



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Regular Meeting at Alpine City Hall**, 20 North Main, Alpine, Utah on **Tuesday, February 17, 2015 at 7:00 pm** as follows:

I. GENERAL BUSINESS

- | | |
|-----------------------------|--------------------|
| A. Welcome and Roll Call: | Steve Cosper |
| B. Prayer/Opening Comments: | David Fotheringham |
| C. Pledge of Allegiance: | By Invitation |

II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by stepping to the microphone and giving his or her name and address for the record.

III. ACTION ITEMS

- A. State Farm Office Building Site Plan - 134 South Main Street - Eli Slesk**
The Planning Commission will review the site plan for a new office building; specifically a preliminary architectural design.
- B. Bennett Farms Final Plat F - Approximately 850 N Country Manor Lane - Roger Bennett**
The Planning Commission will review the Final Plat F of the Bennett Farms subdivision.
- C. Article 3.22 Non-Conforming Ordinance Amendment**
A proposed amendment will be presented to the Planning Commission that would amend the Non-Conforming Ordinance.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: February 3, 2014

ADJOURN

Chairman Steve Cosper
January 13, 2015

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted in three public places within Alpine City limits. These public places being a bulletin board located inside City Hall at 20 North Main and located in the lobby of the Bank of American Fork, Alpine Branch, 133 S. Main, Alpine, UT; and the bulletin board located at The Junction, 400 S. Main, Alpine, UT. The above agenda notice was sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are now recorded.

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

Public Hearing v. Public Meeting

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: State Farm Insurance Building Site Plan

FOR CONSIDERATION ON: 17 February 2015

PETITIONER: Eli Slesk and Brandon Maughan

**ACTION REQUESTED BY PETITIONER: Make Recommendation of
Approval to City Council**

**APPLICABLE STATUTE OR ORDINANCE: Article 3.7 (Business/Commercial)
Article 3.11 (Gateway/Historic)**

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

At the February 3, 2015 Planning Commission meeting, the preliminary architectural drawings were discussed extensively. The Planning Commission asked that some new drawings be created implementing some of the ideas that were discussed that night. The Planning Commission will review these new drawings and consider making a recommendation to the City Council regarding the site plan.

STAFF RECOMMENDATION:

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

- **The Developer provide a lighting plan.**
- **An exception be considered by the Planning Commission and City Council regarding setbacks.**
- **An exception be considered by the Planning Commission and City Council regarding six (6) parking stalls location within the setback.**
- **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 City Council.**
- **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.**
- **The preliminary architectural design drawings be considered by the Planning Commission and City Council.**



Date: January 7, 2015

By: Jed Muhlestein, P.E. *JM*
Assistant City Engineer

**Subject: Engineering Review
State Farm Insurance Building Site Plan
134 South Main Street**

The engineering department received a site plan application for review January 7, 2015 to be on the January 20th Planning Commission meeting. The application is for a State Farm Insurance Building located at 134 S. Main Street. This is a code review from an engineering standpoint; a separate review from the City Planner will also be done for the site plan. The review is as follows:

Street System

The site plan does not propose any new street system but does include a new parking lot with parking stalls. This would fall under section 3.24 of the Development Code, Off-street Parking.

The parking stall dimensions, surface material (asphalt), concrete work, and new ADA ramp at the corner of 120 South and Main appear to meet code. It is not specified on the plan, but it would be required that the new driveway ramp be 6-inch thick concrete, the standard design for a typical commercial driveway approach.

The site plan does not mention any specific lighting plan for the parking; this will need to be discussed prior to approval.

Sewer System

The property is served by an existing 4-inch sewer lateral that connects to the sewer main line in 120 South. Connection to the existing sewer lateral would be required.

Culinary Water System

The property currently has a 3/4-inch water meter service that the structure would be connected to. There is an existing fire hydrant 85 feet south of the property along Main Street that would

serve for fire protection. The Fire Marshall will need to determine if the existing fire protection is adequate or if installation of other means is necessary.

The water policy was met when a previous structure was built on the property. That structure has been demolished and removed from the property.

Pressurized Irrigation System

A 1-inch pressurized irrigation lateral currently serves the property; connection to it would be required.

Storm Water Drainage System

The site plan proposes a sump system to retain all onsite drainage however no calculations or details were provided with this proposal. As a condition of approval, details and calculations would be required.

A storm water pollution prevention plan would be required for the site addressing best management practices that will be implemented to control erosion on the site during construction. A Land Disturbance Permit will be required prior to construction.

General Remarks

There is an existing power pole on the southern edge of the proposed parking that is shown to be relocated.

There are some minor redlines on the plan to be corrected

RECOMMENDATION

The Engineering Department recommends that approval of the proposed site plan be granted provided the following engineering items are addressed:

- **The Developer provide storm drainage calculations and details for the plan**
- **The Developer address the site plan redlines**
- **The Developer provide a lighting plan**
- **The Fire Marshal approves the site plan**



Date: January 16, 2015

By: Jason Bond
City Planner

**Subject: Planning and Zoning Review
State Farm Insurance Building Site Plan
134 South Main Street**

Background

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 (Section 3.11.3.3.5).

Location (Section 3.7.5)

The setback requirements in the BC zone are as follows:

Front setback (or from any street) - 30'

Side and Rear setback - 20'

The proposed office building will need an exception from the setback requirements. This requires a recommendation from the Planning Commission and an approval from the City Council where circumstances justify. The applicant is proposing to have a 22' setback (8' exception) from 120 South, a 20' setback (10' exception) from Main Street, and an 8' setback (12' exception) from the property line to the south. From a planning perspective, I offer my support on these exceptions.

Street System/Parking (Sections 3.7.8.3 and 3.24.3)

The off-street parking requirements for an office building are as follows:

Four (4) spaces per 1,000 sf

The site plan shows 15 parking stalls. With the square footage of the building, 16 parking stalls are required. The applicant proposes to use an excess stall on the adjacent property to the south and connect parking lots for traffic circulation. An agreement would be made between the property owners. Based on calculations of the adjacent building received from the applicant's engineer, it appears that there are 4 more parking stalls than are required. From a planning perspective, I offer my support on this proposed agreement.

The site plan proposes to access the site from 120 South. A new drive approach will be created there removing curb, gutter, and sidewalk. The existing drive approach on Main Street will be replaced with standard curb, gutter and sidewalk. To mitigate the negative impact of street parking, it is proposed that the curb fronting 120 South and Main street be painted red to prohibit parking.

