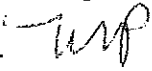


STAFF REPORT

TO: Hailey Planning and Zoning Commission
FROM: Mariel Platt, Planner 
RE: Amendment to Zoning District Map – Lots 4-10, Block 69, Hailey Townsite
HEARING: December 12, 2009

Applicant: Ed Uhrig
Request: Amendment to Zoning District Map
Location: Lots 4-10 Block 69, Hailey Townsite (17 Myrtle Street East)
Current Zoning: General Residential (GR) within the Townsite Overlay
Proposed Zoning: Limited Business (LB) within the Townsite Overlay
Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Idaho Mountain Express, mailed to property owners within 300 feet, and mailed to public agencies and area media on November 18, 2009; and notice was posted on all external boundaries of the property on November 30, 2009.

Application

The applicant has submitted a request for a zone change from GR to LB, but has not identified any intended change of use at this time.

The current uses of Lots 4-10 are storage of fence materials (Lots 4-7 and north ½ of Lot 8), which is a non-conforming use in the GR district as well as the LB district; and a single-family residence (Lots 9-10 and south ½ of Lot 8). Uses adjacent to the subject property include:

South: Multi-family residences

North: Multi-family residences

West: Subway, Baskin Robins, and Sinclair Gas Station.

East: Single family residences

Analysis and Discussion

The Townsite Overlay District sets forth bulk regulations and design standards that are layered on top of the regulations of the underlying zoning district. 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 following 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

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, Section 4.5, LB District of the Hailey Zoning Ordinance is attached.

In addition to the permitted uses allowed in General Residential, Limited Business 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

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 may be appropriate to have a Development Agreement that prohibits all conditional uses listed in the LB district. This has been incorporated as a recommended condition of approval to help lessen impacts felt by neighboring residential areas and to help preserve the residential character.

Standards of Evaluation

Section 14.6 of the Hailey Zoning Ordinance sets forth the following standards of evaluation. The Commission shall, at a minimum, consider the following criteria in making a recommendation to Council:

1. **The proposed amendment is in accordance with the Comprehensive Plan;**
 - 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 as “Transitional – Mixed use, including residential, providing a buffer between

residential neighborhoods and intense business use.”

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
Existing	Transitional	GR (General Residential)	Residential and Storage
Proposed	No change is proposed	LB (Limited Business)	No change at this time
North of site	Transitional	GR (General Residential)	Residential
South of site	Transitional	GR (General Residential)	Residential
East of site	Transitional	GR (General Residential)	Residential
West of site	Business/Commercial/Mixed Use	B (Business)	Business

- 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.”
- 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.”

In addition, please refer to the applicant’s analysis of the proposed rezone and the applicant’s analysis of compliance with the Comprehensive Plan (attached).

The Commission 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 uses allowed in the LB District. The Commission should determine if these uses would be appropriate at this location.

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;

Due to the close proximity to the B district, it is anticipated that public facilities and services are available to support the full range uses permitted by the LB district.

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

If the rezone is approved, the GR zoned residences to the north of the subject property would be sandwiched between the B district to the North and West, and the LB district to the South. Depending on the future use of the subject property, this may burden the remaining GR lots on Block 69 (Lots 1-3).

The Commission should consider the following options: 1) denying the rezone, 2) approving the

rezone contingent on Lots 1-3 also being rezoned to LB, and/or 3) approving the rezone with a development agreement to mitigate any potential impacts to the residential areas adjacent to the subject property.

The applicant has stated that the uses directly west of the subject property impact the subject lots in such a manner that it would be difficult to sell the property or redevelop with strictly residential units, as the GR district requires. It is important to consider what the implications of the proposed rezone may be on residential properties adjacent to the subject property if a rezone is approved; adjacent residences could have the same concerns as the applicant.

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

It is difficult to determine the impacts, without knowing the future use of the subject property. The general welfare of neighboring residences may be impacted, depending on the future use. If the Commission decides to recommend approval of the rezone, it is a recommended condition of approval the rezone is subject to a development agreement, as stated above.

14.6.1 When evaluating any proposed Zoning Ordinance Map Amendment to rezone property to Business (B) Zoning District, Limited Business (LB) Zoning District or Transitional (T) Zoning District, the Hearing Examiner or Commission and Council shall consider the following:

- a. **Vacancy rates of existing buildings and land within the existing Business (B), Limited Business (LB) or Transitional (T) Zoning Districts. A lower vacancy rate will favor a rezone, while a higher vacancy rate will not favor a rezone.**

Vicinity of LB District	Vacant Lots	Vacant Buildings
South end of Main Street	Lots 1-3 Rick Davis Business Center Subdivision (0.99 acres in total)	Block 128 St. Luke's Family Practice
Intersection of Woodside Blvd. and Winterhaven Dr.	Lots 1A and 2A, Block 61, Woodside Subdivision No. 15 (3.44 acres)	
Intersection of Shenandoah Dr. and Countryside Blvd.	Lot 1 and 2, Block 21, Woodside Subdivision No. 6 (1.2 acres)	
Sweetwater	Sweetwater was approved for development; however, the current status of the undeveloped lots is unknown (13.08 acres currently undeveloped).	Sweetwater - 22 residential units
Copper Ranch	Parcel A5, Copper Ranch (1.65 acres)	
	Block 85 Woodside Subdivision No. 24 (2.7 acres)	
	Lot 1, Block 67, Woodside Subdivision No. 18 (1.56 acres)	

Approximately half of the undeveloped land owned by Sweetwater is zoned with a Development Agreement. These portions restrict uses to residential only. Therefore, the undeveloped lots south of Countryside Blvd. are zoned LB, but can only be developed with residential uses. The lots west of Shenandoah Dr. are not restricted and are undeveloped.

The size of the vacant lots zoned LB is 24.92 acres. Of the 24.92 acres, approximately 6.5 acres is zoned with a Development Agreement that allows only residential uses, 23.93 of the vacant acres are located in Woodside, with 0.99 acres located just south of the Townsite Overlay. The location of the LB vacant lots is important to consider because of the inherent differences between the Woodside area and the Townsite area, near the commercial core.

The Commission should also consider the number of vacant buildings currently located in the B district. Although the analysis was not done on this district, there are numerous commercial building vacancies close to the Central Core Overlay District, such as the Village at Hailey Center and Meriwether Condos. All commercial uses allowed by the LB district are also allowed by the B district. Therefore, unless the property was to remain a single-family residence or be redeveloped with new or additional single-family residences, there are vacant buildings available in the B district that could support the same commercial uses that could potentially be developed on the subject property, if it were to be rezoned LB.

In addition, please refer to the applicant's attached analysis.

- b. The distance of the parcel proposed for rezone from the Central Core Overlay District boundary. A shorter distance from the Central Core Overlay District boundary will favor a rezone, while a longer distance from the Central Core Overlay District boundary will not favor a rezone.**

The subject property is approximately 1,710 feet or 0.32 miles from the Central Core Overlay District (see attached map).

Summary

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

The Commission 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**.

Suggested Conditions for the Commission to consider if they choose to recommend approval of the rezone:

- a) Approval of the rezone application is subject to the rezone of Lots 1-3, Block 69, Hailey Townsite.
- b) Approval of the rezone application is subject to a Development Agreement, which would prohibit all conditional uses listed in the LB district for Lots 4-10 and Lots 1-3, Block 69, Hailey Townsite.

Motion Language

Approval:

Motion to recommend approval of an amendment to the zone district map for the City of Hailey to change the zoning of Lots 4-10, Block 69, Hailey Townsite, (17 Myrtle Street East) from General Residential (GR) to Limited Business (LB), finding that the project is in conformance with the criteria of Section 14.6, (1) through (4), as set forth herein, and all applicable requirements of the Zoning Ordinance, and City Standards; with conditions () through ().

Denial:

Motion to deny an amendment to the zone district map for the City of Hailey to change the zoning of Lots 4-10, Block 69, Hailey Townsite, (17 Myrtle Street East) from General Residential (GR) to Limited Business (LB), finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon an application to amend the zone district map for the City of Hailey to change the zoning of Lots 4-10, Block 69, Hailey Townsite, (17 Myrtle Street East) from General Residential (GR) to Limited Business (LB) to _____ [the Commission should specify a date].

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.