



City of Ketchum  
Planning & Building

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

**PROJECT:** 10<sup>th</sup> Street Ventures Work/Live Conditional Use Permit

**FILE NUMBER:** P20-001

**OWNER:** 10<sup>th</sup> Street Ventures LLC

**APPLICANT:** 10<sup>th</sup> Street Ventures LLC / Chris Heinz

**REPRESENTATIVE:** Travis Killmer, Williams Partners Architects, P.C.

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

**LOCATION:** 471 E. 10<sup>th</sup> Street Unit B17 (Tenth St Light Industrial Complex Bldg B Unit B13)

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

**OVERLAY:** None

**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. As built floor plan
- C. Dr. Sasha Heinz webpage
- D. E-mail correspondence
- E. Draft Findings of Fact, Conclusions of Law, and Decision

## **BACKGROUND**

The subject property is located at 471 E. 10<sup>th</sup> Street, Unit B13, in Building B of the 10<sup>th</sup> Street Light Industrial development. 10<sup>th</sup> Street Ventures LLC (Chris and Sasha Heinz), property owners, have applied for a Conditional Use Permit to bring the work/live unit operating in the unit into compliance with the zoning code. The existence of the work/live use was discovered during the city's publicized efforts to locate and bring non-conforming and unpermitted residential living spaces in the LI zones into compliance with building, fire, and zoning codes.

The unit is currently occupied on an occasional basis for work/live use. The ground floor consists of a 1,266 square foot workspace and the 781 square foot upper floor contains the residential living area. As indicated in correspondence between the applicant's representative and the applicant and submitted to the city (attachment D), the property owners purchased the unit in 2018 and one of the owners, Sasha Heinz, began using the ground floor for her business on a part-time basis in January of 2019. The business, as described on the business owner's application for a City of Ketchum business license on file with the city clerk's office, consists of life coaching conducted via video chat, with Ms. Heinz located in the unit and clients located off-site. As indicated on the business license application, clients are not seen on the premises. The life coaching business is classified as "instructional service" per zoning code use definitions.

When the business began operation at the subject property instructional service was permitted to occur anywhere within a structure and the zoning code's definition of instructional service was defined broadly:

**INSTRUCTIONAL SERVICE:** The use of land for the provision of informational, instructional and similar services for personal improvement. Typical uses include, but are not limited to health or physical fitness studios, dance, music, arts or photography studios, educational tutoring facilities, handicraft or hobby instruction.

In July 2019 the city adopted amendments to the Light Industrial zoning regulations, including a regulation that instructional service shall only occur on the upper floor(s) of businesses that have more than one floor. Additionally, the definition of instructional service was narrowed to:

**INSTRUCTIONAL SERVICE:** The use of land for the provision of instructional services for personal improvement other than physical improvement. Uses include music, painting, ceramics, photography, fiber arts, educational tutoring facilities, handicraft or hobby instruction.

Because the business was established in the subject location prior to the zoning code amendments, the instructional service use may continue to operate from the ground floor as it is a non-conforming use and non-conforming uses may continue to operate provided operation does not cease for more than six months (KMC § 17.136.030.C)

Ketchum Fire Marshal Tom Ancona has confirmed there are no major outstanding fire code violations within the unit and indicates the only potential outstanding issues are the presence of a fire extinguisher and smoke detectors. The floor plans submitted by the applicant indicate a fire extinguisher has been installed on the ground floor. Staff recommends that as a condition of approval if smoke detectors are not present smoke detectors shall be installed by February 21, 2020, to be confirmed by a site inspection by city staff and with compliance noted by a memo to the application file.

An April 2019 property inspection report by the building official indicated no major building code violations and suggested additional exit signage could aid in occupant safety. A follow up inspection to confirm the unit meets the building official's satisfaction is pending. Staff recommends approval of this application with a condition that a final inspection by the building official occur no later than February 21, 2020 and the inspection confirm no outstanding building code concerns or violations.

**Table 1. Comprehensive Plan Analysis**

<p><b>Land Use Category:</b> <b>Mixed-Use Industrial</b></p> <p><b>PRIMARY USES</b> <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><b>SECONDARY USES</b> <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><b>CHARACTERISTICS AND LOCATION</b> <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 work/live unit represents a type of residential use envisioned by the Comprehensive Plan for the mixed-use industrial land use area.</p>
<p><b>Policy E-2(e) Live-Work Opportunities and Home Businesses</b> <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>The proposed use is work/live.</p>
<p><b>Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas</b> <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"/>	<b>Fire:</b> A fire extinguisher and smoke detectors need to be installed if not currently present.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>City Engineer and Streets Department:</b> This is an existing building that is not being substantially improved. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Utilities:</b> This is an existing building that is not being substantially improved. N/A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Building:</b> Exit signage could help with occupant safety.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> Comments are denoted throughout the Staff Report.

**Table 3. Standards for Residential, Light Industrial Districts**

IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:				
Residential units in the light industrial districts shall comply with the following minimum criteria:				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (1)</b>	<b>Dwelling units shall not occupy the ground floor.</b>
			<b>Staff Comments</b>	<i>The application is for a work/live unit with the living area located on the upper floor and work space located on the ground floor.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (2)</b>	<b>Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.</b>

			<b>Staff Comments</b>	<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"/>	<b>17.124.090 A (3)</b>	<b>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.</b>
			<b>Staff Comments</b>	<p><i>38% of the work/live unit's square footage is devoted to residential use (781 of the 2,047 square feet).</i></p> <p><i>There are 13 units in Building B of the Tenth Street Light Industrial Complex consisting of 24,279 square feet (per Blaine County Assessor records).</i></p> <p><i>There are three Conditional Use Permits for work/live in the complex, consisting of (P19-045, Good Medicine Pottery, P19-094, Cerutti and P19-134, Dean) 2,162 square feet.</i></p> <p><i>This work/live unit would add an additional 781 square feet of residential square footage for a total of 2,943 square feet or 12.1% of the 24,279 square foot building.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (4)</b>	<p><b>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:</b></p> <ul style="list-style-type: none"> <li>a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A5 of this section;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>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.</li> </ul>
			<b>Staff Comments</b>	<i>This unit is eligible for individual ownership because it is a work/live unit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (5)</b>	<p><b>5. Work/Live Units: In the approval of work/live units, the City shall also find that:</b></p> <ul style="list-style-type: none"> <li>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;</li> <li>b. The work unit is: <ul style="list-style-type: none"> <li>(1) Suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire Codes;</li> <li>(2) Signed and posted with regular hours of operation;</li> <li>(3) Served by the prominent means of access for the work/live unit; and,</li> <li>(4) Associated with a business license for a use allowed (either conditionally or permitted) in the district.</li> </ul> </li> <li>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:</li> </ul>

				<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>
			<b>Staff Comments</b>	<p>Standards 17.124.090.A.5.a and c have been met.</p> <p>Standards 17.124.090.A.5.b.1 and 3 have been met.</p> <p>Standards 17.124.090.A.5.b.2 (signing and posting of business hours) is included as a condition of approval and compliance with 17.124.090.A.5.b.4 is pending as the applicant has applied for a City of Ketchum business license.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (6)</b>	<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>
			<b>Staff Comments</b>	<p>This standard has been met.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.124.090 A (7)</b>	<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>
			<b>Staff Comments</b>	<p>N/A</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (8)</b>	<p>8. Anti-Nuisance And Notice Provisions:</p> <p>a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.</p>

				<p>b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.</p> <p>c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone.</p> <p>d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.</p>
			<b>Staff Comments</b>	<i>The applicant is aware of these standards.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (9)</b>	<p><b>Compliance:</b> 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>
			<b>Staff Comments</b>	<p><i>The proposal is required two parking spaces for the residential unit (one per bedroom) and would be required five parking spaces for the instructional service use.</i></p> <p><i>However, as the 10<sup>th</sup> Street Light Industrial Complex is an existing building, and exterior parking is common area and not designated to a specific unit, staff finds the use compliant with parking standards per KMC 17.125.040.A.5:</i></p> <p><i>5. Nonconforming Due To Lack Of Parking And Loading: No lawfully existing building shall be deemed to be a nonconforming building solely because of lack of parking and loading spaces; provided, that space being used for off street parking or loading in connection with any such building at the effective date of this chapter shall not be further reduced in area or capacity.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (10)</b>	<p><b>10. Conditions:</b> Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</p> <ul style="list-style-type: none"> <li>a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;</li> <li>b. Separation of residential and light industrial parking on the site to minimize conflicts;</li> <li>c. Restrictions on exterior storage of personal property of tenants;</li> <li>d. Certificate of occupancy required prior to occupancy of units;</li> <li>e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;</li> <li>f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;</li> <li>g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;</li> <li>h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;</li> <li>i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or,</li> </ul>

				<b>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.</b>
			<b>Staff Comments</b>	<i>Recommended conditions of approval are below.</i>

**Table 4. Conditional Use Permit Requirements**

<b>Conditional Use Requirements</b>				
<b>EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code</b>				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
<b>Compliance and Analysis</b>				
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>City Code</b>	<b>City Standards and Staff Comments</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(A)</b>	<p><b>The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.</b></p> <p><i>The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the purpose of the LI-2 Zone is “established with the foremost purpose of providing suitable land and environs for uses that are not appropriate in other Commercial Zones due to their light industrial nature, but which provide an essential or unique service to support the local economy and permanent year-round employment base. Uses include: 1) light manufacturing; 2) wholesale trade and distribution; 3) research and development; 4) service industries; 5) limited bulk retail and; 6) offices related to building, maintenance and construction. A secondary purpose of the LI-2 is to provide multiple-family dwellings, constructed to be secondary and subordinate to the primary light industrial purpose of the LI-2. Uses in the LI-2 are intended to generate traffic primarily from the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in a Light Industrial Zone.</i></p> <p><i>The work component of the work/live unit is instructional service and instructional service is a permitted use in the LI-2 zoning district.</i></p> <p><i>The combination of residential living with the permitted use, and with the residential occupant being the owner of the businesses, results in a use that is not unreasonably incompatible with other types of uses permitted in the zone.</i></p>
			<b>Staff Comments</b>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(B)</b>	<p><b>The conditional use will not materially endanger the health, safety and welfare of the community.</b></p> <p><i>The work/live use will not materially endanger the health, safety, and welfare of the community provided the fire and building officials’ conditions are met.</i></p>
			<b>Staff Comments</b>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(C)</b>	<p><b>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.</b></p> <p><i>The work/live use is not anticipated to generate a high volume of trips as the applicant indicates no clients are seen on the premises. As such, hazards to pedestrian and vehicular traffic will not be generated by this proposal.</i></p>
			<b>Staff Comments</b>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(D)</b>	<p><b>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.</b></p> <p><i>The existing building and this unit are adequately served by public facilities and services. Use of this unit for the proposed live/work will not adversely affect the delivery of public services to the surrounding area.</i></p>
			<b>Staff Comments</b>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(E)</b>	<p><b>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</b></p>

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

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

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

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

**STAFF RECOMMENDATION**

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

**RECOMMENDED MOTION**

“I MOVE to approve the 10<sup>th</sup> Street Ventures Work/Live Conditional Use Permit with conditions 1-12 and to approve the Commission Chair to sign the draft Findings of Fact, Conclusions of Law, and Decision.”

