

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
Feb 04, 2014**

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum.

Chairman: Jannicke Brewer

Commission Members: Bryce Higbee, Steve Cosper, Jannicke Brewer, Chuck Castleton, Steve Swanson, Judi Pickell

Commission Members Not Present: Jason Thelin

Staff: Jason Bond, Marla Fox

Others: Ron Eaton, Don Watkins, Gaylee Coverston, Max Coverston, Ed Ham, Thad Sprague, Lon Lott, Misha Peay, Gabe Lambert, Will Jones, Becky Rasband, James Lawrence, Lacie Lawrence, Ramon Beck, Dennis Beck, Stuart Peay, Jennifer Edwards, Jason Pierson

B. Prayer/Opening Comments: Steve Cosper

II. PUBLIC COMMENT

No comment

III. ACTION ITEMS

A. PUBLIC HEARING – Appeal Authority Amendment

The Planning commission will review a proposed amendment to Section 2.3.4 regarding submission requirements for variance requests.

Jason Bond said in December of 2013, an applicant came to the Board of Adjustments to ask for a variance. In going through that process, Jason Bond said he was a little confused as to what the submission requirements were and he said he couldn't find an application. He said he felt like having the submission requirements in the ordinance would be a good thing and would be similar to other submission requirements.

Jason Bond said the applicant will be responsible to send out letters to surrounding neighbors within 300 feet of the proposed site for which a variance is requested, along with stamps and envelopes addressed to those property owners. Staff will write a notification letter that will provide address location and information about the variance request, where the Board of Adjustment meeting will take place, and at what time. Jannicke Brewer said the application has to be submitted 14 days before the meeting which is standard and it helps the staff to get prepared.

Judi Pickell said there is a difference between an appeal and a variance. We are calling it an appeal for a variance, and there is an appeal process and a variance process and we need to be very specific in how we codify that. We need to call this a Hearing for the Variance, and there should also be method on which people can appeal a decision.

Judi Pickell also said she is concerned that we are giving notice to the public because although it is a public meeting, it is not a public hearing. A variance is an Evidentiary Hearing; it should not have public comment. As long as the applicant meets the variance requirements, then they should be granted the variance. This should have nothing to do with politics of neighborhood notification because it doesn't have anything to do with the neighbors. Steve Cosper said this has been on the books a long, long time. Judi Pickell said she thinks it is wrong. She said if you're asking your Board of Adjustment to apply what is in the Law, they shouldn't have neighbors clamoring or giving an opinion. She said this is a legal decision and not a political one. Jason Bond said Judi Pickell is correct but the City still likes to inform neighbors so they are aware of what is going on in their neighborhood. Steve Cosper said he thought this was a small thing to get neighbors input and he didn't have a problem with it. Judi Pickell said she thinks this is a legal issue and we need to talk to David Church about it.

Jannicke Brewer said we will postpone this issue until we can ask our Attorney about it and take a closer look at the language.

B. PUBLIC HEARING – Business Commercial Zone Amendment (Auto Repair, Storage Containers, & Clarification)

On January 21, 2014, the Planning Commission extensively discussed a potential amendment to the Business Commercial zone. The Planning Commission specifically worked on how the presence of both a residential and commercial structure on the same lot would work (ownership, subdividing, setbacks, etc.).

The proposed amendment would also clarify what the setbacks are for residential structures that are within the Business Commercial zone. Currently the ordinance does not specify setbacks for dwelling structures. The amendment reflects the setbacks that the Alpine City staff currently requires when reviewing residential site plans within this zone. The setbacks are the same for dwelling structures within the TR-10,000 zone.

The banning of storage containers is also specifically addressed (See 3.7.8.5)

The Off-Street Parking and Home Occupation ordinances will also need to be amended to reflect the parking requirement for Auto Repair and the clarification that Auto Repair will not be permitted as a home occupation.

Jason Bond said the Planning Commission and the City Council decided to come up with a service area within the Business Commercial zone. These businesses would have conditional uses and the Planning Commission has been working on what these conditional uses would be and also how they would be regulated. These would be standards that everyone would have to meet and then bring it to Planning Commission to be looked at. The Planning Commission would then decide if additional requirements are needed for the business. Jason Bond said the Planning Commission would like to hear any concerns from residents they may have about auto repair in the Commercial zone or about them living in the Commercial zone.

Jannicke Brewer said she could go down to the Business Commercial zone and put in a Beauty Shop tomorrow as long as she meets the setbacks because that is a permitted use. Tonight we want to talk about businesses like an auto repair shop that would have conditional uses. She asked the residents of Alpine what their thoughts were about having something like this in their neighborhood and in the Commercial district.

Ramon Beck said most of this area is residential and the problem is that we are growing and we need services like auto repair because we have to go outside of Alpine to get. He said the City has already run off one auto repair shop because of a complaint. He said his problem with it is that it is never over; someone needs to make a decision. What will the City do when angry neighbors come in later and complain about an auto repair shop going in.

James Lawrence said we need to use the real map of the area allowed for auto repair shops because that is why we are here. The map you are showing tonight is not correct because it is too broad. Jason Bond said the map we are using tonight is for the whole Business Commercial zone and not just for auto repair. James Lawrence said he has talked with a few people and their concern was that Main Street is a residential area. James Lawrence said this isn't really a residential area because most of the residential homes on the East side of 200 North and down Main Street are rental homes for income.

Lon Lott asked if someone could put in a gas station anywhere in the red area on the map. Jannicke Brewer said yes, that is a permitted use as long as it meets the setbacks. Jennifer Edwards said she and her family have used Alpine mechanics and she said this is a service that we need to keep in our town. She said she has elderly parents who don't want to have to travel far to get their car repaired. Jason Pierson said he supports small business and asks that we help our citizens grow their business and give them a fair shot.

Dennis Beck said his business is working with other cities as a building inspector. He said we push people who want to help us make money out of the city. We should support the people who live here and help them with their business. Residents of Alpine need a fair shake, we want to live here and work here if possible. They pay taxes that help everyone out. Stuart Peay said he agrees that we need to encourage services here in Alpine. He said it would make his life a lot easier if he could drop off his car off to be repaired here in town and pick it up conveniently later.

Lon Lott said a gas station has hundreds of cars coming in and out and the impact to the neighbors is more than it would be with an auto repair shop that has a few cars coming and going each day. He said it doesn't make sense to him why an auto repair would have conditions placed on it when a gas station doesn't. Jannicke Brewer said restaurants are a conditional use because the City didn't want drive-ins they wanted sit down restaurants. The reason conditions are placed is because the City wants to see certain things happen. Jason Pierson said he supports opening up the zone for an auto mechanic without condition use. Dennis Beck said an auto repair shop isn't anywhere close to a gas station. Gas stations store large amounts of gas underground and you need fire and other permits. Jannicke Brewer said the nice thing about having a conditional use is the City can say; yes your business is fine but put in a fence in the back or on the side for the neighbors. The conditional use lets the City ask for certain things.

Gaylee Coverston asked what all this amendment covered. Jason Bond said we are looking at residential structures in a Business Commercial zone and clarifying the residential setbacks. He said that we want to look at mixed uses to see how a Residence and a Commercial Business would work on the same lot. He also said we are looking at regulating the use of storage pods in the Business Commercial zone. Gaylee Coverston asked how long this area has been the Business Commercial zone because she said she doesn't think residents realize they live in a Commercial zone. She said they need to be informed and we also need to support the Business Commercial zone and businesses that want to come into Alpine. Thad Sprague said we need to protect our streets because it is a lot harder to take them back later. Don't give them away in the first place.

Lacie Lawrence said the auto body repair has bounced back and forth between Planning Commission and City Council for months now and she wanted to know when a decision would be made. She said someone needs to stand up and make a decision, place the restrictions and let them move on. Bryce Higbee said this is a unique situation and it takes time. Every time it went back and forth between the Planning Commission and the City Council was needed to go through the process. Lacie Lawrence said she disagrees. She said we are no further along than we were six months ago. We asked back then where we could have our business and we still don't have an answer. Bryce Higbee said you did get an answer six months ago and that was no-where.

Steve Cosper said we have to be careful in our decisions because this decision will be for the whole city and not just for one mechanic. Lacie Lawrence said she and her husband appreciate that the City is trying to work with them. She said she is just worried that the City will turn around and say no. Steve Cosper said from where we started he feels like good progress has been made. We are trying to expand the Business Commercial without infringing on the neighborhoods and every time it comes back to us we learn new things and have new things to discuss. Lacie Lawrence asked if someone could give her a timeline on how long this would take. Jason Bond said it will take as long as necessary to get the desired outcome. Jennifer Edwards said the longer you take to make a decision, you run the risk of running services out of the city.

Steve Cosper said it's not that we are being open to gas stations and not to auto repair. If a gas station wanted to come in, there would be questions. He said he felt like the city opened up a bigger area for auto repair because James Lawrence brought in different options, but we still have to be careful to keep businesses out of the neighborhoods. Steve Swanson said he is not hearing anything from the residents that tells him we shouldn't proceed at this point.

Judi Pickell asked if we are going to put businesses as flag lots behind homes on Main Street. If the homes that are there are rental homes and are not being invested in, and then we put a business behind it, is this going to create the look and character that we want for our Main Street. She also asked if we will have setbacks that will make it impossible to have a business behind a home. Will we modify those setbacks on these odd shaped lots in order to help these businesses come in? In James Lawrence's situation, he has to put his building up against the property line in order to access his garages; he can't have it in the middle.

Judi Pickell said as she reads the Legislative Intent, at the beginning of the Commercial district, it states that the primary use of the land is for retail and other Commercial uses that serves the immediate need of Alpine residents. Manufacturing and residential and other activities are inconsistent with land for Commercial activities and are discouraged. The residents are saying they want a Business district and the City should help businesses come in and we as a Commission need to functionally do that. She said we can't put in so many restrictions and we need to work with those strange properties that are there to make it happen. She said it is inconsistent with the intent to say

someone can have a business but the setbacks will make it impossible. She also said maybe it wouldn't be a bad thing to renew some of these old pioneer homes on Main Street.

Bryce Higbee said that is a General Plan topic and the location requirements is something totally different than what we are talking about tonight. Steve Cospers said he didn't think we would want houses torn down on Main Street. He said it would change the whole character of the way this whole town looks. Steve Cospers also said that this was Judi Pickell's opinion and she said it is not her opinion; it is what is written in the General Plan that residential is inconsistent. Steve Cospers said we have a big zone in Alpine that is really inconsistent with being Commercial. He said those rules have been in place for many years before his time and Alpine has this whole residential area that doesn't fit very well. He also said we have never addressed what we want this old residential area to look like in the future.

Don Watkins asked what is the economic driver. He said he supports the auto body repair shop here in town and said he would support other businesses if the residents wanted them, but said we are not a Commercial Mecca. We have had many different businesses here in town that just didn't make it. It's not because we are mean, it's because those businesses didn't make money.

Jason Bond said the City would like input from the residents and they are welcome to call him with ideas on how to communicate better. He said with Business Commercial boundaries, if we're going to keep it zoned this way, then we need to help it be Business Commercial. Jason Bond said there are some key questions we need to discuss. The first one is does Alpine City want Business Commercial on Main Street? The second one is does Alpine City want Business Commercial hidden from Main Street? Third, does Alpine City want properties on Main Street to be subdivided?

Jason Bond did a presentation and showed on a whiteboard what the setbacks would look like in the Business Commercial zone. The setbacks for residential use within this zone are referred to in the TR 10.000. The front setback of 30 feet, an aggregate of 22 feet for the side with not less than 10 feet per side, and a 20 foot setback on the rear. For a Commercial use within this zone it's a little bit different. The front setback is the same at 30 feet and the rear setback is 20 feet, but the side setback is 20 feet. The ordinance states in 3.7.4.2, there shall be no minimum lot area or width requirements except that an area sufficient to accommodate the structure, landscaped areas, minimum setback, required off-street parking, loading and unloading, vehicular ingress and egress shall be provided and maintained. In 3.7.6 Access Requirements, it states that each lot shall abut directly upon and have access to a City street which is improved in accordance with the street improvement standards. Jason Bond said there is no requirement for width, but the property has to have some sort of frontage, and there is no area requirement. He talked about issues with flag lots, such as utilities, fire hazards, and aesthetics. He said again, we need to decide what we want Main Street to look like because our ordinance is not reflecting that. This needs to be addressed now because someone could come in tomorrow and put in a gas station on a permitted use lot if they wanted to.

Jason Bond said if this is a Business Commercial district, we should be trying to encourage business and show businesses how to do it, not regulate it so much that it makes it impossible to do anything. Bryce Higbee said it is a challenge because of the nature of the lots, and we can't change that. Steve Cospers said homes are not going to be torn down and big storefronts built here in Alpine. Bryce Higbee said we are not restricting people coming in, but there is a challenge because the nature of the lot sizes. Jason Bond said we need to look at the setback restrictions.

Steve Cospers asked Mayor Watkins if we were looking to increase the tax base through Commercial Businesses. Mayor Watkins said we share in sales tax from other cities and we are financially sound. He said we are a bedroom community and that is our reality. Auto repair is a service and not going to bring in a lot of tax base. He said we can plan all we want but he didn't think it would make too big of a difference. Steve Cospers and Mayor Watkins said that the City accommodates business, but we don't encourage it.

Jannicke Brewer said she doesn't think it will be a problem putting auto repair shops in the Business Commercial with conditional use restrictions. Judi Pickell asked if we will put restrictions on accessing certain roads, and setbacks. Will Jones said it is very important that we keep access to Main Street. He said we need to address setbacks, building height, design and keeping it in one owner's name. Jason Bond said we need very specific architectural guidelines. The Planning Commission discussed splitting the lot and coming up with language to address this issue.

James Lawrence said that there is a power line running right down the middle of the lots on Main Street. He said the power company said because there is an easement running through all those lots, they can't be subdivided. Judi Pickell said we are not the only Mormon pioneer community. We should look into what other small towns have done and take a look at how they addressed this same situation on Main Street.

The Planning Commission said they should go forward with auto repair shops in the Business Commercial zone. Steve Swanson said we should keep setbacks as they are and give James Lawrence and exception. Jason Bond read from the ordinance where it states that the side and rear setbacks will not be less than 20 feet unless recommended by the Planning Commission and approved by the City Council.

Jason Bond went through the conditional uses which reference lot size, setbacks, access requirements, parking, storage and other special provisions. The Planning Commission discussed them and made changes to improve the Business Commercial zone.

MOTION: Steve Cospers moved to recommend to the City Council the modification to article 3.7 of the Business Commercial district with modifications as discussed.

1. Section 3.7.2 #4 of the Permitted Uses: shall read "automotive service establishments, including gasoline dispensing facilities, carwashes, and parking".
2. Section 3.7.2 #9 of Permitted Uses shall read "residential structures located within or on the same premises as a permitted or conditional Commercial use. Both Residential and Commercial buildings will be considered main buildings and will be required to meet the main building setbacks when on the same premises.
3. Section 3.7.3 #12 of the Conditional Uses shall read:
 - "12. Mechanical Automotive Repair Shops
 1. Odors and noise shall be controlled as to not have an adverse impact on any nearby structures.
 2. There shall be no more than 4 automobile bays.
 3. There shall be no automobiles on the property that are 90 days or more past the expiration of the registration. No automobiles shall be stored on the property for more than 14 days.
 4. Mechanical automotive repair shops shall comply with the regulations of the applicable entities, including but not limited to the State of Utah, Timpanogos Service District, Lone Peak Fire Marshall, and Environmental Protection Agency.
 5. Mechanical automotive repair shops must abut directly upon and have access to 200 North (east of Main Street), Main Street, or Canyon Crest Road within the Business Commercial zone.
 6. Mechanical auto repair shops shall comply with the off-street parking requirements excepting there shall be no more than 2.5 parking spaces provided per bay.
 7. Mechanical automotive repair shops shall conform to the provisions of the Gateway/Historic Zone (Article 3.11)."
4. Section 3.7.5 #4 of Location Requirements shall read: "A lot occupied by a dwelling structure shall comply with the setback requirements set forth in the TR-10,000 zone (Section 3.2.5.1) unless recommended by the Planning Commission and approved by the City Council where circumstances justify."
5. Section 3.7.8 #1 of the Special Provisions shall read: Uses Within Buildings. "All Commercial

