



## Planning and Zoning Commission- Regular Meeting MINUTES

Monday, June 08, 2020 at 5:30 PM  
Ketchum City Hall  
480 East Avenue North, Ketchum, ID 83340

### CALL TO ORDER

The meeting was called to order at 5:32 PM by Vice-Chairman Matthew Mead.

### PRESENT

Vice-Chairman Mattie Mead  
Commissioner Tim Carter  
Commissioner Jennifer Cosgrove  
Commissioner Kurt Eggers

### ABSENT

Chairman Neil Morrow

### COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

Commissioner Tim Carter and Vice-Chair Matthew Mead individually visited the sites associated with the items on this agenda except for the Redfish Building, which had been the location of a previous site visit.

### CONSENT CALENDAR—ACTION ITEMS

1. **ACTION - Minutes of March 9, 2020**
2. **ACTION - Minutes of May 19, 2020**
3. **ACTION - Mountain Land Design Showroom Design Review** Findings of Fact and Conclusions of Law

**Motion to approve the Consent Calendar and authorize the Chair to sign the Findings of Fact and Conclusions of Law for the Mountain Land Design Showroom Design Review.**

*Motion made by Commissioner Eggers, Seconded by Commissioner Carter.*

*Voting Yea: Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

### PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

4. **ACTION: Administrative Appeal of Zoning Administrator's Decision on 201 Garnet Street.**  
Recommendation to 1) Accept Administrator's certification of procedural requirements; 2) Accept the record of the case; 3) Set the appeal hearing for June 8, 2020; 4) Affirm the determination of the Planning and Zoning Administrator and direct preparation of Findings of Fact.

**Motion to accept the Administrator's Certification of Procedural Requirements finding all procedural requirements have been satisfied and fees have been paid included as Attachment A to the Staff Report dated June 8, 2020.**

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.*

*Voting Yea: Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

**Motion to accept the record of the case consisting of the Administrator's Determination Letter dated March 9, 2020 and the supporting documents referenced to reach the determination included as Attachment B to the Staff Report dated June 8, 2020.**

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.*

*Voting Yea: Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

**Motion to set the Appeal Hearing to occur in Ketchum City Hall, Council Chambers, 480 East Ave N, Ketchum, Idaho 83340 with the opportunity for the applicant to participate through the virtual meeting platform hosted at Ketchumidaho.org on Monday, June 8, 2020 at 5:30 PM. Finding the appellant has been given proper notice of the proposed hearing time, date, and location, has submitted a brief, and is present to give oral argument.**

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.*

*Voting Yea: Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

Senior Planner Brittany Skelton presented the Staff Report for the Administrator's Determination Letter stating a minimum 15' setback from the edge of asphalt is required for a proposed single-family dwelling on the property at 201 Garnet St.

The Appellant was represented by attorney Fritz Haemmerle. Site plans were distributed to the Commission and the distance from the property line to portions of the house were disclosed. The Appellant thought the decision was contrary to Zoning Code and State Law. He disagreed with the City engineer, that Garnet is not a street, but an access easement and thought the setback was not justified. He asked for the Commission to reverse the Staff position.

Commissioner Eggers asked the appellant if the site plan provided was different from the plan in the packet. Haemmerle noted it was a revised site plan for a single-story building. Eggers asked if it was a right-of-way or street. Haemmerle stated it is a public right-of-way by prescriptive easement. Eggers asked if Haemmerle was a neighbor and he replied he grew up in the neighborhood and sold the parcel of land to the Nalens.

Commissioner Carter asked if Garnet was a public or private roadway. Haemmerle said it was an easement as the neighbors own the land beneath the street. He asserted the streets should be declared public by the City. Carter asked why not build to the 15' setback. Haemmele replied the Building was not designed that way. The building had been moved back five feet to meet the setback requirements. Two-Thirds of the building is more than 15' back, while one-third of the building has a 12' setback, still allowing for adequate snow storage requirements.

Vice-Chair Mead asked if the Commission was ready to make a decision.

Commissioner Cosgrove struggled with the setback vs the private/public road.

Commissioner Eggers thought it did not matter if the street was public or private. The setback is the same and measured from the property line. The applicant must work with the Street Department for drainage, snow storage, etc. He was inclined to grant the appeal.

