



City of Ketchum
Planning & Building

IN RE:)
)
 My Sun Valley Home Mixed-Use Building) **KETCHUM PLANNING AND ZONING COMMISSION**
 Conditional Use Permit) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**
 Date: February 10, 2020) **DECISION**
)
 File Number: 20-004)

PROJECT: My Sun Valley Home Property Services Mixed-Use Building

FILE NUMBERS: P20-004

APPLICATION TYPES: Conditional Use Permit

REPRESENTATIVE: Don Stamp, Architect

OWNER: Corey & Amber Black/Black Properties, LLC

REQUEST: Design Review for the proposed development of a new three-story, 9,822 gross sq ft mixed-use building, which will include work spaces, offices, a laundry facility, and storage for My Sun Valley Home Property Services and a Conditional Use Permit for the three employee housing units on the third level.

LOCATION: 120 Northwood Way (Northwood Light Industrial Park Subdivision Phase 1: Block 1: Lot 8)

ZONING: Light Industrial District Number 2 (LI-2)

OVERLAY: 48 ft Height Overlay

NOTICE: A public hearing notice for the project was mailed to all property owners within 300 ft of the development site on December 30th, 2019. The public hearing notice was published in the Idaho Mountain Express on December 25th, 2019.

Findings Regarding Applications Filed

Owners and operators of My Sun Valley Home, Corey and Amber Black have submitted a Design Review application concurrent with a Conditional Use Permit application for the development of a new three-story, 9,822 sq ft mixed-use building, which will contain three employee housing units on the third level, located at 120 Northwood Way (Northwood Light Industrial Subdivision: Lot 8) within the Light Industrial Number 2 (LI-2) Zoning District. The mixed-use building will be comprised of light industrial, office, and residential uses. The property management operation includes multiple permitted light industrial uses, such as a maintenance service facility, storage, industrial laundry, repair shop, and motor vehicle service. The second-level of the proposed mixed-use building is comprised of offices as well as a conference room for administrative functions associated with the property management service, which is permitted use in the LI-2 Zone as a contractor-related business as specified in Ketchum Municipal Code (KMC) §17.08.020.

OFFICE, CONTRACTOR-RELATED BUSINESS: An establishment wherein the primary use is the conduct of a business or profession specifically related to building contracting including, design services, engineering, construction, landscaping, maintenance and property management (KMC §17.08.020).

As indicated on Sheet 5 of the applicant submittal (Exhibit A), the third level of the building is reserved for three one-bedroom employee housing units. The housing units are accessed from a common lobby. Each unit has its own separate storage area and designated parking space. The employee housing units are subject to the minimum criteria for residential units in light industrial districts as specified in KMC §17.124.090.

Findings Regarding Subject Property

The subject property, Lot 8 of Northwood Light Industrial Park Subdivision Phase 1, is currently vacant and has a total area of 8,040 sq ft, which complies with the 8,000 sq ft minimum lot area required in the LI-2 Zone. To the east of the subject property at the corner of Northwood Way and Lewis Street, the 100 Northwood Way mixed-use building is currently under construction. A commercial building utilized by High County Resort Properties, sheet-metal fabrication, and auto detailing lies adjacent to the west of the subject property. The Glaske and Horn Industrial condominiums are across Northwood Way to the north of subject Lot 8.

Findings Regarding Public Hearing

At the December 9th, 2019 meeting, the Planning & Zoning Commission held a site visit and considered the Pre-Application Design Review submittal as well as Staff analysis, the applicant’s presentation, and public comment. Following review of the Pre-Application and providing feedback to the applicant, the Commission unanimously moved to advance the project to final Design Review.

Table 1: Findings Regarding Comprehensive Plan Analysis

The proposed mixed-use building project demonstrates three of the Core Community Values contained in the 2014 Comprehensive Plan—A Strong and Diverse Economy, Well-Connected Community, and a Variety of Housing Options. The project is consistent with the uses, goals, and policies listed below as specified within the 2014 Comprehensive Plan.

SUPPORTING SECTION	SUMMARY OF COMPLIANCE WITH THE 2014 COMPREHENSIVE PLAN
<p>Land Use Category: Mixed-Use Industrial</p>	<p>PRIMARY USES Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.</p> <p>SECONDARY USES 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.</p> <p>CHARACTERISTICS AND LOCATION 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.</p> <p><i>My Sun Valley Home is a property management operation that combines many light industrial uses including routine maintenance of buildings, industrial laundry, repair shop, storage, and motor vehicle service. The proposed mixed-use building will also contain offices for the business’s administrative functions, which is permitted in the LI-2 Zone as a contractor-related business. The commercial components of the mixed-use building meet the intention for primary uses in the mixed-use industrial area. The employee housing units provided on the third floor meet the intention for secondary uses in the mixed-use industrial land use category.</i></p>

Community Design and Neighborhoods	
Policy CD-1.1 Unique Design Elements for Identifiable Neighborhoods	Each neighborhood or district should include a mix of design elements that will reinforce its unique design quality.
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.
Housing	
Goal H-1	Ketchum will increase its supply of homes, including rental and special-needs housing for low-, moderate-, and median income households.
Policy H-1.2 Local Solutions to Attainable Housing	The City of Ketchum will place greater emphasis on locally-developed solutions to meet the housing needs of low-, moderate-, and median-income households. The City further recognizes that such needs likely will not be met solely through private development. To facilitate affordable housing opportunities, the City will look to new funding mechanisms, and encourage a broad range of regulatory incentives and options for community housing. These may include unit buy-downs, unit reuse, density increases, and height bonuses.
Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas	Housing should be integrated into the downtown core and light industrial areas, and close to the ski base. 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.</i>
Goal H-3	Ketchum will have a mix of housing types and styles.
Policy H-3.1 Mixture of Housing Types in New Development	<i>The housing stock in Ketchum predominately consists of single-family homes, attached and detached townhomes, large scale condominium developments, and condominiums within mixed use buildings in the Community Core. These three employee housing units represent a less common housing type (residential above a business in the LI), thus diversifying the mixture of housing available.</i>
A Strong and Diverse Economy	
Goal E-1	Ketchum will work to retain and help expand existing independent small local business and corporations.
Mobility	
Policy M-1.3 Compact Development and Housing Downtown and in Activity Centers	Encourage compact development, mixed uses, and additional housing density in the downtown and in high-activity areas. This will increase opportunities for walking, bicycling and transit ridership and reduce vehicle traps.
Future Land Use	
Goal LU-1: Promote a functional, compact, and mixed-use pattern that integrates land and balances residential and non-residential land uses.	Policy LU-1.1 Integrated and Compatible Land Uses <i>The project seamlessly balances the light industrial functions associated with the property management with the residential employee housing units. The uses associated with the property management operations including storage and laundry are compatible with the adjacent land uses in the LI-2 Zone.</i>
Goal LU-2 Support infill and redevelopment in the downtown, major activity areas and specific areas	Policy LU-2.2 Compatible Residential Infill Appropriate types of infill include the new residential units on vacant lots/areas, additions to existing units, accessory dwelling units, and residential units with businesses. Ensure that residential infill is compatible in character and scale within the surrounding neighborhood. <i>The project includes new residential units on the third floor of the property services building.</i>

that can take advantage of proximity to services and transportation.	
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Table 2: Findings Regarding City Department Comments

City Department Comments
<p><i>Note: City Department comments are preliminary and based on the project concept as proposed with the subject Design Review application. All City Departments shall review and approve the project through the Building Permit application process. All comments pertaining to the Design Review drawings are subject to change. All right-of-way improvements shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project. All City Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</i></p>
<p>Fire Department:</p> <ul style="list-style-type: none"> • It is the General Contractor’s responsibility to understand and adhere to all Fire Protection Ordinance #1125 requirements in addition to any and all other City of Ketchum requirements in effect at the time of Building Permit issuance. Failure to comply with all local ordinances and codes may result in project work stoppage as well as criminal penalties. • The above project shall meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances. • Approved address and unit numbers shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers and letters shall be a minimum of four (4) inches tall, contrast with their background and be positioned a minimum of forty-eight (48) inches above final grade. • Vehicle parking and material storage during construction shall not restrict or obstruct public streets or access to any building. A minimum twenty-foot travel lane for emergency vehicle access shall be maintained clear and unobstructed at all times. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times. • An approved automatic fire sprinkler system shall be installed throughout the building per City of Ketchum Ordinance #1125 (www.ketchumfire.org) and the National Fire Protection Association Standard 13. An approved fire sprinkler flow bell, Knox box and Fire Department Connection shall be installed in an approved location visible to approaching firefighters. Water service lines to structures shall be hydraulically calculated for size to meet fire sprinkler flow requirements. Fire sprinkler systems shall be annually tested and maintained per NFPA 25. An approved fire department connection and flow bell shall be installed in a location approved by the fire department and the system shall be supervised by an approved alarm system. NOTE: One electronic set of fire sprinkler system plans must be submitted to the Ketchum Fire Department as well as the State Fire Marshal’s office and a Ketchum Fire Department Permit must be obtained prior to installation of fire sprinkler systems. Inspections of fire sprinkler systems by the Fire Chief or an appointee are required. Inspections must be scheduled at least 48 hours in advance. • An approved monitored fire sprinkler alarm system shall be installed per City of Ketchum Ordinance #1125 (www.ketchumfire.org) and the requirements of NFPA 72. Two (2) sets of alarm system plans shall be submitted to the Ketchum Fire Department for approval and a permit is required prior to installation of alarm systems. Inspections of fire detection systems by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. • Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building. • Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from

burning embers.

- An approved key box shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department. The key box shall be a Knox box brand and sized to accommodate keys to every door of the project.
- Inspections of fire department permit required installations shall be scheduled at least 48 hours in advance.
- An 8 ½ by 11 color coded site map of this project shall be provided on paper and electronically to the fire department. This site map shall show the locations of gas shut-offs, power shut-offs, fire sprinkler riser rooms, fire department connections, alarm panels, Knox boxes, access doors, egress windows, stairways and any additional fire department requirements. Exact details for color coded “On-Sites” can be found at www.ketchumfire.org.
- Final inspections of all fire department permit required installations by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. A Final Inspection Checklist can be found at www.ketchumfire.org. Fire Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.

City Engineer & Streets Department:

- All drainage shall be retained on site including water from any roof drains (KMC §17.96.060.C.1).
- All construction for the project must comply with the standards set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards. The applicant shall submit a Construction Activity Plan addressing all applicable activities (KMC §15.06.030), including how materials will be off-loaded at the site, plan for coordinating with neighbors on temporary closures, temporary traffic control, and construction fencing with appropriate screening, to be reviewed and approved prior to issuance of a Building Permit for the project. Pursuant to KMC §15.06.030.A.2, the applicant shall provide notice of the project, construction schedule, and general contractor’s contact information to all neighbors with properties adjacent to the project site.
- The Building Permit plans and construction drawings shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code.
- The shall improve the adjacent Northwood Way right-of-way to comply with City ROW standards specified for a 60-foot wide right-of-way including: (a) sidewalk, parking, and drive lane width, (b) stop, street, and parking sign installation, (c) street lights, and (d) parking stall dimensions. Specifications for the ROW improvements shall be indicated on the civil drawings submitted with the Building Permit application to be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.
- Sidewalk snow removal is the responsibility of the property owner. If a snowmelt system is proposed, an encroachment permit approved by the City will be required. Property owner will be responsible for all associated maintenance and repair.
- All lighting within the ROW will need to meet city ROW standards (see Right-of-Way Standards, Commercial Category). Per City ROW standards a lighting study will need to be provided to ensure proper lighting of sidewalks. Consistent with the standards of the Dark Sky Society, the footcandles illuminating the sidewalk shall be an average of 0.2 fc and shall not exceed 5 fc.
- Per ADA Standards sidewalks cross slopes are 1.75 +/- 0.25 percent.
- The applicant shall submit a Street and Alley Digging, Excavation, and Trenching (“DIG”) Permit application with an associated traffic control plan for all construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).
- Final civil drawings for all associated ROW improvements shall be submitted with the Building Permit application to be verified, reviewed, and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.

Utilities:

<ul style="list-style-type: none"> The applicant will be responsible for installing connections to the water and sewer system at Northwood Way. Requirements and specifications for the water and sewer connections will be verified, reviewed, and approved by the Utilities Department prior to issuance of a Building Permit for the project.
Building: <ul style="list-style-type: none"> The building must meet the 2012 International Building Code and Title 15 Buildings and Construction of Ketchum Municipal Code. Building Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.
Planning and Zoning: Comments are denoted throughout Tables 3, 4, and 5.

Table 3: Findings Regarding Zoning and Dimensional Standard Analysis

Compliance with Zoning and Dimensional Standards				
Compliant			Standards and <i>Commission Findings</i>	
Yes	No	N/A	Ketchum Municipal Code Standard	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.050	Minimum Lot Area
			<i>Commission Findings</i>	Required: 8,000 square feet minimum Existing: Lot 8 has a total area of 8,040 sq ft (Sheet 1)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.050	Building Coverage
			<i>Commission Findings</i>	Permitted: 75% Proposed: 72%(5,757 sq ft building coverage/8,040 sq ft lot area)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.050	Minimum Building Setbacks
			<i>Commission Findings</i>	Minimum Required Setbacks: Front: 20' Side: 0' for internal side yards Rear: 0' Proposed: Front (N): 20' (Sheet 4) Side (E): 2" Side (W): 2" Rear (S): 2"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.050	Building Height
			<i>Commission Findings</i>	Maximum Building Height Permitted: 35' Non-habitable Structures Located on Building Rooftops: 6 ft above roof surface height Parapets and Rooftop Walls Screening/Enclosing Mechanical Equipment: 4 ft above roof surface height Rooftop Solar and Mechanical Equipment Above Roof Surface: 5 ft above roof surface height Proposed: Maximum Building Height Top of Roof Deck: 32'-6" (Sheet 7) Maximum Building Height Top of Parapet: 35' (Sheet 7) Elevator (non-habitable structure): 3'-6" above roof surface (Sheet 7)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125. 030.H	Curb Cut

			Commission Findings	<p>Maximum Permitted: A total of 35% of the linear footage of any street frontage can be devoted to access off street parking.</p> <p>Proposed: <i>As indicated on Sheet C1.0, the applicant has proposed a 31 ft curb cut, which is 35% of the property's total street frontage along Northwood Way.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.020.A1 & 17.125.040.B	<p>Parking Spaces</p>
			Commission Findings	<p>Required In Light Industrial Districts:</p> <ul style="list-style-type: none"> • Residential (including multiple-family dwelling) : 1 parking space per bedroom • Office, Contractor-Related Business: 1 parking space per 250 gross sq ft • LI Uses (Maintenance Service Facility): 1 parking space per 1,000 gross sq ft <p>Required with My Sun Valley Home Mixed-Use Building:</p> <ul style="list-style-type: none"> • Residential (including multiple-family dwelling) : 3 parking space (3 one-bedroom employee housing units) • Office, Contractor-Related Business: 3 parking spaces (845 sq ft office and conference room/ 250 gross sq ft) • LI Uses (Maintenance Service Facility): 6 parking space (6,101 gross sq ft LI uses/1,000 gross sq ft) <p>12 total parking space are required for the proposed use.</p> <p>Proposed: <i>The applicant has provided 15 total off-street parking spaces. 12 parking spaces are provided within the enclosed garage and 3 surface parking spaces are provided underneath the second-level cantilever. As indicated on Sheet 3 of the submittal drawings, the 3 surface parking spaces will be designated and reserved for the three employee housing units.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125. 040.D	<p>Off Street Vehicle Loading Area</p>
			Commission Findings	<p>Required: In the LI-1, LI-2, and LI-3 Districts, off street loading areas shall be required as an accessory use for new construction or additions involving an increase in gross floor area as follows: 1. Number Of Spaces: a. One off street loading space is required for gross floor area in excess of two thousand (2,000) square feet. b. No loading space shall occupy any part of a public street, alley, driveway, or sidewalk. Where practicable to do so, an alley may be used in lieu of the requirement for off street loading space(s) if permission is granted by the Administrator. 2. Dimensions: An off street loading space shall be a minimum of one hundred eighty (180) square feet with no length of the space being less than ten feet (10').</p> <p>Proposed: <i>The off-street loading space is provided within the surface parking</i></p>

				area underneath the second-floor cantilever. Sufficient area has been provided on the site for vehicles to back in towards the rear of the property to the elevator on the first level, which leads to the second-level storage area.
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Table 4: Findings Regarding Dwelling Units in Light Industrial Districts Standards Analysis

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 Commission Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (1)	Dwelling units shall not occupy the ground floor.
			Commission Findings	<i>The three employee housing units are located on the third level of the mixed-use building as specified on Sheet 5 of the submittal.</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.
			Commission Findings	<i>The applicant has concurrently submitted a Design Review application for the proposed mixed-use 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.
			Commission Findings	<i>The total area of residential use including the employee housing dwelling units and associated storage areas is 2,543 sq ft, which is 26% of the mixed-use building.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.
			Commission Findings	<i>The applicant has not proposed separating the dwelling units for sale as individual units. The dwelling units are reserved for My Sun Valley Home employees.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

				<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>
			Commission Findings	<i>N/A as no work/live units have been proposed within the mixed-use building.</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.
			Commission Findings	<i>The three employee housing units have similar floor plans with an open kitchen and living area, a bathroom, and one bedroom. Each unit has its own designated storage area accessed from a lobby area as well as a designated parking space. Each employee housing unit contains one bedroom. Each unit and associated storage area is ~843 sq ft. The mean average of all of the employee housing units is ~845 sq ft, which is 155 sq ft less than the mean average permitted.</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>
			Commission Findings	<i>N/A. The proposed mixed-use building is three stories.</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</p>

				<p>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>
			Commission Findings	<i>The property owner is aware of the nature of the light industrial zone and is aware of the other standards within this section.</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>
			Commission Findings	<i>The applicant has provided three more parking spaces than are required for the uses proposed within the building. The proposed light industrial, office, and residential uses generate a parking demand of 12 parking spaces and the applicant has provided 15 off-street parking space, which include three spaces specifically designated for the employee housing units.</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.
			Commission Findings	<i>Recommended conditions of approval for the subject Conditional Use Permit application are specified in the Staff Report below. The Planning & Zoning</i>

Commission may attach additional conditions of approval to the Conditional Use Permit as specified by KMC §17.124.090.A10.

Table 5: Findings Regarding Conditional Use Permit Criteria Analysis

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>Commission Findings</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.
			Commission Findings	<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 to, “provide for a permanent year round employment base and the location of light manufacturing, wholesale trade and distribution, research and development, service industries, limited related, bulk retail and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public.”</i></p> <p><i>Many permitted light industrial uses, such as manufacturing, maintenance service facilities, repair shops, and motor vehicle service, may not occur elsewhere within the City of Ketchum, and these uses are largely permitted by-right in this district. In contrast, residential dwellings are permitted by Conditional Use Permit only – in order to both mitigate the impact of residential uses on light industrial operations and to ensure the proposed residential use will be located and constructed in such a manner that minimizes any negative externalities.</i></p> <p><i>The proposed mixed-use building is comprised of uses, which include storage, industrial laundry, maintenance service facility, and a repair shop. The property management operations align with permitted uses within the LI-2 Zone and existing uses within the Northwood Way area. Offices and a conference room are included within the building to serve the administrative functions of the property management business. The offices on the second level provide a buffer between the light industrial uses on the first level and the residential dwelling units on the third level.</i></p> <p><i>The light industrial, office, and residential uses are compatible with the types of uses permitted in the LI-2 Zone and existing within the Northwood Way area.</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.
			Commission Findings	<i>The My Sun Valley Home Mixed-Use Building project is consistent with the types of uses in the neighborhood. The proposed residential use is not expected to materially endanger the health, safety, or welfare of the community.</i>
<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.
			Commission Findings	<i>The proposed project is not anticipated to significantly increase pedestrian and vehicular traffic as the building will primarily serve My Sun Valley Home employees. Clients and customers will not frequent the mixed-use building. The applicant has provided three more off-street parking spaces than required for the proposed development. Prior to issuance of a Building Permit for the project, the City Engineer and Streets Department shall review the civil drawings to ensure adequate sight distances as well as safe vehicular and pedestrian circulation.</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.
			Commission Findings <i>The three employee housing units will be adequately supported by public facilities and services. The addition of three new dwelling units on the third level of the mixed-use building 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.
			Commission Findings <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 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 City 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 Conditional Use Permit Application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Conditional Use Permit Application pursuant to Chapter 17.116 of Ketchum Code Title 17.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
2. The Conditional Use Permit Application is governed under Ketchum Municipal Code Chapters 17.124 and 17.116.
3. The proposed Conditional Use Permit for two new employee housing units on the third floor of the new My Sun Valley Home Mixed-Use Building in the LI-2 Zoning District meets the standards of approval under Title 17 of KMC subject to conditions of approval.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Conditional Use Permit application this Monday, January 13th, 2020 subject to the following conditions:

CONDITIONS OF APPROVAL

1. The Conditional Use Permit is non-transferable.
2. This Conditional Use Permit approval is subject to all comments and conditions as described in Tables 3, 4, and 5.
3. This Conditional Use Permit approval is based on the plans and information presented and approved at the meeting on the date noted herein. Building Permit plans for all on-site improvements must conform to the approved Conditional Use Permit plans unless otherwise approved in writing by the Planning and Zoning Commission or Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal.
4. This Conditional Use Permit approval is subject to Design Review P20-003. All conditions of approval shall apply.
5. Hours of operation for the business shall be posted and remain posted in accordance with KMC 17.124.090.A.5.b.2
6. No individual housing unit may exceed a maximum of 2,000 sq ft or contain more than two bedrooms and all units within a building shall not exceed a mean average of 1,000 sq ft.

7. No residential use shall occur on the ground level (first floor).
8. Due to both the mixed-use nature of this space and in order to ensure compliance with the zoning code requirement that the employee housing units do not exceed the residential unit size restriction in the LI-2 Zone, the Fire Marshal shall conduct routine inspections of the mixed-use building.
9. Inspections by Planning Staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of Staff.
10. 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.
11. 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.
12. 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.
13. 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
City of Ketchum
Planning and Zoning Commission