

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On June 1, 2009, the Hailey Planning and Zoning Commission considered a recommendation by the Administrator to approve an alteration of the exterior of an existing building, located on Lots 4 - 10 Block 126, Hailey Townsite (719 South Third Avenue) within the General Residential and Townsite Overlay zoning districts. Applications determined by the Administrator to have no substantial impact on adjacent properties or on the community at large may be placed on the consent agenda for approval or denial by the Commission based on the Administrator's recommendations. The Administrator recommends approval of the alteration. The Commission, having been presented with all information regarding the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

### FINDINGS OF FACT

#### Notice

Section 6A.3 of the Zoning Ordinance allows for applications, which the Administrator determines to have no substantial impact on adjacent properties or on the community at large, to be placed on the consent agenda for approval or denial by the Commission based on the Administrator's recommendations. Items placed on the consent agenda do not require public notice or publication unless the Commission determines otherwise.

#### Application

A request submitted by Blaine County School District for an alteration of the exterior of an existing building, located on Lots 4-10, Block 126, Hailey Townsite (719 South Third Avenue) within the General Residential (GR) and Townsite Overlay zoning districts. The proposed alterations consist of roof and deck modifications, the addition of a shade pergola, and the construction of a concrete slab, for placement of a future generator, which will be used to provide back-up support to the computer facility.

#### Standards of Evaluation

Articles IV and VIA of the Hailey Zoning Ordinance establish the criteria for applications for Zoning and Design Review. For each applicable standard (in bold print), the Commission makes the following Findings of Fact:

**6A.3.a. The Administrator has the authority to recommend for approval or denial certain applications for Design Review that the Administrator determines to have no substantial impact on adjacent properties or on the community at large, subject to final approval or denial by the Commission on its consent agenda. Such recommendation for approval or denial shall specify the ordinance and standards used in evaluating the application; the reasons for the approval or denial; and recommended conditions, if any. Any Commissioner may cause any application on the consent agenda to be moved to the regular agenda in order to have a full public hearing of potential impacts of the application. Applications placed on the consent agenda may include, but are not limited to: additions under five-hundred (500) square feet or not prominently visible from a public street, façade changes and alterations to parking or other site elements. Such applications may instead be heard by the Hearing Examiner.**

The Administrator determined the alterations to have no substantial impact on adjacent properties or on the community at large because the appearance of the building will not drastically change. The south

and north sides of the building will reduce the deck and eliminate the sloped roof cover. In addition, the north side of the building will be adding a loading deck, which will be accessed by a new access drive and the south side of the building will be relocating an egress door. The area to the west, adjacent to the alley, is proposed to have a shade pergola constructed. On the south side of the building, an 8 foot, by 10 foot, concrete pad is requested for a generator, which would provide back up for the computer server room. The Administrator recommends approval of the proposed alterations to the Blaine County School District Technology Building with conditions of approval.

### **Zoning Standards**

This facility was previously occupied by the Silver Creek Alternative School, which is a permitted use in the General Residential Zoning District. The School District now proposes the property be used by the Blaine County School District personnel and teachers, primarily in an administrative function. This use is defined as a Public Use, not as a School, in accordance with Section 2.2, Definitions, of Hailey's Zoning Ordinance. A Public Use requires a Conditional Use Permit. A Conditional Use Permit shall be applied for and received prior to the building being occupied as the proposed Technology Building. The applicant shall be aware that the proposed use is only permissible with a conditional use permit and if applied for and denied, this use cannot occur at this location. Any improvements to the building or site, which have been approved by this design review approval, do not waive the requirement for a Conditional Use Permit.

#### **4.13.6 Bulk requirements within the Townsite Overlay district**

**d. Minimum Setbacks in LR, GR, TN, and LB Districts:**

**1. Setback from any street right-of-way – twelve (12) feet. The following exceptions apply:**

- a. Unenclosed features of a residence (e.g. front porches, stoops, and decks without walls) shall be no closer than five (5) feet to the lot line. Such features do not include carports.**
- b. No garage door shall be within twenty (20) feet of any street right-of-way, as measured from the garage door to the street providing access to the garage.**

No change is proposed.

