

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
Sept 4, 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: Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, Todd Barney

Commission Members Not Present: Steve Swanson

Staff: Marla Fox, Shane Sorensen

Others: Diana Mills, Arnold Griffiths, Roger Preble, Nick Zurcher, Ryan Johnson, Stan Jones, Cory Bangarter, Adrienne Williams, Ben Bailey, Jenn Payne, Ed Barfuss, Katrina Kennedy, Mike Kennedy, Eric Walker, Ashlyn Walker, Chris Johnson, Morgan Hanssen, Chris Hanssen, Sherry Arnold, Bob Zurcher, Julie Zurcher, Laron Rasband, Matt Smith, Ron Meyers, Shelli Kleinman, Marlene Arnold, Ivy Grider, Cindy Millar, Nathan Coulter, Lauri Bladh, Pat Waters, Marianna Andersson, Tamera Dubois, Connie Goecheritz, Larry Richens, Sammie Richins, Bruce Parker, Sullivan Love, Jared Bigam, Lani Love, Christian Jolley, Dana Ferguson, Joe Nilson, Ryan Salter, Benjamin Blackwelder, Cheryl Jackson, Trey Jackson, Josh Jackson, Matt Jackson, Laurie Bitter, Caren Wootton, Gilynn Wootton, Dan Wheeler, Sark Barakat, Kristen Fillmore, Barry Thorne, Pat Thorne, Todd Schmucker, Mary Mecham, Garrett Vance, Connor Bush, Elizabeth Berrett, Noelle Nieporte, Greg Darlington, Gina Darlington, Larry Tolman, Nancy Jones, Jodi Hartley, Theresa Theodorou, Archie Birchall, Rachel Crandall, Jennifer Humphrey, Joni Wolf, Matt Turner, Casee Turner, Kenneth Crook, Fredrick Pack, Jeffrey Bateman, Gary Tobian, Michelle Tobian, Erik Heras, Konrad Heras, Irene Hatch, Tres Hatch, Jon Hatch, Dedra Cutler, Suzanne Tyler, Rod Haskins, Brad McKinnon, Clark Parker, Mike Doyle, Emily Brimhall, Norine Garrett, Jill Nilson, Suzanne Peterson, Julie Pierce, Mile Pierce, Tina Page, John Magnusson, Doug Halvorson, Chris Hartshorn, Michelle Sundwall, Kristi Hamilton, Pam Reschke, Erica Hartshorn, April Slade, Steve Johnson, Pat Nield, Jennifer Andrist, Sean Wilson, Tod Schulthess, TimmieLynn Webster, Tina Barakat, William Turner, Marilyn Turner, Melinda Clark, Paula Dahlgren, Larry Stolk

B. Prayer/Opening Comments: Todd Barney

II. PUBLIC COMMENT

Approximately 200 people were in attendance of this meeting to listen and make comments about the Alpine Recovery Lodge. This is a proposed Residential Facility for persons with a disability located at 1018 East Oakhill Drive in Alpine, Utah.

Jannicke Brewer read a letter from the City Attorney stating that residential facilities for the disabled must be a permitted use in any residential zone in the City. We can require them to be reasonably dispersed throughout the community and they have to comply with all building codes. Our City ordinance states that 4 unrelated adults are allowed to live together in a residential area, not including staff and they are required to be 4000 feet apart from any other treatment facility. This ordinance was taken from the Fair Housing Act and these clients would be a protected class under the Americans with Disabilities Act. We can't discriminate in the sale or rental or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap. The law considers people with drug and alcohol addictions disabled. Discrimination includes refusing to make reasonable accommodations. When someone comes in to buy a home in Alpine, we can't set any special rules for them. They are entitled to buy it or rent it and use it for what is permitted in the ordinance which is 4 unrelated residents.

Jannicke Brewer said the applicant is not ready tonight but will present at a later date. At that time, the applicant will ask for a reasonable accommodation of more than 4 unrelated adults living in the residence. We are not sure how many they will ask for, but we think it will be 16 residents so that it will be financially reasonable for them.

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The City Attorney said that the City has to decide if Alpine Recovery Lodge's request for more than 4 people is reasonable or not. We have an ordinance for this and it has 4 questions that have to be answered. The Planning Commission will discuss this issue and send their recommendation to the City Council to decide if the requested amount of residents is reasonable. They will not be discussing whether this treatment facility can be in this location. The only issue before the City is a reasonable number of residents. It will be the burden of the City to show that the request is not reasonable.

Creed Archibald, Eric Walker, Jordan Powell, Cindy Millar, Ryan Salter, Travis Shaw, Nathan Coulter, Jason Jones, Tamera Dubois and Mike Pierce all made comments that were favorable for Alpine Recovery Lodge. They said we have a lot of addicts already living among us. We need to help our own residents and not pawn them off to some other city. This is a good opportunity for service and to help change someone's life.

