



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
SPECIAL MEETING OF JULY 26, 2022

PROJECT: Extra Credit Event Space

APPLICATION TYPE: Conditional Use Permit (File No. P22-022)

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

OWNER: JSLINPC, LLC – Noah and Jami Levine

APPLICANT: JSLINPC, LLC – Noah and Jami Levine

REQUEST: Conditional Use Permit to permit an “assembly” space for a 1,294 special event space in the CC-2 zone district which includes approximately 669 square feet of event room area and approximately 625 square feet of common hallway and restroom areas.

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

REVIEWER: Morgan R. Landers, AICP – Senior Planner

NOTICE: 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. As of the date of this report, no public comment has been received.

ATTACHMENTS:

- A. Application Materials – CUP application and supporting documents
- B. Application Materials – Site Plans and Floor Plans
- C. Draft Findings of Fact, Conclusions of Law, and Decision

BACKGROUND AND SUMMARY

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 1st 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.”

As outlined in the cover letter in Attachment A, 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.

Staff reviewed the application for conformance with the City of Ketchum’s zoning regulations including but not limited to uses permitted, parking, signage, and dark skies. Staff also reviewed the application for conformance with our 2014 Comprehensive Plan and conditional use permit criteria outlined in Section 17.116.030 of the Ketchum Municipal Code. Below are tables that outlined the analysis conducted by staff.

Table 1. Comprehensive Plan Analysis

<p>Land Use Category: <i>Mixed-Use Commercial</i></p> <p>PRIMARY USES <i>Offices, medical facilities, health/wellness-related services, recreation, government, residential, and services.</i></p> <p>SECONDARY USES <i>Open space, places of worship and public uses are also appropriate.</i></p> <p>CHARACTERISTICS AND LOCATION <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>Analysis: <i>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.</i></p>
<p>Comprehensive Plan Value: Vibrant Downtown <i>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.</i></p>
<p>Analysis: <i>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.</i></p>
<p>Policy E-1(b) Downtown as a Major Community Asset and Tourism Attraction <i>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.</i></p>
<p>Analysis: <i>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.</i></p>

Table 2. Conditional Use Permit Requirements

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	<p>The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.</p> <p><i>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 related to loud or unnecessary noise, which will limit prolonged noise from setup or takedown operations during the evening hours.</i></p>
			Staff Comments	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	<p>The conditional use will not materially endanger the health, safety and welfare of the community.</p> <p><i>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></p>
			Staff Comments	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	<p>The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.</p> <p><i>The 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"> <i>d. Assembly existing on or before April 17, 2017.</i> <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> <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,</i></p>
			Staff Comments	

				<p>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"/>	17.116.030(D)	<p>The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.</p> <p>Staff Comments 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.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	<p>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</p> <p>Staff Comments 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.</p>

STAFF RECOMMENDATION

Staff recommends approval of the conditional use permit with conditions outlined below, and with any additional conditions deemed necessary by the Commission.

The Planning and Zoning Commission may attach additional conditions to the application approval as it determines necessary to ensure the 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.

RECOMMENDED MOTION

“I move to approve the Extra Credit Event Space Conditional Use Permit with conditions 1-10, and adopt the Findings of Fact, Conclusions of Law, and Decision.”

RECOMMENDED CONDITIONS

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.



City of Ketchum

ATTACHMENT A: CUP Application and Supporting Documents



City of Ketchum
Planning & Building

OFFICIAL USE ONLY	
File Number:	P22-022
Date Received:	4/19/22
By:	SMC [Signature]
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, 191 5th St. West, Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: www.ketchumidaho.org and click on Municipal Code.

OWNER INFORMATION	
Project Name: Extra Credit	
Name of Owner of Record: JSLINPC, LLC	
Physical Address: 180-4 First Ave N Ketchum, ID 83340	
Property Legal Description: Cinema Square Condo Unit 1	
Property Zoning District:	
Contact Phone: 435-729-9205	Contact Email: noah.levine@ubs.com
PROJECT INFORMATION	
Description of Proposed Conditional Use: Event Space to accommodate board meetings, birthday parties, rehearsal dinners and other catered events.	
Description of Proposed and Existing Exterior Lighting: The space sits on the lower level of the magic lantern building in downtown Ketchum. There are no proposed changes to existing exterior lights.	
ADDITIONAL COMMENTS	
Please see attached supporting documentation	
ACCOMPANYING SUPPORTING INFORMATION REQUIRED	
<ul style="list-style-type: none"> Existing Site Plan Proposed Site Plan Landscape Plan Grading and Drainage Plan Exterior Lighting Plan and Specifications Other plans and studies related to the social, economic, fiscal, environmental, traffic, and other effects of the proposed conditional use, as required by the Administrator 	

Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortious 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.

