

**ALPINE CITY PLANNING COMMISSION MEETING**  
**Alpine City Hall, 20 North Main, Alpine, UT**  
**August 21, 2018**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 7:00 pm by Chairman Dave Fotheringham. The following were present and constituted a quorum:

Chairman Dave Fotheringham

Commission Members: Bryce Higbee, Alan MacDonald, John MacKay, Jane Griener, John Gubler, Sylvia Christiansen

Staff: Charmayne Warnock, Austin Roy, Jed Muhlestein

Others: Alan Cottle, Jeremy King, Val Killian, Linda Childs, William Veach, Erin Darlington, Velia Dayton, Ross Beck, Brig Arnold, MacKenzie Arnold, Will Jones, Alan Gilman, Carolynn Lambert, Daniel Noot, Garrett Noot, Walter Noot, Tom Watkins, Christy Collins, Shirley Barnes, Rachel Layton

**B. Prayer/Opening Comments:** Dave Fotheringham

**C. Pledge of Allegiance:** Daniel and Garrett Noot

**II. PUBLIC COMMENT**

Tom Watkins – Summit Way. He said he'd heard Summit Pointe was not on the agenda because they had to go through a few more hoops, which was good. He said the number of homes projected for the development in Draper was a lot more than the number of homes in Alpine in that area that would be affected by a connection to Draper. He said Mayor Wimmer had pointed out that the City granted a Hartvigsen a right-of-way to his property because they could not landlock him. Was that the only easement granted? He asked if the City still owned the land between Lakeview and the proposed development.

Austin Roy said there were two easements. One was the Hartvigsen easement and the other was a piece of land at the west end of Lakeview Drive to access Summit Point.

Jed Muhlestein said the easement on Lakeview Drive was to provide access to the Summit Point property. It was a 54-foot right-of-way and was shown on the recorded plat. There were no other written documents regarding the easement. In response to a question from Jane Griener about whether the easement was intended only as access for the property owner, he said he had no knowledge of any legal intentions. John MacKay asked if that issue could be researched with legal counsel. Mr. Muhlestein said they were doing that.

There were no more comments and the Public Comment section of the meeting was closed.

**III. ACTION ITEMS**

**A. PUBLIC HEARING – Senior Housing Overlay, 242 S. Main Street – Montdella**

**Introduction:** City Planner Austin Roy introduced the developer's request for a Senior Housing Overlay zone at 242 S. Main Street. The proposed 55 and older senior housing development consisted of 27 units on 3.87 acres. There were three access points, two off Main Street and one through the adjacent commercial development where the fitness center was located. The plan showed a minimum of 20 feet between the units and the property line, and a minimum setback of 25 feet from the flood plain to the

nearest unit. The structures ranged in height from 26 feet to 30 feet with some single story and some two-story units. Since it was located in the Gateway Historic District, there were certain requirements including a historical appearance. The development would contain a trail along Dry Creek that would potentially tie into the Dry Creek corridor trail. Each unit would have two parking spaces. Because the development was on Main Street, staff recommended a traffic study be done. Staff felt the traffic impact of the proposed development would be equal to or less than businesses that same space.

City Engineer Jed Muhlestein said the City was working with a traffic engineer to look at the additional traffic impact on Main Street. The City's Master Street Plan recommended minimizing ingress and egress points along an arterial road. The proposed development showed two accesses onto Main Street which were fairly close to each other. Staff would prefer to see just one access to comply with the Master Plan. He said studies showed that senior housing developments typically generated only 30% of the traffic generated by the usual residential area.

### **The Hearing was opened to public comment.**

Walter Noot – River Meadow Drive. He said that when he came out of Red Pine Drive in the morning, the cars for the charter school were lined up in double rows and it was difficult to get onto Main Street. He'd been involved in an accident because of it. The cars blocked the intersection and the police couldn't do anything about it. He had talked to them and they said it had to be addressed by the City.

Christy Collins – 225 S. 100 W. She said her home was adjacent to the proposed development and pointed out on the map where her home was located. She said the trail alignment encroached on their property. She appreciated that a traffic study was being done but the biggest issue for them was the encroachment on their property.

