

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On October 6, 2008, the Hailey Planning and Zoning Commission considered an application submitted by Tom (Preston) Zeigler for Design Review approval for a commercial building, located at 106 and 108 First Avenue North within the Business and Townsite Overlay districts. The Commission, 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 Wood River Journal and mailed to property owners within 300 feet on September 17, 2008.

#### Application

Tom Zeigler, represented by Michael Blash, has submitted a Design Review application for a new commercial building, located at 106 and 108 First Avenue North. The applicant proposes a ten (10) unit building, with 20,214 square feet of new construction for commercial uses that have yet to be determined.

#### 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:

#### **Section 4.13.6 Townsite Overlay and Section 4.7.5 Business District Bulk Requirements**

**Original Townsite Lots that are slightly less than 3,000 square feet (in blocks where lots are 25 feet wide) or 3,600 square feet (in blocks where lots are 30 feet wide) may be rounded up to 3,000 square feet or 3,600 square feet, as the case may be, provided that the original Townsite Lot meets the definition of a Lot of Record.**

#### **Minimum Lot size – None, except as follows:**

- 1. Townhouse sub-lots shall have an aggregate density of no more than twenty (20) sub-lots per acre.**

The project does not involve townhouse sub-lots.

#### **Minimum Lot Width - none except as follows:**

- 1. Townhouse sub-lots shall conform to the standards established in the IFC.**

The project does not involve townhouse sub-lots.

**Maximum Building Height –**

**Business district:** The maximum building height in the Business district shall be 35 feet, except a building containing at least one residential dwelling unit shall have a maximum height of 40 feet. Any building exceeding 30 feet shall comply with relevant sections and appendices of the IFC, including but not limited to fire access lanes, provisions for exterior roof access, and provision of sprinkler systems. No building may exceed three stories from the reference street\* frontage.

(\*Reference streets: River Street, Main Street, First Avenue, Second Avenue. If a lot does not have frontage on any of these streets, then the street fronting the lot becomes the reference street.)

The height of the proposed building is 34 feet from finished grade.

**Height of Building is defined as:** The greatest vertical distance measured from the lowest point of record grade within any portion of the building footprint to the highest point of the roof surface thereof, exclusive of cupolas, chimneys up to ten (10) feet above the highest point of the roof surface, steeples, and spires.

The applicant is hereby advised that height of building is from record (natural) grade, not from finished grade or finished floor. An elevation certificate shall be obtained, prior to the issuance of a Certificate of Occupancy, to ensure that the building's height is not greater than 35 feet high, from record grade.

**Minimum Setbacks in the B District - None, except as follows:**

1. **Townhouse Units shall be allowed zero setbacks from the lot lines created by a Townhouse Sub-Lot; and**
2. **The separation of the buildings containing Townhouse Units in a Townhouse Development parcel shall be not less than six (6) feet as measured between any wall or any projection of a building, including but not limited to eaves, cornices, canopies or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.**

The project does not involve townhouse sub-lots.

**Maximum lot coverage - no maximum.**

Lot coverage is proposed at 80%.

**Maximum Lot Size— no maximum.**

Lot size is 10,787 square feet.

**4.13.7 Non-Conforming Buildings**

This standard is applicable to existing buildings, which does apply to the proposed project because the building is new; the project does not involve an existing non-conforming building.

**4.13.8. Lot Line Vacations**

**If a parcel in single ownership consists of two (2) or more Original Townsite lots, or a combination of lot(s) and portions of lot(s), the internal Original**

**Townsite lot lines underneath or located within a required setback of proposed and existing buildings shall be vacated prior to the issuance of a Building Permit for any new building.**

There are currently two lot lines that would be located underneath the proposed building. A preliminary plat application was approved on July 10, 2008, to eliminate all internal lot lines for the parcel defined as Lots 18A, 19, and the north ½ of Lot 20, which is the subject property. The final plat application for the lot line adjustment was certified complete on September 4, 2008. The process to vacate the underlying lot lines has been initiated; therefore, the applicant has complied with this standard. The plat will be required to be recorded prior to issuance of a certificate of occupancy.

**6A.7.1 Improvements Required.**

**6A.7.1.1 Sidewalk, Curb, and Gutter.**

**Sidewalks, curb and gutter shall be required improvements for projects requiring Design Review approval in the B, LB, TI, A and SCI zoning districts. At a minimum, sidewalks and curb and gutter, where required, shall comply with the City Standards. Sidewalks shall be at least six feet (6') wide or as wide as adjacent sidewalks on the same block, whichever is greater. Sidewalks shall be constructed along the entire length of a property adjacent to any public or private street in all zones, as well as in locations that provide safe pedestrian access to and around a building. New sidewalks shall be planned to provide pedestrian connections to any existing sidewalks adjacent to the site. Sites located adjacent to public or private streets that are not currently thru-streets, regardless of whether the street may provide a connection to future streets, shall provide sidewalks to facilitate future pedestrian connections. Sidewalks and drainage improvements shall also be required in other districts, except as otherwise provided herein. The requirement for sidewalk may be waived if the cost of the proposed project construction is less than twenty thousand dollars (\$20,000). For Single Family Dwelling and Duplex projects in the Townsite Overlay District, the requirement for sidewalk shall be waived for any remodel or addition; sidewalks shall be required for new primary dwellings.**

