



**SPECIAL PLANNING AND ZONING COMMISSION MEETING**  
Monday, October 13, 2014, 4:45 pm  
Ketchum City Hall, Ketchum, Idaho

**Present:** Commissioner Steve Cook  
Commissioner Jeff Lamoureux  
Commissioner Mike Doty  
Commissioner Erin Smith

**1. SITE VISIT AT 271 NORTHWOOD WAY - in regard to the application by BIGWOOD PLAZA LLC, for modifications to Conditional Use Permit #14-095 to be allowed to stay open until 11:00 pm.**

The following features of the proposed project were viewed and discussed:

- Terms of special event permits;
- Enforcement and possible limited terms of CUP;
- Site walls were eliminated from original design with a design review modification; and
- Adjacent lot under same ownership, but not part of this application.

**2. SITE VISIT AT 1200 WARM SPRINGS ROAD - in regard to the application by JOHN T. HASTINGS, JR. AND EMBASSY AUDITORIUMS, represented by Benjamin Worst, Attorney, for Floodplain Development/Waterways Design Review/Stream Alteration Permit.**

**Also Present:** Rebecca Bundy, Senior Planner  
Benjamin Worst, Applicant's Representative  
Dana Gross, Nature Conservancy  
Bob Foster, Neighbor

Rebecca Bundy introduced the project and then asked the applicant's representative, Benjamin Worst, to describe the project. Worst described the project, and the site visit was spent viewing the area of the proposed improvements.

The following features of the proposed project were identified:

- Location of fallen tree due to bank erosion;
- Locations of three (3) proposed barbs, riprap and gravel extraction;
- Evidence of erosion undermining the west bank of the river;
- Evidence, including sunken ground upland of tree, that a large cottonwood tree in area of proposed riprap is in danger of falling;
- Locations of proposed additional cottonwood trees;
- Barb design and how willow cuttings will be incorporated into the riprap and barbs; and
- Location of property in the river adjacent to the subject property that may belong to the Nature Conservancy.

The Commissioners had no further questions and the special site visits were concluded at about 5:25 pm.

**The Commissioners proceeded to the Regular Planning and Zoning Commission Meeting at City Hall.**

  
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Steve Cook  
Planning and Zoning Commissioner



# Ketchum Planning and Zoning Commission

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

## Regular Meeting

~ Minutes ~

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Monday, October 13, 2014

5:30 PM

Ketchum City Hall

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**Commissioners Present:** Steve Cook, Vice Chairperson  
Michael Doty  
Jeff Lamoureux  
Erin Smith

**Commissioners Absent:** Deborah Burns, Chairperson

**Staff:** Joyce Allgaier, Director of Planning and Building  
Rebecca Bundy, Senior Planner  
Stephanie Bonnie, Attorney  
Rachel Martin, Planning Technician

### 3. OPENING OF MEETING

Vice Chairperson Cook called the meeting to order at 5:30 p.m.

**4. PUBLIC COMMENT - This is an opportunity for the public to speak with the Commission about issues and ideas not on the agenda.**

Vice Chairperson Cook invited the public to comment. There were none.

**5. PUBLIC HEARING upon the application of BIGWOOD PLAZA LLC, for an amendment to a conditional use permit (CUP) to allow a restaurant and small food establishment to serve after 9:00 P.M. in the Light Industrial - 2 (LI-2) Zone District, at 271 Northwood Way. Continued from September 22, 2014.**

Ms. Allgaier presented the staff report. She provided the Commission public comments that were submitted during the last meeting. She also submitted an overview of the items that were discussed by the Commission and considerations for conditions of approval. The reason for the continuance was to provide the Commission time to read additional public comments.

She provided background information on where other restaurants in the city are allowed to operate past 11:00 pm. She mentioned the CC and T districts as examples of where this can occur. Restaurants are allowed to operate as they see fit in other non-industrial districts where they are permitted.

She then overviewed the proposed conditions of approval.

1. All conditions that are in place need to be complied with.
2. The applicant must act on the CUP within one year of approval.
3. The CUP is designated for lot 4 of block 10 as amended of the subject property.
4. The food service establishment must not have adverse impacts on the surrounding neighborhood.
5. 11:00 pm is closing time. No outside food or beverage allowed at this time and no new inside food or beverage orders.

