



**City of Ketchum
Planning & Building**

**STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF JANUARY 13, 2019**

PROJECT: Duval Work/Live Conditional Use Permit

FILE NUMBER: P19-135

OWNER: Jon-Kristian A. Duval

APPLICANT: Jon Duval

REQUEST: Conditional Use Permit (CUP) for a work/live unit

LOCATION: 491 E. 10th Street Unit A17 (Tenth St Light Industrial Complex Bldg A Unit A17)

ZONING: Light Industrial District No. 2 (LI-2)

OVERLAY: None

NOTICE: Notice was published in the Idaho Mountain Express on December 25, 2019, was mailed to property owners within 300' on December 30, 2019 and was posted on site on January 6, 2020.

REVIEWER: Brittany Skelton, Senior Planner

ATTACHMENTS: A. Application
B. As built floor plan
C. Business documentation
D. draft Findings of Fact, Conclusions of Law, and Decision

BACKGROUND

Jon Duval, property owner, has applied for a Conditional Use Permit to bring into compliance the work/live unit he owns in the LI-2 zoning district. The subject property is located at 491 E. 10th Street, Unit A17, in Building A of the 10th Street Light Industrial development.

The unit is currently occupied by two tenants, who share the living space, and each operates a business. Both businesses fall under the land use category Commercial Studio, which is a permitted use in the LI-2 zoning district. One business, 5 Atmospheres, is an established art/graphic design/apparel business owned and operated by Patrick Boudin. The other business that will utilize the unit, Remy Road, will be a photography and art business, is in the start-up phase, and is owned and operated by Vanessa Root. Both businesses are art/design-based with product production (apparel/stickers), other than prototypes, occurring off-site. Both businesses are LLCs with State of Idaho business registrations and both businesses have applied for City of Ketchum business licenses. Further information on each business is included in **Attachment C**.

Work/Live units are defined by Ketchum Municipal Code as follows:

Work/live units incorporate residential living space in a non-residential building. Work/live units are held jointly in common ownership and the work and live spaces cannot be sold or platted as separate condominiums, as documented with a City-approved restrictive covenant recorded against the property. are permitted in the LI-2 zone provided a Conditional Use Permit for the live component is approved by the Planning and Zoning Commission.

The existence of the work/live use was discovered during the city's publicized efforts to locate and bring non-conforming and unpermitted residential living spaces in the LI zones into compliance with building, fire, and zoning codes.

There are currently no outstanding fire or building code compliance issues within the unit.

The work/live unit has a 833 square foot upper-floor living space and a 950 square foot ground floor that consists of workspace and storage associated with 5 Atmospheres and Remy Road. The total square footage of the unit is 1,783 square feet.

Table 1. Comprehensive Plan Analysis

Land Use Category: Mixed-Use Industrial
PRIMARY USES <i>Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.</i>
SECONDARY USES <i>A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.</i>
CHARACTERISTICS AND LOCATION <i>The Mixed-Use Industrial category is intended to provide critical lands for Ketchum's economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.</i>
The proposed use, a work/live unit with commercial studio (art/graphic design) businesses being the work component, meets both the primary and secondary intention of the light industrial area.

Policy E-2(e) Live-Work Opportunities and Home Businesses <i>Support small home-based businesses that allow people to live and work from their residences and evaluate existing home-occupation, live/work, and related land use standards.</i>
The proposed use is work/live.
Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas <i>Housing should be integrated into the downtown core and light industrial areas, and close to the ski bases, The resulting mix of land use will help promote a greater diversity of housing opportunities as well as social interactions.</i>
The proposal integrates housing into the light industrial area in a mixed-use building.

Table 2. City Department Comments

City Department Comments			
Compliant			
Yes	No	N/A	City Standards and City Department Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fire: No comment.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City Engineer and Streets Department: This is an existing building that is not being substantially improved. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Utilities: This is an existing building that is not being substantially improved. N/A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building: Unit is in compliance. No comment.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning and Zoning: Comments are denoted throughout the Staff Report.

