

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On December 1, 2008, the Hailey Planning and Zoning Commission considered a recommendation by the Administrator to approve an eight (8) stall carport structure, with combined storage space for Rimrock Cottage Townhomes, located at Lot 4, Block 10, Rimrock Cottages (940, 950, 960, 970, 1010, 1020, 1030, Myrtle Street East), 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 carport structure. 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 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 Old Cutters, Inc. for an eight (8) stall carport structure, with combined storage space for Rimrock Cottage Townhomes, located at Lot 4, Block 10, Rimrock Cottages (940, 950, 960, 970, 1010, 1020, 1030, Myrtle Street East), within the General Residential (GR) zoning district.

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 carport to have no substantial impact on adjacent properties or on the community at large because it is an alteration to on-site parking. The entire building foot print of the carport is 1,955 square feet. This measurement includes a 50 square foot enclosed storage area on the eastside (front end) of each parking space, under the carport. The proposed carport does not

conflict with any prior approvals or requirements. The Administrator recommends approval of the carport structure.

4.3.5 Bulk requirements within the General Residential District

- a. **Minimum Lot size - six thousand (6,000) square feet except as follows:**
 - 1. **Townhouse sub-lots shall have an aggregate density of no more than ten lots per acre.**

Lot 4, Block 10 is 0.93 acres (40,512 square feet).

- b. **Maximum Multi-Family Residential Density - One (1) dwelling unit for each one-tenth (1/10) of an acre.**

- c. **Minimum Lot Width - fifty (50) feet except as follows:**

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

The width of Lot 4 is 302 feet.

- d. **Maximum Building Height - thirty five (35) feet.**

- e. **Minimum Front Yard Setback - twenty (20) feet.**

The carport structure is setback 39 feet from the front lot line.

- f. **Minimum Side and Rear Yard Setback - ten (10) feet 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 carport is 10 feet from the rear yard setback.

- h. **Total lot coverage of all buildings on any property which includes an accessory detached dwelling unit shall not exceed 40%.**

The preliminary plat for Rimrock Cottages was conditionally approved on November 14, 2008 by the Hailey Hearing Examiner. The proposal for Rimrock Cottages shows seven (7) townhouse units on a portion of Lot 4, Block 10. The building footprint for all seven (7) cottages is 3,600 square feet. The carport is 1,955 square feet, for total lot coverage of 5,555 square feet. Lot 4, Block 10 is 40,512 square feet and is proposed to be developed in two phases. Phase one (1) will consist of the seven (7) cottage townhouse units and phase two (2) will consist of one duplex (two (2) sub-lots). Lot 4, Block 10, shall not have more than 16, 204 square feet of lot coverage to comply with the 40% standard. The duplex and any additional future building on the remainder of Lot 4 shall not exceed the difference, which is 10,649 square feet of lot coverage.

6A.7.1.1 Sidewalk, Curb, and Gutter

Sidewalk Curb and Gutter are already in place, as required by the original Old Cutters' Subdivision application.

9.4 Parking Space Requirements.

Not applicable. Additional parking is not required for this application. Ten parking spaces are required for the seven (7) Rimrock Cottage Townhomes, eight (8) of the parking spaces are provided by the carport structure and three (3) additional spaces are provided adjacent to the carport, uncovered.

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

A. Site Planning.

1. The site should be designed to support pedestrian circulation and provide pedestrian amenities.

Pedestrian circulation should be an integral part of initial site layout and should be considered when planning the building layout and circulation patterns. Organize the site so that buildings frame and reinforce pedestrian circulation. It is preferred that pedestrians walk along building fronts rather than along or across parking lots and drives. Sidewalk design should incorporate pedestrian amenities. Wider sidewalks are encouraged to provide additional amenities such as seating areas and bicycle racks. Street trees are required within the public right-of-way; street tree species shall be approved by the City in accordance with plans on file with the Planning and Street Departments. Street lights at intersections are also required.

The carport is positioned perpendicular to Myrtle Street right-of-way and is located not in front of, but to the side of the Rimrock Cottage development. The parking area requires a curb cut in the sidewalk adjacent to Myrtle Street right-of-way. The carport structure is split in half by a pedestrian walkway, which leads to a pathway that connects the carport structure with the cottages and the cottage's common area.

7. Snow storage areas shall not be less than 25% of the improved parking and circulation areas and 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.

