

May 16, 2006

Minutes of the Alpine City Planning Commission public hearing and regular meeting held May 16, 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, Brian Baxter, Kevin Cospers, Lincoln Watkins, Steve McArthur, Kimberly Bryant.

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

Others: Tracy Wallace, Andrew Jackson – Mountainlands Association of Governments, Michelle Lye, Mark Lye, Dale Porter, Michael Hansen, Gerald Day, Ben Blackwelder, Steve Crane, Gary Gray, Kevin Davis, Craig Skidmore, David Barlow, Easton Smith, Nick Olson, Ken Berg, Brian Higbee, Phil Barker, Eric Loveland, Kimberly Loveland

PUBLIC HEARING – LYE COURT ZONE CHANGE – 640 NORTH MAIN

Shane Sorensen said they were proposing a zone change on the Lye property which would include all the property in the TR-10,000 zone. The parcels were split between the TR-10,000 and CR-20,000 zones. The majority of the property lay within the TR-10,000 zone.

Dave Fotheringham said there were a number of students present and asked that the difference between zoning be explained. Shane Sorensen explained that the TR-10,000 zone required a minimum of 10,000 sq. ft. per single-family dwelling and CR-20,000 required a minimum of 20,000 sq. ft per dwelling.

There were no more comments and the hearing was closed.

The prayer was offered by Lincoln Watkins.

1. PUBLIC COMMENT: Jannicke Brewer said the public comment was reserved for items not on the agenda. Since there might be people present who wanted to comment on the charter school, they would entertain general public comments first and then comments on the proposed charter school.

There were no general comments.

Jannicke Brewer then read a statement regarding information on the charter school.

The Development Review Committee (along with David Church) met the morning of May 15, 2006 with representatives of U.S. Charter Development (USCD) to discuss the Mountainville Academy Site Plan. This meeting was a follow-up to their letter of May 12, 2006 where they requested to be on the May 16th Planning Commission agenda. After much discussion, it was decided that they were not prepared to be on the May 16th Planning Commission agenda because they did not have a completed application and the Planning Commission would not be able to make a decision because they did not have all of the information. Here is what came out of the meeting:

- 1. USCD has authorized us to tell that they are looking at two sites for the charter school. The Healey Boulevard site and the Patterson Dry Creek Square site located on the east side of Main Street just north of the Dry Creek Bridge.*
- 2. USCD will prepare a complete site plan application package that includes a traffic study, building elevations and complete site plan before it is placed on the Planning Commission agenda.*

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3. *USCD will contact the Planning Commission Chairman about scheduling a special Planning Commission meeting to consider the complete site plan application.*

There were no comments.

2. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS

Aloha Pools & Construction – 737 S. Cumberland Court – Gary Gray: Gary Gray requested a permit for his business of pool construction. Construction materials would not be kept at his residence. A room in his home would be used for office purposes only.

MOTION: Jim Tracy moved to approve a conditional use permit for a home occupation for Gary Gray dba Aloha Pools and Construction at 737 S. Cumberland Court in Alpine. Steve McArthur seconded. Ayes: 6 Nays: 0. Motion passed.

3. GENERAL PLAN – MODERATE INCOME HOUSING ELEMENT – ANDREW JACKSON and APRIL RILEY: A copy of the revised Moderate Income Housing Element was included in the packet. It was last updated in 2001.

Andrew Jackson first defined affordable housing as the situation where people pay no more than 30 percent of their income toward housing costs, which included mortgage, utilities and property tax.

Andrew Jackson said the state had a model to evaluate a community's affordable housing level, but individual communities could use their own model provided the community had better data than the state. The community needed to show the science behind their data in order for it to stand. He said one of the difficulties in Utah was that the increase in housing costs exceeded the increase in wages. One of the questions to ask was whether or not you could buy the same house you are in today. Because of increased housing costs, many would say no.

In reference to creating affordable housing in a community, Andrew Jackson said a city often would see people who wanted to create higher density under the guise of providing affordable housing. But higher density did not equate to moderate housing. He said Park City had accomplished moderate income housing goals by putting a 30-year deed restriction on a development which restricted how much rent they could charge or what it could be sold for.

Jannicke Brewer said Alpine had been using accessory apartments to meet the moderate income housing requirement. She asked if that would work in the future.

Andrew Jackson said it would depend on whether the science could back it up. The city had to look at their internal growth rate. Would people in the community grow up, get married, and be able to live here?

Jim Tracy asked if accessory apartments alone would qualify, or if they had to be rented. He said Alpine had 55 accessory apartments registered. Andrew Jackson said the city only had to provide the opportunity.

Jim Tracy said LUDMA had changed the laws on moderate income housing, and asked if Alpine should try to rework their ordinances to meet the LUDMA requirements, or if it would be better to start from scratch. Andrew Jackson said there were enough changes in LUDMA that it would probably be better to start from scratch.

4. ALPINE OFFICE SITE PLAN – CANYON CREST ROAD – PHIL BARKER: Ted Stillman said the Planning Commission had reviewed the site plan at their meeting of February 7, 2006. Since that time the building had been reduced in size, there was no parking in the front, and

there would be no fill or work done in the floodplain. There were 20 parking stalls shown which were 9 feet wide and 18 feet deep. The stalls would need to be increased to 19 feet in depth in order to comply with the ordinance. There would still be a retaining wall but it would not be in the floodplain.

Phil Barker said he'd had a soils test done and there were no problems with soil stability. He had moved the building to the east to get away from the hill. There was a cross section showing the distance from the flood channel to the basement of the building. The basic landscaping plan had been reviewed earlier. He planned to retain the area by the creek for park-like setting. The guidelines for the historical district recommended a front setback from between 20 to 30 feet. His plat showed a setback of 25 feet, but in the BC zone a 30-foot setback was required.

Ted Stillman said they could add another condition to the motion specifying that a 25-ft front setback would be acceptable according to the historic district guidelines.

Lincoln Watkins said Steve McArthur had had some questions when it was reviewed earlier in the year, and asked if those concerns had been resolved. Steve McArthur indicated that they had.

Jannicke Brewer asked about whether the proposed development would cause erosion or other problems for the residence across the stream.

Shane Sorensen said the resident had talked to him about her concerns. A few boulders had been placed along the bank and a couple had fallen away. The boulders should be returned to their places and the bank shored up where the water was eating away at it.

Steve McArthur said the parking lot lighting should be directed away from neighboring residences. Phil Barker said he anticipated putting the lights on the building. It was suggested that if lights were placed in the parking lot, he use the same decorative streetlights that the City was placing in the downtown area.

The landscaping plan had been reviewed previously and there hadn't been any issues with it.

MOTION: Steve McArthur moved to recommend approval of the Alpine Office Site Plan at 171 W. Canyon Crest Road subject to the following conditions:

1. Parking stalls be increased to 19 feet in depth.
2. The previously reviewed landscape plan be adhered to and there be a minimum of 20 percent green space.
3. The water policy be met.
4. A bond be provided for the required improvements
5. The parking lot lighting be provided as noted on the plans, and it not spill over onto neighboring residential areas.
6. A retaining wall design be provided by a licensed engineer prior to construction.
7. A front setback of 25 feet be approved under the Alpine Historic Guidelines.
8. The retaining wall not encroach into the 100-year floodplain shown by LOMA.

Jim Tracy seconded. Ayes: 6 Nays: 0. Motion passed.

5. TAYLOR MEADOWS SUBDIVISION – FINAL PLAT – BRIAN HIGBEE: Ted Stillman said the final plat for the Taylor Meadow subdivision showed 9 lots on 7.53 acres with three parcels of open space. It was located at 100 South 300 East. The City Engineer had reviewed the plat and recommended approval subject to the following conditions.

1. Correct base flood elevations be shown on the final plat.
2. The sewer line be designed with a minimum grade of 0.4 percent.
3. The fire chief review the proposed hydrant locations.
4. The public works department review the proposed storm drain system.
5. Necessary easements be provided for the new 36-inch storm drain line.
6. A UPDES permit be obtained prior to construction.
7. Changes to the final plat and construction drawings be made as shown on the redlines and as outlined in the city engineer's review letter dated May 10, 2006.
8. Open space parcels be sprinkled and grass planted.

In regard to base flood elevations, Shane Sorensen said the elevations shown on the plat appeared to be in conflict with elevations that had been provided in previous correspondence from Intermountain Hazard Consultants.

Lincoln Watkins asked for an explanation of base flood elevations, and asked if they reflected the high water mark when the property was actually flooded.

Shane Sorensen said they did not. They were based on the flows in the LOMA. He said no one would know the actual elevations for any particular event.

Steve McArthur asked from which direction the water was most likely to come if there were flooding. He said it seemed to him the banks outside the subdivision would most likely be the ones breached, and the water would come down the road. He suggested it would be better to indicate the base flood elevations in the road.

Jay Healey was asked what he recalled about the flood in 1952. He said he saw one or two feet of water flowing over a wide area, but the circumstances in Alpine were better now. There was no more grazing in the mountains and the culverts were a standard size.

Lincoln Watkins agreed things were different because there were over 700 homes in the northeast part of town which weren't there before and they created a lot of impermeable surface. But that was only one of the issues. He said he still had objections to building a subdivision in an area with known historical flooding because the PRD Ordinance specifically stated that floodplains should be located in the open space. It didn't say anything about it being permissible to build in the flood plain if the hazard had been mitigated. The City needed to either abide by its own laws or change the law.

Jim Tracy asked if there had been any information about whether or not the County Health Department had approved the site on 100 South for the charter school. Ted Stillman said they had approved the site. Jim Tracy noted that requirements were stricter for schools than for subdivisions.

There was a lengthy discussion about whether the base flood elevations were accurate or subject to misinterpretation or if they were taken in the locations where they would be most beneficial in the event of flooding.

Ken Berg, the developer's engineer, said there was a typo on the plat and it should say 47 rather than 57.

Jannicke Brewer said the numbers on the plat should be correct. It was decided that the plat would be corrected and reviewed again.

6. ALPINE MARKET OFFICE BUILDING SITE PLAN – 58 SOUTH MAIN – BRUCE FALLON: Ted Stillman said the Planning Commission had looked at the plan for the office building west of the old Alpine Market building at 58 S. Main at their meeting of August 2, 2005. There were issues with setbacks, parking, and the easement for the Burgess property on the north.

Since that time the design was changed to a one-story building which required fewer parking spaces. The side setback on the west side was 5 feet and the rear setback was 5 ½ feet on the south. The ordinance required 20-ft setbacks unless the Planning Commission recommended otherwise.

Kent Walker represented Bruce Fallon who was unable to be present that evening. He said the easement on the north side for the Burgess property would be kept clear as part of the landscaping with cobblestones.

Jim Tracy asked if the 20% landscaping requirement would be met if the easement were paved in the future. Shane Sorensen said the property was owned by the “market” and he questioned whether or not the Burgess family would have a right to pave it unless it was specifically stated in the easement agreement.

They discussed parking. There were a total of 30 spaces with 13 spaces assigned to the existing building. There were 17 spaces remaining for the new building, but according to the calculations, the new building needed 19 spaces. There would be 15 for the square footage of the building and 4 spaces per employee (there were 4 offices).

Jim Tracy suggested the developers shrink the footprint of the building and add a second story. That way they could keep same square footage, but open up some space for more parking.

Ken Walker said they felt the one-story better fit with the surrounding area better. Also, they would be adding the expense of an elevator and stairwell if they added a second story.

Steve McArthur asked if the owners had ever talked to the adjacent property owners about decreasing the side and rear setbacks. Mr. Walker said they had not.

It was decided it would be better to get written feedback from the affected neighboring property owners before the Planning Commission approved reduced setbacks. It was also suggested that the developers talk to adjoining property owner Diana Mills about plans for her property.

7. GROVE SUBDIVISION #2 – 676 N. GROVE DRIVE – RICK CARLTON: Ted Stillman said the Planning Commission needed to schedule a public hearing for 3-lot subdivision on Grove Drive. There were no existing homes on the property but one lot line would need to be adjusted. The name of the subdivision would probably be changed.

MOTION: Lincoln Watkins moved set a public hearing on the Grove Subdivision #2 for June 20, 2006. Steve McArthur seconded. Ayes: 6 Nays: 0. Motion passed.

8. LYE SUBDIVISION CONCEPT AND ZONE CHANGE – 640 N. MAIN – MARK & MICHELLE LYE: At the meeting of May 2, 2006, the Planning Commission had suggested that the Lyes see if they could design a concept plan with a curved road that would give access to the property on the east and still maintain 6 lots with adequate frontage and a temporary turnaround.

The Lyes had submitted such a plan.

Jannicke Brewer said the building envelope on lot 3 was the most challenging. The Planning Commission discussed the design and suggested that if the curve in the road were softened a little, it would widen lot 3. Also, the diameter of the temporary turnaround could be reduced from 100 feet to 80 feet, and that would give them more room.

Mark Lye said he still preferred the cul-de-sac design, but if they went with the stub road design, he wondered if there was a possibility that he get a variance on lot #3 in order to have a larger buildable area.

Since there were two items to consider on the Lye Subdivision, two separate motions would be made. The first was the issue of the zone change.

MOTION: Steve McArthur moved to recommend the approval of the zone change for the Lye Court Subdivision which would put all the property into the TR-10,000 zone. Jim Tracy seconded. Ayes: 6 Nays: 0. Motion passed.

The Planning Commission further discussed the design of the subdivision and decided they liked the basic design showing a through street with 6 lots. The Development Review Committee (DRC) would work with the Lyes in making minor modifications for an optimal design.

MOTION: Lincoln Watkins moved to grant concept approval to Lye Court Subdivision for the design showing the through road with 6 lots. Further review would be conducted by the DRC to determine any particular adjustments to lots for optimal design. Jim Tracy seconded. Ayes: 6 Nays: 0. Motion passed.

9. REQUEST TO IMPROVE CITY OPEN SPACE – 444 FORT CIRCLE - ERIC & KIMBERLY LOVELAND: Eric and Kimberly Loveland requested permission to improve the public open space between their property and the Fort Creek streambed. Ted Stillman said the open space on the Loveland's side of the creek was not easily accessible by the public. The trail was located on the opposite side of the creek. He said the petitioners had placed larger boulders along the bank of the creek to prevent erosion, and planted trees and bushes. Photos were shown of the open space which also showed a patio-like area constructed of paving stones along with a fire pit.

The Planning Commission discussed the issue of erosion along the creek. Jannicke Brewer said they recognized there was a problem and the banks needed protection. The question was what would the City allow in the public open space? She added that if improvements were allowed, there needed to be a recorded agreement. According to the ordinance, any improvements in the open space became the property of the City.

Jim Tracy said he was concerned that if the City allowed the Lovelands to use the open space as an extension of their backyard, they would be opening up a Pandora's Box to everyone else who lived along the stream.

Ted Stillman said that if the stream was eroding the bank, it would be a benefit to the City if the property owners put in riprap.

Steve McArthur said there were two issues. He said he could see the benefit in allowing the property owners to take steps to prevent erosion. On the other hand, it seemed like a very serious encroachment to put in a fire pit and basically make it an extension of their property. The fire pit, etc were quite visible from the trail and for someone driving by. He was concerned that it would send a message to others that it was okay to encroach on open space. He said he was also concerned with having a fire pit with the brush along the creek.

Eric Loveland said they had installed sprinklers in the open space area. They could pull them back to the property line in order to conform to the ordinance, but he would like to leave in the trees and bushes.

Jannicke Brewer said the ordinance did not allow sprinklers, but a drip line would be acceptable. She said she would be willing to let the trees and plantings stay, but the Lovelands needed to move the fire pit and paving stones onto their own property.

Eric Loveland said they hadn't meant to violate the statute, but he felt they should be able to protect their land from erosion.

MOTION: Steve McArthur moved to recommend that the Lovelands come back to the Planning Commission with a landscaping proposal that used natural vegetation as much as possible and used a drip line. The flagstones and fire pit should be removed from the public open space. Jim Tracy seconded. Ayes: 6 Nays: 0. Motion passed.

Steve McArthur asked if a stream alteration permit would be required to do work in the streambed and suggested the City formalize the use of the riprap to make sure it did not fail.

Ted Stillman said that Shane Sorensen and Jay Healey and himself could inspect the work. They would meet with the other homeowners along the creek who had also encroached in the open space. They would look at the riprap on the other side of the stream, as well.

Craig Skidmore noted that erosion measures on one side of the creek could divert the water to the other side of the stream and cause the bank to fail. They needed to figure about the best way to put in the rock so it didn't cause problems on the other side of the stream.

Kim Loveland said the ground was eroding under the fence and it left gaps. She was concerned that a child could slip under the fence, which would be dangerous. They needed to have some way to fix it.

10. T-MOBILE CELL TOWER REQUEST: Ted Stillman said T-Mobile had submitted a request to locate a cell tower in a location in Lambert Park other than on the rodeo ground. The ordinance stated that the first priority location for a cell tower was the rodeo grounds, and that stealth towers were preferred. Other designs and locations would be considered, however.

Shane Sorensen had reviewed the application and had a number of questions. He said much of the application did not conform to the new ordinance.

Michael Hansen, who was representing Jerome Gourley had just received a copy of the ordinance. He also had a copy of the City Engineer's comments.

Ted Stillman said the application raised a number of questions that the Planning Commission needed to consider. First, did they want to consider allowing another site for the cell tower or should they direct the applicant to the rodeo grounds?

Jannicke Brewer asked why T-Mobile did not choose the rodeo grounds as a site. Michael Hansen said the RF studies showed that if the cell tower were located at the rodeo grounds, the southeast quadrant would be blocked, and that was the main area where they were trying to provide coverage.

Jim Tracy suggested they give the applicant time to respond to Shane Sorensen's review letter, and come back with another application that complied with the ordinance.

11. STANDING COMMITTEE – SITING SIGNIFICANT NON-RESIDENTIAL STRUCTURES AND FACILITIES – LINCOLN WATKINS: Lincoln Watkins said that after going through the process of building a charter school in Alpine, he discovered there were a lot of people that didn't feel like they knew what was going on. He suggested that the Planning Commission consider a standing committee to address such situations. He had written a proposal for such a committee, who would be on it and what criteria would be considered.

The Planning Commission discussed his proposal and agreed a standing committee that worked on applications for large, non-residential structures would be a good idea.

Jim Tracy said Alpine's ordinances already addressed such issues as height, setback and traffic circulation. There was nothing that addressed bulk and massing, off-site parking and construction staging. He suggested the Council consider a 30-day moratorium on large buildings while the Planning Commission and staff worked on putting Alpine's ordinances into compliance with the new state legislation.

MOTION: Lincoln Watkins moved to submit a proposal to the City Council to establish a Standing Committee for the Siting of Significant Non-residential Structures and Facilities in Alpine City, in conformity with the Planning Commission agenda of May 16, 2006, and that further contain proposed ordinances that would make consistent Alpine City's land use ordinances with the recently enacted land use ordinances of the state of Utah, and in addition a 30-day moratorium be placed on all applications on the foregoing until such time as Alpine City can make all ordinances consistent with ordinances passed by the State of Utah on May 1, 2006, and that this apply to significant non-residential structures in excess of 20,000 square feet. Steve McArthur seconded. Ayes: 6 Nays: 0. Motion passed.

Shane Sorensen ask if something like Lon Nield's commercial development would have to go through the process since he already owned the ground on which he wanted to build.

Lincoln Watkins said that only the moratorium would apply to such situations. The City Attorney would need to look at it.

There were a number of questions about the proposed committee and ordinance. Jim Tracy said that if the City Council approved the basic idea, they could send it back to the Planning Commission to work out the details.

Steve McArthur said there were some 20-foot solar towers that he would like to see addressed. Jim Tracy said he thought there was something in LUDMA that protected the right to solar and wind towers.

Kimberly Bryant asked if there was something in the nuisance ordinance that could require people to get rid of junk. Ted Stillman said that sometimes the best enforcement was through the health department.

12. CONTINUING EDUCATION: Ted Stillman said Craig Call was offering seminars on Land Use. He encouraged everyone to go.

13. APPROVE MINUTES OF MAY 2, 2006

MOTION: Kevin Cospers moved to approve the minutes of May 2, 2006 and adjourn. Lincoln Watkins seconded. Ayes: 6 Nays: 0. Motion passed.

The meeting was adjourned at 11:00 pm.