Table 3. Standards for Residential, Light Industrial Districts

IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:				
Residential units in the light industrial districts shall comply with the following minimum criteria:				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (1)	Dwelling units shall not occupy the ground floor.
			Staff Comments	<i>The application is for a work/live unit with the living area located on the upper floor and work space/storage located on the ground floor.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (2)	Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.
			Staff Comments	<i>Design Review is not required as this application does not change the exterior of the building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (3)	Dwelling Units: Unless otherwise specified in this section, up to fifty percent (50%) of any light industrial building may be devoted to dwelling units and up to fifty percent (50%) of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.
			Staff Comments	<i>46% of the work/live unit's square footage is devoted to residential use (833 of the 1,783 square feet).</i> <i>Building A of the Tenth Street Light Industrial Complex is comprised of 29,996 square feet. There is one existing Conditional Use Permit for residential use (P17-001, Knudson) in the building for a 461 square foot residential unit. Approval of this work/live CUP would result in 1,294 square feet of residential use, equal to 4.3% of the total square footage in the building.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (4)	<p>Individual Units: Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to:</p> <ul style="list-style-type: none"> a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A5 of this section; b. Three-story projects in the LI-3 where not less than one-third (1/3) of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section; c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds (2/3) of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A7 of this section; d. Existing non-conforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance #85, as enacted on May 27, 1965; e. Existing condominiums and work/live units with less than one thousand (1,000) square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.
			Staff Comments	<i>This unit is eligible for individual ownership because it is a work/live unit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (5)	<p>5. Work/Live Units: In the approval of work/live units, the City shall also find that:</p> <ul style="list-style-type: none"> a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to Council approval of a restrictive covenant; b. The work unit is: <ul style="list-style-type: none"> (1) Suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire Codes; (2) Signed and posted with regular hours of operation; (3) Served by the prominent means of access for the work/live unit; and, (4) Associated with a business license for a use allowed (either conditionally or permitted) in the district. c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to: <ul style="list-style-type: none"> (1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed one thousand (1,000) gross square feet; (2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and (3) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in chapter 17.125 of this title.
			Staff Comments	<p><i>Standards 17.124.090.A.5.a and c have been met.</i></p> <p><i>Standards 17.124.090.A.5.b.1 and 3 have been met.</i></p> <p><i>Standards 17.124.090.A.5.b.2 (signing and posting of business hours) is included as a condition of approval and compliance with 17.124.090.A.5.b.4 is pending as both businesses have applied for City of Ketchum business licenses.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (6)	<p>6. Size: Dwelling units in the Light Industrial District shall be a minimum of four hundred (400) square feet. In the LI-1 and LI-2 no individual dwelling unit shall</p>

				<p>exceed a maximum of two thousand (2,000) square feet, contain more than two (2) bedrooms, and all units shall not exceed a mean average of one thousand (1,000) square feet.</p>
			Staff Comments	<i>This standard has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (7)	<p>7. Fourth Or Fifth Floor: Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:</p> <p>a. If dwelling units are to be sold, a minimum of two-thirds (2/3) of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines;</p> <p>b. The area designated as light industrial shall be as follows:</p> <p>(1) The area designated as light industrial shall be a minimum of twenty five percent (25%) of the gross floor area in four story buildings.</p> <p>(2) The area designated as light industrial shall be a minimum of twenty percent (20%) of the gross floor area in five story buildings.</p> <p>(3) Subject light industrial use shall not be for personal storage by dwelling occupants;</p> <p>c. Up to seventy five percent (75%) of the gross square footage of any four-story building and up to eighty percent (80%) of the gross square footage of a five story building may be devoted to dwelling units; and</p> <p>d. Unless otherwise deemed appropriate by the Administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four story buildings and 2:3 for five story buildings.</p>
			Staff Comments	<i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (8)	<p>8. Anti-Nuisance And Notice Provisions:</p> <p>a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.</p> <p>b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.</p> <p>c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone.</p> <p>d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.</p>
			Staff Comments	<i>The applicant is aware of these standards.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (9)	Compliance: Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchum City Council will determine if such request shall be approved.
			Staff Comments	<i>The proposal is required one parking space for the residential unit and one parking space for the work square footage. There is space to accommodate one vehicle within the ground-floor of the unit and there are additional parking spaces located in the common parking area for the development.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (10)	<p>10. Conditions: Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</p> <ul style="list-style-type: none"> a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards; b. Separation of residential and light industrial parking on the site to minimize conflicts; c. Restrictions on exterior storage of personal property of tenants; d. Certificate of occupancy required prior to occupancy of units; e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy; f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations; g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged; i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or, j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A10 of this section.
			Staff Comments	<i>Recommended conditions of approval are below.</i>

Table 4. Conditional Use Permit Requirements

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.

