

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

MEETING DATE: June 23rd, 2016
PLACE: Huntsville Town Hall, 7309 E. 200 S.
TIME: 7:00 P.M.

Commissioners:	Ron Gault	Rex Harris	Preston Cox
Excused:	Brent Ahlstrom	Sandy Hunter	Karen Klein
Admin Staff:	Gail Ahlstrom	Mike Engstrom	
Citizens:	Jeff Hyde Dave Booth	Dakota Hyde Kensie Hyde	River Hyde Artie Powell

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

Conditional Use Permit/Site Plan Review of Hyde Development: (See Attachment #1)

Dakota Hyde shared a power point presentation with the Commissioners. Tonight the Hyde's are hoping to finalize the submission of their Conditional Use Permit (CUP) for the development of Huntsville Square. They brought with them the site plan, elevations, section, floor plans, master signage plan and material board. These items address everything mentioned, roof plan, landscaping, setbacks and easements, walkways, side streets, and lighting. As mentioned before in prior meetings the development will have 70% greenspace and buildings footprints are 21%. The site plan shows the development split into four buildings, Building 1, Building 1A, Building 2, and Building 3. Building 3 will be built at a later date.

The dotted line on the site plan shows the septic and storm drain systems. Storm systems will go under the parking area. There are specific areas for dumpsters and trash removal. There are 16 parking stalls planned on site and an addition 43 parking stalls bordering the property on the west and south sides. There will be two gatherings areas with gas fireplaces. Building 1A will be a restaurant, The Hyde's plan to keep the two large pine trees.

Jeff Hyde explained the elevation drawings. The buildings will face east. Building 1 will be a farm house, barn type structure with a spiral staircase in the silo. There will be a day light window on the top and two retail spaces below. You will be able to enter from 200 S. There will be a breezeway with a sky bridge. The restaurant will be in Building 1A and will have a fireplace. There will be a timber awning that will be grand. Building 2 will have four spaces up and six retail spaces below. Jeff went into more detail about the farmhouse; it will have a sky light, the roof will be silver, and there will be wider trim around the windows. The silo will be reclaimed wood with a domed top. The restaurant will have a see through fireplace with outdoor seating.

The view from 200 S. shows that the sky light extends above the roof. The inside of the farm house is designed as an Inn upstairs. Dakota mentioned that these buildings are smaller in square footage than their previous plan. The entire footprint of both Building 1 and 1A is 8,400 sq. ft. The Inn will have a back stair well, elevator, and lobby. There will be two retail spaces with storage and bathrooms in the back. Building 1A will be a 50-60 seat restaurant. The upstairs of the Inn will feature 12 suites with rooms 194 sq. ft. at the smallest and 360 sq. ft. at the largest. There is a sky bridge with five rooms on the north side. It will be an overnight inn that is high scale.

Ron asked how the Town Government will defend someone saying it looks like a condo development and how will the Town know it's not being rented out on a monthly basis. That would be a condition the town couple impose. Dakota replied that they have a responsibility to themselves to not let the development bankrupt them. They have a responsibility to the town to create something that looks nice and will generate life, vitality, and tax revenue to the town. When the Hyde's apply for financing they have to show that there is income to pay the mortgage with. The inn is what makes this possible.

Jeff said the Inn can be marketed to groups of families, weddings, or for small businesses for meetings. There will be a kitchenette in the two larger suites; the smaller units will have a micro wave and small fridge. Jeff doesn't believe the Inn will compete with the B&B's. There will be a large lobby to seat 12-20 people for meetings. Dakota stated that they have been looking into business models for Inns and what could be feasible in Huntsville. There is one statistics that shows 60% of people who travel, travel in groups; like for weddings and family reunions. The demand for group rentals is increasing by 6% annually. Building 2 will have a pioneer and mining feel; it will be a restaurant down stairs with Inn rooms up.

Artie asked if the Hyde's will have a proprietor on site at the Inn. Jeff replied that they have not yet finalized those details yet. The Hyde's will own the Inn. The nice thing about bringing people into the Inn is that they help support the existing businesses in town. The Hyde's don't know who the restaurateur will be yet. They plan to use vouchers to patronize a coffee or food shops.

Jeff said the three things they want from the meeting tonight are: acknowledgement that their Conditional Use Permit (CUP) application is complete. They would like to be placed on the Town Council agenda for final approval, and the Hyde's are requesting a height allowance for certain features in the project. The Town has a 35' height limit. The Hyde's are asking for a 24" height allowance to allow the skyscape and architecture to be more dramatic. There are four features that will stick up above the 35' measuring an additional 24-36". All rooflines meet the 35' height restriction.

