

**Minutes of the
Hailey Planning & Zoning Commission
November 3, 2008**

The meeting was called to order at 6:30 p.m. by Commission Chair Stefanie Marvel. Commissioners present were Geoff Moore, Mark Spears and Mike Pogue. Commissioner Owen Scanlon was excused. Staff present included Planning Director Beth Robrahn and Planning Assistant Becky Mead.

Consent Agenda

- a. Approval of Minutes – **October 20, 2008**

Commissioner Pogue moved to approve the consent agenda. Commissioner Moore seconded, the motion passed unanimously.

New Business

Zoning Ordinance Text Amendment to Article 2, Definitions

Public Hearing upon a city initiated text amendment to Article 2, Definitions to add definitions of Community Housing Unit, ENERGY STAR, Leadership in Energy and Environmental Design (LEED) Green Building Rating system, and clarifying the definition of setback.

Director Robrahn stated these are definitions that needed to be added because of other recent ordinance amendments that used these terms. Commissioner Marvel stated there was not a definition for setback. Director Robrahn said that an amendment to that definition was determined not to be necessary. She stated that the definition to Community Housing was not added because it already is defined in the zoning code. Definitions for curb cut and drive-through facilities were added.

Commissioner Moore said the definition of curb cuts states to allow vehicular access, and asked if they could include pedestrian access. Director Robrahn stated curb cuts for pedestrians are on corners but in the street standards they are called something different. Commissioner Pogue suggested dropping the word vehicular and having it read to allow access. Everyone agreed with those changes.

Public Hearing Opened

No comments made.

Public Hearing Closed

Commissioner Moore moved to recommend to the City Council approval of the proposed amendments as modified to Section 2, Definitions, 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 Spears seconded, the motion passed unanimously.

Zoning Ordinance Text Amendment - New Section 9A, Drive-Through Facilities

Public Hearing upon a city initiated text amendment to add a new section 9A - Drive-Through Facilities to adopt standards for drive-through facilities.

Director Robrahn explained she had originally thought it would be appropriate to have a new section in the Design Review chapter establishing standards for drive-through facilities but then decided it would be better to have a new Article that corresponds to Article 9 which deals with parking and loading spaces. The proposed definition of drive-through is as follows; a structure where service associated with a principal use is provided to the customer from a service window or service area designed to accommodate motorized vehicle access.

By definition a drive-through is accessory to a permitted principle use, such as a bank or restaurant and therefore is an accessory use. An accessory use is essentially a permitted use, i.e. no special permission is necessary.

A proposed chart designates the zoning districts in which drive-through facilities would be either accessory uses or conditional uses. One bank drive-through exists in the Central Core Overlay – this would become an existing non-conforming use. All other existing facilities are located within the Central Business District (all properties lying within the Business and Limited Business districts on or adjacent to Main Street, River Street, and First Avenue, and between the intersection of Third Avenue and Main Street, and the intersection of McKercher Boulevard and Main Street) would also become existing non-conforming uses because most would not meet the new standards mainly due to curb cuts on Main Street and stacking lane requirements. Director Robrahn stated the City Engineer and ITD do not allow any future curb cuts on Main Street.

Public Hearing Opened

No comments made.

Public Hearing Closed

Commissioner Pogue moved to recommend to the City Council approval of the proposed new Zoning Code Section 9A, Drive-Through Facilities, finding that the new Zoning Code is 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 new Zoning Code will promote the public health, safety and general welfare. Commissioner Moore seconded, the motion passed unanimously.

Zoning Ordinance Text Amendment to Article 8.2, Signs

Public Hearing upon a city initiated text amendment to Article 8.2; Signs to establish hours during which portable signs can be displayed and allowing for the immediate removal by the City of signs that pose a public safety hazard.

Director Robrahn stated Planner Platt will be doing a complete rewrite of this Article and will be holding public workshops for public input. There is an immediate concern regarding portable signs based on hazardous conditions experienced last winter. The amendments would allow for the immediate removal of signs that pose a threat to pedestrian safety. It would require portable signs to be removed nightly, after a business closes, which will help the Street Department's ability to effectively and efficiently remove snow and would also eliminate the problem of fallen and buried portable signs due to snow removal activities. It would also allow for the City to remove any signs that have fallen down or that threaten public safety. Currently the City can not remove signs without giving the owner 10 days to make the subject sign safe.