			Staff Comments	<p><i>The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the purpose of the LI-2 Zone is “established with the foremost purpose of providing suitable land and environs for uses that are not appropriate in other Commercial Zones due to their light industrial nature, but which provide an essential or unique service to support the local economy and permanent year-round employment base. Uses include: 1) light manufacturing; 2) wholesale trade and distribution; 3) research and development; 4) service industries; 5) limited bulk retail and; 6) offices related to building, maintenance and construction. A secondary purpose of the LI-2 is to provide multiple-family dwellings, constructed to be secondary and subordinate to the primary light industrial purpose of the LI-2. Uses in the LI-2 are intended to generate traffic primarily from the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in a Light Industrial Zone.</i></p> <p><i>The work component of the work/live unit is comprised of two businesses categorized as Commercial Studios and Commercial Studio is a permitted use in the LI-2 zoning district.</i></p> <p><i>The combination of residential living with this permitted use, and with the proposed residents being the owners of the businesses, results in a use that is not unreasonably incompatible with other types of uses permitted in the zone.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	The conditional use will not materially endanger the health, safety and welfare of the community.
			Staff Comments	<p><i>There are no outstanding life safety code violations within the unit.</i></p> <p><i>Residential use within the unit will not materially endanger the health, safety and welfare of the community.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
			Staff Comments	<i>The work/live use is not anticipated to generate a high volume of trips as both businesses are primarily design-based and on-site sales of products do not occur. As such, hazards to pedestrian and vehicular traffic will not be generated by this proposal.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(D)	The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.
			Staff Comments	<i>The existing building and this unit are adequately served by public facilities and services. Use of this unit for the proposed live/work will not adversely affect the delivery of public services to the surrounding area.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.
			Staff Comments	<i>As described in Table 1 of this staff report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i>

The Planning and Zoning Commission may attach additional conditions to the application approval as it determines necessary in order to ensure the residential use is compatible with the vicinity and adjoining uses, mitigate adverse impacts, and enhance public health, safety, and welfare. Such conditions may include, but are not limited to (KMC §17.116.050):

- A. Minimizing adverse impact on other development;
- B. Controlling the sequence and timing of development;
- C. Controlling the duration of development;

- D. Assuring that development is maintained properly;
- E. Designating the exact location and nature of development;
- F. Requiring the provision for on site or off site public facilities or services;
- G. Requiring more restrictive standards than those generally required in an ordinance; and
- H. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the city.

Additionally, KMC §17.124.090 pertaining to residential standards in light industrial districts states that the following conditions may be attached to the Conditional Use Permit:

- A. Access to the apartments relative to design and relationship to light industrial uses;
- B. Location of residential and light industrial parking on the site;
- C. Restrictions on exterior storage of personal property of tenants;
- D. Certificate of Occupancy required prior to occupancy of units;
- E. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;
- F. Permit shall be reviewed when light industrial occupancies within the building change;
- G. Snow removal required to ensure utility of residential spaces;
- H. Such proof of long term occupancy as deemed appropriate;
- I. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; and/or
- J. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A9 of this section.

STAFF RECOMMENDATION

Staff recommends approval of the work/live application with conditions.

RECOMMENDED MOTION

"I MOVE to approve the Duval Work/Live Conditional Use Permit with conditions 1-10 and to approve the Commission Chair to sign the draft Findings of Fact, Conclusions of Law, and Decision."

RECOMMENDED CONDITIONS

- 1.** The Conditional Use Permit is non-transferrable to another property and the validity of the permit is dependent upon Remy Road and/or 5 Atmospheres operating as a commercial studio, or another permitted use in the LI-2 zoning district, remaining in operation;
- 2.** Hours of operation for the business shall be posted and remain posted in accordance with KMC 17.124.090.A.5.b.2;
- 3.** The residential living area shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms;
- 4.** No residential use shall occur on the ground level (first floor);
- 5.** Because of the mixed-use nature of this space, and in order to ensure compliance with the zoning code requirement that residential dwellings do not exceed 1,000 square feet in the LI-2 zoning district, the Fire Marshal shall conduct routine inspections of the work/live building;
- 6.** Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff;
- 7.** The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.

- 8.** All persons who rent or sublet any residential living unit within the light industrial zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
- 9.** Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.
- 10.** All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed-use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.

ATTACHMENTS

- A. Application
- B. As built floor plan
- C. Business documentation
- D. Draft Findings of Fact, Conclusions of Law, and Decision

A. Application



City of Ketchum
Planning & Building

OFFICIAL USE ONLY
File Number:
Date Received:
By:
Fee Paid:
Approved Date:
Denied Date:
By:

Conditional Use Permit Application

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 480 East Ave. N., Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: www.ketchumidaho.org and click on Municipal Code.

