

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
October 20, 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: Jason Thelin

Staff: Jason Bond, Marla Fox

Others: Roger Bennett, Larry Hilton, Carla Merrill, Marianna Richardson, Dakota Hawks, Brent Bateman, Will Jones, Lon Lott, Loraine Lott, Ramon Beck

B. Prayer/Opening Comments: David Fotheringham

C. Pledge of Allegiance: Carla Merrill

II. PUBLIC COMMENT

No comment

III. ACTION ITEMS

A. Verizon Wireless Telecommunication Tower Collocation – Lambert Park

Verizon Wireless is proposing to collocate antennas and equipment at the existing Lambert Park tower site. As part of the proposal, Verizon Wireless is proposing to lease 467 square feet east of the existing tower from Alpine City. The vegetation in the proposed lease area is very minimal. In addition, the Public Utility Easement from Country Manor Lane to the site has been modified. The applicant has worked closely with the Engineering Department on the alignment of that proposed P.U.E. The applicant proposes to have two rows of antennas and potentially microwave dishes below the antennas. Detailed plans and photo simulations are attached. All antenna mounts and antennas will be painted to match the existing tower.

Jason Bond said there is only one row of antennas on the tower and Verizon is requesting to put in a second row which would be the middle row on the tower. They also want to adjust the easement up to the location and lease some property for their equipment at the base of the tower. Because this is an easement on city property, the ordinance states this would require a Public Hearing. Jason Bond said he drove up to Lambert Park today to take pictures of the area so everyone could see what Verizon is proposing to do and the location of where they want to do it.

Steve Cosper said this seems to be a permanent structure with the need of an easement on property owned by the city. He asked if they would have a long term lease with the city. Jason Bond said yes, that is how it would work, they could have the easement but the property would still be owned by the city. Jane Griener asked if the easement would be changed. Dakota Hawks from Verizon said the easement is the same and he has worked with Shane Sorensen to correct the alignment which has been recorded.

Judi Pickell asked if the equipment will be the same as the existing equipment. Mr. Hawks said it will be very similar. Jason Bond said the antennas will be painted to match the existing antennas so they won't stand out. He also said the antennas may actually be a little bit smaller. David Fotheringham asked about landscaping around the tower and said because we will have future development in the area, it would be nice to start some planting of landscaping now. Jason Bond said this area in Lambert Park would be very difficult to landscape because of the lack of water. He said the area is all natural landscaping. Judi Pickell asked about fencing the area with colored slats to help hide the equipment. Lon Lot said you could plant wildflowers that would naturally grow from the water from Heaven and be drought tolerant.

MOTION: David Fotheringham moved to recommend approval of the Verizon Wireless Collocation of the antennas and lease of 467 square feet for base equipment in Lambert Park with the following conditions:

1. Paint cabinets the same color as the tower
2. Public Hearing at City Council

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

B. Condominium Conversion – 341 South Main Street – Larry Hilton

Larry Hilton has received approval of a building to be built at 341 South Main Street, Lot B of the Alpine Olde Towne Centre Planned Commercial Development. Before construction, Mr. Hilton is requesting that the building be converted into two separate condominiums. Chapter 6 of the Alpine City Development Code lays out the requirements for the conversion of a building to condominiums. The ordinance requires several documents and that it go through the same process “as set forth in City ordinances dealing with major subdivisions.” (Section 6.6)

Jason Bond said this situation is unique because ground hasn’t been broken on this building and said he didn’t think we have any other condominium buildings in the city.

Larry Hilton said he will have an association for his building and the two owners would belong to the association. Bryce Higbee asked if this is allowed by the current Towne Centre association. Larry Hilton said he would look into it. He said the building would have two different accesses for the two different portions of the building. He also said that the Red Pine businesses have been condominiumized because they all have different owners.

Steve Swanson asked if there would be adequate parking for the two businesses. Mr. Hilton said the parking would be the same. He said he would own one portion of the building and he would have two business partners and they would own the other business. Mr. Hilton said he would like to have two different street addresses for separation of mail. The addresses would be located on the outside of the building.

MOTION: Bryce Higbee moved to recommend approval of the Larry Hilton Condominium Request located at 341 South Main Street, Lot B of the Alpine Olde Towne Centre Planned Commercial Development with the following condition.

1. David Church review the Declaration of Condominium Covenants, Conditions, Restrictions and Management as proposed.

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

C. Planning Commission Training

Brent Bateman from the State Ombudsman office spoke with the Planning Commission about what some of their duties were.

Protect the property rights of the citizens.
Prevent problems before they become problems.

Mr. Bateman Spoke about Legislative vs. Administrative Decisions in the city. The City Council is the Legislative body in the city because they make the laws. The Administrative process is decided by the City Council. That means they ask a committee, or staff, Planning Commission or the City Administrator to carry out the laws and ordinances they put in place. Some decisions can only be decided by the City Council such as zoning because zoning is a law.

Some City Councils are too busy doing Administrative stuff and can’t get to the Legislative stuff. When this happens, codes get out of date because they don’t have the time to work on them because they are too busy sweating

the small stuff. Mr. Bateman said to give the simple stuff to the staff and let them handle it. He said to send the more controversial stuff to the Planning Commission and let them handle it.

Mr. Bateman said there are good reasons why City Councils should not be making Administrative decisions. There has to be substantial evidence when making Administrative decisions. You have to have facts and ask yourself if this decision complies with the ordinance. You cannot base a decision on what you feel is right for the city. City Council members are voted in and want to do what they think is best for the residents or what they personally want for their city. Planning Commission is not voted in, but are appointed and can make unpopular decisions.

The Planning Commission asked if the agenda items could be labeled Administrative vs. Legislative so they know how to respond to them.

Mr. Bateman said you are not required to have a Public Hearing if the agenda item is Administrative. You can still hold a hearing to help you gain evidence but you have to be careful with public clamor. He said you don't have to take public opinion into consideration if it is against the ordinance. Opinion is not evidence. He also said you should not hold two Public Hearings on the same agenda item; one in Planning Commission and one in City Council.

Judi Pickell asked how the Planning Commission can make more administrative decisions. Mr. Bateman said the City Council has to appoint the Land Use Authority to make Administrative decisions. If the Planning Commission wants to be that Land Use Authority they would have to make a recommendation for that. However, the Planning Commission's job is to plan and to use their time to plan, not to be the Administrator. He said the Administrator should be the staff.

Mr. Bateman said if the Planning Commission spent their time planning and the City Council spent their time with legislative issues, the ordinances would be clear and make it easier to follow the ordinances. Mr. Bateman followed up by touching on developer's rights, annexation and following the law when applicants come in to be approved.

COMMUNICATION:

No comments

VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: October 6, 2015

MOTION: David Fotheringham moved to approve the Planning Commission Minutes for October 6, 2015 subject to changes.

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

Steve Cosper stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 8:45 pm.