



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, UT will hold a **Regular Meeting** at **Alpine City Hall**, 20 North Main, Alpine, Utah on **Tuesday, April 16, 2019 at 7:00 pm** as follows:

I. GENERAL BUSINESS

- | | |
|-----------------------------|--------------------|
| A. Welcome and Roll Call: | David Fotheringham |
| B. Prayer/Opening Comments: | Jane Griener |
| C. Pledge of Allegiance: | By Invitation |

II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by stepping to the microphone and giving his or her name and address for the record.

III. ACTION ITEMS

- A. Public Hearing – Amendment to Development Code – Infrastructure Protection Bonds**
Planning Commission will hold a public hearing and make a recommendation on the proposed change to the Development Code.
- B. Public Hearing – Amendment to Development Code – Open Space Bonds**
Planning Commission will hold a public hearing and make a recommendation on the proposed change to the Development Code.
- C. Public Hearing – Amendment to Development Code – Building Material Samples**
Planning Commission will hold a public hearing and make a recommendation on the proposed change to the Development Code.
- D. Amendment to Development Code – Dwelling Clusters**
Planning Commission will hold a public hearing and make a recommendation on the proposed change to the Development Code.
- E. Amendment to Development Code – Flag Lots**
Planning Commission will hold a public hearing and make a recommendation on the proposed change to the Development Code.
- F. Rules of Order DRAFT**
Planning Commission will review and discuss the proposed rules of order.

IV. COMMUNICATIONS

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

ADJOURN

Chairman David Fotheringham
April 16, 2019

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted at Alpine City Hall, 20 North Main, Alpine, UT. It was also sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are now recorded.

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

Public Hearing vs. Public Meeting

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

ALPINE PLANNING COMMISSION AGENDA

**SUBJECT: Public Hearing – Amendment to Development Code – Article 4.12
Infrastructure Protection Bonds**

FOR CONSIDERATION ON: 16 April 2019

PETITIONER: Staff

**ACTION REQUESTED BY PETITIONER: Receive public comments and
recommend approval of proposed
amendments.**

BACKGROUND INFORMATION:

Staff have reviewed the Development Code and have recommended changes for Article 4.12.

STAFF RECOMMENDATION:

Receive public comment and and recommend approval of amendments to Article 4.12 of the Development Code.

**ALPINE CITY
ORDINANCE 2019-05**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 4.12.030 AND 4.12.060 OF
THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO CASH
INFRASTRUCTURE PROTECTION BONDS**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City and the residents of Alpine to adopt an Amendment to the Alpine City Development Code amending Chapter 4 Article 12.030 Final Disposal and Release of Infrastructure Protection Bonds; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code and held a Public Hearing;

NOW THEREFORE, be it ordained by the Alpine City Council that: The amendments to Article 4.12.030 and 4.12.060 contained in the attached document will supersede Article 4.12.3 and 4.12.6 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “4.12.030 Final Disposition And Release” of the Alpine City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

4.12.030 Final Disposition And Release

The builder; or other person giving the Infrastructure Protection Bond provided for by this ordinance, shall be responsible for maintaining the Infrastructure, including but not limited to roadway, curb, gutter, sidewalk, trails, parks, planter strips, streetlights, open space, water and sewer pipes and appurtenances, valves, meters, etc., in the same condition as before the permit was issued. The burden of proof will be the responsibility of the Building Permit Holder to verify the condition of the infrastructure before work started. If the builder posts the cash bond, it shall be acceptable to Alpine City for the builder to transfer the bond to the property owner, and the transfer shall be the responsibility of the builder. At the completion of the construction and landscaping, the person giving the guarantee shall submit to the City Building Inspector and the City Public Works Director a request for release of the Protection Bond. The City Building Inspector or the City Public Works Director shall then make a preliminary inspection of the City infrastructure and shall then determine if the City infrastructure has been maintained in a satisfactory condition. If the City infrastructure is found to be satisfactory by the City Building Inspector or City Public Works Director, they shall authorize the release of the cash bond. The release of the bond shall only be made to the person or entity, which posted the bond and to no other person or entity. If the condition of the City infrastructure shows damage, unusual depreciation or does not comply with the acceptable standards of durability, the matter shall be referred to the Mayor through the City Administrator; and in accordance with DCA 4.12.060, the Mayor may declare the person giving the guarantee in default.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

AFTER AMENDMENT

4.12.030 Final Disposition And Release

The builder; or other person giving the Infrastructure Protection Bond provided for by this ordinance, shall be responsible for maintaining the Infrastructure, including but not limited to roadway, curb, gutter, sidewalk, trails, parks, planter strips, streetlights, open space, water and sewer pipes and appurtenances, valves, meters, etc., in the same condition as before the permit was issued. The burden of proof will be the responsibility of the Building Permit Holder to verify the condition of the infrastructure before work started. If the builder posts the cash bond, it shall be acceptable to Alpine City for the builder to transfer the bond to the property owner, and the transfer shall be the responsibility of the builder. At the completion of the construction and landscaping, the person giving the guarantee shall submit to the City Building ~~Inspector and the City Public Works Director~~ Department a request for release of the Protection Bond. The City ~~Building Inspector or the City Public Works Director~~ Department shall then make a preliminary inspection of the City infrastructure and shall then determine if the City infrastructure has been maintained in a satisfactory condition. If the City infrastructure is found to be satisfactory by the ~~City Building Inspector or~~ City Public Works ~~Director~~ Department, they shall authorize the release of the cash bond. The release of the bond shall only be made to the person or entity, which posted the bond and to no other person or entity. If the condition of the City infrastructure shows damage, unusual depreciation or does not comply with the acceptable standards of durability, the matter shall be referred to ~~the Mayor through~~ the City Administrator; and in accordance with DCA 4.12.060, the ~~Mayor~~ City Administrator may declare the person giving the guarantee in default.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

SECTION 2: **AMENDMENT** “4.12.060 Default” of the Alpine City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

4.12.060 Default

1. When the Mayor shall determine that the person posting the Cash Infrastructure Protection Bond has failed or neglected to satisfactory protect the affected City infrastructure or make required repairs and/or corrections, the Mayor may declare the Cash Infrastructure Protection Bond forfeited and the City's intentions to install or cause the required improvements to be installed or repaired using the proceeds of the Cash Infrastructure Protection Bond, plus any accrued interest, to defray the expense thereof. The Mayor shall give written notice of his decision to the person who posted the bond. The Mayor's decision may be appealed to the City Council. If the person who posted the bond wishes to appeal the Mayor's decision, a notice of appeal must be filed in writing with the City Recorder within five (5) business days from the receipt of notice of the Mayor's decision. The City Council shall hold a hearing to determine the appeal at its next public meeting. At the hearing the person who posted the bond shall be given an opportunity to present evidence as to why the bond should not be forfeited. The evidence may be in the form of written or oral submissions. The Building Inspector or Public Works Director shall be asked to respond to the appeal at the hearing before the Council. After hearing all evidence and considering all relevant facts the City Council shall determine if the bond is to be forfeited or released. If forfeited, the Cash Infrastructure Protection Bond, plus any accrued interest, shall be used to defray the expense of installing or repairing the City infrastructure.
2. In the event that the Cash Infrastructure Protection Bond is not sufficient to pay all the cost and expense of such installation, correction, or repair, the City may maintain an action against the person giving the guarantee for the excess. If the Cash Infrastructure Protection Bond is more than sufficient to pay all the cost and expense, then the excess proceeds shall be returned to the person who posted the bond.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

