



## ALPINE CITY PLANNING COMMISSION MEETING

**NOTICE** is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold an **Electronic Meeting** on **Tuesday, June 16, 2020 at 7:00 pm**. Meeting will be anchored from **Alpine City Hall**, 20 North Main, Alpine, Utah.

The public may view and participate in the meeting via the **Alpine City YouTube Channel**. A direct link to the channel can be found on the home page of the Alpine City website: [alpinecity.org](http://alpinecity.org)

Public Comments may be submitted to [admin@alpinecity.org](mailto:admin@alpinecity.org) Comments for an item on the agenda may be submitted during the meeting and **comments for an item not on the agenda must be submitted by 5:00 pm the day of the meeting.**

### I. GENERAL BUSINESS

- |                             |              |
|-----------------------------|--------------|
| A. Welcome and Roll Call:   | Jane Griener |
| B. Prayer/Opening Comments: | Ed Bush      |
| C. Pledge of Allegiance:    | Troy Slade   |

### II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by Submitting a public comment to [admin@alpinecity.org](mailto:admin@alpinecity.org) and include his or her name and address for the record.

### III. ACTION ITEMS

#### A. Conditional Use Permit – Freeman Auto Mechanic

Proposal to open an automotive mechanic shop on the back end of the Alpine Stop gas station.

#### B. Ordinance 2020-04: Business Commercial Setbacks

City Council has asked the Planning Commission to address setbacks for mixed use buildings.

#### C. Discussion – Bangerter & Burgess Properties

Planning Commission will discuss the future of the Bangerter and Burgess properties off Alpine Highway.

#### D. Discussion Cont. – Limitations on Size of Lots and Structures in the City

Planning Commission will continue discussion on size of homes, additions, accessory buildings, and lots.

### IV. COMMUNICATIONS

### V. APPROVAL OF PLANNING COMMISSION MINUTES: June 2, 2020

### ADJOURN

Chair Jane Griener  
June 16, 2020

**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](http://www.alpinecity.org) and on the Utah Public Meeting Notices website at [www.utah.gov/pmn/index.html](http://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 CITY PLANNING COMMISSION AGENDA**

**SUBJECT:** Conditional Use Permit – Freeman Auto Mechanic

**FOR CONSIDERATION ON:** 16 June 2020

**PETITIONER:** Jeremy Freeman

**ACTION REQUESTED BY PETITIONER:** Review and approve the conditional use.

### **BACKGROUND INFORMATION:**

Applicant is requesting a conditional use permit for a mechanical automotive shop to be located at the Alpine Stop gas station. The gas station has two large garage bays on the back that were originally used as a car wash. The garage bays are currently vacant.

The area south of the garage bays is a gated parking area with a privacy fence. It is proposed that the site be permitted for a mechanical automotive shop. Building can be used as is, no need for remodel or additions. No changes would occur to the exterior looks or style other than routine maintenance.

### **STAFF RECOMMENDATION:**

Review and recommend approval of the proposed conditional use.

### **SAMPLE MOTION TO APPROVE:**

I motion to recommend that the mechanical automotive shop be approved as proposed.

### **SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

I motion to recommend that the mechanical automotive shop be approved with the following conditions/changes:

- \*\*\*Insert Finding\*\*\*

### **SAMPLE MOTION TO TABLE/DENY:**

I motion to recommend that the mechanical automotive shop be tabled/denied based on the following:

- \*\*\*Insert Finding\*\*\*



















### **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.
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 unreasonable adverse impact on nearby structures and/or property.
- 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 Marshal, 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).

13. Dog Kennels/Boarding Facilities

- a. Odors and noise shall be controlled as to not have an unreasonable adverse impact on nearby structures and/or property.
- b. Dogs shall be kept primarily indoors, with the exception of short periods of time for the dogs to exercise, relieve themselves, go on walks, etc.
- c. Shall have no more than twenty (20) individual dog kennel runs, with total dogs not to exceed 1.2 times the number of kennel runs.
- d. No more than one dog shall share a kennel run without the owner's permission.
- e. Facility shall be sound proofed, and include an indoor dog run.
- f. Shall comply with City off-street parking requirements.
- g. Shall provide daily disposal of all animal feces and wastes.
- h. Shall conform to the provisions of the Gateway/Historic Zone (DCA 3.11).



- i. There shall be adequate and effective means of control of insects and rodents at all times, such control shall be carefully monitored.
- j. Operator shall bear full responsibility for recapturing and controlling any escaped animal.
- k. Must have an active DVM relationship to immediately treat a sick or injured animal requiring medical attention.
- l. Facility shall be located not less than 150 from the nearest neighboring dwelling structure.

(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

Amended by Ord. [2019-13](#) on 6/11/2019

Amended by Ord. [2020-02](#) on 4/14/2020



### **3.23 Conditional Uses**

#### **3.23.010 Purpose**

#### **3.23.020 Permit Required**

#### **3.23.030 Conditional Use Standards Of Review**

#### **3.23.040 Permit Revocation**

#### **3.23.050 Building Permit**

#### **3.23.060 Time Limit**

#### **3.23.070 Review Conditions And Criteria For Certain Conditional Uses**

### **3.23.010 Purpose**

The conditional use permit is intended to allow the use of certain lands and structures which may be acceptable under special conditions and in specific locations within a zone, but unacceptable under general conditions or in other locations. Such uses are described as conditional uses and require conditional use permits.

(Amended by Ordinance 2005-21 on 12/20/05)

### **3.23.020 Permit Required**

A conditional use permit shall be required for those uses listed as conditional uses following or elsewhere in the zoning ordinance. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the permit.

(Amended by Ordinance 2005-21 on 12/20/05)

### **3.23.030 Conditional Use Standards Of Review**

Alpine City may permit a conditional use in any zone in which the particular use is designated as a conditional use in the use regulations of this ordinance.

The City shall not issue a conditional use permit unless the City Administrator or his designee, in the case of an administrative conditional use, or the Planning Commission, for all other conditional uses, concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditionals uses, as well as the specific standards for the use.

1. **General Review Criteria.** An applicant for conditional use in the zone must demonstrate:
  - a. The application complies with all applicable provisions of this Chapter, state and federal law;
  - b. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
  - c. The use is not detrimental to the public health, safety and welfare;
  - d. The use is consistent with Alpine City General Plan as amended;
  - e. Traffic conditions are not adversely affected by the proposed use;
  - f. There is sufficient utility capacity;
  - g. There is sufficient emergency vehicle access;
  - h. The location and design of off-street parking as well as compliance with off-street parking



standards;

- i. A plan for fencing, screening and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
- j. Exterior lighting that complies with the lighting standards of the zone;
- k. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.

2. **Specific Review Criteria for Certain Conditional Uses.** In addition to the foregoing, the Planning Commission or the City Administrator/designee must evaluate the applicant's compliance with each of the listed criteria under the specific use when considering whether to approve, deny or conditionally approve an application for conditional uses.

(Amended by Ordinance 2005-21 on 12/20/05)

### **3.23.040 Permit Revocation**

1. The City Council may revoke the conditional use permit of any person upon a finding that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued. The City Council shall send notice of revocation to the permit holder and the permit holder shall immediately cease any use of the property which was based on the conditional use permit.
2. If the City revokes any permit under this section, the permit holder shall have the right to appeal the revocation of the permit. The holder must file the appeal with the City Recorder within fifteen (15) days of the notice that the City has revoked the conditional use permit.
3. Upon receipt of the appeal, the City Council shall set a hearing on the appeal at its next regularly scheduled meeting which is more than fifteen (15) days after the time the City Recorder received the appeal. The City shall supply the permit holder of the time, date and place of the hearing at least fifteen (15) days before the hearing. At the hearing, the permit holder shall have the right to be heard on the revocation.

(Amended by Ordinance 2005-21 on 12/20/05)

### **3.23.050 Building Permit**

Following issuance of a conditional use permit, the Building Inspector may approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said permits and conditions pertaining thereto.

(Amended by Ordinance 2005-21 on 12/20/05)

### **3.23.060 Time Limit**

1. A conditional use permit for temporary uses may be issued for a maximum period of six (6) months, with renewals at the direction of the Planning Commission for not more than three (3) successive periods thereafter.
2. Action authorized by a conditional use permit must commence within one (1) year of the time the permit was issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Planning Commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit



holder must apply for an extension in writing before the expiration of the original permit. The application must be submitted to the City Recorder and the application must describe the cause for requesting the extension.

(Amended by Ordinance 2005-21 on 12/20/05)

### **3.23.070 Review Conditions And Criteria For Certain Conditional Uses**

1. **Accessory Apartments** (Amended by Ord. 95-04, 02/28/95; 2004-13, 09/28/04; 2009-12, 07/14/09). An accessory apartment shall be considered a subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping, and sanitation facilities. Accessory apartments may be permitted as a conditional use, upon approval of the City Planner and Building Official. Approval shall be subject to the following:
  - a. Accessory apartments are listed as a conditional use within the zone.
  - b. Accessory apartments shall be permitted only in owner-occupied single-unit detached dwellings.
    - i. Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:
      - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
      - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
      - (3) Owner occupancy shall have the meaning set forth in Article 3.01.110, Alpine City Development Code.
      - (4) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.
  - c. A maximum of one (1) accessory apartment shall be permitted in each owner occupied single-unit detached dwelling.
  - d. Accessory apartments shall be permitted only in a basement, above an attached garage, or on the main floor limiting it to twenty-five percent (25%) of the main floor.
  - e. A single-unit detached dwelling with an accessory apartment shall provide not less than four (4) off-street parking spaces. Parking spaces may include garage and driveway space. At least one (1) space shall be designated for the accessory apartment.
  - f. The accessory apartment shall contain no less than 300 square feet of living area and shall comply with all size and access specifications of the International Residential and Building Codes.
  - g. Accessory apartments shall have at least one (1) separate entrance from the main dwelling accessible from outside. The entrance shall be located on the side or rear of the main dwelling.
  - h. A single-unit detached dwelling containing an accessory apartment shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner.



- i. All construction and remodeling to accommodate the accessory apartment shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.
- j. Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring to provide an accessory apartment within a single-unit detached dwelling, shall obtain an Accessory Apartment Permit from the Building Department. Such permit shall be in addition to any building permits that may be necessary.

2. **Guest Houses** (Ord. 94-06, 5/24/94). Guest houses may be permitted as a conditional use, upon approval of the Planning Commission and subject to compliance with the following:

- a. Guest Houses are listed as a conditional use within the zone.
- b. The lot or parcel upon which the guesthouse is proposed to be placed shall have a lot area of not less than five (5) acres.
- c. The guesthouse shall be located not less than 30 ft. to the rear of the primary dwelling and not closer than twelve (12) ft. to any side or rear property line.
- d. The water and sewer service shall be the same as for the principle dwelling.
- e. The hookup fees for a single-unit dwelling with a guest house shall be one and one-half (1 and 1/2) times the rate for a single family dwelling.
- f. The guesthouse shall be an integral part of the site plan for the principle dwelling and attendant lot area. Vehicular access to the guest house shall be over the same driveway as for the primary dwelling.
- g. Prior to approval, a site plan showing the proposed location of the guesthouse and provision for utilities, vehicular access and other standards and conditions shall be submitted and approved by the Planning Commission.
- h. Any person desiring to construct a guest house shall convey to the City water rights in the amount of 1/2 acre foot.

3. **Home Occupations** (Ord. 95-04, 2/28/95. Amended Ord. 08-18, 12/16/08; Ord. 2009- 14, 9/22/09; Ord. 2010-07, 5/11/10; Ord. 2010-11, 10/12/10; Ord. 2013-04, 3/12/13; Ord. 2014-06, 3/25/14; Ord. 2016-23, 11/09/16). Home occupations may be permitted as a conditional use, upon review of Staff and approval by the City Planner. If the City Planner determines that the home occupation may create significant impacts, approval from the Planning Commission may be required. All home occupations will be subject to compliance with the following:

- a. Terms and Conditions.
  - i. Home occupations are listed as a conditional use in the zone.
  - ii. The home occupation is conducted entirely within the livable area of a dwelling or attached garage. Business outdoor activities such as swimming lessons, tennis lessons, horseback riding lessons or other similar activities as determined by the Planning Commission may be considered as a home occupation.
  - iii. The business activity of the Home Occupation carried out on the premises shall be conducted only by members of the residing family, except that not more than one person, not a member of the residing family, may be engaged in the conduct of the home occupation if such person is utilized in the capacity of a support function.
  - iv. The home occupation does not involve the use of any accessory buildings or yard



space for storage outside of the dwelling or attached garage.

