

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, Utah
June 7, 2011

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:04 pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum.

Chairman: Jannicke Brewer

Commission Members Present: Bryce Higbee, Steven Cosper, Tami Hamilton, Steven Swanson, Todd Barney

Commission Members Not Present: Jason Thelin

Staff: April Naidu, Andrea Chapman

Others: Caleb Warnock, Ken Berg, Dale Merrill, Larry Sparks, Steve Crain, Kent Tasso, Stephanie Tasso, Berit Green, Laurel Green, Roman Frazier, Leslie Clark, Greg Clark

B. Prayer/Opening Comments: Bryce Higbee

II. PUBLIC COMMENT

Jannicke Brewer announced that in July the Planning Commission would be meeting on the third Tuesday.

Caleb Warnock who lived on 800 S. voiced his support for the Alpine Farmer's Market that was on the agenda. Mr. Warnock was a local organic vegetable grower and wanted to be one of the vendors at the market as soon as possible.

Steve Crain lived at 22 Cascade Avenue and was representing the South Pointe neighborhood. Steve Crain explained that Ted Stillman called him 7 or 8 years ago asking for his help because T-Mobile had approached the city about putting a wireless tower at the Alpine Elementary. Steve Crain said he helped Mr. Stillman and David Church rewrite the ordinance to help protect the city and negotiated with T-Mobile to put their tower in a place where the City owned and benefited from it. Mr. Crain said that at the time he felt like every time he turned around there was a new tower and they did not want to open the door for more new towers by allowing one at Alpine Elementary.

Steve Crain said that part of the wireless amendment of 2006 said that tower would be sited on city owned property only. Mr. Crain explained that the towers could generate \$15-\$20,000 a year for the city. Steve Crain said 3 or 4 weeks ago he and his neighbors noticed the new tower that was up on Shepherd's Hill. Mr. Crain said they did not mind the wireless tower, but what bothered them was that the tower was totally non-compliant with the code that was adopted by the city because it was not a monopole amongst other things.

April Naidu said that the question came up about whether or not the tower would be lattice-style and DIGIS said it would not be.

Steve Crain said that this tower was an accident waiting to happen and showed a picture of the tower to emphasize how easy it was to climb up. Mr. Crain said the ordinance strictly prohibited lattice-style towers. Mr. Crain pointed out that there were two huge microwave dishes on the new tower and said that he and his neighbors were filing an appeal asking the City to have DIGIS replace the pole and take down the microwave dishes.

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Steve Crain said he wanted a moratorium set to never allow anything else on Shepherd's Hill. Steve Swanson said he did not recall seeing the microwave dishes on the drawing presented to Planning Commission.

Jannicke Brewer suggested Mr. Crain take this issue to City Council.

Steve Crain quoted a few sections from the Wireless Telecommunications Ordinance:

2.2.1.1 "Stealth Design (as defined by this ordinance) is preferred, however Monopole will be considered on a case by case location on designated City-owned property."

2.2.1.2 "Existing Structures on Shepherd's Hill may remain and new structures must be Stealth Design."

2.2.2.1 "Lattice Towers and Guyed Towers. Lattice towers, guyed towers, and other non-stealth towers are not permitted in any location."

Jannicke Brewer said that staff would take pictures for City Council because it looked different than what the Planning Commission had analyzed.

Greg Clark who lived directly across the street from Shepherd's Hill at 114 Cascade Avenue said that Alpine took a lot of pride in its pristine looks and pretty views. Mr. Clark said that the view from his front door looked like an industrial park. Mr. Clark said it was getting worse up there by the year and somewhere along the line it needed to be stopped or it was going to look awful.

Dale Merrill at 625 Rocky Mountain Drive said he had a clear view of most of the cell phone towers from his house. Mr. Merrill agreed that the microwave dishes were dangerous and requested that they be taken down and placed by the city water tower to create revenue for the city. Mr. Merrill suggested putting 360 degrees of trees around the grandfathered towers.

