

**MINUTES OF THE MEETING OF THE
HAILEY PLANNING AND ZONING COMMISSION
Monday, July 11, 2016
5:30pm**

Present: Richard Pogue, Janet Fugate, Dan Smith, Jeff Engelhardt, Owen Scanlon
Staff: Lisa Horowitz, Robyn Davis

Call to Order

[5:28:49 PM](#) Fugate called meeting order

Public Comment

No public comments.

Consent Agenda

No public comments.

CA 1 Motion to approve minutes of June 22, 2016

CA 2 Motion to approve FF for Capstone Development – will be approved as modified.

CA 3 Motion to approve FF for Old Cutters, Inc

[5:30:50 PM](#) **Dan Smith moved to approve all consent agenda items. Richard Pogue seconded and the motion passed unanimously.**

New Business and Public Hearings

NB 1 *Consideration for a Design Review Application by Linda Bergerson for a new 1,304 square foot single family residence on a 4,826 square foot lot, located at 109 North 5th Avenue (Lot 3A, Block 96) in the Limited Residential (LR-1) and Townsite Overlay (TO) Zoning Districts.*

[5:31:13 PM](#) Chair Fugate opened the item for public hearing. Linda Bergerson introduced her project to the Commission. Lisa Horowitz noted that the garage would be accessed from the alley way (per recommendation by City of Hailey).

[5:37:17 PM](#) Owen Scanlon inquired about flashing on house. Bergerson informed the Commission of plans to focus on triangular shape for house.

[5:40:30 PM](#) Chair Fugate closed the meeting for public comment.

[5:41:29 PM](#) Jeff Engelhardt questioned the dimensions of front entrance. Horowitz reiterated that the house is modest and efficient in design, and informed the Commission that the front entrance is consistent in rulings, in that the proposed house is oriented with respect to the existing grid pattern, and the front wall plane is aligned to the street.

[5:49:31 PM](#) **Richard Pogue motioned to approve the application by Linda Bergerson for a new 1,304 square foot single family residence on a 4,826 square foot lot, located at 109 North 5th**

Avenue (Lot 3A, Block 96) in the Limited Residential (LR-1) and Townsite Overlay (TO) Zoning Districts. Owen Scanlon seconded and the motion carried.

NB 2 *Consideration for a Design Review Application by Wise Guy Pizza Pie, represented by Jay Cone of Jay Cone Architecture, for a new 3,003 square foot pizzeria located at 411 Main Street (S. ½ of Lot 3, Lots 4, 5, Block 56, Hailey Townsite) in the Business (B) and Townsite Overlay (TO) Zoning Districts.*

[5:50:50 PM](#) Chair Fugate opened the meeting for public comment. Jay Cone, from Jay Cone Architecture, introduced the site plan, sidewalk construction and marquee details. Horowitz informed the Commissioners of the proposed signs: one projecting neon sign and a flat sign that will be affixed to the front canopy.

[5:57:19 PM](#) Scanlon inquired about the marquee and whether or not it would be on property line, as well as the interference of existing vegetation, if any. Cone informed the Commissioners that the Owner intends to keep all existing vegetation, included trees, with the exception of one. Cone informed Commission that a plan is in place to evaluate the health of all trees and remove one of the front trees, as it obscures the view of the store front and proposed signage. Horowitz clarified that the trees located on the front of property, facing Main Street, are all City trees, which accounts for a 4.5 foot planning strip. Cone confirmed that the proposed signage would be on the property line and the City trees would be out from under the proposed signage. Staff to clarify process on City trees with the City Attorney.

[5:59:31 PM](#) Cone went on to explain the details of the entry and porch, which is supported by two posts and will mostly be covered.

[6:03:31 PM](#) Scanlon questioned the percentage of snow storage compared to parking and wanted to know what Cone had in mind for ground cover. Cone reassured the Commissioners that he incorporated more than enough snow storage in plan and will likely utilize gravel or pavers for ground cover. Cone also reiterated that the building, in scale and size, compliments downtown Hailey; materials are also complimentary and indicative of the turn of the century.

[6:17:43 PM](#) In wrapping up, Horowitz informed the Commissioners that the Tree Committee recommended that the tree, the one that obscures the view of the proposed signage, remain, as all trees in the area were planted during the same time with intentional spacing, and the removal of one tree would create a 'gap' in the pattern.

