


## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Mariel Platt, Planner   
**RE:** Final Plat – Winterhaven Condominiums Phase IV  
**HEARING:** April 28, 2008

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**Applicant:** Bradley Construction North, Inc.  
**Location:** Winterhaven Drive, south of Moonlight Drive  
**Legal Description:** Parcel A, Block 62, Woodside Plat No. 15  
**Zoning:** General Residential (GR)

**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 April 9, 2008.

### Application

Jim Bradley of Bradley Construction North, Inc., represented by Brain Yeager of Galena Engineering, has submitted an application for final plat approval of Phase IV of Winterhaven Condominiums, an 18 unit residential condominium project located on Winterhaven Drive, south of Moonlight Drive. Phase IV consists of six units in three buildings, Units 7 through 12. The total land area of Phase IV is 0.7 acres. As the application submitted is for a condominium project, the ground under and around the units would be owned and maintained by the condominium association.

### Procedural History

The Planning and Zoning Commission held a public hearing on this application on March 15, 2004 and conditionally approved the preliminary plat. A concurrent Design Review application was submitted for this multi-family project. The Commission considered the Design Review application on March 15th and April 5, 2004, granting conditional approval on April 5, 2004. The City Council granted conditional preliminary plat approval on April 12, 2004. On July 19, 2004, the Council granted approval of an amended preliminary plat, allowing for the phasing of the project. The phasing agreement was amended on November 8, 2004, allowing for four phases instead of three and again

on August 31, 2005, postponing the timing of the phasing. The timing of Phase IV is within the parameters of the phasing plan, which is as follows:

### Timing of Phases

Phase	Start Date	Duration
I.	November 15, 2004	4 months
II.	Not later than September 1, 2005	12 months
III.	Not later than September 1, 2006	12 months
IV.	Not later than September 1, 2007	12 months

Phase IV construction, according to the current phasing plan, includes:

- i) Three (3) buildings.
- ii) A roadway and driveway to access each building.
- iii) All landscaping associate with the three (3) buildings.
- iv) Any other approved or required items.
- v) A five (5) foot wide concrete sidewalk all along Winterhaven Drive.

Item iv) above includes payment of the fourth and last installment of in-lieu contribution for parks, which has been received.

The application was heard by the Hailey City Council on April 12, 2004 and approved with the following conditions:

- a) **All Fire Department and Building Department requirements shall be met. At this time, these requirements include, but will not be limited to the following:**

- **All addresses must be visible from Winterhaven Drive, and the unit numbers must be visible from the driveway.**

This condition should be carried over.

- **Driveways must be posted for no parking**

This condition should be carried over.

- b) **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. At this time, this infrastructure includes, but will not be limited to the following:**

- **Water and sewer mains, service lines, and easements, to be approved by Public Works Manager and City Engineer**

This condition has been met.

- **Five-foot wide concrete sidewalk adjacent to the project**

This condition has been met.

- c) **The applicant shall obtain from The Appraisal Company the appraised value of 0.4986 acres of land, and shall provide contractors and/or vendors estimates for the required improvements for a mini-park.**

This condition has been met. The phasing agreement allows for the payment of the in-lieu contribution for parks in equal payments of \$35,189.75 with each phase. This amount has been received.

- d) **The applicant shall grant a Noise and Avigation Easement and non-suit covenant to the City of Hailey, Blaine County, and the Friedman Memorial Airport Authority.**

This condition has been met; see plat note #3.

- e) **A plat note shall be added stating, "Certain structural and/or site conditions may prohibit any future conversion of the condominium units into townhomes."**

This condition has been met; see plat note #5.

- f) **The Homeowners Association shall be responsible for the maintenance and operation of the driveway; this shall be noted as a plat note.**

This condition has been met; see plat note #6.

- g) **All improvements 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.

- h) **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 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.**

This condition should be carried over.

- i) **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.**

This condition has been met; see plat note #4.

**Department Head Comments:**

**Life/safety issues:** The buildings still need to be addressed. Address numbers need to be visible from Winterhaven Drive and the unit numbers must be visible from the driveway.

**Water and Sewer issues:** No comment provided.

**Engineering issues:** No comment provided.

**Standards of Evaluation:**

**Bulk requirements:**

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

**a. Minimum Lot size - six thousand (6,000) square feet except as follows:**

The lot size is 30,712 square feet.

**1. Townhouse sub-lots shall have an aggregate density of no more than ten lots per acre.**

The subject property does not pertain to this standard; it is a condominium project.

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

The lot size is 0.71 acres, which allows for 7 units. There are six units proposed.

**c. Minimum Lot Width - fifty (50) feet except as follows:**

The minimum lot width is approximately 68 feet.

**1. Townhouse sub-lots shall conform to the standards established in the IFC.**

The subject property does not pertain to this standard; it is a condominium project.

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

The application received Design Review approval

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

The front yard setback is 25 feet.

**f. Minimum Side and Rear Yard Setback - ten (10) feet except as follows:**

The side yard setbacks are approximately 15 feet (northwest) and 17 feet (southeast). The rear setback is approximately 22 feet.

**1. Townhouse Units shall be allowed zero setbacks from the lot lines created by a Townhouse Sub-Lot; and**

**2. The separation of the buildings containing Townhouse Units in a Townhouse Development parcel shall be not less than six (6) feet as measured between any wall or any projection of a building, including but not limited to eaves, cornices, canopies or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.**

The subject property does not pertain to this standard; it is a condominium project.

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

There are no detached accessory dwelling units proposed.

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

The total lot coverage is 21% for all four phases. All four (4) phases of the subject property reside on 2.09 acres (91,040 square feet) and the total building footprint for all four (4) phases is 19,400 square feet.

**i. Riparian Setback. Unless otherwise provided for herein, all permanent buildings and structures shall have a one hundred foot (100') wide Riparian Setback from the Mean High Water Mark of the Big Wood River. Removal of live vegetation or excavation within the Riparian Setback is prohibited,**

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

This standard is not applicable to the subject property.

## **SECTION 2 - PERMITS.**

- 2.9 No permit for the construction of any building shall be issued upon any land for which all improvements required for the protection of health and the provision of safety, (including but not necessarily limited to an approved potable water system, an approved wastewater system to accept sewage, and asphalt paving of the streets) have not been installed, inspected, and accepted by the City of Hailey, with the following exception:

Building permits may be issued for any building in a development for which plats have been recorded and security provided, but the streets have not yet been completed with asphalt due to winter conditions. In such instances, the street shall be constructed as an all-weather surface to City Standards to the satisfaction of the City Engineer, and shall be kept clear to the satisfaction of the Fire Chief. Final Inspection approval or certificate of occupancy shall not be granted until all improvements, including asphalt, have been installed, inspected and accepted.

Notice of this requirement is hereby given to the applicant, and included as a recommended condition of approval.

## **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 Council conditionally approved of the preliminary plat on April 12, 2004. At the applicant's request, on July 19, 2004, the Council approved to amend the preliminary plat approval, subjecting the application to a phasing agreement. The final plat for Phase IV has been submitted in accordance with the phasing agreement.

**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 Council. 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. No 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. Article V of the declarations addresses maintenance of the common areas. 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.

Garages are attached and 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.

Each unit includes a two-car garage. Section 9.4.1 of the Zoning Ordinance requires a minimum of 1.5 parking spaces per multi-family unit.

- 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.

The units are new construction and were not existing units; therefore, they are subject to Section 4.10 of this Ordinance. The Council has accepted voluntary cash contributions in-lieu of Park land dedication and Park Improvements. A total of \$35,189.75 is due with each phase before or at the time of issuing a building permit. In-lieu contributions have been received for all four (4) phases.

### **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) The final plat submitted for recordation shall include plat notes 1 through 6 as stated on the proposed final.
- b) The association shall be responsible for payment of utilities. Billing and utility payment information shall be addressed in the Condominium

## Declarations.

- c) 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.
- d) All Fire Department and Building Department requirements shall be met. At this time, these requirements include, but will not be limited to the following:
- All addresses must be visible from Winterhaven Drive, and the unit numbers must be visible from the driveway.
  - Driveways must be posted for no parking
- e) 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.
- f) 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.
- g) 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.
- h) 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.
- i) Any subdivision inspection fees due shall be paid prior to recording the final plat.
- j) Any applicable development impact fees shall be paid in accordance with Hailey's Development Impact Fee Ordinance.