



**City of Ketchum
Planning & Building**

IN RE:)
)
4th & Main Mixed-Use Development) KETCHUM PLANNING AND ZONING COMMISSION
Design Review) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
File Number: P22-043) DECISION
)
Date: February 28, 2023)
)

PROJECT: 4th & Main Mixed-Use Development
APPLICATION TYPE: Design Review
FILE NUMBER: P22-043
ASSOCIATED APPLICATIONS: Lot Consolidation Preliminary Plat (File No. P22-043A)
Condominium Subdivision Preliminary Plat (File No. P22-043B)
PROPERTY OWNER: Chris Ensign, Managing Member, 4th & Main Ketchum LLC
REPRESENTATIVE: Peter Paulos, PH Architects (Architect)
LOCATION: Northeast Corner of Main & 4th Street (Ketchum Townsite: Block 5:
Lots 1 & 2) RPK00000050020 & RPK00000050010
ZONING: Retail Core of the Community Core (CC-1)
OVERLAY: None

RECORD OF PROCEEDINGS

The Planning and Zoning Commission considered the 4th & Main Mixed-Use Development Design Review Application File No. P22-043 during their special meeting on February 14, 2023. The application was considered concurrently with Lot Consolidation Preliminary Plat Application File No. P22-043A and Condominium Subdivision Preliminary Plat Application File No. P22-043B and the public hearings were combined in accordance with Idaho Code §67-6522.

Public Hearing Notice & Public Comment

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 January 25, 2023. The public hearing notice was published in the Idaho Mountain Express on January 25, 2023. A notice was posted on the project site and the

city’s website on January 30, 2023. The building corners were staked and the story pole was installed on the project site on February 7, 2023. After considering Staff’s analysis, the applicant’s presentation, and public comment, the Commission recommended approval of the Lot Consolidation Subdivision Preliminary Plat application to the City Council subject to conditions.

FINDINGS OF FACT

The Planning and Zoning 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 24,003 square-foot, four-story mixed-use building, called the 4th & Main Mixed-Use Development (the “project”), at the northeast corner of Main and 4th streets (the “subject property”) located within the Retail Core Subdistrict of the Community Core. As proposed, the project includes 3,446 square feet of retail space on the ground-level with frontage along both Main and 4th Streets and 7 multi-family dwelling units as follows:

- One 458-square-foot community housing unit on the ground level,
- One 518-square-foot community housing unit on the ground level,
- One 1,505-square-foot dwelling unit on the second floor,
- One 1,725-square-foot dwelling unit on the second floor,
- One 2,277-square-foot dwelling unit on the third floor,
- One 3,485-square-foot dwelling on the third floor, and
- One 3,039-square-foot dwelling on the fourth floor.

The two community housing units and retail space are exempt from providing parking pursuant to Ketchum Municipal Code §17.125.040.C. Based on the floor areas of each dwelling unit, eight off-street parking spaces are required to be provided on site pursuant to Ketchum Municipal Code §17.125.040.B. Nine parking spaces are provided on site within five private garages that are accessed from the alley. Four of the garages contain two parking spaces arranged in the tandem configuration.

The project is proposing to take advantage of the Floor Area Ratio (FAR) bonus for community housing, mitigating the additional floor area by dedicating two community housing units as deed-restricted rentals and making a community housing in-lieu fee payment of \$556,200. The proposed FAR for the project is 2.19, which is less than the maximum 2.25 FAR for density bonuses in the Community Core.

The project proposes to construct improvements to the public rights-of-way adjacent to the subject property, including: (a) resurfacing the alley with asphalt, (b) installing a new heated, paver 8-foot-wide sidewalk along Main Street, (c) installing a new heated, paver 12-foot-wide sidewalk along 4th Street, (d) constructing new curb and gutter with drainage facilities, and (e) providing new streetlights. The snowmelt system proposed for the new sidewalks will require a right-of-way encroachment permit approved by the Ketchum City Council. All right-of-way improvements will be

reviewed and approved by the City Engineer and Streets Department to ensure compliance with City standards prior to issuance of a building permit for the project.

The Planning and Building Department received the Pre-Application Design Review for the project on December 30, 2021. The City of Ketchum Planning and Zoning Commission (the "Commission") reviewed the Pre-Application on May 10, 2022 and unanimously advanced the project to final Design Review. During their review of the Pre-Application, the Commission discussed: (a) the proposed FAR increase and community housing mitigation, (b) exterior materials, (c) the design of the building corner at the intersection of Main and 4th streets, (d) the design of the interior, north-side building wall, and (e) sustainable design elements. Section III of the staff report provides an overview of the comments and feedback provided by the Commission during their review of the Pre-Application.

The Planning and Building Department received the final Design Review, Lot Consolidation Preliminary Plat, and Condominium Subdivision Preliminary Plat applications on July 20, 2022. The applications were reviewed concurrently by planning staff and city departments. Staff review comments were provided to the applicant on August 30, 2022. The applications were deemed complete on November 30, 2022.

Design Review is required for the development of new mixed-use buildings pursuant to Ketchum Municipal Code §17.96.010.A4. Before granting Design Review approval, the Commission must determine that the application meets two criteria: (1) the project doesn't jeopardize the health, safety, or welfare of the public, and (2) the project conforms to all Design Review standards and zoning regulations (KMC 17.96.050.A).

FINDINGS REGARDING CONFORMANCE WITH ZONING AND DESIGN REVIEW STANDARDS

Criteria 1: Health, Safety, and Welfare of the Public

The 2014 Comprehensive Plan (the "comprehensive plan") contains the community's vision for Ketchum and sets goals and policies to guide future development. The vision is shaped by 10 core values identified by Ketchum residents as important to consider for all future land use decisions. The community values:

- Enhancing downtown vibrancy.
- Maintaining a healthy and resilient economy that supports local and independent businesses.
- Providing a variety of housing options to support a thriving population of people who live and work in town year-round.
- Maintaining Ketchum's authentic mountain-town character.

A glossary of terms is provided in Appendix C of the comprehensive plan. The glossary states that the term *community*, "refers to the built environment as well as the people who live, work, and have a stake in the future of Ketchum" (2014 Comprehensive Plan. Appendix C: page C-1). Buildings and the people who live, work, eat, drink, shop, and socialize within them create community. Downtown is Ketchum's gathering place connecting locals, second homeowners, and tourists. These connections

create community, and our community defines Ketchum’s small-town character and sense of place. The project creates an inviting and engaging streetscape with retail storefronts and new sidewalks along Main and 4th streets that will provide new places for social interaction.

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). The project will provide seven new housing units—future residents will live in walking distance to retail shops, grocery stores, and restaurants in downtown Ketchum. Additionally, the project is located adjacent to Mountain Rides bus stops that can connect residents to the ski bases and other areas of Ketchum.

The comprehensive plan's future land use map designates the future land use for the subject property as retail core. The comprehensive plan states:

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

The project provides ground-level retail storefronts that create an inviting, engaging, and pedestrian-friendly environment at the corner of Main and 4th streets.

FAR Increase

Policy CD-1.3 of the comprehensive plan states, “Infill and redevelopment projects should be contextually appropriate to the neighborhood and development in which they occur” (page 26). The project’s total FAR is 2.19. The proposed floor area increase above the 1.0 FAR permitted by right is 13,014 square feet. The project is larger in scale and mass than the surrounding built environment but similar in size to newer developments downtown.