OWNER INFORMATION	
Project Name: Duval Work/Live LI CUP	
Name of Owner of Record: Jon Duval	
Physical Address: 491 10th St East, Unit A17	
Property Legal Description: TENTH ST LIGHT INDUST COMPLEX BLDG A UNIT 17 .023	
Property Zoning District: LI-2	
Contact Phone: 208-721-0808	Contact Email: jkduval6@yahoo.com
PROJECT INFORMATION	
Description of Proposed Conditional Use: Live/Work/Studio	
Description of Proposed and Existing Exterior Lighting:	
ADDITIONAL COMMENTS	
ACCOMPANYING SUPPORTING INFORMATION REQUIRED	
● Existing Site Plan ● Proposed Site Plan ● Landscape Plan ● Grading and Drainage Plan ● Exterior Lighting Plan and Specifications ● Other plans and studies related to the social, economic, fiscal, environmental, traffic, and other effects of the proposed conditional use, as required by the Administrator	

Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortuous conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

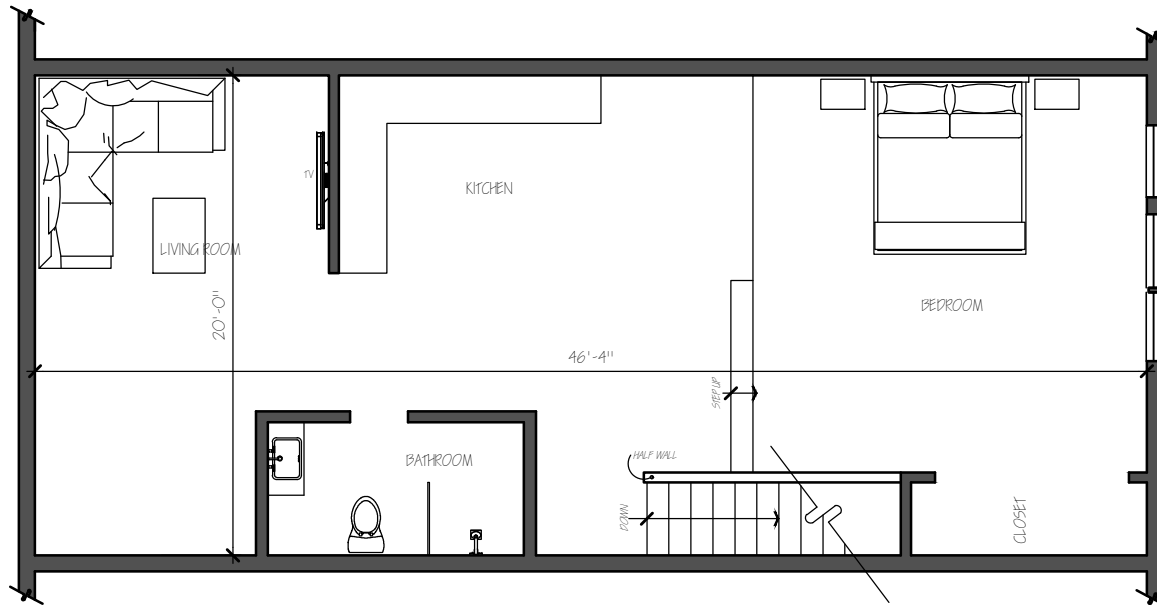
Digitally signed by Jon Duval
DN: cn=Jon Duval, o=Ketchum
CDC, ou,
email=jon.duval@ketchumcdc.or
g, c=US
Date: 2019.11.12 08:13:40 -05'00'

Nov. 12, 2012

Applicant Signature

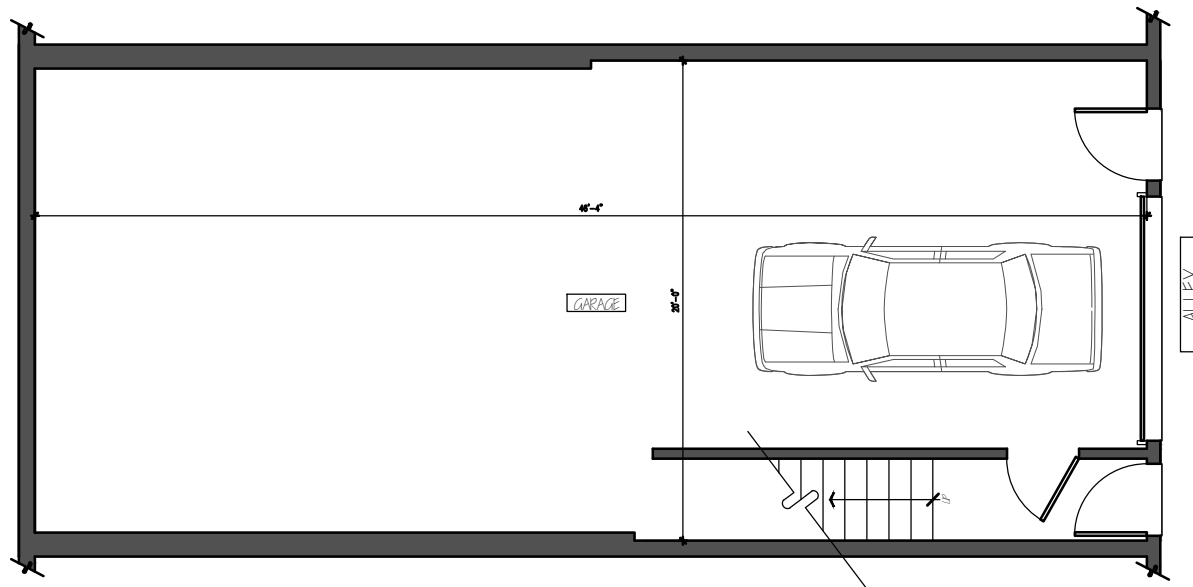
Date

B. As built floor plan



UPPER FLOOR PLAN

SCALE: 1/8" = 1'-0"



