

City of Driggs
PLANNING AND ZONING COMMISSION MEETING
MINUTES
MEETING HELD IN CONFERENCE ROOM
September 23, 2015
6:30PM

MEMBERS PRESENT: Lyndsey Love, Chris Valiante, Grant Wilson, and Larry Young

STAFF PRESENT: Ashley Koehler, Planning and Zoning Administrator and Annie Decker, Planning and Grants Technician

PUBLIC PRESENT: Teri Reily (Spin Cave), Aaron Powers (RAD Curbside), Craig Bennet (RAD Curbside), Vickie O'Haro (Grand Auto Sales), Blake Lyle (Grand Auto Sales), Carl Jordan, David Kearsley (Sign It Now), Becky Maness (Sign It Now), and Brendan Conboy (VARD)

Chris Valiante called the meeting to order at 6:35 PM.

1. Approval of Meeting Minutes from 9-9-15

Commissioner Wilson motioned to approve the minutes from 9-9-15. Commissioner Valiante 2nd the motion. Motion passed with all in favor.

2. Public Hearing/ Possible Decision: Conditional Use Permit for Cycle Cave indoor cycling gym at 60 E Little Ave – Teri Reiley

Koehler presented her Staff Report to the Commission, explaining that staff, the building official, and the fire marshal have all visited the proposed site of Spin Cave and staff has determined that the project is in compliance with the comprehensive plan and zoning ordinance. The business supports the provision in the Comprehensive Plan for the Central Business District to host “after 5 activities” and also provides an infill use in a commercial space that does not dominate a main floor. The applicant, Teri Reiley, was available for any questions that the Commission might have.

Commissioner Valiante opened the Public Hearing at 6:38 PM

For- *None*, Neutral-*None*, Opposed- *None*

Commissioner Valiante closed the Public Hearing at 6:39 PM

Commissioner Wilson had a few questions regarding parking as he explained parking can be tight around those businesses on the first block of Little Ave. Teri explained that there are three designated parking spaces for her business located behind the building as well as on-street parking available. Koehler explained that the business is in the Central Business District Parking Exemption Overlay and that no business within this overlay is required to provide additional off-street parking as there are City lots available in the vicinity. Commissioner Valiante asked the applicant if she was opposed to either of the conditions recommended by Staff. Ms. Reiley expressed that neither she nor the property owner, Richard Weinbrandt, had any issue with the two conditions.

Commissioner Young motioned to approve the Conditional Use Permit for an indoor cycling studio at 65 S Main Street with the following conditions:

- 1. If the business desires to expand in floor area at a future date, then the business owner must first notify the City to ensure the Building Official and Fire Marshal inspect the space to establish a new occupancy load.**
- 2. A handrail shall be installed in the stairwell leading to the cycling studio.**

And that this motion for approval with conditions is based on the following findings:

- 1. The use is in compliance with the zoning ordinance as there is public and private parking available and the business supports one the purposes of the CBD to provide for**

concentrated small scale commercial activity which serves the needs of the community and visitors.

- 2. The use is in compliance with the Comprehensive Plan because it supports economic diversification and infill of under-utilized spaces in downtown.**

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

3. Public Hearing/ Possible Decision: Conditional Use Permit for RAD Curbside administrative office and vehicle/equipment storage at 455 S Main St – Dave Hudacsko

Koehler introduced the project, explaining that Staff developed some recommended conditions that would help ensure the zoning and comprehensive plan compliance with the use, as well as the compatibility of the proposed use with the surrounding uses. Koehler then introduced Aaron Powers and Craig Bennet, both representing RAD Curbside, to explain the scope of the proposed use and answer any questions that the Commission might have.

Aaron and Craig explained that RAD Curbside is pursuing a new space as they are expanding their services for curbside recycling and garbage collection. Their intention is to use the 8700 sqft building for vehicle storage and will maintain the front office space for their use. Occasionally an overflow dumpster or container may be stored outside but they expressed their confidence that the business operations should not take up a majority of the 1.8 acres available on the lot. Their plan is to improve the property's access on Johnson Ave and use that as the truck access to and from the property. Koehler inquired about Fire District approval and Aaron explained that they are in the process of installing a fire suppression system in the building for vehicle storage with a deadline of December 1, 2015 for completion. Commissioner Young questioned what their plans were for the current nuisances on the property [the storage of junk vehicles and equipment]. Aaron explained that a condition of the buy / sell agreement with the current property owner is to have all "junk" vehicles removed by no later than mid-November of 2015. Aaron explained that RAD Curbside is comfortable with the Staff recommended conditions as they would improve the property which is a goal of the business. The Commission and applicants discussed fencing options and potential timelines for fence installation on the property as well as truck traffic flow and designated truck routes through town. Craig explained that their fleet consists of three garbage trucks and three recycling trucks, each with a minimum of one in and out trip a day with likely one truck making at least 5 trips a day on the high end. Koehler explained that Johnson has been identified as the truck route through town. Koehler's final question was from Public Works regarding the washing of bins / dumpsters. Craig explained that any large containers that required cleaning would be done inside the building as there is an oil separator in the facility to ensure proper drainage of potential contaminants.

Commissioner Valiante opened the Public Hearing at 6:56 PM

For- None, Neutral-None, Opposed- None

Commissioner Valiante closed the Public Hearing at 6:57 PM

The Commission had a few additional questions regarding established truck routes through town which they discussed with Staff. Commissioner Valiante expressed that he liked the idea of utilizing this location for this use and that he felt the recommended conditions seemed appropriate.

Commissioner Love motioned to conditionally approve the Conditional Use Permit for RAD Curbside at 455 S Main Street as presented to the Commission and depicted in the site plan and narrative presented in the Staff Report. The approval is based on the following findings:

- 1. The location complies with the Comprehensive Plan in regards to the Future Land Use Map and is appropriately accessed.**
- 2. The use complies with the zoning ordinance if parking and vehicle circulation is defined and appropriate setbacks and buffers are installed along Johnson Ave and between the adjacent residential uses.**

The conditions of approval being:

- 1. A revised site plan shall be submitted showing a parking and vehicle access plan, that includes the following:**
 - a. Number of parking stalls and their dimensions, including a handicap stall.**
 - b. The access easement from Hwy 33 and the Johnson Ave easement (formerly 50 S) that is identified on the property survey recorded as Instrument No. 123701 to ensure that vehicle movements are contained within the property or access easements and that all fencing and landscaping is outside of the Johnson Ave easement.**
- 2. If waste and recycling collection trucks are parked outside of the building, then they shall be parked in the southern half of the property so they are separated from the residences to the north.**
- 3. A wood perimeter fence shall be installed along the property line to screen the use from existing residences and businesses. The fence may be up to 6' in height with the exception that a 3' tall fence be used along the north customer parking lot.**
 - a. The wood fence shall be installed within 1 year of Business Registration issuance.**
 - b. A temporary chain link fence shall only be permitted within the 1st year post Business Registration issuance and the location limited to only areas needed to restrict access.**
 - c. The option for alternative fencing such as an "art fence" shall be reviewed through the Design Review process to confirm materials.**
- 4. A 6' deep landscaped area to the east of the driveway along the south lot line shall be installed within 1 year from Business Registration issuance and comply with the landscaping Design Standards that require the following:**
 - a. All mature vegetation and trees shall be preserved.**
 - b. New trees shall be at least 2" caliper at time of planting and shrubs at least 3-gallon size when planted. (Appendix A § VII-3e).**
 - c. A minimum of 1 tree per 200sf and 1 shrub per 50 sqft shall be planted.**
- 5. The landscaping shown along the inside of the perimeter fence shall be moved to outside of the fence.**
- 6. The storage area shall be setback at least 20' from the north property line.**
- 7. Landscaping shall be installed along the north property line where it abuts the mobile home park at a minimum of 4 trees per 100'.**
- 8. The nuisance violations shall be resolved prior to business registration issuance, but may be extended to April 30, 2016 due to winter weather.**
- 9. The sewer issues identified by the Public Works Department shall be resolved prior to Business Registration issuance.**
- 10. No storage of junk, waste, or un-related material and equipment may be stored on site.**

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

4. Public Hearing/Possible Recommendation: Title 9 Zoning Ordinance Amendment regarding proposed Driggs Land Use Code Articles 2, 4- 8, and 11 – Staff

Koehler presented the Public Hearing schedule with the Commission, explaining that the Commission will continue to hold Public Hearings on a number of Articles at a time but Staff would wait to bring the Articles to City Council until the complete proposed Driggs Land Use Code had been recommended by P&Z. Koehler then summarized all Articles to be reviewed at the Hearing (Article 2, 4, 5, 6, 7, 8, and 11) and highlighted specific sections that she identified that the Commission should address and minor corrections and changes, including to a public comment received on maximum height limits. Based on a lack of comments from Public Works staff regarding Divisions 11.1 and 11.2 and comments received on 9/21 and 9/23 regarding Divisions 11.3 and 11.4, staff recommended deferring any recommendation on Article 11 to another meeting. [Staff distributed the written comments from Carl Jordan and Sign It Now received on 9/21/15 and 9/23/15 respectively]. Koehler then recommended that P&Z hold the public hearing and either forward a recommendation to Council on Articles 2, 4-8 with minor modifications listed in the Staff Report or continue the Hearing to the next meeting to provide the public with more time to comment.

Commissioner Valiante opened the Public Hearing at 7:34 PM

CARL JORDAN OF 2501 SORENSEN CREEK ROAD, VICTOR, ID: Jordan outlined his comments on the entire Code as:

1. The nomenclature should be more “prescriptive” and the use of “shall” should be consistent throughout the code and all “mays,” “musts,” and “cans,” should be replaced.
2. The use of “Article” instead of “Title” and “Division” instead of “Section” is confusing.

Comments regarding Division 11.3, Signs were as follows:

1. Overall he recognizes that the current Sign Ordinance isn’t perfect but the changes made in the proposed Sign Division seem arbitrary.
2. The references to sign width / depth are not consistent throughout the provisions for specific signs (11.3.7 – 11.3.16)
3. Concerned that ROW encroachments by signs are allowed without any compensation to the public for use of the public space
4. Section 11.3.5 H: would like to see a definition for “incidental” as well as the syntax of this standard improved
5. Prefers the current Sign Ordinance size standards to proposed
6. Proposed dimensions (9sqft max) for sidewalks signs is too large
7. Update 11.3.18 D(6) to include an allowance for exterior lighting, so long as the size is reduced additionally

Comments regarding Division 11.4, Outdoor Lighting were as follows:

1. The current Outdoor Lighting Ordinance took a long time to establish with a detailed hearing process and it does not make sense to change it after it has only been in effect for 2.5 years and to his knowledge there have been no problems or complaints with the Ordinance
2. He would like to see the Purpose Section included to express the explicit intent of the Division.
3. Code Studio did not contribute anything productive to this Division and would like to see the language of the original Ordinance retained.
4. An amendment to the Zoning Ordinance or an inclusion in the new proposed Land Use Table should be the addition of greenhouses as a CUP in all districts in order to regulate their lighting.

DAVID KEARSLEY OF SIGN IT NOW IN VICTOR, ID: Kearsley provided some overall feedback on the proposed Division 11.3 and also addressed comments for specific sections.

1. A Zoning Map with the Sign Division is needed to help review and apply.
2. Across the board it seems that the allowed sqft of signs being proposed is too small and that any restriction smaller than 20sqft is extremely limiting to businesses. 4x4, 4x5, and 4x8 are all very common sign sizes that Sign It Now produces.
3. He and other Sign It Now staff found that the illustrations were helpful.
4. Advised to be weary of maximum sign areas that are being set.
5. Would also like to see clarification with the depth / width sign face requirements.

Kearsley's comments regarding specific sections were as follows:

1. Section 11.3.1.F(1&2): Location of Signs –the provisions for signs allowed without a permit on vacant lots or vacant buildings was too limiting. It is unnecessary to limit signs by lot as well as size.
2. Section 11.3.4: Suggested considering the sqft of the lot when determining the allowed size of a temporary sign. In addition, these temporary signs are often the cheapest and most popular form of advertising for businesses and that we should keep that in mind when dealing with these types of signs.
3. Section 11.3.5.E: Would like the window percentage restriction to be re-evaluated and clarified. Does this pertain to any flyer, etc. hanging in the window? This standard also does not specify between a single window or all windows on a business frontage. He suggested language such as “within the frames of the window as seen from the exterior” and increasing the percentage but would prefer to see this standard removed all together.
4. Section 11.3.6.C: The allocation of allowed sign area by building frontage can be limiting to businesses
5. Section 11.3.11: The height restriction of 9’min above sidewalks is too restrictive and should be made lower.
6. Section 11.3.16: Sidewalk Signs – The 9sqft allowed is typical and appropriate for these types of signs.
7. Section 11.3.17.A(5): Suggested that we make it clear that the sign area is not counted twice for two faced signs even though the angle could be considered greater than 45 degrees.

