

**Minutes of the  
Hailey Planning and Zoning Commission Meeting  
Monday, February 5, 2007**

**The meeting was called to order by Commissioner Chair Stefanie Marvel at 6:30 p.m.** Commissioners present were Nancy Linscott, Owen Scanlon, and Michael Pogue, and Elizabeth Zellers was excused. Staff present were City Planner Diane Shay and Administrative Assistant Becky Mead.

**Public Hearings:**

**The Advocates Annex Croy Addition Design Review/Amendment to the C.U.P.**

An application by The Advocates for Design Review and an amendment to the Conditional Use Permit currently approved for Lots 4-7, Block 2, Croy Addition, located at 114 Croy Street West, to add two more bedrooms for shelter housing space to the site. The property is within the General Residential (GR) District.

Mike Doty presented the application for The Advocates. The application is to move an existing structure from up north to be placed on the lot to the rear of the main shelter building. He noted the non-conforming lighting mentioned in the staff report does not apply to the new building, but applies to the existing building.

Shay noted that the CUP was issued in 2002, and the purpose of this amendment is to add 2 additional bedrooms. Shay stated the applicants would like to move the building this spring, 2007. The Hailey Fire Chief noted there is no adequate access in case of a fire and unless the building has a sprinkler system there will have to be an access road added. Doty replied the building will have a sprinkler system. Shay stated the non-conforming flood light fixture is located on the existing building and all lighting will have to come into conformance. Shay asked if it was one Cottonwood tree that was going to be removed. Kurt Eggers stated that there would be 3 Cottonwood trees removed and the existing playhouse would be moved to that area. Shay confirmed that the trash containers are located inside the carport and would be wheeled out on trash day. She also noted to the Commission that the existing building is a two-tone building and the building to be placed on the back lot is a gray color and suggested to the Commission that they might want to make them match in some way.

Linscott stated that she would like to hear more information regarding the lot coverage and the accessory use. John Seiller noted there is no kitchen in the structure so it is not an Accessible Dwelling Unit (ADU). Linscott questioned the lot coverage. Seiller stated it isn't even close to the percentage coverage. Doty noted the 2 Lots total .41 acres. The existing shelter is 4,600 sq. ft., the addition is 1,200 sq. ft. and the total footprint is 5,790 sq. ft. Tricia Swartling, Executive Director of the Advocates noted there is an alley directly to the east and a vacant lot on the other side, owned by George and Nancy Woo who live in CA and they were sent a letter regarding the C.U.P. and gave their permission for the addition to be moved across their Lot. Linscott asked about the relocation of the

trees. Doty stated he received a letter from Arbor Care stating the essence which included a child's play area that Cottonwood trees were an incorrect choice of species for this location. A copy of the letter from Arbor Care was passed to the Commission. Eggers stated that it is not good for children to play near these trees. Linscott asked about the sidewalks and Swartling replied that they would put a sidewalk in. Anna Soulek, of Michael Doty Associates showed the Commission a picture of the unit with a sage green in color.

Pogue stated he agreed with removing the Cottonwood trees for the safety issue.

Scanlon asked about the 4" step and Doty stated that it would be removed and a handicapped ramp added. Scanlon asked if there was accessibility for the handicapped inside the building. Swartling noted that the main shelter is wheelchair accessible.

Doty stated there is a ramp inside the front door and the exits also have a ramp. Scanlon asked where the heating unit was located and Doty replied that it is located in a closet. Swartling stated that there is no air conditioning unit.

Marvel asked what would replace the Cottonwood trees. Egger stated they have proposed 3 new trees; 2 along the back property line and one off to the corner of the new building.

### **Public Hearing Opened**

No written comment was received.

### **Public Hearing Closed**

Linscott asked Marvel if they were looking at the applications concurrently. Linscott was unclear about the quantity of residences. Swartling stated there would be no increase in the population and the addition would house women with pets or women with boys that are older than 12 or 13.

