



City of Ketchum  
Planning & Building

IN RE: )  
 )  
**4th & Main St Mixed-Use Building** ) **KETCHUM PLANNING AND ZONING COMMISSION**  
**Solstice Condominiums** ) **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**  
**Design Review, Lot Line Shift, and** ) **DECISION**  
**Condominium Subdivision Preliminary Plat** )  
**Date: March 9, 2020** )  
 )  
**File Numbers: P20-118, P21-009, & P20-117** )

PROJECT: 4<sup>th</sup> & Main St (Solstice Condominiums) Mixed-Use Building

FILE NUMBERS: P20-118, P21-009, & P20-117

APPLICATION TYPES: Design Review, Lot Line Shift, and Condominium Subdivision Preliminary Plat

ARCHITECT: Peter Paulos, PH Architects

ENGINEER: Galena Engineering

DEVELOPER: Chris Ensign, Solstice Homes Development

PROPERTY OWNER: 400 North Main LLC & Formula Investment LLC

REQUEST: The applicant has requested Design Review approval for the development of a new four-story, 48.5-foot tall, 2.21 FAR, 59,090-square-foot mixed-use building. The Lot Line Shift application will vacate the lot lines between lots 1, 2, 3, and 4 within block 5 of Ketchum’s townsite to consolidate the lots into one amended development parcel for the future Solstice Condominiums. The Condominium Subdivision Preliminary Plat proposes to subdivide the mixed-use building into 4 retail units, 17 residential dwelling units, and common area.

LOCATION: Hot Dog Hill—West Half of Block 5 adjacent to Main Street between 4<sup>th</sup> & 5<sup>th</sup> Streets (Ketchum Townsite: Block 5: Lots 1, 2, 3, & 4)

ZONING: Retail Core of the Community Core (CC-1)

**RECORD OF PROCEEDINGS**

The Planning & Zoning Commission considered the 4<sup>th</sup> & Main St (Solstice Condominiums) Mixed-Use Building Design Review (Application No. P20-118), Lot Line Shift (Application No. P21-009), and

Condominium Subdivision Preliminary Plat (Application No. P20-117) applications during their regular meeting on February 9<sup>th</sup>, 2021. The development applications were considered concurrently and the associated public hearings were combined consistent with Idaho Code §67-6522. After considering the project plans, Staff's analysis, the applicant's presentation, and public comment, the Planning & Zoning Commission denied the Design Review application and recommended denial of the Lot Line Shift and Condominium Subdivision Preliminary Plat to the City Council. Vice-Chair Mead moved to deny the Design Review application and moved to recommend denial of the Lot Line Shift and Condominium Subdivision Preliminary Plat applications to the City Council. The motion was seconded by Commissioner Cosgrove. Chair Morrow and Commissioner Carter voted in favor of the motion. Commissioner Moczygemba voted against the motion. The motion to deny the 4th & Main St (Solstice Condominiums) Mixed-Use Building project passed 4 to 1.

The Planning & Zoning Commission had previously considered the Pre-Application Design Review for this project four times during their meetings on January 10<sup>th</sup>, March 9<sup>th</sup>, June 8<sup>th</sup>, and November 10<sup>th</sup>, 2020. During their review of the project's Pre-Application Design Review, the Commission expressed concerns about the project's compatibility with Ketchum's small-town community and vibrant downtown. Their recommendations focused on the building's design and scale as well as the development's lack of integration within downtown and incompatibility with Main Street's pedestrian-oriented streetscape. The applicant failed to meaningfully respond to the Commission's recommendations.

In addition to the Commission feedback to the applicant, staff recommended the applicant conduct meetings and community outreach to obtain feedback to help inform the project design. This has proved effective for other significant development projects in Ketchum. To date, this outreach has not occurred. Staff also recommended including a local architectural design professional on the project team to provide context and design assistance.

The staff reports prepared for the Planning & Zoning Commission meetings of January 10<sup>th</sup>, March 9<sup>th</sup>, June 8<sup>th</sup>, and November 10<sup>th</sup>, 2020 and February 9<sup>th</sup>, 2021 contain an analysis of the project in relation to Design Review standards specified in Chapter 17.96 of Ketchum Municipal Code (KMC), Subdivision standards (KMC Chapter 16.04), and applicable city ordinances regulations. Project plans and materials submitted by the applicant are attached as exhibits to each staff report.

#### Public Notice for Hearings

The public hearing notice was published in the Idaho Mountain Express on January 20<sup>th</sup>, 2021 and posted on the project site and the City's website on February 2<sup>nd</sup>, 2021. A public hearing notice was mailed to adjacent properties within 300 feet of the project site and all political subdivisions on January 20<sup>th</sup>, 2021.

