

**ALPINE CITY PLANNING COMMISSION MEETING at  
Alpine City Hall, 20 North Main, Alpine, Utah  
Jan 20, 2015**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 7:00pm by Chairman Jason Thelin. The following commission members were present and constituted a quorum.

Chairman: Jason Thelin

Commission Members: Bryce Higbee, Steve Cosper, David Fotheringham, Jason Thelin, Chuck Castleton, Steve Swanson, Judi Pickell

Commission Members Not Present:

Staff: Jason Bond, Jed Muhlestein, Marla Fox

Others: Andrew Peterson, Eli Slesk, Brandon Maughan, Will Jones, Earl Cline, Greg Ketch

**B. Prayer/Opening Comments:** Steve Cosper

**C. Pledge of Allegiance:** By Invitation

**II. PUBLIC COMMENT**

No comment

**III. PLANNING COMMISSION ELECTION OF CHAIR AND VICE-CHAIR**

Steve Swanson nominated Steve Cosper to be the Planning Commission Chairman.

David Fotheringham nominated Judi Pickell to be the Vice-Chairman

The Planning Commission was unanimous with this decision.

**IV. ACTION ITEMS**

**A. Legal Non-Conforming Apartment Extension Request –Lomoin Partners**

Lomoin Partners is preparing to purchase the property located at 201 West Center Street. The property contains a legal non-conforming apartment building that was built in 1978. However, there are 6 units in the building but only 4 units are legal according to the previous ordinance that was in place at the time the building was built. The applicant is proposing to renovate the apartment building in a way that enhances the property and the neighborhood. This will include a full interior renovation and a new asphalt parking lot. The applicant claims that in order for this to be financially feasible for them to purchase and renovate, they will need the 5<sup>th</sup> and 6<sup>th</sup> units to be legal and available for rent.

Jason Bond said at the time this building was approved; only four units were legal. Sometime in the past, someone renovated the apartment and made six units in the building without coming to the city to get a building permit.

Greg Ketch said an old laundry unit was converted into a unit but he's not sure how the sixth unit came to be. He said there are six meters and six mailboxes and it's been like this for years. Jason Bond said the applicant would like to make these units legal and in doing so, he would like to renovate the building, units, parking lot and landscaping.

Jason Bond said this could be a win/win situation for everyone and something that could enhance the neighborhood. Greg Ketch said it's obvious that management has been lacking with this building. He said he lives in Alpine and would like to renovate the building and make it nice for the neighborhood and the community. He said there are three stairwells and said there had to be five units in there to begin with. He said as far as they can tell; only the laundry room was converted.

Judi Pickell said our ordinance allows for this as long as the building footprint is not changed too much or causes a negative impact on the neighborhood. Steve Swanson that means the units can increase in size but you can't increase the number of units. He doesn't think its right that someone running an illegal apartment can do this and then sell this as an illegal building just to make more money. The Planning Commission had a discussion about whether they

wanted to give an exception and whether they want to set a precedent. Bryce Higbee said he would like to enforce what was approved when this building was built. If that is five units then someone will have to move out.

The applicant said the city has already set precedent when they allowed basement apartments to be legal. Jason Thelin said that is not the same thing because you can only rent out your basement if the home is owner occupied. The city does not allow anyone to rent out the top and bottom of a home because it then turns out to be a duplex.

Chuck Castleton said he lives close to this building and it's not in good condition and any improvement would be great. The applicant said the building was not changed to put in the sixth apartment. He said it has been this way for at least ten years and nothing would change if it was to become legal. The Planning Commission reviewed the ordinance and discussed what they thought the meaning was. They said there are conflicting ordinances that tie their hands. Jason Bond said the ordinances need to be revised so they make sense.

**MOTION:** Bryce Higbee recommended that approval of the proposed legal non-conforming extension be approved with the following conditions as long as it does not violate our ordinance.

1. Only 4 units be rented out until all of the proposed renovations and any other items as deemed necessary are completed according to the building code and are approved by the Building Inspector.
2. The parking lot be asphalted as proposed with the approval from the City Engineer.
3. All units be given new cabinets, appliances, floor coverings, and paint as proposed.
4. All units be given an enlarged bathroom, washer/dryer, additional cabinets, new bar, and other kitchen improvements as proposed.
5. Adequate off-street parking for 6 units be provided (12 parking stalls).
6. A landscaping plan be submitted and approved by the City Planner.

