



City of Ketchum  
Planning & Building

**STAFF REPORT**  
**KETCHUM PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING OF NOVEMBER 26, 2024**

**PROJECT:** Extra Credit Event Space Conditional Use Permit Amendment

**FILE NUMBER:** P24-073

**APPLICANT:** Robert Peterson (Owner)

**PROPERTY OWNER:** Merlin Square LLC

**REQUEST:** Amendment to a previously approved event space conditional use permit for a change in property ownership and to expand the uses of the space to include public and private movie screenings and associated events.

**LOCATION:** 180 N 1<sup>st</sup> Ave Unit 4 (Cinema Square Condos, Lots 5 and 6, Block 39, Ketchum Townsite)

**ZONING:** Community Core - Subdistrict 2 – Mixed Use (CC-2)

**REVIEWER:** Paige Nied, Associate Planner

**NOTICE:** Notice was published in the Idaho Mountain Express and was mailed to properties within a 300-foot radius on November 6, 2024. Notice was posted on the city website on November 6, 2024, and posted at the subject location on November 19, 2024.

**EXECUTIVE SUMMARY**

During the July 26, 2022, Planning and Zoning Commission meeting, the Commission approved a Conditional Use Permit (File No. P22-022) application to establish an “assembly” use in one of the ground floor commercial spaces in the building located at 180 N First Ave (the “subject property”). The Findings of Fact for the approval, included as Attachment D, contain conditions which require an amendment to the CUP for any changes to the approved plans (condition #1) or changes in ownership (condition #2). The Applicant is requesting two amendments to the existing CUP: 1) a change in property ownership, and 2) to expand the permitted uses of the event space. The expansion of uses for the event space is to coordinate with the Magic Lantern movie theater to show both public and private movie screenings and host associated special events. The proposed expansion of uses all fall within the assembly definition, therefore, the use designation of the CUP does not change with this application.

The subject property is zoned Community Core – Subdistrict 2 – Mixed Use (CC-2), which allows “Assembly, place of” only through the approval of a Conditional Use Permit. The Ketchum Municipal Code defines “Assembly, place of” as:

“Assembly, place of: The use of land for a meeting place where persons gather together for purposes of attending civic, social, religious functions, recreational events or entertainment performances on a regular or recurring basis including, but not limited to, religious institutions, banquet facilities, funeral homes, theaters, conference centers, stadiums, or indoor or outdoor recreational facilities, but excludes a "cultural facility" as defined by this chapter. A gathering of less than 25 persons shall not be considered a place of assembly provided the gathering is accessory and incidental to the principal use.”

As outlined in the applicant's narrative in Attachment A, examples of events that the space has been used for since the previous CUP approval are open mic nights, birthday parties, watch parties, and wellness classes. The usage has generally been multiple times per week with the times of events ranging from morning to night hours. There are no changes proposed to the current layout or specifications of the space. The space would remain a total of 1,294 square feet including 669 square feet of event room area and 625 square feet of hallway and restroom areas dedicated to the event space. There is no outdoor area associated with the event space. Sound proofing from the original screening rooms is still in place in the event space and will remain. As shown on the project plans in Attachment B, the proposed event space is accessed from N 1st Ave but does not have any frontage on the street other than an entry door to the hallway.

Capacity for the event space was reviewed and approved by the Fire Marshall during the initial CUP application and no changes to capacity are proposed with the amendment. The capacity of the event space is dependent on the format of the event and maximum capacity set by the adopted Fire Code for the City of Ketchum. Per the requirements of the Fire Marshall, the maximum capacity is 45 people for a sit-down event with tables and chairs. For an informal event without fixed seats and mostly standing, the maximum capacity is 96 people. Events are anticipated to occur between 9am and midnight on weekdays, and noon to midnight on weekends with additional time for set up and takedown.

In review of this application, staff believe that all criteria are met as described below and is recommending approval of the CUP amendment. All but one of the conditions of approval associated with the previous CUP application for the event space have been carried forward into this application. Condition of approval #5 from the previous CUP application was removed. It was a requirement for the submittal of a building permit modification to reflect the approval and this condition has since been adequately addressed.

## **BACKGROUND**

The Planning and Building Department received the CUP application for the project on August 13, 2024. Following the receipt of the application, staff routed the application materials to all city departments for review. As of the date of this letter, all departments’ comments have been resolved or addressed through the conditions of approval recommended below.

## **CONFORMANCE WITH ZONING AND CONDITIONAL USE PERMIT STANDARDS**

Staff reviewed the Conditional Use Permit Application against the zoning regulations including but not limited to permitted uses, parking, dark skies, and signage. Staff also reviewed the application for conformance with the conditional use permit criteria outlined in KMC 17.116.030.

### Conformance with Zoning Regulations

The project remains in conformance with all zoning regulations. During department review, city staff reviewed the project for conformance with all applicable zoning code requirements including but not limited to permitted uses, parking, dark skies, and signage. Please see the draft Findings of Fact, Conclusions of Law, and Decision in Attachment C for a full review of all dimensional standards and additional zoning requirements. Below is an overview of some of the more noteworthy zoning regulation criteria.

#### *Off Street Parking and Loading (KMC 17.125)*

The initial CUP application included an onsite parking space for loading and unloading of event food and supplies and this parking space has been carried over into the subject application. This dedicated onsite parking space is carried forward into the CUP amendment application. Staff believes that having a dedicated space for loading and unloading is critical for smooth operations of an event facility that has varying hours of operation. Generally, alleys are used for accessing off street parking, garbage management and removal, access to utilities, and deliveries to businesses and residents. Having a dedicated loading and unloading space for the use will limit potential conflicts in the alley between event operations and other maintenance and delivery operations that may take place. Condition of approval #4, which has been carried over from the initial application into this one, outlines the use of the onsite parking space for event operations.

Bicycle parking is required for this use. Pursuant to KMC 17.125.060, all uses other than one family dwellings are required to provide at least one bicycle rack, able to accommodate at least two bicycles, for every four parking spaces required by the proposed use. The applicant provided documentation, which is included in Attachment B, that the property is currently adequately serviced by bicycle parking infrastructure. Therefore, the application is compliant with the bicycle parking requirement.

### Conformance with Conditional Use Permit Criteria

The initial CUP application for the event space contained conditions of approval which require an amendment to the CUP for any changes to the approved plans (condition #1) or changes in ownership (condition #2). The Applicant is requesting two amendments to the existing CUP: 1) a change in property ownership, and 2) to expand the permitted uses of the event space to coordinate with the Magic Lantern movie theater to show both public and private movie screenings and host associated special events. The proposed expansion of uses all fall within the assembly definition, therefore, the use designation of the CUP is not changing. All of the CUP criteria continue to be met and there are no changes to staff's analysis of the criteria from the initial CUP application. Please see draft Findings of Fact, Conclusions of Law, and Decision in Attachment C for staff's analysis of each CUP criterion.

## **STAFF RECOMMENDATION**

Staff believe the proposed project, as conditioned, meets all zoning requirements and criteria for conditional use permits. Staff recommends **approval** of the CUP application (File No. P24-073), subject to the following conditions:

1. This approval is based on the site plan and floorplans attached to the staff report, dated November 26, 2024. Any change to the floor plan or change in the location or configuration of the uses from what is depicted in the plans, shall be subject to an amendment to this Conditional Use Permit. The assembly use shall occur in the location depicted on the plans and shall not exceed 1,294 square feet.
2. This conditional use permit is non-transferrable to any other property owner or business other than as outlined on the Conditional Use Permit application dated August 13, 2024. Any change in property ownership or business operator requires an amendment to this Conditional Use Permit.
3. This conditional use permit is non-transferable from one parcel of land to another.
4. As depicted on the Site Plan on Sheet A.1 of the project plans, one parking space in the rear of the building accessed from the alley shall be dedicated for loading and unloading while the event space is rented, including setup and cleanup of events. No loading or unloading shall occur on the street or in the alley.
5. Events shall not exceed a maximum occupancy of 96 people, as shown on Sheet A-002 of the project plans. Maximum occupancies shall be posted on site per the requirements of the City of Ketchum Fire Marshall. Event formats or layouts other than those outlined on Sheet A-002 may trigger different occupancy limits and must be reviewed and approved in writing by the City of Ketchum Fire Marshall.
6. Setup or takedown of events resulting in loud or unnecessary noises outside shall not occur between the hours of 10:00 pm and 7:30am and shall not exceed 60 decibels as outlined in Section 9.08.040.8 of the Ketchum Municipal Code. Noise levels at all times shall conform to KMC 9.08.040 C8.
7. All applicable conditions of approval shall be relayed to all lessees of the event space to ensure compliance with the conditional use permit requirements.
8. The Planning and Zoning staff may conduct site inspections, following notice to the property owner, to ensure all conditions of approval are being met.
9. If violations of the Conditional Use Permit are observed, the Commission shall have the discretion to hold a public hearing to evaluate this Conditional Use Permit and the nature of the violations. Said hearing may result in changes to the conditions of approval or revocation of the conditional use permit.

