

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
Mar 03, 2015**

I. GENERAL BUSINESS

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

Chairman: Steve Cospser

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

Commission Members Not Present: Jason Thelin

Staff: Jason Bond, Marla Fox, Jed Muhlestein

Others: Roger Bennett, Will Jones, Lon Lott, Erin Darlington, Ted Didas, Greg Darlington, Eli Slesk, Robert Peterson, Darren Gooch, Emily Gooch, Jeff Smith, Greg Schwarz, Paul Kroff, Tom Henroid, Ken Melby, Michael Melby, Mara Ambuehl, Jane Griener, Beth Stott, Abram Stott, Zayden Stott, Kedar Rugg, Ethan Rugg, Kelly Shubin, Greg Zippi

B. Prayer/Opening Comments: Chuck Castleton

C. Pledge of Allegiance: By Invitation

II. PUBLIC COMMENT

No Comment

III. ACTION ITEMS

A. State Farm Office Building Site Plan – Eli Slesk

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

At the February 17, 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.

Jason Bond received a lighting plan from the applicant which stated that the building would have can lighting shining down on each corner of the building and some landscaping lighting shining upward in the North and east sides to accent the building. The lights in the back will shine down on the parking lot so they do not shine on the neighbors to the West. The plan showed a fence separating the properties and the house to the West does not have any windows on the East side. The plan shows can lighting under the canopy under the East and North doors. There will also be an employee door on the south side of the building near the garbage area that will have a small light for safety.

Jason Bond showed some renderings of the landscaping plan which also showed ground lighting shining up in the trees.

Steve Cospser asked if the building has been squared up to line up with the other buildings on Main Street. Bryce Higbee said it showed on the plans that it was lined up. Steve Cospser said it looked like everything lined up and was okay with the sight triangle. Jed Muhlestein confirmed that the building was lined up where it should be.

Bryce Higbee asked if the applicants had worked out an agreement with the neighbor to share a parking stall. Greg Swartz said the neighbor has not worked with them and they will need to ask for an exception. Jason Bond said with the new building configuration, the applicant would need a total of twenty parking stalls. The Planning Commission discussed giving an exception for five parking stalls because they had asked the applicant to turn the building to face

Main Street and this would take up more room on the plot. They asked the applicant to work out some sort of agreement with a neighboring business to use one of their parking stalls. The applicant said the business to the south will not work with them or give them the one stall.

Judi Pickell asked if there were any other parking solutions. Jason Bond said this building requires 20 stalls and so far only has 15 parking stalls. They will need to ask for an exception to have less parking stalls because the property is so small. He said this is a difficult thing to address because employees will need parking. Steve Cosper wanted to know if this will force employees to park on the street.

Greg Swartz said they could put up parking signage for each suite and for customer parking as well. He said they are not planning to lease the building out to any large businesses, but rather to the one man band who doesn't want to work out of his home. Steve Cosper said if we're only talking about one extra car, they could park on the street even though this is not the ideal solution. Jed Muhlestein said as long as it is not in the red zone, it would be legal to park on the street. Bryce Higbee said he would like to see this business find an additional parking stall either from the neighbor or from across the street or possibly from the Law Office.

Judi Pickell said she is not opposed to street parking it's just that this is a unique place because it's right across the street from the school and there is a lot of traffic.

Jeff Hill asked if a basement could be approved for storage use only. He said it would be an eight foot, unfinished basement with no windows, a furnace room and in this case, a small break room, but mostly used for storage and filing cabinets. The Planning Commission discussed this because City has been burned on this issue before. Mr. Hill said they wouldn't be able to rent out the basement if it were only eight foot tall, no windows or egress. Steve Cosper said the City has actually seen that happen before. Mr. Hill assured the Planning Commission that they would only use the basement as stated. Bryce Higbee said that may be the intention now, but someone else could come in at a later date and change it into office space. The Planning Commission said if a basement was allowed, a deed restriction would be required. The Planning commission asked to see the plans for the basement and the applicants said it would only be about 1400 square feet on one side with a crawl space on the other side.

