

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On May 4, 2009 the Hailey Planning and Zoning Commission considered an application submitted by Allen Development, Inc. for Design Review approval for a new commercial building, R. Davis Business Center Building 2, located at the corner of Main Street and Fourth Avenue, Lot 2, R. Davis Business Center Subdivision (940 Fourth Avenue South), within the Limited Business (LB) zoning district. 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 Idaho Mountain Express and mailed to property owners within 300 feet on April 1, 2009.

Application

Allen Development, Inc, represented by Bruce Allen, has submitted a Design Review application for. The applicant proposes a one-story commercial building of approximately 7,894 square feet to be located at the corner of Main Street and Fourth Avenue, Lot 2, R. Davis Business Center Subdivision (940 Fourth Avenue South), within the Limited Business (LB) zoning district.

Department Head Comments:

Engineering and Public Works:

A recommended condition of approval is that engineering plans of the paved areas and sidewalk be submitted prior to issuance of a building permit.

Life/Safety:

No comments received

Building:

The parcel was assigned the address 940 Fourth Avenue South at the time of subdivision.

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:

2.2 Meaning of Terms.

Front Lot Line: The property line dividing a lot from a street. On a Corner Lot, only one (1) street line shall be considered the front lot line and the main or front entrance to the principal building on the lot shall face such lot line. For buildings located on a corner with more than one business within the building, the front lot line is the side where the businesses' street address is listed.

The location of the main entrance to the building has to be considered on Fourth Avenue for the minimum front setback to be met. The address will be 940 Fourth Avenue South.

4.5 LIMITED BUSINESS DISTRICT (LB)

4.5.2 Permitted Uses.

Permitted uses in the LB District are limited to the following:

- a. **Single Family Dwelling.**
- b. **Multiple-Family Dwellings.**
- c. **Dwelling Units within Mixed Use Buildings.**
- d. **Home Occupations.**
- e. **Lodging Establishments.**
- f. **Professional Offices, excluding veterinarians.**
- g. **Churches.**
- h. **Schools and other educational services.**
- i. **Health care and social assistance.**
- j. **Real estate and property management companies.**
- k. **Catering Services.**
- l. **Arts, entertainment and recreation uses (indoor and outdoor).**
- m. **Personal Services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required.**
- n. **All Day Care Businesses.**
- o. **Manufactured Homes.**
- p. **Semi-Public Uses.**
- q. **PWSF's or WCF's, attached to street poles, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIII A of this Ordinance.**
- r. **Government offices and public administration, except correctional institutions.**
- s. **Parks.**

4.5.3 Conditional Uses.

Conditional uses in the LB District are limited to the following:

- a. **Gasoline Stations and Automotive Repair and Maintenance.**
- b. **Restaurants.**
- c. **Wholesale distributors.**
- d. **Convenience Stores.**
- e. **Public Service, Public Use and Public Utility Facilities.**
- f. **Medical and personal care stores.**
- g. **Finance and insurance firms.**
- h. **Construction contractors' offices with no exterior storage.**
- i. **PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIII A of this Ordinance. (Lattice towers are prohibited.)**
- j. **Above ground flammable liquid tanks utilized by a public use.**
- k. **Temporary Structures.**

The use currently proposed to occupy a portion of the building (3,961 square feet) is a pharmacy with a drive-through window. For purposes of zoning, this use is considered a medical and personal care store and requires approval of a conditional use permit prior to the business occupying the building. Any future proposed uses for any space within the building that are determined by the Administrator to be a conditional use will be required to apply for and acquire a Conditional Use Permit prior to occupying the building. Design Review approval does not imply approval of a Conditional Use Permit.

4.5.5 – Bulk Requirements:

a. Minimum Lot Size – six thousand (6,000) square feet

Lot size is 20,066 square feet.

b. Maximum Residential and Mixed-Use Residential Density

Not applicable.

c. Minimum Lot Width – fifty (50) feet

The lot is irregularly shaped, and is approximately 94 feet at its narrowest.

d. Maximum height in the LB District is thirty-five (35) feet.

Proposed height is approximately 32 feet.

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. The building height will be verified as part of the building permit application review process.

e. Required setbacks are Front: twenty (20) feet; Side and Rear: ten (10) feet.

