

Meeting Minutes
HAILEY PLANNING & ZONING COMMISSION
Monday, September 30, 2019
Hailey City Hall
5:30 p.m.

Present

Board: Richard Pogue, Dan Smith, Janet Fugate, Sam Linnet, Owen Scanlon

Staff: Lisa Horowitz, Jessica Parker, Chris Simms

5:29:18 PM Chair Fugate called to Order.

5:29:27 PM Public Comment for items not on the agenda

Consent Agenda

CA 1 **5:30:00 PM** *Adoption of the Findings of Fact, Conclusions of Law and Decision of an amendment to a Conditional Use Permit for Blaine County School District (BCSD) Bus Barn Facility, approved on July 10, 2003. The project is located at 1250 Fox Acres Rd (Lot 1A, Block 3, Wood River High School Campus PUD Subdivision), in the General Residential (GR) Zoning District. **ACTION ITEM***

5:30:02 PM Scanlon motioned to approve CA 1. Pogue seconded. Linnet and Smith abstained. All in Favor.

Public Hearing

5:30:29 PM Chair Fugate announced PH 1 and PH 2 will not be heard during tonight's meeting.

PH 1 *Consideration of a Design Review Application by FAPO Holdings Idaho, LLC c/o Engel and Associates, LLC represented by Samantha Stahlnecker, PE of Galena Engineering, for 2 new parking lots. Parking Lot A, located on the North East corner of Pine Street and S River Street will contain 8 parking stalls with access points from S River Street and the alley. This project is located at 308 and 314 S River Street (Lots 14-20, Block 20, Hailey Townsite) within the Business and Hailey Townsite Overlay Zoning Districts. Parking Lot B, located on the south west corner of Pine Street and S River street will contain 31 parking stalls with an entrance and exit access point off of Pine Street. The project is located at 401 and 407 S River Street (Lots 1-3, Block 18, Hailey Townsite) within the General Residential and Hailey Townsite Overlay Zoning districts. **THIS ITEM WILL BE HEARD ON October 7, 2019.***

5:30:40 PM Chair Fugate opened public comment to PH 1.

No Comment.

[5:30:42 PM](#) Chair Fugate closed Public comment to PH 1.

PH 2 *Consideration of a request for a Development Agreement Rezone by West Crescent Advisors Idaho, LLC, represented by Jay Cone Architecture, for an amendment to the City of Hailey Zoning District Map, Section 17.05.020, and Downtown Residential Overlay (DRO), Section 17.04R. The proposed changes would rezone Lots 1-7, Block 19, Hailey Townsite (301, 303 and 307 South River Street and 104 West Walnut) and Lots 1 and 3, Block 1, Elmwood Subdivision # 2, from Limited Business (LB) and General Residential (GR) to Business (B). Parcels 301, 303 and 307 South River Street are currently within the Downtown Residential Overlay (DRO). Lots 1 and 3, Block 1, Elmwood Subdivision # 2 (no address) are requesting to be added to the Downtown Residential Overlay (DRO). Lots to the north and the east are zoned the requested zoning district and are within the requested overlay district. The development Agreement Rezone stipulates in part:*

1. *Buildings on Elmwood Lot 3 shall be set back a minimum of ten feet (10') from the boundary of Lot 4, Block 1, Elmwood Subdivision*
2. *Buildings on Elmwood Lot 1 shall not exceed 20' in height.*
3. *A "Tent" diagram will be prepared which will establish bulk restrictions.*

PER APPLICANT REQUEST, THIS ITEM WILL NOT BE HEARD TONIGHT.

[5:30:45 PM](#) Chair Fugate opened public comment to PH 2.

No Comment.

[5:30:48 PM](#) Chair Fugate closed Public comment to PH 2.

Chair Fugate confirmed this item will be heard on October 22, 2019.

PH 3 [5:31:24 PM](#) *Consideration of a Text Amendment to the Hailey Municipal Code submitted by 1020 Investments, LLC, c/o Rick Ryerson, represented by Errin Bliss of Bliss Architecture, to Title 17: Zoning Regulations, Chapter 17.05: Official Zoning Map and District Use Matrix, Section 17.05.050: District Use Matrix, which would amend the District Use Matrix to add "Multifamily Dwellings" and "Dwelling Units within Mixed Use Buildings", as permitted uses within the Technological Industry (TI) Zoning District.*
ACTION ITEM

[5:31:42 PM](#) Linnet stated he spoke with Simms and that it was determined best to disclose that Linnet knows Ryerson from a past situation that is unrelated to this project.

[5:32:28 PM](#) Horowitz explained how this project fits in with the existing zone...[5:34:02 PM](#) Horowitz explained this request is to add a variety of uses to this zone district and the existing uses in this area. [5:35:00 PM](#) Horowitz discussed recent zone change for 1120

Broadford to SCI-SO. Horowitz summarized staff is proposing to use same language that was used in the Broadford zone change. [5:36:38 PM](#) Horowitz turned floor over to applicant. [5:36:52 PM](#) Errin Bliss, Bliss Architecture, discussed unit square size 700-800 square feet, 2-bedroom type living space on second level. Bliss explained currently first floor is all office and shop space that is currently empty with potential for living units too. Bliss explained current drawings are just conceptual plans but discussed how it could easily be modified. Bliss discussed plan was for Rick to use second floor for a call center for his business but issue had with that was lack of living arrangements. [5:40:00 PM](#) Rick Ryerson, managing partner of 1020 Investments and owner of the building. Ryerson explained upper floor has been vacant for about 5 years and discussed various businesses that he has had in main floor. Ryerson explained when trying to recruit people to come work, runs into issues with available housing. Ryerson stated potentially could have 10 units, some live work. [5:42:28 PM](#) Ryerson summarized idea came to him to help provide housing to assist in supporting his business and will continue to improve the layout. Ryerson discussed his past experience with live here work here situations. [5:44:08 PM](#) Bliss added that they are not proposing to add multifamily dwellings, explaining the misunderstanding. Bliss confirmed does not have any issues with the ADUs either. [5:45:26 PM](#) Scanlon stated he agrees with everything that has been said but the provision provided in the other property was one residential unit per work office unit. Scanlon stated he does not think this would fit in the zone. Scanlon stated he thinks the project could work and applicants headed in right direction but does not believe this proposal would work in the industrial area. [5:47:44 PM](#) Linnet asked where else this zone is located. Scanlon and Linnet discussed concern with zoning. [5:48:06 PM](#) Horowitz confirmed it has happened in Ketchum. [5:48:19 PM](#) Linnet stated he is more inclined to think that the people willing to live in the area would understand it is in the industrial area. Scanlon and Linnet discussed potential issues and concerns that could arise. [5:50:09 PM](#) Horowitz stated that it appears Linnet and Scanlon are discussing #4 of the recommendations and that it could be modified. Linnet stated his concerns of the option. Horowitz explained the idea is that you're not going to complain about your personal business or business employed by. [5:51:46 PM](#) Chair Fugate added point of work live is that people do not have to get in their car to drive to work. [5:51:55 PM](#) Horowitz added #4 is hard to enforce and is only enforced by complaint. [5:52:48 PM](#) Chair Fugate asked if store front retail allowed. Horowitz stated it was not. [5:53:10 PM](#) Smith confirmed it does not allow retail. Horowitz clarified the retail options allowed. Smith questioned certain businesses in the area. Smith stated he is supportive of the live work situations. [5:55:21 PM](#) Smith stated could see this as a similar situation as the Broadford rezone, but does not believe it should be used as multi-family dwellings. [5:55:52 PM](#) Smith stated he thinks he would be in support of a live work dwelling as the staff suggested. [5:56:40 PM](#) Smith explained thinking long term that USPS is currently located on the Main Street and could potentially outgrow that area in the future. Smith is not sure if sees that being the best use for that area and suggested to make as a conditional use permit. [5:58:13 PM](#) Pogue asked if this was allowed, where would they park. Bliss stated there is more than

adequate parking, currently 35 existing parking spaces. [5:59:27 PM](#) Pogue agrees with Horowitz that needs to review the TI district as believes it is not effective for the future of that area. Pogue confirmed affordable housing is needed but does not believe multifamily housing makes any sense. Need to tie to the industry there. [6:01:04 PM](#) Scanlon asked what Ryerson foresees the rental rates for the units to be. Ryerson stated it would be \$1.50 per square foot, plus or minus, market rate. [6:01:57 PM](#) Ryerson added with parking to parking concerns and discussed how that along with the retail core is the main area of employment for the people working here. [6:03:22 PM](#) Linnet asked if there are any restrictions on work hours and noise levels that would apply to this zone.

