

**ALPINE CITY PLANNING COMMISSION MEETING AT  
Alpine City Hall, 20 North Main, Alpine, Utah  
December 6, 2016**

## **I. GENERAL BUSINESS**

- A. Welcome and Roll Call:** The meeting was called to order at 7:00 pm by Chairman Steve Cospers. The following Commission members were present and constituted a quorum.

Chairman: Steve Cospers

Commission Members: Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, Carla Merrill, John Gubler

Staff: Jason Bond, Jed Muhlestein, Marla Fox,

Others: Councilman Ramon Beck, Mayor Wimmer

- A. Prayer/Opening Comments:** Steve Cospers  
**B. Pledge of Allegiance:** Jane Griener

## **II. PUBLIC COMMENT**

No Public Comment.

## **III. ACTION ITEMS**

- A. Summit Pointe Subdivision Concept and Preliminary Plans – North of Hog Hollow Road and Matterhorn Drive Intersection– Mark Wells and Taylor Smith**

Jason Bond explained that the proposed Summit Pointe subdivision would include a total of four lots ranging in size from 4.14 acres to 11.95 acres on a site approximately 32.9 acres in size. Three lots would be new while Lot 3 of Plat A of the Falcon Ridge PRD subdivision, located at the southeast corner of the proposed development, would be vacated and added to the Summit Pointe subdivision. The site was located in the CR-40,000 zone. The applicant requested that the concept and preliminary plans be considered together because of the small size of the subdivision. Jason Bond noted that the subdivision was previously known as Eagle Point. He presented the concept plan and explained that the four lots would access a shared driveway. Staff did not see any conflict with the existing ordinance in regards to the shared driveway.

Jason Bond stated that the property owners to the north had expressed a desire to keep access open to their property if this subdivision were approved. He read the stub street ordinance and asked the Planning Commission to consider this as they examined the application.

Mark Wells, the applicant, confirmed that there would be no retaining walls installed, no second access, and they determined to have minimal disturbance to the existing hillside. The previous plan included 14 lots, but they had reduced their request to four lots.

Jed Muhlestein commented that the applicant had been required to provide a complete set of construction drawings which included all utility connections and a complete street design. The private drive would be 20 feet wide; however there was no requirement regarding length.

The Planning Commission discussed private driveways and the requirements of the ordinance, which were few. Jed Muhlestein stated that staff deferred to the Fire Marshall regarding the adequate width of the road for emergency access. As the City had no ordinance for private driveways, staff applied the regular road standards to this situation. The Planning Commission questioned whether the City could require a homeowner's association be formed to maintain the private drive.

Jed Muhlestein presented the Engineering review regarding sewer, water, pressurized irrigation and storm water utilities. He reported that the applicant has previously submitted a Geotechnical Report. There was a concern regarding water pressure for the lots at higher elevations.

Jason Thelin asked if the length of the cul-de-sac on Lakeview Drive would be extended because of this development. He was also concerned about fire safety and questioned whether the Fire Marshall had really signed off on the plan. He requested that Attorney David Church be consulted regarding the cul-de-sac length.

Taylor Smith, the property owner, explained that her husband did not currently have plans to develop the property north of the proposed Summit Pointe Subdivision. He had expressed interest in living on the property in the future. Mrs. Smith stated that there were no public roads on the property and identified the routes she had taken to access their property.

Jason Bond noted that the item was not noticed as a public hearing, but there would be a public hearing held before the City Council meeting the following week.

Craig Skidmore briefly addressed the trail system through the proposed subdivision and stated that the intention of the trails masterplan was to have an alignment to the Bonneville Shoreline trail through the subject property. He stressed the importance of this connection to the overall trail system in Alpine City.

Tom Watkins, a resident on Summit Drive, felt that the proposed subdivision as a great improvement to the previous proposal; however he still harbored concerns regarding water pressure.

