

**ALPINE CITY PLANNING COMMISSION MEETING at  
Alpine City Hall, 20 North Main, Alpine, Utah  
May 1, 2012**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 7:05 pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum.

Chairman: Jannicke Brewer

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

Commission Members Not Present: Steve Swanson

Staff: April Naidu, Marla Fox

Others: Will Jones, Bob McDonald, Laura Potter, Mr. Tadge, Mr. Hergerhorst.

**B. Prayer/Opening Comments:** Jason Thelin

**II. PUBLIC COMMENT:**

Bob McDonald, who lives at 728 N Main Street, expressed concern about the speed people are driving on Main Street and said he has seen people driving 50 to 60 miles per hour down Main Street. Mr. McDonald said he took his concern to City Council last fall and asked for a stop sign or police radar speed sign at the fork in the road where Heritage Hills Drive and Fort Canyon meet and turn into Main Street. Mr. McDonald said people do not seem to consider Main Street as a neighborhood and continue to drive at high speeds on the road. Mr. McDonald indicated that on May 1, someone speeding on Main Street hit and totaled his friend's car that was parked out front of his house. Luckily no one was injured.

Mr. McDonald said he was coming in on behalf of the neighborhood because the posted speed on Main Street in 25mph. He reminded the Planning Commission that this is a residential neighborhood. Jannicke Brewer said the Planning Commission really cannot do anything about this and suggested he go back to City Council and ask them to do something about this problem. Mr. McDonald said he has asked Rich Nelson and the police about this over the last two or three years and nothing has been done. Mr. McDonald said the police will come around every so often and write a few tickets or bring in their portable radar for a couple of days but that is it. He said he has asked for speed dips, speed bumps, and a stop sign. Tami Hamilton suggested he go to City Council and tell them about the accident.

**III. ACTION ITEMS**

**A. Lindsey Hegerhorst Site Plan**

April Naidu explained that this site plan is before the Planning Commission because the property is not located in a subdivision so the ordinance requires a site plan to be reviewed by Planning Commission. The property is located at 177 North 300 East in the TR-10,000 zone. The lot is approximately 18,169 square feet which meets the lot size requirement in the zone. April Naidu indicated that staff researched the Utah County land records as far back as 1973 and verified that this parcel has been in existence since at least this time and appears to be a lot of existing record. April Naidu said the City Engineer has reviewed the site plan and his review is included in the packet and that the recommended action is to approve the site plan subject to the conditions listed on the cover sheet.

Jannicke Brewer noted that sidewalks curb and gutter and improvements are already in place. Jason Thelin asked if impact fees had been paid. April Naidu said no impact fees had been paid yet because the property has not been developed yet, but will have to be paid with the building permit on this site plan. Steve Cosper asked what the land use disturbance permit was. April Naidu explained this is related to the storm drain requirements that are now in place and that it is something the applicant would work on with the City's assistant engineer.

**MOTION:** Jason Thelin moved that the Planning Commission grant site plan approval subject to the following conditions:

1. Sewer and water laterals be installed and the pressurized irrigation lateral be modified to serve the lot.
2. The Fire Marshal determine if the existing fire protection in the area is sufficient.
3. The water policy be met for the lot.
4. A bond be provided for the required improvements. An estimate will need to be provided for the cost of the improvements.
5. A land disturbance permit be obtained as part of the building permit process.

Tami Hamilton seconded. The motion passed unanimously with 6 Ayes, 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Todd Barney voted Aye. Motion passed unanimously.

Steve Cosper asked if this site plan will go to City Council. April Naidu stated in Article 4.14 it only mentions Planning Commission approval. Jannicke Brewer explained that the site plan only needs to go through Planning Commission and the Planning Commission has to ensure the site plan meets the City's standards in the subdivision ordinance.

