

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
July 21, 2015**

I. GENERAL BUSINESS

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

Chairman: Steve Cosper

Commission Members: Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, Steve Swanson, Judi Pickell

Commission Members Not Present: Bryce Higbee, Jason Thelin, David Fotheringham

Staff: Jason Bond, Marla Fox, Jed Muhlestein

Others: Lon Lott, Roger Bennett, Will Jones, Joshua Wright, Gary Rogers, Jim Harris, Judy Harris, Dave Shattuck, Nelda Shattuck, Ezra Lee, Robert Peterson, Kathy Whiting, Lee Beckstead, Robert Jackson, Carole Leavitt, Jennifer Anderson, Ross Welch, Pam Welch, Paul Bennett, Sue Lambert, Erin Darlington, April Cooper, Mariann Richardson, Olin Johnson

B. Prayer/Opening Comments: Steve Swanson

C. Pledge of Allegiance: By Invitation

II. PUBLIC COMMENT

No Comment

III. ACTION ITEMS

A. PUBLIC HEARING – Box Elder South Annexation Discussion

At the June 23, 2015 City Council Meeting, Lon Lott made a motion to send the Box Elder South annexation question to the Planning Commission to have it vetted out and have them make a recommendation. Lon Lott, Roger Bennett and Will Jones voted Aye, Troy Stout and Kimberly Bryant voted Nay. The motion passed.

Box Elder South is an approved subdivision in Utah County. The development will happen whether Alpine City annexes it or not. If the annexation policy plan were to be amended the lane use could potentially be in the CR-40,000, TR-5 zone with 59 lots.

Jason Bond said this property is owned by Patterson Construction. He said the Fire Chief said he considered this development very safe and meets all the codes as long as they adhere to all the items they are supposed to do. At the end of August this development will move forward recording the development with the County and there is still time to discuss it with the city.

Steve Cosper wanted to know how this development will benefit the city rather than keeping it with the County. Jason Bond said an educated guess would be that it will be a wash. All the utilities will be serviced by the city anyway. Rich Nelson said the city took the homes in Heritage Hills and looked at the one time building revenue for impact fees and inspections. He said they also looked at ongoing costs and all of these compared to box Elder was were pretty much a wash from a finance standpoint. He did say snowplowing may take a little bit longer to get to those streets. He said annexing this development is not money driven.

Jane Griener asked what the finances would be if this development stayed in the city. Rich Nelson said the sewer costs double if they are outside of the city. He said water costs would be the same and they wouldn't have secondary PI water. Jason Bond said the Police and Fire coverage would be provided by the city just because of the proximity. The HOA would pay the city for that service. If the development stays in the County, the County would pay their share to the Police and Fire. Steve Swanson asked about liability for the city. Rich Nelson said the city would have the same liability if the development was in the city or in the County; the costs would be the same and we would respond the same way.

1 Rich Nelson said the city attorney said with regard to liability, there's two types of liability. One would be if you do
2 something really stupid and the other is if an emergency happens like a fire or a flood. He said in an annexation, it
3 would be the same as if it was already inside the city and we were approving it as a development.

4
5 Steve Cospers wanted to know if the second access is through Lambert Park. Rich Nelson said in the settlement, the
6 road has to be there and be serviceable for the developments use in an emergency but it doesn't have to be paved.
7 Steve Cospers asked how we would ensure that the road isn't being used all the time. Jed Muhlestein said there is a
8 sign stating the road is for emergency only and Jason Bond said this is an enforcement issue. Rich Nelson said there
9 would be a police presence to let people know they can't drive on the road. He said they are proposing 12,000
10 dollars to have police officers up there on Saturdays and for the first little while, on Sunday mornings.

11
12 Steve Cospers asked if there would be a big push to pave the road through Lambert Park. Judi Pickell asked who
13 owned the road. Jason Bond said the city owns the road and the second access came about by litigation. He said the
14 road is on city property and it is the intention of the city to maintain the road in its current state.

15
16 Judi Pickell said if we keep the property in the city, we could have more control over the development because they
17 would be required to follow city code. Jed Muhlestein said we would have control of the environmental wildlands
18 and how the lots are landscaped and the materials on their roofs. Steve Swanson asked if there would be any issues
19 with the slope and would it require any retaining walls. Jed Muhlestein said the slope is generally pretty flat and
20 won't cause an issue with the city ordinances.