[6:19:24 PM](#) Chair Fugate asked Jay Cone to respond in the event the tree was not approved for removal. Cone responded with an agreement. Cone would like to come to an agreement with the City and Tree Committee, as well as discuss his options (i.e., replacement trees, relocate tree, adjust spacing of trees to expose façade, etc.). Scanlon questioned the process of removing City trees. Horowitz replied that she would follow up with City Attorney regarding process on City trees.

[6:28:42 PM](#) Scanlon also mentioned that he would like to see a horizontal element of some sort across the back façade, as he believes it to be a glaring contrast from the front design.

[6:28:42 PM](#) Chair Fugate opened the meeting for public hearing.

[6:28:57 PM](#) Scanlon remarked that he believes the building and design are nice, complimentary with the architecture currently on Main Street, but is concerned about removing one of the street trees. Chair Fugate would like to know and be interested in whether or not the Tree Committee has determined a monetary value for this particular tree.

[6:32:20 PM](#) Scanlon reiterated that he would like to see a gable, artificial vent or wainscoting on the west elevation.

[6:36:21 PM](#) Jay Cone replied to comments with a possible condition of approval where parties could meet with Tree Committee to discuss removal of street tree and/or other options, as well as develop a plan for future use.

[6:39:14 PM](#) Tony Evans noted that removing a City tree sets a precedent and believes that when people start removing trees for aesthetic purposes, other business and people will do the same. Tony noted that the trees on Main Street are what make Hailey, Hailey. Tony would rather see that the marquee be moved back to accommodate the tree.

[6:40:10 PM](#) Chair Fugate replied that, aside from the tree issue, the building is nice and well thought out. Engelhardt noted that the new Wise Guy building will be a wonderful asset to the City and would like to see the City work with the owner regarding the tree, to support a valuable business in the valley. Engelhardt also noted that the back façade doesn't bother him.

[6:42:38 PM](#) Chair Fugate noted that should the tree be removed, the cost should not be borne by the City. Horowitz confirmed that this cost would not be the City's responsibility. Horowitz also presented notes on a new condition, Condition (i). Per Horowitz, the new condition would read. 'A gable and element, such as a foe vent, shall be added on the west elevation.' Horowitz suggested that the Commission deliberate Condition (h), which states, 'All City street trees shall be retained and the marquee shall be reconfigured to accommodate.' Cone clarified that the marquee would not need to be reconfigured and would like to edit Condition (h) to reflect that. Cone also noted that if the Commission decides to retain tree, City tree would only obscure marquee. No reconfiguration would be needed.

[6:44:13 PM](#) Dan Smith stated that the area would look weird if the block had a string of trees with one missing. Smith also noted that there are other ways to accommodate the visibility of the proposed signage/building and retain the tree. Richard Pogue agreed and noted that he would rather see the tree retained, and allow the applicant to negotiate with the City to prune the tree. Scanlon agreed and reiterated that the key is to negotiate with the City regarding matter. Scanlon asked applicant whether or not rephrasing Condition (h) to state, 'the marquee *will* accommodate the existing street tree...' instead of *reconfigured*.

[6:46:25 PM](#) Cone noted that the words accommodate and reconfigure make it sound like changes need to be made to the footprint and wanted to confirm with Commission that architectural changes to the marquee do not need to be made. Commissioners agreed to strike language from Condition (h). Commissioners agreed to keep Condition (h), as, 'All street trees shall be retained.' Chair Fugate noted that she would like to explore possibilities of pruning the street tree. Pogue and Smith agreed.

[6:48:09 PM](#) Owen Scanlon motioned to approve the application by Wise Guy Pizza Pie, represented by Jay Cone of Jay Cone Architecture, for a new 3,003 square foot pizzeria located at 411 Main Street (S. ½ of Lot 3, Lots 4, 5, Block 56, Hailey Townsite) in the Business (B) and Townsite Overlay (TO) Zoning Districts, provided that conditions (a) through (h) are met. Dan Smith seconded and the motion carried.

NB 3 Consideration for a Design Review Application by D.L. Evans Bank, represented by Tom Lennon and Andy Erstad of Erstad Architects, for a new 4,595 square foot bank branch to

be located at 609 South Main Street (Lots 1-8, Block 5, Hailey Townsite) and 611 South Main Street in the Business (B) and Townsite Overlay (TO) Zoning Districts.

