

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, Utah
 February 2, 2010

I. CALL TO ORDER & ROLL CALL: The meeting was called to order at 7:00 pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum:

Chairman Jannicke Brewer

Commission Members: Bryce Higbee, Steve Cospser, Jason Thelin, Tami Hamilton, Ron Eaton

Staff: Charmayne Warnock, Shane Sorensen, Ted Stillman

Others: Bryce Nelson, Chris Culver, Dan Oaks, Thomas Whitchurch, Caleb Warnock – *Daily Herald*, Dennis Pratt, Carla Pratt, Adrienne Jimenez, Jeff Snyder, Laura Snyder, Cheryl Schauerhamer, Bruce McKay, Paul Thompson, Thomas Whitchurch, Jason King

II. PRAYER & OPENING COMMENTS: The prayer was offered by Tami Hamilton.

Jannicke Brewer said that Councilman Jim Tracy and Tami Hamilton from the Planning Commission were assigned to be representatives to the Gateway Historic Committee. The Committee had recently reviewed the site plan for the community theater which was scheduled later on the agenda.

III. CITIZEN COMMENT: None

IV. ACTION ITEMS

A. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS

DVO Enterprises – 620 Windsor Court – Dan Oaks: This application for a conditional use permit had been on the last two Planning Commission agendas. It had not been approved because Mr. Oaks had three employees outside the family and the ordinance allowed only one. There had been a question whether two part-time employees were equal to one. Ted Stillman said he'd talked to the City Attorney David Church who said one employee was one employee whether it was full time or part-time.

Jannicke Brewer asked Mr. Oaks if he had reduced the number of employees or made any other changes in his business that would make it comply with the ordinance. Mr. Oaks said he had not.

Tami Hamilton said she recalled that he might have other options.

Jannicke Brewer said he could move his business into the commercial zone and there he could maintain as many employees as needed.

Dan Oaks said he'd looked at offices in the commercial zone and couldn't afford the rent unless he fired an employee. He'd also looked at moving his business into the properties he owned in the business commercial zone. In order to make the one lot large enough to provide the needed parking, he'd have to adjust the boundary line between the two properties. However, he was upside down in the mortgage on the property and he didn't think the bank would allow him to adjust the boundary line and make the property smaller.

Mr. Oaks said the other option was for the Planning Commission to amend the ordinance and bring it into the 21st century, allowing more than one employee. He said he needed more than one employee to run the phones for his business.

Jannicke Brewer asked if there was an appeal process. Ted Stillman said he could appeal to the City Council.

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Jannicke Brewer said the Planning Commission was bound by the ordinance and had no choice but to deny the application. She told Mr. Oaks he could appeal the decision to the City Council. If that didn't work he could ask the Planning Commission to amend the ordinance.

Jason Thelin asked Mr. Oaks if he'd thought about have the employees handle phone support from their homes.

Mr. Oaks said the problem with that was that if one person was on the phone and another call came in, the other person would have to pick it up.

MOTION: Steve Cosper moved to deny a conditional use permit for a home occupation for DVO based on the fact that they had three employees rather than the required one. Tami Hamilton seconded. Ayes: 6 Nays: 0. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton and Ron Eaton voted aye. Motion passed unanimously.

Mandi's Candies – 393 N. Matterhorn Drive – Carla Pratt Mrs. Pratt requested a permit for her business of making and selling candy. She had a permit from the state to use her kitchen in making the candy. The product was delivered. No customers visited the home. She had no other employees.

Cheryl's Salon – 750 N. Main – Cheryl Schauerhamer: Ms. Schauerhamer requested a permit for her hair salon business in her home. She had about five customers a week, one at a time. They could park in the driveway.

MOTION: Jason Thelin moved to approve conditional use permits for home occupations to Carla Pratt doing business as Mandi's Candies at 393 N. Matterhorn Drive and Cheryl Schauerhamer for Cheryl's Salon at 750 N. Main. Ron Eaton seconded. Ayes: 6 Nays: 0. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton and Ron Eaton voted aye. Motion passed unanimously.

B. SITE PLAN REVIEW – ALPINE PERFORMING ARTS CENTER – 264

SOUTH MAIN: Ted Stillman said that the Planning Commission reviewed site plans for a number of issues including setbacks, parking, traffic, utilities, etc. The Historic Gateway Committee also reviewed site plans in the commercial zone and made recommendations to the Planning Commission. The Gateway Committee had reviewed the theater site plan the previous week and made several recommendations which were in the packet. He noted that the site plan in the packet was different from the one being presented that evening because recommendations from the Gateway Committee had been incorporated into the new site plan after the packet was assembled.

