

ALPINE CITY PLANNING COMMISSION MEETING

Alpine City Hall, 20 North Main Alpine, Utah
May 19, 2009

Minutes of Alpine City Planning Commission meeting held May 19, 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: Jason Thelin, Tami Hamilton, Brad Reneer, Steve McArthur

Members not present: Troy Stout and Steve Cosper.

Staff: Charmayne Warnock, April Riley

Others: Aaron Holtsclaw

The prayer was offered by Brad Reneer

1. PUBLIC COMMENT: Jannicke Brewer said the City Council had approved the master plan for the proposed park on 100 South. The sledding hill would be included in the plan along with an undefined water feature in a designated location. They also approved some architectural skating features that would be located in different areas in the park. They could be used by younger, less experienced skaters.

2. CONDITIONAL USE PERMIT FOR HOME OCCUPATIONS

Wealthy, Healthy & Wise – 132 W. Cascade Ave. – Kerry Hurst: Mr. Hurst was not present to represent his internet business dealing with financial and health information. He would be using approximately 200 square feet and anticipated the possibility of two customers a week.

SYATT Systems – 761 Meadow Lane – Melanie & Richard Hulme: Mr. and Mrs. Hulme were not present. They had a business of technical consulting and sales. No customers would visit the home.

MOTION: Steve McArthur moved to approve conditional use permits for home occupations for Kerry Hurst dba Wealthy, Healthy & Wise at 132 W. Cascade Avenue and Melanaie and Richard Hulme dba SYATT Systems at 761 Meadow Lane. Tami Hamilton seconded. Ayes: 5 Nays 0. Motion passed unanimously.

3. DEVELOPMENT CODE – SECTION 3.23.7.4, PRODUCE STANDS: April Riley said that at the previous meeting, the Planning Commission had approved a permit for a produce stand for Roger Bennett. The stand was located on his lot in Alpine but the produce was raised in his orchard which was adjacent to Alpine City limits. The question was raised whether or not the ordinance should be amended because it stated that the products sold had to be raised on the premises on which it was raised. April Riley said the ordinance was originally written that way to prevent large amounts of produce being trucked in and sold.

The Planning Commission discussed what they were trying to accomplish with the ordinance and how it might be worded to achieve that end. They discussed whether the sale of produce should be limited to Alpine residents and whether the sale items should be limited to items produced in Alpine or in the Alpine annexation area or somewhere in the state.

April Riley said there had been only one complaint in the years since the ordinance was adopted. It was about someone who was selling produce out of his truck by the roundabout, which was creating a traffic hazard. When she investigated, the truck was gone.

It was pointed out that the Produce Stand ordinance applied to selling produce from someone's home. There was another ordinance (Section 3.7.3 #9 in the Development code) that allowed seasonal sales in the business commercial zone.

April Riley suggested that the Planning Commission could choose to leave the ordinance as written and simply add a provision that would allow the Planning Commission to approve some kind of variance relating to where the produce was raised.

The Planning Commission discussed it further and decided to leave the ordinance as written. No motion was made.

4. ACCESSORY APARTMENT PERMITS: April Riley said the issue had been raised whether or not they should eliminate the provision in the Accessory Apartment Ordinance that requires the main part of the home to be owner occupied.

April Riley said another part of the issue was residents who finished their basement and started renting it out without knowing they needed to register the apartment. Sometimes the basement had been finished and didn't meet the current building code. She said she had talked to David Church and he said the City had no liability if the accessory apartment did not meet the code. She said the City would like to make it easier for people to register their accessory apartments because the apartments helped the City meet the requirements for Moderate Income Housing. The City Council had recently changed the requirement on fees for accessory apartments. The homeowner used to be required to pay an annual fee of \$25. The Council amended the requirement so a homeowner only had to pay a one-time fee of \$25 to register the accessory apartment.

She said there was also the issue of at what point they considered a finished basement an accessory apartment and when it needed to be registered.

Jannicke Brewer reviewed the history of the Accessory Apartment Ordinance. The City used to allow duplexes in the TR zone, but neighbors didn't like them because their neighborhoods were filling up with transient renters. The City repealed the duplex ordinance and made accessory apartments legal in all the zones. In order to maintain the single-family nature of the neighborhood, the new ordinance required the main part of the home to be owner occupied and the utilities had to be on one meter. They didn't want the possibility of people selling the units separately.

Steve McArthur said they might want to require accessory apartments to be located in the basement or above an attached garage rather than alongside the house. Otherwise it could start looking like a duplex.

Brad Reneer asked if that would create problems in meeting ADA requirements. It was noted that many basements were walk-out basements, and Alpine's ordinance didn't require them to be ADA accessible.

There was more discussion about the ordinance but no consensus and no motion. Jannicke Brewer suggested there be an educational article in the *Newsline* to encourage people to register their accessory apartments.

April Riley asked the members of the Planning Commission to send her their suggestions on the ordinance.

5. DEVELOPMENT CODE – MEASURING SETBACKS: April Riley said they weren't proposing a change in setbacks, just a definition of how the setback should be measured so there was no confusion. Highland City's ordinance stated that a setback was the shortest distance from the property line to the foundation.

Jannicke Brewer read the Section 3.1.13 in Alpine's Development Code, Criteria for Determining Lot Width and Area Requirements which stated that all setbacks were to be measured from the foundation of the building. "An abutting fireplace (up to two feet), bay window (up to two feet) and steps to the basement shall not be included in setback measurement."

The Planning Commission discussed whether or not bay windows should be counted in the setback since they were living space. No motion was made.

6. APPROVE MINUTES OF MAY 5, 2009.

MOTION: Steve McArthur moved to approve the minutes of May 5, 2009 as corrected and adjourn. Jason Thelin seconded. Ayes: 5 Nays: 0. Motion passed.

The meeting was adjourned at 8:30 pm.