

City of Driggs  
**PLANNING AND ZONING COMMISSION MEETING**  
**MINUTES**  
MEETING HELD AT CITY HALL  
June 9, 2010  
7:15pm

**MEMBERS PRESENT:** Rene Lusser (conducting), Rick Baldwin, Ralph Mossman, and Delwyn Jensen.

**OTHERS PRESENT:** Planning and Zoning Administrator Doug Self and various other community members.

**1) Approval of Minutes**

The Commission reviewed the minutes from the previous meeting. Commissioner Mossman asked for clarification regarding zone changes versus conditional use permits and the timelines.

**Commissioner Delwyn Jensen made a motion to approve the minutes from May 12, 2010. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.**

**2) Sign Permits**

**Tony's Pizza and Pasta**

Doug Self stated that the sign conformed regarding size. However, it must be placed on a sidewalk, not obstructing pedestrian traffic, out of the highway right-of-way.

**Commissioner Delwyn Jensen made a motion to approve Tony's portable sign permit with the conditions that it be weighted, be located behind the curb, and not restrict the clear width of the sidewalk to less than 4 feet. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.**

**Local Yocals Art Emporium**

Mr. Self stated this was an application for a freestanding sign, portable sign and wall sign. All met the dimensional maximum standards. The portable sign should be placed out of pedestrian access and weighted.

Commissioner Jensen questioned if the way the freestanding sign was set in its structure was against conformance. Mr. Self read the design standards for that specific zone and felt that the materials were not in harmony with the building. Commissioner Mossman felt the signposts could be flush with the sign and then conform to the design standards.

**Commissioner Ralph Mossman made a motion to approve the signs for Local Yocals Art Emporium with the conditions that the sign support posts must not be visible above the freestanding sign (according to 9-2-7-1.A.1), the sign lighting must not create glare into the roadway or shine upward, and the portable sign must be weighted and must not restrict the clear sidewalk width to less than 4 feet. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

### **3) Public Hearing for a conditional use permit for an impound yard in the Flying T Subdivision Lot 7 – 7:30pm**

The applicants, Debi and Ron Hunt, submitted a written statement, which was copied for other attendees. Ms. Hunt presented information to the Commission regarding the application and clarified that the adjacent lot, which had many vehicles stored on it, was not part of this property. Ms. Hunt stated the difference between an impound yard and a wrecking yard and that most cars were impounded from Teton County, the State of Idaho and various insurance companies. She then read the written statement. Ms. Hunt stated the average amount of cars in the impound yard at one time was 3.

Commissioner Ralph Mossman questioned what changes the State Legislation was making. Ms. Hunt stated that the process to remove vehicles off the lot was being expedited. Commissioner Mossman questioned if vehicles that were in an accident, but weren't totaled would be in the impound yard. Mr. Hunt stated that most of the time, those vehicles would be at a body shop, not an impound yard. Commissioner Mossman then asked if the applicant was in agreement not to have totaled vehicles in the impound yard. Mr. Hunt stated that at this time, that condition would be agreeable, until the potential to open a body shop becomes available.

Commissioner Baldwin questioned the security measures that were being taken. Mr. Hunt stated that there was a 6-foot fence with a razor top. Ms. Hunt stated that there were issues with the lighting to try and meet the Dark Sky Ordinance and airport regulations. Until this application was approved, she didn't want to put money toward security measures.

Mr. Hunt stated that at this time he did not see a need for screened fencing, but was open to the possibility that it would need to be done in the future.

Mr. Self presented his report and read comments from Kay Brooks, Brent Blue, David and Bonnie Enrico, and Darin and Cheyenne Enrico.

An impound yard was listed as a conditional use in the M-1 Light Industrial Zone, Mr. Self stated. However, there was no definition for an impound yard. Mr. Self read the definition for automobile wrecking yard and stated that the impound yard could not meet that definition at any time because it would then not be allowed. Mr. Self stated that the Commission should ensure that the impound yard could not be defined as a wrecking yard, as those types of uses were prohibited.

