

## Hailey Planning & Zoning Commission Meeting Minutes September 20, 2010

Call to order: Commission Chair Scanlon called the meeting to order at 6:29:16 PM

Present: Commission Chair Scanlon, Commission Vice Chair Pogue, Commissioner Lloyd, Commissioner Johnstone, and Commissioner Moore, Planning Director Robrahn, Planner Platt, Assistant Engineer Zarubica and Administrative Assistant Mead.

Consent Agenda:

1. Approval of Minutes – September 7, 2010

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

New Business:

**Public hearing upon an application by Harold & Betty Nelson for a Conditional Use Permit and Design Review Exemption for an addition to their Automotive Repair and Lube Service, located in the Hailey Townsite, Block 31, Lots 8 & 9 (115 River St S) and is within the Business (B) and Townsite Overlay (TO) districts.**

Director Robrahn stated this business has been operating as an existing nonconforming use. She said they have proposed a third service bay to be added to the rear of the building. The main impact will be on River St right-of-way; the city wants to improve River St with sidewalk, curb and gutter and they are working on a grant for that at this time. She suggested consideration of alley access which might impact the properties to the west. She said the applicant estimated they service 30 to 40 cars per day and 4 to 6 cars per day for mechanical service; the new bay would double the number of cars for mechanical service.

**Bernie Johnson**, Johnson Architectural Group passed out to the Commission a plan showing access from the alley and explained to the Commission how the alley way access would block the alley and after service vehicles would still have to be placed on the River St right-of-way.

**Keith Nelson**, Manager of Nelson Automotive stated he has an underground bay that was built in 1988. He said this addition will help him in the winter time because he cannot work outside. He said he is all for the renovation of River St.

**Curtis Uhrig**, contractor for this project explained how the flow would go primarily the same as it is now. He has been doing business with the Nelson's since 1988 and feels this is needed.

Commissioner Moore asked where the serviced vehicles would go. Nelson stated in the rear lot where they go now and adding this bay he would only lose four parking spaces and will still have 12 parking spaces.

Commissioner Robrahn stated the picture in the staff report shows where the fence is located and said when sidewalks are constructed the cars would be pushed out into the street more. She said something will have to be worked out at some point.

Uhrig stated nothing is changing with how cars are parked in front. Robrahn stated the cars will be parked waiting in the street, facing the wrong direction of the flow of traffic. She said after curb and gutter is put in on River Street the cars would potentially be able to park on River St facing south in front of the UPS lot.

Commissioner Johnstone asked what the timeline was on the grant. Robrahn said the application is due in November and they would probably have to wait until the first of the year to get a reply. Johnstone asked Nelson if there were diagonal parking with the cars facing south, is there enough room on the property for them to pull into the bay. Nelson said it depends on what they do with the curb and gutter. He said he is constantly plowing snow around his property during the winter. He said you can not even see around the corner because of the snow pile. He said his insurance does not cover the vehicles parked on River St but the vehicles are covered that are in the back. He said eventually he would like to hydro the back because he has no where to put the snow.

Commissioner Pogue said when the sidewalks are installed the cars would not be able to park on River St. and asked if that was the case. Robrahn said there are two issues; where the cars will be parked once they have been serviced and the issue of where the cars wait to be served. Robrahn said once the street is improved the customers would not be able to park their cars where they park now. Pogue said these cars will have to wait at some other space and asked Nelson if he were okay with this. Nelson said he will adjust and have to move the cars around as to not block the alley.

Commissioner Lloyd asked if the addition would be more for long term service work. Nelson said yes. Lloyd said it is more for efficiency. Nelson concurred. Lloyd asked if the addition would increase the amount of cars coming in. Nelson said yes. Lloyd said these cars are illegally parked. Nelson said he tries to keep them off of the street.

Commissioner Johnstone asked about the grant application and said the UPS lot is an open curb cut and asked if that lot would be curbed with one access point. Robrahn said the whole block would be improved with either diagonal or parallel parking. Johnstone said there could be the potential for his customers to park north of the applicant's shop.

Commissioner Scanlon said unfortunately there is no on-site parking available and asked Nelson if he tried making appointments with his customers. Nelson said he did and it did not work. Scanlon asked Zarubica how long it would be before River St improvements could be made. Zarubica said it would be two years (assuming the city receives the grant money). Robrahn said there will be workshops starting October 6<sup>th</sup> for the River St improvements. Scanlon asked Nelson how difficult it would be to reverse the direction of his shop. Nelson explained the current layout.

