

**ALPINE CITY PLANNING COMMISSION MEETING at  
Alpine City Hall, 20 North Main, Alpine, Utah  
February 7, 2012**

**I. GENERAL BUSINESS**

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

Chairman: Jannicke Brewer

Commission Members: Steve Cosper, Jason Thelin, Tami Hamilton, Steve Swanson, Todd Barney

Commission Members Not Present: Bryce Higbee

Staff: April Naidu, Andrea Chapman

Others: Larry Brown, Ula Hemingway, Robert Hemingway, Leslie Clark, Stephanie Hurst, Dave McConnell, Bob Schirmer, Michelle Schirmer, Jerry Robertson, Will Jones, Steve Crain

**B. Prayer/Opening Comments:** Todd Barney

**II. PUBLIC COMMENT:** None.

**III. ACTION ITEMS**

**A. Conditional Use Permits for Home Occupations:**

**SOS Student Organizational Software, LLC – 607 Lupine Dr. – Robert Sorenson**

**ACOL, Inc. – 607 Lupine Dr. – Robert Sorenson:** Robert Sorenson was not present at the meeting. Jannicke Brewer said that according to the ordinance there should be space for each business. Steve Cosper mentioned that the other business would be closed after 2012. April Naidu said that combined they could not exceed 500 sq. feet. The Planning Commission wanted the applications to say 175 feet each instead of 350 sq feet each.

**Process Proud – 231 Scenic Dr. – Larry Brown:** Larry Brown was present. The Planning Commission had no questions.

**Interiors by Temple, LLC – 220 N. 200 E. – Temple McDowell:** Temple McDowell was not present. The Planning Commission had no questions.

**KJH Associates, LLC – 567 Hillside Dr. – Kurt Haug:** Kurt Haug was not present. The Planning Commission had no questions.

**Wright Driving School LLC – 839 S. Alpine Hwy. – Dave McConnell:** Dave McConnell was present. Jannicke asked Mr. McConnell to explain his business. Mr. McConnell said that he would be renting the Council Chambers at Alpine City Hall for 9 different 2 hour class sessions. Mr. McConnell said he did not know whether or not this would be a onetime session of classes or if they would hold them again in the future. April Naidu mentioned that Mr. McConnell already had approval to use the building for his classes. Mr. McConnell said he would be making phone calls and using his home office to input data from the class. Mr. McConnell also asked about what type of signage would be permitted. April Naidu explained that home occupations are only allowed one sign attached to the home and one attached to the mailbox. Jannicke Brewer also stated that off-premise signs are not permitted. Steve Cosper suggested that Mr. McConnell look at the sign ordinance online.

**MOTION:** Jason Thelin moved to grant conditional use permits for home occupations to Robert Sorenson dba SOS Student Organizational Software, LLC at 607 Lupine Drive, Robert Sorenson dba ACOL, Inc. at 607 Lupine Drive with the change that Mr. Sorenson's home occupations would occupy 175 square feet each, Larry Brown dba Process Proud at 231 Scenic Drive, Temple McDowell dba Interiors by Temple, LLC at 220 N. 200 E., Kurt Haug

PC February 7, 2012

dba KJH Associates, LLC at 567 Hillside Drive, and Dave McConnell dba Wright Driving School, LLC at 839 S. Alpine Highway. Todd Barney seconded. Ayes: 6. Nays: 0. Steve Cospers, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney voted aye. Motion passed unanimously.

**B. McNeil Plat F – Information only:** April Naidu explained that the Planning Commission and City Council had reviewed McNeil Phase 4 which consisted of 4 lots in the CR-40,000 zone. City Council granted a final approval on May 10, 2011 and included in their approval that the applicant would have 15 years to record. April Naidu said staff just wanted to make the Planning Commission aware that the applicant was planning on developing 1 lot at this time and enclosed in the packet was a copy of the plat. Jannicke Brewer noted that the plat has the required note that the driveway of this lot will exit onto Quail Hollow instead of Alpine Boulevard. Todd Barney asked if Quail Hollow would be a dead end street or if it would connect. Will Jones said it would probably be a through road within a few months.

**C. Mixed Use in Business Commercial:** Jannicke Brewer explained that Jared Mangum had gone to City Council to propose his idea move his chiropractic office into the vacant building on Alpine Highway where the Stone Ridge Vet Clinic had been and to live in the basement of the building. He was told that the Planning Commission would look into this. Jannicke Brewer explained that prior to the Planning Commission meeting, Mr. Mangum notified staff that he would not be moving forward with that property but Mrs. Brewer thought it would still be good to have a discussion.

Currently, the ordinance does not allow any type of mixed use like this. In the Business Commercial zone property can only be used residentially or commercially, but not both at the same time. Jannicke Brewer indicated she contacted the City's Building Official to ask if there were any building code concerns or problems in having mixed use in a building. Mrs. Brewer said he could not think of anything specific and each could be dealt with on a case by case basis to make sure the building code was followed.

Tami Hamilton expressed concern allowing families with small children living in a structure that was used commercially and did not really have a yard. Tami Hamilton also asked how could the City determine who would be allowed to do this and who would not. Steve Cospers said our Business Commercial Zone was so small that he really wondered how often this would come up and felt if there was not a demand for it that we should not change it especially if the request was withdrawn. Steve Swanson agreed that at the present there was no need to pursue it. Jason Thelin said if the request came up again that he thought it should be looked at.

The Planning Commission decided to leave it alone at this time.

**D. Telecommunications Ordinance:** Jannicke Brewer explained that the City Council approved the proposal by Digis to enclose the tower with panels, making the microwave dishes smaller, bringing the antennas in closer, planting landscaping and trees around it. Since then another appeal was filed to the Board of Adjustment. As such, Jannicke Brewer explained that tonight the Planning Commission's discussion was about the Telecommunications Ordinance and not about the Digis issue.

Before beginning their discussion Jannicke Brewer explained that this was a public meeting and not a public hearing and that anyone can observe a public meeting, but there is no right to speak; and that it was up to the chairman whether any public comment would be accepted or not. Mrs. Brewer indicated that no public comment would be accepted for the time being, but the discussion would be among the Planning Commission. Mrs. Brewer said that any proposed amendments would be subject to a public hearing before making a recommendation to City Council and that attendees would have the right to speak in a public hearing.

Mr. Schirmer asked the Planning Commission if they received the information he had submitted to City staff. Jannicke Brewer indicated they had received it. Mr. Schirmer stated that he did not make up what he submitted, but found the language he proposed from other cities.

Jannicke Brewer said she contacted Dr. Warnick at BYU and asked several questions such as how far apart towers needed to be and he said it varies. Mrs. Brewer said another challenge they face is writing an ordinance that is still valid as technology changes and was not limiting in the future. Another question she asked was whether microwave or fiber optic was more effective. Mrs. Brewer explained that Dr. Warnick indicated that fiber optic could provide more but requires burying of cable and Mrs. Brewer said that could be costly because right-of-way could be needed.

Jannicke Brewer asked to begin the discussion with the definition of “stealth”. Jason Thelin said he remembers the first time he saw the cell tower on University Avenue in Provo that is disguised as a tree and how he thought it looked very odd and thought it stood out more. Jannicke Brewer referred to the pictures in the packet of information indicating the city that had the pictures show towers blended in with surrounding structures (e.g. a tower looked like a tree that was around trees or disguised like a clock tower in a more downtown setting).

Steve Cospers said that Alpine City’s situation was different because we had one hill with several towers rather than one here and there that they could try and blend into the scenery. Steve Cospers said that microwave dish towers could not have anything in front of the dishes and questioned how you could make a microwave dish stealth if you could not cover it. Steve Swanson said that the microwave dishes were stationary and would be pointed in the same direction at all times so the rest of the pole could be covered.

Tami Hamilton stated that with a few specific locations that towers could be located in Alpine it made it difficult to really blend the towers in with surrounding structures or natural setting. Jannicke Brewer agreed that if you do not have settings where it would be easier to hide a tower you really cannot hide it altogether.

Jason Thelin said you can begin with certain things like saying color played a part in the definition of stealth. Mr. Thelin also explained that the pole in Lambert was made extra tall so that more than one company could use it and thought in some ways this helped with visibility because you only have one pole versus five towers.

Steve Swanson said that if it was a cell tower they FCC said they had to share it so you could have more than one on one pole but he didn’t know if that was the same in regards to wireless internet.

Jannicke Brewer said a lot of cities put their towers in industrial or commercial areas but Alpine City has a very small business zone and no industrial zone so it was not a great option for Alpine.

Todd Barney wondered about having the towers near the schools like some others do as an income for the school. Jannicke Brewer said that schools could have them but when the ordinance was made, the towers were wanted on City property so that the City could have the benefit of the lease payments.

Steve Swanson said defining stealth is always going to be somewhat nebulous and questioned whether it would be better to have some type of approval process to approve a stealth design.

Steve Cospers said that he felt it was not good to define stealth and that it was overly bureaucratic.

Todd Barney clarified that the ordinance required towers to be on City owned property other than Shepherd’s Hill. Jannicke Brewer read the ordinance indicating the locations towers are permitted. Mrs. Brewer stated that applicant’s usually have their engineers determine which site works best for their needs and then submit their application based on that information.

Steve Swanson said he did not want to run into a situation again like we have with DIGIS where it gets approved and then the neighbors complain. He wondered how they could get the neighbors involved in the process earlier. Jannicke Brewer suggested notifying residents early in the process so the City could get input from the neighbors earlier on.

Steve Cospers said that some of the objections had been health issues and the documents said that if it met FCC requirements the City could not deny it. Jannicke Brewer said that the radiation issue with health was very small and negligible.

Steve Cospers asked if the City Council indicated that our ordinance was flawed. Jannicke Brewer clarified that they thought there were some parts that were ambiguous like the definition of "stealth" and they wanted to clarify some things. April Naidu said the definition was subjective and it states "camouflage or conceal" but does not define what those terms mean and you could ask several people and get several different answers and how would you determine which was the correct meaning. Steve Cospers said that no matter how much you defined stealth someone would have an objection.

Jannicke Brewer said one option would be to remove stealth from the ordinance.

Jason Thelin said that if they tried to emphasize that towers should be on City property in the future there would be more accountability and the City would have more control over the design. Tami Hamilton felt that the City had just as much say whether it was on Shepherd's Hill or not. It was clarified that the only tower in Alpine that was on City property was the tower in Lambert Park.

Jason Thelin questioned if we anticipated any need for additional towers in the future. Jannicke Brewer said that was hard to determine because of changing technology.

Steve Swanson said that repeaters/boosters/rooftop mounts were required with DIGIS and our ordinance did not allow those to be on residents homes. Steve Swanson said that there were roof mounted antennas in his neighborhood and all over Alpine that did not fit the ordinance. Jannicke Brewer said they should look into it and maybe amend the ordinance. Steve Cospers said it was probably originally prohibited because they expected large towers on rooftops but with new technologies they were much smaller. Todd Barney said he did not think these were anymore obtrusive than a dish on someone's home.

Jason Thelin asked when the last tower was installed on Shepherd's Hill other than the Digis tower. Clyde Shepherd said the last tower was put up about 5 or so years ago and thought it was Sprint-Nextel.

Clyde Shepherd that the first tower put up is owned by Will Jones and has been there for over 20 years. The next tower was put up about 18-20 years ago and the last cell tower was installed about 5-7 years ago. Then Mr. Shepherd had a wireless internet site that was up for about 5-8 years. The internet company that owned it would not pay him and they finally turned the site over to him and he ran it. Mr. Shepherd said he made some changes to it over the years. Mr. Shepherd reiterated that cell towers have been on Shepherd's Hill for 20 years.

Mr. Shepherd said that the ordinance was written with the help of a City resident, who was in the industry, approached him in 2004/2005 wanting to purchase the property the towers were on from him but the Shepherd's declined. Mr. Shepherd said the following year the ordinance was re-written and that he was never asked for any input even though for the 20 years they had abided by what the City asked them to do.

Jannicke Brewer said the tower in Lambert Park was installed shortly after the new ordinance was written.

Jason Thelin asked if new structures could be put up on Shepherd's Hill. Clyde Shepherd said that he only had one more spot for a tower. Jannicke Brewer explained that applicants bore the burden of why they could not locate on the higher priority locations.

Steve Swanson suggested that the visual aspect should also be considered as far as what kind of density of towers we want to allow and not just consider technology. Jannicke Brewer said we did have the option to not allow anymore on Shepherd's Hill and find a new location.

Todd Barney asked if the proposed language now was that towers be at least 1,000 feet apart. Jannicke Brewer said that language was proposed by Mr. Schirmer and it is up for discussion. Mrs. Brewer said with this we ought to consider if that sort of distance would really work with technology, etc. Todd Barney said there is proposed language that would take it farther and require an applicant to prove why they needed to locate in a certain location over other spots that the City may have deemed as a higher priority location.

