

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
Wednesday – November 21, 2018
Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



Present: Planning Chair Manning Butterworth; Commissioners: Greg Turner, Rebecca Hansen, Chuck Williams; Staff: Zoning Official Mike Vercimak, Recorder Dana McKim, Councilmember Alex Chamberlain; Public: Dan James, Jack Alexander, Gregg Leiby, Ralph and Carol Christensen, Wayne Olsen, Anita and Stacy Eaton, Cornell and Kathryn Willis, Clint Perkins, Lonnie Christensen, Katie Christensen, David R. Tait, Carson D. Tait, David Everett, Francine Everett, Brandee Walker, Sam Edwards, Mark Fahrenkamp, Toni Fahrenkamp, Tiffany Douglas, Justin Douglas, Steve and Judy Bulicz, Cherlyn Call, Pratt Call, Annette Kleinman, Andrew Goble, Sophia Meehleib, Troy Wall, Brett Jessop; Absent: Commissioner Jake Peart.

6:30 PM WORK MEETING:

Chair Butterworth called the meeting to order at 6:30 p.m.

The commission would like to discuss what zone would best suit the use of RV, boat storage, and self-storage. Those types of facilities are usually placed in an industrial zone, rather than a highway commercial zone. To modify the zone would require an ordinance revision. The modification was stemmed from an application where they approached the city and wanted to develop part of their property near the Anderson Junction area, currently zoned, single-family residential. While drafting the ordinance and reading the General Plan it was found the use may not be best suited for Highway Commercial.

Butterworth recited from the general plan the following:

INTERCHANGE COMMERCIAL AREA

Currently, there is little development at Anderson Junction. However, the development of the proposed reservoir, combined with increasing traffic exiting and entering the freeway from SR-17 will better provide conditions that will support commercial development at Anderson Junction. The city has an opportunity to establish a plan for this area now before development has been proposed, that will make future commercial development in this location complementary to the existing historic character of the community. Anderson Junction can become a gateway to Toquerville, so careful attention to how this area is planned will preserve the overall character of the community.

He also read one of the strategy objectives from the General plan:

- Encourage commercial development at the I-15/SR-17 interchange at Anderson Junction and the new bypass corridor.
- Create a commercial hub at Anderson Junction with retail and services catering to both travelers on I-15 and local residents.
- Connect the commercial area at Anderson Junction with the rest of the community with road and trail networks in order to encourage easy travel to the commercial hub from other areas of the community.

To use a portion of the area for RV Storage would not generate a desirable rate of revenue from the Anderson Junction area. If changes are made to accommodate these uses, other portions zoned Highway Commercial could apply for the same conditional use and turn the Anderson Junction area into a concentrated area of storage facilities.

Hansen and Turner agreed the land use application to construct a storage area would fit the location proposed but had a concern about allowing the area to be overrun by the same uses. Vercimak suggested the commission should consider where RV, Boat, and Self-Storage would best fit in zoning rather than a specific location, i.e., the Anderson Junction area. Most cities allow those types

of uses in industrial because they are a preferred zoning fit. Hansen suggested the applicant could apply for a zone change from single-family residential to light industrial.

Williams acknowledged the fact that Anderson Junction could be a gateway to the city, but the proposed application would be fairly difficult to see directly from the highway. He asked the commission if they felt there was a need for RV, Boat, and Self-Storage in the area.

Hansen asked if anyone knew of a reason why there isn't any light industrial zoned property in Toquerville, and if the commission added the conditional use to the zone, would it go against what the citizens in Toquerville want to see. Verimak suggested when the light industrial zone was created, it was to provide the ability for property owners to rezone property with the use and nobody has chosen to use it.

Williams would like to see a detailed master plan of the Anderson Junction area. Councilmember Ellsworth, who is in charge of Economic Development, has provided a rough draft of how the area could effectively be developed.

The commission discussed how the future off and on ramps to Toquerville will be developed by UDOT.

Vercimak suggested the Planning Commission has planned for the future of the Anderson Junction and it will be up to the applicant to rezone the property. Hansen did not want to compromise the vision of the planned area.

