

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
August 3, 2021, 2021

I. GENERAL BUSINESS

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

Chairwoman: Jane Griener

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

Excused: Austin Roy

Staff: Jed Muhlestein, Marla Fox

B. Prayer/Opening Comments: Ed Bush

C. Pledge of Allegiance: Jane Griener

II. PUBLIC COMMENT

Jane Griener reviewed the rules for making public comment, which included those comments could not be made from one's seat; those wishing to comment must be recognized by the chair; and they must come to the microphone. Comments would be limited to three minutes and must be respectful. She explained the difference between a public meeting and public hearing. This meeting was a public meeting, which meant anyone could attend and comment on any concern, though the problem would not be solved during the meeting.

Shibaz J., 549 Pine Drive, wanted to know when the trail system (which was approved two years ago) would be built behind his home in the Alpine View Estates. He had been sending regular e-mails to the City on this subject.

Jeffery Lewis, 535 Healey Boulevard, said a large horse arena had shown up behind his house and he said he had had no notification. He wanted to know what was approved that matched the code. He wanted to know if this building was legal in a one acre residential zone.

Kathleen Lewis, 535 Healey Boulevard, said she came to the City office and reviewed the plans on the horse arena and said they were lacking and feels like this building was just slipped in. She found only a foundation plan, with heights exceeding the code. She said she would like the building taken down if it was found to not meet the ordinances. She also asked if this building would be used in a commercial manner, or whether it was just private. She said she believed this building had affected her property value.

Gail Rudolf, 257 International Way, said her neighborhood was concerned about a four-way stop being installed at the bottom of 400 North, 200 West, Westfield Road, and the new subdivision. She said she was fine with the development of the five new lots, but wanted them to use the current road system and not develop a new one. She was concerned that a new road system would justify further development in the future.

David Fairbanks, 883 Healey Court, wanted to make sure all were held to the same standards. He respected the right property owners had to do what they wanted, but when rules had been put into place, they must be followed. There should be no special exceptions made for certain people, and if exceptions had been made, something should be done about it.

Larry Benvactor, Allegheny Court, expressed concern about the horse arena. He was concerned about sound and light pollution. He specifically named loud air conditioning and bright security lights.

Larry Anderson, 592 High Ridge Lane, mentioned a height restriction that existed when he built his home 15 years ago in the same area where the new horse arena was now. He stated the arena was 20 feet higher than grade and wanted clarification on how it got approved.

Della Dawn Janjua, 549 West Alpine Drive, said there used to be a four-way stop on Westfield Road, 200 North, and 400 West back in 2009/2010. She said it was eventually taken out because of all the accidents. In the winter, cars couldn't stop coming down the hill and people couldn't get up the hill from a dead stop. She said it was a huge safety risk. She asked the Council to review the minutes from that time period. She stated if the four-way stop was put into place again, they would take it up again with the City Council.

Thomas Gardine, 854 Ridge Lane, was concerned about the number of animals that will be kept at the horse arena, and whether it would be within the number of animals that were allowed by zoning. He wondered if that had been addressed in the planning process.

Alan Richter, Allegheny Court, also had concerns about the horse arena. He wondered if neighbors had been notified during the construction of the horse arena. He didn't know if it was his legal right to be notified, but he hadn't been. He stated the building was quite large. He wanted to know if this arena would increase the amount of traffic to the area because of horse events.

Jane Griener stated she appreciated those who had come to express their concerns.

III. ACTION ITEMS

A. Setback Exception – Brookside Meadows PRD Lot 1

Jed Muhlestein said an exception was being requested for the setbacks for Lot 1 of the Brookside Meadows PRD, just off 400 West. He pointed out the area in question on a map. Specifically, the petitioner was seeking an exception for the 30' rear setback on the east side of the lot. Article 3.01.110 of the Alpine City Development Code defines a rear yard as:

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

Brookside Meadows was a Planned Residential Development (PRD), and as such, the City Council could grant exceptions by ordinance for setbacks following a recommendation from Planning Commission.

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

The discussion regarding this request focused on the fact that the lot had turned out to be a difficult one for the property owner to build the style of house on it that he wished. The home itself will be entirely

within the 30' rear setback, though the proposed deck would not be. The request was for an exception to the rear setback only and for a deck only.

As this discussion began, it was determined that the petitioner, Brent Sadler, was attending remotely. He spoke, and reiterated the exception he was requesting. After he did so, the Commission took another look at the parcel map to determine what bordered the back lot. It was determined that private open space bordered that area.

Petitioner Brent Sadler added that the 15' (instead of 30') that was being requested as an exception was within the accessory setback, though not the building setback. The property sloped quite a bit, so the north side of the deck would be closer to the grade, but on the south side it would be further off the ground. The basement would walk out on that side. When asked if the land sloped significantly, Brent Sadler responded he had documentation that he had attached to the packet, but because he didn't have it in front of him, he estimated that it sloped 6-8 feet.

It was clarified that the deck would not interfere with public utilities should the exception be granted. It was also pointed out that had the home faced north, it would have required even more feet of exception, so they had proposed a west-facing home with a garage door on the other side. Furthermore, the proposed deck would not be covered.

MOTION: Commission Member Alan MacDonald moved to recommend approval of a 15' east side setback exception for Lot 1 of Brookside Meadow PRD. Commission Member John MacKay seconded the motion.

In discussion on the motion, Alan MacDonald said property owners knew the size of the lot when they bought it. They then try to fit too large of a home on the lot. Then they came in looking for an exception. He said there were setbacks for a reason. It seemed to him they were seeing a lot of these requests coming in lately. Ed Bush agreed.

Jane Griener stated it felt like they saw a lot of these requests for exceptions, but they didn't really know how many people move forward without needing an exception. She also pointed out that if approved, the homeowner could potentially build a cover over the deck in the future, since the deck was attached to a house.

The motion was voted upon. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Ed Bush

Alan MacDonald

Ethan Allen

John MacKay

Jane Griener

Troy Slade

Nays:

None

B. Discussion – Height & Retaining Wall Ordinances

Jane Griener announced that the purpose of this item on the agenda was to discuss where they were at in reviewing the retaining wall ordinance. She emphasized that this was an educational point and not an action item. This was particularly relevant to the horse arena that several residents brought up during the

public comment portion of the meeting. She reminded those present that there were to be no comments during this portion of the meeting, as it was not a public hearing.

Jed Muhlestein explained how height was calculated, which was covered in Articles 3.04.080, 3.21.080, and 3.32. He emphasized that the measurements regulated finished grade, and not natural grade. This became a particular concern when a tall building appeared on tall walls and the public wondered if it had been legally approved. He acknowledged that it was appropriate for these concerns to have been brought forward, as the Planning Commission knew they needed to review the ordinances involved.

Jed Muhlestein went on to describe how it was legal to build a retaining wall in tiers, and if one had enough land, they could build several tiers which could give the look of a pyramid. Tiers can be 9' tall, and between each tier one would have to go up 4'. It was legal build an 18' or taller wall. There were also foliage requirements for space between tiers. All this was not tied to the original grade, but it did have to be engineered. Therefore, there was only the ability to be properly engineered that restricted how high a structure could be based on the regulations currently in place.

Jane Griener commented that all of this had to go on a buildable area, which had to be reasonable for the structure proposed.

There was discussion as to how Alpine's ordinance compared to those of other communities. Jane Griener stated they had looked into other Cities' ordinances on retaining walls when Alpine's ordinances were being drafted. She also noted that in older neighborhoods, it was obvious that the natural grade was followed rather than a finished grade. It often led to driveways and garage entrances being lower than the road, which created a flooding concern. A solution to that was to build retaining walls, with height measured from those walls, rather than from the natural grade. This made building houses on hillsides possible. The discussion then moved to application of the retaining wall ordinance to accessory buildings.

Jed Muhlestein stated that for accessory buildings, height was measured similarly to the way it was measured for a house. However, there were some differences. On a house, the measurements were taken from the midpoint of the roof, and could be 34'. On an accessory structure, the measurements were taken from the ridgeline of the roof, and could be 30'. Accessory structures could be 20 feet tall on the setback line. Every two more feet in height would require going further into the setback. This generally covered all concerns unless someone figured they could legally build a tower, and the neighborhood did like the looks of a tower. Now that a problem been detected, there was concern that the ordinance be re-drafted.

The question was asked whether or not Alpine should put a limit on the size of accessory buildings. Or similarly, where there should there be a limitation to their size based on the size of the lot, such as 40% of the lot's size. There was nothing in the current ordinances on either subject. In previous discussions the Commission had not wanted to pursue either option. They discussed the requirement that existed for landscaping for businesses, but that there was no landscaping requirement for houses. Perhaps a landscaping requirement would help resolve the problems that came up with accessory buildings.

Jane Griener asked if there was a residence on the same lot as the horse arena. Staff reminded the Commission that they had gotten notice that there was a lawsuit pending with this building, so all the details could not be discussed. Jane Griener wanted to know about the way property was owned and recorded, such as whether it was part of a development or not. She asked if a property owner owned two lots together, and then built accessory buildings on the lot where the house wasn't, whether they later recorded those two lots as one parcel. And finally, she asked that if someone bought a lot solely for the purpose of building a non-residence, was it not attached in any way to a residence. The City Attorney would need to be consulted for those answers. The bottom line for these questions was whether a structure truly was an accessory building if it wasn't on the same lot as a house.

Alan MacDonald mentioned that if they changed an ordinance, other unanticipated issues could come up.

There was continued discussion about property owners getting approval on the retaining walls they were proposing. That would mean a lot more things for the Commission to view; however, that could potentially eliminate the public's angst when they felt they had been blindsided by something which met all the ordinances but was a shock to them once it went up.

Jane Griener felt it was very important to understand the current ordinance before they proposed any changes. She suggested people drive around Alpine (after they understood the ordinance) to see if they could tell the ordinance had been adhered to. Also people could check other communities such as Cedar Hills, Lehi, and Traverse Mountain to see different situations and how they've been handled.

Jane Griener also brought up the view ordinance. It was clarified that this was technically called a view corridor between structures. The view corridor was wiped out if people owned multiple lots then build on them as if they were one lot.

Jane Griener then asked Jed Muhlestein to research the questions that had come up in the meeting and be prepared to report on them at the next meeting.

IV. COMMUNICATIONS

Jane Griener reminded that most of the Commission Members had agreed to help with a Community Family Dinner coming up on August 9, from 5:00-6:30 p.m. at Creekside Park. The next meeting will be on August 17, 2021.

V. APPROVAL OF PLANNING COMMISSION MINUTES OF JULY 20, 2021:

MOTION: Ethan Allen moved to approve the minutes for July 20, 2021, as written. Alan MacDonald seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

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

Nays:

None

MOTION: John MacKay moved to adjourn the meeting. Alan MacDonald seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

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

Nays:

None

The meeting was adjourned at 8:07 p.m.