The parking stall and aisle dimensions meet the minimum requirements. However, there are 6 stalls that are located within the required 30' setback (Section 3.7.5.1). The Planning Commission will need to recommend an exception to the City Council for approval in order for these 6 stalls to remain on the plan as is. From a planning perspective, I offer my support on this exception.

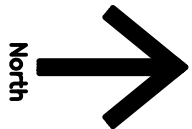
Special Provisions (Section 3.7.8)

- Trash Storage - The applicant proposes to use residential type storage for garbage and recycling materials. The cans will be in an enclosed area at the southeast corner of the building.
- Landscaping - A landscaping plan has been provided. The site will consist of 2,009 sf of landscaping. A minimum of 20% of the total site is required to be landscaped. The applicant has indicated that they will have 2,800 sf of landscaping and the existing tree at the northwest corner of the property will be removed.
- Design - Preliminary architectural design drawings were submitted and need to be reviewed by the Planning Commission.

RECOMMENDATION

The Planning and Zoning Department recommends approval of the proposed site plan provided the following items are addressed:

- **An exception be considered by the Planning Commission and City Council regarding setbacks.**
- **An exception be considered by the Planning Commission and City Council regarding six (6) parking stalls location within the setback.**
- **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 City Council.**
- **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.**
- **The preliminary architectural design drawings be considered by the Planning Commission and City Council.**



J&L Endeavors LLC
80 S. Main Street

Red Brick LLC
100 N. Main Street

Craig Carlisle
50 W 120S

Asphalt Parking Area and Access

84.0'
(title 82.5')

120 South Street

NE Cor
Lot 4
Block 2

Main Street

Main Street

100 South

Bank of American Fork
105 S. Main Street

Ross Beck
129 S. Main Street

Mountaineer Academy
147 S. Main Street

State Farm Insurance Building Site Plan

Property Description

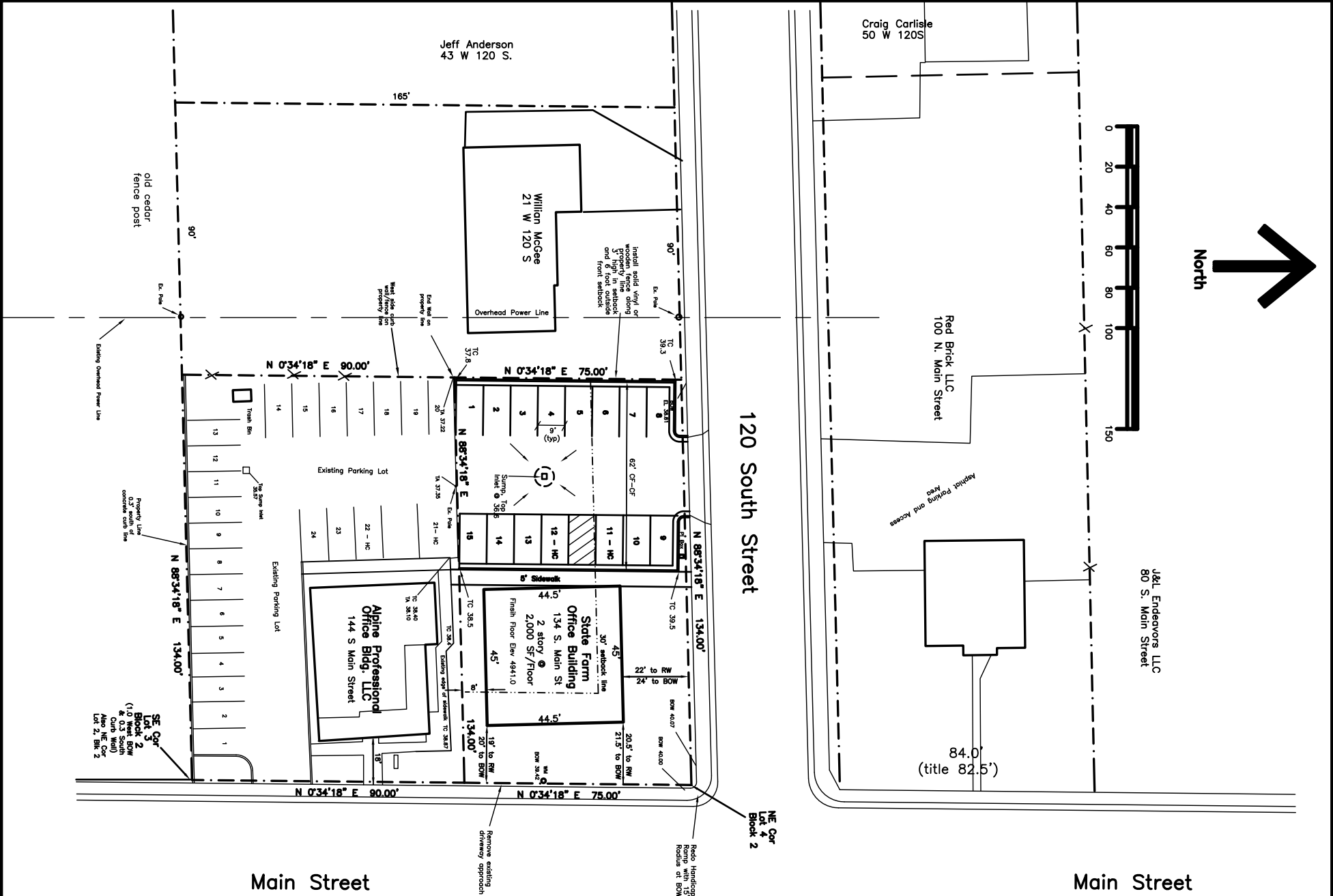
Commencing at the Northeast Corner of Lot 4, Block 2 Alpine City Survey which point is located N 89°46'19" East 1425.06' along the Section Line and North 518.79 feet from the South one-quarter Corner of Section 24, T4S, R1E, SLB&M; thence S 0°34'18" W 75.00' along Main Street; thence S 88°34'18" W 134.00'; thence N 0°34'18" E 75.00'; thence N 88°34'18" E 134.00' along the south boundary of 120 South Street to the point of beginning.
Area = 10,043 SF

