

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.