ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, UT will hold a **Regular Meeting at Alpine City Hall,** 20 North Main, Alpine, Utah on **Tuesday, March 5, 2019 at 7:00 pm** as follows:

I. GENERAL BUSINESS

A. Welcome and Roll Call: David Fotheringham
B. Prayer/Opening Comments: Bryce Higbee
C. Pledge of Allegiance: By Invitation

II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by stepping to the microphone and giving his or her name and address for the record.

III. ACTION ITEMS

A. Exotic Animal Request – Peacocks – Loraine Kirton
Planning Commission will review request and make a recommendation to City Council.

B. Business Commercial – Car Dealership – Lonny Layton
Planning Commission will review proposal and make a recommendation to City Council.

C. Rules of Procedure – Discussion
Planning Commission will review and discuss the City Council Rules of Procedure and consider adopting something similar.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: February 19, 2019

ADJOURN

Chairman David Fotheringham
March 5, 2019

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/pmn/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 conversation 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 of 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 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 PLANNING COMMISSION AGENDA

SUBJECT: Exotic Animal Request – 1118 E. Village Way

FOR CONSIDERATION ON: 5 March 2019

PETITIONER: Loraine Kirton

ACTION REQUESTED BY PETITIONER: Recommend approval of exotic animal request.

BACKGROUND INFORMATION:

The petitioner is interested in acquiring two peacocks. Specifically, they are "Blue Peacocks", and would be coming from a property in Cedar Hills. The birds have lived in Utah for some time and are used to the climate and weather.

The birds are friendly. The petitioner is seeking to have two so that they can keep each other company. It is proposed that the birds would free roam on the petitioner's property with no animal enclosure being required. The birds primarily feed on bugs and table scraps, and the owner plans to keep them well fed to keep them happy.

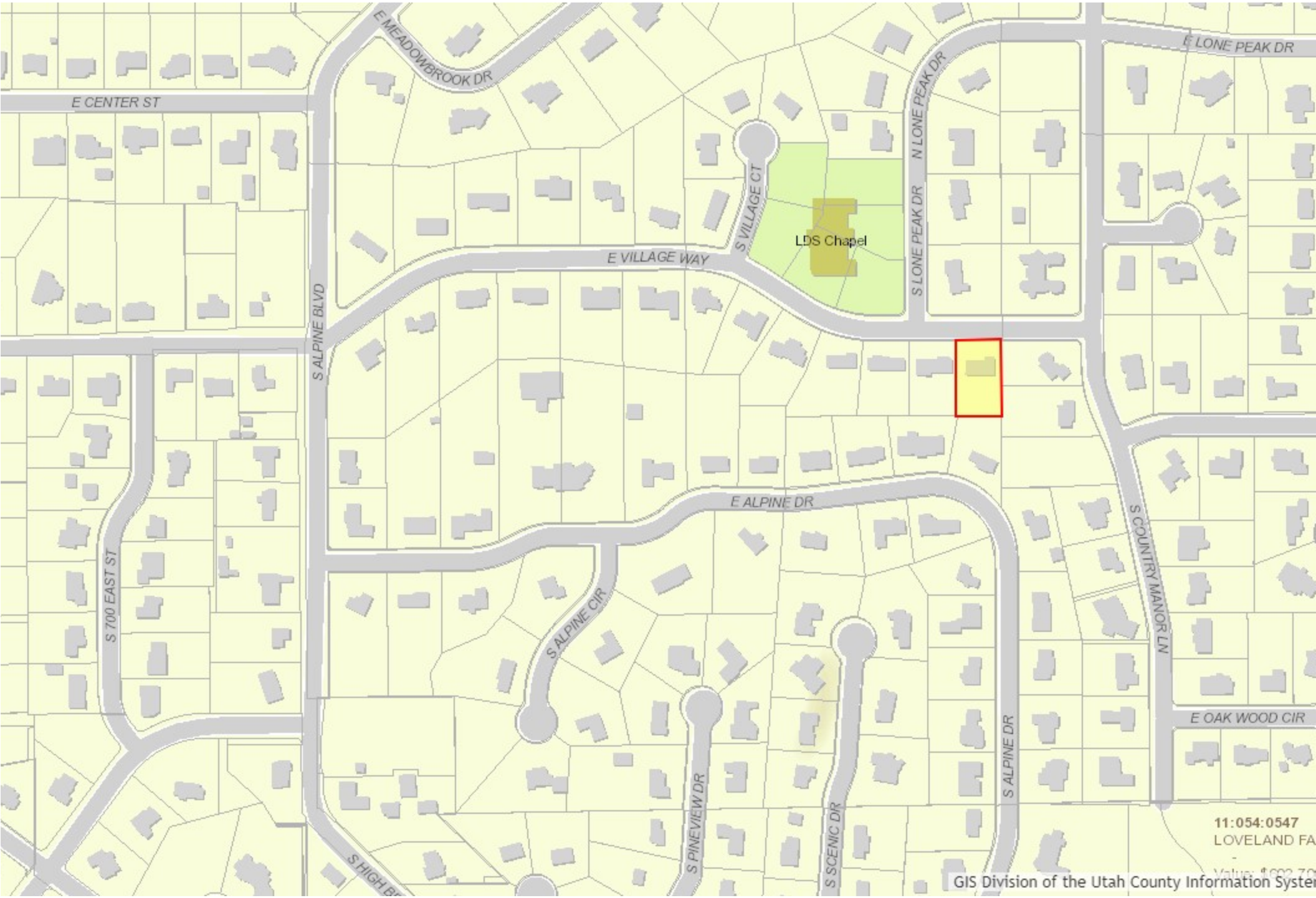
The petitioner would only acquire the birds if the neighbors all agreed and approved. It is important to the petitioner that the neighbors be okay with the animals, since they may wander onto neighboring properties from time to time. If the neighbors do not agree then the petitioner would not acquire the peacocks.

Article 3.21.090.4 says:
Other animals. *Exotic animals or animals not mentioned above may be permitted after review and recommendation by the Planning Commission and approval by the City Council.*

Petitioner is asking that the Planning Commission review the request and make a recommendation of approval to City Council.

STAFF RECOMMENDATION:

Review and make recommendation to City Council.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GIS Division of the Utah County Information Syste

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Business Commercial – Car Dealership

FOR CONSIDERATION ON: 5 March 2019

PETITIONER: Lonny Layton

ACTION REQUESTED BY PETITIONER: Review proposed site plan and use and make a recommendation to City Council.

BACKGROUND INFORMATION:

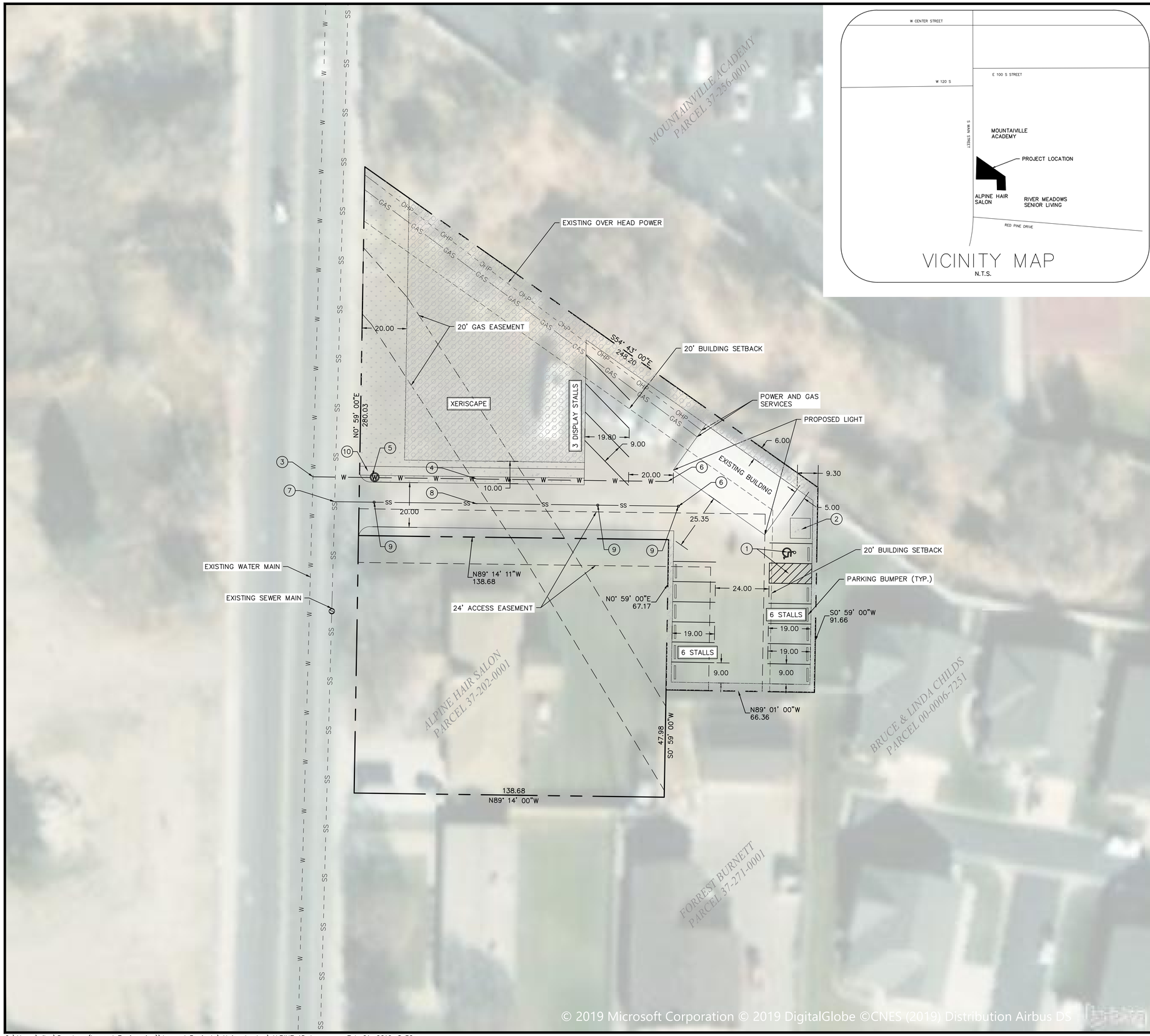
The petitioner is interested in putting a small car dealership on a lot within the Business/Commercial Zone. A proposed concept site plan has been prepared which shows building layout, parking, access, lighting, landscaping and other intended uses for the lot.

