


## STAFF REPORT

**TO:** Hailey Hearing Examiner  
**FROM:** Beth Robrahn, Planning Director   
**RE:** Conditional Use Permit – Hailey Auto Exchange CUP amendment  
**HEARING:** July 13, 2009

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**Applicant:** Gary Carr  
**Location:** Lots 15, 16, 17, and north 25 feet of 18, Block 28, Hailey Townsite (210 Main St. South)  
**Zoning:** Business (B), Townsite Overlay (TO), and Central Core (CC) districts  
**Note:** Staff analysis is in lighter type

### Notice

Notice for the public hearing on June 24, 2009 was published in the Idaho Mountain Express and mailed to property owners within 300 feet.

### Application

Gary Carr has applied for an amendment to the Conditional Use Permit for vehicle sales, located on Lots 15, 16, 17, and north 25 feet of 18, Block 28, Hailey Townsite (210 Main St. South) within the Business (B), Townsite Overlay (TO), and Central Core (CC) districts. An Auto Dealerships is a permitted conditional use within this B zone with approval of a Conditional Use Permit.

The original CUP was granted to Elbie's Tire and Automotive, located at 210 Main St. South, on April 22, 1994. Section 11.10.2 of the Hailey Zoning Ordinance states; "A conditional use permit is not transferable from one (1) parcel of land to another. The conditional use permit may be transferred from one owner to another for the same use, but if there is a change in use on the property, a new conditional use permit must be obtained."

In spring of 2009, the applicant relocated his business, Hailey Auto Exchange, to the subject property, 210 Main St. South. Because both businesses involve an auto dealership component, the CUP was transferred to the new owner for the same use.

One of the conditions of approval of the original CUP is that a maximum of twelve (12) cars be displayed. The applicant is requesting to be allowed to display 28 vehicles on site.

## **Department Comments**

**Life/Safety:** none

**Building:**

**Water/Sewer:** none

## **Standards of Evaluation**

### **8.2 Signs.**

The applicant is hereby advised that a sign permit is required for any signage exceeding four square feet in sign area. Approval of signage areas or signage plan in Design Review does not constitute approval of a sign permit.

### **8B.4. Outdoor Lighting Standards.**

#### **8B.4.1 General Standards**

- a. **All exterior lighting shall be designed, located and lamped in order to prevent:**
  1. **Overlighting;**
  2. **Energy waste;**
  3. **Glare;**
  4. **Light Trespass;**
  5. **Skyglow.**
- b. **All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.**
- c. **Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.**
- d. **Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaires.**
- e. **Idaho Power shall not install any luminaires after the effective date of this Article that lights the public right of way without first receiving approval for any such application by the Lighting Administrator.**

All existing lighting shall comply with Hailey's Outdoor Lighting Ordinance.

### **9.3 Off-street Parking Dimension.**

#### **9.3.1 For the purposes of this Ordinance, the dimensions of all parking areas within the City shall be in accordance with the City Standards.**

The minimum dimensions of a 90 degree parking space are 10 ft x 21 ft; this standard is applied to the four (4) required on-site spaces for the given use. The spaces used for display are not required meet this minimum dimension.

### **9.4 Parking Space Requirements.**

#### **9.4.2 Commercial, Professional, Service, Recreation and Entertainment. All commercial, professional, service, recreation and entertainment uses shall provide improved**

parking in the amount of one parking space for every 1000 square feet of gross building area; except as follows:

- c. **Automobile service garages: 2 for each service bay. Service bays are not counted as parking spaces.**
- e. **Automobile Sales: 1 customer space per 5,000 square feet of developed lot area used for display.**

The business has two (2) service bays; requiring four (4) spaces.

The proposed display area is 3,360 square feet; no spaces are required for the automobile sales portion of the business.

A total of four (4) spaces are required to accommodate the activity in the service bays. These four spaces are located at the rear of the lot, perpendicular to the alley.

## **11. Conditional Use Permits**

**11.4.1 The Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and, if approved, shall find adequate evidence showing that such use at the proposed location:**

Section 11.4 of the Hailey Zoning Ordinance establishes the standards for proposed conditional uses. The Hearing Examiner should make findings related to each of the items (a) through (i).

**a) Will, in fact, constitute a conditional use as established for the zoning district involved;**

The proposed display of automobile for sale constitutes an established conditional use within the Business zoning district.