Commissioner Valiante closed the Public Hearing at 8:23 PM.

The Commission expressed their appreciation for those who spoke at the Public Hearing and hoped that all would be available to help review the revisions of these drafts based on comments received at the meeting. The Commission discussed Division 11.3, Signs first and directed staff to:

1. Ensure the use of the words “width,” “depth,” and “thickness” regarding sign dimensions is used consistently within all diagrams and for all sign standards
2. Adjust the maximum height of Hanging Signs to 8’ and compare to the current Projecting Sign height allowed in the current Sign Ordinance.
3. Remove the lettering and clear height standards for Awning Signs and Canopy Signs
4. Set the standards for Double Post signs as follows: in RX, NX, CIV, and REC: 12sqft max, in DX, CC, IX: 20 sqft max, and in CH and IL: 24 sqft max.
5. Compare all comments provided during the Public Hearing and the Public Comment / Review period to the current Sign Code and share with Sign It Now.
6. Allow external illumination of Hanging Signs in Section 11.3.18
7. Coordinate the review of Division 11.3 with the additional feedback incorporated with City of Victor and Teton County

The Commission discussed all Articles up for Public Hearing and directed Staff to make the following changes:

1. Article 2- update the graphics referred to in 2.5.1 to correctly reference the definition of height.
2. Article 5- Remove “General Building” as an Allowed building type in the IX to be consistent with Article 8.
3. Article 6- Remove the IH: Heavy Industrial District
4. Article 7- Remove the 2 acre minimum lot area and minimum width standards for the REC and CON districts.
5. Article 8
 - 8.10 Apartment- Include a 15% minimum open space standard
 - 8.11 Live/Work- Replace the main photo. Add “single-story shopfront” as an allowed building type in IX.
 - 8.15 General Building- Add “DX” to be consistent with Article 5.
 - 8.16.5.D Gallery- Remove this encroachment allowance as it would impact snow removal and maintenance.
 - 8.16.6 Porch- Update the graphic to not require a min. 50% porch width.
 - 8.17 Parking Location- Semi-Flush garage- remove the maximum 12’ garage door width. Detached garage- permit 10’ behind the front wall plane of the house instead of completely behind the main structure.
6. Article 11
 - 11.1 and 11.2- solicit comments from Public Works
 - 11.3 – in addition to the suggestions mentioned earlier, provide a definition of “lightbox” or remove said provision altogether
 - 11.4 – consider the comments received from Carl Jordan and compare again to the current Outdoor Lighting Ordinance

Commissioner Love motioned to continue the public hearing and possible recommendation of amendments to Title 9 Zoning Ordinance to the October 14, 2015 P&Z Commission meeting [the next regularly scheduled meeting] to permit the public more time to comment and consider the modifications and to incorporate the suggested modifications from the public as stated. Commissioner Young 2nd the motion. Motion passed with all in favor.

5. Work Session: Teton Valley Land Use Code Project- Review of Draft Driggs Land Use Code
Staff and the Commission looked at the Draft Zone Map to go along with the Driggs Land Use Code and considered the updates to the map as suggested at the 9-9-15 Work Session. Koehler also explained that she attended the September Airport Board Meeting to discuss zoning around the airport for the new Land Use Code. The Airport Board would like to see a new zone established for the Airport.

6. Staff Items

Koehler explained that the regular November meeting date falls on Veterans Day (11/11/15) and that Staff recommends moving the meeting to another Wednesday in November. The Commission agreed that the meeting should be moved to Wednesday, November 4th.

Commissioner Young motioned to adjourn the meeting. Commissioner Wilson 2nd the motion. Motion passed with all in favor. Meeting adjourned at 9:57pm.

Chris Valiante, Chair