The development code does not expressly outline "car dealership" or "car lot" as a permitted use within the Business/Commercial Zone. However, there is language within Article 3.7 which may be interpreted to allow for such a use.

Petitioner is asking that the Planning Commission review the proposed site plan and Business Commercial section of the Development Code and make a recommendation to the City Council.

STAFF RECOMMENDATION:

Review proposed use and site plan and make a recommendation to the City Council.



VICINITY MAP
N.T.S.

LEGEND

LOT LINES (PROPERTY)	
EXISTING CURB AND GUTTER	
PROPOSED CURB AND GUTTER	
EASEMENT AREA	
EXISTING OVER HEAD POWER	OHP
EXISTING SEWER	SS
PROPOSED SEWER	SS
EXISTING WATER	W
PROPOSED WATER	W
PROPOSED WATER METER	W
PROPOSED WATER VALVE	
TOP OF ASPHALT	TA
TOP BACK OF CURB	TBC
PROPOSED	PROP
EXISTING	EX
FINISHED GRADE	FG
FINISHED FLOOR ELEVATION	FFE
BACK OF SIDEWALK	BOW
LANDSCAPE AREA	
CONCRETE AREA	
XERISCAPE AREA	

SITE DATA

LOT AREA:	23,852	SF (.55 ACRES)
BUILDING AREA:	1,250	SF± 5.2%
ASPHALT/CONCRETE AREA:	11,019	SF± 46.2%
LANDSCAPE AREA:	3,079	SF± 12.9%
XERISCAPE AREA:	8,504	SF± 35.7%

ZONING: BC (BUSINESS COMMERCIAL)

PARKING TABULATION
TOTAL STALLS REQUIRED: (4 SPACES FOR EVERY 1,000 SF)
1250 / 1000 = 1.25 * 4 = 5
=5 STALLS REQUIRED
TOTAL STALLS PROVIDED: 12 (1 ADA STALL)

NOTES:

1. ALL HANDICAP STALLS AND RAMPS TO BE INSTALLED PER ADA STANDARDS.
2. PROPOSED DUMPSTER LOCATION.
3. CONNECT TO EXISTING WATER MAIN PER CITY STANDARD DRAWING 27.
4. INSTALL 2"ø SDR-9 POLY WATERLINE PER CITY STANDARDS.
5. INSTALL 2" WATER METER PER ALPINE CITY STANDARDS.
6. END ALL UTILITIES 5' FROM BUILDING.
7. CONNECT TO EXISTING SEWER MAIN PER CITY STANDARD DRAWING 17A.
8. INSTALL 4" ø PVC SEWER LATERAL PER CITY STANDARD DRAWING 17A.
9. INSTALL 4" CLEANOUT PER CITY STANDARD DRAWING 17A
10. PROPOSED 4' SIDEWALK PER CITY STANDARD DRAWING 4

GENERAL NOTES:

1. CONTRACTOR TO NOTIFY BLUE STAKES PRIOR TO CONSTRUCTION
2. CONTRACTOR TO VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITY LINES AND STRUCTURES PRIOR TO CONSTRUCTION
3. ALL PROPOSED WATER LINES TO HAVE A MINIMUM OF 5' OF COVER
4. ALL SEWER, WATER AND STORM DRAIN PIPES SHALL BE BACKFILLED WITH SELECT GRANULAR FILL AS PER CITY STANDARDS.
5. ANY OFF SITE DAMAGE TO EXISTING ASPHALT, CURB & GUTTER, LANDSCAPING AND ALL UTILITIES TO BE REPLACED IN KIND.
6. SEE UTILITY PLAN FOR CONSTRUCTION OF SEWER AND WATER LINES.
7. ALL WORK TO BE ACCORDING TO CITY STANDARDS.

CALL BEFORE YOU DIG!
IT'S THE LAW
BLUE STAKES 1 800 662 4111

N

0 20 40 60
1" = 20'
Scale in Feet

NO.	REVISIONS	BY	DATE

PROJECT ENGINEER: CJJ
DESIGNER: TA

LEGEND ENGINEERING
52 WEST 100 NORTH
HEBER CITY, UT 84032
PHONE: 435-654-4828
www.legendengineering.com

MAIN STREET MOTORS
SITE PLAN
235 SOUTH MAIN STREET, ALPINE, UTAH

SHEET: C-1

DATE: Feb 21, 2019

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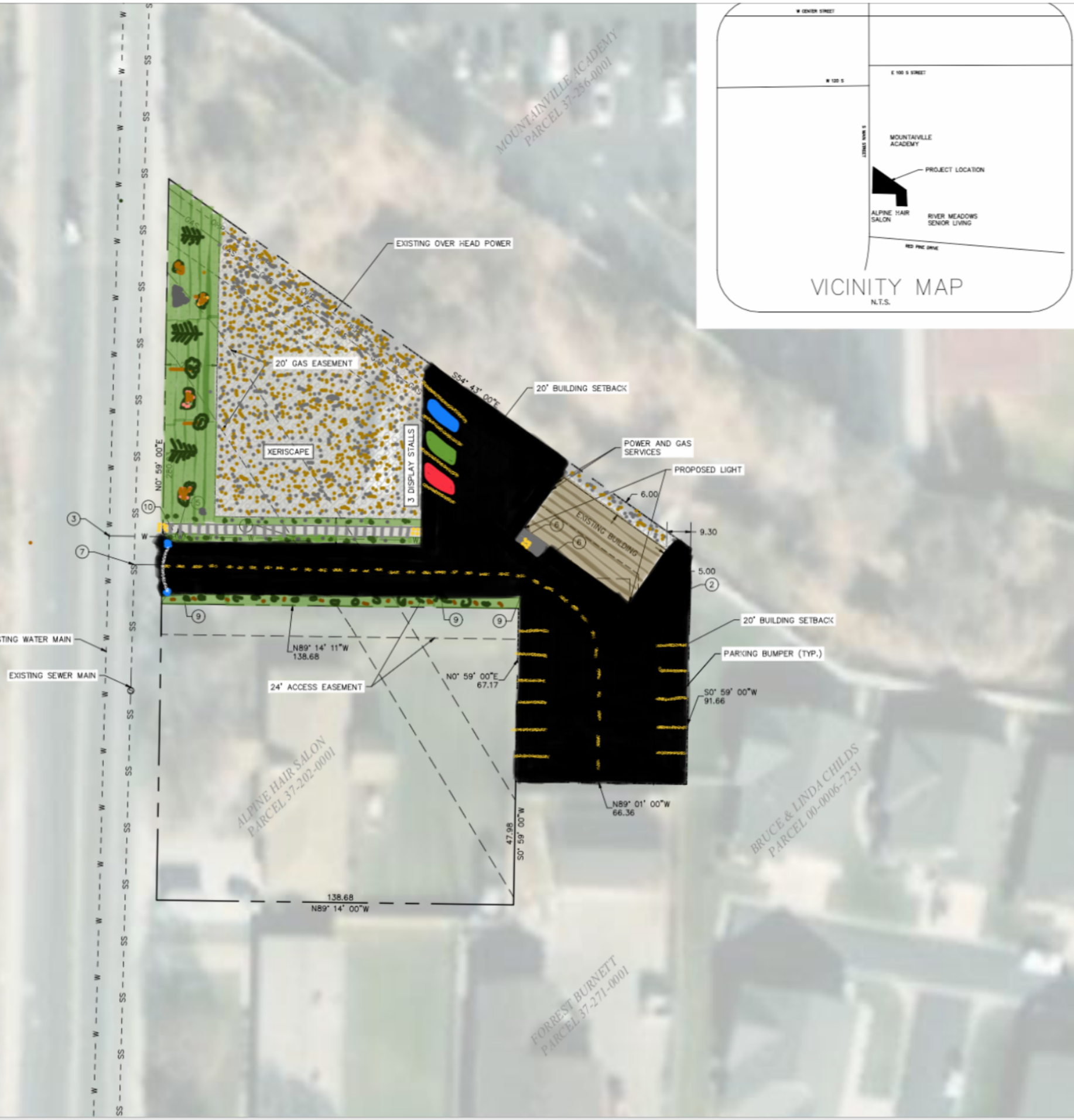

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N

NO.	REVISIONS	BY	DATE

PROJECT ENGINEER: CJ DESIGNER: TA

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52 WEST 100 NORTH
HYRUM CITY, UT 84032
PHONE: 435-654-4828
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LEGEND ENGINEERING

MAIN STREET MOTORS
SITE PLAN
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3.07 Business/Commercial Zone (B-C)

3.07.010 Legislative Intent
3.07.020 Permitted Uses
3.07.030 Conditional Uses
3.07.040 Area And Width Requirements
3.07.050 Location Requirements
3.07.060 Access Requirements
3.07.070 Utility Requirements
3.07.080 Special Provisions

3.07.010 Legislative Intent

The intent in establishing the B-C Business Commercial Zone is to provide an area in which the primary use of land is for retail and other commercial uses serving the immediate needs of Alpine residents and situated within an environment, which is safe and aesthetically pleasing. The zone is also intended to serve as the commercial core of the City.

The zone is characterized by a mixture of retail and service commercial uses such as stores, restaurants, office structures and a wide variety of specialty shops and is generally located adjacent to major transportation arteries.

Manufacturing, residential and other uses and other activities, which would be inconsistent with the use of the land for commercial activities are discouraged or not permitted within the zone.