**b) Will be harmonious with and in accordance with the general objectives or any specific objective of the Comprehensive Plan and requirements of this Ordinance;**

The Hearing Examiner should consider how the proposed use relates to the various policies and implementation items of the Comprehensive Plan, particularly the following:

*6.1 Central Business District.*

*6.1.2 Policy: Identify business areas and types of uses which can be mixed in order to create a more dynamic and useable marketplace. Promote the use of Conditional Use Permits to provide for appropriately mixed uses in all commercial districts.*

*Implementation:*

*a. Review and expand, where appropriate, those uses which are permitted under the Conditional Use Permit process in the Business, Limited Business and Transitional Districts.*

*b. Apply design standards and the Conditional Use Permit process to ensure both a dynamic environment and a level of compatibility between existing and proposed developments.*

*6.5 Marketplace Standards*

*6.5.1 Policy: Maintain the quality and character of the City.*

*Implementation:*

*a. Apply design standards and the Conditional Use Permit process to ensure both a dynamic environment and a level of compatibility between existing and proposed developments.*

- c) **Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;**

The existing character of the block would potentially improve with a more organized site layout and more attention to how automobiles are displayed on site. The location of the property in the center of the Business District causes the use of the property to potentially have a greater affect on the character of downtown Hailey. Whether increasing the number of vehicles that can be displayed will negatively affect the character of the area should be considered.

- d) **Will not be hazardous or disturbing to existing or future neighboring uses;**

It is not anticipated the requested amendment will be hazardous or disturbing to existing or future neighboring uses. While there is not information in the file stating why the use was originally restricted to twelve (12) vehicles the fact that it was a condition of the original conditional use permit approval implies that a greater number was considered and was considered to be inappropriate and potentially disruptive to existing or future neighboring uses.

- e) **Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;**

The requested amendment would not affect the provision of services to the property.

- f) **Will not create excessive additional requirements at public cost for public facilities and services;**

The requested amendment is not anticipated to create excessive additional requirements at public cost for public facilities and services.

- g) **Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards;**

The display of additional vehicles is not anticipated to be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards.

- h) **Will have vehicular approaches to the property, which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares;**

The display of additional vehicles would not affect the vehicular approach to the property.

- i) **Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature.**

The display of additional vehicles would not result in the destruction, loss, or damage of a natural, scenic, or historic feature.

**11.6 Conditions.**

**The Commission or Hearing Examiner may impose any conditions which it deems necessary to secure the purpose of City regulations and give effect to the Comprehensive Plan. Conditions which may be attached include, but are not limited to those which will:**

- 11.6.1 Require conformity to approved plans and specifications.**
- 11.6.2 Require or restrict open spaces, buffer strips, walls, fences, signs, concealing hedges, landscaping and lighting.**
- 11.6.3 Restrict volume of traffic generated, require off-street parking, and restrict vehicular movements within the site and points of vehicular ingress and egress or other conditions related to traffic.**
- 11.6.4 Require performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements.**
- 11.6.5 Limit time of day for the conduct of specified activities.**
- 11.6.6 Require guarantees such as performance bonds or other security for compliance with the terms of the approval.**
- 11.6.7 Require dedications and public improvements on property frontages.**
- 11.6.8 Require irrigation ditches, laterals, and canals to be covered or fenced.**
- 11.6.9 Minimize adverse impact on other development.**
- 11.6.10 Control the sequence, timing and duration of development.**
- 11.6.11 Assure that development is maintained properly.**
- 11.6.12 Designate the exact location and nature of development.**
- 11.6.13 Require the provision for on-site or off-site public services.**
- 11.6.14 Require more restrictive standards than those generally found in this Ordinance.**
- 11.6.15 Mitigate foreseeable social, economic, fiscal and environmental effects.**
- 11.6.16 Set a limit on the duration of the permit when deemed necessary.**
- 11.6.17 Allow for subsequent periodic review.**

The Hearing Examiner may impose any conditions that it deems necessary to secure the purpose of City ordinances and give effect to the Comprehensive Plan. Conditions including but not limited to those set forth in Section 11.6 may be placed on any approval.

**Summary**

Section 11.1 of the Hailey Zoning Ordinance states that “the City of Hailey recognizes that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and promote conformance with the Comprehensive Plan, conditional use permits are required for such uses upon review by the Hearing Examiner.”

