

Town of Alpine  
Planning & Zoning  
Minutes May 13, 2008

Meeting was called to order at 7:07 pm. Roll call was taken: Pat Marolf, Dave Gustafson, Kennis Lutz, and John Thomas were present. Paula Stevens was absent and excused.

**Tiphany Gayhart: Lot 704 Lakeview Estates C; 185 HWY 89 – 2 Sign Permits (1 Temp, 1 Permanent), S-05-08 & S-04-08, need approval.** Temp. sign is to go on front side of building announcing ready for leasing. Permanent sign is to go in front of building and would be a free standing sign approximately 72 ½ sq. feet, they would like to get a variance to go over the height limit. Chairman Gustafson stated that the client would have to come back and submit for a variance to change the height as they cannot do it at this time. Commission does not want the sign taller than 15 feet as stated by the code. Town inspector wanted to remind them that they need to get all locates and permission from WYDOT to make sure it is not on the enhancement. **Pat Marolf moved to approve both the temporary and permanent sign with the condition the permanent sign stays at 15 feet. John Thomas seconded. VOTE: 3 Yes; 0 No; 1 Abstain; 1 Absent. Motion carried.**

**Matthew Siebach: Lot 632B Lakeview Estates C; 171 Center Street – Fence Permit, F-01-08, needs approval.** Town Inspector Jody Tibbits checked setbacks and property corners for this fence. Back portion of fence would be 6 foot tall, front portion will be 4 feet tall. **John Thomas moved to approve the fence permit for Matthew. Pat Marolf seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

**S.A.L.L. Enterprises: Palis Park; 25 HWY 89 – Fence Permit, F-02-08, needs approval.** Town inspector checked for setbacks, property lines, and property corners. He could not find one of the property corners, so denied the fence permit until such proof or resurveying is completed. Karl Scherbel sent a letter in regards to the property corner that was missing, stating that he would have the monument replaced and that it is where they had it marked. Town Engineer wanted to know if the Town and contractor would continue to have access through this property to continue with construction of the lift station, and to have access after the construction is completed to get to the new lift station. This is not a condition for the fence permit, just a question. The partnership may have a problem with that as they have considered selling that portion of the property so there would not be able to be an easement. Mr. Lewis has a concern with the lift station down there which they have seen nothing on. He wants to know if any of the EIS statements have been done since it is adjacent to private property. Nelson Engineering has done all of the studies required by the state, and has advertized as required by law for this project. Mr. Lewis was concerned that they were not personally contacted and that it would be ugly. This fence would be on the north side of the property only and would be a pole fence. Mr. Lewis stated it was more for security than anything else as the Forest Service is doing nothing to police it. **Kennis Lutz moved to approve the fence permit. Pat Marolf seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

**Peter Burtness: 20 & 21 Greys River Village #2; 359 & 360 Wooden Spur Dr. – Conceptual replat, REP-01-08, needs recommendation for Town Council.** Karl Scherbel is here to represent Mr. Burtness. The lots are zoned R-2 and his client would like to split the lots to have 4 town home units. Not your typical town home, more of a single family unit home. It is permitted in this zone. This is a preliminary plat. They would like to get building permits started so they can show foundations on the final plat, where the actual buildings would be. Then they would come in for final plat approval. It will be an R-2 in the new zoning. They would like to get a recommendation to be able to go to the Council next week for approval. Then leap frog into the final plat stage. Easements would be along the side for utilities. Setbacks, snow removal etc. would be addressed when they come in for building permits. After the Council approves this then they would come in and start on the building permits. Town Engineer has looked at this and it is his opinion that this is a development so the owner is totally responsible for all sewer, and water lines going to the homes, the Town would not be responsible for any of the interior lines or hook ups. **Pat Marolf moved to recommend approval of this to go to Council. John Thomas seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

**Steven Hee – Discuss construction possibilities with this lot at 401 Riverview Meadows.** Mr. Hee was at a meeting last July for the size of the building that could be put on this lot. He heard that he could go 2 ½ stories so he went ahead and had some drawings done up. After looking at the plat map and reading the Riverview Meadows Shopping Center CCR's, it states that 5000 square feet is the maximum or a total of 15,000 square feet for the entire shopping center. The other thing that would be a problem is parking as it has been set up for the 15,000 square feet of building space. If he is allowed to change his building or add footage to it, the parking issue would have to be readdressed. The actual discrepancy is the shape of the building, not the square footage. The plat map can be changed if all occupants are in agreement. The only thing that we have to bind us to any thing is the plat map. There was a request made at the last meeting to allow Mr. Hee to build a two story building, but it has not been discussed with the Mayor and Town Council yet. The Town Council and Mayor are not ready to make a commitment on this either way yet. The plat can be changed but there would be parking restrictions depending on the use of the building. Mr. Hee was going to see about having parking in the back of the building; Chairman Gustafson said that is all part of the building permit process and review. Mr. Hee wanted to know if it would be possible to have parking in the back. Chairman Gustafson said that this again would have to be visited in the building permit process and all easements and setbacks would have to be adhered to. Mr. Hee would like to use the front of the building and the second floor for retail space and the back for commercial storage. It is just too early to tell or to give any answers on this at this time. When the building plans are submitted then they can be looked at again. Recommendation would be to move forward. Mr. Hee asked if he had garage bays in the back if that would be considered commercial space or self storage. There are specific parking regulations for storage. It depends on if the space is being used for storage or for parking. It boils down to the usage. This all depends on the usage that gets turned in with the building packet; there is nothing that can be done at this time. The codes will be changing so that will also be a factor when the permit is turned in.

**Steve Chichinsky – Application for permit has expired. Would like to discuss options.** Steve stated he did not know that his permit had expired as he has not followed through the process. He did receive letters from the town stating that he had expired that is why he is here tonight. He

remembers that he had to get his engineering on the structural done, since then he has gotten the trusses done but not the structural. He would like to get the paper work back in order and get moving forward. Chairman Gustafson asked if he was going to build on the property or if he was going to sell it. Right now he is not sure what he is going to do with it. Chairman Gustafson stated his opinion was to just let it carry over if he was going to keep it, if he was going to sell I then he needed to start over. If nothing changes Steve feels that it should be kept the same and be okay if there is no variation. If someone comes in and makes a bunch of changes then yes he agrees that it needs to be revisited. He is thinking of making them two story, increasing the square footage by 1000 feet. It would still be single family, just a bigger home. Kennis Lutz would like to move forward with this and get it going. If there are any major changes or if they deviate from the plat map it needs to be revisited. Chairman Gustafson would like to give Mr. Chichinsky another year or give him an extension on his application. **Pat Marolf moved to recommend to the Council to allow Mr. Chichinski to get an extension for \$100.00 to keep his application active for another year. John Thomas seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

**Jerry Hudson – Question on zoning of lot 18 RVM, currently zoned R-2, proposed to go to R-1.** Mr. Hudson is a realtor representing the owner of the property. The owner has had the lot on the market for a few months. Since they have put the lot on the market they have found that the lot will be changed with the new zoning map. It is priced according to an R-2 zone. If the lot is changed to an R-1, his client will lose money on the lot. It is a financial impact to his client if this lot gets rezoned. Chairman Gustafson gave Mr. Hudson the history as to why they want to change this zone and about all the advertized public meetings that we have had on this issue. He told him that we also sent letters to all that were going to be changed. Mr. Hudson said that is not the issue that the issue would be that his client would lose money and feel a financial impact. Chairman Gustafson stated that we are trying to get rid of spot zoning, not singling out his client or anyone else. They are making a recommendation to the Council and the Council knows their reasoning on why they are doing what they are. Mr. Hudson would like the recommendation that goes to the council to include a reimbursement for his client. Chairman Gustafson said no we do not have that responsibility, but we do have the authority to rezone, we are not doing it arbitrarily, we are trying to make justification out of this. Shawn Bard wanted to make note that the surrounding areas by this gentleman's property are mainly zoned R-2 and that the people who purchased them chose not to use them instead they made them single family so he feels that this gentleman is being penalized for others not taking full advantage of their zoning. He feels that this community needs more R-2 zoning even if it means spot zoning. How else are we going to get more twin homes or more affordable housing? Chairman Gustafson stated that we have a responsibility to the community not the builders, or the real estate companies. He also stated that it is never going to be perfect and that we will never be able to make everyone happy. Mr. Bard feels that the town is taking away too many R-2 lots, the property owners are just rolling over and letting it happen for more privacy and less density, he feels that density is community. The county plan is centralizing in designated areas which are the towns. He thought that the county thought when they made their plan that the towns would take away the multi use. He does not feel that this is for the good of the community. Kennis Lutz has a hard time with this as people have bought properties in the past that are R-2 then to have them taken away he feels is not fair, he just has a hard time with it. He understands what the commission is trying to do, but he still does not agree with it. Chairman Gustafson said that we cannot be concerned about what is and

what isn't for sale at this time or in the future. Mr. Hudson stated there needs to be some notation that states that the town will be able to help the people out that will lose money on their lots.

