

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
May 4, 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: John MacKay, Ethan Allen, Ed Bush, Sylvia Christiansen, Troy Slade

Excused: Alan MacDonald

Staff: Austin Roy, Jed Muhlestein, Marla Fox

B. Prayer/Opening Comments: Jane Griener

C. Pledge of Allegiance: John MacKay

II. PUBLIC COMMENT

There were no public comments.

III. ACTION ITEMS

A. Setback Exceptions – Alpine View Estates Lot 13 – Kyle Spencer

City Planner Austin Roy presented the staff report as well as an aerial map of the subject property. He said due to the odd shape of Lot 13 of Alpine View Estates, an exception was being requested for the setbacks on the south and east sides of the lot. The Planning Commission approved the Preliminary Plat of Alpine View Estates with a 30-foot setback to the south and a 15-foot setback to the east. Subsequently, the owner of the lot had a new home designed with those setbacks in mind. Article 3.01.110 of the Alpine City Development Code defined 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.”

“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.”

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

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

Austin Roy said the landowner designed a home to fit on the lot with the back of the house to the east and the side of the house to the south. This was opposite of what the setbacks should be. The east side bordered open space with no neighbors. The applicant was asking if they could flip the setbacks to give them more room to fit their home. They would not be affecting neighbors because of the open space and the home would look better in the neighborhood.

Jane Griener stated that the Planning Commission could not grant an exception for someone who had not applied for an exception yet. Jed Muhlestein explained that the Commission had the power to set the

setbacks right now. He continued that the setback request also came for the developer, and he thought it had been approved. The engineer drew up the plans in this way, which was how it was presented to the City. Jed Muhlestein said Lot 12 would need the same exception when someone came in to build their home. It was then stated that if this request was approved, the Commission should only specify the 30-foot rear setback because the side setbacks were variable.

Staff recommended that the proposed exception be granted on the basis that the proposed setbacks were shown and approved by the Planning Commission at the Preliminary Hearing. Additionally, the lot bordered open space where a reduced setback to the east would not directly impact a neighboring resident. Lastly, Jed Muhlestein explained that the exception would not result in the establishment of a hazardous condition.

MOTION: Commission Member Ed Bush moved to recommend that an exception be granted for a 30-foot south side setback be approved for Lot 12 and 13 of Alpine View Estates as requested by the applicant. Ethan Allen seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Ed Bush
Ethan Allen
John MacKay
Jane Griener
Sylvia Christiansen
Troy Slade

Nays:

B. Exception to Retaining Wall Ordinance – 79 S Lone Peak Dr. – Clair Merryweather

Jed Muhlestein explained that Mr. Clair Merryweather was seeking an exception to the Retaining Wall Ordinance. Specifically, he would like to be able to place a two-tiered retaining wall closer together than the ordinance permits. Each tier of the wall would not exceed four (4) feet in height. The proposed gap between walls would be three (3) feet measured from the front face of the lower wall to the front face of the upper wall. The ordinance required a two (2) foot gap between walls and was measured from the back edge of the lower wall to the front face of the upper wall.

According to 3.32.020.1 of the Alpine City Development Code exceptions may be granted to the Retaining Wall Ordinance:

“The City Council may grant an exception from these standards. Prior to the City Council considering the exception, the City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted engineering practices. The Planning Commission shall review the recommendation and advise the City Council as to whether or not the exception should or should not be granted.”

Engineering recommended approval of the request for the owner to build a tiered retaining wall system (rock or verti-block) spaced three (3) feet apart, as measured from the front faces of each wall. No wall could be taller than four (4) in exposed height when complete.

Jane Griener asked how many tiers a property owner could have that were lower than four feet. Jed Muhlestein said it was possible to have a set of two tiers. Once there were two tiers then it would be possible to offset the tiers two times the height of one of the walls. Jane Griener added that in addition to meeting engineering standards, there were certain safety requirements that informed this ordinance as well. Jed Muhlestein confirmed that all of the safety concerns were being met through other areas of the

Ordinance. He also explained that if a wall was facing and visible from a public right-of-way, vegetation needed to be planted in the spacing and a drainage system installed.

Sylvia Christiansen asked how long the wall was, to which Jed Muhlestein answered it was probably 30 or 40 feet, though this detail was not specified in the application. In reviewing the concept drawings provided, Sylvia Christiansen asked if there were any concerns about the lack of drainage behind the lower tier. Jed Muhlestein stated that the drawing presented to the Commission was just a schematic of what would be proposed; he confirmed that the drainage would be there.

Jane Griener mentioned that this was within two feet of their neighbor's property where they were planning to put a fence, and she asked about easements in this situation. Jed Muhlestein stated this was one of the changes they were going to be proposing, explaining that if they wanted to be in the easement they would have to provide the City with documentation that everyone signed off on. The Commission further discussed the conceptual drawings presented as well as an appropriate motion to make on this item.

MOTION: Commission Member Ethan Allen moved to recommend approval of the request for the owner to build a tiered retaining wall system (rock or verti-block) spaced three (3) feet apart, as measured from the front faces of each wall. No wall can be taller than four (4) in exposed height when complete.

1. Condition that all ordinances are met.

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

Ayes:

Jane Griener
John MacKay
Ethan Allen
Ed Bush
Sylvia Christiansen
Troy Slade

Nays:

None

C. Public Hearing – Ordinance 2021-10 - Sign Content

Austin Roy explained that current City code regulated signs based on the content of the sign. Utah Code permitted cities to regulate signs based on type (physical type of sign) and location, but cities could not regulate the content of signs. For example, a city may regulate temporary signs and what types of properties they were permitted on, but the City could not discriminate temporary signs based on their content. So, if one temporary sign were a political sign and another was for a private soccer league and yet another was for window cleaning, all would be allowed if temporary signs were permitted in that area. However, if temporary signs were not allowed in that area, then none of the above examples could be permitted. Staff recommended updating the Sign Ordinance to be consistent with State requirements.

Austin Roy said Staff had gone through the ordinance and tried to clean up some of the language. He said the City Attorney would review the draft before it was approved. Jane Griener said the Planning Commission should hold another Public Hearing if the ordinance was dramatically changed. Austin Roy said the Commission only needed to hold one hearing but the public would have a chance to respond if they chose to do so.

Austin Roy said the City had four different categories of signs that needed to be clearly defined. Those categories included: permanent signs, real estate and development signs, political and election signs, and temporary advertisement signs.

Austin Roy briefly reviewed each definition. Jane Griener asked if there was a section of the Ordinance that discussed lighting to which Austin answered affirmatively; currently, marquee signs were only allowed on school and City properties. Illuminated signs were allowed in the Business Commercial Zone. In other words, they could not be too bright and had enforceable requirements in place to this effect. He stated that those requirements would not change. He continued explaining that election signs were regulated by time frames of the election. Austin Roy said Staff was proposing to cross out language that discussed sign content.

The Planning Commission discussed directional signs used for real estate. Austin Roy said directional signs were not allowed unless on private property. Austin Roy said businesses had a time period to promote their new business with grand opening signs or promotional signs.

Austin Roy said Staff would be discussing signs on park fences with the Attorney. He said the money went to the sports leagues and not to the City and Staff was not sure if they wanted to continue that practice. Signage during Alpine Days would be exempt if needed.

Jane Griener opened the Public Hearing.

Aaron Wood, resident, said it was interesting that the Commission was talking about this issue. He said there were signs on the Creekside Park fence in his backyard, and he was always picking them up and throwing them away because they were on the ground or not taken down from the fence.

Jane Griener closed the Public Hearing.

Jane Griener and Sylvia Christiansen said formatting of numbering, punctuation, and language changes needed to be made because there were parts that did not make sense.

D. Public Hearing – Ordinance 2021-11 Guest House Approval

Austin Roy said the City recently adopted a new ordinance to allow exceptions to be granted for additional large animals on lots over five-acres in size. In being consistent with this change, Staff was recommending that guest houses, a conditional use on lots over five-acres in size, be approved by City Council as well. The idea being that all exceptions, and special uses on large lots should be approved by a single entity for consistency's sake. Staff recommended that the conditional use of guest houses be approved by the City Council.

The Planning Commission discussed accessory apartments and mother-in-law apartments, which the State was now requiring as a measure of addressing the shortage of moderate to low-income housings.

Jane Griner asked what qualified as a guest house as opposed to someone subdividing and building a new home. Austin Roy explained that in either case they were both considered dwelling units and the City only allowed one dwelling unit per lot. Therefore, if a property owner had a second dwelling unit on their lot, they would be in violation of City Code unless it was a guest house. He outlined the criteria for a guest house as follows: 1) it had to be on five acres; 2) it had to be on a shared driveway with the main house; and 3) it had to be on the same utilities as the main house. There was no requirement as to how long someone stayed in the guest house as it was a legitimate second dwelling. Ed Bush asked if the house would be restricted in size. Austin Roy said as long as it met the setback requirements, the unit could be constructed.

Austin Roy explained that one factor considered in this Ordinance was the maximum buildout of Alpine City. If all properties were built out and each zone was maximized, the estimated buildout for Alpine was around 15,000 people. The City was built with a maximum number of homes in mind, and all of Alpine's

infrastructure was built to that capacity. This was the philosophy that drove the requirement of only having one main dwelling unit per property.

Jane Griener opened the Public Hearing. There were no public comments, so Jane Griener closed the Public Hearing.

Sylvia Christiansen asked if this plan covered property that had an existing home on it or for just new property. Austin Roy said the ordinance would cover all properties that met the criteria.

MOTION: John MacKay moved to recommend that Ordinance 2021-11 Guest House be approved as proposed. Ed Bush seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Jane Griener
Ed Bush
John MacKay
Ethan Allen
Sylvia Christiansen
Troy Slade

Nays:

None

IV. COMMUNICATIONS

There were no communication items.

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

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

Ayes:

Jane Griener
Ed Bush
John MacKay
Ethan Allen
Sylvia Christiansen
Troy Slade

Nays:

None

MOTION: Troy Slade moved to adjourn the meeting. Ethan Allen seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Jane Griener
Ed Bush
Ethan Allen
Troy Slade
John MacKay
Sylvia Christiansen

Nays:

None

The meeting was adjourned at 8:37 p.m.