The project is similar in scale to the adjacent mixed-use development currently under construction at the southeast corner of Main and 5th streets. The elevation on Sheet A2.2 and the rendering on Sheet A5.1 show the project in the context of the neighboring mixed-use development currently under construction at 460 N Main Street. Both parcels along this block have slopes that rise uphill from Main Street to the alley, but the adjacent lot is approximately 5 feet lower than the subject property. The subject property slopes uphill 8.5 from Main Street to the alley. While their site designs differ, both developments reflect the existing topography by orienting the ground floors towards Main Street and stepping the upper levels uphill towards the alley. The adjacent development has excavated into the site’s sloping grade to provide parking-garage access from 5th Street. Instead of excavating into the slope, the 4th & Main Mixed-Use Development utilizes the natural grade to provide a retail unit that is accessible from the 4th Street sidewalk.

Criteria 2: Applicable Standards and Criteria

Conformance with Zoning Regulations

Planning staff and the Commission reviewed the project for conformance with all applicable zoning code requirements including permitted uses, dimensional limitations, signage, parking, development standards, and dark skies. As conditioned, the project complies with all zoning regulations and dimensional standards required in the Retail Core Subdistrict.

FAR Increase & Community Housing Mitigation

The permitted FAR in the Community Core Zone is 1.0. New developments may be permitted an increased FAR up to a maximum of 2.25 at the Commission's discretion through Design Review by providing a community housing contribution (KMC §17.124.040.B). The project proposed with the Pre-Application proposed mitigating the additional floor area by paying the community housing in-lieu fee. During their review of the Pre-Application, the Commission discussed: (1) the project's mass and scale and the proposed FAR increase and (2) the in-lieu-fee payment proposed to satisfy the community housing contribution. The Commission recommended the applicant provide community housing units on-site to mitigate the proposed FAR increase. The applicant revised the project plans to include two community housing units on the ground level accessed from a pedestrian pathway that will connect to the new sidewalk along Main Street.

Height dimensions are specified on the building elevations provided on Sheets A2.0 and A2.1 of the project plans. The height of the front façade is 36 feet as measured from the average grade of the front property line along Main Street. The maximum height of the rear façade is 41 feet as measured from the average grade of the rear property line to the top of the fourth-floor roof parapet. The fourth floor is setback 40 feet from the front property line along Main Street, 12 feet from the 4th Street building façade, and 11 feet from the north-side and alley-facing facades. The proposed fourth floor must be reviewed and approved by City Council pursuant to Ketchum Municipal Code §17.12.040 Footnote 2.

In addition to the fourth-floor setbacks, projections and recessions of building mass reduce the visual appearance of bulk and flatness. These façade-plane modulations add a human scale to create a more pedestrian-friendly experience. The primary building entrance at the ground-level along Main Street is recessed and setback 8.5 feet from the front property line. The upper levels above the recessed entrance are each setback from the façades below. Most of the building is setback approximately 5 feet from the side property line along 4th Street. As the retail unit's glazed façade transitions to the brick-clad entrance to the residential-lobby entrance, the facade steps back an additional 3 feet. A majority of third floor is setback from the second-level façade along 4th Street. The 4th Street façade includes only one three-story volume that is approximately 22 feet long and 32 feet tall.

Conformance with Design Review Improvements and Standards

Planning staff and the Commission reviewed the project for conformance with all design review standards and required improvements specified in Ketchum Municipal Code §17.96.060 and requirements for developments within the Community Core specified in Ketchum Municipal Code §17.96.070. Additionally, staff and the Commission reviewed the project for conformance with all city code requirements for right-of-way improvements, including but not limited to sidewalks, streetlights, and drainage. As conditioned, the project complies with all design review improvements and standards.

FINDINGS REGARDING COMPLIANCE WITH ZONING REGULATIONS

17.12.020 – District Use Matrix	Conformance
<i>Zone District: Community Core Subdistrict 1 – Retail Core (CC-1)</i>	YES
<p>Finding: Only pedestrian activated commercial uses like retail shops and restaurants are permitted on the ground-floor along the street frontage within developments in the Retail Core (CC-1) Zone (KMC §17.12.020). The proposed development includes ground-level retail units fronting Main and 4th Streets. The upper levels of the mixed-use building contain five market-rate residential units. Two community housing units are provided on the ground-floor and accessed from a pathway that will connect to the new sidewalk installed along Main Street. Retail and multi-family dwelling units are permitted in the CC-1 Zone pursuant to Ketchum Municipal Code §17.12.020.</p>	

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<i>Minimum Lot Size</i>	YES
<p>Finding: <u>Required:</u> 5,500 square feet <u>Proposed:</u> 11,000 square feet</p>	

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<i>Minimum Lot Width</i>	YES
<p>Finding: <u>Required:</u> Minimum lot width of an average of 55 feet is required in the CC-2 zone district. <u>Proposed:</u> Lot 1A is 110 feet wide.</p>	

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<i>Minimum Building Setbacks</i>	YES

Finding:

Required:

Front (Main Street/west): 0 feet

Side (4th Street/south): 0 feet

Side (interior/north): 0 feet

Rear (alley/east): 3 feet

Setback for 4th Floor: 10 feet

Non-habitable structures, fixed amenities, solar and mechanical equipment affixed to a roof must be setback 10 feet from all building facades.

Proposed:

Setbacks are indicated on Sheet CD1.0 of the project plans.

Setbacks for Mixed-Use Building

Front (Main Street/west): 0'

Side (4th Street/south): 4'-10"

Side (interior/north): 0'

Rear (alley/east): 5'-2"

Fourth-Floor Setbacks

Front (Main Street/west): 40'-3"

Side (4th Street/south): 11'-11" from façade and 16'-11" from property line.

Side (interior/north): 11'

Rear (alley/east): 11' from façade and 15'-6" from property line.

Rooftop Structures

The roof plan on Sheet A1.2 of the project plans shows that all roof-mounted electrical and mechanical equipment is setback 10 feet from the fourth-floor building façade.

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<i>Maximum Building Heights</i>	YES
<p>Permitted: 42 feet</p> <p>Height of building/CC District: The greatest vertical distance of a building in the community core district measured by determining the average elevation of the front property line and rear property line. Draw a line from the average front or rear elevation up to the maximum building height allowed, and then draw a line at that height parallel to the front or rear property line. The resulting line establishes the highest elevation of the front or rear facade. The front or rear facade shall not extend above this line. Side facades may be stepped up or down to transition from the highest elevation of the front facade height to the highest</p>	

elevation of the rear facade. One or multiple steps along the side facades are allowed, except no step shall occur within 40 feet of the front elevation or within 35 feet of the rear facade. The City shall establish the elevation points used to calculate the average elevation of the front and rear property lines (see illustration A on file in the office of the City Clerk).

Proposed:

Average Grade Elevation at Front Property Line: 5837.53'

Top of Front Façade Elevation: 5873.5'

Height of Front Façade: 36 feet

Average Grade Elevation at Rear Property Line: 5846.95'

Top of Rear Façade Elevation: 5885'

Height of Parapet Walls Screening Rooftop Mechanical & Electrical Equipment: 2'-7"

Height of Rear Façade: 41 feet

The north-side and 4th Street side elevations on Sheet A2.0 and A2.1 of the project plans show that the side façade steps up to the maximum height permitted at the rear elevation 40'-4" back from the front property line.

