



City of Ketchum  
Planning & Building

IN RE: )  
)  
200 North Main ) KETCHUM PLANNING AND ZONING COMMISSION  
Conditional Use Permit ) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
Application File Number: P23-049A ) DECISION  
)  
)  
Date: March 12, 2024 )

PROJECT: 200 North Main  
APPLICATION TYPE: Conditional Use Permit  
FILE NUMBER: P23-049A  
ASSOCIATED APPLICATIONS: Design Review (Application File No. P23-049)  
PROPERTY OWNER: 200 North Main LLC, Kenneth & Ann Dudunakis, Managing Members  
REPRESENTATIVE: Michael Doty Associates, Architects  
LOCATION: 200 North Main Street  
(Ketchum Townsite: Block 3: Lots 1))  
ZONING: Community Core – Subdistrict 1 – Retail Core (CC-1)  
OVERLAY: None

**RECORD OF PROCEEDINGS**

The Planning and Zoning Commission (the “Commission”) considered the 200 North Main Conditional Use Permit Application File No. P23-049A during their meetings on December 12, 2023 and February 13, 2024. The application was considered concurrently with Design Review Application File No. P23-049, and the public hearings were combined in accordance with Idaho Code §67-6522.

Public Hearing Notice & Public Comment

The public hearing for this project was continued to a date uncertain from the Planning and Zoning Commission Meeting on December 12, 2023. A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site on January 24, 2024. The public hearing notice was published in the Idaho Mountain Express on January 24, 2024. A notice was posted on the project site and the city’s website on January 29, 2024. The building corners were staked and the story pole was installed on the project site on February 6, 2024. After considering Staff’s analysis, the applicant’s

presentation, and public comment, the Commission approved Design Review Application File No. P23-049 subject to conditions.

### 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:

The applicant is proposing to develop a new 12,405-gross-square-foot mixed-use building, called 200 North Main (the “project”), at the northeast corner of Main and 2<sup>nd</sup> Streets (the “subject property”) located within the Retail Core of the Community Core (“CC-1 Zone”). As proposed, the project includes 2,979 square feet of restaurant space on the ground-level with frontage along both Main and 2<sup>nd</sup> Streets, six one-bedroom apartments ranging in size from 505 to 642 square feet on the second floor, and a penthouse on the third floor. Two of the apartments on the second floor will be deed-restricted community housing units for rent.

The project site is adjacent to: (a) the Casino to the north along Main Street, (b) the Rocky Mountain Hardware building to the south along Main Street, (c) the Leadville Trading building currently under construction to the east across the alley, and (d) the Sun Valley Culinary Institute and Sawtooth Club buildings to the west across Main Street. The subject property is comprised of one lot within the original Ketchum townsite that was created in 1948. The corner lot is developed with an existing building that was originally constructed in 1959 and is proposed to be demolished.

The project is subject to the standards of Interim Ordinance 1234 (“interim ordinance”) as the applications were deemed complete after the effective date of the interim ordinance and prior to the adoption of permanent Ordinance 1249. The development of the proposed mixed-use building is subject to Design Review pursuant to Ketchum Municipal Code (“KMC”) §17.96.010.A4. The Conditional Use Permit application requests an adjustment to the interim ordinance standard requiring that individual residential units not exceed a total floor area of 3,000 square feet. The proposed third-floor penthouse has a total floor area of 3,400 square feet. The Planning and Zoning Commission (the “Commission”) has the authority to review and approve the applicant’s Design Review and Conditional Use Permit requests pursuant to KMC §17.96.030.B and §17.116.040.

The six one-bedroom apartments on the second floor are less than 750 square feet in size and do not require parking pursuant to KMC §17.125.040.C1b. In addition, two of these apartments are proposed to be deed-restricted community housing units, which are exempt from providing parking pursuant to KMC §17.125.040.C.1a. All six apartments have 50-square-foot storage areas on the second floor designated to each unit. The restaurant is exempt from providing parking pursuant to KMC §17.125.040.C.1b. The third-floor penthouse requires two parking spaces. Parking and storage for the penthouse is provided within a private garage on the ground floor accessed from the alley.

The project will construct right-of-way improvements, including new sidewalks, alley asphalt, drainage facilities, streetlights, and street trees, in accordance with city standards. The City Engineer, Streets Department, and City Arborist have conducted a preliminary review of the project plans and believe the proposed right-of-way improvements comply with city standards. All city department comments pertaining to the proposed right-of-way improvements are preliminary and subject to change

depending on the final design of the Main Street reconstruction project. The City Engineer, Streets Department, City Arborist, and Planning Department will conduct a final review of the proposed right-of-way improvements prior to issuance of a building permit for the project. The applicant must obtain a Right-of-Way Encroachment Permit approved by City Council for the sidewalk paver and snowmelt system as well as the architectural projections, including the awnings and architectural coursing.