## **Recommended Motion**

“I move to approve the Extra Credit Event Space Conditional Use Permit amendment application, as conditioned, and adopt the Findings of Fact, Conclusions of Law, and Decision.”

## **ATTACHMENTS:**

- A. Conditional Use Permit Application and Supporting Materials
- B. Plan Set

- C. Draft Findings of Fact, Conclusions of Law, and Decision
- D. P22-022 CUP Findings of Fact, Conclusions of Law, and Decision – adopted July 26, 2022



City of Ketchum

# Attachment A: Conditional Use Permit Application and Supporting Materials



**City of Ketchum  
Planning & Building**

OFFICIAL USE ONLY	
File Number:	P24-073
Date Received:	08/13/2024
By:	GB
Fee Paid:	\$2200
Approved Date:	
Denied Date:	
By:	

**Conditional Use Permit Application**

Submit Completed application to [planningandbuilding@ketchumidaho.org](mailto:planningandbuilding@ketchumidaho.org) Or hand deliver to Ketchum City Hall, 191 5<sup>th</sup> St. W. Ketchum, ID 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. You will be contacted and invoiced once your application package is complete.

OWNER INFORMATION	
Project Name: Extra Credit Event Space - 180 N 1st ave	
Name of Owner of Record: Merlin Square LLC	
Physical Address: 180 N 1st Ave	
Property Legal Description: 180 N First Ave Unit 4 (Cinema Square Condos, Lots 5 and 6, Block 39, Ketchum Townsite)	
Property Zoning District: CC-2	
Lot Size: .25 Acres	
Contact Phone: 2147559559	Contact Email: robert@merlinsmagiclantern.com
PROJECT INFORMATION	
Description of Proposed Conditional Use:  I am purchasing the building and seeking an amendment to transfer the existing CUP from the previous owner. As stated from the current permit: "The proposed event space is intended for rent by organizations or businesses for the purpose of board meetings, wedding rehearsal dinners, functions for the non-profit community, birthday parties, and other gatherings.  In addition, it is proposed that the space will coordinate with the Magic Lantern movie theater to show both private and public movie screenings, and related special events.	
Description & Specification Sheet of Proposed and Existing Exterior Lighting:  No changes to the current specifications. There are no signs for lights specific to this space.	

**APPLICANT NARRATIVE OF HOW THEY MEET THE CONDITIONAL USES PERMIT  
CRITERIA IN MUNICIPAL CODE 17.116.030 A-E**

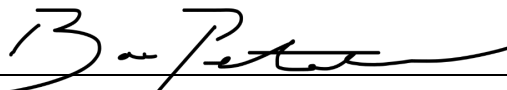
The use aligns with the criteria in the code and other similar businesses in the area.

**ADDITIONAL COMMENTS**

**ACCOMPANYING SUPPORTING INFORMATION REQUIRED**

• Existing Site Plan • Proposed Site Plan • Landscape Plan • Grading and Drainage Plan • Exterior Lighting Plan and Specifications • Other plans and studies related to the social, economic, fiscal, environmental, traffic, and other effects of the proposed conditional use, as required by the Administrator

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

  
Applicant Signature

7/30/24

Date



## CONDITIONAL USE PERMIT

### APPLICANT COVER LETTER

To: City of Ketchum Planning and Zoning – [planningandzoning@ketchumidaho.org](mailto:planningandzoning@ketchumidaho.org)

Suzanne Bathke, Planning Technician – [sbathke@ketchumidaho.org](mailto:sbathke@ketchumidaho.org)

From: Noah Levine, Managing Member, JSLINPC, LLC [surpow@msn.com](mailto:surpow@msn.com) 435.729.9205

Jami Levine, Registered Agent, JSLINPC, LLC [jslinpc@msn.com](mailto:jslinpc@msn.com) 435.729.9204

RE: Conditional Use Permit Application for JSLINPC, LLC DBA “Extra Credit”

Date: June 16<sup>th</sup>, 2022

Dear Planning and Zoning Department and Planning Technician Bathke,

The intent of this cover letter is to address specific items associated with the attached Conditional Use Permit (CUP). Thank you for taking time to review.

#### History:

The subject of the CUP is a 1294 square foot part of the property known as Cinema Square Condominium, Unit 1. This is the lower level of the Magic Lantern building (Built 1998) located at 180 N. First Avenue in Ketchum, ID. The 1294 square foot space was a Movie Theater Screening Room which began operation in 1998 and ceased operation permanently in April 2020 as a result of the COVID 19 outbreak.

#### Narrative of key CUP points:

1. **Proposed Use** – The applicant seeks to rent out the space for events such as board meetings, wedding rehearsal dinners, functions for the non-profit community, birthday parties, and other gatherings.
2. **Square footage description** - The total square footage of the event space is 1294 square feet broken up as follows:
  - a. 625.22 square feet is made up of an entry hallway and two bathrooms (see “OccupancyLimitsFromFireMarshall.pdf”) and
  - b. 668.78 square feet is made up of the event room (see ‘A.2TheaterFloorPlan.pdf’)
3. **Event Space Characteristics** –
  - a. Soundproofing material from when the event space was a movie theatre has been retained. The entire 668.78 square foot event room is wrapped in soundproofing material.
  - b. There is no outdoor portion to the event space. All events are projected to be contained indoors.
4. **Anticipated Frequency of Use** – Market research had led applicant to conclude that the space would be rented 12 – 18 times per year. This will be more or less depending on actual demand.

5. **Hours of Use** – In general events are likely to occur during the following times and may occasionally occur outside of these hours:
  - a. Monday thru Friday: 9:00am to 12:00am
  - b. Saturday and Sunday: 12:00pm to 12:00am
  - c. Set up and takedown would be allocated 30 minutes before and after the above times
  
6. **Maximum Occupancy** – The Ketchum Fire Marshall has reviewed the space and site plan and determined that occupancy limits are as follows:
  - a. Concentrated assembly without fixed seats (chairs only)– Maximum Occupancy 96 people.
  - b. Unconcentrated assembly (tables & chairs) – Maximum Occupancy 45 people.
  
7. **Parking** – Prior to the 2022 renovation of this space, it was a movie theater established in 1998 and considered an assembly use. The applicant believes that because this was an assembly use in existence prior to April 17, 2017 they are exempt from needing to provide a dedicated parking space. That said, the space does enjoy use of a single parking space. Based on current square footage calculations, with this space being less than 1500 square feet, only one space is required. This spot will be used for deliveries and a catering vehicle while the space is rented. There is ample street and curbside parking surrounding the space.
8. **Exterior Lighting Plan** – There are no modifications proposed to the existing exterior lighting.
9. **ADA Accessibility** – The original use of this space was a movie theater and it was built to ADA spec. The 2022 remodel of this space preserved that accessibility. Building Inspector Jim Lynch has performed a site visit and indicated that it is ADA compliant.
10. **Pedestrian Access** – The space is accessible by the main entry door off of First Avenue or by the door in the alley behind the building between 1<sup>st</sup> and 2<sup>nd</sup> St.
11. **Signage** – The Space will be identified with a compliant sign or door numbering that reads 180-4 on or above each of the existing exterior doors.
12. **Grading and Drainage Plan** – No modifications are being made to the existing building or landscape plan.

**In addition to this, The CUP Applicant Cover Letter, please find the following information:**

- **PDF Titled - “180 N 1<sup>st</sup> Ave Occupancy Limits from Fire Marshall”**
  - Site Plan : This site plan refers to the subject space as “Suite B” and identifies it as 1294 square feet.
  - Occupancy: Fire Marshall Seth Martin has visited the property and reviewed the construction documents. In this PDF, please find his Maximum Occupancy Calculations as follows:
    - Concentrated assembly without fixed seats (chairs only)– Maximum Occupancy 96 people.
    - Unconcentrated assembly (tables & chairs) – Maximum Occupancy 45 people.
- **PDF Titled – “A2 THEATER FLOOR PLAN -CF”**
  - This document zooms in on the 668.78 event room providing visibility to the room and parking configuration.

Thank you for taking time to review the application. The applicant looks forward to the next steps in the process.

Sincerely,

A handwritten signature in black ink, appearing to read "Noah", with a long horizontal flourish extending to the right.

Noah Levine

Managing Member, JSLINPC, LLC

A handwritten signature in black ink, appearing to read "Jami Levine", written in a cursive style.

Jami Levine

Registered Agent, JSLINPC, LLC

Responses and further details regarding the CUP for the Extra Credit Event Space.

