MINUTES OF THE HUNTSVILLE TOWN
PLANNING COMMISSION MEETING

MEETING DATE:	JULY 28th, 2016		
PLACE:	Huntsville Town Hall, 7309 E. 200 S.		
TIME:	7:00 P.M.		
Commissioners:	Ron Gault	Rex Harris	Sandy Hunter
	Karen Klein	Brent Ahlstrom	
Excused:	Preston Cox		
Admin Staff:	Gail Ahlstrom	Mike Engstrom	
Citizens:	Lisa Karam	Susan Russell	Alan Slagowski
	Dave Booth	Brian Cornell	Larel Parkinson
	Kim Parkinson	Rebecca Hendricks	

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

Review and action on Dave Booth's Conditional Use Permit (CUP): (See Attachment #1)
Dave Booth joined the commissioners and presented his Conditional Use Permit (CUP). Ron mentioned that the TC passed a 6 month moratorium on CUP's. Dave said he has filled out the CUP application; he needs to get some of these steps done so he can start marketing his property. He would like to get some of the details behind him so it will be legal for him to proceed. Dave said he is not asking for any special privileges. He is trying to get these last steps behind him. Ron asked if his proposal is conceptual. Dave said what you see is what you will get. He has no plans to move any of the buildings or change the design. The development will be exactly how the rendering looks. Dave stated that he will not deviate from this plan.

The entrance will be from 500 S. Ron mentioned that there was discussion about what the town's responsibility was with leasing building sites, it was decided that the town doesn't have any issue with that, it is not a planning matter. Dave remarked that the town will have some say because the town issues the business licenses. Dave plans to sale the footprint of the building only and his business Eco Designs will maintain ownership of the common ground and oversee the HOA. Dave said he is looking for long term tenants. Ron said he spoke with Bill White about the Booth's and the Hyde's CUP applications, the CUP's don't really say what the uses will be. It doesn't say what they are planning to do with the property. Obviously none of the property is sold yet, so it is hard to know for certain. The CUP doesn't make a statement for what they are planning to do. The PC will need to figure out how to make the application work better. Rex said there are a couple things you can do. One, you can make your best guess at what you anticipate will be there and if there is a major change that falls outside of what was approved, then they would need to come back to the PC and make the changes.

Sandy said #2 asks you to describe the use you are proposing; this could be a list of projected businesses instead pf saying it will be a commercial development. The description "commercial development" is very vague and could relate to a lot of commercial uses. Ron suggested adding to the form a sentence that says "Applicant understands that only uses listed as acceptable on the Allowable Use Table are allowed on this property." This should help eliminate any surprises. Dave said he understands what the town government will or won't allow; it's his responsibility as the contractor/developer to make sure that he stays within the guidelines of the town. He doesn't want to create problems for the town with his subdivision. The guidelines are pretty clear. Rex would like to see a tighter description so any potential problems could be mitigated beforehand.

Mike said the town government will just be fishing in the dark; Dave doesn't have buyers lined up yet. Can a CUP be approved with the caveat of postponing conditions until we know what they are applying them to? Until there is a letter of intent to purchase property it is basically a wish list, and putting conditions on a wish list is difficult. Brent said most retail uses are similar and the town would know it wouldn't be a hotel. If Dave ends up doing less than what is on the list, that would be ok. At the very least Dave could define the criteria that he knows he wants to do with it and narrow down the parameters. Dave knows what he would like to see there but if things change dramatically, it will be a major change to the approved business plan, and Dave should circle back to the PC. Dave gave a building by building list of what he hopes to have there. Building #1 will be the bank, #2 retail/business offices, #3 retail/business offices, #4 a health care facility, #5 will be a community center with business offices on the second floor, #6 will be more retail. For the town's sake, Dave is hoping to bring in more retail. Building #7 will be a café/small grocery. Dave wants to stick closely to this plan. Rex clarified that Dave is not going to build until he has a tenant, and Dave is willing to wait until he gets what he wants. Dave replied yes. Dave spoke with a marketing agency today; they are waiting for the PC to finish up with the last details before they start marketing it. Dave anticipates filling the buildings quickly. People can buy a building for their business or they can lease it for 5-10 years.