**The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be 110% of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy. In-lieu contributions for sidewalks shall not be accepted in B, LB, TI and SCI districts.**

A sidewalk currently exists in front of the proposed building, adjacent to First Avenue. It is a condition of approval that encroachments permit is obtained for the site's construction plan, which proposes to use the city right-of-way. Any damage that may occur to the right-of-ways during the duration of the encroachment permit shall be repaired at the applicant's expense.

**6A.7.1.2 Water Line Improvements.**

**In the Townsite Overlay District, any proposal for new construction or addition of a garage accessing from the alley, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer.**

Meeting this standard, if the City Engineer deems this requirement necessary, is a condition of approval.

**6A.7.2 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.**
- b) **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.**
- c) **Water main lines and sewer main lines are designed in the most effective layout feasible.**
- d) **Other utilities including power, telephone, cable, and gas are designed in the most effective layout feasible.**
- e) **Park land is most appropriately located on the Contiguous Parcels.**
- f) **Grading and drainage are appropriate to the Contiguous Parcels.**
- g) **Development avoids easements and hazardous or sensitive natural resource areas.**

There are no lots, contiguous to the subject property, which are held in the same ownership. Therefore, this standard is not applicable to this application.

**8.2 Signs.**

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.

**9.2.1 Loading Space Requirements and Dimensions. The following regulations shall apply to all commercial and industrial buildings with off-street loading areas.**

- a. **One (1) loading space shall be provided for any single retail, wholesale or warehouse occupancy with a floor area in excess of 4000 square feet, except grocery and convenience stores where one (1) loading space shall be provided for a floor area in excess of 1000 square feet. An additional loading space shall be required for every additional 10,000 square feet of floor area, except grocery and convenience stores where an additional loading space shall be required for every**

**additional 5,000 square feet of floor area. Such spaces shall have a minimum area of 500 square feet, and no dimension shall be less than 12 feet.**

- b. Convenient access driveways to loading spaces from streets or alleys shall be provided; they shall not be less than 12 feet in width.**
- c. No loading space required by this Ordinance shall project into any street, alley, or other public right-of-way.**

The use of the proposed building is unknown at this time. If the proposed building is occupied by retail or wholesale, the project must conform to loading space requirement detailed above. Meeting this requirement is a condition of approval.

**9.2.8 Access. Except as otherwise provided herein, any parking area on private property, shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public street shall be traveling in a forward motion. Access driveways for all parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Access for subdivisions shall be provided in accordance with standards set forth in Section 4 of the Subdivision Ordinance.**

- a. Parking areas containing no more than two (2) parking spaces and parking areas within the LR, GR, TN, TI and LI Districts may be designed to allow a vehicle to back from the parking area into the public right-of-way.**
- b. Parking areas for residential uses only may be designed to allow required parking spaces for one vehicle to deny access to another vehicle, thus “stacking” the parking area. For non-residential uses, stacked parking may be allowed only for additional spaces that may be provided in excess of the required number of parking spaces.**
- c. Parking areas adjacent to alleys may be designed to allow a vehicle to back from the parking area into the alley.**

There are eight (8) parking spaces proposed, all of which are located adjacent to the alley, located behind the proposed building. All proposed parking spaces would require the vehicle to back from the parking area into the alley. Based on provision c., listed above, this is allowable.

#### **9.4 Parking Space Requirements.**

**9.4.2 Commercial, Professional, Service, Recreation and Entertainment. All commercial, professional, service, recreation and entertainment uses shall provide improved parking in the amount of one parking space for every 1000 square feet of gross building area; except as follows:**

- a. Athletic fields and other outdoor sports facilities: 1 space per 5000 square feet of gross land area.**
- b. Auditoriums, theaters, sports arenas, and other assembly areas not otherwise regulated herein: 1 for each 4.5 persons at the rated maximum occupancy of the building.**