21
22 Judi Pickell asked why the City Council wanted the Planning Commission to look at this again. Rich Nelson said
23 there is the finance issue because we have the one time money and you also have the fact that since we're going to
24 be delivering water, sewer, police, garbage and everything else, why shouldn't we just make them part of the
25 community. He said there are only a few sections in that area that have the ability to be developed and we need to
26 decide if we want to include this property and bring them into Alpine.

27
28 Jane Griener said the City Council had an issue because the owner had this approved in the County and then tried to
29 get it annexed in the city and circumvented the city process. They were worried that this would set a precedence
30 that developers can get approval with the County and then be added to the city later on.

31
32 Jane Griener said when the first annexation discussion took place, the property owner hadn't come to the city to ask
33 if they could be annexed. She wanted to know if any discussion has taken place since. Rich Nelson said feelers
34 have been sent out, but no more formal discussion has taken place. He said he didn't think any formal discussion
35 would take place until after a recommendation was made by the Planning Commission and had been discussed by
36 the City Council. He said two City Council members called him and asked if this discussion could be put on the
37 agenda.

38
39 Judi Pickell wanted to know if the city would have more control if the development was in the city. Jed Muhlestein
40 said the developer proposed this development to the County with Alpine City standards already in place. Steve
41 Swanson wanted to discuss what the traffic would do to our roads. Steve Cospers said the traffic would be there
42 whether the development was in the city or the County.

43
44 Ross Welch said in 1992 there was an agreement with the city and Patterson Construction. He said there was an
45 agreement that the city should provide water to this development. He said in 1995 the city came out with a new
46 ordinance that no hillsides would have septic tanks. He said the arrangement was to have the developer build a 400
47 gallon water tank which will benefit them and the city.

48
49 Ross Welch said the city wanted this property to be a park. Patterson's said the city will have to buy the property if
50 they want to use it for a park. The city didn't have the money to purchase the property and told Patterson's if they
51 wanted to develop the property with homes, they would have to go through the county.

52
53 Ross Welch said they hired 4 different firms to create geotech reports for the property. He said they sat down with
54 the Fire Chief and said they wouldn't allow wood decking, they would have special roofing materials, and they
55 would control landscaping. The Fire Chief agreed with this plan and said this was a safe development. Mr. Welch
56 said if the concern is the secondary road and if the area is safe for Box Elder it should be safe for Box Elder South.

1
2 Jane Griener asked how many homes are in Box Elder. Mr. Welch said it is approximately the same amount as their
3 development, so this will basically double the amount of homes. Mr. Welch said he understands that the city
4 liability could be a concern but he feels like that has been addressed. The pro is that this development could be part
5 of the community and pay taxes and fees for using the roads and parks and other amenities. He said the benefit to
6 them is to sell the lots and the city will phase it which means the development doesn't have to be done all at one
7 time. The other benefit is to be part of the community.

8
9 Jane Griener asked if this development will get recorded with the county and they at a later date be annexed into the
10 city once it's already done. Ross Welch said they have invested a lot of money in this development and they are not
11 changing their plans at this point.

12
13 Steve Cospers opened the Public Hearing.

14
15 April Cooper said the bulk of the homes in that area are all one acre. She wanted to know how this development is
16 zoned for half acre. She said she recalls that Box Elder South was designed for a park and she feels like the property
17 owner circumvented the process and that's not right; she doesn't want the city to cave into this. She said she would
18 rather the development stay in the County. She said she would be against paving the emergency road through
19 Lambert Park.

20
21 Ron Peterson said we should annex this property so the city can decide how the property is going to be used. He
22 said if we can't purchase a property to help control our own destiny, then we need to raise our impact fees so the
23 developers have to have some skin in the game. He said we would have never had this problem if we had enough
24 funds in our coffers to purchase this property when we had the chance. He said we should not leave this
25 development up to the County giving us no control of our own destiny. What will the impact be and what is our
26 negotiation power. He said Patterson's went with the path of least resistance.

27
28 Paul Bennett asked how the County ended up driving the bus in this whole deal. He wanted to know how
29 Patterson's got the water deal. Rich Nelson said it was through litigation through a previous lawsuit. He said we
30 have unintended consequences in this city because of issues between the city versus the County.

31
32 Marianna Richardson said the bottom line is that the County is split on this issue as well because they want the city
33 to take care of these issues. She said we need to work on these issues as a team because if these developments stay
34 in the County, they still have to drive on our roads to get out of the city and we are still neighbors and we need to
35 work together to have a happy ending.