General Notes

- Property is located in the Alpine City B-C Zone.
- The Applicant desires to operate an office building which is a permitted use of the zone.
- The Applicant desires to build a 2 story building with 2,000 SF per floor.
- The parking requirement for 4,000 SF building is 16 stalls. The applicant proposes to use an excess stall on the adjacent property to the south and connect parking lots for traffic circulation as shown. There will be an agreement with the adjacent owner.
- The applicant is asking for variance regarding the 30' front yard setback from the street. The desire is to request 20' from Main Street and 22' feet from 120 South Street as shown. The existing bank building and the office to the south of this project has setbacks less than that which is being requested. With the property being a corner lot, makes it difficult to develop without a variance in the setback for the building and the parking lot. Having a setback of 22' from 120 South for the building allows for building separation with the existing building of approximately 15'. The minimum landscaping required is 20% of the parcel or 2,000 SF. The proposed site plan will provide approximately 2,800 SF.
- The minimum landscaping required is 20% of the parcel or 2,000 SF. The proposed site plan will provide approximately 2,800 SF.
- City utility services of water, sewer are at the site and can serve the property adequately. Other utility services of power, gas and telecommunication are at the property.
- The applicant desires to place a solid wooden or vinyl fence along the west property line to buffer to the neighbor to the west.
- The applicant is will improve the existing handicap ramp at the corner and improve the turning radius.
- To mitigate negative impact of street parking the applicant is proposing to red curb the property fronting on 120 South and Main Street.
- All storm water will be retained onsite by installing a deep sump in the parking lot area as shown on the site plan.
- The applicant proposes to use residential type storage for garbage and recycled material. The cans will be in an enclosed area at the southwest corner of the building.

Improvement Notes

- 2' wide standard c&g will border the parking area with drainage away from the curb face as shown.
- The parking area will be improved with 8" road base and 3" asphalt.
- All concrete flatwork (sidewalk, c&g, and other) will be on minimum of 6" road base.
- The existing driveway approach on Main Street will be removed and replaced with standard c&g and sidewalk.
- The existing tree by the northwest corner of the property will be removed.
- The existing combination c&sw will be removed for the new 120 South driveway approach with 6" thick sidewalk.
- The applicant will deed property to the city and improve the turning radius and handicap approach at the corner.
- Parking concrete bumpers will need to be used to prevent damage to the wall and over handing onto the sidewalk area.
- Landscaping will be mainly grass along 120 South and Main Street to maintain good sight distances. Other types of landscaping will be next to the building to add beauty.
- The existing utility pole in the parking area will be removed.



Site Plan

State Farm Insurance Building

Alpine,

Utah

Surveyor/Engineer
K. Edward Gifford
6163 W. 9600 N.
Highland, Ut. 84003
Phone 801-592-4150

Owner/Representative
Rep: Will S. Jones
375 S. Main St, Suite 2
Alpine, Ut 84004
Phone 801-836-7465

Date: 15 Jan 2015

Scale 1"= 30' (24x36)

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Bennett Farms Final Plat F

FOR CONSIDERATION ON: 17 February 2015

PETITIONER: Roger Bennett

**ACTION REQUESTED BY PETITIONER: Make Recommendation of
Approval to City Council**

APPLICABLE STATUTE OR ORDINANCE: Article 4.6 (Major Subdivisions)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The proposed Bennett Farms Plat F Subdivision consists of 6 lots on 6.59 acres. The lots range in size from 40,260 to 42,320 square feet. The development is located on the northern end of Country Manor Lane and completes the final phase of Bennett Farms Development, which has received Concept and Preliminary Approvals. The developer is seeking Final Approval for the last phase of this development. The proposed development is located in the CR-40,000 zone.

STAFF RECOMMENDATION:

We recommend that Bennett Farms Final Plat F be approved.



Date: February 12, 2015

By: Jed Muhlestein, P.E. *JM*
Assistant City Engineer

Subject: **Bennett Farms Plat F – Final Review**
6 lots on 6.59 acres

Background

The proposed Bennett Farms Plat F Subdivision consists of 6 lots on 6.59 acres. The lots range in size from 40,260 to 42,320 square feet. The development is located on the northern end of Country Manor Lane and completes the final phases of Bennett Farms Development, which has received Concept and Preliminary Approvals. The developer is seeking Final Approval for the last phase of this development. The proposed development is located in the CR-40,000 zone.

Street System

The proposed development shows extending Country Manor Lane to provide the required frontage for the lots. This phase extends and completes the northern end of Country Manor Lane by connection to Alpine Boulevard. A stub street is provided for future development of lots to the east named High Mountain Drive. Plan and profiles have been submitted for the streets and are approved. Curb, gutter and sidewalk are shown to be constructed and extended from where the current road ends through to Alpine Boulevard on both sides of the road.

Sewer System

There is an existing 8-inch sewer line in Country Manor Lane that will be extended to serve the additional lots. Sewer has also been stubbed eastward for future development. A 4-inch lateral will be required for each lot and is shown on the plans.

Culinary Water System

There is an existing 8-inch culinary water line in Country Manor Lane. There is also a 10-inch waterline just south of the LDS Stake Center. These two lines will be connected creating a looped water system for the development and general area. An 8-inch waterline will be stubbed

to the end of High Mountain Drive for future development. Fire hydrants are shown on both ends of the new roadway extension and the locations have been approved by the Fire Chief. A ¾-inch water meter and service will be required for each lot.

Pressurized Irrigation System

Similar to water and sewer, there is an existing 6-inch pressurized irrigation line in Country Manor Lane that will be extended to serve the development. It will also connect to an existing 12-inch main located just south of the LDS Stake Center creating a looped pressurized irrigation system for the development and general area. Pressurized water service for the future areas east of the development will be served from a different pressure zone and therefore there will be no pressurized irrigation line stubbed to the end of High Mountain Drive. 1-inch irrigation laterals are shown for each lot.

Storm Water Drainage

The plans show storm water being collected via catch basins and transported south via a piped system. A detention basin was appropriately sized and built to handle the capacity in an earlier phase of Bennett Farms. The drainage from this phase of development drains to this basin. The storm drain will be stubbed to the end of High Mountain Drive for future development.

A storm water pollution prevention plan (SWPPP) has been submitted for the site. In addition, the developer has obtained coverage under the UPDES Storm Water General Permit for Construction Activities.

General Subdivision Remarks

The developer has met the water policy.

A bond will be required for the necessary improvements. The developer has provided a cost estimate for the improvements. We will consider this when we prepare our bond estimate.

