

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

MEETING DATE: January 26th, 2017
PLACE: Huntsville Town Hall, 7309 E. 200 S.
TIME: 7:00 P.M.

Commissioners: Rex Harris Karen Klein
 Preston Cox Sandy Hunter Brent Ahlstrom

Excused: Ron Gault

Admin Staff: Gail Ahlstrom Mike Engstrom

Citizens: Cole Allen Steve Songer

Acting Chairman Rex Harris called the meeting to order, there is a quorum present.

Discussion and/or action on Steve Songer’s request for a Land Use Permit: (200 S. 6928 E.)

(See Attachment #1) Steve Songer approached the Commissioners, he and his son’s Jake and Casey have bought Sue DeVries’ house and they would like to do a bathroom addition to the home. Originally the house faced 200 S. but they now use 6900 E. as the entrance. It’s an old farm house. The addition would be in the corner and wouldn’t encroach on any setbacks. Brent asked if there were any issues with the existing septic. Steve replied that a new septic system was put in recently. The Health Department will address this issue; generally they use the number of bedrooms as their guide for the size of the septic. Rex said the PC doesn’t see any problems with this request; Steve is set to go to the County and begin the building permit process with them. **Brent made a motion to approve Steve Songer’s request for a Land Use Permit as presented.** Preston seconded. All votes aye. Motion passed.

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

Discussion and/or action on Mark Evan’s request for a Land Use Permit: (398 S. 7600 E.)

(See Attachment #2) Cody Allen said he works with D&A Electric and Mark Evan’s has asked them to install solar panels. Cody passed out a site plan for the proposed installation of solar panels. Mark’s home doesn’t have enough space on his roof for the amount of solar panels needed, so they plan to install a ground unit on the southeast portion of his property. The setbacks have been laid out as 30’ from the front and 10’ from the side. The panel in the backyard will only be 3’X4’ and 7’5” tall on the backside. There will be footings for the ground unit that will be four feet down. Sandy mentioned that the ground unit doesn’t need to be 10’ off the alley; it would only need to be 1’ off the property line.

They are using the existing fence line for their measurements, no survey has been done. Sandy referred to Title 15.6.8: Rear Yard Regulations: A. The minimum depth of the rear yard for any main building shall be thirty (30) feet, and for accessory buildings not less than ten (10) feet, except that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard. Where alleys exist, the accessory building distance shall be one (1) foot from the alley boundary. This alley is crooked and has been fenced off for years so it will be difficult to tell where the boundary is without a survey. The commissioners recommended they stick with the 10’ setback from the alley. **Preston made a motion to approve the Land Use permit request for Mark Evans for solar panels as reviewed.** Sandy seconded. All votes aye. Motion passed.

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

Discussion and/or action on proposed amendments to Title 15.6.9: Height Regulations:
 (See Attachment #3) Rex commented that during the last discussion on Title 15.6.9, the PC tried to define the height of a structure and if the town government is OK with the existing restriction. Gail said in Title 0: Definitions, under “Building, Height of”: It says: “the vertical distance from the average of the highest grade and the lowest grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch or hip roof. This definition could be tweaked and left in the definitions but also put in Title 15.6.9, under Height Regulations; to make this easier to find. Sandy agreed, and said they should both be identical.

Rex made a motion to add the word “natural” to the following sentence in Title 0, Definitions, under Building, Height of; “the vertical distance from the average of the highest natural grade and the lowest natural grade.” And to also add this definition to Title 15.6.9.D: Height Regulations. Sandy seconded. All votes aye. Motion passed.

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

Rex made a motion to hold a Public Hearing on the amendments Title 0: Definitions, and Title 15.6.9: Height Regulations, as presented on March 23rd, during the PC meeting. Brent seconded. All votes aye. Motion passed.

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

Discussion and/or action on proposed amendment to Title 4.2.1: Building/Land Use Permit Required: (See Attachment #4) Rex mentioned that the PC has had multiple discussions on this topic. The PC recommended the following to the TC: “To protect the public’s safety, any additions or changes to electrical, gas, plumbing, mechanical or structural support portions of a residence which is regulated by the adopted Huntsville Town Building Codes, should be inspected by a knowledgeable individual (certified inspector?) if not performed by a licensed contractor. Should the owner choose not to do so, Huntsville Town shall not be held liable for any consequences.” Mike stated that the TC was a little nervous about this change in this procedure; they are worried about what this opens the town up to. Mike would like to get the Town Attorney’s advice on this. The concept is that small remodels would not require a town permit, but citizens doing a small remodel would be advised to use licensed contractors and/or have their work inspected, and that the town shall not be held liable. We don’t really know if by putting this in the ordinances it really would make the town not liable.

