



# Planning and Zoning

## Regular Meeting

~ Minutes ~

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

Keshia Owens  
(208) 726-7801

Monday, June 27, 2016

5:30 PM

Ketchum City Hall

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Commissioners Present: Steve Cook, Chairperson  
Jeff Lamoureux, Commissioner  
Steve Cook, Commissioner  
Erin Smith, Commissioner

Absent: Betsy Mizell, Commissioner

Conference Call: Paul Fitzer, City Attorney

Staff Present: Micah Austin, Director of Planning & Building  
Brittany Skelton, Associate Planner  
Keshia Owens, Planning Technician  
  
Members of the Public

118 5:00 PM-SITE VISIT: 112 Irene Street, Ketchum, Idaho (Warm Springs Creekside Sub Lot 12)

219 5:30 PM - CALL TO ORDER: City Hall, 480 East Avenue North, Ketchum, Idaho

20 Commissioner Cook called the meeting to order at 5:40.

321 PUBLIC COMMENT - Communications from the public for items not on the agenda.

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Gary Lipton, Ketchum resident and adjacent property owner

25 Lipton said that Bracken Station was not listed as a called meeting in the newspaper. He explained that  
26 he was offended the Commissioners did not properly tell the public about the meeting and noted that  
27 the item should be continued so the public can be properly notified. He later stated that because the  
28 item was not properly advertised in the paper, the public's opportunity to attend the meeting was  
29 violated.

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431 COMMUNICATIONS FROM STAFF

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33 Continued from Monday, June 13, 2016- Bracken Station Conditional Use Permit Public Hearing: 911  
34 North Main Street, Ketchum, ID (Ketchum AM Lot 5A Block 30 18,590 SF) The applicant is proposing to  
35 construct a motor vehicle fueling station with accessory food service. The property is 0.435 acres in size  
36 and zoned Light Industrial-1 (LI-1).

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## COMMENTS:

Commissioner Cook, representative of the applicant, said that he wished to recuse himself from the item.

Skelton said that since the June 13, 2016 meeting staff has received four additional written comments:

**Helsia Graff**

Concerned about the visual impact of the gas station and the rapid flashing beacon on Main Street when juxtaposed against the mountains.

**Yelna Chestnut and William Niedrick, owners of Wood River Lock**

Concerned about traffic, dark sky impacts, visual impacts, community character, and the fact that the area is already served by nearby gas stations. They are also concerned with the restaurant use not being viable after 5 PM.

**Gary Lipton**

Concerned about maintaining a dark sky and glare from lighting. He is also concerned about light trespass from the canopy, which is exacerbated by the height difference between the canopy and the lower grade of his property. He also has concerns about glare from the headlights of vehicles and from patrons of the gas station.

**Leo Bresky**

Concerned with dark sky light trespass from the new patio into his property, which is at a lower grade and the lack of landscaping on the western property line to provide a buffer. He suggests incorporating existing trees into patio design and/or adding additional landscaping on the property line. He is also concerned with hours of operation, rear setbacks and asked if financing for future sales of adjacent properties is contingent upon an EPA study.

**Liz Roquet**

Concerned with the increase in traffic in and out of the site and chronic speeding around the site in collisions. She is also concerned about difficulty turning into the site from Tenth Street due to the southbound angle and on Main Street due to the timing of turning on a turn signal. She noted concerns about the relevancy of the Traffic Data Study completed in 2008 as it relates to safety and access to the site. She is also concerned about Tenth Street bicycle safety, pedestrian traffic from Hemingway Elementary, and the turning angles and speeds of vehicles. She is also concerned with drainage and potential contamination from surface runoff and water below ground.

## Staff comments:

Skelton said that to date staff has received a full sixty-four-page traffic study, which has yet to be analyzed. She explained that a pedestrian study and ITD's sign-off on the design's conceptual connection to Frenchmen's will be submitted in time for the July 11, 2016 meeting. She noted that both of these will be incorporated into the upcoming staff report. She also clarified that DEQ standards for underground fuel storage tanks and the first iteration for the photometric lighting plans has also been received.

89 Public Comment:

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91 **Bruce Smith, Ketchum resident**

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93 Smith commented that he prepared site plan for Mr. Bracken, yet noted that stated opinions are his  
94 own. He said that he is imagining that the City is trying to attract tourists and added there are people  
95 with big campers or those who may own a boat and their last shot at gas is Stanley. He explained that a  
96 lot of people are going to be really happy that they will be able to see a gas station that is more for the  
97 benefit of tourists than residents. He mentioned that the EPA's gas station standards are ridiculously  
98 strict and indicated that these standards will make the gas station very safe. He also emphasized that  
99 the Commission did the Text Amendment for the Community School, which has allowed forty kids to live  
100 near a gas station within the Light Industrial District.

