

**Meeting Minutes of the
Hailey Planning & Zoning Commission
January 4, 2010**

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

Deputy Clerk Becky Mead swore in Commissioners Owen Scanlon and Michael Pogue into their second three year term of service as Hailey Planning and Zoning Commissioners.

Review of Bylaws and Procedures

Director Robrahn stated the first of the year is a good time to review the bylaws and brief new Commissioners. She suggested consideration of a couple of changes to the procedures; whether to change the policy of whether the chair should vote for all matters or should only vote to break a tie and whether they would want to rotate the chair position annually. She reminded the Commission that during the portion of the public hearing procedure they should not state their opinion about the application until after the public hearing has been opened and closed; reserving their opinion until after they have heard what the public has to say.

Commissioner Scanlon asked whether it was appropriate to take a poll of the Commission of the way they would vote on a matter before a motion is made. Commissioner Pogue did not think any thing was wrong with it. Director Robrahn stated the City Attorney did not seem to consider it an issue. Commissioner Scanlon said sometimes the applicant can see their presentation is going wrong and request the Commission continue or table it. Director Robrahn said the Commission should be astute enough to determine whether to make a motion either way based their decision on everyone's comments rather than taking that straw vote before a motion has been put on the table.

Director Robrahn explained the reasoning behind suggesting a rotating chair was to alleviate any awkwardness that may occur if someone had any concerns with the way someone was chairing or in the case someone wanted the opportunity to be the chair but was reluctant to say anything. She said this would give everyone an opportunity to be the chair.

Commissioner Lloyd did not think there needed to be a rotating chair.

Commissioner Pogue said he did not think in this body that everyone needed to be given a chance. He said some people are good at it and it serves the function of running the meetings well. He felt they all had the opportunity if they wanted to step up and do that. He did not see the need to have a fixed rotating chair.

Commissioner Johnstone said he agreed with Commissioner Pogue. He said he prefers to have an established structure so he can think more about what is in front of him. He said he does feel comfortable with the current Commission and that if he felt like he would be better in the position he would talk to everyone, but has no interest in being the chair whatsoever. He commented that he felt that the chair should not be voting on issues.

Commissioner Moore said he is comfortable the process of voting on a new chair at the first meeting of the year. He commented if there were only four Commissioners the chair should not vote so there would not be the possibility of a tie.

Commissioner Pogue thought having input from as many people, voices, backgrounds, and experiences on an issue is important. He said he did not see any problem with the chair voting.

Commissioner Lloyd thought when there are only four people the chair should not vote because ties are awkward.

Commissioner Scanlon commented on the bylaws which state all the issues need to be decided by a simple majority. He said if there are only four and the vote was two against two there is a decision rendered but there is no majority and felt in the state of fairness that there should be an odd number voting at all times. He said he is hesitant to mandate whether the chair votes or does not vote because he does not know how future Commission Chairs are going to feel.

Commissioner Pogue said he liked the idea of the chair not voting when there are only four Commissioners.

Election of Officers

Commissioner Moore nominated Owen Scanlon as Commission Chair. Commissioner Johnstone seconded, the motion passed unanimously.

Commissioner Johnstone nominated Michael Pogue as Commission Vice Chair. Commissioner Lloyd seconded, the motion passed unanimously.

Commissioner Scanlon stated public comments for items not listed on the agenda are not noted in the bylaws and the bylaws are pretty specific on the order of the agenda. Director Robrahn said the bylaws say the agenda “may consist of the following”, but it is the chair’s call whether to keep that as a standing item on the agenda or not. Commissioner Lloyd thought that it generated goodwill. Commissioner Scanlon said he would leave the item on the agenda.

Consent Agenda

Approval of Minutes – December 21, 2009

Approval of Findings of Fact – 14 Croy Street Design Review

Commissioner Johnstone moved to approve the consent agenda. Commissioner Moore seconded, Commissioner Lloyd abstained, the motion passed.

New Business

21 Comet Lane, Unit A, LLC for a Conditional Use Permit

An application by 21 Comet Lane, Unit A, LLC for a Conditional Use Permit for a fitness and personal training studio, located at 21 Comet Condominiums, Unit 1A (21 Comet Lane, Unit 1A) within the Service Commercial Industrial-Sales Office (SCI-SO) district. Fitness facilities are a permitted conditional use within this zone with approval of a Conditional Use Permit.