Conditional Use Permits are subject to review and revocation pursuant to Section 11.9 of the Hailey Zoning Ordinance. This statement will be included in the Findings of Fact, Conclusions of Law, and Decision for any CUP approved by the Hearing Examiner.

The Hearing Examiner shall make a decision to approve, conditionally approve, or deny the application within forty-five (45) days after conclusion of the public hearing and issue its decision together with the reasons therefore. The Hearing Examiner shall review the application,

all supporting documents and plans, and Section 11 of the Zoning Ordinance, in making their decision.

The Hearing Examiner should make findings related to the criteria of Section 11.4, (a) through (i).

**Suggested Conditions**

The following are standard conditions usually placed on approvals of conditional use permits:

- a) All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense.
- b) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. 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. Infrastructure to be completed at the applicant's sole expense.
- c) All existing lighting shall comply with Hailey's Outdoor Lighting Ordinance.

RECEIVED

JUN 03 2009

June 3, 2009

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HAIELY AUTO EXCHANGE C. U. P. AMENDMENT

- I. LEASED PROPERTY
- II. EXISTING USE-Current use is Hailey Auto Exchange/ Elbie's. Vehicles have been serviced, quick lubed, full mechanical for years. Elbie's has had a conditional use permit for vehicle sales since 1995. At that time he only had use for 12 cars for display. No change in use is proposed.
- III. PROPOSED AMENDMENT-Continue the same use of the property. We are requesting an increase to 30 vehicles displayed. Hailey Auto Exchange has sold 30-35 vehicles a month for several years. To sell that many we need to display at least 30 vehicles. We will display the vehicles nice and neatly in the space provided. The enclosed site plan will show this.
- IV. IMPACT- the effects will be minimal. The vehicles will be displayed on the northwest, west, and south of the lot. The vehicles will be nicely, with minimal gaudy displays. Nice clean vehicles. The existing space will support the vehicles and not affect our neighbors.
- V. SURROUNDINGS-The use to the south is Sun Valley Cleaners. They will continue to use existing access without interruption. The use to the North is La India and it will not be affected. The use to the West is Hwy 75 and our display will be nice and tidy. Visually it will be respectful and clean. To the East is the Alley and there will not be an affect on the use. Same as it always has been.
- VI. COMP PLAN-The Existing use will not change. Clean and aesthetically nice vehicles will be displayed. The building has been here over 60+ years with similar uses throughout time. We are just improving on it.

Thank You,



GARY CARR

# City of Hailey

12 West Carbonate Street  
(208) 788-4221

Box 945, Hailey, Idaho 83333

April 22, 1994

Elbie Bellon  
Elbie's Tire and Automotive  
P.O.Box 9  
Hailey, ID 83333

Mr. Bellon:

This letter concerns your application for a Conditional Use Permit to operate a retail used auto dealership within the Business (B) District. The facility is proposed for location at 210 South Main Street in Hailey. The application was heard by the Hailey Planning and Zoning Commission March 3, 1994. It was the decision of the Commission to grant approval to the application. The Commission has imposed the following conditions on the application:

That the lot capacity shall be a maximum of twelve (12) cars.

That a semi-permeable surface shall be applied to the lot area no later than June 1, 1995.

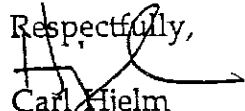
That parking area drainage be installed to city standards.

That lighting shall be to commercial standards and be downcast onto the property, and any future additional lighting be submitted to city staff for review and approval.

That any signs other than a sign of less than four square feet must be submitted to city staff for review and approval.

If you have any further questions please contact the Hailey Planning Department at (208) 788-4221.

Respectfully,

  
Carl Hjelm  
City Planner

cc: File.  
Lou Mallea, Building Official



**Beth Robrahn**

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**From:** Tom Bowman [tbowman@co.blaine.id.us]  
**Sent:** Thursday, July 02, 2009 12:23 PM  
**To:** Beth Robrahn  
**Subject:** Carr Conditional Use

Beth,

Could you please forward this to your hearing examiner.

I support granting a conditional use permit application of Gary Carr for vehicles sales. The lot looks much better now than it did before.

Thanks,

Tom Bowman  
Board of Blaine County Commissioners  
788-5500