and take action on an application by Brett Moellenberg, representing the Spot LLC., for amendments to Title 17, Zoning Regulations of the Ketchum Municipal Code, Chapter 17.12 Establishment of Districts & Zoning Matrices, Section 17.12.020 "District Use Matrix" to add "Assembly, Place of" as a Conditional Use Permit in the Light Industrial District Number Two (LI-2 District) and adding "Parking, Shared" as a permitted use in the Light Industrial Districts Number One, Two & Three (LI-1, LI-2 & LI-3 Districts). Additionally, it is proposed to amend Chapter 17.125 "Off-Street Parking and Loading", Section 17.125.070 "Shared Parking Reduction", Subsection B to allow for shared parking reductions in the LI-1, LI-2 & LI-3 Districts. (Continued from September 28, 2015)

The applicant's representative, Jane Reynolds, said that the rest of the team has read the staff report and are in agreement with all staff recommendations.

Mr. Brim presented minimum parking requirements as requested by the Commission at the last meeting. These include:

1. A list of all businesses and land uses proposing to share parking spaces;
2. Hours of operation for all applicable uses;
3. Site Plan accounting for all applicable parking spaces;

4. Site specific study and analysis based on information from the Institute of Transportation Engineers (ITE) or other credible source; and
5. Other information the Administrator or Commission deems necessary.

Commissioner Lamoureux noted that the ITE studies are general and not specific to the Ketchum area. He is not aware of any local qualified experts, but there are experts in Boise and Salt Lake.

Brim responded that the ITE could provide minimum requirements that could then be fine-tuned by a local traffic engineer. He discussed that the complexity of the study should depend on the scale of the proposal. He noted that between the Street Superintendent and the City Engineer the City has staff who are qualified to evaluate such proposals.

Commissioner Lamoureux noted that the expense of such a report would not be onerous and would be well worth the value to the applicant. Commissioner Doty agreed.

The Commissioners discussed the wording in item 4. Commissioner Smith suggested "or other credible source as determined by the administrator." Commissioner Lamoureux would like item 4 to say "prepared by a licensed professional." Item 4 was amended to say, "site specific study and analysis prepared by a licensed professional based on information from the ITE or other creditable source as determined by the administrator."

The meeting was opened up for public comment, and there was no public comment.

The Commissioners deliberated as follows:

Commissioner Lamoureux asked whether participating businesses need to be signatories on the shared parking plan and who would be the signer (owner or tenant?). Brim responded that the signatory would be the owner and that the agreement would be recorded at the County. Mr. Austin remarked that the shared parking plan would run with the use, not necessarily with the land. If conditions change, the conditional use permit (CUP) would need to be reevaluated. This could be made a condition of approval for the CUP. The parking plan would come in as part of the CUP, and the parking can be reevaluated after a certain period of time.

Commissioner Doty commented that most of the available parking in the evening in the LI zoning district would be on the street. The Commissioners also found that there are some sizable parking lots in the area that are relatively unused after 5:00pm.

Commissioner Doty reminded the Commission that the YMCA commissioned an extensive parking study of the area that could be referred to. He also mentioned the Comprehensive Plan Community Core value reviewed in the staff report: the proposed use is an ancillary use to the downtown that would support downtown vibrancy and mixed-use in the light industrial district, because a CUP can limit size, shared parking, and off hours not in direct opposition to comprehensive plan statements.

Motion to approve, as amended by the Commission.

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

- b. **DESIGN REVIEW REGULATIONS TEXT AMENDMENT** – 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 Chapter 17.96.

Brim introduced the new Design Review chapter: The Commission has been working on this for a few months, and the current version reflects the Commission's input, public comment and the results of the workshop that was conducted. Staff believes it is ready for approval.

Commissioner Smith asked whether Mr. Haangi's comments from the last meeting were addressed.

Brim responded that staff will further research that issue as the zoning code revisions move into Phase II, but that that particular provision Mr. Haangi referenced has never been used. If that provision were to be readopted, it should apply over all zoning districts.

