



Town of Alpine

Planning & Zoning Commission

Minutes

DATE: August 28, 2007

PLACE: Alpine Town Hall ▪ 250 River Circle

TIME: 7:00 p.m.

TYPE: Regular

Attendance: P&Z members present: Dave Gustafson, Pat Marolf, Paula Stevens, & John Thomas. Absent & Excused: Kennis Lutz.
Others in attendance: see attached sheet.

1 - CALL TO ORDER at 7:03.

2 - ROLL CALL & ESTABLISH QUORUM by Terra Miller

3 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **Jack Kilroy-** Jack Kilroy stated that he currently owns 4 lots in the Kilroy Subdivision. One has a shop, one has an office, and two are vacant. He just put one of the vacant lots up for sale and is getting different feedback on what he can and can't do with that lot. He would like to know officially from the Commission what he can do with those vacant lots. Reviewed lot location on map. He would like to know what he zoned for and what he is capable of doing. Reviewed current and proposed zoning maps. Paula Stevens stated that he is zoned as commercial. Jack Kilroy asked for copies of the Town Code stating what he can and can't build there. Paula Stevens stated that we could provide what he needed. She reviewed the Town Codes and stated that the zoning there is additive so he could go residential or straight commercial. He could reference section 405 C1-Commercial that includes uses permitted in B-1, things such as a drive in, construction yard and equipment except heavy equipment. Jack Kilroy asked if there was any residential that would come close to the 150 foot limits. Paula Stevens stated that there is screening required if you have adjacent residential uses, which he would in this case. Jack Kilroy stated that then there would be screening required, landscape wise or a fence. Paula stated that there would. She also stated that it what be helpful for him to get copies of the necessary sections of the code and then we could revisit it again after he had a chance to look over it. Jack Kilroy asked if he could revisit it over the phone. Paula Stevens and Dave Gustafson said that he could. Jack Kilroy asked if he had to have the 150 foot setback from home owners. Paula Stevens stated that intersection spacings have to be 150 feet but there isn't 150 foot buffer required because some lots are too small. Terra Miller stated that she would make copies for him and he could pick them up in the Town Office tomorrow afternoon. Dave Gustafson also mentioned that we are changing our Town Codes and that it might affect him. Jack Kilroy wanted some clarification on his property concerning the sewer. Paula Stevens stated that the new plant should be up and running by fall 2008. However since there currently isn't sewer lines to his property he would have to wait and put in septic.
- **Mitchell Peichel: Lot 263 Lakeview Estates A; 700 Sunset Dr-**Remodel permit, RE-05-07, needs approval. Representative not present. Moved to September 11, 2007 Planning & Zoning meeting.
- **Kerry Friedrich: Lot 632 Lakeview Estates C; 171A Center St-**Fence permit, F-04-07, needs approval. Reviewed packet. Dave Gustafson stated that there still was one property pin not located. Kerry Friedrich stated that he had the measurements but had not yet found it. Paula Stevens stated that the missing pin wasn't on the property lines affected by the fence. That the fence was clearly in the back and the missing pin is in the front. So there are no worries of encroachment. The fence will be a 6 foot privacy fence. Dave Gustafson asked what way would the siding of the fence be facing. Kerry Friedrich stated that he would probably put the wood side on the inside if he didn't do a staggered fence. Dave Gustafson asked the Commission if any of them knew of an Ordinance stating that the good side of the fence needed to be facing out. No other member knew of one. Kerry Friedrich stated that he was told that if he put the fence on the property line that he needed a letter from the property owners stating that that was okay. Dave Gustafson stated that he didn't believe the Town had an ordinance for that either. However it might be a good idea to ask for courtesy purposes. Paula Stevens stated that the code didn't state either but cautioned him about putting it on the line and not potentially putting it on someone else's property. **Pat Marolf made a motion to approve; Paula Stevens seconded it; Vote: 4-Yes, 0-No, 0-Abstain, 1-Absent.**

4 - UNFINISHED/ONGOING BUSINESS:

- **Liz Santangini-Sotheby's International Realty: Lot 13B Palisades Heights; 168 Hwy 89-**Sign Permit, S-11-07, needs approval. Needed total signage for entire building. Reviewed packet. Liz Santangini reviewed with the Commission their situation. Liz Santangini stated that she was requested to get pictures & dimensions of all the signs on the building. She stated that none of the other businesses returned her calls so she just took pictures of the signage on the building. Commission reviewed pictures. Dave Gustafson asked how they had originally approved the signage for the building. Paula Stevens stated that the original approval was for the free standing sign separate from individual wall signs. According to her it looks as if no other business has come in for a sign permit for the current signage on the building. Therefore we couldn't

figure out the total signage of the building and what was left in the allowance. Paula Stevens stated that when the application for the free standing sign was brought in the building was considered as a shopping center. Therefore that is the code we need to follow for the additional signage to the building. Paula stated what was in the code. Jim Sandner (property owner) stated that in the original plans the free standing sign was to accommodate the businesses that were there knowing that they would have to address additional signage in the future. Jim Sandner stated that he wanted each business to be treated equally. He wants the signage to be tasteful, not on the side of the building, and an equal opportunity for everyone. He also stated that he would not be opposed to the signage on the street frontage as long as everyone in the building was treated equally. He stated that the Commission would have to look at the visual aspects coming along the road as to what the Town would allow. Jim Sandner has stated others in the building wanted to put signage up along the road. His main concern is that every business be treated equally in determining what is allowed for signage. Paula Stevens stated that she wouldn't feel comfortable approving something that the property owner wasn't on board with. Jim Sandner stated that he was not aware of the situation. Jim Sandner stated that he would have to review his contract with Sotheby's because it was different from the rest of the business owners. Jim Sandner would like to look into the signage on the frontage closer to make sure that it is equal and tasteful for all the business in his complex. John Thomas suggested that Jim Sandner and Sotheby's talk and then come back to Planning & Zoning for approval. Paula Stevens suggested that Jim determine a master sign plan for the building with pre-established guidelines. That way the master plan would be pre-blessed by the Commission and when businesses changed they could be swapped out. Paula Stevens stated that she agreed with John Thomas to have the owner and renter talk and get back with the Commission. Jim Sandner and Liz Santangini both agreed that they would discuss the matter and get back to the Commission. Dave Gustafson stated that if they came back before the Commission that dimensions for the frontage would be needed for calculations.

- **SALL Enterprise: Palis Park; 104, 109, 110, 117 Greys River Rd**-Replat Permit REP-01-07; needs recommendation for Town Council. Reviewed comment letters from Leon Kjellgren, Town Engineer, and Karl Scherbel, Town Surveyor. Reviewed plans. John Thomas asked if they were selling the lots individually. Carla Stone stated that there is no mechanism for a zero lot line in the current Town Codes so they went with the 7 individual lots and selling or leasing them. Paula Stevens was curious to know how they came up with the 54 parking spaces because different businesses require different numbers of parking spaces. Carla Stone stated that she thought that it was a certain number of parking spaces per acre of land being used for commercial venues. John Thomas asked about the loading and unloading. Carla Stone stated that they thought of putting those on Parkway. John Thomas stated that it probably needed to be stated on the plat. Dave Gustafson reiterated the parking concern based on the business uses. Paula Stevens stated that the plat map didn't show parking spaces which is the way it needed to be done and the development plan does show the 54 potential parking spaces. Paula Stevens stated that they wouldn't be able to approve the development plans today just the plat plans. Carla Stone asked how they would like them to go about approving those. Paula Stevens stated that when the business owners come in for permits, at that time we would calculate the parking to see if it is sufficient. Carla Stone stated that they still needed to come up with their covenants and restrictions so they could address that in there. Terra Miller will get a copy of Section 503 pgs. 153-162 for Carla Stone and have them available at the Town Office. Paula Stevens had a question concerning the landscaping. Carla Stone stated that they will be putting in the basic 9% that the Town requires and then the owners will keep it up. Paula Stevens was concerned that the 9% wasn't met according to the plat. Dave Gustafson and Paula Stevens reiterated that all they are approving is what is on the preliminary plat sheet. **John Thomas made a motion to recommend to the Town Council with the condition that the items from Leon Kjellgren and Karl Scherbel are met; Paula Stevens seconded it; Vote: 4-Yes, 0-No, 0-Abstain, 1-Absent.**
- **Bank of Alpine: Lot 3A Palis Park; 60 Hwy 89**-Sign permit S-13-07 needs approval. Reviewed Packet. Phil Newcomb stated that they would like to put up two temporary signs one on the corner of Greys River Rd and one facing Hwy 89. Dave Gustafson asked if they would be set back from the Town landscaping. Phil Newcomb stated that they would be set on their property in their 20 foot right of way. Dave Gustafson asked how long will the signs be in place. Phil Newcomb stated that they hoped no longer than next summer, a maximum of 1 year. Phil Newcomb stated that they would be free standing. Paula Stevens asked how high it would be. Phil Newcomb stated that they would be down where you could see it, no higher than 6-8 feet. **Paula Stevens made a motion to approve with the conditions that they do not exceed 8ft in height, be up for a maximum of 1 year, preclude lightening unless permitted, and that the color scheme reflect the color of money; John Thomas seconded it; Vote: 4-Yes, 0-No, 0-Abstain, 1-Absent.**
- **Tom Hoff: Lot 2 Alpine Pines; 608 Pine Court**-Building permit R1-14-07 and Septic Permit SP-02-07 need approval. Reviewed Packet. Paula Stevens asked which way the house would be facing. Tom Hoff stated that it would be facing the base of the hill. Paula Stevens asked the size of the lot. Tom Hoff stated that it was approximately .27 acres. Paula Stevens asked what the height of the building was. Rob Wagner, Town Building Inspector, stated that it was less than 35ft. **John Thomas made a motion to approve with the condition that they put a north arrow on their plans; Paula Stevens seconded it; Vote: 4-Yes, 0-No, 0-Abstain, 1-Absent.**
- **WAGNER, Rob:** Updated the Commission on Mitchell Peichel. He did get all the engineering in and last week he contacted him because his house was opened to the elements. He requested that Rob come and inspect it so that he could get his plywood down. Rob Wagner stated that the things that were covered were brought into compliance and met the engineer specs.

- Jim Pedersen**-Jim Pedersen stated that he would be done with the revisions by the end of September. Jim Pedersen stated that there were good comments received and he agrees with 90% of them. He sees no problem with making the changes. However there are some that he needed clarification with. 1) Who would be the zoning administrator? One option is to combine the administrator with the building inspector position. Another option would be to share the position with a near by Town such as Star Valley. The third option is to hire someone separately. He would like to keep the zoning administrator position in the draft to help the meeting go faster and the impressions of the Commission improve. Paula Stevens agreed. She would like the additional time to look at plans and with an administrator he/she could take the time and communicate the information to the Commission. 2) How long a temporary sign can be up? He was thinking 30 days. He also stated that in the new ordinance the sign requirements depended on the zoning code. The way Jim Pedersen has written the new code is that he put the requirements for each zone in a one area instead of having a section for signs, parking, etc. Jim Pedersen stated that it does make it redundant but it is easier for an applicant to follow and find the information. 3) Add a small item permit. Jim Pedersen asked if we really wanted to get into issuing permits like this. From Rob Wagner's perspective they are required to meet the IBC but it doesn't necessarily need to go through Planning & Zoning. It is more for safety concerns. Jim Pedersen asked if Rob would be looking for a plan review. Rob stated that he wouldn't for little things like propane tanks, etc. His idea is the applicant comes in with the details on what they are doing, he reviews it and then the permit is issued. That way he could inspect venting, etc. 3) Dog fence, small decks, etc. Terra Miller clarified the comment to reflect limitations on when a permit is required. Requested so that it is specified in the code, ex-perimeter fences only, sheds that are 200sq ft or less, decks that are less than 30 in. from the ground. Jim Pedersen stated that this is the area where the public gets infuriated because we start "nickel and dimming" them. 4) The concern with allowable colors came up. Jim Pedersen doesn't believe that it is worth the Town's efforts because they would loose most legal cases. Paula Stevens stated that they would refer to the master plan and the goals and objectives in terms of character elements. Jim Pedersen doesn't believe that there is anything in the master plan that deals with characters of neighborhoods. Paula Stevens stated that where we are right now is that we can't prohibit people from having pretty pink houses. John Thomas thinks that is still needs to be verbiage added. Jim Pedersen stated that complimentary is the safest term to use. Jim Pedersen stated that he would add it to structures, fences, etc. 5) Structure side of the fence facing in, "pretty side" out. Rob Wagner brought up the issue of a dividing fence; someone is going to have to have the structural side facing in. Jim Pedersen stated that he would make sure that fences get put on properties not on the line, neighbors and relationships change. Paula Stevens stated that posts should be on the interior of the fence for clarification on the "pretty side". 6) CCRs reference-Jim Pedersen stated that the Town does not want to regulate and enforce them. His advice is not to worry about them even if we are different. Rob Wagner stated that he wanted to mention that the setbacks are different on the recorded plat maps for lots in Riverview Meadows Subdivision. Terra Miller suggested that in the new code that it be stated by the setbacks "unless otherwise indicated on the recorded plat". Paula Stevens stated that she liked the suggestion. Jim Pedersen that he would add it to reflect as such. 7) Maximum height-Jim Pedersen suggested that we leave it to the CCR reviews. But he did state that he would change them to reflect the 35 and 45 foot current restrictions to help comply with the Fire Departments request. 8) Setbacks requirements for Accessory Buildings-Jim Pedersen stated that at the moment there are none. Paula Stevens stated that it seems to be contour to the safety and welfare issues with snow removal, visibility, etc. Jim Pedersen stated that they could be more definitive with the front property lines as the biggest concern. Paula Stevens asked why not keep it the same as the other setbacks. 9) Conditional Uses-Jim Pedersen didn't put them in there because of the number of holes there are. He is happy to add them if the Town would like one. Paula Stevens stated that if we are conditioning things we have to enforce and oversee it. If someone doesn't comply with the conditions then we need to pull the permit, etc. So from her understanding Jim has compiled the code as such that conditional uses won't be necessary. Jim stated that he thinks they are exactly what Town Council and Planning & Zoning go nuts about. It sets the Town up for inconsistency. He also stated that it wouldn't be a big deal to add it if the Town wanted to. 10) Why don't you say what is prohibited- Jim Pedersen stated that typically it is stated what is permitted and the not isn't because the number of prohibited items there possibly could be. 11) R2 Zoning-Defined structure verbiage, ex. Any structure with a common wall is defined as single family attached; the difference between town homes and twin homes; condos are defined by ownership. Requested that minimum lot sizes be added. Paula Stevens stated that the limitations that govern the number of units are the setbacks, the septic tank requirements, and height. Jim Pedersen stated that densities weren't added. 12) Density-Dave Gustafson questioned if it should be added. Jim Pedersen stated that he gets troubled with density because you normally get wrapped around trying to readjust things. He thinks the other standards and requirements will help with density concerns that the Town has. Paula asked if parking would be allowed in setbacks. Jim Pedersen stated that they could be up to the right of way and that it could be in the setbacks. 13) 5% landscaping requirement-Dave Gustafson wondered if the number needed to be higher. Jim Pedersen stated that it could be changed. Paula Stevens stated that she would like to play with some lots to see if she is comfortable with the 5%. 14) 50 foot height for public and community district-Jim Pedersen stated that it was an arbitrary number. Paula stated that she wasn't too concerned because it was a public facility. Dave Gustafson asked how many drafts he thought we needed. Jim Pedersen stated that he would like to take the comments, revise it as such, and then have Planning & Zoning review it to recommend to the Town Council. Dave Gustafson stated that he wouldn't mind having one more shot to look at it before it went to Town Council. Jim Pedersen stated that he could have that draft ready for Planning & Zoning by the end of September. 15) Paula Stevens asked how Jim Pedersen felt about making it a requirement that parking be put in the back and the buildings forward along the Highway 89 corridor. Jim Pedersen replied that it is possible. He stated that in the Town's master plan we have community trails system proposed. Jim Pedersen stated that the next element that we need to add is a Subdivision regulation. In that the Town could request from developers a Plan Unit Development where at that point the Town can put in stipulations on where they put their structures, landscaping, parking, etc. Paula Stevens asked how is the goal/philosophy of the Master Plan incorporated into the new building code so that the Town can require them to contribute

to it. Jim Pedersen stated that for commercial lot owners, in order to get finance towards the trail system, they need to conform to the Master Plan and that portion could be added to the new code. Paula Stevens stated that yes most of the lots on the corridor are already developed but as property values escalate those lots will be scrapped and redeveloped. If the Town and Commission are doing their jobs and looking forward they are building in the requirements so that when the day comes the methods to ensure that they meet the master plan will be in place. Jim Pedersen stated that he could add the requirements not only in the commercial district but with public agencies as well. Dave Gustafson asked how it transpires. Jim Pedersen stated that they first come in and read the codes. Then they would see what the requirements with landscaping, the community trail, parking, etc. Paula Stevens asked do we provide an easement or require construction of the trail on the property. Paula Stevens stated that we don't have the legal nexus established, it was recommended but it didn't happen. Jim Pedersen stated that we can't require them to build it but we can state that they allow for that in the future with an easement. Jim Pedersen stated that we need an Impact Fee Ordinance so that we can have equal treatment. Jim Pedersen stated that it is a matter of developing a methodology that applies to everybody. 16) Dave Gustafson asked if they should re-propose the Impact Fee to the Council. Paula Stevens stated that it would be worth it. She stated that with the Master Plan we have a foundation. The Commission members present agreed that we needed to make our Main Street more presentable and more of a homey, small town feel. Terra Miller will have the Impact Fee Study added to the next Town Council meeting agenda for August 28, 2007.