Dakota stated that they reviewed Title 15.3 & 4 extensively and feel that they have meet all of the Conditional Use Permit requirements. Dakota included a Master Signage Plan, which meets all Sign Ordinance requirements. Engineering on this project can't be finalized until the CUP is approved by the Town. Dakota restated that they are asking for acknowledgement that their CUP application is complete, so it can be approved in the TC meeting in August.

Rex had a question about the parking in the commercial zone; Rex is wondering if there are enough Off-street parking stalls.

Dakota said all overnight parking is planned to be on-site. Because it is a mixed-use development it should create 35% less traffic than a business on its own. Rex said the intent for the commercial zone is to have no overnight on-street parking. There are 12 rooms and 16 on-site parking stalls are planned. Title 15.23.3: Parking Ordinance. Under B&B, and Inns, it states, one parking space per each sleeping room in addition to the owner/host which requires two spaces. Dakota said this is for a B&B in a residential zone. The idea is to create walkable areas and push for pedestrian gathering places; this doesn't require as many parking spaces. The planned on-site parking is not covered.

Mike read from Title 15.23.5: Parking space as required above shall be on the same lot with the main building or in cases of buildings other than a dwelling, may be located within the same block. The parking on the road should qualify as parking, and the on-site parking in the back is for overnight. Dakota remarked that Huntsville roads are wide and 200 S. is even wider to accommodate the buses for the school. Even with parking on both sides of 200 S. there should be ample room for traffic flow.

The Commissioners reviewed the Conditional Use Permit Ordinance. "Title 15.4.3: Review Procedure. A. Application for a Conditional Use Permit shall be made to the Huntsville Town Planning Commission. A site plan showing details and other requirements shall accompany the completed application forms provided by the Huntsville Town Clerk or Huntsville Town Building Official. B. The application together with all pertinent information shall be considered by the Huntsville Town Planning Commission at its next regularly scheduled meeting. The applicant shall be notified of the date, time, and place of each public meeting. C. The Huntsville Town Planning Commission may call a special public hearing on any application after adequate notice if it is deemed in the public interest.

Title 15.4.4: Determination: After the completion of the review procedure in 15.4.3, the Huntsville Town Planning Commission will pass their decision to recommend or not recommend a Conditional Use on to the Huntsville Town Council. In recommending any Conditional Use, the Huntsville Town Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare.

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 effect, 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 said because there will be retail, does the intended use need to be specific. Mike thinks it is reasonable for the PC to say, the development is going to be an Inn, a restaurant, and retail space. Items that could be mitigated are traffic, noise, light, smell, and things of that nature. Rex’s asked if there needed to be a narrative to go along with the uses. Ron said this would be difficult because we don’t know the types of businesses yet. Rex said because all uses would be conditional, their use would be approved upon what the PC believes their intent is going to be.

Mike said if the commercial use is listed on the Allowable Use Table then the town can’t turn them down. Rex asked what it means by saying the Town is granting Conditional Use. Mike commented that the way he understands the State’s requirements for conditional use is that it would protect the surrounding community by placing restrictions. Dakota said he did a lot of research on this, in the Utah Land Use Training Handbook it speaks of mitigating; if a request is reasonable it should be approved, or approved with conditions that would make it reasonable. Items to be mitigated are traffic, noise, smell, or light. The Land Use Authority should consider only the application and relevant and credible evidence that concerns the negative aspects of the proposed use in the proposed location and only to the extent that the ordinance requires mitigation or specific aspect of a use.

Rex remarked that a parking lot is an approved conditional use, there are a variety of uses that may be a potential, and the town government sees the site plan and assumes the proposed development will be built, but, what if the site plan gets changed and they build something else that is on the allowable use table? Jeff said there is a Development Agreement that is filed with Weber County that says they will build commercial buildings in a C-1 zone. Bill White commented that, if the town is going to put reasonable conditions and mitigating factors on this development it would be a lot more helpful to know precisely what will be built. The PC can’t mitigate if they don’t know what is being planned. Dakota asked what type of conditions the PC would want to apply to mitigate issues. The reasonable items to apply conditions to would be signage, lighting, sound, and smell. Bill is thinking about a restaurant, some restaurants produce a lot of smoke or noise, like a club atmosphere. Obviously these are very unlikely. Bill remarked that if something happened to the Hyde’s and the town has to deal with someone else would there be any reason to put conditions or leverage to limit what can be built on that property. The fact that the uses are on the allowable use table as an approved use shows that that type of business is desirable. The only permitted use that is allowed in a commercial zone is a single family residential. Bill said Rex’s concern is if there are enough specifics to list out any conditions. This development will have to comply with all Town Ordinances.

