

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
March 7, 2023

I. GENERAL BUSINESS

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

Chair: Co-Chair Alan Macdonald

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

Excused: Jane Griener

Staff: Ryan Robinson, Jed Muhlestein, Marla Fox, Heidi Jackman,

Others: Kevin and Carol Hale, Sam Burkeley, Anthony and Amber Marcello, Gale Rudolph, Catherine Marchant, Sherman Myers, Mark and Colleen Philipp, Cathy Farr, Nate heaps, Adam and Andrea McCartney, David and Joy Atkinson, Francis and Caron Clark, Breezy Anson, Pamela Pamela, Cory Russon, Mike Adams, Tom, Corine Wilson, Lorraine Scott

B. Prayer/Opening Comments: Susan Whittenburg

C. Pledge of Allegiance: John MacKay

II. REPORTS AND PRESENTATIONS

A. None

III. ACTION ITEMS

- A. Public Hearing: Zone Change from CR-40,000 to CR-20,000 at 446 Lupine Drive and 557 N 400 West.**

Ryan Robinson said the City has received a request to rezone 446 Lupine Drive + 557 North 400 West from the CR-40,000 zone to the CR-20,000 zone. The reason for the rezone is to subdivide the property at 446 Lupine Drive from one lot (42,531 square feet) into two lots with a minimum square footage of 20,000 square feet. The property is currently under contract to be purchased by the McCartney family; they have received permission by the current owners to pursue a zone change.

The property at 557 N 400 W has been included in the rezone request for consistency with the zoning map, current zoning to the west and north are CR-20,000 so a zone change to include this lot as well brings consistency to the surrounding area. Due to the location of the house on the lot at 557 N 400 W as well as the lack of needed frontage along a public road future development on this lot is highly unlikely. The owners of this property have also given approval for the rezone request to include their lot.

Ryan Robinson said this is a Legislative decision and we need to make sure it meets the zoning requirements and feel of the neighborhood. He said the property at 557 N 400 W could not be sub-divided because this lot does not have the required frontage. He said this lot was included in the zone change for consistency.

Alan Macdonald asked why the three lots to the north are half acre when the rest of the subdivision is one acre. Ryan Robinson and Jed Muhlestein said they both didn't know because it was before their time.

Adam and Andrea Macartney, applicants, said they moved to Utah one year ago to South Jordan from the Mid-West. Andrea Macartney said they would love to move to Alpine and live in this community. She said in order to make this property work for them, they have to split the lot and sell the other half to make the budget work for the purchase of the property.

Andrea Macartney said if the lot was split, both lots would meet the lot width criteria. She said there would be continuity with other lots to the north and the east of this property. She said this neighborhood was developed in multiple phases and that is why there are different zones. She said splitting the lot would align with surrounding lots in the CR-20,000 zone. She said a new home would not impact the neighbors' views because of the elevation change; they would still have mountain and lake views.

Alan Macdonald asked if the Macartney's had spoken with the neighbors to the west to see if they were in favor of a lot split. Adam Macartney said they had spoken with the neighbors and they have feelings about the lot split and he would let them speak to that later.

Alan Macdonald opened the Public hearing.

Jeff McCain, resident, sent in an email saying he was against the re-zone. He wants the zone to remain one acre lots for a rural feel and keep his property value. He said there are many smaller lots for sale in alpine without having to re-zone this property. He also doesn't want this to set a precedent so the lot to the south of this one could subdivide as well.

Anthony Marcello, resident, said he is opposed to the zone change. He said the CC&Rs of the subdivision state the lots can't be split. He said he purchased his property knowing the lots couldn't be split and his view wouldn't be compromised. He and his neighbors have signed a petition stating the same thing.

Breezy Anson said the three acres to the north were part of a PRD. He said his concern is that you can never take this back once homes are built.

Amber Marcello, resident said this proposal will affect her view. She said she has the right to use her property and she wants her rights protected. She said the petitioners are not residents of Alpine. She said it's not fair to grant this to a nonresident over residents who pay taxes. She said the neighbors will welcome a new family in this home, but is opposed to a re-zone.

Cathy Farr, resident, said the zoning change was put in place for a reason and if you change that, it could open a can of worms in the future. She said there are already other homeowners that are watching what happens tonight because they would like to rezone their lot as well. She is not in favor of carving up one acre lots because she wants the open space.

Catherine Marchant, resident, said Alpine has a plan that is the bullseye plan of one acre and half acre plan. She said if we don't follow the plan, Blue Bison could come back and say our plan isn't sacred and try to get their road through.

Carol Hale, resident, said this would directly impact their property because they abut the two properties that are proposing the re-zone. She said they think the Macartney's are a nice family, and they would

welcome them in the home, but are not in favor of the re-zone as it would affect their view and open space.

David Atkinson, resident, said if you can't afford to live at this property, then you need to find a different lot. He said that is what he and his wife had to do. He said everyone had to follow the contract of the CC&Rs because that is what is right.

Sherman Myers, resident, said there is precedent for this and he is not in favor of the zone change. He said he would welcome the new neighbors to the house as is.

Corine Wilson, resident, said she pays for the open space. She said we need to follow the rules we bought into.

Mark Philipp, resident, said he opposed the re-zone.

Mike Adams, resident, said the sewer and waterlines would have to be dug up so he is opposed.

Lorraine Scott, resident, said she has lived here for twenty years and her lot can't be split. She said she understands the Macartney's position and would be advantageous for their family. She said she doesn't see a problem with the re-zone.

Tom. resident, said he is new to the area and thinks the re-zone will kill his investment and is opposed.

Alan Macdonald closed the Public Hearing.

Alan Macdonald asked if the lots to the south would ask for a re-zone as well. Ryan Robinson said it could. He asked about the CC&Rs which states no lots can be sub-divided and wanted to know if we can make a recommendation that goes against the CC&Rs.

MOTION: Planning Commission member Jeff Davis moved to recommend **DENYING** the zone change request from CR-40,000 to CR-20,000 at 446 Lupine Drive and 557 North 400 West because of the following reasons:

1. The city doesn't benefit;
2. Is not consistent with Master Plan;
3. Is against the CC&Rs.

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

Ayes:

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

Nays:

Excused:

B. Preliminary Plat Review: Cherrypoint Estates 12 lots at approximately 1528 Grove Drive.

Ryan Robinson said the Alpine Cherrypoint Estates Subdivision consists of 12 lots on 13.82 acres. The proposed lots range from .91 (40,002 sq. ft) to 1.3 (57,329 sq ft) acres in size. The development is located at approximately 1528 Grove Drive and includes five parcels as part of the proposal. Currently there are two homes and a variety of smaller structures spread throughout the projected site. The proposed property is zoned CR-40,000. The applicant is seeking concept plan approval.

Ryan Robinson said we have already discussed aligning and widening Grove Drive and adding sidewalk, curb, and gutter. He showed on a map the layout of the twelve lots. He said the lot size meets the ordinance. There is a ten percent grade. Lots nine, ten, and eleven have five sides and that will be looked at during the final review. He said there are no planned trails for this subdivision.

Jed Muhlestein said City Council wanted the road alignment straightened out and said the developer has straightened the road. In terms of right-of-way, there is a jog into lot twelve. The frontage improvements meet the requirement, with a combination curb, gutter, sidewalk with no park strip.

Jed Muhlestein said the culinary water will be looked at by Horrocks Engineering. The standard line sizes will be used. There are three wells on this property and the city would require the wells to be capped. Water and sewer lines would be connected to lines in Grove Drive.

Storm Drain would be an underground storm basin. The Geotechnical report looks good. They have a little undocumented fill that has to be taken care of. Fort Ditch runs through the property on the east side of the development and comes out to the south, which would need to be piped. The irrigation company has to sign off on the plans.

John MacKay asked how the Butterfield easement will be resolved.

Susan Whittenburg asked about the Peter Christensen home on the corner.

Nate Heaps, Developer, said the Butterfields had an old agreement where they could use twelve feet on either side going down to their driveway. He said both property owners could use the lane, but Josh James owned three quarters of the lane. He said legally, the Butterfield's can use up to the asphalt and we don't have to vacate the easement and leave it in place. He said if we did this, the easement would run with the parcels in the new subdivision.

He said we abandoned the old easement that was made in 1996. He said we created a boundary line adjustment and gave the Butterfields about forty-five hundred square feet of land so they can access their whole driveway. We will add a temporary easement so we can access our property until the subdivision is complete. The Butterfield's have reviewed it and are having their council review it and a new agreement will be recorded prior to the plat recorded with the County.

Nate Heaps said as far as Peter Christensen goes, we have a life estate agreement with him. We purchased his land and gave him a life estate where he is living in his current home, rent free. He lives there and can do whatever he wants, but we own the land and the home, with the agreement that he can build a house on lot seven, which is the north east corner.

Nate Heaps said he spoke with Peter Christensen and said it didn't sound like he was going to build a home, but he has the option to build a home. The agreement being technical, he will own the home, we

will own the land. At his passing, we have the first right of refusal to buy the appraised value of the home back from him. Mr. Christensen does not have any ownership of the land; he sold that back in 2015. The plan would be if Mr. Christensen did build a new home on lot seven, we would tear down his old house and build a new one on that lot.

Jed Muhlestein said a new water line will be installed to help serve Zachary Way on the west side of the development on Grove Drive.