### **Public Hearing Opened**

**Stephy Smith**, 216 Bullion St West and said their future home is located on Croy behind Nelson's. She does not understand what the problem is regarding the current access to the

business. She suggested parking the cars southbound. She said it is a great business and they are good neighbors.

### **Public Hearing Closed**

Commissioner Pogue said he sees a successful business that wants to grow. He sees potential harm with the new street improvements. He sees a risk in the future of where the customers will park while waiting for service. He said he does see issues with blocking the alley. He suggested granting the CUP without any reconfiguration of the present layout.

Commissioner Lloyd said he did not see an issue with the alley. He did see a problem after the cars are serviced and placed on the street. He is concerned with increased cars parked in the wrong direction of the flow of traffic. He suggested that Nelson tell his patrons where to park. He feels it will be a smooth running operation.

Commissioner Johnstone was not a fan of using the alley. He feels the River Street improvements will easily accommodate parking on River St and is in favor of this conditional use permit.

Commissioner Moore asked if the alley ways in the Business zones are plowed by the City. Nelson said he was told if he paved the alley it would be plowed by the City. He said he has paved it and it has not been touched. Moore said with the improvements on River St customers will have to comply with the parking. He has no other concerns. Nelson said there are never cars left outside his shop overnight unless they are kept in the back.

Commissioner Scanlon said he agreed with the Commissioners; however there is the potential conflict with the River St improvements. He suggested rephrasing condition b.

Director Robrahn said in this case it is worth the Commission going through all of the standards and then making their findings. The Commissioners read through the standards, had discussion and made their findings.

Commissioner Johnstone said he was not in favor of the alley access and felt that the parking would all work out when the improvements go in.

Commissioner Moore said he was not too keen on staging cars in the alleyway. He does not see the minimal increase in business as a problem and would not deny this conditional use permit. After the improvements occur on River Street there will be no choice for the customers to comply with parking. He said he has no concerns.

There was discussion with staff and the Commission regarding parking for the future.

Commissioner Scanlon asked the Commission if they wanted to rephrase Condition b or just strike it completely. Commissioner Pogue said it would be tough to come up with language for Condition b and would be inclined to strike it.

Director Robrahn said it is being assumed that all the issues will be worked out with the River Street improvements and suggested to the Commission to have a condition stating something like "access to the service bays shall not impact the River Street right-of-way once the right-of-way is

reconfigured, and shall not negatively impact the function of the right-of-way once River Street is improved” and explained this will be in place just in case some things do not resolve themselves after improvements are made to River Street.

**Commissioner Pogue moved to approve the CUP application for Nelson’s Auto located on Lots 8 & 9, Block 31, Hailey Townsite, subject to condition a) set forth in the staff report, and condition (b) if any River Street improvements are made, any vehicles waiting for service will not block the right-of-way for River Street.** Commissioner Lloyd seconded, the motion passed.

**Request by Blaine County School District for an extension to the Biodiesel Fuel Tank Conditional Use Permit approval.**

Planner Platt stated the Commission approved the conditional use permit for the above ground storage tank back on October 5, 2009 and the School District is requesting a six month extension on that and if approved would change the deadline to April 5, 2011. She said she met with the School District regarding some screening issues and also mentioned the memo submitted in their packet stating they have plans to start excavation and concrete work later this month.

**Mike Chatterton**, Blaine County School District said they were waiting to order the tank until after the approval of the extension. He said after that everything will start happening and landscaping will start this week. He said it will take four to six weeks for the tank to arrive. Commissioner Scanlon said it will be put in this fall if possible and Chatterton replied absolutely, that is what they are hoping for.

Commissioner Moore asked when they planned to pour concrete; Chatterton said within 4 to 5 weeks. Moore wanted to know if it would be before October 5<sup>th</sup>. Chatterton said they did not have time to get the engineering done and October 5<sup>th</sup> was getting too close. Commissioner Johnstone asked if the tank does not go in would the weather conditions prevent it from going in at the end of October and April and wanted to know if another extension might be needed. Chatterton said who knows what the weather will be, and their intension is to have it done this year and it should not be a problem. Commissioner Pogue was in favor for the six month extension and if they end up needing another one they would probably get it.

**Commissioner Moore moved to approve the six month extension to the CUP for the above ground storage biodiesel tank for the School District.** Commissioner Lloyd seconded, the motion passed unanimously.