The project is proposing to take advantage of the Floor Area Ratio (FAR) bonus in exchange for community housing. The applicant has proposed mitigating the additional floor area by dedicating two on-site community housing units as deed-restricted rentals targeted for Blaine County Housing Authority Income Category 4. The mixed-use building is 12,405 gross square feet and the proposed FAR is 2.25.

The comprehensive plan identifies downtown as an appropriate place for housing density due to its proximity to jobs and transportation options. Policy H-1.4 of the comprehensive plan states that “housing should be integrated into the downtown core” (page 20), and Policy H-3.1 encourages the siting of housing in new developments near public transportation and retail districts (page 21). Pursuant to the interim ordinance’s minimum residential density requirements, the project is required to include at least three dwelling units. 200 North Main exceeds the minimum density requirements by providing a total of seven multi-family dwelling units. These housing units are within walking distance to jobs, retail stores, coffee shops, and restaurants in downtown Ketchum. Additionally, the project is located within walking distance to Mountain Rides bus stops at Main & 1<sup>st</sup> Streets and Main & 4<sup>th</sup> Streets, providing access to all the major transit routes that can connect future residents to the ski bases and other areas of Ketchum. Goal H-1 of the comprehensive plan states that, “Ketchum will increase its supply of homes including rental and special-needs housing for low-, moderate-, and median-income households.” The project provides six apartments on the second floor, two of which will be deed-restricted community housing units.

The 200 North Main project complies with all zoning code requirements, Interim Ordinance 1234, Design Review standards, and Conditional Use Permit criteria.

### 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:

#### Conditional Use Permit Criteria and Commission Finding

Yes	No	N/A	CUP Criteria	Ketchum Municipal Code Standards and <i>Commission Finding</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.
			<i>Commission Finding</i>	<i>Only pedestrian-activated commercial uses like retail and restaurants are permitted on the ground floor with street frontage in the Retail Core. The proposed development provides a ground-level restaurant fronting Main and 2<sup>nd</sup> Streets. Multi-family dwelling units are permitted in the Retail Core except for on the ground floor with street frontage pursuant to KMC §17.12.020. Pursuant to KMC §17.18.130, “compatible mixed uses including retail, office, residential and cultural uses are encouraged.” Many residential units are located within the Retail Core of</i>

Conditional Use Permit Application File No. P23-049A: 200 North Main

Findings of Fact, Conclusions of Law, and Decision

Planning and Zoning Commission Meeting of March 12, 2024

City of Ketchum Planning & Building Department

				<i>the Community Core (CC-1 Zone). The characteristics of the residential use of the penthouse will not be unreasonably compatible with the types of uses permitted in the Retail Core.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(B)</b>	<b>The conditional use will not materially endanger the health, safety and welfare of the community.</b>
			<i>Commission Finding</i>	<i>The Fire Department has conducted a preliminary review of the project plans and believes the project complies with life safety standards. The building and fire departments will conduct final review of the project plans for compliance with life safety and building code requirements prior to issuance of a building permit for the project.</i>  <i>The project generally conforms to the goals and policies of the 2014 Comprehensive Plan and will support the overall welfare of downtown and the community. See Commission Finding provided for KMC §17.116.030.E.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(C)</b>	<b>The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.</b>
			<i>Commission Finding</i>	<i>The project site is fully connected to sidewalks providing a protected pedestrian path from surrounding businesses, transportation stops, and parking areas. The penthouse is required to provide two off-street parking spaces pursuant to KMC §17.125.040.C1b. Parking and storage for the penthouse is provided within a garage on the ground floor accessed from the alley.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(D)</b>	<b>The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.</b>
			<i>Commission Finding</i>	<i>The 200 North Main Design Review and Conditional Use Permit applications were reviewed concurrently by planning staff and city departments, including streets, fire, water, wastewater, building, and engineering, for code compliance. The applicant has provided letters from Idaho Power and Clear Creek Disposal stating that the project will be served electric and garbage collection services.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.116.030(E)</b>	<b>The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.</b>
			<i>Commission Finding</i>	<i>The 2014 Comprehensive Plan (“comprehensive plan”) is the foundational guiding document for land use decisions within the city. The comprehensive plan provides the strategy to achieve the community’s vision for the future of Ketchum. This strategy establishes goals and policies for long-term growth and future development within the city.</i>  <i>The comprehensive plan describes ten core values that shape the community’s vision for the desired future of Ketchum. The ten core values include a vibrant downtown, community character, a variety of housing options, and a strong and diverse economy. Downtown’s built environment plays a key role in realizing the community’s vision for the future of Ketchum.</i>

*The comprehensive plan designates the future land use of the subject property as Retail Core—the city’s key gathering place for residents and visitors for shopping, dining, and entertainment. The future land use plan states:*

*The community’s primary shopping district is the Retail Core. The Retail Core provides a variety of mixed-use buildings that ground-floor storefronts. Specialty shops, restaurants, and outdoor seating areas line the sidewalks, creating an active pedestrian-friendly environment. Convenient shopping and dining is served by sidewalks, parking, and bike access. Upper floors include a mix of residential uses and offices (page 69).*