- c. **Automobile service garages: 2 for each service bay. Service bays are not counted as parking spaces.**
- d. **Auto Rental: 1 space per 500 square feet of office space.**
- e. **Automobile Sales: 1 customer space per 5000 square feet of developed lot area used for display.**
- f. **Cartage, express and parcel delivery, trucking companies: 1 space per 1000 square feet floor area, plus 1 space for each 250 square feet of net floor area within customer service areas.**
- g. **Car Wash: 2 spaces per bay/stall to be used as stacking space, and 1 space per bay/stall to be provided for drying/vacuuming.**
- h. **Convenience Stores: 1 space for each 100 square feet of net area. Spaces adjacent to gasoline pumps shall be included as on-site parking.**
- i. **Golf Course; 2 spaces per hole, 2 per driving range, and 2 per putting green, plus space as required for any clubhouse.**
- j. **Hotels, motels, other lodging: 1 per sleeping room. No parking space required under this sub-section shall be located in any right-of-way or public thoroughfare.**
- k. **Tennis Courts: 1 space per court.**
- l. **Offices: 1 space for every 500 square feet of gross building area.**
- m. **Restaurants and Bars: 1 space for every 500 square feet of gross building area.**
- n. **Fitness centers, health clubs, exercise/aerobics studios: 1 space for every 250 square feet of usable studio space, plus 1 space per racquetball/squash/handball court.**
- o. **Banks: 1 space for every 500 square feet of gross building area.**

The use of the proposed building is unknown at this time; therefore, the parking calculation used is one (1) space for every 1,000 square feet of gross building area. If any of the uses occupying the proposed building are listed in a. through o. above or are different than general commercial, professional, service, recreation and entertainment uses, the number of parking spaces required may increase. If the proposed building is occupied by a use that requires additional parking, beyond what is required at design review, the project must conform to the parking space requirement of Section 9 in Hailey's Zoning Ordinance. Meeting this requirement is condition of approval.

The project proposes 15,062 square feet of gross square footage, requiring 15 parking spaces. Eight (8) parking spaces are shown on the site plan. It is a condition of approval that the remaining seven (7) spaces be provided, in accordance with Section 9.2.3 of Hailey's Zoning Ordinance, by receiving parking credits in exchange for improving the city right-of-way, within 1,200 feet of the proposed project.

#### **9.4.7 Special Provisions for Parking in Business, Limited Business and Transitional Districts.**

- a. **Surface parking lots must be located behind buildings whenever possible to minimize the visual impact from public ways. Curb cuts and breaks in pedestrian pathways should be minimized.**
- b. **Surface parking is not permitted between the sidewalk and the primary frontage of a building, except where the location of existing buildings**

**precludes another location for parking. Such parking requires a landscape buffer between sidewalk and parking.**

- c. All multi-family residential and commercial development including new construction and additions, must provide at least three (3) bicycle parking spaces or bicycle spaces equivalent to twenty five (25%) of the required number of vehicle parking spaces, whichever is greater.**

A bike rack is shown on the site-plan, located adjacent to First Avenue, but it does not specify the number of parking spaces. Fifteen (15) parking spaces are required, which requires four (4) bicycle parking spaces. Meeting this requirement is a condition of approval.

#### **8B.4. Outdoor Lighting Standards.**

##### **8B.4.1 General Standards**

- a. All exterior lighting shall be designed, located and lamped in order to prevent:
  - 1. Overlighting;**
  - 2. Energy waste;**
  - 3. Glare;**
  - 4. Light Trespass;**
  - 5. Skyglow.****
- 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.***
- c. Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.**
- d. Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaires.**
- e. Idaho Power shall not install any luminaires after the effective date of this Article that lights the public right of way without first receiving approval for any such application by the Lighting Administrator.**

The following three (3) different fixtures are proposed: three (3) accent/flood halogen lights, to be placed under each canopy; four (4) fluorescent surface modular lights, to be placed over the parking area; and six (6) recessed cans. The information provided by the applicant appears to meet Hailey's Outdoor Lighting Ordinance. However, the applicant is hereby notified that the parking area and the canopy lighting fixtures must be fully recessed, shielded, downcast, and full cut-off type luminaries. Any signage lighting shall also be fully downcast and shielded; no light or glare shall trespass off of the sign. Meeting Hailey's Outdoor Lighting Ordinance requirements is a condition of approval.

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

##### **C. Specific Guidelines**

##### **1. Site Planning**

**Guideline: The pattern created by the Old Hailey town grid should be respected in all site planning decisions.**

- **A rectangular lot shape is preferred to a square one, as the rectangular lot pattern is more in keeping with Old Hailey, and most often results in more useable and visible open spaces.**

The lot size measures approximately 120 feet long by 90 feet wide.

**Guideline: Site planning for new development and redevelopment shall address the following:**

- **scale and massing of new buildings consistent with the surrounding neighborhood;**
- **building orientation that respects the established grid pattern of Old Hailey;**
- **clearly visible front entrances;**
- **use of alleys as the preferred access for secondary uses and automobile access;**
- **adequate storage for recreational vehicles;**
- **yards and open spaces;**
- **solar access on the site and on adjacent properties where feasible, and where such decisions do not conflict with other Design Guidelines;**
- **snow storage appropriate for the property;**
- **underground utilities for new dwelling units.**

The proposed building's entrance is on First Avenue, where there would be two main entrances. The building's orientation is consistent with surrounding buildings in Old Hailey. Existing parking spaces are adjacent to the First Avenue right-of-way, in front of the proposed building. Additional parking spaces are proposed at the rear of the building, adjacent to the alley. There is little open space incorporated into this proposal; however, the building is in the Business District, where zero setbacks are allowed. There are few paved circulation areas on-site, which would necessitate snow storage areas. The pedestrian circulation areas, located at the front of the building, will incorporate heated pavers. No snow storage is proposed. It is proposed that any snow that does accumulate would be hauled off-site. Parking at the rear of the building would be located under a covered area.