**MOTION:** Jason Thelin moved to delay approval of the Summit Pointe Subdivision Concept Plan until the following items are addressed:

1. A Public Hearing be held at the next Planning Commission meeting.
2. Receive clarification from Attorney David Church with regards to cul-de-sac length and easements.
3. A proposal regarding trails be submitted.

David Fotheringham seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, Carla Merrill, and John Gubler all voted Aye.

#### **B. Westwood Subdivision Preliminary Plan – Griff Johnson**

Jed Muhlestein explained that the proposed Westwood subdivision, previously known as Harvest Meadows, would consist of 25 lots on 16.23 acres. The development was in the CR-20,000 zone, located north of Westfield Elementary and west of Timberline Middle School. He further stated that all of the proposed lots met the minimum lot size of the zone. Horrocks Engineers had reviewed the proposed plan and provided their recommendations in regards to utility line sizing. A letter from Horrocks Engineers was included in the packet.

Jed Muhlestein continued his presentation by addressing the proposed street system and stated that the City Council previously approved an exception to the cul-de-sac length requirements for this development. The ordinance requires a minimum length of 450 feet, and the exception approved the cul-de-sac length of 478 feet. Jed Muhlestein then presented the utility plan provided by the applicant. A Geotechnical Report would need to be completed because of the collapsible clay soils that exist on the property. He confirmed that such settlement issues would be reported to potential home owners.

Jed Muhlestein reported that the Westfield Ditch ran through Lot 120 of the proposed subdivision. The applicant would be required to reroute the pipe out of the building pad of that lot. Plans for the realignment have been submitted and appear to meet requirements.

Jason Thelin asked if street lights would be installed in the subdivision. Jed Muhlestein answered in the affirmative and identified the street light locations on the site plan.

**MOTION:** Jason Thelin moved to approve the Westwood Subdivision Preliminary Plan.

Carla Merrill seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, Carl Merrill, and John Gubler all voted Aye.

#### **C. Alpine Ridge PRD Subdivision Concept Plan – Paul Kroff**

Jason Bond explained that the proposed Alpine Ridge Planned Residential Development (PRD) consisted of two parts: the recently annexed property (known as the Oberre Annexation), and property that was already located within Alpine City. This distinction was important because an agreement between the City and the developer was made which would affect the Alpine City lots and the annexed lots differently. Lots that were already located within Alpine City could be developed as a PRD, provided that the open space was designated as a soccer field. The gradation and preparation of the park would be the responsibility of the developer during the first phase of construction. The Development Agreement also outlined specific lot size requirements for the lots located in the Oberre Annexation. The developer did have some concerns with the language of the motion made by the City Council, and that issue needed to be addressed with the City Council.

The subdivision included a total of 71 lots ranging in size from 20,015 square feet to 2.78 acres on a site that is approximately 189.5 acres. It was proposed to include 123.8 acres of private open space. Approximately 68.9 acres of that open space was already recorded as a conservation easement. It was also proposed to include 1.9 acres of public open space that would be used as a soccer park. The site is located in the CR-40,000 zone. The subdivision was planned to be completed in 3 phases.

Jason Bond addressed Lot 71 and explained that staff felt this lot did not meet the intention of the PRD ordinance. The language of the ordinance requires clustering within the development; however the location of Lot 71 on top of a hill sets it apart from the rest of the development. Staff recommended that a condition be included requiring the applicant to either eliminate or modify Lot 71 to better meet the intent of the PUD ordinance. The Planning Commission discussed how the lot could be modified.

Jason Bond addressed the trail system proposed on the site plan and explained that the applicant had proposed a second trail in addition to the one required by the conservation easement. The applicant hoped to be allowed to construct both trails.

Jed Muhlestein talked about the proposed street layout and the traffic study provided by the applicant. The study found there was an average of 824 daily trips on Grove Drive, and that number could increase to 1,207 if the subdivision were fully built out by the end of 2017. The daily trips would again increase to 1,328 by the year 2020. He stated these numbers were still within Level of Service "A".

Carla Merrill asked if open space was added to the proposal when the Pack property was removed from the development. She also questioned whether there would be adequate space for parking for the soccer field. Jason Bond stated that the proposed subdivision exceeded the required amount of open space, and any parking issues could be resolved during a different phase in the planning process.

Scott Rose, a local property owner, stated that he was not pleased by the location of Lot 71 and requested that it be reconsidered. Mr. Rose also had concerns regarding the sewer line that would be running through the Towels property, as it would make their property unbuildable. He suggested that a lift station be installed instead.

Jed Muhlestein explained that the Master Plan did show a sewer line through the Towel Property and a new 10 inch water line would have to be installed to meet minimum fire flow requirements. If the developer wanted to build bigger homes on the property, they would have to upgrade the water line even further.

Jed Muhlestein briefly addressed the improvements to Grove Drive. He also stated that the applicant would be required to provide a more detailed Geotechnical Report, which needed to address hazards such a debris flow. In regards to Lot 71, the only engineering concern would be adequate water pressure and the applicant's ability to meet the requirements of the driveway ordinance.

Mike and Corey Russon, 1517 Grove Drive, expressed their concerns about the decisions that had already been made by the City and the developer which have threatened the value of their property. Mr. Russon was assured by previous City officials that the trees would not be removed to accommodate Grove Drive, but that was not reflected in the proposed plan. He had also been told that any lots within the property would be no less than one acre lots. Mr. Russon felt they had been misled by the developer from the beginning. They had not realized that their property was included in the annexation into Alpine City, and he strongly disagreed with the City's ability to exercise eminent domain to obtain his property for improvements to Grove Drive. Mr. Russon listed the issues that he sees with the development, including the lower density requested, the damages to the future value of their home, the upgrading to Grove Drive as well as two additional roads which would surround their property on three sides, and the loss of mature trees. The Russos were seriously opposed to the proposal.

Robyn Towel, a resident, stated that the map sent out with the public notice was not the same as what was being presented during the meeting. According to State Statute, notifications for annexation need to be sent to all residents within 300 feet of the subject property; however, the Towels did not receive proper notification of the recent annexation. In regards to the sewer line, Mrs. Towel did not see how installing a sewer line that would only serve ten lots could be considered a betterment to the community. She agreed that the installation of a lift station would be a better option. Mrs. Towel expressed her concern regarding the City's ability to condemn a portion of her property if she and the developer did not come to an agreement regarding the sewer line. This provided an unfair advantage to the developer.

Jason Bond read ordinance language regarding eminent domain.

Earl Christensen, a resident, requested that the 90 degree turn in Grove Drive be addressed as part of the road improvement. He also had concerns regarding adequate parking for the soccer field.

Craig Skidmore addressed the proposed trails in the development.

Jane Griener asked who would be paying for the improvements to Grove Drive. Jed Muhlestein stated that the developer would be paying for the design of the entire street but only improving half of the street width in front of their property.

In regards to lot sizes, Jason Bond stated that 18%, or 13 lots, are less than 30,000 square feet. This complies with the language of the development agreement.

Jan Griener stated she would like to hold another public hearing regarding this item, as there seemed to be a lot of public opposition.

The Planning Commission discussed the possibility of modifying the language of the PRD, but that decision would have to be made by the City Council. Staff emphasized that the request was for preliminary approval, and there was still time to make improvements to the site plan.

Paul Kroff, the applicant, stated that the annexation of the property had already taken place and that was not the issue at hand. He stated that the developer had met the code requirements and regulations while going through the annexation process. Staff stated that those residents with concerns regarding the annexation should take their grievances to the City Council.

Jason Thelin addressed the trail system and asked if there was something that could be done to make them more user-friendly. The trail proposed by the conservation easement was almost unusable because of steepness. Mr. Kroff explained that is was the reason they were proposing two separate trails through the property. The intent was to provide a user-friendly trail through the property to Three Falls.

Jane Griener was not comfortable with the proposed streets surrounding the Russon property, as the design would cause an unnecessary hardship for the family. She also felt that the concept of the park was good, but the design wasn't adequate. Ms. Griener agreed with staff regarding Lot 71, feeling that it did not conform to the PRD ordinance.

Bryce Higbee also did not like Lot 71 as proposed.

Wade Budge, the attorney representing the developer, explained why they believed Lot 71 did comply with the ordinance and would work well within the proposed development. They believed that the design of Lot 71 was consistent with the slopes analysis that had been done. The developer was open to modifying the lot if they were given specific instructions from the City, but they did not feel that the lot should be eliminated entirely.

The Planning Commission agreed that Lot 71 did not blend in with the rest of the development. Jason Bond stated that the City Attorney had expressed the same concern when he reviewed the proposed plan.

**MOTION:** David Fotheringham moved to recommend approval of the Alpine Ridge PRD Subdivision Concept Plan with the following conditions:

1. The Developer consider modifying or eliminating "Lot 71".
2. The Developer change the name of the subdivision.
3. The Developer consider changing roads and how they exit so close to the Russon property.
4. The Developer consider the soccer park and parking.
5. The Developer consider the placement and alignment of the trails.
6. The Developer consider adding trail access in Phase 1.

John Gubler seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospser, Jane Griener, Carla Merrill, and John Gubler all voted Aye.

#### **D. PUBLIC HEARING – Amendments to the Fence Ordinance (Section 3.21.6)**

Jason Bond explained to the Planning Commission that the City recently had a situation where a fence was built on top of a retaining wall, which created some height and aesthetic concerns. He wanted to discuss a loophole in the ordinance and see if the Planning Commission wanted to alter the ordinance.

After a brief discussion, the Planning Commission determined that the ordinance should be changed to prevent this issue in the future.

Steve Cosper opened the Public Hearing. There were no public comments. Steve Cosper closed the Public Hearing.

#### **E. PUBLIC HEARING – Amendments to the Planning Commission Ordinance (Article 2.2)**

Jason Bond explained that this amendment proposed to change the number of Planning Commissioners needed for a quorum from four members to three members. He noted that three meetings were cancelled during 2016 due to lack of quorum.

Steve Cosper opened the Public Hearing.

Sylvia Christiansen was not in favor of reducing down to three members because each of the Planning Commissioners brought value to the conversation.

There were no more public comments. Steve Cosper closed the Public Hearing.

Jane Griener echoed the sentiments expressed by Mrs. Christiansen.

Mayor Wimmer encouraged attendance, as they do not want to unnecessarily postpone meetings.

**MOTION:** Jane Griener moved to recommend denial of the ordinance amendment.

David Fotheringham seconded the motion. The motion passed with 4 Ayes and 3 Nays. Jason Thelin, David Fotheringham, Jane Griener and Carla Merrill voted Aye. Bryce Higbee, Steve Cosper and John Gubler voted nay. The motion carried.

#### **F. 2017 Annual Meeting Schedule**

The Planning Commission discussed the upcoming annual meeting schedule for 2017.P

**MOTION:** Jane Griener moved to recommend approval of the 2017 meeting schedule with the following dates removed: April 4, 2017 and July 4.

John Gubler seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham. Steve Cosper, Jane Griener, Carla Merrill, and John Gubler all voted Aye.

**IV.COMMUNICATIONS**

No communications

**V. APPROVAL OF PLANNING COMMISSION MINUTES: November 1, 2016**

**MOTION:** David Fotheringham moved to approve the Planning Commission Minutes for November 1, 2016, as written.

Jane Griener seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, Carla Merrill, and John Gubler all voted Aye.

**Adjourn**

Steve Cosper stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 10:15 p.m.