- v. The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
  - vi. No commercial vehicles shall be stored at the premises except one delivery truck which does not exceed 12,000 gvw rated capacity.
  - vii. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
  - viii. Home occupation signs shall be limited to one (1) identification nameplate, not larger in area than two (2) square feet fastened to the home, and one (1) sign, not larger in area than one (1) square foot, fastened to the side of the mailbox structure at or below the level of the mail box. No off-site advertising signs shall be permitted.
  - ix. The home occupation shall not occupy an area not more than the equivalent of twenty-five percent (25%) of the livable area of the dwelling or 1000 square feet, whichever is less. The livable area does not include the garage.
  - x. The home occupation shall obtain a business license from the City.
  - xi. The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire or explosion. Activities of the home occupation shall not decrease safety to the structure or occupants of the dwelling or adjacent dwellings.
  - xii. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is discernible outside the dwelling.
  - xiii. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and, in the opinion of the Planning Commission, the activities of the home occupation will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the Planning Commission.
  - xiv. A sexually-oriented business shall not be a home occupation.
  - xv. An automotive repair business shall not be a home occupation.
  - xvi. If the home occupation will have customers/clients coming to the home as part of the business, an inspection(s) of the business portion of the home is required to determine compliance with zoning, building, and life safety requirements. When no customers/clients will be coming to the home as part of the business, the applicant shall be required to submit the home business self fire inspection form.
- b. Commission May Attach Conditions. In order to achieve the objectives of this Code and to protect the health, safety and quality of life in the community the Planning Commission or City Planner may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.
- c. Continuing Obligation - Business License Required. All home occupations shall be operated in compliance with the conditions herein above set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation the applicant shall be eligible to acquire a business license to operate. Issuance of the



Business License shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain or operate the home occupation in accordance therewith.

The approval shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year, or such other date as the Council or City Planner may from time to time establish as the effective date for business licenses, provided (1) that the home occupation remains substantially the same as initially approved and (2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year.

4. **Produce Stands** (Ord 96-05, 4/10/96). Incidental Produce stands may be permitted as a conditional use, upon approval by the Planning Commission and subject to compliance with the following:
- a. Intent. The Intent and purpose of this Part is to allow the operation of incidental produce stands which supply the local market with needed food and farm products produced on the premises.
  - b. Terms and Conditions.
    - i. Incidental Produce Stands are listed as a conditional use in the zone.
    - ii. Only plants, animals, or parts thereof which are products of the subject lot shall be offered for sale.
    - iii. The Produce stand shall provide sufficient off-street parking space to safely accommodate the anticipated level of patrons. The required off-street parking shall be in addition to the spaces required to meet the parking requirements of the primary use.
    - iv. Each produce stand shall be entitled to one sign. Said sign shall have not more than thirty-two (32) sq. ft. of sign area and shall advertise only products of the lot. The sign shall not extend into the road right-of-way.
    - v. An annual business license to operate the produce stand shall be obtained from the City.
    - vi. The application shall include a detailed site plan showing the location of all dwellings and other buildings on the site and also all facilities and areas intended for use in the production, processing, storage and sales of the products intended to be offered for sale on the premises.

(Ord. 94-06, 5/24/94; Amended by Ord. 2004-13, 9/28/04)  
(Amended by Ordinance 2005-21 on 12/20/05)

#### HISTORY

Amended by Ord. [Ordinance No. 2020-08](#) on 4/28/2020



## **ALPINE CITY PLANNING COMMISSION AGENDA**

**SUBJECT: Business Commercial Setbacks – Ordinance 2020-04**

**FOR CONSIDERATION ON: 16 June 2020**

**PETITIONER: Staff**

**ACTION REQUESTED BY PETITIONER: Review and approve the proposed ordinance.**

### **BACKGROUND INFORMATION:**

On May 5, 2020, the Planning Commission recommended reduced setbacks in the Business/Commercial zone. The City Council subsequently reviewed the recommendation at the May 12, 2020 City Council meeting and asked that the item return to Planning Commission to address mixed use buildings and how setbacks should be applied.

Staff have prepared proposed language regarding mixed use buildings for the Planning Commission to discuss.

#### **STAFF RECOMMENDATION:**

Review and recommend approval of the ordinance as proposed.

#### **SAMPLE MOTION TO APPROVE:**

I motion to recommend that Ordinance 2020-04 be approved as proposed.

#### **SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

I motion to recommend that Ordinance 2020-04 be approved with the following conditions/changes:

- \*\*\*Insert Finding\*\*\*

#### **SAMPLE MOTION TO TABLE/DENY:**

I motion to recommend that Ordinance 2020-04 be tabled/denied based on the following:

- \*\*\*Insert Finding\*\*\*



**ALPINE CITY  
ORDINANCE 2020-04**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.07.050 OF THE  
ALPINE CITY DEVELOPMENT CODE PERTAINING TO SETBACK  
REQUIREMENTS IN THE BUSINESS COMMERCIAL ZONE.**

**WHEREAS,** The Alpine City Council has deemed it in the best interest of Alpine City to change the setback requirements in the Business Commercial Zone; and

**WHEREAS,** the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

**WHEREAS,** the Alpine City Council has reviewed the proposed Amendments to the Development Code:

**NOW THEREFORE,** be it ordained by the Council of Alpine City, in the State of Utah, as follows: The amendments to Article 3.07.050 will supersede Article 3.07.050 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:            AMENDMENT** “3.07.050 Location Requirements” of the Alpine City Development Code is hereby *amended* as follows:

**A M E N D M E N T**

**3.07.050 Location Requirements**

All buildings shall comply with the following setbacks:

1. Front setback shall be not less than ~~thirty~~ fifteen (15) feet from the property line on all streets; except corner lots, where setbacks shall not be less than eighteen (18) 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 ten (10) ~~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 twenty (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.
5. Where a commercial use and dwelling unit occupy the same building (mixed use), the



primary use shall determine the setback requirements. If the primary use is commercial, the building shall meet the setback requirements as outlined above. If the primary use is a dwelling, the building shall comply with the setback requirements set forth in the TR-10,000 zone (DCA 3.02.050 Part 1).

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

(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)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Troy Stout, Mayor, Alpine City

\_\_\_\_\_  
Charmayne G. Warnock, City  
Recorder Alpine City



**ALPINE CITY  
ORDINANCE 2020-04**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.07.050 OF THE  
ALPINE CITY DEVELOPMENT CODE PERTAINING TO SETBACK  
REQUIREMENTS IN THE BUSINESS COMMERCIAL ZONE.**

**WHEREAS,** The Alpine City Council has deemed it in the best interest of Alpine City to change the setback requirements in the Business Commercial Zone; and

**WHEREAS,** the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

**WHEREAS,** the Alpine City Council has reviewed the proposed Amendments to the Development Code:

**NOW THEREFORE,** be it ordained by the Council of Alpine City, in the State of Utah, as follows: The amendments to Article 3.07.050 will supersede Article 3.07.050 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:            AMENDMENT** “3.07.050 Location Requirements” of the Alpine City Development Code is hereby *amended* as follows:

**A M E N D M E N T**

**3.07.050 Location Requirements**

All buildings shall comply with the following setbacks:

1. Front setback shall be not less than fifteen (15) feet from the property line on all streets; except corner lots, where setbacks shall not be less than eighteen (18) 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 ten (10) 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 twenty (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.
5. Where a commercial use and dwelling unit occupy the same building (mixed use), the



primary use shall determine the setback requirements. If the primary use is commercial, the building shall meet the setback requirements as outlined above. If the primary use is a dwelling, the building shall comply with the setback requirements set forth in the TR-10,000 zone (DCA 3.02.050 Part 1).

