

STAFF REPORT

TO: Hailey Hearing Examiner
FROM: Mariel Platt, Planner
RE: Conditional Use Permit – Blaine County School District Technology Building
HEARING: July 20, 2009

Applicant: Blaine County School District
Location: Lots 4-10, Block 126, Hailey Townsite (719 Third Avenue South)
Zoning: General Residential (GR) and Townsite Overlay (TO) Districts
Note: Staff analysis is in lighter type

Notice

Notice for the public hearing on July 20, 2009 was published in the Idaho Mountain Express and mailed to property owners within 300 feet on, July 1, 2009.

Application

Blaine County School District, has submitted a Conditional Use Permit application for a Technology Department, on Lots 4-10, Block 126, Hailey Townsite (719 Third Avenue South). The proposed use is considered a Public Use. The property is located in the General Residential (GR) and Townsite Overlay (TO) zoning districts, and Public Use may be allowed under the Conditional Use Permit process.

Department Comments

Life/Safety: No comments were received.
Building: No comments were received.
Water/Sewer: No comments were received.

Standards of Evaluation

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.

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.**

No new lighting is proposed with this Conditional Use Permit. The applicant recently received Design Review approval for the building at this location. The Design Review approval included a condition that all exterior lighting shall comply with Hailey's Outdoor Lighting Ordinance. To be consistent and to ensure that this condition is met a recommended condition of approval that all existing exterior lights and any proposed new lights shall comply with Hailey's Outdoor Lighting Ordinance has been included in this CUP application as well.

9.4 Parking Space Requirements.

9.2.2 Loading Space Requirements and Dimensions. The following regulations shall apply to all commercial and industrial buildings with off-street loading areas.

- a. **One (1) loading space shall be provided for any single retail, wholesale or warehouse occupancy with a floor area in excess of 4000 square feet, except grocery and convenience stores where one (1) loading space shall be provided for a floor area in excess of 1000 square feet. An additional loading space shall be required for every additional 10,000 square feet of floor area, except grocery and convenience stores where an additional loading space shall be required for every additional 5,000 square feet of floor area. Such spaces shall have a minimum area of 500 square feet, and no dimension shall be less than 12 feet.**

One loading space is proposed on the north side of the subject property.

- b. **Convenient access driveways to loading spaces from streets or alleys shall be provided; they shall not be less than 12 feet in width.**

The driveway is shown as 12 feet in width.

- c. **No loading space required by this Ordinance shall project into any street, alley, or other public right-of-way.**

The proposed loading space does not project into any public right-of-way.

9.2.4 Maintenance. The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, other debris and snow.

Currently, the on-site parking area located adjacent to the alley has numerous articles of trash, including an abandoned car battery. It is a recommended condition of approval that this area be cleaned up and kept free of debris and trash.

9.2.5 Surfacing and Construction. All required parking and loading spaces, together with driveways, aisles, and other circulation areas, shall be constructed in accordance with the City Standards.

a. Parking areas and driveways for single family and duplex residences may be improved with compacted gravel or other dustless material.

Currently, the on-site parking area, located adjacent to the alley, has a gravel surface and is not striped. The subject property is not a residence; therefore, it is a recommended condition of approval that on-site parking shall comply with City Standards.

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 1000 square feet of gross building area; except as follows:

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

In accordance with Section 9.2.1 and 9.4, d), all required parking spaces, including required ADA spaces shall be provided on-site. The total square footage of the building is 5,600, requiring 11 on-site parking spaces, including one (1) ADA space. Currently, an on-site parking area is located off of the alley with a gravel surface; the site plan shows 10 spaces in this area. There is a set of stairs leading from the building to this parking area but the parking area is not ADA accessible. The 11 required parking spaces are required to be provided on-site, which includes one (1) ADA space. There appears to be sufficient room for 11 spaces adjacent to the alley; however, locating an ADA parking space adjacent to the alley may not be feasible, due to the exiting grade. It is a recommended condition of approval that a revised site plan be submitted to the Planning Administrator for approval, which shows 10 parking spaces (9ft x 20ft) and one (1) ADA parking space on-site.

