

April 20, 2004

Minutes of the Alpine City Planning Commission meeting held April 20, 2004 at Alpine City Hall. The meeting was called to order at 7:05 pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum:

Chairman Jannicke Brewer

Commission Members: Dale Porter, Phil Andrus, Thomas Whitchurch, Loretta Steven, Steve McArthur. Mike Mickelson was not present.

Staff: Ted Stillman, Charmayne Warnock, Shane Sorensen, Rachel McTeer, Jay Healey

Others: Clair Bigler, Troop 1112- Mountainville 1st Ward, Marilyn Kofford, Lew Kofford, Juanita Nield, Art Billings, Tony Begum, Tiffany Begum, Lyle Smith, Jim Bishop, Jennifer Bishop, Jeannie Spykes, Willard Spykes, Rob Clausen, Jim Tracy, Michael Porter, Charlie Emig.

The prayer was offered by Thomas Whitchurch.

Jannicke Brewer welcomed Scout Troop #1112 from Mountainville 1st Ward.

1. PUBLIC COMMENT: None

2. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS:

Choice Games Industries – 869 Stonehedge Lane – Christine Hammack: Ms. Hammack said she was selling collectable games online. A small supply was kept at the home on a couple of shelves. Items were taken to the post office and mailed. No customers visited the home.

MOTION: Phil Andrus moved to approve a conditional use permit for a home occupation for Christine Hammock dba Choice Games Industries at 869 Stonehedge Lane. Dale Porter seconded. Ayes: 4 Nays: 0. Motion passed. Loretta Stevens and Steve McArthur were not present at the time of the motion and Thomas Whitchurch voted.

3. HERITAGE HILLS – ELK RIDGE LANE: Ted Stillman said this item was postponed. Since the alignment on the road hadn't been set, the Planning Commission couldn't realistically discuss options for Elk Ridge Lane. When the preliminary plat was available for review, they could address the issues.

4. GROVE COURT SUBDIVISION – CONCEPT PLAN – LYLE SMITH: Ted Stillman said the proposed subdivision consisted of the previously approved Johnson-Fillin Subdivision and some other lots. The Johnson-Fillin Subdivision was never recorded so it was superceded by this development.

Ted Stillman said the main issue was the cul-de-sac. The City Engineer recommended that it be straightened to meet Grove Drive at a 90-degree angle. It would require an exception on the distance between intersections. Shane Sorensen recommended the exception be approved because the perpendicular intersection would be more functional and safer.

Lots 3 and 4 and would to be adjusted to meet the 60-foot frontage requirement for cul-de-sac lots. There was a side yard setback issue on lot five, but since it was an existing lot with an existing home, Shane Sorensen said it would be grandfathered.

Notification letters were sent but there were no comments regarding the proposed subdivision.

MOTION: Dale Porter moved to recommend the City Council consider an exception for the proposed Grove Circle subdivision as recommended by staff. Phil Andrus seconded. Ayes: 4

Nays: 0. Thomas Whitchurch said he voted aye in order to move the agenda item forward, but his vote in City Council might be different.

5. ALPINE COMMONS – PRELIMINARY PLAT – ROB CLAUSEN: Ted Stillman said the developers were requesting preliminary approval for a 7-lot PRD, which included a park. They still needed to submit a detailed landscaping plan for the park, which would be a soccer field. There would be a parking area with space for 7 or 8 cars.

Ted Stillman said the City Attorney had said the developers could include the aqueduct easement in their open space calculations as long as they used it as part of the development. The developers would have to negotiate an agreement with the Bureau of Reclamation, and if there were a cost to use the easement, the developers would have to pay it.

Rob Clausen said that they had contacted the Bureau and had a favorable response. They were in the process of drafting an agreement.

Since part of the ground lay within Highland City limits, Ted Stillman said there would need to be a boundary line adjustment with Highland City. Each city would pass a resolution. Rob Clausen said he had already talked to Highland City about it.

Thomas Whitchurch noted that there were other property owners that had some of their land in Highland City and wondered if they should take care of all the boundary line issues at the same time. Ted Stillman said it would make sense, but the property owners would need to do the legwork.

Ted Stillman said there were some red lines that needed to be corrected. The developer would be submitting Alpine Irrigation water shares to meet the water policy. The Planning Commission would need to schedule a public hearing prior to preliminary approval.

Piping the irrigation ditch was discussed. Rob Clausen said when they got an agreement with Lehi Irrigation Company, they would have all the property owners that used the ditch sign it.

Jannicke Brewer asked if there would be any CC&Rs for the subdivision. Mr. Clausen said there would. He noted that on lot 3, the owners would be responsible to landscape the aqueduct easement, but they wouldn't own it. The sliver of ground that was part of the aqueduct easement would be paved as part of the turnaround. They anticipated that one day the road would go through to Alpine Highway.

Adjacent property owners, Jeannie and Willard Spykes were present, and had questions about road access to their property. They had been landlocked. The aqueduct crossed their property and, unlike other property owners, the Spykes actually owned the real property on which the easement lay, and paid taxes on it. Mr. Spykes said the Bureau had sued to obtain the ground, but the Spykes wanted to keep it. They would like access to their property. They couldn't irrigate it because the ditches were altered when South Pointe was approved and they couldn't get the water to run uphill. It was pointed out that pressurized irrigation might be available.

Jannicke Brewer suggested they meet with City staff to determine what could be done with their property.

Jared Pace said he was law clerk who was there on behalf of Mark Robinson, an attorney representing adjacent property owner, Art Billings. Mr. Billings lived on Andes Drive in the South Pointe subdivision and his lot backed up to the proposed development. Mr. Pace said they did not believe that the proposed development complied with Alpine City's Zoning Ordinance. The ordinance required 20 acres for a PRD in the CR-40,000 zone. An exception could be granted by the City Council to protect critical environment features. However, he and his client did not think that there were any critical environment features on the lot that warranted protection. He asked

what they were trying to protect. He said that if they were trying to say that the proposed open space was critical environment, it would open the door to any feature and developers could locate a PRD anywhere.

Jared Pace went on to say that the PRD Ordinance required a development to be consistent with surrounding developments and the underlying zone. That area was considered appropriate for low density and the proposed development was contrary to that, especially if a soccer field was built as part of the development. It would draw a lot of people. He was unsure that there would be adequate parking. They could have as many as four games going and there would be a lot of cars driving through and parking along the roads. It would create a dangerous situation. He said Art Billings was expecting one- acre lots behind his home when he built there and now there would be small lots. He had expected to be protected by the Zoning Ordinance.

Jannicke Brewer said the Planning Commission could not comment on legal matters and they would need to talk to the City Attorney about it. She asked Jared Pace to turn in a copy of his concerns to Ted Stillman so they could consult with David Church.

Thomas Whitchurch asked if the South Pointe subdivision was not zoned for half-acre lots, which it was. Shane Sorensen said the lots in the proposed subdivision were actually larger in square footage than the lots in South Pointe, but the frontage was less.

Art Billing said he went to Smooth Canyon Park during a soccer game and took pictures of the cars. He counted 55 cars. He said there was inadequate parking in the proposed Alpine Commons for a soccer field.

Ted Stillman said Smooth Canyon Park was a heavy-duty soccer field. The field in Alpine Commons would be designed more for practice for younger kids. It would be a much lower level use.

Steve McArthur asked if the community really needed a soccer field. Ted Stillman said field sports were growing tremendously and there was definitely a need. Steve McArthur said he envisioned a multi-use park. If it were sized for a small-kid soccer field, there would need to be more than just grass or asphalt. There should be a tot lot where younger kids played while older siblings practiced. There needed to be trees and maybe a walking path.

MOTION: Dale Porter moved to set a public hearing for the proposed Alpine Commons PRD for the 3rd week in May. Phil Andrus seconded. Ayes: 5 Nays: 0. Motion passed.

6. NORTH POINTE SUBDIVISION – FINAL PLAT – WILL JONES: Ted Stillman said there were a number of issues related to the North Pointe Subdivision. The entire development consisted of 25 lots, but Will Jones was only seeking final approval on Plat A, which consisted of 19 lots on 23.14 acres. It was a PRD with natural and improved open space. It was split between the CR-40,000 zone and the CR-20,000 zone.

Ted Stillman listed the following issues related to final approval of Plat A. 1) The right-of-way for Alpine Boulevard needed to be dedicated to the property line. 2) Land needed to be obtained to complete the intersection with Main Street. 3) The City needed to determine if the right-of-way to Eastview should be deeded.

In regard to item 2, Will Jones said the property owners on Main Street wanted to know if the City was earnest about acquiring their land for the intersection. He said the property owners had told him that if the City was going to condemn it, they would sell it to them. Otherwise, they weren't interested.

Regarding item 3, Will Jones said he didn't think he needed to deed the right-of-way to Eastview Lane because he was already dedicating two other roads through the subdivision. He would not be

landlocking anyone. According to the ordinance, as he read it, the two dedicated roads should be sufficient. Will Jones said he was concerned about dedicating the right-of-way across Plat B because he kept livestock in there. He wouldn't be developing the ground for a long time, and he didn't want people going in there and leaving the gates open and making a mess. He wanted to be able to lock the gates and control that section until he was ready to develop it.

