

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

I. GENERAL BUSINESS

A. Welcome 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: Tami Hamilton, Ron Eaton, Todd Barney, Jason Thelin, Bryce Higbee

Commission Members not present: Steve Cosper

Staff: Charmayne Warnock, Shane Sorensen, April Naidu, Ted Stillman

Others: Paul Thompson, Chris Culver, Bruce McKay, Randy Stucki, Jeff Snyder, Laura Snyder, Andrea Chapman, Jeff Chapman, Kimberly Bryant – Council Member, Marlene Arnold, Althea Burnett, Paul Anderson, Paul Carlisle, Elaine Eppich, Doug Green, Robert A. Nordstrom, Ty Allen, Scott Eppich, Jay L. Beck, Anne Jennings, Drake Roskelley, Evert Miller, Thomas Whitchurch

B. Prayer and Opening Comments:

The prayer was offered by Ron Eaton

Jannicke Brewer said there would be no City Council meeting next week on March 23, 2010 as regularly scheduled because of the caucus meetings. The City Council meeting was rescheduled for March 30, 2010.

II. CITIZEN COMMENT FOR ITEMS NOT ON THE AGENDA: None

III. PUBLIC HEARING – ALPINE PERFORMING ARTS CENTER: This item was moved to later in the agenda under Action Items, C.

IV. ACTION ITEMS

A. Conditional Use Permits for Home Occupations

Brad's Bronze Ballroom – 710 E. Ridge Crest Court – Brad Newman: April Naidu said she had talked to Mr. Newman who said he would be teaching private ballroom dancing lessons at his home. Instruction would be one-on-one.

Star Cloud, Inc. – 287 N. Pfeifferhorn Drive – Christian Stark: Mr. Stark requested a permit for his business of providing small businesses with telephone systems plus the sale of relevant equipment. No customers would be visiting the home. He would have one employee outside the residing family. The business would occupy 500 square feet in the basement.

Endless Summer Enterprises, Inc – 446 Apple Tree Drive – Robert Nordstrom: Mr. Nordstrom requested a permit for his business of providing concessions at events throughout Utah County and within the state. No customers would visit the home. He had a home office and kept some inventory in the garage and used a trailer for transport.

MOTION: Tami Hamilton moved to grant conditional use permits for home occupations to Brad Newman dba Brad's Bronze Ballroom at 710 E. Ridge Crest Court, Christian Stark dba Star Cloud, Inc at 287 N. Pfeifferhorn Drive and Robert Nordstrom dba Endless Summer Enterprises, Inc at 446 Apple Tree Drive. Jason Thelin seconded Ayes: 6 Nays: 0. Tami Hamilton, Jason Thelin, Jannicke Brewer, Ron Eaton, Todd Barney and Bryce Higbee voted aye. Motion passed unanimously.

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B. ALLEN BOUNDARY LINE ADJUSTMENT – JACKSON HEIGHTS

SUBDIVISION, LOTS 5 & 6 – TY ALLEN: April Naidu said Ty Allen had requested a lot line adjustment between lots 5 and 6 in the Jackson Heights subdivision off High Bench Road. The Allens owned both lots and wanted to move 4,976 square feet from lot 5 to lot 6. The remaining lots will still meet the minimum frontage requirements and lot size requirements for the CR-20,000 zone. Mr. Allen said he wanted to increase the size of lot 6. The boundary line adjustment would be recorded with the county.

MOTION: Jason Thelin moved to recommend approval of the boundary line adjustment between lots 5 and 6 of the Jackson Heights Subdivision located at 848 E. and 861 E. Jackson Lane based on the finding that both lots would still meet the requirements for a legal lot. Todd Barney seconded. Ayes: 6 Nays: 0. Jason Thelin, Todd Barney, Bryce Higbee, Jannicke Brewer, Ron Eaton and Tami Hamilton voted aye. Motion passed unanimously.