MOTION: Judi Pickell moved to recommend approval of the proposed State Farm Office Building Site Plan provided the following items are addressed:

1. Recommend an exception be granted by City Council regarding setbacks.
2. Recommend an exception be granted by City Council regarding six (6) parking stalls location within the setback.
3. Recommend an exception be granted by City Council for 5 parking stalls and work with adjacent property owners to find one additional parking stall.
4. 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.
5. Recommend approval of the architectural design drawings and the lighting design.
6. A deed restriction be drawn up showing the basement cannot be used for additional office space and will be uninhabitable.

Steve Swanson said the applicants wanted to use the basement for a break room and wanted to know if that would be possible. The Planning Commission said they would not be able to use it as a break room and it would be for storage only. Steve Swanson wanted to know if it made sense to incorporate parking from across the street. Steve Cosper said there is a cross walk by the Bank so that could be a possibility.

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

B. River Meadows senior living phase 4 revised site plan – 134 E. Red Pine Drive – Patterson Construction

The Planning Commission and City Council have previously approved the River Meadows Senior Assisted Living Plan which lies within the Senior Housing Overlay Zone. The reason this is coming to the Planning Commission and City Council is to request approval for modification of building pad locations.

This agenda item was postponed by the applicant until the next Planning Commission.

C. Melby Property Annexation Proposal

A formal request has been made for approximately 68 acres of land at the north end of Alpine City to be annexed. However, this land is not included within the Alpine City Annexation Declaration Policy Plan. There will need to be an extensive process to fulfill this request. The applicant is requesting that the Planning Commission make a recommendation to the City Council that starts the process to ultimately annex the Melby property.

Jason Bond showed a map of different plots of land and which ones have future plans to be annexed. He said the area being discussed tonight is not on the Annexation Plan.

Tom Henroid, and Ted Didas made a request to the City for the Melby property to be added to the annexation list. They said the County wants them to make an application with the County as well as the City. Mr. Henroid said if this property is annexed, the City would have to provide utilities and they are here to discuss that. Ted Henroid said they took the PRD requirements and said they would have a maximum of 33 lots based on the slope analysis. Based on where the slope of the land is, that is where the bulk of the open space would be which is on the West side next to the road going up to the water tank.

Bryce Higbee asked about the length of the cul-de-sac. Jason Bond said the cul-de-sac shown would not meet the ordinance and he said this is just a rough drawing of how the subdivision could be laid out. Judi Pickell asked if the water that serves the Cove would be the same water that would serve the Melby property. The applicant said currently Mr. Melby's home is being served by the same water as the Cove, but for this subdivision, a water source would have to be figured out. Jed Muhlestein said the water tank that serves the Cove would not be able to serve this development.

Jeff Smith said his property borders the Melby property and the problem he sees is the road going up to the County. He said the County never puts any money into that road and adding all these additional homes will increase the traffic. He is concerned about where the water is going to come from. He said he was also told that this property would never be developed. He said this is a critical environmental zone and shouldn't be developed. Steve Cospers said the Cove used to be zoned as critical environment as well at one time. Jason Bond said the Cove is currently zoned TR-5 zone. Steve Cospers told Jeff Smith that his home was in the critical environment at one time and was changed when the Cove came in to be developed.

Steve Cospers asked if this property can be annexed if the Cove is not annexed because you would have to leap over the Cove to get to this property. Jason Bond said the Cove has never been annexed because the streets, curb and gutter don't meet City standards and codes. He said the codes don't allow islands or peninsula's and he doesn't see how this property can be annexed if the Cove is not.

Judi Pickell said the applicant can ask for approval from the City and then the City will have control on how they develop. If the city doesn't give approval, then they can go to the County for approval and develop as a TR-5 zone. She said if we don't annex them in, then the County can give them permission just like they did the Cove.

Michelle Smith said she lives in Box Elder and she feels like anything annexed in the City needs to remain as it is zoned. If it is zoned critical environment, it should stay that way. She said she is concerned about the water because the City has already been on restriction. She said we need to protect our mountains and leaves things as they are originally zoned. She said the people she has interacted with do not want the development and the problems that come with tampering with the critical environment. She said the City has had to pay a lot of money to fix issues that have come from flooding and if the zone states one home per 50 acres then keep it that way.

Brian Hoffeins said he agrees that the property should remain as critical environment. He said the property owners should get together and talk about what they want to do and disclose their plans to their neighbors. He said as a neighbor he wants to have a say at the City level. He said neighbors in the Cove were told that nothing would ever be developed behind them and that affected their decision to buy the property. Steve Cospers said he doesn't know how much weight a statement like that holds because many people have been told that by developers or real estate agents.

Mr. Hoffeins said he is in favor of annexing this property into the City as a critical zone with 1 house per 50 acres as long as the area could get water. Tom Henroid said if the City could not provide water they would have to do the same thing as the Cove has done and get their water from a private source.

Jane Greiner said she is in favor to annex as long as the applicant works with the City and comes up with an agreement. She said she doesn't support the system of going through the County for approval and then trying to annex at a later date. She said it makes sense for land owners bordering Alpine City limits to come into the City. She said the community should be involved with how the City grows and what it's going to look like. She said another concern is traffic because the City is not equipped with adequate roads getting in and out of this area.

Janet Williams lives in Box Elder and said she is concerned about making zoning changes. She said these zones are there for a reason because of flooding and drainage or road issues. The City is supposed to be an advocate for the citizens and they have a responsibility to uphold these zones for the safety of the people. She said everyone bought their property knowing what the zone was. She said building in these critical zones is a burden on the City and maybe additional requirements should be put on the developers to help with these burdens. She also wanted to know if the City had to plow the snow in these county developments. Jason Bond said no, that is not our responsibility. Jane Greiner said some of these issues would be good to clear up because the public doesn't know what the City is required to pay for. Jason Bond said the residents of the Cove are under the County jurisdiction but if someone is having a heart attack, we of course would send them help. He did say that eventually the County would have to take that over.

Greg Zippi said he worries about the water and said it is a critical issue and needs to be addressed before things get too far along in this process. He said the consensus from the people he talked to is that if it doesn't benefit the majority, the City doesn't have an obligation to put in the development. He said the property owners have the right to develop, but it needs to stay in the same zone and not be changed.

David Fotheringham said we need to come up with a new annexation plan. He said the critical environmental zone was put in place to keep development off the hills and mountains without the support of infrastructure from the City. He said there are many parcels of land that used to be in the critical environment zone that today are not and are now part of the City. Developers are not going to want to come into Alpine if we restrict how many homes they can build on their property. This will force them to go to the County for annexation and the City is going to lose out on all that money.

Steve Swanson said if we annex the property, that doesn't mean it will stay in the CE-1 zone because many other developments were changed once they became annexed in to the City. Judi Pickell said most of the properties annexed into the City have been in the CE-1 zone. She asked why the Melby property hasn't been on the annexation plan in the past. The applicants said they didn't know and they didn't think the Melby's knew either. Steve Cosper thought maybe the Cove threw a wrench in their plans. The applicant said the Melby's have owned this property since the 1980's along with the developers of Three Falls. They said they don't quite understand how Three Falls got annexed into the City and they didn't.

Will Jones said originally it was part of the annexation plan but as time went on, it was removed along with Pine Grove sometime in the 1990's. He said we should pull the minutes up from that time period and see what the motion was and what the intent of the motion was. Judi Pickell said good planning doesn't come from pressure from the neighbors but from looking at the City as a whole and planning ahead of time for what we want it to look like in the future. She said we need to plan for density, roads and infrastructure so we have a Master Plan and do what's best for the City. Instead of saying we're going to annex this huge critical environment piece of property without any idea of what the neighbors are going to agree and allow on that piece of property. We won't know what type of infrastructure those neighbors are going to agree to that will be required to that piece of property.

Ted Didas said there are lots of reasons developments like the one we are proposing should be in the City. The people that are going to live there will use City roads, water, sewer, parks and recreation, Police and Fire services. He said the studies that would be required, it is absolutely implied by their application that they will challenge the critical environmental zone. He said there will be debris flow studies, water runoff requirements, and wildlife requirements. He said he understands that the City would like to be a part of those studies and seeing what that

looks like rather than that going to the County. The County will then decide if the studies are justified and then the City is out of the loop.

