

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On September 21, 2009 the Hailey Planning and Zoning Commission considered an application submitted by the Hailey Cemetery District for Design Review approval for a gazebo, located at Lot A & B-Common Area, Block 4, Hailey Cemetery-1987 Addition, within the General Residential (GR) zoning district. The Commission, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Pursuant to 6A.3 the Administrator has the authority to recommend approval or denial of 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.

Application

The Hailey Cemetery proposes a 314 square foot gazebo on an approximately 23,740 square foot portion of the Hailey Cemetery.

Procedural History

Design Review approval is required for any building for a non-residential or public use within any zoning district. On July 7, 2008 the Hailey Planning and Zoning Commission approved this project. Design Review approval is valid for one year during which time a building permit can be obtained. The applicant did not apply for a building permit or request an extension of Design Review approval within the year design review approval was valid. There have been no changes to the application since the July 7, 2008 approval. Pursuant to 6A.3 the Administrator recommended approval of the proposed gazebo on the Commission's consent agenda.

Department Head Comments

None

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:

4.3.5. Bulk Requirements

Maximum Building Height - thirty five (35) feet.

Height of Building is defined as: The greatest vertical distance measured from the lowest point of record grade within any portion of the building footprint to the highest point of the roof surface thereof, exclusive of cupolas, chimneys up to ten (10) feet above the highest point of the roof surface, steeples, and spires.

Proposed height – 15.5 feet

The applicant is hereby advised that height of building is from record (natural) grade, not from finished grade or finished floor.

Minimum Front Yard Setback - twenty (20) feet.

Minimum Side and Rear Yard Setback - ten (10) feet

The proposed location of the structures exceeds minimum required setbacks.

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.

This standard is not applicable.

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.

This standard is not applicable.

6.A.8 Area Development Plan.

When the owner of Contiguous Parcels is required to obtain Design Review approval for any portion of the Contiguous Parcels, an Area Development Plan shall be submitted and approved.

This standard is not applicable.

6A.7.2.1 DESIGN REVIEW GUIDELINES FOR NON-RESIDENTIAL BUILDINGS

A. Site Planning.

- 1. The building shall be oriented to the street. If the building is located on a corner, the building shall address the corner as well as both streets.**

This standard is not applicable. The structure is located in a cemetery and is buffered from the street by landscaping.

- 2. 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.**

NA

- 3. The site should be designed to support pedestrian circulation and provide pedestrian amenities.**

A walkway leads from the gazebo to the path throughout the cemetery.

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

NA

- 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.

Existing trees will not be impacted.

6. The design of the site should consider sun in exterior space to avoid creating cold unpleasant exterior areas.

The site is a cemetery. The structure is accessory to the more general cemetery use.

7. Snow storage areas not less than 25% of the improved parking and circulation areas 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.

The amount of paved surface is minimal and the site is undeveloped except for the small accessory structures; there is adequate room on site for snow storage.

8. Off street parking areas should be screened from public streets.

No on site parking areas are proposed.

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.

No on site parking areas are proposed.

10. Site design must consider the placement and screening of service areas and auxiliary structures.

NA

11. Where alleys are available, they should be utilized to the greatest extent possible for loading, delivery, trash pickup and utilities.

The cemetery is not served by an alley.

B. Building Design.

1. New development shall recognize the City's historic architectural heritage.

The scale and design of the structures are in keeping with those found in the cemetery.

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

NA

3. All sides of the building should be designed to be interesting by incorporating the use of varying materials, textures and colors.

The structure is small and simple in design.

4. All buildings are encouraged to minimize energy consumption, utilize alternative energy sources, and consider passive solar techniques.

The gazebo is open on all sides.

5. Exterior buildings colors should be integrated appropriately into the architecture of the building, and should be harmonious within the project and with surrounding buildings.

NA

- 6. Roof design should reduce the mass and scale of buildings and add visual interest and prevent reflective glare. Flat-roofed buildings over two stories in height should incorporate roof elements, or upper decks, balconies or other design elements.**

A round shingle roof is proposed.