**2. Setback from any alley right-of-way – six (6) feet. There shall be a six (6) feet horizontal separation between any building and a water meter vault. (Water meter vault and water service line locations may be moved at the property owner's expense, subject to notification and approval by the City.)**

No change is proposed.

**3. Setback from any Idaho Transportation Department/Wood River Trail right-of-way – five (5) feet. The following exception applies:**

- a. No garage door shall be within twenty (20) feet of the right-of-way, as measured from the garage door to the right-of-way, where this right-of-way provides access to the garage.**

Not applicable.

**4. Setback from property lines abutting other private property --**

- a. **Base setback – fifteen percent (15%) of lot width, or 10 feet, whichever is less. However, no such setback shall be less than six (6) feet. (See Table 1).**

The lot width is approximately 175 feet. 15% of this measurement is approximately 26 feet. Therefore, the base setback is 10 feet.

- b. **Any wall, as measured from the highest point including any gable or peak in a direct vertical line to record grade, shall have a setback of one (1) foot for every two and a half (2.5) feet of wall height (see Diagram 1 and Table 2), but not less than the base setback noted in subsection (a) above, regardless of underlying zoning.**

The height of the building is 22 feet, which requires a setback of approximately nine feet.

- c. **Roof overhangs, fire escapes, standard chimneys, bay windows and other features, which are subject to Section 7.2 of this Ordinance (Supplementary Yard Regulations), shall not have a setback less than five (5) feet from property lines abutting other private property.**

The loading dock is less than 30 inches from adjacent grade and is unenclosed. These types of structures are exempt from setbacks according to the definition of a setback, which excludes decks with height measurements less than 30 inches.

All required setbacks are maintained.

#### **6A.7.1.1 Sidewalk, Curb, and Gutter.**

**Sidewalks, curb and gutter shall be required improvements for projects requiring Design Review approval in the B, LB, TI, A and SCI zoning districts. At a minimum, sidewalks and curb and gutter, where required, shall comply with the City Standards. Sidewalks shall be at least six feet (6') wide or as wide as adjacent sidewalks on the same block, whichever is greater. Sidewalks shall be constructed along the entire length of a property adjacent to any public or private street in all zones, as well as in locations that provide safe pedestrian access to and around a building. New sidewalks shall be planned to provide pedestrian connections to any existing sidewalks adjacent to the site. Sites located adjacent to public or private streets that are not currently thru-streets, regardless of whether the street may provide a connection to future streets, shall provide sidewalks to facilitate future pedestrian connections. Sidewalks and drainage improvements shall also be required in other districts, except as otherwise provided herein. The requirement for sidewalk may be waived if the cost of the proposed project construction is less than twenty thousand dollars (\$20,000). For Single Family Dwelling and Duplex projects in the Townsite Overlay District, the requirement for sidewalk shall be waived for any remodel or addition; sidewalks shall be required for new primary dwellings.**

No sidewalk currently exists. A sidewalk, at least 6 feet wide shall be installed and constructed along the entire length of the property adjacent to Third Avenue and shall connect to existing and future sidewalks adjacent to the property (i.e. the Senior Center's approved sidewalk). This requirement has been incorporated in the conditions of approval.

**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% 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 approve in-lieu contribution shall be paid before the City issues a certificate of occupancy. In-lieu contributions for sidewalks shall not be accepted in B, LB, TI and SCI districts.**

**(Ord 1001 §2, 2008)**

If approved by the City, the applicant may pay fees in-lieu of installing a sidewalk.

#### **6A.7.1.2 Water Line Improvements.**

**In the Townsite Overlay District, any proposal for new construction or addition of a garage accessing from the alley, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer.**

No applicable; the proposal does not involve new construction or an addition of a garage accessed from the alley.

#### **9.2.2 Loading Space Requirements and Dimensions. The following regulations shall apply to all commercial and industrial buildings with off-street loading areas.**

- a. One (1) loading space shall be provided for any single retail, wholesale or warehouse occupancy with a floor area in excess of 4000 square feet, except grocery and convenience stores where one (1) loading space shall be provided for a floor area in excess of 1000 square feet. An additional loading space shall be required for every additional 10,000 square feet of floor area, except grocery and convenience stores where an additional loading space shall be required for every additional 5,000 square feet of floor area. Such spaces shall have a minimum area of 500 square feet, and no dimension shall be less than 12 feet.**

One loading space is proposed on the north side of the subject property.