We recommend that Final Approval of the proposed development be approved



Water Requirements
Bennett Farms Plat F
February 4, 2015

Lot	Area (sf)	Indoor Requirement (0.45 ac-ft per home)	Outdoor Requirement (1.66 ac-ft/acre)	Total (ac-ft)
1	41,289	0.45	1.57	2.02
2	40,763	0.45	1.55	2.00
3	42,326	0.45	1.61	2.06
4	40,261	0.45	1.53	1.98
5	40,315	0.45	1.54	1.99
6	40,728	0.45	1.55	2.00

Total 12.06

Jed Muhlestein, P.E.
Asistant City Engineer



January 29, 2015

Jason Bond, City Planner
Alpine City
20 North Main
Alpine, Utah 84004

**Subject: Bennett Farms Plat F - Water Requirement
6 lots on 6.59 acres**

Dear Jason:

We have calculated the water requirement for the above mentioned subdivision.

The developer will be required to provide **12.06 acre-feet** of water to meet the water policy for the development.

Please contact me if you have any questions.

Sincerely,
ALPINE CITY

A handwritten signature in blue ink, appearing to read "Jed Muhlestein", is written over a horizontal line.

Jed Muhlestein, P.E.
Assistant City Engineer

cc: File
Developer

Alpine City Engineering
20 North Main
Alpine, Utah 84004

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Non-Conforming Amendment

FOR CONSIDERATION ON: 17 February 2015

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Provide feedback and make any necessary recommendations for the City Council to consider.

APPLICABLE STATUTE OR ORDINANCE: Article 3.22 (Non-Conforming)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The proposed amendment will clarify the City's position on non-conforming buildings and uses in Alpine City.

RECOMMENDED ACTION:

That the Planning Commission provide feedback to staff and make any necessary recommendations before the proposed amendment is reviewed by the City Council.

ARTICLE 3.22

NON-CONFORMING BUILDINGS AND USES

3.22.1 Purpose. This chapter describes the status of the uses of land or structures which were lawful before this ordinance was passed but which are now prohibited or restricted. It is the purpose of this ordinance to ~~prevent the expansion or enlargement of non-conforming uses.~~ define how non-conforming buildings and uses will be administered.

3.22.2 Status of Pre-existing Illegal Uses. Any building or use of land or any construction thereon, or any subdivision of land, which was not authorized by or under the pre-existing zoning or subdivision regulations, as amended, or which is illegal under such regulations, shall remain unauthorized and illegal unless expressly authorized or permitted in the provisions of this Ordinance.

3.22.3 Uses on Leased Land to Comply With Ordinance. Any person who may obtain State or Federal properties by purchase, lease or other arrangement must utilize such properties in accordance with the provisions of this Ordinance.

3.22.4 Non-conforming Buildings and Uses May Be Continued - Repair Permitted. The owners of land and buildings shall not be deprived of any use of property for the purpose to which it is lawfully devoted at the time of enactment of this ordinance.

Any building, structure or use of land, including but not limited to the raising of livestock, which is existing and lawful at the time of the enactment of this Ordinance, but which does not conform to the provisions of this Ordinance, shall be considered a non-conforming use and shall be allowed to continue, to the same extent and character as that which legally existed on the effective day of the application regulations, although such use does not conform to provisions of the Ordinance or amendment.

Repairs may be made to a non-conforming building or structure, or to a building or structure housing a non-conforming use, provided such repair:

1. Shall be made in accordance with the provisions of the City building regulations, when applicable, and
2. Does not have the effect of increasing the size or altering the character of the non-conforming building, structure or use.

3.22.5 Damaged Building and Structure May Be Restored. A non-conforming building or structure or a building or structure occupied by a non-conforming use which is damaged or destroyed by fire, flood or other calamity or act of nature may be restored or reconstructed and the use thereof resumed, provided that such restoration or reconstruction:

1. Is commenced within a period of two years from the date of occurrence of the damage, and
2. Does not have the effect of increasing the size of the building or structure or the floor space in excess of that which existed at the time the building became non-conforming, except when approved in accordance with the provisions of Section ~~3.1.6.6~~ 3.22.7 below.

Any such restored or reconstructed structure shall be constructed in accordance with the provisions of the current City building regulations.

3.22.6 Expansion of Non-conforming Uses Within Existing Structures Permitted. A non-conforming use located within a building may be extended through the same building in which said non-conforming use is located, provided no structural change is made or proposed in the building for the purpose of accommodating such extension.

3.22.7 Extension (Enlargement) and Reconstruction of Non-conforming Buildings - Conditions. A non-conforming building or structure or a building housing a non-conforming use may be extended or enlarged or reconstructed, subject to the prior approval by the City Council, after recommendation of the Planning Commission and such compliance with the following:

1. The proposed extension or replacement shall be located entirely on the same lot or parcel as the present non-conforming structure and will conform with all existing setback and location requirements.
2. The applicant shall submit a detail site plan showing the location of existing and proposed structures on the site and in the vicinity, existing lot boundaries, roads, driveways, parking areas, utilities and other significant features on the site and in the immediate vicinity.
3. A finding made by a majority vote of the Council that:
 - a. The proposed enlargement or extension will not significantly alter the character of the building or use or its impact upon the area.
 - b. The building or use, if extended, will not have the effect of diminishing the value of property or the quality of living environment of adjacent properties.
 - c. The proposed enlargement will not significantly increase the number of vehicles or pedestrians, or result in the establishment or increase of a safety hazard to the area.
 - d. The proposed enlargement will not result in the establishment of a condition incompatible with the neighborhood area and the stated objective of the zone in which it is located.

The Council may attach such conditions to its approval as are necessary to adequately protect the property and uses in the surrounding territory and the intent of the zone, including but not limited to, the providing of off-street parking access ways, landscaping features and additional setback of structures.

3.22.8 Substitution of Non-conforming Uses. A non-conforming use or building may be changed to a conforming use or building. Any non-conforming building or use, which has been changed to a conforming building or use shall not thereafter be changed back to a non-conforming use.

A non-conforming use of a building or lot shall not be changed to another non-conforming use whatsoever. Changes in the use shall be made only to a conforming use.

3.22.9 Discontinuance or Abandonment. A non-conforming building or structure or portion thereof, or a lot occupied by a non-conforming use which is, or which hereafter becomes, abandoned or discontinued for a continuous period of two (2) years or more shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located. Provided, the City Council may, upon appeal, authorize the re-establishment of a non-conforming use which as been discontinued for a period longer than provided herein, where the weight of evidence clearly shows that the owner had no intention to terminate the non-conforming use and that the longer period of discontinuance was beyond the control of the owner.