Snow storage areas for parking areas, driveways and sidewalks shall be provided on-site where practical. These areas should be situated so that they are accessible to all types of snow removal vehicles, of a size that can accommodate moderate areas of snow, and located in areas that will not hinder access to trash collection areas, utility meters, etc. Snow storage sites are encouraged to be landscaped with vegetation that is salt-tolerant and resilient to heavy snow. Heated snow melt systems may also be provided and are especially encouraged on shaded walkways. Hauling of snow from downtown areas is permissible where other options are not practical.

Snow storage is shown on the Rimrock Cottages Phase 1, conditionally approved preliminary plat.

8. Off street parking areas should be screened from public streets. On-site parking areas should be located at the rear of the building.

Buildings should be oriented at the street to provide a more pleasant and inviting streetscape.

The carport's north (side) elevation is visible from Myrtle Street. Two scotch pines are proposed for placement between Myrtle Street right-of-way and the parking area. This would potentially help screen the parking area; however, the two pines are shown in an area that was designated as snow storage on the preliminary plat. It is a condition of approval that prior to the issuance of a Certificate of

Occupancy a plat amendment for Rimrock Cottages Phase 1, be submitted with the snow storage area (182 square feet) shown relocated for approval by the City. Alternatively, the applicant can relocate the trees outside of the snow storage areas designated on the approved preliminary plat.

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.

On-site parking should be from the alley or from a single approach to the street. This helps confine vehicular/pedestrian conflict to limited locations, allows more buffering of the parking area and preserves the street frontage for pedestrian traffic.

The on-site parking areas, including but not limited to the carport, allow for forward vehicle entry and exit onto Myrtle Street.

B. Building Design.

1. New development shall recognize the City's historic architectural heritage.

Building materials and proportions shall be compatible with those design principles inherent in Hailey's historic architecture. Standardized corporate designs are not acceptable.

The proposed materials for the carport are fir posts, cedar siding, and composite roofing to match the architectural design of the cottages.

3. All sides of the building should be designed to be interesting by incorporating the use of varying materials, textures and colors.

All sides of the building, not just the main façade, should be attractive and interesting. Where elevations have no penetrations, incorporate different materials and textures to create shadow and interest. The side and rear elevations will be visible from the parking lot, adjoining properties, and/or secondary streets.

The carport is simple and in keeping with the architectural elements and materials of the cottages.

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 carport is in keeping with the architectural elements and materials of the cottages.

2. 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.

Consideration should be given to prevention of reflective glare and placement/design of mechanical equipment. Flat roofs shall have parapets to conceal the roof and mechanical equipment.

No mechanical equipment is proposed on the carport's roof. The carport is one story.

8. Entries and pedestrian areas should include consideration with respect to snow shedding and drip lines.

Building entries should provide protection from adverse weather conditions. Entrances into buildings should be designed with the pedestrian in mind in order to prevent snow from falling

directly onto adjacent sidewalks. Entries, walkways, decks, or landscaping should be located where they will not be damaged by falling snow.

Elements such as awnings, recessed entrances and marquees should provide protection for pedestrians and bicycle racks. Consideration should be given as to whether the roofing material and pitch will hold or release snow. Gabled coverings, appropriate roof pitch, or snow clips and/or gutters and downspouts should be provided over all walkways and entries. Downspouts and drains should be located within landscape areas or other appropriate locations where freezing will not create pedestrian hazards.

Snow clips should be provided along both sides of the carport's pitched roof, to help ensure that excess snow isn't falling into adjacent cottage owners' yards and driveway.

10. Building designs should minimize the apparent scale of buildings.

The use of the human scale can help to create the small town feeling and enhance the "sense of place". This can be achieved by utilizing voids and masses, as well as details, textures, and colors on building facades. The human area can also be defined by incorporating structural elements such as colonnades and covered walkways, overhangs, canopies, entries, landscaping, berms and screening walls. Particular attention should be paid to create interest at the street level. Human scale is accomplished by maintaining the interest at a smaller scale and defining those spaces.

Buildings that are not human scale are structures that are typically massive, simple forms with little or no undulation, fenestration and detail. Such buildings are not acceptable in Hailey's business districts. A large building can be human scale with the use of the elements listed above.

Human scale buildings create a comfortable and friendly atmosphere. Doors, windows, roof shapes, siding, lighting, and signs should all be considered carefully in order to create an appropriate scale of development. The natural appeal of Hailey will be enhanced through the addition of buildings which complement rather than dominate the landscape.

The rear elevation of the carport structure has a large mass, with little detail. However, this elevation is not street level and it would be difficult to incorporate windows or other elements that may diminish the mass and scale because the storage units for each cottage are located behind this rear wall.

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.

New developments whose bulk and scale may negatively impact adjacent residential areas should mitigate the effect through careful site planning and architectural design. Possible mitigation techniques include, but are not limited to the following:

- a. Locating open space and preserving existing vegetation on the sites edge to further separate the building from less intensive uses;*
- b. Stepping down the massing of the building along the site's edge;*
- c. Limiting the length of or articulating building facades to reflect adjacent residential patterns;*
and

- d. *Creative use and ongoing maintenance of landscaping. The landscape plan should include a greenbelt, at least an eight foot wide buffer to create a year-round visual screen of at least 6 feet in height. The buffer should be designed to avoid the appearance of a straight line or wall of uniform plant material, and shall be wide enough to accommodate the planted species at maturation.*

The carport is located in the GR district. The carport structure is 12 feet high and backs up to two (2) cottage sub-lots. There are fences separating the majority of the adjacent sub-lot lines and the rear (west elevation) of the carport. There are numerous shrubs planted along sub-lot lines, adjacent to the rear (west elevation) of the carport structure. These shrubs do not reside within common area, but within the sub-lots and are inside and outside of the fence. The maximum fence height in the GR district is six (6) feet. It is anticipated that the shrubs will not provide an effective screening mechanism, even adjacent to the unfenced area, which provides a clear view of the rear façade of the carport. There is only one (1) tree proposed adjacent to the rear façade of the carport and it resides within sub-lot 6.

Additional trees that will mature to a height greater than six (6) feet should be incorporated to help screen the rear façade of the carport structure. It is a condition of approval that the applicant submits a revised landscape plan prior to the issuance of a building permit, showing three (3) trees that will reach heights of greater than six (6) feet when mature on sub-lot 5, adjacent to the rear façade of the carport; and two (2) additional trees that will reach heights of greater than six (6) feet when mature on sub-lot 6, adjacent to the rear façade of the carport.

C. Fences and Equipment/Utilities.

Not applicable; the carport proposal does not involve fencing (other than fencing for the individual sub-lots) or utilities.

D. Landscaping.

- 1. At least 50% of the landscaped area shall utilize drought tolerant and/or xeriscape specific plant materials. Drought tolerance and hardiness shall be considered when selecting plant species.**

Drought tolerant plant species shall be used wherever possible to reduce water consumption. High water demand plant materials should be kept to a minimum. Elements for the xeriscape plan should include but are not limited to: plant materials proposed to be used, timeline for establishment of the plantings, maintenance of the planting beds and the type of irrigation proposed. All species should be hardy to the Zone 4 environment.

The autumn blaze maple is drought tolerant and comprises about 20% of the planted species. The Ginnala maple and Austrian pine are only moderately drought tolerant. These two species make up approximately 79% of the listed plantings. All listed species are hardy to Zone 4. In order to comply with the guideline above, a more significant percentage of plantings must be drought tolerant. It is condition of approval that a revised landscape plan be submitted and approved by the Planning Administrator, prior to the issuance of a Building Permit, showing 50% or more of the landscaped species as drought tolerant. This can be done by either planting additional species or changing the moderately drought tolerant species to drought tolerant species.

- 2. The urban environment should be considered in planning landscaped areas. A combination of trees shrubs, vines, ground covers and ornamental grasses should be selected that enhance and soften the hardscape. For landscape plans having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper. A maximum of 20% of any single species may be used in any landscape plan having more than 10 trees (excluding street trees).**

A landscape plan should provide or create a pleasing site or landscape character for an area. A harmony and balance of all the various elements of a landscape must be retained or developed. Landscaped areas should be planned as an integral part of the site and not simply located in leftover space on site. New planting areas must be designed to accommodate typical trees at maturity.

