

City of Driggs
PLANNING AND ZONING COMMISSION MEETING
MINUTES
MEETING HELD AT CITY HALL
July 14, 2010
7:15pm

MEMBERS PRESENT: Rene Lusser (conducting), Rick Baldwin, Ralph Mossman, and Chris Valiante.

OTHERS PRESENT: Planning and Zoning Administrator Doug Self, Deputy Planning and Zoning Administrator Kreslyn Schuehler and various other community members.

1) Approval of Minutes

The Commission reviewed the minutes from June 9, 2010. Commissioner Baldwin and Commissioner Lusser made corrections.

Commissioner Ralph Mossman made a motion to approve the minutes from June 9, 2010 as corrected. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.

The Commission reviewed the minutes from June 16, 2010. Commissioner Mossman questioned if seasonal vendors were allowed to do business each year after the initial approval. Mr. Self stated that if nothing changed with the location or proposal, the vendors do not have to go through the design review process, but would have to get a business registration each year. If the code doesn't change and the business doesn't change, "you can't change your mind," Mr. Self stated. Commissioner Mossman was concerned that a limit was not set for the number of seasonal vendors allowed. Mr. Self felt this concern should be addressed with the City Council, as it was not a zoning issue.

Commissioner Ralph Mossman made a motion to approve the minutes from June 16, 2010. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.

2) Public Hearing for a conditional use permit for a Daycare/Preschool Center at 495 E. Little Avenue as submitted by Stephanie DeBone – 7:30pm

Stephanie DeBone was present to provide information to the Commission. She stated that she would be licensed as a daycare but would be administered as a preschool. She requested to increase the number of students to 20 children a day for future growth and asked that the hours of operation be from 7am to 6pm, although children would only be at the center from 8am to 4pm. Ms. DeBone felt the center would be very positive for the community and stated she would ensure parking, noise and lighting would not be an issue for the neighbors.

Commissioner Lusser questioned if Ms. DeBone had meet with the Fire Marshal. She stated she had and had also met with the Building Inspector as well. The building would need ADA access.

Commissioner Lusser asked about additional parking for the other tenants on the property. George Mosher, property owner, stated that there were nine parking spaces for vehicles in the lot adjacent to the building that would be available. This would allow for 2 spaces to be used for the additional tenants. Mr. Mosher also stated that parking on the street and in the driveway could be accessed for parents dropping off and picking up their children.

Mr. Self presented the staff report. He stated the property was located in the R1 zone and a day care business for more than 6 children was a conditional use. Mr. Self felt that the request for 20 children was reasonable, if the Commission attached conditions which included hours of operation, parking and noise, although he felt the noise would not be a concern given the location of the play area. Mr. Self explained the parking and stated the business was required to have 3 spaces per 1,000 square feet. The business was approximately 1,550 square feet and would require 6 spaces with the above studio apartment requiring one space. There were a total of 5 spaces in the parking lot, with 2 vehicles in the driveway. He further stated an additional space could be required and a shared agreement would need to be developed, but Mr. Self felt that most would use the on street parking. If that was decided, the landlord could not request credit for the on street parking to be used toward future developments. Mr. Self concluded by stating he would recommend that parents and caregivers can not block the sidewalk as it was part of the route to the school.

Commissioner Mossman questioned if the fence was high enough for the children. Ms. DeBone felt that it was adequate and stated the children would be supervised at all times.

Commissioner Lusser opened the Public Hearing. There was no public comment and the hearing was closed.

Commissioner Valiante felt that the parking was adequate, as most would not be parking for more than a couple of minutes. Commissioner Baldwin agreed stating that there was adequate room to expand the parking if necessary.

Commissioner Ralph Mossman made a motion to approve the continual use permit for the preschool at 495 E. Little as submitted by Stephanie DeBone with the conditions that the number of children not exceed 20, hours of operations was 7am to 6pm, the applicant shall inform parents that they are not to block the sidewalk, the play area shall not be expanded or moved unless approved and the on street parking shall be assigned to this use.

Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.

3) County Courthouse – Site Plan (parking) Design Review Amendment -

Lou Simonet, County Engineer, presented a change in the original design of the Courthouse parking. He stated there were discussions with a design engineer and the County would like to increase parking to add an additional 28 spaces. He explained where the increase would occur. Curb cuts with installation of new curbs would have to take place as well as the relocation of irrigation boxes.

Mr. Simonet stated that the intent was to have the remainder of the property be natural grass or to use for future parking. The preliminary plan was to have a park strip along the southern edge of

the parking with the major walking pathways on the end of the sidewalk arch. Mr. Simonet concluded, stating that all work would be to the city standards.