**Guideline: The use of energy-conserving designs that are compatible with the character of Old Hailey are encouraged. The visual impacts of passive and active solar designs should be balanced with other visual concerns outlined in these Design Guidelines.**

- **Glass areas should reflect the composition, layout and window-to-wall ratio of windows seen traditionally in Old Hailey versus large continuous surfaces of glass.**
- **Solar energy collection devices should be integrated into the overall building design.**
- **Designers should be aware of the solar exposures of neighboring properties, and should, where possible, avoid blocking these exposures with buildings or solar collectors.**
- **Roof-mounted solar collection panels shall not extend above the ridge line of the roof. They should be integrated into the structure, and as close to the roof angle as feasible.**

- **Free-standing solar collection panels should be subordinate in size and placement to the structure they serve, and should generally not be located in areas visible from the street.**

Glass walls, sky lighting, shading devices, and light shelves are incorporated into the design of the proposed building to maximize day lighting. No active solar panels or collectors are proposed at this time. The proposed building's height is consistent with the Eye Center Condos and the Old Town Mercantile Condos, which are buildings located to the north and south of the proposed Hailey Commercial Building. The proposed building would be built out to the exterior walls of both existing buildings. Neither building has windows on the façade facing the proposed project. Therefore, it is not anticipated that the proposed project would block solar exposures to these adjacent properties.

## **2. Bulk Requirements (Mass and Scale, Height, Setbacks)**

**Guideline: The perceived mass of larger buildings shall be diminished by the design.**

- **The height of taller buildings should be stepped down on the streetside elevation.**
- **Buildings with greater mass should be broken into smaller modules.**
- **Changes in wall planes and building materials should be used to reduce the visual impacts of taller buildings.**

The building design incorporates numerous changes in wall planes as well as color and material changes to help break up the perceived mass of this large building, which measures approximately 90 feet along First Avenue. The exterior of the northern portion of the building façade will be barnwood siding. The entrance from this façade is three (3) feet from the property line. The entrance pops out six (6) feet from the remaining, setback portion of the northern side of the building's facade. The exterior of the southern portion of the façade will be stucco. It is setback 17 feet from the property line. There is a central portion of the proposed building, constructed of large glass panels, which separates the north and south portion of the building. This setback is 21 feet from the front property line.

The pop-out portion of the north side of the building's facade incorporates a hip roof into its design. There are three freestanding canopies in front of the south portion of the building's facade. Without the canopies, the south portion of the building's façade lacks sufficient architectural design elements to reduce the perceived mass of this portion of the building. The canopies help give the building a human scale. It is a condition of approval that the canopy structures and their covers remain in place year round. The roof line varies between the three different portions of the building.

## **3. Architectural Character**

### **a. General**

**Guideline: New buildings should be respectful of the past, but may offer new interpretations of old styles, such that they are seen as reflecting the era in which they are built.**

- **The Design Guidelines are not intended to dictate a particular style or era for new buildings.**

- **Exact replication of old buildings is not the intent of these Design Guidelines, so that historic buildings can be appreciated for their own uniqueness. Designers may draw on the past, without necessarily replicating the design of old buildings. The use of traditional building forms, scale and broad design elements is encouraged.**

The building is more modern in design and is similar to newer commercial buildings surrounding the proposed project site. The design includes traditional elements including window proportion, large windows on the ground floor, gable awnings, a hipped roof over one street level entrance, and a gabled parapet.

#### **b. Building Orientation**

**Guideline: The front entry of the primary structure shall be clearly identified such that it is visible and inviting from the street.**

- **The use of walkways, porches, smaller roof forms and other design elements is encouraged to emphasize the location of the front entry.**

Entrance walkways are incorporated into the site design for both the north and south portions of the facade. A smaller hipped roof form is used to emphasize the entrance on the north portion of the facade.

**Guideline: Buildings shall be oriented to respect the existing grid pattern. Aligning the front wall plane to the street is generally the preferred building orientation.**

- **In some cases, the front door to a building may be positioned such that it is perpendicular or at an angle to the street. If so, other design elements such as the front wall plane, porch element or walkway elements should be used to help define the front door location, and to respect the overall building orientation pattern in the neighborhood.**

The building's front wall plane is adjacent to First Avenue.

