

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
June 04, 2013**

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:04pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum.

Chairman: Jannicke Brewer

Commission Members: Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Chuck Castleton, Steve Swanson

Commission Members Not Present: Todd Barney

Staff: Marla Fox, Jason Bond, Shane Sorensen

Others: Shawn Brenchley, Stephen Larsen, Will Jones, Bryce Nelson

B. Prayer/Opening Comments: Steve Cosper

II. PUBLIC COMMENT

III. ACTION ITEMS

A. PUBLIC HEARING – Townhouse Overlay Zone

Will Jones is proposing the creation of a Townhouse Overlay Zone in Alpine City. This potential ordinance would be nearly identical to the Senior Housing Overlay Zone. The proposed townhomes would be built at approximately 242 South Main Street. This proposal is contingent on the adoption of a new ordinance and an amendment to the General Plan since multi-family housing is currently not allowed in Alpine City.

Will Jones said the density would be similar to the Senior Housing. It would be confined in the Business Commercial Zone. He said they would have 30% open space for a play area for younger families and would not propose anything bigger than a 4-plex. Mr. Jones said it would not be an apartment complex and they would limit the amount of rentals and have others for sale.

Jannicke Brewer said in 2007 there was a strong feeling to not have anything like this in the City. Things have changed in the last few years. Residents who are getting older may want this option with less yard work and be able to stay in Alpine. We need to discuss the amendments that would need to be changed in the general plan to allow this type of housing because currently we don't allow it. We would need a public hearing meeting, then send this to Planning Commission, and then to City Council.

Will Jones said we do allow this type of housing because the Senior Housing Overlay is the same thing and is in the current ordinance. The only difference is that these townhouses don't have an age limit and they will have open space. Jannicke Brewer said this is a new step for us and she felt like we needed to have more input from the residents before a decision was made. Bryce Higbee asked if there would be a height restriction. Will Jones said this would be main floor living, one level units no higher than 34 feet.

Jason Thelin asked if we had any other areas in the Business Commercial Zone that could be used. Will Jones said it would have to be created by taking out homes. Jason Thelin asked about the Bangerter property and if that was an option to build there. He also asked why you can't just put it in as a Senior Housing Overlay. Will Jones said he wants to open it up to all ages. He said he has talked to younger people who don't want yard work. Steve Cosper asked how many units this would be. Will Jones said about 28 and they will follow the Senior Housing. Jannicke Brewer asked if they would be moderate housing. She said we need affordable housing. Will Jones said these townhomes would probably not solve that problem.

Steve Cospers said this is a fundamental change that the citizens need to have input on. Will Jones said he would put together a packet that he could give to surrounding neighbors and put up a sign at the roundabout to inform them of a public hearing. Jason Bond said to advertise this in the newslines and to put up a sign directly at the site. Jason Thelin said we need to be concerned about parking and traffic on a very congested Main Street, with small children around. Will Jones said the property would be fenced very carefully with access to the trail.

There is one event that would be difficult and that is when school is starting and ending. Chuck Castleton said this would have an oversized impact to the feel to the community. Will Jones said there would be a good landscaping scheme and a fence surrounding it so the kids can stay inside. Jannicke Brewer said as a Planning Commission we need to look favorably at this idea. They proposed to put information in the July news letter and have a hearing in August.

B. Brenchley Residential Site Plan – 249 North Alpine Blvd. – Shawn Brenchley

The proposed Brenchley Site Plan at 232 North Alpine Blvd includes five parcels totaling 4.131 acres. The owner was given direction by the DRC that the parcels would either need to be combined into one parcel or that property lines would be required to be adjusted so that any proposed structures would meet the required setbacks. The property is in the CR-40,000 zone.

The Planning Commission discussed this site plan previously and recommended it be discussed again at the June meeting. The Planning Commission had a discussion about requiring the property owner to extend Meadow Brook Drive to connect to Alpine Blvd. They also discussed the ditch to the east and section 4.7.19.2 of the Alpine City Subdivision Ordinance that says “All irrigation ditches in subdivisions/site plans shall be piped underground. Certain ditches that are legally required to be left open by Alpine Irrigation Company are exempt.”