[Signature]

4/13/2022

Applicant Signature

Date

CONDITIONAL USE PERMIT

APPLICANT COVER LETTER

To: City of Ketchum Planning and Zoning – planningandzoning@ketchumidaho.org
Suzanne Bathke, Planning Technician – sbathke@ketchumidaho.org

From: Noah Levine, Managing Member, JSLINPC, LLC surpow@msn.com 435.729.9205
Jami Levine, Registered Agent, JSLINPC, LLC jslinpc@msn.com 435.729.9204

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

Date: June 16th, 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 1st and 2nd 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 1st 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

City of Ketchum Building Permit: Exterior Lighting Submittal Requirements

(For Commercial and Residential)

Address: 180-4 First Avenue N. Ketchum, ID 83353

17.132.010 C.1: All existing lighting located on a subject property that is part of an application for a city planning department design review, conditional use, subdivision permit, or building permit is required to be brought into conformance with this chapter. Conformity shall occur prior to issuance of a certificate of occupancy, final inspection or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.

In addition to completing the tables below, you will need to submit **manufacturers' product specification sheets** for all proposed outdoor lighting. All applications for design review, conditional use, subdivision and/or building permits shall include lighting plans showing location, type, height, color temperature, lumen output and amount of all proposed and existing fixtures. Complex uses may require additional information.

Proposed Lighting:				
Fixture Model or Description	No. of Fixtures	Shielded (Y/N)	Full cutoff fixture (Y/N)	Light Color (Kelvin)
Ex: SPI-GDG-30W-SQ-SH	3	Y	y	2700
Sea Gull Lighting Model #8837401-57	3	y	y	1500K

Existing Exterior Lighting (complete to the best of your knowledge):				
Fixture Description	No. of Fixtures	Shielded (Y/N)	Full cutoff fixture (Y/N)	Light Color (Kelvin)
Fully Shielded 'Period' Style Fixture with shielded top and opaque glass	3	Y	N	1500K

**If you need additional space to detail your exterior lighting fixtures, please submit on a separate page*

Exterior Lighting Requirements (Chapter 17.132 Dark Skies)

- ✓ **Exterior Lighting Fixtures.** All exterior lighting fixtures shall be full cutoff fixtures with the light source fully shielded, except as exempted in Chapter 17.132.
- ✓ **Color Temperature.** All exterior lighting shall utilize light sources not to exceed 2700 kelvin. Correlated color temperature refers to the 'color' of the light emitted. It is indicated on light packaging.
- ✓ **Light trespass.** All existing and/or new exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting. Reference Chapter 17.132.030.B. Figure 1: Light Trespass Matrix for maximum foot-candle limits.
- ✓ **Uplighting.** Uplighting is prohibited in all zoning districts, except as where permitted in Chapter 17.132.
- ✓ **Prohibited Lights.** Any light source that does not meet the requirements of this chapter. Searchlights, beacons, and other high-intensity light fixtures. Except as otherwise allowed by this title, any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity is prohibited.
- ✓ **Nonessential Exterior Lighting.** All nonessential exterior commercial and residential lighting shall be turned off after business hours and/or when not in use. Lights on a timer shall be used. Sensor activated lights shall be used to replace existing lighting that is desired for security purposes.
- ✓ **Any other standard found applicable to the proposed exterior lighting.**

Please call the City of Ketchum Planning and Building Department if you have any questions. 208.726.7801