Jeff Snyder said he was on the Alpine Arts Council board and introduced other members of the board who were: Laura Snyder, Paul Thompson, Chris Culver, Thomas Whitchurch. Also present were: Bruce McKay – architect, Bryce Nelson – contractor, and Jason King from Landform Landscape Architecture.

Mr. Snyder said he first wanted to make a correction on the name of the theater. It would be called The Alpine Performing Arts Center because there would be multiple donors. He said the theater would have all the amenities of a professional center – a cross between the Hale Center Theater in West Valley and the Covey Theater in Provo. They were trying to make it the heart of the Alpine where the community could come together for a variety of things including performances, art and dance classes, civic meetings. They hoped to house a variety of activities for Alpine Days. There would be an art gallery upstairs and a black box theater in the basement below the main theater. In summary, it would be a multiuse facility to benefit the community.

Jannicke Brewer said the theater would fit into the General Plan which included the goal of bringing art and culture into the community of Alpine.

Ted Stillman said the Gateway Committee had reviewed the plan and made recommendations which were already reflected in the latest site plan. The Committee recommended a variance allowing the building to be 54 feet in height. The extra height was needed for the theater and the fly-away system. They recommended flexibility in meeting parking requirements and allowing on-street parking to be used. They also recommended increasing the landscaping in front of the building and making it more pedestrian friendly.

The site plan had been redrawn with more landscaping in the front of the building. Parking had been reduced from 210 spaces to 160 spaces.

Jannicke Brewer said the height limitation as outlined in the ordinance was 34 feet measured midway between the eaves and the highest point of the roof. The blacksmith building on 200 North was the tallest building in the commercial zone at 40+ feet. The Mountainville charter school was 33 feet with the tower extending up to 55 feet. The Alpine Art Center/foundry was right at 34 feet. She said the ordinance governing the Historic/Gateway zone, Section 3.11.6.3 of the Development Code, said the Board of Architectural Review may recommend exceptions to the requirements in the business commercial zone regarding parking, height, signage, setbacks and use if they find it will better implement the design guidelines. The Planning Commission also had some flexibility in approving height under Section 3.21.8.1 which stated that buildings exceeding the height limit of 34 feet may be approved with a conditional use permit based on the finding that there was no significant loss of light and air and views of the surrounding properties.

Jannicke Brewer said the theater property bordered other commercial areas except for the residential area on the west which was separated by Dry Creek.

Regarding parking, Jeff Snyder said the Gateway Committee felt there was too much asphalt. They had suggested using parking in the surrounding businesses. He said he had talked to the different business owners and had a commitment for an additional 70 parking spaces. The extra parking would be available in the evening when performances were held and most businesses were closed. He said they were also working with Mountainville Academy on a reciprocal agreement that would allow them to share parking. He noted that Soren Simonson of the Gateway Committee had said that a lot of cities had a parking requirement of 1 space per 4 theater seats.

Jannicke Brewer said she would not like to encourage on-street parking. The neighbors of the Hale Center Theater in Orem probably didn't appreciate the cars parked in front of their homes or businesses.

Ted Stillman said another item to look at that was not included in the engineer's review was a trail along the creek connecting to the Canyon Crest trail system. It was not site specific and could be incorporated into the landscaping plan.

Jeff Snyder said they did have a walkway along the stream bed as part of the children's discovery garden or a sculpture park. They were trying to make it as beautiful as possible. He said there would be a public plaza and trail paved with bricks that people had donated with their names inscribed.

Jannicke Brewer asked about flood plain issues. The Alpine Art Center had planned a sculpture garden along Dry Creek, then there was a year with a lot of water and areas along Dry Creek were flooded.

Shane Sorensen said the previous owner of the theater site had petitioned for a letter of map amendment (LOMA), and part of the property was removed from the flood plain. He said it was best to identify the flood area and stay out of it.

Jeff Snyder said he was sure the landscape architect would address areas of potential flooding.

There was a question about the percentage of landscaping. They guessed it was over 30%, well above the required 20%.

Shane Sorensen said he hadn't had a chance to review the latest site plan submission which was provided that evening. The review letter addressed an earlier submission and some of it wouldn't apply to the latest plan. He said the parking requirement may need to be adjusted if there additional uses beyond the main theater in the building. The black box theater hadn't been shown on the plan and was not included in the parking calculations. There may need to be some kind of restriction on use.

