

STAFF REPORT

TO: Hailey City Council
FROM: Mariel Platt, Planner *mup*
RE: Final Condominium Plat Subdivision – Sky King Condos
HEARING: July 28, 2008

Applicant: Sky King LLC
Location: Lot 7M, Block 4, Airport West Subdivision, Phase II (1999 Electra Lane)
Zoning: Service Commercial Industrial-Industrial (SCI-I)

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to property owners within 300 feet on July 9, 2008.

Application

Sky King LLC, represented by Galena Engineering, has submitted an application for final plat approval of a 4-unit commercial condominium project located at 1999 Electra Lane. The total land area of the project is 17,954 square feet. 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.

Procedural History

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.

The application was heard by the Hailey Hearing Examiner on April 25, 2008 and approved with the following conditions:

- a) **The final plat submitted for review and approval shall include the plat notes 1 and 3 on sheet 1 of 3; and plat notes 1 through 6 on sheet 2 of 3, as stated on the preliminary plat with the following amendments and additions:**

- Plat note one (1) on sheet 1 of 3 shall state, “The property shown hereon is subject to the following Plats, Plat Notes, Annexation and Development Agreements, Agreement Amendments, Conditions, Covenants, and Restrictions as recorded in the Office of the Blaine County, Idaho Clerk and Recorder:” List instrument numbers or space for an instrument number for each.
- The final plat shall include a note stating, “The property shown hereon is subject to the Noise and Avigation Easement and Non-Suit Covenant recorded as Instrument No. _____, records of the County Recorder, Blaine County, Idaho.”
- A five (5) foot wide public pedestrian access easement over the existing sidewalk adjacent to the east building elevation and extending to the north and south property lines.
- The “5’ wide building setback easement” shall also be labeled “5’ wide building setback and public pedestrian access easement. Maintenance remains with owner.”

These conditions have been met.

- b) A Building Permit application, along with architectural and structural drawings, shall be submitted and a building permit obtained prior to construction of the two proposed walls dividing the larger unit in half.

This condition should be carried over.

- c) The association shall be responsible for payment of utilities. Billing and utility payment information shall be addressed in the Condominium Declarations.

This condition has been met.

- d) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance, requiring certain improvements.

This condition has been met.

- e) 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.

This condition should be carried over.

- f) 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.

This condition should be carried over.

- g) **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.**

This condition has been met.

- h) **Any subdivision inspection fees due shall be paid prior to recording the final plat.**

This condition should be carried over.

- i) **Any applicable development impact fees shall be paid in accordance with Hailey's Development Impact Fee Ordinance.**

This condition should be carried over.

Department Head Comments:

Life/safety issues: No comment provided.

Water and Sewer issues: No comment provided.

Engineering issues: No comment provided.

Standards of Evaluation:

Bulk requirements:

4.12.3.4 Bulk Requirements within the SCI-I sub-district. For other supplementary location and bulk regulations, see Article VII.

- a. **Minimum Lot Size: 10,890 square feet**

The lot size is 17,954 square feet.

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

The Design Review Findings of Fact indicate the building is 24 feet high.

- c. **Maximum Floor Area - Buildings or structures containing an Individual Retail/Wholesale Trade or a Grouped Retail/Wholesale Trade shall be limited to an aggregate gross floor area of 25,000 square feet.**

The gross floor area is 8,293 square feet.

- d. **Minimum Front Yard Setback - ten (10) feet.**

The front yard setback is 50 feet.

- e. **Minimum Side and Rear Yard Setback - ten (10) feet.**

The rear yard setback is 39 feet and the side yard setback is 10 feet.

- f. **No parking shall be placed within the setback areas.**

Electra Lane is a private street; therefore, the parking area at the west (front) elevation is not within the required 10 foot setback.

- g. **Maximum Lot Coverage – Not more than seventy percent (70%) of the lot shall be covered by buildings.**

The lot is 17,954 square feet and the building footprint is 6,885 square feet. The lot coverage area is 38%.

- h. **All materials, with the exception of trees and plant materials stored on the premises, shall be stored within a building or within a wall or screening fence not less than four (4) feet nor greater than eight (8) feet in height.**

SECTION 3 – PROCEDURE

3.3 Final Plat Approval.

The final plat, prepared by a Professional Land Surveyor, 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 or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.

The Hearing Examiner's approval of the preliminary plat was on May 13, 2008.

3.3.2 The administrator shall review the Final Plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.

The final plat is consistent with the preliminary plat approved by the Hearing Examiner. Conditions of preliminary plat approval have been met or are carried over.

SECTION 4 – DEVELOPMENT STANDARDS

Development standards were reviewed in detail during the preliminary plat approval process. Please refer to the preliminary plat Findings of Fact and Decision. Only requested changes have been made to the plat since preliminary plat approval.

CONDOMINIUMS (Section 7 of the Subdivision Ordinance)

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 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.

Garage space is contained within each unit.

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

Pursuant to Section 9.4.5(b), one space for every 1,000 square feet of warehouse and storage is required. The gross square footage of the building measures 8,293 square feet, requiring nine (9) parking stalls. There are currently nine (9) parking spaces, two of which are handicap spaces. If a different use occupies the building, additional parking may need to be provided, pursuant to Article IX of the Zoning Ordinance.

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

Compliance with all applicable construction standards is required by the Building Official prior to issuance of a certificate of occupancy.

- 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.

Summary and Suggested Conditions

The City Council shall hold a public hearing and approve, conditionally approve, or deny the final plat application. The following conditions are suggested to be placed on any approval of this application:

- a) A Building Permit application, along with architectural and structural drawings, shall be submitted and a building permit obtained prior to construction of the two proposed walls dividing the larger unit in half.

- b) 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.
- c) 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.
- d) Any subdivision inspection fees due shall be paid prior to recording the final plat.
- e) Any applicable development impact fees shall be paid in accordance with Hailey's Development Impact Fee Ordinance.
- f) The final plat shall be recorded within one year of the date of final plat approval (unless otherwise provided for within a phasing agreement.) The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.

Motion Language

Approval with Conditions:

Motion to approve the final plat of Sky King Condominiums, finding that the plat conforms to the applicable standards outlined in the Hailey Subdivision Ordinance; with conditions () through ().