Marvel read the issues asking Shay if they were for the Design Review. Shay confirmed the issues she read were for Design Review. The issues were the building will have a sprinkler system installed; that all lighting shall be in conformance; removal of the Cottonwood trees; painting of the new building; and installing sidewalks. Shay stated she covered the issue of the sprinkler in a condition in the Staff Report as well as painting, lighting and sidewalk. The tree removal was not covered as a condition but Shay suggests making that a condition also.

**Linscott motioned to approve the amendment to the Conditional Use Permit for the property of 112 Croy Street West, Lots 1, 2 & 3, Block 2 of Croy's Addition for the purpose of The Advocates for Survivors of Domestic Violence to continue to use their property to add safe shelter housing space to the site, finding that it conforms with the Standards of Evaluation items A-I, and is in conformance with the Hailey Comprehensive Plan, that the approval be subject to the following conditions:**

**Condition “A” complying with the Fire Department and the Building Department to have their requirements met.** Scanlon seconded the motion; the motion passed unanimously. **A corrected legal by Linscott amending the Lot numbers to Lots 4-7.**

**Scanlon motioned to approve the application for Design Review for the property of 112 Croy Street West, Lots 4-7, Block 2 of Croy’s Addition with the conditions A through I, and adding condition J that the Cottonwood trees would be removed per the landscaping plan by Kurt Eggers, and finding that the Design Review meets the criteria of the Standards set forth in the Comprehensive Plan.** Pogue seconded, the motion passed unanimously.

### **Blaine County School District Design Review Extension**

A request for an extension by Blaine County School District to the Design Review approval for workforce housing, located at Woodside Boulevard and Water Gulch Road (1111 BCSD Way) in the General Residential district. The Design Review approval was given on January 17, 2006.

Shay stated that she received a letter from Steve Pruitt on December 18, 2006, requesting a six month extension for their Design Review approval for the workforce housing and stated that their working plans are not complete at this time. As noted in the Staff Report, Pursuant to Section 6A.5 of Hailey Zoning Ordinance, the expiration date may be extended once, for an additional six months upon written request to be presented to the Planning and Zoning Commission for approval or denial.

### **Public Hearing Opened**

### **Public Hearing Closed**

**Linscott motioned to grant the extension to the Design Review approval for the Blaine County School District, for their Lots 6-11, Woodside Elementary PUD Subdivision in General Residential area located at 1111 BCSD Way.** Scanlon seconded, the motion passed unanimously.

### **Life Church Annexation and Rezone**

Application by the Life Church for annexation and rezone of “Life Springs”. The current legal description of the property is Tax Lots 7734, 6879 and 6880, located at the northwest corner of the intersection of McKercher Boulevard and Main Street. The parcel is currently zoned Residential (R1) in the County. The proposed zoning is Transitional (TN) and the proposed use is for a church.

Scanlon recused himself because he is an adjacent neighbor to the subject property.

Janine Bear, representative for the Life Church, stated the church has been in existence since 1979 and now has a congregation of 150 adults and a growing number of children. The purpose of the annexation is to build a church in the City. The County denied their application because they were too close to City Services and the well head. They asked

the City for an extension of services and were denied. When there was a debate regarding the signal at the corner of Main and McKercher Streets, she stated the church dedicated 40 ft. to the City. Bear stated the reason why the 2 lots are not encumbered is because they may need it for collateral for a loan in the future. She noted there is a landscape buffer proposed for the rear and also noted their neighbor Pat Weaver lives adjacent to their property. There is a proposed easement of River Street to open up the area. Bear stated what they have envisioned for the vacant lots is something that would be compatible with the City of Hailey, and compatible with the church. They have thought about a community center or a community meeting place. She stated that they've been offered money for the other lots but have not accepted because they want to know what is going to be placed there. The church has an agreement with the previous owners that a church will be built on the property within a certain period of time. Once there is a certificate of occupancy received the agreement will expire.

