

MEETING MINUTES
HAILEY PLANNING & ZONING COMMISSION
Monday, December 4, 2017
Hailey City Hall
5:30 p.m.

Chair Fugate called the meeting to order. Present were: Commission Chairwoman, Janet Fugate, Commissioner Owen Scanlon, Commissioner Jeff Engelhardt, Commissioner Richard Pogue, and Commissioner Dan Smith. Staff present were: Community Development Director, Lisa Horowitz, Planning & Zoning Department, Alison Marks; and Deputy Chief, Fire Marshal, Mike Baledge.

[5:30:16 PM](#)

Public Comment for items not on the agenda was opened by Chair Fugate. Lisa Horowitz added a letter from Elizabeth Jeffries as part of public comment.

Consent Agenda. None.

PH 1 CONSIDERATION OF A REQUEST BY HAILEY CAR WASH FOR A CONDITIONAL USE PERMIT FOR LOTS 1-8, BLOCK 135, HAILEY TOWN SITE (809 AND 805 S. THIRD AVENUE) IN THE LIMITED BUSINESS ZONE DISTRICT TO OPERATE AN AUTOMOTIVE REPAIR AND MAINTENANCE BUSINESS CONSISTING OF 110' LONG AUTOMATIC CAR WASH TUNNEL, MECHANICAL ROOM, AND OFFICE (PHASE 1). FUTURE PHASES INCLUDE CONVENIENCE STORE AND CAFÉ.

Present were: Matthew Smey, Rene Smey and Gina Thomas, on behalf of the applicant (Broyles, LLC); Community Development Director, Lisa Horowitz, Planning & Zoning Department, Alison Marks; Hailey Deputy Chief, Fire Marshal, Mike Baledge; members of the public; and Tony Evans of the Idaho Mountain Express.

Lisa Horowitz reported that this public hearing was for the conditional use permit (CUP) for the Hailey Car Wash; the applicant will be coming back for full Design Review hearing and tonight's focus should be on the use and not the design.

Matthew Smey presented the application. Smey reported that they currently own and operate the car wash tunnel in Ketchum ("Sun Valley Car Wash"). Smey proposed the traffic flow entering and exiting (ingress/egress) on Third Avenue; adding that they have 150 feet of queuing length to hold cars on the premises and off the street. Smey stated they are locating the noisiest part of the car wash (made by the car wash tunnel) at the south end next to the alley. Smey proposed a vehicular exit to the alley way to avoid traffic jams and accommodate larger vehicles too large for the tunnel. Smey reported that during the review process, they were offered an idea of extending the alley to make it wider to accommodate vehicles that need will need that exit. Smey concurred with paving the alley as it is better to have cleaned vehicles exiting onto pavement than a dirt road.

Commissioner Scanlon asked how the applicant proposed to widen alley. Horowitz reported that the City street department asked that it to be paved 12 feet wide.

Smey briefly reported on the future phases, adding that the only proposal at this juncture is the car wash, and that no work has been done to support future phases. Smey stated that he and his family are excited to be running the car wash; feel that it will provide more employment opportunities and the overall design will be enjoyed by the community.

Commissioner Scanlon asked about the applicant's plans for the vacant lot north of the car wash site; and if it was included with the CUP application. Smey stated that they have reserved those other areas for future development at this time. Chair Fugate asked if the other phases would require CUP review or if that would be a Design Review process. Horowitz reported that it would depend on the use, however, we won't know until we see what the proposal is.

Horowitz reported that there are mature trees on the site and when the applicant comes back for Design Review they will need to do an arborist report and maybe some trees can be retained in their landscaping plan. The use is classified as automotive repair and maintenance; the car wash, mechanical room and office are permitted uses and the surrounding area has similar uses. The applicant submitted a blower system noise report. Horowitz reported on the City street department's plans for future sidewalks and turn lanes from Third Avenue to Highway 75. The street department found the paving of the alley to be beneficial and did not wish to require additional signage for the disbursement of traffic or address grading issues, etcetera at this time.

The parties discussed conditions of approval, i.e., drainage to be retained on site, signage for traffic flow, sidewalks, and the noise level compliance pursuant to Hailey City Code 9.04.030.B.5.