Ron recommended adding the following sentence to the CUP application: "Applicant understands that only uses in Title 15.1 will be allowed for the use selected will be identified in the business license permitting." Mike said the PC should think of each use and decide if there needs to be any conditions applied to the development. The existing ordinances will cover most issues. The PC should think about impacts that will happen to the neighbors bordering this property. The PC will make changes to the CUP form and then get it to Dave to fill it out with more description.

<u>Discussion on Larel Parkinson's right-of-way: (See Attachment #2)</u>
Larel Parkinson passed out a copy of the plat map to the commissioners. Larel stated that he doesn't own the smaller lot, it has been sold. Larel said he just purchased the Mia Ferrell property which is north of his existing home. He is here tonight to see what he needs to do to be able to build on it. Larel wanted to discuss right of ways. Rex said he spent quite a bit of time going through the ordinances, there is good description in regards to subdivision, and this would fall under minor subdivisions. Larel said he isn't looking to subdivide right now. He is looking for access so he can build on that lot. He is still in the exploring stage; his plan is to build on this newly acquired property. Ron said the easiest thing would be to put a road in on the west boundary. Larel has 250' on his existing lot.

Larel would like to put a road in at the end of 6700 E. there is already an alley there. It would be on the east side of his lot, along the west side of the lot he just sold. The road would border the smaller lot. The ordinances require 99' right of ways, but there are some streets in town that are 66'. Sandy clarified that even with the road both lots would still retail the required 130' frontage.

Ron said if a road is put in for access to the property it will need a turn around and whatever is built the road would still need to provide the required 130' frontage. The ordinances take into consideration the potential for development of adjacent properties. It would be nice if the road could provide access to properties on either side. The adjoining property owners might be willing to share some of the cost for building the road because it would provide access to their property and then they could subdivide. Larel said all he wants is an access to his property, he isn't thinking about a subdivision right now. Rex said Larel can build whatever he wants to access his property, but if he wants a building permit to build a home, he will need to provide 130' along a road. Larel said he understands that. Mike said accessing the property would be a private road but meeting the 130' frontage makes it a public road. As conditions of allowing a building permit there needs to be a way to provide services. Rex commented that the ordinance disallows the PC from creating minimal lot sizes. The PC can't approve a lot that has less than 130' of frontage. Mike said the ordinance defines collector or main roads. Collector roads can be 66'. Larel clarified that he cannot subdivide his existing lot and have one lot with 125' of frontage. Rex remarked that all the PC can say is if it meets the ordinance requirements or not. Rex said there is an Appeal process that Larel could go through if he wanted to try that.

Ron mentioned Larel could put in a road with a roundabout and get at least one lot, the roundabout could provide frontage for additional lots. There could possibly be four lots. Larel restated that he isn't looking at subdividing the property. Larel clarified that he can't build unless he subdivides. Mike said a subdivision doesn't mean you have to sell the property; it's just lines on a map. Larel said each lot becomes a taxing unit and property taxes will have to be paid. The PC agreed that Larel would need to subdivide in order to get the required 130' frontage on a road. A minor subdivision is a lot less work. If Larel doesn't subdivide now, he will more than likely end up doing it in the future.

<u>Discussion about subdivision of property located at 6500 E. 100 S.: (Slagowski Cabin) (Rebecca Hendricks) (See Attachment #3)</u> Alan Slagowski who is selling the cabin remarked that his parents purchased the cabin in 1965 and then in 1975 purchased they purchased the adjacent lot. Back in November of 2013 the Slagowski's had a potential buyer for the cabin, but he wanted to subdivide the property into three lots and there wasn't enough property. At that time the PC discussed this and agreed that there was enough acreage for a subdivision of two lots but they would need to come up with the 130' of required frontage. They have another potential buyer, Brian Hendricks, who would like to purchase the property and build another cabin on the lot. Alan mentioned the approval was given 2 ½ years ago and is hoping this is something they can still do. Access would be the same road the Boat Club uses; the road is on the Slagoski's property. Rebecca asked how the property can be divided, can they take most of the property for the new cabin. Rex stated that the Town has pretty simple rules, a minimum of ¾ acre per building lot and 130' frontage. The frontage needs to be on a town road. Ron said the easiest thing to do would be to turn the dirt road into a paved road.

