

**MINUTES OF THE CITY OF DRIGGS  
SPECIAL CITY COUNCIL MEETING  
AUGUST 18, 2009**

Pursuant to adjournment of the regular City Council meeting held August 4, 2009, and the call of the Mayor, the Driggs City Council met in special session **Tuesday August 18, 2009**, at 6:00 p.m. A roll call was taken and present were council members: George Mosher, Dan Powers, Greer Jones and Colin Dye, Mayor Louis Christensen, Planning and Zoning Administrator Doug Self, City Attorney Stephen Zollinger and Planning and Zoning Commissioners Delwyn Jensen, Rick Baldwin and Rob Bottner. Mayor Christensen led the Pledge of Allegiance.

**DRIGGS CINEMA AND COMMERCIAL CENTER**

Mayor Louis Christensen stated the City Council had reviewed and discussed all of the items presented by the Planning and Zoning Commission for the Driggs Cinema and Retail Center. After the Council had been presented with a revised site plan from Doug Self, they wanted to approve the original plan with a “couple of modifications.” Mayor Christensen stated the revised plan was a good alternative, but “the problem with the revision was that there was no area for emergency services to come through for the building or get out easily because of the blocked road way.”

Bruce Simon presented those in attendance with two other site plans. He stated that both plans have a row of parking in front of the retail center, between the building and the highway and are “sensitive to the large trees” that exist on the lot.

Plan A proposed being able to make an immediate left into the front parking lot while Plan B proposed a strip of parking on the left to force cars to travel approximately 75 feet from the highway before turning into the retail section of the building.

Troy Barry, architect for Schiess and Associates, stated there would not be any on-street parking and that the sidewalk would be adjacent to the highway right-of-way with two connectors to crosswalks that join to the sidewalks around the building. There would be landscaping along the highway and the irrigation ditch might have to have a box culvert. Fill would have to occur because the site was lower than the highway, but at this time how much was not determined.

Mr. Barry explained that the building would shift to the north in Plan B, as more asphalt would have to be laid to accommodate the island of parking.

Council Member Dye questioned if the Idaho Transportation Department was agreeable to the immediate turn into the parking lot. Mr. Barry explained that exiting the parking lot by turning right would probably be acceptable, but turning left may not be. A left exit turn may have to be done at the north exit off of Johnson Avenue where a traffic light was proposed in the Transportation Plan.

Mr. Barry continued to explain that with Plan B, there would be more asphalt due to the additional parking. He stated the applicant would like to increase landscape, reduce parking and be able to use shared parking.

Council Member Powers suggested that the applicant have a sidewalk along the east boundary from Johnson Avenue to the building to meet the requirement of the uninterrupted sidewalks. He also questioned if the applicant was aware of the North-South Pathway project. Mr. Barry stated they would not be in favor of having both the pathway and a sidewalk in the same location. Doug suggested that the pathway could be brought into the property line if there was a need to do so. Mr. Simon replied that if the pathway was “inside the right of way then we can increase landscaping and parking.”

Council Member Mosher felt there was a problem with Plan B, as the building would be moved farther to the north, requiring trees to be moved or taken down. He preferred the way traffic was directed in Plan B, but he did not want to see more asphalt and felt it “creates what we are trying to avoid in the Ordinance because we don’t want to see a sea of parking.”

Commissioner Rob Bottner stated he wanted to see the building closer to the highway without parking in between. He questioned who was responsible for the placement of the water line. Council Member Mosher explained that since the City accepted the water line, it became the City’s responsibility. Stephen Zollinger further stated that the water line was placed at its location prior to the development of the Ordinances. He further stated that, “The engineer may not have given correct As-Builts to the City.” Council Member Mosher stated the City was “looking to use the connectivity of other buildings” in the area to have better flow of traffic for emergency purposes.

Council Member Jones stated he felt the buildings “should be feathered in and not up on the highway when others before are not.” Council Member Dye believed the community was upset regarding the proximity the King’s building was to the highway and was upset that Mr. Simon was “getting a hard time about this” when King’s did not have to put in a sidewalk or pathway to connect to the city. He questioned why the Planning and Zoning Commission approved the King’s site plan. Commissioner Delwyn Jensen responded stating that the Commission “follows the Ordinances and the City Council is the appropriate board to approve it.”

Mr. Zollinger stated that the message may not have gotten conveyed to the Planning and Zoning Commission that the “water line issue had passed.” Council Member Powers felt the Council was “meeting the ordinance with the exception that was presented at our last meeting.”

Commissioner Rick Baldwin questioned if the site had to be filled substantially to bring it level with the highway. Mr. Berry replied, stating that a preliminary grading plan had not been completed, but that some fill would most likely take place to accommodate the turn into the parking lot in Plan A.

Commissioner Rick Baldwin continued, stating that he understood that the building had to be moved back to accommodate the water line, but he felt other plans could be made to incorporate the design standards. He further stated he hoped it was more pedestrian friendly with a “node” to allow for people to be picked up and dropped off at the theater. He wanted to see landscaping in front of the building instead of parking and suggested taking some spaces out and making a grass area. He concluded by stating that he felt there was a balance between Plan A and Plan B and hoped the applicant would remove a few spaces to create more landscaping.

Discussion of the parking spaces requirement began. Mr. Zollinger felt the Council and Commission should find a balance and suggested removing 7 parking spaces and developing a “grass comfort zone.”

Council Member Mosher felt that Plan A was agreeable as long as the applicant continued to follow all other design standards. Doug stated that he had not reviewed the site plan in its entirety because he wanted the building orientation to be resolved and the original appeal be clarified.

**Council Member Powers made a motion** to direct the Planning and Zoning Commission to adopt Plan A as a working document with the advice that a sidewalk be added from Johnson Ave along the east boundary and softening of the parking lot at the front of the building to make it as pedestrian friendly as possible. Council Member Mosher seconded the motion. The motion passed unanimously.

Mr. Simon stated he was worried about going to the Planning and Zoning Commission “because of negative comments received tonight from the P and Z.” He continued to state that he felt as though “I’m being thrown to the lion’s den.” Council Member Powers did not feel that was a fair comment. Mr. Zollinger stated that the Commission had instructions to approve Plan A. Council Member Powers reminded Mr. Simon that there was “a lot of issues still and you need to sit with the Planning and Zoning Commission and work with them.”

## **ADJOURNMENT**

**Council Member Mosher made a motion** to adjourn. Council Member Jones seconded the motion. The motion passed with all in favor and the meeting was adjourned at 7:10pm.

Commissioner Rob Bottner stated that the Commission only had the Ordinances to work with and “if the Ordinances were different the outcome may have been different.” He further stated that the Commission would follow the instructions “because that is what you have asked.” He reminded the Council that their “opinions go out further then just this room.” He concluded by stating that “everyone wants a movie theater” and the Commission had a lot of ideas that would fit with the standards but “only got negativity from Mr. Simon.”

Council Member Mosher stated he appreciated the Commission “sticking with the guidelines and understanding when the Council changes the rules.” Mr. Zollinger suggested the Commission “look at what the sounding board is telling you” because in hindsight the Ordinances may not work for a particular application. He also stated the Commission could recommend to change an Ordinance if the public “hasn’t received it as well as thought.”

ATTEST:

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Sonya Adams, City Clerk

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Louis B. Christensen, Mayor