#### **B. Laura Potter Conditional Use Permit & Site Plan**

April Naidu explained that Laura Potter owns the building at 188 N. Main where the Peppermint Place candy shop has been the last few years. The candy store is moving back to its old location in the former Kencraft building. Mrs. Potter would like to open a hot dog stand in the parking lot at this location from Memorial Day to Labor Day. April Naidu explained that this type of use is not specifically listed as a permitted or conditional use in the ordinance; however, there is a provision for seasonal sales under conditional uses. Mrs. Potter is requesting that the Planning Commission grant her a conditional use permit for seasonal sales for a hot dog stand. April Naidu stated that if the Planning Commission grants the conditional use permit, a site plan approval would be required before Mrs. Potter could open the hot dog stand.

Mrs. Potter also plans on changing the use in the main building at this location which would also require a site plan. The most recent use of the building was retail. Mrs. Potter has indicated she plans to hold cooking demonstrations and parties in the building now. Staff recommended that the site plan for the hot dog stand and the change of use be reviewed at the same time to determine parking requirements. April Naidu explained that the parking ordinance lists certain uses and correlating parking requirements. The ordinance also states if a use is not listed that the Planning Commission would have to determine what the proposed use most closely resembles from the list in the ordinance and use that to determine what parking would be required. The parking requirements of the main building could impact having a hot dog stand in the parking lot.

April Naidu added that the Planning Commission will also have to review the proposed hot dog stand structure and decide if it meets the architectural design guidelines of the Gateway Historic Overlay Zone. One other item for discussion is that the proposed location of the structure is within the 30 foot setback which does not meet the ordinance. However, the Gateway Historic Overlay section does allow the Planning Commission to recommend a smaller setback.

Jannicke Brewer suggested the Planning Commission start with the change of use in the main building. Mrs. Brewer explained when the main building was first built, there was seating proposed for about 90 people. Laura Potter stated that by the time it was finished and was a restaurant there was enough seating for about 60 people inside with additional seating on the patio for about 20 more. Jannicke Brewer referenced the off-street parking ordinance in Section 3.24.3 and stated she thought that the proposed new use of holding parties and cooking demonstrations most closely resembled a restaurant use.

Laura Potter explained that the kitchen will be re-configured and estimated there will be room for 12-15 chairs for cooking demonstrations. All of the parties would not exceed 24 people for adult parties and no more than 12 for a child's party. Jannicke Brewer said she thought if people are seated and being served that it was like a restaurant and if that is what Planning Commission decided the requirement would be 1 parking space for every 4 seats so if there were 24 seats the parking requirements would be 6 spaces and with 25 existing spaces there is plenty of parking available. Tami Hamilton asked how many spaces the hot dog stand would occupy. Laura Potter said they would lose 8 spaces.

Steve Cospers asked why the applicant could not have an appendage of some sort to the existing building and serve hot dogs from that rather than place a separate structure in the parking lot that did not look as nice as the existing building. Laura Potter explained that serving hot dogs from inside would change what was needed inside the kitchen. To hold cooking demonstrations it needs to look pretty so a lot of the commercial grade equipment will go because people want to learn how to cook using regular equipment like they have in their home. Steve Cospers asked why the structure was being placed so far away from the existing building and asked if she could not put it closer to the building so they could use the existing patio rather than have picnic tables in the parking lot. Laura Potter said if she is holding a party in the main building she cannot have people coming in and out to buy hot dogs.

Tami Hamilton added that having the temporary structure right next to the building would affect the aesthetics of the existing building and said the pictures they had showed what looked like a tough shed. Laura Potter said it is difficult to find pictures of what it would really be and added it would be taller than what is shown in the pictures, would have a two-toned paint job that would closely match the existing building, would have a little over-hang where the ordering window would be, and 25 year shingles.

Todd Barney asked what the cooking structure inside the stand would be. Laura Potter said she will do whatever the Health Department required and said it would be a propane grill. Todd Barney explained that another applicant came in a while ago wanting to do a hot dog stand and stated that the Health Department had strict rules on the use of propane tanks.

Jannicke Brewer said a couple of other issues are power and grey water. Mrs. Brewer said the applicant would likely be able to pull power from the existing building so it probably was not a big issue. Mrs. Brewer explained that other temporary businesses have had to haul their grey water away because you cannot put it down the storm drain. Laura Potter said they will probably take it inside the building.