Butterworth would like McKim to draft an ordinance to amend the light industrial zone with RV, Boat, and Self-Storage use as a conditional use.

Chair Butterworth closed the work meeting at 6:52 p.m.

7:00 PM REGULAR MEETING:

The meeting called to order at 7:00 p.m. by Chair Manning Butterworth. Commission Chuck Williams led the Pledge of Allegiance. There were no disclosures, or conflict declarations voiced.

A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Meeting Minutes from the Work and Regular Business Meeting on October 17, 2018.

Commissioner Greg Turner made a motion to approve the meeting minutes from October 17, 2018. Motion was seconded by Commissioner Chuck Williams. Motion unanimously carried 4-0. Vote: Greg Turner-aye, Rebecca Hansen-aye, Chuck Williams-aye, Manning Butterworth-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.

There were no public comments pronounced.

C. REPORTS

1. Planning Chair, Manning Butterworth
No report was given.
2. Commissioner Reports:
Commissioner Rebecca Hansen researched the Dominguez-Escalante Trail near Toquerville and found the trail to be fenced off. She wondered if the city could pursue opening up the trail and adopt it into the master trail system.
3. Zoning Official, Mike Vercimak:
No report was given.

4. City Council/Planning Commission Liaison, Alex Chamberlain:
No report was given. Butterworth asked if a lighting administrator had been named yet. The council will discuss the item at the next meeting.

D. PUBLIC HEARING:

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

1. Public input is sought on a Home Occupation Permit application submitted by Brett Jessop for a mobile automotive and handyman business located at 44 South Toquerville Boulevard, Tax ID # T-24, Toquerville, UT 84774. Property is zoned R-1-12.

Wayne Olsen from Old Church Road-

Asked if the business would be located at the house and what are the staff recommendations were. Olsen recommended Jessop as a mechanic but wanted to know further information. The application is for a home office for a mobile repair business.

Judy Roosendale sent a letter to the city but it came back to her home as undeliverable mail. She called the city office and wanted the commission to know she was against the proposed home occupation permit. She was against adding any new businesses in Toquerville and believed the business will create extra traffic to the neighborhood.

2. Public input is sought on a Zone Change application submitted by Troy Wall and Wall Family Rentals located at the west end of Old Church Road, Property Tax ID # T-91-A-1-A-2. Parcel is approximately 23.86 acres. Current zoning is R-1-20. Proposed zoning is R-1-12.

Lonnie Christensen 345 W old Church Road-

Toquerville has a motto is "It's the people." Christensen has lived in Toquerville since 1992. He likes the small community and charm. Approximately two years ago he moved from Hillside Drive to Old Church Road because of the larger lot size. He is against the zone change proposal. There are multiple items that could potentially derail the request for the zone change. One note is the community does not want a high-density zone change to the area and is incompatible to the character of the neighborhood. He believed the zone change would increase traffic congestion and noise pollution. He stated in the 2017 General Plan, one of the first goals was to preserve historical residential character and feel, which he believed the zone change would affect. He also believed the approval of the change would go against one of the strategies to avoid rezoning residentially zoned areas to higher density if the area is not served by adequate public facilities. The area does not have adequate public facilities.

Back in 2007, a public forum took place where Doug Westbrook was requested a rezone from MU-20 to R-1-20. To cut the lots down to R-1-12 would diminish feel of what Toquerville is in that surrounding area. As an agriculture user, from he is against the zone application. It would change the property from a medium density to a high-density neighborhood, which in turn creates the agriculture users as a nuisance to the community. If Toquerville is, "It's the People", then the commission should take a look at what the people chose back in 2007 to zone the property as R-1-20, not R-1-12. Anything less than R-1-20 is unacceptable.

Anita Eaton, an adjacent property owner to the proposed zone change wanted to clarify the property was not a part of the Westbrook property, but belonged to Chuck Bentley. She thinks everyone who has moved to Toquerville has their own reasons, but the main reason is they wanted Toquerville to be their homes. She wanted to remind the commission and public what Toquerville originally looked

like back in November of 1967 when she was 2-year old little girl visiting her grandfather for the first and last time. Eaton went through the crowd and cited none of the homes except one was constructed back in 1967. Her point was to clarify that nobody would be in the room if someone didn't make the step to develop their property.

