

November 7, 2006

Minutes of the Alpine City Planning Commission meeting held November 7, 2006 at Alpine City Hall. The meeting was called to order at 7:03 pm by Chairman Jannicke Brewer. The following Commission Members were present and constituted a quorum:

Chairman Jannicke Brewer

Commission Members: Jim Tracy, Jason Thelin, Kimberly Bryant, Lincoln Watkins, Kevin Coper. Steve McArthur was excused.

Staff: Charmayne Warnock, Shane Sorensen, April Riley, Ted Stillman

Others: Rachel Bye, Cory Pierce, Paul Dahlgren, Abe Dahlgren, Todd Smith, Dennis Pratt, Ben Seeley, Tim Hertig, Michael Robertson, Josh Hanson, Walt Hanssen, Chase Hanssen, Brayden Phelps, Drew Hesterly, Adam Loudon, Denise Hesterly, Bryson Murdoch, Mike Russon, Roger Whitby, Kevin Davis, Matt Davis, Craig Skidmore, Clifford Christensen, Scott Christensen, Carl Pack, LaRue Pack, Scott Sweeney, Gale Rudolph, Rob Ledbetter.

Jannicke Brewer said the Pack Annexation had been removed from the agenda because the developer was unable to be present.

PUBLIC HEARING – RGB Subdivision Zone Change, Boundary Line Adjustment and Concept Plan

RGB (LEDBETTER) SUBDIVISION ZONE CHANGE: April Riley said the proposed development lay within two zones. Part was in the CR-40,000 and part was in the CR-20,000 zone. It was proposed that the zone boundaries follow the lot lines. That would place lots 6 and 7 completely within the CR-20,000 zone and lots 3 and 5 completely inside the CR-40,000 zone.

Michael Robinson asked what the total acreage was and what the zone designations meant.

Jannicke Brewer said the acreage was 12.86 acres. CR-40,000 required residential use with a minimum lot size of 40,000 square feet. CR-20,000 required residential use with a minimum lot size of 20,000 square feet.

There were no other comments.

RGB (LEDBETTER) SUBDIVISION CONCEPT PLAN – REGULAR SUBDIVISION

April Riley said the proposed subdivision was a regular subdivision with 7 lots. There was a trail corridor along the west edge of subdivision. A boundary line adjustment was proposed for the north end which would provide access to a landlocked piece of ground.

Shane Sorensen said the parcel would not be part of the subdivision.

Michael Robinson asked why the Planning Commission directed the developer to submit a regular subdivision rather than a PRD.

Jannicke Brewer said the proposed open space was only about three acres and it did not connect with other open space. It didn't appear to be particularly useful and was not in the best interest of the City.

There were no other comments.

The prayer was offered by Jannicke Brewer.

Jannicke Brewer said there would be one more Planning Commission meeting in November which would be on the 21st. There would be one Planning Commission meeting in December on the 19th.

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No meeting would be held December 5, 2006 because of the City Christmas Party. The second Tuesday in January would be the first Planning Commission meeting of New Years.

Jannicke Brewer welcomed Scout Troops 1112 and 580.

1. PUBLIC COMMENT: Michael Robertson thanked the Planning Commission for their service, particularly Jannicke Brewer, and noted that her term was almost up. He said that as the president of the Alpine Land and Wildlife Foundation, he was frustrated that the Pack Annexation was not on the agenda. They had planned to have many people in attendance that evening to discuss the item.

Ted Stillman said that when someone contacted the City at the last moment and said they didn't want to be on the agenda, it was hard to give much notification.

Michael Robertson if the item was still on the agenda and if 30 people showed up to discuss it, would the Planning Commission give them time to comment.

Jannicke Brewer said the applicant requested to be on the agenda. If he/she was not going to be present, there wouldn't be a discussion because the applicant wasn't there to participate.

Michael Robertson said his frustration was that the developer would cancel the agenda item when he got wind that there would be a lot of people present to oppose the plan. He added that he had sent several emails regarding the Pack annexation.

Jannicke Brewer said she forwarded them to everyone on the Planning Commission.

Michael Robertson said that as the Commission considered the annexation, they should consider the requirement in the PRD Ordinance that the development be compatible with surrounding areas. He said he hadn't seen the latest plan, but his interpretation of compatible was not that the new lots would be half as big as the lots in the surrounding area. He said the Peter Christensen property was shown as half-acre lots. He asked what the justification was for an area surrounded by 1 to 7 acre lots to be downsized to half-acre lots.

Jason Thelin said he believed the thought process behind the downsizing was that there was additional open space in the Pack annexation and they were applying it to the Christensen property.

Jannicke Brewer said that if the Christensen property were included in the development, it would fix problems on Grove Drive.

Michael Robertson clarified that because the City wanted to fix the road, they were willing to give the landowners half-acre lots, and the City was allowing Christensen to enjoy a density bonus from a piece of property that was unrelated except by proximity. He said that didn't seem legal.

Jannicke Brewer said it was one question that was not completely resolved.

Mr. Robertson asked what the rush was to annex the Christensen property. He said another concern was that he had not seen the City's analysis of the density. He would like to see how it was calculated and where the dividing line was between acre and five-acre zoning.

Jannicke Brewer said that information was in the file. He was welcome to come into City Hall and look at it. She added that she read his information and emails very carefully when he sent them.

Mike Russon said it seemed ironic that the problems with the Pack development were created by neighboring properties owners that were not part of the Pack property, but were included in the development. He said he bought his property knowing that there were one-acre to five-acre zoning

around him and now he would be surrounded by half-acre lots. He said that two weeks ago a number of people attended the meeting with the intention of making comments on the Pack development and were not allowed to speak. He asked if this was not the forum to make public comment.

Jannicke Brewer said all meetings are public meetings, but they were different from public hearings in that the law did not require them to take public comment at any time except during a public hearing.

Mike Robertson said it clearly stated on the agenda that the public was invited to participate in all meetings. For the record, he asked if they would be allowed to make comment at the next meeting.

Jannicke Brewer said she couldn't say because she didn't know how much time there would be.

Kimberly Bryant said that if someone wanted to be on the agenda, time for them could be scheduled.

Lincoln Watkins said that there should be point when it was too late to pull an item from the agenda because people had made plans to attend the meeting.

2. CONDITIONAL USE PERMIT FOR A HOME OCCUPATION:

AKA Construction – 349 East 300 North – Timothy Hertig: Mr. Hertig requested a permit for his construction business. He said he had one employee which was a secretary. He had two trucks which would be parked off the street in the garage.

MOTION: Jason Thelin moved to approve a conditional use permit for a home occupation for Timothy Hertig dba AKA Construction at 349 East 300 North. Jim Tracy seconded. Ayes: 5 Nays: 0. Motion passed.

3. WHITBY WOODLANDS PRELIMINARY PLAT EXTENSION: April Riley said Whitby Woodlands had received preliminary approval on January 4, 2005. They had requested and received a preliminary plat extension in January 2006 and were requesting another extension that would be effective January 2007.

Jannicke Brewer said nothing in the plat had changed.

Jason Thelin said that in 2005, a motion was made that the open space behind the stream would be private open space until a road came through. He asked if the City ever went back and made changes in the requirements.

Jannicke Brewer said there was a public park with picnic areas on the west side of the park. On the east side of the stream there was private open space with a walkway through it.

Roger Whitby said there was public open space on both sides of the stream along with private open space.

MOTION: Jim Tracy moved to grant preliminary plat extension to Whitby Woodlands to be effective January 4, 2007. Jason Thelin seconded. Ayes: 5 Nays: 0. Motion passed.

4. RGB DEVELOPMENT ZONE CHANGE: April Riley said the public hearing had been held earlier in the meeting. The proposed zone change would move the zone boundary line so it followed the lot lines. Over fifty percent of lots 6 and 7 already lay within the CR-20,000 zone. The change in zone boundary line would put all of those lots in the CR-20,000 zone. Over fifty percent lots 3 and 5 were already in the CR-40,000 zone, and the change would put all of those two lots in the CR-40,000 zone.

Lincoln Watkins said that the zone change increased density. There was one more lot than there would otherwise be. He said the mandate from the citizens was to keep the density as low as possible.

Ted Stillman said that historically, when a lot lay within two zones, the City had changed the zone boundary so the lot lay entirely within the zone in which the majority of the land lay.

MOTION: Jim Tracy moved to recommend the proposed zone boundary change for the RGB (Ledbetter) Subdivision. Kevin Cospier seconded. Ayes: 4 Nays: 1: Jannicke Brewer, Jim Tracy, Kevin Cospier and Jason Thelin voted aye. Lincoln Watkins voted nay saying he was opposed to increasing density when they didn't need to, and felt the layout had been gerrymandered to make it half-acre zoning. Motion passed.