*200 North Main aligns with the future land use plan for the Retail Core. The project provides a restaurant on the ground-floor that fronts Main and 2nd Streets. The design includes an outdoor dining area at the street corner redevelopment project provides a ground-floor restaurant that fronts Main and 2nd Streets with an outdoor dining area with custom-built tables, bar top, and seating. The outdoor dining area will facilitate an activated, pedestrian-friendly environment at the street corner that will enliven Ketchum’s dynamic downtown by facilities the social connections that build community.*

*The comprehensive plan identifies downtown as an appropriate place for housing density due to its proximity to jobs and transportation options. Policy H-1.4 of the comprehensive plan states that “housing should be integrated into the downtown core” (page 20), and Policy H-3.1 encourages the siting of housing in new developments near public transportation and retail districts (page 21). Pursuant to the interim ordinance’s minimum residential density requirements, the project is required to include at least three dwelling units. 200 North Main exceeds the minimum density requirements providing a total of seven multi-family dwelling units. These housing units are within walking distance to jobs, retail stores, coffee shops, and restaurants in downtown Ketchum. Additionally, the project is located within walking distance to Mountain Rides bus stops at Main & 1st Streets and Main & 4th Streets, providing access to all the major transit routes that can connect future residents to the ski bases and other areas of Ketchum. Goal H-1 of the comprehensive plan states that, “Ketchum will increase its supply of homes including rental and special-needs housing for low-, moderate-, and median-income households. The project provides six one-bedroom apartments on the second floor, two of which will be deed-restricted community housing units.*

*Compatibility with Surrounding Neighborhood*

*Policy CD-1.3 of the comprehensive plan states that, “Infill and redevelopment projects should be contextually appropriate to the neighborhood and development in which they occur. Context refers to the natural and manmade features adjoining a development site; it does not imply a certain style”(page 26). The subject property is within an area of downtown that is characterized by both older, smaller-scaled buildings and new, larger-scaled developments like the Leadville Trading project currently under construction across the alley to the east of the subject property. The project site neighbors multiple buildings that are designated as historic within the*

<p>city, including the Casino building (Historic Name: Ketchum Kamp Hotel) to the north on Main Street, the Rocky Mountain Hardware building (Historic Name: Lewis Bank) to the south across 2nd Street, the Culinary Institute (Historic Name: Greenhow &amp; Rumsey Store) to the west across Main Street, and Vintage Restaurant (Historic Name: Bert Cross Cabin) to the east across the alley.</p>
<p>200 North Main celebrates Ketchum’s historic and vernacular architecture. The ground level and second floor of the building are comprised of brick and form a two-story, rectangular building mass at the street frontages. This design is representative of Ketchum’s early mercantile and bank buildings constructed in the 1880s. The Lewis Bank, Greenhow &amp; Rumsey Store, and Comstock &amp; Clark Mercantile are three brick buildings extant from this period of construction in Ketchum. These historic buildings are characterized by rectangular building forms, zero lot lines, brick masonry and detailing, and false building fronts. The projecting awning supported by columns at the street corner is another character-defining feature that nods to downtown’s historic architecture. Gabled porch entries and covered boardwalks like the Comstock &amp; Clark Mercantile building’s colonnade along Main Street are characteristic of western vernacular architecture. Historic awnings and canopies sheltered walkways from snow and provided a connection to the public realm along the street. The design celebrates character-defining features of Ketchum’s historic architecture without mimicry or replication. The project includes more contemporary design elements like black metal accents that make the building appear as a product of its own time.</p>

**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 and Interim Ordinance 1234.
5. The 200 North Main Conditional Use Permit Application File No. P23-049A meets all applicable standards specified in Title 17 of Ketchum Municipal Code and all Interim Ordinance 1234 standards.

## DECISION

**THEREFORE**, the Ketchum Planning and Zoning Commission **approves** this Conditional Use Permit Application File No. P23-049A this Tuesday, February 13, 2024 subject to the following conditions of approval.

### CONDITIONS OF APPROVAL

1. This Conditional Use Permit approval is based on the plans dated January 17, 2024 and the information presented and approved at the February 13, 2024 Planning and Zoning Commission Meeting. The building permit plans must conform to the approved plans unless otherwise approved in writing by the Planning and Zoning Commission or Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal.
2. The Conditional Use Permit is not transferable from one parcel of land to another.
3. The term of this Conditional Use Permit shall be that of the term of approval for Design Review Application File No. P23-049. In the event the Design Review approval expires, this Conditional Use Permit approval shall also expire and become null and void.
4. In addition to the requirements set forth in this Conditional Use Permit approval, this project shall comply with all applicable local, state, and federal laws.

Findings of Fact **adopted** this 12 day of March 2024.

---

Neil Morrow, Chair  
City of Ketchum  
Planning and Zoning Commission