

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, Utah
August 2, 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: Steve Cosper, Jason Thelin, Steven Swanson, Bryce Higbee, Todd Barney

Commission Members Not Present: Tami Hamilton

Staff: Andrea Chapman

Others: Erin Darlington, Gabe Darlington, Chuck Castleton

B. Prayer/Opening Comments: Jannicke Brewer

II. PUBLIC COMMENT:

Jannicke Brewer said that on August 16, 2011 the City Council would have a "Truth in Taxation" meeting at City Hall and a regular City Council meeting would be held on August 23, 2011.

Jannicke Brewer said that the Board of Adjustments ruled that the Planning Commission had made an error in allowing DIGIS to put a lattice style structure on Shepherd's Hill and they needed to re-address it.

Chuck Castleton clarified that the Board of Adjustments had decided that the structure put up by DIGIS was not an existing installation because of the time lapse between when they tore the old tower down and when they put the new one up. Mr. Castleton said that because of this, the new tower was not covered under a non-conforming use. Mr. Castleton said that the design was up to the Planning Commission.

Jannicke Brewer also mentioned that the City Council felt it was okay for the home on 1131 Birch Circle to exit onto Alpine Blvd as discussed at the previous Planning Commission meeting.

III. ACTION ITEMS

A. Conditional Use Permits for Home Occupations

Nino and Jake's – 211 S. Wildflower Circle – Erin Darlington: Erin Darlington had a small mobile woodfire catering business. Jannicke Brewer asked if Mrs. Darlington had received approval from the State Health Department. Erin Darlington said she had to have a business license from the City prior to submitting a plan to the Health Department. Jannicke Brewer suggested that the actual business license not be issued until after the City had received confirmation of the Health Department's approval.

Steve Swanson asked about the seasonal employees that were listed on Mrs. Darlington's application. Erin Darlington said they would be independent contractors that worked at events and no employees would be coming into her home.

Steve Swanson asked about the stock stored at the Darlington's home and the Planning Commission decided that because of the nature of it, it was a Health Department issue.

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Bryce Higbee asked if Mrs. Darlington had gotten a fire inspection. Erin Darlington said that the State would come inspect her home and determine whether or not a fire inspection would be needed.

Steve Cospier wondered if the ordinance needed to be changed to include verbiage about the Health Department in cases like this. Jannicke Brewer felt that it fell under item (2) of the Home Occupation Ordinance which stated: "In order to achieve the objectives of this Code and to protect the health, safety and quality of life in the community the Planning Commission may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated."

Steve Swanson asked what a "woodfire kitchen" was. Erin Darlington explained that it was a woodfire oven mounted on a trailer that they took to events.

The Planning Commission decided not to hold the business license for Health Department approval because Erin Darlington explained that even without Health Department approval she could still operate her business (without the commercial kitchen in her home).

Bryce Higbee arrived at 7:12 pm.

Energy Crown Motors, LLC – 872 E. Village Way – Doreen Wanlass: Doreen Wanlass was not present at the meeting. According to her application, Energy Crown Motors, LLC was a company that developed, marketed, licensed and sold electric motor intellectual property, technologies, and products. They also provided consultation and advice to entities that licensed or purchased the company's electric motor intellectual property, technologies, and products. The Planning Commission had no questions.

MOTION: Jason Thelin moved to grant conditional use permits for home occupation to Erin Darlington dba Nino and Jake's at 211 S. Wildflower Circle and Doreen Wanlass dba Energy Crown Motors, LLC at 872 E. Village Way. Todd Barney seconded. Ayes: 6. Nays: 0. Steve Cospier, Jason Thelin, Steven Swanson, Bryce Higbee, Todd Barney, and Jannicke Brewer voted aye. Motion passed unanimously.

B. Development Code – Article 3.22 (Non-conforming Buildings and Uses): Jannicke Brewer explained that Article 3.22 outlined regulations on non-conforming buildings and uses and Section 3.22.7 specifically outlined the extension/enlargement and reconstruction of non-conforming buildings. Jannicke Brewer said that currently Planning Commission recommendation and City Council approval were required but there were instances of very simple additions on homes that were nonconforming (i.e. not enough side setbacks for the home) but the addition met the conditions required. Jannicke Brewer explained that staff proposed to amend this section to allow staff to approve these types of situations rather than requiring the applicant to go through Planning Commission and City Council.

