

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
Wednesday - June 20, 2018
Work Meeting 6:30 p.m. and Regular Meeting 7:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



Present: Planning Commission Chair Alex Chamberlain; Commissioners: Greg Turner, Rebecca Hansen, Manning Butterworth, Kris Smedley; Staff: Zoning Official Mike Vercimak, Recorder Dana McKim; Public: Keen Ellsworth, Jessica Russo.

6:30 PM WORK MEETING:

Meeting called to order at 6:30 p.m. by Chair Chamberlain.

1. Discussion of Flag Lots:

Chair Chamberlain requested the item to be discussed further when Commissioner Peart was present at the meeting.

2. Discussion of Short-Term Rentals - Bed and Breakfast and Nightly/Short Term Rentals:

Turner believed to gain support from surrounding neighbors within a 300-foot radius via signature would not be favorable. Manning Butterworth incorporated the requirement due to the comments collected from the special work meetings on May 3rd and May 10th with the city councilmembers. Chamberlain asked if would be appropriate to include comments from the planning commission to not favor a signature gathering. The current draft ordinance clarifies the applicant is required to obtain a signature from each property owner indicating a "for" or "against" vote for the application. There was a discussion on whether no response would be in favor or against the proposed use.

Jessica Russo suggested the majority of a 75% received response could be construed as a weighing factor. Chamberlain questioned if the only response would be negative feedback. Sometimes people only give feedback if it is complaint driven.

It was suggested to possibly add a rental grace period. If a business is required to shut down, there may be some concern with an immediate closing because the rental agreements are made in advance.

3. Discussion of Accessory Buildings:

Hansen did some research on detached buildings and wondered why there was the concern to no longer allow the allowance of casitas and guest homes. She asked if the apprehension stemmed from these structures becoming future rentals.

The commission discussed what single-family residential property was defined as. It was suggested single-family residential zoned property show allow for only one dwelling on each parcel.

The work meeting was closed at 7:00 p.m.

7:00 PM REGULAR MEETING:

1. Meeting called to order at 7:00 p.m. by Chairman Alex Chamberlain. The Pledge of Allegiance was led by Commissioner Manning Butterworth. Commissioner Rebecca Hansen



stated if the commission chooses to discuss the expansion process of a conditional use permit she is currently looking at expanding her bed and breakfast.

A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Special Business Meeting from May 9, 2018, Meeting Minutes from the Work and Regular Business Meeting on May 16, 2018.

Councilmember Rebecca made a motion to approve the meeting minutes from May 9, 2018, and May 16, 2018. Motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Smeldey-aye, Butterworth-aye, Chamberlain-aye, Hansen-aye, Turner-aye.

B. PUBLIC FORUM:

Comments from public and public requests for future agenda items.

Limit three (3) minutes per person; please address the microphone and state full name and address.

Jessica Russo from Sunset Ave:

Russo heard during the work meeting one of the commissioners referenced an email from Gary Chaves and requested if the record was public information. Chaves emailed members of the commission proposed changes to the short-term rental ordinance.

Chamberlain explained the “for” and “against” approval process to obtain a conditional use permit for a short-term rental. For such use, the application requires a notification process to neighbors within a 300-foot radius of the proposed site location.

The public forum closed by Chair Chamberlain.

C. BUSINESS/ACTION ITEM(S):

1. Discussion on ORD 2018.XX Appeal Authority Replacing The Board of Adjustment:

Manning Butterworth pointed out there were several grammatical edits needed in the ordinance. There was a reference to a town council that should be changed to the city council. The last page in section G paragraph 6 there is some wordsmithing that needed to be done to an incomplete thought.

2. Discussion and Possible Recommendation of Proposed Changes To Land Management Code Title 10-17-3: Bed and Breakfast Services, and Title 10-17-4: Nightly or Short Term Rentals:

Turner believed the current notification process was effective. He had at least a dozen neighbors approach him when he applied for a bed and breakfast establishment and wished him good luck.

Russo agreed with Turner, nobody can force her to participate but if someone came knocking at her door, and if a signature was required she would feel uncomfortable and not sign the document.



