

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

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum.

Chairman: Jannicke Brewer

Commission Members: Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson, Todd Barney

Commission Members Not Present:

Staff: Marla Fox, Jason Bond, Shane Sorensen

Others: Lon Nield, Will Jones, Steve Larsen, Linzey Daugherty, Roger Bennett, Patricia Barney, Natalie, Brielle, Craig Westoby, Robert Wheeler.

B. Prayer/Opening Comments: Bryce Higbee

II. PUBLIC COMMENT

No Comment

III. PUBLIC HEARING

A. Mass Gathering Ordinance

Jason Bond said this is a tool for the City to use for large events that are being held in the City. It would help mitigate the impact these large events would have. This is still in the beginning stages and is still being worked on. Jannicke Brewer said this is mainly for public gatherings in public places. As it is proposed, it will not affect anything we do at our homes or church.

B. Home Occupation Amendment

Jason Bond said the staff would like to approve Home Business licenses instead of bringing them all to Planning Commission. If there are any questions, they would be sent to the Planner or the DRC. If it is determined that it will create a significant impact to the neighborhood, it would be brought to the Planning Commission to look at. Hopefully this will make the process a lot simpler and less cumbersome for the public. In doing it this way, we might get more businesses to come in and get licensed. Based on the reports we get from the State, businesses are licensed with them but not with us here in the City. Jannicke Brewer said both Home Occupations that are here tonight could have easily been handled in office.

C. Appeal Authority Amendment

Jason Bond said we are proposing to eliminate the Board of Adjustment and appoint a hearing appeals officer. Jannicke Brewer said we would have someone experienced in the law and the ordinances, so this will make it easier for the City to handle difficult cases and appeals.

D. Lon Nield PRD Concept Plan

Jason Bond said this PRD is on 8.78 acres and proposed to have 10 lots. Along the outside, a portion of the land is proposed to be private open space with a small circle of public open space in the middle of the circle. Most of the lots would be 20,000 sq feet. Jannicke Brewer said this is located on Quail Hollow Drive across the street from where Lon Nield currently lives now. The City Council said Mr. Nield could develop this as a PRD and because this property is in two different zones and he can equalize by having a PRD.

IV. ACTION ITEMS

A. Conditional Use Permit for Home Occupation

Craig A. Westoby – 65 North Lone Peak Drive – Craig A Westoby

Steve Cosper asked why a professional service is in the home. He thought it was unusual. Jannicke Brewer said it is allowed in the ordinance if there is adequate parking. Mr. Westoby said he recently moved to Utah and is semi retired. He is currently licensed in the State of Utah and just wants to offer his services to the community.

First Response Emergency Training – 1158 East Round Mountain Drive – Robert D. Wheeler

No Questions

MOTION: Steve Cosper moved to grant a Conditional Use Permit for Home Occupation for Craig A. Westoby Chiropractic Services, and First Response Emergency Training.

Tami Hamilton seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney all voted Aye.

B. Bennett Farms Final Plats A, B, C – Roger Bennett

This is a property located at approximately 500 North Country Manor Lane and 750 North Alpine Blvd. The proposed Bennett Farms Subdivision Plat A consists of 4 lots on 4.2974 acres. The proposed Bennett Farms Subdivision Plat B consists of 5 lots on 5.7423 acres. The proposed Bennett Farms Subdivision Plat C consists of 4 lots on 3.729 acres. The owner has applied for annexation of the property. The annexation petition was accepted by the City Council and sent to the Planning Commission to be processed concurrent with a development plan. The annexation is currently being finalized. Any approvals of this plan will be subject to the annexation being finalized. We anticipate the property being annexed into the CR-40,000 zone.

Jannicke Brewer asked what the advantage of doing A, B, C in phases. Roger Bennett said he is doing phases B and C separate in case they don't sell quickly and he doesn't end up with tax problems. Shane Sorensen said he doesn't have to pay the impact fees until he records so he can just get it all ready now. Jannicke Brewer asked where the catch basins were on the plat. Shane Sorensen showed on the map where the detention basins will drain into the storm drain to the south of each phase. She also asked if the fire hazard was approved by the Fire Marshall. Shane Sorensen said no, that had not been done.