3.22.10 Reclassification of Territory. The provisions pertaining to non-conforming uses of land and buildings shall also apply to land and buildings which hereafter become non-conforming due to an amendment of this Ordinance or the zone map.

3.22.11 Non-conforming Lots of Record. In all zones where one-family dwellings are listed as a permitted use, a one-family dwelling may be constructed on any lot or parcel of land, even though

such lot or parcel does not comply with the area or width requirements for one-family dwellings within the zone, subject to a determination by the Zoning Administrator that the lot complies with all of the following:

1. The lot or parcel qualifies as a non-conforming lot of record (existed as separately described parcel on the records of the County Recorder prior to the effective date of the Ordinance) and the parcel does not constitute an illegal subdivision lot.
2. One-family dwellings are listed as a permitted use in the present zone, and
3. All setbacks, height, access, building size, utility and special provision requirements of the existing zone and all applicable supplementary regulations can be met.

The authorization in this Section 3.22.11 shall be applicable only in the instance of one-family dwellings. The ~~Board of Adjustment~~ Hearing Officer shall not have the authority to approve a dwelling having two or more dwelling units on a parcel which does not fully comply with the requirements applicable thereto.

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
Feb 03, 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, Steve Cosper, David Fotheringham, Jason Thelin, Chuck Castleton, Steve Swanson, Judi Pickell

Commission Members Not Present: Chuck Castleton

Staff: Jason Bond, Jed Muhlestein, Marla Fox

Others: Eli Slesk, Greg Schwarz, Troop 858, Paul Huntsman, Brandon Maughan, Jeff Hill, Will Jones, Taylor Smith, Mark Wells, Ken Berg

B. Prayer/Opening Comments: Jason Thelin

C. Pledge of Allegiance: By Invitation

II. PUBLIC COMMENT

No comment

III. ACTION ITEMS

A. PUBLIC HEARING – Amendments to Section 3.1.11, Section 3.2.3.3, Article 3.29, Article 3.15

Dan McDonald was the legal counsel for Alpine City in the lawsuit vs. the Alpine Recovery Lodge. After the lawsuit was settled, Mr. McDonald suggested that we address our ordinance in relation to group living arrangements within Alpine City. He has worked with staff to prepare some proposed amendments. This proposal would amend the applicable sections regarding group living arrangements which include Section 3.1.11, Section 3.2.3.3, Article 3.29, Article 3.30 and Article 3.15 of the Alpine City Development Code.

Dan McDonald said he came tonight to answer any questions the city might have. He said he would like to clarify the ordinances and the process. Under Federal Fair Housing Act, Americans Disabilities Act, Rehabilitation Act, and State statutes, the city has a duty and an obligation to not discriminate against individuals with disabilities or handicaps. The city also has an obligation to provide reasonable accommodations with its zoning ordinances. He said there are always arguments and disputes to do what is necessary or reasonable. He said he made some suggestions to the staff with a few changes to the ordinance which would make it easier to uphold and defend. He said it would also bring it more up to date with case law from the jurisdiction that governs Utah in the Tenth Circuit Court of Appeals.

Dan McDonald said group living arrangements could cover many situations with four unrelated people living together and this includes people with and without disabilities. Group living arrangements could cover anything from a mini MTC, a convent, a boarding house, a dorm, a group home for recovering alcoholics, or a nursing home. He said we have created a definition of group living that is broad and applies to everybody. He said the ordinance was changed to cover everyone and not just those with a disability.

Dan McDonald said an ordinance was created for those persons with a disability which allows up to eight unrelated persons with a disability or handicap to live in a dwelling as a permitted use wherever other group living arrangements are allowed as a conditional or permitted use. He said under the case law if any city ordinance allows similarly situated groups of unrelated, non disabled, non handicapped people to live anywhere in the city, the housing ordinances and zoning ordinance has to create an equal housing opportunity for people with disabilities. Dan McDonald said currently the only place in the city this could occur is in the Business Commercial zone.

Jason Thelin said we don't allow student housing or group housing here in city limits. Dan McDonald said this ordinance would be for people with disabilities because we recognize that in these circumstances it is better for

1 people to live in the same facility. For all others the ordinance allows for no more than four people living in a single
2 dwelling. Steve Swanson asked how it will be determined who the four people are. Don McDonald said it is no
3 more than four non related people living together in a single dwelling. Jason Thelin asked why the ordinance was
4 being changed from four people with a disability or handicap to eight people. Dan McDonald said when you have
5 group home applications come in they will have evidence that they need eight patients to make it therapeutic and
6 financially viable. He said group therapy just doesn't work if you have less than six to eight people and this seems
7 to be the magic number and the standard used by other cities.

8
9 Steve Cospers asked what happened with the litigation of the Alpine Recovery Lodge. Dan McDonald said ARL
10 wanted to have eighteen unrelated people living in this facility to help with drug and alcohol rehabilitation. He said
11 this facility was in the middle of a residential neighborhood and Alpine City said no because of the current
12 ordinance which only allowed four unrelated persons to live together. It went to court and the City Council said they
13 could have twelve residents. ARL appealed to District Court and the City Council settled with ARL out of court and
14 granted them to have sixteen residents in their facility.

15
16 Steve Cospers asked why we have an ordinance that allows eight if all it takes is to go to court to get that number
17 changed to sixteen. Dan McDonald said in every zone in the city with the exception of the Business Commercial
18 zone, you're still going to have this four person limitation. He said these homes still have the right under Federal
19 Law to request reasonable accommodation. He also said it helps to have an ordinance specific to the disabled to
20 show that you are accommodating their needs and you are not being discriminatory. It shows that you are giving a
21 group home larger numbers than everyone else. Bryce Higbee said the Planning Commission talked about this at
22 length and discussed whether we should have four, six or eight people. In the end it was decided to keep it at four
23 unrelated people living together to minimize the impact on the neighborhoods.

24
25 Dan McDonald said no matter what law you pass, there is nothing you can do to prevent group homes coming in and
26 asking for an accommodation of that law. He said what your laws may do is reduce the number of applications you
27 receive. The Planning Commission said the Business Commercial zone seemed pretty limited for residential options
28 and wanted to know how it would work. Dan McDonald said the definition of the text of the proposed ordinance
29 3.2.9.3 will say a residential facility for persons with a disability shall be a permitted use in any zone in the city
30 where similar group living arrangements are allowed as a permitted or conditional use subject to the same language
31 and each regulation is applied to other group living arrangements in the zone.