LOWER FLOOR PLAN

SCALE: 1/8" = 1'-0"

C. Business documentation

Free Domestic Shipping Over \$50



5ATM SPHERES

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\$28.99



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\$28.99



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Free Domestic Shipping Over \$50



5ATMOSPHERES

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My Journey

Before I left for the military at age 20, I started my diving career in Seattle, Washington. As most people know, you need a dry suit. For me, it was an old ass Harveys 8mm that didn't do crap in the department of retaining body heat. I've done deep dives that much more difficult, though I shivered my way through them.



Once I left for the Navy, diving had to take a back seat as I made my way through the various schools associated with it. And it wouldn't be another 5 years from that enlistment date till I got back under the sea. Because of the flight out of the country a week, it was extremely difficult to put together dive plans around work, thus I forwent breathing at depth and spearing in my spare time.

Get 10% off!

1



Following my time in the Navy, I returned to my cold ass Puget Sound once again. But this time, I took it farther within the sport, I found myself working at Underwater Sports out of Bellevue, Washington where I pushed my qualification. Once completed, I knew diving was forever my thing, and began a journey past the limits of recreational diving. What was next? Yup, technical diving. And what an eye opener that was. From the math, to hitting all those in-water milestones. Yet, I knew that wasn't the end to my story. I wanted more. And I found that something more in the form of the top schools in the world, DIT.



Throughout my 7.5 months at the Divers Institute of Technology, I learned a brain busting amount of information in the world of underwater work. And it was worth every penny. But, to be honest I **Get 10% off!** my journey was going to be a little different. And so, I took it upon myself to utilize not only my love for diving, but my knowledge of the world of underwater work, to help bring forth this new company, 5 Atmospheres. My goal is to inspire, and keep alive the beauty of breathing underwater.

I am nothing but stardust born 14 billion years ago- condensed.

Remy Road

Products

FILTER BY: All ▼

SORT BY: Alphabetically, A-Z ▼



"Remy Road is a collection of goods from the poet and photographer Vanessa Root. Ranging from apparel, stickers, photography, blank journals, and a self published poetry collection, Remy Road allows consumers who follow the artist to buy artistic products that inspire us to dig deeper into the soulful connection of our existence. "

D. Draft Findings of Fact, Conclusions of Law, and Decision



**City of Ketchum
Planning & Building**

IN RE:)
)
Duval Work/Live) **KETCHUM PLANNING AND ZONING COMMISSION**
Conditional Use Permit) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**
Date: January 13, 2020) **DECISION**
)
File Number: 19-135)

PROJECT: Duval Work/Live Conditional Use Permit

FILE NUMBER: P19-135

OWNER: Jon-Kristian A. Duval

APPLICANT: Jon Duval

REQUEST: Conditional Use Permit (CUP) for a work/live unit

LOCATION: 491 E. 10th Street Unit A17 (Tenth St Light Industrial Complex Bldg A Unit A17)

ZONING: Light Industrial District No. 2 (LI-2)

OVERLAY: None

NOTICE: Notice was published in the Idaho Mountain Express on December 25, 2019, was mailed to property owners within 300' on December 30, 2019 and was posted on site on January 6, 2020.

ATTACHMENT: As-built Floorplan

FINDINGS OF FACT

1. On January 13, 2020, the Planning and Zoning Commission considered a Conditional Use Permit (CUP) application for the proposed work/live unit.
2. The subject property is located in the Light Industrial District No. 2 (LI-2) zoning district.
3. Residential dwelling units, which include work/live units, require a Conditional Use Permit in the LI-2 zoning district.
4. The work/live unit has a 833 square foot upper-floor living space and a 950 square foot ground floor that consists of workspace and storage associated with the businesses. The total square footage of the unit is 1,783 square feet.