#### **c. Building Form**

**Guideline: The use of building forms traditionally found in Old Hailey is encouraged. Forms that help to reduce the perceived scale of buildings shall be incorporated into the design.**

- **Simple rectangles or a combination of rectangles is encouraged.**
- **Examples of forms that help to reduce the perceived scale include the use of smaller forms combined together and the use of a smaller building form along the street.**
- **Less traditional forms should be very carefully planned to respond to the scale and character of the neighborhood.**

Three rectangular building forms are setback various distances from the front property line to reduce the perceived mass and scale of the building.

#### **d. Roof Form**

**Guideline: Roof forms shall define the entry to the building, breaking up the perceived mass of larger buildings, and to diminish garages where applicable.**

- **Garages are preferred to be located off of alleys, as outlined in Sections B.5**

**and B.6. Where the alley option does not exist or is not feasible, garages on the front of buildings should be diminished by integrating them into the primary roof form, by off-setting them back from the primary structure, or by detaching them.**

➤ **Offsets in eave and ridge lines may be helpful in breaking up building mass.**

A parking area is located at the rear of the building, adjacent to the alley. The gabled parapet and the smaller hipped roof over the entrance of the north portion of the facade helps to define the north entrance and break up the mass of the building from the street. The south portion of the facade has a flat roof line. There are three canopies in front of the south portion of the building's facade.

**Guideline: Roof pitch and style shall be designed to meet snow storage needs for the site.**

- **Roof pitch materials and style shall retain snow on the roof, or allow snow to shed safely onto the property, and away from pedestrian travel areas.**
- **Designs should avoid locating drip lines over key pedestrian routes.**
- **Where setbacks are less than ten feet, special attention shall be given to the roof form to ensure that snow does not shed onto adjacent properties.**

The proposed building incorporates a flat roof which is sloped to drain to gutters and downspouts.

**Guideline: The use of roof forms, roof pitch, ridge length and roof materials that are similar to those traditionally found in the neighborhood are encouraged.**

- **Sloping roof forms, including gable and hip roofs, are encouraged.**
- **Dormers and other roof details that do not detract from the primary roof form are encouraged, but should be used in moderation.**
- **Dormers should stay below the roof line and shall not extend above the roof line of the building.**
- **Shed roofs, flat roofs and roof pitches under 5:12 may be appropriate in certain locations.**
- **Ridge lengths should appear similar in scale to those seen in the neighborhood. A break in the roof line can be used to diminish the impact of longer ridge lengths.**

The north portion of the façade is western inspired with a gabled parapet and an atrium skylight gabled ridge on the center portion of the building. The roof line on the south portion of the facade is flat. No dormers are proposed. The ridge lengths are similar in scale to the Old Town Mercantile Condos.

**Guideline: The roof pitch of a new building should be compatible with those found traditionally in the surrounding neighborhood.**

- **Gable roof pitches in the 8:12 to 12:12 range are encouraged.**

The proposed roof is flat. Some of the surrounding commercial buildings also have flat roofs.

## **e. Wall Planes**

**Guideline: Primary wall planes should be parallel to the front lot line.**

➤ **These guidelines consider the front wall plane to be the primary wall plane.**  
The proposal shows the front wall planes parallel to the front lot line.

**Guideline: Wall planes shall be proportional to the site, and shall respect the scale of the surrounding neighborhood.**

- **A preference is given towards front wall planes that match the scale of traditional buildings (25-30 feet in width).**
- **If front wall planes exceed the traditional width, a setback or jog in wall plane should be used to break up the perceived mass.**
- **In general, one-story wall planes may be longer than two story wall planes, while still appearing proportional to the site.**

There are numerous jogs or setback along the front wall plane of the building. The south portion of the facade is set back approximately 18 feet from the north portion of the facade. In addition to this setback, other numerous architectural elements are proposed along the facade.

**Guideline: The use of pop-outs to break up longer wall planes is encouraged.**

- **Side wall planes are typically longer than front wall planes: pop-outs such as bay windows, chimneys and other architectural elements can be used to break up these longer wall planes.**

Portions of the façade are setback at varying distances from the front property line, freestanding canopies, and a roof over one of the front entrances all help to break up the front wall plane. The side wall planes abut the wall planes of adjacent buildings to the north and south and are not visible.

## **f. Windows**

**Guideline: Windows facing streets are encouraged to be of a traditional size, scale and proportion.**

- **Consider the position, area and arrangement of windows when designing street side facades.**
- **Consider the ratio of window opening area to solid wall area when designing building elevations such that neither dominates.**
- **Multi-paned windows of a vertical orientation are encouraged. As a general guideline, windows facing streets are encouraged to have a height that is twice the dimension of the width.**

The windows appear to be proportionate in size and scale. Most windows are multi-paned and all are vertical in orientation.

