

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
March 19, 2024

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:

Commission Members: Susan Whittenburg, John MacKay, Alan Macdonald, Michelle Schirmer, Troy Slade, Jane Griener, Jeff Davis

Excused:

Staff: Ryan Robinson, Jed Muhlestein, Marla Fox

Others: Doug Kerr, Melissa Heaton

- B. Prayer/Opening Comments:** Susan Whittenburg

- C. Pledge of Allegiance:** John MacKay

II. REPORTS AND PRESENTATIONS

None

III. ACTION ITEMS

- A. Action Item: Review a proposed fence application for Montessori Canyon Academy located at 188 N Main Street in the Gateway Historic District.**

Ryan Robinson said Doug and Michelle Kerr are the current owners of the Montessori Academy located at 188 N Main Street. They have submitted a fence application to replace their existing fence. Because this property is located within the Gateway Historic District, it is required to be reviewed by the Planning Commission and City Council.

The requirements for a fence meet the requirements as found in Alpine City Code 3.21.060 concerning height and location as proposed. The Gateway Historic District standards deal with aesthetics primarily color and material.

Ryan Robinson said this meets the ordinance as far as height requirements are concerned. We are looking at the Historic Gateway District requirements. He showed the location of the fence along with the vinyl material and color of the material.

Alan Macdonald said the color is not the issue but is a vinyl fence what we want in the Gateway Historic District.

Doug Kerr, applicant, said they would like a six-foot fence in the area they are allowed so they can have more privacy. The reason they want vinyl is because the wood has nails and splinters and needs more upkeep.

Alan Macdonald said the Gateway Historic provision states that vinyl is prohibited. Ryan Robinson said our Attorney thought this was more in relation to the building materials. Jane Griener said you see a fence more than the building. Ryan Robinson said J&L auto shop has a vinyl fence going down their side yard, but not on Main Street.

The Planning Commission said this fence will be on a very visible corner. Jane Griener said this is going to be a judgement call and we need to balance the needs of the applicant with the design elements of the Historic Gateway District. Jeff Davis said we need to update the language on fencing in the Historic Gateway District going forward.

Troy Slade said he agrees that we need to stick to the approved materials in the guidelines.

MOTION: Planning Commissioner Troy Slade moved to recommend Denying the fence permit application for Montessori Preschool located at 187 N Main Street in the Gateway Historic District for the following reasons.

1. Vinyl material recommended does not meet Gateway Historic Guidelines.

Jeff Davis seconded the motion. There were 6 Ayes and 1 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
Susan Whittenburg
Michelle Schirmer
Alan Macdonald
Troy Slade
Jeff Davis

Nays:

John Mackay

Excused

B. Action Item: Review of Home Occupation Application for Spettro LLC location at 255 S Alpine Drive

Ryan Robinson said Levi Ashcraft has applied for a home occupation for a business called Spettro LLC. According to the application submitted the business is for a paper contractor. Most of the work will be done over the phone, on the computer, or on a job site. This will be a home office where no clients are coming to the property. The total area that will be used for the home office is roughly 450 square feet. The property is located within the CR-40,000 zone, which lists home occupations as a conditional use in that zone with the Planning Commission as the designated Land Use Authority.

City Staff has reviewed the application and has found it to comply with the standards found in section 3.23.060 of the Alpine Development Code (see link in the following section). Because this is listed as a conditional use, the Planning Commission may attach conditions to *“mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards”* (Utah State Code 10-9a-507). The applicable standards are found in Alpine Development Code 3.23.030. Any conditions placed on this application must be tied back to these standards as listed below and be stated on the record as part of the approval process.

- a) The application complies with all applicable provisions of this Chapter, state and federal law;
- b) The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
- c) The use is not detrimental to the public health, safety and welfare;
- d) The use is consistent with Alpine City General Plan as amended;
- e) Traffic conditions are not adversely affected by the proposed use;
- f) There is sufficient utility capacity;
- g) There is sufficient emergency vehicle access;

- h) The location and design of off-street parking as well as compliance with off-street parking standards;
- i) A plan for fencing, screening and landscaping in conformance with DCA 3.13 to separate the use from adjoining uses and mitigate the potential for conflict in uses;
- j) Exterior lighting that complies with the lighting standards of the zone;
- k) Within and signage standards found in DCA 3.25 and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.
- l) Limitations on hours of operation, methods of operation, and building height and size.

Alan Macdonald asked if there are any conditions that should be considered or implemented. Ryan Robinson said no because this is just a home office with no clients coming to the home.

MOTION: Planning Commission member John Mackay moved to approve the conditional use permit for a home occupation for Spettro LLC located at 255 S Alpine Drive.

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

Ayes:

Jane Griener
John MacKay
Susan Whittenburg
Michelle Schirmer
Alan Macdonald
Troy Slade
Jeff Davis

Nays:

Excused

C. Action Item: Home Occupancy Application for a daycare located at 187 N Main Street

Ryan Robinson said Melissa Heaton has submitted a home occupation application to do daycare at her house located at 187 N Main Street. The daycare would be located upstairs and according to the application occupy 150 square feet of the home. The daycare will be open Monday through Friday with drop off starting as early as 7:00 AM and Pickup as late as 5:00 PM with staggered drop off options. They are planning to have no more than eight (8) kids at a time.

Melissa Heaton's daughter currently runs a preschool program in the basement at the same home. The original preschool has an existing business license/home occupation permit. The plan is to have the older kids in the basement while Melissa can watch the younger children upstairs. There will be a total of two employees between the two daycares. Due to State licensing restrictions, two licenses are needed for this arrangement to work. The standards found in Alpine Development Code 3.23.060 #2 do not restrict the number of home occupations a person can have.

