

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
May 20, 2014**

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum.

Chairman: Jannicke Brewer

Commission Members: Steve Cospers, Jason Thelin, Jannicke Brewer, Chuck Castleton, Steve Swanson, Judi Pickell

Commission Members Not Present: Bryce Higbee

Staff: Jason Bond, Marla Fox, Jed Muhlestein

Others: Roger Bennett, James Lawrence, Lacie Lawrence, Will Jones, Ed Gifford, Bobby Patterson, Louise Innocenti, Troop 1139

B. Prayer/Opening Comments: Steve Cospers

II. PUBLIC COMMENT

No comment

III. ACTION ITEMS

A. Lawrence Site Plan

The proposed Lawrence Auto Body Shop is located at 80 South Main Street. The site plan consists of an auto body shop on a 0.51 acre lot. The property is in the BC zone. There is currently a home and shed onsite that will be demolished for construction of the proposed automotive shop. The proposed shop will utilize the utility connections of the existing home.

The site plan was presented to the Planning Commission May 6th and recommended to the City Council to be denied. It is being resubmitted based on the recommendations as received from the previous meeting. Jason Bond said the proposed plan is back before us tonight with four bays and twelve parking stalls. He said this is a conditional use and we need to discuss if we want a condition to have only one business on this property. He said it will help with parking and another business in this space could cause other problems with space and traffic.

James Lawrence said a previous greenhouse business covered up the windows on the bordering business. He said his garage will provide more light than the previous business did. Jannicke Brewer said our ordinance will allow the Planning Commission to grant approval for a smaller setback where they feel it is justified. The Planning Commission said they do not have a problem giving this property a smaller side setback because it lessens dead space and problems with weeds.

Judi Pickell asked about the building materials. James Lawrence showed colored renderings of what the building would look like. The Planning Commission discussed these building materials and the lighting for the building. James Lawrence said every door will have a light. Judi Pickell asked if there was anything in our ordinance about how long lights can be on and hours of operation.

Judi Pickell asked if the fence will step down for the view. James Lawrence said he will follow the fence ordinance and is working with Jason Bond on it. Judi Pickell asked if we want a vinyl fence for this property; she asked if it will crack or break if a car bumps into it. She asked if vinyl fits in with the character of the Historic Gateway zone. Steve Cospers said that hasn't been something we've tried to regulate even though we may not like the look. James Lawrence said the current fence is chain link and he thought vinyl was an improvement. Jannicke Brewer said the vinyl fencing would cut off the view into the shop from the road. The Planning Commission discussed different fencing options.

Jason Bond said he spoke with the Fire Marshall and he didn't see any problem with this business at this time. Jannicke Brewer asked James Lawrence if he is okay with only having his business in the building. James

Lawrence said he is not okay with it and said he spoke with the State Ombudsman, Brent Bateman. He said what the City is doing is illegal because it is not in the ordinance to restrict him to only one business in the building. He said he will leave it as it is for now and bring the issue of another business in the building to a later meeting. Jason Bond said this is not an ordinance but a condition that staff and Planning Commission could make a decision on. Chuck Castleton said he has a problem with adding a condition that seems impossible to enforce. Judi Pickell said we let other businesses in this zone have more than one business in the building. Jannicke Brewer said our ordinance doesn't address this type of mixed use and other buildings with multiple businesses have been offices or medical.

Steve Cospers said the Planning Commission has put Conditional Uses on Day Care businesses like stating they have to have Fire Marshall approval and that's not in the ordinance. Jed Muhlestein said if James Lawrence is allowed so much parking, then why not allow him to bring in another business, but that business would have to use the Auto Repair parking. Steve Cospers agreed and said it would self police itself. Jason Bond said it looks like Mr. Lawrence has room for six or seven more parking spaces that could be used for an office. Steve Cospers said he doesn't agree with that and thinks it needs to be restricted as the ordinance is written. He said we should limit the parking to twelve parking stalls and then if Mr. Lawrence wants to put in another business, then he would have to share the parking and that would be his choice. If more cars are parked there, it would be a violation of the Conditional Use.

Steve Swanson said we put the number of parking stalls for how many bays Mr. Lawrence has. If you allow extra parking spaces for an additional business, those parking spaces could be used for the Auto Repair business and therefore violate the original intent. James Lawrence said what the Planning Commission is trying to do is illegal because it is not in the ordinance. Chuck Castleton reminded Mr. Lawrence that this does not have anything to do with the ordinance; it is a condition that is placed on the business.