[7:03:02 PM](#) Chair Fugate called the meeting to order. Andy Erstad introduced the project and noted his concerns regarding the street trees on Main Street. Erstad would like to remove the existing trees and replace the trees with other, heartier trees; trees that will sustain winter and road conditions better than what is currently on the lot and on the street. Erstad mentioned that existing trees remain, the trees would be set below the grade of the new building, 24 inches in some places, and thinks it best to remove and replace with other trees. Erstad noted that each tree was evaluated and in summary, overall conditions of trees were noted to be in fair to poor health.

[7:04:59 PM](#) Erstad informed the Commission that D.L. Evans would like to extend parking to the south to accommodate for more customers, employees and visitors. Erstad informed the Commission that access on Main Street would be eliminated to meet the request of the City and customers would utilize the alleyway. Chair Fugate questioned how many parking spaces that would be in total as well as how many employees will be working at one time. Erstad noted that parking total would be 22 spaces and the future branch plans to have as many as 12 employees working at one time. Per D.L. Evans representatives, D.L. Evans hops to expand and accommodate future business operations, as clientele come from around Wood River Valley, Shoshone, Picabo, Carey and more. Erstad noted that by increasing the number of parking spaces, it would avoid customers parking in the street and/or blocking residential driveways.

[7:07:54 PM](#) Per the Hailey Tree Commission report, differences were noted in health status of the Shubert Chokecherries on Main Street and believe the trees all in good condition and should be retained.

[7:14:11 PM](#) Terry King introduced the landscape plan and noted that there are better choices for street trees. King noted that the root zones are growing toward the property boundary. King would like to see similar trees to Albertson's and would be willing to modify site plan to maintain a consistent look and feel to Hailey.

[7:19:05 PM](#) Scanlon questioned the total number of trees to be removed. King informed the Commission that 19 trees would be removed; 9 of them being street trees. King noted that D.L. Evans would be willing to plant trees elsewhere to offset the removal and proposing to plant trees larger in caliber instead of the minimum the City requires.

[7:24:56 PM](#) Mark Martins presented information to the Commissioners on the overall health of the street trees, noting each to be in poor to fair condition. Martins also noted the difficulty in working around the oak tree; a 6 to 12 foot construction zone would be required to maintain the health and longevity of the tree.

[7:29:10 PM](#) Scanlon inquired about the trees health and posed that if the Commissioners decided to leave the trees as is and require D.L. Evans to work around them, what would happen. Martins noted, "Trees in which are planted low, will die slow; trees planted high will never die." Horowitz noted that three of the trees were not covered in the report and would like to see the three trees included. Per Martins, trees 2, 3, 4, 5 are below grade and trees 6, 7, 8, 9, 10 are at grade.

[7:32:21 PM](#) Erstad noted that D.L. Evans would like to remove the trees that are in poor condition and begin to create a street tree that is more consistent with others in Hailey.

[7:33:02 PM](#) Pogue clarified with D.L. Evans that they are proposing to remove nine chokecherry trees and one oak.

[7:34:42 PM](#) Erstad confirmed and also noted that the site plan would be adjusted accordingly, and that all trees would be placed in tree grates, new trees would be planted in various locations to account for the removal of street trees, and that they would be willing to work with staff/transit group to have an approved bus stop location in front of building.

[7:36:08 PM](#) Chair Fugate questioned transactions times if 12 employees are working. D.L. Evans employee stated that transactions times can range from 30 seconds to one minute, unless they are more complex (i.e., mortgages, home loans, investments, etc.). Jessica Aguilar shared the proposal of a large community room, which they hope would bring more people to the location.

[7:39:25 PM](#) Horowitz reminded the Commissioners that parking standards are based on square footage, not on the applicant's goals, intentions, or number of employees.

[7:40:41 PM](#) Smith noted that the requirement for parking, when adjacent to residential zones, is to screen the parking area from the residential zone. Erstad noted his concerns of having a screened parking area, as the alleyway is a point of access for customers and employees. Horowitz would like to consult with the City Attorney on the definition of *adjoins*, *abut* and *faces* to more accurately determine how this language applies.

[7:43:39 PM](#) Pogue revisited the conversation regarding the trees on site and questioned the health status of each. It was noted that three Evergreens and a few Crabapple trees are currently on second lot, with two Elms that rooted there naturally.

