



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF NOVEMBER 12, 2019

PROJECT: Scott Glenn Acting Studio Work/Live Conditional Use Permit

FILE NUMBER: P19-120

OWNER: Scott & Carol Glenn

REPRESENTATIVE: Rio Glenn

REQUEST: Conditional Use Permit (CUP) for a Work/Live Unit

LOCATION: 491 E 10th Street A12 (Tenth Street Light Industrial Complex: Building A: Unit 12)

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

OVERLAY: None

NOTICE: Notice was mailed to property owners within a 300-foot radius and was published in the Idaho Mountain Express on October 23, 2019. Notice was posted at the subject location and on the city website on November 5, 2019. As of the publication of this Staff Report, the Planning & Building Department has received no public comment regarding this application.

REVIEWER: Abby Rivin, Associate Planner

EXHIBITS: A. Application
B. Floor Plan

BACKGROUND

Scott and Carol Glenn have applied for a Conditional Use Permit to bring into compliance an existing work/live unit within the LI-2 Zoning District. An actor starring in movies including Urban Cowboy and the Right Stuff, Scott Glenn has utilized the unit as an artist studio to rehearse, train, and write poetry for over 20 years. The use is classified as a commercial studio and is permitted within all three of the light industrial zoning districts.

Commercial Studios are defined by Ketchum Municipal Code §17.08.020 as follows:

Work space within an enclosed structure for artists and artisans, including individuals practicing, teaching, or demonstrating in one of the fine arts or performing arts, or skilled in an applied art or craft. Also includes recording studios. Incidental retail sales of items produced on the premises is allowed. A commercial studio may hold occasional events solely and exclusively in connection with the permitted uses conducted by the commercial studio. The events shall be subordinate in nature to the commercial studio and subject to the standards of section 17.124.150 of this title (KMC §17.08.020).

Work/live units are a new category of residential use permitted in the light Industrial zoning districts, made possible through the light industrial zone amendments considered by the Planning and Zoning Commission and City Council in 2018 and 2019. Work/live units are permitted in the LI-2 zone provided a Conditional Use Permit for the live component is approved by the Planning and Zoning Commission.

Work/Live units are defined by Ketchum Municipal Code §17.08.020 as follows:

Work/Live units incorporate residential living space in a non-residential building. Work/live units are held jointly in common ownership and the work and live spaces cannot be sold or platted as separate condominiums, as documented with a City-approved restrictive covenant recorded against the property (KMC §17.08.020).

The existence of the work/live use was discovered during the City's publicized efforts to locate and bring non-conforming and unpermitted residential living spaces in the LI zones into compliance with building, fire, and zoning codes. The Building and Fire departments have inspected the subject unit and identified that the existing guardrails and handrails were noncompliant with International Building Code Sections 1011.5.2 and 1011.11, no egress window was provided within the sleeping area, and smoke detectors needed to be installed within the residential space. The applicant is remedying these code compliance issues identified by the Fire and Building departments.

ANALYSIS

Introduction of the new work/live category gives the Commission discretion to consider new site-specific characteristics of proposed work/live units on a case by case basis. Unlike other Conditional Use Permit applications for dwelling units or work/live units in the light industrial districts, this application is unique as the live space is not classified as a dwelling unit pursuant to Ketchum Municipal Code §17.08.020, which requires that dwelling units include a kitchen. The primary component of the live space is a bedroom within the upstairs loft, which is used for naps and occasionally as a bedroom for guests. The one bathroom that serves the unit is located on the ground floor within the commercial studio. As opposed to other Conditional Use Permits issued for residential spaces in the light industrial zoning district, this application would not conditionally permit a dwelling unit, but rather would conditionally permit the residential components associated with the existing commercial studio. The CUP will memorialize that the actor or occasional guests may sleep within the commercial studio, which will flag the subject unit A12 for residential occupancy for emergency services.

Staff has recommends the Planning & Zoning Commission consider the analysis contained in Tables 1-5 of the Staff Report, the applicant submittal included as Exhibits 1 and 2, any public comment received, deliberate, and move to approve the Scott Glenn Acting Studio Work/Live CUP subject to conditions.

