

**ALPINE CITY PLANNING COMMISSION MEETING at  
Alpine City Hall, 20 North Main, Alpine, Utah  
Oct 15, 2013**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 7:02pm by Vice Chairman Jason Thelin. The following Commission members were present and constituted a quorum.

Chairman: Absent

Commission Members: Bryce Higbee, Steve Cosper, Jason Thelin, Chuck Castleton, Steve Swanson, and Todd Barney

Commission Members Not Present: Jannicke Brewer

Staff: Marla Fox, Jason Bond, Jed Muhlestein

Others: Jim Hobbs, Julie Yarbrough, Kacee Terry Tanner, Kylee Terry Clark, Becky Rasband, Taylor Smith, Mark Wells, Don Watkins, Will Jones

**B. Prayer/Opening Comments:** Jason Thelin

**II. PUBLIC COMMENT**

No Comment

**III. AGENDA ITEMS**

**A. Eagle Pointe PRD Concept Plan – Mark Wells and Taylor Smith**

The proposed Eagle Pointe Subdivision is located at approximately 800 West 600 North (just north of intersection of Hog Hollow Road and Matterhorn Drive). The proposed subdivision consists of 16 lots ranging from 20,316 s.f. to 53,401 s.f. on a site that is 31.88 acres. The site is located in the CR-40,000 zone. The City Council determined that the proposed subdivision will be developed as a PRD.

This subdivision has slightly changed from 16 lots to 15 lots since it was last brought before us. The first proposal came with a full road that would need substantial retaining walls. Then it came back a second time with a long cul-de-sac which doesn't meet ordinance because the road exceeds maximum length. Now it is being brought forward as a cul-de-sac with a second road to be used as a fire access road. Our Attorney David Church said the third option would need exceptions and the approval from the City Engineer, Planning Commission, City Council and the Fire Marshall.

Todd Barney asked what the City Engineer's recommendation is. Jason Bond said Shane Sorensen is still gathering information and would like to see more details on the rock walls before he makes a recommendation. Taylor Smith said they would do an engineered wall. This is a retaining wall behind some kind a decorative rock wall. Jason Thelin asked about a past proposal that the City Council denied. Jason Bond said there was an issue with the walls in the past and the developer was asked to look at the walls and come up with a different plan. Steve Cosper said he thought time expired on this before the plans went through.

Chuck Castleton asked about the ordinance; he wanted to know if the Planning Commission didn't make a positive recommendation on this, would the City Council even see it. Jason Bond said we have to address the four exceptions before concept approval is given. The City Attorney said we could grant concept subject to the four exceptions being a condition. Chuck Castleton said the City Engineer has made a contingent recommendation, a recommendation for a design to be pursued. This implies to me that we can take this another step and then we will look at it again when we have more details and the City Engineer may or may not approve it. He asked if we have the same option to proceed in a more incremental way or do we have to come to a final decision before this goes to City Council. Jason Bond said with some of the exceptions that should be the route we should take but it doesn't have to happen that way.

Chuck Castleton said the retaining wall is not one of the four exceptions but requires approval. Jason Bond said it is not an exception but it is still something that the Planning Commission has to address. Steve Cosper asked where on the map where the 50 foot clear zone would be. Jason bond showed on the map where it would be and said the fill was necessary so they wouldn't have to have a retaining wall in that area. Steve Cosper said if there is a retaining wall there, then number 1 would not be an exception. Jason bond said he believed that was correct. Taylor Smith said the retaining walls along the access road are well within the clear zone.

Taylor Smith said a lot of the terrain is at a 2 to 1 slope and so the idea is to mimic the 2-1 slope to make it look like the natural terrain, but that would necessitate us going outside the clear zone. If we do not go outside the clear zone, then we have to engineer the wall and go more vertical. Then it looks more artificial, but it is a tradeoff.

Todd Barney said this is just for the road, once homes are built, there is going to be a lot of fill because retaining walls will have to built behind the homes. Jed Muhlestein said retaining walls for residents are not against our ordinance, many homes in Alpine have retaining walls. Steve Cosper said this is just the tip of the iceberg as far as retaining walls go by the time you are through. Jason Bond said there may be a need for these homes to build retaining walls, but that is not against our ordinance.

