

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
August 17, 2021

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00 p.m. by Chairwoman Jane Griener. The following were present and constituted a quorum:

Chairwoman: Jane Griener

Commission Members: Alan MacDonald, John MacKay, Ethan Allen, Ed Bush, Troy Slade,

Excused:

Staff: Austin Roy, Jed Muhlestein, Marla Fox

B. Prayer/Opening Comments: John MacKay

C. Pledge of Allegiance: Ed Bush

II. PUBLIC COMMENT

No Public Comment

III. ACTION ITEMS

A. Lot Exception – Lot With More Than Five Sides – 720 East Ridge Drive

City Planner Austin Roy explained that an exception is being requested for a proposed plat amendment/boundary line adjustment of High Bench Ridge Plat F. Specifically, the petitioner is seeking an exception for the maximum number of sides to his lot. Article 3.01.110 of the Alpine City Development Code defines a Lot as:

“A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units. Lots shall be generally 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.”

As stated in the definition above, a lot with more than five sides shall only be permitted after an exception is recommended by the Planning Commission and approved by the City Council.

Austin Roy explained that the applicant wants to acquire a small part of his neighbor’s property on the back side of his property. He said a lot is required to be square in nature and not odd sized. He said because this lot is odd sized, they are asking for an exception.

Austin Roy said there is a utility easement running through this area and the applicant asked permission of the utility companies if he could use the property. He was granted permission. To record the new boundary line, all parties would have to sign off on the new parcel mylar and then it would need to be recorded with the County.

MOTION: Commission Member John MacKay moved to recommend that an exception be granted and that the High Bench Ridge Plat F plat amendment be approved as proposed.

Troy Slade seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Ed Bush
Alan MacDonald
Ethan Allen
John MacKay
Jane Griener
Troy Slade

Nays:

None

B. Setback Exception – Brookside Meadows PRD Lot 7

Austin Roy presented the staff report and explained that an exception is being requested for the setbacks for Lot 7 of the Brookside Meadows PRD. Specifically, the petitioner is seeking an exception for the front (25 feet) and rear (17 feet) setbacks on the north and south sides of the lot. Article 3.01.110 of the Alpine City Development Code defines a Rear Yard as:

“A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10’) in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten-foot (10’) line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks”).

Brookside Meadows is a Planned Residential Development (PRD), and as such, the City Council may grant exceptions for setbacks following a recommendation from Planning Commission and

“...upon a finding that such exception is appropriate for the proper development of the lot and that the exception will not result in the establishment of a hazardous condition” (3.09.060.4.d).

The proposed exception does not appear to result in the establishment of a hazardous condition.

Austin Roy said this lot was recorded with a 30-foot rear setback to the west and the frontage to the east. The homeowners said it makes more sense to face the house to the south because the property is long and narrow.

Jane Griener asked if the side the driveway is on the side the address will be. Austin Roy said on a corner lot, the homeowner can pick their address. Jed Muhlestein said a corner lot is given 2 addresses and whichever way the house faces, that is the address they get. Austin Roy said it is not where the driveway is, but where they face their front door.

Austin Roy said the applicant is asking for a 25-foot front setback and a 17-foot rear setback. It would maintain a 30-foot setback on the east and west side setbacks. This would be an exception if the home

faced south because you need 30 feet on the front and 30 feet on the rear. The applicant also has a second option that would center the home more on the property but would also require an exception.

Ed Bush said the other properties that have been granted exceptions in this subdivision have backed open space and not another residence. Jane Griener agreed with him and said this was a terrible design of a lot because they made it difficult to put a house on it.

Alan MacDonald said if the homeowner had an east facing home, the neighbor to the north would be within 12 feet of the home because that would then be the side yard. He said you do a lot less activity on the side of your home than in the back of the house. He said we try to be accommodating, but we have land use ordinances that we have to follow. He said we need to look at the impact to the owners of lot 8. He said if it were him, he would rather have a 17-foot setback than the 12-foot setback.

The applicant said when they purchased the lot, they had intended to face the house to the south. They saw the 12-foot buildable lot line to the north and thought their home would fit on the lot. They said it is a difficult lot because there is hillside to the west next to open space.

Alan MacDonald asked if we had any input from the owners of Lot 8. Austin Roy said no.

Ethan Allen said he agrees with Alan MacDonald's point that the homeowners would probably rather have a bigger setback between them and the new home.

Jane Griener asked about CC&R's and if they had any say on where the garage is placed. She also asked about the buildable envelope and if it had a minimum width. Jed Muhlestein said you have to have a minimum of 5000 square feet, and it cannot be on any slope greater than twenty percent. He said the only time we record buildable areas on plats is when there is some kind of natural hazard that restricts the buildable area. He said on this plat, up on the cul-de-sac, there were some lots that required it. He said he doesn't know why they showed it on the rest of the plat.

The Planning Commission had a discussion and said this is essentially an unsellable lot. They said when the homeowner bought the lot, they should have noticed that their plans wouldn't fit with the required setbacks. They said this isn't a McMansion, and even it doesn't fit.

Jane Griener said lots should have to be required to have minimum width and depth and not just a certain square footage for this reason. They need to take into account for the setbacks to be met.

The Planning Commission asked if they should look at recommending a 20-foot setback in the front and a 22-foot setback in the rear to give them more room. Jed Muhlestein said front setbacks are mostly for aesthetics but feels like giving a 5-foot exception is enough.

Spencer Box, builder, said the only place the house would jet out to the south is in one small corner. The rest of the house is pushed back. The Planning Commission talked about allowing a smaller front setback or adhering to what we've required in the rest of the city. Ethan Allen said he thought we should keep it the same as what is required.

MOTION: Commission Member Ethan Allen moved to recommend that an exception be granted and that a 17-foot rear setback and a 25-foot setback be approved for Lot 7 of the Brookside Meadows PRD as requested by the applicant.

Troy Slade seconded the motion. The motion died.

MOTION: John MacKay moved to amend the motion to recommend approval of a 20-foot rear setback and a 22-foot front setback.

Alan MacDonald seconded the motion. There were 5 Ayes and 1 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
Alan MacDonald
John MacKay
Ethan Allen
Ed Bush

Nays:

Troy Slade

C. Public Hearing – Ordinance 2021 -18 Building Height Requirements

Austin Roy said the city has increasingly received complaints about the height of buildings around town. On August 3, 2021, the Planning Commission held a discussion on building heights in Alpine. Following up on that meeting staff have put together research on how other hillside communities regulate height. In addition to research staff have drafted an ordinance that would change the way height is measured, going from a measurement of the average finish grade of a lot to the natural grade of a lot.

Austin Roy said we have received some complaints about a few structures around town being too tall. Currently we don't have an ordinance against building up a property from natural grade.

Ethan Allen asked if there is no house, can someone build an accessory building on the property. Austin Roy said the ordinance states: *A detached subordinate building use of which is appropriate subordinate and customarily incidental to that of the main building or, to the main use of the land and which is located on the same lot or parcel land with the main building or use.*

Alan MacDonald said he didn't think you could read it any other way than to say an accessory building is tied to or accompanies or is accessory to another building.

The Planning Commission had a discussion and said the verbiage *or use* was making the ordinance confusing. Austin Roy said we need to look at what the permitted uses on the property. Is it a single-family dwelling, or horse property which is a permitted use in the city? Alan MacDonald said if someone owned a lot and only wanted horses and a barn, would that be allowed. Austin Roy said we already have examples of that situation in the city with Bridle Up Hope. They are a large horse facility on a property with no other main use or building on the lot.

Jane Griener asked about large buildings turning into commercial uses such as weddings, or large barns being used for other than private use. Jed Muhlestein said if it became a problem, it would turn into a Code Officer issue.