The proposed landscape plan shows 13 – 4 inch in caliper Autumn Blaze Maples, 20 – 12 foot Austrian Pines, 31 – 2 inch in caliper Ginnala maples, and 21 – five (5) gallon shrubs, along with native, low maintenance grass. The landscaping plan proposes the following tree composition: Autumn Blaze Maple – 20%, Austrian Pine – 31%, Ginnala Maples – 49%. The landscape plan complies with the tree planting size guidelines and provides a combination of planting types (i.e. trees, ground cover, shrubs, etc.).

No species may be more than 20% dominant in its use. It is a condition of approval that a revised landscape plan be submitted and approved by the Planning Administrator, prior to the issuance of a Building Permit, showing additional drought tolerant species in numbers that reduce the dominance of any one species to less than 20%.

- 3. Pedestrian areas should have special plantings.**

Plantings for pedestrian areas should be designed with attention to the details of color, texture and form. Use a variety of trees, shrubs, perennials, and ground covers, with different shapes and distinctive foliage, bark and flowers. Seasonal plantings in planters, pots, and beds should be provided to add color, beauty and variation.

Deciduous and coniferous trees are proposed. In addition, the landscape plan proposes raised planters with benches built in around the common area.

- 4. All landscaped areas shall be watered by an automatic irrigation system and regularly maintained in healthy and thriving condition free of weeds, trash and debris.**

Irrigation systems are required for all landscaped areas. They are encouraged to include features that will minimize water use, such as moisture sensors. Overhead spraying systems should be avoided to prevent water loss through evaporation.

Storm water runoff should be retained on the site wherever possible and used to irrigate plant materials. Even native, drought tolerant plant materials need water to become established. Projects which use all native, drought tolerant plant materials must provide, at a minimum, a temporary irrigation system that must fully operate for at least two complete growing seasons.

A plan for maintenance of the landscaping areas should be in place to ensure that the project appears in a well maintained condition (i.e., all weeds and trash removed, dead plant materials removed and replaced).

A landscape plan shall be submitted and approved by the Planning Administrator, prior to the issuance of a Building Permit. The landscape plan should include the following:

- How storm water runoff will be retained on-site wherever possible or an explanation for why it is not being utilized as a component to on-site irrigation.
- Establishment and maintenance of the landscaped area
- The use of moisture sensors shall be required and detailed in the plan.
- The type of irrigation system used and how an overhead spraying system will be avoided.

CONCLUSIONS OF LAW AND DECISION

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

1. The construction and design of the Rimrock Cottage carport is 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 carport has 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 include, but will not be limited to, the following requirements and improvements:
 - i. The west wall and roof edge of the carport shall be of one (1) hour fire-rated construction.
 - 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) Prior to a Certificate of Occupancy a plat amendment for Rimrock Cottages Phase 1, be submitted with the snow storage area (182 square feet) relocated for approval by the City.
 - d) Each stall located under the carport shall be striped with lines that measure 21 feet in length and 10 feet in width.
 - e) Snow clips should be provided along both sides of the carport's pitched roof, to help ensure that excess snow isn't falling into adjacent cottage owners' yards and behind parked cars.
 - f) The applicant shall submit a revised landscape plan to be approved by the Planning Administrator, prior to the issuance of a Building Permit, showing the following:

- i. The addition of three (3) trees that will reach heights of greater than six (6) feet when mature on sub-lot 5, adjacent to the rear façade of the carport; and two (2) additional trees that will reach heights of greater than six (6) feet when mature on sub-lot 6, adjacent to the rear façade of the carport.
 - ii. 50% or more of the landscaped species as drought tolerant.
 - iii. Additional drought tolerant species in numbers that reduce the dominance of any one species to less than 20%.
 - iv. How storm water runoff will be retained on-site wherever possible or an explanation for why it is not being utilized as a component to on-site irrigation.
 - v. Establishment and maintenance of the landscaped area.
 - vi. The use of moisture sensors shall be required and detailed in the plan.
 - vii. The type of irrigation system used and how an overhead spraying system will be avoided.
- g) 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 November 4, 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.

Signed this _____ day of _____, 2008.

Stefanie Marvel, Chair
Hailey Planning & Zoning Commission

Attest:

Becky Mead, Deputy Clerk

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:

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

John Campbell, Old Cutters, Inc.
jc@idahotower.com

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

Bruce Smith/Alpine Enterprises
bsmith@alpineenterprisesinc.com

CITY OF HAILEY

By _____
Becky Mead, Deputy Clerk