She wanted the crowd to know there has been talk about a bypass road and if constructed the town will not remain the same. All the acreage on the west side of town will be developed once the bypass road is developed. Everything on the west side will be new. The older part of Toquerville will remain the same as it is now. She wanted the crowd to know that Mr. Wall purchased the land because he wants to move to Toquerville and he wants to make a living by selling off some of the property. She suggested if someone wanted to keep the view of the area to buy the view. The property has been on the market for approximately ten years. She congratulated Mr. Wall for developing his property in a progressive way.

David Tait from the Tait family trust was not sure how the development will affect the family-owned adjacent property but had concerns about the historic flooding of the area. He thought the corner of the proposed development had experienced some major flooding where dirt and sand relocated on his family's land. He asked if the drainage plans have been mitigated.

He suggested the infrastructure system will need to be updated, as well as a new bridge. He stated when his mother passes away they have plans to maintain the property as is. He lives in Mesquite and has witnessed development projects come in promising completion, but sometimes those project never meet fruition. He had a concern about how an unfinished project will disturb the area by creating land and dust problems.

He wanted the developer to know the Tait family property will not be available to store garbage dumpsters or park equipment during their project. He suggested the road will need to be widened before further development is allowed to occur. His sister purchased a home on the Westfield Road a few years back. The increased traffic has become a hazard in his opinion and doesn't want the same for Old Church Road. He acknowledged the fact nothing stays the same but suggested development needed to be sensibly dealt with public input.

Two letters were read by Chair Butterworth:

Robbie and Joseph Elison-

We are voicing our concern for the proposed zone change that is on the agenda for this evenings meeting.

One reason why people love Toquerville is because of its charm and rural atmosphere. Each time a new subdivision with small lots is approved we move further away from that rural atmosphere. We fully support property owners rights and we understand creating smaller lots produces more revenue, however, this desired change will harm our community. It does not comply with the neighborhoods in the area, would create excessive traffic, and put straining existing resources.

Please protect our community and represent your constituents by denying the proposed changes.

Jay W. Callaway from 203 N Ash Creek Drive-

I am vehemently opposed to the above-named zoning change.

Aside from failing to meet several of the Standards and Conditions required for rezoning this request, if approved, will negatively affect this beautiful city permanently and beyond comprehension.

City Standards 2 and 6 for a zone change are unquestionably cause for denial. High densities resulting from approval would not be "compatible with the character....in use, scale, mass, and circulation." The undue traffic congestion and hazards standard certainly preclude approving this request.

While other of the standards may be arguable, I think that approval would not comply with #8: “will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the city.”

Toquerville is a lovely place to live and, while change is inevitable, such should be guided with forethought and care to preserve the wonderful rural atmosphere we so highly enjoy. Allowing the above-proposed change in zoning is contrary to our best interests.

David Everett from 137 S Ash Creek Drive-

Wondered about too many homes there will affect the Toquerville secondary water supply. He would like to continue to water his lawn and garden without further water restrictions.

Frank Bulicz from 500 Center Street-

Had safety concerns, primarily, fire and law enforcement response. If Toquerville adds approximately 200 more residents could create more need for emergency response. He asked if we are on the edge of our safety and fire services and would it create a hazard. He asked why if a traffic study could be done. He asked why the hearing was held before Thanksgiving, which may result in diminished public input. He asked if more information on the future land development proposal could be given to the public.

Mark Fahrenkamp from 325 Old Church Road-

He has lived here since 1993. He is not opposed to development, as he is a home developer. The property is currently zoned for the development of 1 acre lots. In 2002 the property got changed to from MU-20 to Agriculture zoned property. It seemed odd to him to take a 23-acre bubble of R-1-12 and half acre lots on the other side. It doesn't fit the normal model of planning and zoning. He has doubts and concerns about the future traffic on Old Church Road.