36
37 Steve Cospers closed the Public Hearing.

38
39 Jane Griener said if she looks at the facts she doesn't really have anything to help her make a decision. She said her
40 only concern is the road issue. Judi Pickell said the development will use the road either way. She said we need to
41 decide if the development will benefit the community. Steve Swanson asked if we would be setting a precedent by
42 allowing more density in this area. He wanted to know how this development came to be one half acre lots. Ross
43 Welch said the city signed an agreement in 2011 for 59 lots when the water and sewer agreement was made. Jason
44 Bond said our attorney said each application is on its own and the city has to look at each application separately. He
45 said the property owner came to the city originally and proposed one acre lots and bigger and the city turned the plan
46 down and the owner had no choice but to go to the County.

47
48 Judi Pickell said the process of annexation will take a lot of communication and she said the city having some
49 control over this development will have some benefit to the city.

50
51 **MOTION:** Judi Pickell moved to recommend to the City Council annexation of the proposed Box Elder South
52 subdivision with these findings to include in that recommendation:

- 53
54 1. That it will provide the City greater control than if it were to remain in the County.
55 2. That it would foster a sense of community for the residents coming in.
56

1 Steve Swanson seconded the motion. The motion was not unanimous and did not pass with 3 Ayes and 1 Nay. Judi
2 Pickell, Steve Swanson and Steve Cosper voted Aye. Jane Griener voted Nay.

3
4 Jane Griener asked for a revote. Steve Cosper asked for a new motion.

5
6 **MOTION:** Judi Pickell moved to recommend to the City Council annexation of the proposed Box Elder South
7 subdivision with these findings to include in that recommendation:

- 8
9 3. That it will provide the city greater control than if it were to remain in the County.
10 4. That it would foster a sense of community for the residents coming in.

11
12 Steve Swanson seconded the motion. The motion was unanimous with 4 Ayes and 0 Nays. Judi Pickell, Steve
13 Swanson, Jane Griener and Steve Cosper voted Aye.

14
15 **B. Izzy Ice Conditional Use Permit**

16 The proposed Izzy Ice stand would be considered a seasonal sale and will need to acquire a Conditional Use permit
17 from the Planning Commission. Section 3.23.6 states that a permit “may be issued for a maximum of six (6)
18 months, with renewals at the direction of the Planning Commission for not more than three (3) successive periods
19 thereafter.”

20
21 The conditions that were placed on another shaved ice stand were:

- 22
23 1. The location of the building be changed to meet the side setback requirement.
24 2. The structure meet the Historical overlay zone and guidelines
25 3. That the Planning Commission approves of the proposed medium brown color.
26 4. That the applicants meet the applicable Utah County Health Department requirements.
27 5. That the applicant obtain the approval of the building official for the power.
28 6. That a garbage can with a closing lid be provided next to the stand.
29 7. The building will be moved off-site after the six month conditional use permit expires.
30 8. The gray water be dumped somewhere other than the storm drain.

31
32 Jason Bond said this business is proposed to be at the round-a bout on the south east corner. He said his concern is
33 that in a Planned Commercial Development, each business is required to have so much parking. He said we need to
34 make sure there is enough parking for this business without taking from another business.

35
36 Steve Cosper said Jewel Kade can’t just give away some of their parking if their required to have it for their
37 business. Joshua Wright said that Dana Goff is allotted 37 parking spaces but they only need 4 spaces for every
38 1000. Dana Goff told this business that he only needed 25 parking spaces. Spencer Glasgow said Jewel Kade has
39 about 8 parking spots left over that they aren’t using. The Planning Commission said that isn’t correct because the
40 building has a second story. Mr. Glasgow said they have spoken with all the owners of the building and they have
41 given permission for this business to be put in the parking lot. Mr. Glasgow is asking if they can turn the space
42 under the bank drive through into extra parking spaces.

43
44 The Planning Commission had a discussion on the city ordinances and the parking issues. They discussed whether
45 the area under the drive through is in common area or not. They asked the applicants if they could go inside the
46 building and use the drive through. They also said the parking issues need to be worked out first and suggested that
47 the applicants go to the HOA and get approval from all the business owners to use the common space within the
48 development. The Planning Commission asked the applicants to bring back signed letters from the HOA owners
49 and also a better plan showing exactly where their business would be located along with all the other details such as
50 gray water disposal, garbage, electricity, bathrooms, and lighting.

