

**MINUTES OF THE REGULAR MEETING
OF THE HAILEY PLANNING AND ZONING COMMISSION
HELD MONDAY, FEBRUARY 21, 2006
IN THE UPSTAIRS MEETING ROOM WITHIN HAILEY CITY HALL**

The regular meeting of the Hailey Planning and Zoning Commission was called to order at 6:35 p.m. by Commission Chair Kristin Anderson. Commissioners Trent Jones, Stefanie Marvel, Elizabeth Zellers and Nancy Linscott were present. Staff present included Planning Director Kathy Grotto, City Planner Diane Shay and Administrative Assistant Marti Amsbaugh. Minutes submitted by transcribing secretary, Deputy Clerk Tara Hyde.

PUBLIC HEARINGS

ERSTAD ZONING ORDINANCE TEXT AMENDMENT—BUILDING HEIGHT

An application by Erstad Architects for a Zoning Ordinance Text Amendment. The amendment would change the maximum building height in the Business District from 35 feet to 40 feet. **(Continued from January 17, 2006, public workshop)**

Grotto gave the procedural history of the application. On November 7, 2005, the Commission considered a proposed amendment to Section 4.7.5, Bulk Requirements, in the Business District. The amendment would change Subsection 4.7.5 (d), Maximum Building Height, from 35 feet to 40 feet. Following discussion and input from Fire Chief Mike Chapman, the Commission tabled the application and directed staff to re-notice the issue to provide more specific information pertinent to fire safety issues and allow more public input.

On January 17, 2006, the Commission held a public workshop to further consider the proposed height increase. Extra public notice was provided for the workshop to invite public comment. Information from the Fire Department, Building Department, and Idaho Power was provided to the Commission. Staff reworked the proposed verbiage to include a limitation of 3 ½ stories above grade within a 40 foot structure, along with a requirement that the bottom ½ story be for an open parking garage. Grotto believed it clear that the amendments to the appendix of the Fire Code would need to be put in place prior to this Ordinance becoming effective. She believed it worthwhile for the Commission to discuss whether they would like the new Design Review Guidelines (DRG) in place prior to this becoming Ordinance, or if they were comfortable with what is currently in place.

Andy Erstad, 420 Main Street, Boise, Idaho, the Project Architect, was present to answer any questions or concerns the Commission might have. He indicated they are pleased with the progress being made with the proposed amendment. He asked that the Commission move the application forward to the Council and work on the DRG concurrently. He believed the Guidelines in existence worked well with the proposed amendment.

Anderson asked about scheduling of DRG amendments in relation to this application moving forward. Grotto indicated a workshop was tentatively planned for late March and if this application was recommended tonight it would probably be heard by the Council by the end of March. There was discussion about life safety requirements being met through the current DRG's.

Marvel questioned why the residential component requirement as part of an incentive for increased height was not included as previously discussed.

Jones indicated he was not in support of the application, because he did not believe the ordinances should be changed to help a landowner get "out of a jam". The applicant knew about the topography of the property when the land was purchased.

Anderson opened the public hearing.

Ken Ward, 318 Main St S., expressed concern with the lower floor area being used only for parking. He believed storage and mechanical rooms should be included. He suggested the City not limit itself in the future. He addressed Marvel's comment regarding incentive; he believed the City should freely look at an application presented upon its own merits and not over-regulate.

Grotto advised of letters received from Rob Lonning/Elizabeth Jeffrey, who stated they were opposed to the height increase. A second letter from Ron Taylor suggested this was a good reason to address streamlining of emergency services.

Anderson closed the public hearing.

Jones indicated his belief that it was important to have the emergency services available to handle a structure of greater height, prior to allowing that height. It was a significant life safety issue that needs to be addressed, as the city is currently on the threshold of requiring a full time fire staff instead of the volunteer basis now worked on. He was against the proposed amendment.

Anderson did not believe the applicant's "hardship" played into her thoughts of whether or not this amendment should be recommended. She did agree the amendment would change the scale of Hailey and should be discussed.

Linscott agreed she had questions about whether or not they were putting the cart before the horse. She stated that at the last meeting she felt assured that with certain design elements, those firefighting limitations were mitigated. She agreed with Ward's comments about other uses. She was torn about the housing incentive, she believed in mixed used housing with businesses, but believed over-regulation might backfire on the city. She stated belief that sometimes current limitations need to be looked at from a fresh perspective. She believed over regulation would stifle the creativity sought in keeping the feel of Old Hailey.

Marvel was not prepared to increase the building height limitation when there is already a concern of building heights in town and we are at the edge of what we can currently fire fight with equipment in place. She believed the city needed to get bonuses for the added height. She believed daylight parking should be required to allow the additional height. Requiring residential is also reasonable. She believed the additional height was not needed for a developer to be creative, that they could be very creative with the height of 35 feet, and so should provide the bonus of residential for the increased height. She said the height decision was still a wash because any increase would apply to both sides of Main Street, not just the lower bench of the west side.

Zellers expressed concern about the life safety issues and believed that design guidelines needed to be in place before recommendation to the Council.

Grotto reminded that the life safety issue was a separate issue from the DRG, and the requirement for it resides in the IFC and the IBC. There was clarification that the fire code changed, lowering the height limit, creating the conflict with the Ordinance. She restated the Fire Chief's firm recommendation of absolutely no more than a maximum of 3 ½ stories within a maximum of 40 feet.

There was discussion about use of the space for other than parking. Anderson and Marvel both believed that the city would not benefit from any other use than parking. Linscott did not think parking in Hailey was a tremendous issue. Anderson believed underground parking to meet parking requirements was a good alternative, especially in a building that contained residential units and added her belief that daylight parking should be the only use for increased height. There was discussion about a residential requirement for the additional height of 40 feet.

Anderson reopened the public hearing.

Ward stated belief that a developer would gladly install a housing component with the additional bonus to building height. He spoke with the city about a project for the Wise Guy Pizza Pie building and could not afford to make the project work without the additional height. People want to add the little flat that is affordable to the people who choose to live in the area.

Erstad stated if the ½ story is eliminated, the IBC challenges of parking being considered a story puts you back to 3 stories with no parking. Parking is critical to the desire of mixed use in the downtown core. Erstad reminded that the IBC requires a 40 foot building to be fire sprinkler-ed, which protects assets and occupants of the building. He hoped the Commission would recommend to the Council and reminded them that they would see each building through the design review process. He agreed with Ward's comments about not tying the city's hands. He believed the city might see a couple of projects that will help shape the DRG.

Anderson closed the public hearing.

Clarification was given that the bottom level could only be used for parking and circulation allowing for stairwells, etc. Anderson expressed concern that the language as written would allow for presentation of daylight parking to the Main Street elevation and suggested verbiage to include a maximum of 3 stories presented to Main Street, effectively removing the need for the ½ story verbiage.

There was discussion about inclusion of language in the recommendation that DRG be approved before the adoption of this amendment.

There was discussion of at least one residential unit(s) being included in the language.

Linscott believed the Fire Chief had a comfort level if the DRG included certain design elements, which gave her a comfort level for recommendation.

Marvel moved to recommend the application, finding the application in compliance with both the Economic Development and Growth Management sections of the Comprehensive Plan, that there are available public services to support the full range of uses and the uses are compatible with the surrounding area, with the following conditions:

- 1. The appropriate amendments to Appendix D of the IFC shall be officially adopted prior to the height increase becoming effective.**
- 2. Revised Design Review Guidelines addressing buildings over a certain height shall be adopted prior to the height increase becoming effective.**
- 3. The 40' height shall be a bonus when a residential unit is included.**
- 4. No building shall exceed 3 stories along its primary street frontage.**

There was discussion about use of the word “frontage”, with Grotto indicating she understood what the Commission was asking for and would bring language forward that would be reviewed again by the department heads before going to Council.

Linscott seconded, and the motion carried with Jones in opposition.

HAILEY COFFEE COMPANY CONDITIONAL USE PERMIT

An application by Hailey Coffee Company for a Conditional Use Permit for a Hybrid Production Facility for roasting coffee beans at 308 River Street South (Lot 14, Block 20, Hailey Townsite), associated with Hailey Coffee Company’s retail outlet located at 219 South Main Street. Both properties are within the Business District and Hybrid Production Facilities may be allowed through the CUP process.

Mike Leo, owner of Hailey Coffee Company, made the presentation to the Commissioners. He explained the roasting process. They, on average, do 3 roasts per day. The duration of the roasting process is approximately 15 minutes and the only smoke produced occurs during the final 2-3 minutes of that process. The beans are roasted during non-business (typically not between the hours of 8 AM and 4 PM) hours so as not to interfere with daily operations of surrounding businesses. The emissions occur, on average, 6-9 minutes per day and primarily consist of ash; the by-product of oil and sugar. If necessary, an air scrubber (catalytic converter) can be fitted to the existing

exhaust stack to lessen the emissions. Leo said this is a considerable expense, approximately \$8,000 to \$12,000; however, he said he is willing to purchase this equipment in order to keep his business in operation.

Shay reminded the Commission that they amended the Zoning Ordinance to allow Hybrid Production Facilities to operate on more than one premise within the same zoning district. The Hybrid Production facility is a Conditional Use in the Business District, which has prompted this application.

Shay added that complaints have been received during the summer months, when windows were open and beans were being roasted. The city wished to address the issue while allowing small businesses to thrive. She suggested the Commission discuss items d and g of the Standards of Evaluation listed in the staff report with relation to this application.

Anderson suggested adding a condition that the applicant roast only during non-business hours. Leo indicated there are also people who compliment the odor of coffee roasting.

Anderson opened the Public Hearing.

Shay advised of a letter in support of the Hailey Coffee Company received from Wilford Sisiam, 300 South River Street, who requested there not be an increase to roasting hours.

A letter from Kim Mazik, 314 South River Street, was received advising that she supported the use, but asking that roasting be limited to nights and weekends.

Leo also commented that he received a letter directly, stating support for his business, but neglected to bring a copy with him.

There being no more comments, Anderson closed the Public Hearing.

There was discussion about re-evaluating the Conditional Use Permit.

Hours of roasting were discussed.

Linscott moved to approve the application, finding it in conformance with the Comprehensive Plan, with the following conditions:

- a) **All Fire Department and Building Department requirements shall be met.**
- b) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**

- **A pre-treatment inspection shall be conducted prior to issuance of a Business License.**
- c) **All new or existing lighting on both the roastery and the Hailey Coffee Company must comply with the Hailey Outdoor Lighting Ordinance.**
- d) **The Conditional Use Permit will be reviewed again upon valid written complaint received by the City. The Conditional Use Permit may be modified to include a condition that an air scrubber be included in the exhaust stack.**
- e) **The applicant will maintain roasting hours that are compatible with hours of surrounding businesses to ensure no offensive odors to those surrounding businesses.**

Zellers seconded and the motion carried unanimously.

The commission took a 5 minute recess.

ANCHOR BUILDING DESIGN REVIEW

Bruce Bothwell, Anchor, Inc. has submitted a Design Review application for the Anchor Building, located at 616 Main Street South, (Lot 18, Block 4, Hailey Townsite). The applicant is proposing new construction of a 1,126 square foot building on a vacant lot that will have some office and retail inside.

Bothwell made the presentation to the Commission. He explained he owned the lot to the south also, which currently contains the Iconoclast Book Store. He said this will be a small building with bungalow style architecture, painted horizontal siding, a mix of cedar and composition shingles and cultured stone wainscoting around the base of the building and the porch columns. Colors include sandstone on the pillars, and black shingles. The color palette was recommended by Behr Paints.

Shay presented that the most important issue is the construction of the building in terms of proximity to the side yard setbacks. The Building Official advised the building needs to be a one hour building with relation to fire walls, and comply with all IBC requirements. Shay advised that certain construction requirements would need to be met because of the penetrations in the walls within 10 feet of the property line. Parking and snow storage off the alley was also an issue. The applicant has indicated he will supply a new site plan with parking pushed back and snow storage pushed up against the building. The applicant indicated he has 40 feet from back of building to property line; 300 square feet of snow storage will be required. Two snow storage areas have been proposed that leave the required parking and still allow snow storage to remain on the property.

Bothwell advised that the Building Official had turned the wall penetration issue over to the Code Council and was awaiting reply. He said the building would be built to IBC and IFC standards. He said the windows were 6 feet from the property line and were not an issue. Issue was with wall fire rating construction.

Linscott asked why there were no windows in the rear of the building. Bothwell advised

much of the building would be covered by surrounding buildings and he wanted to include the attractive components were they would be seen. Bothwell is hoping the Code Council will elect to support his desire to site the building as presented, but acknowledged it could go either way. Bothwell expressed his appreciation for buildings of small scale.

Zellers asked the definition of a one hour building. Anderson replied it was a building in which the walls should take at least an hour to burn down.

There was discussion of tabling the application with Grotto clarifying the Commission should only look at the plans through the Design Review Guidelines, because staff would address whether or not the building met IBC and IFC requirements and if it didn't it could not be built.

Anderson opened the Public Hearing.

There being no comment, Anderson closed the Public Hearing.

Anderson commented she thought the building design was cute.

Marvel asked if it was really what the Commission wanted to see on Main Street. She felt it was more Transitional District appropriate. The building spoke against the density issue.

Jones said the alternative was to tear down Iconoclast and build a large building to achieve density.

Marvel agreed density could not be demanded.

Jones said he likes the diversity on Main Street, with small and large buildings adding balance and proportion.

Linscott commented that the scale of the building will allay people's fears of canyonization of Main Street. She believed the building was well suited to the lot, while preserving the Iconoclast building and the neighborhood character.

Jones moved to approve the application finding in conformance with the Comprehensive Plan, does not jeopardize the health, safety and welfare of the general public and conforms to the Design Review Guidelines specified in the staff report with the following conditions:

- a) **All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**
 - **The building at its proposed location must be constructed as a one hour building and shall meet all requirements set forth in the**

International Building Code and International Fire Code.

- b) **This building has been designed as an M or B occupancy classification. Any change in use or occupancy type may require additional improvements and/or approvals.**
- c) **All City infrastructure requirements shall be met. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**
 - **All water and sewer services shall be constructed to meet City standards. Any existing lines that will not be used shall be abandoned.**
 - **The site shall have adequate snow storage.**
- d) **A revised plan shall be submitted showing accessible snow storage on the lot.**
- e) **The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.**
- f) **All exterior lighting shall comply with the Outdoor Lighting Ordinance.**
- g) **Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided as approved by the City Attorney, before a Certificate of Occupancy can be issued.**
- h) **The Planning & Zoning Administrator has the authority to approve minor modifications to this project prior to, and for the duration of a valid Building Permit.**

Zellers seconded and the motion carried unanimously.

FINDINGS OF FACTS:

Sun Valley Center for the Arts – **Linscott moved to approve as written**, Zellers seconded and the motion carried unanimously.

Meriwether Building – **Marvel moved to approve as written**, Linscott seconded. Jones and Zellers abstained themselves. The motion carried.

MINUTES:

January 17, 2006 – **Zellers moved to approve as written**, Marvel seconded and Jones abstained. The motion carried.

COMMISSION REPORTS:

Linscott told the Commission about her recent trip to Telluride, Colorado. She visited the neighboring town of Rico, Colorado, which is in the process of developing Design Review Guidelines. Linscott said the Town currently permits single family residences to be built on lot sizes of 4,500 SF with zero lot lines and mine shaft style homes. Jones asked if she took photos. She replied no, but would try to obtain some.

She also told the Commission about the use of gondolas as public transportation from downtown Telluride to the Mountain Village.

STAFF REPORTS:

Council Update – Grotto advised the Commission is moving forward with Old Cutters.

Mason Herrington Workshop – Grotto advised the Commission the Workshop would be held in Pocatello, Saturday, March 25 and in Nampa, Saturday April 8. Zellers commented she might be able to attend the April 8 Workshop.

Tom Hudson – March 3 and 4 – Grotto advised the Commission the City of Hailey has been invited to participate in a design charette in Ketchum. The schedule has not been finalized as yet, but she will let Commission know once it is.

Special Meeting – March 15 or wk of April 10?

Grotto would like to schedule a special meeting to discuss revisions to the Community Housing Ordinance. She asked the Commission to consider what time would work best for them. April seemed to work best for the Commission.

There was discussion about the Whole Communities concept.

Jones moved to adjourn, Linscott seconded and the motion passed unanimously.

The meeting adjourned at 8:45 PM.