[7:49:18 PM](#) Scanlon noted the design and architecture of the building, complimenting Erstad; however, disagreed with design of drive-thru. Scanlon suggested that the drive-thru be redesigned to better fit the building design and Hailey. Erstad noted that he would consider augmenting the design.

[7:51:46 PM](#) Chair Fugate opened the item for public comment. Peter Lobb wanted clarification on whether or not applicant has right to cut down trees on own property. Lobb noted that if decision is between a new City pole and retaining the oak tree, Lobb would like to see the oak tree retained. Lobb also noted the discrepancies in health reports from the Tree Committee and Arborist. Lobb believes the City needs to make a determination regarding the trees and maintain consistency throughout the City. Lobb also believes having a variety of trees planted throughout downtown Hailey is more aesthetic than having one specific tree or type of species. Lobb would like to have another professional examine the trees, to clarify any and all discrepancies in health of trees.

[7:54:52 PM](#) Tony Evans agreed that chokecherry trees are messy and agreed with applicant in that there are other, more appropriate trees for the lots.

[7:56:10 PM](#) Russell Moreno shared his concerns with parking and alleyway access. Moreno agreed in that a screen for the parking area needs to be considered. Moreno also questioned the visibility of the trash receptacles.

[7:57:43 PM](#) Jay Cone encouraged the Commissioners to discuss how the building complies with Design Review Standards. Cone noted that the building has a nice design and is contemporary in nature, which could help bridge the gap from historic to modern.

[7:59:07 PM](#) Chair Fugate closed the item for public comment. Chair Fugate replied that per City Code, trash receptacles are required to be screened. Fugate also noted that a Lighting Plan nor a Roof Plan has been seen and Commissioners would like to see those plans. Smith agreed and

also stated that a staging and contractor plan would need to be present prior to construction. Chair Fugate recommended a site visit to visualize trees and plants, and gain a better understanding of proposed plan.

[8:02:32 PM](#) Scanlon agreed to a site visit and noted the design and architecture as being a good balance to Natural Grocers (on south end of Hailey). Scanlon liked the contemporary design and believes it will fit nicely within the community.

[8:05:32 PM](#) Pogue complimented that the bank is a good quality design and believes it to be an excellent addition to Hailey. Pogue is not concerned with the architecture of the building, but would like to see a more in-depth landscaping plan and continue the discussion regarding the trees.

[8:09:27 PM](#) Erstad agreed that a site visit would be appropriate and mentioned his willingness to work with Commissioners and City on project. Erstad would also like more information and a decision made on the banner pole.

[8:13:25 PM](#) Horowitz informed Commissioners that the City Council will ask the Planning and Zoning Commission for their input regarding the City trees. Scanlon noted that prior to making a decision, he'd like to know what all of the options are, and what can or cannot be done.

[8:14:54 PM](#) Engelhardt requested that elevation tape be used during site visit to show proposed grade.

[8:22:13 PM](#) Chair Fugate stated that she would like to have *adjoins*, *abuts* and *faces* defined prior to next meeting.

[8:27:50 PM](#) **Dan Smith motioned to continue the discussion regarding the application submitted by D.L. Evans Bank, represented by Tom Lennon and Andy Erstad of Erstad Architects, for a new 4,595 square foot bank branch to be located at 609 South Main Street (Lots 1-8, Block 5, Hailey Townsite) and 611 South Main Street in the Business (B) and Townsite Overlay (TO) Zoning Districts, to 08/22/2016, and to convene onsite at 609 South Main Street for a site visit. Jeff Engelhardt seconded and the motion carried.**

NB 4 *Consideration of a staff-initiated text amendment to Title 18, Mobility Design, Section 18.14.014; Exemptions, to clarify exemptions for construction and reconstruction projects, and Section 18.04.016, approval by the Planning and Zoning Commission.*

[8:30:30 PM](#) Horowitz informed the Commissioners that Public Works finds that the current language is constraining and inhibits the department from conducting routine maintenance. Horowitz noted that Public Works has suggested revising current language to say:

18.04.014 Exemptions: A. Design: Ordinary maintenance activities designed to keep assets in serviceable condition, including but not limited to: sections of sidewalk and asphalt replacement that do not present design changes in excess of 30 linear feet; any maintenance to dirt or gravel streets, alleys, or pathways that does not present design changes; mowing; cleaning; sweeping; chip sealing; fog coating or spot repair; and emergency infrastructure projects necessary to guard against imminent peril, are exempt from the provision of this title.