The proposed fourth floor requires must be reviewed and approved by City Council pursuant to Ketchum Municipal Code §17.12.040 Footnote 2.

17.124.040 – Floor Area Ratios and Community Housing	Conformance
<i>An increased FAR may be permitted subject to design review approval, and provided, that all conditions in KMC 17.124.040.B.2 are met.</i>	YES Condition #1
<p>Finding:</p> <p><u>Permitted:</u> Permitted FAR: 1.0 Permitted FAR with Community Housing: 2.25</p> <p><u>Proposed:</u> The FAR calculation is provided on Sheet CD1.1 of the project plans. Total Gross Floor Area: 24,003 square feet Lot Area: 10,989 square feet FAR: 2.19</p> <p>Community Housing Mitigation Calculation: Permitted Gross Floor Area (1.0 FAR): 10,989 square feet Proposed Gross Floor Area: 24,003 square feet Increase Above Permitted FAR: 13,014 square feet</p>	

20% of Increase: 2,603 square feet
 Net Livable (15% Reduction): 2,212 square feet
 Community Housing Unit 1 Net Livable Floor Area: 458 square feet
 Community Housing Unit 2 Net Livable Floor Area: 518 square feet
 Total On-Site Community Housing: 976 square feet
 Remaining Community Housing: 1,236 square feet
 Community Housing In-Lieu Fee Payment: \$556,200

The applicant has proposed providing two community housing units on the ground-level of the mixed-use building. The remainder of the community housing contribution will be satisfied by paying the fee in lieu. Pursuant to condition #1, a FAR Exceedance Agreement between the applicant and the City to memorialize the community housing contribution shall be signed and recorded prior to issuance of a building permit for the project.

17.125.030 - Off Street Parking and Loading 17.125.040 – Off Street Parking and Loading Calculations 17.125.050 – Community Core District Off Street Parking and Loading Calculations	Conformance
<i>Pursuant to Ketchum Municipal Code 17.125.020.A1, all new development must comply with the off street vehicle parking requirements.</i>	YES
<p>Permitted: <u>Required (KMC §17.125.040)</u> Multi-Family Dwelling Units in CC Zone Units 750 square feet or less: 0 parking spaces Units 751 square feet to 2,000 square feet: 1 parking space Units 2,001 square feet and above: 2 parking spaces</p> <p>Non-residential: 1 parking space per 1,000 gross square feet (refer to definition of gross floor area with additional exclusion of common and public areas)</p> <p><u>Exemptions in CC Zone</u></p> <ul style="list-style-type: none"> • Community housing • Food service • The first 5,500 gross square feet of retail trade • The first 5,500 gross square feet of assembly uses <p><u>Project Parking Demand</u> Main Street Ground Floor Retail (2,784 gross square feet): first 5,500 square feet retail trade exempt Community Housing Unit 101 (458 square feet): exempt</p>	

Community Housing Unit 102 (518 square feet): exempt

Alley Level Floor

Retail (662 square feet): first 5,500 square feet of retail trade exempt

Residential Unit 201 (1,505 square feet): 1 parking space required

Residential Unit 202 (1,725 square feet): 1 parking space required

Third Floor

Residential Unit 301 (2,277 square feet): 2 parking spaces required

Residential Unit 302 (3,485 square feet): 2 parking spaces required

Fourth Floor

Residential Unit 401 (3,039 square feet): 2 parking spaces required

Total Parking Demand: 8 Parking Spaces

Proposed

The applicant has provided 9 total parking spaces within five private residential garages accessed from the alley. Four of the garages contain two parking spaces arranged in the tandem configuration. One garage provides one parking space.

17.125.060 – Bicycle Parking	Conformance
<i>Ketchum Municipal Code §17.125.060.B: All uses, other than one family dwellings, are required to provide one bicycle rack, able to accommodate at least two bicycles, for every four parking spaces required by the proposed use.</i>	YES
<p>Finding: <u>Required:</u> 1 bicycle rack, accommodating at least two bicycles, for every four parking spaces required. 2 bike racks accommodating at least two bicycles are required based on the project parking demand.</p> <p><u>Proposed:</u> Note 1 on Sheet C1.1 specifies that bike racks accommodating six bicycles have been provided on-site by the building entrance along Main Street.</p>	

17.127 – Signage	Conformance
<i>Master Signage Plan for New Construction</i>	YES Condition #6
<p>Finding: The master signage plan for the project is provided on Sheet A3.0. Two signs (approximately 7 square feet each) for the retail units fronting Main Street are proposed to</p>	

be mounted on the canopy eaves. One “4th & Main” sign for the building (approximately 13 square feet) is proposed to be mounted on the canopy eave in front of the main recessed entrance along Main Street. One retail sign (approximately 7 square feet) for the retail unit fronting 4th Street is proposed to be mounted on the canopy eave. An additional “4th & Main” building sign (approximately 13 square feet) is proposed along the 4th Street façade. Pursuant to condition #6, separate sign permits shall be required for all new signs prior to installation.

17.132 – Dark Skies	Conformance
<i>Compliance with Section 17.132 – Dark Skies.</i>	YES Condition #7
<p>Finding: The proposed exterior lighting fixtures are full cutoff fixtures and comply with Ketchum Municipal Code §17.132.030.H1. The light sources are fully shielded with a maximum color temperature of 2700K and comply with Ketchum Municipal Code §17.132.030.A. The proposed exterior lighting complies with the city’s Dark Skies Ordinance.</p> <p>The project’s exterior lighting plan proposes to install recessed downlights within the canopy that will extend 4’-7” over the new sidewalk along Main Street. Pursuant to Ketchum Municipal Code §17.132.030.I, canopy lighting must be fully shielded and meet light trespass standards. The Light Trespass and Overlighting Matrix (KMC §17.132.030.B1) sets maximum footcandle limits for the acceptable amount of light trespass from the zone of the light source to the impacted zones. The matrix does not set maximum footcandle limits for light trespass emanating from a CC-Zoned property and impacting a CC-Zoned property. Ketchum Municipal Code §17.132.030.I states that, “All canopy lighting shall be recessed sufficiently as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.” Condition #7 states that the Applicant shall submit a photometric study that shows the footcandles illuminating the sidewalk from both the proposed canopy lights and streetlights for review and approval by the City Engineer to ensure compliance with the city’s standards for lighting within the public right-of-way prior to issuance of a building permit for the project.</p>	

FINDINGS REGARDING COMPLIANCE WITH DESIGN REVIEW STANDARDS

17.96.060.A.1 - Streets	Conformance
<i>The applicant shall be responsible for all costs associated with providing a connection from an existing City street to their development.</i>	YES Condition #2
<p>Finding: All improvements to the right-of-way and walkways to the right-of-way improvements are at the expense of the applicant.</p>	

The project is located at the northeast corner of Main and 4th streets. As shown on Sheet C1.0, the applicant proposes to improve the asphalt roadway adjacent to the property along Main and 4th Street. The private residential garages area accessed from the alley. The applicant will improve the full width of the 20-foot-wide alleyway. The alley apron is proposed to be improved with heated pavers.