Linda Childs – Red Pine. She said she lived in one of the 55+ developments in Alpine and her biggest concern was the traffic. There were times when she couldn't get off Red Pine Drive onto Main Street because of the cars. There were times when they couldn't even get out of her development because cars from the charter school were backing into there. She said people talked as if 55+ developments didn't generate traffic, but the people weren't that old. They drove cars. They had family that visited. She said she understood that they were not allowed access through the parking lot of the business district.

William Veach - 97 S. 100 W. He asked how long construction would take. He had kids that walked to school at Mountainville and it was already hazardous. Construction traffic was different from community traffic. He said a lot of trash and garbage came with new construction. He asked if the development would affect property values. Jed Muhlestein said that in terms of trash, every construction had EPA regulations that required a lot of inspections. This one would be by a river and inspections were required twice a month.

Shirley Barnes - 411 E. 100 S. She said traffic was a big concern. Getting onto Main Street, especially during school opening and closing was quite difficult. She was also concerned about property values in the area. She said she would prefer no access onto Main Street at all.

Erin Darlington – Wildflower Circle. She said she had traffic concerns. In 55+ developments, only one person had to be 55 or older. They could have a spouse that was younger and have kids living there. Plus people who were 55 could still be driving to work every morning. That would be more car trips. She said she would support senior housing somewhere off Main Street. She felt Main Street needed to be reserved for commercial businesses. Senior housing could survive without fronting on Main Street but businesses could not. She said she'd heard the development would underground parking and there would be stairs. Would there be elevators?

Will Jones – Grove Drive. He said the proposed trail running from Main Street to the creek would be a Class A trail. It would be 8-feet wide and paved and would be a public access trail. It would not be on the Collins' property.

Valia Dayton – Preston Drive. She said she understood a similar project on the same ground had been denied. Why was it denied? Dave Fotheringham said it wasn't denied. The applicant did not continue their petition and the property was sold. Jed Muhlestein said the big stumbling block was that it did not conform to the regulations of the Gateway Historic Committee. The plan had the backs of the homes facing Main Street.

Christy Collins – 100 West. She said she had seen erosion on the creek bed. Would that be fortified. The developer said there would be a retaining wall.

Rachel Layton - Piccadilly Circle. She said cars coming from 100 South had a difficult time getting onto Main Street because of the traffic. She said they'd moved from American Fork three years ago because the city had promised their home wouldn't back up to commercial, but they altered the city plan and they had to move because it was so awful. She said people made plans based on zoning maps and city plans. She said she was sure people like the Collins didn't foresee townhomes in their backyard.

Brig Arnold - 215 S. 100 W. He said his property backed up to the majority of the proposed development. The senior housing did not upset them at all as opposed to commercial businesses. He said he was a little concerned about the density. 27 units seemed like a lot of units for that space.

Erin Darlington – Wildflower Circle. She said the main problem was the school and they hadn't been able to solve the traffic problem. There was no easy solution.

There were no more comments and the Hearing was closed.

**B. Senior Housing Overlay Zone Recommendation – Montdella (242 S. Main Street) – Alan Cottle.** Chairman Dave Fotheringham invited the developer, Alan Cottle to discuss the proposed development.

Alan Cottle said he would like to address the concerns that were raised under public comment.

- First, the Collins encroachment. He said they had been trying to accommodate the Alpine City trail and would gladly move it off the Collins' property.
- He said he used to be the VP of Hyatt and had built a lot of senior housing for the high-end market. Most of the developments they built were much larger than this one would be. There were federal laws that dealt with housing for citizens 55 and older. Cities could not deny them. The 55+ housing was a gateway into assisted living, nursing homes, hospitals. There was no development that would bring a lower impact to the area than the one they proposed. He said the highest zoning designation Alpine had was commercial, and they were essentially downsizing from commercial. There would be 300 percent more traffic on the road with commercial businesses. Their proposal may not be ideal but from a traffic standpoint, they were the best option.
- He said he liked the idea of having one main entrance off Main Street rather than two.
- According to Alpine's rules on the overlay zone, only two units could be connected so they would be building twin homes with one common wall.

- He said not everyone moving into their homes would be 55. The anticipated ages ranged from 55 to 75. Studies showed that 80 percent of the people who purchased senior housing had lived within a two-mile range of their new housing. It would be their neighbors buying the homes because they no longer wanted an 8,000 square foot home, yet they wanted to be around their neighbors and families. This development provided an opportunity for them to do that.
- The average construction time on such a project was 18 months to two years. They would try to minimize the traffic impact and have major deliveries made during slack times.
- As far as property values, the homes would be 3,000 to 4,000 square feet with an option for elevators which would cost an additional \$30,000. Most of the homes would be rambler types with a basement. Some would have a loft or reading room. The cost of the homes would be between \$400,000 to \$700,000 depending on what people wanted. They would have the feel of one-story units with a steeper roof. They would have two car garages and in some an extra hobby garage.
- There would be street parking and guest parking in addition to parking in the driveways.
- For street view, people looking into the community from Main Street would see a lot of trees rather than garage fronts. By design, they would stagger them. There would be a small community center in front.
- He said the density was comparable or less to other such developments. The ordinance allowed up to 24 units on about half the acreage.
- He expected it would take six months to plat the development and then begin work on infrastructure.
- Useful facts. Twenty percent of the people in Alpine were 50 or older. Across the county, ten or fifteen percent of the people were 50 or older.
- At last one person had to be 55 in order to purchase a unit. The HOA could create rules about having teenage kids but it was nearly impossible to police. There may be some teens. Federal law said that 20 percent of the housing in a 55+ development could be sold to people who were not 55 or older. That meant they could have four or five units owned by younger people. A variety of ages made for a better community.
- Street width within the development would be 24 feet. There were no interior sidewalks.
- There would be some retaining issue along the creek. There would be a detention basin on the west side of the development.

Dave Fotheringham asked what measures would be taken along Dry Creek in the event of a 100-year flood. Mr. Cottle said they would be looking at that with the Corp of Army Engineers and Alpine City. Jed Muhlestein said the ordinance did not allow construction in the flood plain but they could have minimal landscaping and trails.

Mr. Cottle wanted to know who would maintain the trail and hold the liability. If they built it, they expected to transfer it to Alpine City unless the HOA was supposed to be responsible.

There were questions from Planning Commission members about how the development would actually look since there were no elevations or renderings. Mr. Cottle showed some slides of other projects they'd built. He said they didn't want to invest a lot of money into design until they had some assurances from the City for approval.

Bryce Higbee said the problem they ran into with the last development was that they wanted to know what people were going to see. It was in the Gateway Historic Zone. They couldn't just put the side of a home on Main Street. The front strip was the biggest issue. Mr. Cottle said the part facing Main Street would be a courtyard and the community center. They were planning to make it open and inviting.

Austin Roy said staff didn't see any conflict with the ordinance and the intent of the Senior Housing overlay.

Jed Muhlestein said the Overlay zone approval wouldn't take effect until the development received final approval.

**MOTION:** Sylvia Christiansen moved to recommend that the City Council approve a Senior Housing Overlay for the proposed Montdella development at 242 S. Main Street. Alan MacDonald seconded. Ayes: 5 Nays: 2. Motion passed

**Ayes:**

Alan MacDonald  
John MacKay  
Dave Fotheringham  
Jane Griener  
Sylvia Christiansen

**Nays:**

Bryce Higbee  
John Gubler

**C. Retaining Wall Exception – 1312 E. 466 S. – Bearss residence:** Jed Muhlestein said that the last time the Planning Commission met, they had a request for an exception on the height of a retaining wall which was approved. This request was for a small section of retaining wall that would be 12 feet high. He had reviewed the permit and visited the site and recommended approval based on the following findings:

1. Calculations were submitted which showed it could be safely constructed to that height. The calculations would be independently reviewed prior to issuing a building permit.
2. The wall would not be seen from the nearest public ROW which was 980 feet from the residence.

Alan Gilman asked about liability if someone fell off the wall. Jed Muhlestein said that question had come up earlier. The attorney said a city could not require someone protect themselves, but if it affected others, they could require a fence. That issue would be addressed later on the agenda.

**MOTION:** John Gubler moved to approve the retaining wall exception for the Bearss residence at 1312 East 466 South as recommended by staff. Alan MacDonald seconded. Ayes: 6 Nays: 1 Motion passed.

**Ayes:**

Bryce Higbee  
Alan MacDonald  
John MacKay  
Dave Fotheringham  
John Gubler  
Sylvia Christiansen

**Nays:**

Jane Griener

**D. PUBLIC HEARING – Amending Article 3.32 of the Alpine City Development Code, Retaining Walls:** Jed Muhlestein reviewed the proposed amendments to the retaining wall ordinance. Addressing the question of requiring fences on retaining walls, Mr. Muhlestein said that the city can't require homeowner to make themselves safe, but if they created an unsafe condition on the property, then the code could require them to build a fence. Item 7 was added to Section 3.32.3 to address that situation. Item 8 was added regarding the extension of retaining wall components beyond one's property line. Other amendments were to make it consistent with practice or provide clarity.

Dave Fotheringham opened the meeting to public comment.

Tom Watkins – Summit way in Alpine. He said when Taylor Smith first brought the Summit Point development to the City there were a lot of retaining walls, which would have been a nightmare. He hoped this amendment would help.

There were no more comments and a motion was made.

**MOTION:** Bryce Higbee recommended approval of the proposed amendments to Section 3.32.3, Retaining Walls, in the Alpine City Development Code as proposed with changing the word neighboring to adjacent. Jane Griener seconded. Ayes: 6. Nays: 1. Motion passed.

**Ayes:**

Bryce Higbee  
Alan MacDonald  
John MacKay  
Dave Fotheringham  
Jane Griener  
John Gubler

**Nays:**

Sylvia Christiansen

**E. PUBLIC HEARING – Amending Article 4.8.4 of the Alpine City Development Code, Construction and Improvements:** Austin Roy said the proposed amendment to Section 4.8.4 of the Alpine Development Code prohibited the commencement of site improvement or grading prior to Planning Commission approval. The amendment changed it to City Council approval, which was how it was done in practice.

Dave Fotheringham opened Hearing. There were no comments.

**MOTION:** John Gubler moved to approve the proposed amendment to Article 4.84. of the Alpine City Development Code, Construction and Improvements. Jane Griener seconded. Ayes: 7 Nays: 0. Motion passed.

**Ayes:**

Bryce Higbee  
Alan MacDonald  
John MacKay  
Dave Fotheringham  
Jane Griener  
John Gubler  
Sylvia Christiansen

**Nays:**

none

**F. Landscaping Plan Review for Moyle Park – Will Jones:** Austin Roy said the biggest changes were to the parking along the entrance which would allow more parking than was currently available. There were other minor changes throughout the park which were shown on the plan.

**MOTION:** Bryce Higbee moved to recommendation approval of the Moyle Park landscaping plan. Jane Griener seconded. Ayes: 7 Nays: 0. Motion passed

**Ayes:**

Bryce Higbee

**Nays:**

none

Alan MacDonald  
 John MacKay  
 Dave Fotheringham  
 Jane Griener  
 John Gubler  
 Sylvia Christiansen

**G. Development Code Review – Article 3.9, Planned Residential Developments:** David Fotheringham recommended this item be postponed to a later meeting due to the time.

#### **IV. COMMUNICATIONS**

David Fotheringham and Bryce Higbee would both be gone for the next meeting. Since both the Chair and Vice Chair, it was recommended they elect a substitute chairman pro tem.

**MOTION:** John Gubler nominated Jane Griener be the chairman pro tem for the next meeting. Alan MacDonald seconded. Ayes: 7 Nays: 0. Motion passed.

**Ayes:**

Bryce Higbee  
 Alan MacDonald  
 John MacKay  
 Dave Fotheringham  
 Jane Griener  
 John Gubler  
 Sylvia Christiansen

**Nays:**

none

**V. APPROVAL OF PLANNING COMMISSION MINUTES:** The minutes to be approved at the next meeting.

The meeting was adjourned at 9:10 pm.