Commissioner Carter thought the street ownership clouded the issues. If private, what is the City's obligation for maintenance and snow removal vs property damage? If public, how do you reconcile the property line in the middle of the street?

Commissioner Cosgrove questioned why the setback for this building was problematic when the setback was similar to other buildings along the street.

Director Frick related the narrow street had resulted in damage to private property when plowing making the City liable for damages. This is a 20-foot wide paved area where the standard street is 60 feet wide, resulting in sub-standard conditions increasing the likelihood of property being damaged. The goal is to have all future properties meet the setback, so that over time, as properties redevelop, the street will be widened to 30 feet to make it a conforming city street.

Vice-Chair Mead wondered if a waiver of City liability would allow building within the setback.

Director Frick stated the City will continue to plow the street and the residents will provide sufficient space for access by trimming trees, etc.

Commissioner Eggers saw the validity of the point of view of both sides and agreed with Vice-Chair Mead on a liability waiver and to enforce the setbacks on new developments.

Commissioner Carter thought some attempt was being made to meet the setback.

It was determined the Site Plan provided in the packet was different from the Site Plan referred to by the applicant. Neither version had enough information for the Commission to make a decision. The Commission asked the applicant for additional information and a review by the City Engineer for drainage and snow storage.

**Motion to continue the Appeal Hearing to June 22, 2020 for a Special Meeting of the Commission to obtain updated information from the City Engineer on the drainage and snow storage issues. Applicant's architect to provide information on porches or other structures considered in figuring setback calculations prior to the meeting date.**

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.*

*Voting Yea: Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

- 5. ACTION - Cherp Work/Live Conditional Use Permit Application:** 270 Northwood Way, Unit 201 (Redfish Light Industrial Condominiums, Unit 201) The Commission will consider and take action on a request from property owner Mia Cherp for a work/live unit with a 579 square foot living area and a 754 square foot work floor area; the work use, STITCHstudio, is a craft/cottage industry.

The Cherp Work/Live Conditional Use permit was introduced by Senior Planner Brittany Skelton. The Commission has the option to modify the conditions of the CUP related to the work/live aspects of the CUP. Visits can be made by the Fire Department or Planning Department staff.

The Conditional Use Permit was presented by Attorney Gary Slette, representing the applicant Mia Cherp. Architect Tom Gabney was also present. The Redfish Building contains 2 other work/live units. Cherp holds a Ketchum business license for Stitchstudio, a craft cottage industry, permitted in the Light Industrial. She has many interior decorators using her services. He felt the

application now meets the standards of the zoning code. He felt the past history of the applicant should not be considered for this application. Comment letters from customers support the professionalism of the applicant and she would welcome inspections from the Planning Department. He requested approval.

Commissioner Eggers asked 1) if the live space was going to be rented. 2) How much traffic does it generate? Slette replied Mia Cherp would be living there. The studio would be open by appointment only.

Commissioner Cosgrove asked about other employees. Slette replied there were no employees at this point, but there was room for another worker.

Vice-Chair Mead asked how the business is advertised. Slette informed it is word-of-mouth and referrals from customers. She has a Ketchum business license, but a State registered DBA is not required under state law. Samples of her work-product were shown to the Commission.

The floor was opened to Public comment:

Mike Mead, resident of Lane Ranch, owner of a unit in the Redfish Building. He felt it would be a mistake to approve a work/live unit. He felt the construction work done in the unit was done without a permit and not inspected. He objected to the work being allowed without a permit and felt the City should have a record of the business.

Commissioner Eggers asked Mead if the HOA had any regulations regarding use of units. Mead replied the first floor is commercial only. The second floor has 2 live/work spaces. He formerly used his unit for an artist studio and live/work space.

No further public comments in person or virtual. Comments were closed.

Applicant responded to public comment.

Attorney Slette rebutted public comment. He related traffic at the location was minimal as the applicant goes to the client's location. The HOA does have CCR's and the applicant is compliant with the CCR's. A new building permit and demo permit had been applied for and complied with. He felt local business should be encouraged.

Commissioner Cosgrove asked Staff if a portion of the area could be sublet to an additional light industrial business. Skelton replied it could be sublet as long as the commercial use complied with the code as to zoning, safety, etc.

Commissioner Carter understood the concerns of the commenter given the applicant's history. He would like to impose conditions for verification of the business portion of the unit.

Commissioner Cosgrove wanted to see a definite timeline for inspection, suggesting every 6 months for 2 years to ensure compliance with live/work standards in the Light Industrial Zone.

Vice-Chair Mead agreed but struggled with the past history of this application. He wanted to think this was a qualified use. He agreed with an inspection schedule.

Commissioner Carter referred to Condition 6 requiring periodic/routine inspection requirements.

The Commission discussed various monitoring methods, including time frame, criteria, etc.

Administrator Frick pointed out the Commission can decide on the check-in timetable, as to use of space, sales tax collected, etc. with Staff performing administrative checks of the use of space, the status of the business license, etc. and presenting the results to the Commission. This would be a public hearing and allow for public comment.

Commissioner Cosgrove wanted to see a 6-month check and review by the Commission.

Vice-Chair Mead thought an annual check-in coordinated with the business license renewal.

The Commission continued the general discussion of frequency of inspection.

Director Frick suggested a review before the PZ Commission stating the use of space, amount of sales tax reflecting sales. etc. to verify the business.

Commissioner Cosgrove suggested a 6-month check by staff and a return to the PZ Commission at renewal of the business license with the Commission reserving the right to require subsequent reviews of the work/live unit.

**Motion to approve the Cherp Work/Live Conditional Use Permit for a Live/Work Unit located at 270 Northwood Way, Unit 201 in the Redfish Building with Conditions 1-10, Condition 6 amended as noted.**

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.*

*Voting Yea: Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

6. **ACTION - 3020 Warm Springs Rd. (Waddell/Roush) Duplex Design Review**: 3020 Warm Springs Rd. (Wills Condominium Subdivision No. 2) The Commission will consider and take action on a Design Review application submitted by architect Craig Lawrence, on behalf of property owners Doug and Stacey Waddell, for the development of a new duplex and associated site improvements within the General Residential Low Density (GR-L) Zoning District. *Continued from May 19, 2020.*

Associate Planner Abby Rivin gave feedback to the applicant as to the side and back facades and recommends approval with conditions as noted.

The Design Review was presented by architect Craig Lawrence. There were concerns over the starkness of the rear facade. Cedar siding had been added to the rear and the sides, the windows were unchanged. Undulation was added with the vertical siding adding character to the home. Mature firs, spruce and aspens were added bringing variety to the landscaping. He urged approval, with conditions, to move the project along.

Commissioner Carter asked about the colors used on the siding and stucco. Lawrence indicated it was a pre-stained product in a grey tone.

Vice-Chair Mead asked about the vertical vs horizontal siding. Lawrence answered it was to provide interest, character, and variety to the building.

Commissioner Cosgrove asked if the roof plane could undulate to break-up the façade. Lawrence replied changing the roofline would eliminate a bedroom in each unit.

Commissioner Eggers asked about the three levels of the cedar siding on the building. Lawrence added it was to add character and break up the façade without adding bulk.

The Floor was opened for Public Comment:

Mark Kearn, neighbor to the Northwest, referencing 3 public comment letters from neighbors, stated the building is too monolithic and block-like: looking like an apartment building or motel. The rear facade is still a large flat wall. He asked for the applicant to return with an improved design. He requested structural changes, not just cosmetic.

Robert Rudy, lives in the area, noted the overhangs and roof eaves are in the setbacks and should be included in lot area coverage as are the decks.

Alex Hughes, owner of neighboring property, does not feel the building is compatible with the neighborhood. She requested the re-design of the building as the sides and rear are too box-like.

Baird Gourlay, neighbor and former PZ Commissioner, stressed the building is too block-like, and would change the character of Warm Springs Road.

Gary Slette, representing Jamie Kearn, urged the Commission not to rush with this decision, to follow the Code, and to consider the block walls of the rear facade.

Doug and Stacey Waddell, applicants, felt the suggestions from the last meeting had been incorporated into the design. He asked for approval of the design review.

James and Joy Rousch, co-applicants, also owns other property on Warm Springs Rd, wants project to move forward and asked for approval of the project.

Brian Poster addressed comments from the last meeting including materials and landscaping. He indicated increased interest and variety can be achieved with finishing techniques of the cedar. He urged approval so the project can move forward.

Steven Hart, adjacent neighbor, opposed the proposal. He thought the project was nice from the front but not from the back or sides. The changes do not change or minimize the harsh mass. He was afraid this would set a precedent and other vacant lots would be subject to the same unappealing views.

David Hurd, resident, thought the design maxed-out all aspects of the building, including height, mass, etc. He thought it looked good from the front, but only changed the painting of the box and did not change the sides.

Public comments closed.

Craig Lawrence, architect, addressed comments as to the blank walls on the sides and the rear. In order to change the rear or side walls, a bedroom would be lost. The building now has undulation. The colors improve the appearance and the project meets all codes.

Vice-Chair Mead asked about the comment that overhangs were in the setbacks. Lawrence related the overhangs have been altered and the building plans will be in compliance.

Planner Rivin related the code for overhangs and decks as related to the setbacks.

Commissioner Cosgrove noted the disconnect between the front and sides of the building and felt it lacked unity from all sides.

Commissioner Eggers understood the neighbors' concerns but felt they cannot preserve the view. The code is subjective, but he thought the project met the code. He felt comfortable with approving the project but questioned the inconsistency of the siding on the rear wall.

Commissioner Cosgrove wanted to see changes in line with the community comments. She felt there was no cohesiveness between the front and sides.

Commissioner Carter was sensitive to the neighbors but also considered that the project meets the requirements of the code. To change the roof, the square footage of the unit would have to be reduced.

Vice-Chair Mead understood why the windows were moved but it only increased the mass of the side view. The changes in exterior materials helped the massing. He supported more changes to the design and to continue the project. He wanted to see the first-floor windows brought back.

Commissioner Cosgrove agreed with a continuance, due to the amount of Community comments. She wanted to see a more wholistic approach to the design.

The Commission continued to discuss header beams, window trim, and exterior materials. Design concepts were considered but wondered about the precedence of this project for other developments along Warm Springs Road.

**Motion to continue to Special Meeting of June 22, 2020 for further Design Review to address concerns of the Commission and the Community relative to the lack of detailing on the sides and rear of the building.**

*Motion made by Commissioner Cosgrove, Seconded by Commissioner Eggers.*

*Voting Yea: Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

- 7. ACTION - Bavarian Village Townhomes Subdivision Preliminary Plat: 112 Rember Street (Bavarian Village: Lot 2) The Commission will consider and take action on a Townhouse Subdivision Preliminary Plat application submitted by Benchmark Associates, on behalf of property owner Tim Linehan, to subdivide Lot 2 of Bavarian Village Subdivision within the General Residential High Density (GR-H) Zoning District into two townhouse sublots.**

Planner Abby Rivin gave the introduction to the Preliminary Plat. The Design Review was approved administratively, and the townhouses were under construction. Each lot would be divided into 2 townhouse sublots. Each townhome unit has a detached storage accessory building which is platted with the associated townhouse. Staff recommends Commission recommend approval to City Council.

The Floor was opened for public comment. No comments were made, and comments were closed.

**Motion to recommend approval of the Bavarian Village Subdivision Preliminary Plat to City Council with Conditions 1-8 and to authorize the Vice-Chair to sign the Findings of Fact and Conclusions of Law.**

*Motion made by Commissioner Eggers, Seconded by Vice-Chairman Mead.*

*Voting Yea: Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

- 8. ACTION - 4th & Main St Mixed-Use Building Pre-Application Design Review:** Main Street between 4th and 5th Streets (Ketchum Townsite: Block 5: Lots 1, 2, 3, and 4.) The Commission will consider and give direction on a Pre-Application Design Review submitted by Chris Ensign of Solstice Homes Development for a new four-story, 47.5 foot tall, 59,130-square-foot mixed-use building located on four lots on Main Street between 4th and 5th Streets within the Retail core of the Community Core (CC-1). *Continued from March 9, 2020.*

Commissioner Eggers recused himself from this agenda item.

The project was introduced by Associate Planner Abby Rivin. Staff recommended continuing the design review for this project to allow for further refinements of the design.

