

**ALPINE CITY PLANNING COMMISSION MEETING AT
Alpine City Hall, 20 North Main, Alpine, Utah
February 7, 2017**

I. GENERAL BUSINESS

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

Chairman: Steve Cospers

Commission Members: Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, Carla Merrill, John Gubler

Staff: Jason Bond, Jed Muhlestein

Others: Mayor Sheldon Wimmer, Councilmen Ramon Beck, Roger Bennett and Lon Lott, Loraine Lot, Will Jones Richard Hartvigsen, Ethan Ellsworth, Collin Lovelady, Lucas Marion Dan Clark, Marco Sarco, Jake Day, Treyden Pettey, Bradley Irving, Bryan Irving, Lance Ellsworth, Mark Wells, Taylor Smith, Ron Beckstrom, Sylvia Christiansen, Colleen Sartos, Mike Marion

- A. Prayer/Opening Comments:** Bryce Higbee

- B. Pledge of Allegiance:** By Invitation

II. PUBLIC COMMENT

Mayor Sheldon Wimmer spoke about a proposed water shed protection area map and said it was basically all of the open areas in Alpine that are in the possession of Alpine City properties. He said there are some private lands that are not included in this. He said he spoke with representatives from Draper City and talked about some open area to the west of us.

Mayor Wimmer said the proposal is to identify the areas that could be protected for water shed values. He said if there are erosion issues on these sites we would stop further erosion and protect the hillsides from unraveling in some ways. He said we've had issues with this in the higher elevations when we have had high amounts of water.

Mayor Wimmer said the second part would be to provide a stable trail system through there for recreational purposes. He said he would like to see this connect with Draper City and along the top by the Bonneville Shoreline Trail.

The third element would be a vegetative plan because these areas have been subject to fires in the past. Mayor Wimmer said we would have seed mixtures identified and in case of a fire or vegetation wiped out, we would have a plan to enact and be able to get the vegetation species established again and re-establish our water shed to protect it. He said our aquifers are recharged off of these sites and said he will talk to the Forest Service to see if they will include part of the wilderness area as part of the protection area.

Steve Cospers asked the Mayor if this is something he thought should be in the General Plan and the Mayor said he thought it should be.

III. ACTION ITEMS

A. Summit Pointe Subdivision Preliminary Plan – Mark Wells and Taylor Smith

The proposed Summit Pointe subdivision includes a total of 4 lots ranging in size from 4.14 acres to 11.95 acres on a site that is approximately 32.9 acres. Three lots are new while Lot 3 of Plat A of the Falcon Ridge PRD subdivision located at the southeast corner of the proposed development will be vacated and added to the Summit Pointe subdivision. The site is located in the CR-40,000 zone.

The adjacent property owner, Rich Hartvigsen, has hired an engineer to show the feasibility of building a public road through the proposed Summit Pointe subdivision to his property to the north. The developers are proposing a solution to the access concerns that would include the dedication of a public right-of-way on the same alignment of the private shared driveway that eventually veers off and goes through the northeast corner of the proposed subdivision to the adjacent property to the north. The developers also propose that any upgrades of the proposed private shared driveway to a public road and construction of a new public road that is not on the same alignment as the private shared driveway be the responsibility of the adjacent property owner.

The Planning Commission has also asked that the City Attorney offer some clarification on some of the legal questions that have arisen. A letter from the City Attorney was provided.

Jed Muhlestein said there are only two differences with this plan and the last one and the first difference is how they terminate their shared driveway. He said they now have a hammerhead instead of a turn-around because a hammerhead is more conducive for the fire trucks to turn around in. The second change is where the proposal of the right-of-way for the future access is for the Hartvigsen property.

Jed Muhlestein read a couple of lines from Attorney David Church's letter regarding the access for the Hartvigsen property. "The City has an obligation to not put the neighboring property in a worse condition by approving this subdivision". And, "The City should attempt to put the neighboring property in a better condition if it is possible to do so without violating the rights of the Developer". He goes on to say, "If a landlocked parcel already exists, then we should try to remedy the situation if it can be remedied without destroying the subdivision of the applicant".

Jed Muhlestein said we received letters from both the Hartvigsen's and the Developers talking about the feasibility of two different right-of-ways through the property. He said basically, it boiled down to what David Church wrote when he said, "If the City Engineer decides a road is feasible, then the Planning Commission should require the proposed plat to include the stub street right-of-way and determine who should pay to have the right-of-way improved". He goes on to say, "Those that benefit pay for the road including right-of-way costs in proportion to the received benefit". His last sentence says, "If it's not feasible, then you can approve without the stub street".

Jed Muhlestein said we've been shown a couple of alignments proposed for the development. One alignment is from the Developers themselves and he showed this plan on the overhead. This plan shows a right-of-way using the same alignment as the private road and then veering off to the Hartvigsen property. The other option from Mr. Hartvigsen shows the road coming up between lot one and lot three. Jed Muhlestein showed how a road could be feasible coming off Lakeview up north to Mr. Hartvigsen's property but said it would need twenty to thirty feet of fill to make a twelve percent grade and that's not going to be cheap.

