

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, Utah
February 16, 2010

I. CALL TO ORDER AND 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 Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, Ron Eaton

Staff: Charmayne Warnock, Shane Sorensen, Ted Stillman

Others: Jim Tracy – City Councilman, Chris Culver, Jeff Snyder, Laura Snyder, Andrea Chapman, Jeff Chapman, Thomas Whitchurch, Vernon Utley, Dave Jennings, Ken Potter, Laura Potter

**II. PUBLIC HEARING: PROPOSED AMENDMENTS TO THE ALPINE CITY
DEVELOPMENT CODE, ARTICLE 3.28 - WIND ENERGY
CONVERSION SYSTEMS**

Several amendments were proposed to Article 3.28 Wind Energy Conversion System.

1. Items C and D would be added to Section 3.28.2.2., (Setbacks).
 - a. Item C would prohibit the location of a wind tower in the front of a residential structure regardless of how far the home was set back from the front property line.
 - b. Item D prohibited placement of a wind tower within the minimum side yard setback facing a street on a corner lot.
2. Abandonment language would be added to Section 3.28.2.4 requiring removal of an alternative energy facility that had not been functional, operational or maintained for a period of one year.
3. Item D in Section 3.28.2.1., which required an experimental, homebuilt or prototype WECS to be properly engineered and stamped would be eliminated as being redundant.

Thomas Whitchurch asked for clarification about the amendment. The changes were explained in more detail.

There were no more comments.

III. PRAYER AND OPENING COMMENTS

The prayer was offered by Ron Eaton.

Jannicke Brewer said that at the previous meeting of February 2, 2010, the Planning Commission had sent a recommendation to the City Council that the term of a Planning Commission member remain at six years. The City Council subsequently voted to shorten the term to four years, but sitting members would fulfill their current terms. New appointments would be four-year terms. Councilman Jim Tracy had voted against reducing the term to four years.

IV. PUBLIC COMMENT: None

V. ACTION ITEMS

A. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS

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Utley Counseling & Consulting, LLC – 646 N. 610 E. – Vernon G. Utley: Mr. Utley was a licensed clinical social worker requesting a permit for his business of providing counseling to individuals and families. His business appeared to meet the requirements of the ordinance. Off-street parking was available and his clients were not to park on the street.

Chappy's Mobile Oil Service – 188 N. 100 E. – Jeff Chapman: Mr. Chapman requested a permit for his business of mobile detailing and oil changing where he provided service at the customer's residence or work place. In response to questions from the Planning Commission, he said he used a steel pad under the vehicle to protect the ground surface from spilled oil. He used a big tub that caught the oil and delivered it to a 50 gallon drum which he then took it to an oil recycling place. When he washed and detailed a car, he took it to a car wash.

Brad's Bronze Ballroom – 710 E. Ridge Crest Court – Jonathan Bradley Newman: Mr. Newman requested a permit to teach ballroom dance lessons at his home. There was a question about whether they were group lessons or individual lessons and whether or not the fire chief needed to check it for necessary exits. It was tabled until the applicant was present to answer questions.

Business Acumen – 971 E. Village Way – Dave Jennings: Mr. Jennings requested a permit for his consulting business. He conducted training, consulting, coaching and writing seminars in other locations. No customers visited the home.

MOTION: Steve Cosper moved to approve conditional use permits for Utley Counseling and Consulting at 646 North 610 East, Chappy's Mobile Oil Service at 188 North 100 East, and Business Acumen at 971 E. Village Way. Tami Hamilton seconded. Ayes: 6 Nays: 0. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton and Ron Eaton voted aye. The motion passed unanimously.

B. SITE PLAN REVIEW – ALPINE PERFORMING ARTS CENTER: Ted Stillman said there were a number of items they would discuss that evening. He reviewed the list of Shane Sorensen's recommendations which were:

- Complete scaled and dimensional drawings be submitted as per the site plan requirements outlined in the Development Code.
- Existing and required cross easements be identified for the two areas where the parking lot connects to adjacent properties. At a minimum, we recommend that at the concept stage, letters of commitment to provide signed cross easements be obtained from adjacent property owners as the City cannot grant this permission.
- A traffic study be completed for the site.
- The Planning Commission review with the applicant the uses of the parking and how the parking requirement will be determined.
- The Planning Commission determine how the building height issue will be addressed.

Height

Jeff Snyder said they had revised the plans since the last meeting. Much of the roofline had been reduced by ten feet.

Bruce McKay said the plan was to have the front of the building a little shorter than the rest of the building. The height would then be graduated toward the rear of the building to the highest part which was over the stage. The highest part would be 54 feet but it wouldn't be in the front. He said that in addition, the building would sit lower than the street so that would lessen the visual impact.

Tami Hamilton said she would like to see a drawing of the proposed building in relationship to the existing buildings in the area.

There was a discussion about digging down and having the builder set lower in the ground. Bruce McKay said that would create problems with handicap access. Steve Cosper suggested providing an elevator for handicap access.

Jason Thelin said the tower on the charter school across the street was higher than the ordinance and he didn't have a problem with that. Steve Cosper said that the difference was that it was just the tower whereas the height of the theater would involve much of the building.

