



**City of Ketchum  
Planning & Building**

IN RE: )  
 )  
 Walnut & 4<sup>th</sup> Mixed-Use Building ) KETCHUM PLANNING AND ZONING COMMISSION  
 Design Review Amendment ) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND  
 ) DECISION  
 )  
 Date: October 11, 2022 )  
 )  
 File Number: P20-046A )

**PROJECT:** Walnut & 4<sup>th</sup> Mixed-Use Building Design Review Amendment  
**APPLICATION TYPES:** Design Review Amendment  
**FILE NUMBER:** P20-046A  
**REPRESENTATIVES:** John Montoya, Architect, Resin Design & Morley Golden  
**PROPERTY OWNER:** Walnut & Fourth LLC  
**LOCATION:** 580 E 4<sup>th</sup> Street (Ketchum Townsite: Block 44: Lot 7A)  
**ZONING:** Retail Core of the Community Core (CC-1)  
**OVERLAY:** None

**RECORD OF PROCEEDINGS**

The Planning and Zoning Commission considered the Design Review Amendment Application File No. P20-046A for the Walnut & 4<sup>th</sup> Mixed-Use Building project during their regular meeting on September 27<sup>th</sup>, 2022. The project before the Commission consisted of reviewing proposed modifications to the project plans for the Walnut & 4<sup>th</sup> Mixed-Use Building approved by the Planning and Zoning Commission with Design Review Permit P20-046. The project is located at the southwest corner of 4<sup>th</sup> Street and Walnut Avenue within the Retail Core of the Community Core (CC-1 Zone) and is currently under construction.

Public Hearing Notice

A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site on September 7<sup>th</sup>, 2022. The public hearing notice was published in the Idaho Mountain Express the on September 7<sup>th</sup>, 2022. A notice was posted on the City’s website on September 7<sup>th</sup>, 2022. The public hearing notice was posted on the project site on September 7<sup>th</sup>, 2022.

## FINDINGS OF FACT

The Ketchum Planning and Zoning Commission having reviewed the project record does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

### Project History and Background

The Planning and Zoning Commission reviewed and approved Design Review Permit P20-046 for the Walnut & 4<sup>th</sup> Mixed-Use Building on September 15<sup>th</sup>, 2020. The mixed-use building as approved by the Commission contained: (a) a community housing unit in the partial basement, (b) food service, retail, and a market-rate residential unit on the ground level, (c) two residential units, office space, and a food service area balcony on the second floor, and (d) 6 on-site parking spaces, including one ADA space, accessed from the Block 44 alleyway.

The Ketchum City Council approved Floor Area Ratio (FAR) Exceedance Agreement Contract #20595, recorded as Instrument number #682499 in records of Blaine County, on April 19<sup>th</sup>, 2021. The FAR Exceedance Agreement memorialized the applicant's community housing requirement in exchange for the project's increased FAR. FAR Exceedance Agreement Contract #20595 approved a 1,488-square-foot community housing rental unit within the basement of the new mixed-use building targeted for Blaine County Housing Authority Income Category 4.

The project was issued a building permit (Application File No. B21-009) on June 22<sup>nd</sup>, 2021. After the building permit for the project was issued, the applicant submitted modifications to extend the partial basement to a full basement that matched the building footprint of the upper levels. The enlarged basement floor plan matched the configuration of the partial basement plan. No changes were proposed to the total area or configuration of the community housing unit within the basement. The enlarged basement area was proposed to accommodate more non-habitable space for storage. No changes were proposed to the development's total gross floor area as basements are not included in the gross floor area calculation pursuant to Ketchum Municipal Code §17.08.020. Staff administratively approved the proposed change to enlarge the basement on August 25<sup>th</sup>, 2021.

### PROPOSED MODIFICATIONS TO DESIGN REVIEW PERMIT P20-046

The changes to the project plans approved with Design Review Permit P20-046 propose to modify the mixture and configuration of uses that were approved by the Planning and Zoning Commission. As the requested change modifies the mixture of uses within the development, Staff determined that the proposed amendment does not qualify as a minor modification and is subject to the Commission's review and approval.

