

STAFF REPORT

TO: Hailey Hearing Examiner
FROM: Eric Grootveld, Planning Intern
RE: Preliminary Condominium Plat Subdivision – Eye Center Condominiums
HEARING: August 1, 2008

Applicant: Hailey Eye Center Rentals
Project: Eye Center Condominiums
Request: Preliminary Plat
Location: Lot 16A, Block 39, Hailey Townsite (110 First Avenue North)
Zoning: Business (B) and Townsite Overlay (TO) Districts

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 16, 2008.

Application

Eye Center Rentals, Dr. Steven Snapp, represented by David Patrie, Benchmark Associates, P.A., has submitted an application for preliminary plat approval of a four (4) unit commercial condominium project located at 110 1st Avenue North. The total land area of the project is 5,394 sq.ft. 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.

Procedure

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 Hearing Examiner may approve, conditionally approve or deny an application at the public hearing or can defer decision for further review. 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.

Department Head Comments:

Life/safety issues: No comment was received.

Water and Sewer issues: No comment was received.

Engineering issues: Infrastructure improvements shall be made prior to final plat approval, including drainage and paving infrastructure in the alley and reconstructing the concrete curb & gutter and sidewalk for handicap accessibility on 1st Avenue.

Standards of Evaluation:

Bulk requirements:

Design Review approval for this building was given on May 7, 2007. All bulk requirements for the Business and Townsite Overlay Districts are met. Staff analysis of the bulk requirements is taken from the Design Review Findings of Fact:

Maximum height in the Business District is 35 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.

Proposed height is 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.

Required setbacks in the Business District: None.

Proposed setbacks are 21 feet from alley; 2 feet from the street; and 0 feet from both the north and south sides.

Other:

- g. Maximum lot coverage:**
Business district: no maximum.

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.

A sidewalk, which meets city standards, currently exists along both sides of First Avenue between Bullion and Carbonate.

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.

An alley currently exists to the east of the property.

4.3.2 The minimum width of an alley shall be 26 feet.

The width of the existing alley is 26 feet.

4.3.3 All alleys shall be dedicated to the public or provide for public access.

Block 39 alley is currently a public right-of-way.

4.3.4 All infrastructure to be installed underground shall, where possible, be installed in the alleys platted.

Existing sewer and water infrastructure is currently installed in the alley.

4.3.5 Alleys in commercial areas shall be improved with drainage as appropriate and which the design meets the approval of the City Engineer. The Developer shall provide storm sewers and/or drainage areas of adequate size and number to contain any runoff within the streets in the subdivision upon the property in conformance with the latest applicable Federal, State and local regulations. The developer shall provide copies of state permits for shallow injection wells (drywells). Drainage plans shall be reviewed by City Staff and shall meet the approval of the City Engineer.

City Engineer has noted that improvements to the alley will need to be completed prior to approval of final plat.

4.3.6 Dead-end alleys shall not be allowed.

The alley is not a dead end alley.

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.

An alley exists along the east edge of the property.

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. Easements shall be provided for the following purposes:

N/A - Easements do not appear to be needed on this property.

4.3.8.1 To provide access through or to any property for the purpose of providing utilities, emergency services, public access, private access, recreation, deliveries or such other purpose. Any subdivision that borders on the Big Wood River shall dedicate a 20-foot wide fisherman's access easement, measured from the Mean High Water Mark, which shall provide for non-motorized public access. Additionally, in appropriate areas, an easement providing non-motorized public access through the subdivision to the river shall be required as a sportsman's access.

N/A

4.3.8.2 To provide protection from or buffering for any natural resource, riparian area, hazardous area, or other limitation or amenity on, under, or over the land. Any subdivision that borders on the Big Wood River shall dedicate a one hundred (100) foot wide riparian setback easement, measured from the Mean High Water Mark, upon which no permanent structure shall be built, in order to protect the natural vegetation and wildlife along the river bank and to protect structures from damage or loss due to river bank erosion. A twenty-five (25) foot wide riparian setback easement shall be dedicated adjacent to tributaries of the Big Wood River. Removal and maintenance of live or dead vegetation within the riparian setback easement is controlled by the applicable bulk requirement of the Flood Hazard Overlay District.

The riparian setback easement shall be fenced off during any construction on the property.

This standard is not applicable; the subject property is not in proximity to the Big Wood River and does not reside within the Flood Hazard Overlay District.

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.

It is noted in the Design Review approval that all snow is to be hauled off-site. It is a recommended condition of approval that a plat note be added to the final plat stating, "The owners of the condominium units or the condominium association shall have all snow, which accumulates in the pedestrian and vehicular circulation areas on or adjacent to the subject property, hauled off-site."

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.

4.10 Parks, Pathways and Other Green Spaces.

These standards are not applicable because the parks dedication requirement applies to developments with three (3) or more residential lots, sub-lots or units. This subdivision contains four (4) units; however, this standard does not apply to commercial condos.

4.11 Inclusionary Community Housing.

These standards apply to subdivisions the resulting five (5) or more lots or units; this application proposes four (4) units.

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 Covenants, Conditions, and Restrictions of Eye Center Condominiums have been submitted and address control and maintenance of common area and 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.

No garages are proposed.

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

In accordance with Section 9.4.2 of the Hailey Zoning Ordinance, all commercial, professional, service, recreation and entertainment uses shall provide improved parking in the amount of one parking space for every 1000 square feet of gross building area; except as follows:

1. Offices: 1 space for every 500 square feet of gross building area.

Twelve (12) spaces are required, as the building measures 6,496 square feet. A condition of Design Review approval was that eight (8) parking space credits were to be received for right-of-way improvements within 1200 feet of the subject property. Four (4) spaces were to be in the alley per design review, though only three (3) are shown on the preliminary plat. A suggested condition of approval is that the four (4) spaces be included and that the right-of-way improvements be completed, as determined by the City Engineer.

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 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 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 10 as stated on the 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.
 - The final plat shall include a plat note stating, "The owners of the condominium units or the condominium association shall have all snow, which accumulates in the pedestrian and vehicular circulation areas on or adjacent to the subject property, hauled off-site."
- b) The association shall be responsible for payment of utilities. Billing and utility payment information shall be addressed in the Condominium Declarations.
- c) Four (4) spaces shall be included on the property off of the alley, per design review approval.
- d) All improvements and other requirements, including but not limited to right-of-way and any alley improvements required by the City Engineer, 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) 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.
- f) 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.
- g) Compliance with all applicable construction standards shall be required prior to issuance of a certificate of occupancy.
- i) Any subdivision inspection fees due shall be paid prior to recording the final plat.