Exterior Lighting:

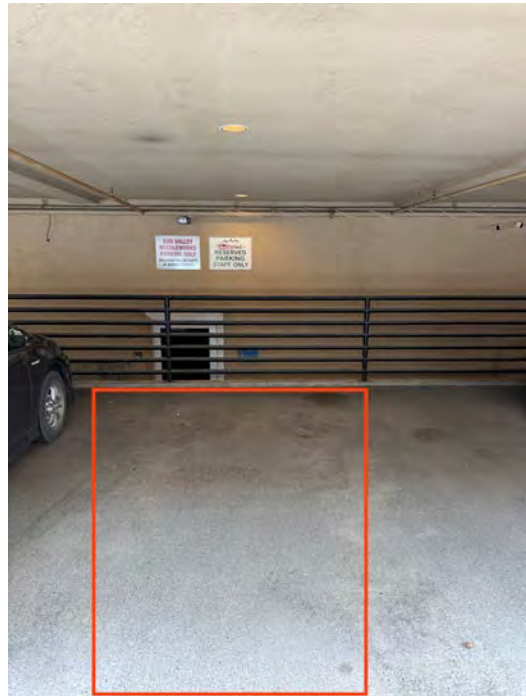


**Background:**

The original CUP was issued July 26, 2022. It has been used as an event space for rent. Examples of events are open mic nights, birthday parties, watch parties, wellness classes. The usage has generally been multiple times per week ranging from morning to night hours.

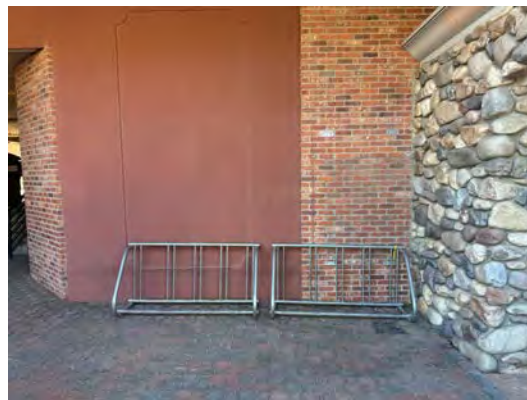
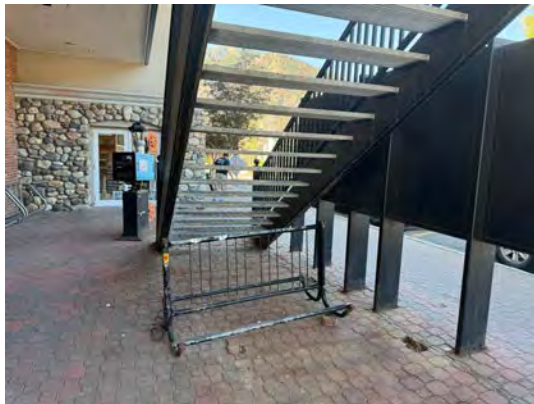
**Parking:**

The existing dedicated parking space for loading and unloading will remain in place. This is located directly in front of the rear access door.



**Bike Rack:**

There are currently three available bike racks adjacent to the rear entrance of the space. These are the same that existed for the previous owner.



#### Furnishings/ equipment:

The space is already usable for general private events. It has a countertop with a sink and storage as well as 2 televisions and a sound system. In order to present movies as part of the theater, the re-installation of a projection screen and projector will be necessary along with an equipment rack for servers and amplifiers. Since this was previously a dedicated movie theater, most of the work will be to restore the necessary fixtures and equipment. Movable couches and lounge chairs will be added that would allow for seating of approximately 20-30 people. A counter and cabinets would be added in the hallway entrance for limited concessions and beverages as well as beer & wine as well, if approved.

#### Related Special Events:

If one of the 4 screens in the upstairs theater gets rented for a private screening, the downstairs "Extra Credit" space could be used as an additional room as a part of that private screening, either as a reception area or room for an after party, etc. It may also be used as extra space for a film festival screening that may require a room for a talk or workshop.



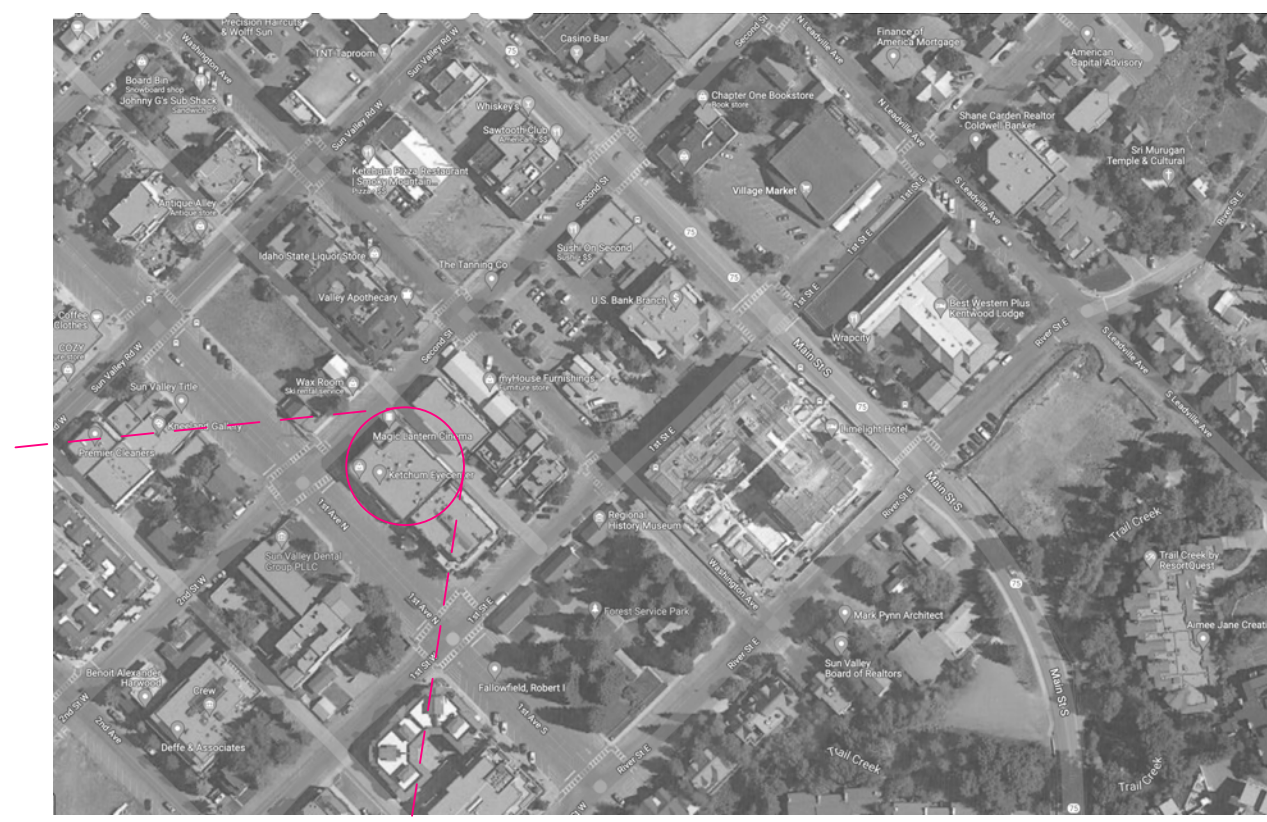
City of Ketchum

# Attachment B: Plan Set

2ND STREET

ALLEY

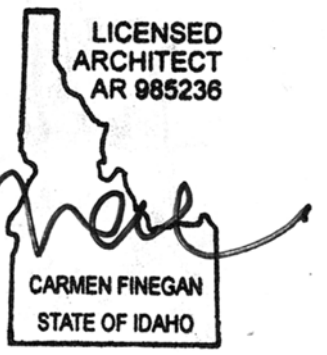
1ST AVENUE



180 1ST AVE. N, KETCHUM ID 83340



105 LEWIS ST. # 103B  
 KETCHUM, ID 83340  
 P.O. BOX 1148  
 SUN VALLEY, ID 83353  
 208.720.8508  
 CARMENFINEGAN.COM



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 CONCEPTS ARE EXCLUSIVE  
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 UNAUTHORIZED USE OR  
 REPRODUCTION IS  
 PROHIBITED BY LAW © 2020.

**THEATER RENOVATION - EVENT UNIT**  
 KETCHUM, IDAHO 83340

SCALE

1/8" = 1'-0"