51
52 **C. Alpine Olde Towne Center Lot D Office Building – April Cooper**

53 The proposed office building is proposed to be located on lot D within the approved Planned Commercial
54 Development known as Alpine Olde Towne Centre. The designated building footprint is 6,188 square feet and is
55 located in the Business Commercial zone Office buildings are a permitted use in the BC zone. The proposed

1 building will be 2 stories with 5,906 square feet on the main floor and 3,457 square feet on the second floor. There
2 is a basement planned for the building that would be a total of 3,100 square feet.

3
4 The parking lot, sidewalk and lighting for the lot have already been approved as part of the development. The
5 lighting exists: the parking and sidewalk will need to be built. All utilities (sewer, water, pressurized irrigation,
6 storm drain) exist and are stubbed to the property. The water policy has been met for this development.

7
8 Steve Cospers wanted to know if these two Ezra Lee buildings should be postponed until after the Gateway Historic
9 Design Standards have been amended. Ezra Lee said that would be unfair to make him wait because he has put a lot
10 of time and money into this project. Judi Pickell said in fairness, Ezra Lee had a copy of the design standards and
11 still came in with very modern designs. Ezra Lee said he interpreted the code and put in brick, wood, and glass.

12
13 The Planning Commission said it's not just about the materials, but the look of the finished product. They just
14 thought it looks too fashion forward for Alpine. The roofline needs to be more historical with cornices on the top
15 and have a small town feel.

16
17 April Cooper said she has been here three times and was told the building is beautiful and she left here thinking they
18 were on the right track. She said she didn't feel like this was a modern building at all but patterned after old
19 building in Boston.

20
21 Jason Bond said they still need to address the landscaping design and the trash receptacle and that will be done
22 tonight. Ezra Lee showed a video showing what the whole development could look when completed.

23
24 Ezra Lee said they could take a look at the roof design but the current roofline has function along with the form to
25 take advantage of the mountain views from the conference room. Judi Pickell said the Planning Commission has to
26 be careful because they have made mistakes in the past. She said she would like them to bring back a building that
27 is not so modern. Steve Cospers said the building is beautiful and not offensive but the Planning Commission is just
28 trying to find common ground with other buildings. He said the angles of the roof don't fit in and asked Jason Bond
29 show some examples of approved rooflines in the design standards. All of the buildings and rooflines had more of a
30 flat roofline and the look of an old historic town. Judi Pickell said we have to stand by the design standards and not
31 make any more mistakes. She strongly feels like this building doesn't fit in with the Alpine vision.

32
33 Kathy White said there are 19 units in Paradise Cove with 30 residents. She said they want to be good neighbors but
34 her house is right up next to this proposed building at about 12 feet away. She said she has a problem with all the
35 windows facing her community. She said it's great for all the employees looking out the windows and enjoying
36 their view, but her view will be taken away and she will have a glare off the windows and people looking into her
37 community. She is asking the Planning Commission to think about the additional traffic and the possibility their
38 property values going down. She is also concerned that the two building that are already there are pretty much
39 vacant so she doesn't see the need to build any more.

40
41 Judi Pickell said there has been some miscommunication and it is frustrating on both ends. She doesn't want the
42 applicant to waste any more time or money. Steve Cospers said Ezra Lee could email designs and ideas to the
43 Gateway Design Committee and to staff and put together a special work session together. The Planning
44 Commission discussed having the work session in one week and then putting it to a vote in 2 weeks at the next
45 Planning Commission meeting.

46 47 **D. Alpine Olde Towne Center Lot E Office Building – Ezra Lee**

48 The proposed office building is proposed to be located on lot E within the approved Planned Commercial
49 Development known as Alpine Olde Towne Centre. The designated building footprint is 5,162 square feet and is
50 located in the Business Commercial zone. Office buildings are a permitted use in the BC zone. The proposed
51 building will be 2 stories with 5,101 square feet on the main floor and 3,025 square feet on the second floor. There
52 is a basement planned for this building that would be a total of 5,101 square feet.

53
54 The parking lot, sidewalk and lighting for the lot have already been approved as part of the development. The
55 lighting exists: the parking and sidewalk will need to be built. All utilities (sewer, water, pressurized irrigation,
56 storm drain) exist and are stubbed to the property. The water policy has been met for this development.

1
2 Steve Cosper postponed this agenda item until the next meeting.

