

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 alterations of the exterior of an existing building, located on Lots 1 and 2, Block 29, Hailey Townsite (201 Main Street S.) within the Business (B), Townsite Overlay (TO), and the Central Core (CC) 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 Jerry Lundquist for Design Review of a remodel, to be known as the Rialto Bar and Grill, located on Lots 1 and 2, Block 29, Hailey Townsite (201 Main Street S.) within the Business (B), Townsite Overlay (TO), and the Central Core (CC) zoning districts. The proposed alterations consist of removing the chimney on the east elevation, new siding on portions of the east and west elevations, a new lattice enclosure and new door on the existing equipment enclosure on the north 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 because a useable entrance will still be provided on Main Street and the appearance of the corner of the building will not change significantly. 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 Rialto Bar and Grill remodel.

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

No change

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 appearance of the building will not change significantly.

C. Fences, and Equipment/Utilities.

- 1. Fences shall be constructed of materials compatible with the site. The use of chain link is prohibited.**

Walls and fencing may be required elements in a site design for privacy, property line delineations, or screening. Fencing should not dominate the buildings or the landscape. Planting may often be integrated with a fencing scheme in order to soften the visual impact. A variety of fencing materials compatible with the site and surrounding properties are encouraged but in no case will chain link be permitted. The tops of fences should generally be maintained horizontal.

New siding is proposed on the existing fence on the east elevation to enclose the courtyard.

D. Landscaping.

No change

6A.7.2.4. Design Review Guidelines for Residential and Non-Residential Buildings in the Townsite Overlay District:

10. Non-residential and Multi-family Uses

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

The appearance of the building will not change significantly.

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.

No change

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 walls.

No change

11. Historic Structures

General Guidelines: Any alteration to the exterior of a Historic Structure requiring design review approval shall meet the following guidelines:

- The alteration should be congruous with the historical, architectural, archeological, educational or cultural aspects of other Historic Structures within the Townsite Overlay District, especially those originally constructed in the same Period of Significance.
- The alteration shall be contributing to the Townsite Overlay District. Adaptive re-use of Historic Structures is supported while maintaining the architectural integrity of the original structure.

The appearance of the building will not change significantly.

Specific Guidelines: Any alteration to the exterior of a Historic Structure requiring design review approval shall meet the following specific guidelines:

- The design features of repairs and remodels including the general streetscape, materials, windows, doors, porches, and roofs shall not diminish the integrity of the original structure.
- New additions should be designed to be recognizable as a product of their own

Period of Significance with the following guidelines related to the historical nature of the original structure:

- ~ **The addition should not destroy or obscure important architectural features of the original building and/or the primary façade;**
- ~ **Exterior materials that are compatible with the original building materials should be selected;**
- ~ **The size and scale of the addition should be compatible with the original building, with the addition appearing subordinate to the primary building;**
- ~ **The visual impact of the addition should be minimized from the street;**
- ~ **The mass and scale of the rooftop on the addition should appear subordinate to the rooftop on the original building, and should avoid breaking the roof line of the original building;**
- ~ **The roof form and slope of the roof on the addition should be in character with the original building;**
- ~ **The relationship of wall planes to the street and to interior lots should be preserved with new additions.**

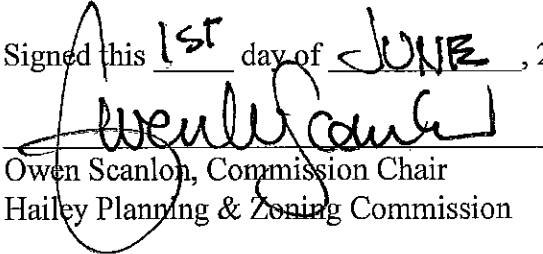
The appearance of the building will not change significantly.

CONCLUSIONS OF LAW AND DECISION

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

1. The Rialto Bar and Grill remodel 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.
 - 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 May 14, 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 1st day of JUNE, 2009.


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:

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

JERRY LUNDQUIST
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CITY OF HAILEY

By Becky Mead
Becky Mead, Deputy Clerk