**Guideline: Windows on side lot lines adjacent to other buildings should be carefully planned to respect the privacy of neighbors.**

- **In general, new windows on side lot lines should be located such that they are not directly opposite windows on neighboring properties.**

Not applicable. The north and south sides of the building abut the side wall planes of adjacent properties. There is a zero setback.

## **g. Decks and Balconies**

**Guideline: Decks and balconies shall be in scale with the building and the neighborhood.**

- **Decks and balconies should appear as subordinate elements in terms of scale, location and detailing.**

No decks or balconies are proposed.

**Guideline: Decks and balconies should be designed with the privacy of neighbors in mind when possible.**

- **In general, uncovered decks are preferred to be located to the rear of buildings, while covered porches are preferred to be located in the front of buildings.**

No decks or balconies are proposed.

#### **h. Building Materials and Finishes**

**Guideline: Materials and colors shall be selected to avoid the look of large, flat walls. The use of texture and detailing to reduce the perceived scale of large walls is encouraged.**

- **A change of materials should be used appropriately on the building to help “ground” the building and to provide a distinction between foundations and walls. For example, a heavier material such as stone would be appropriate around the base of a building.**

The north portion of the facade is shown with a grey weathered barnwood siding and a grey ledgerstone rock foundation. The south portion of the facade is shown in grey stucco with a rust patina trim. The color of the windows is brick red.

**Guideline: Large wall planes shall incorporate more than one material or color to break up the mass of the wall plane.**

- **Building materials that contribute to a human sense of scale are encouraged. Examples of materials that convey a human sense of scale include wood siding, shake siding, brick and stone.**
- **Scoring joints, changes in surface, and the use of trim are other ways to break up the perceived scale of large walls.**
- **A change of building materials may not be necessary if other design elements such as bay windows or pop-outs are used to break up wall planes.**

The front wall plane utilizes multiple materials and colors, as well as setbacks and architectural elements to minimize the perceived mass.

#### **i. Ornamentation and Architectural Detailing**

**Guideline: Architectural detailing shall be incorporated into the front wall plane of buildings.**

- **While ornamentation is encouraged, the use of highly ornamental details not traditionally found in Old Hailey is not.**

The building does not display any highly ornamental details.

**Guideline: The use of porches, windows, stoops, shutters, trim detailing and other ornamentation that is reminiscent of the historic nature of Old Hailey is encouraged.**

- **Front porches are particularly encouraged. In general, they should be substantial in size, such that they function as more than just a landing, and should be covered by a roof.**
- **If front porches must be enclosed to provide a cold entry, the use of windows and a higher ratio of window-to-wall surface is encouraged to retain the image of the old front porch.**

The proposed building design does not incorporate a front porch. There are three freestanding canopies in front of the south portion of the building's facade. There are numerous windows, especially along the main floor and surrounding entrances to the building.

**Guideline: Architectural details and ornamentation on buildings should be compatible with the scale and pattern of the neighborhood.**

- **Buildings that draw on historic details without exact copying are preferred.**

The building is compatible with the surrounding commercial buildings such as, the Hailey Eye Center, Old Town Mercantile, and the Meriwether Building.

#### **4. Circulation and Parking**

**Guideline: Safety for pedestrians shall be given high priority in site planning, particularly with respect to parking, vehicular circulation and snow storage issues.**

- **Parking areas should be planned with adequate sight distances from sidewalks.**

Parking is available in the First Avenue right of way, located adjacent to the building's front elevation. Eight (8) parking spaces are proposed at the rear of the building, adjacent to the alley. There is a center walkway dividing the eight (8) parking spaces in half, which allows pedestrians using the rear parking to enter off of the alley right-of-way

**Guideline: The visual impacts of on-site parking visible from the street shall be minimized.**

- **Parking is encouraged to be screened from view with landscaping, fences or low walls.**

Parking is not visible from the street. All proposed on-site parking is adjacent to the alley.

**Guideline: As a general rule, garages and parking should be accessed from the alley side of the property and not the street side.**

The proposal is consistent with this guideline.

**Guideline: Detached garages accessed from alleys are strongly encouraged.**

The proposal does not include detached garages.

**Guideline: When garages must be planned on the street side, garage doors shall be set back and remain subordinate to the front wall plane.**

- **See also Roof Form in these guidelines for discussion on the use of roofs to diminish the impact of garages.**

This standard is not applicable; the proposal does not incorporate a garage.

**Guideline: When garages and/or parking must be planned on the street side, parking areas are preferred to be one car in width. When curb cuts must be planned, they should be shared or minimized.**

This standard does not apply to the proposed project. No curb cuts or on-site parking adjacent to First Avenue is proposed.

**Guideline: Off-street parking space for recreational vehicles should be developed as part of the overall site planning.**

- **Storage areas for recreational vehicles should be screened from view with landscaping, fencing or other building walls.**

This standard is more applicable to residential development and the proposed project is for a commercial condominium building.