- **Fence Ordinance**-discussing the possibility of requiring residents to put the structural part of a fence facing in. Discussed within Jim Pedersen comments.
- **162 Emergency Ordinance No. 2007-18 and 163 Ordinance No. 2007-19**-Commission needs to review and discuss what they will allow in reference to. Terra Miler explained the ordinance, some of the questions that were brought up that were deferred to the Commission and that the 3rd reading will be at the next Town Council meeting. Dave Gustafson stated that since they will be there to propose the Impact Fee so they will address their concerns then.
- **Active Building Permits & Non Compliance Issues:** highlighted ones need action from P&Z; on going. Morning Star Baptist Church-Rob Wagner stated that they still need to hook in their electric and he will keep reminding them. Jim Sandner-Terra Miller stated that we are making everyone else renew their building permits but yet we are sitting on this one from 2004. Rob Wagner said that it is a tough one because the structural aspects are done but the tenant improvements aren't done. Rob Wagner stated that he has all but the rear, downstairs complete. Rob Wagner suggested that in the future on buildings similar that the permit be issued for the core of the building and any tenants will then have to go in a pull a permit for remodel. Dave Gustafson requested that this new requirement be added to the new code. Jim Pedersen stated it was already included. Terra Miller will send him a letter stating that any additional alterations to the property will need a remodel permit. Brain Beck-leave it on the list indefinitely or remove it; remove. Josh Daigle-has stopped building but has not contacted the town-write a letter. Steve Dicenso-knows how many tie downs are needed-send it to the attorney for a letter. Grand Teton Realty-added a sign without a permit-write a letter. Gunnar's Pizza-picked up an application but have not turned it in-write a letter. Matthew Bradley Hail-permit from 2004 but it was discovered that they don't have a Certificate of Occupancy. Rob Wagner stated that he can inspect what he can see.-write them a letter stating that the first inspection fee will be waived to receive a Certificate of Occupancy. Betty Momoda-got the request letter-wait to see the appliances are in place. Brian Parks-he is taking it down-leave there as a reminder until completed done. Rocky Mountain Rogue-vacancy sign not being used but is there-leave it on the list. Ernie Scott-Joe S. and Rob W. have not yet been able to discuss it with him; place is definitely a safety concern-leave on the list.

5 - **P&Z MINUTES:** June 28, 2007; July 10, 2007. **Paula Stevens made a motion to approve. John Thomas seconded it; Vote: 4-Yes, 0-No, 0-Abstain, 1-Absent.**

6 - **COUNCIL MINUTES DISTRIBUTUED: none.**

- **P&Z ATTENDING COUNCIL MEETINGS:**

1) September 4, 2007-*John Thomas*

2) September 18, 2007-*Dave Gustafson*

7 - **ADJOURN MEETING-** John Thomas made a motion to adjourn at 10:20. Pat Marolf seconded it; **Vote: 4-Yes, 0-No, 0-Abstain, 1-Absent.**

AFTER MEETING REVIEWS/WORKSHOPS: None

8 - **Items given to P&Z during tonight's meeting:**

- Letter from Leon Kjellgren regarding his comments for SALL Enterprise Preliminary Replat
- Letter from Karl Scherbel regarding his comments for SALL Enterprise Preliminary Replat
- Town of Alpine Land Use and Development Code Draft #2 Amendment List for Jim Pedersen
- Active Permits Worksheet
- Non-Compliance Worksheet
- Lincoln County Notice-Salt River Ranch, LLC; Rezoning; T36N, R119W, Section 9

9 -*Items mailed to P&Z before meeting:*

- None

Dave Gustafson, Chairman

Date

Attest:

Terra Miller, Secretary

Date