In order to recommend approval, Staff has made two interpretations for the Planning & Zoning Commission to consider in their analysis of the subject Conditional Use Permit application:

(1) The Scott Glenn Acting Studio is a private commercial studio used by the property owner to practice the performing arts, which is a permitted use in the LI-2 Zone. The private practice of the fine and performing arts is expressly permitted in the definition of commercial studio pursuant to KMC §17.08.020. The work component associated with this Conditional Use Permit is for private use and not associated with a business that will be open to the public; and

(2) The residential or "live" areas include the bedroom within the upstairs loft and the ground floor bathroom. No physical separation is provided between the live and work components of the unit. As the live portion does not include a kitchen, the residential area is not classified as a dwelling unit pursuant to KMC §17.08.020. The bathroom on the ground floor serves both the commercial studio work component and the live component. IF approved by the Planning & Zoning Commission, the subject CUP will not permit a distinct dwelling unit, but

rather the CUP will permit a work/live configuration memorializing that the actor and occasional guests may sleep within the commercial studio.

Staff has added a recommended condition of approval that no kitchen, which as defined by KMC §17.08.020 is a room used for cooking of food containing a sink, refrigerator, and cooking facilities including a range or built-in cooktop, may be installed within unit A12.

Table 1. Comprehensive Plan Analysis

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|---|
| Land Use Category: Mixed-Use Industrial |
| PRIMARY USES <i>Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.</i> |
| SECONDARY USES <i>A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.</i> |
| CHARACTERISTICS AND LOCATION <i>The Mixed-Use Industrial category is intended to provide critical lands for Ketchum's economic growth and entrepreneurial opportunity within a vibrant business district where people can work and live in the same area.</i> |
| The proposed use, a work/live unit with a commercial studio being the work component, meets both the primary and secondary intention of the light industrial area. |
| Policy E-2(e) Live-Work Opportunities and Home Businesses <i>Support small home-based businesses that allow people to live and work from their residences and evaluate existing home-occupation, live/work, and related land use standards.</i> |
| The proposed use is work/live. |
| Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas <i>Housing should be integrated into the downtown core and light industrial areas, and close to the ski bases, The resulting mix of land use will help promote a greater diversity of housing opportunities as well as social interactions.</i> |
| The proposal integrates a sleeping area into the light industrial area of an existing mixed-use building. |

Table 2. City Department Comments

| City Department Comments | | | |
|--------------------------|-------------------------------------|-------------------------------------|---|
| Compliant | | | |
| Yes | No | N/A | City Department Comments |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Fire: The sleeping area within Unit A12 requires the installation of an egress window and smoke detector. The property owner is currently working to remedy these code compliance issues. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | City Engineer and Streets Department: As the project does not qualify as a substantial improvement, no right-of-way improvements are required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Utilities: As the project does not qualify as a substantial improvement, no utility improvements are required. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Building: |

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| | | | The existing guardrails and handrails were noncompliant with International Building Code Sections 1011.5.2 and 1011.11. The property owner is currently working to remedy these code compliance issues. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Planning and Zoning: Comments are denoted throughout the Staff Report. |

Table 3. Standards for Residential, Light Industrial Districts

| IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS: | | | | |
|---|--------------------------|-------------------------------------|-------------------------|--|
| Residential units in the light industrial districts shall comply with the following minimum criteria: | | | | |
| Yes | No | N/A | City Code | City Standards and Staff Comments |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.124.090 A (1) | Dwelling units shall not occupy the ground floor. |
| | | | Staff Comments | <i>As the live component does not include a kitchen, the live space does not qualify as a dwelling unit as defined by Ketchum Municipal Code §17.08.020.</i> <i>The sleeping area is located within the upstairs loft. The living space is used for naps and occasionally as a room for guests who visit the area. The work/live unit includes one bathroom, which is located within the ground floor.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.124.090 A (2) | Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building. |
| | | | Staff Comments | <i>Design Review is not required as this application does not change the exterior of the building.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.124.090 A (3) | Dwelling Units: Unless otherwise specified in this section, up to fifty percent (50%) of any light industrial building may be devoted to dwelling units and up to fifty percent (50%) of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit. |
| | | | Staff Comments | <i>N/A</i> <i>As the live component does not include a kitchen, the live space does not qualify as a dwelling unit as defined by Ketchum Municipal Code §17.08.020.</i> <i>The total square footage of the condominium unit, per the Blaine County Assessor records, is 1,407 square feet. The bedroom is located within the upstairs loft. The bathroom is within the commercial studio on the ground floor.</i> <i>The Tenth Street Light Industrial Complex consists of two buildings A and B. The application does not add an additional dwelling unit to building A, but rather memorializes that the actor and guests may occasionally sleep within the commercial studio.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.124.090 A (4) | Individual Units: Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to: a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A5 of this section; b. Three-story projects in the LI-3 where not less than one-third (1/3) of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section; c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds (2/3) of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A7 of this section; d. Existing non-conforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance #85, as enacted on May 27, 1965; |