Bryce Higbee asked how often this happened and it did not happen very often.

Jannicke Brewer said it still had to meet all the requirements but it was an existing building that may have been built under a different set of requirements.

Steve Swanson wondered if there was ever potential for there to be problems because if handled by staff, it would not be brought public.

Bryce Higbee said the issue was consistency when dealing with public records. Bryce Higbee said the Planning Commission had a level of consistency to maintain and they had record of it but

at the staff level there would be no record of decisions made and the consistency could potentially be lost.

The Planning Commission decided to leave Article 3.22 how it was.

C. Development Code – Articles 4.5 (Minor Subdivisions) and 4.6 (Major Subdivisions): Jannicke Brewer explained that last fall this ordinance was amended to make language more consistent regarding the reinstatement of approvals of subdivisions and a time limit of 180 days on everything was added. However, at the time, for some reason the word “extension” was taken out even though it was in the Planning Commission motion from July 6th, 2010 which stated:

MOTION: Steve Cosper moved to amend article 4.6.2.6 number 5 to read “Planning Commission approval of the Preliminary Plan shall expire 180 calendar days after the date of approval. Extensions may be granted by the Planning Commission,” and to amend 4.6.3.9 number 3 to include an additional sentence which states “Planning Commission approval of the final plat shall expire 180 calendar days from the date of approval.” Ron Eaton seconded. Ayes: 5. Nays: 0. Bryce Higbee, Steve Cosper, Jannicke Brewer, Ron Eaton, and Todd Barney voted aye. Motion passed unanimously.

Jannicke Brewer said that the question was whether or not to put the possibility of extensions back in the ordinance or leave it as it was. Jannicke Brewer also said that if they did allow extensions, they needed to decide if there should be a limit on the number of extensions allowable (i.e. up to two extensions).

Jason Thelin asked what setbacks the developer had by doing a reinstatement instead of an extension. Jannicke Brewer explained that with an extension the developer already had approval but with a reinstatement there was a possibility of not getting approved if the ordinances, Planning Commission members, etc had changed.

Bryce Higbee said there were a lot of developers that were being held up by the economy and he felt that two extensions may not be enough.

Jason Thelin recalled that in the past there was a developer who had been granted approval for a large retaining wall but when it came back, the ordinance had changed to allow the City Council to have a say in it and he felt it was nice to have the option to approve or deny it if they wanted to based on the most current ordinances. Jason Thelin said he thought reinstatements were better than extensions because they gave more control to the City.

Bryce Higbee pointed out that the developers spend a lot of money and time to get things approved the first time around and he felt it was not fair to them to have it denied later because of new ordinances etc.

Steve Swanson said that in those cases, extensions would be easy to grant and unless there had been a major change the developer would be fine.

Jannicke Brewer felt they needed to search and find what the old ordinance said because what was in front of them was not clear.

Bryce Higbee agreed that it needed to be a more clear process.

Jannicke Brewer said that April Naidu also thought the checklist requirement in 4.5.3.2 item 1(a) could be removed because nobody ever did a checklist when making an application for a major or minor subdivision.

Jannicke Brewer also mentioned changing five (5) D to four (4) D size copies of the plan in 4.6.1.2.2 item 1(c).

Jason Thelin felt that there was accountability for developers to get things done when they said they would or they would be held accountable to follow the current ordinances.

Jannicke Brewer said that they would do some research on the old ordinance and bring this back at the next meeting.

IV. COMMUNICATIONS

None.

V. APPROVAL OF MINUTES

MOTION: Steve Cosper moved to approve the Planning Commission minutes of July 19, 2011 and adjourn. Steve Swanson seconded. Ayes: 6. Nays: 0. Steve Cosper, Jason Thelin, Steven Swanson, Bryce Higbee, Todd Barney, and Jannicke Brewer voted aye. Motion passed unanimously.

THE MEETING ADJOURNED AT 7:51 pm.