

**MINUTES OF THE HUNTSVILLE TOWN
PLANNING COMMISSION MEETING**

MEETING DATE: AUGUST 25th, 2016
PLACE: Huntsville Town Hall, 7309 E. 200 S.
TIME: 7:00 P.M.

Commissioners: Ron Gault Rex Harris Sandy Hunter
 Preston Cox Brent Ahlstrom

Excused: Karen Klein

Admin Staff: Gail Ahlstrom Mike Engstrom

Citizens: Leslie Sutter Heidi Posnien Barry Whitehead
 Ruston McKay Bryan Hendriks Rebecca Hendriks
 Susan Russell Corinn Sebaske Brian Cornell

Ron called the meeting to order there is a quorum present tonight.

Discussion and/or action on conceptual plan for a minor subdivision: (6500 E. 100 S.) Hendricks:
(See Attachment #1) Bryan stated that they had a surveyor design the subdivision. They would like to divide the property so they can build on the second piece. They want to minimize what is on the street and maximize what is on the lake. They will need 130’ of frontage along the road. Sandy mentioned that access to this property and to the boat club has been there a long time, will they have to keep this easement open as a right of way. Bryan said the right of way is not marked on the deed. Bryan said their first goal is to get this design approved and start the process of subdividing and later move the road. Mike said there is 180’ of frontage on Lot 1, and Lot 2 has 189.25’ of frontage. The side setback from the back corner of the deck is 15’, that’s about as tight as you can go. Lot 1 has 35,078 sq. ft. and Lot 2 has 60,666 sq. ft. Rex said it meets all ordinance regulations.

Discussion and/or action on Conditional Use Permit application from Dave Booth: (7700 E. 498 S.) (See Attachment #2) Dave Booth said he was asked to be more specific about each individual building and what he is planning to have in his development. Dave explained that he has specified each buildings use, but as far as the specific type of businesses that will be there, he doesn’t know yet. Dave has identified the intent for the use of the buildings. He will be very strict about the use staying as proposed. Building 1 will be a bank or credit union, Building 2 & 3 will be retail or office space, Building 4 will be a medical or dental office. Building 5 will be a community center/office space, Building 6 retail or office space, and Building 7 will be a grocery store or café.

Mike read from Title 15.4.5: Basis for Issuance of Conditional Use Permit. “The Huntsville Town Planning Commission shall not recommend a Conditional Use Permit unless evidence is presented to establish:

A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community, and

B. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs, and

C. That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and

D. That the proposed use conforms to the goals, policies and governing principles for land use as stated in the Huntsville Town General Plan.

E. That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally affect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole.

Ron made a motion that the PC has reviewed Dave Booth's Conditional Use Permit and have found it to be in compliance and recommended it be submitted to the TC. Rex seconded. All votes aye. Motion passed.

	<u>Yea</u>	<u>Nay</u>		<u>Yea</u>	<u>Nay</u>
Roll Call: Ron Gault	<u>X</u>	___	Preston Cox	<u>X</u>	___
Brent Ahlstrom	<u>X</u>	___	Karen Klein	Excused	
Rex Harris	<u>X</u>	___	Sandy Hunter	<u>X</u>	___

Discussion and/or action on Land Use Permit for Barry Whitehead: (312 S. 7400 E.)

(See Attachment #3) Barry Whitehead said he is proposing to add a garage in place of an existing shed. Right now the shed sits 25' off the property line. Barry would like to maximize that by putting it only 10' off and build a garage that will be 30' X 40'. It will be a two story/two car garage. Barry stated that they will eventually finish the second story for the grandkids as a bonus room. Ron stressed that the garage can't be made into a second home and cannot be rented. Rex said the elements that would make this a second home would be a kitchen. Mike said a key concern would be the 10' setback. Once the dirt is disturbed the PC would like to measure the setback. You should not pour the form until it has been measured and verified. Barry said there is a power pole that sits right in the middle of where the garage would be, is it a possibility to relocate the pole? Rex replied that this decision would be up to the power company. Ron signed the Land Use Permit, but noted that the owner agreed that side setback is measured as noted on the attached drawing, and Ron marked the drawing to show 10' side yard setback from the overhang.

