

**MINUTES OF THE
HAILEY PLANNING & ZONING COMMISSION**
Monday, August 24th, 2015
Hailey City Hall
5:30 p.m.

Present: Janet Fugate, Regina Korby, Dan Smith, Richard Pogue
Staff: Kristine Hilt, Lisa Horowitz
Absent: Owen Scanlon

Call to Order

5:30:22 PM Chair Fugate called the meeting to order.

Public Comment for items not on the agenda
None was given.

Consent Agenda

CA 1 Motion to approve minutes of July 13th, 2015

CA 2 Motion to approve Findings of Fact and Conclusions of Law for a Design Review application by Tom King, Kings Variety Store, represented by Errin Bliss Architecture for an 8,139 square foot addition on the north side of the existing 11,287 square foot Kings Variety Store located at 615 North Main Street (Lots 1-5 and 11-15, Block 68, Hailey Townsite) in the Business (B) Zone District. The application request includes a proposal for a Private Road on the north property boundary connecting from Main Street to River Street.

~~CA 3 Motion to approve Findings of Fact and Conclusions of Law for a Design Review Exemption submitted by Tyler & Jennifer Helms, represented by Riley Buck of Pioneer Cabin Company, for a 129 square foot addition to an existing accessory structure located at 206 2nd Avenue North (Lots S 7' of 20, 21, & N 22' of 22, Block 47, Hailey Townsite).~~

~~CA 4 Motion to approve Findings of Fact and Conclusions of Law for a Design Review Exemption submitted by Cuyler and Alyson Swindley for a shed roof dormer addition to an existing primary structure located at 217 4th Avenue North (Lots S 1/2 of 3, 4 & 5, Block 48, Hailey Townsite).~~

5:31:42 PM Dan Smith pulled CA3 and CA4. **Richard Pogue moved to approve CA1. Dan Smith seconded and the motion carried. Dan Smith inquired about a site plan for CA3. Jolyon Sawrey stood and summarized the project for the Commissioners and answered questions about the project.**

5:35:30 PM Dan Smith moved to approve CA3. Regina Korby seconded and the motion carried. Dan Smith inquired about CA4 and staff clarified.

5:37:26 PM Dan Smith moved to approve CA4. Richard Pogue seconded and the motion carried.

Commission noted that NB 3 would precede NB4.

New Business and Public Hearings

NB 1 Consideration of a Design Review application by Dan & Stephy Smith, for an 876 square foot newly built detached accessory structure (garage) on the north side of the existing principal building located at 109 Croy Street West (Lots 19A, Block 1, Croy Addition) within the General Residential (GR) and Townsite Overlay (TO) Zoning Districts.

5:38:28 PM Dan Smith recused himself from the item and stood to introduce the project to the Commissioners. He included details about the materials, colors, and how the proposed structure would match the existing primary structure.

5:40:16 PM Chair Fugate opened the item for public comment. None was given. **5:40:29 PM** Chair Fugate closed public comment.

5:40:57 PM Richard Pogue moved to approve the application submitted by Daniel and Stephanie Smith for Design Review of a new 876 sq. ft. detached garage, to be located at Croy's Addition, Lots 19A, Block 1 (109 Croy Street West), within the General Residential (GR) and Townsite Overlay (TO) Zoning Districts, finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in the Design Review Guidelines, applicable requirements of the Zoning Ordinance, and City Standards, provided conditions (a) through (l) are met. Regina Korby seconded and the motion passed unanimously.

NB 2 Consideration of a Zone Change application by Scott Miley, represented by Galena Engineering, for an amendment to the City of Hailey Zoning District Map. Proposed changes would rezone the Hailey Townsite, Lots 1-10, Block 45 (17 East Carbonate Street, 209, 211, 215 and 219 N. 1st Ave.) from General Residential (GR) to Limited Business (LB) thereby allowing addition commercial uses on each lot. Staff will also prepare

[5:50:57 PM](#) Lisa Horowitz summarized the staff report for the application. She included details about the history of the project. In 2002, there was an agreement for Lot 10 to be re-classified as Business. In 2007, the applicant submitted an application for a rezone of lots 1-9 to Transitional. Horowitz noted that the application was abandoned in 2008. Horowitz then summarized the current staff report and informed the Commissioners about corrections that were necessary due to a miscalculation of lot size. Details about lot coverage, Transitional District uses, Limited Business District uses, density, and bulk requirements. General Residential (GR), Transitional (TN) and Limited Business (LB) Zone districts were all analyzed and compared to one another.

