



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Public Meeting** on **Tuesday, November 7th, 2023, at 6:00 p.m. at City Hall, 20 North Main Street, Alpine, Utah.**

The public may attend the meeting in person or view the meeting via the **Alpine City YouTube Channel**. A direct link to the channel can be found on the homepage of the Alpine City website: [alpinecity.org](https://www.alpinecity.org).

I. GENERAL BUSINESS

- A. Welcome and Roll Call: Jane Griener
- B. Prayer/Opening Comments: Jeff Davis
- C. Pledge of Allegiance: By Invitation

II. REPORTS AND PRESENTATIONS

- A. N/A

III. ACTION/DISCUSSION ITEMS:

- A. **Public Hearing: Code Amendment to Alpine Development Code changing accessory apartments to accessory dwelling units and removing them as a conditional use to permitted use in all zones currently listed. (DCA 3.02.020-.030, 3.03.020-.030, 3.04.020-.030, 3.05.020-.030, 3.06.020).**
- B. **Public Hearing: Code Amendment to Alpine Development Code 3.02.050 (TR-10,000) and 3.04.050 (CR-40,000) amending the side yard setback requirements for accessory structures on a corner lot.**
- C. **Public Hearing: Code Amendment to Alpine Development Code 3.01.110 removing swimming pools, and tennis courts from the definition of a Customary Residential Accessory Structure. Amend 3.02.050, 3.03.050, 3.04.050 Setback Requirements to create setback requirements for sports courts.**
- D. **Public Hearing: Code Amendment to Alpine Development Code 3.31 Boundary Line Adjustments to clarify the approval requirements.**
- E. **2024 Planning Commission Meeting Schedule**

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: October 17th, 2023

ADJOURN

Chair Jane Griener
November 3rd, 2023

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted at Alpine City Hall, 20 North Main, Alpine, UT. It was also sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmnl/index.html.



PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are now recorded.

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversations with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction with the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers, or other noise-making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on a conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

Public Hearing vs. Public Meeting

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing, there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

ALPINE CITY PLANNING COMMISSION AGENDA

SUBJECT: Code Amendment to Each Zone to Change Accessory Dwelling Units (Formerly Accessory Apartments) From Conditional to Permitted Use.

FOR CONSIDERATION ON: November 7th, 2023

PETITIONER: City Staff

ACTION REQUESTED BY PETITIONER: Recommend approval of a code amendment to sections of the code regarding Accessory Dwelling Units.

Review Type: Legislative

BACKGROUND INFORMATION:

As a city we recently amended the code to require an agreement for detached accessory structures that the property owner will not use these structures as an accessory apartment. This review brought about the discussion that additional changes needed to be made to accessory apartments to be compliant with the Utah State Code. These changes are primarily changing them as conditional uses in each zone and making them permitted uses. In order to be more uniform with the State Code we are also changing the term from Accessory Apartment to Accessory Dwelling Unit. An example has been attached of the CR-20,000 zone, the same changes will be made to each zone mentioned in the City Code Section.

CITY CODE:

Alpine Development Code:

- 3.02.020-.030 (TR-10,000)
- 3.03.020-.030 (CR-20,000)
- 3.04.020-.030 (CR-40,000)
- 3.05.020-.030 (CE-5)
- 3.06.020 (CE-50)

NOTICING:

The notice requirements of the State of Utah and Alpine City have been met. A public hearing is required as part of tonight's meeting.

STAFF RECOMMENDATION:

Because this is a legislative decision the standards for approval or denial are that the proposed application should be compatible with the standards found in the general plan as well as the current city code and policies. A decision for approval or denial should be based on those criteria.

SAMPLE MOTION TO APPROVE:

I move to recommend approval of the proposed code amendment to the sections of the Alpine Development Code mentioned changing accessory apartments to accessory dwelling units, making them permitted uses and removing them from conditional uses in each zone.

- **insert finding**

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to recommend approval of the proposed code amendment to the sections of the Alpine Development Code mentioned changing accessory apartments to accessory dwelling units, making them permitted uses and removing them from conditional uses in each zone.

with the following conditions/changes:

- **insert finding**

SAMPLE MOTION TO TABLE/DENY:

I move to recommend to table/deny the proposed code amendment to the sections of the Alpine Development Code mentioned changing accessory apartments to accessory dwelling units, making them permitted uses and removing them from conditional uses in each zone defined by Alpine City Code based on the following:

- **insert finding**

3.03 Country Residential Zone (CR - 20,000)

[3.03.010 Legislative Intent](#)

[3.03.020 Permitted Uses](#)

[3.03.030 Conditional Uses](#)

[3.03.040 Density, Lot Area And Width Requirements - Single Family Dwellings](#)

[3.03.050 Setback Requirements \(See Appendix For Drawing\)](#)

[3.03.060 Access Requirements](#)

[3.03.070 Utility Requirements](#)

[3.03.080 Building Requirements](#)

[3.03.090 Hillside Protection Requirements](#)

[3.03.100 Special Provisions](#)

3.03.010 Legislative Intent

The intent in establishing the C-R 20,000 Country Residential is to provide a location within the City allowing residential development on the traditional agricultural lands of and lower undeveloped areas within the City; to provide for the perpetuation of the rural and open space image while reducing the impact of development on lands that are highly visible and susceptible to erosion; and to allow a density of development that is compatible with the limitations of municipal resources.

(Ord. 95-24, 11/14/95; Ord. 2014-11, 6/24/14)

3.03.020 Permitted Uses

The following uses of land shall be permitted upon compliance with the applicable standards and conditions set forth in this ordinance.

1. Single-unit detached dwellings when located on a lot in a recorded subdivision and subject to compliance with the applicable conditions within the zone.
2. Agriculture, including the raising of row crops, grains and fruits.
3. The keeping and raising of animals and fowl, subject to the provisions of DCA 3.21.090.
4. Buildings and other structures for the storage and keeping of agricultural products and machinery.
5. Public park and recreation developments and appurtenant structures.
6. Customary residential accessory structures which are an integral part of and incidental to an approved dwelling.
7. Customary household pets.
8. **Accessory Dwelling Unit subject to the applicable provisions of DCA 3.14.**

(Ord. 95-24, 11/14/95; Ord. 2014-11, 6/24/14)

3.03.030 Conditional Uses

The following buildings, structures and uses of land may be allowed upon compliance with the standards and conditions set forth in this ordinance and after approval has been given by the designated review body. Additionally, no development will be allowed where any part of the zoning lot is above an elevation of 5350 feet mean sea level except as noted in DCA 3.12.