Jeff Snyder said that if there was a big event in the main theater, nothing else would be going on in the other parts of the building.

Shane Sorensen said the City would need to have something submitted in writing to that effect for the file. They would need to be able to justify the parking requirement, particularly when other businesses came in seeking concessions on parking. He said there would also need to be a traffic study but it should wait until they had a site plan that was close to what everyone wanted.

Bruce McKay asked if the study would include on-street parking. Shane Sorensen said they could include it as part of the traffic study because people would probably park on the street unless it was prohibited with signage. The ordinance did not allow on-street parking to be counted toward meeting the parking requirement.

Shane Sorensen asked about the parking in the 30-foot front setback. That was not allowed in the ordinance and was something that would need a recommendation.

Shane Sorensen said the utility issues covered in the first review letter were still pertinent. Questar would need to review the plans because of the high pressure gas line. There was a potential for a fair amount of oil from the parking lot running into the storm drain system and that would have to be addressed.

Bryce Higbee asked about parking lot lighting. Shane Sorensen said that would be required as well as parking space striping. He recommended against putting lights on the building because it impacted neighboring properties more. He suggested a type of lighting similar to what was on Main Street with a shield to direct the lighting.

Jannicke Brewer asked about the fencing requirement and cross easement agreement.

Shane Sorensen said the cross easement agreement and parking agreement with the other businesses were two different things, but they would be needed. A title search could be done to see if there was already a cross easement agreement with adjacent properties. He said the applicant was working with the power company to put the overhead power lines underground.

Jannicke Brewer noted that the City's water policy would need to be met.

Steve Cospers asked if the theater group planned to have 100% percent of the funding on hand before beginning construction, and if they were planning on municipal funding.

Jeff Snyder said they planned to have all their funding in place before construction. They were very close. He said they anticipated that the building would maintain itself. There was opportunity for revenue from receptions and other uses, and they expected there should be enough revenue to cover the perpetuity of the building. They could apply for grants and other endowments, and were

working on a reciprocal agreement with the Shakespeare Festival company which would create name recognition.

Steve Cosper said it was a very beautiful plan but they were essentially putting a 5-story building on Main Street in a small town. It would be the center of attention. He wondered how people would feel about a massive structure in the center of town and felt it would be a good idea to get some public input before it suddenly went up.

Jeff Snyder said they'd visited with all the neighbors who had expressed their acceptance. In a survey that was done there was community support for a theater.

Jeff Snyder questioned if a public hearing was necessary since it was a commercial building in the commercial zone.

Bruce McKay said they'd been working with the theater designer. It appeared there would be extra space in the seating area and at that point, they could drop the height about 8 feet in the auditorium area.

Jannicke Brewer said there was no requirement to have a public hearing.

Steve Cosper said the scale of the building was such that it might be good to have some public education about it so people weren't blindsided when it went up.

Jannicke Brewer said they could have a public hearing following an article about it in the Newsline.

Jeff Snyder said they had produced the calendars and sent them out. They weren't planning any more public announcements until it was set. They weren't breaking ground until the funding was set.

Bruce McKay said he could get something to show the perspective of the building from Main Street.

Jeff Snyder said they didn't want to generate excitement until they knew what they were doing. They preferred not to have any public announcements until they were ready to break ground.

Ted Stillman said site plan approvals were a public process and there were already notices out to the public.

Chris Culver said they were very protective of the project. There was a huge movement in the community four or five years ago that didn't go anywhere. They needed to see the project completed, which was why they came to the City. When the public was involved, the rumor mill started. They didn't want to discourage the project by having people over-react, or get bogged down in a process that was going to take another year.

Jason Thelin asked if they needed to give the applicants direction on the reduced parking. Ted Stillman said they hadn't anticipated making any motions that night. They wanted to bring it to the Planning Commission early in the process.

Shane Sorensen said he didn't want to sound like he was against the project, but the parking ordinance had been updated with the theater in mind. He said he understood that the Gateway Committee could make recommendations, but he wanted to make sure the Planning Commission did things within the ordinance so when the next person came in and wanted reduced parking, they could explain why they allowed the theater to have less parking than was required by ordinance.

Bruce McKay said the high pressure gas line would be a factor.

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Laura Snyder said they anticipated that some people would walk to the theater rather than drive.

Shane Sorensen suggested that if the three parcels were under the same ownership, they be combined under on description.

C. DEVELOPMENT CODE- ARTICLE 3.28, WIND ENERGY CONVERSION SYSTEMS: The Planning Commission reviewed the proposed amendments to the Wind Energy Conversion Ordinance. Jannicke Brewer said the only part of Highland's ordinance they wanted to incorporate was the language on abandonment of a tower. They didn't want to reduce the setbacks.