SHEET TITLE

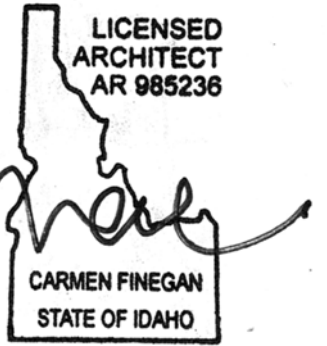
SITE PLAN

**A.1**





105 LEWIS ST. # 103B  
 KETCHUM, ID 83340  
 P.O. BOX 1148  
 SUN VALLEY, ID 83353  
 208.729.8508  
 CARMENFINEGAN.COM



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**THEATER RENOVATION - EVENT UNIT**  
 KETCHUM, IDAHO 83340

SCALE

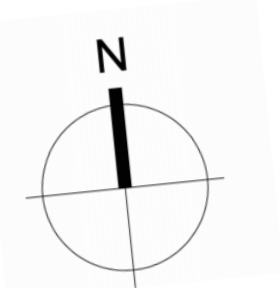
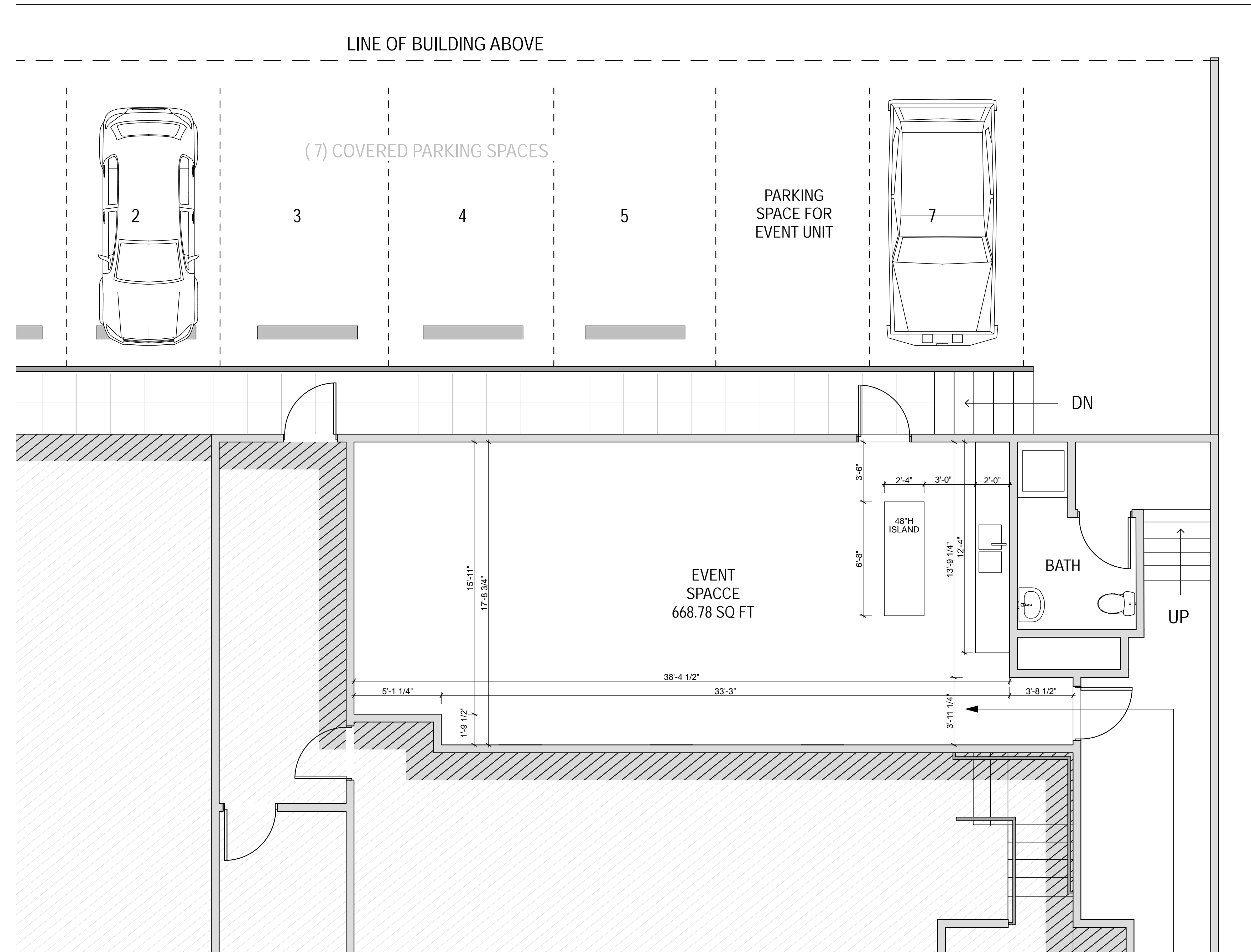
1/4" = 1'-0"

SHEET TITLE

FLOOR PLAN

**A.2**

PRINT DATE: Thursday, May 5, 2022



PLUMBING FIXTURE REQUIREMENTS - OFFICE

PER IBC TABLE 2902.1

AREA & OCC. TYPE	OCCUPANCY LOAD			WATER CLOSET				LAVATORIES				DRINKING FOUNTAINS		SERVICE SINK	
	TOTAL	MALE	FEMALE	MALE		FEMALE		MALE		FEMALE		REQUIRED	PROVIDED	REQUIRED	PROVIDED
				REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED				
SUITE A 'B'	11	6	6	1 PER 25 FOR THE FIRST 50 AND 1 PER 50 FOR THE REMAINDER EXCEEDING 50				1 PER 40 FOR THE FIRST 80 AND 1 PER 80 FOR THE REMAINDER EXCEEDING 80				1 PER 100		0	1
SUITE B 'B'	9	5	5	1 PER 25 FOR THE FIRST 50 AND 1 PER 50 FOR THE REMAINDER EXCEEDING 50				1 PER 40 FOR THE FIRST 80 AND 1 PER 80 FOR THE REMAINDER EXCEEDING 80				1 PER 100		0	1
STORAGE 'B'	1	1	1	1 PER 25 FOR THE FIRST 50 AND 1 PER 50 FOR THE REMAINDER EXCEEDING 50				1 PER 40 FOR THE FIRST 80 AND 1 PER 80 FOR THE REMAINDER EXCEEDING 80				1 PER 100		0	1
<b>TOTAL</b>	<b>21</b>	<b>12</b>	<b>12</b>	<b>.48</b>	<b>3</b>	<b>.04</b>	<b>3</b>	<b>.03</b>	<b>1</b>	<b>.03</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

PER IBC 2018 TABLE 2902.1 - FOOT NOTES

e. FOR BUSINESS OCCUPANCIES, EXCLUDING RESTAURANTS, AND MERCANTILE OCCUPANCIES WITH AN OCCUPANT LOAD OF THIRTY (30) OR FEWER, SERVICE SINKS SHALL NOT BE REQUIRED.  
f. DRINKING FOUNTAINS ARE NOT REQUIRED FOR AN OCCUPANT LOAD OF THIRTY (30) OR FEWER

2902.1.2 SINGLE-USER TOILET FACILITY AND BATHING ROOM FIXTURES: THE PLUMBING FIXTURES LOCATED IN SINGLE USER TOILET FACILITIES AND BATHING ROOMS, INCLUDING FAMILY OR ASSISTED-USE TOILET AND BATHING ROOMS THAT ARE REQUIRED BY SECTION 1109.2, SHALL CONTRIBUTE TOWARD THE TOTAL NUMBER OF REQUIRED PLUMBING FIXTURES OR A BUILDING OR TENANT SPACES. SINGLE USER TOILET FACILITIES AND BATHING ROOMS, AND FAMILY OR ASSISTED-USE TOILET ROOMS AND BATHING ROOMS SHALL BE IDENTIFIED FOR USE BY EITHER SEX.

2902.2 SEPARATE FACILITIES  
EXCEPTION 2: SEPARATE FACILITIES SHALL NOT BE REQUIRED IN STRUCTURES OR TENANT SPACES WITH A TOTAL OCCUPANT LOAD, INCLUDING BOTH EMPLOYEES AND CUSTOMERS, OF 15 OR FEWER.  
EXCEPTION 4: SEPARATE FACILITIES SHALL NOT BE REQUIRED IN BUSINESS OCCUPANCIES IN WHICH THE MAXIMUM OCCUPANT LOAD IS 25 OR FEWER.