The road would need to have to have a turn around. Brent said they need to keep ¾ acres on both lots. Rebecca stated that the existing cabin will stay and they plan to build a new cabin to the north. Rebecca said they plan to rent out the cabin or sell it. She is here tonight to make sure they would be able to divide the property so they could build a new cabin. Susan asked if they had to subdivide, can they just go ahead and build another home on the same lot. Sandy replied that the town doesn't allow two residences on one lot. Rebecca asked if there were any restrictions for planting trees. Mike referred them to Title 15: Land Use for more detailed information that will be a good place to start their research. Rebecca asked if they decide to subdivide in the future do they need to come back to the PC again. The answer was yes. Sandy mentioned that there are also 10' setbacks on the side yards, there would need to be at least 20' of distance between the two structures. Before anything can be approved the Hendricks will need to come back to the PC with a drawing of what they are proposing with frontage and setback shown.

Revision and/or action on proposed amendment to Title 15.21: Sign Ordinance:
Ron mentioned he sent an email to Mike and Bill with some draft verbiage for the sign ordinance but he has not received any reply. Ron said he looked at the existing sign ordinance, he is suggesting changing the title to add "sign requirements for commercial zone." So it would include both residential (R-1) and commercial (C-1). Ron suggested adding "Commercial C-1 and home businesses in Residential (R-1) bounded by a State Highway." That would mean they would be bound by the ordinances and restricted to the same requirements as any commercial property along the highway. Ron's concern about doing something that simple is if there are residential lots along the highway, would somebody get the idea to rent space for advertising. Ron also thought about adding wording like "if you are on the highway you can put a sign up if you have a current business license for a home business and live in the home." Sandy suggested adding wording that says renting or leasing your property for signage is not permitted. The business and sign would need to apply to that property. Ron asked, why write a new section for the residential zone bounded by the highway when there are already commercial zone sign requirements that are pretty restrictive.

The ordinance covers commercial sign uses for, freestanding, wall or building, roof signs, and ground monuments. The question is what the difference is between a free standing and a ground monument sign. A monument sign is built on the ground, or berm. A free standing sign has space under it. Mike expressed his concerns about a resident coming to the PC to says the ordinance aren't working for him and the PC is now making efforts to change the ordinances to accommodate him. Last Thursday, the Hyde's said the ordinances, in regards to building heights, doesn't meet what they are trying to accomplish. Mike said the PC needs to establish a standard on why is the PC making a change for one person and not for another. This is a good point. Rex recommended that Will Lewis withdraws his petition until the ordinance is changed, so when he makes his application he can meet the ordinances. Rex thought the Hyde's should withdraw their petition as well, and resubmit after the ordinance has been amended. Mike replied that he can't see the Hyde's trusting the town government enough to do that. As many times as the Hyde's have gone through the ringer, Mike doesn't see the Hyde's withdrawing their conditional use permit application.

Brent said this is a residential sign. Will lives on the highway where people are traveling at 50 mph and no one can read a small sign going that fast. Modifications could be made for residential on a highway. The ordinance wasn't set up for businesses on the highway; it was for businesses in residential zones in town. Brent said there are already commercial requirements and other businesses are meeting these statutes. Mike clarified that because Will Lewis' situation doesn't fit the ordinances vs. the Hyde's are in a commercial zone and they aren't willing to comply with the ordinances. Rex stated that Will came to the PC because he wanted to comply with the sign ordinances. The difference would be if he had put up a sign and then came to the PC asking to have the ordinance changed so his sign could stay.