1. Single family dwellings (Conventional construction) when proposed for placement on a lot not in a recorded subdivision, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
2. Subdivisions projects, subject to compliance with the applicable requirements of the subdivision ordinance, except that: (a) where any portion of the area included within the subdivision shall lie within the territory designated within the Sensitive Lands Overlay Zone (SLO zone) or (b) as the City may designate, the subdivision shall be developed only under the provisions of DCA 3.09 relating to Planned Residential Developments.
3. Planned Residential Developments (PRD), subject to compliance with the provisions of DCA 3.09.
4. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the planning commission.
5. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses and upon approval of a site plan by the Planning Commission.
6. Home Occupations, subject to the provisions of DCA 3.23.070 Part 3.
- ~~7. Accessory Apartments, subject to the applicable provisions of DCA 3.23.070 Part 1.~~
8. Guest Houses, subject to the applicable provisions of DCA 3.23.070 Part 2.
9. Schools, churches, hospitals (human care) and similar quasi-public buildings are subject to approval of a site plan by the planning commission.
10. Plant nurseries and tree farms, but not including retail sales of materials on site.
11. Civic Buildings
12. Incidental Produce Stands, subject to the provisions of DCA 3.23.070 Part 4. (Ord. 96-05, 4/10/96)
13. Shooting Galleries, subject to the applicable provisions of MCA 9.17 .

(Ord. 95-24, 11/14/95; Ord. 2014-11, 6/24/14)

HISTORY

Amended by Ord. [2022-18](#) on 6/28/2022

Amended by Ord. [2023-01](#) on 1/10/2023

Amended by Ord. [2023-22](#) on 8/22/2023

ALPINE CITY PLANNING COMMISSION AGENDA

SUBJECT: Code Amendment- Accessory Structure Setback Requirements CR-40,000 and TR-10,000 Zones.

FOR CONSIDERATION ON: November 7th, 2023

PETITIONER: City Staff

ACTION REQUESTED BY PETITIONER: Recommend approval of a code amendment to alter side yard setbacks for accessory structures on a corner lot in the CR-40,000 and TR-10,000 zones.

Review Type: Legislative

BACKGROUND INFORMATION:

During the October 17th meeting with the Planning Commission and the October 24th City Council meetings a change to the code was made allowing the setbacks for accessory structures on corner lots to be closer to the property line if certain standards can be met. These are the same standards for internal lots to have setbacks closer to the property line. Comments were made by the Planning Commission and City Council to extend this standard to other primarily residential zones. This code amendment would make the same changes and standards to the CR-40,000 and TR-10,000 zones.

The proposed change would require that no accessory structure be in the site view triangle (The area formed by connecting the corner of the property to points thirty-five (35) feet back along each property line abutting the street). It would only apply to areas outside of the designated sight triangle and if the designated standards are met.

Setback requirements are intended to provide for the following:

- **Safety:** Setbacks enhance visibility and safety, a setback is meant to ensure that drivers, pedestrians, and cyclists have clear lines of sight in an effort to reduce the risk of accidents. They are also meant to act as a barrier to neighboring properties in emergency situations (i.e. a fire barrier for example).
- **Aesthetics:** Setbacks are meant to promote an open feel and avoid the creation of a “canyon-like effect” where structures appear too close to sidewalks and streets creating a clustered appearance.

CITY CODE:

Alpine City Code

- 3.02.050 (TR-10,000)
- 3.04.050 (CR-40,000)

NOTICING: The notice requirements of the State of Utah and Alpine City have been met. A public hearing is required as part of tonight's meeting.

STAFF RECOMMENDATION:

Because this is a legislative decision the standards for approval or denial are that the proposed application should be compatible with the standards found in the general plan as well as the current city code and policies. A decision for approval or denial should be based on those criteria.

SAMPLE MOTION TO APPROVE:

I move to recommend approval of the proposed code amendment to section 3.02.50 and 3.04.050 requiring setbacks for accessory structures on corner lots to be the same as interior lots if they are located outside the designated sight triangle as defined by Alpine City Code.

- ****insert finding****

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to recommend approval of the proposed code amendment to section 3.02.50 and 3.04.050 requiring setbacks for accessory structures on corner lots to be the same as interior lots if they are located outside the designated sight triangle as defined by Alpine City Code. with the following conditions/changes:

- ****insert finding****

SAMPLE MOTION TO TABLE/DENY:

I move to recommend to table/deny the proposed code amendment to section 3.03.50 and 3.04.050 requiring setbacks for accessory structures on corner lots to be the same as interior lots if they are located outside the designated sight triangle as defined by Alpine City Code. based on the following:

- ****insert finding****

**ALPINE CITY
ORDINANCE 2023-25**

NOW THEREFORE, be it ordained by the Council of the Alpine City, in the State of Utah, as follows:

SECTION 1:**AMENDMENT** “3.03.050 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.03.050 Setback Requirements (See Appendix For Drawing)

- 1. Dwellings and other Main Buildings.** All dwellings and other main buildings shall be setback from the lot boundary lines as follows:
 - a. Front Yard. The minimum front yard for all main dwelling structures shall be thirty (30) feet (measured from the front property line).
 - b. Side Yard - Interior Lots. For single-unit detached dwellings, main buildings shall be situated on the lot to allow for a side yard on each side of the main building the aggregate width of which shall be at least thirty (30) feet. Neither side yard shall be less than twelve (12) feet.
 - c. Side Yard - Corner Lots. On corner lots, the front, rear and side yard requirements shall be the same as above, except that the set back on any side that faces onto a public street shall be not less than thirty (30) feet.
 - d. Rear Yard - Interior Lots. All main dwelling structures shall be set back from the rear property line a distance of not less than thirty (30) feet.
 - e. Rear Yard - Corner Lots. Rear yard set back for dwellings on corner lots shall be the same as that required for interior lots.
- 2. Customary Residential Accessory Structures.** All Customary Residential Accessory Structures (henceforth referred to as Accessory Structures) shall be located in accordance with the setbacks and regulations outlined below. Accessory Structures that also meet the classification of Accessory Building shall require a building permit. Swimming pools have separate location requirements (see item b).
(Amended by Ord. No. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)
 - a. **Accessory Structures.**
 - i. **Setback from Main Building.** Accessory Structures shall be set back not less than five (5) feet from the main building.
Additionally, Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building.
 - ii. **Side Setback - Corner Lot, Side Abutting a Street.** Accessory

Structures shall be set back not less than forty (40) feet from the side lot line ~~which~~that abuts ~~on~~a street except that a two (2) foot minimum side setback may be allowed if the conditions outlined in section iv 1-8 can be met. A fence will also be required along the side yard property abutting a street as a condition for decreased side yard setbacks on a corner lot. -

- iii. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.
- iv. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - (1) The Accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - (2) If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
 - (3) No drainage from the roof will be discharged onto an adjacent lot;
 - (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - (5) The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City
;
 - (A) When utilities are present in an easement, the Accessory Structure shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.
 - (B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.
 - (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
 - (7) If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
 - (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
 - (9) No minimum rear or side setback shall be required if the

building will not be taller than ten (10) feet to the top of the roof line.

