



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Public Meeting** on **Tuesday, March 21st, 2023, at 6:00 pm at City Hall, 20 North Main Street, Alpine, Utah.**

The public may attend the meeting in person or view 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

I. GENERAL BUSINESS

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

II. REPORTS AND PRESENTATIONS

- A. None

III. ACTION/DISCUSSION ITEMS

- A. Conditional Use Permit: Cherry Hill Farms Produce Stand located at 645 S Alpine Highway.
- B. Public Hearing: Code Amendment to section 3.19.070 regarding density standards in the Assisted Living and Nursing Care Overlay Zone.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: March 7th, 2023

ADJOURN

Chair Jane Griener
March 21st, 2023

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted at Alpine City Hall, 20 North Main, Alpine, UT. It was also sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.



PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are now recorded.

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

Public Hearing vs. Public Meeting

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Conditional Use Permit Produce Stand Jecco Farms

FOR CONSIDERATION ON: March 21st, 2023

PETITIONER: Derek Rowley, Cherry Hill Farms

ACTION REQUESTED BY PETITIONER: Approval of a CUP for a produce stand at 645 S Alpine Hwy.

BACKGROUND INFORMATION:

Cherry Hill Farms has submitted an application for a Conditional Use Permit (CUP) for a produce stand located at 645 S. Alpine Highway. This property is currently zoned CR-40,000, "Incidental Produce Stands" are listed as a Conditional Use in this zone (DCA 3.04.030-Conditional Uses). The Planning Commission will also review 3.23.030 *Conditional Use Standards of Review* for compliance with City Code. The applicant is seeking approval of their CUP application, the Planning Commission is the designated land use authority for reviewing this particular CUP as per DCA 3.23.070.

A conditional use is defined by Utah State Code 10-9a-103 as the following:

"A land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts."

STAFF RECOMMENDATION: Review staff report and findings and make a motion to approve or table the proposed Conditional Use Permit.

MODEL MOTIONS

SAMPLE MOTION TO APPROVE WITH CONDITIONS

I move to approve the Conditional Use Permit for a produce stand at 645 S. Alpine Highway with the following conditions:

****INSERT FINDINGS****

SAMPLE MOTION TO TABLE

I move to table the Conditional Use Permit at 645 S. Alpine Highway based on the following:

****INSERT FINDINGS****



ALPINE CITY
STAFF REPORT
March 21st, 2023

To: Alpine City Planning Commission

From: Staff

Prepared By: Ryan Robinson, Assistant City Administrator/Planner
Jed Muhlestein, City Engineer

Review Type: Administrative

Re: **Conditional Use Permit – Cherry Hill Farms**

Applicant: Derek Rowley, Cherry Hill Farms

Project Location: 645 S Alpine Hwy.

Zoning: CR-40,000

Acreage: 8.67

Lot Number: 1

Request: Approval of Conditional Use Permit

SUMMARY

Cherry Hill Farms has submitted an application for a Conditional Use Permit (CUP) for a produce stand located at 645 S. Alpine Highway. This property is currently zoned CR-40,000, “Incidental Produce Stands” is listed as a Conditional Use in this zone (DCA 3.04.030-Conditional Uses). The Planning Commission will also review 3.23.030 *Conditional Use Standards of Review* for compliance with the City Code. The applicant is seeking approval of their CUP application, the Planning Commission is the designated land use authority for reviewing this particular CUP as per DCA 3.23.070.

A conditional use is defined by Utah State Code 10-9a-103 as the following:

“A land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.”

Noticing

This item was properly noticed by State and City requirements.

ANALYSIS

City Code

Alpine Development Code 3.23.030 provides a list of criteria that should be considered for CUPs. The applicant must demonstrate the following standards are met, if the Planning Commission identifies potential detrimental impacts, they can impose conditions that can mitigate these potential impacts. The conditions must be tied to the standards found in section 3.23.030.

- 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 signage standards found in DCA 3.25 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.*
- l) *Limitations on hours of operation, methods of operation, and building height and size.*

Additional standards found in the Alpine Development Code 3.23.060 identifies produce stands as having additional criteria for conditional uses. The staff has reviewed these standards with the applicant based on the submitted plans and upon completion of the review process will comply with the applicable standards.

Standard (iv) requires off-street parking to provide for a parking lot characteristics that would be paved, provide lighting, and other requirements. The applicant is requesting an exception to the standard of paving and providing lighting for the parking lot. See the parking section under the engineering review for a more in-depth analysis of the parking exception.

3.24.050 #2- Location of Required off-street parking does not allow any portion of the setback area adjacent to a street to be used for off-street parking.

Lot Width, Area, and Shape

The proposal is occurring on an already existing lot. If approved it will not change the lot width, area, or shape.

Use

A produce stand is a conditional use in the CR-40,000 zone.

Trails

No trails will be added as part of this proposal.

General Plan

The general plan identifies the CR-40,000 as *Land zoned as CR-40,000 (Country Residential – 40,000 square foot minimum lot size) shall include, but is not exclusive to, land generally located around the periphery of the City center considered appropriate for low-density residential development. These areas should provide for the perpetuation of the rural and open space image of the City.*

REVIEWS

ENGINEERING AND PUBLIC WORKS DEPARTMENT REVIEW

Streets

Staff worked with the applicant to ensure the entrance to the fruit stand site would be off Bateman Lane to remove any potential safety hazards of vehicles loading/unloading on Alpine Highway. The entrance is located greater than 40 feet from the intersection, which is the minimum distance required for a driveway to be located away from an intersection. Staff recommends the applicant have signage along Alpine Highway for no parking along Alpine Highway and signage directing traffic to the parking lot.

On this same property, Staff is currently working with the applicant on a minor 2-lot subdivision, called Jecco Farms. One of the requirements of that development is for the applicant to improve Bateman Lane to a full-width street. In doing so, the intersection of Bateman Lane and Alpine Hwy will be improved to the current code. That improvement is shown in the plans.