Derek Agnew, part of 5B Crossfit, General Manager of Zenergy Health Club and Spa, said they are proposing a fitness facility unlike any fitness facility in the Wood River Valley. He said this will not be a health club or gym membership when you could show up anytime to use the club. He said it will be a controlled environment offering four or five classes per day, group sizes ranging from 8 to 12 individuals. He said the idea behind this is a program called Crossfit

with 1700 affiliates around the world. He said it is a very elevated personal coaching which will outreach to the community; the fire and police officers, the sheriff's officers and to all major sport teams and youth that are serious about sports.

Agnew said the occupancy will be limited to 15 people per the Building Official, and said they have no problem with that. Agnew stated the Blue Heron frame shop is excited to have them as neighbors. Agnew stated the Blue Heron's hours are usually 9 to 5. He said their hours will be 7 to 9 am and 5 to 7 pm when most of their classes will be held. He said there will also be one-on-one training.

Agnew stated they will have a shared parking agreement. He said their required amount of parking spaces are 7 spaces; 5 onsite spaces in front of the building and they will be leasing a lot which is 200 feet away for additional parking which will be maintained and snow plowed. Agnew stated parking will be noted on the website and signage at that lot specifying 5B Fitness parking only. He stated the address for that lot is 1181 Skymaster Lane which will hold 15 to 20 cars. He said vacant lots surround the building and if and when the lots are developed, they are willing to provide walkways for safe pedestrian access.

Director Robrahn stated the only issue with this application was the parking and the shared parking is a condition for approval. She said the parking agreement will be given to the City Attorney to approve, assuming that the Commission approve this shared parking plan.

Commissioner Johnstone asked if there is any plan for any signage to indicate Blue Heron's parking. Agnew stated they will do whatever is appropriate.

Commissioner Moore had no questions.

Commissioner Pogue asked staff where the items 1-7 mentioned in suggested condition d) 3. were found. Director Robrahn stated they are in the parking section, 9.4.8 h, page 7 of 12 of the staff report.

Commissioner Lloyd had no questions.

Commissioner Scanlon asked who the owner was of the additional parking lot. **Paul Conrad** stated he is the majority owner of the building and his partner Fred Bryant owns the separate parking lot. Commissioner Scanlon asked who the parking agreement will be between. Conrad stated it will be between 5B Crossfit and Fred Bryant.

Commissioner Scanlon asked Agnew how many cars can be placed on this lot. Agnew stated according to Bryant it is a 17,000 sq ft lot and he thought they could fit up to 30 cars, so Agnew said he cut that in half to 15 to be conservative. He said the lease will be the same as the lease they are doing with Conrad and his building.

Commissioner Scanlon commented that if someone is interested in developing the lot later on 5B Crossfit will have a parking issue.

Director Robrahn stated that will be something that will be included in the shared parking agreement.

Conrad stated their former tenant was the Hunger Coalition whose parking exceeded 5B Crossfit's.

Commissioner Scanlon asked Director Robrahn how that would work in the agreement and asked if they would have to have plan B at this point. Director Robrahn said something would be written to the effect that when development is proposed on that lot, 5B Crossfit would come to the city to submit a revised parking plan. Agnew stated they have a two year lease with both locations.

Commissioner Scanlon asked if they should be concerned with snow storage for the separate lot. Director Robrahn stated they will get together with the City Engineer before anything is done to the lot to make sure there will be enough space for snow storage and will make sure all city standards are met.

Public Hearing Opened

Bill Sherrerd, Airport Tech Center property owner wanted to support the project and said anything to promote businesses in that area was great. He did not see any issues what so ever.

Public Hearing Closed

Commissioner Lloyd said it seemed like their parking issues have been taken care of and he thought this will work well and has no problem with the application.

Commissioner Pogue thought this was compatible with the surrounding area.

Commissioner Johnstone thought this was great.

Commissioner Moore had no concerns and thought this was a great thing. He liked the availability for some place close to work out.

Commissioner Scanlon agreed and noted that there were not any bike racks available there and mentioned that people would probably be riding bikes. The applicant agreed to install bike racks.

Commissioner Lloyd moved to approve the Conditional Use Permit application for 21 Comet Lane, Unit A, LLC for a fitness and personal training studio located at 21 Comet Condominiums, Unit 1A (21 Comet Lane, Unit 1A), to be known as 5B Crossfit, finding that the application is in general conformance with the criteria of Section 11.4, of the Hailey Zoning Ordinance with conditions (a) through (j), condition j being a requirement to add bike racks. Commissioner Moore seconded, the motion passed unanimously.