The property also falls within the Airport Land Use in the Comprehensive Plan and use for this area should be "based on platted airport related subdivisions and anticipated future airport needs, with a desire to minimize impacts to residential areas to the south. The zone could be condensed on the west side if existing non-airport related uses do not desire transition to airport related uses." Mr. Self stated that the type of use proposed could fit within the plan and stated that property owners have the option to be in or out of the airport land use area. In general, Mr. Self stated that the industrial zone was a compatible use for airports and would be encouraged by the FAA. Stored vehicles don't cause safety issues for airplanes.

Mr. Self suggested the Commission consider the need for screening and possibly placing a limit on the number of vehicles to be stored. No non-operating vehicle should remain on the premises for more than 30 days. The Airport Board was informed of this and at this time, no comment had been received.

Mr. Self concluded by stating that Lot 8 was not part of this application and was currently in violation of the Nuisance Ordinance. At this time, enforcement to clean up Lot 8 was being undertaken.

Commissioner Rene Lusser opened the Public Hearing.

Jim Brooks spoke. He stated that before the above discussion took place, he assumed the subject lot was within the city limits. He felt the use may be appropriate and stated the applicant had a "good plan if he can stick to it." He asked that a privacy fence and entrance gate be required, setbacks be enforced so that a tow truck could pull into the property before opening the gate, and various other items should be done before the conditional use permit was issued. He stated that a good indication of how this would be in the future was to see if the applicant kept the current property in order. He concluded by stating that if there was enough room on the property, if it was kept clean, and if the conditions were met, he did not have a problem with it.

Mike Peters spoke in a neutral position. He stated he was from the Teton Arts Council and had two concerns, which included road maintenance and proper screening of the property. Mr. Self stated that Rodeo Drive was a public road and owned by both the City and the County. Mr. Self has asked the Mayor and the County Engineer to get together to figure out who would be responsible for maintaining the road.

Anna Trentadue spoke on behalf of VARD and stated that there were several different uses in the area including residential, the arts council, storage uses, lots with debris, Voorhees, etc. She felt the first thing that needed to happen was enforcement in the area and felt that the road could not handle more traffic. She felt that this type of use was appropriate in the area and that a slatted fence would address the impacts to neighboring lots. Ms. Trentadue recommended that the Commission develop a definition for an impound yard to guide the County in its enforcement. She concluded by asking that containment of chemicals from vehicles be required for those vehicles that have been in accidents.

Rich Carlson spoke and suggested that the Commission drive by the subject property as he felt it was the cleanest place in the area, next to the Arts Council. He concluded by stating the business was growing and he hoped that the Commission would see the applicant was "making it look clean."

Ms. Hunt responded to the above comments stating they would be proactive in controlling leaking chemicals such as oil, anti-freeze, windshield cleaning fluid, etc. as it was not in their interest to contaminate the property. She stated that there was approximately 18 feet of space for tow trucks to enter the property and in the past vehicles had been able to pass on the road. She wanted to make it clear that the land would not be used as a junk yard. She asked the Commission to develop a definition of an impound yard.

Mr. Hunt stated that a slatted fence would be an economic burden at this time. Commissioner Lusser felt that the greatest concern seemed to be the screening along the road and suggested approximately 200-250 feet of screening. Mr. Self stated that a quick Internet search showed slatted fencing appeared to be approximately \$5 per foot. Ms. Hunt stated that at some point there may be a need for screening but at this time, the lot was clean and felt there were other lots in the area that were in worse condition.

Commissioner Valiante questioned how many vehicles would be stored on the lot at one time. Ms. Hunt asked that a condition not be placed on the amount of vehicles they can have as she hoped their business would grow in the future. However, screening would be agreeable if there are a certain number of vehicles on the lot.

Commissioner Baldwin asked that if all damaged vehicles were to be placed at the body shop how that would affect them. Ms. Hunt stated that some vehicles involved in accidents must be kept at an impound yard under "lock and key" until legal issues were resolved, making that request impossible for their business.

Mr. Self read the definition for an auto repair shop and offered a definition of an impound yard which was, "a site used for the temporary storage of vehicles that have been removed or impounded from public or private property at the direction of a peace officer or by judicial order as prescribed by law." He felt that if the property was screened then a condition for the number of vehicles on the property at one time should not be required.

Commissioner Mossman felt the above definition for an impound yard be presented to the County.

Commissioner Valiante asked if a body shop were to move to the property if the conditional use permit would remain. Mr. Self stated that the vehicles would have to have work orders in order for it to be a body shop.

Commissioner Mossman suggested that conditions should focus on the amount of total vehicles and the chemicals that were involved. Commissioner Baldwin felt that screening was appropriate. However, he did not want to put undue burden on the applicant. He concluded that it might also help with security. Commissioner Jensen questioned how the impound yard would be any different than if it was an auto body shop without screening.

Commissioner Mossman then stated his biggest concern was protecting against leaking fluids. The applicant stated that they could drain the radiators and stated that they needed to find out about the hazardous waste regulations in Idaho. She further stated that they usually clean up all of the spilled fluids at accident scenes. Commissioner Jensen stated the Commission should ensure mitigation for the possibility for leaking fluids and not require all vehicles to be drained from fluids.

Commissioner Mossman questioned what number of vehicles should trigger the need for screening. Commissioner Jensen questioned who would enforce it and Commissioner Baldwin

questioned how screening would be implemented in a practical sense if required when a number of vehicles enter the lot.

**Commissioner Delwyn Jensen made a motion to approve the conditional use permit with the conditions that if any fluids are leaking that they be properly contained and mitigated and that the definition of an impound yard read by staff be adopted. Commissioner Ralph Mossman seconded the motion. The motion passed with Commissioner Jensen, Commissioner Mossman and Commissioner Valiante in favor. Commissioner Baldwin voted in opposition.**

#### **4) Design Review for the exterior remodel at Alpine Wines-**

Ron Nemetz presented the application for Alpine Wines. The metal canopy had been removed to expose the brick and wood detail. The design would maintain the existing brick and add a concrete base from the columns to the front door. He further explained the details of the remodeling and stated they were hoping to treat the brick to the original detail.

Doug Self stated that the Design Review Advisory Committee approved the application without conditions but requested that an ADA ramp be placed in the back unless unable to do so. If a ramp was to be placed in front the application would have to go back through DRAC.

**Commissioner Ralph Mossman made a motion to approve the application as submitted. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

#### **5) Seasonal Vendor Design Review for Swiss Grill in the Broulim's Parking Lot-**

Carol and Erwin Kouegger were present. Ms. Kouegger stated they chose an attractive stand to sell a unique product that attracted about 25 customers a day. She informed the Commission that the original intent was to go to fairs, but that the summer season was so short and they needed an additional location to sell their product.

Broulim's picked the location where the trailer is currently located. The log cabin look of the trailer fit perfectly with the rural and mountain atmosphere, stated Ms. Kouegger. She felt that moving to a different location or having to modify the trailer greatly would be detrimental at this point.

Mr. Kouegger asked what specific concerns the Commission had. Ms. Kouegger stated that the SnoCone trailer had been located in the same parking lot for several years and had not had to go through this same process.

Mr. Self responded stating the subject ordinance was recently approved and read the definitions of a mobile, temporary and seasonal vendor. The DRAC had to ensure this type of trailer fit into the C2 zone esthetically, and determine what standards should be waived and what standards should be required.

Commissioner Mossman questioned if the building could be removed from the trailer. Mr. Kouegger stated that it could not and further stated that a lease had been signed with Broulim's for the location of the trailer.

Commissioner Baldwin stated that the trailer should have the appearance of a permanent structure. He also felt that a seasonal vendor should be in one location and not be able to move to different events. He felt the current location of the trailer did not agree with the information provided in the application. He concluded by stating he felt the issues could be resolved to ensure compliance.

Commissioner Valiante questioned if the applicant was able to move elsewhere within the parking lot. Mr. Kouegger stated that it would be possible. However, most customers park right next to the trailer and the need for an electrical outlet was critical. He further stated that the orientation of the trailer had been changed due to high winds and felt that a different location would be agreeable. Skirting or potted plants were discussed to improve the appearance and make the trailer appear more permanent.

Commissioner Mossman questioned if seasonal vendors had to reapply each year. Mr. Self stated that unless the ordinance changed or the design changed, the vendor would not have to go through the same process each year.

Discussion of the ordinance began. The location for the trailer was deliberated.

Commissioner Mossman felt that the statement that trailers don't enhance the appearance and livability of the community might not be true of this trailer, as it did fit the mountain character.

Commissioner Jensen questioned if the City wanted several temporary permanent structures that were vacant most of the year, stating he would rather see trailers that were removed after the use was complete. Mr. Self stated the Commission should determine if standards should be waived for temporary trailers and if this type of trailer was a distraction from the esthetics.

Commissioner Jensen did not feel that a trailer was providing the same services as a restaurant and therefore not competing with those restaurants in town. Geoff Hebert, representing Pendl's Bakery, stated that those vendors do create competition and that Broulim's would not be the only location option for these types of vendors. "The trailers can choose the best days to compete, while the 'brick and mortar' businesses have to make it through the tough days."

Commissioner Baldwin questioned if vendors had a negative effect on businesses during special events. Mr. Hebert stated that special events brought more people to town and didn't negatively affect businesses.

Commissioner Mossman felt that allowing vendors to come back year after year should not be allowed unless they go through the same process each time. Commissioner Baldwin agreed that a yearly review should be conducted. Commissioner Jensen suggested limiting the total number of seasonal vendors, but that economic and competition factors should not be factored. The Commission needed to determine if this vendor fit within the standards of the ordinance, Commissioner Jensen stated.

Ms. Kouegger felt that a variety of vendors enhance the city, as there were more opportunities for tourism. Mr. Kouegger felt that the use of seasonal vendors enables a business to grow into a more permanent structure unless it is “shut down because it’s a mobile unit.”

Commissioner Mossman questioned how this trailer could fit into the requirements and felt that a skirt around the trailer would be needed. He felt that an understanding of the ordinance, and if vendors have to re-apply every year must be determined.

Commissioner Mossman felt there were ways to limit the amount of vendors. The Commissioners discussed that screening of the trailer should be required with either landscaping or skirting and that the applicant should be responsible for designing it, not the Commission.

Discussion of the location and the orientation of the trailer began.

**Commissioner Ralph Mossman moved to table the application to a meeting on June 16, 2010 at 7:15pm and asked for the applicant to return with information on the trailer screening and the new location adjacent to a sidewalk, and clarification from staff on whether the applicant needs to submit an application every season.**

The applicant questioned why there was a need to review the business every year. Commissioner Mossman responded stating that the Commission may want the ability to respond to changes or conditions and address situations that did not work for the community.

Commissioner Baldwin asked that the applicant discuss the trailer location to ensure they were agreeable to running electrical wires across portions of the parking lot.

**Commissioner Rick Baldwin seconded the above motion. The motion passed with Commissioner Delwyn Jensen in opposition.**

#### **6) Design Review for parking lot improvements at KeyBank**

Mr. Self proposed keeping the driveway and removing the small building. There would be a landscape area in the parking lot as well. Standards stated that accesses need to be combined and Mr. Self suggested that the ingress and egress be at the same point, eliminating the north exit point. Stripping of the entrance lane needed to be clear so that those coming in do not take up the egress lanes. After looking at the design and addressing queuing, it was determined that the ingress and egress should be switched. Mr. Self explained the new layout.

**Commissioner Ralph Mossman made a motion to approve the revised parking lot layout. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

#### **7) Design Review for the exterior remodel at KeyBank**

Mr. Self stated the DRAC approved the building remodel application with the conditions that corner caps be added to the northwest and southwest corners, the stone color match with the existing concrete and recommended that the awnings have sides. Mr. Self stated that KeyBank had stated they would not modify the awnings, as they are the standard for all the banks.

**Commissioner Ralph Mossman made a motion to approve the application for the KeyBank façade remodel. Commissioner Delwyn Jensen seconded the motion and the motion passed with all in favor.**

**Commissioner Ralph Mossman made a motion to adjourn. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:47pm.**