**RECOMMENDED CONDITIONS**

- 1.** Ketchum Fire Marshal Tom Ancona has confirmed there are no major outstanding fire code violations within the unit and indicates the only potential outstanding issues are the presence of a fire extinguisher and smoke detectors. The floor plans submitted by the applicant indicate a fire extinguisher has been installed on the ground floor. If smoke detectors are not present smoke detectors shall be installed by February 21, 2020, to be confirmed by a site inspection by city staff and with compliance noted by a memo to the application file.



- 2.** An inspection by the Building Official shall occur by February 21, 2020 and shall confirm there are no outstanding building code concerns or violations within the unit. If building code violations are found to exist the violations shall be cured by March 31, 2020 as evidenced by a memo to the application file.
- 3.** The Conditional Use Permit for this work/live unit is non-transferrable to another property or property owner and the validity of the permit is dependent upon Dr. Sasha Heinz LLC remaining in operation;
- 4.** Hours of operation for the business shall be posted and remain posted in accordance with KMC 17.124.090.A.5.b.2;
- 5.** The residential living area shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms;
- 6.** No residential use shall occur on the ground level (first floor);
- 7.** Because of the mixed-use nature of this space, and in order to ensure compliance with the zoning code requirement that residential dwellings do not exceed 1,000 square feet in the LI-2 zoning district, the Fire Marshal shall conduct routine inspections of the work/live building;
- 8.** Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff;
- 9.** 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.
- 10.** 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.
- 11.** 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.
- 12.** All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed-use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.

## **ATTACHMENTS**

- A. Application
- B. As built floor plan
- C. Dr. Sasha Heinz webpage
- D. E-mail correspondence
- E. Draft Findings of Fact, Conclusions of Law, and Decision

## A. Application



City of Ketchum  
 Planning & Building

OFFICIAL USE ONLY	
File Number:	P19-044
Date Received:	12/17/19
By:	ml
Fee Paid:	1100-
Approved Date:	
Denied Date:	
By:	

### Conditional Use Permit Application

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

OWNER INFORMATION	
Project Name: 10th Street Ventures CUP	
Name of Owner of Record: 10th Street Ventures LLC	
Physical Address: 471 E 10th Street Suite B13	
Property Legal Description: TENTH ST LIGHT INDUST COMPLEX BLDG B UNIT 13	
Property Zoning District: LI-2	
Contact Phone: 208-726-0020	Contact Email: travis@williams-partners.com
PROJECT INFORMATION	
Description of Proposed Conditional Use: <b>Light Industrial work/live unit</b>	
Description of Proposed and Existing Exterior Lighting:	The applicant is seeking approval for a conditional use permit to allow an existing work/live unit.
ADDITIONAL COMMENTS	
ACCOMPANYING SUPPORTING INFORMATION REQUIRED	
<ul style="list-style-type: none"> <li>Existing Site Plan</li> <li>Proposed Site Plan</li> <li>Landscape Plan</li> <li>Grading and Drainage Plan</li> <li>Exterior Lighting Plan and Specifications</li> <li>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</li> </ul>	

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.

DocuSigned by:  
  
 Applicant Signature AE64401...

11/5/2019 12/3/2019

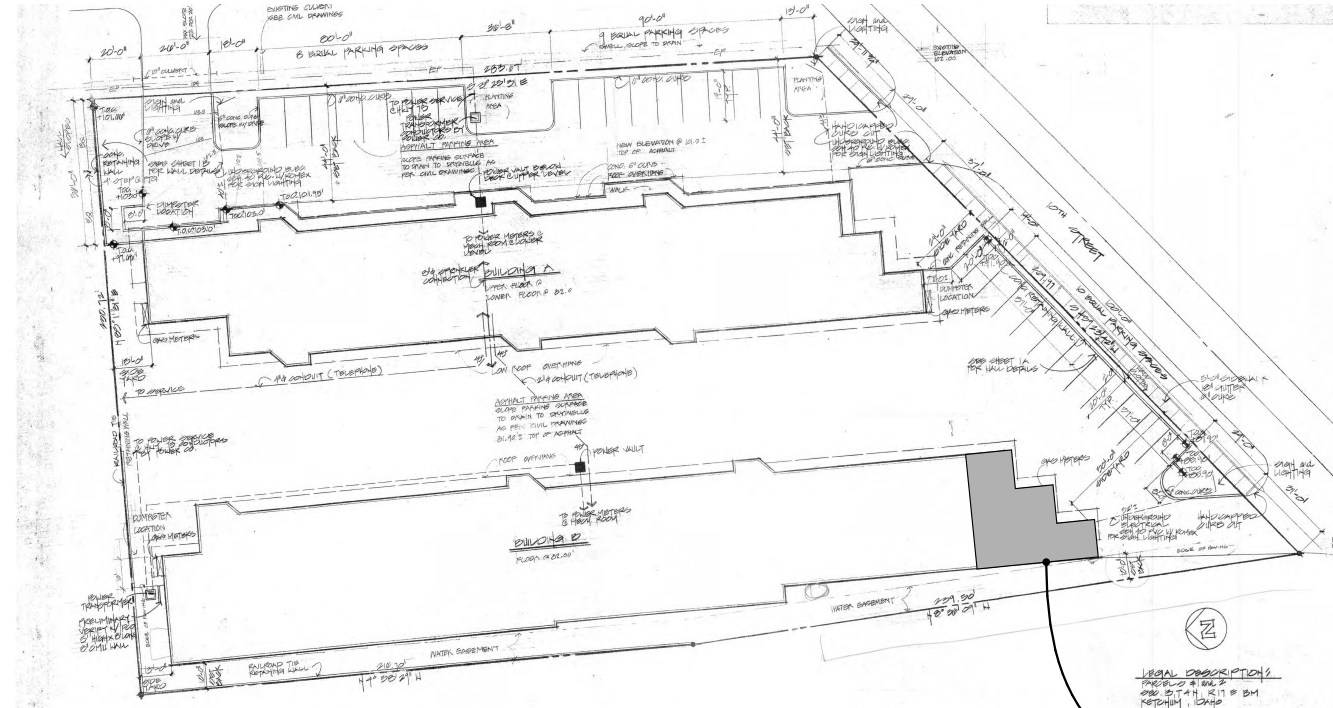
Date

**B. As built floor plan**

**Client:**  
 10th Street Ventures LLC  
 625 Liberty Ave., Suite 3200  
 Pittsburgh, PA 15222

**Architect:**  
 Williams | Partners Architects  
 P.O. Box 4373  
 Ketchum, ID 83340  
 Ph. 208.726.0020  
 Fax 208.726.0019

# 10TH ST. VENTURES LLC C.U.P.



**Neighborhood Map**  
 Tenth St Light Industrial Complex, Ketchum, Idaho

project location



project location

**Satellite View**  
 Tenth St Light Industrial Complex, Ketchum, Idaho



north

**Drawing Index:**

- A 0.0 COVER SHEET
- A1.1 SITE PLAN
- A 2.1 FLOOR PLANS
- A 2.2 GROSS SQ. FT. DIAGRAMS
- A 6.1 INTERIOR ELEVATIONS

**AREA CALCULATIONS**

LIVE	781.31 S.F.
WORK	1,265.64 S.F.
<b>TOTAL:</b>	<b>2,045.95 S.F.</b>

## 10th St. Ventures LLC

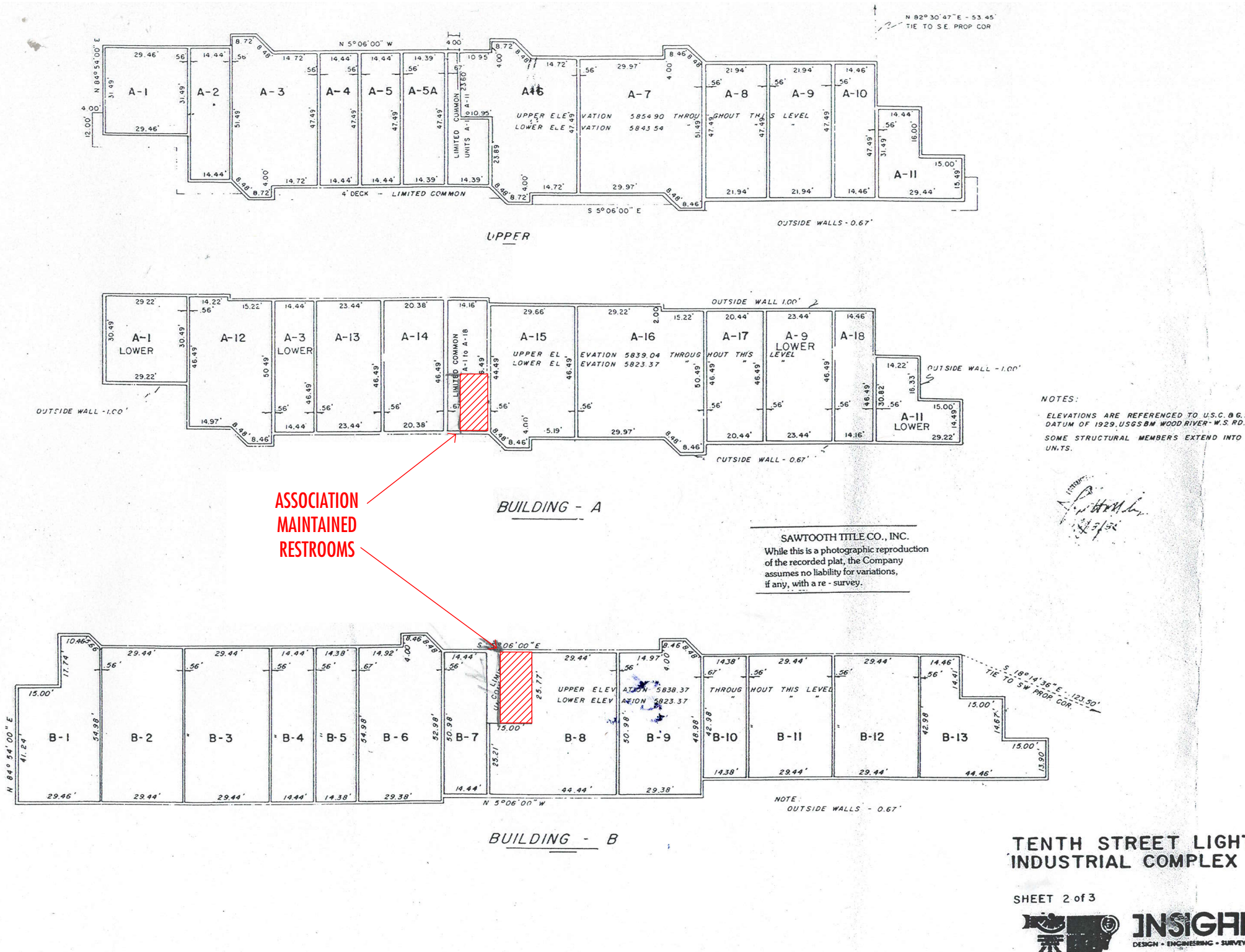
471 E 10th St., Suite B13, Ketchum, ID 83340

DATE: 12/11/2019

**WILLIAMS PARTNERS**  
 ARCHITECTS

CS

**OWNERSHIP OF DOCUMENTS:**  
 THE INSTRUMENTS OF SERVICE HEREIN ARE SOLELY FOR USE WITH RESPECT TO THIS PROJECT. WILLIAMS | PARTNERS ARCHITECTS, P.C. AND THE ARCHITECT'S CONSULTANTS SHALL BE DEEMED THE AUTHORS AND OWNERS OF THEIR RESPECTIVE INSTRUMENTS OF SERVICE AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHTS.