Currently there are 17 parking spaces in the public right-of-way, located adjacent to the front of the building. On June 1, 2009, the applicant received Design Review approval that reduced the number of parking spaces within the public right-of-way to 14 spaces, to allow for the driveway access to the proposed loading dock. While these spaces may be used by the occupants of the building, they cannot be counted toward the on-site parking requirement.

11. Conditional Use Permits

11.4.1 The Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and, if approved, shall find adequate evidence showing that such use at the proposed location:

Section 11.4 of the Hailey Zoning Ordinance establishes the standards for proposed conditional uses. The Hearing Examiner should make findings related to each of the items (a) through (i).

a) Will, in fact, constitute a conditional use as established for the zoning district involved;

The applicant has stated that the proposed use of the building is divided into the following four components: 1) receiving and distribution of new computer equipment as well as service of existing computer equipment for the entire school district, 2) software and test score managing for the district, 3) teacher training on the use of software and computers, and 4) housing and maintenance of the main computer server facilities for the district. In accordance with Section 4.3.3.d. of Hailey's Zoning Ordinance, a Public Use requires a Conditional Use Permit in the GR district. Public Use is defined by the Ordinance as the following: "Use for a public purpose by city, school district, county, state, or any other public agency or a public entity."

b) Will be harmonious with and in accordance with the general objectives or any specific objective of the Comprehensive Plan and requirements of this Ordinance;

The Hearing Examiner should consider how the proposed use relates to the various policies and implementation items of the Comprehensive Plan, particularly the following:

Land Use Districts, Section 5.4 states, "Provide adequate areas for institutional and public facilities, such as schools, senior care, medical, judicial and other community facilities, intergrated within the community."

Population Diverstiy, Section 7.2 states, "Encourage proposals that seek to improve Hailey's social environment, such as educational facilites and programs, cultural events, and community amentities."

Public Facilities, Utilities, and Services, Section 9.0, states, states, "Recognize and generally support the provision of utilities and services by other entities within the City of Hailey."

The applicant has a narrative addressing the relation of the CUP to the Comprehensive Plan (see attachment).

c) Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;

The subject property was previously occupied by the Silver Creek Alternative School. Only minor changes will be made to the exterior of the existing building to accommodate the new use. These changes include the following: a driveway to access a small loading dock located on the side of the building, towards the back of the lot; roof and deck modifications; the addition of a shade pergola at the rear of the building; and the construction of a concrete slab, for placement of a future generator, which will be used to provide back-up support to the computer facility. These alterations were approved on June 1, 2009, on the Commission's Consent Agenda. The hours of operation will be approximately 9am-5pm. The main difference in occupant frequency and duration between the alternative school and the proposed use is that the building will be occupied during the summer, whereas the Alternative School was not open during the summer months.

d) Will not be hazardous or disturbing to existing or future neighboring uses;

The Comprehensive Plan's Land Use Map depicts the area of the proposed CUP as transitional, which is defined as, "Mixed use, including residential, providing a buffer between residential neighborhoods and intense business use."

The uses surrounding the subject property and its respective zoning are as follows:

East: Rodeo Grounds (LB)

West: Inn at Ellsworth Estate (LR-1) and Hailey Armory (LB)

North: Wood River Fire and Rescue (GR)

South: Blaine County Senior Center (LB)

Due to the surrounding uses, it is not anticipated that the proposed use will be disruptive to the existing uses. Due to the area's current zoning and depiction as transitional on the Land Use Map, it is not anticipated that the proposed use will be disruptive to future uses.

e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

This property is already served by public facilities and services. It is not anticipated that the proposed change in use will affect existing services.

f) Will not create excessive additional requirements at public cost for public facilities and services;

This property is already served by public facilities and services. It is not anticipated that the proposed change in use will affect existing services or create additional costs for these services and utilities.

g) Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards;

The applicant has stated that the proposed use of the building is divided into the following four components: 1) receiving and distribution of new computer equipment as well as service of existing computer equipment for the entire school district, 2) software and test score managing for the district, 3) teacher training on the use of software and computers, and 4) housing and maintenance of the main computer server facilities for the district.

Prior to this application, the applicant received an approval for a generator. The intent of the generator is to provide back up power for the computer server in the event of a power failure. There may be some noise associated with the use of the generator; however, it is unlikely that the generator will be used frequently or for long durations.