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|-------------------------------------|--------------------------|--------------------------|-------------------------|--|
| | | | | <p>e. Existing condominiums and work/live units with less than one thousand (1,000) square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.</p> |
| | | | Staff Comments | <p>N/A as the Conditional Use Permit application does not include a discrete dwelling unit. The CUP memorializes a bedroom within an existing commercial studio. The Tenth Street Light Industrial Complex was developed and condominiumized as individually-owned units. Scott and Carol Glenn have owned the subject unit for over 20 years.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.124.090 A (5) | <p>Work/Live Units: In the approval of work/live units, the City shall also find that:</p> <p>a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to Council approval of a restrictive covenant;</p> <p>b. The work unit is:</p> <ul style="list-style-type: none"> (1) Suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire Codes; (2) Signed and posted with regular hours of operation; (3) Served by the prominent means of access for the work/live unit; and, (4) Associated with a business license for a use allowed (either conditionally or permitted) in the district. <p>c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to:</p> <ul style="list-style-type: none"> (1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed one thousand (1,000) gross square feet; (2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and (3) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in chapter 17.125 of this title. |
| | | | Staff Comments | <p>a) Scott Glenn's acting studio meetings the definition of a work/live unit as residential living areas, which include the bedroom, is located within the upstairs loft of his commercial studio or the work component. .</p> <p>b) 1. The work component of the live/work unit is Scott Glenn's private commercial studio, which is a permitted use in the LI-2 Zone. The commercial studio is not served by on-site employees and does not include customers. The work space is solely for Scott Glenn to practice the fine and performing arts, which is expressly permitted as a use in the LI-2 Zone. As conditioned, the unit will meet all Building and Fire codes as the property owner is currently addressing and remedying any outstanding code compliance issues.</p> <p>2. N/A as the work component is a commercial studio used solely by the property owner to practice the fine and performance arts.</p> <p>3. The commercial studio is served by the prominent means of access for the work/live unit.</p> <p>4. N/A the work component is a commercial studio used solely by the property owner practicing performance arts.</p> <p>c) The living area, which includes the bedroom within the upstairs loft, is secondary to the commercial studio.</p> |

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| | | | | <ol style="list-style-type: none"> 1. The size of the upstairs loft, which contains the bedroom, as well as the downstairs bathroom are less than 1,000 gross sq ft. 2. The residential portion of the unit is accessed from stairs located on the side of the unit. 3. Adequate parking is provided within the Tenth Street Light Industrial complex for the existing commercial studio. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.124.090 A (6) | Size: Dwelling units in the Light Industrial District shall be a minimum of four hundred (400) square feet. In the LI-1 and LI-2 no individual dwelling unit shall exceed a maximum of two thousand (2,000) square feet, contain more than two (2) bedrooms, and all units shall not exceed a mean average of one thousand (1,000) square feet. |
| | | | Staff Comments | N/A. As the live component does not include a kitchen, the live space does not qualify as a dwelling unit as defined by Ketchum Municipal Code §17.08.020. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.124.090 A (7) | <p>Fourth Or Fifth Floor: Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:</p> <ol style="list-style-type: none"> a. If dwelling units are to be sold, a minimum of two-thirds (2/3) of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines; b. The area designated as light industrial shall be as follows: <ol style="list-style-type: none"> (1) The area designated as light industrial shall be a minimum of twenty five percent (25%) of the gross floor area in four story buildings. (2) The area designated as light industrial shall be a minimum of twenty percent (20%) of the gross floor area in five story buildings. (3) Subject light industrial use shall not be for personal storage by dwelling occupants; c. Up to seventy five percent (75%) of the gross square footage of any four-story building and up to eighty percent (80%) of the gross square footage of a five story building may be devoted to dwelling units; and d. Unless otherwise deemed appropriate by the Administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four story buildings and 2:3 for five story buildings. |
| | | | Staff Comments | N/A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.124.090 A (8) | <p>Anti-Nuisance And Notice Provisions:</p> <ol style="list-style-type: none"> a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use. b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities. c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone. |

