

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On May 4, 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 at Lot 2A, North Hailey Business Center Subdivision (720 Main Street North) within the Business (B) zoning district. 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 McDonald's Restaurant for an alteration of the exterior of an existing building, located at Lot 2A, North Hailey Business Center Subdivision (720 Main Street North) within the Business (B) zoning district. The proposed alterations consist of adding new window seating to the west (front) and south (side) elevations; a total of 146 square foot of new floor space within the restaurant and the addition of a 355 square foot storage space to the east (rear) elevation.

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. The additions do not significantly change the appearance of the building on Main Street. The Administrator reviewed the Commission's Findings of Fact and Conditions of Approval regarding the original design review approval. The proposed alteration does not conflict with

any prior approvals or requirements. The Administrator recommends approval of the McDonald's addition.

4.7.5 Bulk requirements within the Business district

No change

6A.7.1.1 Sidewalk, Curb, and Gutter

No change

9.2.2 Loading Space Requirements and Dimensions

The total gross building area is 3,339 square feet requiring a total of six (6) parking spaces; the building was originally approved with 40 parking spaces.

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

A. Site Planning.

No change

B. Building Design.

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

The same materials and colors will be used for the addition; the appearance of the building as originally approved will not change significantly.

C. Fences, and Equipment/Utilities.

No change

D. Landscaping.

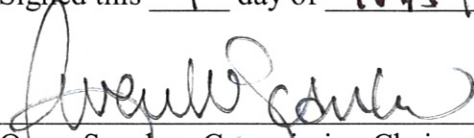
No change

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 McDonald's Restaurant 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. Items to be completed at the applicant's sole expense.
 - 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) 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.
 - d) No auxiliary apparatus (e.g. utility meters, fire suppression equipment) may extend into any public right-of-way.
 - e) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
 - f) All exterior lighting shall comply with the Outdoor Lighting Ordinance.
 - g) 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.
 - h) This Design Review approval is for plans dated April 15, 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.
 - i) The windows on the southwest elevation shall be shaded with an awning; plans shall be submitted for Administrative approval prior to issuance of a Building Permit.

Signed this 4th day of MAY, 2009.



Owen Scanlon, Commission Chair
Hailey Planning & Zoning Commission

Attest:



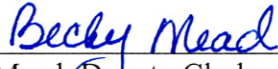
Becky Mead, Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of May, 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 | William Kyle |
| <input type="checkbox"/> | Via Electronic Mail | Mc Donald's Restaurant |
| <input type="checkbox"/> | Via Facsimile | Valley Food Service, Inc. |
| <input type="checkbox"/> | Hand Delivered | 261 Fourth Avenue North |
| | | Twin Falls, ID 83301 |

CITY OF HAILEY

By 

Becky Mead, Deputy Clerk