5. RGB DEVELOPMENT BOUNDARY LINE ADJUSTMENT: Shane Sorensen showed a map of the current parcels and where the boundary line adjustment would be. No new parcels would be created. The purpose of the adjustment was to avoid land-locking an existing parcel. The parcel was not part of the subdivision.

Lincoln Watkins asked if the adjustment made the parcel capable of subdivision.

Jannicke Brewer said the ground was too steep and the frontage was less than 110 feet. There would be no way to put a road in there.

In response to an earlier comment that the lots in International Estates were half-acre, Gail Rudolph said she lived on International Way and their lots were much bigger.

Jannicke Brewer clarified that the zoning for much of International Estates was CR-20,000, but many of the lots were larger. She added that lots 6 and 7 of the proposed RGB Development were actually three-quarter acre lots even though the zoning would allow half-acre lots.

A trail was shown along the west boundary and Craig Skidmore asked if the trail corridor would be recorded at the same time. Ted Stillman said it would.

Rob Ledbetter said he was okay with either an easement or a dedication of property.

MOTION: Lincoln Watkins moved to recommend approval of the boundary line adjustment pertaining to parcels 3 and 4 of the RGB Development, and to include a 10-foot strip of land along the west side of parcels 3 and 4, which would be dedicated to Alpine City and incorporated into the City's Master Trail Plan; the trail would extend to the cul-de-sac as shown in Concept Plan #1. Jim Tracy seconded. Ayes: 5 Nays: 0. Motion passed.

6. RGB SUBDIVISION CONCEPT PLAN – LENNON LEDBETTER: April Riley said the development plan showed 7 lots with a trail corridor. It was designed according to the zone change proposal discussed previously.

Jannicke Brewer said approval of the concept plan was dependent on approval of the zone change. However, the developer could move forward concurrently with the zone change. The existing home on lot 4 did not have quite the setback and frontage requirements and could be grandfathered. If the house were taken down, it would need to have the proper setbacks.

Craig Skidmore said he was appreciative of the trail, but typically there were 10 feet on either side of the property line for a 20-foot trail corridor. He wondered if the Harvey's would be willing to give up 10 feet of property.

Shane Sorensen said he didn't think a 20-foot easement was necessary. The trail itself would be two-feet wide and it was relatively flat. A wider easement would leave a weed patch on either side of the trail which would be more of a nuisance.

Rob Ledbetter's engineer said that if they discovered at a later date that 20 feet was needed, they could possibly give an easement without giving away part of the lot.

Jim Tracy said there was a letter from the Harvey's requesting a fence between the properties. Mr. Tracy said the City didn't build fences along trails in other parts of town and didn't see the need to do so in this case. If the Harvey's were concerned about trespassers, they could put up a fence.

MOTION: Jim Tracy moved to grant concept approval to the RGB (Ledbetter) Subdivision subject to the City Council approving the zone change for lots 3, 5, 6 and 7, and subject to meeting the conditions of the City's water policy and subject to dedicating the 10-foot trail easement as shown on Concept Plan #1. Kevin Cosper seconded. Ayes: 4 Nays: 1. Jim Tracy, Kevin Cosper, Jason Thelin, Jannicke Brewer voted aye. Lincoln Watkins voted nay. Motion passed.

Rob Ledbetter said he had an agreement with Griffiths to lower the mound of dirt and fill in the ravine. Mr. Griffith wanted to know if Shane Sorensen had approved the erosion plan.

Shane Sorensen said that there needed to be a plan and not just a letter. LEI Engineering knew what needed to be done. Rob Ledbetter said that in any case, he wanted it on the record that the mound would be leveled out.

7. CANYON CREST ESTATES – 873 S. CANYON CREST ROAD – BROOKS CASPER:

April Riley said the proposed subdivision consisted of 6 lots on 6.82 acres in the CR-40,000 zone. The property belonged to Cliff Christensen. The cul-de-sac accessing the subdivision would line up with Allegheny Way on the west side of Canyon Crest. One issue was the length of the cul-de-sac which exceeded 450 feet

Brooks Casper said they felt the cul-de-sac design was safer because vehicles would not be backing out onto Healey Boulevard which was a heavily traveled road. Also, the property owner to the south would be able to utilize the road if he chose to develop the back of his property.

Shane Sorensen said the cul-de-sac measured about 580 feet. They needed to have some discussion about the possibility of the road going south. There was a lot of vacant property in Highland and it was likely the kids in the area would go to school together and be friends. An extension of the cul-de-sac would be a safer way to connect the neighborhoods

Jim Tracy questioned if there were unusual circumstance to grant an exception on the cul-de-sac. The Planning Commission discussed the cul-de-sac design.

Brooks Casper said Wayne Patterson owned a strip along Healey Boulevard that prevented access onto Healey Boulevard.

Ted Stillman explained that Wayne Patterson bought the ground for Healey Boulevard from Ellis Robinson, but when he built the road, he kept a strip of ground along the road.

Brooks Casper said they didn't want to have a 25-year battle with Wayne Patterson over the 1-foot strip which had landlocked Cliff Christensen's property.

Scott Christensen said his dad owned the property that was being developed. It was mentioned that cul-de-sacs required extraordinary circumstances for approval, and this was an extraordinary circumstance. He said his father wanted to move because his wife had died. The cul-de-sac design was a more expensive solution, but he was anxious to move and didn't want to deal with

Patterson. He suggested that perhaps the developers should ask Alpine City to rectify the situation with Mr. Patterson.

Lincoln Watkins asked how valuable it was to have access across from Allegheny Way. Perhaps they should move the cul-de-sac up to make the lots more square.

Shane Sorensen said it was better for traffic to have a four-way intersection.

Scott Sweeney commended the developers for not asking for a down-zone. He said the City had condemned land in the past to give access to a subdivision and wondered if they would condemn an access across the protective strip if they really wanted the subdivision to have access off Healey Boulevard.

Scott Christensen said time was of the essence. His father was trying to move into a new home and needed the money to move. He wasn't sure how long condemnation took, but it sounded long.

Brooks Casper said they'd already had a conversation about the issue and decided they didn't want a long, drawn-out battle with Wayne Patterson. In regard to squaring up the lots, he said there had been a lot of interest in the property because the deep lots gave homeowners room in the back for horses or a pool. He said it would be a tremendous cost to build a road, but preferred to do it in the interest of time.

Robert Nave said he didn't think the one and two-foot strips served the City. Two wrongs didn't make a right. The ordinance required 450 feet. He said the most important issue was to rectify the one-foot strip. There was already a lot of traffic coming off Healey Boulevard and Allegheny Way. There didn't need to be another access onto Canyon Crest Road.

Jannicke Brewer said the only action they would be taking that evening was to set a public hearing. Other designs could still be investigated.

MOTION: Jim Tracy moved to set a Public Hearing on Canyon Crest Estates for December 19, 2006 at 873 S. Canyon Crest Road. Kevin Cosper seconded. Ayes: 5 Nays: 0. Motion passed.

8. SIGN ORDINANCE: In response to a request from Timberline Middle School, April Riley submitted a proposed revision of the Sign Ordinance which included language addressing reader boards on publicly owned property. The Planning Commission discussed the ordinance and whether the provision on reader boards should include the charter school which was under construction. Specific requirements and restrictions on reader boards were also discussed. It was suggested there be examples of different types of reader boards so the Planning Commission could decide what would be most appropriate for Alpine. It was likely that at some point the City would have a reader board on Main Street to advertise City events. They needed to decide on specifics such as height, size, lighting, etc.

9. ZONE OPTIONS FOR THE BANGERTER PROPERTY: At the previous meeting the Bangerters had requested that their property be rezoned to Business Commercial. It consisted of 28 acres on the west side of Alpine Highway at the entrance to Alpine. It was currently zoned CR-40,000.

Jannicke Brewer said Jason Thelin had an office in Alpine and asked him about working close to him. He said he liked having an office within walking distance. However, they'd recently moved their office to another city. He said one of the complaints from people who worked in his office was that there were so few choices in Alpine where they could have lunch.

Jannicke Brewer said that under the current zoning, about 28 homes could be built on the property. If it were rezoned to Business Commercial, that would increase to about 112 homes.

Jim Tracy pointed out that a Senior Overlay would increase the density to about 400 units on the property.

Kimberly Bryant said she had an “old school” view and questioned having a lot of commercial use in Alpine. She said a lot of people preferred to go out of town for their commercial needs and return home to a quiet, small-town feel.

Jannicke Brewer said Alpine was a dead-end community and probably couldn't expect a lot of successful retail. Unless it was something really special, people would come into Alpine to go shopping. She asked how realistic it was, especially with the many commercial and retail options they were building in American Fork.