Rex would like to make this proposed amendment to the TC as presented, but would like to see the citizens obtain a permit, but with the Town’s discretion of whether to inspect the work or not. People need to know that they will be required to meet State Building Codes. The initial motivation behind this amendment is because very few people are coming to the Town to get their Remodel/Addition Permit. Preston commented that this change would allow business to go on as usual. No action will be taken tonight; the PC will wait until Attorney Morris has time to review it.

Mike mentioned that Title 4.2 is very long and somewhat confusing. There should be on section for new construction and another for major remodels and another for minor remodels. Gail questioned whether this title is an issue for the TC to deal with not the PC, the PC is supposed to deal with Land Use. (See Attachment #5) Mike read from the Utah League of Cities and Town’s Handbook in regards to Planning Commission responsibilities: “Each city and town is required to pass an ordinance establishing a planning commission. The ordinance must define the number and terms of the members, and alternate members, if any, and the mode of appointment. The ordinance must also establish rules of order and procedure for use by the planning commission. Every planning commission must have some minimal authority under state law. This includes making a recommendation to the town council for adoption and amendment of the general plan and making recommendations to the town council on the adoption or amendment of land use ordinances, zoning maps, or official maps. The planning commission must also be involved in making recommendations on proposed subdivision plats and recommending an annexation policy for the town.” Mike commented that he hasn’t seen the Town’s ordinance setting up the PC. Gail said this information is in Title 15.3.4: Huntsville Town Planning Commission.

Discussion on the creation of a new zone to accommodate Hotel/Motels and Inns: (See Attachment #6) Rex stated that the TC was nervous about the PC’s idea of changing the Allowable Use Table to limit the number of rooms allowed for hotels or motels or inns, because they felt it still left the town open to having a bunch of small hotels or inns. The PC then suggested the creation of a new zone that would accommodate Hotel/Motels or Inns; Commercial Hotel Zone (CH). The TC liked this idea. The Allowable Use Table has been amended to say Hotel/Motels or Inns are Not Permitted in the commercial zone.

The TC would like the PC to create a CH zone. When the Town receives a petition for a hotel they could petition for a re-zone for that use and then they would go through the process of re-zoning. That way the public can comment on it, and the town government could make the decision as to whether to allow another hotel or not. Instead of saying all no, and never allowing hotels, or making the use conditional which is basically saying yes, this puts the power back in the town's hands to look at each petition on a case by case basis. Brent clarified that basically the Town is creating a new zone, but the Town doesn't have any property in that zone yet. Sandy stated that the town does approve uses for the zone even though we don't have any property with that zone. Mike said, in his mind, the only approved use would be a hotel/motel or inn with one or two categories such as; 0-8 rooms, or 9-16 rooms, or possibly no categories at all. Anytime there is a request for a re-zone, the town does not have to accept the petition, the town can say no. Brent stated that people often change their minds, what if their business plan was for 5 rooms all the sudden they end up changing this number. Mike said this problem is already covered in the re-zone ordinances.

Mike read from Title 15.16.8: Reversion to Original Zoning Designation: A. "If development does not occur as proposed at the time of zoning approval, the public benefits expected from the development cannot be realized and the effect of the rezoning is therefore without merit in terms of improving the public economic prosperity, general welfare, safety, health and convenience to Huntsville Town's residents. If in such cases Huntsville Town finds that the zoning purpose has not been attained, Huntsville Town then may declare its intent to revert the zoning to its former or other appropriate zone so future opportunities for similar development in the same general area may be shared by all properties deemed suitable and so that a speculative zoning monopoly is not created."

Mike said the way the re-zone will work is that someone comes to the town with a Concept Development Plan, (CDP) they ask for a re-zone and tell the PC what they have planned. During the process of the re-zone the town government will be able to lock them in legally to what they are presenting. The CDP will be attached to their re-zone. Mike read from Title 15.16.5: Concept Development Plan Attached to Rezoning: "At the time of rezoning approval by the Huntsville Town Council, the Concept Development Plan is also approved and becomes attached to the rezoning and the rezoned land." The PC can force someone to make this CDP very specific by requiring them to say how many rooms there will be, which way it will face, what it will be built out of, landscaping, lighting, and signage.

