

STAFF REPORT

TO: Hailey Hearing Examiner
FROM: Mariel Platt, Planner
RE: Amendment to Zoning District Map – Lots 4-10, Block 126, Hailey Townsite
HEARING: August 17, 2009

Applicant: Blaine County School District

Location: Lots 4-10, Block 126, Hailey Townsite (719 Third Avenue South)

Current Zoning: General Residential (GR) within the Townsite Overlay District

Proposed Zoning: Limited Business (LB) within the Townsite Overlay District

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Idaho Mountain Express on July 29, 2009; the notice was mailed to property owners within 300 feet and to public agencies and area media on July 29, 2009; and notice was posted on all external boundaries of the property on August 10, 2009.

Application

The Blaine County School District is seeking an amendment to the zone district map for the City of Hailey. The application would change the zoning of Lots 4-10, Block 126, Hailey Townsite, (719 Third Avenue South) from General Residential (GR) to Limited Business (LB). The rezone would allow the applicant to receive credit toward on-site parking requirements for improvements to the City right-of-way and to be considered a permitted use. The proposed use requires a Conditional Use Permit in the GR district.

The property was previously used for the Silver Creek Alternative School. Schools are a permitted use in the GR district. The proposed use for the property is an office for the High School Technology Department. The applicant has stated that the proposed use of the building is divided into the following four components: 1) receiving and distribution of new computer equipment as well as service of existing computer equipment for the entire school district, 2) software and test score managing for the district, 3) teacher training on the use of software and computers, and 4) housing and maintenance of the main computer server facilities for the district. The definition of School, listed in the Hailey Zoning Ordinance, is not appropriate for the proposed use; therefore, a rezone to LB would allow the use to be considered under the permitted use of “other education services.”

Uses adjacent to the subject property include: Wood River Fire and Rescue to the north, Blaine County Senior Center to the south, Inn at Ellsworth Estate and the Hailey Armory to the east, and Hailey Elementary Nelson’s Field to the west.

The purpose of the GR District is to provide areas for a variety of residential uses, and a limited number of other uses compatible with this type of residential development. The intent is to preserve the favorable amenities associated with a residential neighborhood. The purpose of the LB District is to provide areas for a wide range of residential uses, restricted business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses, hence general retail is not allowed. The substantial difference between the GR and LB districts are listed below under the Analysis and Discussion section of the staff report.

Currently permitted, conditional and accessory uses and bulk regulations in the LB District are set forth in Section 4.5 of the Hailey Zoning Ordinance (attached).

Procedural History

The property was previously used for the Silver Creek Alternative School. In June 2009 the applicant applied for a Conditional Use Permit for the proposed Technology Building. In GR, a Public Use requires a CUP. During the CUP application review, it was determined that 11 on-site parking spaces were required. Historically, all parking had been located in the public right-of-way, adjacent to the front of the subject property. There is room for on-site parking at the rear of the property; however, these spaces are unimproved and due to the topography of the site, there is only enough room for six parallel spaces without construction of a significant retaining wall. The rear of the site has a steep gradient that would require cuts and retaining walls to provide more spaces with the required dimensions. In addition, the steepness of the gradient would not accommodate the access requirements for an ADA space at the rear, which is required. The applicant would like to make improvements to the parking area located in the City right-of-way in exchange for credit toward the on-site parking requirements. The Zoning Code allows credit toward the on-site parking requirements for improvements to be given in LB, but not in the GR district. The applicant's desire to rezone the property to LB, would resolve the on-site parking problems and would allow the property to be used for the Technology Building, without a requiring a CUP.

A rezone of the property on which the Blaine County Senior Center is located, to the south of the School District property, was approved within the last year for the same reasons.

Analysis and Discussion

The Townsite Overlay District is an overlay district, setting forth bulk regulations and design standards. Where the regulations specified in the Townsite Overlay District differ from corresponding regulations specified for the underlying zoning district, the requirements of the Townsite Overlay District apply and control. The Townsite Overlay requirements do not affect the use regulations of the underlying zoning district.

