

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
May 4, 2010

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: Tami Hamilton, Ron Eaton, Steve Cosper, Bryce Higbee, Jason Thelin, Todd Barney

Staff: Shane Sorensen, April Naidu, Andrea Chapman

Others: Lynn Anderson, Eric Harmsen, Randal Steadman, Jeff Chapman

B. Prayer/Opening Comments

The prayer was offered by Steve Cosper.

II. CITIZEN COMMENT: None

III. ACTION ITEMS

A. Conditional Use Permits for Home Occupations

Valasa Construction Inc. – 39 Preston Dr. – Lynn Anderson: Mr. Anderson requested a permit for his business of construction management. He explained that construction management referred to doing projects for both residential and commercial construction. He used his home for office paperwork and phone calls. He did not have equipment at his home.

Eric Harmsen Piano Craftsman, LLC – 307 S. Alpine Dr. – Eric Harmsen: Mr. Harmsen requested a permit for his business of piano tuning, sales, service, and music composition. He explained he would be tuning pianos and possibly going to concert venues and doing other on-site tuning. In terms of sales, he had a few of his own antique pianos that he may sell in the future.

Randal Steadman Fine Art – 1048 Village Way – Randal Steadman: Mr. Steadman requested a permit for his business of selling Fine Art originals and reproductions. He said he partially did business on the internet, paints in his home, and sells at art shows. He kept canvases and easels in his home and also painted there. His website address was www.randalsteadmanfineart.com.

MOTION: Steve Cosper moved to approve a conditional use permit for a home occupation for Valasa Construction Inc. at 39 Preston Drive, Eric Harmsen Piano Craftman, LLC at 307 S. Alpine Dr., and Randal Steadman Fine Art at 1048 Village Way. Todd Barney seconded. Ayes: 6 Nays: 0. Jannicke Brewer, Todd Barney, Tamara Hamilton, Jason Thelin, Steve Cosper, and Bryce Higbee voted aye. Motion passed unanimously. Ron Eaton was not present at the time of the motion.

C. Development Code – Section 3.23.7.3 (Home Occupations)

At its last meeting, the Planning Commission postponed a recommendation on the amendment to the ordinance in order to discuss whether or not all home occupations with public visiting the home should be inspected or if there should be a certain number of visitors that would trigger an inspection. The main concern had been safety, especially regarding those businesses teaching dance lessons and having children in their homes. April Naidu had researched what other cities

required and found that Highland City did not require inspections and American Fork required a fire inspection. Spanish Fork required fire and building inspections for any home occupation where the public entered the home. Cedar Hills required an annual inspection by the building inspector for fire extinguishers, smoke detectors, bathrooms etc.

Jannicke Brewer said the concern emerged when there was a dance business in a basement under a garage and they wondered if everyone could get out should something happen.

April Naidu said that Janis Williams had the fire chief inspect daycares.

April Naidu said that if the City required inspections, that they should only inspect parts of the home that related to the business (railings, ingress, egress etc.) and issues of safety.

Tami Hamilton questioned if both the building and fire inspectors needed to inspect. April Naidu replied that it could be one or both.

Steve Cospers questioned if fees would be adjusted if inspections were required. April Naidu said Sunrise Engineering charged hourly so the fees could be affected.

There was discussion about what the daycare requirements were. Jannicke Brewer thought that Janis Williams only required an initial inspection for daycares unless there was a concern.

Steve Cospers suggested that the Planning Commission just needed to decide who needed an inspection and staff would decide what was inspected.

Bryce Higbee stated that if they limited it to a fire inspection, it was more defined. The most important issues were life safety issues.

Steve Cospers said that any storage areas, chemicals, etc needed to be inspected.

Jannicke Brewer questioned if staff should make the decision on whether or not to inspect. In the past that was how it was been done.

Tami Hamilton questioned if inspection requirements for any Home Occupation with "public visiting the home" was too extreme because of the broad spectrum from one person coming in every once in a while to someone holding weekly classes and having several children in their home.

Bryce Higbee said it was a good idea to state that the Home Occupation needed to comply with the Building Code then leave it open to inspect as needed.

Steve Cospers said Spanish Fork did require inspections unless you exempt out. April Naidu clarified that she was told that if the public visited the home, they required an inspection.

Tami Hamilton said that Alpine City's paperwork said to call the Fire Chief for an inspection. Once you called him, you could either get his signature or an exemption. It was clarified that the application required the inspection. It was not required by code.

April Naidu said our application needed to be updated, and added that other cities had regulations on hours of operation, deliveries etc. that should be looked at.

Bryce Higbee sent the following email with Highland's and Spanish Fork's language:

- 1) The Home Occupation shall, and the structure in which it is conducted shall, comply with all fire, building, plumbing, electrical and health codes

Or

2) If customers, employees, or members of the public visit the home occupation relative to business, the home occupation shall comply with all safety codes, including fire codes, or others that may be applicable.

Jannicke Brewer said that this would give City staff the right to send someone to inspect when we felt there was a need.

Tami Hamilton said there should be a fee for inspections.

Steve Cosper asked April Naidu if she was going to upgrade the whole application and she said she would.

Jannicke Brewer wanted the description of the business to be written better by applicants.

Steve Cosper said that item 5 in Section 3.23.7.3 was very confusing. It stated, "The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation".

Jannicke Brewer said the purpose of that was so people didn't turn their homes into little stores. It needed to be incidental. Bryce Higbee said it became tough in the internet marketing world. Jannicke related that someone wanted to teach indoor swim lessons at their home and it was so noisy that it was no longer "incidental". She said that you shouldn't hear, see or know what your neighbors Home Occupation was. Jannicke suggested that item 5 be taken out because it almost repeated what item 7 stated. "The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling".

Jason Thelin said his mother-in-law was told she could not display her goods in her home for sale and that they should not remove item 5. He said that the goal was to not have shelves full of things for sale like a retail shop.

April Naidu said other cities had restrictions about displaying and storing goods outdoors but didn't address the inside.

Jannicke Brewer said the ordinance has worked well for years except for not addressing the safety issue. April said the biggest complaint had been traffic and parking.

Todd Barney asked about signage. April Naidu read from 3.23.7.3 "Signs shall be limited to one identification nameplate, not larger in area than two square feet fastened to the home and one sign not larger in area than one square foot fastened to the side of the mailbox structure at or below the level of the mailbox ". She added that no off-site advertising signs shall be permitted.

Jannicke Brewer suggested taking out the second sentence on item 5. She also suggested adding the wording that Spanish Fork used that "the business shall comply with all safety codes, including fire, building, plumbing, electrical, or others which may be applicable".

MOTION: Bryce Higbee moved to set a hearing to make various amendments to Section 3.23.7.3 (Home Occupations) in the Alpine Code. Tami Hamilton seconded. Ayes: 6 Nays: 0. Jannicke Brewer, Todd Barney, Tamara Hamilton, Jason Thelin, Steve Cosper, and Bryce Higbee voted aye. Motion passed unanimously. Ron Eaton was not present at the time of the motion.

D. Development Code – Article 3.9 (Planned Residential Developments – PRD

April Naidu explained that the City Council asked the Planning Commission to review Article 3.9 in the Development Code relative to the bonus density for private open space. Currently private open spaces were allowed with approval from the City Council.

Staff recommended that private open space receive no more than ½ the bonus density that public open space did. The current ordinance was confusing and needed to be updated to make it clear so any resident could read it and understand what a PRD was.

Jannicke Brewer and Shane Sorensen explained how the bonus density was calculated.

Jannicke Brewer stated that the concern was, for instance, in Three Falls they were developing a private horse stable which was limited to residents. She questioned whether bonus should be given for things that benefited only those that lived there.

Jason Thelin asked if they could change the calculation for public versus private open space and wondered if it made sense to change the initial calculation and not just the bonus density.

Jannicke Brewer said that the purpose of the PRD was to protect our mountainside.

Jason Thelin said he would hoped that the common open space would be required to be public and that the bonus density for private open space be reduced by 50%.

Steve Cospers said he found the whole section confusing.

Shane Sorensen said that, regarding public versus private open space, Ted Stillman first thought they should completely do away with private open space and Shane initially agreed. However, Shane then thought of examples such as Alpine Cottages that were done as a PRD and they had a linear open space area and a couple nice pocket parks that they maintained. He said that if it was public space then the City would have to maintain those areas.

Shane Sorensen leaned toward not doing away with private open space. He stated that Highland City had to hire more city employees because it cost too much to pay someone to maintain all of their public open space.

Shane Sorensen said if it was private, one advantage was that property taxes would still be paid on it. If it was public, the City didn't get property tax on it.

Jason Thelin said in some cases the City had limited the Planning Commission's ability to say no to developers and require that it be public open space because of the way the ordinance read.

Jannicke Brewer said it used to be that if it was in sensitive land you *had* to do a PRD but it had been changed on item 2 Article 3.9.1 "It shall be the City's sole discretion to decide if a project should be a PRD within the intent of the ordinance as noted above."

Shane Sorensen said there was something in there that gave the City sole discretion on whether it was public or private.

April Naidu asked the Planning Commission if they wanted staff to make the ordinance more understandable, and incorporate wording that private open space received half the bonus density.

Jason Thelin said it needed to be rewritten for the City Council's review.