**SITE PLAN**  
NOT TO SCALE

1

# 10th St. Ventures LLC

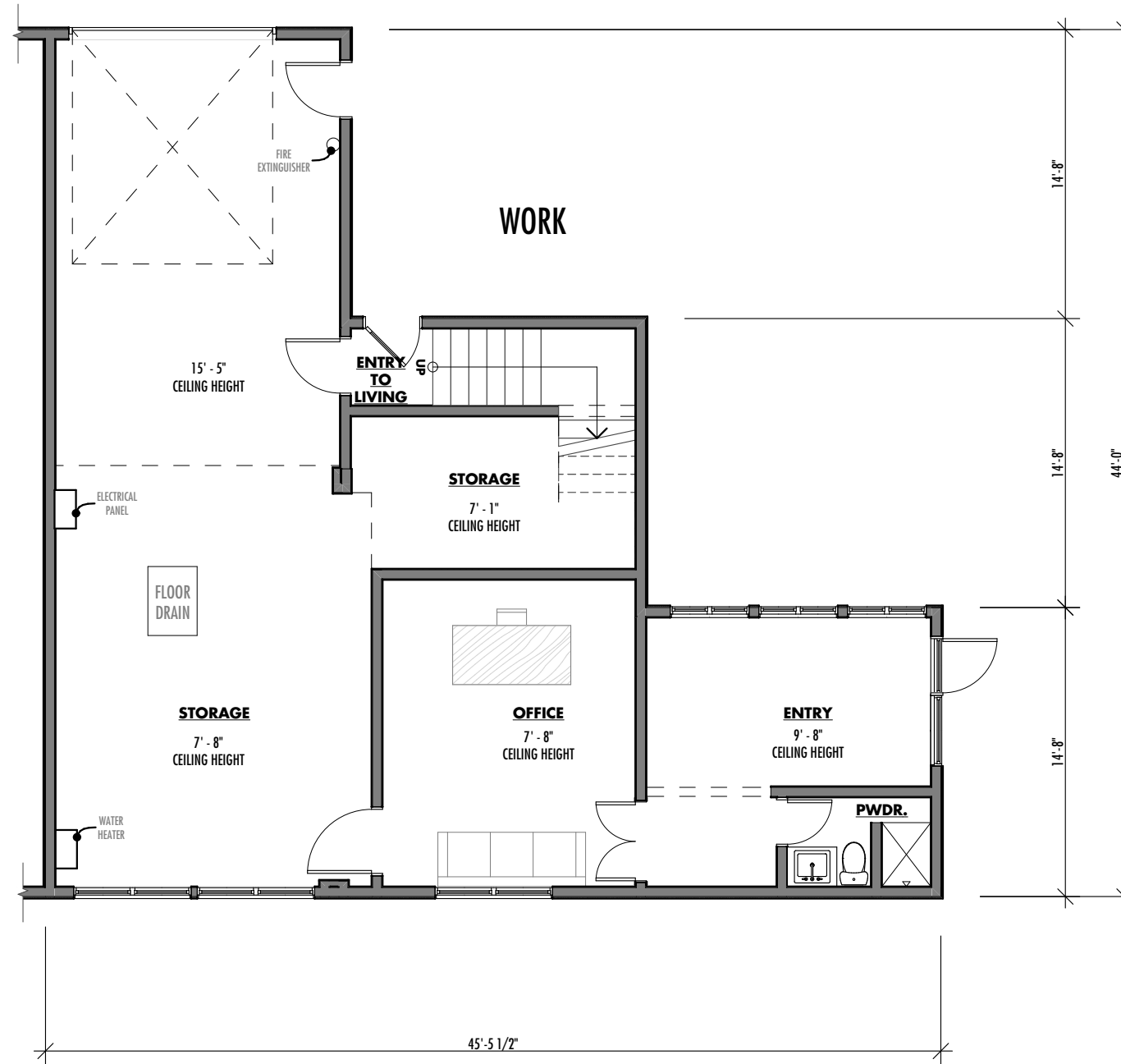
471 E 10th St., Suite B13, Ketchum, ID 83340

DATE: 12/11/2019

**WILLIAMS PARTNERS**  
ARCHITECTS

**A1.1**

**OWNERSHIP OF DOCUMENTS:**  
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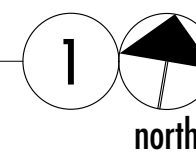


**AREA CALCULATIONS**

LIVE	781.31 S.F.
WORK	1,265.64 S.F.
<b>TOTAL:</b>	<b>2,045.95 S.F.</b>

**FIRST FLOOR PLAN**

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



**10th St. Ventures LLC**

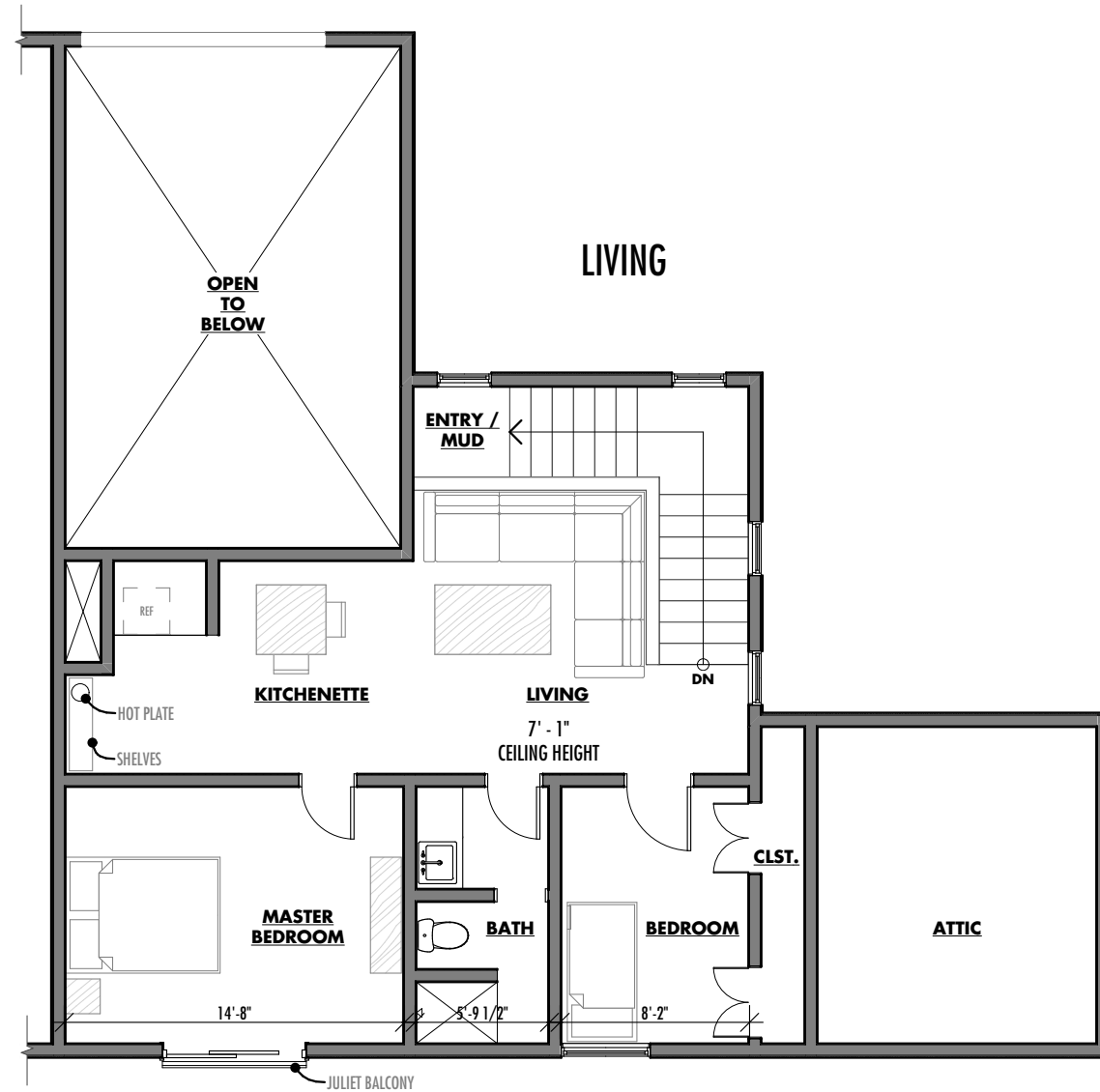
471 E 10th St., Suite B13, Ketchum, ID 83340

DATE: 12/11/2019

**WILLIAMS PARTNERS**  
ARCHITECTS

**A 2.1**

**OWNERSHIP OF DOCUMENTS:**  
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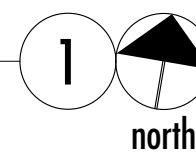


