

**Meeting Minutes of the  
Hailey Planning & Zoning Commission  
December 21, 2009**

The meeting was opened at 6:30 p.m. by Commission Chair Owen Scanlon. Commissioners present were Mike Pogue, Mark Johnstone, and Geoff Moore. Staff present was Planning Director Beth Robrahn, Planner Mariel Platt, and Planning Assistant Becky Mead.

**Consent Agenda**

Tab 1 Approval of Minutes – December 7, 2009

Tab 2 Approval of Findings of Fact – Recommended denial of Uhrig Rezone

Commissioner Moore pulled Tab 1 of the consent agenda for corrections.

**Commissioner Pogue moved to approve Tab 2 of the consent agenda.** Commissioner Johnstone seconded, the motion passed unanimously.

Commissioner Moore on page 4 corrected that he stated he was referencing the zone changes that were done to Limited Business on Third Avenue which had a development agreement that would revert them back to General Residential if uses ceased. He said on page 5, top sentence, existing and future zones should read future uses.

Commissioner Scanlon stated on page 2, “turn the entire north side of First Avenue”, should read “entire west side”. He said on page 7, there is an extra “they” used before assume, and also at the bottom of the page, “whether an eave overhang” should be changed to “whether an eave could overhang the property line”.

**Commissioner Johnstone moved to approve Tab 1 as amended.** Commissioner Moore seconded, the motion passed unanimously.

**New Business**

**An application by 14 Croy Street LLC for Design Review of a Remodel of a Commercial Building**

An application by 14 Croy St. LLC for Design Review of a remodel of a commercial building located on Lots 1-4, Block 28, Hailey Townsite (14 Croy St. West) within the Business (B) and Townsite Overlay (TO) districts.

Planner Platt stated the remodel is for the north, front façade. She said the Commission approved the west wall reconstruction in September. She said there are parking issues to be resolved which are mentioned in the staff report. She said the applicant has three options based on the parking standards; (1) provide an in-lieu fee, (2) provide two parking spots on-site, (3) improve the right-of-way adjacent to the property in exchange for parking credits. She said the applicant submitted a letter from the previous owner stating that they improved the right-of-way about 8 or 10 years ago by creating a sidewalk, curb and gutter. She said the applicant is requesting that those previous improvements be used in exchange for parking credits for this application.

**Tom Dabney**, Architect for the project said the west wall was removed and replaced as approved by the Commission at a previous meeting. He said there are three openings left in the wall for windows. He showed the Commission current pictures of the building. He said the existing building sits on about half the lot and there is quite a bit of landscaping in the back of the lot. The front will be a recessed storefront entry and could be a one or two unit space. Dabney stated they want to use a western type motif. He showed the color samples and where they would be used. He pointed out where the lighting would be. He said there are two exterior doors at the rear of the building which will also have lighting. He said they would prefer to use the curb side parking towards their total on-site parking requirement. He said they would possibly place a patio in the back. He said they will have to re-do some of the sidewalk. He noticed that screening for the trash bins was not provided in the application and said they will be screened by an enclosure.

Commissioner Johnstone asked if the meters on the alley side were existing meters. **Mindy Mays**, representative for the owner stated the contractors moved it from one side to the other and they put in the gas meter. Commissioner Johnstone also asked how the trash bins would be screened.

Commissioner Moore asked Director Robrahn if she could approve the screening or did that need to go on the Consent Agenda. Director Robrahn said she would prefer that go on the Consent Agenda. He mentioned that he liked the building.

Commissioner Pogue had no comments.

Commissioner Scanlon asked to see the picture of the existing CMU and asked if they would be painting it or would it stay that color. Dabney stated it would stay that color. Commissioner Scanlon asked if the existing foundation was at the back of the sidewalk or a little across from it. He asked how far they would have to cut the concrete out to put a footing under the foundation. Dabney said the existing sidewalk is three squares and they would go back about one square. Commissioner Scanlon asked about the back steps and noted the staff report states hand rails are required there. Dabney said yes. Commissioner Scanlon asked if there would be a sidewalk that would connect to the alley or is that currently the way it is. Dabney stated currently that is the way that it is and he did not think there was a landing for the stairs and said he was not sure if they thought about this. Mays said it would depend upon if there would be a patio verses parking. Commissioner Scanlon said he would like to see the storefront windows to go to the ground. Dabney stated that would not be a problem.