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| | | | | <p>d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.</p> |
| | | | Staff Comments | <p>Scott Glenn has owned and used the subject unit as his commercial studio for over 20 years. The property owner is aware of the nature of the light industrial zone and is aware of the other standards within this section.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.124.090 A (9) | <p>Compliance: Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchum City Council will determine if such request shall be approved.</p> |
| | | | Staff Comments | <p>The existing commercial studio does not host events for the public and is solely used by Scott Glenn in his practice of the fine and performing arts. Pursuant to KMC §17.125.020.A.1, off-street parking standards apply to new established uses. Scott Glenn has used the subject unit as his artist studio for over 20 years.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.124.090 A (10) | <p>Conditions: Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</p> <ul style="list-style-type: none"> a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards; b. Separation of residential and light industrial parking on the site to minimize conflicts; c. Restrictions on exterior storage of personal property of tenants; d. Certificate of occupancy required prior to occupancy of units; e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy; f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations; g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged; i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or, j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A10 of this section. |
| | | | Staff Comments | <p>Recommended conditions of approval are specified in the Staff Report below. The Planning & Zoning Commission may attach additional conditions of approval to the Conditional Use Permit as specified by KMC §17.124.090.A10.</p> |

Table 4. Conditional Use Permit Requirements

| Conditional Use Requirements | | | | |
|---|--------------------------|--------------------------|----------------------|--|
| EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code | | | | |
| A conditional use permit shall be granted by the commission only if the applicant demonstrates the following: | | | | |
| Compliance and Analysis | | | | |
| Yes | No | N/A | City Code | City Standards and Staff Comments |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.116.030(A) | The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district. |

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|-------------------------------------|--------------------------|--------------------------|-----------------------|--|
| | | | Staff Comments | <p><i>The Light Industrial Number Two (LI-2) District allows for a variety of permitted and conditionally permitted uses ranging from manufacturing to personal service to wholesaling to automotive uses. Per KMC §17.18.150, the purpose of the LI-2 Zone is to, “provide for a permanent year round employment base and the location of light manufacturing, wholesale trade and distribution, research and development, service industries, limited related, bulk retail and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public.”</i></p> <p><i>Many permitted light industrial uses, such as manufacturing, maintenance service facilities, repair shops, and motor vehicle service, may not occur elsewhere within the City of Ketchum, and these uses are largely permitted by-right in this district by right. In contrast, residential dwellings are permitted by Conditional Use Permit only – in order to both mitigate the impact of residential uses on light industrial operations and to ensure the proposed residential will be located and constructed in such a manner that existing light industrial has limited negative externalities on it.</i></p> <p><i>The proposed work/live unit includes a use that aligns with the LI zoning districts, a commercial studio, and the conditionally permitted residential use. Several work/live configurations have been issued for units within the 10th Street Light Industrial building. As such, Staff finds that the proposed live/work use is not unreasonably incompatible with the types of uses permitted in this district.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.116.030(B) | The conditional use will not materially endanger the health, safety and welfare of the community. |
| | | | Staff Comments | <p><i>The Building and Fire departments have inspected the subject unit and identified that the existing guardrails and handrails were noncompliant with International Building Code Sections 1011.5.2 and 1011.11, no egress window was provided within the sleeping area, and smoke detectors needed to be installed within the residential space. The applicant is remedying these code compliance issues identified by the Fire and Building departments.</i></p> <p><i>Staff has required a recommended condition of approval requiring the applicant submit Building Permit application for the installation of the required egress windows, handrails, guardrails, and smoke detectors with the scope of work to be completed by January 1, 2020. Upon receipt of the Certificate of Occupancy the work/live unit will not endanger the health, safety, and welfare of the public.</i></p> |
| <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 | <i>The applicant intends to use the space to practice the performing arts. As such, vehicular and pedestrian traffic associated with the use will be low-volume and is not anticipated to be hazardous or conflict with existing or anticipated traffic in the vicinity.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.116.030(D) | The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts. |
| | | | Staff Comments | <i>The Tenth Street Light Industrial complex was developed in 1981 and is adequately served by all public services. The existing building and this unit are adequately served by public facilities and services. Use of this unit for the existing commercial studio does adversely affect the delivery of public services to the surrounding area.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.116.030(E) | The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section. |
| | | | Staff Comments | <i>As described in Table 1 of this Staff Report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i> |

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

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

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

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

STAFF RECOMMENDATION

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

RECOMMENDED MOTION

"I move to approve the Scott Glenn Acting Studio Work/Live Conditional Use Permit with conditions 1-10."