Jannicke Brewer asked the Planning Commission if they had other items they wanted to discuss tonight.

Steve Swanson wondered if they wanted to address Section 2.2.2.2 (rooftop antenna issue). Jannicke Brewer said they needed to look into it more.

Todd Barney suggested they reconsider allowing towers in Lambert Park.

Steve Cospers said they should ask more questions of Dr. Warnick who was a neutral person in this issue so that we could separate out the emotion from the issues. Jannicke Brewer suggested they ask Dr. Warnick to come to the next meeting to answer some questions.

Jannicke Brewer opened it up for public comment.

Steve Crain said that the little dishes that Digis has on homes are not offensive to him and that there was only one that is more than a relay stick that he has seen in town on a home on Hog Hollow that he thinks is not in compliance with the ordinance. Mr. Crain explained that Ted Stillman approached him in 2005 knowing he was in the industry and told him the T-Mobile had come to the City wanting to put a tower on Alpine Elementary. He said at the time Ted Stillman indicated the City was not sure it wanted that and asked for Steve's help. Mr. Crain said he provided information to the City from Blaine County, Idaho where they are very protective of their ridgelines and vistas and careful about the proliferation of cell towers. Mr. Crain said the City worked out a deal with T-Mobile that T-Mobile would build the tower and the City would own it. As an example of stealth, Mr. Crain said that Clearwire recently built a tower in Pleasant Grove in a park that is on a baseball light and is very discrete.

Bob Schirmer said as he went through the ordinance he also found the Alpine City General Plan and one of the Land Use goals was to preserve and protect our critical areas including hillsides. One of the objectives under that goal states "Viewsheds, including ridge lines, should be protected in a way that does not allow structures to protrude against the skyline as seen from any major roadway in the City classified as a collector or arterial. When developments are visible upon a hillside, measures should be taken to minimize the visual impact." Mr. Schirmer encouraged the Planning Commission to remember this as they work on this ordinance.

Clyde Shepherd asked the Planning Commission to include or give him the opportunity to include his opinion as they review the ordinance. Jannicke Brewer said they would be required to hold a public hearing on any proposed changes before making a recommendation to City Council.

Mr. Shepherd said that he and his wife worked hard with the City to do exactly what they had asked for 20 years and had not intentionally done anything to cause harm to the City. Mr. Shepherd also asked the City to consider that this was private property. Mr. Shepherd used an example of a three story office building that would have neighbors that have to look at the building and questioned at what point does the City build buildings and force tenants to come to City buildings first. Mr. Shepherd stated he felt that he was high discriminated against when the ordinance set forth a priority of locations after his efforts and cooperation over the last 20 years.

**E. Land Use Map:** April Naidu said that staff had asked City Council about the items that Planning Commission had questioned – whether to show proposed open space, trails, and proposed land use in annexation areas. The City Council indicated they were fine leaving that off the land use map. April Naidu indicated that staff was still working on making the additional changes that Planning Commission had requested at its last meeting to the Paradise Cove Lane label and the properties in Willow Canyon that are subject to a conservation easement.

**MOTION:** Steve Cospers moved that the Planning Commission recommend approval to the City Council of the Land Use Map dated December 2011, including the following two changes:

1. Change the Paradise Cove Lane label so it does not look like a through road; and
2. Change the private open space designation on the 5 lots in Willow Canyon that are private property subject to a conservation easement.

Steve Swanson seconded. Ayes: 6. Nays: 0. Steve Cospers, Jason Thelin, Jannicke Brewer, Tami Hamilton, Steve Swanson, and Todd Barney voted aye. Motion passed unanimously.

#### **IV. COMMUNICATIONS**

Steve Cospers asked what the basis of the appeal was regarding the Digis tower. April Naidu said she had only had the chance to skim the appeal, but did note that one item of the appeal stated that the appellant believed that the City erred in that the definition of stealth requires them to consider that the tower is to be compatible with the natural setting and surrounding structures.

#### **V. APPROVAL OF PLANNING COMMISSION MINUTES OF: January 17, 2012**

This item was tabled as the Planning Commission had not had a chance to read the minutes.

**THE MEETING ADJOURNED AT 8:30 pm.**