

February 7, 2006

Minutes of the Alpine City Planning Commission meeting held February 7, 2006 at Alpine City Hall. 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: Jim Tracy, Mike Mickelson, Lincoln Watkins, Kimberly Bryant, Steve McArthur, Brian Baxter

Staff: Charmayne Warnock, Shane Sorensen, Ted Stillman, Jay Healey

Others: Tracy Wallace, Gary Webb, Andrew Jackson, April Riley, Dale Porter, Amberlee Buckner, Will Jones, David Barlow, Dave Anson, Hata Puriri, Mike Powell, Shauna Anderson, Reed Larsen, Kelly Pfost, Jay M. Bennett, Greg Barnett, Debra Bates, Bret Skousen, Jen Skousen, Ed Gifford, Ken Berg, Jason Chaffetz, Kent Hastings, Michael Evans, Steve Black, Sonja Carey.

### **PUBLIC HEARING**

Jannicke Brewer opened the public hearings on the following subdivisions: Loveland Minor, Puriri Minor, Hunter's Ridge, Jackson Subdivision.

**Loveland Minor Subdivision:** Ted Stillman said the proposed 2-lot subdivision was located on Grove Drive and Elkridge Lane. The property consisted of 1.248 acres and would be split into two lots with an existing home on one lot. The lots would be accessed from Elkridge Lane which would be turned into a cul-de-sac by the developers of Heritage Hills.

There were no comments.

**Puriri Minor Subdivision:** Ted Stillman said the proposed 2-lot subdivision was located on 200 South 100 West. Hata Puriri was splitting his lot with an existing home on lot 1. There would need to be a small right-of-way dedication at the corner of 100 West and 200 South, which was shown on the final plat.

There were no comments.

**Hunter' Ridge, formerly Allison Court:** This 13 lot subdivision was located on 4.89 acres at approximately 300 North Main in the TR-10,000 zone. The applicant was requesting an exception of 40 feet on the length of the cul-de-sac.

There were no comments

**Jackson Subdivision:** The proposed 5-lot subdivision would be accessed by a cul-de-sac off High Bench Road. The developer had requested that it not be on the agenda for approval that evening because they were still working on it, but since the public hearing had already been advertised, the hearing was held.

Ted Stillman said the City had received a letter from adjacent property owners Jill and Louis Jasperson, stating their concerns about the proposed subdivision. A copy of the letter was included at the end of the minutes.

Steve Black said he represented the Jaspersons since they were out of town. They were concerned about what kind of impact the proposed subdivision would have on their property. The way it was designed, it would land-lock their property. There was also a potential for double frontage lots, and those were supposed to be avoided. Mr. Black suggested that the best alternative would be to move the cul-de-sac from the north boundary of the Jackson property to the south boundary, which would allow for development of the both the Jackson and Jasperson properties. If that were not done, the Jaspersons would like assurances from the City that they would receive a variance

for double frontage lots, and that the Jasperson's frontage on High Bench Road would be sufficient for a new road.

Sonja Carey said she lived on the north side of the Jackson property and did not want the cul-de-sac moved to the south boundary because that would not allow them to develop their property.

Jannicke Brewer noted that the Carey's would still have access to their flag lot which had been granted by the Board of Adjustment a number of years earlier.

Howard Jackson said that if they moved the road to the south, it would run over the back of their existing home, and it was not an option for them.

Bret Skousen said he owned the property north of Carey's and they had corrals for their horses. He wanted to go record that they didn't want any new development to affect their right to keep animals, and they would vigorously defend their animal rights on their property.

Steve Black said the Jaspersons had gone out of their way to try to work with the property owners in that area. They wanted to have a unified development in which the property rights of all were considered.

Sonia Carey said it was her understanding that the Jaspersons would like a through street in the development with as many as 15 homes. She said she was comfortable with a small development, but did not want to see that many homes or that much traffic since the road would be very close to her home.

Debra Bates said she represented the neighboring property owners to the west on Ridge Lane. They were concerned about run-off from the proposed development and asked if the water study had been done, and if so, would the results be available to the public?

Shane Sorensen said the water study was typically done at the preliminary stage and this did not even have concept as yet. When it was done, it would be available to the public.

Ted Stillman said the neighbors would have to watch the agendas posted on the website and at City Hall if they had concerns because no further notifications would be sent out.

Debra Bates asked if it was true that the whole area could be zoned for horses, and if it were, could the City require the subdivision to have large shrubs to provide screening against flies, etc. She added that the Jaspersons had not included the people on Ridge Lane in their attempts to have everyone work together.

Jannicke Brewer said the ordinance allowed animals in the residential zones, but a particular subdivision could have restrictive covenants against animals if they chose.

The prayer was offered by Lincoln Watkins

**1. PUBLIC COMMENT:** Jannicke Brewer welcomed former Planning Commission member, Dale Porter to the meeting.

**2. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS:**

**Colonial Fire & Safety Equipment – 484 Westfield Road – David Anson:** David Anson requested a permit for his business of servicing and selling fire protection, first aid and safety equipment. He kept some fire extinguishers stocked at his home and the fire chief had signed off on his business. No customers would visit the home.

**Platinum Threads – 158 N. Meadowbrook Drive – Shauna Anderson:** Ms. Anderson requested a permit for her business of custom sewing. She anticipated that 1 to 5 customers would visit the home per week. She had additional off-street parking.

**Evco Development – 280 S. Scenic Way – Michael Evans:** Mr. Evans requested a permit for his business of commercial and residential construction and development. An office was used in the home for paperwork only.

Jennifer Fox was renewing her business license for Delivered Thoughts and did not need to appear before the Planning Commission.

**MOTION:** Mike Mickelson moved to approve conditional use permits for home occupations to David Anson dba Colonial Fire and Safety Equipment at 484 Westfield Road, Shauna Anderson dba Platinum Threads at 158 N. Meadowbrook Drive, and Michael Evan dba Evco Development at 280 S. Scenic Way. Brian Baxter seconded. Ayes: 6 Nays: 0. Motion passed.

**3. GENERAL PLAN – ANDREW JACKSON:** Andrew Jackson presented the proposed General Plan which had been drafted and compiled by the BYU students in his class. Each student had worked on a different element of the General Plan. There was some duplication because each one had written their section as if it would stand alone. Student April Riley was editing it.

Andrew Jackson said the most important characteristic of a General Plan was that it be readable and usable by the public. While it was not an ordinance, it was a tool necessary for long-term planning and development in a city. Each element had a goal (long-term), objective (more specific), and a policy (plan of action).

Jannicke Brewer said they would not reprint the General Plan each meeting, and the Planning Commission needed to keep their copies. As a section was modified, they would receive an updated copy of that section. Andrew Jackson said an electronic copy could also be available.

In order to involve the public, Andrew Jackson recommended an open house with different stations on the different elements to be manned by Planning Commission members. There would be maps and markers available so the Planning Commission could work directly and individually with the public.

Jannicke Brewer said the City had a number of committees including the Trail Committee, The PRO Committee, Gateway Historical and DRC Committee. They would have copies of the General Plan and would be providing feedback on it.

Jannicke Brewer said they would work on the Mission Statement and Community Vision at the next meeting. Ted Stillman asked members of the Planning Commission to email their comments to staff in between meetings.

#### **4. LOVELAND MINOR SUBDIVISION – NORTH ELKRIDGE LANE – GWEN**

**LOVELAND:** The public hearing had been held earlier in the meeting on this 2-lot subdivision at the junction of Grove Drive and Elkridge Lane.

Jannicke Brewer noted that the walkway was not shown on the plat. The path would be needed so school children could walk through to Grove Drive when Elkridge Lane became a cul-de-sac. Shane Sorensen said the walkway was part of the Heritage Hills development and would be shown on the final plat. There was an agreement with Lovelands reserving a public utility easement and a walkway.

Jim Tracy asked if there would a fire hydrant and how storm drainage would be handled in the cul-de-sac. Shane Sorensen said the fire hydrant was an existing deficiency and there would need to be one there. The drainage would be addressed with the design of the cul-de-sac.

Jannicke Brewer asked if they would need to restrict access on lot 1 since it had double frontage. Shane Sorensen said he didn't think there would be a problem with it.

Ted Stillman said the Lovelands would need to turn in a recordable plat before the Planning Commission could recommend approval.

**5. PURIRI MINOR SUBDIVISION – 100 WEST 200 SOUTH - HATA PURIRI:** Ted Stillman said issues related to the two-lot subdivision had been addressed or were included as conditions in the motion.

**MOTION:** Jim Tracy moved to recommend approval of the Puriri subdivision subject to the following conditions:

1. New water, sewer and pressurized irrigation connections be provided for lot 1 and the existing services be used to serve lot 2.
2. The city water policy be met
3. A developer agreement be executed outlining the requirements of the subdivision.

Mike Mickelson seconded. Ayes: 6 Nays: 0. Motion passed.

**6. HUNTERS RIDGE – 300 NORTH MAIN – GARY WEBB:** Ted Stillman said the developer had submitted two designs for the cul-de-sac. The DRC reviewed the proposals and recommended concept B because it was a better design and there would be less maintenance because it had 15% less asphalt. However, an exception of 40 feet would be needed on the length of the cul-de-sac on concept B, which the DRC recommended.

Gary Webb said he would like concept approval that evening subject to approval of an exception for the cul-de-sac.

Jannicke Brewer said the Planning Commission would need to make a recommendation to the City Council regarding the length of the cul-de-sac, and there would need to be corresponding action from the City Council on the cul-de-sac before the Planning Commission could grant concept approval.

**MOTION:** Mike Mickelson moved to recommend the City Council approve an exception of 40 feet on the length of the cul-de-sac for Hunters Ridge for concept B as recommended by the DRC. Steve McArthur seconded. Ayes: 5 Nay: 1 Motion passed. Jannicke Brewer voted nay, saying she felt the City was granting too many exceptions in situations where the subdivision could be designed according to the ordinance.

**7. FORTIUS OFFICE BUILDING SITE PLAN IN FORGE BUILDING:** Ted Stillman said parking was the main issue related to the Fontius Office Building at located at 45 East 200 North (former Harmony Forge). Mr. Stillman said the owners had submitted a new parking plan which would work if they obtained cross easements with the adjacent property owners on the east and west. The cross easement would need to be a recordable easement in the event the property changed hands.

Developer David Barlow said the owners to the west had already agreed to a cross easement. They were currently in discussion with Kenkraft on the east. He said they would probably have to pay Kenkraft a fee and share in the cost of maintaining the road. Jannicke Brewer said the road provided access to the business behind Kenkraft.

David Barlow said he didn't foresee a problem in obtaining the cross easement with Kenkraft. They would have to cut through the curb.

Lincoln Watkins suggested that since they were cutting the curb, they cut it a little farther and change the angle of the parking to create an additional parking space.

Shane Sorensen said the trash location and lighting was shown on the site plan.

**MOTION:** Steve McArthur moved to approve the revised site plan for Fortius Office Building subject to the owners obtaining recordable cross easements with neighboring property owners on the west and east. Mike Mickelson seconded. Ayes: 6 Nays: 0. Motion passed.

**8. CANYON CREST OFFICE BUILDING – 171 W. CANYON CREST ROAD – PHIL BARKER:** Ted Stillman said Phil Barker planned to construct an office building on Canyon Crest Road adjacent to the bridge over Dry Creek. He had obtained a letter of map amendment (LOMA) which removed a portion of the property from the floodplain. The proposed building would be outside the revised floodplain boundary, but part of the parking lot would be in the floodplain. In order to bring the portion of the parking area in the floodplain up to the needed elevation, a 13-ft retaining wall would be built and compacted fill brought in.

Ted Stillman said bringing in fill raised the issue of displacement.

The developer anticipated the displaced water could go into the public open space along the creek, or they could simply reduce the parking and not build the retaining wall at all. However, parking was a critical issue and they preferred to have more spaces. Phil Barker said they would also have a cross easement with the adjacent office building.

Shane Sorensen said the developer was required to do a study to see how much water would rise due to displacement. That had been done, and they didn't anticipate a problem. There was brush along the hillside to stabilize the bank.

Ted Stillman said the footbridge across Dry Creek was actually on Phil Barker's property. He planned to give the City an easement agreement for the bridge.

Regarding parking, Shane Sorensen said it appeared that 20 parking spaces would be required based on the size of the building, but since the proposed use was "Class A" office space rather than retail, fewer parking spaces would probably be adequate. The proposed plan showed 25 spaces. The parking spaces would need to be 19 feet deep rather than 18 feet as shown.

Ted Stillman said the ordinance required buildings in the business commercial zone to have a setback of 20 feet on the side and rear, but the ordinance allowed the Planning Commission to adjust the setback requirements. Since the property abutted public open space, the developer was asking for reduced setbacks.

Steve McArthur said the Historic Gateway Committee had reviewed the application and they were concerned about that fact that the lot went into the creek, the height of the retaining wall, and the parking in the front. The developer had moved some of the parking from the front, and the design of the building was fine. Mainly they were concerned about the issues related to the floodplain. The corners of the building were supposed to be staked. He also had concerns about the courtyard on the basement level, and what the height of the basement was in relation to the flow of the river. On Taylor Meadows the City had required 3-ft foundations.

Phil Barker said he had watched the flooding last spring (2005) and no water came out of the channel even when there was high water. Shane Sorensen said that LOMA had listed the base flood elevation and it appeared the finished floor of the basement was above that elevation. Jim Tracy asked if they could stipulate that the basement elevation be two feet above the floodplain.

In regard to trash and lighting, Phil Barker said the trash collection area would be screened and the lighting would come off the building into the parking area.

Steve McArthur said he was hesitant to approve the site plan that evening, and had three concerns. He didn't think there was a favorable recommendation from the Historic Gateway Committee. He was concerned about the height of the basement, and he was concerned about granting a variance on the side yard setback when it was next to a steep slope that was next to the flood plain.

Jim Tracy agreed that he would like to see the base flood elevations.

**9. MACNEIL ANNEXATION # 2 – LON NIELD:** Ted Stillman said Lon Nield was proposing to annex 7.4 acres at the end of Alpine Boulevard, just north of Wintergreen Court. The City Council had accepted the petition and the Planning Commission needed to set a public hearing.

**MOTION:** Steve McArthur moved to set a public hearing on the McNeil Annexation for March 7. Jim Tracy seconded. Ayes: 6 Nays: 0. Motion passed.

**10. THREE FALLS SUBDIVISION:** Jannicke Brewer summarized the progress made on the Three Falls Subdivision since it was first introduced to the Planning Commission in November 2002. Based on information from the minutes of the Planning Commission meetings, the following decisions or motions were made.

On January 21, 2003, it was determined that the base density for Three Falls would be 45 lots. Because of additional open space, the development would qualify for additional density which raised the number of lots to 59. The total acreage of the development was 805.13 acres with 626.93 acres being devoted to open space. The developer proposed that all the open space be public with the exception of the equestrian center.

Also on January 21, 2003 motions were made regarding road improvements. The Fort Canyon Road would have 26 feet of asphalt with curb and gutter on both sides and sidewalk along the east side. The roads within the subdivision would be standard local streets with 30 feet of asphalt. The secondary access road would have 26 feet of asphalt with curb and gutter.

The Planning Commission recommended an exception on the length of the cul-de-sac based on the recommendation from the Development Review Committee (DRC) dated September 14, 2005.

The Hillside Protection Ordinance limited the height of buildings to 25 feet, but since none of the homes in the development would be visible from downtown, the Planning Commission recommended an exception on the height limitation to 34 feet.

Trails and trailheads would be part of the preliminary approval.

On January 3, 2006, the Planning Commission voted to allow a fault zone to be located on the building lot provided it lay outside the building envelope. They also voted to allow potential floodway channels to be on building lots, but outside the building envelope, and a conservation easement would be required with a driveway easement across the conservation easement.

The Planning Commission also voted to require the developers to provide a geologically approved, lot-specify study on each lot to determine a buildable area, and the study needed to be done prior to final approval. If no safe buildable area could be found on a lot, the lot would have to be eliminated.

Shane said the cross sections shown at the bottom of the preliminary plat were not correct. It stated that 26 feet of pavement applied within the subdivision, but that was not the case.

It was suggested that when concept approval was granted, Jannicke Brewer's summary of individual approvals or recommendations be included in the motion, along with a 12<sup>th</sup> item making it mandatory that all the supporting documents from all the studies that had been done or would be

done on Three Falls Subdivision including geological, environmental, hazard studies, etc. be given to all property owners, developers and potential buyers in the development.

**MOTION:** Mike Mickelson moved to grant concept approval to the Three Falls Subdivision, and acknowledge that the Planning Commission has already made motions on the following items:

1. (21 Jan 2003): Base density for Three Falls based on slope analysis would be 45 lots. (Calculations show 45.29 lots)

|  |              |
|--|--------------|
| Total Acreage:                               | 805.13 acres |
| Open Space Provided:                         | 626.93 acres |
| Minimum Open Space Requirement (50%)         | 402.56 acres |
|  |              |
| Density Bonus from Add'l Open Space (27.87%) | 12.62 lots   |
| Total  | 57.91 lots   |
| Maximum Possible Density (30%)               | 58.87 lots   |
2. (21 Jan 2003): Fort Canyon Road would have 26 feet of asphalt with curb and gutter on both sides and sidewalk along the east side.
3. (21 Jan 2003): The roads within the subdivision would be standard local streets with 30 feet of asphalt.
4. (21 Jan 2003): The secondary access road would have 26 feet of asphalt with curb and gutter.
5. The Hillside Protection Ordinance limits heights of building to 25 feet. This development is within this ordinance area, but Planning Commission recommends that there be an exception to the height limitation of 25 ft. to the standard 34. ft., as none of the homes in the development will be visible from downtown.
6. Planning Commission forwards a recommendation for an exception to the length of the cul-de-sac according to the DRC letter of 14 Sep 2005.
7. Trail and trailheads be part of the preliminary approval.
8. All open space would be public open space except for the equestrian area.
9. (3 Jan 2006) Fault zone be allowed on the building lot provided the fault zone lay outside the building envelope.
10. (3 Jan 2006) Potential floodway channels could be allowed on the lot but outside the building envelope, and a conservation easement would be required with a driveway easement across the conservation easement.
11. (3 Jan 2006). Developer provide a geologically approved, lot-specific study as required in the Sensitive Lands Overlay Ordinance 3.12.6.4 to determine a buildable area on each lot prior to final approval. The developer recognizes that he could have to eliminate some lots as a result of this study.
12. It is mandatory that all supporting documents including environmental studies, geological and hazards studies be given to all property owners, developers and potential buyers.

Steve McArthur seconded. Ayes: 5 Nays: 1. Lincoln Watkins voted nay. Motion passed.

**11. VISTA MEADOWS SUBDIVISION – TAYLOR SMITH:** Ted Stillman said Vista Meadows was a 16-lot subdivision that would be accessed by an extension of Lakeview Drive and Hog Hollow Road. Because of the steepness of the location, extensive cuts, fill and retaining walls would be needed. An environmental study had been done and was included in the packet for the Planning Commission to read. No action would be taken that evening.

Jannicke Brewer said she would like to see drawings of the driveways along with cuts and fills and the retaining walls.

Shane Sorensen said there were fire flow problems in the proposed subdivision, and in-home sprinkling systems would be mandatory in order for it to work. He said there would also need to

be an on-site geotech review when the cuts were taken so they could make recommendations if there was any slippage. Another geotech review would be needed at the preliminary stage when the design was firmed up.

**12. PRD ORDINANCE:** City Attorney, David Church made some additions to the PRD Ordinance which gave developers the option of doing a regular subdivision or a PRD. The current ordinance required a PRD if the development contained sensitive lands. Ted Stillman said that under the revised PRD Ordinance, developers could choose to do a PRD which would require open space in exchange for increased density and smaller lots. If the developer did not want to set aside open space, they had the option of doing a regular subdivision.

Lincoln Watkins questioned if allowing the developer to choose whether he did a PRD or a regular subdivision was good for the city. He was concerned that the City would not have a vehicle to acquire parks and open space if the PRD Ordinance was changed. He wanted to know if there were instances in which the original PRD Ordinance had not benefited the city.

Ted Stillman said there were cases in which the City had not benefited. Whitby Woodlands was a subdivision in which the developer got increased density and smaller lots, and the City got nothing. The City Council had agreed to make the majority of the open space private which greatly benefited the developer, but left nothing for the rest of Alpine. Ted Stillman explained that if the developer had had the option of doing a regular subdivision with fewer lots and no open space, he might have been more agreeable to deeding open space to the public in exchange for higher density.

Steve McArthur said Swiss One was another example of a PRD that benefited the developer but not the community. The developer got increased density and smaller lots, and the City got a strip of useless open space. He said it would have been a better development as a regular subdivision, but because it contained a small piece of sensitive lands, the ordinance required it to be a PRD.

**13. CONTINUING EDUCATION:** Ted Stillman had recommended that the members of the Planning Commission read chapter 2 of Land Use Regulation by Craig Call.

**MOTION:** Steve McArthur moved to table the discussion on Continuing Education and read Jim Tracy's handout. Lincoln Watkins seconded ayes: 6 Motion passed.

#### **14. APPROVE MINUTES OF JANUARY 17, 2006**

**MOTION:** Steve McArthur moved to approve the minutes of January 17, 2006 as corrected and adjourn. Mike Mickelson seconded. Ayes: 6 Nays: 0. Motion passed.

The meeting was adjourned at 9:50 pm.