Final civil drawings for all associated right-of-way and alley improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and the Streets Department. Final review of all right-of-way improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #2.

17.96.060.A.2 - Streets	Conformance
<i>All street designs shall be approved by the City Engineer.</i>	YES Condition #2
<p>Finding: No new streets or changes to the travel lanes or street designs are proposed with this project. Final civil drawings for all associated right-of-way improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and Streets Department. Final review of all right-of-way improvements will be completed prior to issuance of a building permit for the project pursuant to condition of approval #2.</p>	

17.96.060.B.1 - Sidewalks	Conformance
<i>All projects under subsection 17.96.010.A of this chapter that qualify as a "substantial improvement" shall install sidewalks as required by the Public Works Department.</i>	YES
<p>Finding: Ketchum Municipal Code 17.124.140 outlines the zone districts where sidewalks are required when substantial improvements are made, which include the CC, all tourist zone districts, and all light industrial districts. As the project is within the CC-1 zone district, sidewalks are required and included in the project plans. The applicant has proposed to install new heated, paver sidewalks along Main and 4th Streets.</p>	

17.96.060.B.2 - Sidewalks	Conformance
<i>Sidewalk width shall conform to the City's right-of-way standards, however the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.</i>	YES Conditions #2 & #4
<p>Finding: The project plans provided the details of the sidewalks for review by the City Engineer. Preliminary review of the project plans indicates that all city right-of-way standards for width</p>	

and construction are met. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project per condition of approval #2.

The applicant has proposed to install a new: (1) 8-foot wide, heated, paver sidewalks within the right-of-way along Main Street and (2) 12-foot wide, heated, paver sidewalk along 4th Street . The applicant has also proposed to construct a new heated paver bulb-out at the intersection of Main and 4th Streets. Final civil drawings for all associated ROW improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and Streets Department. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #2.

The project requires a ROW Encroachment Permit for the pavers and snowmelt system proposed to be installed for the sidewalks along Main and 5th Streets as well as the snowmelt system required to be installed within the Block 5 alleyway. The City Council has the authority to review and approval all permanent encroachments within the public right-of-way associated with a development project pursuant to Ketchum Municipal Code §17.96.030.C. Pursuant to condition #4, the applicant shall submit the ROW Encroachment Application prior to issuance of a building permit for the project for review and approval by the City Council.

17.96.060.B.3 - Sidewalks	Conformance
<p><i>Sidewalks may be waived if one of the following criteria is met:</i></p> <ul style="list-style-type: none"> <i>a) The project comprises an addition of less than 250 square feet of conditioned space.</i> <i>b) The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.</i> 	N/A
<p>Finding: Sidewalks are required for the project. The applicant has not requested, nor has the City Engineer granted, a waiver to the sidewalk requirement for the project.</p>	

17.96.060.B.4 - Sidewalks	Conformance
<p><i>The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.</i></p>	YES
<p>Finding: As shown on Sheet C1.1 of the project plans, the proposed sidewalk improvements are equal to the length of the property’s street frontages along Main and 4th streets.</p>	

17.96.060.B.5 – Sidewalks	Conformance
<i>New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.</i>	YES Condition #5
<p>Finding: Sidewalks exist to the north and south of the subject property. The new heated, paver sidewalk along Main Street will connect to the new sidewalk to the north that will be installed for the adjacent development located at 460 N Main Street. A heated, paver alley apron has been proposed that will connect the new sidewalk along 4th Street to the existing sidewalk to the east. Pursuant to condition #5, the existing utility risers located at the northeast corner of the subject property by the alley shall be relocated so that the full unobstructed width of the proposed paver pathway bordering the alley will connect to the new pathway that will be installed for the adjacent mixed-use development currently under construction to the north.</p>	

17.96.060.B.6 - Sidewalks	Conformance
<i>The City may approve and accept voluntary cash contributions in lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be 110 percent of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in lieu contribution shall be paid before the City issues a certificate of occupancy.</i>	N/A
<p>Finding: The applicant has not requested relief from the requirement to construct sidewalks nor has the City granted any such request.</p>	

17.96.060.C.1 - Drainage	Conformance
<i>All stormwater shall be retained on site.</i>	YES Condition #2
<p>Finding: The drainage improvements are shown on Sheet C1.0 and C0.2. The project proposes to install a drywell that connects to the roof and foundation drainage system. New curbs and gutters will be provided along the length of the pathway bordering the alley as well as the new sidewalks along Main and 4th streets. All storm water shall be retained on site, including water from roof drains. All roof drain locations must be shown on the project plans submitted with the building permit application for final review and approval by the City Engineer</p> <p>Pursuant to condition #2, the applicant shall submit final civil drawings for all drainage improvements with the building permit application to be verified, reviewed, and approved by</p>	

the City Engineer and Streets Department. The final project plans submitted with the building permit application must specify the location of all roof drains.

17.96.060.C.2 - Drainage	Conformance
<i>Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.</i>	YES Condition #2
<p>Finding: See above analysis for Ketchum Municipal Code §17.96.060.C1. All drainage improvements are required to be constructed City standards. As shown on Sheet C1.0, all stormwater is retained on-site. The project proposes to construct drainage improvements along the length of the subject property, including curb and gutter, along Main Street, 4th Street, and the alley. Pursuant to condition #2, the applicant shall submit final civil drawings for all drainage improvements with the building permit application to be verified, reviewed, and approved by the City Engineer and Streets Department.</p>	

17.96.060.C.3 - Drainage	Conformance
<i>The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.</i>	YES Condition #2
<p>Finding: The City Engineer will determine if the drainage improvements are sufficient after reviewing the final civil drawings submitted with the building permit application. The City Engineer may require additional drainage improvements if necessary. Pursuant to condition #2, the applicant shall submit final civil drawings for all drainage improvements with the building permit application to be verified, reviewed, and approved by the City Engineer and Streets Department.</p>	

17.96.060.C.4 - Drainage	Conformance
<i>Drainage facilities shall be constructed per City standards.</i>	YES Condition #2
<p>Finding: Based on review of the project plans by the City Engineer during department review, all drainage facilities meet city standards. Final design of drainage facilities will be reviewed and approved by the City Engineer prior to issuance of a building permit per condition #2.</p>	

17.96.060.D.1 - Utilities	Conformance
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<i>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</i>	YES
Finding: All project costs associated with the development, including the installation of utilities, are the responsibility of the applicant. The applicant has not made requests for funding to the City for utility improvements. No funds have been provided by the City for the project.	

17.96.060.D.2 - Utilities	Conformance
<i>Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.</i>	YES Conditions #2 & #3
<p>Finding: Sheet C1.0 shows that existing gas, electricity, and cable infrastructure is located underground within the alley. Pursuant to condition #2, the applicant shall submit final civil drawings for all drainage improvements with the building permit application to be verified, reviewed, and approved by the City Engineer, Streets Department, and Utilities Department.</p> <p>Idaho Power has provided a letter dated September 30th, 2022 stating that: "This project can be served from the planned installation of a three phase 120/208 transformer to be installed 70' north in the public right-of-way and to be shared by the 5th and Main Street project currently under construction."</p> <p>Pursuant to condition #3, the electric and gas service line connections and meters must be specified on the utility plan submitted with the building permit application. The electric and gas meters shall be fully screened from public view. The proposed screening must be compatible with the overall building design and specified on the project plans to be reviewed and approved by planning staff to ensure compliance with Ketchum Municipal Code §17.96.070.C2.</p>	

17.96.060.D.3 - Utilities	Conformance
<i>When extension of utilities is necessary all developers will be required to pay for and install two-inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with City of Ketchum standards and at the discretion of the City Engineer.</i>	N/A
Finding: The location of the subject property is already served by fiber optic cable and therefore no conduit is required in this location.	