- b. Convenient access driveways to loading spaces from streets or alleys shall be provided; they shall not be less than 12 feet in width.**

The driveway access is shown to be 9 feet wide. In accordance with this standard, the driveway shall be 12 feet in width. This has been incorporated as a condition of approval.

- c. No loading space required by this Ordinance shall project into any street, alley, or other public right-of-way.**

The proposed loading space does not project into any public right-of-way.

#### **9.4.2 Commercial, Professional, Service, Recreation and Entertainment. All commercial, professional, service, recreation and entertainment uses shall provide improved parking in the amount of one parking space for every 1000 square feet of gross building area; except as follows:**

- l. Offices: 1 space for every 500 square feet of gross building area.**

The total square footage of the building is 5,600, requiring 11 parking spaces. One of which shall be an ADA space with approved access aisle and dimensions. Currently there are 17 parking spaces in the public right-of-way and no on-site parking. The applicant proposes to reduce the parking to 14 spaces, to allow for the driveway access to the proposed loading dock. This property is zoned GR and therefore, improvements to the public right-of-way to obtain parking credits is not an option. Because the building exists and the proposed changes are considered minor, with no substantial impact, the current parking scenario would be acceptable, as long as the sidewalk is integrated on-site and provides pedestrian connections to adjacent sidewalks.

#### **6A.7.2.1 DESIGN REVIEW GUIDELINES FOR NON-RESIDENTIAL BUIDLINGS**

##### **A. Site Planning.**

- 1. Where buildings are separated from the public sidewalk along the primary street frontage, the space should contain public and pedestrian amenities. Buildings downtown should be located directly at the back of the sidewalk.**

*Buildings may be separated from the sidewalk by plazas, landscaping, benches, bicycle racks, trash containers, and other pedestrian amenities.*

Not applicable; the building currently exists and no substantial changes are proposed.

- 4. Conflicts between different circulation needs and uses should be minimized.**

*Circulation patterns between customers/pedestrians and service/delivery vehicles should be conflict free. Delivery trucks should not interfere with public rights-of-way or obstruct required parking spaces. Where alleys are provided, they should be utilized for loading deliveries, trash pick-up, etc. Pedestrians should be able to have safe access to the site without being forced to walk within any traffic lane. When developing more than one building on a site, it is important to provide pedestrian paths through the site.*

The proposed access for the loading dock driveway would cross the required sidewalk. In accordance with this guideline, alleys should be used for loading services. Due to the existing grade of the site at the west side of the subject property, adjacent to the alley, it is unreasonable to require the loading dock at the rear of the building.

- 5. Buildings should be sited in a manner that preserves significant vegetation. Existing trees greater than 6" in caliper are considered a resource and the removal of any such trees are subject to administrative review and approval.**

*New construction and landscaping should respect and be compatible with existing vegetation. Proposed site plans shall inventory and delineate to scale all existing plant material to be saved. Removal of trees larger than 6" caliper will require administrative approval and an arborist review. Any tree destroyed or mortally injured after previously being identified to be preserved, or removed without authorization, must be replaced with a large specimen of a species found in the Tree Guide.*

All existing landscaping is to remain. The applicant proposes to remove and replace four (4) trees adjacent to the proposed driveway. All trees proposed for removal shall be reviewed by an arborist and shall be relocated or replaced on-site, in a location approved by the Planning Administrator. This requirement has been incorporated as a condition of approval.

- 7. Snow storage areas shall not be less than 25% of the improved parking and circulation areas and shall be sited in a manner that is accessible and usable. In no case shall a designated snow storage area have any dimension less than 10 feet. Snow storage shall not encumber required parking spaces or encroach into sidewalk or pedestrian pathways.**

*Snow storage areas for parking areas, driveways and sidewalks shall be provided on-site where practical. These areas should be situated so that they are accessible to all types of snow removal vehicles, of a size that can accommodate moderate areas of snow, and located in areas that will not hinder access to trash collection areas, utility meters, etc. Snow storage sites are encouraged to be landscaped with vegetation that is salt-tolerant and resilient to heavy snow. Heated snow melt systems may also be provided and are especially encouraged on shaded walkways. Hauling of snow from downtown areas is permissible where other options are not practical.*

Snow storage calculations should include the required sidewalk and the required 12 foot wide access driveway. It is a condition of approval that snow storage shall be shown in the amount of 25% of these areas and shall be identified on a revised site plan, which shall be submitted to and verified by the Planning Administrator, prior to the issuance of a building permit.