## 5. Alleys

**Guideline: Alleys shall be retained in site planning. Lot lines generally shall not be modified in ways that eliminate alley access to properties.**

Access to the alley is not affected by this proposed project.

**Guideline: Alleys are the preferred location for utilities, vehicular access to garages, storage areas (including recreational vehicles) and accessory buildings. Design and placement of accessory buildings that access off of alleys is encouraged.**

- **Buildings located off of alleys can be quirkiest and more unique, reflecting the eclectic nature of alley buildings in Old Hailey.**

The proposed project does not include a garage or accessory buildings. Utilities are shown in the alley. No storage for recreational vehicles is proposed.

**Guideline: Generally, the driving surface of alleys within Limited Residential and General Residential may remain a dust-free gravel surface, but should be paved within Business, Limited Business, and Transitional. The remainder of the City alley should be managed for noxious weed control, particularly after construction activity.**

- **State law requires that noxious weeds be controlled.**

The subject property is within the Business District. All portions of Block 39 alley are paved, excluding the section adjacent to the subject property. It is a condition of approval that the alley be paved.

**Guideline: Landscaping and other design elements adjacent to alleys should be kept simple, and respect the functional nature of the area and the pedestrian activity that occurs.**

- **Leave enough space between new landscaping and the alley property line to allow trees to grow to maturity without encroaching into the public alley right-of-way.**

No landscaping is proposed adjacent to the alley.

## 6. Accessory Structures

No accessory structures are proposed.

## 7. Snow Storage

**Guideline: All projects shall be required to provide 25% snow storage on the site.**

- **For new construction and additions, snow is not permitted to slide onto the property of others.**
- **Snow storage areas shall be 25% of on-site parking and circulation areas.**

The on-site parking area, located adjacent to the alley is covered by the building above and it is anticipated that no snow will accumulate in this area. The pedestrian areas adjacent to the front of the building will utilize heated pavers, which will drain melted snow to the planters and gutters. It is anticipated that no snow storage is needed because there is little area used for circulation and the areas that are used for circulation are covered or heated.

**Guideline: A snow storage plan shall be developed for every project showing:**

- **Where snow is stored, key pedestrian routes and clear vision triangles.**
- **Consideration given to the impacts on adjacent properties when planning snow storage areas.**

No snow storage is proposed and none is required.

## **8. Existing Mature Trees and Landscaping**

**Guideline: Existing mature trees shall be shown on the site plan, with notations regarding retention, removal or relocation. Unless shown to be infeasible, a site shall be carefully planned to incorporate existing mature trees on private property into the final design plan.**

There is one existing tree located near the southeast corner of the lot that is proposed to be removed. The subject property is located in the Business District, which allows zero setbacks. The building is built out to both lot lines on the north and south sides of the property, which requires the removal of the tree.

**Guideline: Attention shall be given to other significant landscape features which may be present on the site. Mature shrubs, flower beds and other significant landscape features shall be shown on the site plan and be incorporated into the site plan where feasible.**

- **Mature shrubs such as lilacs should not be overlooked in site planning.**
- **The use of plant materials that are appropriate for the Hailey climate and growing season are encouraged.**
- **Drought-resistant lawn areas that resemble the traditional lawns of Old Hailey are encouraged.**
- **Xeriscape plantings in other yard areas are good alternatives for retaining landscaping while lowering water use.**
- **Berms in front yards are generally discouraged.**

The proposal states plantings will be hardy to Zone 2-4 and low to moderate in their drought tolerance. It is a condition of approval that all plantings be hardy to Zone 4 and drought tolerant. No berms are proposed.

**Guideline: Noxious weeds shall be controlled according to State Law.**

Meeting this requirement is a recommended condition of approval.

## 9. Fences and Walls

**Guideline: Fences and walls that abut public streets and sidewalks should be designed to include fence types that provide some transparency, lower heights and clearly marked gates.**

- **Fence heights are regulated by Hailey Zoning Ordinance Number 532, Section 8.1.**

No fences or walls are proposed.

**Guideline: Retaining walls shall be in scale to the streetscape.**

- **Streetside retaining walls should be lower in height, or broken up to avoid the look of a large wall.**

No retaining walls are proposed.

## 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 design maintains the human scale by breaking up the commercial building into three different forms and including large windows at ground level.

**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.**

The proposed on-site parking is located adjacent to the alley. Parking in the right-of-way already exists on First Avenue. Parking is not a dominate feature of the site plan.

**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.**

It is proposed that all roof mounted mechanical equipment will be centrally located in a way that conceals them from being viewed from adjacent streets and properties. There is no ground mounted mechanical equipment proposed. Meters will be enclosed within boxes. It is a condition of approval that all meter boxes be painted to match the wall which they are mounted on and shall be located adjacent to the alley, at the rear of the building if possible.

