

**ALPINE CITY PLANNING COMMISSION MEETING at  
Alpine City Hall, 20 North Main, Alpine, Utah  
February 05, 2013**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 7:06 pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum.

Chairman: Jannicke Brewer

Commission Members: Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson

Commission Members Not Present: Todd Barney, Steve Cosper, Bryce Higbee

Staff: Marla Fox, Jason Bond, Shane Sorensen

Others: Diana Mills, Steve Sowby, Lon Nield, Will Jones, Roger Bennett, Steve Larsen, Bill Crockett, Trevor Schroeder, Craig Broadbent, Lynn Broadbent, Andi Pitcher Davis.

**B. Prayer/Opening Comments:** Steve Swanson

**II. PUBLIC COMMENT**

No Comment

**III. PUBLIC HEARING**

**A. East Bench Estates Planned Residential Development Concept Plan** – 1350 East 900 North – Patterson Const

Shane Sorensen said the Planning Commission and the City Council felt like this should be a PRD. It is a subdivision for 8 lots. It needs development of public streets and access through Bennett Farms Subdivision to allow this subdivision to move forward. Steve Sowby represents the owner and developer of this property. He said they have done everything that has been asked and he can answer any questions you may have. Roger Bennett asked where the primary and secondary accesses would be. Jannicke Brewer said we will discuss that later tonight.

**B. Canyon Brook Planned Residential Development Concept Plan** – 1520 Fort Canyon Road- Steve Larsen

Jason Bond said this subdivision would be a 3 lot PRD because of the sensitive lands that surround it. Steve Larsen wants to alter the road that runs on his property up Fort Canyon, so he can get enough square footage to fit a lot on the west side. Jannicke Brewer said this subdivision was final 6 years ago but was never recorded so Mr. Larsen is starting over.

**IV. ACTION ITEMS**

**A. Conditional Use Permit for Home Occupation**

Elite Interiors – 212 South 600 East – Trevor Schroeder

Jannicke Brewer asked Mr. Schroeder if he had any materials stored on the property. Mr. Schroeder said he did not.

Miracle Cushion LLC – 336 West Hillside Circle – David & Nadine Malpas

No questions

South Creek Outfitters – 351 North Deerfield drive – Gary Webb

Tami Hamilton asked Mr. Webb how he would display or advertise his product. Mr. Webb said it would be online sales with no intent to have any retail space in the home. He said he would have minimal customers coming to the home. Customers will shop online and then come to the home to pick up their gun. Mr. Webb said the inventory will come to his home but he won't have a surplus of inventory. He said he will market the items that he thinks will

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sell. He will advertise online and people will make an appointment to come pick up their purchase. Mr. Webb also mentioned he has a Federal Firearms License.

**MOTION:** Jason Thelin moved to approve a Conditional Use Permit for Home Occupation for Elite Interiors, Miracle Cushion LLC, and South Creek Outfitters.

Steve Swanson seconded the motion. The motion passed unanimously with 4 Ayes and 0 Nays. Jason Thelin, Jannicke Brewer, Tami Hamilton, and Steve Swanson all voted Aye.

## **B. East Bench Estates Concept Plan**

East Bench Estates is a proposed subdivision located at approximately 1350 East 900 North. The parcels are located immediately south of Lambert Park and east of the proposed Bennett Farms Subdivision. The proposed subdivision consists of 8 lots on 9.95 acres in the CR-40,000 zone. The lots range in size from 29,425 to 32,129 square feet. The Planning Commission will review and discuss the proposal of a Planned Residential Development.

Jannicke Brewer said on the Geo Technical Report all we have say is we accept the report and the company that did the report.

**MOTION:** Tami Hamilton moved to accept the Geo Technical Report and accept the company that did the report and add them to the list of approved companies.

Steve Swanson seconded the motion. The motion passed unanimously with 4 Ayes and 0 Nays. Jason Thelin, Jannicke Brewer, Tami Hamilton and Steve Swanson all voted Aye.

Jannicke Brewer said that the slope analysis that have been done vary a little bit. Shane Sorensen said we need to look at and clean up the density. Jannicke Brewer asked Steve Sowby if he was okay with the density report and he said he was because they end up with same number of lots either way.

