



City of Ketchum
Planning & Building

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104 Neils Way) KETCHUM PLANNING AND ZONING COMMISSION
Zoning Map Amendment) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: January 11, 2022) DECISION
)
File Number: P21-057)

PROJECT: 104 Neils Way Rezone
APPLICATION TYPE: Amendment to the Official Zone District Map (Rezone)
FILE NUMBER: P21-057
ASSOCIATED APPLICATIONS: None
REPRESENTATIVE: Mark Reitingner (Owner)
OWNER: Mark Reitingner
LOCATION: 104 Neils Way – Lot 3, Mortgage Row Subdivision
ZONING: Limited Residential – One Acre (LR-1)
OVERLAY: None

RECORD OF PROCEEDINGS

The City of Ketchum received the application for amendment to the zone district map on June 22, 2021. The application was deemed complete on October 14, 2021, after one review for completeness.

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on November 24, 2021. The public hearing notice was published in the Idaho Mountain Express and the city’s website on November 24, 2021. A notice was posted on the project site on November 24, 2021.

The Planning and Zoning Commission (the “Commission”) considered the 104 Neils Way Rezone Application (Application No. P21-057) during a regular meeting on December 14, 2021. After

considering Staff's analysis, the applicant's presentation, and public comment, the Commission unanimously recommended approval of the rezone application to the City Council.

BACKGROUND

The Applicant is requesting to rezone Lot 3 of the Mortgage Row Subdivision, located at 104 Neils Way (the "subject property") to Limited Residential (LR). The subject property is currently zoned Limited Residential – One Acre (LR-1) and includes an existing single family dwelling unit built in 1950 and a detached garage. The property owner currently owns and resides at the adjacent property, 106 Neils Way. As described in the cover letter included in the application materials, the applicant intends to demolish the existing dwelling unit on the subject property and build a new single family dwelling unit designed to meet accessibility needs with a detached garage including a shop, accessory dwelling unit, and personal art studio.

The Mortgage Row Subdivision was annexed into the City of Ketchum from unincorporated Blaine County in 1993. At that time, the lots were assigned the zoning designation of Limited Residential One Acre (LR-1). The Mortgage Row Subdivision is primarily comprised of single-family dwellings, however there are some multi-family and commercial uses including a retail store and gas station, auto-related uses, and commercial storage. Lots in the subdivision range in size from +/- 12,000 to 35,000 sq ft.

At the time of annexation, all lots were non-conforming due to lot size and some lots contained non-conforming structures due to setback requirements from Highway 75. Over time, the area has seen some subdivision of property and amendments to the zone district map.

FINDINGS OF FACT

The Commission, having reviewed the entire project record, provided notice, and conducted the required public hearing, does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

FINDINGS REGARDING CONFORMANCE WITH THE COMPREHENSIVE PLAN

According to Idaho Statute, the city consulted the adopted comprehensive plan when considering the requested amendment to the official zoning map. The City of Ketchum adopted the 2014 Comprehensive Plan (the "plan") on February 18, 2014. To evaluate the rezone request, the Commission compared the two zone districts to determine the potential changes facilitated by the rezone and compared those changes to the goals, policies, and Future Land Use Map (CLUM) of the plan.

Zone District Comparison

The permitted uses in the LR and LR-1 zone districts are identical. The substantive changes between the two districts are in the dimensional limitations. Table 1 outlines the difference between the two zone districts. All dimensional limitations are the same except for lot area, lot width, setbacks from Highway 75, and maximum building coverage.

Table 1: Zone District Comparison Chart

	<i>Existing Zone District:</i> Limited Residential One Acre (LR-1)	<i>Requested Zone District:</i> Limited Residential (LR)
Minimum Lot Size	1 acre	9,000 sq ft
Average Width of Lot	100 ft	80 ft
HWY 75 Setbacks	80 ft	Where the street width is 66 ft, all buildings shall be set back a minimum of 32 ft. Where the street width is 80 ft, all buildings shall be set back a minimum of 25 ft.
Front Setback	15'	15'
Side Setback	> of 1' for every 2' in building height, or 10'	> of 1' for every 2' in building height, or 10'
Rear Setback	20'	20'
Maximum Building Coverage	25%	35%
Building Height	35'	35'

Dimensional limitations serve to manage the location and size of buildings on a piece of property. In general, the LR zone district is less restrictive than LR-1. The change would allow for a greater buildable area with a larger amount of square footage permitted. Below is a discussion of potential outcomes of the rezone based on changes in dimensional limitations:

- Minimum lot area and minimum lot width – No change anticipated - although the minimum lot area would decrease from one acre to 9,000 square feet, further subdivision of the property would not be permitted. The minimum lot width in the LR zone is 80 feet and the width of the subject property is 100 feet. A minimum width of 160 feet would be needed to subdivide the property into two lots. The applicant owns the subject property and the adjacent lot to the south. Lot consolidation is a potential, however, that potential exists with the current zoning and would not change with the requested rezone.
- Maximum Building Coverage – change anticipated – The total lot area is 17,380 square feet. Under the current zoning, a total of 4,345 square feet of lot coverage is permitted. If the rezone were approved, 6,083 square feet of lot coverage would be permitted, a

40% increase. Although this is a change, the change is minimal as the rezone does not create changes to the permitted building height or side setbacks to adjacent properties. Changes to building height and setbacks would create a greater impact on surrounding properties than an increase in lot coverage.