Discussion and/or action on Land Use Permit for Corinn Sebaske for a garage addition: (200 N. 6764 E.) (See Attachment #4) Corinn Sebaske said her home has a one car garage right now and she is exploring the possibility of adding onto that so there will be a two car garage. She had an engineer look at it. The electrical service will need to be moved.

This would be 11' off the side setback according to a survey the neighbor had done. Corinn said the minimum measurement for a two car garage is 20', her engineer drew it at 22'. Corinn got a bid for the drive way combined with the footings and it was a good deal to do both. She would like to get the drive way in before winter. Corinn said the second story of the home has a cantilever; she has been trying to deal with structural issues. Mike asked what the measurement was from the existing wall to the property line. Corinn replied that there is probably 16'. She wants to add 5-6 feet. The existing garage is 16' wide and adding 5' will give her enough to make it a two car garage. Preston stated that Corinn will need to meet the setbacks. Corinn said she will need to tie it into the existing structure; it isn't just about the garage but fixing the aesthetic. This is a .66 acre lot. All footings will need to be checked. Mike encouraged Corinn to do her do diligence to make sure there are no surprises. There needs to be 10' on both side yards and 30' off the front. Corinn said she is trying to solve issues that were pre-existing on the home. Ron clarified that this is a non-conforming lot, it is under ¾ acre. The ordinance says its fine for you to continue to use the home, you can re-roof, re-carpet, paint, etc. but if any additions are made the home has to comply with all setbacks. As soon as a home is modified the grandfathering status goes away. This lot has 125' of frontage. It looks good but measurements need to be verified, there needs to be a minimum of 10' side yard setbacks. Corinn said she will need to demo the old footings, eye beam the existing structure, do spot footings, and move the electrical service. The PC would like to see a better drawing and verification of the side setback before signing the Land Use Permit.

Motion to adjourn the Regular Planning Commission Meeting to hold the public hearing:

Ron made a motion to adjourn the Regular PC meeting to hold the public hearing. Brent seconded. All votes aye. Motion passed.

ROLL:	Leslie Sutter	Heidi Posnien
	Ruston McKay	Brian Cornell

Public Hearing on amendments to Title 15.8.6: Height Restrictions:

Ron opened the public hearing to review amendments to Title 15.8.6, in regards to height restrictions. Rex read the proposed wording. "No building or structure shall be erected to a height greater than two and one-half (2 1/2) stories, or thirty-five (35) feet unless the height variance is for a unique architectural feature and in a commercial zone (e.g. church steeple) that is recommended by the PC and approved by the TC. Maximum height of 40 feet."

Ruston McKay commented that several years ago a resident of Huntsville petitioned the Town for an exception to the ordinances. The Council was split on the vote, and one Council Member asked for postponement in order to gather further information. During his discovery he found that every time an exception was granted there seemed to be trouble for the town in not getting what they thought was straight forward and usually had to defend it against lawsuits. Seeing the trouble any exception had caused the Council Member voted against the petition. After talking to the county attorney that Mr. Hyde consults with, and since Mr. Hyde is the only one who knows what the real interpretation of what a unique architectural feature will be, in knowing that such an interpretations might include something the residents really don't want. Ruston thinks the PC should not make an exception, but leave the 35' restriction as it now stands. Another example of the 35' height restriction was when someone added ten feet of dirt to their lot and then built upon that.

They used the ordinance against the town to get what they wanted. These are examples of what can happen when exemptions are granted. Ruston urged the commissioners not to grant this exception. No one he has spoken with wants to have this hotel, except Mr. Hyde. Don't make changes to the ordinances to all him to change his structure under the disguise of a unique architectural feature because we don't currently know what that will imply. The hotel should have no trouble being architecturally unique with the 35' height limit. Ruston feels that granting this exemption will set the precedence that you can build anything you want under the guise of a unique architectural feature.

Motion to close the public hearing and re-convene to the Regular Planning Commission Meeting:

Rex made a motion to close the public hearing and re-convene to the regular Commission meeting. Ron seconded. All votes aye. Motion passed.