AFTER AMENDMENT

4.12.060 Default

1. When the ~~Mayor~~City Administrator shall determine that the person posting the Cash Infrastructure Protection Bond has failed or neglected to satisfactory protect the affected City infrastructure or make required repairs and/or corrections, the ~~Mayor~~City Administrator may declare the Cash Infrastructure Protection Bond forfeited and the City's intentions to install or cause the required improvements to be installed or repaired using the proceeds of the Cash Infrastructure Protection Bond, plus any accrued interest, to defray the expense thereof. The ~~Mayor~~City Administrator shall give written notice of his decision to the person who posted the bond. The ~~Mayor's~~City Administrator's decision may be appealed to the ~~City Council~~Administrative Law Judge. If the person who posted the bond wishes to appeal the ~~Mayor's~~City Administrator's decision, a notice of appeal must be filed in writing with the City Recorder within five (5) business days from the receipt of notice of the ~~Mayor's~~City Administrator's decision. The ~~City Council~~Administrative Law Judge shall hold a hearing to determine the appeal at its next public meeting. At the hearing the person who posted the bond shall be given an opportunity to present evidence as to why the bond should not be forfeited. The evidence may be in the form of written or oral submissions. The ~~Building Inspector or~~ Public Works ~~Director~~Department shall be asked to respond to the appeal at the hearing before the ~~Council~~Administrative Law Judge. After hearing all evidence and considering all relevant facts the ~~City Council~~Administrative Law Judge shall determine if the bond is to be forfeited or released. If forfeited, the Cash Infrastructure Protection Bond, plus any accrued interest, shall be used to defray the expense of installing or repairing the City infrastructure.
2. In the event that the Cash Infrastructure Protection Bond is not sufficient to pay all the cost and expense of such installation, correction, or repair, the City may maintain an action against the person giving the guarantee for the excess. If the Cash Infrastructure Protection Bond is more than sufficient to pay all the cost and expense, then the excess proceeds shall be returned to the person who posted the bond.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

**ALPINE CITY
ORDINANCE 2019-04**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.16.110 OF THE ALPINE
CITY DEVELOPMENT CODE PERTAINING TO OPEN SPACE CASH BONDS**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City and the residents of Alpine to adopt an Amendment to the Alpine City Development Code amending Chapter 3 Article 16 Open Space; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendment to the Development Code and has forward a favorable recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code and held a Public Hearing:

NOW THEREFORE, be it ordained by the Alpine City Council that: Chapter 3 Article 16 Open Space Ordinance of the Alpine City Development Code is hereby repealed and replaced by Ordinance No. 2019-04 amending the Alpine City Development Code. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.16.110 Enforcement” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

3.16.110 Enforcement

1. Subdivision Approval Stage

- a. Open space designations and ownership shall be included on all plats and recorded on deeds.
- b. Signs shall be provided by the City which can be photocopied, protected with plastic and fastened to stakes surrounding open space. These signs shall indicate City-owned open space and penalties for damage caused by construction crews and vehicles.
- c. Developers are required to stake, clearly tape off and post signs marking all trail corridors and open spaces prior to the start of construction. The site may be walked by the City Staff, City Council and Planning Commission.
- d. A bond to be approved by the City Engineer shall be posted by the developer against damage to public open space.

- 2. Before Bond Release.** Developers shall ensure that tapes and signs are in place continuously during construction. The tapes and signs shall remain in place until

construction is completed and the final bonds are released. They shall be replaced if necessary if damaged or lost from other causes.

- a. Developers will be assessed a fine if damage is done to publicly owned areas by their contractors or their agents, and they will be required to restore the area(s) at their cost to the satisfaction of the City Engineer.

3. **Before Building Permit is Issued.** Before building permits are issued, all potential homeowners with property adjacent to open space shall bond, (amount to be set by City Engineer) for any and all damage done to public property caused by the owner and/or his contractor or agents during home construction.

- a. Public open space must be staked, temporarily fenced off and marked with signs so that all construction crews will be aware of these public lands. (Amended by Ord. 2004-13, 9/28/04)
- b. A copy of this ordinance shall be provided to the property owner when the building permit is issued.

4. **Before Occupancy Permits are Issued.** All damage to public open space and/or improvements upon it caused by home construction must be repaired by the homeowner at his or her expense.

- a. If construction is completed during winter and weather prohibits replanting or other restoration, an additional bond may be posted to be held until repairs are approved by the City Administrator. The amount of bond to be determined by the City Engineer.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

AFTER AMENDMENT

3.16.110 Enforcement

1. Subdivision Approval Stage

- a. Open space designations and ownership shall be included on all plats and recorded on deeds.
- b. Signs shall be provided by the City which can be photocopied, protected with plastic and fastened to stakes surrounding open space. These signs shall indicate City-owned open space and penalties for damage caused by construction crews and vehicles.
- c. Developers are required to stake, clearly tape off and post signs marking all trail corridors and open spaces prior to the start of construction. The site may be walked by the City Staff, City Council and Planning Commission.
- d. A cash bond to be approved by the City Engineer shall be posted by the developer against damage to public open space.

2. **Before Bond Release.** Developers shall ensure that tapes and signs are in place continuously during construction. The tapes and signs shall remain in place until construction is completed and the final bonds are released. They shall be replaced if necessary if damaged or lost from other causes.

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4. **Before Occupancy Permits are Issued.** All damage to public open space and/or improvements upon it caused by home construction must be repaired by the homeowner at his or her expense.
 - a. If construction is completed during winter and weather prohibits replanting or other restoration, an additional bond may be posted to be held until repairs are approved by the City Administrator. The amount of cash bond to be determined by the City Engineer.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Amendment to Development Code – Article 3.11
Building Material Samples

FOR CONSIDERATION ON: 16 April 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Receive public comments and
recommend approval of proposed
amendments.

BACKGROUND INFORMATION:

Staff have reviewed the Development Code and have recommended changes for Article 3.11.

STAFF RECOMMENDATION:

Receive public comment and and recommend approval of amendments to Article 3.11 of the Development Code.