17.96.060.E.1 – Compatibility of Design	Conformance
<i>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</i>	YES
<p>Finding: This contextual infill development embraces Ketchum’s history to inform its design. The project utilizes exterior materials that are consistent with Ketchum’s local vernacular architecture, including brick, wood, glass, and steel. The transparent glass windows and doors are balanced with solid brick, steel, and wood. The ground-level canopies and upper-level roof projections are comprised dark-bronze-painted metal. Dark-bronze metal cladding and dividers add decorative details to the glass windows and doors. The use of brick on the first two floors provides a visually solid base anchoring the building to the project site. Brick detailing forms a cap at the top of the first and second levels to visually distinguishing the floors of the building. As noted in the project narrative, the applicant studied existing building downtown to inform the project design. The arched windows and brick detailing characterize historic buildings downtown, including the Cornerstone and Rocky Mountain Hardware buildings.</p> <p>The project’s proposed materials are compatible with neighboring buildings and the surrounding downtown area. The Wells Fargo Bank building to the west across Main Street is comprised of brick and wood panels and a gable-roof with pre-finished bronze colored steel. The exterior materials on the Jones Building located at southwest corner of Main and 4th streets include brick, precast concrete and concrete banding, synthetic stucco, and fabric awnings. Sturtevant’s across 4th Street to the south of the subject property includes brick and cedar siding.</p> <p>The project’s exterior materials complement neighboring buildings and are compatible with the surrounding built environment in downtown Ketchum.</p>	

17.96.060.E.2 – Compatibility of Design	Conformance
<i>Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.</i>	N/A
<p>Finding: The vacant parcel was the home of Irving’s Red Hots and is commonly referred to as Hot Dog Hill. The subject property is not listed as a historical or cultural landmark on the City of Ketchum’s Historical Building/Site List, therefore this standard does not apply.</p>	

17.96.060.E.3 – Compatibility of Design	Conformance
<i>Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.</i>	N/A
<p>Finding: This standard does not apply as the subject property is vacant and undeveloped.</p>	

17.96.060.F.1 – Architectural	Conformance
<i>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</i>	YES
<p>Finding: The primary building entrance along is recessed 8.5 feet from the front property line along Main Street. The entrance is further defined by the projecting metal canopy that extends 4’-7” over the sidewalk along Main Street. The erosion of mass at the street corner softens the edge the building and helps define the entrance to the retail unit. The entrances to the residential lobby and retail unit along 4th Street are defined by projecting metal canopies. The floor-to-ceiling height of the ground-level commercial space along Main Street is 12.5 feet. The floor-to-ceiling height of the 4th Street retail unit is 18.5 feet. These predominant ground-level ceiling heights further emphasize the building entrances. The landscape planters frame the entrances, which soften the building and create a welcoming environment for pedestrians.</p>	

17.96.060.F.2 – Architectural	Conformance
<i>The building character shall be clearly defined by use of architectural features.</i>	YES
<p>Finding: Features of the proposed design, including the brick detailing and arched windows, celebrate the character-defining elements of Ketchum's historic buildings. Brick detailing provided at the cornices and the arched- and rectangular- window casings provide texture and visual interest that animate the façade. The heaviness and length of the metal canopies provide a strong horizontal element that both helps to distinguish the ground-level commercial space and provides relief from the height of the building. The steel arms supporting flat roof projections add detail that further defines the metal canopies at the ground-level. Horizontal dark-bronze metal banding define the second-level roof termination at the building corner and the recessed building entrance along Main Street. The use of the solid and durable brick material at the lower levels grounds the building. The lighter horizontal wood siding material at the upper levels helps relieve the visual appearance of building height.</p>	

17.96.060.F.3 – Architectural	Conformance
<i>There shall be continuity of materials, colors and signing within the project.</i>	YES
<p>Finding: The project uses brick veneer, bronze-painted metal, wood, and glass along all facades of the building. The different shapes, sizes, and placement as well as the detailing of these exterior materials add variety and animates each facade. The building and retail signage is integrated into the project design. The signs further define the retail storefronts.</p>	

17.96.060.F.4 – Architectural	Conformance
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<i>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</i>	YES
<p>Finding: No accessory structures are proposed; however, the project contains landscape planters along Main and 4th streets. While buildings may be built to front and street-side property lines in the CC-1 Zone, the applicant has setback the building approximately 5 feet along 4th Street. Concrete landscape planters have been provided within the setback area creating a buffer from the building and the sidewalk. The integration of landscape planters enhance the quality of the pedestrian experience along 4th Street.</p>	

17.96.060.F.5 – Architectural	Conformance
<i>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</i>	YES
<p>Finding: The building mass modulates through recessions, projections, and other changes in the façade plane to reduce the appearance of building bulk and flatness. The erosion of mass at the corner softens the building edge and adds a human scale to provide a more pedestrian-friendly experience. The applicant has sculpted the building mass to form one-, two-, and three- story elements along Main and 4th Streets. The primary building entrance at the ground-level along Main Street is recessed and setback 8.5 feet from the front property line. The upper levels above this recessed entrance area are each setback from the façade below—the second floor is setback approximately 8 feet from the ground-level façade and the third floor is setback approximately 8 feet from the second-level façade. The walls on either side of the recessed entrance are built to the property line along Main Street. The length of these facades built to the front property line are each approximately 27 feet. The building mass has been sculpted on both sides of the recessed entrance along Main Street through horizontal floor setbacks to form one- and two-story elements. The mass to north of the recessed entrance is setback 10 feet at the third level creating a two-story element that is approximately 25 feet tall. The mass to the south of the recessed entrance is setback 8.5 feet at the second level creating a one-story element that is approximately 12.5 feet tall. A majority of third floor is setback from the lower-level façade along 4th Street. This change in the façade plane forms two-story elements at the 4th Street frontage that add a human scale and enhance the pedestrian experience. The 4th Street frontage includes only one three-story element that is approximately 22 feet long and 30 feet tall.</p>	

17.96.060.F.6 – Architectural	Conformance
<i>Building(s) shall orient toward their primary street frontage.</i>	YES
<p>Finding: The project will consolidate two lots that were created by Ketchum’s original Townsite plat and are part of the downtown grid system. Ketchum Townsite lots orient towards avenues</p>	

that run north to south. The project continues the traditional lot and block pattern by orienting the building towards the primary street frontage along Main Street.