**Town Codes: Zoning Map –Shawn Bard – would like to discuss his lots; Donn Wooden would like clarification on the “Grandfather Clause” included in the proposed Town codes.**

**Final Recommendation for Council.** Paula Stevens emailed and would like to table this until she is back and has had a chance to talk with Jim Pedersen about the Grandfather Clause. She wants to make sure that everything is there and done properly. She had a couple of other questions in her email that she wanted answers for. She would like to request that this be tabled until it is clear. Don Wooden has concerns on the Grandfather Clause as his home-business property would fall under this. If it is not worded correctly, it could cause hardship for people.

He has found that in the past two weeks this is an issue that did come up and he does not want that to happen to anyone else. The office staff and codes need to be clear so the correct information will be given out. Just one little word can make a huge difference. Chairman Gustafson stated on page 51 of the new code we do address non conforming issues, maybe we need to add or redo the language. Replacement needs to be added not just repairs. It needs to be stated that prior to new zoning laws etc. this is what the property was used for and should continue that use. If a property sits vacant or not used for a year or more than it should not be covered under the Grandfather Clause as it was or is dormant, unless there is due just cause for the vacancy or other problem. A simple coma can make a huge difference in how this comes across. This needs to be on existing properties, they need to be allowed and recognized.

Chairman Gustafson will call Jim Pedersen and the attorney to get this straightened out before it goes on to the Council. Shawn Bard is concerned that they are going to change his lots from B-1 to commercial. He wants it to be an MRC-2 not commercial. Chairman Gustafson said we did receive Shawn's letter and noted that it went to Council. This is not going to be taken lightly. Shawn does not understand why because someone has thought about something or does not want to see it why it gets changed. He does not feel that those are good enough reasons to rezone or change properties. Chairman Gustafson told him from a zoning standpoint along the highway we want to see commercial, we don't want to see residential, we don't want to see the mix, we want to provide a community where people drive in and there is commercial on both sides, then behind that a layered system, mixed use, multi family and then finally the single family, so there is a buffer set up. We are not trying to alienate R-1, we have MRC – 2s over by Kilroy's. Shawn still does not understand why he can't have commercial on the bottom floor B-1, and then residential on the top. Chairman Gustafson stated it boils down to a difference of philosophy. Shawn wanted to know why that was a reason, if he should call his investor or banker and tells them we have a philosophical difference here, what is that? Chairman Gustafson feels that this all boils down to a difference of opinion plain and simple. John Thomas asked if Shawn had ever seen a commercial and residential component that was successful. Mr. Bard said that he had and that it was the most attractive design going right now, he could fill this room next time with people to prove it. Chairman Gustafson stated that we have been working very hard on this for the last 8 months and does not feel Mr. Bard has the right to come in and trash everything that has been done when he has not been involved in the process. In January Shawn said he was sent a letter telling him that his property would be rezoned, he said he wrote a letter back and got no response. Shawn called Dave and he was informed that we had received his letter. Shawn feels that this is an investment in the community. Chairman Gustafson said he agreed with that and that Mr. Bard did not need to come in here tonight with an attitude. Kennis Lutz asked Mr. Bard

to leave as he does not appreciate the way he is talking to Dave of any of the other members on the board. He asked him to be civil or to get out. Mr. Bard wanted to know what was going to get submitted to the Council, he was informed that there was not going to be anything submitted to the Council at this time.

**Jody Tibbits: on going.** Mr. Tibbits was not here with any issues.

**Active Building Permits & Non Compliance Issues:** On going, see handouts. Chairman Gustafson wanted to know where we were at with the Ernie Scott issue. The last we heard was that the Town Administrator sent the construction company a letter about what needs to be done now to continue the process. We are waiting for proof that they had received the letter.

**P & Z Minutes:** March 25, 2008, April 8, 2008, & April 22, 2008 need motion to approve.


**Pat Marolf moved to approve the minutes for March 25, 2008, and the minutes for April 8, 2008. Kennis Lutz seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

**P & Z Attending Council:** May 20, 2008 – Dave Gustafson

June 3, 2008 – Kennis Lutz

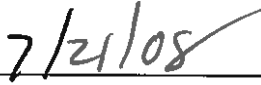
**John Thomas moved to adjourn the meeting at 9:30 pm. Pat Marolf seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

  
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Dave Gustafson, Chairman

  
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Date

ATTEST:

  
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Brenda Bennett, Treasurer

  
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Date

