

**ALPINE CITY PLANNING COMMISSION MEETING at  
Alpine City Hall, 20 North Main, Alpine, Utah  
May 19, 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:

Staff: Jason Bond, Marla Fox, Jed Muhlestein

Others: Sam Larson Gary Cooper, April Cooper, Olin Johnson, Ezra Lee, Emily Thrap, Brian Thrap

**B. Prayer/Opening Comments:** David Fotheringham

**C. Pledge of Allegiance:** Bryce Higbee

**II. PUBLIC COMMENT**

Bryce Higbee asked what was going on with the Burgess Park and Creekside Park volleyball courts. Steve Cosper said it was supposed to be an Eagle Scout project. Jed Muhlestein said that was until we found out what the cost of the sand was going to be. He said it would be about \$10,000. Bryce Higbee said it would be worth looking at because the City could make some revenue with tournaments to recoup the cost of the sand.

**III. ACTION ITEMS**

**A. Lot Line Adjustment involving Alpine City Property**

The boundary of a residential lot located at 721 West Lakeview Drive is proposed to be adjusted. The lot is currently in the process of being sold but there are a few issues with the lot that have been discovered. First, the lot does not have the required street frontage at the front yard setback (60 ft.) It is unsure how this happened. Second, there was an Alpine City storm drain catch basin that was draining onto the lot. The storm drain has since been relocated to be within a roadway easement that will eventually extend Lakeview Drive to the west. This roadway easement goes through the corner of the lot.

The total amount of property that is within Alpine City property that is proposed to be used to address these issues is approximately 2,633 square feet. 1,173 square feet of area, consisting of a piece of the lot and City property, would be used if the roadway were to be built. The proposed lot line adjustment would address all of the issues for the lot and the City.

Jed Muhlestein said the storm drain is where it's supposed to be but it doesn't line up with the future road and it needs to be in the right-of-way. He said the storm drain has been moved and rerouted so it drains correctly and is in the future easement. Steve Cosper asked if the new property line will be following the line of the road. Jed Muhlestein said when the road eventually goes through that section will be used as an easement just as it is used today. He said the easement is already there, so we're not giving them this property and then taking it away.

Jason Bond said the City would be short about 500 square feet to make this a 1 to 1 swap for land. The Planning Commission had a discussion about where the easement was, how it would affect the corner of this property, and where the road would go.

Jed Muhlestein said he didn't see any difference between the road easement that exists versus a public utility easement. He said we can go in there any time and do what we need to do within that easement. Bryce said there isn't a road there right now and the homeowner can fence it. Jason Bond said the homeowner needs to understand that there is currently a road easement there and any landscaping that's there would be in the way of that.

Steve Cospers said he would like to see a description of what the swap would look like before a recommendation is made. He said that is something the Planning Commission usually sees and the Mayor has to sign off on it.

Terry Jerman is the real estate agent for the homeowner and said they are in agreement with this deal. She said the motion could be subject to the homeowners signing off on it. Jed Muhlestein said a description was written quite a while ago. Jason Thelin wanted to know when this lot was approved and if the homeowner would be paying for this; he said it obviously wouldn't just be given to the homeowner. Jed Muhlestein said this would just be a swap of land because the City needs the easement.

Judi Pickell said she doesn't know if the City is losing any value if they don't have the information to look at. Jed Muhlestein said the City needs to fix this problem because the lot was approved without the minimum frontage. The Planning Commission wanted to know why this was the City's fault and not the developers. They said the developer is the one who draws the lines. Jed Muhlestein said the City is the one who does the final review and approves the lot. Jason Thelin asked if the lot meets the ordinance, can it be built on. Jason Bond said this issue came to the City a year and a half ago because the owner had storm drain issues and water was eroding his lot. He said the lot was looked at and it was decided that the storm drain needed to be moved and the lot lines adjusted to fix the issues.

Steve Cospers said this has some loose ends and wants to know why it's not a sale instead of a swap. He said it needs to be cleaned up a little bit and some questions answered. Jed Muhlestein said he's okay with this because it's not really a swap but instead fixing a mistake that was made in the past. He said this development was done as a PRD and private land was given to the City as open space. Had it been done correctly in the first place, some of the open space land would have been used to give correct frontage to this lot.

Sam Larsen asked what happens if the homeowner doesn't want to purchase the little sliver of land from the City. He wants to know what will happen when plans are brought into the City to build. He asked if the City will say the homeowner can't build on the lot because it doesn't meet the frontage requirement therefore making it a non buildable lot. Judi Pickell said not necessarily because the lot has been legally recorded. Mr. Larsen said he was concerned that the City wouldn't let them build on that lot unless they purchased extra land. Jason Thelin said the owner could purchase the land needed to get the frontage. Steve Cospers said the Planning Commission deals with precedence and ordinance and the decisions we make could affect someone in the future.

**MOTION:** Jason Thelin moved to recommend approval of the proposed lot line adjustment which involves Alpine City Property for 721 West Lakeview Drive with a condition that the City Council determines a fair price for the exchange of property.