The applicant has stated that truck deliveries, which could produce some amounts of smoke, fumes, and air pollution, will only occur approximately 5-10 times a year.

h) Will have vehicular approaches to the property, which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares;

There is existing on-site parking located at the rear of the building, accessed off of the alley and parking in the right-of-way adjacent to the front of the building. Vehicular infrastructure to the site and surrounding area has already been developed. The applicant has previously received approval for a driveway accessing the loading dock on-site. This may reduce potential traffic conflicts along Third Avenue by allowing deliveries to be made on-site instead of delivery vehicles parking or idling on Third Avenue, creating congestion.

i) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature.

The building will only undergo minor changes to accommodate the proposed use. It is not anticipated that the use or the changes to the building will affect any natural, scenic, or historic features.

11.6 Conditions.

The Commission or Hearing Examiner may impose any conditions which it deems necessary to secure the purpose of City regulations and give effect to the Comprehensive Plan. Conditions which may be attached include, but are not limited to those which will:

- 11.6.1 Require conformity to approved plans and specifications.**
- 11.6.2 Require or restrict open spaces, buffer strips, walls, fences, signs, concealing hedges, landscaping and lighting.**
- 11.6.3 Restrict volume of traffic generated, require off-street parking, and restrict vehicular movements within the site and points of vehicular ingress and egress or other conditions related to traffic.**
- 11.6.4 Require performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements.**
- 11.6.5 Limit time of day for the conduct of specified activities.**
- 11.6.6 Require guarantees such as performance bonds or other security for compliance with the terms of the approval.**
- 11.6.7 Require dedications and public improvements on property frontages.**
- 11.6.8 Require irrigation ditches, laterals, and canals to be covered or fenced.**
- 11.6.9 Minimize adverse impact on other development.**
- 11.6.10 Control the sequence, timing and duration of development.**
- 11.6.11 Assure that development is maintained properly.**
- 11.6.12 Designate the exact location and nature of development.**
- 11.6.13 Require the provision for on-site or off-site public services.**
- 11.6.14 Require more restrictive standards than those generally found in this Ordinance.**
- 11.6.15 Mitigate foreseeable social, economic, fiscal and environmental effects.**
- 11.6.16 Set a limit on the duration of the permit when deemed necessary.**
- 11.6.17 Allow for subsequent periodic review.**

The Hearing Examiner may impose any conditions that it deems necessary to secure the purpose of City ordinances and give effect to the Comprehensive Plan. Conditions including but not limited to those set forth in Section 11.6 may be placed on any approval.

Summary

Section 11.1 of the Hailey Zoning Ordinance states that “the City of Hailey recognizes that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and promote conformance with the Comprehensive Plan, conditional use permits are required for such uses upon review by the Hearing Examiner.”

Conditional Use Permits are subject to review and revocation pursuant to Section 11.9 of the Hailey Zoning Ordinance. This statement will be included in the Findings of Fact, Conclusions of Law, and Decision for any CUP approved by the Hearing Examiner.

The Hearing Examiner shall make a decision to approve, conditionally approve, or deny the application within forty-five (45) days after conclusion of the public hearing and issue its decision together with the reasons therefore. The Hearing Examiner shall review the application, all supporting documents and plans, and Section 11 of the Zoning Ordinance, in making their decision.

The Hearing Examiner should make findings related to the criteria of Section 11.4, (a) through (i).

Suggested Conditions

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

- a) All Fire Department and Building Department requirements shall be met.
- b) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. 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.
- c) Construction, operation, and maintenance of the building and its occupancy shall conform to approved plans and specifications.
- d) All existing and new lighting shall comply with Hailey’s Outdoor Lighting Ordinance.
- e) The on-site parking area shall comply with City Standards.
- f) 11 parking spaces be provided on-site, which may require the removal of the existing shed to provide adequate space to accommodate all 11 spaces. A revised site plan be submitted to the Planning Administrator for approval, which shows 10 regular (9ft x 20ft) parking spaces and one (1) ADA parking space on-site.
- g) The on-site parking spaces shall be maintained in good condition, without holes and free of all dust, trash, other debris and snow.