Steve Cospers asked if the City could mandate that the developer to maintain public open space. Jannicke Brewer said that if it was decided to the City then it became the City's responsibility.

Jason Thelin mentioned that some homeowners had property right next to open space and wanted to maintain it. April Naidu said they had to have approval and a recorded agreement that outlined details on responsibilities etc.

April Naidu said they would work on revamping and making the ordinance more understandable.

Jannicke Brewer said if there was private open space like a pool or tennis court they should not be given bonus density.

April Naidu clarified that the Planning Commission wanted a PRD to have the minimum 25% of required open space, either public or private, and then give half the bonus density for private open spaces. Jason Thelin said that if they wanted they could present to the City Council that the initial 25% be required public open space. Tami Hamilton said that it should be at the discretion of the City.

Jannicke Brewer asked if we should give extra bonus for developed public open space but not for developed private open space.

April Naidu said they had enough guidance to revise the ordinance.

Shane Sorensen added that the PRDs had worked out great so far.

E. Development Code – Section 3.1.11 (Definitions)

April Naidu said that under the City Attorney's advice, the Planning Commission needed to clarify the definition of a "residence" and also define what a residence was "not" so that it was clear what a residence was and was not. She said it came up, for instance, when several kids came for the summer to sell alarms and all lived in one home. April had looked at other cities and found that it was one of those things that the list of definitions could go on and on and it was hard to determine the cut-off. The Planning Commission needed to come up with a proposed definition and then have a hearing.

Jannicke Brewer said Sandy City had a fairly simple and straight forward definition of a residence which was "A dwelling unit or other place where an individual or family is actually living at a given point in time and not a place of temporary sojourn or transient visit." She also said that she remembered David Church saying that if you don't put in all the other things in then you don't have to define everything.

April Naidu asked if they wanted to revise the definition of family. Jannicke Brewer said the only revision to "family" that needed to be revised was the term "servant" should be changed to "domestic staff".

Steve Cospers questioned the meaning of "dwelling" verses "residence" as stated in Sandy City's definition.

April Naidu asked if they wanted to define "temporary sojourn" or "transient visit". Tami Hamilton suggested saying something to the effect of "less than thirty days".

Jannicke Brewer would like the simple definition.

Tami Hamilton thought that "whole blood" wording sounded strange.

April Naidu would talk to David Church and then come back to the Planning Commission with it.

F. Development Code – Article 3.27 (Clean Streets)

April Naidu said they were working on a new Storm Water Ordinance, so they wanted to incorporate the existing Clean Street Ordinance and make it part of Municipal Code. Planning Commission needed to set a Public Hearing to remove it from the Development Code and incorporate it to Municipal Code.

April Naidu said that the Storm Water Ordinance could take a while to adopt and that the Clean Street Ordinance would not come out of the Development Code until the Storm Water Ordinance was adopted into the Municipal Code.

MOTION: Tami Hamilton moved to set a hearing for the removal of article 3.27 from the Development Code and incorporate it into the Storm Water Ordinance in the Municipal Code. Steve Cospers seconded. Ayes:6 Nays:0. Jannicke Brewer, Todd Barney, Tamara Hamilton, Ron Eaton, Steve Cospers, Bryce Higbee voted aye. Motion passed unanimously. Jason Thelin was not present at the time of the motion.

IV. COMMUNICATIONS:

April Naidu said the theater was working on revising a site plan. They hadn't submitted a revised plan yet and their deadline was the following Friday. They were looking at lowering it down and had shaved off 4 feet from the tallest portion and dug down 6 feet so it sat 44 feet above sidewalk. Jannicke Brewer said the City Council had given no direction at all. They had also expanded parking where the gas line was, assuming that Questar approved it. They were up to about 201 parking stalls.

Shane Sorensen said they had taken the amphitheater out to expand parking.

April Naidu said they were told that it would not be brought back to the Planning Commission until they submitted everything.

Steve Cospers spoke to one of the owners of the buildings with the parking cross-easements and he said he wasn't happy about losing his view of the mountain and that he was getting pressure from other building owners to sign the cross easement because the arts people had promised to restripe the parking lots every two years. The City had a rendering done to show what the theater looked like with the surrounding areas.

April Naidu said there would be a subdivision concept plan on the agenda for the next meeting for the old Vista Meadows property.

V. APPROVAL OF APRIL 6, 2010 MINUTES

MOTION: Steve Cospers moved to approve the minutes of April 6, 2010 and adjourn. Todd Barney Seconded. Ayes: 6 Nays: 0. Bryce Higbee, Steve Cospers, Jannicke Brewer, Tami Hamilton, Todd Barney, and Ron Eaton voted aye. Motion passed unanimously.

The meeting was adjourned at 8:50 PM