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

(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)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Troy Stout, Mayor, Alpine City

\_\_\_\_\_  
Charmayne G. Warnock, City  
Recorder Alpine City



## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT:** Discussion – Bangerter & Burgess Properties

**FOR CONSIDERATION ON:** 16 June 2020

**PETITIONER:** Paulo Bangerter and Clark Burgess

**ACTION REQUESTED BY PETITIONER:** Discuss the City's vision and plan for the Bangerter and Burgess properties.

### **BACKGROUND INFORMATION:**

The City has been approached by the Bangerter family and Clark Burgess regarding properties along the south end of Alpine Highway. Both parties are seeking to work with the City to best plan the future of these properties.

The Bangerter property consists of approximately 27 acres located at 542 South Alpine Highway and includes another approximately 2 acres of the Duffles property located along 800 South. The Bangerter's would like to work with the City on planning the best use of this property before they sale it. See attached letter from Paulo Bangerter for details of proposal.

The Burgess property consists of approximately 9.7 acres and is located due east of the Bangerter property at 642 South Alpine Highway. Clark Burgess is not looking to sale his property in the near future but would like to be included in the discussion for the future plan for the south end of Alpine City along the Alpine Highway. See attached letter from Clark Burgess for details of the proposal.

Both the Bangerter and Burgess properties are currently zoned CR-40,000 for large lot single family homes. If the City should consider another use for these properties updates to the General Plan and Zoning Map would be needed along with an eventual change of zone.

### **STAFF RECOMMENDATION:**

Review the proposals received from the Bangerter and Burgess families and begin discussion on City plans for the future of the properties.





Austin Roy &lt;aroy.alpinecity@gmail.com&gt;

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**Re: Fw: Bangerter Property Discussion**

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**Paulo Bangerter** <paulo.bangerter@gmail.com>

Wed, May 6, 2020 at 5:53 PM

To: Austin Roy &lt;aroy@alpinecity.org&gt;

Dear Austin -

Thanks to you and Shane Sorenson for taking time to meet with me and my brother Cory and sister Julie about our family farm on 542 South Alpine Highway - which included a brief discussion of the land owned by Sonia and Wilson Duffles that is located adjacent to the southwest corner of our land. Sonia and Wilson are close Bangerter family associates and they are presently willing to cooperate with any plans that we make with the City with respect to our farm property.

As we indicated in the meeting today, the Bangerter Family is preparing to sell the farm. We have been Alpine citizens since the early 1950's and our ancestors are buried in the Alpine Cemetery. I mention this just to express our love for Alpine and the heritage that it has given to us. Although we love the land and farm, we feel the time has come for us to arrange a final transfer / sale of the land to the next owner(s) while our mother, Geri Bangerter, is still living. As we indicated today, she recently turned 96 and we sense that time is limited for us to accomplish this.

Over the past decade our family has received offers to sell the property almost every month and we routinely reject them - but now we feel the need to move forward.

Our thoughts are these:

- The property is currently zoned for 1 acre residential
- There is a SLC Metropolitan Water District and Utah Power easement that cuts across the south westportion of the property. Alpine City has indicated to us several times in the past - that it envisions a road that would cross Dry Creek and connect to Westfield Road from Alpine Highway as well as other planning elements that could be along the line of the SLC / Utah Power easement.
- The City has also told us in the past that there are limited candidates for commercial or multi-use zone land left in Alpine that would be suitable to that purpose; and further, we have heard the City express that our property is one that would meet the needs of Alpine to have a multi-use zone along Alpine Highway in that area.
- Through the years Alpine City also has indicated to our family other possible interests/uses for the property which included ideas such as:
  - A park
  - A school site
  - Apartment housing
  - 1 acre housing; and
  - commercial zoning

Therefore, by means of this note and our meeting with you and Shane - we want to let the City know our intentions and willingness to cooperate with the City on plans for the future use of our farm property - including zoning changes or requests. Shane indicated in the meeting that he had believed that the Bangerter family was opposed to any multi-use zoning on the property. We want to clarify that we are not and never have been opposed to a multi-use or commercial zoning. For financial reasons - we would prefer such multi-use zoning as it tends to increase the value of the land. We hope to be able to unite with the City to create a plan that would be mutually beneficial.

We were also pleased to hear from you today - that the City would prefer to have multi-use zoning for our farm property - and that it is probably not in the best interests of the City to have mere housing zoning. We support that position. We trust that the City would wisely design a plan that would be a benefit to all the community. Knowing the position of the City on this point enables us to position the land appropriately to the national buyers that we will be soliciting.

Thanks again for your time and kind consideration. We look forward to following up with you in the near future and hope that your needs and ours can match and that a good result for all can be achieved in a timely manner.

Yours Sincerely,

Paulo Bangerter  
801-756-6465





Austin Roy &lt;aroy.alpinecity@gmail.com&gt;

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## Request to change the zoning on Burgess Orchard property

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**Clark Burgess** <burgessorchards@gmail.com>

Tue, May 19, 2020 at 9:01 PM

To: Austin Roy &lt;aroy@alpinecity.org&gt;, lonmoralpine@gmail.com

Austin,

We understand that the Bangerter family has recently approached Alpine City and indicated they are preparing to sell their farm.

We own 10 acres across the road from the Bangerter property that has been in the family for over 100 years.

We have also received many offers to sell our property but for now continue to enjoy the farming experience and feel that we are providing a valuable service and experience to the community and to those who come on our property and purchase at our fruit stand.

We do not currently have plans to sell the property but are very interested in joining the request of the Bangerter family in rezoning our property.

- The property is currently zoned for one (1) acre residential
- There are limited sites for commercial or multi-use zone land left in Alpine that would be suitable to that purpose; and further, we have heard the City express that our property is one that would meet the needs of Alpine to have a multi-use zone along Alpine Highway in that area.
- We want the City to know our intentions and willingness to cooperate on plans for the future use of our farm property - including zoning changes. For financial reasons - we would prefer such multi-use zoning as it tends to increase the value of the land.

We trust that the City will wisely design a plan that would be a benefit to all the community.

