

DRIGGS PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION TO TETON BOCC

REGARDING APPLICATION: CUP11-2: Grand Teton Vodka – Micro-Distillery

DRIGGS PZC MEETING DATE: October 12, 2011



APPLICANT'S REQUEST: Conditional Use Permit for a Micro-Distillery / Bottling and distribution plant in the C3 Zone

DESCRIPTION OF USE: Micro-distillery – distilling potatoes for vodka – in a 2,400sf building to be constructed for the proposed use. Product will be wholesaled and shipped from site.

LOCATION: 1755 N Main Street (in front of Burns Concrete)

PROPERTY DESCRIPTION: The parcel measures 306 feet deep (East-West) by 510 feet in length (Hwy 33 frontage). The proposed building and use would be located in the Northeast corner of the property, as shown on the attached site plan.

PROPERTY ACCESS: The location would be accessed off of Casper Drive, which is paved and has left and right lane turnouts on Hwy 33.

CURRENT ZONING: C3-D, Highway and Service Commercial , Design Review Overlay

SURROUNDING ZONING: C3-D, M-1, R-3, (See attached zoning map)

SURROUNDING LAND USES: Concrete batch plant to West. Residence to South. Trailer sales and Silverstar to East across highway. Vacant land to North across Casper.

FLUM DESIGNATION: Future Land Use Map Designation is: C_a – commercial - The Commercial land use areas are envisioned to contain uses that would not be appropriate in the Central Business District or Mixed-Use areas because of the larger amount of land required, the auto-intensive nature of the business, or the generation of noise or other impacts that should be more removed from residential areas. General Retail commercial uses appropriate for these areas would be large item retail, such as hardware, lumber yards, auto dealership, trailer sales, etc. These areas should be developed in a unified manner, with street-like shared access from the highway for each area, in accordance with the Transportation Access Plan Agreement between the city and the Idaho Transportation Department.

C_a: This recommended commercial area includes undeveloped lots along the north side of Valley Centre Drive, the new Silver Star Communications facility and Longhorn Trailer Sales on the west side of SH 33, and Fall River Electric and two transitioning single family residences on the east side of SH 33. A significant buffer should be provided along this area, where it borders Estate Residential. Appropriate uses would include contractor shops and large item retail.

MATERIALS RECEIVED: Application Form
Narrative
Site Map / Aerial Photo

PUBLIC COMMENTS: WRITTEN.
Paul Raube – owner of Longhorn Trailer Sales submitted a letter supporting the application, but asking that the Commission to make sure the building 'is nice looking'.
VERBAL AT PUBLIC HEARING.

Anna Trentadue, VARD, suggested that a better location would be within the Driggs Downtown (see Driggs PZC Oct. 12, 2011 meeting minutes).

NOTES:

Design Review of the site plan was completed and approved in 2008, but the building design has not yet been approved. The city has received design review application for this building, and is scheduling the necessary review by the Driggs Design Review Advisory Committee.

ZONING ORDINANCE REVIEW

STANDARD	ALLOWED / REQUIRED	PROPOSED	CONFORMANCE / COMMENTS
CHAPTER 2, SECTION 12.B – Conditional Uses Permitted in the C3 Zone	Microbrewery And Bottling and Distribution Plant are both Conditional Uses in the C3 zone.	Micro-distillery (2,400 sf).	<p>The Commission finds that the use falls under the Bottling and distribution plant use and an additional use definition is not needed.</p> <p>Definition of a Microbrewery is: An establishment where beer, ale, etc., are brewed and/or bottled on a scale to which the planning and zoning commission will decide is appropriate to a particular district. The establishment may, in addition to its brewing/bottling operation, offer for sale, to be consumed on the premises, beer, ale, etc., and food.</p> <p>No definition exists for Bottling and distribution plant.</p>
CHAPTER 4, SECTION 2.A.1 – Necessary Findings for Permitting Conditional Uses	The Commission may permit conditional uses where the uses are not in conflict with the comprehensive plan or the Zoning Title. If the proposed conditional use cannot adequately meet the conditions necessary to assure protection and compatibility with the surrounding properties, uses and neighborhood, the planning and zoning commission	See attached narrative and site plan.	<p>The Commission finds that the proposed use is in conformance with the applicable Comprehensive Plan recommendations for Commercial C_a, as stated in the Findings Summary.</p> <p>The Commission finds also that the micro-distillery, at the scale proposed, is compatible with the surrounding properties, uses and neighborhood.</p> <p>The use is compatible with the concrete batch plant and M1 zoning to the East, and is located as far as possible (in the NE corner of the subject property) from the residence on the C3 zoned property to the South.</p> <p>The access to the site has been developed to a level supportive of the proposed use, with turn lanes on Hwy 33.</p>