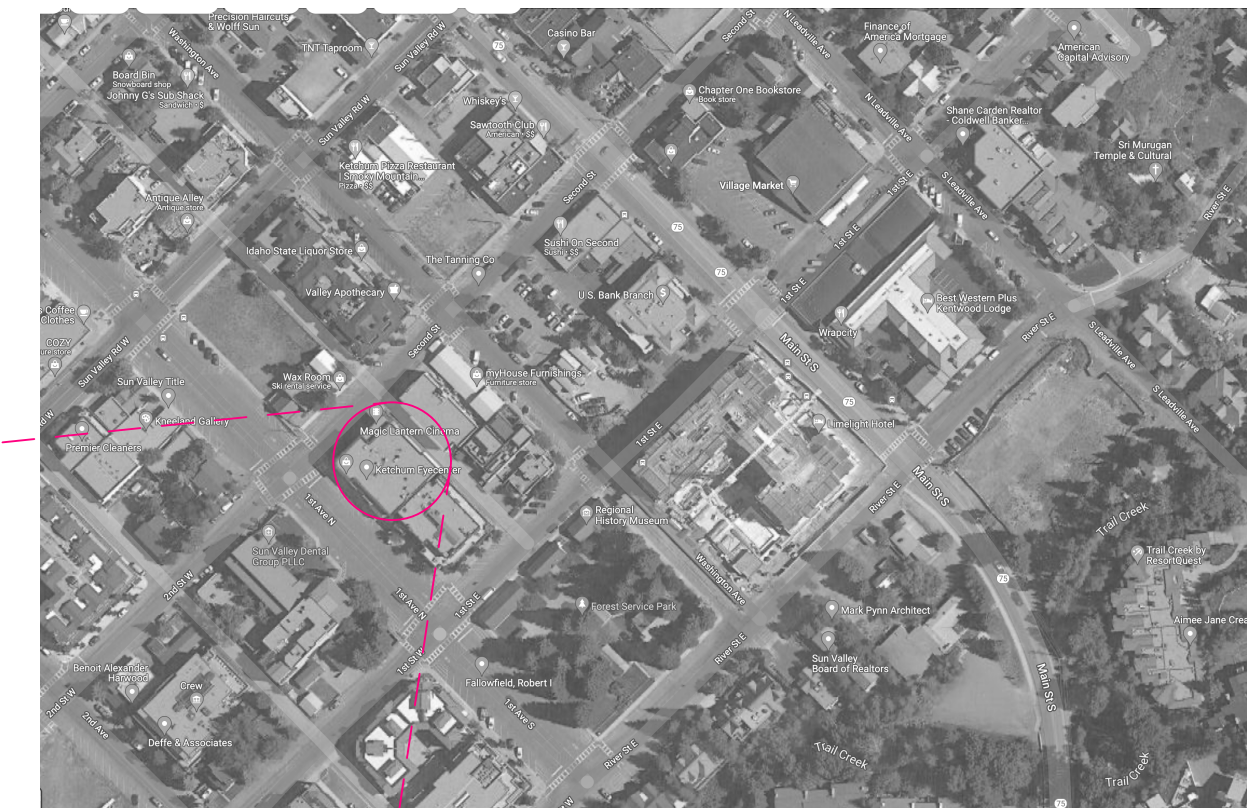
City of Ketchum

ATTACHMENT B: CUP Site and Floor Plans

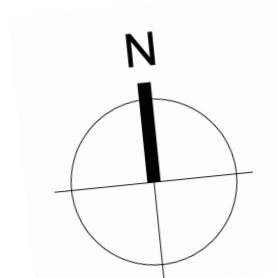
2ND STREET

ALLEY

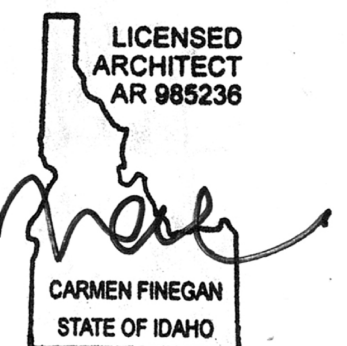
1ST AVENUE



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



DRAWINGS AND DESIGN
 CONCEPTS ARE EXCLUSIVE
 PROPERTY OF THE
 ARCHITECT. ANY
 UNAUTHORIZED USE OR
 REPRODUCTION IS
 PROHIBITED BY LAW © 2020.

