



**CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION
AGENDA REPORT**

To: Planning and Zoning Commission
From:  Mark Hofman, Community Development Director
Meeting Date: July 11, 2011
Agenda Item: Ordinance No. 463- 5 GL, LLC Zoning Map Amendment

SUBJECT: Public hearing to consider draft Ordinance No. 463 for a proposed Zone Map Amendment application requesting to amend the Official Zoning Map of the City of Sun Valley for a portion of the property adjacent to the Sun Valley Golf Course commonly known as the McCaw property, from the Outdoor Recreational (OR-1) Zoning District to the Recreation (REC) Zoning District. The Planning and Zoning Commission will make a recommendation to the City Council on Draft Ordinance No. 463. **Applicant:** 5 GL, LLC (Mary McCaw, Member). **Location:** Parcel B of Tax Lot 6577; 5 Golf Lane. **Application Number:** REZ 2013-02.

BACKGROUND: The subject property is currently zoned Outdoor Recreation (OR-1) on the City's Official Zoning Map. Sun Valley Development Code Section 9-5B-9B requires lands that were zoned Outdoor Recreational (OR-1) prior to the adoption of the Development Code Update in 2007 to apply for and receive an official zone map amendment consistent with the land use designation shown on the Comprehensive Plan Future Land Use Map prior to, or in conjunction with, the processing of any development applications for improvements on the applicable property. No new development is proposed for the subject property at this time.

ANALYSIS: The applicant has applied for an amendment to the Official Zoning Map for a rezone of Parcel B of the McCaw property from the current OR-1 zoning to the Recreation (REC) Zoning District. The overall property consists of six parcels surrounded by the Sun Valley Golf Course. Trail Creek runs through the property and the site is developed with a single-family dwelling, pool house, tennis court, caretaker's house, detached garage and associated site improvements. Parcel B is currently fenced lawn area and is designated as Recreational on the Future Land Use Map. The attached draft ordinance includes a legal description and exhibit of the land to be rezoned.

The applicant desires to rezone the active recreation portion of the property to REC and retain the current Single-Family Residential (RS-1) Zoning District for the remaining parcels. At the time of adoption of the *2005 Comprehensive Plan Update* and the Future Land Use Map the OS and REC Zoning Districts did not exist in the Development Code. These two new zoning designations originated from the Development Code Update and basically represent a split of the former Outdoor Recreation (OR-1) Zoning District into a relatively active designation (REC) and a relatively more passive designation (OS). The two zoning districts are to a large extent similar in purpose but have differing development regulations.

The proposed REC Zoning District for Parcel B of the McCaw property is in accordance with the Comprehensive Plan and consistent with the land use designation shown on the Comprehensive Plan Future Land Use Map.

Alternative Actions: Alternative actions available to the Planning and Zoning Commission include: (1) review the attached draft Ordinance No. 463, make the required findings, and take action to recommend adoption to the City Council; (2) continue the hearing for further information and review; or (3) discuss the findings and take action to recommend denial of Ordinance No. 463 to the City Council.

RECOMMENDATION: Before public comment is received, the Commission should disclose all information and contacts received outside the hearing on this item upon which the decision will be based, receive public testimony, and consider the facts and findings necessary to make a recommending decision on the draft Ordinance. The Community Development Director recommends that the Commission recommend approval of draft Ordinance No. 463 to the City Council based on the facts and findings contained in **Exhibit "PZ-C"**.

LIST OF ATTACHEMENTS:

- | | |
|----------------|---|
| Exhibit "PZ-A" | May 20, 2013 request letter from Marvin J. Anderson, AIA for a Zone Map Amendment for Parcel B at 5 Golf Lane. |
| Exhibit "PZ-B" | Color exhibit of the current Future Land Use Map and current Official Zoning Map of the City of Sun Valley depicting the location, land use designation and zoning district for the property to be rezoned, stamped received by the City on May 23, 2013. |
| Exhibit "PZ-C" | Draft Ordinance No. 463 for the 5 GL, LLC Zoning Map Amendment, with attached legal description. |

**The entire administrative record for this Zoning Map Amendment application is available for review in the Community Development Department at City Hall.