Smey reported that they will be returning only the domestic supply to the City sewer system; they will remove any sediment, they have it tested for reporting purposes, and all the dirt is removed from the property, the sediment is pumped out the tanks and all gets hauled to the Ohio Gulch transfer station.

Mike Baledge reported that he had no concerns at this time, however, issues may come up once it is determined what will to happen with the existing gas station and car wash.

[5:48:48 PM](#) Chairwoman Fugate opened the hearing to public comment.

Public comment was given by: 1) Peter Lobb, of 4th and Carbonate, who stated support for the application, but has concerns of the noise in the residential area.

[5:50:02 PM](#) Public comment closed.

Following discussion/deliberation: **Scanlon made a motion, seconded by Engelhardt, to approve the Conditional Use Permit Application request by Broyles, LLC for an Automotive Repair and Maintenance business consisting of 110' long automatic car wash tunnel, mechanical room, and**

office to be located at 805 and 809 S. third Avenue, finding that the application meets each of the criteria for review (a) through (h) cited in Zoning Ordinance Article 11.4, Section 11.4.1, that the conditional use permit complies with the Comprehensive Plan, and that the conditional use permit is subject to condition (a) thru (f) [as amended]. Motion carried unanimously.

PH 2 CONSIDERATION OF A CITY-INITIATED TEXT AMENDMENT TO TITLE 17, SECTION 17.05.040 DISTRICT USE MATRIX, TO CREATE A NEW OVERLAY ZONE, “MID-RESIDENTIAL OVERLAY ZONE DISTRICT”. THIS DISTRICT WILL BE A NEW CHAPTER 17.04R, WHICH INCLUDES GENERAL APPLICATION, BULK REQUIREMENTS, DENSITY AND PARKING SPACE REQUIREMENTS.

Present were: Community Development Director, Lisa Horowitz, Planning & Zoning Department, Alison Marks; Hailey Deputy Chief, Fire Marshal, Mike Baledge; members of the public; and Tony Evans of the Idaho Mountain Express.

Lisa Horowitz began the public hearing by displaying a map on the meeting room screen of the proposed district and asked if any of the Commissioners currently owned property within the district boundaries. Horowitz explained that the city attorney (Christopher Simms) has advised that any property owners must recuse themselves from the deliberation and the vote; and after stepping down from their seats at the Commission table, they may remain at the hearing as members of the public and provide public comment but will not be allowed to vote per an Idaho State ethical provision re: public official economic gain or loss. Commissioners Dan Smith and Jeff Engelhardt recused themselves and remained at the hearing as members of the public.

Horowitz reported that she has confirmed with the city attorney that even two Commissioners would constitute a quorum. Chairwoman Fugate and Commissioners Scanlon and Pogue remained seated.

Horowitz then moved on to the presentation. Horowitz reported on notice for the hearing and provided the background for the text amendment, which stemmed from last year’s “housing toolkit” provided by staff. [5:57:07 PM](#) Horowitz also noted that there are two public comment letters to add to the record.

[5:59:41 PM](#) Staff and the Commission discussed questions re: height limitations, buffering and landscaping, and parking spaces some of which could be handled in the design review process.

[6:03:14 PM](#) Chairwoman Fugate opened the hearing for public comment.

[6:03:28 PM](#) Public comment was given by: 1) Jeff Engelhardt, Hailey resident, who asked about the boundary line; 2) Kim Taylor letter in support noted by Horowitz; 3) Jay Cone, 651 El Dorado Lane, Hailey, provided a lengthy and technical comment re: the intricate and complicated methods necessary to compute the zoning and parking requirements, etc. for projects in the existing zoning; 4) [6:19:42 PM](#) Tony Evans, Idaho Mt Express, asked about the proposed district map and about the location of the project Mr. Cone is working on; 5) [6:22:10 PM](#) Peter Lobb, of 4th and Carbonate, provided negative comments in opposition to the text amendment due to density and parking and added that if there is a project in the works he’d like to know about it, he feels the developer