The applicant mentioned that there are other items that need to be addressed and repaired such as the stairs. Jason Bond said that condition number one would cover those items as long as they met the building code and were approved by the Building Inspector. The applicant said all of these units have leases and it will be complicated to kick someone out. Bryce Higbee asked what the plan was to get work completed when people are still living in the units. The applicant said their plan would be to give an incentive and try to buy the renters out of their lease so they will move out. He said they would tear out two units at a time and work to get them completed and then move on to the next two units until all work was completed.

The Planning Commission said they do not want to see anyone get kicked out based on this recommendation. Jason Bond said if the applicant buys this building then we need to make it a condition that they operate as it was approved and as it is legal until the renovations happen and then they can do the six units. Bryce Higbee said this proposal needs to go to the City Council because it's unique enough and David Church needs to be there and have input on it.

Judi Pickell seconded the motion. The motion passed with 6 Ayes and 1 Nays. Bryce Higbee, Steve Cosper, David Fotheringham, Chuck Castleton Steve Swanson and Judi Pickell all voted Aye. Jason Thelin voted Nay. Jason Thelin said he is voting Nay because he is not in favor of having a six-plex in that area or increasing density.

### **B. State Farm Office Building Site Plan – Eli Slesk**

The proposed State Farm Insurance office building is located on the corner of Main Street and 120 south. The property is 10,043 square feet and is located in the Business Commercial zone. Office buildings are a permitted use in the BC zone. The proposed building will be 2 stories with 2,000 square feet per floor.

The Gateway Historic zone will also apply to this proposal. The Gateway Historic zone gives the Planning Commission the ability to allow flexibility to the requirements set forth in the BC zone. The Planning Commission may recommend exceptions regarding parking; building height, signage, setbacks and use if it finds that the plans proposed better implement the design guidelines to the City Council for approval.

Jason Bond said the applicant is asking for setback exceptions on three sides of the building in order to get it to fit on the lot. They are asking for ten less feet on the front, eight less on the side and twelve less on the back setbacks. They have all the parking required with the exception of one lot. They would like to use one parking lot from their neighbor.

Jed Muhlestein said the lot had a pre existing home on it and all of the utilities are in place. He said the Fire Marshall has approved this with the removal of a power pole. He said all that needs to be submitted is a parking lot lighting plan. Jason Thelin asked if the Planning Commission would be deciding the Gateway Historic and does that need to be approved tonight. Steve Cospser said we need to have some design standards to follow for the future.

Judi Pickell asked if the building could have a Main Street entrance to give the building a Main Street feel. She said they can't have a Main Street address if the building faces 120 South. The Planning Commission asked for a Main Street front and put a door in the back so customers can come in the back door. The applicant said they had talked about doing that but don't want customers to have to walk from the back of the building to get to the front door. They said the lot is so small the only way they could get the building to fit was to put the front of the building to the side lot.

Jason Thelin said it makes sense to give the setback exceptions and parking because the lot is so small and it will be difficult for any business to build there. He asked if this business would be required to have a dumpster. Jason Bond read from the ordinance where it states that it is up to the city whether the business would be required to have a dumpster or a regular garbage can. Jason Bond said the business would have to designate an area for the garbage or dumpster. The applicant said they do not need a dumpster and do not have room in the parking lot for one.

Staff recommends that approval of the proposed site plan be granted provided the following items are addressed:

1. The Developer provide a lighting plan.
2. An exception be considered by the Planning Commission and City council regarding setbacks.
3. An exception be considered by the Planning Commission and City council regarding six (6) parking stalls location within the setback.
4. An agreement provided between property owners regarding the excess parking stall proposed to be on the adjacent property be considered by the Planning Commission and the City Council.
5. No trees be planted within the sight triangle and other landscaping be placed in a way that will never affect visibility on the corner of 120 South and Main Street.
6. The preliminary architectural design drawings be considered by the Planning Commission and City Council.

The Planning Commission postponed this proposal and asked the applicant to bring in renderings of the building and be more detailed with the materials. Jed Muhlestein also reminded them to bring in a lighting plan.

## **V. COMMUNICATIONS**

Jason Bond asked how we can get the ordinances updated. He asked the Planning Commission if they wanted to each take a different one and work on it and bring it back. The Planning Commission said they would rather have Jason Bond work on the ordinances and then bring them back to them for review.

## **VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: Dec 2, 2014**

**MOTION:** Steve Swanson moved to approve the Planning Commission Minutes for Dec 2, 2014 subject to changes.

Chuck Castleton seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Steve Cospser, David Fotheringham, Jason Thelin, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.

Jason Thelin stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:00pm.