

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
January 7, 2020

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00 p.m. by Vice-Chairman Bryce Higbee. The following were present and constituted a quorum:

Chairman:

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

Excused: Jane Griener

Staff: Austin Roy, Jed Muhlestein, Marla Fox

Others: Greg Wilding, James Lawrence, Lacey Lawrence, David Gifford, Troy Stout, Dick George*

B. Prayer/Opening Comments: Jessica Smuin

C. Pledge of Allegiance: Reed Thompson

II. PUBLIC COMMENT

There were no public comments.

III. ACTION ITEMS

A. Public hearing – Site Plan – Amendment to Development Code – Road Grade Changes

Jed Muhlestein said that Staff noticed differences between State Code and Fire Code versus the Development Code. The primary topic of discussion was the incline and decline grades for roads. It was proposed that the Development Code be amended to match State Code and Fire Code. He said the definition of culs-de-sac were confusing and other sections did not need to be there.

Jed Muhlestein said they wanted to adjust maximum road grade on minor roads to 10% to match the Fire Code. Bryce Higbee asked if the City Code was unenforceable. Jed Muhlestein said it was enforceable, they just wanted it to match the State Code and Fire Code.

Jessica Smuin asked if this would make the current code less strict. She asked where there was a different grade in the City. Jed Muhlestein said Meadowlark Drive was a 15% grade. He named several other steep grades as examples of outliers.

Fire Chief Reed Thompson mentioned the manufacturing company for aerial devices the Fire Department uses were under warranty for up to an 8% grade and exceeding this grade would put them out of warranty. Therefore, they did not set up aerial devices when this occurred.

Bryce Higbee opened the Public Hearing. There were no comments and Bryce Higbee closed the Public Hearing.

MOTION: Sylvia Christiansen moved to recommend to the City Council that Amendment to Development Code – Road Grade changes be approved as proposed. Alan MacDonald seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:
Bryce Higbee

Nays:
None

John MacKay
Alan MacDonald
Jessica Smuin
Sylvia Christiansen

B. Major subdivision – Preliminary Design Plan – Brookside Meadows

Austin Roy said Brookside Meadows consisted of fifteen lots on 13.306 acres. The development was located at approximately 430 North 400 West and was in the CR 20,000 zone. The Preliminary Plan showed a connection to the Whitby Woodlands Subdivision on the east side of the property.

The City Council had reviewed and approved the Concept Plan and Planned Residential Development (PRD) status of the subdivision. The property owner had since changed the plans and was now incorporating additional land on the east side of the property, increasing from the original nine lots to fifteen. The open space was to be dedicated as “private” as a condition of approval.

Lot width for a standard lot was 110 feet and 80 feet for a cul-de-sac lot located on a curve. Lots located within a PRD should have a width of no less than 90 feet. Lots in the CR-20,000 zone were required to be a minimum of 20,000 square feet in size. However, the Brookside Meadows Subdivision was approved as a PRD, which granted density bonuses for the dedication of open space. The proposed preliminary appeared to meet the density requirements set forth in the PRD ordinance.

The Developer proposed that the lots be used for single-unit detached dwellings, which was consistent with the permitted uses for the CR-20,000 zone. The City Trails Master Plan showed no trails within the development area, nor did it show any proposed trails, and thus trails would not be a requirement for this subdivision.

As part of the City General Plan, the Street Master Plan showed a proposed new local street running through the Brookside Meadows property, connecting Whitby Woodlands Drive with 200 North Street. The proposed preliminary plan had incorporated the proposed new local street from the Street Master Plan, which connected earlier phases of the Whitby Woodlands PRD Subdivision to future phases of the Whitby Woodlands PRD Subdivision.

Alpine City already had a street names Brookside Court and Brook Circle. Though the proposed street name is different (Brookside Circle), Staff would recommend changing the name to avoid confusion with other streets.

Jed Muhlestein said the streets met the ordinance. He said there was a cut in the hillside by lot 7 to make the road work. He recommended a retaining wall or a landscaping restriction at that intersection for the sight triangle.

Jed Muhlestein showed where retaining walls would need to be placed. He read the ordinance about landscaping and drip irrigation. This subdivision would be required to have landscaping between the tiered walls and place a fence on top of the retaining wall by the detention pond by lot 11. Staff recommended an open style fence to prevent separation issues. The retaining wall on the cul-de-sac was proposed to be nine feet which the City would have to maintain. Jed Muhlestein said Staff would rather give an exception for a gradual slope instead of the nine-foot retaining wall.

Jed Muhlestein said sewer, water, storm drain, and irrigation met the requirements. He said a Geo Tech report was submitted showing a low probability for rock fall or slides.

Jed Muhlestein said per an agreement with Westfield Ditch, the ditch was not required to be piped. He said the Fire Chief approved the development. When asked why there was an agreement to not pipe the ditch, Jed Muhlestein said it was because there was a green belt of trees behind the homes which the neighborhood wanted to get water to.

Sylvia Christiansen asked why the corner on lot 7 could not be softened so it was not so intrusive. She said she was concerned about the sight triangle.

Alan MacDonald wanted to know what the developer was required to do to fix the sight triangle on lot 7. Jed Muhlestein said he was not going to require a retaining wall, but they could not block the sight triangle. They had options like knocking some of the dirt down or limiting landscaping in the sight triangle.

