

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
May 2, 2023

I. GENERAL BUSINESS

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

Chair: Chair Jane Griener

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

Excused:

Staff: Ryan Robinson, Jed Muhlestein, Marla Fox

Others: Will Jones, Breezy Anson, Shelley Butterfield

- B. Prayer/Opening Comments:** Troy Slade

- C. Pledge of Allegiance:** Jane Griener

II. REPORTS AND PRESENTATIONS

A. Alpine City Trails Committee Report

Alan Macdonald asked what efforts were going to be put in place this year particularly since we've had so much moisture, to protect too much use, too early, by mountain bikers and in particular horseback riders. He said we've seen over the years significant and lasting damage to some of our trails that have been built with so much effort and so much expense. He said this happens when the ground is moist and when the trails have been used too early by equestrian use. The request to the Trails Committee is what can we do as far as signage and education, particularly to the equestrian community, to not utilize those trails too early and in such a way that has lasting damage to the trails.

Shelley Butterfield said the Trails Committee has used signage to inform the public but have not chained anything off. She said the trail that has already been damaged this year had a no horses sign posted. She said it is giant and red, and very loud and still horse riders used the trail. She said they probably wouldn't chain the area off.

Jane Griener said this relies on self-patrolling. She said we could put up solar powered cameras, but we don't really want to hunt someone down.

Alan Macdonald said unfortunately, a few bad apples ruin the whole barrel. He said eventually, if a few riders don't care about what the signs say, we may have to close the trails to horses and impose a fine. He said so much damage could be caused because people aren't obeying the signage and will ruin it for everyone. He said it's unfortunate that horse riders could be prohibited because they won't obey the signage. Shelley Butterfield said we're nowhere near prohibiting horses or saying you can't use the trails until the end of June. She said she could take her horses out now and the trails are dry in May. Jane Griener said we could have torrential rains in July and the trails are muddy again. She said we should have signs that say trails are closed on those days. Shelley Butterfield said there are so many signs up there already that state not to ride when trails are muddy. She said Alpine was founded on people riding up and down Grove Drive and in the rodeo area. She said there are a lot of mountain bikers now and not all the damage is coming from the horses.

Alan Macdonald said a lot of these trails did not exist ten, fifteen and twenty years ago. He said maybe some of these trails used by mountain bikers should be prohibited by horse riders, because the horses put such deep marks in the trails and damage them so badly to the point that they are unusable.

Shelley Butterfield said we already have half a dozen trails that prohibit horses. This includes all the new downhill trails.

Breezy Anson, resident, said last year we suggested closing all the trails in the north mountain to equestrians from October until May. He said the damage was done before May. He said they talked about having signs of when the trails are closed to horses at the trailhead parking area, because people will either trailer their horses to the trailhead or ride there. He said they took this to the City Council, and it was not approved because the City Council wanted to have more information on having a horse/pedestrian trail around Lambert Park. Breezy Anson said the Trail Committee wanted to get signage posted immediately before October and that didn't happen because it was not approved by the city. He said he would like to see a nice equestrian trail close to the rodeo grounds where people could park there and use the trail.

Jeff Davis asked if the ground is frozen through March and are horse riders using the trails during the winter. Shelley Butterfield said it is very rare for people to use the trails for horse rides during the winter. Jeff Davis said he is in favor of coming up with a fine system because the city has invested a lot of money on the trails and wants them to be usable for everyone.

Ryan Robinson said fines could be added under a nuisance ordinance. Jane Griener said you can't enforce fines if there is no signage posted.

Susan Whittenburg said it is an effort to trailer horses to the trails and once people go to that effort and get to the trails, they are going to use them.

Shelley Butterfield said the Trails Committee needs to make a few changes and it is going to take time and money. Jane Griener said the trails are supposed to be for multi-use. Shelley Butterfield said the equestrian riders have said they don't like riding horses in Lambert Park because they get run over by the mountain bikers.

Ryan Robinson suggested using the city website to get information out to the public. Jed Muhlestein said the main kiosk signs are done.

III. ACTION ITEMS

A. Public Hearing: Proposed code amendment Development Code 3.07.030 Conditional Uses to allow for multi-use developments within the business Commercial Zone.