Proposed setbacks are:

Front (west elevation/Fourth Avenue): 35 feet*

*Parcel A will have to be combined with Lot 1 and an easement to benefit of Lots 2 and 3 for access and snow storage in order for the setback requirement to be met.

Side (south elevation/Main Street): 13.4 feet (as platted)

Rear (east elevation/drive-through): 57 feet

Side (north elevation/on-site parking): 20 feet

4.5.6 Additional Regulations.

a. Project features that may have a negative impact upon adjacent property shall be buffered from adjacent property by a solid fence or landscape screening.

The drive through is located approximately 4 feet below the elevation of Main Street. Landscaping is also proposed on the corner where the drive-through is located. The Commission determined the drive-through facility does not require additional screening from view from Main Street and Fox Acres Road.

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 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 a minimum of 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.

Sidewalk infrastructure adjacent to the property along Main Street and Fourth Avenue were required as part of a previous subdivision process and have been installed.

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.

The property is not within the Townsite Overlay District.

6.A.8 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.**

Upon any approval of the Design Review application, the Owner shall be required as a condition of approval to record the Area Development Plan or a development agreement depicting and/or detailing the approved Area Development Plan with a statement that the Area Development Plan shall bind the Owner and Owner's successors.

The subdivision received final plat approval with infrastructure requirements addressed; all infrastructure required is to be completed or bonded for prior to recording the plat.

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.

9.0 Parking and Loading Spaces.

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.**

The parking spaces have direct access from a right-of-way (Fourth Avenue).

9.2.11 Minimum Distance Setbacks. No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any lot occupied by a dwelling unit, school, hospital or other institution for human care and shall be separated from that adjoining lot by an acceptably designed screen as defined above.

The parking area is not adjacent to a dwelling unit, school, hospital or other institution for human care.

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 1,000 square feet of gross building area

The gross floor area of the three (3) units within the proposed building is 7,940 square feet. The number of parking spaces required is eight (8). The site plan for all three (3) lots in the subdivision shows a total of 26 on-site parking spaces.

9.4.6 No use shall provide on - site parking for more than two hundred percent (200%) of the number of spaces required by this Ordinance unless permitted by specific action

of the Commission. Applications for parking in excess of that normally permitted will be heard by the Commission as part of other applications, or, where no other application is pertinent, under the notice and hearing procedures set forth for Design Review.

The applicant estimated an additional 16 parking spaces would be required for anticipated uses within buildings constructed on the other two lots within the subdivision. The total number of spaces required on-site for the anticipated uses would be 23. Two hundred percent (200%) of 23 is 46. The site plan for all three (3) lots in the subdivision shows a total of 26 on-site parking spaces.

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.**

There are three lots within the subdivision; the on-site parking area was laid out during the platting process and created a site layout that will preclude building on Lot 3 from having the parking behind the building; the language “whenever possible” provides some flexibility in meeting this standard. The lot on which the building is proposed to be constructed has street frontage; the front of the building is facing Main Street and the parking would be located behind the building.

- 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.**

This standard is not applicable to Lot 1.

- 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.**

At least 3 bicycle parking spaces are required. Bicycle parking is shown at the southwest corner of the buildings near the Fourth and Main entrance to the building and to the west of the entrance to the eastern portion of the building located at the rear of the building (north elevation). The applicant is advised that the Hailey Bicycle Parking standards prohibit “toaster” and “wave” racks. The applicant should refer to the standards prior to purchasing bicycle racks. The type and placement of the racks will require approval by the Administrator prior to installation.

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 proposed light fixtures appear to meet the Outdoor Lighting standards. Compliance with Hailey's Outdoor Lighting Ordinance is included as a standard condition of approval.

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

A. Site Planning.

- 1. The building shall be oriented to the street. If the building is located on a corner, the building shall address the corner as well as both streets.**

The building should address the street and not "turn its back" to the public. The main façade should be oriented to the street, and provide an entrance (s) on the street side. Buildings at street corners must be designed to address the corner – that is, to engage the interest of drivers, pedestrians and bicyclists at the intersection.