CODE ANALYSIS - IBC 2018

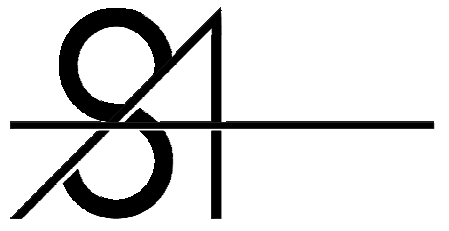
BUILDING STATISTICS	
CONSTRUCTION TYPE:	(E) - PRESUMED TYPE V-B PER PREVIOUS CONSTRUCTION DOCUMENTS
PROPOSED USE(S):	BUSINESS - OFFICE
OCCUPANCY CLASSIFICATION(S):	B
SPRINKLERED:	YES - EXISTING
FIRE ALARM:	YES - EXISTING
<b>MAXIMUM EGRESS TRAVEL DISTANCES</b> PER IBC TABLES 1017.2, 1006.2.1	
DISTANCE TO EXIT:	250' MAX. (FULLY SPRINKLERED), 200' (NON SPRINKLERED)
PROPOSED MAX DISTANCE TO EXIT:	81.9' PROPOSAL COMPLIANT
COMMON PATH OF EGRESS TRAVEL:	100' MAX. 'B' SPRINKLERED
PROPOSED (CPET):	42.2' PROPOSAL COMPLIANT
<b>EGRESS WIDTH PER OCCUPANT SERVED</b> PER IBC 1005.3.1 & 1005.3.2	
STAIRWAYS:	0.3' PER OCCUPANT
OTHER EGRESS COMPONENTS:	0.2' PER OCCUPANT
<b>MINIMUM NUMBER OF EXITS PER OCCUPANT LOAD</b> PER IBC TABLE 1006.3.1	
1-500 OCCUPANT LOAD / STORY:	MIN. 2 EXITS OR ACCESS TO EXITS FROM STORY PROPOSAL COMPLIANT
<b>EXIT ARRANGEMENT</b> PER IBC 1007.1.1	
TWO EXITS OR EXIT ACCESS DOORWAYS, EXITS SHALL BE PLACED A DISTANCE APART EQUAL TO NOT LESS THAN ONE-HALF OF THE LENGTH OF THE MAXIMUM OVERALL DIAGONAL DIMENSION OF THE BUILDING OR AREA TO BE SERVED MEASURED IN A STRAIGHT LINE BETWEEN THEM. EXCEPTION 2: WHERE A BUILDING IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903.3.1.1 OR 903.3.1.2 THE SEPARATION DISTANCE SHALL BE NOT LESS THAN ONE-THIRD OF THE LENGTH OF THE MAXIMUM OVERALL DIAGONAL DIMENSION OF THE AREA SERVED EXCEPTION 2: WHERE A BUILDING IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903.3.1.1 OR 903.3.1.2 THE SEPARATION DISTANCE SHALL BE NOT LESS THAN ONE-THIRD OF THE LENGTH OF THE MAXIMUM OVERALL DIAGONAL DIMENSION OF THE AREA SERVED. PROPOSAL COMPLIANT	
<b>ACCESSIBLE MEANS OF EGRESS</b> PER IBC 1009.1	
ACCESSIBLE SPACES SHALL BE PROVIDED WITH NOT LESS THAN ONE ACCESSIBLE MEANS OF EGRESS, WHERE MORE THAN ONE MEANS OF EGRESS ARE REQUIRED BY SECTION 1006.2 OR 1006.3 FROM ANY ACCESSIBLE SPACE, EACH ACCESSIBLE PORTION OF THE SPACE SHALL BE SERVED BY NOT LESS THAN TWO ACCESSIBLE MEANS OF EGRESS.	

OCCUPANT LOAD						
AREA NAME	OCCUPANCY CLASSIFICATION	FUNCTION OF SPACE	LOAD FACTOR	NET/GROSS (AREA TYPE)	AREA	OCCUPANTS
SUITE A	B	BUSINESS	150	GROSS	1610 SF	11
SUITE B	B	BUSINESS	150	GROSS	1294 SF	9
STORAGE	B	ACCESSORY STORAGE	300	GROSS	99 SF	1
<b>Grand total</b>					<b>3004 SF</b>	<b>21</b>

PROJECT  
**Theater  
Renovation**

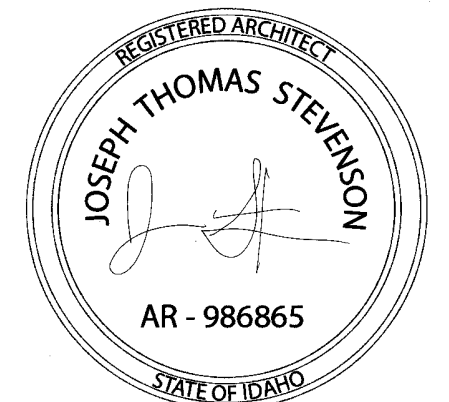
180 1st Ave. N  
Ketchum, ID 83340

ARCHITECT



PROJECT TEAM

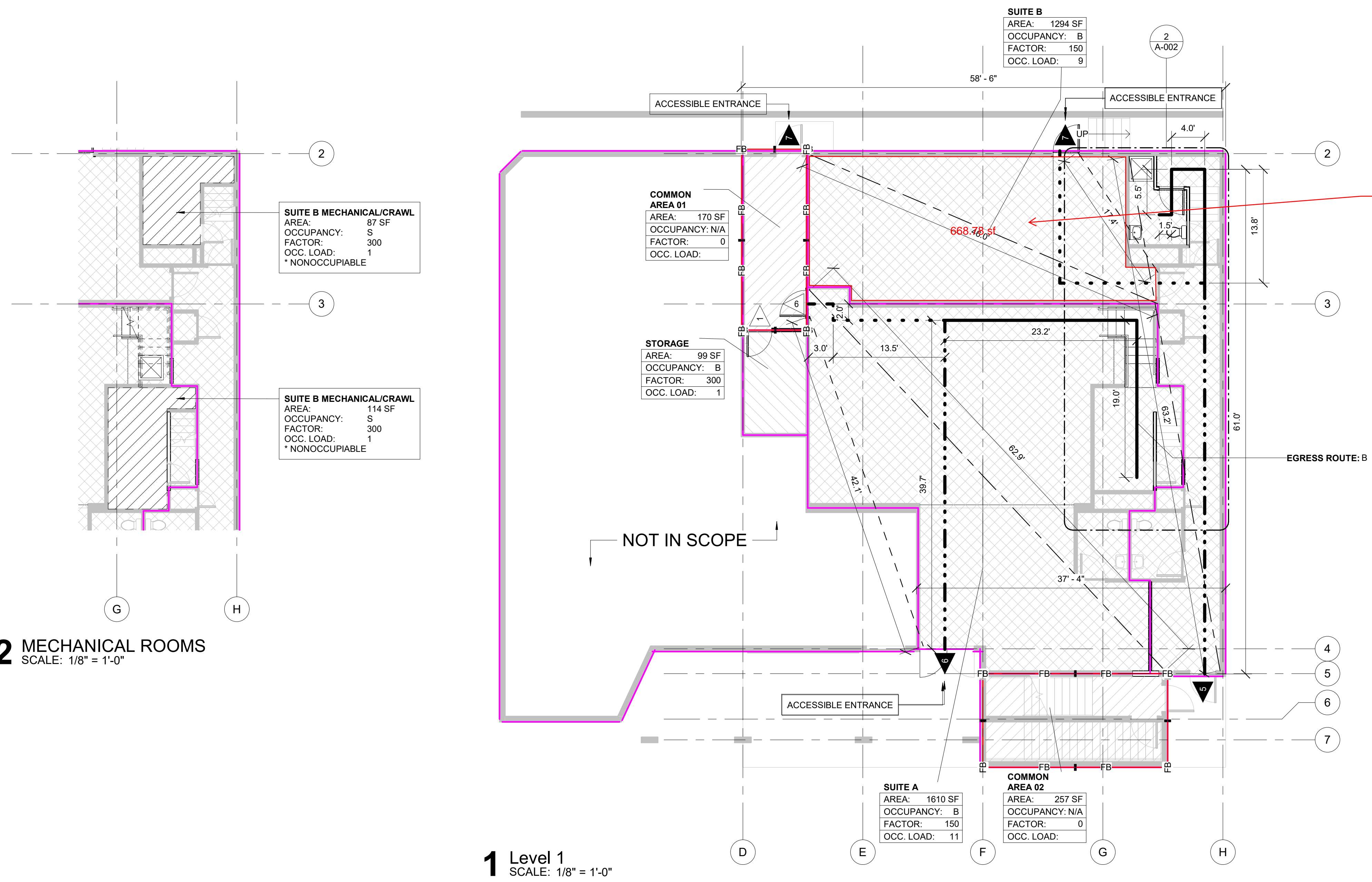
JOEY STEVENSON  
JOEY@STEVENSONARCHITECTURE.COM  
208.720.3025



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CONSULTANTS



**2 MECHANICAL ROOMS**  
SCALE: 1/8" = 1'-0"

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

LEGEND

BUILDING EGRESS	
	MAX. OVERALL DIAGONAL OF THE BUILDING, PER IBC 1007.1.1
	DISTANCE BETWEEN EXITS PER IBC 1007.1.1
	EGRESS PATH
	COMMON PATH EGRESS TRAVEL (CPET)
	MAX TRAVEL PATH
	OCCUPANT LOAD & DIRECTION OF TRAVEL AT ACCUMULATION POINTS.
	OCCUPANT LOAD & DIRECTION OF TRAVEL, SUM OF MULTIPLE AREAS/ROOMS AT EXIT TO PUBLIC WAY.
FIRE RESISTANT CONSTRUCTION	
LB - LB	1 HR RTD. LOAD BEARING WALL
FB - FB	1 HR RTD. FIRE BARRIER
FP - FP	1 HR RTD. FIRE PARTITION
LB - LB	2 HR RTD. LOAD BEARING WALL
FB - FB	2 HR RTD. FIRE BARRIER
FB - FB	3 HR FIRE BARRIER WALL
	FIRE EXTINGUISHER CABINET

ISSUANCE  
**CONSTRUCTION DOCUMENTS**

ISSUE DATE  
**01/07/2022**

CURRENT REVISION

REVISION HISTORY

DRAWING SHEET TITLE  
**CODE PLANS**

**A-002**



City of Ketchum

# Attachment C: Draft Findings of Fact, Conclusions of Law and Decision



City of Ketchum  
Planning & Building

IN RE:	)	
	)	
Extra Credit Event Space	)	<b>KETCHUM PLANNING AND ZONING COMMISSION</b>
Conditional Use Permit Amendment	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND</b>
Date: November 26, 2024	)	<b>DECISION</b>
	)	
File Number: P24-073	)	

**PROJECT:** Extra Credit Event Space

**APPLICATION TYPE:** Conditional Use Permit Amendment

**FILE NUMBER:** P24-073

**ASSOCIATED APPLICATIONS:** Conditional Use Permit (File No. P22-022)

**REPRESENTATIVE:** Robert Peterson (Owner)

**OWNER:** Merlin Square LLC

**LOCATION:** 180 N First Ave Unit 4 (Cinema Square Condos, Lots 5 and 6, Block 39, Ketchum Townsite)

**ZONING:** Community Core – Subdistrict 2 – Mixed Use (CC-2)

**OVERLAY:** None

**RECORD OF PROCEEDINGS**

The Planning and Zoning Commission considered the Conditional Use Permit (CUP) application for an amendment to the Extra Credit Event Space CUP located at 180 N 1<sup>st</sup> Avenue (File No. P24-073) during a regular meeting on November 26, 2024. After considering staff’s analysis, and public comment, the Commission unanimously approved the Extra Credit Event Space CUP amendment with majority of the conditions of approval carried over from the previously approved CUP (File No. P22-022), however one condition (#5) has been omitted as staff found it had been adequately addressed.