Sophia Meehleib 210 W Old Church Road-

Would like a larger notification process involved with this zone change. She is opposed to the zone change for the creation of smaller lots. She believed the smaller lots would create more traffic and the desire for more services needed for the area. She would like a traffic study done. She moved to the area four years ago. She moved from a larger community to a smaller community. She wanted to move to a safer area. If 40 homes are constructed traffic will become a safety hazard. The street will need to be widened and the development will require a new bridge to be constructed.

Ralph Christensen from 150 W Center Street-

He asked about access to the subdivision. He asked if there will be two access roads. If Old Church and Center Street are the access roads they are too narrow right now and there isn't enough room for sidewalks. He had concern for the increase of traffic and the lack of consistent law enforcement patrol to maintain speeding of the area.

Brandi Walker from Civil Science Engineering-

Walker is representing the zone change applicant, Troy Wall. She knows that traffic is always a concern but wanted the public to know that according to the Toquerville Master Transportation plan calls out Old Church Road as a collector street on page 31. The collector street is defined and how the street is to be constructed.

She wanted to point out that development helps improve roadways. A sidewalk is required on both ways. Old Church will be a connection from Toquerville Boulevard to the bypass road. The Westbrook property to the east of the Wall property has planned for higher density than R-1-12. The zoning is appropriate to the property and will provide affordable housing.

Wayne Olsen-160 W Old Church Road-

Olsen was on the council when this property came up for a rezone with Chuck Bentley. A bridge was constructed at the park so Bentley could access his property. During that time Bentley submitted a rezone application with the city to change it from R-1-20 to R-1-12. The City Council and Planning Commission decided to grant a zone change from MU-20 to R-1-20. He wanted the public to know that Wall knew what the property was zoned when he bought the land. Olsen was not sure why Old Church Road was classified as a collector street because it's not wide enough to be a collector street. He acknowledged the fact a man has the right to develop the property, but has to live within the boundaries the town sets. He would encourage Wall to be more transparent with his future land development plans.

Olsen believed the town made a mistake in the Westfield area to allow for a R-1-12 residential zone. The area surrounding the R-1-12 zone is nice but it's too concentrated. Toquerville has a vision on how the citizens want to keep that small town feel charm. When the development of this property occurs nobody is going to like it. He questioned why the hearing was held on a holiday week. He asked if the developer has given the commission about the future development plans.

Turner stated the commission was tasked with a zone change application and not a subdivision request. The issue at hand is concerning a zone change. Olsen asked how the commission can base the zone change without knowing the plans for the future. He didn't think the commission could legally grant the zone change with the criteria set forth in the code.

He questioned the process of the hearing and how business items are decided. He suggested the business items with staff recommendation should not be voted at the same time the public hearing occurs.

Troy Wall-

He bought the property to move to Toquerville to have a little bit more irrigation water and plans to put a new house in a green area which is hard to find in southern Utah. During his due diligence of the property, he found out the Master Plan called out for Old Church Road to be a connecting street to the bypass road. The bypass road is going to come. He wanted everyone to know he has plans to build a house and a barn on part of the property and then subdivide the rest of the property to pay for their home. They decided to ask for a rezone of the property because of the elevation of the property. He does not want to develop anything slummy to the area. Larger lots would create long skinny lots with higher retaining walls. The smaller lots would drop down the height of retaining walls constructed. He also noted smaller lots are easier to sell. If the lots are one acre there is the reality that there is not enough irrigation to maintain larger lots with the irrigation shares. He has seen the development of the Winchester Hills area. They have larger lots, which so often become dumping and garbage lots. Growth is coming to the Toquerville area. The state doesn't require a traffic study to be done unless there is a minimum of 100 homes. 50 homes is not a huge increase in traffic. He liked the fact the neighbors came out for support and voiced their opinions.

Jordan Wall –

He is a relative of the applicant, Troy Wall. He recently bought his first home a few years ago. He wanted everyone to keep in mind about the younger generation that growth is going to occur, but is unaffordable. The residents of Toquerville should think about their kids and grandkids and where they will live.