The specific regulations considered necessary for the accomplishment of the intent of the zone are hereinafter set forth.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

3.07.020 Permitted Uses

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

1. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building; also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment.
2. Office buildings and medical clinics.
3. Personal service establishments such as barber and beauty shops, shoe repair, laundries and similar establishments.
4. Automotive service establishments, including gasoline dispensing facilities, car washes, and parking.
5. Recreational enterprises including but not limited to recreation centers, motion picture theaters, athletic clubs.
6. Funeral homes.
7. Single-unit detached dwellings when located on a lot in a recorded subdivision and subject to compliance with the applicable conditions within the zone.
8. Residential structures, provided that said structure existed as a residence prior to the effective date of this Chapter. Also, customary residential accessory structures (i.e. swimming pools, detached garages, private greenhouses etc.) when appurtenant to and on the same lot as a residence.
9. Residential structures located within or on the same premises as a permitted or conditional commercial use. Both residential and commercial buildings will be considered main buildings and will be required to meet the main building setbacks when on the same premises.
10. Accessory uses and structures shall be permitted provided they are incidental to and do not substantially alter the character of the permitted principle use or structure. Such permitted accessory uses and structures include, but are not limited to, buildings such as garages, carports, equipment and supply storage buildings which are customarily used in conjunction with and incidental to a principle use or structure permitted in the B-C Zone.
11. Agriculture, including the raising of row crops, grains and fruits and the incidental pasturage of animals. See DCA 3.21.090.
12. Other uses which are determined by the Planning Commission to be similar to and compatible with the foregoing uses and in harmony with the intent of the zone.
13. 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.
14. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses, and upon approval of site plan by the Planning Commission.
15. Customary household pets.
16. The keeping and raising of animals and fowl, subject to the provisions of DCA 3.21.090.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

3.07.030 Conditional Uses

The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this Ordinance and after approval has been given by the designated reviewing agencies (Approval of other agencies or levels of government may be required.):

1. Planned Commercial Developments Projects which are designed, approved, constructed and maintained in accordance with the provisions of DCA 3.10.
2. Commercial Condominium Projects subject to the applicable provisions of law relating thereto.
3. Hotels and motels.
4. Schools, churches, hospitals (human care), nursing homes and other similar quasi-public buildings subject to approval by the Planning Commission.
5. Civic Buildings. (Ord. 95-10, 4/25/9)
6. Restaurants, provided that any such facility providing drive-up window service shall also include an area for inside service to patrons in an amount not less than fifty (50%) of the total floor area of the structure. In addition, the following shall apply to restaurants. (Ord. 97-05, 5/27/97)
    a. A traffic analysis shall be provided as part of the conditional use application.
    b. The drive-up window and driveway shall be unobtrusive and be screened from the street by berming and landscaping.
    c. Odors and noise shall be controlled as to not have an adverse impact on any nearby residential structures.
    d. Restaurants must comply with provisions of the sign ordinance.
    e. Restaurants must comply with the landscaping and design provisions in the B-C zone.
    f. Any drive-through window must be located on the side of the restaurant building which does not abut a public street and must be screened from the street side with berming and landscaping.
    g. Any drive-through window must have a stacking lane which will accommodate at least six cars off of the public street.
7. 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.
8. Seasonal sales such as produce or Christmas trees provided a business license is obtained from Alpine City.
9. Sexually-oriented businesses are a conditional use in the Business Commercial (BC) zone and are subject to the provisions of this chapter, including (Ord. 2010-07, 5/11/10):
    a. No sexually-oriented business shall be located within:
        i. One thousand (1,000) feet of a school, day care facility, public park, library, and religious institution;
        ii. Four hundred (400) feet of any residential use (no matter which zoning district) or residential zoning boundary;
        iii. One thousand (1,000) feet of a liquor store; and
        iv. One thousand (1,000) feet of any other sexually-oriented business.

        For the purposes of this section, distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the sexually-oriented business is located, and:

        (1) The closest property line of any school, day care facility, public park, library, and religious institution;
        (2) The nearest property line of any residential use or residential zone;
        (3) The nearest property line of any liquor store; and
        (4) The closest exterior wall of another sexually-oriented business.

10. Home occupations, subject to the provisions of DCA 3.23.070 Part 3.
11. Accessory apartments, subject to the provisions of DCA 3.23.070 Part 1.

12. Mechanical Automotive Repair Shops
    a. Odors and noise shall be controlled as to not have an adverse impact on any nearby structures.
    b. There shall be no more than 5 automobile bays.
    c. No automobiles shall be stored on the property for more than 14 days.
    d. Mechanical automotive repair shops shall comply with the regulations of the applicable entities including but not limited to the State of Utah, Timpanogos Service District, Lone Peak Fire Marshall, and Environmental Protection Agency.
    e. Mechanical automotive repair shops must abut directly upon and have access to Main Street (south of southern property line of the property located at 30 South Main Street) or Canyon Crest Road within the Business Commercial zone.
    f. Mechanical auto repair shops shall comply with the off-street parking requirements excepting there shall be no more than 3 parking spaces provided per bay.
    g. Mechanical automotive repair shops shall conform to the provisions of the Gateway/Historic Zone (DCA 3.11).

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

HISTORY
Amended by Ord. 2018-01 on 2/27/2018

3.07.040 Area And Width Requirements

1. **Lot Occupied by a Dwelling Structure**
    a. Lot Size. The minimum lot area for a single-unit dwelling shall be 10,000 square feet (Amended by Ord. 94-06).
    b. Lot Coverage. No lot within the BC Zone may have more than fifty (50) percent of its land area covered by buildings or other impervious material.
    c. Lot Width. The minimum width of any lot for a dwelling shall be ninety (90) feet, measured at the required front yard set back line.
2. **Lot Occupied by an Office and Commercial Structure**. There shall be no minimum lot area or width requirements except that an area sufficient to accommodate the structure, landscaped areas, minimum setback, required off-street parking, loading and unloading, vehicular ingress and egress shall be provided and maintained.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

3.07.050 Location Requirements

All buildings shall comply with the following setbacks:

1. Front setback shall be not less than thirty (30) feet from the property line on all streets. No portion of the setback area adjacent to a street shall be used for off-street parking.
2. In commercial developments adjacent to other commercial areas, the side yard and rear yard setbacks will be not less than 20 feet unless recommended by the Planning Commission and approved by the City Council where circumstances justify.
3. Where a commercial zone abuts a residential zone, the side yard and rear yard setbacks will be not less than 20 feet unless recommended by the Planning Commission and approved by the City Council where circumstances justify.
4. A lot occupied by a dwelling structure shall comply with the setback requirements set forth in the TR-10,000 zone (DCA 3.02.050 Part 1) unless recommended by the Planning Commission and approved by the City Council where circumstances justify.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)
(Amended by Ord. 98-05, 3/10/98)

3.07.060 Access Requirements

Each lot shall abut directly upon and have access to a City street which is improved in accordance with City street improvement standards.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

3.07.070 Utility Requirements

1. **Culinary Water**. All dwellings and other structures to be used for human occupancy shall be served by the City's water system. The system serving the dwelling shall be capable of providing water to the dwelling at a volume sufficient for both culinary and fire fighting purposes and at a pressure of not less than forty (40) psi as determined by the City Engineer.
2. **Domestic Sewage Disposal**. All dwellings and other structures intended for human occupancy shall be served by the City's central sewage collection system.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

3.07.080 Special Provisions

1. **Uses Within Buildings**. All commercial activities and storage shall be conducted entirely within a fully enclosed building, except those uses deemed by the City to be customarily and appropriately conducted in the open, including, but not limited to, gasoline dispensing, plant nursery displays, temporarily parked automobiles in need of repair, temporary sale of Christmas trees, etc.
2. **Site Plan to Be Approved For All New Commercial Uses**. Prior to the establishment of a new commercial use or the construction of a new building, a site plan shall be submitted, reviewed and recommended by the Planning Commission and approved by the City Council. (Amended by Ord. 2004-13, 9/28/04).
3. **Off-street Parking**. Off-street parking area which requires backing from the off-street parking space onto the street right-of-way in order to exit shall not be permitted. All ingress and egress shall be by forward motion only.

   All points of ingress and egress to a commercial use or off-street parking areas shall be as shown on the site plan and shall be located not less than forty (40) feet from any intersection of public streets.

   All off-street parking areas shall be hard-surfaced and shall be bordered by a curb or other barrier.

   The number of required parking spaces and other particulars about the design and construction of off-street parking shall conform to the provisions of DCA 3.24.

4. **Trash Storage**. Adequate facilities for the disposal of solid waste shall be provided. All containers for the temporary storage and disposal solid waste material shall be of a size, type and quantity approved by the City shall be maintained in a location as shown on the Site Plan.
5. **Storage Containers**. The use of any portable unit, pod, or similar type of storage container is prohibited in this zone unless approved by the city.
6. **Surface Water Drainage to be Retained On-site**. All additional surface drainage generated as a result of development activity shall be disposed of on-site, as determined by the City Engineer.
7. **Height of Buildings**. The maximum height of any dwelling or other main building shall be thirty-four (34) feet, as determined in accordance with the provisions of DCA 3.21.080. (Ord. 96-15, 12/18/96).
8. **Landscaping Required**. As a means of mitigating safety hazards or adverse visual impacts all areas of the site not devoted to buildings or off street parking shall be landscaped. The landscaped area shall be not less than twenty (20) percent of the total area of the site. In addition to all other plan elements, the site plan shall contain a landscape plan showing the location, type and initial size of all planting materials and other landscape features, and the location of the proposed sprinkler system.
9. **Design of Commercial Structures**. Commercial buildings shall comply with the following architectural design criteria. (Preliminary architectural design drawings of all building elevations shall be presented to the Planning Commission for review).
   a. The exterior of all commercial buildings shall be finished predominantly with wood and/or brick, stucco, stone or similar materials in accordance with guidelines in the Historical/Commercial/Residential Ordinance. Pitched roofs are preferred.
   b. The architectural styles of the business district should be consistent and harmonious. The style of building design and trim should be compatible with the relatively uncomplicated rural, small town character of Alpine. Extremely irrelevant, contrived or inconsistent styles will be discouraged.
10. **Water Rights Conveyance Requirements**. Water rights shall be conveyed to the City in accordance with the provisions of DCA 3.21.070.
11. **Nuisances Prohibited**. No land or building shall be used in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard, noise, or vibration, smoke, dust, odor, or other form of air pollution; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining premises.

12. **Accessory Buildings**. All accessory buildings shall be located in accordance with the following (Ordinance 2002-13) (Amended by Ord. 2006-14, 9/12/06; Ord. 2010-03, 8/24/10):
    a. Setback from main building. 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.
    b. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
    c. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
    d. Side and Rear Setback - Interior Lot Line. Accessory buildings shall be set back no less than ten (10) feet from the rear lot line and five (5) feet from the side lot line, except that no minimum rear or side setback shall be required when all the following conditions are met:
        i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
        ii. The accessory building contains no openings on the side contiguous to the lot line;
        iii. No drainage from the roof will be discharged onto an adjacent lot;
        iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
        v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; and
        vi. The building will not be taller than ten (10) feet to the top of the roof line.
    e. Accessory Building Height. The maximum height of any accessory building shall be twenty (20) feet as measured form the average finished grade of the ground surface adjacent to the foundation o the structure to the top of the ridge line.
        i. Exceptions to the Height Requirement. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height, provided that no such ancillary structure shall extend to a height in excess of fifteen (15) feet above the building.
        ii. Additional Accessory Building Height. For every one (1) foot of additional height above twenty (20) feet, an additional two (2) feet of side yard and rear yard setback will be required. The maximum height of the accessory building as measured to the ridgeline shall be thirty (30) feet.

13. **Heliports**. The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Rules of Procedure

FOR CONSIDERATION ON: 5 March 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and consider adopting something similar for the Planning Commission.

BACKGROUND INFORMATION:

In 2011 the City adopted rules of procedure for conducting of all meetings of the Alpine City Council. The rules of procedure adopted by the City Council defines and outlines notice and agenda requirements, roles of the Mayor and City Council, and a code of conduct. Included in the rules of procedure are ten rules of order which are:

1) Meeting is governed by the agenda.
2) Matters requiring a decision shall be done by motion.
3) One question and one speaker at a time.
4) General Consent may be used for all motions except those used for the purpose of the meeting minutes.
5) Only three forms of motions are allowed: Initial Motions, Motions to Amend, and Substitute Motions.
6) Up to three motions can be on the floor at the same time.
7) Debate can continue as long as members wish to continue to discuss.
8) Quorum is needed to pass an item.
9) A motion to reconsider requires a majority vote to pass.
10) Mayor and council members shall adhere to code of conduct.

The City Council rules of procedure are being presented to the Planning Commission for review and discussion, with the intention being that the Planning Commission consider adopting something similar for Planning Commission meetings.

STAFF RECOMMENDATION:

Review and consider adopting rules of procedure for the Planning Commission.

RESOLUTION NO. R-2011-04

A RESOLUTION OF THE GOVERNING BODY OF ALPINE CITY ADOPTING RULES OF PROCEDURE FOR THE PUBLIC MEETINGS OF THE CITY

WHEREAS, Utah Code Section 10-3-606 allows each city to adopt rules of procedure for its meetings; and

WHEREAS, Utah Code Section 10-3-607 allows a city to adopt rules of conduct for the members of the City council; and

WHEREAS, it is generally felt that rules of procedure and conduct will aid the city council of Alpine city to perform its functions in an efficient and public friendly manner.

NOW THEREFORE BE RESOLVED by the Governing Body of Alpine City as follows:

1. The Attached Exhibit entitled Alpine City Council Procedures is hereby adopted as the rules of procedure for conducting of all meetings of the Alpine City Council

2. This resolution shall take effect immediately upon passing.

Passed and dated this 8th day of February, 2011.

Mayor

Attest:

Recorder

Alpine City CORPORATE Seal Utah County, Utah

ALPINE CITY COUNCIL
Meeting Procedures

Recognizing that the City Council, as a legislative body, needs a systematic way of conducting its business, these rules of procedure are to provide for the orderly conduct of City business by the City Council, with the objective of providing for full, open, and comprehensive debate of issues brought before the City Council for action in a forum open to the public, and which encourages citizens' awareness of City Council activities.

These procedures do not increase or diminish the existing powers or authority of the Mayor or City Council members, as set forth in state law or local ordinance.

CITY COUNCIL MEETING AGENDA

All meetings of the Alpine City Council will have a notice and agenda that complies with the Utah Open Meetings Act

The agenda shall contain the following items and be in substantially the following form:

I. CALL TO ORDER
   A. ROLL CALL
   B. PRAYER
   C. PLEDGE OF ALLEGIANCE:
II. PUBLIC COMMENT
III. CONSENT CALENDAR, APPROVE MINUTES OF PREVIOUS MEETING
IV. PUBLIC HEARING (AS NEEDED)
V. ACTION ON PUBLIC HEARING
VI. INVITED PRESENTATIONS
VII. ACTION/DISCUSSION ITEMS
VIII. STAFF REPORTS
IX. COUNCIL COMMUNICATION
X. EXECUTIVE SESSION (AS NEEDED)
XI. ADJOURN

An Item may be placed on the agenda by the Mayor or at the request of any two council members.

Agenda Items must be submitted to the City Recorder at least 1day before the date of the meeting. Any item that is submitted to the City Recorder after1 day will be put on the next following meeting agenda. Requestor should notify the Mayor of the added agenda item.

ROLE OF THE MAYOR AS COUNCIL CHAIR AND OTHER COUNCIL MEMBERS:

- The Mayor shall preside at meetings of the City Council.
- Participate in discussion of all matters.
- Shall vote as a member thereof only in case of a tie or where otherwise specifically authorized to do so by state law, and shall have no power to veto.

In addition, the Mayor, as the Chair, has the primary responsibility for ensuring that the Council's rules of procedure are followed and:

- For maintaining the dignity of Council meetings.
- Calls the meeting to order and confines the discussion to the agenda.
- Recognizes Council members for motions and statements and may allow audience and staff participation at appropriate times.
- Requires knowledge of the Alpine City adopted rules of parliamentary procedure and how to apply it.
- Ensures that the Utah Open and Public Meetings Act is complied with.
- Knows how to courteously discourage Council members who talk too much or too often.
- Knows how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
- Recognizes the Council member offering the motion, restates the motion, presents it to the Council for consideration, calls for the vote, announces the vote, and then announces the next order of business.

CODE OF CONDUCT FOR CITY COUNCIL AND MAYOR INCLUDES:

- Council members' remarks should always be directed to the Mayor.
- Remarks should apply to the question under debate.
- Shall avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Shall not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought bias or partiality to a question before the City Council.
- Shall be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at large while respecting individual rights.

- Shall be dedicated to the effective use of the City's available resources.
- Shall refrain from any activity that would hinder their ability to be objective and impartial.
- City business shall be discussed in open, well-publicized meetings, except in rare situations in which Executive Sessions are authorized.

PARLIAMENTARY RULES:

The following may be referred to as the Alpine City's Rules of Order and shall be the parliamentary rules for conducting the business of the City Council. The City Attorney will serve as the Parliamentarian, and will recommend rulings, upon request by the presiding officer, to all points of order raised during the proceedings. Each Rule is followed by a recommended Procedure and Purpose to explain the Rule and guide the Mayor and council members in its intended application.

RULE NO. 1: **The meeting is governed by the agenda and the agenda constitutes the City Council's agreed-upon roadmap for the meeting.**

PROCEDURE. Each agenda item can be handled by the Mayor in the following basic format:

First, the Mayor should clearly announce the agenda item number and should clearly state what the agenda item subject is.

Second, following that agenda format, the Mayor should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Mayor, a member of the City Council, a staff person, or an invited person charged with providing input on the agenda item.

Third, the Mayor should ask members of the City Council if they have any technical questions of clarification. At this point, members of the City Council may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the Mayor should invite public comments if at a formal public hearing and should open the public hearing for public input. If numerous members of the public indicate a desire to speak to the subject, the Mayor may limit the time of public speakers. At the conclusion of the public comments, the Mayor should announce that the public hearing is closed. For a regularly scheduled agenda item, the Mayor may invite public comment.*Fifth*, the Mayor should invite a motion. The Mayor should announce the name of the member of the City Council who makes the motion.

Sixth, the Mayor should determine if any member of the City Council wishes to second the motion. The Mayor should announce the name of the member of the City Council who seconds the motion. If there is no second then the item will be deemed concluded without decision

Seventh, if the motion is made and seconded, the Mayor should make sure everyone understands the motion. This is done in one of three ways: (1) The Mayor can ask the maker of the motion to repeat it. (2) The Mayor can repeat the motion. (3) The Mayor can ask the City Recorder to repeat the motion.

Eighth, the Mayor should now invite discussion of the motion by the City Council. If there is no desired discussion, or after the discussion has ended, the Mayor should announce that the City Council will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the Mayor takes a vote. All votes for purposes of the meeting minutes shall be by roll call of the council.

Tenth, the Mayor should announce the result of the vote and should announce what action (if any) the City Council has taken.

PURPOSE OF THE RULE: All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting be prepared in advance of the meeting and that no final action be taken on any item that is not on the agenda. In addition the Act requires that the minutes of the meeting contain certain minimum information including the name of any member of the council speaking on an issue, the substance of what the member says, an accurate description of any action taken by the council and the voting record of each individual member of the council.

RULE NO 2: Any matter that requires a City Council decision shall be brought before the Council by motion.

PROCEDURE. The procedure for any motion shall be as follows: First, the Mayor should recognize the member of the City Council. Second, the member of the City Council makes a motion by preceding the member's desired approach with the words: "I move . . . . "
So, a typical motion might be: "I move that we give the City Attorney a raise in pay."

The Mayor usually initiates the motion by either (1) Inviting the members of the City Council to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the City Council. "A motion would be in order that we give the City Attorney a raise in pay." (3) Making the motion. As noted, the Mayor has every right as a member of the City Council to make a motion, but should normally do so only if the Mayor wishes to make a motion on an item but is convinced that no other member of the City Council is willing to step forward to do so at a particular time. (4) Reading a motion suggested by the City Staff.

PURPOSE OF THE RULE. The purpose of this rule is to limit items under discussion to those and only those that the council members want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person

taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.

RULE NO 3: One question at a time and one speaker at a time.

PROCEDURE: Only one question will be discussed at a time. The question may have several motions.

There will only be one speaker at a time. Anyone who wishes to speak must raise their hand first after the current speaker finishes. The Mayor will call upon the person by name. Once a member has been recognized, he has been granted "the floor" and may begin speaking. The speaker may not be interrupted except as allowed by these rules.

If a councilmember wishes to ask a question during their time and retain the floor to speak after the question has been answered they may indicate so before posing the question by saying something similar to "I have additional comments and wish to retain the floor after this question has been answered."

PURPOSE OF THE RULE. The purpose is to focus on only one question and to allow council members the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

RULE NO 4: The Mayor may use General Consent (also known as Unanimous Consent) with all motions except those motions where the votes are used for purposes of the meeting minutes and require a roll call of the council.

PROCEDURE: When the Mayor feels the council is all in agreement, the Mayor asks if there are any objections to the motion to amend, withdraw, or any motions in Rule No. 7. The Mayor pauses and if there are no objections states that the motion is approved. If there is any objection then the motion is put to a regular vote. A council member may object simply because he or she feels it is important to have a formal vote.

Example: The Mayor states, "If there is no objection, we will recess for 10 minutes, [pause to see if any member objects]. There being no objection, we will recess for 10 minutes.

If a member objects by stating, "I object" the matter is then put to a vote.

The Mayor states, "An objection being made, the question is shall we recess for 10 minutes? As many as are in favor, say Aye. Those opposed, say No. The Ayes have it and we will recess for 10 minutes."

PURPOSE OF THE RULE. General consent is helpful in expediting general routine business or when the Mayor senses the council is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

RULE NO 5: There are only three basic forms of motions allowed: Initial Motions, Motions to Amend, and Substitute Motions.

PROCEDURE: The initial motion. The initial motion is the one that puts forward an item for the City Council's consideration. An initial motion might be: "I move that we give the City Attorney a pat on the back."

The motion to amend**.** If a member wants to change the initial motion that is before the City Council, they would move to amend it. A motion to amend might be: "I move that we amend the motion to give the attorney a kick in the butt." A motion to amend takes the initial motion which is before the City Council and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

The substitute motion. If a member wants to completely do away with the initial motion that is before the City Council, and put a new motion before the City Council, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we get a new City Attorney."

PURPOSE OF THE RULE. "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Mayor. So that if a member makes what that member calls a "motion to amend", but the Mayor determines that it is really a "substitute motion", then the Mayor's designation governs.

RULE NO 6. There can be up to three motions on the floor at the same time and no more than three. The Mayor can reject a fourth motion until the Mayor has dealt with the three that are on the floor and has resolved them.

*PROCEDURE***:** When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to give the City Attorney a pat on the back." During the discussion of this motion, a member might make a second motion to "amend the main motion to give the City Attorney a kick in the butt." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we just get rid of the City Attorney." The proper procedure would be as follows:

First, the Mayor would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the City Council of the third motion (the

substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Mayor would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

Second, if the substitute motion failed, the Mayor would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the City Attorney be kicked in the butt). If the motion to amend passed the Mayor would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Mayor would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Mayor would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (pat on the back), or, if amended, would be in its amended format (kick in the butt). And the question on the floor for discussion and decision would be what part of the City Attorney's anatomy would be subject to assault.

PURPOSE OF THE RULE: Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering to satisfy those who want to be clever while allowing the slow to still keep up.

RULE NO 7: The debate can continue as long as members of the City Council wish to discuss an item, subject to the Mayor determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a council member to limit the debate. The following motions are not debatable—a motion to adjorn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.

PROCEDURE. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the City Council to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Mayor must immediately call for a vote of the City Council without debate on the motion):

A motion to adjourn. This motion, if passed, requires the City Council to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the City Council to immediately take a recess. The length should be set in the motion which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the City Council to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the City Council: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case the matter will not be placed back on an agenda for a future city council meeting except at the order of the Mayor or the request of any two council members. A motion to table an item requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the City Council makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Mayor should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a simple majority vote of the City Council.

PURPOSE OF THE RULE. Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Mayor by General Consent or the majority of the council to end the debate, after a reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

RULE NO 8: Three yes votes are required to pass any item before the council with limited exceptions. A motion to go into close session (executive session) requires a 2/3 vote of the members present. The mayor is entitled to vote in cases of a tie and where specifically allowed by state law.

PROCEDURE. If the mayor and all five members of the council are present, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. If one member is absent and the vote is 2-2, the mayor is entitled to vote.

PURPOSE OF THE RULE. Utah statutes set out both the number of the quorum and the minimum vote required on any issue. This rule is meant to clarify that when the entire council is present and voting then it is not a tie when one member abstains. If however the member is absent from the meeting for any reason and the vote is 2-2 then it may be a tie and the mayor may vote as allowed by state statute.

RULE NO 9: A motion to reconsider any item requires a majority vote to pass, but there are special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the City Council if the item is properly on the agenda. In addition, a motion to reconsider cannot be made at a special meeting of the Council unless the number of members of the council present at the special meeting equals or exceeds the number present at the meeting when the action was approved. Second, a motion to reconsider can only be made by a member who voted in the majority on the original motion.

PROCEDURE. If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the City Council may second the motion).

If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order.

PURPOSE OF THE RULE. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the City Council again and again. That would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the City Council, and a new initial motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

RULE NO 10: The Mayor and council members shall adhere to the code of conduct.

PROCEDURE. The Mayor, as chair of the meeting, is primarily responsible to see that debate and discussion of an agenda item focuses on the agenda item and the policy in question, not the personalities of the members of the City Council. There are, however, exceptions that are intended to assist the Mayor in keeping order to the meeting. A speaker may be interrupted by a council member only for the following reasons and in the form set forth below:

*Privilege***.** The proper interruption would be: "point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort or safety of the meeting or when the reputation of the council or any individual is at stake. For example, the room may be too hot or too cold, a blowing fan might interfere with a person's ability to hear, or the speaker may be misrepresenting an individual's remarks

Order. The proper interruption would be: "point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Mayor makes a ruling that a member of the City Council disagrees with, that member may appeal the ruling of the Mayor. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Mayor is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the City Council has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the City Council to return to the agenda item properly before them. If the Mayor fails to do so, the Mayor's determination may be appealed.

Withdraw a motion. To withdraw a motion, the maker of the motion on the floor states, "I request that my motion be withdrawn." The motion to withdraw a motion requires a simple majority vote.

*PURPOSE OF THE RULE***.** Debate and discussion should be focused, but free and open. In the interest of time, the Mayor may, however, limit the time allotted to speakers, including members of the City Council. A council member may continue speaking on a majority vote of the Council. The rules of order are meant to create an atmosphere where the members of the City Council and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Mayor and the members of the City Council to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Mayor before proceeding to speak.

RESIDENTS' RIGHT TO BE HEARD:

It is the Council's goal that residents of the City resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that residents may from time to time believe it is necessary to speak to City Council on matters of concern. Accordingly, the City Council expects any person presenting to the city council to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the Mayor.
- Public comments will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the mayor.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the Mayor.
- If a representative is elected to speak for a group, the Mayor may approve an increased time allotment.
- Personal attacks made publicly toward any person or city employee are not allowed. Speakers are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel Policies.
- Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing City Council, shall be deemed to have disrupted a public meeting and, at the direction of the Mayor, shall be removed from Council chambers by Police Department personnel or other agent designated by City Council or City Manager.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Planning Commission Minutes February 19, 2019

FOR CONSIDERATION ON: 5 March 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Approve Minutes

BACKGROUND INFORMATION:

Minutes from the February 19, 2019 Planning Commission Meeting.

STAFF RECOMMENDATION:

Review and approve the Planning Commission Minutes.

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
February 19, 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: Dave Fotheringham
Commission Members: John MacKay, John Gubler, Jane Griener, Sylvia Christiansen
Excused: Alan MacDonald, Bryce Higbee
Staff: Austin Roy, Marla Fox,
Others: Will Jones, Marvin Pack, Regan Pack, Lonny Layton, Alan Gilman

B. Prayer/Opening Comments: Jane Griener
C. Pledge of Allegiance: Sylvia Christiansen

II. PUBLIC COMMENT

David Fotheringham stated that other cities have rules of order on how they proceeded with their motions. When a topic was brought up, he continued, a motion was made followed by a second and vote. After the motion, he added, a discussion took place. He explained that the Planning Commission had conducted its meeting in this manner the week prior and he felt it had been helpful in keeping the Commission on topic.

David Fotheringham explained that this was how the Council conducted its meeting and that these were the rules of order it had adopted. He continued that it seemed to be working very well. He explained that it might take some time for the Commission to get used to conducting its meetings in this manner but added that it would ease the process. He mentioned that the Council could make an added motion if the members did not like the initial motion or asked for amendments: three such changes could be added, while more changes would require the motion to be changed. There was further discussion on this process.

When asked whether the Planning Commission members should call Austin Roy ahead of time if they had a lot of questions about a motion, David Fotheringham explained that the questions should be presented during the meeting: the new order of meeting did not mean questions should not be asked.

III. ACTION ITEMS

A. Site Plan (Concept) Review – Car Dealership – Lonny Layton

David Fotheringham stated that the purpose of the item was to review the concept plan and provide feedback to the applicant. No decision needed to be made, he continued.

Austin Roy stated that the petitioner was interested in putting a small car dealership on a lot within the Business/Commercial/Zone. The lot, he explained, was located at 235 S. Main Street. He then opened an aerial map on the screen for the Planning Commission. A proposed concept site plan had been prepared showing building layout, parking, access, lighting, and other intended uses for the lot. He pointed to the lot, which was a triangular piece of land. He continued that there was an existing structure on the back of the lot and stated that the Commission was being presented with a site plan.

Austin Roy stated that the property had a shared access that was 24 feet wide. He continued that there was an easement between this property and another property South of it. He explained that is was a shared access and that said access was probably intended to access a third lot. He added that whether this access could be used to access the property in question remained questionable.

Austin Roy explained that the applicant would remodel the existing structure and modify it. He added there were spots in the front that would serve as display stalls. He mentioned that to obtain a dealership license, the State of Utah required three display stalls: the stalls on this property would fulfill this requirement. He further added that there would be two sets of six parking stalls for a total of 12, with some stalls reserved as handicap parking. The lighting, he continued, would only be located on the corner of the building. The applicant had suggested placing a dumpster of some sort on the property as well.

Austin Roy explained that the applicant was trying to meet all the requirements and added he felt the parking was sufficient for this type of use. He pointed that one of the issues, however, was that the development code did not explicitly state thata "car dealership" or "car lot" was a permitted use within the Business/Commercial/Zone. He added that there was language in the ordinance, namely Article 3.7 which may be interpreted as allowing for such a use. He explained that the applicant had highlighted the section of the text that could allow for the car dealership use. Austin Roy read Article 3.7 stating that: All commercial activities and storage shall be conducted entirely within a fully enclosed building, except those uses deemed by the City to be customarily and appropriately conducted in the open, including, but not limited to the following: gasoline dispensing, plant nursery displays, temporarily parked automobiles in need of repair, temporary sale of Christmas trees, etc. He added that the applicant was proposing that the car dealership to be customarily handled outdoors. Reading the ordinance, he continued, the applicant felt that it applied to the car dealership.

David Fotheringham stated that after looking at cars on the outside, the paperwork and sale itself was done indoors. Austin Roy explained that the plan also called for an office, which would be located in the existing building. He continued that the sales itself would occur indoors, while the displays of cars would be outdoors. He added there had been talk of having the cars on display during the day time and parked at night.

David Fotheringham stated that this was just a discussion; no motion was being made.

Jane Griener asked whether this business would render another lot landlocked. Austin Roy stated that the other lot was not landlocked because the original owner had sold the lot and no longer needed to access from Main Street. The owner, he explained, had owned several lots. When the

lots were platted, the owner had preserved an access point from Main Street to access the back parcel. Three different entities now owned the plots, and he pointed to one plot which was now accessed from Red Pine. As a result, there was no use for the easement any longer. He added that the best solution would be for the easement to be abandoned as it no longer served a purpose. The front two lots, he added were not served by the easement as they both had plenty of frontage on Main Street.

Jane Griener asked if the applicant planned to fit within the Gateway Historic. The site plan did follow the guidelines when it came to lighting, parking, and landscaping. The modification made to the existing structure, Mr. Roy continued, would have to meet the architectural guidelines. He explained that this would allow the building to match and blend within the Gateway Historic. Jane Griener further asked what would be done with the space in the front. The front part of the applicant's lot, Mr. Roy added, would be landscaped as was required as part of the Gateway Historic.

Jane Grier stated that since the three spaces in the front were for displaying cars, she was unsure where the rest of the cars would be parked. Austin Roy explained that the applicant was there to talk more about this situation. He added that the applicant's aspirations were not to have a large car lot, but rather specializing in unique and specialized cars.

Jane Griener asked whether there was a restriction on the number of cars the dealership could offer. Her concern was regarding the business being sold at some point in the future, and the new owner expanding. Austin Roy stated the ordinance did not specifically permit this use. If approved, the Staff recommended that the motion be approved with a cap on the number of permitted vehicles.

It was stated that car dealerships usually tried to have as many cars as possible on their lot. Car dealerships needed to satisfy the three cars minimum for the State Law. Even if unused, the three car display spots allowed for the license to be obtained.

Lonny Layton, the applicant, stated that his plan was to turn the existing building into a sales office. The back section of the lot could not be seen from the street. He explained that he had always been interested in classic cars but wanted to officially open his business. He added that he knew that 20% of the lot had to be landscaped and that the front of the lot would be landscaped and tied up to the access road toward the building. He added there would be more landscaping on the back side of the lot, along the river. Mr. Layton explained that the center section might be more problematic. For the foreseeable future, he wanted to get the business running and sell a few cars. He mentioned that this business would be a side job as his main job was that of pilot. As a result, he did not foresee this business growing to more than three cars on display. He stated understanding that the Commission needed to keep the future in mind, in the event he sold the business to someone who did wish to expand it. He added that he would prefer to build the business as it currently was in the site plan. If later he decided to expand, he could add asphalt into the center section. Mr. Layton reiterated that this was not his current intention. He was not planning on starting an actual car dealership or hire employees. This business, he continued, was meant to be a hobby. If the City would rather have him develop more of the lot into asphalt or add parking stalls, he was open to that. He mentioned that after looking at the property, engineers stated that no more than fifteen to twenty cars could be placed on the lot.

It was noted that based on the Gateway Historic information, the applicant would not have a car lot visible from Main Street. A building should be placed towards the front of the property to create the look while keeping the cars in the back. The Commission needed to be concerned with what could happen in the future in the event of an expansion.

Sylvia Christiansen explained that Provo had a lot of small car dealerships along State Street and added that a lot of them did not look nice; this was her primary concern. She added not being sure exactly what the applicant was trying to do. Lonny Layton explained he would have the three required stalls. His business plan was to help friends and family with cars. Sylvia Christiansen asked whether the applicant hoped to have the business pay for itself. Lonny Layton explained that this business was more of a hobby and that he did not want to create an actual dealership. He explained that when family or friends needed cars, he would order them at auctions on their behalf. Sylvia Christiansen asked whether the business would have hours of operation. Lonny Layton explained that the business would be done mostly by appointment. He continued that he did not wish to attract customers from other cities, but rather would prefer for his business to come from Alpine. He added not planning on advertising outside of Alpine and mostly through word of mouth. He explained having worked at a dealership years prior and added that it was difficult to meet with people every day as they seemed to not enjoy car shopping. Lonny Layton stated wanting to be a local person for local buyers.

Sylvia Christiansen stated that from what Mr. Layton was saying, he would not fill the space with cars, nor would he advertise. He confirmed that this was the case: he would not have a web site nor would he advertise. He explained that this part of town was tough during the midday and that he did not want to contribute to all the traffic. If he built a structure in the front, he ran the risk of creating a busier space. Sylvia Christiansen asked whether he would place a sign. Mr. Layton stated having talked to the State that day to find out about requirements. He explained he did not wish to put a sign in the front as it took away from the view. He continued by stating that the State had stipulated he could place a sign on the northeast side of the property, on the side of the building. He said he wanted the sign to look antique.

When asked whether the Commission would have a say in the name of the lot, Mr. Layton stated that he could do an event where the person with the best name for the business received a percentage off a car.

There was some discussion about the back of the property, as there was a dry creek easement in place. It was noted that there was currently a proposal for townhomes on the west side of Main Street. One of the requirements for that project was to put in a trail. The question was asked whether the trail across the street was a new trail; the answer was “no.” Engineers were currently working on their drawings and would present them during the next Planning Commission meeting.

With the area being a Gateway Historic, when adding townhomes on Main Street, the concern had been to avoid adding garages close to the street. Townhomes were usually equated with a row of garage doors. The developer had purposefully designed an opening in the front and put the parking garages in the back. The same thing would apply in this case to preserve the image of Main Street. If someone had spent money on landscaping and effort on making their building look good, they

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would want the continuity of the rest of the buildings looking like older homes or a nice office building with landscaping. Even in the case of the existing auto garage, the issue of look had to be addressed.

When asked what Mr. Layton would do when his friends asked if they could park their RV on his business property, Mr. Layton explained no one would be manning the office during business hours.

The City's Trail Master Plan was presented to the Commission for review. The proposed trail ran behind the applicant's property, through the dry creek.

David Fotheringham asked what would happen if someone wanted to walk to the applicant's place of business, specifically the office, from the street. He asked whether there would be a sidewalk and what the applicant's plans were to get customers from the front to the back. Mr. Layton stated that the architect had mentioned he would be required to provide a sidewalk from the front to the back. The sidewalk would run parallel to the access road. He added there would be a black top and some landscaping. He also mentioned that he had looked at the trail and noticed that the trail looped down and went north. Therefore, he believed that if the trail were to be done, it would be on the Mountain Vale along the fence. It was clarified that this meant the south side.

David Fotheringham explained that the orientation of new construction should be to the street. The building, he explained, was not new construction. It was then noted that it was a new use and that under those requirements, this building could be seen as non-compliant. A parking lot of cars did not meet the requirements, which could be problematic in the future in the event of the business being developed into a larger car dealership. There was further deliberation on the matter.

Mr. Layton stated that he came from an aviation background. After doing some research online, he explained, he wanted to call the lot the Auto Hanger and make the building look like a historical aviation hanger. He explained that this look would fit well within the Gateway Historic. He added that he did not want the building to look like it belonged on a car lot. He added caring about the City and not wanting to be the business owner with a dungeon looking car wash. He did not want his children to grow up and have their father be the man with the dirty looking business. He wanted to figure out what the Planning Commission's suggestions were in order to go through the brainstorming phase. He continued wanting to avoid spending $10,000 on planning only to have the project be retracted as his business was a family one. He explained wanting to join in with the Commission to figure out a way to make the business idea work.

Jane Griener asked the Commission members how confident they were that this business could go before the City Council and be approved as fitting with the approved uses. She stated that while the Commission had its opinions about what matched the code and such, the Council would make the final decision.

Mr. Layton explained that the recommendation he had been given was that this use was permitted, as was discussed in the DRC meeting. The City Attorney, he added, had mentioned that the language could be read to mean that this use could be permitted, but that the final decision was ultimately with the City Council.

Sylvia Christiansen explained that the way the lot was set up would be the deciding factor. Jane Griener asked whether the business could be called something different, but David Fotheringham explained that it could not, due to licensing requirements. He further explained that the next step would be to take this application to the City Council. The Commission could recommend the project for approval, but ultimately, the decision was with the Council.

When asked what the applicant needed to do to receive the recommendation from the Commission, Jane Griener stated that the applicant needed to go to the City Council and be told whether his business would be in the permitted uses. The Commission discussed potential red flags as far as layout was concerned, and an unknown space in the front was identified. Sylvia Christiansen stated she was concerned with the precedent this business was setting for the location, and whether more people would want to open car dealerships. It was noted that this was unlikely as there were not enough lots available.

David Fotheringham explained that if homes were torn down, there might be several places that could be turned into lots. He added that the big question was whether the City Council would approve the use. The Commission could only recommend, as it was not the final authority. Projects had to come through the Commission before going to the Council.

David Fotheringham stated that the applicant could go before the City Council with a negative recommendation. Normally, the Commission preferred to bring a final product to the Council, which was why the applicant was coming to the Commission first. Jane Griener explained that she wished to do more research before she agreed that the project met the ordinance. While she appreciated having some of the wording presented to her during the meeting, she wished to see the entirety of the wording. She also wished to see what had been done before. She added that the applicant could come before the City Council at the beginning of the meeting before the agenda started. The applicant could then ask about the uses. She explained that the applicant could also contact the Council by email to ask his questions.

Mr. Layton explained that he could contact Council Members individually, which he was not sure would be a good solution. David Fotheringham explained that the risk would be for the Commission to approve the project only to have the Council reject it. He continued that the Council was the place where the applicant needed to find out about the permitted use. He added understanding what Austin Roy was saying: even with the Commission's approval, the City Council could still deny the project.

Jane Griener asked if there was any particular section the Planning Commission should look through. Mr. Roy explained that the relevant section had been shared in the packet and added there was nothing in the ordinance that talked specifically about dealerships. He added that if the City Council approved the use, the City Attorney would approve it as well. While the language did not make a car dealership a flagrant violation, this use was also not listed as a permitted use. Jane Griener apologized for not being more helpful to the applicant. There was subsequent discussion pertaining to the roles of the City Council and Planning Commission.

Sylvia Christiansen asked whether the applicant would sell the lot as a car dealership lot if he were to leave in three or five years. Mr. Layton answered that he did not intend to move or sell.

David Fotheringham stated that the applicant would have the option to sell his lot either as a car dealership, or merely as a lot. Jane Griener explained that it might be worth putting a restriction on the car dealership use. Mr. Layton explained that he did not believe a large car dealership would ever make sense on this lot. The closest dealership, he continued, was thirteen miles away, in American Fork. His plan was that if he ever decided to no longer have this business as a hobby, he would knock the building down and build an office building in its place. He continued that the highest and best use, in the future, would be an office building. He stated also understanding the Commission's desire to protect the future of the lot. One idea he had was for the Council to approve a motion contingent upon a specific number of cars. In the event he chose to expand, he would start the project from scratch, going through approvals once more. It was noted that the approval process was one of conditional use. The Commission continued to discuss various issues raised throughout this item, and the best way of moving forward.

Mr. Layton mentioned wishing to make the front of the lot hide the rest of the space by planting trees but was unsure if it would be better to blacktop the area. He was told that black topping would be the worse case scenario. David Fotheringham stated that the issue came down to setting a precedent. He explained an agreement could be reached in terms of how the lot should look, but the precedent being set was the real issue. The question was whether the precedent would be set for someone to later come in with 30 cars.

David Fotheringham asked that Mr. Layton to bring this back to a future meeting and stated that it would be fair for Mr. Layton to get another chance. Jane Griener stated that at some point, the Commission would have to decide whether to recommend or not recommend. Sylvia Christiansen asked whether Mr. Layton knew what his next step ought to be. He answered he did and that he would contact the Council, review the landscaping, and provide a rendering of the lot. Sylvia Christiansen recommended Mr. Layton read the Gateway Historic guidelines.

B. Amendment to Article 3.1.11; 3.9.6; & 3.5.1 – Dwelling Clusters

Austin Roy stated that in the current ordinance, the phrase "Designated Development Clusters" was used multiple times in the PRD ordinance to describe "Dwelling Clusters." In order to clarify that language and make it easier to understand, along with providing a definition for what a Dwelling Cluster was, the Staff was proposing that anywhere the code stated, "Designated Development Cluster," the language be replaced by "Dwelling Cluster" and that the new proposed definition be used for "Dwelling Cluster." He continued that this change had come before the Planning Commission two meetings before the current one. He explained that the issue had been brought up as to whether the PRD was a form of taking and whether the City Council could force an individual into a PRD. These were some of the legal questions that he still needed to discuss with the Attorney. As a result, there was no answer yet to the PRD question, but that it was irrelevant to the change requested at the moment. He explained that the change of term would allow the code to be clearer. As far as the PRD was concerned, he added, the matter could be handled separately.

Sylvia Christiansen stated that she noticed Mr. Roy had made the change consistent throughout the three articles. Mr. Roy explained that he had wanted the three articles to have consistent language. He continued that a typo had been rectified. He explained that he had added the definition for Dwelling Cluster and Development Cluster as these phrases were used frequently. He then read the definitions.

Mr. Roy explained that according to the PRD ordinance, structures had to be built in Development Clusters. The intention was to have homes be clustered together to preserve the hill side. He mentioned that the maximum space between structures was 100 feet, which was too restrictive. As a result, he explained that the space had been increased to 300 feet.

Jane Griener stated that this was the only thing the Planning Commission had wanted to see changed. It was noted that everything was being measured as buildable area. Mr. Roy explained that "buildable area" was already in the ordinance. He explained that the engineer usually looked at the buildable area to create a topographical map of the area, analyze the terrain, and decide where a home could be built depending on the slope of the terrain.

It was stated that the reason why this had been an issue during the last meeting was because the buildable area was challenging, and the definition of cluster was problematic. Mr. Roy stated that the agenda stipulated there would be a conversation about flag lots. It was stated that there were no more flag lots. Mr. Roy said that during the last meeting, there had been a conversation about restricting private and shared driveways. After looking at those and taking comments into considerations, the driveway restrictions might not be necessary. He emphasized that the goal was to limit development on the hillside. Limiting shared driveways might limit certain types of development on the hills. Two lots could now access their lot from a shared driveway which created less damage than if they each had their own short driveway. Getting rid of these restrictions gave the home owners more flexibility to do with their lot what they wished while preserving the natural terrain and vegetation.

Jane Griener stated that this issue was separate. The first issue was the addition of "Dwelling Clusters," the definition of "Dwelling Clusters," and having the PRD refer to "Dwelling Clusters." Mr. Roy explained that any text referring to "Development Cluster" had now been replaced by "Dwelling Cluster." Now, he continued, there was a clear, unambiguous definition. Sylvia Christiansen stated liking the current ordinance.

At David Fotheringham's request, Mr. Roy read a portion of the text. Mr. Roy explained that it was a group of three or more lots whose buildable areas were located no more than two times the minimum distance of the closest two buildable areas, with a maximum distance of 300 feet for the furthest buildable area within the Dwelling Cluster. David Fotheringham asked whether these changes required a recommendation to the City Council. Mr. Roy explained there had been a public hearing on the changes. Mr. Roy explained that what had been gathered during the public hearing had been taken into consideration and added to the text. Jane Griener stated that a motion needed to be made.

MOTION: John Gubler moved to recommend approval of Amendment to Article 3.1.11; Article 3.9.6; and Article 3.5.1 of the Development Code as written.

Sylvia Christiansen seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:	**Nays:**
John MacKay	None
David Fotheringham	
Jane Griener	
John Gubler	
Sylvia Christiansen	

C. Amendment to Article 3.1.11; 3.2.9; 3.4.10; & 3.5.10 – Flag Lots

Mr. Roy stated that this item was closely related to the prior one. He explained that this proposal concerned flag lots and was a proposal to the development code. He put the changes on the screen for the Planning Commission to see. He explained that this change sought to add a new section to each portion of the development code that talked about flag lots. Flag lots, as outlined in the definition, were prohibited in each zone. He added that a flag lot was a lot that did not have enough frontage. Mr. Roy mentioned that there could not be a lot that did not meet the frontage requirement for the zone. This, he continued, was part of the definition. The other part of the definition stated that there could not be an odd-shaped lot. He explained that the goal was to provide some form of limitation on odd shaped lots.

Sylvia Christiansen asked why this was needed. She explained that if someone had a 1.5-acre property and had room to put a driveway and a home, she did not understand why they should not be allowed, particularly knowing that affordable housing was in such high demand. Mr. Roy went back to the definition of flag lot. He explained that a flag lot was a lot with less frontage in the front part of the lot (flag pole) than required for the zone within which it was located, and the rear portion of the lot (flag) was wider than the front portion. He added that this definition provided some flexibility with some restrictions as the City did not want skinny, odd shaped lots. He explained that individuals would meet the frontage requirement and then cut out the back area leaving a smaller lot, which allowed the home owner to pay less taxes. He added it created a loophole where homeowners could create odd shaped lots and develop areas that would otherwise be undevelopable. Mr. Roy gave the example of a lot where a certain width had to be maintained: the lot would either have to be a large one to be able to put the house on top of the hill, or the construction would not be possible. He added that the goal was to avoid having a home at the very top of the mountain, or having that home be one big lot.

David Fotheringham asked if the Planning Commission could pass the motion and then discuss it. Jane Griener checked that the driveway requirement had been removed. Mr. Roy confirmed that it had. Mr. Roy added that the proposed amendment was meant to create lots that were more rectangular in shape.

MOTION: Jane Griener moved to recommend approval of Amendment to Article 3.1.11; Article 3.2.9; Article 3.3.10; Article 3.4.10 and Article 3.5.10 of the Development Code.

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John Gubler seconded the motion. There were 4 Ayes and 1 Nays (recorded below). The motion passed.

Ayes:	**Nays:**
John MacKay	Sylvia Christiansen
David Fotheringham	
Jane Griener	
John Gubler	

David Fotheringham asked about the definition included in the motion. The Planning Commission discussed the definition of the flag lot: the front of the lot had to be 100 feet.The rear portion of the lot, he continued, had to be wider than the front. Mr. Roy explained that the lot could be narrower in the back within a limit of 50% of the flag pole portion. He added that this was meant to avoid oddly shaped lots while still giving land owners plenty of flexibility.

David Fotheringham explained that he understood the language to mean that the back portion had to be wider than the front. Mr. Roy reviewed the language with the Commission and explained that the language indicated that there could not be a flag portion that was smaller than the minimum frontage requirement for the zone: the flag portion of the lot could not be smaller than 110 feet, or 80 feet in a cul-de-sac.

Sylvia Christiansen asked if a lot could be triangular. Mr. Roy drew the shapes on the white board to be clearer, and provided additional explanation while doing so. Sylvia Christiansen asked whether the Dwelling Clusters definition would be affected. Mr. Roy stated that Dwelling Clusters only applied to PRDs whereas flag lots could be anywhere in the City. He added that the definitions gave the land owners some flexibility while having the area look more consistent with clean lot lines. Code enforcement was also important as the lot lines came against open spaces.

Sylvia Christiansen explained that she did not believe there was anything wrong with flag lots and oddly shaped lot. She continued that if individuals wished to subdivide their property, they should be able to do so.

It was stated that nothing in the ordinance indicated that individuals could not subdivide their property but rather that the document provided definitions. David Fotheringham stated that, as he understood the amendment, land owners could still have a flag portion to a lot creating an hour glass shape. Jane Griener stated that flag lots could still exist, but that their shapes could not be extreme. Mr. Roy stated that an hour glass shaped lot could be sold but added that the shape would be less extreme.

David Fotheringham opened the floor for public comments.

Regan Pack, a resident, stated that he had gone through the zoning changes for a property he had purchased the year prior. He wanted to ask for clarifications on whether the lot that he had purchased would be considered a flag lot. He explained that the lot in question had a structure on it. David Fotheringham asked if Mr. Pack could point to his lot on the map. Mr. Pack explained that there had been a fire that had damaged the structure on the lot, rendering it inhabitable. Mr. Pack asked if he would run into any building permit issues if he decided to demolish the structure

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and rebuild it. It was noted that the lot was a flag lot. The ordinance would not restrict any existing lots, but rather would impact future lots. The Planning Commission stated that this lot was grandfathered in. Sylvia Christiansen asked if Mr. Pack knew how this lot ended up with this particular shape. Mr. Pack explained that there had been several lots in the past, with one being quite small. As a result, it had been added to another lot. Sylvia Christiansen explained that this made sense, as Mr. Pack had had to meet the minimum frontage.

Mr. Pack had a unique situation where he had frontage to meet the frontage requirement on two separate lots. Most lots would not be able to do this because they lacked the amount of frontage. Sylvia Christiansen asked what would have been wrong with Mr. Pack having a driveway and a house to the side. It was stated this had not been the intention. Sylvia Christiansen said she agreed but still would have liked to understand why residents were forced to have a minimum frontage if they only wished to have a driveway. Jane Griener explained that such residents could apply for an exception.

Mr. Roy explained that the rule was meant to limit oddly shaped lots. In the case of Mr. Pack, the flag portion needed to be no less than 50% of the frontage requirement. He added that the flag pole was not necessarily limited, but that the flag portion was. Jane Griener mentioned that the ordinance applied to people's subdivisions and neighborhoods. If the Commission allowed driveways, the houses would move further back.

Mr. Roy explained that the ordinance was not meant to be overly restrictive and added that Mr. Pack's lot might not meet the current requirements. The Planning Commission calculated the measurements of the lot. Mr. Roy explained that the first part of the ordinance was already in the code. Mr. Roy explained that the ordinance was meant to eliminate rows of skinny driveways. If a lot had the required amount of frontage, a separate driveway could be built. Sylvia Christiansen stated she believed the ordinance was fixing the wrong problem.

Marvin Pack, a resident, stated he understood that his lot was grandfathered in. He asked about a different set up and pointed out that the layout would not be helpful with the new rules. He was concerned that the ordinance forced residents to build something less appealing. David Fotheringham stated that what the resident was mentioning would still work, and he would be able to do this.

Jane Griener asked if residents could come in to ask for a variant. David Fotheringham stated that they could but that the Commission would try to stay away from those types of requests.

Mr. Roy asked how the proposed language limited what Mr. Pack wanted to accomplish on his lot. Mr. Pack stated that while it did not, he was concerned that it might limit other home builders. Sylvia Christiansen stated that there had to be a better way.

David Fotheringham asked Mr. Roy if he had the semi point plat and asked if it was a PRD. Mr. Roy looked for an example to display on the screen. Jane Griener explained that this developer had planned to do an open space development with flag lots in the back

Sylvia Christiansen stated that one solution could be to limit the number of flag lots per property, or to have one driveway per a certain number of feet. Jane Griener explained that this was what the frontage requirement accomplished. Sylvia Christiansen explained that the issue was the frontage.

Mr. Roy explained that by requiring individuals to have the flag a certain size, the City made sure that the lots developed did not have a lot of slope. He gave the example of a cliff. In order to develop the lot, a property line could be drawn in a manner that would get rid of the slope. The ordinance, he continued, avoided development on slopes by restraining the shape of the lots. Mr. Roy showed how cutting a lot in half would get rid of the slope but with the new requirement, the lot would not be developed. Jane Griener explained that on top of avoiding development on the hill side, this prevented oddly shaped lots. Mr. Roy stated that his prior explanation was more geared towards driveways. He added that there might be some oddly shaped lots but that development on the hillside would be eliminated or limited. Jane Griener stated that the point of a required frontage was because this was the size a lot ought to be. The ordinance prevented lot owners from subdividing their lots when they should not be subdivided.

Sylvia Christiansen stated that there had been too much discussion on trying to understand the new ordinance. She added that if the ordinance was that difficult to understand, it needed to be redrafted. Mr. Roy explained that the ordinance was straight forward. David Fotheringham asked whether clusters only applied to PRDs. He was told they did and that this ordinance was meant to avoid hillside development but was not a PRD. The ordinance could be made very restrictive but that this wording was meant to be simple. He added that people's freedom to develop a lot was not meant to be limited.

Jane Griener added that the Commission wanted to see lots developed in areas where they should be developed. She added that the ordinance was perfect the way that it was. She asked if Sylvia Christiansen understood the situation of the slope. Sylvia Christiansen explained that she did but that she wished the Commission did not use a shotgun approach. Jane Griener asked Sylvia Christiansen which kind of lot she believed was being prevented that should not. Sylvia Christiansen explained that one of the things she felt had been dropped from the conversation were odd shaped lots. She continued that the ordinance itself had forced the creation of some odd shaped lots. It was stated that what this ordinance would limit were small development capable areas on a hill. Sylvia Christiansen asked if the current changes would avoid these types of issues. It was confirmed that they would. David Fotheringham stated that the cluster would take part of the other part of the issue. Sylvia Christiansen asked why the ordinance did not use clusters only. David Fotheringham answered that this was because not everything was a PRD. Jane Griener explained that the PRD allowed builders to build smaller lots than the development allowed.

Mr. Roy explained that PRDs had a density bonus, and were meant to help preserve the hillside. Therefore, there were incentives to creating PRDs.

John Gubler seconded the motion. There were 4 Ayes and 1 Nays (recorded below). The motion passed.

Ayes: **Nays:**

John MacKay	Sylvia Christiansen
David Fotheringham	
Jane Griener	
John Gubler	

IV. Communications

Austin Roy stated that the Planning Commission had recently approved of the Bank of American Fork site plan. He explained that usually, developers had to bring samples of the construction materials they wished to use. Mr. Roy asked whether the Planning Commission wished to make this a requirement for all construction in the Gateway Historic District. David Fotheringham stated that the current language stated that while the Planning Commission could request to see building materials, it was not required of the builder.

When the plan was brought to the City Council, he continued, one of the Council members was under the impression that the Commission had to require the samples. David Fotheringham explained the Council Member had stated that if the Commission required samples from one builder, they had to require them from all builders for the sake of consistency. David Fotheringham stated that this was not a matter of favoritism; if the Commission did not feel comfortable with a certain development, they asked for more information, including samples. Sylvia Christiansen stated that all builders should bring samples, clarifying that this would only apply to Historic District buildings. David Fotheringham agreed. Mr. Roy explained that he just wanted to know the Commission's position on the topic and that the text would therefore be amended in the ordinance.

Austin Roy stated that APA Spring Conference was coming up at the beginning of May and that Sylvia Christiansen and Bryce Higbee had expressed interest in attending. The focus of the conference was on tactical urban development. He added that the City would help cover some of the expenses and that, if interested, the Planning Commission members should talk to him. Sylvia Christiansen explained she had gone the year prior and believed that it might someone else's turn to attend. Mr. Roy stated that if she was no longer interested, the spot could be offered to someone else. He explained that the City could accommodate a certain number of members attending: the City would cover mileage, lodging, and the registration fee.

David Fotheringham stated that Jessica Smuin had been approved by the City Council as the new Planning Commissioner. He explained that she would start in April.

V. APPROVAL OF PLANNING COMMISSION MINUTES: February 5, 2019

MOTION: John Mackay moved to approve the minutes for February 5, 2019. John Gubler seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:	**Nays:**
John MacKay	None
David Fotheringham	
Jane Griener	

John Gubler
Sylvia Christiansen

The meeting was adjourned at 8:55 pm.

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