

City of Driggs  
**PLANNING AND ZONING COMMISSION MEETING**  
**MINUTES**  
MEETING HELD AT CITY HALL  
October 13, 2010  
7:15pm

**MEMBERS PRESENT:** Rene Lusser (conducting), Rick Baldwin, Delwyn Jensen, 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 Amended Agenda**

**Commissioner Ralph Mossman made a motion to approve the amended agenda. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

**2) Approval of Minutes**

The Commission reviewed the minutes from September 9, 2010.

**Commissioner Chris Valiante made a motion to approve the minutes from September 8, 2010. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.**

**3) Zoning Conformance Determination Hospital Sponsored Food Bank at 341 N 1<sup>st</sup> St E**

Virgil Boss, from Teton Valley Hospital, presented information to the Council. He stated there was a discussion with Teton Valley Rotary who stated it was very difficult for them to have their food bank in a multi-use building. Because of the type of facility, it took the Rotary Club a long time to set up and take down the food bank after each event. Mr. Boss went to the Hospital Board of Directors and asked that the house on North First East be used for the food bank. This building had a wheelchair lift that would aid in bringing food supplies in. He felt that food bank could be opened in the new location by the end of October to coincide with the Boy Scout Food Drive.

Commissioner Valiante questioned how many people participated in the food bank each week. Mr. Boss stated that during the summer the food bank was opened every other week. However, during the winter months, it would be opened once a week due to higher demand. He estimated approximately 20-25 cars would be accessing the property. He further explained that the property had a driveway and garage and that the building could be accessed from the See n' Save parking lot to the west. He felt the flow could be handled with appropriate lighting and signs.

Lisa Wagner, the Treasurer of the Food Bank spoke. She stated the food bank was busier during the winter months. However, last winter was not as busy due to the economy. She felt the location in town would be much nicer for the volunteers and the recipients.

Commissioner Valiante questioned if the parking lot for See n' Save could be used. Mr. Boss stated that it could be use with appropriate lighting to ensure safety. The fence that was in disrepair has been taken down and the area had been cleaned up. Mr. Boss stated they were willing to do whatever was needed to make the parking manageable and not intrude on the neighborhood. He stated that volunteers would be outside during the events to ensure nobody parked in the neighbors' driveways. Ms. Wagner stated that there was a parking lot across First Street that was not used at night and it may be possible for the overflow traffic to park in that lot.

Mr. Self stated that he felt this use should be allowed, but because it was not a use listed in the zone, the Planning and Zoning Commission would need to determine if it was a compatible use. He explained the allowable uses in the R3 zone and stated that the request must be denied unless the Commission could find that the use was similar in nature to either the allowed or conditional uses for the R3 zone.

Mr. Self felt that the use should be a conditional use because of the intensity. Due to the evening use, he felt the neighborhood might solicit complaints more so than if the activities were done during the day. He further suggested that the Commission advise staff not to initiate any enforcement action until a decision had been made. He concluded his report by stating that he felt the issues were workable, but the Commission could not put conditions on an allowable use.

Commissioner Jensen felt that there was a larger problem with the zoning and wanted to fix it at once and not through various amendments.

Mr. Self stated that the See n' Save was a conditional use that was approved over the objections of the neighbors. Commissioner Jensen felt that the food bank could be considered a clinic or medical nature facility. He further stated that he was involved in the Rotary Club and had helped with the food bank. He felt the City should "step up like the hospital has" and allow this to occur. Mr. Self stated that the city should also try to protect the neighboring owners and if there was a "time to be creative, now was the time."

Commissioner Mossman felt that the issue was to ensure the neighbors were in agreement with the use. He suggested the hospital contact the neighbors and gain their support. Commissioner Baldwin agreed and felt the use could be included in the non-profit community use under the conditionally allowed uses.

Commissioner Jensen questioned if the City would "kick" them out of the building if the neighbors did not approve of the use. Ms. Wagner suggested that the food gained from the Boy Scout Drive be stored at First Street and the food bank could continue to operate out of St. Francis Church until the application was approved.

Cleve Booker spoke on behalf of the hospital. He stated they were trying to avoid a conditional use permit because of monetary issues. Mr. Self stated he would ask the Council to waive the fee for the permit. Mr. Booker continued stating that there were other uses in the area that were more intrusive that what was being proposed.

Commissioner Lusser stated that he did not feel the Commission was opposed to the food bank, but wanted to get the neighbors input to find a common ground. Mr. Self stated that conditional use permits were rarely denied. Commissioner Mossman stated that if the hospital received the neighborhood's support, they should not have concerns about going through the conditional use permit process.

**Commissioner Ralph Mossman made a motion to classify this use as a conditional use and notice it as such. Commissioner Chris Valiante seconded the motion. The motion passed with the majority in favor. Commissioner Delwyn Jensen voted in opposition.**

Mr. Boss asked that the Commission waive the fee for the application.

**Commissioner Ralph Mossman made a motion to waive the permit fee and to stop enforcement of compliance with the zoning ordinance until the matter was resolved. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

### **3) Sign Permits**

#### **Church in the Tetons**

Kreslyn Schuehler explained the requirement that each tenant in a multi-tenant building be allowed 16 square feet for signs. The building was currently at the maximum allowed signage but because of the above standard, the tenant was allowed to have the proposed sign of 15.5 square feet.

**Commissioner Delwyn Jensen made a motion to approve the sign permit for the Church in the Tetons. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**

#### **Key Bank**

Commissioner Valiante asked for clarification on the definition of internally illuminated signs. Mr. Self stated that the definitions in the sign code and the design standards were different and the intent of both was not to be able to see the light bulbs.

Mr. Self stated that the signs for Key Bank had been reviewed by the Design Review Advisory Committee at the time of design review for the building and were not in conflict with the sign code.

Internally illuminated signs may not be larger than 4 square feet in the Central Business District. Mr. Self explained that the symbol of the key was the only part of the sign that would be illuminated. He reminded the Commission that the sign permit could be approved in accordance with the sign code as the City currently had conflicting ordinances.

**Commissioner Rick Baldwin made a motion to approve the signs for Key Bank. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

#### **Teton Tots 2 Tweens**

Commissioner Baldwin questioned if the proposed signs would fit into the existing structures, as the applicant did not submit the existing measurements and suggested that the proposed sign not cover the detail of the posts. Commissioner Lusser felt that if that was an issue, it should be stated as a condition to the permit.

**Commissioner Chris Valiante made a motion to approve the signs for Teton Tots 2 Tweens as submitted. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

#### **Lynette's Hair Salon**

Commissioner Lusser voiced concern that the sign did not appear to be weighted. Commissioner Valiante wanted to ensure it would be brought in after business hours. Mr. Self stated that the sign conformed to the code in terms of size.

**Commissioner Delwyn Jensen made a motion to approve the sign with the condition that it was weighted and would be brought in after business hours. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**

#### **4) The Edge Subdivision Preliminary Plat – Tabled from July 14, 2010**

Due to the absence of the applicant, Mr. Self suggested discussing the land swap and not the preliminary plat. He reminded the Commission that 16.5 feet on Ross Avenue could be given to R&S Peterson to ensure the alignment of 5<sup>th</sup> Street. Commissioner Lusser questioned if an approach could be given to ensure that the curve prior to the stop sign would not be an issue during the winter months. Mr. Self replied stating that a more gradual curve may be needed but at this time, the concept should be approved. Later a design would be developed.

Commissioner Valiante questioned if the school district had any comments regarding the intersection. Mr. Self stated that the Superintendent of the district felt it was currently problematic for buses coming from the north and turning east. He further stated that there was more than 82 feet and all were not needed by the city. The City Council had expressed interest in vacating some of the extra land.

#### **5) Commercial Off-Premise Directional Sign Discussion**

Mr. Self stated that it was previously discussed to allow a small percentage of freestanding or wall signs to be used for off-site directional signage. Commissioner Valiante questioned how big those types of signs should be. Mr. Self replied, stating that in the 35 mile per hour zone, a 55 square foot sign was allowed. To allow 10% of that standard should be enough space, as the business should only be applying its name and a direction indicator on the sign. He further felt that a business should not be able to place a sign in a vacant lot.

Commissioner Jensen felt the off-site signs should only be placed at designated intersections. Mr. Self felt there were other circumstances that would require an off-site sign to be placed in an area other than an intersection.

Commissioner Valiante felt the standards should limit the square footage of the sign and not have it directly correlate to the percentage of a freestanding or wall sign. Commissioner Baldwin

questioned if a business would be allowed an off-site sign if they were currently at the maximum allowed signage for their business. An off-site sign would not be allowed in that case, Mr. Self stated.

Commissioner Jensen felt the purpose of the off-site sign was for directional use only and not for advertising purposes. Commissioner Mossman questioned if the city should limit the content of the sign. Commissioner Jensen felt that if the standards did not limit the content, the signs would not be uniform and would lose its purpose of being directional.

Commissioner Mossman questioned if the MUTCD allowed off-site signs as he was in favor of doing separate standards for these types of signs. It was felt that if the signs were not placed in the right-of-way, MUTCD would not apply.

Mr. Self questioned if the Commission wanted to limit the types of businesses that could have off-site signs. Commissioner Baldwin stated that he was not in favor of excluding any business.

Commissioner Lusser questioned if the signs would be placed on private property or within the right-of way. Commissioner Delwyn felt that if the city approved of off-site signs, it should be the responsibility of property owners and business owners to figure out how to post the sign according to the standards developed.

Commissioner Lusser then asked what the maximum number of signs should be at a given location. Commissioner Valiante felt that the signs should only be allowed along Little Avenue and Main Street and should not be allowed at the stoplight of those intersecting streets. Commissioner Jensen felt they should be limited to corner lots and wanted them to be uniform in design. Mr. Self suggested only allowing off-sites signs were there were multiple businesses.

Mr. Self stated that the city might be interested in supporting the signs, but felt that putting them in the right-of-way would cause a problem. He also stated that if they were placed in the right-of-way along Highway 33, the state would have to approve them. It was suggested that the idea go before the Design Review Advisory Committee to suggest coloring, how sign should be mounted, spacing and height of fonts.

Commissioner Mossman began a discussion regarding political signs. He was concerned with multiple identical signs being placed in an area. Mr. Self stated that where there were 10 or more incidental signs, the code could be amended to read that they could only be posted for 30 days. He further stated that a person could have as many incidental signs as they wanted at this time. Commissioner Mossman felt that the number of signs was not the issue but the length that those signs were posted. Mr. Self suggested changing the definition of temporary signs to add that they could not be posted "for more than 14 days prior to a sale or event."

**Commissioner Chris Valiante made a motion to adjourn. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor and the meeting was adjourned at 9:18pm.**