

City of Driggs
PLANNING AND ZONING COMMISSION MEETING
MINUTES
MEETING HELD AT CITY HALL
July 10, 2013
6:30pm

MEMBERS PRESENT: Rick Baldwin (Vice-Chair), Chris Valiante, Jen Calder, and Lindsey Love

STAFF PRESENT: Ashley Koehler, Planning and Zoning Administrator

PUBLIC PRESENT: Kelly Sadauckas, Teton Wines; Tom Davis, Teton County Building; Jay Mazalewski, Teton County Engineer; Greg Adams, Teton County Emergency Management; Mary Lou Hansen, Blackhawk Building manager and Teton County Clerk; Valee Wells, Teton County Dispatch Staff; Scott Wood, Teton County Fire Division Chief; Bill Knight, City of Victor

Commissioner Rick Baldwin called the meeting to order at 6:40pm.

1) Approval of Minutes. The Commission reviewed the minutes from April 10, 2013.

Commissioner Jen Calder moved to approve the minutes of April 10, 2013 as written.

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

2) Public Hearing- Conditional Use Permit- Boutique Winery located at 65 S Main St.
Applicant- Teton Wines, LLC, Kelly Sadauckas

Koehler summarized the Staff Report, which described the business operations and location in the basement of the Blackhawk building. Koehler recommended approval with conditions:

1. All applicable state licenses and a City business license should be maintained at all times.
2. If a tasting room is added at a later date, the City Business license must be updated, which will include a review of building codes.
3. No outdoor storage is permitted.

Commissioner Baldwin asked how long the vinting period is. Kelly Sadauckas responded that it is two weeks and there is minimal odor. She stated that she believes the area would benefit from this business and more so if a tasting room and an outdoor area is added in the future.

Discussion on the applicant's narrative about hurdles the City zoning ordinance requires, such as the need for a CUP.

Public Hearing opened

Mary Lou Hansen spoke in favor of the application and represented herself as a managing member of the Blackhawk building. She stated that this business is a great idea and would like to see the business here in downtown Driggs.

Public Hearing closed

Commissioner Calder made a motion to approve with the conditions:

1. All applicable state licenses and a City business license must be maintained at all times.
2. If a tasting room is added at a later date, the City Business license must be updated, which will include a review of building codes.
3. No outdoor storage is permitted.

Commissioner Valiante 2nd the motion. Motion passed with all in favor.

3) Public Hearing- Height Exception for Emergency Wireless Telecommunication Facilities- 100' Emergency Dispatch Tower at 230 N Main St. Applicant- Teton County, Jay Mazalewski

Koehler provided a background for the application and described the history of the ordinance under which this application is being reviewed against. The tower is needed as a part of the new County Law Enforcement Center that is under construction. The County submitted a co-location justification explaining that the existing towers in and near the City are not able to be used for the County to co-locate their antennas on [pictures displayed of each existing tower]. Reasons included the construction type of the tower, limited space, and distance to the new Law Enforcement Center. Koehler highlighted sections of the Staff Report's analysis of the finding that a monopole tower would more closely meet the requirement of using the smallest, shortest, and least visible structures possible and noted that financial reasons are not a part of the ordinance so that cannot be used as a justification. Koehler continued to summarize the Staff Report that included Staff finding that the proposal is significant and will result in a structure that will be prominent in town for the next twenty years or more. Given its prominence on Main Street, Koehler recommended using all tools available to reduce impacts to the skyline and maintain aesthetics of the downtown corridor. Koehler recommended that the P&Z vote to approve the height exception for a monopole tower with the following conditions:

1. No co-location of non-emergency antennas are permitted, unless approval from P&Z is granted.
2. The existing roof-mounted tower on the old County Courthouse must be removed within six (6) months of receiving the height exception (January 10, 2014).
3. Antennas that operate at a 30' or less should be roof mounted, if visible from 35'.
4. No lighting or special painting (colors other than industry standard matte gray) shall be used.
5. Fencing should match the impound perimeter fence.
6. One additional evergreen tree shall be planted on the south side of the monopole fence and shrubs around the south and west sides of the fence.

Jay Mazalewski stated that the goal of the tower and antennas are to improve services and that they located in Driggs because it is central for the County. The antennas are strictly for emergency and not for private cell phone communication. The tower is required to be built to a higher building code and is meant to be the last thing standing if a natural disaster occurred. This is why the existing towers cannot be used. He is requesting a 100' tower rather than an 85' tower because they are trying to improve services. The current tower on the old courthouse is approximately 85' and they have dead spots. A tower at 100' does not require special painting or lighting by the FAA. Mazalewski stated that the tower will have a less visual impact and that every foot taller is an increase in service. The County did not consider a roof-mounted facility because the roof structure is a flat membrane and fewer penetrations would reduce the chance for leaks. The County wants a lattice tower, but understands that the City wants a monopole. He described that monopoles can create a shadow zone and a lattice construction is open so radio waves can go through. The goal is to increase service and a monopole can hinder that. He stated that the 89N Main St tower on the old courthouse would have to be removed by January 2014 according to the ordinance that requires this to happen in six months. The new tower will not be built until March 2014 so he requests an extension to that deadline.

Commissioner Calder asked if the antennas will exceed 100'. Mazalewski responded that the tower and top of antennas will be a maximum of 100', but the lighting rod will exceed 100' by a few feet. Calder asked is the main reason the County wants a tower rather than a monopole is

because of shadow zones. Mazalewski responded that the County's communication consultant recommended a tower and for the ease to install and repair. Monopole is more expensive and significantly more expensive to install.

Commissioner Baldwin asked if there will be other types of antenna besides whip. Mazalewski responded that there will be microwave, similar to the road and bride/transfer station facility. All the antennas listed in the report are known right now, but there may be more in the future. The size and base of the tower are also approximate.

Commissioner Love asked if the County can co-locate, would an outbuilding be needed at those towers. Mazalewski responded 'yes' for the relay boost. Greg Adams, Teton County Emergency Management Coordinator, said that it would be \$40,000 to construct those and it would introduce a 2nd point of failure.

Public Hearing opened

Valee Wells, Teton County Emergency Dispatcher, stated her support of the tower. A lattice tower allows radio waves to go through. At her job at dispatch she has received calls from a deputy and she couldn't hear what they said and it's scary. She described a situation when Life Flight was coming in and because of dead spots she couldn't get through to them. She asked that the 100' lattice tower be approved.

Greg Adams stated the desire to keep the tower minimal, but can't go shorter than 100' in order to reduce interference between the antennas on the tower.

Scott Wood, Teton County Fire Division Chief, stated that increasing 85' to 100' is important. A monopole creates dead spots so you have to put the antennas out from the tower to mitigate for dead spots.

MaryLou Hansen, Teton County Clerk, spoke in favor of the tower.

John Hansford spoke in a neutral position. 100' is going to happen, but against lattice towers. Stealth towers have been done and are better than lattice towers. We're trying to make Driggs look better and a lattice tower looks like a dinosaur. As a taxpayer, would not mind paying more to mitigate the additional cost.

Public Hearing closed

Commissioners discussed the conditions proposed by Staff including extending the six month removal of the old courthouse tower and not locating lower antennas to the roof. Discussion with Mazalewski on the dimensions of the tower, including that the footprint is 8'-9' and narrows to 3.5'. Commissioner Valiante asked if heavier gauge steel could be used to reduce the footprint at the top to 2.5' wide. Commissioner Love added that the smaller the material at the top is better so it fades away. Landscaping is needed at Main St from Wallace Ave. One big tree added on the south side of the building will help over the next 50 years.

Commissioner Calder stated that she wants to balance operations and aesthetics. We should have the best tower to accomplish it and that's lattice. Stealth towers are not the best solution. Commissioner Baldwin said that stealth towers look better when blended with other trees. He is mixed between tower and monopole because each has its own benefits and lack of. The lattice tower disappears more, even though there is more metal. Antenna mounted will blend more with a lattice. Could go either way, so will go with the County's request. If a fence is needed around the tower, then more landscaping should be added.

Commissioner Calder said that she understands that she is not supposed to consider cost, but sees the difference between the two.

Commissioner Love asked if the 100' tower will be maxed out and in the future will the County need another tower. County responded that they are unsure at this time.

Commissioners discussed the time limit to remove the old tower and are okay with some overlap, but as soon as possible.

Commissioner Valiante asked if the County can do a skinny tower with guy wires. Mazalewski responded that they did not consider that because of the site and the roof type. Discussion on the old courthouse tower being re-used elsewhere or sold.

Commissioner Valiante motion to approve a 100' lattice tower as requested by the County with conditions:

- 1. No co-location of non-emergency antennas are permitted, unless approval from P&Z is granted.**
- 2. The existing roof-mounted tower on the old County Courthouse must be removed within three (3) months of new tower completion and antennas functional.**
- 3. No lighting or special painting (colors other than industry standard matte gray) shall be used.**
- 4. Fencing should match the impound perimeter fence.**
- 5. One additional evergreen tree at least 12' tall shall be planted on the south side of the building and shrubs around the south and west sides of the fence around the tower.**

Commissioners discussed location of the evergreen tree and **Love suggested 10-12' tall at the south side of the building at a location to be indicated on a revised site plan reviewed by Staff.**

Commissioner Valiante accepted the change. Commissioner Calder 2nd the motion. Motion passed with all in favor.

4) Design Review- Seasonal Vendor Grow Huts, LLC located at Main St and Howard Ave. Applicant- Casey Eason

Koehler presented the Staff Report and the Design Review Advisory Committee's (DRAC) recommendation for approval:

1. The trailer with logo should be parked in an inconspicuous place and not to be used as a sign.
2. Temporary landscaping in planters can be used to meet the landscaping requirements.
3. The approval should only be valid for this season and the proposal be reviewed again in spring 2014 by DRAC.

Discussion on the trailer size and location and to keep the trailer in the back of the lot.

Commissioner Calder agreed with temporary landscaping allowance for a seasonal business and is okay to give approval for this year. Commissioner Valiante asked if the Commission should designate the drive area.

Koehler responded that Staff would watch the area this year and if there is a problem, it could be mitigated next year.

Commissioner Calder made a motion to approve the Seasonal Vendor, Grow Huts, for the 2013 season with the following conditions:

- 1. The trailer with logo must be parked in the rear of the lot and not to be used as a sign.**
- 2. Temporary landscaping in planters can be used to meet the landscaping requirements.**
- 3. The approval is only valid for this season and the proposal be reviewed again in spring 2014 by DRAC.**

Commissioner Valiante 2nd the motion. Motion passed with all in favor.

5) Presentation- HUD Grant Zoning Code project. *Bill Knight, City of Victor*

Bill Knight from City of Victor gave a presentation on the history of zoning enabling law and names for alternative types of zoning, including Smart Code, Form Based Code, and Traditional Neighborhood Development. This type of zoning includes shorter setbacks, mixed use, pedestrian friendly, building orientation. Knight explained that this information is to provide background for the work that Code Studio, the planning consultant out of Austin, Texas, will be doing for the downtowns of Victor and Driggs. Their work is part of the HUD grant for regional sustainability. Code Studio will be in Victor and Driggs July 27- August 1 to host workshops and open design studios that the P&Z Commission is encouraged to attend and participate.

6) Discussion- Zoning Ordinance Amendment- Land Use Table. *Staff- Ashley Koehler, Planning & Zoning Administrator*

Koehler summarized the draft use chart for food and beverage processing. The goal of the amendment is to allow for boutique wineries, breweries, bakeries, and food processors to be located in downtown and not be subject to additional permits. Commissioners discussed if having an industry with no retail component in downtown is better than a vacant space. Comment on having strictly food processing facilities with no retail component to be accessed via a basement or not directly off Main St. Commissioners okay with the proposed, but asked Staff to get comment from actual food and beverage manufactures that this ordinance would apply to.

7) P&Z Commissioner/Staff Items- DRAC by-laws, terms and qualifications

Koehler stated that there are no defined term limits or committee by-laws for DRAC. Discussion on creating by-laws similar with term limits to match P&Z which are 3 year and 2 terms each. Preferred, but not required qualifications for committee members include: architect, landscape designer, builder, contractor, business owner, Area of Impact resident, Ad-hoc, developer, and lighting expert.

Commissioner Chris Valiante made a motion to adjourn at 9:55pm. Commissioner Calder 2nd the motion. The motion passed with all in favor.

Approved by:

Rick Baldwin (Vice-Chair)

Date