- b. **Swimming Pools.** All swimming pools require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools shall not be permitted in a recorded easement. Setbacks are measured from the wall of the pool to the property line.
 - i. **Front Setback.** Swimming pools shall be set back not less than forty (40) feet from the front property line.
 - ii. **Side Setback – Corner Lot, Side Abutting a Street.** Swimming pools shall be set back not less than ten (10) feet from the side lot line which abuts on a street.
 - iii. **Side and Rear Setback - Interior Lot Line.** Swimming pools shall be set back not less than ten (10) feet from a side or rear lot line.

(Ord. 95-24, 11/14/95; Ord. 2014-11, 6/24/14)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____
Lon Lott	_____	_____	_____	_____
Kelli Law	_____	_____	_____	_____

Presiding Officer

Attest

Carla Merrill, Mayor, Alpine City

Bonnie Cooper, City Recorder, Alpine City

ALPINE CITY PLANNING COMMISSION AGENDA

SUBJECT: Code Amendment- 3.01.110 Definition of Customary Accessory Structures and Sports Courts and individual section of the code dealing with sports courts.

FOR CONSIDERATION ON: November 7th, 2023

PETITIONER: Callie Steuer

ACTION REQUESTED BY PETITIONER: Recommend approval of a code amendment to above mentioned sections of the code regarding sports courts.

Review Type: Legislative

BACKGROUND INFORMATION:

Currently Alpine City Development Code 3.01.110 defines Customary Accessory Structures to include such things as garages, carports and sheds. This definition also includes tennis courts and swimming pools although we have a separate set of standards regarding setbacks for pools. This proposal would be to add a section for sports courts with different setbacks similar to what we do for swimming pools.

The standards for swimming pools more closely resemble sports courts than would a vertical structure. We have also noticed this amendment to remove pools and courts as part of the definition of a customary accessory structure to avoid any confusion going forward. As pools are defined elsewhere in the municipal code we would also add a definition for sports court.

CITY CODE:

Alpine Development Code:

- 3.01.110-Definitions
- 3.02.050-TR-10,000
- 3.03.050-CR-20,000
- 3.04.050-CR-40,000

NOTICING: The notice requirements of the State of Utah and Alpine City have been met. A public hearing is required as part of tonight's meeting.

STAFF RECOMMENDATION:

Because this is a legislative decision the standards for approval or denial are that the proposed application should be compatible with the standards found in the general plan as well as the current city code and policies. A decision for approval or denial should be based on those criteria.

SAMPLE MOTION TO APPROVE:

I move to recommend approval of the proposed code amendment to sections 3.01.110, 3.02.050, 3.03.050, and 3.04.050 regarding the definitions of a sport court and setback requirements in the designated zones as proposed.

****insert finding****

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to recommend approval of the proposed code amendment to sections 3.01.110, 3.02.050, 3.03.050, and 3.04.050 regarding the definitions of a sport court and setback requirements in the designated zones with the following conditions/changes:

****insert finding****

SAMPLE MOTION TO TABLE/DENY:

I move to recommend to table/deny the proposed code amendment to sections 3.01.110, 3.02.050, 3.03.050, and 3.04.050 regarding the definitions of a sport court and setback requirements in the designated zones based on the following:

****insert finding****

DRAFT DEFINITION OF SPORTS COURT:

Sports Court: An outdoor hard surfaced court (not including parking lots) designed for athletic purposes (i.e. basketball court, tennis court, etc.)

CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE. A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, ~~swimming pools, tennis courts~~, green houses, storage buildings, and satellite dishes.

DRAFT LANGUAGE TO BE INCLUDED IN THE ABOVE MENTIONED SECTIONS:

C. Sports Courts. All sports courts shall be located in accordance with the setbacks outlined below. Sports courts shall not be permitted in a recorded easement. Setbacks are measured from the nearest edge of the court to the property line.

- i. Front Setback. Sport courts shall be set back not less than forty (40) feet from the front property line.
- ii. Side Setback – Corner Lot, Side Abutting a Street. Sport courts shall be set back not less than twenty (20) feet from the side lot line which abuts on a street.
- iii. Side and Rear Setback - Interior Lot Line. Sports courts shall be set back not less than ten (10) feet from the side or rear lot line.

ALPINE CITY PLANNING COMMISSION AGENDA

SUBJECT: Code Amendment- 3.31 Boundary Line Adjustments

FOR CONSIDERATION ON: November 7th, 2023

PETITIONER: City Staff

**ACTION REQUESTED BY PETITIONER: Recommend approval of a code amendment
Chapter 3.31 Boundary Line Adjustments.**

Review Type: Legislative

BACKGROUND INFORMATION:

Alpine City Staff in review of our current code has suggested changes to the section regulating boundary line adjustments. These changes were made to make the chapter more compliant with the State Code as well as to make it easier to interpret and apply for residents and staff. These changes include:

- Separating the sections by those in a recorded subdivision and those that are not.
- Clarify the approving bodies in different situations.
- Mirror review language with State Code.

CITY CODE:

Alpine City Code 3.31 Boundary Line Adjustments

NOTICING:

The notice requirements of the State of Utah and Alpine City have been met. A public hearing is required as part of tonight's meeting.

STAFF RECOMMENDATION:

Because this is a legislative decision the standards for approval or denial are that the proposed application should be compatible with the standards found in the general plan as well as the current city code and policies. A decision for approval or denial should be based on those criteria.

