



City of Ketchum
Planning & Building

IN RE:)
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 Abode Luxury Rentals) KETCHUM PLANNING AND ZONING COMMISSION
 Conditional Use Permit) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
 Date: September 10, 2024) DECISION
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 File Number: P24-028)

PROJECT: Abode Luxury Rentals
APPLICATION TYPE: Conditional Use Permit
FILE NUMBER: P24-028
REPRESENTATIVE: Brandon Owens, Abode Luxury Rentals (Operations Manager)
OWNER: Bloom Real Estate LLC
LOCATION: 431 N Walnut Avenue (Ketchum Townsite: Lot 6, Block 45)
ZONING: Community Core – Subdistrict 1 – Retail Core (CC-1)
OVERLAY: None

Regulatory Taking Notice: Applicant has the right, pursuant to section 67-8003, Idaho Code, to request a regulatory taking analysis.

RECORD OF PROCEEDINGS

The City of Ketchum received the application for a Conditional Use Permit on April 8, 2024. Following receipt of the application, staff routed the application materials to all city departments for review. The application was deemed complete on July 30th, 2024. All department comments have been addressed through applicant revision of the project plans or were discussed by the Planning & Zoning Commission (the “Commission”).

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 August 7, 2024. The public hearing notice was published in the Idaho Mountain Express on August 7, 2024. A notice was posted on the project site and the city’s website on August 20, 2024. The project was heard at the August 27, 2024,

meeting of the Commission. After considering staff's analysis, the applicant's presentation, and public comment, the Commission denied the Conditional Use Permit application with a vote of 4-0.

BACKGROUND

The Applicant requested a Conditional Use Permit (CUP) to establish a property management office for the Abode Luxury Rentals business in an existing building located at 431 N Walnut Avenue ("subject property"). The subject property is developed with two existing structures. One fronts Walnut Avenue and the other, known as the George Castle Cabin, faces the alley and is listed on the City's Historic Building/Site List. The proposed CUP is only for the structure that fronts Walnut Avenue. The building was previously used as a medical care facility for the Ketchum Family Medicine business and has been vacant for over a year. No changes to the George Castle Cabin building or use are proposed with this application. The subject property is located by the corner of Walnut Avenue and 4th Street with nearby businesses including the Community Library, Wood River Museum of History and Culture, Living With Wolves Museum, coffee shops, restaurants, and retail. The property is also next to the new community housing development, Bluebird, which contains 51 housing units.

The subject property is zoned Community Core Subdistrict 1 – Retail Core (CC-1), which allows "Office, contractor-related business" with ground floor street frontage only through the approval of a Conditional Use Permit. The Ketchum Municipal Code defines "Office, contractor-related business" as:

"Office, contractor-related business: An establishment wherein the primary use is the conduct of a business or profession specifically related to building contracting including, design services, engineering, construction, landscaping, maintenance, and property management."

As outlined in the CUP application, the proposed office is for a property management company that manages short-term rentals. The proposed office floor plan consists of a lobby, reception, office, conference room, kitchenette, and multiple storage rooms.

The Commission reviewed the application for conformance with the City of Ketchum's zoning regulations including but not limited to permitted uses, parking, dark skies, and signage. The Commission also reviewed the application for conformance with the conditional use permit criteria outlined in Section 17.116.030 of the Ketchum Municipal Code (KMC), including conformance with the 2014 Comprehensive Plan. Based on a review of the proposed application, the Commission found that the proposed office does not meet the criteria for a CUP in this location, as a property management office does not fully promote the goals of the Retail Core regarding downtown vibrancy and creating a pedestrian friendly environment.

FINDINGS OF FACT

The Commission, having reviewed the entire project record, provided notice, and conducted the required public hearing, does hereby find that the project does not conform to the applicable standards and criteria as set forth in Chapter 17.116 – *Conditional Uses* and Title 17 – *Zoning Regulations*. The Commission discussed the project’s conformance with the conditional use permit criteria and whether the proposed office space was contextually appropriate. The Commission found the project to not be in conformance with the conditional use permit criteria. Therefore, the Commission does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

FINDINGS REGARDING CONDITIONAL USE PERMIT CRITERIA

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input type="checkbox"/>	<input checked="" 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.
			Finding	<i>The Community Core (CC) Zone District is divided into two subdistricts, Retail Core (CC-1) and Mixed Use (CC-2) Subdistricts. The Retail Core intends to be the community’s primary shopping district and provide ground floor storefronts which create an active pedestrian-friendly environment. The Mixed-Use Subdistrict includes many of the same uses seen in the Retail Core, but the two subdistricts differ when it comes to office space. While office is permitted by right use in all portions of a building in the Mixed-Use Subdistrict, the Retail Core requires a conditional use permit for office space that is on the ground floor and has street frontage. As further discussed in Criteria 5, office is identified as an appropriate use on upper floors of buildings within the Retail Core land use category. The proposed office is located in a single-story building with frontage on Walnut Avenue and adjacent to 4th Street, both highly used pedestrian corridors within Ketchum’s downtown. Frequently visited pedestrian uses in the immediate area to the south and east include the Community Library, Wood River Museum of History and Culture, Living With Wolves Museum, coffee shops, and multiple retail and clothing stores making the area a pedestrian hub. Other uses which are permitted in the Retail Core include convenience stores, daycare centers, food</i>