C. ALPINE PERFORMING ARTS CENTER – 264 S. MAIN STREET -PUBLIC

HEARING: Jannicke Brewer said the ordinance didn't require a public hearing for permitted uses in the business commercial zone but since the proposed theater would require several exceptions in order to go forward as drawn, the planning commission opted to hold a public hearing as a courtesy to members of the community that would be impacted by the theater. An exception to the parking and height requirements would be considered.

Paul Thompson of the Alpine Arts Council gave a power point presentation to acquaint people in the audience with the proposed theater. He showed an architectural drawing of the building, saying it was a gift to the community. It would not be supported by taxes. It was being built with donated funds and would be a non-profit center. Any donation was tax deductible. Not only would it be a performing arts center but it would be an educational facility, offering after-school classes in dance, drama, visual arts, music, etc. It would be a gathering place for the community in the heart of Alpine. They anticipated a number of events beyond theatrical performances including Alpine Days, concerts, storytelling, talent shows, pageants, recitals, Joyful Christmas sounds, children's theater and puppet shows. The facility would be used all year long. They planned to have four major productions a year. The summer production typically involved 400 or more members including cast and support.

Mr. Thompson explained that the height of the building was needed in order to accommodate a "fly system" in which scenery could be pulled up from the stage or lowered to facilitate scene changes. There was also a "trap system" under the stage. It was a theater and not just an auditorium. It included an orchestra pit, a state-of-the-art sound system and special effects lighting. Mr. Thompson said the plans had been altered as much as possible, and the height lowered where feasible.

The original parking plan had 210 spaces but the Gateway Committee had recommended reducing the number of parking spaces and increasing the landscaping to enhance the aesthetics.

There were two parking options. Option #1 showed 165 parking stalls with two entrances and two exits. Option #2 had 180 stall with three exits/entrances. Mr. Thompson said the Arts Council preferred option #1 with 165 spaces.

The grounds included an amphitheater by the stream and generous landscaping. They had 25 full-size sculptures donated by Dennis Smith which would be included in a sculpture garden. There would be a children's discovery garden and lots of greenery. The paver bricks with donor's names inscribed would be at the front of the building.

Mr. Thompson concluded by saying they would like a recommendation from the Planning Commission to keep the building at the height it needed to be to accomplish its function as a theater. They would like a parking recommendation on either option #1 or #2. Ambient parking

had been offered by the neighboring landowners. They estimated there were 200 stalls available in the Main Street Village complex to the south, plus 150 spaces at the charter school and 78 spaces at the bank across the street. They would have a parking agreement recorded. Mr. Thompson added that they had already spent a considerable amount of money making changes in the plans.

Chairman Jannicke Brewer opened the hearing to public comment

Randal Stucki said he was one of the owners in the Main Street Village complex to the south. He said parking at the charter school would be fine until someone got hit by a car while crossing the street. The adjacent parking in Main Street Village would be better. He said there were a lot of spaces in Main Street Village parking area that were never used. He said he was in favor of a reciprocal parking agreement with the theater if the property owners of Main Street Village could use the extra parking at the theater to increase their parking allotment. The Village had originally been approved with so many parking spaces per building. Parking for the basement in his building was not included in the parking allotments so they could not legally rent out the basement because they only had 14 parking spots. He asked if the Planning Commission would allow them to increase their parking allotment and use the basement in their building as rentable commercial space if they entered a reciprocal parking agreement with the theater.

Paul Anderson said he was the owner of the house across the street as well as a part owner of a building in Main Street Village with Randy Stucki. He said he had the same comments as Mr. Stucki. They lacked four spaces to rent out their basement and it would be nice if the City would allow them to have four extra parking spaces. It would be a win/win situation for the landowners in Main Street Village and the theater. He said he did have a question about the size of the theater because he would be seeing it out the front door of his home, although it would be an awesome addition to Alpine.