Shawn Brenchley said he is working with the surveyor and the title company and would like to take the five parcels and combine them into one parcel. He feels for tax purposes this is the best thing to do for his family. Shane Sorensen said he went back through the files and this property was submitted to the City. It was not recorded. There were 4 sets of utility services put in and no through street in conjunction with the Applewood Subdivision. The 1997 street plans show that a road went through the Meadow Brook Subdivision. On the next Master Plans in 2005, the road was not there and it went through both Planning Commission and City Council.

Jannicke Brewer said 25 years ago, when Mr. Olsen built his home, we didn't have a requirement to have a second access or requirements for lengths for cul-de-sacs. At the time his home was built, 300 north had not been built and his main access was on Meadow Brook. Jannicke Brewer said Mr. Brenchley's property doesn't have anything to do with the property on Meadow Brook or their 2nd access. Jannicke Brewer was told by David Church that we cannot require Mr. Brenchley to put the road through. Steve Cospers asked if we have a ruling from the Fire Chief and he said it wasn't safe, then it would overrule what David Church said.

Shane Sorensen said the ditch was discussed at DRC a week ago and this ditch has to be left open so the public workers can check and clean out the ditch. This ditch is partly on Mr. Brenchley's property and partly off. Steve Cospers said if it is required and we aren't going to pipe it, why even have an ordinance. Shane Sorensen said because some areas need to be piped. City workers know what will work best for the City, and we want this left open for maintenance. Jannicke Brewer said we need to follow the recommendation of the engineers and do what they think is best in this situation.

MOTION: Jason Thelin moved to recommend an exception to Section 4.7.19.2 of the Alpine City Subdivision Ordinance requiring all ditches to be piped with the condition that the owner remove any dead vegetation or vegetation that is hanging into the ditch from the ditch alignment. We also approve the proposed site plan subject to the following conditions:

1. The parcels be combined into one parcel.
2. The driveway, as laid out, is acceptable in relation to the arterial street requirements.
3. The Fire Marshall determine if the existing fire protection in the area is sufficient.
4. The water policy be met for the lot.
5. A land disturbance permit be obtained as part of the building permit process.

Steve Cospers asked again what happens if the Fire Chief determines this area unsafe and you have already given final approval. Jason Bond said it would be brought back to the City and staff would have to work with the Fire Chief to make it safe. Jason Thelin asked if the City would then come back and buy some land from Mr. Brenchley to put the road through. Steve Swanson said Meadow Brook was built without any exceptions. Jannicke Brewer said we didn't have these rules 25 years ago. Shane Sorensen said he would love to see the road go through from a public works perspective but in talking with David Church, it can't be done.

Steve Swanson seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cospers, Jason Thelin, Jannicke Brewer, Chuck Castleton, and Steve Swanson all voted Aye.

C. Pine Valley Realty Office Building – Approximately 360 South Main Street – Will Jones

This is a parcel of land on the Northwest corner of the intersection of Canyon Crest Road and Main Street (at the roundabout). The 26,465 s.f. parcel is planned to include a new office building for Pine Valley Realty. The building pad is 3,650 s.f. and will have two stories and a basement. According to Article 3.24 (Off Street Parking) of the Zoning Ordinance, four (4) parking spaces are required for every 1,000 s.f. This two story building, including the basement would bring the total requirement of parking spaces to 44. Depending on the design aspects, (high ceilings, etc.) the number of required parking spaces may be a few less (approximately 39).

Mr. Jones is requesting that an exception (section 3.24.4 Reduction of Off-Street Parking Requirement) be made so that the basement square footage would not apply to the parking requirement. This way, the basement square footage would not require additional, unnecessary parking but could be used for necessary storage. Mr. Jones, with the exception (not including the basement), would plan on having two (2) stories which would bring the total requirement to 29 spaces (without taking into consideration the design aspects).

Jason Bond said staff recommends that this would be good planning and adequate parking as long as there was an agreement with the City. Bryce Higbee said the issue is with the next owner of the building down the road. Will Jones said it wouldn't be an issue if that new business doesn't need more than the 29 parking spaces. He said he has room to put in more parking out front along the roundabout, but he would rather put in more landscaping and make the roundabout look nice.

Will Jones said the basement would be for storage only. We wouldn't have an outside access to the basement, no windows, 8 foot ceilings, and a deed restriction. Jannicke Brewer said if you have a 7 foot ceiling, you wouldn't be allowed to occupy the basement. It wouldn't be useful for anything other than storage. Jason Thelin said we need to change the ordinance so that we don't have to give exceptions to anyone, it needs to be fair for everyone.

Bryce Higbee said we need to enforce the ordinance if someone is breaking them. Will Jones said we have 3 mechanic garages in the city that are illegal. We have ordinances that say they are not allowed but we don't enforce them.

Jason Thelin asked what the City is going to do to ensure that this basement won't be used for anything other than storage. Bryce Higbee said we are more concerned with the next owner and what he does with the basement. Jason Bond said we would require a deed restriction. Shane Sorensen said the deed restriction would follow the title. We could get with David Church and see how the deed restriction should be written. Steve Swanson said to write it saying low ceiling, no windows, and no door. Will Jones said he will do what is asked, but he may be required by the building inspector to have a window in the mechanical room. Steve Cospers said the inspector may only require a vent and a pipe duct.

MOTION: Jason Thelin moved to recommend to the City Council to not give an exception to parking, but to make a modification to the ordinance that would benefit everyone.

There was no second to the motion.

Shane Sorensen said you could have a condition in the motion that if you violate the building code you could ask them to come back to Planning Commission with the Site Plan.

MOTION: Chuck Castleton moved to recommend approval of the exception, 3.24.4, given that we require a 7 foot ceiling, no windows, and a deed restriction (approved by the City Attorney) forbidding occupancy in the future with the condition that these [conditions] are in compliance with the building code.

Steve Cosper seconded the motion. The motion passed, but was not unanimous with 5 ayes and 1 Nay. Bryce Higbee, Steve Cosper, Jannicke Brewer, Chuck Castleton, and Steve Swanson all voted Aye. Jason Thelin voted Nay.

Fort Canyon Road – Steve Larsen

Canyon Brook PRD is a proposed subdivision located at approximately 1520 fort Canyon Road. The proposed subdivision consists of 3 lots on 52.01 acres in the CE-5 zone. This is a resubmittal of a development that was previously approved for this property, which was also called Canyon Brook. However, the approval of that development has since lapsed and this is being considered as a new application. The development was given concept approval at the March 5, 2013, Planning Commission meeting, with conditions.

Shane Sorensen said Mr. Larsen came back with the same plan as they had before. He said as far as the lot lay out is there are no issues. This subdivision would have a section of road that would need to be improved. The City recommends a 26 foot width section of pavement. We feel that the money for this project should be put in escrow until the time the rest of the road is ready to be improved. We also need to take a look at retaining walls and see if the road can be built without them.

Shane Sorensen said we have 6 inch water line currently and we are looking at putting in a 10 inch water line when the road goes in. The Fire Marshall said he is fine with the plan as proposed. What is being proposed currently are two catch basins at the South end of the subdivision, piped over to a small retention basin. We don't prefer retention basins and only allow them if there is no other option. There should be an easement and a storm drain line over to Fort Creek. One issue is that our minimum that we will allow is 15 inch storm drains. The Three Falls Fort Canyon plans have 24 inch lines. Mr. Larsen doesn't want to pay the extra money to have the bigger line and needs to discuss the options for the up-size storm drain line with the City. Shane Sorensen said Mr. Larsen has Alpine City water shares, so we would look to that to meet the water policy.

Steve Larsen would have to apply with the Fire Marshall to get an exception to not have a second access in the wildland interface area. In looking at this area, there is not an opportunity for a second access. We do have a provision in the ordinance where Mr. Larsen can apply for an exception. Mr. Larsen said he spoke with the Fire Marshall and he was fine with exception.

Jannicke Brewer read from ordinance 3.12.7.4.2, where it states: All developments in urban wildland shall have more than one access. Exception #2 states: where terrain features or other physical obstacles make provisions of a second access impracticable, a single access may be approved by the City Council after obtaining the recommendation of the Fire Chief and the Planning Commission. Jason Bond said the Fire Marshall didn't specifically mention an exception for the second access. Jannicke Brewer said we can approve a single access because of the physical terrain and ask that the Fire chief also turn in a recommendation.

Jannicke asked if we were sure about how to handle the easement along the creek. Is it private ownership or does it go with the lots? Steve Larsen said it goes with the lots but it is overridden with conservation easement on top of it. He said they will be using the same documentation they used last time this was brought forward. It was reviewed in 2006 by David Church and was okay.

Jannicke said she read the CC&R's and it said in there that if the lot was bigger than two and a half acres, they could be divided. These lots can't be divided because this is a PRD and that needs to be taken out. The other issue had to do with pets and animals. It was very unclear and said you could have up to five pets. She said Mr. Larsen would have to follow City ordinance which allows two dogs.