Jannicke Brewer asked about the driveways on lots 1 and 4. Shane Sorensen said there will be a note on the plat restricting driveways on Alpine Blvd for those two lots. Jannicke Brewer asked about sensitive lands documents. Shane Sorensen said they will talk to David Church to see what the best way to tie them to the title is so that potential buyers will know the risk.

Jason Thelin asked about sidewalks being 5 feet instead of 4 feet because of the trail system. Shane Sorensen said he sent public works out to look at the sidewalks on Alpine Blvd and they are 4 feet on both sides of the road. Jason Thelin asked if it was missed in the plan to have a wider sidewalk because of the trails. He said we have talked about this and it was even in the motion that it had to be a 5 foot wide sidewalk. Todd Barney asked if phases B and C needed a second access. Shane Sorensen said the Fire Marshall said one access is fine because this property doesn't interfere with the wildland interface.

Todd Barney asked Mr. Bennett if he was planning on putting in the road. Shane Sorensen said Mr. Bennett's plan is construct the road in phases and that will be talked about at City Council. Jannicke Brewer said we can recommend to the City Council to require the missing section of road be put in connecting Alpine Blvd. It would then be the decision of the City Council. Jason Thelin asked Roger Bennett why he wasn't building the road all at once. Mr. Bennett said because of cost. He said he has lots for sale for a year and he hasn't had any offers.

Shane Sorensen asked the Planning Commission if they had any direction concerning the sidewalks and he would make sure it happens. Jason Thelin asked if there was anything the City Attorney could do to go back and make the previous subdivision change since it was part of the approval process that they had to put in a five foot sidewalk. Shane said no, it was a mistake that was made. The sidewalks are already put in and the subdivision was accepted and finalized by the City. Jason Thelin also asked if a subdivision comes to Planning Commission and it has a trail system, shouldn't it be listed in our packets that it will be a five foot width sidewalk. Shane Sorensen said it should be and it was just something that got missed because six subdivisions all came in at once.

MOTION: Tami Hamilton moved to recommend approval of the final plat A, B, and C for the Bennett Farms Subdivision subject to the following conditions:

1. The annexation being finalized.
2. Recommend that the missing section of Alpine Boulevard would be required to be constructed.
3. The developer work with City staff to obtain the necessary SWPPP permits and approvals for this plat.
4. The water policy be met with Alpine Irrigation company shares.
5. A bond be provided for the required improvements.
6. The debris flow hazard study be tied to the title of the properties in some manner to make potential lot buyers aware of the potential risks when building in the area.
7. Sidewalk shall be 5 feet to match the trail system.
8. Fire hazard be approved by the Fire Marshall.

Steve Cospers seconded the motion. The motion was not unanimous with 6 Ayes and 1 Nays. Bryce Higbee, Steve Cospers, Jannicke Brewer, Tami Hamilton, Steve Swanson and Todd Barney all voted Aye. Jason Thelin voted Nay.

C. Lon Nield PRD Concept Plan – Lon Nield

Lon Nield's PRD is a proposed subdivision located at approximately 750 North Quail Hollow Drive. The proposed subdivision consists of 10 lots on 8.78 acres. Approximately one-third of the property is in the CR-20,000 zone, with the other two-thirds being in the CR-40,000 zone. The City Council approved the option for this property to be developed as a PRD.

Jason Bond said the City Council made a motion that the PRD be gated if desired but the motion failed. There was also a motion that if the subdivision was not gated there was no point in the road being private. Another motion was made that the open space would be private if the owner desired and the motion passed. The fourth motion was that density may be transferred within the project not to exceed more than 10 lots for a PRD and that motion passed. This is the concept plan that Mr. Nield is proposing. A public road with no gate, transferring square footage within the PRD and most of the open space will be private.