**ALPINE CITY
ORDINANCE 2019-09**

AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.11.040 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO RENDERING MATERIAL SAMPLES

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City and the residents of Alpine to adopt an Amendment to the Alpine City Development Code amending Chapter 3 Article 11.040 Site Plan Process; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendment to the Development Code and has forward a favorable recommendation to the City Council; and

WHEREAS, the alpine City Council has reviewed the proposed Amendment to the Development Code and held a Public Hearing:

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: Chapter 4 Article 11.040 Site Plan Process Ordinance of the Alpine City Development Code is hereby repealed and replaced by Ordinance No. 2019-09 amending the Alpine City Development Code. This Ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.11.040 Site Plan Process” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

3.11.040 Site Plan Process

1. During the review process, the City Planner and City Engineer, the Planning Commission, and the City Council may request reasonable additional information from the applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation or alteration of the property may be undertaken prior to written final approval by the City Council of the site plan. Excavation or alteration of the property prior to approval may be cause for disapproval. Additionally, work on existing structures prior to final approval is not permitted.

2. **City Planner and City Engineer**

- a. The applicant shall meet with the City Planner and City Engineer to review the proposed site plan before submitting an application.

- b. The applicant shall prepare a concept site plan, properly and accurately drawn to scale.
- c. The City Planner and City Engineer shall review the site plan to determine compliance with the Alpine City General Plan and applicable City ordinances.
- d. When the City Planner and City Engineer determines that the site plan is ready for Planning Commission review, the City Planner, in consultation with the Planning Commission Chairperson, shall establish a review date. The applicant may prepare a site plan that incorporates all changes recommended by City Planner and City Engineer.

3. Planning Commission

- a. The applicant shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
 - i. the site plan application;
 - ii. pay the associated fee(s) in accordance with the current fee schedule (payable to Alpine City);
 - iii. four (4) D size (22" x 34") copies of the site plan;
 - iv. ten (10) 11" x 17" copies of the site plan drawn to scale;
 - v. building elevations including building height;
 - vi. a landscape plan including a list of plant types; and
 - vii. an electronic copy of the site plan and building elevations in a compatible format as specified by City Staff.

In addition, the application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, finish grade line, landscaping. In addition, the Planning Commission may require submission of colored perspectives or architectural renderings in applications where the Planning Commission feels it is required.

- b. The site plan will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The application must be complete and accepted in writing by the City Planner.
- c. The Planning Commission shall give guidance to the applicant to assist in meeting the requirements and constraints for development within Alpine City.
- d. The Planning Commission shall determine whether the site plan promotes, preserves and enhances the distinctive historical village character of the community and would not be at variance with existing structures within that portion of the district in which the site plan is or is proposed to be located as to be detrimental to the interests of the District as set forth in DCA 3.11.010. In conducting its review, the Planning Commission shall make examination of and give consideration to the elements of the Gateway Historic District Design Guidelines.

- e. The Planning Commission may recommend exceptions to the Business Commercial Zone requirements regarding parking, building height, signage, setbacks and use if it finds that the plans proposed better implement the design guidelines to the City Council for approval.
- f. If the Planning Commission finds that the proposed site plan complies with all applicable requirements, it shall recommend approval to the City Council. If the Planning Commission finds that the proposed site plan does not meet the requirements, it shall recommend disapproval of the site plan.

4. City Council

- a. Following the recommendation of approval or disapproval of the site plan by the Planning Commission, the City Council shall consider the site plan at a public meeting. If the City Council determines that the site plan is in conformity with all applicable requirements and any reasonable conditions as recommended by City Staff, the Planning Commission, or on its own initiative, it shall approve the site plan.
- b. If the City Council determines that the site plan is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the site plan specifying the reasons for such disapproval.

(Ord. No. 2002-06, 07/09/2002; Amended by Ord. No. 2010-19, 11/09/10)

A F T E R A M E N D M E N T

3.11.040 Site Plan Process

1. During the review process, the City Planner and City Engineer, the Planning Commission, and the City Council may request reasonable additional information from the applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation or alteration of the property may be undertaken prior to written final approval by the City Council of the site plan. Excavation or alteration of the property prior to approval may be cause for disapproval. Additionally, work on existing structures prior to final approval is not permitted.

2. City Planner and City Engineer

- a. The applicant shall meet with the City Planner and City Engineer to review the proposed site plan before submitting an application.
- b. The applicant shall prepare a concept site plan, properly and accurately drawn to scale.
- c. The City Planner and City Engineer shall review the site plan to determine compliance with the Alpine City General Plan and applicable City ordinances.

- d. When the City Planner and City Engineer determines that the site plan is ready for Planning Commission review, the City Planner, in consultation with the Planning Commission Chairperson, shall establish a review date. The applicant may prepare a site plan that incorporates all changes recommended by City Planner and City Engineer.

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 - iii. four (4) D size (22" x 34") copies of the site plan;
 - iv. ten (10) 11" x 17" copies of the site plan drawn to scale;
 - v. building elevations including building height;
 - vi. a landscape plan including a list of plant types; and
 - vii. an electronic copy of the site plan and building elevations in a compatible format as specified by City Staff.

In addition, the application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, finish grade line, landscaping. In addition, the Planning Commission may require submission of colored perspectives, ~~or~~ architectural renderings, and/or physical building material samples in applications where the Planning Commission feels it is required.

- b. The site plan will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The application must be complete and accepted in writing by the City Planner.
- c. The Planning Commission shall give guidance to the applicant to assist in meeting the requirements and constraints for development within Alpine City.
- d. The Planning Commission shall determine whether the site plan promotes, preserves and enhances the distinctive historical village character of the community and would not be at variance with existing structures within that portion of the district in which the site plan is or is proposed to be located as to be detrimental to the interests of the District as set forth in DCA 3.11.010. In conducting its review, the Planning Commission shall make examination of and give consideration to the elements of the Gateway Historic District Design Guidelines.
- e. The Planning Commission may recommend exceptions to the Business Commercial Zone requirements regarding parking, building height, signage, setbacks and use if it finds that the plans proposed better implement the design guidelines to the City Council for approval.

- f. If the Planning Commission finds that the proposed site plan complies with all applicable requirements, it shall recommend approval to the City Council. If the Planning Commission finds that the proposed site plan does not meet the requirements, it shall recommend disapproval of the site plan.

4. City Council

- a. Following the recommendation of approval or disapproval of the site plan by the Planning Commission, the City Council shall consider the site plan at a public meeting. If the City Council determines that the site plan is in conformity with all applicable requirements and any reasonable conditions as recommended by City Staff, the Planning Commission, or on its own initiative, it shall approve the site plan.
- b. If the City Council determines that the site plan is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the site plan specifying the reasons for such disapproval.

(Ord. No. 2002-06, 07/09/2002; Amended by Ord. No. 2010-19, 11/09/10)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Amendment to Development Code – Dwelling Clusters – Article 3.01.110; Article 3.09.060 & Article 3.05.010

FOR CONSIDERATION ON: 16 April 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review proposed changes and make a recommendation to City Council.

BACKGROUND INFORMATION:

This item is returning to Planning Commission after City Council asked for changes to the language being proposed. Planning Commission will review the new proposed language and make a recommendation to City Council.

STAFF RECOMMENDATION:

Make a recommendation to approve amendments to Article 3.01.110; Article 3.09.060; and Article 3.05.010 of the Development Code.

**ALPINE CITY
ORDINANCE 2019-02**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.09.060; 3.01.110; AND
3.05.010 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO DWELLING
CLUSTERS**

WHEREAS, The City council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to allow minor subdivisions to be approved administratively; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code:

NOW THEREFORE, be it ordained by the Alpine City Council that: The amendments to Article 3.09.060; 3.01.110; and 3.05.010 contained in the attached document will supersede Article 3.9.6 ; 3.1.11; and 3.5.1 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: AMENDMENT “3.09.060 Dwelling Clusters; Lot Size; Buildable Area; Setback” of the Alpine City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.09.060 Dwelling Clusters; Lot Size; Buildable Area; Setback

1. All lots shall be located within a designated ~~development e~~Dwelling Cluster. A project may contain more than one ~~development e~~Dwelling Cluster. Each cluster shall contain not less than three (3) separate lots (except for developments having fewer than 3 lots for the entire development). Where a project contains land located within and outside the Sensitive Lands Overlay Zone, ~~development e~~Dwelling Clusters will be located outside of the Sensitive Lands Overlay Zone, to the maximum extent possible. No portion of lots within a PRD shall be located on lands which are required to be designated as open space.

2. (Ord. 97-23: 9/24/97) The size of each individual lot shall conform to the following:

Minimum Lot Size

Zone District	Minimum Lot Size
CR-20,000	10,000 square feet
CR-40,000	20,000 square feet
CE-5	20,000 square feet
CE-50	N/A

3. (Ord 97-02, 2/25/97). Each individual lot shall contain at least one Designated Buildable Area of not less than five-thousand (5,000) square feet. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
- Each Designated Buildable Area shall conform to the criteria for qualification as a "buildable area" as defined in this ordinance. Except that the Planning Commission may approve or require the placement of the Designated Buildable Area in a location within the lot which does not conform to one or more of the criteria for buildable area, upon a finding that the proposed Designated Buildable Area:
 - will more adequately accommodate subsequent development of the lot,
 - will not constitute a potential hazard to life or property, and
 - will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extraordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
 - The location of each Designated Buildable Area shall be designated upon the preliminary plan and shall also be identified and described on the final recorded plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area.
 - Where a Designated Buildable Area is shown on a lot, the boundary of said area shall constitute the Designated Setback envelope applicable to the lot. Where an entire lot area qualifies as a Buildable Area no designation on the final plat shall be required.
 - Except as permitted pursuant to Part 3,a, any portion of a lot which has been graded to produce a percent of slope to qualify under the Buildable Area criteria shall be excluded from consideration as part of the Designated Buildable Area.
 - The Designated Buildable Area may be amended by the City Planner and City Engineer as long as the minimum setback requirements of the underlying zone are met. (Ord. 2004-13, 9/28/04)
4. Each dwelling in the project shall be setback from the property line in accordance with the setback lines as shown on the approved plat (Designated Setback Envelope). The Designated Setback Envelope shall be established in accordance with the following (setbacks are measured from the property line to the nearest foundation):

- a. Front Yard. The minimum front yard setback shall be thirty (30) feet.
- b. Side Yard - Corner Lots. On corner lots, the side that faces onto a public street shall be not less than thirty (30) feet.
- c. Side Yard – Interior Lots. The minimum side yard setbacks for interior lots shall be an aggregate of thirty (30) feet with no less than twelve (12) feet on a side.
- d. Rear Yard. The minimum rear yard setback shall be thirty (30) feet.

Subject to the prior recommendation of the Planning Commission, the City Council may approve an exception to the Designated Setback Envelope standards above for one or more lots within a PRD project, 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.

Where no designated building envelope is provided, the setbacks shall be the same as the minimum requirements within the underlying zone.

- 5. The maximum height of any dwelling or other main building shall be thirty-four (34) feet, as determined in accordance with the provisions of DCA 3.21.080, (Ord. 96-15, 12/18/96) except in the CE-50 zone the height shall not exceed 25 feet. (See DCA 3.06.070 Part 1)

(Ord. No. 95-04, 2/28/95; Amended Ord. No. 95-28, 11/28/95; Ord No. 2001-10, 4/10/01; Ord. No. 2004-13, 9/28/04; Ord. No. 2011-04, 01/11/11; Ord. No. 2012-10, 12/11/12; Ord. No. 2014-14, 09/09/14; Ord. No. 2015-11, 07/28/15)

SECTION 2: **AMENDMENT** “3.01.110 Definitions” of the Alpine City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.01.110 Definitions

ACCESSORY APARTMENT. A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.

ACCESSORY BUILDING. A detached subordinate building, the 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 of land with the main building or use.

AGRICULTURE. The tilling of soil, the raising of crops, horticulture, the gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, commercial egg production, or similar uses.

APIARY. Any place where one (1) or more colonies of bees are located.

AVERAGE SLOPE OF LOT. The average slope of a lot, expressed as the percent of slope, to be determined via computer modeling. AutoCAD or ESRI products are acceptable programs to be used for determining the average slope of lot; any other program must be pre-approved by the City Engineer.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

BUILDABLE AREA. (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:

1. The area contains no territory having a natural slope of twenty (20) percent or greater;
2. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
3. The engineering properties of the soil provide adequate structural support for the intended use;
4. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
5. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
6. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet as measured at the finished grade of the centerline alignment.

BUILDING. Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

CIVIC BUILDING. A structure owned by the City and used for governmental purposes, including administrative buildings (City Hall) fire stations, police stations, libraries, but not including shop and repair facilities.

COLONY. Bees in a hive including queens, workers, or drones.

CONDITIONAL USE. A use of land that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE. A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, green houses, storage buildings, and satellite dishes.

DEVELOPMENT. Any change to a parcel of ground, which alters it from its natural state in any way. This includes clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings.

DWELLING CLUSTER. A Group of three (3) or more single-unit detached dwellings whose respective buildable areas are located no more than 400 feet from one buildable area to the next closest buildable area as measured from the midpoint of each buildable area.

DWELLING UNIT. One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.

DWELLING, MULTIPLE-UNIT. A building arranged to be occupied by two (2) or more families, the structure having two (2) or more attached dwelling units.

DWELLING, SINGLE FAMILY. A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family, including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.

FAMILY. An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship; or a group of not more than four (4) persons, (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.

FENCES. A fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs with the purpose of preventing passage or view across a boundary or lot line. (Ord. 2004-13, 9/28/04)

1. Privacy fences are structures where the field of vision through the fence is less than 50%.
2. Open-style fences are structures where the field of vision through the fence is 50% or greater.

FRONTAGE. The width of the lot or parcel of land measured at the required front setback-line.

GARAGE/CARPORT (PRIVATE). A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.

GEOLOGIC HAZARD. A hazard inherent in the surface or subsurface of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to movement, failure, or shifting of earth.

GROUP LIVING ARRANGEMENT. A group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling unit, including, but not limited to, a batching apartment, boarding house, Congregate Living Unit, Assisted Living Facility, Nursing Care Facility, Residential Facility for Persons With a Disability, dormitory, student housing, fraternity, club, institutional group, half-way house, or similar group living or congregate living arrangement.

GUEST HOUSE. An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.

HANDICRAFT PRODUCTION. Production of an individual's one-of-a-kind objects for sale on the site.

HELICOPTER. A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.

HELIPORT. An area on land or upon a building or structure set aside and used for the landing or takeoff of helicopters or other manned rotary wing aircrafts capable of vertical takeoff or landing.

HIVE. A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

HOME OCCUPATION. Any gainful occupation, service, profession or similar activity conducted in a consistent and ongoing manner within a dwelling. Business activity consisting primarily of the sale of goods produced elsewhere on the premises (i.e. retail sales establishment) shall not qualify as a home occupation.

HOBBY BEEKEEPER. A person who owns or has charge of eight (8) or fewer hives of bees.

HONEYBEE. The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted to a residence and kept for company or pleasure, such as dogs, cats, fish and canaries. Household pets do not include inherently or potentially dangerous animals or fowl, or those normally considered agricultural livestock.

IMPERVIOUS MATERIAL. Matter that is impenetrable as by moisture.

LOT. 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 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.

LOT, CORNER. Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.

MOBILE HOME. A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.

NON-CONFORMING USE. A building or structure, or portion thereof, or use of a building or land which does not conform to use regulations for the district in which it is situated, but which is in conformity with said regulations, if any, at the time of its establishment.

OFF STREET PARKING. An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

OFFICE, PROFESSIONAL. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and for license, are qualified to perform services of a professional nature, and where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

OPEN SPACE. The use of land which leaves soil generally undisturbed and upon which natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.

PERMITTED USE. A use of land for which no conditional use permit is required.

PUBLIC USE. A use operated or supervised exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

QUASI PUBLIC USE. A use operated by a private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals and similar uses.

REASONABLE ACCOMMODATION. A reasonable change in any rule, policy, practice, or service necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups.

RECREATION, PUBLIC. Recreation facilities operated by a public agency and open to the public with or without a fee.

RESIDENCE. A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A residence in which no more than eight (8) unrelated persons with a disability resides and which is:

1. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

RETAINING WALL. Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.

SIGN. Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.

STREET, PUBLIC. A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."

YARD. A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

YARD, FRONT. A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).

YARD, REAR. 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. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)

YARD, SIDE. A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).

ZONING LOT (Ord. 94-02, 2/8/94). A lot or parcel of land which:

1. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
2. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
3. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
4. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an unapproved or illegal subdivision shall not qualify as a zoning lot.

(Amended by Ord. 2004-14 on 9/28/04; Ord. 2009-16, 10/13/09; Ord. 20011-06, 03/08/11; Ord. 2011-12, 10/25/11; Ord. 2014-11, 6/24/14; Ord. 2015-02, 02/10/15; Ord. 2015-07, 05/26/15)

SECTION 3: AMENDMENT "3.05.010 Legislative Intent And Public Purpose" of the Alpine City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.05.010 Legislative Intent And Public Purpose

The CE-5 Zone consists primarily of the more mountainous areas of the City which, because of the presence of steep slopes, unique soil characteristics, wild fire hazard or similar natural condition are considered environmentally sensitive.

It is the intent and purpose of the City Council in establishing the zone to set minimum standards for the use of land within the zone and to establish guidelines for development activities thereon which recognize and balance the following:

1. The need to preserve sensitive environmental conditions;
2. The need to mitigate potentially unsafe conditions in the area and prevent development that might increase hazards due to such conditions;
3. The rights of property owners to the reasonable use and enjoyment of their land; and,
4. The need to preserve a healthy, safe and aesthetic living environment for occupants of the zone and the surrounding community.

It is anticipated that uses in the zone will be limited to one-family dwellings in naturalistic settings with associated personal uses and structures. Such uses will be permitted in those portions of the zone which are most suitable for development activity (~~development cluster~~Dwelling Cluster areas) interspersed with large and undisturbed open space areas.

(Ord. 95-28, 11/28/95)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL JANUARY 09, 2019.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Amendment to Development Code – Flag Lots – Article 3.01.110 & Article 3.01.130

FOR CONSIDERATION ON: 16 April 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review proposed changes and make a recommendation to City Council.

BACKGROUND INFORMATION:

This item is returning to Planning Commission after City Council asked for changes to the language being proposed. Planning Commission will review the new proposed language and make a recommendation to City Council.

STAFF RECOMMENDATION:

Make a recommendation to approve amendments to Article 3.01.110; and Article 3.01.130 of the Development Code.

**ALPINE CITY
ORDINANCE 2019-03**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.01.130 OF THE ALPINE
CITY DEVELOPMENT CODE PERTAINING TO FLAG LOTS.**

WHEREAS, The City council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to allow minor subdivisions to be approved administratively; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code:

NOW THEREFORE, be it ordained by the Alpine City Council that: The amendments to Article 3.01.130 contained in the attached document will supersede Article 3.1.13 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: AMENDMENT “3.01.130 Criteria For Determining Lot Width And Area Requirements” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

3.01.130 Criteria For Determining Lot Width And Area Requirements

General criteria for determining setback requirements:

1. All set backs are to be measured to the foundation of the building.
2. An abutting fire place (up to two feet), bay window (up to two feet) and uncovered steps to basement shall not be included in set back measurement.
3. An uncovered patio or deck less than (18) eighteen inches in height from ground surface shall be allowed within ten (10) feet of the rear property line.

- a. **Lot Width.** For purposes of determining compliance with the lot width requirements, the measurement of lot width shall be made along a line situated parallel to the front lot line at the minimum front setback.

In the instance of a lot where more than seventy five percent (75%) of the front lot line abuts upon a cul-de-sac or curve in the adjacent street, having a radius of less than eighty (80) feet, the width of lot shall be measured along a line which is at right angle to the point of tangency of said curve, at the approximate mid-point of the abutting front lot line, and at distance of from the front lot line equal to the front setback for the zone.

- b. **Lot Area.** For purposes of determining compliance with lot area requirements, the area shall include all territory within the boundaries of the lot, including any area devoted to easements, and any territory adjacent or within the boundary of the lot previously conveyed or proposed for conveyance to the City by the owner for use as an urban trail. This does not apply to a Planned Residential Development.

(Ord. 97-02, 2/25/97; Amended by Ord. 2009-11, 07/14/09)

AFTER AMENDMENT

3.01.130 Criteria For Determining Lot Width And Area Requirements

General criteria for determining setback requirements:

1. All set backs are to be measured to the foundation of the building.
2. An abutting fire place (up to two feet), bay window (up to two feet) and uncovered steps to basement shall not be included in set back measurement.
3. An uncovered patio or deck less than (18) eighteen inches in height from ground surface shall be allowed within ten (10) feet of the rear property line.

- a. **Lot Width.** For purposes of determining compliance with the lot width requirements, the measurement of lot width shall be made along a line situated parallel to the front lot line at the minimum front setback. Lot width shall be maintained in the area located between the front lot line and the buildable area of the lot.

In the instance of a lot where more than seventy five percent (75%) of the front lot line abuts upon a cul-de-sac or curve in the adjacent street, having a radius of less than eighty (80) feet, the width of lot shall be measured along a line which is at right angle to the point of tangency of said curve, at the approximate mid-point of the abutting front lot line, and at a distance ~~of~~ from the front lot line equal to the front setback for the zone.

b. **Lot Area.** For purposes of determining compliance with lot area requirements, the area shall include all territory within the boundaries of the lot, including any area devoted to easements, and any territory adjacent or within the boundary of the lot previously conveyed or proposed for conveyance to the City by the owner for use as an urban trail. This does not apply to a Planned Residential Development.

(Ord. 97-02, 2/25/97; Amended by Ord. 2009-11, 07/14/09)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Rules of Order

FOR CONSIDERATION ON: 16 April 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and discuss Draft document.

BACKGROUND INFORMATION:

Staff has prepared a draft of potential rules of order for Planning Commission meetings. This document was created from the City Council Rules of Procedure. Draft is being presented to the Planning Commission for feedback.

STAFF RECOMMENDATION:

Review and discuss rules of order for the Planning Commission.

ALPINE CITY PLANNING COMMISSION

Rules of Order

Recognizing the Planning Commission needs a systematic way of doing business, this document outlines 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 encourages citizens' awareness of Planning Commission activities.

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

RULE NO. 1: The meeting is governed by the agenda and the agenda constitutes the Planning Commission's agreed-upon roadmap for the meeting.

PROCEDURE. Each agenda item can be handled by the Chair in the following basic format:

First, the Chair should clearly announce the agenda item number and should clearly state what the agenda item subject is.

Second, following that agenda format, the Chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, a member of the Planning Commission, a staff person, or an invited person charged with providing input on the agenda item.

Third, the Chair should ask members of the Planning Commission if they have any technical questions of clarification. At this point, members of the Planning Commission may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the Chair should invite public comments if at a formal public hearing and should open the public hearing for public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers. At the conclusion of the public comments, the Chair should announce that the public hearing is closed. For a regularly scheduled agenda item, the Chair may invite public comment.

Fifth, the Chair should invite a motion. The Chair should announce the name of the member of the Planning Commission who makes the motion.

Sixth, the Chair should determine if any member of the Planning Commission wishes to second the motion. The Chair should announce the name of the member of the

Planning Commission who seconds the motion. If there is no second then the item will be deemed concluded without decision

Seventh, if the motion is made and seconded, the Chair should make sure everyone understands the motion. This is done in one of three ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the person taking minutes to repeat the motion.

Eighth, the Chair should now invite discussion of the motion by the Planning Commission. If there is no desired discussion, or after the discussion has ended, the Chair should announce that the Planning Commission will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the Chair takes a vote. All votes for purposes of the meeting minutes shall be by roll call of the Planning Commission.

Tenth, the Chair should announce the result of the vote and should announce what action (if any) the Planning Commission has taken.

PURPOSE OF THE RULE: All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting be prepared in advance of the meeting and that no final action be taken on any item that is not on the agenda. In addition the Act requires that the minutes of the meeting contain certain minimum information including the name of any member of the Planning Commission speaking on an issue, the substance of what the member says, an accurate description of any action taken by the Planning Commission and the voting record of each individual member of the Planning Commission.

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

PROCEDURE. The procedure for any motion shall be as follows: First, the Chair should recognize the member of the Planning Commission. Second, the member of the Planning Commission makes a motion by preceding the member's desired approach with the words: "I move"

So, a typical motion might be: "I move that we give the City Attorney a raise in pay."

The Chair usually initiates the motion by either (1) Inviting the members of the Planning Commission to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the Planning Commission. "A motion would be in order that we give the City Attorney a raise in pay." (3) Making the motion. As noted, the Chair has every right as a member of the Planning Commission to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other member of the Planning Commission is willing to step forward to do so at a particular time. (4) Reading a motion suggested by the City Staff.

PURPOSE OF THE RULE. The purpose of this rule is to limit items under discussion to those and only those that the Planning Commission members want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.

RULE NO 3: One question at a time and one speaker at a time.

PROCEDURE: Only one question will be discussed at a time. The question may have several motions.

There will only be one speaker at a time. Anyone who wishes to speak must raise their hand first after the current speaker finishes. The Chair will call upon the person by name. Once a member has been recognized, he has been granted “the floor” and may begin speaking. The speaker may not be interrupted except as allowed by these rules.

If a Planning Commission member wishes to ask a question during their time and retain the floor to speak after the question has been answered they may indicate so before posing the question by saying something similar to “I have additional comments and wish to retain the floor after this question has been answered.”

PURPOSE OF THE RULE. The purpose is to focus on only one question and to allow Planning Commission members the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

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.

PROCEDURE: When the Chair feels the Planning Commission is all in agreement, the Chair asks if there are any objections to the motion to amend, withdraw, or any motions in Rule No. 7. The Chair pauses and if there are no objections states that the motion is approved. If there is any objection then the motion is put to a regular vote. A Planning Commission member may object simply because he or she feels it is important to have a formal vote.

Example: The Chair states, “If there is no objection, we will recess for 10 minutes, [pause to see if any member objects]. There being no objection, we will recess for 10 minutes.

If a member objects by stating, “I object” the matter is then put to a vote.

The Chair states, “An objection being made, the question is shall we recess for 10 minutes? As many as are in favor, say Aye. Those opposed, say No. The Ayes have it and we will recess for 10 minutes.”

PURPOSE OF THE RULE. General consent is helpful in expediting general routine business or when the Chair senses the Planning Commission is in agreement.

General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

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

PROCEDURE: The initial motion. The initial motion is the one that puts forward an item for the Planning Commission's consideration. An initial motion might be: "I move that we give the City Attorney a pat on the back."

The motion to amend. If a member wants to change the initial motion that is before the Planning Commission, they would move to amend it. A motion to amend might be: "I move that we amend the motion to give the attorney a kick in the butt." A motion to amend takes the initial motion which is before the Planning Commission and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

The substitute motion. If a member wants to completely do away with the initial motion that is before the Planning Commission, and put a new motion before the Planning Commission, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we get a new City Attorney."

PURPOSE OF THE RULE. "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Chair. So that if a member makes what that member calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

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.

PROCEDURE: When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to give the City Attorney a pat on the back." During the discussion of this motion, a member might make a second motion to "amend the main motion to give the City Attorney a kick in the butt." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we just get rid of the City Attorney." The proper procedure would be as follows:

First, the Chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the Planning Commission of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Chair would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

Second, if the substitute motion failed, the Chair would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the City Attorney be kicked in the butt). If the motion to amend passed the Chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (pat on the back), or, if amended, would be in its amended format (kick in the butt). And the question on the floor for discussion and decision would be what part of the City Attorney's anatomy would be subject to assault.

PURPOSE OF THE RULE: Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering to satisfy those who want to be clever while allowing the slow to still keep up.

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.

PROCEDURE. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Planning Commission to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the Planning Commission without debate on the motion):

A motion to adjourn. This motion, if passed, requires the Planning Commission to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the Planning Commission to immediately take a recess. The length should be set in the motion which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the Planning Commission to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the Planning Commission: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case the matter will not be placed back on an agenda for a future Planning Commission meeting except at the order of the Chair or the request of any two Planning Commission members. A motion to table an item requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the Planning Commission makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a simple majority vote of the Planning Commission.

PURPOSE OF THE RULE. Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Chair by General Consent or the majority of the Planning Commission to end the debate, after a reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

RULE NO 8: The Chair and Planning Commission members shall adhere to the code of conduct.

PROCEDURE. The Chair, as chair of the meeting, is primarily responsible to see that debate and discussion of an agenda item focuses on the agenda item and the policy in question, not the personalities of the members of the Planning Commission. There are, however, exceptions that are intended to assist the Chair in keeping order to the meeting. A speaker may be interrupted by a Planning Commission member only for the following reasons and in the form set forth below:

Privilege. The proper interruption would be: "point of privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort or safety of the meeting or when the reputation of the Planning Commission or any individual is at stake. For example, the room may be too hot or too cold, a blowing fan might interfere with a person's ability to hear, or the speaker may be misrepresenting an individual's remarks

Order. The proper interruption would be: "point of order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Chair makes a ruling that a member of the Planning Commission disagrees with, that member may appeal the ruling of the Chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the Planning Commission has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers that the agenda has not been followed, the Chair simply reminds the Planning Commission to return to the agenda item properly before them. If the Chair fails to do so, the Chair's determination may be appealed.

Withdraw a motion. To withdraw a motion, the maker of the motion on the floor states, "I request that my motion be withdrawn." The motion to withdraw a motion requires a simple majority vote.

PURPOSE OF THE RULE. Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the Planning Commission. A Planning Commission member may continue speaking on a majority vote of the Planning Commission. The rules of order are meant to create an atmosphere where the members of the Planning Commission and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the Planning Commission to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Chair before proceeding to speak.

RESIDENTS' RIGHT TO BE HEARD:

It is the Planning Commission's goal that residents of the City resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that residents may from time to time believe it is necessary to speak to Planning Commission on matters of concern. Accordingly, the Planning Commission expects 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.

- No member of the public shall be heard until recognized by the Chair.
- Public comments will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the Chair.
- Speakers must state their name and address for the record.

- Any resident requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the Chair.
- If a representative is elected to speak for a group, the Chair may approve an increased time allotment.
- Personal attacks made publicly toward any person or city employee are not allowed. Speakers are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel Policies.
- Any member of the public interrupting Planning Commission proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Planning Commission, shall be deemed to have disrupted a public meeting and, at the direction of the Chair, shall be removed from Planning Commission chambers by Police Department personnel or other agent designated by Planning Commission or City Manager.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Planning Commission Minutes March 19, 2019

FOR CONSIDERATION ON: 16 April 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Approve Minutes

BACKGROUND INFORMATION:

Minutes from the March 19, 2019 Planning Commission Meeting.

STAFF RECOMMENDATION:

Review and approve the Planning Commission Minutes.

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
March 19, 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: Dave Fotheringham

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

Staff: Austin Roy, Marla Fox, Jed Muhlestein

Others: Alan Cottle, Wally Western

B. Prayer/Opening Comments: Sylvia Christiansen

C. Pledge of Allegiance: McKay Taylor (a Scout)

II. PUBLIC COMMENT

There were no public comments.

III. ACTION ITEMS

A. Major Subdivision Preliminary Plan Review – Montdella – Alan Cottle

Austin Roy said the developer was seeking approval of the preliminary plat and plans for the proposed Montdella Subdivision, a 55+ Community, which consisted of 25 dwelling units on 3.94 acres. Dwelling units ranged in size from approximately 2,400 square feet to 3,500 square feet. The property was located at approximately 242 South Main Street in the Business/Commercial Zone and Senior Housing Overlay. On August 28, 2018, a concept plan was brought before the City Council seeking approval of a Senior Housing Overlay. The City Council reviewed and approved the request for the Senior Housing Overlay. The developer was now returning to seek approval for preliminary plans. Business/Commercial Zone, Senior Housing Overlay, and Gateway/Historic requirements should all be taken into consideration when reviewing the preliminary plat and plans for approval.

Austin Roy stated that the lots met area and width requirements. He said the City setback requirements had been met with 30 feet off of Main Street, 20 feet on the side rear setbacks and 25 feet from the high water mark of Dry Creek. Dwelling units were spaced at least 10 feet apart. Mr. Roy noted that the property was located within a flood plain overlay zone and said Dry Creek ran a few months of the year.

Austin Roy explained that the City's Master Trail Plan showed a trail running through the subject property and alongside that stream. The developer had taken that into consideration and was proposing an eight-foot wide walking/jogging trail that ran along the course of the property

1 from Main Street, to the north, down to the south end of the property. This proposed trail was an
 2 extension of the existing Dry Creek Corridor Trail which would be paved.

3
 4 Austin Roy said this development was required to follow the Gateway Historic Guidelines which
 5 were:

- 6 1. Mimic details of older buildings
- 7 2. Use similar materials as other buildings on Main Street
- 8 3. Make mundane uses look good
- 9 4. Include design features on blank walls
- 10 5. Include monuments along Main Street

11
 12 Austin Roy said the design primarily called for brick and mostly masonry type design. As far as
 13 Staff was concerned, it looked like what they were doing did meet the Gateway Historic
 14 requirements. He said the building had a very traditional look to it and did not look out of place.

15
 16 Austin Roy said the development had a lighting and landscaping plan and the developer
 17 complied with the City's tree guideline book. The plans met all the requirements and Staff did
 18 not have any concerns.

19
 20 David Fotheringham asked if samples had been provided and Austin Roy explained that per City
 21 ordinance, colored perspectives and architectural renderings may be required, and the applicant
 22 provided both of these things. The ordinance did not specifically stated that an applicant should
 23 also present physical samples, so at this time Staff had not asked them to provide those. They
 24 would still need to come forward for final site approval process, at which time the Planning
 25 Commission could request to see samples.