Discussion and/or action on proposed amendments to Title 15.8.6: (See Attachment #5)

Rex reported that he measured the LDS Church steeple and it is totally out of compliance, it is over 50' high. Ron said he measured the Town's maintenance shed and he estimated that it is 32' high. Rex commented that a grey area is created when the town government changes or approves an ordinance that is precipitated by an event. The reality is that the ordinance is being changed to accommodate the Hyde's development. Ron said the Commission discussed the problem of adding subjectivity to an ordinance, such as it's not approved unless the town likes it. Case in point, the drawings are very striking, it looks appealing, but this becomes a bias. Rex said someone might have a structure with a flat roof sitting right at 35', and then they change their mind and want a pitched roof, this could be argues as an architectural feature. This could become subjective when trying to get around what an architecture feature is. How would the commissioners describe an architectural feature? Sandy remarked that a steeple is thin and tall not bulky like a silo. Ron said the town government decided a long time ago that two stories were high enough for any home. The maintenance shed is two stories and is approaching 35' with the roof and copula. It's hard to visualize the impact you would get on the lot with the bulk of the Hyde's development being 35'.

The Commissioners looked at the Hyde's proposed development. (See Attachment #6) The red line represents the 35' height restriction. Ron said he would feel so much better if the Hyde's would just drop the height on the building to meet the ordinance. The main reason for the height is for the ceilings to create atmosphere; the ceilings are higher than 8'. The skylights are 3' over the height restriction. Ron said the ordinances have been drafted to be more objective and less subjective. The 35' restriction is based on a two story home with a pitched roof.

Brent said he was looking at Dave Booth's proposal; all of his buildings appear to meet the 35' height restrictions. Preston doesn't like the fact that this ordinance becomes subjective. If someone can make a good case that the additional height is architecture then it will be approved. Rex would like to see the height set as an absolute. Sandy commented that she would like to see a church steeple higher than 35' but there should be a way to limit the volume. Ron said the height restriction of 40' wouldn't allow for a steeple. Brent mentioned that the Hyde's proposal isn't a steeple, it's a bell tower, silo, and sky lights.

Sandy read the proposed wording. "No building or structure shall be erected to a height greater than two and one-half stories or thirty-five feet unless the height variance is for a unique architectural feature in a commercial zone (e.g. church steeple, etc.) that is recommended by the PC and approved by the TC, to a maximum height of 40'." **Ron made a motion to recommend the proposed wording to the TC as presented.** Sandy said she would like to add the word "single", so it reads a single architectural feature. Motion died. Brent agreed with Sandy, there should be a limit. Brian Cornell suggested saying the footprint of the steeple; width and/or depth cannot exceed 10', which would be simpler than trying to create a ratio. Mike replied that this is so arbitrary. Preston suggested limiting the single architectural feature to no greater in area than 100 sq. ft. to a maximum height of 40'. Rex suggested adding "with no single width or length greater than 12'. Rex said if you give specifics then you throw out the subjectivity. The Hyde's knew what the ordinances were before they came up with their designs. Rex asked if this applies to a development that is .5 acres or 5 acres. Rex doesn't believe the ordinance should be changed, however we don't want to discourage people from creating something visually pleasing.

Mike asked Ruston for more input about the comments he made tonight, Ruston indicated that someone had done research on ordinance changes, was there a specific event. Ruston replied that the first one was when Steve Johnson was on the council and there was an issue with Dee Bell's property. Ruston also mentioned Gil Wangsgard's subdivided property, Gil created a flag lot. Ruston said this was an exception that was granted. Ruston said Steve felt that this has created problems. Once an exception is made then everyone wants one. Ruston's point is that if the town doesn't grant this particular exception from the Hyde's that the project will still be beautiful. As soon as you put in new wording, the town is opened up to different interpretations. Another example is the home by the Morse's; the ground was built up before the home was built. At that time the ordinance wording was changed to say "measured at grade level". Ruston feels it is safer not to change the 35' height restriction. Rex wondered about the 35' height restriction and where did it come from. Mike asked the question, is the opposition against allowing 40' because we don't like the idea of a hotel are now we throwing in roadblocks. Mike stated that no ordinance gets changed until someone challenges it.

