


## STAFF REPORT

**TO:** Hailey Hearing Examiner  
**FROM:** Mariel Platt, Planner   
**RE:** Amendment to Zoning District Map – Lots 1-3, Block 126, Hailey Townsite  
**HEARING:** August 17, 2009

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**Applicant:** City Initiated

**Location:** Lots 1-3, Block 126, Hailey Townsite (701 Third Avenue South)

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

**Proposed Zoning:** Limited Business (LB) in 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 City is initiating an amendment to the zone district map for the City of Hailey which would change the zoning of Lots 1-3, Block 126, Hailey Townsite, (701 Third Avenue South) from General Residential (GR) to Limited Business (LB). Blaine County School District (BCSD) has applied for a rezone of Lots 4-10, Block 126. In the past year the Blaine County Senior Center located on the southern portion of Block 126 was rezoned to LB. If the BCSD's rezone application is approved, then the rezone of Lots 1-3 may be deemed appropriate to create consistent zoning of Block 126.

The common reason for the rezoning of the Senior Center and School District properties is for compliance with on-site parking requirements. The rezone allows the applicants to apply for credit toward on-site parking requirements for improvements to the City right-of-way.

Historically, all parking had been located in the public right-of-way, adjacent to the front of the properties. The rear of the block has a steep slope that would require retaining walls to provide on-site spaces with the required dimensions. In addition, the steepness of the slope would not accommodate the access requirements for an ADA space at the rear, which is required. The Zoning Code allows credit toward the on-site parking requirements for improvements to be given in LB, but not in the GR district. A rezone to LB, would resolve the limitation to providing on-site parking common to the east side of Block 126.

The Wood River Fire and Rescue currently occupies the property, which is City owned. This is considered a Public Service Facility and requires a conditional use permit in both the LB and the

GR districts. It is not anticipated that the current use will change in the near future. However, redevelopment of the property would be subject to the same parking requirements and the credit toward on-site parking requirements in exchange for improvements to the public right-of-way is likely to be pursued should the property be redeveloped. For procedural efficiency, a city initiated rezone of Lots 1-3 is being brought forward at this time to provide the same remedy for the entire east half of Block 126.

Uses adjacent to the subject property include: Hailey Fire Department to the north, Blaine County School District's proposed Technology Department Building to the south, Inn at Ellsworth Estate to the east, and 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 in 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).

### **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 Hearing Examiner should evaluate the differences between the two districts; 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 differences in bulk requirements can be evaluated separately, with and without regard to the Townsite Overlay District.

The difference in bulk requirements without consideration of the Townsite Overlay are as follows:

| <b>Bulk Regulations</b>  | <b>LB</b>                                 | <b>GR</b>  |
|--|---|--|
| 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 |

The following are the bulk regulation differences between GR and LB, set forth in the Townsite Overlay District, Section 4.13.6 of the Hailey Zoning Ordinance:

| <b>Bulk Requirements</b> | <b>LB in Townsite Overlay</b> | <b>GR in Townsite Overlay</b>                                       |
|--------------------------|-------------------------------|---|
| 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 proposed rezone it would be appropriate to have a Development Agreement that would, as an example, rezone the property to LB, but prohibit all conditional uses, excluding public uses and public service facilities. These types of 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 City. In addition, a development agreement may specify that in the event that the Wood River Fire and Rescue ceases to use the property and the City does not redevelop with a public use, the property would revert back to GR. These conditions may help lessen any impacts felt by neighboring residential areas and may help preserve the residential character, if in the future the property’s use were to change.

**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)                                       | Public Service Facility                            |
| Proposed      | No Change                            | LB (Limited Business)  | No change  |
| North of site | Transitional                         | GR (General Residential)                                       | Public Service Facility                            |
| South of site | Transitional                         | GR (General Residential), proposed to be LB (Limited Business) | Proposed Educational Service (previously a School) |
| East of site  | Residential                          | GR (General Residential)                                       | Lodging Establishment                              |
| West of site  | Transitional                         | LB (Limited Business)  | School District's Recreational field               |

- 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.” The Hearing Examiner should 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 existing and continued use.

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 Wood River Fire and Rescue building exists and all services and utilities are established.

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

There is no proposed change in use. The current use is considered a Public Service Facility, which requires a CUP in either the GR or LB districts. 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 near the southern edge of the GR-zoned properties; with approval of Blaine County School District's rezone, the property to the south will be 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 of Lots 1-3 are zoned LB. The Hearing Examiner should determine if the rezone is compatible with the surrounding area.

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

It is not anticipated that there will be much public affect on the health, safety and general welfare, especially if a development agreement is pursued. The development agreement can help ensure even greater limits on the commercial uses that could occur on the subject property than what is afforded by the LB district. The rezone will help clean up the LB zoning area and create a more uniform and cohesive section of LB zoning. The Hearing Examiner should determine if the public health, safety and welfare of the citizens of Hailey will be promoted by the rezone.

**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 VIII A 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 VIII A 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 VIIIA 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.