Mr. Self explained the parking standards to the Commission stating that it required one parking space per 4 occupants for maximum occupancy. The courthouse would need 104 spaces. Mr. Simonet stated there was a possibility for more parking depending on the funds and if Huntsman Springs approves the revised parking plan.

Mr. Self stated that the courthouse was 22 spaces short with counting the spaces along the inter loop of Courthouse Drive. He suggested approval of the plan with the condition that the County comes back in the future with a plan for the 22 spaces needed. Commissioner Baldwin felt the plan was reasonable and that there was potential for extra parking in the future.

Commissioner Rick Baldwin made a motion to approve the change to the parking plat for the Courthouse as shown. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.

4) Discussion of Possible Off-Site Directory Sign Amendment –

Mr. Self stated that the Council asked the Planning and Zoning Commission consider an amendment to address off-site directory signs for businesses close to Main Street but not on Main Street. Mr. Self provided a few options such as city sponsored directory signs that are standard or allowing one off-site sign on any property along main Street or Little Avenue for businesses within 1,000 feet.

Commissioner Baldwin stated a city standard sign that would allow a business to lease a space seemed to be a good option as he was not in favor of allowing various signs along the streets. Jerod Pfeffier, 460 Bread business owner, suggested looking at other resort areas to determine what was done for off-street businesses. He further stated that pedestrian kiosks might not work for all because those signs needed to be placed on a sidewalk. He concluded by explaining the benefits his business had seen by placing a sign along Main Street.

Commissioner Valiante suggested limiting the size of an off-site sign and Mr. Self responded by stating that another form of a kiosk could be developed requiring 3 or more businesses to be on one sign. Commissioner Mossman felt the signs should be uniform. Commissioner Lusser stated that businesses in the Central Business District should not be allowed to have off-site signs as there would be too many of them and he felt that was “why you pay a premium to have a business on Main Street.”

Doug stated he would draft options based on the discussion for future review.

5) Preliminary Plat Review for The Edge Subdivision as submitted by R & S Peterson -

Sharon Woolstenhulme, from AW Engineering, presented information to the Commission. She explained the location of the property. Phase 1 would include 5 units facing Ross Avenue, two units as duplexes and one single-family home. A Home Owners Association would be formed as soon as enough units were purchased.

Ray Peterson stated he owned the property for 3-4 years and felt it was a nice property to do the project and explained his intent. He stated he didn't want the buildings to be rentals and felt he would sell them for under \$250,000. Commissioner Mossman questioned if the applicant had been in touch with the housing authority. Mr. Peterson stated he hadn't tried to qualify for affordable housing although he had discussed the project with them at one point.

Arnold Woolstenhulme stated that the focus should be on phase 1 as the applicant was just illustrating the possibilities for the Master Plan and wasn't particularly happy with the layout.

Commissioner Lusser referred to a map that showed the property line further to the south than the section line. Mr. Self stated that most homes on Ross Avenue are about 15-20 feet back from the section line, which had been treated as the property line. Mr. Self stated that a vacation could be done for the 16.5 feet between the section line and the property line. However, the applicant must complete this process and not the City.

Mr. Self further discussed his staff report. He clarified the zone change conditions for the property stating that the buildings for this property do not have to be single-story buildings but can be up to the maximum height for that zone.

Mr. Self recommended the application be tabled due to a lack of information that included the townhome design concepts, open space improvement details, necessary CC&R revisions regarding the open space, revised water, sewer and road plans, revised plat to address non-conforming issues which included the street setback or a vacation, Lot 5 access, sidewalk location and back-out parking, and a revised plan to readdress 5th Street and Ross Avenue. He further stated the Commission needed to think about the street realignment, as this may be the only chance to fix the street.

Commissioner Mossman questioned the reasoning behind having the road realigned. Mr. Self stated that vehicles could have more direct visibility. Commissioner Mossman questioned if 5th Street north of Ross was a collector road. Mr. Self stated it was designated as a collector road but hadn't been accepted by the city at this time. Commissioner Mossman suggested a roundabout instead of aligning the street.

Mr. Self stated that the Master Plan could be a "place holder" or could be indicated as "future development" on the plat. He also received three public comment letters, which he read.

Commissioner Lusser opened the Public Hearing.

Anna Trentadue from VARD spoke in a neutral position. She felt this was a great location for high-density housing but was concerned about the timing of the project given the high inventory of existing housing. She stated that she didn't want to see this project fail. She felt that a long-term open space maintenance plan should be developed and felt that a demographic study should be done to ensure these units would sell. She felt that more studies should be submitted since the master plan had over 50 units.