The City of Ketchum received the Conditional Use Permit application on August 13, 2024. Following the receipt of the application, staff routed the application materials to all city departments for review. As of the date of this letter, all comments have been resolved or addressed through the conditions of approval recommended below.

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on November 6, 2024. The public hearing notice was published in the Idaho Mountain Express on November 6, 2024. A notice was posted on the city's website on November 6, 2024, and on the project site on November 19, 2024.

### **BACKGROUND**

During the July 26, 2022, Planning and Zoning Commission meeting, the Commission approved a Conditional Use Permit (File No. P22-022) application to establish an "assembly" use in one of the ground floor commercial spaces in the building located at 180 N First Ave (the "subject property"). The Findings of Fact for the initial approval contain conditions which require an amendment to the CUP for any changes to the approved plans (condition #1) or changes in ownership (condition #2). The Applicant is requesting two amendments to the existing CUP: 1) a change in property ownership, and 2) to expand the permitted uses of the event space. The expansion of uses for the event space is to coordinate with the Magic Lantern movie theater to show both public and private movie screenings and host associated special events. The proposed expansion of uses all fall within the assembly definition, therefore, the use designation of the CUP does not change with this application.

All but one conditions of approval associated with the previous CUP application for the Extra Credit Event Space have been carried forward into this application. Condition of approval #5 from the previous CUP application was removed as it was a requirement for submitting a building permit modification to revise the proposed use and occupancy codes to reflect the approval and ensure all Fire Code requirements were met prior to occupancy and this condition has since been adequately addressed.

### **FINDINGS OF FACT**

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

**FINDINGS REGARDING CONDITIONAL USE PERMIT CRITERIA**

<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 <i>Staff Comments</i></b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(A)</b>	<b>The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.</b>
			<b>Staff Comments</b>	No changes are proposed from the previously approved CUP application and the project remains in compliance with this requirement. Based on the capacity of the space, the hours of operation, and the nature of the proposed uses, the event space is similar to other permitted uses by-right in the community core such as food service, brewpubs, and conference and bar elements of hotels. The city has also approved other assembly uses in the community core, such as the Argyros Performing Arts Center. The CC-2 zone district permits multi-family residential in addition to commercial uses. Compatibility issues between event spaces and residential are primarily related to parking, hours of operation, and noise. Staff still believe that the hours of operation are reasonable compared to other uses with evening hours, the venue is small and accommodates a limited number of people, and the event space is completely soundproofed. Additionally, staff is recommending condition of approval #6 that reinforces the city’s provisions related to loud or unnecessary noise, which will limit prolonged noise from setup or takedown operations during the evening hours.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(B)</b>	<b>The conditional use will not materially endanger the health, safety and welfare of the community.</b>
			<b>Staff Comments</b>	No changes are proposed from the previously approved CUP application and the project remains in compliance with this requirement. The building department and fire department have reviewed the proposed plans for the space. All life safety and building code requirements are being met. An additional event space in the community core will not endanger the health, safety, and welfare of the community. Having an additional event space of this size will provide an amenity to residents and businesses that is not widely available within the community core, thereby supporting the community.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(C)</b>	<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><b>Staff Comments</b></p>	<p>No changes are proposed from the previously approved CUP application and the project remains in compliance with this requirement. The proposed use is in a portion of the community core that has fully connected sidewalks providing a protected pedestrian path from surrounding businesses, transportation stops, and parking areas. Attendees of the events will have access to on street parking or can walk, bike, or bus to the event depending on where they are coming from. Some events, such as wedding receptions or corporate events, may hire shuttle services to transport guests rather than individual transportation arrangements. Pedestrian and vehicular traffic associated with the use is consistent with other pedestrian and vehicular traffic patterns and will utilize the grid structure of the community core to navigate the surrounding areas without conflict.</p> <p>Section 17.125.040.C.1 of the Ketchum Municipal Code outlines the types of uses exempt from parking requirements in the CC zone districts. Of that list, the following exemptions apply to assembly uses:</p> <ul style="list-style-type: none"> <li>d. Assembly existing on or before April 17, 2017.</li> <li>e. The first 5,500 gross square feet for new assembly uses. The first 5,500 gross square feet of an assembly use established or constructed after the date this chapter is passed is exempt, additional square footage is subject to the ratio of one parking space per 1,000 gross square feet.</li> </ul> <p>The initial screening rooms were constructed in 1998, however, the screening rooms ceased operation in 2020. Staff considers this application to be a new assembly space, and therefore subject to the exemption outlined in subsection “e” above. As the space is less than 5,500 square feet, it is exempt from on-site parking requirements.</p> <p>The applicant has provided an on-site parking space for loading and unloading of event food and supplies. Staff believes that having a dedicated space for loading and unloading is critical for smooth operations of an event facility that has varying hours of operation. Generally, alleys are used for accessing off street parking, garbage management and removal, access to utilities, and deliveries to businesses and residents. Having a dedicated loading and unloading space for the use will limit potential conflicts in the alley between event operations and other maintenance and delivery operations that may take place. Staff recommends condition of approval #4 that outlines the use of the on-site parking space for event operations.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.116.030(D)</b></p>	<p><b>The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the</b></p>

				<b>surrounding area or conditions can be established to mitigate adverse impacts.</b>
			<b>Staff Comments</b>	No changes are proposed from the previously approved CUP application and the project remains in compliance with this requirement. As mentioned above, all departments have reviewed the proposed use including streets, fire, water, wastewater, building and engineering. Additionally, the proposed use is within a commercial building currently served by all other utilities necessary to service the use including electricity, gas, and garbage service.
<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>	No changes are proposed from the previously approved CUP application and the project remains in compliance with this requirement. As described in the table below 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.

#### FINDINGS REGARDING COMPREHENSIVE PLAN CONFORMANCE

<p><b>Land Use Category:</b> <i>Mixed-Use Commercial</i></p> <p><b>PRIMARY USES</b> <i>Offices, medical facilities, health/wellness-related services, recreation, government, residential, and services.</i></p> <p><b>SECONDARY USES</b> <i>Open space, places of worship and public uses are also appropriate.</i></p> <p><b>CHARACTERISTICS AND LOCATION</b> <i>The intent of the Mixed-Use Commercial category is to improve two areas: 1) the downtown area outside the retail core, and 2) the area surrounding St. Luke’s Hospital (McHanville/Cold Springs Canyon) where development must be sensitively sited for viewshed and wildlife habitat protection.</i></p> <p><b>Analysis:</b> The comprehensive plan does not outline what is specifically included in “services”, however, an event rental space is providing a type of service to the residents, businesses, and visitors of our community for a variety of events including board meetings, business gatherings, receptions, parties, or other. As stated in the “Characteristics and Location” description of the plan, the intent is to improve the downtown area outside the retail core. The event space filled a vacant unit and has created an active space in a location that has minimal visibility from the street. Continuing to allow this use will provide value to the community.</p>
--



**Comprehensive Plan Value: Vibrant Downtown**

*Our downtown core is critical to the economic health and well-being of Ketchum. It functions as both an economic engine and the symbolic “heart and soul” of the City. We will preserve this vibrant commercial area as a place where local businesses can thrive and where people can congregate. Downtown must be a place that people can reach easily by foot, bike, and transit. We will continue to reinforce the downtown as the City’s primary business district, retail core, and key gathering place for residents and visitors for shopping, dining, and entertainment. Enhancements and efforts to support events, the arts, and Ketchum’s history and culture will make downtown an even greater community asset.*

**Analysis:** The proposed use supports the city’s value of creating a vibrant downtown as it has activated a space that had been vacant for an extended period. Since the previous CUP approval, some examples of what the space has been rented for include open mic nights, birthday parties, watch parties, and wellness classes. Additionally, Ketchum’s downtown should be a “key gathering place for residents and visitors for shopping, dining, and entertainment”. The plan also states that efforts to support events will make downtown a greater community asset. An event space is a place for people to gather for any range of special events and helps support this goal for the downtown.