**Public hearing upon a city initiated text amendment to Article 4.10, Flood Hazard Overlay District of Hailey’s Zoning Ordinance No. 532. The amendments would adopt the November 26, 2010 revisions to the FEMA Map and Flood Insurance Study; clarify procedures, processes, and application requirements associated with Stream Alteration and Flood Hazard Development Permits; establish a noticing procedure for Flood Hazard Development Permits associated with subdivisions; and establish that unbuildable lots have no minimum lot size.**

Planner Platt stated the primary reason is to adopt the revised FEMA Map. She said they wanted to also clarify administrative procedures and policies to stay consistent with State Code.

Commissioner Pogue referenced 4.10.5 subsection a, and asked who was the administrator. Director Robrahn replied that she was and stated Administrator was defined in Article 2 of the Zoning Ordinance.

Commissioner Johnstone pointed out some formatting issues. Planner Platt stated they did not have time to correct all the formatting and stated there was a deadline from FEMA to get this passed by November 26<sup>th</sup> and they needed the Commission to hear this by the date of this meeting in order for the Council to have the 3<sup>rd</sup> Reading of the ordinance by the deadline. Director Robrahn stated it will be all renumbered appropriately before it is presented to Council.

Commissioner Moore was concerned with Section 4.10.7 subsection 3, and asked why accessory dwelling structures were being excluded. He asked what if someone already had a residential piece of property, and was in the floodplain and they decided they wanted to put in an ADU they would be exempt with this verbiage.

Planner Platt stated they can add language to clarify that more. Commissioner Moore suggested removing the language excluding accessory dwelling units. Platt stated a residential accessory structure could be an accessory dwelling unit. She said she could clarify that. Zarubica stated that number 3 is intended for flood proofing rather than raising your floor and that is only allowed by FEMA for the term non residential structures and those that are uninhabited. Zarubica explained further. Moore suggested including Assesory Dwelling Units. Everyone agreed.

Commissioner Scanlon referenced page 4, subsection 6, and asked what instances might require a third party review. Platt stated in the Birdwood Subdivision they had a third party review due to technical questions and issues that came from the Fire Department that required more information than what was submitted. Zarubica said there could also be an instance when there is a letter for map change or a LOMA and a river analysis is required. There could be instances where the administrator could not be an expert and might want an engineering firm to review.

Commissioner Scanlon referred to page 7, Section C, subsection a, and asked if the word significant could be removed. Zarubica said it is easier for an engineer to use the word significant. Commissioner Pogue said as a practical matter there is always some danger doing anything in a floodplain. Zarubica said that is how he looks at it as a geologist and said you cannot do anything without an impact of some sort, therefore the word significant is recommended.

### **Public Hearing Opened**

**Tony Evans** asked if this was based on a remapping of the floodplain and asked if there were any significant changes. Zarubica stated no; FEMA routinely does studies.

### **Public Hearing Closed**

Commissioner Johnstone asked how revisions to the FEMA Map and Flood Insurance Study can be adopted before they have occurred yet. Planner Platt said the revisions have occurred. Johnstone asked why they were dated November. Platt stated because that is the date they have to be adopted by.

**Commissioner Moore moved to recommend to the City Council approval of the proposed amendments to Section 4.10, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.** Commissioner Johnstone seconded, the motion passed unanimously.

**Public hearing upon a city initiated text amendment to Article 8.2, Signs of the Hailey Zoning Ordinance No. 532. The amendments would address the use of vinyl type material.**

Planner Platt said currently there are no standards for sign materials. She said they want to make sure that permitted signs are made with durable materials. They also wanted to give the business owner the opportunity to display temporary signage with less durable materials.

Commissioner Lloyd asked whether plastic signs are not being referred to. Commissioner Pogue asked if all plastic signs are being outlawed. Platt stated they did not want to see something that was not durable to be permitted.

Commissioner Moore made a graphical correction on the ordinance page, B. and suggested changing addresses to addressing. Commissioner Pogue concurred.

### **Public Hearing Opened**

Tony Evans wondered what specifically a vinyl sign was.

### **Public Hearing Closed**

Planner Platt gave the banner Open Now sign at the new restaurant on the corner of Main and Croy as an example of a vinyl sign.

Commissioner Pogue stated it is a temporary sign. Evans asked how long is temporary. Director Robrahn stated not more than 72 hours and no more than 4 times a year.

