

**ALPINE CITY PLANNING COMMISSION MEETING AT
Alpine City Hall, 20 North Main, Alpine, Utah
February 6, 2018**

I. GENERAL BUSINESS

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

Chairman: David Fotheringham

Commission Members: Bryce Higbee, David Fotheringham, John Gubler, Sylvia Christiansen

Staff: Austin Roy, Jed Muhlestein, Marla Fox

Others: Ramon Beck, Jim Wright, Mark Cluff, Ned Callister, Debra Callister, Catherine Marchant, Sherman Myers, Ralph Summers, Jeff McCain, Katherine Chatfield, Robert Chatfield, Lacie Lawrence, Marcus Sorensen, Karen Quick, Julie Yarbrough, Griff Johnson, Valerie Myers, Ed Bush, Jeff Hall, Jake Satterfield, Bret Wiseman, Darryl Stallings, Sheryl Anson, Whitey Anson, Susan Cluff, Breezy Anson, Rick Smith, Chris Paulsa, Shahbaz Janjua, Skylor Smith, Mike Davis, Jonlan Tingey, Will Jones, Karolyn Smith, Rick Hartvigson, Steve Bushman, Ellen Hall, Chuck Yarbrough, Melinda Auble, James Lawrence, Terry Smith, Tom Watkins, Alan Gillman, Steve Neeleman, Angela Adams, Kasey Adams

A. Prayer/Opening Comments: Sylvia Christiansen

B. Pledge of Allegiance: Robert Chatfield

II. PUBLIC COMMENT

Jeff McCain, 675 Hubbard Circle, asked for details about the garage being constructed on the property at the corner of Westfield Road and Sunrise Drive.

Austin Roy explained that the property owner had approached the City and submitted plans for an accessory structure. The property owner was aware of the many complaints the City had received regarding the existing structure, and his plan was to clean up the property and finish the new garage in a reasonable timeframe. Eventually, the owner would construct a home on the property. Mr. Roy did not work for the City at the time the original structure was approved, so he was not sure why the garage was approved before the main dwelling.

Julie Yarbrough, 782 Lupine Drive, asked about the required setbacks for the garage.

Austin Roy stated that setbacks for accessory structures were smaller than those required for main dwellings.

III. ACTION ITEMS

A. Planning Commission Training – Jim Wright

Jim Wright introduced himself as a representative of the Utah Property Rights Ombudsman's Office and said that he would be leading the Planning Commission training. He first explained the duties of the Planning Commission and the differences between legislative and administrative action. The Planning Commission's duty was to consider ordinance and codes, and to make

recommendations to the City Council. They also could act as the land use authority on certain applications and make final decisions.

David Fotheringham commented that the Planning Commission recently finished a full review and update of the General Plan and it would be presented to the City Council in the next few weeks.

Jim Wright said reviewing the General Plan was an ongoing process because applicants would propose amendments and adjustments all the time. He then addressed conditional uses and said that they had their own set of laws. If an issue could be reasonably mitigated with the conditions, then the Planning Commission needed to approve the conditional use. A hearing for a conditional use was not an opportunity for the City to go back and decide whether they wanted that particular use in the City. In these types of cases, the Planning Commission was not free to use all the public input in the decision-making process because the law had already been made. He emphasized the need to make decisions that were supported by substantial evidence on record.

Sylvia Christiansen asked for examples of acceptable evidence that the residents could bring forward. Jim Wright said they could bring studies conducted by other cities or professionals.

Jim Wright continued by giving the definition of a conditional use and explaining that they were essentially permitted uses that may not be appropriate in all areas of a zone or City. If an applicant was able to meet the standards outlined in the code and any potentially issues reasonably mitigated by additional conditions, then the application must be approved.

The Planning Commission asked Jim Wright to address boundary issues, and he explained that there was a doctrine in Utah called Boundary by Acquiescence. After a period of at least 20 years, if two adjacent property owners treated a physical marker as the boundary between their properties, then that would become the new property line automatically. He stressed the importance of trying to keep city and county records that reflected those changes.

B. Public Hearing: Amendment to the Zoning Ordinance – James Lawrence

Austin Roy presented the staff report and explained that the petitioner was requesting an amendment to Zoning Ordinance 3.7.3.12.2 to increase the number of allowed automobile bays from four to five. Due to an increase in business, the petitioner would like to add one more garage door to the existing building, and the addition would not change the footprint of the building or increase the square footage. Austin Roy presented the proposed language amendment.

David Fotheringham opened the Public Hearing.

James Lawrence, the applicant, explained that the City didn't have an ordinance for automotive shops at the time that he started the business, so they created the current one. At that time, his business only needed four bays, so that's what they put in the ordinance. He had now outgrown the four bays and was seeking for an additional one.

David Fotheringham closed the Public Hearing.

MOTION: Bryce Higbee moved to recommend approval of the amendment to the Zoning Ordinance and for the James Lawrence Automotive Shop from four bays to five bays.

Sylvia Christiansen seconded the motion. The motion passed with 4 Ayes and 0 Nays. Bryce Higbee, David Fotheringham, John Gubler and Sylvia Christiansen all voted Aye.

C. Public Hearing: Planned Residential Development Concept Plan – Griff Johnson

Austin Roy presented the staff report and explained that the applicant submitted a proposal for a Planned Residential Development (PRD) and Concept Plan for the Alpine View Estates Subdivision, previously known as the Chatfield property. The property was located west of 400 West and south of Lupine Drive, and the subdivision would access Blue Spruce Road and 400 West. The proposed PRD would dedicate approximately 5.18 acres of open space and would include 19 lots ranging in size from 0.46 acres to 0.88 acres. The property was 19.30 acres in size and was located in the CR-40,000 zone. Staff was not entirely in favor of the PRD because they didn't think the open space would fulfill the City's needs.

David Fotheringham opened the Public Hearing.

Mark Cluff, 645 West Hubbard Circle, said that he didn't have a problem with development in the area, but he did not want to see half-acre lots behind his home. The proposal showed four lots abutting the back of his property. He suggested that the lots remain one acre.

Jeff McCain, 675 West Hubbard Circle, agreed that the lots should remain one acre, and he felt that the City didn't need another park.

Debra Callister, 655 Elbert Circle, wanted to be sure that the new development had proper drainage so that there wouldn't be any runoff into her property. She was not opposed to having smaller lots.

Jed Muhlestein explained that every property was required to take care of their own storm water if there wasn't some other access or outlet taking water somewhere else. The plan for this property was to have a retention or detention pond in the project.

Valerie Myers, 553 Blue Spruce Road, was opposed to the lots being reduced to half an acre.

Breezy Anson, 633 Wilderness Drive, spoke in favor of the open space. He said not all open space had to be grassed. The City could use this open space for more trails or a camping spot for scouts.

Steve Bushman, 646 West 600 North, was concerned that the open space would end up being a weed patch. He felt that the lots should be one acre so that land was well maintained by the property owners. A one-acre lot subdivision would fit in better with the surrounding neighborhood. Mr. Bushman also commented on the cul-de-sac, stating that there were too many cul-de-sacs in the City already.

Whitey Anson, 484 Westfield Road, said the minimum acreage allowed in the area was five acres when he was building his home forty years ago. When that changed to one acre, many residents came out to speak against it. However, Mr. Anson wouldn't have the neighbors he has today if

they hadn't allowed the zone change. He felt that they should allow half-acre lots so that more people could have the opportunity to live in Alpine and become his neighbors. The City should consider living space and what is needed for people to live in an enjoyable environment.

Terry Smith, 425 Quincy Court, agreed with Whitey Anson's comments about half-acre lots, and said he liked the proposed open space.

Shahbaz Janjua, 549 Lupine Drive, said he was not comfortable reducing the lot sizes by half, although he would be open to lots that were cut down from one acre by a smaller amount. Mr. Janjua moved to the area because he knew that all of the development around him would be one-acre lots.

Tom Watkins, 734 Summit Way, commented that the City created a General Plan based on what the infrastructure could handle, and that infrastructure could not accommodate smaller lots. He urged the Planning Commission to adhere to the current General Plan.

Alan Gillman, 451 Westfield Road, was concerned about the stub road and when it would connect to another neighborhood. He asked if there would be a temporary turnaround until that connection happened. Jed Muhlestein confirmed.

Julie Yarbrough, 782 Lupine Drive, was in favor of keeping the lots to one acre. Her concerns were primarily about water availability and water pressure. She also wanted clarification on the stub street.

David Fotheringham closed the Public Hearing.

Griff Johnson, the applicant, addressed some of the concerns raised by the residents. He stated that the stub road was part of the City's Streets Master Plan, so they didn't have a choice about where that road went. Regarding lot sizes, Mr. Johnson said all the lots on the perimeter of the development were larger than a half-acre. Only two lots in the center of the development were half-acre lots, and they would be overlooking the open space. There would be a detention area in the open space, which should resolve any potential drainage issues.

Sylvia Christiansen asked staff if developers frequently asked for smaller lots. Jed Muhlestein explained that the applicant was asking for a PRD in order to obtain those smaller lots, and a PRD was allowed by ordinance. The PRD would have to be approved by the City Council. A PRD would allow the developer to retain natural areas and green space within the development.

Bryce Higbee commented that he liked the PRD because it allowed for the scrub oak to be preserved, but he did not like the number of lots proposed.

In response to a question from the Planning Commission, Griff Johnson confirmed that the homes would be subject to restrictive covenants for size, building materials, and landscaping.

There was a discussion regarding water and drainage. Jed Muhlestein noted that a PRD would use less water because there would be five fewer acres that needed water. The proposed development fit within the plans for the City and would not reduce the water in the surrounding areas.

Jed Muhlestein explained that staff was not in favor of the proposal because the City didn't have a good use for this kind of open space. With other natural areas like this, the City spent money on fire mitigation, taking down illegal structures, and cleaning up the area. It would be beneficial if they installed a trail to connect from Westfield Road through the Anson property.

There was subsequent discussion among the Planning Commissioners regarding the concept plan. Many of the Commissioners liked the PRD and the proposed open space, but they wanted to see fewer lots.

MOTION: Sylvia Christiansen moved to table this agenda item until the next meeting in order to get more information. The motion died with lack of a second.

MOTION: John Gubler moved to approve the Concept Plan with the PRD based on the lots sizes being CR-4000.

David Fotheringham said there would be no PRD if the subdivision was one-acre lots.

The motion died for lack of second.

MOTION: John Gubler moved to recommend to the City Council to deny the PRD and to deny the Concept Plan.

Sylvia Christiansen seconded the motion. The motion was denied with 2 Ayes and 2 Nays. John Gubler and Sylvia Christiansen voted Aye. Bryce Higbee and David Fotheringham voted Nay.

Bryce Higbee clarified that he voted "nay" because he was not comfortable with the number of lots proposed, although he did like the PRD.

Shahbaz Janjua suggested the Chatfields and the developer try to reduce the amount of lots from nineteen to fourteen or fifteen, as a compromise. This would add just a little bit to each lot and bring them closer to one acre.

D. Public Hearing: Proposed Sale of Public Open Space – Canyon Crest Road and Ridge Drive

Austin Roy presented the staff report and explained that the petitioner was seeking to acquire a parcel of open space owned by Alpine City located on the corner of Canyon Crest Road and Ridge Drive. The parcel was approximately 0.45 acres in the CR-40,000 zone. The petitioner intended to beautify the parcel and maintain it as part of his property.

David Fotheringham opened the Public Hearing.

Alan Gillman, 451 Westfield Road, commented that the proposal was sensible and should be approved.

Steve Neeleman, 303 East Feather Ridge, said he was the petitioner on this application. The subject property was an eye sore and it had a storm drain running through it. He wanted to clean up the property and install a fence around its perimeter.

Sylvia Christiansen asked how the value of the property would be determined. Jed Muhlestein said that would be determined by the City Council.

Sylvia Christiansen asked if the property had water and Jed Muhlestein answered negatively. Steve Neeleman said that he would like to irrigate the property, but he would need to work out water rights with the City. Jed Muhlestein said the City would need to establish an easement for the storm drain line if the City sold the property.

MOTION: Bryce Higbee moved to recommend approval of the sale of the Public Open Space at the corner of Canyon Crest and Ridge Drive, provided there was an easement for the storm drain on the property.

Sylvia Christiansen seconded the motion. The motion was approved with 4 Ayes and 0 Nays. Bryce Higbee, David Fotheringham, John Gubler and Sylvia Christiansen all voted Aye.

E. Public Hearing: Plat Amendment – Summit Pointe Subdivision – Blue Bison Development

Austin Roy presented the staff report and explained that the petitioner had submitted a concept plan as an amendment to the recorded Summit Pointe Subdivision, located west of Lakeview Drive and north of Hog Hollow Road. The proposed concept plan would amend the recorded plat of four lots and increase the number to fifteen. The development would be built on a road as an extension of Lakeview Drive and would be a through-street crossing the City boundary into Draper. Lot sizes would range in size from 0.94 acres to 3.92 acres. The site was approximately 32.92 acres and located in the CR-40,000 zone.

Jed Muhlestein explained that the slope analysis only allowed for 14 lots, and the concept plan showed 15.

Austin Roy said that the concept plan in the staff report had been amended that afternoon to show the correct cul-de-sac length on the west side. The developer had submitted a letter from Draper City stating that the road could be approved if the Concept Plan was approved. He then read a letter from the Alpine City Attorney stating that his recommendation was that the road needed to be a “working connection” before the City allowed an amended plat to be recorded. This same statement was given to previous petitioners for this property.

Jed Muhlestein said the concept plan had a few other issues that needed to be resolved before it could be approved. As stated in the letter from the attorney, the road needed to be in working order before approval, and there were several homes that were too high in elevation to which the City could provide water, and the number of lots exceeded the number allowed by the slope

analysis. Also, regarding slope, they had to examine each lot to be sure that the building envelope didn't exceed a certain percentage.

David Fotheringham opened the Public Hearing.

Tom Watkins, 734 Summit Way, rejected the proposed project because of the road and water issues. He said that the petitioner had negotiated with the City on this property many times, and they were told that four or five lots would be enough. Mr. Watkins said Draper City had approved a neighborhood of 400 homes and they wanted to use Lakeview Drive as a second exit for the project. This would funnel a lot more traffic through Alpine City, and their children would be attending Alpine schools.

Catherine Marchant, 554 Lakeview Drive, said that it was her understanding that Alpine's plan was to limit access into the City. Allowing this connection into Draper would go against that plan, and it would create significant traffic problems.

Ellen Hall, 765 Hog Hollow Road, recognized that development would happen in the area, but she was afraid of what the road connection would do to traffic and schools in Alpine.

Marcus Sorensen, 721 Lakeview Drive, asked if the City had to approve the proposal if it met all code requirements.

David Fotheringham said that the Planning Commission followed the City ordinances that had already been established. If the plan met code, they would have to approve the proposal.

Marcus Sorensen was concerned that Lakeview Drive would be the only access from the large Draper development.

Sherman Myers, 554 Lakeview Drive, asked that a traffic study be submitted before a decision was made on the proposed development.

Darryl Stallings, 651 West Lakeview Drive, said he never would have purchased his home where he did if he had known that this proposal was a possibility. The area already had water issues, and this would only increase the problems.

Valerie Myers, 533 Blue Spruce Road, said she recently met with the principal of Westfield Elementary for a different matter, and she was told that the schools were already full. She said the schools would not be able to take on the Draper children.

Val Summers, 733 Summit Way, asked if Alpine would be required to allow the connection if the Draper neighborhood was developed.

David Fotheringham answered negatively and explained that the City would have to approve the proposed development if it met code requirements. The decision to allow the connection would be between Draper City Council and Alpine City Council.

Steve Bushman, 646 West 600 North, expressed a concern about the steepness of the roads and the water issues.

Angela Adams, 706 West Hog Hollow Road, said the developer of the Draper development stood to make a lot of money off the Alpine taxpayers which she did not feel was appropriate.

Kasey Adams, 706 West Hog Hollow Road, asked what kind of walls would be built to stabilize the roadways, and staff said that they were unsure at this point.

Brett Wiseman, 718 Summit Way, said Lakeview Drive would be a danger zone with traffic, delivery trucks, and school busses. The developer of this property needed to keep the original plan.

David Fotheringham closed the Public Hearing

Jake Satterfield, the applicant with Blue Bison, said the new cul-de-sac did meet code requirements. The developers had the right to work with Draper City to build the roadway. Mr. Satterfield argued that the City ordinances allowed them to connect that road, and their legal counsel was ready to argue the matter. He said the proposed plan met all requirements of the code and the water issues would be addressed at a later date. They were willing to reduce the number of lots from 15 to 14 to be within the slope analysis.

Bryce Higbee felt that a traffic study was necessary to see if Alpine roads could handle the extra traffic. Jed Muhlestein said the Streets Master Plan did not take into account the amount of traffic that would come from a 400-home development. He also needed to be sure that the building envelopes were within the slope allowance.

Austin Roy said the Street Master Plan would have to be amended in order to connect to Draper City.

MOTION: Bryce Higbee moved to deny the Concept Plan because of the 15 lots, which did not meet the slope analysis, and the issue of the street connection needed to be resolved between the Alpine City Attorney and the Developer. The issue of the water needed to be looked at for those top four lots, and the building envelopes needed to be addressed.

John Gubler seconded the motion. The motion passed with 4 Ayes and 0 Nays. Bryce Higbee, David Fotheringham, John Gubler and Sylvia Christiansen all voted Aye.

IV.COMMUNICATIONS

There were none.

V. APPROVAL OF PLANNING COMMISSION MINUTES: January 16, 2018

MOTION: Bryce Higbee moved to approve the Planning Commission Minutes for January 16, 2018, with corrections to page 2, line 4 to change the sentence to present tense.

John Gubler seconded the motion. The motion passed with 4 Ayes and 0 Nays. Bryce Higbee, David Fotheringham, John Gubler and Sylvia Christiansen all voted Aye.

ADJOURN

David Fotheringham stated that the Planning Commission had covered all the items on the agenda and adjourned the meeting at 9:50 p.m.