An entrance on the south-west corner of the building is provided, serving as a common entrance to the two units located in the western portion of the building; this entrance provides direct and convenient pedestrian access from Main Street. It is a condition of approval that the doors shown on the rear of the building serve as public entrances to these two units.

The main entrance to the unit located in the eastern portion of the building is located on the north elevation of the building facing the parking lot. The south side of the building, which faces Main Street, has service entrances and emergency exits only and the public would not be able to access this unit from Main Street; this was found to be acceptable to the Commission.

A drive-through is proposed on the east side of the building. This is the first side of this building that will be visible to those coming into Hailey from the south; the angle of approach from the south along Main Street will help to minimize the visual impact of the drive-through facility, in addition to the drive-through being approximately four (4) feet lower in elevation than Main Street. Lot 1 of this subdivision is undeveloped and a future building on that lot may screen the east side (and drive-through) of this building.

- 2. Where buildings are separated from the public sidewalk along the primary street frontage, the space should contain public and pedestrian amenities. Buildings downtown should be located directly at the back of the sidewalk.**

Buildings may be separated from the sidewalk by plazas, landscaping, benches, bicycle racks, trash containers, and other pedestrian amenities.

The applicant proposes landscaped areas on both sides of the city's 10' asphalt pathway that runs parallel to Main Street along the south side of the lot. This pathway along Main Street is an important pedestrian and bicycle connector between downtown Hailey and the Community Campus, Blaine County Aquatic Center, Wood River High School, other community facilities and a large residential area. The Commission determined the proposed landscaping improvements provide adequate public and pedestrian amenities along the primary street frontage (Main Street).

3. 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 plans on file with the Planning and Street Departments. Street lights at intersections are also required.

A sidewalk is provided adjacent to the entire building except where the drive-through window is located. The majority of parking spaces are located at the far side of the parking lot, with pedestrian crosswalks shown for people to cross the parking lot from the sidewalk adjacent to Lot 3.

Pedestrian access is provided from the pathway along Main Street directly to the entrance on the south west corner of the building via stairs and a ramp for ADA compliance.

A pedestrian connection from the pathway along Main Street to the east side of the building and the north entrance to the pharmacy is depicted to the east of the drive-through access lane; this pedestrian connection, as proposed, will require people to walk across the drive-through lane to access the north entrance to the building, which is the only public entrance to the space proposed for the pharmacy. The Commission found this to be acceptable but included as a condition of approval that landscaping be added to help define this pedestrian connection.

Bicycle racks near the building entrances are shown on the plans.

A row of five existing deciduous street trees and three additional Mountain Ash are shown along the pedestrian pathway, anchored by existing trees at the east corner of the Lot 1 and two additional Greenspire Linden at the corner of Fourth Avenue.

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

Circulation patterns between customers/pedestrians and service/delivery vehicles should be conflict free. Delivery trucks should not interfere with public rights-of-way or obstruct required parking spaces. Where alleys are provided, they should be utilized for loading, deliveries, trash pick-up, etc. Pedestrians should be able to have safe access to the site without being forced to walk within any traffic lane. When developing more than

one building on a site, it is important to provide pedestrian paths through the site.

A sidewalk is provided adjacent to the entire building except where the drive-through window is located. The majority of parking spaces are located at the far side of the parking lot, with pedestrian crosswalks shown for people to cross the parking lot from the sidewalk adjacent to Lot 3.

Pedestrian access is provided from the pathway along Main Street directly to the entrance on the south west corner of the building via stairs and a ramp for ADA compliance. The sidewalk adjacent to the south side of the building (along Main Street) would also be used for deliveries purposes as the service entrances to the unit on the east side of the building are proposed on the south elevation.

A pedestrian connection from the pathway along Main Street to the east side of the building and the north entrance to the pharmacy is depicted to the east of the drive-through access lane; this pedestrian connection, as proposed, will require people to walk across the drive-through lane to access the north entrance to the building, which is the only public entrance to the space proposed for the pharmacy. The Commission found this to be acceptable but included as a condition of approval that landscaping be added to help define this pedestrian connection.

5. Buildings should be sited in a manner that preserves significant vegetation. Existing trees greater than 6" are considered a resource and the removal of any such trees are subject to administrative review and approval.