Ryan Robinson said James Lawrence is requesting an amendment to section 3.07.030- Conditional Uses in the Business Commercial Zone. The proposed amendment requests that multi-use development (business and residential) be allowed as a conditional use in only the Business-Commercial Zone. A multi-use building would be defined as *a building whose street-level ground story is used for a commercial purpose, and whose upper story is used primarily for a residential purpose.*

This would allow a building used primarily for business to also allow for a residential component. This proposal is to allow for multi-use developments in the entirety of the Business-Commercial zone for those with this zoning designation currently and future properties. A specific proposal has been included for property owned by the applicant. If this code amendment is approved, a separate application for a site

plan would also need to be reviewed by the designated land use authority. The proposed site plan would have a retail-business component at the bottom with a dwelling unit on the second floor.

If recommended for approval staff recommend including standards for multi-use proposals specifically for the residential component to go along with already existing standards such as providing two parking spaces for a single-family structure. These additional standards include the following:

- Limit the total square footage of the designated living space either by percentage (I.E., less than 50% of the total square footage of the building or less than 1,000 sf whichever is less)
- Only one (1) multi-use dwelling per building.
- The residential use needs to be ancillary to the primary use being business/commercial.

General Plan

2.2 Land zoned as B-C (Business Commercial) shall consist of professional office, retail and other commercial uses serving the community and situated within an environment which is safe and aesthetically pleasing. Limited residential shall be permitted as set forth in the Alpine City Development Code- Alpine General Plan Pg. 7

3.1 The Gateway Historic District Overlay Zone should maintain a high character of community development by regulating the exterior architecture characteristics of structures that are developed in the center of Alpine City (See Gateway Historic District Design Guidelines). – Alpine General Plan Pg. 9

Ryan Robinson said currently we allow a business and a residence on the same property, but nothing about mixed use in one building unless its owner occupied. He showed additional standards if we want to allow residential in a business that is not owner occupied. He said we would want to limit the space to a certain amount of square footage in proportion to the business. We would want a separate entrance and limit it to one or two units per building so it's not an apartment complex. It could be rented out to someone other than the owner, access from a main road, and parking would be required.

Jeff Davis asked if we have any commercial buildings that have a residence. Ryan Robinson said we do have a few. Jeff Davis asked why we would limit the size of the residence. Ryan Robinson said we would want a business for the primary use.

Jane Griener opened the Public Hearing.

Jim Jensen, resident, said he would like to buy a residential property and do something similar with a business and an apartment on top of it for he and his wife. He said other cities allow for multiple apartments above their commercial shops.

Jane Griener closed the Public Hearing.

James Lawrence, resident, said he has been working with the City Planner and said this property is grandfathered in for commercial. He said the Fire Chief said equipment could get access. He said he would like to add affordable living as well as a commercial business.

James Lawrence showed a rendering of the building with a parking layout. The building would be approximately 4000 square feet with a separate entrance for the apartment on the second floor. He said it would be easier to have a percentage of the building for the apartment instead of a standard number. He

said the building and apartment would not be owner occupied. He said he would be open to working with Jim Jensen on a project if he was interested and the city would allow that.

James Lawrence said he sees a need for affordable apartments that are done right and look great and give Main Street a face lift and allow something other than senior housing.

Jane Griener said this is a big discussion. She said the code would have to be changed if order for this to pass. John Mackay said we prohibit industrial use. Ryan Robinson said he believes we allow light industrial use. John MacKay said his problem is how is this plan going to conform with the Gateway Historic.

Jane Griener said she would like to do a little more studying on this use to see if this is in the best interest of the city to change the ordinance. Ethan Allen said he owns a commercial building that has rental apartments on the top and it is not owner-occupied. He said he is in favor of this plan with one or two units and feels like it would be a good use of space.

James Lawrence said he has an interest in Main Street because he owns property on Main Street and wants to maintain the historic feel. Jeff Davis said he thinks this could add to the historic feel if it is done right. He said we could make sure it will have the look we want. He said this could add to the city.

Jane Griener said we need to revisit the ordinance because we have not allowed duplexes, and this would be a change to our ordinance. She feels like this could use a work session and recommends tabling this until we talk it through.

Troy Slade said he doesn't have an issue with this because we allow people to rent their home out.

James Lawrence said he is one of the top tax revenue makers for the city and the City Council has asked him what they could do to help him. He said he would also like to help with affordable housing and making Main Street look great.

Alan Macdonald said this is an easy item to deny because the lot is landlocked. He said he would not like to see multi-use on this property. He said you need a reasonable amount of land to do a large project.

John MacKay said he is in favor of denying the proposal. He said he would like to see a bigger project proposed.

Ryan Robinson said if you deny the proposal the applicant can go directly to the City Council.

MOTION: Planning Commission member John MacKay moved to recommend **DENYING** the proposed code text amendment section 3.07.030 *Conditional Uses* allowing mixed-use development as a conditional use in the Business-Commercial Zone until we get greater detail on a larger project to determine what we want for the city.

Alan Macdonald seconded the motion. There were 4 Ayes and 3 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
Alan Macdonald

Nays:

Excused

Ethan Allen
Susan Whittenburg

John MacKay
Jeff Davis

Troy Slade

B. Proposed code amendment to Development Code 3.19.070 in relation to density standards in the Assisted Living and Nursing Care Overlay Zone.

Ryan Robinson said during the March 21st, 2023, Planning Commission meeting the Commissioners reviewed a proposal to edit section 3.19.070 of the Alpine Development Code regulating density standards for the Assisted Living and Nursing Care Overlay Zone. The discussion focused on the General Plan vision for this zone and the community's need for assisted living housing. The Commission expressed a desire to create standards that can be attractive to developers while at the same time not having a negative impact on the City and surrounding neighborhoods. City Staff were asked to provide information to the Planning Commission to better understand market needs and how surrounding communities are also addressing density for similar uses. Attached is the information requested by the Commission as well as draft language to consider recommending to City Council.

This item was again discussed during the April 18th, Planning Commission meeting. The previous information requested was discussed and density standards were suggested by staff after discussion with developers and neighboring communities. The PC made the request to prevent development in this zone from being strictly senior housing- congregate/independent living a minimum requirement of Assisted Living before allowing for congregate/independent living. Attached is the updated version reflecting these changes.

Ryan Robinson said the developers he spoke with prefer assisted living because they can make more money because there is more care given. He said it is usually 30 percent independent living and 70 percent assisted living. The developers said a lot of their buildings have a combination of both independent living and assisted living; they do not have to be in separate buildings.

Jeff Davis asked if you could fit 100 units on an acre. Jane Griener said no, you would have to have a minimum of 2 acres with 60 units and 60 percent would have to be assisted living.

The Planning Commission said this was good work and they liked the changes.

MOTION: Planning Commission member Jeff Davis moved 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 as proposed.

Susan Whittenburg seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

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

Nays:

Excused:

IV. COMMUNICATIONS

Ryan Robinson said the State Law requires so many hours of training and we still need three more hours. He said we could have training on May 16th, 2023. He said the Ombudsman has a presentation on property rights that we could watch on our own and report when we have finished.

Ryan Robinson said the legislative Session has ended and there is code that needs to be updated.

Jeff Davis asked where we are with Jecco Farms. Ryan Robinson said it was approved.

Jeff Davis asked if the golf carts driving around town are legal. Jane Griener said they are not, and it is a police issue.

V. APPROVAL OF PLANNING COMMISSION MINUTES: April 18, 2023

MOTION: Planning Commissioner Troy Slade moved to approve the minutes for April 18, 2023, as written.

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

- | | | |
|--|---------------------|------------------------|
| <u>Ayes:</u>
Ethan Allen
Jane Griener
Troy Slade
Alan Macdonald
John MacKay
Jeff Davis
Susan Whittenburg | <u>Nays:</u> | <u>Excused:</u> |
|--|---------------------|------------------------|

MOTION: Planning Commissioner Susan Whittenburg moved to adjourn the meeting.

John Mackay seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

- | | | |
|---|---------------------|------------------------|
| <u>Ayes:</u>
Ethan Allen
Jane Griener
Troy Slade
Alan Macdonald
John MacKay | <u>Nays:</u> | <u>Excused:</u> |
| Jeff Davis
Susan Whittenburg | | |

The meeting was adjourned at 7:44 p.m.