City Staff has reviewed the application and has found it to comply with the standards found in section 3.23.060 of the Alpine Development Code (see link in the following section). Because this is listed as a conditional use, the Planning Commission may attach conditions to *"mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards"* (Utah State Code 10-9a-507). The applicable standards are found in Alpine Development Code 3.23.030. Any conditions placed on this application must be tied back to these standards as listed below and be stated on the record as part of the approval process.

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- c) The use is not detrimental to the public health, safety and welfare;
- d) The use is consistent with Alpine City General Plan as amended;
- e) Traffic conditions are not adversely affected by the proposed use;
- f) There is sufficient utility capacity;
- g) There is sufficient emergency vehicle access;
- h) The location and design of off-street parking as well as compliance with off-street parking standards;
- i) A plan for fencing, screening and landscaping in conformance with DCA 3.13 to separate the use from adjoining uses and mitigate the potential for conflict in uses;
- j) Exterior lighting that complies with the lighting standards of the zone;
- k) Within and signage standards found in DCA 3.25 and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.
- l) Limitations on hours of operation, methods of operation, and building height and size.

Melissa Heaton, applicant, said if approved, they will change the parking and ask parents to make a right hand turn when exiting so they don't cross two lanes. She said they are on a half-acre and have plenty of room to add more parking if needed. She said they plan to take down the chain link fence and add a new wood fence.

MOTION: Planning Commission member Susan Whittenburg moved to approve the home occupation permit for a daycare at 187 N Main Street with the following conditions/changes:

1. A state license will be obtained before the daycare can open.
2. Require a maximum number of eight (8) children can attend the daycare at one time.
3. Submit a traffic flow plan showing at least six (6) off-street parking spots for pick up and drop off to be included with the business license.
4. The hours of operation must require a 15-minute drop-off/pickup time difference from the other daycare on the same property. Unless dropped off or picked up by the same vehicle.

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

Ayes:

Jane Griener
John MacKay
Susan Whittenburg
Michelle Schirmer
Alan Macdonald
Troy Slade
Jeff Davis

Nays:

Excused

Jeff Davis left the meeting.

D.Public Hearing: Code Amendment to chapter 3.09 Planned Residential development. Adding clarifying language requiring PRD zoning to be approved by the City Council.

Ryan Robinson said Alpine City recently adopted an updated subdivision review process as required by the State Legislature during the 2023 legislative session. As part of this review, the question arose about whether the Planned Residential Development (PRD) applications would be considered a zone change. The code is clear that a subdivision applying for PRD status needs to be reviewed by the Planning Commission and City Council. The changes suggested clarifying that the PRD zoning is considered an overlay zone and a zone change which is a legislative act would be needed as part of the review process. This would make the process the same as a request for a zone change for the Assisted Living Overlay zone and the Senior Housing Overlay zone.

An application for a Planned Residential Development status for a subdivision would be able to have smaller lot sizes in exchange for dedicating a required amount of the proposed property as open space. This could be a public or private open space. If certain standards are met, primarily the amount of open space dedicated a bonus density could be given to the development so they can develop more lots than previously allowed in exchange for more open space.

Alan Macdonald explained to new Planning Commission member Michelle Schirmer what a PRD is. He said when the city allows a developer to have a PRD, the city then can negotiate something in return like a park or open space in exchange for smaller lots.

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

MOTION: Planning Commission member Troy Slade moved to recommend approval of Ordinance 24-11 Chapter 3.09 Planned Residential development regarding the review process for PRD's.

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

Ayes:

Jane Griener
John MacKay
Susan Whittenburg
Michelle Schirmer
Alan Macdonald
Troy Slade

Nays:

Excused

Jeff Davis

IV. COMMUNICATIONS

Susan Whittenburg said she is all for kids going door to door trying to work but wants them to be licensed.

Jed Muhlestein said his last day with Alpine City will be this Wednesday. He will now be the Wasatch County Engineer. He said it was a difficult decision as he has enjoyed working for Alpine City. The Planning Commission thanked him for his good service to Alpine and the residents.

Ryan Robinson said the sub-division amendment edit for boundary line adjustments for mini subdivisions had language added that states it will be approved by staff. He said language was added stating that staff can recommend that City Council can act as the Land Use Authority.

Ryan Robinson said the changes made to the Shooting Gallery Amendment was passed by the City Council.

Ryan Robinson said city staff has been instructed to meet with the owner of the fruit stand to go over our concern with traffic and parking and make sure a good plan is put in place. Ryan Robinson said this is a conditional use permit which means we can put certain conditions on this business to make sure concerns are addressed. He said if they are not, the City Council can revoke their permit.

Ryan Robinson said we were awarded a grant from Mountainland Association of Governments to do a small area of study for Main Street, Alpine Highway, Canyon Crest, and Westfield Road. He said we're going to create a plan that is focused on these design standards, so they are a little more concrete and more economic development. He said the study will be to determine what could work here in Alpine. He said we were awarded \$107,000 and we will have a consultant come in and help do that and it will take from six months to a year to complete.

Alan Macdonald said we should amend our ordinance to include verbiage for fencing in the Gateway Historic District.

V. APPROVAL OF PLANNING COMMISSION MINUTES: February 20, 2024

MOTION: Planning Commissioner Susan Whittenburg moved to approve the minutes for February 20, 2024, as written.

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

Ayes:

Jane Griener
John Mackay
Susan Whittenburg
Michelle Schirmer
Alan Macdonald
Troy Slade

Nays:

Excused:

Jeff Davis

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

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

Ayes:

Jane Griener
John MacKay
Susan Whittenburg
Alan Macdonald
Michelle Schirmer
Troy Slade

Nays:

Excused:

Jeff Davis

The meeting was adjourned at 7:50 p.m.