Shane Sorensen said it will be recorded on the plat that the subdivision would have a public circle in the middle that would be maintained by the neighborhood. Steve Cospers asked what would be the point of having the circle be public if it will be privately maintained. Shane Sorensen said there would be utilities running through there so there would probably be a public utility easement over the whole thing. Jannicke Brewer said because the utilities would run through the circle, it would part of the road system. Steve Cospers asked if this would ever go back to the City to maintain. Shane Sorensen said the City made it clear they have no interest or intention of ever maintaining landscaping in this cul-de-sac. Jannicke Brewer said if this is a PRD they will have CC&R's and it will be spelled out.

Lon Nield said the open space is already landscaped with grass and pine trees that they have transplanted there already to create a buffer. There is scrub oak and other vegetation that will screen the homes. The CC&R's will restrict 2 story homes because Mr. Nield wants low profile, secluded homes, but they will be allowed to have basements.

Jannicke Brewer asked about the pressurized irrigation system. Shane Sorensen said when the road was built last year all the utilities were stubbed at that time for a future intersection. Everything is there so we don't have to tear out asphalt to put utilities in for this subdivision.

MOTION: Jason Thelin recommended that concept approval of the proposed development be granted subject to the following condition:

1. The Planning Commission review the proposed open space plans to determine if they are acceptable.

Steve Swanson seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Steve Cospers, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney all voted Aye.

D. Canyon Brook Concept Plan-Steve Larsen

Canyon Brook PRD 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.

Jason Bond said Mr. Larsen would like to use the same plan that was approved several years ago. Shane Sorensen said there is some public open space on the west side and some on the east side. Mr. Larsen said there will still be three lots; the only difference is there will be more public open space. Jannicke Brewer asked about the barn and said because it is an existing building; it should be shown on the plat. She also asked about the fire sprinklers and if they need to be inspected by the fire Marshall. Shane Sorensen said this will be the same layout and the same issues that were brought to us before. We know this was done at that time, but we do have a new Fire Marshall.

Steve Larsen said they ran a 10 inch line from the city road all the way out to the fire hydrant. Shane Sorensen said as long as it is within 250 feet of the home, the Fire Marshall should have no problem approving this. Jannicke Brewer said the geological and geotechnical reports had been reviewed the last time and they were accepted. She said the urban wildland interface runs through this property but didn't affect the barn or the houses. She also said that now some of this property will be public open space, the trails can connect and move up.

Tami Hamilton said asked how the flood plane will be handled in the creek. Jannicke Brewer said there has to be a conservation easement over the property. Shane Sorensen said that part of the lots will have the conservation easement over it.

MOTION: Jason Thelin recommends that concept approval of the proposed Canyon Brook development be granted subject to the following conditions:

1. The Planning Commission accepts the proposed open space plans that were presented.
2. The Fire Chief determine if fire sprinklers are an acceptable option to reduce the required fire flows for the area.
3. The Planning Commission accepts the existing geological and geotechnical reports that were previously submitted by the Planning Commission and the City Engineer (Note the reports were previously reviewed and accepted with the original Canyon Brook development).
4. The developer shows how the requirements of the urban/wildland interface area will be met.

Steve Cospers seconded the motion.

Todd Barney asked about the profile road and if a bond would be posted for that section of the road. Shane Sorensen said those things are handled at preliminary. He said the design of that entire road from the bottom of the canyon to the top is done. It's a matter of how this plat is recorded compared to how other plats in the area are recorded. City Council will take a look at this and decide who is responsible to build the road.

The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Steve Cospers, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney all voted Aye.

E. Will Jones Office Building – Will Jones

The proposed Will Jones Office Building is located at approximately 36 West Canyon Crest Road. This property is in the Business Commercial zone. Mr. Jones is looking for direction on what he can do. Mr. Jones said this building will be 2 stories. He said gross footage is used when determining parking and it is not practical to go off gross footage if it is used for storage. If you did that, his building would require 29 parking spots. If he puts in storage in the basement with furnace and water heater he then has to put in 12 more parking spots. He suggests calculating parking off of the number of employees and clients and the use of the building. This is because if the use of the building changes or a business grows, there could be more employees and clients which could cause parking issues.

