

City of Driggs
PLANNING AND ZONING COMMISSION MEETING
MINUTES
MEETING HELD AT CITY HALL
December 12, 2012
6:30pm

MEMBERS PRESENT: Delwyn Jensen (Chair), Chris Valiante, Rick Baldwin, and Rene Lusser

STAFF PRESENT: Ashley Koehler, Planning and Zoning Administrator

PUBLIC PRESENT: Kathy Spitzer, Teton County Attorney; Scott Anderson, Teton Valley News; Anna Trentadue, Valley Advocates for Responsible Development (VARD)

1) Approval of Minutes. The Commission reviewed the minutes from November 14, 2012. Rick Baldwin asked for a correction to the minutes to make it clear that an impound yard with the Law Enforcement Center not be prohibited.

Commissioner Rene Lusser moved to approve the minutes of November 14, 2012. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.

2) General Public Input. No public input

3) Public Hearing - Rezone reversion- Burns Concrete Plant

Ashley Koehler summarized the contents of the Staff Report. Teton County has re-submitted their request for the City of Driggs to consider a rezone reversion for the Burns Concrete Plant. In April 2012 the Planning and Zoning Commission reviewed this request and voted to recommend denial of the rezone reversion. To stay consistent with the Commission's previous findings, Staff is recommending that the Commission hold a public hearing and table a decision until after May 2013 when the City believes that the Development Agreement has expired. However, Teton County would like to have this matter settled in one meeting and Kathy Spitzer is present to suggest an alternative motion.

Kathy Spitzer stated that she believes that the request has been phrased incorrectly from County Staff. Teton County is asking the City to recommend on what the zone should be, not necessarily if the zone should revert. Also, the question to the expiration of the Development Agreement (DA) is a question of law and not for the Commission to decide on. She is hoping to get a recommendation tonight. Suggests a motion that if Burns Concrete is unable to construct a facility as described in the Development Agreement, within the time allotted in the DA, then the property would revert to C-3. If the County can get this recommendation tonight and then from the City Council, the recommendation would then be ready to go before the County Commission.

Delwyn Jensen opened the public hearing.

Anna Trentadue spoke on behalf of VARD. She submitted a comment letter in the Staff Report. After hearing Kathy's proposal tonight, she encouraged the Commission to follow that. The Burns Concrete issue is going on six years now. She was impressed by the comments received by the public during the hearing for the height variance. Asked the Commission to consider Kathy's proposal because it puts a deadline in sight.

Delwyn closed the public hearing.

Ashley Koehler summarized the recommendations that have been proposed. The Staff Report recommends keeping the public hearing open and tabling the decision to the June 2013 meeting. Kathy Spitzer has suggested

that a motion be made tonight that if the building is not constructed before the deadline of May 2013, then the zone revert to C-3.

Chris discussed that the Comprehensive Plan map shows the area being zoned for M-1 and C-3, so would like to hear from Kathy Spitzer as to why it should be rezoned.

Kathy Spitzer responded that the only reason it was re-zoned to M-1, was for the proposal. The plant is proposed at 75' tall so it could mitigate impacts for noise, dust, etc. If the zone stays M-1, then a concrete batch plant could be constructed with no restrictions.

Discussion on the DA section that outlines the zone reversion and the need for a process to take place for the zone to actually revert, it would not happen automatically at the expiration of the DA.

Rene Lusser asked if the zone reverted what would happen to the current batch plant.

Ashley Koehler responded that the C-3 zone does not allow for a concrete plant. The current facility is temporary and was constructed to support the permanent facility that the DA describes. If the rezone reversion takes place and the DA expires, that use would need to go away.

Delwyn Jensen asked what are Burn's plans and if he intends to submit a building permit in time.

Ashley Koehler responded that Staff has not heard from Burns. Burns was notified of the hearing and received a copy of the staff report. His representing attorney submitted a letter, which was included in the Staff Report. Ashley Koehler further summarized that Burns would need to submit a building permit with a structure that meets the height limit or submit for an amendment to modify the Code and needs to do so before the DA expires in May.

Kathy Spitzer added that she believes that the DA requires that they only build the building as specified in the DA. She believes that since the variance for the 75' tall building was denied, then Burns cannot build anything.

Rene Lusser described a scenario where permission was granted for something that was 2000lbs, but then found it could be for 500lbs. Why would it have to still be 2000lbs? Doesn't understand why it can't be less. Doesn't see a great benefit to revert the zoning, so feels neutral. Stated that he trusts the Code to protect from problems.

Ashley Koehler read from the Code section for the M-1 zone and manufacturing facilities. The section describes that the use would be allowed, but does not allow related nuisances and unreasonable impacts.

Delwyn Jensen stated that he would like to know the Burns' intent. If they want to pursue a different type of building. He feels somewhat neutral. It's a good spot for M-1 usage, but they could always change it back to M-1 in the future. He doesn't feel that this time is the best is to make a decision.

Rene Lusser suggested that the Commission table and in the mean time correspond with Burns to find out their plans and timeline.

Rick Baldwin stated that this is his opportunity right now. He agrees that it could go with either zone, but C-3 is the most appropriate zone.

Delwyn Jensen asked for a motion.

Rene Lusser made a motion to table the decision on the zone reversion until the June 12, 2013 meeting and give all parties time to act.

Commissioner Chris Valiante seconded the motion. Discussion to amend the motion to keep public hearing open to the June 12, 2013 meeting.

The amended motion passed with all in favor.

4. Design Review- exterior remodel of Big Hole Bagels

Ashley Koehler summarized the report and the applicant's request to remodel the exterior. The Design Review Advisory Committee (DRAC) reviewed the proposal on December 3, 2012 and voted unanimously to recommend approval with conditions that the landscaping be planted in accordance with their comments, the wainscot treatment be applied to the north, west, and south sides of the building, the signs as proposed be approved, noting that only one freestanding sign be permitted, and that all exterior lighting be in accordance with the City lighting ordinance. Discussion on the entrances, ADA accessibility and timing for opening the business.

Rene Lusser made a motion to approve the proposed re-model with the conditions that the landscaping be planted in accordance with the DRAC comments, the wainscot treatment be applied to the north, west, and south sides of the building, and the planter box, and the signs as proposed be approved, noting that only one freestanding sign be permitted, and that all exterior lighting be in accordance with the City lighting ordinance.

Commissioner Rick Baldwin seconded the motion.

The motion passed with all in favor.

5. Design Review- exterior remodel of Teton Valley News

Ashley Koehler summarized the report and the applicant's request to remodel the exterior. She stated that Staff was pleased to hear the applicant wanted to remodel the exterior to better match the streetscape upgrades that took place on Main St. Scott Anderson from Teton Valley News brought photos of the property to show the Commissioners.

Chris Valiante made a motion to approve the re-model design, including the DRAC conditions that a trim be installed on all sides of the parapet, the hanging sign be re-positioned perpendicular to the building, all lighting be compliant with the City lighting ordinance, and that planter boxes be planted seasonally.

Rick Baldwin seconded the motion. Motion passed unanimously.

Rene Lusser motioned to adjourn the meeting. Chris Valiante 2nd Motion passed unanimously.

Meeting adjourned at 7:25pm.