Clark Burgess



Map Legend

Urban/Wildland Interface Boundary Line

Alpine City Boundary

Business Commercial

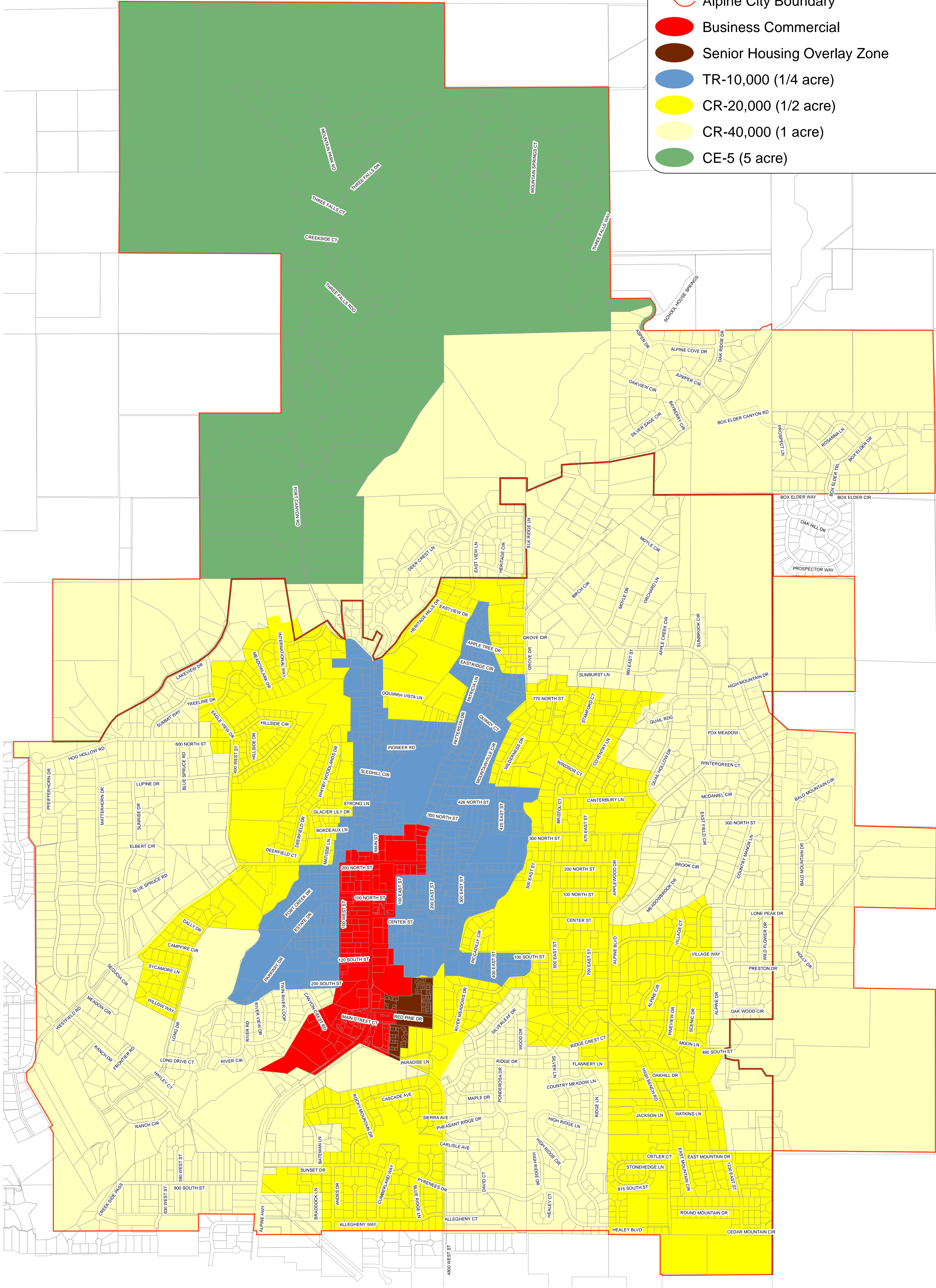
Senior Housing Overlay Zone

TR-10,000 (1/4 acre)

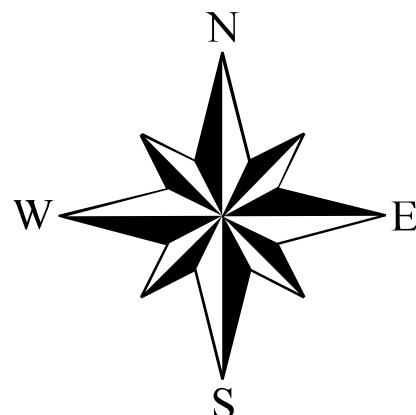
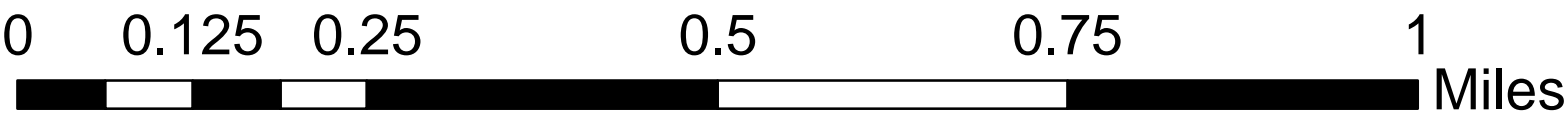
CR-20,000 (1/2 acre)

CR-40,000 (1 acre)

CE-5 (5 acre)



# Alpine City Zoning Map



Ordinance No. 2017-16  
November 14, 2017



## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT:** Discussion Cont. – Limitations on Size of Lots and Structures in the City

**FOR CONSIDERATION ON:** 16 June 2020

**PETITIONER:** Mayor and City Council

**ACTION REQUESTED BY PETITIONER:** Review the ordinance and discuss limiting the maximum size of lots and structures in the City.

### **BACKGROUND INFORMATION:**

Other than setback restrictions there is nothing in City ordinance to limit the maximum size of a structure (additions, main buildings, accessory buildings) or lot (plat amendments to combine 2 or more lots) in the City. Over the past few years some homes, accessory buildings and lots have been getting bigger. Planning Commission will continue discussion from previous meeting after having reviewed examples provided by staff.

### **STAFF RECOMMENDATION:**

Discuss limitations for size of lot, home, accessory structure, and other buildings.



## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT: Planning Commission Minutes June 2, 2020**

**FOR CONSIDERATION ON: 16 June 2020**

**PETITIONER: Staff**

**ACTION REQUESTED BY PETITIONER: Approve Minutes**

### **BACKGROUND INFORMATION:**

Minutes from the June 2, 2020 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**  
**June 2, 2020**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 7:00 p.m. by Chairwoman Jane Griener. The following were present and constituted a quorum:

Chairman: Jane Griener

Commission Members: Ed Bush, Ethan Allen, John MacKay, Alan MacDonald, Troy Slade, Sylvia Christiansen

Excused:

Staff: Austin Roy, Jed Muhlestein, Marla Fox

Others: Griff Johnson, Paul

**B. Prayer/Opening Comments:** Ethan Allen

**C. Pledge of Allegiance:** John MacKay

**II. PUBLIC COMMENT**

A resident wanted to know if the Whitby subdivision would be on the agenda tonight. Austin Roy said that agenda item will be discussed at a future meeting.

**III. ACTION ITEMS**

**A. Public Hearing – Ordinance 2020 – 12: Trail Committee and Trail Ordinance**

Austin Roy said the Development Code needs to be updated. There are a few spots where the code still refers to the Parks, Recreation, and Open Space (PRO) Committee. This committee no longer exists, and responsibilities referred to in the code are now handled by the Trail Committee. Proposed update replaces all references to the PRO Committee with the Trail Committee.

Jane Griener opened the Public Hearing. There were no comments and Jane Griener closed the Public Hearing.

Ed Bush said he didn't think the Trail Committee was doing any sort of trail watch program.

Jane Griener wanted to know if there were plans for more park committees. Austin Roy said he didn't know if there was a need for more committees. He said Staff does a lot of the work and said the Trail Committee does a good job as well. Austin Roy said the changes being made are in the trail ordinance.

**MOTION:** Sylvia Christiansen moved to recommend that Ordinance 2020-12 be approved as proposed.

Troy Slade seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

**Ayes:**

Ed Bush

Ethan Allen

John MacKay

Jane Griener

Alan MacDonald

**Nays:**

None



Troy Slade  
Sylvia Christiansen

**B. Public Hearing – Plat Amendment – Alpine View Estates Plat B**

Jed Muhlestein said Alpine View Estates is a PRD Subdivision and consists of 20 lots on 20.1 acres and is located off 400 West near 400 North. The development was required to install public trails. The developer has worked with the trail committee over the past few months to install these trails in the most practical locations possible. The Developer is seeking to adjust the boundary between Lot 11 of Alpine View Estates and public open space. Adjustment will allow for the trail alignment recommended by the Trail Committee through public open space.

Jane Griener opened the Public Hearing. There were no comments and Jane Griener closed the Public Hearing.

**MOTION:** Alan MacDonald moved to recommend that Alpine View Estates Plat B be approved as proposed with changes to lot 11.

Ed Bush seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

**Ayes:**

Ed Bush  
Ethan Allen  
John MacKay  
Jane Griener  
Alan MacDonald  
Troy Slade  
Sylvia Christiansen

**Nays:**

None

**C. Public Hearing – Plat Amendment – Summit Pointe Amended Plat B**

Austin Roy said the Developer is seeking to amend plat to allow for 8-lots on approximately 32.94 acres. Proposed plat amendment would dedicate approximately 3.69 acres to the City for storm water detention and debris field storage. Austin Roy said all 8 lots would meet the frontage requirements and be larger lots because of the slope and would access through a public street through an extension of Lakeview Drive.

Austin Roy said lots would range from 1.25 acres to 9.13 acres. He said this property has had a long history with many different plans. The current owners, Blue Bison, purchased the property in 2017. In 2018, the developers presented a proposed plat amendment for the Summit Pointe Subdivision which showed 15 lots and a road extending Lakeview Drive and stubbing into Draper City. Some of the lots included in this plan were above the elevation of 5350, which could not be serviced by the City's water system. These plans were not approved. In 2019, new plans were presented but did not go to City Council for final approval. The Developer has since reworked the plans and is now returning with the latest draft of the plat amendment.

Jane Griener asked about the Hartvigsen property to the north of Summit Pointe. Austin Roy said that property is too high for City water and would require a water tank. Mr. Hartvigsen was granted an easement through City property and a corner of Summit Pointe down to Lakeview Drive for access. Summit Pointe is working with Mr. Hartvigsen on a new road design for an access road.



1 Austin Roy said the lots are consistent with the CR 40,000 zone and would be used for single family  
2 homes. This property is in the sensitive lands area and is at risk for wildfire. It has more stringent  
3 requirements like secondary access and fire sprinklers.

4  
5 Austin Roy said Parcel A is open space that would connect other open space areas and connect the trails.

6  
7 Jed Muhlestein said we are following a plat amendment, but we are also scrapping previous plans and  
8 basically starting over.

9  
10 Ed Bush said he thinks it hurts the process of the Planning Commission and City Council to review the  
11 new plans. Austin Roy said the Planning Commission and City Council will still look at it.

12  
13 Jed Muhlestein said the development is proposing to extend Lakeview Drive and put in a secondary  
14 access. Jed Muhlestein said we require a 54 foot right – of – way. The Developer is proposing a gate and  
15 a 24 foot road. The Fire Chief would need to approve this before it goes to City Council. The fire  
16 department and the City would have access to the gate. The miniatous for the access gate would mostly  
17 be on the Draper side.

18  
19 Fire Chief Reed Thompson said they would look at the design of the gate and require a 12 foot wide gate  
20 and approve the opening mechanism to meet the fire code standards. The specifications would need to be  
21 approved before installation.

22  
23 Jed Muhlestein said the secondary road would be closed at all times. The traffic study with free flowing  
24 traffic show a rating of A currently and would still be a t an A if free flowing traffic would be allowed.  
25 Jed Muhlestein said in the worst case scenario, if the road were opened, the level of service would still be  
26 an A. However, that is not what is being proposed.

27  
28 Jed Muhlestein said curb, gutter, and sidewalk would be put throughout the subdivision and frontage  
29 improvements made. He said he would be in favor of granting an exception to the 50 foot grading  
30 requirement to avoid a retaining wall in one area of the subdivision. He said there are other areas that  
31 would require retaining walls. Landscaping between the walls would be required.

32  
33 Jed Muhlestein said road grades and curvature also appear to meet ordinance except in the cul-de-sac  
34 where the final running slope of the bubble is 1% greater than allowed. This has been redlined for the  
35 Developer to correct.

36  
37 Jed Muhlestein said the culinary system shows connection of a new 14' main to the existing 12' main in  
38 Lakeview Drive. All homes would use culinary water until pressurized irrigation could be put in place.  
39 No more than one acre would be irrigated due to pressure and the ability of the City to serve this area.

40  
41 Jed Muhlestein said the sewer low point is on the east end of the property. The sewer main is shown to  
42 connect to the existing system in 600 North/Hog Hollow providing gravity sewer flow to the  
43 development. New 4-inch sewer services are shown for each lot. The storm drain system collects water  
44 near the east side of the development and will convey it to a detention pond on the south east side, nbear  
45 Hog Hollow. It will drain into the existing system on Hog Hollow where a connection to the existing  
46 system would be made.

47  
48 Jed Muhlestein said a bond would be required for the proposed infrastructure. The developer needs to  
49 submit a cost estimate for the proposed public improvements so one can be created. The water policy  
50 would need to be net for the development and a land disturbance permit would be required prior to  
51 construction which ensures a Storm Water Pollution Prevention Plan (SWPPP) is followed.



1 Jane Griener opened the Public Hearing.

2  
3 Austin Roy read public comments from residents viewing the Zoom Meeting.

4  
5 Sherman Meyers, 554 Lakeview Drive, said he is not opposed to development but is opposed to any  
6 connection to Draper City even if it has a gate. He asks that a gate not be allowed but if it is, do not allow  
7 it to be open.

8  
9 Gail Rudolph said this is a slippery slope.

10  
11 Marsha Harvey said she is concerned about the water pressure. She said they currently have to water  
12 during the day and there is low pressure. She would like an assurance that the secondary road wouldn't  
13 be turned into a full road.

14  
15 Marcus Watkins, Lakeview Drive, said property owners have a right to develop their property. He said  
16 apps would encourage people to go through this road because it is the shortest path. He asks that if the  
17 plan is approved, move the cul-de-sac

18  
19 Linda Kirkham said she moved to Alpine for the neighbors and low traffic. She said she is concerned that  
20 the gate will be permanently opened at a later date and high traffic. She also said the added homes will be  
21 a burden on our water system and additional pumps would be required.

22  
23 Susan Clugg, 645 Hubbard Circle, said she is concerned that the gate will become a gateway to and from  
24 Draper City.

25  
26 Nancy said she fears what is proposed as an emergency road will become a thoroughfare.

27  
28 Brandon Niech, asked about the length of the fire access road and would it increase city costs. Who  
29 would pay for the road and maintain it and the gate?

30  
31 Jonathon Bradshaw said he opposed to a connection road.

32  
33 Carolyn Baumgardner is against the access road to Draper. She does not want the additional traffic.

34  
35 Tom Watkins said the developer has played games with the city. He wants new Planning Commission  
36 members to be aware. He wants to know why the City would consider move than the 4 lots that were  
37 previously approved.

38  
39 Ellen Halton said the gate is just the first step to opening the road to Draper.

40  
41 Ashley Carter said the City is interested in maintaining the three gateways to Alpine. There are three  
42 gateways not four.

43  
44 Kristi Anderton said the city should listen to the residents and not allow the gate.

45  
46 Scott Dahlgren said vote no and put an end to the discussion.

47  
48 Sarah Martin is against the road and traffic

49  
50 Rhett Wiseman said Blue Bison is trying to get around the issues. They are using Covid to keep residents  
51 out of meetings,



1  
2 Mrs. Wiseman said she is opposed to the road to Draper.

3  
4 Jane Griener read the U Tube comments.

5  
6 Tom Watkins wanted emails to be checked and read.

7  
8 Barton Family said the owners own 109 acres on the Draper side.

9  
10 Ashley asked if the plat amendment will need to be approved by the City Council. Jane Griener said yes  
11 it will.

12  
13 Brandon Niech said 400 plus units on the Draper side would increase traffic.

14  
15 Comments made about not enough water and that culinary water is more expensive.  
16 Retaining walls need to be included.

17 Will fire hydrants work if the elevation is above the water system.

18 Please hear our voices and not filter them.

19 Did not like traffic study being mentioned if the road will not be used.

20 Issues with water pressure.

21 Citizens are not in support of this.

22  
23 Tom Watkins said citizens in many meetings have been opposed to this. We do not envision connecting  
24 the cities, accidents will increase because of traffic.

25  
26 Marcus Sorensen said we need to ensure access to the Hartvigsen property isn't turned into a two-lane  
27 road.

28  
29 Brandon Niech asked questions about the fire road and if they are digressionary or exceptions made. Jed  
30 Muhlestein said only by the approval of the Fire Chief and State Codes. He wanted to know if there is  
31 already an approved subdivision on the Draper side. Austin Roy said this plan would be contingent on a  
32 road on the other side up to our border on the Draper side. Brandon Niech said this secondary road is  
33 against code.

34  
35 Sylvia Christiansen said some people have said the City is in favor of this because we gain money.  
36 Austin Roy said the City does not gain from this development. Jane Griener said we would gain property  
37 taxes for 4 more homes.

38  
39 Another resident asked what the benefit to Alpine City would be. Jed Muhlestein said if there were a fire,  
40 the emergency road could be used for Alpine residents to escape. Fire Chief Reed Thompson said the  
41 secondary emergency road access is vital to Alpine City for evacuation for fire, gas leaks, and other  
42 emergencies. He said this is needed for more than 30 dwelling units which we already have and this road  
43 would meet that requirement.

44  
45 Alan MacDonald said Blue Bison owns the Draper property and has asked many times to have an access  
46 road to Alpine. What would prevent Blue Bison from turning the access emergency road to a full access  
47 road? How would this be guaranteed by some law or rule that this wouldn't happen?

48  
49 Jane Griener closed the Public Hearing



1 Sylvia Christiansen wanted to know how we guarantee the secondary access road doesn't turn into a full-  
2 fledged road.

3  
4 Austin Roy said the citizens don't want a road and so Blue Bison is saying, we hear you Alpine, and now  
5 they have come forward with a new plan. The road is proposed at 26 feet wide, part of it is on a private  
6 easement, and they don't need the road because they can build their homes on the Draper side without the  
7 road.

8  
9 Austin Roy said the gate will be decided by a future City Council.

10  
11 Jed Muhlestein said this is a decision by the City Council.

12  
13 Jane Griener asked if Draper city requires the emergency access road. Jed Muhlestein said Draper City  
14 would require it as well.

15  
16 Alan MacDonald said the Draper side has to have a second way out. The incentive is to come down to  
17 Lakeview Drive because it is a shorter road to build.

18  
19 Jane Griener asked what schools the Draper kids would go to. If they come to Alpine School District,  
20 they are going to want to come through the gate rather than go around the long way. She said she is  
21 fearful this could put pressure on future Councils to open the gate.

22  
23 Ed Bush said this is an extremely long cul-de-sac and thought there were restrictions.

24  
25 Jed Muhlestein said this meets the ordinance with a secondary access road.

26  
27 Ed Bush said he doesn't like the cul-de-sac extending to the boarder. He said we have no plans in our  
28 gateway for a road to Draper. It only talks about the three gateways to the City. He said it doesn't fit the  
29 City plan.

30  
31 Jake Satterfield, Blue Bison Developer, said this road would be a secondary access road because this is a  
32 requirement from both cities. He said he doesn't want to turn this into a battle and came up with an  
33 alternative to be a win for the city and the residents. He said this design makes sense and meets the  
34 requirements. He said they've taken a lot of time, energy, and resources to come up with this plan. He  
35 said they could install a protection strip or barrier if needed to give comfort to the citizens. He said they  
36 have good motives and are trying to do their best to meet code.

37  
38 Paul, a Developer, said an option is to pull the cul-de-sac away from the boundary and have a shorter  
39 access road.

40  
41 Ethan Allen asked about the easement for the road. Jed Muhlestein said we require 54 feet of easement  
42 but only 26 feet for the secondary access road.

43  
44 Jake Satterfield, Developer, said they are above board and have no other motive. He said they are true in  
45 their efforts to maintain the flow of traffic into Alpine. He said the gate could be on Alpine land so it can  
46 be controlled by Alpine.

47  
48 Jane Griener said there are other options like a hammer head turn around or another road down Hog  
49 Hollow. This allows the development on the Alpine side to stand on its own without depending on  
50 another City.



1 Jake Satterfield said it's more cost effective for them to go with the proposed plan.

2  
3 Alan MacDonald asked if they would take legal action if they don't get approved. Jake Satterfield said  
4 they had planned to go that route because they had no choice. He said they were required to have a  
5 secondary access by both cities. He said there wasn't another way to achieve their goals. He also said  
6 they are helping the Hartvigsen property.

7  
8 Alan MacDonald said the struggle is because we don't know where the development stands on the Draper  
9 side.

10  
11 Jake Satterfield said they have only discussed one road coming in and out the same entrance on the  
12 Draper side. He said the secondary emergency access road would be through Alpine.

13  
14 Sylvia Christiansen said she thought the development wanted the road to go through Highland and they  
15 turned it down. Jake Satterfield said that was not true.

16  
17 Jane Griener asked why the ordinance was interpreted different ways. Jed Muhlestein said he didn't think  
18 the road had been interpreted in different ways.

19  
20 Jane Griener asked if there was enough pressure for culinary water. Jed Muhlestein said as long as it's  
21 below the elevation, there will be enough.

22  
23 Sylvia Christiansen asked what the timeline would be if this were approved. Jed Muhlestein said new  
24 booster pumps will be installed by mid-summer of this year and we don't know how much that will help  
25 until they are connected. He said a new well may be put in place as well to service the high zone.  
26 Culinary water will be used until pressurized water could be put in. Culinary water rates are different in  
27 those zones. He said he doesn't know when Summit Pointe would start to be built if approved.

28  
29 Alan MacDonald asked about the 50-foot clear zone exception. Jed Muhlestein said the developer  
30 probably didn't realize they needed an exception until we reviewed the plan. He said the other way to fix  
31 this issue is to pull the cul-de-sac away from the property line. He said the City is proposing to grant the  
32 exception because moving the cul-de-sac would make the road longer.

33  
34 Ed Bush said it would be good to get an agreement from Draper City to not open the gate.

35  
36 Ethan Allen said the lots are better and Alan Macdonald said the Fire Chief said the secondary access  
37 road is needed for safety reasons.

38  
39 **MOTION:** Ethan Allen moved to recommend that Summit Pointe Amended Plat B be approved with the  
40 following conditions/changes:

- 41 1. An exception be granted for the excess grading beyond the 50-foot clear zone; or a change in the
- 42 design;
- 43 2. The Developer work with the Fire Chief for approval on the gate design, secondary access road,
- 44 and Lot 6 driveway/fire protection improvements;
- 45 3. The Developer obtain a retaining wall permit prior to construction;
- 46 4. The Developer place a note on the plat regarding the 1-acre irrigable area watering restriction and
- 47 that only Xeriscape or drip irrigation be allowed above the 5350 elevation;
- 48 5. The Developer provide a cost estimate and escrow funds for roadway preservation;
- 49 6. The Developer address redlines on the plat and plans;
- 50 7. The Developer meet the water policy.



There was no second and the motion failed.

**MOTION:** Alan MacDonald moved to recommend that Summit Pointe Amended Plat B be approved with the following conditions/changes:

1. An exception be granted for the excess grading beyond the 50-foot clear zone;
2. The Developer work with the Fire Chief for approval on the gate design, secondary access road, and Lot 6 driveway/fire protection improvements;
3. The Developer obtain a retaining wall permit prior to construction;
4. The Developer place a note on the plat regarding the 1-acre irrigable area watering restriction and that only Xeriscape or drip irrigation be allowed above the 5350 elevation;
5. The Developer provide a cost estimate and escrow funds for roadway preservation;
6. The Developer address redlines on the plat and plans;
7. The Developer meet the water policy.
8. Developer show a viable approved plan by Draper City Council for a secondary access road on the Draper side of the property line.

John MacKay seconded the motion.

**MOTION:** John MacKay moved to recommend that Summit Pointe Amended Plat B be approved with the following conditions/changes:

1. An exception be granted for the excess grading beyond the 50-foot clear zone;
2. The Developer work with the Fire Chief for approval on the gate design, secondary access road, and Lot 6 driveway/fire protection improvements;
3. The Developer obtain a retaining wall permit prior to construction;
4. The Developer place a note on the plat regarding the 1-acre irrigable area watering restriction and that only Xeriscape or drip irrigation be allowed above the 5350 elevation;
5. The Developer provide a cost estimate and escrow funds for roadway preservation;
6. The Developer address redlines on the plat and plans;
7. The Developer meet the water policy.
8. Developer show a viable approved plan by Draper City Council for a secondary access road on the Draper side and constructed simultaneously with the Alpine side.
9. Developer construct secondary access road simultaneously with the Alpine side.

Ethan Allen Seconded the motion.

**MOTION:** Sylvia Christiansen moved to recommend that Summit Pointe Amended Plat B be approved with the following conditions/changes:

1. An exception be granted for the excess grading beyond the 50-foot clear zone;
2. The Developer work with the Fire Chief for approval on the gate design, secondary access road, and Lot 6 driveway/fire protection improvements;
3. The Developer obtain a retaining wall permit prior to construction;
4. The Developer place a note on the plat regarding the 1-acre irrigable area watering restriction and that only Xeriscape or drip irrigation be allowed above the 5350 elevation;
5. The Developer provide a cost estimate and escrow funds for roadway preservation;
6. The Developer address redlines on the plat and plans;
7. The Developer meet the water policy;



8. Developer show a viable approved plan by Draper City Council for a secondary access road on the Draper side and constructed simultaneously with the Alpine side;
9. Developer construct simultaneously with the Alpine side;
10. Plans reflect the secondary road, secured gate, is to be used for emergency use only.

Ethan Allen seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

**Ayes:**

Ed Bush  
 Ethan Allen  
 John MacKay  
 Jane Griener  
 Alan MacDonald  
 Troy Slade  
 Sylvia Christiansen

**Nays:**

None

**D. Ordinance 2020-04: Business Commercial Setbacks**

This item was tabled.

**E. Discussion – Bangerter & Burgess Properties**

This item was tabled.

**F. Discussion Cont. – Limitations on Size of Lots and Structures in the City**

This item was tabled.

**IV. Communications**

Jane Griener asked the Planning Commission to check their schedules to see if they can attend a meeting on July 7, 2020.

**V. APPROVAL OF PLANNING COMMISSION MINUTES: May 19, 2020**

**MOTION:** John MacKay moved to approve the minutes for May 19, 2020 as written.

Ed Bush seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

**Ayes:**

Ed Bush  
 Ethan Allen  
 John MacKay  
 Jane Griener  
 Alan MacDonald  
 Troy Slade  
 Sylvia Christiansen

**Nays:**

None

The meeting was adjourned at 10:25 p.m.