Mike doesn’t see that there are many conditions that need to be placed. Ron doesn’t see how the Town can put specific conditions on the buildings when the Hyde’s don’t know what businesses are going in yet. Rex said whatever documents are submitted to the town becomes a legal document, these documents will help the town government gage how well the Hyde’s are doing. Any changes to the site plan needs to come back to the PC.

Mike said a condition could be that the development won't vary from the presented site plan. Ron said the PC is approving a CUP tonight not the site plan. When approving a CUP the PC is saying they agree to the uses that have been applied for. Dakota restated that the CUP they are applying for is a commercial village. Ron said this is not the approval for the site plan, the plans need to show the exact footprints of the buildings and setbacks, the Hyde's will need to come back. Mike said there are enough sufficient protection in the steps ahead to protect the town to make sure the town gets what it wants. Preston stated that the Hyde's CUP application gives an explanation of the intended use the Hyde's are planning: it will be a mixed use village, there will be a variety of business amenities, and these uses are all under the current C-1 zoning. Mike remarked that the PC needs to determine if there is something on the list that would be detrimental to the community. Artie commented that there should be security lighting. A condition on the use would be to make sure that lighting doesn't impose on existing residential areas. Artie said another condition to think about would be with landscaping. Jeff replied that landscaping details are included in the DA. The only conditions imposed with landscaping would be blocking views on corners; there are ordinances to cover those details. Jeff remarked that the DA states they will have 70% landscaping and 30% footprint, their current plan is to have 78.5% landscaping and 21.5% footprint. Rex said sidewalks and parking lots are not landscaping. Dakota wants to make sure that the CUP is complete and ready to pass onto the TC. The site plan is submitted as an attachment to the CUP.

Ron made a motion that the PC approves this Conditional Use Permit for the Project Titled Huntsville Square Village and recommend it be submitted to the Town Council, as provided tonight by the Hyde's. Preston seconded. Rex wanted to stress that if there are any changes made the Hyde's will need to come back to the PC and present them. All votes aye. Motion passed.

	<u>Yea</u>	<u>Nay</u>		<u>Yea</u>	<u>Nay</u>		<u>Yea</u>	<u>Nay</u>
Roll Call:	Ron Gault	X	Rex Harris	X	Preston Cox	X		

Review of Lot Consolidation for Dave Booth: (498 S. 7700 E.) (See Attachment #2)

Dave Booth is asking for a lot consolidation to convert three lots into one lot for the purpose of the Pineview Village Development. It will be easier to have this development as one large lot. Rex asked about the issue with the north property line bordering Sharon Wangsgard's property. Dave replied that the property line has been recorded to where the fence line is currently. Dave spoke with the Wangsgard's and expressed an interest in buying that property from Sharon Wangsgard. Ron asked Dave about the sale of individual pads, how will that work? Dave said he will sell the footprint the building will sit on. It's called a Planned Unit Development (PUD). The business owner would own the footprint of the building. Each footprint will have its own tax ID number. The HOA will retain ownership of the remaining property. Mike asked if this will require a subdivision. Dave said he didn't think so. Mike questioned if the town ordinances address PUD's, the town might not have the vehicle to support this type of development. The town would provide services to each one of the buildings within the development, and the business license permits. It's not really a subdivision. Mike wondered if this should be deferred to the Town's Attorney. The CC&R's will provide more in depth information. The CC&R's for the development will be the binding contract for anyone wanting to participate in the development.

Ron made a motion to approve Dave Booth's request to combine his three lots into one large lot, Parcels #24-117-0001, #24-117-0002, and #24-117-0003. Rex seconded. All votes aye. Motion passed.