17.96.060.F.7 – Architectural	Conformance
<i>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</i>	YES
<p>Finding: As shown on Sheet A1.0 of the project plans, the garbage disposal room within the rear of building by the alley and fully screened from public view. Clear Creek Disposal has provided a letter dated March 10th, 2022 stating that they can adequately serve the development. The dumpster within the garbage disposal room will be installed on a glider system. Clear Creek Disposal will access the dumpster glider from the alley.</p>	

17.96.060.F.8 – Architectural	Conformance
<i>Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.</i>	YES
<p>Finding: The metal canopies provided at the ground-level provide weather protection at the building entrances along Main and 4th streets. The ground-floor setback at the street corner is covered by the second-level terrace above, which will provide weather protection for pedestrians gathering and circulating in this area.</p>	

17.96.060.G.1 – Circulation Design	Conformance
<i>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</i>	YES Condition #5
<p>Finding: As indicated on Sheet C1.1, the new 8-foot-wide sidewalk along Main Street has been designed to connect to the new sidewalks that will be installed for the 460 N Main mixed-use development currently under construction to the north. A heated paver apron has been provided at end of the alley to connect to the new 12-foot-sidewalks installed along 4th Street to the existing paver sidewalks to the east.</p> <p>Pursuant to condition #5, the existing utility risers located at the northeast corner of the subject property by the alley shall be relocated so that the full unobstructed width of the proposed paver pathway bordering the alley will connect to the new pathway that will be installed for the adjacent mixed-use development currently under construction to the north.</p>	

17.96.060.G.2 – Circulation Design	Conformance
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<i>Awnings extending over public sidewalks shall extend five feet or more across the public sidewalk but shall not extend within two feet of parking or travel lanes within the right-of-way.</i>	YES Condition #4
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Finding: The metal canopy extends 4'-7" over the sidewalk along Main Street. The canopy overhang is setback over 3.5 feet from the parking and travel lanes along Main Street. Pursuant to condition #4, a Right-of-Way Encroachment Agreement must be review and approved by the City Council, signed, and recorded prior to issuance of a building permit for the project.

17.96.060.G.3 – Circulation Design	Conformance
<i>Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.</i>	YES Condition #5

Finding: Vehicle access to the project is provided along Main Street, 4th Street, and the alley. The off-street surface parking area is accessed from the alley. The proposed alley access will allow traffic to flow safely within the project and onto 4th Street. Bicycle and pedestrian traffic is provided at multiple building entrances along Main and 4th streets.

Pursuant to condition #5, the existing utility risers located at the northeast corner of the subject property by the alley shall be relocated so that the full unobstructed width of the proposed paver pathway bordering the alley will connect to the new pathway that will be installed for the adjacent mixed-use development currently under construction to the north.

17.96.060.G.4 – Circulation Design	Conformance
<i>Curb cuts and driveway entrances shall be no closer than 20 feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right-of-way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.</i>	N/A

Finding: The subject property is a corner lot with street frontage along both Main and 4th streets. No curb cuts or driveway entrances are proposed along Main Street or 4th Street. The parking garages are accessed from the alley.

17.96.060.G.5 – Circulation Design	Conformance
<i>Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.</i>	YES

Finding: Unobstructed access for emergency vehicles, snowplows, garbage trucks, and similar service vehicles is provided to the project from Main Street, 4th Street, and the alley.

17.96.060.H.1 – Snow Storage	Conformance
<i>Snow storage areas shall not be less than 30 percent of the improved parking and pedestrian circulation areas.</i>	N/A
<p>Finding: Sheet C1.1 indicates that the new sidewalks, curb, and gutter along Main and 4th streets will include a snowmelt system. Note C03 specifies that the paver pathway bordering the alley as well as the paver apron in the alley right-of-way will be heated. All improved parking and pedestrian circulation areas are heated, which is permitted as an alternative to providing on-site snow storage areas by Ketchum Municipal Code §17.96.060.H4.</p>	

17.96.060.H.2 – Snow Storage	Conformance
<i>Snow storage areas shall be provided on site.</i>	N/A
<p>Finding: The applicant has proposed to snowmelt all parking and pedestrian circulation areas, which is permitted as an alternative to providing on-site snow storage area by Ketchum Municipal Code §17.96.060.H4.</p>	

17.96.060.H.3 – Snow Storage	Conformance
<i>A designated snow storage area shall not have any dimension less than five feet and shall be a minimum of 25 square feet.</i>	N/A
<p>Finding: N/A as no snow storage areas have been provided on-site. The applicant has proposed snowmelt in lieu of providing any snow storage areas on site.</p>	

17.96.060.H.4 – Snow Storage	Conformance
<i>In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.</i>	YES Condition #4
<p>Finding: All improved hardscape areas are proposed to be heated with a snowmelt system instead of providing snow storage areas on site.</p> <p>The project requires a ROW Encroachment Permit for the pavers and snowmelt system proposed to be installed for the sidewalks along Main and 5th Streets as well as the snowmelt system required to be installed within the Block 5 alleyway. Pursuant to condition #4, the applicant shall submit the ROW Encroachment Application prior to issuance of a building permit for the project for review and approval by the City Council.</p>	

17.96.060.I.1 – Landscaping	Conformance
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<i>Landscaping is required for all projects.</i>	YES
Finding: Landscaping has been provided for the project as indicated on the sheets titled Landscape Plan Level 01 & 02 and Landscape Plan Level 04.	

17.96.060.I.2 – Landscaping	Conformance
<i>Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.</i>	YES
<p>Finding: The landscape plan vegetation types include Autumn Blaze Maple street trees, Tor Birchleaf Spirea, Goldflame Spirea, and Blue Oat Grass. Similar vegetation types will be installed for the adjacent mixed-use development currently under construction to the north. The landscaping will complement the surrounding neighborhood and beautify the streetscape.</p> <p>Concrete landscape planters have been provided within the setback areas at the ground level creating a buffer from the building and the sidewalk. The integration of landscape planters enhance the quality of the pedestrian experience along 4th Street. The landscape planters frame the building entrances.</p> <p>The landscape plan shall be readily adaptable to the site’s microclimate, soil conditions, orientation, and aspect.</p>	

17.96.060.I.3 – Landscaping	Conformance
<i>All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.</i>	YES
<p>Finding: The autumn blaze maple tree is often used as a street tree as it provides visual interest in the fall. Although not native to the region, the maple tree and tall grasses proposed are considered to have a high drought tolerance. All trees, shrubs, grasses, and perennials shall be drought tolerant. Native species are recommended.</p>	

17.96.060.I.4 – Landscaping	Conformance
<i>Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.</i>	YES
<p>Finding: The subject property is surrounded by compatible uses within the Community Core Zone. The vegetation will enhance the pedestrian-friendly streetscape.</p>	

17.96.060.J.1 – Public Amenities	Conformance
<p><i>Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Public Works Department prior to design review approval from the Commission.</i></p>	YES
<p>Finding: The project’s pedestrian amenities including retaining and protecting the City’s existing art pedestal and street tree planters along the 4th Street sidewalk and a bicycle rack for public use. In the project narrative, the applicant states: “With over 3,100 square feet of activated sidewalk, this project will provide the only safe, uninterrupted, and fully ADA compliant access to Main Street on the block as it stretches up the hill. The heated sidewalk wraps the corner with covered awnings, five trees for natural screening and shade, planter boxes with native plantings, multiple sitting space for up to 16 seats, 8 bicycle parking stalls, and a designated art pedestal.”</p>	