3
4 **E. PUBLIC HEARING – PRD Amendment (/Retaining Wall Approval Process)**

5 The Retaining Wall Ordinance (Article 3.32) was recently adopted by the City Council. Section 3.9.7 of the PRD
6 ordinance talks about an approval process for the use of retaining walls. This proposed amendment will simply
7 clean up some language and refer people to the new retaining wall ordinance.

8
9 Steve Cosper opened the Public Hearing.

10
11 **MOTION:** Steve Swanson moved to recommend approval to the City Council for the new wording of the 3.9.7
12 design criteria of the PRD Amendment (Retaining Wall Approval Process).

13
14 Jane Griener seconded the motion. The motion passed with 4 Ayes 0 Nays. Steve Cosper, Jane Griener, Steve
15 Swanson and Judi Pickell all voted Aye.

16
17 Jane Griener said that in a City Council meeting Councilman Will Jones had some questions about this amendment.
18 He wanted to make sure we read through it were being really careful. She wanted to know if anything was done
19 about that. Jed Muhlestein said Will Jones asked him to go back and look at some specific lots. He wanted him to
20 take some of the most extreme lots that he could think of and then apply the ordinance to those lots to see if the
21 ordinance would actually work. Jed Muhlestein said it did work.

22
23 Lon Lot said we need to control the rock walls and clarify the height restrictions and the setbacks before you can
24 terrace the wall.

25
26 Steve Cosper closed the Public Hearing.

27
28
29 **F. Gateway Historic District Design Standards**

30 The Planning Commission has discussed the creation of some Gateway Historic Design Standards for several
31 months. This draft has been created for the consideration to be adopted. This is a more concise version of the draft
32 design standards that were created in 2002. This document will provide much needed direction to both the
33 Developer and the Planning Commission in designing buildings located within the Gateway Historic District.

34
35 Steve Swanson said there's enough latitude in the wording of the purpose and intent that the Design Standards could
36 be confusing to a builder. Jane Griener said if the standards are taken out of context, a builder could build how they
37 interpret. She said the wording still states that you have to preserve the character of a Historic District and respect
38 the heritage of Alpine. Steve Swanson said the wording also states dynamic and progressive and forward. Steve
39 Cosper said those are the concepts that confused Ezra Lee in his designs.

40
41 Judi Pickell said builders are the ones who are following these standards and they are progressive and innovative by
42 nature and so those are the words that are going to pop out. Steve Cosper said that Ezra Lee, to his credit, is trying
43 to make a bold, modern statement. He said if we want that in Alpine, fine. He said he is not trying to offend Mr.
44 Lee, but is frustrated because he is trying to follow the Gateway Historic Standards.

45
46 The Planning Commission went through the Historic Design Standard and made changes to it by making the
47 language more clear to reflect the historic feel they are after. They took out wording like innovative, vibrant,
48 because designers could interpret that to mean forward thinking, industrial or modern. They wanted to Design
49 Standard to reflect a clear understanding that the buildings need to have a historic, small town feel.

50
51 Steve Cosper said we need to change this to Guidelines instead of Standards.

52
53 **MOTION:** Jane Griener moved to recommend to the City Council the adoption of the Gateway Historic Design
54 Guidelines with the changes noted and discussed.

1 Judi Pickell seconded the motion. The motion passed with 4 Ayes and 0 Nays. Steve Cospers, Jane Griener, Steve
2 Swanson and Judi Pickell all voted Aye.

3

4 **COMMUNICATION:**

5 Jason Bond said Lawrence Hilton is taking away the drive through canopy, the basement and the café that was on
6 his original design that was approved by the Planning Commission and City Council. He has now added a second
7 tower on the roof and a sitting plaza area outside the building.

8

9 Steve Cospers said this needs to come through as an agenda item so it can be recorded in the minutes. He said to
10 bring a new presentation to the next Planning Commission agenda.

11

12 **VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: July 07, 2015**

13

14 **MOTION:** Steve Swanson moved to approve the Planning Commission Minutes for July 07, 2015 subject to
15 changes.

16

17 Jane Griener seconded the motion. The motion passed unanimously with 4 Ayes and 0 Nays. Steve Cospers, Steve
18 Swanson, Judi Pickell and Jane Griener all voted Aye.

19

20 Steve Cospers stated that the Planning Commission had covered all of the items on the agenda and adjourned the
21 meeting at 10:33 pm.