[6:00:23 PM](#) Brian Yeager, Galena Engineering, summarized the application for the Commissioners. Brian included maps for review as well as purposed for the application. Brian noted that the applicant would like to have a zoning designation that allows home occupations that permit exterior advertising, additional parking, and possibly additional employees. Brian noted that General Residential only allows home occupations with none of the above permitted. Brian also noted that any zoning designation to allow for dwelling units within mixed use building. Examples of this would be offices of realtors, lawyers, architects etc.

[6:04:59 PM](#) Brian then analyzed Article 5, the district use matrix, for the Commissioners. Brian went through each one of the desired uses. Brian also noted that there were several allowed uses of Limited Business that were not desirable.

[6:17:16 PM](#) Brian covered density requests and informed the Commissioners that 12 units per acre was desirable. Current uses are 10 per acre in GR and 20 per acre in LB. Brian summarized but outlining the specific desired uses again along with density requests. Brian also informed the Commissioners that a development agreement would be used to limit the uses to ensure that the heavy commercial uses allowed in LB would be prohibited.

[6:25:07 PM](#) Dan Smith inquired about the four lots that Scott Miley does not own. Amy Boyer, friend of Robin Paschall, stood and notified the Commissioners that Robin Paschall has changed her support of the application. Staff noted that an official memo would be required since the Paschalls are applicants as well.

[6:27:42 PM](#) **Chair Fugate called for a five (5) minute recess.** [6:31:02 PM](#) **Chair Fugate called the meeting back to order.**

[6:31:23 PM](#) Chair Fugate inquired about the development agreement that Brian Yeager mentioned. Brian notified the Commissioners that a development agreement has not been drafted yet. **Chair Fugate opened the meeting to public comment.**

[6:31:46 PM](#) Judith McQueen, Lot 10, notified the Commission that she objected signage. Shaun Spear, 1st Avenue resident, stood and notified the Commissioners that parking, traffic, density, and property value as a neighboring resident. Shaun ended by stating that he supported the TN district but not the LB district.

[6:38:48 PM](#) Dean Hernandez, 1st Avenue resident, stood in opposition of the LB zone change. Traffic, parking, current office vacancy in the City, lot coverage, and historic character were concerns that he stated for the Commissioners.

[6:42:22 PM](#) Cindy Aschleman, 1st Avenue resident, stood in opposition to the rezone to the LB. Cindy also added that the character of the neighborhood should be preserved and that current issues exist including excessive traffic and this would only worsen.

[6:45:06 PM](#) Mark Bucknall, Hailey resident, stood in opposition to the zone change to LB. Mark added that a buffer zone is not necessary for 1st Avenue and that granting the applicant's request could potentially start a snowball effect of other areas also applying for mixed use.

[6:47:40 PM](#) Shaun Spear stood again and commented that a development agreement was not presented and should not be considered.

[6:48:57 PM](#) Pam Ritzau, Hailey resident, stood in opposition to the application and noted that 70% lot coverage was too dense for the area. Pam also commented that she opposed hybrid zones and that her personal research into past applications and agreements was exhausting in her previous position with the City of Ketchum.

[6:51:44 PM](#) Lisa Horowitz read the names of the public comment that was submitted to ensure that all public comment was part of the record.

[6:53:24 PM](#) **Chair Fugate closed public comment.** Scott Miley stood and commented in response to the neighboring resident's comments to the application. Scott added that homeowners that were allowed to have businesses at home would hopefully decrease traffic in the area. Brian Yeager then rebutted the comments of the public individually.

[7:00:34 PM](#) Regina Korby noted that the Urban Renewal Agency designated River Street as the type of Zone that the applicant was requesting. Regina also noted that she did not feel that the demand for the zoning was there. The Commission discussed the various uses being discussed. Discussion also included River Street designation, commercial availability, and clarification of the application. Chair Fugate noted that the application needed to be clarified. The Commission noted that based on what was presented, it was difficult to see the benefits of allowing Limited Business in Lots 1-10.