- 8. Off street parking areas should be screened from public streets. On-site parking areas should be located at the rear of the building.**

*Buildings should be oriented at the street to provide a more pleasant and inviting streetscape.*

The building currently exists with no on-site parking.

- 9. On-site parking areas for more than 3 vehicles must be designed to allow vehicles forward entry and exit from the site into a public street.**

*On-site parking should be from the alley or from a single approach to the street. This helps confine vehicular/pedestrian conflict to limited locations, allows more buffering of the parking area and preserves the street frontage for pedestrian traffic.*

The parking area proposes 14 parking spaces, all of which currently exist and are in the public right-of-way. No changes to the parking area are proposed aside from a new handicap sign to be installed and removal of the three (3) northern most parking spaces in order to allow access to the loading dock.

## **B. Building Design.**

- 2. Any addition onto or renovation of an existing building shall be appropriately designed to create a cohesive whole.**

No addition is proposed. The exterior renovation to the building only consists of a new loading dock and the removal of portions of a deck and elimination of a sloped roof. The building's appearance will otherwise, not change.

## **C. Fences and Equipment/Utilities.**

- 3. All ground-mounted mechanical equipment, including heating and air conditioning units, and trash receptacle areas should be adequately screened from surrounding properties by the use of a wall, fence, or landscaping, or shall be enclosed within a building.**

*These types of structures, to the greatest extent possible, should be enclosed within a building. Dumpsters should be located off the alleys. If necessary, when located outside, they should be primarily screened from public streets and adjacent properties.*

The applicant proposes to install an 8 x 10 foot concrete slab at the south west corner of the building. The applicant proposes for this pad to be used for a back up generator for the computer server room. Landscape screening of the generator with four (4) arctic willows is shown on the site plan (sheet 1.1).

**4. Utilities, cables, phone lines and electrical lines shall be considered in site design.**

*Location of above ground utility boxes shall be shown on site plans and should not interfere with other uses such as snow storage, parking and trash collection. All service lines into the subject property shall be installed underground. Additional appurtenances should not be located on existing utility poles.*

As a condition of approval, any modifications or additions of service lines shall be installed underground.

**6A.7.2.4. DESIGN REVIEW GUIDELINES FOR RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS IN THE TOWNSITE OVERLAY DISTRICT (TO).**

**10. Non-residential and Multi-family Uses**

*Non-residential uses and residential uses of three (3) units or greater will be reviewed by the Hailey Planning and Zoning Commission. The Commission will use the Guidelines below and all of the other Guidelines in this document as applicable for these projects, in conjunction with other applicable Design Review Guidelines as set forth in Article 6A of the Hailey Zoning Ordinance.*

**Guideline: Non-residential uses in Old Hailey should be designed with a residential, human scale in mind.**

The building currently exists. The proposed changes will not substantially alter the design the building or increase the massing of the building.

**Guideline: Parking for non-residential uses shall be carefully planned to avoid pedestrian conflicts, and to be subordinate to other design elements on the site.**

➤ *See also Section 4 for other applicable parking guidelines.*

The site is already developed and the proposed changes are considered minor. There is not sufficient space, located on-site for the required parking. Parking already exists in the public right-of-way. It is a condition of approval that the sidewalk be located to the west of the parking area. This will help provide conflicts with pedestrian circulation and parking by not requiring vehicles to cross the sidewalk when entering a parking space.

**Guideline: Utilities for non-residential and multifamily structures shall be integrated into the site design. Utilities should, in most cases, be fully screened from view.**

➤ *Exhaust hoods, rooftop vents and air conditioner units should be screened from view, either with a parapet wall or by integrating these items into interior roof elements.*

➤ *Transformers, gas meters and other site infrastructure should be located in a manner to avoid being seen from entrances, public streets and pedestrian areas. If they cannot be hidden, they should be screened with landscaping, fencing or building wall*

The applicant proposes to install an 8 x 10 foot concrete slab at the south west corner of the building. The applicant proposes for this pad to be used for a back up generator for the computer server room. Landscape screening of the generator with four (4) arctic willows is shown on the site plan (sheet 1.1).

