



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF FEBRUARY 10, 2020

PROJECT: 210 Lewis Street Residential Conditional Use Permit

FILE NUMBER: P20-010

OWNER: Loomis Inc.

APPLICANT: Loomis Inc. / Amy Anderson

REPRESENTATIVE: Amy Anderson

REQUEST: Conditional Use Permit (CUP) for one (1) residential apartment

LOCATION: 210 Lewis Street (Lot 1, Industrial Park Subdivision)

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

OVERLAY: LI-48' Height

NOTICE: Notice was published in the Idaho Mountain Express on January 22, 2020, was mailed to property owners within 300' on January 22, 2020, and was posted on site on January 31, 2020.

REVIEWER: Brittany Skelton, Senior Planner

ATTACHMENTS:

- A. Application
- B. Applicant's narrative
- C. Floorplan and property information from the Blaine County Assessor
- D. As-built floorplans
- E. Exterior lighting fixture photos
- F. Draft Findings of Fact, Conclusions of Law, and Decision

BACKGROUND

The building on the subject property was constructed in 1975, is a two-story building, contains exclusively commercial uses on the ground floor and contains a mix of commercial and residential use on the second story.

The 2019 life safety site inspections in the Light Industrial zone revealed the existing residential apartment on the second floor. A review of city records found no existing Conditional Use Permit for the residential apartment and the purpose of this application is to consider approval of the apartment.

In addition to the residential use the building’s tenants are Blueprinting and Pipe Co., both of which are permitted uses in the LI-2 zoning district.

The subject building is 4,014 square feet and the total residential square footage is 566 square feet, which equates to 14% of the building being used for residential use. The apartment complies with all zoning standards.

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

Table 1. Comprehensive Plan Analysis

<p>Land Use Category: Mixed-Use Industrial</p>		
<p>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></p>		
<p>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></p>		
<p>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></p>		
<p>The majority of square footage in the building is used for construction/development related businesses. The apartment is integrated into the building and fit the secondary purpose of the Mixed-Use Industrial land use.</p>		
<p>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></p>		
<p>The proposal integrates housing into the light industrial area in a mixed-use building.</p>		

Table 2. City Department Comments

City Department Comments			
Compliant			City Standards and City Department Comments
Yes	No	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fire: No outstanding issues identified.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City Engineer and Streets Department:

			N/A. This is an existing building that is not being substantially improved.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Utilities: N/A. This is an existing building that is not being substantially improved. N/A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building: No outstanding issues identified.
<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 <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (1)	Dwelling units shall not occupy the ground floor.
			<i>Staff Comments</i>	<i>The application is for one upper floor apartment.</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.
			<i>Staff Comments</i>	<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.
			<i>Staff Comments</i>	<i>The subject building is 4,014 square feet and the total residential square footage is 566 square feet, which equates to 14% of the building being used for residential use.</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.
			<i>Staff Comments</i>	<i>The building is not condominimized, the residential unit is not separate units for sale.</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;

				<p>(3) Served by the prominent means of access for the work/live unit; and,</p> <p>(4) Associated with a business license for a use allowed (either conditionally or permitted) in the district.</p> <p>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> <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	<i>N/A, this is not a work/live proposal.</i>
<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	<i>The residential unit is 566 square feet and contains one bedroom.</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</p>

				<p>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)	<p>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.</p>
			Staff Comments	<i>This standard has been met. There are +/- 30 parking spaces shared between the subject property and the adjacent property, 100 Bell Drive, that is held under the same ownership.</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> <p>a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;</p> <p>b. Separation of residential and light industrial parking on the site to minimize conflicts;</p> <p>c. Restrictions on exterior storage of personal property of tenants;</p> <p>d. Certificate of occupancy required prior to occupancy of units;</p> <p>e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;</p> <p>f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;</p> <p>g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;</p> <p>h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;</p> <p>i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or,</p> <p>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.</p>
			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)	<p>The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.</p> <p><i>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” (KMC §17.18.150)</i></p> <p><i>The apartment considered by this application is subordinate in size to the commercial uses and its second-floor location mitigates interference with the commercial uses and further. Additionally, the apartment use is representative of the secondary purpose of the LI-2 zoning district: residential units that are secondary and subordinate to primary uses.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	<p>The conditional use will not materially endanger the health, safety and welfare of the community.</p> <p><i>There are no outstanding life safety code violations identified within the unit. Therefore, the building is safe to occupy.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	<p>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.</p> <p><i>The one-bedroom apartment’s occupant and guests unit generates vehicle/pedestrian traffic</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(D)	<p>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.</p> <p><i>The existing building is adequately served by public facilities and services. The residential use will not adversely affect the delivery of public services to the surrounding area.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	<p>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</p> <p><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></p>

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 Conditional Use permit application for one (1) apartment with conditions.