In addition to the proposed request to modify the mixture and configuration of uses, the applicant has proposed changes to the exterior of the mixed-use building. The proposed modifications are identified on the modified project plans attached as Exhibit A.

### Exterior Modifications

The proposed exterior modifications include changes to the exterior materials, window size and design, landscaping, and exterior lighting.

The applicant has replaced the wood siding proposed at the ground floor with stone veneer to comply with Fire Department standards requiring all exterior materials within 12 vertical inches of finished

Findings of Fact, Conclusions of Law, and Decision

Walnut & 4<sup>th</sup> Mixed-Use Building Design Review Amendment P20-046A

Planning & Zoning Commission Meeting of October 11<sup>th</sup>, 2022

City of Ketchum Planning & Building Department

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grade to be 1-hour rated, noncombustible material. The applicant has proposed enlarging the window above the building entrance at the 4th Street façade. The windows at the ground-level of the south elevation have been modified to a clerestory design. The applicant has modified the design of the guardrails at the upper-level balconies at the alley and interior side elevations. The original project plans approved with Design Review P20-046A proposed horizontal metal rails. The applicant has proposed modifying these guardrails to solid, stained wood panels to provide more privacy to the balconies.

The applicant has revised the proposed exterior lighting plan (See Figure 1). The project plans approved with Design Review P20-046 proposed 18 total wall sconces and 30 recessed can lights. Three different wall sconces were proposed with the original project plans approved with Design Review P20-046. The applicant has proposed 1 new exterior wall sconce to replace the 3 wall sconces that were approved with Design Review P20-046 and reduced the total number of wall sconces to 6 total fixtures.

The landscape plan has been modified along 4<sup>th</sup> Street. The project plans approved with Design Review P20-046 showed in-ground planting beds along the 4<sup>th</sup> Street frontage that extended into the public right-of-way. The landscape plan has been revised to provide raised landscaped planter boxes along the 4th Street façade. The planter boxes are contained on the subject property and do not extend into the public right-of-way.

The original project plans approved with Design Review Application File No. P20-046 included a false chimney that was incorporated into the design of the 4th Street façade. This false chimney has been removed from the 4<sup>th</sup> Street façade. The applicant has modified the design of the chimney at the Walnut Avenue Elevation (See Figure 2). Side openings have been added to the chimney cap. The applicant has modified the design of the fireplace at the ground level so that the fire is visible from the exterior of the mixed-use building along Walnut Avenue. The fireplace is proposed to be enclosed and sealed with glass so that the fire is visible on the exterior of the mixed-use building along Walnut Avenue.

The proposed modifications show proposed changes to the right-of-way improvements. The applicant has proposed modifying the surfacing material for the sidewalk along Walnut Avenue from heated pavers to heated concrete. These modifications also extend the heated concrete sidewalks along Walnut Avenue through the street frontage along the adjacent Gold Mine property. These right-of-way modifications are currently under review by the City Engineer and Planning Department. Before the City approves the building permit modifications, the applicant must receive City Council approval for 2 ROW Encroachment Agreements—one for the 4th& Walnut Mixed-Use Building property located at 580 E 4th Street and one for the Gold Mine property located at 331 N Walnut Avenue.

### **Proposed Modifications to Mixture of Uses**

The applicant has proposed changes to the mixture and configuration of uses within the mixed-use development. Table 1 provides a summary of these proposed changes.

