

STAFF REPORT

TO: Hailey Hearing Examiner
FROM: Mariel Platt, Planner
RE: Preliminary Plat – Tanglewood Condominium Subdivision
HEARING: March 30, 2009

Applicant: Mogli Cooper

Location: Lots 2, 3, 4, and southern 30 feet of Lot 5, Block 22, Woodside Subdivision No. 6 (2781 Winterhaven Drive)

Zoning: General Residential (GR)

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Idaho Mountain Express and mailed to property owners within 300 feet on March 11, 2009.

Application

Mogli Cooper has submitted an application for preliminary plat approval of a 24-unit residential condominium project, located in three (3) existing buildings. The project is located at Block 22, Lots 2, 3, 4, and the southern 30 feet of Lot 5, Woodside Subdivision No. 6 (2781 Winterhaven Drive), between Woodside Blvd. and Shenandoah Drive. The total land area of the project is 2.41 acres. As the application submitted is for a condominium project, the ground under and around the units would be owned and maintained by the condominium association.

Section 3.4.1 of the Subdivision Ordinance allows for applications for platting condominium units in existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the preliminary plat only. Upon approval, the applicant submits a final plat for Council approval.

Department Head Comments: No issues or concerns were submitted.

Standards of Evaluation:

Bulk requirements:

4.3.5 Bulk Requirements. For other supplementary location and bulk regulations, see Article VII.

- 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.**

The proposed lot size is 2.41 acres. The project is not a townhouse subdivision, creating sub-lots.

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

The applicant proposes 24 condos on 2.41 acres, which allows for a total of 24 units.

- c. Minimum Lot Width - fifty (50) feet except as follows:**
- 1. Townhouse sub-lots shall conform to the standards established in the IFC.**

The lot width is 300 feet.

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

Building #1 = 22 feet

Building #2 = 22 feet 4 inches

Building #3 = 22 feet 3 inches

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

The front yard setback is 35 feet.

- 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 side yard setbacks are as follows: west is 50 feet and east is 45 feet.

The rear yard setback is 25 feet of Building 1 and 20 feet for Buildings 2 and 3.

- g. Detached Accessory Dwelling Units shall have a minimum gross floor area of 300 square feet and a maximum gross floor area of 950 square feet.**

Not applicable.

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

The total lot coverage is 13.6%.

- i. Riparian Setback. Unless otherwise provided for herein, all permanent buildings and structures shall have a one hundred foot (100') wide Riparian Setback from the Mean High Water Mark of the Big Wood River. Removal of live vegetation or excavation within the Riparian Setback is prohibited, except for any tree that has been recommended for removal by a certified arborist, in writing, because the tree has been found to potentially endanger the resident(s) of the property on which it is located or any member of the public, or has become hazardous to any street, alley or other public right-of-way or public utility, or because the removal of a tree would substantially improve the health of other trees on the property. Pruning of trees and planting of riparian trees, shrubs and ground cover within the Riparian Setback are allowed, provided however, that all plantings conform to the criteria for evaluation in Section 4.10.7.2(k) of this Ordinance. Where the application of the one hundred foot (100') Riparian Setback and other applicable setbacks will result in a building site of one thousand (1000) square feet or less, the Riparian Setback may be reduced to such an extent that the building site is one thousand (1000) square feet; provided however, the Riparian Setback shall not be less than fifty feet (50').**

Not applicable, this subdivision is not within the vicinity of the Big Wood River or other riparian setback.

SECTION 4 – DEVELOPMENT STANDARDS

4.2 Sidewalks and Pathways

- 4.2.1 Sidewalks. Sidewalks adjacent to public streets shall be constructed on both sides of a public street, shall be a minimum of six feet (6') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission or Hearing Examiner. Sidewalks adjacent to private streets within and adjacent to all subdivisions in the Business, Limited Business, Service Commercial Industrial and Light Industrial districts shall be constructed on at least one side of the street, shall be a minimum of five (5') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission or Hearing Examiner. Sidewalks with curb and gutter shall be provided in Business, Limited Business, Technological Industry, Service Commercial Industrial, and Light Industrial Districts. Sidewalks shall accommodate anticipated pedestrian traffic, and shall include street trees (with irrigation) and other pedestrian amenities where required by the Council upon recommendation by the Commission or**

Hearing Examiner, and shall be in accordance with established City standards and sidewalk master plan, if available.

Meeting this requirement is a recommended condition of approval.

4.2.2 Pathways. The Developer shall install all non-vehicular pathways, to City Standards, in all areas within or adjacent to the property to be developed where Pathways are depicted upon the Master Plan.

This standard is not applicable because no pathways are depicted upon the Master Plan within or adjacent to the property being developed.