MOTION: Planning Commission member Ethan Allen moved to approve the Preliminary application of Alpine Cherrypoint Estates with the following conditions:

1. Approval from the Irrigation company;
2. The existing home on lot 1 will be noted as a legal nonconforming lot. Any future modifications or expansion will meet current city ordinances;
3. On the final plan review, the applicant will include how they will secure the site on lot 10.

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

Ayes:

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

Nays:

Excused:

C. Public Hearing: Code amendment to Municipal Code 3.26.030 Ethical Standards for city council and creation of section 2.02.060 Ethical Standards for Planning Commission.

Ryan Robinson explained that the section of the Municipal code regulating ethical standards for members of the City Council requires that a city councilor shall abstain from voting on a matter where they have a substantial personal financial gain. The Municipal Officers' and Employees Ethics Act of Utah State Code 10-3-1303 uses wording of substantial interest which is defined as "the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity".

This code amendment makes the wording change from personal financial gain to substantial interest and references back to state code for additional clarification. We are also creating a section of 2.02- Planning Commission of the Alpine Development Code that is the same language creating standards for the Planning Commission as we do for the City Council.

Noticing Notice has been properly issued in the manner outlined in City and State Code. A public hearing will be held tonight, March 7th, 2023, as part of this Planning Commission meeting.

STAFF RECOMMENDATION: Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as current city code and policies. A recommendation should be made to the City Council for approval or denial based on those criteria.

Alan Macdonald opened the Public Hearing.

Pamela Pamela, resident, said we need to keep boundaries.

Alan Macdonald closed the Public Hearing.

Jeff Davis said he would like to remove B.

MOTION: Planning Commission member Jeff Davis moved to recommend approval of the proposed code text amendment changing the language in section 3.06.030 regarding Ethical Standards for City Council to replace personal financial gain to substantial interest and include a reference to current state code and the creation of title 2.02.060 Ethical Standards for Planning Commissioners with the following changes:

1. Remove 2.02.060 B for Planning Commission
2. Remove 3.06.030 B for City Council

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

Ayes:

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

Nays:

Excused:

D. Public Hearing: Code Amendment to Development Code 3.25.080 Commercial Building Signs
 Ryan Robinson explained that City staff has received a request from members of the City Council to review and make changes to the current section of the Development Code of Alpine (DCA) regulating commercial building signs section 3.25.080- Commercial Buildings Signs.

These changes reflect the following:

- The desire to limit the amount of signs per building and depending on the location restrict the amount of signs if one is blocking the other.
- Adds the ability to put a free-standing sign if there is nowhere on the building for one and add restrictions of sign size if recommended by the Planning Commission and approved by City Council.
- Remove requirements that a planning commercial development has to display no more than one monument sign at each entrance.
- Adds lighting to the section that Planning Commission will recommend and City Council will approve for signs on a business commercial building.

Noticing Notice has been properly issued in the manner outlined in City and State Code. A public hearing will be held tonight, March 7th, 2023, as part of this Planning Commission meeting.

STAFF RECOMMENDATION: Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as current city code and policies. A recommendation should be made to the City Council for approval or denial based on those criteria.

Alan Macdonald said the language needs to be cleaned up. Ryan Robinson said the Planning Commission reviews commercial signs. When you drive down Main Street and can see multiple signs, that is not

necessary and not what we want for Main Street. The Planning Commission said we should just say one sign for commercial businesses.

Ethan Allen said he would like a back lit sign if he had a business here. He said signage is the best way to advertise your business.

Ryan Robinson said this would be for new businesses and not for existing businesses. The Planning Commission had a discussion about businesses changing ownership and if this would apply to those new businesses coming into an existing building.

Alan Macdonald opened the Public Hearing. There were no comments and Alan Macdonald closed the Public hearing.

MOTION: Planning Commission member John MacKay moved to recommend approval of the proposed code text amendment changing the language in section 3.25.080 regarding Commercial Buildings Signs with the following changes.

1. Each business will be entitled to have one sign;
2. Delete the last sentence of the first paragraph

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

Ayes:

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

Nays:

Excused:

IV. COMMUNICATIONS

The City Council denied the zone change for the assisted living project.

Jeff Davis asked what was happening with the gym on Main Street.

Heidi Jackman said she is updating the City Website and would like to take pictures of the Planning Commission.

V. APPROVAL OF PLANNING COMMISSION MINUTES: February 21, 2023

MOTION: Planning Commissioner Susan Whittenburg moved to approve the minutes for February 21, 2023, as written.

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

Ayes:

Susan Whittenburg
 Jeff Davis
 Ethan Allen
 Troy Slade
 Alan Macdonald

Nays:

Excused:

John MacKay

MOTION: Planning Commissioner Troy Slade moved to adjourn the meeting.

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

Ayes:

Susan Whittenburg

Jeff Davis

Ethan Allen

Troy Slade

Alan Macdonald

John MacKay

Nays:

Excused:

The meeting was adjourned at 8:15 p.m.

DRAFT