Table 1. Comprehensive Plan Analysis

Land Use Category: Mixed-Use Industrial
PRIMARY USES <i>Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.</i>
SECONDARY USES <i>A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.</i>
CHARACTERISTICS AND LOCATION <i>The Mixed-Use Industrial category is intended to provide critical lands for Ketchum's economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.</i>
The proposed use, a work/live unit with commercial studio (art/graphic design) businesses being the work component, meets both the primary and secondary intention of the light industrial area.
Policy E-2(e) Live-Work Opportunities and Home Businesses <i>Support small home-based businesses that allow people to live and work from their residences and evaluate existing home-occupation, live/work, and related land use standards.</i>
The proposed use is work/live.
Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas <i>Housing should be integrated into the downtown core and light industrial areas, and close to the ski bases, The resulting mix of land use will help promote a greater diversity of housing opportunities as well as social interactions.</i>
The proposal integrates housing into the light industrial area in a mixed-use building.

Table 2. City Department Comments

City Department Comments			
Compliant			
Yes	No	N/A	City Standards and City Department Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fire: No comment.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City Engineer and Streets Department: This is an existing building that is not being substantially improved. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Utilities: This is an existing building that is not being substantially improved. N/A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building: Unit is in compliance. No comment.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning and Zoning: Comments are denoted throughout the Staff Report.

Table 3. Standards for Residential, Light Industrial Districts

IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:				
Residential units in the light industrial districts shall comply with the following minimum criteria:				
Yes	No	N/A	City Code	City Standards and Staff Comments
			17.124.090 A (1)	Dwelling units shall not occupy the ground floor.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff Comments	<i>The application is for a work/live unit with the living area located on the upper floor and work space/storage located on the ground floor.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (2)	Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.
			Staff Comments	<i>Design Review is not required as this application does not change the exterior of the building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (3)	Dwelling Units: Unless otherwise specified in this section, up to fifty percent (50%) of any light industrial building may be devoted to dwelling units and up to fifty percent (50%) of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.
			Staff Comments	<i>46% of the work/live unit's square footage is devoted to residential use (833 of the 1,783 square feet).</i> <i>Building A of the Tenth Street Light Industrial Complex is comprised of 29,996 square feet. There is one existing Conditional Use Permit for residential use (P17-001, Knudson) in the building for a 461 square foot residential unit. Approval of this work/live CUP would result in 1,294 square feet of residential use, equal to 4.3% of the total square footage in the building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (4)	Individual Units: Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to: <ul style="list-style-type: none"> a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A5 of this section; b. Three-story projects in the LI-3 where not less than one-third (1/3) of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section; c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds (2/3) of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A7 of this section; d. Existing non-conforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance #85, as enacted on May 27, 1965; e. Existing condominiums and work/live units with less than one thousand (1,000) square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.
			Staff Comments	<i>This unit is eligible for individual ownership because it is a work/live unit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (5)	5. Work/Live Units: In the approval of work/live units, the City shall also find that: <ul style="list-style-type: none"> a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to Council approval of a restrictive covenant; b. The work unit is: <ul style="list-style-type: none"> (1) Suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire Codes; (2) Signed and posted with regular hours of operation; (3) Served by the prominent means of access for the work/live unit; and, (4) Associated with a business license for a use allowed (either conditionally or permitted) in the district. c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to:

				<p>(1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed one thousand (1,000) gross square feet;</p> <p>(2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and</p> <p>(3) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in chapter 17.125 of this title.</p>
			Staff Comments	<p><i>Standards 17.124.090.A.5.a and c have been met.</i></p> <p><i>Standards 17.124.090.A.5.b.1 and 3 have been met.</i></p> <p><i>Standards 17.124.090.A.5.b.2 (signing and posting of business hours) is included as a condition of approval and compliance with 17.124.090.A.5.b.4 is pending as both businesses have applied for City of Ketchum business licenses.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (6)	<p>6. Size: Dwelling units in the Light Industrial District shall be a minimum of four hundred (400) square feet. In the LI-1 and LI-2 no individual dwelling unit shall exceed a maximum of two thousand (2,000) square feet, contain more than two (2) bedrooms, and all units shall not exceed a mean average of one thousand (1,000) square feet.</p>
			Staff Comments	<p><i>This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (7)	<p>7. Fourth Or Fifth Floor: Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:</p> <p>a. If dwelling units are to be sold, a minimum of two-thirds (2/3) of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines;</p> <p>b. The area designated as light industrial shall be as follows:</p> <p>(1) The area designated as light industrial shall be a minimum of twenty five percent (25%) of the gross floor area in four story buildings.</p> <p>(2) The area designated as light industrial shall be a minimum of twenty percent (20%) of the gross floor area in five story buildings.</p> <p>(3) Subject light industrial use shall not be for personal storage by dwelling occupants;</p> <p>c. Up to seventy five percent (75%) of the gross square footage of any four-story building and up to eighty percent (80%) of the gross square footage of a five story building may be devoted to dwelling units; and</p> <p>d. Unless otherwise deemed appropriate by the Administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four story buildings and 2:3 for five story buildings.</p>
			Staff Comments	<p><i>N/A</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (8)	<p>8. Anti-Nuisance And Notice Provisions:</p> <p>a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.</p>