- Highway 75 setback – change anticipated – Currently, the required setback from Highway 75 is 80 feet. All existing structures on the property are fully within the 80-foot setback, therefore, no additions to the existing structures are permitted as additions would increase the non-conformity of the structures. Reducing the setback to 32 feet could facilitate an addition to the existing structure, however, that is not the stated intent of the applicant. The applicant’s intent is to demolish the existing structures and redevelop the property. Under the current zone district, redevelopment of the property would require structures be placed 80 feet or more from Highway 75. Under the requested zoning, structures could be placed 32 feet from Highway 75, increasing the amount of buildable area on the site and decreasing the distance from Highway 75 to structures. Although this may seem a large concession, most properties along Highway 75 in this area are within the 80-foot setback. For example, the structures existing on the subject property are set back approximately 35 feet. To the north and south, there are only three properties along Highway 75 that meet the 80-foot setback requirement. Therefore, redevelopment of the property under the LR zone district would not result in a development pattern out of character or scale for this neighborhood.

In summary, although redevelopment of the property will look much different from what exists on the property today, the difference between what is currently permitted and what would be permitted under the requested zone district is minimal.

Conformance with the Comprehensive Plan

The City of Ketchum adopted the 2014 Comprehensive Plan (the “plan”) on February 18, 2014. The plan outlines the community vision and core values for the city. Using those, the plan outlines goals and policy objectives to reach key goals for the community related to the economy, housing, neighborhoods, parks and recreation, open space, public safety, and others. The plan also includes a FLUM that identifies possible future land uses for properties to achieve desirable land use patterns for the city. To support an application for rezone, the Commission must determine that the rezone forwards the goals and objectives of the Comprehensive Plan and aligns with the future vision for the property as designated in the FLUM.

The plan has limited references to the Mortgage Row neighborhood other than callouts in the buildout analysis, however, the plan includes goals and policies in Chapter 3: *Housing* and Chapter 4: *Community Design and Neighborhoods* that relate to the proposed application.

- *Chapter 3: Housing* - Policy H-1.5 Accessory Dwelling Units - The community will continue to support and encourage construction of accessory dwelling units within residential areas as a means to provide affordable housing.

- Accessory dwelling units are a permitted accessory use in both the current and requested zone districts. However, the current setback requirement of 80 feet from Highway 75 limits the area that new structures can be located. A reduced setback from Highway 75 would provide for more design flexibility to accommodate an accessory dwelling unit on the property.
- *Chapter 3: Housing* - Policy H-3.3 Housing Designs and Floor Plans for an Aging and Special Needs Populations - The City should encourage new housing units and the retrofit of existing units, with basic accessibility features, such as zero-step entrances, doorways with wider clear passage, and first-floor bedrooms and bathrooms with maneuvering room for people with mobility limitations.
 - The applicant has indicated that a change in the zoning would allow for more design flexibility to accommodate a new home that meets their accessibility needs. Residences desirable for an aging population often utilize a ranch style type of design, one story that occupies a larger footprint on the property. Due to the large size of the lot, redevelopment of the property with the desired outcomes is possible under the current zone district, but the requested zone district allows for more design flexibility for a variety of potential floor plans and layout of the property with primary and accessory uses.
- *Chapter 4: Community Design and Neighborhoods* - Policy CD-1.3 Compatible Infill and Redevelopment Projects Infill and redevelopment projects should be contextually appropriate to the neighborhood and development in which they will occur. Context refers to the natural and manmade features adjoining a development site; it does not imply a certain style.
 - As discussed in the comparison of the zone districts, the zone change would not result in a development pattern out of context with the surrounding neighborhood as many of the properties have reduced setbacks to Highway 75 with the same or similar limitations on building height, side setbacks and lot coverage.
- *Chapter 4: Community Design and Neighborhoods* - Policy CD-3.2 Transitional Residential Development Compatible with the Rural Landscape - Transitional residential areas at the fringe of the city or within the Area of City Impact should include rural design elements or be clustered to maintain the rural landscape.
 - The change of zone district does not increase the density of the property or change the intensity of the use above what is permitted today. The Mortgage Row area is a transitional residential area indicative of large lots with single family dwelling units and detached garages. The area as a whole is a cluster of residential development surrounded by Weyyakin Ranch to the east, Reinheimer Ranch to the north, and large lot residential to the west. A change in the zone district for this property maintains the rural landscape of the area and does not impact the role the neighborhood plays as a transitional residential development area south of town.

The FLUM of the Plan designates the entirety of Mortgage Row Subdivision as “Medium Density Residential”. Primary uses in the Medium Density Residential area include a broad variety of residential types, including “single-family residences, duplexes, and other attached-unit types”.

Secondary uses include supporting and complementary uses to residential development, such as accessory dwelling units, community gardens, open space and recreation, schools, places of worship, and other public uses. Senior housing facilities are also listed as an appropriate secondary use within this area. The plan identifies West Ketchum and the Warm Springs neighborhoods as good examples of medium density residential. Those neighborhoods are a mix of single-family and multi-family uses with a higher overall density than what exists in the Mortgage Row neighborhood today. Although the requested zone district does not permit multi-family dwelling units, it allows for a larger buildable area of the site and an increase in lot coverage that may facilitate the redevelopment of the property with a primary dwelling unit and accessory dwelling unit that may be challenging to realize under the current zone district.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Design Review application for the development and use of the project site.
2. The Planning and Zoning Commission has authority to hear the applicant’s application pursuant to Chapter 17.152 of Ketchum Municipal Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §17.152.020.
4. The rezone application is governed under Ketchum Municipal Code Chapter 17.152.
5. The 104 Neils Way application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **recommends approval** of this rezone application File No. P21-057 this Tuesday, January 11, 2022.

CONDITIONS OF APPROVAL

No conditions of approval are recommended for the application.

Findings of Fact **adopted** this 11th day of January 2022.

Neil Morrow, Chair

City of Ketchum

Planning and Zoning Commission