

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On July 6, 2009 the Hailey Planning and Zoning Commission considered a recommendation by the Administrator to approve the design of a bus shelter, located within the public right-of-way at the northeast corner of Woodside Blvd and Moonlight Drive within the General Residential (GR) 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 bus shelter. 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 the City of Hailey and Mountain Rides for design review approval of a bus shelter, located within the public right-of-way at the northeast corner of Woodside Boulevard and Moonlight Drive within the General Residential (GR) zoning district. The proposed project consists of constructing a bus shelter and pull out.

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 project to have no substantial impact on adjacent properties or on the community at large because the bus shelter and pull out will improve upon an existing bus stop. The Administrator recommends approval of the bus shelter at Woodside Boulevard and Moonlight Drive.

4.3.5 Bulk Requirements – General Residential district

Setback requirements are not applicable; the project is within the public right-of-way.
The height of the shelter is 9 feet, 6 and 5/8 inches.

6A.7.1.1 Sidewalk, Curb, and Gutter

A portion of the existing sidewalk will be reconstructed to follow the alignment of the pull out.

6.A.8 Area Development Plan.

This standard applies to the owner of contiguous parcels and is not applicable to this project.

Signage:

The applicant is hereby advised that a sign permit is required for any signage exceeding four square feet in sign area. Approval of signage areas or signage plan in Design Review does not constitute approval of a sign permit.

Lighting:

All lighting shall comply with Section 8B of the Zoning Ordinance.

- a) All exterior lighting shall be designed, located and lamped in order to prevent over lighting, energy waste, glare, light trespass and sky glow.
- b) All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.

9.2.2 Loading Space Requirements and Dimensions

Not applicable; these standards are for parking spaces on private property.

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

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.**

The shelter faces Woodside Drive.

- 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.**

The shelter is a public amenity.

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

The shelter supports pedestrian circulation and provides a public amenity.

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

The pull out takes the bus out of the travel lane when stopping for passengers.

- 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.**

No existing vegetation within the right-of-way is proposed to be removed.

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

The shelter faces west.

- 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.**

NA

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

NA

- 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.**

NA

- 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.**

NA

B. Building Design.

- 1. New development shall recognize the City’s historic architectural heritage.**

The bus shelter is 60 square feet and constructed of cedar siding with a corrugated metal shed roof; the design reflects Hailey’s mining heritage.

- 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 bus shelter is 60 square feet and constructed of cedar siding.

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

The structure serves as a shelter for bus passengers.

- 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.**

The shelter is stained cedar siding

- 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.**

The shelter has a corrugated metal shed roof.

- 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 roof is slanted away from the sidewalk.

- 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 shelter is 60 square feet; the height of the shelter is 9 feet, 6 and 5/8 inches.

- 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 shelter is 60 square feet, some landscaping exists in the right-of way, screening of the shelter would be inappropriate given the importance of visibility of the shelter and street for the passengers and bus drivers.

- 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.

NA

D. Landscaping.

Existing; 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 bus shelter at the corner of Woodside Boulevard and Moonlight Drive 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) 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 June 21, 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 _____ day of _____, 2009.

Owen Scanlon, Commission Chair
Hailey Planning & Zoning Commission

Attest:

Becky Mead, Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 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

CITY OF HAILEY

By _____
Becky Mead, Deputy Clerk