City Initiated Text Amendment to Section 9, Hailey Zoning Ord. No. 532

A city initiated text amendment to the Hailey Zoning Ordinance No. 532, Section 9, Parking and Loading Spaces, changing the number of parking spaces required for athletic use to one space per every 500 square feet of building space.

Director Robrahn stated 5B Crossfit considered at least 3 spaces in Hailey in different areas of town and the parking requirements were prohibitive in each location. The question before the Commission is what the impacts of an athletic facility use are and whether they are any greater than a restaurant or a doctor's office which is required to have 1 space per every 500 square feet of building space. She said at some point in time she would like to look at all the parking requirements.

Commissioner Moore had no questions.

Commissioner Johnstone had no questions.

Commissioner Pogue asked Director Robrahn if she knew where the 1 per 250 came from. Director Robrahn stated she did not know. Commissioner Pogue asked if it was standard or customary with other ordinances. Director Robrahn said she did not know. Commissioner Pogue said it seemed to him that there might be similar traffic to a restaurant or other service type of business so he is inclined to agree that it might be appropriate to change. Director Robrahn stated there is a parking generation reference for general parking demands for different uses. She said that necessarily is not a one size fits all but she think in this case they should look at what they experience locally to determine whether or not this particular use would have any greater impact.

Commissioner Lloyd thought the type of gym that is being proposed will have quite a few people at the same time as opposed to a gym that will have people coming and going all the time.

Commissioner Johnstone asked after a period of time what if they wanted to conduct classes during the day as opposed to early and later in the day. Director Robrahn said that would not change their parking requirements, it could potentially change the impacts of the use and affect the Conditional Use Permit. Commissioner Johnstone asked if this will be stipulated in the Conditional Use Permit that they will be holding these classes at particular times. Director Robrahn said yes.

Commissioner Scanlon suspects the 1 space for 250 at one point in time came from the uniform building code. He agreed with Commissioner Lloyd and would like to encourage less car use. He does not see any problem with this adjustment.

Director Robrahn stated clearly the parking requirements make it difficult for a business to move in to Hailey.

Commissioner Pogue stated there are too many vacant lots and storefronts. He is happy with the change for 1 space per every 250 sq ft.

Public Hearing Opened

Denise Jackson, 421 Eureka Drive said as a landscape architect she is asked to look at parking a lot and asked the Commission to look at basing this on some kind of actual reference. She said to take some time to see how the parking works at this new facility. She said fitness centers will have more traffic because people tend to come by themselves. She said people usually come in a group to restaurants. She said you do need to plan for more parking when

usually come in a group to restaurants. She said you do need to plan for more parking when people plan to come independently. She said it was a great idea looking at the International Building Code and said it should be based on something factual than just a random gut feeling of 1 space per every 250 sq ft. She knows that Director Robrahn does her research but recommended for the Commission not to make any solidified decision until they have some numbers to back it up. She said parking is an issue that could either make or break a project if the land planning is not done correctly. She said it is usually the number one issue when she is trying to do a landscape plan. She recommended seeing how this fitness center's parking compares to Blaine County Fitness Center's.

Public Hearing Closed

Commissioner Scanlon stated Jackson made a good point. He said maybe some more work could be done and he would check the Building Codes.

Director Robrahn said the parking requirements definitely need to be looked at. She said parking is always a catch-22; there is always too much parking required and it is always the case that once in business there is not enough parking. She said she would be happy to do more work on this, not just this particular use, but all of the parking requirements.

Commissioner Moore said parking has always been an issue. He agreed with Jackson's comments. He did not think they should move too quickly and should continue this.

Commissioner Pogue thinks parking can make or break a business. He did not see any compelling need for having one parking spot for every 250 sq ft. He said he would be comfortable tonight to allow this but deferred to all the collective wishes to have more study. He does not want to study this to death and would like to make a decision on this relatively soon.

Commissioner Lloyd said he feels similar to Commissioner Pogue and feels the number is somewhere between 500 and 250 but he has no idea. He also agreed with this needing more work.

Commissioner Johnstone felt the number was a little random; he felt the definition of Section 9.4.2 could be expanded quite a bit. He did not see the differences between fitness centers, exercise/aerobics studios, even dance studios. He said if they are going to be looking at the amount of gross building area being used per parking spaces they should probably go along with expanding what applicable type of business uses should go in to that area of the ordinance. He agreed with Commissioner Pogue not beat this to death, particularly if they are going to be addressing the entire parking section later.