Jannicke Brewer directed the discussion to the Gateway Historic Overlay Zone requirements. Mrs. Brewer said the applicant proposes to paint the hot dog stand a color called Swiss Coffee with Artisan Brown trim which matches the colors of the existing building. Laura Potter showed the Planning Commission samples of the colors.

Jannicke Brewer also explained that the setback requirement is 30 feet, but that the Planning Commission could recommend something less than that. Laura Potter said when she put the site plan together she just put the stand there, but it could be moved and said she can put something like cones to keep people in line and out of the parking lot. Bryce Higbee said he was concerned about the proximity to the entrance. Todd Barney agreed and suggested it be moved towards the back to give people pulling in and out of the parking lot more room before running into a group of people. Laura Potter said she had to consider the main use of the building in the location and did not want the hot dog stand to be in the way of people coming for parties in the building.

Jannicke Brewer suggested that the applicant go to the Health Department and find out what the requirements are for a hot dog stand. Steve Cospers also suggested the applicant talk with the Fire Chief or Fire Marshal. Jannicke Brewer recommended to the applicant that she do this and make a better rendering of the proposed hot dog stand and then come back to Planning Commission in two weeks.

Jason Thelin asked if this is approved does the applicant have the flexibility to change the menu and sell other things like shaved ice. Bryce Higbee said the conditional use permit would only be good for 6 months. April Naidu added

that Health Department requirements may also impact how easily they can change what they sell. Laura Potter said she really only wants to sell hot dogs, chips, and drinks.

Jason Thelin questioned if the Planning Commission was reviewing this too quickly. Jannicke Brewer said the applicant is supposed to bring a better rendering at the next meeting. Mrs. Brewer asked April Naidu to send the Planning Commission the Architectural Design Guidelines. April Naidu reminded the Planning Commission when the Gateway Historic Overlay Zone ordinance was amended that language was included that allows them to consult with a third party architect in its review.

### **C. Vintage Place Plat B Minor Subdivision**

April Naidu explained that the proposed Vintage Place Plat B Minor Subdivision consists of 3 lots in the TR-10,000 zone. Lot sizes range from just over 19,000 square feet to a little over 26,000 square feet. There is an existing home on Lot 1 and this parcel is being included because property is being added to the rear of the parcel. April Naidu indicated that the City Engineer has reviewed the plan and his letter is included. The recommended action is for Planning Commission to grant concept and preliminary approval and to recommend final approval to City Council subject to the conditions listed on the cover sheet.

Jannicke Brewer said the only thing she wanted to address was the existing irrigation ditch and that an easement was not shown for it on the plat. Will Jones said that has been corrected and showed the Planning Commission where the ditch is located. Mr. Jones said it is not used as a ditch anymore, but eventually will probably be used for storm drain and that is why Shane Sorensen, the City Engineer, wanted to have that easement. Mrs. Brewer asked if the easement would affect the building envelope for that lot. Mr. Jones said it would not and showed where a building envelope would be located.

Jason Thelin asked if the improvements were there yet or not. Will Jones said the sidewalk, curb and gutter are already there; but the laterals still need to go in so that is why the condition on submitting an estimate for the cost of the improvements is listed. Jannicke Brewer asked why there are no land disturbance requirements. Will Jones said because the sidewalk, curb, and gutter are there they do not need to do one at the development stage, but at the building permit stage they will have to do something.

**MOTION:** Todd Barney moved that the Planning Commission grants concept and preliminary approval and recommends final approval to City Council for Vintage Place Plat B subject to the following conditions:

1. Sewer, water, and pressurized irrigation laterals be stubbed into lots 2 and 3.
2. The Fire Marshal verify that the existing fire hydrants will provide adequate fire protection.
3. An easement be shown on the plat for the existing irrigation ditch.
4. The City's water policy be met.
5. An estimate be provided for the cost of the improvements and a bond be provided as per the bond letter.
6. The redlined comments on the plat be addressed.

Bryce Higbee seconded the motion. Vote: 6 ayes, 0 nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Todd Barney voted aye. Motion passed unanimously.