The reason for the Transitional (TN) zoning is because there are so many homes within the surrounding property. The church is allowed in a Transitional zone and suggested that something for the community could be placed in the lot to the south and that they wanted to keep their options open. They have nothing planned for the lot adjacent to Main Street, they wanted to keep that property open for at least 5 years for a land bank if needed. She stated that they have spoken with Marketron in the past and have allowed them to use the lot adjacent to their property for parking and there is room for a picnic area. Bear stated that if they were to be annexed into the City that the City could have complete say as to what is to be placed on the lots.

Bear then turned the presentation over to John Gaeddert of the Corporation for Land Planning and Engineering (CLPE) and representative of the applicant. Gaeddert stated the applicant is proposing annexation of 6.8 acres. There is a goal to square up the City's boundaries, a goal to transition between businesses and residences, a goal encouraging social services philanthropic community outreach and a goal to protecting water quality.

Transitional zoning is proposed to buffer between the business and residential districts. According to the water quality, the plumber's code denies any services within 200 feet of sewer services and noted there must be a hook up location. This is why the County denied their previous application because the water and sewer were separate from the City. The City said no to extending services outside the corporate limits. The proposal is to be annexed into the City and to use the City's utilities. The proposed uses in the church would be a youth facility, Sunday school rooms; a kitchen for weddings and a play area. There is no school proposed for the church. There would be a 3000 square foot footprint proposed that would be two stories tall.

In the November meeting there was concern that there would be a northern creep of business zoned property. The staff report noted that the Commission may also wish to consider further analysis of the Comprehensive Plan. In the Economic Development component it is clarified that the Transitional District is not considered in the Central Business District. The boundaries set forth ensure that zoning will stay in place in the foreseeable future. The recreation parks/lands recommendations were: sidewalks will be

extended with 30' of the landscape buffer; there would be no access from the highway and would extend the existing sidewalk to the north side of McKercher Blvd. Bear stated they would extend that sidewalk and noted the curb cutouts are there on both sides of the street.

Gaeddert continued and stated that Transitional (TN) zoning allows the types of use with little traffic. Transitional (TN) provides for restricted business activities within residential areas which are directly adjacent to or across a street or alley from established business areas. Gaeddert stated they have a contract with Capelin and have given the money to the City Clerk to get the report finalized. The applicant is happy to construct a church to the Commission's approval. He continued to state that they would maintain the water systems, limit any sea of asphalt, providing a total of 67 parking spaces which is more than the code requirement for the size of church they plan to build. There would be a seating capacity of 180 people. The Albertson's Lot 2 is undeveloped and they suggested working with Albertson's to find a compatible use for their Lot.

Bear stated there could be shared parking for people who work during the day.

Shay stated the analysis of the Comprehensive Plan by Gaeddert was very detailed and she had nothing to add at this time.

Pogue questioned the plumbers rule and asked Gaeddert what he could do to overcome that. Gaeddert stated that they could have appealed Bob Erickson's (of the South Central District Health) decision and they could of probably had success but that was not the spirit of what the church wanted to do. Gaeddert noted the current zoning is R-1 in the County. Pogue asked what is their time zone was and Bear stated they would like to break ground by fall.

Marvel noted that at the last meeting the Commission wanted more of a guarantee of what would be placed on the other 2 Lots. Marvel felt uncomfortable with the annexation without something more definite being proposed to be on the 2 Lots. She was concerned that the parking would be facing the street and suggested that the structure should be facing the street. Shay stated that there are Design Review guidelines that would require parking in the rear. The only reason Bullion Square has parking in the front was because the building was already set back from the street and up to the alley.

### **Public Hearing Opened**

Geoffery Moore, 1250 Woodside Boulevard stated that Transitional zoning is an issue. He stated that he is not against the church, but the other churches in the City are in General Residential (GR) zoning. He felt the Transitional (TN) zoning would not apply to the area because it is not a buffer for the City.

Patricia Weaver, 101 Mountain View Lane, in River Grove Ranch Subdivision noted that her property is to the north of applicants' schematic. The River Grove Ranch Subdivision is CC&Rs state that each lot cannot be further subdivided. She asked what was being put

in as an easement. The CC&Rs do not allow for anymore developing and noted that the lot lines could be moved. She stated that 30 years ago the applicant's property was the Walker Ranch. Weaver noted that they all investigated the buffer zone and were reassured that it was all going to be maintained in the County. Weaver noted the comment of a strip mall right across the street from Albertsons. She continued to state that if this property is annexed into the City, the property would no longer be a buffer zone, her property would become the buffer zone, which would lower the value of her property. There is history of businesses being located in the downtown core of Hailey, and all development should stay on Main Street in the City. She also mentioned that commercial development should be kept in the City. She pointed out the empty buildings that are on Main Street and asked why the City wasn't pressuring the owners to do something with them. Weaver also noted that Nancy Finn asked her to read her letter. Shay stated that her letter was received and the Commission had a copy in their packets. Weaver also stated that she received an email from Lynn Publin at 5:37 p.m. who resides at 109 Mountain View Lane. Publin stated she owns property in the River Grove Subdivision area at 109 Mountain View Lane and is opposed to the Transitional (TN) zoning and annexation. She stated that the surrounding properties would be negatively impacted. The current owners in the area made their purchases based on the current zoning of General Residential. Shay asked for copies of letters for the record. Weaver stated the applicants first asked the County for a variance to build a church, but they wanted a church that was twice the size of the Albertson's store. She suggested for the applicant to build their church at a reasonable size that the County could provide a septic tank and water service.

Win Weaver, 101 Mountain View Lane, asked if they would have any say as to what lot the church building would sit on. He asked if the building could be proposed to sit on another lot. He stated that there is a row of trees so they don't have to see anything next door to them and he says they plan to extend their berm. He asked that the church combine their 3 lots into 1 lot.

Shay clarified what the permitted uses are within the TN district and noted that this zoning would not allow full retail. The conditional uses would also prohibit a strip mall.

Geoffery Moore stated to maintain the residential integrity of the neighborhood; the building design should follow the design of the existing neighborhood. There should not be a large church built and he also stated that there doesn't need to be more vacant lots in the City.

Weaver asked if they could grant what they are proposing without having lawyers and doctors offices included. Marvel stated the Commission could discuss alternative zoning but couldn't note what could be placed in the Transitional (TN) zoning.

Shay stated she received a letter from Star-Weekes and Nancy and Doug Fin that were opposed to the annexation and rezone.

Bear commented that the church building is proposed to be 6,000 square feet which is smaller than Albertsons. The church would be on one lot, and there are no plans for the Lot on Main Street. She stated they've turned down offers for that lot all the time. They want to wait for compatibility. In the future if Marketron wanted to buy the lot near them that would help the church with their debts. She stated that they wanted to be compatible with the neighbors. She stated that they do not want a strip mall or businesses there and want a low impact and their activity would be on Sundays and in the evenings. She stated they have kept the landscape buffers in place.

Marvel had a question for Shay regarding the letter from Nancy and Doug Finn. She noted the letter stated that when Albertson's was built they were reassured that it would remain the buffer between the City and the County, and asked Shay if that was true. Shay replied that she looked into that and couldn't find anything.

### **Public Hearing Closed**

Pogue stated he is struggling with the proposed uses; a church would be a good neighbor to the City but he is leery of businesses extending to the north. General Residential (GR) may be a more appropriate zoning and asked why annexation was necessary.

Marvel stated she is in agreement with many of the comments that she has heard. She stated that she is now questioning if the Transitional (TN) zone would be a good buffer between General Residential (GR) and business. She was concerned with the property being at the edge of the City and is struggling with the zoning which would allow businesses. She stated that she would feel more comfortable with a General Residential (GR) zoning and noted that she is not ready to recommend this annexation at this time.

Linscott stated that she sympathized with the neighbors. If there were just a church, there wouldn't be any problem. She pointed out there are a lot of big buildings being built in the core right now and didn't feel that the City needed any new office space and feared the front lot located on Main Street would look like an office park. If it were just a church or if the lots could be minimized, that would be a much more welcoming entrance into the City. She thought the church could be more creative with what they wanted to do with the empty land. She suggested that the easement be removed for River Street extension. Linscott stated that without further knowledge of what would be placed on the Main Street lot, she didn't see how she could make a recommendation at this time.

Marvel suggested the church be annexed with General Residential (GR) zoning which does allow for a church and she realized that the neighborhood to the west are also worried of Transitional (TN) zoning. She asked Gaeddert if GR would be a zoning that the applicant could work with.

Gaeddert stated that based on the intensity of the uses in the area that he didn't see the lots being suitable for residential zoning and that the surrounding areas are intensely developed as commercial. The shape of the land is the reason for the TN zoning. If the land were shaped differently then that would create a whole new situation.

Marvel stated that she is not concerned about the church, that she is concerned about the other things that could happen with Transitional (TN) zoning.

Shay asked if the Commission was stating that they would allow the annexation if the applicant were requesting GR zoning rather than TN?

Linscott replied no, that wasn't what she was stating at all. Pogue stated that Transitional zoning on lot 3 might be feasible and questioned to what extent lots 1 and 2 could be combined and to have the church on one lot and have the front green space to soften the approach to Hailey.

Bear stated they are willing to erase the front lot line. She stated they would remove the River Street easement which was requested by the City and give 30 feet of landscaping for a buffer.

Linscott asked Shay to speak about the types of typical concessions that were made and what type of recent historical applications were approved for annexations. Shay stated that annexation agreements are wide open and are negotiated between the applicants and the City. She added that some of the items that are being discussed would be appropriate in the annexation agreement that would ultimately be approved by the City Council. Marvel stated with another annexation down by the river that they really got down detailing and with a parcel as large as this it seems to be too open ended.

Shay asked the Commission to choose a direction that they would like to go with this annexation.

Marvel would like to suggest tabling this and ask the applicant to come back with a different proposal. Shay asked if the applicant had enough clarification as to what the Commission would like to see. Linscott stated she is opposed to Transitional (TN) zoning and the 3 lots. She stated that they need to be specific as to what they would want to do to the area. She asked the Commission if they are opposed to the annexation and she felt they needed to be very clear to the applicant as to what they want to see. Pogue stated he would like to see the church be on Lots 1 and 2 and for those lots to be zoned General Residential (GR) rather than TN zoning which would allow something that he didn't know about to be there. He also noted that he would be fine with Lot 3 being zoned Transitional (TN). He stated he is not comfortable agreeing to something that he doesn't know what he is agreeing to. He asked the applicant to come back with something different, noting what is proposed for the vacant lots.

Marvel questioned the Commission if they were asking the applicants to combine lots 1 and 2, for the church to be on one lot and have lot 3 to be zoned transitional as a buffer between the residential areas possibly.

Gaeddert suggested making that change now and that there is no subdivision application and the proposed lot lines don't exist anywhere. He asked the Commission if their

findings were to have lots 1 and 2 zoned GR and lot 3 zoned TN. Pogue stated they could get very detailed with the annexation agreement as to what would be on the parcel. He would like a sense of what's going to be there and where.

The Commission would want a condition for the annexation to be a church built on Lots 1 and 2 of the parcel, Lot 3 to remain TN zoning and not further subdivided.

Marvel proposed to the Commission to continue the Life Church application until the next meeting on Tuesday, Feb. 20, 2007. **Linscott motioned to continue the Life Church application until a date certain on Tuesday, Feb. 20, 2007.** Pogue seconded; the motion passed unanimously.

**Approval of Findings of Fact:**

None

**Approval of Minutes:**

None

**Commission Reports:**

Marvel will be absent 2/20/07.

Scanlon questioned the 50% slope line and Shay stated this could be addressed at another time.

**Staff Reports:**

None

**Adjourn:**

**Linscott motioned to adjourn the meeting at 8:30 p.m.** Scanlon seconded; the motion passed unanimously.