Jannicke Brewer said the Gateway Committee recommended an exception on the height. The ordinance provided for an exception if there was no significant loss of light, air and views. The biggest impact would be on the residents to the west. How would it affect their views? There was, however, a fair distance between the homes and the proposed theater.

Shane Sorensen noted that there were some homes that were closer to the theater. They were along the stream and were lower than the street.

Jason Thelin asked if 100 West would eventually go through. Shane Sorensen said it was not shown on the Master Street plan.

Jannicke Brewer said that it was hard to make a recommendation on the height because the site plan still did not have the exact numbers on the varying heights.

Parking

Ted Stillman said the parking ordinance had been recently amended with the theater in mind. The ordinance originally required one space for every two seats but they changed it to allow one space for every three seats.

Jannicke Brewer said she attended a lot of events at Westfield Elementary and it had been nice to have parking available across the street in the church parking lot. She felt it was beneficial to share parking and decrease the asphalt.

Thomas Whitchurch said there were over 160 parking spaces available at the charter school across the street, and they were interested in a shared-parking agreement with the theater.

Steve Cosper said that if the theater needed a shared-parking agreement, it was an indicator that it was too-large of building on a too-small lot. They were starting out with a deficit.

There was a suggestion that they reduce the number of seats in the theater and thus require less parking. Jeff Snyder said they didn't want to do that. It would be the only theater between Provo and Salt Lake City with a flyaway. They wanted the theater to accommodate a larger crowd, not a smaller one. It was their intent to serve the entire North Utah County area and the lower part of the Salt Lake Valley. Alpine would be a destination point.

Tami Hamilton said she had some reservations about theater patrons parking on the opposite side of Main Street, especially since people would be crossing in the evening hours and probably wearing darker clothing. It would be better to have shared parking with businesses that wouldn't involve crossing Main Street.

Shane Sorensen said a street crossing could be addressed in a traffic study. There could be a designated midblock crossing. It was pointed out that on-street parking could increase the risk in pedestrian crossings and there might need to be signage prohibiting on-street parking.

Ron Eaton asked where the overflow parking for the Mountainville Academy was located. Thomas Whitchurch said there was some extra parking in dirt lots, but usually people parked along the street.

Steve Cosper said he was concerned that on the evening of theater events they would be jamming the only thoroughfare out of town with parking and people crossing the street.

Jeff Snyder said they had a verbal agreement with the adjacent business owners to use their parking lots. They had 30 spaces with another 45 in another location. They were not counting the fitness center.

Shane Sorensen said there would need to be a long-term parking agreement. Something that had to be renewed annually could be problematic.

Bryce Higbee agreed, saying there would need to be a recordable agreement that involved more than the current property owners. A new owner might not want to share parking.

Chris Culver said she was the president of the Arts Council. She had walked all the parking and was excited about the Gateway recommendation to provide a more pedestrian look at the front of the building. They were seeking a parkway kind of feeling and didn't want to have a sea of asphalt. She said she'd talked to Lon Nield and he said he'd love to have a crosswalk because he'd watched people jaywalking. There was parking available at the bank across the street and parking in the Main Street Village complex. She said the theater would put Alpine on the map. They wanted to be known as the art city of North Utah County.

Jannicke Brewer said she'd like to see the exact number on the parking spaces, and asked when the traffic study should be done. Ted Stillman said it should be done after the parking was defined.

Jason Thelin said his concern would be if the charter school had an activity the same night as a major performance. Thomas Whitchurch said the school was out of session 3 months of the year, and there were only a few major school events. He thought they could easily coordinate their events with the theater.

Shane Sorensen said that they would definitely want a crosswalk study done. In Spanish Fork they had removed all the crosswalks that didn't have a light. He noted that the business at 520 N. Main had a big parking lot but the people all parked on the street. It was likely theater users would park on the street unless it was signed as "No Parking."

Bryce Higbee said that if they shared parking with other businesses, he would like to see a recordable parking agreement that would be binding on a new owner. The parking arrangement would be unique to this project. The off-site parking would not be available at a time when businesses were using their own parking lots.

MOTION: Jason Thelin moved to allow the parking layout showing 160 spaces on the plans based on owners getting a cross easement agreement and a recordable and enforceable agreement granting permission to park in adjacent lots. Tami Hamilton seconded. Ayes: 5 Nays: 1 Bryce Higbee, Jason Thelin, Jannicke Brewer, Tami Hamilton and Ron Eaton voted aye. Steve Cosper voted nay. Motion passed.

Ted Stillman asked if the Planning Commission wanted to discuss holding a public hearing.

Jannicke Brewer noted that the proposed theater was not really a secret project because there had been an article about it in the paper the morning after the last meeting.

Jeff Snyder said it was not that they were trying to keep it a secret as much as they were trying to protect the anonymous donors.

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Tami Hamilton said she liked the idea of a hearing but probably the only ones that would show up would be the theater people.

Bryce Higbee said he thought they should give people an opportunity to have some input, especially since the Planning Commission was talking about going outside the ordinance to approve it.

