

ALPINE CITY PLANNING COMMISSION MEETING
20 North Main, Alpine, Utah
August 18, 2009

Minutes of the Alpine City Planning Commission meeting held August 18, 2009 at Alpine City Hall. The meeting was called to order at 7:00 pm by Chairman Jannicke Brewer. The following Commission members were present and constituted a quorum:

Chairman Jannicke Brewer

Commission Members: Brad Reneer, Steve Cospser, Jason Thelin, Steve McArthur, Troy Stout.

Commission Members not present: Tami Hamilton

Staff: Charmayne Warnock, April Naidu

Others: Aaron Holtsclaw, Jennifer Goss, Brent Fry, Kent Gunderson, Marlo Andersen, Christine Bladen

The prayer was offered by Brad Reneer.

Jannicke Brewer said the City Council had adopted the revisions to the Accessory Apartment Ordinance with the addition that an apartment could be added onto the main floor of the house provided it didn't exceed 25% of the main floor.

April Naidu said the City Council had adopted an ordinance regarding the written minutes taken at a public meeting. The ordinance, which was adopted in accordance with the new state law, stated that the minutes had to be available within 7 days after the meeting. Draft copies of the minutes would be sent to members of the particular body and they could make whatever changes were necessary. The revised minutes would then be presented at the next meeting and if no changes were made or no motion was made, the minutes would stand as written.

The Council also adopted an ordinance regarding electronic meetings in order to be consistent with state law. If a member was going to be absent and wanted to participate in a meeting electronically, it would need to be noticed at least three days before the meeting. In addition, the body would have to vote at the beginning of the meeting on whether to allow the absent member to participate electronically.

1. PUBLIC COMMENT: None

2. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS:

Makai Pearls & Precious Stones – 403 E. 426 N. – Brent Fry: Mr. Fry requested a permit for his business of selling jewelry through home shows, online, word-of-mouth and advertising. Occasionally people would visit his home.

Impowerus – 210 S. Wildflower Circle – Kent Gunderson: Mr. Gunderson requested a permit for his business in which he supplied a self-generating electric box that could be used for water purification, light and a way to pump water for third and fourth world countries. No customers would visit the home. The product was manufactured in Bangladesh. The device was invented by him and was powered by nuclear magnetic spin.

Alpine Property Investments, LLC – 30 E. Allegheny Way – Patricia L. Wageman: Ms. Wageman requested a permit for her business of real estate acquisition and management, property foreclosure and clean-up. There were no other employees and no customers would visit the home. She used 100 square feet in her home as an office. Members of the Planning Commission wanted more information on the business, and since she was not present, they did not approve the permit.

Creative Edge Dance Studio – 1285 Heritage Circle – Marlo Andersen: Ms. Andersen requested a permit for her dance studio which was located in a basement under a garage. She

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anticipated about 25 customers a week. There were 5 to 10 students in a class. Parents generally dropped their children off and picked them up, but occasionally a parent of a preschooler would stay to watch. She had a large driveway and off-street parking was available. No recitals would be held at the house. She had one employee outside the family. Members of the Planning Commission stressed that if parents stayed to watch the classes, they would need to park off the street.

Inner Awareness, Inc – 260 N. Pfeifferhorn Drive – Christine Bladen: Ms. Bladen requested a permit for her business of testing individuals for allergies, hormone levels and other body functions using a device called an interrogatory feedback machine. It tests levels of stress in various areas, then finds a balancing remedy using a homeopathic dilution specific to their needs. No chemicals or drugs were used. Customers would be tested one at a time so parking wouldn't be an issue.

Jannicke Brewer asked if Ms. Bladen needed a license to perform the tests. She said she did not. Anyone could pick up the device at Good Earth. She had begun using it to treat her allergies.

Jump-start Preschool, Alpine LLC – 561 Wilderness Drive – Jennifer Goss: Ms. Goss requested a permit for her preschool. She would have 8 students per session and would have only one session. She used two rooms in her house which totaled 500 square feet. The total square footage of the house was 5900. She said she had a pull-through driveway where students would be dropped off and picked up. The fire chief had already inspected it.

