

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
April 16, 2019

I. GENERAL BUSINESS

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

Chairman: David Fotheringham

Commission Members: Bryce Higbee, Alan MacDonald, John MacKay, Sylvia Christiansen

Staff: Austin Roy, Marla Fox, Jed Muhlestein

Others: Gail Rudolph, Will Jones

Excused: Jane Griener

B. Prayer/Opening Comments: John Mackay

C. Pledge of Allegiance: Gail Rudolph

II. PUBLIC COMMENT

Austin Roy reported that at the Draper City meeting, they were reviewing its Street Master Plan and ended up sending it out to all of the nearby cities. He stated that the report did not show a connection to Alpine.

III. ACTION ITEMS

A. Public Hearing – Amendment to Development Code – Infrastructure Protection Bonds

Austin Roy noted that Items A and B were related to the adoption of a new administrative code. He said Staff had reviewed the Development Code and recommended changes for Article 4.12. In the past, the ordinance had been a Legislative process and the City hadn't been able to fine people for breaking the development codes. If there was an issue, Staff had to send them to a prosecutor. The new ordinance would allow the City to impose fines for offences and provide a way for the public to appeal.

The Planning Commission then reviewed a redlined copy of the ordinance that showed all of the proposed changes. When asked if anything in the development code would come before the Planning Commission, Austin Roy answered in the affirmative. He also noted that per the ordinance, the administrative law judge should be someone with a background either in law or planning. The administrative law judge could also be selected on a case-by-case basis, and could be interchangeable between different municipalities.

David Fotheringham opened the Public Hearing. There were no comments and the hearing was closed.

MOTION: Alan MacDonald moved to recommend approval of Amendments to Development Code – Infrastructure Protection Bonds. Sylvia Christiansen seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Bryce Higbee
Alan MacDonald
John MacKay
David Fotheringham
Sylvia Christiansen

Nays:

None

B. Public Hearing – Amendment to Development Code – Open Space Bonds

In response to a question from the Commission, Austin Roy explained what cash bonds were and how they worked. He stated that moving forward, as Staff handled these situations administratively they felt cash bonds would be the best option for levying a fee, in the event that a particular project did not get finished. Cash bonds provided more liquidity with the City's money.

David Fotheringham opened the Public Hearing. There were no comments and the hearing was closed.

MOTION: Bryce Higbee moved to recommend approval of the Amendment to Development Code – Open Space Bonds. John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Bryce Higbee
Alan MacDonald
John MacKay
David Fotheringham
Sylvia Christiansen

Nays:

None

C. Public Hearing – Amendment to Development Code – Building Material Samples

Austin Roy said Staff reviewed the Development Code and recommended changes for Article 3.11. He said this topic had been discussed by both the Planning Commission and City Council. It was the responsibility of the Planning Commission to make sure the buildings in the Commercial Zone complied with the Gateway Historic requirements. As such, it had previously been discussed that it would be important to see physical examples of the materials, so that the City better understood how final products would look. The proposed amendments allowed the Planning Commission to ask for those materials from developers in instances where the Commissioners felt the request was necessary.

David Fotheringham opened the Public Hearing.

Gail Rudolf said the Alpine Fitness billboard on Main Street had been discussed by some of her neighbors on several different occasions. She wanted to know if billboards were even allowed

on Main Street. Austin Roy said this issue would fall under the sign ordinance and not the Gateway Historic. He further discussed the particulars of the billboard in question.

David Fotheringham closed the Public Hearing.

MOTION: John MacKay moved to recommend approval of the Amendment to Development Code – Building Material Samples. Alan MacDonald seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Bryce Higbee
Alan MacDonald
John MacKay
David Fotheringham
Sylvia Christiansen

Nays:

None

D. Amendment to Development Code – Dwelling Clusters

Austin Roy said this item was returning to Planning Commission, as the group had discussed it in the past. When reviewed by the City Council, its members asked for changes to the language being proposed. The Planning Commission would review the new proposed language and subsequently make another recommendation to City Council.

Austin Roy said all instances of development clusters would be replaced with dwelling clusters. Language of buildable areas would be used to help clarify what was meant. He explained that the language for a Dwelling Cluster was: *A group of three (3) or more single unit detached dwellings whose respective buildable areas are located no more than 400 feet from one building area to the next closest buildable area as measured from the midpoint of each buildable area.*

Austin Roy stated that the following language would also be added to an existing definition for a lot: *Lots shall be rectangular in nature and shall have no more than five sides without an exception being recommended by the Planning Commission and approved by the City Council; the front of a property, located at the front right of way, does not count against this requirement.*

The Planning Commission discussed the language in the definition and wanted to add the word “generally” before “rectangular in nature.”

Will Jones expressed concerns about limiting the sides to just five. He said there were certain exceptions in the City where this would not work, like along a stream or a foothill. He wanted to make sure the City considered these instances. Jed Muhlestein said Staff realized that it would not be possible to hold to the five sides all the time and that’s why there would be exceptions.

Bryce Higbee said he did not think the ordinance would have any value if all the exceptions were added into in the language. Austin Roy acknowledged that in some situations it was impossible to have straight lot lines because of the topography of the land. He said if people were trying to meet the intent of the law, then an exception could be granted.

MOTION: Bryce Higbee moved to recommend approval of the Amendment to Development Code – Dwelling Clusters. Alan MacDonald seconded the motion. No vote was taken and a motion to amend was made.

In response to a question from David Fotheringham, Austin Roy clarified that dwelling clusters only applied to PRDs. David Fotheringham posed the question that if someone wanted to put their home further back on a larger lot (five-plus acres, for example), would this ordinance prohibit them from doing so. Austin Roy explained that it would not, if adjacent lots were also further back and within 400 feet of each other.

Sylvia Christiansen asked if there was language stating “buildings” not just “dwellings.” Austin Roy explained that the buildable area is the only area where a home or detached garage can be built. Furthermore, he stated that a future development should not have the buildable area so large that a detached garage would be significantly far away from everything else.

It was noted that the code specifically stated that a person could not built any structure outside of the buildable area. There was subsequent deliberation regarding an appropriate motion to make on this item.

MOTION: Sylvia Christiansen moved to recommend amending the motion to add the word “generally” before “rectangle in nature” in the definition. John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Bryce Higbee
Alan MacDonald
John MacKay
David Fotheringham
Sylvia Christiansen

Nays:

None

MOTION: Bryce Higbee moved to approve the amended motion. Sylvia Christiansen seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Bryce Higbee
Alan MacDonald
John MacKay
David Fotheringham
Sylvia Christiansen

Nays:

None

E. Amendment to Development Code – Flag Lots

Austin Roy said this item built off of Item D. It was previously reviewed by the Planning Commission, but was returned by the City Council with several additional requests. The Planning Commission would review the new proposed language and make a recommendation to City Council. The new verbiage to the Lot Width stated: *Lot width shall be maintained in the area located between the front lot line and the buildable area of the lot.*

MOTION: Alan MacDonald moved to recommend approval of the Amendment to Development – Flag Lots. John MacKay seconded the motion. No vote was taken and a motion to amend was made.

MOTION: Bryce Higbee moved to amend the motion to include an exception process. Sylvia Christiansen seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Bryce Higbee
Alan MacDonald
John MacKay
David Fotheringham
Sylvia Christiansen

Nays:

None

MOTION: Alan MacDonald moved to recommend approval of the Amendment to Development – Flag Lots. John MacKay seconded the motion.

Sylvia Christiansen stated that she voted “Nay” on this item the last time it was discussed. There was subsequent deliberation on an appropriate motion to make on this item.

There were 4 Ayes and 1 Nay (recorded below). The motion passed.

Ayes:

Bryce Higbee
Alan MacDonald
John MacKay
David Fotheringham

Nays:

Sylvia Christiansen

F. Rules of Order Draft

Austin Roy explained that the Planning Commission needed a systematic way of doing business. The Rules of Order was drafted from similar rules set forth for the City Council, and outlined rules of procedure to provide for the orderly conduct of City business by the Planning Commission, with the objective of providing for full, open, and comprehensive debate of issues brought before the Planning Commission for action in a forum open to the public, and which encouraged citizens’ awareness of Planning Commission activities.

The following may be referred to as the Alpine City’s Rules of Order. Each Rule was followed by a recommended Procedure and Purpose to explain the Rule, and to guide the Chair and Commission members in its intended application.

Staff and Planning Commissioners reviewed and discussed the following rules:

Rule No. 1: The meeting is governed by the agenda and the agenda constitutes the Planning Commission’s agreed-upon roadmap for the meeting.

Rule No. 2: Any matter that requires a Planning Commission decision shall be brought before the Planning Commission by motion.

Rule No. 3: One question at a time and one speaker at a time.

Rule No. 4: The Chair may use General Consent (also known as Unanimous Consent) with all Motions except those Motions where the votes are used for purposes of the meeting minutes and require a roll call of the Planning Commission.

Rule No. 5: There are only three basic forms of motions allowed: Initial Motions, Motions to Amend, and Substitute Motions.

Rule No. 6: There can be up to three motions on the floor at the same time and no more than three. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.

Rule No. 7: The debate can continue as long as members of the Planning Commission wish to discuss an item, subject to the Chair determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a Planning Commission member to limit the debate. The following motions are not debatable –a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.

Rule No. 8: The Chair and Planning Commission members shall adhere to the code of Conduct.

There was also a section titled: Residents' Right To Be Heard. It was recognized that residents may from time to time believe it necessary to speak with the Planning Commission on matters of concern. The Planning Commission expected any person presenting to the Planning Commission to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

IV. Communications

David Fotheringham asked if sports teams were allowed at Creekside Park, noting that he had seen several younger kids teams there using the equipment. Austin Roy said typically the park was not supposed to be used for sports teams; however, peewee sports were allowed to practice there.

John MacKay inquired about the lighting controls for the tennis courts at Burgess Park, noting that they were on throughout the night and early in the morning. Austin Roy recalled that the lights were on a timer and were supposed to go off at 10:00 pm. He said he would follow up on the matter.

David Fotheringham mentioned that the City Council approved putting in pickleball lines on the basketball courts at Creekside Park. There was subsequent discussion on the matter.

Will Jones said there were over 110 kids from Skyridge High School planting 300 trees at Lambert Park in the pouring rain today.

V. APPROVAL OF PLANNING COMMISSION MINUTES: March 19, 2019

MOTION: Sylvia Christiansen moved to approve the minutes for March 19, 2019, as written. Alan MacDonald seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Bryce Higbee
Alan MacDonald
John MacKay
David Fotheringham
Sylvia Christiansen

Nays:

None

The meeting was adjourned at 8:55 pm.