Public comments are attached as an exhibit to each staff report. Public comments received after staff report publications were saved to the project record and distributed electronically to the Planning & Zoning Commission.

## FINDINGS OF FACT

The Planning & Zoning Commission having reviewed the entire record, provided notice, and conducted the required public hearings does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

### ***FINDINGS REGARDING PROJECT BACKGROUND***

The 4<sup>th</sup> & Main Street (Solstice Condominiums) project proposes to develop a new four-story, 48.5-foot tall, 2.21 FAR, 59,090-square-foot mixed-use building on four lots along Main Street between 4<sup>th</sup> and 5<sup>th</sup> streets within the Retail Core Subdistrict of the Community Core (CC-1). The mixed-use building includes four retail units fronting Main Street, an underground parking garage with 17 total parking spaces and a bike storage area, five community housing units with private entrances accessed from the alleyway, and 12 two- and three-bedroom condominium units with associated private balconies and rooftop terraces. Design Review (Application No. P20-118) is required for developing mixed-use buildings (Ketchum Municipal Code §17.96.010.A4). The Lot Line Shift (Application No. P21-009) will vacate the lot lines between lots 1, 2, 3, and 4 within block 5 of Ketchum's townsite to consolidate the lots into one amended development parcel for the future Solstice Condominiums. The Condominium Subdivision Preliminary Plat (Application No. P20-117) proposes to subdivide the mixed-use building into 4 retail units, 17 residential dwelling units, and common area.

### ***FINDINGS REGARDING PROJECT LOCATION***

#### Local Context: Ketchum's Vibrant Downtown

Ketchum has grown incrementally through time with an eclectic mix of diverse building types. Blocks in downtown are historically platted into 55-foot-wide lot increments. These platted façade increments along a block create an urban pattern with an authentic rhythm.

Main Street's built environment combines repurposed historic buildings, like the Lane Mercantile built in 1887, with more modern development, like the Argyros Theater, to form a textured urban fabric with western mountain charm. The variation of building types and façade identities create unique urban spatial experiences that visually engage pedestrians and activate the streetscape.

#### Development Site: Hot Dog Hill

The new mixed-use building will be located on four lots along Main Street between 4<sup>th</sup> and 5<sup>th</sup> streets within the Retail Core of downtown Ketchum. The 21,989-square-foot site has topographical challenges including multiple slopes. The grade falls approximately 6 ft (~6%) from the alley to the front property line and slopes downhill approximately 5 ft (~2%) from 4<sup>th</sup> Street north to 5<sup>th</sup> Street. An existing retaining wall divides the block separating the natural topography of lots 1 and 2 from development on lots 3 and 4.

### ***FINDINGS REGARDING 2014 COMPREHENSIVE PLAN VALUES, VISION, AND POLICIES & DESIGN REVIEW OBJECTIVES (KMC §17.96.020)***

The Commission found that the 4<sup>th</sup> & Main Street (Solstice Condominiums) Mixed-Use Building project does not align with the community's vision for Ketchum or core values specified in the 2014 Comprehensive Plan. The objectives of Design Review objectives are to: (1) enhance *Ketchum's appearance, character, beauty, and function*, (2) ensure new development is complementary to the design of existing neighborhoods, and (3) protect the town's economic base. These Design Review

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objectives are intended to realize the community's vision and values described in the Comprehensive Plan. The Commission found the project fails to meet these Design Review objectives.

### Community Vision

The Commission found that the project does not align with the community's vision for Ketchum to maintain its authentic small-town character and preserve its vibrant and connected downtown. The project's scale and mass dominate the streetscape diminishing downtown's authentic, compact, and cohesive urban pattern and rhythm.

### Core Value: Vibrant Downtown

The proposed mixed-use building undermines the community's vision to maintain downtown as Ketchum's vibrant commercial area where local businesses thrive and the community gathers together. 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. This project is out of scale and proportion with downtown's traditional development patterns and does not fit in with Ketchum's authentic atmosphere—the proposed streetscape will decrease vibrancy. For example, almost half of the building's 4<sup>th</sup> Street frontage is dedicated towards the residential lobby to serve the luxury condominium units. The large building separates Main Street from Town Square, disconnecting Ketchum from the community's main gathering space in the heart of downtown. The project takes advantage of Baldy views and sunlight to benefit the development's luxury condominiums at the expense of downtown's human-scale, inviting, inclusive, and walkable streetscape. The Commission found that the developer's unwillingness to collaborate with the community and Commission indicated his lack of commitment to integrate the project within downtown Ketchum.

This project will exacerbate the gentrification and homogenization of downtown Ketchum. The proposed development adds to the loss of distinctiveness that makes downtown Ketchum appealing and attractive.

### Core Value: Community Character

*Goal CD-1: Our community will preserve its small-town character and the distinct image of neighborhoods and districts.*

*Policy CD-1.3: Compatible Infill and Redevelopment Projects--Infill and redevelopment projects should be contextually appropriate to the neighborhood and development in which they will occur.*

The project will diminish Ketchum's vibrant, small-town character. The Commission found the infill project is incompatible with downtown's built environment and streetscape. The proposed design lacks sensitivity in the transition between neighboring buildings. Instead of complementing the surrounding neighborhood, the mixed-use building fails to assimilate within the existing community fabric, built environment, and streetscape. The project lacks key features, like public amenities and detailed building facades, that create inviting, sociable, interactive, and dynamic places.

***FINDINGS REGARDING FLOOR AREA RATIO (KMC §17.124.040)***

The project plans maximize the size of the building to the greatest extent potentially permitted by Ketchum’s zoning regulations. The mixed-use building has a total floor area of 59,090 square feet. The mixed-use building’s total gross floor area as calculated by KMC §17.08.020, which excludes basements, underground parking garages, and unenclosed decks, is 48,649 gross square feet. The project’s total Floor Area Ratio (FAR) is 2.21. The maximum 2.25 FAR based on the development site’s area (21,989 square feet) is 49,475 gross square feet. The proposed 48,649 gross floor area is only 826 less than the 2.25 FAR maximum. The building reaches 48.5-feet in height from lowest grade to the fourth-floor roof. Covering the length of the entire block, the building’s front façade will span 210 feet along Main Street.

The applicant presented pictures of existing large downtown buildings like the Argyros and the Colonnade to demonstrate the project’s similarity in mass and scale. These comparisons emphasized the project’s incompatibility and lack of integration within downtown. The existing downtown buildings referenced by the applicant are smaller in size and scale than the proposed development. Additionally, unlike the proposed mixed-use building, these developments contribute to Main Street’s activated, pedestrian-friendly, and human-scale environment. For example, the Argyros has a FAR of 1.7 and includes a public plaza fronting Main Street. The Colonnade has a FAR of 1.26 and activates the streetscape with large storefront windows and pedestrian amenities like benches.

The permitted FAR in the Community Core Zone is 1.0. The Planning & Zoning Commission may allow an increased FAR subject to Design Review (Ketchum Municipal Code §17.124.040.B). Ketchum Municipal Code does not guarantee 2.25 as the allowed FAR. New developments may be permitted an increased FAR above 1.0 at the Commission’s discretion through Design Review. To receive more floor area, new buildings must complement the scale and character of the surrounding neighborhood. This project is out of scale with Main Street and the building’s overwhelming size is incompatible with downtown Ketchum. The Commission found the project does not complement the scale or character of the surrounding neighborhood.

<b>Building Name</b>	<b>Property Address</b>	<b>Building Height</b>	<b>Gross FAR</b>
Silver Creek Outfitters	500 N Main Street	28 feet	0.82
511 Building	511 N Leadville	40 feet	1.5
Nails by Sherine (River Ranch/Tomason House/Kate Knight’s Antiques)	491 N Leadville Avenue	16 feet	0.27
McCotter (Crazy Horse) Building	471 N Leadville Avenue	21 feet	1.37
Ozzies Shoes	411 N Leadville Avenue	28 feet	0.54
Sturtevant’s (Burger Haus)	380 N Main Street	18 feet	0.59
Jones Building	371 N Main Street	38 feet	1.64
Wells Fargo Bank	411 N Main Street	36 feet	0.97
Idaho Independent Bank	491 N Main Street	40 feet	1.75

The Commission found the consolidation of four individual parcels into one large development parcel is out of scale with the pattern of downtown development and incompatible with Ketchum’s small-town character. The pattern of development in the downtown consists of buildings on 55-foot wide, 4<sup>th</sup> and Main (Solstice Condominiums) Mixed-Use Building

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5,500-square-foot parcels. In contrast, this project consolidates the existing separate lots into one parcel consisting of 210 feet of frontage along Main Street with a total area of 21,989 square feet. This lot consolidation creates a project that is incompatible with the pattern and scale of development in downtown Ketchum.

The proposed mid-rise is significantly larger than the surrounding built environment. Table 1 provides heights and floor area ratios for neighboring buildings. The applicant's drone fly-over video highlights the mixed-use building's imposing and dominating appearance within downtown Ketchum. More meaningful scaling devices need to be integrated into the project plans to break up the building's bulk and mass.

#### ***FINDINGS REGARDING OFF-STREET PARKING (KMC CHAPTER 17.125)***

The Commission found that the development's proposed off-street parking is insufficient for the demand generated by the project. The development provides 17 off-street parking spaces within the underground parking garage. These spaces satisfy the off-street parking required for the 12 market-rate residential units. No parking spaces are provided for the four retail spaces or the five community housing units. The developer utilized the on-street parking credit for the three parking spaces required for the retail units (KMC §17.125.050). Pursuant to KMC §17.125.050.D2, only existing and available parking spaces located directly adjacent to the property may be counted towards the on-street parking credit. With the recent relocation of the Mountain Rides bus stop, not enough on-street parking spaces are available adjacent to the property to satisfy the development's parking demand.

#### ***FINDINGS REGARDING DESIGN REVIEW STANDARDS (KMC §17.96.060 & §17.96.070)***

##### **Compatibility of Design**

*The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures (Ketchum Municipal Code §17.96.060.E1).*

The design incorporates limited materials, colors, and shapes in repetitive patterns. The exterior materials are limited to glass, black metal, and red brick. These three materials are monotonously applied in the same arrangement across all facades.

The monotonous design lacks originality or uniqueness. The applicant has attempted to contextualize the building by using natural exterior materials characteristic of downtown's built environment. For example, the design replicates the brick exterior of historic buildings like the Lane Mercantile and the Warfield. The applicant's attempt to contextualize the building through exterior materials and detailing fails due to its repetitiveness and lack of originality. The design copies exterior materials and detailing without sensitively integrating the project's block-span, scale, and architectural features within Main Street's built environment. These similarities devalue Ketchum's built environment. The project fails to include the diversity of design styles that add to Ketchum's authenticity.

##### **Architectural**

*Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness (Ketchum Municipal Code §17.96.060.F5).*

The façade design exacerbates the project's size. The projections and recessions of building mass along Main Street repeat a monotonous pattern. The pushing and pulling of the façade planes fail to meaningfully provide visual relief. The same wall surface design repeats horizontally across the front

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façade along Main Street. These undulation treatments that shift the building's depth must be combined with changes in the façade's exterior material or design character to alleviate this repetitive wall pattern.

*The building character shall be clearly defined by use of architectural features (Ketchum Municipal Code §17.96.060.F2).*

The façade lacks variety in design and detail needed to add complexity and context to the streetscape. The front façade's uniform design creates a monotonous environment across the entire block along Main Street. The building's bulk coupled with its repetitive exterior materials and monotonous façade design creates an unwelcoming and uninteresting experience for the community. The mixed-use building needs scaling devices and design treatments that define and activate the public realm and enhance the pedestrian experience.

### **Circulation Design**

*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 (Ketchum Municipal Code §17.96.060.G3).*

An Idaho Power transformer with associated retaining walls blocks access to Block 5's alley from 5<sup>th</sup> Street impeding vehicular circulation. The applicant has proposed a midblock access to the underground parking garage along 5<sup>th</sup> Street. The Ketchum Traffic Authority recommends that no curb cuts should be permitted if there is alley access available to serve the development. The Ketchum Traffic Authority has provided the following policy recommendation pertaining to alley access versus street access:

In the downtown core and tourist zone, no curb cuts should be permitted if there is alley access available. The reasons:

- Having multiple curb cuts creates safety and congestion issues. When a curb cut is off the street, people tend to stop traffic to make left turns into the driveway. Couple this with traffic accessing projects from the alley, it presents safety and congestion issues.
- Driveways intersecting sidewalks create a safety hazard for pedestrians and bicyclists. One of the highest rates of pedestrian and vehicle collisions take place at driveways. Cars making left turns into driveways typically speed up while entering a driveway because of the limited gaps in on-coming traffic. Cars turning right or left out of the driveway do not think to look for pedestrians and bicyclists.
- Mid-block driveways are counter to creating a safe and engaging pedestrian downtown.
- Driveways that traverse the sidewalk present ADA challenges. Because driveways typically have sloped aprons, this conflicts with the requirement of a maximum 2% slope for sidewalks. Driveways also break-up the elevation of the sidewalk presenting an uneven surface for people with disabilities.
- Driveways remove on-street parking that support local businesses.

The Commission agrees with the Ketchum Traffic Authority's policy recommendations. The Commission finds that the development's 5<sup>th</sup> Street midblock access would generate safety concerns and traffic congestion problems.

## Landscaping

*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 (Ketchum Municipal Code §17.96.060.14).*

The project's landscaping is indicated on Sheets L1.0 and L1.4 of the project plans. The proposed landscaping includes street trees along 4<sup>th</sup> Street and Main Street as well as at-grade landscaped planters. Additional landscaping is proposed for the fourth-level rooftop terrace. The landscaping is insufficient. More landscaping is needed to soften the development's rectangular mass, provide visual relief from building walls, and screen the project from the adjacent streets.

## **FINDINGS REGARDING SUBDIVISION STANDARDS (KMC CHAPTER 16.04)**

The subdivision ordinance is intended to safeguard and enhance the character, appearance, and economic stability of the community and to promote the orderly, harmonious, and integrated development of land (Ketchum Municipal Code §16.04.010). The Commission found that the proposed 4<sup>th</sup> & Main (Solstice Condominiums) Mixed-Use Building is incompatible with the surrounding built environment. The project ignores local context with its large mass fails to enhance the streetscape to create a walkable environment.

## Lot Requirements

*Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings (Ketchum Municipal Code §16.04.040.F1).*

The Lot Line Shift combines all four lots within the west half of Block 5. Blocks in downtown are historically platted into 55-foot wide lot increments. The development of different buildings on smaller lots over time generates variety in design and detail to form a dynamic, authentic, and interesting streetscape. Lot consolidations impacts the pattern of downtown development. Combining multiple lots to develop one big building will undermine variety and visual interest within Ketchum's downtown built environment.

New subdivisions must provide for adequate air, light, solar access, privacy, and open space (Ketchum Municipal Code §16.04.010.B5). The applicant presented sun/shadow diagrams demonstrating that the mass of the condominium building will cast a shadow along 4<sup>th</sup> Street. The loss of direct sunlight will decrease the warmth and overall comfort level of the streetscape.

## Condominiums

*Storage Areas: Adequate interior storage space for personal property of the resident of each condominium unit (Ketchum Municipal Code §16.04.070.G).*

The mixed-use building contains 17 total dwelling units. The underground parking garage contains 17 total parking spaces. The Solstice Condominiums Subdivision Preliminary Plat indicates a common storage area within the underground garage. The first-floor plan (Sheet A1.0) indicates this area will be dedicated to bike storage. This proposed area may be too small to accommodate each residents' storage needs. The Commission finds that the proposed storage area is insufficient to accommodate the 17 residential units.

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*Open Space: The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access (Ketchum Municipal Code §16.04.070.G).*

Most of the market-rate condominium dwelling units have access to associated balconies or roof terraces. The community housing units do not have any associated outdoor living spaces. The second- and third-level balconies all front Main Street. The traffic on Highway 75 may reduce the enjoyment of these outdoor spaces.

### **ACTIONS THE APPLICANT COULD TAKE TO POTENTIALLY OBTAIN APPROVAL IDAHO CODE §67-6519(5)**

Idaho's Local Land Use Planning Act requires that if a development application is denied, the decision maker must explain to the applicant how the project could be changed to make it acceptable and compliant with applicable standards. The Commission recommends that in order to remedy the project's deficiencies and noncompliance with applicable standards, the developer could adjust design elements considering the following: (a) separate the project into individual buildings across the block, (b) incorporate scaling devices, including vertical elements and varying roof heights, to break up the building's bulk and mass, (c) enhance design through undulation and material differentiation, (d) create an activated, pedestrian-friendly, and human-scale environment along Main Street, and (e) reduce the project's total floor area.

### **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 and the Subdivision Applications pursuant to Chapter 16.04 of Ketchum Municipal Code Title 16.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code § 17.96.080 and §16.04.030.
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. The Lot Line Shift and Condominium Preliminary Plat applications are governed under Chapter 16.04 of Ketchum Municipal Code.
5. The 4<sup>th</sup> & Main St (Solstice Condominiums) Mixed-Use Building Design Review application does not meet the standards specified in Title 17 and Title 16 of Ketchum Municipal Code or the community's vision and values specified in the 2014 Comprehensive Plan.

6. Ketchum Municipal Code §17.124.040(2) establishes that “an increased FAR **may** be permitted subject to design review approval, and provided, that all of the following conditions are met: . . .” (emphasis added). The Commission understands, interprets, and concludes that the “may” denotes that an increased FAR is discretionary within the design review approval process.

#### DECISION

**THEREFORE**, the Ketchum Planning and Zoning Commission **denies** Application No. P20-118 (Design Review) and **recommends denial** to the City Council of Application No. P21-009 (Lot Line Shift) and Application No. P20-117 (Preliminary Plat).

Findings of Fact **adopted** this 9<sup>th</sup> day of March 2021.

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Neil Morrow, Chair  
City of Ketchum  
Planning and Zoning Commission