MOTION: Steve Cospers moved to approve conditional use permits for home occupations for the following home occupations:

Makai Pearls & Precious Stones – 403 E. 426 N. – Brent Fry
 Inpowerus – 210 S. Wildflower Circle – Kent Gunderson
 Creativ Edge Dance Studio – 1285 Heritage Circle – Marlo Andersen
 Inner Awareness, Inc – 260 N. Pfeifferhorn Drive – Christine Bladen
 Jump Start Preschool, Alpine LLC – 561 Wilderness Dr – Jennifer Goss

With the condition that there be no off-street parking for the dance studio. Steve McArthur seconded Ayes: 5 Nays: 0. Motion passed unanimously. Steve Cospers, Jason Thelin, Jannicke Brewer, Brad Reneer and Steve McArthur voted aye. Troy Stout was not present at the time of the motion.

No action was taken on Alpine Property Investments.

3. ALPINE CITY ZONING MAP: April Naidu said the zoning map needed to be updated to reflect zoning changes which had already been approved in the last few years.

One of the rezonings approved earlier would not be reflected on the zoning map because it was to be done concurrently with development of an Alzheimer unit for the existing River Meadow Senior Living development. The Council had approved extending the Assisted Living Overlay zone onto some adjacent property but the proposed development did not move forward when the economy softened.

The other three rezonings which would be shown on the map were:

- 1) Quail Vista. The property was split between two zones. Since the majority of the property was in the TR-10,000 zone, the remaining property was zoned TR-10,000;
- 2) Virginia Estates was a similar situation where the parcels were split between two zones. Zone boundaries were changed so the entire lot was in one zone;

- 3) The Teichert property was zoned both CR-20,000 and CR-40,000. The portion zoned CR-40,000 was rezoned to CR-20,000.

April Naidu said that they would need to set a public hearing on the amendments to the zoning map.

MOTION: Steve McArthur moved to set a public hearing on the Alpine City Zoning Map as drawn. Jason Thelin seconded. Ayes: 5 Nays: 0 Motion passed. Steve Cospers, Jason Thelin, Jannicke Brewer, Brad Reneer and Steve McArthur voted aye. Troy Stout abstained because he'd just arrived and wasn't present for the discussion.

4. ALPINE CITY LAND USE MAP: April Naidu said the Land Use map needed to be updated since there had been some changes since it was last drawn. Also, there were some inaccuracies. Some areas were shown as potential annexation areas and had already been annexed. In some areas the designated use was different from the actual use, such as churches and schools that were shown as residential areas rather than public buildings.

April Naidu and Shane Sorensen would be working on the map to update it with changes and corrections. Members of the Planning Commission would email changes or corrections that they noted to staff. The updated map would then be reviewed again at the next meeting before setting a public hearing.

5. ALPINE CITY DEVELOPMENT CODE, ARTICLE 3.23, HOME OCCUPATIONS:

April Naidu said they were amending the ordinance to change a typo to reflect the actual intent of the sentence. Currently, Section 3.23.7.3, item #11 states: "The activities of the home shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure or occupants of the dwelling or adjacent dwellings."

It was suggested that it be reworded to make it clear that the use of hazardous materials or chemicals should not be used in amounts that increased the possibility of fires and explosions, or compromised the integrity of the structure or the safety of its occupants.

MOTION: Steve Cospers moved to set a public hearing on the Home Occupation Ordinance, Section 3.23.7.3 of the Alpine City Development Code. Troy Stout seconded. Ayes: 6 Nays: 0. Motion passed unanimously. Steve Cospers, Jason Thelin, Jannicke Brewer, Brad Reneer, Troy Stout and Steve McArthur voted aye.

Brad Reneer asked if the provision in the Home Occupation Ordinance that required the owner to comply with city codes for safety and fire changed the nature of the home. Did it mean that the fire chief or some other official could come into the home at any time to inspect it? Did it violate the privacy of the home and did the homeowner need to be aware of it?