### **Public Hearing Opened**

**Tony Evans**, Idaho Mt Express said this would be a positive development in the City of Hailey.

### **Public Hearing Closed**

Commissioner Johnstone stated that he liked the change to the building. He mentioned to Planner Platt earlier that he was at a Historic Preservation meeting and Joan Davies believes she has a photograph of that building, clearly showing the courthouse in the back with Native Americans crossing the street. Mays stated that Davies gave that photo to her. Commissioner

Johnstone suggested that the photo be hung there. Mays said yes; she also went to the Library and found one more.

Commissioner Pogue said it was a nice looking building and asked Director Robrahn if she could give an overview of the parking issue that was mentioned earlier. Director Robrahn said they allow for credit of parking spaces for improvements to the right-of-way and that credit carries with the building. She says they credit improvements that were associated with the LID for Main Street. She said this would be a similar situation where credits were given for sidewalk improvements done in the past. Commissioner Scanlon asked if they were asking for anything strange or unusual here. Director Robrahn said not really. She said the ordinance specifically calls out the limited improvement district for Main Street, but we are crediting spaces for improvements done in the past; the question is whether it makes sense in this case, considering that the improvements are carried with the property. Commissioner Pogue asked to clarify that the improvements are attached to the property not to the applicant and Director Robrahn said that was correct. Commissioner Pogue asked how far back do they look and asked if it were out of the norm to credit improvements that were done 8 or 10 years ago. Director Robrahn said the Main Street LID occurred in the early nineties, 93 maybe and that has been more than 10 years. She said as far as she knows this is the first case asking for a credit for an improvement that occurred in the past that is not associated with the Main Street LID.

Commissioner Pogue asked what kind of condition the sidewalks were in now. Mays stated it is smashed up and said they took pictures which the City Engineer asked them to take and told them they only needed to replace the sidewalks that were destroyed. Commissioner Johnstone asked if the sidewalk went to the extent of Lot 1. Dabney said it does.

Director Robrahn noted in the staff report on page 5, with the applicant not knowing the intended use of the property has proposed a parking calculation of 1 space per 1,000 square feet. She said the square footage of the building is 1,948 square feet, which requires two (2) on-site parking spaces, two (2) parking credits, or to pay in-lieu fees in the amount of a quarter of the required amount.

Dabney said it has been his experience that it is more affordable to improve in front of a building or work with the City and have them suggest or find another spot in the City to improve, assuming the front of the building were already improved rather than pay the in lieu fee. Commissioner Moore said if they were to ask for two of the parking spaces that go with the application, and then there were a tenant that required more, would we be seeing this again for more parking spaces. Director Robrahn said staff has a lot of back and forth with people regarding parking requirements. She said there can only be 50% credited for the required parking spaces. Planner Platt stated if it is not directly adjacent to the property and explained further.

Commissioner Scanlon asked for clarification on how spaces are credited. Planner Platt stated parking credits are given in exchange for improvements to the right-of-way; it does not necessarily give the business parking that is adjacent to their building. Dabney said if they replaced enough sidewalks beyond their lot to accommodate four spots, could the four spots be credited to their parking requirement, and asked Commissioner Scanlon if that was what he was asking. Commissioner Scanlon responded yes.

Director Robrahn said she could consider that to be contiguous. Dabney asked if the third spot would not be counted because it is beyond the property line. Director Robrahn said the three spots they could count but if there was another use, there would be a fourth space required. Dabney asked if the fourth spot would have to be on the site. Director Robrahn said yes, or pay the in-lieu fee. Commissioner Scanlon asked Director Robrahn if they could improve property somewhere else in the City by your direction. Director Robrahn said no. Dabney said at that point they have already improved their maximum number that they were allowed to improve that is not physically on the site. Mays stated they are not going for a restaurant and the patio in the back would be great for a retail space. She thought four was great but two was imperative.

Commissioner Scanlon said for what is being requested tonight, the requirements have been met; he commented that in the future you might be boxing yourself in. Director Robrahn stated they would only meet the requirements if the Commission thinks it is acceptable to allow that parking credit for the past improvements. Commissioner Moore clarified since the LID was done about 18 years ago and if someone were to do a remodel on Main Street they would be given credits for past improvements, and Director Robrahn stated yes. She said but the question is whether a similar premise to the Main Street LID where a property owner in the past paid to improve the sidewalk should count toward a parking credit. Commissioner Moore restated the Main Street LID was a tax which paid for the improvements, so it is just a type of payment for the improvement. Director Robrahn said that was a good way to look at it.

Commissioner Scanlon asked Dabney about the front doors that appear to swing both ways and asked about a screen door. Dabney said they do not plan for a screen door; they definitely swing out for egress. He does not know why he showed them swinging both ways.