The Planning Commission discussed the temporary cul-de-sac.

Greg Wilding, representing the developer, said they would like to eliminate the retaining wall by the west cul-de-sac and requested an exception for a 50-foot clear zone grading. Mr. Wilding said the road at an intersection must come in at 3% which he said was fairly restrictive. He said it was his opinion that the City should change that to 5%. He asked for that exception to go to a 5% grade. Jed Muhlestein said the developer would have to bring that exception back to Planning Commission. He also said the City Code was written that way due to safety. When snow was present 3% was recommended. Mr. Wilding said 3% made it very difficult for an engineer to design and for homeowners to develop their property.

Sylvia Christiansen asked what the difference in feet would be if the code went from a 3% to a 5%. Mr. Wilding said it would be about two feet. Bryce Higbee said the developer could bring this back to the Planning Commission Engineer, discuss it, and later bring a revised version back, but he would rather have this looked at by ordinance. He said the ordinance would have to be changed. Mr. Wilding said the ordinance should be changed because it was too restrictive.

Alan Macdonald said the City could run into legal trouble if they granted an exception to the grade that resulted in an accident later on.

Dave Gifford, developer, said he could not afford the extra time to get an ordinance changed. Bryce Higbee said the developer would have to bring it back to Planning Commission, have a Public Hearing and then send it to City Council. Austin Roy said it could take two months and Sylvia Christiansen said there was no guarantee they would get what they wanted without the ordinance change.

MOTION: Alan MacDonald moved to approve the Brookside Meadows preliminary plan and changes to the concept plan with the following conditions:

1. The Developer was granted an exception to the 50-foot clear zone grading requirement for the westerly cul-de-sac;
2. The Developer addressed the sight triangle issue near lot 7;
3. The Developer added landscaping plans for the retaining walls;
4. The Developer added an open style fence on the north side of the easterly detention basin;
5. The Developer addressed the redlines on the plans;
6. The Developer submitted a complete retaining wall design prior to construction;
7. The Developer changed the name of Brookside Circle.

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

Ayes:
Bryce Higbee

Nays:
None

John MacKay
 Alan MacDonald
 Jessica Smuin
 Sylvia Christiansen

C. Gateway/Historic Requirements – J & L Automotive Addition

Austin Roy said the property was located at 80 South Main Street. The proposed addition was to be on the front or east side of the building (side closest to Main Street). In December 2019, the applicant came to the Planning Commission and received a recommendation of approval. However, one of the conditions of approval was that the Planning Commission approve revised elevations that would make the building more attractive to meet the Gateway/Historic requirements. The applicant had revised the design of the building and was now returning for a recommendation from the Planning Commission.

Austin Roy said the applicant brought in two new options to share with the Planning Commission. One would add a large window and the other would add a door.

James Lawrence, applicant, said on the front of the addition they would add two small windows and remove the shutters that were currently there. Bryce Higbee said the Planning Commission made other buildings build a faux door facing Main Street.

MOTION: Sylvia Christiansen moved to approve the proposed update version one to the J & L Automotive building elevations with the following condition.

1. A faux door be added to the east wall.

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

Ayes:
 Bryce Higbee
 John MacKay
 Alan MacDonald
 Jessica Smuin
 Sylvia Christiansen

Nays:
 None

D. Amendment to Development Code – Short Term Rentals

Austin Roy said in October 2019, the Planning Commission reviewed and discussed a draft Short-Term Rental Ordinance. Ultimately, the Planning Commission discussed the reasons they felt that the downsides of allowing Short Term Rentals outweighed the benefits. Staff prepared a new ordinance which would prohibit Short Term Rentals in Alpine City.

Austin Roy said a Short-Term Rental definition was a rental that was less than thirty days and was based on taxes. This would include hotels, motels, and bed and breakfasts. Money was not explicitly referenced in the Tax Commission Definition.

The Planning Commission had a discussion and wanted verbiage added that addresses renting, exchanging money, etc.

A resident said he had an Air B & B and rented it for less than 30 days and was dependent on this business. He said one bad apple did not have to ruin the whole barrel.

Sylvia Christiansen said as a Realtor, she was torn with this issue because the City needed affordable housing and if Short Term rentals were allowed, people said they could make more money with Short Term rentals than accessory apartments. She said she was afraid that would take away from affordable housing.

Austin Roy said he spoke with the City Attorney and he said the Planning Commission had the right to ban Short Term rentals in the City if they chose.

Fire Chief Reed Thompson said if the City allowed Short Term Rentals, it needed a Business License with requirements that went along with that business model.

Austin Roy mentioned the Good Landlord Program.

IV. Communications

Austin Roy said the Planning Commission needed to nominate a new Chair and Vice Chair at the next meeting. Bryce Higbee said it would be a challenge for him to take on that role at this time.

V. APPROVAL OF PLANNING COMMISSION MINUTES: December 3, 2019

MOTION: Sylvia Christiansen moved to approve the minutes for December 3, 2019 with changes.

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

Ayes:

Bryce Higbee
John MacKay
Alan MacDonald
Jessica Smuin
Sylvia Christiansen

Nays:

None

The meeting was adjourned at 8:35 p.m.