Joe Reichert spoke. He stated he was unaware that a zone change was approved for this property and felt this area was not the place, as traffic was already heavy due to the schools. He stated that if the townhomes don't sell, the applicant wanted to rent the units. However, Mr. Reichert felt that the rental market was just as tough and he was afraid the units would sit vacant.

Anna Lindstedt felt that a more detailed plan needed to be submitted for Phase 2. She felt this was a good opportunity to make this a benefit for community, but wanted to ensure the applicant had done research to ensure its success.

Commissioner Lusser closed the Public Hearing. Mr. Woolstenhulme stated that Mr. Peterson was agreeable to proceed without the Master Plan. Mr. Peterson stated that if Ross Avenue could not access Lot 5, a change would be made to include Lot 5 in Phase 2.

Mr. Woolstenhulme stated the intersection had major utilities within close proximity, which made realigning the street very expensive. Commissioner Mossman questioned if it would be easier to realign the road or put a roundabout at the intersection. Mr. Woolstenhulme felt that a roundabout would be cheaper if a reasonable radius could be achieved. Mr. Self reminded the applicant that a roundabout would need to accommodate a school bus.

Mr. Peterson questioned if Phase 1 could include lots 1-4 and include lot 5 in Phase 2. Commissioner Mossman reminded the applicant that a vacation needed to be determined or the buildings needed to be moved back.

Commissioner Lusser questioned if the driveways could be reconfigured because if vehicles turned around within the driveway, the sidewalk would be crossed. There was discussion of separating the two driveways for each townhome in some manner. Mr. Self also stated that the storm water would need a place to drain. With all of the concrete, it wasn't able to do so.

Commissioner Valiante stated that the applicant might need to apply for a vacation before moving forward. He also stated he would like to hear from other agencies such as the school district and sheriff's office as to what they would like to see for the intersection.

Mr. Self stated that if Lot 5 was part of Phase 2, or if the Master Plan was consider, an analysis of the intersection and of traffic would need to be done. As it stands, those studies are not required until Phase 2 was presented again.

Mr. Self read the definition for a single-family home to determine if backing out of a driveway was allowed. It was determined that the townhomes would be considered single family attached homes.

Commissioner Lusser questioned if open space was required for Lots 1-4. Mr. Self stated that open space was not required until Phase 2 began. Mr. Woolstenhulme stated he felt common space would be in Phase 1 and would not be counted toward Phase 2. Commissioner Lusser was concerned that Phase 2 would not have enough open space available with the density and that the common space in Phase 1 would be taken over with decks and patios.

Discussion of the difference between a PUD (Planned Unit Development) versus a subdivision began. Doug read the definition for a PUD and stated that a townhome development is a hybrid between a subdivision and a PUD.

The side setback was discussed. There was a concern with the 10-foot separation between the buildings. Mr. Self stated the 10-foot setback conformed to the Zoning Ordinance. Within the Subdivision Ordinance, the Commission could review it to determine it's appropriate.

Commissioner Lusser felt that aside from resolving various issues, the two duplexes were "doable." He questioned who made the final determination on the intersection alignment. Mr. Self stated that the City would place it out to bid. Commissioner Baldwin felt it needed to be addressed and done properly to avoid further hazards.

Mr. Self stated that without the Phase 2 being constructed there was no trigger for the developer to participate in the study for the intersection. During the construction of phase 2, impact fees from the developer may be used toward the studies needed. Mr. Woolstenhulme felt there were other participants that should contribute in the cost of the study, including the county and the school district.

Commissioner Rick Baldwin made a motion to table the application for additional information as discussed. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.

6) Sign Permits – Kwik Way

Mr. Self stated that the existing sign was 70 square feet, which was not allowed until the new sign ordinance was adopted. Under Title 8 of the Sign Code, the sign was now allowed. This application was tabled until the new Sign Code was adopted. He recommended that the Commission deny the previous application and consider it under Title 8.

Commissioner Ralph Mossman made a motion to deny the freestanding sign for Kwik Way under Sign Ordinance #243. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.

Commissioner Ralph Mossman made a motion to approve the Kwik Way sign under Title 8 Chapter 2. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.

7) Swiss Grill

Mr. Self explained the changes the Swiss Grill was proposing, eliminating the simulated river rock.

Commissioner Chris Valiante made a motion to amend the motion made on June 16, 2010 to add the wording "or a natural building material which screens the trailers structure" and change the date that improvements must be made to July 24, 2010. Commissioner Ralph Mossman amended the above motion to exclude the extension for the improvements.

Commissioner Rick Baldwin seconded the amended motion. The motion passed with all in favor.

Commissioner Chris Valiante made a motion to adjourn the meeting. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:34pm.