

## STAFF REPORT

**TO:** Hailey Hearing Examiner  
**FROM:** Mariel Platt, Planner  
**RE:** Conditional Use Permit – Spirit ‘N Motion  
**HEARING:** June 15, 2009

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**Applicant:** Terry and Kathy Roth  
**Location:** Lot 37, Block 42, Woodside Subdivision 10 (4031 Glenbrook Drive, Unit B)  
**Zoning:** Limited Business (LB)  
**Note:** Staff analysis is in lighter type

### Notice

Notice for the public hearing on June 15, 2009 was published in the Idaho Mountain Express and mailed to property owners within 300 feet on May 27, 2009, and notice was posted on the property on June 8, 2009.

### Application

Terry and Kathy Roth, represented by Amanda Norton, has submitted a Conditional Use Permit application for an indoor cheerleading, dance, and tumbling instruction facility, on Lot 37, Block 42, Woodside Subdivision 10 (4031 Glenbrook Drive, Unit B). The property is located in the Light Industrial (LI) zoning district, and indoor recreation facilities, primarily for instruction may be allowed under the Conditional Use Permit process.

### Department Comments

**Life/Safety:** No comments were received.  
**Building:** No comments were received.  
**Water/Sewer:** No comments were received.

### Standards of Evaluation

#### **8.2 Signs.**

The applicant is hereby advised that a sign permit is required for any signage exceeding four square feet in sign area. Approval of signage areas or signage plan in Design Review does not constitute approval of a sign permit.

#### **8B.4. Outdoor Lighting Standards.**

##### **8B.4.1 General Standards**

- a. All exterior lighting shall be designed, located and lamped in order to prevent:

1. **Overlighting;**
  2. **Energy waste;**
  3. **Glare;**
  4. **Light Trespass;**
  5. **Skyglow.**
- b. **All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.**
- c. **Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.**
- d. **Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaires.**
- e. **Idaho Power shall not install any luminaires after the effective date of this Article that lights the public right of way without first receiving approval for any such application by the Lighting Administrator.**

No new lighting is proposed. All existing lighting shall comply with Hailey's Outdoor Lighting Ordinance.

#### **9.4 Parking Space Requirements.**

**9.4.2 Commercial, Professional, Service, Recreation and Entertainment. All commercial, professional, service, recreation and entertainment uses shall provide improved parking in the amount of one parking space for every 1000 square feet of gross building area; except as follows:**

**n. Fitness centers, health clubs, exercise/aerobics studios: 1 space for every 250 square feet of usable studio space, plus 1 space per racquetball/squash/handball court.** The applicant has expressed that parking in excess of the spaces provided is not necessary because all students are dropped off and parent spectators are discouraged. The nature of the proposed use is not considered a typical fitness center use and therefore it is reasonable to calculate the required parking at the 1 space for every 1,000 square feet, in accordance with 9.4.2. Each of the two units within the Warming Trend Warehouse is 2,200 square feet. Five parking spaces are required for Unit A (warehouse use and Unit B (proposed use). Five parking spaces are provided on-site, to benefit both units. In order to minimize parking conflicts, the hours of operation and parking requirements should be addressed to ensure that traffic and parking does not create adverse impacts for neighboring properties and surrounding uses. It is a recommended condition of approval that parking be restricted to on-site only, excluding the monthly parent meetings, which shall not be conducted between the hours of 7am and 7pm. The Hearing Examiner may want to consider additional parking and traffic restrictions or require a 6 month review.

#### **11. Conditional Use Permits**

**11.4.1 The Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and, if approved, shall find adequate evidence showing that such use at the proposed location:**

The applicant proposes a business instructing children in cheerleading, dance, and tumbling. Section 11.4 of the Hailey Zoning Ordinance establishes the standards for proposed conditional uses. The Hearing Examiner should make findings related to each of the items (a) through (i).

**a) Will, in fact, constitute a conditional use as established for the zoning district involved;**

In accordance with Section 4.8.3, Light Industrial Conditional Uses, of the Hailey Zoning Ordinance, indoor recreational facilities primarily for instruction are required to obtain a Conditional Use Permit.

**b) Will be harmonious with and in accordance with the general objectives or any specific objective of the Comprehensive Plan and requirements of this Ordinance;**

The Hearing Examiner should consider how the proposed use relates to the various policies and implementation items of the Comprehensive Plan, particularly the following:

*Section 6.1*

*Policy: Identify business areas and types of uses which can be mixed in order to create a more dynamic and useable marketplace. Promote the use of Conditional Use Permits to provide for appropriately mixed uses in all commercial districts.*

*Section 6.2*

*Goal: Provide for sufficient area, appropriately located, to accommodate the demand for services, offices and industries which, due to their nature, do not readily fit the fabric of either the Central Business District or neighborhood location. Encourage a balanced mix of appropriate uses on that property.*

*Section 4.1*

*Goal: To create and maintain an interconnected system of parks, recreational facilities, trails, green spaces and natural lands for the community of Hailey in order to provide diverse recreation opportunities for Hailey residents.*

*Section 4.1*

*Policy: Promote recreation opportunities within walking distance of the greatest number of residents.*

**c) Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;**

The proposed use would occur in Unit B of the Warming Trend Warehouse. To the south of the subject property is Woodside RV/Motorsports and Fisher Appliances. To the north is Unit A, in the Warming Trend Warehouse, which is used to store materials associated with Warming Trend's business. The applicant has stated that the proposed use requires a warehouse like facility with a large open space and high ceilings.

**d) Will not be hazardous or disturbing to existing or future neighboring uses;**

No industrial hazards are associated with this use. However, parking and traffic may be a concern for neighboring uses. Five parking spaces are provided on-site, to benefit both units. The applicant has expressed that parking in excess of the spaces provided is not necessary because all students are dropped off and spectators are discouraged. In order to minimize parking conflicts, the hours of operation and parking requirements should be addressed to ensure that traffic and parking does not create adverse impacts for neighboring properties and surrounding uses. It is a

recommended condition of approval that parking be restricted to on-site only, excluding the monthly parent meetings, which shall not be conducted between the hours of 7am and 7pm. The Hearing Examiner may want to consider additional parking and traffic restrictions or require a 6 month review.

**e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;**  
It is not anticipated that the proposed use will change the adequacy of service for public services and facilities.

**f) Will not create excessive additional requirements at public cost for public facilities and services;**  
It is not anticipated that the proposed use will impact the public cost for public facilities and services.

**g) Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards;**  
It is not anticipated that the proposed use would be detrimental in anyway, aside from the possibility of increased traffic.

**h) Will have vehicular approaches to the property, which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares;**  
The vehicular approach to the property is direct and requires vehicles to exit the parking spaces in a backward motion. This is a typical parking configuration for this area.

**i) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature.**  
No natural, scenic, or historic features are within the vicinity of the proposed use or would be damaged by the proposed use.

### Summary

Section 11.1 of the Hailey Zoning Ordinance states that “the City of Hailey recognizes that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and promote conformance with the Comprehensive Plan, conditional use permits are required for such uses upon review by the Hearing Examiner.”

Conditional Use Permits are subject to review and revocation pursuant to Section 11.9 of the Hailey Zoning Ordinance. This statement will be included in the Findings of Fact, Conclusions of Law, and Decision for any CUP approved by the Hearing Examiner.

The Hearing Examiner shall make a decision to approve, conditionally approve, or deny the application within forty-five (45) days after conclusion of the public hearing and issue its

decision together with the reasons therefore. The Hearing Examiner shall review the application, all supporting documents and plans, and Section 11 of the Zoning Ordinance, in making their decision.

The Hearing Examiner should make findings related to the criteria of Section 11.4, (a) through (i).

**Suggested Conditions**

The Hearing Examiner may impose any conditions that it deems necessary to secure the purpose of City ordinances and give effect to the Comprehensive Plan. Conditions including but not limited to those set forth in Section 11.6 may be placed on any approval. The following conditions are suggested to be placed on any approval of this application:

- a) All Fire Department and Building Department requirements shall be met.
- b) Parking shall be restricted to on-site only, excluding the monthly parent meetings, which shall not be conducted between the hours of 7am and 7pm.
- c) 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.
- d) All exterior lighting shall comply with Section 8B.4. Outdoor Lighting Standards.

Spirit n' Motion Athletic School  
PO Box 877  
Bellevue, ID 83313

May 4, 2009

To Whom it May Concern:

I am writing to propose a conditional use for the Warming Trend Warehouse Lot 37 Block 42 Woodside Subdivision # 10. The building was designed for warehouse purposes (Existing use), and would work for a new purpose for the business of Spirit n' Motion Athletic School.

The primary use of our business is to use a large open space with high ceilings for recreation purposes, primarily in Cheerleading, Dance, and Tumbling instruction for children.

Our classes are small, less than 15 and are all parent drop-off and pick-up. We try to avoid all spectators, so we have plenty of parking space.

Occasionally we have a parent meeting once a month at 7:00 at night, with no more than 20 people. Surrounding businesses would be closed at this time and parking would not be an issue.

There will be no byproducts from our business. The only sounds would be music inside and children's laughter. Buildings on both sides are warehouses, so that quiet noise should not bother the things being stored there.

Please consider us using this building to better our program and to offer a great open space for our students.

Sincerely,



Amanda Norton

Spirit n' Motion Athletic School Owner

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FEB 24 2009

02-20-09



Dear Sirs,

Regarding the conditional use permit for The Warming Trend Warehouse-  
Lot 37, Block 42, Woodside sub. #10:

The only effects to the surrounding neighbors would be parents dropping off  
and picking the children up from practice.

between the time of 3:30 to 6:00. The parent pull into our driveway and walk  
the kids into the warehouse and pick up the same way.

There is no glare, odor, fumes or vibration. Although children's laughter  
may be heard.

The buildings around our warehouse are the same or retail. Behind our  
building is vacant

property owned by the City of Hailey.

Spirit n' Motion Athletic School  
PO Box 877  
Bellevue, ID 83313

May 4, 2009

To Whom it May Concern:

Statement identifying surrounding land uses and general compatibility of the the proposed use with adjacent and other properties in the district for use for the Warming Trend Warehouse Lot 37 Block 42 Woodside Subdivision # 10:

All the surrounding business/buildings will be compatible with our proposed business. The building to the north of us, is a Warming Trend Warehouse. It is used to store materials for their business. The buildings to the south of us are also warehouses. One is a warehouse for Woodside RV/Motorsports, and the one next to that is another warehouse for Fisher Appliance. South of them is a vacant building.

Across the street is Woodside RV/Motorsports. They have a retail business, with customers coming in and out. Our business should not affect theirs at all.

Our business is all run indoors, with no machinery sound or byproducts.

All businesses in the surrounding area should be compatible with each other.

We are very excited about the opportunity to be working near the surrounding businesses as there shouldn't be any conflicts.

This is a great location for our business as it is mid valley and serves those in Hailey and Bellevue.

Thanks for your consideration.

Sincerely,



Amanda Norton  
Spirit n' Motion Athletic School  
Owner

Statement discussing relationship of proposed use with compliance  
to the Comprehensive Plan for Spirit n' Motion Athletic School

In Plan II Section 4.0 it states:

“Overall, Hailey has enjoyed a number of developed recreation opportunities. There are a number of neighborhood parks scattered throughout the city. The Blaine County Aquatic Center and the Wood River Trails (connecting Hailey to the rest of the Wood River Valley via a world-class recreation trail) are assets enjoyed not only by Hailey residents, but a larger community besides. The Wood River High School provides approximately 23 acres of fields for organized recreation programs. The notable play structure in Hop Porter Park was provided through volunteer efforts, as was the Hailey Skate Park. All these assets, combined with an abundance of surrounding lands still relatively free of development, have, until now, provided adequate recreation opportunities for Hailey residents. Hailey has grown dramatically from a population of 1,425 in 1970 to a population of 6,200 in 2000. This population increase, creating about 1,850 additional residential units, has placed a great demand on the park space that the city has acquired over the years. Some residential developments brought park space with them, such as Della View and Curtis Subdivisions. But Woodside, the largest subdivision in Hailey, currently has no developed neighborhood park space, while newer subdivisions are often providing private, not public, park space.”

“The twenty-year goal is to provide an interconnected system of parks, recreational facilities, trails, green space and natural lands for the community of Hailey, in order to provide diverse recreation opportunities within walking distance for the greatest number of Hailey residents.”

“4.1 **Goal:** To create and maintain an interconnected system of parks, recreational facilities, trails, green spaces and natural lands for the community of Hailey in order to provide diverse recreation opportunities for Hailey residents.”

“4.1 **Policy:** Promote recreation opportunities within walking distance of the greatest number of residents.

~With this our goal is to continue to better the recreation opportunities for youth in our valley. Our facility will be a wide open space for kids ages 2-18 to learn all different skills that pertain to dance, cheerleading, and tumbling instruction. This also adds more opportunities in the Woodside area.

In Plan II Section 6.0 it states:

## **6.0 ECONOMIC DEVELOPMENT**

### **6.1 Central Business District.**

“**I. Goal:** To maintain and encourage a healthy and diverse community center.”

~Our goal is the same, we want to encourage diversity in programming as well as in individuals at a center where they can all come together and learn new physical skills and a healthy lifestyle and have fun in the meantime.

#### Section 6.1

**“Policy:** Identify business areas and types of uses which can be mixed in order to create a more dynamic and useable marketplace. Promote the use of Conditional Use Permits to provide for appropriately mixed uses in all commercial districts.”

~There isn't a type of business like this anywhere near the proposed facility. It would add diversity to the area that we are looking at as well as to all the surrounding Woodside Residents.

#### **Section 6.3 Neighborhood Businesses**

**“Goal:** Allow and encourage the creation of neighborhood business in order to increase convenience to neighborhood residents and decrease distance traveled.”

~ Our purpose as described above.

#### Section 6.5

“Retain open space and access to recreation, facilitate public education and economic diversity, and preserve community character, all as directed in other parts of this Plan, in order to retain the quality of life which is an economic foundation of the community.”

~Fully agreed, that is our intention with our programming.

#### Section 7.1

**“3. Policy:** Preserve agricultural, natural and recreational open space as a community asset.”

~Although it would be indoors, it is wide open recreational space used as a community asset to better the programming for our future leaders.