As far as the basement goes, Mr. Jones said he would design it differently so it can't be used for anything other than storage. He said he needs space for a furnace, water heater and a place to store records. He said he would build it without windows because he has no other use for the space.

Jannicke Brewer said the buildings at Alpine Olde Towne Center were designed and licensed for office space. The parking was calculated off the fact that these were office buildings. When the use of the building changes it caused parking problems and it is hard to control. The City staff often doesn't know if a business has outgrown its parking. Shane Sorensen said the City is having a big discussion on code enforcement and this is a perfect example. Our parking ordinance it states that if the use changes, the business owner has to come to the City to see if the parking is adequate.

Will Jones said he has a very limited amount of clients coming to the office and twelve parking stalls would be more than enough. Jannicke Brewer said Mr. Jones can ask for a reduced amount of off street parking. Will Jones asked if he has a utility room for furnace and water heater, will that be counted in his square footage. Shane Sorensen said that is something we can take a look at and determine what is reasonable. Mr. Jones said it would be better to put the utilities in the basement. He said it makes more sense because he will have two furnaces and they can be noisy.

Shane Sorensen said other buildings will be built on the remaining pads in the future and will need to have the required parking. Whatever the use is in those buildings, it will have to fit within the parking that's allowed for those pads. Will Jones said other buildings need to be in compliance if the City is going to make him build his building to certain codes. An example is the current building he is in has a manufacturing business in it and the building wasn't set up for that nor does it meet the parking ordinance. He suggested taking a closer look at the business license renewal when it comes in each year to see if the business use has changed or the parking needs have changed.

F. Barney Acres Minor Subdivision

The proposed Barney Acres Plat C Minor Subdivision consists of 2 lots on 1.08 acres and is located at 100 South and 700 East. The property is in the CR-20,000 zone. This subdivision is splitting lot 1 of the Barney Acres Subdivision Amended and was planned for when the original Barney Acres Subdivision was developed. There is an existing home on lot 1 that will remain.

Jannicke Brewer said at an earlier date the Barney's anticipated dividing this property and all utilities are stubbed in and sidewalks are all around. This is a minor subdivision and the setbacks meet the requirements.

MOTION: Jason Thelin moved to recommend approval of the proposed Barney Acres Minor Subdivision subject to the following condition:

1. The redlines on the plat be corrected and a mylar be provided to the City for recording.

Tami Hamilton seconded the motion. The motion passed unanimously with 7 ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Cosper, and Todd Barney all voted Aye.

G. Mass Gathering Ordinance

The Planning Commission will review the first draft of the proposed Mass Gathering Ordinance and will make recommendations to the City Council.

Jason Bond said this will go to City Council on March 26, 2013 so that Ron Devey from Public Works can be there. He said we will talk about it tonight to see if there are any additional questions. Steve Swanson said there are times when wards have large functions and this ordinance would require fees and insurance. He thought this might be a problem for wards as far as budgets and time. Steve Cospers said groups that large should have to pay a fee and get a permit and insurance. Jason Bond said even scouts have to get insurance if they do a large project. Jannicke Brewer said the ordinance states that they may be considered a mass gathering. It will depend on the situation or activity and decided at the DRC meeting.

Steve Cospers asked how the wards and public will know about this ordinance. Jason Bond said it will have to be advertised in the newslines and on the City website. Jannicke Brewer said if a ward is using the park for a large function they will most likely call to reserve a pavilion. At that time the staff could let them know what they need to do.

MOTION: Steve Cospers made a motion to send the Mass Gathering Ordinance to City Council for review.

Todd Barney seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Steve Cospers, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney all voted Aye.