Austin Roy said there is another definition of the code that is called Customary Residential Accessory Structure which states it's defined as: *A structure that is a structure that is constructed on the same*

zoning lot as the dwelling and is intended to be incidental and exclusive to the use of the residence of the said dwelling including but not limited to: garages, carports, swimming pools, tennis courts, greenhouses, storage buildings, and satellite dishes.

Austin Roy said the list of permitted uses is pretty small. A single residential home, agricultural, horse or animals, and a park. He said other than that, any other type of structure would be a customary residential accessory structure and would have to be an accessory to a main building.

Alan MacDonald said we should look at the definition of an accessory building as we are looking at the height of the building. He said Alpine is no longer a farming town and he would rather see someone build a pickle ball court next to him than a barn with cows.

Jane Griener said this is a great discussion item but is not what is on the agenda tonight. She said we should bring it back as an agenda item to discuss further.

Jane Griener said as far as the height issue is concerned, she has built two homes in Alpine and both homes were on a slope and had to have fill dirt brought in to make the lot buildable. She said building on natural grade is a problem especially with all the hillside development. She said you couldn't build on natural grade. She said you would end up with a really weird house or a driveway that was low causing flooding problems.

Ethan Allen said you could build with exceptions. Austin Roy said Willow Canyon has a 25-foot height restriction and the city has allowed exceptions because it has been very difficult to build there. He said there has only been one home in that subdivision who didn't ask for an exception. Jane Griener said this is too extreme.

Austin Roy said he has done some research on what other hillside communities have done. He said most of the cities he looked at measured at the average finished grade which is the same way Alpine does that. This means a lot can bring in fill dirt to raise portions of the lot. In Jane Greiner's case, this was to bring the lot to street level. He said in some cases, lots need to be built up above street level as well.

Austin Roy said there were two communities that don't measure from average grade and they are Park City and Elk Ridge. He said Cedar Hills, Draper and Bountiful, all hillside communities, measure from average grade. He said they differ slightly from ours but are similar. Pictures of the current developing Ridge at Alpine were shown. Austin Roy said with the roads being built and rocks and dirt piled up everywhere, it's hard to determine where natural grade is.

Jane Griener said if we change the ordinance to natural grade, it will cause more exceptions. She said we should have a provision to make it street height. Austin Roy said if the home is brought up to street level, are you okay with accessory buildings on the same lot brought up to street level as well.

Ed Bush said his concern is people building on the hillside, bringing in fill dirt to level the ground and then the lot requires large retaining walls to support it. He said it destroys the hillside. Jane Griener said that's why the retaining wall ordinance was made. Austin Roy said this presents a conundrum because if a lot has a large slope in the back yard and owners aren't allowed to raise it up, it becomes unusable and then people can't use their own property. Alan MacDonald said these owners knew what they were buying. If they wanted to use the back yard, they should have bought a flat lot. Jane Griener said that's

not the way ordinances are written, and people know they can raise the lot, so they do it. Austin Roy said if the ordinance is changed to natural grade, they you won't be able to do that and you get what you get. Jane Griener said she still thinks you would have to grant exceptions for people to raise their homes to street level. Austin Roy said Bountiful has a rule that you can bring fill in but only to ten feet.

Jane Griener opened the Public Hearing. There were no comments and Jane Griener closed the Public Hearing.

MOTION: Commission Member Ed Bush moved to table Ordinance 2021-18 Building Height Requirements for further review.

Alan MacDonald seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
Alan MacDonald
John MacKay
Ethan Allen
Ed Bush
Troy Slade

Nays:

None

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: August 3, 2021

MOTION: Alan MacDonald moved to approve the minutes for August 3, 2021, as written.

Ethan Allen seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Jane Griener
Alan MacDonald
Ed Bush
John MacKay
Ethan Allen
Troy Slade

Nays:

None

MOTION: John MacKay moved to adjourn the meeting.

Alan MacDonald seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Jane Griener
Alan MacDonald
Ed Bush

Nays:

None

Ethan Allen
Troy Slade
John MacKay

The meeting was adjourned at 8:24 p.m.