RECOMMENDED CONDITIONS

- 1.** The Conditional Use Permit is non-transferable from parcel of land or condominium unit to another.
- 2.** The residential living area shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms.
- 3.** Because of the mixed-use nature of this space, the Fire Marshal shall conduct routine inspections of the work/live building.
- 4.** Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff.
- 5.** The applicant submit Building Permit application for the installation of the required egress windows, handrails, guardrails, and smoke detectors with the scope of work to be completed by January 1, 2020.
- 6.** No kitchen, which as defined by KMC §17.08.020 is a room used for cooking of food containing a sink, refrigerator, and cooking facilities including a range or built-in cooktop, may be installed within unit A12.

7. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
8. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.
9. All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed-use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.

EXHIBITS

- A. Application
- B. Floor Plan

Exhibit A:

Application



City of Ketchum
Planning & Building

| OFFICIAL USE ONLY | |
|-------------------|----------|
| File Number: | P19-120 |
| Date Received: | 10-15-19 |
| By: | MD |
| Fee Paid: | 1100- |
| Approved Date: | |
| Denied Date: | |
| By: | |

Conditional Use Permit Application

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

| OWNER INFORMATION | |
|---|----------------------------------|
| Project Name: Scott Glenn Acting Studio | |
| Name of Owner of Record: Carol Glenn % Artists Financial Management | |
| Physical Address: 491 E 10th Street Unit A12 | |
| Property Legal Description: 10 th St Light Industrial Complex, Bldg A Unit 12 | |
| Property Zoning District: Light Industrial RPK 095300 A0120 | |
| Contact Phone: 3106136336 | Contact Email: Rio.egl@gmail.com |
| PROJECT INFORMATION | |
| Description of Proposed Conditional Use: Acting studio, day playground for family | |
| Description of Proposed and Existing Exterior Lighting: Lighting on exterior are can lights | |
| 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 | |

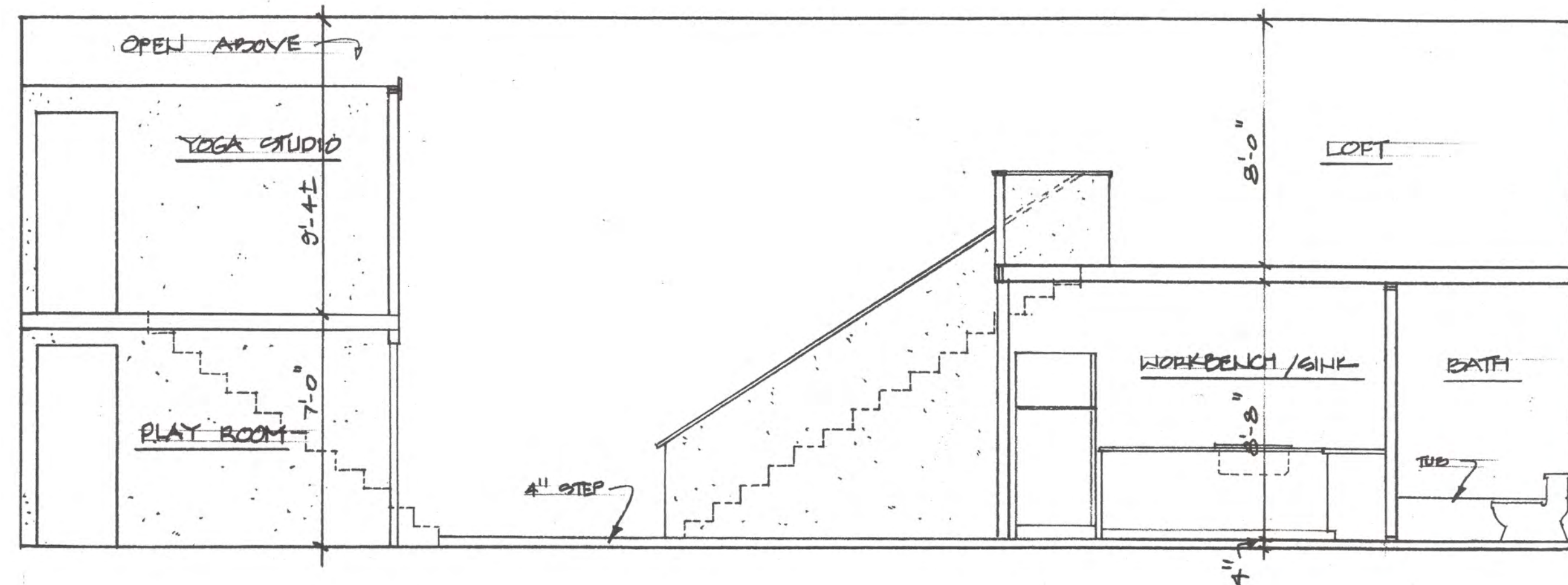
Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and 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

