

November 21, 2006

Minutes of the Alpine City Planning Commission meeting held November 21, 2006 at Alpine City Hall. The meeting was called to order at 7:05 by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum:

Chairman Jannicke Brewer

Commission Members: Jim Tracy, Jason Thelin, Lincoln Watkins, Steve McArthur, Kevin Cospier. Kimberly Bryant was not present.

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

Others: Don Lyster, Paul Johnson, Michael Robertson, Heidi Nelsen, Craig Skidmore, Ron Madson, Charlie Fox, Max Jamison, Debbie Robertson, Mike Russon, Cori Russon, Dixie Anderson, Moana Burgess, Carl Pack, LaRae Pack, Hata Puriri, Todd Smith, Greg Zippi, Tim Fisher, Stan Larrabee, Steve Shippen, Andrew Dickens, Tiffany Dickens, Ray Warner, Will Jones, Thomas Whitchurch, Devon Tufts.

The prayer was offered by Jason Thelin.

1. PUBLIC COMMENT: Jannicke Brewer said no Planning Commission meeting would be held on December 5 because of the City Christmas Party. The next Planning Commission meeting would be December 19, 2006. The first Planning Commission meeting in January would be delayed a week because of New Year's Day and would be held on January 9, 2007. January would have five Tuesdays.

Jannicke Brewer said the Alpine Land and Wildlife Foundation had asked to be on the agenda but due to a misunderstanding, they were not scheduled. She said they would take fifteen minutes under Public Comment for them to make their comments.

Michael Robertson said a group of local citizens had assembled themselves to protect the hillsides, wildlife, safety and heritage of Alpine. He said he lived in the Cove but the majority of the members were residents of Alpine. He said that in the recent survey (in which 36 percent responded) people said the main reason they wanted to live in Alpine was for the small town, rural atmosphere. One of the things they disliked most was growth and congestion. He said that when he served on the city council in a neighboring city, he was told that communities last longer than people. Planning should be done with the community in mind and not for the benefit of a few people.

Regarding the Pack annexation, Mr. Robertson said he felt the City was being more generous than it needed to be. They were giving the developer additional density based on a line that didn't have to be there. He asked that the Commission honor the designation of low density and control growth. Instead of being generous to those wanting to annex, they should be generous to the citizens.

Mr. Robertson said the PRD ordinance stated that the site should be suitable for development. One of the reasons the City was considering a PRD was because they wanted to preserve the hillside. But they hadn't given an answer about how doubling the density complied with the requirement that the PRD be consistent with existing development in the city. Except for Heritage Hills, the lots were considerably smaller than other adjacent lots.

Mr. Robertson said his third issue was the average lot size in most PRDs was 0.84 acres, but these were closer to half-acre. Also, the neighboring properties on the east and south, which were not under the same ownership, seemed to be enjoying the same density bonus as the Pack property. He said he didn't know what the justification was for unrelated properties receiving a bonus density and questioned if it were legal.

He thanked the Planning Commission for their time.

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Mike Russon said he bought his lot as a country estate lot. The lots around him were all larger, but if the present plan was approved, it would result in half-acre lots around him. None of those lots were part of the Pack property. He said he did not see the justification for allowing a bonus density for unrelated properties. He said he had visited the neighbors with a petition and had 100 percent of them saying they did not support sharing density with the unrelated properties. He then read the petition, a copy of which is attached at the end of the minutes.

Carl Pack said he had lived in Alpine all his life. He said it disturbed him when people stood up and said they wanted larger lots and not smaller lots. He said that before the property was sold, it was all owned by his family. The previous occupants were the Indians. He said they had a legitimate right to do something nice on their farm. Some people had the idea that they didn't want anything smaller than acre-lots, but few people could take care of an acre. A half-acre lot gave people the opportunity to take care of their property and still have a lot of room. He said it disturbed him that people moving into town didn't want others to move into town. He built his home 36 years ago and he had grown up in Alpine. People were welcomed into town. Now all of a sudden, people who had moved here wanted to close the door behind them so nobody else could move in. Mr. Pack said he was disgusted with the comment that he owned the property but couldn't do anything with it.

Lincoln Watkins said he'd like to see the Master Plan superimposed on the Pack plan. He said he had never seen a plan that was consistent with the one-acre and five-acre zoning designation in that area, and he'd not seen a plan with the oval-shaped park land.

Shane Sorensen asked if he could show it when it was an agenda item because he needed time to find it.

Jannicke Brewer said the General Plan included the Annexation Policy Plan that the City had adopted. The number of lots in the proposed Pack development was based on a slope analysis. She explained that density and lot size were not the same thing. According to the PRD Ordinance, the Pack property would receive 76 lots which was almost one lot per two acres. Because of the sensitive lands, the lots were grouped and the lot sizes were smaller in order to preserve sensitive lands. A city could not take sensitive land and rule that it had no value. The PRD Ordinance gave value to sensitive lands.

Hata Puriri said he was present as a citizen. He said he felt it was necessary to stand and validate what Mr. Pack had said. People said they liked Alpine for its small-town charm but that small-town charm was created by people living on small lots in high density areas. To say that they were going to lose the small-town feel because of small lots offended those who lived on small lots. Most of the people who have lived in Alpine all their lives grew up on a small lot. He said that when his family moved to Alpine there were two wards. Now there were three stakes. Citizens had adjusted to the traffic and the growth and have welcomed everyone to town. He said he would like there to be an opportunity for people his age to move back to Alpine because they grew up here. But they could not afford the larger lots. Why limit Alpine to only people who have money?

Todd Smith said he was one of the people who had moved to Alpine, and the stereotype about people who moved here then wanted to close the door was not necessarily true. He said he looked forward to having the Pack property developed because there would be more children for his kids to play with. But he didn't feel that justified the bonus density and the size of lots. The land was zoned one-acre and five acres. Based on the zoning, people made decisions. He said he didn't think a developer should get a windfall because they developed differently than what was zoned. There were areas where smaller lots made sense and areas where larger lots made sense. The City needed to be consistent with land use planning and not change it just because they liked a certain landowner.

There were no more comments.

Jannicke Brewer said they would address the Pack property later in the meeting but would not be taking comments. It was a public meeting, not a public hearing.

2. CONDITIONAL USE PERMITS FOR HOME OCCUPATION

Desert Gypsy Dance Company – 701 Bateman Lane – Jeanette Stout: Mrs. Stout requested a permit for her dance studio in which she taught Middle Eastern dance. There would be five or six students a week.

PCW Financial Group, LLP – 308 Eastview Drive – Carlos Canales: Mr. Canales requested a permit for his financial consulting business. No customers would visit the home. He had a partner that could be considered an employee; the ordinance allowed one employee outside the residing family.

Hi-Light Dance – 178 S. Matterhorn – Heidi Nelson: Mrs. Nelson requested a permit for the dance studio she operated at her home. She held classes Monday through Thursday from 3 pm to 8 pm, and had 14 students per class per hour. She said she had enough off-street parking for 8 to 10 cars plus a circular driveway where students could be dropped off and picked up.

Ted Stillman said there had been some complaints about cars parking along the road and in front of driveways.

Mr. Nelson said they'd built their home in 1995 and built a dance studio in the basement. He said he thought his wife had applied for a business license and she thought he had applied. There had never been an issue before about parking. But recently the Lone Peak drill team had been coming over to their home to practice because there was no room at the high school to practice. They were giving letters to all the dance students so they would know not to park along the street.

Steve McArthur said he lived in the neighborhood and had never seen a parking problem.

MOTION: Lincoln Watkins moved to recommend conditional use permits for home occupations for the Jeanette Stout dba Desert Gypsy Dance Co. at 701 Bateman Lane, Darlos Canales dba PCW Financial Group, LLP at 308 Eastview Drive and Heidi Nelsen dba Hi-Light Dance at 178 S. Matterhorn Drive. Steve McArthur seconded. Ayes: 6 Nays: 0. Motion passed.