SAMPLE MOTION TO APPROVE:

I move to recommend approval of the proposed code amendment to section 3.31 Boundary Line Adjustments as proposed:

****insert finding****

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to recommend approval of the proposed code amendment to section 3.31 Boundary Line Adjustments as proposed with the following conditions/changes:

****insert finding****

SAMPLE MOTION TO TABLE/DENY:

I move to recommend to table/deny the proposed code amendment to section 3.31 Boundary Line Adjustments based on the following:

****insert finding****

3.31.010 Additional Information Request.

During the review process, the City Planner, the City Engineer, the Planning Commission, and the City Council may request reasonable additional information from the applicant(s) from time to time; and may ask other advisors to review the proposed application if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

(Ord. No. 2011-02, 01/11/11)

3.31.020 Review Process.

A boundary line adjustment may be approved by the City Planner and City Engineer unless the adjustment involves a change of use or change of zone of any of the property. If a change of use or change of zone is involved, the boundary line adjustment will require a recommendation from the City Planner and City Engineer to the Planning Commission, a recommendation from the Planning Commission to the City Council, and a final approval by the City Council.

(Ord. No. 2011-02, 01/11/11)

3.31.030 Property Within A Recorded Subdivision (Plat Amendment)

If any property included in a proposed boundary line adjustment is located within a recorded subdivision, the boundary line adjustment must be done by plat amendment and will require the notification and approval of all applicable utilities. In addition to the provisions below, the plat amendment shall comply with Utah State Code.

- 1) The applicant(s) shall meet with the City Planner and City Engineer to review the proposed boundary line adjustment prior to submitting an application.
- 2) The applicant(s) shall have all of the property included surveyed by a surveyor licensed to do such work in the State of Utah and shall have a plat amendment prepared.
- 3) If there is no change of use or change of zone for any of the property included, the City Planner and City Engineer may approve the application.
 - a) The applicant(s) shall submit the following materials to the City Planner for review:
 - i) ~~Two~~ ~~three~~ (23) D (22x34) size copies,
 - ii) ~~Two~~ ~~Four~~ (24) 11x17 copies,
 - iii) An electronic copy in a format specified by City Staff,
 - iv) A completed boundary line adjustment application, and
 - v) Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted, and the fee is paid.

- b) The City Planner and City Engineer shall review the application for compliance with the Alpine City General Plan and all applicable City ordinances. If the City Planner ~~and or~~ City Engineer determines that the application complies with all applicable

requirements, they shall approve the application. If the City Planner or City Engineer determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the application shall be made. A new application shall be required to reinitiate the process.

- 4) If there is a change of use or change of zone for any of the property included, the application must be reviewed by the Planning Commission and City Council. A public hearing shall be held and noticed per Article 2.04 of the Development Code.
 - a) When the City Planner and City Engineer determine that the application is ready for Planning Commission review, the applicant(s) shall submit the following information to the City Planner fourteen (14) days prior to a regularly scheduled Planning Commission meeting:
 - i) Two (2) D (22x34) size copies,
 - ii) ~~Two~~ Fourteen (214) 11x17 copies,
 - iii) An electronic copy in a format specified by City Staff,
 - iv) A completed boundary line adjustment application, and
 - v) Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and the fee is paid.

- b) The application shall be reviewed by the Planning Commission for compliance with the Alpine City General Plan and all applicable City ordinances. If the Planning Commission determines that the proposed boundary line adjustment complies with all applicable requirements, it shall make a favorable recommendation to the City Council.

If the Planning Commission determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the proposed boundary line adjustment ~~may shall~~ be made by the Planning Commission. A new application shall be required to reinitiate the boundary line adjustment process.

- ~~c)~~ The City Council shall review the application at a regularly scheduled meeting. If the City Council determines that the proposed boundary line adjustment complies with all applicable requirements, it ~~may shall~~ approve the proposed boundary line adjustment.
- ~~d)~~ Expiration All Planning Commission recommendations shall be null/void 180 calendar days after a recommendation is given. If the plat amendment is not recorded, all final approvals, whether granted by the City Planner and City Engineer or City Council, shall be null/void 180 calendar days after final approval is granted.
- ~~e)~~ The applicant(s) may request a reinstatement within fourteen (14) days of any expiration. The voided/null boundary line adjustment may be submitted to the City Planner for reinstatement. If there are no changes to the voided/null boundary line adjustment and there have been no changes in ordinances that would affect the

boundary line adjustment, the City Planner may approve the reinstatement of the boundary line adjustment. If there are any changes in the boundary line adjustment or any changes in ordinances that would affect the boundary line adjustment, the voided/null boundary line adjustment may be submitted for reinstatement with a recommendation from the Planning Commission and approval by the City Council, but will be subject to all applicable ordinances at the time of reinstatement.

f) A current reinstatement fee will be charged in accordance with the current fee schedule for each reinstatement. The plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void. No further extensions/reinstatements will be approved. A new application shall be required to reinitiate the boundary line process.

5) **Recording Plat amendment (Within a Recorded Subdivision).** The applicant(s) shall submit the final approved plat in a recordable format (mylar) to the City Recorder. The City Recorder shall record the final plat with the Utah County Recorder. Any expenses incurred by the applicant(s) shall be borne by the applicant(s) and paid prior to recording. The applicant(s) shall meet all recording requirements prior to recording

(Ord. No. 2011-02, 01/11/11)

HISTORY

Amended by Ord. [2022-20](#) on 6/28/2022

3.31.040 Property Outside an Approved, Recorded Subdivision

If all of the property included in a proposed boundary line adjustment is not located in an approved, recorded subdivision, boundary lines may be adjusted through the use of legal descriptions following the process outlined below.

1. The applicant(s) shall meet with the City Planner and City Engineer to review the proposed boundary line adjustment prior to submitting an application.
2. The applicant(s) shall have all of the property included surveyed by a surveyor licensed to do such work in the State of Utah.
3. If there are any recorded easements located on any of the properties, the applicant(s) shall notify the appropriate entity and obtain their approval and submit documentation of approval to Alpine City.
4. If there is no change of use or change of zone for any of the property included, the City Planner and City Engineer may approve the application.

a) The applicant(s) shall submit the following materials to the City Planner for review:

1. Two (2) copies of before and after legal descriptions of the properties;
2. Two (2) copies drawn to scale showing the properties before and after the adjustment,
3. An electronic copy in a format specified by staff,

4. A completed boundary line adjustment application, and
5. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and fee is paid.

- b) The City Planner and City Engineer shall review the application for compliance with the Alpine City General Plan and all applicable City ordinances. If the City Planner ~~and or~~ City Engineer determines that the application complies with all applicable requirements, they shall approve the application. If the City Planner or City Engineer determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the application shall be made. A new application shall be required to reinitiate the process.
5. If there is a change of use or change of zone for any of the property included, the application must be reviewed by the Planning Commission and City Council. A public hearing shall be held and noticed per Article 2.04 of the Development Code.
 - a) When the City Planner and City Engineer determines that the proposed boundary line adjustment is ready for Planning Commission review, the applicant shall submit the following to the City Planner fourteen (14) days prior to a regularly scheduled Planning Commission meeting:
 1. ~~TwoFourteen~~ (214) copies of before and after legal descriptions of the properties,
 2. ~~TwoFourteen~~ (214) copies drawn to scale showing the properties before and after the adjustment,
 3. An electronic copy in a format specific by City Staff,
 4. A completed boundary line adjustment application, and
 5. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and fee is paid.

- b) The application shall be reviewed by the Planning Commission for compliance with the Alpine City General Plan and all applicable City ordinances. If the Planning Commission determines that the proposed boundary line adjustment complies with all applicable requirements, it ~~may~~ shall make a favorable recommendation to the City Council.

If the Planning Commission determines that that proposed boundary line adjustment would violate local ordinances and regulations, no further review of the proposed boundary line adjustment shall be made by the Planning Commission. A new application shall be required to reinitiate the boundary line adjustment process.

c) The City Council shall review the application at a regularly scheduled meeting. If the City Council determines that the proposed boundary line adjustment complies with all applicable requirements, it ~~may shall~~ approve the proposed boundary line adjustment.

d) Expiration All Planning Commission recommendations shall be null/void 180 calendar days after a recommendation is given. If the boundary adjustment is not recorded, all final approvals, whether granted by the City Planner and City Engineer or City Council, shall be null/void 180 calendar days after final approval is granted.

(a) The applicant(s) may request a reinstatement within fourteen (14) days of any expiration. The voided/null boundary line adjustment may be submitted to the City Planner for reinstatement. If there are no changes to the voided/null boundary line adjustment and there have been no changes in ordinances that would affect the boundary line adjustment, the City Planner may approve the reinstatement of the boundary line adjustment. If there are any changes in the boundary line adjustment or any changes in ordinances that would affect the boundary line adjustment, the voided/null boundary line adjustment may be submitted for reinstatement with a recommendation from the Planning Commission and approval by the City Council, but will be subject to all applicable ordinances at the time of reinstatement.

(b) A current reinstatement fee will be charged in accordance with the current fee schedule for each reinstatement. The plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void. No further extensions/reinstatements will be approved. A new application shall be required to reinitiate the boundary line process.

6. Recording Legal Descriptions (Outside Recorded Subdivision). The applicant(s) shall use the approved notice of approval form to be provided by the City and shall have the responsibility to obtain the necessary property owner(s) signatures following final approval. The applicant(s) shall submit the signed form to the City Recorder. The City Recorder shall obtain the necessary signatures on behalf of the City. The City Recorder shall have the responsibility to record the approved and signed document with the Utah County Recorder. Any expenses incurred by the applicant(s) shall be borne by the applicant(s) and paid prior to recording. The applicant(s) shall meet all recording requirements prior to recording.

e)e) _____

(Ord. No. 2011-02, 01/11/11)

HISTORY

Amended by Ord. [2022-20](#) on 6/28/2022

3.31.050 Expiration

~~All Planning Commission recommendations shall be null/void 180 calendar days after a recommendation is given. If the boundary line adjustment is not recorded, all final approvals, whether granted by the City Planner and City Engineer or City Council, shall be null/void 180 calendar days after final approval is granted.~~

~~The applicant(s) may request a reinstatement within fourteen (14) days of any expiration. The voided/null boundary line adjustment may be submitted to the City Planner for reinstatement. If there are no changes to the voided/null boundary line adjustment and there have been no changes in ordinances that would affect the boundary line adjustment, the City Planner may approve the reinstatement of the boundary line adjustment. If there are any changes in the boundary line adjustment or any changes in ordinances that would affect the boundary line adjustment, the voided/null boundary line adjustment may be submitted for reinstatement with a recommendation from the Planning Commission and approval by the City Council, but will be subject to all applicable ordinances at the time of reinstatement.~~

~~A current reinstatement fee will be charged in accordance with the current fee schedule for each reinstatement. The plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void. No further extensions/reinstatements will be approved. A new application shall be required to reinitiate the boundary line process.~~

(Ord. No. 2011-02, 01/11/11)

3.31.060 Recording

- ~~6. **Plat amendment.** The applicant(s) shall submit the final approved plat in a recordable format (mylar) to the City Recorder. The City Recorder shall record the final plat with the Utah County Recorder. Any expenses incurred by the applicant(s) shall be borne by the applicant(s) and paid prior to recording. The applicant(s) shall meet all recording requirements prior to recording.~~
- ~~7. **Legal Descriptions.** The applicant(s) shall use the approved notice of approval form to be provided by the City and shall have the responsibility to obtain the necessary property owner(s) signatures following a final approval. The applicant(s) shall submit the signed form to the City Recorder. The City Recorder shall obtain the necessary signatures on behalf of the City. The City Recorder shall have the responsibility to record the approved and signed document with the Utah County Recorder. Any expenses incurred by the applicant(s) shall be borne by the applicant(s) and paid prior to recording. The applicant(s) shall meet all recording requirements prior to recording.~~



**2024 ANNUAL MEETING
SCHEDULE FOR
ALPINE CITY, UTAH**

PLANNING COMMISSION MEETINGS for the 2024 calendar year are scheduled on the 1st and 3rd Tuesday of each month as follows unless otherwise indicated:

January 2	May 7	September 3
January 16	May 21	September 17
February 6	June 4	October 1
February 20	June 18	October 15
March 5	July 3?	November 5
March 19	July 16	November 19
April 2	August 6	December 3
April 16	August 20	

CITY COUNCIL MEETINGS for the 2024 calendar year are scheduled on the 2nd and 4th Tuesday of each month as follows unless otherwise indicated:

January 9	May 7	September 10
January 23	May 21	September 24
February 13	June 11	October 8
February 27	June 25	October 22?
March 12	July 9	November 12
March 26	July 23?	November 26?
April 9	August 13	December 10
April 23	August 22	

Spring Break: April 1-5, 2024

Fall Break: October 18-21, 2024

All Planning Commission and City Council will begin at 6:00 pm unless otherwise posted. Meetings are held at Alpine City Hall, 20 North Main, Alpine, Utah 84004.

Bonnie Cooper
City Recorder

THE PUBLIC IS INVITED TO ATTEND ALL PUBLIC CITY MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 3.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted in three public places within Alpine City limits. These public places being a bulletin board located inside City Hall at 20 North Main and located in the lobby of the City Works Building, Alpine, UT; and the at The Junction, 400 S. Main, Alpine, UT. The above agenda notice was sent by e- mail to The Daily Herald located in Orem, UT and local newspapers circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpincity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
October 17, 2023

I. GENERAL BUSINESS

- A. Welcome and Roll Call:** The meeting was called to order at 6:00 p.m. by Chair Jane Griener. The following were present and constituted a quorum:

Chair: Jane Griener

Commission Members: Troy Slade, Jeff Davis, John Mackay, Susan Whittenburg, Alan Macdonald, Ethan Allen

Excused:

Staff: Ryan Robinson, Jed Muhlestein, Marla Fox

Others: Morgan Anderson

- B. Prayer/Opening Comments:** John Mackay

- C. Pledge of Allegiance:** Susan Whittenburg

II. REPORTS AND PRESENTATIONS

None

III. ACTION ITEMS

- A. Public Hearing: Rezone Request – Rezone Parcels 11:023:0129 and 11:023:0083 (476 S. Alpine Hwy) from CR-40,000 to Business Commercial.**

Ryan Robinson said Dan Ford and Gordon Jacobson have submitted an application to rezone two parcels located along Alpine Highway parcel #s 11:023:0083(476 S Alpine Hwy) & 11:023:0129. These parcels are both currently zoned CR-40,000 (1 dwelling unit per 40,000 square feet). The lots to the west and across the street continue the CR-40,000 zoning, while the lots to the East are zoned Business Commercial B-C. The property at 476 S Alpine Highway currently has a house on it that would be removed as part of the development of commercial properties at some point.

The applicant intends to develop these properties as retail commercial units. This application is only for a rezone request. If approved the applicant will also be required to go through the approval process that any commercial development would to make sure the uses, aesthetics, and other development codes are followed in future meetings.

Alan Macdonald asked if the request was granted, would the applicants have the option to build residential units as well. Ryan Robinson said whatever is currently permitted in the business commercial zone would be allowed. He said tonight we are just looking at re-zoning the property business commercial. He said our Attorney has said we can't tie the re-zone and the use together.

Alan Macdonald asked if the applicants owned the property. Ryan Robinson said they had it under contract.

Jane Griener said we typically don't re-zone property unless we know why. She said we don't have a concept plan to review.

Ryan Robinson showed some renderings of what the buildings would look like and be used for retail businesses.

Jane Greiner said if this area stayed residential, a house could be built on a quarter acre in the business commercial zone.

Dan Ford, applicant, said his group has been working on this project for a while. He said they are proposing an office/retail business area. He said they feel there is a need for this in this area. He said they are open to architectural design to fit the Gateway Historic District.

Alan Macdonald asked if all the space would be used for office/retail. Dan Ford said yes. Alan Macdonald asked what the height of the buildings would be. Dan Ford said the buildings haven't been designed yet, so he isn't sure. Alan Macdonald asked about green space and view disruption. He asked if there would be any walking paths, etc. Dan Ford said they are open to working with the city on what they want. He said this would not be a hiking area though. He noted a possible bridge across the stream for walkability.

Jane Griener asked what portion of the property will the project be on. Dan Ford said the entire project will fit on these two parcels.

Jane Griener opened the Public Hearing.

Suzanne Tyler, resident, said she is directly across the street from this project. She is worried about this project getting too large and bringing traffic to Alpine. She wants the quiet city she moved to and wants to preserve it. She asked the applicant to take this to Highland.

Bob Shermer, resident, said this is the same group that proposed residential last year. Now they want forty-three commercial units. He said he is skeptical that Alpine could support forty-three additional businesses.

Michelle Shermer, resident, said she is concerned about the traffic with the new Bateman Lane, new fruit stand business, and now these new businesses. She said this is going to be a bottleneck area where people can't get out of town and will now be coming down her neighborhood.

Resident, said we should preserve the green space. She said it makes no sense to add a bridge to a residential neighborhood. She said this will add an enormous amount of traffic. Please just keep it a green space.

Parker, resident, said he would love to have a business here and even an apartment on top of the business. He said he is the rising generation who would like mixed use to work and live in the same area. He said the developers have been thoughtful about this design.

Julia Sorensen, resident, said she is grateful the first proposal of hundreds of housing units did not pass. She said we have a lot of empty buildings here in Alpine and said it would be a shame if these new building couldn't be filled and sit empty. She said the youth can't afford to live here so maybe this property should be residential. She said she is concerned about sexually oriented business being allowed 400 feet away from a school or church. She does not want to see commercial businesses right up next to the creek.

Brittany Lewis, resident, said she has traffic concerns and would like to see a park, rec center, or library on that land instead.

Rose Fjeldstead, resident, said she is concerned about the lack of green space. She said we are not a business centered city, but a residential city. She would like to see the land not be business commercial because we have enough commercial.

Elizabeth Wilson, resident said she would like a library on that property. She said this is a family centered community and would like to have a library in town.

Brent Boulter, resident, said this looks like storage units all packed in. He said he would like to see what the exit looks like to the west. He asked what the business hours would be and what would the lighting be. He said there have already been two accidents where the fruit farm is.

Jane Griener closed the Public Hearing.

Jane Griener said property owners have rights and we can't tell them what they can do with their property. She said the creek and the creek bed are not owned by the city so we don't have any say in what they can do with the creek area. Jane Griener said we have been working with the fruit farm to get the traffic off the highway. She said the highway is state owned and we don't have control over that road. The new fruit stand building will have a larger parking lot off the street and a two-lane road, Bateman Lane, which will improve the safety of the area.

Ryan Robinson said we have to see if the zone change gets approved before we start looking at the roads and other concept plans.

Alan Macdonald said we are a small community, but business is a necessary evil. We need to generate revenue through businesses within the city limits that pay taxes to the city. He said it is a balancing act when decisions are being made.

Jane Griener said she doesn't want to re-zone a property to commercial until she knows what is going to be on it.

Ryan Robinson said our Attorney has said we can't tie the re-zone to what is going to be built. Ethan Allen said he agrees; this plan is very vague.

Alan Macdonald said he respects the applicants and feels like they have done a good job. He said it can feel hostile sometimes, but neighbors will be impacted by what is built here. He asked if the applicants could look at doing a mixed use of business and residential.

Jeff Davis said he wants to see consistency in the Gateway Historic District.

Jane Griener said businesses have less impact than a residential neighborhood.

John Mackay said we need moderate income housing and that could be a good mix, and some of the business owners could live where they work.

Troy Slade said Alpine has a lot of entrepreneurs and the commercial units could benefit our city.

MOTION: Planning Commission member Ethan Allen moved to recommend Tabling the proposed zone change for parcels # 11:023:0083 and 11:023:0129 from the CR-40,000 to the Business Commercial Zone for the following reasons.

- 1. Would like more information and a developed concept plan.
- 2. Neighbors be considered in the re-zone development.

Alan Macdonald seconded the motion. There were 2 Ayes and 5 Nays (recorded below). The motion did not pass.

Ayes:

Jane Griener
Ethan Allen

Nays:

Alan Macdonald
Troy Slade
Jeff Davis
John MacKay
Susan Whittenburg

Excused

MOTION: Planning Commission member John MacKay moved to recommend approval of the proposed zone change for parcels # 11:023:0083 and 11:023:0129 from the CR-40,000 to the Business Commercial Zone with the following:

- 1. It is consistent with the Master Plan.
- 2. It has the ability to enhance our Business District and Historic Gateway area.
- 3. Recommend the Developer come prepared to present their plans to the City Council.

Jeff Davis seconded the motion. There were 3 Ayes and 4 Nays (recorded below). The motion did not pass.

Ayes:

Troy Slade
Jeff Davis
John MacKay

Nays:

Jane Griener
Susan Whittenburg
Alan Macdonald
Ethan Allen

Excused

MOTION: Planning Commission member Alan Macdonald moved to recommend Denying the proposed zone change for parcels # 11:023:0083 and 11:023:0129 from the CR-40,000 to the Business Commercial Zone for the following reasons:

- 1. Preliminary plan needs work.
- 2. Plans don't reflect full thought to historic guidelines, density issues, traffic patterns impact, green areas, pathways, etc.

Susan Whittenburg seconded the motion. There were 3 Ayes and 4 Nays (recorded below). The motion did not pass.

Ayes:

Susan Whittenburg
Alan Macdonald
Ethan Allen

Nays:

Jane Griener
Troy Slade
Jeff Davis
John MacKay

Excused

MOTION: Planning Commission member Alan Macdonald moved to recommend Denying the proposed zone change for parcels # 11:023:0083 and 11:023:0129 from the CR-40,000 to the Business Commercial Zone for the following reasons:

1. The preliminary concept that has been provided to the Planning Commission today does not appear to address adequately either the requirements of the Gateway Historic District or the Commercial District with respect to open spaces, green spaces, renderings, traffic studies, walking paths, etc.

Susan Whittenburg seconded the motion. There were 3 Ayes and 4 Nays (recorded below). The motion did not pass.

<u>Ayes:</u> Susan Whittenburg Alan Macdonald Ethan Allen	<u>Nays:</u> Jane Griener Troy Slade Jeff Davis John MacKay	<u>Excused</u>
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MOTION: Planning Commission member John MacKay moved to recommend approval of the proposed zone change for parcels # 11:023:0083 and 11:023:0129 from the CR-40,000 to the Business Commercial Zone with the following:

1. It is consistent with our Master Plan.
2. It will provide an attractive retail/office use at the gateway of our Historic district.

Jeff Davis seconded the motion. There were 5 Ayes and 2 Nays (recorded below). The motion did not pass.

<u>Ayes:</u> Susan Whittenburg Troy Slade Alan Macdonald Jeff Davis John MacKay	<u>Nays:</u> Jane Griener Ethan Allen	<u>Excused</u>
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B. Public Hearing: Code Amendment 3.03.050 setback requirements in the CR-20,000 zone for accessory structures on a corner lot.

Ryan Robinson said Markus Schellenberg has submitted an application to amend the current Alpine Development Code 3.03.050 Setback Requirements for accessory structures, specifically the side yard setback requirement for corner lots. The current standard is that the accessory structure shall not be back not less than forty (40) feet from the side lot line which abuts a street.

The proposed change from the applicant would require that no accessory structure could be in the site view triangle (The area formed by connecting the corner of the property to points thirty-five (35) feet back along each property line abutting the street) only. It is very common for cities to have increased setback requirements for corner lots due to their increased street frontage. This change would apply to all lots within the CR-20,000 zone, so consideration should be taken as to how this will impact every corner lot not just the one being considered.

Staff would recommend also adding language that in order for an accessory structure to be closer than the 40' setback on a corner lot when abutting a street, the same standards for interior lots to have decreased setback would apply to corner lots on the side yard only. This includes a restriction on height, size of the structure, and utility easement requirements. For aesthetics purposes, we would also recommend adding a requirement that a privacy fence must be constructed on the side yard nearest to the road.

Setback requirements are intended to provide for the following:

- **Safety:** Setbacks enhance visibility and safety, a setback is meant to ensure that drivers, pedestrians, and cyclists have clear lines of sight in an effort to reduce the risk of accidents. They are also meant to act as a barrier to neighboring properties in emergency situations (i.e. a fire barrier for example).
- **Aesthetics:** Setbacks are meant to promote an open feel and avoid the creation of a “canyon-like effect” where structures appear too close to sidewalks and streets creating a clustered appearance.

Ryan Robinson said he spoke with the Fire Chief to see if he had any fire safety concerns and he said he did not.

Ryan Robinson showed examples from the applicant of other buildings that are out of compliance and are within the forty-foot setback. He said interior lots don't have a forty-foot side setback, only corner lots. The applicant is asking for the same setback as an interior lot.

Ryan Robinson said he spoke with the attorney and said we should look at changing the ordinance for the 40,000 zone at a later time.

Marcus Shellenberg, applicant, said he appreciates the standards of the city. He said he wants to build something within his fence, behind the house and not impose on the sight triangle.

Jane Griener opened the Public Hearing there were no comments and Jane Griener closed the Public Hearing.

MOTION: Planning Commission member Jeff Davis moved to recommend approval of the proposed code amendment to section 3.03.50 requiring setbacks for accessory structures on corner lots to be the same as interior lots if they are located outside the designated sight triangle as defined by the modified Alpine City Code.

Ethan Allen seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
Troy Slade
Jeff Davis
John MacKay
Susan Whittenburg
Alan Macdonald
Ethan Allen

Nays:

Excused

C. Buildable Area Adjustment Request: 443 W Lakeview Drive

Ryan Robinson said Craig Kitterman from Kitterman & Associates Architects has submitted an application to the Planning Commission to grant approval for a buildable area on a lot with slopes greater than 25%. [Alpine Development Code 3.04.080 #4 \(b\)](#) allows the Planning Commission to potentially approve or require the placement of the designated buildable area in a location that does not conform to one or more of the criteria for a buildable area if certain standards can be met. The applicant has submitted material explaining how they meet the requirements for this exception. This material includes a geotechnical report that states the area is safe to build on, which has been accepted by City Staff.

This approval would be for the requirement that a buildable area has no territory having a natural slope of 20% or greater (see the city code section of the staff report for a more in-depth explanation). According to a slope analysis created by the City Engineer, the average slope of the entire lot is 25.86% (attached) with portions in the bright red having a 20%-25% slope and the darker red has a 25%-30% slope.

Alan Macdonald said there have been examples of homes in Suncrest who had Geotech reports saying they were good to go, and they slide down the mountain. He asked what the concern was for that.

Jed Muhlestein said the foundation must go down to natural stable ground to be approved. The homes in Suncrest that slid down the mountain, were built on top of fill dirt.

Jed Muhlestein said there are three criteria that the applicant has to address.

1. Will more adequately accommodate subsequent development of the lot,
2. Will not constitute a potential hazard to life or property, and/or
3. Will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extra-ordinary construction of driveway access, mitigate the visual intrusion of structure on ridge line).

Jed Muhlestein said number two has been satisfied and the applicant will address number one and three.

Eric Anderson's representative said the lot has a very small building footprint on a large lot. He said there is some fill on the property, but they would dig a basement and it would go down to native soil. He said because of what happened in Suncrest, they don't want to have any engineered fill underneath the house. He said the property does slope off and the international building code allows for up to 30% slope and even to 40% in certain conditions. He said Alpine is more strict. He said the home was designed to go north and south, so it doesn't have to go down the hill any more than necessary. He said the home would be placed on the lot, so it is almost past the fill anyway. The footings would go down to native soil and CMT engineers would verify that before any cement is poured.

Ryan Robinson said we have approved other lots in this similar situation.

MOTION: Planning Commission member Susan Whittenburg moved to approve a Buildable Area Designation Adjustment for a Lot at 443 Lake View Drive.

Alan Macdonald seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:
Jane Griener

Nays:

Excused

Troy Slade
Jeff Davis
John MacKay
Susan Whittenburg
Alan Macdonald
Ethan Allen

D. Commercial Building Sign Reviews for Sundance Dental.

Ryan Robinson said Caleb Porter is requesting approval for a commercial building sign to replace the current sign “Pfeifferhorn Dental” with “Sundance Dental”. The total size of the sign will be less than 15% or 60 square feet of the side of the building (roughly 49 total sf and less than 5%).

Jane Griener said the applicant should show the actual colors on their proposal. She said the black, white, and blue colors are a little much.

Alan Macdonald asked if we could dictate what color the sign can be; isn’t that personal taste. Jane Griener said yes, we can because it is in the Gateway Historic District, and we don’t want signs taking away from the feel of the area. We don’t want distracting signs, but ones that blend.

MOTION: Planning Commission member Ethan Allen moved to recommend approval for the sign application for Sundance Dental as proposed with the following conditions:

1. Change the color of the sign to match the other portion of the sign, with matching fonts.
2. The Sundance Dental sign has raised letters and is white in color.
3. Move the logo closer to the sign to be cohesive with the sign.

Jeff Davis seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
Troy Slade
Jeff Davis
John MacKay
Susan Whittenburg
Alan Macdonald
Ethan Allen

Nays:

Excused

E. Commercial Building Sign Reviews for WellPath Center

Ryan Robinson said The WellPath Center applied for and was approved for a commercial building sign during the September 19th, 2023, Planning Commission meeting. The applicant has made changes to their approved application that would need to be approved by the Planning Commission. The first attachment is what was approved, and the second attachment is what they are proposing now. Changes include no background on the new version and the logo will be to the left of the lettering instead of below. The overall size of the sign will be roughly 14.5 square feet compared to 26.62 square feet for the previous sign. This new sign also does not exceed 15% of the area of the outside of the building.

Jane Griener asked if the sign would be three dimensional with no lighting. Larry Hilton said yes. She said two colors are fine but didn’t like three colors.

MOTION: Planning Commission member John MacKay moved to recommend approval for the sign application for the WellPath Center located at 40 W Main Street Suite 100 as proposed.

Jeff Davis seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
Troy Slade
Jeff Davis
John MacKay
Susan Whittenburg
Alan Macdonald
Ethan Allen

Nays:

Excused

F. Code Amendment: 4.06 Subdivision Review Process (Concept Plan)

Ryan Robinson said SB 174 of the 2023 General Legislative Session requires all local governments to, among other things, modify their subdivision ordinances to comply with the process described in the statute. These new requirements remove the City Council from reviewing purely administrative subdivisions (do not require an exception or zone change). It does allow the Planning Commission to be the reviewing body for the Preliminary Plan. The concept application review is now optional and can be done at the request of the applicant.

City Staff has begun updating the various sections of the city code to come into compliance with the new standards. The Concept Plan will be an optional step at the request of the applicant. City Staff felt it helpful to provide some direction to applicants who choose to have a concept plan review as part of their subdivision process. Ryan Robinson showed the edits staff has made to the current concept plan section of the code.

IV. COMMUNICATIONS

Ryan Robinson said the City Council is going to have a work session in November to address concerns about the fruit stand. Jane Griener said that was a good idea so our concerns could be addressed, especially the parking issues.

Ryan Robinson reminded the Planning Commission there is a Land Use training at Cedar Hills next Tuesday October 24, 2025. We have three spots reserved if any of the Planning Commission could attend.

Ryan Robinson reminded the Planning Commission members to send him their training hours.

V. APPROVAL OF PLANNING COMMISSION MINUTES: October 3, 2023

MOTION: Planning Commissioner Jeff Davis moved to approve the minutes for October 3, 2023, as written.

John MacKay seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
Troy Slade
Jeff Davis
John Mackay

Nays:

Excused:

Susan Whittenburg
Alan Macdonald
Ethan Allen

MOTION: Planning Commissioner Susan Whittenburg moved to adjourn the meeting.

Alan Macdonald seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
Troy Slade
Jeff Davis
John MacKay
Susan Whittenburg
Alan Macdonald
Ethan Allen

Nays:

Excused:

The meeting was adjourned at 8:46 p.m.