**Guideline: Multi-family structures shall be designed with a single family residential scale in mind. This includes:**

- **breaking up of wall planes;**
- **use of individual walk-up entrances;**
- **breaking up of parking areas;**
- **ensuring parking areas are subordinate to other uses.**

This application does not involve multi-family structures.

### **11. Historic Structures**

The proposal is for construction of a new building. This section of the guidelines addresses alterations or exterior changes to historic buildings, which is not applicable to this project.

## **CONCLUSIONS OF LAW AND DECISION**

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

1. Adequate notice, pursuant to Zoning Ordinance No. 532, Section 6A.5, was given.
2. The project is in general conformance with the Hailey Comprehensive Plan.
3. The project does not jeopardize the health, safety, or welfare of the public.
4. Upon compliance with the conditions set forth, the project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance and City Standards.
5. This Design Review approval is for plans dated August 27, 2008
6. This Design Review approval shall expire one (1) year from the approval of these Findings of Fact, unless a building permit application has been submitted to the Building Department.
7. The project 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 include, but will not be limited to, the following requirements and improvements:
    - The building shall have a monitored fire sprinkler system
    - The building, fire sprinkler, fire alarm, and plans shall be submitted to the Fire Department at the time of building permit application.
    - The applicant shall choose an address of either 106 or 108 First Avenue North.
    - The applicant shall work with adjacent property owners to ascertain how best to excavate the lot and pour the foundation without disturbing the foundations of the adjacent lots.
    - The architect shall submit drawings to an approved third party review firm, prior to submitting to the Building Department.
    - A construction staging plan shall be submitted and approved by the City Engineer.
    - An elevation certificate shall be obtained, prior to the issuance of a Certificate of Occupancy, to ensure that the building's height is not greater than 35 feet high,

from record grade.

- 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, including additional parking and loading spaces.
- c) All City 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 include, but will not be limited to, the following requirements and improvements:
  - The applicant shall provide insulating material for all individual water service lines on both sides of the alley including and between the subject property and First Avenue if the main line is less than six (6) feet in depth. The main line shall be insulated only if recommended by the City Engineer.
  - The remaining seven (7) parking spaces shall be provided for by improving the city right-of-way within 1,200 feet of the proposed project in exchange for seven (7) parking space credits, prior to the issuance of a Certificate of Occupancy.
  - The existing sewer service lateral shown near the center of the property shall be used.
  - The applicant shall obtain an IDWR inventory and dry well permit for both drywells.
  - A detailed map of the pedestrian detour shall be submitted and approved prior to the issuance of a building permit.
  - The alley shall be paved, to be used as a fire lane.
  - An encroachment permit shall be obtained prior to closing parts of the right-of-way and any damage that may occur to the right-of-ways during the duration of the encroachment permit shall be repaired at the applicant's expense.
- d) No auxiliary apparatus (e.g. utility meters, fire suppression equipment) may extend into any public right-of-way.
- e) A revised landscape plan shall be submitted and shall reflect the following requirement:
  - All plantings shall be hardy to Zone 4 and drought tolerant.
- f) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
- g) Noxious weeds shall be controlled according to State Law.
- h) Meter boxes shall be painted to match the wall which they are mounted on and shall be placed at the rear of the building if possible.
- i) At a minimum, four (4) bicycle parking spaces shall be provided prior to the issuance of a Certificate of Occupancy. The type and placement of bicycle racks shall be according to city standards. Information on the type and placement shall be submitted

with the building permit application for review and approval by the Planning and Zoning Administrator.

- j) All exterior lighting shall comply with the Outdoor Lighting Ordinance.
- k) The plat eliminating the underlying lot lines shall be recorded prior to issuance of a certificate of occupancy.
- l) 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.
- m) This Design Review approval is for plans dated August 27, 2008. 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.
- n) This project is subject to Development Impact Fees pursuant to Municipal Code Chapter 15.16. Check with Building Department staff for estimated fee amount.
- o) Landscaping shall incorporate moisture sensors and shall limit the use of overhead spraying irrigation systems.
- p) The freestanding canopy structures and covers, located adjacent to the south facade of the building, shall stay up year round.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Owen Scanlon, Commission Vice Chair

Attest:

\_\_\_\_\_  
Becky Mead, Administrative Assistant

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

<input type="checkbox"/>	U.S. Mail	Tom (Preston) Zeigler
<input type="checkbox"/>	Via Facsimile	PO Box 2020
<input type="checkbox"/>	Hand Delivered	Ketchum, ID 83340
<input type="checkbox"/>	Via Electronic Mail	tzig2020@aol.com

<input type="checkbox"/>	U.S. Mail	Michael Blash
<input type="checkbox"/>	Via Facsimile	PO Box 2523
<input type="checkbox"/>	Hand Delivered	Sun Valley, ID 83353
<input type="checkbox"/>	Via Electronic Mail	michaelblash@earthlink.net

CITY OF HAILEY

By \_\_\_\_\_  
Becky Mead, Administrative Assistant