17.96.060.K.1 – Underground Encroachments	Conformance
<p><i>Encroachments of below grade structures into required setbacks are subject to subsection 17.128.020.K of this title and shall not conflict with any applicable easements, existing underground structures, sensitive ecological areas, soil stability, drainage, other sections of this Code or other regulating codes such as adopted International Code Council Codes, or other site features concerning health, safety, and welfare.</i></p>	N/A
<p>Finding: N/A</p>	

17.96.060.K.2 – Underground Encroachments	Conformance
<p><i>No below grade structure shall be permitted to encroach into the riparian setback.</i></p>	N/A
<p>Finding: N/A</p>	

FINDINGS REGARDING DESIGN REVIEW STANDARDS – COMMUNITY CORE

17.96.070.A.1 – Streets	Conformance
<p><i>Street trees, streetlights, street furnishings, and all other street improvements shall be installed or constructed as determined by the Public Works Department.</i></p>	YES Conditions #2 & #4
<p>Finding: The placement of all street trees and streetlights require final review and approval by the City Engineer and Streets Department. Adequate clearance must be provided around all</p>	

obstacles within the right-of-way, including street trees, grates, and lights. Final drawings prepared by an Idaho-licensed engineer for all associated right-of-way improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and Streets Department pursuant to condition #2. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project.

The project requires a ROW Encroachment Permit for the pavers and snowmelt system proposed to be installed for the sidewalks along Main and 4th Streets as well as the heated paver apron within the alley right-of-way. Pursuant to condition #4, the applicant shall submit the ROW Encroachment Application prior to issuance of a building permit for the project for review and approval by the City Council.

17.96.070.A.2 – Streets	Conformance
<i>Street trees with a minimum caliper size of three inches, shall be placed in tree grates.</i>	YES
<p>Finding: The landscape plan, Sheet C1.1, and Sheet C0.2 show that the new street tree installed along the Main Street sidewalk will have a minimum caliper size of 3 inches and will be placed in a tree grate per City right-of-way standards.</p>	

17.96.070.A.3 – Streets	Conformance
<i>Due to site constraints, the requirements of this subsection A may be modified by the Public Works Department.</i>	N/A
<p>Finding: Preliminary plans submitted with Design Review are reviewed by the City Engineer and Streets Department in concept only. Final drawings prepared by an Idaho-licensed engineer for all associated right-of-way improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and Streets Department pursuant to condition #2. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project. Modification to the requirements of Ketchum Municipal Code §17.96.070.A may be recommended by the City Engineer and Streets Department following review of the civil final drawings submitted with the building permit application. No modifications to these requirements have been recommended by the City Engineer or Streets Department at this time.</p>	

17.96.070.B.1 - Architectural	Conformance
<i>Facades facing a street or alley or located more than five feet from an interior side property line shall be designed with both solid surfaces and window openings to avoid the creation of blank walls and employ similar architectural elements, materials, and colors as the front facade.</i>	YES

Finding: All four facades facing Main Street, 4th Street, the alley, interior side are design with both solid surfaces and window openings to avoid the creation of blank walls. The project uses brick veneer, bronze-painted metal, wood, and glass along all facades of the building.

17.96.070.B.2 - Architectural	Conformance
<i>For nonresidential portions of buildings, front building facades and facades fronting a pedestrian walkway shall be designed with ground floor storefront windows and doors with clear transparent glass. Landscaping planters shall be incorporated into facades fronting pedestrian walkways.</i>	N/A

Finding: The ground-level building facades fronting Main and 4th streets include large storefront windows and glass doors. This ground-floor transparency creates an active, inviting, and pedestrian-friendly streetscape. transparent streetscape. While buildings may be built to front and street-side property lines in the CC-1 Zone, the applicant has setback the building approximately 5 feet along 4th Street. Concrete landscape planters have been provided within the setback area creating a buffer from the building and the sidewalk. The integration of landscape planters enhance the quality of the pedestrian experience along 4th Street.

17.96.070.B.3 - Architectural	Conformance
<i>For nonresidential portions of buildings, front facades shall be designed to not obscure views into windows.</i>	N/A

Finding: See above analysis for Ketchum Municipal Code §17.96.070.B2. The front and street side facades include significant fenestration and do not obscure views into the windows of the retail units. The floor-to-ceiling height of the ground-level commercial space along Main Street is 12.5 feet. The floor-to-ceiling height of the 4th Street retail unit is 17 feet. While landscape planters border the setback areas along Main and 4th Streets, the predominant ground-level ceiling heights ensure that views into the storefront windows will not be obscured as the vegetation grows to maturity.

17.96.070.B.4 - Architectural	Conformance
<i>Roofing forms and materials shall be compatible with the overall style and character of the structure. Reflective materials are prohibited.</i>	YES

Finding: The roof form and material is compatible with the overall style of the building. The roof form is flat and complement the project’s horizontal elements, including the ground-level metal canopies and the wood siding. No reflective materials are proposed.

17.96.070.B.5 - Architectural	Conformance
<i>All pitched roofs shall be designed to sufficiently hold all snow with snow clips, gutters, and downspouts.</i>	N/A

Finding: The project does not include pitched roofs.

17.96.070.B.6 - Architectural	Conformance
<i>Roof overhangs shall not extend more than three feet over a public sidewalk. Roof overhangs that extend over the public sidewalk shall be approved by the Public Works Department.</i>	YES Condition #4
<p>Finding: The ground-level canopy extends 4'-7" over the front property line along Main Street. Pursuant to condition of approval #4, the ROW Encroachment Agreement for all encroachments in the right-of-way, including the sidewalk pavers and snowmelt system and canopy overhang, must be approved by City Council prior to issuance of a building permit for the project.</p>	

17.96.070.B.7 - Architectural	Conformance
<i>Front porches and stoops shall not be enclosed on the ground floor by permanent or temporary walls, windows, window screens, or plastic or fabric materials.</i>	N/A
<p>Finding: The project does not include front porches or stoops on the front façade of the building.</p>	

17.96.070.C.1 – Service Areas and Mechanical/Electrical Equipment	Conformance
<i>Trash disposal areas and shipping and receiving areas shall be located within parking garages or to the rear of buildings. Trash disposal areas shall not be located within the public right-of-way and shall be screened from public views.</i>	YES
<p>Finding: As shown on Sheet A1.0 of the project plans, the garbage disposal room within the rear of building by the alley and fully screened from public view. Clear Creek Disposal has provided a letter dated March 10th, 2022 stating that they can adequately serve the development. The dumpster within the garbage disposal room will be installed on a glider system. Clear Creek Disposal will access the dumpster glider from the alley.</p>	

17.96.070.C.2 – Service Areas and Mechanical/Electrical Equipment	Conformance
<i>Roof and ground mounted mechanical and electrical equipment shall be fully screened from public view. Screening shall be compatible with the overall building design.</i>	YES Condition #3

Finding: The new transformer to serve the project will be installed at the north end of the alley and screened from public view by existing retaining walls. Idaho Power has provided a letter dated September 30th, 2022 stating that: "This project can be served from the planned installation of a three phase 120/208 transformer to be installed 70' north in the public right-of-way and to be shared by the 5th and Main Street project currently under construction."