	will not approve the proposed use.		A property owner across Hwy 33 submitted a letter supporting the application so long as the building 'looked nice'. The building must receive design review approval prior to being constructed.
CHAPTER 3, SECTION 2 – Parking Spaces Required	Offstreet parking requirements for manufacturing uses is 1.5 to 3 spaces per 1,000sf NFA, which would require 4 spaces. Adequate loading spaces shall be provided.	Four parking spaces are proposed, along with loading/unloading space in the building via roll up door.	The Planning Commission finds that the proposed use will conform to the required off-street parking standard.
CHAPTER 2, SECTION 16 – Design Review Overlay Standards and Applicability	All commercial or mixed use projects within the design review overlay shall submit an application for design review.	Subject property is within the Design Review Overlay. Application has been submitted, but is incomplete (waiting for scaled drawings).	The Planning Commission does not find the need for any stricter design standards than those already required for the project.

CONCLUSIONS

The proposed use would conform to the applicable Comprehensive Plan and Zoning Ordinance and would be compatible with the surrounding properties, uses and neighborhood, as long as the use does not contain any retail component and does not expand more than twice the proposed initial building size without an opportunity for additional public review.

RECOMMENDATIONS

The Grand Teton Vodka Conditional Use Permit should be approved by the Teton County Board of County Commissioners with the following permit conditions:

- a) There shall be no sale of food or drink on the premises.
- b) The use shall not expand beyond 5,000sf without approval of an amendment to the Conditional Use Permit.

City of Driggs
PLANNING AND ZONING COMMISSION MEETING
MINUTES
MEETING HELD AT CITY HALL
October 12, 2011
6:30pm

MEMBERS PRESENT: Rick Baldwin (Conducting), Delwyn Jensen, and Ralph Mossman.

OTHERS PRESENT: Planning and Zoning Administrator Doug Self and Deputy Planning and Zoning Administrator Kreslyn Schuehler and other community members.

1) Approval of Minutes

The Commission reviewed the minutes from September 28, 2011. Commissioner Mossman made a correction.

Commissioner Delwyn Jensen made a motion to approve the minutes from September 28, 2011. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.

2) Discussion of Land Use Table Amendments

The Commission briefly began a discussion regarding the land use table amendments. It was determined that a small vet in the C1 zone should be required to have a conditional use permit.

3) Public Hearing for a Conditional Use Permit for a Microbrewery/Bottling Plant at 1755 N Highway 33 as submitted by William Beckett

William Beckett spoke to the Commission regarding his application. He stated in the past, there was a proposal to put a motel on the property but due to the economy and financing availability, that project had been put on hold. The approved site plan for the property included 5 lots for commercial use adjacent to the east property line.

Mr. Beckett's hope was to have a vodka distillery, using potatoes grown in the Valley. He stated there were strict regulations for transporting seed potatoes and he researched how that would impact his business. He explained that potatoes must be unloaded in an enclosed area and must be covered during transport. The potatoes would be transported in boxes which would in turn be covered.

Mr. Beckett explained the process of distilling vodka and stated that nothing would be wasted and no fumes would escape. The remainder of the potatoes could be made into feed for livestock and had already been spoken for by a community member in the valley who would transport the feed himself. The structure of the building would enable the vapors to be very pure.

Mr. Beckett described the label on the vodka bottle, stating it would have the Grand Teton Mountains on it, hoping to attract people to the area. By law, the distillery could have tastings and Mr. Beckett hoped to attract bus tours and others as well, with this activity.

In conclusion, Mr. Beckett stated there were no fumes, no nuisances, and all external lighting would be down lighting. However, not much lighting would be needed as he had no plans at this time to be open through the night.

Doug Self presented his staff report to the Commission. He stated the exact definition of a microdistillery was not in the zoning ordinance, but felt it was similar to a microbrewery. He stated the Commission should determine if this use could be considered a microbrewery or if a new use should be established. If it was classified as a microbrewery, the Commission should discuss if food and beverages should be allowed.