May 20, 2013

Mr. Mark Hofman
Community Development Director
City of Sun Valley
P.O. Box 416
81 Elkhorn Road,
Sun Valley, ID 83353

RE: Proposed Zoning Map Amendment
Parcel B
5 Golf Lane
Sun Valley, ID 83353

Dear Mr. Hofman,

In accordance with the Zone Map Amendment Checklist and Sun Valley Municipal Code 9-5B-9-F, please find below a written description of how the request for a re-zone of Parcel B at 5 Golf Lane complies with the Sun Valley Municipal Code:

1. The parcel is currently zoned OR-1 (Outdoor Recreational District), a district no longer recognized by the current Sun Valley Zoning Code. The proposed amendment to change the parcel's zoning to REC (Recreation) is consistent with the previous zoning, with the comprehensive plan future land use map, and with goals set forth in 9-5B-9-B of the Sun Valley Code.
2. The proposed amendment to change this parcel's zoning from OR-1 to REC complies with regulations for the proposed district and its purpose as the principal district for large scale outdoor recreation.
3. The proposed amendment to change this parcel's zoning from OR-1 to REC is not materially detrimental as the use of the property is not changing.
4. The proposed amendment to change this parcel's zoning from OR-1 to REC does not adversely impact the delivery of services or any political subdivision.
5. The proposed amendment does not annex any land to the City of Sun Valley.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marvin J. Anderson".

Marvin J. Anderson, AIA
Principal

EXHIBIT
"PZ-B"

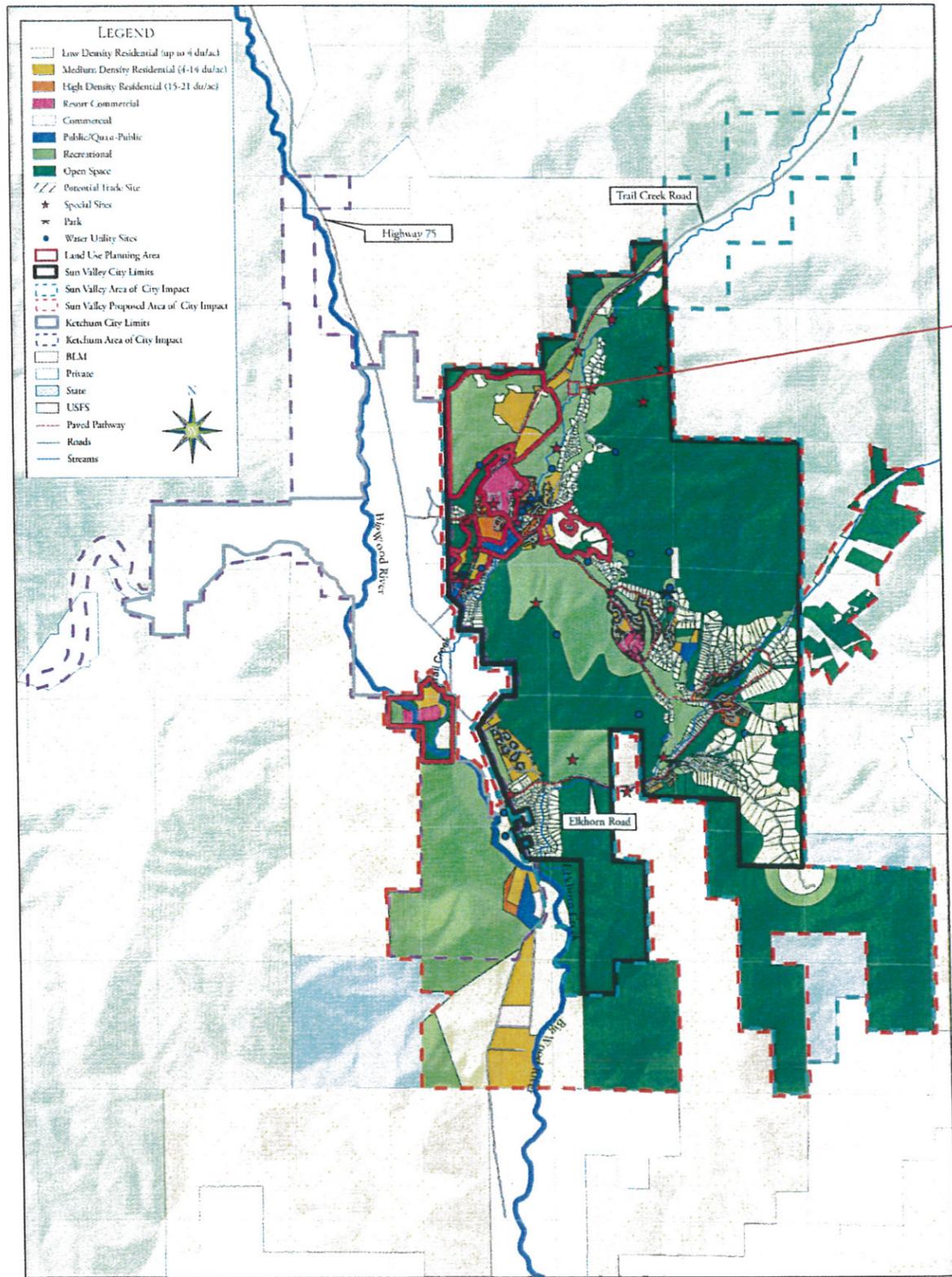
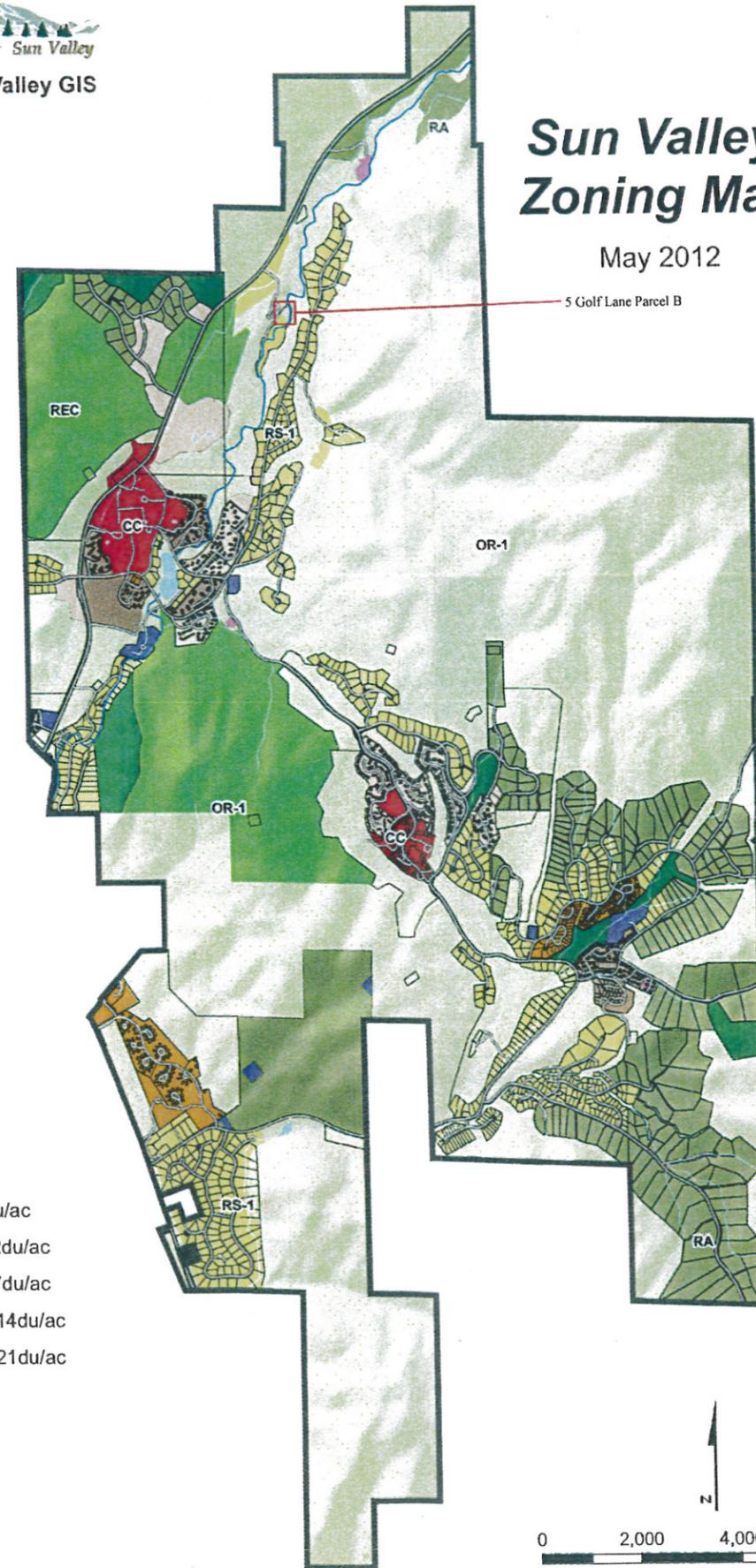


FIGURE 1. Future Land Use Map, 2005

0 3,000 6,000 9,000 12,000 Feet

Sun Valley
City of Sun Valley GIS



- Legend**
- RA : 1du/ac
 - RS-1 : 2du/ac
 - RS-2 : 7du/ac
 - RM-1 : 14du/ac
 - RM-2 : 21du/ac
 - SC
 - CC
 - OS
 - REC
 - OR-1
 - PI

0 2,000 4,000 6,000 Feet
1 inch = 2,000 feet

RECEIVED
MAY 23 2013
CITY OF SUN VALLEY
COMMUNITY DEVELOPMENT DEPT

EXHIBIT "PZ-C"

(DRAFT) ORDINANCE NO. 463

5 GL, LLC
ZONING MAP AMENDMENT

AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, PROVIDING FOR CERTAIN FINDINGS AND AMENDING THE SUN VALLEY OFFICIAL ZONING MAP; BY CHANGING THE ZONE DISTRICT BOUNDARIES OR DESIGNATIONS FOR PARCEL B OF THE SIX PARCEL PROPERTY COMMONLY KNOWN AS THE MCCA W PROPERTY IN THE CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO, FROM OUTDOOR RECREATION (OR-1) ZONING DISTRICT TO RECREATION (REC) ZONING DISTRICT; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sun Valley has adopted the *2005 Comprehensive Plan Update (Comprehensive Plan)* by Resolution 2005-12, on September 8, 2005, and subsequent amendments; and

WHEREAS, the *Comprehensive Plan* is the primary document to guide and balance future development within the City of Sun Valley and establishes a general framework for use in making decisions about the physical, social, economic, and environmental development of the Community; and

WHEREAS, Section 9-5B-9B of the Municipal Code, amended as part of Ordinance No. 387 approved by the City Council on June 21, 2007, requires that "Lands that are zoned Open Recreation (OR-1) prior to the adoption of the Development Code and the creation of the Recreation and Open Space Zoning Districts (Ordinance No. 382, 2006), and designated as OR-1 on the Official Zoning Map shall be required to apply for and receive an Official Zoning Map Amendment consistent with the land use designation shown on the Comprehensive Plan Future Land Use Map prior to, or in conjunction with, the processing of any development applications for improvements on the respective OR-1 zoned lands; and

WHEREAS, though no new development is proposed in conjunction with this rezone application, the applicant applied for an amendment to the Official Zoning Map for a rezone of approximate 2.19 Acre (95,316 square feet) Parcel B of the McCaw property from the current OR-1 zoning to the Recreation (REC) Zoning District. The overall property consists of six parcels surrounded by the Sun Valley Golf Course. Trail Creek runs through the property and the site is developed with a single-family dwelling, pool house, tennis court, caretaker's house, detached garage and associated site improvements. Parcel B is currently fenced lawn area and is designated as Recreational on the Future Land Use Map; and

WHEREAS, the applicant desires to rezone the active recreation portion of the property to REC and retain the current Single-Family Residential (RS-1) Zoning District for the remaining parcels; and

WHEREAS, Title 9, Chapter 2, Section 1 of the Sun Valley Development Code establishes the Recreation (REC) Zoning District; and

WHEREAS, the applicant (5 GL, LLC) has satisfactorily completed a pre-application conference with the Community Development Director of the City of Sun Valley, filed a complete and timely application, paid applicable fees, and given proper public hearing notice for a Zoning Map Amendment pursuant to Municipal Code Section 9-5B-9; and

WHEREAS, the Planning and Zoning Commission of the City of Sun Valley held a properly noticed public hearing for the purpose of reviewing the Zoning Map Amendment application at their July 11, 2013 regular meeting and passed a motion recommending approval of the 5 GL, LLC (McCaw property- Parcel B) Zoning Map Amendment to the City Council; and

WHEREAS, the City Council of the City of Sun Valley held a properly noticed public hearing at their meetings of ##### ##, ##### ## and ##### ##, 2013 for the Zoning Map Amendment to review the application and administrative record, consider the Planning and Zoning Commission's recommendation on Ordinance No. 463, take public and applicant testimony and consider the required findings for taking action on the Amendment.

NOW, THEREFORE; THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, DO ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS- Based on the statements above the City Council for the City of Sun Valley adopts the following findings regarding the rezone of Parcel B of the McCaw property:

- A. The Official Zoning Map amendment is in accordance with the Comprehensive Plan and Future Land Use Map and implements the applicable provisions of the Comprehensive Plan because Parcel B is designated as Recreational on the Future Land Use Map and the Recreation (REC) Zoning District implements the Recreational land use designation. The rezone of the property from OR-1 to REC brings the land into direct conformance with the Future Land Use Map; and
- B. The Official Zoning Map amendment complies with the regulations in effect for the proposed Recreation (REC) Zoning District, including the purpose statements, and is suitable for the proposed permitted uses because the site currently is being used as fenced lawn area and could easily be used for equestrian use in the future, which is a permitted by right use in the REC Zoning District. No new development is proposed as part of the rezone; and
- C. The Official Zoning Map amendment has no adverse impacts on the natural environment, including but not limited to, water quality, air quality, noise, vegetation, riparian corridors, hillsides and other natural features. The need for a zoning amendment was caused by the creation of the Open Space (OS) and Recreation (REC) Zoning Districts out of the previous OR-1 in the Development Code Update by the City. No new development or disturbance is proposed on the existing recreational facility site at this time. The REC zoning district designation will serve to protect the site's riparian corridor and allow the applicant continued use of the land in accordance with the uses permitted by the REC Zoning District; and
- D. The Official Zoning Map Amendment is not materially detrimental to the public health, safety, and welfare because no land use changes will occur as part of the

rezone and no significant impacts were identified by the Planning and Zoning Commission or City Council; and

- E. Essential public facilities and services, including but not limited to emergency services, transit, public street maintenance, workforce housing and schools, are available to support the proposed uses and density or intensity without creating additional requirements at public costs for such public facilities and services.

SECTION 2. ZONING MAP AMENDMENT- The Parcel B portion of the six-parcel McCaw property legally described and depicted overall in attached **EXHIBIT "A"** is hereby rezoned and the Official Zoning Map of the City of Sun Valley is hereby amended to reflect the change from Outdoor Recreation (OR-1) Zoning District to Recreation (REC) Zoning District.

SECTION 3. SAVINGS AND SEVERABILITY- If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause, or phrase is declared by a Court of competent jurisdiction to be invalid, such actions shall not affect the validity of this ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 4. REPEALER CLAUSE- All City of Sun Valley Ordinances or parts thereof which are in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE- This Ordinance shall be in full force and effect from and after its approval, passage, and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, AND APPROVED BY THE MAYOR OF THE CITY OF SUN VALLEY on this **####** day of **#####**, 2013.

EFFECTIVE DATE OF PUBLICATION: **##### ##**, 2013.

APPROVED:

Dewayne Briscoe, Mayor
City of Sun Valley

ATTEST:

Hannah Stauts, City Clerk
City of Sun Valley

EXHIBIT "A"

Legal Description and Depiction of Rezone Area

A portion of Tax Lot 6577 located within Section 5, Township 4 North, Range 18 East, Boise Meridian, City of Sun Valley, Blaine County, Idaho, said property being described in a deed recorded as Instrument Number 491670, records of Blaine County, Idaho and consisting of one (Parcel B) of six separate parcels A through F, the exterior boundary of which being more particularly described below based on a more recent survey recorded as Instrument Number 590815, records of Blaine County, Idaho:

PARCEL B

Commencing at a brass capped survey monument marking the north east corner of Section 5, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho; said corner falling South 28°41'35" West 3832.45 feet from a brass capped survey monument designated as Blaine County GIS point "R14", thence South 51°02'38" West 4958.78 feet to a found ½" rebar monument, said point being the TRUE POINT OF BEGINNING;

Thence the following courses and distances to a ½" rebar monument:

South 18°48'19" East 143.59 feet;
South 06°28'18" West 229.59 feet;
South 35°37'16" West 170.48 feet;
North 59°29'56" West 233.48 feet;
North 14°07'28" East 107.58 feet;
North 36°57'40" East 220.57 feet;
North 61°03'46" East 76.57 feet;
North 04°46'30" West 47.14 feet;
North 71°24'50" East 61.30 feet;

Said parcel containing 2.19 Acres or 95,316 square feet, more or less.

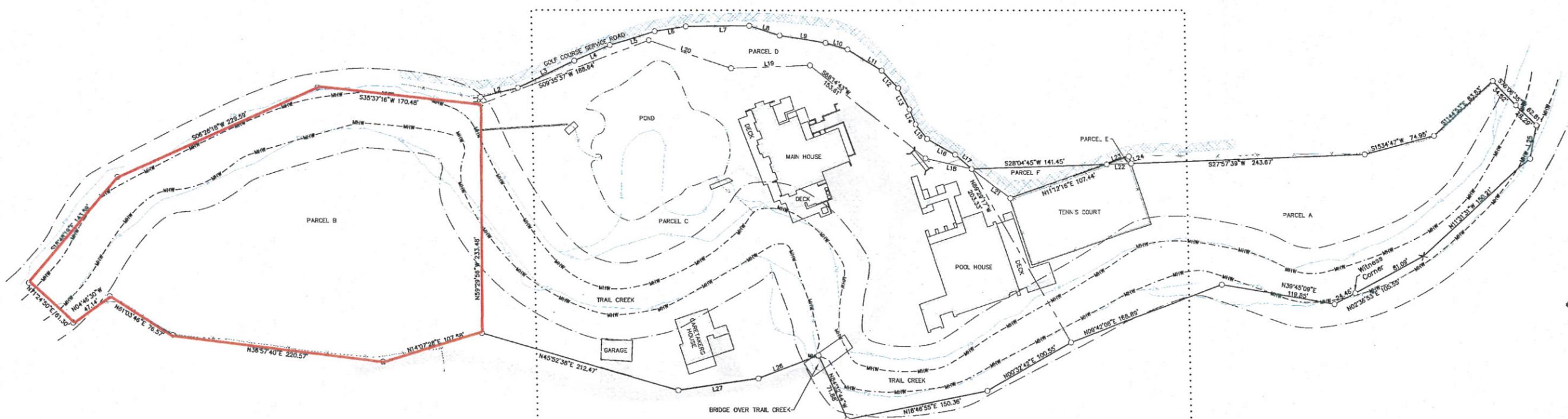
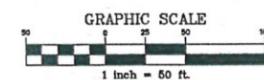
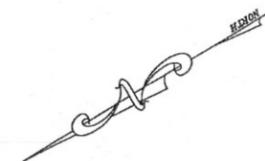
See attached exhibit- next page.

LINE	LENGTH	BEARING
L1	7.30'	S 80°02'21" E
L2	43.72'	S 18°33'01" W
L3	85.36'	S 04°45'45" W
L4	40.81'	S 07°02'18" W
L5	49.16'	S 13°19'40" W
L6	32.96'	S 21°01'54" W
L7	85.40'	S 29°21'28" W
L8	32.68'	S 47°32'53" W
L9	49.35'	S 36°31'53" W
L10	25.05'	S 45°53'31" W
L11	41.24'	S 61°45'51" W
L12	24.66'	S 76°31'00" W
L13	24.50'	N 87°50'11" W
L14	16.53'	N 82°36'36" W
L15	19.22'	S 80°48'39" W
L16	33.16'	S 59°10'26" W
L17	22.53'	S 70°29'14" W
L18	48.38'	S 42°42'51" W
L19	82.34'	S 27°49'37" W
L20	90.32'	S 45°27'24" W
L21	49.65'	S 68°59'31" W
L22	26.12'	S 28°04'45" W
L23	25.15'	S 11°12'16" W
L24	7.58'	N 77°41'29" W
L25	34.77'	N 48°34'50" W
L26	67.82'	N 09°36'55" E
L27	83.74'	N 21°44'55" E

- LEGEND**
- EXTERIOR PARCEL BOUNDARY
 - - - INTERIOR PARCEL BOUNDARY
 - - - MEAN HIGH WATER (8/2011)
 - FENCE LINE
 - CREEK LINE
 - EDGE OF WATER
 - - - 25' RIPARIAN SETBACK
 - - - FEMA FLOODWAY LINE
 - - - FEMA FLOODPLAIN LINE
 - ASPHALT
 - GOLF COURSE SERVICE ROAD
 - EXISTING BUILDING
 - ⊕ FOUND 1/2" REBAR
 - ⊕ CALCULATED POINT, FALLS IN WATER

NOTES

- 1) This is not a Boundary Survey. Please refer to the recorded documents for boundary information.
- 2) Utility locations are approximate and locations should be verified before any excavation.



SEE SHEET 2 FOR DETAIL OF T-S AREA

ZMA 2013-02



NO	DATE	BY	REVISIONS

Galena Engineering Inc.
 Civil Engineers & Land Surveyors
 680 Second Avenue North
 P.O. Box 425
 Ketchum, Idaho 83340
 (208) 726-4729
 (208) 726-4783 fax
 email galena@galena-engineering.com

REUSE OF DRAWINGS
 These drawings, or any portion thereof, shall not be used on any Project or extensions of this Project except by agreement in writing with Galena Engineering, Inc.

DESIGNED BY: B/MSMF DATE: 8/24/11
 DRAWN BY: B/MSMF DATE: 8/24/11
 CHECKED BY: B/MSMF DATE: 8/24/11

A PARTIAL TOPOGRAPHIC SURVEY SHOWING
TAX LOT 6577
 WITHIN SECTION 5, T.4N., R.18E., B.M., CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO
 PREPARED FOR 5 GL LLC

PROJECT INFORMATION
 P:\sdsproj\6815\dwg\Topo\6815topo.dwg 8/30/2011 1:05:02 PM MDT

SHT 1 OF 2