THEATER RENOVATION - EVENT UNIT
 KETCHUM, IDAHO 83340

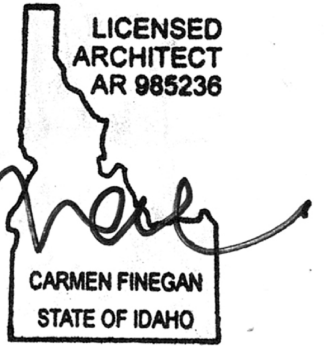
SCALE
 1/8" = 1'-0"

SHEET TITLE
 SITE PLAN

A.1



105 LEWIS ST. # 103B
 KETCHUM, ID 83340
 P.O. BOX 1148
 SUN VALLEY, ID 83353
 208-720-8508
 CARMENFINEGAN.COM



DRAWINGS AND DESIGN
 CONCEPTS ARE EXCLUSIVE
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THEATER RENOVATION - EVENT UNIT
 KETCHUM, IDAHO 83340

SCALE

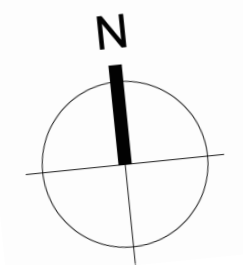
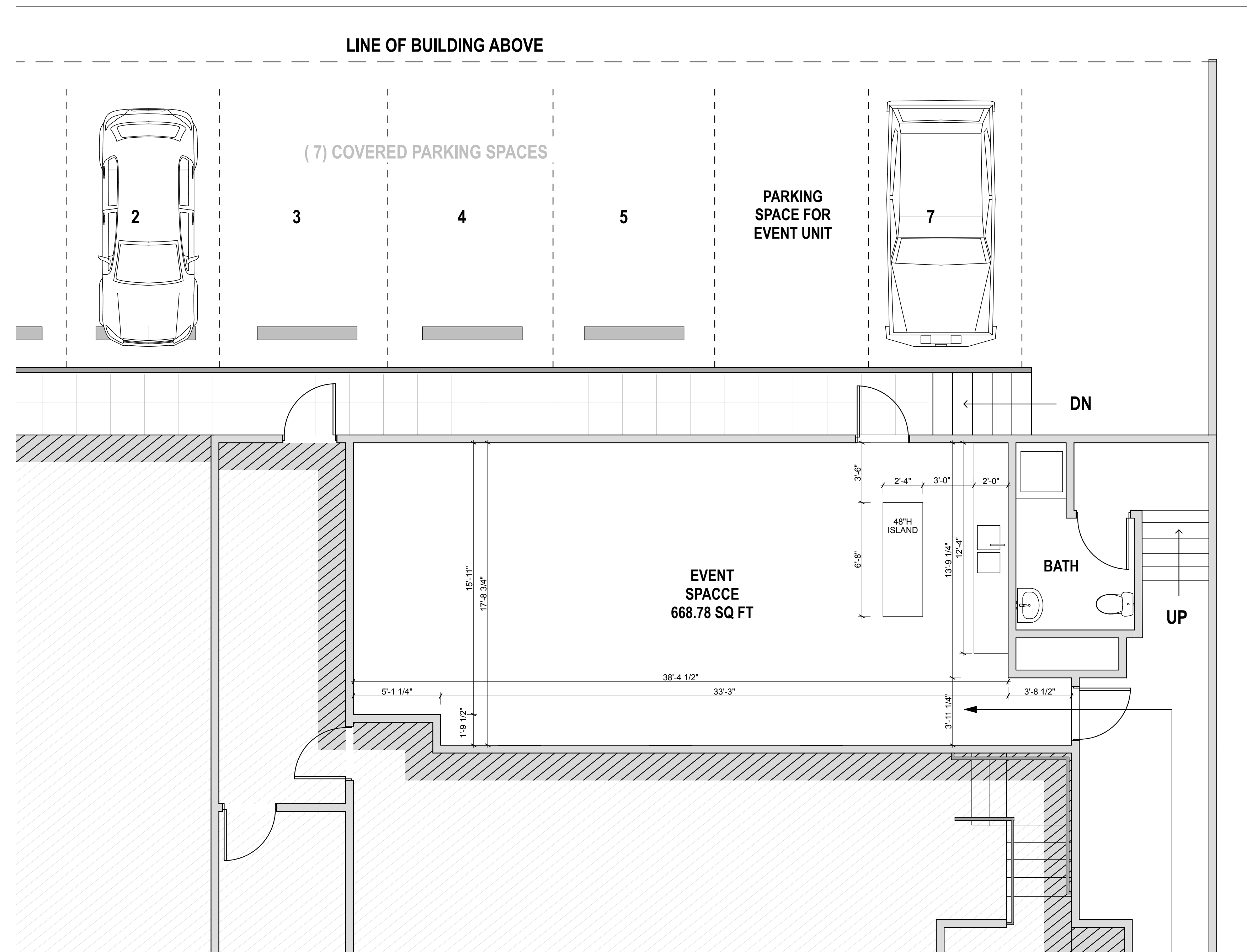
1/4" = 1'-0"