**Policy E-1(b)**

**Downtown as a Major Community Asset and Tourism Attraction**

*The community will strive to maintain a single concentrated commercial and retail core. The City will reinforce the downtown core’s role as a major asset and visitor attraction by encouraging businesses that fit the downtown character and by developing policies, programs, investment strategies, and organizations that help retain downtown businesses.*

**Analysis:** Continuing to allow a small format event space in the downtown at this location not only activates a commercial unit with limited visibility, but it also draws visitors to a location within the downtown that does not have a lot of activation in the evenings. By expanding the uses to coordinate with the Magic Lantern movie theater to include public and private screenings and other associated events will further attract members of the public to the downtown core. This further promotes the downtown as an entertainment destination. The event space has provided a location for residents and visitors to congregate and promote those event attendees to explore the other areas of downtown before or after the event.

**CONCLUSIONS OF LAW**

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s 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 Municipal Code Title 17.
- 3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §17.116.040.
- 4. The Conditional Use Permit application is governed under Ketchum Municipal Code Chapter 17.116.
- 5. The 180 N 1<sup>st</sup> Ave - Extra Credit Event Space Conditional Use Permit Amendment application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

**DECISION**

**THEREFORE**, the Commission **approves** this Conditional Use Permit Application File No. P24-073 this Tuesday, November 26, 2024, subject to the following conditions of approval.

**CONDITIONS OF APPROVAL**

- 1. This approval is based on the site plan and floorplans, and attached to the staff report, dated November 26, 2024. Any change to the floor plan or change in the location or configuration of the uses from what is depicted in the plans, shall be subject to an amendment to this Conditional Use Permit. The assembly use shall occur in the location depicted on the plans and shall not exceed 1,294 square feet.
- 2. This conditional use permit is non-transferrable to any other property owner or business other than as outlined on the Conditional Use Permit application dated August 13, 2024. Any change in property ownership or business operator requires an amendment to this Conditional Use Permit.
- 3. This conditional use permit is non-transferable from one parcel of land to another.
- 4. As depicted on the Site Plan on Sheet A.1 of the project plans, one parking space in the rear of the building accessed from the alley shall be dedicated for loading and unloading while the event space is rented, including setup and cleanup of events. No loading or unloading shall occur on the street or in the alley.
- 5. Events shall not exceed a maximum occupancy of 96 people, as shown on Sheet A-002 of the project plans. Maximum occupancies shall be posted on site per the requirements of the City of Ketchum Fire Marshall. Event formats or layouts other than those outlined on Sheet A-002 may trigger different occupancy limits and must be reviewed and approved in writing by the City of Ketchum Fire Marshall.
- 6. Setup or takedown of events resulting in loud or unnecessary noises outside shall not occur between the hours of 10:00 pm and 7:30am and shall not exceed 60 decibels as

outlined in Section 9.08.040.8 of the Ketchum Municipal Code. Noise levels at all times shall conform to KMC 9.08.040 C8.

7. All applicable conditions of approval shall be relayed to all lessees of the event space to ensure compliance with the conditional use permit requirements.
8. The Planning and Zoning staff may conduct site inspections, following notice to the property owner, to ensure all conditions of approval are being met.
9. If violations of the Conditional Use Permit are observed, the Commission shall have the discretion to hold a public hearing to evaluate this Conditional Use Permit and the nature of the violations. Said hearing may result in changes to the conditions of approval or revocation of the conditional use permit.

Findings of Fact **adopted** this 26<sup>th</sup> day of July 2022.

---

Neil Morrow, Chair

City of Ketchum - Planning and Zoning Commission



City of Ketchum

Attachment D:  
P22-022 Extra Credit Event  
Space CUP Findings of Fact,  
Conclusions of Law and  
Decision – Adopted  
July 26, 2022



City of Ketchum  
Planning & Building

IN RE: )  
)  
Extra Credit Event Space ) KETCHUM PLANNING AND ZONING COMMISSION  
Conditional Use Permit ) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
Date: July 26, 2022 ) DECISION  
)  
File Number: P22-022 )

**PROJECT:** Extra Credit Event Space – 180 N 1<sup>st</sup> Ave

**APPLICATION TYPE:** Conditional Use Permit

**FILE NUMBER:** P22-022

**ASSOCIATED APPLICATIONS:** Design Review (CR-91-13)  
Condominium Final Plat (94-033)  
Building Permit (B22-022)

**REPRESENTATIVE:** JSLINPC, LLC – Noah and Jami Levine

**OWNER:** JSLINPC, LLC – Noah and Jami Levine

**LOCATION:** 180 N First Ave Unit 4 (Cinema Square Condos, Lots 5 and 6, Block 39, Ketchum Townsite)

**ZONING:** Community Core – Mixed-Use Subdistrict (CC-2)

**OVERLAY:** None

**RECORD OF PROCEEDINGS**

The City of Ketchum received the Conditional Use Permit Application for an assembly use on April 19, 2022. The application was routed to all city departments for review and comment. Comments from all departments were provided to the applicant on June 15, 2022. All department comments have been addressed satisfactorily through applicant revision of project plans or conditions of approval.

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on July 6, 2022. The public hearing notice was published in the Idaho Mountain Express the on July 6, 2022. A notice was posted on the project site and the city's website on July 18, 2022.

The Planning and Zoning Commission (the "Commission") considered the 180 N 1<sup>st</sup> Ave Conditional Use Permit (Application No. P21-022) application for the Extra Credit Event Space during a special meeting on July 26, 2022. After considering staff's analysis, and public comment, the Commission approved the 180 N 1<sup>st</sup> Ave Conditional Use Permit application with conditions as proposed by staff.

### **BACKGROUND**

The Applicant is requesting a Conditional Use Permit (CUP) to establish an "assembly" use in one of the ground floor commercial spaces in the building located at 180 N First Ave (the "subject property"). The subject property contains one commercial building built in 1998 with two commercial condominium units, one unit on the upper floor and one unit on the ground floor. As originally constructed, the Magic Lantern theater occupied the upper floor with ticket sales, concessions, and large viewing theaters. The lower floor contained small screening rooms associated with the Magic Lantern and other smaller commercial spaces. Today, the upper floor is still the location of the Magic Lantern movie theater. The lower floor is broken up into four spaces occupied by Sun Valley Needle Arts, Ketchum EyeCenter, a vacant commercial space fronting N 1<sup>st</sup> Ave, and the proposed assembly use behind the vacant space. The units containing the vacant commercial space and the proposed assembly use were previously the locations of the screening rooms for the Magic Lantern which closed permanently in April 2020 due to COVID-19.

The subject property is zoned Community Core Subdistrict 2 – Mixed Use (CC-2), which allows "Assembly, place of" only through the approval of a Conditional Use Permit. The Ketchum Municipal Code defines "Assembly, place of" as:

**"Assembly, place of:** The use of land for a meeting place where persons gather together for purposes of attending civic, social, religious functions, recreational events or entertainment performances on a regular or recurring basis including, but not limited to, religious institutions, banquet facilities, funeral homes, theaters, conference centers, stadiums, or indoor or outdoor recreational facilities, but excludes a "cultural facility" as defined by this chapter. A gathering of less than 25 persons shall not be considered a place of assembly provided the gathering is accessory and incidental to the principal use."

The proposed event space is intended for rent by organizations or businesses for the purpose of board meetings, wedding rehearsal dinners, functions for the non-profit community, birthday parties, and other gatherings. If approved, the proposed space would consist of 1,294 square feet including 669 square feet of event room area and 625 square feet of hallway and restroom

areas dedicated to the event space. There is no outdoor area associated with the event space. The sound proofing from the original screening rooms is still in place and will remain if the assembly use is approved. As shown on the project plans in Attachment B, the proposed event space is accessed from N 1st Ave but does not have any frontage on the street other than an entry door to the hallway.

Capacity of the proposed space is dependent on the format of the event and maximum capacity set by the adopted Fire Code for the city of Ketchum. Per the requirements of the Fire Marshall, the maximum capacity is 45 people for a sit-down event with tables and chairs. For an informal event without fixed seats and mostly standing, the maximum capacity is 96 people. Events are anticipated to occur between 9am and midnight on weekdays, and noon to midnight on weekends with additional time for set up and takedown.

The current property owners purchased the lower level (Unit 1) of the building in 2021 and began the process of seeking tenants for the vacant space shortly thereafter. In January 2022, the owner submitted a building permit for the reconfiguration of the vacant screening rooms to increase marketability for a variety of potential tenants. The City of Ketchum received the Conditional Use Permit Application for an assembly use on April 19, 2022. The application was routed to all city departments for review and comment. Comments from all departments were provided to the applicant on June 15, 2022. As of the date of this staff report, all department comments have been adequately addressed in revised application materials.