Mike felt that the PC could create a new CH zone and say hotels are permitted. Rex asked if the town has a definition of a hotel anywhere. Mike read from Title 0: Definitions: **Hotel:** a building consisting of sixteen (16) or more sleeping units designed for temporary lodging for compensation, in which no provision is made for cooking in any individual room or suite, and may or may not provide meals. **Motel, Motor Hotel, Motor Inn:** a building containing lodging rooms having adjoining individual bathrooms and where the lodging rooms are not entered from a common entrance lobby and where more than fifty (50) percent of the lodging rooms are for rent to transient guests. The PC discussed changing the Allowable Use Table and takes out any reference to how many rooms you can have with a hotel/motel or inn and just say hotel. There is no need to quantify how many rooms there will be, this will be included in the CDP. This will let people know they can do a hotel/motel or inn but they will need to rezone their property. Rex commented that the definition of a hotel needs to be changed and the number of rooms deleted.

Mike proposed the following wording to define a **Hotel**: a building consisting of sleeping units designed for temporary lodging for compensation, in which no provision is made for cooking in any individual room or suite, and may or may not provide meals. **Motel, Inn**: a building containing lodging rooms for compensation, having adjoining individual bathrooms and where the lodging rooms are not entered from a common entrance lobby, designed for temporary lodging. (See Attachment #6)

Rex made a motion to change the definitions in Title 0 of Hotel, and Motel/Inn as presented above and forward it to the TC for approval. Karen seconded. All votes aye. Motion passed.

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

Sandy mentioned that Ron Gaul copied Title 15.8: Commercial Zone and made some changes to it to fit a Commercial Hotel Zone. (See Attachment #7) Sandy questioned the setback requirements, should they be like the C-1 or R-1 zones. Mike thought the CH zone should mimic the C-1 zone and be as restrictive as possible. The PC had a lengthy discussion on whether to use the R-1 zone or the C-1 zone as the starting point for the new CH zone. Mike would like to see the CH zone the same as the C-1 zone and if the Town wants something more restrictive, then that issue can be addressed with the re-zone and restrictions will be added to the CDP. The base standards will be the same as any other commercial property, but if upon review of a CDP and realize there could be some issues then the Town could be more restrictive by adding additional requirements to the CDP. Sandy wondered if Ron had any additional ideas, since he was the one to cross things out on the C-1 zone.

Rex made a motion to keep the wording in the Commercial Zone the same for the Commercial Hotel zone with the following exceptions; 1-the new title will be Commercial Hotel Zone (CH), 2-Under 15.8.1: Purpose: The purpose of the Commercial Hotel Zone is to designate regulations to be used for hotels, motels, and inn, and 3-All other wording would remain the same as the Commercial Zone. In addition, if Ron Gault agrees, a public hearing will be scheduled for the March PC meeting. Sandy seconded. **Rex amended his motion to change all reference to C-1 zone to CH zone.** All votes aye. Motion passed.

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

Rex made a motion to add the Commercial Hotel Zone to the Allowable Use Table with all uses marked as Not Permitted except hotel/motel, inn, which will be marked as Permitted. Sandy seconded. Brent brought up the idea of marking restaurant as a permitted use for the CH zone. Some hotels might want to have a restaurant in it to accommodate their guests. Sandy recommended reviewing the entire Allowable Use Table as it pertains to hotels/motels or inns. Rex thought this could be approved as part of the CDP.

Rex amended his motion to include the following: 1-all other uses on the Allowable Use Table will be reviewed during the next PC meeting, and 2-that the Allowable Use Table will no longer have classifications for 16 rooms or fewer, or 16 rooms or more, but will just have one line saying Hotel/Motel and Inns. Sandy seconded. All votes aye. Motion passed.

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

Citizen Comments:

There was none.

Approval of minutes for Planning Commission meeting held December 8th, 2016:

Brent made a motion to approve the PC minutes for meeting held December 8th, 2016, as amended. Sandy seconded. All votes aye. Motion passed. Minutes were approved.

Set date for next PC meeting:

The next regularly scheduled PC meeting will be held on February 16th, 2017.

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

Meeting adjourned at 8:50 P.M.

Gail Ahlstrom, Clerk/Recorder

Ron Gault, Chairman