should be applying for the text amendment themselves - - it's "not ethical" for the city and tax payers to take on these projects; 6) [6:24:23 PM](#) Dan Smith, Hailey resident, stated that because of the BLD and GR zones the City should look at this as a CUP on a case by case basis; and stated concerns about single parking spaces, the number of units proposed of 50, concerns with no limit to the number of residences per acre, and noted that the shared parking ordinance for business and residences might want to be considered; 7) [6:27:09 PM](#) Jay Cone, noted that he provided a written list of his concerns to Ms. Horowitz for the Commission to consider. Cone stated that the proposed amendment was a "complicated beast" and that he hoped the Commission would not deny the application tonight but would have more workshops or a study perhaps. Cone stated the City should jump on this opportunity to proactively clean up the ordinance as there is a severe need for multifamily housing paired with the commercial development picking up within the City of Hailey as larger lots in the downtown core are getting snatched up for development. Cone rebutted negative comments from Tony Evans and Peter Lobb stating that he did not have any specific projects paired with the text amendment. Cone stated that he had a discussion with Horowitz and she determined that the after the SRO process making the boundaries smaller there was a need for the City to address some of the issues and provide some relief; 8) [6:30:17 PM](#) Jeff Engelhardt, suggested an eastern boundary modification -- should be 1st Avenue rather than the alley per the Comp Plan.

[6:31:03 PM](#) Public comment closed.

[6:31:09 PM](#) Horowitz provided a rebuttal to the unethical intention allegations from public comments. Horowitz clarified that the proposed text amendment came from the Commission's two top priorities from a list of about 20 in 2017 whereby staff was directed to explore housing code changes via the 2016 "Housing Toolkit" specifically to create flexibility for apartment housing and ADUs within the boundaries proposed. Horowitz clarified that both the past and current city attorneys have clearly advised that the City's requirement for any unit under 1,000 square feet is one parking space. Horowitz said that she struggled with how the text amendment could require a CUP in a zone where the use is already permitted and suggested that maybe it could be required for projects over a certain size. Horowitz reported that there already is a great amount of residential mixed uses within the boundaries proposed and stated that the Commission can take as much time and conduct as many workshops as necessary.

Chairwoman Fugate stated that she had concerns with parking issues, specifically parking in the right-of-way mixed with snow removal in those areas which is not a good option, balancing the need for housing while maintaining the character of the City, the need to provide livability for existing uses and provide for additional housing needs, she thought the number 50 was too large but is not sure of the answer and noted that not every project will be the same size, lot or circumstance, some make sense in one place and not in others.

Commissioner Pogue stated that he felt that it was appropriate to include the Blaine Manor site within the proposed boundary due to its developable status and should be considered for high density, he likes covered parking, and has concerns with parking issues, metal roofs, and setbacks. Pogue stated that he felt more work needed to be done to figure a way through the issues, that an

apartment building with small and large units combined could reach the 50 number in one project, and that our mission is to provide affordable housing in this community, it is hugely needed and we need to come together to figure out the right mix to make it work.

Horowitz reported that the Blaine Manor site was zoned business and would add it for the next discussion.

[6:40:31 PM](#) Scanlon stated that he agrees with all of the comments, maybe this is too big, and maybe we start small and work our way out. This hearing is also a workshop and we haven't begun to understand the scale of what we are trying to do here. We need to have a workshop, not all of the parameters have been applied but it's necessary, it's involved and we need to hash it out.

Chairwoman Fugate [6:42:55 PM](#) directed staff to pick out a couple of the thorny issues to review specifically before the next hearing: 1) parking, 2) clarify the setback area, 3) the size limitation "50" figure is that the best, 4) geographic area/boundaries, 5) what would trigger a specific – review - CUP oversight with specific projects, 8) uses permitted in what zones, etc.

Following discussion: **Pogue made a motion, seconded by Scanlon, to continue the public hearing on the City-initiated Text Amendment to Title 17, section 17.05.040 District Use Matrix, to create a new overlay zone, "mid-residential overlay zone district" a new chapter 17.04R, which includes general application, bulk requirements, density and parking space requirements to January 29, 2017. Motion carried unanimously 3/0.**

[6:48:18 PM](#)

PH 3 CONSIDERATION OF A CITY-INITIATED APPLICATION TO AMEND TITLE 16, SECTION 16.04.020, STREETS, TO 1) ALLOW PRIVATE STREETS TO SERVE MORE THAN 5 RESIDENTIAL UNITS; AND 2) TO REDUCE THE AMOUNT OF GUEST PARKING REQUIRED FOR PRIVATE STREETS.