Jannicke Brewer asked about the open space and where it will be placed. The developer has open space on the east end of the subdivision. Jannicke Brewer showed on the map where the trails were located. Steve Sowby said they put the majority of open space to the east and also changed the open space on the west side by making the trail wider. Staff asked us to improve the parking instead of the additional developed open space in the PRD and to come up through Bald Mountain Drive to give better access into Lambert Park from the south. Jannicke Brewer said we took a recommendation to City Council and they said this should be a PRD. Jannicke Brewer said her suggestion would be to eliminate the trail ordinance and make the trail 80 feet wide to have a better entrance into Lambert Park. She said to shift the first lot over a little bit to get the extra space and to have parking improvements.

Steve Sowby said they need the extra space to put in the second access. If you take away that space to add to the Lambert Park entrance, we won't have enough space to put in a second access. Steve Sowby said if you do that, we request that you make a recommendation to the City Council that we will not be required to put in a second access. Jannicke Brewer said the urban wildland interface area requires a second access as well as the PRD. The only exception is if terrain features or other physical obstacles make it impossible to put in a second access. Jannicke Brewer said in her opinion, there are no obstacles and there should be two accesses. We should not use Lambert Park's dirt road as a second access. Tami Hamilton asked where the second access will come in. Jannicke Brewer said on the master plan it will connect to the stub street on Bald Mountain Drive. So this development has two choices in building the road. They can go ahead and put it in and hope the developer beneath them will reimburse them or they can wait until that developer is ready to put his subdivision in.

Steve Sowby said he has no control on what the other developers do or to gain access through the other three properties to the south. Jannicke Brewer said you can build the road yourself, or wait until the land to the south is developed. Steve Sowby said the other option is to put the second access on our property in part of the open space on the top of the subdivision. Jannicke Brewer said they would still have to come through Lambert Park. Shane Sorensen said we will be dealing with the wildland interface.

Jason Thelin said the street into the subdivision has to be a full width street. Steve Sowby said they meet the ordinance requirement with a half street plus 12. Jannicke Brewer said the ordinance said we may allow you to put in a half width street. We are asking you to put in a full width street. Shane Sorensen said in the long run a full width street is better for the City and the citizens because they've had to go back afterwards and redo roads that were half width. Steve Sowby said they could put in a full width street by making the lots smaller. Tami Hamilton asked why it matters if the second access is a dirt road. Shane Sorensen said in the ordinance the road has to be paved with a width of at least 20 feet. Tami Hamilton asked if they took some land from themselves to put in the road, will that work. Shane Sorensen said they could pave a road on the north side, but their property ends on the west side and they would have to come out through Lambert Park.

Jannicke Brewer said we need to protect Lambert Park because it is a very choice property for Alpine. If we take a piece here and there we could soon lose the park. Tami Hamilton said if we are putting in a parking lot; why not put a road up to the parking lot. Jason Thelin said he agrees with Jannicke Brewer and doesn't want to start paving Lambert Park at all. The parking lot is only a suggestion and bikers can park at the Stake Center, at the Rodeo Grounds and the end of Bald Mountain Drive.

Shane Sorensen said the City has talked about putting in a restroom and parking at the trailhead and making some improvements. It hasn't happened because the City hasn't had the money. Steve Sowby came in and we've been discussing options but we haven't committed to anything, this is an idea that could be proposed. Steve Sowby asked if they could use the dirt road temporarily until the properties to the south were developed and the second access could connect with Bald Mountain Drive. Jannicke Brewer said that would not work because the access has to be paved and she does not want a paved road in Lambert Park.

Roger Bennett said if you pave by the water tank you have just made one of his lots illegal by having streets on three sides of the lot. Shane Sorensen said we need to have a plan that won't have access to the rear of these lots. Because the cul-de-sac is so long, the access needs to come out close to the cul-de-sac. Jannicke Brewer said that street has to come out of the subdivision and connect with Bald Mountain Drive because it is on the master street plan. Steve Sowby asked if the Planning Commission could suggest to the City Council ordinance 3.12.7.4.2 which allows for an exception. Jannicke Brewer said an exception would be for a physical obstacle or terrain problems. Just because the property to the south is not developed is not a reason for an exception. She said Mr. Sowby will have to build the road or wait until the property below him is ready to be developed. Steve Sowby asked for some leeway in allowing them to use the dirt road and making improvements for parking. Jannicke Brewer said she was uninclined and that we are at a standstill tonight and will discuss at a later date.