Nick Zurcher, Sherry Arnold, Roger Preble, Jeff Hartley, Kristi Hamilton, Marlene Arnold, Matt Smith, Ed Barfuss, Jenn Payne, Katrina Kennedy, Stan Jones, Scott Rice, Dedra Culter, Theresa Theodorou, Brad McKinnon, Jodi Call, and Tres Hatch all made comments against the Alpine Recovery Lodge. They are concerned for the safety of their children and the elderly. They said the aesthetics don't fit into the neighborhood and the increased traffic and parking will have a negative impact. They said their property values would decrease and this facility would change the feel of the neighborhood.

Jannicke Brewer said when the applicant comes back to the City and is ready to present we will have an Attorney present. This is not an easy process and our job is to make sure we follow the ordinances.

III. ACTION ITEMS

A. Conditional Use Permits for Home Occupations

All Decide Inc – 38 N 200 E – Aaron Bennett

Jannicke Brewer asked about the square footage of the bedroom where the office will be located. Mr. Bennett adjusted his square footage to 150 feet because that is the actual size of the room.

Benjamin Blackwelder Cabinetry Inc – 746 E Healey Blvd – Benjamin Blackwelder

Mr. Blackwelder was not at the meeting. No Questions were asked.

MOTION: Tami Hamilton moved to grant a Conditional Use Home Occupation permit for All Decide Inc and Benjamin Blackwelder Cabinetry Inc.

Todd Barney seconded the motion. The motion passed unanimously with 4 Ayes and 0 Nays. Steve Cosper, Jannicke Brewer, Tami Hamilton and Todd Barney all voted Aye.

Bryce Higbee and Jason Thelin entered the meeting.

B. Stub Streets

Jannicke said we have rewritten this so it is much easier to read. It is the same language only it has been divided up in paragraphs and numbers so it's easier to follow and refer to.

MOTION: Jason Thelin moved to set a public hearing for Stub Street requirements (4.7.4) for the November 6, 2012 Planning Commission.

Steve Cosper seconded the motion. The motion was not unanimous with 5 Ayes and 1 Nay. Bryce Higbee, Steve Cosper, Jason Thelin, Tami Hamilton and Todd Barney all voted Aye. Jannicke Brewer voted Nay.

C. Paul Anderson

Mr. Anderson has a physical therapy business in Main Street Court. He was told he could have a certain amount of parking spaces based on the square footage of the building. Mr. Anderson initially came in and said he wasn't using the basement as part of the business and it would be used only for storage. The Planning Commission agreed to not add the basement square footage when they calculated parking spaces as long as it was not being used. Since then, the basement was developed and now they don't have the parking to go along with it.

Mr. Anderson said he was told in order to use his basement he would have to put in an elevator, and ladders in the windows to meet code. He said he did all those things but is not allowed to use his basement because he doesn't meet the parking requirement. Steve Cosper asked Mr. Anderson who told him he could use his basement if he put these things in and he also asked if the basement was remodeled without getting building permits. Mr. Anderson didn't say who told him he could use his basement and he also didn't say if he got a building permit to finish the basement.

Shane Sorensen said he didn't know if Mr. Anderson got permits or not, but he did not see any remodel plans comes through DRC. He said there are 16 parking spaces for that building. Mr. Anderson would need an additional 4 spaces in order to use his basement. Bryce Higbee and Todd Barney said this is not a parking issue. The reason Mr. Anderson is here is to see if he can use his basement to do business in. Shane Sorensen said Mr. Anderson is not asking for a variance to use more parking, he is asking for a variance to be able to use the basement for his physical therapy business. Mr. Anderson said yes, I would like to use my basement as a treatment room to see patients in.

The Planning Commission has to decide if there is adequate parking for the other businesses. Jannicke Brewer said we need to know the square footage of the building, and what other businesses are in the building so we can make a decision. Jason Thelin said if we allow Mr. Anderson to use his portion of the basement, then we also have to let Dr. Stucki use his as well. There are still 2 or 3 more buildings on the plat to be built in the Main Street Court area that will need parking. Shane Sorensen said the burden should be on the applicant to prove that he and the other businesses in the building don't need any extra parking spaces for them to be able to use their basement.

IV. COMMUNICATIONS

The Planning Commission discussed where trees could be planted by the AT&T cell tower. Public works has a water line that can get water to the trees and AT&T will be responsible to pay for the trees and water. Shane Sorensen said there are 4 trees already planted on the other side of the road. The road and fence but up against the AT&T property. Mr. Sorensen said if AT&T plants 3 more trees in between the 4 that are already there, it will make a nice screen. All of the trees would be irrigated so they would grow.

Jannicke Brewer reported that the City Council approved the River Meadows Senior Living facility but the Fire Marshall refused to sign off on it. He said the City has ladder trucks and they can't get in there because the road is too narrow. The City Attorney said the developer can appeal because they have followed the ordinance. They will not be able to get a building permit until this gets cleared up.

The next Planning Commission meeting will be on October 2, 2012.

V. APPROVAL OF PLANNING COMMISSION MINUTES OF: July 17, 2012 and August 21, 2012

MOTION: Steve Cosper moved to approve the Planning Commission minutes of July 17, 2012 and August 21, 2012.

Jason Thelin seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin Jannicke Brewer, Tami Hamilton and Todd Barney all voted Aye.

Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:55pm.

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