Jane Griener asked if the Planning Commission was going to recommend adjustment of the lot lines to eliminate the potential problems with the easement of the road. Jason Thelin said he doesn't want to recommend that at this time. Jason Bond said the City has the easement already but the homeowners need to know the easement is there so they don't landscape that area.

David Fotheringham asked when the road goes through will it affect the frontage or the setbacks. Jason Bond said the setback will still be there and if anything, having that road there will allow the property to have more frontage.

Judi Pickell seconded the motion. The motion was unanimous with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, Steve Swanson and Judi Pickell all voted Aye.

#### **B. Paul Anderson Residence Setback Exception Request**

Paul Anderson lives at 255 South Main Street. He is asking for an exception from the front setback requirement of 30 feet. He is proposing to build a pergola over the half-circle driveway that is in the front of his house. The posts closest to Main Street would be located 23 feet away from the property line.

The applicant's intention is to enhance the curb appeal of his home which could also enhance the aesthetics of Main Street. The home also contains a home occupation (salon). This residence is located within the Gateway Historic

District Overlay so an exception to setbacks can be approved with a recommendation from the Planning Commission and Approval from the City Council.

Paul Anderson said his house is used as a second round-about because he has a circular driveway. He said he is looking for a solution for that problem. One purpose would be to upgrade the aesthetics and improve the look of the home and improve the look of Main Street. He said this same look will be incorporated across the street in the Main Street Village to cover sitting areas.

Judi Pickell asked if the roof would match the roof on his home. Mr. Anderson said the roof will be the same. Bryce Higbee asked who would monitor the building of this to make sure it matches what has been presented to us. Judi Pickell said it would be up to the Planning Commission to make sure it is built as shown.

**MOTION:** Bryce Higbee moved to recommend approval of a seven (7) foot exception to the thirty (30) foot front setback requirement for the Paul Anderson residence located at 255 South Main Street to allow for the construction of a pergola over the driveway. We recommend that the pergola be constructed to appear as has been proposed.

Steve Swanson seconded the motion. The motion passed and was unanimous with 7 Ayes 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, Steve Swanson and Judi Pickell all voted Aye.

### **C. Alpine Old Towne Centre Lot D building Design Discussion**

Ezra Lee has been hired to come up with a design for a proposed building to be located within the Alpine Old Towne Centre on lot D. Before getting too far with the design, he has asked that he be given some direction to help him understand what the City would like to see for the building that is located just off of Main Street but within the Gateway Historic District Overlay. Ezra Lee has been asked to bring some visuals to help facilitate some recommendations from the Planning Commission.

April Cooper said Plat D has 39 parking stalls and can have a 9000 square foot building. The building fits on the lot and can meet the setbacks and will be 2 stories with a possible storage room in a basement. She said they manage 2500 real estate contracts for the government and are in need of a new building. She said she wants a building that doesn't look dated and liked the timber, rock and metal architectural look.

April Cooper said she wants a building that everyone is excited about and doesn't want to have to come back multiple times to get it right. Steve Cospers said he thinks all the buildings in the square should be compatible. Ezra Lee said compatibility is difficult because there is going to be a mixture of structures. Judi Pickell read from the ordinance and said the architectural styles of the buildings should be consistent and harmonious and compatible with small town rural Alpine. She said we want to create a feel for Alpine and make Alpine feel like a place people want to be. She said she loves the materials that have been presented with the masonry, stone, and brick look. She said to work on the scale of the building to make sure it had a small town feel. Jason Thelin said this was a good presentation and he appreciated the work that went into it.

Steve Cospers asked about the roof line and Judi Pickell said the ordinance states pitched roofs are preferred. Ezra Lee said they would probably have a mix of a flat and a pitch roof. Judi Pickell said we have an identity crisis and we need to decide what we want Alpine to look like and stick with it. Ezra Lee said they would have a single story front door entrance with other single doors as well. They would like to have a lot of glass windows with some overhangs and architectural design elements.

Steve Cospers asked if there would be any exterior stairs on the building. Ezra Lee said all stairs will be within the building. Ezra Lee said April Cooper's business would be the primary business but she would lease out space and other offices to other businesses. April Cooper said her business has to occupy at least 51% of the building in order to get her loan and then she can lease out the remaining space. She said she would probably be in about 70% of the building.

### **D. Fence Ordinance amendment**

The Alpine City fence ordinance has been discussed at the last Planning Commission meeting. Residents have asked that the height restrictions be carefully readdressed particularly as it pertains to keeping deer off of their property and eating their gardens and flowers. The Planning Commission also discussed a process for granting an

exception to the fence requirements particularly for residents that are located next to a commercial business or a group home. Legal Counsel as advised the City to not create a process for granting an exception from the regulations for residents that are next to a group home.

The Planning Commission directed staff to show some proposed language that would allow for an eight (8) foot tall fence. If the additional height is approved generally, it appears that language for an exception does not need to be added for residents next to a commercial use unless the Planning Commission feels that fences taller than 8 feet are needed.

Jason Bond showed what the ordinance would look like by taking out the six foot fence language and adding eight feet. The Planning Commission asked if language could be added for sports courts under conditional use. They said it should be an open style fence and not higher than twelve feet.