Parking

The planning review mentioned the applicant's request for an exception to the off-street parking ordinance. This review will detail those requirements. The off-street parking ordinance requires:

1. *Paving.* Each lot shall be paved with an all weather surface material (asphalt or concrete), and be maintained in good condition and kept in an unobstructed and usable condition at all times. Responsibility for maintenance of the lot shall rest with the property owner. The lot shall provide adequate access to a street or alley.
2. *Wheel Stops.* Off-street parking shall be designed with wheel stops or curbing. Wheel stops shall be located in a manner so as to prevent any portion of the parked vehicle from extending over a property line or sidewalk. Manufactured wheel stops are preferred. All curbing shall be maintained in a functional and safe condition.
3. *Striping.* All off-street parking shall be striped to clearly show required parking spaces. Striping shall be maintained in functional condition. Striping shall be at least three (3) inches wide and shall consist of white or yellow paint designed for this purpose.
4. *Grading.* Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice.
5. *Parking Lot Lighting.* A lighting plan provided by the applicant shall be reviewed and approved by the City Engineer. Lots shall be illuminated with standards arranged so as to

reflect light away from any adjoining residential buildings. Parking lot lights shall be fully shielded to direct light downward in order to decrease light pollution.

6. *Parking Lot Dimensions and Size of Parking Spaces. (diagram not included, it shows the dimensions of parking stalls)*
7. *Accessible Parking Spaces. All accessible parking spaces shall meet the requirements of the ADA Standards for Accessible Design (28 CFR Part 36).*
8. *Oil separators. Oil separators and other pollution control devices may be required to minimize storm water pollution, as recommended by the City Engineer.*
9. *Screening. The sides and rear of any off-street parking area that adjoins a residence or residential zone shall be required to be screened by a masonry wall or solid visual barrier fence.*
10. *Landscaping. All off-street parking areas shall be landscaped and permanently maintained as required by DCA 3.07.080 Part 8.*
11. *Off-Street Loading. Every building or use receiving or distributing materials or merchandise by truck shall provide and maintain on the same lot as the building or use adequate off-street loading space(s).*

Each item was reviewed concerning the plans and Staff has the following comments:
Items 1, 2, 3, 8 and 10 deal with parking lots that are paved. The applicant is requesting an exception to these requirements and requests to have a gravel/barked parking lot area.

Item 4 – Per the plan, the parking lot is graded such that water will not accumulate and slopes are appropriate for a parking lot. The criteria for item 4 is met.

Item 5 – The applicant is requesting an exception to the lighting requirement.

Item 6 – The applicant is proposing a non-striped parking lot. Having said that, the parking lot appears to be dimensioned correctly and per code. The criteria for parking lot dimensions, other than painting stripes, appears to be met.

Item 7 – The plans do not designate two ADA parking stalls (2 ADA stalls per every 50 stalls is the standard). The applicant should designate two ADA stalls when the parking lot is constructed.

Item 9 – There are no residential sites nearby for which screening is required. This item is not applicable in this situation.

Item 11 – It is Staff's understanding that any produce delivered would be by regular sized vehicles, not large delivery trucks, and therefore, the parking area shown should suffice.

Utilities

The plans show construction of a sewer lateral off Bateman Lane.

Culinary water and pressurized irrigation is already served to the lot which can serve the building.

STAFF RECOMMENDATION

After reviewing the submitted plans and report, the Planning Commission acting as the designated land use authority may attach conditions to mitigate any detrimental impacts in relation to DCA 3.23.030 with the proposed CUP. Where this is an administrative decision the standard for approval should be if the proposed application meets the current city code requirements. Staff recommends the following conditions be attached to the review:

- The off-street standard exceptions for paving and providing lighting for the parking lot are subject to approval by the City Council as required in DCA 3.24.040.
- No portion of the setback area adjacent to Alpine Hwy. or Bateman Lane will be used for off-street parking purposes unless approved by the Gateway Historic Committee and the Alpine City Council.
- The applicant install signage not allowing parking on Alpine Highway and directing traffic to the parking lot.

MODEL MOTIONS

SAMPLE MOTION TO APPROVE WITH CONDITIONS

I move to approve the Conditional Use Permit for a produce stand at 645 S. Alpine Highway with the following conditions:

****INSERT FINDINGS****

SAMPLE MOTION TO TABLE

I move to table the Conditional Use Permit at 645 S. Alpine Highway based on the following:

****INSERT FINDINGS****

Memo

To: Alpine City
From: Ken R. Berg, PE
Date: 3/17/2023
Re: Jecco Farms – Farm Stand Conditional Use - Criteria Response Letter

General Review Criteria. An applicant for conditional use in the zone must be able to demonstrate the following standards are met. Conditions shall be associated with the following standards:

1. The application complies with all applicable provisions of this Chapter, state and federal law;
The proposed site plan meets the requirements for the FARM STAND Conditional Use. The required number of parking spaces exceed the number required per the parking ordinance. The proposed exception to the parking surface and parking lot lighting is allowed by code.
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
The new farm stand has been moved to the north end of the orchard to improve visibility along Alpine Hwy and the access point has been moved to Bateman Lane. The new farm stand is 3240 sf in size in comparison to the existing farm stand of 2810 sf.
3. The use is not detrimental to the public health, safety and welfare;
The proposed farm stand is not detrimental to the public health, safety and welfare. The relocation of the farm stand to the north end of the property will improve public safety.
4. The use is consistent with Alpine City General Plan as amended;
The proposed farm stand meets the requirements of the code while still being in compliance with the general plan for future development

5. Traffic conditions are not adversely affected by the proposed use;
The proposed site for the farm stand with access only from Bateman Lane will improve Traffic Conditions and improve traffic flow by completing the full width of Bateman Lane and removing the one-way traffic condition.
6. There is sufficient utility capacity;
The existing utilities in Alpine Hwy and Bateman Lane have the capacity to support the proposed Farm Stand
7. There is sufficient emergency vehicle access;
With the location along the Alpine Hwy and the improved full width of Bateman Lane, the emergency vehicle access is sufficient.
8. The location and design of off-street parking as well as compliance with off-street parking standards;
The required number of parking spaces exceed the number required per the parking ordinance. The proposed exception to the parking surface and parking lot lighting is allowed by code.
9. A plan for fencing, screening and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
No new fencing or screening is proposed for the Farm Stand
10. Exterior lighting that complies with the lighting standards of the zone;
The proposed exception for no parking lot lighting is allowed by code.
11. Within and signage standards found in DCA 3.25 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.
The proposed farm stand has no impact on surrounding properties or the aquifer, slope retention or flood potential.
12. Limitations on hours of operation, methods of operation, and building height and size.
Proposal is to meet city requirements for hours of operation. Building Height to meet building code.

