

**MINUTES OF THE
HAILEY PLANNING AND ZONING COMMISSION
Monday, June 4, 2007**

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

Public Hearings:

An application by Portage Bay Partners for Design Review of Airport Circle AutoPlex, located on Lots 1F and 1G, Block 2 of Airport West Subdivision, at 1510 and 1530 Colibri Lane, in the Service Commercial Industrial-Industrial (SCI-I) district.

Janet Jarvis of Jarvis Group Architects presented the application for the Airport Circle AutoPlex. She stated that this project will be done in three phases with the first phase being an auto park garage. Jarvis said she received a letter from the Airport West Subdivision Architectural Review Board approving the project. Jarvis stated they would like to start construction as soon as possible. Jarvis explained to the Commission the sample colors and what they will be used for.

Shay stated to Jarvis that she hadn't received the letter from the Airport West Architectural Review Board. Jarvis said she would get Shay a copy. Shay stated what the Department Heads' comments were; unused water services need to be abandoned; they are unable to determine if drainage was appropriate as more plumbing detail is needed in order to make that determination. There seems to be a problem inside in regards to the ADA bathrooms. Shay previously spoke to Jarvis in regards to the bollard lighting at the proposed mounting height of 3 feet that was excessive; Jarvis is aware and agreed to lower the wattage of that fixture so that it would not exceed 600 lumens. Shay stated snow storage and lot coverage all appear to comply. Shay noted there is some solar gain with windows and doors on the east and west elevations; there are also windows and doors on the north and south elevations as well. She stated the intended use for the building is to store vehicles so this building wouldn't be consuming a lot of energy. Shay stated snow clips will be installed on the east and west elevations of the roof. Shay mentioned that Jarvis touched on the native grasses that would be used. Shay referred to the Staff Report on page 8, item D Staff Comment reads: There are some areas of native grasses adjacent to existing Kentucky bluegrass lawn. The Commission should consider how these two areas adjacent to each will look when mature and if they are compatible.

Scanlon asked what the dark brown color would be used for. Jarvis stated that it would be used for the fascia. Scanlon stated the Building Official's comments mentioned the eave of the roof system encroaches into the setback which will require a parapet or fire rating. Scanlon stated typically there can be a projection of 30 inches into the setback and asked Jarvis if it was further than that. Jarvis replied no. Scanlon asked if there was a CMU wall and Jarvis replied yes, on the east and west sides there are. Scanlon asked where the sidewalk to the north went. Jarvis stated it goes to the street. Scanlon asked how the electrical units will be screened. Jarvis stated

they would like to use a cedar fence. Jarvis stated a fence will be placed around the equipment in the set back area. Jarvis asked what the maximum height of the fence could be. Grotto replied the maximum height for a fence in SCI district would be 8 feet. Jarvis asked if that could be in the setback and Grotto replied yes. Scanlon stated while reading the **Zoning Ordinance Design Review, Section 6A, 7.2.1 Design Review Guidelines for Non-Residential Buildings, B. Building Design; 1. Visual relief shall be provided for linear buildings. Extensive repetition of similar forms on large monolithic surfaces that would lead to the perception of a large building mass is inappropriate.** Scanlon asked Jarvis if she had ever considered articulating the walls and stated it is a 100 foot plus long building. Jarvis replied they are breaking it up with wood at either end. She stated she wanted to make both the north and south articulated from the CMU block. Scanlon asked if she would consider breaking the building in half. Jarvis replied that it would get tight with the way the parking was laid out to break up the building. Scanlon stated the plate height on the shops on the end is generous at 10 feet and asked if she would consider lowering it and maybe breaking up the roof line on those two end elements. Scanlon stated he is having trouble with the linear appearance of the building, especially from the west side.

Marvel stated that this issue was also her concern. She suggested to Jarvis that maybe raising the roof line to the center garages and changes the siding to give a little relief.

Pogue was concerned about the linear aspect also. He stated that Guideline B.1 had not really been met. Jarvis stated it is a garage and to make it more complicated wouldn't add relief. She thought the most important thing were the materials. Jarvis stated the garage doors will be fairly nice. She didn't know if raising the roof on the center would be difficult. Jarvis referred to the surrounding buildings in the area. She stated she didn't think that raising the roof would do that much. Jarvis referred to the second and third stage of the project and how it might look then.

Marvel stated she would like to avoid more linear buildings in the area. She stated to Jarvis to come up with some way to provide a little relief.

Pogue asked if the applicant would consider breaking the building up with details like color and stated to Jarvis that she would know better than him what the options could be. Pogue asked if the applicant would consider any other elements to break up the linear look of the building. Pogue asked if maybe Jarvis had any ideas off the top of her head and she replied she didn't she didn't see that adding unnecessary complexity would be appropriate for the use of this building. Pogue stated it is a utilitarian building without a doubt but the goal that is reflected in the ordinance is to make it aesthetic as well. Jarvis stated it is difficult to take a simple building and do something that makes it more attractive.

Scanlon stated to Jarvis the things they are asking for wouldn't detract from the building but would follow the intent of the code. Scanlon stated they want to break up the length of building either graphically or with color. Jarvis stated this could be done with color and wood and stated the doors are going to be really nice. She commented that barn looking and rectangular buildings are attractive if they have the right materials for detail. She stated she is trying to break up the building with materials. Scanlon stated that he sees two colors on the materials. Scanlon stated to Jarvis to come back with some other color options. Jarvis would like to avoid

coming back. Scanlon agreed with Jarvis in regards to not wanting to come back but expressed to her this is a Design Review and the goal is follow the code and it didn't seem that she had followed the intent with the long linear building and repetition of form with the garage doors all being all the same color, all the same shape, the back of the building containing windows all the same size and all the same locations for the doors. Scanlon stated the function of the building is one thing but the different use of materials would break up the linear look of the building. Jarvis stated that breaking up the back wouldn't do anything and referred again to the buildings in the neighborhood seem to be compatible. Scanlon stated they were not speaking about the other buildings and Jarvis replied they were trying to be compatible with the neighborhood which is part of the code as well. She stated she is presenting an honest building with honest materials and color. She didn't see how different colored doors would add to the building. Scanlon said to Jarvis that he was sure that she could come up with some colors that would be attractive.

Marvel stated there are many rectangular buildings that are beautiful and have great proportions; this building seems too long and asked Jarvis what she could do to break it up a bit, to take away the long look. Marvel stated they were not discussing any other buildings in Airport West that might have that problem; that they were trying to solve the problem with this building as far as breaking up the long length. Marvel stated to avoid going through back and forth with what they would like to see and what Jarvis did not like; for her to come up with a suggestion. Jarvis stated she would like to avoid being put on another agenda for another meeting and Marvel replied to her that this does not need to go to another meeting if she would work with them. Jarvis stated the suggestions so far are not helpful to the building and she didn't see what lowering or raising a roof would really do. She pointed out there is articulation with the building and pointed out proportionally this is being done in a three phase project. Jarvis stated she is trying to make everything as tasteful as she can and felt this was the least compromising for the building as it is.

Pogue stated the Commission's role is to articulate to the extent that the application complies with the Comprehensive Plan. Pogue stated they don't want to be in the position of designing the building.

Public Hearing Opened

Public Hearing Closed

Pogue asked Jarvis if she had any ideas that she could propose in respect to windows, building offsets, projection, detailing, materials or similar features that could break up the linear appearance of this building. Jarvis stated there is a 3 foot 6 overhang on the side to give more shadow lines. Jarvis stated she got great reviews from the Airport Design Review. She mentioned that she tried to make the building with as much character as a garage could have.

Jarvis asked for clarification of why the City wanted them to cut off one of the services back to the property line. Shay stated she wasn't aware of this and she would talk to the City Engineer regarding this. Jarvis asked who was responsible for the addressing; Shay replied the Building Official is.

Scanlon stated there are ways to articulate the linear appearance of the building. Scanlon stated some of the things that Pogue read from the guidelines were the extensive repetition of similar forms on large monolithic surfaces which is on the two sides of this building. Scanlon stated the ends of the building do read differently from the main body of the building but he felt the articulation with materials, and stepping walls in and out could break up the linear look.

Pogue stated he would echo his previous comments and questions.

Shay stated that there is agenda space on the 18th which is in two weeks if the applicant would be willing to revise the drawings to reflect the Commission's concerns; she felt it would be appropriate to continue this to a date certain. If Jarvis was not willing to make the revisions then the decision would remain with the Commission.

Jarvis stated she was confused about the linear building and stated she could bring in ten pictures of what is in the Light Industrial area that are way more linear. Marvel asked Jarvis if she wanted to deal with the Commission's issues on this building in two weeks. Jarvis asked what did that mean and what the option was. Pogue stated we could deny the application. Jarvis stated the application would be denied based on the length. Marvel stated the choice is to either continue this application for two weeks if Jarvis would be willing to make changes based on the Commission's concerns or they would deny the application. Jarvis stated she didn't have any other options. Marvel asked if that was a yes. Shay stated to Jarvis that she would need to bring in revised drawings within a week and Jarvis concurred. Jarvis stated that she wasn't getting what the Commission was looking for. Marvel stated they have given some ideas to change the linear look of the building and stated to Jarvis, as an architect, she should have an opinion and other ideas to deal with the linear aspect of the elevation. Jarvis asked if a garage was a permitted use in this zone. Shay stated this application wouldn't be being heard if it wasn't. Jarvis stated so she is to come up with a non-linear garage.

Marvel stated a continuance until June 18 seemed to be acceptable.

Pogue moved to continue this to June 18 if the applicant agreed to submit revised drawings. Scanlon seconded; the motion passed unanimously.

An application by Steve and Terri Demun for Design Review of a new building (to be known as Demalo Shop), located on Lot 1E & 1G, Block 3, Airport West Subdivision, at 1171 Lear Lane, in the Service Commercial Industrial-Industrial (SCI-I) district.

Jay Cone of Jay Cone Architecture represented Terri and Steve Demun. Cone stated the building would be occupied by an electrical subcontracting company. Cone pointed out the two lots were subdivided and are now one. He noted the site plan does reflect some changes by staff: the snow storage areas for the parking yard, nine parking spaces on the north side, landscaping was added with Aspen trees and various shrubs. The majority of the interior of the building is shop space and the north sides are offices. On top is a mezzanine for storage but it is a one story building. Cone showed the Commission the color renderings with three primary materials being used. Cone stated the fence would be a 6 foot cedar picket. Cone stated the applicant is aware of obtaining a sign permit for signage. He continued with stating that there will be a dumpster

within the parking yard and it would be screened by the building and fence, except from the alley. The landscaping would also be auto irrigated. Cone stated the application was approved by the Airport West Design Committee per Matt Engle and he was awaiting their letter.

Shay stated the project met the snow storage and lot coverage requirements, and has met the landscaping requirements by submitting an updated landscaping plan. Shay had no further comments.

Pogue had no comments.

Scanlon asked where the trees were going to be located. Cone showed the corner next to the building and stated that area would be used for snow storage also. Scanlon stated the utility easement has a transformer and asked Cone if he was going to address screening or place bollards around there. Cone stated they would place bollards around there. Scanlon asked for light fixture samples for the outside lighting. Cone presented a light fixture cut sheet to the Commission. Cone pointed out the dark metal color would be the belly band and the top; the overhang would be the same color. Scanlon asked if the doors were going to be white. Demun asked the Commission if there was a color they would prefer. Scanlon asked if there would be dry wells for drainage and if there would be any sand and grease trap on the inside. Cone stated there were a couple of dry wells indicated on the site plan for drainage of the parking yard and parking lot. Scanlon asked if there would be any more dry wells that would be created. Cone stated that he did not know that. He stated the Building Departments requests that Civil Engineers now do the site plans and stated that there might be just one more dry well added to avoid any flooding in the parking lot. Cone stated they didn't anticipate any cars but if they do choose to do draining there would be oil separators. Scanlon was concerned with the corrugated metal siding being ended on the corners and pointed out that there would only be two sides of the building seen at a time. Scanlon asked Cone if he had any ideas to stock the outside siding rather than just the outside corner. Scanlon suggested maybe the siding could be taken around the corner. Cone stated they would go with three sides before four due to cost issues. Scanlon stated they might want to consider a pilaster. Cone asked if that was a suggestion or a condition. Scanlon stated he would like to see something done there and asked if this could be an administrative decision. Grotto stated to the Commission to be more specific in their deliberation. Scanlon suggested putting a pilaster beside the side of the window and putting the siding around maybe four feet and something similar on the other end. Cone stated he would be happy to do that.

Marvel asked about the landscaping planned for the platted snow storage area. Cone stated there will be several shrubs taken from the suggested list and annual flowers. Marvel would like it to be surrounded by native grasses and would rather not see paving surrounding the landscaping if possible except if there were a walkway. Cone stated there would be native grass. Marvel requested that the snow storage areas will not be paving. Cone concurred.

Public Hearing Opened

Tom Hendricks, 122 Pioneer Mountain Drive in Eastfork asked how big the building was. Demun stated it is 5,000 sq ft.

Public Hearing Closed

Scanlon thought it was a nice building and it would be a great addition to the area. He stated he would like to see the finish done around the corners with the corrugated siding.

Pogue thought it was an attractive building and he would approve this with the condition that the finish be wrapped around.

Marvel stated to make a motion to include native grasses in the snow storage areas; wrapping around the building with the siding.

Scanlon moved to approve the Design Review application for the Demalo Shop, street address 40 Aero Lane, Lots 1E and 1G, Block 3, Airport West Subdivision in that it does conform to the Comprehensive Plan; the project does not jeopardize the health, safety, or welfare of the general public; and the project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance, and City Standards and the Airport Design Review Committee; with Conditions “a-m”, and adding Condition “n” that the architect is to wrap the exterior finishes around the corner of the building to make a harmonious statement; and Condition “o” that the snow storage area is surrounded by native grasses. Pogue seconded. Grotto interrupted and stated to add one more condition for the approval letter from the Airport West Design Review Board is received by Staff. **Scanlon added condition m that the letter from the Airport West Design Review Board is presented to City Staff.** Shay asked, for clarification, if the exterior finishes that are being wrapped, are they to be wrapped all the way around. Scanlon stated he would clarify that. **Scanlon stated to wrap around to a pilaster and for Staff to approve the location.** Pogue seconded; the motion passed unanimously.

An application by Hailey Investors, LLC/Richard G. Nelson for a three-year extension to a variance granted on the property located at 921 War Eagle (Lot 1, Block 8, Della View Subdivision.) The variance was granted on August 30, 2004, to allow construction of a residence and improvements within a 2500 square foot building envelope that encroaches approximately 33 feet into the 100-foot riparian setback. That variance was granted for 3 years.

Rick Nelson, the owner of the property, stated that he had bought the property from Morgan who owned the property at the time the variance was granted. Nelson stated what he knew about the history of this application. Morgan owned two lots on War Eagle Drive when the riparian setback was 25 ft. He stated there are two homes next to the lots that were also built with the 25 ft. setback. Nelson stated that Morgan submitted a set of drawings for one home on Lot 2. Nelson stated soon after Morgan's drawings were submitted there was an amendment to the Zoning Ordinance to move the setback to 100 ft. Nelson stated that Morgan had an understanding with the City that he could still build a home on Lot 1 but because of the amendment to the Zoning Ordinance there was a gray area. Nelson referred to his drawing showing the way the river runs across the lot diagonally. Nelson stated the 100 ft. setback caused there to be an unbuildable lot, which was basically a triangle with a notch out of the middle. Nelson stated Morgan was basically zoned out of building the home. This is when

Morgan requested a variance from the City. The City then granted Morgan a 2500 sq. ft. pad to build on because the other homes were similar in size, which encroached 33 ft. or so on one corner of the lot and encroached 5 ft. or so on the other lot. Nelson showed how the 100 ft. setback cut across the 2500 sq. ft. parcel. Nelson stated that Morgan was granted a variance with a time limit. Nelson stated he bought the property and the variance will expire in August of 2007. Nelson stated he is asking for an additional three year variance to be granted to allow more time for design, to do the costing and pricing of the home. Nelson stated he was not asking for any variance other than what the envelope was originally for.

Grotto stated the actual setback from the mean high water mark closest point for this 2500 sq. ft. building site is 67 ft. **The Ordinance states if a building envelope is going to be amended that in no case shall the setback be less than 50 ft.** Grotto pointed out that in Idaho and Hailey ordinances it is clear that a variance is granted for a unique physical and topographical condition of the site. Grotto stated that clearly, with the river actually encroaching into the lot, this does create a unique physical condition. Grotto stated that when Nelson submits the application for the building permit that he will have to also submit his application for the flood plain development permit. Grotto stated that both applications must meet the standards and criteria of the codes at the time of submittal. Grotto stated to the Commission if they do grant the extension that she has noted the five original conditions with a couple of amendments. Grotto noted Item C on page 4 of the Staff Report under suggested conditions, it states: **“all decks, patios, overhangs, non-native landscape features, and all improved and architectural features, and all construction staging and disturbance area, shall be contained within the building envelope of 2500 sq. ft. as identified in the application.”** Grotto stated that she wanted to amend the statement to read all construction staging, *taking out* **“disturbance area”**. She noted there should not be any stacking of pallets of building materials and unnecessary storage and staging on the site within the riparian zone.

Grotto clarified on Item D that the flood hazard development permit application shall be requested concurrently with a building permit application and demonstrate that all ordinance criteria that is in effect at the time of submittal shall be met. Grotto noted Item F should read Item E and would read: **“this variance extension shall be valid for a 3 year time period. A building permit application shall be submitted within 3 years from the date of the adoption of this Decision. If a building permit application is not submitted within 3 years from the date of this Decision, the variance shall be null and void.”**

Grotto asked the applicant if he could explain more to the Commission the additional intricacies of planning the house to meet the flood plain requirements. Nelson first stated that the previously read conditions were fine with him. He then explained to the Commission that the envelope that is being worked with is both horizontally on the ground and also vertically, which has a height limit. The height limit would raise the floor up a foot or so above the flood elevation. He stated when a building is lifted above the ground there is a compression in the envelope, like a squeeze. Nelson stated what goes underneath the home, which has to be above the flood level, are all the piping, electrical, all the HPVC and water lines and so on. He noted because this is all exposed outside it has to be insulated and sealed up properly. He stated there are always conditions to be met because the building is raised up.

Marvel asked what was the reason for a time limit on a variance. Grotto replied generally there is an expiration of one year after a variance is granted, **Section 12.7.1 states: A variance which is not used with the time specified in the permit, or if no time is specified, within one (1) year after the permit is granted, is void. Grotto stated Nelson is asking for three (3) years.**

Marvel asked Nelson if he was requesting another three years; Nelson stated he would like to have more but was asking for three (3) as requested before. Nelson continued to explain how complicated it is going to be to design this home.

Scanlon asked Nelson if Morgan did any improvements on the property. Nelson stated no. He said Morgan did a survey that was prepared by Galena Engineering. Scanlon asked if there had been a wetlands survey on this property. Nelson stated no. Scanlon asked Staff if they were familiar with wetlands and asked if it applied to this neighborhood. Shay stated she didn't believe there were jurisdiction wetlands; she stated she would have to double check on that because it has been a long time since they've encountered this situation. Scanlon stated he would hate to see Nelson be in the middle of his building project and have the United States Government show up and say "we have discovered willows", or whatever they consider being indigenous to wetland areas occurring in this property. Scanlon stated he didn't know if this was an issue that needed to be addressed. Nelson stated there was a reference to the FEMA regulations but there weren't any other regulations required. Nelson stated FEMA regulations in the Flood Plain were what they were dealing with but not in the Flood Way. Nelson stated the proposed footprint is not in the flood way. Shay stated she could speak about the Flood Plain Development process that it would be required before Nelson could pull a building permit. Shay stated the Flood Plain Development permit is very explicit in what it asks for and also allows Staff to allow for additional studies on hydrology if they feel uncertain with the information that has been given. Shay stated that she, the City Engineer, and the Building Official all approve the Flood Plain permit. Scanlon asked Staff if the variance stays with the property or does the variance stay with Nelson as the owner of the property. Scanlon asked if Nelson were to sell the property within a year, would the new owner be able to come in and use the variance and asked if the variance is transferred with the sale of the property. Grotto stated that a variance goes with the land and is not transferable from one parcel of land to another. Grotto stated that the Commission might want to say that the variance extension be granted with no additional extensions for this parcel. Scanlon asked Nelson if he would be okay with that statement. Nelson replied that he is present with hat in hand. Scanlon asked Nelson how long he has been owner of this property. Nelson replied almost two years. Scanlon asked Nelson if he had pursued any building plans in the two years and Nelson replied that he has a set of plans. Scanlon asked Nelson if he was anywhere near to beginning construction. Nelson replied no.

Pogue asked about the interplay of the time for the variance and the application of the building permit and asked why would they be different, why aren't they the same. Grotto stated the time period for the variance being three years, the building permit has to be submitted by the end of the 3 years. The building permit is good for 18 months with a 6 month extension available.

Pogue asked Nelson when he would like to break ground. Nelson replied he wasn't sure; it depended on when the drawings were complete and the pricing of the construction was done. Pogue asked maybe within a year and a half. Nelson stated he didn't want to feel like there was

a gun to his head to complete this project. Grotto stated to the Commission, if they wanted to put a time period on this extension with no more extensions, that it would not mean that a future owner could not come in and submit a new variance application which would be subject to a new application fee and scrutiny from square one, which is not what is being done here. Grotto stated the previous Commission saw fit to grant a variance on this property and with saying no more extensions that doesn't mean there would never be a variance ever again. Pogue asked if the previous granting of the extension would have a clause for an extension. Grotto stated the ordinance and the previous variance findings were silent in terms of extensions. Pogue stated this seems like an abbreviated version of the new application, or new presentation. Grotto stated she spoke with the City Attorney and he didn't have an issue with the request for an extension in this format.

Public Hearing Opened

Public Hearing Closed

Marvel wouldn't want to give any longer than a 3 year variance with no extensions.

Pogue stated that at the end of the three years, if the house wasn't built, Nelson would have to come back. Pogue stated he wasn't sure what that language meant. Scanlon stated it mean that the applicant would have to spend more money. Pogue stated that he would grant the three year extension but commented that at the end of the three years if he wasn't done that he would have to come back before another Commission. Nelson stated that he understood that.

Scanlon believed that within 3 years the house would be built. Scanlon didn't have any problem with granting the extension. Scanlon and Pogue did not see the need to limit it to no more extensions.

Pogue moved to approve the request for the extension of the variance granted on the property located at 921 War Eagle, Lot 1, Block 8, Della View Subdivision, with the finding that the general permissions for a variance in Hailey's current zoning ordinance have been met and the application with the Conditions "a-e", and shall be valid for three years and a building permit application shall be submitted within three (3) years from the date of the adoption of this Decision. If a building permit is not submitted within three (3) years from the date of this Decision, the variance shall be null and void. Scanlon seconded; Nelson interrupted for a clarification regarding the construction staging being within the footprint but the disturbance might be outside, Grotto stated to take out the disturbance; Nelson asked Grotto if that was correct. Grotto stated yes to amend the motion. **Scanlon amended the motion to read all construction staging and remove the wording "disturbance of area", shall be contained within the building envelope of 2500 sq. ft. as identified in the application.** Pogue seconded; the motion passed unanimously.

Approval of Findings of Fact

Kraynick Buildings Design Review

Scanlon moved to approve as written. Pogue seconded; motion passed unanimously.

Approval of Minutes:

May 7, 2007

Pogue moved to approve as written. Scanlon seconded; the motion passed unanimously.

Commission Reports:

There were none.

Staff Reports:

There were none.

Marvel asked if there was a date set for the tour. Grotto stated not yet. Maybe after work at 5:30 for about 2 hours, ending at Grotto's for a BBQ. Grotto stated at the next meeting she would pick a date for sometime in July.

Adjourn:

Scanlon moved to adjourn at 8:15 p.m. Pogue seconded; the motion passed unanimously.