[6:04:14 PM](#) Chair Fugate opened public comment.

[6:04:19 PM](#) Matt Engel, owns couple of units at 1030 Business Park Drive, had multiple conversation with Ryerson. He owns a real estate that manages real estate in the valley, has a long history of Airport West. Work was done to change the development agreement to allow residential uses and allow CC&R's. Did an amendment with the city to the development agreement that originally precluded residential uses within all of SCI districts in Airport West. They were approached by a lot of business owners who wanted to build ADUs. Engel summarized process went through to do this and stated concluded the best way to allow residential uses was to have it be in tandem with the business, an owner or employee and this is written in to the regulations and CC&R's. Engel discussed complaints receives from various properties he manages in similar areas. Engel stated thinks Lisa's idea in changing the zone is a good idea and discussed difficulties he has had in the past with getting tenants in there. [6:07:12 PM](#) Engel stated if have market rate unit when talk about rents, that to him is talking about multi-family and it is difficult to control. Engel stated does not think the City wants to police that. Engel discussed parking needs to be considered. Engel summarized all in favor of ADUs somehow tied to the ground floor but want to avoid conflicts.

[6:09:46 PM](#) Bill Sherard, also an owner of 1030 Business Park, agrees with Matt that would like to tie an ADU connected with their business space. He discussed issues has had in renting it out. Sherard stated he thinks that is an appropriate use for that area. He and his wife would like to do something like that if permitted. Housing is an issue, would like more affordable housing for more employees for them to do their work. Believes density Rick is proposing is a bit much. Sherard asked if Ryerson had thought about dividing up the building and selling it that way. Believes owner live work is an appropriate use.

[6:12:25 PM](#) Rick Ryerson's wife, explained her experience in the area, has dealt with every kind of tenants and land use. Rick and her have gone through process to find best way to use this property. Does not have a tenant issue that's going to cause any issues. Looking at best use case for this area. Discussed struggles of restricting children in area and hoping could be zoned that no children under 18 be allowed in that zone. Mrs. Ryerson discussed buildings being built in larger areas that contain office space within the living units without retail area and potential of

something similar here. Just believes main need in this area is for housing. Summarized their thought process and hope to come up with best solution.

[6:16:03 PM](#) Chair Fugate closed Public comment.

[6:16:14 PM](#) Bliss confirmed what is proposing is multifamily but agrees not best use for this district. Bliss suggested possibly amending application to allow as a conditional use for this building. [6:17:19 PM](#) Ryerson stated has been an apartment manager since college and explained his history in converting industrial/business buildings to residential housing. Ryerson stated this is an employment center and that restricting the housing in his building does not make sense. Ryerson discussed market and area serving and that the project location is surrounded be residential use. [6:19:57 PM](#) Pogue confirmed total square footage of the building and current occupancy rate. Ryerson confirmed square footage and the office area is the vacancy. Pogue confirmed plan is to convert office area into residential. Ryerson confirmed. [6:21:25 PM](#) Horowitz suggested that the board could consider advancing idea of accessory dwelling unit and allowing the applicant to amend their application for the conditional use. Horowitz explained her concern regarding timing and thought that they may want to move forward. [6:22:06 PM](#) Chair Fugate summarized that she does not believe this is appropriate for this area and does not believe can restrict people with children from living there. Chair Fugate stated to her it seems appropriate to have one unit per work unit. [6:24:50 PM](#) Pogue had no additional comments. [6:25:01 PM](#) Smith agrees, not the place for a multifamily situation and that he would not have a problem going with ADU situation and or live work. Smith reiterated would like to see some form of conditional use permit process. [6:26:10 PM](#) Linnet stated he appreciates the concerns but that he is more supportive as he views the housing situation to be an emergency situation. Linnet stated only downside is the conflict of uses and rather put the decision on the owner. Linnet summarized would like to see more changes in where and how housing is allowed. [6:27:48 PM](#) Scanlon stated what happens affect the building beyond the ownership of the current owner. Scanlon summarized will never find ideal situation, explaining previous example he was part of. Chair Fugate stated that sometimes the solution could cause more issues down the road. [6:30:24 PM](#) Chair Fugate confirmed all are in agreement to allow the live work 1 to 1 scenario. Chair Fugate asked if want to discuss in future to allow multifamily dwellings as conditional use. [6:31:36 PM](#) Horowitz stated there is an error in ordinance, page 1, that intent is to leave multi-use as not permitted. [6:32:18 PM](#) Commissioners discussed possibly reviewing this in future for multi-use and agreed to wait till a proposal is brought to them. Staff and Commissioners discussed making ADU clause as a conditional due to potential outcomes in future. Horowitz added that the conditional use permit process is not cheap. Smith explained property of concern is where the USPS is located at. Commissioners discussed possible other ideas to address concern of USPS property without listing as a conditional use. [6:37:51 PM](#) Scanlon questioned the motion language if can modify. Simms stated it depends on the degree it is modified. Ryerson stated he would like to continue. Horowitz stated not available until November. Chair Fugate clarified what able to vote on. Ryerson explained has an issue with one to one situation. Chair Fugate clarified

the applicant does not want the commission to make a motion on the ADU. Board and staff discussed motion options, agreeing to table.

[6:41:31 PM](#) Scanlon moved to table this consideration and will re-notice at later date. Smith seconded. All in Favor.

[PH 4](#) [6:42:23 PM](#) Consideration of a City-Initiated Text Amendment to the Hailey Municipal Code, Title 16, Chapter 16.03.030: Final Plat Approval, to clarify that required improvements shall be substantially in place prior to Council hearing on the Final Plat, and amendments to Chapter 16.04.110: Development Standards, Parks, Pathways and other Green Spaces, Subsection H: In-Lieu Contributions, to allow Council consideration of in-kind contributions in-lieu of park land dedication. **ACTION ITEM**

Lisa Horowitz explained new public comment, new comment handed out and Commissioners took 5-minute break.

[6:49:01 PM](#) Chair Fugate called meeting back to order.

[6:49:18 PM](#) Chair Fugate questioned parts of public comment received from Marty Flannes. Horowitz explained believes parts are connected to previous project heard. Board and Staff discussed requested language changes to item J. Simms explained he does not believe there is any concern of language and why. Simms stated he does not think they run the risk pointed out by Flannes. Simms stated he think the proposed language submitted that was determined by staff and himself is sufficient to meet the goals requested. Simms stated has added clarifying language in regards to the bond posting. Simms clarified how acceptance can be taken, clarifying how the city has taken steps to avoid the situations Flannes brought to attention. Horowitz added their thoughts were that by making the developer remunerate and that bonds and cost estimates are public that will ensure that the plats are not getting approved before the right bonds are in place. Chair Fugate stated she thought this is a good thing. Scanlon asked about the in-lieu contributions. Horowitz added that it was a separate thought as part of this change. That there were two changes, a cleanup for the final plat and the other is allowing for park dedication for the city to take in kind. Horowitz stated Yeager suggested a new number 5. Linnet asked for an example. Horowitz used Sunburst Subdivision as an example, where builder offered to resurface Keefer Park. Simms stated he believes there was a similar offer with the Carbonate View Subdivision. Chair Fugate explained how she thought this could really be helpful. **[6:57:53 PM](#)** Linnet confirmed there is no issue where this amendment would remove incentive for park space. Smith explained no and why, summarizing it just provides more flexibility. **[6:59:21 PM](#)** Horowitz stated another clerical cleanup, the map size is 18x24 not what is written under B. **[7:00:08 PM](#)** Chair Fugate stated she is comfortable with Simms assessment regarding the verbiage. Pogue stated believes this corrects what they wanted to correct.

[7:00:41 PM](#) Chair Fugate opened public comment.

No Comment.

7:00:50 PM Chair Fugate closed Public comment.

7:01:52 PM Smith motioned to approve this and forward to city council for their review.
Scanlon second. All in favor.

Staff Reports and Discussion

SR 1 Discussion of current building activity, upcoming projects, and zoning code changes.
(no documents)

SR 2 Discussion of the next Planning and Zoning meeting: October 7, 2019

- Text Amendment: Airport Facilities
- Text Amendment: Parking and Loading
- Design Review: FAPO Holdings Idaho LLC

Horowitz summarized items to be discussed at next Public Hearing. Horowitz confirmed next hearing is October 22, 2019.

7:04:20 PM Pogue motioned to adjourn. Smith seconded. All in favor.