Elaine Eppich said she represented the homeowners on the west side of Dry Creek that would be visually affected by the theater. She read the following statement:

It is our understanding that you are meeting tonight to discuss making an exception to the building ordinance which states that the height limitation in the Historic/Gateway zone be limited at 34 feet measured midway between the eaves and the highest point of the roof.

It is also noted that the Planning Commission has some flexibility in approving height under section 3.31.8.1. However this also states 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.

As property owners to the west of the proposed center we would like to respectfully object to the added height of the center. We do this with much anxiety because we are mindful and appreciative of the many people who have worked on this project. We are also grateful for the opportunity to have such a center in our community. But having said that, as property owners we feel that there will be significant loss of views as well as a loss of property values if the project goes through as planned.

The letter was signed by:

Scott and Elaine Eppich	192 W. Canyon Crest Road
Tim and Julie McKeon	170 W. Canyon Crest Road
JaNae Arnold	215 South 100 West
Ryan & Johanna Fawson	131 West 200 South
Colleen Bozung	225 South 100 West
Doug Green	149 West 200 South

Elaine Eppich said they loved the mountain views and that was the reason they had bought their properties. They appreciated that the Arts Council was trying to reduce the height of the theater, but still they would be looking at this from their backyards.

There was a discussion about how height was measured. Shane Sorensen said a gabled roof was measured from the average finished grade to the midpoint of the roof. Depending on the grade and the pitch of the roof, a building could end up 45 feet high.

Section 3.21.8 said a flat roof was measured to the highest part of the roof or any adjacent parapet wall, whichever was higher.

Scott Eppich asked about the amphitheater and how the lighting would be directed. Paul Thompson said the lighting would be toward the audience and they would be facing the creek.

Jason Thelin said that if a gabled roof could be as high as 45 feet and still be within the ordinance, a development of buildings with gabled roofs could also cause a visual impact. He noted that the houses on the other side of Dry Creek would be farther away from the theater and that would lessen the effect of the height.

Doug Green said he was an affected homeowner and a signer on the letter. He had seen the layout and it was spectacular. He was a supporter of the arts, had a Masters degree in music and worked in the industry. He said that because of the stream and trees, and the fact that the theater would be closer to the street than the stream, he suspected it would be a minimal distraction to the homeowners. However, he asked if it would be possible to throw up some scaffolding to the proposed height of the theater and see what it would look like. He wanted to see how it would affect their view of the mountains. Hopefully because of the distance, it wouldn't be that bad.

Bruce McKay suggested they float some helium balloon at the height of the theater and see what the impact would be. He said there would be a huge amount of landscaping on the site to blend with the trees in the creek bed. He showed a palette of materials and colors and said they would be using natural looking building materials. Their goal was to have a site that was integrated with the landscaping.

To give some idea of what 54 feet would look like, it was noted that it was 55 feet to the top of the tower on the Mountainville Charter School. It was 40 feet at the top of the roof.

Elaine Eppich said she had tried to compare the height of the Stucki's building with what the theater might be. They thought most of Stucki's building was 34 feet high. If they added 20 feet to that, there was a significant loss of view. She said she liked the idea that the theater would be closer to the street than the Stucki building. More distance would help.

Randy Stucki said the front of his building was shorter than the rear because of the slope.

Jannicke Brewer said she understood the need for height to manage the scenery, but did every section on the building need to exceed the height limit?

Bruce McKay said there was a second floor that would be a multipurpose area for galleries, etc. Plus there needed to a certain amount of scale for the lobby of a theater.

Tami Hamilton asked about the possibility of sinking the theater into the ground.

Bruce McKay said that created a problem with universal access. He asked how many buildings one entered and the first thing they did was get in an elevator. The building would have to go down 20 feet in order to be less than 34 feet high. It would cause dramatic aesthetic problems.

Tami Hamilton asked if there could be a gradual decrease. Mr. McKay said the site had difficulties because of the sharp slope by the creek and proximity to the street.