### **C. Lon Nield PRD Proposal**

The applicant has submitted a proposal to the City for the development of the land he owns at 750 N. Quail Hollow. The applicant would like to develop this property as a Planned Residential Development. The Planning Commission will make a recommendation to the City Council on whether this property should be developed as a PRD or not.

Jason Bond said Lon Nield is here tonight to ask that his subdivision be a PRD so that he can make a better design. He would like to have a private, gated street with private open space with a tennis court and other amenities. The property is a combination of CR 20,000 and CR 40,000 zones. Shane Sorensen did an analysis on this property a couple of years ago and it shows that he can get 11 lots. Lon Nield said he felt that because of the terrain and the type of subdivision he wanted to build, he could get 9 or 10 lots in the subdivision. He said he doesn't want large, monster homes in here that would come in and tear down all the terrain. Ed Gifford said if you put in a subdivision you would get 8 lots. A PRD would allow for some creative developing that would be very unique to Alpine and very attractive, use less water because of the natural scrub oak and be a better use of space. He said Mr. Nield would need the PRD to add an additional lot in the subdivision.

Jannicke Brewer said in ordinance 3.9.8 says:

1. Where a PRD project area contains territory in more than one zone the base density and any bonus density awarded shall be determined separately for the portion of the project area within each zone district and the maximum total density shall be the sum of density amounts permitted for each zone district area.
2. The size of lots within the various zone districts shall be in accordance with the requirements applicable within the underlying zone.
3. When approved as part of the project plan the City may authorize the transfer of density from one zone district within the project to another, except that no such transfer of density into territory located within the CE-5 and CE-50 zones shall be permitted.
4. Each lot within the project area shall abut upon and have direct access to an adjacent public street.

Jannicke Brewer said if you do a gated PRD that would not be a public street. In the design standards 4.7.3, it says that all residential lots in the subdivision shall front on the public street or on a private street recommended by the Planning Commission and approved by the City Council. She said we can recommend a private street, but it would be maintained by the residents. The City would not do any snow plowing or maintenance, that would be the residents own business.

Gated Communities are frowned upon in Alpine and are discouraged because gated communities want special names and we want all of Alpine to feel the same and special and not like one area is better than another. But, there is no language in our ordinance restricting a gated community. It would have to be discussed with the Planner. Shane Sorensen said the City Council will get to decide if there will be private open space or not and the bonus density for private open space is less than public open space. So this needs to be figured into the calculations and figured out.

Lon Nield said he will meet whatever percentage of open space required. He said he would like to maintain it as private and he would do 8 lots if that is what he had to do. Ed Garrison said Mr. Nield wants to create a secure, private subdivision where all the homes are single level with less property to maintain. Residents would share in the costs of the amenities through a homeowners association. It will be designed to City standards but he would like it to be gated.

Shane Sorensen said with a PRD, 25% slope has to be in open space so we need to take a look at that. He also said that private streets cause conflict because of the water lines and repairs. If it is built private it needs to be built to City standards in case they want to be public at a later date. Ed Garrison said the water and sewer would be a public easement.

**MOTION:** Tami Hamilton moved to recommend to the City Council that the Lon Nield subdivision be a PRD.

Steve Swanson seconded the motion. The motion passed unanimously with 4 Ayes and 0 Nays. Jason Thelin, Jannicke Brewer, Tami Hamilton, and Steve Swanson all voted Aye.

#### **D. Canyon Brook Concept Plan**

Canyon Brook is a proposed subdivision located at approximately 1520 Fort Canyon Road. The proposed subdivision consists of 3 lots on 52.01 acres in the CE-5 zone. A development was previously approved for this property, which was also called Canyon Brook. However, the approval of that development has since lapsed and this is being considered as a new application.

The applicant is asking that the new concept be taken into consideration and an exception be made, allowing an individual lot to contain up to 15% of the lot having a slope of more than 25% (PRD Ordinance section 3.9.4 item #3B). If the Planning Commission decides to not grant the request, the applicant would like the Planning Commission to consider approving the concept plan for the previous development that has lapsed.

Steve Larsen said he wasn't aware that he could extend his application. He said he has some ideas but is open to discussion on the road. Shane Sorensen said he has concerns about the road especially on mountainous terrain because icy roads and all these curves could present some issues. There is a 12% driveway ordinance to consider. Our ordinance says you need 30 feet of frontage for each lot. One thing in the previous approval was a 40 to 50 foot conservation easement along Fort Creek that would be recorded over the property. Steve Swanson asked why this subdivision has gone from 5 lots to 3 lots. Shane Sorensen said Mr. Larson had a partner back then who was going in with him to put in 5 lots. The partner has since pulled out of the project and now Mr. Larsen is doing a 3 lot subdivision. Steve Larsen said these lots meet our ordinances with how they are laid out and with the slope. Shane Sorensen said the pressure in our water system would have to be looked at to see if we can even get water service for the home up that high.

Jannicke Brewer said we need more information on lot 1 because it's hard to tell if it meets the ordinance with the way it is laid out. Steve Larsen asked if the Planning Commission was inclined to move the road to make Fort Canyon more constructible. Steve Swanson said he was not inclined to see a change in the road based on what he has heard tonight. Andi Pitcher Davis asked if this would impact or compromise her mother's setbacks. Is this a zone of erratic lots and is this how it will be in the future. Shane Sorensen said a slope analysis would have to be done for properties wanting to be developed. Ms. Davis asked about roads getting back to her property. Jannicke Brewer said she would have to have 30 feet of frontage on the main road. Mr. Larsen's property has frontage and then a long driveway to get back to his property.

Craig Broadbent said he is hesitant about changing the pattern of the road. It is dangerous in the canyon and people are already having a hard time getting up a 6% grade in the winter. If we changed the road here to fit in an extra lot, other property owners would want to do the same to fit extra lots in on flat property. He also said he does not want headlights in his bedroom window every time a car came around the bend. Tami Hamilton asked why we are even entertaining the idea of changing the road. Then everyone will want to change it.

Steve Larsen said he owns the property where the road is and he has an easement there and has the liability of maintaining from point A to point B. He said if he chooses to move it he could because the City doesn't own the corridor where the street is. He said that is the difference between his property and someone else's in the canyon. He also said he would like to see the road pull away from the side of the hill so retaining wall won't have to be built. Jannicke Brewer said we need more information before making a decision.

## **E. Mass Gathering Ordinance**

The Planning Commission will review a draft of the Mass Gathering Ordinance and make changes and clarifications as needed in preparation for review by the City Council.

Jason Bond said we should clarify the definition and the minimum number of people that would require a Mass Gathering. Originally Jason Bond had it at 500 people but reduced it to 250 people because the Planning Commission thought that number would work better. He asked where we want to go with this and said we need to discuss large events and be able to mitigate them.

Steve Swanson asked how deposits are returned after an event and how do we determine if they get it back. What are the requirements, and is there some kind of action taken if something is damaged. He asked if there were a certain amount of man hours required after the event. How much does the City charge if it is not clean or damaged? Jannicke Brewer said to write a list of what needs to be done after an event, what the City expects of the applicant. Jason Bond said the City workers go out and inspect and determine if it is satisfactory to give the deposit back. He also mentioned that for large events like bike races, \$1000 seems steep for a deposit but people are more inclined to follow rules and clean up after themselves.

Steve Swanson said it would be hard to have one general checklist for every event, but you could put in there that everything would be restored to the condition it was in prior to the event. Jason Thelin asked if there was anything in there about indoor versus outdoor, public property versus private property. Tami Hamilton said it should still be taken care of by the other items on the list such as street closures, amplified sound, and the use of City personnel.

Jason Bond said it shouldn't matter because of parking issues. He said the reason he originally had the number at 500 was because he didn't want wards to have to come in and get a permit for activities.

Jason Thelin said he didn't think private parties, ward parties, weddings; etc should be included in this and he doesn't want this for the City. Jannicke Brewer said the City needs a Mass Gathering ordinance for races and events in our parks. Steve Swanson said there needs to be exceptions to this like a church function or a wedding. Tami Hamilton said maybe the staff could use this as a guideline and make decisions on a case by case basis. Steve Swanson said he doesn't want the church to have to come in and get a permit every time they have a dance or activity. Jason Bond said he agreed and they would have to decide how to handle large, private events. Steve Swanson said maybe there could be different thresholds and fees for large gatherings versus smaller ones on private property as well as public.

