

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On May 24, 2010, the Hailey City Council considered a city initiated application for an amendment to the Hailey Zoning Map. The proposed amendment would change the zoning for from General Residential (GR) to Limited Business (LB). The subject property is located on Lots 1-3, Block 69, Hailey Townsite (620 First Avenue North). The Council, 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

Notice for the public hearing was published in the Idaho Mountain Express on and mailed to owners within 300 feet and to public agencies and area media on May 17, 2010; and notice was posted on all external boundaries of the property on May 5, 2010.

Application

The City has initiated a zone change of Lots 1-3, Block 69, Hailey Townsite (620 First Avenue North), from General Residential (GR) to Limited Business (LB) to address a recent rezone approval, which resulted in Lots 1-3 becoming an isolated parcel of GR surrounded by LB and B districts. The Council directed staff to initiate the rezone of Lots 1-3 to ensure that the area's zoning is uniform and responds to future potential for development and uses in this area.

Procedural History

On February 8, 2010, the Council approved an application by Ed Uhrig for a rezone from GR to LB of Lots 4-10, Block 69 (the property directly south of Lots 1-3). Lots 1-3 are now sandwiched between the B district to the North and West, and the LB district to the South. The rezone of Lots 4-10 may burden the remaining GR lots on Block 69 (Lots 1-3); therefore the Council directed a city initiated rezone of Lots 1-3, Block 69.

The Planning and Zoning Commission held a public hearing on the proposed amendments on April 5, 2010. The Commission recommended approval of the rezone by a 3 to 2 vote.

The review of the rezone of Lots 1-3 was a result of the Council's rezone approval of Lots 4-10. Although the Commission had recommended denial of the rezone of Lots 4-10, due to the Council's decision to approve the rezone, the Commission determined that it was appropriate to rezone Lots 1-3, to create a more uniform and consistent zoning or land use pattern. The Commission determined that eliminating a pocket of GR, which would otherwise be almost completely surrounded by B and LB district zoning, would allow for more appropriate uses at this location and that the rezone is in accordance with the goals of the Comprehensive Plan.

Due to the close proximity to the B district, it is anticipated that public facilities and services are available to support the full range uses permitted by the LB district.

Lots 1-3 are currently sandwiched between the B district to the North and West, and as a result of a recent rezone decision by the Council, the LB district to the South. Depending on the future use of the property to the south (Lots 4-10), the future uses may burden the remaining GR lots on Block 69 (Lots 1-3).

The proposed rezone would create a more uniform and consistent zoning or land use pattern. It would eliminate a pocket of GR that would otherwise be almost completely surrounded by B and LB district zoning. The rezone would help create a buffer or transition between the B district to the north and west and the GR district to the east. No adverse impacts are anticipated.

The Council directed staff to initiate the rezone of Lots 1-3, following their decision to approve the rezone of Lots 1-4. The Council’s interpretation was that the vacancies outlined by staff for the B district should not be included in the evaluation of the rezone of Lots 4-10 because the property is proposed for a rezone to LB, not B. The Commission’s original interpretation considered the LB and B vacancies. Although the Commission had recommended denial of the rezone of Lots 4-10, due to the Council’s decision to approve the rezone, the Commission determined that it was appropriate to rezone Lots 1-3. The Commission applied the same interpretation of Section 14.6.1 to the rezone of Lots 1-3 as the Council did to the rezone of Lots 4-10 by not evaluating B district vacancies.

The applicable vacancy rates in the LB district and distance of the Lots 1-3 from the Central Core Overlay District favor the rezone.

Standards of Evaluation

Section 14.6 of the Hailey Zoning Ordinance establishes the standards for proposed zoning ordinance map amendments. For each applicable standard (in bold print), the Council makes the following Findings of Fact:

- a. The proposed amendment is in accordance with the Comprehensive Plan;**
 The Comprehensive Plan Land Use Map reflects suitable projected land uses for the City. It considers existing conditions, trends, and desirable future situations, the objective being a balanced mix of land uses for the community. The Map establishes a basis and direction for the expansion and/or location of business, residential, industrial, institutional and green space areas within and adjacent to the City. The Land Use Map depicts the area proposed for rezone as “Transitional – Mixed use, including residential, providing a buffer between residential neighborhoods and intense business use.”

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
Existing	Transitional	GR (General Residential)	Multi-family dwelling (Mountain View Apartments).
Proposed	No change is proposed	LB (Limited Business)	No change at this time.

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	Business/Commercial/Mixed Use	B (Business)	Single family dwelling, mobile home, vacant commercial building, and Sutton and Son's Auto Dealership.
South of site	Transitional	LB (Limited Business)	Material Storage/Residential.
East of site	Transitional	GR (General Residential)	Single family residence.
West of site	Business/Commercial/Mixed Use	B (Business)	Car wash bays.