Jeff Snyder said they were conscious of access for people with disabilities. The north side of the building was on the same level as the center aisle to provide handicap seating. They would also be able to have disabled actors access the stage. There would be a lift for the disabled to access the orchestra pit. He reminded the Planning Commission that they were working with completely donated money and every time they did something, they were spending someone else's money. They didn't own the property. It had been pledged to them if the approval for the building went through. He said the cost of digging down might be prohibitive. In order to have the fly, they needed the height. They couldn't drop the stage. They had looked at every possible way to do this.

Jannicke Brewer said it was the Planning Commission's role to follow the ordinance. It was more difficult when a project didn't quite fit. They were not against the project. They were just trying to see how they could make it work. She added they they'd received an email from Scott Carey who talked about the parking. He said that there would need to parking for the all the people who worked on the production, cast, crew, etc. not just the people who attended the performances. The summer performances in particular had a lot of people involved in the production.

Jeff Snyder said that since their productions were family productions, there were usually more than two people per car. A large number of children would attend the shows.

Bryce Higbee asked about the recordable parking agreement.

Randy Stucki said he was in favor of the theater but if for some reason the City wouldn't let them rent out their basement, they wouldn't participate in the reciprocal parking agreement. The attorney in their complex wouldn't sign either. All four owners in Main Street Village would need to sign the agreement. His building was the only one with a basement.

Jannicke Brewer closed the public hearing and opened it up to discussion for the Planning Commission.

Jannicke Brewer said there were a number of uses planned for the building. Besides the 600-seat theater, there was a black box theater in the basement and classrooms. How did they know the other uses wouldn't overlap with the performances and cause parking problems?

Jeff Snyder said they would use the auditorium (which actually had 619 seats) for big productions and little else would be going on at that time. He said the average attendance at their performances at Timberline was around 400. He said children would probably be dropped off for afterschool programs. He didn't think the parking would be as dramatic as one would think. They used lots and lots of children who didn't drive.

Jannicke Brewer asked how many seats were in the black box theater. Paul Thompson said it varied. Seats were moveable and could be used in a circle or facing one direction. It was generally use for a children's production.

Jannicke Brewer asked if they needed to calculate parking for personal services and offices. Shane Sorensen said it was unclear from the plans that were submitted how much that would entail.

Jannicke Brewer asked the Planning Commission what their thoughts were on shared parking. There were four existing buildings in the complex with pads for three more.

Jeff Snyder said there were four different owners in the complex. He added that most cities were going to shared parking agreements to eliminate the asphalt jungle.

Ron Eaton asked about the legality of recording parking agreements. Bryce Higbee said they could record a document that would encumber the property even if it was sold.

Jannicke Brewer said the Planning Commission had already made a motion in February to recommend allowing 160 parking spaces for the proposed plan. If more spaces were needed because of uses in the basement, would that be taken care of with a cross easement agreement?

Tami Hamilton said that logically the proposal for reciprocal parking worked but not necessarily under the ordinance. What if someone came back in two years and said they wanted extra parking spots.

Bryce Higbee said logic was what they looked at in requests for variances. This situation was unique and he didn't think it set a precedent, and even if it did, it was a good precedent. The issue was whether the variance made sense and whether it was workable.

The Planning Commission discussed the two parking options then asked Shane Sorensen which layout he would recommend. He said he would like to see the results of the traffic study before making a recommendation. He said he generally preferred to see more parking and avoid street parking. He requested that, whatever decision they made, they base it on language in the ordinance.

MOTION: Jason Thelin moved to recommend approval of the reduced parking arrangement for the Alpine Performing Arts Center at 264 S. Main for either 165 spaces or 180 spaces based on the results of the traffic study, and based on the condition that there be a recordable cross easement agreement and reciprocal parking agreement with the owners of Main Street Village that would go with the land; and allow the owners of Main Street Village to use the additional available parking to meet their parking requirements. Approval of the reduced parking was based on provisions in Section 3.24.4.1 of the Development Code allowing a reduction based on the unique nature of this particular use and the reciprocal parking agreement. Ron Eaton seconded. Ayes: 6 Nays: 0 Jason Thelin, Todd Barney, Bryce Higbee, Jannicke Brewer, Ron Eaton and Tami Hamilton voted aye. Motion passed unanimously.