The Hyde's have a conceptual plan with elevations for their development. There are four architectural features that go above the maximum 35' height restriction. The Hyde's are asking the PC to consider allowing these four features to go two feet above the 35'. Rex didn't think the PC could allow this. Sandy agreed that the two issues are different; Will asked the PC to change the ordinances to allow for something the town doesn't have in the books, the Hyde's knew the height restriction and still planned to build the features beyond it and is now asking the PC to make changes to the ordinances to allow them. Mike asked if it is unreasonable for the town to even consider an amendment to the ordinance without the Hyde's ceasing all of their plans. Rex said yes, it's a minor issue but it's the principle. This would open the town government to a wide precedence that could come back to haunt us. What if everyone started doing whatever they wanted and then ask the town to change to ordinances after. The town doesn't want to be doing business that way. We want residents coming to the PC already meeting the ordinance requirements. If it doesn't meet the ordinances then they can go through the process to get an ordinance changed before they submit something.

Ron thinks there is a valid point about the danger of being accused of changing an ordinance to accommodate a particular individual. However, in the case of Will Lewis, Will pointed out that he had a situation that didn't fit into the ordinances. Ron could see that this same situation might arise again. Changing the sign ordinance would accommodate Will but it will also accommodate other people in the future. Ron doesn't think the ordinances should be changed to accommodate a single person. If the PC decides the town might run into this again, then the process needs to be stopped and the Hyde's would need to reapply for a CUP, after the ordinance is amended. Jeff Hyde will not like this.

Brent asked if the PC already granted an allowance to Jeff for smaller easements. Ron replied yes, the town generally requires a 10' easement and the Hyde's wanted that reduced. There was already curb and gutter so the PC allowed the reduction on the south side of the property. The PC met the intent of the ordinance. Ron said when he wrote the ordinances he referred to the counties and their height requirement was 35' so that is the same number he used for the town, 35' does refer to 2 ½ stories, but there really isn't any justification for this measurement. The Hyde's design is for a two story building with high ceilings that looks great but pushes over the 35' limit. Rex asked if the Hyde's could have designed the structure to meet the 35' limit. The answer was yes. Ron's concern is that if the ordinance is amended to say the height limit is 40' you could build a three story home with that, and no one wants to see that.

The verbiage that was sent to the PC to consider is "No building or structure shall be erected to be a height greater than two and on-half stories, or thirty-five feet unless the height is for a unique architectural feature, in a commercial zone, that is approved by the Planning Commission or Town Council. Maximum height 40'." This allowance will be tied to commercial zones only. Rex feels that this language is ready for a public hearing. Ron will prepare a draft proposal to address the sign ordinance for the next PC meeting.

Discussion and/or action on proposed amendment to Title 15.8.6: On Building Heights: (See Attachment #4) Ron remarked that any time subjectivity is added to the ordinances the town is going to open itself up to problems. Mike said the TC was comfortable with the proposed wording. Adding the words "commercial zone" will help. Rex expressed his concern about procedurally allowing this. Ron said the PC is trying to be reasonable and fair and still follow the rules. Ron said for the PC to even be considering amending the ordinance for this is doing the Hyde's a big favor. The town doesn't have to do this. Jeff feels that the town is holding him off and is costing him money. Ron is sorry about that. Jeff isn't planning to start construction until next spring. Mike commented that the Hyde's get very emotional any time a question is asked and this makes it difficult. Mike is concerned that he comes off as being too invested in the Hyde's favor, but the town government asked the Hyde's to make this development happen. To the extent that we protect the town's interest, it's not untoward to try to do things to help the Hyde's be successful. Rex said as long as we aren't cutting corners. Ron said the town can do this, but it needs to be done efficiently and not drug out for months. The PC will do things as fast as it is legally possible. The Hyde's CUP was approved by the TC on July 21st, subject to both attorneys' agreeing to the conditions. Karen said the height restriction is a building permit issue not land use, it's not tied to the CUP. No building permit application has been filed by the Hyde's.

Mike presented the draft verbiage to Title 15.8.6 to say "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 Planning Commission and approved by the Town Council, to a maximum height of 40 feet." **Ron made a motion to submit the proposed changes to Title 15.8.6: covering height of buildings or structures in a commercial zone to the TC for their review and schedule a public hearing for the next PC meeting.** Brent seconded. All votes aye. Motion passed.