[8:32:08 PM](#) Chair Fugate opened the item for public hearing. No public comment made.

[8:33:45 PM](#) **Richard Pogue motioned to approve the staff-initiated text amendment to Title 18, Mobility Design, Section 18.14.014; Exemptions, to clarify exemptions for construction**

and reconstruction projects, and Section 18.04.016, approval by the Planning and Zoning Commission. Dan Smith seconded and the motion carried.

NB 5 *Continuation of a City-initiated Text Amendment to Title 17, Section 17.05, District Use Matrix, to clarify: Parcel Delivery and Shipping Services; Dance, Martial Arts and Fitness Facilities, Recreational Facility, Indoor and Outdoor, Performing Arts Center, Studio Artist, and amendments to Title 17, Section 17.02, Definitions to add or modify definitions related to the above. Work Session to also include discussion of a variety of implementation issues and questions regarding Title 17, Section 17.05, District Use Matrix and Title 17, Section 17.02, Definitions.*

[8:35:51 PM](#) Continuation of a City-initiated Text Amendment from the May 9, 2016 Planning and Zoning meeting regarding Parcel Delivery and Shipping. Horowitz re-introduced text amendment and informed Commissioners that a decision needs to be made to either label text amendment as a Conditional Use or a Not-Permitted Use. Chair Fugate questioned whether or not, if labeled Not-Permitted Use, a timeframe could be established before the Ordinance change becomes effective to allow parcel delivery services a chance to relocate and/or serve the valley during another holiday season.

[8:39:51 PM](#) Engelhardt inquired about when the use was approved the first time by the City. Horowitz confirmed that no record has been found regarding first approval of Conditional Use, but the business has been in its current location since 1983.

[8:41:10 PM](#) Chair Fugate reminded the Commission that it is their job to consider the City of Hailey, not just a business or person. We need to do what we think is right. Smith shared his concerns: Is it the kind of business you want to see in downtown Hailey? Is it the best use of the space and zone?

[8:43:33 PM](#) Engelhardt noted that he would prefer to maintain Conditional Use. Chair Fugate posed questions like, 'what if DHL came and wanted to have a business in a similar zone?' Engelhardt doesn't believe there is logic in allowing that.

[8:47:19 PM](#) Scanlon recommended that the Commissioners review the conditions and decide what would be best for the City of Hailey. Smith noted that the decision would not be etched in stone; it could change in the future.

[8:49:53 PM](#) Chair Fugate opened the item for public comment. Julie Corde questioned whether or not the Commissioners and the City could assume it's a Conditional Use, as UPS is currently operating in that location. Horowitz explained that Commissioners can alter code if it is in the best interest of the City. Corde noted the importance of having a business that wants to continue to serve the area and has been in place for 28 years. Corde stated that if Commissioners recommended a Not-Permitted Use, the lot could stay vacant for several years, like many other vacant lots and building spaces in Hailey.

[8:58:37 PM](#) Chair Fugate closed meeting for public hearing. Scanlon motioned to incorporate timeframe and a Not-Permitted Use amendment to Title 17, Section 17.05, District Use Matrix, to clarify: Parcel Delivery and Shipping Services. Timeframe to be effective 03/2017. Pogue seconded and the motion carried.

[9:05:16 PM](#) Horowitz recommended a continuation for City-initiated Text Amendment to Title 17, Section 17.05, District Use Matrix, to clarify: Dance, Martial Arts and Fitness Facilities, Recreational Facility, Indoor and Outdoor, Performing Arts Center, Studio Artist, and

amendments to Title 17, Section 17.02, Definitions to add or modify definitions related to the above. Work Session to also include discussion of a variety of implementation issues and questions regarding Title 17, Section 17.05, District Use Matrix and Title 17, Section 17.02, Definitions, until September 12, 2016 Planning and Zoning Meeting.

Old Business

Commission Report and Discussion

Staff Reports and Discussion

- SR1** Discussion of current building activity, upcoming projects, and zoning code changes.
(No documents)

- SR2** Discussion of the next Planning and Zoning Meeting: Monday, August 1, 2016.
(No documents)

Adjourn

9:06:45 PM Owen Scanlon motioned to adjourn. Dan Smith seconded and all were in favor.