4.2.3 – 4.2.4 These standards relate to pathways and are not applicable because no pathways are proposed or required.

4.3 Alleys and Easements.

4.3.1 Alleys shall be provided in all Business District and Limited Business District developments where feasible.

This standard is not applicable because the property is within the GR district.

4.3.2 – 4.3.6 These standards relate to alleys and are not applicable because no alleys are proposed or required.

4.3.7 Where alleys are not provided, easements of not less than ten (10) feet in width may be required on each side of all rear and/or side lot lines (total width = 20 feet) where necessary for wires, conduits, storm or sanitary sewers, gas and water lines. Easements of greater width may be required along lines, across lots, or along boundaries, where necessary for surface drainage or for the extension of utilities.

4.3.8 Easements. Easements, defined as the use of land not having all the rights of ownership and limited to the purposes designated on the plat, shall be placed on the plat as appropriate. Plats shall show the entity to which the easement has been granted.

No riparian, fisherman access or utility easements are required at this time.

Barry Luboviski, representing the Friedman Airport Authority, has requested that the plat, and all sales contracts and deeds for units within the proposed PUD, contain a noise disclosure statement. The Authority also recommends requiring the developer to grant a “Noise and Avigation Easement” and non-suit covenant. This has not been submitted and is a recommended condition of approval.

The applicant has included a disclosure statement in plat note number one.

4.3.8.3 To provide for the storage of snow, drainage areas or the conduct of irrigation waters. Snow storage areas shall be not less than twenty-five percent (25%) of parking, sidewalk and other circulation areas. No

dimension of any snow storage area may be less than 10 feet. All snow storage areas shall be accessible and shall not be located over any above ground utilities, such as transformers.

The paved circulation areas measure 24,232 square feet, which requires 6,076 square feet of snow storage. It is a recommended condition of approval that a preliminary plat be submitted, prior to final plat, showing this amount of snow storage.

4.4 Blocks, 4.5 Lots, 4.6 Orderly Development, 4.7 Perimeter Walls, Gates and Berms, 4.8 Cuts, Fills, Grading and Drainage, 4.9 Overlay Districts

These sections are not applicable to condominium subdivisions of existing structures.

4.10 Parks, Pathways and Other Green Spaces.

Pursuant to Section 7.6, Section 4.10 does not apply to existing units being converted to condominium units.

4.11 Inclusionary Community Housing.

These standards apply to subdivisions resulting in five (5) or more lots or units, which are not existing structures being converted to condominiums. This application proposes 24 units; however, the units are existing apartments, proposed for conversion into condominiums; therefore, no Community Housing is required.

SECTION 7 - CONDOMINIUMS.

The purpose of this section is to set forth special provisions for property created or converted pursuant to the Condominium Property Act, Idaho Code §§55-1501 *et seq.*, as amended.

7.1 Plat Procedure. The Developer of a condominium project shall submit with the preliminary plat application as required by this Ordinance a copy of the proposed by-laws and condominium declarations of the proposed condominium development. The documents shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, common area, recreational facilities, and Green Space. The Developer may submit a final plat application following inspection and approval by the Building Inspector of the footings and setbacks of the condominium building. Prior to final plat approval, the Developer shall submit to the City a copy of the final by-laws and condominium declarations to be recorded with the County Recorder, including the instruments number(s) under which each document was recorded.

Draft CC&Rs have been submitted and address the billing and payment of utilities. The City has not and will not in the future determine the enforceability or validity of the Declaration of Covenants, Conditions, and Restrictions or other private agreements.

7.2 Garages. All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. Detached garages may be platted on separate sub-lots, provided that the ownership of

detached garages is appurtenant to specific condominium units on the condominium plat and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the condominium project.

There are no garages or shown on the plat.

7.3 Storage/Parking Areas. Condominium projects shall provide parking spaces according to the requirements of Article IX of the Zoning Ordinance.

The following sections from Article IX of the Zoning Ordinance are applicable to residential areas:

9.2.9 Screening and Landscaping. All loading space areas and parking areas for any use containing more than 4 surface parking spaces, and located in or adjacent to a residential district, shall be effectively screened on all sides which adjoin or face any other residential property, except where spaces have direct access from a right-of-way. The screening shall consist of an acceptably designed wall, fence or planting screen. Such fence or wall shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence or wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, evergreen ground cover or trees, and maintained in good condition.