32
33 Dan McDonald said a change to the TR-10,000 zone would be to eliminate Nursing's Homes as a conditional use
34 and only allow them in the Business Commercial zone where other group living is allowed. He said Group Homes
35 will be allowed only in the Business Commercial zone with a total of eight people.

36
37 Steve Swanson asked if there will be spacing rules such as a group home can't be next to a school. Dan McDonald
38 said you can make spacing rules but it makes more sense and would be easier to defend if you spaced facilities based
39 on zoning of other businesses. You have to be careful that you don't come across as being discriminatory based on
40 the assumption that the residents would harm the kids at the school. He said you need to make sure you have
41 housing opportunities in the Business Commercial zone.

42
43 Dan McDonald said a change was made to eliminate the accommodation request coming before the Planning
44 Commission and the City Council. He said the way he has drafted the ordinance it would go to the DRC and they
45 would make the administrative decisions and use the Appeal Authority if necessary. He said the reason this makes
46 sense is because appointed officials have political pressure and sometimes that comes into play when making
47 decisions. He said the Planning Commission and City Council can be placed in bad situations where things are done
48 and said in public with the public that you don't want if it comes to litigation.

49
50 Judi Pickell asked how the DRC will determine what the numbers will be for a group home. Dan McDonald said
51 the applicant has to show why it is needed and if it is reasonable. Steve Swanson asked if being financially viable is
52 a good reason to grant higher numbers. Dan McDonald said the vote is split on that issue and it is still being
53 discussed.

54
55 Dan McDonald said the current ordinance is susceptible to challenges and should be revised to stay current with the
56 laws. He said the changes to the ordinance are not narrowing, but broadening opportunities and shows that the city

1 is trying to be accommodating. He said we are not discriminating but wrestling with difficult decisions which are
 2 planning and zoning related on how to make this work. Jason Thelin said he remembered talking about this issue in
 3 the past and he said the legal advice we got back then was that we couldn't limit group homes in the Residential
 4 zone. Jason Bond said we are not saying you can't have a group home in the Residential zone, we are saying the
 5 number of people you can have is smaller in Residential than in the Business Commercial zone.

6
 7 Dan McDonald said some laws have said that a group of unrelated people creates no more problem than a group of
 8 related people. He said the Tenth Circuit Court has now said we have to compare apples to apples and we have to
 9 compare group living of the disabled with the living arrangements of the non disabled. He said there is a
 10 philosophical difference. The courts recognize that group living creates urban problems because you have more
 11 cars, more traffic, and more transiency. Dan McDonald said we have to make sure we treat people with disabilities
 12 that same as those without disabilities.

13
 14 The Planning Commission discussed whether they wanted to change the process of having applicants come before
 15 them for approval. Steve Cosper said Dan McDonald just spoke about the avoidance of legal entanglement of these
 16 bodies and he said he thought it made sense from the standpoint of not bringing lawsuits on the city. Bryce Higbee
 17 said we should listen to our legal counsel and do what he suggests. Steve Swanson said he initially had concerns
 18 about leaving these decisions up to the DRC or to a body that was not elected and was just a paid administration. He
 19 said it makes more sense to him now that Jason Bond explained to him that the DRC could and would bring in
 20 outside help such as the attorney if needed.

21
 22 **MOTION:** Bryce Higbee moved to recommend approval of the proposed changes to the Ordinance Section 3.1.11,
 23 Section 3.2.3.3, Article 3.29, Article 3.15 as drafted.

24
 25 Steve Swanson seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee, Jason Thelin,
 26 Steve Cosper, David Fotheringham, Steve Swanson and Judi Pickell all voted Aye.

27 28 **B. State Farm Office Building Site Plan – Eli Slesk**

29 The proposed State Farm Insurance office building is located on the corner of Main Street and 120 south. The
 30 property is 10.043 square feet and is located in the Business Commercial zone. Office buildings are a permitted use
 31 in the BC zone. The proposed building will be 2 stories with 2,000 square feet per floor.

32
 33 At the January 20, 2015 Planning Commission meeting, the preliminary architectural drawings were discussed
 34 extensively. The Planning Commission asked that some new drawings be created implementing some of the ideas
 35 that were discussed that night. The Planning Commission will review these new drawings and consider making a
 36 recommendation to the City Council regarding the site plan.

37
 38 Jeff Hill said they will bring in a lighting plan which will be a one or two LED's that will be attached underneath the
 39 soffit and will face the parking lot. He showed a rendering of what the building would look like. He said to have
 40 the building face Main Street causes problems because it doesn't fit on the property. If the building is left as is and a
 41 door cut to face Main Street, it eats into an already small floor plan and affects the bearing wall. He said they can
 42 create an aesthetically pleasing side that faces Main Street by using landscaping and architectural balance.

43
 44 Judi Pickell said it is vital to have the building face Main Street and she said she is willing to give a bigger setback
 45 to make it happen. Jeff Hill said it might come down to they build with a north facing entrance or they find another
 46 property to build on. Brandon Maughn said they are trying to build on a budget and they could take a look at adding
 47 more square footage to the building to add a hallway to give a Main Street and rear entrance. He said this would
 48 affect the setbacks by about four feet and they could still meet the landscaping requirements.

49
 50 The Planning Commission said maybe they could take two feet from each side setback to make it fit and not affect
 51 the sight triangle on the corner. Greg Swartz asked if the city would be willing to let them take out the elevator.
 52 Steve Cosper said it is the building code that requires the elevator.

53
 54 Steve Cosper asked the applicants to come back with a revised plan on their building.

55 56 **C. Eagle Pointe PRD Preliminary Plan – Taylor Smith, Mark Wells**

1 This development was formerly known as the Vista Meadows PRD subdivision. The proposed Eagle Pointe PRD
 2 Subdivision consists of 14 lots on 32.929 acres. Technically there are only 10 new lots as Lot 14 is an amended Lot
 3 3 of Falcon Ridge Plat A. The lots range in size from 23,190 to 71,766 square feet which meets the minimum lot
 4 size requirements as set forth in the PRD section of the Development Code, Section 3.9.6. The development is
 5 located west of the Falcon Ridge Development. The proposed development includes approximately 17.54 acres
 6 (53.5%) of open space. The proposed development is in the CR-40,000 zone.