Bryce Higbee said he thought item D in Section 3.28.2.1 about experimental or homebuilt or prototype WECS needing to have properly stamped, engineered drawings was redundant and could be eliminated.

MOTION: Tami Hamilton moved to eliminate item D in Section 3.28.2.1 of Article 3.28, Wind Energy Conversion Systems, and in Section 3.28.2.2 under Setbacks add in items C and D but remove E, and in Section 3.28.2.4 under Safety Measures add item D. Bryce Higbee seconded. Ayes: 6 Nays: 0. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton and Ron Eaton voted aye. Motion passed unanimously.

D. GROUP HOMES FOR DISABLED: Ted Stillman said a letter from David Church to the Highland City planning commission regarding group homes had been included in the packet for their information. He said David Church was currently drafting a group home ordinance for Alpine City.

Jannicke Brewer said that only thing they needed to give direction on was the number of residents allowed and the distance between group homes.

Ted Stillman said Highland City had held a public meeting on the group home issue and invited Senator Bob Bennett. He told them that the federal law (Fair Housing Act) had been through years of scrutiny and debate and he doubted the Supreme Court would hear any appeals on the matter.

Jannicke Brewer said that the ordinance defined a family as four unrelated people plus domestic staff. The Planning Commission agreed to move forward with that number. They didn't have any numbers as far as distance between group homes.

Ted Stillman said they'd already received a call from someone interested in starting a group home for recovering addicts in Alpine. He expected they would have an ordinance that was consistent with state and federal law to review by the next meeting.

E. TERM LIMITS FOR PLANNING COMMISSION MEMBERS: Ted Stillman said the City Council proposed to shorten the term of Planning Commission members to four years from six years and wanted a recommendation from the Planning Commission.

Ted Stillman said the principle behind the six-year term was to stagger them with the four-year term of the city council so the planning commission members were not subject to politics. The city council could listen to public clamor but the responsibility of the planning commission was to enforce the ordinances. He said one benefit of a longer planning commission term was institutional memory. Some applications went on for years. He said he'd been talking to Jason Thelin before the last meeting who said he'd been on for three years was now beginning to understand to process.

Steve Cosper said when he'd been appointed he asked Jim Tracy why the term was so long and he was told it took about two years to learn the process.

Jannicke Brewer noted that few members actually completed a six-year term. Some used it as a springboard to be elected to city council. Others completed partially fulfilled terms.

Ron Eaton said he'd been at the City Council meeting where it was discussed and got the impression they wanted the planning commission term to coincide with the city council terms so they could appoint planning commission members when elected.

Jannicke Brewer said learning the ordinances and processes took time and it was not to be a political appointment. With a six-year term staggered it resulted in a new planning commission member each year. With a four-year term there would be two new members a year.

Bryce Higbee said he didn't think they should change the length of the term. He hadn't heard of any real problems with it.

Tami Hamilton said the learning curve on the planning commission was different from city council. It took more time to follow a project from beginning to end.

Steve Cospers said the planning commission was supposed to be the work horse of the city.

MOTION: Steve Cospers moved to leave the ordinance on term limits for Planning Commission members at 6 years based on the finding that it took time to learn the ordinances and how they work, learn the subdivision process, provide continuity and the finding that more experience made one more effective. Tami Hamilton seconded. Ayes: 5 Nays: 1 Bryce Higbee, Steve Cospers, Jannicke Brewer, Tami Hamilton and Ron Eaton voted aye. Jason Thelin voted nay. Motion passed.

F. ELECT A VICE-CHAIRMAN OF THE PLANNING COMMISSION

MOTION: Steve Cospers moved to nominate Jason Thelin as vice-chairman of the Planning Commission. Ron Eaton seconded. Ayes: 6 Nays: 0. Bryce Higbee, Steve Cospers, Jason Thelin, Jannicke Brewer, Tami Hamilton and Ron Eaton voted aye. Motion passed unanimously.

V. APPROVE MINUTES OF JANUARY 19, 2010

MOTION: Ron Eaton moved to approve the minutes of January 19, 2010 as amended and adjourn. Steve Cospers seconded. Ayes: 6 Nays: 0. Bryce Higbee, Steve Cospers, Jason Thelin, Jannicke Brewer, Tami Hamilton and Ron Eaton voted aye. Motion passed unanimously.

The meeting was adjourned at 9:00 pm