A line needs to be drawn somewhere how much notification is required. The city posts all meeting agendas at 4 different kiosk locations, on the city and state website, and property owners in the radius are mailed notifications.

It was discussed if the required signatures were a true general consensus and what the responsibilities of property owners were to get involved with what was going on in the neighborhood.

Chair Chamberlain made a motion to send the draft to the city attorney for proper codification with the following changes:

Modify section E, a and b to just read a: A natural person owning the residence. The owner needs to be the permit holder and who owns the controlling interest of the residence.

Strike the word period from the letter J.

Strike out the second sentence in the second paragraph in letter O, with a note to indicate the proposal is against the spirit of the special meeting minutes with city council held on May 3rd and May 10th, 2018 and Commissioner Butterworth feel like it should not be stricken; to add an item incorporate signage requirements. Motion was seconded by Commissioner Manning Butterworth.

Vercimak suggested if there is going to be an amendment to the land management code. He suggested the attorney change all references to bed and breakfast establishments and nightly/short term rentals in the rest of the code.

Chair Chamberlain amended his motion to include Vercimak's suggestion. Commissioner Butterworth seconded the amended motion.

Ellsworth asked if the notice requirement should be clarified in the new ordinance. Vercimak suggested the failure to notify property owner within three hundred feet to submit an objection (either vocally at the public hearing or in writing prior to the state of the public hearing) to the application will be deemed consent thereto.

Chamberlain amended the motion to include the language read by Zoning Official Vercimak. Second amended motion made by Commissioner Manning Butterworth.

Motion unanimously carried 5-0. Turner-aye, Hansen-aye, Chamberlain-aye, Butterworth-aye, Smedley-aye.

3. Discussion of Expansion Process for Home Occupation and Conditional Use Permits:

Commissioner Hansen suggested the expansion process should be simplified and streamlined. She would like to take the option of expansion in form of an inspection, rather than start a new application, especially if there is no new construction or the business is not going in a new direction. Chamberlain thought a public hearing should be held since the changes may affect the neighborhood. It was suggested the expansion could mimic the same process of a new application. Turner believed the expansion process should be more streamlined. Hansen and Turner agreed to work on the expansion of a conditional use and home occupation permit and submit ideas at the next planning commission meeting.

4. Discussion of Proposed Cotton Gin Project and Neighborhood Canvass:



Turner would like to support the beautification and restoration of such a project as long as it doesn't impact the neighborhood negatively. Butterworth thought the neighborhood should be involved rather than be blindsided by the development. The owner of the property has held off pursuing the restoration of the old cotton gin but has plans to approach the city council in the next month or so.

E. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

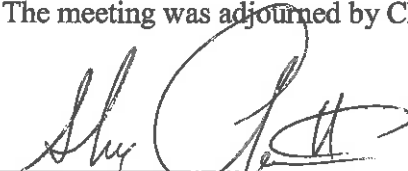
1. Bed and Breakfast Conditional Use Permit at 15 Springs Drive for Miguel D and Reina H. Garcia.
2. Bed and Breakfast Conditional Use Permit at 124 North Ash Creek Drive for Renee S. Garner/Zion Adventurers' Retreat.
3. Bed and Breakfast Conditional Use Permit at 245 W Sunset Ave for Jessica Russo/Zion View Bed and Breakfast.
4. Wedding and Event Facility Conditional Use Permit at 580 East Springs Drive for Shawn and Teila Huntsman.

Commissioner Butterworth made a motion for approval of the yearly conditional use permits as listed on the agenda, items E1-E4. Commissioner Greg Turner seconded the motion.

Butterworth amended the motion to include the permits are renewed contingent on receiving satisfactory inspections. Motion was seconded by Turner. Motion unanimously carried 5-0. Chamberlain-aye, Hansen-aye, Butterworth-aye, Smedley-aye, Turner-aye.

F. ADJOURN:

The meeting was adjourned by Chair Chamberlain at 8:10 p.m.



Planning Commissioner – Alex Chamberlain

July 31, 2018

Date

Attest:


Toquerville City Recorder – Dana M. McKim