7
 8 Jed Muhlestein said the biggest change in the site plan is regarding slope conditions and the developer ended up
 9 having to take out one lot. One lot will be vacated on Falcon Ridge Plat A because of the road going through and be
 10 amended as part of this plat. The base density is fourteen lots even though they have provided enough open space to
 11 technically have eighteen lots. Due to topography the developer can only fit thirteen lots on this property. Although
 12 there has been talk of development on hillsides, there is an ordinance which prohibits that and this is a perfect
 13 example of that ordinance in action. Jed Muhlestein said some of the lot lines have been squared up to help
 14 straighten up some of the lots. He said this goes back to Section 3.9.4 where we discussed allowing a developer to
 15 have a tiny bit more leeway.

16
 17 Mark Wells said the retaining walls in the packet are being shown much higher than what they are proposing now
 18 with the narrower road. He said the Earth Tex references mention a thirty six foot high wall and that relates to a
 19 much older plan. He said currently there is a stretch of about eighty feet that will have a twenty eight foot high wall
 20 with an average height of ten to twelve foot walls. He said with this plan, it dramatically reduces the size of the
 21 retaining walls. Mr. Wells said the walls will be visible from Hog Hollow with some that will not be visible in the
 22 draw areas.

23
 24 Judi Pickell asked what the retaining wall would be made of. Mark Wells said the retaining walls will be engineered
 25 blocks which are one ton apiece and made of ready rock which slopes back like legos. He said they would be
 26 installed with soil nails. Jed Muhlestein said these would be big blocks that you can put any type of facing on. Steve
 27 Swanson asked if the blocks would look like grey cinderblock and Mr. Wells said the block can be colored to
 28 whatever we want but he personally liked the earth tone colors.

29
 30 Jason Thelin asked under what situation and parameters would the Planning Commission not approve the retaining
 31 walls. Jed Muhlestein said it has to meet the ordinance and it's not an engineering issue, it's an aesthetic issue. He
 32 said as far as safety the applicant will put up some chain link fence on the top of some of the walls and a guard wall
 33 in other areas. Steve Swanson said size could be a factor. Jason Thelin asked about safety issues and if the Planning
 34 Commission can say no if we don't want large retaining walls. Jason Bond said that is something you would have to
 35 ask legal counsel.

36
 37 Jason Bond showed pictures of another area in town with a similar retaining wall to show the Planning Commission
 38 how it could look. They said visually a step wall and a straight wall will look the same from the road. They said a
 39 darker natural color stone and natural landscaping could make it look better.

40
 41 Taylor Smith said they shifted the road forward so it would be less visible from the road. Steve Swanson asked if
 42 something could be planted to obscure the wall a little bit. Mark Wells said he didn't know if trees would be tall
 43 enough. Judi Pickell asked if something was on the plat that would prevent homeowners from building retaining
 44 walls on their property. The Planning Commission said they weren't sure if you can restrict homeowners from
 45 fencing/landscaping their own property. Steve Cosper said you could maybe require a matching color. Will Jones
 46 said any wall over four feet has to be engineered and you can restrict before the property is sold.

47
 48 Steve Cosper asked the applicants what they saw happening with the individual property owners. Mark Wells said
 49 there is the potential for homeowners to build retaining walls. Bryce Higbee asked if we can require CC&R's.
 50 Jason Bond said we can require CC&R's but we don't enforce the CC&R's. Steve Cosper said the enforcement
 51 could come into play when the homeowner comes in to get a building permit. Jason Bond said our Building
 52 Department consists of one person. He said because of such a small staff, some things are falling through the cracks.
 53 Steve Cosper said there needs to be a checklist to make sure that plat notes are being followed. He said it's good to
 54 get more than one set of eyes on these projects and maybe the Engineers or the City Planner should be involved.
 55

Jason Thelin asked about the water pressure to this subdivision. Jed Muhlestein said there are fire flow requirements that will have to be met. Engineering wise we have two main concerns with Eagle Pointe and that is the retaining walls and the fire flows. This subdivision is on the highest point of the upper water zone and when you are at the highest elevation, you have the lowest pressure. He said as it is, the applicants can meet the minimum fire flow of one thousand gallons per minute. He said we have looked at different options on how to meet the fire flow requirements so we don't damage the levels of fire flow in all the other zones. Jason Thelin asked what the parameters were for fire flow when this subdivision came through as Vista Meadows. Jed Muhlestein said they had the same issues back then as they do now. He said if someone comes in and wants to build a large home, they may be required to have fire sprinklers or use different building materials in their home that has better fire protection. He said the fire Marshall has been on top of this and has made sure homeowners have fire sprinklers or fire resistant building materials if the home is too large.

Steve Cosper asked Jed Muhlestein to go over the exception request. Jed Muhlestein said an exception would need to be made where a lot has more than 25% slope. Steve Swanson said his concern is still retaining walls in the back of the properties. Jed Muhlestein said in ordinance 4.1.7 it states you have to keep within the 50 foot clear zone. An exception would have to be made to eliminate three small retaining walls where the 50 foot clear zone would be required. The developer has proposed a 2:1 fill slope without retaining walls and have done the slope analysis tests and Geotech reports which say that the soil in this area can sustain up to a 1½:1 fill slope without retaining walls.

Jed Muhlestein said an exception to the change of use in the open space which means they would exchange open space for part of the road right of way. The Planning Commission looked at the Trail Master Plan to see where the trails were on this property. The applicant said they could give an easement for a trail. Judi Pickell said the open space should be held by an HOA and governed by CC&R's with an easement for the trails that the public can use. The Planning Commission had a discussion on private open space versus public open space and whether this subdivision would have trails and where they would be. Jed Muhlestein said conceptionally, this subdivision has already been approved as public open space.

Judi Pickell said as a PRD, we are allowing the developer to cluster the homes, but the public has access to that open space whether or not the city owns that or if it's held by an HOA. She said her direction is that it's held by an HOA so that they pay the taxes and they hold the liability. David Fotheringham said he thought the open space should remain private and then an easement be put in for any trails. Jed Muhlestein said if the open space is going to be private, it could knock the subdivision down to fifteen lots instead of eighteen but he said the developer is only providing thirteen lots.

Jason Thelin said he was concerned about giving exceptions now when we didn't give them a year ago. He said Jannicke Brewer told the public that night at Planning Commission that we have to give our recommendation if all the ordinances are followed. The public was upset about it and liked a different plan that required exceptions and the Planning Commission said no. Now tonight, when no public is here, the Planning Commission is considering giving exceptions. The Planning Commission had a discussion about working with the developer and also how to best preserve the hillside by making it safe and aesthetically pleasing.

