

May 2, 2006

Minutes of the Alpine City Planning Commission meeting held May 2, 2006 at Alpine City Hall. The meeting was called to order at 7:04 pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum:

Jannicke Brewer

Commission Members: Kevin Cosper, Brian Baxter, Jim Tracy, Steve McArthur. Lincoln Watkins and Kimberly Bryant are excused.

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

Others: Ben Blackwelder, Michelle Lye, Craig Skidmore, Mark Lye, Alan Slighting, J. Mott, Darcy Mott, Scott Carey, Sue Card, Dale Porter, Ken Barney, Dennis K. Wagner, Janise Heiner, Kim Heiner, Kellie Nielson, Charlyn Anderson, Mark Anderson, Kelli Seymour, Tammy Petersen, Angie Copeland, Erin Blackwelder, Randy Rhodes, Kathryn Hill, Kelly Biegel, Diane Burningham, Scott Moeller, Ted Cox, Barbara Cox, Susan Johnson, Clavone Hansen, Heather Cottrell, Sandra Walker, Ken Walker, Garth H. Fisher, Will Jones, Kylar Jones, Mike Powell, Joseph Moffett.

The prayer was offered by Brian Baxter

Ted Stillman explained that the Utah State Legislature had passed a law effective May 1<sup>st</sup> that all public meetings were to be recorded. Alpine City had purchased an electronic recording system that would record the meeting onto a CD. It would be necessary for all those who wanted to speak to use the microphones.

Ted Stillman said the written minutes would be the official record. The minutes were a summary of the discussions, not a verbatim transcription of the meeting. However, the motions needed to be spelled out, preferably written down and read into the minutes. A sample motion form was on the table.

Each agenda item would need to be identified, published and noticed. If an item was not on the agenda, there could be no vote on it. Any additional material such as written comments or research from Planning Commission members, etc. should be given to Charmayne Warnock to be included in the files.

The recent legislation also required the Planning Commission and other bodies to receive yearly training. The explanation of recording rules and procedures constituted some of that training.

Jannicke Brewer said the next agenda item was Public Comment. She recognized that many in the audience were present to comment on the proposed charter school, which was rumored to be located on Healey Boulevard. She said the City had not received an official application for a site plan for a charter school on Healey Boulevard, and as such, had little information. She said the Planning Commission was also concerned about traffic and safety, and those issues would be carefully studied if and when an application was submitted.

Jannicke Brewer said that since they had a full agenda that evening, Public Comment would be limited to 15 minutes. She asked that people limit their individual comments to one minute, and give their name and address before making a statement.

#### **1. PUBLIC COMMENT:**

Janise Heiner – 864 S. Healey Court. She said Representative Jim Ferrin had told a group of residents that they had already chosen the site for the charter school. She asked if the Planning Commission had been involved in a coordination effort.

Jannicke Brewer said nothing had been submitted to the Planning Commission.

Janise Heiner asked if the Planning Commission was supposed to be involved in the coordination.

Ted Stillman said the Planning Commission was involved in the site plan review process, which started when a site plan was submitted to the City. Nothing had been submitted as yet.

Erin Blackwelder – 746 Healey Boulevard. She asked if the mayor had visited the site of the charter school. Jannicke Brewer reiterated that as a Planning Commission, they had no information and no application.

Charlyn Anderson – 834 Healey Boulevard. She said she was concerned about traffic. If you drove down Healey Boulevard in the morning when people were going to work or Lone Peak High School it was very hectic. She said it would greatly take away from the community to increase the traffic with 600+ students.

Darcy Mott – 764 S. High Ridge Drive. He asked if the Planning Commission had been advised by the City Attorney as to what coordinating activities there should be with respect to the site on Healey Boulevard.

Ted Stillman explained the law of confidentiality. He said that prior to the school filing a formal application, the government body may not disclose information on the school's consideration of or intent to purchase a site without first obtaining consent of the district or the charter school.

Jannicke Brewer said that when they did receive an application, Ted Stillman would contact the City Attorney to advise them on what to do.

Darcy Mott said he understood that. The question was -- had the Planning Commission been advised by the City Attorney about what constituted coordinating activities. Jannicke Brewer said they had not.

Steve McArthur asked where the rumored site was. Numerous people in the audience said it was on Healey Boulevard.

Scott Moeller – 642 High Ridge Lane. He said one of the greatest concerns was that the method of due process was questionable. Traffic was a big issue. He said that school would soon be out which would decrease the traffic. He asked if the traffic study would take into consideration what the traffic would be like when school was in session rather than during the summer. Otherwise it wouldn't represent real numbers. He said one of their greatest concerns was that the residents wouldn't get a chance to respond and defend their community. He wanted it on record that the City would do their best to give time for the citizens to give a defense or a public comment period without the school being ram-rodged through.

Jannicke Brewer said they would do their best. However, the city attorney had explained that charter schools were a permitted use and the cities had nothing to say about where they were located. They could look at traffic studies and parking issues.

Jim Tracy said they should extend the same courtesy to this group as the 100 South group and have a public hearing.

Eric Lee – 768 Healey Boulevard. He said this was an issue that would affect the rest of their lives. He was concerned about the overall traffic on Healey Boulevard. He asked if there was a plan to address traffic on Healey Boulevard.

Jannicke Brewer said there would be a traffic study and a stacking area so the traffic was off the street.

Eric Lee said that the current traffic situation on Healey Boulevard was serious because of the volume and speed of the traffic. Was there a plan to help them on the street right now?

Ted Stillman said they were increasing enforcement in that area. They also had a traffic trailer to record speed and the number of cars that traveled the road in a 15 minute period. Another possibility was to give speed guns to residents to track speed and write down license numbers.

Jim Tracy said that if any school came into the city, due diligence required a traffic study for any location.

Eric Lee asked if a study of gravel pit safety would be done related to the school.

Ben Blackwelder – 746 Healey Boulevard. He asked if the traffic study would be done by the charter school or by the city. Shane Sorensen said the City staff would review whatever was submitted and it was possible that the City would do their own. On the previous site, the City's consulting engineers had looked at the study and said they did an adequate job. The City Council may request an independent traffic study.

Ben Blackwelder wanted to know how they would request an independent traffic study. Shane Sorensen said they could call or email the City Council members.

Kelly Biegel – 556 S. Silver Lane. She asked what happened if the traffic study was negative. Shane Sorensen said there were things that could be done to address the issues such as striping or turn lanes.

Kelly Biegel asked what would happen if a road could not support the volume of cars. She said was concerned about the steepness of the road in winter. Someone was traveling 10 mph and went off the road into her backyard.

Diane Burningham – 854 Ridge Lane. When they do the traffic study, do you look at an entire day or just when traffic was actually coming to or from school?

Shane Sorensen said they would look at times about a half-hour to 45 minutes before and after school when people were traveling to and from school.

Jannicke Brewer said that when an application came in, it would be posted on the website or other locations where agendas were posted.

Jim Tracy said that if the citizens had comments they weren't able to express, they could put them in writing and send them to the Planning Commission or Council.

Steve McArthur said the citizens might want to pull up minutes from past meetings and read about the education process the City had gone through relative to charter schools. He said the citizens may want to start a process with the state legislature because there wasn't a lot the cities could do in this situation.

An unidentified speaker said traffic was bad on Healey Boulevard during the weekends because of the soccer fields.

Jannicke Brewer welcomed April Riley as the new Alpine City Planner. She had just graduated from BYU with a master's degree in public administration.

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

**Aspen Glow Video Production – 238 W. International Way – Ken Barney:** Mr. Barney requested a permit for his business of videotaping events. He said it had started in conjunction

with his orthodontic business when he taped lab procedures. It had grown and he was advised to obtain another permit since it was a separate business. No customers would visit the home. He used 120 sq. ft. room for the business.

**MOTION:** Jim Tracy moved to approve a conditional use permit for a home occupation for Ken Barney dba Aspen Glow Video Production at 238 W. International Way. Brian Baxter seconded. Ayes: 5 Nays: 0. Motion passed.

**Brian Carey Pigeons – 256 South 800 East – Brian Carey:** Jannicke Brewer said Brian Carey was unable to be there that evening but was represented by his parents. She said the Planning Commission had discussed this application before, and Jim Tracy had done some research in other cities on pigeon ordinances.

Jim Tracy said he did not feel a pigeon ordinance was warranted for this particular application because it could be addressed the City's current animal regulation ordinance.

**MOTION:** Jim Tracy moved to grant a conditional use permit for a home occupation to Brian Carey dba at 256 South 800 East subject to the following conditions:

1. No more than 25 pigeons are on the property at any given time.
2. The loft(s) are located no closer than 10 feet to any property line and no closer than 75 feet to the nearest residence on an adjacent lot.
3. The loft(s) be constructed in such manner to contain the feces and it can be maintained in a clean and inoffensive condition.
4. Each pigeon wear a seamless leg band to identify the owner. All records shall be open for inspection by the Animal Control Officer.
5. All pigeons be fed within the confines of the loft in which they are housed and contained.
6. Pigeons are allowed to exercise no more than twice a day. All exercise is to be under the control of the owner or his representative. Pigeons shall not be released for exercise, which have been fed in the last four (4) hours prior to release.
7. All feed be kept in rodent proof containers.
8. The pigeons shall be kept in the loft, except for exercise, training, and shall not be allowed to linger on buildings or property other than the owners. All feces and odor shall be kept within the confines of the owner's property and shall not be reasonably noticeable to neighbors. The loft interior shall be maintained in a manner to prevent odor or feces from becoming a nuisance for the neighborhood.
9. This conditional use permit can be revoked by the City of Alpine at any given time if any of the conditions listed above are not followed.

Kevin Cosper seconded. Ayes: 5 Nays: 0. Motion passed.

**3. COUNTRY MANOR LANE – FUTURE ALIGNMENT – DAVID MOON ALSO JIM LOVELAND:** Ted Stillman said the future alignment of Country Manor Lane ran through Dave Moon's property, which would be approximately 300 S. Country Manor Lane as shown on the Major Street Plan. The Lovelands, who owned property east of the Moon property, were in the process of purchasing ground from Dave Moon. Both parties wanted to know the future alignment of Country Manor Lane in the event they developed the ground in the future.

Shane Sorensen said the Moons and Lovelands had hired a surveyor/engineer to survey the possible alignment of Country Manor Lane and create a potential lot layout for planning purposes only. Neither party had immediate plans to develop. He said the City wanted to make sure the proposed alignment would not have a negative impact in the future. He noted that the layout showed half-acre lots, which could be done if it were a PRD and if the Marshall property were include. The property was currently zoned CR-40,000.

Jannicke Brewer asked if the property to the east was under a conservation easement, and it was not.

Shane Sorensen said one of the key considerations for the City was the water lines. It would help the current water situation if a temporary waterline could be constructed through the Moon property. If the property were developed later on, it was likely the alignment of the waterline would change so a temporary line would be the best situation.

Dave Moon said he was amenable to the idea of a temporary waterline running through his pasture. He asked what the time table would be on construction because they were planning a wedding that summer and didn't want the pasture torn up.

Shane Sorensen said there was no urgency on the waterline, and they would work with him on the timing.

**MOTION:** Jim Tracy moved to approve the future alignment of Country Manor Lane through the David Moon Property subject to the following conditions: 1) The horizontal and vertical alignments are subject to minor changes if and when the properties are developed; 2) Approval of the conceptual alignment does not constitute approval of the lot layout as shown on the drawing. Future development will be subject to the Development Code that is in effect at the time of development. Kevin Cospser seconded. Ayes: 5. Nays: 0. Motion passed.

**4. NORTHPONTE SUBDIVISION PLAT A – FINAL PLAT - WILL JONES:** Jannicke Brewer said they had received a corrected plat for North Point that evening. There had been a lot on the early plan with a size of 19,000 square feet. That was changed on the revised plan.

Ted Stillman said Alpine Boulevard would be constructed from Main Street to the North Pointe Plat A development. The developers of Heritage Hills had agreed to build the extension of Alpine Boulevard, and would need to post a bond. One of the recommended conditions specified that the Heritage Hills developers post a bond.

Steve McArthur suggested the motion simply require a bond for the construction of the improvements. That way, if the developer of North Point wanted to begin construction before Heritage Hills was built, he would have that option.

Shane Sorensen said there was a potential problem with the street names. When Alpine Boulevard was extended, there would be two sides of town with a north Alpine Boulevard address, which would be confusing, especially for in emergency situations. He suggested they give the new section of Alpine Boulevard a different name to prevent confusion.

**MOTION:** Steve McArthur moved to grant final approval to North Point Subdivision, Plat A subject to the following conditions:

1. A bond be posted guaranteeing installation of the improvements;
2. The water policy be met for the development;
3. The redlines be corrected on the final plat;
4. The developers execute a Development Agreement with the City;
5. Resolve the street name problem.

Brian Baxter seconded. Ayes: 5 Nays: 0. Motion passed.

**5. McNEIL #2 ANNEXATION AND SUBDIVISION – PRELIMINARY AND FINAL PLATS – LON NIELD:** Ted Stillman said the City Council had accepted the annexation petition for 7.4 acres at the north end of Alpine Boulevard at their meeting of January 24, 2006. Lon Nield was developing 2 lots on a portion of the annexation. The extension of Alpine Boulevard would be full width street. An exception on piping the ditch had been granted, and the ditch would be left

open based on an agreement with CUP. It was proposed by the developer that the rear setbacks be 50 feet instead of 30 feet because of the ditch that ran along the back of the property.

**MOTION:** Steve McArthur moved to approve the McNeil Annexation and the McNeil #2 Subdivision preliminary and final plats subject to the following conditions with the note that the Planning Commission approved the setbacks as shown on the plat:

1. A recordable easement be provided for the temporary turnaround
2. The fire chief approve the location of the fire hydrant.
3. The City's water policy be met with Alpine Irrigation Company shares.
4. The redline comments on the plat and construction drawings be addressed.
5. A Development Agreement be executed with the City.

Jim Tracy seconded. Ayes: 5 Nays: 0. Motion passed.

**6. ALPINE OLDE TOWNE CENTRE – WILL JONES:** Ted Stillman said the proposed commercial developed was located at the northeast corner of the roundabout. The City Engineer had reviewed the preliminary and final plats and recommended approval subject to a number of conditions.

Jim Tracy asked why there were only three dumpsters. Shane Sorensen said there was not enough room for a fourth one without eliminating some parking stalls, and the parking was needed.

Jannicke Brewer suggested there be a chart on the plat identifying how many parking spaces were assigned to each building.

Shane Sorensen said the parking lot lights would be the same type of lights the City was installing along Main Street.

There was a discussion about the landscaping. Shane Sorensen said the proposed trees by the roundabout and exit might obstruct vision. Low-lying shrubs might be a better choice.

**MOTION:** Jim Tracy moved that the preliminary and final plats of the Alpine Olde Town Centre development be approved subject to the following conditions:

1. A two-way left-turn lane be required to be striped on Main Street north of the roundabout.
2. A right-turn-lane pocket and a two-way left-turn lane be striped on Canyon Crest Road.
3. A grease trap and sampling point be provided to meet TSSD standards for Pad B and any other pad that will have a restaurant-type facility.
4. The proposed fire hydrants be approved by the fire chief.
5. Parking stalls be striped with dimensions of 9'x19'.
6. The landscaping plan be approved with the change that the trees near the exit on Canyon Crest be moved back and the trees near the roundabout be replaced with non-obstructing shade trees or shrubs.
7. The proposed parking lot lighting be the same as the lights the City would be installing on Main Street.
8. Correct the redlines on the drawings.
9. Provide sufficient water to meet the City Water Policy.
10. Execute a Developer's Agreement with Alpine City.
11. Add a table to the plat showing how many parking spaces were assigned to each building.

Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

**7. LYE COURT SUBDIVISION:** Ted Stillman said that at the meeting of April 18, 2006, the Planning Commission had discussed requiring a stub road to the Garrett property on the east rather than a cul-de-sac. In response to the discussion, the Lyes had submitted a plan showing a stub road with 7 lots. Four of the lots had 80-foot frontages rather than the required 90 feet.

Jannicke Brewer said she did not like the narrow lots. It was difficult for people to get a home and a garage on a lot with 90 feet of frontage, much less 80 feet.

Steve McArthur said that, as a builder, he would prefer a narrower, rectangular lot over a small cul-de-sac lot because there were more house plans that would fit on the lot.

The Planning Commission discussed the possibility of making a slight curve in the road which would result in 6 lots with more width, and the road would still be stubbed to the next property.

Mark Lye said he still preferred the 6-lot cul-de-sac configuration. The lots were already small, and to make them smaller would render them almost unusable. He said he was not aware of any immediate need for an extended road. There would be opportunity in the future for other roads in the north.

Shane Sorensen said his concern with a road from the north or east was that it would be a downhill cul-de-sac which would result in drainage problems. The ordinance discouraged cul-de-sacs.

Mark Lye said he already had four lots with frontage on Main Street that he could sell. He had no reason to build a road.

Michelle Lye said the Garretts had landlocked themselves by selling off their property. She didn't see why they would be obligated to provide them access.

Jannicke Brewer said they needed to explore all the options.

Regarding a public hearing on the zone change, Jannicke Brewer said the Planning Commission would hold one and it had been set for May 16, 2006. No action would be taken that evening. It was suggested they consider curving the stub road and having a temporary turnaround.

Mark Lye said it was hard to sell lots with a temporary turn around on them, especially since they were already small. He said the Garretts didn't want a temporary turnaround on their property because it would interfere with their water line and the road to their barn.

Jannicke Brewer said the Planning Commission did not have a right to approve lots with lesser frontages. The Lyes would have to go to the Board of Adjustment for a variance on the width of the lot, and the Board couldn't approve a variance if it was for economic gain.

**8. ADAM SUBDIVISION – 2 LOTS ON NORTH MAIN:** Ted Stillman said Shari and Quayle Dutson had applied for a 2-lot subdivision on north Main Street. They needed to schedule a public hearing.

**MOTION:** Jim Tracy moved to set a public hearing on the Adams Subdivision for June 6, 2006. Brian Baxter seconded. Ayes: 5 Nays: 0. Motion passed.

**9. PACK ANNEXATION AND SUBDIVISION:** Ted Stillman said an annexation petition and subdivision application had been submitted for the Pack property on Grove Drive. The Planning Commission needed to schedule a public hearing for June 6, 2006.

**MOTION:** Brian Baxter moved to set a public hearing on the Pack Annexation on June 6, 2006. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

**10. JACKSON SUBDIVISION – PRELIMINARY AND FINAL PLATS – JOSEPH MOFFETT & SONIA CAREY:** Ted Stillman said they had received the corrected plats for the Jackson Subdivision located at approximately 600 South High Bench Road. It consisted of 8 lots on 7.56 acres.

Shane Sorensen said he had reviewed the plans and recommended approval subject to a few conditions. He said that one of the conditions required in-home fire sprinklers because of a fire-flow problem. However, if a temporary waterline were constructed through the Moon property as discussed earlier in the meeting, the sprinklers may not be necessary.

Jannicke Brewer said neighbors to the west had been concerned about run-off and asked what had been done about that. Shane Sorensen said there would be a berm along the west side of the development, and it was shown on the plat.

**MOTION:** Jim Tracy moved to grant preliminary and final approval to the Jackson Subdivision subject to the following conditions:

1. Meet the City water policy
2. Complete the redlines on the plat prior to final approval from the City Council.
3. Place a note on the plat stating that automatic sprinklers would be required in the new homes unless otherwise approved by the fire chief.

Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

**11. CIRCULATION ELEMENT OF THE GENERAL PLAN – APRIL RILEY:** City Planner April Riley had updated the Circulation Element of the General Plan, and reviewed it with the Planning Commission.

**12. CONTINUING EDUCATION:** Ted Stillman said that they had already discussed rules and procedures earlier in the meeting when explaining that the meetings would be tape recorded.

**13. APPROVE MINUTES OF APRIL 18, 2006**

**MOTION:** Steve McArthur moved to approve the minutes of April 18, 2006 and adjourn. Brian Baxter seconded. Ayes: 5 Nays: 0. Motion passed.

The meeting was adjourned at 9:50 pm.