RECOMMENDED MOTION

“I MOVE to approve Loomis Inc.’s Conditional Use Permit for a second-story apartment with conditions 1-8 and to approve the Commission Chair to sign the draft Findings of Fact, Conclusions of Law, and Decision.”

RECOMMENDED CONDITIONS

- 1.** The residential apartment shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms;
- 2.** No residential use shall occur on the ground level (first floor);
- 3.** Because of the mixed-use nature of the building, 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 apartment concurrent with the routine inspections of the commercial spaces;
- 4.** Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff;
- 5.** 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.
- 6.** 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.

- 7.** 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.
- 8.** 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. Applicant's narrative
- C. Floorplan and property information from the Blaine County Assessor
- D. As-built floorplans
- E. Exterior lighting fixture photos
- F. Draft Findings of Fact, Conclusions of Law, and Decision

A. Application



City of Ketchum
Planning & Building

OFFICIAL USE ONLY	
Permit Number	
Date Permitted	
By	
Permit Paid	
Approved Date	
Issued By	
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: 210 Lewis St.	
Name of Owner of Record: Loomis Inc.	
Physical Address: 210 Lewis St. Ketchum ID 83340	
Property Legal Description: Industrial Park Sub Lot 1	
Property Zoning District: LI -2 Parcel # RPK04750000010	
Contact Phone: Amy Anderson 208-720-1255	Contact Email: loomisinc@yahoo.com
PROJECT INFORMATION	
Description of Proposed Conditional Use: LI Residential	
Description of Proposed and Existing Exterior Lighting:	Existing buildings exterior lighting- See Attached
ADDITIONAL COMMENTS	
See Attached	
ACCOMPANYING SUPPORTING INFORMATION REQUIRED	
<ul style="list-style-type: none"> • 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.


1/26/20

Applicant Signature Date

B. Applicant's narrative



210 Lewis St.

Built in 1975

Overall Building square footage: 4,014 sq ft

Existing living square footage: 566 sq ft

allowable living square footage: 2007 sq ft

Applying for: One Conditional Use Permit for one residence

General information: The existing building was constructed in 1975 and has been various construction related businesses on the ground floor. The second floor has been a mix of both residential and commercial over the year. The 2nd floor once contained 2 residences but only one today. Currently Pipe Co. (an irrigation supply company) occupies the 1st floor and on the second floor there is a residence on the north end and Blueprinting (a large format printing service) on the south end of the building. All renters are long time tenants renting for 15+ years.

North Unit G:

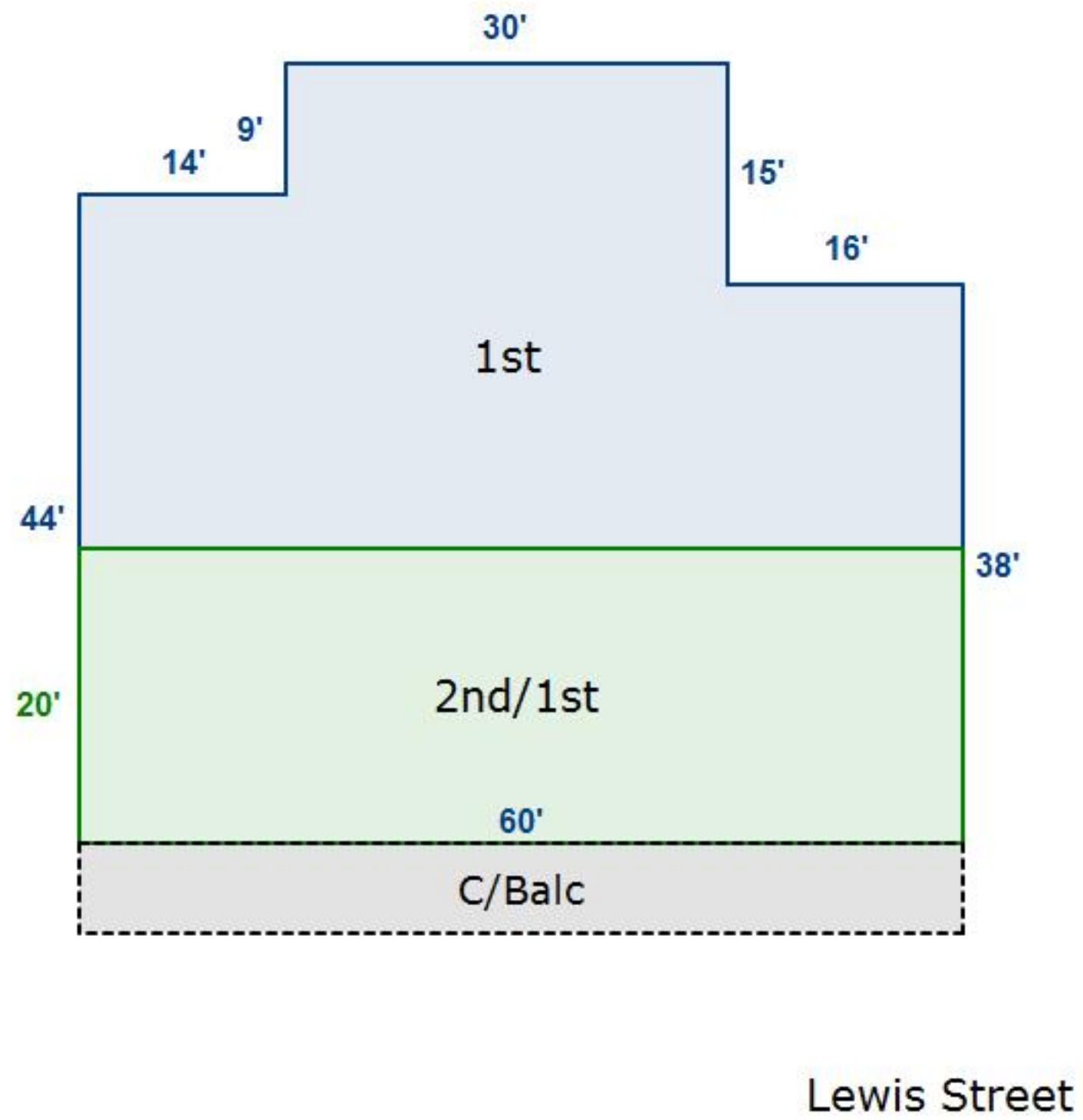
Residential

2nd Floor Living: 566 sq ft

This unit is currently occupied by a tenant who has lived here for over 15 years. There is a living room, Kitchenette, bathroom and a bedroom. There is a smoke detector on both the inside and outside of the bedroom door that are connected and meet the fire code. The bedroom has a door to the living room as well as one that exits onto an outside deck.

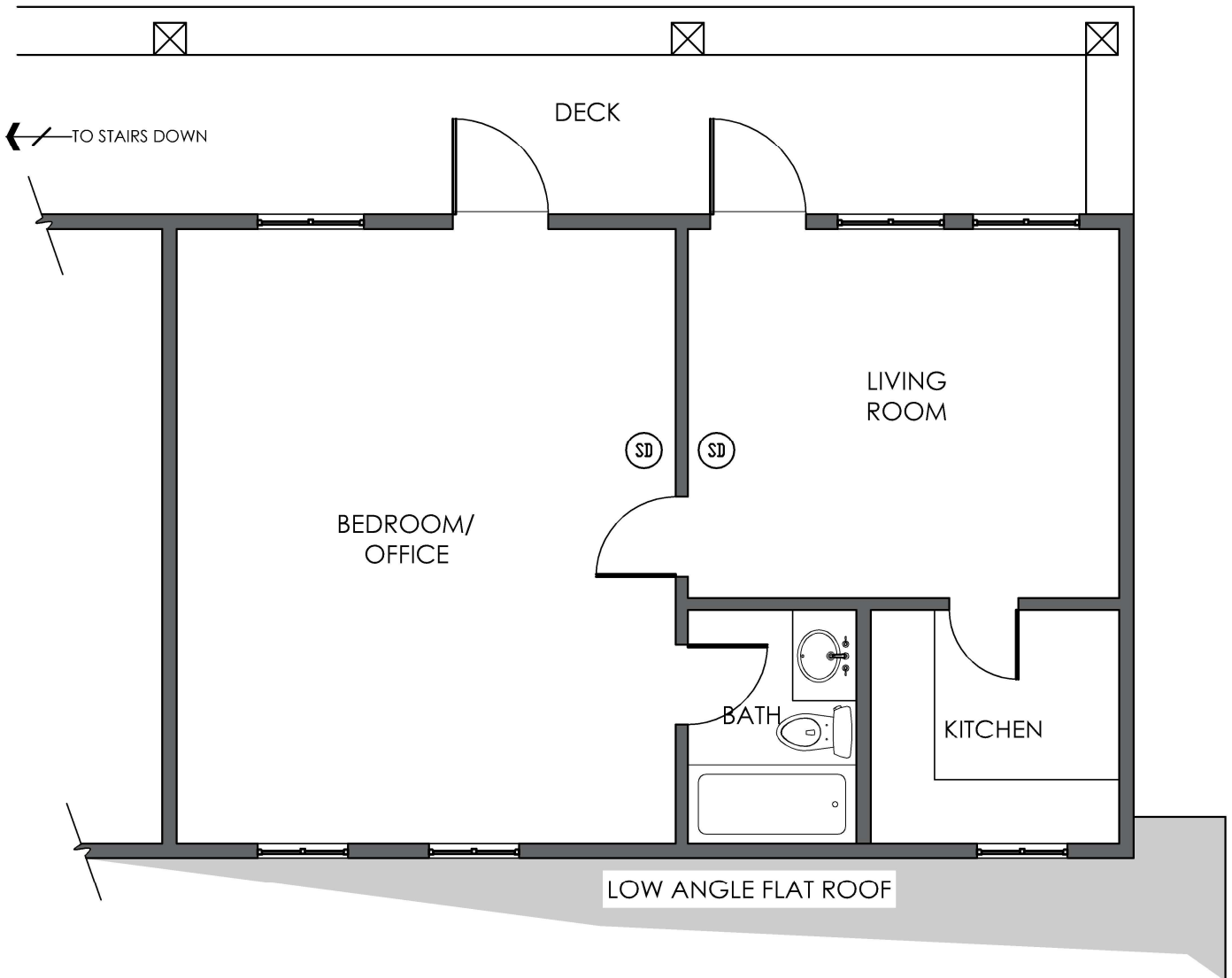
C. Floorplan and property information from the Blaine County Assessor

Parcel Number	RPK04750000010
Owner	LOOMIS INC
Address	210 LEWIS ST
Legal Description	INDUSTRIAL PARK SUB LOT 1 22,100SF
Mailing Address	BOX 852 KETCHUM ID 83340-0000
Acres	0.507
Land Value	\$746,200
Farm Value	\$0
Commercial Value	\$116,430
Residential Value	\$0
Manufactured Value	\$0
Personal Property Value	\$0
Market Value	\$862,630
Home Owner Exemption	\$0
Taxable Value (2019)	\$862,630
Sketch	View Sketch



D. As-built floorplans

210 LEWIS ST.
UNIT "G"
(566 SQ FT)



E. Exterior lighting fixture photos

210 Lewis St. Existing Lighting



SOFFIT



WALL SCONCE

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



**City of Ketchum
Planning & Building**

IN RE:)
)
210 Lewis Street Residential Use) **KETCHUM PLANNING AND ZONING COMMISSION**
Conditional Use Permit) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**
Date: February 10, 2020) **DECISION**
)
File Number: P20-010)

PROJECT: 210 Lewis Street Residential Conditional Use Permit

FILE NUMBER: P20-010

OWNER: Loomis Inc.