Jason Thelin said the Planning Commission has the choice to give a smaller setback and they would be doing that to help Mr. Lawrence's building fit on the site. He said the Planning Commission could not approve the side setback if this gets confrontational and state that Mr. Lawrence would then have to find a property that fits his building with the required setbacks. Jason Thelin said the Planning Commission is trying to work with Mr. Lawrence but he wants favors but does not want any restrictions put on him at the same time getting exceptions from the City. Jason Thelin said if this is not going to be enforceable, then he would like to see us stick to the setback requirements in the ordinance until the ordinance is fixed.

Steve Swanson asked Mr. Lawrence if at some future point we are going to hear from him that he put in an additional business and he now wants parking for that business and that the City owes it to him. Mr. Lawrence said he doesn't know what the future brings. He said he has been working on this business for a year and a half now and gone over ten site plans. Jannicke Brewer said anyone has the right to come in and say they have the space, can I put another business in and make an application.

James Lawrence said nowhere in the ordinances does it say that you can't have two businesses on one lot. Jason Bond said our ordinances don't say anything about limiting businesses, but if it's a Conditional Use it's a different thing. According to our Legal Council, we can have Conditional Uses. Judi Pickell said Mr. Lawrence can have twelve parking spaces and that is all because he chose to put in an Auto Repair and that's the maximum parking for that type of business. She said Mr. Lawrence can have another business upstairs, but he still has a maximum number of parking stalls.

Steve Swanson said he would like to hear David Church's opinion on this because he doesn't want this issue to come back in the future. Steve Cospers said the Conditional Use on parking for the Auto Body Repair Shop overrides any other parking and there will be no other exceptions given if additional businesses come in there. Mr. Lawrence again said that is illegal.

Jannicke Brewer talked about landscaping and said the Engineers like to look at this because some trees are invasive to water and sewer lines. She talked with Mr. Lawrence about putting in weed barrier and rock around the building to cut down on weeds. Mr. Lawrence said that was what he had planned with a little bit of grass up front to look nice.

Steve Cospier asked if we are approving a conditional use or approving the site plan. Jason Bond said we are approving a proposed site plan with conditions. Jannicke Brewer said we still have to send the setback recommendation to the City Council.

MOTION: Steve Cospier moved to recommend approval of the proposed Lawrence Auto Body Shop Site Plan be granted subject to the following conditions:

1. The northern side yard setback be allowed at five feet based on the fact that it is not abutting a residential property on the north but it is abutting a Commercial property and it is consistent with the Historic Gateway zone and other properties setbacks.
2. The Applicant shows replacement of the existing approach to meet Commercial standards.
3. The Fire Marshall reviews the plans to determine if additional fire hydrants will be required or any other special requirements will be imposed.
4. The Auto Repair Ordinance, limiting parking to twelve stalls, be enforced if in the future an additional business be placed. The Auto Repair Ordinance will take precedent over all other parking ordinance if an additional business is to be located within or above the business.
5. That the architectural design as presented be approved.

Chuck Castleton seconded the motion. The motion was not unanimous but passed with 5 Ayes and 1 Nays. Steve Cospier, Jannicke Brewer, Chuck Castleton, Steve Swenson and Judi Pickell all voted Aye. Jason Thelin voted Nay.

Jason Thelin said he approves of the auto repair shop but said we need to fix our ordinance before we give out exceptions.

B. Towle Subdivision Preliminary / Final Plat

The proposed Towle Subdivision consists of 3 lots on 4.64 acres. The lots range in size from 41,188 to 83,660 square feet with an existing home to be left on lot 1. The development is located at 1360 N Elk Ridge Drive across from Eastview Lane. The proposed development is in the CR-40,000 zone. Jason Bond said there was a variance granted for slope requirements for these two lots by the Board of Adjustment.

Chuck Castleton asked if the easement issues across lots two and three have been resolved. Ed Gifford said this property is in two parcels. In order to subdivide the property to create another building lot, we came up with two concepts; a two lot or a three lot with a cul-de-sac. He said one of the challenges with this property is that there is an existing historic drainage that goes through the property. He said this is the Schoolhouse Springs drainage. The property has quite a bit of topography change on the very eastern end next to the Bergman's and this is really heavily vegetated property not to be built upon. He said one of the things being done with this subdivision is they are off setting the road fifteen feet which has been approved. That gives a thirty foot setback they need from the street. He said the ground to the north is landlocked for utility development particularly for sewer, drainage is already being established with a forty foot wide easement. All the utilities will be in place when the time comes to develop in the future.

Ed Gifford showed on the map how this subdivision is laid out. He showed where the sewer, PI, water, and storm drain easement is. Ed Gifford mentioned the sidewalks and where they would like to put them and where they want to leave them out. He showed on the map the boundary lines and the title gap between this property and the Grant property. Jed Muhelstein said everything is being cleaned up on the plat.

Will Jones said the City will not require money for the sidewalk but would ask for the money to be given to use for other sidewalks in the City. Judi Pickell said that is not legal and we can't do that. She said it's a US Supreme Court Case Nolan VS California Commission, Tigert and Dolan stating that we can't take that money and use it elsewhere in the City. Jason Thelin said the developer doesn't want to put sidewalk in because it costs money and in this case there is a space issue as well. He said if there are going to be homes built to the north in the future then a sidewalk is needed on both sides of the road. He said if we don't require sidewalk now, it will grow to a point that the City will have to pay out of its own pocket to put sidewalk in on that side of the road in the future because population dictates.

Judi Pickell said she 100% agrees because we asked the developer to the north to put in a sidewalk and she doesn't see any legal right that Mr. Towle wouldn't have to put in a sidewalk as we required other developers to do. Jannicke Brewer said Heritage Hills was required to put in a sidewalk on their side of the road. Mr. Towle's home has been there for thirty years and there was no road but a lane up to the home. With the street improvement, Mr. Towle was not required to put a sidewalk in on his side. Jason Thelin said now that a subdivision is coming in it becomes a subdivision instead of just a house. Judi Pickell said for the future needs of this area; she thinks a sidewalk should be required. She asked why we wouldn't require a sidewalk to north of the property.

Mr. Gifford said Kevin Towle doesn't want to put in sidewalk because he will lose his buffering vegetation. Ed Gifford said the vegetation adds an aesthetic look and a shield to Mr. Towle's property. He said Mr. Towle's garage also backs up into this area and will make ingress and egress difficult. He said Alpine has many roads in that don't have sidewalks. Jannicke Brewer said the Planning Commission can say no sidewalk required because we did that for Lon Nield's subdivision. Mr. Nield had a lot of vegetation and slope on one side of the road and it was recommended by staff that that was not a good place to put sidewalk. She also said this is what will happen when the Fort Canyon road is improved because of topography, vegetation and retaining walls it will be difficult to get a sidewalk on that road. She said it is a good thing for the City to have the choice for each situation.

Judi Pickell said Mr. Towle put the vegetation in and he's going to develop the property by his choice and sell those lots. He doesn't have to put a sidewalk in south of the property but the Engineer wants sidewalk going north and it's a good planning principle to connect neighborhoods. Mr. Gifford said he agrees in principle but the practicality is not good rational. Judi Pickell said Mr. Towle is asking for an exception and the Planning Commission is giving an exception to not put sidewalk to the south because it doesn't make sense. She said they would like to require it to the north because it does makes sense there. Ed Gifford said as far as he was concerned, whatever the Planning Commission wants to decide is fine but if we don't agree with it we'll appeal it to the City Council.

MOTION: Judi Pickell moved to approve the Preliminary Plan for the Towle Subdivision subject to the following conditions:

1. The sidewalk be completed to the edge of the property along the public right-of-ways.
2. An agreement be worked out with the City in regards to construction and payment of a sewer extension for northern development.
3. Water policy be met.
4. The Developer submits a completed Alpine City Utility Easement Verification form.
5. The Fire Chief approve the location of the fire hydrants.

Steve Cosper seconded the motion. The motion was not unanimous but passed with 5 Ayes and 1 Nay. Steve Cosper, Jason Thelin, Chuck Castleton, Steve Swenson and Judi Pickell all voted Aye. Jannicke Brewer voted Nay.

Jannicke Brewer said she voted Nay because she doesn't agree about the sidewalk.

MOTION: Steve Cosper recommended Final Approval of the Towle Subdivision subject to the following conditions.

1. The sidewalk be completed to the edge of the property along the public right-of-ways.
2. An agreement be worked out with the City in regards to construction and payment of a sewer extension for northern development.
3. Water policy be met.
4. The Developer submits a completed Alpine City Utility Easement Verification form.
5. The Fire Chief approve the location of the fire hydrants.

Steve Swanson seconded the motion. The motion was not unanimous but passed with 5 Ayes and 1 Nay. Steve Cosper, Jason Thelin, Chuck Castleton, Steve Swenson and Judi Pickell all voted Aye. Jannicke Brewer voted Nay.

C. East View Plat F Preliminary Plan

This development was brought before the Planning Commission Tuesday March 18, 2014 and received concept approval. The proposed East View Plat F Subdivision consists of 9 lots on 4.15 acres. The lots range in size from 10,000 to 58,806 square feet with an existing home to be left on lot 9. The development is located south of Eastview Drive and West of Quincy Court and is in the TR-10,000 zone.

Jed Muhlestein showed on the map where the right-of-way dedication will be. Jannicke Brewer said there is a barn on lot 9 and she wanted to know how that problem would be solved. Bobby Patterson said they will work out boundary issues with the property owner and have that ready for final approval.

Steve Cospier asked if the length of the cul-de-sac has been resolved. Jason Bond said there will be a stub street adjacent to the cul-de-sac showing where a future road will be coming. Jed Muhlestein said the ordinance states the length of the cul-de-sac starts at the nearest intersection and where the road stub ends will be the future intersection. Bobby Patterson showed on a map 19 stub streets currently in the city that are exactly the same situation as his stub street. Steve Cospier said he didn't understand why we allowed this to happen in the city. Jed Muhlestein said in this case, if we don't allow the stub street, this subdivision can't go in because the property will be land locked. He said the future road may not go in for fifty years, but if we deny this, the only way it would be able to go in is if all the land owners built at the same time.

Bobby Patterson said a condition of the City Council will be to show a plan for the road that will loop around to Patterson Lane. He said they are in a good position because the family already owns the property and they will also be required to deed the frontage on Patterson Lane. Judi Pickell asked Bobby Patterson if it was possible to connect the road straight across from Patterson lane. Bobby Patterson said the setbacks wouldn't work for current homes on Patterson Lane and the City was concerned that it would dump too much traffic on that road. He said they are not planning on taking out any existing homes.

Judi Pickell asked to have the road renamed because it is not connecting at this time to Patterson Lane.

MOTION: Chuck Castleton moved to grant approval of the preliminary plan of the proposed East View Plat F Subdivision subject to the following conditions:

1. The Developer acquire Questar Gas approvals for the Utility Notification Form.
2. The Developer address the redlines on the plan and provide an updated cost estimate.
3. The Developer show and provide right-of-way dedication on the plat in the southwest corner of Lot 9.
4. The Developer finalize the boundary issues prior to submitting for Final review.
5. Water policy to be met with Alpine Irrigation Company shares.
6. Rename Patterson Lane to avoid duplication of names on the street plat.
7. The Fire Chief approve the location of the fire hydrants.

Steve Swanson seconded the motion. The motion was unanimous and passed with 6 Ayes and 0 Nays. Steve Cospier, Jason Thelin, Jannicke Brewer, Chuck Castleton and Steve Swanson and Judi Pickell all voted Aye.

D. General Plan (Diversity of Housing)

In the Fall of 2013, a proposal for a new townhouse overlay ordinance was discussed at the Planning Commission. The Planning Commission decided to table the discussion until the topic was discussed for the update of the General Plan. Alpine City currently implements Senior Housing (overlay zone near round-about) and accessory apartments (citywide in owner-occupied residences) into the city. Another similar form of housing that could be considered is detached accessory dwelling units (ADU).

The Planning Commission discussed where an overlay zone for townhomes could go in the zone. Jason Bond said there is a two acre minimum for townhomes. Jannicke Brewer said this is a change of thinking and the needs for families and individuals change. Jason Bond said many people want to stay in Alpine and age in place without the big homes and yards. This would create an alternate housing option for those people.

Judi Pickell said we don't want the density on our Main Street. We don't want residential in the Business Commercial zone. She said we are not in a position to process townhomes properly because our ordinances are muddled. She said we need to get the ordinances in order so we are prepared when something like this wants to

come in. Steve Swanson asked if we need townhomes if we already allow accessory apartments. Judi Pickell said the only way to rent out an accessory apartment is to be owner occupied.

Jason Bond said a basement apartment is not a very appealing option for a homeowner who wants to still own their own home. Townhomes will allow homeowners to downsize but still own their own home. Jason Bond said we don't allow detached apartments or Mother-in-Law apartments. He said we do not allow sewer hookups to detached garages to keep people from renting out that space.

The Planning Commission discussed the possibility of allowing detached apartments. They talked about the size of the building pad, property, and how many are built per year. Steve Swanson said he likes the idea of townhomes but would like to see other places for them instead of on Main Street. Jannicke Brewer said she likes the idea of ADU's for another housing option for the future.

Jason Thelin said the General Plan is not ordinance but a guiding tool for us to use. He said the vast majority of people don't want more density. Will Jones said we can't run away from the issues. The ordinances are muddled and they need to be fixed, he said we created an ordinance but did not change the General Plan. Judi Pickell asked about patio homes with a smaller footprint on smaller lots managed by an HOA. The Planning Commission discussed this concept and options on where these homes could go in the city. Jannicke Brewer said one option would be to allow this type of housing and not allow attached housing. Jason Bond said we don't have to decide that right now.

Jason Thelin said he is against this and said he has a problem with how the General Plan is being handled. He doesn't think that eight people on a committee with a few developers in there at the same time represent what the vast majority of people in Alpine feel. He said you're really going to see some angry people in here if you allow patio homes to go in next to them. Jason Bond said the City has tried surveys and hasn't got that good of response. He said he had many calls asking for smaller lots and smaller townhomes so people can downsize and still live in Alpine.

Steve Cospers asked where we were with a survey. Jason Bond said he met with Qualtrix and that just wasn't feasible. The amount they were asking for to do the survey wasn't going to work for us. He said he will contact UVU to see if they could help us with a survey. He said we could look at an online or paper survey. The Planning Commission discussed different options for a survey including advertising in the Newline. They said they thought more people would fill out on online questioner rather than sending one in through the mail.

E. Design Standards Amendment (Sidewalks and Road Classification)

The proposed amendments regarding sidewalks reflect the DRC's recommendation. The DRC recommends that the ordinance not be amended to reflect a new classification for an emergency access road.

Judi Pickell said it is unconstitutional to tell someone that we don't need the sidewalk but you still have to pay for one. She said you can collect the equivalent money but it has to stay in escrow and used directly for the growth of the project, such as maintaining roads and bridges. She said there needs to be specific instructions for the developer so he knows exactly where the money is going. It also has to be used in a certain amount of time. Jason Bond said Shane Sorensen said that is why the city plans road projects at certain times, because money for those projects has to be used. The Planning Commission discussed impact fees and how those are used when developing property.

Judi Pickell said other cities have an applicant fill out a waiver for a sidewalk. Their form states that on occasion there may be exceptional circumstances in which a waiver for sidewalk, curb or gutter may be warranted. They ask the applicant to come in and meet with the City Planner and go over the criteria and fill out the application. She said we need waiver criteria in our ordinance so we are clear when an applicant comes in. There should be an application that the applicant has to fill out.

Steve Swanson said the wording of our ordinance states that a sidewalk may be required and that sounds contradictory. Jannicke Brewer said that just means the City has a choice. Steve Swanson said he likes the wording shall be required as long as the applicant has an opportunity to opt out with approval and some kind of conditions that is stated ahead of time. He wanted to know how many streets have been put in without this. Jannicke Brewer said it varies according to the staff recommendation and the recommendation of the Planning Commission. Jason

Thelein said quite a few people ask for it. Judi Pickell said the owners should be on the developer. The application should ask why the applicant should be exempt. Have them explain and then we can decide after they have gone through the process so that we're fair. Chuck Castleton said he likes the word shall along with some form of exemption. Jason Thelein said he likes the word shall and said that what Judi said is spot on. Steve Cospers said one line says the word may and another line says the word shall. He thought the word shall overrides the word may. The Planning Commission discussed the different meanings of the words and how they are applied. Jannicke Brewer said she likes the ordinance exactly as it is with the word may because the City staff can recommend with input from the Planning Commission and she feels like it is working how it is. She said she does not like it when a developer is told he has to pay for a sidewalk when he is not required to put one in.

Jason Bond said staff doesn't feel like we need to add a new classification for an emergency access road. The Planning Commission said they would like to table this until they can get legal input.

IV. COMMUNICATIONS

None

V. APPROVAL OF PLANNING COMMISSION MINUTES OF: May 6, 2014

Motion: Jason Thelein moved to approve the Planning Commission minutes for May 6, 2014 subject to changes.

Steve Cospers seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Steve Cospers, Jason Thelein, Jannicke Brewer, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.

Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 10:20pm.