


City of Hailey Planning Department

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Beth Robrahn, Planning Director 

RE: Village at Hailey Town Center Design Review Modification for Revised Parking Plan

HEARING: September 21, 2009

The Village at Hailey Town Center Design Review Modification for Revised Parking Plan is presented to you in the form of Findings of Fact pursuant to Zoning Code Section 6A.3.g because the proposal is a modification to a previous design review approval. However, due to the fact that the modification involves designating required on-site parking off-site but within the same block at the new building on property owned by the same owner I did notice properties within 300 feet of the project. Therefore, the project is on the agenda as a public hearing and the findings are not included as part of the Consent Agenda as a project recommended for approval under Section 6A.3.g usually is. After holding a public hearing the Commission has the usual options of making a motion to approve the Findings of Fact as drafted or with modifications, deny (stating the reasons for denial) or continue the public hearing is additional information is requested by the Commission.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On September 21, 2009 the Hailey Planning and Zoning Commission considered a recommendation by the Administrator to approve a request submitted by FAPO Holdings Idaho, LLC for a Design Review Modification, changing the previously approved parking plan for the Village at Hailey Center, located on Lots 13-16, Block 20, Hailey Townsite (314 River St. So.) within the Business (B) and Townsite Overlay (TO) districts. This modification also amends the applicant's Development Agreement with the City. Modifications to Design Review approval determined by the Administrator not to be minor 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 modification. 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

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.g. the Administrator has the authority to approve minor modifications to projects that have received design review approval by the Commission prior to, and for the duration of a valid Building Permit. The Administrator shall make the determination as to what constitutes minor modifications and may include, but are not limited to changes to approved colors and/or siding materials, changes to site plans that do not increase building footprints or significantly change driveway or road alignment, changes to landscape plans that do not decrease the amount of landscaping, changes to dumpster enclosures, changes to exterior lighting fixtures and location, or changes to windows that do not significantly affect project design, appearance or function. All approved modifications must be documented in a memo to the project file and on the approved set of plans on file with the city.

For modifications to design review approval that are determined by the Administrator not to be minor, the Administrator has the authority to recommend approval or denial of such modifications, subject to final decision by the Commission on its consent agenda. Such recommendation for approval or denial shall be drafted in the form of Findings of Fact and Conclusions of Law.

The proposed modification consists of reconfiguring the on-site parking spaces. This modification was determined by the Administrator not to be minor. Notice is not required for modifications to design review however, notice was given to property owners within 300 feet of the subject property.

The original parking configuration, approved April 16, 2007, anticipated the existing Forest Service building would be removed from Townsite Lot 14. A gravel parking lot was planned to be located on Townsite Lots 14, 15 and 16. The applicant has since rented the building located on Lot 14 to a new business; this precipitated the need to amend the previously approved parking plan.

The amended parking plan includes locating the 46 on-site parking required for the newly constructed building (located on Lots 17 – 20) on portions of Lots 9 and 10. This is acceptable given the applicant owns Lots 4 – 10 located east of the alley within Block 20 and Lots 13 – 20 located west of the alley and an area development plan for the entirety of property owned within Block 20 is included as part of the

City’s development agreement with the applicant. The amended parking plan provides a total of 49 spaces. The amended parking plan results in an amended area development plan which results in an amended development agreement. The amended development agreement includes an explanation of how the on-site parking requirements for all of the seven (7) buildings located on the applicant’s property within Block 20 are met.

Lot	Building Square Footage	Number of On-Site Parking Space Required*	Location of Required Spaces	Applicable Zoning Code Section
4	1,000 (vacant)	2	Main Street ROW	9.2.3.c. – Main Street Improvement LID; parking credit carries with the property
4-6	1,208 (office)	3		
6-8	1,500 (office)	3		
9-10	1,000 (vacant)	2		
10	Residential use	2	Pine Street ROW	9.4.1.a.
14	2,600 (retail)	3	River Street ROW Pine Street ROW Lots 9, 10, 13 -18, and 20	9.2.3.g and development agreement
17-20	6,842 (retail)	7		
	1,987 (restaurant)	4		
	10,333 (office)	21		
	1,162 (residence)	1		
	6,270 (office)	13		

* parking requirement for vacant buildings was calculated at 1/500 sq ft; the most restrictive requirement

6A.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. The Commission shall evaluate the following basic site criteria and make appropriate findings of fact:

- a. Streets, whether public or private, provide an interconnected system and shall be adequate to accommodate anticipated vehicular and pedestrian traffic.
- a. Non-vehicular circulation routes provide safe pedestrian and bicycle ways and provide an interconnected system to streets, parks and green space, public lands, or other destinations.
- b. Water main lines and sewer main lines are designed in the most effective layout feasible.
- c. Other utilities including power, telephone, cable, and gas are designed in the most effective layout feasible.
- d. Park land is most appropriately located on the Contiguous Parcels.
- e. Grading and drainage are appropriate to the Contiguous Parcels.
- f. Development avoids easements and hazardous or sensitive natural resource areas.

Upon any approval of the Design Review application, the Owner shall be required as a condition of approval to record the Area Development Plan or a development agreement depicting and/or detailing the approved Area Development Plan with a statement that the Area Development Plan shall bind the Owner and Owner’s successors.


The change to the on-site parking configuration does not effect the basic site criteria considered in an Area Development Plan. However, the change to the on-site parking configuration shall be included as an amendment to the recorded Development Agreement for the Village at Hailey Town Center project.

CONCLUSIONS OF LAW AND DECISION

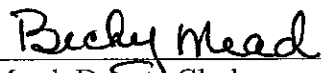
Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law and Decision:

1. The proposed modifications are consistent with the Findings of Fact, Conclusions of Law and Decision adopted by the Commission for the aforementioned project on the 20th day of October, 2008.
2. The modification is approved subject to the following conditions:
 - a. A forty-ninth space shall be provided on Lot 13 parallel to the alley.
 - b. No portion of the required dimensions of an on-site parking space shall extend into the alley or street right-of-way.
 - c. Signage identifying parking on Lots 9 and 10 as parking for the new building on Lots 17-20.
 - d. An amendment to the Development Agreement to amend the Area Development Plan to include the changes to the on-site parking configuration is approved by the City Council.
3. Approval of the Design Review modification does not in any way waive any Design Review requirements approved by the Commission. All Design Review elements must be installed, or security provided, prior to issuance of a Certificate of Occupancy.

DATED this 21 day of SEPTEMBER 2009.


Owen Scanlon, Commission Chair
Hailey Planning & Zoning Commission

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

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

Applicant:

FaPo Holdings of Idaho, LLC
jcmrexford@aol.com

Applicant's Representative:

Michael Pogue
mdp@lawsonlaski.com

CITY OF HAILEY

By Becky Mead
Becky Mead, Deputy Clerk