Jannicke Brewer said there could be an article in the Newline with a photo. There was nothing in the ordinance that said they couldn't hold a public hearing. Perhaps it would encourage people to donate.

Jeff Snyder said they would prefer not to do that. They were under some restriction to not publicize it until it could actually be done. They'd like to introduce it when the funds were set and they were ready to break ground.

Bryce Higbee said that the problem was the Planning Commission needed to give the theater group some guidance relative to height. If the City approved something that didn't conform to the ordinances and the public said they didn't want it, they would have a big problem.

Thomas Whitchurch said that in order to fund it, they needed to have some idea what it was going to look like. If the Planning Commission would give them the nod, they'd know how much it was going to cost. They needed to know what the requirements from the Planning Commission were going to be in order to calculate the costs. They wouldn't know where they were on their funding until the Planning Commission gave them the go-ahead.

Tami Hamilton said that it was kind of like the theater group was asking for blind permission from the City without getting input from the citizens.

Jannicke Brewer said that since the applicants were asking for exceptions and variances to the ordinances, it would be reasonable to hold a public hearing.

MOTION: Steve Cospers moved to have a public hearing regarding exceptions to the ordinance on the theater site plan. Bryce Higbee seconded. Ayes: 5 Nays: 1 Bryce Higbee, Steve Cospers, Jannicke Brewer, Tami Hamilton and Ron Eaton voted aye. Jason Thelin voted nay. Motion passed.

C. DEVELOPMENT CODE - WIND ENERGY CONVERSION SYSTEMS – PROPOSED AMENDMENTS: A public hearing was held at the beginning of the meeting to receive public comment on proposed amendments to the Wind Energy Conversion Systems Ordinance. There was no discussion.

MOTION: Jason Thelin moved to accept proposed changes to the Wind Energy Conversion System ordinance, Article 3.28, as shown in the packet. 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.

Ken Potter said he would like to make one more pitch and ask the Planning Commission to make wind energy available to the citizens of Alpine and adopt Highland City's setback standards.

Jannicke Brewer said the recommendation would be sent to the City Council. She told Mr. Potter than he would have a chance to approach them about amendments to the ordinance.

D. DEVELOPMENT CODE - GROUP HOMES FOR THE DISABLED ORDINANCE: Ted Stillman said they had a draft ordinance on Group Homes in their packet written by David Church. It still didn't have the definitions attached. Also enclosed were

illustrations showing dispersal distances of a half-mile and a quarter-mile between group homes. The Planning Commission discussed having a dispersal distance of three-quarters of a mile but expressing it in feet in the ordinance. They rounded it to 4000 feet.

Tami Hamilton asked if it would be possible to prohibit group homes within 500 feet of schools.

Bryce Higbee suggested that for the definition section, they use the definitions in the federal and state codes and reference them.

Ted Stillman said the draft ordinance was written in such a way that it would go to the Planning and Zoning Administrator for approval. Appeals would go to the Board of Adjustment. He said they had the option of changing it and requiring group home applications to come to the Planning Commission for a recommendation and the City Council for approval. He noted that in highly controversial situations such as what they'd had in Highland City, it was probably preferable to have group home approvals more of public process that involved the Planning Commission and elected officials.

Jannicke Brewer agreed that it would be better to have the application go to the Planning Commission and then to City Council so it was a more public and open process.

Tami Hamilton asked if the City got a copy of the license for the group home. Ted Stillman said the state handled the licensing and the city didn't get involved with that.

Regarding the number of occupants in a group home, the current draft stated there could four occupants which was the same number allowed in Alpine's ordinance under the definition of a family. He anticipated the largest request for occupants would be eight or more.

Steve Cospers asked how the group home would work in relationship to the home occupation ordinance. Ted Stillman said a group home was not considered a business so it would not fall under the home occupation ordinance. He said he would communicate the changes in the process to David Church, who would be coming to a Planning Commission meeting to review it with them.

E. DEVELOPMENT CODE - SEXUALLY ORIENTED BUSINESS

ORDINANCE: Jannicke Brewer said she had reviewed the SOB ordinance from a number of cities and they were quite similar in every jurisdiction. The one thing that varied was the distance of the business from schools, parks, churches, etc. Most required a distance of 1000 feet. Park City required a distance of 300 feet. She said she had talked to David Church earlier about finding a spot for such a business and was told that the city didn't have to locate a site for the business. They simply had to adopt the ordinance and set the restrictions. The applicant would be the one to locate a site.

After a brief discussion the Planning Commission agreed that sexually oriented businesses should be located at least 1000 feet away from schools, churches, parks, daycare centers, residential zoning and residential uses, as well as other sexually oriented businesses.

VI. APPROVE MINUTES OF FEBRUARY 2, 2010

MOTION: Ron Eaton moved to approve the minutes of February 2, 2010 and adjourn. Tami Hamilton seconded. Ayes: 6 Nays: 0. Ron Eaton, Tami Hamilton, Jannicke Brewer, Jason Thelin, Steve Cospers and Bryce Higbee voted aye. Motion passed unanimously.

The meeting was adjourned at 9:35 pm.