The Planning Commission next discussed the height of the theater. Jason Thelin said this issue concerned him more than the parking because the neighbors were involved. They didn't want to have their views blocked. He said that buildings with pitched roofs could legally be higher than 34 feet.

Elaine Eppich said that there was a difference between several buildings with pitched roofs and one large building with a flat roof. There could still be a view between buildings with pitched roofs. If it was a big solid building it could totally block the view. She said the reason they bought the home on a busy street was because of the backyard and the views.

Jason Thelin said he thought it would be a good idea to put up the balloons to get an idea on the height. A building with a pitched roof close to the stream could actually be more obstructive.

There was a discussion about the distance from the Stucki building to the closest home and the distance between the proposed theater and the home. Shane Sorensen made a rough estimation that it was 325 feet from Stucki's building and 450 feet from the theater.

Shane Sorensen said the landscape architect that worked on the park did a 3D presentation of what the park would look like. He took a picture of the neighborhood and added in the park improvements so they could have an idea what it was going to look like. He suggested they do the same with the theater.

The Arts Council said they would use balloons to get some idea of the height on Saturday, March 27th. Neighbors and the City Council should be notified so they could be there.

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Jeff Snyder said they'd like to get started as soon as possible and asked if the Planning Commission could make a recommendation to approve the site plan that evening based on the condition that the height be acceptable after looking at the balloons.

Ted Stillman said there were still a number of missing items that needed to be submitted before there was an approval.

April Naidu reviewed the list of item which were:

1. Complete scaled and dimensioned cross-section of the building showing the elevation of the building with respect to the sidewalk and street.
2. Existing and required cross easements be indentified for the connection to the adjacent parking.
3. A traffic study be completed for the site.
4. Planning Commission review all proposed uses and determine the parking requirement.
5. Height Issue
6. Submit elevations for the rear and north side of the building.
7. Submit floor plans for the entire building.
8. Questar will have to approve the site plan (including the amphitheater and its proximity to the high pressure gas line) and the City will require a copy of their approval and/or agreement for our files.
9. Parking stall dimensions need to shown/verified.
10. Parking lot lighting needs to be addressed on the plan.
11. Fencing along the residential area needs to be addressed and shown on the plan.
12. Landscaping plan including a list of plants/trees/shrubs to be used needs to be submitted.
13. Trail along Dry Creek shown on master plan needs to be shown on the plan.
14. Three parcels need to be combined into one – plat needs to show existing and required easements.
15. Water policy needs to be met – need to state how it will be met.
16. Show flood plain.
17. Engineering review.

April Naidu said it would benefit the applicant to submit a complete application rather than bringing things in piecemeal, and submit it in a timely manner so the engineer could review it in advance of the meeting. It needed to be documented on paper. The Planning Commission couldn't make recommendations based on verbal information.

Jeff Snyder said the basement wasn't going to be part of the initial construction. They needed to raise money for it.

April Naidu said that was the problem with the Stucki building. The original plans had shown "storage only" in the basement and the parking allotment was based on that. Then they started using it for businesses.

Jeff Snyder asked if the City needed to see the final build-out plans. The answer was yes.

Regarding #11, the fencing requirement, Shane Sorensen said it would not make sense to put in a fence along Dry Creek. There were already trees and shrubs and that requirement could probably be waived.

Jannicke Brewer said the applicant would need to submit a detailed landscaping plan including types and location of the different vegetation after the site plan was set.

Jeff Snyder said they didn't want to spend money on a detailed architectural and landscaping plan unless they knew the theater was going to be approved.