Rex said there is a difference between submitting something knowing it doesn't meet the ordinance and then asking the PC to change the ordinances to meet his plans. This puts the PC in an awkward position. It is much better to deal with an issue when there is no pending decision being made. Ron said the same thing happened with the sign ordinance. Will Lewis was the first person to ask for an ordinance change so he could place a business sign on his property, this is a good idea and Will was asked to wait on his sign until the PC could amend the ordinance. Rex Ordinances are also changed to prevent someone from doing something. Mike said the PC should look at the ordinances as trying to represent what the residence wants. Every ordinance can be arbitrary. Ron commented that he isn't sympathetic about the roof skylight, but he really likes the idea of the silo. Ron said he copied the 35' restriction from Weber County's ordinances.

Sandy said she is fine with one feature being over the 35' limit, but she doesn't want to see buildings higher than that in town.

Ron read the proposed wording again “No building or structure shall be erected to a height greater than two and one half (2 ½) stories or thirty-five feet (35) unless the height is for a single unique architectural feature in a commercial zone, that is recommended by the PC and approved by the TC. The unique structure height cannot exceed 40’, be no greater in area than 150 sq. ft. and no greater in length than 15’. (E.g. bell tower, etc.) There shall not be more than one unique structure per acre.” **Ron made a motion to approve the proposed wording as presented and forward it to the Town Council for their review.** Preston seconded. All votes aye. Motion passed.

		<u>Yea</u>	<u>Nay</u>			<u>Yea</u>	<u>Nay</u>
Roll Call:	Ron Gault	<u>X</u>	___	Preston Cox		<u>X</u>	___
	Brent Ahlstrom	<u>X</u>	___	Karen Klein		Excused	
	Rex Harris	<u>X</u>	___	Sandy Hunter		<u>X</u>	___

Discussion on proposed amendments to Title 15.21.6: Sign Ordinance:

This item was tabled. In a past meeting the PC discussed changing the sign ordinance to allow business signage for commercial as well as residential property on a state highway. Ron said his notes mentioned that Title 15.21.6 which is residential zone R-1: Signage, and add to that signage on state highways are allowed to match signage for a commercial zone, the sign must not be on state highway property and directly related to the business license associated with that property. In other words, someone could not rent out their property for a business sign for advertising. This would only be allowed if you had a home business and you were running a business from that home. Ron will have this prepared for the next PC meeting.

Citizen Comments:

Brian Cornell said he is really interested in the discussion on the Allowable Use Table, but wasn’t able to attend the last PC meeting. Brian said he would like to see this table tightened up to not allow anymore Inn’s in town. Brian would like to see some of the commercial uses eliminated. Rex said in the last PC meeting a public hearing was held on the Allowable Use Table, the use table still allowed for a 16 or less room inn, there was no public comment. At that time the PC deleted 16 or more room inns. Most of the conditional uses were changed to “N” for not permitted. Brian replied that he wished he could have commented. Brian said if this is a done deal, there is a remedy he can pursue, and that remedy is just as nasty as the referendum was. Brian asked if the PC could relook at this. Rex remarked that the PC did look at it and decided it was acceptable.

Rex said the PC has talked about creating different commercial zones where some commercial uses would be acceptable along the highway but not in town. The PC didn’t feel that a 16 room or less Inn was inappropriate. Ron suggested Brian speak with the TC. Rex said two of the issues that people were so up in arms about, the PC held public hearings on those specific things and no residences showed up.

Ruston pointed out that people often come to express negativity. There isn’t anyone here promoting the positive either. No one is here to speak out against the project, but no one is here to speak out in favor either.

Approval of PC minutes for meeting held June 23rd, 2016:

Rex made a motion to approve the minutes for the PC meeting held June 23rd, 2016, as prepared. Preston seconded. Minutes were approved.

Approval of PC minutes for meeting held July 28th, 2016:

Rex made a motion to approve the minutes for the PC meeting held July 28th, 2016, as amended. Ron seconded. Minutes were approved.

Rex made a motion to adjourn. Preston seconded. All votes aye.

Meeting adjourned at 9:55 P.M.

Gail Ahlstrom, Clerk/Recorder

Ron Gault, Chairman