Austin noted that, if the hardship existed for a unique property, that property might qualify for a variance.

Commissioner Doty noted that ground water is an issue for much of west Ketchum.

Brim invited additional questions from the Commission:

Commissioner Doty asked about the whether the map in his packet was correct. Brim responded that the correct map was included in the packet.

Commissioner Doty asked about page 4, line 31: Do we have "substantial improvement" in the definitions? Answer: Yes. Austin read the definition, taken from the FEMA regulations.

Commissioner Lamoureux asked for clarification on historic buildings. Austin clarified that only buildings on the National Register of Historic Places qualify for the exemption. Ms. Bundy clarified that the city now has three (3) properties on the NRHP: the Cornerstone building, Forest Service Park, and as of last weekend, the Hemingway House.

Commissioner Lamoureux noted that calculating sidewalk improvement requirements based on a percentage penalizes lower valued properties. Austin remarked that the proposed language would promote improvements, but would not kick in until a fairly substantial project was proposed.

Commissioner Lamoureux suggested that there should be a ceiling on the amount that a property owner should be required to spend for a sidewalk. A reasonable alternative would be to require a proportion of the value of the project for sidewalks, street trees, landscaping, etc.

Austin noted that a change to the proposed text amendment would need to be renoticed, since the definition of "substantial improvement" is already adopted. Commissioner Smith supported that idea. Bundy noted that definition needs to stay with the floodplain code, because it is a FEMA definition. Commissioner Cook mentioned that City may need a separate definition for the rest of the zoning code.

Commissioner Doty asked about page 3, line item 2. Austin responded that the direction from the City administration was that all right of way standards were required to be taken out of the zoning code. Those standards are now determined by the City Engineer's requirements.

Commissioner Lamoureux noted that a jurisdiction generally has adopted standards. Austin responded that the City has adopted street standards, but they have not been adopted by ordinance. Brim suggested that the last portion of the sentence could be deleted, since the Public Works Department has the jurisdiction all items in the right of way. Chairman Cook suggested removing the sentence from the word "however" on. Commissioner Smith agreed, but suggested to add "as disseminated by the City Engineer." Commissioner Doty suggested the wording "or as mutually determined with the City Engineer."

Commissioner Doty stated that the Commission needs adopted standards in order to do their reviews. He said that he cannot support the code amendment as written. Commissioner Lamoureux agreed that this issue is so related to zoning and urban design that the Commission should have some oversight.

The entire Commission agreed. Chairman Cook asked whether the Commission could carve this issue out from the consideration at hand. Austin advised not to do that. The Commission agreed to continue the hearing in order to communicate their desire to put pressure on the City to adopt street standards.

Chairman Cook opened up the hearing for public comment. There was none, but the comment period was not closed, so additional comment could be heard at a subsequent meeting.

The Commission continued their discussion:

Commissioner Lamoureux, item 6, line 8 page 5: The City should be wary of taking fees in lieu. Austin clarified that the proposed sidewalk in-lieu fee is for projects where a sidewalk does not make sense. The Commission agreed to change this section to read, "at the City's discretion, improvements elsewhere in the City that makes more sense..."

Commissioner Doty, page 5, C, Drainage: In the past drainage calculations have been required. That requirement is not in the current draft. Austin agreed that it could be added as follows: "Drainage calculations shall be prepared by a licensed engineer." Commissioner Lamoureux noted that this is an area that is a bit vague, because the City has no drainage standard. Requiring design by a licensed professional could help solve this issue.

Commissioner Lamoureux, C, Drainage: #1, "All storm water shall be retained on site," is not applicable to every location in the city. Brim noted that only in very limited circumstances will the City Engineer allow surface water to be discharged off site. Commissioner Lamoureux responded that that might conflict with requirements for wetlands and runoff into streams and tributaries. He said he would defer to the City Engineer, and Brim said he will work with the City Engineer to refine the standard.