6. The number of days of operation are limited resulting in 150 days per year where the use would not be allowed to be opened past 9:00 pm and not more than three consecutive days in a row.
7. No tents or shelters are allowed to be erected.
8. No additional outside lighting beyond what was originally approved is allowed.
9. No outdoor music is allowed after 9:00 pm. No outdoor disposal of recyclables and trash is allowed between 9:00 pm and 6:00 am.
10. The CUP shall be reviewed before the Commission to determine and ensure that the conditions of the permit were complied with and that the use does not have an adverse impact on the neighborhood.
11. A certificate of occupancy and business license shall be acquired for operations for the subject property prior to occupancy and use of the building.

The applicant, Jim Laski stated that there were two emails in favor of the application. He stated that they are okay with the conditions, except for condition six regarding the three day consecutive use. He stated that they are okay with being restricted in the number of days they are allowed to be opened past 9:00 pm a year.

Vice Chairperson Cook opened the meeting to public comment.

William Glenn stated that he has occupied space in the industrial zone for over 40 years. He expressed concern that the restaurant would not be a good fit with industrial uses. He stated that industrial uses should not create traffic. He stated that the proposal is in conflict with the zoning ordinance and does not serve as a support service to the light industrial district. He indicated that the latest business in the LI zone closes at 6:00 pm and therefore the proposed CUP would not serve LI zone. There are not enough residents to support the restaurant. The private events being proposed would exclude residents of the LI zone. He stated that the application should be denied.

Vice Chairperson Cook closed the public hearing and turned the time back to the applicant for rebuttal.

Jim Laski stated the Mr. Glenn's comments have been addressed and mentioned that the restaurant supports the LI district during the day. He mentioned the Comprehensive Plan supports their intended use. It calls for a lively environment. He mentioned that the City Council was in favor of their use.

George Golleher, the owner, stated that restaurant would serve dinner to the public as well.

The Commission deliberated on the application. Commissioner Smith stated that the main issue has to do with the ordinance in regards to what a support service is. She stated that they need to look at the whole use and not just the time period beyond 9:00 pm. She stated that in general it is a support service and mentioned that the ordinance does not state that the use needs to be exclusively a support service.

Commissioner Doty stated that the zoning ordinance criteria is met by the intended use. Due to the nature of the conditions, the 9-11 pm use will be controlled.

Commissioner Lamoureux and Vice Chairperson Cook in general expressed concern that the use could compete with restaurants in the core.

Commissioner Doty and Smith stated that the ordinance was changed in the past to allow a use just like this one.

Commissioner Smith mentioned that this use was accessory to the main use of the facility and it would not outshine the industrial use.

Stephanie Bonnie, City Attorney stated that in order to amend or rescind a conditional use permit that the Commission would have to show how they violated the conditional use permit. She indicated the CUP could be amended to bring any adverse impact from the use into compliance with the CUP. The Commission would take evidence from the neighborhood. Noticing would be similar to how CUPs are noticed.

Commissioner Doty mentioned that he would be in favor of the use being opened less than a standard restaurant use. He asked the question "Does the restaurant need to be open seven days a week to 11 pm."

George stated that all restaurants are different. He is willing to close 150 days a year at 9:00 PM.

The Commission agreed that the use should have a condition that limited the open days to 215 a year and no more than four consecutive days.

Vice Chairperson Cook asked for clarification on condition 5. Ms. Allageir explained that outdoor activities would not be allowed past 11 pm but no new indoor activities would be allowed past 11 pm.

Commissioner Smith motioned "To approve the application Big Wood Bread Conditional Use Permit based on the Commission's findings and conclusions regarding the evaluation criteria subject to the conditions 1-11 as modified during this meeting."

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Erin Smith, Commissioner
<b>SECONDER:</b>	Mike Doty, Commissioner
<b>AYES:</b>	Steve Cook, Jeff Lamoureux, Erin Smith and Michael Doty
<b>ABSENT:</b>	Deborah Burns, Chairperson
<b>RECUSED:</b>	None

**6. CONSIDERATION upon the application of by Seaboard Investments, Inc., for Community Core Design Review submittal at Ketchum Townsite, Lot 7, Block 15 (520 North Washington Avenue)**

Rebecca Bundy, Senior Planner, presented the staff report. She mentioned that the Commission had seen the project a few months ago. She provided a list of items that the applicant should address. She explained that they were concerned with the dumpster location and that the dumpster would be located to the north side of the building and be placed on a glider system. Its location precludes the inclusion of an ADA space. There are five parking spaces required. The applicant has provided documentation from an ADA agency that states that if the space can't be onsite that it should be located on street.