Jannicke Brewer explained that exceptions to the ordinances had to be approved by the City Council, and they didn't always follow the recommendations of the Planning Commission. Even though the Planning Commission hadn't made a recommendation on the height, the information could go to the City Council and they could possibly get an indication on whether or not the Council was inclined to approve the exceptions.

Chris Culver asked about liability on the public trail through the site. Ted Stillman said the City had an easement and it would be on the City's insurance policy.

The applicants would also need to comply with the water policy, which Shane Sorensen explained. Alpine water shares were required but the Council could approve cash in lieu of shares. He would calculate the amount of water needed.

The flood plain would need to be shown on the plan. There had been a Letter of Map Amendment (LOMA) granted for the property.

Jannicke Brewer suggested the Planning Commission make a recommendation on the fencing requirement since that could be done without detailed plans.

MOTION: Tami Hamilton moved to recommend that the City Council approve an exception to the fencing requirement set forth in Section 3.24.2 item 9 of the Development Code that the Alpine Performing Art Center not be required to put up a fence between them and the adjacent properties because of the stream and vegetation between the properties. Bryce Higbee seconded. Ayes: 6 Nays: 0. Tami Hamilton, Bryce Higbee, Jannicke Brewer, Jason Thelin, Ron Eaton and Todd Barney voted aye. Motion passed unanimously.

Paul Thompson said they would like to move forward as soon as possible because the cost of building materials and labor was down. Shane Sorensen said he still needed to do a full engineering review. April Naidu reiterated that a complete application made on time would facilitate the process. Submitting things piecemeal slowed it down.

The balloon launch would be March 27th. The Arts Council would give the City more information about the time. Bruce McKay said he would use three balloons, one on each corner and one in the middle on the back.

Bryce Higbee asked that the balloons be visible. He also asked that they consider the 3D example. Shane Sorensen said the landscape architect the City used for the park did it at a very reasonable cost.

D. DEVELOPMENT CODE – ARTICLE 3.9, PLANNED RESIDENTIAL DEVELOPMENTS (PRDs) – DENSITY BONUS FOR PUBLIC VS PRIVATE OPEN

SPACE: The City Council had requested that the Planning Commission review the PRD Ordinance and consider whether or not private open space should receive the same density credit as public open space.

Jason Thelin said he would like to see some specific language that other cities used to differentiate between density bonuses for public or private open space.

April Naidu asked if they wanted to eliminate the density bonus for private open space altogether or reduce it or leave it the same.

Tami Hamilton said she didn't think they wanted to eliminate the density bonus for private open space. They just didn't want to give it as much of a density bonus.

Jason Thelin agreed saying that private open space had value. They just wanted to reduce the credit.

Jannicke Brewer said they would probably also want to rethink the extra credit for developed open space unless it was for public use.

Tami Hamilton asked if retention basins were considered open space. If they were a required part of a subdivision, why were they given a density bonus?

Shane Sorensen said that sometimes there were landscaped as a pocket park.

E. OTHER BUSINESS: Ron Eaton said he'd like to compliment Jannicke Brewer on her handling of the Planning Commission meetings. He'd read an article in the paper about how Highland City was rewriting their procedures for Planning Commission because of some issues that they had. He said he felt things went smoothly in Alpine's meetings.

April Naidu said the public hearing on the Group Home Ordinance and the Sexually Oriented Business Ordinance would be held at the next meeting. Since David Church would not be present, she asked if they wanted to hold off on the issues. The Planning Commission indicated they wanted to go forward. April Naidu said a man had come into City Hall and asked about opening a group home for recovering drug/alcohol addicts in Alpine. He was involved with the currently operating home in Highland and had been involved in homes in other places as well. He said he had some reading material and studies on group homes if anyone was interested. Jannicke Brewer said he could email/forward the material to them.

V. APPROVE MINUTES OF MARCH 2, 2010 AND ADJOURN

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

The meeting was adjourned at 9:45 pm.