Mr. Self read from the Comprehensive Plan stating, "These areas should be developed in a unified manner, with street-like shared access from the highway for each area." Mr. Self also felt this use was appropriate in this zone, stating, "the uses that would not be appropriate in the Central Business District or Mixed-Use areas because of the larger amount of land required, the auto-intensive nature of the business, or the generation of noise or other impacts that should be more removed from residential areas, General Retail commercial uses appropriate for these areas would be large item retail, such as hardware, lumber yards, auto dealership, trailer sales, etc." He concluded by stating the Comprehensive Plan supported the application and could be found in conformance.

Mr. Self read the public comments from Paul Raube, who was in support of the application providing the design followed the standards. Mr. Self stated the property fell into the design review overlay and before a building permit would be approved, the applicant would have to go through the design review process.

Public access was good because of the improvements made by Burns Concrete. The parking space requirement was met. However, if tour buses were abundant, it may have to be readdressed. Mr. Beckett stated there was plenty of room on the property to increase parking if needed in the future.

Mr. Self told the Commission that stricter standards for the design could be added as this was an application for a conditional use permit, but he did not see a need for that. The proposed height of the building was 32 feet which was less than what was allowed in that zone. A microbrewery should be in the downtown area because it was more of a pedestrian friendly use. However, a microdistillery was more industrial and may not be appropriate downtown.

Commissioner Rick Bladwin opened the Public Hearing at 7:07pm. Anna Trentadue, Valley Advocates for Responsibility, spoke in favor of the application. She stated she was excited for the business to come to the valley, but was concerned about the definition of a microbrewery. She did not feel the location was appropriate for a large business with a restaurant and would like to see it closer to town. She cautioned the Commission on putting this use under the definition of microbrewery for that very reason.

Mr. Beckett responded to the comments. He stated he did not own land closer to town and wanted to be as productive as possible with the resources he had. He felt that a distillery was similar to a microbrewery in the sense that both produced a beverage with a difference in the

products used. He stated potatoes would be brought to the building by the ton and he did not feel there was a location closer to town that would not be impacted by the amount of truck traffic needed to bring in the potatoes.

Commissioner Jensen questioned if the applicant had any intention of having a restaurant or retail business included in the distillery. Mr. Beckett stated that there would not be a restaurant and that he was not able to sell liquor according to state law.

Commissioner Mossman questioned who the product would be sold to. Mr. Beckett stated it would have to be sold to the State dispensaries in Idaho, Wyoming and Utah. The dispensaries would then sell it to liquor stores.

Commissioner Jensen asked that the Commission determine if this use be classified as a microbrewery or microdistillery. Commissioner Mossman stated he was agreeable to leaving it as a bottling and distribution use.

Commissioner Baldwin inquired about the number of employees. Mr. Beckett stated they would start out small with 2 or 3 part-time employees, and hoped to grow in the future. He felt if the business grew beyond Idaho, the business could provide significant impacts for employment in Driggs as well as recognition for the Valley.

Commissioner Baldwin questioned what the output was and if a small amount of employees was appropriate. Mr. Beckett explained the process and stated one batch took approximately 4 hours. He felt they could produce 120 bottles or 10 cases a day and would need to purchase more equipment to do much more than that.

Commissioner Jensen felt the use was appropriate where it was as he did not want to see the truck traffic downtown. Mr. Beckett felt the subject location would provide good transportation to move in and out of the area.

Commissioner Mossman was concerned about future growth but felt the use as it stood now was appropriate. Mr. Self suggested having the applicant come back to the Commission if they wanted to expand beyond 5,000 square feet. Commissioner Mossman also wanted to restrict the sale of the product or the sale of food or drink, other than the tastings allowed by law.

Mr. Self stated the applicant could amend the site plan to combine lots or show larger buildings. Commissioner Jensen felt that when the business could no longer be called a microdistillery and became a distillery, the applicant should come back to amend the conditional use permit.

Commissioner Baldwin stated he would be comfortable in doubling the size of the building, but maintaining the design review overlay. Commissioner Mossman agreed.

Commissioner Ralph Mossman made a motion to recommend to the Board of County Commissioners to issue a conditional use permit with the conditions that the location could not sell food or drink and limitations on bottling and distribution operations to 5,000

square feet on the subject property. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.

Mr. Beckett stated he had been approached by the owner of the Beverage Shoppe to relocate her business to his property. He stated he wanted to find a way to make this work as she could sell products but could not distill them and he could distill products but could not sell them. Mr. Self responded stating that retail was not allowed in the C3 zone and therefore, it could not be allowed.