New construction and landscaping should respect and be compatible with existing vegetation. Proposed site plans shall inventory and delineate to scale all existing plant material to be saved. Removal of trees larger than 6" caliper will require administrative approval and an arborist review. Any tree destroyed or mortally injured after previously being identified to be preserved, or removed without authorization, must be replaced with a large specimen of a species found in the Tree Guide.

The applicant had previously relocated a number of large deciduous trees to the southern perimeter of the property along the bike path, and the landscaping plans show three new Mountain Ash and four Greenspire Lindens added to the south and west perimeters. In addition, two relocated evergreen trees are depicted, while only one tree is labeled "to be relocated"; it is a condition of approval that both trees are relocated on site.

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

The objective is to create exterior spaces around buildings that will be used and also that will be easy to keep clear for access to buildings. Buildings, vegetation and land forms cast shadows and block sunlight; the surface of a building can play a big role in reflecting sunlight into adjoining exterior spaces; color and choice of materials are important in this regard.

The main entrance areas are proposed on the north side, which will be shaded by the building. This was determined to be acceptable by the Commission.

7. Snow storage areas not less than 25% of the improved parking and circulation areas shall be sited in a manner that is accessible and usable. In no case shall a designated

snow storage area have any dimension less than 10 feet. Snow storage shall not encumber required parking spaces or encroach into sidewalk or pedestrian pathways.

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 areas were platted during the subdivision process. A portion of the snow storage area in the southeast corner of the site is proposed to be used for the drive-through access lane. The required amount of snow storage at time of subdivision was 5,414 square feet based on the amount of parking and sidewalk area proposed at the time. The applicant is proposing changes to the parking and circulation areas (vehicular and pedestrian) and is required to calculate the new area and show the corresponding amount of snow storage on the site plan as a condition of approval.

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 on-site parking is screened from Main Street by the building and landscaped areas; a future building on Lot 1 will further screen the parking lot from Fox Acres Road and Main Street.

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 parking area is accessed by an entrance located on Fourth Avenue, which is wide enough to allow cars in both directions.

10. Site design must consider the placement and screening of service areas and auxiliary structures.

Utility meters and service functions should not be visible on the primary facades of buildings or in front yard areas. The visual impact of trash storage and pickup areas should be minimized. Trash and service areas should be screened with landscaping, berming or fencing. Three-sided enclosures for trash collection areas visible from any public street should be provided. Snow accumulation should be considered in planning access to trash receptacles and service areas. Vending machines should not be visible from any point on the property.

A six foot block wall is proposed for the trash enclosure east of Lot 3.

11. Where alleys are available, they should be utilized to the greatest extent possible for

loading, delivery, trash pickup and utilities.

Service and delivery areas should be located off the alleys so that Main Street or other collector streets are not cluttered or blocked with large delivery trucks.

This site is not served by an alley.

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.

Gable ends, awnings, vertical corrugated panels, horizontal lap siding and wood timber beams are proposed architectural elements.

2. Any addition onto or renovation of an existing building shall be appropriately designed to create a cohesive whole.

This is a new building.

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 building design incorporates a number of colors, materials and textures which are integrated into each elevation including large windows, awnings, vertical corrugated panels, horizontal lap siding and wood timber beams.

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

The use of the following techniques can lead to energy cost savings and provide a more comfortable and healthy workplace:

- a. Solar access*
- b. South facing windows with eave coverage*
- c. Double glazed windows*
- d. Deciduous shade trees*
- e. Earth berming against exterior walls*
- f. Good ventilation*
- g. Efficient lighting*
- h. Day lighting*

The design includes double glazed windows, deciduous shade trees, good ventilation and efficient lighting

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 building immediately to the north of this building has vertical metal siding that is an earth tone with darker trim in the same palette. The property to the northwest is a park and the airport is to the south.

- 6. Roof design should reduce the mass and scale of buildings and add visual interest and prevent reflective glare. Flat-roofed buildings over two stories in height should incorporate roof elements, or upper decks, balconies or other design elements.**

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.

The proposed roof is flat and has been broken up visually with parapets and two tower elements. While the roof itself will not be visible behind the parapet, the galvanized steel siding used on the tower elements will be treated so that it does not create reflective glare.