### **D. Telecommunications Ordinance**

April Naidu explained that the Planning Commission had a rather lengthy discussion at its last meeting on which direction to go on various aspects of the ordinance in order to create some draft language to move forward towards a public hearing on amending the ordinance; and explained that she took that information from the last meeting and tried to draft some language. However, a couple of items were still unclear including stealth design and approved locations. To help move forward on stealth design, April Naidu explained that she eliminated all references to stealth design to see which way the Planning Commission wanted to go. Mrs. Naidu said that in reading other ordinances and listening to Mr. Tycker, the RF engineer that came to Planning Commission, it seemed that the industry standard

of stealth design was a tower that was designed to look like something else and not painting the tower and planting trees around it.

Jannicke Brewer suggested the Planning Commission go page by page. April Naidu said under the definitions section she added some language from Provo City's definition of monopole to our definition. On page 3, April Naidu explained she removed the definition of stealth. Regarding approved locations, April Naidu said it was her understanding that Planning Commission's first preference was to promote co-location on existing towers followed by City-owned property. Also in this section, language was added regarding property used in conjunction with a quasi public use. Bryce Higbee said he thinks we should define quasi public property and include it in the definitions and in the section on approved locations just state quasi public property.

Steve Cospers asked if they have open space that is private open space, but is a great location why would we restrict that. April Naidu explained that there is proposed language included in the ordinance that an applicant could request to locate somewhere other than the approved locations, but they would bear the burden of demonstrating why they cannot locate on an approved location. Steve Cospers said their first obligation is to the citizens and that cell phones are here to stay and we should consider making sure citizens get good service in considering locations. Jannicke Brewer mentioned that most cities allow cell towers in commercial and industrial areas and restrict them in residential areas, but stated that Alpine will have a problem with that because Alpine is mostly residential.

Todd Barney said he would like to add that a tower cannot be located within one-half mile from designated wilderness areas and said he is trying to protect Lambert Park and the hillsides. Jason Thelin asked if a new tower would be better next to the existing tower in Lambert Park or in Burgess Park. Todd Barney said he would rather see a new tower in Burgess Park because it has already been built on. Jason Thelin said there are more people around Burgess Park who probably would not like a cell tower there, but in Lambert Park residences are farther away. Todd Barney said if we do not do something Lambert Park could be full of towers for that reason.

Steve Cospers said he did not think cell towers are inherently ugly and that a proliferation of towers is different than one or two towers. Jannicke Brewer said she hardly thinks about the tower in Lambert Park and there is new language proposed that a new tower would have to be at least two times the height of the tower away from a residence.

Todd Barney asked what the Planning Commission thought of keeping towers one-half mile away from wilderness areas. Steve Cospers said an application has to go through Planning Commission and City Council before a new tower could be put in Lambert Park. Todd Barney said he is proposing this to stop it from happening again. Jannicke Brewer said one-half mile is quite a long distance. Jason Thelin asked if we have to allow cell towers where will they go. Todd Barney said he thinks they should go where there are already manmade structures. Jason Thelin asked would it be better to have a tower on a strip of open space in between houses. Todd Barney said he thought it would because it was already a developed area. Steve Cospers asked if an unobtrusive 15 foot monopole tower on the hillside would be better than a 100 foot tower in the middle of town. Todd Barney said he just does not think we need towers on the hillside and we need to protect that space. Bryce Higbee said there may come a time when we need them on the hillside or it could be irrelevant.

Bryce Higbee said if an applicant wants to construct a tower, the City is telling them where they can do it and one location is City property and as a City we can police it and control the aesthetics more rather than leave it to an individual to decide what is appropriate for the rest of the City. Mr. Higbee added that the City could limit the number of towers in Lambert Park. Steve Cospers stated if the wording restricted it a certain distance from wilderness area he was unsure of the effect that would have and suggested that the wording say Lambert Park instead of wilderness area. Todd Barney said that would satisfy him as he is trying to protect Lambert Park. Tami Hamilton said it seemed a little silly to only name one park that would have restrictions.

Jannicke Brewer suggested they use a quarter-mile instead of a half-mile based on a comment from Mr. Tycer, the RF engineer who came to Planning Commission to answer questions, related to the need to have overlap so calls are not dropped. Bryce Higbee said the cell companies have incentives to co-locate because it is cheaper and provides

the same service. Steve Cosper said he thought that if Lambert Park was the best location for a tower and there was a need for it that a tower would be built in Lambert Park. April Naidu asked if the consensus was to include language prohibiting towers in Lambert Park. Bryce Higbee said he would vote no unless there was a real need for a tower in Lambert Park and did not think that they should make that decision for the City today.