The applicant is hoping to run the water line to his property by November. Power would be brought to the south side of the shed. About 80% of the line would be located underground. Snow retention on the

roof has been addressed. The building has been reengineered with a metal roof and snow guards. Roof mechanical access is being screened. Loading and deliveries are provided from the alley. There will be a walkway. The fence design is a shadow box. It does not provide 50% opacity, however that is a guideline and not a regulation. The sign plan has been submitted and meets the code. Exterior fixtures meet code. The proposed conditions in general have to do with screening the mechanical, maintaining the property, using the glider and obtaining an encroachment permit. Number nine requires the walkways and patios be kept clear of snow and ten requires a final set of plans in compliance with the commission's comments tonight.

Very little had changed except for a roof design which is now a shed roof. There are proposed snow guards at the base of the roof to help with snow load issues. She overviewed the chimney, fire pits, an existing tree and walkway. The site plan shows the same elements.

Vice Chairman Cook turned the time to the applicant.

Jessie Sheue, mentioned that they wanted to keep it as authentic as possible. He overviewed the new building frontage. The new entry would be setback five feet with a two foot overhang. The new building would be used primarily for kitchen and industrial cooking space. He overviewed the cold entry and bike racks. He showed the rear of the building and described the size of the enclosure for the mechanical equipment. The equipment is heavy, large and intrusive. There will be an ADA bathroom. The fence goes back 26 feet. It is a six foot fence that encloses the back yard. He overviewed the back yard and three hour fire wall. The walkway will be plowed and he indicated that he would pick up his own deliveries.

Commissioner Doty inquired how keg beer would be delivered and Jessie indicated that it would be delivered by truck. Commissioner Doty further pointed out that an ADA person could access the rear door as well. Jessie explained that ADA access should come from the general access entrance.

Commissioner Lamoureux stated that where ever the ADA space is located an access path of travel is needed. Commissioner Cook mentioned that deliveries need a hard surface for hand trucks. Jessie stated that he would rather not pave the walkway. Commissioner Doty stated that he was okay with how the power was being delivered to the building.

Vice Chairperson Cook opened the meeting to public comment.

Paola Barrasda, stated that she owned a nearby restaurant and was concerned that his patrons would park in her parking lot.

Vice Chairperson Cook closed the public hearing and opened Commission deliberations. Commissioner Lamoureux stated that a condition should require an engineered plan for the ADA space in the street.

Commissioner Doty asked who would pay for the parking space. Commissioner Lamoureux mentioned that the applicant would have to because it would satisfy their parking requirement. He stated that the engineered plan, as condition 11, should show the ADA route of travel.

Sheue expressed concern that he was being burdened with having to construct the ADA parking space.

Commissioner Lamoureux suggested that they condition a paved walkway for deliveries. Vice Chairperson Cook indicated that a condition should be placed to require all deliveries to be accessed

from the alley. Commissioner Cook suggested that if they found that deliveries were not being taken from the alley and were going through the front then a paved walkway would be required.

Commissioner Lamoureux motioned that "This project the Kith and Kin addition meets the standards of Title 17 of the Ketchum City Code, and be approved with conditions 1-12 as amended."

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Jeff Lamoureux, Commissioner  
**SECONDER:** Erin Smith, Commissioner  
**AYES:** Steve Cook, Jeff Lamoureux, Erin Smith and Michael Doty  
**ABSENT:** Deborah Burns, Chairperson  
**RECUSED:** None

**7. CONSIDERATION upon the application by JOHN T. HASTINGS, JR. AND EMBASSY AUDITORIUMS, INC., for a stream alteration/ waterways design review/ floodplain development permit at 1200 Warm Springs Road, (Taxlots 8137 and 8138)**

Ms. Bundy overviewed the staff report. She explained that the applicant was proposing to move the main flow of the Big Wood River towards the center of the stream because it is currently eroding the western bank of the river near the bridge. She continued that the Commissioner had visited the site and it was clear that there is evidence of this occurring. They are proposing rip rap to secure a grove of cottonwood trees that are near the bank and starting to lean. They are proposing stone bars north of the rip rap and another one near a light pole. They will need to remove compensatory material, approximately 138 cubic yards, near the river. They have received approval from the Army Corp of Engineers and the Idaho Water Rights.