Kimberly Bryant said they'd seen an example with the restaurant up the street. Unless everyone in Alpine patronized the same restaurant all the time, it would be difficult for it to succeed. She said she didn't want to make a change without really thinking about the consequences.

Lincoln Watkins pointed out that a commercial development had already been approved by the roundabout, but was not yet built. They might want to wait a few years and see how that fared.

Jannicke Brewer said the Bangerter property contained the aqueduct and power line easement. That would have to be taken into consideration on any type of development because there couldn't be permanent construction on the easement.

Shane Sorensen said the extension of Ranch Drive would be a busy road when it was built.

Jim Tracy said an option would be to adopt an entirely new Business Commercial zone specifically for that area that wouldn't allow quarter-acre lots or senior housing, but there could be acre lots for residential use. Perhaps they could split the property and part would be commercial and part residential. He reminded the Commission that the state law required cities to specify an area where sexually oriented businesses were allowed.

Jannicke Brewer said the survey indicated that people would like to see a retail area with cute shops, but it was questionable how viable they would be.

Kimberly Bryant said Authentique had been such a shop but it didn't stay open.

Jannicke Brewer said they needed to discuss the zone change in conjunction with the General Plan and ask what Alpine will be like in years to come.

Jim Tracy asked Charmayne Warnock if she'd had feedback from neighbors regarding the zone change request since they were adjacent property owners. She said the general sentiment of neighbors was reflected in public comments made in the previous meeting by Richard Nelson and Adele Leavitt. Most of the residents had large lots with horses and were concerned about problems arising from incompatible uses. She added that it wasn't just the people on 800 South that would be affected by changes on the property. The Bangerter property and Burgess orchard on the east side of the road were the entrance to Alpine. People were accustomed to driving into Alpine and seeing a meadow with grazing horses, which created a pastoral, small-town feel. How that changed would probably affect everyone.

Jim Tracy suggested they have the City Council look at the issue and get their thoughts before proceeding.

Ted Stillman said they probably needed to hold a public hearing for due process.

Kimberly Bryant said she would raise the issue at City Council during communications so they were aware of it and could offer their feedback.

MOTION: Jim Tracy moved to set a public hearing on the proposed zone change and the General Plan on December 19, 2006. Lincoln Watkins seconded. Ayes: 5 Nays: 0. Motion passed.

10. ARBORETUM MASTER PLAN: Ted Stillman said a charette was held earlier in the year wherein ideas and desires for the arboretum were expressed. Lars Anderson compiled the ideas into a draft master plan which was reviewed by the Arboretum Board and PRO Committee. More ideas were incorporated into the plan and it was submitted to the Planning Commission for their review.

Ted Stillman said one of the issues was the location of the nursery. Harvey Hutchinson didn't want it by his property. A possible alternative would be to put it in the park that would be located on the recently purchased Whitby property on 100 South. They could grow plants to be used in the other parks in Alpine. Other suggestions were shrinking and reorienting the amphitheater, move the entry pavilion, look at the parking.

There was a question about a property transfer. Ted Stillman said they were still in discussion with the Palmas.

Jannicke Brewer said she would like to see a looped walkway. They were very popular in other parks. Jim Tracy asked if it would be possible to negotiate a sidewalk in exchange for the nursery.

Lincoln Watkins said there should be some latitude to make changes in the Master Plan if something didn't work.

Ted Stillman said it could be a flexible plan that could adjusted as needed.

MOTION: Lincoln Watkins moved to recommend the Arboretum Master Plan as an advanced concept plan to include the following items which may be changed or added to as recommended by the PRO Committee, City Council, etc:

1. Move nursery;
2. Resolve property line dispute with Hall property;
3. Lower the retaining wall;
4. Reorient the amphitheater to take advantage of the slope;
5. Move the entry pavilion (corner of Canyon Crest and Ridge Drive) to cover the old stump;
6. Possibly eliminate the turning bulb in the north parking lot, or changing it into a rail head;
7. Add picnic tables in appropriate locations.

Jim Tracy seconded. Ayes: 5 Nays: 0. Motion passed.

11. APPROVE MINUTES OF OCTOBER 17, 2006

MOTION: Lincoln Watkins moved to approve the minutes as amended and adjourn. Jason Thelin seconded. Ayes: 5 Nays: 0. Motion passed.

The meeting was adjourned at 9:55 pm.