Commissioner Scanlon asked the Commission how they felt about the sidewalk that was done in the past.

Commissioner Moore said he did not see how they have done anything different than what was achieved with the LID, as far as two of the spaces go. He said he is still thinking about this.

Commissioner Johnstone wondered if that sidewalk was put in longer than 8 or 10 years ago and if it was an improvement. He seems to understand there was a daycare center there at one time and there were issues with loading and unloading kids. He said he was not sure of what can of worms they would be opening up by establishing a precedent.

Commissioner Pogue said it seems odd to give credit for an improvement that is not in great shape now. He said work has to be done on the sidewalks anyway and he was inclined not to allow those credits for this.

Commissioner Scanlon said he agreed but did not see anything particularly wrong with work that was done previously, except the applicant did not do it. He said it is not in great shape and suggested for the City Engineer to go out and inspect it. He said the last thing the applicant needed was for someone to trip on the concrete and take them to court. He said he was concerned with approving this substandard application.

Commissioner Pogue stated that condition g addresses this issue. Director Robrahn said the Commission should be resolved how the parking is going to be met.

Mays said she was told earlier if she repaired the sidewalk it would not be credited. Planner Platt stated the City Engineer recommended that the portion of the sidewalk that was damaged by construction be replaced and it was determined that would be something that credit would not be given for. Mays said they are three feet blocks and there are three of them and they would only be damaging the one closest to the building which is another 6 feet that are in disrepair. Dabney thought what Mays was suggesting was that they do improve the whole sidewalk system and that should give them the credits for parking. Mays thought the sidewalk did look bad and it is going to be a beautiful building. She said the City Engineer stated it is the City's responsibility to repair the 6 feet of sidewalk not included in the portion that will need to be repaired due to the damage caused by work on their building.

Commissioner Pogue said he thought this would be great.

Commissioner Moore said it sounded good and suggested to repair any gutter and curb that would affect the new sidewalk.

Commissioner Johnstone agreed with both Commissioners and the gutters are a concern and if they replace the sidewalk they should definitely get the two credits.

Commissioner Scanlon said he thought they should get the two credits and have the City Engineer look at the curb and make the determination whether the curb and gutter need to be replaced as well.

The Commissioners agreed to remove items 1 and 2 and leaving item 3 of condition (g).

**Commissioner Moore moved to approve the design review application for a commercial remodel, located on Lots 1-4, and the back 40 feet of Block 28, Hailey Townsite (14 Croy Street East), 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 Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance, and City Standards; with conditions (a) through (j), (j) being the sidewalk shall be replaced the entire length of the front of the building and if the City Engineer determines that replacing the curb/gutter is needed that shall be replaced also.** Commissioner Johnstone seconded, the motion passed unanimously.

### **Commission Reports and Discussion**

There were no reports.

### **Staff Reports and Discussion**

Director Robrahn gave an update on the Comp Plan. A public hearing is tentatively scheduled for the second meeting in January. She said the changes to the Comp Plan will be rather drastic, the amount of information that will be consolidated. She said one of the goals is to make it more user-friendly and more manageable. She said there is so much in it right now it is hard to use. She is not altering the concepts of the plan but attempting to communicate it in fewer words. She will have a clean copy and a redline version with pages and pages deleted because some concepts have been repeated over and over. She said a way to reduce the amount

of verbiage in the plan was to weed out all the implementation steps. She said the Comp Plan needs to collaborate with other master plans. She said there would be a new implementation section of the Comprehensive Plan to explain the process of implementation rather than specific implementation items.

Commissioner Johnstone said to some degree they are making the Comp Plan shorter but also creating a parallel document with all the Master Plans going together which will elaborate on their points. He said we will still have just as much paperwork just in two different places.

Director Robrahn said yes and no. She said the problem with the Comp Plan is that all the information is in there but no one uses it.

Commissioner Scanlon asked if the implementation section will cover all the other portions. Director Robrahn said it will basically describe what she has outlined in the memo given to the Commissioner's tonight.

Commissioners Scanlon and Pogue both agreed that was a great idea.

Director Robrahn said there is a proposed schedule for public hearings for the Comp Plan. She has grouped various topics for each meeting. She said starting on January 19 and hopefully finishing in April and potentially the first meeting in May.

Director Robrahn went over the agenda for the first meeting in January.

### **Adjourn**

**Commissioner Moore moved to adjourn the meeting at 7:50 p.m.** Commissioner Johnstone seconded, the motion passed unanimously.