				<p>b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.</p> <p>c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone.</p> <p>d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.</p>
			Staff Comments	<i>The applicant is aware of these standards.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (9)	Compliance: Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchum City Council will determine if such request shall be approved.
			Staff Comments	<i>The proposal is required one parking space for the residential unit and one parking space for the work square footage. There is space to accommodate one vehicle within the ground-floor of the unit and there are additional parking spaces located in the common parking area for the development.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (10)	<p>10. Conditions: Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</p> <ul style="list-style-type: none"> a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards; b. Separation of residential and light industrial parking on the site to minimize conflicts; c. Restrictions on exterior storage of personal property of tenants; d. Certificate of occupancy required prior to occupancy of units; e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy; f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations; g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged; i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or, j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A10 of this section.
			Staff Comments	<i>Recommended conditions of approval are below.</i>

Table 4. Conditional Use Permit Requirements

Conditional Use Requirements
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code

A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.
			Staff Comments	<p><i>The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the purpose of the LI-2 Zone is “established with the foremost purpose of providing suitable land and environs for uses that are not appropriate in other Commercial Zones due to their light industrial nature, but which provide an essential or unique service to support the local economy and permanent year-round employment base. Uses include: 1) light manufacturing; 2) wholesale trade and distribution; 3) research and development; 4) service industries; 5) limited bulk retail and; 6) offices related to building, maintenance and construction. A secondary purpose of the LI-2 is to provide multiple-family dwellings, constructed to be secondary and subordinate to the primary light industrial purpose of the LI-2. Uses in the LI-2 are intended to generate traffic primarily from the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in a Light Industrial Zone.</i></p> <p><i>The work component of the work/live unit is comprised of two businesses categorized as Commercial Studios and Commercial Studio is a permitted use in the LI-2 zoning district.</i></p> <p><i>The combination of residential living with this permitted use, and with the proposed residents being the owners of the businesses, results in a use that is not unreasonably incompatible with other types of uses permitted in the zone.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	The conditional use will not materially endanger the health, safety and welfare of the community.
			Staff Comments	<p><i>There are no outstanding life safety code violations within the unit.</i></p> <p><i>Residential use within the unit will not materially endanger the health, safety and welfare of the community.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
			Staff Comments	<i>The work/live use is not anticipated to generate a high volume of trips as both businesses are primarily design-based and on-site sales of products do not occur. As such, hazards to pedestrian and vehicular traffic will not be generated by this proposal.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(D)	The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.
			Staff Comments	<i>The existing building and this unit are adequately served by public facilities and services. Use of this unit for the proposed live/work will not adversely affect the delivery of public services to the surrounding area.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.
			Staff Comments	<i>As described in Table 1 of this staff report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code;

2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and zoning ordinance, Title 17;
3. The Commission has the authority to hear the applicant's Conditional Use Permit Application pursuant Ketchum Municipal Code Title 17;
4. The Planning and Zoning Commission's January 13th, 2020 public hearing and consideration of the applicant's Conditional Use Permit application was properly noticed pursuant to the Local Land Use Planning Act, Idaho Code Section 67-6512;
5. The application meets the standards of approval under Chapter 17.116, Conditional Uses of Ketchum Zoning Code Title 17 and the 2014 Comprehensive Plan;