Carson Tait-

Wanted to acknowledge that as the Pledge of Allegiance was recited at the beginning of the meeting he was reminded of how our society is a republic. In a republic, we all have individual rights and don't live in a democracy where the majority rules. A Master Plan is developed as a guideline. We

are not allowed to take someone else property to develop a roadway to serve someone else. Property rights are paramount to maintain our freedoms.

3. Public input is sought on an ordinance amending Section 4-1 of title 10, Chapter 10A of the Toquerville City Code to require that the 30% reduction in the minimum frontage of a lot abutting a cul-de-sac located in the city's R-1-12 zoning district be measured along a line following the front minimum setback for the lot; and amending Section 1 of Title 10, Chapter 2 to repeal the declaration that any buildings separated by less than ten feet (10') shall be deemed attached and treated as one building for the purposes of complying with Title 10 of the Toquerville Code.

There were no public comments on the item.

4. Public input is sought on an ordinance amending various sections of the Toquerville City Code to properly refer to the Board of Adjustments as the "Appeal Authority" as defined and required by Part 7 of Chapter 9A, Title 10 of the Utah Code and the newly adopted Section 2, Chapter 3 of Title 10 of the Toquerville City Code.

There were no public comments on the item.

The public hearing closed and the commission entered into the business portion of the meeting.

E. BUSINESS/ACTION ITEM(S):

1. Discussion and approval of a Home Occupation Permit submitted by Brett Jessop for a mobile automotive and handyman business located at 44 South Toquerville Boulevard, Tax ID # T-24, Toquerville, UT 84774. Property is zoned R-1-12:
Commissioner Hansen did not see any problems with the application.

Staff Comments read out loud as follows:

1. The applicant agrees to abide by all conditions and regulations set forth in Chapter 10-23 (Home Occupations) of the Toquerville City Code.
2. Applicant agrees to obtain all required Local, State and Federal licenses required for operation of the business.
3. Applicant agrees not to enlarge, expand or change otherwise, the scope of this permit without express written consent from the City of Toquerville.
4. This permit shall receive an annual review by the Toquerville City Planning Commission.

Commissioner Greg Turner made a motion to approve item E1 as listed on the agenda with the staff recommendations. Motion was seconded by Commissioner Chuck Williams. Motion unanimously carried 4-0. Vote: Greg Turner-aye, Chuck Williams-aye, Manning Butterworth-aye, Rebecca Hansen-aye.

2. Discussion and possible recommendation on a Zone Change application submitted by Troy Wall and Wall Family Rentals located at the west end of Old Church Road, Property Tax ID # T-91-A-1-A-2. Parcel is approximately 23.86 acres. Current zoning is R-1-20. Proposed zoning is R-1-12:

Chair Butterworth stated the Commission is required to complete a review standard. A zone district amendment cannot be approved unless the commission finds the change meets the following standards and conditions:

1. Addresses a recognized and demonstrated need in the community.
Hansen appreciated the Toquerville community showing up for the public hearing and giving their input. The commission takes all the input and tries to make the best decisions.
2. Will be compatible with the character of the neighborhood and surrounding structure in use, scale, mass, and circulation.
Hansen doesn't feel the zone change will be compatible with the current traffic plan. The bypass road is not developed at this time and until such time it is not right for the neighborhood. Item two fails.
3. Will not result in an over-intensive use of the land or excessive depletion of natural resources: Butterworth didn't think the change will deplete the land. Hansen thought the change would tax water resources. Item three failed.
4. Will not have a material adverse effect on community capital improvement programs: Butterworth had access concerns. The future plan to add 56 lots to the property would create an increase on the road, the bridge, and other infrastructure. Hansen thought once the bypass is created it would affect the capital improvement program. Item four failed.
5. Will not require a level of community facilities and services great than that which is available; Butterworth thought the increase of homes would create a need for services and facilities greater than is currently available. Item 5 fails. Turner knew the city had plans to upgrade the bridge, but without a new bridge, a concrete truck cannot safely cross the bridge. Item 5 failed.
6. Will not result in undue traffic congestion and traffic hazards;
A formal traffic study has not been performed by the applicant. Due to the width of the road, it may cause traffic congestion and traffic hazards. Hansen raised a point that if access is obtained from center street there is a reason to pause for concern for traffic control and possible speeding offenses to occur in the area without dedicated law enforcement resources available consistently. A subdivision with greater than thirty homes has to have a secondary access. Item six failed.
7. Will not cause significant air, odor, water, light or noise pollution;
There was concern expressed during the public hearing concerning dust mitigation.
8. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the city;
No input by commissioners was voiced.
9. Will meet the requirements of the general plan.
Hansen felt the residents are looking for the property to stay R-1-20 and felt compelled to honor those desires. When the bypass road is constructed and other connections are made the zone may need to be changed where they could properly mitigate the concerns.