When considering this rezone the differences between the two districts are evaluated; Townsite Overlay bulk regulations with underlying zoning regulations and underlying zoning regulations without the Townsite Overlay District. In the event that the subject property is ever removed from the Townsite Overlay boundary the underlying district regulations would apply.

The substantial differences in use, between GR and LB districts, are listed below.

In addition to the permitted uses allowed in General Residential, Limited Business also allows for the following additional permitted uses:

- lodging establishments
- professional offices, excluding veterinarians
- health care and social assistance
- real estate and property management companies
- catering services
- arts, entertainment and recreation uses (indoor and outdoor)
- Personal services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required
- semi public uses
- other educational services
- government offices and public administration, except correctional institutions
- PWSFs or WCFs, attached to street poles, upon the issuance of a wireless permit in accordance with the provisions of Article VIIA of the Hailey Zoning Ordinance.

Conditional uses allowed in LB and prohibited in GR district are as follows:

- Gasoline Stations and Automotive Repair and Maintenance
- Restaurants
- Wholesale distributors
- Convenience Stores
- Medical personal care stores
- Finance and insurance firms
- Construction contractors' offices with no exterior storage
- PWSF's and WCF's, mounted on any proposed freestanding tower (in GR it can be attached to street poles or mounted on existing buildings or structures, but not freestanding towers)

Accessory Uses allowed in LB, but prohibited in the GR district are as follows:

- Combustible liquid tanks.
- PWSF's and WCF's, mounted on existing buildings or structures.

The difference in bulk requirements **without** considering the Townsite Overlay are as follows:

Bulk Regulations	LB	GR
Maximum townhouse sub-lots per acre	20	10
Maximum multi-family residential aggregate density	One (1) dwelling unit per 1/20 of an acre	One (1) dwelling unit per 1/10 of an acre
Maximum aggregate gross floor area for individual retail/wholesale trade or grouped retail/wholesale trade	36,000 square feet	N/A (Not a permitted use)
Riparian setback	N/A (No riparian setback)	Required
Maximum Lot Coverage	N/A (No maximum)	40%
Size of Detached Accessory Dwelling Unit	N/A (No minimum or maximum)	Minimum gross floor area of 300 square feet and a

		maximum of 950 square feet
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The following are the bulk regulation differences between GR and LB **with** consideration of the Townsite Overlay District, Section 4.13.6 of the Hailey Zoning Ordinance:

Bulk Requirements	LB in Townsite Overlay	GR in Townsite Overlay
Maximum Building Height	35 feet	30 feet
Maximum Lot Coverage	70%	25-40% depending on building height and whether a garage is on-site
Maximum Lot Size	No maximum	18,000 square feet

Section 14.8 of the Hailey Zoning Ordinance allows for the rezone of certain parcels to be made conditional upon the owner or developer of the property making a commitment concerning the use or development of the subject parcel. Development Agreements have become standard with rezone approvals. For this application it would be appropriate to have a Development Agreement that prohibits all conditional uses, excluding public uses. Public uses are compatible and consistent with the current surrounding area and may be requested as a future use given that the property is owned by the School District. The following are two other examples of commitments, which are recommended to be included in the development agreement: 1) specify that only residential uses and school and other education services may be permitted on the subject property, and 2) in the event that the Technology Department ceases to use the building, the zoning of the property would revert back to GR. These conditions would help lessen impacts felt by neighboring residential areas and help preserve the residential character, if in the future the property’s use were to change.

In addition to language regarding the types of permitted or conditional uses which may be developed on the property, language regarding the parking improvements to be made is recommended. The applicant has proposed to improve the on-site parking area at the rear of the subject property with six (6) parallel parking spaces, install a sidewalk in front of the subject property, and improve the parking area in the City right-of-way with 13 regular parking spaces and one (1) ADA parking space in front of the subject property.

Per the City Engineer’s requirements regarding the on-site parking improvements, the following details should be incorporated into a development agreement:

1. Surfacing shall be compacted road mix per the city standards of a street shoulder.
2. The road mix surface will be large enough, in width and length, per the drawings submitted by the architect for (6) total vehicles to park; which is (3) to the north of the middle/ lowest landing of the stairway and (3) spaces to the south. No stall striping will be required.
3. A drainage swale shall be installed and continuous on a north-south axis on the private property side, just east of the overhead power lines.
4. The improved area shall consist of parallel parking spaces on the BCSD property to connect with/ align to the edge of existing asphalt in the City right-of-way.

Standards of Evaluation

Section 14.6 of the Hailey Zoning Ordinance sets forth the following standards of evaluation. The Hearing Examiner shall, at a minimum, consider the following criteria in making his/her recommendation:

1. The proposed amendment is in accordance with the Comprehensive Plan;

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

- The Comprehensive Plan Land Use Map reflects suitable projected land uses for the City. It considers existing conditions, trends, and desirable future situations, the objective being a balanced mix of land uses for the community. The Map establishes a basis and direction for the expansion and/or location of business, residential, industrial, institutional and green space areas within and adjacent to the City. The Land Use Map depicts the area of the proposed rezone as “Transitional – Mixed use, including residential, providing a buffer between residential neighborhoods and intense business use.”

	COMP PLAN DESIGNATION (LAND USE MAP)	ZONING DESIGNATION	LAND USE
Existing	Transitional	GR (General Residential)	Previously a School
Proposed	No Change	LB (Limited Business)	Other educational services
North of site	Transitional	GR (General Residential) <i>City Initiated Rezone proposes LB (Limited Business)</i>	Public Service Facility
South of site	Transitional	LB (Limited Business)	Semi-public use
East of site	Residential	LB (Limited Business)/ GR (General Residential)	Public Service Facility/ Lodging Establishment
West of site	Transitional	LB (Limited Business)	Vacant

- Land Use Districts, Section 5.4 states, “Encourage integration of compatible land uses in order to retain a compact City comprised of a central downtown, with surrounding diverse neighborhoods, thereby reducing sprawl and traffic, increasing efficiency, and creating neighborhood and community character.”
- Land Use Districts, Section 5.6 states, “Provide adequate areas for institutional and public facilities, such as schools, senior care, medical, judicial and other community facilities, integrated within the community.”
- Due Process and Public Input, Section 5.8 states, “Proactively amend the Hailey Zone

District map to resolve significant conflicts between the Land Use Map and the Zoning Map.”

- Public Facilities, Utilities and Services, Section 9.2 states, “Review and support of services by other entities at appropriate locations.”

The Hearing Examiner should refer to the purpose of the LB District and determine if the rezone is compatible with the Land Use Map given that the property is shown as a “Transitional” area on the Land Use Map and the nature of the proposed use. The Hearing Examiner should determine if this service is at an appropriate location, and if so, it should be supported.

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

The proposed Technology Department Building is located close to the southern entrance to downtown Hailey and near the corner of the Townsite Overlay District. Except for sidewalks, which was a condition of Design Review approval when the Commission reviewed this application in June of 2009, all city services to this property currently exist. The Hailey emergency services are nearby and all utilities exist at the site.

3. The proposed uses are compatible with the surrounding area; and

The surrounding uses are a mix of residential, commercial, public and semi-public uses. While the properties to the north are zoned GR (General Residential), the subject property is at the southern edge of the GR-zoned properties; property to the south is zoned LB. The subject property is located within an area that transitions from residential to Main Street properties and uses. Properties located to the west and east from this property are zoned LB. The Technology Department Building would be considered an education service use. The Hearing Examiner should determine if this use is compatible with the surrounding area.

4. The proposed amendment will promote the public health, safety and general welfare.

The intent of the applicant is to provide a facility in which the following could occur without a CUP and without 11 on-site parking spaces: 1) receiving and distribution of new computer equipment as well as service of existing computer equipment for the entire school district, 2) software and test score managing for the district, 3) teacher training on the use of software and computers, and 4) housing and maintenance of the main computer server facilities for the district.

The Hearing Examiner should determine if the public health, safety and welfare of the citizens of Hailey will be promoted by the rezone request.

Summary

The Hearing Examiner shall hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

The Hearing Examiner shall **recommend**, with **findings on the four standards of evaluation** noted above, to the Council that the proposed amendment be granted or denied, or that a

modified amendment be granted 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 the criteria set forth in Section 14.6 of the Zoning Ordinance, in making their decision.

4.5 LIMITED BUSINESS DISTRICT (LB)

4.5.1 Purpose.

The purpose of the LB District is to provide areas for a wide range of residential uses, restricted business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses, hence general retail is not allowed.

4.5.2 Permitted Uses.

Permitted uses in the LB District are limited to the following:

- a. Single Family Dwelling.
- b. Multiple-Family Dwellings.
- c. Dwelling Units within Mixed Use Buildings.
- d. Home Occupations.
- e. Lodging Establishments.
- f. Professional Offices, excluding veterinarians.
- g. Churches.
- h. Schools and other educational services.
- i. Health care and social assistance.
- j. Real estate and property management companies.
- k. Catering Services.
- l. Arts, entertainment and recreation uses (indoor and outdoor).
- m. Personal Services where retail sales are clearly incidental to the principal use and no outside storage yard or facility is required.
- n. All Day Care Businesses.
- o. Manufactured Homes.
- p. Semi-Public Uses.
- q. PWSF's or WCF's, attached to street poles, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- r. Government offices and public administration, except correctional institutions.
- s. Parks.

4.5.3 Conditional Uses.

Conditional uses in the LB District are limited to the following:

- a. Gasoline Stations and Automotive Repair and Maintenance.
- b. Restaurants.
- c. Wholesale distributors.
- d. Convenience Stores.
- e. Public Service, Public Use and Public Utility Facilities.
- f. Medical and personal care stores.
- g. Finance and insurance firms.
- h. Construction contractors' offices with no exterior storage.
- i. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)

- j. Above ground flammable liquid tanks utilized by a public use.
- k. Temporary Structures.

4.5.4 Accessory Uses.

Accessory uses in the LB District are limited to the following:

- a. Greenhouses/private.
- b. Garages.
- c. Storage buildings.
- d. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a single family dwelling unit or to a non-residential Principal Building. Primary vehicular access to any accessory dwelling unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- e. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIII A of this Ordinance.
- f. Above ground combustible liquid tanks.

4.5.5 Bulk Requirements. For other supplementary location and bulk regulations, see Article VII.

- a. Minimum Lot size - six thousand (6,000) square feet except as follows:
 - 1. Townhouse sub-lots shall have an aggregate density of no more than twenty (20) lots per acre.
- b. Maximum Multi-family and Mixed Use Residential Density - One (1) dwelling unit for each one-twentieth (1/20) of an acre.
- c. Minimum Lot Width - fifty (50) feet except as follows:
 - 1. Townhouse sub-lots shall conform to the standards established in the IFC.
- d. Maximum Building Height - thirty five (35) feet.
- e. Minimum Front Yard Setback - twenty (20) feet.
- f. Minimum Side and Rear Yard Setback - ten (10) feet except as follows:
 - 1. Townhouse Units shall be allowed zero setbacks from the lot lines created by a Townhouse Sub-Lot; and
 - 2. The separation of the buildings containing Townhouse Units in a Townhouse Development parcel shall be not less than six (6) feet as measured between any wall or any projection of a building, including but not limited to eaves, cornices, canopies or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.
- g. Maximum Floor Area - Buildings or structures containing an Individual Retail/Wholesale Trade or a Grouped Retail/Wholesale Trade shall be limited to an aggregate gross floor area of 36,000 square feet.

4.5.6 Additional Regulations.

- a. Project features that may have a negative impact upon adjacent property shall be buffered from adjacent property by a solid fence or landscape screening.