**AREA CALCULATIONS**

LIVE	781.31 S.F.
WORK	1,265.64 S.F.
<b>TOTAL:</b>	<b>2,045.95 S.F.</b>

**SECOND FLOOR PLAN**

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



**10th St. Ventures LLC**

471 E 10th St., Suite B13, Ketchum, ID 83340

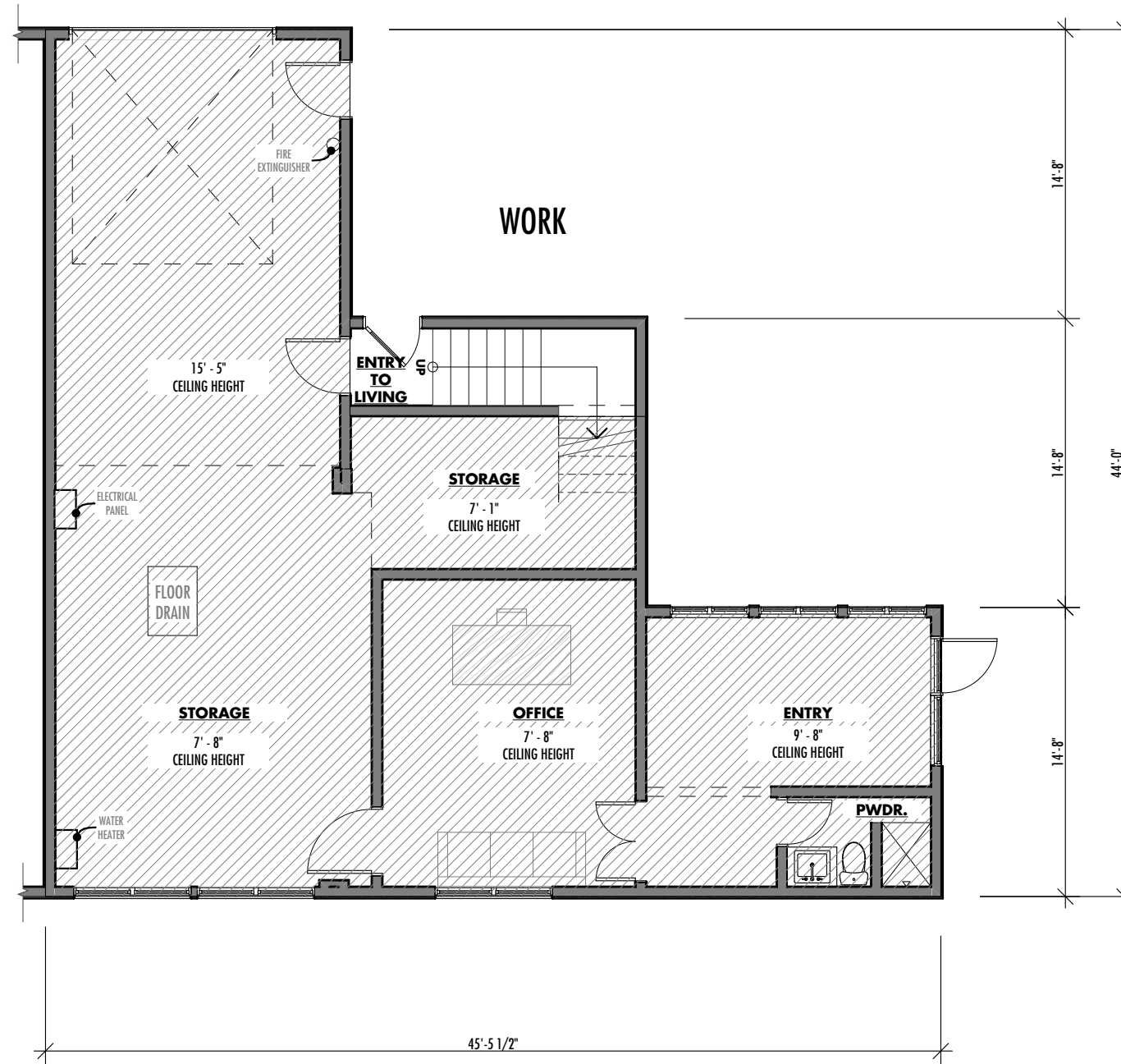
DATE: 12/11/2019

**WILLIAMS PARTNERS**  
ARCHITECTS

**A 2.2**

**OWNERSHIP OF DOCUMENTS:**  
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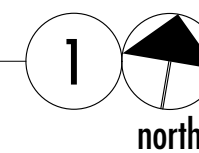




**AREA CALCULATIONS**

LIVE	781.31 S.F.
WORK	1,265.64 S.F.
<b>TOTAL:</b>	<b>2,045.95 S.F.</b>

**FIRST FLOOR**  
SCALE: 1/8" = 1'-0"



**10th St. Ventures LLC**

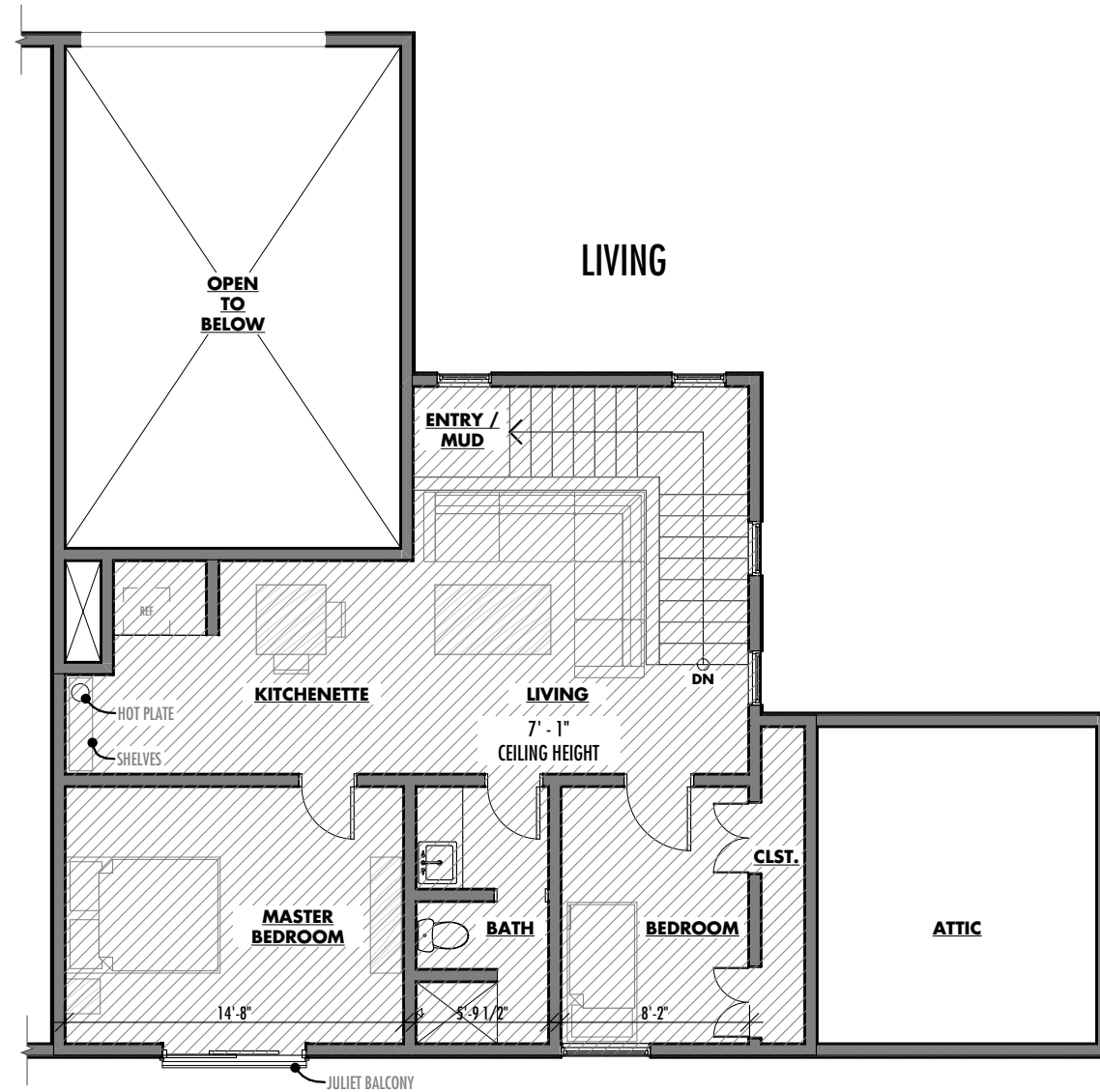
471 E 10th St., Suite B13, Ketchum, ID 83340

DATE: 12/11/2019

**WILLIAMS PARTNERS**  
ARCHITECTS

**A 2.3**

**OWNERSHIP OF DOCUMENTS:**  
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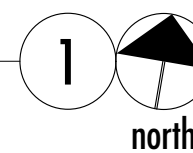


**AREA CALCULATIONS**

LIVE	781.31 S.F.
WORK	1,265.64 S.F.
<b>TOTAL:</b>	<b>2,045.95 S.F.</b>

**SECOND FLOOR**

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



**10th St. Ventures LLC**

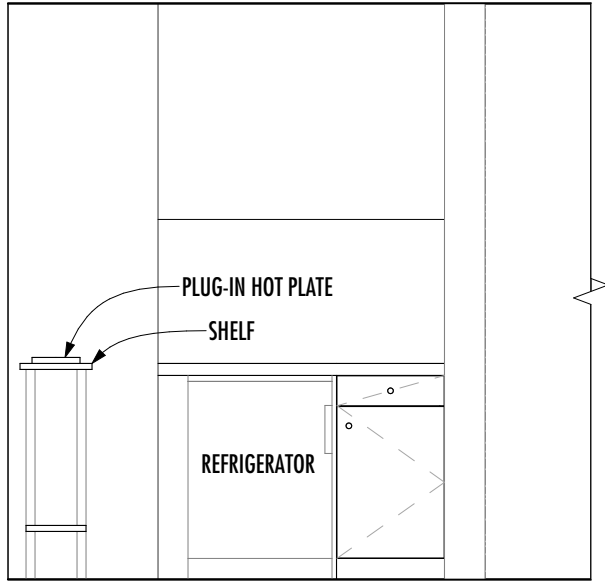
471 E 10th St., Suite B13, Ketchum, ID 83340

DATE: 12/11/2019

**WILLIAMS PARTNERS**  
ARCHITECTS

**A 2.4**

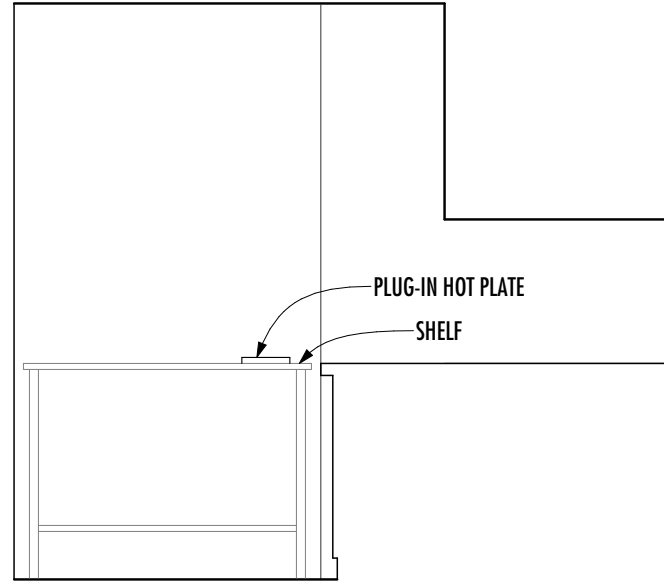
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THE INSTRUMENTS OF SERVICE HEREIN ARE SOLELY FOR USE WITH RESPECT TO THIS PROJECT. WILLIAMS | PARTNERS ARCHITECTS, P.C. AND THE ARCHITECT'S CONSULTANTS SHALL BE DEEMED THE AUTHORS AND OWNERS OF THEIR RESPECTIVE INSTRUMENTS OF SERVICE AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHTS.