Kent Tasso at 145 Cascade Avenue (north of Shepherd's Hill) said that he had 6 children who played on Shepherd's Hill all the time and he did not think it was okay to have a health issue show up there overnight. Mr. Tasso said they frequently would sled on the hills and jog on the recreational trails.

Stephanie Tasso said her youngest child was only 3 and her children were up on the Shepherd's hill all the time. Mrs. Tasso said that year round they had groups of small kids that walked all around on Shepherd's Hill but she no longer felt like she could take the kids on the public trails because there were safety issues. Mrs. Tasso inquired about how soon a change could be made so she did not have to worry about her kids injuring themselves.

Jannicke Brewer explained that the issue would be taken to City Council the following week because landscaping, fencing, and safety needed to be discussed. Jannicke Brewer suggested that they call the Mayor and Steve Crain volunteered to do so.

April Naidu showed an aerial photograph showing what City was property and what was not. April Naidu indicated that all of the towers on Shepherd's Hill were on private property and if residents were up there they needed the property owner's permission.

Bryce Higbee wondered who the enforcing body was when people went out of the lines that were approved.

Jannicke Brewer said that City Council would decide the enforcement.

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Tami Hamilton recalled that the reason they could not require this tower to be on City property was because it was replacing an existing structure.

III. ACTION ITEMS

A. Conditional Use Permits for Home Occupations

Lone Peak Aeronautics, Inc. – 384 W. 800 S. – Lynn S. Higgins: Mr. Higgins was not present. Jannicke Brewer said his business was mainly consulting done in his home.

KSK Enterprises – 1141 E. 600 S. – Kevin Kleinman: Mr. Kleinman was not present. Jannicke Brewer said he had a home office but did not have customers coming to the house. Jannicke Brewer pointed out that on his self fire inspection form Mr. Kleinman indicated that he did not have a fire extinguisher or smoke detectors and she thought it would be nice if he had those things.

Steven Cosper asked what kind of equipment Mr. Kleinman would be storing. Jannicke Brewer said he just had handyman equipment.

Big Shot Promotions LLC – 166 S. 700 E. – Bronson Zolik: Jannicke Brewer told Mr. Zolik that he would need a fire inspection. Bronson Zolik explained that his wife had a bachelor's degree in early childhood education. Mr. Zolik's preschool was planned to be in a detached garage. Mr. Zolik brought pictures of his home to show how close his detached garage was to his home. Mr. Zolik said the preschool would be held 3 days a week for 3 hours each day.

April Naidu explained that to be considered a part of the main dwelling an accessory structure had to be within 12 feet of the home, have a shared roof or wall, and meet the same setbacks as the home.

Jannicke Brewer said a home occupation had to be in the living area or attached garage.

April Naidu asked if the garage met the same setbacks as the home and it did not.

April Naidu said that this simply did not meet the ordinance.

Steve Cosper said the Planning Commission had to follow the ordinance.

Jannicke Brewer suggested that Mr. Zolik figure out a different option for his business that met the ordinance.

Bronson Zolik asked how he could get a variance. April Naidu explained that variances were governed by state law and specific criteria had to be met to warrant a variance. April Naidu also indicated that variances were difficult to obtain.

Ken Berg suggested that Mr. Zolik do a boundary line agreement with his neighbor.

MOTION: Tami Hamilton moved to grant conditional use permits for home occupation to Lynn S. Higgins dba Lone Peak Aeronautics, Inc. at 384 W. 800 S. and Kevin Kleinman dba KSK Enterprises at 1141 E. 600 S. Todd Barney seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steven Cosper, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney voted aye. Motion passed unanimously.

B. David's Court Plat C – Revised Preliminary & Final Plat: April Naidu explained that David's Court Plat C was a minor subdivision consisting of one lot on .919 acres in the CR-

40,000 zone. The property was located at 355 E. Healey Boulevard. April Naidu said that this plan was previously approved but a boundary issue was discovered with the adjacent property when it was in the recording process. April Naidu explained that the boundary issue had been resolved and in doing so the east boundary of the lot had to be adjusted to maintain the minimum square footage required. April Naidu said the plan still met all the applicable requirements and had been submitted for a revised approval.