		Yea	Nay		Yea	Nay
Roll Call:	Ron Gault	_X_	___	Preston Cox	Excused	
	Karen Klein	_X_	___	Rex Harris	_X_	___
	Sandy Hunter	_X_	___	Brent Ahlstrom	_X_	___

Motion to adjourn the Regular Planning Commission meeting to hold the public hearings:
Ron made a motion to adjourn the regular PC meeting to hold the public hearings. Karen seconded. All votes aye. Motion passed.

Public Hearing on proposed amendments to the Allowable Use Table: (See Attachment #5)
Ron reported that the PC amended the Allowable Use Table during the last meeting. Changes are highlighted in red. Ron described what the PC did in amending this table. If someone was to come to the PC with a great idea and the use was identified as an "N" for not permitted on the table the

PC could go through the process of amending the table to allow the use. If a use is listed as conditional that means it has to be allowed. Rex asked where nightly rentals are mentioned; he wondered if it should be added to the table. Ron remarked that it's in the residential section of Title 15. Rex said he had someone ask him about vacation rentals and if the ordinance applies to both residential and commercial zones. When the ordinance was amended to address nightly rentals it was for the residential zone. The difference between nightly rentals and an inn needs to be clarified. Sandy said the inn would be licensed as a hotel not a dwelling unit. Karen stated that we are talking about a dwelling, a single family residence that could possibly be in a commercial zone, which cannot be converted to short term rentals. Ron asked if dwelling unit could be construed as a hotel.

Public Hearing on proposed introduction to Title 15.17 and Title 15.17.3: (See Attachment #6)
Ron mentioned that the PC has had multiple meetings dealing with this ordinance. Ron presented the following verbiage. Title 15.17: is an introduction to the title. It explains "Huntsville Town's desire to reduce the number of non-conforming land uses, non-conforming buildings, non-complying parcels of land and non-complying building structures as soon as is practicable, but recognize the existing land uses and structures to continue to exist until such time as owner no longer desires to use them in their current state."

Title 15.17.3:
A: "A building or structure nonconforming as to use shall not be added to or enlarged in any manner unless the building or structure is brought into conformance with the use regulations of the zone in which it is located." This allows property owners to continue to use their structure, make repairs, and do maintenance to it, but they can't add to the building.

B: "A building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner unless the entire building or structure is brought into conformance with the building of the zone in which it is located." This would require someone to tear down the entire structure and rebuild and bring it more into compliance with all setbacks if they want to do any remodeling. If you can't meet the setbacks or height requirements you cannot change the structure.

Motion to close the Public Hearing and re-convene to the Regular Planning Commission meeting:
Ron made a motion to close the public hearings and re-convene to the regular PC meeting. Karen seconded. All votes aye. Motion passed.

Discussion and/or action on proposed amendments to the Allowable Use Table: (See Attach #5)
Ron made a motion to forward the proposed amendments to the Allowable Use Table to the Town Council for their review and approval. Sandy seconded. All votes aye. Motion passed.

		Yea	Nay		Yea	Nay
Roll Call:	Ron Gault	_X_	___	Preston Cox	Excused	
	Karen Klein	_X_	___	Rex Harris	_X_	___
	Sandy Hunter	_X_	___	Brent Ahlstrom	_X_	___

Discussion and/or action on proposed amendments to Title 15.17 and Title 15.17.3: (Attach. #6)
Ron made a motion to forward the proposed amendments to Title 15.17 and proposed amendment to Title 15.17.3 to the Town Council for their review and potential approval. Sandy seconded. All votes aye. Motion passed.

		Yea	Nay		Yea	Nay
Roll Call:	Ron Gault	_X_	___	Preston Cox	Excused	
	Karen Klein	_X_	___	Rex Harris	_X_	___
	Sandy Hunter	_X_	___	Brent Ahlstrom	_X_	___

Review of Town's Zoning Map: (See Attachment #7)
The Commissioners reviewed the updated zoning map from the county, showing the recently annexed properties and zoning changes.

Citizen Comments:
There was none.

Approval of PC minutes for meeting held June 23rd, 2016:
This item was tabled.

Karen made a motion to adjourn. Sandy seconded. All votes aye.

Meeting adjourned at 9:40 P.M.

_____ _____
Gail Ahlstrom, Clerk/Recorder Ron Gault, Chairman