These approvals have conditions requiring all work to be completed during times of low water, any materials being removed will need to be re-deposited upstream and minimizing the amount of impact to the stream bank. She directed the Commission to photos and identified the impact area and an existing rock bar, which is similar to what the applicant is proposing. The applicant would like to plant willow cuttings near the bar. They will reseed with native grasses in any disturbed areas. Trent with Saw tooth Environmental Consulting stated that the erosion was not occurring at an advanced rate. Trent stated that the application was in keeping with standards and it would enhance stream habitat for fish in the long run. He stated that there would not be adverse public impacts. He recommended that conditions of approval included minimizing removal of existing riparian vegetation, to leave trees stumps and roots intact if any trees needed to be removed and the city to insure that the project's impact stay within the parameters proposed by the applicant. These have been included in staff's condition number six.

The applicant would like to complete all of the work in the fall. If it becomes too cold for the reseeding and re-vegetation, staff would allow them to bond for the work to be completed in the spring time. Commissioner Smith expressed concern that the vegetation could die or be compromised due to flooding and Ms. Allgaier stated that they could have a condition that requires the vegetation to be completed again if it was lost.

Staff is proposing standard conditions to not use fertilizers near the river, that material be relocated up river and that all conditions from the State and Army Corp be met and no maintenance of the riparian zone will be allowed without a permit. Any removed trees will need to be replaced with an approved species and a new plan will need to be submitted.



Vice Chairperson Cook introduced the applicant and gave him the floor. Ben Worst, representative of the applicant, stated that in the last high water year the water re-deposited the gravel near the applicant's property. He explained that one of the cottonwood trees has now pulled away from the bank. They are installing three rock bars which act as underwater speed bumps. He expressed concern regarding re-vegetating the willows. He explained that willows grow like weeds and having to re-vegetate those requires taking the barbs out of the river and reweaving them.

He explained that the rip rap would go where the tree needed to be stabilized. He expressed concern regarding the Nature's Conservatory condition regarding obtaining an agreement from them to do their work. He would like this condition removed.

Commissioner Lamoureux expressed concern that the plans were not detailed enough to provide the contractor enough information. Ben explained that when the plans go out to bid they would have engineered plans.

Condition 13 was revised to state "prior to commencement of construction of any improvements on the adjacent property to the east, permission to make those improvements shall be obtained from the owner of said property

Commissioner Doty motioned "That the Big Wood River Stabilization does meet the standards for approval under Chapter 17.88 of Ketchum Code Title 17 only if the following conditions of approval are met, 1 – 13 as amended."

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike Doty, Commissioner
<b>SECONDER:</b>	Erin Smith, Commissioner
<b>AYES:</b>	Steve Cook, Jeff Lamoureux, Erin Smith and Michael Doty
<b>ABSENT:</b>	Deborah Burns, Chairperson
<b>RECUSED:</b>	None

**8. EST 7:45 p.m. CONSENT AGENDA a. APPROVAL OF MINUTES 1. June 9, 2014**

Commissioner Doty recused himself from the consent agenda and offered an edit of page 9 of 13 for June 9<sup>th</sup>, number 5 doesn't state that he recused himself and would like that reflected in the record.

Vice Chairperson Cook provided a revision to page six, 2<sup>nd</sup> sentence where it stated that the commission was not concerned. They decided to cut that sentence.

Commissioner Smith motioned "To approved the minutes from the June 9<sup>th</sup> meeting as amended."

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Erin Smith, Commissioner  
**SECONDER:** Jeff Lamoureux, Commissioner  
**AYES:** Steve Cook, Jeff Lamoureux, Erin Smith and Michael Doty  
**ABSENT:** Deborah Burns, Chairperson  
**RECUSED:** None

**9. STAFF COMMENTS & CITY COUNCIL MEETING UPDATE**

Ms. Allgaier provided her farewell to the Commission and stated that this was her last meeting.

**10. COMMISSION COMMENTS 11.ADJOURNMENT**

Commissioner Smith motioned "To adjourn."

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Erin Smith, Commissioner  
**SECONDER:** Jeff Lamoureux, Commissioner  
**AYES:** Steve Cook, Jeff Lamoureux, Erin Smith and Michael Doty  
**ABSENT:** Deborah Burns, Chairperson  
**RECUSED:** None

  
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Planning and Zoning Commission