

**ALPINE CITY PLANNING COMMISSION MEETING AT  
Alpine City Hall, 20 North Main, Alpine, Utah  
October 4, 2016**

**I. GENERAL BUSINESS**

- A. Welcome and Roll Call:** The meeting was called to order at 7:00 pm by Chairman Steve Cospier. The following Commission members were present and constituted a quorum.

Chairman: Steve Cospier

Commission Members: Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospier, Jane Griener, Steve Swanson

Commission Members Not Present: Steve Swanson

Staff: Jason Bond, Jed Muhlestein, Marla Fox,

Others: Mayor Sheldon Wimmer, Mary Wimmer, Lisa Ray, Lon Lott, Loraine Lott, Will Jones, Sylvia Christensen, Roger Bennett, Bryon Prince

- B. Prayer/Opening Comments:** David Fotheringham

- C. Pledge of Allegiance:** Jane Griener

**II. PUBLIC COMMENT**

No Comment

**III. ACTION ITEMS**

**A. Conditional Use Permit – Lisa Ray Preschool - 720 South Blue Ridge Circle**

Jason Bond explained that the applicant, Lisa Ray, had proposed a home occupation preschool at her residence at 720 South Blue Ridge Circle. He presented an aerial photograph of the area and identified the home. The applicant proposed to have eight students and had provided a drop-off/pick-up plan as part of her application. Ms. Ray had also spoken to the surrounding neighbors about the potential home occupation and met all of the requirements of the home occupation ordinance.

Steve Cospier stated that there were some concerns with the language of the current home occupation ordinance, particularly the restriction stating that the home business could not overflow into areas outside of the designated area, including outside areas. The intention of these restrictions was to ensure that the business was an incidental use to the home. This was also the reason the ordinance limited the square footage used and the number of employees.

Jason Thelin asked the applicant if she intended to keep the preschool within the limits outlined in the current ordinance.

Lisa Ray, the applicant, explained that she had a room within her home which could adequately accommodate the preschool use. She presented photographs of the area, which included a kitchen, bathroom, and ample square footage for circle-time.

Jason Thelin was concerned that the ordinance language indicated that the business needed to be on the ground floor of the home and not extend to the outside. Bryce Higbee commented that the purpose of the restrictions in the ordinance is to protect the neighborhood from excess noise and traffic.

The Planning Commission had a discussion about the language of the existing Home Occupation Ordinance and what was intended when it was written.

Lisa Ray stated that in other municipalities, it is acceptable to have a home occupation in the basement if it meets fire code. This includes a separate basement access and windows that allow for emergency access. Her home was inspected by the Fire Marshal and was determined to be safe in case of an emergency.

Jane Griener commented that there is a demand for this kind of home occupation in the community and the home occupation ordinance should better accommodate that use. Bryce Higbee argued that not all residents wanted preschool businesses in their neighborhoods, because traffic and noise can become a nuisance.

**MOTION:** Jane Griener moved to approve the Conditional Use Permit for the Lisa Ray Preschool located at 720 South Blue Ridge Circle with the following conditions:

1. The building Official and Fire Marshall inspect the area of the home to be used for the preschool.
2. A business license be obtained.

David Fotheringham seconded the motion. The motion passed with 5 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers and Jane Griener all voted Aye.

#### **B. PUBLIC HEARING – Amendments to the Home Occupation Ordinance (Section 3.23.7.3)**

Jason Bond explained that concerns for the Home Occupation Ordinance were raised during the previous Planning Commission Meeting. It was suggested that some of the requirements should be altered or removed to better accommodate certain occupations, including preschools.

Steve Cospers opened the Public Hearing.

Sylvia Christiansen asked for a summary of the Home Occupation Ordinance. Jason Bond explained that this ordinance allows residents to operate a business out of their home. The requirements in the ordinance are intended to protect the neighborhood from excess noise, traffic, and other issues that would detract from the neighborhood.

Steve Cospers said the home occupation should be incidental to the primary use of the home.

There were no further public comments. Steve Cospers closed the Public Hearing.

The Planning Commission discussed the language of the ordinance and what may need to be adjusted. It was suggested that there are businesses within the City such as swimming, tennis, or horseback riding lessons that clearly took place outside of the main dwelling. These did not meet the code requirements, but the Planning Commission Members did not feel that they had a detrimental effect on the surrounding neighborhoods.

Jason Bond clarified that a home occupation license was necessary if the address listed on the business license was the home. This meant that an individual who worked remotely for a commercial business did not need to have a home occupation license. There was a discussion regarding internet based businesses in which no clients would visit the home and how those situations related to the current ordinance.

Mayor Sheldon Wimmer commented that the purpose of the home occupation ordinance was to regulate the business and ensure that the safety of the home and surrounding neighborhood was not compromised

because of the nature of the business. If a person is making money from a home occupation, it requires a business license and should be subject to the requirements of the ordinance.

It was stated that a few other municipalities were steering away from conditional use permits altogether by adopting a form base code. The Planning Commission requested that staff find an example of a form base code for them to examine.

Based on further discussion, the Planning Commission determined that they needed additional time to consider making any changes to the ordinance, and they requested input from the City Council before making a recommendation. The item was tabled.

### **C. White Pine Estates Preliminary Plan – Ivory Homes**

Jed Muhlestein stated that the proposed White Pine Estates, formerly presented as the Lone Pine Estates and Walters Subdivision, consists of nine lots on 5.68 acres. There is an existing home on one of the proposed lots. The property is located at approximately 615 East 300 North and is in the CR – 20,000 Zone, to the east of Alpine Elementary.

Jed Muhlestein confirmed that the proposed street plan met engineering requirements. Connections for the utilities are already present, with the exception of storm drainage. The applicant would be required to install storm drain connections along 300 North as part of the development. The applicant had submitted a geotechnical report which identifies areas with clay in the soil.

Steve Cosper asked how the recent flood runoff affected this development. Jed Muhlestein explained that the flooding did run down the street, but it did not enter into the development. The new storm drain would help to prevent a similar situation from happening in the future.

**MOTION:** Bryce Higbee moved to approve the Preliminary Plan for the White Pine Estates with the following condition:

1. The Developer address construction drawing redlines prior to Final submittal.

David Fotheringham seconded the motion. The motion passed with 5 Ayes. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, and Jane Griener all voted Aye.

## **IV.COMMUNICATIONS**

Jason Bond asked the Planning Commission if they wanted to cancel the meeting scheduled for November 15<sup>th</sup>. Mr. Bond would be out of town that week and this meeting is normally cancelled due to the Thanksgiving holiday. Steve Cosper suggested that the meeting be cancelled.

Bryce Higbee asked if the meeting scheduled for October 18<sup>th</sup> should be cancelled because of Fall Break. It was determined that this meeting would remain on the schedule for the time being.

## **V. APPROVAL OF PLANNING COMMISSION MINUTES: September 20, 2016**

**MOTION:** David Fotheringham moved to approve the Planning Commission Minutes for September 20, 2016 as written.

Bryce Higbee seconded the motion. The motion passed with 5 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, and Jane Griener all voted Aye.

**Adjourn**

Steve Cospers stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 8:25 pm.