Commissioner Moore asked about campaign signs and realtor signs. Director Robrahn stated most of those signs are less than 4 sq ft which are not required to be permitted.

**Commissioner Moore moved to recommend to the City Council approval of the proposed amendments to Section 8.2.7, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.** Commissioner Johnstone seconded, the motion passed unanimously.

### Unfinished Business:

**Continuation of the public hearing upon standards associated with the implementation to the Complete Streets Plan including:**

- **City initiated text amendment to the Hailey Municipal Code to add a new title, Title 18 establishing procedures in compliance with Idaho Code sections 67-6518 and 67-6509, establishing new street design standards, and adding infrastructure standard specifications and drawings.**
- **City initiated text amendment to the Hailey Subdivision Ordinance No. 821 to amend Section 1, amending the definition of City Standards to refer to those standards adopted by ordinance in Title 18 of the Hailey Municipal Code and amending Section 5 to refer to Title 18 of the Hailey Municipal Code for minimum infrastructure improvements.**

Director Robrahn said this was continued for changes to be made to the Standard Drawings which have not been completed yet, so this will need to be continued to October 4<sup>th</sup>.

**Kevin Wallace** 409 Second Ave South said he does use his front yard for parking as well as a lot of people on that street. He said he does not have sufficient alley parking. He said currently he has to plow his alley and if he is forced to park in the alley, does the city plan on helping out with the snow removal. He said he needs to see the impacts and how can parking be accommodated on the street. He said he is for the sidewalk and bike lane improvements but not if it is up to his front door. He said he does not fully understand this yet.

Director Robrahn explained that Second Avenue is a collector street as well as a pedestrian bicycle corridor and a school connector. Second Avenue has unique planning challenges. The concept of complete streets are already adopted in the city's [Comprehensive Plan] policies but have not been called "complete streets". There is an issue of how to balance conflicting uses. She said because the city has policies to prioritize bicycle and pedestrian movements, Second Avenue is definitely a street to prioritize due to being a street that connects two schools. This design process will be triggered when there is funding for {street improvements}. She explained some of the improvements that are being considered to River Street and Woodside Blvd.

Lobb explained why he thought this will not happen. He mentioned to the Commission to consider if these changes are appropriate for old Hailey. He does not feel threatened by the cars in old Hailey. He said there are plenty of places to walk with 100 foot right-of-ways. Are we trying to solve a problem that really is not a problem? The alleys in old Hailey are a huge problem. Lobb spoke about Smart Growth. He feels there needs to be a question on how are we going to do this and do we really want to do this at all before the standards are pushed through. He feels that old Hailey should be left alone and stop planning things that the people in the neighborhood do not want. Lobb said he has a huge amount of problems with this.

Evans said he bikes and walks everywhere in Hailey. He commented on how bad some of the sidewalks are in old Hailey and said he is comfortable walking on the side of the street. He questioned expanding the old sidewalks to eight feet. He asked about the resolution made at Council about eventually having sidewalks on every street in Hailey.

Director Robrahn said the complete streets plan is intended to do two things; to set a framework to implement components of the already adopted Hailey Transportation Master Plan that deals with bicycle and pedestrian improvements; and to rename the city's existing, longstanding pedestrian and bicycle policies.

8:50:23 PM Evans interrupted and asked, was this or was this not intended, if the resolution passed, that there would be a sidewalk on every street in Hailey. Director Robrahn replied no.

Evans asked which streets are not slated for sidewalks. Commissioner Scanlon asked if we even knew that at this point. Director Robrahn stated no, because it all is dependent upon funding which she tried to explain earlier. Evans asked if standards are made based on funding. Robrahn stated no, standards are established so they will be in place for the time when there is funding. Evans asked if there were all the money in the world, which streets in Hailey would not get sidewalks. Robrahn said if there were all the money in the world and the city chose to improve all the streets the standards suggest they would all have sidewalks in some form.

8:54:24 PM **Commissioner Johnstone moved to continue the public hearing upon standards associated with the implementation to the Complete Streets Plan to October 4<sup>th</sup>.** Commissioner Pogue seconded, the motion passed unanimously.

#### Commission Reports and Discussion

Commissioner Pogue said he may not be present on November 1<sup>st</sup>.

#### Adjournment

**Commissioner Johnstone moved to adjourn the meeting at 8:55:32 PM.** Commissioner Pogue seconded, the motion passed unanimously.