H. Home Occupation Amendment

Staff is proposing that the Planning Commission only see those Home Occupations that the DRC feels will have a significant impact to the City. Many applications are straightforward and could be easily taken care of by Marla Fox, who is over the Business Licenses. There are a significant amount of Home Occupations that are licensed by the State, but not with Alpine City. We hope that by making the process less cumbersome, residents will be more likely to get the necessary Business License with Alpine City.

Jason Thelin said he didn't think Home Occupations took up time for the Planning Commission. He said he likes to hear about the new businesses. Jason Bond said we would like to make it easier for businesses to get licensed. The Planning Commission discussed the idea to send out a letter to known businesses to let them know they need to be licensed with the City. Steve Swanson mentioned that it will take one step out and the fear of coming to get a license. Steve Cospers said he thought we would get more revenue by taking this step out.

MOTION: Steve Cospers made a motion to recommend to City Council the changes to the Home Occupation Amendment Ordinance.

Todd Barney seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Steve Cospers, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson and Todd Barney all voted Aye.

I. Appeal Authority Amendment

The proposed amendment would be eliminating the Board of Adjustment and appointing a Hearing Officer. The board of Adjustment is not needed often for variances or appeals and sometimes needs to be retrained from hired Council for difficult and/or unique appeals. The appointed Hearing Officer would be carefully selected and would have the necessary background to be able to handle anything that requires an Appeals Authority.

Jason Bond said this would help code enforcement because instead of sending things to District Court, the Hearing Officer would be able to handle those types of things. Jason Thelin asked if this is a hired position. Jason Bond said they would be hired on a case by case base. They would be trained and qualified and an impartial officer. Jannicke

Brewer said that on some of the cases we've had in the past, the Board of Adjustment needed help and the City hired Attorneys.

Steve Cosper asked if this amendment would be in place before the Recovery Lodge Appeal. Jason Bond said our Attorney, Jody Burnett asked their Attorney about it and they said a Hearing Officer would be okay. The City will have to find someone who does not have a conflict of interest to be the Hearing Officer for this case.

MOTION: Jason Thelin moved to recommend approval of the proposed changes to the amendment in article 2.3 to the City Council.

Bryce Higbee seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney all voted Aye.

VI. COMMUNICATIONS

Bryce Higbee said the youth football league is looking for a storage facility to store equipment. He said he spoke with Rich Nelson about using the South pavilion at Burgess Park and turning that into a storage facility. Bryce Higbee asked if this is something that needs to come through Planning Commission. Jannicke Brewer said the ordinance states if you change the use you have to have a hearing and come to Planning Commission. Jason Thelin said he thinks it should go to City Council. Jannicke Brewer said when the plans are drawn up; you will have to go to DRC. Bryce Higbee said the City will still own the building; the football program would just lease it. Steve Swanson asked if the bathrooms would be removed to make the building bigger. Mr. Higbee said he proposed to fix the bathrooms and use them. He said a lot of boys are going to the bathroom in the creek rather than run up to the other bathroom. He said they talked about it in DRC and the idea got shot down. He said the football program could do fundraisers to earn some money to repair the existing bathrooms. They would have the key and only open bathrooms when there are games and practices.

Jason Thelin said he is concerned that the City doesn't put the emphasis on the trail system like they should. The fact that the ordinance states it has to be a five foot and they went with a four foot bothers him quite a bit. He said the City should not start going with a four foot wide sidewalk. Tami Hamilton said she didn't think the City would demolish what has already been done. Bryce Higbee asked what the process is on the City's part and if Shane Sorensen goes out and inspects to let people know they have complied before issuing a permit. Jason Bond said there is a final inspection and a pre-construction conference done by Mr. Sorensen. Jason Thelin said there needs to be some accountability on the City's part.

The next Planning Commission meeting will be on April 2, 2013.

VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: February 5, 2013

MOTION: Steve Swanson moved to approve the Planning Commission Meeting Minutes for February 5, 2013.

Tami Hamilton seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney all voted Aye.

Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:13pm.