Mr. Beckett discussed with the Commission his reasoning behind allowing this type of retail store in the C3 zone. He felt it could be classified as a government agency. Mr. Self stated he disagreed and read the definition of retail uses in the Zoning Ordinance. He continued to state that retail had never been desired in the C3 zone and was in opposition of the city's wishes.

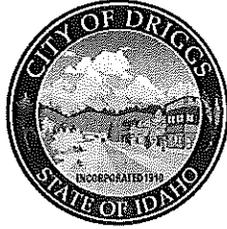
Commissioner Jensen agreed stating that he was in favor of retail remaining in the downtown core. Hyrum Johnson, the Chairman for the Driggs Urban Renewal Agency, stated he would love to have the business in town and would help to relocate the business to a property within the downtown area.

The Commission concluded the discussion by stating that if the owner of the Beverage Shoppe wanted to pursue the relocation, an application should be submitted. However, the Commissioners and Mr. Self felt it was an "up-hill battle."

4) Discussion of the Land Use Table Amendments

The Commission continued the discussion of the land use table. Discussions included industrial uses, agricultural uses, extractive uses, wireless uses and the remainder of the sales and services. Mr. Self would finish the table and the Commission will continue the discussion at the next meeting.

Commissioner Ralph Mossman made a motion to adjourn. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor and the meeting was adjourned at 8:40pm.



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101 Years

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November 10, 2011

**Angie Rutherford
Planning Department
Teton County, Idaho
150 Courthouse Drive
Driggs, ID 83422**

RE: Grand Teton Vodka Conditional Use Permit, 1755 N Hwy 33

Dear Angie:

This letter accompanies the City of Driggs file for the above referenced application, located in the Driggs Area of Impact. The Driggs Planning & Zoning Commission is recommending approval of the application with two conditions: 1) No sale of food or drink is permitted, and 2) expansion of the use beyond 5000 square feet will require an application for amendment to the CUP.

The file contains the following:

CITY DOCUMENTS

Planning and Zoning Commission Findings, Conclusions and Recommendation
Planning and Zoning Commission Minutes (10/12/11)
Hearing Notice
List of Property Owners w/in 300ft

MATERIAL SUBMITTED BY APPLICANT:

Application
Legal Description
Narrative
Site Map
Building Elevations
Landscaping Plan

WRITTEN COMMENTS

Paul Raube Letter, Dated 9/23/11

This application was received prior to the effective date of the recently adopted ordinance amending the Driggs Area of City Impact. Therefore, the previous Area of Impact agreement /

code should be followed, and a final hearing should be scheduled for this application with the Board of County Commissioners.

The Plan and Ordinances applicable within the Driggs Area of City Impact at the time of application are: Driggs Comprehensive Plan adopted by Driggs Resolution 264-10, and Driggs Zoning Ordinance #281-07 (both adopted by the Teton Board of County Commissioners on February 10, 2010).

The applicant has been informed of the need to file a county application and pay the associated fee. The applicant has also been informed of the need for the property owner (1121 24th St Lmt Partnership) to formally authorize the applicant (Grand Teton Vodka, Inc) to make this application.

Please contact me at City Hall if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Self", is written over the typed name and title.

Doug Self, AICP
Planning & Zoning Administrator

Wendy Danielson

From: Doug Self [pzdriggs@pdt.net]
Sent: Wednesday, January 11, 2012 1:05 PM
To: Wendy Danielson; Curt Moore; Bill Beckett
Subject: Re: Grand Teton Vodka

Wendy / Curt / Bill -

Here is a summary of the Driggs Design Review Advisory Committee (DRAC) recommendations from Monday evening. The application will be considered by the Driggs Planning and Zoning Commission this evening, and I will email their decision to you tonight or tomorrow morning. A separate email was sent yesterday with our Public Works Director's decision on accepting the waste water. Driggs will accept it with only a pH test required (pH must be between 6 and 10), so long as there is no more than 1000 gallons per month; if there is in excess of that amount, then additional tests would be required before it can be accepted).

DRAC recommends approval of the Grand Teton Vodka Design Review Application with the condition that the following revisions be made to the plans and that prior to a building permit being issued final plans showing these changes be reviewed and approved by the DRAC. DRAC considered tabling the application, but agreed, given the relatively straightforward nature of the changes, to allow the application to proceed and not cause additional delay by missing the Driggs Planning and Zoning Commission meeting.