Present were: Community Development Director, Lisa Horowitz, Planning & Zoning Department, Alison Marks; Hailey Deputy Chief, Fire Marshal, Mike Baledge; members of the public; and Tony Evans of the Idaho Mountain Express.

Commissioners Dan Smith and Jeff Engelhardt returned to their Commissioner seats for the meeting.

Lisa Horowitz reported that there were about five or six projects last year that caused concern because of the private street regulations. Horowitz assigned the project to Alison Marks.

Alison Marks reported that there are two updates for the private street text amendment: 1) the guest and overflow parking requirement for private streets is proposed to be reduced from two to one; and 2) to allow private streets to serve more than five residential dwelling units which would encourage developers to build private streets in subdivisions and lessen the burden of maintenance for the City Street Department. Marks used a PowerPoint presentation to demonstrate overflow parking areas in Copper Ranch, Par Estates, China Gardens, Silverstone, and Briarwood; the photos were collected from Google Earth and the County GIS. Cars were counted in

the guest and overflow parking but not in the homeowner driveways and averaged as part of the study. The presentation was supplemented by Horowitz who stated that they tried to demonstrate the parking areas required vs. the actual demand.

Chairwoman Fugate suggested that during this amendment process, the City's development standard §16.04-020(L)(4.) also should be amended: "Private streets serving five (5) or fewer dwelling units *shall not be named*", so that all streets receive some kind of name. Additionally, there are issues with private roads connecting which should be addressed.

Engelhardt pointed out that most of the photos Marks used in her PowerPoint presentation were taken during the daytime hours and doesn't provide good analysis for those same projects after 6:30 p.m. in the evening hours and thereafter, which would provide a much different pattern (much fuller parking lots). Engelhardt stated concerns with the private roadways being too small during a heavy snow year and feels we need to be very cautious in downgrading things.

Scanlon agreed with Engelhardt's comments - - evenings are a lot different parking scenario. He said he's not against reducing some of the parking but not too much.

Smith agreed with Engelhardt's comments also and added that he would prefer to see a "worse-case scenario" so we make sure we continue to provide adequate parking. Smith stated that the "five residential dwelling units" seemed arbitrary and questioned §16.04.020(L)(1.) "collector or secondary street" interpretation asking if that was based on traffic flow. Smith also agreed with Engelhardt's stated concern of the narrowness of private streets being problematic during a big snow year.

Pogue stated that he was personally against the narrowing of the streets, due to issues with the fire department and snow removal/maintenance mixed with parking needs and usage. Pogue suggested that instead of using residential units in general, that perhaps using a differential being the numbers of bedrooms, so you get a better feel for the usage of the area, i.e., 1 car per adult and 2 cars per child. Pogue also agreed that the study must include the evening parking needs.

[7:09:21 PM](#) Chief Deputy, Mike Baledge, reported that the five residential units requirement was an older standard that stemmed from the fire department's response capabilities at that time and before improvements were made to the City's water systems. This is not the same issue today, we have better equipment, better access, better water systems, and private streets are public streets which cannot go below code.

Following discussion, Chair Fugate opened the public hearing for public comment.

[7:13:48 PM](#) Public comment was given by: 1) Kathy Grotto, of 841 Sunrise Drive, in support of the text amendment; 2) Peter Lobb, of 4th and Carbonate, in opposition to the text amendment; 3)

[7:18:48 PM](#) Bob Crosby, Board of Realtors, in support of the text amendment.

Following discussion, all Commissioners agreed that the platted areas used for the study was not representative of the parking needs which were much less during the daytime vs. the weekends and evening hours and directed staff to conduct another study.

Following discussion: **Smith made a motion, second by Engelhardt, to continue the Public Hearing for the City-initiated Application to amend Title 16, Section 16.04.020, streets, to January 29, 2018. Motion carried unanimously 5/0.**

STAFF REPORTS AND DISCUSSION: Following discussion: **Engelhardt made a motion, seconded by Smith, to adjourn at: 7:29 p.m. Motion carried unanimously 5/0.**

Adjourn