3. IMPROVING CITY OPEN SPACE – TWIN RIVER LOOP – BLAIR

BUSWELL/LAYNE WEBB: Ted Stillman said Blair Buswell and Layne Webb were requesting approval to improve the open space on both sides of the sidewalk located between 283 West Twin River Loop (Buswell residence) and 349 South Twin River Loop (Layne residence). They wanted to beautify the neighborhood by getting rid of the weeds. They were offering to pay for the landscaping which included sprinklers, grass and maintenance. They would like Alpine to assist in the improvement by removing 3 to 4 inches of dirt to make room for top soil and sod.

Ted Stillman said the City normally put in a monolithic sidewalk along open space to avoid a weed-filled park strip, but for some reason it hadn't been done in the Twin River development. He said Buswell and Webb wanted to improve the park strip as well as a few feet into the open space along the sidewalk.

Jannicke Brewer asked if the sprinklers would be owned by the homeowners or the City, and what kind of agreement there would be.

Ted Stillman said he understood that the sprinklers were to come from the Buswell property. There would need to be an agreement signed and recorded regarding the improvements and maintenance.

They discussed improving the open space beside the sidewalk.

Steve McArthur said his inclination was to leave the open space beside the sidewalk natural, but agreed with improving the park strip.

Lincoln Watkins said the Maglebys and Christensens had wanted to improve the open space along their property but it was denied.

Ted Stillman said their property abutted natural open space and there was no sidewalk. The improvement would have looked more like an extension of their properties, which was not the intent of the open space.

Steve McArthur said there had been a lot of discussion about the Maglebys and Christensens. Material had been dumped in the open space and they were asked to clean it up and return it to its natural state. The City didn't approve improving the open space because they didn't want it to look like it was an extension of their yards.

Jannicke Brewer said another possibility for the open space in Twin River would be to put grass in the planter strip and reseed the open space on the other side of the sidewalk with wildflowers and natural grasses.

Craig Skidmore suggested that there be gravel where the trail crossed the sidewalk.

MOTION: Jim Tracy moved to recommend approval of the improvements to City open space located on the park strip between the sidewalk and the curb on Twin River Loop between 283 West (the Buswell home) and 349 South (the Webb home) subject to the following:

1. That there be a written agreement with the City.
2. The gravel trail will extend to the curb.
3. Include in the written agreement permission to clean up and add wildflowers or natural vegetation to the other side of the sidewalk.

Lincoln Watkins seconded. Ayes: 6 Nays: 0. Motion passed.

4. T-MOBILE SITE PLAN – MAX JAMISON: Ted Stillman said T-Mobile had relocated their site to the area northeast of the water tank. It would be located behind some established oak bush which should conceal it from the valley. Also, the area was relatively flat and fewer cuts and fills would be required. The site would be 25' x 20' and would be enclosed by chain link fencing. Staff recommended the fence be brown so it would blend with the landscape. There would need to be an agreement so the area was restored properly with native plants.

Staff recommended the height of the pole be 80 ft. according to ordinance. Ted Stillman said Steve Crain said they should be able to get 4 locaters on an 80-ft pole because the water tank was so high. He said the plan also showed a microwave antenna. In earlier discussions, the Planning Commission had indicated they were okay with a monopole. He asked if they were okay with a microwave dish.

Max Jamison, the representative from T-Mobile, explained why they needed a microwave dish on the pole. Ted Stillman said it would make a difference in the price.

Shane Sorensen asked if other providers would need additional microwave dishes. Max Jamison said they would check on it.

Max Jamison said he had spoken with Jerome Gorley about the height of the tower. T-Mobile did not have a preference whether it was 80 feet or 100 feet high, but if it were an 80-foot tower and

was extended at some point, T-Mobile would like a provision in the agreement stating that T-Mobile could use the top-most part of the pole. He said that if the City decided to build a 100-foot pole in the beginning, T-Mobile would pay for it, but they would not pay for a later extension.

Ted Stillman said the site was located in open space and they needed to determine how to address it relative to the Open Space Ordinance (Article 3.16. in the Zoning Ordinance). Items #5 and 6 in Section 3.16.3 could recognize the use of a cell tower because they allowed uses that were similar and compatible to water, sewer and utility transmission lines and facilities. Or they could hold a public hearing as outlined in Section 3.16.4.2. The City also needed to decide how they wanted the disturbed area restored.

Lincoln Watkins said he felt it would be better to hold a public hearing and have a super majority vote of the Council before approving the site in open space.

Max Jamison asked what else would need to be done for approval. He said the pole would be galvanized steel with a vinegar wash which corroded it slightly so it blended with the landscape. He didn't recommend paint because it would need upkeep. He suggested the agreement state that all providers use conformational antennas which were less obtrusive.

Jannicke Brewer asked about the area of disturbance.

Shane Sorensen said he would like to see a plan for the electrical and a design showing the utility easement because of the sensitivity of the land. The water line was already in the gravel road.

MOTION: Steve McArthur moved to recommend approval of the T-Mobile site plan subject to the following:

1. The area of disturbance is described;
2. The alignment of any utilities needed at the site be identified on the plans and the design be approved by staff;
3. The limits of disturbance for construction of these utilities and construction of the site itself be identified on the plans;
4. The pole should be an 80-ft. extendable pole.
5. All providers shall use conformation antennas;
6. The City Council hold a public hearing on the T-Mobile site in Lambert Park to determine if it is a similar and compatible use as outlined in Section 3.16.4.2.of the Zoning Ordinance;
7. Prior to construction, the foundation and monopole design be stamped by a structural engineer licensed in the State of Utah;
8. The chain link fence be brown in color, including brown powder coated pipe materials;
9. Details be provided on the plans showing how disturbed areas will be restored.

Jim Tracy seconded. Ayes: 6 Nays: 0. Motion passed.

5. ALPINE CANYON ESTATES (PACK ANNEXATION) – WINDSOR DEVELOPMENT:

April Riley said the only things that had changed since the previous submittal was that one lot had been included in the open space and the park had been moved.

Jim Tracy asked why the park had been moved. Will Jones said the geologic study showed water coming through that area and they wanted to move the building lot out of the way. Jim Tracy said it would make more sense if it were all park rather than having a lot in between two pieces of open space.

Jason Thelin asked what was going to happen with the open space. He had understood that initially it was going to be a soccer field. Now it was just all steep area. He said he thought that

PRDs should have usable parks, and he didn't see a usable park in the proposed development. There was a retention basin and land that would be difficult to build on. There was nowhere for kids to play.

Will Jones said they were not intending to put in a soccer field. It was not the kind of park they were thinking of.

Jannicke Brewer said open space also needed to be preserved for people who enjoyed hiking and riding horses.

Lincoln Watkins said those things could be accomplished without making it a PRD. It was an annexation and hillside access could be a condition of annexation.

Don Lyster said they were planning to develop a trailhead. It would have a lot of amenities including a restroom. There would be parking for horse trailers.

Jannicke Brewer said part of the goal with open space was to keep access to the mountains. That was just as important as flat parks.

Steve McArthur said he would like to see a design of the trailhead. It was a key part of the development and if they were going to annex the property as a PRD, they should have the design prior to preliminary.

Steve McArthur said he had a couple of concerns about the design in the Christensen property. They had talked about a shorter knuckle that would eliminate the double frontage.

Jannicke Brewer said that Christensen could or could not be a part of the annexation. It would not create an island if it were not included, and there was nothing that required it to come in at the same time. If it were annexed at a later time, it would probably come in as a one-acre-lot subdivision.

Jim Tracy and Steve McArthur indicated they would like to see the corner on Grove Drive improved.

Jannicke Brewer asked if the road on the north side would be in the county or the city. Shane Sorensen said they would have to work something out, similar to what they did with Highland on Westfield Road.

Steve McArthur said there were a lot of oddly shaped backyards and asked if there was a way to clean it up.

Will Jones said the lots were designed that way because the ordinance didn't allow more than 5% of the yard to have a slope of more than 25%.

Jason Thelin asked how it could be a PRD when acre-lots were next door.

Steve McArthur said he was on the Planning Commission when a development with half-acre lots went in next to the one-acre-lot development where he lived. He understood the concern about having half-acre lots next to acre lots. But the developer had designed three-quarter acre lots next to the acre lots.