Building design changes requested by DRAC:

1. At least 30% transparency (ground floor windows) be maintained in the design. The DRAC agreed that moving the upper windows down to the bottom floor would be a positive change and ensure this standard is met.
2. Additional snow protection needs to be added to protect pedestrians entering directly from the West under the entry canopy (snow will accumulate and eventually begin sliding off into the typical travel path for the main entry. A peaked roof was suggested as a revision. Metal framing for the walkway and entrance canopy was suggested.
3. Materials approved were: gray NUCOR accent panel - 36"; Aztec blue metal roof; IronOx corrugated metal in center of walls to break up the mass; red trim ok on windows, but remove red trim from eave (to be Aztec blue) and at all wall edges (to be same gray siding).
4. Remove cupola sign, and add wall sign instead. May also consider enlarging the cupola.
5. Details on the exact lighting fixtures to be installed must be presented for staff review of conformance with the Driggs Design Standards.

Site design changes / conditions requested by DRAC:

1. Propane tank is to be buried.
2. Drive must be at least 26ft at the fire hydrant and along the building (aerial fire access) per International Fire Code (this width should be called out on both the site and landscape plans).
3. The sidewalk next to the building needs to be called out on the site plan (as 5ft minimum), along with a 6" raised curb between the sidewalk and the parking area. DRAC noted that the applicant should discuss ADA route requirements with the County Building Plan Reviewer to determine if the location of the handicap parking space is acceptable, and if an ADA ramp onto the sidewalk will be required.
4. Stormwater drainage and site grading for this project is to be consistent with the previously approved master site plan. The stormwater detention basin shown on the master grading and drainage plan at the SW corner of the driveway and Casper Drive intersection must be created in this project.

Bill - I understand that you are probably going to submit new drawings for the building changes above. I will email those out to the DRAC for feedback and bring that feedback and the new drawings to the Planning and Zoning Commission this evening, and then forward on to the County by tomorrow morning.

Let me know if there are any questions.

Doug Self, AICP
Planning and Zoning Administrator
City of Driggs
PO Box 48, Driggs Idaho 83422
Ph: (208) 354-2362 Fax: (208) 354-8522
Web address: www.driggs.govoffice.com

On 1/11/2012 12:01 PM, Wendy Danielson wrote:
Hi Doug,

I hope this is not a duplicate request, I don't think Curt was going to contact you but I apologize if you've already discussed this with him.

At your convenience, can you please advise how the design review for Grand Teton Vodka went last night? I know it's short notice, but we'd appreciate any documentation that you might be able to offer, to pass on to our Board.

Thanks,

Wendy Danielson

Land Use Services Assistant

Teton County Idaho

150 Courthouse Dr. Room 107

Driggs, ID 83422

208-354-2593 x201



Wendy Danielson

From: Doug Self [pzdriggs@pdt.net]
Sent: Thursday, January 12, 2012 8:19 AM
To: Curt Moore; Wendy Danielson; Bill Beckett
Subject: GT Vodka - Driggs PZC Decision

Curt / Wendy / Bill -

The Driggs Planning and Zoning Commission approved the GT Vodka Design Review application last night with the same conditions recommended by the DRAC (in previous email), and added one more condition:

1. That a cost estimate, prepared by a landscaping professional, for landscaping and irrigation be submitted with the building permit application and that bonding in the amount of 110% of the total landscaping and irrigation costs be submitted to the county in the case that winter weather prevents completion of landscaping and an Occupancy Certificate has been requested and is able to be issued.

Secondly, under the Driggs Design Standards, the city council normally sets a total project bonding (to ensure the project is constructed as approved). This amount is normally 3% of the total project cost. This bonding amount and request should more appropriately come from the county, as the enforcing jurisdiction within the area of impact.

Lastly, Bill had submitted three building design revision options for the PZC and DRAC to consider. Neither was completely satisfied with any of the options, but felt there were fairly simple modifications that would resolve their concerns (mainly the scale of the cupola). Rene Lusser, the applicant's designer, should contact Rick Baldwin, DRAC chairman, to discuss details of the revisions so that a final concept drawing can be submitted to and approved by DRAC prior to development of plans for the building permit application. This is not a condition, just a suggestion to avoid having to redraw and print construction documents.

I will try to make the meeting, however I have a schedule conflict and I may have to miss it. You can call me on 208-534-8718 if there are any questions before or during the CUP meeting.

Doug

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