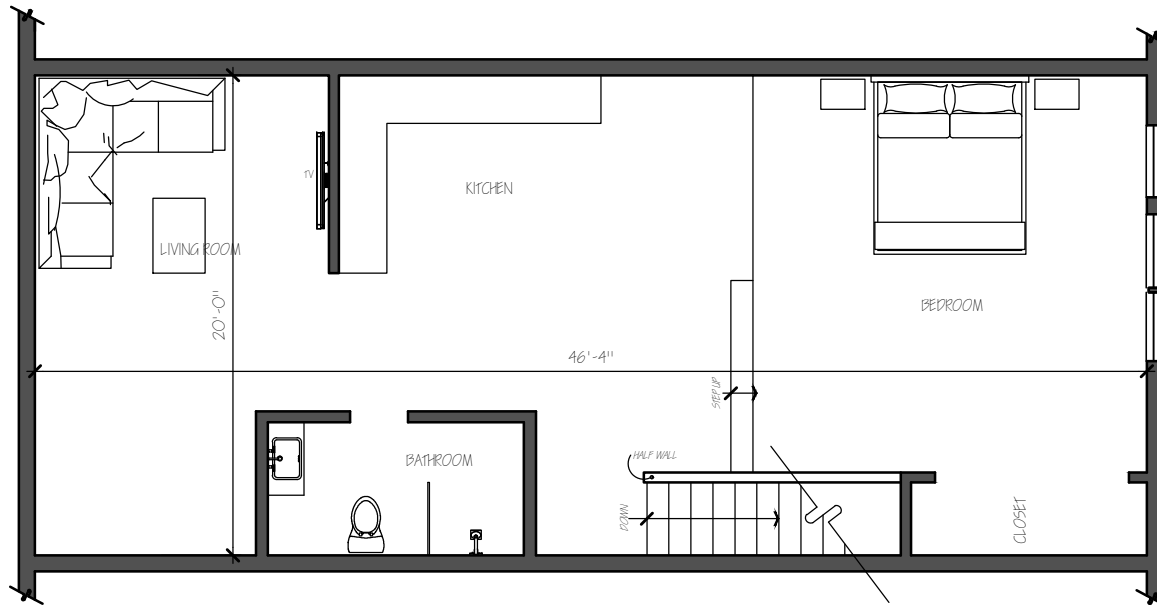
DECISION

THEREFORE, the Ketchum Planning and Zoning Commission approves this Conditional Use Permit application allowing for a work/live unit on this 13th day of January 2020 subject to the following conditions 1 - 11:

1. The Conditional Use Permit is non-transferrable to another property and the validity of the permit is dependent upon Remy Road and/or 5 Atmospheres operating as a commercial studio, or another permitted use in the LI-2 zoning district, remaining in operation;
2. Hours of operation for the business shall be posted and remain posted in accordance with KMC 17.124.090A.5.b.2;
3. The residential living area shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms;
4. No residential use shall occur on the ground level (first floor);
5. Because of the mixed-use nature of this space, and in order to ensure compliance with the zoning code requirement that residential dwellings do not exceed 1,000 square feet in the LI-2 zoning district, the Fire Marshal shall conduct routine inspections of the work/live building;
6. Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff;
7. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
8. All persons who rent or sublet any residential living unit within the light industrial zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
9. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.
10. All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed-use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.

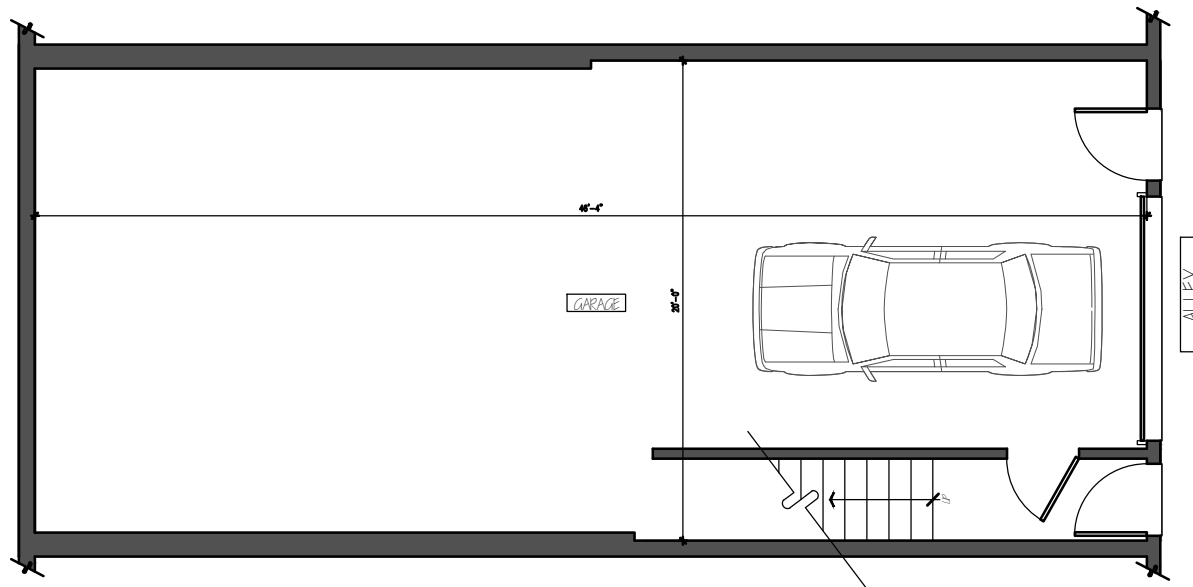
Findings of Fact **adopted** this 13th day of January 2020.

Neil Morrow
Chair
Planning and Zoning Commission



UPPER FLOOR PLAN

SCALE: 1/8" = 1'-0"



LOWER FLOOR PLAN

SCALE: 1/8" = 1'-0"