				<p>service, instructional services (music, painting, educational tutoring facilities), personal services (beauty/barber shops, pet grooming, tailors, shoe repair), cultural facilities (museums, libraries, art galleries), medical care facilities, and more. These uses differ from retail but still attract frequent pedestrian activity which help to contribute to the overall pedestrian activity which defines the area. Also, the subject property is next to the new Bluebird development, that is nearing completion and the 51 housing units will soon be occupied. According to the applicant narrative in the CUP application, the proposed office is for a property management business that manages short-term rentals which expects to have one to three employees and between zero and one guest daily. The Commission found that the lack of customers and pedestrian-friendly environment of the office makes the use not the most compatible with the surrounding businesses and the site would be better served by a business with a more customer-oriented use.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	<p>The conditional use will not materially endanger the health, safety and welfare of the community.</p> <p><i>Finding</i> The Building and Fire Department have reviewed the proposed plans for the space. All life safety and building code requirements are being met. The Commission found that the request does not meet the policies in the Comprehensive Plan, and therefore the application does not support the overall welfare of the downtown and the community. Further discussion regarding whether the request meets the policies of the Comprehensive Plan is reviewed later in Criteria 5.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	<p>The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.</p> <p><i>Finding</i> The proposed use is in a portion of the community core that has fully connected sidewalks providing a pedestrian path from surrounding businesses, transportation stops, and parking areas. The proposed property management office does not anticipate frequent visitors, therefore, an increase in pedestrian and vehicular traffic is not anticipated. Visitors and users of the office would have access to on street parking or can walk, bike, or bus to the space depending on where they are coming from. As noted above, the KMC exempts on-site parking requirements for the first 5,500 square feet of office space in the Community Core zoning district. The proposed office is space is less than 5,500 square feet and located within the Community Core zoning district, making the proposed use exempt from providing on-site parking.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(D)	<p>The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the</p>

				surrounding area or conditions can be established to mitigate adverse impacts.
			Finding	<i>As mentioned above, all departments have reviewed the proposed use including Streets, Fire, Water, Wastewater, Building, and Engineering. Additionally, the proposed use is within a commercial building currently served by all other utilities necessary to service the use including electricity, gas, and garbage service with no increase in service levels anticipated with the proposed use.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.
			Finding	<i>See Table 1 below</i>

Table 1. Comprehensive Plan Analysis

<p>Land Use Category: <i>Retail Core</i></p> <p>Purpose <i>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 is served by sidewalks, parking, and bike access. Upper floors include a mix of residential uses and offices.</i></p> <p>Analysis: The Comprehensive Plan identifies office as an appropriate use within the retail core but notes that offices should be located on the upper floor of buildings. The proposed office is located in an existing single-story building and expects to have one to three employees and between zero and one visitor per day. The Commission found that a property management office is not an appropriate use for achieving the Retail Core’s purpose of creating an active pedestrian-friendly environment that other uses would provide. Frequently visited pedestrian uses in the immediate area include the Community Library, Wood River Museum of History and Culture, health and wellness facility, and multiple retail and clothing stores making the area a pedestrian hub, with increased activity from recent developments that have added a coffee shop, Living With Wolves Museum, retail, and an ice cream shop that is currently under construction. Also, this property is adjacent to the new Bluebird development, that is nearing completion and the 51 housing units will soon be occupied. The Commission found that the proposed office’s lack of pedestrian activity does not contribute towards the Retail Core’s goal of creating an active pedestrian-friendly environment and that the site would be better served by a business with a more customer-oriented use.</p> <p>Comprehensive Plan Value: Vibrant Downtown <i>Our downtown core is critical to the economic health and well-being of Ketchum. It functions as both an economic engine and the symbolic “heart and soul” of the City. We will preserve this vibrant commercial area as a place where local businesses can thrive and where people can congregate. Downtown must be a place that people can reach easily by foot, bike, and transit. We will continue to reinforce the downtown as the City’s primary business district, retail core, and key gathering place for residents and</i></p>
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visitors for shopping, dining, and entertainment. Enhancements and efforts to support events, the arts, and Ketchum's history and culture will make downtown an even greater community asset.

Analysis: The Commission found that the proposed use does not support the City's value of creating a vibrant downtown because the business anticipates zero to one visitor daily it does not act as a "key gathering place for residents and visitors for shopping, dining, and entertainment." The Commission found that instead of using the space to further the goal of downtown being a key gathering space for residents and visitors, the proposal intends to occupy a building with frontage on Walnut Avenue with a business that expects only zero to one visitor per day. Further, the Commission found that the proposal does not support Ketchum's economic health because the business expects to have only one to three employees, therefore, it would not have a significant impact on the local economy.

Policy E-3(b)

Tourism-Related Land Uses, Businesses, Events, and Marketing

Continue to support tourism-related land uses and businesses including lodging development and venues. Support national sporting and cultural events, and strong marketing.

Analysis: The Commission found that other uses that are permitted outright in the Retail Core would better serve the tourism economy than a property management business in this location. And that because of the few daily visitors and being located on the ground floor in an active downtown area, the site would be better served with a more customer-oriented use.

Policy E-4(a)

Balance of Business Types

Ensure a balance of local and tourism business types throughout the community.

Analysis: The Commission found that the property management office in the Retail Core is not compatible with surrounding uses and does not benefit the community or tourism economy. Therefore, does not meet the policies of the Comprehensive Plan.

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 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 Chapters 17.116, 17.08, 17.12, 17.18, 17.132.
5. The Conditional Use Permit application does not meet all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **denies** this Conditional Use Permit Application File No. P24-028 this Tuesday, September 10, 2024.

Findings of Fact **adopted** this 10th day of September 2024.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission