



City of Ketchum
Planning & Building

IN RE:)
)
Bohica Multi Use) KETCHUM PLANNING AND ZONING COMMISSION
Design Review Amendment) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: June 25, 2024) DECISION
)
File Number: P22-001A)

PROJECT: Bohica Multi-Use (Papillon Condos)

APPLICATION TYPE: Design Review Amendment

FILE NUMBER: P22-001A

ASSOCIATED APPLICATIONS: Condominium Subdivision Preliminary Plat (P22-012)
Condominium Subdivision Final Plat (P24-019)
Design Review (P22-001)

REPRESENTATIVE: Mike Brunelle, Brunelle Architects (Architect)

OWNER: Bohica Idaho, LLC

LOCATION: 131 N Washington Ave – Lot 3 Block 39, Ketchum Townsite

ZONING: Community Core – Subdistrict 2 – Mixed Use (CC-2)

OVERLAY: None

RECORD OF PROCEEDINGS

On April 22, 2024, the city received payment for a building permit modification request for a variety of exterior changes that required building permit modifications and design review approval. During the staff review period, staff observed that the applicant had already authorized the contractor to execute the changes without city approval. On May 21, 2024, staff issued a Stop Work Order on all exterior changes and notified the applicant that some of the proposed changes were substantial enough that it warranted review by the Planning and Zoning Commission.

On June 12, 2024, staff met with the applicant on-site to review the changes that were underway and to provide feedback to the applicant on said changes. Staff determined that the proposed changes to the alley façade and north façade were minor in nature and approved those changes through an administrative design review (BP# 23-KET-00019), lifting the stop work order in those areas.

A public hearing notice for the remaining changes was mailed to all owners of property within 300 feet of the project site and all political subdivisions on June 5, 2024. The public hearing notice was published in the Idaho Mountain Express on June 5, 2024. A notice was posted on the project site and the city's website on June 18 and June 10, 2024 respectively.

The Planning and Zoning Commission (the "Commission") considered the Papillon Condos Design Review Amendment during a regular meeting on June 25, 2024. At the hearing, the Commission was presented with three options for consideration. The first option was to revert to the original design review approval, the second was to accept the changes as proposed, and the third option was to implement some additional color treatment to the façade. After considering staff's analysis, the applicant's presentation, and public comment, the Commission ultimately determined that the second option was the preferred option and approved the Design Review amendment application unanimously.

BACKGROUND

The Papillon Condominiums (formerly Bohica Mixed Use) was approved in 2022 (P22-001) and the building has been under construction since the City of Ketchum issued the building permit on November 17, 2022. Proposed changes to the front façade of the building included:

Changes to the front façade include:

- Material change so that all wood siding is the same tone
- Vertical siding changed to horizontal orientation
- Change of railing type and tone
- Change of the color of the fascia and horizontal banding between the 2nd and 3rd floors
- Reduction in width of the awning element above the first floor main entry
- Change of the windows on the far left of the third level
- Extension of the pop-out window on the right to lower on the facade
- Addition of metal access ladders in multiple locations
- Removal of the mid portion of the awning on the third floor

FINDINGS OF FACT

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

FINDINGS REGARDING COMPLIANCE WITH ZONING REGULATIONS

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
Finding: No change proposed – the development remains in compliance with this standard.	

17.96.060.A.2 - Streets	Conformance
<i>All street designs shall be approved by the City Engineer.</i>	YES
Finding: No change proposed – the development remains in compliance with this standard and the condition of approval of the initial Design Review (P22-001).	

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
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard and the condition of approval of the initial Design Review (P22-001).	

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
Finding: No change proposed.	

17.96.060.B.4 - Sidewalks	Conformance
<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>	YES
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed.	

17.96.060.C.1 - Drainage	Conformance
<i>All stormwater shall be retained on site.</i>	YES
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard and the condition of approval of the initial Design Review (P22-001).	

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>	N/A
Finding: No change proposed.	

17.96.060.C.4 - Drainage	Conformance
<i>Drainage facilities shall be constructed per City standards.</i>	YES
Finding: No change proposed, the development remains in compliance with this standard and the condition of approval of the initial Design Review (P22-001).	

17.96.060.D.1 - Utilities	Conformance
<i>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</i>	YES
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

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: No change proposed.	

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
Finding: The initial design review approval shows two tones of wood siding on the front façade, a reddish tone of vertical wood siding and a more neutral brown tone of horizontal siding. The applicant proposed to use the neutral brown horizontal siding on the entire façade and proposed to darken the accent fascia to provide some contrast to the façade. The applicant also proposed to change the type of railing on the second and floor deck to have a	

wider railing than initially proposed, although the same color. The proposed color is found to be complementary with the townscape, surrounding neighborhoods and adjoining structures as the change proposed are found to compliment the vertical and horizontal siding of the Mtn Land building to the south, but differentiate the structures from one another enough to provide visual interest.

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
Finding: No change.	

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
Finding: No change.	

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
Finding: The revised proposal includes a reduction in the size of the accent element above the main entrance to the building which is found to be more defining of the entrance than the previous design review approval.	

17.96.060.F.2 – Architectural	Conformance
<i>The building character shall be clearly defined by use of architectural features.</i>	YES
Finding: The initial design review approval noted the mountain modern approach defined by architectural features such as horizontal blocking of decks and roof forms, and vertical integration of all stories using accent materials. Although the proposed changes include a change i materials, the character defining features of horizontal blocking still exist within the building. The right side of the front façade still features a pop-out of the second and third level and the locations of the decks have not changed.	

17.96.060.F.3 – Architectural	Conformance
<i>There shall be continuity of materials, colors and signing within the project.</i>	YES
Finding: The proposed change in materials remains consistent throughout the project as the proposed siding color reflects an existing material previously approved. Additionally, the change to the facia color matches that of other accent colors of windows and doors.	

17.96.060.F.4 – Architectural	Conformance
<i>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</i>	YES
Finding: No change proposed – the development remains in compliance with this standard.	

17.96.060.F.5 – Architectural	Conformance
<i>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</i>	YES
Finding: There are no changes proposed to the main form of the building, which is the primary basis for the undulation and relief of the building. It is found that because of the changes in plane in the facade, in combination with the awnings, overhangs and parapet caps, the changes in material color and orientation (vertical vs. horizontal) do not diminish the undulation and relief provided in the building and therefore the proposed design meets this criteria.	

17.96.060.F.6 – Architectural	Conformance
<i>Building(s) shall orient toward their primary street frontage.</i>	YES
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

17.96.060.G.2 – Circulation Design	Conformance
<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
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

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: No change proposed – the development remains in compliance with this standard.	

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: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

17.96.060.H.2 – Snow Storage	Conformance
<i>Snow storage areas shall be provided on site.</i>	N/A
Finding: No change proposed.	

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
Finding: No change proposed.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

17.96.060.I.1 – Landscaping	Conformance
<i>Landscaping is required for all projects.</i>	YES
Finding: Sheet L1 of the project plans is the landscape plan for the project.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

17.96.060.J.1 – Public Amenities	Conformance
<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>	YES
Finding: No change proposed – the development remains in compliance with this standard.	

17.96.060.K.1 – Underground Encroachments	Conformance
<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>	N/A
Finding: No change proposed.	

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

FINDINGS REGARDING DESIGN REVIEW STANDARDS – COMMUNITY CORE

17.96.070.A.1 – Streets	Conformance
<i>Street trees, streetlights, street furnishings, and all other street improvements shall be installed or constructed as determined by the Public Works Department.</i>	YES
Finding: No change proposed – the development remains in compliance with this standard.	

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>	N/A
Finding: No change proposed.	

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
Finding: No change proposed.	

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: Changes to the north and south façade walls (interior side property lines) were approved through administrative design review (BP# 23-KET-00019) and not under the purview of this design review amendment.	

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: No changes are proposed to the windows and entry areas at the ground level except for a change to the accent awning above the main entrance doorway. It is found that the revision to the awning treatment provides a more effective highlight of the entrance.	

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: No change proposed – the development remains in compliance with this standard.	

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: No change proposed – the development remains in compliance with this standard.	

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: No change proposed.	

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>	N/A
Finding: No change proposed.	

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>	YES
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

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
Finding: No change proposed – the development remains in compliance with this standard.	

17.96.070.D.3 - Landscaping	Conformance
<i>The City arborist shall approve all parking lot and replacement trees.</i>	N/A
Finding: No change proposed – the development remains in compliance with this standard.	

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>	YES
Finding: No change proposed – the development remains in compliance with this standard.	

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: T No change proposed.	

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: No change proposed.	

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: No change proposed – the development remains in compliance with this standard.	

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: No change proposed – the development remains in compliance with this standard.	

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 achieve unobstructed access from the public right-of-way and not in areas requiring access via stairways or other major obstacles.</i>	YES
Finding: No change proposed – the development remains in compliance with this standard.	

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 Bohica Multi-Use Design Review amendment application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **approves** this Design Review Application File No. P22-001A this Tuesday, August 13, 2024, subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. Work shall not commence on the front façade of the building until the building permit modification for the proposed changes is approved.
2. All work shall comply with approved plans with no further changes without the Administrator or Planning and Zoning Commission's approval pursuant to Ketchum Municipal Code.
3. Fire access ladders shall not be installed until such time as the Fire Department and Planning Department have jointly approved the location and design of said access ladders.
4. 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 13th day of August, 2024.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission