

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
May 21, 2019

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00 pm by Chairman David Fotheringham. The following were present and constituted a quorum:

Chairman: David Fotheringham

Commission Members: Bryce Higbee, Alan MacDonald, John MacKay, Jessica Smuin, Sylvia Christiansen

Excused: Jane Griener

Staff: Austin Roy, Marla Fox, Jed Muhlestein

Others: Sarah Kendig, Michael Kendig, Monica Lawlis, Heather Smith, Lauren Smith, Paul Anderson, Thomas Ferrier, Rita Haan

B. Prayer/Opening Comments: John MacKay

C. Pledge of Allegiance: David Fotheringham

II. PUBLIC COMMENT

There were no public comments.

III. ACTION ITEMS

A. Public Hearing – Amendment to Development Code – Structures in Setbacks

Staff reviewed the Development Code and recommended changes to the setback requirements for dwellings and main buildings. Accessory structures would be prohibited within those setbacks.

Austin Roy said the majority of cities had a setback requirement for how far accessory structure could be to the main building or home. He said the City of Alpine currently did not have this requirement. They did have a provision of how far it could be from the home considering it was attached. The proposed changes would consider detached accessory structures. He said they wanted to create a distance that matched International Building Code. This would help create space in between homes.

Staff recommended the following language:

Accessory buildings shall be a back not less than five (5) feet from the main building.

David Fotheringham opened the Public Hearing. No comments were made, and David Fotheringham closed the Public Hearing.

MOTION: Bryce Higbee moved to recommend approval of the Amendment to Development Code – Structures in Setbacks as proposed. Alan MacDonald seconded the motion.

David Fotheringham asked for clarification on the wording. Austin Roy explained that the ordinance allowed accessory apartments within twelve feet from the house. This rule was for residents that wanted to have living space in the accessory building. They would be allowed to have a detached building farther away if there was no living space. There was subsequent discussion regarding language that would clarify the City's intention with this code amendment.

Alan MacDonald asked if there was a definition of accessory buildings available. Austin Roy responded in the affirmative and read from the code:

An accessory building is a detached subordinate building. The use of which is appropriate subordinate and customarily incidental to that of a main building, or to the main use of the land in which is located on the same lot or parcel of land with the main building or use.

Alan MacDonald asked if detached garages and tuff sheds were accessory buildings, to which Austin Roy answered in the affirmative. Jed Muhlestein said anything that was not the house was considered an accessory building.

The Planning Commission discussed pergolas and decided most people wanted a shade structure closer to their home. Austin Roy said a pergola would be considered an accessory building and would be required to be five feet away from the home. He said they could attach it to the home, but it would then become part of the home and would have to follow the same setbacks as the home. He explained the need for this ordinance, stating that some residents were abutting an accessory structure right up against the house. They claimed it was an accessory structure and therefore did not have to follow the same setback requirements as the home.

Jessica Smuin asked if there was a problem that occurred to prompt this change. Austin Roy responded in the affirmative. He explained an accessory building was built next to the house and the owner claimed it was an accessory building. Accessory buildings required smaller setbacks than homes required. This ordinance would prevent this type of incident from happening.

Austin Roy explained that there was an ordinance that allowed accessory buildings to be closer to the property line if six criteria were met:

1. *The accessory building is located more than twelve feet away from the main structure on the same adjacent lot.*
2. *The accessory building contains no openings on the site contiguous to the lot line.*
3. *No drainage from the roof will be discharged onto an adjacent lot.*
4. *The accessory building shall be constructed of non-combustible materials.*
5. *The accessory building will not be placed on land designated as a recorded easement.*
6. *The Accessory building will not be taller than ten feet.*

Austin Roy said an accessory structure could be built on parts of the property that a home could not be built on. The proposed code changes would prevent the loophole of homeowners building accessory structures next to their home.

MOTION: John MacKay moved to amend the motion to add the word “additionally,” then comma, at the beginning of the third sentence, paragraph 2A.

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

Ayes:

Bryce Higbee
 Alan MacDonald
 John MacKay
 David Fotheringham
 Jessica Smuin
 Sylvia Christiansen

Nays:

None

B. Public Hearing – Amendment to Development Code – Uses in the Business/Commercial Zone

Austin Roy explained that the Alpine Animal Hospital wanted to add a new dog boarding kennel as an additional service at the veterinary hospital. Under the current ordinance this was not a permitted use within the City. The applicant was seeking approval of the proposed use within the Business/Commercial Zone.

Mike Kendig said he was the owner of the Alpine Animal Hospital. He said he had received a lot of requests to board dogs. He currently did not have the space to offer that service and was asking approval to construct an addition to the hospital so he could board dogs. He then presented an aerial map of this property to identify where the proposed addition would be located.

Austin Roy clarified that the Planning Commission was not deciding to approve the dog kennel business; rather, it was considering the use of a dog kennel use in this area.

Alan MacDonald asked Austin Roy to research what other cities had done to regulate dog kennels. If this proposal did not pass, they would have language justifying the decision.

Monica Lawlis, manager of the Animal Hospital, said she sent letters to everyone within 300 feet of their business. She explained there was little or no concern from her neighbors.

David Fotheringham opened the Public Hearing.

Heather Smith, a resident, said she had to drive to Pleasant Grove to board her dog. There was a shortage boarding facilities in the County. She was in favor of the proposal.

Paul Anderson, a resident, said this would be a good amenity to Alpine. This would unlikely impact anyone because of the space around the building. He said this service would be very convenient for residents.

Thomas Ferrier, a resident, said he was so happy Dr. Kendig had come to Alpine. He explained he traveled a lot and had to drive two hours to board his dog. This service would be a great asset to the community.

Rita Haan, a resident, said her dog went to daycare in American Fork; having daycare and veterinary services in one place would be great. She said her dog would benefit from this service and it would be very convenient.

David Fotheringham closed the Public Hearing.

Sylvia Christiansen asked if State licensing was required for this service; furthermore, she wanted to know who would inspect the facility. Dr. Kendig stated that the City would grant the license.

Bryce Higbee said he loved the idea but it needed stringent rules. He suggested this use be an exception rather than including it in the code.

Austin Roy said if this was allowed in the City, it would be in the business commercial zone. He explained that conditional permits were for certain duration of time; the applicant would be required to renew their permit with the City at some point.

Alan MacDonald said this would be a good addition to the area but not if there were several boarding kennels. They needed specific conditions for this service if it was approved.

John MacKay suggested they investigate what other cities had done and address rules such as safety, noise, and limiting hours of free run.

Sylvia Christiansen said she wanted approval from the neighbors or some type of agreement with the neighbors.

Jessica Smuin asked if the applicant would always have to renew their permit if the use was considered conditional. Austin Roy said if it was added as a permitted use, the applicant would not have to renew their permit. They would still be required to have a business license, but the use would be allowed.

The Planning Commission discussed this business being a conditional use or not. They said it would make it difficult for the applicant to get a loan on the building if they had to re-apply every three years. It would also make it difficult if the City made it conditional based. This would make it difficult to sell the property in the future.

MOTION: Sylvia Christiansen moved to recommend tabling this item until language is created by Staff for a dog kennel in the business commercial zone.

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

Ayes:

Bryce Higbee
 Alan MacDonald
 John MacKay
 David Fotheringham
 Jessica Smuin
 Sylvia Christiansen

Nays:**C. Site Plan Review – Produce Stand (Peach Pit) – Clark Burgess**

Austin Roy said the applicant was seeking to sell peach shakes and apple slushes this summer. A new temporary building would be added. The temporary building would only be used from August through November. The Utah Department of Agriculture and Food and the Utah County Health Department already gave approval for the sale of the proposed items. Produce stands were permitted as a conditional use and needed to meet the following terms and conditions:

1. *Incidental Produce Stands are listed as a conditional use in the zone.*

Produce stands were a conditional use in the CR-40,000 zone, where the stand was located.

2. *Only plants, animals, or parts thereof which are products of the subject lot shall be offered for sale.*

Products to be sold were derived from peaches and/or apples grown on site.

3. *The Produce stand shall provide sufficient off-street parking space to safely accommodate the anticipated level of patrons. The required off-street parking shall be in addition to the spaces required to meet the parking requirements of the primary use.*

According to Article 3.24, less intensive commercial businesses were to provide 3.5 parking spaces per 1000 square feet. The produce stand was primarily outside and occupied a few hundred square feet. The applicant had three paved parking spaces along their existing apple cooler and additional overflow parking along the length of the property.

4. *Each produce stand shall be entitled to one sign. Said sign shall have not more than thirty-two (32) sq. ft. of sign area and shall advertise only products of the lot. The sign shall not extend into the road right-of-way.*

The applicant had a sign on the side of the existing apple cooler and was not proposing to add any additional signs. However, Staff recommended that signs be added to direct traffic to available off-street parking.

5. *An annual business license to operate the produce stand shall be obtained from the City.*

The applicant indicated they would obtain a business license prior to operation.

6. *The application shall include a detailed site plan showing the location of all dwellings and other buildings on the site and also all facilities and areas intended for use in the production, processing, storage and sales of the products intended to be offered for sale on the premises.*

The applicant was asking that the Planning Commission review and approve the proposed site plan. Staff reviewed the proposed site plan and conditional produce stand and the application appeared to meet the requirements set forth in the Development Code.

The Planning Commission also discussed the parking.

MOTION: Sylvia Christiansen moved to approve the Clark Burgess Produce Stand (Peach Pit) with the following condition:

1. Signage be used to clearly identify off-street parking

John MacKay seconded the motion.

MOTION: Bryce Higbee moved to amend the Clark Burgess Produce Stand (Peach Pit) with an additional condition:

2. Add stripes to the parking stalls.

Sylvia Christiansen seconded the motion. There were 5 Ayes and 1 Nays (recorded below). The motion passed.

Ayes:

Bryce Higbee
John MacKay
David Fotheringham
Jessica Smuin
Sylvia Christiansen

Nays:

Alan MacDonald

D. Rules of Order

Austin Roy said at the April 16, 2019 meeting, the Planning Commission reviewed and discussed proposed Rules of Order. The document was created as an adaption of the City Council Rules of Procedure. Staff had made changes to the document that were discussed in the April meeting and now the document was ready for the Planning Commission to review and consider adopting.

MOTION: Bryce Higbee moved to approve of the Rules of Order as proposed.

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

Ayes:

Bryce Higbee
Alan MacDonald
John MacKay
David Fotheringham
Jane Griener
Jessica Smuin

Nays:

None

IV. Communications

There were no communication items.

V. APPROVAL OF PLANNING COMMISSION MINUTES: May 7, 2019

MOTION: Sylvia Christiansen moved to approve the minutes for May 7, 2019, as written.

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

Ayes:

Bryce Higbee
Alan MacDonald
John MacKay
David Fotheringham
Jessica Smuin
Sylvia Christiansen

Nays:

None

The meeting was adjourned at 8:10 pm.