Ted Stillman said the City didn't need the road through there yet, but they wanted to be able to lay utility lines.

The landscaping plan was discussed. Steve McArthur said some berming would be nice, and Will Jones said he would be happy to add that to the landscaping.

There was a derelict parcel along Main Street that would need a boundary line adjustment. Will Jones said they expected to deed the parcel to Forest Creek subdivision and the Watkins.

The extension of Alpine Boulevard was discussed. The right-of-way would be dedicated all the way through, but it would only be improved to the north end of the detention basin.

MOTION: Steve McArthur moved to grant final approval to North Pointe Subdivision subject to the following conditions:

1. The necessary right-of-way be obtained for Alpine Boulevard
2. There be a development agreement between the developer and City stating that when the concerns of the developer were satisfied, the right-of-way for Eastview would be dedicated.
3. Alpine Boulevard would be improved to the north end of the detention basin.
4. Pressurized irrigation lines and culinary lines would be moved into the right-of-way.
5. Berms would be included in the landscaping where the trees were located.
6. A bond would be provided for the required improvements.
7. Plat corrections be made.
8. The derelict parcel on the southwest would be dedicated to Forest Creek Subdivision and the Watkins.

Dale Porter seconded. Ayes: 5 Nays: 0. Motion passed.

7. LONG DRIVE SUBDIVISION PLAT AMENDMENT: Ted Stillman said the relocation of the trail along Fort Creek necessitated the realignment of the rear lot lines on several lots in the Long Drive Subdivision. Shane Sorensen said the open space calculations for the PRD would still work out.

MOTION: Steve McArthur moved to approve the amended plat for Long Drive Subdivision. Loretta Stevens seconded. Ayes: 5 Nays: 0. Motion passed.

8. WHISPERING PINES SENIOR HOUSING DEVELOPMENT – MICHAEL PORTER:

Michael Porter received concept approval on his senior housing development on November 4, 2003, and was seeking preliminary approval. The project consisted of 5 unites of 1.049 acres.

Ted Stillman said there was a question about the side yard setback on unit 1. The ordinance required a minimum setback of 20 feet when adjacent to a residential property. The question was whether the adjacent property (Spring Creek Assisted Living Center) would be considered residential or commercial. Dale Porter suggested that it would be commercial since the units were not individually owned.

Shane Sorensen said the Planning commission could recommend an exception on the setback. The fire hydrant locations needed to be approved by the fire chief, and the storm drain plans needed to

be finalized. The source of the water rights needed to be identified. A fence would need to be constructed around the perimeter of the project.

Michael Porter said he wanted a 6-ft. vinyl fence on the west side, and a modest 3-ft fence on the north side. He would coordinate with the development on the east for the eastern fence.

Jannicke Brewer said she wanted to see a more detailed landscape plan showing types of trees, etc. The Commission also needed to review the CC&Rs for private ownership. The design would need to go back to the architectural review committee since it had changed since concept approval. It was previously approved as twin units. The committee also needed to see the elevations. Michael Porter said each unit would be different.

Dale Porter asked at what point the City Council evaluated whether or not the project was needed. Michael Porter said he hadn't even advertised it and he'd had four people knock on his door asking to buy units. They even specified certain features they would like when it was built.

There was a discussion about maintenance of individual garden areas. Jannicke Brewer explained how the Indian Hills development handled maintenance. If the residents fenced their backyard section, they maintained it. If it was left open, the association maintained it.

The Planning Commission still needed to see the CC&Rs, a detailed landscaping plan, storm drainage. The flood plain needed to be shown on the preliminary plat. The members of the commission were polled regarding the setback issue on lot 1, and they all indicated they would be okay with granting an adjustment.

Ted Stillman said it would need to be reviewed by the City Council prior to the Planning Commission granting preliminary approval.

9. ZONING AND SUBDIVISION ORDINANCES: The Planning Commission discussed Section 3.1.11 in the Zoning Ordinance, which permitted accessory apartments. The apartment would have to meet the requirements of the building code that were in effect at the time of approval. One of those requirements was a one-hour firewall. There was also a discussion about requiring the accessory apartment to be registered if it was not being rented. The commission wanted to see another draft before making a motion on it.

Section 4.6.1 outlined procedures and requirements for concept plan submission.

MOTION: Phil Andrus moved to approve Section 4.6.1 as amended. Dale Porter seconded. Ayes: 5 Nays: 0. Motion passed.

10. APPROVE MINUTES OF APRIL 6, 2004

MOTION: Phil Andrus moved to extend the meeting to 9:50 pm, approve the minutes of April 6, 2004 as amended, and adjourn. Steve McArthur seconded. Ayes: 5. Nays: 0. Motion passed.

The meeting was adjourned at 9:50 pm.