- Land Use Districts, Section 5.4 states, “Encourage integration of compatible land uses in order to retain a compact City comprised of a central downtown, with surrounding diverse neighborhoods, thereby reducing sprawl and traffic, increasing efficiency, and creating neighborhood and community character.”
- Economic Development, Section 6.1 states, “Encourage the infill of the Central Business District...prior to expanding business-zoned areas for commercial development.”
- Due Process and Public Input, Section 5.8 states, “Proactively amend the Hailey Zone District map to resolve significant conflicts between the Land Use Map and the Zoning Map.”

FINDING: The review of this city initiated application for a rezone of Lots 1-3, is a result of the Council’s rezone approval of Lots 4-10. The Council determined that eliminating a pocket of GR which would otherwise be almost completely surrounded by B and LB district zoning, would allow for more appropriate uses at this location and that the rezone is in accordance with the goals of the Comprehensive Plan.

b. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

FINDING: Due to the close proximity to the B district, it is anticipated that public facilities and services are available to support the full range uses permitted by the LB district.

c. The proposed uses are compatible with the surrounding area; and

FINDING: Lots 1-3 are currently sandwiched between the B district to the North and West, and as a result of a recent rezone decision by the Council, the LB district to the South. Depending on the future use of the property to the south (Lots 4-10), the future uses may burden the remaining GR lots on Block 69 (Lots 1-3).

d. The proposed amendment will promote the public health, safety and general welfare.

FINDING: The proposed rezone would create a more uniform and consistent zoning or land use pattern. It would eliminate a pocket of GR that would otherwise be almost completely surrounded by B and LB district zoning. The rezone would help create a buffer or transition between the B district to the north and west and the GR district to the east. No adverse impacts are anticipated.

14.6.1 When evaluating any proposed Zoning Ordinance Map Amendment to rezone property to Business (B) Zoning District, Limited Business (LB) Zoning District or Transitional (T) Zoning District, the Hearing Examiner or Commission and Council shall consider the following:

- a. **Vacancy rates of existing buildings and land within the existing Business (B), Limited Business (LB) or Transitional (T) Zoning Districts. A lower vacancy rate will favor a rezone, while a higher vacancy rate will not favor a rezone.**

Vicinity of LB District	Vacant Lots	Vacant Buildings
South end of Main Street	Lots 1-3 Rick Davis Business Center Subdivision (0.99 acres in total)	Block 128 St. Luke’s Family Practice
Intersection of Woodside Blvd. and Winterhaven Dr.	Lots 1A and 2A, Block 61, Woodside Subdivision No. 15 (3.44 acres)	
Intersection of Shenandoah Dr. and Countryside Blvd.	Lot 1 and 2, Block 21, Woodside Subdivision No. 6 (1.2 acres)	
Sweetwater	Sweetwater was approved for development; however, the current status of the undeveloped lots is unknown (13.08 acres currently undeveloped).	Residential units constructed in phase 1
Copper Ranch	Parcel A5, Copper Ranch (1.65 acres)	
	Block 85 Woodside Subdivision No. 24 (2.7 acres)	
	Lot 1, Block 67, Woodside Subdivision No. 18 (1.56 acres)	

Approximately half of the undeveloped land owned by Sweetwater is zoned with a Development Agreement. These portions restrict uses to residential uses only. Therefore, the undeveloped lots south of Countryside Blvd. are zoned LB, but can only be developed with residential uses. The lots west of Shenandoah Dr. are not restricted and are undeveloped.

The size of the vacant lots zoned LB is 24.92 acres. Of the 24.92 acres, approximately 6.5 acres is zoned with a Development Agreement that allows only residential uses, 23.93 of the vacant acres are located in Woodside, with 0.99 acres located just south of the Townsite Overlay. The location of the LB vacant lots is important to consider because of the inherent differences between the Woodside area and the Townsite area, near the commercial core.

- b. **The distance of the parcel proposed for rezone from the Central Core Overlay District boundary. A shorter distance from the Central Core Overlay District boundary will favor a rezone, while a longer distance from the Central Core Overlay District boundary will not favor a rezone.**

The subject property is approximately 1,710 feet or 0.32 miles from the Central Core Overlay District.

FINDING: The applicable vacancy rates in the LB district and distance of the Lots 1-3 from the Central Core Overlay District favor the rezone.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Council makes the following Conclusions of Law:

1. Adequate notice, pursuant to Section 14.4.1 of the Hailey Zoning Ordinance No. 532 and Idaho Code, Section 67-6511, was provided.
2. The Zoning Map amendment is in accordance with the Hailey Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, the proposed uses are compatible with the surrounding area, the proposed amendment will promote the public health, safety and general welfare, and the vacancy rates in the LB district and distance from the Central Core Overlay favor a rezone.

DECISION

The Zoning Map amendment to change the zoning for Lots 1-3, Block 69, Hailey Townsite (620 First Avenue North) from General Residential (GR) within the Townsite Overlay to Limited Business (LB) within the Townsite Overlay is hereby approved.

Signed this 14th day of June, 2010.



Rick Davis, Mayor, City of Hailey

Attest:



Mary Cone, City Clerk



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of June, 2010, 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:

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Property Owner:

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PO Box 591
Ione, CA 95640-0591

CITY OF HAILEY

By Becky Mead
Becky Mead, Deputy Clerk