Pursuant to condition #3, the electric and gas service line connections and meters must be specified on the utility plan submitted with the building permit application. The electric and gas meters shall be fully screened from public view. The proposed screening must be compatible with the overall building design and specified on the project plans to be reviewed and approved by planning staff to ensure compliance with Ketchum Municipal Code §17.96.070.C2.

The roof-mounted electrical equipment will be screened from public view with parapet walls.

17.96.070.D.1 - Landscaping	Conformance
<i>When a healthy and mature tree is removed from a site, it shall be replaced with a new tree. Replacement trees may occur on or off site.</i>	YES
<p>Finding: The landscape plan indicates 2 existing deciduous trees are proposed to be removed from the site. These trees will be replaced with an Autumn Blaze Maple street tree installed along the Main Street sidewalk and a flowering crabapple tree installed within a planter along 4th Street.</p>	

17.96.070.D.2 - Landscaping	Conformance
<i>Trees that are placed within a courtyard, plaza, or pedestrian walkway shall be placed within tree wells that are covered by tree grates.</i>	YES
<p>Finding: The landscape plan, Sheet C1.1, and Sheet C0.2 show that the new street tree installed along the Main Street sidewalk will have a minimum caliper size of 3 inches and will be placed in a tree grate per City right-of-way standards.</p>	

17.96.070.D.3 - Landscaping	Conformance
<i>The City arborist shall approve all parking lot and replacement trees.</i>	YES
<p>Finding: The City Arborist has approved the replacement trees.</p>	

17.96.070.E.1 – Surface Parking Lots	Conformance
<i>Surface parking lots shall be accessed from off the alley and shall be fully screened from the street.</i>	N/A
<p>Finding: N/A. No surface parking lot is proposed.</p>	

17.96.070.E.2 – Surface Parking Lots	Conformance
<i>Surface parking lots shall incorporate at least one tree and one additional tree per ten on site parking spaces. Trees shall be planted in landscaped planters, tree wells and/or diamond shaped planter boxes located between parking rows. Planter boxes shall be designed so as not to impair vision or site distance of the traveling public.</i>	N/A
Finding: N/A. The project does not include a surface parking lot. On-site parking is provided within the enclosed garages accessed from alley.	

17.96.070.E.3 – Surface Parking Lots	Conformance
<i>Ground cover, low lying shrubs, and trees shall be planted within the planters and planter boxes. Tree grates or landscaping may be used in tree wells located within pedestrian walkways.</i>	N/A
Finding: N/A as no surface parking lots are proposed for the project.	

17.96.070.F.1 – Bicycle Parking	Conformance
<i>One bicycle rack, able to accommodate at least two bicycles, shall be provided for every four parking spaces as required by the proposed use. At a minimum, one bicycle rack shall be required per development.</i>	YES
Finding: Two bike racks accommodating at least two bicycles are required to be provided for the project. Sheet C1.1 indicates that a bike rack accommodating 6 bicycles is provided by the primary building entrance along Main Street.	

17.96.070.F.2 – Bicycle Parking	Conformance
<i>When the calculation of the required number of bicycle racks called for in this section results in a fractional number, a fraction equal to or greater than one-half shall be adjusted to the next highest whole number.</i>	YES
Finding: 8 parking spaces are required to be provided on-site to satisfy the project’s parking demand and 2 bike racks are required.	

17.96.070.F.3 – Bicycle Parking	Conformance
<i>Bicycle racks shall be clearly visible from the building entrance they serve and not mounted less than 50 feet from said entrance or as close as the nearest non-ADA parking space, whichever is closest. Bicycle racks shall be located to</i>	YES

<i>achieve unobstructed access from the public right-of-way and not in areas requiring access via stairways or other major obstacles.</i>	
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Finding: Sheet C1.1 indicates that a bike rack that can accommodate 6 bicycles is provided on site by the primary building entrance along Main Street.

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 Design Review application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Design Review Application pursuant to Chapter 17.96 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 §17.96.080.
4. The Design Review application is governed under Ketchum Municipal Code Chapters 17.96, 17.124, 17.08, 17.12, 17.18, and 17.128.
5. The 4th & Main Mixed-Use Development Design Review Application File No. P22-043 meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission approves this Design Review Application File No. P22-043 this Tuesday, February 14, 2023 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. As a voluntary contribution, in exchange for an increase in FAR, a total community housing contribution of 2,212 square feet is required. A FAR Exceedance Agreement between the applicant and the City to memorialize the community housing contribution shall be signed and recorded prior to issuance of a building permit for the project. Payment-in-lieu contributions for community housing are required prior to issuance of a building permit for the project.
2. The applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho to include specifications for the right-of-way, circulation design, utilities, and

drainage improvements to be reviewed and approved by the City Engineer, Streets, and Utilities departments prior to issuance of a building permit for the project.

3. The electric service line connection to the new transformer at the north end of the alley must be specified on the utility plan submitted with the building permit application. The project plans submitted with the building permit application must specify: (1) the electric service line connection to the new transformer at the north end of the alley, and (2) the location of the electric and gas meters and associated screening. Prior to issuance of a building permit, planning staff will review the proposed siting and screening of the electric and gas meters to ensure compliance with Ketchum Municipal Code §17.96.070.C2
4. The project requires a ROW Encroachment Permit for the pavers and snowmelt system proposed to be installed for the new sidewalks along Main and 4th streets as well as the canopy extending over the sidewalk along Main Street. The ROW Encroachment Permit shall be review and approved by the Ketchum City Council prior to issuance of a building permit for the project.
5. The existing utility risers located at the northeast corner of the subject property by the alley shall be relocated so that the full unobstructed width of the proposed paver pathway bordering the alley will connect to the new pathway that will be installed for the adjacent mixed-use development currently under construction to the north.
6. Pursuant to Ketchum Municipal Code §17.127.030.B, separate sign permits shall be required for all new signs prior to installation.
7. The applicant shall submit a photometric study that shows the footcandles illuminating the sidewalk from both the proposed canopy lights and streetlights for review and approval by the City Engineer to ensure compliance with the city's standards for lighting within the public right-of-way prior to issuance of a building permit for the project.
8. The applicant shall submit final specifications for the exterior materials electronically as well as physical samples for the Commission's final review and approval prior to issuance of a building permit for the project.
9. The applicant shall be responsible for repairing and/or reconstructing any damage to the existing planters and art pedestal along the 4th Street sidewalk that may occur through the duration of the construction project. The applicant shall preserve the existing vegetation and street trees installed within the planters. If the existing street trees are unable to be preserved, then the applicant shall install new street trees with a large caliper size reflecting the size of the existing mature street trees.
10. This Design Review approval is based on the plans and information presented and approved at the meeting on the date noted herein. The project plans for all on-site improvements submitted for the building permit must conform to the approved design review 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.
11. All governing ordinances, requirements, and regulations of the Fire Department (2018 International Fire Code and local Fire Protection Ordinance No.1217), Building Department (2018 International Building Code, the 2018 International Residential Code, and Title 15 of

Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer shall be met prior to issuance of a Certificate of Occupancy for the project.

12. The term of Design Review approval shall be twelve (12) months from the date that the Findings of Fact, Conclusions of Law, and Decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations (KMC §17.96.090). Any extension shall comply with KMC 17.96.090.
13. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.

Findings of Fact **adopted** this 28th day of February 2023.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission