

STAFF REPORT

TO: Hailey City Council
FROM: Mariel Platt, Planner *MP*
RE: Amendment to Zoning District Map – Hailey Readiness Center (Hailey Armory)
HEARING: April 13, 2009

Applicant: Idaho Army National Guard
Request: Amendment to Zoning District Map
Location: Block 125, Lots 8-12, Lots 20-24, and Vacated Cedar Street, Hailey Townsite (311 Cedar Street East)
Current Zoning: General Residential (GR) and Townsite Overlay
Proposed Zoning: Limited Business (LB) and Townsite Overlay
Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Idaho Mountain Express and was mailed to property owners within 300 feet and to public agencies and area media on March 25, 2009; and notice was posted on all external boundaries of the property on April 6, 2009.

Application

The Idaho Army National Guard has submitted an application for an amendment to the zone district map for the City of Hailey. The application would change the zoning of Lots 8-12 and 20-24, Block 125, Hailey Townsite (311 Cedar St. East) from General Residential (GR) to Limited Business (LB). The rezone would allow for a freestanding wireless tower upon approval of a Conditional Use Permit.

Uses adjacent to the subject property include: an inn/bed-and-breakfast to the immediate north; Roberta McKercher Park to the immediate south; the Blaine County Senior Center and a school to the immediate west; and multi-family residences to the east. Several limited business establishments are in close proximity to the east and west, although none are directly adjacent to or directly across the street from the subject property.

The substantial difference between the GR and LB districts are listed below. The purpose of the GR District is to provide areas for a variety of residential uses, and a limited number of other uses compatible with this type of residential development. The intent is to preserve the favorable amenities associated with a residential neighborhood.

The purpose of the LB District is to provide areas for a wide range of residential uses, restricted

business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses, hence general retail is not allowed.

Currently permitted, conditional and accessory uses and bulk regulations in the LB District are set forth in Section 4.5 of the Hailey Zoning Ordinance (attached).

Procedural History

Currently, the property is owned jointly by the State of Idaho and the City of Hailey and is zoned GR. The Idaho Army National Guard has concurrently applied for a Wireless Permit and Conditional Use Permit and Design Review of the proposed wireless tower, which the Planning and Zoning Commission approved, with conditions of approval, on March 16, 2009. Approval of the rezone and Conditional Use Permit is required in order to issue a Wireless Permit for a freestanding tower at this location.

The current use for the property is the Hailey Readiness Center (Armory), which is the primary drill facility for the Idaho Army National Guard, and has been used continuously as such since 1973. The current use is considered a Public Use. The subject use is currently non-conforming within the GR district and would continue to be non-conforming in the LB district, without a Conditional Use Permit.

Pursuant to Section 13.3 of the Hailey Zoning Ordinance, non-conforming uses may be continued, as long the use isn't enlarged or extended in a manner that would be considered to increase the degree of non-conformity. Such changes, which would be considered to increase the degree of non-conformity, are as follows: increase in square footage of the building, hours of operation, traffic generated, and volume of goods handled.

Section 13.5, Expansion of Use, states, "A non-conforming use shall not be used as justification for adding other structures or uses prohibited in the same district." Because the applicant has concurrently applied for a Conditional Use Permit for the freestanding wireless facility, the use of the building as a Public Use is not considered to be expanded – the structure (i.e. wireless tower) is allowed in the LB with a Conditional Use Permit and therefore, does not increase the degree of non-conformity.

Commission's Recommendation

Based upon the above Findings of Fact, the Commission made the following recommendation:

1. The Zoning Map amendment is in accordance with the Hailey Comprehensive Plan.
2. The Zoning Map amendment shall be amended pursuant to a Development Agreement, which shall require the subject property to revert back to General Residential, if the property's use ever changes from its current use as the Hailey Readiness Center (Armory).

Analysis and Discussion

The Townsite Overlay District is an overlay district, setting forth bulk regulations and design standards. Where the regulations specified in the Townsite Overlay District differ from corresponding regulations specified for the underlying zoning district, the requirements of the Townsite Overlay District apply and control. The Townsite Overlay requirements do not affect the use regulations of the underlying zoning district.

When considering this rezone the Council should evaluate the differences between the two districts; Townsite Overlay bulk regulations with underlying zoning regulations and underlying zoning regulations without the Townsite Overlay District. In the event that the subject property is ever removed from the Townsite Overlay boundary the underlying district regulations would apply.

The substantial differences in use, between GR and LB districts, are listed below.

In addition to the permitted uses allowed in General Residential, Limited Business also allows for the following additional permitted uses:

- lodging establishments
- professional offices, excluding veterinarians
- health care and social assistance
- real estate and property management companies
- catering services
- arts, entertainment and recreation uses (indoor and outdoor)
- Personal services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required
- semi public uses
- government offices and public administration, except correctional institutions
- PWSFs or WCFs, attached to street poles, upon the issuance of a wireless permit in accordance with the provisions of Article VIIA of the Hailey Zoning Ordinance.

Conditional uses allowed in LB and prohibited in GR district are as follows:

- Gasoline Stations and Automotive Repair and Maintenance
- Restaurants
- Wholesale distributors
- Convenience Stores
- Medical personal care stores
- Finance and insurance firms
- Construction contractors' offices with no exterior storage
- PWSF's and WCF's, mounted on any proposed freestanding tower (in GR it can be attached to street poles or mounted on existing buildings or structures, but not freestanding towers)

Accessory Uses allowed in LB, but prohibited in the GR district are as follows:

- Combustible liquid tanks.
- PWSF's and WCF's, mounted on existing buildings or structures.

The differences in bulk requirements can be evaluated separately, with and without regard to the Townsite Overlay District.

The difference in bulk requirements without regard to the Townsite Overlay are as follows:

Bulk Regulations	LB	GR
Maximum townhouse sub-lots per acre	20	10
Maximum multi-family residential aggregate density	One (1) dwelling unit per 1/20 of an acre	One (1) dwelling unit per 1/10 of an acre
Maximum aggregate gross floor area for individual retail/wholesale trade or grouped retail/wholesale trade	36,000 square feet	N/A (Not a permitted use)
Riparian setback	N/A (No riparian setback)	Required
Maximum Lot Coverage	N/A (No maximum)	40%
Size of Detached Accessory Dwelling Unit	N/A (No minimum or maximum)	Minimum gross floor area of 300 square feet and a maximum of 950 square feet

The following are the bulk regulation differences between GR and LB, set forth in the Townsite Overlay District, Section 4.13.6 of the Hailey Zoning Ordinance:

Bulk Requirements	LB in Townsite Overlay	GR in Townsite Overlay
Maximum Building Height	35 feet	30 feet
Maximum Lot Coverage	70%	25-40% depending on building height and whether a garage is on-site
Maximum Lot Size	No maximum	18,000 square feet

The purpose of the LB District is to provide areas for a wide range of residential uses, restricted business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses, hence general retail is not allowed.

Section 14.8 of the Hailey Zoning Ordinance allows for the rezone of certain parcels to be made conditional upon the owner or developer of the property making a commitment concerning the use or development of the subject parcel. The Council should consider whether limiting the use of the property is deemed appropriate given that the property is jointly owned by the City. Regardless, it may be beneficial to enter into a development agreement that would, as an example, rezone the property to LB, but limit all non-public and non-residential permitted uses as well as all conditional uses, excluding public uses and freestanding wireless towers, which are the two conditional uses that would pertain to this property. A Development Agreement could also specify that in the event that the current conditional use for wireless towers ceases to exist, the property would exclude this conditional use. These types of conditions may help lessen any impacts felt by neighboring residential areas and may help preserve the residential character, if in the future the property's use were to change.

Standards of Evaluation

Section 14.6 of the Hailey Zoning Ordinance sets forth the following standards of evaluation. The Council shall, at a minimum, consider the following criteria in making its decision:

- The proposed amendment is in accordance with the Comprehensive Plan;**
 The Comprehensive Plan Land Use Map reflects suitable projected land uses for the City. It considers existing conditions, trends, and desirable future situations, the objective being a balanced mix of land uses for the community. The Map establishes a basis and direction for the expansion and/or location of business, residential, industrial, institutional and green space areas within and adjacent to the City. The Land Use Map depicts the area of the proposed rezone as "Transitional – Mixed use, including residential, providing a buffer between residential neighborhoods and intense business use." The Council should refer to the purpose of the LB District to determine whether rezoning this area to LB is consistent with the Land Use Map. The nature of the Hailey Armory, although a public use, is neither commercial, nor residential and has existed on this site since 1973.

	COMP PLAN DESIGNATION (LAND USE MAP)	ZONING DESIGNATION	LAND USE
Existing	Transitional	GR (General Residential)	Hailey Readiness Center (Hailey Armory)
Proposed	No Change	LB (Limited Business)	No change
North of site	Residential	GR (General Residential)	Residential
South of site	Transitional	RGB (Recreation)	Park/Recreation
East of site	Residential	LB (Limited Business)	Residential/mixed
West of site	Transitional	GR (General Residential)	Institutional/mixed

- Land Use Districts, Section 5.4 states, "Encourage integration of compatible land uses in order to retain a compact City comprised of a central downtown, with surrounding diverse neighborhoods, thereby reducing sprawl and traffic, increasing efficiency, and creating neighborhood and community character."
- Land Use Districts, Section 5.6 states, "Provide adequate areas for institutional and public facilities, such as schools, senior care, medical, judicial and other community facilities, integrated within the community."

The Hailey Armory has been operating on this site since 1973. While the intended use of the Armory is what is now called a "Readiness Center", the public has often used this building for many other community events and functions. The Council should determine if the use and building are integrated into our community.

- Due Process and Public Input, Section 5.8 states, "Proactively amend the Hailey Zone District map to resolve significant conflicts between the Land Use Map and the Zoning Map." The Council should determine if the rezone is compatible with the Land Use Map given that the property is shown as a "Transitional" area on the Land Use Map and the nature of the existing and continued use.
 - Public Facilities, Utilities and Services, Section 9.2 states, "Review and support of services by other entities at appropriate locations." The Council should determine if this service is at an appropriate location, and if so, it should continue to be supported.
- 2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**
- The Armory is located close to the southern entrance to downtown Hailey and at the very corner of the Townsite Overlay District. Except for sidewalks, which was a condition of Design Review approval when the Hearing Examiner reviewed this application in December of 2008, all city services to this property currently exist. The Hailey emergency services are within a few blocks and all utilities exist at the site.
- 3. The proposed uses are compatible with the surrounding area; and**
- The surrounding uses are a mix of residential, limited businesses, a park, the airport, public and semi-public uses. While the properties to the north are zoned GR (General Residential), the subject property is at the southern edge of the GR-zoned properties and is located within an area that transitions from residential to Main Street properties and uses. Properties located diagonally from this property are zoned LB. Furthermore, the applicant is not proposing any changes in the use of the property, aside from the proposal for the wireless towers. The Council should determine if this use is compatible with the surrounding area.
- 4. The proposed amendment will promote the public health, safety and general welfare.**
- The intent of the Hailey Readiness Center is to provide a facility in which the National Guard may train for missions in defense of the public. The Army National Guard by its very nature embodies the promotion of public safety. The Council should determine if the public health, safety and welfare of the citizens of Hailey will be promoted by the rezone request.

Summary

The Council shall make a decision, with **findings on the four standards of evaluation** noted above. If approved, the Council should determine if the amendment should be granted with or without a Development Agreement. If the proposed change is approved, the Council shall pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

Motion Language

Motion to approve the Amendment to the Zoning District Map application for the Hailey Readiness Center (Armory), located on Block 125, Lots 8-12, Lots 20-24, and Vacated Cedar Street, Hailey Townsite (311 Cedar Street East), from GR to LB,

subject to a Development Agreement, which shall

- *Limit all permitted, non-residential LB uses, excluding government offices and public administration, as well as all LB conditional uses, excluding Public Service, Public Use and Public Utility Facilities, and if the freestanding tower ever ceases to exist, the LB Conditional Use for freestanding wireless towers will also be prohibited, OR*
- *Revert the property back to GR, if the use of the Armory and the freestanding wireless tower ever changes from its current use as an the Armory (P&Z's recommendation), OR*
- *Exclude the LB Conditional Use for freestanding wireless towers if the operation of the freestanding tower ever ceases to continue,*

finding that the project is in conformance with the Comprehensive Plan; the project does not jeopardize the health, safety, or welfare of the general public; and the project conforms to the applicable specifications outlined in the four standards of evaluation, as set forth herein.

4.5 LIMITED BUSINESS DISTRICT (LB)

4.5.1 Purpose.

The purpose of the LB District is to provide areas for a wide range of residential uses, restricted business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses, hence general retail is not allowed.

4.5.2 Permitted Uses.

Permitted uses in the LB District are limited to the following:

- a. Single Family Dwelling.
- b. Multiple-Family Dwellings.
- c. Dwelling Units within Mixed Use Buildings.
- d. Home Occupations.
- e. Lodging Establishments.
- f. Professional Offices, excluding veterinarians.
- g. Churches.
- h. Schools and other educational services.
- i. Health care and social assistance.
- j. Real estate and property management companies.
- k. Catering Services.
- l. Arts, entertainment and recreation uses (indoor and outdoor).
- m. Personal Services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required.
- n. All Day Care Businesses.
- o. Manufactured Homes.
- p. Semi-Public Uses.
- q. PWSF's or WCF's, attached to street poles, upon the issuance of a Wireless Permit in

accordance with the provisions of Article VIII A of this Ordinance.

- r. Government offices and public administration, except correctional institutions.
- s. Parks.

4.5.3 Conditional Uses.

Conditional uses in the LB District are limited to the following:

- a. Gasoline Stations and Automotive Repair and Maintenance.
- b. Restaurants.
- c. Wholesale distributors.
- d. Convenience Stores.
- e. Public Service, Public Use and Public Utility Facilities.
- f. Medical and personal care stores.
- g. Finance and insurance firms.
- h. Construction contractors' offices with no exterior storage.
- i. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIII A of this Ordinance. (Lattice towers are prohibited.)
- j. Above ground flammable liquid tanks utilized by a public use.
- k. Temporary Structures.

4.5.4 Accessory Uses.

Accessory uses in the LB District are limited to the following:

- a. Greenhouses/private.
- b. Garages.
- c. Storage buildings.
- d. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a single family dwelling unit or to a non-residential Principal Building. Primary vehicular access to any accessory dwelling unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- e. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIII A of this Ordinance.
- f. Above ground combustible liquid tanks.

4.5.5 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:
 - 1. Townhouse sub-lots shall have an aggregate density of no more than twenty (20) lots per acre.
- b. Maximum Multi-family and Mixed Use Residential Density - One (1) dwelling unit for each one-twentieth (1/20) of an acre.
- c. Minimum Lot Width - fifty (50) feet except as follows:
 - 1. Townhouse sub-lots shall conform to the standards established in the IFC.
- d. Maximum Building Height - thirty five (35) feet.

- e. Minimum Front Yard Setback - twenty (20) feet.
- f. Minimum Side and Rear Yard Setback - ten (10) feet except as follows:
 - 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.
- g. 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 36,000 square feet.

4.5.6 Additional Regulations.

- a. Project features that may have a negative impact upon adjacent property shall be buffered from adjacent property by a solid fence or landscape screening.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND THE OFFICIAL ZONING MAP INCORPORATED THEREIN, BY CHANGING THE ZONING DISTRICT DESIGNATION OF THE HAILEY ZONING MAP, LOTS 8-12, LOTS 20-24, BLOCK 125, THE ALLEY BETWEEN LOTS 8-12 AND LOTS 20-24 OF BLOCK 125, AND THE NORTH HALF OF VACATED CEDAR STREET, HAILEY TOWNSITE, FROM GENERAL RESIDENTIAL (GR) TO LIMITED BUSINESS (LB); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Official Zoning Map will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the Hailey City Council has found that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

WHEREAS, the Hailey City Council has found that the proposed uses are compatible with the surrounding area;

WHEREAS, the Hailey City Council has found that the amendment will promote the public health, safety and general welfare of the general public; and

WHEREAS, the City of Hailey has entered into an Agreement, subject o Section 67-6511A of Idaho Code, for the purpose of regulating the use of said property.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Hailey Ordinance No. 532 and Hailey Official Zoning Map incorporated therein are hereby amended by changing the zoning district designation of Lots 8-12, Lots 20-24, Block 125, the alley between Lots 8-12 and Lots 20-24 of Block 125, and the north half of vacated Cedar Street, Hailey Townsite, from General Residential (GR) to Limited Business (LB), subject to a development agreement to be recorded with the Blaine County Recorder, pursuant to Idaho Code Section 67-6511A, Hailey Zoning Ordinance Section 14.8.

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR
THIS ____ DAY OF _____, 2009.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 04-13-09

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: *DR*

SUBJECT: 2nd extension of Preliminary Plat Approval – West Maple Subdivision

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code Sub. Ord. 3.2.4
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Preliminary Plat was approved by the Hearing Examiner on April 13, 2007, with a condition that the Final Plat be submitted within one calendar year. On March 24, 2008, the City Council approved a request for a one (1) year extension on preliminary plat approval.

The applicant is requesting another one (1) year extension; to April 13, 2010. See attached letter for the applicant's reason for the extension request.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case# _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

<input checked="" type="checkbox"/> City Attorney	<input type="checkbox"/> Clerk / Finance Director	<input type="checkbox"/> Engineer	<input type="checkbox"/> Building
<input type="checkbox"/> Library	<input type="checkbox"/> Planning	<input type="checkbox"/> Fire Dept.	<input type="checkbox"/> _____
<input type="checkbox"/> Safety Committee	<input type="checkbox"/> P & Z Commission	<input type="checkbox"/> Police	<input type="checkbox"/> _____
<input type="checkbox"/> Streets	<input type="checkbox"/> Public Works, Parks	<input type="checkbox"/> Mayor	<input type="checkbox"/> _____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

If this extension is approved, a total of three (3) years will have elapsed since the original preliminary plat approval date. Too many extensions or extensions with lengthily timeframes preclude changes to the subdivision ordinance made during this time from being incorporated into the project. I recommend a maximum one (1) year extension, with no subsequent extensions granted. This timeframe will provide some flexibility for the applicant, while also ensuring that the project isn't too incompatible with ordinance changes that have gone into effect since 2007.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

Benchmark Associates, P.A.

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RECEIVED

MAR 25 2009

BR

March 20, 2009

Beth Robrahn
Planning Director
City of Hailey
115 Main Street South
Hailey, ID 83333

Subject: West Maple Subdivision
Jack Brown & Pat & Janis Lee
Request for Extension

Dear Beth:

This letter is a request for you to schedule a hearing with the City Council to consider our request for an extension of the Preliminary Plat approval for the West Maple Subdivision in accordance with Section 3.2.4 of the Hailey Subdivision Ordinance. The West Maple Subdivision was approved by the Hailey Hearing Examiner on April 13, 2007 with a condition that the final plat be submitted within one calendar year. On March 24, 2008, the City Council granted a one year extension for the final plat submittal.

We respectfully request an additional one (1) year extension to submit the final plat to the City. No infrastructure improvements have yet been made to this subdivision in view of the instability in the credit and real estate markets. We believe that the submittal and review of the final plat application is more appropriate when the subdivision improvements are substantially completed.

The owners of this subdivision have made a significant investment in the approval of the preliminary plat for the West Maple Subdivision. They would like to preserve this investment, as we continue to believe this subdivision is a benefit to both the owners and the City of Hailey. We believe that our request is reasonable in comparison to other requests recently made of the City and hope that you are able to recommend and that the Council is able to approve our request.

Thank you for your consideration. Please call or email me with any questions or concerns you have.

Respectfully submitted,

David Patrie

David Patrie

Benchmark Associates, P.A.

For: Jack Brown, Pat and Janis Lee