Commissioner Moore asked if they should put this off until later or deal with this now.

Commissioner Johnstone stated he would like to do the whole package.

Commissioner Pogue stated it might push this back too late. He feels they should continue this text amendment.

Commissioner Scanlon would like to do some code research.

Commissioner Moore moved to continue this application to January 19th. Commissioner Johnstone seconded, the motion passed unanimously.

City Initiated Amendment to the Zone District Map

A city initiated amendment to the zone district map for the City of Hailey. The application would change the zoning of Blocks 128 and 133, Hailey Townsite, located on the corner of Main Street South and Maple Street East (706 Main St. South) from Limited Business (LB) to Business (B). The purpose of the Business District is to provide areas for general business and commercial activities and a limited number of residential uses.

Director Robrahn stated this rezone was at the request of the City Council, to assist the future sale of the property as leverage toward the construction of a new senior care facility being planned in Croy Canyon. The land use designations in the Comprehensive Plan are the same for these two districts. She said her analysis involved comparing both the uses that are permitted in Limited Business and Business as well as comparing the bulk requirements. She said rezone requests are typically for the increase in density, or the increase of a building size that is allowed on a lot as far as setbacks, lot coverage, and building height. Director Robrahn stated the most important consideration is how this rezone relates to the Comprehensive Plan.

Commissioners Pogue, Lloyd, and Moore had no questions.

Commissioner Johnstone asked if there was any reason that the existing Rodeo Grounds was not being rezoned at this time.

Director Robrahn explained they are two separate but related issues and said the city is vacating the streets and alleys so there will be 3 clear lots established; a lot for the Elementary School, a lot for the Rodeo Grounds, and a lot for the County (Blaine Manor site), but a rezone of the Rodeo Grounds is not necessary at this time.

Commissioner Johnstone asked if this will come back to the Commission at some point. Director Robrahn stated no.

Commissioner Scanlon said he had a similar question as Commissioner Johnstone.

Public Hearing Opened

Denise Jackson stated she agreed with Director Robrahn that there is a mess right now [in terms of property lines]. This will allow Blaine Manor to move forward with their Croy Canyon Foundation Senior Care and Home Facility project to replace the current Blaine Manor.

Public Hearing Closed

Commissioner Lloyd thinks this is an appropriate rezone. He would like to see Business moving in to a core but thinks this is appropriate with all the new plans for the area.

Commissioner Pogue thinks this is appropriate.

Commissioner Johnstone agreed with both Commissioners Lloyd and Pogue and thinks this will clean up the edges.

Commissioner Moore agreed and felt this rezone was to a good cause.

Commissioner Scanlon commented on page 4 of 8, Section 14.8 where it states "For this application it may be appropriate to have a Development Agreement that prohibits all conditional uses listed in the LB district". Director Robrahn stated that was a cut and paste error.

Commissioner Scanlon asked what the Commission thought.

Commissioner Moore did not think this was necessary to have that as a condition.

Director Robrahn referred to a quote on page 7 of the staff report taken from A Better Way to Zone, by Donald Elliot, Washington DC: Island Press, 2008 for reference in future discussions of zoning; "Zoning is intended to control land use impacts of each property on surrounding properties and on the city as a whole...in many cases the scale of the use, rather than its name, determines its external impacts...zoning should incorporate clear standards on how uses can be operated (not just how they are built) and then enforce them".

Commissioner Moore moved to recommend to City Council approval of the city initiated application for a zone change of Blocks 128 and 133, Hailey Townsite from Limited Business (LB) to Business (B), finding that finding that the standards of evaluation have been met, Sections 1 through 4 and 14.6.1 and is in general conformance with the criteria of Section 11.4, of the Hailey Zoning Ordinance. Commissioner Lloyd seconded, the motion passed unanimously.

Commission Reports and Discussion

No comments.

Staff Reports and Discussion

Comprehensive Plan Update – Director Robrahn distributed the 1st draft to the Commissioners for public hearing on January 19, 2010.

Director Robrahn stated her memo outlines what they should be focusing on pointing preparation for the first public hearing. She would like them to look at the goals and objectives. She said at the next meeting she will give an overview of the process.

Commissioner Scanlon asked if this will be available on the website. Director Robrahn stated that she will replace the draft that is there now with this one so it will be available tomorrow.

Adjourn

Commissioner Johnstone moved to adjourn the meeting at 7:55 p.m. Commissioner Moore seconded, the motion passed unanimously.