<b>Table 1: Summary of Proposed Changes to Mixture of Uses</b>
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Use	Design Review P20-046 Floor Area	Proposed Modification Floor Area	Summary of Proposed Changes
<b><i>Basement</i></b>			
Community Housing Unit 1	1,488 square feet	1,104 square feet with 52-square-foot storage area	The project plans approved with the original Design Review permit proposed one 1,488-square-foot community housing unit in the basement. The proposed modifications provide two community housing units in the basement. The total floor area of the proposed community housing contribution is 2,123 square feet. The total community housing contribution is proposed to be increased by 635 square feet.
Community Housing Unit 2		914 square feet with 53-square-foot storage area	
<b><i>Ground Floor</i></b>			
Retail	6,142 square feet	3,288 square feet	The total retail area is proposed to be reduced by 2,854 square feet. The total food service area is proposed to be reduced by 268 square feet. The residential unit on the ground level has been eliminated. A new 3,252-square-foot unit for the Community Library Regional History Museum (cultural facility) has been added to the ground level.
Food Service	2,757 square feet	2,489 square feet	
Residential	1,020 square feet	None	
Cultural Facility	None	3,252 square feet	
<b><i>Second Level</i></b>			
Residential A	1,773 square feet	1,866 square feet	The residential floor area on the second level is proposed to be increased by 87 square feet. The office area on the second level is proposed to be increased by 1,123 square feet.
Residential B	1,928 square feet	1,922 square feet	
Office	3,867 square feet	4,999 square feet	

The project plans approved with the original Design Review permit proposed one 1,488-square-foot community housing unit in the basement. The proposed modifications provide two community housing units in the basement. The total floor area of the proposed community housing contribution is 2,123 square feet. The total community housing contribution is proposed to be increased by 635 square feet. Condition of Approval #3 requires that FAR Exceedance Agreement 20595 be revised to reflect the modified project and that the amended agreement must be reviewed and approved by the Ketchum City Council prior to City approval of the modified project plans submitted by the applicant to amend Building Permit B21-009.

The modifications also propose changing the location of the community housing within the basement. The community housing unit approved with Design Review Permit P20-046 was proposed to be in the northwest corner of the basement by the corner of the alley and 4<sup>th</sup> Street. The two community housing units proposed with the modifications are located near the southeast corner of the basement at the corner of Walnut Avenue and the south side interior property line. The applicant proposed two

light wells covered by glass blocks sited along the south interior side of the mixed-use building to bring natural light to the community housing units in the basement. The Commission recommended that the applicant (a) maximize the size of the window wells to the greatest extent possible to bring more natural light to the community housing units and (b) utilize a metal grate cover instead of the proposed glass blocks to provide natural ventilation to the community housing units in addition to light. The Commission also commented that the tables and chairs provided as public amenities on the walking surface above should not be placed over the window wells.

The applicant has proposed to modify the mixture of commercial uses on the ground level (See Figure 3). The original project plans approved by the Commission with Design Review Permit P20-046 included a market-rate residential unit at the back of the building along the alley on the ground floor. Residential units on the ground level with street frontage are prohibited in the CC-1 Zone. This residence was permitted on the ground level as the unit did not have any street frontage along Walnut Avenue or 4<sup>th</sup> Street. This market-rate residential unit has been removed from the ground floor. The total retail area on the ground level has been reduced by 2,854 square feet. The food service area at the street corner has been reduced by 268 square feet. The removal of the market-rate residential unit and the reduction in total retail and food service areas will accommodate a new 3,252-square-foot area for the Community Library Regional History Museum located on the ground level. The museum is qualified as a cultural facility use. Ketchum Municipal Code §17.08.020 defines cultural facility as an institution or use of land for the display, preservation, or exhibition of art, scientific, cultural, or historical materials, including, but not limited to, museums, libraries, or art galleries. Cultural facilities are a permitted use in the CC-1 Zone pursuant to Ketchum Municipal Code §17.12.020. While the total retail and food service areas have been reduced, these uses are proposed to remain at the street frontages along 4<sup>th</sup> Street and Walnut Avenue.

The original project plans approved by the Commission with Design Review Permit P20-046 proposed two residential units and office space on the second level. The second floor also included a balcony area for the food service establishment located on the ground level. The applicant has proposed removing this balcony on the second level. The office area is proposed to be increased by 1,123 square feet.

*Off-Street Parking Requirements (Ketchum Municipal Code §17.125.040)*

The proposed modifications to the mixture of uses within the development have resulted in increased parking demand for the mixed-use development. The mixture of uses approved by the Commission with Design Review P20-046 generated a parking demand of 8 spaces (3 residential parking spaces and 5 commercial parking spaces). The parking demand for the proposed mixture of uses is detailed in Table 2.

<b>Table 2: Parking Demand for Proposed Changes to Mixture of Uses</b>		
<b>Proposed Uses</b>	<b>Floor Area</b>	<b>Total Parking Required (Ketchum Municipal Code §17.125.040)</b>
Community Housing (2 units)	2,123 square feet	Exempt Pursuant to Ketchum Municipal Code §17.125.040.C.1a
Retail	3,288 square feet	Exempt Pursuant to Ketchum Municipal Code §17.125.040.C.1c

Food Service	2,489 square feet	Exempt Pursuant to Ketchum Municipal Code §17.125.040.C.1b
Cultural Facility	3,252 square feet	3 parking spaces
Residential A	1,866 square feet	1 parking space
Residential B	1,922 square feet	1 parking space
Office	4,999 square feet	5 parking spaces
<b>Total Parking Spaces Required:</b>		<b>10 parking spaces</b>
Total Parking Spaces Provided On-Site:		6 parking spaces are provided on-site
Community Core On-Street Parking Credit (KMC §17.125.050.C)		<ul style="list-style-type: none"> <li>• 4 parking spaces per 5,500 sq ft of lot area may be credited after 4 spaces minimum is satisfied <i>8 parking spaces may be credited based on 16,378 sq ft lot area</i></li> <li>• Only spaces directly adjacent to property lines <i>5 parking spaces are located within the ROW directly adjacent to the property lines</i></li> <li>• Credit spaces shall only be credited for non-residential parking demand. <i>The project's nonresidential parking demand is 8 spaces.</i></li> </ul> <p>5 total on-street parking spaces may be credited for the non-residential parking demand.</p>
<b>Total Parking Provided</b>		<b>11 Parking Spaces (6 on-site and 5 on-street credit spaces)</b>

The proposed mixture of uses generates a total parking demand of 8 spaces—2 parking spaces required for the residential uses and 8 parking spaces for the commercial uses. The applicant has provided 11 total parking spaces. 6 of these parking spaces, including 1 ADA space, are provided on site. The project is eligible for 5 on-street parking credits pursuant to Ketchum Municipal Code §17.125.050.C. The 6 on-site parking spaces and 5 on-street credit spaces satisfy the project parking demand for the proposed mixture of uses.

### 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 Amendment application is governed under Ketchum Municipal Code Chapters 17.96, 17.124, 17.08, 17.12, 17.18, and 17.128.
5. The Walnut & 4<sup>th</sup> Mixed-Use Building Design Review Amendment Application File No. P20-046A meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

### **DECISION**

**THEREFORE**, the Commission **approves** this Design Review Amendment Application File No. P20-046A this Tuesday, September 27<sup>th</sup>, 2022 subject to the following conditions of approval.

### **CONDITIONS OF APPROVAL**

1. The interior and exterior modifications are subject to the conditions of approval for Design Review Permit P20-046.
2. This Design Review Amendment is based on the plans and information presented and approved at the meeting on the date noted herein. Building Permit plans for all on-site improvements must conform to the approved Design Review plans unless otherwise approved in writing by the Planning and Zoning Commission or the Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal.
3. Prior to City approval of the modified project plans submitted by the applicant to amend Building Permit B21-009, FAR Exceedance Agreement 20595 shall be revised to reflect the modified project and that the amended agreement shall be reviewed and approved by the Ketchum City Council.

Findings of Fact **adopted** this 11<sup>th</sup> day of October 2022.

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Neil Morrow, Chair  
City of Ketchum  
Planning and Zoning Commission

### **EXHIBIT**

- A. Walnut & 4<sup>th</sup> Mixed-Use Building Design Review Amendment P20-046A Project Plans