Will Jones said that Troy Stout proposed in City Council to have a farmers market in the park on Main Street during the summer on Saturdays. The Planning Commission said if there are events in our parks then they should have to have a permit. Jannicke Brewer said what will happen to the trash, who will clean up, what about garbage cans, restrooms and power.

Will Jones said these events do incur costs to the City and City workers. For his Nativity event he said he paid two officers to come and work on Saturday and Monday night. Tami Hamilton said not everyone would have done that and that is why we need rules and regulations in place. Some people are inexperienced in holding large events and don't know what all it takes to pull it off. Jason Bond said that is why we would have them come to DRC to discuss their plan and what their responsibilities are.

Many people are learning that they can hold a large event in Alpine and the cost is minimal if not free. They sign up under someone's name from Alpine and have zero fees and no responsibility to clean up. Steve Swanson said he thought that a deposit should be paid at all the parks when used for large gatherings. Jannicke Brewer said we should concentrate on public use and not so much with private.

Jason Thelin said there should be some sort of fine if damage is done in the park. Jason Bond said we collect a \$150 deposit from non-residents but nothing from residents. Tami Hamilton asked what happens if a resident damages the park. Jannicke Brewer said the City has insurance on the parks but there isn't any recourse to make citizens pay for damage. The Planning Commission discussed whether Alpine residents should have to pay a deposit as well.

Tami Hamilton suggested instead of a deposit, have residents sign something agreeing to leave the park in the condition they found it in. Tell them they will be held responsible if something is damaged. Don't collect money up front, but if damage is done, send them a bill. She also said this could work with private gatherings as well. Don't charge fees, but maybe they could sign something saying they will be responsible for their guests or additional work for City workers.

**Motion:** Jason Thelin moved to recommend sending to the City Council the Mass Gathering Ordinance with the focus on public spaces and not private spaces.

Tami Hamilton seconded the motion. The motion passed unanimously with 4 Ayes and 0 Nays. Jason Thelin, Jannicke Brewer, Tami Hamilton and Steve Swanson all voted Aye.

## **V. Staff Report**

Jason Bond asked if the Commission members used the hard copy of the Agenda and Development Code or if they only used the online version. The Commission members said they use both. Jason Bond asked if any of them didn't want to keep their packet to bring it back to City Hall for Charmayne Warnock to use in getting ready for City Council. Jannicke Brewer said if you don't plan on using it, just leave it on the desk.

Jason Bond asked if staff could make decisions on Home Business Licenses instead of coming to Planning Commission. Jannicke Brewer said you would have to amend the ordinance. Jason bond also mentioned that we have a lot of home occupations in the City who are not licensed. If we changed this ordinance it might help to get

more businesses up to code because the process is less cumbersome. Steve Swanson said you could just mail them an application. Jannicke Brewer said we should put an article in the newslines outlining what people need to do to get licensed with the City.

#### **IV. COMMUNICATIONS**

Tami Hamilton asked Shane Sorensen if Steve Larsen owns part of the existing road up Fort Canyon. Shane Sorensen said if you look at his deed, he owns the road, but the road has been there well over twenty years. Steve Larsen mentioned the prescriptive easement, but Shane Sorensen said he didn't think Mr. Larsen is responsible for that road or to maintain it from point A to point B. He said Mr. Larsen can't just change the alignment of the road without asking the City. Tami Hamilton said she is very uncomfortable with changing the road and thought it was wrong on a lot of levels. Jannicke Brewer said that part of developing in Fort Canyon is that the road is dedicated to the City because every property goes across that road.

The next Planning Commission meeting will be on March 5, 2013.

#### **VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: January 8, 2013**

**MOTION:** Steve Swanson moved to approve the Planning Commission Meeting Minutes for January 8, 2013.

Tami Hamilton seconded the motion. The motion passed unanimously with 4 Ayes and 0 Nays. Jason Thelin, Jannicke Brewer, Tami Hamilton, and Steve Swanson all voted Aye.

Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:38 pm.