- 7. Vehicle canopies associated with gas stations, convenience stores or a drive-through shall function as structures rather than as sign platforms. Canopies shall follow the colors, material and architectural design used on primary building(s). Vehicle canopies should have a minimum roof pitch of 3/12 and display the underside of the roof structure.**

The purpose of vehicle canopies is to provide weather protection, not to provide an elevated sign platform. No signs may be erected on top of or on the surface of canopy structures.

The canopy on the west side of the building to shelter cars at the pharmacy drive-through is pitched at the same pitch of the roof of the tower element on the west end of the building. The canopy is proposed to be of the same materials and colors as other elements on the building, and because of its pitch is not suitable for signs.

- 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.

The roof is flat and will not create snow shedding issues. Gutters and downspouts are not indicated on the plans.

- 9. Signage areas should be appropriate to the building's scale and design.**

A basic plan for signage, especially for multi-tenanted buildings, should be considered to ensure compatible and uniform signs. A uniform color scheme for all signs in multi-

tenanted buildings should be considered.

A sign area of approximately six feet by four feet is shown on the south wall, which faces Main Street. A single signage down light is also shown on the plan. A signage plan for the businesses within the building should be submitted as part of a separate sign permit application.

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 building design incorporates a number of colors, materials and textures which are integrated into each elevation, including large windows, awnings, vertical corrugated panels, horizontal lap siding and wood timber beams. Each elevation also incorporates undulation of the building wall to help break up the mass.

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 property is adjacent to the Recreational Green Belt (RGB) and Airport (A) zoning districts.

- 12. Where buildings exceed 30 feet in height, the entire roof surface shall not project to the highest point of the roof. The Commission shall review building height relative to the other dimensions of width and depth combined with detailing of parapets, cornices, roof, and other architectural elements. Fire department staging areas shall be incorporated into the design elements of the building.**

Building design is about proportions relative to width and height combined with detailing of additional architectural elements. Livable outdoor spaces in multi-story buildings that create pleasing elements and reduce the mass of taller buildings are encouraged.

The entire roof surface is not one height. The building includes tower elements and other variations in the roof line. Other architectural elements include parapets and window awnings.

- 13. Multi-unit structures should emphasize the individuality of units or provide visual interest by variations in roof lines or walls or other human scale elements.**

The small scale of the historic residences and shops is an important characteristic of Hailey. Breaking the facades and roofs of buildings softens the institutional image which may often accompany large buildings.

The building includes three (3) units. The building design incorporates a number of colors, materials and textures which are integrated into each elevation, including large windows, awnings, vertical corrugated panels, horizontal lap siding and wood timber beams. Each elevation also incorporates undulation of the building wall to help break up the mass.

C. Fences and Equipment/Utilities.

- 1. Fences shall be constructed of materials compatible with the site. The use of chain link is prohibited.**

Walls and fencing may be required elements in a site design for privacy, property line delineations, or screening. Fencing should not dominate the buildings or the landscape. Planting may often be integrated with a fencing scheme in order to soften the visual impact. A variety of fencing materials compatible with the site and surrounding properties are encouraged but in no case will chain link be permitted. The tops of fences should generally be maintained horizontal.

No fences are proposed.

- 2. All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels should be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be taken for communications facilities to insure that the number and design of them not conflict with each other.

The location of roof top mechanical equipment will be hidden behind the gable end and 36 inch high parapet.

- 3. All ground-mounted mechanical equipment, including heating and air conditioning units, and trash receptacle areas should be adequately screened from surrounding properties by the use of a wall, fence, or landscaping, or shall be enclosed within a building.**

These types of structures, to the greatest extent possible, should be enclosed within a building. Dumpsters should be located off the alleys. If necessary, when located outside, they should be primarily screened from public streets and adjacent properties.

An electrical room with direct access on the north side of the building is shown on the floor plan. It is a condition of approval that any ground mounted mechanical equipment be screened from surrounding properties by the use of a wall, fence, or landscaping, or shall be enclosed within a building.

- 3. Utilities, cables, phone lines and electrical lines must be considered in site design.**

Location of above ground utility boxes shall be shown on site plans and should not interfere with other uses such as snow storage, parking and trash collection. All service lines into the subject property shall be installed underground. Additional appurtenances should not be located on existing utility poles.