APPLICANT: Loomis Inc. / Amy Anderson

REPRESENTATIVE: Amy Anderson

REQUEST: Conditional Use Permit (CUP) for one (1) residential apartment

LOCATION: 210 Lewis Street (Lot 1, Industrial Park Subdivision)

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

OVERLAY: LI-48' Height

NOTICE: Notice was published in the Idaho Mountain Express on January 22, 2020, was mailed to property owners within 300' on January 22, 2020, and was posted on site on January 31, 2020.

ATTACHMENT: Floorplan

FINDINGS OF FACT

1. On February 10, 2020, the Planning and Zoning Commission considered a Conditional Use Permit (CUP) application for the proposed residential 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 residential unit consists of 566 square feet of residential dwelling use on the upper floor, which equates to 14% of the square footage of the 4,014 square foot building.

Table 1. Comprehensive Plan Analysis

<p>Land Use Category: Mixed-Use Industrial</p> <p>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></p> <p>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></p> <p>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></p>
<p>The majority of square footage in the building is used for construction/development related businesses, including the work space of the work/live unit, and these uses fit the primary purpose of the Mixed-Use Industrial land use. The two apartments are integrated into the building and fit the secondary purpose of the Mixed-Use Industrial land use.</p>
<p>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></p>
<p>One of the two dwelling units proposed with this permit is a work/live unit.</p>
<p>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></p>
<p>The proposal integrates housing into the light industrial area in a mixed-use building.</p>

Table 2: City Department Comments

City Department Comments			
Compliant			City Standards and City Department Comments
Yes	No	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fire: No outstanding issues identified.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City Engineer and Streets Department: N/A. This is an existing building that is not being substantially improved.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Utilities: N/A. This is an existing building that is not being substantially improved. N/A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building: No outstanding issues identified.
<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 one upper floor apartment.</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>The subject building is 4,014 square feet and the total residential square footage is 566 square feet, which equates to 14% of the building being used for residential use.</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>The building is not condominimized, the residential unit is not separate units for sale.</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	<i>N/A, this is not a work/live proposal.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (6)	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.
			Staff Comments	<i>The residential unit is 566 square feet and contains one bedroom.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (7)	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: 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; b. The area designated as light industrial shall be as follows: (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. (2) The area designated as light industrial shall be a minimum of twenty percent (20%) of the gross floor area in five story buildings. (3) Subject light industrial use shall not be for personal storage by dwelling occupants; 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 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.
			Staff Comments	<i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (8)	8. Anti-Nuisance And Notice Provisions: 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. 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. 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.

				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.
			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>This standard has been met. There are +/- 30 parking spaces shared between the subject property and the adjacent property, 100 Bell Drive, that is held under the same ownership.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (10)	10. Conditions: Conditions including, but not limited to, the following may be attached to the conditional use permit approval: <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	<i>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</i>

				<p><i>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” (KMC §17.18.150)</i></p> <p><i>The apartment considered by this application is subordinate in size to the commercial uses and its second-floor location mitigates interference with the commercial uses and further. Additionally, the apartment use is representative of the secondary purpose of the LI-2 zoning district: residential units that are secondary and subordinate to primary uses.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	<p>The conditional use will not materially endanger the health, safety and welfare of the community.</p> <p><i>Staff Comments</i> <i>There are no outstanding life safety code violations identified within the unit. Therefore, the building is safe to occupy.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	<p>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.</p> <p><i>Staff Comments</i> <i>The one-bedroom apartment’s occupant and guests unit generates vehicle/pedestrian traffic</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(D)	<p>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.</p> <p><i>Staff Comments</i> <i>The existing building is adequately served by public facilities and services. The residential use will not adversely affect the delivery of public services to the surrounding area.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	<p>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</p> <p><i>Staff Comments</i> <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></p>

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 February 10th, 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 residential apartment on this 10th day of February 2020 subject to the following conditions 1 - 8:

- 1.** The residential apartment shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms;
- 2.** No residential use shall occur on the ground level (first floor);
- 3.** Because of the mixed-use nature of the building, 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 apartment concurrent with the routine inspections of the commercial spaces;
- 4.** Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff;
- 5.** 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.
- 6.** 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.
- 7.** 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.
- 8.** 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 10th day of February, 2020.

Neil Morrow
Chair
Planning and Zoning Commission

210 LEWIS ST.
UNIT "G"
(566 SQ FT)