Jannicke Brewer said the language can be included for a hearing and see what comments come in. Mrs. Brewer reminded that with the quarter-mile restriction it would eliminate any new towers on Shepherd's Hill as well as limit what could go in in Lambert Park. Steve Cosper asked if the towers on Shepherd's Hill were grandfathered. Jannicke Brewer said the existing towers are grandfathered in, but not the property. Jason Thelin asked about the process for new towers. Jannicke Brewer said the ordinance required all new towers to come in with a site plan and go through the process and said that we can ask for clarification from David Church on the issue of what is grandfathered.

Jannicke Brewer suggested they move on to permitted and not permitted towers. Mrs. Brewer pointed out that the proposed language included allowing roof mounted antennas and was fairly simple. Mrs. Brewer explained that it is structurally more difficult to put an antenna on a gabled roof compared to a flat roof and used Timberline Middle School as an example saying you would not have to put a very tall antenna on the roof and you probably would not see much of it. April Naidu asked if the Planning Commission wanted to include language requiring all antennas to be slim mount so they are not protruding out. The consensus among the Planning Commission was to require that.

Jannicke Brewer explained that at the appeal on the Digis tower there was some discussion as to whether the ordinance meant that lattice appearance was not permitted or if that included lattice construction. The ordinance simply states that lattice towers are not permitted, but does not clarify whether that is appearance and/or construction. Bryce Higbee said he thinks it should state no lattice appearance because he thinks it is an aesthetics issue. Mr. Higbee added that federal regulations would not allow a lattice tower to be climbable. Tami Hamilton said she thought it was more of an issue that a lattice tower could require a larger footprint. Steve Cosper said it would depend on the height of the tower. The consensus was to state lattice appearance is not permitted.

Jannicke Brewer said the next page added language on the site plan process. The proposed language would require a notification letter be sent out to property owners within 500 feet of the boundaries of the property where the tower is located and also a sign must be posted. This is the same thing we do on major subdivisions. Mrs. Brewer continued that on page 6, under item 3.3 proposed language allowed the City to have an application independently reviewed. Bryce Higbee said he was concerned that would be a deterrent for applicants who want to put a tower or antennas in the City because they may see it as overburdening. Jannicke Brewer said this would be similar to when the City uses an independent review on a subdivision application where there are geotechnical issues. Tami Hamilton said she did not think it would be used that often.

Jannicke Brewer said on page 7 we are proposing to eliminate all references to stealth. The consensus was to leave it out. Mrs. Brewer continued on to page 8 and language on abandonment. Bryce Higbee said he thought it should be six months. Tami Hamilton agreed. The consensus was to leave it at six months. Bryce Higbee asked if the City required ongoing permits for cell towers. April Naidu asked if he meant a business license and said that the City did not require a business license. Mr. Higbee asked that language be added requiring a business license.

April Naidu reviewed the changes the Planning Commission wanted to make prior to holding a hearing.

**MOTION:** Steve Cosper moved to set a public hearing on the Telecommunications Ordinance for May 15, 2012. Todd Barney seconded. Vote: 6 ayes, 0 nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Todd Barney voted aye. Motion passed unanimously.

#### **IV. COMMUNICATIONS**

Jannicke Brewer reminded the Planning Commission there will be another meeting in two weeks and that we will possibly have two meetings in June as well.

PC May 1, 2012

**V. APPROVAL OF PLANNING COMMISSION MINUTES OF: March 6, 2012 and April 3, 2012**

April Naidu indicated that the minutes of April 3, 2012 were not ready for approval yet and should be on the next agenda.

**MOTION:** Bryce Higbee moved to approve the March 6, 2012 minutes. Steve Cospers seconded. Vote: 6 ayes, 0 nays. Bryce Higbee, Steve Cospers, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Todd Barney voted aye. Motion passed unanimously.

Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:00pm.