All utility lines are installed and below ground. A transformer is located on the site plan near the trash receptacle.

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.

Information provided by the applicant confirms this standard has been met.

- 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.

A combination of trees, shrubs, ground covers and grasses are proposed. The landscape plan

includes 19 existing trees and 9 trees to be planted for a total of 28 trees. 32% of the trees are 2 inch caliper. The caliper of the existing trees is unknown.

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.

The Commission determined the plantings proposed adjacent to the pedestrian areas adequately meet this standard.

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).

An automatic irrigation system is noted on the landscape plan.

5. Retaining walls must be designed to minimize their impact on the site.

Retaining walls, where visible to the public and/or to residents or employees of the project, should be no higher than four feet or terraced with a three foot horizontal separation of walls. They should be constructed of materials that are utilized elsewhere on the site, or of natural or decorative materials, rather than solid or flat surface. Landscaping should be provided within or in front of extensive retaining walls. Retaining walls should add rather than detract to the appearance of the site. Retaining walls over 24" high may require railings or planting buffers for safety. Low retaining walls may be used for seating if capped with a surface of at least 12 to 16 inches wide.

The retaining wall on site was approved and constructed as part of the subdivision approval.

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 April 24, 2009
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:
 - b) Any change in use or occupancy type from that approved at time of issuance of Building Permit may require additional improvements and/or approvals. Additional parking may also be required upon subsequent change in use, in conformance with Hailey's Zoning Ordinance at the time of the new use.
 - c) All City 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:
 - Bicycle parking is required near the main entrance of the building in accordance with the city's bicycle rack standards
 - d) No auxiliary apparatus (e.g. utility meters, fire suppression equipment) may extend into any public right-of-way.
 - e) A preliminary plat application shall be submitted to combine Parcel A with Lot 1 and an easement to benefit of Lots 2 and 3 for access and snow storage in order for the setback requirement to be met.
 - f) The new parking and circulation areas shall be calculated by the applicant and the corresponding amount of snow storage shall be shown on the site plan submitted for building permit. A revised plat showing the snow storage area shall be submitted for approval by the City and shall be recorded prior to issuance of certificate of occupancy.
 - g) Any roof top mechanical equipment shall be fully screened from view from on-site parking areas, adjacent public streets and adjacent properties.

- h) Any ground mounted mechanical equipment shall be screened from surrounding properties by the use of a wall, fence, or landscaping, or shall be enclosed within a building.
- i) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
- j) All exterior lighting shall comply with the Outdoor Lighting Ordinance.
- k) 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.
- l) This Design Review approval is for plans dated April 24, 2009. The Planning & Zoning Administrator has the authority to approve minor modifications to this project prior to, and for the duration of a valid Building Permit.
- m) This project is subject to Development Impact Fees pursuant to Municipal Code Chapter 15.16. Check with Building Department staff for estimated fee amount.
- n) A revised landscape plan shall be submitted prior to issuance of a building permit for approval by the Administrator. The revised landscape plan shall show shrubs, on the east side of the south elevation (Main Street) in the area by the drive-through, to better define the sidewalk area going from Main Street toward the rear of the site and trees planted in front of the taller portions of the south elevation and showing both two evergreen trees relocated on site.
- o) Plans submitted for building permit shall show awnings above the doors to the two units on the west side of the north elevation.
- p) The doors to the two units on the west side of the north elevation shall remain accessible to the public in perpetuity.
- q) Plans submitted for building permit shall show the canopy on the west side of the south elevation shall be extended below the windows.
- r) Plans submitted for building permit shall show at least two windows on the tower element on the south elevation (the pharmacy office area on the floor plan).
- s) All utilities to the building shall be underground.

Signed this _____ day of _____, 2009.

Owen Scanlon, Commission Chair

Attest:

Becky Mead, Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 2009, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

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

BRUCE ALLEN
BRUCEALLEN@BAC.SVCOXMAIL.COM
TOBIN DOUGHERTY
TTD@TOBINARCHITECTS.COM

CITY OF HAILEY

By _____
Becky Mead, Deputy Clerk