The Commissioners agreed this was a good amendment. Director Robrahn stated there will be another public workshop scheduled sometime in January to discuss other amendments to the sign section.

Public Hearing Opened

Tony Evans, Mt. Express asked if these signs were real estate signs stuck in the ground. Commissioner Moore stated they were speaking of portable signs on sidewalks.

Public Hearing Closed

Commissioner Spears moved to recommend to the City Council approval of the proposed amendments to Section 8.2, Signs, 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 Moore seconded, the motion passed unanimously.

Unfinished Business

Zoning Ordinance Text Amendment to Article 10, Planned Unit Development

Continuation of a public hearing upon a city initiated text amendment to Article 10, Planned Unit Development (PUD) to delete all amenities except Community Housing from Section 10.3.8.

Director Robrahn gave to the Commission a memorandum from herself, dated November 3, 2008 regarding the PUD amenities. She also gave a copy of an email received November 3, 2008 from Kelly Jackson, Director of Outreach & Communication, Citizens for Smart Growth.

Director Robrahn stated she has made the density bonus flush with the amenity requirement. The PUD Ordinance is structured with three components; 1) waiver component, 2) amenity component, and 3) density component. She stated an applicant may request waivers and the City would also allow a 30% density increase. She said her memo explained the PUD is currently structured so that any of the amenities provided would be above and beyond what is required in the Subdivision or Zoning Code. She

said the issue is whether the requirements in the various ordinances sufficient enough for the City to prioritize community housing. She stated she went through various ordinances and compared required amenities from the PUD to the Subdivision and Zoning Ordinances. She asked the Commission if they would want to prioritize community housing and let go of all of the amenities in the PUD Ordinance.

Commissioner Pogue asked Director Robrahn if there were any way to have a PUD without at least 30% of the units being affordable housing units. Director Robrahn replied but the ordinance could be structured that way as long as the Subdivision requirement is 20% that needs to be worked with.

Commissioner Pogue referred to the language in section 10.3.8 where it states each PUD shall provide at least 30% of approved number of dwelling units or lots as community housing units. He asked would it be possible under the proposed amendments for a PUD development to have less than 30%. Director Robrahn stated no. Commissioner Pogue's concern was that the PUD development is an opportunity for the City and he did not see how developers would be attracted to use the PUD option if the requirement is that 1/3 of the units are community housing; he does not know if the percentages are appropriate. Director Robrahn said to keep in mind that waivers are a part of it and whoever is developing can ask for waivers on almost anything; this would be an additional benefit to the developer.

Commissioner Spears clarified that without a PUD a developer would have to provide 20% community housing and would have to comply with everything; but at 30% would be able to request waivers that could not otherwise be waived. Commissioner Spears asked when the last PUD agreement was made in the City. Commissioner Marvel stated the Sweetwater project.

Commissioner Spears agreed with Commissioner Pogue in regards to being too restrictive.

Director Robrahn said if the Commission did not like these amendments they could leave the PUD Ordinance as is.

Public Hearing Opened

No comments made.

Written comment submitted by Kelly Jackson of Citizens for Smart Growth.

Public Hearing Closed

Commissioner Pogue does not feel that the amendments to the PUD Ordinance are necessary at this time. Commissioner Spears agreed.

Commissioner Marvel stated the Commission will not be moving forward with these amendments at this time.

Commissioner Pogue moved to not recommend to the City Council the proposed new Zoning Code Section 10, Planned Unit Developments. Commissioner Moore seconded, the motion passed unanimously.

Staff Reports & Discussion

Director Robrahn stated there was nothing scheduled on November 17, 2008. She stated there could be a meeting if the Commission wanted a workshop.

The Commission decided to not have a meeting on November 17, 2008.

Commissioner Spears asked if he could speak to some developers in regards to PUD.

Director Robrahn stated he could.

Adjourn

Commissioner Pogue moved to adjourn at 7:20 p.m. Commissioner Moore seconded, the motion passed unanimously.