Steve Cospers said he was surprised this didn't come in as a concept plan and see where it would go rather than bringing in thirty three lots which seemed to hit everyone in the face. He said it's a little bit like putting the cart before the horse. Jason Bond said this meeting was a requirement. The applicant said they have created this plan based on the rules they thought the City would require of them.

Tom Henroid said they are here to see if this annexation plan is possible and what they need to do to make that happen. He said it was never their intent to come in here with guns blazing and give any shock value. The Planning Commission discussed if an annexation would be possible with the Cove being annexed and what the State Statutes were on situation like this. Mr. Henroid said approval for the development and annexation goes hand in hand and need to be worked out together. Then things such as water, sewer and other infrastructure can be decided.

Bryce Higbee said the people have a lack of trust in the County and would rather work with the City because the County is out of touch with what the people want. He asked if this is even feasible cost wise to do for the City. He said the attorney said the City always loses money with annexations.

Brian Hoffeins agrees with planning and anticipating what the City wants to do in the future. He said it is not binding and things can be changed in the future. He said something must have happened in order for the City to take the Melby property off the annexation list. He said it is a consensus that the City wants to have a say in their growth. Judi Pickell said she wants to remind everyone that if this is brought in a CE-1 zone, it may not remain as a CE-1 zone. Mr. Hoffeins said that the City needs to make a plan and say this is how we are going to invite property owners to come into our City.

Tom Henroid said the applicant would welcome a work session where questions could be asked and ideas can be shared and goals made. He said they are not ready for a recommendation to be made tonight. Jane Greiner said it seems premature to do a work session with the developer before the City has a plan. Bryce Higbee said the City needs the input of the developer in order to help come up with a plan and to see what a potential annexation would look like. Steve Cospers asked Jason Bond to set up a work session with the developers and staff and Planning Commission. Greg Zippi wanted to know if the public could attend and Jason Bond said they could but there wouldn't be any public comment.

MOTION: Chuck Castleton moved to recommend to the City Council to have a work session with representatives from the City Council, City Administration, Planning Commission, and the land owners to further discuss this request which will include the whole annexation plan.

Steve Swanson asked if we would only be discussing the Melby property in that work session or if this would be a broader discussion. Steve Cospers said we should bring up more so the City can start planning ahead. Steve Swanson said we should include our whole annexation plan as part of that meeting. Chuck Castleton accepted that as part of the motion.

Judi Pickell seconded the motion. The motion passed and was unanimous with 6 Ayes and 0 Nays. Bryce Higbee, David Fotheringham, Steve Cospers, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.

D. PUBLIC HEARING Article 3.22 Non-Conforming Ordinance Amendment

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

Jason Bond said there was a recent request of a use that was non conforming and our ordinance was contradictory and needed to be clarified. The ordinance would be changed from saying the purpose of this ordinance is to prevent the expansion or enlargement of non conforming uses to say: the purpose of this ordinance to define how non conforming buildings and uses will be administered. Jason Bond said there are a few other minor changes such as taking out the Board of Adjustment and adding a Hearing Officer.

Steve Cospers opened and closed the Public Hearing with no comments.

MOTION: Bryce Higbee moved to recommend approval of Article 3.22 Non-Conforming Ordinance Amendment as proposed.

Steve Swanson seconded the motion. The motion passed and was unanimous with 6 Ayes and 0 Nays. Bryce Higbee, David Fotheringham, Steve Cospers, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.

V. COMMUNICATIONS

Jason Bond said next Tuesday at the City Council Meeting there will be a leakage study done by Jason Burningham. He said there will be a presentation with a question and answer period and wanted to invite all of the Planning Commission members to come. He said the information will then be discussed further at another meeting.

Steve Cospers said he would like to be included on the list to receive a City Council agenda because he is the Planning Commission liaison and comes to those meetings.

Steve Swanson wanted to know where we stood with the retaining wall. Jason Bond said he has talked with the City Engineers and the Attorney and has given them a copy of the Draper City ordinance. He said we can still discuss it at the next meeting but he would rather wait until he can get some input from the engineers.

VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: Feb 17, 2015

MOTION: Steve Swanson moved to approve the Planning Commission Minutes for Feb 17, 2015 subject to changes.

David Fotheringham seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cospers, David Fotheringham, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.

Jason Thelin stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 8:55pm.