[7:06:58 PM](#) Lisa Horowitz added that a development agreement would be hard to implement over time and that if there were changes that needed to be made to any of the current Zoning districts, then the Commission should direct staff to address those changes. Lisa then added that a continuation would be suggested so that the applicant could modify their application instead of denying it. The applicant would not be able to re-apply for one year. Discussion between staff and the Commission included parking, signage, and how the comments of the co-applicants (who are not present) should be considered.

Discussion continued to include amending current zoning allowances, density and the increase of traffic. Regina Korby noted that she did not support always amending City ordinances when uses did not align with individual applications.

[7:15:50 PM](#) Chair Fugate reiterated that she did not hear support from any of the Commissioners for approving the Limited Business zone designation. Chair Fugate opened for public comment again. Peter Lobb commented that a continuation would be undesirable and that the system is designed for what is on the current application.

[7:21:50 PM](#) Chair Fugate closed public comment.

[7:22:16 PM](#) Richard Pogue motioned recommend denial of the application to the City Council to amend the zone district map for the City of Hailey to change the zoning of Lots 1-10, Block 45 from General Residential (GR) to Limited Business (LB), finding that increased traffic, lot coverage, building height and density were issues that were not in line with City standards. Regina Korby seconded and the motion passed unanimously.

The Commission and staff discussed the application and the difference in the zones. They discussed the history and Peter Lobb added that smart growth ideas may have been involved. He encouraged that the history be examined. He added that smart growth was rejected and caused a lot of bad feelings. The Commission noted that additional research may be necessary and they were interested in why things were written the way they were.

NB 3 Consideration of an application for a Subdivision, submitted by ARCH Community Housing, of Lots 3 & 4, of Block 66, Hailey Townsite, by creating four residential condominium units and accompanying common spaces. The new subdivision is proposed to be 521 River Street Condominiums consisting of a total condominium area of 2,851.2 square feet. Current property is within the Business (B) and Townsite Overlay (TO) zoning districts. The existing structure houses four apartment units and no new construction is necessary for the condominium conversion.

[5:43:01 PM](#) Michelle Griffith, ARCH Community Housing, introduced the project to the Commission and included a background for the project as well as plans for the condominiums. Chair Fugate inquired about the fire separation requirements for the project. Michelle noted that ARCH is currently working on satisfying those requirements. The Commission and staff discussed the existing non-conforming parking and agreed that the parking remain.

[5:47:22 PM](#) Chair Fugate opened for public comment. None was given. Public comment was closed.

[5:49:18 PM](#) Richard Pogue inquired about utility payments and Michelle Griffith clarified.

[5:50:02 PM](#) Dan Smith moved to approve the Preliminary Plat for 521 River Street Condominium, submitted by ARCH Community Housing Trust, finding that the application meets City Standards. Regina Korby seconded and the motion passed unanimously.

NB 4 Consideration of a city initiated text amendment and accompanying ordinance to repeal Hailey's Mobility Design Ordinance, Ordinance No. 1116 and subsequent amendments thereto, in their entirety and replace it with a newly codified Mobility Design Ordinance, as Title 18 of the Hailey Municipal Code. This repeal and replacement is intended to codify the Mobility Design Ordinance into the Hailey Municipal Code.

[7:28:44 PM](#) staff notified the Commission that a continuation was necessary. Regina Korby motioned to continue the city initiated text amendment and accompanying ordinance to repeal Hailey's Mobility Design Ordinance, Ordinance No. 1116 and subsequent amendments thereto, in their entirety and replace it with a newly codified Mobility Design Ordinance, as Title 18 of the Hailey Municipal Code to the next Planning & Zoning Commission meeting to be held on September 14th, 2015. Richard Pogue seconded and the motion passed unanimously.

Old Business

Commission Reports and Discussion

Staff Reports and Discussion

*SR 1 Discussion of current building activity, upcoming projects, and zoning code changes.
(no documents)*

Staff updated the Commission on building activity and upcoming projects.

*SR 2 Discussion of the next Planning and Zoning meeting: Monday, September 14th, 2015.
(no documents)*

Adjourn

[7:35:30 PM](#) Regina Korby motioned to adjourn. Richard Pogue seconded and the motion carried.