26
 27 Jed Muhlestein explained that the plans had to comply with the Off-street Parking Ordinance
 28 (Article 3.24) which stated that no off-street parking could be within the setbacks. He added that
 29 an all-weather surface of asphalt was proposed. It was required to have all parking stalls
 30 dimensioned correctly and not located in a setback area. He said this development did comply
 31 with the requirements. A lighting plan was submitted and approved, and the property was
 32 graded to retain all storm water onsite. Storm drain calculations and plans were submitted and
 33 approved for the design of the parking lot.

34
 35 Jed Muhlestein also reviewed the Fire Chief's Requirements, as follows:

- 36 1. 24-foot road needed to be 26 feet wide to meet the fire code
- 37 2. Round-about island needed to be reduced to accommodate placement of fire apparatuses
 38 in that area during a fire and address the turning radius negotiation of apparatus travel
- 39 3. Due to the close proximity of the housing units and the risk of fire exposure spread, at
 40 least one additional fire hydrant was required midway through the private street.
- 41 4. Based on limited access to the rear of the structures on the north side, the City would
 42 likely restrict the use of barbecue grills on ground floor rear patios

43
 44 Jed Muhlestein said the applicant provided a traffic study with the application. The study
 45 showed very low traffic volumes generated from the development: 140 trips per day and only 12
 46 trips during the peak hours of the day. The study offered ideas for restricting how traffic turned
 47 in and out of the development. The two optional ideas would not allow left-hand turns coming in

or out of the development. Staff did not feel that any restrictions should be imposed on the development in terms of traffic flow due to the following:

1. The overall daily low volume
2. The low volume expected during peak hours
3. Restricting northbound, left-hand turns would force northbound vehicles to more northward into the areas of congestion already created by the charter school
4. There was more than one exit within the development; residents would have more than one northbound option if traffic was congested on Main Street
5. A traffic study was recently done specifically for the charter school. One of the remedies for congestion was to re-stripe Main Street and add a center turn lane.
6. If the new center turn lane was painted from the round-a-bout to approximately 100 South, a safer area would exist for left-hand turning in and out of the development. This would be Engineering's recommendation.

Jed Muhlestein said the street master plan required a landscaping plan along arterial and collector streets (which included Main Street). The applicant had turned in a landscaping plan and they were adhering to it. He said the nice thing about having the City's tree guidelines was that now they had a list of trees that they could use to verify would be safe to plant by sidewalks.

Jed Muhlestein said as far as utilities were concerned, this development was right in the middle of several utilities in the middle of town. He said they had great connections for the water lines on two sides and would connect at both systems, thereby looping the system through. There was already access for secondary water. He said there were two existing homes that used to be on the property, and the development would reuse one of the previous home's secondary water connections for the common space area.

Jed Muhlestein said there was a main sewer line. Using the aid of an aerial map, he described the location of the line. He said this line was low enough that it would be able to sewer the entire site via gravity flow, so no pumping was needed. Jed Muhlestein said everything drained over to the southwest corner which would be their small detention pond. The pond would detain storm water, somewhat clean it, and then release it at slower rates to Dry Creek. He said all of this met the ordinance. He explained that a flood plain existed on the property; however, no homes, structures, or the proposed trail were within the flood plain. Retaining walls on the property would require approval and a separate building permit before building. A land disturbance permit would be required prior to construction which ensured a Storm Water Pollution Prevention Plan (SWPPP) was followed.

Austin Roy said there were eight Gateway Historic Design Criteria and it looked like their design was striving to meet these criteria. The criteria were:

1. Relation to the Surrounding Area (Massing, Scale, Orientation)
2. Height
3. Exterior Walls and Surfaces
4. Windows and Doors
5. Exterior Trim and Decorative Detailing
6. Roofing

1 7. Materials (Texture, Color, Finishes)

2 8. Streetscaping

3
4 Alan Cottle, the developer, said there would be a sidewalk going from the interior circle
5 connecting to the trail; it would most likely be cement. They would add another fire hydrant and
6 were complying with the Fire Chief's requirements. Mr. Cottle said on the north side of the
7 property he planned to build a pavilion by the trail system and said it would tie into the sidewalk.

8
9 Jane Griener asked about visitor parking. Mr. Cottle said each unit would have parking stalls for
10 two cars, in addition to there being six overflow parking spaces.

11
12 Sylvia Christiansen asked how wide the garages were. Mr. Cottle said 22 feet wide and 24 feet
13 long. Mr. Cottle said there would be an elevator for each unit at a cost of \$40,000. He believed
14 80% of the sales would come from within two miles of the property and said the units would
15 probably sell in the high \$400,000 range. He would bring back samples so the Planning
16 Commission could see the building materials.

17
18 Jane Griener asked if the developer needed permission or an agreement from the neighboring
19 businesses for a second access. Austin Roy said he would ask the City Attorney about this but
20 thought there was an easement already established for the access.

21
22 Sylvia Christiansen asked what the timeline was for building the units. Mr. Cottle said it would
23 probably be about a year before there was a completed unit. He had plans to get the
24 infrastructure completed this year. Sylvia Christiansen asked Mr. Cottle if he would have an
25 issue with widening the road. Mr. Cottle said they had room to move some units around to get
26 the extra space needed for the road.

27
28 Bryce Higbee was concerned that there would be sides of homes facing Main Street and said that
29 could not happen. Mr. Cottle explained the sides were the fronts. There would be a lot of
30 masonry with Beehive brick that looked smaller, like old pioneer brick. He also said they would
31 have a lot of detail with four different color choices that looked good together. Mr. Cottle said
32 they would build a fence along Main Street to make it feel like a community.

33
34 **MOTION:** Alan MacDonald moved to recommend approval of the Montdella Subdivision
35 Preliminary Plan with the following conditions:

- 36
37 1. The Developer address redlines on the plat and plans.
38 2. The Developer address all concerns from the Fire Department.

39
40 John MacKay seconded. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

41
42 **Ayes:**

43 Bryce Higbee

44 Alan MacDonald

45 John MacKay

46 David Fotheringham

Nays:

 None

Jane Griener
John Gubler
Sylvia Christiansen

IV. Communications

Jane Griener asked if the Planning Commission would meet during Spring Break. The group decided to cancel the April 2, 2019 meeting due to a lack of a quorum.

David Fotheringham asked if Staff had heard anything from Blue Bison and Austin Roy replied no.

Austin Roy reminded the Planning Commission to pick up their mail from their mailbox.

V. APPROVAL OF PLANNING COMMISSION MINUTES: March 5, 2019

MOTION: Bryce Higbee moved to approve the minutes for March 5, 2019, as written.

Alan MacDonald seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Bryce Higbee
Alan MacDonald
John MacKay
David Fotheringham
Jane Griener
John Gubler
Sylvia Christiansen

Nays:

None

The meeting was adjourned at 8:00 pm.