

**ALPINE CITY PLANNING COMMISSION MEETING**  
**Alpine City Hall, 20 North Main, Alpine, UT**  
**August 6, 2019**

**I. GENERAL BUSINESS**

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

Chairman: David Fotheringham

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

Excused: Bryce Higbee, Alan MacDonald

Staff: Austin Roy, Jed Muhlestein, Marla Fox, Fire Chief Reed Thompson

Others: Gale Rudolph, Robert Kutin, Debra Callister, Anthony Marcello, amber Marcello, Michael Adams, Steve Birchall, Vickie Birchall, Kevin Hale, Carol Hale, Valerie Myers, Cathy Farr, Breezy Anson, Nathan Birchall, Lorainne Scott, Catherine Marchant, Scott Butler, Joy Atkinson, David McMillan, Lon Nield, Sherman Myers

**B. Prayer/Opening Comments:** Jessica Smuin

**C. Pledge of Allegiance:** Nate Birchall

**II. PUBLIC COMMENT**

Debra Callister, 655 Elbert Circle, expressed her concerns about a home being built on the corner of Westfield Road and Sunrise. The home had been under construction for a long time, and the lot was overrun with weeds. She asked if the City could get the owner to take care of the weeds.

Austin Roy explained that the owner had received permits for the project, and he was building the home on his own, which was why it was taking some time. He would bring up the weed concerns with the Code Enforcer.

Mrs. Callister also expressed concerns with flooding on her property due to the new subdivision next to her property. Jed Muhlestein said that the City would look into this issue.

**III. ACTION ITEMS**

**A. The Ridge at Alpine – Final Plat Phase 2 – Paul Kroff**

Austin Roy explained that the proposed final plat for Phase 2 of The Ridge at Alpine Subdivision included 12 lots ranging in size from 0.69 acres to 1.02 acres, and the overall site was approximately 12.7 acres. The site was located in the CR-40,000 zone. All of the trails had been approved as part of Phase 1. He noted that the development was a PRD, which meant that they were allowed to have smaller lots. The property was located within the Wildland Interface, which included additional requirement regarding wildfire protection.

Jed Muhlestein presented a map of the entire subdivision and identified the different phases and how the roadways connect. As part of this subdivision, the City would gain a new secondary water system in the area. There was a concern that a portion of the right-of-way on Catherine Way was not included on the plans, so staff included a condition of approval that this needed to be included on the final plat. Jed Muhlestein identified a stub street on the plans and noted that the applicant would be required to include a turnaround because the road was quite long. The Fire Chief had reviewed the plans and approved the

location of the fire hydrants. The sewer system would be gravity fed. All phases of the development must be able to stand on their own with a storm drain system, and the developer was required to pipe an additional ditch to take water from the Schoolhouse Spring and provide a maintenance easement. Jed Muhlestein addressed the conditions of approval listed in the staff report and noted that a rock fall study had been provided by the developer.

**MOTION:** John MacKay moved to recommend approval of The Ridge at Alpine Final Plat Phase 2, as written, with the following conditions:

1. The Developer provide a temporary turn-a-round at the end of Elk Ridge Lane.
2. The Developer include the right of way improvements at the intersection of Grove Drive and Catherine Way.
3. The Developer provide storm water calculations that show adequate capacity for Phase 2 storm water runoff in the temporary pond constructed with Phase 1.
4. The Developer provide a flood mitigation plan for the existing home below Catherine Way, to be reviewed by the City Engineer prior City Council Approval.
5. The Developer provide maintenance easements for the 30-inch storm water pipe, to be recorded along with the plat of Phase 2.
6. The Developer submit a rock fall study for the westerly lots prior to City Council approval.
7. The Developer either remove existing buildings or provide a bond for the removal of them prior to recording the plat.
8. The Developer include the property south of Catherine Way on the plat, shown as dedicated right-of-way.
9. The Developer place "No Access" labels on the east sides of lots 40 and 41 on the plat.
10. The Developer address redlines on the plat and plans.
11. The Developer submit a cost estimate.
12. Lots 34 and 35 will have 30 feet on the back property line reflected on the plat before recording.

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

**Ayes:**

Jane Griener  
John MacKay  
David Fotheringham  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

None

**B. Setback Exception – Proposed Site Plan in Business/Commercial Zone – Paul Anderson**

Austin Roy stated that the petitioner was seeking two exceptions to the setback requirements for a commercial structure in the Business/Commercial Zone. The property was an oddly shaped lot adjacent to Dry Creek and the Main Street Bridge. The first exception would allow for a front yard setback of 10 feet from the property line along Main Street, and the second would allow a zero side yard setback on the north boundary. The petitioner had indicated that it would be difficult to place a building on the oddly shaped lot without these exceptions. Austin Roy noted that the applicant already received an exception for the front setback, but he was back to request a smaller front yard setback than before.

David Fotheringham asked if the City had granted any other development a ten-foot front setback. Austin Roy couldn't recall an instance where that exception was granted. There were existing buildings with that setback, but they were built before the current code was adopted. The current requirement was 30 feet.

Austin Roy explained that there were other issues with the property that made development difficult including easements, an old gas line, and a portion of the property owned by UDOT. In order to develop around these obstacles, the building needed to be as close to Main Street as possible. The applicant felt that he needed a 10-foot setback to make the project work. He noted that the setback measurement was from the back of sidewalk. The applicant had already done quite a bit of work cleaning up this property.

Jessica Smuin said she wasn't comfortable with allowing a setback less than 15 feet. David Fotheringham was also uncomfortable with this, but he also wanted to find a way to make development on this property work.

**MOTION:** Jane Griener moved to DENY the setbacks as proposed because it was less than fifty percent of the required setback. Sylvia Christiansen seconded the motion.

Paul Anderson, the applicant, said that he had tried to acquire the UDOT property to incorporate into the subject property, but there were a lot of obstacles. He described his efforts to clean up the property, and the money he had spent doing it. He had tried to show good faith to the City by maintaining the property, even though it wasn't under his ownership. He was asking for the additional setback exception to help reduce construction costs.

The Commission asked Mr. Anderson if he could shift the building to the south, because that would give him the setback needed on the front while avoiding the utility easement. Mr. Anderson said that he still needed room for parking on the south. There was continued discussion regarding this option, and the Planning Commission found no reason why this could not work.

A vote was taken. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

**Ayes:**

Jane Griener  
John MacKay  
David Fotheringham  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

None

**C. Public Hearing – Zone Change – CR-40,000 to CR-20,000 Zone, Lupine Drive & 400 West – Nate Birchall**

Austin Roy explained that the applicant was requesting a zone change for three properties fronting Lupine Drive and 400 West. The properties were currently zoned CR-40,000, and he requested a zone change to CR-20,000. The Planning Commission would make a recommendation to the City Council for approval or denial of the request. The purpose of the rezone was to keep these three lots more consistent with the other lots located on 400 West, which were half-acre lots.

Nate Birchall, the applicant, noted that the lots would meet the requirements of the CR-20,000 Zone. The zone change would make the corner lots more consistent with the surrounding homes, and it would give two other homeowners the opportunity to live in the neighborhood. The smaller lots would also provide a nice buffer between the quarter-acre lots and the one-acre lots. Mr. Birchall had met with the City Engineer and he confirmed that these two new lots would not be a burden to the existing infrastructure. He gave examples of similar zone changes that were recently granted by the City Council.

David Fotheringham opened the Public Hearing.

Lorraine Scott, 557 North 400 West, said that she was the owner of the upper lot in the neighborhood. She had no intention of splitting or putting further development on her property.

Anthony Marcello, 465 West 600 North, expressed his opposition to the rezone request, and he had collected 23 signatures from other neighbors who were in opposition. His view would be affected by the proposed homes, and he was sure that his property value would decrease. The CC&Rs of the subdivision clearly state that lots could not be subdivided, so this application was a violation of that contract. Mr. Marcello was concerned that the applicant didn't even live in Alpine, so his only motivation was money.

Mike Adams, 720 West Lupine, said that this change would impact the entire area. The roadway would need to be cut to make sewer connections for the new homes. He didn't see any benefit to the City by rezoning the property.

David Atkinson, 445 West 600 North, questioned why the applicant felt the lot needed to be subdivided. He thought that the neighborhood should remain unchanged.

Amber Marcello, 465 West 600 North, objected to the way this was being presented. Staff and the applicant had made it seem like the subject property was surrounded by half- and quarter-acre lots, but it wasn't. All of the properties behind were acre lots. They were trying to persuade the City that the smaller lots were normal for this area, but they weren't. The neighborhood should maintain acre lots.

Catherine Marchant, 554 Lakeview Drive, requested that the City follow the General Plan and deny this proposal.

Scott Butler, 544 Lupine Drive, was concerned that allowing this rezone would set precedent for the area, and it would inspire other owners to create smaller lots.

Cathy Farr, 595 North 400 West, noted that someone else in the subdivision had attempted to split their lot recently, and that request was denied. That was a better precedent to follow than the examples provided by the applicant.

Joy Atkinson, a resident, noted that all homes in the neighborhood are required to have a side garage, and it didn't seem that the proposed lots could accommodate that. Adding more homes would destroy the look of the neighborhood.

Natalie Birchall Dally, 80 West 120 South, said that she was the sister of the applicant and she had been a resident of Alpine for 44 years. She spoke about the history of these properties and how much they had changed over time. She thought that this proposal would be a good way to bring a few new neighbors into the subdivision.

Gale Rudolph, a resident of International Way, didn't agree with the applicant's claim that these would create a buffer between larger and smaller lots. She was concerned about traffic being brought into Alpine from Draper. She encouraged the Commission to consider how this and other developments would affect the traffic five or ten years down the road.

Valerie Myers, 553 Blue Spruce Road, said that the CC&Rs were in place for a reason, and the applicant agreed to abide by those. She moved to Alpine from California to get away from smaller lots. If this rezone was granted, it would set precedent for other properties in her neighborhood.

Lon Nield, a resident, said that he was in favor of half-acre lots, but it was a tough sell in an existing subdivision. Alpine City needed smaller lots, he just wasn't sure that this was the right location for them.

Sherman Myers, 554 Lakeview Drive, said that there were smaller lots all over the City. The General Plan didn't show any smaller lots in this area.

Steve Birchall, a resident, said that he had welcomed many new people to Alpine in the 45 years he had lived there. Some people wanted larger lots, and some wanted smaller lots, but they were all welcome here.

Nate Birchall, the applicant, explained that the two lots being discussed were unique because they had the required frontage. None of the other properties along Lupine had enough frontage to subdivide, and they weren't adjacent to other lots zoned CR-20,000. He didn't believe that this application would set precedent for the neighborhood. He also felt it was unfair to say that he was only interested in money.

Bob Kutin, 446 Lupine Drive, said that traffic and garages weren't the issue with this application. He encouraged the Planning Commission to consider the facts rather than the emotional hyperbole of those in attendance.

David Fotheringham closed the Public Hearing.

Jessica Smuin asked if the application met all the requirements for a zone change, and Austin Roy answered affirmatively. Jane Griener noted that a zone change was legislative in nature, so the final decision would fall on the City Council.

**MOTION:** Jane Griener moved to recommend DENIAL the proposed Zone Change from CR-40,000 to CR-20,000 at Lupine and 400 West. John MacKay seconded the motion.

Jane Griener stated that the Planning Commission was not supposed to consider precedent. They also supported half-acre lots, but it was also important the people purchasing property in Alpine with confidence in what they bought. If the City was constantly allowing change, it wouldn't be fair to the residents as a whole. She wished that Alpine could be everything to everyone, but it couldn't. This was why they considered different types of lots for different areas of the City.

Sylvia Christiansen said that one of the goals of Land Use Elements in the General Plan was to preserve the quality of life and existing atmosphere of the City, and that included maintaining lower density neighborhood with traditional single-family residences.

A vote was taken. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

**Ayes:**

Jane Griener  
John MacKay  
David Fotheringham  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

None

**D. Public Hearing – Parking Plan – Healey Heights**

Austin Roy explained that the City would like to expand the parking area for Healey Heights Park, and include a restroom. They were proposing to put in 54 parking stalls and move the restrooms from Smooth Canyon to this parking lot. There was a greater need for restrooms at this location because of the location of the soccer fields. He gave a brief history of similar proposals and the negative responses from the residents.

David Fotheringham opened the Public Hearing.

Fire Chief Reed Thompson asked about the distance between the road and the restrooms, and Jed Muhelstein said it was about 300 feet. Chief Thompson stated that this didn't meet Fire Code requirements. They could construct the restrooms with noncombustible materials to increase safety. Jed Muhlestein said that the plan was to build the restrooms with concrete block.

David Fotheringham closed the Public Hearing.

**MOTION:** Sylvia Christiansen moved to recommend the Parking Plan at Healey Heights as proposed.

Jessica Smuin seconded the motion. There were 5 Ayes and 0 Nay (recorded below). The motion passed.

**Ayes:**

Jane Griener  
John MacKay  
David Fotheringham  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

None

**E. Public Hearing – Parking Plan – Smooth Canyon Park**

Austin Roy explained that the City wanted to expand the parking and upgrade the restrooms at Smooth Canyon Park. The plan essentially reflected the plans for Healey Heights Park. This item was returning to the Planning Commission after the City Council requested revisions to the previous proposal. They asked that staff use the goal of 50 parking spaces as a guideline for the new design.

Jed Muhlestein added that the new parking plan would keep parking off the street in and in the neighborhood.

David Fotheringham opened the Public Hearing.

Chief Thompson requested that the plan also provide a proper turnaround radius for fire trucks.

David Fotheringham closed the Public Hearing.

**MOTION:** Jessica Smuin moved to recommend approval of the Parking Plan at Smooth Canyon as proposed.

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

**Ayes:**

Jane Griener  
John MacKay  
David Fotheringham  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

None

**F. Public Hearing – Amendment to Development Code – Street Classifications**

Jed Muhlestein reported that staff had been asked by the City Council to add a Secondary Access street classification to the Street Mater Plan and Map. This classification would cover roads that were in the

system but weren't currently shown on the Streets Master Plan. They currently classified and showed arterial roads, collector roads, and residential roads. The ordinance did mention secondary access roads, but they weren't defined. In order to create the Secondary Access classification, staff looked at the following documents:

- Development Code. Section 4.7.4.15 mentions secondary access roads but sections 4.7.4.5 & 6 do not specify right-of-way, width, and surface specifications;
- Street Master Plan. The current Street Master Plan (aka – SMP) lists three road classifications (arterial, collector, and minor/local) but also mentions “miscellaneous roads.” Secondary access roads would fall under the “miscellaneous” category and therefore the main body of the SMP would not need updated, just the SMP Map which shows the road classifications and alignments;
- Alpine City Standard Details.

Jed Muhlestein explained that the City Attorney requested language to match the Fire Code, as follows:

- e. Secondary Access: At least the minimum width and improvements required by the Utah State Fire Code, or its successor code, for emergency access along with such other improvements such as surface type, curb and gutter, and gating at the discretion of the City Council and upon recommendation of the Planning Commission and City Engineer.

David Fotheringham opened the Public Hearing. There were no public comments. David Fotheringham closed the Public Hearing.

Jessica Smuin expressed concern about the emergency road from Moyle Park to Box Elder, which the judge declared as emergency access only. She felt that this road should have specific classification in the Street Master Plan and Map. It didn't seem right to lump this special road in with all other secondary access roads. Jed Muhlestein said that the Attorney didn't want to single out this road because all secondary access roads were for emergency access. Jessica Smuin was concerned that the proposed language took control out of the hands of the City Council, and staff stated that the Council still had the ability to make regulations for roadways owned by the City.

**MOTION:** Jessica Smuin moved to recommend the Amendment to Development Code for Ordinance 2019-17 and Street Master Plan Map be denied based on the following:

1. Proposal does not include a classification that defines emergency access roads.

Jane Griener seconded the motion. There were 3 Ayes and 2 Nays. (recorded below) The motion failed.

**Ayes:**

Jane Griener  
David Fotheringham  
Jessica Smuin

**Nays:**

Sylvia Christiansen  
John MacKay

Jane Griener asked if the City Attorney could review the language again before the item went to the City Council. The intent of allowing the City to maintain the roadways was there, but the language didn't reflect that clearly.

**MOTION:** Sylvia Christiansen moved to recommend approval of the proposed Ordinance 2019-17 and Street Master Plan Map with the addition of a classification for emergency access roads.

Jane Griener seconded the motion. There were 4 Ayes and 1 Nay. (recorded below). The motion passed.

**Ayes:**

Jane Griener  
David Fotheringham  
John MacKay  
Sylvia Christiansen

**Nays:**

Jessica Smuin

**G. Public Hearing – Amendment to Development Code – International Fire Code**

Austin Roy explained that staff was proposing an update to the Development Code to replace all references of the “Uniform Fire Code” with “International Fire Code. They would also replace the term “Urban/Wildlife Interface” with “Wildland Urban Interface”. These changes were being made so that the City Code was more consistent with the terminology in the International Fire Code.

David Fotheringham opened the Public Hearing. There were no public comments. David Fotheringham closed the Public Hearing.

**MOTION:** Sylvia Christiansen moved to recommend approval of Amendment to Development Code – International Fire Code, as proposed.

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

**Ayes:**

Jane Griener  
John MacKay  
David Fotheringham  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

None

**IV. Communications**

Austin Roy reported that there would be no meeting on August 20, 2019.

**V. APPROVAL OF PLANNING COMMISSION MINUTES: July 16, 2019**

**MOTION:** Sylvia Christiansen moved to approve the minutes for July 16, 2019, with the changes requested.

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

**Ayes:**

Jane Griener  
John MacKay  
David Fotheringham  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

None

The meeting was adjourned at 10:10 pm.