Commissioner Lamoureux, C, Drainage: #2, how does this affect storm water improvements in the right of way, and does this item need more definition? What if water is coming from upstream? Austin noted that you would only be required to retain what is generated on site and suggested adding that, "drainage improvements would be limited to the length of the site..." He agreed that staff needs to clarify.

Item D, Utilities: The Commission asked that staff remove "at discretion of city Engineer," and reiterated that the City needs standards!

Commissioner Lamoureux: page 6, line 6, "primary street frontage" needs to be defined. Brim said that the "primary street frontage" is either where the property is addressed or the front yard.

Commissioner Lamoureux: item I, Landscaping: The standards are inadequate, as they give no clear direction to an applicant as to spacing, size, etc. Brim responded saying that if the Commission wishes more specific standards, they should be taken up as a separate code amendment. Commissioner Lamoureux asked whether the Commission could add more specifics at this time. Austin noted that if the Commission wished to make substantial changes to the code amendment, it would need to be renoticed and that Community Core development allows lot line to lot line development, which would preclude a substantial landscape plan.

Chairman Cook questioned whether "all species shall be drought tolerant." Commissioner Mizell asked about irrigation. Commissioners Doty and Lamoureux felt that spray irrigation should be limited and that it should be required to be on timers. Austin remarked that the drought tolerance and water conservation items were specifically added to support the comprehensive plan. The Commission suggested that, rather than requiring that all species shall be drought tolerant, it should be a percentage of 80%, but asked staff to do more research and to address the City's irrigation goals. Brim noted that agriculture is exempt from irrigation requirements through the urban agriculture section of the code.

Commissioner Doty: page 7, line 12, why a streetlight requirement every forty feet? What are the light pole options? What about lumen requirements? What about location in town? Consideration should be given to the dark skies ordinance. Without a standard and real metrics, the code is not predictable. Commissioner Doty said that he cannot support the language, "and as determined by Public Works." Brim noted that the current practice is that the applicant works through the application with the City Engineer. Commissioner Lamoureux noted that standards are needed. The Commission decided that if there were a section of the code that spelled out street standards, they would be satisfied with reference to that code section.

Brim noted that these proposed design review changes are an improvement over the existing code, that the Planning and Building Department cannot control the actions of the Public Works Department, and he asked whether the Commission could be satisfied with referencing City right of way standards?

The Commission felt that they could send a message to City Council and Public Works Department. Commissioner Doty felt that discretion should be limited and that the code should spell out objective standards. Brim agreed to work on this issue with Public Works. Chairman Cook suggested a public workshop with the City Council, Mayor and Public Works. Commissioner Smith requested that staff take the Commission's message to the Council. Austin reminded the Commission that they already had a workshop with the Council a few months ago, but the Commission replied that they wished more specific input with respect to design review.

Commissioner Doty: page 7, item B, Architectural, #7. Temporary enclosures - If this item goes into effect, some existing businesses will be out of compliance.

Commissioner Doty: page 7, item C, Service Areas and Mechanical/Electrical Equipment, #2 – The proposed code states, "roof and ground mounted fully screened." What can exceed the height limit? PV, solar thermal, utilities, mechanical equipment? Brim responded that staff will look at a definition that allows equipment screening to penetrate the building height limit, with setbacks from the building edge. The Commission asked whether height of screening should be limited to 48" or 60" and that it could, perhaps, be dependent on the number of stories. Brim responded that these concerns can be addressed by adding to the dimensional standards, including developing standards for renewable energy installations. Brim stated that the code currently allows renewable energy systems to exceed the building height limit by two feet.

Commissioner Lamoureux - page 2, line 15, excluding murals on public property creates loophole. Austin responded that the code section does not apply to private property. The Commission expressed concern about the confusing, double negative in the code language. Brim agreed to remove the double negative language.