Jason Thelin said he does not like making the decision for the City Council whether they can move forward or not, he said he feels like we need to make a recommendation even if it is negative. Todd Barney said we spend a lot of time making ordinances and now we are trying to find a way around the ordinances. Steve Cosper said we could recommend approval of the concept plan and then it will go to City Council and they can approve the walls. Jason Thelin said we can deny it as well and it will still go to City Council. Jason Bond said if the Planning Commission denies approval, they could appeal to the City Council.

Steve Swanson asked if we are within the PRD specifications with 15 lots. Jason Bond said subdivisions with 20 or more lots shall provide 2 working accesses to the development. He said we are still looking at this to see how the subdivision will be interpreted because it butts up against lots on Lakeview which bumps the number to 19.

Steve Cosper asked Taylor Smith if they talked to the City of Draper to see what their plans are. Mr. Taylor said they did talk to them and they weren't that interested because their plans are way in the future. Mr. Wells said he didn't think exceptions 2, 3, and 4 were valid. He said the only exception they are looking for is the clear zone.

The secondary access road makes the main road coming in not a cul-de-sac. He said he would like number 4 taken off as an exception because they meet the ordinance. Chuck Castleton said the ordinance talks about traffic patterns on the second access. There will be no traffic patterns on this access because it will be gated and only used in case of a fire; it is not a working access. Todd Barney said this is still a cul-de-sac even if you have the second access. Steve Cosper said this would be an emergency road only and it will be gated. Mr. Wells does not agree that this would be a cul-de-sac. It is a long road with a turn around with a secondary access that can be used by residents and emergency vehicles. Todd Barney said the second access road does not meet our City Street Ordinance in any way and is not a street. Jason bond said it is an emergency fire access road.

Mr. Wells said he feels like they meet the ordinances and the overlay states they can have a secondary road. He said they do not have 4 exceptions, only 1. Mr. Wells said the Fire Chief said this plan relieves his concerns and is a good solution because it allows for two accesses in case of an emergency. If they do not meet any of the ordinances and this can't be worked out, they can still go with the original design with a 56 foot wide road which creates a loop, and 40 foot high retaining wall system. Aesthetically, that would be much more obtrusive. This is a good example of why there are exceptions. Sometimes things come through that are better than the ordinance. This ordinance is forcing us to put up 50 foot retaining walls. If it is good for the community to make exceptions then they should be made.

Jason Bond said the secondary access road would be temporary and that is why it is on the exception list. Mr. Wells said the City has set a precedent with a secondary access road on Preston Drive and it is also a long cul-de-sac. He wanted to know why the City would allow that one and not our subdivision when it is the same circumstances. Jason Thelin said ordinances change over time. The last time you came in, you got approval for the retaining walls. This time you may not because the ordinances have changed and you are bound by the new ordinances and not the old

ordinances. We don't have a grandfather clause and just because someone got a long road before, doesn't mean you can get it now because the ordinance was different then.

Bryce Higbee said we need to know if this is a cul-de-sac or not. Our Attorney needs to weigh in on this so we have a solid understanding of what a cul-de-sac is., and whether these exceptions need to be granted. If it is not a cul-de-sac, then there aren't any exceptions. Chuck Castleton said in the memo from Shane Sorensen, it is his judgment that this is a cul-de-sac and requires the exceptions. Todd Barney said our City Engineer is calling this subdivision a cul-de-sac. Steve Cosper said the developer is trying to do the least controversial retaining wall which puts it into an exception. Jason Thelin said we need to look at this as a cul-de-sac and decide if we want to make the exceptions.

**MOTION:** Todd Barney moved to not approve the concept plan for the Eagle Pointe Subdivision due to the four exceptions.

Steve Cosper seconded the motion. The motion passed but was not unanimous with 4 Ayes and 2 Nays. Steve Cosper, Jason Thelin, Steve Swanson, and Todd Barney all voted Aye. Chuck Castleton and Bryce Higbee voted Nay.

#### **B. Abe's Landing Minor Subdivision – Jim Hobbs**

This is a proposed Minor Subdivision located at approximately 250 East Center Street. The property is within the TR-10,000 zone and consists of 3 lots on 1.414 acres. Lot sizes are proposed to be 15,384 square feet, 15,657 square feet, and 17,202 square feet.

Jed Muhlestein said Mr. Hobbs is taking Bob Bennett's property and splitting it into 3 lots. Utilities are already on lot 1 because there is already a home on the lot. Lot three has a sewer lateral plumbed to it. Lot 2 will need a sewer lateral and lots 2 and 3 will need stubs for culinary water to be hooked up. Pressurized irrigation has been stubbed to the property with an inch and a half service which can be split off into two one inch connections. The street is already in so storm water is already taken care of. The boundary lots have been cleaned up and Mr. Hobbs has already had that recorded. There is overhead telephone power going across lot 2 that will need to be shifted over to the property line.

**MOTION:** Steve Cosper moved to recommend approval of the proposed Abe's Landing Minor Subdivision subject to the following conditions:

1. The Fire Marshall review the locations of the existing fire hydrants to determine if they are sufficient for the area.
2. The City's water policy be met.
3. The redlines on the plat be corrected.
4. The telephone lines be moved on the property line between lots 2 and 3.

Chuck Castleton seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Chuck Castleton, Steve Swanson and Todd Barney all voted Aye.

#### **C. Jones on the Corner Site Plan – Will Jones**

The proposed Jones on the Corner Site Plan is located at approximately 36 W Canyon Crest Road. The property is in the Business Commercial Zone.

Will Jones said when he went through the engineering process; the building was not on the plans. He said he now has maps and things have been corrected. Steve Cosper said Mr. Jones could meet with staff to clean things up and bring it back next time.

Jason Thelin asked if the look of the building will fit in with the Historical Gateway design. Will Jones said it won't look like any other building in Alpine. Steve Cosper said it would be nice to get an architectural rendering to look at. Mr. Jones said he will bring one in.

#### **D. Auto Repair Shops in Alpine City**

Jason Bond said this went to the City Council and they discussed this for two and a half hours and 8 motions were made. The first thing they would like us to look at is allowing Auto Repair Shops in the Business Commercial Zone. Second would be to create a Service Commercial Zone and third would be to amend the Business Commercial Zone to include James Lawrence's property.

A General Plan amendment would have to be made in order to expand the Business Commercial Zone or create a Service Commercial Zone. The fourth thing they want to look at is what regulations would there be to regulate these shops. Steve Cosper said this plan would exclude all others except Mr. Lawrence. Todd Barney said Mr. Lawrence is the only one who meets the ordinances. Steve Cosper said even if we create a Service Commercial Zone, these shops will not want to or be able to move their business to that zone.

Will Jones said the City Council just wants the Planning Commission to discuss these options and see if any of these would work. He said they need a recommendation and if you are for it, what would the ordinances be. Steve Swanson asked if these were in the Business Commercial Zone, would it be an overlay. Jason Bond said we don't want it to be an overlay because then it has to be in the entire Business Commercial Zone.

Will Jones showed on the map some possibilities for a Service Zone in the Commercial Zone. Mr. Lawrence said to put rules on this zone such as cars need to be registered, limit the amount of cars you have on the property, etc. Steve Cosper asked if neighbors are going to be upset if a new zone is formed and these businesses come in right in their neighborhood. Jason Thelin said he agrees and he would rather see it in the Commercial Zone. Steve Swanson said we should have to have specific restrictions for this.

Jason Thelin said maybe we could look at some other cities and see how they handle this situation and take some of their ideas. Jason Bond said he has looked into it and cities don't generally allow Repair Shops in the Residential zone. James Lawrence said the amount of cars on the lot should depend on how big the property is. He said could go into business with Mr. Jenks if they could have a shop in the Business Commercial Zone.

Jason Bond said we will have a Public Hearing in November to discuss the future of Auto Repair Shops in the Business Commercial Zone, or to create a Service Commercial Zone, as well as outlining how they would be regulated.

#### **IV. COMMUNICATIONS**

Jason Bond said the Mass Gathering Ordinance was adopted at the last City Council meeting.

The Mayor, City Administrator, Jannicke Brewer and Jason Bond met with neighbors by Shepherd's Hill. The neighbors would like to form a committee to talk to the cell tower companies to discuss concerns. The City will not be required to take minutes or be involved. Will Jones said the last change on the cell towers was not exactly like it was presented to the neighbors. Steve Cosper said we could give the residents the phone numbers of the cell tower companies so they can call them directly.

Jason Bond said the November 5, 2013 meeting will start at 6:00pm for the Planning Commission Training Meeting.

#### **V. APPROVAL OF PLANNING COMMISSION MINUTES OF: Oct 1, 2013**

**MOTION:** Steve Cosper moved to approve the Planning Commission Meeting Minutes for Oct 1, 2013.

Steve Swanson seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Chuck Castleton, Steve Swanson and Todd Barney all voted Aye.

Jason Thelin stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 8:35pm.