MOTION: Judi Pickell moved to recommend to City Council preliminary approval of the proposed development be approved with the following conditions:

- 1 a. an exception for the small amounts of property within the lots that contain land sloped greater than 25% (Section 3.9.4).
- 2 b. an exception to the 50 foot clear zone rule from station 1+00 to 5+00 (Section 4.1.2/4.17).
- 3 c. an exception to allow the 2:1 cut/fill slope (Section 4.1.2/4.17).
- 4 d. approval for the use of retaining walls with Ready Rock and the darker coloration shown to match the hillside. (Section 3.9.7.4).
- 5 e. approval in change of use: 931 square feet of current public open space being changed to public right of way in exchange for 7,280 square feet of public open space.
- 6
- 7 2. The Planning Commission and City Council make a recommendation regarding the aesthetics of retaining walls on this subdivision.
- 8 3. The Planning Commission refer the Trail Master Plan to the Trail Master Committee to see if they want

to incorporate any trails into this subdivision and a review of the trail easement be done. (Section 3.17).

4. The Developer coordinate with the City to show what culinary water system improvements will be made to solve the issue of lowering the fire flow level of service to the pressure zone to which it is connected.
5. The Developer submit a retaining wall design based on the Geotechnical Report prior to Final Approval.
6. Landscaping to minimize the aesthetics of the retaining wall going up Hog Hollow to Lakeview Drive.
7. A plat note be recorded restricting individual homeowner's retaining walls as to size and aesthetics and built within the setback.
8. CC&R's be developed to maximize the natural landscaping already in the area.

David Fotheringham seconded the motion. The motion passed with 5 Ayes and 1 Nay. Bryce Higbee, David Fotheringham, Steve Cosper, Steve Swanson and Judi Pickell all voted Aye. Jason Thelin voted Nay.

D. David's Court Final Plat F Reinstatement and revisions – Patterson Construction

The Planning Commission and City Council have previously approved the David's Court Subdivision consisting of 15 lots on 16.42 acres which is located north of Healey Blvd. and east of Canyon Crest Road. The proposed development is in the CR-40,000 zone.

Since that approval, the Developer was approached by a purchaser who is willing to buy the eastern half of the property and requested to have it remain as one lot for the time being. This sale would combine several lots leaving a total of 9 lots on 16.42 acres to be platted. In order to accommodate the purchaser, the Developer revised the easterly lot layout slightly. The developer still proposes tow cul-d-sacs for David's Court but will only record and build 9 lots for the time being. This is essentially a phased development proposal as we do not know if/when the easterly half of the development will ever be developed in the future by the land owner.

The approval has since expired (Paragraph 4.6.3.12). Because there are proposed revisions to the Final Plat, the approval will need to be reinstated with a recommendation from the Planning Commission and approval from the City Council (Paragraph 4.6.3.13).

The Proposed David's Court Subdivision (revised) consists of 9 lots on 16.42 acres, with the future potential of 15 lots. The lots range in size from 40,003 to 361,865 square feet. This plan will require the vacation of David's Court Plats A thru C to allow property lines to be adjusted to the current plan. The development is not located within any sensitive lands overlay.

NOTE: The Engineer's review letter is written as if the development were fully developed with 15 lots and two new cul-de-sac streets being built.

Jason Thelin asked if this has been approved by the Fire Marshall. Jed Muhlestein said the Fire Marshall has approved this Subdivision.

MOTION: Judi Pickell moved to recommend approval of reinstatement with revisions of the David's Court Final Plat F with the following condition:

1. The Developer meet the water policy

Steve Swanson seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Steve Swanson and Judi Pickell all voted Aye.

E. PUBLIC HEARING – Article 2.3 Appeal Authority Ordinance Amendment

The proposed amendment would be eliminating the Board of Adjustment. The Board of Adjustment is not needed often for variances. The appointed Hearing Officer would handle anything that requires an Appeal Authority.

Jason Bond said the Board of Adjustment doesn't meet that often and so when they do, they have to be reminded what their role is and retrain them and it takes a lot of time. He said because we don't have that many variances,

1 Phil Barker would be the Hearing Officer and take care of them. Steve Cosper said he was impressed with the
2 knowledge of the Board of Adjustments and with the things they wrote because of the legal language used. Jason
3 Bond said that he is actually the one who wrote those things. Jason Thelin said Phil Barker was a full time Lawyer
4 and asked if the city was willing to pay Lawyer fees. Steve Cosper also mentioned the Mr. Barker does not live in
5 Alpine and asked if that was an issue. Jason Bond said it was not an issue and Judi Pickell said most cities use
6 attorneys for these issues.

7
8 **MOTION:** David Fotheringham moved to recommend approval to the City Council to Amend Article 2.3 Appeal
9 Authority Ordinance Amendment.

10
11 Judi Pickell seconded the motion. The motion was unanimous and passed with 6 Ayes and 0 Nays. Bryce Higbee,
12 Jason Thelin, David Fotheringham, Steve Cosper, Steve Swanson and Judi Pickell all voted Aye.

13
14 **F. PUBLIC HEARING – Article 3.22 Non-Conforming Ordinance Amendment**

15 The proposed amendment will clarify the City's position on non-conforming buildings and uses in Alpine City.

16
17 This hearing was postponed until the next Planning Commission meeting.

18
19 **V. COMMUNICATIONS**

20 The Planning Commission wanted to know why the James Lawrence building was not built as it was approved.
21 Jason Bond said James Lawrence had a second set of plans and brought those in after approval and they were
22 stamped by the Building Department. The error was not caught in time and the building was built to a different set
23 of plans that were not approved. Steve Swanson said this is a classic case of bait and switch.

24
25 Bryce Higbee said the James Lawrence building needs to be rebuilt to reflect the plans that were approved by the
26 Planning Commission and the City Council. The Planning Commission said there has to be better checks and
27 balances so this doesn't ever happen again. They said that something has to be done or we lose all credibility on
28 Main Street.

29
30 Roger Bennett said the attorney said we can't limit what Mr. Lawrence puts upstairs in the business. Mr. Bennett
31 said we can limit the parking but not the use.

32
33 **VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: Jan 20, 2015**

34
35 **MOTION:** Steve Swanson moved to approve the Planning Commission Minutes for Jan 20, 2015 subject to
36 changes.

37
38 Jason Thelin seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve
39 Cosper, David Fotheringham, Jason Thelin Steve Swanson and Judi Pickell all voted Aye.

40
41 Jason Thelin stated that the Planning Commission had covered all of the items on the agenda and adjourned the
42 meeting at 10:10pm.