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
TOTAL	21	12	12	.48	3	.04	3	.03	1	.03	1	0	0	0	0

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

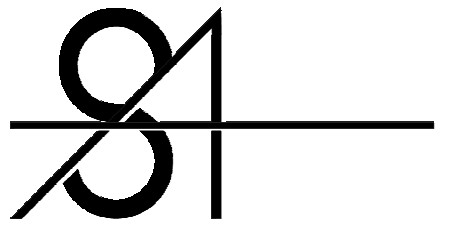
BUILDING STATISTICS	
CONSTRUCTION TYPE:	(E) - PRESUMED TYPE V-B PER PREVIOUS CONSTRUCTION DOCUMENTS
PROPOSED USE(S):	BUSINESS - OFFICE
OCCUPANCY CLASSIFICATION(S):	B
SPRINKLERED:	YES - EXISTING
FIRE ALARM:	YES - EXISTING
MAXIMUM EGRESS TRAVEL DISTANCES PER IBC TABLES 1017.2, 1006.2.1	
DISTANCE TO EXIT:	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
EGRESS WIDTH PER OCCUPANT SERVED PER IBC 1005.3.1 & 1005.3.2	
STAIRWAYS:	0.3' PER OCCUPANT
OTHER EGRESS COMPONENTS:	0.2' PER OCCUPANT
MINIMUM NUMBER OF EXITS PER OCCUPANT LOAD PER IBC TABLE 1006.3.1	
1-500 OCCUPANT LOAD / STORY:	MIN. 2 EXITS OR ACCESS TO EXITS FROM STORY PROPOSAL COMPLIANT
EXIT ARRANGEMENT 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	
ACCESSIBLE MEANS OF EGRESS 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
Grand total					3004 SF	21