- a. Parking areas designed to accommodate 10 or more cars shall have no less than 10% of their surface area landscaped. The landscaping shall include deciduous trees no smaller than 2" caliper.**

Currently, there is sufficient landscape screening along the north side of existing Lot 2 and along the south sides of Lot 3, which serves as the entrance for the parking area for Buildings #2 and #3. There is existing landscaping along south side of existing Lot 4, which serves Building #1; however, it only comprises a few trees and shrubs and is minimal. It does not adequately screen the parking area serving this building. More landscaping is needed to adequately screen the west side and the south side of the parking area serving Building #1, on existing Lot 4. In accordance with the above standard, no less than 10% of the surface area shall be landscaped, which is 928 square feet, and shall include deciduous trees no smaller than 2" in caliper. Meeting this requirement is a recommended condition of approval along the west and east sides of Lot 4, adjacent to the parking area serving Building #1.

The applicant has stated that sometime in 2009, they wish to change the landscaping, which may affect the screening of the parking area serving Building #2 and #3. If, in the future, changes are made to the landscaping on the existing Lots 2 and 3, which would affect the screening of the parking area serving Building #2 and #3, approval shall be given for the proposed changes by the Planning Administrator and shall comply with the above standard, prior to any landscape removal or installation.

9.4.1 Residential: No parking space, or portion thereof, shall be located in any right-of-way or public thoroughfare, unless otherwise provided herein. Parking spaces within any garage, carport or similar structure shall be credited at 1 space per nine (9) feet of floor width and 21 feet of floor length.

- a. **Single family residences: 2 per residence minimum, 6 per residence maximum. The City will allow the use of 100' right-of-ways within the Hailey Original Townsite for licensed passenger vehicle parking for single family dwellings. Parking for accessory dwelling units must be provided on site.**
- b. **All residences less than 1,000 square feet, including accessory dwelling units: a minimum of 1 space per unit.**
- c. **Multiple family dwellings: A minimum of 1.5 spaces per unit.**

24 units are proposed. $24 \times 1.5 = 36$ parking spaces are required. 39 parking spaces are provided as follows:

Building # 1 = 15 spaces

Building # 2 and # 3 = 24 spaces

7.4 Construction Standards. All condominium project construction shall be in accordance with the IBC, IRC and IFC.

The structures are existing. Any improvements or changes shall be in accordance with this standard. The applicant has stated that she does not anticipate any future construction, only landscape changes.

7.5 General Applicability. All other provisions of this Ordinance and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by Condominium developments.

Upon meeting proposed conditions of approval, the proposed application does not appear to conflict with other provisions.

7.6 Conversion. The conversion by subdivision of existing units into Condominiums shall not be subject to Section 4.10 of this Ordinance.

This application is a conversion by subdivision of existing units; therefore, it is not subject to Section 4.10.

Summary and Suggested Conditions

The Hailey Hearing Examiner shall review the proposed plat and continue the public hearing, approve, conditionally approve, or deny the preliminary plat. If approved, the plat application will be forwarded to the Council. The findings of fact, conclusions of law and decision as prepared by the Hearing Examiner shall be signed and filed with the administrator and shall be available to the applicant and the public no more than forty-five (45) days after the close of the hearing.

The following conditions are suggested to be placed on any approval of this application:

- a) The final plat shall include plat notes 1 through 3 as stated on the approved preliminary plat with the following amendments and additions:
 - The final plat shall include a note stating that the subdivision is subject to the recorded CC&R's, along with the instrument numbers thereof.
- b) The association shall be responsible for payment of utilities. Billing and utility payment information shall be addressed in the Condominium Declarations.
- c) Walls, fences or planting screens shall be provided at the following along the west and east sides of Lot 4, adjacent to the parking area serving Building #1. The design shall be approved by the Planning Administrator and shall address the following standards:
 1. Such fence or wall shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition.
 2. The space between such fence or wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, evergreen ground cover or trees, and maintained in good condition.
 3. No less than 10% of the surface area along the west and east sides of Lot 4, adjacent to the parking area serving Building #1 shall be landscaped, which is 928 square feet, and shall include deciduous trees no smaller than 2'' in caliper.
- d) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
- e) If, in the future, changes are made to the landscaping on the existing Lots 2 and 3, which would affect the screening of the parking area serving Building #2 and #3, approval shall be given for the proposed changes by the Planning Administrator, prior to any landscape removal or installation.
- f) A revised preliminary plat shall be submitted, showing 6,076 square feet of snow storage, prior to submittal of final plat.
- g) Sidewalks adjacent to public streets shall be constructed on both sides of a public street, shall be a minimum of six feet (6') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission or Hearing Examiner.
- h) All provisions of the Zoning Ordinance #532, including but not limited to use regulations and parking requirements shall continue to be met. 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.

- i) The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.
- j) Any subdivision inspection fees due shall be paid prior to recording the final plat.