- 7. Vehicle canopies associated with gas stations, convenience stores or a drive-through shall function as structures rather than as sign platforms. Canopies shall follow the colors, material and architectural design used on primary building(s). Vehicle canopies should have a minimum roof pitch of 3/12 and display the underside of the roof structure.**

NA

- 8. Entries and pedestrian areas should include consideration with respect to snow shedding and drip lines.**

The gazebo will not likely be open for use in the winter.

- 9. Signage areas should be appropriate to the building's scale and design.**

NA

- 10. Building designs should minimize the apparent scale of buildings.**

The scale and design of the structures are in keeping with those found in the cemetery.

- 11. Buildings shall be designed to ensure that building massing and scale provide sensitive transition to adjoining residential neighborhoods. When abutting the LR, GR or TN zoning districts, the project's landscaping plan must include provisions for vegetative screening between the project and the residential property.**

The gazebo is located in the cemetery and is buffered from the street by landscaping. The scale and design of the structures are in keeping with those found in the cemetery.

- 12. Where buildings exceed 30 feet in height, the entire roof surface shall not project to the highest point of the roof. The Commission shall review building height relative to the other dimensions of width and depth combined with detailing of parapets, cornices, roof, and other architectural elements. Fire department staging areas shall be incorporated into the design elements of the building.**

NA

- 13. Multi-unit structures should emphasize the individuality of units or provide visual interest by variations in roof lines or walls or other human scale elements.**

NA

C. Fences and Equipment/Utilities.

No fences or equipment/utilities are proposed.

D. Landscaping.

- 1. At least 50% of the landscaped area shall utilize drought tolerant and/or xeriscape specific plant materials. Drought tolerance and hardiness shall be considered when selecting plant species.**

No new landscaping is proposed.

- 2. The urban environment should be considered in planning landscaped areas. A combination of trees, shrubs vines, ground covers and ornamental grasses should be selected that enhance and soften the hardscape. For landscape plans having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper. A maximum of 20% of any single species may be used in any landscape plan having more than 10 trees (excluding street trees).**

No new landscaping is proposed.

- 3. Pedestrian areas should have special plantings.**

NA

- 4. All landscaped areas shall be watered by an automatic irrigation system and regularly maintained in healthy and thriving condition free of weeds, trash, and debris.**

NA

- 5. Retaining walls must be designed to minimize their impact on the site.**

No retaining walls are proposed.

CONCLUSIONS OF LAW AND DECISION

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

1. No notice is required, pursuant to Zoning Ordinance No. 532, Section 6A.5.
2. The project is in general conformance with the Hailey Comprehensive Plan.
3. The project does not jeopardize the health, safety, or welfare of the public.
4. Upon compliance with the conditions set forth, the project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance and City Standards.
5. This Design Review approval is for plans dated June 11, 2008
6. This Design Review approval shall expire one (1) year from the approval of these Findings of Fact, unless a building permit application has been submitted to the Building Department.
7. The project shall receive Design Review approval subject to the following conditions:
 - a) All Fire Department and Building Department requirements shall be met at the applicant's sole expense.
 - b) All City 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 at the applicant's sole expense.
 - c) No auxiliary apparatus (e.g. utility meters, fire suppression equipment) may extend into any public right-of-way.

- d) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
- e) All exterior lighting shall comply with the Outdoor Lighting Ordinance.
- f) 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.
- g) This Design Review approval is for plans received by the City of Hailey September 1, 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 21 day of SEPTEMBER 2009.


Owen Scanlon, Commission Chair

Attest:


Becky Mead, Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of Sept., 2009, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

- U.S. Mail
- Via Electronic Mail
- Via Facsimile
- Hand Delivered

Applicant:

Steve Tompkins
stevetompkins@haileycemetery.com

CITY OF HAILEY

By Becky Mead
Becky Mead, Deputy Clerk