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102 **Tara Martin, Ketchum resident**

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104 Martin said that until now she did not fully understand the full extent of the Bracken proposal and  
105 questioned if the City really needs another gas station. She argued that if the project is targeted toward  
106 tourists, yet current businesses are already having trouble during the slack season, what will happen to  
107 the gas station when tourists are not here.

108  
109 **Gary Lipton, Ketchum resident**

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111 Lipton cited Skelton's earlier presentation and said that he is actually neutral toward the gas station and  
112 added that he has no problem with the developer venturing his money to make a project. He then  
113 commented that it was impressive that an attorney, who was representing the Planning and Zoning  
114 Commission, told the public to not say anything outside of factual statements for Bracken Station or  
115 essentially we will be out of order. He argued that Steve Cook and the Commission were able to speak  
116 with objection from the City Attorney and noted that this did not seem transparent to the public. He  
117 contended that the Commission should be representing the City's building code better than the laymen  
118 of the public. He is also noted that the public is supposed to look up to the Commission to represent  
119 everyone, not just a fellow commissioner. He then recounted the June 13, 2016 meeting and said that  
120 Commissioner Mizell tried to express a form of compassion for the possible loss of ten businesses and  
121 thirty jobs during her comment, but her comments were stopped. He also said that the issue of lighting  
122 will need to be further discussed and stated that he is setting up the board for an appeal to the City  
123 Council if this item is approved.

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125 He later stated that he would like to see something about gas station insurance in terms of fire and  
126 liability and reaffirmed Barbi Reed's comments about drippings and contamination.

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128 **Dusty Wendland, Ketchum property owner**

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130 Wendland said that he wanted to provide more information on Leo Bresky's comment on whether  
131 additional EPA studies would be required for adjacent properties. He explained that he owns an  
132 automotive building just south of Base Camp/River Run and noted that he attempted to mortgage this  
133 property, but he was unable to do so without paying for additional EPA studies. He said that the  
134 implication of this is that adjacent property owners have the value of their property affected because a  
135 subsequent purchaser or developer of the property will be burdened with the requirement for EPA  
136 studies before a bank would mortgage a loan. He noted that once a property with a fueling station and  
137 underground tanks is developed then the burden afflicts the property that was developed and the  
138 adjacent properties as well.

140 Jody Vering, Ketchum resident

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142 Vering is concerned about the underground tanks and would like to know if the EPA will take seismic  
143 shifts into account. She also commented that people have applications on phones, which allow them to  
144 find a gas station easily.

145  
146 Barbi Reed, Ketchum resident

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148 Reed said that when she first learned of the project she researched gas stations, but has yet to find  
149 anything positive. She pointed out that she has never seen a big rig run out of gas and said that she is  
150 very proud to live in a town where it is hard to find gas. She also mentioned that she would like the  
151 applicant to identify what size vehicles (height and length) will be using the station and how will they  
152 navigate it. She then said that the right-hand turn off of Tenth Street, pedestrian safety, and sidewalks  
153 (especially when covered with snow) should be looked at more thoroughly. She indicated that snow  
154 removal is an issue and drippings from cars and tanks will likely contaminate the removed snow. She  
155 proposed that the traffic study must be done with a thorough analysis and understanding of what will  
156 happen in the future.

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158 Reed then stated that anyone who takes time out of their day should have the opportunity to speak and  
159 proposed that the Commission listen to all comments, even if it is repeated.

160  
161 Yelena Chestnut, owner of Wood River Lock

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163 Chestnut said that the project will change the view and the spirit of Ketchum and adding a gas station  
164 will cause the City to lose its zing. She mentioned that people who have lived here for a very long time  
165 have gotten used to certain things and to get rid of those things would make them very upset. She also  
166 asserted that Ketchum has an image and we don't want to destroy the image of Ketchum.

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168 Directives from the Commission:

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  - Market study from Knob Hill Inn
  - 171 • Clarification on the makeup of traffic and the turning radii of various large vehicles
  - 172 • Clarification on gas station snow removal
  - 173 • Summary of requirements for the underground storage tanks in relation to seismic activity

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175 Commissioner Smith moved to continue the Bracken Station Conditional Use Permit to the July 11, 2016  
176 Planning and Zoning Commission Meeting.

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178	<b>RESULT:</b>	<b>CONTINUED CC [UNANIMOUS]</b>
179	<b>MOVER:</b>	Erin Smith, Commissioner
180	<b>SECONDER:</b>	Jeff Lamoureux
181	<b>AYES:</b>	Jeff Lamoureux, Erin Smith
182	<b>ABSENT:</b>	Betsy Mizell

183 Continued from Monday, June 13, 2016- Bracken Station Pre-Application Design Review Public Hearing:  
184 911 North Main Street, Ketchum, ID (Ketchum AM Lot 5A Block 30 18,590 SF) The applicant is proposing  
185 to construct a motor vehicle fueling station with accessory food service. The property is 0.435 acres in  
186 size and zoned Light Industrial-1 (LI-1).