PROJECT
**Theater
Renovation**

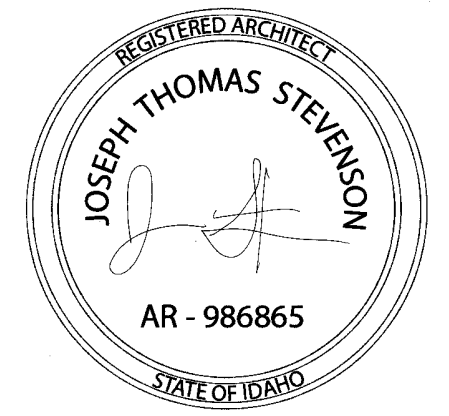
180 1st Ave. N
Ketchum, ID 83340

ARCHITECT



PROJECT TEAM

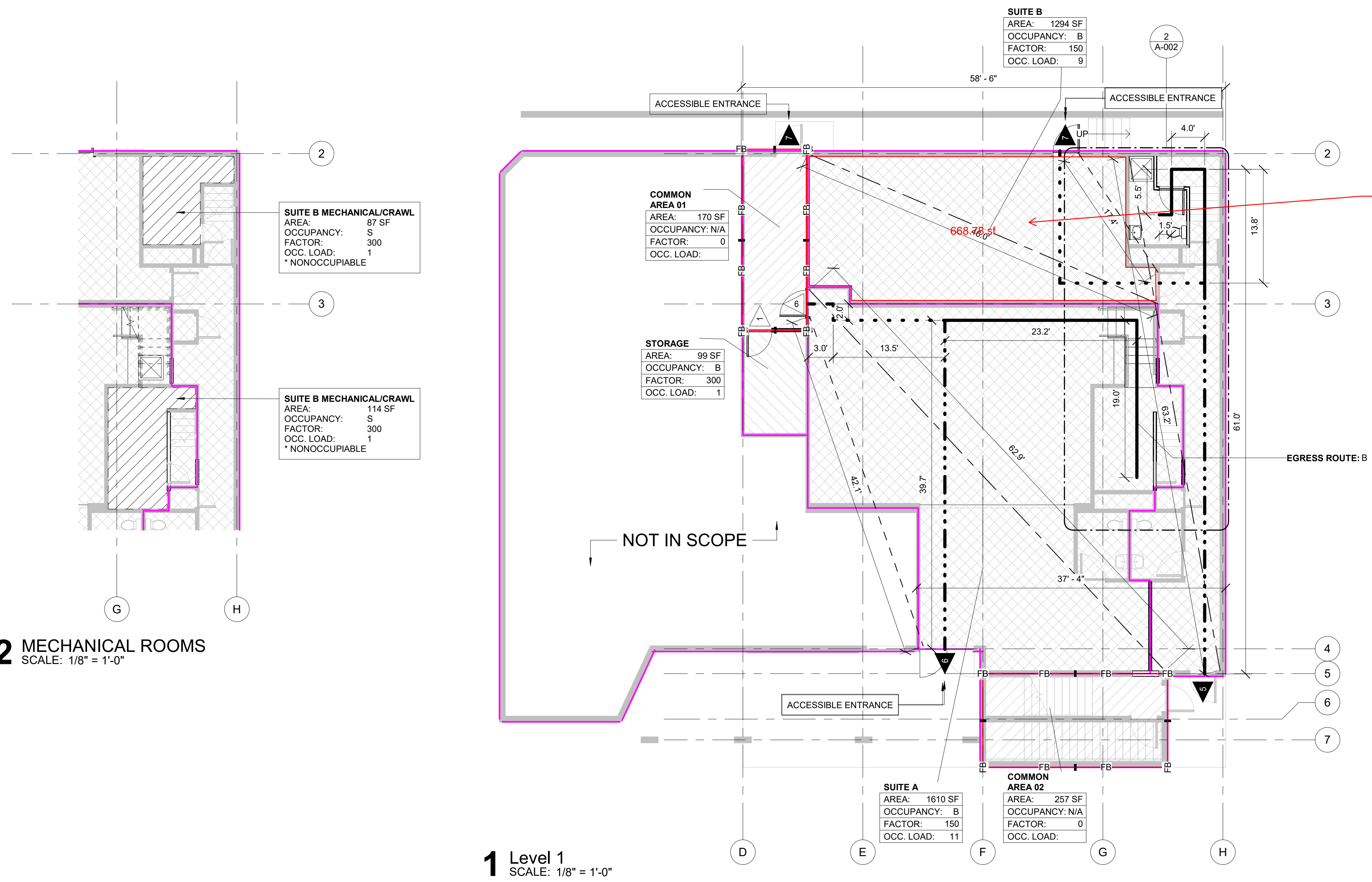
JOEY STEVENSON
JOEY@STEVENSONARCHITECTURE.COM
208.720.3025



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CONSULTANTS



Occupancy Area #1:
668.78 sq/ft
Concentrated assembly without fixed seats (chairs only)
- Maximum Occupancy 96 People
Unconcentrated assembly (Tables & Chairs)
- Maximum Occupancy 45 People
(Occupancy limits need to be posted. Any other configuration may trigger different occupancy limits and will need to be approved by the Fire Marshal)

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

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

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



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) **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 1st 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 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 1st 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 1st 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 1st 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.
			Staff Comments	<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"/>	17.116.030(B)	The conditional use will not materially endanger the health, safety and welfare of the community.
			Staff Comments	<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"/>	17.116.030(C)	The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
			Staff Comments	<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> <p><i>d. Assembly existing on or before April 17, 2017.</i></p> <p><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></p> <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"/>	17.116.030(D)	The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.
			Staff Comments	<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"/>	17.116.030(E)	The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.
			Staff Comments	<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 1st 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 26th day of July 2022.

Neil Morrow, Chair

City of Ketchum - Planning and Zoning Commission