PARKING NOTES

18 STANDARD PARKING SPACES PROPOSED
 3240 SF FARM STAND @ 4 SPACES / 1000 SF = 13 REQ'D SPACES

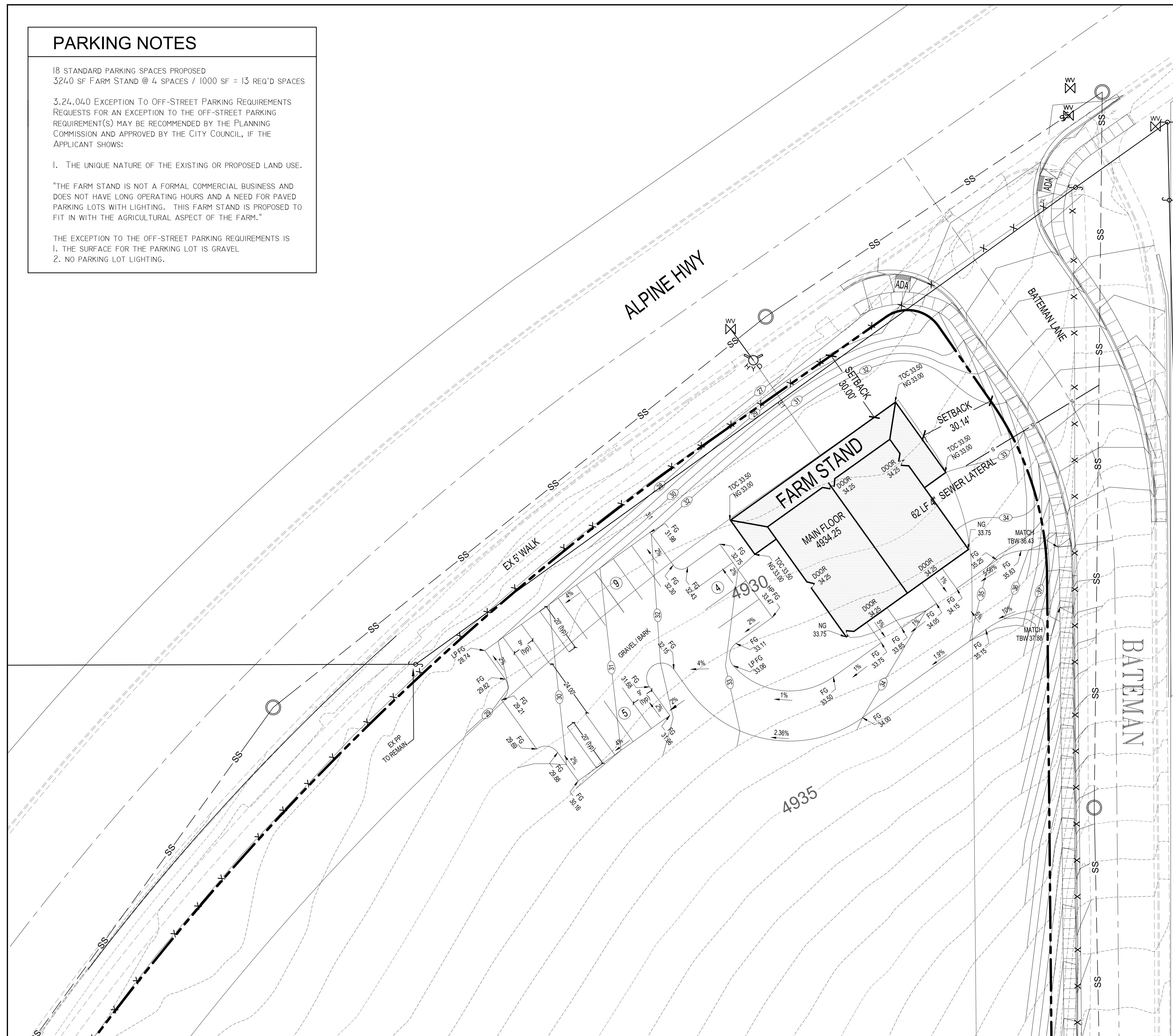
3.24.04.0 EXCEPTION TO OFF-STREET PARKING REQUIREMENTS
 REQUESTS FOR AN EXCEPTION TO THE OFF-STREET PARKING
 REQUIREMENT(S) MAY BE RECOMMENDED BY THE PLANNING
 COMMISSION AND APPROVED BY THE CITY COUNCIL, IF THE
 APPLICANT SHOWS:

1. THE UNIQUE NATURE OF THE EXISTING OR PROPOSED LAND USE.

"THE FARM STAND IS NOT A FORMAL COMMERCIAL BUSINESS AND
 DOES NOT HAVE LONG OPERATING HOURS AND A NEED FOR PAVED
 PARKING LOTS WITH LIGHTING. THIS FARM STAND IS PROPOSED TO
 FIT IN WITH THE AGRICULTURAL ASPECT OF THE FARM."

THE EXCEPTION TO THE OFF-STREET PARKING REQUIREMENTS IS

1. THE SURFACE FOR THE PARKING LOT IS GRAVEL
2. NO PARKING LOT LIGHTING.



TYLER
 11:023:0009

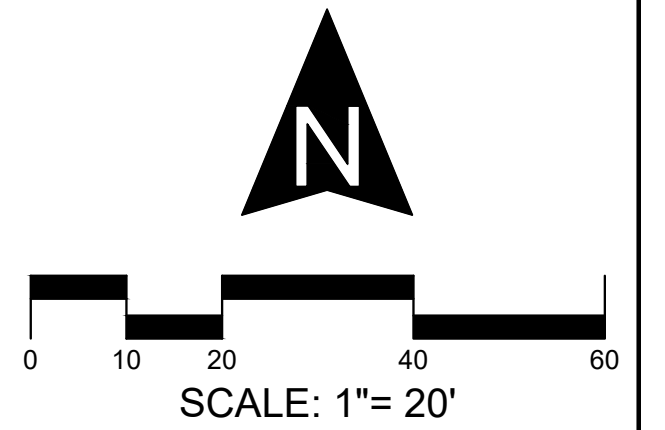
ALPINE CITY
 49:329:0015

DEVELOPER

**JECCO
 FARMS**
 645 S. ALPINE HWY
 ALPINE, UT 84004

DEVELOPMENT

**JECCO
 FARMS**
 SUBDIVISION



REVISIONS			SEAL
NO.	DATE	DESCRIPTION	

ACTION	DATE
CONDITIONAL USE	02/27/2023

PROJECT

**JECCO
 FARMS**

DESCRIPTION

**FARM STAND
 SITE
 PLAN**

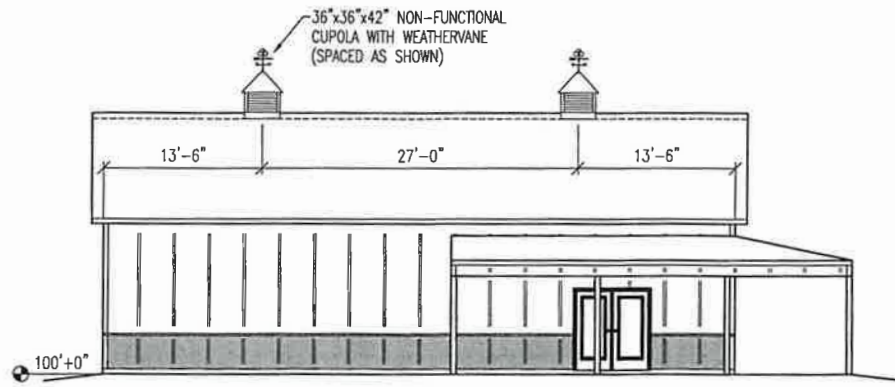
SHEET NAME	SHEET NUMBER
SITE PLAN	C1

GENERAL NOTES AND SPECIFICATIONS

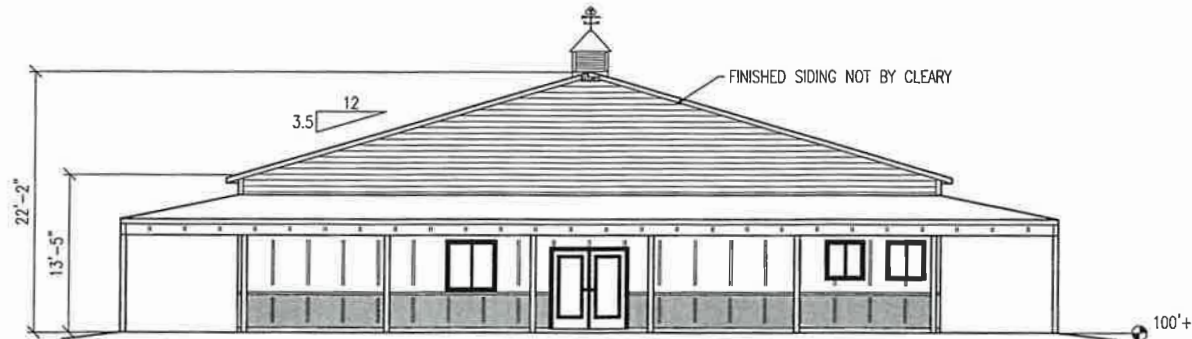
- The materials and labor shown on these plans that are provided by Cleary Building Corp. are limited to those materials and labor as defined by the Cleary Building Corp. contract. Additional materials or accessories that are not being provided by Cleary Building Corp. may be shown on plans for context or building code compliance.
 - This building is designed in accordance with the following codes and specifications:
 - 2018 International Building Code (IBC)
 - 2018 Edition Of "National Design Specifications for Wood Construction"
- Risk Category: II
 Use Group(s) Classification: U
 Building Use: Garage
 Type of Construction: Type VB
 Building Area: 4040 Sq. Ft.
- Building Design Loads:
 Snow Design Data:
 Ground Snow Load (Pg): 40 PSF
 Design Balanced Roof Snow Load: 32.8 PSF
 Snow Exposure Factor (Ce): 1
 Slope Factor (Cs): 0.98
 Thermal Factor (Ct): 1.2
 Snow Load Importance Factor (Is): 1.0
 Flat Roof Snow Load (Pf): 33.6 PSF
 Sloped Roof Snow Load (Ps): 32.8 PSF
 Unbalanced Snow Loads: 9.8 PSF Windward
 32.8 PSF Leeward
 21.65 PSF Leeward surcharge
 10.3 Ft. Width of surcharge
- Wind Design Data:
 Basic Design Wind Speed (V): 115 MPH
 Wind Exposure: C
 Design Internal Pressure Coefficient: ± 0.18
- Earthquake Design Data:
 Basic Seismic Force Resisting System: Building Frame System/Light Frame Walls Sheathed with Wood Structural Panels or Steel Sheets
 Design Base Shear: 5468 LBS
 Seismic Response Coefficient (Cs): 0.145
 Analysis Procedure Used: Equivalent Lateral Force Procedure
 Seismic Design Category: D
 Mapped Spectral Response Accelerations (Ss): 130.4%g
 (S₁): 48.9%g
 Spectral Response Coefficients (S_{ps}): 0.869g
 (S_{p1}): 0.492g
 Site Class: D
 Seismic Importance Factor (I_e): 1.0
 Response Modification Factor (R): 6
- All lumber, unless noted otherwise, shall be S4S #2 SPF or better. All lumber embedded in the ground shall be treated with Chromated Copper Arsenate to a retention level of .60 lbs. per cubic foot. AWPA U1, UC4B.
 - All nails are to be threaded hardened steel unless otherwise noted.
 - Grading should be such that the surface water is drained away from the foundation. Minimum grade would be six inches of vertical drop per ten feet of horizontal away from the foundation (5%).
 - Fill used for concrete floor slab sub grade, if present, shall be reasonably graded granular material. Fill used in columns holes shall be the excavated soil unless noted otherwise. All fill shall be free from debris, stones over 4" and frozen material.
 - Electrical work, heating, ventilating, air conditioning, plumbing, and site draining is not a part of this drawing and shall be installed as per applicable codes.
 - This design is based on a building site with sand, silty sand, clayey sand, silty gravel, clayey gravel soil. As per the IBC building code and Referenced Standard ASAE 486.1, an assumed soil bearing design value of 1500 psf with increases for depth and width has been used in this design. If information is discovered before or during construction contrary to this, the building designer should be contacted.

NOTE:
 This document, as presented and sealed, is not intended to be, nor should it be construed as such, a complete building design. It is intended to represent just the building itself. It should also be noted that the designer is unaware of any subsurface investigation reports. Footings have been sized on assumed values as per note 8.0 under General Specifications and Notes. The designer excludes determination that the assumed soil conditions are present at the site. If a concrete floor will be installed, the design of the concrete floor is not part of these plans, nor is it intended to be. If shown, the concrete floor is only depicted to show its location with respect to related components of the building. The client or general contractor is encouraged to contract with other professional engineers or architects for the design of the concrete floor and its subgrade.

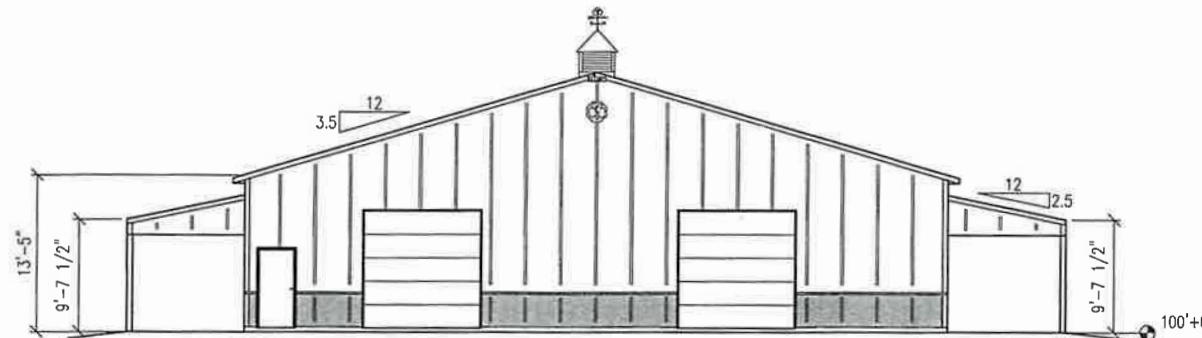
NOTE:
 This building, as depicted, must be constructed 10 feet or more from any and all lot lines and 20 feet or more from any other buildings on the same lot. See IBC code and/or the local building official for exceptions.



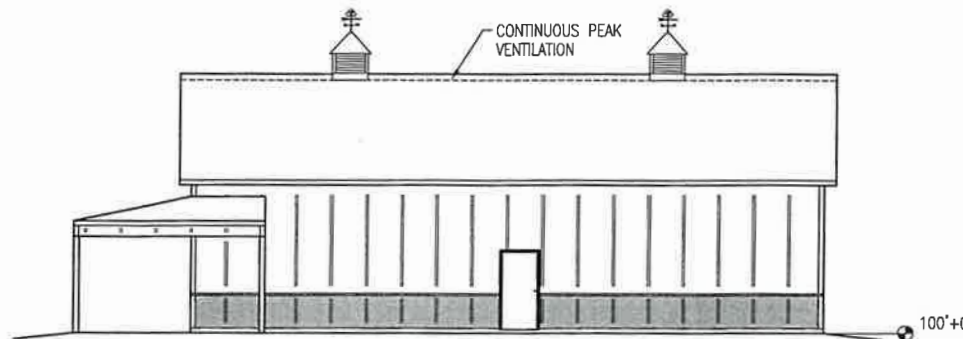
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION

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- 135. HIPPED PORCH DETAILS
- 140. HEADER DETAILS
- 150. DIAPHRAGM ACTION and MISC. DETAILS
- 160. TRUSS DIAGRAMS
- 161. TRUSS DIAGRAMS



190 PAOLI STREET / P.O. BOX 930220
 VERONA, WI 53593 / (800) 373-5550

DRAWN BY: M NEDDO

DATE DRAWN: 12/16/22

PLAN REVISIONS:

NUMBER	DATE	BY
1		
2		
3		
4		

PROJECT NAME: ROWLEY, DEREK
 PROJECT SITE ADDRESS: 627 ALPINE HWY
 ALPINE, UT 84004 (UTAH)
 BUILDING SIZE: 60' 0" x 54' 0" x 13' 5"
 SHEET NAME: ELEVATIONS

PROJECT NUMBER: 2022105017

SHEET NUMBER: 110

SHEET SCALE: NONE

APPROVED FOR CONSTRUCTION
 DATE _____ BY _____



12/30/22

ALPINE CITY PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing- Code Amendment

FOR CONSIDERATION ON: March 21st, 2023

PETITIONER: City Staff

ACTION REQUESTED BY PETITIONER: Recommendation of approval for code amendment 3.19.070 amending the density standards in the Assisted Living & Nursing Care Overlay Zone.

REVIEW TYPE: Legislative

BACKGROUND INFORMATION:

City staff has received requests from City officials to review and recommend ways within the Assisted Living and Nursing Care overlay zone to reduce the number of overall residents allowed per lot size and create a standard unit allotment to better regulate overall density for projects within this designated zoning.

The Current density in this zone allows for one (1) resident for every 1,000 square feet of lot area. A minimum lot size of two (2) acres and a maximum of 10 acres means a development seeking this zone change could currently have anywhere from 87 to 435 residents depending on the lot size with no limits to the number of dwelling units.

Residential Standard Comments

The following table shows potential density changes compared to the current standard. The density standards for a single-family dwelling within the B-C zone has a minimum lot size of 10,000 sf. To compare per resident for a single-family dwelling, we multiplied the max density for each acreage amount by the average household size according to the latest Census information, which is 3.67 people per household.

Lot Size	Residents Per 1,000 SF	Residents Per 2,000 SF	Residents Per 3,000 SF	Single-Family Dwelling Size.
2 Acres= 87,120 sf	87	43	29	8 homes= 29 residents.
3 Acres= 130,680 sf	130	65	43	13 homes = 48 residents
4 Acres=174,240 sf	174	87	58	17 homes = 64 residents
7 Acres= 304,920 sf	304	152	101	30 homes= 112
10 Acres= 435,600 sf	435	217	145	43 homes= 160 residents

Dwelling Unit Standard Comments

The staff has also reviewed the different options for creating standards for the maximum number of dwelling units. These different options consider creating uniformity with similar zoning uses (Senior Housing Overlay) and or limiting the number of units based on the population of the various options (see attached).

Noticing

Notice has been properly issued in the manner outlined in City and State Codes. A public hearing will be held tonight, March 21st, 2023, as part of this Planning Commission meeting.

STAFF RECOMMENDATION:

Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as the current city code and policies. A recommendation should be made to the City Council for approval or denial based on those criteria.

SAMPLE MOTION TO APPROVE:

I move to recommend approval of the proposed code text amendment changing the language in section 3.19.070 reducing the density standards in the Assisted Living and Nursing Care Overlay Zone to the following (insert changes).

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to recommend approval of the proposed code text amendment changing the language in section 3.19.070 reducing the density standards in the Assisted Living and Nursing Care Overlay Zone with the following conditions/changes:

- ****insert finding****

SAMPLE MOTION TO TABLE/DENY:

I move to recommend the proposed code text amendment changing the language in section 3.19.070 reducing the density standards in the Assisted Living and Nursing Care Overlay Zone be tabled/ recommended to be denied based on the following:

- ****insert finding****

Original Language

The total number of residents permitted in an Assisted Living, Congregate Living, or Nursing Care project (maximum allowed) shall be one resident per 1,000 square feet of lot area.

Option 1:

The total number of residents permitted in an Assisted Living, Congregate Living, or Nursing Care project (maximum allowed) shall be one resident per ~~1,000~~-2,000 square feet of lot area. The maximum dwelling units per project shall not exceed 8 units per acre or 32 total units.

Option 2:

The total number of residents permitted in an Assisted Living, Congregate Living, or Nursing Care project (maximum allowed) shall be one resident per ~~1,000~~-3,000 square feet of lot area. **The maximum dwelling units allowed shall not exceed 1/3 of the number of total residents allowed.**

Option 3:

The total number of residents permitted in an Assisted Living, Congregate Living, or Nursing Care project (maximum allowed) shall be one resident per ~~1,000~~-3,000 square feet of lot area. **The maximum dwelling units allowed shall not exceed 1/2 of the number of total residents allowed.**

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
March 7, 2023

I. GENERAL BUSINESS

- A. Welcome and Roll Call:** The meeting was called to order at 6:00 p.m. by Co-Chair Alan Macdonald. The following were present and constituted a quorum:

Chair: Co-Chair Alan Macdonald

Commission Members: Susan Whittenburg, Ethan Allen, Troy Slade, Jeff Davis, John Mackay

Excused: Jane Griener

Staff: Ryan Robinson, Jed Muhlestein, Marla Fox, Heidi Jackman,

Others: Kevin and Carol Hale, Sam Burkeley, Anthony and Amber Marcello, Gale Rudolph, Catherine Marchant, Sherman Myers, Mark and Colleen Philipp, Cathy Farr, Nate heaps, Adam and Andrea McCartney, David and Joy Atkinson, Francis and Caron Clark, Breezy Anson, Pamela Pamela, Cory Russon, Mike Adams, Tom, Corine Wilson, Lorraine Scott

B. Prayer/Opening Comments: Susan Whittenburg

C. Pledge of Allegiance: John MacKay

II. REPORTS AND PRESENTATIONS

A. None

III. ACTION ITEMS

A. Public Hearing: Zone Change from CR-40,000 to CR-20,000 at 446 Lupine Drive and 557 N 400 West.

Ryan Robinson said the City has received a request to rezone 446 Lupine Drive + 557 North 400 West from the CR-40,000 zone to the CR-20,000 zone. The reason for the rezone is to subdivide the property at 446 Lupine Drive from one lot (42,531 square feet) into two lots with a minimum square footage of 20,000 square feet. The property is currently under contract to be purchased by the McCartney family; they have received permission by the current owners to pursue a zone change.

The property at 557 N 400 W has been included in the rezone request for consistency with the zoning map, current zoning to the west and north are CR-20,000 so a zone change to include this lot as well brings consistency to the surrounding area. Due to the location of the house on the lot at 557 N 400 W as well as the lack of needed frontage along a public road future development on this lot is highly unlikely. The owners of this property have also given approval for the rezone request to include their lot.

Ryan Robinson said this is a Legislative decision and we need to make sure it meets the zoning requirements and feel of the neighborhood. He said the property at 557 N 400 W could not be sub-divided because this lot does not have the required frontage. He said this lot was included in the zone change for consistency.

Alan Macdonald asked why the three lots to the north are half acre when the rest of the subdivision is one acre. Ryan Robinson and Jed Muhlestein said they both didn't know because it was before their time.

Adam and Andrea Macartney, applicants, said they moved to Utah one year ago to South Jordan from the Mid-West. Andrea Macartney said they would love to move to Alpine and live in this community. She said in order to make this property work for them, they have to split the lot and sell the other half to make the budget work for the purchase of the property.

Andrea Macartney said if the lot was split, both lots would meet the lot width criteria. She said there would be continuity with other lots to the north and the east of this property. She said this neighborhood was developed in multiple phases and that is why there are different zones. She said splitting the lot would align with surrounding lots in the CR-20,000 zone. She said a new home would not impact the neighbors' views because of the elevation change; they would still have mountain and lake views.

Alan Macdonald asked if the Macartney's had spoken with the neighbors to the west to see if they were in favor of a lot split. Adam Macartney said they had spoken with the neighbors and they have feelings about the lot split and he would let them speak to that later.

Alan Macdonald opened the Public hearing.

Jeff McCain, resident, sent in an email saying he was against the re-zone. He wants the zone to remain one acre lots for a rural feel and keep his property value. He said there are many smaller lots for sale in alpine without having to re-zone this property. He also doesn't want this to set a precedent so the lot to the south of this one could subdivide as well.

Anthony Marcello, resident, said he is opposed to the zone change. He said the CC&Rs of the subdivision state the lots can't be split. He said he purchased his property knowing the lots couldn't be split and his view wouldn't be compromised. He and his neighbors have signed a petition stating the same thing.

Breezy Anson said the three acres to the north were part of a PRD. He said his concern is that you can never take this back once homes are built.

Amber Marcello, resident said this proposal will affect her view. She said she has the right to use her property and she wants her rights protected. She said the petitioners are not residents of Alpine. She said it's not fair to grant this to a nonresident over residents who pay taxes. She said the neighbors will welcome a new family in this home, but is opposed to a re-zone.

Cathy Farr, resident, said the zoning change was put in place for a reason and if you change that, it could open a can of worms in the future. She said there are already other homeowners that are watching what happens tonight because they would like to rezone their lot as well. She is not in favor of carving up one acre lots because she wants the open space.

Catherine Marchant, resident, said Alpine has a plan that is the bullseye plan of one acre and half acre plan. She said if we don't follow the plan, Blue Bison could come back and say our plan isn't sacred and try to get their road through.

Carol Hale, resident, said this would directly impact their property because they abut the two properties that are proposing the re-zone. She said they think the Macartney's are a nice family, and they would

welcome them in the home, but are not in favor of the re-zone as it would affect their view and open space.

David Atkinson, resident, said if you can't afford to live at this property, then you need to find a different lot. He said that is what he and his wife had to do. He said everyone had to follow the contract of the CC&Rs because that is what is right.

Sherman Myers, resident, said there is precedent for this and he is not in favor of the zone change. He said he would welcome the new neighbors to the house as is.

Corine Wilson, resident, said she pays for the open space. She said we need to follow the rules we bought into.

Mark Philipp, resident, said he opposed the re-zone.

Mike Adams, resident, said the sewer and waterlines would have to be dug up so he is opposed.

Lorraine Scott, resident, said she has lived here for twenty years and her lot can't be split. She said she understands the Macartney's position and would be advantageous for their family. She said she doesn't see a problem with the re-zone.

Tom. resident, said he is new to the area and thinks the re-zone will kill his investment and is opposed.

Alan Macdonald closed the Public Hearing.

Alan Macdonald asked if the lots to the south would ask for a re-zone as well. Ryan Robinson said it could. He asked about the CC&Rs which states no lots can be sub-divided and wanted to know if we can make a recommendation that goes against the CC&Rs.

MOTION: Planning Commission member Jeff Davis moved to recommend **DENYING** the zone change request from CR-40,000 to CR-20,000 at 446 Lupine Drive and 557 North 400 West because of the following reasons:

1. The city doesn't benefit;
2. Is not consistent with Master Plan;
3. Is against the CC&Rs.

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

Ayes:

Susan Whittenburg
Jeff Davis
Ethan Allen
Troy Slade
Alan Macdonald
John MacKay

Nays:

Excused:

B. Preliminary Plat Review: Cherrypoint Estates 12 lots at approximately 1528 Grove Drive.

Ryan Robinson said the Alpine Cherrypoint Estates Subdivision consists of 12 lots on 13.82 acres. The proposed lots range from .91 (40,002 sq. ft) to 1.3 (57,329 sq ft) acres in size. The development is located at approximately 1528 Grove Drive and includes five parcels as part of the proposal. Currently there are two homes and a variety of smaller structures spread throughout the projected site. The proposed property is zoned CR-40,000. The applicant is seeking concept plan approval.

Ryan Robinson said we have already discussed aligning and widening Grove Drive and adding sidewalk, curb, and gutter. He showed on a map the layout of the twelve lots. He said the lot size meets the ordinance. There is a ten percent grade. Lots nine, ten, and eleven have five sides and that will be looked at during the final review. He said there are no planned trails for this subdivision.

Jed Muhlestein said City Council wanted the road alignment straightened out and said the developer has straightened the road. In terms of right-of-way, there is a jog into lot twelve. The frontage improvements meet the requirement, with a combination curb, gutter, sidewalk with no park strip.

Jed Muhlestein said the culinary water will be looked at by Horrocks Engineering. The standard line sizes will be used. There are three wells on this property and the city would require the wells to be capped. Water and sewer lines would be connected to lines in Grove Drive.

Storm Drain would be an underground storm basin. The Geotechnical report looks good. They have a little undocumented fill that has to be taken care of. Fort Ditch runs through the property on the east side of the development and comes out to the south, which would need to be piped. The irrigation company has to sign off on the plans.

John MacKay asked how the Butterfield easement will be resolved.

Susan Whittenburg asked about the Peter Christensen home on the corner.

Nate Heaps, Developer, said the Butterfields had an old agreement where they could use twelve feet on either side going down to their driveway. He said both property owners could use the lane, but Josh James owned three quarters of the lane. He said legally, the Butterfield's can use up to the asphalt and we don't have to vacate the easement and leave it in place. He said if we did this, the easement would run with the parcels in the new subdivision.

He said we abandoned the old easement that was made in 1996. He said we created a boundary line adjustment and gave the Butterfields about forty-five hundred square feet of land so they can access their whole driveway. We will add a temporary easement so we can access our property until the subdivision is complete. The Butterfield's have reviewed it and are having their council review it and a new agreement will be recorded prior to the plat recorded with the County.

Nate Heaps said as far as Peter Christensen goes, we have a life estate agreement with him. We purchased his land and gave him a life estate where he is living in his current home, rent free. He lives there and can do whatever he wants, but we own the land and the home, with the agreement that he can build a house on lot seven, which is the north east corner.

Nate Heaps said he spoke with Peter Christensen and said it didn't sound like he was going to build a home, but he has the option to build a home. The agreement being technical, he will own the home, we

will own the land. At his passing, we have the first right of refusal to buy the appraised value of the home back from him. Mr. Christensen does not have any ownership of the land; he sold that back in 2015. The plan would be if Mr. Christensen did build a new home on lot seven, we would tear down his old house and build a new one on that lot.

Jed Muhlestein said a new water line will be installed to help serve Zachary Way on the west side of the development on Grove Drive.

MOTION: Planning Commission member Ethan Allen moved to approve the Preliminary application of Alpine Cherrypoint Estates with the following conditions:

1. Approval from the Irrigation company;
2. The existing home on lot 1 will be noted as a legal nonconforming lot. Any future modifications or expansion will meet current city ordinances;
3. On the final plan review, the applicant will include how they will secure the site on lot 10.

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

Ayes:

Susan Whittenburg
 Jeff Davis
 Ethan Allen
 Troy Slade
 Alan Macdonald
 John MacKay

Nays:

Excused:

C. Public Hearing: Code amendment to Municipal Code 3.26.030 Ethical Standards for city council and creation of section 2.02.060 Ethical Standards for Planning Commission.

Ryan Robinson explained that the section of the Municipal code regulating ethical standards for members of the City Council requires that a city councilor shall abstain from voting on a matter where they have a substantial personal financial gain. The Municipal Officers' and Employees Ethics Act of Utah State Code 10-3-1303 uses wording of substantial interest which is defined as "the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity".

This code amendment makes the wording change from personal financial gain to substantial interest and references back to state code for additional clarification. We are also creating a section of 2.02- Planning Commission of the Alpine Development Code that is the same language creating standards for the Planning Commission as we do for the City Council.

Noticing Notice has been properly issued in the manner outlined in City and State Code. A public hearing will be held tonight, March 7th, 2023, as part of this Planning Commission meeting.

STAFF RECOMMENDATION: Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as current city code and policies. A recommendation should be made to the City Council for approval or denial based on those criteria.

Alan Macdonald opened the Public Hearing.

Pamela Pamela, resident, said we need to keep boundaries.

Alan Macdonald closed the Public Hearing.

Jeff Davis said he would like to remove B.

MOTION: Planning Commission member Jeff Davis moved to recommend approval of the proposed code text amendment changing the language in section 3.06.030 regarding Ethical Standards for City Council to replace personal financial gain to substantial interest and include a reference to current state code and the creation of title 2.02.060 Ethical Standards for Planning Commissioners with the following changes:

1. Remove 2.02.060 B for Planning Commission
2. Remove 3.06.030 B for City Council

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

Ayes:

Susan Whittenburg
 Jeff Davis
 Ethan Allen
 Troy Slade
 Alan Macdonald
 John MacKay

Nays:

Excused:

D. Public Hearing: Code Amendment to Development Code 3.25.080 Commercial Building Signs
 Ryan Robinson explained that City staff has received a request from members of the City Council to review and make changes to the current section of the Development Code of Alpine (DCA) regulating commercial building signs section 3.25.080- Commercial Buildings Signs.

These changes reflect the following:

- The desire to limit the amount of signs per building and depending on the location restrict the amount of signs if one is blocking the other.
- Adds the ability to put a free-standing sign if there is nowhere on the building for one and add restrictions of sign size if recommended by the Planning Commission and approved by City Council.
- Remove requirements that a planning commercial development has to display no more than one monument sign at each entrance.
- Adds lighting to the section that Planning Commission will recommend and City Council will approve for signs on a business commercial building.

Noticing Notice has been properly issued in the manner outlined in City and State Code. A public hearing will be held tonight, March 7th, 2023, as part of this Planning Commission meeting.

STAFF RECOMMENDATION: Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as current city code and policies. A recommendation should be made to the City Council for approval or denial based on those criteria.

Alan Macdonald said the language needs to be cleaned up. Ryan Robinson said the Planning Commission reviews commercial signs. When you drive down Main Street and can see multiple signs, that is not

necessary and not what we want for Main Street. The Planning Commission said we should just say one sign for commercial businesses.

Ethan Allen said he would like a back lit sign if he had a business here. He said signage is the best way to advertise your business.

Ryan Robinson said this would be for new businesses and not for existing businesses. The Planning Commission had a discussion about businesses changing ownership and if this would apply to those new businesses coming into an existing building.

Alan Macdonald opened the Public Hearing. There were no comments and Alan Macdonald closed the Public hearing.

MOTION: Planning Commission member John MacKay moved to recommend approval of the proposed code text amendment changing the language in section 3.25.080 regarding Commercial Buildings Signs with the following changes.

1. Each business will be entitled to have one sign;
2. Delete the last sentence of the first paragraph

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

Ayes:

Susan Whittenburg
 Jeff Davis
 Ethan Allen
 Troy Slade
 Alan Macdonald
 John MacKay

Nays:

Excused:

IV. COMMUNICATIONS

The City Council denied the zone change for the assisted living project.

Jeff Davis asked what was happening with the gym on Main Street.

Heidi Jackman said she is updating the City Website and would like to take pictures of the Planning Commission.

V. APPROVAL OF PLANNING COMMISSION MINUTES: February 21, 2023

MOTION: Planning Commissioner Susan Whittenburg moved to approve the minutes for February 21, 2023, as written.

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

Ayes:

Susan Whittenburg
 Jeff Davis
 Ethan Allen
 Troy Slade
 Alan Macdonald

Nays:

Excused:

John MacKay

MOTION: Planning Commissioner Troy Slade moved to adjourn the meeting.

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

Ayes:

Susan Whittenburg
Jeff Davis
Ethan Allen
Troy Slade
Alan Macdonald
John MacKay

Nays:

Excused:

The meeting was adjourned at 8:15 p.m.

DRAFT