Jed Muhlestein said it comes down to two options for the Planning Commission to recommend. The Stub Street Ordinance asks the Planning Commission to make a recommendation to the City Council regarding whether or not they would require Summit Pointe to provide a fully improved street to the Hartvigsen property or just a right-of-way. And number two is that the Planning Commission has to decide which one of these plans they want to recommend. He said they are both feasible but they both impact the property in different ways.

The Planning Commission had a discussion about the road and which option they should choose. They also talked about whose responsibility it was to pay for the road.

Mark Wells said in a traditional subdivision, you have public roads that are expensive and in this terrain, you would need retaining walls and a secondary access. He said that's why a private driveway works so well in this situation. Steve Cospers said the cost for the road and the secondary access would be on Mr. Hartvigsen and asked Mr. Wells if his objection was aesthetics. Mr. Wells said it would be the economics because of the four large lots on a private driveway. He said if a public road were put through here with a secondary access, you would need retaining walls and all of that would change the layout of the subdivision. He said if you do that, they might as well go back to the full subdivision with fourteen lots.

Mr. Wells said their design for the right-of-way has been fully designed by their engineer and reviewed by the City Engineer and does meet the ordinance and does not put a huge economic burden on their subdivision.

Mr. Hartvigsen said he would like to go back to the ordinance where it talks about providing access for the logical development of the adjacent property. He said the reason Mr. Wells abandoned his previous proposal was because of the prohibitive costs of putting in a road across the ravine and running it out the other side.

Mr. Hartvigsen said it would cost millions of dollars for him to build the road with all the fill dirt all the way up and around to where there's a development possibility. He said that is not what the statute calls for and not the logical development.

Mr. Hartvigsen said the problem with the Summit Pointe Development is that it meets the letter of the requirement as far as a private drive but it's only because they have access to the through street. He said this is not real access, it is essentially a very long and dangerous cul-de-sac. He said if

there is a fire and it comes up the hill and cuts off access, all of the people in the development would be out of luck and the firefighters would be out of luck.

Mr. Hartvigsen said he's been trying to work this out so it benefits both parcels and said he's not going to be able to develop unless he can work out a secondary road that goes out of the property. He said he's talked with the property owner to the west to work out a secondary access through Draper City and that road could be used as an emergency egress road in case of a fire and it would protect the homeowners and firefighters. He said it would really be a condition of him being able to develop his property and it would be a max of two or three lots. He said if he has to pay millions of dollars to put in a road, he won't be able to develop his property.

The Planning Commission had a discussion about Mr. Hartvigsen's property developing based off his assumption that he will get an access road through Draper City. Jason Thelin said it's a pretty big burden for the developers to cut their property in half when the likelihood of connecting into Draper, based on precedence, is pretty low.

Jason Bond mentioned that Draper City is under contract to sell their property next to the Hartvigsen's to a developer. Jane Griener said that Draper City has surplus open space they want to sell to raise money for the City.

Mark Wells said the reason they are putting in the right-of-way is to comply with the stub street ordinance. He said they don't benefit in any way from the right-of-way because they have frontage down on a public street. Mr. Wells said none of their houses will front on the right-of-way or on Mr. Hartvigsen's preferred route and it takes property away from them and creates a remnant piece which they will likely give to the city as open space.

Mr. Wells said his proposal will be about 900 feet and Mr. Hartvigsen's route will be about 1800 feet. He said both plans are very significant in terms of dollars which could be a million dollars. Steve Cosper asked Mr. Wells what this road would do to his property values. Mr. Wells said the road will not benefit their subdivision in any way; in fact it's hurting us.

The Planning Commission had a discussion on whether joining on to a private driveway meets the ordinance for an access. Jed Muhlestein said the Fire Marshall has signed off on that road being an emergency access.

Taylor Smith said a private right-of-way across their property is a private matter and not the City's responsibility to direct that. He said Mr. Hartvigsen property is landlocked and he has no access to it period. Mr. Smith said they are anxious to meet the ordinance but running a road up through their property will substantially devalue their property. He said what they have proposed meets the ordinance and it comes down to what is convenient to them or convenient to Mr. Hartvigsen. Mr. Smith said it's their property, they have met the ordinance, and they would appreciate the approval.

MOTION: Jane Griener moved to approve the Summit Pointe Subdivision Preliminary Plan with the following conditions:

1. The Developer work with the City concerning the trail indicated on the Trails Master Plan going through the proposed subdivision.
2. The Planning Commission make a recommendation to the City council regarding access to the adjacent property to the north and that this decision be made by the City Council before a Final Plat is submitted to the City.
3. Building Permits are not released until the stated off-site improvements are complete.

The motion failed due to the lack of a second.

MOTION: Jason Thelin moved to delay approval of the Summit Pointe Subdivision Preliminary Plan until we can see the layout of the trail system in this subdivision and evaluate it.

Mark Wells said this subdivision is not a PRD and they are under no obligation to provide a trail. He said they are providing a trail out of their own generosity.

John Gubler seconded the motion. The motion failed with 1 Ayes and 6 Nays. Jason Thelin voted Aye. Bryce Higbee, David Fotheringham, Steve Cospers, Jane Griener, Carla Merrill, and John Gubler all voted Nay.