**11. Historic Structures**

The subject building does not meet the definition of a historic structure.

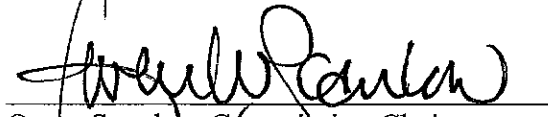
## CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law and Decision:

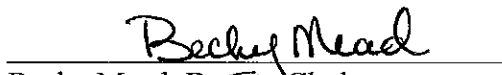
1. The alteration to the Blaine County School's Technology Department conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance and City Standards.
2. The proposed alterations have no substantial impact on adjacent properties or on the community at large.
3. The proposed alterations shall receive Design Review approval subject to the following conditions:
  - a) All Fire Department and Building Department requirements shall be met.
  - b) Any change in use or occupancy type from that approved at time of issuance of Building Permit may require additional improvements and/or approvals. Additional parking may also be required upon subsequent change in use, in conformance with Hailey's Zoning Ordinance at the time of the new use.
  - c) Any improvements made to the building or site by this design review approval shall not waive the requirement for a Conditional Use Permit.
  - d) All City applicable infrastructure requirements shall be met. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
    - A sidewalk, at least 6 feet wide shall be installed and constructed along the entire length of the property adjacent to Third Avenue, shall be installed west of the parking area, and shall connect to existing and future sidewalks adjacent to the property (i.e. the Senior Center's approved sidewalk) or in-lieu fees shall be paid.
    - An ADA parking space, with approved aisle, signage, and dimensions shall be installed.
  - d) No auxiliary apparatus (e.g. utility meters, fire suppression equipment) may extend into any public right-of-way and all new and modified service lines shall be installed underground.
  - e) The four (4) trees proposed for removal shall be reviewed by an arborist and shall be relocated or replaced on-site.
  - f) Prior to the issuance of a building permit, a revised plan shall be submitted and approved by the Planning Administrator showing the following:
    1. Snow storage calculations shall include the required sidewalk and the required 12 foot wide access driveway. Snow storage shall be shown in the amount of 25% of these new

- areas, as well as existing pedestrian and circulation areas.
2. The location of the four (4) relocated or replaced trees.
  3. The driveway accessing the loading dock shall be 12 feet in width.
  4. The required 6 foot wide sidewalk.
- g) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
- h) All exterior lighting shall comply with the Outdoor Lighting Ordinance. Any existing lighting on the subject property shall also be brought into compliance.
- i) Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided as approved by the City Attorney, before a Certificate of Occupancy can be issued.
- j) This Design Review approval is for plans dated May 18, 2009. The Planning & Zoning Administrator has the authority to approve minor modifications to this project prior to, and for the duration of a valid Building Permit.

Signed this 1<sup>st</sup> day of JUNE, 2009.

  
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Owen Scanlon, Commission Chair  
Hailey Planning & Zoning Commission

Attest:

  
\_\_\_\_\_  
Becky Mead, Deputy Clerk

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 2nd day of June, 2009, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

- |                                     |                     |                                 |
|-------------------------------------|---------------------|---------------------------------|
| <input checked="" type="checkbox"/> | U.S. Mail           | Blaine County School District   |
| <input type="checkbox"/>            | Via Electronic Mail | Howard Royal                    |
| <input type="checkbox"/>            | Via Facsimile       | 118 W. Bullion                  |
| <input type="checkbox"/>            | Hand Delivered      | Hailey, ID 83333                |
| <input type="checkbox"/>            | U.S. Mail           | Vital-Ink Architecture          |
| <input checked="" type="checkbox"/> | Via Electronic Mail | Jolyon Sawrey                   |
| <input type="checkbox"/>            | Via Facsimile       | Jolyon@vitalinkarchitecture.com |
| <input type="checkbox"/>            | Hand Delivered      |                                 |

CITY OF HAILEY

By Becky Mead  
Becky Mead, Deputy Clerk