**KITCHENETTE FACING N**

SCALE: 3/8" = 1'-0"

1



**KITCHENETTE FACING W**

SCALE: 3/8" = 1'-0"

2

**10th St. Ventures LLC**

471 E 10th St., Suite B13, Ketchum, ID 83340

DATE: 12/11/2019

**WILLIAMS PARTNERS**  
ARCHITECTS

**A 6.1**

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**C. Dr. Sasha Heinz webpage**

# DR. SASHA HEINZ

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HELLO@DRSASHAHEINZ.COM



I work solely one on one with clients who are serious about their mental health.

---

A NOTE: “Mental health” is not about the absence of mental illness. It’s about thriving emotionally and psychologically, and achieving a sense of well-being that’s well beyond a baseline of zero, or just OK.

Clients who are ready to dig into this work include those who:

- Have checked the boxes of what “should” make them happy, and wonder why they still don’t feel fulfilled.
- Want to get off the treadmill of maintaining a picture-perfect, Instagram-ready life and stop chasing external sources for their happiness.
- Are determined to cultivate greater psychological flexibility and mental fitness, and to live a life that lines up with their values.

## **My focus is on emotional and behavioral change.**

I use the evidence-based science of psychology and the action-oriented techniques of coaching to help you learn how to feel intrinsically good about yourself and about your life.

The change is fast and the results stick.

I work with a limited number of clients per month through application only.

---

Please apply below and I'll respond shortly.

[START HERE](#)

---

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[PRIVACY POLICY](#)

[PRODUCTS & SERVICES](#)

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[DISCLAIMER](#)

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## **D. E-mail correspondence**



## Brittany Skelton

---

**From:** Travis Killmer <travis@williams-partners.com>  
**Sent:** Monday, January 27, 2020 2:01 PM  
**To:** Brittany Skelton  
**Subject:** FW: 10th Street CUP

Hello Brittany,

Please see the email below indicating the effective date when the proposed use began to take place in the 10<sup>th</sup> Street Light Industrial unit. Also in speaking with the transacting real estate agent the current user purchased the unit in August of 2018.

Thank you,

**Travis Killmer** AIA, ASSOC.  
Project Manager  
[travis@williams-partners.com](mailto:travis@williams-partners.com)

---

**Williams | Partners Architects, P.C.**  
P.O. Box 4373  
Ketchum, Idaho 83340  
PH: 208.726.0020  
FX: 208.726.0019  
[www.williams-partners.com](http://www.williams-partners.com)

---

**From:** Ned Burns <ned@nedburnsrealestate.com>  
**Sent:** Monday, January 27, 2020 1:55 PM  
**To:** Travis Killmer <travis@williams-partners.com>  
**Subject:** FW: 10th Street

Travis,

Please pass this along to Brittany if necessary.

---

**From:** Alexandra Heinz <[slheinz@mac.com](mailto:slheinz@mac.com)>  
**Date:** Monday, January 27, 2020 at 1:49 PM  
**To:** Ned Burns <[ned@nedburnsrealestate.com](mailto:ned@nedburnsrealestate.com)>  
**Subject:** Re: 10th Street

Since Jan 2019

Sent from my iPhone

On Jan 27, 2020, at 1:47 PM, Ned Burns <[ned@nedburnsrealestate.com](mailto:ned@nedburnsrealestate.com)> wrote:

Sasha,

The city of Ketchum is asking for a few dates in advance of the conditional use permit hearing. Roughly what date did you effectively 'open' your office in the 10<sup>th</sup> Street building? They know that you've been in operation since 2016 as indicated by the business license application, but when did you operate at that space?

Please reply when you're able.

Best,  
Ned

**E. Draft Findings of Fact, Conclusions of Law, and Decision**



City of Ketchum  
Planning & Building

IN RE: )  
 )  
 10<sup>th</sup> Street Ventures Work/Live ) **KETCHUM PLANNING AND ZONING COMMISSION**  
 Conditional Use Permit ) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**  
 Date: February 10, 2020 ) **DECISION**  
 )  
 File Number: P20-001 )

**PROJECT:** 10<sup>th</sup> Street Ventures Work/Live Conditional Use Permit  
**FILE NUMBER:** P20-001  
**OWNER:** 10<sup>th</sup> Street Ventures LLC  
**APPLICANT:** 10<sup>th</sup> Street Ventures LLC / Chris Heinz  
**REQUEST:** Conditional Use Permit (CUP) for a work/live unit  
**LOCATION:** 471 E. 10<sup>th</sup> Street Unit B17 (Tenth St Light Industrial Complex Bldg B Unit B13)  
**ZONING:** Light Industrial District No. 2 (LI-2)  
**OVERLAY:** None  
**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:** Floorplans

**FINDINGS OF FACT**

1. On February 10, 2020, the Planning and Zoning Commission considered a Conditional Use Permit (CUP) application for the proposed work/live unit.
2. The subject property is located in the Light Industrial District No. 2 (LI-2) zoning district.
3. Residential dwelling units, which include work/live units, require a Conditional Use Permit in the LI-2 zoning district. 38% of the work/live unit’s square footage is devoted to residential use (781 of the 2,047 square feet).

There are 13 units in Building B of the Tenth Street Light Industrial Complex consisting of 24,279 square feet (per Blaine County Assessor records). There are three additional Conditional Use Permits for work/live in the complex, consisting of 2,162 square feet (P19-045, Good Medicine Pottery, P19-094, Cerutti and P19-134, Dean).

This work/live unit adds an additional 781 square feet of residential square footage for a total of 2,943 square feet or 12.1% of the 24,279 square foot building.

**Table 1. Comprehensive Plan Analysis**

<p><b>Land Use Category:</b> <b>Mixed-Use Industrial</b></p> <p><b>PRIMARY USES</b> <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><b>SECONDARY USES</b> <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><b>CHARACTERISTICS AND LOCATION</b> <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 work/live unit represents a type of residential use envisioned by the Comprehensive Plan for the mixed-use industrial land use area.</p>
<p><b>Policy E-2(e) Live-Work Opportunities and Home Businesses</b> <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>The proposed use is work/live.</p>
<p><b>Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas</b> <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"/>	<b>Fire:</b> A fire extinguisher and smoke detectors need to be installed if not currently present.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>City Engineer and Streets Department:</b> This is an existing building that is not being substantially improved. N/A.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Utilities:</b> This is an existing building that is not being substantially improved. N/A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Building:</b> Exit signage could help with occupant safety.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Planning and Zoning:</b> Comments are denoted throughout the Staff Report.

**Table 3: Standards for Residential, Light Industrial Districts**

<b>IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:</b>				
Residential units in the light industrial districts shall comply with the following minimum criteria:				
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>City Code</b>	<b>City Standards and Staff Comments</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (1)</b>	<b>Dwelling units shall not occupy the ground floor.</b>
			<b>Staff Comments</b>	<i>The application is for a work/live unit with the living area located on the upper floor and work space located on the ground floor.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (2)</b>	<b>Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.</b>
			<b>Staff Comments</b>	<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"/>	<b>17.124.090 A (3)</b>	<b>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.</b>
			<b>Staff Comments</b>	<i>38% of the work/live unit's square footage is devoted to residential use (781 of the 2,047 square feet).</i>  <i>There are 13 units in Building B of the Tenth Street Light Industrial Complex consisting of 24,279 square feet (per Blaine County Assessor records).</i>  <i>There are three Conditional Use Permits for work/live in the complex, consisting of (P19-045, Good Medicine Pottery, P19-094, Cerutti and P19-134, Dean) 2,162 square feet.</i>  <i>This work/live unit would add an additional 781 square feet of residential square footage for a total of 2,943 square feet or 12.1% of the 24,279 square foot building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (4)</b>	<b>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:</b>  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.
			<b>Staff Comments</b>	<i>This unit is eligible for individual ownership because it is a work/live unit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (5)</b>	<b>5. Work/Live Units: In the approval of work/live units, the City shall also find that:</b> 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: (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>
			<b>Staff Comments</b>	<p><i>Standards 17.124.090.A.5.a and c have been met.</i></p> <p><i>Standards 17.124.090.A.5.b.1 and 3 have been met.</i></p> <p><i>Standards 17.124.090.A.5.b.2 (signing and posting of business hours) is included as a condition of approval and compliance with 17.124.090.A.5.b.4 is pending as the applicant has applied for a City of Ketchum business license.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (6)</b>	<p><b>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.</b></p>
			<b>Staff Comments</b>	<p><i>This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.124.090 A (7)</b>	<p><b>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:</b></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>
			<b>Staff Comments</b>	<p><i>N/A</i></p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (8)</b>	<p><b>8. Anti-Nuisance And Notice Provisions:</b></p> <p>a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.</p> <p>b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.</p> <p>c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone.</p> <p>d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.</p> <p><i>Staff Comments</i>     <i>The applicant is aware of these standards.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (9)</b>	<p><b>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.</b></p> <p><i>Staff Comments</i>     <i>The proposal is required two parking spaces for the residential unit (one per bedroom) and would be required five parking spaces for the instructional service use.</i></p> <p><i>However, as the 10<sup>th</sup> Street Light Industrial Complex is an existing building, and exterior parking is common area and not designated to a specific unit, staff finds the use compliant with parking standards per KMC 17.125.040.A.5:</i></p> <p><i>5. Nonconforming Due To Lack Of Parking And Loading: No lawfully existing building shall be deemed to be a nonconforming building solely because of lack of parking and loading spaces; provided, that space being used for off street parking or loading in connection with any such building at the effective date of this chapter shall not be further reduced in area or capacity.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.124.090 A (10)</b>	<p><b>10. Conditions: Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</b></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>
			<b>Staff Comments</b>	<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"/>	<b>17.116.030(A)</b>	<p><b>The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.</b></p> <p><i>The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the purpose of the LI-2 Zone is “established with the foremost purpose of providing suitable land and environs for uses that are not appropriate in other Commercial Zones due to their light industrial nature, but which provide an essential or unique service to support the local economy and permanent year-round employment base. Uses include: 1) light manufacturing; 2) wholesale trade and distribution; 3) research and development; 4) service industries; 5) limited bulk retail and; 6) offices related to building, maintenance and construction. A secondary purpose of the LI-2 is to provide multiple-family dwellings, constructed to be secondary and subordinate to the primary light industrial purpose of the LI-2. Uses in the LI-2 are intended to generate traffic primarily from the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in a Light Industrial Zone.</i></p> <p><i>The work component of the work/live unit is instructional service and instructional service is a permitted use in the LI-2 zoning district.</i></p> <p><i>The combination of residential living with the permitted use, and with the residential occupant being the owner of the businesses, results in a use that is not unreasonably incompatible with other types of uses permitted in the zone.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(B)</b>	<p><b>The conditional use will not materially endanger the health, safety and welfare of the community.</b></p> <p><i>The work/live use will not materially endanger the health, safety, and welfare of the community provided the fire and building officials’ conditions are met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(C)</b>	<p><b>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.</b></p> <p><i>The work/live use is not anticipated to generate a high volume of trips as the applicant indicates no clients are seen on the premises. As such, hazards to pedestrian and vehicular traffic will not be generated by this proposal.</i></p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(D)</b>	<b>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.</b>
			<b>Staff Comments</b>	<i>The existing building and this unit are adequately served by public facilities and services. Use of this unit for the proposed live/work will not adversely affect the delivery of public services to the surrounding area.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(E)</b>	<b>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</b>
			<b>Staff Comments</b>	<i>As described in Table 1 of this staff report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i>

### CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code;
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and zoning ordinance, Title 17;
3. The Commission has the authority to hear the applicant’s Conditional Use Permit Application pursuant Ketchum Municipal Code Title 17;
4. The Planning and Zoning Commission’s February 10<sup>th</sup>, 2020 public hearing and consideration of the applicant’s Conditional Use Permit application was properly noticed pursuant to the Local Land Use Planning Act, Idaho Code Section 67-6512;
5. The application meets the standards of approval under Chapter 17.116, Conditional Uses of Ketchum Zoning Code Title 17 and the 2014 Comprehensive Plan;

### DECISION

**THEREFORE**, the Ketchum Planning and Zoning Commission approves this Conditional Use Permit application allowing for a work/live unit on this 10<sup>th</sup> day of February 2020 subject to the following conditions 1 - 12:

1. Ketchum Fire Marshal Tom Ancona has confirmed there are no major outstanding fire code violations within the unit and indicates the only potential outstanding issues are the presence of a fire extinguisher and smoke detectors. The floor plans submitted by the applicant indicate a fire extinguisher has been installed on the ground floor. If smoke detectors are not present smoke detectors shall be installed by February 21, 2020, to be confirmed by a site inspection by city staff and with compliance noted by a memo to the application file.
2. An inspection by the Building Official shall occur by February 21, 2020 and shall confirm there are no outstanding building code concerns or violations within the unit. If building code violations are found to exist the violations shall be cured by March 31, 2020 as evidenced by a memo to the application file.
3. The Conditional Use Permit for this work/live unit is non-transferrable to another property or property owner and the validity of the permit is dependent upon Dr. Sasha Heinz LLC remaining in operation;
4. Hours of operation for the business shall be posted and remain posted in accordance with KMC 17.124.090.A.5.b.2;
5. The residential living area shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms;
6. No residential use shall occur on the ground level (first floor);

7. Because of the mixed-use nature of this space, and in order to ensure compliance with the zoning code requirement that residential dwellings do not exceed 1,000 square feet in the LI-2 zoning district, the Fire Marshal shall conduct routine inspections of the work/live building;
8. Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff;
9. 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.
10. 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.
11. 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.
12. 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 10<sup>th</sup> day of February, 2020.

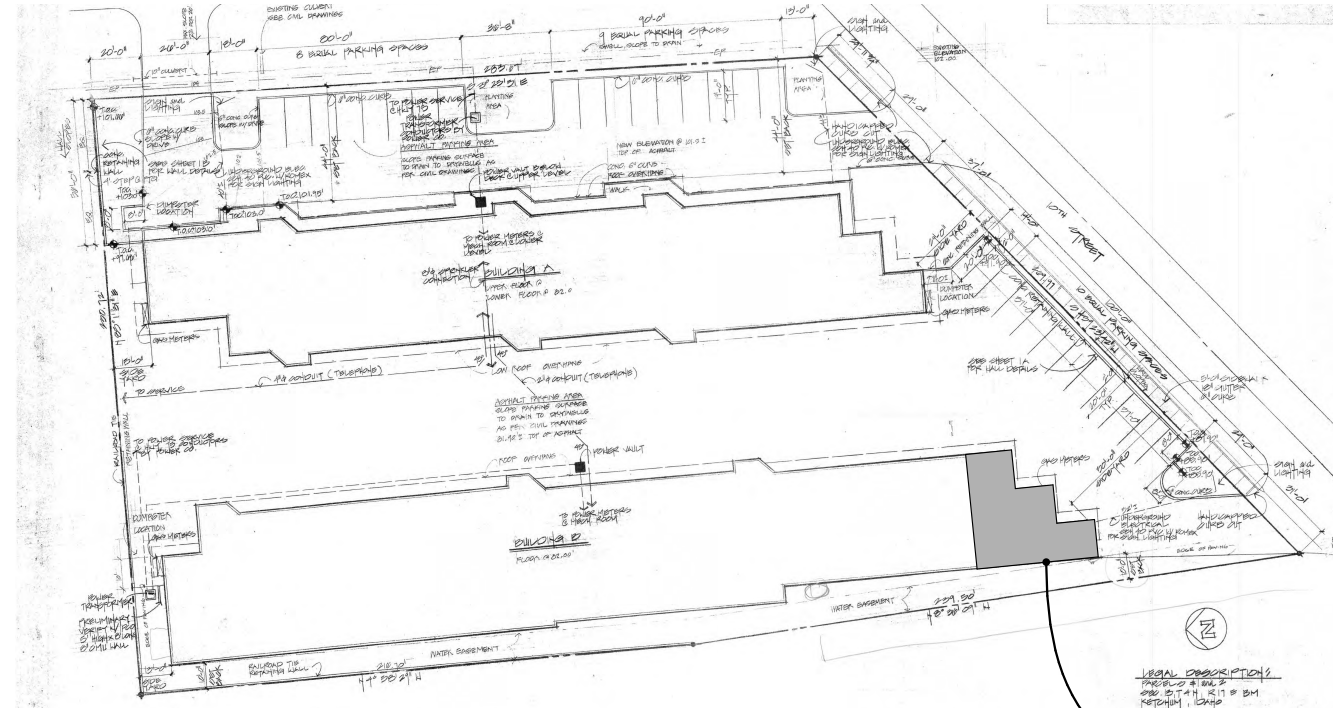
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Neil Morrow  
Chair  
Planning and Zoning Commission

**Client:**  
 10th Street Ventures LLC  
 625 Liberty Ave., Suite 3200  
 Pittsburgh, PA 15222

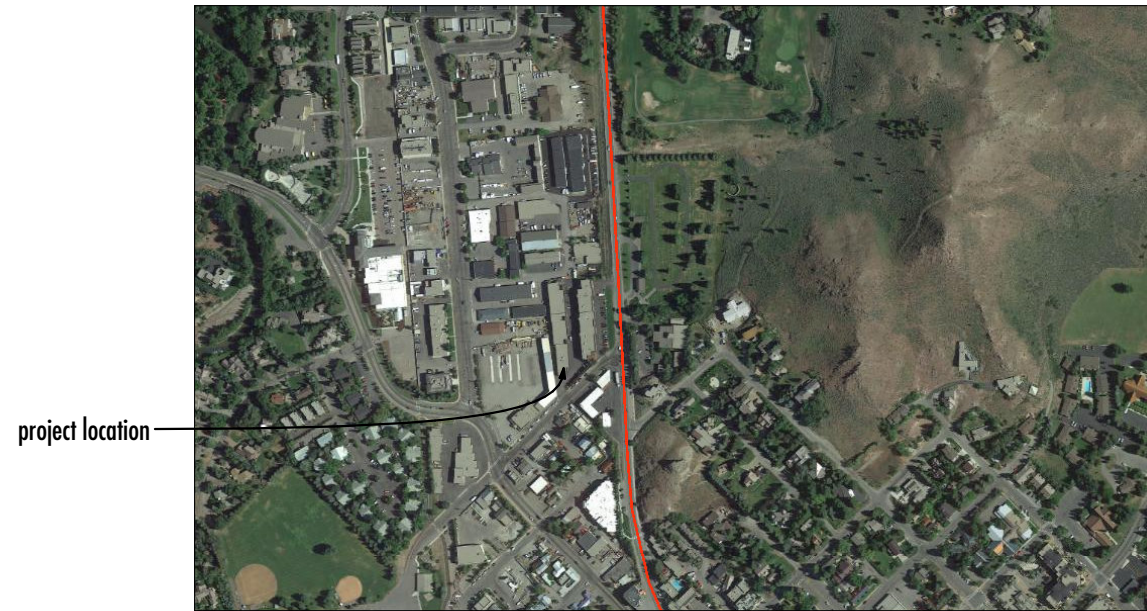
**Architect:**  
 Williams | Partners Architects  
 P.O. Box 4373  
 Ketchum, ID 83340  
 Ph. 208.726.0020  
 Fax 208.726.0019

# 10TH ST. VENTURES LLC C.U.P.



**Neighborhood Map**  
 Tenth St Light Industrial Complex, Ketchum, Idaho

project location



project location

**Satellite View**  
 Tenth St Light Industrial Complex, Ketchum, Idaho



north

**Drawing Index:**

- A 0.0 COVER SHEET
- A1.1 SITE PLAN
- A 2.1 FLOOR PLANS
- A 2.2 GROSS SQ. FT. DIAGRAMS
- A 6.1 INTERIOR ELEVATIONS

**AREA CALCULATIONS**

LIVE	781.31 S.F.
WORK	1,265.64 S.F.
<b>TOTAL:</b>	<b>2,045.95 S.F.</b>

## 10th St. Ventures LLC

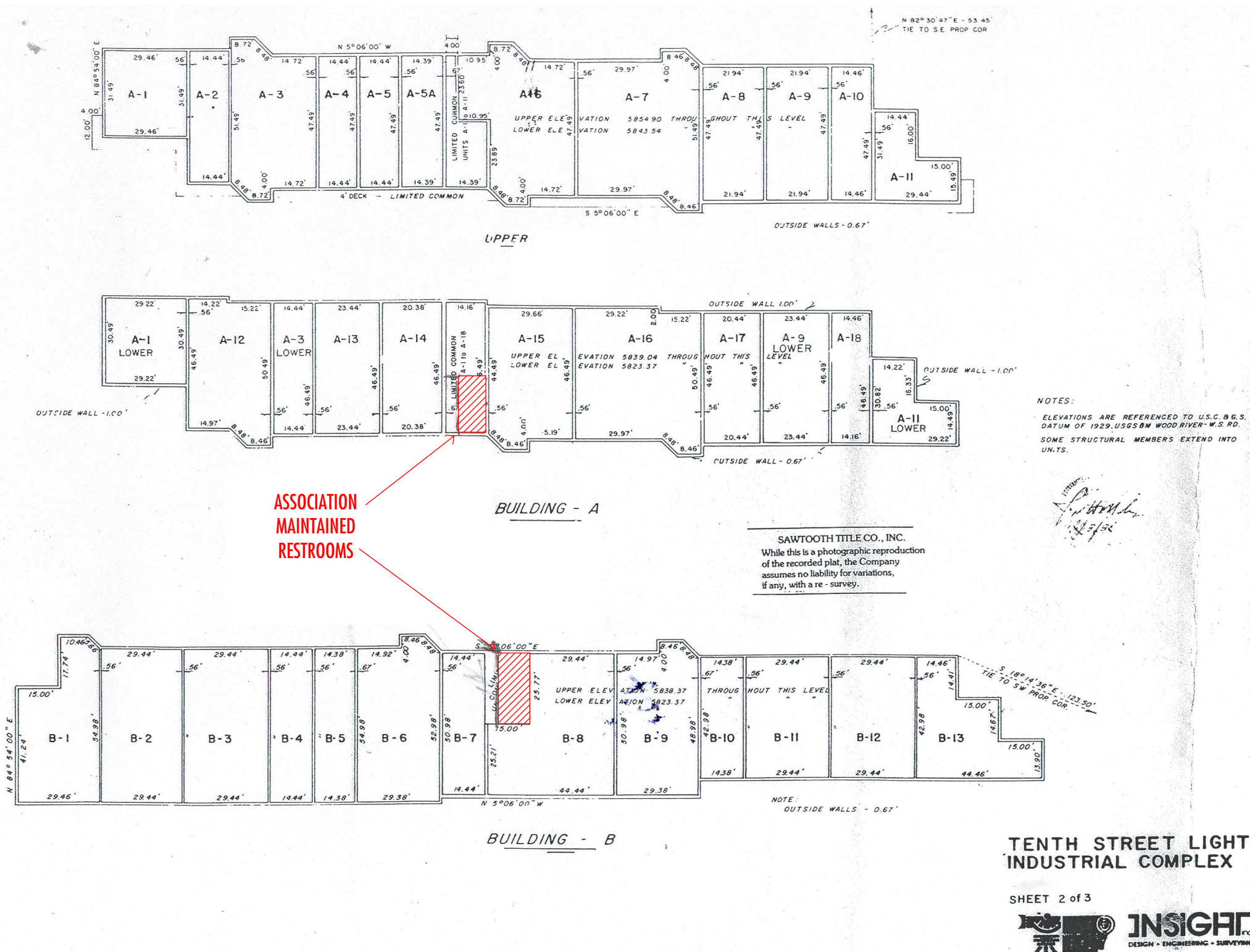
471 E 10th St., Suite B13, Ketchum, ID 83340