	<u>Yea</u>	<u>Nay</u>		<u>Yea</u>	<u>Nay</u>		<u>Yea</u>	<u>Nay</u>			
Roll Call:			Ron Gault	X		Rex Harris	X			Preston Cox	X

Review request for annexation from Kerry Wangsgard: (Hwy 39 Storage Sheds)

Mike reported that Kerry Wangsgard wants to build three additional storage sheds on his property along Hwy 39. The current zoning of this property is Commercial Manufacturing. Kerry's interest in being annexed into the Town is to escape the arduous requirements being imposed by the county. The town would have to create a zone specifically for this. The Allowable Use Table doesn't allow for storage sheds. Rex said would be problematic, the town doesn't have a way to annex this property; there is no zone to put it in. Preston asked if the property could be re-zoned as C-1. Rex asked what the benefit to Huntsville would be. Mike replied that the discussion has been about the benefits to his business. The County is being requiring him to install a rod iron fence around the property. Ron said he walked that property, and if Kerry builds additional buildings they will block Danny Walton's view. The proposed building will be 20' off the property line and will be right next to the Walton's.

Mike said if the town continues to annex property outside of town there may be zoning that could be allowed outside of town that wouldn't be allowed inside the town. The annexation ordinance says property would be annexed with the current zoning.

Bill White strenuously objected to the idea of annexing this property. Bill said it would ruin the neighbors view and he doesn't want the town responsible for that. Kerry should know that the town isn't going to be any less restrictive than the county would be. Annexing property into town shouldn't make things easier. Bill said it's an outrage that Kerry would come to the Town and ask us to destroy other people's property values, their views, and annihilate their quality of life. Bill said the existing storage sheds are a complete eyesore from the highway. The town doesn't have to annex that property, Bill said this is not a good idea. Your property rights have to be weighed against your neighbor, that's why there are zoning laws. If there isn't a benefit to the town why would we consider it?

Review Allowable Use Table: (See Attachment #3)

Mike stated that the TC passed a 6 month moratorium on any additional Conditional Use Permits so the PC can review the Allowable Use Table, to strengthen what conditional really means. The Hyde's CUP is the first time the conditional use table has been used. The council is thinking that if the table specifies a use as conditional it means there would be a yes or no vote, but conditional means yes, the use is allowed and mitigate problems. Mike suggested that the commissioners go through the list one more time and if there is anything on this list that the they would not want to see in the town then it needs to be changed from conditional (C) to not permitted (N). Rex asked if there are uses in commercial zones that might work out on the highway but not in town. If more property is annexed into town, it is more likely that there would be more permitted uses. The idea of creating different types of commercial zones was discussed. There are only three areas that have commercial properties in town.

Rex mentioned that the town could have a down town commercial zone with only a handful of allowable uses and all other commercial uses would be allowed on the highway. Mike said the town has a handful of residential properties in a C-1 zone, does the town want to leave it that way. Maybe the town should look at rezoning them back into residential. The PC reviewed and amended the Allowable Use Table.

Citizen Comments:

Dakota commented that the PC and the Hyde's have been working on this project for 6 years and he appreciates all the work that has gone into this project. He has had a dozen people from the valley, most from Huntsville Town who has approached him since the referendum saying how disappointed they were that the mixed use was denied. Dakota urged the PC to look at resources that are available for community planners. "Communitybuilders.org" is a great site. There are many reports about the benefits of a mixed use development. Dakota urged the PC to reconsider residential units in mixed use developments in certain zones. It's in the best interest for community planners to look to the future.

Review Title 15.17: Proposed Introduction: (See Attachment #4)

Ron presented draft wording for the proposed changes to Title 15.17. Artie Powell mentioned that under the definition for setback it is defined as the minimum distance between the wall of a building and a property line. He suggested using the wording "the closest point to the property line" from the structure. He also suggested adding something that would limit the maximum size of an overhang. Ron remarked that he spoke with a builder and was told that typical roof overhangs are 12-24 inches. Most towns that he deals with measure setbacks from the foundation. If there is a cantilever over the foundation they measure from that, or if there is a deck that extends over the foundation they measure from the deck. Rex likes the wording that has been presented. Artie said he is ok with the wording as well. Title 15.17.3.A: relates to use and 15.17.3.B: relates to about size.

Approval of minutes for Planning Commission meeting held May 26th, 2016:

Rex made a motion to approve the PC minutes for meeting held May 26th, 2016, as prepared. Preston seconded. All votes aye. Motion passed. Minutes were approved.

Ron made a motion to adjourn. Preston seconded. All votes aye. Motion passed.

Meeting adjourned at 8:35 P.M.

Gail Ahlstrom, Clerk/Recorder

Ron Gault, Chairman