Jannicke Brewer asked if the future lot would still meet the size requirement of 40,000 and Ken Berg said it would.

MOTION: Steve Cosper moved that the Planning Commission grant a revised preliminary approval for David's Court Plat C and recommend a revised final approval for David's Court Plat C to the City Council. Steve Swanson seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steven Cosper, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney voted aye. Motion passed unanimously.

C. Farmer's Market Presentation – Information Only: Alpine City resident Berit Green was interested in starting a farmer's market in Alpine. April Naidu explained that this was an opportunity for the Planning Commission to hear information from Ms. Green and provide input and direction to help her determine whether or not this may be a possibility in Alpine.

April Naidu said that Will Jones had given Berit Green permission to use his lot by the roundabout where the nursery used to be. Berit Green said that she had also received permission to use the lot to the north that belonged to Chris Culver.

April Naidu said that Berit Green had also talked to the Farm Bureau who suggested she come up with a plan for number of booths, what was allowed, etc.

Bryce Higbee asked if the market would just be on Saturday mornings and April Naidu said that most likely it would be.

Berit Green said she had been in contact with a few other markets in the county. Ms. Green said that the market at Thanksgiving Point started in August. Berit Green also mentioned that Provo had a market at BYU Stadium as well as one at Pioneer Park. Ms. Green said she spoke with the man who ran the Park City Farmer's Market and he said it would take a few years to get the market going. Berit Green said that he suggested trying not to compete with vendors on Saturday mornings and said he did his market on Wednesday mornings.

Berit Green said that she wanted to limit the market to produce but also had thoughts about opening it up to crafts and jewelry.

Todd Barney said he did not want it to look like a yard sale.

Steve Cosper said he thought a farmer's market in Alpine would be successful.

Tami Hamilton suggested putting something in the Newline about it to see if people had comments or concerns.

Berit Green said that a woman at the Farm Bureau said she would send an advertisement out to vendors.

Jannicke Brewer asked how Ms. Green planned to run the market. Berit Green said she would rent the booth space out and the vendors would provide their own set ups.

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April Naidu thought that traffic-wise Saturday was the best option and also thought there would be more parking available because the businesses would be closed.

Tami Hamilton said the businesses were not really open after 5:00 pm anyway. Berit Green said that if she did it on Saturdays it would probably go from 8:00 am to 1:00 pm and if it was on a weekday it would probably start at 4:00 or 5:00 pm.

Jannicke Brewer suggested that Berit Green get a good business plan in place.

Jannicke Brewer said that she would not like to see arts and crafts at the market.

Jannicke Brewer said that if people sold food that was prepared in their home, they had to be approved by the health department.

D. Development Code – Bee Keeping Ordinance: April Naidu enclosed a proposed ordinance that would amend the definitions and animal sections of the zoning ordinance to include regulations on bee keeping. The ordinance was modeled after what Salt Lake City had adopted and would address hobby bee keeping. April Naidu said the Planning Commission may also want to discuss whether or not to establish any regulations on commercial bee keeping.

April Naidu said that Mayor Willoughby was a hobby bee keeper and explained to her that when buying hives they came in groups of 4 so a regulation in the ordinance with an odd number of hives would not make sense. April Naidu said that she removed the word “residential” from her ordinance revisions so that it also included commercial areas. April Naidu said they used the 1 acre mark so you could have 4 hives on 1 acre and 8 hives on more than 1 acre. April Naidu said that they also removed the stipulation that the hive had to be 6 inches off the ground.

Roman Frazier pointed out that when talking about hobbyists, they use lot size to determine how many hives they can have but when dealing with commercial bee keeping they use ½ - 1 mile radiuses so as to not saturate an area. Because of this, it was hard to use the same guidelines for both hobby and commercial bee keepers.

Steven Cosper asked how many hives would be in one location and Roman Frazier said about 40 hives and no more than 50 hives per apiary because of the saturation.