MOTION: Jason Thelin moved that the proposed Summit Pointe Subdivision Preliminary Plan be approved with the following conditions:

1. The Developer work with the City concerning the trail indicated on the Trails Master Plan going through the proposed subdivision.
2. The Planning Commission recommends the option (first option) presented by the Summit Pointe Developer for access to the property to the north.
3. Building Permits are not released until the stated off-site improvements are complete.

Jane Griener seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, John Gubler and Carla Merrill all voted Aye.

MOTION: Bryce Higbee moved that the access stay as a right-of-way easement and that the property owner to the north bear that cost.

Carla Merrill seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, John Gubler and Carla Merrill all voted Aye.

B. Parks Maintenance Building Rendering Review

A new Alpine City parks maintenance building is proposed to be located on city-owned property at approximately 545 East 300 North. The site plan reflects input from staff and from the public.

Also provided are some proposed renderings of the building that have been prepared by Curtis Miner Architecture. Different options include different roof styles and exterior materials.

These renderings are before the Planning Commission so that they can offer their suggestions and make a recommendation to the City Council.

Jason explained that the first option is a hip style roof and the intention is to have it blend in with the residential neighborhood. The hip roof is taller and will probably be seen more. The second option is a flat roof which does not feel residential but will be about ten feet shorter.

Jason Bond said there is also the proposed building materials. The first is a concrete masonry unit like a cinderblock building. The other option would be to use the concrete masonry unit on the bottom and a firehouse looking brick on the top.

Ron Beckstrom said the hip roof will look much nicer and the flat roof will look industrial. He said the whole problem from the beginning was putting an industrial building in the middle of a residential neighborhood. He said the more stylish you can make it look to fit in with the neighborhood, the better.

Jed Muhlestein said there is about a \$40,000 difference between the CMU material and the brick option with the brick being more expensive.

MOTION: Carla Merrill moved to recommend to the City Council approval of option 2 which consists of a hip roof and the use of concrete masonry unit (CMU) for the exterior finish.

Jane Griener seconded the motion. The motion passed with 5 Ayes and 2 Nays. David Fotheringham, Steve Cosper, Jane Griener, John Gubler and Carla Merrill voted Aye. Jason Thelin and Bryce Higbee voted Nay.

C. Salt Shed Site Plan, Public Works Department

The Alpine City Public Works Department needs a salt shed structure to cover the pile of salt that is used for snowy roads in the winter time. This would be in compliance with EPA requirements.

The shed will be 900 square feet (30' x 30') and it is proposed to be put near the south west corner of the property where the public works building is located. Because of the adjacent legal non-conforming commercial buildings that sit right on the property line, this salt shed structure would be better tucked away from the residential property owners to the west if it is placed closer to the property line. It is proposed that the salt shed structure have a 10 foot setback from the south property line. The Gateway/Historic Zone allows the City to grant an exception to be made to the setback requirements if it finds that the plans proposed better implement the design guidelines (Section 3.11.3.3.5). This exception requires a recommendation from the Planning Commission and approval from the City Council. The Planning Commission was informed of the proposal at the January 17th meeting but they were not able to act on it because it was not an agenda item.

The Public Works Department has received bids for the steel portion of the structure of the salt shed and they suggest that the approval process be expedited to avoid a price increase that is expected to happen on February 1st. The chosen vendor is CO Building Systems and the price for the steel structure is \$9,582.

The City Council conditionally approved the site plan on January 24th with a condition that the Planning Commission review the site plan. If there are any recommendations made by the Planning Commission, they will be taken to the City Council for further consideration.

Steve Cosper said he would prefer the shed to be in the corner and Bryce Higbee asked why it couldn't be in the corner. Jed Muhlestein said the reason it's proposed to be where it's at is because the trucks that deliver salt usually have two trailers and are very large. They need to have the space to turn around and back into the shed and it's too hard if the shed is in the corner.

MOTION: Bryce Higbee moved to recommend approval of the Salt Shed Site Plan as proposed.

David Fotheringham seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, John Gubler and Carla Merrill all voted Aye.

D. General Plan Update

Jason Bond asked the Planning Commission to review the Public Facilities Element to see if they had any ideas or suggestions. He said he will work with Jed Muhlestein because this is right up his alley. He said he will work on this and come prepared next time with some new language to go over.

Jason Bond said his intention is to take out unnecessary language and Steve Cosper said he agreed. He said he would like to see the five pages boiled down to just one outline because there is just way too much stuff in here that's not necessary.

IV.COMMUNICATIONS

Bryce Higbee said he would like to see the manholes fixed on Grove Drive. Jed Muhlestein said this project was scheduled but the man who was supposed to do it forgot and left town and then it snowed. So now the project is pushed off until Spring but said the Canyon Crest project was completed.

V. APPROVAL OF PLANNING COMMISSION MINUTES: January 17, 2017

MOTION: David Fotheringham moved to approve the Planning Commission Minutes for January 17, 2017, as written.

Carla Merrill seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, Carla Merrill, and John Gubler all voted Aye.

Adjourn

Steve Cospers stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 8:40 p.m.