Commissioner Chuck Williams made a motion to recommend denial to the city council of the zone change proposed, but to revisit the change when the bypass road is developed. Toquerville does not need another island, like the Westfield area. Commissioner Greg Turner seconded the motion. Motion unanimously carried 4-0. Vote: Chuck Williams-aye, Greg Turner-aye, Manning Butterworth-aye, Rebecca Hansen-aye.

Turner didn't believe the zone change with the current conditions could meet the nine criteria. Councilmember Chamberlain wanted to clarify the motion was to recommend a denial for the zone change application. Members of the commission agreed.

3. Discussion and possible recommendation on Ordinance 2018.XX-Cul-de-sac minimum frontage setback and the definition "building attached" removed.

The ordinance would clearly define the cul-de-sac requirements in an R-1-12 zone. The line of measurement of a setback will be measured from the setback and not measured from the front of the property line. The ordinance also removes the definition of "building attached" from the code. Hansen thought clarification of where the measurement occurs will create more uniform cul-de-sacs in an R-1-12 zone. Butterworth asked Chamberlain if the frontage requirements are measured from the endpoints or from the arc. Chamberlain believed the measurement is a straight line from the endpoints of the arc.

Commissioner Rebecca Hansen recommended approval of the ordinance to City Council. Motion was seconded by Commissioner Greg Turner. Motion unanimously carried 4-0. Vote: Chuck Williams-aye, Greg Turner-aye, Manning Butterworth-aye, Rebecca Hansen-aye.

4. Discussion and possible recommendation on Ordinance 2018.XX- Appeal Authority Revisions.

The ordinance cleans up throughout the entirety of the Toquerville code to replace the term "Board of Adjustment" with "Appeal Authority".

Commissioner Greg Turner made a motion to recommend approval of the proposed ordinance to City Council. Motion was seconded by Commissioner Chuck Williams. Motion unanimously carried 4-0. Vote: Chuck Williams-aye, Greg Turner-aye, Manning Butterworth-aye, Rebecca Hansen-aye.

F. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

1. Home Occupation Permit at 880 South Peachtree Drive for James and Ruby Stone ~ Catamount Heights Management
2. Home Occupation Permit at 1186 S Grand Canyon Parkway for Camille Christensen ~ Home 2 Home 4 U.
3. Home Occupation Permit at 715 S Peachtree Drive for Dennise Lesko ~ Indulgeables.
4. Conditional Use Permit at 720 South Toquerville Boulevard for Paul and Carylee Heideman ~ Almost "Inn" Zion Bed and Breakfast.
5. Conditional Use Permit at 137 North Toquerville Boulevard for Tami and Todd Young ~ Zion's Nest Bed and Breakfast.

Commissioner Rebecca Hansen made a motion to approve items F1, F2, F3, F4, and F5 for renewal. Motion seconded by Commissioner Chuck Williams. Vote: Chuck Williams-aye, Greg Turner-aye, Manning Butterworth-aye, Rebecca Hansen-aye.

G. ADJOURN:

Chair Butterworth adjourned the meeting at 8:12 p.m.

Manning Butterworth

Planning Commissioner – Manning Butterworth

12/20/18

Date

Attest:

Toquerville City Recorder – Dana M. McKim