April Naidu explained that the commercial bee keepers were more aware of where other hives were and for the most part they would try to work it out amongst themselves so as to not saturate the market. April Naidu said a hobbyist would probably never get to that point.

Roman Frazier said that a colony of bees with 1 queen constituted a hive and there could be around 80,000 bees in 1 hive. Mr. Frazier said that 300- 4 lb packages of bees would be about 5 million bees.

Jannicke Brewer said that the animal ordinance said that “other animals not mentioned may be permitted after review and recommendation by the Planning Commission and approval by the City Council.” Jannicke Brewer said she felt that something similar could be done in the bee keeping ordinance saying that anything beyond hobby bee keeping “may be permitted after review and recommendation by the Planning Commission and approval by the City Council.”

Jannicke Brewer said that she thought adjacent neighbors should be contacted prior to putting hives on a property.

Roman Frazier said they have almost 700 hives in Utah County and most of them were not in Alpine.

Roman Frazier said that as commercial bee keepers they had to be in the mindset of educating and cooperating with neighbors to be successful.

April Naidu suggested sending this as a communication item to City Council to get some input and direction and asking them if they would like the Planning Commission to discuss commercial bee keeping regulations or not.

Steve Cosper suggested setting a hearing in the meantime.

April Naidu said that one thing they needed to work on was getting a better definition of when a hobby became a business.

Bryce Higbee said he would define a hobby bee keeper as someone who owned or had charge of 8 or fewer hives of bees.

Steve Cosper suggested adding a definition of a colony saying that one hive contained one colony.

Bryce Higbee suggested changing the word "colony" to "hive" in the definition of beekeeper and also on Section 3.21.9 letter B.

April Naidu recapped the changes requested which were to use "Hobby Beekeeper" instead of "Beekeeper" in the definitions section and define it as "a person who owns or has charge of 8 or fewer hives of bees."

Steve Cosper said to change the definition of colony to "bees in a hive including queens, workers, or drones."

MOTION: Bryce Higbee moved to set a public hearing for the third week in July to amend sections 3.21.9 and 3.1.11 (Definitions) with the additional corrections. Tami Hamilton seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steven Cosper, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney voted aye. Motion passed unanimously.

IV. COMMUNICATIONS

Jannicke Brewer said the City Council accepted the propane tank ordinance with the limitation of a 1,000 gallon maximum tank size with an aggregate of 2,000 gallons.

Tami Hamilton said she did not think the picture they were shown of the DIGIS tower was accurate to what they actually put up.

Steve Swanson said he remembered asking about the tower structure and everyone said it was not a lattice structure.

Jannicke Brewer said she thought the tower should be fenced in.

Steve Cosper said he thought the Planning Commission should be really careful about getting into the health concerns regarding the microwaves and said there were so many differing opinions on the subject.

Steve Swanson said they never saw the microwaves on the drawings. Tami Hamilton said there was a sideways thing on the drawing but it was not pointed out to be a microwave.

Andrea Chapman read the motion that was passed at the April 5, 2011 meeting:

***MOTION:** Steve Cosper moved that the Planning Commission recommend approval to the City Council for the DIGIS site plan A with the condition that the tower have structural engineering performed and that it comply with all City ordinances regarding paint color. Tami Hamilton seconded. Ayes: 4. Nays: 2. Steve Cosper, Jannicke Brewer, Tami Hamilton, and Steve Swanson voted aye. Bryce Higbee and Jason Thelin voted nay. Motion passed.*

Todd Barney asked why the “Springs” trail in Lambert Park was shortened and rerouted.

April Naidu said there was a 2.5 acre parcel north of the water tank that was private property and the new owner was fencing it off.

V. APPROVAL OF MINUTES

MOTION: Steven Cosper moved to approve the Planning Commission minutes of May 3, 2011 and adjourn. Todd Barney seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steven Cosper, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney voted aye. Motion passed unanimously.

THE MEETING ADJOURNED AT 9:12 pm.