Steve Cosper said this is a change in the ordinance that will require a Public Hearing. Jason Bond said we've had a Public Hearing and we have the change in writing. He said he spoke with the Attorney and David Church said the Planning Commission can make small changes in the wording without another Public Hearing.

Jed Muhlestein said we may need to change agricultural fences to nine feet because deer could get over an 8 foot fence. David Fotheringham said the Forest Service states an 8 foot fence can stop a deer. Steve Cosper said we could take out agriculture fences all together and state that interior fences can go up to 12 feet and be open style. He said that would cover agricultural properties without listing them separately. David Fotheringham said the problem with that is some agricultural properties are not all interior and go to the property border.

**MOTION:** Judi Pickell moved to recommend approval of the amendment to ordinance 3.21.6, fence, wall and hedges, changing the height from 6 feet to 8 feet. In Section 3.21.6.9, conditional uses for interior fences up to 12 feet for such things as sports courts, gardens and swimming pools with an open style fence.

Bryce Higbee asked about the height of the fence. The Planning Commission said conditional use fences need to be open style, eight foot yard fences don't have to be open style.

Jane Griener seconded the motion. The motion passed but was not unanimous with 6 Ayes and 1 Nay. Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, Steve Swanson and Judi Pickell all voted Aye. Bryce Higbee voted Nay.

## **E. Retaining Wall Ordinance**

The Alpine City Planning Commission asked the staff to look into drafting a retaining wall ordinance.

Jed Muhlestein said the staff was waiting for some additional recommendations from the initial reports. He showed on the report the minor changes that were made and the Planning Commission had a discussion about it and changed some of the wording. Bryce Higbee said there are some grammatical errors that need to be fixed. Steve Cosper asked the staff to clean up the grammatical errors.

Judi Pickell said she had a problem with the language of the first paragraph and said it should be taken out completely. She said she wants it specified that watering of landscaping will be the responsibility of the lot owner and she wants that made clear. She also wants it specified that there will be no retaining walls on City property unless it's a City project.

The Planning Commission had a discussion about some of the changes they would like to see in the ordinance.

**MOTION:** Bryce Higbee moved to recommend the adoption of the retaining wall ordinance as proposed with the discussed changes being made before final approval.

1. Article 3.32 remove first sentence where it states: When in the opinion of the Development Review Committee (DRC), the best interest of the City would not be served by the literal enforcement

of the retaining wall standards as outlined in this ordinance.

2. Article 3.32.3.5.6 the sentence was changed to state: Shrubs shall be watered by drip irrigation to minimize erosion by property owner, not by Alpine City.
3. Article 3.32.3.6.6.e the sentence was changed to state: Concrete cantilever walls shall be designed in general accordance with specifications provided in current American Concrete Institute or American Society of Civil Engineers standards and specifications.

Steve Swanson seconded the motion. The motion passed and was unanimous with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, Steve Swanson and Judi Pickell all voted Aye.

#### **COMMUNICATION:**

Jason Bond said Lawrence Hilton said his building requires his building to have an egress. He will have to put in some stairs on the east side of the building to get from the second story down to the parking lot. This will eliminate one parking spot and he will take four spaces out of the dining room to meet the ordinance. He is asking the Planning Commission if they will approve this minor change.

Jason Thelin said Mr. Lawrence is already short one parking stall and he said he is frustrated that Mr. Lawrence can get around this parking issue by stating that he'll only seat twelve people in the dining room instead of sixteen. Steve Cospers said he has to disclose that his firm is working on this project and pointed out that Mr. Lawrence's plan did not meet code and had to be changed after it was approved. Jason Thelin said it may work for now but down the road, this building won't have a restaurant but the parking will already be in place.

Steve Cospers said Mr. Lawrence will never have a restaurant because he doesn't have a commercial kitchen. He said it will just be a small café or sandwich shop. Judi Pickell pointed out that April Cooper's building and others will be built in the area and employees will want to have somewhere close to go to lunch.

Jane Griener told the Planning Commission about the Food Truck Rally that's going on in the City on Monday nights. Jason Bond explained the pilot program to the Planning Commission and how it's going to work for now. He asked the Planning Commission to go check it out and see what they thought about it and if they had any recommendations on how to better regulate it.

Steve Cospers asked why the Rally wasn't at Creekside. Jason Bond said the food trucks people want to be at Legacy Park because it's right on Main Street and they can be easily seen. He also said Creekside is in the middle of a residential zone and not the business Commercial zone like Legacy Park is. Jason Thelin said he has had a couple of complaints from local food trucks that they are not being allowed to participate in the Rally. He said it would be nice if Alpine residents were allowed to participate.

Steve Cospers said he couldn't go to the City Council meeting and asked if someone else from the Planning Commission could attend for him.

Steve Cospers reported that the City Council approved 31 lots for the Obere property.

#### **VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: May 5, 2015**

**MOTION:** Bryce Higbee moved to approve the Planning Commission Minutes for May 5, 2015 subject to changes.

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

Steve Cospers stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:05pm.