April Naidu said that was a question David Church would have to answer.

Steve McArthur said home occupations needed to be working under some loophole that didn't have the same requirements as a commercial business.

Steve Cospers asked about safety requirements in businesses such as the dance studio that was in a storage room underneath the garage. Was there adequate egress in the event of a fire? Did the City need to require proper egress and other safety measures when approving home occupations?

Jannicke Brewer said they needed to check building code requirements for businesses where there were children taking classes or being cared for in homes.

6. AMEND ALPINE CITY DEVELOPMENT CODE, ARTICLE 3.1.11 – DEFINITIONS:

April Naidu said there were two items in definitions that they needed to consider changing. First,

it was recommended they make a change in the definition of an Accessory Apartment (Section 3.1.11, item 1) which defined an accessory apartment as: “A subordinate dwelling unit within and part of a principle dwelling which has its own eating sleeping and sanitation facilities.” It was recommended they change “eating” to “cooking.”

The second item dealt with accessory buildings. Under Section 3.1.11, item 17, the definition of a garage or carport states: “On a lot with a dwelling, a garage or carport shall be considered a part of the dwelling if the two structures have one or more walls or a roof in common. Where a garage or carport is thus a part of a dwelling, it shall require the same side setback as a dwelling in the same district. Where a garage or carport is not part of a dwelling, it shall be considered an accessory building.”

April Naidu said the implication was that the accessory building didn’t have to meet the front or rear setback for a house, and that needed to be clarified. It also needed to be clarified in relation to the requirements for accessory buildings as set forth in the ordinance for each zoning district.

In Section 3.2.5.2, Section 3.3.5.2, Section 3.4.5.2, Section 3.5.5.2 and Section 3.6.4.2, the ordinance stated: “Accessory buildings which are located 12 feet or closer to a main building shall be considered as part of the main building.”

The question was whether an accessory building had to meet requirements in both the Definition in 3.1.11 and in the Zoning Regulations in the individual zone districts in order to be considered part of the house. Historically, the Building Department had required an accessory building to be within 12 feet of the house and have a common wall or common roof in order to be considered part of the main dwelling. But that wasn’t stated clearly in the ordinance. The Building Department would like to have some clarity and consistency in the ordinance regarding when accessory structures were considered part of the house.

7. CHAPTER 6 – CONDOMINIUM COVERSION POLICY: April Naidu said a Condominium Conversion Policy had been included in the Development Code since 1985 but it had never been used. It addressed converting existing buildings to condominiums (both commercial and residential). However, Alpine City’s ordinance did not allow condominiums in residential zones. April Naidu said she had contact the City Attorney about the ordinance and was waiting for his response.

There was a discussion about whether any of the commercial buildings in Alpine would be condominiums, the Stucki building in particular. April Riley said she thought the building was jointly owned with one owner using one floor and the other using the other, and sharing the basement.

Steve McArthur said that a commercial condominium had to go through a platting process with the city according to state regulations. The owner of a building couldn’t sell space without going through the process and numerous agreements.

It was pointed out that a commercial condominium could be developed as such from the beginning. Chapter 6 in the Development Code dealt with converting existing buildings into condominiums.

Troy Stout said there could be that possibility in Alpine. What if the charter school failed and they chose to convert the building into condominium units.

Jason Thelin said he had just completed a commercial building with three floors, each with its own utilities. That could be converted into a condominium.

April Naidu said she would talk to David Church and bring the item back with more information.

Jannicke Brewer said they would be dealing with a monster home ordinance and asked members of the Commission to come back with examples or information.

8. APPROVE MINUTES OF JULY 7, 2009

MOTION: Steve McArthur moved to approve the minutes of July 7, 2009 as corrected and adjourn. Troy Stout seconded. Ayes: 6 Nays: 0. Motion passed.

The meeting was adjourned at 8:45 pm.