The updated Design Review was given by Chris Ensign. A "fly-over" video of the project was shown. The design changes worked to improve the undulation to relieve the monolithic appearance of the building. He explained the team worked to make the appearance fit in with Ketchum architecture. Changing the decks created more window area for the retail spaces. Ensign asked for feedback from the Commission.

Vice-Chair Mead remarked that due to the impact of the project, the design review is a thoughtful and careful process.

Commissioner Carter emphasized the impact this project would make on Ketchum. He thought this was an improvement over the previous design but had high expectations for the project. He liked the distressed brick and would like to see an artisan quality to the brickwork. He liked the steel aspect to the design. He wanted to see the 4th Street entrance be converted to a retail space to contribute to the retail /walking area qualities of 4th Street.

Vice-Chair Mead echoed Commissioner Carter's concerns over the retail space on 4th Street.

Commissioner Cosgrove agreed with the commissioners and appreciated the fly-over. She agreed this would be a huge presence in town and although improvements have been made, she wanted to see it look more integrated into the community.



Ensign thought the Comprehensive Plan was comfortable with this amount of mass. He was looking for direction from the Commission. He expressed his frustration that Staff had recommended continuation for further design refinement. He thought his design met the code and should be approved.

Director Frick went over the purpose of the Pre-Design Review process and how it can evolve.

Vice-Chair Mead liked the undulation, but not the repetitive shapes of the façade. He wanted variation on the undulations.

Commissioner Carter encouraged the applicant to work together with the Commission to find the best solutions for the Community. He did not want to see it look like 3 different buildings. He liked the alcoves on the Main Street side as they provided “protected” spaces from the traffic.

Commissioner Cosgrove encouraged patience in the process. She liked the addition of the alcoves, but felt the mass was oppressive.

Vice-Chair Mead saw the elevations as challenging. He thought the design was improving but objected to the repetitions in the front elevations. He urged the applicant to emphasize what is working (as in the 4th Street elevation) and incorporate it into the Main St. elevation.

Commissioner Carter appreciated the renderings as a helpful tool but wanted to see a rendering of the view from Main St locations to see the project in context with surrounding buildings. He questioned the amount of heating and air-conditioning that might be required with the large amount of glass on the façade. He wanted to see a well-performing building as well as a building to enhance the beauty of the community.

Planner Skelton commented that out of 100 lots in downtown, there are only 5 developments that cover a half of a block or more. She concluded this is a significant building in downtown Ketchum. Skelton commented that the Code stated the by-right Floor Area Ratio in the Community Core Zone is 1.0 and MAY be permitted to go to 2.25 if Community Housing is involved and a Design Review is approved. A proposed 2.5 FAR is not by-right.

Vice-Chair Mead acknowledged the applicant’s frustration, but the job of the Commission is to provide the best for the Community.

Ensign requested a workshop but was told a developer could hold a community workshop to help with feedback and acceptance from the community.

**Motion to continue the Pre-Design Review for 4<sup>th</sup> and Main Street Mixed-Use Building to a future date.**

*Motion made by Vice-Chairman Mead, Seconded by Commissioner Carter.*

*Voting Yea: Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove.*

*Recused: Commissioner Eggers*

## **STAFF REPORTS & CITY COUNCIL MEETING UPDATE**

The projects scheduled for the June 15<sup>th</sup> City council Meeting are:

- 425 N Bigwood Dr. Lot Line Shift and Waiver
- Parkway Dr Lot Line Shift and Easement Relocation
- Mountain Land Design Showroom Exceedance Agreement

City Council July 6<sup>th</sup>:

- 425 N Bigwood Dr. Final Plat

Planning Special Meeting June 22:

- Nalen Appeal
- 3020 Warm Springs Rd Waddell/Rousch Duplex

Planning on July 13<sup>th</sup>:

- Roberts Brothers Townhomes Subdivision Preliminary Plat
- W Ketchum Residences Phased Development Agreement and Preliminary Plat
- Gem Street Subdivision Preliminary Plat and Lot Line Shift
- 4th and Walnut Mixed-Use Project Design Review
- North Pass Subdivision Preliminary Plat

## **ADJOURNMENT**

### **Motion to adjourn at 9:30 PM**

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.*

*Voting Yea: Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

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Matthew Mead  
Acting Chairman and Vice-Chairman