MOTION: Bryce Higbee moved to approve preliminary and recommend final approval of the Canyon Brook PRD Subdivision be granted subject to the following conditions:

1. An exception be granted to allow the pavement width to be 26 feet wide.

2. The City Council determine if the street improvements will be required to be constructed at this time or if the funds for the improvements will be required to be put in an escrow account with the City for use when the entire Fort Canyon road is re-constructed.
3. A storm drain plan be designed that includes piping the storm water from Fort Canyon Road to Fort Creek. A 15 foot easement for the line be included on the final plat, with a 24 inch line minimum. We recommend that the developer discuss the options for the cost of the up-sized storm drain line with the City.
4. A UPDES permit be obtained and a SWPPP plan be provided to and approved by the City prior to beginning construction.
5. The water policy be met with the Alpine Irrigation Company shares.
6. A note be placed on the final plat noting the existing geological and geotechnical reports that are on file with the City for this development.
7. We recommend an exception subject to section 3.12.7.4.2 subject to obtaining written approval from the Fire Chief as well as written approval from the Fire Chief that fire sprinklers are an acceptable option to reduce the required fire flows for the area.
8. That the CC&R's be amended pertaining to the number of pets allowed and ability to subdivide the lots.

Steve Swanson seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cospier, Jason Thelin, Jannicke Brewer, Chuck Castleton, and Steve Swanson all voted Aye.

E. Fence Ordinance Amendment

Currently, only fences in excess of six (6) feet need to be approved by the Planning and Zoning department and obtain a building permit. Staff would like to require all fences to obtain a building permit (no fee) so that all fences are built up to code.

MOTION: Steve Cospier moved to recommend that Article 3.21.6 of the Development Code not be amended.

Bryce Higbee seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cospier, Jason Thelin, Jannicke Brewer, Chuck Castleton, and Steve Swanson all voted Aye.

F. Minor Subdivision Process Amendment

Minor Subdivisions have been required to go to both Planning Commission and City Council for obtaining approval. A lot of Minor subdivisions are straightforward but the process for approval can be cumbersome for the applicant. The proposed amendment would allow the DRC to approve Minor Subdivisions and streamline the process. Therefore, time would be saved for the applicant and for the Planning Commission and City Council to spend on other issues.

MOTION: Steve Cospier moved to recommend to the City Council to amend the Minor Subdivision, Article 4.5.1. of the Development Code to include only the following:

1. 4.5.3.1.3 be changed in accordance with the proposed revisions.
2. 4.5.3.2.3 last paragraph be changed to say "Alpine City shall mail the notification letter to the listed property owners that are within 300 feet of the property. This shall be done at least 7 days prior to the first Planning Commission at which the plan will be presented."

Chuck Castleton seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cospier, Jason Thelin, Jannicke Brewer, Chuck Castleton, and Steve Swanson all voted Aye.

G. Site Plan Process Amendment

Site Plans (not located in an approved subdivision) have been required to go to both Planning Commission and City Council for obtaining approval. A lot of Site Plans are straightforward but the process for approval can be cumbersome for the applicant. The proposed amendment would allow the DRC to approve Site Plans and streamline the process. Therefore, time would be saved for the applicant and for the Planning Commission to spend on other issues.

Jason Bond said if there are complex Site Plans, or issues that cause adverse impacts, we would bring them to Planning Commission.

MOTION: Bryce Higbee moved to recommend to City Council to approve the changes made to the Site Plan to Comply Ordinance Article 4.14 of the Development Code. We also recommend that the definition for subdivision in the “Definition” section remain, and items 3 and 4 under the “Site Plan Approval Process” not be changed.

Steve Cosper seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Chuck Castleton and Steve Swanson all voted Aye.

IV. COMMUNICATIONS

Jason Bond said an update of the General Plan is overdue and we need to spend some time on it. Jannicke Brewer said maybe we should wait until later in the year when things start to slow down.

Because of the Fourth of July holiday, the next Planning Commission meeting will be on July 16, 2013.

VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: May 07, 2013

MOTION: Steve Cosper moved to approve the Planning Commission Meeting Minutes with revisions for May 7, 2013.

Chuck Castleton seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Chuck Castleton, and Steve Swanson all voted Aye.

Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:15pm.