activities and storage shall be conducted entirely within a fully enclosed building, except those uses deemed by the City to be customarily and appropriately conducted in the open, including, but not limited to, gasoline dispensing, plant nursery displays, temporarily parked automobiles in need of repair, temporary sale of Christmas trees, etc.”

6. Section 3.7.8 #5 shall be inserted to read: Storage Containers. “The use of any portable unit, pod, or similar type of storage container is prohibited in this zone unless approved by the City.”

Chuck Castleton seconded the motion. The motion was unanimous with 6 Ayes 0 Nays. Bryce Higbee, Steve Cosper, Jannicke Brewer, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.

C. PUBLIC HEARING – Off-Street Parking Amendment (Auto Repair Shop Parking)

The Planning Commission will review a proposed amendment to Article 3.24 regarding the parking requirement for Auto Repair Shops.

Jannicke Brewer said for each garage bay, it was proposed to have 2.5 parking spaces and that seems very reasonable. James Lawrence said putting a limit of 2.5 parking stalls is unnecessary because if a business has 20% landscape, then you want the rest of the property to be a clean looking parking space. Jannicke Brewer said it makes our lives easier if we have something written in the ordinance so in the future; other applicants will have guidelines to follow. Jason Bond said this is to keep consistent with the fact that now we have a parking requirement that’s reducing the maximum parking you can have.

MOTION: Bryce Higbee moved to recommend approval for the changes to Article 3.24 regarding the mechanical automotive repair shops, the off street parking, and the exception as stated.

Steve Cosper seconded the motion. The motion was unanimous with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jannicke Brewer, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.

D. PUBLIC HEARING – Conditional Use Amendment (Home Occupations)

The Planning Commission will review a proposed amendment to Section 3.23.7.3 regarding the prohibiting of Auto Repair Shops as a Home Occupation.

Jannicke Brewer said if the City Council approves auto repair shops in the Business Commercial, then the Planning Commission proposes that Home Occupation will not be permitted. She said it will stay as it is right now until we know if it passes.

James Lawrence said if something falls through with his lot how much time does he have to find a new property. Jason Bond said the City will not enforce the ordinance while we are working through the Business Commercial ordinance. James Lawrence will be able to continue working at his home shop on a temporary basis until a decision is made.

Bryce Higbee said we should wait to make a motion on this until we know more information. Jannicke Brewer said she agreed and said we will wait on this issue until we know more.

IV. COMMUNICATIONS

Jason Bond said there is an interesting presentation by Professor Chris Nelson from the University of Utah concerning trends and opportunities for the Wasatch Front. It is in line with the Wasatch Choices 2040 plan and is something that could be thought provoking for us to hear. He said he emailed Professor Nelson about coming to a City Council meeting and giving that presentation. Professor Nelson has a difficult time driving at night, so this presentation would be given during the day along with a luncheon. Jason Bond said he thought this presentation would be exceptional and he would let the Planning Commission and City Council know when that presentation would be scheduled. He said he hoped that everyone would make arrangements to be there because it is a perfect topic for us right now as we are discussing the General Plan.

V. APPROVAL OF PLANNING COMMISSION MINUTES OF: No minutes to review.

Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:12pm.