### **FINDINGS OF FACT**

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

### **FINDINGS REGARDING COMPREHENSIVE PLAN CONFORMANCE**

**Land Use Category:**

*Mixed-Use Commercial*

**PRIMARY USES**

*Offices, medical facilities, health/wellness-related services, recreation, government, residential, and services.*

**SECONDARY USES**

*Open space, places of worship and public uses are also appropriate.*

**CHARACTERISTICS AND LOCATION**

*The intent of the Mixed-Use Commercial category is to improve two areas: 1) the downtown area outside the retail core, and 2) the area surrounding St. Luke's Hospital (McHanville/Cold Springs Canyon) where development must be sensitively sited for viewshed and wildlife habitat protection.*

**Analysis:** *The comprehensive plan does not outline what is specifically included in "services", however, an event rental space is providing a type of service to the residents, businesses, and visitors of our community for a variety of events including board meetings, business gatherings, receptions, parties, or other. As stated in the "Characteristics and*

*Location” description of the plan, the intent is to improve the downtown area outside the retail core. The location of the proposed event space has been vacant for two years and has an opportunity to create an active space in a location that has minimal visibility from the street. Allowing an active use in this space provides an opportunity to activate a vacant space that is not currently providing value to the community.*

**Comprehensive Plan Value: Vibrant Downtown**  
*Our downtown core is critical to the economic health and well-being of Ketchum. It functions as both an economic engine and the symbolic “heart and soul” of the City. We will preserve this vibrant commercial area as a place where local businesses can thrive and where people can congregate. Downtown must be a place that people can reach easily by foot, bike, and transit. We will continue to reinforce the downtown as the City’s primary business district, retail core, and key gathering place for residents and visitors for shopping, dining, and entertainment. Enhancements and efforts to support events, the arts, and Ketchum’s history and culture will make downtown an even greater community asset.*

**Analysis:** The proposed use supports the city’s value of creating a vibrant downtown as it would activate a space that has been vacant for an extended period. Additionally, Ketchum’s downtown should be a “key gathering place for residents and visitors for shopping, dining, and entertainment”. The plan also states that efforts to support events will make downtown a greater community asset. An event space is a place for people to gather for any range of special events and helps support this goal for the downtown.

**Policy E-1(b)**  
**Downtown as a Major Community Asset and Tourism Attraction**  
*The community will strive to maintain a single concentrated commercial and retail core. The City will reinforce the downtown core’s role as a major asset and visitor attraction by encouraging businesses that fit the downtown character and by developing policies, programs, investment strategies, and organizations that help retain downtown businesses.*

**Analysis:** *Allowing a small format event space in the downtown at this location not only activates a commercial unit with limited visibility, but it also draws visitors to a location within the downtown that does not have a lot of activation in the evenings. This further promotes the downtown as an entertainment destination. The event space will provide a location for residents and visitors to congregate and promote those event attendees to explore the other areas of downtown before or after the event.*

**FINDINGS REGARDING CONDITIONAL USE PERMIT CRITERIA**

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.
			<b>Staff Comments</b>	<i>Based on the capacity of the space, the hours of operation, and the nature of the proposed uses, the event space is similar to other permitted uses by-right in the community core such as food service, brewpubs, and conference and bar elements of hotels. The city has also approved other assembly uses in the community core, such as the Argyros Performing Arts Center. The CC-2 zone district permits multi-family residential in addition to commercial uses. Compatibility issues between event spaces and residential are primarily related to parking, hours of operation, and noise. Staff does not believe the proposed space will result in these issues as there is ample on street parking and bus service for event attendees, the hours of operation are reasonable compared to other uses with evening hours, the venue is small and accommodates a limited number of people, and the event space is completely soundproofed. Additionally, staff is recommending condition of approval #7 that reinforces the city’s provisions</i>



				<i>related to loud or unnecessary noise, which will limit prolonged noise from setup or takedown operations during the evening hours.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(B)</b>	<b>The conditional use will not materially endanger the health, safety and welfare of the community.</b>
			<b>Staff Comments</b>	<i>The building department and fire department have reviewed the proposed plans for the space. All life safety and building code requirements are being met. An additional event space in the community core will not endanger the health, safety, and welfare of the community. Having an additional event space of this size will provide an amenity to residents and businesses that is not widely available within the community core, thereby supporting the community.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(C)</b>	<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>
			<b>Staff Comments</b>	<p><i>The proposed use is in a portion of the community core that has fully connected sidewalks providing a protected pedestrian path from surrounding businesses, transportation stops, and parking areas. Attendees of the events will have access to on street parking or can walk, bike, or bus to the event depending on where they are coming from. Some events, such as wedding receptions or corporate events, may hire shuttle services to transport guests rather than individual transportation arrangements. Pedestrian and vehicular traffic associated with the use is consistent with other pedestrian and vehicular traffic patterns and will utilize the grid structure of the community core to navigate the surrounding areas without conflict.</i></p> <p><i>Section 17.125.040.C.1 of the Ketchum Municipal Code outlines the types of uses exempt from parking requirements in the CC zone districts. Of that list, the following exemptions apply to assembly uses:</i></p> <ul style="list-style-type: none"> <li><i>d. Assembly existing on or before April 17, 2017.</i></li> <li><i>e. The first 5,500 gross square feet for new assembly uses. The first 5,500 gross square feet of an assembly use established or constructed after the date this chapter is passed is exempt, additional square footage is subject to the ratio of one parking space per 1,000 gross square feet.</i></li> </ul> <p><i>The initial screening rooms were constructed in 1998, however, the screening rooms ceased operation in 2020. Staff considers this application to be a new assembly space, and therefore subject to the exemption outlined in subsection "e" above. As the space is less than 5,500 square feet, it is exempt from on-site parking requirements.</i></p> <p><i>The applicant has provided an on-site parking space for loading and unloading of event food and supplies. Staff believes that having a dedicated space for loading and unloading is critical for smooth operations of an event facility that has varying hours of operation. Generally, alleys are used for accessing off street parking, garbage management and removal, access to utilities, and deliveries to businesses and residents. Having a dedicated loading and unloading space for the use will limit potential conflicts in the alley between event operations and other maintenance and delivery operations that may take place. Staff recommends condition of approval #4 that outlines the use of the on-site parking space for event operations.</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>As mentioned above, all departments have reviewed the proposed use including streets, fire, water, wastewater, building and engineering. Additionally, the proposed</i>

				<i>use is within a commercial building currently served by all other utilities necessary to service the use including electricity, gas, and garbage service.</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 2 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 Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s 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 Municipal Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §17.116.040.
4. The Conditional Use Permit application is governed under Ketchum Municipal Code Chapter 17.116.
5. The 180 N 1<sup>st</sup> Ave - Extra Credit Event Space Conditional Use Permit application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

**DECISION**

**THEREFORE**, the Commission **approves** this Conditional Use Permit Application File No. P21-022 this Tuesday, July 26, 2022, subject to the following conditions of approval.

**CONDITIONS OF APPROVAL**

1. This approval is based on the site plan and floorplans submitted by Carmen Finegan, and attached to the staff report, dated April 26, 2022 and May 5, 2022 respectively. Any change to the floor plan or change in the location or configuration of the uses from what is depicted in the plans, shall be subject to an amendment to this Conditional Use Permit.

The assembly use shall occur in the location depicted on the plans and shall not exceed 1,294 square feet.

2. This conditional use permit is non-transferrable to any other property owner or business other than as outlined on the Conditional Use Permit application dated April 19, 2022. Any change in property ownership or business operator requires an amendment to this Conditional Use Permit.
3. This conditional use permit is non-transferable from one parcel of land to another.
4. As depicted on the Site Plan (Sheet A.1) dated April 26, 2022, one parking space in the rear of the building accessed from the alley shall be dedicated for loading and unloading while the event space is rented, including setup and cleanup of events. No loading or unloading shall occur on the street or in the alley.
5. Prior to Certificate of Completion or Certificate of Occupancy, the owner shall submit an amendment to the active building permit (B22-002) revising the proposed use and occupancy codes for the proposed use, to reflect the approval and ensure all building and fire code requirements are met prior to occupancy.
6. Events shall not exceed a maximum occupancy of 96 people, as shown on Sheet A-002 of the project plans. Maximum occupancies shall be posted on site per the requirements of the City of Ketchum Fire Marshall. Event formats or layouts other than those outlined on Sheet A-002 may trigger different occupancy limits and must be reviewed and approved in writing by the City of Ketchum Fire Marshall.
7. Setup or takedown of events resulting in loud or unnecessary noises outside shall not occur between the hours of 10:00 pm and 7:30am and shall not exceed 60 decibels as outlined in Section 9.08.040.8 of the Ketchum Municipal Code. Noise levels at all times shall conform to KMC 9.08.040 C8.
8. All applicable conditions of approval shall be relayed to all lessees of the event space to ensure compliance with the conditional use permit requirements.
9. The Planning and Zoning staff may conduct site inspections, following notice to the property owner, to ensure all conditions of approval are being met.
10. If violations of the Conditional Use Permit are observed, the Commission shall have the discretion to hold a public hearing to evaluate this Conditional Use Permit and the nature of the violations. Said hearing may result in changes to the conditions of approval or revocation of the conditional use permit.

Findings of Fact **adopted** this 26<sup>th</sup> day of July 2022.

  
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Neil Morrow, Chair  
Brenda Moczygemba  
City of Ketchum - Planning and Zoning Commission