Commissioner Lamoureux: page 2, line 1 - He would like more definition of "minor modification". Any changes to bulk or footprint should require approval of Commission. Austin explained that items under the authority of the Administrator are clarified in the following section of the proposed code amendment. Austin suggested that if there are significant changes to height, bulk or footprint, the project should come back before the Commission.

Commissioner Lamoureux: Street amenities, landscaping are required by the code, but no specificity is given.

Chairman Cook: page 9, Terms of Approval - extension of design review approval. He asked whether an extension for a third year of design review approval would come before the Commission. Austin replied that that was true, but that a project with a development agreement would supercede these requirements. This section only to projects with no development agreement. It is the applicant's responsibility to apply for a design review extension.

Chairman Cook asked whether an additional fee should be charged for a design review extension and Austin replied that that would be appropriate.

Brim recommended continuing this item to the November 9, 2015 meeting.

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

c. **PHASE II COMPREHENSIVE ZONING ORDINANCE UPDATE.** The Commission will discuss the status of the zoning ordinance update.

Brim stated that there is no update at this time. He is gearing up to work on the parking ordinance.

Commissioner Smith stated that she would like to see that office uses are put on the same notice, regarding noise, glare, etc., as residential in light industrial zoning districts. She would like a list of all conditional use permits in the City.

Austin noted that staff would like to map all Planning and Zoning approvals on the GIS map.

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

a. **FINDINGS OF FACT: Morton Waterways Design Review**

The Commission made a minor change to condition 8. Commissioner Smith noted that, in the future, a condition should be added alerting the applicant to the appeals time limitation.

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

b. **MINUTES: August 25, 2015, Site Visit**

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

c. **MINUTES: August 25, 2015**

The Commission felt that these minutes were improved over the last draft. They asked for the following modifications:

- Page 4, line 32: Replace "CCR's" with "private contracts/agreements".
- Page 4, line 38/39: Remove.
- Page 5: Lack of benefits are a problem for the whole project. The Commission was not fully decided about building 5, but they still had issues with building 6. The directed staff to make the wording more general.

Brim will draft revisions for Commissioner Lamoureux to verify before he signs.

Motion to approve as amended.

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

d. **MINUTES: September 28, 2015, Site Visit**

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

e. **MINUTES: September 28, 2015**

Motion to approve as amended.

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

6. **FUTURE PROJECTS AND NOTICING REQUIREMENTS**

- Community School Text amendment - notice to paper required. The Commission determined that they would require no further notice.
- Smith Building rezone - 300' mailing radius required. The Commission determined that there was no need to extend.
- Franz Pre-app CC DR – mailing notice requirement is for adjacent properties. The Commission determined that there was no need to extend.
- Dessaurault townhome addition – mailing notice requirement is for adjacent properties. The Commission determined that there was no need to extend.
- Zoning map amendment, East Avenue - mailing notice requirement is 300'. The Commission determined that there was no need to extend.
- Knob Hill Inn - mailing notice requirement is for adjacent properties. The Commission determined that there was no need to extend.

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

Austin reported that the November 9, 2015, Planning and Zoning Commission meeting will be huge.

City Council Update: Thunder Spring Development Agreement Amendment has been noticed for November 2, 2015. If the City Council approves the waiver requests, then the Commission could approve design review and the planned unit development amendment.

8. Commission reports and ex parte discussion or disclosure

Commissioner Smith commented that the SPOT text amendment was unfortunate in that assembly use could not be separated from the actual SPOT organization. Austin noted that was why the staff report only used the words "assembly use" and that there will be a similar issue with the upcoming Community School application.

9. ADJOURNMENT

Motion to adjourn:

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

10. Call to Order

Attendee Name	Title	Status	Arrived
Steve Cook	Chairman	Present	
Mike Doty	Commissioner	Present	
Jeff Lamoureux	Commissioner	Present	
Erin Smith	Commissioner	Present	
Betsy Mizell	Commissioner	Present	



Steve Cook

Planning and Zoning Commission Chairperson