DATE: 12/11/2019

**WILLIAMS PARTNERS**  
 ARCHITECTS

CS

**OWNERSHIP OF DOCUMENTS:**  
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**SITE PLAN**  
NOT TO SCALE

1

# 10th St. Ventures LLC

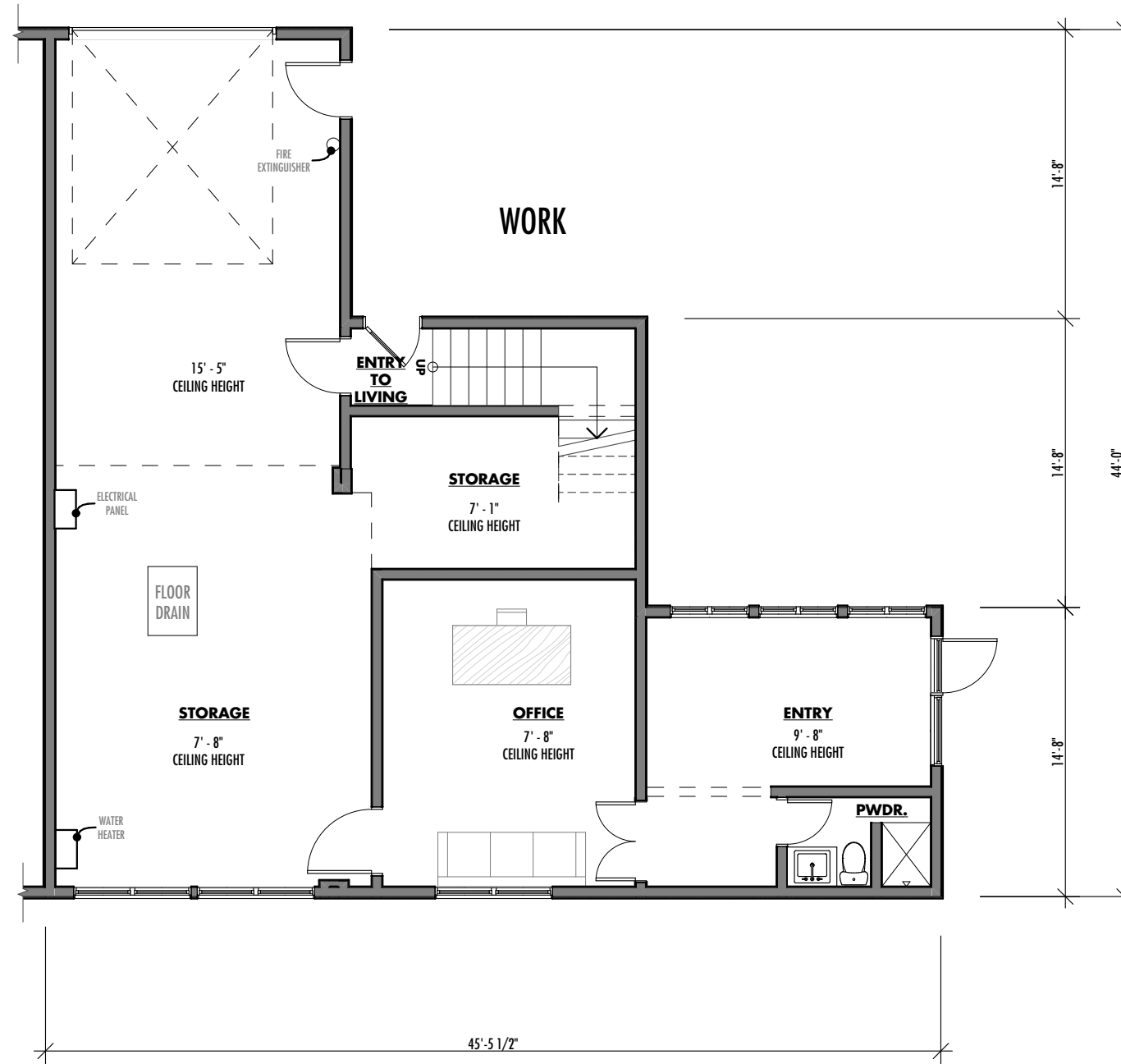
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DATE: 12/11/2019

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**A1.1**

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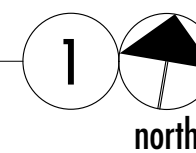


**AREA CALCULATIONS**

LIVE	781.31 S.F.
WORK	1,265.64 S.F.
<b>TOTAL:</b>	<b>2,045.95 S.F.</b>

**FIRST FLOOR PLAN**

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



**10th St. Ventures LLC**

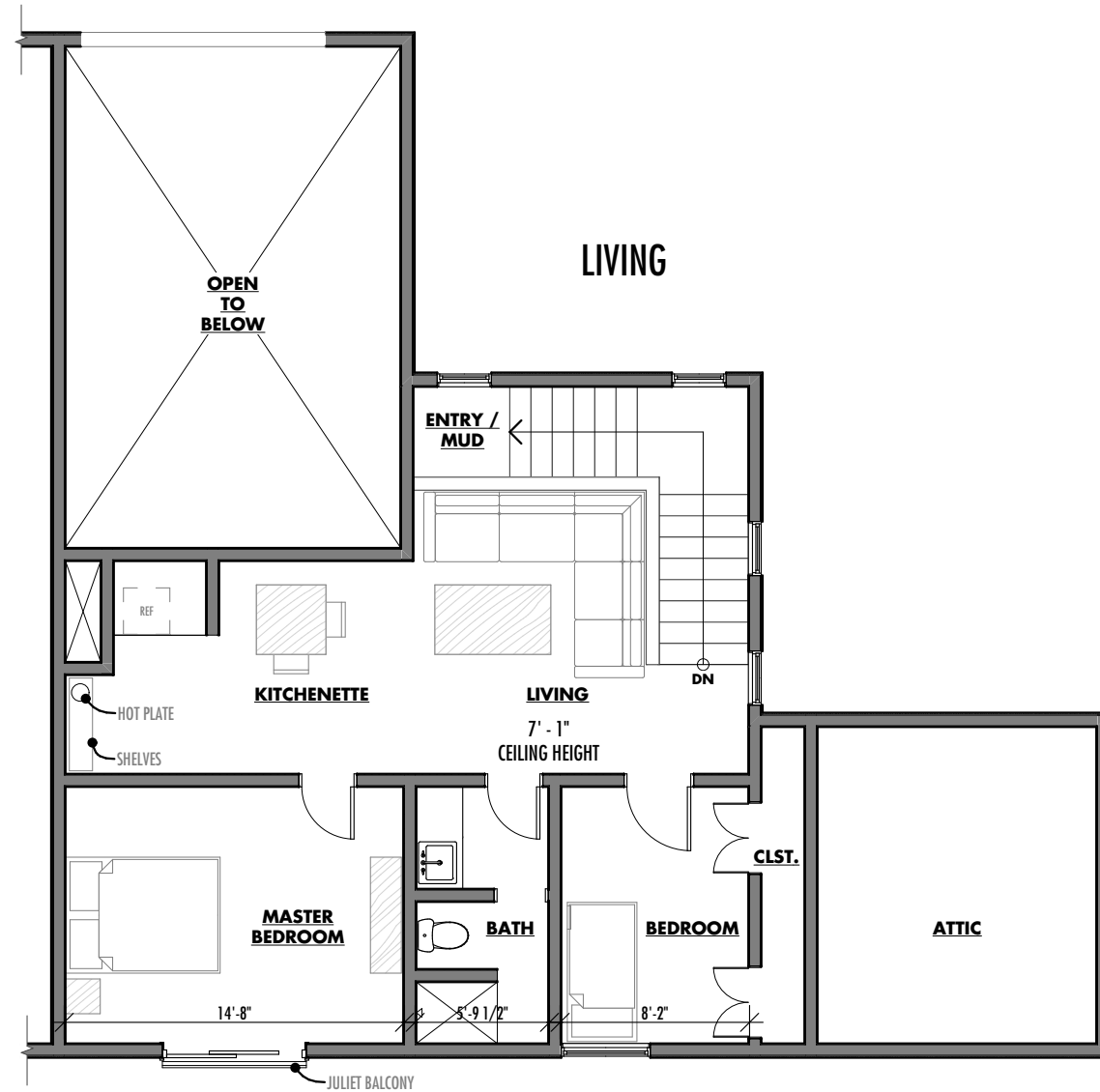
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DATE: 12/11/2019

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**A 2.1**

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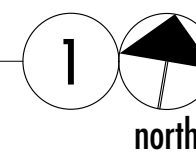


**AREA CALCULATIONS**

LIVE	781.31 S.F.
WORK	1,265.64 S.F.
<b>TOTAL:</b>	<b>2,045.95 S.F.</b>

**SECOND FLOOR PLAN**

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



**10th St. Ventures LLC**

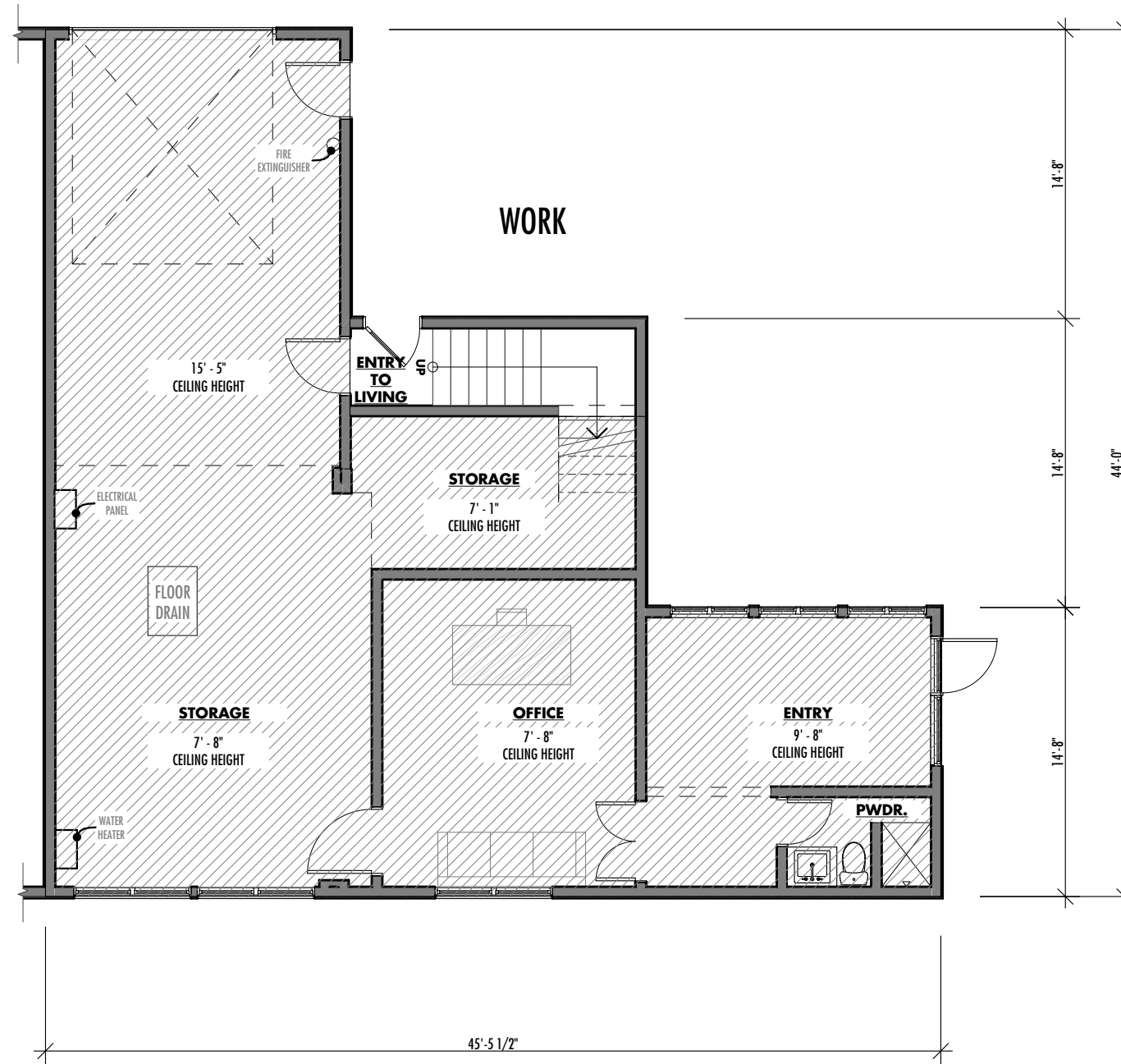
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DATE: 12/11/2019

**WILLIAMS PARTNERS**  
ARCHITECTS

**A 2.2**

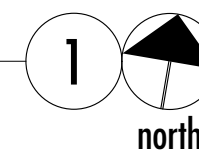
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**AREA CALCULATIONS**

LIVE	781.31 S.F.
WORK	1,265.64 S.F.
<b>TOTAL:</b>	<b>2,045.95 S.F.</b>

**FIRST FLOOR**  
SCALE: 1/8" = 1'-0"



**10th St. Ventures LLC**

471 E 10th St., Suite B13, Ketchum, ID 83340

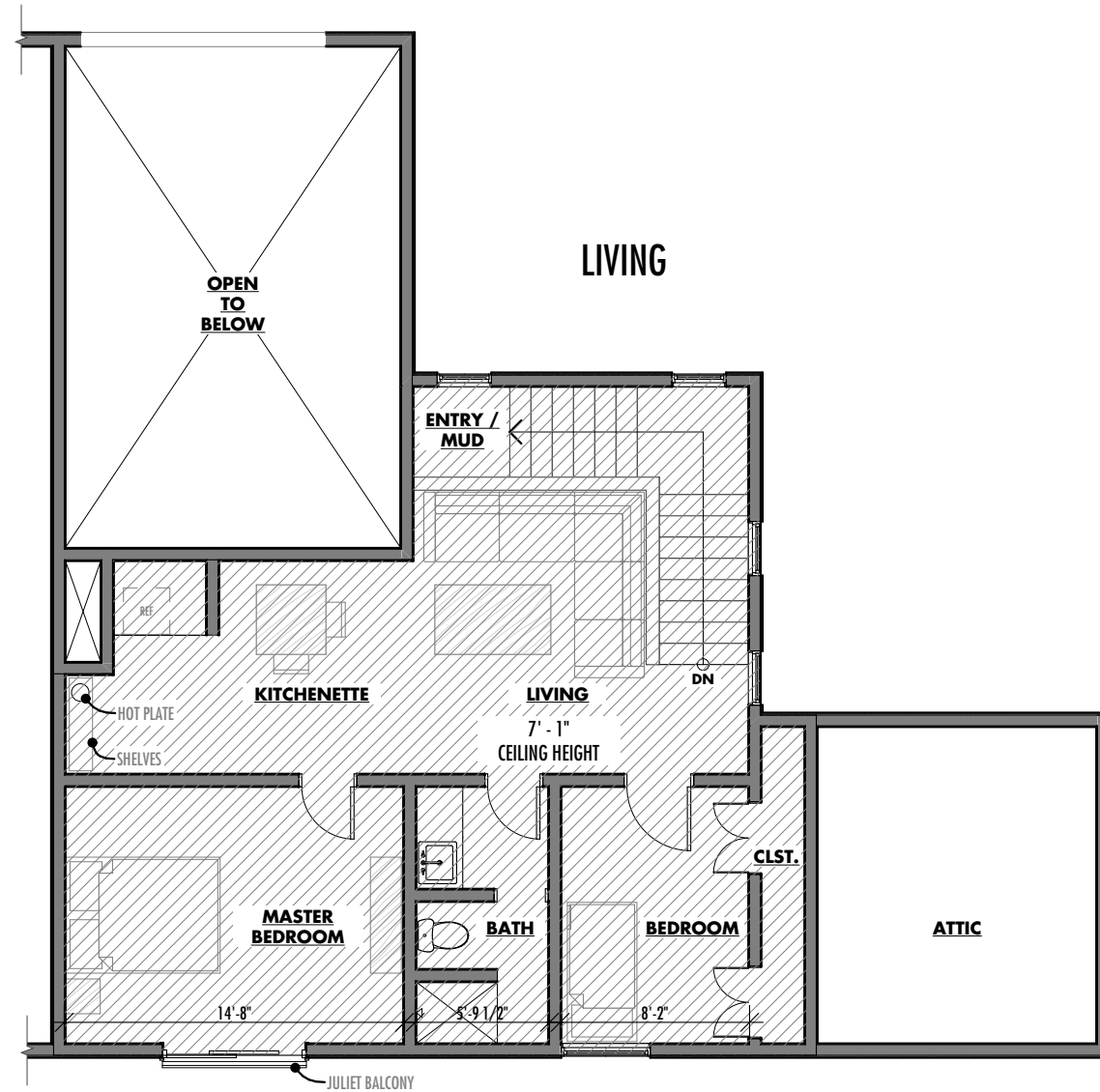
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**A 2.3**

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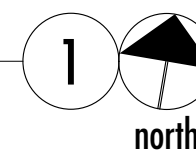


**AREA CALCULATIONS**

LIVE	781.31 S.F.
WORK	1,265.64 S.F.
<b>TOTAL:</b>	<b>2,045.95 S.F.</b>

**SECOND FLOOR**

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



**10th St. Ventures LLC**

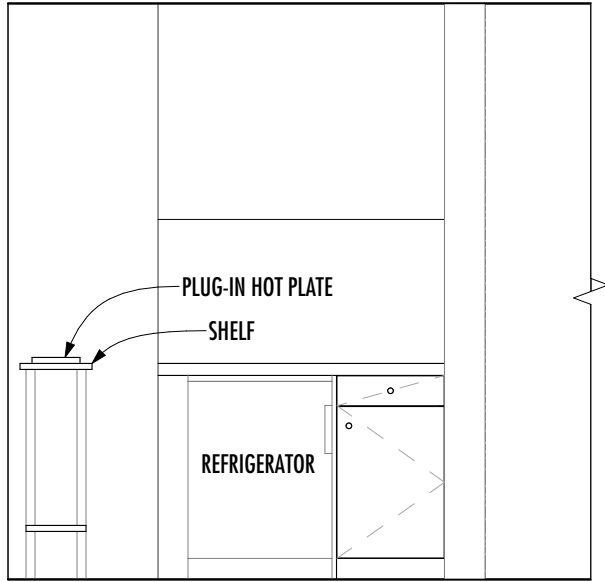
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**A 2.4**

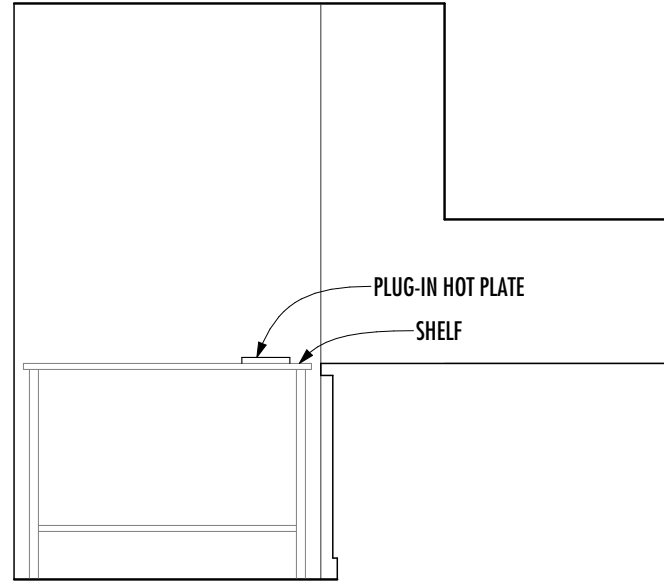
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**KITCHENETTE FACING N**

SCALE: 3/8" = 1'-0"

1



**KITCHENETTE FACING W**

SCALE: 3/8" = 1'-0"

2

**10th St. Ventures LLC**

471 E 10th St., Suite B13, Ketchum, ID 83340

DATE: 12/11/2019

**WILLIAMS PARTNERS**  
ARCHITECTS

**A 6.1**

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