Will Jones said they'd gone from 58 lots to 48 lots. He said the thing that frustrated him was that the adjacent development (Heritage Hills) did have half-acre lots. The people that were complaining were in Alpine Cove, which was in the County. He said he didn't know anywhere in the PRD Ordinance that said they needed to be consistent with county zoning. Draper did not consult Alpine when they planned their development. Highland didn't consult Alpine when they

planned a development adjacent to Alpine. He said the Pack development was a better design than the Cove development. The Pack development was giving Alpine City 70 acres of open space. The Cove gave nothing. Residents in Alpine Cove had a chance to be annexed into Alpine and chose not to. They shouldn't be telling Alpine City how to annex.

Jannicke Brewer said the proposed lots next to Heritage Hills were half-acre lots. The lots next to the Cove were three-quarter acre lots. She said it was a nice transition. She said she did have some concerns about the Christensen and Pulham properties.

Steve McArthur said that although Alpine Cove was not in Alpine City, he hoped Alpine City would be a better neighbor than Highland was. Highland had platted six and seven thousand square foot lots next to the acre lots in Alpine. Residents had the opportunity to buy the land in Highland but they didn't. It took a lot of money to protect a viewscape. Regarding the Pack project, Steve McArthur said that every time they'd requested a change from the developers, they'd done it. From a planning standpoint, he preferred to include smaller, odd pieces and masterplan it. Straight, clean planning was better.

Lincoln Watkins said they still had not seen a plan that was consistent with the City's Master Plan. The developers had stayed within what they'd asked. It was not the developer's fault. It was the City's fault.

Paul Johnson said he was concerned that they were hearing repeated reference to the Annexation document as a Zoning map. There was a difference between the two documents. The Annexation Policy was a general idea. The Zoning Ordinance was specific and binding. He went on to say that they'd listened to the neighbors in the county and buffered them with three-quarter acre lots. He said Alpine City didn't have jurisdiction over the Cove. The implication in the ordinance was that you had to be consistent with neighbors under the City's jurisdiction.

Jannicke Brewer asked the Commission if they wanted to move forward with the Pack annexation or table it.

MOTION: Lincoln Watkins moved to table the Pack annexation and instruct the developers to pursue a plan consistent with the Alpine City Master Plan. Motion died for lack of a second.

MOTION: Jim Tracy moved to recommend concept approval of Alpine Canyon Estates (Pack development) with the Pulham property reduced to 1 lot and the Christensen property not included until a new plan was submitted, and the recommendations made in the UGS review be incorporated in the development design as plans were prepared. Steve McArthur seconded. Ayes: 4 Nays: 2. Lincoln Watkins and Jason Thelin voted nay. Steve McArthur, Jim Tracy, Kevin Cosper and Jannicke Brewer voted aye. Motion passed.

Jason Thelin said that when he thought of a park, it had to have a useful value. Steep, unbuildable land did not have the same value as flat land. He said he'd like to see the developer come down on the number of lots at the mouth of the canyon and make it flat open space.

6. SIGN ORDINANCE: The Planning Commission reviewed the most recent draft of the Sign Ordinance. They discussed it and made a number of changes which were noted by April Riley. A motion was made to recommend the revised ordinance to City Council.

MOTION: Jim Tracy moved to recommend the Sign Ordinance to the City Council as amended at meeting of November 21, 2006. Jason Thelin seconded. Ayes: 5 Nays: 0. Motion passed. Lincoln Watkins had left the meeting earlier and was not present at the time of the motion.

7. GENERAL PLAN: The Planning Commission briefly reviewed the amended General Plan and agreed to continue working on it at a later meeting.

8. CONTINUING EDUCATION: April Riley reviewed Chapter 14 of *Land Use Regulation* titled *Mounting a Legal Challenge*. It dealt with taking issues.

9. APPROVE THE MINUTES OF NOVEMBER 7, 2006

MOTION: Jim Tracy moved to approve the minutes of November 7, 2006 and adjourn. Kevin Cosper seconded. Ayes: 5 Nays: 0. Motion passed.

The meeting was adjourned at 10:25 pm.