10/10/19
Date

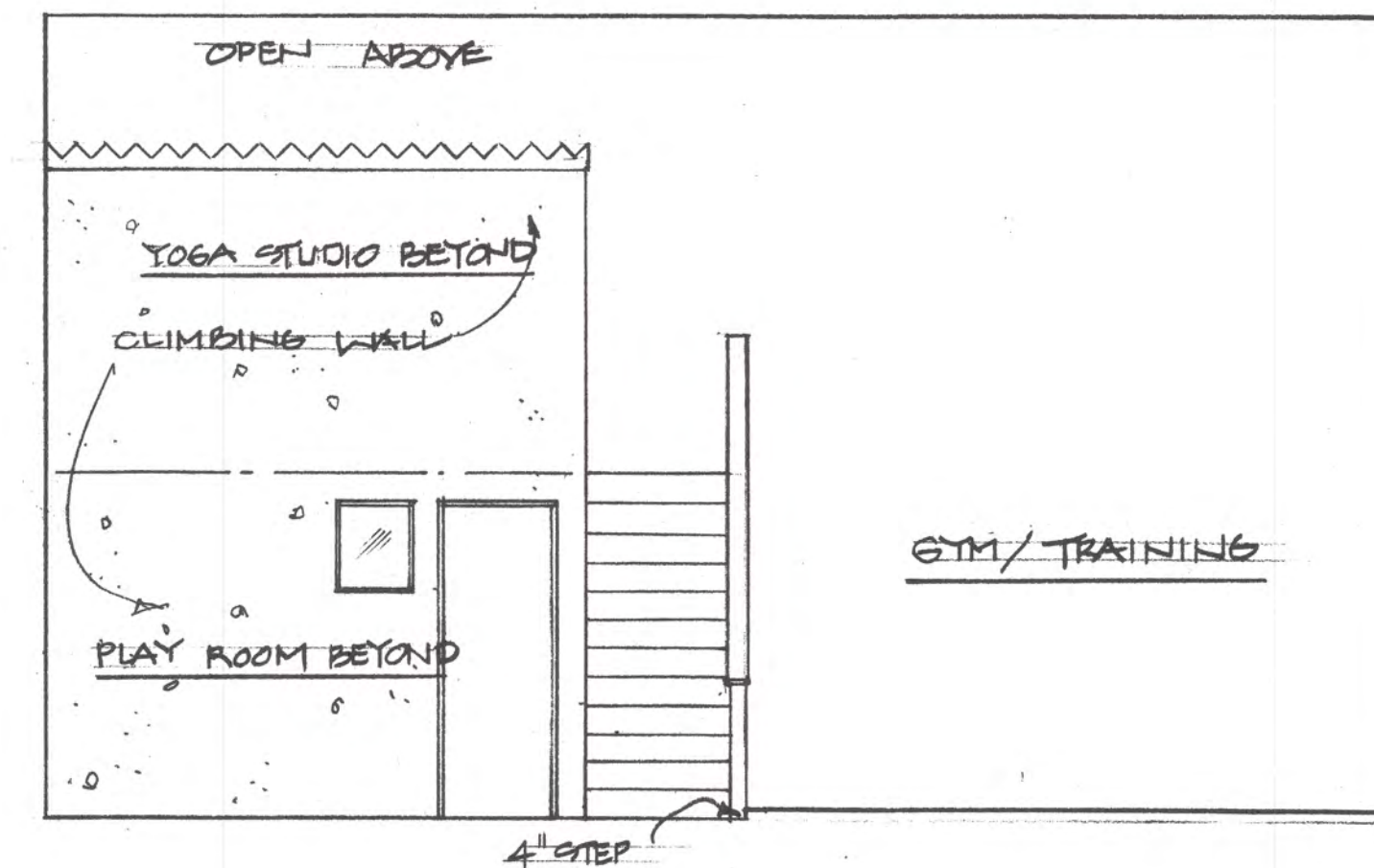
Exhibit B:

Floor Plan



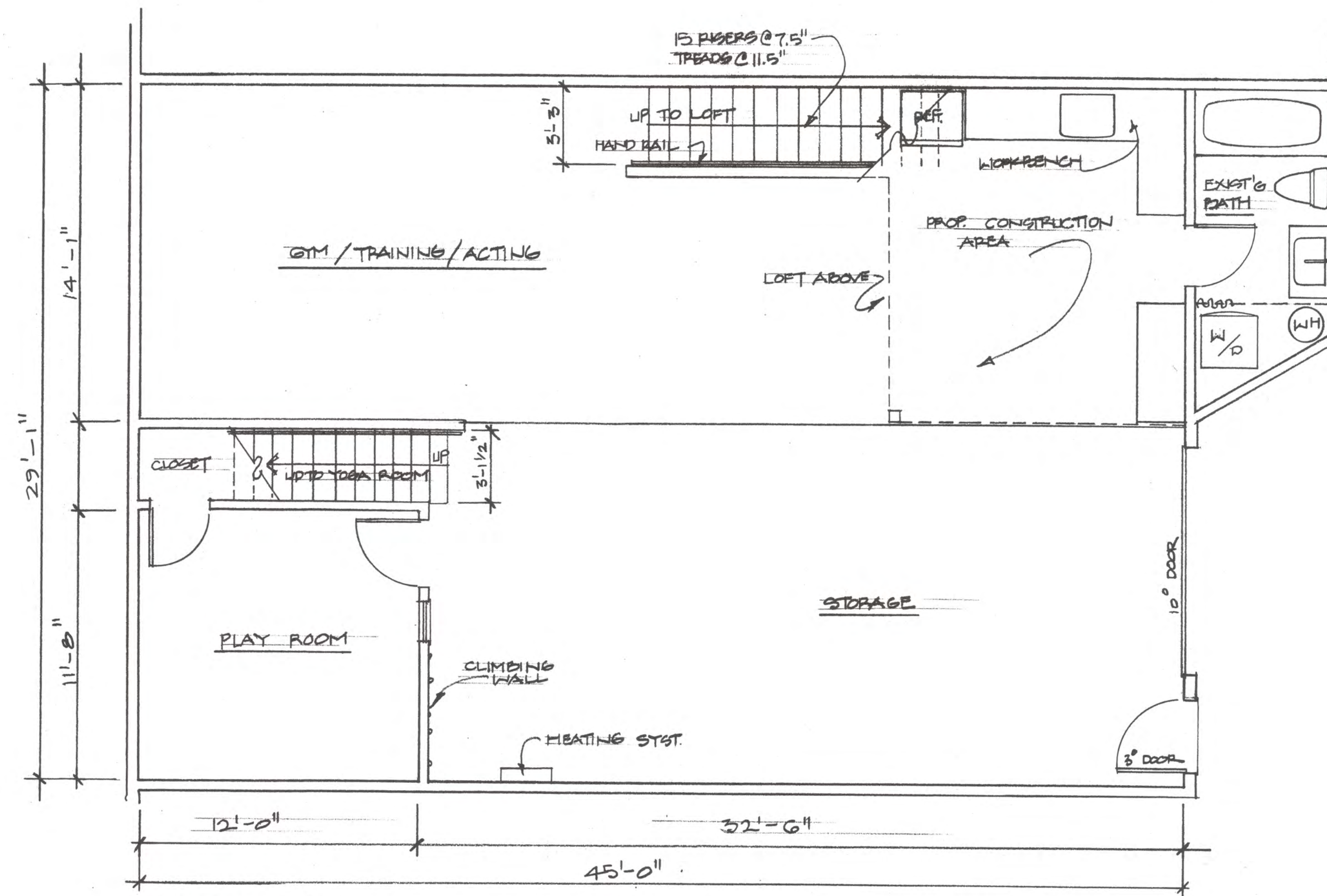
② CROSS SECTION

1/4" = 1'-0"



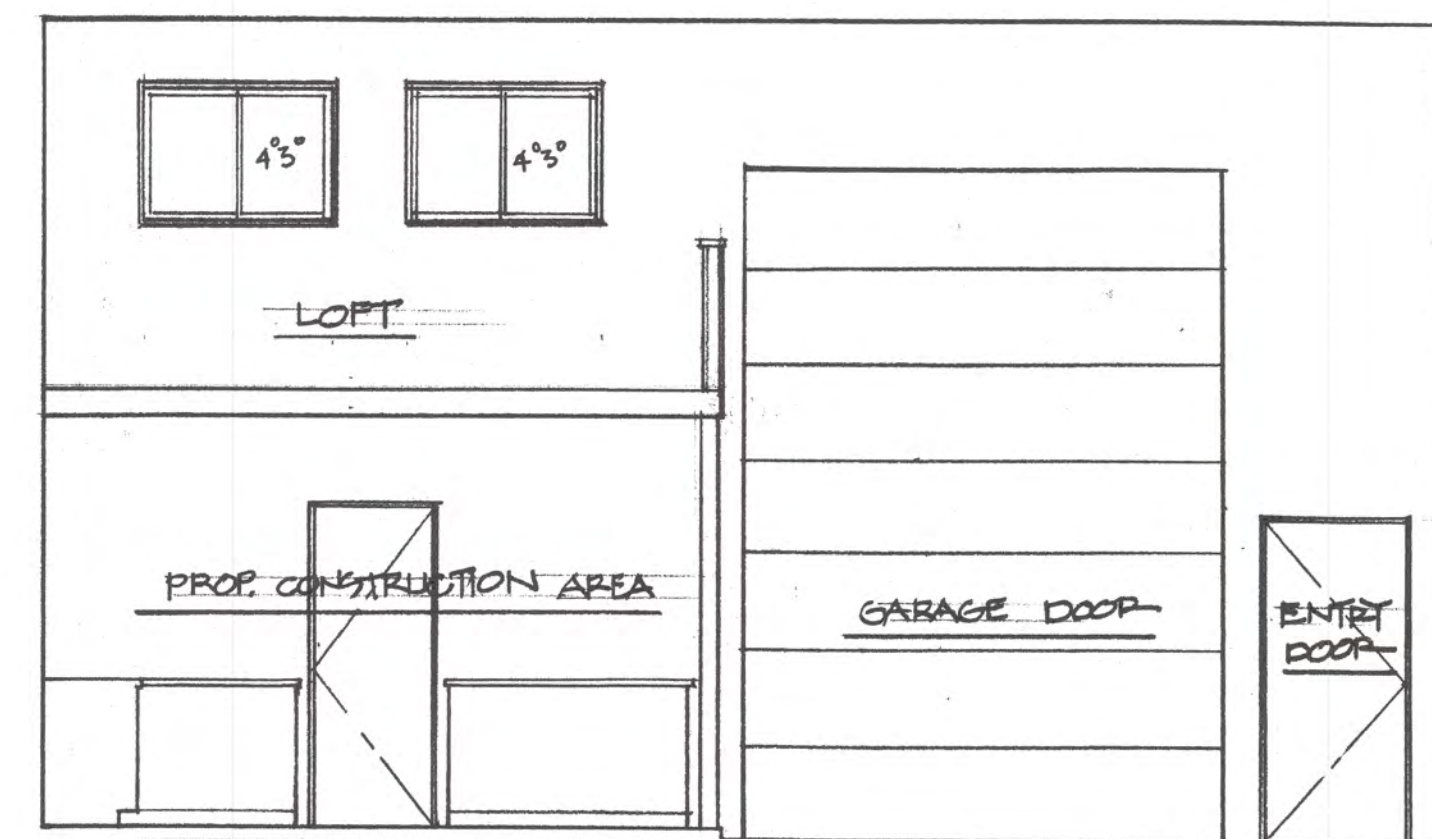
③ SECTION - (LOOKING NORTH)

1/4" = 1'-0"



① FLOOR PLAN

1/4" = 1'-0"



④ SECTION - (LOOKING SOUTH)

1/4" = 1'-0"

| REVISIONS | BY |
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SCOTT GLENN ACTING STUDIO
491 EAST 10TH STREET A-12
KETCHUM, IDAHO

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| Date |
| Scale |
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| Job |
| Sheet |
| Of Sheets |