## 187 COMMENTS:

188 Commissioner Smith moved to continue the Bracken Station Pre-Application Design Review to the July  
189 11, 2016 Planning and Zoning Commission Meeting.

190	<b>RESULT:</b>	<b>CONTINUED CC [UNANIMOUS]</b>
191	<b>MOVER:</b>	Erin Smith, Commissioner
192	<b>SECONDER:</b>	Jeff Lamoureux, Commissioner
193	<b>AYES:</b>	Jeff Lamoureux, Erin Smith
194	<b>ABSENT:</b>	Betsy Mizell

195 Armour Residence Waterways Design Review: 112 Irene Street (Warm Springs Creekside Sub, Lot 12)  
196 The Commission will consider and take action on an application for a Waterways Design Review and  
197 Flood Plain Development Permit for construction of a new single-family residence.

## 198 COMMENTS:

199 Staff comments:

200 Skelton said that the project contains a very small amount of flood way and added that the project was  
201 properly noticed and aided by Jim Zuribica, CFM. She explained that the project meets all zoning  
202 requirements for building height and setbacks and commented that during the construction phase a  
203 small area of the site will be disturbed. She pointed out that staff cannot currently recommend approval  
204 for the drainage plans because the Streets Department had additional comments, but this can be taken  
205 care of with conditions.

206

207 Public comment:

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209 **Tara Martin, property owner immediately to the north of the property**

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211 Martin said that there is an issue with erosion and the creek has a strong current that eats away at  
212 riparian improvements. She added that the setback is currently 25 feet and that could possibly be a  
213 problem in the future.

214

215 Additional conditions from the Commission:

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- 217 • The Public Works Director's approval of drainage plans, prepared by a licensed professional that  
218 addresses improved drainage in the right-of-way, on-site drainage that accommodates roof and  
219 surface flow and maintains 25' of clearance from the city water line.
- 220 • Irrigation shall be removed after two irrigation seasons.
- 221 • A more rigid fence that would prevent people or machinery from passing beyond the Limit of  
222 Disturbance
- 223 • Signage placed on the fence to indicate limits of construction
- 224 • Limit of disturbance shall be at a minimum of eight feet from the top of the bank

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226 Commissioner Smith moved to approve Armour Waterways Design Review because it does meet the  
227 standards for approval under Chapter 17.88 of Ketchum Code Title 17, only if the following conditions of  
228 approval are met, which are one through thirteen as discussed.

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230 **RESULT:** **ADOPTED [UNANIMOUS]**  
231 **MOVER:** Erin Smith, Commissioner  
232 **SECONDER:** Jeff Lamoureux, Commissioner  
233 **AYES:** Steve Cook, Jeff Lamoureux, Erin Smith  
234 **ABSENT:** Betsey Mizell, Commissioner

~~235~~ **Zoning Ordinance Phase II Update: Work Session**

236 Austin said there is nothing additional from the last meeting and it should be tabled. He also explained  
237 that the parking ordinance update will soon be ready for the public.

~~238~~ **CONSENT CALENDAR**

~~239~~ **APPROVAL OF MINUTES**

240 June 13, 2016: Minutes

241 **RESULT:** **CONTINUED CC**  
242 **MOVER:** Jeff Lamoureux, Commissioner  
243 **SECONDER:** Erin Smith, Commissioner  
244 **AYES:** Steve Cook, Jeff Lamoureux, Erin Smith  
245 **ABSENT:** Betsy Mizell, Commissioner

~~246~~ **FUTURE PROJECTS AND NOTICING REQUIREMENTS**

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248 There were no updates.

~~250~~ **STAFF REPORTS & CITY COUNCIL MEETING UPDATE**

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252 Austin provided the following updates:

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  - Warm Springs Ranch Resort was extended.
  - The Final Plat for Foxhole will be coming before the Commission.
  - There will be follow up on waterways projects from the past, such the Heinz project.
  - Updates on the sidewalk quotes and a correction of the initial cost estimates.

~~259~~ **Commission reports and ex parte discussion disclosure**

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261 Cook commented on the amount of parking spaces being taken up by Kneebone and He also asked  
262 about the timeline of the Auberge project.

~~264~~ **ADJOURNMENT**

265 Commissioner Lamoureux motioned to adjourn and Commissioner Smith seconded.

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269 Steve Cook  
270 Planning and Zoning Commission Chairperson  
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